



THE KVINNA TILL KVINNA FOUNDATION

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# **WOMEN'S RIGHTS IN WESTERN BALKANS**

WOMEN IN POLITICS, GENDER-BASED VIOLENCE AND SECURITY  
FOR WOMEN HUMAN RIGHTS DEFENDERS IN ALBANIA,  
BOSNIA AND HERZEGOVINA, KOSOVO, MONTENEGRO,  
NORTH MACEDONIA AND SERBIA 2022

## ABOUT THE KVINNA TILL KVINNA FOUNDATION

**The Kvinna till Kvinna Foundation** has defended women's rights since 1993. For every woman's right to be safe and to be heard.

Today we are one of the world's leading women's rights organisations, working directly in areas affected by war and conflict to strengthen women's influence and power. We work closely together with over 100 local partner organisations across 20 countries to end violence against women, reach lasting peace and close the gender gap once and for all. The future is equal. And together, we are change.

[www.kvinnatillkvinna.org](http://www.kvinnatillkvinna.org)

### Researched and written by:

Nevena Dičić Kostić  
Ermira Danaj  
Andrea Čolak  
Sofija Vrbaški

### Edited by:

Sofija Vrbaški  
Stina Magnuson Buur

### Acknowledgements:

Julie Brønnum Thomsen, Freke Leene, Lori Mann, Bojana Mumin, Voskre Naumoska Ilieva, Lejla Somun, Ristin Thomasson  
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### Layout by:

UrbanGRAF

### Cover photo:

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# ABBREVIATIONS & ACRONYMS

<b>AWC</b>	Autonomous Women's Centre
<b>BiH</b>	Bosnia and Herzegovina
<b>BIRN</b>	Balkan Investigative Reporting Network
<b>CC</b>	Constitutional Court (Kosovo)
<b>CEDAW</b>	United Nations Committee on the Elimination of Discrimination Against Women
<b>CESCR</b>	(United Nations) Committee on Economic, Social and Cultural Rights
<b>CSO</b>	Civil society organisation
<b>DV</b>	Domestic violence
<b>EC</b>	European Commission
<b>EIGE</b>	European Institute for Gender Equality
<b>EU</b>	European Union
<b>EU WLBD</b>	European Union Work-Life Balance Directive
<b>FBiH</b>	Federation of Bosnia and Herzegovina
<b>GBV</b>	Gender-based violence
<b>GDP</b>	Gross Domestic Product
<b>GREVIO</b>	Group of Independent Experts on Action against Violence against Women and Domestic Violence
<b>HERA</b>	Health Education and Research Association
<b>HRD</b>	Human rights defender
<b>ILO</b>	International Labour Organization
<b>IoT</b>	Internet of Things
<b>KLI</b>	Kosovo Law Institute
<b>Kvinna till Kvinna</b>	The Kvinna till Kvinna Foundation
<b>KWN</b>	Kosovo Women's Network
<b>LGBTQI+</b>	Lesbian, gay, bisexual, transgender, queer/questioning, intersex and other sexualities and/or gender expressions
<b>MLSP</b>	Ministry of Labour and Social Policy (North Macedonia)
<b>MoHSP</b>	Ministry of Health and Social Policy (Albania)
<b>MP</b>	Member of Parliament
<b>NDI</b>	National Democratic Institute
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>QIKA</b>	Centre for Information, Criticism and Action
<b>SCS</b>	Strategy for Creating and Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030
<b>SLAPP</b>	Strategic litigation against public participation
<b>SNS</b>	Serbian Progressive Party
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNICEF</b>	United Nations Children's Fund
<b>VAW</b>	Violence against women
<b>WAVE</b>	Women Against Violence Europe
<b>WB</b>	Western Balkans
<b>WCSO</b>	Women's civil society organisation
<b>WHRD</b>	Women human rights defender
<b>WiB</b>	Women in Black
<b>YIHR</b>	Youth Initiative for Human Rights

## PURPOSE & METHODOLOGY

*Women's Rights in Western Balkans* serves as a benchmark for the six Western Balkan accession countries regarding women's rights and influence, for comparisons over time. This is the sixth edition of the report. The report is prepared as part of the regional programme "EU Accession for Whom? Women's Rights and Participation in the Western Balkans, 2021-26", to strengthen evidence-based advocacy. This programme is funded by the Swedish International Development Cooperation Agency (Sida) and implemented by The Kvinna till Kvinna Foundation (Kvinna till Kvinna) in cooperation with women's civil society organisations (WCOS) in the Western Balkans. It includes Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. The overall objective of the programme is to strengthen women's rights and women's equal participation in decision-making in the Western Balkans, with the specific objective of increasing gender awareness in gendering the European Union accession.

The four areas included in this benchmark are women in politics, gender-based violence (GBV), security of women human rights defenders (WHRDs), and women in the labour market, as these are priority areas that Kvinna till Kvinna and partner organisations have identified for advancing women's rights. Women in politics, GBV and security for WHRDs were selected, defined, and described in the first edition of the *Women's Rights in Western Balkans* report in 2016. For the first time, in this sixth edition of the report, women in the labour market has been added as an indicator to monitor in this and future editions. The decision to add this fourth indicator was based on responses collected from WCOS and diverse stakeholders in a survey conducted in 2021 as part of an evaluation of the report. The scope of the current edition is to update relevant 2021/22 statistics and resources for each of the indicators, in each of the six Western Balkan countries. For each indicator, authors followed up on numbers and figures from the previous edition to determine to what extent Western Balkan women's social positions improved or worsened. The report reflects data collected during the period of January 2021 to September 2022.

Data was collected through a desk study, using all accessible sources, and this edition, for the third time, included data request submissions to relevant institutions in each of the six countries. This was done to collect data that was not accessible online regarding funding for GBV services and prevention. As peer reviewers, women's rights organisations, partner organisations to Kvinna till Kvinna, give their input to the report. The recommendations are based on conclusions from the report; recommendations to governments come from women's rights organisations and recommendations to international actors are from Kvinna till Kvinna and WCOS. The responsibility of the content, however, lies solely with the authors.

The authors recognise that there are limitations in the research and gender benchmarking indicators. Due to the scope of the assignment, time-frame and limited resources, the authors developed specific indicators within each of the thematic areas. One of the challenges has been to limit the number of indicators, as the authors recognise that there are numerous other indicators that could have been used to measure women's social positions. As with any desk study methodology, the greatest barrier remains the lack of updated information from official government websites in each of the studied countries. Researchers have addressed this by submitting data requests for the GBV indicator, though even data requests do not provide all of the necessary information and in some cases, not all responses are received from the relevant institutions. For the responses that are received, researchers take great care to ensure that data is reliable by cross-referencing with accessible data when possible. When this is not possible, researchers use the data provided by institutions, noting the potential for human error.

We hope that this and previous editions of the report will provide useful tools, showing trends over time for women's rights in Western Balkans.

## CONTEXT & EXECUTIVE SUMMARY

### Western Balkan Context, 2021-22

In many Western Balkan countries, alongside the covid-19 pandemic, 2021 and 2022 have been marked with political crises and unrest. Bosnia and Herzegovina (BiH) has been facing the most severe political crisis in the last two decades. Following then-High Representative for BiH, Valentin Inzko's decision on enacting the Law on Amendment to the Criminal Code of BiH was a boycott of official state institutions by political actors in Republika Srpska. The amendments rendered genocide and war crimes denial illegal and Republika Srpska institutions declared that they would not participate in the work of state institutions, until these amendments were revoked. The governance crisis further deepened when deputies in Republika Srpska adopted the draft version of the Declaration on Constitutional Principles in which the entity is given the power to create a separate judicial system from the rest of the country, and which is ultimately another step in transferring power from the state level to the entity level. Such political developments in BiH will have consequences for its progress in the EU accession process. Having said that, the long-awaited Law on Amendments to the Law on Public Procurement, and the recommendation for BiH candidate status by the European Commission are both welcome and important developments. The fact that the country finds itself in almost constant political crisis also impacts other policy areas negatively.

The European Commission's decision to opening accession negotiations for North Macedonia and Albania are welcome developments for both countries. In North Macedonia, however, the reporting period was marked by the continued bilateral tension with Bulgaria, including Bulgaria's veto against North Macedonia proceeding in the European Union accession process, continued throughout the reporting period, even sparking violent mass protests across the country throughout the summer of 2022.

Following the accusation of long-time leader Milo Đukanović of being involved with organised crime, in August 2022, Montenegro Parliament's vote of no-confidence dissolved the coalition government of

Dritan Abazović. Political tension in the country has marked this reporting period, contributing to the malfunctioning of state institutions, Parliament, and decision-making processes at all levels of government.

Tensions between Serbia and Kosovo escalated considerably during the summer of 2022, over Prime Minister Albin Kurti's policy of demanding reciprocity from Serbia on all fronts. One of the most visible actions around this was Kosovo's requirement for Kosovo Serbs north of the Ibar River to obtain Republic of Kosovo license plates. Northern Serbs and the Serbian government portrayed this as a provocation, with Serbia increasing its troop deployments to the border, Kosovo Serbs setting up roadblocks, later removed by the North Atlantic Treaty Organisation's Kosovo Force. The plan was postponed for a month, but was initiated on September 1, 2022, giving those with Serbian plates two months to obtain Kosovo-issued ones.

Serbian President Aleksandar Vučić and Albanian Prime Minister Edi Rama continue to push Open Balkans, a parallel effort to the Berlin Process and the EU's initiative for a regional common market, which to date has only received the United States' support from the established democracies active in the region. Though other Western Balkan countries are involved, both Rama and Vučić have received criticism for their dominant roles in the process of the Open Balkans initiative.

The political instability in the Western Balkans may have negative impacts on women's participation in decision-making, and women's rights continue to be classified as a "lower priority". In Western Balkan countries, women's rights and gender equality are tightly interconnected with EU integration and keeping the Western Balkans close to the EU, both politically and culturally, is crucial for successfully addressing human rights and women's rights. According to the Office of the UN High Commissioner for Human Rights, with political instability often comes the exacerbation of pre-existing patterns of gender-based discrimination.

## Report Findings

When compared to 2020, there were no major changes in the representation of **women in politics** in the Western Balkans during the reporting period of 2021 and 2022. General (Parliamentary) elections were held throughout the region, in all jurisdictions, except BiH where only local elections were held in November 2020. Women remained entirely underrepresented in all levels of politics in all Western Balkan countries, remaining less-consulted participants in the decision-making bodies.

The Istanbul Convention and the United Nations Essential Package of Services require the establishment of an institutional framework for policymaking, coordination of services, data collection, monitoring and evaluation and collaboration with women's civil society organisations (WCSOs). The establishment of the required structures remains incomplete in the Western Balkan region. None of the countries have achieved Istanbul Convention requirements regarding shelters for victims/survivors of **gender-based violence** (GBV), and all countries fall short of meeting the required number of beds in shelters. Legislative improvements in addressing GBV are the result of ongoing advocacy conducted by women's rights organisations throughout the region, and the majority of GBV-related services are administered

by WCSOs, and financed by foreign donors rather than relevant governmental institutions. Both police response and prosecution of GBV remain problematic.

Western Balkan countries have the highest unemployment rates in Europe. In all countries, women's unemployment rates are higher than men's, and women are more likely than men to face barriers in entering the **labour market**. Employment of women in Western Balkans, gender inequality in the labour market, and gender-based discrimination continue to be among the main challenges for achieving women's rights, especially as it represents a key factor and chain effect in other elements of gender equality.

The reporting period was marked with civil unrest, democratic backsliding, shrinking space for civil society, and rapidly growing anti-gender movements across the region. This contributed to a hostile environment towards **women human rights defenders** (WHRDs), independent media, and LGBTQI+ communities. Security for WHRDs was often compromised; attacks and threats were met with impunity. Most notable is Serbia's high number of attacks and threats against women and LGBTQI+ activists.

# WOMEN IN POLITICS

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## **% REPRESENTATION OF WOMEN IN POLITICS AND/OR HIGHER POSITIONS WITH DECISION-MAKING POWER**

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**During this reporting period (May 2020 – September 2022) there were no major changes in the representation of women in politics in the Western Balkans. General (Parliamentary) elections were held throughout the region, in all jurisdictions, except Bosnia and Herzegovina (BiH) where only local elections were held in November 2020. Women remained underrepresented in politics in all Western Balkan countries, remaining less-consulted participants in the decision-making bodies while lack of influence and equal footing with men continued to dominate the political sphere. As with all previous editions of *Women's Rights in Western Balkans*, this year's analysis of data regarding women in politics shows that the numbers of women in politics alone do not necessarily guarantee adequate representation or participation.**

Participation of women in politics is marked by quota systems that have been implemented in all countries, all of which have made a crucial impact. Nominally, quotas are implemented and achieved, but they still carry the burden of being rife with inequality. Throughout the region, gender quotas require political parties to include at least 30% of the less-represented gender in their candidates' lists (40% in BiH, North Macedonia and Serbia). So far quotas have shown positive results for women's access to decision-making positions but when it comes to division of power, women remain underrepresented in leadership positions,

especially at the local level.<sup>1</sup> Women who hold positions in politics are still perceived as “assistants” rather than decision-makers and as less capable than their male counterparts. In such contexts, gender equality is used as a tool to achieve certain political goals, and the issue of women's rights remains reduced to their numerical presence in decision-making positions.<sup>2</sup> Importantly, issues such as (gender-based) discrimination, sexism, misogyny, and violence against women continue to be neglected.<sup>3</sup>

With the exception of BiH and Kosovo, the Western Balkan countries have published Gender Equality Indexes, identifying inequalities across the six domains: work, time, money, power, knowledge and health. According to the index scoring, in which 100 points means maximum equality, Albania scored highest with 60.4 points overall, while Montenegro scored lowest, with 55 points. It is interesting that according to the index, Albania and Montenegro are on the two different ends of the scale when it comes to the domain of political power,<sup>4</sup> with Albania scoring 60, which is higher than the European Union (EU) average of 51.9, and Montenegro only scoring 35.1. This result shows that it is important to continuously look beyond the numbers when discussing gender equality and the actual influence that women have, seeing as women from both Albania and Montenegro are encountering major obstacles in political participation, and those who do manage to enter into the political sphere, are more likely to be exposed to verbal and other forms of violence (see also “In Focus: Violence Against Women Politicians”).

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<sup>1</sup> National Democratic Institute for International Affairs, Political Participation and Violence against Women in Politics in Southeastern Europe, Sarajevo, NDI, 2021, p. 7.

<sup>2</sup> Journalism Fund EU, ‘Women under attack in Balkans’, journalismfund.eu, 11 May 2022.

<sup>3</sup> European Institute for Gender Equality, ‘Women and power in the Western Balkans and Turkey’, Gender Statistics Database, 17 May 2021.

<sup>4</sup> Gender Equality Index measures equality in the following domains: work, money, knowledge, time, power and health with 100 points, meaning maximum equality. In 2021 the highest score was awarded to Sweden, with 89.3 points. European Institute for Gender Equality, ‘Comparing scores for the 2021 edition’, EIGE Gender Equality Index, 2022, (accessed 18 October 2022).

Even elected women in the Western Balkans are not always privy to consultations and negotiations when it comes to decision-making at various levels of government, including within their own parties. Women are often restricted to engaging in stereotypical “women's sphere” and are often excluded from high positions with decision-making power in the spheres of the economy, foreign policy and national defence. Although this is a regional situation, it is worth noting that at the time of writing this report, there are women who hold high positions with decision-making power, and are represented in sectors traditionally considered “men's spheres” : including the Albanian Deputy Prime Minister/Minister of Infrastructure and Energy; the BiH and Albanian Ministers of Finance; the North Macedonia Minister of Defence; both Serbia and Kosovo have women Ministers of Justice and in Serbia, there is a woman Prime Minister; ; the Vice Prime Minister in Albania is a woman and the Albania and Kosovo Ministers for Foreign Affairs.

Findings in this indicator show that when it comes to the political sphere, women are often very active in political parties during election campaigns, but are deprived of the nomination and mandate-sharing. True power lies in the hands of the leaders of political parties and their closest associates who are predominantly, if not solely, men. Literature indicates that in the Western Balkans, women are rarely organised within the party to create stronger leverage to represent their interests and achieve a more active approach to party work and internal decision-making power.<sup>5</sup> This might be attributed to the fact that the political parties do not prioritise and develop a more inclusive and equal representation of women and do not protect the role of women party members in decision-making processes. As it was noted in a report on elections in North Macedonia, political parties in their pre-election campaigns promise initiatives for improving gender equality in the country, but they rarely make visible efforts to achieve these pledges. This is an indication

that gender equality is used by some political parties as a token for achieving political “points” rather than to achieve fundamental change in gender equity, non-discrimination and improvement of the status of women in society.<sup>6</sup>

Women continuously have problems with their representation in media and lower rates of general media presence. In Serbia, literature indicates that during the 2022 elections, the media did not report equally on men and women candidates, despite the fact that in the elections there were three women candidates for the presidency and three women party leaders on the election lists.<sup>7</sup> The data show that in the news programs on two channels with national frequency, TV Pink and Radio Television Serbia, out of 1,130 reports related to the campaign, women candidates were mentioned in only 219 news items (19%), while 81% of media reporting covered men candidates. In printed media the rates were far lower - only 11% of the news items were about women candidates, 89% about men.<sup>8</sup> According to the report *Who Makes the News?* women are presented in only 20% of the content in Serbia, which is 8% less than the EU average.<sup>9</sup> In the political discourse there is an absence of issues such as violence against women (VAW) and gender-based violence (GBV) in pre-election campaigns, although it is frequent.<sup>10</sup> Despite women making up 40% of parliamentary candidates in Albania, in articles or broadcasts where candidates were mentioned or discussed, during the preelection period, only 22% were women, and the remaining 78% were men.<sup>11</sup>

A report by the National Democratic Institute (NDI) noted that in Kosovo the media only spoke about women politicians during election campaigns. Even then, women politicians were spoken about in a superficial manner, instead of detailing their political platforms and potential contributions.<sup>12</sup> In Montenegro, when women were discussed in the media, they are degraded, objectified, and sexualised.<sup>13</sup> The political activities of women were

<sup>5</sup> Balkan Policy Research Group, *Žene u Politici II: Rodno odgovorno donošenje politika kroz lokalnu i nacionalnu zakonodavnu saradnju*, Balkans Policy Research Group, 2020.

<sup>6</sup> Petkovska, N., *ЛОКАЛНИ ИЗБОРИ 2021 ОСВРТ НА КАНДИДАТСКИТЕ ЛИСТИ ЗА ГРАДОНАЧАЛНИЦИ И ИЗБРАНИТЕ НОСИТЕЛИ ОД РОДОВ АСПЕКТ*, Reactor – Research in Action, 2021.

<sup>7</sup> Akademija zenskog liderstva, *Za izbore bez nasilja*, Akademija zenskog liderstva, 2022.

<sup>8</sup> Ibid.

<sup>9</sup> Global Media Monitoring Project, *Who Makes the News, Serbia National Report*, Global Media Monitoring Project, 2020, p. 8.

<sup>10</sup> Akademija zenskog liderstva, *Za izbore bez nasilja*, Akademija zenskog liderstva, 2022.

<sup>11</sup> Observatory for Children and Youth Rights, *Violence against women during elections (VAWE) and gender bias in media coverage of the 2021 elections in Albania*, Media Monitoring Report, Observatory for Children and Youth Rights, 2021, p. 21.

<sup>12</sup> National Democratic Institute for International Affairs, *Political Participation and Violence against Women in Politics in Southeastern Europe*, NDI, 2021, p. 7.

<sup>13</sup> Ibid.

reduced to their physical appearances and private matters, while their actions, qualities, political merits, and community contributions were overlooked.<sup>14</sup> In Albania, women in politics have expressed that they believe that political parties do not prefer women to represent them in political debates because these events are expected to demand more aggressive language, and political party leadership considers it difficult for a woman to withstand in a debate on important issues.<sup>15</sup> The media tends to invite a woman to discuss on so-called "soft issues", such as her family or her career rather than politically strategic issues, such as unemployment, foreign policy or leadership.<sup>16</sup>

Another obstacle in this field that is often disregarded is a lack financial resources faced by women running for election and the difficulties fundraising for their campaigns compared to their men counterparts, due to their lack of access to potential donors. For political engagement, it is necessary to have time, connections, resources and an enabling environment, all of which women in the Western Balkans are less likely to have access to than men due to their traditional role in the family and society. Political participation of women mirrors their position in society and family in general,

including lack of financial independence. According to NDI, coercive behaviour that controls women's access to economic resources is not rare and deprives women of the tools necessary for political action, professional development, or routine political activity. Men colleagues have disproportionate control of budgets, which in turn leads to disproportionate financial support to men's projects, a lack of paid positions or poorly paid positions for women in politics, restricted or no access to money within the political parties for women, a lack of women participating in financial decision-making, and a lack of funding for women's political campaigns.<sup>17</sup>

Some of the hidden obstacles could be seen in the example of BiH, where nominally general changes of the Election Law dramatically impacted the number of women in the Parliament. When the census bar was raised from 5% to 20%, most of the electoral lists at the entity and state levels can win only one mandate, which as a rule belongs to the holder of the list. Considering that women are holders of the list in only 16% of cases (men in 84%), it is clear that women have significantly lower chances for representation in the entity and state parliaments.<sup>18</sup>

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<sup>14</sup> Ibid.

<sup>15</sup> Observatory for Children and Youth Rights, Violence against women during elections (VAWE) and gender bias in media coverage of the 2021 elections in Albania, Media Monitoring Report, Observatory for Children and Youth Rights, 2021, p. 9.

<sup>16</sup> Ibid.

<sup>17</sup> National Democratic Institute for International Affairs, Political Participation and Violence against Women in Politics in Southeastern Europe, NDI, 2021, p. 12.

<sup>18</sup> Gabeljic, S., Uloga rodne ravnopravnosti u politici i uticaj na sector sigurnosti u Bosni i Hercegovini, Akademija za Žene, 2021, p. 7.

## ALBANIA

In comparison with other Western Balkan countries, Albania continues to be the leader in the number of women in politics in this reporting period.

During the last Parliamentary elections in April 2021, out of the elected members of Parliament (Mps), 92 were men (66%) and 48 women (34%). Following the elections, the new Parliament selected a woman, Lindita Nikolla, as the Speaker of Parliament.<sup>19</sup> Prime Minister Edi Rama appointed a cabinet 70% women ministers, a number that is rarely achieved in EU or global politics.<sup>20</sup> Nevertheless, data collected from numerous reports indicate that the role and influence that women have in the politics and their involvement in decision-making processes remains marginalised.

Despite the impressive numbers, the status of women in Albanian politics remains a matter of concern in the national and the international domain. Public statements of highly ranked politicians, including the Prime Minister, are exposing the *status quo* of Albanian politics. One of the examples is derogative language against women used by Prime Minister Rama during the announcement of the 2021 candidates wherein Rama insulted and offended opposition MP Grida Duma.<sup>21</sup> Women across the country, including some from his own party, reacted and demanded an apology.<sup>22</sup>

In cases where women make it on the candidate lists, a fair and just competition for the seats is not guaranteed, as the leading positions are predominantly held by men. It is noted that in three election cycles (2013, 2017, 2021) women were consistently at the top of the candidate lists, only to later be denied any political position.<sup>23</sup> The study *Violence Against Women in Politics* found that for women in the sphere of politics, the main perpetrator of political violence was their own political party, especially for women aiming for leadership positions within the party.<sup>24</sup> Women candidates revealed that they were often side-lined, interrupted during meetings, have their contributions belittled, and are kept out of discussions for important decisions.<sup>25</sup> The European Commission (EC) noted in the 2021 Country Report that the main parties all attempted to augment the role and visibility of women as candidates in the campaign, and that the mandatory 30% quotas in candidate lists were respected and, in most cases, exceeded. Despite these welcome initiatives, according to the EC Country Report, the electoral legislation needs to further clarify the sequencing of women candidates in lists to enhance their presence in winning positions, which has not yet been achieved during this reporting period.<sup>26</sup>

<sup>19</sup> Cuka, F. and Aliju, D., 'Lindita Nikolla elected Albania's new parliament speaker', *AA.com*, 10 September 2021, World, Europe.

<sup>20</sup> For reference, the EU average is 28%.

<sup>21</sup> Politiko, 'Insults in the Assembly, the Duma returns to Rama: Whoever has the digestive apparatus in the brain, excretes excrement from the mouth', *Politiko*, 21 July 2022.

<sup>22</sup> Gjoni, E., 'Rama Cynically Plays Gender Card With Women-Majority Cabinet', *BalkanInsight*, 16 September 2021.

<sup>23</sup> Dauti, M., and Metaj, G., *Violence against Women in Politics in Albania*, Tirana, UNDP, 2022., p. 22.

<sup>24</sup> *Ibid.*, p. 28.

<sup>25</sup> *Ibid.*, p. 18.

<sup>26</sup> Directorate-General for Neighbourhood and Enlargement Negotiations, *Albania Report 2021*, European Commission, 2021, p. 10.

## BOSNIA AND HERZEGOVINA

Although the Election Law sets a 40% quota for the less-represented gender on candidate lists in the BiH Parliaments, on average there are approximately 25% women deputies and representatives: In the Federation of BiH (FBiH) there are approximately 28% women and 72% men, while in Republika Srpska there are approximately 22% women, 78% men. This quota is set by both the Law on Gender Equality and the Election Law. A key obstacle is the semi-open candidate list system, which allows voters to change candidates' position on party lists.<sup>27</sup> The United Nations (UN) Committee on the Elimination of Discrimination Against Women (CEDAW) has recommended replacing this system with a the "Zipper system", where men and women have to be in alternating positions on the candidate lists (e.g. France), and introducing reserve seats for women in different legislative bodies. This recommendation has not been implemented to date.<sup>28</sup>

In order to be actively involved in the discussions on amending the BiH Election Law and to include in these discussions the neglected gender dimension within the election process, in 2021 an informal coalition "Let's Share Responsibility Equally" was formed. The coalition of six CSOs and seven individuals prepared its amendments to the Election Law to ensure equal participation of women and men in the legislature at all levels in BiH. Accordingly, the proposed amendments require that each candidate list has an equal number of women and men candidates distributed alternately throughout the list, and that the missing number of elected women of at least 40% in parliaments is filled from the compensation lists.<sup>29</sup> Compensation lists are formed by the leaders of political parties and the will

or opinion of the voters does not affect the order on the list. These lists are the space that could enable the missing number of elected persons of the underrepresented gender up to 40% in the legislative bodies at all levels in BiH. The "Let's Share Responsibility Equally" Coalition's proposals are fully in line with the recommendations given by the CEDAW Committee after the 74th session in Geneva, wherein the CEDAW Committee insisted that BiH adopt amendments to the Election Law to increase the quota of women candidates on the lists of political parties to 50% and that the first few places on compensation lists are reserved for women. At the time of writing this report, the Coalition had not received a response from government officials regarding their submitted amendments.<sup>30</sup>

In the Council of Ministers, out of nine Ministers, of which only two are women; the Minister of Foreign Affairs and the Minister of Civil Affairs, while seven are men. In the House of Representatives of the Parliamentary Assembly, 26% are women (11 representatives) and 74% (31 representatives) are men.<sup>31</sup>

In the EC 2021 Country Report for BiH, it was concluded that rules of procedure requiring gender balance are largely ignored.<sup>32</sup> The number of appointed and elected women in government bodies is disproportionate to their number in the total population.<sup>33</sup> As has been noted in previous editions of *Women's Rights in Western Balkans*, political parties do not recognise the need to establish gender equality in politics, leaving women on the margins of political power, deprived of influence on development and implementation of policies.<sup>34</sup>

<sup>27</sup> Spasovska, B., *EU support for women's political participation and leadership under the EU's Gender Action Plan, A case study on Bosnia and Herzegovina*, European Democracy Hub, 2021, p. 4.

<sup>28</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding Observations on the Sixth Periodic Report of Bosnia and Herzegovina*, CEDAW, 2019, p. 9.

<sup>29</sup> Proposals for amendments to the BiH Election Law were sent to the Commission for Achieving Gender Equality of the BiH Parliament and the Inter-ministerial Working Group for Amendments to the BiH Election Legislation: Helsinki Citizens Assembly; Amandmani Inicijative "Podijelimo odgovornost zajedno", *Helsinški Parlament Građana Banja Luka*, 20 December 2021, News.

<sup>30</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>31</sup> Parliamentary Assembly of Bosnia and Herzegovina, 'Representatives Convocation 2018-2022', (accessed 5 October 2022).

<sup>32</sup> Directorate-General for Neighbourhood and Enlargement Negotiations, *Bosnia and Herzegovina Report 2021*, European Commission, 2021, p. 8.

<sup>33</sup> Gabeljic, S., *Uloga rodne ravnopravnosti u politici i uticaj na sector sigurnosti u Bosni i Hercegovini*, Akademija za Žene, May 2021, p. 7.

<sup>34</sup> Ibid.

There are no women among the political party leaders, and only few in other party leadership positions. In foreign diplomatic missions 77% of diplomats are men, compared to 23% women.<sup>35</sup> In the Republika Srpska entity, women have only twice held the position of President since its formation in 1992: Biljana Plavšić in period from 1996 to 1998 and Željka Cvijanović from 2018 to 2022.

Political parties and Parliaments in BiH (at both entity- and state-levels) are not gender sensitive.<sup>36</sup> With few rare exceptions (such as the political party “Naša stranka”) most of the other political parties do not show initiatives within the women's participation in decision-making bodies and within the issue of improving the position of women through legislative activities in parliaments. Gender sensitivity is also low within the two entities and the National Parliament. None of them have adopted guidelines or manuals for handling cases of sexual harassment or violence.<sup>37</sup> All three parliaments have regulated procedures in relation to reports of sex- and gender-based harassment, however, the Codex on Behaviour as well as the Assembly Rules of Procedures mention neither sex- or gender-based harassment, nor the ways on how to manage investigations in the cases of reporting these forms of harassment.<sup>38</sup> Additionally, none of the Parliaments use gender-sensitive language.

BiH remains one of few European countries whose Constitution does not contain provisions related to equality between women and men. The Constitution only bans discrimination on the grounds of gender, along with other enumerated grounds, for example on the grounds of race or religion. The lack of precise regulation of issues, such as the policies of equal opportunities to participate in political life, decision-making about reproductive rights and health, prescription of affirmative measures and the like at the level of the Constitution, in fact leaves open many issues concerning women's rights, which are being manipulated differently (on entity levels) at their expense.<sup>39</sup> Due to unclear and insufficient regulation of rights, women's rights remain underrepresented in the Constitution, the consequences of which are also reflected in the everyday life of women.

BiH has never had a single woman member of the three-member Presidency, which has the function of Head of State. Since its establishment in 1994, the position of President of FBiH Borjana Krišto is the only woman to hold this position (from 2007 to 2011).<sup>40</sup>

<sup>35</sup> *Ibid.*

<sup>36</sup> Helsinki Citizens Assembly Banja Luka, *Rodni barometer 2022*; Helsinki Citizens' Assembly Banja Luka, *Assessing Gender Sensitivity of Entity and National Parliaments*, 2020.

<sup>37</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> Policy Department for Citizens' Rights and Constitutional Affairs, *Women's rights in Western Balkans's*, European Parliament, 2019, p. 15.

## KOSOVO

The elections held in February 2021 were the fifth Parliamentary elections since Kosovo's independence. Out of 120 seats in the National Assembly, 42 seats (36%) are held by women, with 15 of those women being elected for the first time. After the seats of three women who were to serve as ministers were replaced with men, the total number of seats held by women is now 39 (34%), whereas men hold 81 seats (66%).

In the current Cabinet, women occupy one-third of the positions and chair seven out of 14 Parliamentary Committees. While five out of 15 ministers are women, including the Second Deputy Prime Minister who is also the Minister of Foreign Affairs, and the Third Deputy Prime Minister for Minority Issues and Human Rights. Ten ministers, including the Prime Minister, are men.

During this reporting period, Vjosa Osmani was elected as the second woman president in Kosovo history. She first took office as Acting President in November 2020 before being elected President by the new Parliament in April 2021.

Despite the quota that is guaranteed by electoral laws, women's political representation in legislative assemblies or decision-making positions faces major barriers at the central executive level, as well as at the municipal level. In its 2022 report, the Ombudsperson stated that, despite the efforts and measures for the advancement of the position of women, there is still gender inequality in the society, including in the political and decision-making spheres.

Currently there are four political parties in power that have women leaders, Emilija Redžepi from the New Democratic Party, Duda Balje from the Social Democratic Union, Mimoza Kusari Lila from Alternativa and Donika Gervalla from Guxo. As in other Western Balkans countries, there are reports

noting that in order to meet the minimum requirement for the election quota, many parties select women candidates at the last minute and devote insufficient time and resources to enable effective campaigns.

During this reporting period, Kosovo has still not harmonised the contradictions between the Law on Gender Equality, the Law on General Elections, and the Law on Local Elections. The Law on Gender Equality requires a 50% gender quota across all legislative, executive, and public institutions, while the Law on General Elections and the Law on Local elections require that party lists are composed of at least 30% of the lesser represented gender. Harmonisation is important as this discrepancy undermines the influence and importance of the gender equality laws, creating a culture of disregarding the gender equality laws as "less important". An additional problem is the lack of statistical reporting and gender analysis, in line with the requirements of the Law on Gender Equality: Kosovo's institutions continue to be challenged with the lack of reporting and analysis of statistics from the gender perspective.

In 2021, the legal provisions related to the replacement of the members of the Municipal Assemblies and of the Kosovo Assembly by the next eligible candidate "of the same gender" were declared by the Constitutional Court (CC) as incompatible with the Constitution and the European Convention for Human Rights.<sup>51</sup> The CC decided that the replacement of candidates for deputies should be done respecting first the 30% gender quota and, if the quota has been met, then the seat will be allocated according to the votes received. The CC further sets a precedent in that the gender quota, and the gender quota being met, are priorities that should be followed in all stages of mandate allocation.<sup>52</sup>

<sup>41</sup> National Democratic Institute, *Kosovo: Post- Election Analysis of February 2021 Parliamentary Elections*, NDI, 2021, p. 1.

<sup>42</sup> *Ibid.*, p. 7.

<sup>43</sup> Government of the Republic of Kosovo, 'Government cabinet', *Prime Minister Office*, (accessed 18 October 2022).

<sup>44</sup> *Ibid.*

<sup>45</sup> Atifete Jahjaga was Kosovo's President from 2011 to 2016.

<sup>46</sup> Ombudsperson Institution of Kosovo, *Annual report 2021*, Prishtina, Ombudsperson Institution of Kosovo, 2022, p. 70.

<sup>47</sup> Guxo, led by Kosovo President Vjosa Osmani (5 MPs) and The Alternative (Kosovo), led by Mimoza Kusari-Lila (1 MP).

<sup>48</sup> European Union Office in Kosovo, *Gender Action Plan III – 2021-2025 Country Level Implementation Plan for Kosovo*, European Union Office in Kosovo, 2021, p. 1.

<sup>49</sup> *Ibid.*

<sup>50</sup> Government of Kosovo, *Kosovo Program for Gender Equality 2020-2024 Action Plan*, Government of Kosovo, 2020, p. 47.

<sup>51</sup> *Constitutional Court of Kosovo Judgement AGJ 1739/21*, from 29 March 2021, in cases KI 45/20 and KI 46/20.

<sup>52</sup> EU EOM Kosovo, 2021 Municipal Elections, *Final Report*, EU EOM Kosovo, 2021, p. 33.

## MONTENEGRO

Women in Montenegro remained underrepresented in positions of political power in this reporting period, and continue to not have the same influence as men on policies, laws and reforms that shape socio-economic development. There have been no changes in women's representation at higher levels of government during this reporting period, up until the vote of no-confidence in August 2022: women still constitute less than a third (27%) of members of the National Parliament, men 73%. Of the 81 seats, 59 are held by men and 22 are held by women. As a result of the safeguards introduced by Article 104 of the Election Law, according to which, a woman can only be replaced by another woman, the minimum number of women elected is guaranteed, while the overall number of women in Parliament may increase as a result of men MPs leaving their posts and being replaced by next-in-line candidates who happen to be women. As a direct result of this safeguard in the legal framework, in 2020, the number of women MPs increased from 18 to 20 (approximately 25%).

Political campaigns are mainly focused on men candidates, and the key speakers in almost all parties' campaigns are men. This indicates that men candidates are prioritised over women candidates and that political party campaigns devote more resources for outreach and more public space for men's campaigns than those of women.<sup>53</sup>

In December 2020, Parliament elected the new government of Montenegro that was reconstructed in 2022. The current members of the cabinet were elected on 28 April 2022, by the Parliament of

Montenegro. Women's share among government members is 20%, while men remain overrepresented at approximately 80%.<sup>54</sup> At the moment the highest governmental positions are occupied by men, including the Prime Minister, Deputy Prime Minister, the Speaker of Parliament and the Secretary General.<sup>55</sup> In August 2022 the Abazović government fell, following a vote of no-confidence. At the time of writing this report, a new government has not yet been formed.

It is of concern that, since the last reporting period, women's involvement in political life remains limited: there are no women among the political party leaders and very few in the parties' leadership. As reported in the 2021 EC Country Report for Montenegro, electoral lists satisfy only minimum requirements in terms of gender equality.<sup>56</sup> A similar concern is reflected in the research findings from a survey conducted by the Westminster Foundation for Democracy, which indicate that over two-thirds of women respondents (67%) do not see themselves in politics, and do not experience themselves as politically active citizens.<sup>57</sup> As one of the main obstacles, women respondents cited the lack of time due to household and family obligations, insufficient family support, lack of experience in public performances, and lack of self-confidence.<sup>58</sup> In observing the low rates of Montenegrin women's representation in Parliament and at the ministerial level, it is clear that these social structures are reflected in the data as well. Hate speech against women in politics is widely present in Montenegro, influencing women's withdrawal from public activities and limiting their freedom of expression.

<sup>53</sup> Vijesti, Zene ne vide ni progresivne snage, 3 April 2022,

<https://www.vijesti.me/vijesti/drustvo/598195/zene-ne-vidi-ni-progresivne-snage> (accessed 15 July 2022).

<sup>54</sup> *Government of Montenegro*, 'Composition of the 43rd Government of Montenegro', (accessed 15 July 2022).

<sup>55</sup> *Ibid.*

<sup>56</sup> Directorate-General for Neighbourhood and Enlargement Negotiations, *Montenegro Report 2021*, European Commission, October 2021, p. 12.

<sup>57</sup> Tomovic, P., 'Ženama u crnogorskoj politici teško protiv predrasuda', *Radio Slobodna Evrope*, 8 December 2021.

<sup>58</sup> *Ibid.*

## NORTH MACEDONIA

There have been few positive shifts for women's representation in national government structures in the last two decades in North Macedonia, which is particularly reflected in the positions of the executive power for which there are no legally defined quotas for gender representation.<sup>59</sup> The current government was elected in January 2022 and is composed of the Prime Minister, four Deputy Prime Ministers and 16 Ministers, a total of 21 persons. Of those 21, four (20%) are women, while 17 (80%) are men.

The number of women MPs is 50 out of 120 (39%), and the number of men is 70 (61%), comparatively. While the Speaker of the Assembly of the Republic is a man, the Secretary-General is a woman.<sup>60</sup> In comparison, in 2019, the 120 available seats in the Assembly of North Macedonia included 45 women MPs (approximately 38%) and 75 men, and in 2020, there were 47 women MPs (39%) and 73 men. Although this comparison could indicate that over the years improvements in women's representation have been made at the Assembly level.<sup>61</sup>

Three political parties have a woman leader (Democratic Renewal of Macedonia, the Party for Economic Changes, and the party Voice for Macedonia). Men lead all other active political parties,<sup>62</sup> although women do serve as Deputy or Vice Presidents of eight parties. Only the Internal Macedonian Revolutionary Organisation – Democratic Party for Macedonian National Unity does not have a woman in any of the highest leadership levels, despite having two Vice President positions (both held by men).<sup>63</sup>

According to some reports, the reason for low participation could be insufficient protection of women in politics. Political parties in North Macedonia lack fundamental protection for women members, activists, and political representatives. Party statutes or codes of conduct are silent on GBV, including harassment, coercion, defamation, and physical or psychological violence (see also: In focus: Violence Against Women in Politics).<sup>64</sup>

<sup>59</sup> Trajanovski, M. and Gestakovska Aleksovska, Z., Gender parity in political life – beyond the electoral quota, *UNDP North Macedonia*, 8 March 2022.

<sup>60</sup> Inter-Parliamentary Union, 'North Macedonia: Assembly of the Republic', *Inter-Parliamentary Union*, (accessed 18 October 2022).

<sup>61</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>62</sup> There are 20 political parties in the Assembly.

<sup>63</sup> National Democratic Institute, *North Macedonia Violence Against Women in Politics Assessment*, NDI, 2021, p. 10.

<sup>64</sup> *Ibid.*, p. 5.

## SERBIA

This reporting period was marked by the presidential and early parliamentary elections that were held on April 3<sup>rd</sup>, 2022. Eight presidential candidates, of which three are women and five are men, and 19 parliamentary lists totalling 2,912 candidates were registered for the elections.<sup>65</sup> It was reported that party platforms and campaign messages rarely addressed issues related to gender equality.<sup>66</sup> The Office for Democratic Institutions and Human Rights observed that approximately 32% of the campaign attendees and approximately 29% of the speakers at rallies were women. The same numbers for men were 68 and 71% respectively, leaving men overrepresented. United for the Victory of Serbia, Moramo and the Serbian Progressive Party were the only parties that in their campaign platforms addressed issues such as equal pay, women's access to employment and GBV.

The Parliament formed after the 2022 elections consist of 94 (38%) women and 156 (62%) men.<sup>67</sup> There is only one woman party leader in the Parliament which is representative of the overall picture that in Serbia, out of approximately 120 registered parties, less than five are led by women.<sup>68</sup>

Women currently hold 11 ministerial posts of 24 in the government, including the Prime Minister, whereas men hold 13 posts.<sup>69</sup>

As has been reported in previous editions of this report, once an elected woman MP loses her mandate, resigns, or goes on maternity leave, despite the gender quotas mentioned above, she is not automatically replaced by another woman, but by the next candidate on the electoral list. This means that, despite the high quota, the representation of women in the Parliament can be lower following the elections when the government is being formed.<sup>70</sup>

Although Serbia is ranked relatively high in women's political representation, the government has not shown indication towards establishing strategic goals to strengthen the role and position of women in politics. The fact that there is almost 50% of women within the government is positive but it does not necessarily mean that women's rights are highly prioritised at the national government level.

<sup>65</sup> OSCE, 'Serbia's elections offered diverse political options, but shortcomings led to an uneven playing field, international observers say', *OSCE Press Releases*, 4 April 2022, News & Media.

<sup>66</sup> *Ibid.*

<sup>67</sup> National Assembly of the Republic of Serbia, 'National Assembly in Numbers, Gender Structure', *National Assembly of the Republic of Serbia*, (accessed 10 July 2022).

<sup>68</sup> Republic of Serbia, 'Politické stranke', *Republic Electoral Commission*, (accessed 10 July 2022).

<sup>69</sup> At the time of writing this report, the election results became official after three months while the new government was not yet formed.

<sup>70</sup> The 2020 amendments to electoral laws introduced a new minimum quota of 40%, previously 30%, of candidates on electoral lists for Parliamentary and local elections for the less-represented gender.

**STATISTICAL DATA SHOWS:**

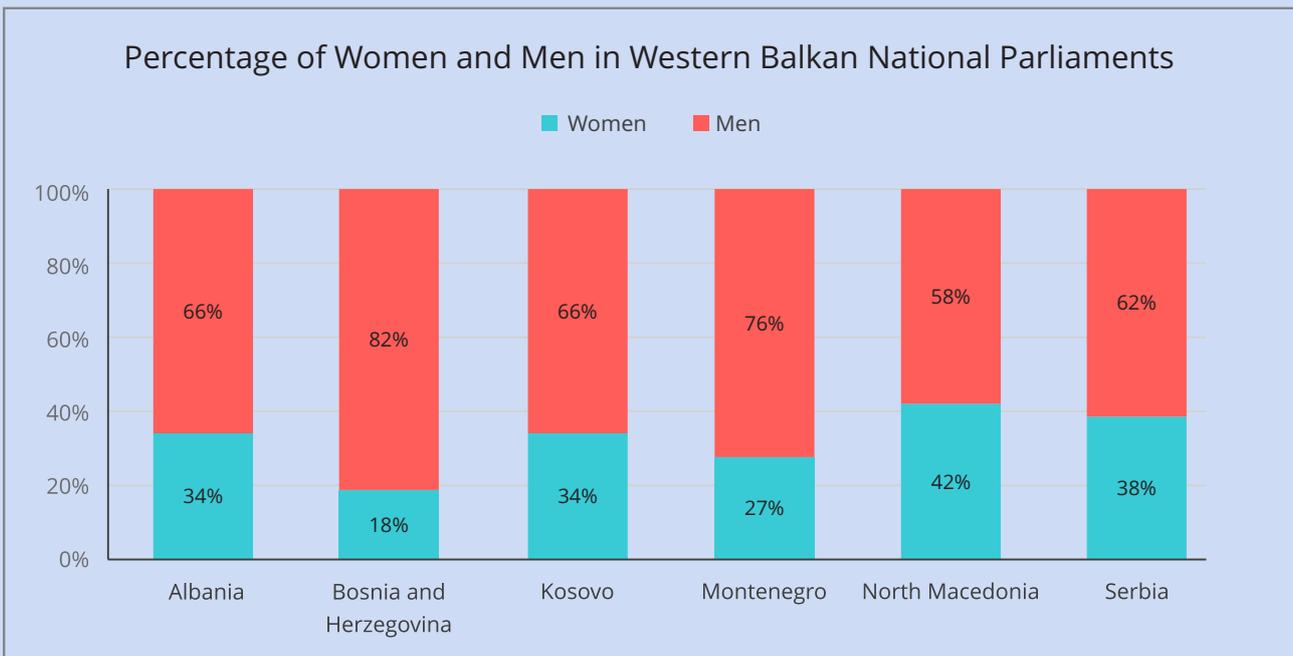
**Percentage of Women and Men in National Parliament, 2022**

	Number of women	Number of men	Total number of seats	Percentage of women (%)	Percentage of men (%)
Albania	48	92	140	34	66
BiH <sup>71</sup>	14	43	42	18	82
Kosovo	39	81	120	34	66
Montenegro	22	59	81	27	76
North Macedonia	50	70	120	42	58
Serbia	94	151	250	38	62



**Info:**

The average percentage of women MPs in the Western Balkans is approximately 36%, which represents an overall 3 percentage point increase in the region compared to statistics from the previous edition of this report (2020). The regional average of men MPs is 64% of the.



<sup>71</sup> Numbers refer to representation of both the House of Representatives (11 women and 31 men) and the House of Peoples (3 women, 12 men).

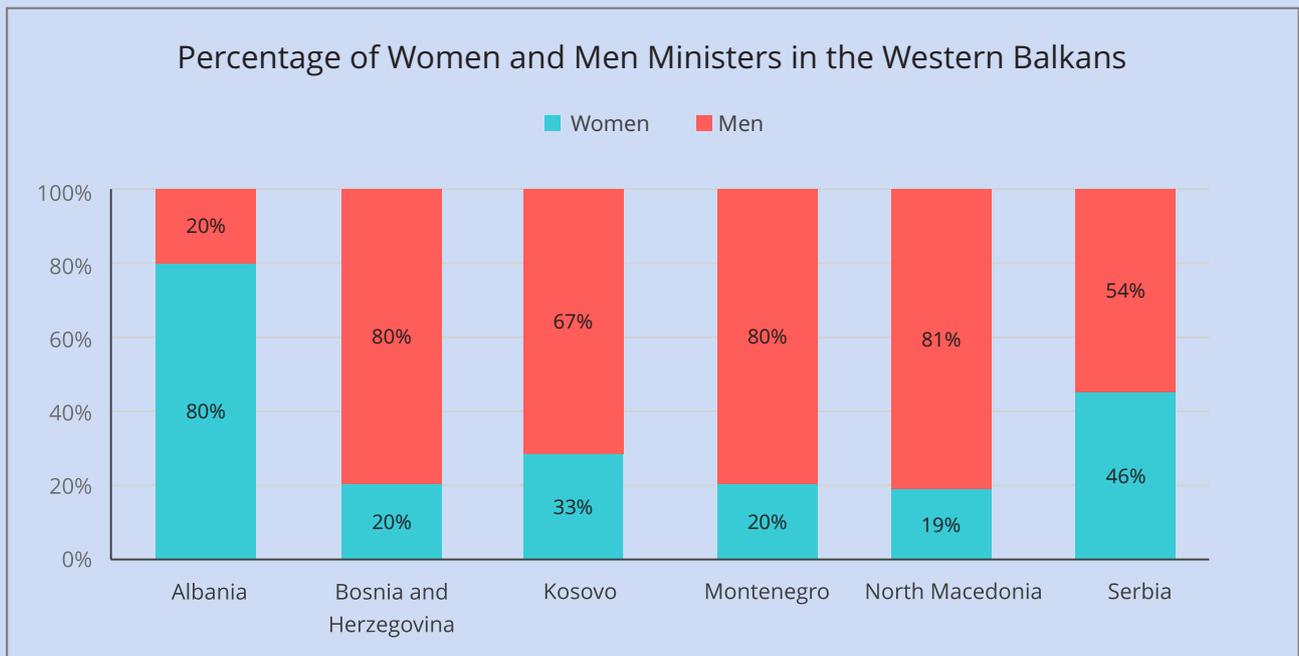
**Percentage of Women and Men Ministers, 2022**

	Number of women	Number of men	Total number of seats	Percentage of women (%)	Percentage of men (%)
Albania	12	3	15	80	20
BiH	2	8	10	20	80
Kosovo	5	10	15	33	67
Montenegro	4	16	20	20	80
North Macedonia	4	17	21	19	81
Serbia	11	13	24	46	54



**Info:**

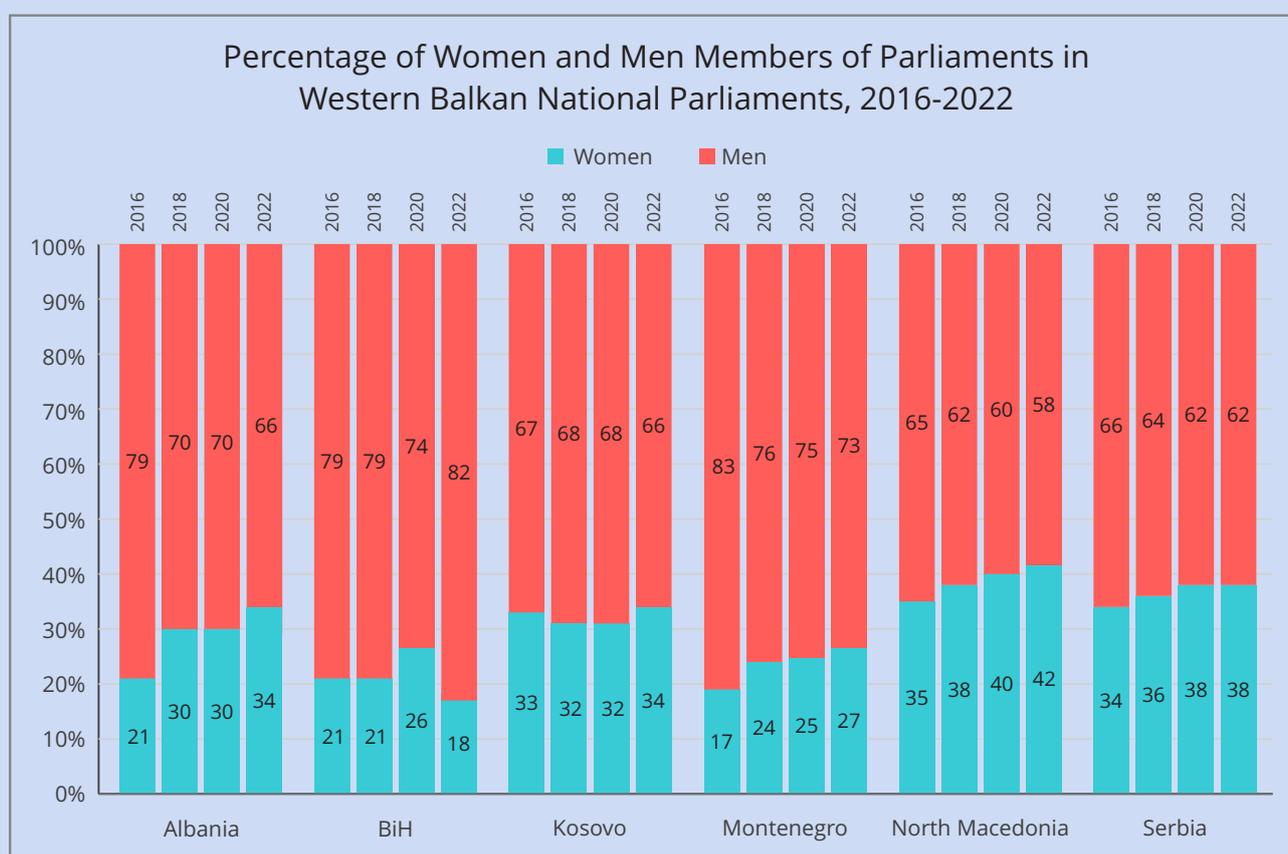
The average percentage of women Ministers is approximately 34% (excluding Albania, the average is 27%). The regional average of men ministers is 66% (73% if Albania is excluded). This represents an overall 7.3 percentage point increase of women Ministers in the region compared to statistics from 2020.



**COMPARISON CHART:**

Comparison Table: Percentage of Women and Men Members of Parliaments in National Parliaments 2016-2022<sup>72</sup>

	2016		2017		2018		2019		2020		2021		2022 <sup>73</sup>	
	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	21	79	30	70	30	70	30	70	30	70	34	66	34	66
BiH	21	79	21	79	21	79	21	79	26	74	18	82	18	82
Kosovo	33	67	32	68	32	68	32	68	32	68	34	66	34	66
Montenegro	17	83	24	76	24	76	23	77	25 <sup>74</sup>	75	27	73	27	73
North Macedonia	35	65	31	69	38	62	38	62	40	60	42	58	42	58
Serbia	34	66	34	66	36	64	37	63	38	62	38	62	38	62



<sup>72</sup> Various sources give different percentages of women and men MPs between 2016-2020 in each of the Western Balkan countries. Depending on the source, there can be a difference of several percentage points for each year. This report prioritises statistics from the EIGE database. For archival statistics, the Inter-Parliamentary Union’s database was used to fill in statistics where EIGE did not have them.

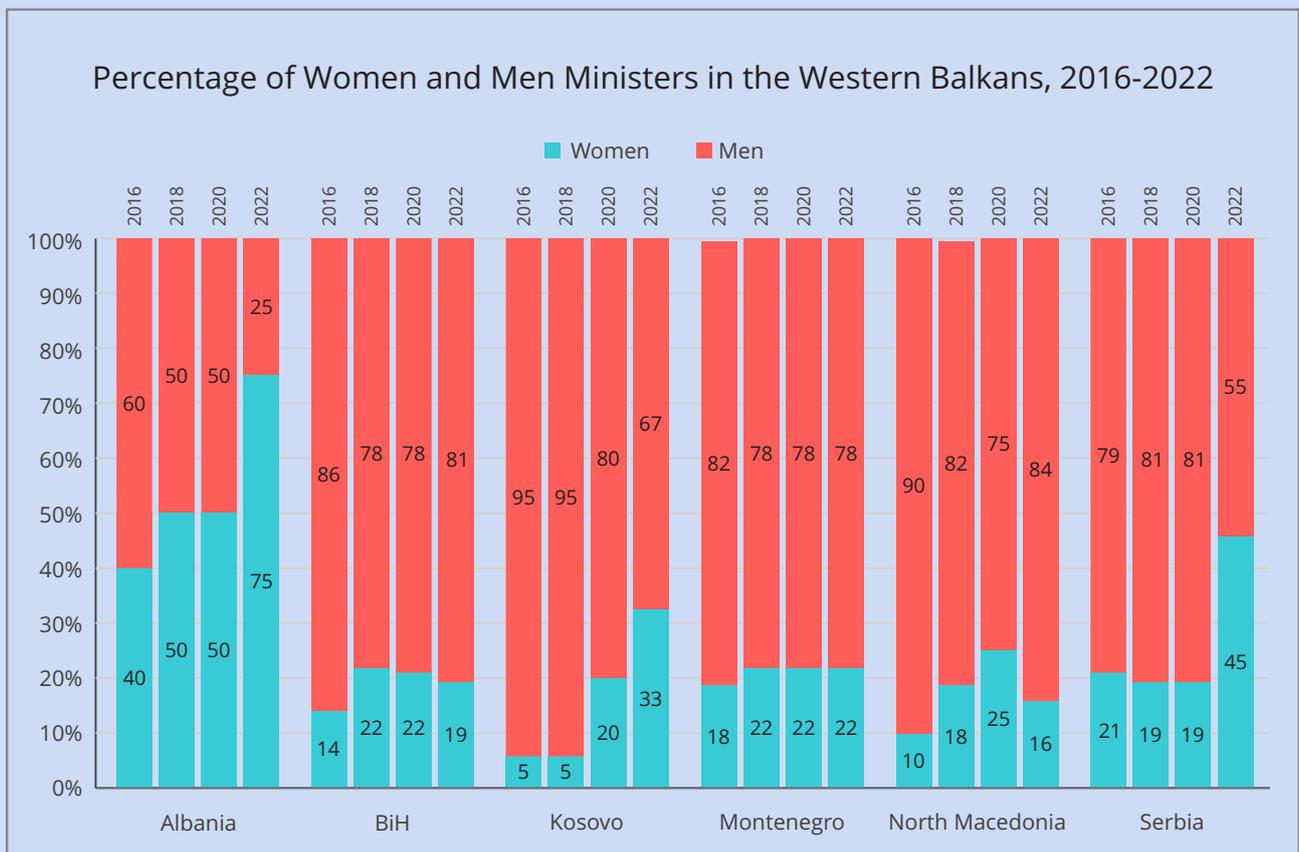
<sup>73</sup> Data for 2022 reflects the numbers only up to and including September 15, 2022.

<sup>77</sup> As a result of the safeguards introduced by Article 104 of the Election Law, according to which a woman can only be replaced by another woman, the minimum number of women achieved in elections is guaranteed, while the overall number of women in the Parliament may increase as a result of men MPs leaving their posts and being replaced by next-in-line candidates who may happen to be a woman.

**COMPARISON CHART:**

Comparison Table: Percentage of Women and Men Ministers 2016-2022

	2016		2017		2018		2019		2020		2021		2022	
	% W	%M	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	40	60	50	50	50	50	50	50	50	50	71	29	75	25
BiH	14	86	25	75	22	78	-	-	22	78	19	81	19	81
Kosovo	5	95	12	88	5	95	10	90	20	80	33	67	33	67
Montenegro	18	82	22	78	22	78	22	78	22	78	22	78	22	78
North Macedonia	10	90	15	85	18	82	22	78	25	75	16	84	16	84
Serbia	21	79	21	79	19	81	19	81	19	81	45	55	45	55



# WOMEN IN POLITICS

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## **% REPRESENTATION OF WOMEN IN LOCAL/MUNICIPAL COUNCILS**

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**The equal representation and influence of women and men in political life, at all levels of governance, is a fundamental right as well as a prerequisite for a democratic society. Local structures in Western Balkan countries remained relatively unchanged during the reporting period. Few observable changes took place at local and municipal levels of government. Only Kosovo, North Macedonia and Serbia had local elections since the last edition of the Women's Rights in Western Balkans report (2020). Smaller changes happened at the local level, but those changes did not greatly influence the ratio between women and men representatives in local/municipal councils.**

Generally, men's voices in the region are more represented and more present than those of women. Despite some improvements in women's participation at the national level, municipal politics remain a battlefield for women candidates; it is at the local level where the difference between men's and women's participation is most visible. The data on the number of women mayors in all Western Balkan countries is devastating. The representation of women in councillor seats record a slight increase, but they remain disproportionately low, with men being highly overrepresented.

Women from ethnic minority groups as well as LGBTQI+ communities have limited access to entering politics. Addressing their lack of access is not prioritised in Western Balkan countries, at any level of government. At the local level, political participation of minority communities is crucial, but even when it exists, there remains a lack of a gender-sensitive understanding of it. There are significantly fewer (or almost no) women under the age of 31 in politics at the local level, which is not the case for male political candidates. Thus, the age gap of elected women and men in decision-making positions in local government is visible. Claims exist that women must do more for longer periods of time to "prove" themselves and that this discriminatory practice contributes to the disproportionately low numbers of young women in local politics compared to young men – who are to a greater extent elected based on their potential.

Western Balkan societies are still very traditional with deeply engrained norms for women, making access to politics more difficult, unequal and discouraging. This is a structural, as well as sociological, problem and it must be addressed at many different levels, from selection processes and electoral systems, self-perception and social image of women in politics, work-life balance considerations, to equal access to funding and media outlets.

## ALBANIA

There have been no observed changes during this reporting period regarding the representation of women and men, as the most recent local elections at the time of writing this report were held on June 30<sup>th</sup>, 2019.

There are 1,595 council members representing all the parties registered in Albania's 61 municipalities,<sup>75</sup> of which 555 are women (approximately 35%) and 1,040 are men (65%). Though the most recent municipal elections raised the number of women mayors, there are very few women who hold leadership roles within political parties at the local level.<sup>76</sup> The share of women elected (44% elected) was lower than the share of women candidates (49% candidates), pointing to lower chances for women than men of entering local government.<sup>77</sup> Women continue to face obstacles in the pathway of being a candidate in local-level elections into local office.

While municipalities have been given greater policy making-powers, local government units still lack sufficient financial resources and administrative capacity to exercise them effectively. Women's representation in local government needs improvement so that this can translate into an increase of gender-sensitive issues being placed on municipal council agendas. Although 44% of local councillors' seats were won by women in the most recent local elections, 54% by men, only eight of the 61 municipalities are run by women, 53 municipalities by men.<sup>78</sup>

Research findings indicate that women candidates and women politicians received very limited coverage during the electoral campaign.<sup>79</sup> Furthermore, women councillors believe that expenses faced during campaigns are high and therefore it might affect women's willingness to participate in politics: all of them suggested that the party did not compensate them for any of the costs relating to campaigning.<sup>80</sup> Women's exclusion from certain circles of power, in addition to their own economic status, which in general is inferior in comparison to men's, affects their nomination and recruitment as candidates in local elections.<sup>81</sup> Women do not have the same access to campaign resources and as a result they cannot claim different positions within the party. These unequal positions create tremendous barriers for women who want to participate in political affairs, obstacles which their male counterparts and colleagues do not face.<sup>82</sup>

In general, there is low inclusion of women in local decision-making structures in Albania. Very few women candidates are involved in elections, the gender quota is not respected or fully implemented by local governments, and for the few women who are able to access political positions, they do not get to operate in equal and fair conditions compared to men. In addition, many women are not aware that they should have a real representation in the decision-making structures; a consequence of enduring patriarchal and traditional values.<sup>83</sup>

<sup>75</sup> Kadia, B. and Prifti, R., *The Cost of Politics in Albania*, Westminster Foundation for Democracy, 2019, p. 18.

<sup>76</sup> Office for Democratic Institutions and Human Rights, *Republic of Albania: Local Elections 30 June 2019 - ODIHR Election Observation Mission Final Report*, Office for Democratic Institutions and Human Rights, 2019, p. 14.

<sup>77</sup> Berevoescu, I. and Ballington, J., *Women's representation in local government: A global analysis*, UN Women, 2022, p. 19.

<sup>78</sup> Kadia, B. and Prifti, R., *The Cost of Politics in Albania*, Westminster Foundation for Democracy, 2019, p. 11.

<sup>79</sup> *Ibid.*, p. 18.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*, p. 19.

<sup>82</sup> *Ibid.*, p. 20.

<sup>83</sup> Information shared with Kvinna till Kvinna by partner organisation in Albania.

## BOSNIA AND HERZEGOVINA

Women's underrepresentation in politics is especially evident at the municipal level. The last local elections held in November 2020 did not improve the local political representation of women.<sup>84</sup> During the local elections, 12,832 women ran, compared to 17,977 men.<sup>85</sup> The electoral cycle was marked in particular by the minimal participation of women as candidates for mayoral positions. In the end, three women out of 425 mayoral candidates in total (out of which 29 were women mayoral candidates) were elected as mayors; and mostly in small municipalities with 100 to 200 voters.<sup>86</sup> These women were all elected in Republika Srpska. In FBiH, there were no women elected through the election process,<sup>87</sup> though following the elections, the Mayor of Sarajevo (woman) was elected through city council voting. The lack of women candidates is reflected in the

number of women holding political positions in BiH, which remains low. Only 4% of women were elected compared to 96% men elected candidates; of the overall number of candidates, only 19% were women candidates compared to 81% men.<sup>88</sup> In Municipal and City Councils, 20% were elected women, compared to 80% men.<sup>89</sup>

Recent research findings from the *Baseline Study on Barriers to Political Participation of Women in Bosnia and Herzegovina* points out that traditional gender roles, lack of support from both women and men, and overall lack of support from the electorate are factors that prevent and discourage women from entering politics. The visibility and public presence of women candidates in BiH are particularly low in the run-up to municipal elections.

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**“I can't run away from my own activism, there is an urge, a battle for justice, empathy, protection for the disenfranchised... I came to the political arena on the wave of civic activism, I recognised other activists and I agree with them in that those of us from the streets have to enter into the institutional system.”**

Biljana Stojković,  
Coalition Moramo candidate, Serbia<sup>90</sup>

”

**“Every single law that comes to the assembly should be seen through the gender lens. You will see us talking and fighting for gender equality, no matter what the topic in the assembly and in the government is,”**

Vjosa Osmani, President of Kosovo<sup>91</sup>

<sup>84</sup> United Nations Development Programme Bosnia and Herzegovina, *Final Evaluation of Women in Elections Project in Bosnia and Herzegovina*, United Nations Development Programme Bosnia and Herzegovina, 2021, p. 31.

<sup>85</sup> Petke, S., and Ćorsulić, S., *Bosnia and Herzegovina – elections with surprising results*, Konrad Adenauer Stiftung, 2020, p. 2.

<sup>86</sup> Petke, S., and Ćorsulić, S., *Bosnia and Herzegovina – elections with surprising results*, Konrad Adenauer Stiftung, 2020, p. 2.

<sup>87</sup> *Ibid.*

<sup>88</sup> Bosnia and Herzegovina Central Election Commission, *Electoral Indicators 2020*, Sarajevo, Bosnia and Herzegovina Central Election Commission, 2021.

<sup>89</sup> *Ibid.*

<sup>90</sup> Jovanovic, J., 'Intervju Biljana Stojković: Režimu je sve važnije od ljudi i njihovih prava', Novi Magazin, 18 March 2022, (accessed 26 October 2022).

<sup>91</sup> Đorđević, N., 'Women make their mark in Kosovo's new government', Emerging Europe, 9 March 2020, (accessed 26 October 2022).

## KOSOVO

Local elections were held in Kosovo on October 17<sup>th</sup>, 2021.<sup>92</sup> The elections were marked with a very low number of women in the mayoral races, with a total of only 14 women candidates (8%), of which only two were strongly supported by their political party.<sup>93</sup> Ninety-two percent of the mayoral candidates were men. A total of 1,937 women (37%) ran for municipal assemblies, meeting the minimum 30% quota for local elections, though comparatively, only 36 of them (12%) headed their lists.<sup>94</sup> Men candidates made up 63% of candidates for municipal assemblies. The EU Election Observation Mission noted that despite nominating the legally required number of women candidates, political parties, where men are overrepresented, have not yet seriously addressed the issue of gender inequality in their programmes and statutes.<sup>95</sup> Moreover, funding for women's political campaigns is severely low, as they are usually not supported with equal funds to their men counterparts.<sup>96</sup> Unequal access to party funding and media coverage continues to undermine women's chances of election.

While the gender quota resulted in increased number of women in the national government, local election showed that the position of women in Kosovo politics is far from stable. For several years in a row, Kosovo has only had two women mayors out of 38 municipalities, and women's representation in local elections overall is still very low.<sup>97</sup> *Rights in Western Balkans* report has been tracking women's representation in local governments, and it is concerning that Kosovo has not had a woman mayor since 2018. Kosovo has had only two women serve as mayor since independence in 2008, who served from 2013-2017. In rural areas, women's participation in political processes is estimated to be as low as 5 to 10%.<sup>98</sup>

In the last reporting period, it was reported that legal provisions on gender equality have not been sufficiently mainstreamed within the various laws, causing uncertainty as to their proper implementation.<sup>99</sup> During this reporting period, no observable progress has been made with regards to harmonisation between relevant electoral laws. Women remain underrepresented within political parties and election administration. The policies and internal functioning structures of political parties remain one of the greatest barriers for women's advancement and meaningful participation in public life.<sup>100</sup>

In many cases, when women run as candidates, they are less likely to be given the chance to run in more influential electoral regions or municipalities. They generally run in those municipalities or regions where they are unlikely to win, while the party strongholds (regions where the party has strong, usually longer-term support) are usually reserved for men.<sup>101</sup>

The EU Election Observation Mission in Kosovo also noted that women are underrepresented in the Central Electoral Commission. This is important to note, as representation in monitoring and watchdog mechanisms is key to achieving fair elections where gender equality laws are adequately implemented. In Kosovo's Central Electoral Commission, only one of the 11 members were women, 10 men, while the total number of women in the Municipality Electoral Commissions was 46 out of 243 (19%), and 81% were men. In the 2021 municipal elections, for the first time, the Central Electoral Commission invited civil society organisations (CSOs) to submit women nominees for 16 Municipality Electoral Commissions where the political entities did not respect the Declaration of September 2015<sup>102</sup> and did not place any women candidates on the list.<sup>103</sup>

<sup>92</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *Kosovo Report 2021*, European Commission, 2021.

<sup>93</sup> EU EOM Kosovo, *Municipal Elections 2021 Final Report, 17 October-14 November 2021*, EU EOM Kosovo, 2022, p. 2.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> Behrami, M., Carpintero Molina, J. and Farnsworth, N., *A Seat at the Table: Women's contributions to and expectations from peacebuilding processes in Kosovo*, Kosovo Women's Network, 2021, p. 99.

<sup>97</sup> DEMOS, 'Women in Politics in Kosovo', DEMOS, 2021, (accessed 18 October 2022).

<sup>98</sup> DEMOS, 'Women in Politics in Kosovo', DEMOS, 2021, (accessed 18 October 2022).

<sup>99</sup> EU EOM Kosovo, *Kosovo 2019: Final Report – Early Legislative Elections*, 6 October 2019, EU EOM Kosovo, 2019, p. 4.

<sup>100</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>101</sup> EU EOM Kosovo, *Municipal Elections 2021 Final Report, 17 October-14 November 2021*, EU EOM Kosovo, 2022, p.2.

<sup>102</sup> The Declaration of September 2015 was signed by 16 political entities for gender balanced nominations at central-, municipal- and polling-station-levels.

<sup>103</sup> EU EOM Kosovo, *Municipal Elections 2021 Final Report, 17 October-14 November 2021*, EU EOM Kosovo, 2022, p.2.

## MONTENEGRO

Since Montenegro did not hold local-level elections during the reporting period, there are no major changes in representation trends to report. In terms of positive trends in the representation of women elected to local office, Montenegro is in second place in the Western Balkans (after Albania), increasing the number of elected women at the local level from 11% in 2008 to 30% in 2019.<sup>104</sup> The equivalent percentage for men was 89-70%, still leaving men overrepresented. During the last two election cycles, the largest increase in women's participation was recorded in municipal parliaments, where the number of women councillors was approximately 29%, while men held 71% of councillor positions. The

highest number of women councillors is represented in the Municipal Assembly of Nikšić, at 40%, and the lowest in Gusinje, with approximately 20%.

Only 2% of Montenegro's mayors are women, which means that men hold the highest decision-making power in 98% of municipalities.<sup>105</sup> Another worrying fact is the insufficient number of women from ethnic minorities in politics and decision-making at the local level. The lack of women's voices in municipal politics is exacerbated by the fact that women from minority groups in this sphere have almost no decision-making power at all.

## NORTH MACEDONIA

Local elections were held on October 17<sup>th</sup>, 2021. The outcome of the elections reflected similar findings to the previous edition of Women's Rights in Western Balkans, that the absence of women in local level politics is particularly noticeable in local self-governments. The electoral commission registered a total of 10,649 candidates on 571 candidate lists for municipal councils, submitted by 28 political parties, six coalitions and 58 groups of voters. Among a total of 299 mayoral candidates, only 8% were women, 92% men. Women comprise approximately 45% of all councillor candidates and head 19% (111) of candidate lists, with men heading 81% of all lists.<sup>106</sup> All registered candidate lists met the gender requirements as required by electoral laws.<sup>107</sup> Despite election requirements being met, the outcome of the elections did not reflect highly on women's representation at the local level. There were 25 women on the lists for mayor candidates, running in only 18 municipalities (including the capital city of Skopje) out of the total 81 municipalities.<sup>108</sup> The election outcome was 79 men mayors and only 2 women mayors elected.<sup>109</sup> In their reflection of the elections, the United Nations Development Programme (UNDP) stated that these results are almost equal to the results of

local elections two decades ago.<sup>110</sup> According to Skopje-based research and think-tank CSO Reactor – Research in Action, since the first local elections in 1996 until these most recent ones in 2022, a total of 660 mayors have been elected: 642 (approximately 97%) men and 18 (approximately 3%) women.<sup>111</sup> According to CSO Reactor – Research in Action, even the most progressive parties that advocate for gender equality and include it in their programmes do not include women candidates on their lists.<sup>112</sup> The trend of women's low representation at the municipal level is worrying. There were few and limited attempts by a few parties to present women's rights and gender equality policies to voters.<sup>113</sup>

As in the last reporting period, the 2021 local elections showed that the absence of women in local level politics is particularly noticeable in local self-governments, especially in rural areas. There is systematic discrimination against women within political parties, as well as in the process of recruiting for municipal councils, wherein political parties give men a chance based on their potential, while women must prove themselves before they get a chance.<sup>114</sup>

<sup>104</sup> S. Ceciari, *Women in Politics Local and European Trends*, The Council of European Municipalities and Regions (CEMR), 2019.

<sup>105</sup> OSCE, *OSCE-led Survey on Violence against Women: Well-being and Safety of Women, Montenegro Results Report*, OSCE, 2019, p. 10.

<sup>106</sup> EU-Directorate for Neighbourhood and Enlargement Negotiations, *North Macedonia Report 2021*, European Commission, 2022.

<sup>107</sup> ODIHR EOM, *Republic of North Macedonia: Local Elections 17 and 31 October 2021, ODIHR Election Observation Mission Final Report*, Warsaw, OSCE, 2021, p.3.

<sup>108</sup> Petkovska, N., *ЛОКАЛНИ ИЗБОРИ 2021 ОСВРТ НА КАНДИДАТСКИТЕ ЛИСТИ ЗА ГРАДОНАЧАЛНИЦИ И ИЗБРАНИТЕ НОСИТЕЛИ ОД РОДОВ АСПЕКТ*, Reactor – Research in Action, 2021.

<sup>109</sup> 2.47% - Danela Arsovska, who runs the city of Skopje and Žaklina Jovanovska, who won a new mandate in Staro Nagorichane. 8.

<sup>110</sup> Trajanovski, M. 'Gender parity in political life – Beyond the electoral quota', *UNDP*, 2022, (accessed 1 August 2022).

<sup>111</sup> Reactor – Research in Action, 'Total number of elected mayors in the period 1996-2021', *Reactor – Research in Action*, 2021, (accessed 1 August 2022).

<sup>112</sup> Petkovska, N., *ЛОКАЛНИ ИЗБОРИ 2021 ОСВРТ НА КАНДИДАТСКИТЕ ЛИСТИ ЗА ГРАДОНАЧАЛНИЦИ И ИЗБРАНИТЕ НОСИТЕЛИ ОД РОДОВ АСПЕКТ*, Reactor – Research in Action, 2021.

<sup>113</sup> ODIHR EOM, *Republic of North Macedonia: Local Elections 17 and 31 October 2021, ODIHR Election Observation Mission Final Report*, Warsaw, OSCE, 2021, p. 17.

<sup>114</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

## SERBIA

Local elections in Serbia were held on April 3<sup>rd</sup>, 2022, in 14 municipalities including Belgrade. Along with the local elections, on the same day there were general elections at the republic level.

The previous local elections in Serbia were held in March and October 2021, in which Serbian Progressive Party (SNS) won the majority of the mandates in almost all municipalities.

In its statement, the Council of Europe's Congress of Local and Regional Authorities recommended conducting local elections separately from elections at the national level to avoid that presidential or parliamentary elections overshadow local issues.<sup>115</sup>

CEDAW conclusions from 2019 in the *Concluding Observations on the Fourth Periodic Report of Serbia*, still stand, as there is a severe underrepresentation of women at the local level, and the state has not taken adequate action to mitigate this issue. Women's underrepresentation in local administration is of concern, but some slight progress is noted and welcome. As of 2021, in 22 (12%) of 169 local governments, women were mayors or presidents.<sup>116</sup> The same number for men were 157 (88%). This is a progress from only 9 mayors in the last reporting period,<sup>117</sup> accounting for 5% of all mayoral positions, men holding 95% of mayoral positions. Although low, this number is highest in Serbian history. According to research of the Commissioner for the Protection of Equality, the

largest difference in the participation of women and men in municipalities and cities is in the position of the mayor.<sup>118</sup> Women are significantly less-represented in these positions. At the same time, the post of municipal secretary is almost always women. In Serbia, local governments are divided into 29 cities and local self-government units. Municipalities, where the status of city is awarded to the local government units that are more developed, have more resources to attract businesses, a higher labour force and development projects. Having this in mind, it is symptomatic that out of 14 major cities with a population of over 100,000 inhabitants, women are mayors in only two, Niš and Kragujevac.

In March 2021, the Network of Women Mayors and Presidents of Municipalities in Serbia signed the Charter of Women's Solidarity, committing that they will, irrespective of their political party affiliation, cooperate and act jointly in order to achieve full gender equality in Serbia.<sup>119</sup> The signing of the Charter as the first step in the establishment of the Network of Women Mayors and Presidents of Municipalities in Serbia was initiated by the Ministry of Public Administration and Local Self-Government. This will be an important initiative for women's rights CSOs to monitor in the future, to ensure they are regularly meeting and working on addressing not only the low representation of women at the municipal level, but the current low prioritisation of gender equality issues at this same level as well.

”

**I found that being young and woman fits two elements of prejudice, which are extremely difficult to cope with when combined together”**

Medina Brahaj, Chairwoman of the Municipal Assembly in Shtime, Kosov<sup>120</sup>

”

**“... During the campaign and party activities, the women can be the flag-bearers, however, when power is divided, it is considered that men should take their place.”**

Bujare Abazi, Deputy Mayor of the City of Skopje, North Macedonia<sup>121</sup>

<sup>115</sup> Council of Europe, 'Council of Europe bodies observe national and local elections in Serbia', *Council of Europe*, 5 April 2022, Newsroom.

<sup>116</sup> *Ibid.*

<sup>117</sup> CEDAW, *Concluding Observations on the Fourth Periodic Report of Serbia*, OHCHR, 2019.

<sup>118</sup> A. Janković and M. Čvorić Gubelić, 'Kvote su uvele žene u politički život, ali ne i na funkcije', *Blic*, 31 December 2019.

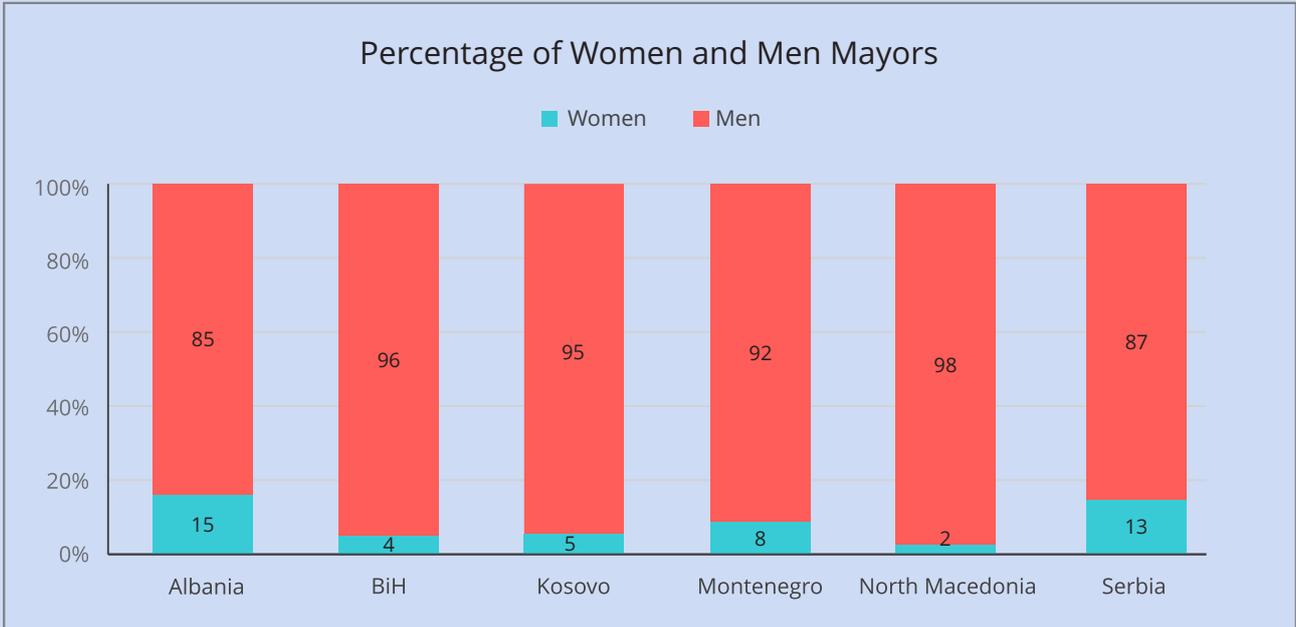
<sup>119</sup> UNDP, 'Network of Women Mayors and Presidents of Municipalities in Serbia established', *UNDP Serbia*, 5 March 2021.

<sup>120</sup> DEMOS Decentralisation and Municipal Support, 'Women and politics in Kosovo', 12 March 2021, (accessed 26 October 2022).

<sup>121</sup> Trajanovski, M. and Gestakovska Aleksavska, Z., 'Gender parity in political life – beyond the electoral quota', *UNDP*, 8 March 2022, (accessed 26 October 2022).

**STATISTICAL DATA SHOWS:**

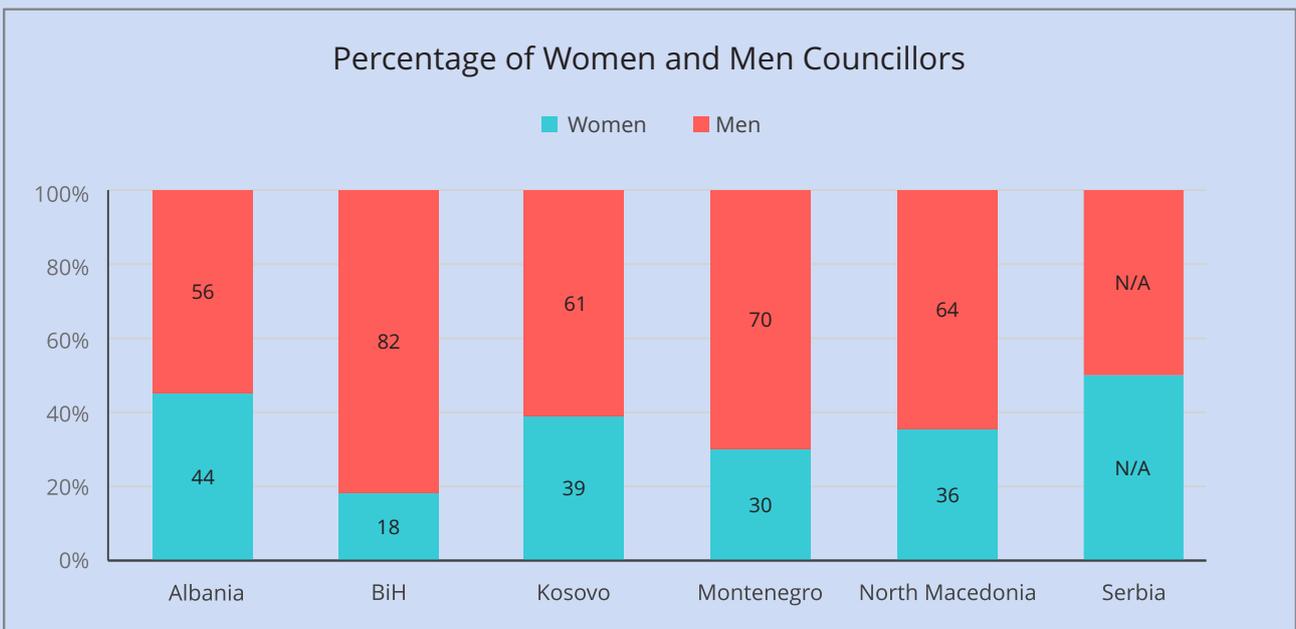
**Percentage of Women and Men Mayors in the Western Balkans, 2022**



**Info:**

The average percentage of women mayors in the Western Balkans is very low, averaging approximately 8%. A small increase of 0.8% from 2019 is due to Kosovo having two elected mayors (out of 38), and the increase of women mayors in Serbia from seven to 22 (out of 169) after the last elections.

**Percentage of Women and Men Councillors in the Western Balkans, 2022**



### Comparison Table:

Comparison Table: Women and Men in Mayoral Positions 2016-2022

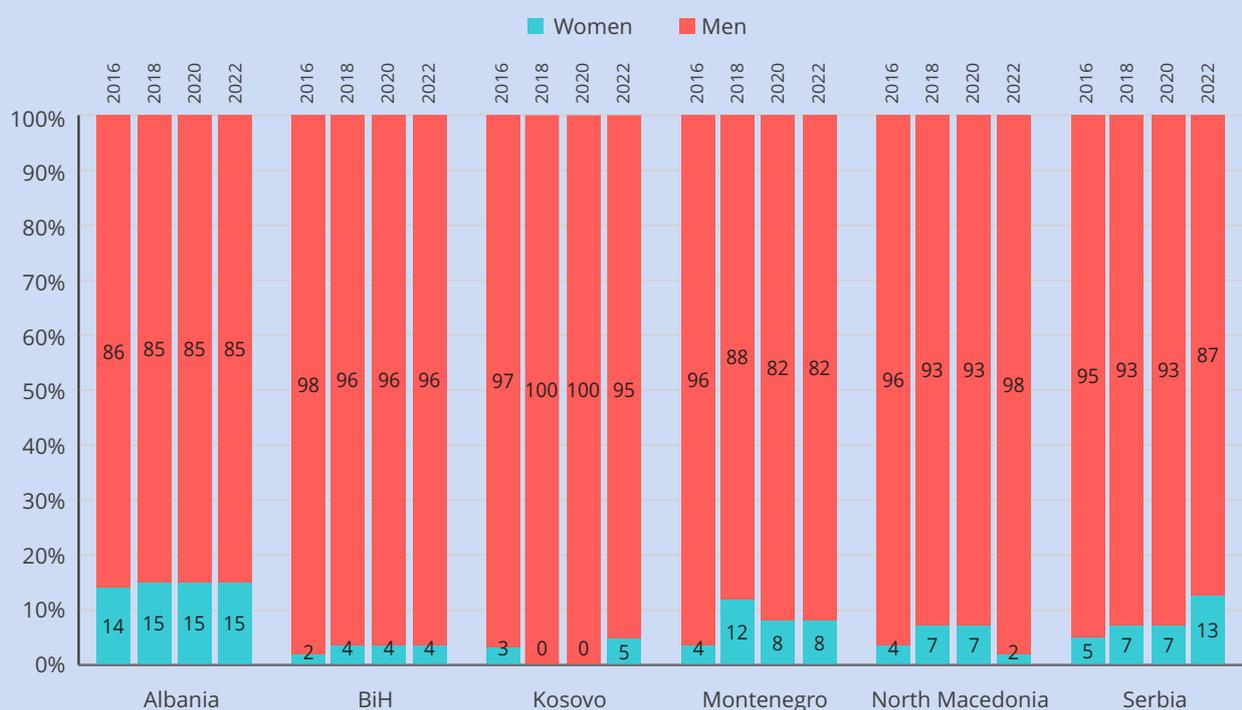
	2016		2017		2018		2019		2020		2021		2022 <sup>73</sup>	
	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	14	86	14	86	15	85	15	85	15	85	15	85	15	85
BiH	2	98	2	98	4	96	4	96	4	96	4	96	4	96
Kosovo	3	97	3	97	0	100	0	100	0	100	5	95	5	95
Montenegro	4	96	4	96	12	88	8	92	8 <sup>74</sup>	92	8	92	8	92
North Macedonia	4	96	4	96	7	93	7	93	7	93	2	98	2	98
Serbia	5	95	5	95	7	93	7	93	7	93	13	87	13	87



**Info:**

There are no major changes in the number of women in mayoral positions in the Western Balkans compared to 2020. Slight improvement is noted in Serbia and Kosovo but remains far from representational.

Women and Men in Mayoral Positions 2016 - 2022 (%)



**Comparison Table:**

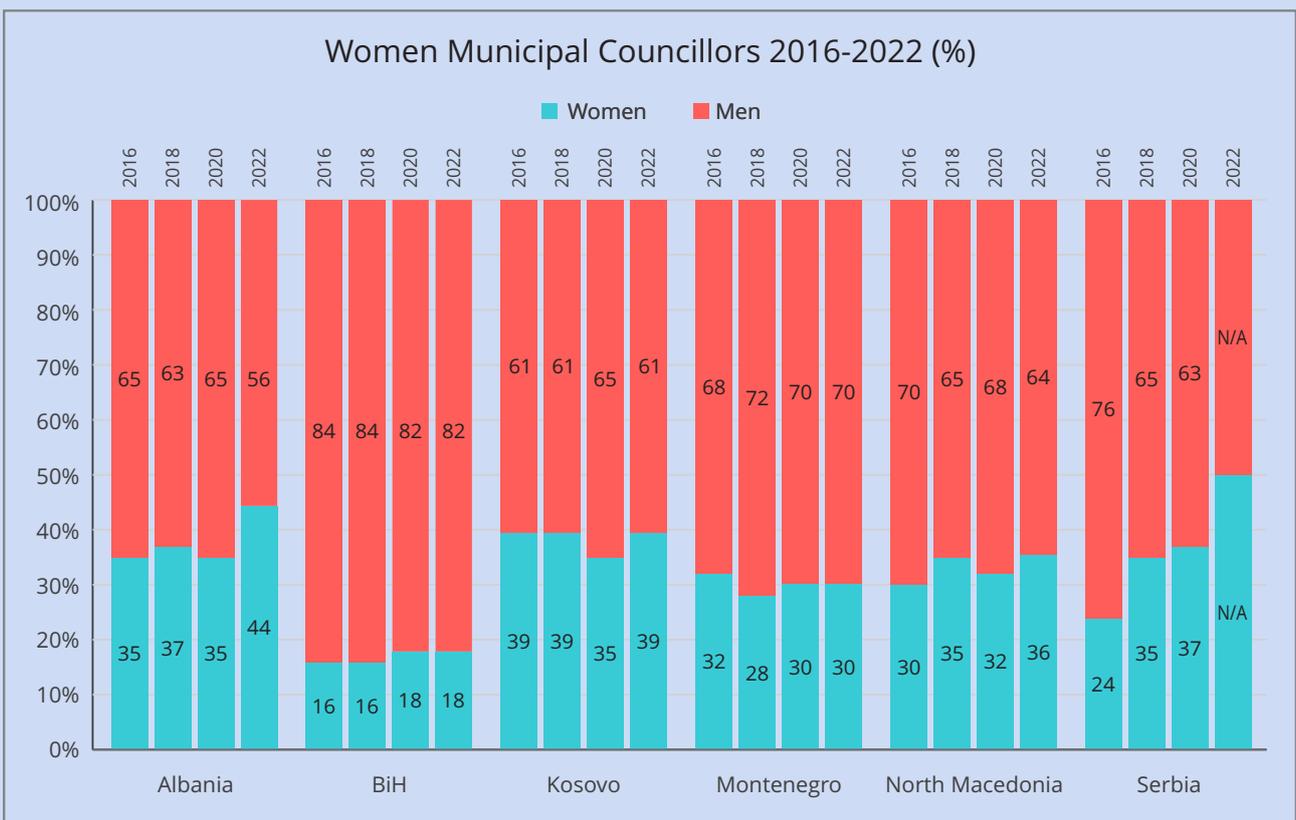
Women Municipal Councillors 2016-2022

	2016		2017		2018		2019		2020		2021		2022 <sup>73</sup>	
	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	35	65	35	65	37	63	35	65	35	65	44	56	44	56
BiH	16	84	16	84	16	84	4	96	18	82	18	82	18	82
Kosovo	39	61	39	61	39	61	35	65	35	65	39	61	39	61
Montenegro	32	68	32	68	28	72	28	72	30	70	30	70	30	70
North Macedonia	30	70	30	70	35	65	33	67	32	68	36	64	36	64
Serbia	24	76	24	76	35	65	35	65	37	63	37	63	N/A*	N/A



**Info:**

\* N/A: All fields marked with N/A identify data that has been impossible to retrieve, access, or does not exist at this moment in time. Although elections in Serbia were held in 2022 in 14 municipalities, the gender disaggregated data for election results in these municipalities were not accessible to researchers.



\*Please note that there is no available data for Serbia for 2022

## IN FOCUS: VIOLENCE AND SEXISM AGAINST WOMEN IN POLITICS

Violence against women active in political life is a form of GBV that manifests physically, psychologically and sexually, both in-person and online.<sup>122</sup> Politically active women in the Western Balkans are targeted in their roles as voters, candidates, local councillors, Members of Parliament, elected officials, community activists, and journalists. Violence encompasses all forms of aggression, coercion and intimidation seeking to exclude women from politics simply because they are women. Women politicians experience various forms of direct violence: psychological violence, sexual harassment, physical violence, and stalking. According to the Organisation for Security and Cooperation in Europe (OSCE), psychological violence experienced by women politicians is manifested in multifaceted ways: intimidation, denigration/vilification, verbal insults, threats, blackmailing and discrediting their character and career in public.<sup>123</sup> Such violence takes place in direct contact as well as through all forms of media or other intermediaries. As the number of women involved in politics rises on a global level, so too does the violence against them; women today occupy around 26% of parliamentary seats globally, compared to 13% in 2000.<sup>124</sup> The Western Balkan region is no exception as women continue to face strong resistance from opponents of gender equality who use a wide range of tactics to target, undermine and inhibit the participation of women in politics. Perpetrators of these forms of violence are diverse; they could be individuals, groups or even political parties, not excluding the parties that the victim/survivor politicians are members of. Often, perpetrators are men colleagues, with higher positions of power in party structures or in government office (including men leaders of the political party), political opponents or journalists.<sup>125</sup>

During this reporting period, Serbia's Women's Parliamentary Network achieved minimal visibility

while remaining silent in relation to numerous violations of women MPs' rights, including threats and insults targeting their colleagues. The lack of solidarity among women politicians at the parliamentary level, operating in highly patriarchal spaces and coupled with blind conformity to party instructions, partisanship and party leaders does not contribute to building a culture of gender equality and acceptance, but rather it hinders it.<sup>126</sup>

Violence in politics is considered to simply be the cost of involvement in politics.<sup>127</sup> As a result, violence has regularly been normalised as part of a woman's political experience. Many women grew used to dismissing it. One stark example of such a phenomenon is a research finding from BiH, wherein 66% of respondents perceived VAW in politics as a normal part of doing politics.<sup>128</sup> According to the Report *Political Participation and Violence against Women in Politics in Southeastern Europe*, politicians from BiH, Montenegro and Serbia believe that GBV against women politicians is a "normalised occurrence", while participants from Albania and Kosovo believe that GBV in politics of their country is not perceived as a "normalised occurrence".<sup>129</sup>

GBV in politics, like in any other sphere, is rooted in overall gender inequality. In North Macedonia, 65% of women politicians have faced a form of violence while conducting their party duties.<sup>130</sup> In Montenegro seven out of 10 women politicians have experienced violence during their political work.<sup>131</sup> Similarly, in BiH, a recent publication outlined that 60% of women in politics experienced a form of violence in politics and over 96% of that violence was verbal or emotional.<sup>132</sup> Furthermore, out of 22 women politicians surveyed in BiH by the Balkan Investigative Reporting Network, 16 responded that they had experienced violence because of their engagement in politics, from online remarks to

<sup>122</sup> UN WOMEN, *Guidance Note: Preventing Violence against Women in Politics*, New York, UN Women, 2021.

<sup>123</sup> *Ibid.*

<sup>124</sup> United Nations, 'Violence against women in politics marks 'moral and ethical failure' - General Assembly', *UN News*, 15 March 2022, Women.

<sup>125</sup> Babović, M., et al., *Violence against women politicians in Serbia: women in politics at the tripoint of gender, power and political culture*, OSCE, 2021, p. 11.

<sup>126</sup> Roick, M., and Barać-Savić, E., 'Women - Power - Politics, Short interview with Dr. Daša Duhaček on International Women's Day', *Friedrich Naumann Foundation*, 8 March 2021, Serbia.

<sup>127</sup> National Democratic Institute for International Affairs, *#NotTheCost: Stopping Violence Against Women in Politics, A Renewed Call to Action*, Washington, NDI, 2021.

<sup>128</sup> Susmel, J., *Violence Against Women in Politics in Bosnia and Herzegovina*, Council of Europe, 2019.

<sup>129</sup> National Democratic Institute for International Affairs, *Political Participation and Violence against Women in Politics in Southeastern Europe*, Sarajevo, NDI, 2021, p. 14.

<sup>130</sup> National Democratic Institute for International Affairs, *North Macedonia Violence Against Women in Politics Assessment*, Skopje, NDI, 2021.

<sup>132</sup> According to a UNDP-supported study published last year by the Women's Political Network.

<sup>132</sup> Spasovska, B., *EU support for women's political participation and leadership under the EU's Gender Action Plan: A case study on Bosnia and Herzegovina*, European Democracy Hub, 2021.

discrimination, threats, harassment, insults and rumour-mongering.<sup>133</sup> In 2021 and 2022, Montenegrin women politicians from all positions of the political spectrum were attacked both online and in person, some even requiring assigned police protection.<sup>134</sup>

Violence can also take sexualised forms, such as inappropriate or unwanted comments or insults, comments on the physical appearances of women, inappropriate forms of verbal and non-verbal communication, inappropriate messages and calls, and sexist jokes.<sup>135</sup> Sexualised violence is one of the most widespread forms of violence directed towards women in all positions with decision-making power, rooted in patriarchal norms that create space for sexist behaviour, degrading jokes and comments. When it comes to reporting this form of violence, women in politics expressed fear of speaking publicly about it or reporting it for a number of reasons: they were afraid of being perceived as helpless or weak; they were afraid of the risk of the violence being minimised or of not being believed when reporting (following the “she deserved it/she asked for it” narratives); the risk of having their credibility undermined; or out of fear of limiting opportunities for advancement.<sup>136</sup>

In the Western Balkans, political parties play a significant role in perpetuating VAW in politics. Women in politics in Albania characterised the violence that they experience in their party as “hidden, complex, and difficult to address.”<sup>137</sup> This is an interesting finding to compare with NDI's rating of GBV against women politicians in Albania as “moderate” (see above), as it shows how these forms of violence may not always take the most obvious and visible forms. Political parties are centralised and unjustly structured, and even on important issues such as promotion and duty delegation, party leaders decide unilaterally, supported by the closest circle of advisors.<sup>138</sup> Women are often delegated administrative duties rather than positions with decision-making power within the party. In addition, women are exploited through excessive volunteer work or duties that are traditionally considered to be “the women's role in the party”, such as organising

catering, coffee-making, taking meeting minutes etc.<sup>139</sup>

One example from North Macedonia illustrates the dichotomy in the treatment of women in politics, capturing the arbitrariness of GBV against women politicians. During the 2019 election year, two women candidates were shamed and harassed, one for being too old and one for being too young. When Gordana Siljanovska-Davkova a university professor and a lawyer entered the election race, insults on social media began as soon as she started her election campaign. She was called an old-fashioned “granny” who should stay at home and take care of her grandchildren instead of being in politics.<sup>140</sup> On the other hand, when Nina Angelovska was appointed as the head of the Ministry of Finance, the media was quick to judge her on the grounds of her age and appearance. While one was called out for being too old to become president, one was seen as too young to head the Ministry of Finance.<sup>141</sup> The sexist remarks and comments were not only made by the public, but by fellow politicians.<sup>142</sup> As a response to this practice, the Women Solidarity Network was formed in North Macedonia. It is an informal network of women with the goal to address the verbal harassment that women politicians or intellectuals face when sharing their political stands. Under the hashtag #WeStandByHer the network supports women politicians and condemns the violence that they face across social media platforms.<sup>143</sup>

It is common practice for Western Balkan media to promote negative norms and stereotypes, despite providing insufficient coverage of women in politics altogether. Given that women receive far less media coverage, women politicians, especially those on the local level, are almost invisible. Online and offline media content is full of sexism, misogyny, and hate speech. The media follow the views and vocabulary of key politicians and base their reporting on those premises, even in cases when those statements are violent, sexist, or misogynistic.<sup>144</sup> The common practice of tabloid and sensationalist reporting in the region reinforces the sexist presentation and objectification of women in politics, ultimately trivialising and degrading their role.<sup>145</sup>

<sup>133</sup> Salkovic M. 'It's All Very Real': Bosnian Women Politicians Unprotected against Online Abuse', *BalkanInsight*, 6 May 2022, Feature.

<sup>134</sup> Vucinic Z, 'This is Misogyny': The Growing Abuse Facing Women in Montenegrin Politics', *BalkanInsight*, 28 March 2022, Investigation.

<sup>135</sup> National Democratic Institute for International Affairs, *Political Participation and Violence against Women in Politics in Southeastern Europe*, Sarajevo, NDI, 2021, p. 44.

<sup>136</sup> *Ibid.*, p. 12.

<sup>137</sup> Dauti, M., and Metaj, G., *Violence against Women in Politics in Albania*, Tirana, UNDP, 2022, p. 4.

<sup>138</sup> *Ibid.*

<sup>139</sup> Babović, M., *Nasilje nad političarkama u Srbiji: žene u politici na tromeđi roda, moći i političke kulture*, Belgrade, OSCE, 2021.

<sup>140</sup> Antonovska, D., 'Female Politicians in North Macedonia: powerful public figures or victims of sexism?', *Lossi* 36, 10 March 2021, Opinion, *Politics*, Southeastern Europe.

<sup>141</sup> *Ibid.*

<sup>142</sup> *Ibid.*

<sup>143</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>144</sup> Babović, M., *Nasilje nad političarkama u Srbiji: žene u politici na tromeđi roda, moći i političke kulture*, Belgrade, OSCE, 2021.

<sup>145</sup> *Ibid.*

## Recommendations\*

### Representation of women in politics

#### IN BRIEF:

Political parity between women and men has not been achieved in a large majority of the parliaments and governments in the Western Balkans, gender equality issues remain marginalised within political discourse and women politicians face discrimination, harassment and violence from the public, and from within their own parties. Women's political representation among mayors and local/municipal levels of government is extremely low, requiring binding legislatively-mandated quotas on party lists and in local executive nominations and appointments.

#### WITHIN ONE YEAR:

Legislative reform could impose sanctions for non-compliance with existing quota requirements; complaint mechanisms and legal aid could be established within parliaments to tackle discrimination, harassment and violence faced by women politicians. At the municipal level, legislation and regulations should be modified to ensure a minimum of 40% representation, de facto, where such provisions do not exist already, and broad-based, local public awareness-raising campaigns about the current gender bias in elections.

#### Governments:

- Adopt quotas to ensure a minimum of 40% representation for the less represented gender in all levels of government: in parliaments, executive cabinet positions and within the civil service (e.g., in all state nominations) (Examples: Czech Republic, France); and at all levels of local and municipal councils.
- Adopt quotas to ensure a minimum of 40% representation for the less represented gender on party lists at all levels of government, requiring that candidates are listed alternatively by gender on party lists to preclude the practice of women being placed on the bottom of the lists (e.g., the “Zipper System”: woman, man, woman, etc.).
- Amend existing legislation related to quotas on party lists at all levels of government to provide for sanctions for non-compliance, including the withholding of State funds (Example: Belgium) at the national level, and municipal funds at the local level.
- Establish parental and/or carers leave for political representatives (Example: Sweden).
- Establish a complaint mechanism within parliament and municipal/local councils to address discrimination, harassment and violence against women in politics, to provide them with the necessary support services, including recognition as a category eligible for the receipt of legal aid, and to collect data on the phenomenon (Example: Spain).

#### EU institutions, other inter-governmental organisations and donors:

- Include clear benchmarks in the EC Country Reports towards greater participation of women in national parliaments, executive cabinet positions, the civil service, mayoral positions and municipal/local councils.
- Support Women's Parliamentary Networks, Women's Parliamentary Forums, and Women's Mayors' Networks, where they exist.
- Support the training of journalists on gender-sensitive media coverage in all levels of election coverage, through collaboration with women's rights CSOs.
- Support the participation of CSOs, including women's organisations, as accountability agents in budgetary and policy-making consultations at both national and local levels.
- Support women's CSOs to conduct broad-based awareness-raising campaigns to address gender-based discrimination in all levels of political decision-making.
- Include an intersectional perspective in all programmes aimed at supporting women's political participation.
- Engage in separate broad-based national- and local-level awareness-raising campaigns on gender bias in politics.

\* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.

# GENDER-BASED VIOLENCE

## PREVALENCE OF GENDER-BASED VIOLENCE IN THE REGION

Western Balkan countries' legislation on GBV, in general, started by adopting specific laws to fight primarily domestic violence (DV), often by avoiding its gendered approach (i.e., women are the main victims/survivors of DV because they are women). A major change happened in 2011 with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (also known as the Istanbul Convention, or IC for short), which explicitly recognises the structural nature of violence against women as GBV. The Istanbul Convention has been signed and ratified by all Western Balkan countries. In 2020, the Constitution of the Republic of Kosovo was amended, recognising the direct application of the Istanbul Convention.<sup>146</sup> Nevertheless, the implementation of the Istanbul Convention's comprehensive approach<sup>147</sup> is still severely lacking in all Western Balkan countries' combat against GBV.

To align their legislation with the Istanbul Convention, all Western Balkan countries have amended their GBV-related legislation by expanding the forms of GBV included, beyond DV, as well as by strengthening the prosecution of GBV-related crimes and the protection of victims/survivors. Yet, legal definitions of the different forms of GBV in some cases remain problematic because not all forms of GBV are included or appropriately addressed in the respective national-level legislation, particularly in Western Balkan Criminal Codes. For example, digital violence against women remains absent from all the Western Balkan legislations and no substantial efforts have until

now been made to address this form of VAW. In practice, it is one of the current most present forms of violence against women, as developed later in this chapter. In 2021, North Macedonia adopted the Law on Prevention and Protection against Violence against Women and Domestic Violence.<sup>148</sup> The existing definition of sexual violence in the Criminal Code is not based in the concept of a lack of consent but only on the use of force, putting again the pressure to the victim/survivor that has to provide physical evidence to prove the rape/sexual violence.<sup>149</sup> It is for these reasons that the amendments proposed by the Ministry of Justice to introduce the concept of consent regarding sexual violence are important. At the time of writing this report, the proposed amendments from July 2021 had yet to be adopted.

Poor implementation of Article 50 of the Istanbul Convention, which requires responsible law enforcement agencies to adequately and immediately respond to the protection of victims/survivors, is a worrying trend throughout the region. Police and court responses to protection orders remain inadequate in all Western Balkan accession countries, placing victims/survivors at risk of repeat violence upon reporting. In Serbia, Women's Civil Society Organisation (WCSO) Autonomous Women's Centre reported that the increase in the number of perpetrators in 2021 who had repeated acts of DV was an indicator of the ineffectiveness of emergency/prolonged measures.<sup>150</sup>

<sup>146</sup> Orme, S., 'CEDAW and the Istanbul Convention: A comparative view on transposition and implementation in domestic law and practice', *Northern Ireland Assembly*, 2021.

<sup>147</sup> Council of Europe, *The four pillars of the Istanbul Convention*.

<sup>148</sup> GREVIO et al., *Report submitted by North Macedonia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*, GREVIO, 2022.

<sup>149</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>150</sup> Ignjatović, T., *Tenth Report on independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia for the period January – December 2021*, Autonomous Women's Centre, Belgrade, 2022, p. 6.

Another problematic issue is that of data collection on GBV (Istanbul Convention Article 11). In all Western Balkan countries, data are still not complete, and most importantly, not harmonised. Each institution dealing with GBV collects its own data under templates that do not necessarily encompass a broad understanding or an adequate definition of GBV; it is most often limited to DV or sexual crimes. The information collected often does not allow for follow-up and monitoring of the cases from reporting to prosecution and protection, because institutions such as police and courts, and other entities such as shelters, do not have a harmonised approach for data collection. A harmonised approach and a common template would allow for follow-up of each specific case, as well as more accurate data for policy-making. Not all Western Balkan National Statistics Offices conduct periodical surveys on GBV and their *Women and Men* statistical reports do not allow for a detailed analysis of GBV in the respective country. There is an attempt by the Western Balkan National Statistical Offices<sup>151</sup> to undertake GBV surveys using the same EU Agency for Fundamental Rights and Eurostat methodology. With the exception of North Macedonia, all National Statistical Offices have collected the data and are in the process of data analysis.<sup>152</sup> Such data collected using the same definitions and methodology would allow for a complete analysis of the GBV in the Western Balkans. On the other hand, media largely disrespect the ethical codes and language when reporting on women whether it's on victims/survivors of sexual abuse, DV or even reporting on trivial topics involving women, thus perpetuating sexist and misogynistic social norms.<sup>153</sup>

In the Western Balkans and beyond, the covid-19 pandemic continued to exacerbate gender inequalities during this reporting period as well, and accentuated VAW as an issue of serious concern.

One form of GBV: early and forced marriages, although few, increased during the pandemic throughout the region. This was observed across all Western Balkan countries and was particularly tangible for girls from Roma communities.<sup>154</sup> In BiH, there were cases of girls married between the ages of 12 and 14 and Roma human rights activists report that early marriages are on the rise.<sup>155</sup> BiH prosecutors, however, were often reluctant to investigate and prosecute forced marriages involving Roma minors, attributing it to Roma custom,<sup>156</sup> not considering it a form of GBV. The covid-19 pandemic also exacerbated violence against LGBTQI+ communities. Discrimination was higher against trans and gender-diverse communities. In Albania, one in four LGBTQI+ people were unable to access and maintain adequate and stable housing, and during the pandemic many had to return to their families. This return was in many cases followed by conflict, psychological and physical violence.<sup>157</sup> A similar situation was observed in Serbia during the pandemic in the case of trans communities' housing situations.<sup>158</sup> Furthermore, in Kosovo, the Centre for Equality and Liberty Kosovo, a LGBTQI+ CSO reported that during the pandemic, the organisation had to assist with housing for ten persons who were unsafe or not allowed to stay in their family homes.<sup>159</sup> Trans communities face difficulties in obtaining legal documents that accurately reflect their gender identity and gender expression. As such, accessing and maintaining formal labour and therefore having an economic livelihood in the formal labour economy is difficult and rare, as is the case throughout the region. Despite anti-discrimination legislation that exists in all Western Balkan countries, in practice, discrimination based on gender identity is widespread and commonplace in hiring, placing trans communities in precarious positions when it comes to economic empowerment and rights, and as such, creating

<sup>151</sup> The GBV survey was foreseen as part of the of the IPA II funded activities for the period 2019-2021. As reported by the Shadow report of Gender Equality Platform (April 2022, p. 31) in North Macedonia, however, the State Statistical Office confirmed that there is no such data collected by this institution so far.

<sup>152</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>153</sup> Bezati, V., 'Women in Albanian Media: From Secondary Victimization to Slut-Shaming', *BIRN*, 27 May 2022.

<sup>154</sup> Rodriguez Martine, R., *Strengthening capacities for gender responsive program interventions based on lessons learnt from UNICEF COVID-19 response highlighting gender- responsive programming experiences in Albania, Montenegro, and Serbia, 2022; Government of Kosovo, National Strategy on Domestic Violence and Violence Against Women 2022-2026*, Prishtina, Government of Kosovo, 2022.

<sup>155</sup> US Department of State, *2021 Country Reports on Human Rights Practices: Bosnia and Herzegovina*, Bureau of Democracy, Human Rights and Labor, 2021, p. 41.

<sup>156</sup> *Ibid.*

<sup>157</sup> Aleanca LGBTI, *The situation of the LGBTI+ Community during the Covid-19 pandemic*, Tirana, Aleanca LGBTI, 2020.

<sup>158</sup> Stefanović, M., *Istraživanje o uticaju pandemije bolesti COVID-19 na transrodne, interpolne i rodno varijantne (TIRV) osobe u Republici Srbiji*, Kolektiv Talas TIRV, 2022.

<sup>159</sup> Bakija, J., *LGBTI+ Persons During Covid-19 Pandemic*, CEL Kosovo, 2021, p. 25.

barriers to accessing housing as well.<sup>160</sup> Other queer communities also face obstacles in establishing their economic livelihoods, with high unemployment rates regionally. In BiH, it was reported that LGBTQI+ communities were the most likely of all groups made vulnerable to have to borrow money during the pandemic.<sup>161</sup> During this time, in Montenegro, access to hormone therapy for trans people was hampered by the 300% price increase for testosterone.<sup>162</sup> In many cases, without a stable economic livelihood, trans people are forced to return to their family homes, which are not necessarily safe spaces for them, given the patriarchal, traditional family values that dominate the Western Balkans.

During 2021, there were a total of 12 cases of femicides in Albania,<sup>163</sup> nine in BiH,<sup>164</sup> two in Kosovo,<sup>165</sup> two in Montenegro,<sup>166</sup> six in North Macedonia,<sup>167</sup> and 20 in Serbia.<sup>168</sup> In Albania and BiH the femicide numbers are higher compared to 2020, whereas only in Serbia and Kosovo the rates have decreased: in 2020 in Albania there were nine reported femicides; in BiH and Kosovo there were seven in each country; two in Montenegro; four in North Macedonia; and 26 femicides in Serbia.<sup>169</sup> In Montenegro, four femicides happened during the period of October 2021 and June 2022.<sup>170</sup> Femicides are a striking example of the continuing under-prosecution of the most severe form of GBV: in many cases, the victim had previously reported the

violence, but had received none or very weak institutional response. As in all other reporting periods of the *Women's Rights in Western Balkans* reports, during this reporting period, Western Balkan governments have failed to establish data collection mechanisms for collecting data on femicides. One major barrier to this failure to meet the Istanbul Convention requirements, that is common to all Western Balkan countries, is that no official data is collected because no government has adopted an official, specific definition of femicide. To address this need, women's rights CSOs region-wide have stepped in to fill the gap in data, monitoring and collecting information on femicide in their respective countries and publishing the results when possible. Stepping in for the state in order to collect this data requires a significant amount of time and resources, placing additional burden on Western Balkan WCSOs working in the field of GBV. The WCSOs in the Western Balkans that are monitoring femicide rates are primarily the Albanian Women's Empowerment Network and the Gender Alliance for Development Centre (Albania), United Women Banja Luka (BiH), Kosovo Women's Network (Kosovo), Women's Rights Centre (Montenegro), the National Network to end Violence against Women and Domestic Violence – Voice against Violence (North Macedonia), and the Autonomous Women's Centre and Women against Violence Network (Serbia).

<sup>160</sup> Farnsworth, N. et al., *Gender-based Discrimination and Labour in the Western Balkans*, Kosovo Women's Network, 2021.

<sup>161</sup> UNICEF and UNDP, *Social Impacts of COVID-19 in Bosnia and Herzegovina*, Second Household Survey, UNICEF and UNDP, 2021, p. 20.

<sup>162</sup> ILGA Europe, *LGBTI Enlargement Review 2021*, ILGA Europe, 2022, p. 22.

<sup>163</sup> Since Albania has not achieved the Article 11 requirement of the Istanbul Convention, in this reporting period there are still no official government statistics on femicide rates. As such, there are slight discrepancy in numbers for 2021. In this case, data from the WCSO Gender Alliance for Development Centre has been used for tracking femicide rates.

<sup>164</sup> Petric, A., 'BiH: Every Minute Counts!/BiH: Svaki minut je važan!', *CSSP*, 18 January 2022.

<sup>165</sup> National Network to end Violence against Women and Domestic Violence et al., *Femicide – Murders of Women in the Western Balkans Region, 2021 Report*, 2021, p. 4.

<sup>166</sup> Information shared with Kvinna till Kvinna by partner organisation in Montenegro.

<sup>167</sup> National Network to end Violence against Women and Domestic Violence et al., *Femicide – Murders of Women in the Western Balkans Region, 2021 Report*, 2021, p. 4.

<sup>168</sup> Lacmanovic, V., *Femicide – murders of women in Serbia, Quantity narrative report for the period from January 1st to December 31st 2021*, Autonomous Women Centre, 2022.

<sup>169</sup> United Women, *Review of Cases of Femicide in the Western Balkans Region - 2020 Baseline Report*, United Women, 2021, p.3.

<sup>170</sup> Women's Rights Centre, Spectra, Association of Youth with Disabilities, Montenegro NGO Statement, 4 July 2022.

## NUMBER OF SANCTIONED GENDER-BASED VIOLENCE CASES

**Sanctioning of GBV is an essential requirement of the Istanbul Convention. In recent years, Western Balkan countries have made considerable progress in adapting legislative measures against DV and some other aspects of GBV, changes catalysed by the initiatives and efforts of women's rights CSOs. Despite any level of progress or legislative amendments, DV and GBV law enforcement and implementation remains a concern. In this reporting period, law enforcement continues to not be victim/survivor-centred, contrary to the Istanbul Convention requirements, and no significant progress can be noticed since the last report. It is important to note that an increase in reported cases does not necessarily mean an increase in rates of GBV. Likewise, an increase in GBV rates will not necessarily correspond to an increase in reported cases or reporting rates.**

Both police response and prosecution of GBV remain problematic. Often, police officers do not take GBV reports seriously, or fail to consider the gravity of all forms of violence, particularly the psychological violence and the coercive control. This is illustrated by the fact that in cases where grave physical violence or femicide have occurred, the majority of cases took place after the victim had already contacted the police. There are cases where police officials have been dismissive of, and even humiliated, victims/survivors of DV. This has occurred at police stations where police officers made jokes, tried to persuade women not to press charges, or did not inform them about their rights adequately. Dismissive or prejudicing attitudes has also been found among judges, particularly in the case of Roma women and LGBTQI+ people.

Another significant issue related to the prosecution of GBV is the lack of adequate and complete data that would allow not only a full analysis but also monitoring. It is almost impossible to compare the data from one Western Balkan country to another, as institutions do not collect the same type of the data with the same degree of disaggregation. Furthermore, some of the countries publish GBV related data regularly while others do not, hence, the different structures in the following six country analyses and gaps in the available data. In most cases, the disaggregation of their data does not allow understanding of the relationships between the perpetrator and the victim/survivor, is not gender-disaggregated, and focus only on cases of DV, leaving aside other forms of GBV (not fulfilling Article 11 requirements of the Istanbul Convention). The collection of complete data regarding GBV is often considered less important, and sometimes it depends on the goodwill of individuals, rather than on standards in place.<sup>171</sup> This further shows that GBV crimes continue to be devalued in comparison to other crimes, as indicated by the findings in this chapter. In the Western Balkans, femicides are mostly monitored by the local WCSOs in the countries, and in many cases have shown a significant failure of cooperation between institutions.

Countries in the Western Balkans and beyond, have reported a rise in GBV during the pandemic. One such example is in Serbia, where the Ombudsperson institution stressed that the covid-19 pandemic had increased the risk of VAW with different abilities, older women, women living in rural areas, and Roma women.<sup>172</sup>

<sup>171</sup> UN Women, *BiH Country Gender Profile 2021*, UN Women Country Office Bosnia and Herzegovina, 2021, p. 65.

<sup>172</sup> US Department of State, *2021 Country Reports on Human Rights Practices: Serbia*, Bureau of Democracy, Human Rights and Labor, 2021, p. 32.

## ALBANIA

According to the most recent report of the General Prosecution Office,<sup>173</sup> the *Crimes against children, marriage and family* in 2021 made up 5.3% of all crimes, compared to 4.9% in 2020. There was an increase of approximately 10% in all the recorded cases and 13% in the cases sent to court. Among the perpetrators, 93% were men.

In 2021, DV accounted for 94% of this group of crimes, compared to approximately 93% in the previous year. There is an increase with 12% compared to 2020 and with 7% compared to four years ago. Out of the total cases received by the Prosecution, approximately 88% of the cases entered the court system, and the rest were dismissed for various reasons, for example on grounds of the lack of evidence or procedural issues.<sup>174</sup>

In 2020, a total of 4,701 reported cases of abuse and other domestic crimes were reported. More specifically, 1,886 case files were transferred to the prosecutor's office, of which 1,505 pursuant to Article 130/a "Domestic violence", and 615 perpetrators were arrested *in flagrante*.<sup>175</sup> Applications were made for Emergency/Immediate or standard Protection orders in 2,816 DV cases.

By comparison, in the first quarter of 2021 (January-March), a total of 1,174 reported cases of abuse and other domestic crimes were reported.<sup>176</sup> Namely, 447 case files were transferred to the prosecution office, of which 365 cases pursuant to Article 130/a "Domestic violence", and 107 perpetrators were arrested *in flagrante*. The other 727 DV cases were made for or Emergency/Immediate protection orders or Protection orders.<sup>177</sup>

In 2021, there was an increase by 17% of the number of sexual crimes compared to 2020.<sup>178</sup> Almost all (97%) of the perpetrators of sexual crimes were men, and 77% of the victims/survivors in 2021 were minors, among which 94% were girls.<sup>179</sup> In 2021, the

number of cases proceeded to courts had increased by 48% the compared to 2020.<sup>180</sup> It cannot be concluded if this increase indicates rising rates of awareness of GBV, improved reporting mechanisms and the potential strengthening of the prosecution of sexual crimes, or if it indicates rising rates of GBV in Albania – or both.

Some of the main obstacles for victims/survivors of GBV in Albania is with regards to the institutional response related to prosecution and inaccessible reporting processes. In 2021 it was reported that inspectors responsible for DV and restraining orders often make administrative errors, such as inadequately filling out the required standard form, e.g., with no address or detailed contacts of the victim/survivor, hampering the further examination of the case by the court judges.<sup>181</sup> Though such errors may seem small, they can have larger implications on the reporting process. For example, not having all the contacts of the victim/survivor makes case-handling by the Local Coordinator for Domestic Violence, which in turn makes accessing service provision difficult. These errors that create further barriers to reporting indicate a lack of training and knowledge about all the protocols to be followed while handling a case. Official mechanisms for addressing GBV continue to face a multitude of challenges reported in previous editions of Women's Rights in Western Balkans, and the challenges have not been addressed by the relevant institutions during this reporting period either. One such obstacle is that the majority of courts in Albania do not have adequate data collection mechanisms. Additionally, cooperation between institutions is still lacking, for example, the limited coordination between Courts and Bailiff Service still remains problematic in the identification and enforcement of restraining orders by the Bailiff Service. Regarding verdicts, not all courts recommend that perpetrators receive psychological treatment or other specialised services for their rehabilitation, as is required by Article 10 of Albanian Law on Violence

<sup>173</sup> General Prosecution Office, *Report on the crime situation in Albania in 2021*, Tirana, 2022, p. 104

<sup>174</sup> *Ibid.*

<sup>175</sup> The term *in flagrante delicto*, or *in flagrante*, is used to indicate that a criminal has been caught in the act of committing an offense.

<sup>176</sup> Data for the full year is not accessible.

<sup>177</sup> Council of Europe, *Report on the implementation of recommendations addressed to Albania by the committee of the parties of CoE Convention on preventing and combatting violence against women and domestic violence (Istanbul Convention)*, Council of Europe, 2021, p. 26.

<sup>178</sup> General Prosecution Office, *Report on the crime situation in Albania in 2021*, Tirana, March 2022, p. 94.

<sup>179</sup> *Ibid.*, p. 96.

<sup>180</sup> *Ibid.*, p. 94.

<sup>181</sup> Gender Alliance for Development Centre, *Judges in the fight against violence against Albanian women and girls*, Gender Alliance for Development Centre, 2021, p. 1.

in Family Relations.<sup>182</sup> Furthermore, similar to other Western Balkan countries, prosecution is often confined only to life endangering forms of physical DV, omitting other forms of DV. According to the Executive Director of Vatra Psycho-Social Centre, some judges do not take the issue of DV seriously and display a patriarchal mindset by downplaying the gravity of violence, even going so far as to intimidate the victims/survivors in the courtroom.<sup>183</sup>

Furthermore, judges reported that the victims/survivors of VAW often appear in court alone, unassisted by a lawyer.<sup>184</sup> Regarding Protection Orders, judges stated that, in some cases, the requests reached the courts with many administrative errors, for example without perpetrators' addresses, and with hardly any procedural elements due to police officers' errors, either that police did not fill out the standard form at all (in the worst case) or filled it out but with mistakes (in the best case).<sup>185</sup>

The failures of the prosecution are most visible in cases of femicide, almost always occurring after the victims have already reported violence to the police but the response, by the police or by the judicial

system, have been inappropriate. In 2021, one of the most public cases of femicide in Albania was the murder of 23-year-old Sabrina Bengaj, by her ex-husband. In 2020, her ex-husband kept her and her family hostage for several hours before being arrested by the police. He was imprisoned but released after a few months on mental health grounds. He had continued to threaten Sabrina from prison, but that did not prevent the judge from releasing him. Numerous protests were organised in Tirana and Fier, the city where the femicide happened.<sup>186</sup>

As a result of advocacy efforts of 28 CSOs, including the Albanian Women's Empowerment Network and all its member WCSOs, the law on the "National Registry of Convicted Sexual Crimes" was approved by the National Assembly in 2022. Over 20,000 signatures from citizens were collected in support of this initiative and presented to the National Assembly. According to this law, all perpetrators, accused of sexual crimes, and molestation of minors will appear in the National Registry of Sexual Crimes.<sup>187</sup>

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<sup>182</sup> Ibid.

<sup>183</sup> Ibid., p. 9.

<sup>184</sup> Ibid., p. 10.

<sup>185</sup> Ibid., p. 10-12.

<sup>186</sup> Sinoruka, F., 'Thousands Protest Against Femicide that has Shaken Albania', BalkanInsight, September 16 2021.

<sup>187</sup> Information shared with Kvinna till Kvinna by partner organisation in Albania.

## BOSNIA AND HERZEGOVINA

Data for the recording and prosecution of DV are presented in the publication *Women and Men* for BiH. The data shows that there is an increase of the number of reported cases from 1,851 cases in 2019 to 1,998 reported cases in 2020.<sup>188</sup> There is a decrease, however, in the number of accused and convicted cases. Furthermore, the data from the *Women and Men* publication is not complete as it does not show the relation between the victims/survivors and the perpetrators by gender as required by the Istanbul Convention.

There have been recent efforts to improve data collection on GBV. Entities have established databases for the collection of information and monitoring of DV from relevant actors involved in detecting and responding to such cases. Despite these efforts, such data is not regularly published, it is not available to the public,<sup>189</sup> and databases are not yet fully operational, therefore not comparable across the different levels of government.<sup>190</sup> Furthermore, the focus on only DV without a wider definition of GBV makes other forms of GBV invisible from monitoring, research and analysis, and consequently from adequate response, measures and policies.

BiH has adopted legislation that incriminates violence against women and stipulates protection of victims/survivors.<sup>191</sup> In recent years, relevant legislation in all entities has undergone some amendments in line with Istanbul Convention requirements, though BiH has yet to fully harmonise its legal framework with the Istanbul Convention. In BiH the legal framework criminalises domestic and intimate partner violence, rape and spousal rape.<sup>192</sup> In an effort to align with the Istanbul Convention, the entity level Criminal Code in Republika Srpska that

entered into force in 2018 recognises criminal offences of stalking, sexual harassment, forced marriage, and female genital mutilation. Both FBiH and Brčko District level Criminal Codes still have not undertaken any similar changes within this reporting period.<sup>193</sup> The maximum penalty for rape, regardless of gender and including spousal rape, is 15 years in prison. The police, however, often fail to treat spousal rape as a crime. During the reporting period, women victims/survivors of rape did not have regular access to free social support or assistance and continued to be confronted by prejudice and discrimination in their communities in some cases even from representatives of public institutions.<sup>194</sup>

While laws in both the Federation of BiH (FBiH) and Republika Srpska empower authorities to remove the perpetrator of DV from the home, officials rarely made use of these provisions.<sup>195</sup>

Often perpetrators returned to their homes less than 24 hours after a violent event. In the FBiH and in the Republika Srpska, authorities can prosecute DV as a felony, while in Brčko District it can be reported as either a felony or a misdemeanour. Perpetrators are often given suspended sentences, partially or entirely suspended prison sentence, even repeat offenders.<sup>196</sup> No significant progress in these unsatisfactory, and potentially dangerous, court procedures and practices has been noticed since the last report. Based on a 2021 baseline survey conducted by the WCSO Udružene žene with women victims/survivors of GBV, there had been no urgent protection measures issued in relation to fifty-eight (58) (or 77%) cases of violence in the last 12 months. Moreover, 61% of interviewed women stated that no criminal proceeding was initiated by the police.<sup>197</sup>

<sup>188</sup> Agency for Statistics of Bosnia and Herzegovina, *Man and Women in Bosnia and Herzegovina*, Bulletin, 2022, p. 94-95.

<sup>189</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>190</sup> UN Women, *BiH Country Gender Profile 2021*, UN Women Country Office Bosnia and Herzegovina, 2021, p. 32.

<sup>191</sup> *Ibid.*, p. 29.

<sup>192</sup> Institution of Human Rights Ombudsman/Ombudsmen of BiH, Call for submissions to the UN SRVAW thematic report on rape as a grave and systematic human rights violation and gender-based violence against women, Questionnaire on criminalization and prosecution of rape, 22 May 2020.

<sup>193</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>194</sup> US Department of State, *2021 Country Reports on Human Rights Practices: Bosnia and Herzegovina*, Bureau of Democracy, Human Rights and Labor, 2021, p. 33.

<sup>195</sup> *Ibid.*

<sup>196</sup> *Ibid.*

<sup>197</sup> United Women, *Experiences of women survivors of violence service users in receiving support from the centers for social work – BiH Baseline Report*, Banja Luka, United Women 2021..

In January 2021, FBIH amended its Law on Protection from Domestic Violence by introducing a “person of confidence,” who can assist victims/survivors during court proceedings.<sup>198</sup> In practice, however, court proceedings are not victim-/survivor-centred, but rather continue to give priority to perpetrators. Complete information, and extenuating circumstances are presented about the

perpetrators in order to ease their situation during the proceedings, while very few and sometimes no information is given about victims/survivors.<sup>199</sup> This situation places victims/survivors in a disadvantaged position during the proceedings compared to the perpetrators, perpetuating psychological suffering and emotional violence.

## KOSOVO

Based on long-term advocacy initiatives of various WCSOs in Kosovo, legislation related to GBV has improved in recent years, and as of 2019, DV, sexual harassment, forced sterilisation, and female genital mutilation have become criminal acts within the newly amended Criminal Code.<sup>200</sup> As a result of advocacy conducted by WCSOs supported by the Women Caucus Group, on the September 25<sup>th</sup>, 2020, the Kosovo Assembly voted for the adoption of the Istanbul Convention into Kosovo's Constitution.<sup>201</sup>

In practice, however, the situation remains problematic when it comes to implementation of the legal framework and prosecuting GBV perpetrators. The Prosecution Victim Assistance Office reported an increased number of DV cases, from 1,145 in 2020 to 1,374 for January to August of 2021. According to Kosovo Police reports collected by the organisation Centre for Information, Critique and Action, 2,486 cases of DV were reported in 2021.<sup>202</sup> Only during August 2022, 166 cases of GBV against women and girls have been reported.<sup>203</sup>

According to Kosovo's Institution of Forensic Medicine, 85% of victims/survivors of sexual violence in the period of 2019 to 2021 were minors, and all perpetrators being men.<sup>204</sup>

Instances of other forms of GBV, including sexual violence and rape, were rarely reported by survivors, frequently due to social stigma or lack of trust in authorities.<sup>205</sup> This is on one hand due to the fact that prosecuting perpetrators, in part relates to the police response, which often does not comply with the law, but rather downplays the victims'/survivors' reports without taking them seriously. On the other hand, there is the issue of prosecution, which in many cases does not respect the victims'/survivors' rights. Reconciling the victim/survivor with the aggressor is often justified by referring to “saving the traditional family”. In 2021, similar to the previous reporting period of 2020, the rate of prosecution was low, with low sentences, and in some cases even further reductions in these sentences in Appellate Courts. As is an ongoing problem in Kosovo and the Western Balkans region as a whole, during this reporting period as well, advocates and court observers asserted that prosecutors and judges continued to favour family unification over survivor protection.<sup>206</sup> This conviction is also further reinforced by social workers.<sup>207</sup> These mechanisms aimed at protecting the family structure over the victim(s)/survivor(s) in some cases even leading to the disregard of protection orders, allowing the perpetrator to remain in the family home while a case was pending.<sup>208</sup>

<sup>200</sup> Kosovo Women's Network, *Kosovo: Legal framework and Support Services for Survivors of Violence Against Women and Domestic Violence*, Kosovo Women's Network, 2021.

<sup>201</sup> Council of Europe, 'The National Assembly of Kosovo decides to apply the Istanbul Convention', *Council of Europe*, 25 September 2020, Istanbul Convention Newsroom.

<sup>202</sup> Qika, 'Reporting of domestic violence increase over years', *Qika*, 29 August 2022, News.

<sup>203</sup> Qika, 'Over the month of August, 166 cases of gender-based violence against women and girls have been reported', *Qika*, 30 August 2022, News.

<sup>204</sup> EULEX, *Assessment of the Handling of Rape Cases by the Justice System in Kosovo*, EULEX Monitoring Report, 2022, p. 18.

<sup>205</sup> US Department of State, *2021 Country Reports on Human Rights Practices: Kosovo*, Bureau of Democracy, Human Rights and Labor, 2021, p. 26.

<sup>206</sup> *Ibid.*

<sup>207</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>208</sup> *Ibid.*

The coordination bodies dealing with DV lack a clear mandate enshrined in law at the national level and consistent human and financial resources to ensure their reliable functioning. This includes clear roles, responsibilities, and separation of implementation, monitoring and evaluation duties. More Case Managers have been established within municipalities and their functioning has improved since 2017. Nevertheless, several municipalities still do not have functional Case Managers, as foreseen by the National Strategy on Protection from Domestic Violence. Municipalities have not allocated sufficient budgets for comprehensive victim-/survivor-centred rehabilitation and reintegration services, as foreseen by the Istanbul Convention and National Strategy on Protection from Domestic Violence.

In rape cases, courts continue to impose sentences below the legal minimum. This negatively affects the decision of victims/survivors to report cases of sexual violence that occurred either inside or outside the family sphere. There exists a lack of faith in the protection that victims/survivors could obtain from the institution, and a fear of the social stigmatisation aimed solely at them, and such factors can contribute to the low of reporting rates.

While police officers have general knowledge about various forms of violence as they relate to criminal offences, including the new offences in the Criminal Code of Kosovo, they continue to confuse GBV with DV. Thorough understanding of various forms of sexual violence also seemed limited. Victim-blaming and culturally relative justifications for insufficient police response still exist, and police officers still tend to remove victims/survivors rather than perpetrators from shared residences. Weak risk assessments and institutional neglect of this sort continue to lead to cases where recidivists let free commit femicide.

During the reporting period, WCSOs reported that Centres for Social Work lacked knowledge about GBV, with some representatives of the centres continuing the practice of recommending that the

parent with a better financial situation receive child custody, instead of focusing on the overall wellbeing of the child. Contrary to the Istanbul Convention, the Law on Protection against Domestic Violence, and Standard Operation Procedures for Protection from Domestic Violence, employees of Centres for Social Work often opted for reconciling couples, placing the victim/survivor in danger. Moreover, some social workers were reportedly absent from court hearings or did not follow up with families that have experienced violence. Due to budget restraints, particularly amid decentralisation, the centres continued to face challenges related to human resources and infrastructure during the reporting period.

The situation of low sentencing was observed in a highly public case in Kosovo, with a court verdict in 2021 that provoked an outcry and reaction from civil society. A 15-year-old from Gjakova was raped in 2012 by two perpetrators armed with knives. The verdict handed down by the Peja court in 2021 sentenced the defendant to just eight months and eight days in prison for raping a minor. The Prosecutor did not appeal, agreeing with the conviction, which was in contradiction with Kosovo legislation that demands a sentence of no less than three years' imprisonment for such a crime. This public case exposed the failures of the justice system to protect victims/survivors of GBV. The judge was dismissed from her position and the case went to a retrial. Several protests were organised by WCSOs, not only for this case, but also for the others that followed.

In August 2021, two men deposited the body of 18-year-old Marigona Osmani in front of a hospital in Ferizaj. Doctors confirmed Osmani had been raped and otherwise physically abused for at least two days and was already dead when discovered at the hospital. Press reports indicated that the police had previously charged both men for multiple other violent offenses, including rape, bodily injury, and attempted murder. The incident sparked nationwide protests against police and prosecution inaction.

<sup>209</sup> Banjska, E., Breznica, B., Ryan, D., and Farnsworth, N., *From Laws to Action: Monitoring the Institutional Response to Gender-based Violence in Kosovo*, Prishtina, Kosovo Women's Network, 2021, p. 74.

<sup>210</sup> *Ibid.*, p. 81.

<sup>211</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>212</sup> *Ibid.*

<sup>213</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>214</sup> Gërvalla, V. and Berisha, K., 'Judge Suspended After BIRN Reporting on Lenient Rape Sentence', *Prishtina Insight*, 8 November 2021.

<sup>215</sup> Information shared with Kvinna till Kvinna partner organisation in Kosovo.

<sup>216</sup> US Department of State, *2021 Country Reports on Human Rights Practices: Kosovo*, Bureau of Democracy, Human Rights and Labor, 2021, p. 27.

Another example of a highly publicised case of sexual violence took place at the end of August 2022, when five men raped an 11-year-old girl. The case shed light on a number of gaps in the legislative framework, especially implementation and sentencing of crimes of GBV. Three of the five perpetrators are minors. The case sparked various protests against GBV not only in Prishtina, but also in Tirana and Skopje, condemning the lenient responses of the judicial institutions, particularly courts, toward perpetrators of GBV. After the case became central news, it was discovered that the girl had been previously violated and trafficked just two months prior in June 2022.<sup>217</sup> As of September 3<sup>rd</sup>, 2022, 11 persons have been arrested, six in relation to the crime of trafficking in June, and five for the crime of rape in August 2022.<sup>218</sup> The head of Kosovo Police resigned in relation to the case,<sup>219</sup> citing personal reasons and professional consciousness, followed by the resignation of the head of the

Directorate for the Treatment of Prisoners and Minors.<sup>220</sup> The government further dismissed two other police officials, namely the director of Regional Police and the Head of Operations in Prishtina.<sup>221</sup> The Prime Minister also denounced the lenient response of the judicial system, sparking a reaction from the Judicial Council of Kosovo, that among others accused the government doing an inadequate job, adding that victims/survivors of GBV and sexual violence are left to the “mercy of CSOs” when it comes to accommodation and rehabilitation. Kosovo Women's Network (KWN) and women's shelters reacted to the Prime Minister's statement, highlighting the crucial work of WCSOs regarding the protection, counselling, and rehabilitation of victims/survivors of GBV, much of which is the result of inadequate police, prosecution and court responses regarding the protection of victims/survivors and prosecution of perpetrators.<sup>222</sup>

## MONTENEGRO

In the period from January 1<sup>st</sup> to November 30<sup>th</sup>, 2021, the Police Directorate registered 251 crimes of domestic or family violence, under Article 220 of the Criminal Code of Montenegro.<sup>223</sup> This is an increase of less than 5% compared to the same period last year. The Police Directorate registered 38 criminal offenses related to violence between relatives, which are registered as violations of different articles of the criminal code and therefore qualified differently. In addition, the Police Directorate prosecuted 1,632 violations of the Law on Protection against Domestic Violence (an increase of about 16% compared to the same period last year), against 1,554 persons, of whom 1,229 were men (of whom 14 minors), and 325 women (17 of whom were minors).<sup>224</sup>

According to the data from the Supreme Court, during that same period in 2021, a total of 1,207 cases<sup>225</sup>, or 63% of the total pending cases in relation

to the Law on Domestic Violence Protection, were disposed in the misdemeanour courts of Podgorica, in Budva and Bijelo Polje. The above cases received the following verdicts: 346 fines; 85 prison sentences; 231 suspended sentences; 98 warnings; six corrective measures; 286 acquittals; in 13 cases the complaint was dismissed; in 71 cases the proceedings were dismissed.<sup>226</sup> Additionally, 340 protective measures were imposed, including 41 removals from the living space; 91 restraining orders and 156 non-molestation orders and stalking prohibition orders.<sup>227</sup> As has been reported in multiple editions of the *Women's Rights in Western Balkans* reports, data for this reporting period indicate that perpetrators of DV still receive milder sentences than is prescribed by the law, the majority being fines, acquittals and suspended sentences, with no verifiable progress during this reporting period.

<sup>217</sup> Ahmeti, A., 'Gjykata vendos për gjashtë të dyshuarit për dhunimin e 11-vjeçares', *Kallxo*, 3 September 2022.

<sup>218</sup> *Ibid.*

<sup>219</sup> Isufi, A., 'Kosovo Police Head Resigns Over Park Rape of 11-Year-Old', *Prishtina Insight*, 31 August 2022.

<sup>220</sup> Berisha, A., 'Jep dorëheqje drejtori i Drejtoratit për Trajtimin e të Burgosurve dhe të Miturve', *Kallxo*, 31 August 2022.

<sup>221</sup> Zeqiri, A., 'Shkarkohen dy drejtorë në Policinë Rajonale në Prishtinë pas rastit të 11-vjeçares', *Dukagjini*, 2 September 2022.

<sup>222</sup> Kosovo Women's Network, 'RrGK dhe Strehimoret reagojnë në komentet e KGJK-së e KPK-së për punën e organizatave joqeveritare', *Kosovo Women's Network*, 2022, <https://womensnetwork.org/sq/rrgk-dhe-strehimoret-reagojne-ne-komentet-e-kgjk-se-e-kpk-se-per-punen-e-organizatave-joqeveritare>, (accessed 17 October 2022).

<sup>223</sup> Government of Montenegro, *Report to the Committee of the Parties on the measures taken to improve the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Podgorica, Government of Montenegro, 2022, p. 68.

<sup>224</sup> *Ibid.*

<sup>225</sup> *Ibid.*, p. 51.

<sup>226</sup> *Ibid.*

<sup>227</sup> *Ibid.*

In October 2021, WCSO Women's Rights Centre organised a protest in the town of Tuzi to call attention to the murder of a young woman and the failures of the institutions to prevent femicide and GBV in Montenegro. The victim, Sheila Bakia, was 19 years old when she was killed by her husband. The murder sparked public outcry and strong reaction from civil society demanding accountability from relevant institutions, since Sheila had already reported her killer's threats and violence to the police. The State Prosecutor's Office in Podgorica responded that there were no elements of a criminal offence.<sup>228</sup> This is an additional example of how the police and judicial response in the cases of GBV fails to be victim-/survivor-centred.

The Third Periodic Report on the Implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),<sup>229</sup> states that the Committee notes with concern the discriminatory attitudes and/or passiveness towards victims/survivors by judges, prosecutors, the police and other law enforcement officers who often give priority to reconciliation over prosecution

in order to "preserve the family" and consider DV as a private matter. The Committee also notes that marital rape is not specifically criminalised in the Penal Code of Montenegro. The report highlighted the lack of implementation of the legislative framework to prevent and punish GBV due to weak inter-sectoral cooperation, insufficient human, technical and financial resources, and low gender-sensitivity among the judicial and institutional duty-bearers. These issues contribute to the concerning low number of protection orders issued, even after repeated reports of violence, and the growing rates of charges issued to both spouses/partners in DV cases;<sup>230</sup> meaning that both spouses are found guilty, and as such erasing the gender-based dimension of DV. There is also an issue of lenient sentences for perpetrators of GBV. As a result of these systemic barriers, coupled with fear, lack of access to information, stigma, and social acceptance of family violence, victims/survivors continue to be reluctant to report GBV to the relevant authorities.<sup>231</sup> No visible progress in improving reporting rates has been noted in Montenegro compared to the last reporting period.

<sup>228</sup> Kajosevic, S. and Sinoruka, F., 'Femicide in Montenegro Sparks Outcry Over Official Negligence', *BalkanInsight*, 4 October 2021.

<sup>229</sup> Government of Montenegro, *The third periodic report on the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW) submitted in line with Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*, Podgorica, Government of Montenegro, 2021, p. IX.

<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

## NORTH MACEDONIA

As in previous reporting periods, the number of requested temporary measures for protection from DV continues to increase each year. Namely, in 2021, 1,223 request for protection orders were submitted and 1,012 were approved, compared to 1,042 requests and 858 respectively, from the year prior. Even though lack of reporting of GBV remains a common issue among Western Balkan countries, this increase in reporting, alongside an increase in issued protection orders, may be an indicator of a positive trend of women being more empowered to seek redress for crimes of GBV. Despite this small but welcome change, there remain a number of concerns with institutional practices and implementation of the Istanbul Convention.

In line with the Action Plan for the implementation of the Istanbul Convention, in January 2021, a new Law for Protection and Prevention from Violence against Women and Domestic Violence was adopted, which enables a comprehensive approach i.e., integrated multidisciplinary response in dealing with VAW and DV, respecting human rights following international standards. According to this law, victims/survivors have the right to judicial protection in civil proceedings and criminal proceedings before locally competent courts. In practice, the implementation of the legal framework remains problematic both regarding the police response and the prosecution of perpetrators. Another weakness in GBV response in North Macedonia is the slow process of the submission of proposals for temporary measures of protection to the civil court, an important step in the proper implementation of the legal framework and the responsibility of local Centres for Social Work.

Judicial practice in North Macedonia shows that, although punishable by law, as is in line with the Istanbul Convention, many psychological and sexual DV crimes are met with impunity. The dominant culture of tolerance for most, if not all, forms of GBV feeds into a general context of impunity of GBV cases which, in turn, is also reflected in the low sentences and sanctions. These systemic issues greatly affect women victims/survivors of GBV, who are at-risk of re-victimisation during the criminal proceedings.

Discrepancies in court procedures due to inadequate application of the law, or even contradicting legislation, are all too common. Regarding DV specifically, from a total of 66 completed criminal cases with first instance verdict, imprisonment was imposed in only 10 cases and conditional sentences in as many as 43 cases. The court also granted three acquittal and nine dismissal judgments. In most, if not almost all, cases, verdicts are based on the testimonies and statements of the perpetrator (the defendant). This is problematic because aggravating circumstances, the factors that increase the severity of the crime, are not taken into account. Aggravating circumstances are important because they have the power to change the case and proceedings, as these specific factors determine the severity of many crimes, including GBV. Likely, if these aggravating circumstances were to be taken into account, a guilty verdict for the perpetrator would be reached. Verdicts would additionally not be the lightest punishment, as is the case in many rulings.

<sup>232</sup> Gender Equality Platform, *Shadow Report on the Implementation of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Gender Equality Platform, 2022, p. 52.

<sup>233</sup> GREVIO et al., *Report submitted by North Macedonia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*, GREVIO, 2022.

<sup>234</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>235</sup> ESE, Coalition MARGINS, Open Gate and EIJ, *Shadow report on the implementation of Council of Europe convention on preventing and combating violence against women and domestic violence in republic of North Macedonia*, Skopje, ESE, 2022, p. 58.

<sup>236</sup> Gender Equality Platform, *Shadow Report on the Implementation of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Gender Equality Platform, 2022, p. 63.

<sup>237</sup> ESE, Coalition MARGINS, Open Gate and EIJ, *Shadow report on the implementation of Council of Europe convention on preventing and combating violence against women and domestic violence in republic of North Macedonia*, Skopje, ESE, 2022, p. 58.

<sup>238</sup> *Ibid.*, p.60.

<sup>239</sup> *Ibid.*

Based on the Article 86 of the Law for Protection and Prevention from Violence against Women and Domestic Violence, during the proceedings, and in the interest of protection of victims'/survivors' rights, the court cannot refer the parties to bargain on the outcome of the case. The Law on Criminal Procedure, however, provides the opportunity to the perpetrator to bargain with the prosecutor, and the victim/survivor does not have any say in the process.<sup>240</sup> In practice, there is a frequent application of the institute of "mitigation of punishment" for the perpetrators of DV by judges when they show cooperation in the prosecution.<sup>241</sup> Hence, the nature of DV, recidivism, and serious consequences for victims/survivors are not taken into account,<sup>242</sup>

reinforcing the view of a patriarchal justice system that is not victim-/survivor-centred, but one that provides attention and facilities to the perpetrators of GBV. These procedural shortfalls of the justice system increase victims'/survivors' lack of trust in the respective public institutions.

GBV data collection remains an issue, similarly to the other Western Balkan countries, particularly regarding the definition of crimes and harmonisation between different sources. There is no official source of data about femicides in North Macedonia, and as it is the case in the other countries, such data are collected and monitored by women's rights CSOs.

## SERBIA

In 2021 there were a total of 20 femicides committed in a family-partner context.<sup>243</sup> In five of the cases, the victims had already reported violence to the police.<sup>244</sup> WCSO Autonomous Women's Centre (AWC) highlights that when women reported violence to the police, it resulted in a warning in most cases, rather than criminal charges. In cases where the victim/survivor withdrew her testimony, the prosecution most often dismissed the criminal charges altogether, without continuing the investigation.<sup>245</sup> The Ombudsperson institution launched an investigation into the legality and regularity of work in the Ministry of Interior and the Centre for Social work in the town of Starčevo, following a femicide in the town in July 2022.<sup>246</sup> It is a positive development that the Ombudsperson institution took steps in assessing the case, including whether the femicide victim had previously reported violence, though it is the actions of the Ombudsperson institution following this pending investigation that will determine whether or not adequate steps for addressal will be taken.

Serbian legislation provides that authorities may protect DV victims/survivors by temporarily removing the perpetrator from the home from a minimum of 48 hours to a maximum of 30 days. By law, police, prosecutors' office, courts, and social welfare centres are required to maintain an electronic database on individual cases of DV, as well as to undertake emergency and extended measures. As in other Western Balkan countries, however, data are not harmonised, come from various sources and institutions, and are neither comparable nor standardised, e.g. data from the centres for social work are not comparable with data from police and prosecution.<sup>247</sup> Furthermore, data from centres for social work do not include the relationship between victims/survivors and perpetrators.<sup>248</sup> Despite years of worrying femicide rates and trends as well as the related criticism from women's rights CSOs, the government has failed to establish a single electronic database on GBV and femicide, despite a legal obligation to do so.

<sup>240</sup> Gender Equality Platform, *Shadow Report on the Implementation of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Gender Equality Platform, 2022, p. 65.

<sup>241</sup> ESE, Coalition MARGINS, Open Gate and EIJL, *Shadow report on the implementation of Council of Europe convention on preventing and combating violence against women and domestic violence in republic of North Macedonia*, Skopje, ESE, 2022, p. 60.

<sup>242</sup> *Ibid.*, p. 60.

<sup>243</sup> Lacmanovic, V., *Femicide – murders of women in Serbia, Quantity narrative report for the period from January 1st to December 31st 2021*, Autonomous Women Centre, 2022, p. 1.

<sup>244</sup> *Ibid.*

<sup>245</sup> *Ibid.*, p. 9.

<sup>246</sup> Protector of Citizens – Ombudsman of Serbia, 'The Protector of Citizens controls the authorities after the murder of a woman in Starčevo', Protector of Citizens – Ombudsman of Serbia, 29 July 2022.

<sup>247</sup> Ignjatović, T., *Tenth Report on independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia for the period January – December 2021*, Belgrade, Autonomous Women's Centre, 15 June 2022, p. 2.

<sup>248</sup> *Ibid.*, p. 3.

In 2021, the total number of DV cases registered by the police was 26,696, which is 122 cases more than in 2020. According to an Autonomous Women's Centre report, the cases might be higher than those reported to the police.<sup>249</sup> It should be noted that in 2021, there was a significant increase of the number of perpetrators who repeated acts of DV: 8,227 in 2021, compared to 6,707 in 2020 and 6,002 in 2019. Additionally, there was an increase in cases of breached emergency measures: 2,088 in 2021, compared to 1,922 in 2020. The increase of the cases of repeated violence and breaches of emergency measures indicate the ineffectiveness of, and gaps in, emergency/extended measures and the protection system.<sup>250</sup>

As highlighted in previous *Women's Rights in Western Balkans* reports, women victims/survivors of GBV are reluctant to report violence because they lack trust in institutions and fear reprisal. This has remained unmitigated during the reporting period. The women's rights CSO AWC and Joint Action Roof Over One's Head (Krov nad glavom) warned that women who could not provide alternative accommodation and quality of life for themselves and their children were at greater risk of both becoming victims/survivors of violence, and not reporting violence and perpetrators. AWC noted that less than one-third of women who received legal assistance from the organisation reported having shared or exclusive ownership of the residence where they lived. Furthermore, Social Welfare Centres lack resources and trained professionals, which limits the centres to focus mostly on emergency interventions. This leaves women victims/survivors of GBV without long-term support and proper assistance in accessing rehabilitation and reintegration services, which are also poorly distributed geographically, or in some cases, non-existent.<sup>251</sup>

Prevention and protection of women from GBV remained predominantly focused on violence in intimate partnerships and in the family, which

narrows state obligations and does not reflect the spectrum of the diverse forms of GBV. There are several difficulties in criminal proceedings for the protection of victims/survivors of DV, such as: inefficiency of proceedings, high numbers of rejected criminal charges, withdrawal and postponement of criminal prosecution, most often suspended sentences without protective supervision, failing to inform the victim/survivor about the proceedings and inadequate protection against re-victimisation.<sup>252</sup> Some slight positive changes have been observed by WCSOs, such as more frequent detentions, shortening of the time of proceedings, and a small decrease of the suspended sentences, even though they remain the prevalent sanction.<sup>253</sup> The judicial system is not victim-/survivor-centred, there is little trust in women's testimonies both by judiciaries and by the public, and very often, perpetrators are discharged.

The highly publicised case of actress Danijela Štajnfeld is one such example. In 2020 Danijela Štajnfeld revealed that she had been raped by Branislav Lečić, a powerful man from the film industry, who served as the country's Minister of Culture as well as a long-time member of the Democratic Party of Serbia.<sup>254</sup> Violent online lynch campaigns against Štajnfeld circulated through media and social networks, defending Lečić, and attempted to discredit Štajnfeld. Furthermore, all of the evidence, and arguments Štajnfeld provided were rejected in court, and the witnesses were not questioned by the Public Prosecutor office, that officially concluded in July 2021, rejecting all of the evidence and declining to officially charge the accused. In August 2021, Štajnfeld's appeal on the decision was rejected by the Appeals Prosecutor Office, which had determined that there were "no elements of a criminal act".<sup>255</sup> Such a double standard of public shaming and a hostile justice system are not rare for GBV cases in Serbia. Whether public or not, victim-blaming and severe shortfalls of the justice system contribute to the low culture of reporting GBV.

<sup>249</sup> *Ibid.*, p. 6.

<sup>250</sup> Autonomous Women's Centre, *Facts, Implementation of the Law on Prevention of DV 2021*, Autonomous Women's Centre, 2021.

<sup>251</sup> Network against Gender-based Violence against Women and Girls in the Western Balkans, *Social services for women who suffered gender-based violence in the Western Balkans*, Policy Brief, Network against Gender-based Violence against Women and Girls in the Western Balkans, 2022, p. 7.

<sup>252</sup> Ignjatović, T., *Challenges in achieving protection and support for women with the experience of partnership violence in Serbia and of their children*, Belgrade, Autonomous Women's Centre, 2021, p. 9.

<sup>253</sup> *Ibid.*

<sup>254</sup> Miletić, S., 'Serbia's gender-based violence scandals and the media's responsibility', Media Diversity Institute, 26 July 2021.

<sup>255</sup> Damnjanovic, M., *Institutional, media and public frameworks of rape denial – the Danijela Štajnfeld case*, Belgrade, September 2021, p. 1.

Another highly publicised case was that of the Serbian MP Dragan Marković, accused in April 2021 of the crime of organised sexual exploitation of women and girls, with the elements of coercion.<sup>256</sup> Marković used his political power to lead a smear campaign in the media, threatening anyone that would oppose or testify against him. The case was mainly treated by the media instead of the police and prosecutor office; both institutions failed to investigate or communicate adequately about the

case. During this reporting period, Serbian CSOs stated that this case remained vague, inconsistent and highlighted the general lack of trust in institutions. The public was informed through select media and the subsequent media conference organised by the main actor, that after 30 witnesses had been heard, it was decided that there were no legal bases for initiation of investigative procedure.<sup>257</sup>

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<sup>256</sup> Cvetkovic, L., "Pimping Girls': Sexual Exploitation Case Threatens To Take Down Serbian Kingpin, Vucic Ally', *RadioFreeEurope*, 24 April 2021.

<sup>257</sup> Pejić Nikić, J. (ed). *Preugovor Alarm: Report on the Progress of Serbia in Cluster 1*, Belgrade, Belgrade Centre for Security Policy and Transparency Serbia, 2021, p. 126.

## STATISTICAL DATA SHOWS:

## Comparison table: Cases reported compared to cases prosecuted, by country, by year

	Number of domestic violence cases reported to the police				Number of prosecuted DV cases			
	2018	2019	2020	2021	2018	2019	2020	2021
Albania	4,411	4,177	4,321 <sup>258</sup>	N/A	1,209	1,140	1,251	1,406
BiH	N/A*	2,182	N/A	N/A	N/A	1,851	1,998	N/A
Kosovo	1,541 <sup>259</sup>	1,915	2,000 <sup>260</sup>	2,486	N/A	N/A	1,145	1,374 <sup>261</sup>
Montenegro	N/A	N/A	N/A	251 <sup>262</sup>	N/A	N/A	N/A	N/A
North Macedonia	1,006 <sup>263</sup>	1,541 <sup>264</sup>	1,874 <sup>265</sup>	N/A	N/A	N/A	N/A	N/A
Serbia	N/A	28,214 <sup>266</sup>	26,818 <sup>267</sup>	26,696	N/A	19,360 <sup>268</sup>	19,280	19,414

\* N/A: All fields marked with N/A identify data that has been impossible to retrieve, access, or does not exist at this moment in time. Although elections in Serbia were held in 2022 in 14 municipalities, the gender disaggregated data for election results in these municipalities were not accessible to researchers.

<sup>258</sup> Government of Albania, *Report on the Implementation of Recommendations Addressed to Albania by the Committee of the Parties of Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*, Albania Ministry of Health and Social Protection, 2021, p. 39.

<sup>259</sup> Gačanica, L., and Gjoshi, R., and Vrbaški, S., *Women's Rights in Western Balkans: Women in Politics, Gender-Based Violence and Security for Women Human Rights Defenders in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia 2020*, Kvinna till Kvinna, 2020, p. 63.

<sup>260</sup> Group for Legal and Political Studies, 'Is domestic violence having the deserved attention in the Kosovar institutional agenda: Lessons learned and the way forward', *Group for Legal and Political Studies*, 2021, (accessed on 25 October).

<sup>261</sup> Data available only for January to August 2021

<sup>262</sup> Data available only for January to November 2021

<sup>263</sup> Gačanica, L., and Gjoshi, R., and Vrbaški, S., *Women's Rights in Western Balkans: Women in Politics, Gender-Based Violence and Security for Women Human Rights Defenders in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia 2020*, Kvinna till Kvinna, 2020, p. 65.

<sup>264</sup> Gender Equality Platform, *Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Gender Equality Platform, 2022, p. 9.

<sup>265</sup> *Ibid.*, p. 9.

<sup>266</sup> Gačanica, L., and Gjoshi, R., and Vrbaški, S., *Women's Rights in Western Balkans: Women in Politics, Gender-Based Violence and Security for Women Human Rights Defenders in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia 2020*, Kvinna till Kvinna, 2020, p. 66.

<sup>267</sup> Ignjatović, T. *Tenth Report on independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia for the period January – December 2021*, Belgrade, Autonomous Women's Centre, 2022, p. 7.

<sup>268</sup> For Serbia, data on prosecuted DV cases was not available. Data retrieved from WCSO AWC is labelled as "Prosecutor's proposals for extension of emergency protection orders".

## OPERATING SHELTERS, SOS HELPLINES AND ALLOCATION OF FUNDS FOR COMBATTING GENDER-BASED VIOLENCE

**The Istanbul Convention (Article 8, 23, and 24) requires state parties to undertake necessary legislative and implementing measures to protect victims/survivors of GBV through safe and sufficient accommodation through adequate shelters, state support, accessible helplines, and adequate financial and human resources.<sup>269</sup> At the time of writing this edition of *Women's Rights in Western Balkans*, the current information shows that in 2022, there were no substantial changes in the number of shelters and helplines operating compared to 2020 in the six Western Balkan EU accession countries. In 2021 and 2022, the covid-19 pandemic accentuated both institutional and public awareness on GBV and the need for an increase in the existing support lines, services as well as funds. Relevant institutions in Western Balkan countries continually and overwhelmingly focus on DV as the only form of GBV, which omits other forms of violence in their tracking or response to GBV and is not aligned with Istanbul Convention requirements.**

It is important to emphasise that allocated funds for combating GBV (both regarding prevention and protection of GBV victims/survivors) remain

insufficient, and this is true in all Western Balkan countries. To collect data on the funds allocated towards GBV, Kvinna till Kvinna submitted formal requests to all the responsible institutions as per the respective legislations. Similar to the 2020 edition, the responses were partial, some institutions replied that GBV is not within their jurisdiction, contrary to the provisions of the law. There were also cases where institutions responded orally or suggested reading a specific study.

Due to poor databases and data collection mechanisms in the Western Balkans, there are many obstacles in tracking and monitoring the allocated budgets, including comparing data among the different countries, as budget lines are not the same and often, they are not specifically oriented toward GBV-related activities. Furthermore, the institutions responsible to combat GBV do not report the same information through the years, hence the obstacles in comparison of trends over time. Another common element among the Western Balkan countries is that budgets are mostly allocated toward combating DV and it is almost impossible to identify what funds are allocated for other forms of GBV, if at all.

<sup>269</sup> Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*, November 2014.

Comparison Table: Number of Women's Shelters and Beds

Country	Year	Total population (year of most recent census)	Meets Istanbul Convention minimum standards	Number of shelters for women	Number of beds in shelters for women	Number of needed beds in shelters for women	Number of beds missing to meet Istanbul Convention standards
Albania	2022	2,821,977 (2011)	No	10	153	290	- 137
	2016		No	5	153	290	- 137
BiH	2022	3,531,159 (2013)	No	8	189	353	-164
	2016		No	9	204	353	-149
Kosovo	2022	1,739,825 (2011)	No	9	135	173	- 43
	2016		No	8	140	173	- 33
Montenegro	2022	620,029 (2011)	No	3	35	62	- 27
	2016		No	3	44	62	- 18
North Macedonia	2022	1,836,713 (2021)	No	12	60	184	- 124
	2016	2,022,547 (2002)	No	5	22	202	- 180
Serbia	2022	7,186,862 (2011)	No	14	300	718	- 418
	2016		No	12	257	718	- 461

## ALBANIA

There were no significant changes in the number of shelters in Albania during the reporting period. There are seven women-only shelters and three centres for the treatment of cases of sexual violence, two of which were opened in 2022 under the initiative of the Ministry of Health and Social Policy (MoHSP) and with the support of UNICEF.<sup>270</sup> These two new centres located in the cities of Fier and Korçë, follow the same structure of Liliu centre and will provide support to young victims/survivors of sexual violence that are minors and that live outside of the capital city.<sup>271</sup> On average, women, girls, and people from the LGBTQI+ community stay in the shelters between three to six months, free of charge. The shelters are funded by the state, donations, and international funds. The shelters in Tirana, Vlorë, Shkodër, Elbasan, and Korçë are run by WCSOs and the National Shelter for Women and Girls is run by a governmental institution.<sup>272</sup> There are two shelters for more vulnerable communities and groups of women: an LGBTQI+ shelter, called the Streha shelter in Tirana, and the National Reception Centre for Victims of Trafficking, where victims/survivors of trafficking are supported, even those with different nationalities.<sup>273</sup> The Liliu Centre is accessible to all categories of victims/survivors of sexual violence or who belong to groups made marginalised, such as persons from the Roma or Egyptian communities, adults or children with different abilities, persons from rural areas, immigrants, asylum seekers, LGBTQI+, etc.<sup>274</sup> One of the main issues regarding shelters in Albania remain the difficult access from rural or remote areas, as the existing centres are located in the main cities. Women from rural areas continue to face substantial obstacles in leaving violence and accessing a shelter, which has not fully been addressed by the Albanian state during the reporting period, though the establishment of the two new aforementioned centres for young victims/survivors of sexual violence is a welcome and important development. These developments will be further monitored in future editions of this report.

There is one national women's helpline in Albania, the National Counselling Line for Women and Girls

(Linja Kombetare e Keshillimit për gra e vajza). The helpline provides services in Albanian, English and Italian for all types of GBV. It is supported by government funding, donations, and international funding. In 2020, the helpline received 6,567 phone calls, conducted 650 face-to-face counselling sessions, and provided legal assistance and support during the court procedures for 750 cases.<sup>275</sup> There is one regional helpline that covers the districts of Durrës and Tirana, though it receives calls from other cities, going beyond their own jurisdiction to support victims/survivors. The regional helpline is run by the Community Centre "Today for the Future".<sup>276</sup> In 2020 a mobile application called Find Your Voice (GjejZa) was launched to provide a series of helpline numbers that can be used by women and girls whenever they face threats to be harassed or are harassed and need advice in cases of GBV.<sup>277</sup>

The sum allocated by the MoHSP for the two main national centres for 2021 and 2022 remains the same: the National Centre for the Treatment of Domestic Violence Cases received 180,000 EUR (21,530,000 ALL) for each year, and 187,000 EUR (22,350,000 ALL) went to the National Reception Centre for Victims of Trafficking for each year.<sup>278</sup> MoHSP also allocated 56,634 EUR (6,768,552 ALL) to the National Counselling Line for Women and Girls, for each year in 2021 and 2022. Furthermore, the MoHSP allocated funds for the economic assistance of individual victims/survivors of DV. Until December 2021, the monthly economic assistance for victims/survivors of DV was 3,000 ALL (approximately 28 EUR). In December 2021, the Decision of the Council of Ministers Nr. 898 increased the monthly assistance to 9,000 ALL (approximately 84 EUR) which is a welcome development. From January to March 2022, 835 victims/survivors have received the monthly economic assistance. During 2021, 694 victims/survivors of DV received the economic assistance. For the period January-March 2022, 835 victims/survivors of DV received such assistance. The awareness-raising activities and the capacity development of the local professionals remain covered by the funds of international donors.

<sup>270</sup> Information shared with Kvinna till Kvinna by partner organisation in Albania.

<sup>271</sup> Information provided by UNICEF office Albania, received on 25 August 2022.

<sup>272</sup> Floriani, E. and Dudouet, L., *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, *Wave Country Report 2021*, WAVE, Vienna, December 2021, p. 73.

<sup>273</sup> *Ibid.*

<sup>274</sup> *Ibid.*, p. 72.

<sup>275</sup> Floriani, E. and Dudouet, L., *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, *Wave Country Report 2021*, WAVE, Vienna, December 2021, p. 72.

<sup>276</sup> *Ibid.*

<sup>277</sup> *Ibid.*, p. 73.

<sup>278</sup> Response received from the Albanian MoHSP, received on 16 June 2022.

Another positive development in comparison to the 2020 edition of *Women's Rights in Western Balkans* is that the public funds allocated to the free legal aid department in the Ministry of Justice specifically for the cases of “women and girls in need” increased from 141,000 EUR in 2021 to 225,600 EUR in 2022 (16,500,000 ALL to 26,400,000 ALL).<sup>279</sup> From the 10 existing centres on free legal aid, the Ministry of Justice fully funds two of them, and together with UNDP funds two others. The six remaining centres are fully funded by UNDP.<sup>280</sup> The under-resourcing

issues that the centres face is concerning, as eight of them have two staff and two of the shelters have only one staff.<sup>281</sup> This not only puts pressure on the few staff, but also points to a larger, systemic issue of ongoing vulnerability of women's shelters due to the funding obstacles they face: Funding sustainability is limited if most of the centres are funded by one external donor. As in all other Western Balkan countries, the allocated budget for GBV services and related activities are not adequate in addressing the problem and structural push and pull factors.<sup>282</sup>

## BOSNIA AND HERZEGOVINA

There were no visible improvements in number of shelters and national women's helplines in BiH compared to the last report edition. There are a total of eight shelters (five in FBiH and three in the Republika Srpska) that offer a total of 189 beds, meaning 160 additional beds would be required to meet Istanbul Convention standards.<sup>283</sup> All shelters are run by CSOs. There is no shelter in Brčko District but funds for a temporary stay and accommodation of victims/survivors of DV in shelters in the two entities are provided from the Brčko District budget.<sup>284</sup> All shelters are accessible 24/7 and support women and children victims/survivors of violence. There are no specific shelters for women of marginalised groups and no specific centres for survivors of sexualised violence.<sup>285</sup>

There are two active national women's helplines, one for Republika Srpska and one for FBiH. They operate 24/7, though the helplines do not offer multilingual support.<sup>286</sup> These helplines are not fully free of charge, and therefore have not fully achieved the Istanbul Convention standards. The SOS

Helpline 1264 in Republika Srpska is free of charge only for calls coming from MTEL network telephone subscribers.<sup>287</sup> Costs for the telephone companies are covered by the two entities' Gender Centres. Compensation for operators' work is provided solely by CSOs, based on their abilities to cover such costs through their project budgets. For example, WCSO Udružene žene covers these costs through core funding provided by the Sigrid Rausing Trust.<sup>288</sup> As such, the well-functioning of these helplines depends on the funding sustainability of WCSOs. These lines receive calls almost exclusively from women.<sup>289</sup> The SOS helpline in Republika Srpska is run by WCSOs. Based on the location, the MTEL network company directs calls to the nearest WCSO in the network: Foundation Lara from Bijeljina for the region of Bijeljina, Citizens' Association “Budućnost” from Modrica for the Doboje region, and Udružene žene for the region of Banja Luka.<sup>290</sup> The Ministry of Family, Youth, and Sport financially support this helpline, however, the amount was not specified<sup>291</sup> in the Ministry's response to the Freedom of Information request.<sup>292</sup>

<sup>279</sup> Response received from the Albanian Ministry of Justice, received on 27 June 2022.

<sup>280</sup> *Ibid.*

<sup>281</sup> *Ibid.*

<sup>282</sup> Network against Gender-based Violence against Women and Girls in the Western Balkans, *Social services for women who suffered gender-based violence in the Western Balkans*, Policy Brief, Network against Gender-based Violence against Women and Girls in the Western Balkans, 2022, p. 4.

<sup>283</sup> Floriani, E. and Dudouet, L., *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, *Wave Country Report 2021*, WAVE, Vienna, December 2021, p. 87.

<sup>284</sup> Karađinović, N., *Gender Country Profile*, Sarajevo, UN Women, 2021, p. 30.

<sup>285</sup> Floriani, E. and Dudouet, L., *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, *Wave Country Report 2021*, WAVE, Vienna, December 2021, p. 87.

<sup>286</sup> *Ibid.*

<sup>287</sup> Information shared with Kvinna till Kvinna by partner organisations in BiH.

<sup>288</sup> Information shared with Kvinna till Kvinna by partner organisations in BiH.

<sup>289</sup> Floriani, E. and Dudouet, L., *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, *Wave Country Report 2021*, WAVE, Vienna, December 2021, p. 86.

<sup>290</sup> Information shared with Kvinna till Kvinna by partner organisations in BiH.

<sup>291</sup> Women's organisations suggest that the Ministry took over paying permission for the number with the MTEL teleoperator which was previously supported within the authority of the Gender Centre of Republika Srpska, but this information remains unconfirmed.

<sup>292</sup> Response of the Ministry of Family, Youth and Sport (RS), received on 18 May 2022.

GBV-related legislation envisages that 70% of the total costs of the shelters are covered by the entity governments and the remaining 30% by cantonal budgets in FBiH and municipal budgets in the Republika Srpska. Funding, however, continues to be the most pressing challenge faced by shelters for women in BiH.<sup>293</sup> In FBiH, only the Sarajevo shelter receives consistent government funding, while other shelters, such as the ones in Tuzla and Zenica, receive only 10 to 15% of their funding from the entity government, while cantonal funding remains inconsistent.<sup>294</sup>

In 2021, the Agency for Gender Equality, the main coordination mechanism for gender equality in BiH allocated the sum of 32,600 EUR (64,350 BAM) for GBV awareness-raising related activities. Up until May 2022, no funds have been spent on the prevention of DV. In 2021, 225,000 EUR (441,515 BAM) had been spent by the Agency for Gender Equality for support to victims/survivors in the following forms: shelters; implementation of FBiH action plan for Prevention and Combatting of DV 2018-2020; training of health and psychosocial services in FBiH; GBV and DV training of social work centres' staff; IT equipment for social work centres; and adapting the spaces to gynaecological and obstetric spaces for three pilot rape crisis centres. Though not yet operational, these rape crisis centres will be established within three hospitals in FBiH, in Sarajevo, Tuzla and Mostar.<sup>295</sup> In 2022, 19,000 EUR (37,000 BAM) were spent for the three rape crisis centres and 6,379 EUR (12,500 BAM) for operational costs of each WCSO-run shelter.<sup>296</sup> At the time of writing this report, there were no rape crisis centres established in Republika Srpska.

In 2021, the Gender Centre in Republika Srpska allocated 3,700 EUR (7,300 BAM) for the prevention of GBV and DV, and 10,200 EUR (20,000 BAM) towards support to shelters for victims/survivors of DV within Republika Srpska. In 2022, 10,800 EUR (21,250 BAM) was allocated for GBV prevention and 7,063 EUR (13,840 BAM) towards support to shelters for victims/survivors of GBV and DV.<sup>297</sup>

The Gender Center in FBiH in 2021 allocated 10,200 Euros (20,000 BAM) for the field of DV. In their response to the Freedom of Information request submitted by Kvinna till Kvinna, it is stated that in 2021 the Centre allocated 64,900 EUR (127,440 BAM) for GBV prevention and support to victims/survivors of DV. It is not clear in the response, however, what this budget line entitles and the difference between this budget line and the aforementioned 20,000 BAM. Comparatively, in the 2022 budget, there is a total of 23,400 EUR (46,000 BAM). Additionally, 100,900 EUR (197,680 BAM) has been allocated for projects, which will be distributed throughout the year.<sup>298</sup>

The Ministry of Family, Youth, and Sport in Republika Srpska report to have allocated a total of 189,452 EUR (371,206 BAM) for the support of the three safe houses.<sup>299</sup> According to the response of the Ministry, the activities related to awareness raising campaigns, capacity buildings, and free legal aid are funded by other donors, the names of which were not identified in the response.

<sup>293</sup> Miftari, E., Durkalić, M., and Barreiro Mariño, M., *Country Gender Equality Profile of Bosnia and Herzegovina*, Sarajevo, UN Women, 2021, p. 49.

<sup>294</sup> Karadinović, N., *Gender Country Profile*, Sarajevo, UN Women, 2021, p. 30.

<sup>295</sup> Information shared with Kvinna till Kvinna by partner organisations in BiH.

<sup>296</sup> Response of Ministry of Human Rights and Refugees, Agency for Gender Equality, received on 18 May 2022.

<sup>297</sup> Response of Gender Centre - Centre for Equity and Equality (RS), received on 16 May 2022.

<sup>298</sup> Response of Gender Centre of Bosnia and Herzegovina (FBiH), received on 19 May 2022.

<sup>299</sup> Response of the Ministry of Family, Youth and Sport (RS), response received on 18 May 2022.

## KOSOVO

There are nine women's shelters in Kosovo for women victims/survivors of GBV, of which eight are licensed by the state. They are run by women's rights CSOs with a gender-specific and feminist approach and are located throughout the country. Additionally, there are two other shelters: one supports women victims/survivors of trafficking, and the other offers support to children victims/survivors of abuse, including DV. The women-only shelters provide 24/7 access and women are not required to pay for their accommodation. While the initial period of stay for women in shelters is six months, women who need to can stay longer.<sup>300</sup> There are no specific shelters for women of groups made marginalised. In addition, there are no specific rape crisis centres, however all existing women's centres offer counselling for survivors of rape. There are no specific shelters for LGBTQI+ persons.<sup>301</sup> In 2021, however, the Department of Social Welfare in the Municipality of Prishtina budget had allocated 300,000 EUR for the building of a LGBTQI+ shelter in Prishtina.<sup>302</sup>

It is of concern that women's shelters do not provide adequate conditions for women with different abilities.<sup>303</sup> Regarding languages spoken in the shelters, women from northern Kosovo have reported not feeling comfortable in accessing these services since they were often not provided in the Serbian language.<sup>304</sup>

There is one national women's helpline in Kosovo, named Helpline Number (Numri i Linjës Ndihmëse). The helpline is available 24/7 and is free of charge. It provides multilingual support in Albanian, Serbian and English. Victim Advocates, within the Victims Advocacy and Assistance Office, have shared that helplines are increasingly more available in the Turkish language and in the northern parts of Kosovo.<sup>305</sup> The helpline does not provide information in the languages of other minorities such as Romani,

meaning that it is more difficult for Roma women, who already face far more obstacles in receiving protection, to receive the support that they need. The functioning of the National Helpline in all languages in Kosovo has been included as a specific action in the new National Strategy on Protection Against Domestic Violence and Violence Against Women 2022-2026.<sup>306</sup> The helpline is run by the State Prosecutor under the Victims' Advocacy and Assistance Office. Funding for the helpline comes through state funding from national and local authorities and international partners. There are also two regional helplines in Kosovo, run by women's rights organisations: Safe House Gjakova runs a local helpline, and Women Wellness Centre in Peja runs another one.<sup>307</sup>

Before 2019, WCSOs identified the need for longer-term and stable funding for shelters for women. As such, WCSOs advocated towards international and state institutions for developing a budget line for shelters in Kosovo and were instrumental in its development. Despite the improvement in establishing the "Basic expenditures for shelters" budget line within the Ministry of Labour and Social Welfare, this budget line is still not a permanent. Since 2019, shelters in Kosovo continue to face financial and staff shortages. There is almost no information regarding budget allocations for addressing other forms of GBV other than DV.<sup>308</sup> That shows how in Kosovo, and in Western Balkan countries in general, the focus is mostly on DV, overlooking other forms of GBV, contrary to the requirements of the Istanbul Convention. This means that other forms of GBV in Kosovo are largely unaddressed, and major gaps remain in the implementation of the Istanbul Convention.

In 2021, the Ministry of Justice allocated 40,335 EUR for compensation of victims/survivors of DV, and by June 2022, only 2,500 EUR had been allocated for the same.<sup>309</sup>

<sup>300</sup> Floriani, E. and Dudouet, L., *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Wave Country Report 2021, WAVE, Vienna, December 2021, p. 121.

<sup>301</sup> Government of Kosovo, *National Strategy on Domestic Violence and Violence Against Women 2022-2026*, Prishtina, Government of Kosovo, 2022, p. 26.

<sup>302</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>303</sup> Banjska, E., Breznica, B., Ryan, D., and Farnsworth, N., *From Laws to Action: Monitoring the Institutional Response to Gender-based Violence in Kosovo*, Kosovo Women's Network, Prishtina, 2021, p. 114.

<sup>304</sup> *Ibid.*

<sup>305</sup> *Ibid.*, p. 88.

<sup>306</sup> *Ibid.*, p. 101.

<sup>307</sup> Floriani, E. and Dudouet, L., *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Wave Country Report 2021, WAVE, Vienna, December 2021, p. 121.

<sup>308</sup> Banjska, E., Breznica, B., Ryan, D., and Farnsworth, N., *From Laws to Action: Monitoring the Institutional Response to Gender-based Violence in Kosovo*, Prishtina, Kosovo Women's Network, 2021, p. 63-64.

<sup>309</sup> Response of the Ministry of Justice of Kosovo, received on 30 May 2022.

During 2021, the Agency for Gender Equality had allocated 97,922 EUR for activities related to DV and GBV including support to six CSOs: 12,000 EUR was allocated to shelter Liria in Gjilan; 8,500 EUR was allocated towards establishing the local helpline at the shelter Safe House Gjakova; 14,500 EUR to the Centre for Counseling, Social Services and Research (to work with violent men and perpetrators); 14,500 EUR to the Centre for Information and Social Improvement - Line of Life; and 30,000 EUR to the CSO Medica Gjakova.

In 2021, 10,709 EUR were spent for capacity development of police forces regarding standard procedures for protection from DV (six training sessions). By April of 2022, the Agency for Gender Equality had spent only 3,562 EUR for the same capacity development programme of police forces (two training sessions).<sup>310</sup> Based on responses received from the relevant institutions, there is no

visible increase of the amounts allocated to GBV, concretely to shelters, compensation of victims/survivors of GBV or capacity development programmes. No response to the submitted Freedom of Information request has been received from the Ministry of Labour and Social Policy. Ministry of Labour and Social Policy is responsible for licencing of (W)CSOs providing services for victims/survivors of GBV, ensuring the well-functioning of such centres and shelters, setting the standards to be followed, and supporting such centres and shelters with funds.<sup>311</sup> Their response would have provided a fuller picture of the funds allocated for the GBV-related services. The new, aforementioned strategy for 2022-2026 has identified the budget to be allocated to different actions for the protection of VAW and DV, however it remains to be seen if such budgets will be truly allocated.

## MONTENEGRO

There are three shelters for victims/survivors of DV in Montenegro – the Women's Safe House, SOS Shelter Nikšić, and the Center for Child and Family Support, all three of which have been issued a license to accommodate 35 persons each. According to Istanbul Convention standards, Montenegro needs an additional 28 beds to meet the per capita required number of beds.<sup>312</sup> For the licensed shelters, since 2019, the Ministry of Finance and Social Welfare finances 250 EUR per victim/survivor of violence who is placed in a shelter.<sup>313</sup> Montenegro has also not met the Istanbul Convention Article 25 requirements, as there is no rape crisis centre or protocols for sexual violence victims/survivors.<sup>314</sup>

There is a national helpline for women victims/survivors in Montenegro, called the National SOS Hotline for Domestic Violence run by the

organisation SOS Hotline for Women and Children Victims of Violence Nikšić. The helpline is free of charge, it is funded by the state, and available 24/7 in Montenegrin and Albanian.<sup>315</sup> There is no helpline available in Romani, placing Roma women in a more precarious situation when reporting violence and seeking protection. The most common forms of violence reported by callers were physical and psychological violence. Six regional helplines assist survivors in the country, all of which are run by CSOs, such as the Women's Safe House Podgorica Helpline. Due to funding constraints, these helplines are unable to offer 24/7 support. Additionally, there is a mobile app called Be Safe which allows women victims/survivors of violence to easily contact the national helpline. The app is free of charge and has been launched during the covid-19 pandemic because of the increase of VAW during

<sup>310</sup> Response of the Agency for Gender Equality, received on 12 May 2022.

<sup>311</sup> Logar, R. and Qosja-Mustafa, A., *Quality guidelines for shelters for victims of Violence against Women and Domestic Violence*, Strasbourg, Council of Europe, February 2021, p. 11.

<sup>312</sup> Government of Montenegro, *The third periodic report on the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW) submitted in line with Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*, Podgorica, Government of Montenegro, 2021, p. 36.

<sup>313</sup> Government of Montenegro, *Report to the Committee of the Parties on the measures taken to improve the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Podgorica, Government of Montenegro, 2022, p. 68.

<sup>314</sup> Government of Montenegro, *The third periodic report on the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW) submitted in line with Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*, Podgorica, Government of Montenegro, 2021, p. 37.

<sup>315</sup> WAVE, Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision, *Wave Country Report 2021*, Vienna, WAVE – Women Against Violence Europe, 2021, p. 136.

lockdown.<sup>316</sup> There is one helpline in the country providing specialist psychological care to survivors of sexual violence, which is run by the WCSO Montenegrin Women's Lobby and is a project-based helpline, without secure funding.<sup>317</sup> The lack of resources and funding is one of the main issues regarding women's shelters and centres, placing considerable constraint on their staff. Additionally, shelters are in larger urban centres and cities, thus considerably difficult for women from rural or remote areas to access. Women with different abilities are another group made vulnerable regarding access to women's shelters. A positive development from 2021 was that Women's Safe House received support from the OSCE to increase its capacities also regarding the accommodation of women with different abilities.<sup>318</sup>

According to the Shadow report on the implementation of CEDAW, there is a disturbing trend of the overall shrinking space for provisions of gender sensitive specialised services for women and marginalised groups, due to inadequate system for distribution of CSO funding. For example, in 2022 the Ministry of Finance and Social Welfare made payments to CSOs with a four-month delay, whose projects were elected within the 2021 public call for funding, leading to a lawsuit against the Ministry.<sup>319</sup> Furthermore, the licensing process of CSO social service providers, has enabled excessive institutional control over WCSOs-led services in that the process has created pressure on, and a threat to, the autonomy and functioning of these WCSOs, interfering with their service provision based on a human rights and victim-centred approach.<sup>320</sup>

The Ministry of Human and Minority Rights reports that in 2022, there was no dedicated funding for services towards combatting GBV. The Ministry has had some financial support but for activities related to gender equality in general, not limited to GBV. Most projects are for awareness-raising, combatting stereotypes and prejudices. Commercial and

campaigns regarding 16 Days of Activism against GBV in 2021 were carried out in partnership with OSCE and the UNDP in Montenegro, which was financed by the participating organisations and through the European Commission Instrument for Pre-Accession Assistance II. There were no allocated funds for the Department for Gender Equality from the state budget during this reporting period.<sup>321</sup>

In 2021, the Ministry of Human and Minority Rights allocated funding to SOS Podgorica for the project "Ethics Beyond Sensationalism" in the amount of 11,100 EUR. SOS Nikšić received support for the project "Local media for gender synergy" in the amount of 12,000 EUR. The Initiative of Youth with Disabilities Boka (Inicijativa mladih sa invaliditetom Boka) received 12,300 EUR for the project "We talk about violence and discrimination against women with disabilities". The Department for Gender Equality distributed 250,000 EUR to 21 projects for the program "Montenegrin society in the sign of gender synergy".<sup>322</sup>

The Ministry of Labour and Social Affairs reported that data for 2022 was not yet available at the time of writing this report. In their response, the Ministry stated that in 2021, the Commission for Financial Support to Non-Governmental Organisations allocated 140,000 EUR for supporting eight CSOs' projects, of which 139,989 EUR was spent.<sup>323</sup> In the Ministry's response, it was not specified if the budget was allocated for prevention activities or services. In 2020 and 2021, a total of 19,754 EUR and 25,547 EUR were allocated, respectively.<sup>324</sup> Overall, there has been limited progress regarding funding of GBV prevention, protection and prosecution activities. Further, the available data does not allow a proper overview, analysis and monitoring of the available funds allocated towards addressing and mitigating GBV in Montenegro. WCSOs and women's shelters continue to be under-funded and under-resourced, which places added pressure on their response to victims/survivors of GBV.

<sup>316</sup> Government of Montenegro, *Report to the Committee of the Parties on the measures taken to improve the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Podgorica, Government of Montenegro, 2022, p. 8; WAVE, *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Wave Country Report 2021, Vienna, WAVE – Women Against Violence Europe, 2021, p. 136.

<sup>317</sup> *Ibid.*, p. 137.

<sup>318</sup> OSCE Mission to Montenegro, 'OSCE Mission to Montenegro supports survivors of domestic and gender-based violence', OSCE, 26 August 2021, News.

<sup>319</sup> NGO Shadow Report on the Implementation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in Montenegro – 3rd edition, Podgorica, 2022, p.8.

<sup>320</sup> *Ibid.*

<sup>321</sup> Ministry of Human and Minority Rights, received on 8 June 2022 (oral response and SMS).

<sup>322</sup> *Ibid.*

<sup>323</sup> Ministry of Labour and Social Welfare, response received on 9 June 2022.

<sup>324</sup> Government of Montenegro, *Report to the Committee of the Parties on the measures taken to improve the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Podgorica, Government of Montenegro, 2022, p. 20.

## NORTH MACEDONIA

In North Macedonia there are nine shelters for victims/survivors of GBV and DV,<sup>325</sup> and three crisis centres for emergency accommodation of women and children - one in Skopje run by a CSO and two run by the Ministry of Labour and Social Policy (MLSP), of which one is in Prilep and the other in Shtip.<sup>326</sup> Five shelters are run by CSOs and the rest by the MLSP. Four of the shelters run by CSOs are partially funded by MLSP. With exception of the shelter located in Skopje, none of the other shelters/crisis centres have a team of professionals engaged specifically for providing support to the victims/survivors.<sup>327</sup> There is one shelter for LGBTQI+ victims/survivors of GBV, which provides four beds and is run by the CSO Helsinki Committee for Human Rights.<sup>328</sup> The three referral rape crisis centres for victims/survivors of sexual violence run by the Ministry of Health were established in 2017 in the gynaecological clinic in Skopje, and in the general hospital of Tetovo and Kumanovo. Standard Operative Procedures were developed and adopted, which provide urgent medical support to women and girls victims/survivors of rape. The procedures, however, are not victim-/survivor-centred and need to be reviewed and improved.<sup>329</sup>

Many obstacles remain, which in turn create barriers to achieving the Istanbul Convention requirements, an insufficient number of shelters, their geographical distribution and decentralisation, and the provision of other services such as free legal aid and psychosocial support. The range and quality of services provided seem to vary significantly. This has an impact on the protection against GBV, especially of traditionally excluded women, such as women with different abilities (since only three shelters are

accessible to women with different abilities),<sup>330</sup> trans-and gender diverse communities, women that have lived experience in substance use, and women in prostitution.<sup>331</sup>

There are three existing national helplines. They are free of charge but due to lack of funding, none are able to operate 24/7 and they do not offer support in all of the languages in accordance with the law.<sup>332</sup> Only one of them provides some support in Albanian, but overall, they remain inaccessible for women that do not speak the majority language Macedonian.<sup>333</sup> Only one of the SOS helplines is partially funded by the Ministry of Labour and Social Policy, and the other two are project-funded. Without long-term and sustainable funding, SOS helplines remain in precarious situations, a trend also observed throughout the region and in all editions of *Women's Rights and Western Balkans*. Very often these SOS helplines function on a voluntary basis, without funds. Under these difficult circumstances, CSOs operating SOS helplines have troubles securing sustainability and engaging trained professionals.<sup>334</sup> There is one helpline dedicated to victims/survivors of human trafficking. Regarding the allocation of funds toward GBV-related activities, in their written response, the Ministry of Interior stated that no funds were allocated in the budget of the Ministry for activities for the prevention of GBV or towards support to victims/survivors in 2021 and 2022.<sup>335</sup> Most of the activities that the Ministry conducted were towards advancement of gender equality and specifically towards implementing the Istanbul Convention, supported with funds and expertise by the OSCE Mission to Skopje.<sup>336</sup>

<sup>325</sup> Chemerska, D.K., *Monitoring of the implementation of the IC action plan with reference to the establishment of services for the improvement of protection from DV and VAW*, Skopje, HERA, 2022.

<sup>326</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>327</sup> Gender equality platform, *Shadow Report on the Implementation of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Skopje, Gender Equality Platform, 2022, p. 48.

<sup>328</sup> WAVE, *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Wave Country Report 2021, Vienna, WAVE – Women Against Violence Europe, 2021, p. 141.

<sup>329</sup> Gender equality platform, *Shadow Report on the Implementation of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Skopje, Gender Equality Platform, 2022, p. 50.

<sup>330</sup> Chemerska, D.K., *Monitoring of the implementation of the IC action plan with reference to the establishment of services for the improvement of protection from DV and VAW*, Skopje, HERA, 2022, p. 24.

<sup>331</sup> Gender equality platform, *Shadow Report on the Implementation of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Skopje, Gender Equality Platform, 2022, p. 47.

<sup>332</sup> WAVE, *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Wave Country Report 2021, Vienna, WAVE – Women Against Violence Europe, 2021, p. 141.

<sup>333</sup> Gender equality platform, *Shadow Report on the Implementation of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Skopje, Gender Equality Platform, 2022, p. 50.

<sup>334</sup> *Ibid.*, p. 49

<sup>335</sup> Response of the Ministry of Interior, received on 19 May 2022.

<sup>336</sup> Gender equality platform, *Shadow Report on the Implementation of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia*, Skopje, Gender Equality Platform, 2022, p. 22.

According to the Ministry of Health, the total amount of funds spent for supporting victims/survivors of GBV in 2021 was 480 EUR (30,000 MKD) for clinical examinations of women that do not have health insurance.<sup>337</sup> This amount was divided between three referral centres for sexual violence.<sup>338</sup> For this programme, the same amount was also allocated for 2022.<sup>339</sup> An additional 1,600 EUR (100,000 MKD) for two trainings for health workers on the prevention of GBV and DV in cooperation with the UN and CSOs.<sup>340</sup> The total amount of funds allocated for the prevention of GBV in 2022 was still not finalised at the time of writing this report.

The Ministry of Justice, in their response in May 2022 did not provide any specifics regarding the funds allocated for GBV-related activities. In 2021, the Ministry of Justice allocated 16,200 EUR (1,000,000 MKD) for the compensation of children victims/survivors of violence.<sup>341</sup> It is a welcome development that the same programme received (3,000,000 MKD) in 2022.<sup>342</sup> In 2021, the amount spent was approximately 24,300 EUR (1,500,000 MKD).<sup>343</sup> For 2021, the budget allocated for free legal aid was 82,000 EUR, an increase from the 2020 budget of 80,906 EUR.<sup>344</sup> For comparison, in 2020,

25,909 EUR were spent from the budget line. It is interesting to note that the majority of users of free legal aid provided by the Ministry and its regional units are men, while women are more likely to access legal aid provided by CSOs. The MLSP financed specialised services of citizens' associations working in the field of DV for 2019 to 2021 with 64,725 EUR (4,000,000 MKD) annually, in accordance with the Law on Games of Chance and Entertainment Games.<sup>345</sup> For the period between January 1<sup>st</sup> and September 30<sup>th</sup> 2021, the MLSP had allocated 1,350,000 MKD (less than 22,000 EUR) toward gender equality and non-discrimination, yet only 32% of these funds were spent.<sup>346</sup> The situation regarding funds allocation for GBV-related prevention, protection and prosecution remains problematic and no visible progress has been made. Shelters and other services related to the protection of victims/survivors are still lacking adequate funds. Governmental institutions, such as the Ministry of Interior, finances activities related GBV through donors' support but not through the state budget. Adequate data are still absent and do not allow for a proper monitoring and analysis of the budget allocated, the specific activities, evidence-based advocacy and policymaking.

<sup>337</sup> РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА МИНИСТЕРСТВО ЗА ЗДРАВСТВО, ПРОГРАМА ЗА АКТИВНА ЗДРАВСТВЕНА ЗАШТИТА НА МАЈКИТЕ И ДЕЦАТА ВО РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА ЗА 2022 ГОДИНА, Скопје, 2021.

<sup>338</sup> *Ibid.*

<sup>339</sup> Response from the Ministry of Health, received on 1 June 2022 and 20 June 2022.

<sup>340</sup> *Ibid.*

<sup>341</sup> Министерство за правда, Програма за обесштетување на дете кое е жртва или е оштетен со дејствие кое со закон е предвидено како кривично дело на насилство и на други акти на индивидуално или групно насилство, за 2021, Министерство за правда, 2021.

<sup>342</sup> Министерство за правда, *Службен весник*, No. 40, 2022, Министерство за правда, p. 10.

<sup>343</sup> Министерство за правда, *Информација со извештај за реализација на Програмата за обесштетување на дете кое е жртва или е оштетено со дејствие кое со закон е предвидено како кривично дело на насилство и на други акти на индивидуално или групно насилство за 2021 година*, Скопје, 2022.

<sup>344</sup> GREVIO et al., *Report submitted by North Macedonia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*, GREVIO, 2022., p. 10.

<sup>345</sup> *Ibid.*, p. 9.

<sup>346</sup> ESE, Coalition MARGINS, Open Gate and EIJI, *Shadow report on the implementation of Council of Europe convention on preventing and combating violence against women and domestic violence in republic of North Macedonia*, Скопје, ESE, 2022, p. 15.

## SERBIA

Services aimed directly at women victims/survivors of violence are few, and those specialised such as helplines and shelters, do not meet the geographical accessibility standards of the Istanbul Convention, particularly by women who face multiple and intersecting forms of discrimination.<sup>347</sup>

There are 14 shelters accessible to women in Serbia with approximately 300 available beds.<sup>348</sup> They are located in major cities and only some offer 24/7 access. On average, women can stay for three to six months and are not required to pay for their accommodation. The shelters are run and funded by the state and local authorities, but the budget provided is very limited. The state does not provide clear data about the work of these shelters and the kind of victims/survivors supported.<sup>349</sup>

There is one national women's helpline in Serbia, run by the Centre for Protection of Infants, Children, and Youth and supported by the state. The helpline is free of charge and available 24/7 but does not offer multilingual support. Women's rights CSO experts are not involved with this helpline, and it is not clear whether staff are adequately trained on protection of victims/survivors of GBV. In addition to the national helpline, there are 24 SOS helplines, in 17 locations throughout the country.<sup>350</sup> To-date, five SOS helplines run by WCSOs have received their licenses to operate within the accreditation system introduced over three years ago by the Ministry of Labour, Employment, Veteran and Social Policy.<sup>351</sup> One organisation in this network, AWC reported that

their SOS helpline received 4,490 calls in 2021 from 829 women, which is an increase of almost 19% in the number of phone calls since the previous year.<sup>352</sup> The National Helpline, in comparison, received 2,870 phone calls in 2021, a decrease from the year prior wherein they had received 2,922 calls.<sup>353</sup> It is important to note that a decrease in the number of calls to an SOS helpline is not necessarily an indication that there are decreased rates of violence, especially when taking into consideration the increased amounts of calls received by AWC. According to the WCSOs that operate SOS hotlines and that make up the Women Against Violence Network of Serbia the number of received calls in 2021 was 18,768, an increase of more than 3,000 calls from the year prior,<sup>354</sup> and yet another indication that rates of violence are increasing. In addition to the helpline services, AWC offered 162 women 772 individual consultations.<sup>355</sup> By observing AWC's data alone, it is evident WCSOs are dedicating immense energy and resources to preventing and addressing GBV in Serbia, filling gaps where institutions are lacking.

The only SOS Hotline for the victims/survivors of trafficking in human beings, run by WCSO ASTRA – Anti Trafficking Action and licensed by the Ministry of Labour, Employment, Veteran and Social Policy, received a total of 2,540 calls in 2021, out of which 71% (1,817) of the calls came from women. In 2021, ASTRA – Anti Trafficking Action identified 13 victims/survivors of trafficking in human beings, 92% (12) were women (including two girls).

<sup>347</sup> Ignjatović, T., *Challenges in achieving protection and support for women with the experience of partnership violence in Serbia and of their children*, Belgrade, Autonomous Women Centre, 2021, p. 12.

<sup>348</sup> Information shared with Kvinna till Kvinna by partner organisations in Serbia.

<sup>349</sup> WAVE, *Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision, Wave Country Report 2021*, Vienna, WAVE – Women Against Violence Europe, 2021, p. 154.

<sup>350</sup> Žene ženama, 'Mapa ženskih NVO koje pružaju besplatnu, individualnu podršku ženama koje su preživele muško nasilje u Srbiji', *Žene Protiv Nasilja*, 2022, <https://www.zeneprotivnasilja.net/index.php?start=5>, (accessed 17 October 2022).

<sup>351</sup> AUTONOMNI ŽENSKI CENTAR, *GODIŠNJI IZVEŠTAJ 2021*, Belgrade, AUTONOMNI ŽENSKI CENTAR, 2022.

<sup>352</sup> Ibid.

<sup>353</sup> PrEugovor, 'Državnoj usluzi više novca, ženskim organizacijama više poverenja', PrEugovor, 10 August 2022.

<sup>354</sup> Ibid.

<sup>355</sup> AUTONOMNI ŽENSKI CENTAR, *GODIŠNJI IZVEŠTAJ 2021*, Belgrade, AUTONOMNI ŽENSKI CENTAR, 2022.

There is no rape crisis centre, no sexual violence referral centre, and no specific shelter for women from groups made marginalised.<sup>356</sup> Furthermore, there are no specific services or guidelines for workers in Centres for social work when it comes to adapting to the needs of women with lived experience in substance use.<sup>357</sup> In an analysis conducted by WCSO ReGeneration, staff from Serbian Centres for Social Work responded that working with women GBV victims/survivors that use substances is more demanding and they did not feel that they have adequate resources to respond to these needs.<sup>358</sup> Two-thirds of the participants responded that they believe women GBV victims/survivors that use substances do not have trust in the social protection system.<sup>359</sup> Many CSOs that work with victims/survivors of GBV also do not have protocols or guidelines for working with women who use substances. Due to all of the obstacles they face, women victims/survivors with lived experience in substance use are far less likely to report GBV for fear of conviction, and in instances where they do, they often have to omit information regarding substance use.<sup>360</sup>

In their written response to the Freedom of Information request, the Ministry of Finance<sup>361</sup> stated that they do not have information related to the Kvinna till Kvinna data requests, suggesting submitting a data request to the Ministry of Family Welfare and Demography. The Coordination Body for Gender Equality responded that it neither has its own budget, nor can it independently enter into contracts or similar legal documents, and therefore does not monitor the budgets in a way in which they could provide a response to the questions posed in the Freedom of Information request. Hence, it is not possible to gain a clear overview and analysis of the state budget allocated to activities regarding GBV. The Coordination Body for Gender Equality is the institution mandated to implement the Istanbul Convention, but it has no proper funds neither to implement activities nor to monitor them, nor monitor the work of the other agencies. Given this fact, addressing GBV remains a tremendous issue: policies and laws regarding GBV often remain on paper, and the work of preventing and addressing GBV is done predominantly by WCSOs, with the support of international donors, who have stepped in to fill gaps where state institutions are failing.

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<sup>356</sup> WAVE, Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision, *Wave Country Report 2021*, Vienna, WAVE – Women Against Violence Europe, 2021, p. 154.

<sup>357</sup> Dimitrijević, T. et al., *Rad sa ženama koje koriste drogu u slučajevima rondo zasnovanog nasilja*, Re Generacija, Belgrade, NVO Re Generacija, 2021, p. 18.

<sup>358</sup> *Ibid.*, p. 19.

<sup>359</sup> *Ibid.*, p. 20.

<sup>360</sup> Dimitrijević, T. et al., *Rad sa ženama koje koriste drogu u slučajevima rondo zasnovanog nasilja*, Re Generacija, Belgrade, NVO Re Generacija, 2021, p. 26.

<sup>361</sup> Response from the Ministry of Finance, received on 17 May 2022.

## IN FOCUS: DIGITAL VIOLENCE

Digital violence, or cyberviolence, has become one of the most important and visible forms of GBV in the Western Balkans, however, remains underestimated, downplayed and more importantly unpunishable because of the lack of appropriate legislation. Though legislation prohibiting hate speech, defamation, threats to security of the person exist and are prosecutable, violence that takes place in digital spaces is not bound to the criminal law territorial jurisdiction, making it unclear as to how to prosecute, under which law, and moreover, within which jurisdiction.<sup>362</sup> Digital violence is a continuum of offline violence, while having distinct traits and larger reach. It underlines the same mechanisms of GBV and patriarchal relations, and often it is precisely a continuation of offline violence (cyber stalking by a partner or ex-partner follows the same patterns as offline stalking and is therefore intimate partner violence, simply facilitated by technology). It is violence perpetrated against women and girls that is rooted in the same context of women's inequality and men's sense of entitlement as the psychological, sexual and physical violence experienced by women and girls in the offline world.

There are various forms of cyber GBV, including, but not limited to, cyber stalking, non-consensual pornography (or "revenge porn"), gender-based slurs and harassment, "slut-shaming", unsolicited pornography, sextortion, rape and death threats, "doxing", and electronically enabled trafficking.<sup>363</sup> According to the Group of Independent Experts on Action against Violence against Women and Domestic Violence (GREVIO),<sup>364</sup> the digital dimension of GBV encompasses a wide range of behaviour that falls under the definition of violence against women set out in Article 3a of the Istanbul Convention: "all acts of gender-based violence against women that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to

women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". Non-consensual image or video sharing, coercion and threats, including rape threats, sexualised bullying and other forms of intimidation, online sexual harassment, impersonation, online stalking or stalking via the "Internet of Things"<sup>365</sup> as well as psychological abuse and economic harm perpetrated via digital means against women and girls all fall under the above definition.<sup>366</sup> Hence, GREVIO published its General Recommendation No.1 on the Digital Dimension of Violence Against Women in October of 2021.<sup>367</sup>

Given the gravity and the amplitude that digital GBV has taken in the Western Balkans, the absence of the appropriate legislation is even more problematic and urgent measures are required. One of the most visible cases of the online violence was the "Public Room" case in North Macedonia. "Public Room" was a chat group in the encrypted Telegram application with thousands of (predominantly and almost solely men) members that first appeared in 2020 and then reappeared in 2021. Private photos and videos with explicit and pornographic content, social media profiles, telephone numbers, and other personal data of women and girls from throughout North Macedonia were shared without their consent. Furthermore, the situation became even more severe by the misogynistic public response after the publication of the case. Social media were filled with anti-gender narratives condemning the victims/survivors of the "Public Room" for the way they photographed themselves, the way they posted their pictures, etc. Rather than the perpetrators, the victims/survivors were blamed and social media fuelled that violent narrative throughout digital spaces.<sup>368</sup> After several public protests and ongoing pressure from civil society, including advocacy and press conferences organised by the Platform for Gender Equality, the state reacted. In April 2021, 138

<sup>362</sup> van der Wilk, A., *Protecting Women and Girls from Violence in Digital Age: The relevance of the Istanbul Convention and the Budapest Convention on Cybercrime in addressing online and technology-facilitated violence against women*, Council of Europe, 2021.

<sup>363</sup> EIGE, *Cyber violence against women and girls*, European Institute for Gender Equality, 2017, p. 2.

<sup>364</sup> Council of Europe, *GREVIO General Recommendation No. 1 on the digital dimension of violence against women adopted on 20 October 2021*, Strasbourg, Council of Europe, 2021.

<sup>365</sup> "The Internet of Things" (or IoT) is the concept of connecting any device (so long as it has an on/off switch) to the Internet and to other connected devices. The IoT is a giant network of connected things and people, all of which collect, use and share data, as defined in: Clark J., 'What is the Internet of Things (IoT)?', IBM, 2016, <https://www.ibm.com/blogs/internet-of-things/what-is-the-iot/> (accessed 14 august, 2022).

<sup>366</sup> Council of Europe, *GREVIO General Recommendation No. 1 on the digital dimension of violence against women adopted on 20 October 2021*, Strasbourg, Council of Europe, 2021, p. 7.

<sup>367</sup> Council of Europe, *'GREVIO publishes its General Recommendation No.1 on the digital dimension of violence against women'*, Council of Europe, 24 November 2021, Newsroom.

<sup>368</sup> Gagovska, E., *'Public Room: How the Macedonian Media Missed the Opportunity to Shed Light on Gender-based Violence'*, Reporting Diversity Network 2.0, 2021, News.

138 CSOs issued a joint statement against online sexual violence demanding authorities prosecute the perpetrators.<sup>369</sup> The trial of the two accused creators and administrators of the Telegram chat began on July 22<sup>nd</sup>, 2021. They were charged only with production and distribution of child pornography and sentenced to four years in prison.<sup>370</sup> The Public Room case, however, is not an isolated one, but is rather only one of the cases that show the size of the phenomenon, the impact of GBV in unregulated digital spaces, and the problematic response to it. The Platform for Gender Equality advocated towards the government that a new law be added to the Criminal Code to specifically address sexual harassment online. Though stalking as an offense was introduced in the 2021 Law on Violence Against Women, it can only be recognised as a criminal offense if it is in the Criminal Code.<sup>371</sup> In July 2021, then-Minister of Justice Bojan Maricic announced that the criminal act of stalking, which will consider online sexual harassment, had been added to the Criminal Code.<sup>372</sup> At the time of writing this report, changes to the Criminal Code of North Macedonia have been adopted but have not passed in the Parliament. In April 2022, a third group called “Public Room-backup” was created on the Telegram platform. In that month 1,340 members joined, and began by publishing photos of a young woman, after mixing up her images with pornographic material, prompting numerous men to harass her on social media.<sup>373</sup> It shows how the measures taken until now and even the sentence given to the creators of the first Public Room chat have not discouraged other similar rooms to be created, with the sole purpose of continuing cyber harassment against women.<sup>374</sup> According to WCSOs in North Macedonia, the wording in the amendments to the Criminal Code aiming to introduce sexual harassment on the grounds of

gender as a new crime is not in line with the wording prescribed by the Istanbul Convention.<sup>375</sup> Non-verbal action is not included, which means that not all forms of sexual harassment are covered. Furthermore, digital sexual harassment is not included in the Criminal Code amendments.<sup>376</sup>

Online violence has a serious impact on many aspects of women's lives, including their offline safety, physical and psychological health, reputation and dignity. Apart from severe psychological harm and suffering that victims/survivors endure, online violence also causes physical, sexual and economic harm. It silences women, limiting their right to express themselves freely and without fear, and deters them from digital participation in political, social and cultural life. Often, it forces women to retreat from the internet and to socially isolate. In online monitoring of GBV cases that took place from January 2021 to March 2022 in the six Western Balkan accession countries, it was observed that the most prevailing trends in the region were: Online attacks with clear manifestation of hate speech; Online attacks that follow incidents of DV; Online attacks that lead to physical violence; Online attacks that include or lead to privacy breaches of the victim/survivor; Online attacks on publicly exposed women's groups, including women journalists and politicians; Online attacks on already vulnerable groups, in particular minorities, migrants and members of the LGBTQI+ community.<sup>377</sup> Furthermore, the monitoring report highlights that sometimes, there is no particular “trigger” for the sexist, misogynist and hateful comments about women. This finding may indicate that, when there is no “reason” or particular motive for the digital GBV, it is likely the result of misogyny, deeply rooted power imbalances and gender-based discrimination in society.

<sup>369</sup> Ibid.

<sup>370</sup> Unbiased The News, ‘Does the state's failure to act enable online sexual violence in North Macedonia?’, ADVOX - Global Voices, 9 February 2022.

Georgievski, N., ‘Public Room court case ends with 4-year prison sentences for publishers of private nude photos’, Meta, 17 March 2022.

<sup>371</sup> Yakimova, J., ‘Трплив пат до правда за жртвите од Јавна соба’, Radio Slobodna Evropa, 9 July 2022, Рубрики.

<sup>372</sup> Unbiased The News, ‘Does the state's failure to act enable online sexual violence in North Macedonia?’, ADVOX - Global Voices, 9 February 2022.

<sup>373</sup> Republika, ‘Another version of the Telegram group used to harass women has appeared’, Republika English, 11 April 2022, Macedonia.

<sup>374</sup> Ibid.

<sup>375</sup> Information shared with Kvinna till Kvinna partner organisation in North Macedonia.

<sup>376</sup> Ibid.

<sup>377</sup> Karic, S. and Ristic M., ‘How Online Violence Against Women Goes Unpunished’, BalkanInsight, 11 May 2022.

On the other hand, violence in the digital sphere can also be an extension of DV committed by an intimate partner in the private sphere. In its "Resolution for Combating Gender-based Violence: Cyberviolence" the European Parliament highlighted that increased use of the internet during the covid-19 pandemic had also impacted the increase of online GBV, since abusive partners and ex-partners were able to monitor, track and threaten the victims/survivors and perpetrate violence with digital tools.<sup>378</sup>

Very often, DV serves as a push factor for online attacks and GBV. In BiH, for instance, both news about a femicide and news about a victim/survivor reporting rape attracted misogynistic and offensive comments, with particularly concerning "victim blaming" and "victim shaming" comments from users who claimed that the victim/survivor "got what she deserved".<sup>379</sup> The overwhelming number of responses of this kind point to particularly concerning environment for women.

At the end of May 2022, Albanian portals and media published a video of a young, married woman having sexual relations with a man who is not her husband. The incident took place in her in-law's home where she resides. A second video of her husband's family also circulated internet portals in Albania, with the footage of violence against her inflicted by her husband's family members in what they called "avenging the husband's honour". The publication of the video, a case of violence in itself, was followed by a campaign of violence against the

young woman. The situation became so critical and dangerous, that it has now reached the point she fears going out in public in her town, coupled with the shaming that she faces from her own family. On May 28<sup>th</sup>, 2022, and as a result of the pressure of Albanian WCSOs, the Audio-visual Media Authority in Albania issued a statement condemning the video publication as a violation of human rights.<sup>380</sup> Though this is a welcome development, the language of the press release was gender-neutral and did not condemn the incident as a GBV case. WCSOs and feminist groups throughout the country organised protests in the city of Librazhd where the case happened, in solidarity with the young woman victim/survivor of violence.<sup>381</sup>

Certain groups of women are more often at the receiving end of online violence due to the role they play in society, or their public positions. Politicians, journalists, human rights defenders (HRDs) and activists are increasingly targeted, threatened and harassed.<sup>382</sup> There is also a strong intersectional dimension related to digital violence. Roma, LGBTQI+ persons, refugees and migrants are particularly targeted by digital violence. In Albania, the prominent LGBTQI+ activist Xheni Karaj and members of the association, Aleanca LGBT, have been exposed to threats and insults on social media and have experienced constant derogatory treatment from other media outlets (see also section "Security of Women Human Rights Defenders").<sup>383</sup>

<sup>378</sup> European Parliament, *Resolution for Combating Gender-based Violence: Cyberviolence*, 14 December 2021, p. 7.

<sup>379</sup> Karic, S. and Ristic M., *'How Online Violence Against Women Goes Unpunished'*, BalkanInsight, 11 May 2022.

<sup>380</sup> Audiovisual Media Authority, *'Njoftim për media'*, Press release, Audiovisual Media Authority, 27 May 2022.

<sup>381</sup> The Albanista, *'Albanian Women Protest over Publication of Video of Woman in Bed with Boyfriend'*, The Albanista, 6 June 2022.

<sup>382</sup> Karic, S. and Ristic M., *'How Online Violence Against Women Goes Unpunished'*, BalkanInsight, 11 May 2022; Gjocaj, Sh., *'Delete profile: online abuse of Kosovo women costing democracy'*, BalkanInsight, 25 August 2021.

<sup>383</sup> Karic, S. and Ristic M., *'How Online Violence Against Women Goes Unpunished'*, BalkanInsight, 11 May 2022.

## Recommendations\*

### Sanctioning of GBV cases

#### IN BRIEF:

Despite progress in harmonising national legal frameworks with the Istanbul Convention, not all requirements have been transposed to the national levels, and the implementation of newly-established standards remain uneven at best. Existing legal frameworks fail to effectively address all forms of violence including those disproportionately affecting women and girls from vulnerable groups. Imposed sanctions are not commensurate with the crimes and fail to serve as a deterrent.

#### WITHIN ONE YEAR:

Legislative amendments can be drafted to encompass: the full harmonisation of the Istanbul Convention, all forms of violence and sanctions that serve as a deterrent and are commensurate with the gravity of the crime.

#### Governments:

- Criminalise all forms of GBV as recognised in the Istanbul Convention, including the removal of monetary fines used in place of sentencing, to ensure sanctions for crimes are proportionate.
- Criminalise all forms of cyber-harassment, threats and violence.
- Abolish the practice of mediation in cases of GBV/DV.
- Amend legislation and/or protocols to require ex officio investigations and prosecutions for gender-based crimes so that the offences are not wholly dependent upon the complaint filed by the victims/survivors and that the proceedings can continue even if the victim/survivor withdraws from the statement or complaint.
- Secure that legislation defines rape by the sole constituent element of consent.
- Amend criminal codes to ensure the inclusion of the aggravated circumstances set forth in the Istanbul Convention, including for crimes committed by family members.
- Introduce long-term and/or permanent protection orders, amend legislation to ensure that the violation of a protection order is criminalised.
- Create specialised units to address GBV/DV within police and prosecution.
- Develop guidelines and specialised forms to document injuries for use in criminal proceedings (Example: Austria)
- Recognise gender, sexual orientation and gender expression/identity as grounds for hate crimes.
- Establish and implement publicly accessible, integrated databases with information on GBV cases as per Article 11 of the Istanbul Convention.

#### EU institutions, other inter-governmental organisations and donors:

- Support full harmonisation of the applicable legislation with the Istanbul Convention, following the recommendations of the GREVIO reports.
- Support countries' capacities to collect gender disaggregated statistics including reported and sanctioned cases of GBV/DV, building on existing data collected by WCSOs.
- Fund studies on prevalence of different forms of GBV and reporting rates in Western Balkan countries as part of overall support to Rule of Law reform.

\* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.

## Shelters, SOS helplines and allocation of funds for combating GBV

### IN BRIEF:

**Most countries in the region face a chronic shortage of shelter space, especially outside of capital cities, for GBV victims/survivors due to limited financing by states. Insufficient funds, and in some countries a reduction in funds, impedes access to shelters, services and meaningful protection for victims/survivors of violence.**

### WITHIN ONE YEAR:

**Ensure increased allocation to shelters and other specialised services from national and local budgets, as well as quality assurance of services, in coordination with WCSOs.**

### Governments:

- Increase the number of shelters, rape crisis centres and helplines with adequate financing from the applicable budgets as per the Istanbul Convention.
- Allocate adequate and sustainable financial resources to women's CSOs for service provision, according to the obligations deriving from Article 8, as well as mechanisms for monitoring and evaluation deriving from Article 10 of the Istanbul Convention. Advance the finance systems to show all the allocated state funding for GBV/DV.
- Ensure proportional distribution of shelters across the respective countries.
- Ensure that assistance is provided (shelters, CSOs, social workers) without a requirement of filing a criminal complaint and disclosure of personal identity.
- Create a minimum standard for shelters and helplines in-line with the Istanbul Convention in cooperation with women's CSO experts in the field to ensure the quality of services.
- Ensure the availability and accessibility of all services for women from minority communities and specialised services as required.

### EU institutions, other inter-governmental organisations and donors:

- Call on governments to allocate sufficient funds for shelters as required by the Istanbul Convention.
- Consider supporting the provision of specialised services to victims/survivors of GBV/DV provided by women's CSOs through the regional programmes such as IPA III where national and local allocations are insufficient.
- Call on governments to recognise the expertise of women's CSOs in providing specialised support services for women victims/survivors of GBV, lift unnecessary administrative restrictions and ensure sustainable funding of these services through long-term grants.
- Call for the implementation of the recommendations emerging from the GREVIO reports and include the recommendations in the EC Country Reports for the Western Balkans.



# WOMEN IN THE LABOUR MARKET

## WOMEN IN THE LABOUR MARKET

**The economic empowerment of women continues to be one of the main factors in improving the position of women in society. Employment of women in Western Balkans and gender inequality in the labour market continues to be one of the main challenges for women's rights, especially as it represents a key factor and chain effect in other elements of gender equality.**

In 2021, Kvinna till Kvinna conducted a thorough evaluation of the Women's Rights in Western Balkans report, its uses, and how it could improve. The majority of respondents, from EU-level institutions and local WCSOs, responded that women's labour rights is a key indicator that is missing from the gender benchmarking report. As such, in this sixth edition and onwards, we will regularly track women's labour rights statistics in the Western Balkans. This new indicator will compare accessible and available data in each of the six Western Balkan accession countries, taking the following factors and determinants into consideration: participation of women in the labour force, unpaid labour, and the informal economy.

Information on women's labour rights is based on the resources and data from the national statistics offices, international institutions' publications and CSOs' reports. It is important to note that most of the issues covered within this indicator, cannot be streamlined since not all data are accessible across the Western Balkan countries, and therefore the analyses may be open to gaps and inconsistencies.

The average labour force participation<sup>373</sup> rate in the Western Balkans was approximately 60% in 2020, far below the EU average of approximately 73%. There is a large gender gap in labour force participation rates, with men participation rates at 70% (almost the same as the EU total) and with women labour force participation rates at just 49%, comparatively. Regionally, women's participation rates vary from 54% in Albania to just about 20% in Kosovo. The Western Balkan average gender gap of 20.9 percentage points in labour force participation rates is almost twice that of the EU (10.7%).<sup>374</sup>

The Western Balkan countries are often quoted as the countries with the highest unemployment rates in Europe.<sup>375</sup> Overall, unemployment rates range from around 10% in Albania and Serbia to 26% in Kosovo.<sup>376</sup> The region is characterised by a high share of public sector employment, a small share of private sector wage employment, and high agricultural, informal and precarious employment. All these characteristics significantly affect women and their position in the labour market, as they are more likely than men to experience barriers in entering and maintaining labour. In 2020, employment rates<sup>377</sup> for women were 40% in BiH, 16% in Kosovo, approximately 49% in Montenegro and 49% in North Macedonia. In comparison in the EU, the rate was 66%.<sup>378</sup> Employment rates for men are significantly higher in all countries. In BiH men employment rate is approximately 65%, 49% in Kosovo, 62% in Montenegro, and 69% in North Macedonia, respectively.<sup>379</sup>

<sup>373</sup> Labour force participation refers to the percentage of the working-age population that is employed or actively seeking employment.

<sup>374</sup> Regional Cooperation Council, 'Data do matter for identifying effective measures and policies in addressing labour market's structural weaknesses', Regional Cooperation Council, 11 June 2021, News.

<sup>375</sup> World Bank Group, Western Balkans Labor Market Trends 2020.

<sup>376</sup> EUROSTAT, 'Enlargement countries - labour market statistics', EUROSTAT, 2022, (accessed 8 September 2022).

<sup>377</sup> Employment rates are the employment-to-population ratio, which measure a country's working age population that is employed. Not to be confused with the labour force participation rate, which also includes the number of people actively seeking employment.

<sup>378</sup> EUROSTAT, 'Enlargement countries - labour market statistics', EUROSTAT, 2022, (accessed 8 September 2022).

<sup>379</sup> *Ibid.*

On the other hand, employed women have higher education levels than employed men in the Western Balkans. On average, the percentage of women in employment with higher education is approximately 33% compared to approximately 22% for men. Still, data show that the category of managerial jobs is the smallest job category across all Western Balkan economies. The proportion of women in senior- and middle-management positions in the region ranges from 17% to 41%.<sup>380</sup> Comparatively, the range for men in the region is between 77% to 89%.<sup>381</sup>

The gender employment gap, meaning the gap in employment rates of women and men, ranges from 13 to 15% in Albania, Montenegro and Serbia to around 37% in Kosovo, well above the EU average of approximately 12%.<sup>382</sup>

Women face significant challenges related to childcare, afflicted by inaccessibility and rising costs, and maternity leave, which at the time of writing this report, Western Balkan governments have not adequately addressed. Throughout their career, women face the choice between their careers and their caregiving role in the family. According to the report *Gender-based Discrimination and Labour in the Western Balkans*, in all countries, more than half of all survey respondents had been asked at least one potentially discriminatory question in relation to their private and family life during a job interview.<sup>383</sup> In 2021, in comparison to 2018 data, a comparatively higher percentage of women in comparison to men respondents shared that they were asked discriminatory questions: in Albania 53% of women respondents (39% of men respondents); in BiH 71% of women (65% of men); 66% of women in Montenegro (47% of men); in North Macedonia 64% of women and (52% of men); and in Serbia 68% of women (66% of men).<sup>384</sup> Kosovo was the only exception, where 52% of women

reported being asked discriminatory questions during interviews conducted between the baseline study and the second edition, compared to 56% of men.<sup>385</sup> Family responsibilities tend to fall on women, irrespective of their education or work status. To reduce the child and family care burden disproportionately carried by women, the EU Work-Life Balance Directive (EU WLBD) requires legislating parental leave to be granted as an individual right of both parents for a period of at least four months following the birth or adoption of a child.<sup>386</sup> As of yet, none of the Western Balkan countries have harmonised their legislation with the EU WLBD.<sup>387</sup> For comparison, in the EU, eight Member State countries have final legislation in place.<sup>388</sup>

Women's position in the labour market is also marked by gender-based discrimination as, according to research conducted by a regional Coalition of WCSOs, 36% of women experienced some form of labour-related gender-based discrimination in their lifetimes.<sup>389</sup> Gender-based discrimination is only one of the obstacles that women face that is rooted in the patriarchal cultural patterns of all Western Balkan countries.

The covid-19 pandemic illuminated how women are more likely to be negatively impacted by unpredicted circumstances (*force majeure*) than men. According to the World Bank, a disproportionately higher number of women than men working in the private sector lost their jobs after the state of emergency was proclaimed and the companies they were working for suspended operations across the region.<sup>390</sup> For example, in Serbia, more women than men quit their jobs as a result of the pandemic: the kindergartens and schools closed and, given that women are more likely to be in the unpaid caregiver position, they had to stay home and look after the children.<sup>391</sup>

<sup>380</sup> Regional Cooperation Council, 'Western Balkans: RCC to present "Women who launch- Network of Women in Entrepreneurship"', Regional Cooperation Council, 8 March 2022, News.

<sup>381</sup> European Institute for Gender Equality, 'Gender statistics in the Western Balkans and Turkey', EIGE, 2022, (accessed 22 September 2022).

<sup>382</sup> World Bank Group, and The Vienna Institute for International Economic Studies, *Western Balkans Labor Market Trends 2020*, The Vienna Institute for International Economic Studies, 2020.

<sup>383</sup> Farnsworth, N. et al., *Gender-based Discrimination and Labour in the Western Balkans*, Kosovo Women's Network, 2021, p. 33.

<sup>384</sup> *Ibid.*, p. 35.

<sup>385</sup> *Ibid.*

<sup>386</sup> *Ibid.*, p. 48.

<sup>387</sup> *Ibid.*

<sup>388</sup> Ius Laboris, 'Implementing the work-life balance directive across Europe', Ius Laboris, 7 June 2022, Europe.

<sup>389</sup> *Ibid.*

<sup>390</sup> World Bank Group, *Western Balkans Regular Economic Report No.20 Greening the Recovery*, World Bank Group, 2021, p. 12.

<sup>391</sup> SeConS, *Impact of the COVID-19 Pandemic and Measures to Prevent It on the Socio-Economic Status of Rural Women, with Focus on Agriculture*, SeConS, The European Commission, and UN Women, 2020, p. 33.

Their mobility was more restricted by the suspension of public transportation in comparison to men.<sup>392</sup> When inactivity due to the care of children or adults with disabilities is taken into account, women have absolute dominance with a share of about 97%, men 3%.<sup>393</sup> While the number of men citing this as a reason for inactivity has stagnated at around 2,000, the number of inactive women during the pandemic has increased from 59,000 to 73,000 in 2020 in Serbia.<sup>394</sup>

The practice of low or unpaid minimum wages is becoming a regional phenomenon due to the mix of legislative inconsistencies and gaps but also mass impunity for employers' exploitative tendencies. Workers from different industries are differently affected, with the garment industry, in which women are overwhelmingly represented, being hit especially hard during a pandemic. The Western Balkans garment industry is prone to labour rights violations and employs predominantly women.<sup>395</sup> Also, in this industry, the gap between an estimated living wage and the legal minimum wage is sometimes considerably higher than the equivalent gap in China.<sup>396</sup>

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<sup>392</sup> *Ibid.*

<sup>393</sup> Regional Cooperation Council, *Analytical report on the situation in the labour market of Serbia in the context of the economic crisis caused by the COVID-19*, Regional Cooperation Council, 2021, p. 16.

<sup>395</sup> *Ibid.*

<sup>396</sup> Clean Clothes Campaign, *'Beyond the label – Made in Serbia'*, Clean Clothes Campaign, 2 May 2022.

<sup>396</sup> European Parliament, Parliamentary Question E-005482/2021, *'Working conditions in the textile industry in the Western Balkans'*, European Parliament, 2021, (accessed 5 August 2022).

**STATISTICAL DATA SHOWS:****Unemployment Rates 2018 – 2021, By Gender**

	2018		2019		2020		2021	
	% M	% W	% M	% W	% M	% W	% M	% W
Albania	13	12	12	11	13	13	12	12
BiH	17	20	14	19	14	17	14	18
Kosovo	38	29	34	22	23	32	24	30
Montenegro	15	15	15	16	17	18	18	19
North Macedonia	20	20	16	18	17	17	16	16
Serbia	12	14	10	11	9	9	11	12

**Labour Force Participation Rate 2018 – 2021, By Gender**

	2018		2019		2020		2021	
	% M	% W	% M	% W	% M	% W	% M	% W
Albania	67	50	68	53	66	50	66	51
BiH	53	31	51	32	53	33	52	32
Kosovo <sup>397</sup>	56 <sup>398</sup>	18	53	18	49	19	55 <sup>399</sup>	23
Montenegro	64	48	65	50	61	46	62	48
North Macedonia	68	45	66	43	63	42	63	42
Serbia	63	44	63	44	62	44	62	44

<sup>397</sup> Kosovo's labour force participation rates are based on Kosovo Labour Force Surveys rather than the World Bank Gender Data Portal as other countries' data.

<sup>398</sup> According to World Bank International Bank for Reconstruction and Development data rather than World Bank Gender Data Portal as other countries' data.

<sup>399</sup> Labour force participation rate for men was only accessible from the Kosovo Agency for Statistics for Q2 of 2021.

## ALBANIA

Women's labour force participation is low, and a high percentage of women are discouraged from entering the labour market due to the numerous obstacles that they face. The employment rate of women in 2021 was approximately 54% and 68% for men.<sup>400</sup> Albanian women have a history of women facing difficulty in entering and remaining in the labour market, with many leaving employment permanently as soon as they marry or have children.<sup>401</sup> Gender-based discrimination continues to be a major barrier for women entering and maintaining labour in Albania.<sup>402</sup> According to research conducted by Gender Alliance for Development Centre, 45% of surveyed women reported experiencing job interview questions that might imply discrimination, such as questions about plans to get married or plans to have children. This was experienced by 23% of women respondents.<sup>403</sup>

More often than men, women are employed in low-income sectors and in the informal labour economy, while over half of the employment is considered to be precarious, mainly in agriculture.<sup>404</sup> According to Eurostat, Albania has the lowest minimum wage in Europe,<sup>405</sup> and non-payment of statutory minimum wage can affect approximately 50% of workers.<sup>406</sup>

Work-life balance related problems are more frequent in Albania than on average in the EU, affecting women significantly more.<sup>407</sup> During this reporting period, Albania has yet to harmonise legislation with the EU WLBD. For example, in the garment industry, where women are overrepresented, work on Saturdays is the rule rather than the exception; the phenomenon has become so commonplace and entrenched that workers do not consider this overtime. This means that "normal" working hours exceed the legally-permitted 40 hours per week and that overtime is not paid at the legally required rate.<sup>408</sup>

In past years, women's rights CSOs have raised concerns over the proportion of women in the informal labour market, especially the textile and shoe industries, without appropriate labour and social protection. This was emphasised in the UN *Concluding Observations on the Fourth Periodic Report of Albania* submitted in 2016,<sup>409</sup> and again in the fifth periodic report submitted in 2021.<sup>410</sup>

<sup>400</sup> INSTAT, Institute for Statistics, *Labour Market*, INSTAT, 2022.

<sup>401</sup> World Bank, *Toward Gender Equality in Albania: Shifting Mindsets through Institutional Reform*, World Bank, 2020, (accessed 4 August 2022).

<sup>402</sup> Arqimandriti M. et al., *Gender-based Discrimination and Labour in Albania*, Gender Alliance for development Centre, 2022, p. 54.

<sup>403</sup> *Ibid.*

<sup>404</sup> Tabak, P. and Borkovic, S., *Albania Country Diagnostic 2019*, London, European Bank for Reconstruction and Development, 2019.

<sup>405</sup> EUROSTAT, 'Minimum wage statistics', *EUROSTAT*, July 2022, (accessed 4 August 2022).

<sup>406</sup> Nuttal, C., 'Stitching Albania's garment industry back together', *INTELLINEWS*, 13 August 2021.

<sup>407</sup> Eurofound, *Living and working in Albania*, Eurofound, March 2022, (accessed 4 August 2022).

<sup>408</sup> Transform Europe, *Workers need a wage to live on – A Living Wage*, Transform Europe, March 2022, (accessed 4 August 2022).

<sup>409</sup> CEDAW, *Concluding observations on the 4th periodic report of Albania : Committee on the Elimination of Discrimination against Women*, (accessed 4 August 2022).

<sup>410</sup> CEDAW, Fifth periodic report submitted by Albania under article 18 of the Convention, 2021.

## BOSNIA AND HERZEGOVINA

For a number of years in BiH, there have been fewer women than men in the labour market and according to the accessible data, this rate is among the lowest in the region. In 2021, the BiH Employment Office issued a report that provides valuable insight into the position of women in the labour market in the country.<sup>411</sup> Women make up only 37% of the total number of newly employed workers. This result can indicate two possible conclusions: either employers hire men more often than women, or women are not active enough in the labour market due to other underlying and gendered factors. The most common occupations in which women are employed in BiH also have a gendered element because they are women-dominated: salesperson, assistant in production, shoemaker, seamstress, and waitress.

An analysis of the situation in the labour market in BiH indicates that the economic downturn caused by the covid-19 pandemic, to the greatest extent affected marginalised groups of women. The pandemic has further complicated the position of women in the labour market, especially in sectors where women are overrepresented (e.g., service,

textile and shoe sectors).<sup>412</sup> Many of the sectors that were highly affected by the crisis, employ a large percentage of women and youth. During covid-19, a particularly significant decline was felt in the service sector, which employed around 50,000 people in 2019. Before the pandemic, approximately 63% of those employed in service industries were women, 47% men.<sup>413</sup>

According to a survey conducted in 2021, more than half (57%) of the employed respondents stated that they work overtime, while 61% shared that they were not compensated for that work. Women are more likely to work overtime hours but less likely to be compensated for them, especially those employed in textile and shoe industries.<sup>414</sup>

In BiH, men earn approximately 16% more than women.<sup>415</sup> The income wage gap, the average difference between employed men's wages and employed women's wages, is a concern, especially when coupled with the fact that a large proportion of women, as high as 15% of all employed women, work minimum wage jobs, compared to just 7% of men.<sup>416</sup>

<sup>411</sup> BiH Statistics Office, *Women on the labor market in Bosnia and Herzegovina*, 2021.

<sup>412</sup> Ramic Markovic, S., *Gender-Based Discrimination and Labour in Bosnia and Herzegovina*, Helsinki Citizens' Assembly Banja Luka, 2022.

<sup>413</sup> BiH Statistics Office, *Women on the labor market in Bosnia and Herzegovina*, 2021.

<sup>414</sup> Ramic Markovic, S., *Gender-Based Discrimination and Labour in Bosnia and Herzegovina*, Helsinki Citizens' Assembly Banja Luka, 2022.

<sup>415</sup> Plata, 'Salaries in Bosnia and Herzegovina', Plata, September 2022, (accessed 9 September 2022).

<sup>416</sup> *Ibid.*

## KOSOVO

Kosovo has the lowest women labour force participation rate in the Western Balkans. There are multiple barriers to women's participation in the labour market, including but not limited to: unequal care responsibilities in combination with limited access to quality and affordable child and elderly care; conservative social norms; gender-based discrimination; sexual harassment; violations of contracts and/or termination of contracts due to pregnancy; lower levels of education and work experience among women compared to men; and women's limited access to assets.

Out of 616,023 women of working age in 2021,<sup>417</sup> the employment rate for women was around 16%, while over 43% for men comparatively, resulting in a very high gender employment gap of over 35%.<sup>418</sup> To add to this gap, in 2021, the labour force participation rate for women was approximately 23% and approximately 57% for men.<sup>419</sup> These data indicate that, while unemployment in Kosovo is high at the national level, the large gap between employed men and employed women continues to be alarming and without noticeable improvement.

Kosovo has a history of women facing difficulty in entering and remaining in the labour market coupled with an overburdening workload in the household and with care responsibilities. Although WCSOs continue to advocate for Labour Law amendments that are harmonised with the EU WLBD, unequal care responsibilities still have not been resolved through the new Labour Law, especially regarding paternity and parental leave. Implementation of the EU WLBD would resolve some of the issues arising from employers' abuse of successive fixed-term contracts to avoid payments related to parental rights.<sup>420</sup>

The institutions responsible for addressing gender-based discrimination in the labour market in Kosovo lack gender-disaggregated data, making it especially difficult to analyse the prevalence of this form of discrimination in labour. Literature indicates that gender-based discrimination exists, particularly in hiring, promotion, maternity leave, and sexual

harassment at work.<sup>421</sup> Minimal information and literature exists about work-related gender-based discrimination among persons with different abilities, minority ethnic groups and persons with diverse gender identities and sexual orientations. Research conducted by WCSO KWN indicates that, while police and prosecutors have seemed generally knowledgeable about their responsibilities in addressing gender-based discrimination in labour, few such criminal cases have been reported, and institutions therefore lack practical experience.<sup>422</sup> During the reporting period, courts in Kosovo also had little judicial practice with these cases, and few judges seemed knowledgeable regarding the relevant legal framework. KWN's research indicates that, while Labour Inspectorates tended to know about the Labour Law, they had few discrimination-related cases and did not consider treating gender-based discrimination a priority, with some reported instances of inspectors' altogether inappropriate treatment of cases.<sup>423</sup>

There is a noticeable lack of affordable childcare that is preventing a significant number of mothers from working, hence placing them in the group of long-term unemployed individuals.<sup>424</sup> Gender-based discrimination continues to be a major barrier for women entering the labour market in Kosovo as well as in maintaining employment.<sup>425</sup> According to research, 53% of surveyed women reported being asked discriminatory job interview questions.<sup>426</sup>

The report *Employment of Women and their Representation in Kosovo* showed that although the number of young women who were studying or had completed their studies was significantly higher than that of young men, the data showed that their participation in the labour market remains low.<sup>427</sup> According to the Kosovo Agency of Statistics, there are more women than men enrolled in both Bachelors and Masters levels of tertiary education.<sup>428</sup> This discrepancy is evident when comparing employment-to-population ratio<sup>429</sup> of 49% for women and approximately 70% for men.<sup>430</sup>

<sup>417</sup> Democracy for Development, 'Gender segregation of the labor market', *Democracy for Development*, March 2022, (accessed 12 July 2022).

<sup>418</sup> Kosovo Agency of Statistics, 'Labour Force Survey Q3 2020', Kosovo Agency of Statistics, 2020, (accessed 11 October 2022).

<sup>419</sup> *Ibid.*

<sup>420</sup> Banjska, I. et al., *Gender Based Discrimination and Labour in Kosovo*, Kosovo Women's Network, 2022.

<sup>421</sup> *Ibid.*

<sup>422</sup> *Ibid.*

<sup>423</sup> *Ibid.*

<sup>424</sup> Shaipi, K., *Being a Woman in the Labor Market*, Kosovo Stability Initiative, 2021.

<sup>425</sup> Banjska, I. et al., *Gender Based Discrimination and Labour in Kosovo*, Kosovo Women's Network, 2022.

<sup>426</sup> *Ibid.*

<sup>427</sup> GAP Institute, 'Employment of women and their representation in Kosovo', GAP Institute, 1 May 2021.

<sup>428</sup> Kosovo Agency of Statistics, 'Labour Force Survey Q1 2021', Kosovo Agency of Statistics, 2021, (accessed 11 October, 2022).

<sup>429</sup> The employment-to-population ratio is the measure of the employed labour force against the working age population.

<sup>430</sup> *Ibid.*

## MONTENEGRO

In 2019, for the first time, a Montenegro Gender Equality Report was prepared, showing that even though the number of women active in the labour force has increased, the quality of their work conditions and the types of work they do did not change.<sup>431</sup> This has remained the case during this reporting period as well, with gender-based discrimination continuing to be a major barrier for women entering and remaining at the labour market, including discrimination related to hiring, promotion, working conditions, maternity leave, paternity leave, parental status and sexual harassment.<sup>432</sup>

Gender-based discrimination and household responsibilities remain one of the most critical obstacles for working women. Data indicate that approximately 43% of women spend time caring for children, the elderly, people with different abilities, and/or relatives, among others, compared to approximately 24% of men.<sup>433</sup>

The gender employment gap is significant.<sup>434</sup> In 2020 the employment rate was approximately 49% for women and approximately 62% for men, which accounts for a gender gap of 13%.<sup>435</sup> In comparison, the employment rate of women in the second quarter of 2022 was 47%, while for men it was 53%.<sup>436</sup> WCSO Women's Rights Centre reported that there have been inadequate results in addressing gender-based discrimination in the labour market in-part due to the fact that Montenegro's state institutions and mechanisms have not prioritised gender equality.<sup>437</sup>

In the third quarter of 2020, women's inactivity rate at the labour market remained far above men's, at approximately 42% for women compared to 24% for men. Employment rates continue to be larger for men than for women, with little to no indication that this trend will change. This is partly due to the traditionally lower engagement of women in the labour market, a significantly higher share of unpaid domestic work done by women, coupled with high childcare prices, which can discourage women from entering the labour market. Research conducted by the Women's Rights Centre indicated that discrimination is particularly present in hiring processes as 76% of women respondents who had at least one job interview in the past three years, shared that they had faced discrimination during the hiring process, including being exposed to discriminatory questions about their marital status.<sup>438</sup> According to the WCSO Women's Rights Centre, women reported that inappropriate and unlawful questions posed by the potential employer continue to be common practice in entering employment, and more women are asked these questions than men. In 2021, women respondents shared that they were asked inappropriate questions during job interviews, in which 59% of women respondents (compared to 29% men respondents) were asked about their marital status, approximately 41% of women respondents (18% of men respondents) were asked about the number of children they had.<sup>439</sup> These data indicate that inactivity in the labour market is the result of both gender-based discrimination and the pressure on women to choose between work and parenthood.

<sup>431</sup> Komar, O., *Gender Equality Index Montenegro*, MONSTAT, 2019.

<sup>432</sup> Komar, O. et al., *Gender-Based Discrimination and Labour in Montenegro*, Women's Rights Centre, 2022.

<sup>433</sup> *Ibid.*

<sup>434</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *Montenegro Report 2020*, European Commission, 2020, p. 11.

<sup>435</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *Montenegro Report 2021*, European Commission, 2021, p. 89.

<sup>436</sup> Tanjevic, I. and Vukovic, D., *Labour Force Survey Release 126/2022*, MONSTAT, 2022.

<sup>437</sup> Komar, O. et al., *Gender-Based Discrimination and Labour in Montenegro*, Women's Rights Centre, 2022.

<sup>438</sup> *Ibid.*

<sup>439</sup> *Ibid.*

## NORTH MACEDONIA

Women in North Macedonia have a less favourable position in the labour market than men, which is mainly visible by women's lower employment rates and lower activity in the labour market. Working women are much less likely than men to be active in the labour market. In 2021, 52% of women aged 15-64 participated in the labour market compared to approximately 66% of men.<sup>440</sup> The traditional role of women in North Macedonian society in terms of unpaid care work, taking care of minors and adults who cannot take care of themselves, is a major obstacle to the greater participation of women in the labour market, which is the highest-contributing factor for women's inactivity. The EC reported that this was especially noticeable during the pandemic in 2020, as the gender gap widened and men's labour market participation dropped by less than women's participation.<sup>441</sup>

According to research and a survey conducted in 2021, most women (64%) reported that they had been asked inappropriate job interview questions, most related to marriage and parenting status or future plans for starting a family.<sup>442</sup> In comparison, less than half (47%) of the men respondents had reported receiving discriminatory interview questions. Pregnancy remains damaging to women's careers, and women have often been forced to choose between having paid employment or caring for children. In hiring processes, 50% of the women respondents were asked whether they have or plan to have children while 4% were asked for medical proof that they were not pregnant.<sup>443</sup>

In North Macedonia, women have considerably lower wages than men, accounting for a wage gap of 13%.<sup>444</sup> The World Bank's Regular Economic Report indicated that a large proportion of workers (approximately 35%) in labour-intensive sectors such as the textile industry are receiving the minimum wage.<sup>445</sup> According to the data, as much as 40% of the total number of women workers in North Macedonia have shift work compared to 36% of men workers, and twice as much as the EU average of only 17% of women that work in shifts. This not only indicates that more women in North Macedonia work lower paid jobs, it also shows that women are more likely to hold lower paid jobs that also demand night shift work.<sup>446</sup> This can be additionally challenging for women with caregiving responsibilities, who must balance their work, health and well-being with the health and well-being of others.

According to the EC 2021 North Macedonia Report, the representation of women in the public sector remains over 50%, including in middle management, which is a welcome improvement, however, women are less represented in top management positions.<sup>447</sup>

As the process of drafting the new Labour Relations Law and the new Law on Prevention and Protection Against Discrimination have been ongoing for several years, and the country is yet to harmonise its legislation with the EU directives and International Labour Organization (ILO) standards. The gaps in the legal framework also contribute to the obstacles women in North Macedonia face in entering and remaining in the labour market.

<sup>440</sup> World Bank, 'Labour force participation rate – North Macedonia', World Bank, 2021, (accessed 13 August 2022).

<sup>441</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *North Macedonia Report 2021*, European Commission, 2021.

<sup>442</sup> Leshoska V. et al., *Gender-Based Discrimination and Labour in North Macedonia, Reactor - Research in Action*, 2022, p. 9.

<sup>443</sup> *Ibid.*, p.51.

<sup>444</sup> FREN, *Policy Brief, Gender Pay Gap in the Western Balkan Countries: Evidence from Serbia, Montenegro and Macedonia*, Foundation for the Advancement of Economics, 2020, p. 2.

<sup>445</sup> World Bank Group, *Western Balkans Regular Economic Report No.19 Subdued Recovery*, World Bank, 2021.

<sup>446</sup> Macedonia 2025, 'Gender analysis of the similarities and differences between men and women in Macedonia through the prism of digital skills labor market conditions and representation in science', Macedonia 2025, 2021, (accessed 8 August 2022).

<sup>447</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *North Macedonia Report 2021*, European Commission, 2021.

## SERBIA

There is a significant difference between men and women's activity in the labour market in Serbia. The Commissioner for the Protection of Equality assessed in her special report on employment that the socio-economic status of women was significantly worse than that of men.<sup>448</sup>

As in the region, women's inactivity mostly reflects discriminatory treatment of women in the labour market, unpaid work in the household, and inadequate support in reconciling work and family/care responsibilities.

The position of women in the labour market, although with the highest employment rates in the region, still shows considerable gaps in all facets of the labour market. Traditionally, the unfavourable position of women in the labour market is reflected in lower employment rate and a higher unemployment rate. In 2021, the employment rate of women was 41%, while for men it was approximately 57%. Comparatively, women's unemployment rate was 12% and 10% for men.

When it comes to the 2022 activity rate in the labour market, the differences between men and women are again disproportionate, at approximately 64% and 47%, respectively.<sup>449</sup> In the same period the unemployment rate for young men aged 15 to 24 was 25%, while for young women, it was approximately 35%.<sup>450</sup> The highest number of employed women is found among those who have tertiary education.

An increasing percentage of women are engaged in temporary and occasional jobs, which provide them with far lower levels of labour protection than formal, permanent labour.<sup>451</sup> In the formal labour economy, women are significantly more inactive than men. Women's labour market inactivity is a consequence of deeply embedded patriarchal cultural patterns. Even more significant than that, it is the result of the simultaneous growth of competition in the domain of better-paid occupations and the decline in the availability and quality of institutions for the care of children, the elderly and sick members of society.<sup>452</sup>

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**“The data divided according to gender about the informal economy in Kosovo are of a poor quality... qualitative data suggested that women working in the private sector often work in an informal way, without any social protection, and without contracts.”**

Sexhide Mustafa,  
vice-director of the Riinvest Institute, Kosovo<sup>453</sup>

”

**“Having a child at home and working from home at the same time, is a big challenge. There is no way to carry out both responsibilities perfectly at the same time unless there is help from the father or grandparents. Parents who can work from home and have children at home face great difficulties since they have additional responsibilities with the online education of their children.”**

Ivana Mitrovska,  
Private Sector employee, North Macedonia<sup>454</sup>

<sup>448</sup> Commissioner for the Protection of Equality, *Discrimination in the Labour Market, Commissioner for the Protection of Equality*, 2019.

<sup>449</sup> The activity rate is the ratio between active persons, employed and unemployed people of working age, and the total population.

<sup>450</sup> PBC, *Labour Force Survey*, Number 136 - year LXXII, PBC, 2022.

<sup>451</sup> Masina, *‘Serbia is set to lose almost a quarter of its population by 2050’*, Masina, 31 May 2022, Society.

<sup>452</sup> Krstić, I., *‘The position of women on the labor market: think globally, save and discriminate locally’*, Masina, 13 February 2021.

<sup>453</sup> Halili D, *‘Working Women and the Pandemic’*, Kosovo 2.0, 2021, In-depth, Covid-19, (accessed 25 October 2022).

<sup>454</sup> UN Women, *‘The COVID-19 pandemic has increased women’s unpaid care work in North Macedonia confirms UN Women’s gender assessment’*, *UN Women Europe and Central Asia*, 21 December 2020, News and events, Stories.

\* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.

## UNPAID LABOUR IN THE WESTERN BALKANS

According to the UN definition of unpaid domestic work comprises the labour involved in maintaining living spaces, buying and transforming the commodities used in the family, supplementing the services provided to family members by the public and private sectors (e.g. health, education, transport, administration), and managing social and personal relationships, caring for family members including children and elderly.<sup>455</sup> Unpaid care work is among the main reasons for women's inactivity in the labour market and is one of the key drivers of women's inequality in the Western Balkans and beyond. In Albania, according to a labour force survey on causes of inactivity, women remain out of the labour force mostly because they are doing unpaid work at home. Due to a heavy workload in the home, 27% women are out of the labour force.<sup>456</sup> In BiH only 40% of women are employed in the formal labour market, which is a strong indicator that many women work in the home and that much of the domestic work performed by women goes under the radar and unpaid, including taking care of the household, children and the elderly.<sup>457</sup>

In the Western Balkans, women who must take family and caregiver responsibilities do not have the same opportunities for entering the labour market as men who do not take on such a burden of domestic duties. This is echoed by a survey conducted by the Agency of Statistics in Kosovo, where findings showed that women taking on the role of care-giver within the family, reduce the hours available for employment.<sup>458</sup> Due to the burden of unpaid work, it is almost always women that must terminate their employment or give up career advancement and professional development to

fulfil household duties and other family obligations. The difference in daily participation in unpaid work between men and women is significant throughout the region, leaving women spending several hours daily in unpaid work without the same contribution from men. For example, in Serbia, 95% of women and only 77% of men participate daily in unpaid work. Their participation, however, does not mean that the hours are comparable. One of the challenges lies in the fact that in the regional data on unpaid work are not widely available as research is scarce or partial. Regardless, the data that does exist, paralleled with WCSOs' experience and expertise, indicates that unpaid labour is widespread in the region, that it overwhelmingly carried out by women, and has consequences for women's access to a reliable economic livelihood.

It is reasonable to assume that a lot of unpaid labour goes undocumented. For example, the latest publication of the *Gender Equality Index for Serbia*, published in 2021, outlined that there is no accessible, reliable data on the domain of time, including measures of time spent on unpaid domestic labour, as the most recent research was conducted by the Statistical Office of the Republic of Serbia in 2015.<sup>459</sup> According to research conducted in 2021, in seven Serbian municipalities (in Vojvodina) after the workday, women work up to five hours of unpaid work in the household, or three hours on average.<sup>460</sup> Similar numbers for men are not available. The lack of recent official data on unpaid domestic work in Serbia is concerning and does not allow for a detailed analysis of women's experiences with this form of labour and of the effect it has on their career and life in general.

<sup>455</sup> Barry, U. and Jennings, C., *Gender equality: Economic value of care from the perspective of the applicable EU funds*, European Parliament, 2021.

<sup>456</sup> International Labour Organization, *Overview of the informal economy in Albania*, Labour Force Survey, 2019.

<sup>457</sup> Agency for Statistics of Bosnia and Herzegovina, *Man and Women in Bosnia and Herzegovina*, Bulletin, 2022.

<sup>458</sup> Kosovo Agency of Statistics, *Labour Force Survey Q1 2021*, Kosovo Agency of Statistics, 2021.

<sup>459</sup> Babovic, M. and Petrovic, M., *Gender Equality Index for the Republic of Serbia*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, 2021.

<sup>460</sup> Beta, 'Research: For women, working hours are often more than 11 hours', Danas, 9 August 2022.

The pandemic provoked a deepening of already substantial and existing gender inequalities in time spent on unpaid domestic work. During the covid-19 pandemic, women experienced an increased burden of unpaid domestic and care work, with women performing more time and care-intensive tasks. According to a UN Women report, in Albania more than three quarters of women respondents (76%) reported an increase in providing unpaid domestic work and 72% had reported that they experienced an increase in unpaid care work, compared to 62% of men.<sup>461</sup> Additional time spent on unpaid care activities for households with children and the elderly had almost doubled for women.<sup>462</sup>

Unpaid work leads to extreme personal, social and financial insecurity in the Western Balkans. UN Women in BiH reports that these circumstances are especially visible in rural areas where women are not paid, or poorly paid, for their agricultural labour.<sup>463</sup>

Women living in rural areas of BiH often perform unpaid work, including agricultural work on family farms, and they also represent a significant proportion of the informal, or shadow labour market.<sup>464</sup> In these situations, informal and unpaid work often overlap as the work on the family-owned businesses and farms, which they undertake in addition to domestic work, tend to be both unregistered and unpaid, and has no benefits (such as pensions, health insurance, parental and childcare leave).<sup>465</sup> Most women of middle to old age in BiH are part of the grey economy either as formally unregistered workers or exclusively performing domestic work.<sup>466</sup> In Albania 50% of women are employed in the agricultural sector. Out of them, the vast majority (87%) are working in unpaid family jobs not covered by basic social, pension and health services.<sup>467</sup> Comparable data for men was not accessible by researchers.

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<sup>461</sup> Plaku, A., *The Impact of Covid-19 on Women's and Men's Lives and Livelihoods in Albania*, Results of a Rapid Gender Assessment, UN Women, 2021, p. 31.

<sup>462</sup> *Ibid.*, p. 32.

<sup>463</sup> Miftari, E. et al., *National gender profile of agriculture and rural livelihoods – Bosnia and Herzegovina*, FAO and UN Women, 2021.

<sup>464</sup> *Ibid.*

<sup>465</sup> *Ibid.*

<sup>466</sup> *Ibid.*

<sup>467</sup> UN Women, *Economic Empowerment*, *UN Women Europe and Central Asia, 2021*, (accessed 14 October 2022).

## IN FOCUS: WOMEN IN THE INFORMAL ECONOMY

The Western Balkans are plagued by informality as an integral part of the regional economy and labour market. According to the ILO, informal employment is all remunerative (or paid) work, including both self-employment, wage employment and non-remunerative work taken in an income-producing enterprise, that is unregistered, unregulated or is not protected by existing legal or regulatory frameworks.<sup>468</sup> Since informal labour is not protected within legal frameworks, informal workers do not have secure employment contracts, workers' benefits, social protection or workers' representation.<sup>469</sup> Despite legal frameworks in all of the countries, including international conventions, this phenomenon continues to exist at unprecedented levels. The informal economy, though rampant, disproportionately impacts women. Ethnic minority women, women with different abilities, and LGBTQI+ communities are overrepresented in informal economy, and this makes them even more marginalised and vulnerable. The informal economy puts the enjoyment of the full range of human rights, worker's rights and the protection of workers at stake: from the right to minimum wage to occupational health and safety, right to adequate standards of living, rights of women and children, right to education, health, access to social security, protection from arbitrary or unlawful dismissal, freedom of association, right to collective bargaining, and access to effective remedies. From a macroeconomic perspective, informality also constrains doing business, decreases government revenues and negatively affects economic growth and competitiveness. During the reporting period, regional governments have exerted some limited efforts to tackle the issue (mostly by conducting campaigns against informal labour), but more systemic solutions, including improvements in public governance, are needed.<sup>470</sup> The practice of informal agreements is spread throughout the region. In Western Balkan countries' jurisdictions, in addition to a formal written contract,

many employers reach a verbal agreement with their employees that an "envelope wage" will be paid which is not declared to the tax authorities and does not count towards different social security rights that employees are entitled to.<sup>471</sup>

Although it is difficult to assess the extent of undeclared work, recent findings indicate that informal employment is widespread in the Western Balkans at an alarming extent. For example, the latest ILO studies have revealed that over 30% of the total workforce is employed informally in the construction sector of Albania and BiH, as well as in the overall economy of Montenegro.<sup>472</sup> Women's overrepresentation in the informal economy makes them particularly vulnerable in this sense, for example in Kosovo, as the number of women in the informal economy is double the number of men. In North Macedonia informal employment has been hovering at around 19% for the past few years.<sup>473</sup>

In Albania, the employment rate and labour market participation remain low, and the informal economy is still a significant job provider, with approximately 57% of the total number of workers.<sup>474</sup> Concerns remain over the proportion of women in the informal labour market, especially the textile and shoe industries, without appropriate labour and social protection. In July 2016, Albania received CEDAW concluding observations expressing concern regarding women's concentration in the informal labour market, especially in the textile and shoe industries, without adequate labour and social protection.<sup>475</sup> The Committee was further concerned about the limited access to the formal labour market for women belonging to ethnic and linguistic minorities and women with disabilities.<sup>476</sup> Though the government has taken limited steps in addressing these issues, WCSOs in Albania like Gender Alliance for Development Centre, part of the Albanian Women Empowerment Network, have worked closely with women in industries, like the textile and shoe industries, to provide different

<sup>468</sup> International Labour Organization, 'Informal economy workers', *International Labour Organization*, (accessed 11 October 2022).

<sup>469</sup> *Ibid.*

<sup>470</sup> World Bank. *Albania Systematic Country Diagnostic: 2019 Update*, Washington, DC, World Bank, 2020.

<sup>471</sup> UNDP, *Socio-Economic Assessment of COVID19's Impact in North Macedonia: Policy Response, Economic Recovery and Growth*, UNDP, 2020.

<sup>472</sup> International Labour Organization, 'How does the ILO assess the impact of the COVID-19 pandemic on labour markets in Montenegro and worldwide? Interview with Markus Pilgrim, Director of the ILO Office for Central and Eastern Europe', *International Labour Organization*, 23 April 2020, News.

<sup>473</sup> EBRD and ILO, *COVID-19 and the World of Work Rapid Assessment of the Employment Impacts and Policy Response: North Macedonia*, International Labour Organization, 2020.

<sup>474</sup> Halili, E., 'Agricultural Sector Leads Informality Employment in Albania', *Albanian Daily News*, 8 January 2021, Economy.

<sup>475</sup> CEDAW, *Concluding observations on the fourth periodic report of Albania*, 2016.

<sup>476</sup> *Ibid.*

forms of support, and to advocate towards the national government for adequate implementation of legal protection mechanisms.

The situation is similar in Montenegro, where an extensive presence of the informal employment,<sup>477</sup> amounting to 18% of total employment, negatively affects both human and labour rights and fair competition. Women are also overrepresented in the informal economy, at a rate of approximately 17% compared to men's participation at approximately 12%.<sup>478</sup>

The widespread informal economy, amounting to approximately 19% of total employment in Serbia, is a major challenge in addressing labour rights, especially women's labour rights.<sup>479</sup> The informal economy is the most present in agriculture (approximately 41% of agricultural work), domestic work (24%), construction (8%),<sup>480</sup> retail sale (approximately 6%) and manufacturing (5%);<sup>481</sup> sectors in which risk for workers' health and safety dramatically rises with the lack of regulations and monitoring. In 2021, the total informal employment rate in Serbia was 13%, and women's informal employment rate was 14% compared to 12.5% for men.<sup>482</sup> There is an increase in migrant workers in Serbia.<sup>483</sup> Though there are no official numbers of migrant labourers in Serbia, the most visible are men migrant workers in public spheres like construction and service industries. There is no estimate of the number of migrant women arriving to Serbia to work in less-visible spheres such as in households as domestic help or in beauty salons.

In October 2021, Serbia issued a valid D type visa to a Philippine citizen for her stay on the territory of the Republic of Serbia. She was issued the visa on the basis of her prospective employment as a domestic helper, home helper, to a Serbian family. She received assistance in obtaining the visa and contacting the family by a Serbian law office. During her employment with the family, the woman's labour was exploited: she was exposed to overwork, for as much as 16 hours a day; her passport was seized and her movement limited; and her contact with the family was mediated by another employee of the same employer. With the assistance of another employee of the same employer, she

escaped her employer in December 2021. Later that month, through associates in Belgrade's Human Rights Centre, she contacted WCSO ASTRA – Antitrafficking Action. With the consent of the beneficiary, ASTRA – Antitrafficking Action informed the Centre for Human Trafficking Victims' Protection about this case, so that the process of formal identification of a human trafficking victim/survivor could begin. While providing support to this beneficiary, ASTRA– Antitrafficking Action learned about number of women who came from Philippines, also to do domestic work in households in Serbia. The beneficiary did not receive adequate support from the relevant Serbian institutions in terms of regulating her residency permit, for access to support rights and services, and as a potential victim/survivor of trafficking in human beings.<sup>484</sup>

Though it is difficult to know the full scope of the informal economy in any country, though some reports in Kosovo indicate that it makes up more than 30% of the country's GDP. At roughly 1.8 billion EUR per year, the informal sector's size approaches the total annual state budget of 2.4 billion EUR. According to the Independent Trade Union of Private Sector Workers, 50% of workers in Kosovo are in the informal sector. Though there are some survey-based estimates, there is no official statistics illuminating women's participation in the informal sector. Though exact figures are difficult to access or in many cases, do not exist, women — whether working as tailors, house cleaners, hairdressers or seasonal agricultural labourers — make up a large portion of the informal workforce. This is the case throughout the entire region.

According to experts, the rate of informal labour participation is kept high through weak rule of law and the lack of governmental infrastructure to monitor and regulate Kosovo's economy and tax framework, leaving many workers in precarious situations. All Western Balkan countries lack adequate monitoring systems. Without gender monitoring of informal employment and the informal economy, it is difficult to assess the extent to which women are involved in the informal economy, and therefore even harder to draft policies or provide necessary services, to strengthen formal employment and the formal economy.

<sup>477</sup> Montenegrin Employers Federation (MEF) and Kostic, V., *Report: Informal Economy in Montenegro – The Enabling Environment for Sustainable Enterprises in Montenegro*, Montenegrin Employers Federation, 2014.

<sup>478</sup> *Ibid.*

<sup>479</sup> International Labour Organization, *Overview of the Informal Sector in Serbia*, International Labour Organization, May 2020.

<sup>480</sup> According to 53% of the workforce in the construction industry has no work contracts and 40% of the labour is informal. Skrivankova, K. and Vukasovic, T., *Report on Trafficking for the Purpose of Labour Exploitation in Serbia, Horizontal Facility for Western Balkans and Turkey*, Council of Europe, 2017.

<sup>481</sup> International Labour Organization, *Overview of the Informal Sector in Serbia*, International Labour Organization, May 2020.

<sup>482</sup> Statistical Office of the Republic of Serbia, *'Informal employment rate'*, PBC, 2022, (accessed 11 October 2022).

<sup>483</sup> Al Jazeera, *'The number of migrants in Serbia is increasing: Intensified smuggling'*, Al Jazeera, 5 October 2022.

<sup>484</sup> Information shared with Kvinna till Kvinna by partner organisation in Serbia.

## Recommendations\*

### Representation of women in the labour market

#### IN BRIEF:

Significant barriers for entry into, and maintaining, labour exist for women in the labour market throughout the region. Western Balkan governments have neither addressed gender-based discrimination in hiring and promotion, nor the overwhelming overrepresentation of unpaid domestic work performed almost entirely by women.

#### WITHIN ONE YEAR:

Harmonise relevant maternity leave legislation with parental leave requirements from the EU Work-Life Balance Directive to ensure parental and caregiver duties are flexible and shared among caregivers.

#### Governments:

- Focus on strengthening institutional implementation of existing anti-discrimination and labour rights legislation through specialised anti-discrimination training for relevant institutions and their representatives, organised and designed in close cooperation with WCSOs.
- Monitor implementation and harmonisation of all anti-discrimination laws in relation to labour.
- Adopt the ILO C190 Violence and Harassment Convention, with the exception of Albania who is a signatory country.
- Extend all legal protections and reporting mechanisms for labour violations and gender-based discrimination to the informal economy.
- Update databases to ensure collection and management of data disaggregated by gender.

#### EU institutions, other inter-governmental organisations and donors:

- Support accession countries in harmonising legal frameworks with the EU Work-Life Balance Directive.
- Provide funding opportunities to WCSOs addressing women's labour rights violations and gender-based discrimination in labour.
- Require implementation of institutional reforms towards better addressing gender-based discrimination related to labour.<sup>485</sup>
- Make gender disaggregated statistics in all areas of labour a requirement in EC Country Reports.

\* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.

<sup>485</sup> Farnsworth, N. et al., *Gender-based Discrimination and Labour in the Western Balkans*, Kosovo Women's Network, 2021.



# SECURITY FOR WOMEN HUMAN RIGHTS DEFENDERS

## ATTACKS ON WOMEN HUMAN RIGHTS DEFENDERS

**With shrinking space for civil society, nationalist, right-wing and fundamentalist movements growing stronger, and with the anti-gender ideology gaining force, it is Kvinna till Kvinna's understanding that it is steadily becoming more dangerous in some contexts to be a women human rights defender (WHRD).<sup>486</sup> The overall political and social context in the six Western Balkan countries did not undergo major shifts throughout 2021 until September 2022 and the situation for most WHRDs remained daunting.**

According to the Freedom House Nations in Transit report that was used as a reference in the previous editions of the *Women's Rights in Western Balkans*, all six countries remained qualified as transitional or hybrid regimes,<sup>487</sup> with no notable democratic progress in most of them,<sup>488</sup> while continued democratic backsliding was reported in BiH and Serbia.<sup>489</sup> In both countries, the Civil Society Rating declined because of violence against peaceful protesters, intimidation and increased government pressure against activists and independent media, and the overall weakening of civic sector. With regards to the state of journalism in 2022, according to the *World Press Freedom Index*, two Western Balkan countries dropped in ranking - Albania and BiH, with media freedoms being the worst in Albania.<sup>490</sup>

Backlash and attacks against women human rights defenders represents a serious threat against democracy, against gender equality and against women's human rights. Research and experience indicate that a strong women's movement is key to strengthening legislation on women's rights and making sure that the legislation is followed.<sup>491</sup> Growing pressure on civil society has been registered throughout the region. In Serbia, Kvinna till Kvinna supported WCSO ASTRA – Antitrafficking Action to conduct research on challenges in service provision to victims/survivors of trafficking of human beings. The initial findings from 2021 indicated that the majority of those providing support to victims/survivors of trafficking were women, and for ASTRA – Antitrafficking Action, staff were most often threatened by the trafficker or their lawyers immediately before and during the trial, due to fear of what the victim/survivor will say in court. Perpetrators have harassed staff over the phone, even going so far as to show up to the office door to threatened staff.<sup>492</sup> In Montenegro, smear campaigns against WHRDs and WCSOs continued during the reporting period, including hate speech, public insults, and cases where perpetrators of GBV filed criminal charges against WHRDs that advocated for the rights of the victim/survivor.<sup>493</sup>

<sup>486</sup> Zillén, E. and Pruth, C., *Solidarity is Our Only Weapon – The Situation for Women Human Rights Defenders*, The Kvinna till Kvinna Foundation, 2021, p. 5.

<sup>487</sup> Freedom House, *Nations in Transit 2022*, Freedom House, 2022, p. 22.

<sup>488</sup> Three countries (MK, ALB, MNE) had no change in democracy score, while Kosovo made slight progress.

<sup>489</sup> In FBiH Civil Society ranking declined from 4.50 to 4.25 and in Serbia from 5.50 to 5.25.

<sup>490</sup> Reporters Without Borders, *'World Press Freedom Index 2022'*, Reporters Without Borders, 2022, (accessed on 11 October 2022).

<sup>491</sup> Zillén, E. and Pruth, C., *Solidarity is Our Only Weapon – The Situation for Women Human Rights Defenders*, The Kvinna till Kvinna Foundation, 2021, p. 5.

<sup>492</sup> Stojanović, F., *The Safety of Trafficking Victims and Service Providers and the Risk Assessment*, ASTRA – Anti Trafficking Action, 2021, p. 19.

<sup>493</sup> Information shared with Kvinna till Kvinna by partner organisation in Montenegro.

The safety of WHRDs in the Western Balkan region did not improve over the reporting period and they remained frequently attacked both because of their work and their gender. Following the global trend, digital violence and cyber harassment against WHRDs and women reporters was on the rise followed by weak institutional response. Physical assaults, verbal attacks, property or office destruction and vandalism, intimidation and threats (including death and rape threats), misogynistic and sexist insults remained the reality for many WHRDs. Violence and threats of violence were perpetrated by both non-state and state actors. In parallel to these unlawful methods of intimidation, the use of legal tactics to suppress the work of HRDs, journalists and civic activism through strategic lawsuits against public participation, otherwise known as SLAPP litigation, fines and judicial prosecution was noted across the region. It was not uncommon that government officials, politicians and other public figures resorted to offensive and hate-infusing speech in public.

While women's activism in the region includes different social issues, and increasingly on environmental issues, the WHRDs' role remains dominant on issues of peace and transitional justice, GBV, health and social rights and LGBTQI+ rights. In addition, investigative reporting<sup>494</sup> on corruption and organised crime relies largely on women journalists throughout the region.<sup>495</sup> Lack of institutional support and protection against violence and harassment necessitated development of self-reliance and self-coping mechanisms among women activists and journalists in the countries and across the region with different solidarity networks, psychological and legal support groups, monitoring and reporting tools being set up.

Attacks were not exclusively directed at the WHRDs' work; women activists were often attacked in very particular and gendered ways – referring to their psychical integrity (threats of rape, insults to their appearance or sexual orientation), threats to their family members (especially their children), and discrediting their work (calling upon moral values, traditional family values, religious values, shaming). Media and different online social platforms contributed to growing sexist and misogynistic speech in public discourse either through creating and broadcasting such content or by failing to censor hate speech in the commentary sections.

Women reporters, who comprise majority in the journalism in the Western Balkans, were commonly targeted by sexist harassment in online sphere, as well as in the newsrooms and while performing their job.

Analysing the situation in the six Western Balkan countries, it is notable that two main issues continued to frame the position of WHRDs: (in)visibility of WHRDs in policy and legal documents and social and cultural norms towards women that shape political and social landscape in which WHRDs operate in.

Most Western Balkan countries do not have policy or legal documents on HRDs and the essential role they play in advancing human rights in line with the Declaration on Human Rights Defenders by the UN General Assembly; consequently, WHRD are not recognised either. The previous edition of the *Women's Rights in Western Balkans* reported on the positive development in Albania where in March 2019 the Parliament adopted a resolution in support of the activity of HRDs. In monitoring the implementation of the resolution during this reporting period, it appears that it made no tangible impact on protecting safety of the WHRDs. In February 2022, the Serbian government adopted a national Strategy for Creating an Enabling Environment for the Development of Civil Society but failed to elaborate on specific position of the HRD, including WHRDs specifically, which sets them apart from the rest of the civic organisations. The Strategy also failed to acknowledge obstacles and safety concerns of (W)HRDs.

In the region, the lack of political commitment to guarantee safety of the (W)HRDs translates into ineffective institutional response to violence against WHRDs. Indeed, most of the attacks reported over the years on WHRDs, journalists and activist organisations remained unresolved, and perpetrators faced no consequences. The passive conduct of the authorities nourishes the culture of impunity for the violence committed. This jeopardises further work of the WHRDs by draining their psychological, emotional and financial capacities. An encouraging development is noted in Montenegro where legislative changes in December 2021 introduced a novelty stipulating that an attack on a journalist is to be considered a more serious form of a criminal offence, triggering stricter

<sup>494</sup> Porter, S., 'Serbian female investigative journalists continue to face growing harassment', Poynter, 5 July 2022.

<sup>495</sup> Balkan Investigative Reporting Network, 'Women in Balkan Media 'Must Speak Out' Against Sexual Harassment', BIRN, 28 October 2021.

Patriarchal mentalities, traditional values and deep-rooted gender roles dominate Western Balkan societies. These social and cultural norms continued to perpetuate various forms of GBV throughout the reporting period, including violence against WHRDs, despite existing solid legal and policy framework on gender equality and against GBV, considering this legislation does not protect WHRDs against these specific forms of violence.

Kvinna till Kvinna continues to track incidents and attacks on WHRDs in the Western Balkans on an annual basis. The purpose of this chapter of *Women's Rights in Western Balkans* is to report on

these incidents and provide updates from previous editions of the report on ongoing proceedings, where possible. This list is not an exhaustive list and does not claim to encompass all attacks on WHRDs, WCSOs, and women journalists. The cases in the report have been selected to highlight and contextualise the concerning rate of shrinking space for activism and the gendered attacks on WHRDs, activists, and journalists in the Western Balkans. It also highlights and monitors recurring attacks against well-known activists in the Western Balkans, which are not isolated events, rather ongoing and long-term.

## ALBANIA

During the reporting period Albania regressed on the Freedom House ranking<sup>496</sup> where HRDs experienced further shrinking of the civic space and funding difficulties while still being targeted by harassment and intimidation, offensive media campaigns and defamation lawsuits.<sup>497</sup>

Digital violence, in the form of intimidation, insults and sexual harassment in the cyber sphere, remained the dominant form of aggression towards women WHRDs during the reporting period, especially those working on LGBTQI+ rights, although physical assaults occurred as well. Hostility against WHRDs was present in traditional media, online media and on social platforms. Hate speech against women in general reached high intensity over the reporting period, contributing to the shrinking space for women's rights and LGBTQI+ rights advocates and activists. The sexist and misogynistic discourse was mostly generated by journalists/media, politicians and celebrities, then such content was further spread through online media where hate speech peaked in the comment sections. Abusive speech against women is expressed both in words and visually, through images, memes and videos.<sup>498</sup>

Hate speech against the LGBTQI+ community was pervasive, particularly in online media, and reached a pinnacle in June 2021, reaching almost all media headlines during the public discussion around legislative changes to introduce the terms "parent 1/parent 2" next to the terms "mother/father" in official forms.<sup>499</sup> This was quickly spun as a fake news that LGBTQI+ activists are lobbying for replacing and removing the terms "mother/father" with this new terminology, which was interpreted as an attack on traditional families. Albanian media largely contributed to stimulating the climate of hatred

against the sexual minorities.<sup>500</sup> LGBTQI+ CSO Aleanca filed three separate complaints with the Commissioner for Protection from Discrimination against Akil Pano, a well-known and publicly influential Evangelist pastor and leader of the Albanian Coalition for the Protection of the Family, Marsela Leki, a psychologist, and Berta Tafani, a journalist for their discriminatory, insulting and harmful language used in different television shows that could have detrimental effect on the lives of LGBTQI+ individuals, activists and their families.<sup>501</sup> On June 15<sup>th</sup>, 2021, an alternative news portal on human rights, Historia-ime.com, sent an open letter to the Union of Albanian Journalists, Albanian Media Council and Audio-visual Media Authority to express concern on how the "invention of groundless news and the use of sensational titles, misdirected the audience, creating dozens of fake news articles with very damaging consequences for the LGBTQI+ community, which were followed by hate, threats and defamation toward LGBTQI+ activists, their family members, and LGBTQI+ supporters in social networks".<sup>502</sup> In the open letter, Historia-ime.com asked these institutions for a detailed analysis and public response to the portrayal of the LGBTQI+ community by traditional and online media.<sup>503</sup> Within days the Albanian Media Council and the Alliance Against Hate<sup>504</sup> condemned the use of hate rhetoric in media and online, expressed their support to the LGBTQI+ community and activists.<sup>505</sup> In November 2021 the Commissioner for Protection from Discrimination issued a decision condemning the Evangelic pastor for discriminatory hate speech. In December 2021 Albania adopted a new National Action Plan for LGBTI People, 2021-2027.<sup>506</sup> It is of note that the previous Action Plan which expired in 2020 made no tangible impact on improving the situation of the LGBTQI+ community.<sup>507</sup>

<sup>496</sup> From 66 in 2021 to 67 in 2022.

<sup>496</sup> Freedom House, 'Nations in Transit 2022: Albania', Freedom House, 2022, (accessed 11 October 2022).

<sup>496</sup> Hysa, D., and Lani, K., *Monitoring Report on Hate Speech in Albania*, Albanian Media Institute, 2022.

<sup>496</sup> Taylor, A., 'Albanian Media Council and Alliance Against Hate: Hate Speech Leads to Hate Crimes', Exit News, 18 June 2021, Crime.

<sup>500</sup> *Ibid.*

<sup>501</sup> Aleanca LGBT, 'Open Letter: Those Who Sow Hatred Cannot Be Champions Of Freedom of Speech', Exit News, 14 September 2021, Perspectives.

<sup>502</sup> Redaksia, 'Open Letter to Journalists and Media in Albania', Historia Ime, 15 June 2021.

<sup>503</sup> *Ibid.*

<sup>504</sup> "No Hate Alliance" was established in 2019 comprising of the People's Advocate; the Commissioner for Protection from Discrimination; the Audio-visual Media Authority and the Albanian Media Council.

Council of Europe, "'No Hate Alliance': a joint approach against discrimination and hate-speech', Council of Europe, 17 January 2020, Newsroom; Mariglen, 'Statement against Hate Speech against LGBTI Activists', Commissioner for Protection from Discrimination, June 19 2021.

<sup>505</sup> Taylor, A., 'Albanian Media Council and Alliance Against Hate: Hate Speech Leads to Hate Crimes', Exit News, 18 June 2021, Crime.

<sup>506</sup> Council of Europe, *National Action Plan for LGBTI People 2021-2027*, Council of Europe, 2021.

<sup>507</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *Albania 2021 Report*, European Commission, 2021, p. 34.

During June and July of 2021, prominent LGBTQI+ activist Xheni Karaj received numerous death and rape threats<sup>508</sup> after her appearance on Albanian national television, where she advocated for the right of a lesbian couple to be legally recognised and registered as mothers of their twin daughters.<sup>509</sup> As a public figure and well-known LGBTQI+ rights activist in Albania, Karaj has been the target of many attacks throughout the duration of her career.

The media landscape during the reporting period in Albania has been harmful to civil society, and attacks on journalists did not decline. In 2022, Albania continued the deteriorating trend, and dropped dramatically on the World Press Freedom ranking from the 83<sup>rd</sup> position in 2021, to 103<sup>rd</sup> in 2022.<sup>510</sup> Physical integrity of the journalists continued to be jeopardised and verbal attacks, intimidation tactics and smear campaigns remain a serious concern, the latter more often targeting women journalists.<sup>511</sup> The reported attacks against journalists have not resulted in any final convictions at the time of writing this report.<sup>512</sup>

## BOSNIA AND HERZEGOVINA

During the reporting period, the media freedoms and the civil society environment deteriorated according to the 2022 *Freedom House Nations in Transit and World Press Freedom* ranking. (W)HRDs continued to experience violence and threats of violence, harassment and verbal abuse, especially WHRDs working on issues such as women's rights, rights of migrants, environmental issues and LGBTQI+ rights. While the Sarajevo Pride marches in 2021 and 2022 were held without incidents, activist organisations reported a dramatic increase in online hate speech, threats and calls to violence against LGBTQI+ community around the events of Pride Month and the Pride Parade.

Journalists continued to experience violence, harassment and threats, including death threats, with gender-based attacks and pressure against journalists being on the rise since 2019.<sup>513</sup> In its resolution on the adoption of the EC's 2021 *Report on Bosnia and Herzegovina*, the European Parliament deplored the continued failure of the state to

safeguard media freedom, noting specifically the increase in attacks on women journalists.<sup>514</sup>

On September 17th, 2020, unidentified individuals violently threatened WHRD Zehida Bihorac on a country road outside of her hometown Velika Kladuša, after filming her and pursuing her in their vehicle. This incident is not an isolated one; since the beginning of August 2020, Bihorac has been facing intensifying smear campaigns and threats from Facebook users from her region for her work in providing humanitarian aid to refugees and migrants.<sup>515</sup>

On January 22<sup>nd</sup>, 2021, activist, journalist and researcher Nidžara Ahmetašević who reports on the situation of migrants and refugees in BiH, reported to police the months-long gendered online harassment on social media and the threatening messages she had been receiving from unknown men.<sup>516</sup> For many years, Ahmetašević has experienced harassment and threats in many

<sup>508</sup> Skouen, M. W., and Thomassen, L., *Albania: Investigate threats against Xheni Karaj*, Norwegian Helsinki Committee, 17 June 2021.

<sup>509</sup> Erebara, G., *Albania Activists Back Lesbian Couple's Battle to Register Twins*, Balkan Insight, 10 June 2021, News.

<sup>510</sup> Reporters Without Borders, *Albania*, Reporters Without Borders, 2022, (accessed 11 October 2022).

<sup>511</sup> Taylor, A., *The Struggles of Albania's 30-year-old media landscape*, International Press Institute, 1 September 2015, Newsroom.

<sup>512</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *Albania 2021 Report*, European Commission, 2021, p. 6.

<sup>513</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *Bosnia and Herzegovina Report 2021*, European Commission, 2021, p. 27.

<sup>514</sup> European Parliament, European Parliament resolution of 6 July 2022 on the 2021 Commission report on Bosnia and Herzegovina, European Parliament, 2022.

<sup>515</sup> Front Line Defenders, *Smear Campaign, Online Threats, and Harassment against Migrant Rights Defender Zehida Bihorac*, Front Line Defenders, 2020.

<sup>516</sup> Front Line Defenders, *Gendered Online Harassment and Threats against Human Rights Journalist Nidžara Ahmetasevic*, Front Line Defenders, 2021.

different forms because of her journalistic work and criticism towards the government's response to migrants and refugees crossing through BiH. In March 2021, she was arrested in Sarajevo after filming police officers who had illegally parked their vehicle. The confrontation escalated when officers approached Ahmetašević and she asked them to put on their Corona virus protection masks properly before advancing further, not to expose her to covid-19. Frontline Defenders reported on the arbitrary arrest, including that she was subject to a strip search and gendered insults before she was eventually released.<sup>517</sup>

In May 2021 the Chairman and Serbian member of the Presidency of BiH Milorad Dodik publicly accused woman journalist and political analyst Tanja Topić of being a "Quisling",<sup>518</sup> foreign mercenary and an agent of the German intelligence service on account of her critical views and criticisms towards the government.<sup>519</sup>

Environmental concerns are rising across the Western Balkans, as natural resources are sold to foreign investors, adding to the environmental degradation in the region at the expense of

industrialisation. Activists are at the forefront of attacks and threats perpetrated by investors and politicians. In BiH, the situation is much the same. In January of 2022, a video of a verbal attack on environmental activist and Director of the Aarhus Centre Emina Veljović went viral. The video was filmed in Mostar City Council during a public discussion on the mini-hydroelectric power plant Prozor-Rama. In the video, an investor of the power plant yelled profanities, insults and swear words at Veljović, including sexist remarks about her physical appearance.<sup>520</sup> The attack perpetrated by the investor was publicly condemned by both the OSCE and the United States Embassy in Sarajevo.<sup>521</sup>

At the time of writing this report, Radio-Television Republika Srpska Nataša Miljanović Zubac, who has been the target of convicted war criminal Vojislav Šešelj's rumours and smear campaigns in the past, had experienced other serious threats to her life and livelihood. On the night between June 15<sup>th</sup> and 16<sup>th</sup>, 2022, the journalist's car was set on fire while parked in the front yard of her home. The case was reported to the police but to date there is no available information on the outcome of the police investigation at the time of writing this report.<sup>522</sup>

<sup>517</sup> Radio Slobodna Evropa, 'Nidžara Ahmetašević nakon hapšenja: Godinama trpim torturu policije', Voice of America, 8 March 2021.

<sup>518</sup> In reference to Vidkun Quisling, Norwegian military officer and Nazi collaborator during World War II. Quisling, colloquially, is a derogatory term for a person who betrays their own government.

<sup>519</sup> O Kanal, '(VIDEO) Nakon Dodikovih uvreda na račun Tanje Topić reakcije javnosti: Na ovakav način osobama se stavlja meta na čelo', O Kanal, 25 May 2021.

<sup>520</sup> Share Monitoring, 'Bosnia and Herzegovina', B.I.R.D., Data, 2022, (accessed on 12 October 2022).

<sup>521</sup> US Embassy Sarajevo, 'We join @OSCEBiH in condemning the verbal attack on Aarhus Center Director Emina Veljovic...', Twitter, 21 January 2022, [https://twitter.com/USEmbassySJJ/status/1484477060039032837?s=20&t=IXHxTt\\_icedmt1N19W\\_ZOg](https://twitter.com/USEmbassySJJ/status/1484477060039032837?s=20&t=IXHxTt_icedmt1N19W_ZOg), (accessed on 12 October 2022).

<sup>522</sup> Ničić, A., 'Policija već deset dana štiti dom novinarka iz Trebinja', Cenzolovka, 22 July 2022, Region.

## KOSOVO

Dominant traditional, patriarchal norms and values are still creating social and institutional obstacles for the work of (W)HRDs, especially those working on gender equality, GBV and LGBTQI+ rights. Increased violence against women, including two femicides in 2021 sparked several protests by women throughout the country. WHRDs demanded swift justice for the victims, and advocated for the government to treat GBV as a national priority.<sup>523</sup> In this reporting period LGBTQI+ persons and activists continued to be targeted by hate crime and hate speech, predominantly on social media, but adequate institutional response and protection was still lacking.<sup>524</sup> The first empirical research report on hate speech in Kosovo media revealed that, while hate-infused articles on ethnic minorities are the most frequent ones, abusive language against LGBTQI+ communities were the most violent, often calling for murders.<sup>525</sup> Such reporting creates an atmosphere where violence against LGBTQI+ activism is normalised, greatly contributing to shrinking space for civil society and activism in Kosovo. To illustrate this point, in 2021 three cases of violence against LGBTQI+ persons were documented. Attacks were reported to the police who further referred the cases to the Prosecutor's Office.<sup>526</sup>

After generating national and international visibility and support for her struggle, in October 2021, Austrian hydropower company Kelkos Energy withdrew<sup>527</sup> a defamation lawsuit filed in June 2020 against activist Shpresa Loshaj from the environmental conservation organisation "Pishtarët". Because she was publicly criticising the company's hydropower projects in the country's national park and their negative environmental impact, the company filed a lawsuit claiming 100,000 EUR in damages, accusing her of reputational harm by deliberately making false accusations against the

company.<sup>528</sup> Over the years, SLAPP litigation was on the rise, used as a tactic to intimidate and exhaust critical voices against the government or large-scale companies, but mostly directed at journalists who, unlike WHRDs, have their media companies and/or media associations to provide financial and legal support in such proceedings. Therefore, Loshaj's case, as an activist targeted by a large company, is particularly worrying for the development of the security of WHRDs in the region.

In April 2021, during a television show on the channel RTK Sports, woman journalist Qëndresa Krelani was verbally attacked by her guest, a football coach who told her: "You in journalism can only stack newspapers, or clean something, but commenting football in this way, no.... you are not on my level, this is not journalism, starting from your appearance."<sup>529</sup>

The Association of Journalists of Kosovo and Association of Sports Journalists condemned the use of sexist and offensive language against women journalists, while Disciplinary Committee of the Football Federation of Kosovo initiated disciplinary procedure against the football coach.<sup>530</sup> In the Western Balkans, it is common for women journalists who write critically of the government or investigate/ uncover corruption, fraud, or unlawfulness at the state level, to be at high risk of attack. In this instance, though Krelani is a sports journalist and commentator, she is nonetheless exposed to sexism, gender-based discrimination and gendered violence in much the same way as many women journalists, regardless of field of expertise, because of her gender. Similarly, in April of 2022, Beta Hoti, a journalist of online portal "Periskopi", was subjected to offensive and demeaning language at a press conference by the Minister of Interior after being asked on nepotistic employment of family members in government institutions.<sup>531</sup>

<sup>523</sup> Kosovo Civil Society Organisations, *Civil Society Report on Human Rights in Kosovo in 2021*, Kosovo Civil Society Organisations, 2022. Civicus, 'Investigation into Police Conduct at Opposition Party Protest; Several Other Protests Staged', Monitor Civicus, 8 September 2021, Latest Developments.

<sup>524</sup> Kosovo Civil Society Organisations, *Civil Society Report on Human Rights in Kosovo in 2021*, Kosovo Civil Society Organisations, 2022, p. 61.

<sup>525</sup> Junuzi, V., *Research on Hate Speech in Kosovo Media 2019/2020*, Pristina, 2021, p. 29.

<sup>526</sup> Bureau of Democracy, *Human Rights and Labor, Kosovo 2021 Human Rights Report*, United States Department of State, 2021, p. 36.

<sup>527</sup> Amnesty International, '*Kosovo: Baseless lawsuits against environmental activists dropped in victory for freedom of expression*', Amnesty International, 20 October 2021, News.

<sup>528</sup> Mari, C., '*Shpresa Loshaj: Now is the time for me to speak up more*', Kosovo 2.0, 23 February 2021, One-On-One Environment.

<sup>529</sup> Association of Journalists of Kosovo, '*AJK: FFK Must take actions compared to the sexist language of Tahir Batatina towards the journalist Qendresa Krelani*', AJK, 12 April 2021, News.

<sup>530</sup> Halili, D., '*We are barely scratching the surface of sexism in the media*', Kosovo 2.0, 16 April 2022, Perspectives Media.

<sup>531</sup> Association of Journalists of Kosovo, '*Denigrating language towards journalist Besarta Hoti*, Pristina', AJK, 15 April 2022, Cases.

In November 2021 a journalist at Kanal10, Albulena Rexha, was attacked by local protesters while reporting live from Mitrovica. The Association of Journalists of Kosovo expressed their concern that, when reporting from northern Kosovo where multi-decade ethnic tensions still exist, journalists are frequently attacked by local protesters, who have even gone so far as to throw explosive devices at them.<sup>532</sup>

There is a rising tendency of law enforcement mechanisms and other state institutions to discipline activists through fines and other sanctions, with two stark examples from 2022.<sup>533</sup> In January 2022 two judges of the Court of Gjilan filed a defamation lawsuit against CSOs Kosovo Law Institute (KLI) and Center for Information, Criticism and Action (QIKA) for criticising one of their judgments as sexist. Namely, two plaintiffs were members of the three-judge panel which had previously acquitted five men accused of raping a 19-year-old woman on the grounds that it was the victim's/survivor's fault. KLI, in a television programme, analysed the sexist narrative of the judgment. In response, QIKA organised a protest in front of the Kosovo Judicial Council demanding

accountability of the judges involved. As a result of the CSOs' actions and advocacy, the President of the Supreme Court initiated a disciplinary procedure against the members of the judicial panel that deliberated the decision. Weeks later, two of the three judges from the panel took legal action against the activists: KLI was sued for the television programme that informed the public about the verdict and that criticised the three members of the trial panel for the judgment, and QIKA was sued for protesting at the Kosovo Judicial Council.<sup>534</sup>

Another example of law enforcement mechanisms sanctioning activists took place following the nationwide protests organised by WHRDs and held on August 31st and September 5th, 2022, as a public outcry against the rape of an 11-year-old girl by five men. Several of the women activists were sanctioned for their political protest: seven WHRDs faced misdemeanour charges and eight fines. They were charged with disregard for legal order and disturbing public peace for disrupting the conference of the Kosovo Judicial Council by whistling during the speech of the head of the Judicial Council.<sup>535</sup>

<sup>532</sup> Association of Journalists of Kosovo, *Attack towards journalist Albulena Rexha*, North Mitrovica', AJK, 13 November 2021, Cases.

<sup>533</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>534</sup> Kika, R., *'Judges' lawsuit against activists an attempt to silence criticism'*, Kosovo 2.0, 8 March 2022, Perspectives Justice.

<sup>535</sup> Sijarina, L., *'Disciplining feminist activism through fines'*, Kosovo 2.0, 21 September 2022, Perspectives Activism.

## MONTENEGRO

In Montenegro, WHRDs' work continued to be hindered by dominant conservative structures in politics and society at large. Women in politics and women public figures experienced a rise in smear campaigns, hate speech and "instrumentalisation of GBV".<sup>536</sup> Women politicians faced misogynistic insults and death threats.<sup>537</sup> LGBTQI+ activists were exposed to online harassment and abuse. The CSO LGBT Forum Progress reported on filing more than 60 complaints of hate speech and verbal abuse with the police, during the first eight months of 2021.<sup>538</sup> Verbal and physical attacks against journalists persisted, including increased instances of digital violence affecting many women journalists. Little progress has been made to ensure safety of the journalists. Ineffective investigation and prosecution of previous cases of attacks perpetuated threats to the security of journalists.

Olivera Lakić, the investigative journalist who was shot and injured in 2018 as reported in previous editions of the *Women's Rights in Western Balkans*, faced another murder attempt in December 2020.<sup>539</sup> Two suspects were arrested for planning an assassination. Even though the police had identified several perpetrators in relation to the 2018 attack, formal criminal charges have not been raised.<sup>540</sup>

In August 2021 the President of The Center for Investigative Journalism of Montenegro and anti-war activist Milka Tadić-Mijović was verbally attacked

in the evening hours at a supermarket parking lot by an unknown man who approached her, yelled insults on account of her work, and threatened her, including death threats. The perpetrator was identified, charges were pressed against him and in October 2021 he was sentenced to three months imprisonment for endangering the safety of a journalist.<sup>541</sup>

In November 2021, in multi-ethnic and multi-confessional town Pljevlja, peace, women's and migrants' rights activist Sabina Talović, from the CSO Bona Fide, was attacked on the street while recording a video of a man waving the Serbian flag and singing nationalistic songs in the centre of the town and in front of the mosque. He first shouted violent and discriminatory verbal insults followed by threats on the account of Talović's Bosniak ethnicity and then physically attacked her. None of the passers-by came to Talović's rescue. A police officer who intervened was also attacked. The perpetrator is known in the local community as a propagator of Serbian nationalistic ideology. He was quickly arrested by the police and detained in custody. It was only after pressure from CSOs<sup>542</sup> that criminal charges, originally for attacking an officer, were extended to include hate crime against Talović. In May 2022, the perpetrator was sentenced to mandatory hospitalisation in a psychiatric facility for committing criminal offence instigating ethnic hatred and intolerance.<sup>543</sup>

<sup>536</sup> EU Directorate-General for Neighbourhood and Enlargement Negotiations, *Montenegro Report 2021*, European Commission, 2021, p.34.

<sup>537</sup> Bureau of Democracy, Human Rights and Labor, *Montenegro 2021 Human Rights Report*, United States Department of State, 2022, p. 40.

<sup>538</sup> *Ibid.*, p.49.

<sup>539</sup> CFWIJ, '*Montenegro: CFWIJ Calls Upon The Police To Arrest The Suspects Behind The Assassination Attempt Of Journalist Olivera Lakić*', CFWIJ, 25 December 2020.

<sup>540</sup> Bureau of Democracy, Human Rights and Labor, *Montenegro 2021 Human Rights Report*, United States Department of State, 2022, p. 18-19.

<sup>541</sup> Tumm, '*Other threats to journalists, Milka Tadic Mijovic, Podgorica*', Safe Journalists, 28 July 2021.

<sup>542</sup> Analitika, '*HRA: Istražiti i kvalifikovati napad iz mržnje na aktivistkinju Sabinu Talović*', Portal Analitika, 11 Februar 2022.

<sup>543</sup> Četković, J., '*Lekoviću izrečena mjera obaveznog psihijatrijskog liječenja zbog izazivanja nacionalne, rasne i vjerske mržnje*', Vijesti, 13 May 2022.

## NORTH MACEDONIA

There have been no visible or legislative improvements in the situation of WHRD in the country in 2021 and at the time of writing this edition of *Women's Rights in Western Balkans* in 2022. Gender stereotyping and misogynistic, homophobic and transphobic narratives continue to dominate public discourse. Women in public life are more exposed to attacks, particularly in digital space.<sup>544</sup> There has been an increase in hate speech on social platforms and online media. Lack of proper institutional response to verbal and physical attacks on human rights activists, journalists and to GBV in general remains a serious concern.

In September 2022, two WHRDs<sup>545</sup> were physically attacked during a protest in Skopje against GBV, an event organised in support of protests taking place in Kosovo to condemn the rape of an 11-year-old girl in Prishtina. A woman sustained injuries to the head.<sup>546</sup> Subsequently the perpetrator had been identified and arrested.<sup>547</sup>

In November 2021, activists gathered in front of the Public Prosecutor's Office to protest against passivity and indifference into investigation of series of attacks against LGBTQI+ individuals dating back to 2012 and 2013, including the demolition of an LGBTQI+ community centre in Skopje.<sup>548</sup> In recent years, the lack of effective action by authorities in response to the two "Public Room" cases, the first one appearing in 2020 and re-emerging in 2021, where explicit and private content concerning many women and girls were distributed to thousands of users via the communication platform Telegram, sparked feminist protest against the government's failure to adequately address sexual harassment against women (see also: "In-focus: Digital violence").<sup>549</sup>

Hate speech against LGBTQI+ communities were particularly on the rise around the Skopje Pride Parade, even prompted by government officials such as one minister who publicly described LGBTQI+ persons as "immoral" and "unhealthy".<sup>550</sup> Data show that social tensions and violence tend to rise around the time of Pride events. Between June and August 2021, 97 instances of hate speech were reported on the online platform govornaomraza.mk which makes two thirds of the total number of complaints received at the same period. Comparatively, throughout the rest of 2021, the same platform recorded 216 cases of hate speech on the grounds of sexual orientation and gender identity (42% of all reports). CSO Subversive Front – Association for Sexual and Gender Minorities, filed 35 criminal complaints but received a response from the Public Prosecutor's Office only in relation to eight criminal complaints.<sup>551</sup> Similarly, in June 2021 after the Skopje Pride Parade one participant was physically assaulted on the grounds of sexual orientation. The case was reported to the police and qualified as hate crime, however no information is available on the further prosecution of the case.<sup>552</sup>

As a recognised activist and civil society leader, Executive Director of the CSO Coalition Margins, Irena Cvetkovik is the target of violent harassment and threats on a regular basis, placing her and her family in danger. During this reporting period, Cvetkovik has seen her messages being twisted and used to fuel anti-gender discourses, as well as been exposed to continuous online harassment and intimidation, mostly coming from the anti-gender movement. She continually received threats and abusive messages, some involving her family members as well.

<sup>544</sup> EU-Directorate-General for Neighbourhood and Enlargement Negotiations, *Montenegro Report 2021*, European Commission, 2021, p. 33.

<sup>545</sup> Radio MFO, 'Platforma za rodova ednakvost: Stavete kraj na rodovo baziranoto nasilstvo vrz ženite', Radio MFO, 2 September 2022.

<sup>546</sup> MKD, 'Žena napadnata i povredena na protestot protiv nasilstvoto vrz ženite i devojčinjata', MKD, 1 September 2022.

<sup>547</sup> Information shared with Kvinna till Kvinna by Partner Organisation from North Macedonia.

<sup>548</sup> Bureau of Democracy, Human Rights and Labor, *North Macedonia 2021 Human Rights Report*, United States Department of States, 2022, p. 43.

<sup>549</sup> Gagovska, E., 'Macedonian Feminists Demand Justice for 'Public Room' Victims of Online Sexual Harassment', Women's Media Center, 19 March 2021, Siege.

<sup>550</sup> Bureau of Democracy, Human Rights and Labor, *North Macedonia 2021 Human Rights Report*, United States Department of States, 2022, p. 42.

<sup>551</sup> ILGA-Europe, *LGBTI Enlargement Review 2021*, ILGA-Europe, 2022, p. 28.

<sup>552</sup> Bureau of Democracy, Human Rights and Labor, *North Macedonia 2021 Human Rights Report*, United States Department of States, 2022, p.42-43.

Another organisation where staff are faced with ongoing harassment is the organisation Health Education and Research Association (HERA). Throughout 2021, HERA and their staff were repeatedly targeted by smear campaigns on social media due to their work on reproductive health and advocacy towards introducing comprehensive sexual education in schools.<sup>553</sup> Online harassment was triggered by local government representatives, different anti-gender groups and in some cases, even actors within civil society. One particular attack was verbal harassment and threats, sent directly to the Executive Director's private mobile number.<sup>554</sup> In 2021 HERA brought a defamation lawsuit before the Skopje Basic Civil Court against the organisation "Od nas za nas" ("For Us By Us") for deliberately publishing false information about HERA's work on social media. In February 2022 "Od nas za nas" was found liable for defamation, and ordered removal of false information from their social media accounts.<sup>555</sup> The verdict is a welcome development in the court system, and ought to set a precedent for

other cases of attacks on WHRDs and (W)CSOs. Even in 2022, the attacks on HERA continued. In January 2022, one of HERA's staff members was verbally attacked by an unknown man in one of their Skopje-based youth centres for sexual and reproductive health. The man was calling her "Soros c\*\*t" and threatening to set her and the youth centre on fire if she contacted the police.<sup>556</sup>

During the reporting period, journalists reportedly experienced less violence and threats which is compatible with the World Press Freedom Index ranking where North Macedonia made considerable progress from 90<sup>th</sup> position in 2021 to 57<sup>th</sup> ranking in 2022.<sup>557</sup> Despite this favourable trend, online harassment and intimidation against journalists was on the rise. Out of documented five attacks in 2021, three were against women journalists. The institutional response into investigation and prosecution of previous attacks on journalists remains unsatisfactory.<sup>558</sup>

<sup>553</sup> The Kvinna till Kvinna Foundation, *The anti-gender movement – a threat to sexuality education*, Kvinna till Kvinna, 1 June 2022.

<sup>554</sup> HERA, *Minatata nedela izvršniot direktor na HERA Bojan Jovanovski dobi voznemiruvачka poraka na svojot ličen broj od lice od Avstralija...*, Facebook, 9 May 2022.

<sup>555</sup> HERA, *The Basic Civil Court ruled: "Od nas za nas" is liable for defamation of HERA*, HERA, 31 March 2022.

<sup>556</sup> HERA, *HERA alerts: Lies and hate speech online turned into a real-life assault and a life threat for HERA employees*, HERA, 14 January 2022.

<sup>557</sup> Reporters Without Borders, *North Macedonia*, Reporters Without Borders, 2022, (accessed on 12 October 2022).

<sup>558</sup> Spirovski, M., and Kalanoska, B. N., *SERVERNA MAKEDONIJA Pokazатели za stepenot na sloboda na mediumite i za bezbednosta na novinarite 2021*, Skopje, Association of Journalists of Macedonia, 2022.

## SERBIA

In 2021 and 2022 international stakeholders reiterated their concern over the hostile environment against (W)HRDs in Serbia. During the reporting period, there were no indications that the trend of democratic backsliding and shrinking space for CSOs was improving. In February 2022 the UN Committee on Economic, Social and Cultural Rights (CESCR) noted that activists are regularly exposed to direct attacks and online harassment<sup>559</sup> both by non-State and State actors. Similar safety concerns were expressed in the 2021 EC Country Report for Serbia, noting that HRDs continue to experience hate speech, violence, and threats.<sup>560</sup> Indeed, public and internal records compiled by various domestic CSOs for the reporting period demonstrate that serious attacks on HRDs continued in Serbia, with a particularly worrying degree against WHRDs. Environmental protests across the country against lithium mines and the highly unpopular draft law on expropriation marked 2021 and 2022 with more women activists being at the forefront and organising the environmental movement.<sup>561</sup> While environmental activists and journalists reporting on the protests were exposed to increased and immense levels of hostility and threats during the reporting period, certain social issues such as transitional justice, accountability for war crimes, and LGBTQI+ rights continued to incite violence against WHRDs and women's rights CSOs. Physical assaults, threats to safety, violation of dignity, stalking, intimidation tactics and destruction of property, committed typically by right-wing nationalist hooligans and neo-Nazi groups, became frequent and repetitive over the years, resulting in the normalisation of violence against WHRDs and the work of women's CSOs. Similarly, online harassment and intimidation, as well as serious threats to life and physical safety of women journalists continued to be on the rise during the reporting period. More women journalists are at the forefront of investigative journalism in Serbia, making them more exposed to attacks than their men colleagues.<sup>562</sup> The majority of attacks against women journalists were sexual harassment (54%) and of misogynist and sexist nature (in 71% of the cases).<sup>563</sup>

In September 2021, during Belgrade Pride Week, several incidents occurred against activists from LGBTQI+ communities, including property damage. Pride Week banners were destroyed and the entrance to the premises where one of the Pride events were taking place, were vandalised and urinated on. The perpetrators of this attack were part of the neo-Nazi organisation "Levijatan". On September 18th, 2021, during the Pride Parade, a young (minor) girl activist was physically attacked by an older man, who took her Pride flag out of her bag and hit her on the head and neck with his fists. At the same event, one activist from Azerbaijan and Kosovo respectively experienced physical attacks and verbal abuse by right-wing hooligans, reporting that even though police were in the immediate vicinity, they watched the incident but did nothing to protect the activists.<sup>564</sup>

In October 2021 several WHRDs and activists were prevented from attending a conference organised by Dragan Vasiljković, a convicted war criminal, and Pavle Bihali, a leader of "Levijatan", in the press centre of the Journalist's Association of Serbia. The purpose of the event was to advocate for a pardon of a man convicted for the 2003 assassination of the late Prime Minister Đinđić. The activists, including well-known and long-time peace activist Nataša Kandić, who herself faces numerous attacks and threats annually as reported in previous editions of the report, were stopped at the entrance by "Levijatan" members who were insulting and threatening them.<sup>565</sup>

The premises of the feminist, anti-militarist peace organisation Women in Black (WiB) were once again vandalised in October of 2021. Unknown perpetrators sprayed on the front door "Whores in Black" and the name "Ratko Mladić". Given that the police took no steps into discovering the identity of the perpetrator/s, in December 2021 WiB filed a criminal complaint with the Public Prosecutor's Office against unknown persons. Within two days, the Public Prosecutor's Office rejected the criminal complaint on grounds that the incident did not significantly endanger the peace of citizens. The

<sup>559</sup> The Committee on Economic, Social and Cultural Rights, 'Experts of the Committee on Economic, Social and Cultural Rights Commend Serbia on its Health Care System, Ask about Progress in Preventing Forced Labour and Protecting Human Rights Defenders', *United Nations Office of the High Commissioner for Human Rights*, 23 February 2022, press release, p. 2.

<sup>560</sup> EU-Directorate-General for Neighbourhood and Enlargement Negotiations, *Serbia Report 2021*, European Commission, 2021, p. 37.

<sup>561</sup> Žene za prirodu i životnu sredinu, 'I razum i osećajnost – Ko su žene u ekološkom pokretu u Srbiji', Polekol, 8 March 2022.

<sup>562</sup> Porter, S., 'Serbian female investigate journalists continue to face growing harassment', Poynter, 5 July 2022.

<sup>563</sup> Djuric, R., and Jovic, N., *Online Attacks on Female Journalists*, Independent Journalists' Association of Serbia, 2021, p. 6.

<sup>564</sup> First-hand experience shared with Kvinna till Kvinna.

<sup>565</sup> Radio Slobodna Evropa, 'Aktivistima zabranjen ulaz na konferenciju o pomilovanju Đinđićevog ubice', Radio Slobodna Evropa, 22 October 2021.

following month, the entrance of WiB workspace was again vandalised with slogans such as “Ratko Mladić hero”, “Staća traitor”,<sup>566</sup> “Wh\*res in Black”, “F\*\*k antifa” sprayed on the door and walls.<sup>567</sup> In July 2022, the month that marks the anniversary of the Srebrenica genocide, the WiB office space was vandalised for a third time during this reporting period with red paint by an unidentified perpetrator who entered the building by posing as a postal worker. As a peace organisation, WiB advocates for accountability for war crimes committed during the wars of the 1990s, which puts them at serious risk of threats and attacks.

On November 9<sup>th</sup>, 2021, human rights activists Jelena Jaćimović and Aida Ćorović were under police arrest for throwing eggs at the mural of the war criminal Ratko Mladić in the Belgrade city centre.<sup>568</sup> They were arrested with the use of physical force by ununiformed police officers who refused to identify themselves. Jaćimović was harassed and intimidated the same night upon her release from police detention. Previously, the Ministry of Interior denied permission to the CSO Youth Initiative for Human Rights (YIHR) to organise, in the context of International Day against Fascism and Antisemitism, a gathering of local and regional activists to repaint the mural. Days later, on November 13<sup>th</sup>, human rights activists gathered under the slogan “The Mural Must Fall” against the glorification of war criminals and the protection of such glorifying murals by the state authorities, and the arrest of Ćorović and Jaćimović.<sup>569</sup> At the same time, a group of far-right supporters gathered to protect the mural. Due to safety reasons, the peaceful protest walk was cancelled. After the protest, an activist from WiB was followed home by Mladić’s supporters, who wrestled the banner from the activist, set it on fire, and released a video of the banner burning on social media. The protest against the mural sparked a series of violent events and attacks against (W)CSOs

and activists for weeks and months following the initial protest. The office space of the YIHR was vandalised twice within a five-day timespan: on November 11<sup>th</sup> and 16<sup>th</sup>. The door and front windows were sprayed with slogans glorifying war criminal Ratko Mladić as a national hero.<sup>570</sup> On January 3<sup>rd</sup>, 2022, Ćorović was assaulted again in the street she lives in, by an unknown young man who first followed her and then poured a bottle of soda on her head. She confirmed that a similar incident happened to her a week before while she was standing with the Dutch RTL television crew, close to the mural of Ratko Mladić in the city centre.<sup>571</sup> As a well-known peace activist, Ćorović is identifiable and often recognised, making her a prime target for Mladić supporters.

Journalist Snežana Čongradin, known country-wide for her critical reporting on the actions of the state, was physically attacked and received violent threats within the course of a few weeks. On November 25<sup>th</sup>, 2021, less than three weeks after the initial protest against the Ratko Mladić mural, she was assaulted by a member of “Levijatan” while reporting on activists’ action to cover graffiti that appeared in the Belgrade Youth Center (Dom omladine Beograda), again glorifying Mladić.<sup>572</sup> This attack took place in a month that was particularly violent for journalists and civil society; earlier that month, Čongradin herself had received numerous threats via social media by one of the managers of a Football Association of Serbia following her appearance on a television show where she expressed her views on the genocide in Srebrenica. The perpetrator sent a long series of threatening text, audio and video messages to her, including a video of him spitting on Čongradin’s face during this television appearance.<sup>573</sup> In 2022, ongoing threats of violence from other perpetrators arrived in the journalist’s inbox.<sup>574</sup>

<sup>566</sup> The words “Staća ustaša” (original in Serbian) translates to “Staća pro-fascist collaborator”, based on the term “ustaša”, a derogatory term used against Croats, dating back to the Second World War where they were part of the Axis powers of Nazi Germany. In this context, the term ustaša is used to suggest that the Director of WiB, Staća Zajović, is a traitor against the Serbian people for her peaceful activism.

<sup>567</sup> Danas, ‘Prostorije Žena u crnom ponovo napadnute’, Nova, 29 November 2021.

<sup>568</sup> FoNet and Nova and N1 Beograd, ‘Nakon privođenja zbog gađanja murala Ratka Mladića jajima, puštena Aida Ćorović’, N1, 9 November 2021.

<sup>569</sup> Al Jazeera, ‘Aktivisti na protestu u Beogradu: ‘Mural mora pasti’’, Al Jazeera, 13 November 2021.

<sup>570</sup> YHR, ‘PONOVO GRAFITI NA INICIJATIVINOJ KANCELARIJI’, YHR, 16 November 2021.

<sup>571</sup> Grandanske Inicijative, ‘Fizički napadi na aktivistkinju Aidu Ćorović’, Platforma Tri Slobode, 13 January 2022.

<sup>572</sup> N1 Beograd, ‘Desničar udario novinarku Danasa Snežanu Čongradin na protestu kod Doma omladine’, N1, 25 November 2021.

<sup>573</sup> Danas and FoNet, ‘Tim menadžer u Fudbalskom savezu pretio novinarki Danasa Snežani Čongradin’, N1, 3 November 2021.

<sup>574</sup> Živanović, K., and Danas, ‘Nastavljaju se pretnje novinarka Danasa, ovoga puta Snežani Čongradin’, Nuns, 28 April 2022.

In July of 2022, Čongradin was the target of Vojislav Šešelj, Hague-convicted war criminal, who wrote a book titled "Mongoose from the Sandbars Snežana Čongradin". Much like the title, the book, which he promoted on a morning talk show with national frequency, attacks not only Čongradin's investigative reporting, but also her physical appearance.<sup>575</sup> Because of Čongradin's reporting on war crimes from the 1990s and the lack of accountability for acts perpetrated by Serbia, Šešelj has had her as a primary target for many years, referring to her as a traitor of the Serbian people, the patriarch, and the Serbian President.<sup>576</sup> The Independent Journalists' Association of Serbia has reacted by not only condemning Šešelj, but also the media outlets that promote a convicted war criminal's book, which serves to spread defamation and unfounded criticism.<sup>577</sup>

The year 2021 in Serbia was not only marked with rising nationalist tensions, manifested by the Mladić mural and ongoing series of incidents, but also with the aforementioned country-wide mass environmental movements. Galens Invest owner or proprietary rights, Sanja Petrić sued environmental activist Dragana Arsić for allegedly inflicting mental pain during the Novi Sad protests to protect the forests of the Fruška Gora region in northern Serbia.<sup>578</sup> Though the case has been reported as a "theatrical trial",<sup>579</sup> trials are still ongoing, and such SLAPP lawsuits are nonetheless used as a mechanism of robbing activists, in this case Arsić of their time, money and resources through lengthy court processes.

On December 17<sup>th</sup>, 2021, a warrant with a picture of Isidora Kovačević, the Editor-in-Chief of a local media outlet "Podrinske" was printed as a "WANTED" sign and posted in public spaces around the city of Šabac where she lives, including parks, streetlights, entrances to residential buildings, and parking lots. The incident was reported to the police. Kovačević

that her family members had received death threats.<sup>580</sup> This, as with all other incidents of threats, intimidation and harassment, was reported to the authorities but without any results. For her critical reporting on the local political situation, she has been a constant target<sup>581</sup> of local officials in Šabac and persons affiliated with the local government. Finally, due to denied access to public funding, Kovačević was forced to shut down the paper edition of "Podrinske" in February 2022, dismiss all staff and continue only as an online portal.<sup>582</sup>

During the reporting period, the Belgrade Pride Info Centre was vandalised on numerous occasions. In December of 2021, seven young men were recorded on the Centre's security camera, spray painting the entrance with nationalist symbols, portraits and slogans of Ratko Mladić.<sup>583</sup> In February 2022, an unknown man rushed inside the Pride Info Centre, where he started to break the office furniture and threaten employees. Security managed to remove the perpetrator and police arrested him shortly after. This was the 13<sup>th</sup> attack on the Pride Info Centre, and at the time of writing this report, there were a total of 15 attacks since it opened in 2018. On June 6<sup>th</sup>, 2022 a neo-Nazi group "Belgrader Jugend" vandalised the Centre,<sup>584</sup> and later again on August 17<sup>th</sup>, the front wall was covered in graffiti that said "Stop f\*\*\*\*\*s".<sup>585</sup> Even though the Pride Info Centre office is located only few meters from a central police station, Belgrade City Hall and state-level government institutions, an area that is largely under surveillance, still, no perpetrators were sanctioned to-date.<sup>586</sup> The Belgrade-based LGBTQI+ organisation Da se zna! monitors hate crimes against queer communities, and has reported a continual growth in the rates of these specific hate crimes in Serbia in the past five years.<sup>587</sup> A welcomed progress was made by the CC in January 2022<sup>588</sup> in a case concerning a 2015 physical attack on a man on the grounds of his perceived sexual orientation. The court established that the prosecuting authorities

<sup>575</sup> IJAS, 'IJAS: TV Pink promotes Hague defendants who attack journalists', Safe Journalists, 15 July 2022.

<sup>576</sup> *Ibid.*

<sup>577</sup> *Ibid.*

<sup>578</sup> Autonomija, 'Počelo suđenje po tužbi suvlasnice Galensa protiv aktivistkinje Dragane Arsić', Autonomija, 11 March 2022.

<sup>579</sup> 021, 'Suđenje Dragani Arsić: Novinari izbačeni jer je "neko fotografisao" suvlasnicu Galensa', 021, 17 May 2022.

<sup>580</sup> Beta, 'Novinarka sa poternice u Šapcu: Plašim se za svoju bezbednost', Danas, 20 December 2021.

<sup>581</sup> Stojanov, I., 'Sramni napad naprednjaka: „Nek dođe novinarka malo kodmene"', Nova, 4 March 2021.

<sup>582</sup> N1 Beograd, 'Podrinske ostale bez finansija: Pišemo istinito, a to ne odgovara vlasti', N1, 10 February 2022.

<sup>583</sup> Kvinna till Kvinna tracking sheet.

<sup>584</sup> Civicus, 'Protests against city plan met with violence; Pride centre targeted', Monitor Civicus, 30 July 2022, Latest Developments.

<sup>585</sup> Danas, 'Prajd info centar napadnut 15. put u poslednje tri godine', Danas, 17 August 2022.

<sup>586</sup> Radio Slobodna Evropa, 'Uhapšen muškarac koji je pretio zaposlenima u Prajd centru u Beogradu', Radio Slobodna Evropa, 18 February 2022.

<sup>587</sup> N1 Beograd, 'Kovačević: U maju dva policajca prebila gej muškarca iz čista mira, iz zabave', N1, 15 August 2022.

<sup>588</sup> The Constitutional Court of Serbia, Case No. УЖ-7951/2015 dated 27 January 2022.

violated the petitioner's rights by failure to investigate possible biased motive behind the attack, postpone criminal prosecution by applying the principle of opportunity and subsequent dismissal of the criminal complaint. What is worrying, however, is one dissenting opinion which shows that even amongst the highest judicial authority in the country, there are still voices who relativise violence based on sexual orientation, despite what is written in the Serbian legal framework.

During July and August 2022, activists of the women's rights CSO *Žene za mir* from the town of Leskovac were harassed and intimidated for publicly condemning the allocation of taxpayers' money to an organisation lead by a man convicted twice for DV, since the funds were allocated for the purpose of establishing a helpline for women victims/survivors of DV. Ljiljana Nešić, an activist and representative of *Žene za mir* confirmed that she was approached on the street eight times by seven different unknown men who threatened and intimidated her in each of those instances. For safety reasons, their women volunteers had to work from a different location. The case was reported to the police, but with little prospects of success, as an attack which occurred in Leskovac in 2016 when two women were injured to date remains unresolved.

In September 2022, Belgrade was the host of EuroPride. In the months leading up to the event, numerous protests, including religious processions against the Pride Parade took place in different cities across the country with thousands of attendees at each manifestation. Anti-LGBTQI+ campaigns on social platforms were heightened in intensity in the weeks prior to the Pride events, with activists noting a threefold increase of online threats and harassment during this period. In the atmosphere of growing pressure from the nationalist, "pro-family" and clerical groups, the Serbian President

announced the cancellation of the EuroPride Parade scheduled for September 17th. This was followed by the Ministry of Interior's official decision to ban both the EuroPride Parade and the counter-march scheduled for the same day due to security risks. The EuroPride and Belgrade Pride organisers mobilised massive support from the international political and diplomatic communities, as well as the support of LGBTQI+ activists across the Western Balkans and Europe against the ban. Though organisers succeeded in securing a shortened route through a park in central Belgrade, the Pride Parade took place in an atmosphere of violent opposition from the clerical, nationalist and right-wing groups and hooligans. Over 5000 policemen were on the streets securing the event, 10 of whom were injured in the clash with the anti-Pride protesters, of which more than 60 were arrested for violent behaviour. During the event itself there were no recorded incidents against LGBTQI+ activists and supporters, though a number of violent attacks were reported, mostly against foreign activists. When returning to their hotel after EuroPride, eight Albanian LGBTQI+ activists were physically attacked in downtown Belgrade by a group of ten hooligans. After calling for help, the police that was nearby chased away the attackers but did not arrest them; two of the activists were hospitalised.

On February 18th, 2022, Prime Minister Ana Brnabić condemned WCSO AWC on social media, after their data on femicide in Serbia were used for political a campaign against the government and ruling party. Media picked up the story and more politicians joined the digital attacks on AWC. An opposition group had manipulated data collected by AWC, citing the WCSO as the source for data in their advertisement that stated "In the past ten years that the government has been in power, 298 women have been killed as a result of domestic violence." For many years, AWC has been the leading source and organisation tracking femicides in Serbia, and

<sup>589</sup> Bjeletić, G., 'Pretnje i uvrede, „Žene za mir“ bez mira pošto su osudile davanje para nasilniku', N1, 3 August 2022.

<sup>590</sup> Martinović, I., 'Mapiranje onlajn pretnji i govora mržnje uoči Evroprajda', Radio Slobodna Evropa, 16 September 2022.

<sup>591</sup> Beta and FoNet, 'Vučić: Evroprajd neće biti održan i promene te odluke neće biti', N1, 30 August 2022.

<sup>592</sup> Radio Slobodna Evropa, 'MUP odbio žalbu, organizatori Evroprajda ne odustaju od šetnje u Beogradu', Radio Slobodna Evropa, 14 September 2022.

<sup>593</sup> Euronews Srbija, 'Podrška Europrajdu iz Evrope i SAD: Ko je sve od stranih zvaničnika najavio dolazak u Beograd', Euronews, 13 September 2022.

<sup>594</sup> Radio Slobodna Evropa, 'Diplomate pozvale na održavanje Evroprajda u Beogradu', Radio Slobodna Evropa, 15 September 2022.

<sup>595</sup> Radio Slobodna Evropa, 'Brnabić: U toku dana 64 privedenih zbog Evroprajda', Radio Slobodna Evropa, 17 September 2022.

<sup>596</sup> Đurić, V., 'LGBT aktivisti iz Albanije i Nemačke napadnuti na povratku sa Prajda', N1, 17 September 2022.

<sup>597</sup> Radio Slobodna Evropa, 'LGBT aktivisti iz Albanije traže hapšenje napadača posle Evroprajda u Beogradu', Radio Slobodna Evropa, 19 September 2022.

<sup>598</sup> Tanjug, 'Brnabić o plakatu o žrtvama porodičnog nasilja: "Nikad ništa strašnije nije viđeno u srpskoj politici"', b92, 18 February 2022.

AWC publicly condemned the abuse of their data for political purposes, stating that doing so ultimately devalues the dignity of femicide victims.<sup>599</sup> Despite the fact that AWC did not create the anti-government ad and that their data was manipulated for the purposes of the opposition group that created the ad in question, the Prime Minister neither apologised nor withdrew her previous statement.

There were 36 attacks against WiB alone in the past eight years, without any perpetrators being convicted. Despite ample evidence – police footage, witnesses, police reports, police witness testimonies, photographs, media reporting – nothing was sufficient to render criminal conviction for any of the perpetrators. In certain instances, the cases were prolonged until reaching the statute of limitation for criminal prosecution. Too often, the case would not even reach the trial; the procedure would end with the Public Prosecutor's dismissal of the criminal complaint or no activity at all. The police usually did not react adequately or entirely ignored reported incidents.<sup>600</sup> These responses are similar to police response to other reports of attacks on civil society, especially in cases of recurring attacks. Refusal to prosecute these attacks in either criminal or misdemeanour procedure, however, not only denies justice to (W)HRDs and prevents them from seeking compensation for damages, but also sends a message that violence against (W)HRD and activists is socially acceptable behaviour.

When questioned on the UN's concern about shrinking space for activism and civil society in February of 2022, the Minister of Human and Minority Rights and Social Dialogue, Gordana Čomić informed the CESCR Committee that a draft strategy for the protection of HRDs had been prepared.<sup>601</sup>

However, in February 2022, the government adopted a document named *Strategy for Creating and Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030*<sup>602</sup> (hereinafter: SCS) which in a minor part addresses the work of HRDs. In this document the government does not elaborate on or even mention the long-standing safety concerns that HRDs are facing in Serbia. Furthermore, the specific situation of WHRDs is not recognised. The government's intervention to secure a safer environment for HRDs amounted to a single measure: providing effective legal protection for the HRD but without specifying how such protection will be achieved. While welcoming the adoption of the SCS, the CESCR Committee recognised that such document does not provide sufficient protection to HRDs, urging the Serbian government to ensure that the state takes proper measures to ensure HRDs are protected and that all reported cases of intimidation, harassment and violence against HRDs are promptly and thoroughly investigated, and the perpetrators are brought to justice.<sup>603</sup> The lack of effective institutional protection of the HRDs was also raised before the European Court of Human Rights. Following a request for interim measure filed by the YIHR due to the institutional failure to protect lives and guarantee safety to their activists after being exposed to threats and violence, in December 2021, the European Court of Human Rights asked the Serbian government to provide information on the investigation into complaints of violence, whether criminal proceedings were instituted and what was being done regarding the repeated vandalism attacks on the YIHR's office.<sup>604</sup> At the time of writing this report, there was no follow-up information on this case.

<sup>599</sup> Autonomni ženski centar, 'Saopštenje za javnost: STOP ZLOUPOTREBI ŽRTAVA FEMICIDA', Autonomni ženski centar, 18 February 2022.

<sup>600</sup> Medenica, M., *Sudska hronika 36 napada - 0 osuđenih (2014. - 2021.)*, Hajke, psovke i ostalo: Dosije o napadima na žene u crnom, Žene u crnom, 2022.

<sup>601</sup> The Committee on Economic, Social and Cultural Rights, 'Experts of the Committee on Economic, Social and Cultural Rights Commend Serbia on its Health Care System, Ask about Progress in Preventing Forced Labour and Protecting Human Rights Defenders', *United Nations Office of the High Commissioner for Human Rights*, 23 February 2022, press release, p. 2.

<sup>602</sup> Government of the Republic of Serbia, *Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030*, Official Gazette of the Rep. of Serbia No. 90-291/2022-1.

<sup>603</sup> UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the third periodic report of Serbia*, United Nations Committee on Economic, Social and Cultural Rights, E/C.12/SRB/CO/3, 6 April 2022.

<sup>604</sup> YHR, 'Evropski sud obavezao Vladu Srbije da objasni nepostupanje institucija nakon napada na aktiviste Inicijative', YHR, 9 December 2021.

In contrast to these situations where safety and work of the WHRDs is dependent on the institutional protection, in cases where they rely on their own resources for protection, paradoxically WHRD have greater chances of accessing justice. Namely, feminist WCSO Impuls from Tutin launched a civil court case for discrimination against a restaurant in Novi Pazar which in 2019 refused to host a dinner for 70 participants of the regional "Festival of Female Friendship – It's A Women's Rebellion", organised by

Impuls, because the owner claimed that LGBTQI+ persons are not allowed in the restaurant. In September 2021, the Kragujevac Court of Appeal confirmed the first instance judgment which established discriminatory harassment in provision of services on the grounds of presumed sexual orientation.<sup>605</sup> This is an example of how accessing justice for WHRDs may require resources from an organisation, as neither state protection nor support exists.

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<sup>605</sup> Kragujevac Court of Appeal. Case No. Гж-1267/21 dated 23 August 2021.

## In focus: Anti-gender movement

The point of unification of the diverse group of actors that constitute the anti-gender movement is their shared opposition to what they call “gender ideology”,<sup>606</sup> which is perceived as a threat to society, traditional values, the nuclear family and democracy. The anti-gender movement ranges from Orthodox communities, the Catholic Church, other Christian religious groups, Islamists, right-wing think-tanks, political parties, civic initiatives and “concerned citizens” groups, and even governments. The anti-gender movement emerged in the late 1990s and early 2000s and has been rapidly growing since, fighting democratic tendencies and liberal values across the globe by offering an “alternative understanding of the world order”. It is a transnational, interconnected, well-orchestrated and well-funded movement rallying conservative, fundamentalist and nationalist forces that act both domestically and internationally that is present at all levels: on the streets, in social media, academia and national and multilateral institutions.<sup>607</sup> Their actions are directed against anyone being vocal about LGBTQI+ rights, gender studies, sexual and reproductive health and rights, feminism or sexual education. The most common arguments against feminism, LGBTQI+ rights and gender equality can be grouped in several categories:

- It is seen as an imported or imposed ideology;
- By nature (and by God) men and women are different yet complementary but “gender ideology” disrupts natural and God-given order of life;
- Discreditation of the scientific aspects of gender studies, labelling it as a totalitarian ideology imposed by a minority elite;
- The perceived oppression of feminists and “gender ideology” over men when equality between men and women “has already been established”.

Funding sources of the anti-gender movement are diverse and derive from the US Christian-right lobby, billionaires, to Russian oligarchs, public funding, EU sources and crowdfunding,<sup>608</sup> but the financial aspect of their projects is often non-transparent.

With regards to the Western Balkans, there is no comprehensive study on the existence and impact of the anti-gender movements at the time of writing this report.<sup>609</sup>

In the social and political context of the Western Balkans where conservative, nationalistic and patriarchal narratives have been dominating or significantly influencing the public sphere in the post-communist era, it appears that anti-gender actors have always been present and influential rather than existing on social and political margins, even at the times when political establishments in the Western Balkan countries declared themselves as liberal.

In North Macedonia the anti-gender movement became vocal in the light of the first Pride Parade in 2019<sup>610</sup> but gained tremendous momentum in 2021 when the government launched an educational reform, which among reforms such as new textbooks and teaching materials, included attention to gender sensitivity/equality and intercultural sensitivity. Reforms also aimed to introduce comprehensive sexual education in primary schools through an optional subject for children of 13 and 14 years of age, which had been advocated for over the course of several years by women's CSOs, led by HERA, and enjoyed strong support from teachers and educators.<sup>611</sup> The anti-gender movement strongly opposed these two processes, both the introduction of the educational reform and comprehensive sexual education, and mobilised mass support under the pretext of “concerned parents” who were afraid. The backlash by these groups was based on misinformation, that such a reform would sexualise the children, despite the existence of approved age-appropriate content material. Social media has been the main platform for the North Macedonian anti-gender movement, wherein several Facebook initiatives were launched, with one group gathering over 80,000 members. The anti-gender movement portrayed themselves as the “general public” and “the people” (as opposed to the “elite” feminists)<sup>612</sup> making it difficult for the

<sup>606</sup> Wittenius, M., *The transnational anti-gender movement in Europe*, Gunda Werner Institute, 2022, (accessed 12 October 2022).

<sup>607</sup> Denkowski, D., and Bernarding, N., and Lunz, K., *Power over Rights: Understanding and countering the transitional anti-gender movement*, Volume I, Berlin, Centre for Feminist Foreign Policy, 2021, p. 12.

<sup>608</sup> Griffon, L. et al., *The Fierce and the Furious: Feminist insights into the anti gender narratives and movement*, Kvinna till Kvinna, 2019, p. 8.

<sup>609</sup> The first such study was commissioned in 2022 by the BiH WCSO Cure focusing on the six Western Balkan accession countries, plus Slovenia and Croatia. CURE and Global Fund for Women, *Terms of Reference*, 2022.

<sup>610</sup> Griffon, L. et al., *The Fierce and the Furious: Feminist insights into the anti gender narratives and movement*, Kvinna till Kvinna, 2019, p.13.

<sup>611</sup> The Kvinna till Kvinna Foundation, *The anti-gender movement – a threat to sexuality education*, Kvinna till Kvinna, 1 June 2022.

<sup>612</sup> Griffon, L. et al., *The Fierce and the Furious: Feminist insights into the anti gender narratives and movement*, Kvinna till Kvinna, 2019, p.13.

government to balance between progressive reforms and populist voices. The anti-gender movement's modus operandi is fabricating and spreading false information, manipulation of facts and provoking with an intent to create fear and panic among the general public. WCSO HERA, who advocated for more than 10 years for the aforementioned introduction of sexual education in schools, has been at the frontline of the attacks by the anti-gender movement. Fake news and disinformation about HERA's sexual education pilot programme were circulated on social media. The anti-gender organisation "From Us By Us" used false images and information from other countries' textbooks to discredit and portray HERA as "a promotor of gender transformative ideology and homosexual propaganda aiming at sexualising children and gaining profit from abortion".<sup>613</sup> Ultimately, HERA was forced to take legal action and sued the organisation "From Us By Us" for defamation. The verdict ruled in favour of HERA, and "From Us By Us" was compelled by the civil court to remove false information about HERA's work from their social media accounts. This was a major win for WCSOs in North Macedonia with regards to holding anti-gender groups to account for their actions, though it is worth noting that this sort of addressal requires a significant amount of time and resources from any organisation, in this case HERA, that pursues legal action. Apart from putting its resources into a legal battle against the anti-gender propaganda, HERA had to use additional resources on a social media campaign, to mitigate the damage caused by the spreading of false information. Furthermore, they had to develop a website to counteract the attacks and raise awareness on the importance of sexual education for youth development.<sup>614</sup> The programme was piloted for the 2021/22 school year for ninth grade students. At the time of writing this report, the pilot programme is being evaluated.

Another activist group, Coalition Margins, also supported the introduction of sexual education into the formal educational system and advocated for the new educational reform. As such, Coalition Margins became a target by the anti-gender movement. Both HERA and Coalition Margins'

representatives experienced attacks aimed at discrediting them personally and not just the organisations they represent. As Irena Cvetkovikj, Executive Director of the Coalition Margins, explains: anti-gender group members spend a lot of time on social media, time that activists and CSOs need to spend on doing their work.<sup>615</sup> Another tactic by the anti-gender movement is to use divergence within the women's rights and feminist movements to push for its agenda, while weakening the movements. Irena Cvetkovikj observes that this was done for example through supporting "more conservative women's organisations, those who prefer to talk about biological sex and not gender".<sup>616</sup>

At the time of writing this report, more recent efforts of the anti-gender groups in North Macedonia were directed towards sabotaging the introduction of improved procedures for legal gender recognition. In March 2022 the government withdrew proposed amendments to the Law on Birth Registry, which were drafted with the intention of enabling trans individuals to change of their gender identity through a simplified notary procedure. While the proposal came from the leading political party, conservative and right-wing political parties, which still comprise a majority in the Parliament, strongly opposed these legislative amendments and used widespread misinformation as a tactic to falsely interpret implications and consequences of a simplified procedure for legal gender recognition.<sup>617</sup>

In Serbia, even though there are fewer references to the anti-gender movement as such, and the official term "anti-gender" is less used, it is certainly evident that there are different actors at play who essentially represent anti-gender forces. Their impact is tangible: illiberal forces either reverse liberal processes or slow down democratic progress. In recent events, after weeks of intensified anti-LGBTQI+ propaganda and demonstrations (which also went hand-in-hand with the pro-Russian propaganda), right-wing groups and political parties, alongside the Serbian Orthodox Church, pressured the government to officially ban the Pride Parade in Belgrade, as part of EuroPride, on September 17th, 2022. The "pro-family" groups registered their counter-protest on the same day, in the vicinity of

<sup>613</sup> HERA, 'Comprehensive Sexuality Education in Macedonia under attack from anti-gender movement', Astra Network, 12 February 2021.

<sup>614</sup> The Kvinna till Kvinna Foundation, 'The anti-gender movement – a threat to sexuality education', Kvinna till Kvinna, 1 June 2022.

<sup>615</sup> Zillén, E. and Pruth, C., *Solidarity is Our Only Weapon – The Situation for Women Human Rights Defenders*, The Kvinna till Kvinna Foundation, 2021, p. 29.

<sup>616</sup> Zillén, E. and Pruth, C., *Solidarity is Our Only Weapon – The Situation for Women Human Rights Defenders*, The Kvinna till Kvinna Foundation, 2021, p. 29.

<sup>617</sup> BIRN, 'North Macedonia Dismays Activists by Withdrawing Gender-Change Bill', Balkan Insight, 23 March 2022, News.

Pride Parade. Instead of guaranteeing safety, the Ministry of Interior issued a ban on both marches because of the security risks.<sup>618</sup> During a religious procession and collective public prayer which gathered thousands of “pro-family” supporters a week before the scheduled EuroPride Parade, the head of the Serbian Orthodox Church condemned EuroPride as a threat against the holiness of marriage and family, as an ideology imposed by foreigners and outside forces who, according to the Patriarch's words, “rape our reason, rape our soul”.<sup>619</sup>

Similar to events in North Macedonia, at the beginning of September 2022, the right-wing political party Dveri launched a backlash against<sup>620</sup> biology and history textbooks for higher grades in primary school because of the content on gender identity, gender equality and the LGBTQI+ movement, stating it was promoting homosexuality and “transsexuality” to minors.<sup>621</sup> They initiated a campaign for withdrawal of these textbooks in Parliament, using traditional media and social platforms, resulting in the Minister for Education's decision that the books will be re-assessed,<sup>622</sup> despite having already been approved by the Ministry.

Similar anti-gender propaganda followed the adoption of the Law on Gender Equality that came into force in June 2021 as it triggered post factum wide public debate in the Serbian society on the mandatory use of gender-sensitive language by all public institutions and media. Practically, this legislative novelty mostly meant adding female tense suffixes to male tense forms of occupation, the latter of which was the dominant norm. The debate was centred around linguistics, a identity. The groups asked for the abolition of the

traditionally conservative field of social sciences, but also around the “competition” between personal freedoms and gender equality. Many leading academics opposed the linguistic changes, including two major authorities for the Serbian language; the Committee for the Standardisation of the Serbian Language and Matica Srpska.<sup>623</sup> In their public announcement, although in principle in support of gender equality and fight against discrimination, the institutions used “gender ideology” to qualify and blame these legal interventions as a violence against the Serbian language and the Serbian national Law on Gender Equality in its entirety.<sup>624</sup> Right-wing populist movements and political parties lobbied for the President to not pass the Law on Gender Equality that was already adopted by the National Parliament, as in their opinion it hindered traditional family values and relations between men and women.<sup>625</sup> Some were advocating to abandon the use of the concept and term “gender” as the Serbian Constitution does not recognise such a category.<sup>626</sup> False information circulated in the media that a person can be arrested if not speaking in a gender-sensitive language. Ultimately, different groups and individuals filed petitions with the CC to strike out the Law on Gender Equality by declaring it unconstitutional.<sup>627</sup>

Anti-gender narratives also dominated public discussion and hindered political procedure around the adoption of the Law on Same-Sex Union in Serbia in spring 2021. The “Coalition for Natural Family” was the most vocal opponent of adoption of the law on same-sex civil unions, stating that it represented an attack on family values, orthodox identity and Serbian culture. They propagated the danger of same-sex civil unions as a way to open doors for normalising incestuous relationships.<sup>628</sup>

<sup>618</sup> Brezar, A., ‘Serbia's Interior Ministry bars Belgrade's EuroPride march route, citing security concerns’, Euronews, 19 September 2022, Serbia.

<sup>619</sup> Petrović, J. D. and Beta, ‘Patrijarh o Evroprijadu: Ko vodi krstaški rat? Siluju nam pamet, siluju nam dušu’, N1, 11 September 2022.

<sup>620</sup> FoNet, ‘Boško Obradović objavio rat udžbenicima iz biologije i istorije’, Nova, 6 September 2022, Politika.

<sup>621</sup> Srpski pokret Dveri, ‘Savet Dveri za obrazovanje: Ukloniti nenaučne i skandalozne lekcije iz udžbenika biologije’, Srpski pokret Dveri, 6 September 2022, Saopštenja.

<sup>622</sup> Savić, D., ‘Ružić traži da se ispita lekcija o LGBT populaciji iz udžbenika biologije’, Nova, 12 September 2022, DRUŠTVO.

<sup>623</sup> Đorđević, N., ‘In Serbia, the doktorka will see you now’, Emerging Europe, 22 June 2022, News and Analysis.

<sup>624</sup> Večernje novosti, ‘Saopštenje Matice srpske i Odbora za standardizaciju srpskog jezika’, Novi Standard, 27 July 2021.

<sup>625</sup> RTV, ‘Predsednik da ne potpisuje skandalozni Zakon o rodnoj ravnopravnosti’, RTV, 25 May 2021.

<sup>626</sup> Tanjug, ‘Pokret “Dosta je bilo” pozvao predsednika da ne potpiše Zakon o rodnoj ravnopravnosti’, Euronews, 24 May 2021, Politika.

<sup>627</sup> Sputnjik, ‘Hoće li biti oboren Zakon o rodnoj ravnopravnosti?’, Novi Standard, 2 August 2021.

<sup>628</sup> Noizz, ‘Koalicija za prirodnu porodicu po svaku cenu želi da zaustavi usvajanje zakona o istopolnim zajednicama’, Noizz, 30 April 2021, News.

The Centre for Feminist Foreign Policy identifies that anti-gender campaigns are less about gender and more about power: maintaining power or promoting social and political hierarchies in their perceived decline.<sup>629</sup> Throughout the Western Balkans and beyond, WCSOs have been at the forefront of counter strategies against anti-gender groups because they are among the most targeted. It is important to note that anti-gender campaigns and groups are much better funded than human rights and equity advocates or organisations.<sup>630</sup> At the

same time, civil society is actively being defunded or structurally excluded from funding opportunities.<sup>631</sup> This means that well-funded and highly organised anti-gender groups are not only a threat to gender equality but also to the rights that have been achieved and implemented by the women's and LGBTQI+ movements. Though anti-gender campaigns have been on the rise across the region and the world, the coordinated, global response and activism to counter them has also been on the rise.<sup>632</sup>

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<sup>629</sup> Centre for Feminist Foreign Policy, 'Countering anti-gender campaigns', CFFP, 2021, (accessed on 13 October 2022).

<sup>630</sup> *Ibid.*

<sup>631</sup> *Ibid.*

<sup>632</sup> Denkovski, D., and Kreitlow, A., *Funding (in)equality? A comparative look at the funding landscape for pro- and anti-gender initiatives and campaigns in the European Union (EU)*, Berlin, Centre for Feminist Foreign Policy, 2021, p. 16

## Recommendations\*

### Security for WHRDs

#### IN BRIEF:

**Attacks against WHRDs, as well as against women journalists, are under-reported and inadequately pursued. In cases where the attacks are reported, they are often not taken seriously by the relevant institutions. No complaint and support mechanisms exist, and no systematic data is collected for evidence-based policymaking.**

#### WITHIN ONE YEAR:

**Support WCSOs to carry out regional baseline research that monitors threats and attacks, assesses the nature of attacks, and evaluates reporting mechanisms.**

#### Governments:

- Create new or amend existing policy documents aimed at creating safe and free environment for the work of HRDs by including a definition and recognition of WHRD, establishing reporting and monitoring mechanism on attacks against HRDs, by gender.
- Implement a requirement for national human rights institutions and/or gender equality bodies to collect, analyse and distribute data on attacks on WHRDs and journalists (Examples: Finland).
- Ensure that instances of violence and harassment in both offline and digital spaces against WHRDs are investigated effectively and sanctioned adequately. In sentencing these crimes, ensure gender-bias is enacted and applied consistently as an aggravating circumstance.
- In consultation with HRDs and WHRDs, conduct assessment for allocating funds aimed at increasing safety and mitigating security risks, including digital security, for WHRDs and activist organisations.

#### EU institutions, other inter-governmental organisations and donors:

- Meaningfully involve women's rights CSOs in the development and implementation of specific policies such as the EU Human Rights Country Strategies and the EU Gender Action Plan III, ensuring that they include an analysis of the needs and challenges of WHRDs and include specific measures to address them.
- Fund research and data collection on WHRDs and women journalists in the Western Balkans to be used as a baseline, documenting incidents, responses and the applicable legal framework.
- Fund specific programmes to comprehensively address GBV against WHRDs, including digital harassment.

\* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.<sup>1</sup>

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