
TWO STEPS FORWARD, ONE STEP BACK

GENDER ANALYSIS OF 2019 EC COUNTRY REPORTS FOR THE
WESTERN BALKANS

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ACRONYMS

BiH	Bosnia and Herzegovina
CEDAW	Committee on the Elimination of all Discriminations Against Women
CSO	Civil society organization
DG NEAR	Directorate for Neighbourhood Policy and Enlargement Negotiations
EC	European Commission
EEAS	European External Action Service
EU	European Union
EUD	European Union Delegation
GAP II	Joint Staff working Document Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020
GBV	Gender-based violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
IDPs	Internally displaced persons
Istanbul Convention	Council of Europe Convention of Preventing and Combating Violence against Women and Domestic Violence
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
NAP	National Action Plan
SGBV	Sexual and gender-based violence
UNSCR 1325	United Nations Security Council Resolution 1325
UPR	Universal Periodic Review

GLOSSARY

The report uses the following definitions based on article 3 of the Istanbul Convention:

Violence against women: is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Domestic violence: shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

Gender: refers to the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.

Gender-based violence against women: shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately.

BACKGROUND AND PURPOSE OF THE ASSESSMENT

COMMITMENTS UNDER THE GAP II

The **EU Gender Action Plan 2016-2020**¹ (GAP II) provides the framework for the European Commission (EC), the European External Action Service (EEAS) and the Member States to deliver support to gender equality through the EU's external action. The GAP II applies to developing, enlargement and neighbourhood countries including fragile, conflict-affected and post-conflict countries and focuses on four pivotal areas (three thematic and one horizontal), as indicated in the box below. The main objective of the GAP II is to progressively change the way in which the EC and the EEAS work on gender issues through an institutional cultural shift. This, in turn, will put the EC in a condition to more effectively contribute to the development of more equal and inclusive societies in the partner countries.

Box 1. Pivotal areas in GAP II

- 1) Ensuring girls' and women's physical and psychological integrity
 - 2) Promoting the economic and social rights / empowerment of women and girls
 - 3) Strengthening girls' and women's voice and participation
- Shifting the Commission's services and the EEAS institutional culture to more effectively deliver on EU commitments

One of the key novelties introduced by the GAP II is the mandatory use of **robust gender evidence** to inform all EU external spending, programming and policy making (Objective 4 of GAP II). The DG NEAR Guidance Note recommends all EU Delegations and Units in DG headquarters to have a gender analysis at the correct level of intervention (at sector level, project level or national regional level) by 2016. The gender analysis or analyses are meant also to inform the choice of the objectives (at least one per each thematic priority) to deliver on during the period 2016-2020.

Box 2. What should the gender analysis include?

According to the Guidance Note developed for DG NEAR and EUD Staff² the gender analysis for the thematic priorities should at a minimum indicate:

- Key statistics on the situation of women and girls, men and boys, which will also provide the baseline for future measurement (relevant statistics that reflect the thematic or concentration areas);
- Key barriers to achieving gender equality (including social norms, legislative, institutional capacity, political will etc.);
- Analysis of additional levels of discrimination (e.g. particular vulnerability of disabled women to violence);
- Existing national gender mechanism in the partner country;
- A mapping of who is active (CSOs, donors, International Financial Institutions, line ministries etc.);
- A mapping of knowledge / information gaps (e.g. sex-age disaggregated statistical information);
- A clear assessment of where the EUD can add value;
- Realistic objectives / opportunities for policy and political dialogue

¹ Joint Staff working Document Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020

² Guidance Note on EU Gender Action Plan 2016-2020 for DG NEAR HQ and EUD staff (1 April 2016).

HOW DOES THIS APPLY TO EC COUNTRY REPORTS?

The new Western Balkans Strategy adopted in February 2018³ provides renewed impetus to the EU's engagement in the region and reinforces its leverage. The EC Country Reports are the **key policy instrument the EU has to monitor progress** of Western Balkan countries on the path towards meeting the accession criteria and to pressure governments into enacting reforms. As a key instrument of the EU, the EC Country Reports should be informed by robust gender evidence to be able to meet the ambitious targets set under the Gender Action Plan. Integrating a gender analysis in the EC Country Reports is key because it allows the EU to 1) identify areas and sectors where gender inequality is still prevalent; 2) use this evidence to promote reforms that are sensitive to the needs of different groups and support gender equality objectives; 3) avoid reinforcing inequalities in its own support to partner countries.

AIM OF THE PRESENT ASSESSMENT

In 2018, Kvinna till Kvinna published the first Gender Analysis of EC Country Reports for the Western Balkans. The aim was to evaluate the extent to which EC Country Reports were based on gender evidence and included sufficient analysis and reference to the situation of women, men, boys and girls in the relevant countries. **This year we performed the same analysis based on the same criteria and compared the results with last year.** The starting point were the instructions included in the Guidance Note developed by DG NEAR for the implementation of the GAP II which provide details about the key components of a gender analysis⁴. We argue that the same components should be included in the EC Country Reports although adapted to the nature of the documents which is not that of an internal gender analyses but rather of external documents of both technical and political nature.

CRITERIA USED FOR THE ASSESSMENT

Based on the key components of a gender analysis suggested by the Guidance Note of DG NEAR for the GAP II, seven criteria were developed to capture the extent to which EC Country Reports are informed by gender analyses and evidence. The selection of criteria is further inspired by the vision, role and mission of the *Kvinna till Kvinna* Foundation which is that of supporting women's rights organisations active in fragile, conflict and post-conflict settings. Hence, the criteria include a strong focus on women and women's organisations.

1. Attention to gender equality (legislation, mechanisms and implementation) including potential barriers to achieving it (social norms, legislative, institutional barriers etc.)
2. Inclusion of key statistics on the situation of women, men, girls and boys
3. Attention to sexual and gender-based violence (including in war crime cases)
4. Intersectionality⁵ including reference to Roma women, women refugees and IDPs
5. Reference to roles and challenges of women's organisations
6. Account of women's roles in peacebuilding, dealing with the past and reconciliation
7. Integration of gender into sections other than the fundamental rights section (i.e. Public administration, Rule of Law, Economic section)

³ [A credible enlargement perspective for an enhanced EU engagement with the Western Balkans](#) (February 2018)

⁴ See box 2 on page 4.

⁵ Understood as the way in which different types of discrimination, because of a person's sex, ethnicity, social class, religion etc., are linked to and affect each other.

DASHBOARD

For each country a traffic light system is used to provide a snapshot of the quality of the reports according to each criterion.

tal rights section (i.e. Public administration, Rule of Law, Economic section)



Green means that the quality of the EC report in relation to the specific criterion is good.



Yellow means that the quality of the report in relation to the specific criterion is somewhat good but could be improved.



Orange means that the quality of the report in relation to the specific category is not very good and presents a number of shortcomings.



Red means that the quality of the report in relation to the specific category is poor.



The upward facing arrow indicates an improvement compared to 2018



The downward facing arrow indicates a deterioration compared to 2018

ALBANIA



Summary

The 2019 Albania Country Report includes meaningful references to the situation of women, including sex-disaggregated data, in the sections on democracy, fundamental rights, social policy and employment. The section on equality between women and men considerably improved compared to 2018. Particularly welcome are this year's references to the key role of women's organisations operating shelters for survivors of sexual violence across the country, the specific challenges Egyptian and Roma women are facing and the need to ensure women's access to justice through the implementation of the (revised) Law on Free Legal Aid which entered into force on 1st June 2018. While cursory references to women are integrated in other sections such as the ones on education and consumer health, most other chapters remain gender blind. Next year, the report would benefit from a thorough analysis of the barriers hindering achievement of equality between women and men and from the adoption of a more coherent intersectional approach.

Attention to gender equality

Compared to 2018, the section on gender equality is more detailed. Legislative novelties such as the amendments to the Law on Measures against Violence in Family Relations, which brings the legislation in line with the Istanbul Convention, are included. Considerable attention is paid to the phenomenon of domestic violence, which continues to be a key concern in Albania, and to the situation of local referral mechanisms in place. Reference and data on trafficked women and girls (not just human beings) are included. However, the section does not include an analysis of the barriers (legislative, institutional or social) hindering the achievement of equality between men and women. The section on LGBTI persons offers a good overview of the existing legislation, steps taken to prevent discrimination in access to health care, education, justice, employment and housing. The lack of court rulings on cases related to sexual orientation and gender identity, the low acceptance and awareness of LGBTI persons fueled by hate speech and discriminatory language in the media show that efforts to implement the National Action Plan on LGBTI persons need to be stepped up.

Inclusion of key statistics

There are statistics on women's representation in parliament, in municipal councils and as mayors. The number of women and girls referred to relevant services as potential victims of trafficking is also included. Figures on the total number of cases of domestic violence reported in 2018 and cases referred to the prosecution office to initiate criminal proceedings are included but are not disaggregated by sex. The latest GREVIO report⁶ indicated the need to improve and harmonise data collection mechanisms on violence against women across the different sectors and ensure that data are also collected for forms of violence other than domestic violence. Sex-disaggregated data are included in the section on social policy and employment also with regards to employment in the agricultural sector and in the informal economy.

⁶ See [Albania Report by GREVIO \(2017\)](#)

Sexual and gender-based violence

Similar to 2018, the report covers extensively the issue of domestic violence and trafficking of human beings (including women) but does not report on other forms of gender-based violence, despite the requirements of the Istanbul Convention. The latest GREVIO report⁷ called on the national authorities to step up efforts to tackle forms of violence other than domestic violence and promote gender-based understanding of violence against women throughout society. The section on trafficking in human beings is rather comprehensive but it could further stress the gender dimension of the phenomenon, the role of women's organisations in managing shelters and providing legal support to victims of trafficking (despite limited funding) and the persisting weakness of the identification and referral mechanisms. The report refers to the need to fully implement the (revised) Law on Free Legal Aid and promote awareness about laws and services to ensure women's access to justice. In fact, the slow implementation of the Law on Free Legal Aid, also due to the failure to adopt sub-laws, the limited budget allocation and the cumbersome procedures requested to applicants, continue to hamper women's access to justice. The report should stress that most services are currently provided by civil society organizations assisting victims of trafficking, violence and other vulnerable groups.

Intersectionality – reference to Roma women, women refugees, women IDPs and other women subject to multiple discriminations

There is considerable attention throughout the report to the Roma and Egyptian communities including with regards to education, employment, access to health and social housing. For the first time this year the section on gender equality includes a welcome reference to the challenges Roma and Egyptian women are facing in particular when it comes to access to services (such as shelters for victims of violence) and access to justice (including under the Law on Free Legal Aid). The report should further strengthen its intersectional approach by referring to other vulnerable groups and instances of multiple discriminations.

References to roles and challenges of women's organisations

The report includes a rather comprehensive overview of the implementation of the legislation on the right of freedom of association and assembly and the 2014 Law on Public Consultation. It also refers to the need to step up the implementation of the roadmap on an enabling environment for civil society and the efforts needed to ensure meaningful consultation with civil society groups as part of inclusive policy dialogues on reforms. Yet, there is no attempt to break down the group "civil society" in its different and heterogeneous components. A welcome reference is to the role of women's organisations managing shelters for survivors of domestic violence and the funding challenges they face is included in the section on equality between men and women.

Account of women's roles in peacebuilding, dealing with the past and reconciliation

There is a welcome reference in the report to the adoption of the first Albanian National Action Plan on UNSCR 1325 in 2018. In the next iteration, it would be important to report on its implementation. There is no reference to women's roles in peacebuilding and reconciliation either in the sections on Regional issues and International Obligations or in Chapter 31 on Foreign, Security and Defence Policy.

Integration of gender into other sections

The section on equality between women and men in employment and social policy is accurate. Obstacles preventing women from joining the labour market, including the lack of kindergardens, early childhood education and care facilities, are mentioned. Other gaps such as gender pay gap, job security, discrimination in the work place could also be included. Concerns are raised over the proportion of women in the informal labour market, especially the textile and shoe industries, and over the lack of disaggregated data on this phenomenon. Other sections like agriculture and rural development, enterprise and industrial policy, remain gender blind. There is a cursory and non-satisfactory reference to women in the section on education and consumer health. The section on the quality and efficiency of justice should recognize the obstacles women face in accessing justice.

⁷ [Albania Report by Grevio \(2017\)](#)

BOSNIA AND HERZEGOVINA



Attention to gender equality



Inclusion of key statistics



Attention to SGBV



Intersectionality – multiple discriminations



Reference to women's rights organisations



Women in peacebuilding



Integration of gender into other sections

Summary

In 2019, the EC published the Opinion on Bosnia and Herzegovina's (BiH's) application for membership of the European Union. The Opinion represents a roadmap and focuses on fourteen key areas where progress is needed for BiH to be able to acquire candidacy status. The Opinion is not a detailed Country Report and therefore, it cannot be fully compared to the 2018 Report⁸. However, a few considerations on how gender equality issues and concerns are integrated in the Opinion can be shared at this point, together with suggestions about aspects which could be further integrated into the 2020 Country Report.

The Opinion is particularly weak on gender equality. Gender as grounds for discrimination is overshadowed by ethnicity with the result that women are almost entirely absent from the Opinion. Issues preventing women from enjoying equal rights are not identified and an intersectional approach is lacking. The Opinion therefore ignores how ethnicity intersects with other social markers such as gender, age, social class, ability, leading to multiple discriminations for example for Roma women. The Opinion fails to refer to the issue of sexual violence against women during the war and how it continues to affect the life of survivors in multiple ways, including the unequal access to justice and compensations in the entities and districts. There is also no reference to political participation of women, which has not improved lately. Gender-based discrimination in employment, women's unemployment rate and high participation in the informal economy are also overlooked. Finally, the Opinion is silent about the role of civil society, including that of women's organisations, in building peace and reconciliation in a political climate which is not conducive to overcoming the legacies of the past. Given its leverage in the country, the EU should remind BiH authorities about their responsibilities with regards to war-time victims of sexual violence, include reference to the most disadvantaged groups in society and recognise and empower civil society organisations working for peace and justice.

Attention to gender equality

The Opinion includes a reference to the body of legislation on gender equality and prevention gender-based violence which are broadly in line with European standards but not sufficiently implemented. No attention is paid to the fact that the Constitution does not include an article on gender equality. The opinion refers to the lack of protection and inclusion of persons with disabilities, children, LGBTI persons, members of the Roma community, detainees, migrants and asylum seekers, but does not pay attention to women facing multiple discriminations as members of these groups. The next Country Report should include reference to the lack of progress on women's political participation including in the executive branch of government where political parties still hesitate to appoint women to leadership positions.

⁸ For this reason, the author decided not to change the assessment in the dashboard (smileys) until the next Country Report is published in 2020. This year's smileys are the same as in 2018.

Inclusion of key statistics

The opinion does not include either data or statistics. In Bosnia and Herzegovina the method for collecting and analyzing data on different phenomena, including that of sexual and gender-based violence, differs between the Federation of BiH and the Republika Srpska, leading to a number of inconsistencies. The EU should encourage BiH to adopt one single methodology for data collection and develop one single database on gender-based violence.

Sexual and gender-based violence

There is a cursory reference to gender-based violence in the section on fundamental rights. The Opinion fails to refer to the need to ensure harmonization of legislation on protection against GBV in the Federation of BiH, Republika Srpska and Brčko district, guarantee access to quality services, including shelters, and discontinue the practice of lenient sentences for perpetrators. Also, the Opinion does not include a reference to BiH's handling of cases of sexual violence during the war (which was included in the 2018 Country Report) and to the status of survivors, ability to access justice and reparations in the different entities. The weaknesses of the witness protection mechanisms in civil procedures for the victims of war crimes are also overlooked. While the BiH authorities call for the need to turn the page and forget the atrocities committed in the 1990s, the EU should not omit reference to the wide-spread sexual violence which took place during the war and continues to impact many women's lives. The recent landmark decision by the United Nations Committee Against Torture to condemn BiH authorities for failing to fulfil their obligations toward a survivor of sexual violence puts the issue again at the forefront of the debate.⁹

Intersectionality – reference to Roma women, women refugees, women IDPs and other women subject to multiple discriminations

The issue of national minorities and their status in BiH is thoroughly covered in the Opinion. The Opinion stresses that the Constitution is in breach of the European Convention on Human Rights and that the rights of citizens belonging to minorities to exercise their electoral rights, be elected in decision-making positions as well as in the executive and legislative bodies are not guaranteed by the law. However, the Opinion does not include an intersectional perspective with the result that cases of multiple discriminations resulting from the intersection of ethnicity with other social markers such as gender, age, ability, is ignored. The Opinion does not refer to Roma women, women from rural areas, elderly women, women IDPs and refugees, women heads of households who are often subject to multiple discriminations.

References to roles and challenges of women's organisations

The Opinion indicates that an enabling environment for civil society is not yet fully in place. There are no references to particular categories of civil society organisations and their respective roles and challenges.

Account of women's roles in peacebuilding, dealing with the past and reconciliation

The Opinion stresses that the environment is not yet conducive to reconciliation and overcoming the legacies of the past. It raises concerns about the revisionism of established facts by high level political leaders and the genocide denial. It calls on all actors to cooperate fully with International tribunals and respect their decisions. The Opinion fails to mention the key role of civil society organisations, including that of women's organisations, in promoting peace and reconciliation, searching for missing persons, providing support and legal aid to survivors of sexual violence, ensuring remembrance includes women victims of the war. No reference is made to BiH National Action Plan on UNSCR 1325.

Integration of gender into other sections

There is no other reference either to women or gender equality in other sections of the Opinion.

⁹ [Bosnia: Landmark decision for a survivor of sexual violence](#) (accessed on 11 September 2019)



Summary

The 2019 Kosovo Report continues the positive trend of integrating a meaningful gender perspective across different criteria and chapters offering a thorough account of women's roles and the challenges they continue to face. In particular, the report moves beyond mentioning women, to actually analyzing obstacles hindering achievement of gender equality such as challenges related to property rights and inheritance, hiring procedures in the private sector, system of maternity and parental leave as well as child-care facilities and flexible work. It also highlights women's active roles and contributions in different areas including public life, at national and local level, and as judges, prosecutors and mediators in the justice system. Areas such as transitional justice and prevention of violent extremism also include a gender perspective. There is a step forward in integrating an intersectional approach with regards to minorities, which should be further strengthened next year. There is a noticeable absence of references to women's roles in peacebuilding, reconciliation, dealing with the past and negotiations which should be attended to.

Attention to gender equality

The report offers a very good overview of gender equality legislation and issues not limited to the section on fundamental rights. As for most Western Balkan countries, the Report concludes that Kosovo's legal framework related to equality between women and men is broadly in line with international standards, but the effective implementation is lagging behind. It further highlights the delays in the adoption of the Kosovo Programme for Gender Equality, the need to finalise legislation and institutionalise gender-responsive budgeting, the lack of sex-disaggregated data in many areas and the non-systematic mainstreaming of gender in laws and policies. The focus on obstacles hindering achievement of gender equality across different sections of the report such as challenges related to property rights and inheritance, hiring procedures in the private sector, system of maternity and parental leave as well as child-care facilities and flexible work are welcome. With regards to LGBTI rights, the report points at the legislative framework mentioning the Constitution (which protects against discrimination based on sexual orientation), the 2015 Law on anti-discrimination and the new Criminal Code which incorporates gender identity as a new aggravation of punishments and sexual orientation and gender identity as new basis for committing incitement to discord and intolerance. However, the report notes, public awareness and acceptance of LGBTI rights is still low and more needs to be done to counter intolerance towards LGBTI persons, including through implementation of the LGBTI action plan.

Inclusion of key statistics

The report includes sex-disaggregated figures and statistic in many sections including with regards to the number of women in parliament and local governments; as judges, prosecutors and mediators; as foreign fighters and returnees from conflict zones; as missing persons; in employment and unemployment. While the report does not include data on domestic and other forms of gender-based violence, it notes that an integrated database for cases of domestic violence was introduced in December 2018.

Sexual and gender-based violence

The Kosovo Report focuses on two key areas namely domestic violence and the status and rights of victims of sexual-violence during the war. On domestic violence, it highlights the increased efforts to implement the Strategy and Action plan on Domestic Violence 2016-2020 since the appointment of the National Coordinator in 2018. A number of positive steps are mentioned, such as the establishment of coordination mechanisms to protect from domestic violence in various municipalities, the setting up of an integrated database for cases of domestic violence and the fact that domestic violence and sexual harassment have been introduced as stand-alone offences in the new criminal code. Concerns are raised about lenient rulings in cases of gender-based violence, the report notes. There is also attention raised to the need of sustainable funding for shelters for victims of gender-based violence and trafficking. The report also covers the issue of the status and ability to access justice and benefits by the survivors of sexual violence related to the conflict in the 1990s who can, as of February 2018, apply to the Government Commission on Recognition and Verification of the Status of Survivors of Sexual Violence during the Conflict for recognition and verification to receive individual benefits.

Intersectionality – reference to Roma women, women refugees, women IDPs and other women subject to multiple discriminations

The report covers in detail the situation of the Roma and Ashkali communities in Kosovo and it mentions that women belonging to those communities are particularly vulnerable. While this is a welcome reference, more could be done to highlight how discrimination acts differently at the intersection of different social markers including sex, age, ethnic group, social class, geographic location and how women (as well as men) are not a homogeneous group.

References to roles and challenges of women's organisations

The report does not make specific reference to women's organizations and their roles and contributions in Kosovo, which is particularly concerning given their crucial role in, for instance, securing access to justice and reparations for women survivors of war-time sexual violence, managing shelters for survivors of gender-based violence, advocating for the adoption of legislation on gender equality, promoting women's political participation and so forth.

Account of women's roles in peacebuilding, dealing with the past and reconciliation

The report highlights the need for the government to develop a comprehensive approach to dealing with the past to be linked to the work on the Truth and Reconciliation Commission and other transitional justice initiatives. It further stresses that these processes need to be locally and nationally-owned, inclusive, gender-sensitive and victim-sensitive. Unfortunately, the report does not stress the importance of meaningful participation of women in peace negotiations and ignores the lack of consultation with civil society, including women's organisations, of the EU-facilitated Belgrade-Pristina dialogue.

Integration of gender into other sections

The inclusion of a gender perspective in the section on violent extremism in the justice, freedom and security section is welcome. Progressively other chapters such as the ones on good neighbourly relations and regional cooperation, environment and climate change, agriculture, transport policy and so forth should follow suit.

MONTENEGRO



Summary

The 2019 Montenegro Country Report continues the positive trend of integrating a gender perspective across different sections. In particular, references to ensuring gender mainstreaming and gender analysis to inform the policy-making cycle in line with the Gender Equality Act and introducing gender budgeting in the Public Administration section are welcome. Data on women's political participation at national and local level are included. Reference to Roma and Egyptian women being subject to multiple discrimination is also welcome. The report could further include findings and recommendations from the 2017 CEDAW Committee Report¹⁰ and the 2018 GREVIO report¹¹. Reference to women's organisations, their role in service provisions for victims of violence and obstacles they face with the new licensing legislation should be included. The report should further highlight social, legislative and institutional barriers to achieving gender equality and include sex-disaggregated statistics and data on the situation of women, men, girls and boys.

Attention to gender equality

Overall the report points at the limited progress observed in 2018 with regards to equality between women and men and raises concerns about the limited impact of the gender equality legislation and of the 2017-2021 action plan. It points at the key gaps, among these the lack of human, technical and financial resources, the failure of the gender machinery in performing its coordinating role, the limited follow up to the recommendations of the CEDAW Committee, the lack of measures to counter stereotypes and discriminatory practices. However, the report could do more to include contextual information and analysis on the social barriers and stereotypes hindering progress towards gender equality. Inclusion of the key findings and concluding observations of the latest CEDAW Report, which among others highlight that the limited impact of the gender equality legislation may point at the lack of political will to prioritise gender equality and non-discrimination, could be included.

Inclusion of key statistics

The report includes data on women's involvement in politics, which continues to be low. In particular, it includes data on the number of women as Members of Parliament (19 out of 81), heads of parliamentary committees (3 out of 14), and as majors and councilors in local municipalities. The report also includes data on women's participation in the labour market, women unemployed and women excluded from the labour market as a result of the implementation of the amendments to the Law on social and child protection, which withdrew the benefits to mothers of three or more. Unfortunately, the report does neither include data on sexual and gender-based violence nor does it refer to the lack of reliable data on these phenomena.

Attention to sexual and gender-based violence

This year's report offers a more exhaustive account of the phenomenon of domestic violence pointing at some of the progress and the many remaining gaps. The report refers to the adoption of the first evaluation report by the Group of Experts on Action Against Violence Against Women and Domestic Violence (GREVIO) in October 2018 and

¹⁰ CEDAW Report Montenegro (2017)

¹¹ [GREVIO Baseline Evaluation Report](#) (2018)

reiterates concerns about lenient rulings and the worrying practice of processing domestic violence cases as misdemeanour offences which risk discouraging victims to report offences. However, the report should also refer to other forms of gender-based violence such as rape, forced marriages and stalking which remain largely unaddressed. It is particularly welcome the reference to the key areas of concern such as social stigma surrounding victims, the use of counselling as an alternative to criminal complaints, delays in handling domestic violence cases and a reluctance to issue protection orders which show the challenges victims face. The report does not include official data on cases of sexual and gender-based violence. The report mentions the issue of sex-selective abortions which continues to be a concern.

Intersectionality – reference to Roma women, women refugees, women IDPs and other women subject to multiple discriminations

The report provides a thorough account of the situation of minorities and in particular the Roma and Egyptian minority. These communities still face unequal access to housing, health, education and there are a number of worrying phenomena such as that of child marriages and begging. The budget for the implementation of the 2016-2020 Strategy for Social Inclusion is still insufficient, the report notes. There is a welcome reference to women in these communities being subject to double discrimination. The report should further expand on the specific vulnerabilities of Roma, Ashkali, Egyptian women with regards to education, access to employment and health care (including contraception). Women and girls from these communities are also particularly exposed to early / forced marriages and vulnerable to become victims of trafficking and other forms of gender-based violence, as indicated by the CEDAW Report¹². The section on refugees and IDPs also should include reference to the vulnerabilities of women refugees, asylum seekers and IDPs.

References to roles and challenges of women's organisations

The legal, institutional and financial situation under which civil society operates improved overall, the report notes, but genuine inclusion of civil society organisations in policy-making processes is still elusive. There is reference to the secondary legislation adopted to implement the Law of NGOs but the report is silent about the restrictive impact of such legislation on the financing of civil society organisations. There are a number of welcome references to the key role of civil society including as watchdog for reform efforts and stakeholder in the EU accession process, although the report recognizes that more could be done to ensure civil society can meaningfully contribute to the process. Unfortunately, as in most other reports, there is no reference to women's organisations despite their key contributions in a number of areas. In particular, no attention is paid to the provision of services to women victims of violence and how the recent legislation establishing new requirements to obtain the license is affecting civil society organisations providing these services.

Account of women's roles in peacebuilding, dealing with the past and reconciliation

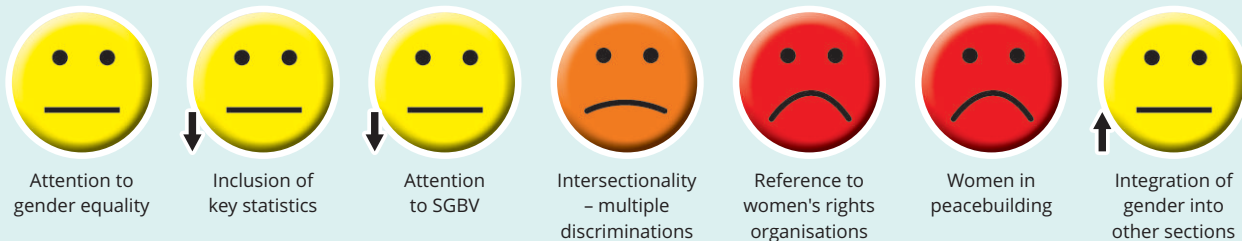
The EU's commitments to women's full participation in peace and security efforts as detailed in the EU's Strategic Approach to Women, Peace and Security (2018) and the following Action Plan (2019) should be part and parcel of the accession criteria and reported on. Yet, the report does not refer to either gender or women in the section on Regional issues and international obligations or Chapter 31 on Foreign, Security and Defence Policy. The report should include information on the implementation of UNSCR 1325 by Montenegro under the current National Action Plan 2017-2018.

Integration of gender into other sections

The report includes data on women's participation in politics both at national and local level and reference to the role of the Women's Political Network. Overall, the report offers a detailed overview of women's participation in the labour market and the obstacles they still face in accessing permanent employment. The need to fight the grey economy, in which women are often employed, and to introduce better quality employment measures for women is included in the chapter on social policy and employment. The impact of the amendments to the Law on Social and Child Protection on mothers of three who have now been excluded from the labour market are reported on. Chapter 28 on Consumer and health protection refers to challenges in accessing health services for vulnerable groups including people with disabilities, women in prostitution and LGBTI persons. Chapter 20 on Enterprise and Industrial Policy refers to the 2015-2020 strategy for the development of women entrepreneurship. Other sections such as Education and Culture, Science and Research, Agriculture and Rural Development and Energy are still gender-blind.

¹² See page 5, 6, 8, 9, 10, 11, 13 of the CEDAW Report on Montenegro (2017).

NORTH MACEDONIA



Summary

The 2019 EC North Macedonia Country Report offers an overview of the institutional and legislative framework on gender equality and is particularly thorough on the progress and challenges for LGBTI rights. However, it lacks a coherent analysis of the key obstacles to achieving gender equality such as social attitudes, discrimination in the work-place or the impact of gender-based violence. Also, the issue of violence against women is poorly covered in the report with no reference to current gaps in legislation and to the prevalence of gender-based violence and high number of femicides. An intersectional perspective is generally missing with no reference to women subject to multiple discriminations in employment, access to education, health care and housing, despite clear findings and recommendations of the 2018 CEDAW Report¹³. No mention is made to the fact that the wide-spread phenomenon of human trafficking mainly affects women and in particular women from already vulnerable groups.

Attention to gender equality

Similar to 2018, the section on equality between women and men offers an overview of the legislative framework on gender equality and refers in particular to the adoption of the National Action Plan for Gender Equality (2018-2020). The adoption of a new Law on Termination of Pregnancy which removes some of the restrictions and administrative obstacles introduced in 2013 is also acknowledged. The report also refers to the reviews under the Universal Periodic Review process and the CEDAW Committee, highlighting the need to comply with the recommendations. The Report would benefit from the inclusion of references to the key findings of the 2018 CEDAW Report including with regards to stereotypes and harmful practices, access to justice, gender-based violence against women, trafficking of women and exploitation of prostitution. The report accurately reflects the progress and gaps on LGBTI rights. It refers to the legislative progress, in particular the adoption of amendments to the Criminal Code and of the new Law on Prevention and Protection from Discrimination which includes sexual orientation and gender identity as grounds for protection. It highlights the positive attitude of the political leadership and inter-party group of 13 Members of Parliament who continue to advocate LGBTI rights. However, it also stresses that more needs to be done to prevent and combat societal prejudice, homophobic and transphobic hate speech and violence, discrimination and widespread intolerance. Reference to access to healthcare of transgender persons and to the progress on adopting legislation for the legal recognition of gender are welcome.

Inclusion of key statistics

Similar to 2018, the report includes sex-disaggregated statistics in the sections on elections, governance, public administration and employment. Data on employment are disaggregated by age and sex and there are statistics on the gender pay gap. There is reference to the need to strengthen administrative data collection to support decision-making processes. There is no specific reference to the absence of a comprehensive system to collect data, disaggregated by relevant factors, concerning the various forms of gender-based violence against women and girls and the related recommendation put forward by the 2018 CEDAW Report.¹⁴

¹³ CEDAW Report on North Macedonia (2018).

¹⁴ Page 8, CEDAW Report on North Macedonia (2018)

Sexual and gender-based violence

The report's attention to sexual and gender-based violence is limited to the adoption of the National Action Plan for the implementation of the Istanbul Convention (2018-2023) and to the setting up of three new shelters for victims of violence. The report does not refer to the fact that current legislation does not recognize all forms of gender-based violence against women and girls including physical, sexual, psychological, and economic violence, in public and private spheres and that current legislation on domestic violence is gender-neutral. It also fails to highlight the high-prevalence of gender-based violence against women, including the high number of femicides. The report is also silent about the challenges facing women victims of violence in acquiring temporary protection orders, the lack of mechanisms to ensure reintegration and resocialisation for victims of sexual violence and the lack of reliable system to collect sex-disaggregated data on sexual and gender-based violence. The findings of the 2018 CEDAW report should be referenced in the next report.

Intersectionality – reference to Roma women, women refugees, women IDPs and other women subject to multiple discriminations

The report extensively refers to the issue of Roma refugees from Kosovo and the challenges related to the integration of the Roma minority across different chapters. There is reference to the Roma Inclusion Strategy (2014-2020) and corresponding action plans for education, employment, health, housing and gender. There is a cursory reference to Roma girls falling behind the average rate of completion of compulsory education due to early marriages but no further details are provided with regards to multiple discriminations faced by Roma women and other minority groups. The 2018 CEDAW Report highlights the multiple and intersectional forms of discriminations towards Roma women, women in rural areas, migrant, asylum seekers, refugee women and women in prostitution and recommends the adoption of a targeted plan for the implementation of the Law on Equal Opportunities for Women and Men for these groups.¹⁵ The reference to transgender persons in the section on LGBTI persons is welcome.

References to roles and challenges of women's organisations

The report refers to the improved climate for civil society organisations to operate in and their constructive role in the democratic process supported by the adoption of strategic documents guiding the cooperation between government and civil society. The report highlights the need for increased transparency, meaningful consultation processes as well as financial sustainability. There continues to be no specific mentioning of the challenges of either women activists or women's organisations.

Account of women's roles in peacebuilding, dealing with the past and reconciliation

The EU's commitments to women's full participation in peace and security efforts as detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 should be part and parcel of the accession criteria and reported on. In particular, Chapter 31 on Foreign, Security and Defence Policy should include reference to efforts (or lack of) to implement UNSCR 1325, mentioning for example that there has been no Action Plan since the previous ended in 2015.

Integration of gender into other sections

The report includes references to women in the sections on parliament, governance, public administration, labour market, social policy and employment, health and consumer sections. The section on equality between women and men in employment and social policy is more detailed than in 2018, offering an overview of the legislative changes impacting women in employment including the new Law on Prevention and Protection against Discrimination, adopted in March 2019 and the 2018-2020 National Action Plan for Gender Equality, adopted in 2018 and currently being implemented. The report notes that the Ministry of Labour and Social Policy started to develop a national gender equality index in cooperation with the State Statistical Office. The specific reference to the gender pay gap in the private sector is welcome. There is a cursory reference to women's entrepreneurship. Other sections such as Education and Culture, Science and Research, Trade, Agriculture are still gender blind.

¹⁵ Page 4, Ibid.

SERBIA



Summary

The 2019 Serbia Country Report provides an overview of the current legislative and institutional developments with regards to gender equality. The section on LGBTI rights is accurate and the reference to transgender and intersex persons is particularly welcome. Similar to 2018, there continues to be an effort to adopt an intersectional perspective in the section on equality between women and men where older, rural, Roma women and women with disabilities are mentioned. However, the reports fails to mention the increase in anti-gender public discourse and backlash in the perception of gender equality fueled by high-level figures and media. The section on violence against women should not only cover domestic violence but other forms of gender-based violence as mandated by the Istanbul Convention. There is no reference to the gender aspects of the conflict and of peacebuilding and reconciliation efforts. There is no longer reference to addressing sexual violence in conflict (which disproportionately affected women) or to UNSCR 1325, both of which were included in the 2018 report. Also, women's contributions towards building peace across ethnic communities are ignored.

Attention to gender equality

The report identifies the gaps in the current legislative and institutional framework on gender equality in Serbia, highlighting the delays in the adoption of the new Law on Gender Equality and on a new anti-discrimination strategy (expired in January 2018), the unclear division of roles on gender equality between the Ministry of Labour and the coordination body for gender equality. There is a reference to the role of media in perpetuating gender stereotypes and minimizing gender-based violence. Next year, the report should include references to the conclusions of the 2019 CEDAW Report¹⁶ which points at the increase in anti-gender public discourse and backlash in the perception of gender equality fueled also by misogynist statements expressed by media, high-ranking politicians, religious leaders and academics. The section on LGBTI rights is accurate in analyzing progress but also persisting discrimination against LGBTI persons. Progress was registered in education, particularly text books, and amendments to the law on birth registry. Concerns are raised however about the low implementation of the expired non-discrimination strategy and implementation of hate crime legislation. There is a welcome reference to transgender persons who are particularly vulnerable to violence, abuse and discrimination and to intersex persons who are invisible both socially and legally.

Inclusion of key statistics

The report includes statistics on women in elected positions, unemployment rate of women and Roma women. There is no data on cases of gender-based violence. Next year the report should refer to the CEDAW's report recommendation to enhance the data collection system for all forms of gender-based violence, with disaggregation of data by type of violence and by relationship between perpetrator and victim and to accelerate the creation of a central register for cases of domestic violence under the Ministry of Justice.¹⁷

¹⁶ Page 5, CEDAW Report on Serbia (2019).

¹⁷ Ibid, page 7.

Attention to sexual and gender-based violence

The report refers to the delays in the adoption of a new law and strategy on violence against women, which are long overdue. There is also reference to the first national report on the implementation of the Istanbul Convention on violence against women to the Council of Europe submitted by the coordination body for gender equality in July 2018. Next year, the report should include reference to the key findings of the 2019 CEDAW report which raises concerns about, among others, the high prevalence of physical violence against older women, an increase in all forms of gender-based violence against women with disabilities, the frequent misuse of fire arms in domestic and intimate partner violence, a lack of effective prosecution of cases of gender-based violence against women, a persistent disparity between the number of criminal charges and the number of convictions, the low number of reported rape cases. Also, this year's report omits any reference to sexual violence in conflict and efforts to address it (or lack thereof), contributing to making the issue of sexual violence perpetrated during the conflict, as well as the victims, invisible.

Intersectionality – reference to Roma women, women refugees, women IDPs and other women subject to multiple discriminations

There is an attempt to include an intersectional perspective in the section on equality between women and men where reference to older, rural, Roma women and women with disabilities is included. The report covers extensively the integration of minorities including specifically the Roma minority and there are data about Roma women's unemployment. Next year the report could include specific recommendations on access to employment, health care, education, participation in political and public life for Roma women, older women, poor women, women with disabilities, refugee and internally displaced women, women heads of households based on the 2019 CEDAW report.¹⁸

References to roles and challenges of women's organisations

The report clearly states that there has been no progress with regards to establishing an enabling environment for the development and financing of civil society organisations. The report acknowledges the key role of civil society organisations and human rights defenders who continue to raise awareness about civil and political rights in an environment not open to criticism, with the authorities making negative statements, echoed by the media, about civil society. A recent report highlights how authorities keep undermining the work of independent control institutions and how NGOs are declared “enemies” and “traitors”. The Country Report does not include references to the role of women's organisations despite their crucial contributions in different areas. For example, it should include reference to the fact that support to victims of gender-based violence is mainly run by women's NGOs and remains donor-dependent and to the role of women's organisations in supporting peacebuilding across ethnic lines.

Account of women's roles in peacebuilding, dealing with the past and reconciliation

The EU's commitments to women's full participation in peace and security efforts as detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 should be part and parcel of the accession criteria and reported on. Despite the differentiated impact of the conflict on women and men and the active role of women and women's organisations, there is no reference to either women or gender in the section on good neighbourly relations and regional cooperation. The gender dimension of the conflict is entirely ignored and there is no longer reference to the sexual violence perpetrated during the conflict, which affected women disproportionately. There is also no reference to women's activism in promoting reconciliation across ethnic communities. Sadly, this year's report also removed previous references to UNSCR 1325 and the related Serbian National Action Plan.

¹⁸ Ibid. page 6, 8, 10, 12, 13.

¹⁹ [Report on Progress of Serbia on Chapter 23 and 24](#), PrEUgovor (2019).

Integration of gender into other sections

The section on the parliament includes data on women in elected positions. The section on employment and social affairs offers a good analysis of the obstacles keeping women out of the formal economy, including unpaid work in the household, taking care of children, sick and/or elderly people, inadequate support to women in reconciling work and family responsibilities, employers' discriminatory treatment of young women, the existing wage gap, lower statutory retirement age, as well as the existence of a statutory minimum base for social insurance contributions, which discourages formal part-time work. Unfortunately, as mentioned previously, the section on good neighbourly relations and regional cooperation is entirely gender blind as are other sections such as Education and Culture, Science and Research, Trade, Agriculture and Rural Development, and Energy.

COMPARATIVE ANALYSIS AND RECOMMENDATIONS

Similar to 2018, the 2019 EC Country Reports continue to offer a mixed picture on the inclusion of a gender perspective, use of sex-disaggregated data and overall representation of women and girls in society. Most Country Reports include references to women and girls primarily in the Chapters on Judiciary and Fundamental Rights (Chapter 23) and on Social Policy and Employment (Chapter 19). **Men are still considered the default category while women are the marked, non-default category in most Country Reports.** Entire chapters including Education and Culture (Chapter 26), Science and Research (Chapter 25), Agriculture and Rural Development (Chapter 11), Environment and Climate Change (Chapter 27), Foreign Security and Defence Policy (Chapter 31) as well as the section on good neighbourly relations, continue to be overwhelmingly gender blind.

While gender analyses have been completed by the EU in all Western Balkan countries, much remains to be done **to ensure gender evidence is systematically included into EC Country Reports and informs decision-making on external spending, policy-making and programming** as mandated by the EU Gender Action Plan II. Gender analysis should not be viewed as a “tick the box” exercise but as a tool to ensure EU policies in the Western Balkans (as in other parts of the globe) capture, reflect and address the situation and needs of women, girls, men and boys as well as groups with specific vulnerabilities in each country. Ignoring differences among various groups and within social groups on issues like access to justice, equal treatment at the work place, inheritance rights, access to health services and so forth means normalizing discrimination.

All Country Reports would benefit from the inclusion of specific references to the findings and recommendations of the international committees and groups of experts mandated to monitor the progress on women's rights and violence against women such as CEDAW and GREVIO. Most Country Reports fail to adopt a **meaningful intersectional approach** with the result that women from minority groups such as Roma, Egyptian and Ashkali women and women refugees, asylum seekers and IDPs, women from rural areas, women heads of households and women with disabilities are usually forgotten. Also, while the reports cover the issue of civic space, no attention is paid to the role and challenges of women's organisations and to the **gender dimension of the shrinking space** phenomenon.

While much remains to be done to ensure the EC Country Reports incorporate a coherent approach to gender across the board, some countries clearly made a leap forward in the right direction. **Albania's, Kosovo's and Montenegro's Country Reports are leading** the lot by meaningfully integrating gender evidence and reflecting on barriers hindering progress toward gender equality in several sections. Particularly welcome is the Albania's report reference to the key role of women's organisations operating shelters for survivors of sexual violence across the country and to the multiple discriminations Egyptian and Roma women are facing. Kosovo's report analyzes key obstacles facing women in relation to property rights and inheritance, hiring procedures in the private sector, system of maternity and parental leave as well as child-care facilities and flexible work. It also highlights women's active roles and contributions in different areas including public life, at national and local level, and as judges, prosecutors and mediators in the justice system. Particularly welcome are the Montenegro's report reference to the key areas of concern on gender-based violence such as social stigma surrounding victims, the use of counselling as an alternative to criminal complaints, the delays in handling domestic violence cases and a reluctance to issue protection orders which show the challenges victims face.

Bosnia Herzegovina's Opinion, North Macedonia's and Serbia's Country Reports are still lagging behind on the integration of a meaningful gender perspective across key sections. While both North Macedonia's and Serbia's Country Reports are strong on LGBTI issues and include welcome references to transgender and intersex persons, other sections such as the one on gender-based violence and discrimination could be strengthened. Serbia's Country Report should have also mentioned the anti-gender discourse which is on the rise among politicians, religious leaders, academics and the media and the backlash on the perception of gender equality. The Opinion on BiH is particularly weak on gender equality. Despite the differentiated impact of the conflict on women and men, there is no reference to the sexual violence perpetrated during the conflict, which affected women disproportionately, and to the status and access to justice of survivors of sexual violence, which continues to be a serious problem in BiH.

Based on the analysis, we believe that DG NEAR should:

- 1) Ensure Country Reports are informed by a gender analysis / sectoral gender analyses (for sections such as agriculture, environment and climate change, consumer and health protection)**
- 2) Report not just on gender equality legislation but also on institutional, social, legal and cultural barriers hindering progress towards gender equality and refer to CEDAW and GREVIO reports**
- 3) Include key statistics and sex-disaggregated data across all sections and include reference to the source; where sex-disaggregated data are not available, include recommendations on data collection mechanisms**
- 4) Report on different types of gender-based violence against women not limited to domestic violence according to the Istanbul Convention**
- 5) Provide harmonised reporting on various forms of gender-based violence across the reports based on agreed definitions and include a glossary with relevant definitions**
- 6) Adopt an intersectional perspective to highlight interlocking systems of discrimination; report on the multiple discriminations faced by Roma, Egyptian and Ashkali women, women refugees, asylum seekers and IDPs, women with disabilities, women from rural areas and women heads of households**
- 7) Include a gender perspective in peacebuilding, reconciliation and transitional justice and report on the implementation of UNSCR 1325**
- 8) Provide a thorough account of the situation of women survivors of sexual violence during the war including existing legal frameworks, access to justice, redress mechanisms and reparations**
- 9) Report on the role of women's organisations in the section on civil society, including their role as service providers and their contributions to peace and reconciliation**
- 10) Include a gender-sensitive analysis of the phenomenon of shrinking space and the differentiated impact on women's organisations and women activists**