



British Embassy
Pristina



Strengthening the Justice System of Kosovo

Institutional Gender and Social Inclusion Assessment of the Kosovo Prosecution Service

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Acronyms

CSSF	Conflict, Security, and Stability Fund
GBV	Gender-Based Violence
KJC	Kosovo Judicial Council
KPC	Kosovo Prosecutorial Council
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer +
LGE	Law on Gender Equality
NAP	National Action Plan
WPS	Women, Peace, and Security

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Synopsis

The past decade has witnessed numerous positive developments within the prosecution service when it comes to gender equality, inclusion, diversity, and equal representation. Among others, the percentage of women prosecutors has been steadily increasing for the past 5 years, and if this trend continues women and men will be equally represented across the prosecution service in the next couple of years. Moreover, the KPC has taken positive steps towards better addressing Gender-Based Violence, by appointing and specializing prosecutors on working with domestic violence. This step is considered a best practice and is widely being recommended as an example to be followed by the KJC. Additionally, the KPC has included affirmative measures as outlined in the Law on Gender Equality and the Law on Protection from Discrimination, in the Regulation 06/2020 on the selection of members of the KPC, according to which at least 3 out of the 10 prosecutors appointed need to be women. No other public institution has codified affirmative measures in their internal by-laws, making the KPC a positive outlier. Lastly, the vast availability of gender-disaggregated data on representation, diversity, and inclusivity makes the Prosecution service among the few public institutions in Kosovo that adhere to requirements of the Law on Gender Equality on maintaining gender equality data at all levels, which has made the level of detail in this assessment possible in the first place. However, despite these numerous positive developments, several persisting challenges have been identified through this assessment.

A brief summary of the findings and recommendations provided can be found [here](#). Specific recommendations can be found at the end of the report.

- Despite being a legal requirement, the internal strategies and policies of the Kosovo Prosecution are gender blind.
 - With the exception of Regulation 06/2020, overall internal strategies and by-laws are gender blind. This means that they are not drafted utilizing gender analysis and gender-disaggregated data, do not address the different needs and concerns of diverse women and men, and are not aligned to national laws and commitments on gender equality. Several factors contribute to this, most prominently lack of knowledge, capacities, and familiarity with the concept, as well as no trained staff. Working closely with the Academy of Justice to ensure mandatory training on gender and inclusion for all existing and new prosecutors and staff, including those in leadership positions, should be considered.
- Women are underrepresented in all prosecution offices, especially in decision-making positions, far from minimum standards on equal representation laid down in the Law on Gender Equality.
 - Despite improvements in their overall representation, women remain underrepresented in decision-making positions. Currently, no prosecution office is headed by a woman. Several reasons contribute to this, including lack of support and encouragement by the institution, lack of support by the family, the double burden of work and care roles at

home, and lack of work-life balance possibilities. Barriers to women's equal representation in decision-making positions are many and go beyond the prosecution service. These factors include a lack of alignment to legal equal representation requirements and affirmative measures, the organizational culture of the prosecution service, and national values. Improving knowledge of human resource management regarding affirmative temporary measures, women's mentorship programmes, and cooperating with the Ministry of justice on awareness raising campaigns and outreach strategies should be considered, among others.

- The intersectional analysis shows that national minorities and persons with special needs are underrepresented in the prosecution service, both as prosecutors and administrative staff.
 - Internal procedures and regulations fail to meet minimum standards on representation laid down in the Law on the KPC and the law on Vocational Ability, Rehabilitation, and Employment of Persons with Disabilities. Regulations on recruitment of prosecutors and administrative staff should be amended in order to be aligned with the Law on Vocational Ability, Rehabilitation, and Employment of Persons with Disabilities, the Law on Gender Equality, and the Law on Protection from Discrimination.
 - In cooperation with the Ministry of Justice and relevant CSO's, awareness campaigns should be devised in order to attract more staff and prosecutors from ethnic minority backgrounds and people with special needs.
- Women have been underrepresented as committee members (39.4%) and as committee chairs (39.4%) in the past 5 years.
 - Some important committees such as the committee on performance evaluation do not have any women at all. Prosecutor's interviewed including committee members highlight that they focus on merit, and merit only, and gender and ethnicity play no role in their decisions because women and men are the same. This viewpoint is quite problematic. Recent research shows that committees that do not believe in and do not acknowledge their gender bias end up promoting fewer women. On the other hand, committees that have knowledge on gender roles, norms, and barriers faced by women, advance equitable numbers of women and men. Capacity building on gender norms, gender roles, and overall on gender equality should be a mandatory requirement for all committee members.
 - Research suggests that gender bias can shape performance evaluations, because similar behaviour is perceived differently based on whether the employee being evaluated is a man or a woman. In order to circumvent this bias, evaluation processes and forms need to be strictly tied to performance and leave as little space as possible for subjective review, including through clear criteria applied consistently across all employees. The evaluation forms used by the Committee for Performance Evaluation are mainly objective with strict qualitative and quantitative indicators. However, there are some questions that leave ample space for subjective review including judging the "character strength and self-control" of prosecutors under evaluation. Evaluation forms should be reviewed from a gender perspective and modified accordingly, including by removing subjective indicators.
- The organizational culture within the Prosecution service is not gender-sensitive.

- Internal knowledge on gender and inclusion policies is quite low. Knowledge on affirmative measures is very low, and it is not largely known that the latter is a legal requirement stemming from the Law on Gender Equality. Different persons interviewed highlighted the importance of “meritocracy” only, and did not understand what affirmative measures are, nor when and how they should be implemented during recruitment and advancement processes. There are no gender focal points who would handle issues related to gender, human rights, and diversity. Lack of knowledge including on legal requirements leads to internal resistance to gender equality. This situation will require time to change, but certain steps, such as hiring or appointing Gender Focal Points, offering continuous mandatory capacity building on gender equality, and institutionalizing an annual gender audit can be taken immediately.

Aims of Assessment

The project “Strengthening the Justice System of Kosovo”, funded by the UK Government and implemented by Axiom International Ltd has been developed based on the understanding that gender inequality continues to be a persisting developmental problem for Kosovo. The project is also based on the approach to gender of the Conflict, Stability and Security Fund (CSSF) as well as the UK National Action Plan (NAP) on Women, Peace, and Security. Among others, CSSF highlights that projects and programmes need to be tailored to the different needs of women, men, girls, and boys. It highlights that, due to serious changes in the political, economic, and social context, women in post-conflict countries have more opportunities to take on non-traditional roles, including in private and public decision-making, and that programming should address specific gender issues that may threaten long-term stability. The CSSF approach has been firmly ingrained in the project’s results framework.

The main project aim is to “Improve accountability and transparency of critical processes within the Ministry of Justice and Kosovo Prosecution Services”. One of the key intended Outputs of the work under KPC component is to develop recommendations that improve gender mainstreaming and inclusion in administrative processes of the Kosovo Prosecution Services. However, in order to be able to provide recommendations from a gender and inclusion perspective, the gender and inclusion needs of the council need to be identified. As has been highlighted, no institutional gender assessment of the prosecution services that such recommendations can be based on has been conducted yet.

The assessment to be conducted under this project seeks to identify the gender and inclusion policy needs of the Kosovo prosecution services and provide targeted recommendations to be integrated in administration processes. This will include directly influencing more gender-sensitive internal policies including a gender sensitive Strategy of the Prosecution Council, as the existing one expires in 2021. More specifically, the assessment will look into the following elements:

- 1) Is gender and inclusion included in internal institutional policies, including by-laws and strategies?
 - a. Is data disaggregated by gender and other factors collected and used for policy making?
 - b. Are policies in line with gender mainstreaming requirements of the Kosovo Law on Gender Equality, the Law on Protection from Discrimination, and the Kosovo Programme on Gender Equality?
 - i. If not, what are existing barriers to implementation?
- 2) Are recruitment and promotion policies in line with legal requirements, best practices, and the CSSF approach?
 - a. Are women equally represented in all decision-making levels, as legally required?
 - b. Are selection criteria objective, and do they focus on integrity and competence? Are there rules and mechanisms on discrimination based on gender? Are promotion policies detailed and written, focusing on merit and qualifications? Is there a written promotion policy for prosecutors? Is there a promotion process based on objective factors such as professional qualifications, ability, integrity, and experience? Do recruitment and promotion policies include affirmative measures, as required by the Law on Gender Equality and the Law on Protection from Discrimination?
 - i. What are existing barriers to more gender-sensitive and inclusionary recruitment procedures?
- 3) Is there an internal code of conduct/ethics code? Does it refer to sexual harassment and outline clear, anonymous, grievance procedures? How are sexual harassment allegations handled? How have they been handled in the past? Are there any existing barriers to handling sexual harassment allegations better?
- 4) How ingrained is gender equality within the institutional culture?
 - a. Is gender equality relevant to leadership? Is there internal resistance to gender equality and more inclusionary processes? At what level is internal knowledge on gender equality and inclusion policies? Are there focal points on gender equality? Have leadership, prosecutors, focal points, and supporting staff received training on gender equality and gender mainstreaming? Is there an association of women prosecutors?

Methodology

The Gender and inclusion assessment has utilized a mixed methods approach. Initially, a desk review of prior studies on gender equality in the justice sector and prosecutorial services was conducted. The desk review provided the basis for the analysis but also identified missing data, information, and potential entry

points. The desk review also analysed socio-cultural norms, policies, prior studies on gender equality in prosecutorial services. It provided a gender analysis of national policies and laws as well as international commitments. Among others, this included an analysis of UK policies and commitments on gender equality and gender mainstreaming, including the CSSF approach and the NAP on Women, Peace, and Security. In addition, the desk review also included a gender analysis of internal prosecutorial policies, strategies, and by-laws in order to identify whether a gender perspective has been mainstreamed throughout them.

The desk review was followed by quantitative and qualitative analysis. Data disaggregated by gender and other factors on recruitment, representation, promotion and transfer was collected and analysed. The analysis looked into whether legal commitments were fulfilled, and whether recruitment and promotion policies are in line with national and international standards. Afterwards, semi-Structured interviews were conducted with 8 key-informants, persons selected purposefully as they can provide the most relevant information for the research questions outlined above. Targeted recommendations were devised using the findings of the assessment.

Introduction and Background

Before presenting the analysis of the gender and inclusion assessment of the prosecution service, it is important to lay down the cultural, political, and social background where the institution operates. Kosovo has made progress concerning gender equality and social inclusion in the last two decades, particularly towards

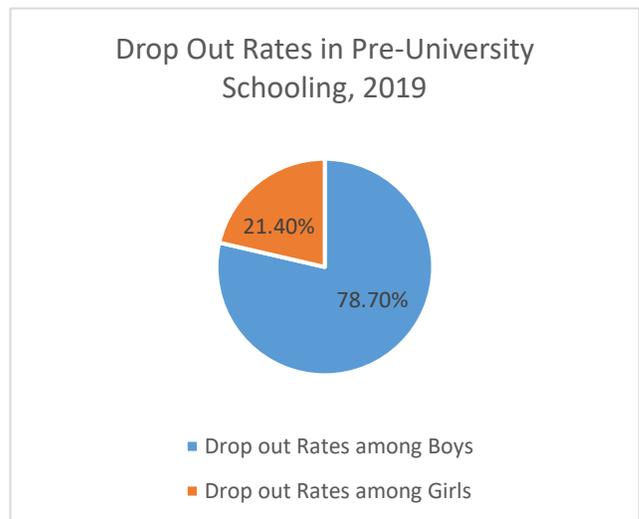
“Our institution reflects the overall situation of gender equality and inclusion in Kosovo. Yes, we have come a long way in the past 20 years and there have been substantial improvements. But also, yes, we still have a very long way to go”

Interview with member of the KPC

aligning legislation with international policies and standards.¹ However, in practice gender inequality remains pervasive across different sectors with women and girls continuing to face discrimination, marginalization, and underrepresentation in several fields. National minorities, persons with special needs, and the LGBTIQ+ community face stigmatization and marginalization in different sectors as well.

¹ European Commission, EU Progress Report on Kosovo, 2020, at: https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/kosovo_report_2020.pdf

Major concerns remain in regards to discrimination in the labour market, gender-based violence, institutional representation, and property ownership, among others.² Regarding access to education, girls and boys in Kosovo are proportionally represented across primary, secondary, and tertiary education.³ However, boys drop out of pre-university education at much higher rates (78.7% of drop outs in 2019 were boys).⁴ Evidence suggests that gendered expectations and social norms contribute to this, with boys dropping out in higher



rates to pursue employment and be able to financially provide for their families.⁵ A high dropout rate persists also among girls and boys from Roma, Ashkali, and Egyptian Communities.⁶ The situation is also dire among persons with special needs, with 23% of men and 33% of women with disabilities never having been enrolled in schools.⁷ However, despite overall proportional representation between girls and boys in pre-university schooling, and more women attending and graduating from all public Universities in Kosovo,⁸ the situation changes rapidly once they hit the labour market with serious differences emerging between women and men. Women continue to comprise the majority of the unemployed (33.1% compared to 21.5% of men) and the vast majority of the labour market inactive population (78.5% of women compared to 41.1% of men).⁹ This means that most women in Kosovo are not employed nor are looking for employment. One of the key factors that contributes to women's inactivity in the labour market has been identified to be unpaid care activities within the household, including child-care, elderly care, cleaning, and cooking.¹⁰ In fact, women in Kosovo spend 300% more time than men on family care

² Nicole Farnsworth, Donjeta Morina et al, Kosovo Gender Analysis, 2018, at: <https://womensnetwork.org/wp-content/uploads/2018/10/womens-network.pdf>

³ Donjeta Morina for the Council of Europe, "Intersectional Gender Analysis of Pre-University Education", 2020, at: <https://rm.coe.int/raporti-gender-eng-final/1680a0b187>

⁴ Ibid.

⁵ Ibid

⁶ European Commission, EU Progress Report on Kosovo, 2020,

⁷ Embassy of Sweden in Pristina, Multidimensional Poverty Analysis, Kosovo 2017, at:

<https://www.sida.se/globalassets/sida/eng/partners/povertytoolbox/kosovo-mdpa.pdf>

⁸ Kosovo Agency of Statistics, Education Statistics 2020/2021, at: <https://ask.rks-gov.net/media/6073/education-statistics-20202021.pdf>.

⁹ Kosovo Agency of Statistics, Social Statistics, Labour Force Survey, Q3, 2020, at: <https://ask.rks-gov.net/media/5859/lfs-q3-2020.pdf>

¹⁰ Kosovo Gender Analysis, 2018

and household duties, while men spend 400% more time on employment than women.¹¹ Unemployment and poverty remain high for national minorities, particularly Roma, Ashkali, and Egyptians, albeit gender disaggregated data on this is unavailable.¹² Additionally, women and men remain unequal in terms of property ownership. While more recent data is unavailable, in 2021 only 18% of all properties in Kosovo are owned by women.¹³

Social and cultural norms and attitudes continue to uphold this practice, considering that the majority of citizens continue to believe that women should not inherit property from their birth families. A total of 35% of citizens state that women should not inherit property, including 44.6% of men and 38% of women.¹⁴

“We are now able to investigate and prosecute cases of domestic violence much better than we had before. These cases have different dynamics, different power-relations between victim and perpetrator, different evidence collection procedures from other crimes.”

Interview with Prosecutor

Gender-Based Violence (GBV), primarily targeting women and girls, remains one of the most prevalent, yet underreported human-rights violations in Kosovo. Among others this includes cases of domestic and sexual violence. In 2018 only 1533 cases of domestic violence have been reported¹⁵, however, anonymous surveys reveal that up to 54% of women have experienced some form of intimate partner violence in their lifetimes.¹⁶ Weak institutional response (from police, prosecution, and courts), stigma, and victim-blaming remain contributing factors to this underreporting.¹⁷ Overall, it is a justice chain problem, which starts with reporting and police action.

“Decision-making positions in the prosecution service come with longer hours and unexpected schedules. In our culture it still remains difficult to align this with house-work and child-care, even when we are speaking about prosecutors”

Interview with Prosecutor

¹¹ Millennium Challenge Corporation, Kosovo Labour Force and Time Use Study Research Report, 2016, at: <https://millenniumkosovo.org/wp-content/uploads/2018/11/MCC-Kosovo-Labor-Force-and-Time-Use-Study-Final-Research-Report-1.pdf>

¹² Embassy of Sweden in Pristina, Multidimensional Poverty Analysis, Kosovo 2017, at: <https://www.sida.se/globalassets/sida/eng/partners/povertytoolbox/kosovo-mdpa.pdf>

¹³ Ministry of Environment, Spatial Planning, and Infrastructure, Kosovo Cadastral Agency website: <https://akk-statistics.rks-gov.net>

¹⁴ Property Rights Program (PRP), National Baseline Survey for Property Rights in Kosovo, 2015, at: <https://www.usaid.gov/sites/default/files/documents/1863/1.%20National%20Baseline%20Survey%20for%20Property%20Rights%20in%20Kosovo.pdf>

¹⁵ Donjeta Morina, Gender Based Violence in Kosovo: A Critical Review of Police Response, 2019, at: kgscenter.net/site/assets/files/1742/gender_base_violence_eng-1.pdf

¹⁶ Organization for Security and Cooperation in Europe, Survey on Well-being and Safety of Women in Kosovo, 2019, at: <https://www.osce.org/files/f/documents/d/c/439781.pdf>

¹⁷ Ariana Qosaj-Mustafa and Donjeta Morina, "Accessing Justice for Victims of Gender Based Violence in Kosovo: Ending Impunity for Perpetrators, 2019, at:

However, the prosecution service has appointed and specialized domestic violence prosecutors in each basic Prosecution. These prosecutors are to prioritize cases of domestic violence and have undergone training on how to specifically investigate these cases. This has contributed to an improved performance of the prosecution towards investigating cases of domestic violence.¹⁸ Such steps are yet to be taken by courts.

Despite clear legal requirements that demand women and men’s equal representation (50% - 50%) in public institutions, including decision-making roles, women continue to be underrepresented in public institutions, especially in decision-making positions.¹⁹ Women are underrepresented both in central and local institutions,

“Yes, it is true that women prosecutors are heavily underrepresented in decision-making positions. But we are not an exception, it is the same across all other public institutions.”

Interview with Prosecutor.

particularly in decision-making positions.²⁰ Neither central nor local institutions in Kosovo enforce equal representation requirements under the Law on Gender Equality (LGE). Public institutions do not adhere to minimal compliance requirements on equal representation, let alone go beyond them. Additionally, gender remains insufficiently mainstreamed in laws, strategies, and development policies which also contributes to limiting women’s benefits from public funds.²¹

Persons with special needs are also underrepresented in public and private institutions.²² The Law on Vocational Ability, Rehabilitation, and Employment of people with special needs, sets a mandatory quota according to which

“I have never heard of a mandatory quota on persons with disabilities before.”

Member of Secretariat, responsible for recruitment.

both public and private employers need to recruit one person with special needs per 50 employees is rarely implemented including due to the lack of enforcement mechanisms and strong fines.²³ The Constitution of the Republic of Kosovo prohibits discrimination based on an individual’s sexual

www.kipred.org/repository/docs/Accessing_Justice_for_Victims_of_Gender_Based_Violence_in_Kosovo_Ending_Impunity_for_Perpetrators_820425.pdf

¹⁸ Ibid.

¹⁹ Assembly of the Republic of Kosovo, Law No.05/L-020 on Gender Equality, 2015, Article 6.8 at:

https://equineteurope.org/wp-content/uploads/2019/10/Annex-LAW_NO_05_L-020_ON_GENDER_EQUALITY.pdf

²⁰ Kosovo Gender Analysis, 2018

²¹ Agency for Gender Equality, Kosovo Programme for Gender Equality, 2020, at: <https://abgi.rks-gov.net/assets/cms/uploads/files/AGE%20Kosovo%20Program%20for%20Gender%20Equality%202020-2024.pdf>

²² Assembly of the Republic of Kosovo, Law No. 03/L-019 on Vocational Ability, Rehabilitation, and employment of people with disabilities, 2009, at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2620>

²³ Ibid.

orientation.²⁴ Both the Law on Protection from Discrimination and the Law on Gender Equality prohibit discrimination based on gender identity and protection from discrimination. However, despite a rather strong legal framework, LGTIQ+ individuals continue to face discrimination and stigmatization in their private and professional lives²⁵ and same-sex marriage has not been legalized yet.²⁶

Key Analytical Findings

Gender and Inclusion in Internal Policies of the Prosecution Service in Kosovo

Institutions and policies are not gender-neutral. Due to their unequal circumstances, access to resources, rights, and opportunities, women and men from different backgrounds have different roles, needs, priorities, and responsibilities. It remains important that public institutions and their internal policies are responsive to the different needs of diverse women

The term “gender-neutral” means that something is not associated with either women or men. However, what is often perceived to be gender-neutral, often reflects gender blindness in practice, a failure to recognize gender specificities.

European Institute for Gender Equality

and men. Moreover, in Kosovo, it is a legal requirement stemming from the Law on Gender Equality that a gender perspective is included into every stage of the planning, implementation, and monitoring of policies, programs, and budgets, in all public institutions.²⁷ Beyond the law on gender equality, no internal by-laws of the prosecution system mention gender mainstreaming in documents and policies. Data disaggregated by gender is regularly collected, but it is not used for policy-making. Overall the internal strategies and policies of the Kosovo Prosecution are gender blind, they do not address the potentially different needs and concerns of diverse women and men. Several reasons for this have been cited during interviews and discussions with prosecutors and administrative staff, including a lack of knowledge, capacities, no internal policies regulating this issues, lack of familiarity with the concept, as well as no trained staff responsible for this. The lack of familiarity and knowledge on the concept became apparent

“There are no internal capacities to include a gender and inclusion perspective in policies and strategies. It is an entirely new concept to us, not referenced in any of our mandatory trainings or internal by-laws”

Interview with Prosecutor

²⁴ Assembly of the Republic of Kosovo, Constitution of the Republic of Kosovo, Article 24.2, 2008

²⁵ For more see Farnsworth, Morina, and Nuhui, 2018 and Qosaj-Mustafa and Morina, 2018.

²⁶ Currently both The Law on Family and the Law on Civil Status define marriage as a union between two people of different sexes. However, the Civil Code is currently being drafted and there is potential to ensure marriage equality through it.

²⁷ See Law on Gender Equality, Articles 1.16 and 5.1.3.

during interviews, several interviewees mistook the concept of “gender mainstreaming” for having an equal number of women and men contributing to the drafting process of policies.

One of the main documents lacking a gender perspective is The Strategic Plan of the Prosecutorial System 2019-2021. Overall, the Strategy outlines a basis of work of the prosecutorial system. The strategic plan contains four pillars, each with their own objectives and goals. The plan has begun implementation in 2019 and expires at the end of

“I do not believe that I or my colleagues would have anything against adding a gender and inclusion perspective to our strategy. We have not considered it before since it was never brought up as a topic from us or from external stakeholders”

Interview with member of the KPC

2021.²⁸ Overall, the current plan is “gender neutral”, as it does not refer to women or men prosecutors, or prosecutors or administrative staff with minority background or special needs. The first chapter outlines the institutional structure. However, it fails to mention commitments to gender equality or diversity and inclusion. For instance, it mentions that the KPC consists of 13 members, 10 Prosecutors and 3 others, but does not mention existing gender and inclusion requirements, nor gendered composition.²⁹ Data, information, and statistics in the strategic plan are not disaggregated by gender and other background factors. Among others, the plan mentions numbers of prosecutors recruited, transferred, advanced, and those that have undergone disciplinary measures, but it lacks more in-depth information on their background, and challenges faced by women and non-Albanian prosecutors during recruitment or advancement processes. The introductions of the four pillars are gender-blind and do not contain information from a gender and inclusion perspective. A gender perspective should and could have been mainstreamed across all pillars and specific objectives, particularly those related to Pillar 1 “Strengthening the structure and institutional capacities of the prosecutorial system”, and Pillar 2, “Promotion of Competences and Professionalism”. Ultimately, the Strategic Plan of the Prosecutorial System 2019-2021 has failed to include gender mainstreaming, as required by the Law on Gender Equality. It lacks a gender analysis to identify problems related to gender, ethnicity, and diversity, and does not foresee concrete actions to tackle these problems. Concrete and targeted recommendations on how to ensure a gender and inclusion perspective is included in the upcoming strategy are provided in the “Recommendations” section at the end of this report.

²⁸ See Recommendation sections for specific recommendations on what the upcoming Plan should include.

²⁹ As specified in Article 5.3 of the Regulation 06/2020 on the Selection of Members of the Prosecutorial Council, at least 3 of the 10 prosecutors selected should be women, and at least 1 should be non-Albanian.

There are three relevant Codes of Conduct for the Prosecution system in Kosovo. The Code of Ethics and Professional Conduct for Prosecutors³⁰, the Code of Ethics and Conduct for members of the KPC³¹, and the Code of Conduct for Administrative and Supporting Staff.³²

The Code of Ethics and Professional Conduct for Prosecutors does not reference sexual harassment, discrimination, homophobia, or anything related to gender, women, or diversity. It does not outline a zero-tolerance approach to sexual harassment, or sexist comments or jokes, nor establish clear grievance procedures particularly for sexual harassment, that would also include a formal mechanism with a gender-balanced structure to process these complaints.

“After a quota was added to the Regulation on the selection of KPC members, we witnessed an increased interest by women to apply. To me it seems like women used to think that there would be no chance for them to be selected due to favoritism, now they know their chances are higher which has led to more motivation to apply.”

Interview with Member of the Secretariat

The Code does include an article that highlights that “other” conducts that can damage the honour and dignity of the State Prosecutor should be avoided. It is assumed that issues related to discrimination, sexual harassment, and homophobia fall under this article. This, however, is too vague and should be further defined. On the other hand, the Code of Conduct for

“The three codes of conduct are not only different because they apply to different actors (KPC, Prosecutors, and Staff). They are also different because they were drafted with the support of different donors, and were not aligned with each other”

Member of the secretariat.

members of KPC does not mention sexual harassment, but does highlight that members of the KPC are to avoid discrimination based on gender, ethnicity, sexual orientation, disability status, and marital status. Lastly, the Code of Conduct for Administrative staff clearly highlights sexual harassment as a negative phenomenon to be avoided by all supporting staff, and obliges supervisors to conduct immediate investigations in all reported cases of sexual harassment. In addition to the Strategy and Code of Conduct, internal Regulations of the prosecutorial system in Kosovo are also not sensitive from a gender and inclusion perspective. For instance, Regulation Nr 03/2016 on the Transfer and Advancement of

³⁰ State Prosecutors Office, Code of Ethics and Professional Conduct for Prosecutors, at: https://prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/PSH/Legjislacioni/ANKodet/2019_02_08_082355_Shqip.pdf

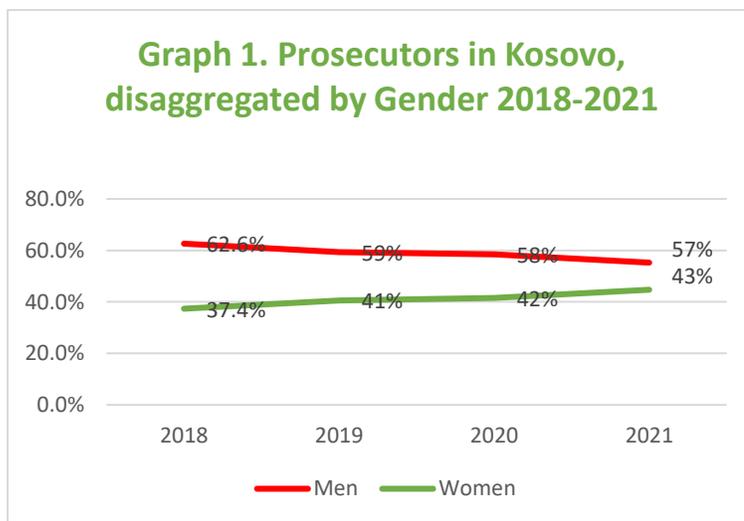
³¹ Kosovo Prosecutorial Council, Code of Ethics and Conduct for members of the KPC, at: https://prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/AkteNenLigjore/Nr.910.2012-Kodi_i_etikes_per_anetaret_e_KPK-se.pdf

³² Kosovo Prosecutorial Council, Code of Conduct for Supporting Staff, at: https://prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/AkteNenLigjore/Nr.914.2012-Kodi_i_etikes_profesionale_per_punonjesit_mbeshtetes.pdf

Prosecutors nor Regulation 07/2015 on the recruitment and promotion of Prosecutors mention quotas, preferential treatment under equal qualifications, or any other affirmative measures outlined in the Law on Gender Equality and the Law on Protection from Discrimination. One exception to this rule is Regulation 06/2020 on the Selection of Members of the Prosecutorial Council.³³ Article 5.3 of the Regulation highlights that when there are women applicants or non-Albanian applicants, the KPC should ensure that at least 3 of the 10 prosecutors selected should be women, and at least 1 should be non-Albanian. While this is a positive step in the right direction, something that is not regulated by internal by-laws of other institutions, equal representation requirements as foreseen with the Kosovo Law on Gender Equality remain low thus failing to adhere to minimum compliance standards.

Decision-Making and Representation

Women are underrepresented in all public institutions in Kosovo, including in judicial institutions such as prosecution services.³⁴ Currently, all 7 Basic Prosecution Offices in Kosovo are headed by men, including the Appeal’s Prosecution Office, the Special Prosecution Office, and the Chief State Prosecutor’s Office.³⁵ So far, no woman has served as Chief Prosecutor of the



Chief State Prosecutor’s Office in Kosovo and neither as Chair of the KPC. Beyond the decision-making level, women remain underrepresented as prosecutors at the country level (Graph 1). A positive sign is the fact that there is a clear trend of an increasing number of

“When I started working in our Basic Prosecution in 2008 we were only 2 female prosecutors. Now there is 7 of us, the increase in interest by women and opportunities provided has been evident”

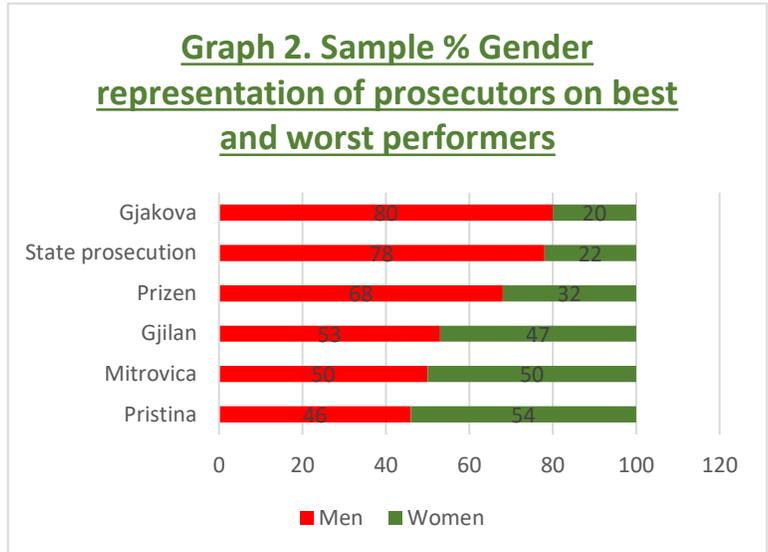
Interview with Prosecutor

³³ Kosovo Prosecutorial Council, Regulation 06/2020 on the Selection of Members of the Council, at: <https://prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/AkteNenLigjore/Udh%C3%ABzuesit/Rregullore/Rregullore%20Nr.06.2020%20-%20p%C3%ABr%20Zgjedhjen%20e%20an%C3%ABtar%C3%ABve%20prokuror%C3%AB%20t%C3%AB%20KPK-s%C3%AB.pdf>

³⁴ Kosovo gender analysis, 2018

³⁵ Data obtained through Basic Prosecution Office websites.

women prosecutors for the past four years. While women made up only 37.4% of prosecutors in 2018, this has gradually increased to 43% in 2021. However, major differences between different Prosecution Offices remain. Some Prosecution Offices have a higher inclusion of women prosecutors, others have a very low level. For instance, the Basic Prosecution office in Gjakova (20% women), in Prizren (32%), and the State Prosecution (22%), all have very



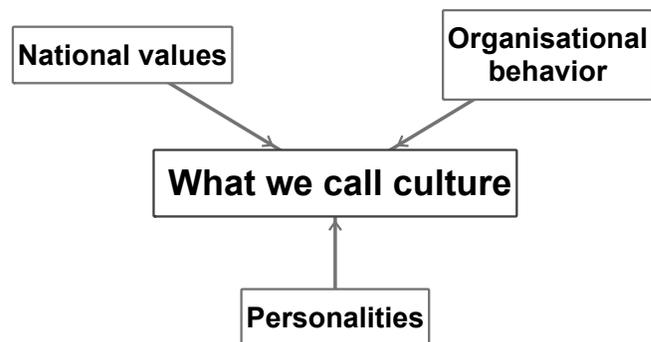
low numbers of women prosecutors, lower than the Law on Gender Equality Requires. Others, like the Basic Prosecution in Gjilan (47%), Mitrovica (50%), and Prishtina (54%) fare much better in this regard.

Other offices lie somewhere in between, yet under the requirements of equal representation. Barriers to women’s equal representation, particularly in decision-making positions are many and go beyond the prosecution service. These factors include a lack of alignment to legal equal representation requirements and affirmative measures, the organizational culture of the prosecution service, and national values.

“Barriers to accessing decision-making positions do not just come from our system. Barriers come from private life as well. Despite being prosecutors we still bare the unequal burden of house work and childcare”

Interview with Prosecutor

National values and culture are addressed later in this assessment but it is worthy to note that many of the issues mentioned in this paper cannot be addressed purely by policy but actual action that challenges the norms that are prevalent in society and the status quo. This will go against what is seen as the accepted and normal and requires system champions to constantly challenge norms that have developed over a period of generations. During this assessment we applied 3 factors to the term culture that considers a more holistic approach to identifying the root cause.



The percentage of women and men prosecutors from non-majority communities has remained similar during the past four years (Table 1), and the largest number is in the Basic Prosecution in Mitrovica. Article 20.6 of the Law No 06/L-56 on the Kosovo Prosecutorial

Table 1. Prosecutors in Kosovo, disaggregated by gender and ethnicity				
Year	2018	2019	2020	2021
Number of Prosecutors	182	197	190	190
Percentage of men minorities	3.3%	3.0%	3.2%	3.2%
Percentage of Women Minorities	5.5%	5.6%	5.3%	4.7%

Council lays down clear requirements on the representation of non-Albanian prosecutors in Kosovo. Accordingly, at least 15% of all prosecutors should be non-Albanian, and at least 8% should be Serbian.³⁶ In reality, currently only 7.61% of prosecutors are Serbian, and 1.08% non-Serbian minorities, falling short on legal requirements.³⁷

Several reasons have been cited for this, most prominently the lack of qualified applicants from non-majority communities that fulfil the mandatory requirements, overall. However, several important offices, including the Chief State Prosecutor’s Office

“The problem does not start at the level of Prosecutors. It starts and should be tackled much, much earlier. There is a low number of law students from minority background. There is a very low number of professional associates and legal officers that are non-Albanian.
Interview with member of the secretariat.

and the Appeal’s Prosecution Office have no Serbian prosecutors, despite qualified candidates having applied.³⁸ Data on persons with special needs has been requested from the prosecution but they have stated that there are no prosecutors with special needs in any of the offices. At the level of prosecutors, the mandatory quota on 1 employee with special needs per 50 employees³⁹, is not implemented.

“We have always had problems recruiting non-Albanian prosecutors, particularly non-Serbian. There are no procedural difficulties, the problem lies only with the lack of applications, including the lack of qualified applications. Not sure what we as the prosecution service can do in this case. The problem is somewhere else. We are obliged to give priority to minority communities in cases of equal qualifications, and we will do that.”

Interview person from administration.

³⁶ Assembly of the Republic of Kosovo, Law No 06/L-56 on the Kosovo Prosecutorial Council, at: <https://md.rks-gov.net/desk/inc/media/67EDFC14-7AC3-4023-9421-2F2213B5F676.pdf>

³⁷ Data obtained from the State Prosecution.

³⁸ Information from interviews with several prosecutors.

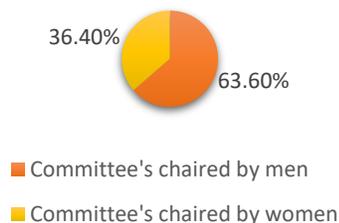
³⁹ Ibid.

Representation and Decision Making in Committees

Additionally, women prosecutors are underrepresented as committee members and heads of committees. There were 11 committees formed in 2016-2021, with 33 members in total. Women made up 39.4% of members, while men made up 60.6% of committee members. Here again, women remain underrepresented in decision-making roles, as 63.6% of committees were headed by men and only 36.4% by women. Of all committee members, 12.1% were non-

Albanian prosecutors, while only 1 committee (9.1%) was chaired by a non-Albanian prosecutor. The situation overall requires improvement, but it is better than in other public institutions. The real problem appears once we look at individual committees, some of which are made up entirely from men prosecutors, including the Committee on Performance Evaluation.

Graph 2. Committee chairs 2016-2021, disaggregated by gender



Equal Opportunities and Advancement

Overall, more men are granted advancement across all prosecutorial offices in Kosovo. In 2018-2021 men advanced within the prosecutorial system in 76.4% of cases. The main contributing factor to this, seems to be the low number of applications for advancement by women prosecutors in the first place. For instance, in 2018 only 5 women applied for advancement, compared to 20 men, and in 2020 only 9 women applied, compared to 17 men. Several reasons for this

“We have a few colleagues in decision-making positions who have gone through hell to get there and have gone through hell while being there. We are not sufficiently encouraged nor protected by the institution. Media attacks women differently and in many cases more. Why would we try to advance and become public figures with no guarantee of protection?”

Interview with Prosecutor

were repeatedly mentioned by women prosecutors, including lack of support and encouragement by the institution, lack of support by family members, and lack of work-life balance possibilities when taking into account women’s care-responsibilities outside of work. Indeed, research indicates that online abuse of women in Kosovo heavily discourages them from engaging in political and public life.⁴⁰ Prosecutors, particularly in decision-making positions automatically become public figures.

⁴⁰ Shqipe Gjocaj, Delete Profile: Online Abuse of Kosovo Women Costing Democracy, 2021, at: <https://balkaninsight.com/2021/08/25/delete-profile-online-abuse-of-kosovo-women-costing-democracy/>

While women’s low interest in advancement procedures is the main reason for their lack of advancement, there are other factors that contribute to this. For instance, advancement processes are not sufficiently gender-sensitive. As mentioned above, the Committee on Performance Evaluation, arguably one of the most important committees in the prosecution service, with the ability to make or break careers, does not include a woman prosecutor’s perspective. On the one hand this goes against the equal representation requirements in committees set by the Law on Gender Equality. On the other hand, while no research on the topic exists yet, anecdotal evidence suggests that women are judged more harshly from all-male evaluation panels during job performance interviews.⁴¹ However, the issue of performance evaluation goes beyond the gender composition of evaluation panels. Overall prosecutors do not believe that they hold gender biases especially not during recruitment and advancement processes.⁴² Prosecutor’s interviewed, highlight that they focus on merit, and merit only, and gender and ethnicity play no role in their decisions because women and men are the same. This viewpoint is quite problematic. Recent research shows that committees that don’t believe and do not acknowledge their gender bias end up promoting fewer women.⁴³ On the other hand, committees that have knowledge on gender roles, norms, barriers faced by women, advance equitable numbers of women and men.⁴⁴

“Our evidence suggests that when people recognize women might face barriers, they are more able to put aside their own biases. When committees acknowledge their potential bias they promote equitable numbers of women and men.”

Regner et al, 2019

Moreover, a recent study published in the American Sociological Review shows gender biases frequently shape performance evaluations, because similar behaviours are perceived differently based on whether

⁴¹ Interviews with women prosecutors, women from the secretariat, and women in the administrative structures of the prosecution service.

⁴² See chapter on “Organizational Culture” below.

⁴³ Isabelle Regner et al “Committees with implicit biases promote fewer women when they do not believe gender bias exists” In Nature Human Behavior, 2019

⁴⁴ Ibid.

the employee being evaluated is a man or a woman.⁴⁵

The study also finds that the gender bias is even higher when it comes to leadership positions.⁴⁶ In order to circumvent the issue of unconscious gender bias by evaluators, evaluation processes and forms need to be strictly tied to performance, and leave as little space as possible for subjective review, including with clear criteria applied consistently across all employees. The evaluation procedure at the prosecution service is clearly defined. The evaluation forms overall focus on



professional and objective factors, including some specific quantitative (comparing number of approved and rejected indictments, number of approved complaints, number of approved extraordinary legal remedies etc) and qualitative indicators (ability to incept and suspend investigations, ability to defend the case in front of the court, knowledge and legal reasoning etc).⁴⁷ Overall the evaluation forms are very good, and focus on professional factors. However, the evaluation form also have some subjective factors, that may be used to differently evaluate women's compared to men's abilities due to potentially leaving space for unconscious gender bias by evaluators. The question on whether prosecutors have "a strong personality and self-control" for instance, may be interpreted differently based on whether the prosecutor is a woman and whether it is a man. The question on whether "prosecutors participate in other activities and volunteer to replace colleagues", is also not very appropriate, since it ignores women's higher private responsibilities outside of work, which may impact their willingness and ability to take on additional responsibilities, etc.

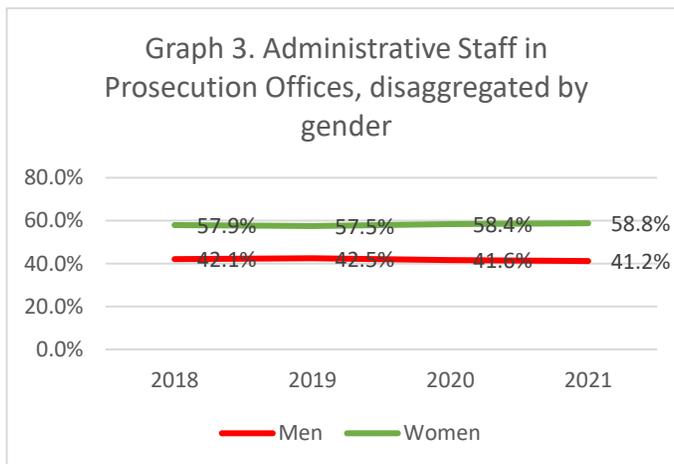
⁴⁵ Shelley J Correl et al for the American Sociological Review, "Inside the Black Box of Organizational Life: The Gendered Language of Performance Assessment" 2020

⁴⁶ Ibid.

⁴⁷ Review of draft evaluation form provided by the State Prosecution

Human Resources and Diversity

In terms of administrative staff in different prosecutorial offices, the situation looks quite different. Overall, men are underrepresented as administrative staff in all prosecutorial office in Kosovo, except for the Basic Prosecution Office in Peja, with no trend of improvement in sight (Graph 2). Again, women are underrepresented in decision-making positions in the administration, with only 41% of 44 persons in decision making positions being women and



59% being men. The percentage of women and men administrative staff from non-majority communities has remained similar during the past four years (Table 2), and the largest number is in the Basic Prosecution in Mitrovica. The percentage in Mitrovica influences the overall picture, because if

looked into in detail several Prosecutorial Offices lag behind in minority recruitment regarding administrative staff. This includes the Basic Prosecution Offices in Prizren (1 minority), the Special Prosecution Office (1 minority), the Chief State Prosecution Office (0 minorities) the Basic Prosecution in Gjilan (0 minorities), and the Basic Prosecution Office in Gjakova (0 minorities). Similar to above, data on persons with special needs has been requested from the prosecution but they have stated that there are no administrative staff with special needs in any of the offices. At the level of administrative staff, similar to prosecutors, the mandatory quota on 1 employee with special needs per 50 employees⁴⁸, is not implemented. Evidence suggests that there are a few persons with special needs but they have not declared themselves as such.

Table 2. Administrative Staff in Prosecution Offices in Kosovo disaggregated by gender and ethnicity				
Year	2018	2019	2020	2021
Number of Administrative Staff	449	506	500	488
Percentage of men minorities	3.6%	3.2%	3.2%	3.3%
Percentage of Women Minorities	6.2%	5.7%	6.0%	6.1%

Organizational Culture and Gender Equality

⁴⁸ Ibid.

Organizational culture refers to, norms, values, beliefs, attitudes and assumptions that influence the interaction and behaviour of women and men within a specific organization. Although organisational culture is an essential element when considering gender equality it is

“Changing organizational culture and removing stereotypes in the legal profession is crucial for attracting and retaining a gender-balanced workforce within the judiciary.”

OECD

important to note that national values are what ultimately drive the phenomena. These are notoriously difficult to change. The behaviour at the organisational level however is an easy topic to address and can be tackled with effective and aware leadership. Traditionally the study of organizations has been “gender neutral”. What this means in practice, is that organizational analyses have been implicitly gendered, and been conducted from a male perspective, culture, and discourse.⁴⁹ However, organizational culture is far from gender neutral, with assumptions about gender underlying every day interactions and even being part of internal documents and contracts used to construct institutions and organizations.⁵⁰

The organizational culture within the Kosovo prosecutions service is not gender sensitive. First off, internal knowledge on gender and inclusion policies is quite low. Knowledge on affirmative measures is very low, and it is not largely known that it is a legal requirement stemming from the law on gender equality. Different persons interviewed highlighted the importance of “meritocracy” only, and did not understand what affirmative measures are, nor when and how they should be implemented during recruitment and advancement processes. Overall affirmative measures are not fully understood and criticized by women and men in Kosovo, including electoral quotas. Officials interviewed who showed these attitudes had never received training on gender and inclusion. In fact, there are no mandatory gender and inclusion trainings in the prosecution service, for prosecutors nor for administrative staff. This is quite problematic because, as highlighted in the “Equal Opportunities” chapter above, not understanding and acknowledging the possibility of gender bias leads to fewer women being promoted, and knowledge on gender roles and barriers faced by women, leads to more equality in advancement procedures.⁵¹

“Our institution does not discriminate. Our recruitment and advancement processes are only merit-based, we do not see gender or ethnicity.”

Administrative staff in leadership position

⁴⁹ Fiona Wilson, “Organizational Theory: Blind and Deaf to Gender?” *Organization Studies*, Vol. 17 Issue 15, 1996.

⁵⁰ Acker, Joan. “Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations.” *Gender and Society*, vol. 4, no. 2, 1990, pp. 139–158. *JSTOR*, www.jstor.org/stable/189609. Accessed 28 Aug. 2021.

⁵¹ Isabelle Regner et al” Committees with implicit biases promote fewer women when they do not believe gender bias exists” In *Nature Human Behavior*, 2019

There are no gender focal points, and handling issues related to gender, human rights, and diversity is not in anyone’s job description within the prosecution service. Having gender equality officers is only a requirement for ministries and municipalities, however, it is considered a best practice to have someone internally with knowledge and skills on gender equality, gender mainstreaming and gender analysis. There is a Forum of Women Prosecutors and Judges that is registered as an independent association. Overall, the Forum aims to support the advancement and empowerment of women in the judicial system.⁵² This is done through several activities including through encouraging and empowering women judges and prosecutors to seek advancement, supporting initiatives that enhance gender-sensitive policies in the judiciary system, mentoring young prosecutors, judges, and lawyers to overcome obstacles and advance in their careers, and advocate for more work-life balance.⁵³ Having a support group with like-minded women professionals of the same field may lead to gender and inclusionary improvements within the prosecution, because an organized and formal advocacy group is more likely to succeed than individual women. Unfortunately, while having been very active in 2019 and 2020, the activities of the Forum have died down, mainly due to lack of external funding.⁵⁴ There is a lack of knowledge, capacities, and interest in enhancing the diversity of the institution, albeit a legal requirement stemming from different national laws. There is a common belief across the institution that the situation is out of their hands and persons with disabilities and non-Albanians are just not qualified enough to obtain positions.

“The leadership here does not care about social inclusion that much. It is only prioritized when it is a strict legal requirement, when it is mandatory for them.”

Interview with Prosecutor

There continues to be widespread internal beliefs and attitudes that are not necessarily codified, but that seriously hamper the ability of women to access and thrive in leadership positions. Leadership, indirectly resists efforts to ensure gender equality and diversity. For example, persons in leadership positions strongly opposed mentioning affirmative measures (as obliged by the law on gender equality and the law on protection from discrimination) in internal policies related to recruitment, advancement, and transfer.⁵⁵ This resistance mostly comes from a lack of knowledge on affirmative measures, gender equality, diversity, and national legal requirements on gender and inclusion. Several examples of this have been provided throughout the course of this research. One example highlighted that a prosecutor’s

⁵² Statute of the Association of Women Judges and Prosecutors, 2019.

⁵³ Ibid.

⁵⁴ Interview with Prosecutor, member of the forum.

⁵⁵ Interview with persons present at the meeting where the draft regulation was discussed.

marital status was mentioned as a negative element while deliberating her application as a head of office. Another example cited by several interviewees mentioned that while selecting the head of a prosecutor's office in 2019, and the decision was between a man and a woman, both of whom fulfilled qualifications, it was deemed that that particular office had major problems that could only be solved by a "strong hand" – meaning a man's hand.

Lastly, it should be noted that despite these persisting problems the situation has noticeably improved in the past decade, including when it comes to the organizational culture. In addition to improvements in representation, opportunities, and access to leadership positions, the overall culture has become more accepting of women prosecutors, including women in decision-making positions. In terms of ethnic diversity the situation has also improved, albeit ample space for improvement remains.

"The colleagues I value and respect most as well as my closest friends in our system are from other communities. Cooperation, collegiality, and socializing are at the highest possible level. Our experiences should serve as an example that ethnic diversity are not obstacles to honesty and justice and that our cooperation only strengthens and empowers the system."

Interview with Prosecutor

"The situation has improved drastically. In 2008 a police officer entered my office which had no name tag yet, and asked me where they could find a prosecutor. They knew they were in the prosecutor's office, but just couldn't imagine a young woman having been appointed prosecutor. This would never happen now".

Interview with Prosecutor

Recommendations

Recommendations for the KPC and for the Chief State Prosecutor's Office:

- 1) The KPC should work closely with the Kosovo Academy of Justice to ensure mandatory training on gender and inclusion for all existing and new prosecutors and staff, including those in leadership positions.
 - Trainings should cover topics such as gender norms, gender roles, the current situation on gender in/equality and diversity in Kosovo, legal requirements on gender equality, diversity, equal representation, gender analysis, gender disaggregated data, and gender mainstreaming, among others.
 - Shorter, refresher trainings for existing staff and prosecutors should be offered periodically, every two years.
 - The trainings should be delivered by gender and inclusion experts with vast expertise on these topics. The Academy of Justice should recruit such external expertise.
 - In order to decrease the risk of staff and prosecutors not absorbing any relevant knowledge, the committee on performance evaluation should consider evaluating knowledge and attitudes on gender equality and inclusion.
- 2) Consider either hiring or appointing one existing staff and modifying their job description to include "Gender and Inclusion Focal Point" to their job description.
 - The selected staff should contact the Agency for Gender Equality to become specialized in gender and inclusion, so that the prosecution service does not require external support in the future.
 - Contact women's organizations such as the Kosovo Women's Network to provide additional training for the gender and inclusion focal point, if necessary.

Responsibilities that can be included in the Job Description for Gender and Inclusion Focal Point

Ensures that information and guidelines on gender equality and inclusion are shared with prosecutors and staff

Ensures a gender perspective is included in internal policy documents and by-laws

Ensures that data disaggregated by gender and other background factors is collected and used for internal policy making

Encourages colleagues to promote gender equality in every day actions

Builds capacities through training and mentoring of other staff members.

Regularly communicates with colleagues and prosecutors on issues related to gender equality, equal opportunities, diversity, inclusion, and gender-based discrimination.

Drafts and presents the annual Gender and Inclusion assessment in front of the KPC (See recommendation 4)

- Several risks should be taken into account when appointing or recruiting focal points. Having internal focal points on gender equality does not absolve all others from responsibilities related to gender and inclusion.
 - While the appointed/recruited Focal Point should work with one representative (women and men) from all departments to ensure gender equality and issues related to inclusion are specifically addressed in all departments and divisions.
 - Additionally, issues related to gender and inclusion, should be added to the job descriptions of all staff and prosecutors in leadership positions.
- 3) Ensure that all internal strategies, policies, regulations, and by-laws include a gender-perspective, as required through Law No 05/L-020 on Gender Equality.
- Ensure that the capacities of persons involved in drafting and approving new policies and by-laws in how to mainstream gender within these policies are enhanced. Specific focus should be on the Committee for Normative Matters and the KPC.
 - Ensure that all policies are drafted utilizing gender analysis and gender-disaggregated data and that they address the different needs and concerns of diverse women and men. This data is already available but is currently not used for policy making.
 - Ensure that the new Strategy of the KPC includes a gender and inclusion perspective. The upcoming strategy can highlight some of the findings of this report and can add some of the recommendations provided herein as actions to be fulfilled during the next three years. The Strategy should also set gender sensitive indicators, baselines, and targets to be implemented and reported on. For this point and the points below on amending By-Laws, currently there are no internal capacities to do this, and external help, including from our project should be requested. If the recommendations above are taken into account (on capacity building and gender focal points) are taken into account, then internal capacities will exist in the future.
 - Amend the Code of Conduct for Prosecutors and the Code of Conduct for the KPC to reference sexual harassment and lay out concrete grievance procedures. The two codes should include Articles 18.1, 18.2, and 18.3 already outlined in the Code of Conduct for Administrative Staff.
 - Amend all regulations related to Recruitment (of staff and Prosecutors), Transfer, and Advancement to refer to Affirmative Measures as outlined in Law No 05/L-020 on Gender Equality and Law No 05/L-020 on Protection from Discrimination. Specifically, we suggest

that the decision to review and amend internal regulations be taken this year during the annual work-plan meeting of the Committee for Normative Acts.

- Amend all regulations related to recruitment to add the mandatory quota of employing 1 person with disability per 50 employees, as mandated through Law No. 03/L-019 on Vocational Ability, Rehabilitation, and employment of people with disabilities.
- 4) Institutionalize an annual Gender and Inclusion assessment similar to this one that would annually analyse commitments, progress made, and challenges left. The assessment should include an annual Action Plan highlighting priorities for the next year and should be aligned with the KPC strategy. The Assessment and action plan should be annually reviewed and approved by the KPC.
- 5) Improve equal representation among women and men (from diverse backgrounds) at all decision-making levels within the Prosecution service.
- Improve knowledge of human resource persons regarding affirmative temporary measures foreseen by the Law on Gender Equality and practical ways in which these can be used while still abiding by the Law on Civil Servants.
 - Cooperate with the Ministry of Justice to conduct awareness campaigns targeting women law students, professional associates and legal officers on the benefits and positive aspects of becoming a prosecutor.
 - Cooperate with the Ministry of Justice to conduct awareness campaigns targeting non-Albanian communities towards pursuing a career as a prosecutor.
 - Cooperate with the Ministry of Justice, the Ministry of Education, Science, and Technology, to provide scholarships for non-Albanian students interested in studying law.
 - In cooperation with the Ministry of Justice and organizations for persons with disabilities (Such as HandiKos), organize awareness campaigns and identify persons with disabilities to encourage them to apply to positions within the prosecution service.
 - Nothing is currently being done regarding the recommendations on awareness raising and outreach provided above, and such actions are not foreseen under the RoL Strategy.
- 6) Ensure that meritocracy, transparency, equality, inclusion, and diversity guide the work of different committees
- Ensure equal representation of women and men in different committees. Aim to have 50/50% representation in committees overall, and no committees composed of only one gender, as required by the Law on Gender Equality.

- Ensure that committee members are all trained on gender, inclusion, and diversity and are aware of different barriers that women or non-Albanian prosecutors may face.
 - Amend the evaluation forms used by the Committee for Performance Evaluation to remove all subjective indicators.
- 7) Devise and implement a regular mentorship programme, where women in leadership positions would mentor young law students, professional associates and legal officers, interested in becoming future prosecutors.
- Men champions should be identified that can provide peer-to-peer mentoring to young men law students, professional associates, and legal officers as well, focusing on gender and inclusion, among others.
- 8) In close cooperation with the KJC ensure a sustainable and long-term budget line to fund the activities of the Forum of Women Judges and Prosecutors towards supporting the advancement and empowerment of women in the judicial system.
- This will also contribute to implementing requirements related to Gender Responsive Budgeting under the Law on Gender Equality.

Recommendations for International Donors including the British Embassy:

- Consider conducting similar gender and inclusion assessments of other judicial institutions, including the Kosovo Judicial Council and the Ministry of Justice in order to set a baseline for future actions.
- Using the KPC as a successful example and best practice and in order to improve access to justice for victims of gender-based violence, consider working with the Kosovo Judicial Council towards appointing and specializing criminal judges to work with domestic violence cases. A first step towards this approach would entail contacting the KJC and potentially signing an MoU, and then beginning with the specialization of criminal judges towards working with domestic violence cases. In addition to training, the specialization can occur by providing mentoring from international criminal judges with experience in working with domestic violence cases.
- Support the KPC (and potentially the KJC) towards devising awareness raising campaigns to encourage women law students, professional associates, and legal officers on pursuing careers as prosecutors.

- Support the KPC towards conducting awareness raising campaigns targeting non-Albanian students and persons with special needs towards pursuing a career as a prosecutor.
- Consider funding the activities of the Forum for Women Judges and Prosecutors, including core funding, towards supporting the advancement and empowerment of women in the judicial system.

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