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Critical Analysis of Kosovo Legislation on Women’s Political Participation at the Municipal Level – International and European Standards⁴

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Abstract

Women constitute half of the population in Kosovo, thus representing half of the voters in elections. Given the high importance of women’s representation in local governance, Kosovo has approved relevant legislation to guarantee gender equality at this level. The purpose of this study is to critically analyse Kosovo’s legislation on women’s political participation rights in the country’s municipalities. The analysis of Kosovo legislation on gender equality, international standards, and statistical data on women’s representation in local governance in Kosovo proves that women are underrepresented in municipal-level politics, with an average of 14.5% during the last twenty-three years, much lower than the gender quota in Kosovo and the world average of 36%. This is due to the non-harmonisation of the electoral quota with the gender quota (50%), the non-implementation of Kosovo Law on Gender Equality, traditions, prejudice against women, and the reluctance of women to assume governing positions.

Keywords: gender equality, women’s representation, local governance, municipalities in Kosovo, challenges.

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Introduction

The equal participation of women in local governance⁵ and the decision-making processes of this governing level is important for a fair and democratic society.⁶ The participation of women in local governance is even more critical in developing countries that are considered countries with fragile democracy,⁷ such as Kosovo. The structure of the population in terms of gender in the Republic of Kosovo reflects the structure of the population worldwide, with women making up 49.7% of the world's population.⁸ In the Republic of Kosovo, women represent 50% of the population.⁹ Unfortunately, this half of the world's population in today's democracy is not proportionally represented in the governance of their countries, in particular at the municipal level. The average representation of women in local governance at the world level is 36%.¹⁰ To improve this situation, women's representation in local governance in many democratic countries has already become a legal requirement through electoral quotas.¹¹ Kosovo is one of the countries that has introduced the gender quota through the Law on Local Elections (LLE) and the Law on Gender Equality (LGE).¹²

⁵ For this paper, the term "local government" refers to the governance at the level of the municipalities in Kosovo, and it does not refer to other forms of cooperation of public administration with private entities. The municipality in Kosovo is a basic unit of the Self-Government of Kosovo. A municipality is headed by a Mayor and Deputy-mayors. The administrative work is headed by the political directors, while the legislative part is organised by the Municipal Assembly chaired by a Head, Deputy Heads, and assemblies. Article 3 of Law No. 03/L-040 on Self-Government of Kosovo (2008), the term "Local Self-government means the right and ability of local authorities established by this law and within the limits thereof, to regulate and manage a substantial share of public affairs under their responsibility and in the interest of the local population."

⁶ N. Uddin, *Empowerment through participation in local governance: the case of Union Parishad in Bangladesh*, "Public Administration and Policy: An Asia-Pacific Journal" 2019.

⁷ As defined by S. Issacharoff, *Fragile Democracies*, "Harvard Law Review" 2007, 120(6), pp. 1405–1467.

⁸ *Population, female (% of the total population)*, World Bank 2022.

⁹ *Ibidem*.

¹⁰ *Report on Women's representation in local governance: A global analysis*, UNWomen.org 2022, p. 7. <https://www.unwomen.org/sites/default/files/2022-01/Womens-representation-in-local-government-en.pdf> (access: 28.02.2023).

¹¹ J. McCann, *Electoral quotas for women: an international overview*, "Parliament of Australia" 2013; D.Z. O'Brien, J. Rickne, *Gender Quotas, and Women's Political Leadership*, "American Political Science Review" 2016, 110(1), pp. 112–126; D. Dahlerup, A.M. Gaber, *The Legitimacy and Effectiveness of Gender Quotas in Politics in CE Europe*, "Teorija In Praksa" 2017, 54(2), pp. 307–316.

¹² Law No. 05/L-020 on Gender Equality, Kosovo Assembly, Prishtina, Kosova 2015; Law No. 03/L-072 on Local Election in the Republic of Kosovo, 2008; Law No. 05/1-021 on the Protection from Discrimination, Official Gazette of the Republic of Kosovo 2015.

Kosovo's obligation is to guarantee political rights, including the right to equal treatment of women. The implementation of such rights depends not only on the commitment of state institutions but is also affected by other factors. This analysis intends to shed light on the challenges faced by women in Kosovo in their daily life and their engagement in society. Unfortunately, women in Kosovo, as in many other developing countries in the world, face several challenges and social, financial and political difficulties in their daily lives.¹³

This study aims to critically analyse the applicable legislation on gender equality in Kosovo and to juxtapose it with the LLE in Kosovo. It also aims to compare the aforementioned legislation with relevant international conventions on gender equality in politics, leadership and decision-making processes. Another objective of the present study is to determine the level of implementation of Kosovo legislation on gender equality in political bodies at the municipal level. In addition, a comparison between women elected at the political level in Kosovo municipalities, on the one hand, and the average of Slovenia and EU Member States, on the other, was also drawn.

The article ends with some general conclusions and recommendations for removing legal obstacles that prevent effective gender representation in the municipalities of Kosovo. These recommendations are helpful to ensure gender equality which lies at the foundation of a modern society with proportional and equal representation of men and women.¹⁴

The study's aims listed above will be achieved by addressing five main research questions: 1) Is Kosovo's gender equality legislation in harmony with the goals of international and European conventions on fundamental human rights, non-discrimination, and women's political rights? 2) Are the legal quotas foreseen in the LLE harmonised with the quotas of the LGE in Kosovo? 3) Are women and men equally represented in the municipalities of Kosovo? 4) What are the challenges faced by women to participate in the political bodies of the Kosovo municipalities? 5) Is there lower participation of women in the municipalities of Kosovo compared to the Slovenian and EU average? The answer to these questions addresses the three hypotheses of the present research:

H1: Kosovo's legislation on gender equality and local elections is aligned with the goals of international and European conventions on equality, non-discrimination, and women's political rights.

¹³ H.K. Haug, *Gender Equality and Inequality in Kosovo*, [in:] C.M. Hassenstab, S.P. Ramet (eds.), *Gender (In) equality and Gender Politics in Southeastern Europe. Gender and Politics*, London 2015, pp. 147–168.

¹⁴ P. Paxton, Sh. Kunovich, *Women's Political Representation: The Importance of Ideology*, "Social Forces" 2003, 82(1), pp. 87–113.

H2: Women's political participation in the municipalities of Kosovo complies with the electoral quota of 30% for local elections, but not with the quota of 50% for gender equality;

H3: Women are under-represented in the municipalities of Kosovo compared to Slovenia due to prejudice, traditions and socio-economic difficulties.

Research Methodology

For the purpose of this research, desk research was conducted through the analysis of the national and international legislation, reports, and scientific articles on women's representation in gender/electoral quota and the municipalities of Kosovo and Slovenia, respectively. The percentage of women's participation in the municipalities of Kosovo during the last twenty-three years has been measured and then compared with Slovenia. As for the survey data, existing surveys conducted by various organisations on women's participation in the municipalities of Slovenia and official data provided from the Ministry of Local Governance in Kosovo have been used.

International and European standards and Kosovo legislation on the representation of women in the municipalities

Women's political rights are guaranteed at the international level through several international treaties,¹⁵ such as the Convention on the Political Rights of Women.¹⁶ This convention is based on the UN International Convention on Civil and Political Rights, which foresees the right to vote and to be elected for every person.¹⁷ Procopio sees it as a facilitating instrument for women's political life because it obliges states to take temporary measures¹⁸ and introduce gender quotas under their national legislation to ensure equal participation in their political institutions, including in the municipalities.

Kosovo has responded voluntarily to these international legal requirements in its Constitution as it is not yet a party to international human rights treaties. Fol-

¹⁵ R. Coomaraswamy, *Are Women's Rights Universal? Re-Engaging the Local*, "Meridians" 2002, 3(1), pp. 1–18.

¹⁶ The Convention on the Political Rights of Women, United Nation General Assembly, New York 1953.

¹⁷ The International Covenant on Civil and Political Rights, United Nation General Assembly, New York 1966, Article 25.

¹⁸ See Article 4 of The Convention on the Political Rights of Women (1953).

lowing the declaration of Kosovo's independence, its constitution (hereinafter: Constitution)¹⁹ gave direct prevailing force to such international treaties over national legislation in its Articles 21 to 56.²⁰ The Constitution grants the same treatment to the European Convention on the Protection of Fundamental Human Rights (CPFHR), the Convention on the Elimination of All Forms of Discrimination against Women, and the European Charter for Local Self-Governance.²¹ In addition, the Constitution guarantees equal representation of men and women in the municipal assemblies, as foreseen by Article 3 of the European Charter for Local Self-Governance.²² This approach implies that the Constitution gives prevailing force to the case law of the European Court of Human Rights (ECtHR) as well. In 2019, the ECtHR decided on its first gender quota case.²³ In this case, ECtHR confirmed that "the Convention does not guarantee a right to correct flaws and that a final rejection of a candidate list, without the possibility of correction, remained in line with the Convention".²⁴ The LLE of Kosovo directly guarantees such rights but through a sub-legal act.²⁵ A second case related to women's representation in political institutions in Slovenia was also addressed to the ECtHR.²⁶

To further harmonise and ensure the implementation of Article 4 of the Convention on Civil and Political Rights and other conventions mentioned above,²⁷ which foresee the adoption of special temporary measures for acceleration of gender equality *de facto*, Kosovo approved the LGE, defining a quota of 50% for the representation of each gender in every state institution.²⁸ For the same purpose, Kosovo institutions also approved the LLE, which foresees a quota of 30% to increase equal

¹⁹ Constitution of the Republic of Kosovo, K-09042008, Official Gazette of the Republic of Kosovo 2023.

²⁰ H. Gashi, *Commentary of the Law on Gender Equality*, Agency for Gender Equality, Prishtinë, Kosovo, 2017, <https://abgj.rks-gov.net/assets/cms/uploads/files/Publikimet%20ABGJ/ZKM%20Komentari%20i%20LBGJ%20-%20ANG.pdf> (access: 23.01.2023); P. de Hert, F. Korenica, *The New Kosovo Constitution and Its Relationship with the European Convention on Human Rights: Constitutionalization "Without" Ratification in Post-Conflict Societies*, "Zeitschrift für ausländisches öffentliches Recht und Völkerrecht" 2016, 76, pp. 143–166.

²¹ The European Convention on Human Rights. Assembly of the Council of Europe, Strasbourg 1953; The Convention on the Elimination of All Forms of Discrimination against Women. United Nations General Assembly New York 1979; European Charter of Local Self-Governance, Council of Europe 1988.

²² Constitution of the Republic of Kosovo, K-09042008, Article 7 and 123.

²³ Case 54893/18 *Zevnik and Others v. Slovenia* [2019] European Court of Human Rights; J. Toplak, *The ECHR and Gender Quotas in Elections*, EJIL:Talk! 2019, <https://www.ejiltalk.org/the-echr-and-gender-quotas-in-elections/> (access: 26.04.2023).

²⁴ *Ibidem*.

²⁵ Law No. 03/L-072 on Local Election, op. cit. Art.7.

²⁶ Case 53662/18 *Pečnik v. Slovenia* [2018] European Court of Human Rights.

²⁷ S. Procopio, *The emergence of women candidates: State, district, and individual influences*, Indiana University. Dissertation Abstracts International, 2005, 66 (08-Section: A): 3080.

²⁸ Law on Gender Equality, op. cit.

representation of men and women in the assemblies of the Kosovo municipalities.²⁹ The statutes of each municipality in Kosovo, which regulate their internal organisation, are based on the LLE.³⁰ Indirectly, these statutes guarantee the equal treatment of women and men within the municipal assemblies. Finally, it should be stated that the 30% quota for elections in Kosovo was introduced through Regulation 39/2000 of the United Nations Interim Mission in Kosovo.³¹

Women's political representation in the municipalities of Kosovo as a result of elections

After the end of the war in Kosovo, the first local elections for municipal assemblies were organised in 2000,³² while those for mayors in 2007. From 2007, voting for candidates of municipal assemblies' members was organised with open lists, enabling citizens to vote for their favourite candidates.³³ Political parties were obliged to include 30% of women candidates.

The results of the municipal assembly elections in 2000, when the gender quota of 30% was introduced, were described as depressing because only 8.6% of the mandates were won by women.³⁴ Results improved in the 2004 elections due to the affirmative measures taken, and the percentage of women rose to 28%.³⁵ A similar result was maintained in the 2009 elections, where 30% of the municipal assembly members were women.³⁶ In the 2013 elections, the quota of 30% for women was not fulfilled by only four municipalities out of a total of 38.³⁷ In addition, four municipalities exceeded the quota of 30% of women's representation.³⁸

²⁹ Ibidem.

³⁰ See examples of statutes from two municipalities in Kosovo: Municipality of Klina, Statute, Klinë 2010, <https://kk.rks-gov.net/kline/wp-content/uploads/sites/15/2018/01/STATUTI-I-KOMUN%C3%8BS-S%C3%8B-KLIN%C3%8BS.pdf> (access: 10.10.2022); Municipality of Peja, Statute, Pejë 2020, <https://kk.rks-gov.net/peje/wp-content/uploads/sites/24/2020/10/Statut-Br.01-2020-1.pdf> (access: 23.02.2023). The same provisions also have statutes of the other municipalities.

³¹ S.S. Bush, *International Politics and the Spread of Quotas for Women in Legislatures*, "International Organization" 2011, 65(1), pp. 103–137; *Kosovo: Overcoming Barriers to Women's Political Participation*. National Democratic Institute, Prishtinë 2015, p. 10; P. Szeląg, *The political engagement of women in post-conflict Kosovo*, "Rocznik Instytutu Europy Środkowo-Wschodniej" 2021, 19(4), pp. 127–149.

³² Municipal Assembly Election, Central Election Commission, Kosovo 2000.

³³ A. Osja, *Demokracia fillon nga listat e hapura*, "Sbunker" 2019, <https://sbunker.net/zgjedhje-amp-zgjidhje-bllqje-tematike/89847/demokracia-fillon-nga-listat-e-hapura/> (access: 20.02.2023).

³⁴ L. Vuniqi, *Imazhi i Grave Politikane në Mediat Kosovare*, Kosovo Center for Gender Studies 2009, p. 19.

³⁵ Ibidem.

³⁶ Municipal Assembly Election 2009. Central Election Commission, Kosovo 2009.

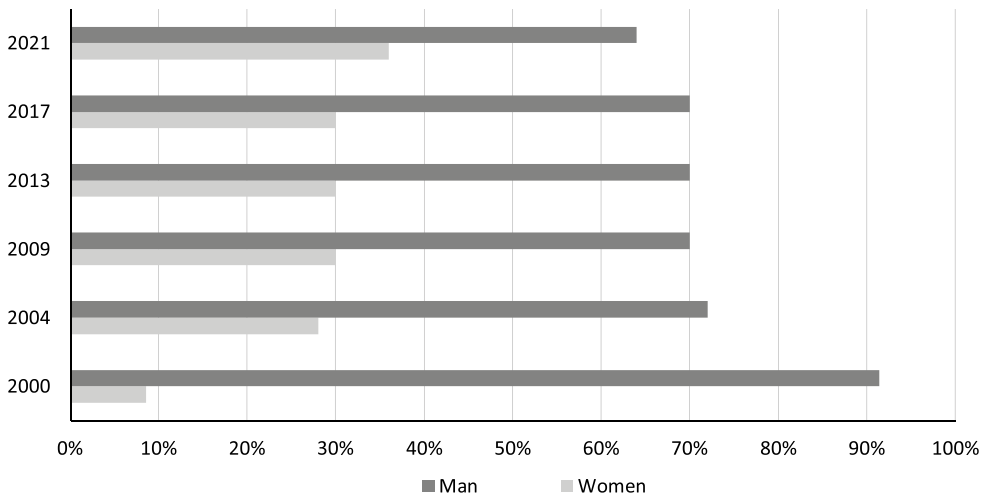
³⁷ *Kosovo: Overcoming Barriers...*, p. 10.

³⁸ Ibidem.

In the 2017 elections, the number of women elected as municipal assembly members was 30%.³⁹ Meanwhile, in the 2021 elections, the citizens of Kosovo gave their trust to 364 (36%) of women as members of municipal assemblies.⁴⁰

The above results show that women's representation in municipal assemblies has increased during the last twenty-three years, albeit not sufficiently to ensure the achievement of the gender quota of 50% (Figure 1).

Figure 1. Women members in the municipal assemblies of Kosovo over the years (2000–2023)



Source: The authors have prepared the graph based on: L. Vuniqi, *Imazhi i Grave Politikane në Mediat Kosovare*. Kosovo Center for Gender Studies 2009, https://www.kgscenter.net/site/assets/files/1462/11__analysis_of_the_image_of_women_politicians_in_the_kosovar_media.pdf (access: 25.02.2023); *Zgjedhjet Lokale të 17 tetorit në Vlerësim Ex-ant*, Democracy in Action, National Democratic Institute, Prishtina 2021.

After several years under international administration in the post-war period, Kosovo organised elections for mayors of municipalities in 2007 for the first time. In these elections, none of the 9 women candidates won the trust of the citizens to lead the municipalities. Likewise, in the 2009 elections, none of the 11 women candidates won sufficient votes to be elected mayor.⁴¹ This trend changed in the 2013 elections when 1 woman out of 8 candidates managed to win the trust of the

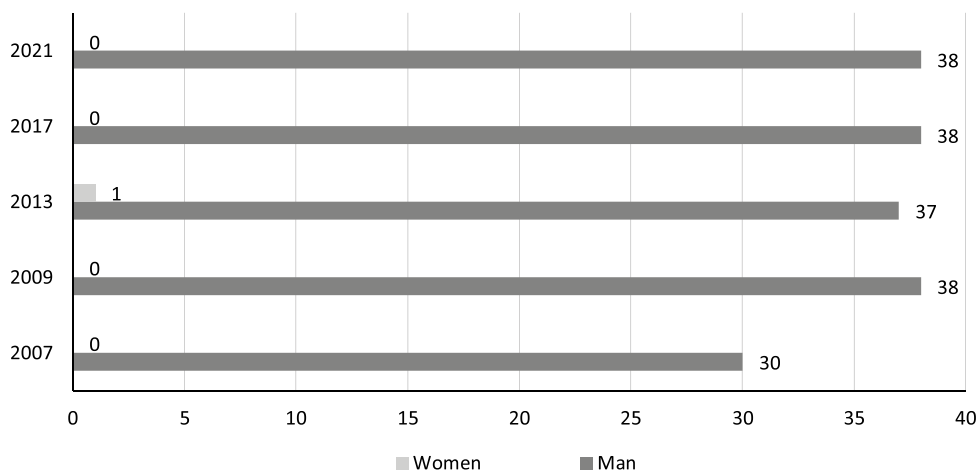
³⁹ *Zgjedhjet Lokale të 17 tetorit në Vlerësim Ex-ant*, Democracy in Action, National Democratic Institute, Prishtina 2021, p. 34.

⁴⁰ Ibidem; E. Vllahiu, *Gratë në garë për kryetare të komunave* (Eng: Women running for mayors), Kallxo.com 2021, <https://kallxo.com/lajm/grate-ne-gare-per-kryetare-te-komunave/> (access: 23.11.2022).

⁴¹ International Observation Mission to Kosovo Municipal Elections 2009, ENEMO.ORG 2009.

citizens for the leadership of a municipality.⁴² Six women ran for the 2017 elections and 12 women for the 2021 elections,⁴³ but none of the women candidates were elected mayor.⁴⁴ Unfortunately, for 23 years in a row, the citizens of Kosovo entrusted women with the leadership of only one municipality and for only one term (Figure 2).

Figure 2. Women mayors in Kosovo municipalities 2000–2023



Source: The authors have prepared the graph based on: L. Vuniqi, *Imazhi i Grave Politikane në Mediat Kosovare*, Kosovo Center for Gender Studies 2009, https://www.kgscenter.net/site/assets/files/1462/11__analysis_of_the_image_of_women_politicians_in_the_kosovar_media.pdf (access: 25.02.2023); *Zgjedhjet Lokale të 17 tetorit në Vlerësim Ex-ant*, Democracy in Action, National Democratic Institute, Prishtina 2021.

The percentage of women appointed to the position of directors, deputy mayors and speakers of municipal assemblies in Kosovo

In addition to the results of the elections, it is important to analyse the will of those who were elected mayors and members of the municipal assemblies entitled to appoint the deputy mayors, the speakers of municipal assemblies, and municipal directors.

⁴² A.S. Nimani, *How much space is given to women in local Kosovo newspapers competing for mayors?*, "European Journal of Social Science Education and Research" 2017, 3(4), pp. 89–92.

⁴³ E. Vllahiu, op. cit.

⁴⁴ Ibidem.

After the 2007 elections, women appointed to leadership positions at the municipal level accounted for 7%.⁴⁵ The trend of 7% of women elected in positions of municipal directors was maintained during the 2009–2013 mandate.⁴⁶ During the 2013–2017 mandate, the level of representation of women in the positions of municipal directors increased from 4.4% (2014), 10.1% (2015) to 11.38 (2016).⁴⁷ After the 2017 local elections, the data showed that the representation of women increased to 24.7%.⁴⁸ Data on the appointment of directors in the municipality of Zveçan (7 directors) and Zubin Potok are missing (see Figure 3).⁴⁹

After the 2021 elections, the level of representation of women in these positions increased to 25.7%.⁵⁰ Two out of 38 municipalities did not appoint any women directors, and others appointed two and above as shown in Figure 4. It should be noted that there was no data reported for 12 directors.

The representation of women in the positions of municipal directors has increased from 2007 to 2023, but this level of representation is below the legally determined quotas of 50% and 30% (Figure 5).

Regarding the appointment of women as deputy mayors of municipalities and speakers of municipal assemblies, the data covering the period 2007–2017 were not disaggregated but were available as generalised data on the representation of women in decision-making positions in the municipalities. An estimated average for these is 7%.⁵¹ This average remained the same even after the 2017 elections, where only 7.1% of appointees for the position of deputy mayors of municipalities were women.⁵² After the 2021 elections, this percentage doubled to 15.2%.⁵³ A very modest increase was also noted in the position of speakers of municipal assemblies. In 2017, 23.6% of the appointees for speakers of municipal assemblies were women, while in 2021, 26.3% of the positions of speakers of municipal assemblies were entrusted to women (Figure 6).⁵⁴

⁴⁵ L. Vuniqui, op. cit., p. 21.

⁴⁶ J. Bakija, *Give Women a Chance in Politics through leadership position*, "DemocracyPlus" 2019, p. 10.

⁴⁷ L. Demolli, *Women in Senior Decision-Making Positions in Public Sector and Political Parties*, Kosovar Gender Studies Center 2017, p. 24.

⁴⁸ Ministry of Local Governance Administration 2022, The data was obtained from the official website of the municipalities and verified during the meeting with the Officer for Public Relations of the Ministry of Local Governance Administration, held on 12.09.2022 in Pristina, Kosovo.

⁴⁹ Ibidem.

⁵⁰ Ibidem; *Directories*, Official website of the Municipality of Dragash 2023, <https://kk.rks-gov.net/dragash/> (access: 23.02.2023); *Directories*, Official website of the Municipality of Skenderaj 2023, <https://kk.rks-gov.net/skenderaj/> (access: 23.02.2023); *Municipalities Web Sites of the Republic of Kosovo*. Republic of Kosovo 2023, <https://kk.rks-gov.net/> (access: 22.02.2023).

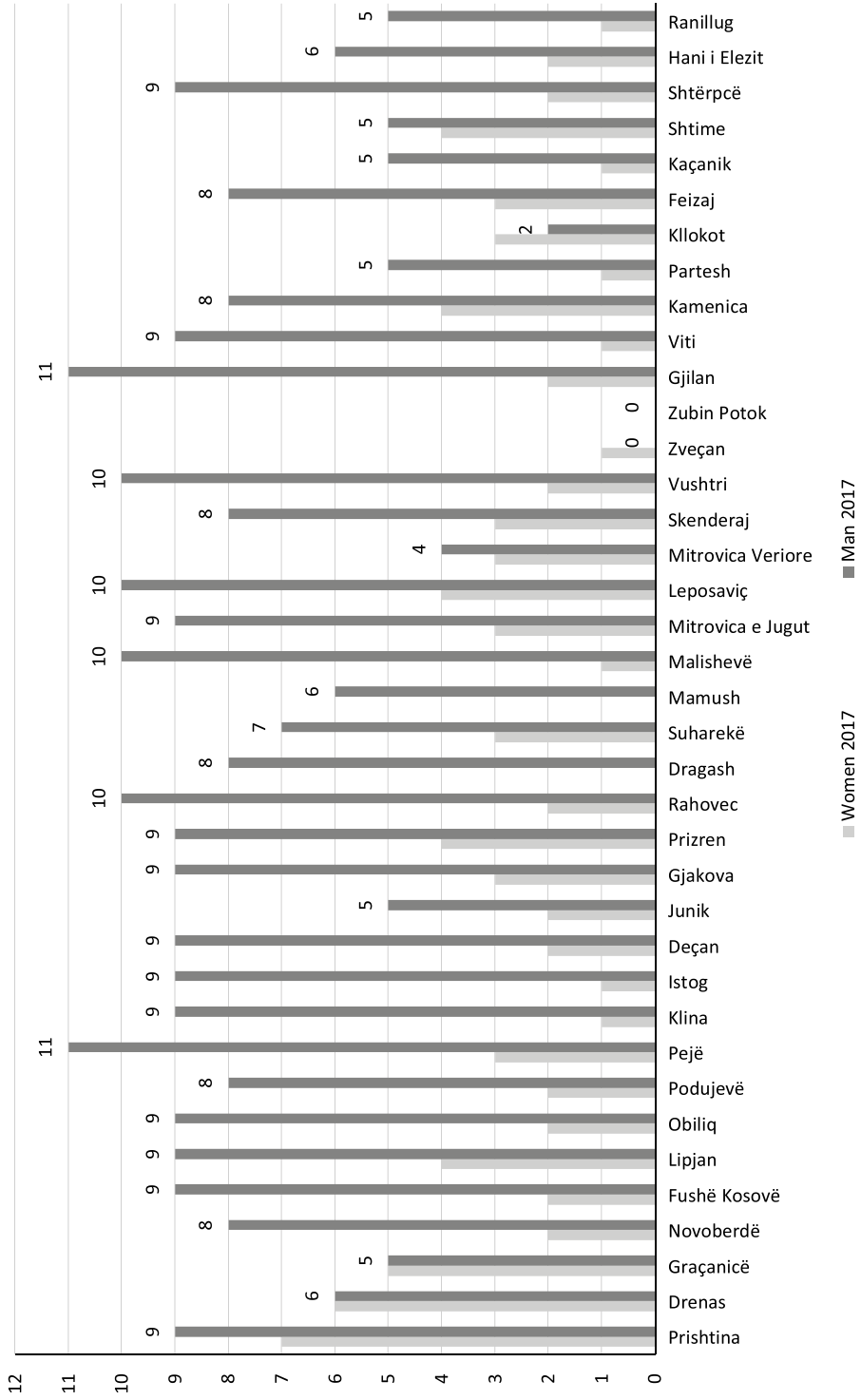
⁵¹ L. Vuniqui, op. cit., p. 21.

⁵² Ministry of Local Governance Administration 2022, op. cit.

⁵³ Ibidem.

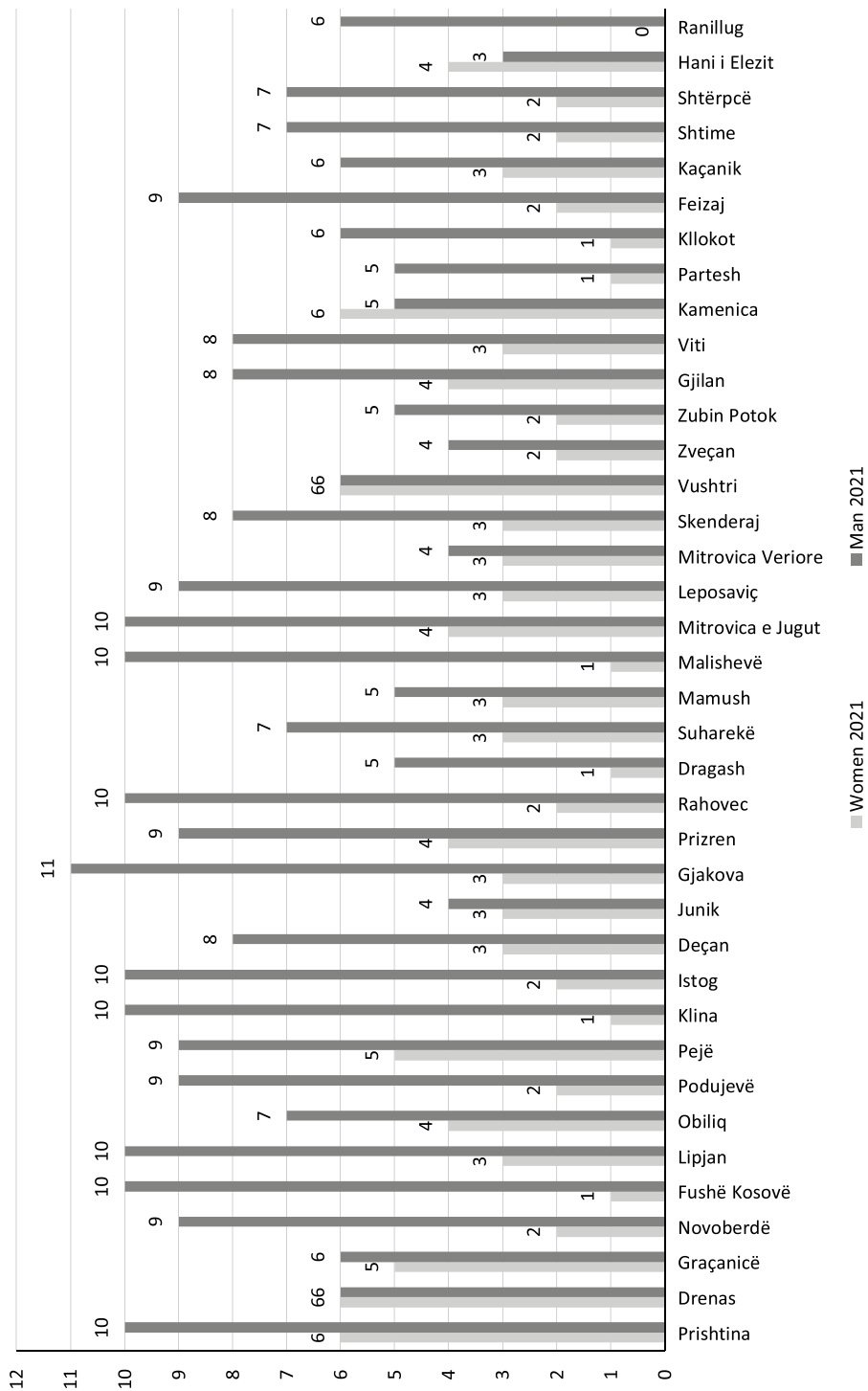
⁵⁴ Ibidem; *Law on Gender Equality...*

Figure 3. Women directors in the Kosovo municipalities in 2017



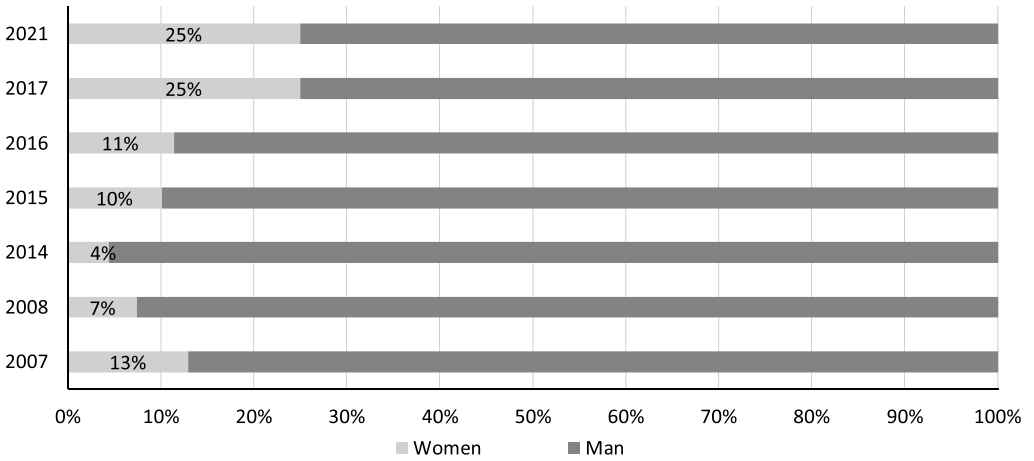
Source: Authors prepared graphs based on data provided by Ministry of Local Governance Administration 2022.

Figure 4. Women in positions of directors in the 38 municipalities of Kosovo 2021



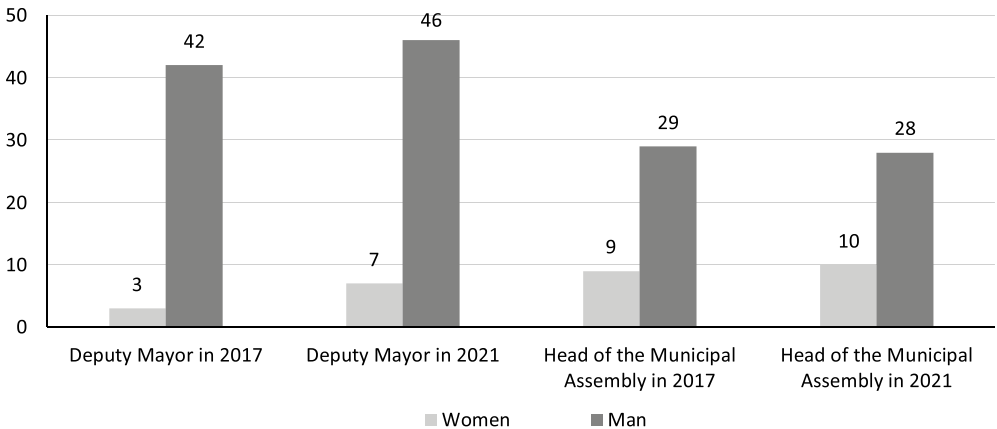
Source: The authors have prepared the chart based on data provided by Ministry of Local Governance Administration 2022.

Figure 5. Women in the positions of directors in the municipalities of Kosovo 2007–2023



Source: The authors have prepared the chart based on data of: Ministry of Local Governance Administration 2022; J. Bakija, *Give Women a Chance in Politics through leadership position*, “DemocracyPlus” 2019, <https://www.kas.de/documents/286052/0/Give+Women+the+Chance+in+Politics.pdf/c8d940a3-ada1-1d5f-d005-409996dfe587?version=1.0&t=1553077484689> (access: 28.02.2023); L. Demolli, *Women in Senior Decision-Making Positions in Public Sector and Political Parties*, Kosovar Gender Studies Center 2017, <https://www.kgscenter.net/sq/publikime/> (access: 19.02.2023).

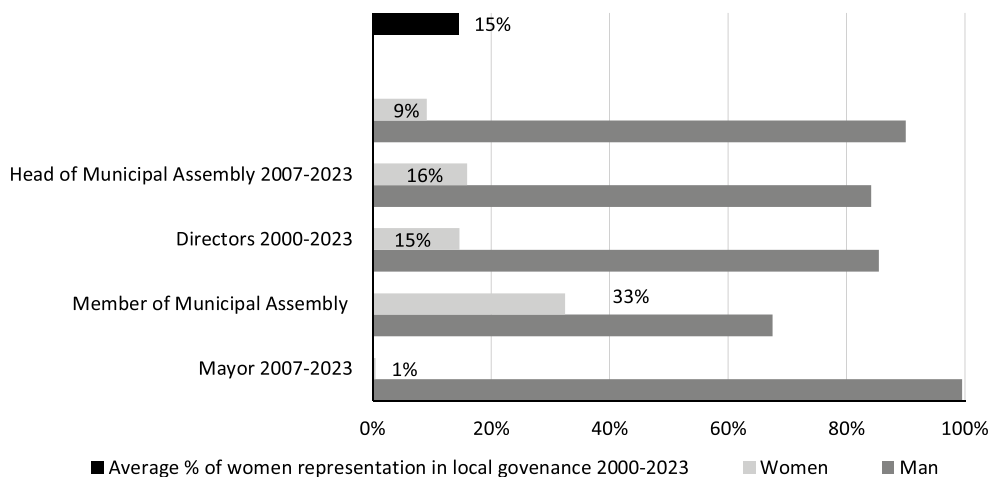
Figure 6. Number of Women nominated as Deputy Mayor & Head of Municipal Assemblies in Kosovo 2017 & 2021



Source: The authors have prepared the chart based on data of: Ministry of Local Governance Administration 2022; J. Bakija, *Give Women a Chance in Politics through leadership position*, “DemocracyPlus” 2019, <https://www.kas.de/documents/286052/0/Give+Women+the+Chance+in+Politics.pdf/c8d940a3-ada1-1d5f-d005-409996dfe587?version=1.0&t=1553077484689> (access: 28.02.2023); L. Demolli, *Women in Senior Decision-Making Positions in Public Sector and Political Parties*, Kosovar Gender Studies Center 2017, <https://www.kgscenter.net/sq/publikime/> (access: 19.02.2023).

These data confirm that the average representation of women in the local governance of Kosovo during the years 2000–2023 was 14.5% (Figure 7), which covers the positions of mayors, speakers, and members of municipal assemblies, deputy mayors, and directors.

Figure 7. The average of women participation in the local governance of Kosovo for 2000–2023



Source: The authors have prepared this chart based on the data presented in the Figures 1–6 of the present article.

A comparison with the case of Slovenia and EU Member States' average of women's participation at the municipal level

A comparative approach assists best in analysing the progress of gender equality in the municipalities of Kosovo. A comparison between the percentage of women's participation in the municipal assemblies in Kosovo and women's election in the municipalities of Slovenia shows that the situation differs in the two countries. Slovenia introduced an electoral gender quota (40%) in 2005 for women's representation at the political level of municipality councils.⁵⁵ Table 1 below shows that

⁵⁵ I. Selišnik, M.A. Gaber, *From Voluntary Party to Legal Electoral Gender Quotas in Slovenia: The Importance and Limitations of Legal and Institutional Mechanisms*, "EUI Department of Law Research Paper" 2015, 31, p. 10; V. Jalušič, M.A. Gaber, *Equality for Whom? Obstacles to Women's Access to Local Government in Slovenia*, "Teorija in Praksa" 2020, 57(2), pp. 437–454.; European Institute for Gender Equality, Gender Statistics Database, 2023, https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_pol_parl

the percentage of women elected as member mayors increased to 10.4% in 2022, but remained below the average of EU Member States, i.e. 17.7% (Figure 8). Meanwhile, the percentage of women elected as members of municipal assemblies in Kosovo (36%) is higher than the percentage of Slovenia's women participation in local/municipal councils (Table 1). The EU 27's average of women elected as members of local or municipal councils was 34.5% in 2022 (Figures 8 and 9).

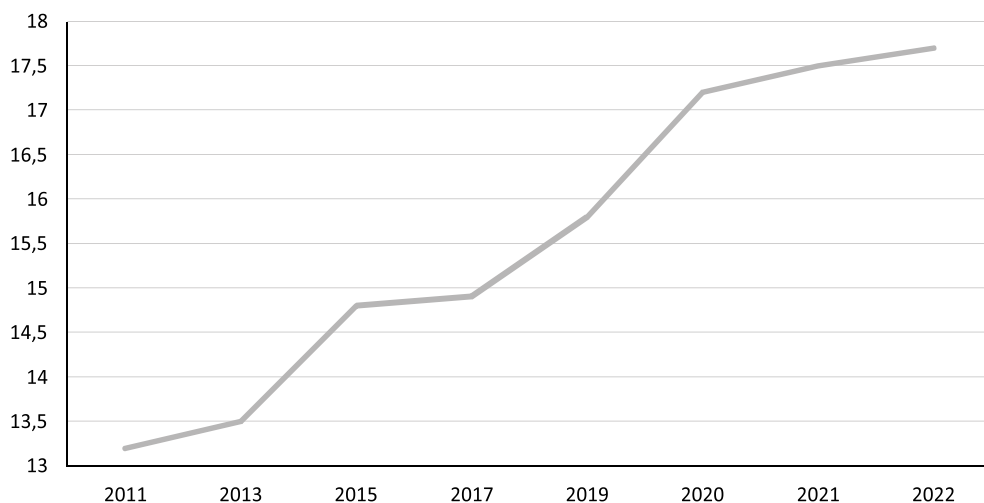
Table 1. Elected women in municipalities of Slovenia

Year	% of women elected as Mayor	% of women elected as member of municipal assemblies
1998		11,7
2002		13
2006		21,5 (when quota was introduced and Slovenia became already member of EU)
2010		21,91
2011	4,8	
2013	4,8	
2014	7,6	32
2015	7,5	31,8
2017	7,5	31,8
2018	10,4	33
2019	10,4	32,3
2020	10,4	32,3
2021	10,4	32,3
2022	10,4	32,3

Sources: Authors prepared table based on the data presented by I. Selišnik, M.A. Gaber, *From Voluntary Party to Legal Electoral Gender Quotas in Slovenia: The Importance and limitations of Legal and Institutional Mechanisms*, "EUI Department of Law Research Paper" 2015, 31, p. 11; V. Jalušič, M.A. Gaber, *Equality for Whom? Obstacles to Women's Access to Local Government in Slovenia*, "Teorija in Praksa" 2020, 57(2), pp. 437–454.; European Institute for Gender Equality, Gender Statistics Database, 2023, https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_pol_parl__wmid_locpol/bar/year:2022/geo:SI/sex:M,W/UNIT:PC/POSITION:PRES_CNCL/EGROUP:MUNICIP (access: 26.04.2023).

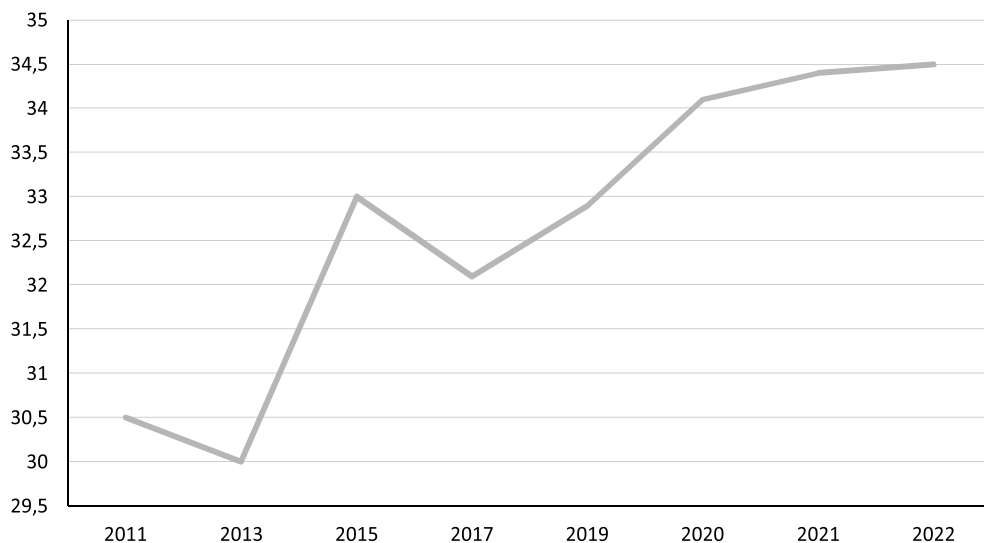
[__wmid_locpol/bar/year:2022/geo:SI/sex:M,W/UNIT:PC/POSITION:PRES_CNCL/EGROUP:MUNICIP](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_pol_parl__wmid_locpol/bar/year:2022/geo:SI/sex:M,W/UNIT:PC/POSITION:PRES_CNCL/EGROUP:MUNICIP) (access: 26.04.2023).

Figure 8. Women elected in local/municipal level: Mayor/other leaders in EU member states 2011–2023



Source: https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_pol_parl__wmid_locpol/line/year:2011,2013,2015,2017,2019,2020,2021,2022/geo:EU28/sex:W/UNIT:PC/POSITION:PRES_CNCL/EGROUP:MUNICIP (access: 26.04.2023).

Figure 9. Women elected in Local/municipal councils in EU member states 2011–2023



Source: https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_pol_parl__wmid_locpol/line (access: 26.04.2023).

The main challenges of women participating in local elections in Kosovo

The data presented above prove that there is an unequal gender representation in the municipalities of Kosovo, which contradicts the engagement of women as voters. Half of the voters participating in elections are women.⁵⁶ This inequality stems from the challenges faced by the women of Kosovo in their daily life and engagement in society.⁵⁷ The under-representation of women at the international level occurs for several reasons: i) some women are not ready to run for public positions and some of them consider men to be more capable of these positions; ii) political party leaders have prejudices about women's capacities; and iii) voters also have prejudices that women cannot represent them properly.⁵⁸

Such reasons are also relevant for explaining the under-representation of women in the local governance of Kosovo, but they are combined with additional challenges, most of which derive from the customs, traditions, and culture of the Kosovo society, which are no exception in the Western Balkans region where Kosovo is located. In many cases, male-dominated political parties are unwilling to include women in their party structures and subsequently in local politics.⁵⁹ This happens even though women are valued as good community mobilisers.⁶⁰ Women in Kosovo also face financial challenges due to the low rate of women's employability and the lack of financial support from the district, family, or political structures.⁶¹ This problem is also observed during electoral campaigns where women receive very little financial support from political parties for their candidacies as members of municipal assemblies. Financial support is often missing even from their families due to economic difficulties or mentality. It is also worth noting that women are not sufficiently supported during electoral campaigns by the media, which gives them very limited coverage.⁶²

⁵⁶ L. Vuniqi., op. cit., p. 21.

⁵⁷ P. Momčinović, *Here to stay – political participation of women in the Western Balkan*, "Perspectives – Political Analysis and Commentary" 2020, 8, pp. 51–55.

⁵⁸ M.M. Conway, *Women and Political Participation*, "PS Political Science and Politics" 2001, 34(2), pp. 231–233; *Women in Politics: Why Are They Under-represented?*, Free Policy Briefs.org 2021; P. Kumar, *Participation of Women in Politics: Worldwide experience*, "Journal Of Humanities And Social Science" 2017, 22(12), pp. 77–88.

⁵⁹ L. Peci, *Policy and Decision-making in Political Parties in Kosovo: Women, Youth and Ethnic Communities*, Research Paper No. 3/15, Konrad Adenauer Stiftung 2015.

⁶⁰ *Strategy for Better Society*, Advocacy Center for Democracy and Culture, Kosov 2021.

⁶¹ J. Ballington, *Women's Empowerment For The Strongest Political Party*, "National Democratic Institute" 2012; M.I. Chao, *Women's Activism in the Civil Resistance Movement in Kosovo (1989–1997): Characteristics, Development, Encounters*, "Nationalities Papers" 2020, 48(5), pp. 843–860.

⁶² See supra note 34.

In Kosovo, the legal quotas are often considered harmful to meritocracy and discriminatory.⁶³ These considerations should not be taken for granted because removing the gender quota in Kosovo would immediately reduce women's representation in the municipalities. The data above present this reality. International research also shows that the quotas have improved the representation of women in governance in countries where legal quotas for gender representation are foreseen.⁶⁴

Conclusions and recommendations

Equality as a fundamental right for women in Kosovo is guaranteed through constitutional provisions and the Law on Gender Equality. According to this law, gender equality means 50% of women must be represented in every state institution, including municipal-level institutions. The Law on Local Elections foresees a minimum quota of 30% for the representation of women in local governance. All these legal provisions on gender equality at the political level of municipalities in Kosovo contribute to the implementation of international and European requirements on basic human rights, non-discrimination, and women's political rights. However, a discrepancy exists between the quota of 30% for local elections in Kosovo and that of 50% for gender equality. The organisation and functioning of gender equality in Kosovo is still an unreached standard,⁶⁵ as proven by the data presented above on the women's representation in the local governance in the position of mayor. Throughout the history of the Kosovo state, only one woman has been appointed mayor of a municipality, and only for one term. This reality totally differs from the Slovenian case and other EU Members States. This reality is changing when it comes to the election of municipal assembly members. Thanks to the electoral quota provided for in the Law on Elections, the representation of women at the level of members of municipal assemblies has increased from 2000 until now (8.6% in 2000 and 36% in 2021). Although this still falls short of the gender quota of 50% provided by the Law on Gender Equality, the percentage of women elected as members of assemblies in the municipalities of Kosovo is higher compared to Slovenia's and EU's average. The situation with the positions of directors,

⁶³ E. Luzha, *Kuotat dhe Fuqizimi i Grave* [English: Quotas and Women's Empowerment], "Epoka e Re" 2023.

⁶⁴ K. Möhring, C. Teney, *Equality prescribed? Contextual determinants of citizens' support for gender boardroom quotas across Europe*, "Comparative European Politics" 2020, 18, pp. 560–589; L. Cvetanoska, *The impact of corruption on women's access to politics: Insights from North Macedonia and Kosovo*, "Women's Studies International Forum" 2022, 95; H. Huma, *Gender and Conflict in the Western Balkans*, K4D Helpdesk Report, UK: Institute of Development Studies, Brighton 2017.

⁶⁵ *Kosovo Gender Analysis*, Kosovo Women Network – Womennetwork.org, Prishtinë 2018, p. 11, <https://womensnetwork.org/publications/kosovo-gender-analysis/> (access: 10.08.2022).

deputy mayors and speakers of municipal assemblies is worse. From 2007 until now, the percentage of women appointed as municipal directors has risen from 12% to 25%. Still, this percentage is below the level of two types of legal quotas. The representation of women in the positions of deputy mayors and speakers of municipal assemblies during this period is also below the level of the legal quotas. Seven per cent of deputy mayors were women in 2007, and this number reached 15.52% in 2021, while their appointment as speakers of municipal assemblies increased from 7% in 2007 to 26.3% in 2021. All these figures lead to the conclusion that while Kosovo's institutions have implemented the Law on Local Elections, the Law on Gender Equality is not being implemented. This under-representation of women is not only a consequence of the non-implementation of this law, but it can also be explained by the lack of officials responsible for the implementation of the law and the insufficient will of citizens to vote for more women for mayors and members of municipal assemblies. This is in addition to other challenges women in Kosovo face, such as their reluctance to be more involved in politics, their prejudices that men are more capable of leading, and the prejudices of politicians and society that women cannot lead and represent their interests.

To improve the current situation and mitigate gender inequality in local governance, the relevant institutions in Kosovo should undertake at least the following actions: i) continue maintaining the gender quota as a special measure until full gender equality is achieved; ii) the 30% quota of the Law on Local Elections should be harmonised with the 50% quota provided for in the Law on Gender Equality; iii) develop and advance educational programmes for gender equality by state and private institutions of all levels; iv) take into consideration the jurisprudence of the ECJHR; and v) organise awareness-raising activities for women and society on gender equality importance and encourage the participation of women in political and social life.

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