

A STITCH IN TIME SAVES NINE

GENDER ANALYSIS OF THE 2021 EUROPEAN COMMISSION
COUNTRY REPORTS FOR THE WESTERN BALKANS

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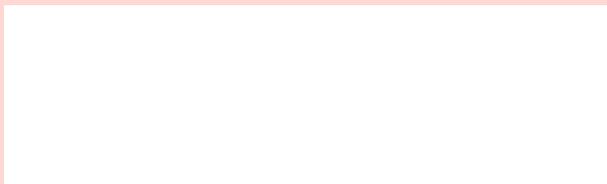
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Acronyms

BiH	Bosnia and Herzegovina
CEDAW	Committee on the Elimination of all Discriminations Against Women
CSO	Civil society organisation
DG NEAR	Directorate for Neighbourhood Policy and Enlargement Negotiations
EC	European Commission
ECHR	European Court of Human Rights
EEAS	European External Action Service
EIGE	European Institute for Gender Equality
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
GAP III	Joint Communication to the European Parliament and the Council: Gender Action Plan III – An Ambitious Agenda for Gender Equality and Women's Empowerment in External Action 2021-2026
GBV	Gender-based violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
IDPs	Internally displaced persons
ILO	International Labour Organisation
Istanbul Convention	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
LGBTQI	Lesbian, Gay, Bisexual, Trans, Queer and Intersex
NAP	National Action Plan
NEET	Not in Education, Employment or Training
NGO	Non-governmental organisation
ODIHR	Office for Democratic Institutions and Human Rights
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 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.

Gender-mainstreaming¹: the systematic consideration of the differences between the conditions, situations and needs of women and men in all policies and actions



¹ Definition by EIGE available at <https://eige.europa.eu/thesaurus/terms/1185?lang=en>

Photographer: Imrana Kapetanović

Executive summary and recommendations

According to the Gender Action Plan III² (GAP III), **gender equality is a cross-cutting priority of EU external action** in its policy and programming work. The European Commission and the European External Action Service committed to 85% of all new actions to contribute to this objective by 2025. This requires further gender mainstreaming in all external policies and sectors and a gender-transformative, rights-based and intersectional approach, as demanded by GAP III. Gender mainstreaming, which is defined as “the systematic consideration of the differences between the conditions, situations and needs of women and men in all policies and actions”³, continues to be the primary means to achieve gender equality by the EU, according to the GAP III.

The **EU Accession policy, considered by many the most effective EU foreign policy**, is a key channel for promoting the adoption of gender equality legislation in line with the EU *acquis* and gender-sensitive reforms across Western Balkan countries. The building of democratic states based on the rule of law, human rights and protection of minorities cannot be realised without a strong embracement of the gender equality principle and standards. In the road to accession, the EU has the strongest political and economic leverage vis-à-vis Balkan countries and should make the most of it. This calls for clear guidance from the EU to the national governments about what reforms to prioritise, how to gender mainstream policies, strategies and legislation in line with the EU *acquis* and, crucially, how to move from policy to effective implementation. The Country Reports continue to be one of the key tools to exert pressure on national governments to enact reforms and change legislation and practices.

However, efforts to gender-mainstream EU policy documents and reports in the framework of the EU Accession process remain weak. The gender analysis of the 2021 Country Reports for the Western Balkans suggests that overall gender mainstreaming on the enlargement package is improving but at a very slow pace and there are cases of regression compared to previous years. **Attention to gender issues is clearly not sown into the fabric of the Country Reports and continues to appear as an add-on.** This year, the Kosovo and Montenegro report lead the way with thorough integration of a gender perspectives in many sections, Albania considerably improved while in the North Macedonia, Bosnia and Herzegovina and Serbia reports attention to gender issues either declined or stayed the same. Overall, the sections on fundamental rights and Chapter 19 (Social Policy and Employment) continue to draw most attention to the situation of women and girls, often featuring official recommendations related to gender equality (see Annex 1). The section on political criteria also generally improved but most other chapters continue to be gender-blind or to include only cursory references to women and girls.

First and foremost, **not all Country Reports include official recommendations related to gender equality**⁴ although none of the Western Balkan countries have met all the requirements when it comes to gender equality legislation, implementation and standards. This seems to suggest that gender equality issues are not seen as a high political priority by the EU, therefore undermining its own principles. The Montenegro Report ranked first this year with three official recommendations related to women's political participation, access to justice and quality employment measures for women and other groups. Bosnia Herzegovina ranked last with not a single recommendation focused on improving gender equality legislation or standards, having removed the recommendation from last year's report focussing on harmonising maternity benefits.

² Joint Communication to the European Parliament and the Council – EU Gender Action Plan III – An ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action (2020)

³ Definition by ElGE available at <https://eige.europa.eu/thesaurus/terms/1185?lang=en>

⁴ See Annex 1.

Also, the **EU's position on democratic backsliding in some of the countries** in the region remains weak and it fails to send a strong political message to governments. For example, while the democratic backsliding of Serbia is considered among the worst globally in the past 10 years⁵ including decline in clean elections, control of media space, attacks on civil society and journalists, violent repression of protests, lack of independence of the judiciary, the Country Report never uses the word “backsliding”. Gender equality continues to be a litmus test of the state of a democracy and, conversely, it cannot thrive in context where democratic principles are not upheld. Window dressing exercises by the government cannot be considered even moderate progress and stronger political messages and recommendations need to be captured in the report.

The **impact of Covid-19 on socio-economic development** in the Western Balkans countries was covered in most reports however only a few analysed the differential impact of the pandemic on men, women, minorities and vulnerable groups. The gendered impact of the pandemic on unpaid care work, gender-based violence linked to confinement measures, jobs in the informal economy and in the third sector, health inequalities, including access to health and reproductive rights, to name a few, are already well researched⁶ and should be mentioned. On one end of the spectrum, the Kosovo report analyses the impact of Covid-19 on women and men, vulnerable groups and minorities. It further highlights that women were affected more than men in employment given their large presence in the informal economy. Effects on services for victims of gender-based violence and trafficking are also accounted for. On the other end of the spectrum, the Bosnia and Herzegovina report does not account for the impact of Covid-19 on women, men, minorities and vulnerable groups. None of the reports looked at the recovery measures adopted by the governments from a gender-perspective although many women's organisations raised their concerns about the access to such measures for Roma, women in precarious jobs and in the informal economy, LGBTQI persons.

While **gender-based violence against women** continues to be a key area of focus in the Country Reports, there are considerable disparities in the way in which this is reported on in the different countries. First and foremost, there is no agreed terminology with some reports referring to violence against women as an umbrella term, others to gender-based violence or domestic gender-based violence only. The Kosovo and the Montenegro reports include the most thorough analysis of this phenomenon with clear terminology and an approach that, in line with the Istanbul Convention, covers not only domestic violence but also other forms of gender-based violence including conflict-related sexual violence, trafficking, body-shaming, sexual harassment in the workplace and forced marriages. The North Macedonia report is among the weakest this year with no data and little analysis of the situation in the country in relation to different forms of gender-based violence.

A gender perspective is generally missing from the analysis of the legacies of the 1990s conflicts. While Country Reports tend to cover the outstanding issues of refugees, displaced and missing persons the situation of war-time sexual violence victims/survivors is not sufficiently addressed in the sections on handling of war-crimes cases. The Serbia report fails to mention it altogether. Also, the issue of **women's participation in prevention, protection, peacebuilding, recovery and rehabilitation is entirely absent from the relevant chapters** (Chapters 31 Foreign, Security and Defence Policy and chapters on Normalisation of Relations between Serbia and Kosovo) despite the EU's and Western Balkan countries' commitments to UNSCR 1325. The EU's neglect of the women, peace and security agenda in the context on the Accession process, from the Serbia-Kosovo dialogue to the Strategies for the Western Balkans and the Country Reports, undermines its credibility as a value-based international actor and mediator. If it is serious about it, the EU should weave the relevant elements of its Strategic Approach to UNSCR 1325 in the Accession process monitoring and in the Serbia-Kosovo dialogue.

The intersectional approach in the Country Reports is improving with **more attention paid to women belonging to minorities, women with different abilities, elderly women, and women from rural areas**. For example, the Albania Report looks at women from minority groups in Chapter 28 (Consumer and Health Protection) including a specific recommendation on access to health for multiple-marginalised women. **Sex-disaggregated data** should be beefed up in all Country Reports with references to the data from the Gender Equality Indexes, now adopted by four countries (Serbia, North Macedonia, Albania and Montenegro⁷) and from reports published

⁵ See for example The Global State of Democracy Report (2021)

⁶ See for example The Pandemic Knows no Gender? Kosova Women's Network (2020).

⁷ Serbia launched its latest Gender Equality Index in 2021, Montenegro and Albania in 2020 while North Macedonia in 2019. Ideally, Gender Equality Indexes should be revised based on new data at least every other year.

by women's CSOs⁸ and other public sources. For example, the Serbia report lacks data on gender-based violence although reports exist from women's civil society organisations.⁹ Where official data is missing, the Country Reports should include a specific recommendation to authorities to improve collection of sex-disaggregated data and public access to data.

Based on this year's analysis we recommend DG NEAR to:

- 1) Increase senior leadership support for and attention to gender equality as a vital component of the Accession process and ensure thorough gender mainstreaming of Country Reports**
- 2) Adopt clear guidelines for gender-mainstreaming of the Country Reports with prompts and a list of minimum requirements to be revised by the Gender Focal Point**
- 3) Use the Gender Country Profiles and sector analyses required by GAP III to inform the Country Reports and ensure alignment between the priorities and objectives set out in the Country-Level Implementation Plans for GAP III and the benchmarks in EU accession process**
- 4) Ensure Country Reports include clear, practical and action-oriented official recommendations for governments on gender equality issues (in the grey boxes)**
- 5) Include key statistics and sex-disaggregated data across all sections and include reference to the source; where official data is not available use the Gender Equality Indexes and sources from civil society and think tanks; where relevant include recommendations on data collection mechanisms**
- 6) Adopt common language and definitions to report on all forms of gender-based violence according to the Istanbul Convention not limited to domestic violence**
- 7) Adopt an intersectional perspective to highlight interlocking systems of discrimination faced by Roma, Egyptian and Ashkali women, women refugees, asylum seekers and IDPs, women with different abilities, women from rural areas and women heads of households**
- 8) Include a gender perspective in peacebuilding, reconciliation and transitional justice and report on the implementation of UNSCR 1325. Ensure it is included in the Chapter on Foreign, Security and Defence Policy, Good Neighbourly Relations and Regional Cooperation.**
- 9) 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**
- 10) Report on the role of women's organisations in the section on civil society, including their role as service providers, their contributions to the EU integration process and their peacebuilding and reconciliation work**

⁸ For example, Women's Rights in the Western Balkans (2020) by Kvinna till Kvinna

⁹ For example, Ninth Report on the Independent Monitoring of the Law on the Prevention of Domestic Violence in Serbia January – December 2020, Autonomous Women's Center (2021).

Background and purpose of the assessment

Commitments under the GAP III

On 25th November 2020, the EU adopted **the Gender Action Plan III (2021-2026)**¹⁰ (GAP III) to reaffirm EU's commitments to support gender equality and women's empowerment through its external action. The GAP III builds on the results of the previous plan, a global consultation with civil society and an external independent evaluation of the GAP II.¹¹ The GAP III comes at a crucial crossroad for women's rights globally as the impact of the Covid-19 pandemic risks rolling back fragile gains for women and girls registered over the last 10 years. Similar to the previous one, the GAP III applies to developing, enlargement and neighbourhood countries including fragile, conflict-affected and post-conflict countries.

Box 1.

Pivotal areas in GAP III

- 1) Ensuring freedoms from all forms of gender-based violence
- 2) Promoting sexual and reproductive health and rights
- 3) Promoting the economic and social rights / empowerment of women and girls
- 4) Promoting equal participation and leadership
- 5) Integrating the Women, Peace and Security Agenda
- 6) Addressing the challenges and harnessing the opportunities offered by the green transition and the digital transformation

Based on the recommendations of the external evaluation, the GAP III recognises the need for a more strategic, coordinated and coherent engagement of the EU at country level through the development of **Country-level Implementation Plans (CLIPs)** which will set policy priorities, key actions and objectives for each country. These plans, now being developed in partnership with national stakeholders, are also meant to be informed by **Gender Country Profiles** and updated sector-specific **Gender Analyses** for the priority areas. CLIPs should also further inform the EC Country Reports.

Box 2.

What should the gender analysis include?

According to the Guidance Note developed for DG NEAR and EUD Staff¹² under the previous GAP II, which is unlikely to change substantially under the current plan, 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

¹² Joint Communication to the European Parliament and the Council – EU Gender Action Plan III: An ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action and related Staff Working Document

¹¹ Evaluation of the EU's External Action Support to Gender Equality and Women's and Girls' Empowerment (2010-2018)

¹² 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 Western Balkans Strategy adopted in February 2018¹³ provided renewed impetus to the EU's engagement in the region and reinforced its leverage. The EC Country Reports are the **key policy instrument the EU has to monitor progress of and exert pressure on** Western Balkan countries on the path towards meeting the accession criteria. 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 III and the adopted Country-level Implementation Plans. Progress in the implementation of such plans will have to be reported under the Country Reports to ensure that political pressure is attached to gender equality reforms in all Western Balkan countries.

AIM OF THE PRESENT ASSESSMENT

This is the fourth Gender Analysis of EC Country Reports for the Western Balkans. The aim is to show progress/regress year on year in the gender-mainstreaming of the Country Reports and attempt to **identify areas where a gender perspective can be further strengthened across different chapters**, beyond the fundamental rights section and the Chapter on Social Policy and Employment. This year, the report also **includes country-specific recommendations on priorities to be addressed** in the 2022 Country Reports. The criteria used for the assessment are the same to ensure consistency in the methodology. 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 analysis.¹⁴ 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 to support women's rights organisations 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 all forms of gender-based violence (including in war crime cases)
4. Intersectionality¹⁵ including reference to Roma women, women refugees and IDPs, women with different abilities
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)

¹³ A credible enlargement perspective for an enhanced EU engagement with the Western Balkans (February 2018)

¹⁴ See box 2 on page 9.

¹⁵ 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.



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*Merima Skokić from Horizonti, Kvinna till Kvinna's partner from Tuzla, Bosnia and Herzegovina.
Photographer: Imrana Kapetanović*

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Dashboard

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



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 a positive trend compared to 2020



The downward facing arrow indicates a negative trend compared to 2020



The horizontal arrow indicates no change compared to 2020



Great achievement

Albania



Summary

The 2021 Albania Report¹⁶ improved the gender mainstreaming of some of its chapters. Particularly welcome are the inclusion of data on women in elected positions at national and local level and the analysis of the differential impact of Covid-19 on women and men on employment, working conditions, household and care responsibilities. Also noteworthy is the attention paid to women from minority groups in Chapter 28 (Consumer and Health protection) and 19 (Social policy and employment). While these are important steps forward, the section on equality between women and men continues to be rather weak and there is a noticeable lack of official recommendations (in the grey boxes) in relation to gender equality. While it is positive to note the efforts of the government to fund the new National Strategy on Gender Equality (2021-2026) a specific recommendation for its practical implementation would have sent an important political message. The report would benefit from a more accurate analysis of the barriers women face in Albanian society and the inclusion of a gender perspective in the Chapters that are currently gender-blind, including Chapter 26 (Education and Culture), Chapter 27 (Environment and Climate Change) and Chapter 31 (Foreign Security and Defence Policy).

Attention to gender equality

Overall, the gender mainstreaming of the Albania Report improved but the section on equality between women and men continues to be weak. While the report refers to the new Strategy on Gender Equality (2021-2030) and the funding gap which hampered the implementation of the previous strategy, the section lacks a consistent analysis of the legislative, social, cultural barriers women continue to face in exercising their rights and of the contributions of women in different sectors. The reference to the impact of Covid-19 on women, in particular in relation to employment, unpaid household and care work is welcome but specific recommendations are missing. The report adequately addresses the discrimination LGBTQI persons continue to face in Albanian society highlighting how pervasive physical aggressions and hate speech, particularly online, are. While the report recognises that the previous action plan on LGBTQI persons did not produce results, it fails to include a specific recommendation for the government in this respect.

Inclusion of key statistics

This year's report includes data on women in elected in Parliament in the 2021 elections, women ministers and women's representation at local level. This is particularly welcome give the lack of data in the 2020 Albania report. Overall data on cases of domestic violence is included but not disaggregated by sex. Unlike last year, there is no sex-disaggregated data on victims of trafficking although the report indicates that women and girls are particularly at risk of trafficking for sexual and labour exploitation. Sex-disaggregated data is included in the section on social policy and employment, also with regards to employment in the agricultural sector and in the informal economy.

¹⁶ EC Albania Country Report (2021)

Sexual and gender-based violence

Similar to previous years, the report covers extensively the issue of domestic violence and trafficking of human beings (including specifically women) but does not refer to other forms of gender-based violence, as prescribed by the Istanbul Convention. The report refers to the creation of four additional shelters, helplines for victims of domestic violence and local referral mechanisms for reporting gender-based violence. However, the information on the shelters run by women's organisations and the funding challenges they face has been removed from this year's report. The section on trafficking in human beings refers to the fact that women and children are particularly at risk of trafficking for labour and sexual exploitation but does not include sex-disaggregated data. While the report refers to the NGO-run shelters, it could have further covered the key support provided by women's organisations to victims of trafficking including in relation to access to justice. It is welcome the reference to the need for a new victim-centered legislation introducing a state-funded compensation scheme. The report could have further mentioned the strengthen the implementation of the Standard Operating Procedures for the Protection of Victims of Trafficking (SOPs).

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

The attention paid to women from minority groups in this year's report should be commended. Specific attention is paid to the Roma and Egyptian communities in several chapters including with regards to education, employment, access to health and social housing. Particular attention is paid to women from Roma and Egyptian communities, as well as other minorities and vulnerable groups in Chapter 28 (Consumer and Health Protection). A specific section analyses the limited progress registered with the implementation of the Action Plan for Roma and Egyptian communities (2016-2020) and the developments around the new Action Plan (2021-2025) which was prepared in consultation with civil society. The recommendation to continue to improve access to health and services for disadvantaged populations including women and girls belonging to minority groups is welcome as it is the reference to the barriers women from Roma and Egyptian communities face in accessing healthcare, including safe abortion.

References to roles and challenges of women's organisations

The report recognises the limited progress in the implementation of the Roadmap on an enabling environment for civil society and the limited involvement of civil society in public consultations and sectoral dialogue. The report also stresses that civil society continued to play a key role in Albania in 2021 particularly in response to the needs of the most vulnerable people affected by Covid-19, despite substantial budget cuts to funding in support of civil society organisations. While the 2020 report referred to the role of women's rights organisations managing shelters for survivors of domestic violence and the challenges they encountered, the 2021 report does not acknowledge their role and contributions in relation to support to victims of domestic violence and trafficking in human beings and capacity-building of local institutions and police in developing a victim-centered approach for victims/survivors of GBV and trafficking.

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

The reference to the Albanian Action Plan for the implementation of the UNSCR 1325 has been removed from this year's report. 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 chapter on Social Policy and Employment includes data on women's and men's participation in the labour market, unemployment rates also as a direct consequence of Covid-19 pandemic. The report also refers to the measures introduced by the Labour Code to support gender equality but acknowledges that there is no monitoring of the implementation of these measures. Similar to the 2020 report, 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. Chapter 28 on Consumer and Health protection tackles the issue of health inequalities among the Roma and Egyptian minority and access to health for women facing multiple discriminations. Other chapters, including Chapter 26 (Education and Culture), Chapter 27 (Environment and Climate Change) and Chapter 31 (Foreign Security and Defence Policy) remain gender blind.

Recommendations for the 2022 Country Report:

- 1.** Continue to improve the analysis of women's roles and contributions in society, highlighting both the social, cultural and legislative barriers towards gender equality and the active roles women play in society
- 2.** Include a specific recommendation (grey box) in relation to the implementation of the National Strategy for Gender Equality (2021-2026) and all relevant laws, in particular, the Law on Gender Equality in the Society, Law on Measures for Prevention of Violence in Family, Law on Protection from Discrimination
- 3.** Improve the inclusion of sex-disaggregated data and statistics across different Chapters
- 4.** Refer to the GREVIO recommendation¹⁷ to step up efforts to tackle forms of violence other than domestic violence, promote gender-based understanding of violence against women throughout society, improve and harmonise data collection mechanisms on all forms of violence against women across the different sectors
- 5.** Call on the government to ensure that a gender perspective be included in the planning and implementation of relief and recovery measures aimed at addressing the impact of the Covid-19 pandemic, given the impact on women's employment rates and unpaid care work
- 6.** Continue to strengthen the integration of an intersectional perspective across the report, including in the Chapter on Consumer and Health Protection

¹⁷ Albania Report by Grevio (2017)

Bosnia and Herzegovina



Summary

The 2021 Bosnia Herzegovina report¹⁸ pays limited attention to gender in the different Chapters. The inclusion of data on women's political participation, both at national and local level, and the reference to the mandatory quota for the least represented gender are welcome. The report also acknowledges that female journalists and activists dealing with sensitive issues, including women's rights, have been subject to threats and harassment. While these are positive developments, the report lacks a more thorough analysis of the legislative, administrative, social and cultural barriers preventing women from accessing their rights and official recommendations (in the featured grey boxes) in relation to gender equality. There is not a single official recommendation related to gender equality, after the recommendation from the 2020 report on maternity benefits was removed (in Chapter 19) even though maternity benefits are still not harmonised across the country. There is some level of attention to women belonging to national minorities but this should be improved particularly in relation to health in Chapter 28 (Consumer and Health protection) and to employment in Chapter 19 (Social policy and employment).

Attention to gender equality

The section on equality between women and men alludes to the lack of harmonisation of legislation on gender equality across the country, but could provide further details about the challenges women face in different spheres of life due to these discrepancies. There is reference to the 2018-2022 Gender Action Plan but no information on its implementation. Overall, the report continues to lack a more thorough analysis of the key barriers preventing women from accessing their rights, including specifically for women belonging to national minorities, women with different abilities, elderly women, women from rural areas and women heads of households. The attention paid to women's political participation at national and local level is welcome, yet a specific recommendation should have been issued based on the CEDAW Committee recommendation to amend the Election Law to increase the quota for representation of women on the electoral lists to 50%.¹⁹ Civil society organisations have also provided recommendations for the amendments of the Electoral Law to ensure greater representation of women in elected bodies.²⁰ The section on LGBTQI rights refers to the legislative and policy developments, including the pending adoption of the Action Plan on the rights of LGBTQI persons. Concerns are raised on the insufficient prosecution of hate crimes and hate speech against LGBTQI persons, despite harmonised legislation. The reference to the lack of legal recognition of same-sex couples and their rights and to the situation of intersex and transgender persons is welcome.

¹⁸ EC Bosnia Herzegovina Country Report (2021)

¹⁹ See recommendation n. 30 a) of the CEDAW Committee Concluding Observations of the Sixth Periodic Review (2019)

²⁰ The recommendations by the initiative "Let's Share the Responsibility Together" can be accessed here <https://hcabl.org/amandmani-inicijative-podijelimo-odgovornost-zajedno/?la=en>

Inclusion of key statistics

The report includes data on women's representation in elected bodies, in the judiciary, and participation in the labour market. Unlike most other reports, there is no data on sexual and gender-based. Statistics on gender-based violence and other indicators are collected by women's organisations and other sources could be referred to.²¹ Similar to the 2020 report, there is a reference to the need to improve data collection to enable the development of sound policies to target key gender gaps and to provide data on gender-based violence.

Attention to sexual and gender-based violence

The report contains, by and large, the same information as the 2020 report. It continues to refer to the need to improve institutional response to gender-based violence but it fails to recognise that women-run NGOs are the main providers of services to victims/survivors of gender-based violence in the absence of effective state-led response and that they need to be adequately funded. The CEDAW Committee recommendations on provision of services to victims/survivors of gender-based violence and financial support to civil society organisations that give assistance to victims/survivors should have been recalled.²² Also, while the references to the need to accelerate prosecution of crimes of sexual violence, provide reparation to victims of war crime and ensure witness protection, are welcome, the report should have further highlighted that legislation on protection against GBV and on the status and access to reparations for women civilian victims/survivors of violence during the war need to be harmonised in the Federation of BiH, Republika Srpska and Brčko district. Furthermore, the report should start addressing other forms of gender-based violence not limited to domestic violence, as prescribed by the Istanbul Convention, including, for example, the many testimonies of sexual harassment and abuse cases that appeared on the facebook group #nisamtrazila in early 2021 which affirm that BiH does not have a confidential and safe system for filing complaints regarding gender-based discrimination in the workplace; that case law in this area is poorly developed and that women, as the most frequent victims of this type of violence are often left to themselves without adequate legal and psychological support.

Intersectionality – reference to Roma women, women refugees and IDPs

While there is considerable attention paid to the Roma community in the report, there is only a cursory reference to the multiple intersecting discrimination facing Roma women. This is insufficient in light of the different needs and challenges faced by Roma women in particular with regards to access to health, housing, education and employment. In particular, Chapter 28 (Consumer and health protection) should further analyse the needs of women belonging to minorities in relation to access to health including sexual and reproductive health services, including safe abortion. Chapter 19 (Social Policy and Employment) should also pay specific attention to and data on Roma women, women with different abilities, women from rural areas and single mothers.

Reference to roles and challenges of women's organisations

The report indicates that there was limited progress in creating an enabling environment for civil society, as recommended by the EU Opinion priority 11. In fact, activists continue to be at risk of threats, abuse and attacks. The report recognises the importance of an empowered civil society as a crucial component of a democratic state and the need to harmonise legislation on freedom of association across the country. However, the report lacks a specific recommendation to explicitly promote greater consultation and cooperation between state authorities and civil society in the framework of the EU Accession process.²³ There is a welcome reference to the specific challenges faced by women human rights defenders and female journalists who are subject to threats, harassment, verbal abuse and physical attacks. However, no specific attention is paid in the report to the role and challenges of women's organisations who play a crucial role in reaching out to the most vulnerable in the country.

²¹ For example, see the report Women's Rights in the Western Balkans, Kvinna till Kvinna (2020), Domestic Violence during Pandemic - Influence of Preventive Measures on Corona Virus on Domestic Violence in BiH, Friederic Ebert Stiftung (2020), Orange Report 6 - Report on the State of Human Rights of Women in BiH in 2020, Sarajevo Open Center (2021).

²² See recommendation n. 26 a) and b) of the CEDAW Committee Concluding Observations of the Sixth Periodic Review (2019)

²³ See for example recommendation on page 4 of the Montenegro Country Report on strengthening consultation and cooperation between state institutions and civil society in the framework of the accession process.

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

The report acknowledges that BiH has a National Action Plan on Women, Peace and Security in the section on gender equality but there is no information on its implementation. Chapter 30 (External Relations) and Chapter 31 (Foreign, Security and Defence Policy) neither refer to BiH's commitments to international policy frameworks on women, peace and security nor to women's participation in the defence sector. The report could have referred to the CEDAW Convention recommendations on women, peace and security issues in 2019.²⁴ The role of women civil society organisations in promoting peace and reconciliation, searching for missing persons, providing support and legal aid to survivors of sexual violence, ensuring remembrance also for women victims of the war is not acknowledged.

Integration of gender into other chapters

The inclusion of data on women in elected positions at national and local level is welcome but the report could further elaborate on the obstacles to women's political participation and include a specific recommendation. Chapter 19 also refers to the position of women in the labour market and the high unemployment rate but fails to include a specific recommendation on this despite the concerning gap between men's and women's employment rate. The recommendation from the 2020 report to introduce a uniform minimum level of maternity leave was removed from this year's report even though the recommendation was not implemented. Other chapters of the report, such as Chapter 26 (Education and Training), Chapter 27 (Environment and Climate Change) continue to be gender-blind.

²⁴ See recommendation n. 16 of the Concluding Observation of the Sixth Periodic Report of Bosnia and Herzegovina, CEDAW Committee, (2019).

Recommendations for the 2022 Country Report:

- 1.** Recommend the inclusion of a specific commitment to and definition of gender equality in the Constitution to safeguard and protect the rights of women across the country.
- 2.** Recommend the full implementation of the Law on Gender Equality, including the application of quotas in all executive and legislative advisory bodies (including in the Roma Committee and Council on National Minorities), in political parties and in the bodies responsible for EU integration
- 3.** Include an analysis of the key legislative, social and cultural barriers hindering progress towards gender equality and data on the differential impact of the Covid-19 pandemic on women and men
- 4.** Re-introduce the recommendation to establish a uniform minimum maternity leave benefit across the country and to harmonise the definition of maternity, paternity and parental leave
- 5.** Recommend the adoption of the amendments to the Electoral Law to increase the quota for women candidates on electoral lists to 50% and the Law on the Council of Ministry of Bosnia and Herzegovina to introduce a minimum quota of 40% for the representation of either sex in the Council of Ministers as recommended by the CEDAW Committee
- 6.** Call for the full implementation of the Law on Prohibition of Discrimination with the obligation of government institutions to develop and maintain a database of cases discrimination
- 7.** Recall the CEDAW Committee recommendation n.26 a) to provide women who are victims/survivors of gender-based violence, including those belonging to disadvantaged groups, with adequate support and assistance, including free legal aid, access to shelters, medical treatment and psychological counselling and provide financial support to civil society organisations that give assistance to victims/survivors
- 8.** Acknowledge the role of women's organisations as first respondents to the needs of women and vulnerable communities including the provision of services to victims/survivors of gender-based violence and their active role in peacebuilding, remembrance and reconciliation
- 9.** Call on the establishment of a confidential and safe system for filing complaints regarding harassment, sexual harassment and other form of gender-based discrimination in the workplace and public space (and on the timely and effective response of prosecutor's offices and courts when it comes to these cases)
- 10.** Call for a harmonisation of the BiH legislation with the EU Victims Directive²⁵, which is part of the *acquis communautaire* and calls for minimum safeguards for the victims of crimes, including gender-based violence as well as harmonisation of legislation and measures for victims of sexual violence during the war to ensure equal access to justice and reparations
- 11.** Report on the barriers women from Roma and other minorities are facing in access to education, employment, health services including on sexual and reproductive health and rights, the wide-spread gender-based violence and the practice of forced juvenile marriages affecting Roma girls
- 12.** Call on the authorities to ensure that a gender perspective be included in the planning and implementation of relief and recovery measures aimed at addressing the impact of the Covid-19 pandemic

²⁵ Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime



Representatives of Kvinna till Kvinna's partners from Bosnia and Herzegovina at a meeting on Theory of Change, Bijeljina in 2021.

Photographer: Imrana Kapetanović

Kosovo



Summary

The 2021 Kosovo Report²⁶ sets a clear positive example of how to mainstream gender meaningfully. The report includes two official recommendations directly addressing gender equality issues. A gender perspective and sex-disaggregated data are included in the section on democracy, functioning of the judiciary, fundamental rights, freedom of expression, property rights, fight against terrorism, public health, education, employment and social policy. The report also tackles the disproportionate impact of the Covid-19 crisis on women, vulnerable groups and the LGBTQI community and it further highlights the measures taken by the government to address their needs in the recovery packages. The report, however, fails to address Kosovo's commitments to the UNSCR 1325 on Women, Peace and Security Agenda and to recognise the pivotal contributions of women's organisations in peacebuilding and reconciliation. Also, it does not address the specific needs of women belonging to national minorities, despite the many references to the Roma and Ashkali communities throughout the report.

Attention to gender equality

The report includes two official recommendations attaining to gender equality signalling the political weight afforded to the issues. The first, to strengthen the implementation of the Law on Gender Equality and ensure proper functioning of the system of protection, prevention and adjudication on all forms of gender-based violence. The second to adopt and enforce the Labour Law in line with the EU *acquis* in particular in relation to non-discrimination in employment and parental leave. The section on gender equality provides an overview of the challenges women continue to face in accessing their rights, further compounded by the impact of the Covid-19 pandemic, and refers to the efforts in the implementation of the Law on Gender Equality. It further recognises the contributions of civil society in advancing gender equality. The section on LGBTQI rights offers a good overview of the progress and persistent challenges facing the LGBTQI community. A number of positive steps are reported, including the legal revisions to enable legal gender recognition. The report indicates that hate crimes against LGBTQI persons are still not properly investigated.

Inclusion of key statistics

The report includes sex-disaggregated data and statistics in many sections including with regards to the number of women in elected positions in parliament and local governments; as judges, prosecutors and mediators; as foreign fighters and returnees from conflict zones; as missing persons; in education; in the labour market. Data on cases of domestic violence is included but not disaggregated by sex. The report could include a more specific recommendation for state authorities on how to improve collection, maintenance and transparent reporting of sex-disaggregated data, including on hate crimes and gender-based violence.

²⁶ EC Kosovo Country Report (2021)

Sexual and gender-based violence

The Report covers different forms of gender-based violence. On domestic violence, which continues to be the most prominent form of gender-based violence, the report covers extensively the measures taken by the government to address these cases during the Covid-19 pandemic. The report stresses that the Law on Domestic Violence is not aligned yet with the revised Criminal Code and with the Istanbul Convention. The Strategy and Action Plan on Domestic Violence expired and have not been replaced yet. The report also covers other forms of gender-based violence including trafficking, body shaming and sexual harassment in the workplace. With regards to cases of sexual and gender-based violence during the war, the report indicates that the work of the Government Commission on Recognition and Verification of the Status of Survivors of Sexual Violence during the conflict continues to work but societal stigma survivors face and the limited number of applications approved may act as a deterrent for future applicants.

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

There is no meaningful improvement in how the report attends to the situation of women belonging to minorities. In particular, aside from a general call to guarantee the rights of persons belonging to minorities, including Roma, Ashkali and displaced persons, to ensure gender equality in practice and to protect their cultural heritage, the section on persons belonging to minorities does not address the particular situation and needs of Roma and Ashkali women. Also, the report could have mentioned the specific needs of women and men of diverse ethnicities, abilities, ages, geographic locations, in the context of the Covid-19 pandemic.

References to roles and challenges of women's organisations

The report recognises that civil society plays a critical role in advocating for women's rights and advancing gender equality. This is a welcome reference, yet more detailed information could be added on the specific functions and services women's organisations provide, particularly where state response is weak.

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

The report refers to the challenges in the implementation of the Strategy on War Crimes adopted by the National Prosecutorial Council in 2019. Investigations into allegations of war crime cases continues, albeit at a slow pace. The report recognises that civil society remains actively engaged in reconciliation activities but fails to mention the specific contributions of women's organisations who are particularly active in cross-border reconciliation and peacebuilding between Serbia and Kosovo. The report also fails to mention the importance of meaningful participation of women in peace negotiations and the lack of consultation with civil society, including women's organisations, in the EU-facilitated Kosovo-Serbia dialogue in the sections on Good Neighbourly Relations and Regional Cooperation and Normalisation of relations between Serbia and Kosovo.

Integration of gender into other sections

The section on the functioning of the labour market highlights that the lack of childcare and elderly care facilities hinders female employment. The section on social policy and employment includes data on women's employment and unemployment rate, particularly high for young women and inequality between women and men in employment due to gender-based discrimination in recruitment, promotion, pay and contract length. The section on Consumer and Health Protection could further integrate a gender and intersectional perspective. The section on Good Neighbourly Relations and Regional Cooperation lacks a gender perspective including in relation to the issue on missing persons for which the data is not sex-disaggregated. Sections on Education and Culture, Environment and Climate Change, Agriculture and Transport Policy are still gender-blind.

Recommendations for the 2022 Country Report:

- 1.** Call for the harmonisation of the Law on Local Elections and Law on General Elections with the Law on Gender Equality to ensure equal representation of women and men in elected bodies
- 2.** Include a more thorough intersectional perspective in the report recognising how gender intersects with other forms of discrimination. In particular, provide information on the challenges women from minorities face in accessing education, health services, including on sexual and reproductive health and rights, and the labour market
- 3.** Include a gender perspective in the account of the 1990s' conflicts and their consequences, recognise the importance of women's participation in peacebuilding including in this phase of normalisation of relations between Kosovo and Serbia
- 4.** Recognise the role of women's organisations in providing services to women victims/survivors of gender-based violence and their active role in peacebuilding, remembrance and reconciliation
- 5.** Recommend the adoption of specific affirmative measures targeting women to increase their active participation in the labour market and to close the gender pay gap

Montenegro



Attention to gender equality



Inclusion of key statistics



Attention to SGBV



Intersectionality – multiple discriminations



Reference to women's rights organisations



Women in peacebuilding / UNSCR 1325



Integration of gender into other sections

Summary

The gender mainstreaming of the Montenegro Report²⁷ continues to improve year on year. The report acknowledges the limited involvement of women in political life, both at national and local level, and recommends the Parliament to increase women's political representation, an improvement compared to last year. The report analyses barriers preventing women from enjoying equal rights and, in particular, in relation to access to public life, employment, economic opportunities, inheritance and property rights. All these are compounded by gender-based violence which remains pervasive and is very thoroughly addressed in the report. Forms of violence other than domestic violence including sexual harassment in the work space, forced marriages, smear campaigns against women in public/political life are also included. The intersectional approach also considerably improved, shedding a light on the situation of women and girls belonging to minorities and vulnerable groups, although this could be further strengthened. Sex-disaggregated data is included in many sections in relation to women in public office, asylum seekers and women in the labour market and this should be further expanded next year.

Attention to gender equality

Overall attention to gender equality improved in this year's report. Very welcome is the introduction of the recommendation to improve women's political representation which was missing from last year's report. The new Gender Equality Strategy 2021-2025 with the Gender Action Plan 2021-2022 were adopted in July 2021. The key challenges women are facing pertain to access to public life, employment, economic opportunities, vocational training, inheritance and property rights in divorce proceedings. The report also includes a detailed section on LGBTIQ rights highlighting the adoption of the 2021 Action Plan on LGBTIQ persons and the application of the 2020 same-sex partnership Law, which requires further legislative changes in order to become fully applicable. No progress is registered in relation to the setting up of the working group for the Law on legal gender recognition. Overall, legislative progress has not yet led to a reduction of homophobic incidents, threats and discrimination of LGBTIQ persons in access to health care, justice, employment and housing.

Inclusion of key statistics

The report includes data on women's participation in politics, which continues to be low, both at national and local level. The report also includes data on women's participation in the judicial system (as judges and prosecutors), women asylum seekers and refugees, trafficked women, women in the labour market, women unemployed and NEET. Total number of cases of domestic violence are also included although not disaggregated by sex.

²⁷ EC Country Report Montenegro (2021)

Attention to sexual and gender-based violence

The report considerably improved by including forms of gender-based violence other than domestic violence such as forced marriages, trafficking, sexual harassment in the work space and smear campaigns against women in public/political life. Like previous years, the report offers an exhaustive account of domestic violence from the point of view of legislation and policies. The report stresses that amendments to the Law on Domestic Violence, which were under preparation, were not included in the government's 2021 programme. In particular, the definitions of gender-based violence and domestic violence across legislation need to be aligned with the Istanbul Convention and GREVIO recommendations. The report indicates that an evaluation of the former strategy on protection from violence was completed in February 2021 and a new one is in the pipeline. The report notes that cooperation between state authorities and specialised NGOs operating shelters and providing services to victims/survivors is improving but NGOs continue to face limited hosting capacities and funding. The cumbersome licensing mechanism for NGOs providing services to survivors of violence and its implications could have been mentioned. It is very welcome that the report continues to mention the ongoing challenges in addressing gender-based violence including victim-focused support, access to justice for victims, lack of systemic approach with regards to physical protection of victims and lenient sanctioning.

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

The report increased its attention to the situation of minorities and in particular persons suffering from multiple intersecting forms of discrimination. There is considerable attention to the Roma and Egyptian minority who continue to face unequal access to housing, health, education and employment. This year there is a welcome reference to the fact that Montenegro needs to follow up on the UN monitoring bodies' recommendation to raise the minimum age to enter into marriage as the practice of arranged child marriages in the Roma and Egyptian community are a matter of concern. The report indicates that strategies addressing multiple forms of discrimination of women and girls with disabilities are lacking to. Attention is paid to minorities, older people, people with different abilities, people with pre-existing mental health problems and people living in rural and remote areas in relation to health inequalities. There could be further attention to the specific needs of women from the Roma and Egyptian community in relation to access to education, employment, health care (including contraception) and justice in cases of domestic violence.

References to roles and challenges of women's organisations

The report recognises that the role of civil society is acknowledged and promoted. It recommends to improve the current legal and institutional framework to strengthen the consultation and cooperation between state institutions and civil society in the framework of the EU accession process. This particular recommendation is very welcome. The report also notes that the 2018-2020 Strategy for improving environment for NGOs has expired and needs to be replaced. There are a number of welcome references, including to the rule on public funding of civil society and the fact that not all ministries in 2020 have launched calls to award grants to CSOs, despite their legal obligation to do so. The role of NGOs providing specialised services to victims/survivors of gender-based violence is also mentioned as is the fact that they face limited hosting and funding capacities.

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

The report includes a welcome reference to the 2021 Montenegrin Action Plan for the implementation of UNSCR 1325. Next year this could be coupled with information on its implementation. There is also a welcome reference to the sending of female officers to the UN missions to increase women's participation in peacebuilding pursuant to UNSCR 1325.

Integration of gender into other sections

The report includes data on women's participation in politics in the sections on parliament and governance both at national and local level and reference to the role of the Women's Political Network. Also, Chapter 19 (Social Policy and Employment) offers a detailed overview of women's participation in the labour market which remains low and highlights the key obstacles women are facing, including gender pay gap, sexual harassment in the workplace, lack of affordable childcare, among others. The inclusion also in this year's report of a specific recommendation to develop quality employment measures targeting women, among others, is welcome. The impact of Covid-19 on the labour market is addressed also in relation to the need to foster flexible working arrangements to increase labour market participation of women and youth. More attention to the situation and needs of women could be paid in Chapter 28 (Consumer and Health Protection). Chapters 20 (Enterprise and Industrial Policy), 27 (Environment and Climate Change), 26 (Education and Culture), 11 (Agriculture and rural development) are still gender-blind.

Recommendations for the 2022 Country Report:

- 1.** Recommend to adhere to relevant ODIHR recommendations and strengthen the parliamentary representation and participation of women in political and public life, in particular:
 - a. Introduce a legal requirement that one in every three candidates on electoral lists must be of the least represented gender, instead of the current one in every four candidates requirement
 - b. Envisage a minimum percentage of Chairwomen of parliamentary working bodies
 - c. Introduce a minimum requirement for the percentage of female members of parliamentary working bodies and delegations not lower than the percentage of women elected in Parliament
 - d. Introduce internal measures for political parties to promote women to senior positions within party structure and to increase visibility of female candidates
 - e. Introduce other measures to promote women's participation in public and political life of the country
- 2.** Recommend the adoption of the amendments to the Law on Domestic Violence and alignment of the definition of gender-based violence and domestic violence across legislation in line with the Istanbul Convention and GREVIO recommendations
- 3.** Recommend that the system of licences to NGOs providing specialised services to women victims/survivors of sexual violence be mindful of the principles of confidentiality and autonomy
- 4.** Continue to include an intersectional perspective across different chapters including information and data on Roma and Egyptian women, women from rural areas, women heads of households, women with different abilities, elderly women
- 5.** Recommend *ex ante* gender analysis as a requirement for the adoption of any new policy and call for a gender perspective to be included in the planning and implementation of all economic reform and social protection measures
- 6.** Recommend strengthening the institutional and administrative capacity and competencies of the national gender equality mechanism

North Macedonia



Summary

The 2021 North Macedonia Report²⁸ shows a reduced attention to gender equality issues. While there is reference to the low participation of women in decision-making, particularly at local level with only 8% of women as mayoral candidates, the report fails to include a specific recommendation to improve women's political participation. Also, while the adoption of the Law on prevention and protection from violence against women and domestic violence is hailed as a success, the report does not include a recommendation to call for its full implementation. The section on gender-based violence is weak with no data and little analysis of the situation in the country in relation to different forms of gender-based violence. Reference to the need to establish procedures for legal gender recognition²⁹ in line with the ECHR ruling from January 2019 disappeared from this year's report. Next year, the report should emphasise the importance of adopting the amendments to the Law on Civil Registry which regulate legal gender recognition based on self-determination. The report recognises the impact of Covid-19 on women's employment and the increase in gender-based violence (though no data is provided) but it fails to address the issue of the many women who could not access direct support measures as they are unregistered workers.³⁰ Also, the report should include a more thorough analysis of the social, political, economic barriers hindering women's access to equal rights and opportunities and develop specific recommendations to overcome these challenges.

Attention to gender equality

Overall, the report indicates that there has been an improvement in gender mainstreaming and women's rights although it remains unclear in what sector gender mainstreaming improved. Progress in relation to gender equality seems to be primarily attributable to the adoption of the Law on Prevention and Protection from Violence against Women and Domestic Violence, but its implementation remains to be seen. The Report refers to women's political participation both at local and national level but does not issue a specific recommendation in this respect. The report recognises that women are among the categories most impacted by the Covid-19 pandemic. While an overall analysis of the situation of women and girls is lacking, the report refers to the persisting gender stereotyping and the fact that women in public life are particularly susceptible to attacks on social media. The report fails to address the issue of the worrying increase of anti-gender movement, and the urgent need to adopt the new Law on Gender Equality. Reference to the need to establish procedures for legal gender recognition in line with the ECHR ruling from January 2019 disappeared from this year's report. The Report indicates that the Law on Prevention and Protection from Discrimination includes sexual orientation and gender identity as protected grounds, thus enhancing legal protection from LGBTQI persons. However, as the report rightly points out, the promotion of equality and condemnation of discrimination, hate speech and hate crimes need to be enhanced in practice. The report should recommend the adoption of the amendments to the Law on Civil Registry which regulate legal gender recognition based on self-determination and of the new Law on Textbooks.

²⁸ EC Country Report North Macedonia (2021)

²⁹ Legal gender recognition means the official recognition of a person's gender identity, which includes the registration of the sex marker and name in public registers and official documents.

³⁰ MakStat database (last updated -26.05.2021). Employed by economic status, gender, net pay and year.

Available at: http://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStatPazarNaTrudAktivnosNaNaselenie/033_Vrab.

Inclusion of key statistics

The report includes data on women in elected positions at national and local level, as employees in the civil service, as foreign fighters and returnees. The section on equality between women and men in employment and social policy indicates that North Macedonia improved its score in the 2021 Global Gender Gap Report but then refers to data from the 2020 Global Gender Gap Report. Also, the section on equality between women and men in employment suggests that gender employment gap stands at 19,9% while the section on the functioning of a market economy indicates 22,7% for 2020. There is no data on gender-based violence and no sex-disaggregated data on trafficking in human beings. The report acknowledges that the gathering of data and statistics requires enhanced capacities by responsible institutions but does not formulate an explicit recommendation in this respect.

Sexual and gender-based violence

This year's report includes very sparse information on gender-based violence and no data. The adoption of the Law on prevention and protection from violence against women and domestic violence is rightly reported as progress, but its implementation remains to be seen and alignment of related laws, adoption of bylaws and operating procedures are still pending. While the cases of the "Public Room" are mentioned, the report should have clarified that these are cases of online sexual harassment and that the Criminal Code should be amended to reflect these new forms of violence. Reference to the need to enhance the capacities of shelters, in particular with regards to access for women with different abilities is welcome. The report further recognises the impact of the Covid-19 pandemic both on the number of cases of gender-based violence (although no data is reported) and the reduced access to services for victims of violence. The reference to the adoption of the Law on protection against workplace harassment and activities for ratification of the 2019 Violence and Harassment ILO Convention is welcome. The report should address other types of gender-based violence as prescribed by the Istanbul Convention such as rape, sexual harassment, forced marriages and include more accurate data and analysis on domestic violence.

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

The report continues to be rather weak in the integration of an intersectional perspective. The report covers extensively the situation of the Roma community, indicating that the Roma Inclusion Strategy (2014-2020) expired and the implementation of the action plans on education, employment, housing, gender and health was incomplete. However, no attention is paid to the situation of Roma women and girls who are among the most disadvantaged among the Roma community and face considerable obstacles in accessing basic rights, including access to health services. The report should further include an intersectional lens to address the multiple and intersectional forms of discriminations towards Roma women, women in rural areas, migrant, asylum seekers, refugee women and women in prostitution and recommend the adoption of a targeted measures.

References to roles and challenges of women's organisations

The report refers to the active role of civil society in the reform process and stresses that more efforts are needed to ensure timely, meaningful and transparent consultation process. A welcome reference is made to the need to follow-up on consultations to close the feedback loop. It also highlights civil society participation in decision making on key pieces of legislation, including the Law on prevention and protection from violence against women and domestic violence. There is an acknowledgement of the active contribution of civil society in supporting the most vulnerable among the population during the Covid-19 pandemic but no specific reference to women's civil society organisations.

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

The report refers to the National Action Plan on Women, Peace and Security, which is the second one, adopted in July 2020. The report should have noted that the WPS Agenda does not garner enough attention nationally by relevant institutions. The implementation process is not transparent, given that operational plans that are supposed to be developed by Ministries and other national agencies are not made public and there is no official report on their implementation. There is also no budget attached to the NAP and women CSOs, remain excluded from the monitoring and implementation thereof. Chapter 30 (External Relations) and 31 (Foreign, Security and Defence Policy) remain gender-blind.

Integration of gender into other sections

The report includes references to women/gender in the sections on political criteria and rule of law, fight against organised crime, existence of a functioning market economy, social policy and employment, education and culture chapters. In Chapter 19 (Social Policy and Employment) there is a welcome reference to the national Law on Protection against Workplace Harassment and to the stringent requisites which require women to work for the same employer for six months to be able to access maternity benefits. The recommendation to continue to implement activation measures for unemployed people including women is welcome, yet it should not just refer to "low-skilled unemployed" but to all women. Chapter 26 (Education and Culture) refers to the adoption of the new concept for primary education which stresses inclusiveness, gender sensitivity/equality and inter-culturalism as key principles. Chapter 28 (Consumer and Health Protection), 27 (Environment and Climate Change), 31 (Foreign Security and Defence Policy), and 11 (Agriculture and rural development), to name a few, are still gender blind.

Recommendations for the 2022 Country Report:

1. Recommend the swift adoption of the new Law on Gender Equality and of the Law on Labour
2. Recommend revising the Electoral Code of North Macedonia to support balanced representation of women and men candidates for majors.
3. Encourage the full implementation of the new Law on Prevention and Protection from Violence Against Women and Domestic Violence and call for the amendment of the Criminal Code to address all forms of violence against women
4. Recommend to improve systems for collection and sharing of sex-disaggregated data and to update the Gender Equality Index
5. Call for the adoption of the amendments to the Law on Civil Registry which regulate legal gender recognition based on self-determination
6. Report on the socio-economic impact of the Covid-19 pandemic on women including those employed in the informal economy who could not access the relief and recovery measures
7. Further include women, peace and security issues across the report, including in Chapter 30 and 31. Call for greater transparency in the implementation of the North Macedonia NAP in UNSCR 1325 and meaningful inclusion of women CSOs in the development, implementation and monitoring of the NAP
8. Improve its intersectional perspective across different chapters, by highlighting the situation of women subject to multiple discriminations such as Roma women, women in rural areas, migrant, asylum seeking and refugee women, women in prostitution as recommended by the 2018 CEDAW Report³¹
9. Call on the government to ensure that relief and recovery plans include a gender and intersectional perspective and attend to the needs of the most fragile segments of the population, including women in precarious employments and unregistered workers

³¹ CEDAW Report on North Macedonia (2018).

Serbia



Summary

The 2021 Serbia Report³² shows a limited attention to gender equality issues. Given the severe democratic backsliding of the country, one of the greatest democratic declines globally in the past 10 years according to the Global State of Democracy Report,³³ the EU needs to take a stronger stance than it has on issues related to democracy, human rights, protection of minorities, gender equality and civic space in Serbia. Instead, a number of important references included in last year's report (anti-gender discourse, NGOs providing services for victims/survivors of gender-based violence, GREVIO recommendations) have been removed and the section on violence against women is not exhaustive. On the positive side, the report addresses the issue of the differentiated impact of Covid-19 on women, men and on the most vulnerable and recognises that Roma women, older women, poor women, women with different abilities, refugees and internally displaced women face multiple intersecting forms of discrimination. A detailed overview of the factors hindering women's participation in the labour market is provided in Chapter 19 but with no intersectional perspective. There continues to be no gender perspective in the Chapters 30 (External Relations) and 31 (Foreign Security and Defence Policy) and the section on Good Neighbourly Relations addressing the legacies of the war in the 1990s fails to acknowledge war-time sexual violence and the situation of women victims/survivors. The Chapter on Normalisation of Relations between Serbia and Kosovo is also gender-blind, despite the EU's and Serbia's commitments to the implementation of UNSCR 1325.

Attention to gender equality

The section on gender equality points at the legislative developments including the adoption of a new Law on Gender Equality and of a National Strategy for Gender Equality. While these are positive developments, the Action Plan for the National Strategy on Gender Equality has not been adopted yet. The section lacks an analysis of the social, economic, political and cultural barriers hindering women's access to and enjoyment of equal rights and specific recommendations are missing. The reference to the anti-gender discourse and its adverse impact on women's rights has been removed. The report refers to the adoption of the amendments to the Law on Prohibition of Discrimination³⁴ and indicates that further work is needed to bring it in line with the EU *acquis*. It also recommends swift adoption and implementation of the adoption of the Anti-Discrimination Strategy. The section on LGBTQI rights refers to the ongoing dialogue about the law on same-sex partnerships, opposed by the President, and the Ombudsman's recommendation to draft the law on legal gender recognition. The implementation of hate crime legislation continues to be weak as is data-collection on these crimes. There are also references to trans persons, who are generally vulnerable to violence, and intersex persons, who are legally and socially invisible.

³² EC Country Report Serbia (2021)

³³ The Global State of Democracy Report (2021)

³⁴ It should be noted that amendments proposed by women's organisations, which can be accessed here

<https://www.womenngo.org.rs/en/news/1726-anti-discrimination-laws-adopted-without-changes-to-the-bill-proposed-by-the-preugovor-coalition>, were not adopted.

Inclusion of key statistics

The report is generally lacking sex-disaggregated data and statistics. The number of women in elected positions is included but there is no data on gender-based violence. While official sex-disaggregated data and statistics in certain domains, including that of violence against women, are generally lacking, the report could refer to data included in the Serbian Gender Equality Index and in official reports published by CSOs.³⁵ It should have also indicated that the current Official Statistic Programme 2021-2025 lacks reference to data on gender despite the appeal by women's NGOs to the Ministry of Human and Minority Rights and Dialogue.³⁶ Sex-disaggregated statistics on employment and unemployment should be included.

Attention to sexual and gender-based violence

The section on violence against women in this year's report is not exhaustive. The report refers to the new Strategy for the Prevention and Combating of Gender-based Violence Against Women 2021-2025 adopted in April 2021, but it does not mention that the financial resources associated to it are insufficient. There is no analysis of domestic violence although the report could have referred to the 2021 Serbia Gender Equality Index³⁷ and to reports by women NGOs.³⁸ Also, the 2020 GREVIO report³⁹ recommendations calling for a comprehensive response to all forms of violence against women, not limited to domestic violence, and cited in last year's report have been removed this year. While the call to amend the definition of rape in the criminal code is welcome, Serbia should further amend its criminal legislation to bring it in line with the Istanbul Convention on forced marriages, female genital mutilations, definition of sexual harassment etc. The reference to specialised services for women victims/survivors of violence being predominantly run by NGOs has been removed. The report should mention that the Law on Free Legal Aid does not recognise all survivors of gender-based violence as potential beneficiaries of free legal aid, as indicated also by the CEDAW Report.⁴⁰ The Law also sets out criteria for providers of legal aid which disregard the decades of expertise of women's NGOs already providing these types of services. There is no gender-perspective in the section on trafficking in human beings.

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

The section on gender equality recognises that Roma women, older women, poor women, women with different abilities, refugees and internally displaced women face multiple intersecting forms of discrimination and there is a reference to women with disabilities facing gender-specific forms of violence. However, these issues are not analysed in other parts of the report, for example in relation to access to social services, health, including sexual and reproductive health, employment etc. In particular, Chapter 19 does not make any reference to Roma women, women from other minority groups or women with different abilities, despite the conspicuous discrimination they are subjected to. The report covers extensively the issue of integration of minorities including specifically the Roma minority, but there is no specific attention on Roma women. Data on Roma women's participation in the labour market, violence against Roma women and early marriages should be collected by the state.

Reference to women's rights organisations

The report indicates that the newly established Ministry for human and minority rights initiated a series of public dialogues, however, an enabling environment for civil society has yet to be established. This seems to be an understatement considering the severe attacks on and attempts to discredit civil society which continue unabated in a context of reduced political and civic space. The report should acknowledge that the situation of the civic space and freedom of expression is severe and needs to be reversed. It should further stress the importance of meaningful consultations with civil society, including women's NGOs, in the process of Serbia's accession to the EU. There is no reference this year to the role of NGOs in providing specialised services to women victims/survivors of violence. Also, no attention is paid to the role of women's NGOs in supporting peacebuilding across borders and ethnic lines and on women NGOs working on gender-based discrimination in the labour market.

³⁵ Women's Rights in Western Balkans (2020) and Women's Against violence Network <https://www.womenngo.org.rs/>

³⁶ <https://www.womenngo.org.rs/en/news/1696-awc-appeal-regarding-the-proposed-strategy-for-the-development-of-official-statistics-in-the-republic-of-serbia-in-the-period-from-2021-to-2025>

³⁷ Both use data from the 2018 OSCE survey on the wellbeing and safety of women. Check page 51 of the Serbia Gender Equality Index (2021).

³⁸ Ninth Report on the Independent Monitoring of the Law on the Prevention of Domestic Violence in Serbia January – December 2020, Autonomous Women's Center (2021).

³⁹ Baseline Evaluation Report Serbia, GREVIO (2020)

⁴⁰ Concluding Observations of the fourth periodic report of Serbia, CEDAW, (2019).

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

There is no gender perspective in the Chapter 30 (External Relations), 31 (Foreign Security and Defence Policy). The section on Good Neighbourly Relations addresses some of the legacies of the war in the 1990s, including refugees, displaced and missing persons while ignoring the issue of war-time sexual violence and the situation of women victims/survivors (who are still not recognised as civilian victims of war⁴¹). The section on Normalisation of Relations between Serbia and Kosovo is also gender-blind, despite EU's and Serbia's commitments to the implementation of UNSCR 1325 which foresees the participation of women and integration of a gender perspective in all peace negotiations. The only cursory reference to UNSCR 1325 is included in the section on gender-based violence while it should be included in Chapter 31. The report should highlight that the Law on Missing Babies and the Law on the Rights of the Veterans, Disabled Veterans, Civilian Invalids of War and their Family Members disregard the rights of women survivors of sexual violence. There is also no reference to civil society's effort to build peace, and women's activism aimed at promoting reconciliation across borders and across ethnic communities.

Integration of gender into other sections

The report refers to the number of women in elected positions, as members of parliament and ministers, but there is no reference to the under-representation of women in local administration, despite the concerns raised by CEDAW in its 2019 Concluding Observations. A more detailed analysis of women's political participation both at national and local level, including obstacles preventing them from joining politics and recommended measure to reverse this trend, is missing. Similar to last year, the section on employment and social affairs offers a good analysis of the obstacles hindering women's participation in the labour market including unpaid work in the household, care of children, sick and/or elderly people, inadequate support to reconciling work and family responsibilities, employers' discriminatory treatment of young women and so on. The impact of Covid-19 on women's jobs is also highlighted indicating that more women than men lost their jobs. There is a cursory reference to women involved in prostitution and LGBTQI persons in the Chapter 28 (Consumer Health and Protection) but no analysis of the extent of health inequalities or of women's health needs, including sexual and reproductive health rights. Most other Chapters including Chapter 26 (Education and Culture), 27 (Environment and Climate Change), 11 (Agriculture and Rural Development) are gender blind.

³¹ See page 41, Alarm Report on the progress of Serbia on Chapter 23 and 24, PrEUgovor (June 2020)

Recommendations for the 2022 Country Report:

- 1.** Recognise the democratic backsliding in the country which manifests itself through reduced political and civic space, politisation of state institutions, thriving corruption, lack of independence of the judiciary, crackdown on journalists and human rights defenders who take critical stances against the government, among others
- 2.** Include a thorough analysis and sex-disaggregated data on women's political participation not only at national but also at local level ideally coupled with clear recommendations on the implementation of the newly introduced quota of 40% for the least represented gender
- 3.** Include a gender perspective in the description of the outstanding legacies of the 1990s conflict, including sex-disaggregated data on refugees, IDPs and missing persons, and victims of war-time sexual violence
- 4.** Recommend the inclusion of specific attention to gender and collection of sex-disaggregated data in the Official Statistic Programme 2021-2025
- 5.** Recommend that the new Labour Law be in line with the ILO Conventions and EU Work-Life Balance Directive
- 6.** Call on the government to recognise women victims/survivors of sexual violence during the conflict as civilian victims of war to ensure their access to justice, remedies and reparations
- 7.** Call on the government to address the CEDAW and GREVIO reports' conclusions and recommendations in the laws, national strategies and action plans on gender equality and anti-discrimination.
- 8.** Include additional information and data on women facing multiple discrimination such as Roma women, women refugees and IDPs, elderly women, women from rural areas, women heads of households.
- 9.** Include a specific recommendation on the need for the government of Serbia to increase the efforts to ensure an enabling environment for civil society
- 10.** Report on the socio-economic impact of the Covid-19 pandemic on women including those employed in the informal economy who could not access the relief and recovery measures.

Annex 1 Official recommendations in relation to gender equality women's rights in the 2021 EC Country Reports

Country	Chapter	Recommendation in grey box
Albania	Chapter 28 Consumer and Health Protection	Continue to improve access to health and services for disadvantaged populations, including Roma and Egyptian minorities, older people, people with pre-existing mental health problems, people with disabilities; and populations in rural or remote areas, notably for women and girls who are often subjected to multiple forms of discrimination
Bosnia Herzegovina		None
Kosovo	Fundamental Rights	Strengthen the implementation of the Law on Gender Equality and ensure proper functioning of the system of protection, prevention and adjudication on all forms of gender-based violence
	Chapter 19 Social Policy and Employment	Adopt and enforce the Law on Labour in line with the EU acquis in particular in relation to non-discrimination in employment and parental leave
Montenegro	Parliament	The Parliament should strengthen the professional and expert capacity of its administrative staff and improve women's political representation
	Fundamental Rights	Improve the legal and institutional framework to ensure better access to justice, procedural rights and free legal aid for victims of human rights violations and crimes, in particular children, women, minorities, including Roma and Egyptians and persons with disabilities
	Chapter 19 Social Policy and Employment	Continue the implementation of the Labour Law, and develop quality employment measures aimed at young people and women, people with disabilities, minorities and vulnerable persons impacted by the pandemic.
North Macedonia	Fundamental Rights	Implement all the provisions on the Law on the Prevention and Protection against Discrimination, and allocate necessary resources enabling the Commission for Prevention and Protection from Discrimination to become fully functional.
	Chapter 19 Social Policy and Employment	Continue to implement activation measures for long-term and low skilled unemployed people, including women, people with disabilities and Roma, and ensure proper monitoring and evaluation of such measures.
Serbia	Chapter 19 Social Policy and Employment	Ensure adequate financial and institutional resources for employment and social policies to more systematically target the young, women and long-term unemployed and improve the adequacy of social benefits for people below the poverty threshold [...]

**For all women's rights,
in every corner of the world.**

