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AGJENCIA PËR BARAZI GJINORE / AGENCIJA ZA
RAVNOPRAVNOST POLOVA/AGENCY FOR GENDER EQUALTY

WHAT WE NEED TO KNOW ABOUT GENDER EQUALITY IN KOSOVO?



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...Sono una donna e una seria artista, e gradirei essere giudicata per quello.

...I am a woman and a serious artist, and I would like so to be judged.

Maria Callas, soprano

Abbreviations

AGE - Agency for Gender Equality

CEDAW - Convention on the Elimination of All Forms of
Discrimination Against Women

CoE - Council of Europe

EC - European Commission

EIGE - European Institute for Gender Equality

EU - European Union

FRA - European Union Agency for Fundamental Rights

GBV - Gender-based violence

GE - Gender Equality

Law on GE - Law on Gender Equality

GRK - Government of Republic of Kosovo

KAS - Kosovo Agency of Statistics

KIPA - Kosovo Institute for Public Administration

KPGE - Kosovo Program for Gender Equality

M&E - Monitoring and Evaluation

MAFRD - Ministry of Agriculture, Forestry and Rural Development

MCR - Ministry for Communities and Return

MCYS - Ministry of Culture, Youth and Sports

MoJ - Ministry of Diaspora

MED - Ministry of Economic Development

MEI - Ministry of European Integration

MEST - Ministry of Education, Science and Technology

MoF - Ministry of Finance

MFA - Ministry of Foreign Affairs

MoH - Ministry of Health

MoI - Ministry of Infrastructure
MIA - Ministry of Internal Affairs
MoJ - Ministry of Justice
MKSF - Ministry of Kosovo Security Force
MLGA - Ministry of Local Government Administration
MLSW - Ministry of Labour and Social Welfare
MESP - Ministry of Environment and Spatial Planning
MPA - Ministry of Public Administration
MTI - Ministry of Trade and Industry
NGO - Non-Government Organization
OECD - Organisation for Economic Cooperation and Development
OPM - Office of the Prime Minister
SIDA - Swedish International Development Cooperation Agency
TAIEX - Technical assistance and information exchange instrument
UNESCO - United Nations Educational, Scientific and Cultural
Organisation
UP - University of Prishtina



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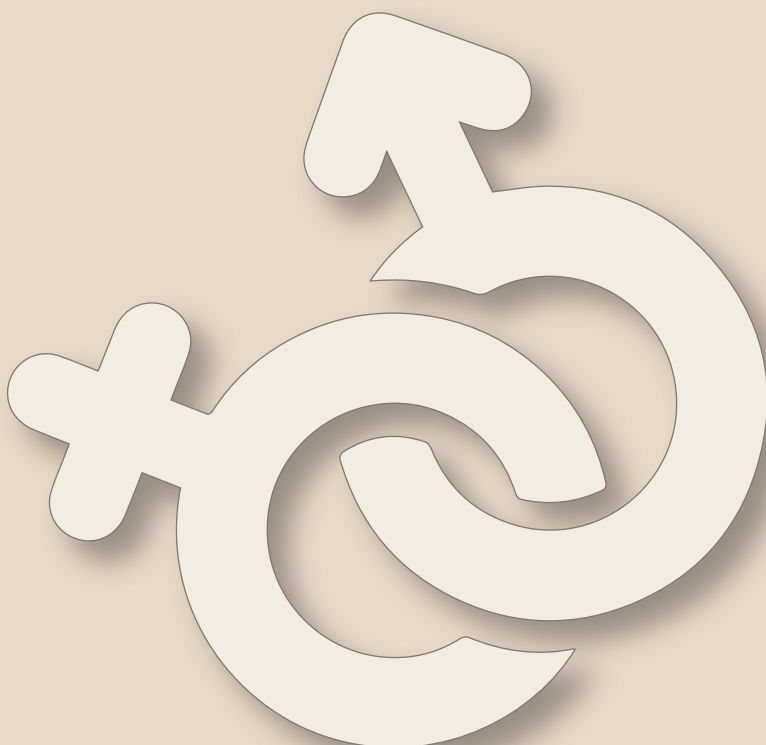
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I



I. Introduction: To whom is addressed this publication?

If we consider as significant to achieve gender equality, and in fact we can consider it as such, the role of women in leadership in today's world gained new dimension. Promising? It is still early to be determined, as long as prejudices and stereotypes prevail, not only in the cultural habits of society, in its periphery-centre relationships, but rather in the communication itself between sexes. The perspective of a society that respects [between sexes] equality in the municipality, state or continent where we live is still far from realization, seeing that the role of girls and women at decisionmaking tables is [only] numerical, and is still fragile. Lack of clear concepts on equality, discrimination, participation and integrity, also aided by the dissemination of wrong information, or also its misuse decisively hinder the deserved role of participation of both sexes, their equality in access to information, services and opportunities. This publication, along with clarification of some of the important concepts, aims to remind us that gender equality cannot be simply a number or percentage but much more. As a normal part of everyday life, equality begins with the *norm*, as a standard or manner of behaviour for which most of us, educated citizens, agree. Therefore, this publication, elaborates the definitions and legal standards on equality and gender in Kosovo, and in fact is a handbook for public servants and decision-makers, constituents and taxpayers, trade union members and activists, or anyone else residing in Kosovo, and is about our rights and obligations as we seek to live and build a democratic society.



We choose to call this publication *vademecum*, as this Latin word seems to support more clearly and firmly the purpose of this publication. (From Latin 'vademeum' means 'come with me' figuratively implying that 'I'm giving you a helping hand')

Designed for any reader, regardless of sex, age, nationality, religion, education, origin, as well as social and economic status, this publication, which is not intended to be a brief technical guideline, summarizes a set of standards presented as rights, obligations but also as penalties for consolidating a good practice of respecting gender equality throughout Kosovo: in decision-making within the institutions, in decision-making in the best interests of citizens, in informing them, in accessing and delivery of services, financial resources, proper health care, in regulating employment relationship. There are numerous mistakes but also lessons learned in establishing good practices. Most of standards listed in the following pages present these as adjustments, revisions and additions to legislation, and help to draw lessons and new goals on equality. Certainly, there is something left to be said.

II



II. How to use this publication?

In view of easy obtaining information from a single source and to better understand the norms and standards on gender equality in Kosovo, this publication, provided to you, is designed in such a way as to be useful and to have the attention of a wider category of readers. Certainly, the information summarized on its pages can also be found through other alternative sources and means, but the listing as per structure presented in the following pages seeks to reduce to the maximum possible extent the expected degree of difficulty in consideration of standards of equality and institutional responsibility. However, we are convinced that readers may have questions and be unclear about the used terminology, specific issues and concepts contained in the regulatory framework on gender equality, outlined in this publication. Therefore, in order to make use of this publication easier to read and have clearer understanding and observation of respective concepts, standards and norms, this section explains how this 'vademeum' is structured in its entirety, and how are summarized and listed the information on laws related to gender equality in Kosovo.

In the following section are presented in summarized form the indicators that help measure and assess the equality in society, based on the definition of social cohesion and the tools developed by coding best practices from the OECD. Also in this section are provided in summarized form the criteria that need to be observed when conducting a gender assessment of public policies and legislation. Section 4 describes what we need to know about the Agency for Gender Equality, focusing on its important role in promoting gender

equality, monitoring and improving the overall regulatory framework related to this focus. Section 5 explains what is the work of gender equality officials in public administration at the central level i.e. in ministries and other line institutions, and at the local level, namely in the municipalities of Kosovo. The Kosovo Government's policy framework on gender equality and its affirmative measures/actions that are coordinated and monitored by the Agency for Gender Equality is summarized in Section 6. Section 7 provides technical details regarding standards in data collection, and their classification for the purpose of understanding discrimination and/or equality. Section 8 constitutes the most part of the information provided by this publication. As a very essential and important section, it summarizes the main laws governing gender equality in Kosovo. In its two last Sections 9 and 10, presents the international law currently and directly applicable in the Republic of Kosovo regarding women's rights and gender equality, as well as a glossary with necessary concepts and definitions, which are used in the publication.

This vademecum is originally drafted in Albanian language but its structure is adapted in a way that facilitates the reading in translated versions in other official languages of Kosovo. For the conception and elaboration of this publication, official and legal sources of information have been used, which are listed in detail at last pages, respectively in its bibliography.

III



III. How to evaluate a society if there is gender equality or not?

From the best global practices, we understand that "gender-equal society" is a society in which both men and women, as equal members, have equal opportunities to participate voluntarily in social activities at all levels, enjoy political, economic, social and cultural benefits, and have equal responsibilities. In such a society, human rights, of men and women, are equally respected. Women who want an active role in society can participate in activities of their choice, while men can enjoy a fulfilled life at home and in the community. A gender-equal society is a society built by men and women as equal partners.

Achieving a truly healthy and cohesive society depends on creating a social framework that allows individuals to choose different lifestyles regardless of their sex, and without being constrained by such rigid stereotypical gender roles that assume that growth of children and their care are exclusively task of women, while men are workers, taxpayers and pension funders. However, in spite of the fact that gender equality is more or less achieved in many countries of the continent, in terms of legislation, participation of women in policy and decision-making processes remains insufficient and women still have little opportunity to realize their full potential. The traditional tendency to consider the involvement of men in chores and child education as an unknown behaviour, and the heavy burden of chores, childcare and their health as women sole obligation in Kosovo is evidence of the fact that our society still has a long way to go to reach the pace of other countries in terms of gender equality.

Therefore, each and every one of us, shall consider genderbased biased roles in order to be able to build a society where men and women can participate in politics, workplace and home, and inspire our lives with satisfying emotions and aspirations.

If we are to rephrase Edmund Burke, such a complete and comprehensive consideration occurs "when women and men, all together as good citizens, decide to participate in a continuous and active way in discussing and monitoring those important issues for them in order to achieve equality, accountability and respect for the rights of any individual regardless of sex". Instruments necessary to effectively fulfil these imperatives are provided in different international, regional and local policy frameworks, but it is our duty as decision-maker, and specifically the Agency for Gender Equality in assessing the appropriateness of these instruments to be applied in one social environment such as ours, by not enforcing results only formally. Thus, establishing positive behaviour models, through an artificial and theoretical compliance with standards.

At a glance, by applying an approach in analogy to the priorities set in other countries in the region, and below are listed some strategic objectives and relevant indicators that target gender equality and social cohesion.

United Nations Sustainable Development Goals

Goal 5: Achieve gender equality and empower all women and girls

5.1 End all forms of discrimination against all women and girls everywhere.

5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life.

5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.

5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

5.b Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.

5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

Social cohesion indicators of Organisation for Economic Cooperation and Development (OECD)

Social cohesion is often identified as an over-arching objective of social policy in various OECD countries. While little agreement exists on what it means, a range of symptoms are informative about lack of social cohesion. Social cohesion is positively evident in the extent to which people participate in their communities or trust each other.

Life satisfaction is determined not only by economic development, but also by the diverse experiences and living conditions. The extent of trust that citizens have in the political institutions of their community and participation in voting are two important dimensions of the extent to which individuals are well integrated and taking part in social life. Social networks, is another important element of social cohesion indicator, through relatives and friends, online connectedness or voluntary work. It is difficult to identify directly relevant and comparable response indicators at a country level on social cohesion issues. Policies that are relevant to other dimensions of social policy (self-sufficiency, equity and health) may also influence social cohesion.

Life satisfaction is determined not only by economic development, but also by people's diverse experiences and living conditions.

A cohesive society is one where citizens have confidence in others and public institutions. Trust may affect economic performance and policies can affect trust and well-being. (Algan and Cahuc, 2013).

Voting in national parliamentary elections is one indicator of people's participation in their community's national life. The indicator used here to measure the participation of individuals in the electoral process is the "Voting age population turnout", i.e. the percentage of the voting age population (VAP) that actually voted – as available from administrative records of OECD member countries.

Crime and Prisons. The index is based on the total number of persons – and juveniles aged under 18 – brought into formal contact with the police and/or criminal justice system, all crimes taken together, per 100 000 population. Data may include persons suspected, or arrested or cautioned. Any cross-national comparison should be conducted with caution because of the differences that exist between the legal definitions of offences in countries, or the different methods of offence counting and recording.

Social networks consist of a group of individuals interacting with one another, either in person or virtually through

information and communication technology. Data on social support and volunteering in an organisation comes from the Gallup World Poll where the questions asked to respondents are respectively: “If you were in trouble, do you have relatives or friends you can count on to help you?” and “Have you done any of the following in the past month?”.

European Social Charter of the Council of Europe is an integrated set of international standards concerning social rights and a mechanism for monitoring their implementation within the signatory countries. This Treaty system:

- guarantees a broad range of human rights with respect to everyday essential needs related to employment and working conditions, housing, education, health, medical assistance and social protection;
- lays specific emphasis on the protection of vulnerable persons such as elderly people, children, people with disabilities and migrants. It requires that enjoyment of the abovementioned rights be guaranteed without discrimination;
- is aimed at applying the United Nations’ Universal Declaration of Human Rights of 1948 within Europe; for this reason, it is linked to the United Nations’ Human Rights Treaty System and the European Union’s Charter of Fundamental Rights;

- is based on the principle of universality, indivisibility, interdependence and interrelation of human rights, as set forth in the United Nations' Vienna Declaration of 1993, which confirms that social rights are human rights on an equal footing with civil and political rights;
- complements at pan-European level the safeguards contained in the European Convention on Human Rights, which specifically refers to civil and political rights.
- is at the heart of the Council of Europe's statutory goals: human rights, rule of law and democracy, which cannot be realised without the respect of social rights.

IV



IV. What should we know about the Agency for Gender Equality and why its role is important?

The Agency for Gender Equality is the core of the institutional mechanism for implementing and monitoring the Law on Gender Equality in Kosovo and of any political and programmatic framework adopted on the basis and for the implementation of this law and the framework for protection of individual rights and freedoms in Kosovo. This Agency was established by means of the Decision No. 5/131 dated 1 February 2005 of the Government of Kosovo, initially as Office for Gender Equality, as a separate body within the structure of the Government of Kosovo in line with Article 5.1, UNMIK Regulation no. 2004/18, dated 7 June 2004, on the promulgation of the Law on Gender Equality adopted by the Assembly of Kosovo (Law No. 2004/2). By means of a Decision of the Government of Kosovo No. 03/2006 dated 12.07.06 the Office for Gender Equality, from 1 September 2006, is transformed into Agency for Gender Equality, within the Office of the Prime Minister.

The Agency for Gender Equality is an important body to the functioning of democratic institutions and is mandated to draft, implement, propose, coordinate and monitor local and international public policy on gender equality and is responsible for promoting, protecting and advancing the equal participation of women and men in all spheres of political, economic, social, cultural life in Kosovo.

The main office of the Agency is in Prishtina at the Kosovo Government Building, and this office and of the Agency wide consists of 16 employees.

Nevertheless, as defined in Article 12 of the Law on Gender Equality, 'All Ministries and Municipalities shall be obliged to appoint the relevant officials for gender equality with sufficient professional capacity and allocate sufficient resources from the budget, to coordinate implementation of the provisions of this law'. Thus, the work of the Agency for Gender Equality cannot be understood nor assessed if the network of officers for gender equality does not function in the ministries of the Kosovo government, in municipalities and other public institutions. They present the Agency, its mandate and at the same time reflect the implementation of the Law on Gender Equality in its Article 1.

To better understand the importance of AGE work, from good practices in Europe we understand that gender equality is considered to be an important element of good governance and a determining factor in the social cohesion of a society. Given this, the AGE's promotional, coordinating, monitoring and analysing work shall not face institutional obstacles but receive support and cooperation, coordinated and well-organized action for achieving the strategic objectives that focus not only on gender equality but on building a cohesive society in general.


V



V. What are the duties of gender equality officials in the public administration [at central and local level]?

Gender Equality Officials are civil servants of Kosovo's Public Administration at central level [ministries] and at local level [municipalities]. They are not staff employed by the Agency for Gender Equality but their work, i.e. duties and responsibilities are regulated by the Law on Gender Equality, implementation of which is monitored by AGE. Gender Equality Officials are recruited in the Kosovo Civil Service on the basis of the standards, procedures and criteria set out in the Law on Civil Service and the Regulation No. 02/2016 on Duties and Responsibilities of the GEOs.

Gender Equality Officials shall exercise their duties and responsibilities in accordance with the provisions set forth in this Law and in the respective sub-legal act no. 02/2016 approved by the Government, as proposed by the Agency. They are obliged to plan, integrate and present the priorities foreseen in this program in the strategic documents of relevant ministries and in the municipalities where they are engaged. Gender mainstreaming in strategic documents of each institution's work both at central level [ministries] and local level [municipalities] constitutes the core and main goal of the work of gender equality officials in institutions. This can be achieved through organizing training and awareness events/campaigns, reviewing various administrative and legal acts, monitoring the budget, etc. Their role should be active in



mainstreaming gender in mobilizing resources and people towards the strategic objectives of the institution.

In practice, gender equality officials should not expect for discrimination to occur within the administration they work, so that they can take action. Rather, they are required to have a more active role and to be promoters and implementers, by concrete actions, of the Kosovo Program for Gender Equality and the relevant law in general, in the sector or territory where they work.

VI



VI. What is the Kosovo Program for Gender Equality?

Kosovo Program for Gender Equality (KPGE) is a working document, which, at the same time, confirms the commitment and political will of the Government of Kosovo to work towards achieving and observing the best European and international gender equality standards and practices. It aims to create an appropriate and specific environment for changes in the living conditions of women and girls in Kosovo, as well as for the elimination of segregations that are closely related to poverty, as Kosovo is a new country with a relatively new democracy.

Kosovo Program for Gender Equality is, in fact, the main working document of the Agency for Gender Equality. “Kosovo Program for Gender Equality” provides an improved mid-term vision for achieving gender equality. The document is based on the strategic orientations set out in the Strategy of the Kosovo Development Plan, thus responding to the goals of European Integration and the Sustainable Development Goals.

KPGE aims at promoting dialogue for the integration of gender equality in Kosovo, which means an equal participation of women and men in social, economic and political life in the country, equal opportunities to enjoy their 95 rights and to put into service their individual potentials for the public good. Objectives of this document are, as follows: (a) to analyse the current state of women and men in Kosovo and to present the short-term and mid-term flow of occurrences and their impact in fighting poverty; (b) to identify

opportunities, including policies and institutions for gender equality; (c) to identify areas for intervention and to recommend policies, programs and measures for the solution of problems and to face challenges of poverty as well as economic and social development of the country; (d) to draft a budget which will be a mechanism in the hands of the government of Kosovo for the achievement of objectives.

Given this and the institutional map of implementation of the program at the central and local level, its added value lies in the assistance that this program provides to the institutions of the Government of Kosovo to:

- Address issues on gender equality (historic, economic, social, cultural and political);).
- Build capacities for comprehensive decision-making.
- Rational and balanced distribution of human, material and financial resource.
- Draft the action plan for integration of gender equality in the sector/territory where they work.

VII



VII. Why official statistics refer to sex and not gender? Where's the difference?

Sex-disaggregated data can be defined as data collected and presented separately for women and men. They are quantitative statistical information on differences and inequalities between women and men. There is a great deal of confusion and misuse of the terms “gender-disaggregated data” and “sex-disaggregated data”. The data must be sex-disaggregated, but not gender-disaggregated, as women and men are counted according to their biological differences and not by their social behaviour. The term genderdisaggregated data is often used, but it should be understood as sexdisaggregated data. Differences in the definition of ‘genderaggregated data’ are explained in detail in section 10 ‘Necessary Concepts and Definitions’

Clear, reliable and timely statistical data for all traditional statistical sectors such as education, health and employment, as well as new issues such as climate change, are fundamental to understanding the differences between women and men in a particular society. Such information is vital to policies and decisionmakers, as well as to progress towards gender equality. To ensure that gender equality commitments are accompanied by better planning and budgeting and translated into tangible results, a clear orientation approach is needed to encourage evidence-based decision-making. This requires investment and use of high-quality systematic evidence and analysis to develop appropriate approaches that respond

to inequalities between women and men in the country's social, political and demographic processes. To this end, the collection, analysis and use of reliable, comparable and coherent data, disaggregated by age and sex, is an indispensable prerequisite. Development of statistical gender analysis and gender equality analysis involves the same steps as in other statistics, but with a specific approach to gender mainstreaming and reflection of existing gender equality concerns.

The main steps to be taken for a more accurate analysis include:

- a. selecting topics to be explored;
- b. identifying statistics to be collected and which reflect gender issues in society;
- c. formulating concepts and definitions that adequately reflect differences between women and men in society;
- d. developing data collection methods that take into account stereotypes and social and cultural factors that can produce uncertainty and gender bias.
- e. developing analysis and publications of data that reach the desks of policymakers and the largest possible local audience.

VIII



VIII. Main legal instruments that regulate gender equality in Kosovo

<i>Instrument title and date of publication</i>	CONSTITUTION OF THE REPUBLIC OF KOSOVO 09.04.2008
<i>Purpose</i>	It is based on the principles of equality of all individuals before the law and with full respect for internationally recognized fundamental human rights and freedoms, as well as protection of the rights of and participation by all Communities and their members. (Article 3.2.)
<i>Guaranteed thematic rights</i>	<p>The Republic of Kosovo ensures GENDER EQUALITY as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life. (Article 7.2.) All are equal before the law. Everyone enjoys the right to equal legal protection without discrimination (Article 24) The composition of the Assembly of Kosovo shall respect internationally recognized principles of gender equality. (Article 71.2.)</p> <p>The composition of the civil service shall reflect the diversity of the people of Kosovo and take into account internationally recognized principles of GENDER EQUALITY (Neni101.1.)</p>
<i>Institutions directly involved</i>	Government of Kosovo, Assembly of Kosovo, Constitutional Court of Kosovo,

	Supreme Court of Kosovo, Kosovo Municipalities
<i>Implementation method</i>	Direct
<i>Effect obtained</i>	Direct
<i>Level of legislation</i>	National
<i>Source of information and language</i>	<u>Official Gazette of the Republic of Kosovo</u> Albanian, English, Serbian, Turkish, Bosnian

<i>Instrument title and date of publication</i>	LAW NO. 05/L-020 ON GENDER EQUALITY, 26.06.2015
<i>Purpose</i>	This Law shall guarantee, protect and promote equality between genders as a basic value of democratic development of society.

<p><i>Guaranteed thematic rights</i></p>	<p>The implementation of legal and affirmative measures establishes equal participation for both women and men in the bodies of all levels of legislative, executive, judicial power and public institutions, so that participation in these institutions reaches the level of their participation in the general population of Kosovo. Equal participation of women and men is achieved when participation of a gender in institutions, bodies or power levels is 50%. The public, private sector as well as legislative and executive institutions in the labour and employment sectors provide equal rights and opportunities for both women and men. The vacancy is equally open to women and</p>
	<p>men. The unpaid work of women and men is considered as a contribution to the development of family and society in cases of: a) care for family welfare; b) child care; c) care for other family members; d) work in agriculture and household, etc.; Equal education of women and men should be provided at all levels of education for their active participation in society, family life and the labour market. Property created during marital life is registered in public registers as joint property on behalf of both spouses.</p>

<i>Institutions directly involved</i>	Agency for Gender Equality, Government of Kosovo, Assembly, Ombudsperson, Municipalities, Police, Basic Courts, Court of Appeals, Supreme Court, Media.
<i>Implementation method</i>	Direct
<i>Effect obtained</i>	Direct
<i>Level of legislation</i>	National
<i>Source of information and language</i>	<u>Official Gazette of the Republic of Kosovo</u> Albanian, English, Serbian

<i>Instrument title and date of publication</i>	LAW NO. 05/L-021 ON THE PROTECTION FROM DISCRIMINATION – 26.06.2015
<i>Purpose</i>	It prohibits all forms of discrimination in society, including gender-based discrimination. The purpose of this law is to prevent and combat discrimination, increase the level of effective equality and implement the principle of equal treatment of Kosovo citizens before the Law (Article
	1.)
<i>Guaranteed thematic rights</i>	The principle of equal treatment shall mean that there shall be no direct or indirect discrimination against any person or persons, based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status; (Article 2.a).

<i>Institutions directly involved</i>	Ombudsperson, Basic Courts, Court of Appeals, Supreme Court, Constitutional Court
<i>Implementation method</i>	Direct
<i>Effect obtained</i>	Direct
<i>Level of legislation</i>	National
<i>Source of information and language</i>	<u>Official Gazette of the Republic of Kosovo</u> Albanian, English, Serbian

<i>Instrument title and date of publication</i>	LAW NO.2004/26 ON INHERITANCE IN KOSOVO
<i>Purpose</i>	Women and men have equal rights to inheritance. All physical persons under the same conditions are equal in inheritance. (Article 3.1.)
<i>Guaranteed thematic rights</i>	Children born out of wedlock, when the fatherhood is regularly known or verified by a court or competent body decision, as well as adopted children, are as equal as legitimate children. (Article 3.2.) Heirs at law are: the decedent's children, his adoptees, and their descendants,

	<p>spouse, parents, siblings and their descendants, grandfather and grandmother and their descendants. (Article 11.1.) By law, the decedent is inherited by the extramarital spouse that is as equal as the marital spouse. Extramarital union in this law implies the cohabitation union between an unmarried woman and an unmarried man, which has lasted for a long time and ended because of the death of the decedent, subject to fulfilment of presumptions of validation of the marriage. (Article 11.2.) The spouse of the decedent has the right to ask for the entitled share from the joint property gained by work between the spouses during their marriage. (Article 26.1.)</p> <p>If the decedent and his spouse had common property under their matrimonial property regime, only the share that pertains to the decedent after distribution of the common property shall fall in the scope of the inheritance. (Article 26.2.)</p>
<i>Institutions directly involved</i>	Ombudsperson, Kosovo Cadastral Agency, Basic Courts, Court of Appeals, Supreme Court, Constitutional Court
<i>Implementation method</i>	Direct
<i>Effect obtained</i>	Direct
<i>Level of legislation</i>	National
<i>Source of information and language</i>	<u>Official Gazette of the Republic of Kosovo</u> Albanian, English, Serbian

Instrument title and	LAW NO.03/L -182 ON PROTECTION
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date of publication	AGAINST DOMESTIC VIOLENCE, date 10.08.2010
Purpose	This Law aims to prevent domestic violence, in all its forms, through appropriate legal measures, of the family members, that are victims of the domestic violence, by paying special attention to the children, elders and disabled persons. (Article 1.)
Guaranteed thematic rights	<p>The court shall decide on a petition for an emergency protection order within twentyfour (24) hours after the submission of the petition. In reviewing a petition for an emergency protection order, the court shall hold a hearing so that the following persons may be heard: a) the protected party, the authorized representative, or the victim's advocate; b) the perpetrator or an authorized representative; c) the petitioner; and d) any witness, who knows about the domestic violence.</p> <p>The court may hold a hearing and issuance of the protection order in the absence of the perpetrator, where appropriate, by applying also other alternative measures including electronic ones.</p>
Institutions directly involved	Police, Basic Courts, Court of Appeals, Supreme Court, Ministry of Labour and Social Welfare
Implementation method	Direct
Effect obtained	Direct

Level of legislation	National
Source of information and language	<u>Official Gazette of the Republic of Kosovo</u> Albanian, English, Serbian

Instrument title and date of publication	CRIMINAL CODE OF THE REPUBLIC OF KOSOVO 13.07.2012
Purpose	A criminal offense is an unlawful act which is defined by law as a criminal offense, the characteristics of which are defined by law and for which a criminal sanction or a measure of mandatory treatment is prescribed by the law (Article 7).

<p>Guaranteed thematic rights</p>	<p>When determining the punishment the court shall consider, but not be limited by, the following aggravating circumstances: if the criminal offence is committed against a person, group of persons or property because of ethnicity or national origin, nationality, language, religious beliefs or lack of religious beliefs, colour, gender, sexual orientation, or because of their affinity with persons who have the aforementioned characteristics (Article 74.2.12).</p> <p>For the purposes of this Article: Gender - refers to the two (2) sexes, male and female, within the context of society (Article 149.2.10).</p> <p>Whoever destroys, damages, or renders unusable the property of another person under circumstances other than as provided in Article 334 of this Code shall be punished by imprisonment of up to one</p>
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	<p>(1) year (Article 333.1).</p> <p>When the criminal offence provided for in paragraph 1 of this Article is committed because of bias towards nationality, language, religious belief or lack of religious belief, colour of skin, gender, sexual orientation, or because of their affinity with persons who have one the aforementioned protected characteristics, the perpetrator of the criminal offence shall be punished by imprisonment of up to three (3) years (Article 333.4).</p> <p>Whoever, with the consent of the pregnant woman, but in violation of the Law for Termination of Pregnancy terminates a pregnancy, commences to terminate a pregnancy, or assists in terminating a pregnancy shall be punished by imprisonment of six (6) months to three (3) years (Article 184.1).</p> <p>Whoever terminates or commences to terminate a pregnancy without the consent of the pregnant woman shall be punished by imprisonment of one (1) to eight (8) years (Article 184.2).</p> <p>When the offense provided for in paragraph 1 or 2 of this Article results in grievous bodily injury, serious impairment to health or the death of the pregnant woman, the perpetrator shall be punished by: 3.1. Imprisonment of one (1) to ten (10) years, in the case of the offense provided for in paragraph 1 of this Article; or 3.2. Imprisonment of five (5) to fifteen (15)</p>
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	years in the case of the offense provided for in paragraph 2 of this Article (Article 184.3).
Institutions directly involved	Ombudsperson, Kosovo Cadastral Agency, Basic Courts, Court of Appeals, Supreme Court, Constitutional Court
Implementation method	Direct
Effect obtained	Direct
Level of legislation	National
Source of information and language	<u>Official Gazette no.19/2012</u> Albanian, English, Serbian

Instrument title and date of publication	FAMILY LAW 01.09.2006
Purpose	This law shall guarantee, protect and promote gender equality as a fundamental value for the democratic development of society.

<p>Guaranteed thematic rights</p>	<p>All family members are equal and should be treated as such. Equality between husband and wife, respect and mutual assistance between them and family members. (Article 3.1.)</p> <p>For implementation of family relation's rights, the mother and child are provided special protection by means of social welfare. (Article 7.1.)</p> <p>Men and women, without any limitation due to race, nationality or religion, have the right to marry and found a family as well as they are equal to marriage, during marriage and at its dissolution. (Article</p>
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	<p>14.1.2)</p> <p>In marriage, namely in all personal and property relations, spouses are equal. (Article 42.1.)</p> <p>The spouses decide for the maintenance of the common family economy through agreement. (Article 44.2.)</p> <p>Spouses are joint owners in equal shares of the joint property unless otherwise agreed on. (Article 47.4.)</p> <p>The spouses shall carry out the administration and disposition of the joint matrimonial property together and in agreement. (Article 49)</p> <p>Property gained through corporate work of husband and wife in an extramarital community (partnership without cohabitation) is considered their common property. Property acquired during the factual relationship (out-of-marriage relationship) and that is subject to distribution or division is considered joint property. Provisions of this law relating to apportioning of joint property of spouses of a legally registered marriage are applied analogically for property relations of persons in a factual relationship (out-ofmarriage relationship). (Article 58.1.2.)</p> <p>Parental responsibility includes rights and obligations, aiming to ensure emotional, social and material welfare of the child, by looking after the child, preserving personal relations, providing proper growth, education, vocational training, legal</p>
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	representation and administration of property. (Article 128.4)
Institutions directly involved	Municipalities, Custodian Body, Agency for Gender Equality, Ministry of Labour and Social Welfare, Ombudsperson, Police, Basic Courts, Court of Appeals, Supreme Court, Media.
Implementation method	Direct
Effect obtained	Direct
Level of legislation	National
Source of information and language	<u>Official Gazette no. 04/2006</u> Albanian, English, Serbian

Instrument title and date of publication	LAW ON LABOUR [NO. 03/L-212 I] 01.12.2010
Purpose	This Law aims at regulating the rights and obligations deriving from employment relationship, as defined by this Law.

<p>Guaranteed thematic rights</p>	<p>Employers should create equal conditions for both genders. Any discrimination including exclusion or preference made on the basis of race, colour, SEX, religion, age, family status, political opinion, national or social origin, language or trade-union membership which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation capacity building is prohibited. (Article 1.17)</p> <p>In the case of hiring new employees, employer is obliged to create equal</p>
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	<p>opportunities and criteria to both male and female applicants (Article 5.4.5) The competition must be equal for all aspirant candidates, without any kind of discrimination. (Article 8.2)</p> <p>An employer shall not extend working hours for an employee during pregnancy, a single parent with a child under three (3) years old or with a child with disabilities. (Article 26.2)</p> <p>Night shifts shall be prohibited for persons under eighteen (18) years of age and pregnant employees and breastfeeding women. Night shifts may be performed by single parents and women with children younger than three (3) years of age or with children with permanent disabilities only with their consent. (Article 27.3)</p> <p>Mothers with children up to three (3) years of age and single parents as well as persons with disabilities are entitled to additional two (2) working days off. (Article 32.4).</p> <p>Pregnant and breastfeeding women shall be prohibited from labour that is classified as harmful for the health of the mother or the child. (Article 46)</p> <p>An employed woman is entitled to twelve (12) months of maternity leave. (Article 49). On production of a medical certificate, the woman may commence the maternity leave up to forty-five (45) days before the expected date of birth. In the period from twenty-eight (28) days before expected childbirth, the employer with the consent</p>
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	<p>of pregnant women may request her to begin the maternity leave if the employer finds that the woman is not able to perform her functions.</p> <ul style="list-style-type: none"> - First six (6) months of maternity leave, the payment shall be done by the employer with the compensation of seventy percent (70%) of basic salary. The following three (3) months, the maternity leave shall be paid by the Government of Kosovo with the compensation of fifty percent (50%) of average salary in Kosovo. - The employed woman shall have the right, upon this Law, to extend her maternity leave also for other three (3) months without payment. - The father of the child may assume the rights of the mother if the mother dies or abandons the child before the end of the maternity leave. - The rights from paragraph 4 and 5 of this Article may be conveyed to the father of the child in agreement with the mother. The rights defined under Article 49 of this Law may be exercised by the father of the child too, in cases of the mother getting sick, abandoning of the child by the mother and/or death of the mother. The father of the child has the right to: two (2) days paid leave at the birth or upon adoption of the child; two (2) weeks unpaid leave after the birth or upon adoption of the child, at any time before the child reaches the age of three (3). The
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	<p>employee must inform the employer of his intention to take leave at least ten (10) days in advance. (Article 50)</p> <p>Maternity Leave in the case of the Death of the Infant - If an employed woman gives birth to a dead infant or if the child dies before the expiry of maternity leave, she is entitled to maternity leave after doctor's recommendation, until the recovery from birth and the psychical condition caused with the loss of the infant for no less than forty-five (45) days, during which period she shall be entitled to all entitlements under the maternity leave. (Article 51)</p> <p>Prohibition on Termination of Contract - During pregnancy, maternity leave and absence from work due to special care for the child, the employer shall not terminate the contract with the employee and/or make a transfer to another post, except in cases of termination of the contract according to Article 76 of this Law (Collective Dismissals). (Article 53.1)</p> <p>The employer shall pay men and women an equal remuneration for work of equal value covering base salary and any other allowances. (Article 55.3)</p>
Institutions directly involved	<p>Ministry - Ministry of Labour and Social Welfare (MLSW; LI - Labour Inspectorate; REC - Regional Employment Centre; EO - Employment Offices.</p>

Implementation	Direct
method	
Effect obtained	Direct
Level of legislation	National
Source of information and language	<u>Official Gazette no.90/2010</u> Albanian, English, Serbian

Instrument title and date of publication	LAW ON PRE-UNIVERSITY EDUCATION IN REPUBLIC OF KOSOVO [No. 04/L-032]31.08.2011
Purpose	Purpose of this law is to regulate preuniversity education and training ISCED level from 0 to 4, including education and training for children and adults receiving qualifications at these levels.

<p>Guaranteed thematic rights</p>	<p>1. No person should be denied the right to education (Article 3.1).</p> <p>Access to and progression through all levels of pre-university education shall be enabled in compliance with the provisions of this Law without discrimination on any real or presumed ground such as sex, race, sexual orientation, physical, intellectual or other disability, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a Community, property, birth or other status of the pupil or the pupil's family (Article 2.6).</p> <p>Promoting activities outside the Kosovo Curriculum Framework for the benefit or detriment of any political party, gender, race, ethnic background, religion or social</p>
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	<p>position is prohibited in educational and/or training institutions. Where relevant issues are presented to pupils in the course of academic work, pupils must be offered a balanced presentation of opposing views (Article 4.3).</p> <p>The Ministry shall have the primary responsibility for planning of, setting standards in, and quality assurance of the pre-university education system, and shall have the following general duties: to promote a non-discriminatory education system in which each person's right to education and/or training is respected and equal quality learning opportunities are available for all (Article 5.1.3).</p> <p>Teachers are protected against direct or indirect discrimination on any real or presumed ground such as sex, race, marital status, sexual orientation, colour, religion, political or other opinion, national, ethnic or social origin, association with a national community, disability, property, birth or other status (Article 36.3.2).</p> <p>It is the explicit intention of this Law that the principle of inclusive education should be applied in the Republic of Kosovo as best practice in accordance with international norms as set out in the UNESCO Convention on the Rights of the Child (1989), the Statement of Salamanca (1994), the UN Convention of the Rights of Disabled Persons (2007) and other relevant international conventions or</p>
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	<p>recommendations (Article 40.1).</p> <p>The principle of inclusive education is that: educational and/or training institutions should accommodate all children regardless of their physical, intellectual, social, linguistic or other conditions and should promote integration and contact between children (Article 40.2.1).</p>
Institutions directly involved	Kosovo Accreditation Agency (KAA), Kosovo Curriculum, Standards and Assessment Agency (KCSAA), the Ministry of Education, Science and Technology, the Municipal Education Director (MED), National Qualifications Authority (NQA).
Implementation Method	Direct
Effect obtained	Direct
Level of legislation	National
Source of information and language	<u>Official Gazette No.17/2011</u> Albanian, English, Serbian
Instrument title and date of publication	LAW ON HIGHER EDUCATION IN THE REPUBLIC OF KOSOVO [NO. 04/L-037] 31.08.2011

Purpose	<p>The purpose of the Law on Higher Education is to establish a legal base for regulating, functioning, financing, providing the quality in higher education in compliance with European standards as well as the role of state and society in development of higher education in the Republic of Kosovo.</p>
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<p>Guaranteed thematic rights</p>	<p>Public-Private Partnerships may be established to provide higher education services. Its establishment will be in accordance with the principles of equality of treatment, non-discrimination, transparency, proportionality, costeffectiveness, efficiency, public interest protection, freedom of competition and the value for money earned and will be consistent with the Law on Public-Private-Partnerships and Concessions in Infrastructure and the procedures for their award (Law-03/L-090, June 2009). (Article 3.15)</p> <p>Provision of higher education in the Republic of Kosovo is based on the following principles: equal opportunities for all students and staff in higher education institutions without discrimination (Article 2.1.3).</p> <p>Higher education carried out by licensed providers of higher education in Kosovo shall be accessible to all persons in and outside the territory of Kosovo, without any kind of discrimination (Article 5.1).</p> <p>The Ministry does not designate any condition which would have the effect of limiting the ability of the provider to act in accordance with its statute, to attract funds from other sources, including the appointment of additional places of study within the limits of the license, provided that, in the opinion of the Ministry, it: does not prejudice the duty of the provider to</p>
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	<p>conduct its affairs without discrimination on any ground such as sex, race, sexual orientation, disability, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a ethnic community, property, birth or that are related to other conditions (Article 22.3.2).</p> <p>The statute of each provider of higher education and the structure of each private provider of higher education as a condition for accreditation, must contain provisions that: protect staff against any kind of discrimination (Article 27.4.2).</p> <p>The Statute or equivalent establishment document of every provider of higher education contains provisions, which: protect students against any kind of discrimination (Article 31.4.3).</p>
Institutions directly involved	Kosovo Accreditation Agency (KAA), Kosovo Curriculum, Standards and Assessment Agency (KCSAA), the Ministry of Education, Science and Technology, the Municipal Education Directorate (MED), National Qualifications Authority (NQA).
Implementation Method	Direct
Effect obtained	Direct
Legislation level	Domestic [Internal]
Source of information and language	<u>Official Gazette No.14/2011</u> Albanian, English, Serbian

Instrument title and date of publication	LAW ON PUBLISHING SCHOOL TEXTBOOKS, EDUCATIONAL TEACHING RESOURCES, READING MATERIALS AND PEDAGOGICAL DOCUMENTATION [NO. 02/L-67] date 29.06.2006
Purpose	Defining of MEST's, author's and publisher's rights and duties. Article 2.3
Guaranteed thematic rights	The school textbooks, the educational teaching resources, reading materials and pedagogical documentation are not allowed if they make propaganda against Kosovo, which violate human rights and gender equality and that incite political, national, and religious hatred. Article 3.2
Institutions directly involved	Ministry of Education, Science, and Technology
Implementation method	Direct
Effect obtained	Direct
Level of legislation	National
Source of information and language	<u>Official Gazette No. 09/2007</u> Albanian, English, Serbian

Instrument title and date of publication	LAW NO. 03/L-149 ON THE CIVIL SERVICE OF THE REPUBLIC OF KOSOVO 14.06.2010
Purpose	This law regulates the status of Civil Servants and the terms and conditions of their employment relationship with the institutions of the central and municipal administrations. Article 1.1

Guaranteed thematic rights	Non-discrimination - no one shall be discriminated against on grounds of race,
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	<p>colour, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status. Article 5.1.2</p> <p>Principle of equal opportunities for communities and gender - communities and their members have equal opportunities for participation in civil service and institutions of central and municipal administrations. Equal opportunities for participation in civil service, bodies of public administration have members of both genders. Article 5.1.9</p> <p>Admission to the Civil Service of Kosovo shall be done in compliance with principles of merit, professional capacity, impartiality, equal opportunities, nondiscrimination and equal representation, on the basis of public competition and upon verification of eligibility of the candidates to act. Article 11.1</p> <p>Access, through promotion, to higher levels of the functional hierarchy in the Civil Service of Kosovo is based on merit and is open to all qualified Civil Servants, in compliance with the anti-discrimination principles established in this law and the Law on Anti-Discrimination. Article 26.2</p> <p>Civil Servants have the right to equal treatment in all aspects of personnel management, including career</p>
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	development, rewards, compensation and legal protection, without regard to sex, race, religious belief, political affiliation, physical disability, conditions, marital status, age and ethnic origin. Article 43.1
Institutions directly involved	Kosovo Institute for Public Administration, Independent Oversight Board for the Civil Service, Ministry of Public Administration, Department of Civil Service Administration, Ombudsperson
Implementation method	Direct
Effect obtained	Direct
Level of legislation	National
Source of information and language	<u>Official Gazette No. 72/2010</u> Albanian, English, Serbian

Instrument title and date of publication	LAW No. 04/L-125 ON HEALTH, 26.04.2013
Purpose	This law has the aim of establishing legal grounds for the protection and the improvement of the health of the citizens of the Republic of Kosovo through health promotion, preventive activities and provision of comprehensive and quality healthcare services. Article 1.

Guaranteed thematic rights	The provision of healthcare is based on the following principles: inclusiveness and non-discrimination: equal healthcare for all citizens and residents by ensuring the standards during fulfilling the needs at all levels of healthcare as well as ensuring healthcare without discrimination on basis
	of: gender, nation, race, colour, language, religion, political preferences, social status, sexual orientation, the level of physical or mental abilities, family status, or age. Article 5.1.2 The Ministry develops policies and implements laws of a non-discriminatory and responsible healthcare system based on professional analysis and the scientific data. Article 8.1
Institutions directly involved	Ministry of Health
Implementation method	Direct
Effect obtained	Direct
Level of legislation	National
Source of information and language	<u>Official Gazette No. 13/2013</u> Albanian, English, Serbian

X.i Auxiliary resources

For any reader interested to learn more about the national legislation and its relation to gender equality, or to understand more clearly the concepts of gender, equality, gender budgeting, etc., we recommend reading the commentaries of laws on gender equality, and the commentary of the law against domestic violence. The purpose of these commentaries is to clarify possible ambiguities in understanding and applying the norms and standards they promote. Both laws have a peculiarity: they are related to a large number of specific laws and sectors. The commentary is based on clarifying the meaning of the norm from its own content, in conjunction with the other norms (articles) of the law itself, in conjunction with other laws, in particular with the case laws hitherto, giving meaning to a particular article about how it can be implemented in practice. The explanation is also based on literature and reports from national and international organizations. Particular attention has been paid to the commentary in relation to EU directives on human rights and equal treatment of genders, which are also part of this law.

IX



IX. International Legislation on Women's Rights and Gender Equality

Article 19 of the Constitution of the Republic of Kosovo clearly stipulates that:

1. International agreements ratified by the Republic of Kosovo become part of the internal legal system after their publication in the Official Gazette of the Republic of Kosovo. They are directly applied except for cases when they are not self-applicable and the application requires the promulgation of a law.
2. Ratified international agreements and legally binding norms of international law have superiority over the laws of the Republic of Kosovo.

Gender equality is a fundamental right and common value of EU countries. With the goal of EU integration, gender equality is a necessary condition for Kosovo's integration into it and it is required to meet the SAA objectives for employment and social cohesion, which are part of the *acquis communautaire*.

As for the purpose of this publication, Article 22 of the Constitution helps us more:

[cit.] 'Human rights and fundamental freedoms guaranteed by the following international agreements and instruments are guaranteed by this Constitution, are directly applicable in the Republic of Kosovo and, in the case of conflict, have priority over provisions of laws and other acts of public institutions:...' Article 22 follows with the listing of important agreements and instruments of international law, respecting the two significant notions as to why this publication comes

to life, i.e. 'equality' and 'gender', below is a summary description of the two conventions whose norms [on gender equality, but not only] are applied directly in the Republic of Kosovo.

European Convention on Human Rights (ECHR)

The principle of gender equality is one of the fundamental principles of the human rights law. The European Court of Human Rights has consistently stated that "equality of sexes is one of the major goals of the Member States of the Council of Europe" and has recently declared gender equality as one of the fundamental principles of the Convention. Article 14 of the ECHR is the basic provision against discrimination. It stipulates that: 'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status' (Article 14 of the ECHR - Prohibition of Discrimination).

Also, Article 5 ECHR Protocol No. 7 explicitly mentions equality: 'Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This Article shall not prevent States from taking such measures as are necessary in the interests of the children.' (Article 5 - Equality between spouses).

In Protocol No.12 of ECHR, protection from discrimination, under Article 14, has been supplemented in Article 1 of this Protocol. Protocol 12 extends the scope of application of Article 14 by providing for a completely independent application of the principle of non-discrimination "for any right set forth by law". In particular, this protocol extends the scope of protection from discrimination to include the negative obligation of contracting parties as well as a positive obligation (to take measures for protection from discrimination even when discrimination occurs between private parties). It holds the Article 14, without amending or abolishing it. However, like Article 14, it does not guarantee non-discrimination in absolute terms. Rather, it follows the approach adopted by the ECHR in its jurisdiction. Protocol 12 to the ECHR guarantees a stand-alone right (for equality). It states: 'The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.' (Article 1 - General prohibition of discrimination).

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)


Pursuant to Article 22 of its Constitution, apart from the ECHR and other treaties, Kosovo is legally bound to apply the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in practice and go beyond the equality "De jure" and to ensure equality of outcome.

It is very important that all citizens, and in particular, employees, jurists, lawyers, prosecutors and judges recognize the instruments of international law. But it is not enough just to recognize them if we do not properly apply these instruments while carrying our daily tasks. At this point, it is useful to consider the following recommendations when using or applying CEDAW norms:

□ Direct application of CEDAW's self-applicable provisions:

This means that the CEDAW rules are the main rules to be followed during the adjudication of a court case. The direct application of CEDAW makes it possible to repudiate a national law of a lower level (see Article 22 of the Constitution);

□ Interpretation of domestic laws in the light of CEDAW standards: Referral to CEDAW in order to support a solution based on the country's law. A case is solved only on the basis of the country's law, referring also to CEDAW to emphasize the fundamental nature of the principle or the law, also recognized by the law of the country.

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- CEDAW standards are important for determining a CEDAW-based principle by a judge: There is an option and practice, which is about to be defined, regarding the importance of the legal precedent as a source of justice, even in countries that apply the continental law (closed or codified systems).

X



X. Necessary concepts and definitions

Gender equality, equality between men and women, entails the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles and prejudices. The Law on Gender Equality in Kosovo [2015] provides the following explanation for the definition of 'gender equality': ... entire and equal exercise of women and men, of their human rights. It is the nonpresence of gender based discrimination, in opportunities, sharing of resources or benefits, as well as access to services [Article 3.1.1]

Gender analysis is a systematic way of uncovering various impacts of development, policies, programmes and laws on women and men, which requires: initially, sex-disaggregated data collection and gender-sensitive information about the population in question. Gender analysis may include examining the multiple ways through which, women and men, as social actors, engage in strategies to transform existing roles, relationships and processes in their own interest and in the interest of others.

Applicable legal basis: When a person is employed by an employer who is legally established in a country but he/she works in another country or countries, then the applicable legal basis is the law of the country where the person is insured, e.g. the country where he/she pays social security contributions (and taxes), and from where (or where) he/she is entitled to social compensation benefits. A

principle pervading and underlining European law is that, in the case of each individual, only the law of one country is applicable.

Gender budgeting (GB) is an application of gender mainstreaming in the budgetary process. It means a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality. Gender budgeting relates to the review of gender outcomes of money distribution in the budget, which implies how budget appropriations affect the social and economic opportunities of men and women. Redistributions of revenues and expenditures and restructuring of the budget process may be needed to advance further the gender equality.

Gender differences in wages. Despite the recognition of this fundamental right, the wage gap between women and men, measured as the “relative difference in average gross hourly earnings between women and men”, is estimated to be 16.2% at the disadvantage of women in the European Union (EC 2016). Measured over a lifetime rather than on the basis of hourly earnings, the wage gap grows wider still, which explains the feminisation of poverty - in particular for single mothers and elderly women. Several factors are put forward to explain the wage gap between women and men: horizontal and vertical segregation in the labour market (commonly referred to as “glass walls” and “glass ceilings”), women’s supposedly lower qualifications and lesser experience, and their atypical working hours and career structures due to childbirth and care responsibilities. However, over half of the typical gender wage gap cannot be

objectively explained through such “structural” factors and is, in reality, due to the persistence of old-fashioned discrimination against women: differences in access to education, training and the labour market itself; biased evaluation, pay and promotion systems, as well as nefarious gender stereotypes and outdated gender roles for equal pay for equal work.

Social Dialogue: All types of negotiation, consultation and exchange of information between social partners (bilateral dialogue), as well as between social partners on one hand and government representatives on the other (tripartite dialogue) on issues of common interest, such as social and economic policy. Inclusion of representatives of civil society organizations in the decision-making process leads to a more public understanding and greater public support for the measures and social and economic policies undertaken.

Direct/indirect discrimination: Direct discrimination occurs when a person, such as an employee or a person under the employment process, is less favoured on grounds of race, sex, marital status, religious belief, sexual orientation, or gender determination.

Direct Gender Discrimination is when a person is treated less favourably than a person of the opposite sex would be treated in the same or similar circumstances.

Indirect gender discrimination means the placing of a certain individual in an unequal position with the neutral provisions/standards/circumstances; or unequal treatment under the same or similar circumstances, except in cases where such provisions

or treatment is necessary and can be justified by objective facts in relation to one of the genders.

Indirect discrimination occurs where the effect of certain requirements, conditions or practices imposed by the state, institution or an employer has an undesirable effect on a particular group or category of people.

Gender-based discrimination implies that girls and women do not have the same opportunities as men for education, important careers, political influence and economic progress. Likewise, when women and men carry out the same duties against a payment, women are often paid less and receive fewer benefits for their work than men.

Gender equity implies that women and men are treated fairly, according to their own needs. This may include equal treatment or different treatment but is considered equivalent in terms of rights, benefits, obligations and opportunities. In the context of development, the purpose of gender justice often requires the inclusion of measures to compensate for the historical and social disadvantages of women.

Social justice: relates to the way in which resources and opportunities are distributed among individuals and social groups. The 64 main criteria of social justice are: law, merits and needs. The perception of what social justice (is understood) requires may vary in between societies and between groups of people in one society. Social equity is a goal of sustainable human development. It refers to the situation of justice and equality in the treatment of all people. It is specifically "social" since it refers not only to equality before the law

but also to fair treatment in practice. According to social justice, people and their welfare have priority over other (economic) problems. Gender equality is an important and undivided component of social justice. Social justice does not exist if men or women are discriminated against.

Gender-Based Violence (GBV) is a general term for any wrongdoing, caused against a person's will; which has a negative impact on the person's physical or psychological health, development and identity; and which is the result of gender relations of power, which exploit the inequalities and dependence of women and men. Although not valid only for women and girls, GBV mainly affects them in all cultures. Violence can be physical, sexual, psychological, economic or socio-cultural. Categories of authors can include family members, community members, and those who act on behalf of or disregarding cultural, religious, state, or interstate institutions.

Violence against women is defined in Article 1 of the Declaration on the Elimination of Violence against Women (1993). The term refers to “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

Right: an individual's, or a legal entity's, legally enforceable and/or morally justified entitlement to take a certain action, or to refrain from a certain action with respect to (an) other person(s), or with respect to certain goods or services, respectively the legally

enforceable or morally justified expectation to “receive”, or not to “receive” certain activities or goods from (an) other person(s). Thus family law entitles parents e.g. to take certain actions with respect to their children. There are two types of rights: negative rights (the right to do something without other people’s intervening or meddling) and positive rights (the rights that oblige others to do something, e.g. to help us). Some rights belong to all people simply as human beings (human rights), some belong to people because they are citizens of a state, or members of a political, economic or social association (legal rights), whereas some other rights are based on the acceptance of some moral principles (moral rights). In social policy the legitimacy of rights most often derives from two sources: needs and merits.

Women's Empowerment. A “a bottom-up process of transforming gender power relations, through individuals or groups developing awareness of women’s subordination and building their capacity to challenge it.

Empowerment implies people - men and women - who take control of their lives: make their own program, acquire skills (or cause their skills and knowledge to be acknowledged), increase selfconfidence, solve problems and establish self-support. It is both a process and a result. Empowerment implies expanding women's ability to make strategic choices in life, in a context where their ability was denied.

Gender implies a set of socially structured roles and relationships, with features of personality, attitudes, behaviour,

values, relative power, and influence that the society attributes to two sexes on a different basis. While biological sex is determined by genetic and anatomical features, gender is an acquired identity, which is taught, varies in time and is very different in different cultures. Gender is related to relationships and does not deal merely with women or men, but with relationships between them.

Gender Blindness [insensitive]: A person, policy, or institution that does not recognize that gender is a decisive determinant in life choices and opportunities that exist for women, men, girls and boys in society.

Strategic Gender Interests (SGIs) are identified by women as a result of their subordinate social status, and tend to challenge gender divisions of labour, power and control, and traditionally defined norms and roles. SGIs vary depending on certain contexts and may include issues such as legal rights, domestic violence, equal wages and control by women of their bodies.

The European Social Charter: Basic Human Rights Document drafted by the Council of Europe. The first European Social Charter was presented by the Council of Europe in 1961 in Turin. The Revised European Social Charter was introduced in 1996. This Charter recognizes three categories of human rights. The first category is related to all citizens of a country, the second category relates to the rights of citizens in the field of employment and the third covers the rights of specific social groups.

Gini coefficient: A measuring instrument of economic inequality in a society. Its values can be between zero (when income is equally distributed among all citizens) and one (when one person has the total net national income at his/her disposal). The nearer the coefficient is to the value of one, the greater the inequalities of wealth in a society.

Social cohesion: A society is considered “socially cohesive” when its members, also if they are from different ethnic, religious, or e.g. geographic backgrounds, share a set of common norms and values, respect each other’s identities and the expression thereof, and when there are no “unbridgeable differences in wealth and economic opportunities.

Social protection: encompasses all legislation, measures, and practices, to shield individuals from the major risks of life, such as that of (prolonged) illness or injury and the financial risks thereof (mainly costs of treatment and loss of income), disability, loss of employment, natural disasters, war and insurgency, etc., or to mitigate the adverse effects of such occurrences for the affected individuals. Social protection has five components: i. labor market policies and programs designed to facilitate employment and promote the efficient operation of labour markets; ii. social insurance programs to cushion the risks associated with unemployment, health, disability, work injury, and old age; iii. social assistance and welfare service programs for the most vulnerable groups with no other means of adequate support; iv. micro and area-based schemes to address vulnerability at the community

level; and v. child protection to ensure the healthy and productive development of the future workforce.

Existential minimum: The level of income under which individuals and families are considered poor. There are a number of ways to determine the existential minimum: based on realistic living expenses, or in a relative way (such as 50% of average income, or 60% of the average wage - which is the European Union's determination on existential minimum).

Occupational segregation is the distribution of the groups, which are determined by characteristics, mainly gender, across and within occupations, industries and firms. Occupational segregation in most cases is caused by gender-based discrimination, which is done according to certain patterns, or across occupations (horizontal) or within the profession (vertical) hierarchy. Both forms of professional segregation make this phenomenon a major factor in the gender wage gap.

Practical Gender Needs (PGNs) are defined by women in their socially defined roles, in response to the perception of an immediate need. PGNs usually relate to inadequate living conditions, such as: provision of water supply, health care and employment, and does not question gender segregation at work and the subordinate position of women in society.

Social Partners: the organizations of workers and employers which agree and take decisions about economic and social issues, especially those relating to working conditions and the rights of

workers at their workplace. In present-day Europe a country's social partners, together with representatives of government, conclude collective agreements about all economic and social issues affecting the workers.

Maternity benefit: The benefit that is regularly paid to mothers during their maternity (before and after birth), often a percentage of their previous wage.

The inclusion of Gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.

Gender Inclusion/mainstreaming: (re) organization, improvement and evaluation of all policy processes to provide gender equality at all levels and in all areas of public life. By a European Council decision from 1994, the support and promotion of equal opportunities, also between men and women, was set as a priority for the European Union and the Member States. Since then gender inclusion and treatment has been one of the guiding principles integrated in all European programs, activities and policies.

Social Inclusion: Includes a set of programs and measures with the aim of integrating socially excluded or socially exclusive

groups or individuals (e.g. belonging to ethnic minorities) into “mainstream” society. Such programs typically combine economic and social goals and measures. Thus the receipt of income support may be conditional on active participation in processes of social inclusion. In France so-called inclusion contracts have been introduced, to be signed by an individual of the target group and a representative of the state (local) administration, to enhance those individuals’ sense of responsibility for their own social inclusion.

Social exclusion: In the European Union “social exclusion” is understood as the inability or unwillingness to integrate certain categories of people in the mainstream of economic and social activities of the community. The concept, thus understood, is wider than that of poverty, because it also includes the social and moral deprivation which is a consequence of a lack of solidarity and connections between individuals in the society. Social exclusion is the opposite of social cohesion.

The gender perspective or “gender lenses” can be defined as a focus that brings an analysis framework with a view to assessing how women and men impact and are affected differently from policies, programs, projects and activities. It enables acknowledgment that the relationships between women and men may vary depending on the context. A gender perspective takes into account the gender roles of social and economic relations and needs, access to resources and other constraints and opportunities imposed by society or culture, age, religion and/or ethnic origin of women and men.

Gender-neutral, gender-sensitive and gender-responsive policies The main purpose of gender inclusion is to develop and implement development projects, programs and policies that: (i) do not reinforce existing gender inequalities (gender neutral); (ii) try to address gender-based gender inequalities; and (iii) try to redefine the gender and gender roles and relationships of women and men (positive/transformational gender). The degree of gender perspective mainstreaming in any given project can be seen as a whole.

Unpaid/unremunerated work: work for which an individual does not receive a wage or other reward in money. Household work is universally unpaid, as is often the case with work done by family members in a small-scale family business or at a small family farm.

Reproductive labour has to do with work in the internal sphere or other caring labour (to infants, the ill, or the elderly). It is mainly done by women and is offered free of charge or without hope that it will be paid, and is not counted as part of the country's gross domestic product. However, it ensures the preservation of the social and family structures on which the productive labour (labour for money) depends. It is also referred to as social reproduction.

Good governance is the transparent and accountable management of human, natural, economic and financial resources, with a view to ensuring equal and sustainable development. Within a political and institutional environment that protects human rights, democratic principles and the rule of law.

Citizenship: a sociological (and legal) concept which played an important role in the development of social policy. The most dominant definition of citizenship is composed of three components: civil rights (such as equality before the law); political rights (such as the right to vote, to organize politically and participate in public life) and social rights (such as the right to minimum income and the right to receive social services). These rights form the basis for social solidarity in modern societies.

Gender roles are the roles assigned respectively to women, men, girls and boys, according to cultural norms and traditions. They differ between societies and cultures, classes, different ages, and during different periods of history. Often, gender roles are not based on biological or gender imperatives, but rather result from stereotypes and assumptions about what women, men, girls and boys can and should do. Gender roles become problematic when a society assigns greater value to the role of one gender - usually men.

Sex refers to the biological characteristics which define humans as female or male. These sets of biological characteristics are not mutually exclusive as there are individuals who possess both, but these characteristics tend to differentiate humans as males and females.

Gender stereotypes derive from (often out-dated) assumptions about the roles, abilities and qualities of women, men, girls and boys. While in some specific situations it may turn out that such stereotypes are based on reality, stereotypes become problematic

when assumed that they are universally and compulsorily applicable to all men and women. This can lead to material and psychological barriers that prevent women and men from making choices and fully enjoy their rights.

Equal opportunities: It is a general principle underlined in the legal systems of, e.g. Europe and the US, applicable in the economic, social and cultural life, whereby all citizens are offered equal opportunities for success when competing for positions and valuable public material goods. This principle implies ensuring full and equal participation of women and men in all aspects of political, social, cultural, educational, economic and other fields.

In addition to equality before the law, the same access to education is of particular importance in the order towards egalitarian societies.

Women's rights. The rights of women and girls, as an inalienable, integral and inseparable part of universal human rights.

Social, economic and political human rights: political human rights are laid down in legal instruments of the: a) the United Nations, such as the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the Convention Relating to the Status of Refugees of 1951, the Convention on the Political Rights of Women of 1953, etc.; b) the Council of Europe, such as the Convention for the

Protection of Human Rights and Fundamental Freedoms, which came into force in 1953, as well as instruments of other international organizations. It is now generally accepted that, in addition to the basic political human rights of e.g. not to be arrested arbitrarily, and of freedom of expression and association, there are social and economic basic human rights, e.g. those of receiving medical care when necessary, the freedom to choose one's employment, and the right to a fair remuneration of one's work. Legal instruments of the Council of Europe, the ILO, the EU, and other international organisations protect individuals' social and economic human rights.

The accumulated body of European Union (EU) law: (Also known as *Acquis communautaire*) it is the set of documents describing the EU rules, regulations and standards to which all Member States adhere to and which the aspirant countries to become members are required to adopt and incorporate in their administrative laws and practices.

Gender-sensitive indicator. This may be a measure, a number, a fact, an opinion, or a perception, which focuses on a specific condition or situation and measures the changes of that condition or situation over time. The difference between an indicator and a statistic is that the indicator should include a one-rate comparison. Gender-sensitive indicators measure gender-related changes in society over time; providing a careful look at the outcomes of gender-based initiatives and actions.

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