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# LABOUR RIGHTS OF PREGNANT WOMEN AND YOUNG MOTHERS IN THE NORTH OF KOSOVO







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**Research title:** Labour Rights of pregnant women and young mothers in the north of Kosovo

**Project:** Advocating for a better position of pregnant women and young mothers

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## INTRODUCTION

*"Maternity protection is a fundamental human right and an indispensable element of comprehensive work-family policy."*

This study aims to raise awareness of gender equality with a particular focus on women's empowerment, starting with women's economic empowerment, as a crucial issue in the progress of society in Kosovo.

The research, among other things, will include an analysis of the assessment of the impact of stereotypes and the patriarchal environment, which inevitably have an impact on the general position of women in our society. This is because, it is a well-known fact that, on average, women earn less than men in the same workplace, and they encounter various prejudices that prevent them from engaging in occupations traditionally attributed to men. Women are represented in a disproportionately smaller number in management positions in both public and private sectors, and, naturally, they devote more of their time to caring for children, the elderly in household and housework, compared to men.

Throughout Kosovo, the specific needs of women are neglected, especially in the field of employment and among women from sensitive target groups such as single mothers, pregnant women, and young mothers. Women coming from non-majority communities are particularly affected by this problem. The main reason is that they are not adequately informed about legislation that should apply to everyone, regardless of their residence, ethnicity or any other criteria. The study aims to strengthen the position of women, as well as raise awareness about labor rights and maternity leave. Special focus is given to the most vulnerable women in this group: pregnant women, mothers in labor, and young and single mothers.

### About the project

"Advocating for a better position of pregnant women and young mothers"

The overall goal of the project is to provide support to women in Kosovo by raising awareness about the importance of non-discrimination in the field of labour law, as well as identifying the attitude of citizens, but primarily women, about the rights and obligations of employees. Target groups are young women, pregnant women and single mothers who live in northern Kosovo.

The grant is funded by the European Union in Kosovo, in the scope of the "Protecting and Promoting Labour Rights of Vulnerable Groups in the Labour Market" project, implemented by Advocacy Training and Resource Center - ATRC in partnership with BIRN Kosovo.



## BACKGROUND

The Labor on Law<sup>1</sup> as well as the Law No. 04/L-161 on safety and health at work<sup>2</sup> both attempted to adapt the needs of women to the special protection of motherhood and children in order to create social, cultural, educational, material, and other conditions that improve the exercise of rights to a dignified life, with special reference to the protection of mothers at work. Responsibility for taking care of children and their well-being is the duty of parents, but it is also the duty of society to provide the prerequisites for the better development of children.

Society pays proper attention to the family through its legal and financial system, and the state is obliged to provide parents with enough time for childcare and social security. The rights in the field of protection of mothers during pregnancy and the rights of parents have become a general right that is realized according to the national regulations of each country. Labour Laws regulate the protection of pregnant women and nursing mothers; however, parents are often not sufficiently informed about their rights and find it challenging to maneuver the bureaucracy. Thereby, it is crucial to explain to parents- especially women, breastfeeding mothers, and fathers, but also parents with children with developmental disabilities what rights belong to them during and after pregnancy.

Thus, this study aims to provide a clear insight into the general position of women in Kosovo, particularly in terms of gender stereotypes, which continue to have serious consequences not only on women who are directly exposed to them but also on the whole family. The situation worsened further during the COVID-19 pandemic and certainly increased gender inequality, bearing in mind that the pandemic also affected the economic sphere, increasing the number of women who lost their jobs or suffered from unpaid work at home, which, among other things, increased the risk of violence against women in all forms.

This research will show, among other things, that the equal participation of women in all spheres of public and social life, as well as the provision of equal employment opportunities for both women and men, with particular reference to maternity protection, is of crucial importance, not only in terms of improving the position of women but is also essential for the development and prosperity of the entire society in Kosovo. That is why it is crucial that, as a society, we make efforts that will lead us to better, more prosperous, and fairer times through the improvement of legal frameworks, adequate application of existing laws, and decisive opposition and overcoming of harmful prejudices.

<sup>1</sup> The Labor on Law Nr. 03/L-212

<sup>2</sup> Law No. 04/L-161 ON SAFETY AND HEALTH AT WORK

## Methodology and design of quantitative research

**T**hematically, this research examines two (2) aspects of this problem. The online and face-to-face survey was conducted in the period January-February 2023. A total of 204 citizens of different nationalities from North Mitrovica, Leposavic, Zubin Potok, and Zvečan were questionnaired. In total, 100% of respondents were female in the sample. The largest number of respondents were people aged 31-40. The questionnaire consisted of 30 questions, and the sample was purposive, and quota. The confidence interval is +/-5. It is necessary to point out that, given the fact that there are no official statistics on the demographic structure of the target population, i.e. the Serb population in Kosovo, the representativeness of the sample can be viewed tentatively.

The second part of the research deals with the perceptions of female citizens that were reached through holding focus groups with women from specific and sensitive target groups: single mothers, pregnant women, and nursing mothers. The focus groups thus provided a more detailed presentation of the perspective of women when discussing gender equality with a specific emphasis on the empowerment of women, starting with economic empowerment, as a crucial component in the development of society in

Kosovo. Through the focus groups, the specific needs of women throughout Kosovo were expressed, especially in the field of employment and the lack of knowledge about the legislation that should apply to everyone.

## Methodology and design of qualitative research

### Focus groups

**Time:** The research was conducted from 01.02. 2023 until 28.02 2023

**Research instrument:** A guide for discussion of 12 thematic units.

**Number of focus groups:** 4 (focus groups with relevant actors, i.e. with women from various institutions and non-governmental organizations, but also ordinary citizens who gave us insight into the actual situation on the ground on this sensitive topic).

**Total number of participants:** 45 (forty-five).

**Criteria for the selection of participants:** variables gender, age, place of residence, level of education.

85% higher or higher education,

100% female participants

18+ age

# RESEARCH ANALYSIS

## RESEARCH ANALYSIS

In order to understand the factual situation in the field of gender equality with special reference to the position of women in labor law and adequate maternity protection, the research will deal with the perceptions of citizens from specific and sensitive target groups: pregnant women, and young and nursing mothers.

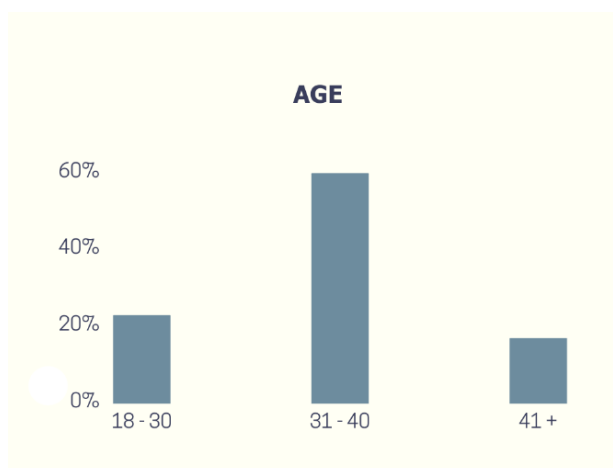
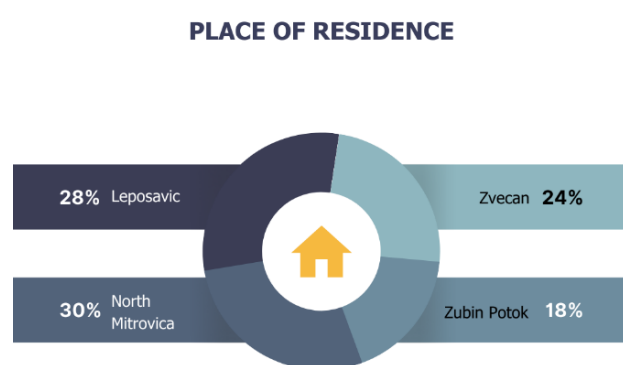
The findings of the research, which involved 204 respondents, are presented in the section that follows. This section will also include the results derived from four focus groups conducted to discuss the protection and promotion of labor law rights for vulnerable groups in the labor market.



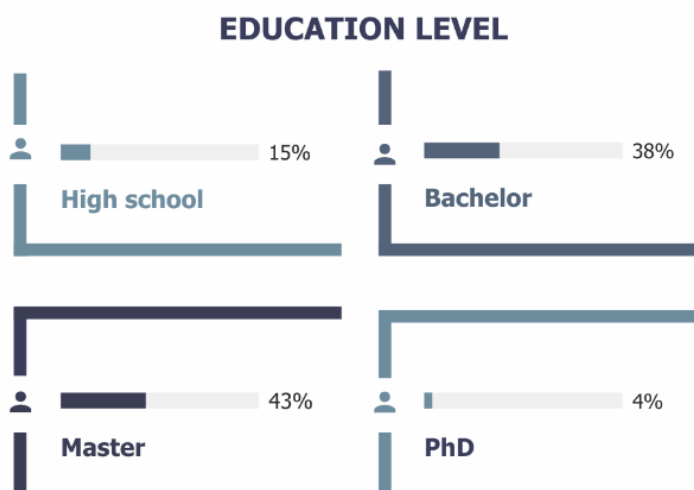
## SAMPLE DESCRIPTION

The structure of respondents is such that it includes respondents from all four municipalities in the North of Kosovo with the following percentage: the largest number is from North Mitrovica (30%), followed by Leposavic (28%), Zvečan (24%) and Zubin Potok (18%).

Women aged 31 to 40 comprised the majority of respondents from the total sample (nearly 60%), followed by those aged 18 to 30 (20%) and those aged 41 and above (slightly over 20%).

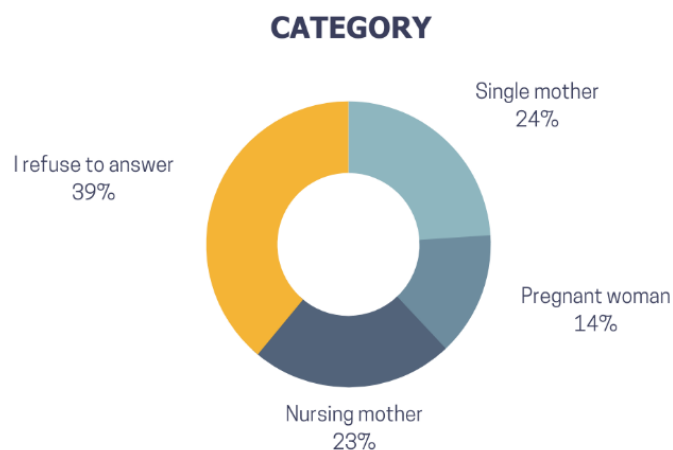
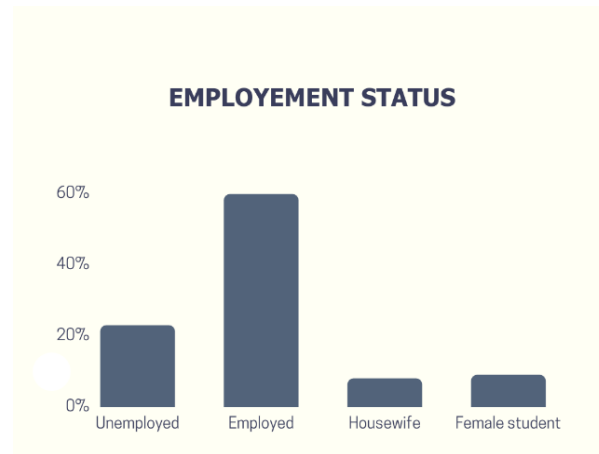
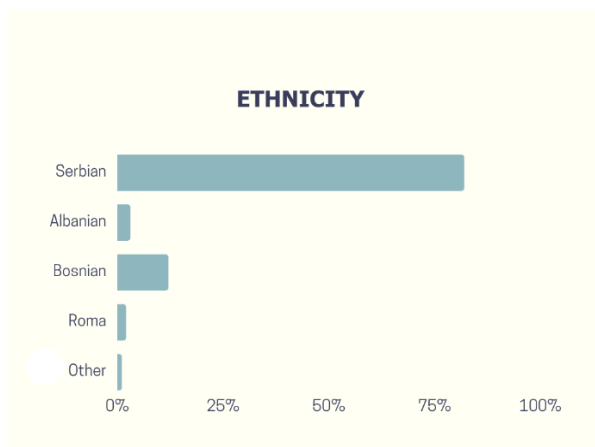


The level of education of the respondents is high. As can be observed from the graph, 38% of respondents had a bachelor's degree followed by 43% with a master's, 15% had secondary education, and 4% had a Ph.D. This is further implied by the fact that we did not have respondents who only completed elementary school.



Moreover, of the overall responses, Serbs made up the largest percentage of the responders (75%), followed by Bosniaks with nearly 20%, Albanians with 3%, and Roma with around 2%.

Regarding the employment status, employed make up the largest number of respondents, close to 60%, followed by unemployed 20%, while students and housewives made up a smaller percentage.

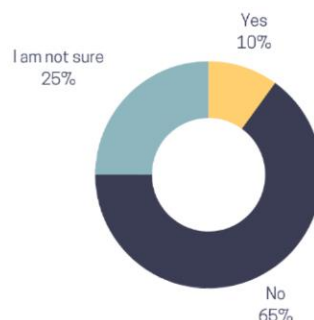


As for the target group to which they belong, the majority of respondents declined to provide an answer, and we believe that these are women who do not belong to any of the offered categories, but certainly have experiences (personal or from their immediate environment) when we discuss this topic. The second most represented target group was single mothers with around 24%, followed by nursing mothers with around 23%, and then pregnant women with about 14%.

## PERCEPTION OF KEY PROBLEMS

**A**t the very beginning of the qualitative as well as quantitative research, we looked at whether and how well the Kosovo legislation regulated the rights of pregnant women, mothers in labor and single mothers. Namely, the largest number, 65%, of respondents, answered that they did not think that Kosovo laws properly regulated the rights of pregnant women and nursing mothers, while 25% of respondents expressed uncertainty and only 10% responded "yes."

**DO YOU THINK THAT THE KOSOVO LEGISLATION PROPERLY REGULATED THE RIGHTS OF PREGNANT WOMEN AND NURSING MOTHERS?**



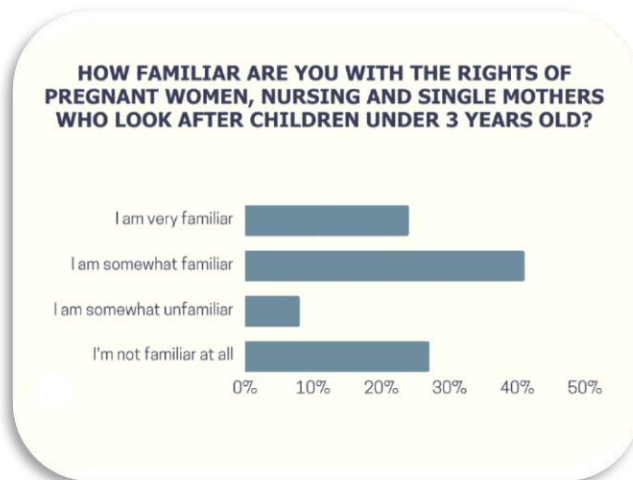
Respondents from both the quantitative and qualitative part of the research agreed on one thing - because of traditional relations and gender roles in our society, the workplace is where women experience the most inequality. Women generally face the greatest inequality in the labor market, and the Labor Law, which very narrowly defines the rights to parental leave, specifically the rights of the father of the child, speaks in favor of this.

This Law enables the father of the child to use only two days of paid leave during the birth or adoption of the child, i.e. two (2) weeks of unpaid leave after the birth or adoption of the child until the child reaches the age of three (3) and it is evident that this legal framework requires urgent revision. Yet, in reality, a far larger issue for mothers (than this) is the fact that their legal rights, as guaranteed by the aforementioned Law, are frequently not upheld, mostly by employers, particularly in Kosovo's north. This problem is correlated with the shortcomings of the Labor Law.

According to the Labour Law No. 03/L-212, female employees are entitled to twelve (12) months of maternity leave. During the first six (6) of maternity leave the Employer is obliged to pay seventy percent (70%). The following three (3) months of maternity leave will be paid by the Government of Kosovo with a compensation of fifty percent (50%) of the applicable average salary, without compensation. The employed woman has the right, upon this Law, to extend her maternity leave also for other three (3) months without payment.

But, practice shows a quite different image from what the law requires. Few organisations in the northern part of Kosovo, according to our interlocutors, are willing to wait for workers for longer than 3 months following childbirth. Following three months of maternity leave, employers give the mother the option of returning to work or, more frequently, they hire a new employee to take her place. In this regard, women do not have enough assistance and protection to ensure that their rights will be fully respected, even if they choose to start or grow their own families. Therefore, the issue of pregnancy and everything that goes along with pregnancy, childbirth and

the postpartum period should not be not viewed as it was until now, especially by employers - as a hindrance, a flaw and a stumbling block in a further career, rather than as a single situation which benefits not only the development of society, the country, but also the family and all those values that we all stand for.



Approximately 30% of women responded that they are familiar of legal rights of pregnant women, nursing mothers, and single mothers caring for children under the age of three, followed by 40% who said they were somewhat familiar, and 30% who said they were either not at all or incompletely unfamiliar.

Similar experiences are shared by our interviewees during the qualitative part of the research - women during pregnancy and breastfeeding mothers must be a specially protected category of workers. The Labor

Law guarantees pregnant women the right to protection from discrimination when establishing an employment connection, while working for the employer, as well as when the employment contract is ended.

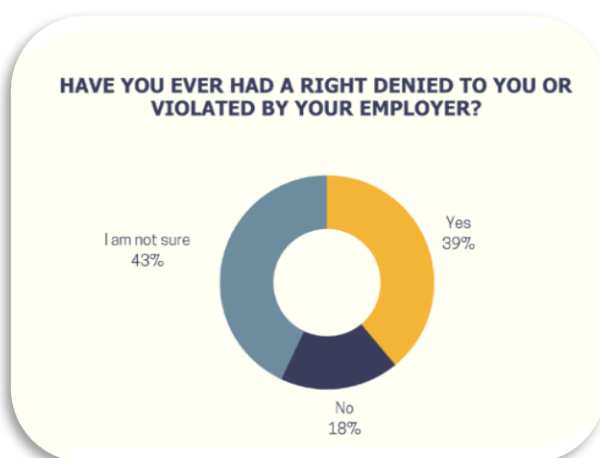
*Labor Law prohibits the employer from putting a woman in a disadvantageous position in relation to other workers due to pregnancy. An employer is prohibited from refusing to hire a woman or canceling her employment contract due to pregnancy.*

Numerous experiences from practice show that when hiring, employers question female candidates about their family status, their intentions for having children and other comparable status concerns, which represents direct gender discrimination by the employer. During the process of selecting a candidate for a job (interview, testing, survey, etc.) and concluding an employment contract, the employer should not ask the employee for information that is not directly related to the employment relationship. Also, the employer can request information about a woman's pregnancy only if the worker specifically requests a certain right provided for by law or another regulation in order to protect her pregnancy.

Solving such problems primarily requires a clear population policy. Reproduction should not be a sacrifice; instead, it should be based on the principles of ensuring the quality of life. When it comes to the culture of childbirth, population policy should contain qualitative and quantitative measures, be expansive and redistributive, contain social measures, fiscal policy measures, measures that facilitate motherhood. In addition, as part of population policy, it is crucial to

establish effective ways to raise awareness among women about the rights guaranteed to them and to train them how to protect those rights in the case that they are violated.

Society expects women to give birth as a mechanism for maintaining the stability of a social community. It is necessary to ensure an environment that will not unnecessarily expose pregnant women to difficulties and create obstacles that will make it difficult for them to plan their pregnancy, childbirth and the postpartum period.

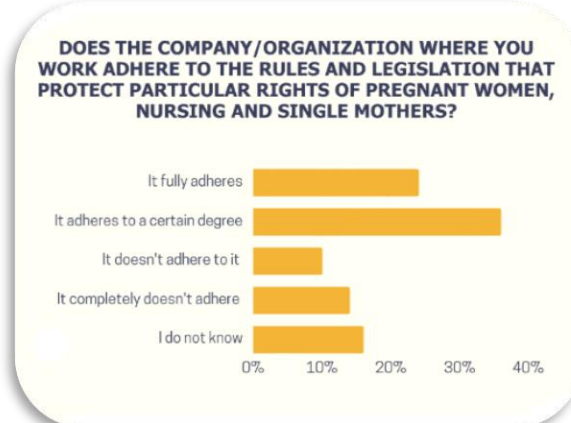


When we talk about whether any of our respondents' rights were denied or violated by their employer, as many as 39% said yes, 43% claimed that they were not sure, while 18% of women indicated they had no negative experiences with their employer. This conclusion was reached through both qualitative and quantitative research.

It is absolutely true that, while employers want a reliable co-worker they can always rely on - even after working hours and on non-working days, female workers dream of a fair boss. In practice, however, something completely

different happens, according to the respondents of our qualitative part of the research. Companies often protect their own interests and want consistency in their workforce, so it is not within their rights, for instance, to hire a pregnant woman or replace an existing employee who unexpectedly found herself in a new state. In order to solve their status, pregnant women often propose to employers the possibility of redistributing their working hours or introducing flexible work, which only further worsen the issue. In Kosovo, especially in the northern part, the business reality is harsh, which has shown that only a few employers approve flexible working hours, and most of them do not allow working from home. Therefore, perhaps even rightly, the public often raises the question of why some employers dislike pregnant women too much and violate their rights. One of the reasons why employers avoid employing or keeping a woman who is pregnant or planning a pregnancy is because they lack adequate the administrative and financial resources to handle such a scenario.

In relation to the previous question, women provided varying responses when asked whether the organization/company they work for complies with the rules and legislation that provide certain rights for women during pregnancy, nursing mothers, and single mothers. While the women who participated in the survey said that their employers mostly adhere to the legal regulations that are guaranteed to pregnant women and mothers in

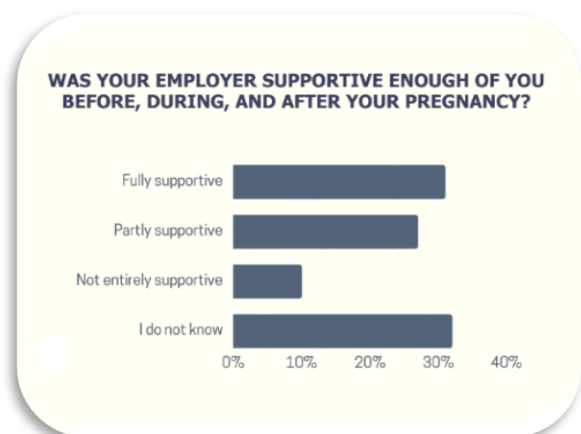


labor - slightly more than 50%, the women who participated in the qualitative research answered quite the opposite.

The current Law on Prohibition of Discrimination clearly state: It is prohibited the direct or indirect discrimination on grounds of sex, marital or family status, pregnancy, birth and parenting. (No.05/L-020)

A woman enjoys protection during pregnancy and maternity leave, and has one year at her disposal to take care of a newborn child. However, just like other domestic laws, the issue with the laws in this instance is also their non-implementation. Because the law no longer protects them, women are still dismissed during pregnancy or maternity leave, and the most typical case is that they are fired as soon as they return from maternity leave. According to the experience of our interlocutors in the qualitative part of the research, it happens that when a woman returns to work, she is assigned to a lower position, with a lower salary, which is a direct violation of her rights as an employee - and it also includes mobbing. Fear is another issue. Pregnant women and young mothers in both the private and public sectors are also affected by this plague, though the numbers do not even begin to convey how many of them truly experience it. The state did make some progress to improve the population policy measure. There is a legal framework, competent bodies, adequate compensation for pregnancy and maternity leave (which, admittedly, largely depends on the good will of employers), work is being done on new legal frameworks. However, at the same time, there are false narratives and stereotypes that follow women, telling them that their most important role is to give birth and care for the family.

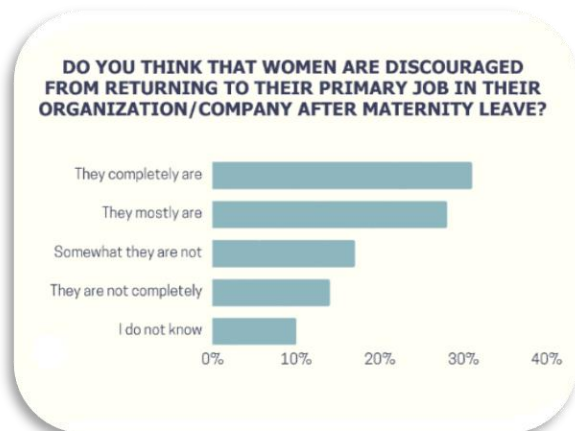
There are differences between the qualitative and quantitative parts of the research in this section as well, based on the prior conclusions and in connection to the preceding question. While the survey respondents generally said that either their employer fully supported them before, during and after pregnancy (30%) or that they did not know if and to what extent they had support from their employer (the same percentage of respondents, 30%), women in the qualitative part studies have a completely different opinion.



Our respondents underlined that a major issue is the dismissal of women following maternity leave as well as the denial of the right to employment to women who are pregnant or who plan to become pregnant soon. Employers are mostly responsible for these positive norm deviations, therefore without proper encouragement and help from them, we are unable to discuss a rise in the birthrate and an effective population policy. It is essential that the legal system is not arranged to have the opposite effect.



The majority of respondents- over 60%- who were asked if they believed that women are discouraged from returning to their primary jobs in their organizations or companies following maternity leaves—answered positively. Just 10% of respondents said they did not know, while over 30% said they are generally discouraged from going back to their primary employment following maternity leave. The findings of the qualitative part of the research are also correlated with those of the quantitative one, as evidenced by the numerous examples in which women in the north were transferred to lower positions after giving birth and returning to work, with the explanation that they were technologically redundant because these women were viewed as beginners after taking a year off because they had a young child. The law no longer protects women from their employers' arbitrary decisions when maternity leave ends, which frequently results in being fired when they return to work.



Contrarily, women seldom ever choose to publicly draw attention to the violation of their labor rights they encounter following maternity leave. Because of the patriarchal system that has shaped our society and established women's roles as subordinate, it is shameful to bring up the issues that they face. Younger women are typically more open to discussing this issue, especially if their families are their main sources of support.

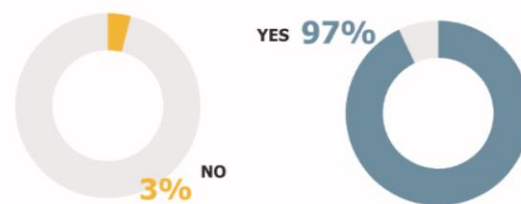


Women's responses to the question of whether pregnancy or caring for young children has an impact on employers' decisions on career development were absolutely unanimous, with as many as 85% of women saying it does and only 15% saying it doesn't. This is completely consistent with the qualitative part of the research, where women acknowledged that it takes a long time for them to advance in their jobs after giving birth, returning from maternity leave, and, if they're lucky, not being promoted to inferior positions within the organization. From the perspective of mothers who have returned to

work after maternity leave, women feel that this is the best way to describe the situation in many companies and organizations in the northern part of Kosovo. The fact that discrimination against women after they return from maternity leave is the most prevalent type of discrimination, demonstrates how widespread this issue has become. Women are stigmatized as being less productive and more concerned with their families when they return from this type of leave. But, with a little help and understanding, things may rapidly return to normal or, more frequently, even improve for them.

Women in the qualitative and quantitative parts of the research have the same opinions when we discuss more flexible work engagement as a positive development for the career of women during pregnancy and throughout the period of breastfeeding. As many as 97% of women agreed that one of the fundamental steps the government should do to encourage childbirth is to adjust working hours for mothers as a means of assistance when mothers return to work. This should especially apply to mothers with one child who find it difficult to decide on a second child due to the lack of help and support, especially from their employers.

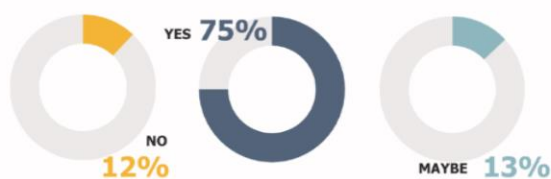
DO YOU THINK THAT MORE FLEXIBLE WORK ENGAGEMENTS WOULD BE A POSITIVE DEVELOPMENT FOR THE CAREERS OF WOMEN DURING PREGNANCY AND BREASTFEEDING PERIOD?



*This flexible or "sliding" working time would allow young mothers to organize themselves more easily immediately after returning to work. This would certainly be one of the stimulating measures that would encourage an increase in the number of children.*

According to the women's responses, it is clear that this measure has to be implemented; nevertheless, the issue with employers' willingness to offer flexible work schedules is a completely different type of problem. However, very few employers are ready to provide flexible working hours, and even fewer are willing to permit working from home during breastfeeding or pregnancy.

DO YOU THINK THAT PREGNANT WOMEN, NURSING AND SINGLE MOTHERS ARE THE MOST UNPROTECTED IN THE PRIVATE AND NON-GOVERNMENTAL SECTOR IN KOSOVO?

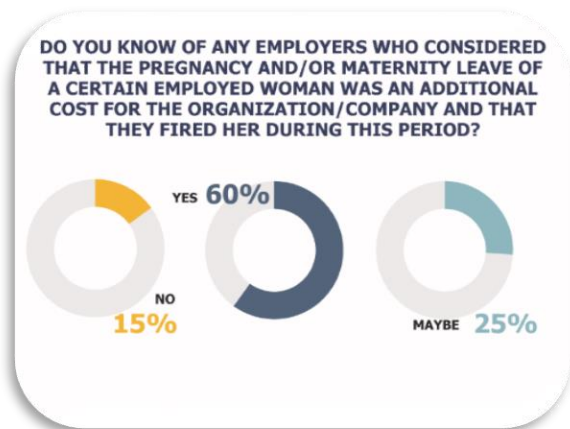


In this case as well, the responses of the qualitative and quantitative part of the research are complementary - the largest part of respondents, as much as 75%, said that pregnant women, nursing mothers and single mothers are the most unprotected in the private and non-governmental sector in Kosovo. The most significant unsolved issue in Kosovo continues to be the high rate of female unemployment and the 12-month duration of maternity leave, particularly when considering women who work in the private and nongovernment sectors.

The respondents believe that it is important to inform the public, all governmental and non-governmental institutions that deal with the protection of women's rights, with the problems that

unscrupulous employers in the private sector create for pregnant women and women in labor. It is crucial to stress that the general public has to be more dedicated to standing up for pregnant women and defending their rights. Also, multiple instances of unfair income decrease, shift switching, moving to a different location or workplace facility within the same organization, and similar situations were cited throughout the qualitative portion of the research. In an informal conversation, the interviewees admitted that being in a different state negatively affected them when they encountered criticism and pressure from their bosses or superiors. The majority of male and female colleagues simply looked silently at any disrespect for pregnant women, because such behavior has become generally accepted. Rather of putting the safety of their colleague first, they put the safety of their workplace first.

In one section of the study, we also discussed whether employers dismissed a worker during maternity leave if they felt that the expense of the woman's pregnancy or maternity leave would be an extra cost on the organization. In this part of the research, we encountered, once again, overlaps between the quantitative and qualitative part of the research - as many as 60% of women answered that they knew of such examples or were part of such a process themselves.

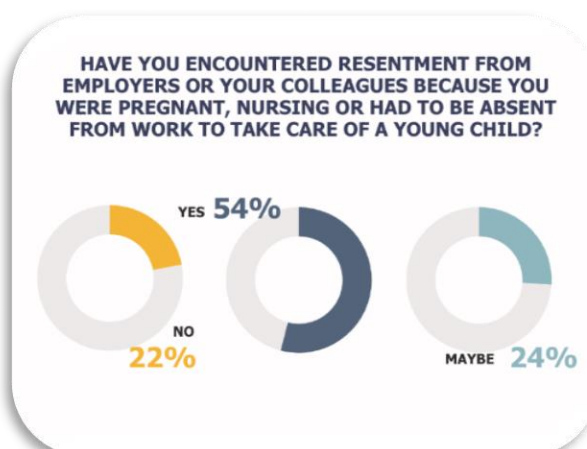


*"We are a society that is accustomed to staying silent, which makes us vulnerable to manipulation", one of our interlocutors noted.*

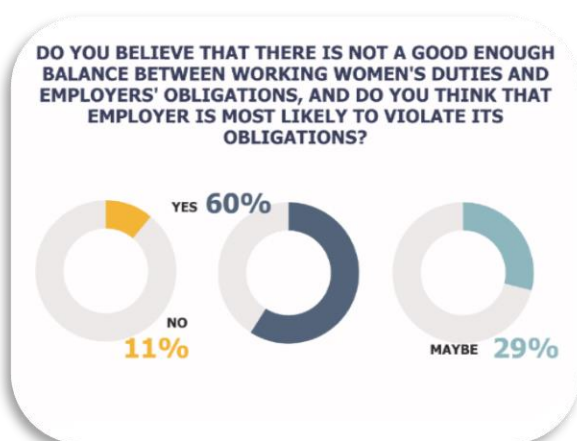
It is also the easiest to manage when dealing with frightened individuals, especially terrified mothers. Women need to be encouraged daily to report uncouncones employers as well as to establish specialized organizations in a form of inspectorates whose role would be to monitor the risky time following maternity leave. The false narratives and advice that women should never sue their employer when their rights are threatened or violated, and that later no one will want to hire them or that they will be undesirable workers must be replaced by various initiatives to train women and provide support to those who dare to report certain irregularities to the competent authorities.

Therefore, women, as an already vulnerable category, must be protected during the entire employment relationship, and the solution lies in increased supervisory control over the implementation of already existing laws. Also, the revision of the Labor Law would greatly contribute to the improvement of the position of women, especially pregnant and women in labor as the most vulnerable categories.

As many as 54% of respondents indicated that they had experienced resentment from employers or coworkers because they were pregnant, nursing, or needed to take time off work to care for a small child in the research's second section. Merely 22% of respondents answered that they had not experienced resentment, while 24% answered maybe. This attitude of the respondents is in correlation with the attitudes of women from the qualitative part of the research, because they also agree that men primarily do not accept women as equal competitors on the labor market, and that they often consider women insufficiently prepared or skilled to perform certain duties. The exercise of individual rights arising from the workplace relationship is made more challenging by the obligations and responsibilities that come with being a mother, discrimination at work and when allocated to particular occupations, and challenging career advancement



The discussion of this subject then raises a number of other issues, such as how to persuade coworkers and employers that mothers should not be "written off" and that their careers are not over after giving birth. In particular, our respondents agreed that women who return to work after maternity and child care leave do so with new skills and knowledge, and have much more capacity to perform some tasks. Dedicated employees are the greatest value of any company or organization, and those astute employers know that it is up to them to create all the conditions for employees to give their best.

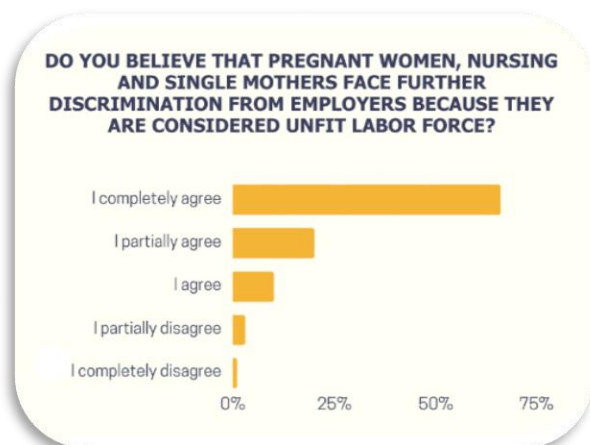


When asked whether employers are the most often breakers of their responsibilities and whether there is a balance between the obligations of working women and the obligations of employers, as many as 60% of respondents said yes whereas only 11% said no. Given that one of the main findings of the research is the fear of workers from their employers and violations of their labor rights, the question arises as to how employees work in such an atmosphere and what their productivity is like. This kind of working environment has a negative effect on the workers

and brings direct and indirect financial harm to the employer. Employees who are exposed to mobbing go on sick leave more often, have a higher number of work mistakes and poorer work performance, considering that abuse has significant negative consequences on their physical and mental health.

The interviewees of the qualitative part of the research share a similar attitude. The women noted that mobbing by employers is not driven by their desire for increased productivity; rather, the causes are the employer's personality type and his dissatisfaction with another area of his life

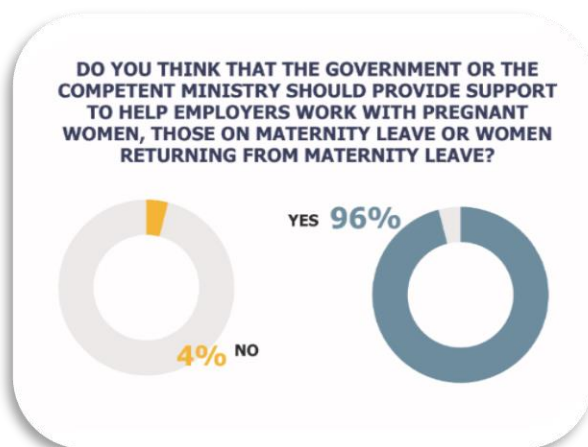
that is transferred to work. Those who are less competent and lack the potential for constructive human interaction frequently take on the position of the fundamental labor rights violation. They quite often try to justify their behavior by pointing out that it is their responsibility to ensure employee productivity, but in reality, the causes of their inadequate communication with employees can most often be found in their personality and the fact that by abusing others they often cover up their weakness in another sphere of life.



When answering the question whether and to what extent women agree with the fact that pregnant women, nursing mothers and single mothers are additionally discriminated against by the employer in the sense that they are considered unsuitable for the workforce, around 95% of respondents answered affirmatively, which correlates with the answers given by the women during the focus groups. Namely, women agreed that the largest number of complaints refer to discrimination in the labor market, and gender is typically found to be the initial or secondary source of discrimination.

A high level of tolerance, understanding, and even justification for discriminatory treatment exists, and women are typically afraid to report cases of rights violations. The fear of losing one's job as well as insufficient trust in the system and institutions is understandable. We are being followed by the European business trend since the scenario is comparable on a global scale and in many European countries.

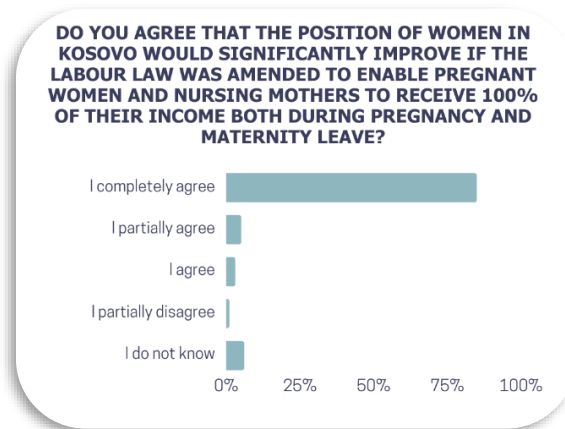
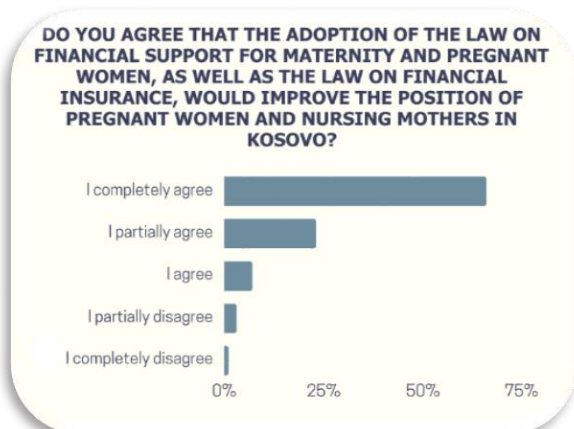
As expected, to the question of whether the government and the competent ministry should provide support to help employers work with pregnant women, those on maternity leave or women returning from maternity leave, the answer "yes" is dominant - as many as 96% of respondents has confirmed this claim. The respondents to our study specifically emphasized the need for government support in the private and non-governmental sectors because these two spheres are the most conducive to all types of mismanagement and manipulation, non-payment of benefits during maternity leave, granting a shorter period of leave or not granting any leave at all, disregarding breaks and the length of bre, etc.



The main reason for the widespread violation of the rights of mothers and mothers in labor is an inadequate application of the Labor Law, which fails to clearly identify the sanctions for employers, particularly in the private and non-governmental sectors. Returning female workers to lower



positions is also illegal and prohibited, both by the Labor Law and the Law on Prohibition of Discrimination. According to our interlocutors, the problem is that discrimination is difficult to prove in court, proceedings take a long time, and judges are not always well trained and sensitized to apply anti-discrimination regulations. Therefore, legal protection exists, but it is very difficult and ineffective to implement, which puts employers in an easy position to violate the law without worrying too much about potential sanctions.



When asked whether they believe that the adoption of the Law on Financial Support for Maternity and Pregnant Women, as well as the Law on Financial Insurance, would improve the position of pregnant women and nursing mothers in Kosovo, as well as if they think that amendments to the Labor Law and enabling pregnant women and mothers in labor 100 percent of personal income during pregnancy and during maternity leave influenced the improvement of women's position, our respondents answered almost identically in the quantitative part of the survey - in both cases, women answered affirmatively in a high percent.

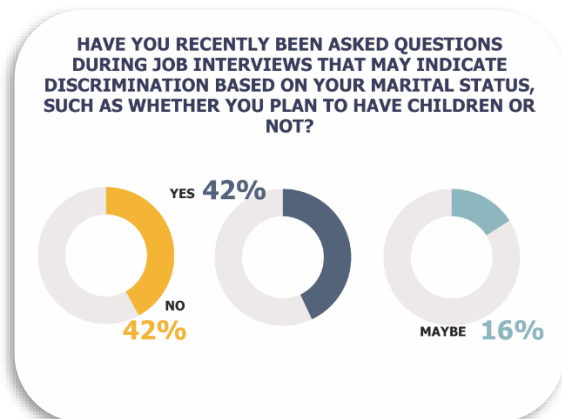
Such answers are correlated with the answers in the quantitative part of the research - the respondents also agreed that these two initiatives would be the first step in a package of measures from the field of social and population policy, which should improve the general quality of life of families with children who need additional support to meet the needs of the child, as well as to encourage childbearing and, most importantly, to enable the harmony of work and family life. These measures, according to our interlocutors, should first introduce the rule that mothers receive one-time assistance in the amount of 1,000 euros for their first child, 100 euros per month for the second child for two years, 120 euros per month for the third child for ten years, and 150 euros per month for the fourth child, so that the Government of Kosovo implements population policy measures similar to those applied in our neighboring countries, which have proven to be very effective, especially in the period immediately after the birth of children.

Additionally, as stated by our respondents in the qualitative part of the research, it is imperative to draft and adopt the Health Insurance Law so that women receive full compensation while they are pregnant. This is because it frequently occurs that women learn their employer has been



negligent in making contributions only when they become pregnant. This immediately limits them in terms of maternity benefits, and it also greatly affects whether they will have health insurance.

The opinions were mixed when it came to whether our interviewees had been subjected to questions during job interviews that would have implied discrimination based on marital status, such as planning or having children: 42% responded yes, and 42% said no. The truth is that when we talk about women's business careers, we also need to discuss how having children affects those jobs, the importance of family support, and the closes. Employers view mothers who have children as unreliable because they frequently need to take sick leave. During job interviews, women are more often than men asked about they plans to have children.

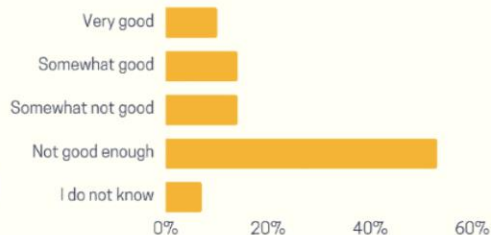


*The Law on Protection against Discrimination prohibits discrimination in the field of work, and the law stipulates that everyone has the right to equal compensation for the same work.*

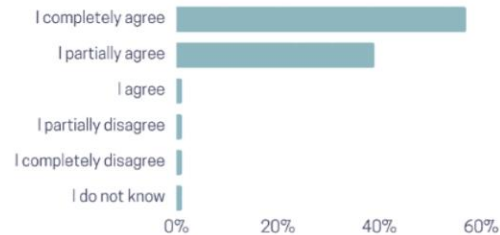
The interviewees noted that this is not always the case; occasionally, men and women are paid differently for performing the same job, in addition to the fact that women frequently care for children and the elderly and perform unpaid housework for several weeks each year as a result of the local "division of labor" into male and female jobs and responsibilities. As a result, we should pay close attention to the discrimination that takes place in inheritance and labor law, since these areas are where it is most prevalent and obvious, with the largest ramifications for society as a whole. Progress is still visible even if gender equality has not yet been entirely achieved in our society and even though women must keep fighting for their rights, to advance their positions and themselves as individuals.

And qualitative research speaks in favor of quantitative research. Namely, the participants of the focus groups agreed that it is true that discrimination cannot be eradicated quickly, because prejudices and stereotypes persist and, in many cases, are transmitted through generations, but that progress is obvious. The participants also agreed that the labor market has always been the most critical area, as well as employment in the public administration in Kosovo, and that discrimination has always been the most obvious there, but that society has made some progress in these areas.

**HOW WELL DO JUDICIAL AUTHORITIES PROTECT THE INTERESTS OF MOTHERS AND PREGNANT WOMEN WHEN THEIR RIGHTS GUARANTEED BY LAW ARE VIOLATED?**



**DO YOU AGREE THAT THE FUNDAMENTAL RIGHTS OF NURSING MOTHERS, SINGLE MOTHERS, AND PREGNANT WOMEN ARE VIOLATED BECAUSE THE LEGAL SYSTEM IS NOT WELL UNDERSTOOD?**



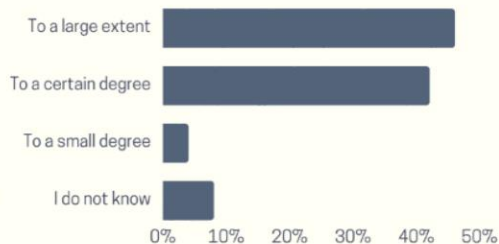
When answering the question of how well the judicial authorities represent and protect the interests of mothers and pregnant women when their legally guaranteed rights are violated, the largest number of respondents answered that they do not protect enough - as much as 80%. Such responses are related to the next question, which asks whether women are sufficiently educated and how much they understand the legal system when it comes to the violation of single mothers', pregnant women's, and nursing mothers' basic rights. Almost 100% of women responded that they are not sufficiently educated or that they are familiar with the law, but only to a small degree.

Women in Kosovo are not sufficiently informed about their rights. According to our interviewees, the crucial step is education and the strengthening of state institutions for protection in that area. A large number of women have never heard of mobbing, and the vast majority of them believe that women are the most frequent victims of harassment at work. At this time of transition, the establishment of a market economy, and strong competition on the labour market, women are not progressing well enough. Poor economic conditions, unstable political and security conditions, a lack of government and social support, the absence of trade unions, and ineffective law enforcement contributed to such a poor situation.

*"Amendments to the Labor Law are necessary, as well as constant work on raising trust in institutional protection."*

In order for citizens to have greater trust in institutions, a large number of resolved cases, strategic lawsuits for protection against discrimination, the existence of trade unions and other organizations for the protection of labor rights and better coordination of all competent authorities are certainly needed. Employers who violate the law should be subject to reasonable penalties, and such penalties should be rigidly enforced. Employers should also be motivated by, for example, paying lesser taxes and contributions for women who return to work and to the same position they were in during the first year following maternity leave. Finally, it is important for women to persevere, assert their rights, report employers who violate their rights, and support and encourage one another.

**TO WHAT EXTENT DO WOMEN AVOID MOTHERHOOD AND/OR FAMILY EXPANSION IN ORDER TO KEEP THEIR JOBS?**

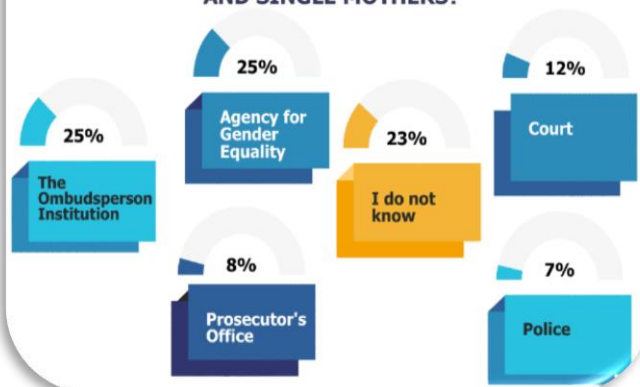


When discussing the extent to which women avoid motherhood or family expansion in order to keep their jobs, women in the largest percentage answered that they either avoid to a great extent or avoid, but to some extent. These responses are consistent with the qualitative part of the research, which found that our interviewees generally agreed that having children has a greater impact on a woman's profession than it does on a man's employment.

Numerous studies and researches have shown that the reduction of a woman's earnings is

influenced by the birth of a child; this phenomenon is known as "the motherhood penalty" worldwide. A wide range of individual decisions explains this effect. Some women work fewer hours, while others do not work at all when their children are younger. Some, on the other hand, switch to jobs that are more suitable for family life, but are paid less. The fact is that, women's wages are catching up to men's before they become mothers, but as soon as they give birth, they begin to lag behind their male counterparts. Let's leave aside the fact that nothing changes in the careers of fathers after having a child, and they continue to progress without any hindrance, while for women, every maternity leave is counted as a "minus", and when they return to work, they have to start prove themselves to their employers and colleagues over and over again. The participants further agreed that the help, understanding, support and trust of the spouse and primary family is very important for both men and women, however women always find it somewhat more challenging.

**WHICH OF THE LISTED INSTITUTIONS WOULD YOU CONTACT TO REPORT A VIOLATION OF THE LEGAL RIGHTS OF PREGNANT WOMEN, NURSING MOTHERS, AND SINGLE MOTHERS?**



Discussing the topic in which of the institutions women have the most trust and to whom they would report disrespect or violation of the rights guaranteed by law to pregnant women, nursing mothers and single mothers, the same number of those who trusted the Agency for Gender Equality and the Ombudsperson Institution - 25% . However, there is also a large percentage of those who said they did not know who to turn to - as much as 23%. Such answers coincide with the views of the women participating in the qualitative part of the research - they placed the greatest trust in the Ombudsperson Institution.

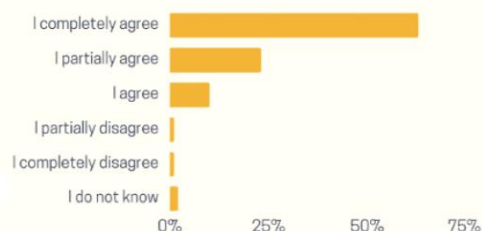
Helplessness - this is how one word can describe the feeling of employees in some private companies and non-governmental organizations in the north of Kosovo when their labor rights have been violated. There are no trade unions in Kosovo, people cannot afford to hire lawyers or pay legal expenses on their own, and if they go on strike, they risk being fired. In those cases, according to our interlocutors, women should certainly not remain silent, but inform themselves of who can help and report any violation or disrespect, first of all, of human and then workers' rights.

The role of the Ombudsperson is to investigate any omissions in the work of the administrative body in response to a citizen's complaint or on its own initiative. After the deficiencies have been identified, the Ombudsperson requests the administrative authorities to correct the deficiencies and makes suggestions on how to do so. In addition to initiating and leading the procedure, the Ombudsperson can mediate, give advice and opinions and influence the improvement of the work of administrative authorities and the protection of human freedoms and rights.

On the other hand, the role of the Agency for Gender Equality is to, as a coordinating body, implement the National Plan for Gender Equality, as well as to cooperate with numerous non-governmental organizations that are dedicated to improving the position of women. Agency also provides support to projects aimed at economic empowerment of women, the fight against gender-based violence and gender stereotypes, as well as greater inclusion of women in aspects of political, economic and social life.

Accordingly, our interlocutors urge all women to file any complaints with the Agency for Gender Equality or the Ombudsperson Institution, which will provide each person the adequate protection, if they feel that they have been negatively affected in any way while exercising their rights because certain authorities or organizations have not correctly (or at all) applied the regulations of Kosovo.

**DO YOU AGREE THE POSITION OF PREGNANT WOMEN AND WOMEN IN LABOR WOULD IMPROVE BY ADOPTING THE MEASURE THAT EVERY WOMAN IN LABOR WOULD HAVE THE RIGHT TO GUARANTEED COMPENSATION IN THE AMOUNT OF THE STATE MINIMUM?**

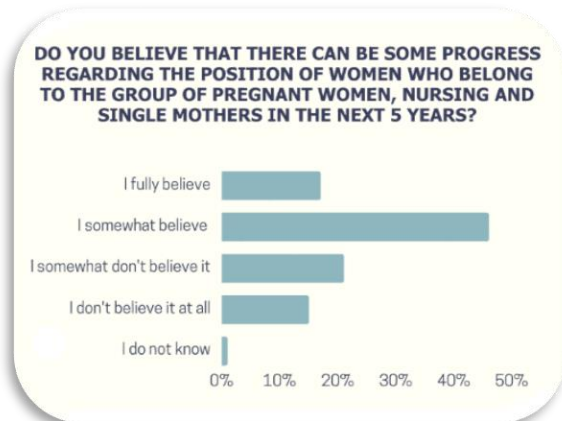


When asked whether they believe that the adoption of the measure that every woman giving birth would have the right to guaranteed compensation in the amount of the state minimum would improve the position of pregnant women and women giving birth, about 80% answered that they agree, fully or partially.

It is a common phenomenon for an employee's wage or salary to be lower than the minimum wage since it is based on the lower cost of labor per working hour. It is devastating that this

phenomenon is most prevalent in public services, public companies, but also in the private sector. Neither pregnant women nor mothers in labor are excluded from this policy. As stated in the previous paragraphs, a change in the population policy in Kosovo is necessary. While respecting the fundamental right of every couple and individual to choose whether to become parents, it is necessary to introduce measures to increase birth rates if they are insufficient, or to reduce birth rates if they are excessive. This regulation should also apply to all other aspects of birth rate policy, particularly those that improve the position of women who are pregnant, mothers who are in labor, and mothers who care for children with special needs..

As can be seen in the graph, the majority of respondents believe that there can be some progress regarding the position of women in the next 5 years, and this is in correlation with the answers we received from the respondents of the qualitative part of the research. This further implies the fact that the key to women's success is to move from words to actions, to support each other, to help each other, to complement each other, to advocate for better legislation, because when something is provided for by law - then that is the only way it can be successful in practice.



*"This country is not for women who want a career in addition to motherhood."*

Women must raise their voices and draw attention that these are wrong and simplistic images and attitudes that we have been facing for centuries. Due to a sort of reorganization of social roles, the entry of women into the workforce brought numerous changes. The fight for equality continued in the economic sphere, and in the 21st century numerous laws regulated the attitude towards women in the workplace. Today, in the global economy, they make up half of the workforce, and the number of highly educated women is increasing, but they are often nevertheless forced to choose an occupation that allows them to more easily balance their personal commitments. It should also be noted that women are very often aware that their colleagues and superiors sometimes discriminate out of ignorance or fear, but they must be aware that there is no justification for discrimination in any situation.

## CONCLUSION

In the end, it can be concluded from this research, both the qualitative and quantitative parts, that even though women's positions in the labor market are undoubtedly better than they were before, the influence of the division of labor on men and women is still present. This is due to traditional beliefs rooted in patriarchy, which is why it has such a wide impact. Initially, tasks related to housekeeping were suitable for women, and the problem emerges when women's work is minimized and "female" activities are undervalued, which affects careerbuilding, women's position, and the quality of life - both economically and socially. Moreover, discrimination against women is still present in the labor market, most frequently in the form of lower pay and less chances to advance in the workplace. The issue of underpayment is sometimes explained by women's choice of occupation, but often they are actually forced to choose those occupations with which they can more easily balance their private obligations.

If we take into consideration the climates we currently live in, it can even be stated that household duties and childcare are mostly put on women, which is another stereotype that has to be broken. In addition, the number of children born and marriages concluded is decreasing, compared to some previous periods, which to a certain extent may be the result of an inadequate institutional offer that would make it simpler for women to pursue careers without neglecting their personal lives and vice versa. In today's society, women in the economic sphere are not a phenomenon, but commonplace, therefore equality in that area could be considered an indicator of the development of society.

Gender roles and the division of jobs, as well as prejudices against women, are still the biggest obstacle for them on the way to the top of the organizational hierarchy, and often in their aspiration to climb the social ladder. Reducing discrimination and inequality between the sexes is a long-term effort. All of the aforementioned regulations should be strictly enforced in order to provide equal opportunities in the job market and equality in all other respects.




# RECOMMENDATIONS

Based on the findings from the survey and discussions in the focus groups, Advocacy Center for Democratic Culture recommends the following:

- ✚ Affirmation of women both in current legislation and in practice.
- ✚ A complete change of views, awareness and attitudes about the issue and a different upbringing and education of the new generations.
- ✚ Greater support for women in public institutions at all levels, with special support for working mothers while their children are young.
- ✚ Greater investment in building women's capacity for greater participation in public life in society and strengthening mechanisms to support women in exercising their rights.
- ✚ Raising awareness about gender equality.
- ✚ Engagement of all factors in society, in order to raise awareness of the importance of equal treatment of women and their position in society.
- ✚ The Government of Kosovo, NGOs and other associations should work together to promote the role of women in society, and encourage and motivate them to get involved in the work of the police, the judiciary, and politics. Implement the Laws on Gender Equality in practice, rather than only on paper.
- ✚ Increase the duration of maternity leave and ensure full pay during it.
- ✚ Assign more leadership positions to women and thus see how dedicated, responsible and equal women are today.
- ✚ Greater involvement of women themselves, non-governmental organizations, as well as representatives of the institutions in the involvement of women in employment.
- ✚ Adequate implementation of the Law on Gender Equality.
- ✚ Better legislation and creation of a more adequate legal framework.
- ✚ The adoption of effective public education and information programs that will help eradicate prejudices and the current established practice that prevents the full effect of the principle of social equality of women.
- ✚ Enabling women to participate equally with men in the work of international organizations and represent their Government at the international level.
- ✚ Encouraging, supporting and participating in projects that provide technical advice, including seminars, for the training of women.

- ✚ Providing guarantees of equal remuneration to male and female workers for work of the same value.
- ✚ Paying female workers in both rural and urban family businesses.
- ✚ Respecting the principles of inheritance law, in the sense that women have the right to equal parts of property and to the same position in terms of inheritance.
- ✚ Strengthening the rights of women in terms of entering public positions and performing all public functions.
- ✚ Careful monitoring of law enforcement and application of sanctions in case of non-compliance, with a quality media campaign.
- ✚ Amendments to all laws concerning the protection of pregnant women, single parents and women in labor.
- ✚ Amendments to the law aimed at more adequate protection of the rights of pregnant women and single mothers.
- ✚ Policy of greater employment of single mothers.
- ✚ Better general protection of women's rights.
- ✚ Establishment of concrete measures, introduction of more flexible "sliding" working hours and work from home for pregnant women and mothers in labor.
- ✚ Introduction of paid maternity leave in the amount of 100% for all mothers with children under the age of three.
- ✚ Increasing the child allowance and introducing the maternity allowance for each newborn.
- ✚ More help and support from social and health institutions to all mothers, pregnant women and women in labor.
- ✚ Stronger support and more understanding from colleagues, especially employers.





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