



CALL TO ACTION

ADDRESSING SEXISM,
HARASSMENT AND SEXUAL HARASSMENT

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DR. ARIANA QOSAJ MUSTAFA

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I. INTRODUCTION

Sexism is commonly linked to the roles of women and men in society and also the beliefs around what are the fundamental roles of women and men. They are manifested as gender stereotypes and being conscious or unconscious biases, they relegate women most often to certain statuses in the society by ranking one gender over the other. It can touch everyone, but most often women are affected.¹ Sexism is also linked to power with the ones with power treated with favour and those without power are typically discriminated against.

Tackling of sexism is part of countries' positive obligations to guarantee human rights, gender equality and to prevent violence against women and girls. The Council of Europe (CoE) against Violence against Women and Domestic Violence (known as the Istanbul Convention), Article 12 requires states to undertake the necessary measures in promoting social and cultural changes as well as address the patterns of behaviour of women and men in order to *eradicate prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.*²

Across member states of the European Union, as well as the surrounding region such as Western Balkans, legal frameworks across in addressing and preventing discrimination and promotion of equality, have been adopted. Albeit the legal response, women continue to be underrepresented and discriminated against in many social, economic and political areas. Kosovo has enacted the Istanbul Convention part of its Constitution in September 2020, therefore the implementation of its measures are part of its state obligations. Further, Convention on Elimination of All Forms of Discrimination against Women (CEDAW) has been part of the Constitution since 2008.

Nevertheless, women continue to be underrepresented in decision making as well as in the economy sector and continue to be mainly responsible for home care and unpaid work care, are paid less than men as well and continue to be amongst predominant numbers of reporting domestic violence and gender-based violence acts.³ As sexist attitudes prevail such practices and behaviours have been a considerate contributor to the position of women in societies as well as contribute to different inequalities faced by women.

The need to tackle sexism, sexist norms and behaviour and sexist speech is implicit in a number of international and regional instruments (including the Convention on Elimination of all Forms of Discrimination against women and the Istanbul Convention). When addressing sexism, it is also important to recognise the continuum between gender stereotypes, gender inequality, sexism and violence against women and girls. Acts of "everyday" sexism in the form of apparently inconsequential or minor sexist behaviour, comments and jokes are at one end of the continuum. However, these acts are also often humiliating and contribute to a social climate where women are demeaned, their self-regard is lowered and their activities and choices are restricted, including at work, in the private, public or online sphere.⁴

1 See the European Institute for Gender Equality, official website at <https://eige.europa.eu/publications/sexism-at-work-handbook/part-1-understand/what-sexism>.

2 Article 12, paragraph 1 of the Istanbul Convention.

3 Ibid, EIGE.

4 Page 4, of the CoE Recommendation (2019)1.

II. DEFINING AND ADDRESSING VARIOUS FORMS OF SEXISM

In 2019, the Council of Europe adopted the Recommendation (2019)1 on Preventing and Combating Sexism. The CoE defines sexism as:

“Any act, gesture, visual representation, spoken or written words, practice or behaviour based upon the idea that a person or a group of persons is inferior because of their sex, which occurs in the public or private sphere, whether online or offline, with the purpose or effect of:

- a) Violating the inherent dignity or rights of a person or a group of persons;
- b) Resulting in physical, sexual, psychological or socio-economic harm or suffering to a person or a group of persons;
- c) Creating an intimidating, hostile, degrading, humiliating or offensive environment;
- d) Constituting a barrier to the autonomy and full realisation of human rights by a person or a group of persons; or
- e) Maintaining and reinforcing gender stereotypes.⁵

Furthermore, sexism and sexual harassment can manifest in different forms and different societal levels. For example, the CoE Recommendation (2019)1, foresees a number of tools and measures addressing targeted areas, including but not limited to addressing sexism in the workplace; addressing sexism and sexual harassment in the public and justice sector; education institutions; culture and sports; private sphere; addressing of language and communication of sexism; internet, social media and online sexist hate speech within media and other communication services, etc.

A) METHODOLOGY OF THE REPORT

As the CoE Recommendation guides addressing sexism in a wider scope, the approach of the report is to analyse the conduct of sexism and sexual harassment within the public and private sphere in particular analysing the existing institutional response and use of tools to prevent and combat sexism and sexual harassment; analysing of sexist hate speech towards women in power or authority and response towards sexism and sexual harassment within certain educational institutions i.e. public university. The research has been conducted by the Artpolis team in between the months of August-October 2021, by conducting a set of semi-structured interviews, organising and delivering a focus group with students and high school students (to provide for a safe and confidential venue of discussion) as well as the analysis of existing poli-

⁵ Council of Europe Recommendation (2019)/1 on Preventing and Combatting Sexism. See at <https://rm.coe.int/cm-rec-2019-1-on-preventing-and-combating-sexism/168094d894>

cies, legislation and available data recent reports from desk research of available international and Kosovo reports, and generally figures of cases reported by the prosecutorial services related to only cases against sexual integrity.⁶ Amongst institutions and activists interviewed are representatives of the Agency for Gender Equality, Ministry of Education, public broadcaster, activists such as representatives of Kosovo Women's Network (KWN), ORCA educational think tank, as well as University of Pristina representative from the rectorate.

B) DEFINITIONS AND PREVALENCE OF SEXISM AND SEXUAL HARASSMENT CASES IN KOSOVO

A number of reports have addressed the issue of sexual harassment reporting and response in Kosovo. Generally, reporting and definition of sexism is in line with the requirements of Istanbul Convention, CEDAW and the recent Council of Europe Recommendation (2019)/1. Worth noting is that monitoring specifically of sexism cases as defined by the CoE Recommendation 2019/1 and a comprehensive review of sexism cases, have been sporadic.

The often quoted report of KWN "Sexual Harassment in Kosovo," published in 2016, conducted a number of interviews by surveying 1,315 Kosovars out of which 51% were women and 49% men. The age of the respondents varied with respondents of all ethnicities represented in both urban and rural areas. An estimated 48.5 % of respondents had experienced some form of sexual harassment during their lifetime, and during 2014 there were 45.2% of respondents to have faced some forms of harassment. The report itself focused on sexual harassment, however acts reported by 64.1% of women have been similarly defined to sexism and women had reported to have experienced sexual harassment in higher numbers than men.⁷

The prevalent forms of harassment were recorded towards younger people rather than older with most forms being unwelcome comments of sexual nature, jokes or gestures of sexual nature, including targeting women and girls when walking in the streets. Most of the harassment cases reported came from unknown perpetrators, but in few cases also by acquaintances, friends, co-worker's teachers and also bosses at the workplace. In most of the cases during that reporting period 2014-2015, most of the victims of harassment tended to ignore the cases and did not report cases of harassment in the streets for example.⁸ Further, in 2017 Artpolis undertook an active monitoring of cases of claims of sexual harassment in public universities, more specifically the University of Pristina.⁹ The report found that the issue of

6 Although contacted by the research team, the Judicial Council did not provide the information requested. Communication in August 2021 via email, hard copy of email communication with Artpolis research team. The Kosovo Prosecutorial CPuncil reported only cases related to Crimes Against Sexual Integrity. Data for Crimes against Human Rights and Freedoms from the CCK, and incomplete data were only offered for the regions of Gjilan/Gjnilane and Prizren, however not covering Article 183 on Sexual Harassment.

7 Kosovo Women's Network Report Sexual Harassment in Kosovo, 2016, page 4. Available at <https://womens-network.org/wp-content/uploads/2018/10/20160223185243349.pdf>.

8 Ibid.

9 See Artpolis Report "Addressing Sexual Harassment in Public Universities," 2017. Available at <https://www.artpolis-ks.com/wp-content/uploads/2018/03/Report-Addressing-Sexual-Harassment-in-Public-Universities.doc-2-1.pdf>

sexual harassment is widespread, however lacking any official data on the degree of reporting as almost cases where never reported, and when reported, almost nothing was being done. According to this report, students did confirm in focus group discussions and trainings to have undergone or witnessed sexual harassment and harassment of students, specifically female students, however hesitated to report cases due to the overall belief that nothing would change or no official investigations will be undertaken by the University and the overall fear from potential consequences and public pressure or shaming.¹⁰ Even though the University of Prishtina in 2013 defined a set of rules in the Code of Ethics for Academic Personnel, addressing also narrowly the treatment of cases of sexual harassment, the code did not provide for rights and obligations for administrative staff and students. Foremost, the lack of a specific sexual harassment policy and knowledge of students of where and how to report cases of harassment were quoted as amongst main reasons of low reporting and trust in the public institutions handling of cases. Therefore, the drafting and adoption of a Sexual Harassment Policy by the public universities, and specifically of University of Pristina, was urgently recommended.

Sexism itself is not specifically defined nor addressed within the Kosovo Programme on Gender Equality (2020-2024). However, the Programme under Strategic Objective 3 on Promoting and Implementing rights in decision-making, peace, security and justice objective, does call for realisation and guaranteeing the achievement of gender equality, through harmonizing the legal framework with international standards; embedding of non-discriminatory gender norms in the overall legal framework, specifically in line with the requirements of United Nations Sustainable Development Goals (SDGs) 2030; increasing societal awareness for the fulfilment of women's rights as set out by laws and also calls for addressing negative phenomena including gender stereotypes and the patriarchal mentality.¹¹ Sexual harassment is also discussed as an obstacle for women's achievement of equality and measures are accordingly proposed.¹²

Recently, the Criminal Code of Kosovo (CCK) amended in 2019 also foresees a specific definition of sexual harassment in line with the requirements of the Istanbul Convention, and criminalisation of such acts, by defining sexual harassment as "...any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which aims at or effectively constitutes a violation of the dignity of a person, which creates an intimidating, hostile, degrading or offensive environment."¹³

The sanction foreseen for sexual harassment cases is a fine or imprisonment up to three years. Aggravated circumstance is foreseen for teachers, health care professionals, a person entrusted with the upbringing or care of a person, or in a position of authority over the person as well as religious leaders. In such cases the minimum requirement of imprisonment is from six

10 Ibid, at <https://www.artpolis-ks.com/wp-content/uploads/2018/03/Report-Addressing-Sexual-Harassment-in-Public-Universities.doc-2-1.pdf>

11 See Kosovo Programme on Gender Equality 2020-2024, page 11. Available at <https://abgj.rks-gov.net/assets/cms/uploads/files/AGE%20Kosovo%20Program%20for%20Gender%20Equality%202020-2024.pdf>

12 Ibid.

13 Article 183 of the Criminal Code of Kosovo. At <https://md.rks-gov.net/desk/inc/media/A5713395-507E-4538-BED6-2FA2510F3FCD.pdf>

months up to three years.¹⁴ Further, the CCK also foresees and defines cases of harassment, for persons who engage in patterns of repeated and unwanted attention or communication with the intent to harass or puts another person under surveillance, can be fined or imprisoned up to three years.¹⁵ Communication or attention put on another person may include the following acts such as repeatedly appearing at the home, school, work; making repeated phone calls; sending or leaving messages; sending text messages, mail or e-mails; or, leaving or sending unwanted gifts or other items.¹⁶ The Kosovo Law on Gender Equality and Law on Protection from Discrimination also define sexual harassment, even though sanctions under these two specific laws are poorly drafted and the sanctions are not in proportion to the acts suffered.¹⁷

In ending, Kosovo still does not address specifically sexism as part of its applicable legislation in line with the definitions of the CoE Recommendation (2019)1. It does however address sexual harassment acts in accordance to the definition of Istanbul Convention. Even though the Convention does not define sexism *per se* it does define sexual harassment and stalking, and other forms of harassment. The Conventions as a ground-breaking convention on addressing all forms of gender-based violence, is to dismantle gender-based stereotypes by opposing social and public attempts to confine women and men to traditional roles leading to life limitations and opportunities in general, calls for an end to justification and maintaining of patriarchy, and also condemns historic power relations of men over women as well as sexist attitudes that impede the advancement of gender equality.¹⁸ The overall approach of the report analysis below is based on the definition of the CoE Recommendation (2019)1 on Preventing and Combatting Sexism as well as the approach of the Istanbul Convention on defining sexual harassment and harassment acts,, reflected also in the Criminal Code of Kosovo.

C) AVAILABLE OFFICIAL REPORTS ON SEXISM AND SEXUAL HARASSMENT CASES IN KOSOVO

During 2019 and 2020, the Kosovo Police reported in total 49 cases of sexual harassment, within their KP Informative system.¹⁹ The investigation of cases by the prosecutorial services provide only for general information related to crimes against sexual integrity and crimes against human rights and freedoms (Chapter XVI and XX of the CCK). There are no specific gender-desegregated data reported by courts, whilst specific reporting of crimes including

14 See Criminal Code of Kosovo, Article 183 Sexual Harassment, at <https://md.rks-gov.net/desk/inc/media/A5713395-507E-4538-BED6-2FA2510F3FCD.pdf>

15 CCK, Article 182 Harassment.

16 CCK, Article 182, paragraph 4.

17 See Kosovo Women's Network Report "From Laws to Action: Monitoring the Institutional Response to Gender-Based Violence in Kosovo," page 32 (2021). Available at <https://womensnetwork.org/wp-content/uploads/2021/05/KWN-GBV-Report-ENG-Final-2.pdf>

18 See 10 things to know about the Istanbul Convention, Simone Santi, at <https://www.lifegate.com/istanbul-convention-10-years>

19 From the total numbers there were 24 cases reported in 2019 and 25 cases reported in 2020. Supra note at 12.

recently amended gender-related crimes defined in the CCK, are not possible to track. The difficulties continue as such to monitor the number of cases sentenced as well as investigated in line with the recent amendments of the Criminal Code of Kosovo.

Further, this limits the opportunity to also monitor accountability of the court system and understand in depth how reported cases of sexual harassment are being prosecuted and sentenced. Furthermore, it has been reported that impunity of perpetrators committing gender-based violence cases are continuous with many cases being sentenced with fines, cases are dismissed by prosecution and judiciary due to lack of evidence, and/or victim's withdrawals to pursue further the cases before courts.²⁰ The impunity further builds up the lack of trust in institutions as such and hesitance to report. The overall perceptions of victim-blaming and reconciling the victim with the perpetrator as a result of slow response and victim's withdrawal from the case, remain common among institutional responses monitored. As stated by the Kosovar Gender Studies Centre there is a practice of not reporting cases of sexual harassment, and this is happening as a result of stigmatization of victims of sexual harassment, the tendency to blame the institutions themselves, distrust in institutions, fear of revenge or the tendency to ignore or resolve these cases by other means, are amongst reasons deterring girls and women from reporting.²¹

The overall lack of properly desegregated data by gender and gender-related crimes in accordance to the CCK amendments, are an obstacle for proper monitoring and follow up of cases. The KP breakdown of data as such may be used as an example which provides for specific reports in their data base and be followed up by other institutions including specifically the prosecution and judiciary.

In 2019 the former National Coordinator against Domestic Violence under the support of UNWOMEN, developed a database to report on domestic violence cases in Kosovo, accessed and registered cases by the Kosovo Police, shelters, Victim's Advocates, Centres for Social Work, Kosovo Judicial Council and the Kosovo Prosecutorial Council. However, no official reports based on the data of the National Coordinator have been produced so far and they cover only reports on cases of domestic violence.²² Further, women activists have argued that the Ministry of Justice should ensure also the inclusion of accurate data pertaining to all forms of gender-based violence, as per the recent amendments of the CCK. It would be advisable to engage also gender experts in the finalisation of the database [KWN 2020] in order to ensure the production of live reports that the public can use in monitoring the overall treatment of gender-based violence cases, including information on conviction rates of sexual harassment cases.

20 See KIPRED Report "Accessing Justice for Victims of Gender-Based Violence in Kosovo: Ending Impunity of Perpetrators," see Executive Summary (October 2018). Available at http://www.kipred.org/repository/docs/Accessing_Justice_for_Victims_of_Gender_Based_Violence_in_Kosovo_Ending_Impunity_for_Perpetrators_820425.pdf

21 See "Struggle of Women and Girls in Kosovo with Sexual Harassment Cases," publication as part of the project "Supporting Media and journalism for human rights in Kosovo," supported by the European Union Office in Kosovo, implemented by Kosovo 2.0, CEL and KGSC, at Kallzo.com. In Albanian at <https://kallzo.com/gjate/lufta-e-vajzave-dhe-grave-me-ngacimet-seksuale-ne-kosove/>

22 From Laws to Action: Monitoring the Institutional Response to Gender-Based Violence in Kosovo, KWN Report, 2021. Available at <https://womensnetwork.org/publications/from-laws-to-action-2/>

III. REPORTING AND ADDRESSING SEXISM AND HARASSMENT WITHIN THE PUBLIC UNIVERSITY

Sexist messages shape societies and are reproduced by education systems, whereas children and young persons will assimilate gender stereotypes when curricula and teaching materials are gender biased as well as through behaviours and language used by teachers or administrative staff of educational institution.²³ The Recommendation (2019)/1 on Preventing and Combatting Sexism, requires amongst other the elimination of sexism and sexist behaviour throughout all aspects of the educational process, including mechanisms and guidelines for reporting, responding to and recording incidents. Further, sexism may be embedded in educational institutions at all levels starting from preschool to also tertiary institutions.

For example, sexism takes many forms, by for example trivialising sexist imageries or sexist language; not being tolerant towards certain gender non-conforming gender behaviours; not addressing biased attitudes of teachers and staff towards one gender and privileging one gender in certain sports or professions and in particular the lack of appropriate or not known mechanisms for reporting, recording of cases or of complaints including sanctions undertaken after reporting (CoE Rec.2019/1). Such forms of sexism affect life choices of individuals, leave victims potentially open to more serious abuse and affect further their career choices.²⁴ Accountability also for private institutions is also requested by states that bear responsibility also for the actions of religious education institutions without any excuses.²⁵

The report focuses on the recent adoption and implementation of the Sexual Harassment Policy within the University of Pristina “Hasan Pristina.” It focuses on the University of Pristina as the largest public university amongst six public universities, with almost half of the overall number of students registered within public universities. The findings are based on the official interviews and focus group discussions organised with students in Pristina during the month of September 2021. The following findings have been identified in relation to the existing implementation of the policy.

The focus group students in discussions organised with Artpolis, have confirmed that in various situations they had either been victims or have witnessed comments with sexist nature that relegate women and girls to certain societal roles of reproduction or home care. Comments used by teachers in elementary or high schools have often denied the role of girls in professions that are seen predominantly “appropriate for men” such as engineering, information technology or other exact sciences. Girls have been mainly advised to remain in more

23 CoE Recommendation on Preventing and Combatting Sexism, section on Education Institutions.

24 Ibid.

25 Ibid.

traditional professions such as teaching, medical professions such as nursing or other forms of care services.

A) ADOPTION AND IMPLEMENTATION OF THE UP SEXUAL HARASSMENT POLICY

After 52 years of not having a specific policy to address sexual harassment cases in one of the biggest public universities, the University of Pristina in May 2021 adopted its first Sexual Harassment Policy.²⁶ The policy was adopted after series of public pressure events including civil society protests and witness statements in public of one female students harassment case endured during her studies in the public University of Pristina.²⁷ The protests followed a contradictory statement issued in 2018 by the Vice-rector of University of Pristina, Mrs. Pustina-Krasniqi, in a documentary aired by TV channel T7, calling of new students “I appeal not to become provocative, not to dress provocatively...” because how girl students dress “...has a psychological effect and can negatively affect the environment where students give lectures.” The common victim-blaming attitudes, that made trivial the harassers role and abuse of authority, sparked a debate on online forums and CSO representatives engaged in a number of symbolic actions calling for her resignation, as well as adequate treatment for sexual harassment cases. Eventually, in March 2018, Governing Council of the UP, through a press release informed the public on the dismissal of the Vice-rector and the setup of the new working group to draft a Regulation on Sexual Harassment within the University of Pristina. The demands of the protesting students under the slogan “Educational institutions without sexist intellectuals,” led to the appointment of the working group that drafted the recently adopted Sexual Harassment Policy.²⁸

The Working Group was setup with representatives of the UP academic and management staff, CSO representatives and activists, as well as student parliament representatives. The initial working group drafted the first draft of the Sexual Harassment Policy, however comments submitted by academic staff to the first draft, reflected resistance particularly by male academic staff.²⁹ The adoption of the Policy was resisted in particular in relation to the deadline foreseen for filing a sexual harassment report from the day of occurrence, which the working group left to be five years. This meant that the policy would retroactively affect potential cases of sexual harassment occurring within that period. In a non-transparent manner, the provision was changed in the second draft of the policy to apply for cases of harassment

26 See for example the CSO Declaration for Media on the adoption of the First Sexual Harassment Policy in Kosovo, “UP after 52 years with a regulation for prevention and protection from sexual harassment, however changes are required.” Available at <https://www.kultplus.com/lajme/up-pas-52-vjetesh-me-rregullore-per-parandalimin-dhe-mbrojtjen-nga-ngacmimet-seksuale-kerkohen-ndryshime/>

27 Ibid.

28 See “Hard Work in Fighting Harassment in the University,” by Leonida Molliqaj, 2019. At <https://kosovotwo-pointzero.com/perpjekja-e-zorshme-per-te-luftuar-ngacmimet-ne-universitet/>

29 Ibid.

cases reported changing the deadline to one year only from five, changed by the UP when adopting the policy in May 2021. The initial working group members were informed online for the adoption of the policy. Secondly, the shift of burden of proof in line with international standards of anti-discrimination and Article 20 of the Kosovo Law on Protection from Discrimination was amended. The Article 20 from Kosovo Law on Protection from Discrimination, also reflected within the first draft of the policy, specifically stated that the burden of proof is shifted towards the respondent i.e. the perpetrator being accused of harassment. These measures are foreseen by anti-discrimination provisions due to vulnerability of victims in cases of discrimination in comparison to the position of authority and power exercised by harassers/perpetrators. It should also prevent further re-victimisation and stigmatisation of the victim as well as decrease public pressure for the victims not to withdraw their statements.

However, the adopted policy now determines that the burden of proof falls on both procedural parties, in opposition to the initial draft of the policy, making CSO representatives to react and draft a statement committing to advocate further for its changes in line with international human rights standards of protection against discrimination and gender inequality. The policy adopted also foresees that the subject who denounces sexual harassment must sign a document at the moment of denunciation to prove that he/she has understood that the false statement is a criminal offense. This may be interpreted as a way to discourage students to report by creating a threatening environment for the victims.³⁰

Nevertheless, the Sexual Harassment Policy has defined for the first time within a public university, the definition of the sexual harassment in line with the Istanbul Convention requirements, to include but not be limited to “any form of unwanted verbal, non-verbal or physical conduct of a sexual and/or psychological nature, with the intent or effect of affecting or violating a person’s dignity and creating an intimidating environment; hostile, degrading and insulting.” It also recalls that sexual harassment is considered a form of gender-based discrimination because it disproportionately affects women and targets them because they are women. Other positive development of the Policy have been identified as: a) providing for a specific position for the Officer for Protection from Harassment responsible, for receiving reports of harassment and sexual harassment, for advising and informing related parties with the procedures for filing a complaint and conducting disciplinary proceedings; b) The Officer will report once a year to the Senate of the University of Pristina on the number of cases submitted for counselling, the number of cases investigated, the cases closed and measures issued against persons found responsible for harassment and sexual harassment; c) disciplinary procedure for sexual harassment will take place also in the university regardless of the criminal procedure; and d) cases where allegations of sexual harassment are found to be inaccurate, the complainant may not be held liable for a false statement if he/she submitted the report and information in good faith.

30 See Joint Statement of CSO representatives, Kosovo Gender Studies Centre, Kosovo Women’s Network, Artpolis and ORCA and other CSO activists. At <https://www.kultplus.com/lajme/up-pas-52-vjetesh-me-rregullore-per-parandalimin-dhe-mbrojtjen-nga-ngacmimet-seksuale-kerkohen-ndryshime/>

However, its implementation has been lagging. The current structure foreseen by the Policy to appoint an Officer for Protection from Harassment, seems unclear. One academic representative has stated that the Governing Council of the UP has only recently been reactivated and pandemic situation during the months of summer could have also delayed the appointment.³¹ The former officer within the Office for Gender Equality, formerly hosted in the Faculty of Law, is part of the rectorate structure. Her role seems unclear, as found also in the interview with the respective representative. Answers to the role and responsibilities were not answered, therefore urgently the University of Prishtina will need to appoint the Officer officially in line with the requirements of the Policy. Setting up an effective mechanism for reporting is a necessary undertaking by the university in order to start with the implementation of the policy.

Furthermore, the existing point of contact/officer seems to see her role differently and resisting the role appointed by stating that "...I am in the office for spatial planning because I have a duty, it has nothing to do with gender, it has to do with my expertise... We have a problem that justice does not work, they should not tell me that I they will address this office as it is the offices obligation, no, no one has an obligation here. Even in the university, something happens to her (Note: student), she should go to the state body, not go to the rectorate. The University of Prishtina is not a place where people can talk to me about sexual harassment, you really can't do that."³² The resistance comes also from not understanding fully the purpose of the policy, with the understanding that sexual harassment cases should be referred to the courts only. As such reporting of cases and proceedings with cases and disciplinary sanctions are being weakly handled, if handled at all. Overall, the officer in the interview did not offer any cases reported so far and how these cases are being handled.

The information on the adoption of the Policy has not been widely disseminated with students claiming in the focus group not to know the procedures and whom to talk to.³³ Students continue to state that harassment occurs. As one student stated "...Yes it is very prevalent in many forms and almost everywhere, for example in the faculty it happened by the professor. The professor very often invited a girl to sit next to him, he looked at her and put his hand around her neck, but the worst is that no one reacted. No one reacted because we were in the first year of studies, and almost all of us were afraid that they would not pass the exam and I believe this would have happened."³⁴ Another student reports "Yes, verbal sexism is widespread, in the arts class, the professor sat a girl on the bench with a boy together and told them to be careful and not end up doing anything together. We all just looked at each other and said nothing."³⁵

31 Interview with academic representative, name available with Artpolis, October 2021.

32 Interview with UP Officer, September 2021.

33 Focus group discussions with students including also UP students, September 2021. Available minutes with Artpolis.

34 Focus group discussions with students including also UP students, September 2021

35 Ibid.

In relation to the Sexual Harassment Policy and information about its existence within University, one student stated that she did not hear of any cases being reported after the approval of the policy, and is it being implemented, but heard about its approval as actively participating in the lectures and trainings provided by Artpolis and other women's groups.

Overall, female students shared various comments on sexist speech they face including in the public arena. As stated "Social networks are now one of the biggest factors in the spread of sexism, for example, the established standards of beauty and the way of life of women, where they are constantly judged on the way they dress and you are always asked where you got the money from if you took a vacation and comments such as we know how you went to vacation,"³⁶ implying receiving money from men for going to vacations. Another student claimed that she had been introvert all of the years in the high school, not understanding why, but after trainings she had with women's groups, she understood how much she was harassed and she did not understand that those cases made her feel bad and that they were cases of harassment. Now she states trainings have helped her identify harassment, and she will tell a person to stop acting in a certain way and that it is not right for a person to harass another one.

Another student stated that its important to offer information about sexual harassment to students and enable them to feel empowered to speak out "We can organize for example protests or this kind of discussions (Note: focus group discussions), I think that the most important work that we can influence individually is to talk about this with our families, to educate them, this can be done by those who have learned to pass it on to others, and so on. We should talk, do not normalize the situation, raise our voices no matter where we are, because often we do not talk because the person who did this we might be are afraid of, for example it is a professor, or is a father." Further she states "...We cannot live a life that always remains hostage in the hands of someone to come to our aid and live in fear in times when we have the right to free speech, complaints and institutions, why should we solve cases individually when laws exist. All public figures should be mobilized to show that neither sexism nor sexual harassment are phenomena that should be turned a blind eye but are phenomena that should be discussed."³⁷

The training to understand sexual harassment were foreseen to be mandatory in the initial draft of the policy however with the recent changes it has been left at the discretion of UP to prepare these guidelines as needed.³⁸ The CSO working group participating in the drafting of the Sexual Harassment Policy stated the importance and the obligation of the UP to raise awareness about its adoption and provide further trainings for both academic staff and students on the content and procedures of claims foreseen by the regulation. Further pressure by the CSO advocacy groups should be exerted for these trainings to occur and support should

36 Ibid.

37 Ibid.

38 Joint Statement of CSO representatives, Kosovo Gender Studies Centre, Kosovo Women's Network, Artpolis and ORCA and other CSO activists. At <https://www.kultplus.com/lajme/up-pas-52-vjetesh-me-rregullore-per-parandalimin-dhe-mbrojtjen-nga-ngacmimet-seksuale-kerkohen-ndryshime/>

be offered to the UP management, to draft guidelines or a plan of action for awareness raising and training on the content of the Sexual Harassment Policy. As the implementation of the Sexual Harassment Policy continues to be weak with the available mechanisms poorly staffed and with limited professional capacities to implement the requirements foreseen; additional resources, reporting and compliant mechanisms have yet to be developed along with series of trainings offered for UP academic and administrative staff as well as students to be introduced with the new sexual harassment policy. The University should also make available online the appointment of the Officer for Protection against Harassment and detailed contacts online. Mechanisms for its implementation should be made visible and transparent.

Further, the UP Sexual Harassment Policy content should be made available online throughout different faculties of UP and informational leaflets should be produced and distributed to students by also posting visible posters.

In ending, other public universities should similarly revise or draft new sexual harassment policies in line with the contents of the UP policy on shift of burden of proof and Kosovo's anti-discrimination law provisions, include detailed definitions of sexual harassment conducts and sexist behaviours and detail complaints mechanisms with accountable sanctions foreseen.

IV. MEDIA SEXIST COMMENTS TOWARDS WOMEN POLITICIANS

Sexism and sexist behaviour occur across the full range of human activity and is often perpetuated by the internet and social media.³⁹ Further, online media and the internet provides for a new dimension for the expression and transmission of sexism, especially of sexist hate speech, to a larger audience, even though the roots of sexism do not lie in technology but in persistent gender inequalities.⁴⁰ Women who challenge or deviate from what is regarded also as their “proper” place in society can be confronted with sexism and specifically women in positions of power or authority, including public figures, are particular targets for sexism as perceived to deviate from socially assigned gender roles (CoE 2019/1). In 2015, women were represented only 25% of the people in the news in Europe,⁴¹ showing that women are less represented in the media and when presented are often presented with messages and images of women that reinforce gender stereotypes, often influenced by social and cultural norms.⁴² For example, online forms of harassment are seen to be increasing and also cyber violence against women is also increasing with 57% of American experiencing harassment online are women.⁴³

As one official states in Kosovo “Sexism is extremely prevalent, especially in the field of media, in terms of media coverage and certain texts, especially these electronic media... - I dare not say they are out of control, but there are really images, even visual appearances, and disturbing texts, be it by promoting media products, but also various music texts, videos, and also media contents where we have often are presented with information about women and girls of miscellaneous fields and have been preyed upon in some ways as sort of lynching and open attacks...we can say that the issue of sexual harassment is a very worrying issue in Kosovar society and only in recent years, the last 2-3 years, we have begun to discuss it more intensively.”⁴⁴

Further, sexist speech against women continues in prevalent online media as well as visual media. Sexist misuse of social media including postings of visual materials or distorting the titles for coverage of sensational news with photos used, often without the consent of those depicted, is also a prevalent form in Kosovo and measures so far have been minimal.

In Kosovo a number of visual media including Gazeta Express, Telegrafi, Gazeta Metro, provide specific chronicles including the so-called “Rose” (Note: Pink) editions or other chronicles that cover various articles with contents of female artists, politicians, public figures of sexist nature.

39 CoE Recommendation (2019)/1 on Preventing and Combatting Sexism, section on media.

40 Ibid.

41 See Factsheet on Combatting Sexist Hate Speech, Council of Europe Gender Equality Strategy, page 3. Available at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680651592>

42 Page 3, Ibid.

43 See “Cyber Violence against Women and Girls: A Worldwide Wakeup Call,” A discussion paper from the UN Broadband Commission for Digital Development Working Group on Broadband and Gender, 2015. Available at <https://www.broadbandcommission.org/publication/cyber-violence-against-women/>

44 Interview with government representative, September 2021.

Titles such as “Duda Balje celebrates the deputy’s seat with attractive poses on Instagram, (Note: Member of Kosovo Parliament), “The sexiest politician stays out of parliament. Requires the opening of the boxes (Note: Ballot boxes) and “Forget Duda Balje, this is the sexiest woman in the government,” (Note: article refers to former adviser of former Kosovo government minister).⁴⁵ The texts are usually presented from personal Instagram photos, that are photos from offices or official portraits, however followed by catchy titles of sexist nature.

Women in positions of power, continue to be targets for sexism as they are perceived to have deviated from social gender norms.⁴⁶ Women who challenge or deviate from what is regarded as their “proper” place in society continue to be confronted with sexism. For example, President H.E. Atifete Jahjaga was also often targeted with sexist titles such as “Ups President” published by IndeksOnline in 2013 and the photo montage by the online medium on her clothing. Following a law suit by the President Atifete Jahjaga the article is not available in Kosovo online media, however is accessible as re-used article in other regional Albanian speaking media.⁴⁷ The article published in IndeksOnline was followed by depicted graphite in the streets of Pristina, of the President in underwear. Activists had reacted towards the portrayal of the President by judging the act as sexist and misogynistic and symbolically conducted an action to erase the graphite from centre of Pristina.⁴⁸ As stated by activists these sexist portrayals contribute further to gender inequalities and perpetuating standards of patriarchal representation of women.⁴⁹ A recent article again commented her appearance titled “Former President Atifete Jahjaga, shows attractive in her ski clothes.”⁵⁰ Current President H.E. Vjosa Osmani-Sadriu, has also been a target of sexist comments from her fellow male politicians in Facebook pages, immediately shared by online media as prime news. In 2021, male MP and University of Pristina professor had portrayed the president following her election by quoting a satiric poetry, and commenting her appearance.⁵¹ Former Kosovo ambassador to United States H.E. Vlora Çitaku had reacted to the comment by stating that politicians should be critiqued for their political acts, not their looks.⁵² The sexist comment sparked a series of reactions by CSO’s and women’s activists organised protests in front of the University of Pristina Rectorate requesting the dismissal of Mr. Kastrati from his position.⁵³ The professor was not dismissed by the University with the Ethic

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- 45 See 1. Article at <https://telegrafi.com/duda-balje-e-feston-pozatratractive-ne-instagram-ulesen-e-deputetes/>
2. Article at <https://www.gazetatema.net/2021/03/04/politikaniameseksinekosovemetet-jashteparlamentitkerkonhapjenekutive/>.
- 46 CoE Recommendation (2019)/1 on Preventing and Combatting Sexism, section on media.
- 47 See for example Macedonian Information Agency in Albanian. Available online at <http://arkivi.shqip.republika.mk/?p=100612>
- 48 See Kosovo Women’s Network reaction in NoA, “The Graphite attacks the President, Women’s Organization call this: Sexist act”, 2015. See at <https://noa.al/lajmi/2016/01/543183.html>
- 49 See Sibel Halimi, “Graphite of Jahjaga: Sexist and Political,” at <https://klankosova.tv/halimi-grafiti-per-jahjagen-seksist-dhe-politik/>
- 50 See Article at <https://indeksonline.net/ish-presidentja-atifete-jahjaga-atractive-ne-veshjeskijimi/>
- 51 See Article “Ardian Kastrati erases his offensive comment against Vjosa Osmani,” wording quoted by the MP where: “A peasant with a bucket-like belly and legs like a bowl, with a pair of thick, ripe hands, and a swollen, red face like the pepper of Ohrid.” See at <https://gazetablic.com/ardian-kastrati-fshin-postimin-fyesndaj-vjosa-osmanit/>
- 52 See article <https://ballkani.info/citaku-i-del-kunder-bashkepartiakut-te-saj-ardian-kastratit-qe-ofendoi-rende-vjosa-osmanin/>
- 53 See Article <https://demokracia.com/nis-protesta-para-rektoratit-te-up-se-per-shkarkimin-e-ardian-kastrati/>

Council finding that his official explanation after removing the post, did not entail a sincere apology, came too late and such postings by faculty staff constitute contemptuous attitudes of staff. However, the final decision was that he was banned for participating three years in evaluation commissions of the University of Pristina and two years from mentoring activities of students within the university.⁵⁴

Before entering politics, the support provided to women in politics is traditionally lower towards women candidates. According to Kosovo Democratic Institute (KDI) in the electoral chronicles minutes covered by political candidates in the media in the last central elections in Kosovo (February 2021), the coverage was 7% for women in comparison to 93% for men. Further, during television debates women politician candidates were provided with 20% representation in debates in comparison to 80% with their male counterparts. Rarely, women in authoritative professional positions or experts of specific fields are depicted and provided primetime coverage. Call for responsible social media and educative media not perpetuating gender inequalities have been the recent focus of the Voiceland project in Kosovo.⁵⁵ The initiative analysed representation of women in the media, and suggested names for media to promote internationally and locally successful women in miscellaneous professions.⁵⁶ The Agency for Gender Equality further recommends, that part of training curricula's in journalist schools in Kosovo (private or public), should address topics related to sexism, harassment, sexual harassment and gender equality in general.⁵⁷ The AGE had further reacted to the Independent Media Commission, for an advertisement with sexist content, also presented by the public broadcaster. The advertisement was withdrawn following the AGE reaction.⁵⁸ The RTK, Kosovo Centre for Gender Studies and Independent Media Commission also signed a Memorandum of Understanding to address sexist language in media reporting.⁵⁹

On the other hand, the Independent Media Commission, Kosovo Print Media Council and Journalists Association had refused to be part of the interviews with Artpolis, stating that they do not cover topics related to sexism and sexual harassment.⁶⁰ By ignoring as such the importance of discussion of the topic, shows an urgent need for further monitoring and advocacy by both public and the NGO sector in Kosovo dealing with gender equality, in order to address sexism and harassment language in the online media.

In conclusion, across member states of the European Union, as well as the surrounding region such as Western Balkans, legal framework to address and prevent discrimination and promotion of equality, have been adopted. Albeit the legal response, women continue to be underrepre-

54 Statement by University of Pristina, see at <https://www.uni-pr.edu/page.aspx?id=1,38,1346>

55 See at <https://voicelandproject.com/> funded by US Embassy Grants

56 Voiceland project recommended for example euro-architect Dea Luma in Tokyo, Japan for media coverage; founder of the Astronomy Club in Kosovo, Pranvera Hyseni; 17 year old Remzije Makreshi from Fushë Kosova active in the fight against early marriages in the Roma community.

57 The Istanbul Convention under Article 14, calls for states to "...take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education."

58 Agency for Gender Equality representative interview, September 2021.

59 Ibid.

60 Written and phone communications of Artpolis staff, August-September 2021.

sented and discriminated against in many social, economic and political areas. Kosovo is no exception to the rule.

The need to tackle sexism, sexist norms and behaviour and sexist speech is implicit in a number of international and regional instruments. Kosovo has recently adopted the Istanbul Convention to be directly applicable within its laws. Its legislation does not offer specifically the definition of sexism foreseen under the CoE Recommendation (2019)¹. It does however address sexual harassment acts in accordance to the definition of the Istanbul Convention;

The Kosovo Law on Gender Equality and Law on Protection from Discrimination also define sexual harassment, even though sanctions under these two specific laws are poorly drafted and the sanctions are not in proportion to the acts suffered;

There are no specific gender-desegregated data reported by courts, whilst specific reporting of crimes including recently amended gender-related crimes defined in the CCK, are not possible to track. The difficulties as such to monitor the number of cases sentenced as well as investigated in accordance to the recent amendments of the CCK continue. The KP is the only institution currently reporting in the phase of investigations, the separate crimes of sexual harassment and other cases recently amended in the CCK. This limits the opportunity to also monitor accountability of the court system and understand in depth how cases of reported sexual harassment are being prosecuted and sentenced;

Prevalent forms of harassment have been recorded towards younger people rather than older with most forms being unwelcome comments of sexual nature, jokes or gestures of sexual nature, including targeting women and girls when walking in the streets. Most of the harassment cases reported came from teachers, professors, acquaintances but also from unknown perpetrators in the streets.

The focus group students have confirmed that in various situations they had either been victims or witnessed comments of sexist nature relegating girls to certain societal roles of reproduction or home care, denying the role of girls in professions that are seen predominantly “appropriate for men” such as engineering, information technology or other exact sciences.

In May 2021, University of Pristina adopted its first Sexual Harassment Policy. The policies implementation remains feeble. Further, students complain that sexist comments and sexual harassment cases are continuing, and they are not aware of the procedures for reporting and complaints in relation to sexual harassment cases;

Sexist speech against women continues in prevalent internet and online media as well as visual media. Sexist misuse of social media – such as posting or distorting visual material without the consent of those depicted – is a form of sexism that needs further addressing. Measures undertaken so far have been almost inexistent.

In order to address the above findings and enhance the societal response towards sexism, harassment and sexual harassment in the areas analysed, the following recommendations are proposed for further action.

V. RECOMMENDATIONS

Women activists have argued for an inclusion of accurate data pertaining to all forms of gender-based violence, as per the recent amendments of the CCK to be set up or expand the existing data base run by the Ministry of Justice monitoring cases of domestic violence. They further recommend, to engage also gender experts in the finalisation of the database in order to ensure the production of live reports that the public can use in monitoring the overall treatment of gender-based violence cases, including information on conviction rates of sexual harassment cases;

The need to address separately sexism should also be foreseen in the new Law on Violence against Women, currently under the initiative of the Assembly of Kosovo;

The University of Pristina should urgently appoint the Officer for Protection from Harassment and provide professional and budgetary resources for utilising the reporting mechanism of the policy. As the implementation of the University of Pristina Sexual Harassment Policy is feeble, resources, reporting and compliant mechanisms need yet to be developed followed by a series of trainings offered for UP academic and administrative staff as well as students to be introduced with the content of the sexual harassment policy;

The UP Sexual Harassment Policy content should be made available online throughout different faculties of UP and informational leaflets should be produced and distributed to students by also posting visible posters and contact details for reporting;

Similarly, other public universities should revise or draft new sexual harassment policies in line with the contents of the UP policy on shift of burden of proof and Kosovo's anti-discrimination law, include detailed definitions of sexual harassment conducts and sexist behaviours, detail complaints mechanisms with accountable sanctions foreseen;

Ensure training of media targeting also senior editorial staff on the importance of non-sexist behaviour in working with the public. Such trainings should include the definition of sexism, its different manifestations, ways to deconstruct gender stereotypes and biases, and how to respond to them;

Trainings and active monitoring by responsible institutions and NGO's active in the areas of addressing sexual harassment and sexism, should ensure that media are encouraged to play an educative and constructive role for not perpetuating sexist attitudes in the public discourse and engage in revising the journalist school's curricula for a gender-sensitive reporting;

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