

Country/Territory	Kosovo*
SIGI 2019 Category	N/A
SIGI Value 2019	N/A

Discrimination in the family		28%
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	4%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	-
	Legal framework on inheritance	25%
	Legal framework on divorce	0%

Restricted physical integrity		N/A
	Legal framework on violence against women	75%
	Proportion of the female population justifying domestic violence	-
	Prevalence of domestic violence against women (lifetime)	-
	Sex ratio at birth (natural =105)	-
	Legal framework on reproductive rights	0%
	Female population with unmet needs for family planning	-

Restricted access to productive and financial resources		18%
	Legal framework on working rights	0%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	7%
	Share of managers (male)	86%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	0%
	Share of account holders (male)	60%

Restricted civil liberties		15%
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	72%
	Legal framework on political participation	25%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	68%
	Legal framework on access to justice	0%
	Share of women declaring lack of confidence in the justice system	45%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

* This designation is without prejudice to positions on status, and is in line with United Nations Security Council Resolution 1244/99 and the Advisory Opinion of the International Court of Justice on Kosovo's declaration of independence.

Kosovo*

1. Discrimination in the family

a) Overarching legal framework for marriage

Women in Kosovo* have equal rights to men to enter into marriage (Family Code, Art 14). The Family Code does not explicitly address forced marriage; however, article 18 stipulates that “marriage shall not be valid when the will has been obtained under coercion, threat or by mistake or any other lack of free will of the future spouses”. In addition, the Criminal Code establishes severe sanctions in cases of forced marriage (Criminal Code, Art 246) and committing this offence against a child involves steeper sentences. Parents and legal guardians face sentences of at least 15 years' imprisonment for forcing a minor under age 14 to marry. However, despite the regulation, arranged marriages are common, and reports indicate that women and girls, particularly in rural areas, often have “little say over whom they eventually marry” (Tahirih Justice Center, n.d.).

The Family Code recognises both civil marriage and religious marriages (Family Code, Art 36). Moreover, people without registered marriages are also viewed to be married (in what is referred to as a “factual relationship” or an “out-of-marriage relationship”) if “they are eligible to marry, but did not obtain a legal marriage, and have cohabitated openly as a couple” (Family Code, Art 39).

b) Child marriage

The legal age of marriage is 18 for both women and men, however, courts may allow individuals as young as 16 years to wed if they are deemed physically and psychologically mature (Family Code, Arts 15 and 16). In such cases, courts must seek input from a ‘Custodian Body’, the minor, his or her parents, and the intended future spouse. In addition, courts may request a forensic examination to decide whether the minor is of adequate maturity for marriage. However, according to information from interviews conducted in 2012 by UNFPA, in practice, such examinations rarely occur (UNFPA, 2012).

Child marriage is void in Kosovo* (Family Code, Art 64.) and there are penalties for authorising child or early marriage (Criminal Code, Art 245). However, child marriage is not a common practice in Kosovo*, except within certain specific ethnic communities such as the Roma, Ashkali, Balkan Egyptians and Gorani's communities (UNFPA, 2012). The Ministry of Local Government Administration and the Agency for Gender Equality in the prime minister's office conducted informational campaigns to discourage child marriage (US Department of State, 2016).

c) Household responsibilities

Women have the same rights as men to be recognised as head of the household and wives are not required to obey their husbands. The Family Code grants both the mother and father equal rights and responsibilities to their children during and after marriage (Family Code, Art 128). Married women have equal rights to married men to choose where to live (Civil Code, Article 215).

Nonetheless, discriminatory stereotypes in respect of the roles and responsibilities of women and men in the family and in society persist in Kosovo* (Orgut, 2014). Women tend to undertake the vast majority of household responsibilities, including care for children, the elderly, and others with special needs, as well as internal home maintenance while men tend to work outside the home. A survey conducted in 2014 indicated that women aged 25-54 were spending 10-20% of their time working outside the home, and 80% of their time performing household chores. On the opposite, men spent 50-80% of their time working and 10-15% performing domestic tasks (Orgut, 2014). In addition, decision-making processes within the household often exclude women. Findings from a 2015 study indicated that it is often a male family member who solely makes important decisions within the household: large purchases (35% of families), children's education (22%) or who has the final say when an important decision has to be made (33%) (Kosovo Women's Network, 2015).

d) Divorce

The Family Code does not discriminate against women in terms of divorce rights. Both women and men have the same right to initiate divorce (Family Code, Art 68). A marriage "may be dissolved by divorce only upon decision of a court". Either "one spouse or both by mutual agreement may request a divorce" by making an application to "the competent court". A divorce may be requested "when marital relations have seriously and continuously become disordered or when due to other reasons the marriage has irretrievably broken down" (Family Code, Art 69).

In the case of divorce and if the parents live separately, the parent with whom the child lives with, exercises parental custody, if agreed on by the other parent. In case of disagreement, the competent court shall decide which one of the parent exercises it (Family Code, Art 139).

There are no customary, religious, or traditional practices that discriminate against women's legal rights to initiate divorce or be guardian of their children after divorce. However, due to past conflicts in Kosovo*, some property has not been registered with the government at all since the 1980s, therefore, after a divorce, women sometimes cannot claim rights to property or ask for a divorce because they do not have any legal rights to property they share with their husbands (Women for Women, 2014)

e) Inheritance

Daughters and female surviving spouses have equal rights to men to inherit land and non-land assets (Law on inheritance, Article 7). Women also have equal rights to execute or administer a will (Law on inheritance, Article 70). However, Kosovo* struggles with poor implementation of the Law on Inheritance. In addition, when it comes to inheritance, the application of customary law seems to be more frequent than the application of statutory law. According to a survey conducted in 2011, 41% of women surveyed considered that matters of inheritance were actually regulated by customary law instead of statutory law (Kosovar for Gender Studies Center, 2011).

In addition, the right to renounce inheritance is a standard part of inheritance law. Indeed, according to article 130 of the inheritance law, the heir may explicitly renounce to the inheritance by a statement made to the court (Inheritance law, Art 130). This practice is somewhat common among Kosovar women. Refusing inheritance is a way for female heirs to increase the percentage of resources left to their brothers and sons (Acton Institute, 2013). Sometimes it is also a way of maintaining their brothers' or family's protection (Orgut, 2014). Traditional norms and the society in general highly encourage this kind of practices. Indeed, it was reported that there is a stigma attached to women who choose to pursue their legal rights as they are often seen as "taking away" what should belong to

the brother. In 2011, the NGO Norma reported that out of 4,994 cases monitored in courts in five different regions, in only 478 cases (9.6%) did women and men receive an equal share of inheritance (Norma, 2011).

In order to mitigate such practices, the Kosovar judicial institute with the support of UN Women launched a campaign in 2013 which aims to provide information to women on their property rights (more particularly in the context of inheritance) as well as access to free legal aid (Kosovo Judicial Institute, 2013).

2. Restricted Physical integrity

a) Violence against women

Kosovo* did not ratify any international convention combating violence against women. While there is no comprehensive legal framework or national policy specifically addressing violence against women, domestic violence, rape and sexual harassment are addressed by the Law on Protection against Domestic Violence, the Criminal Code and the Law on Gender Equality respectively.

According to information from a 2017 report from the Council of Europe, social, judicial, administrative and service-based data collection practices are extremely weak in relation to all forms violence against women, which is an issue when attempting to assess the scale of the problem. Sporadically collected government statistics as well as surveys conducted by women's organizations show, however, that the phenomenon is very common in Kosovo* (Council of Europe, 2017). Moreover, according to findings from a study conducted in 2015 by academics which interviewed 50 battered women throughout Kosovo*, it seems that violence is not only prevalent but also linked to prescribed gender roles governing the relationship between women and men. In the same research paper, the author, Ms Kelmendi, also mentions that Kosovan society systematically discriminates against women and implicitly supports hostile behaviours by men and other family members. Therefore, women suffer violence throughout their lives, at the hands of both family of origin and their husband's family (Kelmendi, 2015).

b) Domestic violence

No provision in the Criminal Code specifically addresses and punishes domestic violence.

However, in 2010, the Assembly of Kosovo* enacted the Law on Protection against Domestic Violence 3L/182 aimed at preventing domestic violence in all its forms through legal measures. It also aimed to treat domestic violence perpetrators. The law underlined protective measures against domestic violence, including psychosocial treatment for perpetrators of violence (Article 4), prohibition of approaching the survivor of domestic violence (Article 5), prohibition of harassment to persons exposed to violence (Article 6), and removal of the perpetrator from apartment, house, or other premises (Article 7). Failure to comply with a civil court's judgment relating to a domestic violence case is also a criminal and prosecutable offense. Generally, domestic violence cases are referred to the nearest police station, where the domestic violence unit takes care of the case. If the case is considered high risk, they place the women and children in a domestic violence shelter that usually provides housing, food, clothing, health care, health education, psychological counselling, advice on human rights, vocational training, job-seeking services, and children's activities (Orgut, 2014).

In addition to the legislation, the government has also established a National Strategy and Action Plan against Domestic Violence (2016-2020) which details the roles of all actors related to prevention, protection, rehabilitation/reintegration, and coordination in domestic violence cases. Through this plan, the government sponsors and funds programmes targeted at female victims of violence, shelters, counselling, health services and education campaigns. For instance, shelters are financed by the Municipal Department of Social Welfare under the Ministry of Labour and Social Welfare.

Domestic violence is widespread in Kosovo* (Human Rights Watch, 2017). A 2015 nationally representative household survey revealed that 68% of women and 56% of men suffered domestic violence in their lifetimes (Kosovo Women's Network, 2015). The most prevalent forms of domestic violence are psychological (63% of women and 47% of men) and physical (47% of women and 45% of men), followed by economic violence (29% of women and 25% of men) and sexual violence (11% of women and 9% of men). In addition, 22% of women and 20% of men believe that a husband can beat his wife under certain circumstances (Kosovo Women's Network, 2015)

Inadequate police response, few prosecutions and failure by judges to issue restraining orders against abusive spouses contribute to the problem (Human Rights Watch, 2016).

Advocates and court observers also observed that prosecutors and judges were trying to encourage family unification over victim protection, with protective orders sometimes allowing the perpetrator to remain in the family home while the case was pending and encourage a victim who has been subject to physical violence to find a way to reconcile with her husband. (US Department of State, 2016) Those measures are also influenced by the belief that "women must stay for the children and keep the family together" or that a battered wife is "not being a good enough woman for him" (Kelmendi, 2015). Local NGOs also estimated that the cases of domestic violence were highly underestimated due to underreporting. The society considers domestic violence as a private matter, this phenomenon, combined with social stigma, fear of retaliation, lack of trust in competent authorities, and economic dependence on the perpetrator, contribute to underreporting (Council of Europe, 2017).

c) Rape

Sexual assault and rape (defined as forcing another to have sexual intercourse by violence or threat) are both a criminal offense, which, depending on circumstances and the age of the victim, is punishable by one year to life in prison (Criminal Code, Arts 232 & 230). More specifically, rape is punishable by two to 15 years in prison and statutory rape (sexual intercourse with a child younger than 16 years) by five to 20 years. Rape involving homicide is punishable by imprisonment from 10 years to life. The law also specifically addresses spousal rape (Criminal Code, Art 230).

However, the EU's Rule-of-Law Mission (EULEX), which monitors police and the justice sector found that the law was not properly enforced. Regarding rape cases, EULEX noted that courts often applied more lenient penalties than the legal minimum, particularly in cases involving minors. They also found that courts rarely took steps to protect victims and witnesses, nor did they close hearings to the public in order to protect the victims as required by law (US Department of State, 2016).

Due to the 1998-1999 armed conflict in Kosovo*, sexual violence has negatively affected the society, with many women and men still suffering from severe physical and psychological trauma (UN Women, 2016). Until now there are still a lot of social shame and stigma connected to being a victim, and many have never dared to talk about what they have been subjected to. In addition, they often carry the burden of single-handedly trying to provide for their families, being widows and single mothers as a

result of the war (UN Women, 2016). In 2014, the Assembly approved a law which legally recognises victims of sexual violence during the conflict (UN Women, n.d.).

d) Sexual harassment

There is no comprehensive legal framework in Kosovo* regarding sexual harassment. Instead, Kosovo* has a plethora of laws that can be considered applicable in relation to sexual harassment. Three different laws address sexual harassment and establish different definitions of it. The Criminal Code, Art 239 addresses “Sexual abuse by abusing position, authority or profession” but does not contain a specific definition of sexual harassment *per se*. It imposes imprisonment of one to five years on any person who, by abusing his or her position forces a subordinate or dependent to engage in sexual intercourse. Criminal provisions also provide further protections for vulnerable victims (Criminal Code, Art 239). However, the fact that the definition of “harassment” under the Criminal Code is very broad has made claims of sexual harassment almost non-existent in Kosovo’s * courts. As a result, not a single case of harassment was reported to and/or recorded by police in 2013 and only seven cases were reported in 2014 (Kosovo Women’s Network, 2016).

The anti-discrimination law also gives its proper definition of sexual harassment in article 2: “Harassment shall be deemed to be discrimination within the meaning of Article 2(a) when an unwanted conduct takes place (including but not limited to unwanted conduct of a sexual and/or psychological nature)”, this law also includes civil remedies. Ultimately, the law No 2004/2 on gender equality in Kosovo* addresses sexual harassment in the workplace. Article 13.13 of the same law stipulates the prohibition of dismissal from work, temporary suspension from work, injustice regarding job security, working conditions or performance evaluation of the staff member as a consequence of his/her complaint for sexual harassment or discrimination based on gender. However, none of those definitions of sexual harassment specifically covers educational establishments, sporting establishments, public places or cyber harassment/cyber stalking.

A report released in 2016 by the Kosovo* Women’s Network indicates that social norms and the fact that the victims are most of the times blamed for what occurred to them potentially encourage sexual harassment’s behaviours (Kosovo Women’s Network, 2016). Little data is available on the prevalence of sexual harassment at work in Kosovo*. A 2010 survey of 540 civil servants found that 17% of them had experienced sexual harassment at least once, 80% of victims being women and 70% of perpetrators being men (Kosovar Gender Studies Centre, 2010). Moreover, 35.6% declared sexual harassment was present in public institutions and 41.6% that it was somewhat present (Kosovar Gender Studies Centre, 2010).

High unemployment rates in Kosovo* may contribute to the issue of under-reporting. People may not report sexual harassment for fear of losing their job, despite the legal framework prohibiting dismissal from work as a consequence of reporting these facts (Kosovar Gender Studies Centre, 2010).

e) Female genital mutilation

The law does not prohibit female genital mutilation or cutting. There are no reports to suggest that female genital mutilation is a concern or practiced in Kosovo*.

f) Abortion

The Law for termination of pregnancy allows a woman to terminate her pregnancy during the first 10 weeks of her pregnancy. However, certain restrictions exist: during the age of 16 to 18, girls need their parent's consent (Law for termination of pregnancy, Art 5).

Despite the comprehensive legal framework, the Ombudsperson of Kosovo* reported that there is a very serious widespread problem of clandestine abortion by private clinics, which are not licensed to perform the procedure. In such clandestine and unregulated circumstances, abortion is not safe. Women and adolescent girls reportedly seek these illegal abortions because of a lack of privacy and confidentiality within clinics of the public sector (Ombudsperson of Kosovo, 2017). Abortion is still taboo and rejected by the society which is the reason girls try to stay anonymous during the process (International Campaign for Women's Right to Safe Abortion, 2017)

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

The law provides for equal rights to married and unmarried women over the ownership, use, decision-making power, and use as collateral over land and non-land assets (Law on Property and other Real Rights, Article 18). The default marital regime is partial community of property (Family Law, Arts. 45-47) and both partners must agree in the administration of marital property (Family Law, Art 49). Moreover, the property created during matrimony has to be registered in the public registers as a common property in the name of both partners (Law No.2004/2 on gender equality, Art 16.6).

Nevertheless, even with equal rights on the books, women only own 15% of property in Kosovo*, rising from 8% in 2012, but still far below the proportion of female property ownership across the Balkan region or figures worldwide (Open Democracy, 2015). Much of this gap is rooted in the application of traditional customary norms, coming from the widely-practiced Albanian code of ethics, the *Kanun*. Among certain restrictions, this customary code only allows for patrilineal succession which means that only men are allowed to inherit. In addition, upon marriage, a woman must move into her husband's home, residing there with her in-laws without any right to own the property. Her brother then obtains full ownership of the family home. According to information collected by Open Democracy, even if a family does not have a son, the property generally goes to the male cousin. Moreover, as dictated by the *Kanun*, in traditional communities, any property disputes are settled by meetings chaired by male elders. Such traditional norms may explain why women often waive their rights to inheritance giving their share of family property to male relatives, when issues of inheritance arise in courts (Open Democracy, 2015)

In order to mitigate such practices, the Kosovar judicial institute with the support of UN Women launched a campaign in 2013 which aims to provide information to women on their property rights (more particularly in the context of inheritance) as well as access to free legal aid (Kosovo Judicial Institute, 2013).

More recently, in 2016, the ministry of Justice also launched its national strategy on property rights. The objective IV of the national strategy is to guarantee and enforce women's property rights (Ministry of Justice, 2016).

b) Secure access to formal financial resources

Married and unmarried women have equal rights as men to open a bank account at a formal institution. They similarly have equal rights as men to obtain credit. It is explicitly stated in the law that “The competent bodies shall, under equal conditions, provide both females and males with access to revenues and the distribution of revenues that are allocated for the stimulation of businesses and self-employment.” (Law No.2004/2 on gender equality, Art 12.1 & 12.2).

However, according to UN Women, little has been done to improve Kosovo* women’s access to entrepreneurship services and credit. Women often face economic discriminations and a lack of access to income or resources, less than 10% of businesses in Kosovo* are owned or led by women, and only 2% of the total number of loans is granted to women (Kosovar Gender Studies Centre, 2011). Although the gender equality law (Law No.2004/2) treats men and women equally over property rights, business women identify their key challenges as lack of access to financing, insufficient tax regulations, bad banking practices, discrimination from clients and the generally poor investment climate in Kosovo* (Orgut, 2014).

There are no governmental initiatives to encourage women’s entrepreneurship in Kosovo*. Several international organisations are implementing support programmes, such as “The Women in Business Programme” launched by the EBRD which supports the development of women-led small and medium-sized enterprises by providing access to finance and technical assistance (EBRD, 2016).

c) Workplace rights

Kosovo* did not ratify any ILO Conventions. However, the law mandates non-discrimination in employment (Labour Code, Article 5). More particularly, discrimination is prohibited in employment and occupation in respect of recruitment, training, promotion of employment, terms and conditions of employment, disciplinary measures and cancellation of the contract of employment. In addition, Article 12.2 of the Law on gender equality stipulates that an announcement or publication of a job vacancy cannot contain words or phrases that discriminate based on gender. The law also mandates equal remuneration for work of equal value (Labour Code, Article 55). Moreover, there is no provision in the law restricting women’s work hours (more particularly during the night) and women do not need permission from their husband or legal guardian to either choose a profession or register a business.

The Labour Code mandates paid maternity leave of 12 weeks (Labour Code, Article 49), the first six months of maternity leave, the payment is done by the employer with the compensation of seventy percent (70%) of basic salary and the following three (3) months, the maternity leave is paid by the Government with the compensation of fifty percent of average salary in Kosovo* (Labour Code, Art 49). As for paternity leave, the law allows two days off entirely paid by the employer (Labour Code, Article 50).

The law also mandates paid parental leave of three days (Labour Code, article 39). The law protects women’s employment security while they are on maternity leave (Labour Code, Article 53). However, there are no restrictions on employers asking about family status during job interviews and some of the most common forms of discrimination are related to questions about intentions to marry, or having children (Kosovar Gender Studies Centre, 2011).

Furthermore, the economic situation is particularly challenging as across Europe, Kosovo* has the so fewest women in the formal labour market (Council of Europe, 2017). There is a 27 percentage points gender gap in employment in favour of men, and the female unemployment rate is five percentage points higher than the male unemployment rate (ILO, ILOSTAT, 2016).

In addition, the few women working do not reach managerial positions to the same extent as men and most remain at the administrative level (Orgut, 2014). The illiteracy rate among women is more than twice that of men, with a higher school dropout rate for girls than boys which also hinders women's ability to get a job (Kelmendi, 2015).

4. Restricted Civil liberties

a) Citizenship rights

Married and unmarried women have the same rights as men to acquire, change, retain their nationality, as well as confer their nationality to their children (Law on citizenship of Kosovo*, Article 5, 6). Married women also have equal rights as married men to confer nationality to their spouse (Law on citizenship of Kosovo, Article 11).

Regarding birth registration, married and unmarried women have equal rights as men to register the birth of their children (Law No.04/L –003 on civil status, Art 34). In addition, the Law on Citizenship foresees the right of all children who are born within Kosovo* to register in the civil registry books no matter the permanent settlement of their parents (UNICEF, 2009). Parents must attend the civil status registry office in person and provide the necessary registration documents within 15 days from the date of birth (30 days in exceptional cases) in order to complete the registration process. Where this is not the case, a child is registered with the information received from the dispensary or mother prior to childbirth (UNICEF, 2009).

According to data from the UNICEF, rural households are more likely than urban not to register the birth of a child, especially within the Albanians and Bosnians communities. Further analysis also indicated an important birth non-registration rate among members of the Roma, Ashkali and Egyptian and Turkish communities and ethnic groups (UNICEF, 2009). However, no specific measures have been taken by the government to increase birth registration in those communities or areas.

Multiple and intersectional discriminations are not explicitly addressed in the Constitution despite the fact that it is a widespread issue in Kosovo*. According to the UNMIK Human Rights Advisory Panel, members of the Roma, Ashkali and Egyptian communities in Kosovo* have historically been marginalized and segregated within the society (UNMIK Human Rights Advisory Panel, 2016).

Married and unmarried women have equal rights as men to apply for identity cards and passports (Law no. 03/L-099 and Law Nr. 03/L-037). The documents needed for an identity card for the first time are the birth Certificate, marriage Certificate (if applicable), citizenship Certificate and residence Certificate. The law does not discriminate against women with respect to the passports and other travel documents of minor children.

However, as a post-conflict environment, there was a major problem with respect to identity documents in Kosovo* for years as many of which were taken away by Serbian authorities or lost as citizens were trying to escape Kosovo* during the war. Consequently, an important amount of

documentation was destroyed during the conflict. But even more importantly, there was very little existing identity documentations before the conflict took place. People in rural areas, especially women, were particularly affected and had no identification. As a result, several special measures had to be taken to restore personal identity and enfranchise people without identity documents, several registration centers were established throughout Kosovo* by the United Nations Mission in Kosovo* in charge of leading the process (Jeff Fischer, 2017).

b) Voting

Article 2 of the Law No. 03/L-073 establishes that “every citizen of Kosovo* has the right to vote and be elected without discrimination on the ground of race, ethnicity, colour, language, gender, religious belief or political convictions, education and social affiliation”. Kosovar women are consistent voters who, in general, do not change their voting habits – more than two-thirds of Kosovar women voted for the same party in each post-war election. However, in the elections of 2007, despite the larger number of women voters in Kosovo*, the percentage of women voting was lower than that of men. On average, for three men voters only two women voted. The phenomena of ‘family voting’ where the male head of the household voted for the women of the family was also prevalent in Kosovo* (UP Gender Studies and Research, 2015).

c) Political voice

Women in Kosovo* have equal rights to men to hold public and political office in the legislature, executive and judiciary (Law No. 03/L-073, Article 2).

Kosovo* has also adopted various provisions in order to improve gender balance in politics at the national and sub-national levels. More specifically, the Law on General Elections in the Republic of Kosovo* sets binding gender percentages for the composition of political parties’ lists (each gender must be represented in at least 30%). At the local level, the Law on Local Elections in Kosovo* also calls for 30% representation in political party’s lists.

In addition, the Law on Gender Equality requires a 50% minimum representation of women in all branches of government and public institutions (Council of Europe, 2017). Article 10 of the Law on Gender Equality also specifies that: “Political parties registered in the registry of political parties must determine the methods and measures for inclusion and participation of both females and males in compliance with a quota of 40%”. However, there has been no proper implementation of this article (Agency of gender equality in Kosovo, 2014).

Furthermore, women remain underrepresented both quantitatively and qualitatively in decision-making processes at all levels. This is particularly true for women from minority ethnic groups and women with disabilities. Also, most decisions are made by male political party leaders and democratic decision-making processes do not exist within most parties (Orgut, 2014).

However, during interviews conducted in 2015 by the National Democratic Institute (NDI), a majority of interlocutors agreed that gender quota on lists has helped to increase women’s representation in parliament and in decision-making positions. Most women and men interviewed confirmed the fact that Kosovo* would not have elected 39 women MPs in 2014 without the quota in place (NDI, 2015).

d) Access to justice

Married and unmarried women have equal capacity to men to be sued. Married and unmarried women's testimony also carries the same evidentiary weight as a man's in civil, criminal, family court, and tribunals.

There are no specific measures in place to protect women from violence in political and public life, despite widespread reports of harassment and dead threats of high profiles female's politicians (NDI, 2016).

In 2004, along with the Law on Gender Equality, a gender unit has been created within the office of the Ombudsperson (Law on Gender Equality, Art 13). The Ombudsperson is an independent institution with jurisdiction to hear complaints of human rights violations from individuals or entities in Kosovo*. The institution has also the power to recommend the harmonization of legislation with International Standards for Human Rights and Freedoms and their effective implementation to the Assembly (Law on Gender Equality, Article 18). The Law on Gender Equality also provides for the production and dissemination of gender statistics (Law on Gender Equality, Art 5, 1.8).

In terms of institutional mechanisms, with the promulgation of the Law on Gender Equality the Office for Gender Equality was established and was later transformed into the Agency for Gender Equality under the Office of the Prime Minister. This institution is in charge of overseeing the implementation of Kosovo's * legislation and policies on gender equality as well as supporting gender mainstreaming within the government and across other ministries. The institution is also responsible for coordinating the preparation of the Kosovo* Programme on Gender Equality, monitoring its implementation and reporting to the Government on its implementation. Officers for Gender Equality are also assigned in each ministry and in each municipality in order to mainstream gender issues into municipal policies, legislation and budgets (Council of Europe, 2017).

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