



**Organization for Security and Co-operation in Europe
DEPARTMENT OF HUMAN RIGHTS & RULE OF LAW**

**The Role and Functioning of the Municipal Officers for Gender Equality in
Kosovo**

A. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS

The Municipal Officers for Gender Equality (MOGE) are civil servants at the municipal level tasked to work towards achieving gender equality as well as mainstreaming gender issues into municipal policies, legislation, and practices. According to the respective law and the latest subsidiary legislation adopted by the Ministry of Local Government Administration (MLGA), the MOGEs shall contribute to the promotion, advancement and protection of human rights, with a particular focus for gender equality.¹

It is essential to obtain a ‘snap-shot’ of the current situation in municipalities Kosovo-wide regarding the promotion and implementation of the principle of gender mainstreaming. Analysing the performance of the MOGEs will provide an accurate summary of key successes and shortcomings within the Provisional Institutions of Self-Government (PISG) as competences continue to be transferred and the international community slowly withdraws.

The purpose of this report is three-fold: to assess MOGE participation in the decision-making process, gauge their everyday functioning and level of interaction with actors in the municipal administration, and provide a partial overview on the implementation of the Law on Gender Equality and other subsidiary legislation at the municipal level. Thus, this paper will also serve as a tool to highlight shortcomings in the implementation of the Law on Gender Equality, bring issues to the attention of central and local level authorities and render several recommendations addressing shortcomings identified in order to enhance the role and functionality of the MOGEs.

The main recommendations of this report are the following. Adequate financial and human resources to support MOGEs and to address gender inequalities should be allocated on both central and local level. Furthermore, the MOGEs should work more proactively to bring a culture of equal opportunities for women and men into the municipality. However, in achieving this MOGEs would need the full support in the municipalities for their efforts in compliance with the applicable law in Kosovo. Finally, the relevant central authorities should ensure clear and concise guidance and to stimulate and co-ordinate regular communication.

¹ See Section 4.15, Law No. 2004/2 on Gender Equality as promulgated by UNMIK Regulation 2004/18 (the Law on Gender Equality) and Section 1, 1.2, Administrative Instruction 2005/8 on Determination of Competences and Description of Duties of Officers for Gender Equality in Municipalities of the Ministry of Local Government Administration (the AI 2005/8).

B. BACKGROUND

According to the United Nations Security Council Resolution (UNSCR) 1325 (2000) on “Women, Peace and Security” the United Nations Interim Administration Mission in Kosovo (UNMIK) has to include the gender dimension in its work in order to ensure equal rights and opportunities for women and men in Kosovo.

In order to comply with the UNSCR 1325² and ensure the protection of and respect for human rights of women and girls, in September 2002 UNMIK Pillar II (Civil Administration) created in each municipality, the post of Municipal Gender Officer (MGO).

The post of the MGO was established based on UNMIK Regulation 2000/45 on Self-Government of the Municipalities in Kosovo. Section 3.4. states that “the central authority may delegate additional responsibilities within the central authorities’ competency to the municipality provided that commensurate resources are made available to the municipality.”

The competences and the duties of the MOGE are stipulated within the MLGA Administrative Instruction No. 2005/8 on Determination of Competences and Description of Duties of Officers for Gender Equality in Municipalities (AI 2005/8), that also changes the MGO name to MOGE.³

According to the law, the MOGEs are envisaged to be advisers to key decision makers in the local government on gender issues. As advisers, their role is also to coordinate activities on gender issues with other municipalities in Kosovo. As other civil servants, they have to report directly to the CEO on administrative and operational matters.

In addition, with the establishment of the Office on Gender Equality (OGE) at the central level in 2005,⁴ the MOGEs have to cooperate with the OGE and coordinate their activities.

C. RELEVANT APPLICABLE LAW

As set out in the Constitutional Framework,⁵ “*the Provisional Institutions of Self-Government shall observe and ensure internationally recognised human rights and fundamental freedoms, including those rights and freedoms set forth in [inter alia] the Convention on the Elimination of All Forms of Discrimination against Women [CEDAW]*”.⁶

² Which in particular urges contracting parties to ensure “increased representation of women at all decision making levels in national [...] institutions.”

³ See Section 4, AI 2005/8.

⁴ See Government Regulation No. 2/2005 for Establishment and Internal Organization of the Office on Gender Equality.

⁵ UNMIK Regulation 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo

⁶ Chapter 3 - Human Rights reads:

“3.1 All persons in Kosovo shall enjoy, without discrimination on any ground and in full equality, human rights and fundamental freedoms.

Additional applicable law in Kosovo includes the Law on Gender Equality, the AI 2005/8, and Government Regulation 2005/2 for Establishment and Internal Organization of the Office on Gender Equality.⁷

D. MAIN FINDINGS

The report is based on the assessment conducted by the OSCE Mission in Kosovo Municipal Monitoring Teams (OMiK-MTs) in March 2006 and subsequent follow-up, covering the 30 municipalities and one of the three pilot municipalities in Kosovo.

According to the findings, overall there are some common concerns identified, however each situation is specific to the respective municipality.

I. General information on the MOGEs and their performance

In 28 of the assessed municipalities there are full-time MOGEs with the exception of Shtime/Štimlje where the MOGE position was filled part-time but is currently vacant, and Obiliq/Obilić and Mamusa/Mamushë/Mamuša, where the positions remain vacant.

Nonetheless, there are five⁸ municipalities in which the MOGE holds three positions: MOGE, Equal Opportunity Officer (EOO), and Coordinator for Children Rights. In an additional three municipalities, the MOGE is also a member of the Municipal Assembly and a member of the Gender Equality Committee (GEC)⁹; while in Glllogoc/Glogovac, the MOGE is the EOO, a Municipal Assembly member and the President of the GEC.

In several municipalities the MOGE holds two positions: in half of the assessed municipalities¹⁰ the MOGE is also the EOO and in five (5)¹¹ municipalities the

3.2 The Provisional Institutions of Self-Government shall observe and ensure internationally recognized human rights and fundamental freedoms, including those rights and freedoms set forth in:

- (a) The Universal Declaration on Human Rights;
- (b) The European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
- (c) The International Covenant on Civil and Political Rights and the Protocols thereto;
- (d) The Convention on the Elimination of All Forms of Racial Discrimination;
- (e) The Convention on the Elimination of All Forms of Discrimination Against Women;
- (f) The Convention on the Rights of the Child;
- (g) The European Charter for Regional or Minority Languages; and
- (h) The Council of Europe's Framework Convention for the Protection of National Minorities.

3.3 The provisions on rights and freedoms set forth in these instruments shall be directly applicable in Kosovo as part of this Constitutional Framework.”

⁷ See footnote 1, above.

⁸ Prizren, Suharekë/Suva Reka, Viti/Vitina (the EOO position is not defined and in writing as in the MOGE contract), Fushë Kosovë/Kosovo Polje and Podujevë/Podujevo.

⁹ Klinë/Klina, Vushtrri/Vučitrn, Mitrovicë/Mitrovica, and Skenderaj/Srbica.

¹⁰ Pejë/Peć, Deçan/Deçane, Štrpce/Shtërpçë, Kaçanik/Kaçanik, Prizren, Rahovec/Orahovac, Suharekë/Suva Reka, Gjakovë/Đakovica, Viti/Vitina, Fushë Kosovë/Kosovo Polje, Glllogoc/Glogovac, Podujevë/Podujevo, Lipjan/Lipljan, Prishtinë/Priština and Zvečan/Zveçan.

¹¹ Novobërdë/Novo Brdo, Viti/Vitina, Skenderaj/Srbica, Dragash/Dragaš and Mitrovicë/Mitrovica.

MOGE holds as well the position of the Coordinator for Children Rights. In Rahovec/Orahovac the MOGE stands in as the Municipal Standards Coordinator and in Mitrovicë/Mitrovica the MOGE is designated as the “Computer Operator of professional municipal service of the executive”.

In addition, most municipalities do not provide the MOGE with an assistant nor a replacement during periods of absence. In a number of municipalities, the CEO’s secretary was designated the Acting MOGE while the MOGE was on maternity leave.¹²

The pro-active attitude of some MOGEs as in the cases of Glllogoc/Glogovac and Prizren (where the MOGE is very pro-active and has a good standing with the municipal leadership), has helped to increase their influence and raise awareness of the MOGEs role at the municipal level. However, the overall impression is that despite some positive examples that can be attributed to the personal qualities and pro-activity of certain individuals, often the MOGE are not very active and take a rather passive approach, particularly in relation to their unique position as expert advisers on gender issues within the municipal administration. Some MOGEs associate their role as being closer to that of a non-governmental organization (NGO) worker rather than of a municipal official.

Moreover, there are no cases of minority communities’ members holding the position of the MOGE.¹³

Another concern identified by the OMiK-MMTs relates to the working conditions of the MOGEs. For example in Deçan/Deçane: the office of the MOGE is not in the main building but in an annex, the quality of the office is lower compared to that of other municipal officers, and there is no telephone connection and/or internet access. The MOGE in Suharekë/Suva Reka is also ‘displaced’ to an annex building 10 minutes walking distance from the main building. Only the Municipal Return Officer, the Standards Coordinator, the Department of Labour and Social Welfare and the Department of Culture, Youth and Sports are in the same building. As the MOGE is supposed to work closely with and report to the CEO, this arrangement could deter the productivity and effectiveness of the position.

II. Building equal gender participation in the municipal civil service – the MOGEs participation in the recruitment process

1. Gender balance – the facts

According to the Law on Gender Equality, Section 3.2: “[e]qual gender participation of both females and males, according to Section 3.1, is achieved in cases where the participation of the particular gender in the institutions, bodies or at the level of

¹² Kaçanik/Kaçanik and Shtime/Štimlje. In Shtime/Štimlje the MOGE/EOO resigned in June 2006 after almost two years of absence due to maternity and unpaid leave. During her absence, she was replaced by the CEO’s secretary, who lacked the capacity to perform the duties associated with this position. In light of municipal budget cuts, the municipality has chosen to merge the three positions so the CEO’s secretary will be the official MOGE/EOO at least until December 2006.

¹³ There is one case in Rahovec/Orahovac where the MOGE, who is Kosovo Albanian, has a Kosovo Serb assistant and they meet twice a week to exchange information and coordinate their work.

authority is 40%.” Based on statistics obtained by the OMiK-MTs, equal gender participation in the civil service at the municipal level is not achieved.

The municipal civil service in Kosovo is predominantly male with the current percentages of average female participation ranging approximately between 20% and 30%¹⁴ with a couple of exceptions such as Pejë/Peć (42%) or Zvečan/Zvečan (50%).

It should be underlined that the quotas reached in the municipal administration are lower than the percentages reached in the total civil service. This discrepancy is due to the relatively high percentage of women employed in health and education sectors. In addition, of the total number of female civil servants, a significant number are employed as support staff, which includes positions as cleaners and administrative staff.¹⁵

According to the OMiK-MTs findings, the majority of the assessed municipalities have a very low number of women employed in decision making positions. For example, of 92 female civil servants in Pejë/Peć, there is only one female in the decision-making post of Director of the Department of Health. In Suharekë/Suva Reka, following a recent MA appointment, there are now two female directors - Director of Economy and Finance and Agriculture and Forestry while in Glllogoc/Glogovac a woman with a physical disability has been recently appointed as the Director of Economy. This evidence demonstrates that aside from two or three municipalities and the female CEO in Štrpce/Shtërpçë, there are no other female municipal directors Kosovo-wide.

Further analysis of the collected data demonstrates that more women are employed in the municipal executive branch than elected to the municipal legislative branch.

The overall conclusion is that even when the quota of 40 % is realised, women’s representation in senior management positions is not improved.

¹⁴ In Pejë/Peć municipality (42%), Istog/Istok (28% in the municipal administration and 39% in total civil service thanks to the Health and Education Departments in which a high percentage of females are employed), Deçan/Deçane (33%), Klinë/Klina (22%), Novobërdë/Novo Brdo (21% overall and 29% in the municipal administration), Štrpce/Shtërpçë (26,4%), Ferizaj/Uroševac (less than 40% yet no concrete percentage available), Kamenicë/Kamenica (25%), Kaçanik/Kaçanik (20%), Shtime/Štimlje (25,5%), Gjilan/Gnjilane (20,8% with a more balanced proportion among Kosovo Serbs staff – 45,7%), Viti/Vitina (quota reached only in the Department of Health - 60 % female employees), Prizren (less than 40% yet no concrete percentage available), Dragash/Dragaš (less than 40% yet no concrete percentage available), Rahovec/Orahovac (less than 20%), Suharekë/Suva Reka (26,5%), Gjakovë/Đakovica (30%), Malishevë/Mališevo (less than 40% yet no concrete percentage available; as for the legislative branch of the municipality – 29,1%), Mamusa/Mamushë/Mamuša (no data available), Fushë Kosovë/Kosovo Polje (27,4%), Glllogoc/Glogovac (22,2%), Podujevë/Podujevo (24,4%), Lipjan/Lipljan (20% in the municipal administration, 34,5% in the education sector and 59,8% in the health sector), (Prishtinë/Priština (29,5%), Leposavić/Leposaviq (40% quota reached yet no concrete percentage available), Zvečan/Zvečan (50%), Zubin Potok (40% quota reached yet no concrete percentage available), Vushtrri/Vučitrn (30%), Skenderaj/Srbica (30%) and Mitrovicë/Mitrovica (30%).

¹⁵ For example, in Deçan/Deçane around 50% of the employed women work as cleaners (five out of 28 women) and as administrative staff (10 out of 28 women).

2. Lack of compliance – the reasons

Failure to comply with the requirements of the applicable law can be attributed to two factors: shortcomings in the work of the MOGE and lack of advocacy on the part of municipal senior management (the CEO and the Directors of Directorates) to implement the applicable law.

Istog/Istok municipality is an interesting example of MOGEs proactive attitude. Out of 10 directors, none were female, and this fact led the MOGE to submit a memo to all directors, including the CEO, asking to reconsider the policy on employment of women. This memo, addressed also to the Municipal Assembly President at the end of 2005, was a request to include women in decision-making positions in light of the vacant post for the Director of the Department of Culture, Youth and Sports. To date, there has not been any real progress achieved despite the MOGE's action.

Another factor contributing to the marginalisation of the MOGE is the non-existence of any municipal programme or strategy for improving gender balance representation in the civil service. Essentially, there have been no affirmative action measures taken at municipal level.

According to the applicable law,¹⁶ the MOGE shall “participate in the recruitment of municipal civil servants, in order to ensure the respect of gender rights.” An alarming practice evident in some municipalities is that the MOGE have never taken part in an interview panel nor been involved in the recruitment process as a whole.¹⁷ For instance, according to the MOGE in Novobërdë/Novo Brdo, she is not allowed to participate in the recruitment process. Another concern is that, even when the MOGE has been appointed to be a member of an interviewing panel and has taken part in the initial stages of the recruitment process, this practice has ceased without any justification to the MOGE. Moreover, other MOGEs¹⁸ report that, when participating in recruitment panels their role is limited to a monitoring capacity with no decision-making power.

A “good practice” has been established in certain municipalities where the MOGE participates on a regular basis in recruitment panels as a permanent member (not only as observer).¹⁹ In Istog/Istok the MOGE intervenes by drawing attention to the members of the panel (in writing and orally) to take into consideration qualified women applicants. Positive developments have been observed in municipalities such as Prishtinë/Priština where the MOGE has recently been invited by the CEO to take part in all recruitment panels and Prizren, where the MOGE actively participates in the recruitment process for various municipal job vacancies. Comments are highly appreciated by the municipality, especially regarding the encouragement of female applications.

¹⁶ AI 2005/8, Section 4.

¹⁷ Klinë/Klina; Novobërdë/Novo Brdo; Gjakovë/Đakovica; Glllogoc/Glogovac; and Zubin Potok.

¹⁸ Deçan/Deçane; Pejë/Peć; Gjilan/Gnjilane; Malishevë/Mališevo; Fushë Kosovë/Kosovo Polje; Podujevë/Podujevo; Leposavić/Leposaviq; Zvečan/Zveçan; Vushtrri/Vučitrn; and Skenderaj/Srbica.

¹⁹ Kaçanik/Kaçanik; Istog/Istok; Štrpce/Shtërpçë; and Shtime/Štimlje.

III. The MOGEs action plans, activities, participation in decision making process and interaction with other actors at municipal level

1. MOGE's action plans

Planning ahead and prioritising activities are essential to the development of MOGE action plans as it makes MOGEs accountable at the municipal and central levels and also falls in line with their reporting Terms of Reference (ToR). There are some positive indicators in seven municipalities where the MOGE has at least drafted an action plan.²⁰ However, the existence of working plans is only a start. Vague documents that do not set concrete action points or indicators for the work and activities of the MOGE should not be assessed as a success. For instance, OMiK-MTs data demonstrates that the plans from the Pejë/Peć and the Klinë/Klina MOGEs are identical and could be the cut and paste of a plan received elsewhere.

2. MOGE and the Board of Directors

The overall assessment shows that the MOGEs attend Board of Directors (BoD) meetings on regular basis, however in some municipalities, municipal meetings attendance has been sporadic and the MOGE sometimes waits for a direct invitation before attending. MOGEs reactions to a gender based violation in one of the BoD agenda points/issues are irregular. Generally, there are no records or notes from BoD meetings that would serve as evidence of a MOGEs oral or written contribution. There is proof however of isolated interventions as in Pejë/Peć where the MOGE actively advocated for the only women's team on the list during the resolution of a financial request for sports teams.

3. MOGE and reporting

In order to exhibit efficiency in their work, the MOGEs need to receive proper instructions and support from the CEO including positive interactions with other municipal officials. This situation has improved with the availability of ToRs and the MOGEs accountability towards them.²¹ Although it is not the norm, some of the MOGEs report twice per year about their activities to the CEO and also consult and produce *ad hoc* reports to keep the CEO informed.²²

Generally, municipal senior management demonstrates a lack of understanding *vis-a-vis* the role of the MOGE. Often, the MOGEs do not possess their own budget and are not consulted by personnel on recruitment-related matters. These negative factors contribute to MOGEs lack of self-confidence to undertake initiatives and promote better gender balance in the municipality.

²⁰ Prizren - developed an action plan for 2006; Klinë/Klina - prepared a working plan for 2005-2007; Istog/Istok - working plan for 2006 which incorporates the Strategy Plan of the Gender Equality Committee (GEC) covering 2005-2008; Deçan/Deçane also has a work plan; Pejë/Peć - prepared a plan on "[t]he achievement of the Gender Equality in Pejë/Peć municipality" in 2005 that will also cover 2006 due to the impossibility to implement it the previous year; Glogoc/Glogovac - drafted a programme/action plan aiming at improving gender representation in the civil service in the municipality sent to the CEO, the OGE and the MLGA; and Lipjan/Lipljan - working plan for 2006 that outlines MOGE and EOO activities.

²¹ According to AI 2005/8, the MOGEs report directly to the CEO and they have to prepare weekly, monthly and annual reports on municipal gender affairs.

²² For example Istog/Istok.

4. MOGE and the municipal documents drafting process

Another identified concern is that in some municipalities, MOGEs do not have access to draft municipal acts (regulations, strategies, policies).²³ This represents a direct violation of the applicable law which states that the MOGE shall review “every decision taken by the local government, prior to the endorsement”²⁴ to ensure all municipal documents are gender-compliant. However, this trend could be attributed to MOGEs lacking sufficient skills and training. Ideally every draft municipal act should undergo public consultation before being passed by the Municipal Assembly thus providing ample access time to the MOGE. It is essential to take into account that all municipal acts are public documents therefore the MOGE should adopt a pro-active attitude and request copies of all materials.

Based on the OMiK-MTs findings, the MOGEs’ level of involvement tends to vary for two identified reasons: access to and consultation during the draft decision-making process; and access to already adopted municipal legislation (the MOGE physically receiving copies of the materials). The latter is directly related to MOGEs pro-activity and ability to take initiatives. MOGEs in seven²⁵ municipalities report having access to draft municipal acts but one should not infer that MOGEs always review the documents from a gender perspective.

It appears that in a few municipalities despite alleged access to draft municipal acts, MOGEs do not display sufficient engagement in the drafting process to ensure the inclusion of the gender perspective.²⁶ In others, MOGEs have demonstrated an interest in participating in the drafting of municipal documents, but are unable to analyse draft municipal acts, because they do not possess physical access to draft documents and are not invited to participate in the drafting or review stage.²⁷ Despite MOGEs access to final municipal legal acts, documents and decisions, drafts are rarely sent to MOGEs for consultation purposes. Therefore municipal decisions are infrequently evaluated from a gender perspective.²⁸

A positive development has been observed in Istog/Istok where the MOGE is a regular panel member for drafting municipal laws and regulations.²⁹ In Skenderaj/Srbica the MOGE is also a member of the legal group and thus she has access to intervene from a gender perspective regarding municipal regulations.³⁰

²³ Fushë Kosovë/Kosovo Polje; Prishtinë/Priština; Zubin Potok; Vushtrri/Vučitër; and Lipjan/Lipljan. In Lipjan/Lipljan the MOGE is involved in the annual planning of municipal activities and municipal strategy development, but does not have access to draft municipal legal acts so as to review them from a gender perspective.

²⁴ Section 4.16, Law on Gender Equality.

²⁵ Novobërdë/Novo Brdo, Štrpce/Shtërpçë; Shtime/Štimlje; Viti/Vitina, Rahovec/Orahovac, Suharekë/Suva Reka, Glogoc/Glogovac and Podujevë/Podujevo.

²⁶ Various municipalities in Gjiilan/Gnjilane region

²⁷ Pejë/Peć; Deçan/Dečane; Prizren.

²⁸ Dragash/Dragaš; Malishevë/Mališevo; Rahovec/Orahovac, Suharekë/Suva Reka, Gjakovë/Đakovica.

²⁹ However, she has been involved only when the legislation is directly related to gender issues or children’s rights.

³⁰ However, such legal groups do not exist in all municipalities. Also, such legal groups do general reviewing, it’s not just about reviewing based on a gender perspective.

5. MOGE organizing in-house training

In seven municipalities³¹ MOGEs have organized gender-related trainings for municipal civil servants and local NGO representatives on domestic violence, institutional mechanisms on gender equality, women's role on protection of the environment, implementation of the Law on Gender Equality, men and women in the municipality, and reproductive health. The central OGE in Prishtinë/Priština has also arranged trainings for directors of all departments. Nevertheless, CEOs who are obliged to be involved in the mainstreaming of all municipal issues, have rarely attended meetings or trainings on gender equality. In addition, there are examples where municipal staff has not received any training on gender equality issues because of the MOGEs failure to organize such activities.³²

6. MOGE and NGOs

In many municipalities MOGEs maintain well established cooperation with local and international NGOs.³³ It is encouraging that in the vast majority of municipalities the MOGE actively works together with the civil sector as a means of achieving more sustainable, genuine and vocal promotion of gender equality at the municipal level. Regardless, MOGEs should remain focused on their primary function as municipal civil servants and not mistake their duties with NGO activism.

IV. The MOGEs interaction with the central level

According to the Law on Gender Equality,³⁴ the MOGE shall collaborate with the OGE. Cooperation is not only required by the applicable law but is also becoming a reality with the establishment of the OGE in 2005.³⁵ It is important to understand that interactions with the central level consist of two components: cooperation and training.

The OGE is the central level body responsible for implementing the Law on Gender Equality. In particular, the OGE Directorate for Cooperation is tasked to coordinate activities with the MOGEs.³⁶ The OGE shall conduct regular meetings with MOGEs on a monthly basis to fulfill this obligation. Many MOGEs confirmed that they regularly attend meetings organized by the OGE in Prishtinë/Priština. However, these meetings have often not been called on a monthly basis as required by law.

³¹ Istog/Istok; Pejë/Peć (CEO participated in a lecture on the International Day of Prevention of Violence Against Women and in a training session when the MOGE presented the Law on Gender Equality); Klinë/Klina (CEO attended the workshop organised by the MOGE); Štrpce/Shtërpçë; Leposavić/Leposaviq; Zubin Potok and Malishevë/Mališevo.

³² Gjakovë/Đakovica; Novobërdë/Novo Brdo; Kamenicë/Kamenica; and Kaçanik/Kaçanik.

³³ The MOGE shall "coordinate activities with local and international NGOs and develop the advancement of gender affairs" according to AI 2005/8, Section 4.

³⁴ Article 4.17, Law on Gender Equality.

³⁵ See Government Regulation No. 2005/2 for Establishment and Internal Organization of the Office of Gender Equality.

³⁶ Article 7.1 (i), Government Regulation No.2/2005 for Establishment and Internal Organization of the Office of Gender Equality.

Some MOGEs also claim to cooperate with the Officer on Gender Equality within the MLGA.³⁷ Some MOGEs argue that in the first months of 2006, activities at the central level seemingly decreased. Moreover, the MOGE in Malishevë/Mališevo informed the OMiK-MT that she is not receiving invitations from the OGE nor the Officer on Gender Equality within the MLGA but rather through a fellow colleague.

Some MOGEs cannot afford transport as no reimbursement of travel costs is available. This further weakens Kosovo-wide MOGE regular participation in OGE centrally-organized meetings.

The provision of central level training opportunities for the MOGE also plays a fundamental part in the overall interaction with the central level. Trainings serve to strengthen MOGE capacities and allow for the building of networks with fellow colleagues in various municipalities. Most of the MOGEs have been involved in training activities conducted by a number of central level actors. Various specialised training events on gender equality have been provided by different institutions, including the OSCE Mission in Kosovo (OMiK), UNMIK Office of Gender Affairs (OGA), UNIFEM, Kosovo Institute for Public Administration (KIPA), local NGOs and recently the OGE.³⁸ MOGEs in a few municipalities have also participated in general trainings on management, reporting, drafting, presentation and other skills to increase their qualification.³⁹ Evidence shows that there is no consistency in the level and substance of trainings given to MOGEs and there is even one case in Novobërdë/Novo Brdo where the MOGE claims to have never received any training.

Furthermore, no records exist at the municipal level regarding municipal employee attendance of KIPA organized trainings as all attendance records are kept in the KIPA office. Generally, training attendance records are not kept in the municipalities. It should be noted that in some municipalities the directorates do maintain their own separate records,⁴⁰ while in others records are stored in the Personnel Office⁴¹ or in the Legal Office.⁴²

V. Separate budget for MOGEs

A MOGEs access to the municipal budget and their ability to utilise said funds to mainstream gender issues into municipal activities including the organization of

³⁷ AI 2005/8 Section 4 - The duties and responsibilities of the MOGEs: to co-operate with the Officer for Gender Equality of the MLGA and the Office for Gender Equality of Kosovo. Law on Gender Equality, Section 4.12 – Each ministry shall appoint an Officer for Gender Equality, who shall coordinate gender issues within the ministry.

³⁸ Kaçanik/Kaçanik (training provided by OMiK); Shtime/Štimlje (OMiK, OPM, UN Habitat, Riinvest, REA); Deçan/Deçane (local NGOs Besa and Jeta); Istog/Istok (KIPA); Gjakovë/Đakovica (KIPA); Malishevë/Mališevo (KIPA); Prizren (UNIFEM, OGA, OMiK); Rahovec/Orahovac (OMiK, OGA, KIPA); Suharekë/Suva Reka (KIPA, OMiK, OGA, OGE); Leposavić/Leposaviq (KIPA); Skenderaj/Srbica (KIPA, UNIFEM).

³⁹ For instance, in June 2006 OMiK conducted a one-day workshop on presentation skills for nine MOGEs from municipalities in Pejë/Peć and Prizren regions. The aim of the workshop was to improve presentation skills to enhance their ability to effectively present their work to municipal and external counterparts.

⁴⁰ Pejë/Peć.

⁴¹ Kaçanik/Kaçanik; Gjilan/Gnjilane; and Istog/Istok.

⁴² Mitrovicë/Mitrovica.

trainings for municipal civil servants and other actors, has a direct impact on their ability to fulfill their mandate.

In almost all of the assessed municipalities OMiK-MTs found that the MOGEs do not possess their own funds (there is no separate MOGE budget line) to utilise for activities, events and projects. There are no funds allocated in the annual budget for the promotion of the MOGEs work and for the mainstreaming of gender in general policies.⁴³ In Rahovec/Orahovac, the MOGE requested a share of the 2006 budget in the amount of 5,720 Euros but this request has not been approved to date.

The usual *ad-hoc* practice is that when needed, the MOGE makes a request to the CEO who then in turn presents it to the BoD. Thus, the final decision regarding the allocation of funds to the MOGE is completely dependent on the outcome of the BoD. However, there are some examples of municipalities where the MOGE has a detailed working action plan with a comprehensive budget approved by the Municipal Assembly⁴⁴ while in Gjakovë/Đakovica, the MOGE is included in the budget line of the CEO office.

There have been continuous complaints from the MOGE concerning insufficient BoD support. For example in Gjakovë/Đakovica, in spite of the MOGEs request for her own budget line in a meeting of the BoD, the BoD postponed the decision until the 2006 mid-year review of the municipal budget.

VI. The MOGEs interaction with the municipal legislative branch

The Committees for Gender Equality (CGE) of the Municipal Assemblies are supposed to be the natural counterparts of the MOGEs in their efforts to eradicate gender inequality and to mainstream gender into the work of the municipal administration. However, it appears from the field assessment, that there is insufficient interaction between the municipal executive and legislative branch on the above. The main reason is that despite the establishment of CGEs in many municipalities, in practice, they are not functioning.

As the establishment of the CGE is not considered to be mandatory, six municipalities⁴⁵ are still without a CGE. In Viti/Vitina the CGE has been established but is not functional due to a lack of members. The Municipal Assembly in Podujevë/Podujevo also recently established a CGE, however, the list of committee members is not yet complete. As for the CGEs in Pejë/Peć and Deçan/Deçane, they are not operational.

In Gjilan/Gnjilane municipality there is no separate CGE as it is incorporated within the Committee for Culture, Youth, Sports and Gender Issues (CCYSG). Similarly, in

⁴³ There have been some exceptions: in 2003 in Novobërdë/Novo Brdo, the MOGE was allocated 2,500 Euros for good and services but nothing has been available since.

⁴⁴ The most significant MOGE budget reported by the OMiK-MMTs is over 8,000 Euros in Gillogoc/Glogovac. In Prizren, the MOGE has been assigned a budget totaling 7,500 Euros for 2006 whereas the 2005 budget was only 3,000 Euros.

⁴⁵ Novobërdë/Novo Brdo, Štrpce/Shtërpçë, Kaçanik/Kaçanik, Malishevë/Mališevo, Lipjan/Lipljan and Obilić/Obiliq.

Prishtinë/Priština municipality, the Committee on Culture and Gender deals with gender related issues. A positive development has to be noted in the Pilot Municipal Unit of Mamusa/Mamushë/Mamuša where a Human Rights and Gender Equality Committee has been recently founded. In eight⁴⁶ municipalities, there are also representatives of minority communities in the CGE.

To date, there is no established practice for the CGEs to meet on a regular basis to discuss relevant issues affecting equality between women and men. The CGEs do not possess internal rules or ToRs. Thus, the general trend Kosovo-wide is that the CGEs meet infrequently and do not take concrete steps to achieve tangible results. Members of the Committees receive representation allowances only for meetings so they are reluctant to gather for other useful activities such as brainstorming sessions or trainings.

One “good practice” has been observed in Ferizaj/Uroševac where the recently established (April 2005) CGE meets regularly on a monthly basis⁴⁷ and is in the process of drafting ToRs. Additionally, the Prizren CGE is very active and is currently the only CGE Kosovo-wide to have ToRs.

In 12 municipalities,⁴⁸ the MOGE attends all meetings organized by the CGE. In a few municipalities the MOGE is a member of the CGE and in Pejë/Peć, is even given the chairing authority during meetings by the Chairperson of the CGE.⁴⁹ However, this does not prove to have a tremendous impact on nor allow for qualitative changes to the MOGEs work. Some of the MOGEs have also expressed their confusion regarding the role that such a body can and should play in the municipality.

E. CONCLUSIONS AND RECOMMENDATIONS

Gender equality is a necessary tool for any democratic government to ensure human rights and the rights of both women and men. In Kosovo, gender equality is primarily regulated by the Law on Gender Equality which outlines gender equality as a fundamental value for the democratic development of Kosovo society and promotes the principles of equal behavior and equal opportunity for females and males alike to participate in the political, economic, social, and cultural domains of life. Furthermore, these principles are further entrenched into the drafting of all policies and other supporting legislation as previously outlined.

⁴⁶ In Klinë/Klina - representative of the Roma community; Pejë/Peć - a Kosovo Bosniak female representative; Ferizaj/Uroševac - one female representative from Gorani/Bosniak communities; Dragash/Dragaš - two Gorani female representatives; Prizren - one member of each minority community - Kosovo Bosniak, Kosovo Turk, Roma, Ashkali and Egyptian; Rahovec/Orahovac - one male Kosovo Serb member but he has already expressed his intention to leave the Committee; and in Vushtrri/Vučitrn and Mitrovicë/Mitrovica - representatives from the Kosovo Turk community.

⁴⁷ The CGE has convened 10 times until March 2006.

⁴⁸ Klinë/Klina; Istog/Istok; Pejë/Peć; Kamenicë/Kamenica; all Mitrovicë/Mitrovica region municipalities; Fushë Kosovë/Kosovo Polje; and Dragash/Dragaš.

⁴⁹ Istog/Istok; and Pejë/Peć (MOGE is given chairing authority during the meetings, however, this does not mean that MOGE is empowered to call meetings. MOGE has often stated that the MA President does not call a meeting and therefore the CGE does not have any).

The Kosovo-wide assessment of the functioning of the MOGEs and their role in improving equal gender participation in the civil service displays some general trends and shortcomings related to the implementation of existing legislation on gender equality. Despite certain improvements, municipalities and central government authorities are still either inappropriately following existing procedures or disregarding the importance of gender equality as a whole. Such actions in some cases, may also constitute possible discrimination.

The concerns identified relate to inactivity and inefficiency on the part of the MOGEs, non-improvement of equal gender participation at the decision-making level, lack of female candidates for municipal-level vacancies, a deliberate practice of excluding the MOGE from important decision-making and consultative processes, a Kosovo-wide shortage of support to the MOGEs to allow them to fulfill their mandate; lack of access to funds for gender-related activities, and CGEs that do not service residents nor provide support to the MOGE.

The causes for this situation are the result of traditions, customs, social and political pressure that still act as barriers against women's right to work. MOGEs receive little to no guidance from the central level on how to make their work more effective. Most importantly, the MOGE position is clearly not respected Kosovo-wide as in most municipalities the MOGE must perform as many as two other jobs thus impeding any possible proactive and effective activities on the part of the MOGE.

Having analysed the current situation, OMiK developed a set of recommendations which addresses all the stakeholders involved. OMiK urges all relevant stakeholders to take immediate steps to address all of the above mentioned issues and recommends the following:

1. Recommendations to the MOGE and the municipal administration regarding strengthening the MOGE's position within the municipality:

- **Municipalities should stop the practice of hiring one staff for two or three positions.** The MOGEs should focus exclusively on their tasks and no other additional position. This would serve as a much needed basis to improve the overall performance of the MOGEs in fulfilling their designated duties.
- **All applicable legislation related to gender equality should be fully implemented at the municipal level.** The MOGEs should be able to review local government decisions prior their endorsement as outlined in the relevant legislation. The OGE should further entrench this obligation especially where MOGEs either lack experience, understanding, or sufficient seniority.
- **The MOGEs should take on a more active approach towards the promotion of equal gender participation and regularly coordinate their work with the EOs.** A two way flow of information and support between the MOGE and senior level civil servants should be rendered possible. Also appropriate affirmative action measures should be taken which will work towards ensuring gender balance and respect in the work place.

- **Municipal administrations should ensure that MOGEs take part in the recruitment process** by including the MOGE as permanent members on recruitment panels therefore increasing the gender balance in the municipal civil service and ensuring that their involvement in the decision-making process is not just nominal.
- **Municipalities using the MOGEs should conduct gender awareness campaigns** with the approval and participation of the CEO in order to promote gender sensitivity within the civil service.
- **The MOGEs should have access to a separate budget** to ensure the implementation of all gender-related projects and activities. This would allow for the prioritisation of annual goals; increase coordination with the Chief Financial Officer, BoD and the Policy and Finance Committee; and bring the gender agenda to the forefront in the municipality. The MOGEs should have access to specialised training on financial management, the budget development process, and Fair Share Financing (FSF) to increase potential financial opportunities.
- **The MOGEs should cooperate with the Communities Committee and the GEC** in order to define the most effective ways of supporting the needs of women from minority communities through available FSF funds. This would increase the overall level of service of the municipality towards the public.
- **A Performance Appraisal Report (PAR) exercise of the MOGEs should be conducted** to assess their ability to successfully meet mandatory requirements, identify possible shortcomings and where necessary, increase capacity-building efforts or replace underqualified persons with individuals with the appropriate competencies. The MOGEs must bring forward any issues related to gender inequality, discrimination and gender mainstreaming to the immediate attention of the municipality.
- **The CEOs should familiarise themselves with AI 2005/8** as they are obligated to implement this AI.⁵⁰ There is an urgent need for the central level to address how to impose disciplinary measures on CEOs for non-compliance.
- **The MOGEs must continue and further strengthen cooperation with local and international NGOs** active in the field in order to include civil society participation in achieving gender equality and promotion of gender mainstreaming at the municipal level.
- **The CGEs must be strengthened by adopting Rules of Procedures, ToRs and work plans.** The CGEs must begin meeting on a regular (monthly or bi-monthly) basis to ensure continuity and follow-up in their work. The establishment of CGEs could be made mandatory to reinforce local gender equality mechanisms.

⁵⁰ Section 5, AI 2005/8.

2. Recommendations to the central authorities concerning providing the necessary guidance and support to the local level structures:

- **The OGE should provide regular guidance to the MOGEs** to facilitate communication with the CEO and relevant directorates as a means of support and follow-up on concrete actions taken by the MOGE. The OGE should develop detailed reporting guidelines for the MOGEs to increase individual accountability.
- **The OGE could coordinate the exchange of information among the MOGEs at the regional level.** This process would help facilitate and lead to a more substantive focus on the part of the MOGEs to draft effective municipal work plans thus improving their overall performance.
- **The OGE should urgently finalise the Kosovo Programme on Gender Equality** outlining who are the responsible actors and what kind of actions should be taken regarding the implementation of the Law on Gender Equality and the fulfilment of gender equality objectives in the Standards for Kosovo.
- **The regular monthly meeting should take place between the MOGEs and the OGE.** This should include the facilitation of transport or reimbursement of travel costs by the central level to ensure the equal participation of all MOGEs Kosovo-wide. The OGE should follow all available examples at the regional level to encourage communication, information sharing, and the development of joint activities among the MOGEs.
- **The MOGEs should be encouraged and also guided by the OGE to organize in-house specialised training on gender equality and gender mainstreaming at the municipal level.** This would increase gender awareness among civil servants and would make the commitment of the MOGE more visible among fellow municipal colleagues. Training alone of MOGEs is not adequate to address the lack of advocacy of gender equality at the local level and should therefore be supplemented by trainings on gender equality issues organized and conducted at the central or regional level for CEOs and other decision making civil servants.
- **The MLGA should allocate adequate financial and human resources to support the MOGEs** and address gender inequalities as specified in the appropriate legislation.⁵¹

⁵¹ UNMIK Regulation 2005/15 Amending UNMIK Regulation 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo , Annex XIV (vi).