

# ANALYSIS OF THE PUBLIC ADMINISTRATION REFORM IN KOSOVO FROM A GENDER PERSPECTIVE

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# Table of Contents

<b>Executive Summary.....</b>	<b>2</b>
<b>Introduction.....</b>	<b>3</b>
Research Scope and Methods: Thematic Research.....	3
Legal Framework on Gender Equality in Kosovo: A Summary.....	4
An Overview of the Public Administration Reform Strategies from the Gender Perspective.....	5
Situational Analysis: Women's Position in the Public Administration in Kosovo.....	5
<b>Findings.....</b>	<b>8</b>
<b>Recommendations.....</b>	<b>12</b>
<b>Interviews.....</b>	<b>13</b>
<b>Bibliography.....</b>	<b>14</b>

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**Kosovar Gender Studies Center (KGSC)** [www.kgscenter.net](http://www.kgscenter.net) has been contributing to gender mainstreaming since 2002 and continuously makes efforts to achieve gender equality in Kosovo. It has been pioneering changes to the discriminatory system, social norms, and double standards, and is very active in monitoring public institutions. KGSC mission is to integrate gender-sensitive analysis, programs, and policies in all sectors of Kosovar society by increasing gender awareness and focus on gender issues, developing gender studies and ensuring the inclusion of gender-sensitive policies through research, policy development, advocacy, and lobbying.

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# Executive Summary

Public Administration Reform is an important process in any country as it aims to remove its bureaucracy and create a more effective service delivery. In Kosovo, this process has started since 2007 without considerable results. Furthermore, this process is considered to have been done without a proper gender analysis of how it will impact the women's employment and / or women's representation, in particular in senior managerial positions.

A special emphasis is also given to the Draft-Law on Public Officials which does not include affirmative action to its provisions. It also transforms the current career system into a one that allows a four-year mandate of a decision-making position to be prolonged into a second mandate regardless of their performance appraisal. This provision is considered discriminatory from various stakeholders and gender experts and is an added obstacle for women who in the current institutional culture - a culture dominated by men's groups - are further demotivated to apply for those positions.

With only 19,8% women in senior managerial positions in public administration, with more than 40% of the complaints to the Ombudsperson Institution consisting of gender-based discrimination, this should be a concern for all stakeholders involved in the Public Administration Reform and a call for considering the gender perspective when undertaking a reform that affects half of Kosovo's population.

The following recommendations should be taken into account in order to improve the position of women in the public administration:

- Public service must remain a career-oriented system; therefore, the mandated managerial positions shall not be considered with the Draft-Law on Public Officials;
- Law on Gender Equality shall be implemented throughout public institutions, both at central and local level with special emphasis on the special measures (affirmative action);
- Agency for Gender Equality to reward better performing institutions for achieving gender equality or taking considerable measures by promoting good examples for others to follow;
- A manual on Law on Gender Equality shall be drafted with special emphasis on explaining what the affirmative measure means as it is often misunderstood.

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# Introduction

Public administration reforms, in general, aim to create good governance by developing a civil service free of bureaucracy, through improved service delivery and enhanced public management. Effective public administration is a key factor for an economy that aims to generate jobs and improve citizens' well-being. The Government of Kosovo had initiated the process of reforms in the public administration back in 2007 and is continuing this process to date. The aim is to have effective and efficient public administration, capable of implementing principles of good administration and contributing to fulfilment of the Stabilization Association Agreement obligations. The reform is manifested in two ways: 1. In relation to its development structure; and 2. In relation to the functions it performs and services it delivers to citizens and institutions. Until now, the representation requirements set by the Law on Gender Equality have not been met by most of the central and municipal level institutions.

With all the challenges and opportunities that arise from this process, it is crucial that a well-founded research informs the recommendations on this ongoing process from a gender perspective. Therefore, Kosovar Gender Studies Center (KGSC) conducted this thematic research on the impact of the Public Administration Reform in the women's employment and participation in the labour market in Kosovo.

## Research Scope and Methods: Thematic Research

This positional paper employs thematic research to answer the research question on the impact of the Public Administration Reform (PAR) in Kosovo from a gender perspective in the women's employment and participation in the labour market in Kosovo. The thematic research includes semi-structured interviews with stakeholders and field experts of PAR as well as an analysis of the existing legal basis and other research reports and news articles on the PAR. The positional paper is not representative of the Kosovo population as it is focused on a specific part of the population and on a specific process.

The interviews were conducted between August and September 2022 with the Agency for Gender Equality (AGE), Ombudsperson Institution, Ministry of Internal Affairs (MIA), Independent Oversight Board for the Civil Service of Kosovo, Kosovo Women's Network (KWN), Balkan Research Policy Group (BRPG), the Former-Secretary General of Ministry of Local Government Administration, the Former-Head of Legal Department at the Ministry of Public Administration, and a UN Women international expert on public policy and gender practitioner.

The statistics of public administration were obtained by the Office for Communication of the Ministry of Interior Affairs.

The findings and opinions from the input deriving from the interviews cannot be considered exhaustive but rather an effort to carry out an in-depth analysis on the Public Administration Reform's impact on women's employment and participation in the labour market in Kosovo.

## Legal Framework on Gender Equality in Kosovo: A Summary

Gender equality is enshrined as a fundamental value in Article 7 of the Constitution of the Republic of Kosovo. Furthermore, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), stipulated in Article 22 of the Constitution (Official Gazette of the Republic of Kosovo, 2008), has direct applicability in the Republic of Kosovo and supersedes the other legal provisions in case of a conflict. Lastly, with special emphasis to the civil service, Article 101 of the Constitution stipulates having a civil service composition which takes into account the internationally recognized principles of gender equality

Assembly of Kosovo has adopted the Law no. 05/L-020 on Gender Equality (LGE) that defines gender equality as *"...the entire and equal exercise of women and men, of their human rights. It is the non-presence of gender based discrimination, in opportunities, sharing of resources or benefits, as well as access to services."* LGE (Official Gazette of the Republic of Kosovo, 2015). Moreover, Article 6 for Special Measures states that temporary measures should be taken by public institutions to accelerate the realization of gender equality in areas where it is absent. These measures, as per LGE, could include quotas to achieve equal representation; support programs to increase participation of less represented gender in decision making and public life; economic empowerment and steps to improve the position of men and women in the field of labour; and preferential treatment, recruitment, hiring and promotion.

LGE also establishes the mechanisms in central level for gender equality in Chapter II such as: Agency for Gender Equality (AGE) acting within the Office of the Prime Minister; Kosovo Program for Gender Equality – coordinated and prepared by AGE; the Ombudsperson Institution, gender equality officers in ministries and municipalities, and political parties. Additionally, sanctions are foreseen by LGE in cases when it is violated although, to date, there is no case that an institution has been fined although data collected shows that public institutions are in violation of the Law.

Assembly of the Republic of Kosovo has also adopted the Law No. 05/L-021 On the Protection from Discrimination whose purpose, inter alia, is to establish a general framework for prevention and combating discrimination based on gender. The scope of the Law (Official Gazette of the Republic of Kosovo, 2015) covers public institutions as well in all areas of life inclusive of access to employment and promotions. Furthermore, affirmative actions to prevent or compensate unfavourable groups or persons are foreseen in Article 7.

# An Overview of the Public Administration Reform Strategies from the Gender Perspective

The Public Administration Reform (PAR) in Kosovo, to date, has been planned throughout three main phases which were followed by their respective strategies. The PAR Strategy 2007 – 2012 was abandoned and a new Strategy 2010 – 2013 was developed. Afterwards, the third PAR Strategy 2015 – 2020 came to life. The fourth PAR Strategy 2022 - 2026 has just concluded the phase of public hearing and is being finalized.

Despite having a well-written legal framework that stipulates and calls for gender equality, the public administration reform process has not included a gender perspective at any of its phases apart from some superficial mentioning of equality with no proper gender analysis. Even with a simple search one can find no trace of gender consideration in the PAR Strategies. PAR Strategy 2010-2013 has no mentions of the words “gender” or “equality” or “women”. (Ministry of Public Administration, 2010) Similarly, the Report on the PAR Strategy implementation (Government of Kosovo, 2012) has no reference or no gender impact analysis apart from the statistics of women and men working in the civil service. In the Strategy for Modernisation of Public Administration 2015-2020 (Ministry of Public Administration, 2015) it was foreseen to bring equality in the civil service among others and to pay more attention to the gender representation in accordance with applicable legislation. Nevertheless, in the Action Plans (2015-2017 and 2018-2020) for the Implementation of the Strategy there was no further mention or reference to gender equal representation in the civil service.

## Situational Analysis: Women’s Position in the Public Administration in Kosovo

One of the most heard sentences when discussing gender equality in the public administration in Kosovo is that *“there are around 40% women in the public administration”* implying that gender equality has almost been achieved. While this is a true statement, i.e. women constitute 36.5% of the total number of public administration in Kosovo (state administration, independent agencies, and municipal level) there are very few women in senior decision making positions (Ministry of Internal Affairs, 2022).

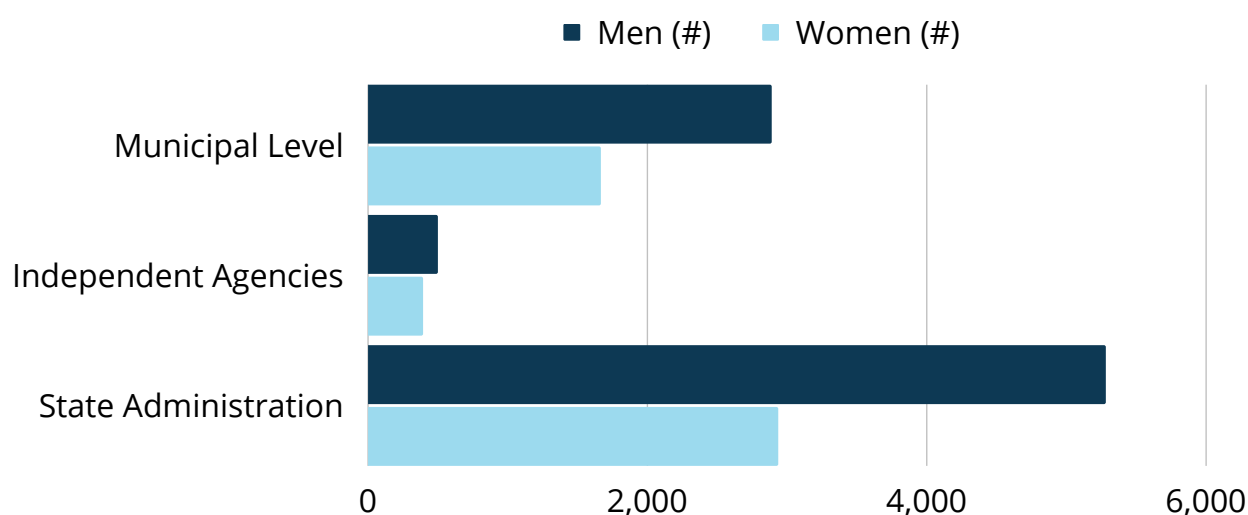
NO:	INSTITUTION	WOMEN (%)	MEN (%)
1	State Administration	35,7%	64,3%
2	Independent Agencies	44%	56%
3	Municipal Level	36.5%	63.5%
Total		36.5%	63.5%

Table 1: Percentage of women and men in public administration in Kosovo

The tables and graphs below show the public administration segregated according to sex in number and percentages as well as the segregated data according to the sex, in number and percentage, for senior, medium, and low, and professional level.

NO:	INSTITUTION	WOMEN (#)	MEN (#)	TOTAL
1	State Administration	2934	5277	8,211
2	Independent Agencies	390	495	855
3	Municipal Level	1664	2885	4,549
<b>Total</b>		<b>4988</b>	<b>8657</b>	<b>13,645</b>

Table 2: Gender disaggregated data of the composition of public administration in Kosovo



Graph 1: Gender disaggregated data of the composition of public administration in Kosovo

While the percentage of women in the public administration in total is 36,5%, the percentage of women in senior manager level in the civil service is very low. Only 19,8% are women in senior management positions compared to men at 80,2%. The Senior Manager Level category, as per the Draft Law on Public Officials, includes the following positions: secretary general, director general in independent and regulatory agencies, executive director and deputy executive director of executive agencies, and equivalent positions.



SENIOR MANAGER LEVEL	
Women (#)	Men (#)
17	69
Women (%)	Men (%)
19.8%	80.2%

Table 3: Senior decision-making positions in numbers and percentages

An even lower percentage of women have mid-level managerial positions as evidenced in the data collected by the Ministry of Internal Affairs. Only 17.3% of the positions in this category that include director of department and positions equivalent to it are held by women whereas 82,7% of the positions are held by men.

MID-LEVEL MANAGERIAL CATEGORY	
Women (#)	Men (#)
79	377
Women (%)	Men (%)
17.3%	82.7%

Table 4: Mid-level managerial positions in numbers and percentage

The lower the level of decision-making goes the higher the number of women in these positions. The table below shows a percentage of 26,8% of women compared to 73,2% of men in the low level managerial category which includes the position of head of division and positions equivalent to it.

LOW-LEVEL MANAGERIAL CATEGORY	
Women (#)	Men (#)
475	1299
Women (%)	Men (%)
26.8%	73.2%

Table 5: Low-level managerial positions in numbers and percentage

The specialists and professionals category, which includes senior professionals in fields that require specific preparation and professional officers, has the highest percentage of women, namely 39% compared with 61% of men.

SPECIALIST AND PROFESSIONAL LEVEL	
Women (#)	Men (#)
4417	6912
Women (%)	Men (%)
39%	61%

Table 6: Specialist and professional level in numbers and percentages

With a very low percentage of women in the civil service (36,5%) and women being mainly concentrated in specialist and professional level positions with much fewer in higher decision-making positions, both the central and local institutions are in violation of the Law on Gender Equality that stipulates for equal representation.

## Findings

The perception and views on the Public Administration Reform in Kosovo differ depending on who you discuss the process with. The gender experts and other interested parties monitoring the PAR process state that it did not and it is not taking into account the gender perspective. The representative from Ministry of Internal Affairs, Mr. Edmir Sejdiu, claims that the PAR Strategy derives from the National Development Strategy (NDS) 2030 and that this is a process that utilizes the top-to-bottom approach and, hence, if the gender perspective has not been included in the NDS it will not reflect in the PAR Strategy (Personal Interview with Mr. Sejdiu, 2022). Furthermore, Mr. Sejdiu states that the Agency for Gender Equality (AGE) has been part of the working group and that they have worked closely with them, implying that the gender perspective was considered. When asked about the inclusion of civil society organizations (CSOs) working on gender issues to provide their input, Mr. Sejdiu states that there has been an NGO invited but claims that there are not many CSOs that have expertise on the public administration reform with the exclusion of a few that have employed former-civil servants. He claimed that no comments have been received in the draft PAR Strategy 2022 – 2026 from any of the civil society organisations although the document has been

on the Platform of Public Discussions. However, Ms. Valmira Rashiti from Kosovo Women's Network (KWN) stated that they have submitted recommendations in the current Draft-Strategy on PAR. According to KWN (Personal Interview with Ms. Rashiti), an obstacle is the non-implementation of the affirmative action especially when hiring in senior managerial positions. Strengthening the implementation of the LGE, with special focus to the affirmative action, has been one of the recommendations that KWN and KGSC have proposed in its Commentary on the European Commission's Kosovo 2021 report (Kosovo Women's Network, 2021) as opposed to the merit-based-recruitment. Ms. Rashiti states that the affirmative action has been misunderstood and there is a need to draft a manual on LGE which would explain the concept.

The common viewpoint on the topic of public administration reform is that there is a complete lack of gender perspective throughout the process which impacts the overall women's participation in the Public Administration and in particular women's representation in senior managerial positions. According to Ms. Edi Gusia, Chief Executive Officer of the AGE (Personal interview with Ms. Gusia, 2022), there was no inclusive analysis conducted prior to the commencement of the Public Administration Reform, particularly in regard to PAR Strategy 2015 – 2020. There was also a lack of will by the European Union Office in Kosovo and Kosovo institutions to analyse the structural obstacles that prevent women from working and/or obtaining decision-making positions. Ms. Gusia states that women still face family norms, caretaker duties, and gender stereotypes when participating in the public life and eliminating the affirmative measure shall mean "removing women from the civil service". AGE's Chief considers that the Draft-Law on Public Officials (hereinafter Draft-Law) is going back in time because this Draft-Law is gender blind in understanding the obstacles that keep women from decision-making positions. She considers the Draft-Law (Assembly of Kosovo, 2022) discriminatory, not based on meritocracy and performance, and violating both women and men's rights. The Draft-Law, according to her, does not provide for career advancement despite having a positive performance. Ms. Gusia emphasizes that this brings more challenges for women to apply for these positions since they are not willing to be part of political schemes and in particular since after completing the mandate as a senior manager the officials are requested to be demoted to a lower managerial position.

Former-Secretary General of Ministry of Local Government Administration, Ms. Rozafa Ukimeraj, brings to the attention other challenges which women face in their quest to working in senior managerial positions (Personal Interview with Ms. Ukimeraj, 2022). Among others, she mentions the lack of support from the political leadership, lack of connections since decisions are taken in cafes; the perception that women are not available 24 hours a day, the attacks women leaders get from media, and public judgement. Ms. Ukimeraj further states the financial compensation senior managers get in exchange for the work, stress, and responsibilities is not high enough to attract women. She also criticizes the media for not maintaining the confidentiality of

candidates for senior managerial positions and for focusing their attention solely on negative occurrences instead which are not necessarily related to the managers themselves. Ms. Ukimeraj recommends that AGE should come up with a reward system for better performing institutions concerning gender equality as a stimulus for representation of more women in the public life.

Institutional life in Kosovo to date is characterized by men's groups and political employments from each political party states Mr. Naim Rashiti from the Balkans Research Policy Group (Personal Interview with Mr. Rashiti, 2022). He further says that women in Kosovo have no such groups (groups of interests, clubs etc.). This, he says is especially the case outside of the capital city, Pristina. The lack of proper infrastructure such as pre-school education institutions, public transportation is seen as an additional obstacle for women to participate in the public life claims Mr. Rashiti. He also claims that the gender quota of 30% for the Assembly of Kosovo has been used more as a ceiling than as a minimum requirement for women's representation in politics. In 2020, one of the women candidates for the Assembly of Kosovo was not sworn in as a Member of Parliament although she had collected more votes than two of her male party members who did (Koha, 2020).

While almost all of the interviewees agree that the PAR is gender blind, Ms. Blerinda Idrizi, an international expert on public policy says that there was no need for such a reform since for a public administration to undergo a reform process it has to have an organizational culture (Personal Interview with Ms. Idrizi, 2022) which Kosovo has had no time to establish by the time the PAR started. According to Ms. Idrizi, having various strategies creates a chaos because they are not being properly implemented but rather started and have no gender perspective both in theory and practice. She further claims that the Draft-Law is inadequate for Kosovo as it cannot be managed from the managerial level: civil servants and teachers or doctors' performances cannot be appraised with the same criteria. However, she sees this more as a tool for collection of votes from political parties. Furthermore, Ms. Idrizi sees a problem on the monitoring process which according to her emphasizes quantity over quality. Furthermore, she states that there is an inclusion of too many donors and various interests and lack of accountability from donors.

The former-Head of Legal Department in the former Ministry of Public Administration (now Ministry of Internal Affairs), Mr. Naser Shamolli, says that the public administration system is based on the system of the European Commission. When discussing about the affirmative action, Mr. Shamolli refers to the Regulation (Grk) No. 16/2020 On Admission and Career in the Civil Service of the Republic of Kosovo which in Article 27 which has a special provisions for candidates with equal points and puts women in the third position after candidates of persons living with disabilities and communities, giving them the right to choose their job position.

Civil servants claiming to have been discriminated against either during the recruitment process or in promotion cases or other occurrences can submit a complaint with the Ombudsperson Institution. The Ombudsperson Institution is entitled to investigate the reported case and come up with recommendations not only stating the issue but also recommending the authority on how to mend the case or prevent future occurrences (Personal written interview with Ms. Majlindë Sinani Lulaj, 2022). The cases reported with the Ombudsman are shown in the Table 7 below. From Table 7 it can be noted that the reported cases between 2019 – 2021 have increased both for discrimination cases and for gender related cases.

YEAR	REPORTED CASES	OPEN INVESTIGATIONS	INADMISSIBLE CASES	GENDER-RELATED CASES	OPEN INVESTIGATIONS	INADMISSIBLE CASES
2022	84	58	26	36	25	11
2021	162	123	39	48	39	9
2020	145	107	28	43	30	13
2019	129	100	29	65	39	26

Table 7: Reported cases with Ombudsperson on discrimination (Statistics for 2022 are until 23 September 2022)

Deputy Ombudsperson, Mr. Niman Hajdari states that there should initially be a comprehensive assessment to see if Kosovo has managed to integrate women in the society and then start implementing meritocracy. However, according to him (Personal Interview with Mr. Hajdari, 2022), Kosovo is not yet at that point. In the question concerning a perception that through the Draft-Law and mandated managerial positions there is an attempt to politicize these positions and thus the public service, Mr. Hajdari states that if there are such indications, the Ombudsman Institution will analyse the situation and if such elements are found it will refer the matter to the Constitutional Court.

Another institution where civil servants can submit their complaints for discrimination in the workplace or candidates for the civil service is at the Independent Oversight Board for Civil Service of Kosovo (hereinafter Oversight Board). The Oversight Board does not have a big role in the Public Administration Reform, namely in the working groups, as mentioned by its President, Mr. Jeton Koca (Personal Interview with Mr. Koca and Ms. Haxhnikaj-Demi, 2022). Though he considers it important as this institution must implement the law and take decisions based on the applicable legislation. Mr. Koca stated that cases of discrimination are being given attention for the first time since he is in the position since January 2022 and the cases are mostly related to equal pay for equal work. The Member of the Council of the Oversight Board also affirmed that there are complaints and remarks on the employment process as there are more men than women hired. The President of the Oversight Board claims that men are not applying in a high number for senior managerial posts since there is a strong political influence in

in these positions and individuals cannot independently perform their tasks or else, they face courts or other obstacles. According to Mr. Koca, the Draft-Law on Public Officials specifying that the managerial positions will now be mandated and not career-based will harm the civil service because it will not allow stability. Mandated positions will demotivate the current staff members in the civil service to apply for the managerial positions, including external candidates. Another concerning issue that Mr. Koca emphasized as discriminatory in the civil service is the parallel mobility and transfer on the interest of the institutions.

The overall conclusion taken from all the interviews is that there is a lack of gender perspective in the PAR and that, seemingly, all the stakeholders and others involved in the process object the mandated positions. It remains unclear, at least publicly and officially, as to where this idea came from and who pushed it forward. This does not benefit neither women nor the public administration as it is an attempt to further politicize the already politicized public administration in Kosovo.

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## Recommendations

Informed by the findings from the interviews with stakeholders and experts on Public Administration Reform and/or gender equality, and the current legal framework in Kosovo, this positional paper puts forward the following recommendations for the Public Administration Reform with special emphasis on the Draft-Law on Public Officials in order to address the lack of participation of women in the public administration and the low number of women in senior managerial level:

- **Public service must remain a career-oriented system; therefore, the mandated managerial positions shall not be considered with the Draft-Law on Public Officials;**
- **The Law on Gender Equality shall be implemented throughout public institutions, both at central and local level with special emphasis on the special measures (affirmative action);**
- **Agency for Gender Equality to reward better performing institutions for achieving gender equality or taking considerable measures by promoting good examples for others to follow;**
- **A manual on Law on Gender Equality shall be drafted with special emphasis on explaining what the affirmative measure means as it is often misunderstood.**

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# Interviews

**Ardita Haxhnikaj-Demi:** Member, Independent Oversight Board for the Civil Service of Kosovo

**Blerinda Idrizi:** International Expert, UN Women

**Edi Gusia:** Chief Executive Officer, Agency for Gender Equality

**Edmir Sejdiu:** Head of Division on Monitoring of the Public Administration Reform

**Jeton Koca:** Head, Independent Oversight Board for the Civil Service of Kosovo

**Majlindë Sinani Lulaj:** Deputy Ombudsperson

**Naim Rashiti:** Executive Director / Senior Balkans Analyst, Balkans Research Policy Group

**Naser Shamolli:** Former-Head of Legal Department, former-Ministry of Public Administration (now Ministry of Internal Affairs)

**Niman Hajdari:** Deputy Ombudsperson

**Rozafa Ukimeraj:** Former-Secretary General, Ministry of Local Government Administration

**Valmira Rashiti:** Project Coordinator, Kosovo Women's Network

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