



## **Research Studies**

The Study on the Impact on Women from the Cutbacks in the Kosovo Civil Service





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## LISTA E SHKURTESAVE

IMF - International Monetary Fund

DFID – Department for International Development

WB – The World Bank

UNIFEM - United Nations Development Fund for

Women

OSCE - The Organization for Security and

Co-operation in Europe

UNDP – United Nations Development Program

OIK – Ombudsperson Institution in Kosovo

IOBK – The Independent Oversight Board of Kosova

BSPK - The Union of Independent Trade Unions of

Kosova

KCC - Kosovo Chamber of Commerce

AMCHAM - American Chamber of Commerce in Ko-

SOVO

MPS – Ministry of Public Services

MFE – Ministry of Finance and Economy

MLGA - Ministry of Local Government Administra-

tion

MLSW - Ministry of Labor and Social Welfare

DCSA – Department of Civil Service Administration

DSP - Payment System Division

WED – Work and Employment Department

SOK - Statistical Office of Kosovo

## **EXECUTIVE SUMMARY**

In 1999, with the assistance of the international presence in Kosovo, the civil administration began to take shape. With phased transfer of competencies from UNMIK to the Kosovo institutions, the administration grew in stages and at the end resulted with being fragmented, over-staffed and incoherent. The purpose of this study is to analyze the administration cuts introduced as a result of IMF recommendations. The public administration in Kosovo has been often characterized as inefficient, unprofessional and politicized. The purpose of this study was to accurately assess the cutbacks in the public administration and their relative impact on the position of women in Kosovo.

During the public admin-34.64%

The research reveals that the process of cutting down the administraistration expansion in tion costs has been conducted without 2005, the representation proper planning and in complete lack of women suffered great- of transparency. As a result, a significant ly and in relative terms number of civil servants have lost their dropped from 39.67% to jobs, while it may have been possible to reinstate them in another institution with deficient capacities. The findings from the research also indicate that the

cuts were introduced without any clear set of criteria on which positions and jobs will be reduced.

portionably affected by both the have had a negative effect 'boom' in public administration hir- on women being that their ing, whereby more men than women participation in the adminiswere hired, and in the process of re- tration was reduced both in ducing the size of civil administration terms of real numbers and in where women have suffered both in terms of relative percentages terms of real number of women work- in comparison to their male ing in the administration and in terms counterparts.

Women have been dispro- The civil administration cuts

of relative percentage in comparison to their male counterparts. Despite this fact, the number of plaints appealing decisions to terminate employment contracts filed by women is considerably lower than that of men. It appears that women tend to be less optimistic to win their jobs back.

One of the most important conclusions of this study is that the government has reacted towards the recommendations of the IMF without a clear vision on what should it be done, or how the cutbacks were made. To this end, the civil society recommendations should also fulfill their role as a watchdog for the government and react to such situations in the future.

## 1. INTRODUCTION

Women in Kosovo have historically been at a disadvantage in comparison to their male counterparts. The situation regarding equal representation of women and men improved considerably after 1999 as a result of advocacy of women groups and activists who have used the newly created situation for improving the situation of women in the society. Some of the achievements made so far include:

- Establishment of the Gender Committee within the Kosovo Assembly
- Establishment of the Advisory Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues within the Prime Minister's Office
- Gender focal points have been identified in all 10 Ministries and municipal gender officers are in place in all 30 municipalities.
- An Office on Gender Equality has also been established and is functioning at national government level.
- 14 gender committees have been established at the municipal level.
- Drafting of the National Action Plan for the Achievement of Gender Equality (NAP) and the Gender Law
- Enactment of Regulation 2003/13 on domestic violence, drafting of the anti-discrimination law and anti-trafficking regulation, and integration of the Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW) in the Constitutional Framework.

 28% of Kosovo's Parliament is composed of women, higher percentage than in any transition country.

Despite these achievements, women continue to be at a disadvantaged position in many spheres of life. The private economic sector is one of the spheres where women are underrepresented. One of the indicators of this underrepresentation is the participation in the labor market which is estimated to be one of the lowest in Europe with only around 35% of women actively participating in this market . An additional indicator of this underrepresentation is ownership of real estate and that of businesses which in Kosovo (only 8% of real estate and 6% of businesses is owned by women) .

Another aspect of life where women are in a more disadvantaged position then men is that of top management both in the public and private sector. One explanation for this phenomenon could be that women in Kosovo have lower education levels than men, which is caused by fewer opportunities to pursue appropriate education because of the traditional mindset and the role that women have played in the society in the past.

In such a setting, DFID office in Kosovo has commissioned KGSC to conduct a study focused on the cutbacks in the civil service during the period of 2006-2008 and the implications of these cutbacks on women. This report is tailored for usage from Kosovo women groups with the purpose of conducting an informed civil society dialogue and empowering them to partake in the public administration reform process. The report will also be distributed to inform other stakeholders and interest groups, including here, gender equality advocates in government, civil society and donor organizations for furthering effective implementation of the 2005 Kosovo Gender National Action Plan.

The need for such study has emerged due to the

2005 decision of the Kosovo Government to implement a 10% cut in civil service staffing over a period of two years (5% annually). These cuts were referred to by many civil society organizations as having a negative impact on women and these voices have been particularly vocal regarding education sector. Such allegations if proven to be true according to the Kosovo Gender Equality Law (GEL) promulgated in 2004 are illegal. Also they would be in direct conflict with the Gender National Action Plan (NAP) approved by the Government of Kosovo in 2005 for the development of which civil society organization have contributed a great deal.

This study is especially important when having in mind that in the future civil service may experience further cuts. To this end, it is foreseen that the study will help raising the awareness of the civil society and the government about the implications of their past actions, and potentially, prevent similar scenarios and processes in the future. Being that it represents a critical analysis of the entire cutbacks process, it should also serve the purpose of identifying critical points in the past, potential flaws and serve as an example of what should not be done in the future.

# 2. OBJECTIVES AND METHODOLOGY

## 2.1 Rationale and Objectives

The objective of this research was to analyze the implications of cutbacks in the civil service during the period of 2006-2008 and the manner in which they have affected women. The main aim is to find out if these cuts are excessively affecting women, particularly in the education sector.

Because of the lack of appropriate long-term managing of employment arrangements in Kosovo Civil Service, it is expected that there will be further cuts of Civil Service in Kosovo in the future. Therefore, the lessons from this study aimed to sensitize the Government of Kosovo and financial institutions on the implications of cuts being implemented without proper planning. This study provides a platform for DFID to engage with the Government and other donors working on gender issues. It should also serve as basis for Kosovo Government to be fully prepared for the implementation of requirements by international institutions.

## 2.2 Methodology

In order to achieve the aforementioned KGSC applied a mix of secondary and primary data research introduced in the form of several research instruments and was conducted into four phases (one instrument per phase). Below these instruments and phases are described into more detail.

- Exchange with experts. This was the first distinguishable implementation phase that was introduced in the very beginning of the research. KGSC conducted a meeting with stakeholders who have been involved in the process of cut-backs in order to discuss both the broader context and the specifics of this issue. First-hand information gathered from this meeting, in which representatives from the Ministry of Public Services and legal experts have been invited, was extremely useful in designing the subsequent phases of the research.
- 2. Desk Review. During this second phase of the research a thorough review of all relevant and available documents was completed and the information collected was scrutinized and filed according to relevance to the study as well as reliability of the source. In this segment of the study, KGSC reviewed the existing laws and mechanisms that are related to this issue, such as the Constitution of Kosovo, National Action Plan for the Achievement of Gender Equality, Gender Equality Law, Labor Law, General Collective Contract in Kosovo, Regulation on the Civil Service in Kosovo, Penal Code, and Anti-Discrimination Law.
- 3. Interviews with Key Informants. This phase was used for the application of the third research instrument used for the purpose of this study. In total, 20 interviews were carried out with key informants relevant to the study. The format of the interviews consisted of structured questionnaires with multiple choice answers (closed questions). The interviewees were selected based on their executive position in the abovementioned institutions in regard to the cut-backs process.

### 4. Focus Group Discussions (FGDs).

In order to get the feedback from persons whose contracts have been terminated as a result of the cutbacks, KGSC organized a focus group discussion with a selected sample of representatives from this group. The sample of FGD participants was drawn from the lists provided by the Ministry of Public Services.

## 3. FINDINGS

## 3.1 Kosovo Civil Service Before and After the Cutbacks

## 3.1.1 Legal Framework for Kosovo Civil Service Regulation

Civil service in Kosovo is regulated through several legal and sub-legal acts. The first legal document regulating the civil service in Kosovo is UNMIK Regulation 2001/36 promulgated in December 2001. This regulation sets forth all definitions and rules for the functioning of the civil administration in Kosovo. The regulation was succeeded by several sub-legal acts, namely, administrative directions and bylaws. In 2005, the Kosovo Assembly approved the law on administrative procedures, which defines the procedures for settling administrative disputes and as well as the rights and obligations of the administration and civil servants. The law was officially promulgated by the Special Representative of Secretary General (SRSG) only in May 2006. Other legal documents that regulate the behavior and operation of the civil service include:

- Administrative Instruction JIAS/PS/SI/2000/2, on Circumstances and Conditions of Employment of Public Officials;
- o Administrative Instruction #3, on Salaries of

- Kosovo Civil Service Officials from the Kosovo Consolidated Budget engaged in more than one jobs;
- Administrative Instruction # 2004/7 on payments to individual persons;
- Financial Rules and Treasury Instructions 02;
- Administrative Instruction # 2005/3 amending Administrative Instruction # 7/2004 on Salaries of Political Staff in Municipalities;
- Administrative Instruction # 2005/09 on Payments for Employees with Contracts;
- Administrative Instruction # 08/2006 on Measures for Increasing the Efficiency in the Public Administration;
- Administrative Instruction # 05/2007 Regulating and Determining the Procedures for Financial Compensation for Maternity Leave in the Kosovo Civil Service;
- Administrative Instruction # 2006/07 on Payments to Individual Persons:
- Administrative Instruction # MSHP 2006/12 on Measures for Freezing the Employment of Civil Servants in Offices of the Public Administration:
- Administrative Instruction # 12/2007 on Unifying the Salaries/Benefits of Presidents and Members of the Advisory Boards of Commissions Established by the Kosovo PISG;
- Administrative Instruction # 02/2008 on Determining the payment for Political Appointees; and
- All other Decisions of the Government of Ko-

sovo regarding benefits for the Public Administration Employees.

The research shows that all these legal and sub-legal acts have been violated at least in some instance of the process of reducing the size of civil administration. The evidence supporting these claims includes the reports of the Ombudsperson Institution, testimonials from civil servants that were laid off in the process, and even the interviews conducted with key informants. While the violation of laws may have not been intentional, and may have been caused by the lack of knowledge and or instructions from the top level on how to administer the cuts, the fact remains that the process encompassed many flaws. The entire process was accompanied by significant lack of transparency on the part of the government. If the process was more transparent the violation of legal and sub-legal acts that has characterized the process would have potentially been avoided.

### 3.1.2 Kosovo Civil Service

After the establishment of UNMIK administration in 1999 and the gradual transfer of competencies to local institutions whose building has been supported by international community in Kosovo, the civil administration was progressively shaped. As of 2003 the International Monetary Fund has continuously recommended Kosovo institutions to carefully examine the spending for wages and salaries as over sizing the administration decreases the ability of the government to finance much needed capital investments. If the periodic reports of the IMF are carefully analyzed, it could be noted that the main objection of the IMF regarding the government spending on salaries and wages of the public administration concerns inefficient administration, inexistent or "ghost employees" and their implications to the reduction of government ability to stimulate economic development through capital investments.

Because of the fact that the International Monetary Fund has been the most influential actor in shaping the decisions of the government and/or that government decisions has been argued in terms of IMF statements and recommendations, this portion of the report focuses extensively on the opinions and suggestions of the IMF.

While there are no accurate figures of administration personnel prior to 2004, it was often indicated by media and other reports published on this issue that the civil service in Kosovo is politicized, inefficient and unprofessional. Going back to IMF recommendations, in years they have been rephrased and modified, but in essence, have not changed much. In June 2003 report IMF states that "The authorities should also address the issue of the optimal size of the civil service, and the sectors in which additional employment or existing employment be deployed/redeployed. This should derive from a clear definition of the role of government, steering clear from any notion of government becoming employer of last resort." Furthermore, the same document recommends that "the original budget plan to increase the size of the civil service by close to 11,000 staff in 2003, needs to be scaled down; and (ii) limit wage increases to only those that are disproportionately low and are in key sectors such as education and health, while tackling the problem of overstaffing of administrative and support staff in these sectors. Wage increases should be modest to allow room for possible further increases in light of the findings of the pay scale review."

It should be noted that this specific recommendation of the IMF to reduce the administrative staffs in the education and health sectors has not been implemented appropriately as not only the administrative staffs were reduced. To this end, one should note the removal of pre-school educators from the payroll in some centers of Kosovo was not appropriate.

The succeeding IMF Reports (Aide Memoirs) revolve around same critical points, namely, around the spending for

wages and salaries. However, the size of public administration did not decrease significantly. The table below shows the composition of the civil service in Kosovo (as reported by the Department for Civil Service Administration) in 2005.

Kosovo Civil Service in 2005					
Ministries – Central Institutions					
Total number					
	of employees	Superior Education	University	High School	Support Staff
Total	29,915	6,388	1,059	17,907	4,561
Percentage	100%	21.35%	3.54%	59.86%	15.25%
	Municipa	lities (health, edu	cation, and admir	istration)	
Total	41,957	10,003	12,600	12,395	5,389
Percentage	100%	23.84%	30%	29.54%	12.84%
Total number of employees in the KCS	71,872	16,391	13,659	30,302	9,950
Total per- centage of employees in KCS	100%	22.80%	19%	42.16%	13.84%

Source: Ministry of Public Services, Department of Civil Service Administration

Another instance of the critical attitude of the IMF with regards to the government policies on civil service include the February 2007 statement whereby the IMF argues that the government should limit employment in the public sector strictly to what is needed to provide functions effectively. The report also states that the "Ghost employees" should be removed from the payroll; the hiring freeze reinstated, and mandatory retirements for those aged over 65 enforced. It should be noted however, that the IMF has never suggested how this process should be conducted, but instead, it has always recommended that the government needs to have a plan about how to reduce the administration.

The evolution and growth of the public administration that was referred to in the section above and which has been in the heart of all recommendations made by the IMF can be viewed in the table below, which represents a statistical compilation provided by the Department of Civil Service

Administration. The figures in the table provide an overview of public administration inflation in the period 2004-2006 broken down by ethnicity and gender.

Data on employment at Central and Local Level		2004		2005		2006	
		Number	%	Number	%	Number	%
Total numbe	er of	56,545		69,395		69,796	
Ethnic Structure	K-Alba- nians	47,203	83.48 %	60,943	87.80 %	61,086	87.52 %
	Serbs	4,711	8.33 %	5,678	8.18 %	5,678	8.13 %
	Turks	578	1.02 %	680	1 %	725	1.04 %
	Other	1,241	2.19 %	2,177	3.13 %	2,040	2.92 %
Gender	Men	34,625	61.23 %	44,700	64.41 %	43,700	62.61 %
Structure	Women	22,431	39.67 %	24,737	35.64 %	25,875	37.07 %

As it can be noticed in the table above, the crucial point in the public administration has been in 2005, when the administration increased with 12,845 civil servants. If these data are analyzed closely, it could be noted that most of the new civil servants have been Male Albanians. In terms of gender, women representation in 2005 deteriorated from 39% into 35%. However, if this change is analyzed in terms of absolute value, it can be noticed that the number of women in the administration has increased, but the increase has not been proportional with that of men.

# Administration of Civil Service and the Process of Reform

Attempts of the Government of Kosovo to establish a professional civil service, a number of activities and decisions have taken place. Aside from the strategic decisions, and drafting of the action plans to reform the public administration, the government has also pledged financial resources to support this policy. The Strategy and the Action Plan for the Public Administration Reform 2006-2011 were approved by the Government of Kosovo in March 2007. In June 2007, an inter-institutional working group and central coordination mechanism was established to monitor the implementation of the two documents. The government allocated a  $\in$  6 million fund for the implementation of the 2007-2009 action plan and established working groups in several spheres. These working groups are still functional.

In November of 2006, an instruction for raising the public administration efficiency was approved. This instruction sets the procedures for evaluation, transfer, and promotion of civil servants. In February 2007, the responsibility for the implementation of the strategy for capacity building in the PISG was moved from the office of Prime Minister to the Ministry of Public Service. By June 2007, MPS completed the review of the wage list of all civil servants in Kosovo.

One of the most important bodies ensuring professionalism in the public administration has been the Independent Oversight Board. The oversight Board is an independent body that has advised the SRSG and was one of the main mechanisms for ensuring a professional, impartial and responsible civil service. In February 2008, the Independent Oversight Board was transformed into an autonomous body that reports directly to the Kosovo Assembly. It is worth noting that only in 2007, the Oversight Board has resolved 386

cases of plaints made by former employees of ministries, municipalities and executive agencies.

Concerning the institutions in charge of enforcing anti-discrimination measures and procedures, the EC Progress Report of 2007, indicates that more should be done to raise their administrative capacities. To this end, the report specifically states: "Administrative capacities of the key institutions for enforcing anti-discrimination law such as Office for Good Governance, courts, human rights units within ministries remain very low."

#### 3.1.3 The Rationale Behind the Cutbacks

By the end of 2005, a delegation of experts from the International Monetary Fund (IMF) visited Kosovo and measured the spending for the civil service in comparison to GDP, per/capita spending etc. During their assessment they came to conclude that the number of civil servants compared to the measurement indicators is disproportional, namely, that Kosovo Administration has more civil servants than what it should have. Because of this their recommendation stated that spending for public administration should be reduced for 10%. It should be noted however, that the biggest concern of the IMF was not the exact number of civil servants, but instead, they were concerned with the budget spending for public administration (at that time approx. 200 mln.).

In terms of policy action, the recommendation of the IMF to reduce the government expenditures for salaries was understood by the Kosovo Government as a recommendation for cutting back the number of civil servants. This marks the beginning of a chain of government actions in terms of reducing the civil administration, but it was not necessarily a mandatory process implied in the IMF recommendations. The opinions of the experts interviewed for this study concerning the necessity of cutbacks vary a great deal. While some

of them claim that the IMF recommendations did not specifically recommend cutbacks in the public administration (i.e. Mr. Shpend Ahmeti), others claim that Administrative Direction 2006/12 of the Ministry of Public Services was based on the IMF recommendations.

Another important aspect worth analyzing is whether the number of civil servants in the public administration was larger than what it should be. To this end, most of the respondents believe that there was a need to re-structure the administration, but not necessarily reduce the number. An example that can illustrate the situation is that of Ministry of Administration of Local Government. According to its Permanent Secretary, Mr. Besnik Osmani, in 2005 this ministry was deficient in terms of staff, more precisely, out of 124 staffs foreseen to work in MALG, they only had 63 staffs. Even in 2008 a similar situation prevails in MALG, whereby they have 107 staffs foreseen by the organizational chart, while currently they only have 93 employees. In other words, a re-shuffling of civil servants from one institution to another, would have been necessary.

In practice, hundreds of civil servants suffered the cutbacks in the public administration while such cutbacks are officially denied by the representatives of the government. The director of Department of Civil Service Administration, Mr. Shefqet Berisha states that no one was fired as a result of the IMF recommendations, or the Administrative Direction 2006/12. However, focus group discussion revealed that the contracts of civil servants were terminated on grounds of budget cutbacks. It should be noted that according to the current legislation, contracts of civil servants can be terminated for two reasons, if there is no budget for a given position. or in case that the position seizes to exist. Mr. Besim Kajtazi from the Legal Department of the Ministry of Public Services explains that such legal provisions imply greater efficiency of the administration as they stimulate institutions to review their organization structures, reduce unnecessary positions, merge positions where possible, etc, with the overall objective to increase the efficiency of the administration. However,

in many occasions the process was perceived to be accompanied by political motives and/or political party influences. Such claims are also verified by the discussions in the focus groups with former civil servants. The participants in FGDs confirm the possibility that various governments introducing changes in the administrative structures of given ministries may have used such processes to employ party militants in the positions vacated from the cutbacks. These claims coming from several sources (participants in the FGDs, key informants etc) are also easily verified with the numbers obtained from official sources.

In conclusion, it could be argued that the recommendations made by the IMF could have been addressed even without reducing the number of civil servants at central and local level, but because of the reasons mentioned above, the Government of Kosovo has found cutbacks to be the most appropriate policy measure.

### 3.1.4 The Process of Cutbacks

In 2006 MPS issued the administrative direction 2006/12, which aimed at stalling new hiring in the public administration. Although this was not conclusively argued in terms of the IMF recommendations, in reality, to a great extent it abides by those recommendations. While the administrative direction did not aim at reducing the administration, it nevertheless froze the employment of persons after 19.9.2006 and obliged the Department of Civil Service Administration not to include people hired after this date into the list of wages. The same document similarly to the IMF report indicates that the Kosovo police, the judiciary, customs and teachers together with the two ministries established at that time (Ministry of Justice and Ministry of Internal Affairs) should not be included in the new administrative measures.

The Administrative Instruction issued by the MPS derived from the IMF recommendations. This was made clear by the fact that the decision was taken four months before the end of the fiscal year. The rationale behind the cutbacks has been prior violation of employment plan by budgetary units in Kosovo. Mr. Hajdin Ramadani clarifies that the administrative instruction was valid only for four months as the law regulating the number of employees in each institution was passed.

According to some interviews conducted with key informants it can be concluded that the primary objective of the government was not lowering the budget costs from wages, but instead, to accommodate in principle the recommendations of the IMF. There are numerous instances when staff has been reduced and the service previously performed by that staff was outsourced, which in turn cost the budget more than prior to the cuts. Security guards and physical security of buildings are one instance that is mentioned by the Acting Ombudsperson of Kosovo Mr. Hilmi Jashari. He also states that his remarks were presented before the Assembly of Kosovo, but were not taken into account.

Mr. Shpend Ameti from GAP Institute claims that the IMF recommendations were not accurate as they were based on wrong indicators, and hence should have not been adhered to without carefully analyzing the situation. Mr. Ahmeti claims that the figures which IMF believed to be accurate, such as the GDP and other economic parameters were later proven to be wrong. Consequently, the assumptions that the bill of 200 million Euros was too large in comparison to the GDP, was wrong. This is the reason why Mr. Ahmeti claims that the government should have conducted an analysis of its own before proceeding to take any action.

Contrary to most of the respondents in the interviews, Mr. Shefqet Berisha, Director of Department of Civil Service Administration claims that no civil servant has lost her/his job as a result of the IMF recommendations, or the administrative direction 2006/12. This view can be easily negated

by the reality on the ground whereby most of contracts have been discontinued to civil servants as a result of discontinued funding for their positions. This information is also confirmed by the participants in the focus group discussions.

Another dimension in this issue and the process of cuts itself is addressed by the Progress report of the EC for Kosovo which states that civil servants continue to be affected by interference from political parties, corruption and nepotism. Among other issues this report brings to attention that the Council for Senior Public Appointments does not function properly.

When all these aspects are combined with the lack of transparency that accompanied the entire process, the conclusion could be drawn that the process was indeed accompanied by significant flaws and that most of the problems have occurred at the operational level or stated differently, in the implementation process. Regarding the official plaints introduced by the former civil servants, Ms. Mimoza Kusari-Lila, the head of American Chamber of Commerce claims that the judiciary system in Kosovo is one of the weakest points of the entire system in Kosovo. Because of this, Ms. Kusari-Lila believes that most of the civil servants that were laid off have used alternative methods of reversing decisions (i.e. connection with influential people, informal resolution of cases etc) and that most people view the courts in Kosovo as the last resort.

When the issue is analyzed through the gender lens, it could be noticed that plaints filed by women account for around 25% while the remaining 75% of plaints were filed by men. By no means has these information indicated that more injustice was caused towards men, in the contrary, it may be interpreted as women have given up more easily. In order to better illustrate this situation, below are presented the statistics of cutbacks in the MLSW.

Total: 97

Women: 25

Men: 72

Position	Center	Gjinia	
		M	F
Guard	DAP/QAP	16	
Manager	Vocational Training Centers		1
Assistant	Vocational Training Centers		2
Guard	Dept. of Pension Administration	5	
Assistant	Social Services Division	1	
Assistant	Center for Social Work	16	11
Administrative Employee	Department of Labor REC	7	11
Coordinator	REC	4	
Guard	REC	23	
Total		72	25

Number of Plaints in the Appeals Committee of MLSW:

Total: 40, M – 19, W – 21

While these figures indicate that less women than men have lost their jobs in the MLSW, if analyzed in comparison to the total number of women employed in this ministry, it could be easily noticed that the cut was gender insensitive and that both women and men were proportionally cut.

## 3.1.5 Cutbacks from a Gender Perspective

Gender representation has been one of the biggest concerns of women rights activists and other organizations who have warned about the consequences of the administration cuts on this category of citizens. While there is no conclusive evidence about the impact the cuts have had on women, there are numerous indicators that lead one to believe that the representation of women in the administration has suffered a great deal in this process. A starting point in analyzing this issue from a gender perspective should be the absolute and relative representation (number and percent-

age) of women in the civil administration. The tables below represent both the number of women in the administration in the years 2005-2008, but it also shows the percentage that these women represent in the total number of employees in the Kosovo civil administration.

2005	Number of employees	Gender Structure		
		М	F	
Ministries - Central Institutions				
Total	29915	21897	8018	
Percentage	100%	73%	26.80%	
Municipalitie	es (administration, education and health)			
Total	41957	22917	18885	
Percentage	100%	54.62%	45%	
Total employees in the KCS	71872	44814	26903	
Percentages in the KCS	100%	62.35%	37.43%	

**Note**: Mitrovica Municipality has not submitted the information about the gender breakdown for 156-civil servants of Serbian ethnicity.

Ministries - Central Level						
2006	Overall	Gender structure 2006				
	number	М	W	% W		
Gjithsej	29308	19470	9838	33.57%		
%		66.43%	33.57%			
	Local Level					
2006	Total	Gender structure 2006				
	employees	М	W	% W	No gender data	
Administration	6096	4635	1461	23.96%		
In education	28547	18146	10096	35.36%		
In health	6254	2583	3681	58.85%	300	
GJITHSEJ	40897	25364	15238			
(%)		62.01%	37.25%			
	KCS Institutions					

	Overall number	Gender structure 2006		
		М	F	% F
Central level	29308	19470	9838	33.57%
Local level	40897	25364	15238	37.25%
GJITHSEJ	70205	44834	25076	
(%)		63.86%	35.71%	

Central Level - Ministries						
2007	Total	Gender structure 2007				
	Employees	М	W	% W		
Total	31475	22820	8655	27.49%		
(%)		72.50%	27.49%			
Local Level						
	Overall		Gender structure 2007			
	number	М	W	% F	No gender data	
Administration	5731	4231	1261	22.00%	239	
In education	29360	17573	10943	37.27%	844	
In health	5791	2091	3700	63.89%	0	
TOTAL	40882	23895	15904		1083	
(%)		58.44%	38.90%		2.64%	

KCS Institutions					
	Overall number	Gender structure 2007			
		М	W	%W	No gender Data
Central level	31475	22820	8655	27.49%	0
Local level	40882	23895	15904	38.90%	1083
TOTAL	72357	46715	24559		1083
(%)		64.56%	33.94%		1.49%

Central Level—Ministries						
2008	Total number		Gender structure			
		M W No gender data				
Total	31815	22836	8979	0		
(%)		71.77%	28.22%	0.00%		
		Municipalities				
	Total number	Gender Structure				
		М	W	No gender data		

Administration	5264	3886	1168	210	
Education	29955	17950	11008	997	
Health	5703	2110	3593	0	
Total	40922	23946	15769	1207	
(%)		58.51%	38.53%	2.94%	
KCS Institutions					
Total number Gender Structure					
	Total number		Gender Struct	ure	
	Total number	M	Gender Struct	No gender data	
Central level	Total number	M 22836	1		
Central level Municipalities			F	No gender data	
	31815	22836	F 8979	No gender data	

The tables above clearly show that the number of women in the public administration has not been proportional to that of men. Because of the fact that the cuts have mainly focused on local level administration, which contains a higher concentration of women, only in the period 2005-2006, the number of women in the municipalities dropped from 18,885 to 15,238 women civil servants. While this sharp decrease may not be directly due to the cuts, it could have also be caused as a side effect of the closing of several preprimary education centers, whereby the mothers were forced to guit their jobs as they had to take care of their children. From a gender perspective, this action may have limited the ability of working mothers or has increased the pressure on them further to guit their jobs or decrease their net income by forcing them to take their children into private pre-school institutions.

In 2007, it appears that the issue was addressed and the number of women in the local administration slightly increased. However, the number of women working in the central level administration (ministries) experienced a decline from 9,838 or 33% in 2006, to 8,655 or 27% in 2007. This significant decline of women employment in public administration has without doubt contributed towards worsening of the overall situation of women in Kosovo, as public administration is one of the biggest employers of women. Being that

participation of women in the private sector is considerably lower than that in the public administration, cuts in the administration inevitably lead towards worsening of the position of women in terms of their socio-economic standing.

In 2008, the situation of women at the local level administration continued to deteriorate but at a slower pace. The percentage of women working in 2008 has dropped from 38.90% to 38.54% of the total number of employees at the local level. Contrary to the local administration, participation of women in the central administration has increased at the central level. While the increase in relative and absolute terms has been moderate, it still can be considered as a positive development in terms of equal gender representation.

If analyzed according to the level of administration where women participate, it could be noticed that women tend to be represented at lower levels of government, while top management is usually reserved for men. This issue is also very concerning as lack of women in top management positions at local and central levels can be translated as inability to perform in better-paid positions. In order to get a clearer picture of this underrepresentation of women at senior level administration at both local and central level, the tables below present a breakdown by gender at the two levels of government for the period 2006-2007.

Municipalities, 2006 managerial positions.					
	Gjithsej	Struktura gjinore			
		М	F		
Chief Executive	28	27	1		
Dep. Chief Executive	0	0	0		
Director of Directorate	280	258	22		
Dep. Director of Directorate	24	21	3		
Sector Chief	346	306	40		
Service Chief	80	70	10		
Office Chief	26	23	3		
Manager	18	15	3		

Ministries 2006, managerial positions					
	Total	Gender Structure			
		М	W		
Permanent Secretary	16	15	1		
Chief Executive	11	10	1		
Department Head	106	92	14		
Dep. Department head	39	32	7		
Division Head	220	165	55		
Chief of Sector	323	260	63		
Manager	15	10	5		

**Note**: Municipal Assembly of Zubin Potok and Zvecan have not submitted the gender breakdown for civil service managerial positions in 2006.

Municipalities 2007, managerial positions:					
	Total	Gender structure			
		М	W		
Chief Executive	27	25	2		
Dep. Chief Executive	2		2		
Director of Directorate	296	262	34		
Dep. Director of Directorate	19	15	4		
Sector Chief	342	306	36		
Service Chief	93	79	14		
Office Chief	97	76	21		
Manager	27	23	4		

Ministries 2007, managerial positions					
	Total	Gender Structure			
		М	W		
Permanent Secretary	18	16	2		
Chief Executive	23	22	1		
Department Head	150	133	17		
Dep. Department head	47	35	12		
Division Head	299	235	64		
Chief of Sector	410	292	118		
Manager	16	9	7		

**Note**: Municipal Assembly of Leposavic, Zubin Potok and Zvecan, the gender breakdown for civil service managerial positions in 2007.

As it can be noticed in the tables above, women are significantly underrepresented in the managerial positions in the administration both at central and local levels. While at the local level in 2007, women have occupied 117 positions in the top-level administration, at the central level they occupied 221 positions. At the same time, their men counterparts accounted for 786 positions at the local level and 742 positions at the central level for the same period. This information implies that men are represented 6 times more than women in top administration positions. Gender equality in Kosova has been and continues to present an issue of concern. The presence of women in local and central level has been a result of a mandatory quota not as a result of common practice. According to Mimoza Kusari Lila- American Chamber of Commerce. in theory, women are encouraged to apply for all advertised positions but very rarely there is any practical applicability. Unfortunately, it has become very common that most advertised positions a priori determine the gender of the applicant. referring to administrative jobs as female and those of managerial level as male. Consequently, the government cuts have reflected more upon women than men, because of the mere female presence in the administrative sectors.

### 3.2 Issues of Concern

From the discussion above and the findings from the research, there are several concerning aspects that are worth noting with regards to the equal representation of men and women in the Kosovo Civil Administration. First, regardless of the various levels of government related infrastructure, legal mechanisms and remedies such as the Gender Committee within the Kosovo Assembly, the Advisory Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues within the Prime Minister's Office, the Enactment of Regulation 2003/13 on domestic violence, drafting of the anti-discrimination law and anti-trafficking regulation, and integration of the Convention on the Elimination of All Forms

of Discrimination against Women (CEDAW) in the Constitutional Framework etc, women participation in decision-making positions remains small; major decisions such as cutbacks as well intended as they may be, they are taken without any clear future strategy. Mimoza Kusari Lila – American Chamber of Kosova, believes that if there was even the smallest intention for cooperation between the government and the private sector, the persons affected by such cuts could have, with the adequate training, served the private sector. To a considerable extent this is an opinion embraced by most of the interviewed, that cutbacks must be accompanied with additional social programs, depending on the age group affected the most. Furthermore, there was a general concern that such cuts may not even help lower costs; Hilmi Jashari - Acting Ombudsperson claims that their security costs have gone up as a result of cutbacks since they had to replace their security staff with a contracted private company. It is striking that most of the persons that have been affected by the cutbacks have not appealed to such decision, which might suggest that they either do not posses the necessary information to do so, or most likely as suggested by the interviewed, they have little faith in the judicial system.

### 3.2.1 **DFID**

DFID needs to further engage in promoting equal representation of women and men in the civil administration in Kosovo and take specific measures to ensure that the functional review exercise that is currently taking place at the institutions of central level does not produce adverse effects on women. Moreover, it needs to monitor and advise the government on gender-related issues and bring to their attention the flaws indicated in this report that have been present in past formatting and reformatting of the civil administration.

There is a need for all relevant actors and agencies to get engaged in the entire process of equal representation,

proper implementation of the legal infrastructure, harmonizing the positions regarding this issue as well as cooperating with IMF regarding the effects of the administration cuts on women and the gender balance in the public administration.

#### 3.2.2 The Government of Kosovo

With the past actions and cuts in the civil administration, the Government of Kosovo has in more than one instance violated its own legal and sub-legal acts, and hence, has caused the deterioration of the position of women in the society. If Kosovo is to become a country of equal opportunities for men and women, concrete measures need to be taken to facilitate employment of women in the administration both in general and specifically in senior management positions. Moreover, the government needs to uphold the Gender Equality Law and CEDAW and take concrete actions to improve the position of women in the society.

The Government of Kosovo has declared 2007 to be the year of equal opportunities in the public administration. To this end, the Ministry of Public Services approved the Administrative Instruction for Measures for Achieving Gender Equality in Public Administration Institutions. This instruction entails that in equal competition conditions, women should be promoted in terms of the general employment and in terms of occupying managerial positions. Moreover, the government has decided that in fulfilling the recommendations of the International Monetary Fund, specific consideration will be placed not to affect jobs that are performed by women. However, all these statements and provisional acts of the government and specific ministries and institutions within the government have proven to be mere rhetoric, as in practice women have suffered a great deal from the cuts in the administration. The government of Kosovo needs to realize that implementation of its promises, decisions, and laws are of outmost importance as in the contrary the trust towards

them will decline.

Additionally, the process of re-sizing the administration has lacked transparency and was considered by many to be an exclusivity of the government. This should not become a common practice as such processes directly and indirectly affect many citizens and interest groups, hence, before any decision is taken, the government should conduct wide and inclusive consultations with relevant stakeholders. Moreover, before any decision to re-shape, re-size or re-format the administration, the government should carefully analyze the implications of its decisions, and engage in extensive planning in order to reduce all positively adverse effects of its policies.

#### 3.2.3 Civil Servants

From the official statistics obtained from various sources, it can be noticed that a significant portion of the civil servants have not appealed the decisions that got them lose their jobs. This implies that they have not used their rights foreseen in the Law on Civil Procedures and have given up on the chance to get their jobs back. For fairness purposes, all civil servants whose contracts have been terminated or have not been extended without any reason should plaint with competent authorities and retrieve their jobs back.

### 3.2.4 Civil Society and Regional Cooperation

Although the entire process of cutbacks has had its serious flaws and as suggested by most of the interviewed, the government is to be held accountable for such improper, poor and un-transparent but inevitable process, it is also significant to highlight barely visible presence of civil society. The entire process of the administration cuts has gone fairly

quietly and without any reactions on the part of the civil society. In these terms, the role of the watchdog that civil society needs to perform has not been fulfilled. Even though women activists and women rights organizations need to be more active regarding such processes in the future as it is their right to demand transparency and accountability on the part of the government, the future developments in the process of cutbacks should be based on mutual involvement and cooperation of the government, the private sector and the civil society. Such involvement would increase the level of awareness and the possibilities for joint projects which would include capacity building or re-qualification of those affected by the cutbacks and eventually resulting with their integration in sectors other that of public administration. Furthermore, because of similar experiences, regional exchanges would be of common interest. Countries like, Macedonia, Bosnia, Serbia and Albania have been affected by similar deteriorating factors, such as poverty, domestic violence, unemployment, social transitions, and although, existing legal tools and other measures are clearly not enough to ensure gender equality it would provide an opportunity to promote gender equality on a regional level. Being that all these countries aim international structures, like EC, regional links facilitate the possibility for enhanced lobbing for joint issues at the Council of Europe and European Commission. Various donors have been active in promoting regional or sub-regional activities, and UNIFEM gender related projects could be examples to follow:

- Cross-border, sub-regional exchange in building capacity of local gender equality mechanisms: UNIFEM supported local GMIMs from six municipalities in Kosovo to undertake a study visit to Croatia to learn/exchange with governmental counterparts at both local and central levels.
- Formulation of national action plans for gender equality linked to PRSP/National Development Plans/processes in Albania, Serbia, Kosovo, and Montenegro (and to a lesser extent in Macedonia). While this support was country-specific, the sub-regional dimension facilitated exchange of information and experience supported replication of good practice (e.g. applying a participatory approach involving stakeholders at both national as well as local level in formu-

lating the plan).

- Legislative reforms. Kosovo upon the adoption of its gender equality law benefited from other countries' experiences in taking a decision on the kind of gender equality structure it would establish under the new gender equality law, and there has been similar regional exchange/learning supported in the area of legislation on protection of women from violence against women.
- "Accountability for Protection of Women's Human Rights" in conjunction with CIDA.

#### 3.2.5 EC Standards

The Regional Declaration on gender mainstreaming which was signed in Saraievo in 2005, could be considered the first step towards enhancement of national and regional capacity for gender mainstreaming. Such document obliges Western Balkan National Gender Leaders to cooperate with Gender Mainstreaming Institutional Mechanisms (GMIMS) on the position of women, and improving their equal representation in the society. These countries are joined to cooperate around a series of priorities which were sought important for gender equality issues: development strategy and policy: education; health; and gender equality in decision-making. So far, the small regional attempts made in the direction of gender equality have occurred mostly because such issues have been directly related to their accession processes. EC assisted initiatives for accession and the set criteria make the candidate countries rush to fulfill them without any intention of making gender equalities a continuous common practice. According to the EC DG Enlargement project from a regional perspective, the use of EC Funds for Gender Initiatives is almost non-existent. In Kosovo, EAR has funded the CBEI Proiect which contributes to the capacity building of the Agency for Gender Equality. It provides policy- and advisory-making services as well as staff training for the Agency on matters

related to institutional strengthening. EC Liaison Office for Kosovo will focus in financially supporting gender equality through media training, and through the European Instrument for Democracy and Human Rights (EIDHR).

# 4. THE WAY FORWARD: CONCLUSIONS AND RECOMMENDATIONS

The findings presented above clearly show that the process of administration cuts has not been conducted very well. This process has lacked proper planning, was implemented without any clear guidance from the central level, and has been characterized by a complete lack of transparency. One of the main causes why the process was shaped in such a way is the lack of centralized data system with clear information on the civil administration. Another reason why the process has developed the way it did is because the government still does not perceive equal representation of men and women to be one of its priorities. Despite the fact that rhetorically they have claimed in a multitude of occasions that they will work towards achieving equal standards for men and women, government representatives and other policy-makers have treated this issue as secondary in their agenda. These claims are based on the analyses of numbers and the changes they have experienced as a result of government policies and decisions, perceptions of civil society activists, experts in gender issues, as well as from official statistics of ombudsperson institution. As such, these conclusions represent a comprehensive set of information obtained from a variety of sources that lead in the same direction. Based on this information, the Kosovo Gender Studies Center is firm in recommending the following future actions:

> DFID and other relevant actors will need to monitor progress on each of the legal and sub-legal acts as well as normative frameworks such as The Kosovo Constitution, Anti-Discrimination Law, Gender Equality Law,

- national Strategy and Action Plan for Gender Equality, CEDAW, etc;
- Relevant donors active in the field of gender issues will need to work in close cooperation with one another, with the government and design an appropriate strategy for inclusion of gender perspective in all government policies:
- o International donors as well as local grassroots organizations need to focus on encouraging the Government of Kosovo and municipal authorities to work with officials at the central and local levels for achieving the gender quotas at the senior level civil service.
- o The government of Kosovo should work towards fulfilling its pledge towards achieving equal opportunities for women in public administration, first and foremost by appointing gender coordination officers in all institutions foreseen by the current legislation, including here, the head of the Gender Equality Agency, a position that has been vacant since June 2007.
- The government of Kosovo needs to consider more seriously the recommendations coming from the Ombudsperson Institution and not ignore the reports from this institution as it has done in the past.
- o IMF needs to confirm that cutbacks have actually served the purpose, i.e. cutting budget expenses; also asking the government to provide measurable data on the impact and whether such actions have affected any specific profile, group age or gender.
- MPS Management and the management of other ministries need to be transparent and

- abide by the legal requirements about their decision making and publish detailed financial statements.
- MPS needs to design new personnel and reporting procedures for all institutions that would allow them to accurately assess future cutbacks.
- o The civil society organizations and women activists should focus on capacity building methods, in training cut staff for other types of employment. At the same time they need to be active in decision-making processes, providing local and central government structures with relevant feedback with respect to gender equalities. They should also require transparent cutback processes, therefore requesting that reports with specific data are published. At the same time, there is always room for civil society to raise awareness and educate the public through campaigns on employee rights, legal sources and steps to take if and when needed.

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