Security Council Resolution 1325's Impact on Kosovo's Post-Conflict Framework

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Even though the roles of women in conflict may vary, their experiences of conflict and violence often signify that women have different views on what peace means and how peace building should proceed (Brammertz, 2016, p10). Under this lens, Security Council adopted Resolution 1325 (UNSCR 1325) focuses specifically on prioritizing women's participation with regards to the rights and obligations understood to be attached to the Women, Peace and Security (WPS) agenda. In this paper, I will critically examine the post-conflict peacebuilding efforts in Kosovo paying particular attention to its gender dimension. More specifically, I will evaluate the successes and failures of the Government of the Republic of Kosovo in forming an agenda following the UNSCR 1325 mandates. Focus is given on three points of connotation 1) encouraging women and women's interests in post-conflict Kosovo with regards to political participation, 2) integrating gender issues in security affairs and 3) combating domestic violence. I will argue that the related initiatives resulted in a favorable scenario of opportunities for the combined promotion of an inclusive peace that promotes gender equity and addresses specific differential needs. It was this preexisting sociopolitical environment that finally led Kosovo to adopt a National Action Plan for the Implementation of UNSCR 1325 on WPS in March 2014 (Injac, 2014 ,p29).

Since 1999, when Kosovo was established as a protectorate by UN Security Council resolution 1244, the international community, having as a leading body the United Nations Interim Administration Mission in Kosovo (UNMIK), engaged in stabilizing Kosovo's institutions by securing the rule of law and the protection of human rights (Ariño, 2008, p9). Particular emphasis was given on the role of women during wartime and the subsequent renegotiation of gender roles in a post-conflict society. Even though the UNSCR 1325 on WPS had served as the basis for the development of Kosovo's key gender related strategies, there was a lack of a clear policy defining the linkages between gender and security (UNDP, 2010, p6). Both concepts remained conceptual and programmatically separated at institutional level. Since its emergence as an independent state in 2008, the Rebuild of Kosovo was quick in adopting a human rights agenda inspired by the UNSCR 1325. However, it is considered that the UNSCR 1325 was non-properly introduced in Kosovo since relevant legislative initiatives have been structured on the experience of other neighboring countries, and so are not necessarily appropriate for the situation in Kosovo (Koro 2014, Injac 2014).

The importance of Kosovo's commitment to a gendered WPS agenda as a law-making tool is vast in achieving the evaporation of gender equality policies, along with women's empowerment and successful socio-political intersection. UNSCR 1889 which falls under the UN WPS agenda urges for greater participation of women in political and economic decision-making from the earliest stages of the recovery and peace-building processes to ensure implementation of UNSCR 1325 (UN Women, 2015, p167). The existing legal framework defines a non-discriminatory environment embedded in Kosovo Program for Gender Equality (KPGE), which aims at increasing the level of the inclusion of women in all aspects of civil service management (Odanović, 2013, p74). KPGE states that "equal gender representation in all legislative, executive and judiciary bodies and other public institutions is achieved when ensured a minimum representation of fifty percent (50%) for each gender, including their governing and decision-making bodies (Odanović, 2013, p77)." Furthermore, KPGE was seen as an institutional mechanism for gender equality responsible for coordinating the effective implementation and monitoring of the Kosovo Law on Gender Equality, while reporting to the Government on its progress (Zymberi, 2017, p16). To ensure harmonization

of the existing laws with the Law on Gender Equality, the KPGE foresaw the harmonization of the Regulation of Parliament with the 2004 Law on Gender Equality, whereby women would account for 40% of heads of committees and their memberships (Zymberi, 2017, p9). Unfortunately, this commitment was not honored during the implementation of the KPGE and it still remains unaddressed, while no explanation has been provided (Evaluation of the Kosovo Program for Gender Equality, 2016, p34).

Bridging the gap between theory and practice towards gender equality and women participation in decision-making is not an unfamiliar struggle in Kosovo. When compared to the rest countries in Western Balkans, Kosovo appears much more advanced with regards to women engagement in central government positions. Based on the data presented by the research "Survey: Women in Work and Decision-Making Process in Kosovo," Kosovo ranks 17th in the world for women representation in decision-making making it the leading country in the region, with 33.33% women representation in the Assembly (Working Plan to implement Resolution 1325, 2014, p16). However, the participation of women in decision-making in Kosovo is considered to be low with regards to the goals set by KPGE. It appears that women's participation in Kosovo ministries has increased over the years, while it has decreased in municipalities, demonstrating a clear numerical difference between the center and the periphery (Zymberi, 2017, p14).

In 2016, women's representation in central government positions was 40.6%. and only 28% in the municipalities. Leadership positions in both central government (5.2% in 2015) and the municipalities (10.1% in 2015) continue to be male dominated (Zymberi, 2017, p 15). It is worth mentioning that 14 municipalities had no women in leadership positions. Senior leadership also continues to be male dominated with women heading only 9.8% of the total number of those positions in 2013 (Injac, 2014, p22). In fact the percentage of senior leadership positions were held by women dropped in 2014 to 6.7% and to only 5.2%. in 2015, bringing the figure to namely only 3 positions out of a total of 58 (Working Plan to Implement Resolution 1325, 2014, p18).

There are three ways to interpret this discrepancy when it comes to women's participation in Kosovo; cultural, institutional and instrumental. The most prominent factor that excludes women from the policy arena is the influence of traditional gender stereotypes and cultural norms within the society. Traditional patriarchal models of behavior and attitudes represent the biggest obstacle to Kosovo ensuring women's representation in decision making. Public Pulse on Gender, a document that provides an overview of Kosovars' perceptions concerning women's leadership skills in political activities, provides a clear picture. Respondents indicated that men (46%) are better political leaders than women (14%), while 67.36% of all respondents associated the position of Mayor with men, whereas only 2.87% associated it with women. (Haskuka, 2014, p22). When respondents were asked what they thought the traits of a good leader were, 33.1% believed that being a man was essential (Haskuka, 2014, p11). In politics, masculine stereotypes can be a source of advantage because they match longstanding popular expectations for political leaders, while feminine stereotypes contradict those expectations. Women are reluctant to run because, in a male-dominated space, they perceive any political ambition as an invitation for public scrutiny into their private or professional lives and welfare. Even though the cultural argument is necessary in our understanding of Kosovo as a case study, it is not sufficient in explaining the full range of the phenomenon. I would argue that it is also important to examine the institutional limitations in women's political participation focusing on barriers posed with regards to a) recruiting women candidates and b) challenges during the campaign period.

It appears that parties' lack of political will to create greater space for women as candidates on party lists is the most difficult obstacle for women who want to acquire partisan identity. Most political parties in Kosovo have not updated their nomination procedures or they do not adhere to official procedures in practice. As a result, parties often do not follow transparent practices that could create greater space for women (NDI, 2015, p12). Getting on the list requires lobbing with women's wings within parties or approaching the party's leader. Thus, a woman's ability to make it onto a party's list is often dependents upon power structures that heavily scrutinize her or is biased against her because of her gender identity/status, a condition that does not apply to male candidates (NDI, 2015, p12). Another obstacle identified is the lack of party structures to recruit and prepare more women for leadership roles. Political parties commonly argued that women candidates lack the necessary resources to mount a strong campaign and they were unable to offer financial support or training to candidates ahead of election (NDI, 2015, p16). Of course, this policy affects both male and female candidates, but women may have less ability or willingness to spend personal finances

on a political campaign (NDI, 2015, p12). The cultural context and a lack of financial support and economic empowerment also contribute to the lack of participation by women.

Women candidates face heightened internal competition because of their gender and lack of a record of leadership. However, this could change if women entering politics had the means to build a strong public profile during campaign period through networking opportunities. Most women reported that again political parties did not offer any training or campaigning guidelines to first-time candidates (NDI, 2015, p16). Barriers also existed in achieving collaboration among various women's groups in Kosovar society with regards to optimizing the electoral outcome (Injac, 2014, p38). Media mainstreaming of women was also limited and women's participation in media campaign events was merely symbolic, as women comprised just 5% of participants (Evaluation of the Kosovo Program for Gender Equality and Haskuka, 2014, p28). The lack of support and exposure was a critical factor for the lack of satisfactory electoral success for women. It seems that KPGE has failed to effectively address this structural elements that challenge women's political participation which brings us to the instrumental argument.

Due to the lack of monitoring, weak documentation and reporting and limited institutional memory the implementation of the plan was not possible to obtain. Luck of funds was mentioned as the main barrier for the proper and timely implementation of KPGE's objectives to support activities and interventions looking to promote equality on ministerial and municipal level (Evaluation of the Kosovo Program for Gender Equality, 2016, p18). Even though the appropriate legal framework was present, the desirable results could not be achieved. Thus the need for a government document that would address the limitations of the existing one and will secure independent monitoring over its implementation and transparency is essential in consolidating Kosovo's gendered agenda.

UNSCR 1325 also stresses "the importance of women equal participation and full involvement in all efforts for the maintenance and promotion of peace and security (UN Women, 2015, p137)". Inclusion of gender representation into national armed and security forces started earlier in Kosovo and the country concentrated on improving capacities for gender equality. Even though steps have been made towards achieving gender mainstreaming in Kosovo's police forces, questions arise in evaluating the degree of this participation. I would argue that we need to draw a distinction between: a) symbolic representation, refers to the legitimacy of these processes, which is assumed to be enhanced by including more women, b) substantive representation, effects on agenda building and policy outcomes with regards to security related issues, c) descriptive representation, representation refers to the degree to which women are included in different army-related processes (UN Women, 2015).

When examining female representation based on the percentage of women presence and distribution in managerial senior positions in the security sector in 2013, Kosovo finds itself having only 14.85% representation of women, whereas at the operational level the percentage is much lower with the country having only 8.16% women representation (Injac, 2014, p23). The participation of women in the security forces is relatively low in comparison with NATO standards of 10-20% (Working Plan to Implement Resolution 1325, 2014, p18). Even though the security sector also continues to be perceived as a male domain, progress has been made in the inclusion of the principle of gender equality.

The Kosovo Police (KP) was among the first institutions to translate the principles of UNSCR 1325 trying to actively harmonize its strategies incorporating the WPS within its structure. Some progress has also been made in recruiting women as professional soldiers and police officers, through the establishment of institutions for the promotion of gender equality. The KP has adopted both legal procedures, such as the Law on Police and the Anti-Discrimination Law, and internal principles which regulate gender equality and prohibit any form of discrimination (Odanovic, 2013, p76). Furthermore, it is worth mentioning that the KP has established administrative guidelines in an attempt to institutionalize gender-equality strategies through three separate and important units: the Unit for Gender Equality, the Unit for Domestic Violence, and the Unit for Anti-Trafficking (Working Plan to Implement Resolution 1325, 2014, p17). According to the Head of the Human Rights and Gender Equality Office at the Kosovo Police, the KP has always focused on the proper application of the LGE to achieve the quota of 40% participation by women (Odanović, 2013, p82). The goal of the specific initiatives is to create rules and procedures that can facilitate working conditions for women. For example, pregnancy is considered to be the most frequent cause of women drop out (Odanović, 2013, p81). Thus, there is a consideration for protecting maternal rights in an attempt to identify and reflect the

interventions needed to address gender gaps in the sector.

In addition, the Ministry of Kosovo Security Force has adopted a Policy on Human Rights and Gender Equality with significant focus on the relationship between gender and security (Odanović, 2013, p84). The overall structure of the policy follows UNSCR 1325 as it emphasizes the importance of gender equality with a goal to improve gender balance and strengthen the role of women within. The goal was to create an institutional mechanism for gender equality and increase educational capacity building for women in the security sector. Key to the program's success was the establishment of partnerships with allies who shared similar goals at local and international level, promoting association opportunities. Under the KP and the UN Women supervision, the Gender Unit took initiatives related to activities for internal training programmers through the so-called 'training of trainers (ToT)' courses offering capacity development and support for professional advancement (UN Women, 2015, p9). General training was divided into two gender equality modules, basic and advanced, with extensive focus breaking the stereotypes and cultural barriers that discourage women from joining the security sector, while building on their leadership roles (Working Plan to Implement Resolution 1325, 2014, p18). The focus of these seminars was to raise awareness among both the general population and the KP of women's contribution to security.

These modules are already part of the training curriculum at the Kosovo Centre for Public Security, Education and Development and are required training for all KP staff (UN Women, 2012, p76). I would argue that bringing senior leadership into the process of achieving gender equality was one of the elements that turned this effort to a success story. Support from senior management for a WPS agenda made possible the implementation of many of program's core activities, ranging from setting up health checks to supporting flexible working conditions. Inclusion of men was also seen as a top priority. It helped to signal that gender equality is not seen as a struggle for women only but benefits all members of society and can only be achieved by women and men working together. Furthermore, the importance of introducing the UNSCR 1325 at the community level resulted in roundtables being organized in various municipalities. These meetings and discussions create a space for women to express their concerns over safety and security and for security personnel to understand how to integrate women's needs and improve gender responsiveness. Through these meetings the need for more female police officers became evident and they resulted in the establishment of the Policewomen Association (UN Women, 2015, p6).

We can safely state that Kosovo has taken important steps towards increasing gender mainstreaming in the security sector. However, we also need to take into consideration one limitation when evaluating our data. The security sector, especially when it comes to bodies such as the national police or military forces is influenced by culture notions, embedded in the cultural fabric, which provides normative expectations about gender roles and aptitudes (Färnsveden, 2014). It is a closed system in which access to information is restricted and cases of discrimination are not visible outside the system. Thus, when women cross over into masculine jobs they suffer the consequences of this very conflict between their gender and occupational role. Gender-based discrimination also revolves within this frame and manifests itself in the security sector in a specific manner. For example, the exclusive presence of men in some public activity spheres, eg street policing, has long been considered a gender neutral phenomenon or a result of the "natural" division of roles rather than privileging men and discriminating against women.

In reality, this "natural argument" denotes a situation ridden with unfounded assumptions entrenched in prejudices favoring existing inequity and inequality in gender relations. It is clear that those who are absent are really discriminated against, excluded, ignored and marginalized and that regardless of declarative claims of professionalism and professional or gender appropriation. A major concern is the lack of confidentiality within Kosovo Police, since in some cases the life of a female police officer –following the report of sexual intimidation – becomes unbearable and her confession is a discussion point for her colleagues (Report on the position of women in Kosovo Police, p20). If women do not feel safe using the existing mechanisms for reporting any kind of misconduct due to potential backlash, Kosovo will not know how far it has come without examining the effects with regards to this issue. In fact, security forces are still male-dominated environments where most men at times show hostility towards women, manifested as inhospitality, withholding information, sabotage, mobbing, verbal and non-verbal behaviors or even sexual harassment. This issue requires further investigation in order to evaluate the success of Kosovo's agenda in securing the descriptive aspect of its gendered agenda.

UNSCR 2106 is also part of the WPS agenda and encourages "Member States to draw upon the expertise of the United Nations Team of Experts established pursuant to resolution 1888 (2009) as appropriate to strengthen the rule of law and the capacity of civilian and military justice systems to address sexual violence in armed conflict and post-conflict situations (UN Women, 2015, p3)." In 2003, during the United Nations international administration mission, Kosovo similarly enacted Regulation 2003/12 on Protection against Domestic Violence based on the requirements of the Kosovo Law on Domestic Violence, Kosovo's institutions undertook a number of activities and by 2011, a National Strategy and Action Plan against Domestic Violence (NSAPADV) was adopted (Qosaj, 2015).

Domestic violence continues to be one of the prevalent forms of violence targeting women and children in Kosovo. Of the 1,087 domestic violence cases reported to police in 2013, 80% of victims were women. Light bodily harm, physical assault, intimidation, and attack were the most reported crimes within a domestic relationship. Police reports suggest 91.1% of perpetrators are men and most cases occurred among spouses (52.6%) or fathers against sons (12.3%) (Färnsveden, 2014, p21). Considering the stigma associated with sexual violence and lack of knowledge that sexual violence can occur between spouses, the extent of domestic violence is likely much higher than the number of cases reported to police. Tackling domestic violence as a form of gender-based violence is a necessary and invaluable task for the success and growth of any society as it affects all of its members: men, women, and children. However, it seems that out of the three thematics that emerged from the WPS agenda, domestic violence is seen as Kosovo's Achilles' heel. For the purposes of this paper, I will critically examine issues in the functioning of institutional mechanisms against domestic violence.

Kosovo has been quite successful in improving the mechanisms meant to assist and protect women and children victims of domestic violence. There has been an extensive process of licensing social workers' capacities and expanding the minimal standards of social service provision (Qosaj, 2015, 12). Nevertheless, there is valid criticism that key institution in combating domestic violence are still struggling to maintain a common understanding on their duties and responsibilities within the existing legal framework. Moreover, there are complains about the lack of infrastructure required to protect and support women, men and children victims of domestic violence. It is worth mentioning that only 7 municipalities support shelters covering the needs of all Kosovo regions (Farnsworth, 2012, p 67). The level of coordination and memorandums of understandings between the center and the different municipalities to jointly assist victims of domestic violence within Kosovo's different regions remains a challenge. For example, when emergency cases are reported, victims of domestic violence may often require to be assisted with hygienic kits, clothes or food (Qosaj, 2015, 21). Since the system is de-centralized funding is only channeled from the central level to the municipal level through social assistance funds. The absence of inter-municipal coordination with regards to this issue only comes to add to the general lack of communication between the different agencies (Farnsworth, 2012, p102).

Furthermore, the level of access victims have to legal remedies has been decreased (Färnsveden, 2014). Kosovo is seen as having failed to consistently support victims of domestic violence with free legal access and right to effective remedies. The continuation of such support involves minimal budgetary expenses and is critical in order to permit access related services, especially in rural areas. Of course, the logistical and operative needs of institutions relevant to domestic violence remain a challenge. In numerous areas institutions have not allocated any budget or the budget allocated was insufficient (Farnsworth, 2012, p78). For example, KP, Victim Advocates and Centre for Social Work all reported having to cover costs "out of their own pocket"; some lacked sufficient vehicles, fuel, computers and communications funding, among other important expenditures for carrying out their roles and responsibilities (Qosaj, 2015, p22). Many entities have not budgeted for domestic violence related expenses, so they obviously have not been costed accurately for these activities. Institutions that lacked knowledge about their legal responsibilities related to domestic violence could not have been costed for carrying out their responsibilities either. Again there was a discrepancy between the budget allocated and the budget needed for the operation to be successful. There is also a need for improving data collection on crimes related to gender-based violence. Regular monitoring by the EULEX Kosovo Gender Advisors between 2011 and 2014 produced a report in which data collection on crimes related to gender-based violence were analyzed across rule of law institutions in Kosovo (Qosaj, 2015, p22). The report identified gaps and provided recommendations to better the existing framework. One possible solution would be for Kosovo to create a common database on cases of domestic violence shared among all relevant institutions. This would not only help coordination, but could also help monitoring the project and improve accountability.

Kosovo has taken important steps in addressing pressing barriers to ensure the advancement of a gender equality agenda with regards to 1) women's political participation, 2) gender mainstreaming in security forces, 3) domestic violence against women. We need to examine any legislative initiatives of this short as a guidance tool which targets to establish women's inclusion and empowerment in the post-war context as necessity conditions for achieving sustainable peace. Kosovo has worked hard to define the essential components of its strategy. Efforts to effectively consolidate a WPS agenda finally led Kosovo to the drafting of a comprehensive NAP with a goal to tackle these issues as interdependent variables and not as isolated phenomena. In addition to the added components of a zero tolerance policy towards violations of the WPS agenda, Kosovo must ensure that any new strategy must have clearly defined objective and priorities, a solution-oriented approach, while securing institutional accountability and transparency in its procedures.

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