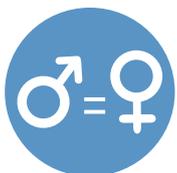




GENDER

GENDER EQUALITY IN KOSOVO



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Legal and political context

The principle of gender equality is regulated by the Constitution of Kosovo¹ and other applicable laws. Although Kosovo is not a signatory to major international agreements on human rights, the Constitution of Kosovo states that all international human rights instruments are directly applicable. The Law n°2004/2 of 19 February 2004 on gender equality establishes gender equality as a fundamental value for the democratic development of the society in Kosovo, by providing equal opportunities for both female and male participation in the political, economic, social, cultural and other fields of social life². Nevertheless, most primary and secondary legislation in Kosovo lacks a gender perspective, not targeting the potentially different needs and priorities of women, men, girls and boys.

Gender equality is an integral part of the EU integration process. In addition to the EU Charter of Fundamental Rights (Art. 23), there are a total of 13 directives, most of them regarding labour market regulations. Current EU policy priorities are defined by the second Gender Action Plan 2016-2020. The equal treatment of all citizens of Kosovo was further promoted through the adoption of the package of human rights legislation (i.e. the laws on anti-discrimination, the Ombudsperson and gender equality), which entered into force in July 2015. Institutional mechanisms were set up to lead, support and/or monitor the implementation of gender equality enhancement. In the Assembly, a committee has been formed to deal with gender equality, as well as The Ombudsperson Institution, responsible for dealing with complaints related to gender-based discrimination. The Agency for Gender Equality was established under the Prime Minister's Office. In May 2020, the Government approved the Kosovo Programme for Gender Equality 2020-2024 and its Action Plan 2020-2022. The decision obliges the institutions of the Republic of Kosovo to implement this Programme according to the activities foreseen in the Action Plan, while the Agency for Gender Equality within the Office of the Prime Minister is obliged to monitor the implementation and to annually report on the implementation of the programme. Kosovo Programme for Gender Equality 2020-2024 defines gender equality as a fundamental right and one of the important factors for economic growth, development and stability in society.

The overall strategic objective of the Kosovo Programme for Gender Equality is to ensure gender equality as a focus of transformational processes in all structures, institutions, policies, procedures, practices and programs of government, agencies, civil society, the private sector and the donor com-

munity. This objective is intended to be achieved by working in three directions:

- Creating equal opportunities to contribute to and benefit from economic development, inclusiveness and improvement of social welfare;
- Advancing gender equality through quality education, quality health, inclusiveness and utilization of human capacities in sustainable development and elimination of inequality and gender stereotypes;
- Advancing rights to decision-making, peace, security and justice.

Kosovo did not ratify any international convention combating violence against women. While there is no comprehensive legal framework or national policy specifically addressing violence against women, domestic violence, rape and sexual harassment are addressed by the Law on Protection against Domestic Violence, the Criminal Code and the Law on Gender Equality respectively³. Recently, Kosovo has made progress on its legal framework addressing domestic violence. The criminal code was revised in January 2019, resulting in the inclusion and definition of domestic violence as a separate criminal offense, and accurately defining all acts of domestic violence, aligned with the requirements of the Istanbul Convention⁴. Allowing for a centralised collection of domestic violence cases under this database is seen as one more breakthrough in this area, especially considering the increased reporting of cases⁵.

Findings

In Kosovo, patriarchal gender patterns are predominant. Discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society persist. Women remain underrepresented as elected officials in municipal assemblies (35%) and the parliament (32%); as civil servants in senior decision-making positions at municipal (20%) and at national (27%) levels, as well as in dialogues and negotiations. Gender responsive budgeting (GRB) is not yet fully institutionalised, despite improvements, such as regular mention of GRB in budget circulars, submission of gender-disaggregated data by several ministries and municipalities and some officials' improved knowledge about GRB in recent years. While women have started to surpass men at university level, young women are still more likely to drop out from basic education, especially in rural areas. Kosovo has the lowest employment rate in the region, where women are the most represented of all unemployed. Officially, only 13.9% of all women are employed

1 Article 101 [Civil Service] The composition of the civil service shall reflect the diversity of the people of Kosovo and take into account internationally recognized principles of gender equality.

2 Section 13 deals with gender equality in employment

3 <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/XK.pdf>

4 The Council of Europe Convention on preventing and combating violence against women and domestic violence, better known as the Istanbul Convention, is a human rights treaty of the Council of Europe against violence against women and domestic violence which was opened for signature on 11 May 2011, in Istanbul, Turkey. The convention aims at prevention of violence, victim protection and to end the impunity of perpetrators.[1] As of March 2019, it has been signed by 45 countries and the European Union.[2]

5 In 2018, there was an increase of 300 cases compared to the previous year

compared to 46.2% of men (as of 2019). In 2019, the unemployment rate for women was 34.4%, but 60.3% for young women (ages 15-24). In comparison, 22.6% of men⁶ and 44.1% of young men are unemployed. Education, healthcare and trade sectors employ 48% of all employed women. Manufacturing, construction and trade sectors employ 46% of all men. A key factor contributing to women's low labour force participation is care responsibilities, primarily childcare⁷; 32% of women state that this hinders their employment. Formally, women are underrepresented in the agriculture sector, comprising 5% of licensed farmers. Despite improvements, women still own substantially less property (17% of properties) than men. Lack of property ownership, low educational attainment, unregistered labour, poor access to information about subsidies and socialised gender roles undermine their official participation⁸. More women work in health institutions than men. Access to healthcare can differ for women and men, including based on ethnicity and geographic location. Sociocultural boundaries and access to finance undermine women's access in particular. While illegal, and thus rarely disclosed, sex selective abortions still occur, favouring boys (110:100)⁹. Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI) persons continue to face discrimination and unequal access to services.

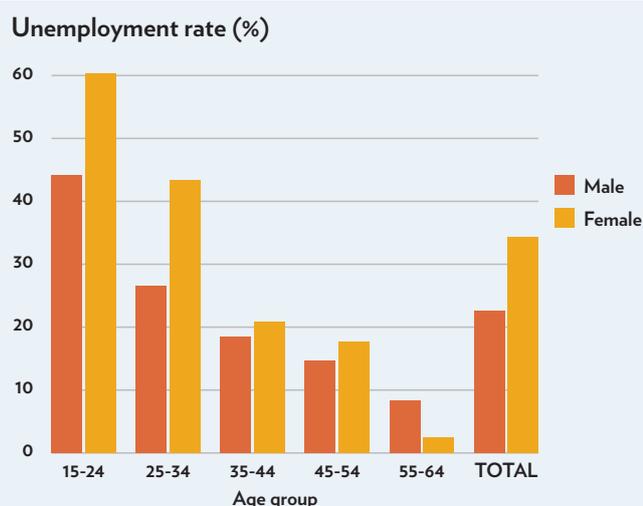


Figure 1: Unemployment rate (%) based on gender and age group
Data source: Kosovo Agency of Statistics (2019)

Gender-based violence, particularly domestic violence, remains widespread. Contributing factors include socialised gender norms and power relations (that underpin male violence), as well as untreated trauma. Institutional response remains weak. There is no comprehensive legal framework or national policy specifically addressing violence against women. However, domestic violence, rape and sexual harassment are addressed by the Law on Protection against Domestic Violence, the Criminal Code and the Law on Gender

Equality respectively. No provision in the Criminal Code specifically addresses and punishes domestic violence. However, in 2010, the Assembly of Kosovo enacted the Law on Protection against Domestic Violence 3L/182 aimed at preventing domestic violence in all its forms through legal measures. The government has also established a National Strategy and Action Plan against Domestic Violence (2016-2020) which details the roles of all actors related to prevention, protection, rehabilitation/reintegration, and coordination in domestic violence cases. Through this plan, the government sponsors and funds programs targeted at female victims of violence, shelters, counselling, health services and education campaigns.

A study conducted by the Kosovo Women's Network identified various issues with implementing legislation on domestic violence¹⁰. These issues included discounting of evidence, rare perpetrator imprisonment, delayed issuance of protection orders, inadequate follow-up of protection orders, and mild sentencing in cases of violating protection orders. Other studies¹¹ have found numerous failures in the institutions' response to such cases, some of which are: lack of capacity to properly handle domestic violence cases, shortage of financial and human resources, unstable situation of the existing shelters, failures to properly coordinate responses amongst different agencies, as well as a general lack of sensitivity by the institutions and society as a whole towards gender-based violence.

Domestic violence cases have increased during the recent years¹². In 2019 a total of 1915 cases were reported to the Kosovo Police. Compared to 2018, there was an increase of around 25% increase or 382 more cases. Gender disaggregated data shows that women are more affected by domestic violence (80%), while all ethnicities and all group ages, including children and the elderly, have been affected by it. Table 1 illustrates the number of domestic violence cases reported to the Kosovo Police during the period 2014-2019.

Kosovo Police Statistics on Domestic Violence

Year	Number of cases	Number of victims	Female victims	Male victims
2014	1,179	1,191	910	281
2015	1,038	1,047	845	202
2016	1,225	1,252	1,065	187
2017	1,269	1,286	1,010	276
2018	1,533	1,562	1,228	334
2019	1,915	1,978	1,593	385

Table 1: Number of domestic violence cases reported to the Kosovo Police during 2014-2019 | Data source: Kosovo Police

6 Source: Kosovo Agency of statistics

7 Parental leave provisions of the Law on Labour require amending, as current gender imbalances constitute a barrier to the hiring of women

8 Kosovo Gender Analysis, Kosovo Women's Network, 2018

9 Kosovo Gender Analysis – Kosovo Women's Network, 2018

10 Farnsworth, N., Qosaj-Mustafa, A., Berisha, A., & Morina, D. (2015). No More Excuses: An Analysis of Attitudes, Incidence, and Institutional Responses to Domestic Violence in Kosovo. Kosovo Women's Network.

11 Kelmendi, K. (2015). Domestic Violence Against Women in Kosovo: A Qualitative Study of Women's Experiences. Journal of Interpersonal Violence, 30(4), 680-702. See also OSCE Mission in Kosovo React Report <http://www.osce.org/kosovo/203051?download=true>

12 Kosovo Police

Child marriage remains prevalent among Roma, Ashkali, and Egyptians¹³. Some parents condone and even arrange these marriages, despite the fact that they are illegal under Kosovo law. Kosovo police and prosecutors do not always enforce the law, attributing child marriage to cultural norms. Insufficient awareness among Roma, Ashkali, and Egyptians of their rights as specified in Kosovo’s legal framework leads to difficulties in implementing the applicable laws. The practice of paying dowries or ‘baba hak’ continues among Roma, Ashkali, and Egyptians, despite legislation against it. Roma, Ashkali, and Egyptians tend to discontinue their education earlier than other ethnic groups, which impacts on their employment prospects and socioeconomic status. Child marriage is not a government priority, particularly compared to other challenges like unemployment. Data is insufficient and inaccurate. Important social and health statistics are not maintained and/or publicly accessible. Such data is crucial for policy, including prevention. Mechanisms for enforcing the legal age of marriage have not been developed, and institutions that could play an important role in prevention and protection shirk responsibilities, using ‘tradition’ as a justification.

Sectors

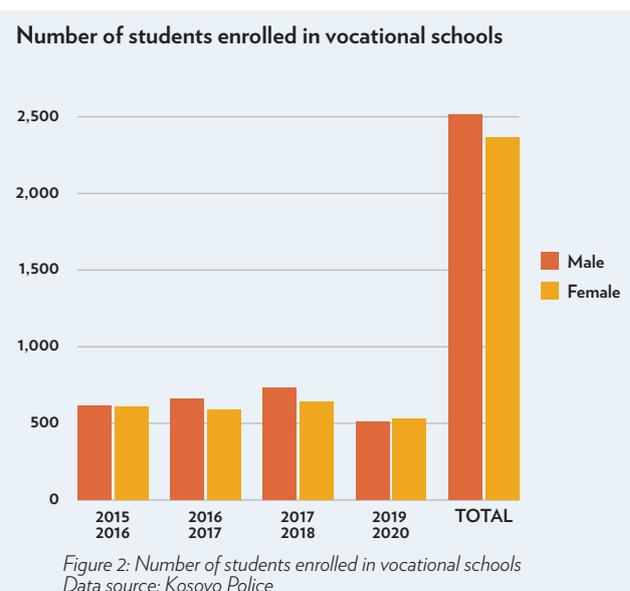
Technical and Vocational Education and Training (TVET)

TVET has the potential to promote the productive participation of women in the labour market, equipping them with the necessary skills to undertake the jobs of the future. However, this potential remains largely unfulfilled in certain occupational sectors, particularly those requiring training in science, technology, engineering and mathematics.

Gender disaggregated data on beneficiaries shows that, on average, more men benefit from the Vocational Training Centres (VTCs) than women, and that women drop out of training in higher numbers than men¹⁴. Employment offices, VTCs, and CSOs, including donor-funded programmes, have sought to offer employment services and professional qualifications for persons who suffered domestic violence in accordance with the actions foreseen in the National Plan KPGE 2020-2024. Employment Offices are responsible for data collection, registration of unemployed persons, offering career guidance and counselling, mediation in employment procedures, informing registered jobseekers about training opportunities, placing jobseekers in vocational training, and providing unemployment statements. VTCs offer vocational training to interested persons referred by Employment Offices. The extent to which such qualifications match labour market demands and/or would lead violence survivors to secure jobs is unclear. Furthermore, it’s doubtful that employment in low wage jobs such as tailoring, hairdressing, and baking (taught in some VTCs) would help women become self-sustainable financially. The

data on Kosovo, as well as the latest ones on the European Union countries¹⁵, show that the employment rate is higher for graduates in vocational schools than for graduates in general school (gymnasiums). Vocational education and training enables young people to develop employable skills from the age of 16 to 18, enabling them to do an early transition from school to employment, helping their economic empowerment.

The main challenges identified in the educational system are as follows: unequal access and opportunities, as well as gender-based exploitation is visible and structured by the planning, managing and financing of the education system; gender discrimination is identified in employment and professional and academic advancement, in curricula and educational materials, as well as in their implementation; lack of infrastructure (specifically pre-school institutions, transport) and security (violence in school, sexual harassment), contributes to the marginalised position of girls and women (dropout, lack of work skills, economic dependency); and formal vocational education reflecting existing gender stereotypes on division of jobs and does not contain choices for the marginalisation of girls and women in the labour market while lacking the informal education policy¹⁶.



Health

Despite considerable investments in Kosovo’s health system by the government and the donor community, a number of significant problems persist. These include poor medical infrastructure, lack of qualified medical specialists, inadequate equipment and medical supplies, doctor absenteeism, and corruption and unethical practices of medical personnel (e.g., doctors who work in both public and private institutions

¹³ Source: <https://kosovo.unfpa.org/sites/default/files/pub-pdf/KOSOVO-English-final.pdf>

¹⁴ Nicole Farnsworth, Ariana Qosaj-Mustafa, Iliriana Banjska, Adelina Berisha, and Donjeta Morina, 2015. No More Excuses- An Analysis of Attitudes, Incidence, and Institutional Responses to Domestic Violence in Kosovo. Kosovo Women’s Network

¹⁵ http://ec.europa.eu/eurostat/statistics-explained/index.php/Employment_rates_of_recent_graduates

¹⁶ Kosovo Programme for Gender Equality 2020-2024

redirect patients to private practices for services that are available in public health clinics). There is also a shortage of reliable health statistics in Kosovo, and very few indicators are gender disaggregated. The available data points to low life expectancy at birth, high maternal mortality, and a low prevalence of contraception use.¹⁷

Generally, women and men face similar obstacles to access to health care. However, women face more socio-cultural barriers. NGO assessments show that women in rural areas and those with less formal education have poorer relationships with service providers than women in urban areas. Existing assessments include the needs of people with disabilities and are addressed in policies, but the LGBTI community is completely excluded. Lack of support for vulnerable groups (especially teenagers and LGBTI persons) contributes to their further marginalisation, including damages to their health status. According to the assessment carried out for the drafting of the Health Sector Strategy 2017-2021, the continuous high rate of disease related to perinatal conditions is of concern, given the fact that most girls and women are of reproductive age. Also, for girls and women aged 15-49 years, the highest morbidity rate was for urogenital system diseases with 10.9%. Regarding sexually transmitted infections and the small number of cases reported, the challenge remains to present cases from all public and private health institutions. Regarding maternal mortality, based on data of Perinatal Report of 2015, a total of 65 deaths have been reported by health institutions from 2000 to 2015¹⁸. This picture of the situation indicates a limited improvement of the situation. According to Law n°02/L-76 on Reproductive Health, Article 3, the Ministry of Health organises and coordinates activities in various fields of health such as sexual and reproductive health during the whole life cycle addressing specific (e.g. teenage) categories, but these services do not reach schools and are not addressed in other sector policies (e.g. education). In the absence of adequate care, as well as advisory and educational services, and as a result of patriarchal norms inside families, teenage girls often do not find the proper support. Also, as evidenced, domestic violence poses a health problem, including victim identification, treatment and referral services, as well as mental health support. There is a lack of specialised health services for victims of sexual violence. Kosovo is characterised by a high average fertility rate. This research shows that in Kosovo, as is the trend in the region, preference for male children results in certain family planning practices. Gender selection is difficult to prove but decisions to have a third child are further influenced by the gender of the children in the family.¹⁹

Gender in programmes implemented by LuxDev in Kosovo

Luxembourg, by adhering, among other things, to the Busan Declaration and the UN Sustainable Development Objectives (especially N°5), is committed to considering the objective of gender equality in all its development efforts²⁰.

Interventions of Kosovo projects incorporating a gender component are summarized below:

Project KSV/017 - Health Support Programme in Kosovo – Phase II

The overall goal of the project is to contribute to the quality of health services to the benefit of the population of Kosovo. The specific objective is to improve planning, leadership and management capacities of the health actors.

As part of the inputs within Result 1 - Task 1, the project provides technical assistance and supports the Ministry of Health in elaborating legal and policy documents. Some legal and policy documents have a special focus on reproductive health such as: “Strategy for Mother and Child and Reproductive Health”, and “Strategy for Health Education”. Both strategies foresee implementation of activities focused on improving access to the services for reproductive and sexual health, capacity development, increasing the knowledge and the awareness of the community regarding reproductive, sexual health and domestic violence, as well as improving capacities in monitoring and evaluation of the indicators for mother and child and reproductive health. The “Strategy for Health Education” also includes activities related to the involvement and awareness-raising activities for Roma, Ashkali, and Egyptian communities. All capacity development activities organised by the project including trainings, workshops and workgroups, encourage and promote equal participation of women and men. In addition, as a part of the quality improvement activities, the project will support the General Hospitals of Prizren and Gjilan in developing quality improvement tools such as standards of operation for Mother and Child and Reproductive health services, patient information sheets and defining quality indicators for service delivery. At Primary Health Care level, the project will support the update of the curricula and teaching modules in Reproductive Health of the specialist training programme in Family Medicine. This year, women represent 59% of the total number of the newly accepted residents in the specialist training of Family Medicine.

17 World Bank. 2012. Kosovo : Gender Gaps in Education, Health, and Economic Opportunities. World Bank, Washington, DC. © World Bank. <https://openknowledge.worldbank.org/handle/10986/26830> License: CC BY 3.0 IGO

18 From 2000 to 2014, the maternal death rate was 14.3 per 100,000 births, while in 2013 and 2014 there were no reported maternal deaths

19 Kosovo Programme for Gender Equality 2020-2024

20 Art. 20.C of the Busan Declaration, 2011

KSV/019 - Technical Assistance in the Context of European Integration

The overall objective of the project is to contribute to Kosovo's efforts to meet the requirements of the Stabilisation and Association Agreement (SAA) with the European Union (EU) by providing support to nine EU acquis chapters and one horizontal theme. One of these Chapters is Chapter 23 "Fundamental Rights; and Public Harmonization Reform", a horizontal priority. Accordingly, there is room to address the gender aspect both in a sectoral and a horizontal context. There is a working group addressing gender equality led by the former Ministry of European Integration²¹ whose purpose is making recommendations on how gender aspects could be mainstreamed into the planning, implementation, monitoring and evaluation of the project and what specific measures accompanying the project may encourage the participation of women in supported activities. Also, training for gender officials and the members of the relevant government committees was foreseen to form part of activities under Chapter 23 and the horizontal priority of Public Administration Reform, acquainting them, for example, with good practices from member states planning and implementing gender equality policies and gender mainstreaming.

As part of the activities of Chapter 23, in 2019, there was a study visit at the European Court of Human Rights. Participants became more familiar with the work of the European Court of Human Rights, witnessing how cases are treated, procedures followed and decisions taken. The practical knowledge gained will serve as guidance for the reforms that are planned in the Justice sector. While Kosovo, after the Functional Review of the Justice Sector, aims to draft the Strategy in this field, the practices from this visit will be used as directions for the Strategy and its Action Plan. During 2020, the following two technical assistance activities were implemented under Chapter 23: drafting a manual for setting up a Human Rights Monitoring System at the national level; and, drafting an operational manual for monitoring the implementation of the Ombudsperson's recommendations.

KSV/020 - Support to Vocational Education and Training Reform in Kosovo – Phase II

The primary focus of the project is to improve the structure and performance of the Vocational Education and Training (VET) system and VET delivery in Kosovo and promoting inclusive and quality education and lifelong learning for all, in line with Sustainable Development Goal (SDG) 4. Gender equality is addressed through improving access to VET by issuing travel vouchers, deployment of school buses and creating adequately equipped antennas of the Centres of Competence, while taking into account gender related issues as well as capacity development through Result 1 "VET policies, system and legislation reviewed and strengthened" and Result 2 "Strengthened VET institutions".

The Project has supported the development of the Administrative Instruction for Women in Technical Profiles in Vocational Education and Training Institutions. This represents a great achievement and an important step in the reform of

the Kosovo VET Legal Framework, aiming at increasing the access of women to neglected profiles and professions. While the AI on scholarships has not entered into force yet, MES issued a Decision no. 2 - 1979, dated 02.11. 2020 on awarding 40 scholarships for young women enrolled in technical profiles and agricultural sector profiles. The agricultural sector scholarships will be supported by MES, while the technical profiles will be supported by the Project KSV/020. By awarding scholarships to young women enrolled in technical profiles, the Project is contributing to the creation of a new trend of inclusion and promotion of technical profiles so that, these profiles become more attractive to young women in the short-term. This will contribute to a higher level of awareness and reduction of stereotypes in the so-called "male professions".

KSV/801 IPA II - European Union Support to Vocational Education and Training (VET), Professional Requalification and Occupation ("ESVET PRO")

The primary focus of the project is to improve the structure and performance of the VET system and VET delivery in Kosovo, as well as promoting inclusive and quality education and lifelong learning for all, in line with Sustainable Development Goal 4. Gender equality is not specifically targeted by the project, gender sensitised measures to foster enrolment and retention of young women are crosscutting issues for the Project and will indeed be supported throughout its implementation. In line with the best international practices, the Project will disaggregate all its indicator values by gender to contribute to the development of an all-inclusive and accountable education and training system. Under Result 2 "Establishment of National Graduate Tracking System", the Project will analyse the employment rate of 15 to 64-year-olds VET graduates to be disaggregated by gender to see the employability of women in the VET sector. Furthermore, under Result 3 "Recognition of Prior Learning", the Project will target both males and females equally; provide equal RPL opportunities for candidates; giving particular attention to increase the awareness of women in neglected profiles and profession and aiming at the reduction of gender stereotypes, It will also provide training opportunities for male and female coordinators, mentors and assessors, promoting equality of opportunities.

Gender issues

Progress on gender equality is linked to progress on the following points:

- Offences relating to child marriage outlined in the Criminal Code should be prosecuted ex officio (automatically); 'tradition' should not suffice as justification for failing to implement the existing legal framework.
- Awareness-raising about rights and options outside violent domestic relationships should target society in general, with the aim of preventing domestic violence and reaching out to survivors with information about assistance.
- The Ministry of Education, Science, and Technology (MEST) should establish procedures to ensure all children complete mandatory primary and lower second-

²¹ this ministry was recently abolished by the current Government and its internal institutional structure was integrated into the Office of the Prime Minister

- ary-level education. This includes establishing procedures between relevant stakeholders for monitoring and reporting cases of potential and actual dropout.
- Social assistance specific for education (e.g., for transport, clothes, and books) could reduce school dropout, encourage increased attendance among impoverished children, and help prevent child marriage, particularly among Roma, Ashkali, and Egyptians.
 - Shelters for survivors of domestic violence are sufficiently funded; the broader legal framework on protection against domestic violence is implemented; and all citizens are aware of their rights and how to access assistance, particularly persons in early marriages who may be particularly vulnerable to violence.
 - Access to healthcare for women and men, including based on ethnicity and geographic location.
 - Support to the Kosovo Agency of Statistics (KAS) in institutionalising regular gender analysis pertaining to the gender pay gap, which will contribute towards establishing the Gender Equality Index.
 - Continued reforms to justice system towards improving effectiveness of processes, including fair, timely address of all cases.

Improvements track

- Help increasing women's voice in decision-making and leadership and improving their livelihood security.
- Use sex-disaggregated indicators and targets in planning, implementation and monitoring.

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