

# Getting it Right?

A Gender Approach to UNMIK Administration in Kosovo



*The Kvinna till Kvinna Foundation addresses the needs of  
women in areas affected by war and armed conflict*

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**Kvinna till Kvinna** addresses the specific needs of women in areas affected by war and conflict. Kvinna till Kvinna co-operates with women's organisations in Bosnia and Herzegovina, Croatia, Kosovo, Serbia, Montenegro, Macedonia, Albania and Israel/Palestine.

**Getting it Right. A Gender Approach to UNMIK Administration in Kosovo**

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# Introduction

## OBJECTIVES

This report aims to look at the international community's efforts, or in some cases lack of effort, to include women in its reconstruction and institutional building endeavours in Kosovo<sup>1</sup> after the armed conflict in 1998–1999. A number of reports have recently underlined the importance of involving women in peace negotiations and post-conflict reconstruction work.<sup>2</sup> Moreover, the United Nations has been very active in stressing the importance of involving women in all its activities, in particular peacekeeping.<sup>3</sup> Kosovo is a particularly interesting subject for such a study as it is currently the United Nations administration (UNMIK) itself that is replacing the “state” apparatus.

The study is divided into two sections. The first aims to set the conditions for the work of the international organisation of the missions of the United Nations and the OSCE. This includes the work on peace negotiations (before the last, most destructive phase of the conflict), Resolution 1244 that governs the work of UNMIK, the level of gender-awareness among international personnel as well as other aspects. This section sets the scene for the work of the “internationals”. In the second section we will look at different practical examples of the work of this international UN administration and the international organisations in Kosovo in general. The two sections together give clear examples of strategies, which worked well and show what was not successful, as well as promote an understanding of the underlying reasons for the different degrees of success. It is hoped that in this way, the study can provide some concrete lessons for the future both for similar tasks in other countries and in view of possible modifications of current policies in Kosovo.

The information referred to in this study is based primarily on the experience of Kvinna till Kvinna, but also on public and internal reports by the UNMIK and OSCE, discussions with local women activists, personnel working in international organisations and the experience of the editor herself.<sup>4</sup> Based on the current situation in Kosovo this study will focus mainly on the situation for the Kosovar Albanian women as the situation for women in minority groups differs drastically and deserves a separate study.

## THE KVINNA TILL KVINNA FOUNDATION

The non-governmental organisation Kvinna till Kvinna Foundation (KtK) was founded in Sweden in 1993 to protest and condemn the war in the Balkans and to support women victimised by the conflict. KtK concentrates its work on long-term projects, to rebuild women's health and self-esteem and to strengthen the position of women in communities under reconstruction. KtK has been present in Kosovo since 1994.

As development assistance generally does not consider the gender bias that systematically devalues women, their work, and influence in nearly all societies, the actions taken often make the gender inequality permanent or worse. Therefore, KtK puts the focus of development work on the creation of a social order where men and women can make progress together. To contribute to this goal, KtK supports active women to increase their participation in the political sphere. This work is always done in co-operation with local groups and organisations. KtK believes that only the local women themselves can achieve a sustainable change. The contributions of KtK are in support, assistance, and financial aid.

As KtK is convinced that democracy is built from below at the grass root level, women are urged to participate in the decision making at all levels, not least to inspire new legislation and to increase knowledge about human rights in general and women's rights especially. KtK supports women's education in democracy, through education, discussions, and invitations to study visits to Sweden. KtK seeks also to increase knowledge about the condition of women in war through participation in informational meetings, lectures, debates and in arranging courses, seminars, and conferences.

KtK's activities are partly funded by organisations, businesses, and private persons who care about war-affected women and the need for women's participation in preventing conflicts, and in post-war reconstruction and democracy building. KtK is also receiving grants from the Swedish International Development Cooperation Agency (Sida). KtK has no political or religious ties.

## DEFINITION OF GENDER

Gender describes the social expectations that are connected to our biological sex. These expectations determines which tasks, functions and roles are attributed to women and men in public and private life. Therefore, gender is linked to the cultural context. What is considered masculine and feminine varies through different times and different places. Expectations of what women and men are supposed to do exist at both the individual level and on the societal level. Individual human beings shape gender roles and norms through their activities and reproduce them by conforming to expectations. In almost all countries where the position of women is more advanced, this is the result from a long struggle with changing gender expectations in order to give men and women equal chances and opportunities in life.

Gender roles not only define expectations on which role men and women should play in society but also define the relationship between the sexes. As, traditionally, men have had a stronger position than women in societies around the world; the values and norms in the society have been shaped accordingly. Therefore, this con-

struction contains an unequal power relationship where men are dominating and women are subordinated in most spheres of life. Over time, it has been recognised that the society is characterised by a male bias, where often only the male experience is considered to make people suitable to take part in politics and other power structures.

The primary goal of gender mainstreaming is to break this male bias in the society and give men and women equal opportunities to shape their own lives and influence their society. In order to implement gender mainstreaming, it is therefore not enough to adopt "gender neutral" policies as they would often continue and maybe even increase gender inequalities. Instead, a new thinking is required which incorporates a gender equality perspective at every stage and all levels of policy making and by all actors.<sup>5</sup>

## Notes

1. Kosovo or Kosova; In accordance with the recommendations of the Swedish Central News Agency and the Swedish Ministry of Foreign Affairs we consistently use the term Kosovo in the report.
2. See for example *Kvinna till Kvinna, Engendering the Peace Process, A Gender Approach to Dayton and Beyond* and the Independent International Commission on Kosovo, *Kosovo Report*, Oxford University Press 2000.
3. See for example Anderlini, Sanam Naraghi (2000), *Women at the Peace Table*, UNIFEM, New York and Security Council Resolution 1325 from 31 October 2000, S/RES/1325 (2000).
4. The editor has been working in Kosovo for OSCE in the Kosovo Verification Mission January – March 1999 and continued this work in Macedonia by taking statements by the refugees during the NATO-bombings. She contributed to the OSCE's report "As seen, As told", where these findings are published. After the NATO-bombings the editor worked at Medica Mondiale's Center for traumatized women in Gjakova, Kosovo, and in the OSCE-led Department of Democratic Governance and Civil Society in the UN Interim Administrative Structure.
5. This section is based on definitions that the Council of Europe has developed in its policy paper "Gender-mainstreaming, conceptual framework, methodology and presentations of good practices, Strasbourg, May 98, EG-S-MS (98/2)."



# The Preconditions

## BACKGROUND TO UNMIK IN KOSOVO

### **Before the conflict**

Before the Kosovo conflict entered its final and most destructive phase during the NATO-bombings, the international community made a last attempt to reach a negotiated settlement and invited representatives of the Kosovo Albanians and the FRY/Serbian authorities to Rambouillet in France. The conference took place under the joint chairmanship of the French and British Foreign Ministers from 6 to 23 February 1999, with a follow-up meeting in Paris from 15 to 19 March 1999. The proposed agreement would have included a constitution for Kosovo, which would have granted substantial autonomy for the province whilst ensuring it remained part of both Serbia and of the FRY. Many of its provisions would have aimed at protecting minorities and human rights. The draft agreement was eventually signed by the Kosovo Albanian delegation, whereas the FRY delegation refused to accept its terms.<sup>1</sup> The negotiations set a



classical scene at the peace-negotiating table with a virtually all male presence. The Kosovo Albanian delegation consisted of fifteen men and one woman (Edita Tahiri of the LDK), the FRY delegation of fifteen men.

What is significant here about the Rambouillet negotiations, since they were the culmination of yearlong efforts of the international community to end the crisis/conflict “by diplomatic means”, is that the negotiations can be described as “gender neutral”. Rambouillet has this in common with the Dayton Agreement and many other peace agreements all over the world. The only time gender or sex is mentioned is in Chapter 2, Police and Civil Public Security, Article I: General Principles:

“1. All law enforcement agencies, organizations and personnel of the Parties, (...), shall act in compliance with this Agreement and shall observe internationally recognized standards of human rights and due process. In exercising their functions, law enforcement personnel shall not discriminate on any ground, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national community, property, birth or other status.”

Even though the Rambouillet Agreement was never signed and instead the international OSCE<sup>2</sup> presence was evacuated from Kosovo, it is still a highly relevant document since UN Security Council Resolution 1244 makes specific reference to it. Also, UNMIK’s later thinking and planning were to some extent based on it. The best example for this is the composition of the Interim Administrative Council<sup>3</sup> by Hashim Thaçi, Ibrahim Rugova and Rexhep Qosja<sup>4</sup>, three Kosovo Albanian men who were considered by the International Community to be politically the most influential at the time. The virtual absence of women in the peace-negotiations in Rambouillet perpetuated and institutionalised the marginalisation of women in the political process after the conflict.

## Consequences of the armed conflict

When we look at the development of today’s Kosovo, it is important to bear in mind that there had been a non-violent movement against Serbian oppression during the 1990s. Unfortunately this movement received very little concrete support from the outside world and it was not until the Kosovo Liberation Army (KLA) was created in late 1990s and took up a violent approach that the international community including international media started to turn its attention to the situation in Kosovo. This had many unfortunate consequences for the post-conflict political culture in Kosovo. The almost complete ignorance of the non-violent movement and the attention that the armed struggle received have led to the conclusion by some national actors that only violence produces results and is the more effective political strategy. This is also underlined by the attention and support that Hashim Thaci, as the former leader of KLA, received and still receives from many leaders of Western governments, where he is often referred to as the leader of the Albanians, thereby ignoring Rugova’s parallel structure during the years of non violent struggle.

## THE CREATION OF UNMIK

### Resolution 1244

As the NATO-bombings<sup>5</sup> ceased following the Military Technical Agreement between NATO and the FRY, the United Nations Interim Administrative Mission in Kosovo (UNMIK) was set up by UN Security Council Resolution 1244 on 10 June 1999. It gives the UN the task of setting up an interim civil administration that will run the administration in lieu of a state until democratic elections have been held and the final status of Kosovo has been determined.

“Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order **to provide an interim administration** for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo”<sup>6</sup>

As UNMIK was established by UNSC Resolution 1244, it was decided that a Special Representative of the Secretary General (SRSG) would lead the mission.<sup>7</sup> In order to fulfil its mandate, UNMIK has issued a number of regulations to exercise legislative authority in the territory.<sup>8</sup> Some of these regulations also refer to the authority of UNMIK itself, describing in more detail the competence and the limits of its work. These regulations have a quasi “constitutional” nature while others would correspond to “regular” laws in standard countries.

Since the Constitution of both the FRY and Serbia, and also of the Kosovo Autonomous Province are no longer applicable, the first regulation UNMIK issued clarifies in more detail what the powers of the SRSG incorporate<sup>9</sup>:

#### Section 1

##### Authority of the Interim Administration

1.1 **All legislative and executive authority** with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is **exercised by the Special Representative of the Secretary-General.**

1.2 The Special Representative of the Secretary-General may **appoint any person** to perform functions **in the civil administration in Kosovo, including the judiciary, or remove such person.** Such functions shall be exercised in accordance with the applicable law, as specified in UNMIK Regulation No. 1999/24.

This regulation gives the SRSG far-reaching powers to pass legislation and appoint judicial as well as administrative personnel. It also gives him the power to remove any judicial or administrative personnel as he sees fit. These powers, which would be incompatible with any regular democratic constitution, give the SRSG the unique opportunity to shape the Kosovo legal space free of constraints other than compliance with UNSC Resolution 1244, which in its ambiguity hardly represents an obstacle to progressive legislation. It is in light of this resolution that we should view the low number of women represented in the civil administration before the elections of October 2000, where only some 17% of the national staff (and even less in senior positions) was female, see also Appendix 2.

## Regulations

To underline the powers of the SRSG and to clarify the status of his regulations, a Regulation on the Applicable Law was issued. It gives the regulations of UNMIK superseding powers over any other applicable law, basically the body of laws applicable in 1989, before Kosovo lost its status of autonomy within the old Yugoslav federation. In practice, this situation gives the SRSG powers that in most other countries are entrusted to parliament and where the legislative procedure is laid down in detail by (constitutional) legislation. However, at the time of writing there is no constitution for Kosovo and no constitutional court.

“In the performance of the duties entrusted to the interim administration under United Nations Security Council resolution 1244 (1999), UNMIK will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by UNMIK or superseded by such rules as are subsequently issued by the institutions established under a political settlement, as provided for in United Nations Security Council resolution 1244 (1999).”<sup>10</sup>

## Joint Interim Administrative Structure

In order to bring Kosovars into the administrative structure and to “share administrative responsibility”, the SRSG created the Joint Interim Administrative Structure (JIAS) in December 1999. To be included in this structure, Thaçi and Rugova had to give up their “parallel” governmental structures and had to participate in joint bodies with UNMIK. The highest administrative body in this system is the Interim Administrative Council (IAC), with an equal number of local Kosovar (three Albanian, one Serb) and international (=UNMIK) representatives. The IAC can discuss new regulations and make public statements, but has little real power compared to the absolute authority of the SRSG. The Kosovo Transitional Council (KTC) is a larger group of local representatives, and acts merely as a consultative forum on policy issues. In addition, the JIAS includes twenty Administrative Departments (equivalent to ministries), each co-headed by a local and an international Co-Head. Among the national Co-Heads two are currently women, Vjosa Dobruna, Kosovo Head of the Department for Democratic Governance and Civil Society, and Edi Shukri, Head of the Department of Culture.<sup>11</sup> These Departments fulfil the actual duties of public administration on a central level in Kosovo. On the municipal level, the JIAS installed Municipal Council in each of the 30 municipalities. Until the elections to the newly created Municipal Assemblies, these Councils consisted of local representatives handpicked by the UNMIK International Municipal Administrators with the task of reflecting the pluralistic character of Kosovo society. The actual public administration at local level was conducted by similarly handpicked Administrative Boards, which often, however, consisted of the previous unofficial authorities installed by the KLA after the conflict or, in a few cases, the previous Serbian administrations.

While the JIAS was allowed to share administrative management with local political forces and benefit from local technical-administrative expertise, UNMIK as a mission remained unchanged with its four components: Humanitar-

ian Affairs (UNHCR), Civil Administration (UN), Institution Building and Democratisation (OSCE) and Reconstruction (EU), often referred to as the “four pillars”. UNHCR later withdrew from its participation in UNMIK as a pillar in 2000, and reduced its activities to purely humanitarian work.

Kosovo’s administrative structure does not easily compare to a “normal” state administration. Since Resolution 1244 gives UNMIK the difficult task, on the one hand of establishing substantial autonomy and meaningful self-government, but also respecting the sovereignty of the FRY, the international community has come to see Kosovo as a protectorate under the UN’s sole authority, denying “state” authority or the exercise of “sovereignty” to both the Belgrade government or the Kosovo population or its representatives. In the absence of a “state” in the sense of international public law in Kosovo, the UN consequently remains the only agency responsible for the implementation of policies and the enjoyment of rights in Kosovo.

## WOMEN IN KOSOVO

There are a number of traditions in Kosovar society that works against the emancipation of women, most of them with distant roots in the customary law of Leke Dukagjini<sup>12</sup>. According to traditional thinking (although traditions also differ in different areas) children are seen as the property of the father and in the case of the father's death, the children are “inherited” by his family who can then choose whether they want the mother to stay or to send her away. It is also difficult for women to own and inherit property and hence to live independently.

Yet, a simplistic view of Kosovo’s women as under-emancipated, suppressed by their patriarchs and locked into ancient traditions would seriously mislead an outsider. The position of women was strengthened during the 1970s especially with regard to higher education when the university in Pristina began instruction in Albanian. In 1988, 29.8% of the graduates were women. 60% of teaching staff were women and in 1989, 40% of upper secondary pupils were

women. During the 1980s an intensive struggle was waged against the tradition of family vendettas and this phenomenon was successfully condemned throughout society.

The first political women's initiative was taken in November 1989 when 1,300 signatures were collected and on 5 March 1990 the first women's declaration and Platform for Action were announced. The Albanian Women's League and the women's association of the LDK were formed on the basis of this initiative. Women in Kosovo accordingly played an important role in the parallel structure during the 1990s. The LDK, which was the main political party during the last years of parallel structures, had an important women's branch. Edita Tahiri was Rugova's spokeswoman on foreign affairs issues. Kaqusha Jashari, the last president of the autonomous government, later became one of the leaders of the Social Democrats.

Women were also active as professionals in the parallel structures, mainly in traditional women's areas such as education and health. A number of women NGOs existed, such as the Centre for the Protection of Women and Children and Motrat Qiriazhi. Due to the circumstances, these organisations were mainly engaged in humanitarian assistance, but most of them also had more political aims, and agendas which encompassed improving the status of women in society and the empowerment of women.

Thus, it seems clear that women in Kosovo were living and continue to live under very different circumstances depending on where they live, what kind of education they have and which family they come from. Although a generalising statement, it can nevertheless be said that a modern, more westernised woman could be found in the cities, whereas the situation for women was more traditional in the countryside.<sup>13</sup> It is therefore of interest to see which of these realities the international community chose to focus on as they started their reconstruction work in Kosovo.

As the NATO-bombings stopped and the Serb forces withdrew, there was a sense of optimism among the women activists in Kosovo. Now, they hoped, it was possible to openly and ag-

gressively promote women's rights and advance the position of women. As the new system was put in place, there was a belief that women would be treated as equals to men and be integrally included in the work of rebuilding Kosovo. The fact that the international community was to govern Kosovo at first only to fuel the optimism of the women activists.

As it turned out, however, the international community seemed inclined to stress the more backward traditions, which undermined the position of women. The old book of Leke Dukagjini was found on many UN-officers' desks and it was frequently referred to if anything needed to be explained about Kosovar society. Significant is the scene when a male UN official states in a meeting that Leke Dukagjini is the prevailing law in Kosovo, only to be contradicted by a young Kosovar female lawyer who firmly states that such was not the case and that Leke Dukagjini was a work dating from the 16th century which is not relevant.<sup>14</sup> Further, its pre-eminence had been very much eroded for over forty years by the institutionalisation of modern laws under the socialist system. Even though there are some more extreme traditionalists in Kosovo who still claim the validity of Leke Dukagjini, this is not the feeling among the general population. Yet, some in the international community chose to give more weight to the smallest group who asserted the old traditional law. Some of the consequences of these misconceptions can be found in the second section of this study.

## THE LACK OF GENDER AWARENESS AMONG SENIOR STAFF

As the international community began its reconstruction and the work of institution building in Kosovo, it soon became clear that very few, if any, of the senior staff in the international administration (almost exclusively men) had any understanding, either of the notion of "gender" or of "gender-mainstreaming". Needless to say, this is one of the biggest obstacles for gender mainstreaming in the work of reconstruc-

tion. It is imperative that the senior staff, and especially the Heads of Missions, are gender sensitive not only so that they can demand the right kind of information, but also in order to give the right support to mission members attempting to work with a gender-mainstreaming approach.

A good example of how obstructive the lack of gender sensitivity can be is well illustrated by the following conversation that occurred between a senior staff member of one of the organisations and a new mission member. During their first meeting, the senior staff member tells the new mission member that he noticed that she had a gender profile on her CV, however; unfortunately she could not be allowed to “work with gender” as the mission already had a gender officer. The mission member tried to intervene by stating that it is possible to work using gender-mainstreaming in every position in the mission, whereby the senior officer became confused, stated that it would not be possible to have a gender project and changed the topic.<sup>15</sup>

Gender mainstreaming is a phrase that is very often used although the meaning remains obscure for many, as the example above clearly shows. This is obvious on many occasions in Kosovo and comments such as: “we can’t think about gender issues, we don’t even have enough police” or “we can’t afford gender-mainstreaming, we don’t have enough resources”, were frequently heard. This confusion is often concealed behind vague phrases stating that an institution or an organisation has been gender-mainstreamed. However, on closer inspection of the concrete activities, gender mainstreaming can consist of adding the term 'gender' occasionally or similar symbolic gestures without having any real impact on the actual work conducted.

## Notes

1. The text of the Draft Agreement can be found, for instance, at [www.kosovo.mod.uk](http://www.kosovo.mod.uk)
2. At the time, the OSCE had its Kosovo Verification Mission on the ground with approx. 1400 members monitoring the implementation of the ceasefire agreement of October 1998, agreed between US Special Envoy Richard Holbrooke and Slobodan Milosevic.
3. This is the main consultative body to the Special Representative to the Secretary General.
4. Hashim Thaci was the political leader of KLA and appointed the Chair of the Albanian side in the Rambouillet negotiations. Ibrahim Rugova is the leader of LDK and was elected president in the elections of 1998. He was also the leader of the parallel structure during the ten years before the NATO-bombings. Rexhep Qosja at the time was the leader of a coalition of different parties, the LBD.
5. For a detailed account of events that took place in Kosovo during the bombings, see the OSCE Report 'As Seen, As Told' that can be found on the OSCE web page [www.osce.org](http://www.osce.org).
6. UN Security Council Resolution 1244 of 10 June 1999.
7. Former French health minister and founder of Medecins sans Frontieres Dr Bernard Kouchner was appointed and held the position of Special Representative of the Secretary General up to 15 January 2001 after the Brazilian Sergio Vieira de Mello had held the position ad interim until 15 July 1999. The new appointed SRSG after Mr. Kouchner is the Danish former Minister of Defense, Mr. Hans Hækkerup.
8. UNMIK Regulations are published at [www.un.org/peace/kosovo/pages/kosovo1](http://www.un.org/peace/kosovo/pages/kosovo1)
9. Regulation No.1/1999 on the Authority of the Interim Administration in Kosovo has been amended several times. Its currently valid version was promulgated in Regulation No. 54/2000 on 27 September 2000.
10. Regulation 2000/54
11. The Co-Head of the Justice Department, Nekibe Kelmendi, recently resigned from her post, as she could not accept how the local and international community dealt with the situation in Mitrovica.
12. A compilation of ancient Albanian customary law containing rules on family law, hereditary law, criminal law and other issues of relevance for the traditional Albanian pastoral society. Parts of it, most notably concerning property rights survived in areas where state authority has been traditionally weak and considered oppressive.
13. This important distinction and many other very valuable data have been assembled in a major demographic study of UNFPA, conducted in October 1999. It is available at <http://www.reliefweb.int/hcic/>
14. This discussion occurred during a meeting with the legal working group on domestic violence in March 2000.
15. Reported by a former Swedish mission member in one of the major international organisations on Kosovo.



# Where are the women?

## WOMEN IN POLITICS

### **The Kosovo Transitional Council**

Soon after UNMIK's deployment, the SRSG created a consultative group of local representatives and called it the Kosovo Transitional Council (KTC). In its initial phase it had twelve members, both Serbs and Albanians, but none of them female. When the Joint Interim Administrative Structure (JIAS) was created and the Interim Administrative Council (IAC) was set up after December 1999 as the SRSG's main consultative body, the KTC was enlarged to include thirtysix members, some 17% of whom are women. When the IAC was created, however, the KTC lost most of its importance and Kosovo Albanian women were once again excluded from the closest circle of decision-making.

## The Interim Administrative Council

All three Albanian representatives on the IAC are male while the Serb representative is female.<sup>1</sup> An observer position for a “civil society representative” was also created and a conscious effort was made to find a suitable (Kosovo Albanian) woman in order to adjust the otherwise uneven gender balance. The observer has the right to attend all IAC meetings and the right to speak, but not to vote. Two women from different NGOs took up the position (alternating the meetings between them). While it must be appreciated that the SRSG tried to introduce a Kosovar Albanian woman into this body, it is significant that, yet again, women were associated with “civil society” and NGOs, which are considered “soft issues” when it comes to policy making and conflict resolution and are also given a very weak role. The civil society observer was consequently not able to gain any leverage in the debates of the IAC and was also not perceived as an important factor by the public.<sup>2</sup>

## Electoral quotas

One model to increase women’s participation in the political sphere is the introduction of quotas. Before the municipal elections on 28 October 2000 in Kosovo there was a decision to institute a women’s quota in the candidate’s lists built on the same model that had been used in Bosnia in local elections held in April 2000. It featured a women’s percentage of candidates of 30 % among the fifteen first names on the candidate lists. In the regulation on the municipal elections it was formulated as:

“Each candidates’ list shall include at least thirty percent of female candidates in the first fifteen candidates. Within the first fifteen candidates on each candidate’s list, at least one female shall be placed among the first three candidates, and at least one female shall be placed in each full set of three candidates thereafter. This rule shall not apply to those lists comprised of less than three candidates.”<sup>3</sup>

As the quota was introduced there was some resistance both from the international side and at local level. Some political parties argued that they did not have enough “competent and strong women”, thereby continuing the misperception that there are other and higher demands on a woman wanting to enter the political sphere than on a man. Many high representatives in the international organisations were very suspicious, predictably referring to the traditional nature of Kosovo society, which in their eyes was not ripe for this sort of thing. There was, however, also strong support for the quota both among political and NGO women in Kosovo and fortunately also in the OSCE. After initial hesitations, all political parties managed to find enough women to place on their candidates’ lists.

Unfortunately, the well-intentioned idea of quotas was undermined by the use of an open list system. “Open list” means that the voter gets to mark one candidate of his or her preference who will then move upwards on the list. Closed lists, on the other hand, show only the names of the party and there is no possibility for the voter to interfere with the order of the candidates as determined by the party. As a consequence of the open list system only 8,26% women were actually elected to Municipal Assemblies. In Pristina the figure is some 15 %. In several Municipal Assemblies, no women were elected at all.

The OSCE explained the election result with the fact that, given the traditional nature of Kosovar society, both male and female voters had preferred to choose male candidates.<sup>4</sup> Unfortunately, with this explanation the OSCE failed to mention the fact that UNMIK had already created an unequal starting point for the male and female candidates by recruiting mainly men into the interim administrative structure. (See appendix 2 for numbers of women in the interim administrative structure at municipal level.) It also failed to recognise that, according to experience in many other countries, in order to be successful quotas have to be included in a broader context, accompanied by a number of other activities, such as a public information element. Instead, the quotas in Kosovo were introduced at a late stage and without supporting



measures. The OSCE has also failed to analyse and publicly discuss the discrepancy between the quota requirement and the disappointing results for women's candidates. For instance, the effect of widespread "family voting" on the outcome could have deserved more attention if the OSCE is truly committed to raising women's profile in democratic institutions.

As plans are made for central elections sometime during 2001 (presumably for a Kosovo-wide assembly), it is hoped that the international community learned from the mistakes made before the municipal elections. It should be recognised that a quota, in order to be effective, must be introduced as one measure in a broader context, which includes several other steps. A quota will never be effective when it is introduced as a single measure with a short-term perspective. Instead, it has to be introduced with a long-term perspective as well as within a broader plan including activities such as public awareness campaigns, networking between political women, education etc. Also, it should not be allowed that the use of an open list system (for ostensibly "democratic" reasons) could offset the effect of a quota requirement the same way as it did during the last elections. Instead, a solution could be that preferential votes can only affect the ranking of candidates with respect to others of the same sex, but cannot, as it did in October 2000, push forward male candidates to the detriment of female candidates.

## Gender Initiatives in the International Organisations

There were a number of gender initiatives undertaken by different international organisations.<sup>5</sup> It is questionable whether these initiatives managed to influence the general work of the organisations or whether they underscored the tendency to treat women as a separate group in society. It is highly relevant to examine these initiatives in detail in order to judge their real impact, which will enable a discussion on the most effective way to achieve equality between men and women.

Examples of these gender initiatives are:

UNMIK: Office of Gender Affairs

UNIFEM: United Nations Development Fund for Women, which is not included in the structure of UNMIK.

OSCE: Focal Point for Women and Children in the Human Rights Division, later replaced by a Gender Advisor still in the Human Rights Department.

IAC: One Civil Society Observer (currently a woman)

JIAS Departments:

The Equal Opportunity Bureau within the Department for Democratic Governance and Civil Society

One problem with special gender initiatives is that it is often easy for the rest of the mission to "hide" behind these fig-leaf departments or persons. Take for example the UN Secretary General's report to the Security Council on the progress of UNMIK of June 2000, which reads: "*The Office of Gender Affairs made significant progress in mainstreaming gender issues throughout UNMIK, including JIAS, as well as within the local community and the municipal structures*"<sup>6</sup>. From naively reading this phrase it appears as if the Office of Gender Affairs has managed to change and gender-sensitise not only the UN Mission but also the entire Kosovar society in only one year. The phrasing is so unreasonable that it is difficult to take it seriously. It is, however, worth bearing in mind when we continue to examine how UNMIK and the rest of the international community have behaved in Kosovo.

Another aspect worth examining is the position of the Office of Gender Affairs within UNMIK, where it is detached from actual operational issues and the hierarchical administrative framework. What consequence does it have that a women's branch of a political party has their main mission contact with a gender department, while the main branch, which is typically male-dominated, has its main contact directly with the political advisers of the Head of Mission or

at least much closer to main power circle? Of course, the answer very much depends on the strength of the Gender Unit, but as United Nations Missions are very territorial also within the missions, it is difficult to see how a separate gender unit could be able to have a real and sustained impact on the work of other departments. It may be that the concerns and opinions of women's organisations and women's branches of political parties and likewise, get stuck in the Gender Unit just because of its specific place within the Mission and thereby contradicts its own *raison d'être*. Perhaps the fact that there was a filter between the SRSG and the local women also made him send an international staff member to the 'Beijing+5'-conference in the spring of 2000 to represent Kosovo. Perhaps that was why he announced to the Kosovar women at a major women's conference that "you will be proud to know that my chief of staff will be representing you at the Beijing+5 in New York", thereby implying that the Kosovar women were not competent to represent themselves. Surely, he would not have made that statement if he had acknowledged the strength, determination and competence among the Kosovar women.

At the same time as these special gender initiatives were created in different international institutions, there was an apparent absence of gender-sensitive women or men in high positions. Unfortunately, it appears that no one among the professional staff in the Office of Gender Affairs have actually had any specific background in gender work before their appointment in UNMIK.<sup>7</sup> This can be compared to the situation in BiH where a number of gender-sensitive women in senior positions managed to raise gender-awareness among the international community as whole.<sup>8</sup> It is, therefore, questionable whether it is possible for any neither kind of gender initiative to work effectively if the persons in senior positions have no interest in nor understanding of gender mainstreaming as a principle in policy-making.

Another most unfortunate consequence of all these gender initiatives only focusing their work on the vague term of gender is the obvious competition for a piece of the same cake

that arose. Instead of co-operating and strengthening the voices of local women, some women activists expressed that they felt like a "bat" between the gender officers in different international organisations.<sup>9</sup>

## WHOSE KOSOVO?

As mentioned above, Kosovo offers starkly differing realities. There are areas where women are emancipated and given the same chances as men, but there are also areas where traditions are more patriarchal. Furthermore, society has become more conservative after the conflict, a situation that often occurs in war-affected, post-conflict societies. In Kosovo development was spurred by the rise to power of KLA, which had its recruitment base in the more rural and traditional parts of the country. Consequently, depending on whom you ask for information, you would receive a different image of society. Unfortunately, it seemed that the male international community tended to turn to the local men already holding positions when they wished to find out about how Kosovar society functioned.

A concrete example of this can be found in the inter-agency legal working group on domestic violence. The working group was led by a male UN staff member who had invited a male Kosovo Albanian family law professor to take part in the meeting as an expert.<sup>10</sup> The visiting law professor quickly established that in Kosovo it would be unthinkable to forbid all kinds of domestic violence and that only more severe "battering" should be classified as a crime. This was immediately taken up by the male international participants in the working group as the final word on Kosovar society. When one of the female international participants tried to point out that human rights are equal to both sexes, she was hushed by one of the (male) participants with the words "we have already spoken to the local population and they have explained that Kosovo is not ready to grant women full rights!" However, when at a later stage a Kosovar female public prosecutor was invited, she stated very firmly that law must prohibit all kinds of domestic violence. Her greatest problem when using the laws currently applicable was that less

severe battering was not prohibited. She had to spend several hours trying to find other provisions that could be construed in order to punish the perpetrator.<sup>11</sup> She was very positive towards the idea of a separate domestic violence act. Interestingly enough, at the same meeting an international male prosecutor argued in exactly the same way as the family law professor, claiming that extensively accepted crimes of domestic violence are completely alien to Kosovar society and warned that such a provision would never be applied. His comments occurred after the intervention of the female prosecutor and clearly demonstrated that he had not taken in at all what his Kosovar female colleague had expressed.

## GENDER-MAINSTREAMING IN THE LAW

Before municipal elections could take place it was necessary to establish a new Municipal Law in order to organise the work in municipalities after the election. After much drafting and re-drafting the Municipal Law was eventually promulgated on 11 August 2000.<sup>12</sup> Given the importance of local administration for people's everyday lives and the need to harmonise the new law with recent European-wide developments in the modernisation of local government legislation, the drafting took longer than expected. It may therefore be of interest to study the case of the creation of this law and to see how the United Nations followed its own standards to promote equality between men and women.

In the regulation on the applicable law CEDAW<sup>13</sup> is quoted among seven other international standard human rights documents as a guideline for the civil administration. Significantly though, and in contrast to the Rambouillet draft agreement or the BiH Constitution, this formulation does not lead to the direct applicability of the documents mentioned and says little about how these standards should be observed in practice, which, as the following example shows, often means not being taken into account at all.

"In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards, as reflected in particular in (...) The Convention on Elimination of All Forms of Discrimination Against Women of 17 December 1979"<sup>14</sup>

In an early draft of the Municipal Law from beginning of April 2000, the Chapter on "Matters relating to national communities and minorities" made specific reference to discrimination on grounds of sex (emphasis added):

14.4 The Community Affairs Committee shall ensure that within the territory of the municipality that:

1. No person undertaking public duties or holding public office shall discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, natural, ethnic or social origin, association with a national community or a minority, property, birth or other status.
2. All persons enjoy, on an equal basis, civil, political, economic, social and cultural rights, and fair and equal employment opportunities in municipality service at all levels.
3. The municipal civil service reflects a fair proportion of qualified representatives of national communities and minorities at all levels.<sup>15</sup>

The formulation originally proposed would have put the question of gender discrimination under the chapter dealing with minorities (or "communities"), even though it must be an established fact that women are not a minority in Kosovo. It is interesting to see that this misconception still prevails, and even more interesting is the fact that the Council of Europe, which apparently had no objections to the fact that women were protected among minority groups and communities, endorsed this draft.

This flaw was later corrected. The final version of the Regulation now reads:

23.4 The **Communities Committee shall endeavour to ensure** within the territory of the municipality that:

(a) **no person undertaking public duties or holding public office shall discriminate against any person on any ground such as language, religion, ethnic origin, or association with a community;**

(b) all persons enjoy, on an equal basis, civil, political, economic, social and cultural rights, and fair and equal employment opportunities in municipality service at all levels; and

(c) the municipal civil service reflects a fair proportion of qualified representatives of communities at all levels.

This may remedy the above-mentioned inappropriateness of mentioning gender discrimination in a section referring to “minorities and communities”. However, the exclusion of gender from the minority chapter has led to complete silence on gender discrimination in the law. Thus, discrimination on the grounds of sex is not explicitly prohibited in the Municipal Law.

In a comment to the Draft Regulation (of 5 June) the OSCE had suggested a paragraph, which read:

“All Committees, working groups and other entities established by the Municipal Assembly should strive for an equal gender balance (50% women, 50% men), but a minimum of one representative of each gender must be on each committee, working group or in any other entity created by the Municipal Assembly.”

As the Draft passed through the Legal Office of the SRSG it was diluted to:

21.3 The Municipal Assembly shall endeavour to ensure equitable gender balance on all committees.<sup>16</sup>

This is the only time gender is touched upon in the final regulation and it is difficult to see how women activists and others will be able to use this law as a base for promoting equality between men and women on the level of municipal administration.

### Other legislation:

Regulations setting up administrative departments regularly include a standard clause on gender discrimination:

REGULATION NO. 2000/9

ON THE ESTABLISHMENT OF  
THE ADMINISTRATIVE DEPARTMENT  
OF LOCAL ADMINISTRATION (3 March 2000)

Section 4

Personnel and Employment Policy

Co-Heads of the Department shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Department reflects the multi-ethnic character of Kosovo;

**(b) Endeavour to ensure equitable gender balance in all areas and levels within the Department;** and

(c) Ensure that all recruitment is based on professional qualifications, competence and merit.

It thus appears that “endeavour to ensure gender balance” is standard language for the United Nations’ law drafters in Kosovo. It is difficult to see how this phrasing, which can only be classified as the vaguest possible, is born out of the forceful statements from the UN concerning the involvement of women.<sup>17</sup>



## VIOLENCE AGAINST WOMEN DURING THE BOMBINGS

It is well documented that rape occurred on a systematic scale during the war<sup>18</sup>. Rarely before, though, has rape in a war been used so bluntly for propaganda purposes. The refugees hardly had time to cross the border before journalists looking for a story to sell attacked them. It was worse for women who had visible wounds and bruises and immediately got a microphone in the face with questions as to whether she had been raped. The Albanian women were encouraged to talk about their experiences both by their male relatives and their local political leaders.<sup>19</sup>

From this description one would imagine that these women would have been treated with respect once the conflict was over, at least it was the hope that they would not be made outcasts as often happens according to rural tradition in Kosovo. Unfortunately, this was not the case. As the refugees returned to Kosovo, so did the silence about the raped women. Incidents started to be reported about women having been thrown out by their families. These women have been let down both by their own community and by the international community. Therapists and counsellors tell how, due to fear of being evicted from families, women are very reluctant to come forward even when they need psychological help due to the consequences of the rapes.

The IAC, composed of what the international community considered to be the three most important Albanian leaders, has several times condemned violence against ethnic minorities in Kosovo. The international community has pushed these statements forward as it is UNMIK that sets the agenda for IAC. Not once has violence against women, neither during the NATO-bombings nor afterwards, been on the agenda and consequently no statement against violence against women has ever been issued. Instead, the focus of frequent statements has been on inter-ethnic violence, missing men in Serbian jails and war invalids from the former KLA.

## VIOLENCE AGAINST WOMEN

In human rights reports produced by UNMIK, OSCE, various NGOs and journalists, one can frequently read about inter-ethnic and political violence (i.e. between Serbs and Albanians and between rival Albanian political factions), giving the impression that these are the major occurrences of violence in Kosovo today. Admittedly, the rate of homicide and other violent crimes attributable to inter-ethnic and political disputes is still higher than in any other country in the region. Yet, looking at the UNMIK police reports, it appears that violence against women is at least as common as either of the two former types of violence.<sup>20</sup> The similarity between these types of violence is that they are all committed by private actors and not by state agents as in the classic constellation of human rights violations. In the case of inter-ethnic and political violence the view is that these forms of violence are so significant and important for the development of society that the international community systematically monitors them. This is not the case with violence against women, however, which has not appeared in any official human rights report so far<sup>21</sup>. The only international report that has been produced to date on violence against women in post-conflict Kosovo is UNIFEM's assessment based on research by a single consultant.<sup>22</sup>

What are the consequences of the fact that cases of violence against women are not monitored and reported in a comparably systematic manner? Firstly, this phenomenon has not been considered when constructing any of the activities of the institution-building organisations, such as the reconstruction of the judicial and social welfare systems. Nor has it been included in training health professionals or others who come in contact with these women. A step in the right direction has been taken with a three-day seminar arranged by OSCE for judicial personnel and police on domestic violence in December 2000, one and a half years after it started its institution building work.

The UNIFEM Report, conducted both with men and women, also suggested that men and women in Kosovo looked very differently on the notion of domestic violence. Women define violence in broad terms to cover emotional, psychological, and physical mistreatment. Men, on the other hand, restricted the definition to physical harm inflicted upon a woman with visible consequences. Women would perceive light injury or hitting as violence, men would define violence in terms of severe bodily harm. Thus, women in Kosovo have a very clear picture of the discrimination that they are subjected to, which does not correspond to the general picture of some in the international organisations, namely that it is something built into society and that it would be completely alien to the Kosovar culture to work against it.

## TRAFFICKING IN WOMEN

As large numbers of military, paramilitary and police forces were mobilised in Kosovo and the OSCE Verification Mission arrived in Kosovo during autumn 1998, the number of brothels in Kosovo increased significantly. It was easy to predict that the crime of trafficking in women would increase simultaneously. This phenomenon had already been seen in nearby areas where the international community has had a major presence.<sup>23</sup>

This was taken up by the women's organisations in September 1998 and a discussion started concerning how young educated women who would be starting work as interpreters and secretaries within the international organisations might be protected. Trafficking and brothels were difficult to conceive. The decision was to try to protect and warn young women. A proposal to write an open letter to OSCE demanding a code of conduct and taking up the issue of prostitution was considered to be insulting to the 'helpers'.

Although trafficking is a form of slavery, which in international law is constituted as a crime against humanity, one of the most horrendous crimes against mankind, no preventive work had been undertaken before or after the arrival of the international community to Kosovo. Neither

KFOR, UN or OSCE had any education on trafficking in their training for mission members. No organisation had any kind of Code of Conduct for their mission members regarding the exploitation of women subject to trafficking.<sup>24</sup>

## THE POLICE SCHOOL

An example of the difference a conscious gender-sensitive effort is able to achieve is the Police School run by the OSCE. In the recruitment of its first class in August 1999 a conscious effort was made to recruit women for the new Kosovo Police Service. The planners of the Police School set an internal target at 20%. To date, some 3000 KPS officers have graduated and several hundred are currently in training. The overall percentage of women trained throughout the first twelve courses is 19%. The high number of women exceeds the figures in most other European countries and is yet further evidence that many Kosovar women do not correspond to the stereotypical traditionalist image. The number of women in the international UNMIK Police and in the Kosovo Protection Corps (the civilian emergency service emerged from the Liberation Army), where such an ambitious target was not set, women represent 3 % and 2% respectively.

Unfortunately, the members of the Kosovo Police Service are still only trainees of the UNMIK Police and it will, therefore, take some time before we can see the effect of the high inclusion of women. This is highly regrettable as the international police force offers so few role models and the attitude towards female police officers and violence against women differs considerably depending on the origin of the international police officers.

The high number of women in the police force is very important and significant for the situation of women in Kosovo. This can be noticed by the warm welcome that many of them get from the public, especially women. At a regional women's conference in Pristina on 7–10 July 2000, one female representative of the Kosovo Police Service spoke about the domestic violence the police are confronted with and what kind of co-operation was needed from the public to fight crime. She received a standing ovation.

## THE VOTERS' VOICES PROJECT

A good example of a gender sensitive project can be found in the Voter Voices Project conducted by the OSCE. In preparation of the municipal elections on 28 October the OSCE organised seventy community meetings where the participants were told to discuss their municipal concerns openly and rank the issues the newly elected municipal assemblies would be responsible for. After the issues had been ranked the participants were given five top issues on the list in more detail. The participants at the meeting represented the whole spectra of society and included women's groups.<sup>25</sup>

As the first priority came health and women's health was raised as a special concern. The report states that women feel that doctors are not addressing their problems sufficiently. It continues by saying that in the past there has been a lack of open dialogue about issues such as contraception and women's health. As a result a segment of the population were hesitant to actively seek out either treatment for their ailments or advice about contraceptive methods.

In second place in the ranking came education. It was stated by the participants that traditional values had often led families and young women themselves to give up on the promise and hope connected with a quality education. Therefore, leaders should work to raise awareness about the fundamental importance of educating all the members of society. Both men and women participating in the meeting connected the improvement of women's education opportunities, and by extension their possibility to contribute to the development and progress of Kosovo, with an urgent need for women's emancipation.

This project was by no means a gender project with the aim of collecting the opinions of women. It was a project, which aimed to collect the opinions of the population including the women, and thereby it is a very good example of a gender-mainstreamed project. No gender officer or gender advisor was involved in creating this project, only enthusiastic people who wanted to listen to all parts of society. Unfortunately, projects like these are still rare but this is certainly a step in the right direction. Also, it should now be a priority to follow up on the findings of the study with the newly elected assemblies and the newly appointed municipal administrations.



## Notes

1. Given the background of this specific person it is unlikely that she will ever be in a position to promote the situation of women in Kosovo society.
2. Meetings of the KTC and the IAC are not open to the public. The media interviews the main characters after the meetings regularly, but does not seem to have noticed the presence of the civil society observers yet.
3. Article 2.4 in UNMIK/REG/2000/39 on the Municipal Elections in Kosovo from 8 July 2000.
4. OSCE Mission in Kosovo Weekly Report No. 45/2000.
5. It has to be stressed that the term gender in connection to this initiatives is misleading as all of them dealt with women's issues rather than the broader spectra of gender issues.
6. Report of the Secretary General on the United Nations Interim Administrative Structure in Kosovo from 6 June 2000. S/2000/538, available at [www.un.org/peace/kosovo/pages/kosovo1](http://www.un.org/peace/kosovo/pages/kosovo1).
7. Information from a co-worker in the Office of Gender Affairs.
8. For more, see Kvinna till Kvinna's report Engendering the Peace Process.
9. Discussions with different local women activists in July 2000.
10. Meeting with the inter-agency working group on domestic violence in March 2000.
11. Meeting with the inter-agency working on domestic violence in April 2000.
12. Regulation 45/2000 on the Self-Government of Municipalities in Kosovo
13. The Convention for the Elimination of All Forms of Discrimination Against Women
14. The other international reference documents are: The Universal Declaration of Human Rights of 10 December 1948; the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the Protocols thereto; the International Covenant on Civil and Political Rights of 16 December 1966 and the Protocols thereto; the International Covenant on Economic, Social and Cultural Rights of 16 December 1966; the Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965; the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment of 17 December 1984; and the International Convention on the Rights of the Child of 20 December 1989.
15. Draft Regulation on Self-Government of Municipalities in Kosovo, Changes in accordance with the meeting in Pristina with the Council of Europe on second, third and fourth of April 2000.
16. Regulation 2000-45
17. See footnote 2.
18. See OSCE's Human Rights Report "As Seen, As Told", Human Rights Watch's "Kosovo: Rape as a Weapon of Ethnic Cleansing and UNIFEM's "No Safe Place: an Assessment on Violence against Women in Kosovo.
19. One aid worker even told how she was approached by a UK government official who asked her to appear on a televised briefing to talk about raped women, because "we are losing support from the public for the bombing campaign".
20. The crime statistics can be obtained on UNMIK Police's website at [www.civpol.org/unmik](http://www.civpol.org/unmik)
21. For example, the OSCE's large human rights monitoring division increasingly appears to focus exclusively on minority issues and inter-ethnic crimes.
22. No Safe Place, Result of an Assessment on Violence against Women in Kosovo, UNIFEM, Pristina, April 2000, p 33.
23. See European Parliament resolution on participation of women in peaceful conflict resolution (2000/2025(INI) 30/11/2000 "...G. whereas a wide spectrum of studies demonstrate that the mobilisation of male soldiers – both warring factions and peacekeepers – contributes to the growth of prostitution around military bases and army camps, subsequently increasing child prostitution, and the spread of sexually transmitted diseases..."
24. On 13 November 2000 the OSCE has made an amendment to its Code of Conduct for OSCE Mission members. The new addition in the text is as follows:  
"...6. Compliance with accepted human rights standards: Mission Members must refrain from any conduct, which could be detrimental to the goals of the OSCE. This includes but is not limited to an affiliation with any person who is suspected of being involved in any activity that violates national or international law or accepted human rights standards, or an affiliation with any person who could reasonably be suspected of engaging in the trafficking in human beings.  
Mission members shall be aware that the use of the services of a person suspected of being a victim of trafficking contributes both to the profit of traffickers and the harm to victims. Mission members shall adopt exemplary standard of personal behaviour to ensure the OSCE is contributing to combating trafficking in human beings, and is not exacerbating the problem."
25. The findings of the project are available at [www.osce.org/kosovo](http://www.osce.org/kosovo)

# Conclusions

The basis for the work of the United Nations, Resolution 1244, does not make any specific references to gender issues. Nor does the Rambouillet agreement, which also greatly influences the work of UNMIK. Both thereby continue a tradition of gender neutrality, something that, in practice, works against women as they have an unequal point of departure.

The Rambouillet negotiations were a classic male event, including the warring parties and excluding the civil society and women representatives. As UNMIK based its work and political priorities on the peace-negotiations in Rambouillet, by its form it helped in *perpetuating and institutionalising this marginalisation of women in the political process after the conflict*. Some well-intended measures have been taken in order to correct this injustice after the instalment of UNMIK, but as the base includes a bias against women these measures have either failed or had very little effect.

Most of the current gender mechanisms in the international organisations are based on an approach of structural or static solutions to a problem of dynamics and policy. This means that one tends to consider it sufficient to set up a gender unit or appoint a

gender advisor, while getting on with business as usual. Experience in Kosovo has shown that it is certainly not enough to create gender institutions and, at times, these institutions even distract from the real issues. *The concept of gender-mainstreaming should mean that a gender perspective is part of every policy consideration, be that the design of a public information campaign, the creation of an advisory body, a draft law, or devising reporting guidelines and priorities.*

The term 'gender-mainstreaming' means exactly the opposite of 'gender specialisation'.

While it is arguably necessary and useful to have experts on gender issues present in an operation such as UNMIK, the existence of gender offices and the like are by no means a guarantee for a sensible, gender-mainstreamed policy on all levels of an administration.

A practical first step to overall gender-mainstreaming within an organisation could be that every department, unit and/or division have at least one appointed and gender skilled person in a senior staff position authorised and responsible for gender advice and audit of the internal and external work of the department. These persons would create a network of gender sensitive persons across the departments that will secure that the organisation operates in a gender sensitive way. That network would be able to exchange information and ideas and to blow the whistle on incongruities and mistakes and thus supervise and control the gender policy within the organisation.

Another clear obstacle for gender work in Kosovo has been the lack of gender-sensitive and gender-trained senior staff. It is clear that an understanding of gender mainstreaming is virtually imperative for the genuine inclusion of women's aspects in the work of international organisations. Experience shows that it is very difficult to get senior staff and heads of missions to take gender issues seriously. But herein also lies the challenge for those responsible for selecting senior staff and heads of mission. *They should*

*be chosen in a gender-mainstreamed way, allowing more women into senior positions and promoting the men who are gender-sensitive.* Actions like these would strengthen gender as a serious issue.

*Gender training in general should undergo a quality change.* There are too many training sessions on gender, which are far too academic and theoretical. Explanations of gender and gender mainstreaming have often been offered in such complicated wording that only the initiated few really grasp the notions and understand the consequences.

Gender training has to be done in a very concrete hands-on way in order to simplify it and make it comprehensible for people who have never thought along these lines before.

It is highly desirable that a *detailed, independent study of the impact of special gender initiatives* such as the Office of Gender Affairs in UNMIK is conducted in order to establish whether this is the right approach to take. Gender mainstreaming is still a relatively new idea and a process of trial and error is still needed to find the most effective way forward.

# Appendix 1

## UNITED NATIONS

S/RES/1244 (1999)  
10 JUNE 1999

RESOLUTION 1244 (1999)  
ADOPTED BY THE SECURITY COUNCIL AT ITS 4011TH MEETING,  
ON 10 JUNE 1999

**The Security Council,**

**Bearing in mind** the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

**Recalling** its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

**Regretting** that there has not been full compliance with the requirements of these resolutions,

**Determined** to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

**Condemning** all acts of violence against the Kosovo population as well as all terrorist acts by any party,

**Recalling** the statement made by the Secretary General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

**Reaffirming** the right of all refugees and displaced persons to return to their homes in safety,

**Recalling** the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

**Welcoming** the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

**Reaffirming** the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

**Reaffirming** the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

**Determining** that the situation in the region continues to constitute a threat to international peace and security,

**Determined** to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;
2. **Welcomes** the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demand the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;
3. **Demands** in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;
4. **Confirms** that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;
5. **Decides** on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;
6. **Requests** the Secretary General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;
7. **Authorizes** Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;
8. **Affirms** the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;
9. **Decides** that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:
  - (a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;
  - (b) Demilitarising the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;
  - (c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;
  - (d) Ensuring public safety and order until the international civil presence can take responsibility for this task;
  - (e) Supervising de-mining until the international civil presence can, as appropriate, take over responsibility for this task;
  - (f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;
  - (g) Conducting border monitoring duties as required;
  - (h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;
10. **Authorizes** the Secretary General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy sub-



- stantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;
11. Decides that the main responsibilities of the international civil presence will include:
    - (a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);
    - (b) Performing basic civilian administrative functions where and as long as required;
    - (c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;
    - (d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;
    - (e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);
    - (f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
    - (g) Supporting the reconstruction of key infrastructure and other economic reconstruction;
    - (h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;
    - (i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;
    - (j) Protecting and promoting human rights;
    - (k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;
  12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;
  13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;
  14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;
  15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarisation as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;
  16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;
  17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;
19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;
20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;
21. Decides to remain actively seized of the matter.

## ANNEX I

STATEMENT BY THE CHAIRMAN ON THE CONCLUSION OF THE MEETING OF THE G-8 FOREIGN MINISTERS HELD AT THE PETERSBERG CENTRE ON 6 MAY 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarisation of the KLA;
- Comprehensive approach to the economic development and stabilization of the crisis region.



## ANNEX 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
  - Liaison with the international civil mission and the international security presence;
  - Marking/clearing minefields;
  - Maintaining a presence at Serb patrimonial sites;
  - Maintaining a presence at key border crossings.
7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.
8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarisation of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.
9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.
10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the footnote below.<sup>1</sup> A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:

### Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;

### Returning personnel

- Equipment associated with returning personnel;
- Terms of reference for their functional responsibilities;
- Timetable for their return;
- Delineation of their geographical areas of operation;
- Rules governing their relationship to the international security presence and the international civil mission.

## Notes

### 1. Other required elements:

- A rapid and precise timetable for withdrawals, meaning, e.g., seven days to complete withdrawal and air defence weapons withdrawn outside a 25 kilometre mutual safety zone within 48 hours;
- Return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small-agreed number (hundreds, not thousands);
- Suspension of military activity will occur after the beginning of verifiable withdrawals;
- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

# Appendix 2

*Statistics on gender Balance within UNMIK and JIAS Structures from May 2000*

<b>Department/Institution</b>	<b>Total Number of Persons</b>	<b>Number of Women</b>	<b>Percentage of Women</b>
<b>UNMIK</b>			
International Staff	753	214	28%
Professional	384	97	25%
General Service	143	68	48%
Field Service	214	49	23%
other	12	0	0%
Local Staff	2500	732	29%
UNMIK Police	2818	89	3%
MLOs	37	0	0%
<b>Heads of Component Offices of the O/SRSG</b>			
Political Affairs	1	0	0%
Public information	1	1	100%
Legal adviser	1	0	0%
Economic Policy	1	0	0%
Human Rights	1	1	100%
Resident Auditor	1	0	0%
Military Liaison	1	0	0%
Planning	1	0	0%
Trust Fund Unit	1	1	100%
DOA	1	0	0%
<b>Heads of Pillars</b>			
Heads of Pillars	4	0	0%
<b>Deputy Pillar Heads</b>			
Deputy Pillar Heads	8	1	13%
Pillar I	1	0	0%
Pillar II	1	0	0%
Pillar III	1	0	0%
Pillar IV	5	1	20%

<b>Department/Institution</b>	<b>Total Number of Persons</b>	<b>Number of Women</b>	<b>Percentage of Women</b>
KTC	36 Approved	6	17%
	30 Occupied		18%
Political Parties	11 Approved	2	18%
	10 Occupied		20%
Civil Society/Independents	10 Approved	3	33%
	10 Occupied		33%
Religious Communities	3 Approved	0	0%
	3 Occupied		0%
Other National Communities	8 Approved	0	0%
	6 Occupied		0%
IAC Members	4 Approved	1	25%
	4 Occupied		25%
IAC	8 Members	1	13%
	9 With BK (Presiding)	1	11%
	12 (3 Observers)	2	13%
IAC Observers	3	1	33%
UNHCR	1	0	0%
KFOR	1	0	0%
KOSOVO Civil Society	1	1	100%
<b>Municipal Councils (27 Total)</b>	<b>368</b>	<b>47</b>	<b>13%</b>
Gnjilane (6)	86	15	17%
Mitrovica (5)	52	9	17%
Peja (5)	51	7	14%
Pristina (7)	109	8	7%
Prizren (4)	70	8	11%
<b>Administrative Boards (25 Total)</b>	<b>312</b>	<b>32</b>	<b>10%</b>
Gnjilane (5)	63	8	13%
Mitrovica (5)	43	8	19%
Peja (5)	94	9	10%
Pristina (6)	54	0	0%
Prizren (4)	58	7	12%

<b>Department/Institution</b>	<b>Total Number of Persons</b>	<b>Number of Women</b>	<b>Percentage of Women</b>
<b>Local Judiciary</b>			
<b>Professional Judges</b>	265	49	18%
Gnjilane	38	3	
Mitrovica	43	12	
Peja	48	10	
Pristina	87	17	
Prizren	49	7	
<b>Prosecutors</b>	45	6	13%
Gnjilane	6	1	
Mitrovica	8	1	
Peja	10	2	
Pristina	18	2	
Prizren	3	0	
<b>Lay Judges</b>	238	49	21%
Gnjilane	38	7	
Mitrovica	26	9	
Peja	103	21	
Pristina	35	6	
Prizren	36	6	
<b>Licensed Practitioners</b>	140	9	6%
<b>KPS</b>			
(20% Benchmark)	583	128	22%
	(As of 22 April and third training course)		
<b>KPC</b>			
(5052 Authorized)	4552	92	2%
Active	2254	54	2%
Reservists	2298	38	2%

Civil administration	Total Number of Persons	Number of Women	Percentage of Women
Departmental Co-Heads (Local)	20 Approved	3	15%
	18 Occupied	3	17%
Departmental Co-Heads (Int)	20 Approved	4	20%
	19 Occupied	4	21%
Regional Administrators	5	0	0%
Municipal Administrators	29	4	14%
Gnjilane	7	1	14%
Mitrovica	6	0	0%
Peja	5	2	40%
Pristina	7	1	14%
Prizren	4	0	0%

Division of administration	Total Number	Number of Women of Units/Services	Percentage of Women
<b>Administrative Services</b>	4 Major Units	0	0%
Finance	7	0	0%
Civilian Personnel	3	1	33%
Procurement	3	2	66%
General Services	8	1	13%

<b>Technical Support Services</b>	6 Major Units	1	17%
Engineering Services	1	0	0%
Transport Section	1	0	0%
Supply	1	1	100%
Communications	1	0	0%
Electronic Data	1	0	0%
Processing Section	1	0	0%
Logistics Operations Section	1	0	0%

# Appendix 3

*Minutes of 30/11/2000 – Provisional Edition*

## GENDER-RELATED ASPECTS OF PREVENTION OF ARMED CONFLICTS

A5-0308/2000

### EUROPEAN PARLIAMENT RESOLUTION ON PARTICIPATION OF WOMEN IN PEACEFUL CONFLICT RESOLUTION (2000/2025(INI))

#### **The European Parliament,**

- having regard to the United Nations Universal Declaration of Human Rights of 10 December 1948, and to the Vienna Declaration and Program of Action resulting from the World Conference on Human Rights of 14–25 June 1993, in particular paragraphs I 28–29 and II 38 on systematic rape, sexual slavery and forced pregnancy in situations of armed conflict,
- having regard to the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW) of 18 December 1979, to the United Nations Declaration on the Elimination of Violence against Women of 20 December 1993, and to the United Nations Convention on the Rights of the Child of 20 November 1989,
- having regard to the General Assembly Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment of 10 December 1984, and to the General Assembly Declaration 3318 on the Protection of Women and Children in Emergency and Armed Conflict of 14 December 1974, in particular paragraph 4 which calls for effective measures against persecution, torture, violence and degrading treatment of women,
- having regard to the United Nations Security Council Resolution 1265 on the Protection of Civilians in Armed Conflict of 17 September 1999, in particular paragraph 14, requesting that United Nations personnel involved in peacekeeping and peacebuilding activities have appropriate training in human rights law, including gender-related provisions,
- having regard to the United Nations General Assembly Resolution 3519 on Women's Participation in the Strengthening of International Peace and Security of 15 December 1975, and to the United Nations General Assembly Declaration 37/63 on the Participation of Women in Promoting International Peace and Cooperation of 3 December 1982, in particular paragraph 12 on practical measures to increase women's representation in peace efforts,
- having regard to the Beijing Declaration and Platform for Action resulting from the Fourth United Nations World Conference on Women of 4–15 September 1995, in particular critical concern area E on Women and Armed Conflict, and to the outcome document of the United Nations Beijing +5 Special Session on further actions and initiatives to implement the Beijing Declaration and the Platform for Action of 5–9 June 2000, in particular paragraph 13 on obstacles to women's equal participation in peacebuilding efforts, and paragraph 124 on a 50/50 gender balance in peacekeeping missions and peace negotiations,
- having regard to the International Criminal Court resulting from the Rome Statute of



- 1998, in particular Articles 7 and 8 defining rape, sexual slavery, forced impregnation, forced sterilisation and any other form of sexual violence as crimes against humanity and war crimes, including as a form of torture and a grave war crime, whether they occur in a systematic or non-methodical manner, and whether these acts occur in international or internal conflicts,
- having regard to the Geneva Conventions of 1949 and the additional Protocols of 1977, stating that women will be protected against rape, and any other form of sexual assault,
  - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, in particular Articles 3 and 4, which prohibit inhuman treatment or punishment and torture, as well as slavery,
  - having regard to the European Council resolution on Integrating Gender in Development of 20 December 1995, in particular paragraph 19 stressing that a gender perspective must be paramount in emergency operations and crisis prevention,
  - having regard to the Declaration and Agenda for Action of the United Nations Millennium Forum on the Strengthening of the United Nations for the 21st Century of 26 May 2000, in particular paragraph 11 of section B on gender training for all peacekeeping personnel,
  - having regard to its resolution on women in decision-making of 2 March 2000(1), in particular recital I and paragraph 14 on women's participation in peace-keeping, peace-building and conflict-preventing activities,
  - having regard to its resolution of 13 April 1984(2) on the application of the Geneva Convention relating to the status of refugees, in particular paragraphs 1 and 2 on providing refugee status to women who face harsh or inhumane treatment because they are considered to have transgressed the social mores of the society in which they live,
  - having regard to its resolution of 17 December 1992(3) on the rape of women in the former Yugoslavia, in particular paragraph 2 calling for the recognition of rape as a war crime and crime against humanity,
  - having regard to its resolution of 11 March 1993(4) on the rape of women in former Yugoslavia, in particular paragraph 14 calling for proper medical support for women rape victims, specifically facilities for termination of pregnancy, where that is the woman's wish,
  - having regard to the outcome documents of its public hearing of 26–27 June 1995 on gender specific human rights violations, and its public hearing of 18 February 1993 on rape as a war crime in Bosnia, in particular their recognition of the upheaval that refugee status brings to the lives of women, and the latter's call for financial compensation for victims of rape in armed conflict,
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Women's Rights and Equal Opportunities (A5-0308/2000),
    - A. whereas the Geneva Convention does not refer to acts of sexual violence as a "grave breach crime" or as a specific form of torture thereby making it ambiguous whether sexual violence is always considered a war crime,
    - B. whereas women develop strength, power and flexibility in certain situations, recognise abuses and are prepared to take initiatives for their families and for society, thereby bringing about positive changes ,
    - C. whereas the United Nations General Assembly Declaration 3318 on the Protection of Women and Children in Emergency and Armed Conflict is technically vague, failing to mention sexual violence or the specific needs of refugee women,
    - D. whereas 4/5 of the world's refugees are women and children and 90% of war victims are now civilians, mainly women and children,

- E. whereas rape and sexual violence have been shown to be highly prevalent in refugee camps in, for example, Kenya and Tanzania,
- F. whereas rape as a weapon of war has been documented throughout history, most recently in the former Yugoslavia, Sudan, Liberia, Uganda, Peru, Sri Lanka, Cambodia, Somalia, Rwanda, Bangladesh, as well as in other conflicts,
- G. whereas a wide spectrum of studies demonstrate that the mobilisation of male soldiers – both warring factions and peacekeepers – contributes to the growth of prostitution around military bases and army camps, subsequently increasing child prostitution, and the spread of sexually transmitted diseases,
- H. whereas armed factions in conflicts across the globe, for instance in Liberia, Sierra Leone and Sudan, have captured young girls and women and forced them into sexual slavery,
- I. whereas women who are raped during war are often stigmatised by their local communities and often not provided with health care or psychological trauma services,
- J. whereas several peacekeepers from European Union Member States have been dismissed from United Nations missions for acts of sexual violence in Somalia and Mozambique,
- K. whereas only four European Union Member States – Belgium, France, Italy and Luxembourg – have ratified the Rome Statute out of the sixty states necessary to authorise the International Criminal Court (ICC),
- L. whereas, as a consequence of armed conflict, the breakdown of socio-economic systems and increased levels of poverty, trafficking of women is a growing phenomenon in areas of conflict,
- M. whereas women's peace initiatives often cross warring factions – as in the Middle East, Cyprus and Northern Ireland – and are often undertaken at great risk in areas of extreme conflict – as in Sudan, Lebanon and Russia,
- N. whereas women are often marginalized or excluded from negotiation and diplomacy aimed at ending armed conflicts, as was the case in peace talks in, for example, Burundi, Tajikistan, and most recently in Kosovo,
- O. whereas the rights, priorities and interests of women are frequently ignored in formal peace negotiations,
- P. whereas women's full participation in decision-making, conflict prevention and resolution and all peace initiatives is vital; whereas their participation in peacekeeping missions has not been numerically significant until the 1990s, the increased presence of women in the civilian, military and police components of peacekeeping operations has resulted in improved relations with local communities, which is essential to the creation of a sustainable peace,
- Q. whereas donor attention during demobilisation of military forces and warring factions generally focuses on men, resulting in women often being excluded from aid and development programs associated with reconstruction,
- R. whereas the needs of girl soldiers – who have often been raped, used as sex slaves, had unwanted pregnancies, have venereal diseases and/or AIDS – are generally not incorporated in demobilisation initiatives,
- S. stressing that sustainable peace is in many ways contingent on community-based involvement and ownership of the peace process – a process which can only be legitimate if women are equally involved – and that the role of the international community in supporting civil society networks that link local, national, and international initiatives is crucial to the peace process,
  - I. The protection of war affected populations
    - 1. Condemns systematic rape, forced impregnation, sexual slavery, and all other forms of gender-based violence in situations of armed conflict;
    - 2. Condemns the sexual misconduct of soldiers involved in peacekeeping operations;

3. Condemns the use of child soldiers of both sexes;
4. Calls upon the Member States to take all necessary steps to amend Article 147 of the Fourth Geneva Protocol to define rape, forced impregnation, sexual slavery, forced sterilization, and any other forms of sexual violence as grave breaches of the Geneva Conventions;
5. Calls upon Member States to ratify the Treaty of Rome authorising an International Criminal Court, which formally recognises rape, forced impregnation, forced sterilisation, sexual slavery and any other form of sexual violence as crimes against humanity and war crimes, including as a form of torture and a grave war crime, whether they occur in a systematic or non-methodical manner ;
6. Calls on the Member States to take action at the United Nations Commission on the Status of Women and advocate the updating of the wording of the Declaration on the Protection of Women and Children in Emergency and Armed Conflict to include sexual violence and the specific needs of refugee women;
7. Calls on the Member States to take action at the United Nations to ensure the appointment of a Special Rapporteur on women in armed conflict situations;
8. Calls on the Commission and the Member States to gender sensitise peace and security related initiatives, and to that end:
  - (a) provide training on the gender-aspects of conflict resolution and peace-building to staff engaged in policies concerning conflict at headquarters and in field offices,
  - (b) utilise local gender expertise in field offices,
  - (c) foster research on the development of gender-based violence during and after armed conflicts,
  - (d) provide gender training at an early stage in the training of military personnel so that respect for women becomes a matter of course and a female-friendly atmosphere prevails in the army,
- (e) ensure that actions against trafficking in women in conflict affected areas form part of such initiatives;
9. Calls on the Commission and the Member States to integrate a gender perspective in the planning of refugee camps under their funding auspices, and to that end:
  - (a) make sure that all the initiatives they fund are in line with international agreements and norms concerning refugee women, such as the UNHCR guidelines on the Protection of Refugee Women and on the Prevention of and Response to Sexual Violence against Refugees,
  - (b) protect refugees and internally displaced women and children from the possibility of sexual abuse through the provision of appropriate preventive measures at the very stage when camps are divided up,
  - (c) secure the right of women refugees to self-determination through appropriate economic opportunities and equal representation in refugee committees and other decision-making bodies in refugee camps,
  - (d) secure safe conditions of return for women and girls returning to their geographical areas of origin;
10. Calls on the Commission and the Member States to make available adequate financial resources so that victims of rape and assault in areas with an armed conflict can receive psychological counselling and have the choice between terminating the pregnancy or giving birth discreetly and so that victims of these outrages can be protected;
11. Calls on the Commission to set aside a certain percentage of the EUR 216 million refugee fund for the training of reception centre civil servants, police officers, and health staff to meet the particular needs of refugee women;
12. Calls on the Member States to introduce a gender perspective in their refugee policies, and to that end:

- (a) under specific conditions grant temporary refugee status to women who have been raped or have been subjected to other forms of sexual violence during armed conflict, occupation and/or transition,
  - (b) provide rape victims with treatment for trauma and offer them practical help as outlined in paragraph 14 of its aforementioned resolution of 11 March 1993 on the rape of women in Former Yugoslavia,
  - (c) ensure that detention/reception centres for refugees include separate facilities for non-related men and women, concurrent with the appointment of gender trained staff in the women's section;
- II. International efforts to prevent and solve armed conflicts
13. Calls on the Member States to promote equal participation of women in diplomatic conflict resolution and reconstruction initiatives at all levels, and to that end:
- (a) recruit more women to the diplomatic services of Member States,
  - (b) train women within the diplomatic corps of Member States in negotiation, facilitation and mediation skills, creating rosters of qualified women for peace and security related assignments,
  - (c) nominate more women to international diplomatic assignments, specifically to senior positions (UN special representatives, peace commissions, fact-finding missions, etc.),
  - (d) increase the percentage of women in delegations to national, regional and international meetings concerned with peace and security, as well as in formal peace negotiations,
  - (e) require international diplomatic peace teams to systematically consult with women's community-based peace groups and organisations, ensuring that their problems and priorities are reflected in the official peace process;
14. Calls on the Council and the Member States to promote the gender sensitisation of peace, security and reconstruction operations in which they participate, and to that end:
- (a) make a gender analysis an automatic element in the planning and practice of external interventions. Specifically, analysing the extent to which women's social, economic and political marginalization increase as a result of the conflict, as well as the opportunities for improving women's position as a result of the changed situation,
  - (b) ensure that all military personnel – male as well as female – and specifically peace-building, peacekeeping, and peace-enforcement personnel have thorough gender training,
  - (c) have magistrates and human rights observers accompany peacekeepers to ensure that international law is upheld;
15. Stresses that current conflicts demand the increased use of non-military crisis-management, which means that new non-military skills are required of peacekeepers, resulting in enhanced opportunities for women, and calls on the Member States and the Council to:
- (a) include women in all reconciliation, peacekeeping, peace-enforcement, peace building, and conflict preventive posts – including fact-finding and observer missions – in which Member States participate,
  - (b) secure that women participating in peacekeeping operations are bound by United Nations norms and international human rights principles and not by discriminatory local restrictions,
  - (c) promote the use of all female fact-finding and assistance teams to respond to sexual violence and other situations where demanded by the cultural context;
16. Stresses that reconciliation of deep-seated conflicts present an unequalled opportunity to create the framework for a democratic and equal society, and to that end, calls on the Commission and the Member States to promote constitutional protections of women's equality in the design of the peace accords;

- III. Community-based participation in the prevention and resolution of armed conflicts
17. Points out that most women are traditionally associated with non-violence, while their lives and value systems are interwoven with the protection of life, dialogue, reconciliation, negotiation and the peaceful settlement of disputes, values which may provide an alternative solution to the modern culture of violence and lay the foundations for a new culture, the culture of peace, the strengthening of dialogue at all levels, the equitable distribution of the planet's resources and respect for racial, religious and cultural differences;
  18. Stresses the importance of active local involvement in the peace and reconciliation process; and calls upon the Member States and the Commission to:
    - (a) support the creation and strengthening of non-governmental organisations, including women's organisations, active in conflict prevention and in post-conflict peace and reconstruction work,
    - (b) work towards the education of women's organisations in non-violent conflict resolution;
  19. Calls on the Member States and the Commission to systematically promote the participation of women in the official conflict resolution process, and to that end:
    - (a) encourage that warring factions incorporate women into their peace negotiation teams,
    - (b) ensure that gender inequalities and repercussions are discussed systematically in each area of negotiation,
    - (c) ensure that the peace process is deeply rooted, through requesting that warring factions incorporate civil society representatives into their peace negotiation teams,
    - (d) support public awareness raising campaigns and debates about the contents of the peace negotiations;
  20. Calls on the Commission and the Member States to ensure that women who are frequently the most vulnerable, and who often have a crucial role in the rebuilding of their societies, are not marginalised by inappropriate demobilisation and reconstruction initiatives, and to that end:
    - (a) promote a public debate in post-conflict regions concerning gender-based abuses in order to avoid a repetition of violence,
    - (b) ensure that both women and men benefit from reconstruction initiatives, specifically that female ex-combatants are not excluded or made worse off from demobilisation programs,
    - (c) set aside a specific percentage of demobilisation and reconstruction funds for women's political and economic empowerment,
    - (d) pay particular attention to the specific rehabilitation needs of girl soldiers within demobilisation initiatives;
  21. Calls on the Commission and the Council to inform the European Parliament on an annual basis on the progress, programmes and initiatives undertaken as a consequence of this resolution
  22. Calls on the Council, Commission, and the UN Secretary General to in all reporting on peace and security related initiatives include a chapter covering gender related aspects;
  23. Instructs its President to forward this resolution to the Council, the Commission, and the UN Secretary General.

## Notes

- (1) Texts Adopted, Item 7.
- (2) OJ C 127, 14.5.1984, p. 137.
- (3) OJ C 21, 25.1.1993, p. 158.
- (4) OJ C 115, 26.4.1993, p. 149.



# KVINNA TILL KVINNA

*The Kvinna till Kvinna Foundation*

**Kvinna till Kvinna** addresses the specific needs of women in areas affected by war and conflict.

Kvinna till Kvinna co-operates with women's organisations in Bosnia and Herzegovina, Croatia, Kosovo, Serbia, Montenegro, Macedonia, Albania and Israel/Palestine.

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