

Being A Woman in Kosovo: Key Issues and Norms for Change in the Perspective of Feminist Legal Theory

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Abstract

The role of women has been persistently overlooked within the societal and state structures. Women's existence, challenges, and significant impact have persisted as problematic issues across multiple aspects. Kosovo, located in the Balkans, has been a region where women have faced continuous struggles. The prevalent patriarchal structure in the country plays a significant role in perpetuating these challenges. Despite the existence of legal guarantees ensuring equality, both Kosovo women in general and women from minority backgrounds benefit from such protections. However, practical obstacles persist regarding women's identity. This study, adopting a feminist legal theory perspective, aims to discuss the constitutional rights of (minority) women in Kosovo and shed light on the challenges they encounter. Analysing the situation in Kosovo through the lens of feminist legal theory, the study provides a framework that addresses the contradiction between legal principles and social norms. Utilizing qualitative research methods like document analysis and case studies, the study examines gender inequality deficiencies among a sample of (minority) women from Kosovo, highlighting the global implications of these issues.

Keywords: Gender Equality; Feminist Legal Theory; Kosovo (Minority) Women; Constitutional Rights; Balkans.

1. INTRODUCTION

Feminism, which addresses inequality between the sexes in all areas of life and science, acknowledges that male-dominated perspectives shape sciences and disciplines. It extends its interest beyond fields like feminist philosophy, feminist theology, feminist scientific research, and feminist methodology, also encompassing the realm of law. The feminist legal theory aims to provide an alternative to the male-dominated understanding prevalent in positive law, which is believed to serve male interests by employing seemingly abstract and general norms.

Moreover, positive law often fails to consider the characteristics of the feminine lifestyle (Heper, 2014:13-14).

The emergence of the field of "feminist legal theory" can be attributed to law students who are sensitized to women's issues, and analyse the law from a feminist perspective during their professional practice after graduation (Weisberg, 1993: xvi). The term "feminist legal theory" was first introduced by Ann Scales at a Harvard conference in 1978. This field gained scientific grounding with the publication of influential articles such as Scales's "Towards Feminist Legal Theory" in 1981 and Katherina Mackinnon's "Feminism, Marxism, Method, and the State: Towards Feminist Legal Theory" in 1983 (Çağlar, 2002: 84).

During the first phase of feminist legal theory in the 1960s until the early 1980s, advocates sought equality with men in education, employment, and politics. They drew attention to the exclusion of women from public life and the prevailing male monopoly over law. However, feminists of this period focused on eliminating inequalities within the existing system without critically examining the system itself. They regarded the law as a rational, objective, honest, and gender-neutral discipline, attributing the problems to flawed laws that could be rectified through legal changes. Despite legal reforms, these early feminists recognized that the law perpetuated male dominance, relegating women to a secondary or inferior position. Consequently, they concluded that the law, despite its appearance of impartiality, objectivity, and rationality, was inherently biased. This realization marked the transition to the second phase of feminist legal theory (Arat, 2006: 55-56). The second phase, dominant since the 1980s, acknowledges that the patriarchal mentality is the root cause of gender inequality. Feminist legal theorists in this phase criticize the patriarchal mindset that impacts both women and men. Identifying patriarchal thought as the problem, this phase represents the current state of feminist legal theory (Barnett, 1998: 5).

In the contemporary period of women's studies, there is a critical examination of international norms and principles concerning women's rights. These norms are seen as having been established by men and based on gender. A more recent perspective on women's rights emphasizes the autonomy and reasoning capacity of individuals, incorporating a post-structuralist approach to human rights discourse. The demand for gender redefinition, along with all its manifestations, forms a fundamental aspect of women's rights (Gagliardi, 2019).

In other words, there are symbolic and material domination patterns and norms created by the pre-existing socio-institutional histories, gender stereotypes and social structures that occur in the background of states and societies against women. First of all, gender models of subjugation have been established. Compromising with different layered norms in the face of patriarchal discourse or creating ways for the counterattack, namely resistance and micro-resistance, is often used by women who act by resorting to remedies (Henry, 2017: 467).

Although feminism encompasses diverse perspectives, it starts with a shared premise: the world is patriarchal, which is detrimental to women. The focus of feminist legal theorists on the patriarchal nature of law distinguishes them from other legal approaches. No other legal theory critiques patriarchal institutions and centres its theories around them. Consequently, feminist legal theory involves the criticism and analysis of law as a patriarchal institution (Smith, 1993: 9).

Feminist legal theorists seem to ask seven questions in their work. These are (Çağlar, 2002: 85): To what extent women's life experiences have been and are being given in the legal field or legal doctrine; what kind of definitions, explanations and predictions are made in the legal field on the experiences of women, men or seemingly neutral genders; what are the areas of contrast, distortion and incompatibility created by the differences between the structures assumed or

imposed by the law and the life experiences of women; what is the relationship between disharmony and patriarchy; what kind of reforms are proposed to the legal field related to women's life experiences and how these reforms will affect women practically and ideologically if these reforms are carried out; what women's lives would be like in an ideal world and what the law would be like in this relationship; women are the questions of how they can move from their current state to the said ideal state.

In line with these questions, the main task of feminist legal theory is to analyse and research women's legal conditions to improve the status of women in different cultural, political and social contexts (Dahl, 1987: 11). According to the feminist point of view, which traditionally adopts that law is based on a male perspective, women have been ignored by the law throughout history, and a social order has been established against women within the framework of male domination, which is considered natural and normal in many societies, and the relations that women are subject to men. From this point of view, feminist legal theory deals with the question of why women's subordinate position has not changed, although time and place have traditionally changed, in particular, the concept of law as a style of criticism and an alternative method. Therefore, feminist legal researchers seek to understand the inequality to which women are subjected and the causes of this inequality by contributing to real equality and freedom in the complex interaction between law and life. The main problem of feminist law is how to replace the common and real inequality problems of women from a feminist perspective with a feminist perspective (Dahl, 1987: 11).

It can be said that feminist legal theorists focus on three basic premises of law. First, legal theories are developed by men and reflect a fundamental male bias even in the face of gender-neutral situations. Second, by arguing that women's lives are different from men's, existing theories do not fit into women's reality because they do not take this difference into account. Third, feminist theory needs to include women's own experiences and perspectives in law (Baer, 2008: 438).

The main criticism of the traditional established law concept is that gender relations, which constitute the basic framework of all legal institutions, organizations and systems, have not been taken into account in traditional legal processes. Gender is a biological distinction between people as men and women, and it is made to define the difference. Gender, on the other hand, describes the sexual roles imposed on women and men socially and culturally. Therefore, the feminist perspective of law emphasizes that traditionally, men's preferences are given more place than women's preferences, gender relations deny women, and the traditional established law concept mediates the consolidation of male-dominated social relations (Yüksel, 2003: 134). In other words, feminist legal theory analyses the patriarchal structure of law from a gendered perspective.

Discriminatory policies deliberately and systematically exclude women from public life. In other words, traditional law was established with a male interpretation from a male perspective, limited the feminist agenda and women were ignored by not being included in the subject of law. Today, the situation of women is developing and changing. However, this change is slow. The positive development of women's social position is possible by making it possible to cover the whole of the law (Yüksel, 2003: 137). In particular, women's unique struggles, problems, difficulties and successes continue in this field. In this process, women have to understand the complex and never-ending negotiation process, bargain, compromise, criticize and prove themselves as a part of their lives. In fact, promoting gender equality and justice in themselves is essential for the legal norms of societies and states, but women need to struggle more in this regard (Belli et al., 2017: 492-493).

Just like in feminist theory, there are different feminist approaches in feminist legal theory. It is not possible to consider feminist theory independently of law, and feminist legal theory from feminist theory and women's movement. In the literature, there are different classifications in the expression of feminist legal theories. Arat classifies under the heading of feminist schools of thought as liberal feminism, cultural feminism, radical feminism and postmodern feminism (Arat, 2006). Starting from the theories of feminist thought, Gürgey categorizes feminist legal theories as egalitarian feminist legal theory, pro-diversity feminist legal theory, cultural feminist legal theory, radical feminist legal theory, and postmodern feminist legal theory under the title of feminist legal approaches. Similarly, Uygur and Çağlar (2012) describe the egalitarian feminist legal theory, pro-diversity feminist legal theory, cultural feminist legal theory, radical feminist legal theory, and postmodern feminist legal theory under the title of feminist legal theories. Regardless of its point of view or political ideology, feminist legal theory takes women as its main subject. By looking at the law from a feminist perspective, she focuses on the positioning and perception of women in law and whether the law meets the needs of women and works to correct the existing patriarchal structure in favour of women.

In the context of the Sustainable Development Goals adopted by UN Member States in 2015, the year 2030 has been determined to ensure gender equality and empower all women and girls. While there are less than 10 years left to reach this goal, the world cannot progress on this path. During cross-cutting crises such as COVID-19, the climate emergency, and growing economic and political insecurity, the reverse has begun to emerge, with no progress being made on gender equality. A growing backlash against women's rights around the world threatens even fundamental freedoms and protections. Gender equality will remain an unrealized goal unless the global community increases its resolve. So now is the time to act and invest for women and girls (UN 2022).

Although progress has been made in reforming laws and closing gaps in legal protections, it may take another 286 years to change from the current situation to the repeal of discriminatory laws. Responses to COVID-19 and women's sexual and reproductive health claims further diminish the outlook for gender equality. Violence against women, global health, climate and humanitarian crises have further increased the risks. Violence, especially for the most vulnerable women and girls, and women feel it more (UN, 2022).

Feminist legal theory has been defined as women's demand for reforms in laws and their activities to change the patriarchal structure of law. In the historical process of feminism, "feminism" and "law" are essentially inseparable concepts. Law is defined in the dictionary of Turkish Language Institution as "the whole of the laws that regulate the society and determine the sanction power of the state". In other words, law consists of norms that provide social order. Looking at the feminist demands, it is seen that women's struggle for existence in this social order comes to the fore. Considering women's demands such as admission to the profession, the right to education, the right to vote, the demand to exist in the public sphere, equal pay, property in marriage, and the right to custody since the beginning of feminism, it is necessary to legally reorganize these demands and ensure that these laws are enforced. However, the legal changes did not produce the expected results, and later feminists drew attention to the influence of the law enforcement mentality. In other words, the patriarchal structure in the social order constitutes the essence of the problem. Feminist legal theory is also concerned with this essence and has emerged with the criticism of the essence.

In the first phase of feminist legal theory that started in the 1960s, it was believed that the problem would be solved and equality with men would be achieved by changing the laws without criticizing the system by emphasizing masculinity in the laws. However, until the end of the 1970s, it was seen that the changes made in the laws did not change the subordinate

position of women, and the changes in the laws were not reflected in practice. Then, after the 1980s, feminist lawyers who accepted that the source of the problem was not only the laws but also the patriarchal mentality, started to criticize not only the patriarchal structure of the laws but also the patriarchal mentality of the law practitioners. Feminist lawyers continued their work in this direction, arguing that all law reflects and legitimizes the masculine mentality, with both the maker and the implementer of the laws being masculine, and that women should take an active role in the formation and implementation of the law from a female perspective.

Although the issue of women's rights is an area that countries want to protect with legal regulations, minority women are not included in this scope and are not given a special place at the national level. In general, minorities and women are traditionally seen as disadvantaged groups and in this context, their differences are ignored. Therefore, this study had to deal with women and minority women together. It is difficult to discuss them as separate categories. Minorities are extremely vulnerable as nations become more and more heterogeneous, and this is perhaps the most problematic aspect of democracy in today's world. Within the scope of women's rights, a well-functioning rule of law is necessary for minority women to protect their interests and gain their consent. As nations become more and more heterogeneous, minorities remain poignantly vulnerable, and this is perhaps the most problematic aspect of democracy in our world today. Within the scope of women's rights, a well-functioning rule of law is necessary for minority women to protect their interests and gain their consent.

After the social norms of societies emerge as normative, common cognitive and mental representations come to the fore. Normative social beliefs and norms contain descriptive and approved/accepted dimensions. In this context, they construct reality by evolving from the level of the individual to the level of society and are carried out traditionally and historically. Of course, the issue of how these social norms, common and approved behaviours relate to reality also needs to be examined. However, it has an impact on the behaviour levels of societies by constructing social norms other than legal norms.

Especially when it comes to women, social norms that have been established as a patriarchal point of view in Kosovo, as in many societies, cover legal norms. As a newly established country in 2008, Kosovo is a place where women's rights and in this context, minority women's rights are also experiencing difficulties. There are established patterns that fall under the established norms and value judgments in the country that has accepted the international legal norms in its establishment. The positions of both majority and minority women in the country are worth considering in this context.

The origin of gender problems in Kosovo is recorded as the dominant male mentality with its long and historical roots of patriarchy. Despite all legal norms and regulations, the status and roles of women and/or minority women in society have difficulty changing. For example, family approval, especially in rural areas, is based on traditional patriarchy in Kosovo. When women age to fulfil their duties in traditional taught roles, their youngest son and his wife take care of them (Strapocava, 2015:67). The slow concrete progress towards the advancement of women's rights in Kosovo since the post-war period reveals how drastic the change in religious, cultural and social norms in the country has been.

Feminist legal theory studies seek answers to two questions. First, will changing laws transform the patriarchal structure of law? Secondly, will the increase in the number of legal women in the legal profession transform the patriarchal structure of law? The first question focuses on the issue of changing the laws that subordinate women in the existing legal regulations. At this point, women's involvement in the lawmaking processes is of great importance, since there is a need for a woman's perspective during the law-making stages to identify and amend the laws

that subordinate women. This study focuses on the first question in feminist law studies. However, Kosovo is a country where women, whether majority or minority, face various problems based on their human rights. Albanian women who are the majority in the country or women with various identities as a minority face various difficulties due to their female identities, although various legal norms are accepted. Therefore, in this study, the constitutional and legal rights of women in Kosovo and the problems they face in the implementation of these rights are analysed within the framework of the contradiction between legal and social norms.

2. METHOD

The research deals with the content of women's rights and social norms in Kosovo according to the feminist theory. For this purpose, the theoretical framework of the subject has been created with the feminist theory in the literature. In this context, the problems of women and minority women living in Kosovo that are not compatible with legal norms are discussed. In the research, firstly, legal norms were selected from the qualitative research methods, and then their application with analytical method was interpreted.

The data were analysed with descriptive and interpretative methods. In the literature review, firstly, sources from feminist legal theory were scanned. Then, the Constitution of Kosovo and the international conventions and agreements accepted in this constitution were identified. In this context, the relevant articles of the Constitution, CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women, and the Council of Europe Framework Convention for the Protection of National Minorities). Subsequently, local, national and international literature on women's and minority rights in Kosovo was analysed. The analyses conducted in Kosovo by international organizations such as the UN, OSCE and OHCHR were also reviewed. Not all analyses and evaluations of these international structures were used in the study. In this selection, important analyses related to the subject were included in the study. The attitudes of national and international civil society organizations in Kosovo were also included.

The scale of the study was education, employment, discrimination, social oppression, sexual or physical violence, property ownership, and political representation of all women (majority or community) in Kosovo. Selected case studies from the period after the independence of the country in 2008 were also included and analysed.

3. FINDINGS

3.1. Discussion and Findings: Women's Position in Kosovo Based on Feminist Legal Theory

Kosovo declared independence on February 17, 2008. The Kosovo Assembly's unilateral declaration of independence on 17 February 2008, which caused mixed reverberations in different parts of the world, was instantly recognized by some of the most influential members of the international community with its historical past and as one of the countries with a multi-ethnic and religious structure in the Balkans, Kosovo is an area where many groups and identities live (Selver, 2009: 235). With its historical past and as one of the countries with a multi-ethnic and religious structure in the Balkans, Kosovo is an area where many groups and identities live. Written legal norms that were adopted after the Declaration of Independence comprise regulations on both human rights and women's rights in a wide framework.

Other than Albanians and Serbs, minorities as well historically continue to live in Kosovo since its independence in 2008. According to the census held in April 2011 in the Republic of Kosovo, the general population stands at 1.739.825 excluding [the regions of] Leposaviq, Zubin Potok, Zveçan and Mitroviça in the north of Kosovo (ask.rsk, 2011). Albanians (92.9%) form the overall

majority of the population. On the other side, the distribution of the population among the main minority groups is Bosniaks (1.6%), Serbs (1.5%), Turks (1.1%), Ashkalia (0.9%), Gorani (0.6%), and Roma (0.5%). There has not been any other census since the one that took place in 2011 (minorityrights, 2022).

In Kosovo, the Constitution was adopted on April 8, 2009, and came into force on January 15, 2009. Article 7, entitled Values, of the Constitution of the Republic of Kosovo has accepted as a norm the existence of women and men with equal opportunities based on gender equality in addition to all human rights:

- 1. *The constitutional order of the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, the protection of the environment, social justice, pluralism, separation of state powers, and a market economy.*
- 2. *The Republic of Kosovo ensures gender equality as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life (kushtetutakosoves.info, 2021).*

The state of Kosovo has constitutionally accepted universal human rights regulations and gender equality in addition to regulations on women's rights, in particular. The most important regulations in this regard, the Women's Convention and the Istanbul Convention, have also been approved by the state of Kosovo.

The first binding international document prohibiting discrimination against women and obligating governments to take measures for the equality of women is the Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention or CEDAW), adopted [by the United Nations (UN)] in 1979 and entered into force in 1981. It aims to eradicate all forms of discrimination against women. Article 1 of CEDAW defines the term "discrimination against women" as "any distinction, exclusion or restriction made based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." The States Parties are obliged to submit regular reports on their compliance with the convention's rules (OHCHR).

From the perspective of women's rights, CEDAW gained legitimacy in Kosovo with the UN Security Council Resolution 1325 on October 31, 2000. After the Declaration of Independence in the country, gender equality, non-discrimination and the protection of women against violence and abuse were accepted in the Constitution in this framework (Holzner, 2021:6).

Another regulation on women's rights is The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, [also known as the Istanbul Convention] adopted in Istanbul in 2011. The Istanbul Convention aims to combat violence against women and domestic violence. The Convention expects state parties to protect women against all forms of violence, to prevent, prosecute and eliminate violence against women and domestic violence; and to establish support policies against victims and perpetrators of violence. The Convention stipulates the cooperation of state parties with all relevant bodies, institutions and organizations and establishes a coordination unit. To design a comprehensive framework, policy and measures to protect and assist all victims of violence against women and domestic violence is also among the objectives of the convention. Also, state parties shall

allocate appropriate financial and human resources to combat violence according to the convention.

Obligations of the signatory state according to the convention:

- Implementing gender-sensitive policies, inclusive and coordinated policies,
- Allocating financial resources,
- Establishing a formal coordination unit,
- Collecting, examining, publishing statistical data, and
- Providing mentality change to prevent violence (Sade, 2020).

The Parliament of the Republic of Kosovo ratified the inclusion of the Istanbul Convention in the Constitution on September 25, 2020 (kosovahaber-a, 2022). Concerning legislation, the state of Kosovo, as seen both constitutionally and legally, is in foremost conformity concerning human, minority and women's rights. However, problems do exist in practice regarding women's rights as is the case in minority rights.

With minority rights, the general citizenship bond is emphasized universally in the definition of Article 1 of the Constitution as "The Republic of Kosovo is a state of its citizens." Again, Clause 1 of Article 3, entitled "Equality before the Law", states "The Republic of Kosovo is a multi-ethnic society consisting of Albanian and other Communities". Therefore, the constitution states with the phrase "communities" that minorities are also the main element of the country apart from the Albanians who represent the majority. As will be discussed below, Article 64 of the Constitution designating the structure of the Assembly of the Republic of Kosovo enumerates six groups as Serbs, Roma, Ashkalia, Egyptians, Bosniaks and Turks within the concept of communities (kushtetutakosoves.info, 2021)

Kosovo is a state in which minority rights are under utmost protection. In its constitution, rights for minorities are equal for all groups; and the legal infrastructure has established a safe environment for the rights of minorities (Rrahmani, 2018: 239). The following conventions on both general human rights and minority rights have also been adopted in the Constitution of Kosovo:

- (1) The Universal Declaration of Human Rights;
- (2) European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
- (3) International Covenant on Civil and Political Rights and its Protocols;
- (4) Council of Europe - Framework Convention for the Protection of National Minorities;
- (5) International Convention on the Elimination of All Forms of Racial Discrimination;
- (6) Convention on the Elimination of All Forms of Discrimination against Women;
- (7) Convention on the Rights of the Child;
- (8) Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (kushtetutakosoves.info, 2021).

It is seen in its Constitution that Kosovo has ratified international regulations and norm agreements on human and minority rights after the Declaration of Independence. However, there are problems in the implementation of these norms and regulations. Women constitute

half of the population in the country, but concerning women's rights, problems in all headings exist. Before moving on to the problems in this regard, it is beneficial to look into the female population living in Kosovo.

In Kosovo, men form 50.1% of the population in urban areas while women make up 49.9%; in rural areas, 50.2% of the population distribution by sex is men and 49.8% by women. According to statistics, for every 100 girls born in Kosovo, there are 109 boys born. In 2009, the average age at marriage stood at 28 for women and 31 for men. The illiteracy rate in Kosovo differs by gender and average age: Urban illiteracy is 7.5% for women and 3.3% for men. In rural areas, 11.3% of women and 5.5% of men are illiterate. Despite the years passed, the average labour force participation rate for women has dropped from 30% to 29% and for men from 68% to 67% (kosovahaber-b, 2011).

Within the framework of these statistical data, the female and male populations in Kosovo seem to constitute half the total countrywide. Even within the framework of these data, women still fall behind in literacy rates in cities and rural areas, indicating that women's right to access education is restricted.

Aside from education, the participation of both women in general and minority women in political bodies in Kosovo remains low despite all efforts. In general, there have been positive developments in the active participation of women in political life since the establishment of Kosovo. After the Declaration of Independence, two female presidents were elected in the country and the rate of parliamentary members increased to 32%. Women occupied effective ministry positions in the government and were elected mayors in local elections. Nevertheless, there remain many key leadership roles and sectors in Kosovo where women are not represented and participated. The situation is even more difficult for minority women. Many minority communities generally live in rural areas with traditional family values. That significantly eliminates the existence of minority women living in rural areas of Kosovo where women are already very little able to participate in politics. First of all, the active participation of these women in politics can be started at the local level and increased at the national level. For this, however, all stakeholders, political parties, in particular, must work effectively (USAID, 2015: 8-13).

In Kosovo, the women's quota in the Parliament stands at 30% and the number of female employees in all public institutions reaches 32%. It is essential to have all women and minority women in representation because it provides legitimacy to a political system and integrates segregated ethnic minorities in the country. Nonetheless, while some minority women (Serbs and Bosniaks) are part of the parliament in Kosovo other minority women such as Roma, Ashkalia and Egyptians are not (Gacanica et al., 2020: 7; Berishaj, 2017:57).

Within the context of the women's quota in Kosovo, some initiatives deal with the issue and work institutionally, such as the Women's Member of Parliament formed by women deputies in the parliament since 2005, OSCE, UN, UNDP, and nongovernmental organizations. Improving the position of women both in politics and in issues such as education, health, culture, economy, and gender equality remain at the forefront of the country (OSCE, 2007).

Although written legal norms declare women and men equal other than participation in education and political life, women, in reality, face insurmountable struggles compared to their male counterparts in everyday life. Women experience discrimination regarding access to property and social resources, and problems of personal security and cultural equality. The traditional patriarchal society that exists in Kosovo causes men to always be represented and exist foreground (The Borgen project, 2021).

For instance, property rights in the country are an indicator very clearly laying the situation before eyes. Women own only 17% of property in Kosovo because of the code of ethics, traditional societal norms and traditions. Women proceed with basic judgments of making a living inside the home and men outside, and act within this framework in many other areas, especially in property. As a result, women's ownership of property is restricted; it is even specified that if the husband dies, the property rights should go to the woman's brother or a male cousin. Thus, cultural norms are important and significantly limit women's chances of economic and social progress (The Borgen project, 2021).

In January 2014, [UN Women in Kosovo] financed the preparation of a report and brochure to provide information on property rights, related legal structures and codes to women in Kosovo. Other organizations and human rights NGOs, including the European Union Rule of Law Mission in Kosovo (EULEX), have followed suit and undertaken and supported campaigns aimed at researching, spreading awareness and pressuring the domestic government to enforce equal property rights.

In terms of business life, women's participation in the labour market remains very low in Kosovo. According to the World Bank, labour force participation in the country is very low - especially among women. In 2014, about 57% of the working population became passive. The unemployment rate of women in rural areas seems higher than that of men while the unemployment rate of men has reached 37.2%; it is 77.2% for women. The World Bank report states the main causes behind women's unemployment as family responsibilities depending on the formation of the family. In frequently seen cases, the provision of child care is also problematic and is influenced by social norms. Financial difficulties begin to arise for parents of children in need of institutional care. Similar difficulties in caring for older members of the family are also experienced. Hence, responsibilities within the family and home also limit the activities of working women. In 2015, only 28 percent of the total number of employees in Kosovo municipalities were women (Paci, 2021: 289).

In Kosovo, both women and women in minority groups have problems not only in education, employment, and participation in political life but also in more specific issues, such as domestic violence. A survey carried out in Kosovo on a sample of 1315 adult Kosovans of all ethnic groups (51.6% women) was aimed at measuring awareness, attitudes, and incidence of domestic violence. Results indicated that 68% of women and 56% of men reported they had suffered some form of domestic violence in their lifetimes. Men reported experiencing violence from their parents, while women suffered violence from both parents and partners. Attitudes toward violence were examined in detail. The idea that domestic violence is "a normal part of any relationship and society, in general, accepts that violence happens sometimes" was accepted by 29.9% of respondents. Similarly, 31.3% of respondents believe that domestic violence is "a family matter, so neighbours should not report it to the police". The Government of Kosovo launched 2017 the National Strategy that tackled domestic violence only (europarl.europa.eu, 2019).

In Kosovo, inadequacies exist in the protection of women from domestic violence and in meeting the needs of sheltering and protecting women who have been exposed to domestic violence. The inadequacy of women's shelters and the weak management of inter-agency cases pave the way for inadequacy in the fight against not only domestic violence but also gender-based violence in general.

Concerning women and minority women, yet another issue that refrained to be voiced and even is problematic to speak about socio-psychologically, is the sexual violence experienced in Kosovo during and after the war. Although the exact numbers are still unknown, it is estimated

that around 20,000 women were subjected to sexual violence during the war. Women from ethnic groups other than Albanians had also suffered sexual violence. In the trial of [the late president of Serbia in former Yugoslavia Slobodan Milosevic in the International Criminal Tribunal for the Former Yugoslavia (ICTY), sexual violence during the war was defined as a crime against humanity (Daşlı et al., 2016: 59).

With the encouragement of women's organizations, a few women who testified at the ICTY later regretted it and chose to remain silent. Women's struggle for years, Women's World Experiences in the Struggle for Peace have achieved both legal and social gains even in such an issue in which silence and silencing are very deep. In 2014, women victims of conflict-related sexual violence were deemed "victims of war" just like fighters and their families and were included in the law that provides compensation for these groups (Daşlı et al., 2016: 61-63).

Women in Kosovo are tussling to have their voices heard on all national platforms. As an example, [during the observation of the International Women's on March 8, 2018, women marched for equality. Hundreds of women participated in the march that took place in the main streets of the capital Pristina, Kosovo. Women marched under the slogan "We are not celebrating, we are organizing a march". Kosovo women expressed the inequality, injustice and wrongdoings they face in society by shouting slogans. Women protesters holding banners such as "Occupation has no gender," "We want the job," "My body, my choice," and "No to sexual harassment" often chanted "We don't celebrate, we organize marches" and tried to make their voices heard with the slogans "No to unemployment and poverty," and "No to violence against women". This time, men supported women and participated in the march organized by Kosovo Women's Network and women's associations. In Kosovo, where 50 percent of the population is women, women protesters, who consider it unfair that only 12 percent of women work, demanded 50 percent representation of women in decision-making bodies, trade unions, public and private institutions, and all levels of society. These demands were also expressed in the speeches made within the framework of the protest (AVİM, 2018).

On the subject of violence against women, artists in Kosovo and the global community have spearheaded awareness campaigns. In July 2015, a Kosovo-born artist transformed a football pitch into a giant art installation in tribute to survivors of sexual violence on the anniversary of NATO forces entering post-conflict Pristina. Thousands of clean, donated dresses hanging on washing lines over the "masculine" football field reminded citizens of the crimes committed against their countrywomen, broke the oppressive silence on Kosovo's wartime rapes, and served as a step toward removing the heavy stigma of victimhood (opendemocracy.org, 2015).

Hence, women and minority women strive to make their problems heard more loudly every passing day through non-governmental organizations, international organizations and domestic national initiatives. As stakeholders and initiatives multiply, women and minority women have the potential to raise awareness of changing social norms in Kosovo. Such initiatives also increase the strength of legal norms.

Feminist Legal Theory offers valuable insights and perspectives on the issues related to women's rights and gender equality discussed in the provided text. Feminist Legal Theory recognizes that the struggle for women's rights is ongoing and highlights the need for legal systems to address gender-based discrimination and promote gender equality. It critiques traditional legal frameworks that have historically perpetuated gender disparities and calls for a more inclusive and equitable approach to law. In the context of Kosovo, Feminist Legal Theory would likely emphasize the importance of recognizing women's rights as human rights and advocating for their full integration into legal frameworks. It would stress the need for comprehensive legislation that addresses not only formal legal equality but also substantive

equality, considering the socio-cultural context and specific challenges faced by women in Kosovo.

Feminist Legal Theory would scrutinize the existing legal norms and institutions in Kosovo to identify any biases or discriminatory practices that hinder the realization of gender equality. It would support the adoption and implementation of international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Istanbul Convention, recognizing their significance in promoting women's rights and combating violence against women.

Furthermore, Feminist Legal Theory would critique the patriarchal norms and cultural traditions that perpetuate gender inequalities in Kosovo, such as restricted access to education, limited political participation, unequal property rights, and pervasive domestic violence. It would advocate for legal and social reforms aimed at challenging and transforming these structures of oppression.

Feminist Legal Theory would also underscore the importance of intersectionality, acknowledging that women's experiences and struggles are shaped by multiple intersecting factors, such as race, ethnicity, class, and sexuality. It would call for an inclusive approach that considers the specific needs and challenges faced by minority women in Kosovo, ensuring that their voices and experiences are heard and addressed.

Overall, Feminist Legal Theory provides a critical lens through which to analyse and advocate for gender equality, women's rights, and social justice within the legal system of Kosovo. It emphasizes the need for legal reforms, policy changes, and societal transformations to create a more just and inclusive society for all individuals, regardless of their gender.

4. CONCLUSION

In the world, in general, and in Kosovo, in particular, since its establishment, women's rights seem to have been guaranteed by international regulations within the scope of human rights in general. The visibility of women in business, education, politics, and inheritance in the country has started to gradually increase owing to these norms. Yet, in practice, the patriarchal structure and social norms determined by this structure contradict legal norms, and difficulties continue for women.

To this must be added the situation of minority women in the country. Advanced international regulations and norms are in force regarding the rights that minorities will have in the countries where they live. Many different minority groups live in Kosovo, a new country that gained independence in 2008. Apart from Albanians, who hold the constitutional majority, six different minority communities have been recognized. The country has accepted international norms concerning minority rights with the Constitution of the Republic of Kosovo adopted in 2009 and the Conventions adopted afterward. However, both minority groups, in general, and women, in particular, face many problems and obstacles in exercising these rights.

Particularly women who make up half of the country's population experience problems in many areas such as education, employment, non-family/external violence, exclusion and discrimination despite the ratification of the Women and Istanbul Conventions. In the face of these problems, women organizing protests to make their voices heard at the national level desire to protect and strengthen their existence both as a minority and as women. Ergo, they wish to obtain the rights that they have at the legal level at the implementation level as well.

The problem in Kosovo is that social norms are more common and are accepted more deeply than legal norms. In this case, although the visibility of women increases, their problems in

implementation and content continue. Changing social norms by societies depends on changes to take place in social and cultural life along with legal regulations. Thus, for Kosovo women or minority women to continue their struggle is the most usual instrument. With the international and national incentives of political decision-makers, change is inevitable as the practices on social norms soundly increase over time. Hence, it is substantial to emphasize the importance of the issue by all stakeholders focusing more on this issue and staying on the agenda.

To expose, identify and address the discriminatory and exclusionary attitudes in social behaviours are critical. In addition, conducting works to this end in local, regional and international platforms and raising awareness are considered essential for the change of social norms. As such, it would be beneficial to make these problems visible, show them and address them for the Kosovo women to overcome, within the patriarchal structure they live in, economic, political, and cultural problems, and domestic and extra-familial sexual violence.

The results obtained in the study show that women in Kosovo also experience the situations constructed by feminist legal theory on women. Thus, the main problem of the study, the situation that women live through established stereotypes and constructed situations, has been confirmed. In the study, the contradiction between legal norms and practices in Kosovo was also questioned as a sub-problem. It has been determined that problems continue in this field in the country.

The concept of women constructed in feminist legal theory and the content of this concept is one of the points where the study is similar to the field. Studies in feminist legal theory also indicate that it is necessary to constantly emphasise and monitor norms and practices. One of the common points that the study has in common with its counterparts in the field is that the practices in this context are carefully followed and constantly monitored and discussed in the public opinion and literature.

What distinguishes the study from other similar studies in the field is that it has tested legal norms and practices in Kosovo through case studies. Another distinctive point of the study is that it contributes to the few studies on feminist legal theory in Kosovo with up-to-date data.

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