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AN ANALYSIS ON THE REPRESENTATION OF WOMEN IN CIVIL  
SOCIETY, MEDIA AND CULTURAL INSTITUTIONS IN KOSOVO

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# ABBREVIATIONS

AGE- Agency for Gender Equality

KAS- Kosovo Agency of Statistics Agjencia e Statistikave të Kosovës

ECHR- European Court of Human Rights

IPA – Institution of the People’s Advocate

CEFDG - Convention on the Elimination of All Forms of Discrimination against Women

LGE- Law on Gender Equality

LGBT- Lesbian, Gay, Bisexual, and Transgender

DL- Anti-discrimination law

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# 1. INTRODUCTION

One of the arguments for increasing the number of women in leadership positions is that their participation and role in the design and implementation of public policies has a positive impact on people's lives. The majority of studies in this area are concentrated in western countries and the results are mixed. Although women add new dimensions to the policy agenda, there is little evidence that increasing women's representation changes political outcomes. However, in a survey conducted in Rwanda, it turns out that the higher participation of women in parliament had influenced issues concerning women to be more easily brought up as discussion points.<sup>1</sup>

This research aims to analyze the impact that increasing the number of women in decision-making positions has. In cases where women are leaders of institutions, are there differences in the policies of these institutions? If so, how do these changes manifest themselves? Are there improvements in the lives and higher representation of other women such as marginalized persons, minorities and women and men with disabilities. Are there changes in the acquisition of more equitable policies and other benefits to the community? The research focuses on three areas: civil society, media and cultural institutions. Initially, the research will provide an overview of the state of gender representation as well as respect for human rights in civil society, media and culture. Afterwards, specific cases will be analyzed when these institutions are run by women.

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<sup>1</sup> Claire Devlin, Robert Elgie, The Effect of Increased Women's Representation in Parliament: The Case of Rwanda, *Parliamentary Affairs*, Volume 61, Issue 2, April 2008, Pages 237–254, <https://doi.org/10.1093/pa/gsn007>.



## METHODOLOGY

Throughout this research, a feminist approach has been used to attempt to incorporate the views and opinions of women in the field of culture, media and civil society. Additionally, the author is aware of her position in society and the privileges that may be associated with that position and how this may affect the conduct of research (feminist standpoint method).<sup>2</sup> The research combines diverse methods such as literature review in the field of power and representation, to build the conceptual foundations on which the rest of the research is built. Existing reports and research in this field are then reviewed and analyzed. Legal analysis and analysis of relevant policies for civil society, media and cultural institutions has been done.

The research called on statistical data when accessible and where possible gaps were covered through semi-structured detailed interviews with 10 representatives of institutions (four from civil society, three from the media and three from cultural institutions.) Nine interviewees were women and one man, seven of Albanian ethnicity, two Serbs, a Roma and a representative of the LGBT community. Throughout the research, an intersectional approach was exercised where women were not treated as a uniform category, instead their experiences have been attempted to be understood in interaction with gender, disability, ethnicity, class, sexual orientation and / or religion.

The terms used throughout this research are “woman” and “man”, where gender is perceived as a social category while “sex” is perceived as a biological category, except in cases where the law is cited, which although distinguishes between sex and gender has chosen to use the terms “female” and “male”.

## METHODOLOGY RESTRICTIONS

A main challenge of this research was the aggravated social situation created by the COVID-19 pandemic which has made contact difficult to interview relevant persons. Additionally, the lack of similar reports and research in this area has made it difficult to clarify the context in which women reach decision-making positions. As for the field of culture, this research is focused only within the cultural institutions of the Ministry of Culture, Youth and Sports in Kosovo: National Theater of Kosovo, Gallery of the Ministry of Culture (Qafa), Cinematographic Center of Kosovo, Art Gallery of Kosovo, National Ensemble of Songs and Dances “SHOTA”, Kosovo Philharmonic, Kosovo Film and Ballet of Kosovo.<sup>3</sup> Any other limitations are clearly stated, and where deemed relevant, explanations are given of their impact on the overall analysis.

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2 Hekman, Susan. “Truth and Method: Feminist Standpoint Theory Revisited.” *Signs* 22, no. 2 (1997): 341-65, 2020. <http://www.jstor.org/stable/3175275>.

3 For more visit the webpage of the Ministry: <https://www.mkrs-ks.org/>.

## 2. POWER AND REPRESENTATION

Historically, women have been under-represented in public life and in positions of power. It was initially feminist critique that pointed out that most literature and theories have focused on the lives, experiences and / or theory of men. This also applies to theories of power and representation. Consequently, power is increasingly read as rooted within and reproduced by deep structures and discrete processes not seen by a quick superficial glance. A combination of different **actors**, structures and processes which are elaborated in the following, produce an unequal distribution of opportunities, resources and results while maintaining and creating social inequality.<sup>4</sup> Deconstructing these factors and analyzing them is essential to creating sustainable options and solutions not only for women but also for other marginalized groups.

Traditional theories of power have conceptualized power as power over others. Feminists like Tickner have noticed that in this case power is state-centered, masculine and understood as domination over others.<sup>5</sup> From the feminist perspective, this formulation of power is inappropriate because it ignores the oppressed groups in society and the power relations necessary to keep these groups oppressed. Traditional theories ignore many strands of power that emerge from the shift of gender, class, and ethnic relations to what is considered the boundaries of society.<sup>6</sup>

In order to correct this misinterpretation of power, feminism offers a body of knowledge on how power can be reconceptualized to be more representative. First, the feminist perspective claims to create a more inclusive understanding by deconstructing false classical divisions as private or personal, as opposed to public and political. An important contribution of feminist perspectives to this discipline has been raising the issue that traditional theories not only do not include women, but cannot hope to do so unless the theoretical frameworks are substantially reworked.

This means that just adding women to the equation (just add women) will not achieve the desired social changes when theories, concepts and systems in general are built by and for men.<sup>7</sup> In terms of methodology, feminists see the importance of including women's perspectives and adapting 'feminine' views to the methods by which any discipline is handled. In particular, they emphasize the importance of cooperation between individuals within states, and between states, as forms of female power not recognized by traditional analysts. Rather, the

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4 McMurray, R., dhe Pullen, A., *Power, Politics and Exclusion in Organization and Management*, 2019, Routledge, te: <https://doi.org/10.4324/9780429279683>.

5 Temperley, A., *The Feminist Perspectives on Power*, E-International Relations, Mars, 2013, te: <https://www.e-ir.info/2013/03/13/what-have-feminist-perspectives-contributed-to-our-understanding-of-power-in-the-discipline-of-international-relations/>.

6 Ibid..

7 Ibid..

point is that because of the gender nature of the discipline, the power that manifests through cooperation is overlooked and not understood at all as power.

On the other hand, women's decision-making power is defined as "*their ability to influence political decisions regarding the distribution of public authority, rights and resources*".<sup>8</sup> In order for women to have decision-making power in public life, it is not enough for them to have only formal access to positions of authority and decision-making processes. In fact, decision-making power is a combination of approach, skills and actions taken, indicating whether women will have an impact on politics or decisions regarding their private lives. Having influence with, over and through people and processes is therefore essential to both direction and decision-making power.<sup>9</sup> It should be noted here that this decision-making power of women varies depending on different regions, sectors and socio-economic groups.

## PUBLIC / PRIVATE DIVISION

One of the key feminist criticisms is the division of public and private. It is essential to the feminist perspective to point out that men predominate the public sphere, while women are "stuck" in the private. Historically, this division between the home as private and the rest of civil and political society as public was determined by social norms, and reinforced by law. This division related to gender but was not "cut with a knife". The fact that women could not be active in public life by voting or doing certain jobs that were not considered "feminine" reinforced the notion that women only had a place in the private sphere of home and family. The line between the public and the private is understood in two ways. It is sometimes used to refer to the designation of an area of personal privacy protected by state regulation. This may mean "decision-making privacy", a concept related to personal autonomy, or referring to "privacy of space" where the home and family are considered sacred.<sup>10</sup> This has contributed to, for example, domestic violence being underestimated and silenced, as it is a "family matter". However, feminists have pointed out that this is not the reality because the private sphere was still regulated by the state on issues that were considered important to certain groups such as marriage or abortion but not on issues such as violence against women.

This division has also been analyzed in the Balkans to better understand how women have been "excluded" from the public sphere.<sup>11</sup> However, due to androcentric and Eurocentric

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8 O'Neil, T., dhe Domingo, P., *Women and power, overcoming barriers to leadership and influence*, 2016.

9 Po aty.

10 Higgins, T. E., *Reviving the Public/Private Distinction in Feminist Theorizing Symposium on Unfinished Feminist Business*, Fordham Law School, 1999, te: [https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1322&context=faculty\\_scholarship](https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1322&context=faculty_scholarship)

11 Prtorić, J., *Spahić-Šiljak: 'Ethnic division leads to women — but also men — having their rights violated'*, Kosovo 2.0, XXXX, te: <https://kosovotwopointzero.com/ethnic-division-leads-to-women-but-also-men-having-their-rights-violated/>, dhe: Hasa, G., *Danaj: 'Normat dhe pritshmëritë patriarkale nuk mund të shuhen brenda një dite'*, Kosovo 2.0, XXXX, te: <https://kosovotwopointzero.com/ermira-danaj-normat-dhe-pritshmerite-patriarkale-nuk-mund-te-shuhen-brenda-nje-dite/>.

assumptions, the public / private concept has been criticized for ignoring certain inappropriate power relations for example, African-American feminists,<sup>12</sup> and despite cultural and social differences, it can also be applied, for example, to minority women in Kosovo. However, deconstructing the public / private divide has been necessary to understand how these categories serve to establish and maintain particular power hierarchies, and consequently to change these hierarchies.

## FORMAL AND INFORMAL DIVISION

With all the attention the public / private divide is receiving, feminists today are focusing on another divide. Recent studies show that the separation between formal and informal during decision making is just as important. 'Informal' engagement strategies are used to influence 'formal' institutions and structures. A concrete example, which play an important role in access to decision-making, are "informal care jobs". Concerns have recently been raised in Kosovo about the new labor law, which has resulted in negative effects on maternity leave. Supposedly, in addition to making it difficult for women to obtain long-term contracts, the risk of women being over-represented in the informal sector has also increased.<sup>13</sup> Additionally, one of the reasons cited by women as a barrier to looking for work is also the lack of time to work due to family obligations and the lack of access to child care.<sup>14</sup> Certainly caring for family members, especially children, prevents women from pursuing careers when there is no adequate state policy. Also, men often use informal channels to reach leadership positions either by lobbying indirectly through "men's chambers" during election campaigns, informal meetings after work between colleagues, etc. These strategies are often not accessible to women who are already burdened with the burden of care work or limited by social norms to be part of male-dominated spaces (in this case chambers).<sup>15</sup> All of these factors are important in how women approach power and decision-making positions.

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12 Bargetz, B., *The Politics of the Everyday: A Feminist Revision of the Public/Private Frame*. In: Reconciling the Irreconcilable, ed. I. Papkova, Vienna: IWM Junior Visiting Fellows' Conferences, Vol. 24, 2009, te: <https://www.iwm.at/publications/5-junior-visiting-fellows-conferences/vol-xxiv/the-politics-of-the-everyday/>.

13 Zeka, E., Hyseni, P., Leuther, J., Beqiri, G., Abdixhiku, L., Hashani, A., Nixha, A., *Të paguash apo të mos paguash: Informaliteti nga këndvështrimi i bizneseve në Kosovë*, Instituti Riinvest, 2013, fq. 7, te: [https://www.riinvestinstitute.org/uploads/files/2016/October/17/BUSINESS\\_INFORMALITY\\_5mm\\_bleed\\_no\\_inside\\_ALB\\_FINAL\\_v613964385731476692858.pdf](https://www.riinvestinstitute.org/uploads/files/2016/October/17/BUSINESS_INFORMALITY_5mm_bleed_no_inside_ALB_FINAL_v613964385731476692858.pdf).

14 Dobranja, D., Mehmeti, I., Beqiri, G., Mati, V., dhe Hashani, A., *Drejt fuqizimit: Faktorët që ndikojnë në vendimet ekonomike të grave në Kosovë*, Instituti Riinvest, 2018, fq. 9, te: [https://www.riinvestinstitute.org/uploads/files/2019/February/20/Womens\\_economic\\_empowerment\\_ALB1550674286.pdf](https://www.riinvestinstitute.org/uploads/files/2019/February/20/Womens_economic_empowerment_ALB1550674286.pdf).

15 This has also been noted by the representative of KCGS during the interview..

## REPRESENTATION AND FACTORS INFLUENCING WOMEN'S DECISION-MAKING POWER

Representation in decision-making can be descriptive, substantive and symbolic. A concrete case of representation is representation through numbers, i.e the percentage of women present in decision-making institutions such as the number of women or the mandatory quota in parliaments and institutions. Meaning, equality is measured through the numbers of women and men elected. On the other hand, substantive representation refers to representation where institutions pursue policies that are in line with the interests of their constituents, i.e do women pursue the goals and interests of their constituent women. However, when it comes to women's representation, the question arises as to whether they represent 'women' and who defines women's 'needs'. Finally, symbolic representation refers to how the presence of decision-makers shapes the beliefs and attitudes held by intellectual elites and the mass public.<sup>16</sup> The presence of women decision-makers has a symbolic role to change the opinion and attitudes of the public that women can and are part of these positions, serving as role models. As is the concrete example where the increase in the number of women in parliament has normalized and broken the idea that women can not be part of these institutions.

An analysis of women's decision-making power distinguishes three main factors which, in interaction with each other, enable women this power: social rules, structures and skills.

The rules that shape people's behavior and interactions in social, political, and economic life play an important role in how women access and exercise decision-making.<sup>17</sup> This includes written and unwritten rules. How formal rules work also depends on their interaction with informal (unwritten) rules, social norms and practices. These include customary and religious law and informal political norms. Social norms are so ingrained in the social mentality that often people do not even recognize their effect on their behavior, such as sexism or racism.<sup>18</sup> Four changes in the official (written) rules have been beneficial in increasing women's access to decision-making worldwide, thus affecting Kosovo as well.

Firstly, the extension of civil and political rights has made it possible for women (and men) to participate in public and economic life. Secondly, many countries are progressively eliminating laws that specifically discriminate against women. This is gradually happening in Kosovo with the adoption of legislations on gender equality and anti-discrimination as will be elaborated in detail in the second part of this research. Thirdly, democratization has provided a much larger number of women's experiences in political offices - including the poorest women in countries where local government is elected by ballot. Fourthly, affirmative action measures, such as electoral or party quotas, have been critical to reducing the representation

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16 Tadros, M. *Women in Politics: Gender, Power and Development*, 2014, Zed Books, fq. 4.

17 O'Neil, T., dhe Domingo, P., *Women and power, overcoming barriers to leadership and influence*, 2016.

18 Ibid.

gap in many countries, especially within national legislatures.<sup>19</sup> This has happened in Kosovo as well, where the gender quota in the parliament has opened the way for women today to be elected even without a quota. In practice; however, it is the combination of different rules and incentives that structure the political opportunities of different women.

Structures are the deepest social, economic and political strata, groupings and models that form a society. They tend to be persistent over time: for example, socially constructed categories and identities, such as class, gender, ethnicity, or sexuality, endure for centuries. But it is structural changes that reduce inequalities that are required to close the gender or ethnicity gap.<sup>20</sup> Urbanization, economic diversification, and changes in the gender division of labor are slowly shifting beliefs and societal expectations in developing countries. Women's participation in the formal labor market has challenged restrictions on women's movement and provided them with the opportunity to move from the private to the public sphere. In particular, large-scale war has catalyzed changes in gender relations. The disruption of traditional gender roles and stereotypes during the war is one reason for this. Although, feminist activists in Kosovo have raised issues that before and during the war this gender divide was less visible during liberation activism, while after the arrival of UNMIK in Kosovo women were excluded from the public sphere again. One explanation for this could be the "respect for local culture" approach, an approach often followed by foreign missions and in this case a misunderstanding of Kosovar culture.<sup>21</sup>

Women need to use a range of skills to take advantage of the opportunities presented by institutional and structural change. If we look at women politicians in general they tend to be educated, middle class, especially those who deal with politics outside their close communities.<sup>22</sup> A girl's future political power is often directly related to her family's socio-economic status and her parents' attitude towards girls' education - and, in particular, to higher education. Families are also a training space for women leaders. Living in a family with active politics can equip women to be politically engaged - such as when parents or spouses are involved in activating their communities. Early access to activism, e.g. in civil society, enables girls and women to more easily engage in leadership positions and gain work experience.<sup>23</sup> The private sphere also equips the power of women in the public sphere for adulthood. Women have less time and less resources than men due to the gender division of domestic and reproductive work: therefore the financial and moral support of men and other close family members is often beneficial to a woman's political career. And women who have economic capital, in the form of ownership and control over resources, income and assets, are more likely to have decision-making power at home, especially when this economic capital is combined with cultural and social capital,

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19 Ibid.

20 Ibid.

21 This issue was raised by feminist activists during interviews. I consider that this topic deserves more elaboration to understand these changes.

22 *Women and power, overcoming barriers to leadership and influence.*

23 This issue was assessed as very important in the interview with the CIVIKOS representative..

such as, education.<sup>24</sup> Women's political power also depends on their collective abilities. The organization of women with each other is essential to examining male domination and building the solidarity needed to challenge it. Strong, independent women's organizations are also tools that bring about change in gender laws and practices, especially in areas such as violence against women or family law that encounter strong social resistance. It was women activists in Kosovo who protested and demanded that Kosovo have a Law on Gender Equality and appropriate policies to combat domestic violence.<sup>25</sup> In fact, many of the issues that directly affect women's rights and dignity such as wartime rape, domestic violence, property and inheritance were originally raised by women activists.

## WHERE AND HOW CAN GENDER EQUALITY BE AFFECTED?

Research shows that increasing the number of women in decision-making positions has positive effects on society is limited. Research of this kind notes that gender equality in decision-making can affect three dimensions: quality, results and performance, and a new agenda.<sup>26</sup> First, the promotion of women to senior positions would represent a dramatic change in the status quo, in which male representatives predominate. Since capable and talented women are abundant, this change would produce a better selection process, giving positive effects on the quality of representatives. Second, women contribute to better outcomes and improved performance of institutions and organizations. However, the relationship between gender and economic performance is debatable, and inconclusive. Third, women in decision-making positions can contribute to setting a new agenda for the organization, including issues that are usually neglected by men. For companies this may involve a shift towards less risky decisions, or towards sustainability and environmental policies with a longer time horizon.<sup>27</sup>

An important change related to gender equality is the emergence of a new agenda, i.e. a new direction for the institutions or field movements of previously unexplained policies. Gender equality in decision-making positions is important to ensure that certain items (which can have a positive impact) are part of the agenda. Since women are more connected to the private sphere, then they tend to raise social issues that affect the well-being of the community and children.<sup>28</sup> In public policy decisions, women leaders tend to pay more attention to social, welfare, health, and education issues than men. However, these are few and far between in de-

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24 The KCGS representative emphasized in particular that only economic independence will achieve the desired effect to improve the position of women in society.

25 Based on the interview with the representative of the Kosovo Women's Network .

26 Profeta, P., *Gender Equality in Decision-Making Positions: The Efficiency Gains*, 2017.

27 Ibid.

28 Interview with KCGS representative.

veloping countries. For developed countries, (little) existing evidence is inconclusive.<sup>29</sup> Therefore, it is difficult to conclude how the increase in the number of women in decision-making positions will affect the community at large. More research is needed to understand the role of women in decision-making and their effect on policies. However, many of the cases discussed above and throughout the research suggest that the effects are positive.

## THE BURDEN ON WOMEN

In public opinion and in discussions with women it is clear that there is an expectation that women participating in decision-making should be gender-aware and gender-responsive. Furthermore, they are expected to support a gender agenda and advocate for gender responses on the platform of their institutions.

Many questions and other assumptions arise from this issue. Can we assume that women in politics will be more predisposed than men to prioritize social concerns and marginalized population groups because women are usually socialized to have stronger sense of self-worth? Can we expect women to have a stronger sense of justice, and to be less prone to corruption than men because women usually have a greater role in raising their children in the moral values of society and so will try to be models of morality, themselves? That they will not only want to preserve human life, but also the environment that humans continue to use regardless of the reality of the sustainability of life on earth?<sup>30</sup>

Several factors make it impossible to support these assumptions. First, what society often forgets to reflect on is that most women have grown up and socialized in traditional roles in a patriarchal society and have integrated these traditional values of inequality between women and men.

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29 Ibid.

30 Miranda R. T., *Impact of women's participation and leadership on outcomes*, 2005.



So we all have a piece of patriarchy within ourselves, some more and some less, as a result of being born and raised in such a society. For a woman to be born gender conscious then she would have to be an extraordinary woman who is a self-taught feminist. Many of us have worked and educated ourselves for years regarding feminism and gender issues. One or two sessions to raise gender awareness as part of women leadership training may not be enough to undo socialisation deep into the traditional values of most women.

Another fact that is often overlooked is that women do not form a homogeneous group determined solely by their gender. Meaning that women are not a uniform category. Their interests will be in function of their socio-economic class, race, religion, ethnicity and other demographic characteristics of age and location. Moreover, there is a greater probability that the women who come to power are privileged women who come from the elite and thus may not be inclined to challenge the interests of their class, especially when reinforced by the traditional values of loyalty and gratitude to one's family and clients. This happens frequently in Kosovo where loyalty to the party and the family is considered much more important for women in power as opposed to advancing gender issues.<sup>31</sup>

As public space for women in Kosovo is limited, women often feel like they are in competition with each other to prove themselves. Also, unlike men, women feel the heavy burden of representing all women and not just themselves. As one of the interviewees pointed out, when she participated in televised debates and was the only woman on the panel, she felt the burden of representing all Kosovan women and was under the critical inspection of the public and other male colleagues. If she were to make an error or fail then this would be interpreted as a fail for all women.<sup>32</sup> While for men this usually does not happen and they freely represent only themselves. Consequently, this issue ends up being another burden for women.

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31 Interview with KCGS representative.

32 Interview with CIVIKOS representative.

### 3. LEGISLATION, POLICIES AND PRACTICES

The following section will analyze the representation of women in civil society, media, and cultural institutions to provide a clearer context for how women should maneuver to exercise their decision-making power. I will first elaborate on a general legal background in Kosovo over the last 20 years to illustrate women's activism for creating a better legal framework towards gender equality. Women activists and women's organizations have played a key role in advancing these changes and advancing women's rights either through the transnational activism of international women's organizations or through local activism.<sup>33</sup> Then each respective field will be analyzed by the specific legislation, the situation reported by similar research as well as statistical data.

Kosovo adopted their first Law on Gender Equality in 2004. With this law, the Office for Gender Equality was established as a separate government institution, creating relevant positions for gender equality officials at central and local level. This law was aimed at achieving gender equality at a rate of 40% at all levels of legislative, executive, judicial and public institutions.<sup>34</sup> In 2007, the Office for Gender Equality was transformed into the Agency for Gender Equality (AGE) within the Office of the Prime Minister. Although it provided a remedy to address gender equality, the law did not have clear provisions on remedies, including legal protection, penalties, and compensation.<sup>35</sup>

With the declaration of independence of the Republic of Kosovo, the constitution guarantees fundamental human rights and freedoms, including equality before the law. The constitution also prohibits discrimination on the basis of gender, and the state "*provides gender equality as a fundamental value for the democratic development of society, equal opportunities for participation of women and men in political, economic, social, cultural and other areas of social life.*"<sup>36</sup>

Considering that Kosovo is not a signatory to international human rights instruments, it has chosen to implement them directly by including them declaratively and in case of conflict these agreements take precedence over the provisions and laws of public institutions.<sup>37</sup> This includes the most important international instrument in the field of women's rights: the Convention on the Elimination of All Forms of Discrimination against Women (CEFDG). The Constitution stipulates that affirmative measures to improve the situation of persons and groups who are in an unequal position in society are permissible until the goal for which they

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33 Interview with KWN representative.

34 Kosovo Assembly, Law on Gender Equality, 2004, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2457>.

35 Ibid.

36 Constitution of the Republic of Kosovo, (2008). Chapter II, available at: [http://kryeministri-ks.net/wpcontent/uploads/2018/03/Kushtetuta.e.Republikes.se\\_Kosoves-2.pdf](http://kryeministri-ks.net/wpcontent/uploads/2018/03/Kushtetuta.e.Republikes.se_Kosoves-2.pdf).

37 Ibid, Article 22.

are set is achieved. Furthermore, the rights guaranteed by the Constitution are interpreted in accordance with the judgments of the European Court of Human Rights (ECHR).<sup>38</sup> In the same year, the Kosovo Program for Gender Equality was approved, at that time as one of the most important documents for gender equality. A positive step was marked in 2015 with the adoption of the package of human rights laws that included: Law no. 05 / L-020 on Gender Equality, Law no. 05 / L-021 on Protection from Discrimination, and Law no. 05 / L-019 on the People's Advocate.

The purpose of the LGE is a typical example of gender equality and human rights laws. It includes three basic obligations: guaranteeing, protecting and promoting equality. Although the second paragraph of Article 1 explicitly states that the law defines the responsible institutions and their competencies regarding general and specific measures, taking into account the wide scope of the law, this is only partially defined.

#### **Article 5 General measures for the prevention of gender discrimination and ensuring gender equality**

- 1.1. analysis of the status of women and men in relevant organizations and areas;
- 1.2. approval of strategies and action plans for the promotion and establishment of gender equality in accordance with the Kosovo Program for Gender Equality;
- 1.3. the inclusion of gender integration in all policies, documents and legislation;
- 1.4. ensuring the recruitment processes, recruitment and work selection, including management positions, in accordance with the requirement for equal representation of women and men;
- 1.5. the inclusion of gender budgeting in all areas, as a necessary instrument to ensure that the principle of gender equality is respected in the collection, distribution and allocation of resources;
- 1.6. ensuring equal representation of women and men in all conferences, meetings, seminars and trainings abroad and at home;
- 1.7. allocating adequate human and financial resources for programs, projects, and initiatives to achieve gender equality and women empowerment;
- 1.8. distribution by gender of all necessary statistical data, which are collected, recorded, processed and obliged to submit these data to the Kosovo Agency of Statistics;
- 1.9. to take into account gender equality in the case of naming institutions, schools and streets.

While the law has created responsibility for public institutions to undertake general measures to prevent gender discrimination and ensure gender equality,<sup>39</sup> the language used in taking special measures in some cases is presented as less mandatory where it is stated that

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38 Ibid, Article 53.

39 Law on Gender Equality.

“Public institutions take special temporary measures in order to expedite the realization of de facto equality between women and men in those areas where there is inequality.”<sup>40</sup> In paragraph 7, language is more mandatory: Legislative, executive and judicial bodies at all levels, as well as other public institutions, are obliged to adopt and implement special measures to achieve the representation of the under-represented gender, until the achievement of equal representation of women and men according to this law.<sup>41</sup> However, the word “until” gives the groundwork of a progressive character in the sense that the legislator has thought of its gradual realization and not immediate.

### **Article 6 Special measures**

1. Public institutions take special temporary measures in order to accelerate the recognition of de facto equality between women and men in areas where there is inequality. 2. Specific measures may include: 2.1. quota to achieve equal representation of women and men; 2.2. programs to help and support increased participation of the under-represented gender in decision-making and public life; 2.3. economic empowerment and steps to improve the position of women or men in the field of work, education, health, culture and the allocation and / or redistribution of resources; preferential treatment, recruitment, employment and promotion, and other measures in each area where there is inequality.

Unlike previous laws, LBGj considers that equal gender representation means “*the minimum representation of fifty percent (50%) for each gender*”.<sup>42</sup> However, this paragraph is only declarative and the use of the word “minimum” further clouds the application of this provision.

The scope of the Law on Protection from Discrimination is vast and provides the application of actions or omissions, of all “*central and local state institutions, natural and legal persons, public and private sector, who violate, have violated or may violate the rights of any person or natural and legal persons, in all areas of life*”.<sup>43</sup> However, this law does not address the specifics of the media sector to guarantee gender diversity, ethnicity, sexual orientation, ability. Also, it does not include the specifics that arise from the use of social networks and online media.

The Law on Ombudsperson regulates the establishment of a legal mechanism for the protection, supervision and promotion of fundamental rights and freedoms in Kosovo from illegal and irregular actions or omissions of public authorities, institutions and persons. Further, it determines the organization and functioning of the Institution of Ombudsperson, defining the procedures and the way of work of the Institution of Ombudsperson.<sup>44</sup>

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40 Ibid.

41 Ibid., Article 6 (7).

42 Ibid, Article 6 (8).

43 Republic of Kosovo, Assembly, Law on Protection against Discrimination, 2015, Article 2, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10924>

44 .

All these laws apply to public and private institutions in Kosovo, of course depending on the articles and procedures defined in the law and different situations they can be used as tools to advance the representation of women in decision-making positions and their position in society in Kosovo.

## AFFIRMATIVE MEASURES

Throughout the research many of the women interviewed stated they are against affirmative actions even though they see them as important. Given the many misunderstandings not only by the institutions, but also by Kosovar society, it is important that these measures are explained in more detail. Affirmative measures aim at redistributing positions among underrepresented groups as in the case of the redistribution of social resources. This is because they see the problem of inequality in the allocation of privileged positions, and this is a deep structural problem.<sup>45</sup> In order for fundamental change to occur, the structural and institutional reasons for the exclusion of under-represented groups need to change, including the division of home-based work, the interaction between family and paid work, education and other areas. Formal numerical equality as an objective may address some inequalities, but if not followed by other measures this equality remains an illusion.<sup>46</sup> Affirmative measures are one of the many measures that the state must take to address social inequalities, and are necessary for three reasons: removing obstacles and correcting the disadvantages of the past, representation and perspective, creating rolemodels and diversity.

Initially, women were called upon to increase the number of women in decision-making positions on the grounds that only the presence of women would guarantee the interests of other women in society. This has been problematic because in reality this does not always happen.<sup>47</sup> However, authors like Young argue that decision-making is the result of communication and discussion based on more than egotistical impulses, on the desire to achieve a fair and reasonable outcome. Consequently, participants are willing to recognize the concerns and beliefs of others in themselves, not just in order to turn in favor of the interests of their constituents. Moreover, this approach does not take an abstract, unbiased view of rationality, but acknowledges that the decision-maker's particular life experience is reflected in his or her point of view. Since gender remains such a strong determinant of a person's life, the predominant advantage of only one gender in decision-making makes it impossible for the experience and perspective of the excluded group to be articulated and framed.<sup>48</sup> According to this view, it is possible to characterize the presence of women as being able to open new perspectives

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45 Young I., *Justice and the Politics of Differences*, Princeton University Press, 1990, fq. 193.

46 Fredman, fq. 263.

47 Shih përshembull rastin e Margaret Thatcher në Mbretërinë e Bashkuar, apo rastin konkret në Kuvendin e Kosovës kur njëra nga deputetet gra kishte votuar kundër ndryshimit të ligjit për të përfutur edhe të mbijetuarat gra të dhunës seksuale gjatë luftës.

48 Young, p. 116.

in decision-making, to shed light on assumptions that dominant groups perceive as universal, and to strengthen the preservation of (social knowledge).<sup>49</sup> In other words, where a group is excluded from a particular environment, be it a workforce or an educational institution, it is likely that the perspectives and experiences of group members, particularly those related to exclusion, will be underestimated, misunderstood, or ignored by the dominant group, making it impossible for the excluded group to change its unfavorable position.<sup>50</sup> However, care must be taken not to “essentialize” a certain group as uniform, because even within groups there are different factors (such as ability, sexual orientation, ethnicity) that interact and result in different needs and views.

LGE provides for the definition of affirmative action and specifically states that they do not constitute gender discrimination, and whether equal treatment is defined as “*equal treatment without any direct or indirect discrimination on the grounds of sex and the promotion of gender equality*”, then it is reasonable to see them as part of equal treatment. Furthermore, the LGE explicitly states that any provision which is contrary to the principle of equal treatment under this law shall be repealed.<sup>51</sup>

## PERCEPTIONS ON LEGISLATION AND POLICY

In various reports and in public discourse there is a belief that the current legislation in Kosovo; in particular, on human rights and women’s rights is advanced. Of course, the harmonization of this legislation with international standards has really influenced the laws to be progressive. All respondents agreed that the legislation is of a high standard. However, the same does not happen for state policies, where the general perception was that adequate policies are lacking. Especially in the area of gender equality and women’s rights, laws often remain on paper and policies if created are enough to “tick the box”. Some of the interviewees, although claiming that the legislation is adequate, lacked information regarding the requirements arising from the Law on Gender Equality, although this Law obliges them as well.<sup>52</sup> This makes it difficult to implement the laws in practice and consequently the access of women to decision-making positions.

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49 Ibid.

50 Ibid.

51 LGE, Article 5(2).

52 Interviews with representative of cultural institutions.

## CIVIL SOCIETY IN KOSOVO

Kosovo has a diverse history when it comes to civil society, with an active civil society and extending to all economic, social and political fields. Freedom of association in non-governmental organizations is regulated by Law NO. 06 / L-043 on freedom of association in non-governmental organizations, which sets out the rules for the establishment, registration, operation, suspension, termination, prohibition of action and deregistration of non-governmental organizations.<sup>53</sup> The law provides the possibility of the organization to be in an association, foundation and institute. The association is a membership organization, grouped based on the free will of persons of common interest, for the realization of goals in social interest or public benefit, while the foundation is a non-membership organization, established for the management of property and assets, for the realization of legitimate purposes for public benefit or mutual interest. As well as the institute is a non-member NGO, established to achieve legitimate goals for public benefit or mutual interest.<sup>54</sup>

The law also provides equal treatment and protection against discrimination:

### **Article 5 Equal treatment and protection against discrimination**

1. Every person exercises the freedom of association equally. 2. The NGO exercises its activity in accordance with the principle of respect, protection and implementation of fundamental human rights and freedoms, defined in the Constitution, laws and international agreements in force. 3. Policies, legislation, as well as activities related to the NGO, are implemented in accordance with the bases defined by the relevant Law on Protection against Discrimination.

While in Kosovo, in the public and private sectors, women continue to be significantly underrepresented, non-governmental organizations have a more gender balanced composition. According to the report of the Kosovo Civil Society Foundation in 2018 in Kosovo non-governmental organizations were employed 53.5% men and 46.5% women. At first glance we can assume that this sector is better in terms of gender equality, but if we research more deeply gender inequalities continue to be present in managerial positions where men dominate.<sup>55</sup>

In addition to being part of civil society as workers, women in Kosovo have been and continue to be very active in their organization through the establishment, leadership and networking of these organizations. This has enabled them to work in a coordinated manner in the field of women's rights and human rights using their human and lobbying capacities to raise public awareness and improve the human rights situation in Kosovo. In particular, these organizations have advocated for

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53 Assembly of Kosovo, Law NO. 06 / L-043 on freedom of association in non-governmental organizations, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=19055>

54 Ibid.

55 KCSF, Kosovo Civil Society Index, 2018, available at: <https://www.kcsfoundation.org/wp-content/uploads/2018/12/Indeksi-Kosovar-i-Shoq%C3%ABris%C3%AB-Civile-2018.pdf>.

advanced legislation to protect and respect women’s rights as well as adequate implementation of this legal framework. The Kosovo Women’s Network (KWN) can be taken as an example, with more than 150 women’s organizations, the G-7 Group of seven women business leaders later establishing the Women’s Chamber of Commerce, the Gender Equality Lobby, the Network of Roma, Ashkali and Egyptian Women’s Organizations and the Shelter Coalition.<sup>56</sup> However, it should be noted that many of these organizations are grassroots organizations and their access to funds and capacity is limited.<sup>57</sup> However, despite their importance, it is necessary that issues of women’s rights and gender equality be addressed by other organizations as well, so that they are not only marginalized in women’s associations, but have a wider and more diverse scope.

No.	Regioni	Nuber of NGOs	Led by men	Led by women
1	Prishtinë	154	98	56
2	Prizren	21	18	3
3	Mitrovicë	39	25	14
4	Pejë – Gjakovë	23	12	11
5	Gjilan – Ferizaj	22	14	8

**Tabel 1.: Number of CIVIKOS member organizations divided by gender of leaders. Data provided by CIVIKOS.<sup>58</sup>**

## MEDIA

The media plays an important role in the general public in the field of gender equality either by challenging gender stereotypes or by maintaining and reproducing them.<sup>59</sup> Usually, there is no gender balance for the people interviewed and the programs rarely address topics related to gender equality. Women’s participation is divided according to topics that are considered more feminine, such as education, gardening, etc. while men participate in topics that are considered more masculine such as finance, employment or politics. Policy analysis and editorial work is largely done by men.<sup>60</sup>

One of the most important institutions for creating an adequate environment for media development is the Independent Media Commission, which is regulated by the Law

56 Republic of Kosovo, Government, AGE, Kosovo Program for Gender Equality 2020- 2024, 2020, available at: <https://abgj.rks-gov.net/assets/cms/uploads/files/ABGJ%20Programi%20i%20Kosov%C3%ABs%20p%C3%ABr%20Barazi%20Gjinore%202020-2024.pdf>

57 Interviews with KWN and CIVIKOS representative.

58 This data was not available according to ethnicity or disability.

59 Republic of Kosovo, AGE, Kosovo Gender Profile, 2008, available at: <https://abgj.rks-gov.net/assets/cms/uploads/files/Publikimet%20ABGJ/Profili%20Gjinor%20i%20Vendit%2014%20-ALB.pdf>

60 Ibid.



on the Independent Media Commission no. 4 / L-44.<sup>61</sup> The KPM mission is: 1. Promote and maintain a fair and open system for licensing and regulating audio-visual media services and for managing the transmission frequency spectrum in accordance with the best international standards. 2. To contribute to the professionalization of audio-visual media services. 3. Support the freedom and pluralism of audio-visual media services. According to Law no. 04 / L44 The Independent Media Commission is an independent body that regulates the spectrum of Transmission Frequencies in the Republic of Kosovo, licenses public and private broadcasters, determines and implements the broadcasting policy and exercises other competencies defined by law. However, the IMC does not have a mandate in terms of the content of the media (always taking into account freedom of expression).

In an analysis of the print media conducted by the Agency for Gender Equality (AGE), the findings show that women continue to be portrayed within gender stereotypes and there is a lack of mechanisms that enable balanced reporting in terms of gender in all areas. The print media should improve their approach to promoting gender equality by providing ample space and raising the quality of articles. It was noted that there is a lack of awareness on gender issues and that this could be addressed through training of journalists for the purpose of professional and quality reporting, especially in areas where girls and women are the main protagonists, such as articles related to violence against women, domestic violence, and women in politics. These articles would then raise public awareness and encourage decision-makers to initiate and implement adequate policies that guarantee gender equality.

Although there is no accurate data on the number of women in decision-making positions and management boards, AGE recommends that media institutions ensure that their management and editorial boards have gender-balanced representation. Also, the media regulator is recommended to monitor, analyze and report regularly on the gender sensitivity of the media, as well as impose more specific sanctions.<sup>62</sup> In general, AGE reports that media legislation continues to not be fully implemented. In the absence of monitoring and reporting on the implementation of legal mechanisms, it is impossible to evaluate them. Gaps should be identified along with an in-depth assessment of the situation to address the lack of legal provisions as well.

Analysis of the Kosovo Agency of Statistics (KAS), "Women and Men in Kosovo 2016-2017" notes that gender inequalities are present in "*many social and economic levels of living ... [including] ... participation and representation in culture and media*"<sup>63</sup> Although this analysis does not elaborate on these inequalities nor does it provide any relevant explanation as to why this occurs. Some research conducted by non-governmental organizations regarding the work of RTK has assessed that there is discrimination and has also reported cases of improper man-

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61 Assembly, Law no. 04 / L44 The Independent Media Commission , available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2809>.

62 AGEABGj, Women in written media 2014-2015, 2017, available at: <https://abgj.rks-gov.net/assets/cms/uploads/files/Publikimet%20ABGJ/ABGJ%20HULUMTIMIGrat%C3%AB%20n%C3%AB%20Mediat%20e%20Shkruara.pdf>.

63 KAS, Women and men in Kosovo 2016-2017, 2018, available at: <https://ask.rks-gov.net/media/4519/burrat-dhe-grate-2016-2017.pdf>.

agement of human and financial resources of RTK. However, there is a lack of gender indicators that would enable the monitoring and evaluation of the implementation of the Law on Gender Equality (LBGj) and the Anti-Discrimination Law (LD) in RTK.<sup>64</sup> Finally, the RTK Board elected by the Assembly of Kosovo is composed entirely of men.<sup>65</sup> This is a case where the representatives of the Assembly themselves (women and men) have chosen to completely ignore the Law on Gender Equality when they should be its implementers.

Social networks have provided women and girls with an opportunity to share their voices and experiences, and have played an important role in “cyber feminism” for awareness campaigns and advocacy.<sup>66</sup> However, the lack of legal and ethical regulation also translates into their use to incite hatred, extremism, and chauvinism.

According to the IMC, in 2018, in Kosovo:

- Number of TV and Radio stations licensed by languages:
- Licensed 20 TV stations:
  - 1 public TV station;
  - 13 TV stations in the Albanian language;
  - 5 TV stations in the Serbian language;
  - 1 TV station in the Turkish language.
- Licensed 83 Radio Stations:
  - 2 public broadcaster radio stations;
  - 48 radio stations in the Albanian language;
  - 23 Serbian language radio stations;
  - 3 Bosnian language radio stations;
  - 3 radio stations in Turkish language;
  - 2 radio stations in Gorani language;
  - 1 radio station in Romani language;
  - 1 multiethnic radio station.

	Female Owner	Male Owner	Female Director	Male Director	Total	Female Owner	Male Owner	Female Director	Male Director
Radio	6	48	11	47	112	5%	43%	10%	42%
TV	1	16	4	12	33	3%	48%	12%	36%

**Table no. 2: Number of radios and televisions divided by gender of owners and management, where data is known. Data provided by the Independent Media Commission.**

64 Kosovo Program for Gender Equality.

65 Lajmi, The Assembly elects another member of RTK bord, 2020, available at: <https://lajmi.net/kuvendi-zg-jedh-edhe-nje-anetar-te-bordit-te-rtk-se/>.

66 Kosovo Program for Gender Equality.

In contrast, respondents had the impression that opportunities in the field of media are equal for both men and women.<sup>67</sup> Although at first glance there is an impression that the media has a high participation of women in journalism, in reality, the presentation of women is much smaller compared to male journalists. This is especially true for leading positions within the media, editors and editors-in-chief.<sup>68</sup> This has resulted in the creation of special spaces for women and various initiatives which aim to address this inequality such as the Time for Women Initiative. The issue of space for women is discussed in more detail in the following section in the reflections.

## CULTURAL INSTITUTIONS

The cultural institutions which are analyzed in the following section are: National Theatre of Kosovo, Gallery of the Ministry of Culture (Qafa), Kosovo Cinema Center, Kosovo Art Gallery, National Song and Dance Ensemble “SHOTA”, Kosovo Philharmonic, Kosovo Film and Kosovo Ballet. Over eight of these institutions are run by men with only the Art Gallery and the Gallery of the Ministry of Culture being ran by women. This area continues to be under-studied from a gender perspective as no research or report was found on women’s participation or influence in cultural institutions except for a KAS statistical report which states that women’s participation in culture is low compared to men’s participation.<sup>69</sup>

Relevant specific legislation includes: Law no. 02 / L-57 on cultural institutions, Law no. 04 / L-106 on theaters, Law no. 04 / L-164 for the National Ensemble of Songs and Dances “Shota” and for other Ensembles, Law no. 02 / L-59 on the Kosovo Philharmonic, Opera and Ballet.

The Law on Cultural Institutions differs between public and private cultural institutions, and aims to regulate the conditions, criteria and procedures for the establishment of these institutions, their character, organizational and managerial structure, work and activity, obligations and responsibilities, status issues, as well as other issues related to the activity and functioning of these cultural institutions.<sup>70</sup> The law does not include a gender perspective.

The Law on Theaters also does not include a gender perspective, while guaranteeing the right to creative freedom for all forms and artistic scenic expressions and at the same time regulates the establishment, organization, functioning, direction, management and financing of theaters, the position of theater artists and other issues important for theaters.<sup>71</sup>

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67 Interview with representative from Radio KM and Radio Kontaktplus.

68 AA, Sociologists: Women ignored and marginalized in the Kosovar media, 2016, available at: <https://www.aa.com.tr/sq/jeta/sociologet-grat%C3%AB-t%C3%AB-injoruara-dhe-t%C3%AB-margji-nalizuara-n%C3%AB-mediet-kosovare-/511942>

69 Women and men in Kosovo 2016-2017.

70 Assembly, Ligji Nr. 02/L-57 për institucionet e kulturës, 2007 në: [https://www.mkrs-ks.org/repository/docs/Ligji\\_Nr.\\_02-L-57\\_per\\_Institucionet\\_e\\_Kultures.pdf](https://www.mkrs-ks.org/repository/docs/Ligji_Nr._02-L-57_per_Institucionet_e_Kultures.pdf)

71 Assembly, Ligjin Nr. 04/L-106 për teatrot, 2011, në: [https://www.mkrs-ks.org/repository/docs/Ligji\\_Nr.\\_04L\\_-\\_106\\_per\\_Teatrot.pdf](https://www.mkrs-ks.org/repository/docs/Ligji_Nr._04L_-_106_per_Teatrot.pdf)

The Law on the National Ensemble of Songs and Dances “Shota” and other Ensembles regulates the cultural-artistic activity, the preparation of performances, choreographic works, songs, dances and the values of the material spiritual heritage.<sup>72</sup> Throughout the law there is no reference to women with the exception of Article 26 which stipulates the retirement age for male dancers 50 years, while for female dancers 45 years. The reasons for this difference are not clear, as well as its implications for women and men dancers. Usually, different retirement ages have been built on the “physical fragility” of women but early retirement can have an impact on their economic well-being given the amount of pensions in Kosovo. However, it is difficult to say how this law affects practice without researching further.

The Law on Kosovo’s Philharmony, Opera and Ballet regulates the establishment and operation of the institutions of the Philharmonic, Opera and Ballet in Kosovo.<sup>73</sup> The law does not include a gender perspective and does not refer to women in the text.

This should not be problematic as the Law on Gender Equality provides for the integration of a gender perspective in all institutions and areas of life. However, as noted by women’s organizations and interviews, institutions lack knowledge about LGE and are rarely referred to at work.<sup>74</sup> This results on the non-implementation of the law and consequently the affirmative measures envisaged for increasing the number of women in leadership positions are not used.

Historically, the field of art has also been overrepresented by men. However, this trend is changing. According to KAS, in 2016-2017, 56% of active students in the Faculty of Arts were women and this number reaches 60% in 2017-2018.

	Women	Men	Total	Women %	en %
2016/2017	401	306	707	56%	43%
2017/2018	86	56	142	60%	40%

**Tabel 3. Number of active students at the University of Prishtina, Faculty of Arts by year and gender.**

	Bosnian	Tukish	Roma, Gypsies, Egyptians	Others
2016/2017	-	-	-	-
2017/2018	7	3	3	-

**Tabel 4. Number of students by ethnicity studying at the University of Prishtina by year, faculty and ethnicity.**

72 Assembly, Ligjin Nr. 04/L-164 për Ansamblin Kombëtar të Këngëve dhe Valleve “Shota” dhe për Ansamblet e tjera, [https://www.mkrs-ks.org/repository/docs/LIGJI\\_NR\\_04\\_L-164\\_P%C3%8BR\\_ANSAMBLIN\\_KOMB%C3%8BTAR\\_T%C3%8BK%C3%8BNG%C3%8BVE\\_DHE\\_VALLEVE\\_SHOTA\\_DHE\\_P%C3%8BR\\_ANSAMBLET\\_E\\_TJERA.pdf](https://www.mkrs-ks.org/repository/docs/LIGJI_NR_04_L-164_P%C3%8BR_ANSAMBLIN_KOMB%C3%8BTAR_T%C3%8BK%C3%8BNG%C3%8BVE_DHE_VALLEVE_SHOTA_DHE_P%C3%8BR_ANSAMBLET_E_TJERA.pdf).

73 Assembly, Ligji Nr. 02/L-59 për Filarmoninë, Operën dhe Baletin e Kosovës, [https://www.mkrs-ks.org/repository/docs/Ligji\\_Nr\\_02-L-59\\_per\\_Filarmonine,\\_Operen\\_dhe\\_Baletin.pdf](https://www.mkrs-ks.org/repository/docs/Ligji_Nr_02-L-59_per_Filarmonine,_Operen_dhe_Baletin.pdf)

74 Interview with representatives of KWN, KCGS, and National Gallery of Kosovo.

	Women	Men	Total	Women %	Men %
2014/2015	64	55	119	54%	46%
2015/2016	69	48	117	59%	41%
2016/2017	77	61	138	56%	44%

**Tabel 5. (KAS) Number of graduate students at the bachelor level, University of Prishtina, Faculty of Arts by year and gender.**

	Women	Burra	Total	Women %	Men %
2014/2015	-	-	-	-	-
2015/2016	5	-	5	100%	-
2016/2017	16	5	21	76%	24%

**Tabel 6. (KAS) Number of bachelor students at the University of Peja, Faculty of Arts by year and gender.**

2016/2017					
Regular			Other		
Women	Men	Total	Women	Men	Total
31	53	84	19	56	75
2017/20					
Regular			Other		
Gra	Burra	Gjithsej	Gra	Burra	Gjithsej
31	48	79	20	60	80

**Tabel 7. (KAS) Number of academic and administrative staff by gender 2016-2018 at the Faculty of Arts, University of Prishtina, year, status and gender.**

This high number of women graduates is not reflected in cultural institutions, where only two of the 8 cultural institutions are run by women. There are various reasons for this. Some women think that this has to do with women's ambition and self-confidence to be in these positions and that it is entirely a matter of merit.<sup>75</sup> As discussed above, the focus on meritocracy is problematic when dealing with structural inequalities such as gender discrimination. Women artists face various challenges to access these positions whether it be childcare or home care obligations, prejudices and social stereotypes and lack of institutional support.<sup>76</sup>

<sup>75</sup> Interview with National Gallery of Kosovo representative.

<sup>76</sup> Interview with an independent artist.

The National Theater, the Cinematographic Center, the National Song and Dance Ensemble and the Kosovo Philharmonic, Kosovafilm and Ballet are led by men.

In addition to the laws above, there are a number of bylaws that regulate the functioning and organization of these institutions such as: Regulation on the organization and functioning of Kosovo Film,<sup>77</sup> Statute of the Kosovo Philharmonic,<sup>78</sup> Statute of the National Ballet of Kosovo,<sup>79</sup> Statute of the National Theater of Kosovo,<sup>80</sup> Statute of the National Gallery of Kosovo,<sup>81</sup> and Statute of the National Ensemble of Songs and Dances “Shota”.<sup>82</sup> None of these documents include a perspective on gender. This implies that gender issues have not been present throughout their drafting. As mentioned in the media and civil society, this would not be problematic if the Law on Gender Equality were implemented and would apply to all these documents during the budget allocation and staff recruitment. If this were to be done then the number of women in these institutions would gradually increase.

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77 Rregullore për organizimin dhe funksionimin e Kosovafilmit, në: [https://www.mkrs-ks.org/repository/docs/Rreg\\_5-2010\\_per\\_organizimin\\_dhe\\_funksionimin\\_e\\_Kosovafilmit.pdf](https://www.mkrs-ks.org/repository/docs/Rreg_5-2010_per_organizimin_dhe_funksionimin_e_Kosovafilmit.pdf)

78 Statuti i Filarmonisë së Kosovës, në: [https://www.mkrs-ks.org/repository/docs/Statuti\\_i\\_FK.pdf](https://www.mkrs-ks.org/repository/docs/Statuti_i_FK.pdf)

79 Statuti i Baletit Kombëtar të Kosovës, në: [https://www.mkrs-ks.org/repository/docs/Statuti\\_i\\_BKK.pdf](https://www.mkrs-ks.org/repository/docs/Statuti_i_BKK.pdf)

80 Statuti i Teatrit Kombëtar të Kosovës, në: [https://www.mkrs-ks.org/repository/docs/Statuti\\_i\\_Teatrit\\_Kombetar\\_te\\_Kosoves.pdf](https://www.mkrs-ks.org/repository/docs/Statuti_i_Teatrit_Kombetar_te_Kosoves.pdf)

81 Statuti i Galerisë Kombëtare të Kosovës, në: [https://www.mkrs-ks.org/repository/docs/STATUTI\\_I\\_GKK.pdf](https://www.mkrs-ks.org/repository/docs/STATUTI_I_GKK.pdf)

82 Statuti i Ansamblit Kombëtar të Këngëve dhe Valleve “Shota”, në: [https://www.mkrs-ks.org/repository/docs/STATUTI\\_I\\_ANSAMBLIT\\_KOMBETAR\\_TE\\_KENGEVE\\_DHE\\_VALLEVE\\_SHOTA.pdf](https://www.mkrs-ks.org/repository/docs/STATUTI_I_ANSAMBLIT_KOMBETAR_TE_KENGEVE_DHE_VALLEVE_SHOTA.pdf)

Number of artist workers		Number of employees			
		Total	Women	Total	Women
2014	Shota Professional Ensemble	44	18	56	23
	Children's Cultural Center	:	:	:	:
	Total	44	18	56	23
2015	Shota Professional Ensemble	46	20	60	27
	Children's Cultural Center	180	120	8	4
	Total	226	140	68	31
2016	Shota Professional Ensemble	43	18	9	4
	Children's Cultural Center	222	130	6	3
	Total	265	148	15	7
2017	Shota Professional Ensemble	52	350	26	27
	Children's Cultural Center	52	350	26	4
	Total	104	700	52	31

**Tabel 8. Employees in the Shota Ensemble and the Children's Cultural Center by year, type of ensemble, employees and gender**

		Employed artists		Administrative employees	
		Male	Female	Male	Female
2014	Orchestra	22	13	2	3
	Choir	17	25	-	-
	Total	39	38	2	3
2015	Orchestra	22	13	2	3
	Choir	17	25	-	-
	Total	39	38	2	3
2016	Orchestra	22	13	2	3
	Choir	17	25	-	-
	Total	39	38	2	3
2017	Orchestra	27	12	2	3
	Choir	15	24	-	-
	Total	42	36	2	3

**Tabel 9. Employees of the Kosovo Opera-Philharmony, by year, type of activity, employees and gender.**



## 4. REFLECTIONS

This section addresses some of the key issues that have been raised throughout the research regarding women's decision-making power in Kosovo such as: space for women, top-down and bottom-up approach, formal equality, substantive equality, solidarity and tolerance. Reflection on these issues is necessary to understand the structural problems faced by women in Kosovo, to provide sustainable solutions to these problems and to create cooperation strategies for women and between them so that they also contribute for their community.

### SPACE FOR WOMEN

Space is a much-discussed feminist issue. Feminism emphasizes that space is gendered, political, and a social resource in all societies. Historically, certain spaces have been culturally, religiously and politically marked as “feminine” or “masculine”, and spaces generally considered “feminine” have been closely linked to the reproductive functions of women in all human societies, without exception. The space we refer to as public is supposed to be “masculine” and for centuries men have excluded women from the public where all major decisions regarding power are reviewed and implemented.<sup>83</sup> Space was defined and continues to be widely defined as a masculine construct in every possible way. That is why taking up space or restoring public spaces is very important for women, and for achieving social equality. Due to the lack of public space for women, women have organized and created alternative spaces only for women, so that they can exercise their agency and their activity. This has also been translated into decision-making spaces where the creation of various women's political forums in political parties is seen as “women's forums” or alternative exhibitions “by women and for women”. In this way, the FEMART festival is such a space. Criticism of these spaces refers to the lack of inclusion and cases when this space is only a formal space (not all) enough to “tick the box” as is the case with some women's political forums further marginalizing women in separate spaces.

In addition to regaining space, it is important to understand how women occupy space and what they have to do with it. Iris Marion Young, argues that to be a ‘woman’ means to exist in a smaller space, to actively work to occupy less space than men. Women are taught to accommodate, shrink and create space. Men do not; they are encouraged to spread, to use

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83 Patricia McFadden, *Why Women's Spaces are critical to feminist autonomy*, available at: [http://www.isis-women.org/index.php?option=com\\_content&view=article&id=630:why-womens-spaces-are-critical-to-feminist-autonomy&catid=127:theme-mens-involvement-in-womens-empowerment](http://www.isis-women.org/index.php?option=com_content&view=article&id=630:why-womens-spaces-are-critical-to-feminist-autonomy&catid=127:theme-mens-involvement-in-womens-empowerment)

the space, to occupy it without question.<sup>84</sup> Precisely because of this, special spaces for women have helped women to restore their voice and restore their own, personal power.

However, in recent years, especially with concepts such as “gender inclusion” and “gender perspective”, feminists have tried a new approach to space. Now, the goal is for all spaces to be appropriate, welcoming and filled with women. Although, in an ideal world this is what feminism ultimately aims for, in reality many of these spaces are not welcoming to women. As the interviewers pointed out, the higher you rise to a leadership position, the harsher the atmosphere and competition around you. Especially in senior management positions, women themselves feel that space for them is limited and as a result may feel threatened by the arrival of new women.

The feminism of “gender inclusion” is not without its criticisms. The very focus on “gender” and not “woman” has been criticized as an attempt to erase the experiences and unequal position of women. However, what can be noticed from the interviews and feminist theory is that currently in Kosovo but also in the world we need both approaches, including the inclusion of women in all areas whether they are in the media, culture or civil society and have special spaces for women where they can feel free to express themselves and support each other.<sup>85</sup> In fact, special spaces for women have the potential to be a nourishing and supportive places for women, especially if we want to see more women in positions of power and that these positions translate into places from which the whole society benefits from them.

## TOP-DOWN AND BOTTOM-UP APPROACH

Throughout the research, the question has often been raised as to which of the bottom-up or top-down approaches is most effective in implementing and influencing feminist policies and increasing the number of women in decision-making positions. Interviewers were divided on the issue. Some were of the opinion that the bottom-up approach is more successful because needs are coming directly from people and are more real. As for the way women lead, some were of the opinion that women (but also men) who had come to leadership positions from below had more understanding of women and men in lower positions in their institutions.<sup>86</sup> Of course this perception is subjective, but that there is something real in it. Having privileges requires internal criticism to look beyond certain privileges offered by gender, social class, or ability.

On the other hand, some studies done in this area, when it comes to the internalization and socialization of new social norms, such as women in senior management positions,

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84 Sociology lens, Men’s Room: why space is a feminist issue, available at: <https://www.sociologylens.net/top-ics/collective-behaviour-and-social-movements/mens-room-why-space-is-a-feminist-issue/13426#:~:text=Space%20is%20a%20feminist%20issue,.up%20less%20room%20than%20men>.

85 Interviews with representatives from KWN, KCGS and CIVIKOS.

86 Interviews with INDEP and CIVIKOS representatives.

have concluded that the top-down approach tends to be more successful. This study portrays the need for states to adopt a top-down approach when trying to successfully integrate norms. States retain greater influence and enforcement mechanisms that allow them to effectively implement initiatives that strengthen gender equality. It is therefore necessary to apply top-down pressure to an internal regime in order to better achieve the internalization of the norm within the country.<sup>87</sup>

## SOLIDARITY, CRITICISM AND TOLERANCE

Concerns about diversity among women, as well as feminist movements and the need for unity, have raised differing views on solidarity among women. On the other hand, we must remember that feminism was born as critique, critique of the system and exclusion of women, and this critique should not be confused as non-support. Through criticism we must reflect on how we can improve not only policies and laws, not only the number of women in institutions but also ourselves and the community in which we live. Bell Hooks emphasizes that solidarity is different from support, it is the long-term commitment to action, commitment and building relationships with people who are going through similar challenges.<sup>88</sup>

One of the key issues raised during the interviews was that women should have more tolerance for each other and the ideological differences and experiences between them. This tolerance should translate into more cooperation and communication between women who work in different fields. Currently, the number of women in leadership positions is far from a 50/50 equality and to achieve that then there should be more support not only for those women who are in positions but also for other women who aim to achieve them.

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87 Basu M., "Angles of Approach: Approaching Gender Equality: Top-Down vs. Bottom-Up", City University of New York, 2015, available at: [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1347&context=cc\\_etds\\_theses](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1347&context=cc_etds_theses)

88 Hooks, Bell. "Sisterhood: Political Solidarity between Women." *Feminist Review*, no. 23 (1986): 125-38, at: [https://www.jstor.org/stable/1394725?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/1394725?seq=1#page_scan_tab_contents)

## 5. CONCLUSION

Although increasing the number of women in decision-making positions in civil society, media and cultural institutions is necessary for a more equal society, the impact of this increase is not linear and easily deconstructed. In certain cases the presence of women leaders of institutions has changes in the policies of these institutions. After theoretical, legislative and policy analysis, statistical data and interviews with key people, we can conclude that:

1. The current situation in Kosovo is as follows: the number of women in decision-making positions in the media and cultural institutions continues to be small. Even when these institutions have a history and culture of leadership by women, it is difficult to attribute the changes within the institutions to women. Firstly, because these changes usually take time to be noticed from the outside, and secondly because such social changes are difficult to attribute to just one person. Measuring these differences is complex, and as raised by respondents, parity of numbers as well as traditional measurement “indicators” are not entirely reliable in how they are implemented in practice even if they look good on paper.
2. Unlike the civil society and the media, which are more gender-mixed, cultural institutions continue to be largely male-led. This requires further intervention especially since the number of women who graduate in the field of art is greater than that of men.
3. While civil society, which has a longer period of culture where women were leaders, women nowadays lead more small organizations (grassroots) with less resources and capacities. This does not exclude many cases where women lead and their positive impact is clearly seen in society, but it is difficult to interpret as something exclusively related to gender.
4. Kosovo still faces a lack of complete and accurate gender- disaggregated data which reflect information in various fields, but especially in the field of culture. This makes it difficult to design adequate gender policies.
5. Although the legal framework for gender equality is advanced, a major part of legislation, especially in the field of culture, does not include a gender perspective. This is problematic because many institutions are not familiar with the Law on Gender Equality but only with the laws of their respective field.

However, almost all respondents were positive that the visibility of women in these decision-making positions has benefits for society, even by breaking the social prejudice that women have a place in these spaces. After all, feminism is not just about increasing the number of women in power, but also supporting and elevating women who have less access to decision-making and changing the underlying structures of social inequality. One way to continue in this direction is to embrace a feminist approach which reconceptualizes power from domination over others to the form of cooperation for the common good.

# RECOMMENDATIONS

## For women's organizations

- To continue and create collaborative networks, special spaces with and from women in various fields to communicate and advance gender equality issues;
- To invest in research which is related to the representation of women in cultural institutions and culture in general, especially to understand why and how the number of women graduates in the field of art does not correspond to their number in leadership positions.

## For state institutions

- To continue and collect statistical gender disaggregated data, in all areas where they are lacking of;
- To develop relevant policies to increase the number of women in leadership positions in all areas;
- To organize information campaigns and trainings related to the Law on Gender Equality and responsibilities arising from the law, in particular regarding affirmative measures;
- To invest in research on the representation of women in cultural institutions and culture in general, especially to understand why and how the number of women graduates in the field of art does not correspond to their number in leadership positions, in cooperation with organizations of women.

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