



**Republika e Kosovës**  
**Republika Kosova-Republic of Kosovo**  
*Qeveria -Vlada-Government*

*Ministria e Mbrojtjes*  
*Ministarstvo Odbrane /Ministry of Defense*

Njësia për të Drejtat e Njeriut dhe Barazi Gjinore/ Jedinica za Ljudska Prava /Unit for Human Rights and Gender Equality

---

**POLICY**  
**ON HUMAN RIGHTS AND GENDER PARITY IN MINISTRY OF**  
**DEFENSE AND KOSOVO SECURITY FORCE**

Approved by:  
**Rrustem BERISHA**

---

**Minister of the Ministry of Defense**  
**Date: 28/03/2019**

**CONTENT**

Abbreviations.....3

References.....4

Definitions.....5

Introduction.....6

Achievements -Cuurrent situation.....7

Aim.....9

Objectives.....9

Main principle.....10

Execution.....10

SWOT analyses.....12

Advantages.....12

Disadvantages.....13

Threats.....13

Possibilities.....14

Priorities.....14

Conclusions.....15

## **ABBREVIATIONS**

MoD- Ministry of Defense

KSF- Kosovo Security Force

HRU- Human Rights and Gender Parity Unit

RKS – Republic of Kosovo

CAO –Community Affairs Office

PMO- Prime Minister Office

GGO- Good Governance Office

EU- European Union

SC- Security Council

UN –United Nations

Hunan Rights Policies

## REFERENCES T

### International conventions and legal acts

1. Universal declaration on human rights, UN, December 10 1948;
2. International conventions on economic, social and cultural rights, UN, General Assembly December 1966;
3. Convention on elimination of all types of racial discrimination, UN December 21 1965, entering into force January 4 1969;
4. Convention on elimination of all woman discrimination (CEDAW), UN, 1979, which entered into force on September 3 1981;
5. International convention on civil and political rights, UN General Assembly, which entered into force on December 16 1966;
6. UN convention on rights for people with disabilities, approved by General Assembly;
7. UN Security Council resolution 1325, “ woman, peace and security”, which entered into force on 2000;
8. European UNION Law (articles 2 and 3-gender parity promotion, article 141- equality among females and males in work and profession and article 13- gender discrimination in and outside working place.

### The Republic of Kosovo Laws

1. Constitution of Republic of Kosovo approved on April 9. 2008, which entered into force on June 15 2008, setting a foundation for the creation of KSF and MKSF.
2. Law no. 06/l-122 Ministry of Defense, Official Gazette 1/2019, and date 04.01.2019 (article 5, paragraph 1.18).
3. Law no. 06/l-123 on Kosovo security force, official gazette no. 1/2019, date 04.01.2019 (article 5).
4. Law No. 05/L-019 on Ombudsman
5. Law no.05/L-020 on gender parity, official gazette of Republic of Kosovo, no.16, 26 June 2015;
6. Law no. 05/L-021, on discrimination prevention, Gazette of Republic of Kosovo no. 16, 26 June 2015;
7. Law on Ombudsman in Kosovo, Official Gazette of Republic of Kosovo no.16, 26 June 2015;
8. Law no.03/L182 on family violation protection, Official Gazette of Republic of Kosovo no.76/2010;
9. Strategy for integration of non-majority communities in MoD and KSF 2017-2020

## DEFINITIONS

1. **Gender** – implies socially created roles which are attributed to females and males, which is an acquired identity, is learned about, sustains changes over the course of time and changes comprehensively within and between cultures;
2. **Gender parity** – means a full and equal exercise of human rights by both females and males. Means a non-existence of gender-based discrimination on opportunities, resource allocation and Access to service;
3. **Equal opportunities** – means insurance of full and equal participation of males and females in all political, social, cultural, education, economical life aspects, and other areas set by this law or other laws.;
4. **Equal treatment**- equal treatment without any direct or indirect discrimination whatsoever, based on gender and promotion of gender parity;
5. **Special precautions** – are temporary precautions, which are aimed at ensuring gender equal rights and promotion of gender parity in those areas where inequality is present.
6. **discrimination** – is any discrimination, exclusion, limitation or preference of any ground set by article one(1) of Law on protection against discrimination, which is aimed to devalue, hamper knowledge or exercise of human rights equally with others based on the basic freedom as foreseen by the constitution and other applicable laws in the Republic of Kosovo.
7. **Affirmative actions**- are measures undertaken to prevent or unfavorably compensate groups or persons pertaining with any of bases set by article one (1) of the Law against discrimination. These actions are not considered as discriminatory but are used until they meet the purpose created for.
8. Of groups or persons related with any grounds set by article (1) of the law for protection against discrimination, these actions are considered discriminatory but are used until they meet the purpose created for.
9. **Sexual harassment** – means any form of inappropriate verbal, nonverbal or physical behavior of sexual nature behavior, with aim or consequences of touching or violating dignity of a person, and to create an intimidating, hostile, degrading, humiliating and offending environment.

## INTRODUCTION

Constitution of Republic of Kosovo, as the highest legal and regulatory act of all human's life fields, in its second chapter, precisely article 21 paragraph 1, referees the human rights field, defining them as inseparable, inalienable and inviolable and present a foundation of legal order on re public of Kosovo.” Constitution of Kosovo foresees the state's obligation to protect and ensure the basic freedom.

Republic of Kosovo has developed a legal framework and other mechanism at central and local level to protect and respect human rights, such as gender parity and rights of non-majority communities ensuring equal opportunities for all.

Gender perspective in MoD and KSF a life dimension, now incorporated in polices and plans at all levels, all units, brigades, battalions, department, sectors and offices. Speaking of security domain, the role of females as increasingly becoming more important in operations, potential crises management, decision making etc. Burden to ensure gender parity must not fall only on woman, bur should be deemed as a social, institutional and state mechanism task, because only then we can tear down the barriers and create a de facto a genuine gender parity which is the most important aspect of social justice. But, gender parity must be considered as a joint mission and very important of all state mechanisms, in terms of fulfilling constitutional and legal obligations. Gender parity is an important pillar of European Union strategy, aiming to increase and improve conditions for females and males in all life areas, by getting rid of all discrimination types.

United Nation Security Council resolution 1325 “woman, peace and security” aims for gender integration in all work areas pertaining security. Moreover, it aims to increase the level of woman representation levels of decision-making in national, regional and international levels.

Execution of resolution 1325 has been supported through national plans and strategies, and also in MoD and KSF and Policy for human rights and equality

Policy for human rights in ministry of defense is based on national and international legislation and is focused on human rights, gender parity and community rights insecurity sector, as a value and important standard added to the MoD/KSF image and EU and NATO integration process.

PHR provides effective, stable and well-coordinated guidance's to MOD and KSF in protecting, advancing and promoting human rights and gender parity.

## **ACHIEVEMENTS-CUURENT SITUATION**

The Ministry of Defense and the Kosovo Security Force are institutions that, based on the legal infrastructure, ensure a suitable environment with a system of values where human rights, communities, girls and women are treated with dignity and with equal opportunities, such as fundamental value for the democratic development of society. Protection, promotion, respect for human rights, gender equality and community rights are constantly included in the objectives of MoD and KSF.

Within the Ministry sits Human Rights and Gender Parity Unit which acts as an advising, monitoring and recommending tool inside MoD and KSF, and is assigned to protect, advance, affirm and promote human rights, constantly engaged in preventing and fighting discrimination, and creating a suitable environment for an equal opportunity and access for all in all areas regardless of gender, language, national or religious background in line with current legislation.

Table below shows the scale of representation of communities and females in number and ranks

Njësitë		Struktura	Të lira në strukturë	Personel i pa sistemuar	Personel në menaxhim			
					Gjithsej personel	M	F	Minoritete
MFSK	Civil	136	7		129	93	36	4
	Ushtarak	68	3	3	68	64	4	0
KFT	Civil	100	0		100	83	17	1
	Ushtarak	258	7	7	258	228	30	17
<b>BMO Ushtarak</b>		815	15	31	831	753	78	83
<b>BRSB Ushtarak</b>		1164	94	3	1073	1004	69	124
<b>KDS Ushtarak</b>		195	3	14	206	188	18	22
<b>ATASHE</b>					7	7	0	0
<b>Gjithsej ushtarak</b>		2500	122	58	2436	2237	199	246
		64 pozita të lira						
<b>Përqindja ushtarak</b>		100%	2.56%		97.44%	91.83%	8.17%	10.10%
<b>Civil ne MFSK/FSK</b>		236	7		229	176	53	5
<b>Përqindja civil</b>		100%	2.97%		97.03%	76.86%	23.14%	2.18%
<b>REZERVA</b>		800	442		358	343	15	9
<b>Përqindja</b>		100%	55.25%		44.75%	95.81%	4.19%	2.51%
<b>KADET</b>					95	83	12	8
<b>GJITHSEJ USH/C</b>		3536	571		3125	2846	279	268
<b>Gjithsej ne %</b>		100%	16.15%		88.38%	91.07%	8.93%	8.58%

Table 1. Representation of communities and females in MoD and KSF (November 2018)

In ministry of Defense are 36 civil females or 27.69% while at steering positions are 9 females or 6.92%, in terms of overall number of civ staff in MoD. Females in uniform in MoD are 4 or 6.15% from overall number in uniform in MoD.

Females in uniform in KSF hold important positions at commanding level like deputy commander, company commander, platoon commander etc. Number of female officers is 22 or 6.21% within the overall number of officers in MoD and KSF. And overall number of females in uniform in KSF is: brigade general -1, Lt colonel-3, major- 4, captain- 5, lieutenant -6, second lieutenant -3, sergeant major -2, staff sergeant -12, sergeant- 8, corporal-36, and privates -120.



## AIM

The Ministry of Defense is committed to further developing its success in protecting, advancing and promoting human rights. Respect for human rights and fundamental freedoms is not only one of the pillars of democratic and modern society, but constitutes an important element of the professionalism of the Ministry of Defense and the KSF.

The Human Rights and Gender Equality Policy aims to provide guidance and guidance for the protection, promotion of human rights, gender equality and non-majority communities in the MoD / KSF in accordance with the country's constitution, international conventions and legislation in power.

## OBJECTIVES

Policy objectives for human rights are:

1. Increase and develop gender and community representation in MoD and KSF;
2. Enhancing the female gender representation in decision-making process;
3. Developing and advancing educational training and programs in MoD and KSF on human rights, gender parity and equality.

The aim of this policy is to advance and promote equal opportunities for all, regardless of religion, ethnicity and gender in MoD and KSF. Continuous education of members of the MoD and KSF for human rights promotes and enhances organizational culture and creates opportunities for raising awareness to overcome prejudices and forbid discrimination and other abuses.

MoD and KSF remain committed in continually improving working conditions for all members. Respect for human rights, given the dignity, culture, ethnicity and religion lays a foundation for a conducive work environment and facilitates working relations of all members of all communities. Whereby this means MoD and KSF will continue to be a trustful and attractive for all communities living in Kosovo.

In order to have these strategic objectives and aims realized, an action plan will be compiled which will be a part of the Policy.

## MAIN PRINCIPLE

Main principles for execution of the Policy objectives on human rights are:

1. Gender parity, a prerequisite for a fair, stable and developed organization;
2. Compassionate and equal treatment for special needs of genders;
3. Acknowledgement, appreciation and respect of diversity;
4. Protection from discrimination;
5. Zero tolerance against violence to women;

The implementation of the objectives of the Policy is done through internal mechanisms of MoD and KSF in inter-institutional coordination and cooperation based on the obligations arising from the Constitution of the country, laws, sub-legal acts, strategies and other policies at the national level.

## EXECUTION

1. Pursuant to this objective and in support of gender and community representation development in MoD and KSF, the Policy provides guidance on full, equal and without direct or indirect training, in line with the Constitution, international conventions and existing legislation through
  - 1.1. Conducting special informing campaigns as an added affirmative measure to incite girls and woman and communities to become part of MoD and KSF.
  - 1.2. Public opinion awareness on importance of human rights, gender parity and communities in Mo and KSF, through documents, booklet and other written and electronic means.
  - 1.3. Identify challenges pertaining the respect for human rights, gender parity and community rights through researches surveys and periodical analyses and by undertaking measures in preventing, minimizing and eliminating these challenges.
  - 1.4. Conducting seminars about raising awareness on multiethnic force values.

2. In support of this objective on increasing the female gender representation in decision-making process, the Policy provides guidance on MoD and KSF commitment in increasing the role of this gender in decision making process through:

2.1. Ensuring opportunist for career training and development.

2.2. Inclusion of girls and women in decision-making process such as commission and other working groups.

2.3. Increase the number of girls and woman in leading positions during exercises, trainings and operations.

2.4. Conducting workshops and discussions pertaining the role of woman in decicison-making.

3. In support of the objective of developing and advancing educational programs and trainings in MKSF / KSF for Human Rights, Gender Equality and Communities, the Policy provides guidance for the development of awareness-raising programs through.

3.1. Reviewing, modifying and advancing the Human Rights Program / Module, Gender Equality and Communities, in basic training, in co-operation with the Doctrine and Training Command.

3.2. Inclusion of human rights, gender parity and communities module, especially United Nation Security Council Resolution 1325 “Women, Peace and Security” in the NCO and officer career course development.

The establishment and development of gender and community representation, the development and advancement of educational programs and trainings, as well as advancement and representation of women in the decision-making process are objectives that oblige MoD and KSF and are an integral part of all plans , in general and concretized with activities in the Action Plan of this Policy..

## **SWOT ANALYSES**

Among others, policy on human rights is focused on identifying external and internal factors which may have an impact on its execution.

This is why the Policy relies on development of SWOT analyses to underscore advantages, disadvantages, threats and possibilities.

## **ADVANTAGES**

Internal factors arising from SWOT analyses are:

- Existence of completed legal framework and institutional mechanisms at national level which ensure basic human rights and freedom;
- MoD and KSF readiness to further advance human rights and gender and community equality;
- Conducting recruiting campaigns designed only for female gender and communities to achieve required representation.

## **DISADVANTAGES**

Other factors foreseen by SWOT analyses are disadvantages cited below:

- Low female representation in leading positions and decision-making;
- Unpleasant female representation at general level;
- Dis-harmonization of internal regulations of birth leaves for woman in uniform with national legislation;
- Lack of normative settlement in gravid woman treatment, due to the service conditions and working conditions;
- Lack of reporting forms regarding sexual harassment and discrimination.

## **THREATS**

External factors foreseen by SWOT analyses are:

- Women challenges in service and acceptance of concept service in uniform
- Family/social impacts due to the change of civil/marital status as a result of service specifics.

## **POSSIBILITIES**

SWOT analyses assumes the existence of possibilities like external factors like:

- Abundance of qualified candidates to recruit and serve in Mod and KSF;
- The united Nation Security Council Resolution 1325 and its execution.

## **PRIORITIES**

Based on the SWOT analyses, the Policy's priorities:

- Inclusion of gender integration in all MoD and KSF policies, documents and legislation;
- Inclusion of gender budgeting in all areas to ensure that gender parity principle is respected;
- Equal representation in conferences, trainings, seminars home and abroad;
- Preferential treatment, recruitment and employment and promotion in positions, and other measures in any field where there is inequality;
- Undertaking temporary special measures to achieve real gender equality, where there is inequality, in line with existing legal requirements;

## CONCLUSIONS

The human rights policy in the MoD and the KSF, with the existing program and organizational practice, aims at equitable realization of the dignity and human rights of all regardless of gender, religion or ethnicity.

Legal Mechanisms of MoD and KSF will be in the function of implementing this policy, adding to the need for active participation and effective cooperation of all military and civilian personnel of MoD / KSF. The policy ensures that all members of the MoD and KSF reflect the values of human rights, gender equality and respect for diversity in their attitudes and actions.

The ongoing review and monitoring of the activities carried out is important and consistent with the purpose of the policy

Research, surveys development and analysis will be part of the activities aimed at achieving the policy objectives.

HRC will report and give ongoing recommendations on the situation of human rights, gender balance and communities in MoD and KSF.

An integral part of the Policy on Human Rights and Gender Equality is the Action Plan, which includes concrete activities for the implementation of the objectives of this policy.

The policy will be revised as needed based on the analysis, recommendations and lessons learned during the implementation of the preliminary processes.