



THE KVINNA TILL KVINNA FOUNDATION

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 2023

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.

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Acknowledgements:

Anna Örnéus, Charlotte Schovenberg, Elin Dellås, Lejla Gačanica, Lori Mann, Ristin Thomasson, Voskre Naumoska Ilieva, Emina Durmo, Contributions from the following partner organisations of Kvinna till Kvinna:
A 11 – Initiative for Economic and Social Rights;
Albanian Women Empowerment Network;
Association of Women Sandglass;
ASTRA – Antitrafficking Action;
Autonomous Women's Center; Helsinki
Committee for Human Rights;
Kosovo Gender Studies Center;
Kosovo Women's Network;
National Network to End Violence against Women and Domestic Violence "Voice against Violence";
Reactor - Research in Action; Rights for All;
Roma Centre for Women and Children Daje;
United Women; Women's Rights Center

Layout: UrbanGRAF

Cover photo: Western Balkans Delegation at the Brussels Advocacy Week 2022
Photographer: Johanna de Tessieres

November 2023



This report is financed by the Swedish International Development Cooperation Agency (Sida). Sida does not necessarily agree with the opinions expressed. Kvinna till Kvinna is responsible for the content.

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ABBREVIATIONS & ACRONYMS

16 Days of Activism	16 Days of Activism against Gender-Based Violence
AWC	Autonomous Women's Centre
BiH	Bosnia and Herzegovina
BIRN	Balkan Investigative Reporting Network
CEDAW	United Nations Convention on the Committee on the Elimination of Discrimination Against Women
CoE	Council of Europe
CSO	Civil society organisation
Daje	Roma Centre for Women and Children Daje
DV	Domestic violence
EC	European Commission
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
FOI	Freedom of Information
GAP III	Gender Action Plan III
GBV	Gender-based violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HRD	Human rights defender
ISOP	Institut za socijalnu i obrazovnu politiku
Istanbul Convention	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
Kvinna till Kvinna	The Kvinna till Kvinna Foundation
KWN	Kosovo Women's Network
LGBTQI+	Lesbian, gay, bisexual, trans, queer/questioning, intersex and other sexualities and/or gender expressions
MP	Member of Parliament
National Network	National Network to End Violence against Women and Domestic Violence "Voice against Violence"
NATO	North Atlantic Treaty Organisation
OSCE	Organisation for Security and Cooperation in Europe
OSFA	Open Society Foundation Albania
SGBV	Sexual gender-based violence
Sida	Swedish International Development Cooperation Agency
SLAPP	Strategic litigation against public participation
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
US	United States
VAAO	Victims Advocacy and Assistance Office
VAW	Violence against women
WCSO	Women's [rights] civil society organisation
WHO	World Health Organisation
WHRD	Women human rights defender
WRC	Women's Rights Centre
YIHR	Youth Initiative for Human Rights

PURPOSE & METHODOLOGY

Women's Rights in Western Balkans provides unique longitudinal data on women's rights, serving as a benchmark for the six Western Balkan accession countries regarding women's rights and influence, for comparisons over time. This is the seventh 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 (WCSOs) 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 analysed in each gender benchmarking publication 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. This seventh edition highlights two of the four indicators; GBV and security for WHRDs, and provides a thorough context overview of the Western Balkan political landscape during the reporting period. Data for women in politics and women in the labour market has been updated in the form of tables and graphs so as to continue the unique longitudinal element of the publication. The scope of the current edition is to update relevant 2022/23 statistics and resources for each of the indicators, in each of the six Western Balkan countries. For each indicator, and to the best of their abilities, authors followed up on accessible data and figures from the previous edition to determine to what extent Western Balkan women's social positions improved or worsened. This report reflects data collected during the period of January 2022 to September 2023.

Data was collected through a desk study, using all accessible sources, and data request submissions to relevant institutions responsible for

implementing and monitoring the Istanbul Convention 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, WCSOs, partner organisations to Kvinna till Kvinna, gave their input to the report. The recommendations are based on conclusions from the report; recommendations to governments come from WCSOs and recommendations to international actors are from Kvinna till Kvinna and WCSOs. 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. Taking into consideration the scope of the assignment, time-frame and limited resources, the authors developed specific sub-indicators within each of the thematic areas. One of the challenges has been to limit the number of indicators, as 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 and data from official sources in each of the studied countries. Even data requests do not provide all the necessary information and in some cases, responses are not 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.



Quote from Women Human Rights Defenders at the Feminist Peace Conference, organised by The Kvinna till Kvinna Foundation, Skopje, North Macedonia, 2023

In the Western Balkans, we have not removed any of the structures for war, so the normalised response to any conflict is violence."

EXECUTIVE SUMMARY

In this seventh edition of *Women's Rights in Western Balkans*, Kvinna till Kvinna has had the opportunity to review a longitudinal analysis that spans from 2015 through to 2023. The focus was on the 2022-23 reporting period, though one thing that was clear from the research process is that women's rights and social standing in the Western Balkans has notably regressed. Rather than progressing, however slowly, indicators show that women's rights are indeed regressing. This is evidenced by rising femicide rates, declining access to social and economic rights and increased violence and threats against women's human rights defenders. Moreso, this reporting period marked arguably the largest rise in attacks and obstructions from anti-gender movements across the region than any other reporting period.

To Kvinna till Kvinna and Western Balkan Women Civil Society Organisations, this reporting period also marked unprecedented political instability in the already volatile region.

Rising anti-gender movements and political instability both come at a cost. Alone, each one erodes at the foundations of human rights: the anti-gender movement actively advocates against select principles of human rights; political instability redirects resources, attention, and funds towards "priority" issues. When the two are paired, democracy is in crisis and fundamental rights and civil liberties lose value, and when this happens, it is women's rights and the rights of LGBTQI+ communities that suffer the most. All of the six Western Balkan countries had **more attacks on women and LGBTQI+ activists** than in the past. Though Serbia has for years had a trend of high numbers of attacks and threats against activists and civil society, other countries such as Albania, BiH and North Macedonia have seen significant increases as well. Rapidly increasing, and financially sustained **anti-gender movements** have ramped up attacks against women's rights and rights of LGBTQI+ communities in efforts to "maintain traditional values". North Macedonia experienced one of the fastest growing anti-gender movements in the region during the reporting period and when compared to previous years.

The **femicide** rates in the region remain of utmost concern and have not been adequately addressed by any of the Western Balkan governments, despite many decades of women's rights organisations' advocacy towards addressing femicide. Accessing **gender-based violence** services for victims/survivors was an obstacle for women across the region, not least women from minority, marginalised groups, or from rural communities, as funding for maintaining services became more scarce. Accessing **justice** was especially challenging for victims/survivors in North Kosovo where women are living without functioning institutions.

Women remain underrepresented in all levels of government, with the most severe levels observed at local and municipal levels, indicating little to no improvement in **women's participation in high-level decision-making processes**. Bosnia and Herzegovina had the most unequal representation in the region in the Parliament (18% women, 82% men), even with a fully-formed government. Montenegro, apart from their struggle with election processes and government formation, had only marginally better representation (30% women, 70% men), provided the total number of Members of Parliament is 80. At the **local government** level, women's representation in municipal positions of power or decision-making positions remain extremely low, with little to no representation at the mayoral level. **Political instability** heightened throughout 2022 and 2023, putting peacebuilding efforts, that are predominantly implemented and monitored by women's rights organisations, on the backburner, threatening to destabilise much of the region. **Ethnic tensions** in Bosnia and Herzegovina are on the rise and inter-entity relations are extremely tense, fuelled by the separatist and ethno-nationalist actions of the Republika Srpska government, and augmented by the absence of an adequate response from the international community. **Violence** also escalated on the border between Kosovo and Serbia amid an already politically tense year, with Serbs in Northern Kosovo boycotting the elections in April 2023, and demonstrations against the election results turning violent. At the time of publishing this report, a paramilitary ambushed a Kosovan patrol which resulted in four fatalities, adding to the tensions between Kosovo and Serbia.

CONTEXT

During this reporting period (June 2022 – June 2023) for *Women's Rights in Western Balkans*, the situation in the region was marked by significant political tensions and continued stalling of the accession of Western Balkan countries to the European Union (EU). In 2022 the EU “reconfirmed its full and unequivocal commitment to the European Union membership perspective of the Western Balkans”¹ and called for the acceleration of accession talks. EU started membership negotiations with Albania and North Macedonia, following years of delays, while Bosnia and Herzegovina (BiH) moved closer when the European Commission advised member states in October 2022 to grant it candidate status despite continuing criticism.²

Russia's increased aggression on Ukraine since February 2022 has also emphasised the differences in the region. Serbia has not aligned with the EU sanctions to Russia while in the tripartite presidency of BiH, Republika Srpska's President Milorad Dodik has backed the Russian referendums in Ukraine and suggested the same could be applied in BiH following secession plans.³ Albania, Kosovo, Montenegro, and North Macedonia have been mostly in line with EU decisions regarding this issue.

It was noted in the European Commission's Serbia 2022 Report that the government has continued to declare EU membership as its strategic goal, but that the Serbian authorities do not communicate that aspiration to the citizens.⁴ Despite this emphasis, during the reporting period, the government continued to publicly promote Chinese and Russian partnerships. Serbia's distancing from Russia is crucial for further EU integrations and even more importantly domestic clarification of Serbia's position towards EU. Findings from a 2022 public opinion survey indicated that about 47% of the public considered Russia Serbia's closest political partner, compared to 30% who responded that it was the EU.⁵ Similarly, Milorad Dodik, the president of Republika Srpska in BiH, is fostering close connections and regular communication with Russia, including an official visit in May 2023.⁶ Notably, civil society in North Macedonia has also observed that there are Russian influences exhibited in the country, especially observed when it comes to the financing of anti-gender movements.⁷ Across the region, Russia has been documented in leveraging persistent ethnic and religious fault lines to undermine countries' EU accession efforts.⁸

¹ Alexandra Brzozowski, 'Western Balkans welcome EU's geo-strategic enlargement shift amid Ukraine war', *Euractiv*, 06 December 2022, <https://www.euractiv.com/section/enlargement/news/western-balkans-welcome-eus-geo-strategic-enlargement-shift-amid-ukraine-war/>.

² European Council, 'EU-Western Balkans summit in Tirana, 6 December 2022', *European Council*, 06 December 2022, <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>.

³ Radio Free Europe/Radion Liberty (RFE/RL), 'Bosnian Serb Leader Says Secession Plan Delayed By War in Ukraine', *RFE/RL*, 06 June 2022, <https://www.rferl.org/a/bosnia-herzegovina-dodik-secession-ukraine/31886186.html>.

⁴ European Commission, *Serbia 2022 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy*, Brussels, European Commission, 12 October 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0338>.

⁵ Dragoslav Rašeta, *Rat U Ukrajini I Javno Mnjenje U Srbiji: Godišnji Pregled*; Mart 2022-Mart 2023, Novi treći put and National Endowment for Democracy, March 2023, p. 16, <https://novitreciput.org/wp-content/uploads/2023/04/Rat-u-Ukrajini-i-javno-mnjenje-u-Srbiji-godisnji-pregled.pdf>.

⁶ RFE/RL, 'Dodik Travels To Moscow For Meeting With Putin Ahead Of Elections', *RFE/RL*, 21 September 2022, <https://www.rferl.org/a/dodik-moscow-putin-elections-republika-srpska/32043995.html>.

⁷ Shared with Kvinna till Kvinna by partner organization in North Macedonia.

⁸ James McBride, 'Russia's Influence in the Balkans', *Council on Foreign Relations*, 02 December 2022, <https://www.cfr.org/backgrounder/russias-influence-balkans>.

There was significant economic stagnation in the region that was driven by higher food and energy prices, and global political instability. Along with the regional political context, it has affected low-income households throughout all six countries more severely, resulting in a slower pace of poverty reduction.⁹ Brain drain remains a key issue contributing to economic stagnation. For example, in 2022, a European Training Foundation study showed that around 40% of Albanian citizens with higher education had emigrated.¹⁰ Similar is true for all other countries in the region.¹¹

Anti-gender movements and groups have had an observable increase in mobilisation across the region during this reporting period. Notably, in North Macedonia, anti-gender groups are increasingly organised. In North Macedonia women civil society organisations (WCSOs) raised concern over media reporting of gender-based violence (GBV), arguing that it contributes to misogyny and mistreatment of women.¹² One example is the public appearance of Bishop Jakov Stobiski who, as a representative of the Orthodox Church, used media platforms to express his views against the adoption of the Law on Gender Equality and the introduction of comprehensive sexuality education – two issues that WCSOs have worked and advocated towards for years. In the Western Balkans, religious organisations are granted significant media space and in general, are represented as a regular part of a decision-making process. In the region, and especially evident in Montenegro, North Macedonia and Serbia, representatives from the Serbian Orthodox Church have become key actors in legislative processes, from consultations to draft laws.¹³ In many cases, religious groups' unfavourable views on gender equality significantly influence society, and establish them as actors who misogyny and

advocate towards the preservation and reaffirmation of the subordinate role of women in society.¹⁴ It is of concern that media reporting significantly contributed to fostering gender inequality by providing a platform for religious representatives and anti-gender political parties without equal space for actors promoting human rights.¹⁵

Similarly, in Serbia, Patriarch Porfirije, the head of the Serbian Orthodox Church, spoke against gender-sensitive language and calling women "miserable". His speech was in reaction to the Law on Gender Equality, which entered into force in 2021 and introduced gender-sensitive language as mandatory in official communication. The video of the incident caused an outcry from the general public and prompted a reaction from the Commissioner for the Protection of Equality, Brankica Janković. Conservative politicians and right-wing groups and organisations defended the Patriarch and the Serbian Orthodox Church, while Serbian right-wing political party Dveri (as part of the "Patriotic Block") submitted to the National Assembly a proposal to revoke the Law on Gender Equality.¹⁶

Overall, this reporting period has been characterised by an increase in political instability among already fragile governments across the Western Balkans. Rather than stabilising, relations between the states are increasingly strained and democratic values continue to erode across all six countries. Though all are affected by extremely low rates of rule of law application, it is a fact that women, and especially women from marginalised groups, are disproportionately affected. Evidence and experience from across the region showed that this reporting period was marked by democratic backsliding and a concerning increase

⁹ OECD, *Multi-dimensional Review of the Western Balkans: From Analysis to Action*, OECD, 20 April 2022, <https://www.oecd.org/development/mdcr/countries/western-balkans/>.

¹⁰ Asaël Häzaq, 'Europe: the paradox of pro- and anti-immigration policies', *Expat.com*, 12 June 2023, <https://www.expat.com/en/expat-mag/8674-insight-into-the-paradox-of-pro-and-anti-immigration-policies-in-europe.html>.

¹¹ Marjan Icoski, 'Toward a New Youth Brain-drain Paradigm in the Western Balkans', *GMF*, 31 August 2022, <https://www.gmfus.org/news/toward-new-youth-brain-drain-paradigm-western-balkans>.

¹² Platform for Gender Equality, 'Blog 2023', *Platform for Gender Equality*, (n.d.), <https://rodovaplatforma.mk/blog/2023>.

¹³ Information shared by partner organisation to Kvinna till Kvinna in North Macedonia.

¹⁴ HERA, 'Reaction: Keep the Church off women's rights!', *HERA*, 21 March 2023, <https://hera.org.mk/reakcija-pre-crkvata-podaleku-od-zhenskite-prava/?lang=en>; Platform for Gender Equality, 'Остра Реакција На Платформата За Родова Еднаквост: Црквата Подалеку Од Женските Права!', *Platform for Gender Equality*, 21 March 2023, <https://rodovaplatforma.mk/blog/2023/03/21>.

¹⁵ *Ibid.*

¹⁶ National Assembly of the Republic of Serbia, *Предлог Закона О Стављању Ван Снаге Закона О Родној Равноправности Авности Скупштине*, Belgrade, Assembly of the Republic of Serbia, 12 June 2023, http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/13_saziv/011-1132_23.pdf.

of anti-gender movements, which come at the cost of women's and LGBTQI+ rights. Political crises divert resources and efforts from achieving gender equality, towards prioritising "stabilisation" efforts. Coupled with economic downturn and significant security concerns, women's rights and gender equality has been moved further down the

agenda, and political will to address the situation is severely lacking. While advancement of the rights of women and LGBTQI+ communities is slow, the growing anti-gender movements in the region threaten previous progress, which has been evident across the region during this reporting period.

Regional Unrest

Both bilateral and internal disputes among Western Balkan countries have intensified during the reporting period. The 2022 Balkan Public Barometer polling results show that in the region, the economy, unemployment and corruption are citizens' key concerns.¹⁷ Despite clear evidence that citizens want action on corruption, leaders in the region are still exploiting narratives about ethnic conflicts and populism. This is a sign of a broken social contract, indicating the growing gap between political elites and the citizens as well as the lack of political representation and responsiveness.¹⁸

Regional stability remains fragile, and the continuous tensions between Serbia and Kosovo peaked in May 2023 with violent clashes. The violence was a reaction to ethnic Albanian Mayors taking office in the country's northern Serb-majority area following April 2023 elections, boycotted by ethnic Serbs. Despite the North Atlantic Treaty Organisation (NATO) and Western countries questioning the validity of the elections, and asking the Kosovo government not to install the new Mayors, the government sent armed police to take over the municipal offices, resulting in violent Serb protests. Dozens of people have been injured in these clashes, with police and NATO troops on one side and Serb protesters on the other. This series of events took place amid already heightened tensions between Kosovo and Serbia, further contributing to instability. Given the situation, the EU has temporarily excluded Kosovo from receiving grants within the Framework for Investments in the Western Balkans.¹⁹ Women's rights groups and WCSOs have

expressed their concern that these measures will first and foremost affect women and men in Kosovo, rather than political establishments, contributing to political, economic, and social instability.²⁰ Such developments risk leading to increased violence, including GBV.²¹ Already, women in northern Kosovo are living without functioning justice institutions, particularly those engaged in peacebuilding are under constant pressure and threat. Women remain largely excluded from consultations on significant policies that impact their lives, especially from the inclusion in technical negotiation teams, as a fundamental requirement of United Nations Security Council Resolution 1325 and the Women, Peace, and Security Agenda, to which the EU has committed. No evidence exists that WCSOs were consulted on the last EU Proposal - Agreement on the path to normalisation between Kosovo and Serbia.²²

In Serbia, spring of 2023 was marked by anti-government protests over the escalating violence. The movement called "Serbia against Violence"²³ was triggered after two mass shootings in May 2023, exposing the pre-existing gaps in the system and the prevailing culture of violence spurred by government-controlled media outlets. The weeks following the violent incidents saw a consistent turnout of mass protests emphasising the link with the promotion of violence in Serbian society and regime media, coupled with the government's inaction in addressing and mitigating violence at all levels of society. Demonstrators' demands included revoking the broadcasting licenses of channels with national frequency that are

¹⁷ RCC.int, 'Balkan Barometer: People and Businesses', *RCC.int*, (n.d.), <https://www.rcc.int/balkanbarometer/home>.

¹⁸ Gentiana Gola, 'Where do Western Balkan countries really stand on democratic performance?', *IDEA*, 23 December 2022, <https://www.idea.int/blog/where-do-western-balkan-countries-really-stand-democratic-performance>.

¹⁹ Alice Taylor, 'First effects of EU sanctions sting Kosovo', *Euractiv*, 05 July 2023, https://www.euractiv.com/section/politics/news/first-effects-of-eu-sanctions-sting-kosovo/?fbclid=IwAR1xw5w_PLFRAlY2QSWsdaFGFRNog_g3UrFp1v-wsMIkEtTvZ4D69zVf9-Q.

²⁰ Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

²¹ *Ibid.*

²² *Ibid.*

²³ Stand up Against Violence, 'Website Serbia Against Violence', (n.d.), <https://protivnasilja.rs/en/>.

that attack political dissidents. They are also seeking the resignations of Bratislav Gašić, the Minister of Internal Affairs and Aleksandar Vulin, the Director of the Security Intelligence Agency. At the time of writing this report, none of the demands had fully been met, and the protests have continued.

During the reporting period, the political instability in BiH continued to escalate and become increasingly complicated, following the challenges with the process of establishing the government after the general elections in October 2022 as well as an even more radical turn of events in the politics of Republika Srpska.²⁴ Of particular concern is the , Republika Srpska's politicians' rejection of the Constitutional Court of BiH, declaring that the entity will no longer apply the rules of the Court. In

September 2023, the highest judicial body in BiH confirmed an indictment against the President of Republika Srpska, Milorad Dodik and the Acting Director of the Official Gazette of Republika Srpska, Miloš Lukić, in connection to efforts to ignore decisions published by the Constitutional Court, as well as for blocking the decisions published by the High Representative for Bosnia and Herzegovina, Christian Schmidt. Currently Dodik is under sanctions by the United States of America's Treasury Department Office of Foreign Assets Control over alleged corruption and threatening the stability and territorial integrity of the country.²⁵ He has also been designated for sanctions by the government of the United Kingdom because of his attempts to push for “*de facto* secession of Republic of Srpska”.²⁶

Shrinking Civic Space and Democratic Backsliding

During the reporting period, the government of Republika Srpska adopted a Draft Law on Special Registry and Publicity of the Work of Non-Profit Organisations. The intention of the law is to restrict the work of civil society actors by labelling Civil Society Organisations (CSOs) as “agents of foreign influence” for accepting complete or partial funding from international donors. Such a law indicates that the authorities in the government of Republika Srpska intend to restrict the work of organisations that may potentially criticise their work, representing a continuation of activities aimed at suppressing freedom of expression and association, which started with the initiative for criminalisation of “slander and insults”, and continued through threats on journalists, activists and CSOs. The draft prohibits the performance of political activities that

are so broad that they can prevent any activity of citizens' associations or civil society when it comes to their work on improving legal regulations and achieving better protection of citizens, including introducing control over the type of activity that CSOs can carry out, and direct control through inspection supervision. Additionally, the draft law contradicts a set of human rights standards, such as those set out in the European Convention on Human Rights, in the Constitution of BiH, and in the Constitution of Republika Srpska. It also directly contradicts several valid laws in Republika Srpska, including but not limited to: the Law on General Administrative Procedure; the Law on Administrative Disputes; the Law on Civil Procedure; the Law on Associations and Foundations; the Law on Accounting and Auditing; the Law on Inspections.²⁹

²⁴ International Institute for Middle East and Balkan Studies (IFIMES), ‘2023 Bosnia and Herzegovina: Who undermines fragile peace in BiH?’, *Ifimes*, 17 March 2023, <https://www.ifimes.org/en/researches/2023-bosnia-and-herzegovina-who-undermines-fragile-peace-in-bih/5144?page=3>.

²⁵ US Department of the Treasury, ‘Treasury Sanctions Milorad Dodik and Associated Media Platform for Destabilizing and Corrupt Activity’, *US Department of Treasury*, 05 January 2022, <https://home.treasury.gov/news/press-releases/jy0549>.

²⁶ Radio Free Europe (RFE), ‘Dodik Tries to Bar Bosnia’s International Envoy From Meetings in Republika Srpska’s Presidency’, *RFE*, 12 September 2023, <https://www.rferl.org/a/dodik-tries-to-bar-bosnia-envoy-republika-srpska/32589729.html>.

²⁷ Republika Srpska, *Закон О Посебном Регистру И Јавности Рада Непрофитних Организација*, Banja Luka, March 2023, <https://www.paragraf.ba/nacrti-i-prijedlozi/nacrt-zakona-o-posebnom-registru-i-javnosti-rada-neprofitnih-organizacija.pdf>.

²⁸ Information shared with Kvinna till Kvinna by partner organisation in BiH.

²⁹ *Ibid.*

Further, the government of Republic of Srpska in BiH adopted the Draft Law on Amendments to the Criminal Code of the Republic of Srpska, which introduces new criminal offenses against honour and reputation, i.e. the criminal offense of insult and slander.³⁰ These legislative changes are directly threatening already weak freedom of information and jeopardising rights of journalists,³¹ while likely to lead to self-censorship of independent media and civil society activists, hampering freedom of speech and democracy. Such laws contribute to a public atmosphere of control, and citizens fear prosecution on the basis of opinions expressed in public. In a state of weak democracy, low adherence to Rule of Law and high levels of corruption, these developments present potential sign of state repression and disregard for fundamental civic rights.

While journalists and independent media continue to be under attack in the region, many national media outlets remain the stronghold of views and messages that directly or indirectly promote discrimination and violence, rooted in nationalist rhetoric that re-affirms traditional and patriarchal values. In Kosovo, media outlets continue to approach reporting on domestic violence (DV) with lack of professionalism, and without a gender-sensitive approach. Rather, reporting is often done by reinforcing patriarchal norms and stereotypes, where the focus of violence revolves around the

victim's/survivor's identity and behaviour rather than that of the perpetrator. Women's rights groups in Kosovo have called upon the media to improve their gender sensitivity towards reporting without misogyny, sexism and discriminatory language.³² Improvements in reporting are limited, and the majority of GBV-related content remains sensationalist. To-date, no Western Balkan country has adequately addressed sensationalist reporting on GBV. Similar situation is in Montenegro, wherein media reporting on GBV neither respect ethical codes of reporting nor required standards, resulting in numerous sensationalistic articles, even questioning the status of victims/survivors.³³

According to the European Commission Albania 2022 Report, the intersection of business and political interests continued to hamper media independence and the quality of journalism. The reporting period was marked with numerous smear campaigns and verbal attacks and intimidation against journalists, as reported in previous editions of *Women's Rights in Western Balkans*. The state has inadequately addressed these concerns. Media does not have direct and transparent access to governmental institutions and their activities,³⁴ presenting not only additional obstacles for journalists to do their job, but also to scrutiny and accountability, which are key to democratic developments.

Women in Politics: Decision-Making Power or a Numbers Game?

During this reporting period, there were no major changes in the representation of women in politics in the region, since the 2022 edition of *Women's Rights in Western Balkans*. Women continue to be underrepresented in all levels of politics in all six countries and decision-making bodies.

The lack of women in decision-making positions at local and central levels is closely connected to insufficient internal support within political parties, pervasive hate speech directed against women in politics, as well as retrograde gender roles, stereotypes, and prejudices in society.

³⁰ Analiziraj.ba, 'BH novinari upozoravaju da novi zakon o javnom redu i miru u KS krši slobodu izražavanja', *Analiziraj.ba*, 06 June 2023, <https://analiziraj.ba/bh-novinari-upozoravaju-da-novi-zakon-o-javnom-redu-i-miru-u-ks-krsi-slobodu-izrazavanja/>.

³¹ Dragan Maksimović, 'Zakon o kleveti u RS: Posljednji ekser u kovčeg javne riječi', *DW*, 20 July 2023,

<https://www.dw.com/bs/usvojen-zakon-o-kleveti-u-rs-posljednji-ekser-u-pogrebni-kov%C4%8Deg-javne-rije%C4%8Di/a-66299384>.

³² Kosovo Women's Network (KWN), 'RrGK fton mediat të kenë kujdes në narracionin e krijuar për dhunën ndaj grave', *KWN*, 21 July 2023, <https://womensnetwork.org/sq/rrgk-fton-mediat-te-kenë-kujdes-ne-narracionin-e-krijuar-per-dhunen-ndaj-grave/>.

³³ Dušanka Pejović, *Rodno Ogledalo Medija U Crnoj Gori: Istraživanje i analiza sadržaja crnogorskih medija iz rodne perspektive*, Podgorica, UNDP, 2022, <https://www.undp.org/cnr/montenegro/publications/rodno-ogledalo-medija-u-crnoj-gori>.

³⁴ European Commission, *Commission Staff Working Document: Albania 2022 Report*, Brussels, European Commission, 12 October 2022, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>.

The equal participation of women and men in political affairs is a democratic issue, but achieving such equality also has benefits for political parties making efforts to ensure compliance with relevant international standards and recommendations. By diversifying the composition of a political party, it is possible to widen its support base and reach out to a larger pool of voters and potential candidates. The region has a solid legal, policy and institutional gender framework and the participation of women in politics is marked by quota systems that have been implemented in all six Western Balkan countries. Throughout the region, gender quotas require political parties to include at least 30% of the less-represented gender in their candidates' lists, and notably at least 40% in BiH, North Macedonia and Serbia. Despite the positive influence that quotas have had in the region when it comes to the division of power, women remain underrepresented in leadership positions, especially evident at the local and municipal level.³⁵ Women's rights issues remain reduced to their numerical presence in decision-making positions,³⁶ while issues such as (gender-based) discrimination, sexism, misogyny, and violence against women continue to be neglected.³⁷

Similarly, and based on WCSOs' advocacy and coordination efforts, in Montenegro, the 2021-2025 National Strategy for Gender Equality was adopted alongside its Action Plan for 2021-2022 and some important measures were introduced, contributing towards improving women's rights and gender equality in the country. These measures include suggestions submitted by specialised (W)CSOs for better gender mainstreaming of public policies, an increase in the election quota for the less represented gender to 40%, and the establishment of an alimony fund. During the reporting period, there was however no progress on either of these processes.³⁸

The lack of genuine focus on gender equality can be illustrated by the inconsistencies in the BiH legislation which indicate a lack of adequate response to the complexity of the problem. Although the Election Law and the Law on Gender Equality set a 40% quota for the less-represented gender³⁹ on candidate lists in the BiH Parliaments and political parties, they are only nominally meeting this requirement, as this standard has not been translated into an increased representation of women in legislative and executive bodies. It could be concluded that the most recent election cycle did not bring any improvements for the women in politics.

During the reporting period, elections were held in Montenegro and BiH, while the other countries are all expecting elections in the following period, outside the scope of this edition of the report.

General elections were held in BiH on October 2nd, 2022, across multiple levels of government. Elections were held for the Parliaments of the Federation of BiH (FBiH), Republika Srpska, and the Parliamentary Assembly, as well as the three members of the Tripartite Presidency, a President, three Vice-Presidents of Republika Srpska, and the representatives of ten cantonal assemblies corresponding to the country's ten administrative units. For the first time, a member of the Tripartite Presidency is a woman, Željka Cvijanović from the Alliance of Independent Social Democrats,⁴⁰ and the Chairwoman of the Council of Ministers of BiH is Borjana Krišto. There was a decrease in the percentage of women elected to the House of Representatives of the BiH Parliament, from 21% in 2018 to approximately 17% in 2022.⁴¹ A key obstacle is the semi-open candidate list system, which allows voters to change candidates' positions on party lists.⁴²

³⁵ National Democratic Institute for International Affairs (NDI), *Political Participation and Violence against Women in Politics in Southeastern Europe: Preliminary Report*, Sarajevo, NDI, 2021, p. 7, NDI Preliminary Report - Violence Against Women in Politics in Southeastern Europe.pdf.

³⁶ Journalism Fund Europe, 'Women Under Attack In The Balkans', *Journalismfund Europe*, 11 May 2022, <https://www.journalismfund.eu/supported-projects/women-under-attack-balkans>.

³⁷ European Institute for Gender Equality (EIGE), 'Women and power in the Western Balkans and Turkey: Gender Statistics Database', *EIGE*, 17 May 2021, Women and power in the Western Balkans and Turkey | European Institute for Gender Equality (europa.eu).

³⁸ Ministry of Human and Minority Rights Montenegro, 'Povećati kvote u cilju veće političke participacije žena', *Ministry of Human and Minority Rights Montenegro*, 22 December 2022, <https://www.gov.me/clanak/povecati-kvote-u-cilju-vece-politicke-participacije-zena>.

³⁹ Zakon o ravnopravnosti spolova u Bosni i Hercegovini - prečišćeni tekst („Službeni glasnik BiH” br. 32/10).

⁴⁰ N1 Sarajevo, 'Newly elected BiH Presidency member to take oath at RS Assembly', N1, 10 November 2022, <https://n1info.ba/english/news/newly-elected-bih-presidency-member-to-take-oath-at-rs-assembly/>.

⁴¹ Denis Čarkadžić, 'Samo sedam žena u državnom Parlamentu, a u NSRS broj pao ispod 10%', *istinomjer*, 26 October 2022, <https://istinomjer.ba/samo-sedam-zena-u-drzavnom-parlamentu-a-u-nsrs-broj-pao-ispod-10/>.

⁴² Biljana Spasovska, *EU support for women's political participation and leadership under the EU's Gender Action Plan: A case study on Bosnia and Herzegovina 2021*, Brussels, European Democracy Hub, 2021, p. 4, EU support for women's political participation and leadership under the EU's Gender Action Plan, A case study on Bosnia and Herzegovina.

It is concerning to note that the early Presidential and Parliamentary elections in Montenegro resulted in a decrease in the percentage of women Members of Parliament (MPs) (21%) compared to the previous composition (27%), which was already below the legislated minimum of 30% for the less represented gender.⁴³ Following the October 2022 local elections, the representation of women was not at the legally guaranteed minimum in certain municipalities, even though electoral legislation has been in place for more than 10 years.⁴⁴ According to CSO reports, the elections in Montenegro were marked by a dominant “male narrative” and the marginalisation of women in the media, with pronounced misogyny on social networks towards the prominent holders of election lists, but also an unprecedented violation of the legal norm on quotas for the less represented gender.⁴⁵ In the town of Berane, two electoral lists were submitted and confirmed, even though they failed to ensure the legally binding quota of at least 30% women candidates.⁴⁶

In the European Commission (EC) Kosovo 2022 Report, the EC urged political parties in Kosovo to address the issue of gender inequality in their programmes and statutes, and to take affirmative action to overcome the obstacles that limit women's participation in political life. The EC Kosovo Report notes that women remain underrepresented at all levels of participation and decision-making: in political parties, electoral administration, as well as central and local assemblies.⁴⁷ Some notable legislative changes in Kosovo include the adoption of the Law on Political Party Financing and Campaign Financing and the Law on General Elections, however these two laws have yet to be harmonised with the Law on Gender Equality regarding a 50%

representation level of both women and men in all levels of decision-making in political life.⁴⁸

Women from marginalised communities remain unrepresented in BiH in both the new Parliament and Cabinet of Ministers.⁴⁹ Women with disabilities, who are in politics, are additionally exposed to harmful narratives, as a recent example from Republika Srpska showed. During the session of the National Assembly of the Republika Srpska, MP and BiH representative Milica Ijačić spoke about the solutions of the Law on Transport and Road Traffic of the Republika Srpska, which defines the field of different abilities and the use of transport. While she was talking about obstacles and possible solutions for the movement of people with different abilities in that entity of BiH, MP Nebojša Vukanović interrupted her presentation and, among other things, told her to “stand up and speak”, even though he is aware that Ijačić uses an orthopaedic wheelchair.⁵⁰ The situation is similar throughout the region.

In the pre-election period in Montenegro, the Organisation for Security and Cooperation in Europe (OSCE) noted that women are also underrepresented in the election administration, wherein only three of 11 State Election Commission members are women, eight are men, and 39% of Municipal Election Commission members are women, while 61% are men.⁵¹ In the previous reporting period, the same was observed in Kosovo when the EU Election Observation Mission noted that women are underrepresented in the Central Electoral Commission. Only one of the 11 members of the Commission were women, ten men, while the total number of women in the Municipality Electoral

⁴³ RTCG, ‘Zastupljenost žena u Skupštini i dalje ispod prosjeka’, RTCG, 16 May 2022, <https://rtcg.me/vijesti/politika/363005/zastupljenost-zena-u-skupstini-i-dalje-ispod-prosjeka.html>.

⁴⁴ Mara Marionović, ‘Žene u politici i medijima: minimalizam u svom “najboljem”’, *Centar za građansko obrazovanje*, 29 November 2022, <https://cgo-ccce.org/2022/11/29/zene-u-politici-i-medijima-minimalizam-u-svom-najboljem/>.

⁴⁵ *Ibid.*

⁴⁶ Women's Rights Centre, *NGO Shadow Report on the Implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Convention in Montenegro: submitted for the pre-session Working Group for the 84th session (4-8 July 2022)*, Podgorica, Women's Rights Centre, Spektra, and Association of Youth with Disabilities of Montenegro, June 2023.

⁴⁷ European Commission, *Commission Staff Working Document: Kosovo* 2022 Report*, Brussels, European Commission, 12 March 2022, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Kosovo%20Report%202022.pdf>; European Union Office in Kosovo, *Gender Action Plan III – 2021-2025: Country Level Implementation Plan for Kosovo*, EEAS, 16 September 2021, https://www.eeas.europa.eu/sites/default/files/country_level_implementation_plan_gap_iii_kosovo_eng.pdf.

⁴⁸ Assembly of the Republic of Kosovo, ‘Kuvendi miratoi Ligjin për Zgjedhjet e Përgjithshme në Republikën e Kosovës’, *Assembly of the Republic of Kosovo*, 08 June 2023, *The Assembly approved the Law on General Elections in the Republic of Kosovo*.

⁴⁹ Neda Vukadin, ‘Women in the politics in Bosnia and Herzegovina – The Story in which David's Sling Broke’, *Balkan Diskurs*, 30 September 2022, <https://balkandiskurs.com/en/2022/09/30/women-in-the-politics-in-bih/>.

⁵⁰ Nejša Hasečić, ‘Političarke na meti štetnih narativa i uvreda’, *DISKRIMINACIJA.BA*, 20 March 2023, <https://www.diskriminacija.ba teme/politi%C4%8Darke-na-meti-%C5%A1tetnih-narativa-i-uvreda>.

⁵¹ ODIHR Election Observation Mission Montenegro, *Interim Report Presidential Elections Montenegro 8 February – 1 March*, ODIHR, 03 March 2023, <https://www.osce.org/files/f/documents/9/5/538389.pdf>.

Commissions was 46 out of 243 (19%), with 81% men.⁵² The underrepresentation of women in election administration is not only a formal question, but rather indicates the government's lack of understanding of the representation of women in all segments of elections and at all levels of government, coupled with the lack of prioritisation of topics of gender equality.

Research findings from Montenegro indicate that the rise in violence against women active in Montenegro's public and political life is one of the contributing factors to low women's political activism. The number of politically active women in Montenegro is decreasing (see: Annex 1), and a study by the Westminster Foundation for Democracy in Montenegro reported that 70% of surveyed women said that nothing would motivate them to become more active in politics.⁵³ The political sphere continues to be dominated by men, and it is noticeable that verbal abuse against women in political life is growing, especially in the public sphere and particularly towards the younger politicians.⁵⁴

Last year witnessed the repetition of gender stereotypes, sexism and misogyny, and even violence against women in politics in BiH. These attacks especially intensified in the pre-election period, but they do occur in general in situations where women share their views, especially on gender-related issues. Women politicians in BiH were much more exposed to harmful narratives than their men counterparts, and hate speech and insults in public space are more pronounced and more frequent.⁵⁵

Although Serbia is ranked relatively high in women's political representation, the government has not shown any indication towards establishing

strategic goals to strengthen the role and position of women in politics. The fact that there is almost 50% of women Members of Parliament is positive but it does not necessarily correlate with increases in gender equality or increases in the prioritisation of women's rights at the national government level. During the reporting period, there was no noted prioritisation of women's rights or gender equality at the national government level. In the political discourse, there is an absence of issues such as violence against women (VAW) and GBV in pre-election campaigns, although it is frequent.⁵⁶

Although the overall representation of women in politics in the region has steadily increased over the last decade, this improvement is not translating consistently to lower levels of government.⁵⁷ For example, in Kosovo, despite some success with mandating the proportion of women representatives in the National and Local Assemblies, and a woman President, far fewer women serve in local leadership positions, indicative by the fact that there are no women Mayors.⁵⁸ Women's political participation at the local level specifically is important as local government is closest to the people and is often where directives from the national government, CSOs and international institutions are carried out. In local communities, women in local government serve as visible role models to other women.⁵⁹

Albania represents an illustrative example for the complex situation that women find themselves in when entering politics, in that women's participation in politics is not a standard that has been achieved but rather a set of developments that, although positive, do not ensure consistency and continuous improvement. For example, Albania ranks first in the world for the percentage of women Ministers in government, as 12 of 18 are

⁵² EU Election Observation Mission (EOM) Kosovo, *European Union Election Observation Mission Kosovo 2021 Final Report – Municipal Elections 17 October-14 November 2021*, EOM Kosovo, 2022, p. 2, Municipal Elections 2021 Final Report, 17 October-14 November 2021.

⁵³ Westminster Foundation for Democracy (WFD), 'Confronting violence against women in Politics in Montenegro – what does it look like when we flip the coin?', *WFD*, 14 November 2022, <https://www.wfd.org/story/confronting-violence-against-women-politics-montenegro-what-does-it-look-when-we-flip-coin>.

⁵⁴ European Commission, *Commission Staff Working Document: Montenegro 2022 Report*, Brussels, European Commission, 12 October 2022, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Montenegro%20Report%202022.pdf>.

⁵⁵ Nejra Hasečić, 'Političarke na meti štetnih narativa i uvreda', *DISKRIMINACIJA.BA*, 20 March 2023, <https://www.diskriminacija.ba teme/politi%C4%8Darke-na-meti-%C5%A1tetnih-narativa-i-uvreda>.

⁵⁶ Akademija Zenskog Liderstva, *Za izbore bez nasilja: Preliminarni izveštaj*, Akademija Zenskog Liderstva, 2022, <https://liderke.org/wp-content/uploads/2022/04/Preliminarni-izvestaj.pdf>.

⁵⁷ Gentiana Gola, 'Where do Western Balkan countries really stand on democratic performance?', *IDEA*, 23 December 2022, <https://www.idea.int/blog/where-do-western-balkan-countries-really-stand-democratic-performance>.

⁵⁸ European Commission, *Commission Staff Working Document: Kosovo* 2022 Report*, Brussels, European Commission, 12 March 2022, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Kosovo%20Report%202022.pdf>.

⁵⁹ OHCHR, *United Nations Special Rapporteur on the right to development, Saad Alfarargi: Official visit to Albania 15 to 24 November 2022 Preliminary Observations and Recommendations*, Tirana, OHCHR, 24 November 2022, <https://www.ohchr.org/sites/default/files/documents/issues/development/sr/2022-11-23/20221124-eom-albania-sr-rtd-en.pdf>

women Ministers (and six are men), and 42nd regarding women deputies in the Assembly. Comparatively, among the elected members of the current Parliament, 92 are men (approximately 66%) and 48 are women (34%). Women's representation in municipal governments, however, is far lower. While 44% of local Councils' seats were won by women in the 2019 local elections, only eight Mayors in the 61 municipalities are women, 53 are men.⁶⁰ The United Nations (UN) called for an increase in the number of women candidates for the post of Mayor, and for a strict implementation of the gender quota of 50% for candidate lists for members of municipal councils. As a response, Prime Minister Edi Rama stated that "attempts at

implementing gender quotas at the local level had been made, but in some areas, there are simply not enough women willing, or able, to stand for public office".⁶¹ Although equally represented, women encounter various forms of violence such as contempt and offensive language. They include interruptions, dirty jokes, false accusations in the media, threats, questioning the abilities of women or removing them from party candidate lists without explanation.⁶²

In Serbia, at the time of writing this report, only 13% of the country's Mayors are women, 87% men.⁶³ In North Macedonia, only two women out of 80 Local Government Units' Mayors were elected for the period between 2021 and 2025, and the remaining 78 were men.⁶⁴

Women in the Labour Market and Access to Economic Livelihoods

Continuously, literature on the position of women in the Western Balkans state that systemic gender inequality is deeply present in the region, especially in the field of labour and women's economic empowerment.

According to World Bank data⁶⁵ in 2022, Albania's women labour force participation rate is 44%, 41% in BiH, 23% in Kosovo, 46% in Montenegro, 40% in North Macedonia, and 45% in Serbia, while the same rate for men was 56, 59, 77, 54, 60 and 55%. Over the last several years, women's labour force participation in the region has remained relatively steady, with no dramatic changes, although it is worth noting that the overall labour participation for both women and men is decreasing.⁶⁶ In BiH, Kosovo, North Macedonia, and Serbia, the

participation rate dropped in 2022 as employment growth slowed and people either moved to inactivity⁶⁷ or to work abroad (e.g. the Serbian health system lost as many as 7,000 health professionals in the past eight years).⁶⁸

Still, the category of managerial jobs is job category with least representation of women across all Western Balkan economies, for example in Serbia according to the data of the Business Registers Agency, women account for only a quarter of company managers, where men make up three quarters, and one out of three active entrepreneurs are women, when three are men.⁶⁹ In North Macedonia, men more frequently work as employers whereas women tend to work as employees.⁷⁰

⁶⁰ *Ibid.*, p. 3.

⁶¹ Alice Taylor, 'Albania grapples with gender equality at home, work, politics', *Euractiv*, 04 May 2023, <https://www.euractiv.com/section/politics/news/albania-grapples-with-gender-equality-at-home-work-politics/>.

⁶² Blerina Gjoka, 'Albanian Women in Politics Still Suffering Violence, Study Finds', *Balkan Insight*, 07 April 2022, <https://balkaninsight.com/2022/04/07/albanian-women-in-politics-still-suffering-violence-study-finds/>.

⁶³ US Department of State, *2022 Report on Human Rights Practices: Serbia*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/serbia>.

⁶⁴ Delegation of the European Union to the Republic of North Macedonia, *Gender Action Plan III – 2021-2025 Country Level Implementation Plan – CLIP for the Republic of North Macedonia*, Skopje, EEAS, 04 April 2022, <https://www.eeas.europa.eu/sites/default/files/documents/EU%20GAP%20III%20CLIP%20for%20North%20Macedonia%202021-2025.pdf>.

⁶⁵ Not to be confused with employment rate. The "labour force participation rate" is a measure of the proportion of the working-age population that engages actively in the labour market and is calculated as the labour force divided by the total working-age (those between 15 and 64 years of age) population.

⁶⁶ World Bank Group, *Western Balkans Regular Economic Report No. 23: Testing Resilience*, Washington DC, World Bank, 2023, <https://documents1.worldbank.org/curated/en/099042023104012719/pdf/P179478085f70601a0aac3035c4560691ca.pdf>.

⁶⁷ The term "inactivity" refers to the number of people who are not employed, and who have not sought work within the last four weeks, and/or are unable to start work within the next two weeks.

⁶⁸ Belgrade Centre for Human Rights, *Human Rights in Serbia 2022: Law, Practice and International Human Rights Standards*, Belgrade, Belgrade Centre for Human Rights, 2023, p. 181, <https://www.bgcenter.org.rs/wp-content/uploads/2023/03/Human-Rights-in-Serbia-2022-web.pdf>.

⁶⁹ EUROSTAT, *Basic Figures on the Western Balkans and Turkey – factsheets 2022*, Luxembourg, EUROSTAT, 2022, <https://ec.europa.eu/eurostat/documents/4031688/14589427/KS-05-22-089-EN-N.pdf/35508d49-956b-9f20-2c47-1b38636e38b6?t=1651049579047>.

⁷⁰ UN Women, *Women and Men in North Macedonia: A statistical portrait of trends in gender equality*, Skopje, UN Women, 2022, https://eca.unwomen.org/sites/default/files/2022-10/EN_WandM-NMK-Report_WEB_0.pdf.

Some key obstacles that women in the Western Balkans face are related to discriminatory treatment of women in the labour market, unpaid work in the household, inadequate support in reconciling work and family responsibilities, overrepresentation in minimum wage jobs and employment within the informal market. Inspections conducted by labour inspectorates and judicial practice on this matter, remained low, like in previous reporting periods.

As the Serbian Commissioner for the Protection of Equality stated in 2022, the complaints filed with her office led to the conclusion that job-seeking members of marginalised communities were even more susceptible to discrimination and that some employers still asked questions about the applicants' family and marital status at interviews, automatically dismissed applications by younger or older workers because of their age, as well as applications filed by job-seeking women on the assumption that they would be unable to balance work and private life.⁷¹

Legislation in all six Western Balkan countries prohibits discrimination on a variety of grounds, still motherhood and other family obligations remain one of the biggest obstacles for working women. At the time of writing this edition of the report, no Western Balkan government had taken adequate steps to address these obstacles. Women face significant challenges related to accessing childcare and maternity leave, alongside attributing disproportionately more time for care for family members, including elderly family members or those with disabilities. For example, low early childhood education and care enrolment, especially in BiH, Kosovo and North Macedonia, means women must prioritise childcare over employment. The lack of flexible work arrangements coupled with social norms of gender stereotypes and patriarchal culture also constrain women's participation in the labour market.⁷²

In the Western Balkans, women's unpaid labour is overwhelmingly overrepresented in comparison to men. This trend has been increasing over time, and no country's government has taken adequate steps in addressing the issue. In the region, it is not uncommon for women to 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, with women spending several hours daily, with considerably less contribution from men. Together with household and maternity duties, the position of women is marked by far lower access to economic power and economic rights. For example, in Montenegro, women own only 25% of the total square footage of all registered real estate, while men own 75%.⁷³ This indicates that women also have fewer economic rights such as land ownership. One quarter of women in the country have ownership of their land, while 59% is owned by men, and the rest by legal entities.⁷⁴ Having in mind that the most legal entities are owned by man the disparity is even larger.

The Strategy for Social Inclusion of in the Republic of Serbia 2022-2030, and the corresponding Action Plan for the Implementation of the Strategy (2022-24) were adopted. Nevertheless, the position of Roma women in Serbia remains challenging, especially in the area of employment and labour rights.

Although the total number of unemployed people in Serbia is decreasing, there is an increase in the number of unemployed Roma men and women. These data are worrying and indicate an increase in employment discrimination.⁷⁵ For example, an analysis of the program "My First Salary"; an affirmative measures programme for youth which began implementation in 2020, revealed that during this year, contracts were signed with 8,224 trainees, of which only 33 (0.4%) are Roma (20 women, 13 men).⁷⁶

⁷¹ N1, 'Serbian Commissioner says most discrimination complaints employment-related', N1, 03 February 2022, <https://n1info.rs/english/news/serbian-commissioner-says-most-discrimination-complaints-employment-related/>.

⁷² OECD, *Multi-dimensional Review of the Western Balkans: From Analysis to Action*, OECD, 20 April 2022, <https://www.oecd.org/development/mdcr/countries/western-balkans/>.

⁷³ Olivera Komar and Nemanja Batričević, *Pol i vlasništvo nad nekretninama u Crnoj Gori: mapiranje imovinskog jaza*, April 2023, OSCE, https://www.osce.org/files/f/documents/8/a/547832_0.pdf.

⁷⁴ *Ibid.*

⁷⁵ Information shared with Kvinna till Kvinna by partner organisation in Serbia.

⁷⁶ *Ibid.*

CONTEXT

In Montenegro, an unformed government following the latest elections has contributed to institutional barriers for women enjoying their economic rights. The implementation of the Law on Temporary Child Support, which was suspended in March 2023 due to legal gaps in implementation, has yet to be amended at the time of writing this report.⁷⁷ The law regulates government support to mothers that are not receiving court-sanctioned alimony in order to ensure that they have access to some form of support, even if temporary. According to WCSO Women's Rights Centre, for many women and single mothers, this form of support is crucial to keep them above the poverty line.

Women in the Western Balkans are disproportionately affected by gender-based discrimination in the labour market when compared to their men counterparts. No government in the region has adequately addressed these forms of discrimination, meaning little is done to combat the barriers women face in entering the labour market. Inaction in the sphere of labour is coupled with the limited efforts towards addressing gender inequalities in other related fields, such as care and domestic work, neither of which has been prioritised by any governments' relevant institutions.



⁷⁷ Vijesti, 'Centar za ženska prava: Obustavljanjem isplata iz Alimentacionog fonda Vlada iskazala neodgovornost i neprofesionalnost', *Vijesti*, 29 March 2023, <https://www.vijesti.me/vijesti/ekonomija/649989/centar-za-zenska-prava-obustavljanjem-isplata-iz-alimentacionog-fonda-vlada-iskazala-neodgovornost-i-neprofesionalnost>.

GENDER-BASED VIOLENCE

PREVALENCE OF GENDER-BASED VIOLENCE IN THE REGION

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 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (otherwise known as the Istanbul Convention).⁷⁸ Nevertheless, the implementation of the Istanbul Convention's comprehensive approach⁷⁹ towards combating gender-based violence (GBV) is still severely lagging in all Western Balkan countries. In July 2022, the draft of the new Law on the Protection from Domestic Violence of the Federation of Bosnia and Herzegovina was adopted by the House of Representatives of FBiH. The draft law was prepared by the network of non-governmental organisations BiH Safe Network, with the support of external experts. The law aims at harmonising the BiH legislative framework and policies with all international standards on the elimination of GBV. The proposed amendments aim at enabling access to rights and protection for survivors, as well as improving the sustainable financing of safe houses, specialised support and assistance services for survivors in FBiH.⁸⁰ At the time of writing this report, the law had not yet been adopted.

To align their legislation with the Istanbul Convention, all Western Balkan countries have amended their GBV-related legislation by

expanding the forms of GBV it targets 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. Reporting rates and trust in relevant institutions remain low among victims/survivors of GBV. According to women's rights CSOs, women victims/survivors of violence feel they are alone and misunderstood, frequently face judgment from their families, friends and the public, as well as revenge from the perpetrators. Fear of revenge and a lack of trust in institutions remain the main obstacles to women reporting cases of GBV.

During this reporting period, 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, has continued 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. Another issue is the lack of victim-/survivor-centred approaches in alignment with the principles of the Istanbul Convention.

⁷⁸ Stephen Orme, *CEDAW and the Istanbul Convention: A comparative view on transposition and implementation in domestic law and practice*, April 2021, Northern Ireland Assembly, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2021/ad-hoc-committee-on-bill-of-rights/3021.pdf>.

⁷⁹ Council of Europe (CoE), *The four pillars of the Istanbul Convention: Council of Europe Convention on preventing and combating violence against women and domestic violence*, 2021, <https://rm.coe.int/coe-istanbulconvention-brochure-en-r03-v01/1680a06d4f>.

⁸⁰ Aleksandra Petrić and Amela Bašić Tomić, *From formal obligation to actual progress - Response to gender-based violence against women in Bosnia and Herzegovina Monitoring the situation - baseline report 2019-2022*, Fondacija Udružene žene Banja Luka and Kvinna till Kvinna, 2022, p. 23, <https://udruzene-zene.org/en/publication/gender-based-violence/from-formal-obligation-to-actual-progress/>.

At the same time, media largely disrespect ethical and language codes when reporting on women, whether it is on victims/survivors of sexual abuse, DV or even reporting on trivial topics involving women, thus perpetuating sexist and misogynistic social norms. This type of reporting is widespread in the region. Media reports of GBV cases are largely sensationalist, focusing on physical violence and with little regard for legal provisions or the media's Code of Ethics. The identity of the victim/survivor and her family members is often revealed. Even when the names are not published, photos of the houses where the violence took place are depicted, which gives sufficient information about the victim/survivor's identity. Often, responsibility and blame are shifted to the victim/survivor, (e.g., she had a lover), and perpetrators are depicted as mentally troubled people or "maniacs", or operating under stress, as an attempt to justify their crimes. In North Macedonia, women's rights CSO National Network to End Violence Against Women and Domestic Violence "Voice Against Violence" (National Network) indicates that media outlets use factual, sensationalistic, and gender-insensitive language in their reports, without providing a deeper analysis of the cases and without realising that they need to raise awareness about the problem of GBV and femicide as a form of GBV. Furthermore, media in North Macedonia often uses sensationalist language rather than critically analysing the cases of femicide and other forms of GBV as a societal issue. While reporting on femicide and other forms of GBV, the media reports remain generic, factual and substantially similar or identical to each other. The role of media in the prevention function of raising

awareness on GBV (as emphasised by the Istanbul Convention) remains weak. Misreporting and misinterpreting cases of GBV often reinforces patriarchal norms that create the foundation for GBV.

Voices and stories of victims/survivors are rarely heard, while most of the media coverage is given to perpetrators. During a highly publicised case in September 2022, the Serbian tabloid *Informer* published an interview with a serial rapist who had served a 15-year sentence for numerous rapes and physical assaults on women. In the interview, the perpetrator not only instructed women on how to behave during an attack but also described how liberating it was for him to commit his crimes, stating "While I was raping and robbing, I felt freedom". With the aim of making women's voices heard, raising visibility on GBV and highlighting the inappropriateness of glorifying and sensationalising a serial rapist, five protests were organised against the tabloid from September 2022 to March 2023.

Under the pressure and constant work of WCSOs, attempts are being made in different Western Balkan countries to revise media legislation from a gender perspective. For example, in Montenegro, the government prepared a set of media laws and drafted first Montenegrin Media Strategy in March 2022 to address the issues of a lack of regulations for combatting online hate speech on unregistered portals, the non-transparency of media property, and the lack of media self-regulation, among others. At the time of writing this report, the law and the strategy had not yet been adopted.

⁸¹ Valbona Bezati, 'Women in Albanian Media: From Secondary Victimisation to "Slut-Shaming"', *Balkan Insight*, 27 May 2022, <https://balkaninsight.com/2022/05/27/women-in-albanian-media-from-secondary-victimisation-to-slut-shaming/>.

⁸² Snezana Rakic, 'How is violence against women reported about in Serbia?', *Serbian Monitor*, 03 October 2022, <https://www.serbianmonitor.com/en/how-is-violence-against-women-reported-about-in-serbia/>.

⁸³ Bojana Jovanovska, 'It's not "Family drama." It's Femicide!', *respublica*, 05 April 2023, <https://respublica.edu.mk/blog-en/justice/its-not-family-drama-its-femicide/?lang=en>.

⁸⁴ Bojana Jovanovska and Jovana Jovanovska, *Femicide in Macedonian Media: Gender-based content analysis*, Institute of Communication Studies, 2023, <https://iks.edu.mk/en/research-analysis/femicide-in-macedonian-media/>.

⁸⁵ Dariusz Kalan, 'How an interview with a rapist fired up Serbia's feminists', *Al-Jazeera*, 31 March 2023, <https://www.aljazeera.com/features/2023/3/31/how-an-interview-with-a-rapist-fired-up-serbias-feminists>.

⁸⁶ Information shared with Kvinna till Kvinna by partner organisation in Montenegro.

Femicide continues to plague the Western Balkan region. In some countries there has even been a visible trend of increases in numbers of femicides. As of November 2022, there were ten cases of femicide in BiH⁸⁷ (an increase compared to nine cases in 2021). In Serbia, during 2022 there were a total of twenty-seven femicides,⁸⁸ which is an increase from 20 in 2021. Twenty-two⁸⁹ cases of femicides were registered from January to August 2023, the latest occurring after the victim acquired a restraining order against the perpetrator.⁹⁰ In Kosovo, women consider GBV one of their greatest threats, primarily in their homes, in the streets and then in the workplace.⁹¹

As in all previous 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 data on femicides. One major barrier to meeting the Istanbul Convention requirements, is the failure to collect official data because no government, with the exception of North Macedonia, has adopted an official, specific definition of femicide. The definition adopted by North Macedonia in 2023, adding point 2a to Article 123, paragraph 2 of the Criminal Code, is defining femicide as taking the life of a woman or girl up to 18 years of age, while committing GBV. In the other Western Balkan countries, and despite several declarations from government officials, nothing concrete has yet been done regarding the definition of femicide or its inclusion in the respective criminal codes. To address the need for periodic data on femicides, 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 WCSOs in the region, 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 (North Macedonia), and the Autonomous Women's Centre, Women against Violence Network, and FemPlatz (Serbia).

The issue of data collection and reporting goes beyond femicide and relates to all forms of GBV. As reported in each edition of *Women's Rights in Western Balkans* so far, data on GBV and data collection mechanisms remain incomplete and not yet harmonised with Article 11 of the Istanbul Convention in each of the six Western Balkan countries. Not all Western Balkan National Statistics Offices conduct periodical surveys on GBV and their Women and Men statistical reports, that are sometimes not up-to-date and not published on a defined, periodical basis, do not provide accurate data on GBV, often focusing solely on DV, and in most cases the limited data included on DV still do not allow for a detailed analysis of GBV in the respective country.

⁸⁷ Information shared with Kvinna till Kvinna by partner organisations in BiH. The increase in the number of femicides in BiH illustrates the issue of not having an official definition of femicide. There is a discrepancy between two different figures for 2022. Whether it is 10 or 11 cases of femicides comes down to the definition: The eleventh case is the one happened in Sarajevo in October 2022, when an underage granddaughter killed her grandmother. Some WCSOs, however, do not count this case as it falls outside of the general definition of femicide (i.e., the UN Women definition wherein femicide is an intentional killing with a gender-related motivation, which may be driven by stereotyped gender roles, discrimination towards women and girls, unequal power relations between women and men, or harmful social norms).

⁸⁸ Information shared with Kvinna till Kvinna by partner organisations in Serbia.

⁸⁹ Ibid.

⁹⁰ Alexandra Vrbica, 'Serbian women face femicide, abortion ban', *Euractiv*, 15 May 2023, <https://www.euractiv.com/section/politics/news/serbian-women-face-femicide-abortion-ban/>.

⁹¹ Besa Luzha et al., *Women's study in the Republic of Kosovo (2021/2022): Insights on Society, Family, Values, Education, Employment, Politics, Security and Healthcare*, Friedrich Ebert Stiftung (FES), 2023, p. 109, <https://library.fes.de/pdf-files/bueros/kosovo/19994.pdf>.

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DV received more attention than other forms of GBV not only regarding data collection, but also regarding prevention activities, protection, and prosecution. Other forms of GBV are sometimes considered “less important” than DV, and other times, may go unrecognised by the public and by the relevant institutions. Despite most of the legal frameworks having been, or are being, adapted to align with the Istanbul Convention and address all forms of GBV, researchers for this edition of the report note that many of the awareness-raising activities and institutional measures conducted by institutions in the Western Balkans are more likely to address DV and less likely to address other forms of GBV. For example, in Serbia there is a lack of harmonisation of the criminal offense of rape with the requirements of the Istanbul Convention.⁹² Across the region, state institutions do not adequately address sexual GBV (SGBV), an important thematic in the EU Gender Action Plan III (GAP III). The majority of advocacy towards implementing standards set out in GAP III and the Istanbul Convention for SGBV as well as all other forms of GBV are conducted by WCSOs. The lack of inclusion of all forms of GBV in the legal frameworks, as required by the Istanbul Convention negatively affects the mechanisms and measures taken for the protection of GBV victims/survivors and the prosecution of the perpetrators.

As a common point among the Western Balkan countries, illustrated also by the majority of responses to the Freedom of Information (FOI)

requests submitted by Kvinna till Kvinna, institutional budgets are mostly allocated toward combating DV. It is not possible to identify with certainty what funds are allocated for other forms of GBV, if any. This approach is not compatible with the Istanbul Convention, which requires a comprehensive approach of GBV including all its forms.

Focusing mostly on DV and neglecting other forms of GBV reinforces the patriarchal norm of the existence of women only in the context of a family, as wives and mothers. Such traditional and patriarchal norms are being reinforced by the increasing anti-gender movement in all Western Balkan countries, the effects of which was reported in the previous edition of this report. The increasing mobilisation of far-right, nationalist and conservative anti-gender, anti-migrant and anti-LGBTQI+ groups has a profound impact on even the work of the governments toward gender equality and the response to GBV. For example, in North Macedonia, as a result of pressure from anti-gender groups, there is a visible withdrawal from even the use of the term “gender” by the state institutions: the term “gender responsive budgeting” in local policies has been changed in order not to use the word gender, and there is also a visible pressure to emphasise only DV when speaking about GBV.⁹³ All this goes against the principles and requirements of the Istanbul Convention, which focuses on the gendered dimensions of violence, and also against its comprehensive approach.



⁹² Autonomous Women's Centre (AWC), 'AWC Contribution for the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence regarding the 2020 Recommendations for Serbia', 31 March 2023, https://www.womenngo.org.rs/images/vesti_2023/AWC_Contribution_to_CoE_Committee_of_Parties_regarding_2020_Recommendations_for_Serbia.pdf.

⁹³ Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

NUMBER OF SANCTIONED GENDER-BASED VIOLENCE CASES

Sanctioning 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, catalysed by the initiatives and efforts of women's rights CSOs. Despite this progress or legislative amendments, DV and GBV law enforcement and implementation remain a concern. In this reporting period, as in all previous editions of the report, law enforcement continued to not be victim/survivor-centred, as per the Istanbul Convention requirements, and no significant progress has been noticed since the last report. Further, the judicial response to GBV is far from efficient; the proceedings are long, and despite the legal provisions, victims/survivors are not assisted during such procedures. In all of the Western Balkan Countries, sentences for the perpetrators continue to be lenient and the judicial system continues to fail in protecting victims/survivors of GBV. Limited improvements have been made in this regard.

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 that of psychological violence and coercive control. There are cases where police officials have been dismissive of, and have 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

adequately inform them about their rights. Dismissive or prejudicing attitudes has also been found among judges, particularly in the case of Roma women and LGBTQI+ persons. Early marriage, as one form of GBV disproportionately affecting Roma girls, is severely under-reported, and in instances when it is reported to state institutions, experience shows that it is not taken seriously or adequately prosecuted.⁹⁴

Access to justice of women victims/survivors of GBV is another serious issue that remains to be resolved in all Western Balkan countries. Victims/survivors are often not aware of their rights and they are not duly informed about processes that take place after reporting violence to the police. In many cases they have difficulties in accessing free legal aid because such aid is not geographically distributed or is not available at all. There are also cases where the capacities of the legal aid centres' employees are limited due to funding difficulties, and some cases where staff have not received adequate training on GBV, or the gendered nature of DV. There is a need to further raise awareness of the availability of legal aid among the most marginalised groups (including but not limited to women with different abilities, women living in rural or remote areas, women from Roma minority communities, migrant and refugee women, women living in poverty). The insufficient resources (both human and financial) that courts dedicate to GBV cases continues to be unaddressed in the six Western Balkan countries. Courts are often not accessible to victims/survivors of GBV as they are concentrated in urban and central areas, especially identified in Albania. Hence, the access to justice for victims/survivors who live in rural areas is jeopardised.

⁹⁴ Information shared with Kvinna till Kvinna by partner organisation in Serbia.

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As in the previous reporting periods, another significant issue related to GBV prosecution is the lack of adequate and complete data that would enable 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 data with the same degree of disaggregation. Some of the countries publish GBV related data regularly while others do not, hence, the different structures in the country analyses and gaps in the available data. In some cases, the disaggregation of institutions' 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. This is true for all Western Balkan countries, leaving aside other forms of GBV (not fulfilling Article 11 requirements of the Istanbul Convention). Moreover, cases of DV are registered as complaints (for example in North Macedonia) or as misdemeanours (for example in Montenegro), perpetuating the lenience of the state response toward the crime of DV and other forms of GBV. GBV crimes continue to be devalued in comparison to other crimes, as indicated by the findings in this chapter.

ALBANIA

During this reporting period, no improvements have been made in terms of harmonised GBV data collection in Albania, and institutions have failed to align with Article 11 of the Istanbul Convention. As a result, some forms of GBV are still underrepresented or even missing from official reports due to lack of data. For example, there is no specific data on spousal rape,⁹⁵ and often even authorities do not consider spousal rape a crime, in which case it is neither reported nor prosecuted. This issue has persisted throughout all editions of *Women's Rights in Western Balkans* and has yet to be addressed by relevant state actors. DV remains the most visible form of GBV. It is also the one more prioritised by the authorities compared to the other forms of GBV. This contradicts the Istanbul Convention, which requires the equal addressal of all forms of GBV as well as the protection of victims/survivors of all forms of GBV.

According to the 2022 United States (US) Human Rights Report for Albania, police reported 4,135 cases of GBV as of September 2022. In 2,402 cases the police filed requests for protection orders to assist survivors.⁹⁶ The same report highlights that even though the Criminal Code prohibits

sexual harassment, officials rarely enforce it. As of September 2022, the police had registered 33 cases of sexual harassment.⁹⁷

Data on various GBV crimes in Albania indicate several different trends during the reporting period, when compared to previous years. According to the most recent report of the General Prosecution Office,⁹⁸ crimes against children, marriage and family in 2022 made up 6% of all crimes, compared to 5% in 2021. There was also an increase of approximately 5% in all the recorded cases and 5% in the cases sent to court. Among the perpetrators, 93% were men. In 2022, DV accounted for 93% of crimes against children, marriage and family, compared to approximately 94% in the previous year. The data also indicate an increasing trend in the number of cases: in 2022 there were 1,453 registered cases of DV compared to 1,406 in 2021, 1,251 in 2020, 1,140 in 2019 and 1,209 in 2018.⁹⁸ Out of the total cases of crimes against children, marriage and family received by the Prosecution, approximately 83% of the cases entered the court system, and the remainder were dismissed for various reasons.¹⁰⁰

⁹⁵ US Department of State, *2022 Country Reports on Human Rights Practices: Albania*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/albania/>.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ General Prosecution Office Republic of Albania, *Raport i Prokurorit të përgjithshëm mbi gjendjen e kriminalitetit për vitin 2022*, Tirana, General Prosecution Office, March 2023, p. 108, https://www.pp.gov.al/rc/doc/Raporti_Vjetor_kriminaliteti_2022_Kuvendit_Prokuroria_e_Pergjithshme_6915.pdf.

⁹⁹ *Ibid.*, p. 110.

¹⁰⁰ *Ibid.*, p. 17.

In 2022, there was an increase in the number of sexual crimes compared to 2021 (162 recorded cases compared to 158).¹⁰¹ Almost all (98%) of the perpetrators of sexual crimes were men. In 2022, the number of cases forwarded to courts was approximately 5 percentage points higher than in 2021.¹⁰² Within the category Sexual crimes, there is a visible increase in cases regarding Sexual Harassment (approximately 54% in 2022 compared to 43% in 2021)¹⁰³ that made it to court. In 2022, there was an increase of approximately 28% of registered cases regarding sexual harassment (Article 108/1 of the Penal Code) compared to 2021.¹⁰⁴

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, if it indicates rising rates of GBV in Albania, or a combination of all of the above.

A 2022 study conducted by the CSO Vatra¹⁰⁵ with GBV victims/survivors receiving shelter through protection services reported that in 45% of GBV cases, the perpetrator has been the husband, in 38% the former husband and in 7% of the cases an intimate partner. In the remaining cases, the perpetrator has been the father, a former intimate partner, or other members of the family. Among the victims/survivors participating in the study, 72% of them had reported violence to the police and 15% to the CSOs working on GBV. Forty percent of participants reported being under a Protection Order, while 10% of them reported they did not have a Protection Order and had not requested one because they did not wish to denounce their partner or former partner (in some cases because of the threats made by their partners or former partners). Forty-three percent of the victims/survivors stated they have received a correct and respectful response from the police officers, whereas 23% gave a negative evaluation of the police's response (33% answered "do not know"). When it comes to the legal justice system,

63% of respondents evaluated their treatment by the courts and prosecutors' offices as respectful, and 4% answered negatively, which is a welcome improvement in relation to responses to GBV. Another positive indicator is that in 60% of cases, respondents were happy with the courts' decisions; 56% believe that the process was not long, and 52% responded that they had been correctly informed by the courts and prosecutors' offices regarding their cases and the related legal procedures.

One key setback in Albania that took place during the reporting period is the new judicial map. The redrawing of the judicial map reduced the number of first instance courts from 29 to 12 and decreased the number of administrative courts to only two - one in Tirana and one in Lushnjë - instead of six. Another controversial change was the creation of a single appeals court in Tirana instead of the past six national courts.¹⁰⁶ Human rights organisations have protested this map, fearing that it will hamper people's access to justice, especially women who already face challenges in accessing justice, and more particularly women from marginalised groups.

In Albania, in 2022, eight¹⁰⁷ women had been killed by their partners or family members.¹⁰⁸ The failures in prosecution are most visible in cases of femicide: almost all femicides occurred after the victims have already reported previous instances of violence to the police but the response, by the police or by the judicial system, had been entirely inadequate, with weak sanctioning in almost all cases. In March 2023, a man previously convicted for murdering his wife and separate rape crimes was released after serving a short sentence. Two weeks after being released from prison, he killed three women. This case was followed by protests organised by women's rights CSOs in front of the Ministry of Justice calling into question the integrity of the judges who ruled on the previous cases against the accused.¹⁰⁹

¹⁰¹ *Ibid.*, p. 97.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, p. 99.

¹⁰⁴ *Ibid.*, p. 100.

¹⁰⁵ VATRA, *Access and quality of the services for the victims of gender-based violence in Albania*, Vlora, 2022, http://www.qendravatra.org.al/previewdoc.php?file_id=749.

¹⁰⁶ Exit News, 'Judicial Map to Go Ahead Without Changes', *Exit News*, 14 July 2022, <https://exit.al/en/judicial-map-to-go-ahead-without-changes/>.

¹⁰⁷ Information shared with Kvinna till Kvinna by partner organisation in Albania.

¹⁰⁸ US Department of State, *2022 Country Reports on Human Rights Practices: Albania*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/albania/>.

¹⁰⁹ Alice Taylor, 'Albanians protest over triple femicide by convicted rapist, murderer', *Euractiv*, 03 March 2023, <https://www.euractiv.com/section/politics/news/albanians-protest-over-triple-femicide-by-convicted-rapist-murderer/>.

BOSNIA AND HERZEGOVINA

According to the 2022 European Commission (EC) Country Report for BiH, the institutional response to GBV needs to be improved, including with regards to protective measures, victim/survivor support, legal aid and safe accommodation.¹¹⁰ During the reporting period, no progress was made in addressing the EC's recommendations.

There is no harmonised legal and policy framework regarding GBV in BiH. BiH does not have a national strategy that focuses exclusively on preventing and combating GBV, including DV. The Brčko District does not have a strategic document that regulates the area of GBV including DV.¹¹¹

As highlighted also in the 2022 edition of *Women's Rights in Western Balkans*, BiH still does not have a common database on all forms of GBV at the state level. There is no uniform system for data collection and analysis and the work of the various institutions relevant to combatting GBV, remains incomplete and inconsistent.¹¹² Relevant state authorities have failed to harmonise data collection in accordance with Article 11 of the Istanbul Convention. Data for the recording and prosecution of DV are presented in the publication *Women and Men* for BiH.¹¹³ 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. Furthermore, the most recent publication, published in 2022, only includes data for 2019-2020, rendering the information outdated.

According to the most recent report of the Group of Experts on Actions against Violence against Women and Domestic Violence (GREVIO) for BiH,¹¹⁴ other than specific departments on violent and sexual crimes, there are no prosecutor units/offices specialising in GBV and DV. Under the entity and Brčko District laws,¹¹⁵ all GBV offences,

with the exception of sexual harassment, have to be prosecuted *ex officio*, in contradiction to the Article 55 requirements of the Istanbul Convention. Article 55 requires parties to ensure that investigation and prosecution of GBV cases should not be fully *ex officio* and detailed evidence and information should be gathered adequately even in cases where the victim/survivor withdraws the complaint, since relying only on *ex officio* may hamper accurately collecting evidence.

Systematic and mandatory training for law-enforcement officers on all forms of VAW are still lacking. Institutions' lack of capacity development hampers the response to GBV cases, and often causes under-reporting, delays in opening investigations or failure to do so altogether.¹¹⁶ DV and other forms of GBV appear to not be taken seriously by judges in BiH.¹¹⁷ This may be attributed to lack of sufficient and sustained initial and in-service training of judges on GBV in addition to the persistence of patriarchal gender norms.

Regarding the prosecution of GBV, victims/survivors experience high levels of victimisation when they report GBV crimes, such as long waits at police stations, victim-blaming attitudes, requests to return another day, police officers siding with the perpetrator or the treatment of the complaint as a family dispute which must be resolved between the partners. Women's rights CSOs report that police responses tend to be more proactive when the victim/survivor is assisted by a women's organisation or a Centre for Social Work. There are serious delays or inaction in cases of in person calls/visits to victims'/survivors' homes, often justified by the insufficient technical or human resources of police.¹¹⁸ As reported in previous editions, while laws in both the FBiH and Republika Srpska empower authorities to remove the perpetrator of DV from the home, officials rarely, if ever, made use of these provisions.¹¹⁹

¹¹⁰ European Commission (EC), *Bosnia and Herzegovina 2022 Report*, Brussels, 2022, p. 34,

https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022_en.

¹¹¹ Aleksandra Petrić and Amela Bašić Tomić, *From formal obligation to actual progress - Response to gender-based violence against women in Bosnia and Herzegovina Monitoring the situation - baseline report 2019-2022*, Fondacija Udružene žene Banja Luka, Kvinna till Kvinna, 2022, p. 11, <https://udruzene-zene.org/en/publication/gender-based-violence/from-formal-obligation-to-actual-progress/>.

¹¹² *Ibid.*, p. 12.

¹¹³ Agency for Statistics of Bosnia and Herzegovina, *Žene i Muškarci u Bosni i Hercegovini*, Sarajevo, 2022, https://bhas.gov.ba/data/Publikacije/Bilteni/2022/FAM_00_2021_TB_1_BS.pdf.

¹¹⁴ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *Baseline Evaluation Report: Bosnia and Herzegovina*, Strasbourg, Council of Europe, 2022, <https://rm.coe.int/grevio-baseline-evaluation-report-on-bosnia-and-herzegovina/1680a8e5f1>.

¹¹⁵ *Ibid.*, p. 74.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*, p. 76.

¹¹⁸ *Ibid.*, p. 74.

¹¹⁹ US Department of State, *2022 Country Reports on Human Rights Practices: Bosnia and Herzegovina*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/bosnia-and-herzegovina/>.

According to GREVIO report for BiH,¹²⁰ the data provided by the authorities on the number of reports received, investigations opened, indictments filed and convictions secured in FBiH and Republika Srpska, primarily focus on cases of DV. Other forms of GBV remain invisible. In the Brčko District, no data on GBV were provided for the GREVIO report regarding the prosecution of GBV cases.¹²¹ As highlighted by the GREVIO report, in FBiH, out of all the reports on DV filed by victims/survivors, at best one third proceed to be prosecuted and a little over 50% of such indictments lead to convictions.

Reporting rape is even more difficult: the number of cases reported is extremely low and even fewer cases end in a conviction.¹²² The law criminalises rape regardless of gender, including spousal rape. The maximum penalty for rape, including spousal rape, is 15 years in prison. Institutional response to rape as a crime, however, and particularly spousal rape, remains problematic. In most cases, police fail to treat spousal rape as a serious offense hampering also the effective enforcement of the

law. Women victims/survivors of rape do not have regular access to free social support or assistance as mandated by the law and continue to confront prejudice, stigma, and discrimination in their communities and from representatives of public institutions.¹²³

In July 2022, Sanja Stanković, the former spouse of BiH Minister of Foreign Trade and Economic Relations Staša Košarac from the Alliance of Independent Socialist Democrats party testified before a judiciary committee on corruption and described extensive physical and verbal abuse by Košarac toward her and their children. She reports to have consistently reported the abuse to Republika Srpska authorities, who never reacted, and called attention to the difficulties experienced by DV survivors in receiving justice or protection from the authorities.¹²⁴ This recent case is one illustration of how difficult it can be to report violence when faced with institutions that neither respond nor address violence in an adequate manner.

KOSOVO

The government and Parliament have continued the process of amending the Law on Protection from Domestic Violence, to align it with the Istanbul Convention. The National Strategy on Protection from Domestic Violence and Violence Against Women 2022-2026 was developed based on Istanbul Convention requirements.¹²⁵ In October 2022, Kosovo's government supported legal changes to impose stricter sentences for rape, sexual assault and DV, as well as enabling the publication of convicted sexual abusers' identities.¹²⁶ On November 23rd, 2022, during the 16 Days against Violence against Women, the State Protocol for Treatment of Sexual Violence Cases was approved.¹²⁷ This was an initiative of Kosovo Women's Network (KWN) in cooperation with the Ministry of Justice and the Medical Forensic

Institute. The main objective of the State Protocol is to address sexual violence cases and it gives clear responsibilities to each institution. KWN, in cooperation with shelters, have trained 186 officials from responsible local institutions in the Protocol and its implementation. Furthermore, KWN collaborated with the General Council of Social and Family Services and Ministry of Finance, Labour and Transfers – Social and Family Policies Department to develop and adopt official curricula for social service officers to treat DV and sexual violence, based on the new Protocol, which have become permanent curricula for the Ministry. Trainers were trained by KWN to deliver this curricula to social workers, towards improving their services.¹²⁸

¹²⁰ GREVIO, *Baseline Evaluation Report: Bosnia and Herzegovina*, Strasbourg, Council of Europe, 2022, <https://rm.coe.int/grevio-baseline-evaluation-report-on-bosnia-and-herzegovina/1680a8e5f1>.

¹²¹ *Ibid.*, p. 75.

¹²² *Ibid.*

¹²³ US Department of State, *2022 Country Reports on Human Rights Practices: Bosnia and Herzegovina*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/bosnia-and-herzegovina/>.

¹²⁴ *Ibid.*

¹²⁵ Adelina Berisha and Nicole Farnsworth, 'Assessment of Service Provision by Centres for Social Work for Survivors of Domestic Violence', Pristina, Kosovo Women's Network (KWN), 2022, <https://womensnetwork.org/wp-content/uploads/2023/03/Assessment-of-Service-Provision-by-Centres-for-Social-Work-for-Survivors-of-Domestic-Violence.pdf>.

¹²⁶ Balkan Investigative Research Network (BIRN), 'Share your Experiences: Domestic Violence in Kosovo', *Balkan Insight*, 13 March 2023, <https://balkaninsight.com/2023/03/13/share-your-experience-domestic-violence-in-kosovo/>.

¹²⁷ Government of the Republic of Kosovo, *Protokollit Shtetëror Për Trajtimin E Rasteve Të Dhunës Seksuale*, November 2022, Decision No. 11/109, <https://md.rks-gov.net/desk/inc/media/04F016B5-48F2-4DB3-A595-D320114AC25D.pdf>.

¹²⁸ Balkan Investigative Research Network (BIRN), 'Share your Experiences: Domestic Violence in Kosovo', *Balkan Insight*, 13 March 2023, <https://balkaninsight.com/2023/03/13/share-your-experience-domestic-violence-in-kosovo/>.

The current situation remains problematic, however, and there are still visible gaps in the respective institutions' response to the prosecution of GBV cases. CSOs have constantly condemned the light court sentences issued in GBV cases in the country as well as the disturbing treatment of victims/survivors by the police. Victims/survivors often face re-traumatisation due to having to repeat their testimonies multiple times from the first stages of reporting, and often are asked to not report, to “forgive and forget” for the sake of the family.¹²⁹

The number of reported DV cases in Kosovo have increased in recent years. In 2020 there were 2,069 cases reported to the police, in 2021 the number rose to 2,456, and the upward trend continued in 2022, with 2,764 reported cases of DV.¹³⁰ Although there is an increase in reporting, WCSO KWN iterates that this does not necessarily reflect the reality, since the number of cases is far higher than the number that is reported to official state institutions. KWN estimates that increases in reporting may also be attributed to the potentially raised awareness among the public. There has been a lot of effort and resources invested towards increasing awareness among citizens on types of violence and how to report it, therefore this increase can also be attributed to efforts by women's rights CSOs; mainly KWN and its members. In September 2022, the Acting Chief State Prosecutor assigned sex crimes coordinators for each prosecutor's office. Prosecutors were encouraged to apply risk-assessment tools to mitigate the risk of future abuse and to recommend harsher sentences for repeat offenders and violators of protective orders.¹³¹ This is a welcome improvement in addressing GBV prevention at the state level. Nevertheless, the situation in practice is different, with lenient sentences for the perpetrators, or cases of GBV not addressed by the institutions, as it is further expanded in this section.

Each Police Station has a Domestic Violence Unit. The Kosovo Police's Domestic Violence Investigation Units involve women and men police officers in each municipality who are trained specifically to deal with cases of DV. Additionally, each prosecutor's office has a prosecutor specialised in handling DV cases, while the Pristina Basic Prosecution Office established a Domestic Violence Unit staffed by four prosecutors.¹³² In addition, the Victims Advocacy and Assistance Office (VAAO) helps to provide access to justice for victims/survivors of all crimes, with a special focus on victims/survivors of DV, trafficking in persons, child abuse, and rape. It operates a 24/7 helpline with limited services also in Serbian, Roma, Turkish and Bosnian.¹³³ The VAAO has a mandate to institutionalise the rights of crime victims/survivors and offer them representation, counselling and support to have adequate access to the justice system,¹³⁴ as emphasised also in the National Strategy on Protection against Domestic Violence and Violence against Women 2022-2026.¹³⁵ According to KWN, Victim Advocates are not always present at police stations when victims/survivors report violence and often are absent from court hearings, due to insufficient human resources. Additionally, they do not always adequately assist victims/survivors in filing compensation claims. According to the findings of a recent analysis of the courts' verdicts in Kosovo,¹³⁶ from the 50 verdicts analysed, it results that 72% of DV victims/survivors did not have professional representation (as required by the Istanbul Convention).¹³⁷ The access of women victims/survivors to justice remains problematic during this reporting period as well, and requires further considerable improvements. As mentioned previously, there are many cases where victims/survivors are not aware of the services and support available, and there are many cases where such services are not sufficient to cover all the needs.

¹²⁹ *Ibid.*

¹³⁰ Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

¹³¹ US Department of State, *2022 Country Reports on Human Rights Practices: Kosovo*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/kosovo/>.

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ Arrita Rezniciq, *The Istanbul Convention in Courts Verdicts of Courts in Kosovo*, Pristina, Kosovo Law Institute (KLI), September 2022, p. 15, https://kli-ks.org/wp-content/uploads/2023/03/The-Istanbul-Convention-in-the-verdicts-of-courts-in-Kosovo_ENG.pdf

¹³⁵ Government of Republic of Kosovo, *National Strategy on Protection against Domestic Violence and Violence against Women 2022-2026*, January 2022, <https://kryeministri.rks-gov.net/wp-content/uploads/2022/08/ENG-Strategjia-Kombetare-per-Mbrojtje-nga-Dhuna-ne-Familje-dhe-Dhuna-ndaj-Grave-2022-2026.pdf>.

¹³⁶ Arrita Rezniciq, *The Istanbul Convention in Courts Verdicts of Courts in Kosovo*, Pristina, Kosovo Law Institute (KLI), September 2022, p. 15, https://kli-ks.org/wp-content/uploads/2023/03/The-Istanbul-Convention-in-the-verdicts-of-courts-in-Kosovo_ENG.pdf

¹³⁷ *Ibid.*, p. 4.

The same analysis reports that the shortest processes are those related to the criminal offense of "domestic violence", while other cases of GBV (e.g., harassment, assault, threats, slight bodily harm, etc.) take much longer to resolve.¹³⁸ This is a common pattern in all Western Balkan countries: DV receives more attention than other forms of GBV, which are sometimes considered less important and other times go unrecognised not only by the institutions like courts, but also by the public. Hence the need for more interventions regarding education and of different institutional representatives regarding other forms of GBV, their Istanbul Convention requirements, as well as strengthening service providers in addressing such GBV cases.

Convictions against perpetrators of DV remained mild and only a small number of identified cases were given effective prison sentences. Thus, out of the 50 convicted persons, the courts have imposed conditional imprisonment on 37 persons, while the Basic Courts have imposed effective prison sentences on only five perpetrators of criminal acts of DV.¹³⁹ Sentencing for DV crimes remain low. Some judges still seek to reconcile families, though this is not within their mandate when women and children are at risk of violence, and falls outside of

the regulations of the Istanbul Convention. Few measures are assigned in protection orders, which hampers a comprehensive, victim-centred approach.¹⁴⁰ In one particular DV case, the State Prosecutor illegally withdrew the charges, on the grounds that the parties are ex-spouses, illegally amnestying the perpetrator of the violence he had committed.¹⁴¹ In rape cases, courts often applied penalties lighter than the legal minimum, and law enforcement bodies rarely took steps to protect victims/survivors and witnesses. In some cases, sentences were further decreased by the Appellate Court.¹⁴² Instances of GBV, including sexual violence and rape, are rarely reported by victims/survivors, mostly due to social stigma or lack of trust in authorities, as observed in other Western Balkan countries and in the previous editions of the *Women's Rights in Western Balkans* reports. For 2022, as of September of that year, prosecutors in Kosovo investigated 160 cases of rape or sexual violence and issued 38 indictments.¹⁴³ Lawyers and court observers stated prosecutors and judges often favoured family unification over victims/survivor protection, with protective orders sometimes allowing the perpetrator to remain in the family home while a case was pending.¹⁴⁴

MONTENEGRO

The issue of the lack of comprehensive data on GBV has been raised several times in the current and past editions of the *Women's Rights in Western Balkans* report. Such comprehensive data in Montenegro remain limited. According to a 2022 survey¹⁴⁵ of the National Institute of Statistics of Montenegro, 20% of women in the country stated that they had experienced violence from their partner, among which 7% have categorised their experiences as physical and/or sexual violence.

Furthermore, approximately 18% of women stated they had experienced sexual harassment at work during their lifetime. This is the first nation-wide survey conducted following the methodology of the European Statistical Office. Whether or not the survey will be conducted in 2023 in order to provide information for a better analysis of the GBV patterns in Montenegro will be monitored in the next reporting period.

¹³⁸ *Ibid.*, p. 3.

¹³⁹ *Ibid.*, p. 4.

¹⁴⁰ Leutrim Sahiti, 'Për gjashtë muaj mbi 1 mijë e 200 raste të dhunës në familje – RrGK vlerëson se dënimet janë të ulëta', *Gazeta 10*, 12 August 2023, <https://gazeta10.com/per-gjashte-muaj-mbi-1-mije-e-200-raste-te-dhunes-ne-familje-rrgk-vlereson-se-denimet-jane-te-uleta/>.

¹⁴¹ Arrita Rezniki, *The Istanbul Convention in Courts Verdicts of Courts in Kosovo*, Pristina, Kosovo Law Institute (KLI), September 2022, p. 5, https://kli-ks.org/wp-content/uploads/2023/03/The-Istanbul-Convention-in-the-verdicts-of-courts-in-Kosovo_ENG.pdf

¹⁴² *Ibid.*, p. 4; US Department of State, *2022 Country Reports on Human Rights Practices: Kosovo*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/kosovo/>.

¹⁴³ US Department of State, *2022 Country Reports on Human Rights Practices: Kosovo*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/kosovo/>.

¹⁴⁴ *Ibid.*

¹⁴⁵ Statistical Office of Montenegro (MONSTAT), 'Istraživanje o uslovima života i bezbjednosti žena (EU-GBV)', 25 November 2022, <https://www.monstat.org/uploads/files/demografija/gbv/Saopštenje%20gbv%2025%2011%202022.pdf>.

As has been reported in previous editions of the *Women's Rights in Western Balkans* reports, data and information for this reporting period indicate that perpetrators of DV continue to 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. As highlighted by WCSOs in Montenegro, there are still DV cases that qualify as misdemeanours in investigative and judicial practice, despite the fact that they contain elements of a criminal offense in accordance with Article 220 of the Criminal Code of Montenegro. This is an illustration of how state prosecutors often decide on a milder qualification of the offense, as was emphasised in previous editions of the *Women's Rights in Western Balkans report*. Limited progress has been made by state institutions in addressing this issue. In the previous 10-year period, the criminal offences have not exceeded 15% of the total number of reported cases.¹⁴⁶ Such practice is neither in line with international standards, nor with the practice of the European Court of Human Rights, which foresees the obligation of state authorities to conduct a valid investigation in the case of DV and to take measures for appropriate criminal prosecution. According to a gender analysis of the penal policy for 2022, for the crime of domestic and family violence under the Criminal Code, the courts had a total of 427 cases of domestic and family violence, of which 191 received a verdict (compared to 282 in 2021, 132 of which were resolved by final judgment). The number of cases qualifying as misdemeanours (under the Law on Protection from Domestic Violence), the courts for misdemeanours had a total of 2,060 cases of which as many as 610 were carried over from 2021, meaning there were 1,450 new cases.¹⁴⁷ For comparison, in 2021, there were 2,176 cases, including the 610 that were carried over into the next year.¹⁴⁸

Out of 191 resolved criminal cases of DV, sanctions were imposed in 114 cases.¹⁴⁹ Of that total, over half (55%) were fines, followed by warning measures, which constituted over one third (approximately 36%) of the imposed criminal sanctions, while security measures imposed with a

final judgment constituted only 9% of the total number of imposed criminal sanctions. The protection measure of eviction from the living space (Article 77b of the Criminal Code of Montenegro) was imposed only once, and the Restraining Order (Article 77c of the Criminal Code of Montenegro) was imposed in 18 cases, which is twice as many as in 2021, though still less than 10% of resolved cases. Data for the period between 2019 and 2022 shows that courts imposed the protection measure of eviction from the living space only five times over four years. This means that this important mechanism for the protection of victims/survivors, and for the prevention of repeated violence, is rarely applied,¹⁵⁰ and that the protection and prosecution system in Montenegro is not victim/survivor-centred, continuing to be lenient towards the perpetrators of GBV and failing the protection of GBV victims/survivors.¹⁵¹

Family law judges carry out their duties with respect to divorce, child custody and visitation without any formal regulations or bench guides for cases involving domestic violence. Judges do not actively screen for DV and tend to overlook the harms that DV imposes in these cases, instead making custody and visitation decisions without taking the victims'/survivors' experiences of violence into account. Family law judges tend to prioritise visitation as a parent's right (even if the parent is a perpetrator of violence) and may forego any supervision when children are not direct victims/survivors of violence. During custody trials there have even been cases of perpetrators abducting children from their mothers, with at least 10 such abductions documented by WCSO Women's Rights Centre (WRC), indicating a pattern, and where mothers were not able to see their children for extended periods of time (in some cases for years at a time) despite executive court decisions.¹⁵² These cases revealed the institutions' failure to enact both Istanbul Convention standards and 2018 GREVIO Recommendations, which require protection of children witnesses, due diligence, and an integrative approach of the system in handling victim/survivor protection during custody cases.¹⁵³

¹⁴⁶ Women's Rights Centre, *Judicial Response to Gender-based Violence*, Podgorica, 2023.

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² Women's Rights Centre, 'Position Paper on Key Issues Related to Fundamental Rights of Women in Montenegro: Submission for 12th EU-Montenegro Sub-Committee on Justice, Freedom, Security (JFS)', Podgorica, February 2023.

¹⁵³ *Ibid.*

Even though the law criminalises rape, including spousal rape and domestic or intimate partner violence, the enforcement of the law remains problematic. Judges often use questionable methods, including forcing confrontations between survivors and alleged perpetrators, to assess the credibility of victims/survivors. Various CSOs have expressed concern about the security of the courtrooms where victims/survivors are often forced to meet with perpetrators.¹⁵⁴ DV is generally punished by a fine or a one-year prison sentence despite, depending on the severity, the two- to five-year sentencing prescribed in Article 220 of the Criminal Code. According to women's rights CSO WRC, Montenegro State Prosecutors were more likely to opt for smaller charges for perpetrators of DV.¹⁵⁵

Sexual harassment is not defined as a crime under the Criminal Code and the government has yet to address the issue at the time of writing this report. According to the WRC, sexual harassment of women, including street harassment, occurs often but few women report it. Victims/survivors of sexual harassment in the workplace often hesitate to report it due to fears of employer reprisals and a lack of information about legal provisions and their rights.¹⁵⁶ In Montenegro, sexual harassment in the workplace is addressed by two laws, the Law on Prohibition of Harassment at Work (Article 7), and the Labour Code (Article 8), while discrimination based on gender is also addressed by the Law on Gender Equality (Article 4) and the Law on the Prohibition of Discrimination.¹⁵⁷ According to International Labour Organisation's analysis,¹⁵⁸ the sanctions against sexual harassment in the workplace, and the implementation of the existing legal framework need to be further strengthened. For example, in February 2022, an employee of an elementary school in Podgorica filed an official complaint accusing the school's principal of sexual harassment over the course of several months.

The complaint was then sent to the Ministry of Education, Science, Culture, and Sport, the Office of the Ombudsperson Institution, and to the police. Following receipt of her complaint, the Misdemeanour Court charged the principal with "insolent behaviour", the equivalent of "rude" or "impolite" behaviour, rather than charging him with harassment. As a result, the Ombudsperson office opened an investigation. The Ministry of Education, Science, Culture, and Sport did not respond to the employee's complaint.¹⁵⁹

Femicides are the most striking examples of the failures of the lack of institutional responses to GBV, specifically in protection and prosecution, to GBV. On January 22, 2022, a pregnant woman, Zumrita Nerda, age 27, died after allegedly being attacked by her husband over the course of two days in their home. Nerda had previously sought protection for herself and her three minor children. Following her death, the Operational Team for the Fight Against Domestic Violence and Violence Against Women concluded that the Centre for Social Work in Bar, the Security Centre in Bar, the Basic State Prosecutor's Office in Bar, and the Court for Misdemeanours in Budva Department in Bar collectively had been careless and their response in handling Nerda's case had been inadequate. Following the Operational Team's intervention, the husband was arrested and subsequently charged with murder. His trial remained in progress at year's end.¹⁶⁰

In their 2022 shadow report to the Committee on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), a coalition of Montenegrin CSOs reported another example of issues within the institutional response to GBV,¹⁶¹ in an incident wherein a man gynaecologist from the main public health centre in Montenegro refused to perform an urgent examination of a rape

¹⁵⁴ US Department of State, *2022 Country Reports on Human Rights Practices: Montenegro*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/montenegro>.

¹⁵⁵ Women's Rights Centre, *NGO Shadow Report on the Implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Convention in Montenegro: submitted for the pre-sessional Working Group for the 84th session (4-8 July 2022)*, Podgorica, Women's Rights Centre, Spektra, and Association of Youth with Disabilities of Montenegro, June 2023.

¹⁵⁶ US Department of State, *2022 Country Reports on Human Rights Practices: Montenegro*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/montenegro>.

¹⁵⁷ International Labour Organisation (ILO), *Comprehensive Comparative Analysis of Montenegro's Current Legislation on Violence and Harassment and the Provisions of ILO Convention No. 190, 2022*, https://www.ilo.org/budapest/what-we-do/publications/WCMS_840202/lang--en/index.htm.

¹⁵⁸ *Ibid.*

¹⁵⁹ US Department of State, *2022 Country Reports on Human Rights Practices: Montenegro*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/montenegro>.

¹⁶⁰ *Ibid.*

¹⁶¹ Women's Rights Centre, *NGO Shadow Report on the Implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Convention in Montenegro: submitted for the pre-sessional Working Group for the 84th session (4-8 July 2022)*, Podgorica, Women's Rights Centre, Spektra, and Association of Youth with Disabilities of Montenegro, June 2023.

victim/survivor. The case provoked criticism from women's rights CSOs and a reaction from the Association of Gynaecologists of Montenegro. The President of the Association stated that they would transfer the case to the Court of Honour of the Medical Chamber to investigate the reasons for such behaviour.¹⁶² Sexual and reproductive health services are available through the state health system, but the services are often not tailored to those experiencing sexual violence, and do not include emergency contraception, failing one of the GREVIO recommendations to establish

specialised centre for supporting victims/survivors of sexual violence.¹⁶³ In the same Shadow Report, CSOs highlighted an often under-reported issue, and that is GBV against LGBTQI+ people. Data provided by courts shows that cases of violence based on gender identity and/or sexual orientation are usually processed according to the Law on Public Order and Peace, despite the existence of these grounds in the definition of hate crime and hate speech as per the Criminal Code.¹⁶⁴

NORTH MACEDONIA

As in the case of the other Western Balkan countries, the situation in North Macedonia regarding prosecution of GBV has not been adequately addressed during this reporting period. A number of obstacles for victims/survivors accessing justice remain, as reported in previous editions of *Women's Rights in Western Balkans*.

According to the data collected by various institutions, and published by the Statistical Office of North Macedonia, there is an increase in the number of DV cases when compared to the previous reporting period. In 2022, there were 4,421 complaints related to DV compared to 3,761 in 2021. In 81% of the cases, the perpetrators were men. In most of the cases, the victim/survivor was the wife, ex-wife or intimate partner of the perpetrator.¹⁶⁵

In 2022, the total number of registered DV-related crimes (as per the Criminal Code, including also femicides, was 1,117, compared to 1,056 in 2021). In approximately 92% of the cases, the perpetrators were men. In most of the cases, the perpetrator was the husband, former husband or intimate partner of the victim/survivor.¹⁶⁶ The increase of the number of reported cases of DV may be explained not only by the potential

increase of cases of DV but also by an increased awareness of victims/survivors to report DV. Existing and accessible data, however, does not allow for further analysis, and most importantly, it focuses only on DV, and not the other forms of GBV, that remain almost invisible. Data on the other forms of GBV are non-existent or scarce and it is difficult to measure and analyse adequately the other forms of violence, the prevalence, the trends in cases reported to the authorities, as well as authorities' response to these different forms of GBV. This issue remains persistent in all previous editions of *Women's Rights in Western Balkans*. There is no publicly available information on any coordinated, systematic and nation-wide institutional support for research regarding all forms of GBV, that would allow to study its root causes and effects, incidences and conviction rates, or the efficacy of measures taken to implement the Istanbul Convention.¹⁶⁷

In 2021, in line with the National Action Plan for the Implementation of the Istanbul Convention, in January 2021, North Macedonia adopted the Law on Prevention and Protection against Violence against Women and Domestic Violence.¹⁶⁸ The new law enables a comprehensive approach and an integrated multidisciplinary response to VAW and

¹⁶² Pobjeda, 'Miketić: Žrtva silovanja nije smjela da čeka pregled', *CDM*, 25 October 2021, <https://www.cdm.me/drustvo/miketic-zrtva-nije-smjela-da-ceka-pregled/>.

¹⁶³ Women's Rights Centre, *NGO Shadow Report on the Implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Convention in Montenegro: submitted for the pre-session Working Group for the 84th session (4-8 July 2022)*, Podgorica, Women's Rights Centre, Spektra, and Association of Youth with Disabilities of Montenegro, June 2023.

¹⁶⁴ *Ibid.*

¹⁶⁵ State Statistical Office of the Republic of North Macedonia (MAKSTAT), *Women and Men in North Macedonia: 2023*, Skopje, 2023, p. 102, https://www.stat.gov.mk/publikacii/2023/ZeniteMazite_2023_en.pdf.

¹⁶⁶ *Ibid.*, p. 98.

¹⁶⁷ 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*, Skopje, April 2022, <https://rm.coe.int/shadow-report-grevio-2022-gender-equality-platform/1680a64ae6>.

¹⁶⁸ GREVIO, *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)*, 2022, <https://rm.coe.int/grevio-inf-2022-5-state-report-north-macedonia/1680a618d5https://rm.coe.int/grevio-inf-2022-5-state-report-north-macedonia/1680a618d5>.

DV, respecting human rights and following international standards such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. According to this law, victims/survivors have the right to judicial protection in both civil and criminal proceedings before locally competent courts.¹⁶⁹ In practice, the implementation of the legal framework remains problematic both regarding the police response and the prosecution of perpetrators.

The existing definition of sexual violence in the Criminal Code was not based on the concept of a lack of consent, as per Article 36 of the Istanbul Convention, but only on the use of force. This means that, in practice, the law put the burden of proof on the victim/survivor, requiring physical evidence to prove the act of rape/sexual violence took place. In the previous edition of Women's Rights in Western Balkans, this problematic legal definition of crimes of sexual violence was reported, as was the Ministry of Justice's proposal in 2021 to introduce the concept of consent regarding sexual violence. The proposed amendments from 2021 were finally approved in February 2023.¹⁷⁰

In the 2022 edition of Women Rights in Western Balkans, increase in digital GBV was reported, referring also to the infamous "Public Room" cases in North Macedonia. These incidents fuelled a strong reaction from activists, WCSOs and the public, pressuring the institutions to address the issue of digital GBV. The amendments to the aforementioned Criminal Code, approved in February 2023, for the first time recognise stalking and digital harassment as crimes. The law foresees a fine or prison sentence of up to three years for anyone convicted of stalking, harassment, abuse or intimidation, in person or in written form, or misusing someone's personal data. The penalties are greater if the perpetrator is a current or former intimate partner of the victim/survivor, or if the crime is committed against a child.¹⁷¹ A gap remains between legal frameworks and their implementation. Although in North Macedonia there is now a law in place, institutions continue to react slowly in addressing digital GBV, in terms of protecting victims/survivors and finding and punishing the perpetrators.¹⁷² Online GBV, as other forms of GBV, is yet not considered as "relevant" or "important" and often victims/survivors are not taken seriously.

SERBIA

As observed in all other Western Balkan countries, data on GBV in Serbia is 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.¹⁷³ Furthermore, data from the centres for social work are not gender sensitive: the kinship ties between the victim/survivor and the perpetrator are not gender disaggregated.¹⁷⁴ Following the same pattern as the other countries in the region, most of the data collected refer only to DV, and the definitions remain inconsistent between different institutions,¹⁷⁵ meaning the Istanbul Convention is not implemented.

There is no information about the establishment of a single electronic record of DV in the courts (in accordance with the provisions of the Law on Prevention of Domestic Violence, Article 32), and no central electronic database has been established that would connect data from different systems (also required by the same law). The data published by the Ministry of Justice on the "Switch off violence" portal contain a monthly display of statistics on victims/survivors and perpetrators of DV (sorted by gender and relationship), but are not easily accessible and not periodically updated, e.g., there is monthly data for the year 2022 from January until September, and thereafter missing data for the

¹⁶⁹ *Ibid.*

¹⁷⁰ UN Women 'New amendments in North Macedonia's Criminal Code expand protection for various forms of violence against women', 12 June 2023, <https://eca.unwomen.org/en/stories/news/2023/06/new-amendments-in-north-macedonias-criminal-code-expand-protection-for-various-forms-of-violence-against-women>; Information shared with Kvinna till Kvinna by partner organisations in North Macedonia.

¹⁷¹ Rita Behadini, "'Shame, Guilt': Can North Macedonia Crack Down on Online Harassment?", *Balkan Insight*, 19 May 2023, <https://balkaninsight.com/2023/05/19/shame-guilt-can-north-macedonia-crack-down-on-online-harassment/>.

¹⁷² *Ibid.*

¹⁷³ Tanja Ignjatović, 'The Eleventh report on independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia for the period January – December 2022', Belgrade, *Autonomous Women's Centre (AWC)*, 31 May 2023, https://www.womenngo.org.rs/images/resurs-centar/AWC_Report_Eleventh_Implementation_of_the_Law_on_Prevention_of_Domestic%20Violence_in_2022.pdf.

¹⁷⁴ *Ibid.*, p. 3.

¹⁷⁵ *Ibid.*

months of October through December of that year.¹⁷⁶

Alarming upward trajectories in femicide rates over recent years in Serbia have continued during this reporting period. As reported by Autonomous Women's Centre (AWC) in Serbia, 26 women and one girl were killed in 2022,¹⁷⁷ which represents an increase in the number of femicide victims compared to 2021. By August 2023, 22 femicides (including two girls that were minors) had already taken place in Serbia before even the first half of the year, indicating a rapid rise in the rate of femicides.¹⁷⁸ In seven out of the 23 cases of femicide in 2022, violence was reported before the murder occurred.¹⁷⁹ By comparison, in 2021, five of the total 20 victims of femicide had previously reported GBV to relevant institutions.¹⁸⁰ This depicts a similar trend as in other Western Balkan countries and as reported in the previous editions of this report, wherein a number of victims had already reported incidents of intimate partner violence, but had received no, or insufficient and incompetent institutional response. These femicides, which in many instances could have been avoided, had institutions properly addressed the history of violence, reinforce the lack of trust women victims/survivors of GBV have in institutions and their reluctance to report GBV.¹⁸¹ Between 2014 and 2023, 43% of femicide victims in Serbia have been the partner of the perpetrator, in 17% of the cases the victim was the mother of the perpetrator, in 14% of femicides the victim was an ex-partner, and in 4%, the grandmother of the perpetrator (22% are categorised as "other").¹⁸²

According to the AWC, in Serbia there were a total of 23,887 GBV victims/survivors in 2022.¹⁸³ That same year, the police registered 27,693 DV incidents, compared to 26,696 reported cases in 2021 and 26,818 in 2020.¹⁸⁴ In 2022, in approximately 92% of cases of DV, where the victim/survivor was a woman, the perpetrator was a man, with approximately 67% being current or previous intimate partners.¹⁸⁵ The police issued 21,127 emergency protection orders, and 20,443 protection orders were extended by the court.¹⁸⁶ There was a slight increase in the number of violations of protection measures, and a constant increase in the number of perpetrators who have repeated acts of violence. This trend might be related to the reduction in the number of cases for which information is collected on whether the reported act have the characteristics of a criminal act, or whether it represents an act for which there is reasonable suspicion that the criminal act of DV was committed. It may also be linked to an extremely small number of *ex officio* lawsuits for measures of protection against DV, under the Family Law.¹⁸⁷

Regarding acts of GBV as criminal acts (as opposed to misdemeanours, which is often the lenient sentencing they receive), the National Institute of Statistics publishes judicial records in the annual bulletins classified by gender, but there is no information regarding the relationship between the perpetrator and the victim/survivor, as is the case for a similar bulletin published in North Macedonia. The latest bulletin available for data in Serbia, however, is for 2021.¹⁸⁸

¹⁷⁶ Autonomous Women's Centre (AWC), 'AWC Contribution for the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence regarding the 2020 Recommendations for Serbia', 31 March 2023, p. 9, <https://rm.coe.int/awc-contribution-to-coe-committee-of-parties-regarding-2020-recommendat/1680aacb24>

¹⁷⁷ Information shared with Kvinna till Kvinna by partner organisations in Serbia.

¹⁷⁸ *Ibid.*

¹⁷⁹ AWC, 'Stop killing women!', AWC, 06 December 2022, <https://www.womenngo.org.rs/en/news/1982-stop-killing-women-2022>.

¹⁸⁰ *Ibid.*

¹⁸¹ *Ibid.*

¹⁸² PrEUgovor, 'Crna statistika bez adekvatnog sistemskog odgovora: Femicid u Srbiji 2014-2023', *PrEUgovor*, 28 June 2023, <https://preugovor.org/Infografici/1826/Crna-statistika-bez-adekvatnog-sistemskog.shtml>.

¹⁸³ Tanja Ignjatović, 'The Eleventh report on independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia for the period January – December 2022', Belgrade, *Autonomous Women's Centre (AWC)*, 31 May 2023, https://www.womenngo.org.rs/images/resurs-centar/AWC_Report_Eleventh_Implementation_of_the_Law_on_Prevention_of_Domestic%20Violence_in_2022.pdf.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ Information shared with Kvinna till Kvinna by partner organisation in Serbia.

¹⁸⁸ AWC, 'AWC Contribution for the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence regarding the 2020 Recommendations for Serbia', 31 March 2023, <https://rm.coe.int/awc-contribution-to-coe-committee-of-parties-regarding-2020-recommendat/1680aacb24>.

The 2021 EC Country report for Serbia emphasises that the definition of rape has yet to be amended in line with the Istanbul Convention. The same report highlights that a more comprehensive response is needed towards all forms of GBV covered by the Istanbul Convention, not only for DV cases but also rape, stalking, sexual harassment and forced marriage.¹⁸⁹ According to the research of Roma Centre for Women and Children Daje (Daje), during 2020 and 2021, no criminal report on the criminal offense of forced marriage was submitted to the basic public prosecutors' offices in the Republic of Serbia.¹⁹⁰

The same can be said during this reporting period, where AWC monitoring confirmed also for 2022 that there were no reports of forced marriage as a criminal act. Despite three consecutive years of no official reports, WCSO Daje's experience shows that the practice of forced marriage is still ongoing and widespread in the country, wherein at least half of the Roma girls in Serbia are married before turning 18.¹⁹¹

According to the May 2023 prEUgovor Alarm Report,¹⁹² the Action Plan for the National Strategy for Preventing Domestic Violence against Women and in Intimate Partner Relations 2021-2025 has not yet been adopted, even though the Strategy was adopted in 2021. According to the response of government officials, the reason for failing to adopt the Action Plan is related to financial and budgetary planning issues.¹⁹³ The non-adoption of this Action Plan was also flagged in the EC 2022 Country Report for Serbia¹⁹⁴ as an issue to be promptly addressed in order to advance gender equality and the protection of fundamental human rights. The delay indicates an institutional lack of will to strengthen the efforts for combating DV, which contributes to putting women in Serbia at further risk of GBV, without adequate protection.

Results of a case analysis of criminal proceedings for the crime of mediation in prostitution in Serbia indicate that persons in prostitution, who are disproportionately women, in the majority of cases do not have the formal status of an injured party or a witness. In the verdicts, they are often referred as "persons", "female persons" or "girls", thus remaining unrecognised participants in criminal proceedings without any rights. Such practice disregards the rights of women and girls in prostitution as potential victims of human trafficking.¹⁹⁵

One worrying trend is the number of cases initially charged as trafficking in human beings, that are later re-qualified as mediation in prostitution. According to WCSO ASTRA – Antitrafficking Action, one explanation is that it is easier to prove the existence of a criminal offence of mediation of prostitution, which raises the question if the more efficient and faster resolution of cases at lower costs has an advantage over insisting on an accurate and fair qualification. The victims/survivors are left with no protection in instances where the prosecutor or judge propose a plea bargain in order to end the proceeding quicker and with less costs to all involved. In these cases, perpetrators accept the opportunity to get the lower sentence, pay a relatively modest fine, and to be free in one or two years, usually after serving the sentence via house arrest. In most of the cases, the victims/survivors are not informed that the perpetrator was offered the plea bargain, or about the fact that the perpetrator is out of custody in cases they are only fined.

¹⁸⁹ European Commission, *Serbia 2022 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy*, Brussels, 12 October 2022, p. 43, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0338>.

¹⁹⁰ Information shared with Kvinna till Kvinna by partner organisation in Serbia.

¹⁹¹ *Ibid.*

¹⁹² Jelena Pejić Nikić (ed.), *PREUGOVOR ALARM: Report on the Progress of Serbia in Cluster 1*, Belgrade, Belgrade Centre for Security Policy, May 2023, p. 80, <https://www.preugovor.org/Alarm-Reports/1811/Alarm-Report-on-Progress-of-Serbia-in-Cluster-1.shtml>.

¹⁹³ *Ibid.*

¹⁹⁴ European Commission, *Serbia 2022 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy*, Brussels, 12 October 2022, p. 43, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0338>.

¹⁹⁵ ASTRA Anti-trafficking action, *THE POSITION AND RIGHTS OF VICTIMS IN CRIMINAL PROCEEDINGS, Analysis of judicial practice for 2021 for the crimes of human trafficking, trafficking in minors for adoption and mediation in prostitution, 2022*, <https://drive.google.com/file/d/1hb79RlhUuWYyaOve929J1SeOgRVjBysj/view>.

OPERATING SHELTERS, SOS HELPLINES AND ALLOCATION OF FUNDS FOR COMBATING 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.¹⁹⁶ At the time of writing this edition of *Women's Rights in Western Balkans*, information shows that in 2023, there were no substantial changes in the number of shelters and helplines operating in the six Western Balkan EU accession countries compared to 2022. Despite some improvements, the available services to support and protect victims/survivors of GBV are still lacking in financial and human resources, and many services remain inaccessible as most of them are in central and urban areas and not accessible to victims/survivors from more remote areas. In many cases, the staff of such centres are not adequately trained to address the needs of victims/survivors of GBV. The available services also remain inaccessible to women with different abilities, and very few services are sensitised to the needs of LGBTQI+ and migrant victims/survivors of GBV.¹⁹⁷

The role of WCSO as service providers for protecting victims/survivors of GBV remains crucial. WCSOs continue to fill the gaps of the institutional failure in addressing and combating GBV. At the same time, the position of WCSOs in the region is in most cases precarious, as they operate under the pressure of limited budgets, mostly allocated by international donors. Such precarious financial situations places the ongoing services for the protection of victims/survivors of GBV at risk of becoming unavailable. This is further exacerbated by the fact that the public funds allocated for combating GBV (both regarding prevention and protection of GBV victims/survivors) remain insufficient, which is true in all Western Balkan countries. The Istanbul Convention requires parties to allocate adequate financial and human resources to ensure a comprehensive response to all forms of GBV. In reality, Western Balkan state institutions focus mostly on DV, which is mirrored in most of the existing legal frameworks, services provided and also amount of funds allocated. To collect data on the funds allocated towards GBV, Kvinna till Kvinna submitted FOI requests to all responsible institutions as per the respective legislations. Similar to the 2022 edition, the responses were partial,

¹⁹⁶ CoE, 'Council of Europe Convention on preventing and combating violence against women and domestic violence', Council of Europe Treaty Series (CETS) - No. 210, Istanbul, 11 May 2011, <https://rm.coe.int/168008482e>.

¹⁹⁷ Dragana Miljković, 'Experiences of Women Survivors of Violence Service Users in Receiving Support from the Centers for Social Work: Bosnia and Herzegovina Baseline Report', *United Women Foundation Banja Luka*, 2022, <https://unitedwomenbl.org/wp-content/uploads/2021/09/Experiences-of-Women-Beneficiaries-in-Relation-to-Support-in-the-Centers-for-Social-Work.pdf>; Maja Balsha, 'Endline Study on the Satisfaction of Women Victims of GBV and DV as Users of services in the Centers for Social Work (2022)', Skopje, *National Network to End Violence Against Women and Domestic Violence*, November 2022, <https://glasprotivnasilstvo.org.mk/en/endline-study-on-the-satisfaction-of-women-victims-of-gbv-and-dv-as-users-of-services-in-the-csws/>; VATRA, 'Aksesi Dhe Cilësia E Shërbimeve Për Viktimat E Dhunës Me Bazë Gjinore Në Shqipëri', Vlora, 2022, http://www.qendravatra.org.al/previewdoc.php?file_id=749.

some institutions replied that GBV is not within their jurisdiction, contrary to the provisions of the law. There were also cases where institutions provided responses that were almost identical to their responses from the previous year. According to a 2023 Kvinna till Kvinna report on GBV in conflict zones, WCSOs across the board continue to be at the forefront of filling gaps in combatting GBV where governments are failing.¹⁹⁸ In the same report, a case study on BiH indicated that women's rights CSOs are not only at the forefront of addressing GBV and providing victim/survivor-centred services, they are also at the forefront of peacebuilding efforts and have been key in post-conflict advocacy towards recognition of wartime sexual violence.¹⁹⁹

Due to poorly implemented and inconsistent data collection mechanisms in Western Balkan countries, 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. As illustrated by the responses to the 2023 FOI requests, the institutions responsible to combat GBV do not report the same information through the years, hence the obstacles in comparing data 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. The consequence of focusing on DV as the primary form of GBV is not in line with the comprehensive approach of the Istanbul Convention, which requires a response to all forms of GBV, including rape, stalking, forced marriage, and others.

ALBANIA

During the reporting period, Albania did not fulfil the Istanbul Convention's shelter requirements. At the time of writing this report, there are seven women-only shelters and three centres for the treatment of cases of sexual violence. The three centres for the treatment of cases of sexual violence include the Lilium Centre, (located in Tirana and accessible to all categories of victims/survivors of sexual violence or who belong to groups made marginalised, such as individuals from the Roma or Egyptian communities, adults or children with different abilities, persons from rural areas, immigrants, asylum seekers, LGBTQI+ individuals), and the two emergency centres opened in 2022 in Fier and Korçë. Both centres were opened under the initiative of the Ministry of Health and Social Protection and with the support of the United Nations Children's Fund (UNICEF), and they follow the same structure of Lilium centre and provide support to young victims/survivors of sexual violence that are minors and that live outside of the capital city. In the 2022 edition of Women's Rights in Western Balkans, it was

reported that the two emergency centres were not yet functional, waiting for the approval of the standard protocols. The protocols were approved in October 2022 and in 2023 both centres became fully operational. For 2023, the employees' salaries are covered by UNICEF funding, and as of January 2024, the funds will be allocated by the state budget. Since their opening, eight cases of juvenile victims/survivors of GBV have been addressed by the two centres.

There are two shelters for women from communities made marginalised: an LGBTQI+ shelter in Tirana called STREHA, and the National Reception Centre for Victims of Trafficking, where victims/survivors of trafficking are supported, even those with different nationalities. One of the main issues regarding shelters in Albania that has been reported in previous editions of Women's Rights in Western Balkans remain the difficult access from rural or remote areas, as the existing centres are located in urban centres.

¹⁹⁸ Johanna Frberg, Jessica Poh-Janrell and Giulia Pasquinelli, *They Came Together Not to be Silenced*, Stockholm, The Kvinna till Kvinna Foundation, 2023, <https://kvinnatillkvinna.org/wp-content/uploads/2023/08/The-Kvinna-till-Kvinna-Foundation-they-came-together-not-to-be-silenced-gender-based-violence-in-conflict-the-role-of-womens-rights-organisations.pdf>.

¹⁹⁹ *Ibid.*

²⁰⁰ Elena Floriani and La Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, p. 72, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

²⁰¹ Information shared with Kvinna till Kvinna by the UNICEF office in Albania via email correspondence, received on 19 June 2023.

²⁰² *Ibid.*

²⁰³ Elena Floriani and La Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, p. 73, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

A survey conducted with service providers in 2022 by the women's rights CSO Vatra²⁰⁴ regarding the services offered to victims/survivors of GBV, found that an overwhelming majority (over 83%) of the respondents agreed that the services needed to be substantially improved. Eighty-four percent of the service providers responded that financial sources are not sufficient and 66% responded that such resources are not sustainable. Only 24% of service providers responded that the existing services are sufficient; 45% responded that emergency housing services are insufficient; and 57% responded that economic assistance for victims/survivors of GBV is insufficient and does not cover their basic needs.

The Ministry of Health and Social Protection funds two specialised support services at the national level, under the State Social Service, which provides accommodation and long-term treatment with a focus on reintegration, for victims/survivors of domestic violence and human trafficking.²⁰⁵ The sum allocated by the Ministry of Health and Social Protection for the National Centre for the Treatment of Domestic Violence Cases was 180,000 EUR (21,530,000 ALL), the same as in 2021. The sum allocated for the National Reception Centre for Victims of Trafficking was approximately 206,575 EUR (22,350,000 ALL).²⁰⁶

The Social Fund mechanism is an important source of financial support in terms of financing or co-financing services in the field of prevention and support for victims/survivors of GBV, working in close cooperation with local governments, districts and municipalities. During 2022, within the framework of the Social Fund, 12 preventive and support services for GBV were financed with a value of approximately 608,300 EUR (65,807,761 ALL).

For 2022, funding from the Social Fund continued for services aimed at helping victims/survivors of domestic violence and in situations of danger in three municipalities across the country: Gjirokastër, Berat and Kukës, with a financed value of 65,880 EUR (7,126,725 ALL), as well as for the provision of two specialised services in the region of Tirana for the "Counselling Line for Women and

Girls – 116117" and 118,532 EUR (12,768,552 ALL) for the STREHA Centre, for a service assisting in the integration and empowerment of LGBTQI+ victims/survivors of violence, who are at-risk and experiencing homelessness.²⁰⁷

Another illustration of the inadequate funding – and prioritisation – of the GBV prevention actions is the response of the Ministry of Education, Sports and Youth to the FOI request, where the Ministry stated that their 2022-2024 budget does not foresee any budget line dedicated to activities on the prevention of GBV and DV, adding that such activities have been covered and will be covered by funds from international partners/donors.²⁰⁸

A positive development compared to the previous reporting period is that the number of legal aid centres has increased from 10 in 2021 to 14 in 2022.²⁰⁹ In 2022, 625,622 EUR (67,686,000 ALL) were foreseen for this legal aid service - approximately 436,268 EUR (47,200,000 ALL) from the Ministry of Justice and approximately 189,353 EUR (20,486,000 ALL) from international donors such as the United Nations Development Programme (UNDP) and Open Society Foundation Albania (OSFA).²¹⁰ The funds allocated by the UNDP for this legal aid service during 2022 were used to cover salaries and social security for 10 centres with two employees each, and OSFA covered salaries for two paralegals. From the 14 existing centres for free legal aid, the Ministry of Justice fully funds four: in Lushnje, Shkodër, Durrës and Tirana.²¹¹ As reported in the previous edition of this report, the number of employees remains low, at two employees per centre.²¹² This not only puts pressure on the existing staff, but also points to a larger, systemic issue: the ongoing vulnerability of such centres due to these funding obstacles. Funding sustainability is limited if most of the centres are funded by one external donor, and there is a large dependency on international donors, since the Albanian government does not allocate enough funds from state budgets to GBV prevention and support. A positive development, however, is that in 2022, the Ministry of Justice provided financial support to four centres, in comparison to two in 2021.

²⁰⁴ VATRA, *Aksesi Dhe Cilësia E Shërbimeve Për Viktimat E Dhunës Me Bazë Gjinore Në Shqipëri*, Vlova, 2022, http://www.qendravatra.org.al/previewdoc.php?file_id=749.

²⁰⁵ Response received from the Albanian Ministry of Health and Social Protection, received on 04 May 2023.

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*

²⁰⁸ Response received from the Albanian Ministry of Education, Sports and Youth, received on 28 March 2023.

²⁰⁹ Response received from the Albanian Ministry of Justice, received on 30 March 2023, p. 71.

²¹⁰ *Ibid.*, p. 69.

²¹¹ *Ibid.*, p. 11.

²¹² *Ibid.*, p. 11

BOSNIA AND HERZEGOVINA

There were no visible improvements in the number of shelters and national women's helplines in BiH compared to the last report. There are a total of eight shelters (five in FBiH and three in Republika Srpska) that offer a total of 181 beds,²¹³ meaning 168 additional beds would be required to meet the Istanbul Convention standards. The shortage of such accommodation is particularly felt in Republika Srpska and in the Brčko District where, proportionally, there are fewer beds when compared to the population.²¹⁴ There are no GBV shelters in Brčko District but funds for a temporary stay and accommodation for victims/survivors of DV in shelters located in the two entities are provided from the Brčko District budget.²¹⁵ All shelters are run by CSOs, they 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 sexual violence.²¹⁶ In FBiH access to a shelter is possible, provided that the victim/survivor is a BiH citizen and has resided at least one year in the canton in question.²¹⁷ In comparison, in Republika Srpska, access to a women's shelter is possible only with proof of citizenship and/or permanent residence, meaning that asylum-seeking women and migrant women, including those in an irregular situation, are de facto legally excluded from accessing shelters.²¹⁸ Furthermore, shelters are not equipped to accommodate women with different abilities.²¹⁹ In Republika Srpska there are three shelters: the shelter in Banja Luka is run by WCSO Udružene žene; the shelter in Bijeljina is run by WCSO Lara; in Modriča the shelter is run by the CSO Citizens' Association Budućnost. According to the Ministry of Family, Youth and Sport, in 2022, in the three

shelters, a total of 25 women and 58 children were temporarily provided shelter for a total of 7,203 days.²²⁰

There are two active national women's helplines, one for Republika Srpska and one for FBiH.²²¹ They operate 24/7, though the helplines do not offer multilingual support. These helplines are not fully free of charge and are therefore not fully up to Istanbul Convention standards. Both helplines provide support to victims/survivors of DV only, yet again not fulfilling Istanbul Convention Article 24 requirements in recognising different forms of GBV. There is no telephone helpline to assist victims/survivors of other forms of GBV covered by the scope of the Istanbul Convention.²²² The SOS Helpline 1264 in Republika Srpska is free of charge only for calls coming from the telecommunications network M:TEL subscribers.²²³ If the victim/survivor calls from a different telephone company, the cost of the call is borne by the victim/survivor.²²⁴ Costs for the telephone companies are covered by the two entities' Gender Centres. Compensation for the work of staff who are answering the calls is provided solely by CSOs, based on their abilities to cover such costs through their project budgets. As such, the functioning of these helplines depends on the funding sustainability of WCSOs. These lines receive calls almost exclusively from women.²²⁵ The SOS helplines 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 Modriča for the Doboj region, and Udružene žene for the region of Banja Luka.²²⁶

²¹³ GREVIO, *Baseline Evaluation Report: Bosnia and Herzegovina*, Strasbourg, Council of Europe, 2022, p. 48, <https://rm.coe.int/grevio-baseline-evaluation-report-on-bosnia-and-herzegovina/1680a8e5f1>.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*; Nina Karadinović, 'Bosnia and Herzegovina Gender Country Profile 2021', Sarajevo, UN Women, 2021, p. 30, <https://eca.unwomen.org/sites/default/files/2022-03/Gender%20Country-ENG-web.pdf>.

²¹⁶ Elena Floriani and Léa Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, p. 87, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

²¹⁷ GREVIO, *Baseline Evaluation Report: Bosnia and Herzegovina*, Strasbourg, Council of Europe, 2022, p. 48, <https://rm.coe.int/grevio-baseline-evaluation-report-on-bosnia-and-herzegovina/1680a8e5f1>.

²¹⁸ *Ibid.*

²¹⁹ *Ibid.*

²²⁰ Response received from the Ministry of Family, Youth and Sport (Republika Srpska), received on 20 April 2023.

²²¹ Elena Floriani and Léa Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, p. 87, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

²²² GREVIO, *Baseline Evaluation Report: Bosnia and Herzegovina*, Strasbourg, Council of Europe, 2022, p. 49, <https://rm.coe.int/grevio-baseline-evaluation-report-on-bosnia-and-herzegovina/1680a8e5f1>.

²²³ Information shared with Kvinna till Kvinna by partner organisations in BiH.

²²⁴ *Ibid.*, p. 50.

²²⁵ Elena Floriani and Léa Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, p. 86, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

²²⁶ Information shared with Kvinna till Kvinna by partner organisations in BiH.

In 2022, the SOS helpline “1264” received 3,274 calls, the majority of which were women victims/survivors of GBV, and 2,799 of which were between the ages of 19 and 60. There were 65 calls made by minors under the age of 18 and 271 made by women over the age of 60. Also, 20 boys under the age of 18 called the SOS Helpline “1264”, and one man over the age of 60.²²⁷

GBV-related legislation envisions 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. In practice, matters are even more complicated and funding remains the main challenge for women's shelters in BiH. As reported by GREVIO,²²⁸ the state funds are often delayed and the sums are calculated on the basis of the number of victims/survivors that are accommodated in the shelters. Hence, such sums do not cover the wages of shelters' employees or the material costs associated with running a shelter. In practice, most of the funding of shelters is therefore donor-driven and disbursed on an ad hoc basis.²²⁹ The financial resources for shelters in both Republika Srpska and the FBiH are insufficient to ensure an adequate and sustainable funding of the existing shelters.

Kvinna till Kvinna submitted FOI requests to institutions implementing the Istanbul Convention, and according to the response received by the Agency for Gender Equality - the main coordination mechanism for gender equality in BiH - the funds spent by the institution in 2022 for prevention was approximately 20,911 EUR (40,900 BAM) for the realisation of a 21-day nation-wide campaign on the promotion of CEDAW and Recommendations, including 13 infographics and eight videos. The themes spotlighted were GBV prevention, trafficking in human beings, sexism and misogyny. The Agency for Gender Equality allocated approximately 79,195 EUR (154,892 BAM) towards support to victims/survivors of GBV. The total funds allocated were for three activities, as follows: (1) 51,129 EUR (100,000 BAM) from the Agency for Gender Equality budget for eight CSO-run GBV shelters' operating costs, approximately 6,391 EUR (12,500 BAM) each for January 2022 - May 2023; (2) 19,173 EUR (37,500 BAM) for opening pilot rape crisis centres in

Sarajevo, Mostar and Tuzla, towards gynaecological and obstetric equipment, approximately 6,391 EUR (12,500 BAM) each; (3) 9,148 EUR (17,892 BAM) for support to victims/survivors in Republika Srpska during the workshops with police officers on GREVIO recommendations and implementation.

Additionally, the Agency for Gender Equality had allocated funds for other GBV-related activities, including 4,559 EUR (8,918 BAM) for a visit with Dubravka Šimonović, former UN Special Rapporteur on Violence against Women, and relevant institutions regarding the Istanbul Convention and femicides in BiH; 1,118 EUR (2,188 BAM) allocated towards support to the Roma women's network “USPJEH”, made up of five Roma WCSOs, during the 16 Days of Activism against Gender-Based Violence (also known as the “16 Days of Activism”).²³⁰

In their response to the FOI request, the Gender Centre - Centre for Equity and Equality Republika Srpska responded that in 2022, 25,257 EUR (49,400 BAM) were allocated for prevention activities and 11,759 EUR (23,000 BAM) for support to victims/survivors in Republika Srpska.²³¹ No details were provided in their response regarding these activities.

For some of the support, however, related activities may be found in the response provided by the Ministry of Family, Youth and Sport. In Republika Srpska, DV has been under the jurisdiction of the Ministry of Family, Youth and Sport since 2012. As per the Republika Srpska Strategy for the Prevention of Domestic Violence (2020-2024), the Ministry works on the prevention of DV, providing support to victims/survivors of violence, monitoring the implementation of the Law. Detailed activities are designed on an annual basis, as per the Action Plan for the Prevention of Domestic Violence, including all of the relevant Ministries: Ministry of Internal Affairs, Ministry of Health and Social Protection, Ministry of Justice, Ministry of Education and Culture, Ministry of Family, Youth and Sports, Gender Centre in Republika Srpska and in coordination with civil society.²³² During the reporting period, the Ministry of Family, Youth and Sport worked on GBV prevention in Republika Srpska in the form of campaigns (for example “16 Days of Activism”), promotion, awareness-raising,

²²⁷ Response received from the Ministry of Family, Youth and Sport (Republika Srpska), received on 20 April 2023.

²²⁸ GREVIO, *Baseline Evaluation Report: Bosnia and Herzegovina*, Strasbourg, Council of Europe, 2022, p. 48, <https://rm.coe.int/grevio-baseline-evaluation-report-on-bosnia-and-herzegovina/1680a8e5f1>.

²²⁹ *Ibid.*, p. 49.

²³⁰ Response received from the Ministry of Human Rights and Refugees Agency for Gender Equality, received on 03 April 2023.

²³¹ Response of Gender Centre - Centre for Equity and Equality (Republika Srpska), received on 29 March 2023.

²³² Response received from the Ministry of Family, Youth and Sport (Republika Srpska), received on 20 April 2023.

and educational programmes. Because these activities were carried out in partnership with other Ministries, the exact amount allocated is unknown. According to the Ministry of Family, Youth and Sport FOI request response, the Ministry provided support to victims/survivors in Republika Srpska during the reporting period through increased access to health services and social protection, the preparedness of these institutions for helping victims/survivors, and access to legal aid. This support was done in line with international standards within the sphere of DV, special attention was paid to victims/survivors of DV, though neither details on concrete activities that were supported, nor allocated funds for these activities was provided in the written response.

Further, the Ministry responded that they provided free legal aid for 104 victims/survivors of DV (general explanation of legal rights for 10 individuals; legal aid and support in filing documentation for 10 individuals; and support for court appearances for 84 individuals) in 2022. The Ministry of Family, Youth and Sport added that victims/survivors also had access to specialised services such as SOS helplines and shelters, and that the Ministry provided financial support for the functioning of the SOS helpline "1264". In 2022, the Ministry allocated 175,838 EUR (343,911 BAM) for the housing a total of 83 victims/survivors in the three shelters in Republika Srpska.²³³

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 WCSOs with 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. Even though the initial period of stay for women in shelters is six months, those in need can stay longer.²³⁴ There are no specific shelters for women of groups made marginalised. In addition, there are no specific rape crisis centres as required by the Istanbul Convention, however all existing women's centres offer counselling for survivors of rape. There are no specific shelters for LGBTQI+ persons.²³⁵ In 2021, 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.²³⁶ Despite the promise, as of October 2022, the work towards opening the centre had not yet begun.²³⁷

It is concerning that women's shelters do not provide adequate conditions for women with different abilities.²³⁸ During this reporting period, accessibility of shelters for women with different abilities remained an issue, and funding allocated was not enough to adequately address the issue or equip the shelters to make them more accessible.

There is one national women's helpline in Kosovo, named Helpline Number "Numri i Linjs Ndihmse". The helpline is available 24/7 and is free of charge. It provides multilingual support in Albanian, Serbian and English.²³⁹ The helpline does not provide information in the languages of other ethnic minorities meaning that during the reporting period, it was more difficult for Roma, Ashkali and Egyptian women, who already face far more obstacles in receiving protection than ethnic majority women, to receive the support that they needed. The functioning of the National Helpline in all languages in Kosovo has been included as a specific action in the National Strategy on Protection Against Domestic Violence and Violence Against Women 2022-2026.²³⁹ The helpline is run

²³³ *Ibid.*

²³⁴ Elena Floriani and Léa Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, p. 121, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

²³⁵ Government of Republic of Kosovo, *National Strategy on Protection against Domestic Violence and Violence against Women 2022-2026*, January 2022, p. 29, <https://kryeministri.rks-gov.net/wp-content/uploads/2022/08/ENG-Strategjia-Kombetare-per-Mbrojtje-nga-Dhuna-ne-Familje-dhe-Dhuna-ndaj-Grave-2022-2026.pdf>.

²³⁶ Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

²³⁷ LGBTI Equal Rights Association for Western Balkans and Turkey (LGBTI ERA), 'Multi-stakeholder dialogue meeting on access to justice for LGBTQI+ people takes place in Prishtina', *LGBTI ERA*, 16 June 2022, <https://lgbti-era.org/multi-stakeholder-dialogue-meeting-on-access-to-justice-for-lgbtqi-people-takes-place-in-prishtina/>.

²³⁸ Endrita Banjska et al., *From Laws to Action: Monitoring the Institutional Response to Gender-based Violence in Kosovo*, Pristina, Kosovo Women's Network (KWN), 2021, <https://womensnetwork.org/wp-content/uploads/2021/05/KWN-GBV-Report-ENG-Final-2.pdf>.

²³⁹ Republic of Kosovo, *National Strategy on Protection Against Domestic Violence and Violence Against Women 2022-2026*, Ministry of Justice, January 2022, p. 101, <https://kryeministri.rks-gov.net/wp-content/uploads/2022/08/ENG-Strategjia-Kombetare-per-Mbrojtje-nga-Dhuna-ne-Familje-dhe-Dhuna-ndaj-Grave-2022-2026.pdf>.

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. In the 2022 edition of *Women's Rights in Western Balkans*, it was reported that there were two regional helplines in Kosovo, run by women's rights organisations; Safe House Gjakova and Women Wellness Centre in Peja, both based on project funding, and therefore limited to precarious funds. Safe House Gjakova runs a local helpline covering the cities of Gjakova, Malisheve and Rahovec. The local helpline provides support in Albanian, Serbian and English.²⁴⁰ There is no accessible information about the helpline run by the Women Wellness Centre in Peja and it is not clear if this helpline continuous to exist in 2023 or not.

The government in Kosovo is legally obliged to provide equal access to sexual and reproductive health services including for survivors of sexual violence. Emergency contraception, however, is not always available as part of clinical response to rape. The Ministry of Health included emergency contraception on its list of essential drugs for health centres, but WCSOs reported that some centres did not always have the medication available.²⁴¹ Incomplete rape response kits are an impediment to rape victims'/survivors' after-care, and contraception is a key element in ensuring that a comprehensive response to the rape has been taken.

In collaboration with the respective state institutions, in 2022 WCSO KWN developed and institutionalised two training curricula for social workers at the Centres for Social Work, titled "Working with victims of domestic violence: treatment and referral" and "*Working with victims of sexual crimes and trafficking*". The curricula have been approved and adopted by the General Council of Social and Family Services in the Department for Social and Family Policy in the Ministry of Finance, Labour and Transfers in 2022, and have become mandatory for social workers at all Centres for Social Work throughout the country.²⁴²

An assessment of the services provided by Centres for Social Work conducted by KWN in 2022 highlighted that several women victims/survivors of GBV have not received case management plans based on a clear assessment of their security situation and needs, as required by law. The assessment indicated women do not always have access to the information they require when it comes to Coordination Mechanisms, including a lack of information about their right to attend the meetings of such mechanism. This indicates institutions' failure to comply with the requirements of the Istanbul Convention (Article 19) requiring duty bearers to ensure, and raise awareness on, accessible "information on available support services and legal measures in a language they understand". This not only undermines victims/survivors' rights, but also the coordination of services and inter-institutional collaboration in providing them an adequate response to GBV.²⁴³

According to the FOI request response from the Ministry of Justice, the total amount for the compensation of victims/survivors of GBV during 2022 was 17,500 EUR, a significantly lower amount compared to that of 2021 which was 40,335 EUR. In 2022, the Ministry of Justice received 18 requests for compensation from victims/survivors of GBV, in which 10 requests were refused, and eight were approved. The response provided by the Ministry of Justice did not include further details on what grounds requests were rejected or approved. Furthermore, during 2022, the Ministry of Justice spent 12,400 EUR for an awareness-raising campaign in the context of the "16 Days of Activism".²⁴⁴

Between January and September 2022, the Agency for Gender Equality²⁴⁵ conducted four training sessions for the Kosovo Police on the Standard Action Procedures for Protection from Domestic Violence and responsibilities and obligations deriving from the Istanbul Convention. As a result of this training programme, 95 police officers in the Municipality of Prishtina, Ferizaj, Gjiilan, Gjakova were certified. The budget allocated for this activity was 5,538 EUR, a lower budget compared to the one allocated for the same activity in 2021, which was 10,709 EUR.

²⁴⁰ Safe House Gjakova, 'Historiku – Profili i Shtëpisë së Sigurtë Gjakovë', (n.d.), <https://shtepiaesigurt.com/rrreth-nesh/>.

²⁴¹ US Department of State, *2022 Country Reports on Human Rights Practices: Kosovo*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/kosovo/>.

²⁴² Adelina Berisha and Nicole Farnsworth, *Assessment of Service Provision by Centres for Social Work for Survivors of Domestic Violence*, Pristina, Kosovo Women's Network (KWN), 2022, p. 2, <https://womensnetwork.org/wp-content/uploads/2023/03/Assessment-of-Service-Provision-by-Centres-for-Social-Work-for-Survivors-of-Domestic-Violence.pdf>.

²⁴³ *Ibid.*, p. 6.

²⁴⁴ Response received from the Ministry of Justice, received on 05 April 2023.

²⁴⁵ Response received from the Agency for Gender Equality, received on 19 April 2023.

During 2022, the Agency for Gender Equality funded seven workshops for the coordination mechanisms against DV at the local level with a total sum of 2,101 EUR. The Agency for Gender Equality also financially supported three CSOs that work in the field of preventing GBV, which is three fewer than the six CSOs that were supported through grants in 2021. The total budget of 18,000 EUR was granted to the Youth Organisation "AKTI", Business Women Mitrovica, and the Center for Education and Community Development – CEDE Friends, for 6,000 EUR each.

In the same response received from the Agency for Gender Equality,²⁴⁶ it was reported that the former Ministry of Labour and Social Welfare (now called Ministry of Finance, Labour and Transfers) during 2022 has supported 10 shelters with the total amount of 400,000 EUR. No details are given regarding the shelters or how the funds were distributed between them. As in 2021, the Ministry did not provide a direct response to the FOI

request submitted, despite the Ministry being responsible for licencing the (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.²⁴⁷

Based on responses received from the relevant institutions, there were no increases in the amounts allocated to GBV, concretely to shelters, compensation for victims/survivors of GBV or capacity development programmes. On the contrary, the budget allocated to supporting victims/survivors of, and preventing, GBV both by the Ministry of Justice and the Agency for Gender Equality is lower compared to that of 2021. This is a worrying trend that could, if it continues, have serious implications on GBV service provision, the (W)CSOs that provide services, as well as victims'/survivors' wellbeing following incidents of violence.

MONTENEGRO

During 2022, there were no visible changes regarding GBV shelters operating in Montenegro. As in all previous editions of *Women's Rights in Western Balkans*, Montenegro has not met the Istanbul Convention requirements for shelters during this reporting period either. There are three shelters for victims/survivors of DV in Montenegro – the Women's Safe House, SOS Shelter Nikšić, and the Centre 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.²⁴⁸ For the licensed shelters, since 2019, the Ministry of Finance and Social Welfare finances 250 EUR per month per victim/survivor of violence who is placed in a shelter.²⁴⁹ Montenegro has also not met the

Istanbul Convention Article 25 requirements during this reporting period either, as there is no rape crisis centre or protocols for sexual violence victims/survivors.²⁵⁰

There is a national helpline for women victims/survivors in Montenegro, called the National SOS Hotline for Domestic Violence (In Montenegrin: Nacionalna SOS linija za porodično nasilje), 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.²⁵¹ There is no helpline available in Romani, placing Roma women in a more precarious situation when reporting violence and seeking protection. Six regional helplines assist victims/survivors in the country, all

²⁴⁶ *Ibid.*

²⁴⁷ Rosa Logar and Ariana Qosja-Mustafa, *Quality guidelines for shelters for victims of Violence against Women and Domestic Violence*, Strasbourg, Council of Europe, February 2021, <https://rm.coe.int/shelter-guideline-eng/1680a24ced>.

²⁴⁸ 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, September 2021, p. 36, <https://wapi.gov.me/download/9f773f9c-26f3-424c-a057-c048bec0605c?version=1.0>.

²⁴⁹ 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, January 2022, p. 19, <https://rm.coe.int/montenegro-reporting-form-cop-2022/1680a5a0e6>.

²⁵⁰ 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, September 2021, p. 37, <https://wapi.gov.me/download/9f773f9c-26f3-424c-a057-c048bec0605c?version=1.0>.

²⁵¹ Elena Florian and Léa Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

of which are run by WCSOs, such as the Women's Safe House Podgorica Helpline, and funds are mostly provided by international partners. For example, in December 2022, the Women's Safe House Podgorica Helpline received support from the OSCE Mission in Montenegro to develop a register of GBV cases and to strengthen the security of its residents through additional surveillance equipment.²⁵² Due to funding constraints, the six regional helplines are unable to offer 24/7 support.

In 2022, the WCSO Montenegrin Women's Lobby noted that the government did not allocate sufficient funds to cover all expenses for neither their SOS Human Trafficking hotline, nor their SOS hotline for sexual violence.²⁵³ During the reporting period, a lack of sustainable funding remained one of the main challenges for women's shelters and helplines, putting at risk not only their ability to operate but in some cases also their further existence.

As with other Western Balkan countries, shelters are located 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.

In 2022, the CSO "SOS Hotline Nikšić", operated by SOS Hotline for Women and Children Victims of Violence Nikšić reported a steady and continuous trend in rise of DV cases since 2019. From January to August 2022, they hosted 53 victims/survivors of DV (both women and children) in their shelter, a six percentage point increase from the same period in 2021. During that period, the WCSO provided services to 2,230 persons, an approximately 14 percentage point increase compared to the same period in 2021. Similarly, in the first eight months of 2022, the WCSO Women's Safe House shelter in Podgorica received 86 survivors, which is an increase from 75 for the entirety of 2021.²⁵⁴

Furthermore, there are cases of state budget funds given to organisations without expertise in the field of GBV. In one instance funds were even given to an organisation led by people convicted of violence: the organisation Institut za socijalnu i obrazovnu politiku (ISOP). ISOP used to run the state-funded shelter for victims/survivors of trafficking. A criminal report was filed for the crime of abuse and deprivation of liberty for a girl that was in the care of the shelter, against the former director.²⁵⁵ Despite negative reports and allegations of violation of children's rights in the shelter, ISOP, which since December 2022 operates under the new name of "Women's Association", continued receiving state funding, that far exceeds the funds available to genuine, expert women's CSOs.²⁵⁶

According to the CSO 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. It is important to note that, as with every edition of this report, WCSOs have continued to fill gaps in service provision where the government is failing. Even still, 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, which based on a human rights and victim/survivor-centred approach.²⁵⁷

Funds allocated by the Ministry of Human and Minority Rights in 2022 for combating GBV,²⁵⁸ included several aspects, according to their response to the FOI request. Regarding activities directed at GBV prevention, the Ministry organised a campaign to raise awareness on GBV for "16 Days of Activism" in partnership with and funded by the OSCE in November 2022, which aired on Montenegrin television. The same information for

²⁵² Organization for Security and Co-operation in Europe (OSCE), 'OSCE Mission to Montenegro provides technical support to shelters for survivors of domestic violence against women', 16 December 2022, <https://www.osce.org/mission-to-montenegro/535065>.

²⁵³ US Department of State, *2022 Country Reports on Human Rights Practices: Montenegro*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/montenegro>.

²⁵⁴ *Ibid.*

²⁵⁵ Katarina Janković, 'Formiran krivični predmet protiv Mitra Radonjića', *Pobjeda*, 29 July 2022, <https://www.pobjeda.me/clanak/formiran-krivicni-predmet-protiv-mitra-radonjica>.

²⁵⁶ Women's Rights Centre, 'Position Paper on Key Issues Related to Fundamental Rights Of Women in Montenegro: Submission for 12th EU-Montenegro Sub-Committee on Justice, Freedom, Security (JFS)', Podgorica, February 2023.

²⁵⁷ *Ibid.*

²⁵⁸ Response received from the Ministry of Human and Minority Rights, received on 03 May 2023.

the same activity was provided also for the year 2021, as presented in the previous edition of *Women's Rights in Western Balkans*. As with the previous year's response, the response for allocated funding in 2022 did not include information about the amount allocated for this awareness-raising activity. Throughout 2022 and in partnership with UNDP, the Department of Gender Equality Affairs implemented a project supported by the EU Instrument for Pre-accession Assistance II titled "Gender responsible communication", which also encompassed a "Gender Week". During 2022, the Ministry of Human and Minority Rights distributed grants for 22 CSO projects for a total of 250,000 EUR. From the response of the Ministry, it

is not clear if such projects were strictly related to GBV or covered gender equality in general, therefore it cannot be confirmed that the aforementioned amount was allocated towards addressing GBV in Montenegro. Within the project "Implementing Legislation Destroys Stereotypes", an open call was posted for CSOs, and eight were selected to implement projects on GBV. The total amount for the projects was 89,841 EUR. Most of the projects are related to awareness-raising and combatting stereotypes and prejudices. FOI requests submitted to relevant government institutions did not identify any dedicated funding for services towards combatting GBV.

NORTH MACEDONIA

In North Macedonia, there are a total of 14 shelters for GBV victims/survivors. Of those 14, seven are managed directly by the Ministry of Labour and Social Policy, and two are crisis centres, also directly managed by the Ministry.²⁵⁹ Also, within the total of 14 shelters, there are two shelters that are run by (W)CSOs but are supported in-part by the Ministry of Labour and Social Policy: Organisation of Women of the City of Skopje; and Crisis Centre "Hope". There are two specialised shelters run by civil society and supported through various Ministry of Labour and Social Policy programming: the La Strada shelter for victims/survivors of trafficking, which also supports victims/survivors of sexual violence; and the shelter for LGBTQI+ victims/survivors of GBV, run by the Helsinki Committee for Human Rights. In addition to 14 GBV shelters, there are three rape referral centres that are supported by the Ministry of Health.²⁶⁰ The three referral rape crisis centres for victims/survivors of sexual violence were established in 2017 in the gynaecological clinic in Skopje, and in the general hospitals of Tetovo and Kumanovo respectively. 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.²⁶¹ A study conducted by CSO Reactor – Research in Action²⁶² reports that, based on unofficial statistics, only six women have been supported by the referral centre in Skopje, whereas the referral centres of Kumanovo and Tetovo have not supported any victims/survivors since their establishment. These findings may be linked to victims'/survivors' lack of awareness regarding the existence of such services, particularly services relating to rape and sexual violence.²⁶³ As is common in the region, most of the awareness-raising campaigns are focused on DV, and there is less information regarding other forms of GBV and the respective services that provide support and protection for victims/survivors.

In North Macedonia there are no centres that provide temporary accommodation for victims/survivors of sexual violence. There is one centre that provides long-term accommodation for victims of sexual violence and psycho-social support, but this shelter also accommodates victims of trafficking and has a capacity of 10 beds. The centre is run by the CSO Open Gate Macedonia (La Strada), located in Skopje. The

²⁵⁹ Republic of North Macedonia, 'Права, услуги и мерки од цовијална заштита', *Ministry of Labour and Social Policy*, (n.d.), <https://www.mtsp.gov.mk/uslugi-i-prava.nspk>.

²⁶² Information shared with Kvinna till Kvinna by partner organisations in North Macedonia.

²⁶¹ 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*, Skopje, April 2022, p. 50, <https://rm.coe.int/shadow-report-grevio-2022-gender-equality-platform/1680a64ae6>.

²⁶² Tanja Ivanova, Vaska Leshoska and Irina Jolevska, *Status quo report on gender-based violence, legal framework and institutional response and needs and resources analysis on victim-safety oriented work with perpetrators and men's counselling: Establishment of multi-professional prevention of gender-based violence, victim-safety oriented work with perpetrators and men's counselling in North Macedonia*, Skopje, Reactor - Research in Action, March 2023, p. 35, <https://reactor.org.mk/en/publication-all/status-quo-report-on-gender-based-violence-legal-framework-and-institutional-response-and-needs-and-resources-analysis-on-victim-safety-oriented-work-with-perpetrators-and-mens-counselling/>.

²⁶³ *Ibid.*

shelter is only partially financed by the state, and the remainder of the budget is secured through other donors.²⁶⁴ This is an additional illustration of the limited public funds allocated to GBV response. Article 8 of the Istanbul Convention requires by all parties to allocate adequate funds to combat all forms of GBV, but as has been identified throughout this report, funds are generally limited, and even more so when it comes to other forms of GBV than DV.

Many obstacles remain, to women's full access to their rights, and to achieving the Istanbul Convention requirements: an insufficient number of shelters, their geographical distribution, the lack of service-decentralisation, and the lack of 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 marginalised women, such as women with different abilities (only three shelters are accessible to women with different abilities),²⁶⁵ trans- and gender diverse communities, women that have lived experience in substance use and women in prostitution.²⁶⁶

According to the National Action Plan for the Implementation of the Istanbul Convention 2018-2023, a total of ten counselling centres for psychosocial support for DV victims/survivors, perpetrators and children are planned to be opened on the territory of the entire country by 2023.²⁶⁷ It remains to be seen if this will be achieved during 2023, and will be monitored in the next edition of *Women's Rights in Western Balkans*. As it is a requirement of the Istanbul Convention, the Ministry of Labour and Social Policy funds these centres, though the extent to which those funds cover the centres' full operational needs are

unknown and go beyond the methodology of this report.

The government has not made any visible progress since the last edition of *Women's Rights in Western Balkans* when it comes to achieving Istanbul Convention requirements for the national SOS helplines. Existing SOS helplines are free of charge but due to obstacles in accessing sustainable funding, none are able to operate 24/7 and they additionally do not offer support in all of the languages in accordance with the law.²⁶⁸ Without long-term and sustainable funding, SOS helplines remain in precarious situations, a trend observed throughout the region and in all editions of *Women's Rights in Western Balkans*.

In 2022, an online survey was conducted with Macedonian stakeholders working on GBV, wherein a total of 470 representatives participated. Ninety-five percent of them belong to the public institutions that are part of the wider system for GBV prevention, 3% were CSO representatives, and 2% belong to the private sector.²⁶⁹ More than half of the respondents answered that they have never had any training on GBV prevention, and 12% responded that they do not remember.²⁷⁰

Approximately half of the respondents reported that the trainings on GBV they had received were organised by CSOs. Such findings point to the need of strengthening the capacity development of stakeholders working on GBV, and for a better involvement of state institutions in the organisation of crucial capacity-building programmes conducted by civil society. Many of the trainings conducted by civil society were financially supported by international donors that are stepping in to fill funding gaps in national-level budgets.

²⁶⁴ *Ibid.*

²⁶⁵ Dragana Karovska Chemerska, *Од Спроведениот Мониторинг На Имплементацијата На Акцискиот План За Спроведување На Конвенцијата За Спречување И Борба Против Насилството Врз Жените И Семејното Насилство*, Skopje, HERA, 2022, p. 24, <https://hera.org.mk/wp-content/uploads/2022/06/Izveshtaj-za-sproveduvanje-na-Istanbulskata-konvencija.pdf>.

²⁶⁶ 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*, Skopje, April 2022, p. 47, <https://rm.coe.int/shadow-report-grevio-2022-gender-equality-platform/1680a64ae6>.

²⁶⁷ Tanja Ivanova, Vaska Leshoska and Irina Jolevska, *Status quo report on gender-based violence, legal framework and institutional response and needs and resources analysis on victim-safety oriented work with perpetrators and men's counselling: Establishment of multi- professional prevention of gender-based violence, victim-safety oriented work with perpetrators and men's counselling in North Macedonia*, Skopje, Reactor - Research in Action, March 2023, p. 26, <https://reactor.org.mk/en/publication-all/status-quo-report-on-gender-based-violence-legal-framework-and-instituional-response-and-needs-and-resources-analysis-on-victim-safety-oriented-work-with-perpetrators-and-mens-counselling/>.

²⁶⁸ Elena Floriani and Léa Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, p. 141, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

²⁶⁹ Tanja Ivanova, Vaska Leshoska and Irina Jolevska, *Status quo report on gender-based violence, legal framework and institutional response and needs and resources analysis on victim-safety oriented work with perpetrators and men's counselling: Establishment of multi- professional prevention of gender-based violence, victim-safety oriented work with perpetrators and men's counselling in North Macedonia*, Skopje, Reactor - Research in Action, March 2023, p. 49, <https://reactor.org.mk/en/publication-all/status-quo-report-on-gender-based-violence-legal-framework-and-instituional-response-and-needs-and-resources-analysis-on-victim-safety-oriented-work-with-perpetrators-and-mens-counselling/>.

²⁷⁰ *Ibid.*, p. 55.

Although the number of specialised services for women victims/survivors of GBV and DV has increased in recent years, a majority of services do not meet the minimal standards recommended by the Istanbul Convention or are not functional at all. A large number of services lack adequate professional staff. Furthermore, there is a lack of specialised services for the reintegration and rehabilitation for women victims/survivors of GBV and DV that will support them after leaving their violent environment and that will prevent them from risks of homelessness and poverty, as well as the risks of returning to the abuser or a new violent partner due to economic dependence. For women victims/survivors with different abilities, these risks are also coupled with the lack of accessibility to services.²⁷¹ The program for reintegration and rehabilitation for women victims/survivors of GBV and DV, as required by Article 99 in the Law on Prevention and Protection from Violence Against Women and Domestic Violence (adopted January 2021) has not been adopted yet at the time of writing this report.²⁷²

According to the Ministry of Labour and Social Policy's response to Kvinna till Kvinna's FOI request, in accordance with the "Programme for financing national disability organisations, their associations, associations for fighting against domestic violence and the Red Cross", four contracts have been signed for financing programme activities organised by (W)CSOs working on DV and offering specialised services for DV, especially prevention and protection against DV for a total amount of 64,913 EUR (4,000,000 MKD). The agreements were implemented from January 1st, 2022 to December 31st, 2022.²⁷³ The same amount of funds were allocated for 2023 under this programme, covering costs for three organisations, one less compared to 2022. The Ministry has signed 29 agreements with licensed providers of social services for 2023, for temporary placement in a shelter for victims/survivors of GBV has provided 557 EUR (34,316 MKD) per month to the Helsinki Committee for Human Rights, a total of approximately 6,680 EUR (411,792 MKD) for the entire year. Additional funds from the Ministry for the amount of 43,162 EUR (2,655,072 MKD) for the

entire year were allocated to the shelter La Strada, a specialised shelter for victims/survivors of human trafficking that also provides support to victims/survivors of sexual violence. Through these mentioned programmes, in 2023 the Ministry of Labour and Social Policy for allocated a total of approximately 115,000 EUR (7,066,864 MKD). From the same FOI request response, it is observed that the total amount of funds spent for prevention of GBV and DV for 2022 was approximately 5,000 EUR (300,000 MKD). The funds were allocated towards the campaign "We are with You - Together against Violence Towards Women and Girls", which aimed to raise awareness about every form of violence, with a goal to improve recognition of different forms of violence, prevention, timely protection, and promoting gender equality and eliminating stereotypes of gender roles. For 2023, Ministry of Labour and Social Policy has not allocated funds for prevention because preventive activities are implemented in cooperation with international organisations, outside of the Ministry's budget.

The Ministry of Health's response to the FOI request stated that they did not have funds allocated for prevention and treatment of survivors of GBV.²⁷⁴ This is in contrast to the Ministry's response to last year's FOI request of the same nature. According to the Ministry of Health website, there are funds available for combatting GBV, particularly towards victims/survivors of sexual violence. Such funds are allocated within the budget line *Free of charge examinations for women survivors of sexual violence* as part of the Programme for the Active Protection of Mothers and Children, for both 2022 and 2023.²⁷⁵ For 2022 the budget allocated towards the three referral rape centres for victims/survivors of sexual violence was 500 EUR (30,000 MKD), while for 2023 the budget allocated has been increased to 2,900 EUR (180,000 MKD).²⁷⁶

The Ministry of Interior responded that they have not spent the allocated funds in the budget for implementing activities for supporting victims/survivors of GBV and DV in 2022 and 2023, or for actions or projects on GBV prevention. No detailed information was provided.²⁷⁷

²⁷¹ Maja Balsha, "Endline Study on the Satisfaction of Women Victims of GBV and DV as Users of services in the Centers for Social Work (2022)", Skopje, National Network to End Violence Against Women and Domestic Violence, November 2022, p. 9, <https://glasprotivnasilstvo.org.mk/en/endline-study-on-the-satisfaction-of-women-victims-of-gbv-and-dv-as-users-of-services-in-the-csww/>.

²⁷² Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

²⁷³ Response received from the Ministry of Labour and Social Policy, received on 13 April 2023 and on 24 April 2023.

²⁷⁴ Response received from the Ministry of Health, received on 11 April 2023.

²⁷⁵ Government of North Macedonia, 'Програми На Министерството За Здравство За 2023 Година', 2023, <https://zdravstvo.gov.mk/programi/>.

²⁷⁶ *Ibid.*

²⁷⁷ Response received from the Ministry of Interior, received on 12 April 2023.

The FOI request response from the Ministry of Justice reports that according to Article 151 of the Law on Justice for Children (Official Gazette of the Republic of North Macedonia 148/2013, 152/2019 and 275/2019) the Ministry is obligated to set aside funds in its budget to compensate children who have been victims/survivors of violence. In 2022, the Ministry adopted a programme to compensate children who have been victims/survivors of violence (Official Gazette 40/22). In 2022, 48,691 EUR (3,000,000 MKD) were allocated towards this programme, but these funds were not spent as the Ministry did not receive the final verdicts from the courts.²⁷⁸ Similarly, at the time of writing this report in 2023, 48,691 EUR (3,000,000 MKD) were allocated for compensation for children victims/survivors of violence based on final verdicts from the courts, and the Ministry was in the process of preparing a compensation Programme for 2023. Until April 2023 however, no funds had been paid since the Ministry had not received final verdicts from the courts.²⁷⁹

Such practice shows a lack of coordination between institutions, such as the Ministry of Justice and the Courts, putting at risk the monetary compensation of victims/survivors of violence. According to the Ministry's response,²⁸⁰ preventive activities under the jurisdiction of the Ministry of Justice include the preparation of legislative frameworks for prevention and sanctioning of GBV and DV. In 2022, the Law for Financial Compensation of Victims of Criminal Acts of Violence (Official Gazette 247/22) was approved. For the implementation of this law, the Ministry had allocated 259,690 EUR (16,000,000 MKD) from its 2022 budget. By April 2023, no funds had been paid based on this legislation as the courts have not sent final verdicts to the Ministry of Justice, which in turn means that compensation cannot be given. In the FOI request response from the Ministry of Justice, no information regarding the budget allocated for free legal aid was provided, contrary to the response and information provided by the same Ministry in 2022.

SERBIA

As in all previous editions of Women's Rights in Western Balkans, Serbia has not met Istanbul Convention requirements for shelters during this reporting period either. There are 14 shelters accessible to women in Serbia with approximately 300 available beds. According to CSO Atina, there are 14 safe houses, and only five have work licenses, two are in the process of renewing their licenses, and the remaining seven have submitted applications. Shelters 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 needs for accommodation of victims/survivors are still largely unmet. For example, there are three women shelters in Belgrade but according to civil society reports, the need for accommodation is 20% higher than available capacity.

The lack of support services for victims/survivors of GBV, their inadequate availability and geographical distribution, the insufficient human and financial resources, inadequate knowledge of professionals, are some of the main problems regarding protection of victims/survivors of GBV that remain the same as in the previous editions of the Women's Rights in Western Balkans report and which have not been adequately addressed by the state. The state consistently does not finance activities or WCSOs supporting victims/survivors of GBV. Budget funds related to gender equality are allocated to organisations without expertise in the field or to government-organised non-governmental organisations (otherwise known as "GONGOs").

Experience with seeking and accessing protection from GBV varies from woman to woman, which is concerning, not least when it comes to the rule of law. Lack of access is especially concerning for

²⁷⁸ Response received from the Ministry of Justice, received on 13 April 2023.

²⁷⁹ Response received from the Ministry of Justice, received on 13 April 2023.

²⁸⁰ *Ibid.*

²⁸¹ Information shared with Kvinna till Kvinna by partner organisations in Serbia.

²⁸² Citizens Association for Combating Trafficking in Human Beings and all Forms of Gender-Based Violence (ATINA), 'Do safe houses in Serbia have sufficient capacities for victims of domestic violence?', *DANAS*, 19 March 2023, <http://www.atina.org.rs/en/do-safe-houses-serbia-have-sufficient-capacities-victims-domestic-violence>.

²⁸³ US Department of State, *2022 Report on Human Rights Practices: Serbia*, March 2023,

<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/serbia>.

²⁸⁴ AWC, *Godišnji izveštaj o aktivnostima autonomnog ženskog centra: ZA 2022.Godinu*, AWC, 2022,

https://www.womenngo.org.rs/images/izvestaji-o-radu/pdf/AZC_Godisnji_izvestaj_2022.pdf.

²⁸⁵ Jelena Pejić Nikić (ed.), *Preugovor Alarm: Report on the Progress of Serbia in Cluster 1, Belgrade*, Belgrade Centre for Security Policy, May 2023, <https://www.preugovor.org/Alarm-Reports/1811/Alarm-Report-on-Progress-of-Serbia-in-Cluster-1.shtml>.

women from communities made marginalised. Roma women suffer from higher discrimination and less protection, facing serious obstacles when seeking accommodation in shelters. For Roma women who do not possess personal documents (i.e., an identification card or passport), which is more common for Roma women than for women from the majority population, access to services is even more difficult because they are denied admittance to women's shelters. The exception is cases of urgent admission when the documentation is not required. For some Roma women victims/survivors of GBV, identification documents may have never been issued to them, the documents might have expired, and for others, identification documents may have been forcibly taken from them by perpetrators of violence. Roma women who were accommodated in women's shelters report having been discriminated by the employees, with reports of many of them having left the shelters on their own initiative due to exposure to prejudice and discrimination.²⁸⁶

GBV is considered to be both a form of, and a push factor for trafficking in human beings. Serbia follows global trends in that the vast majority of women and girls' victims/survivors identified having been mostly trafficked for the purpose of sexual exploitation. The national policy document for eradication of human trafficking in Serbia for 2023 to 2028, together with a draft proposal of the Action Plan for its implementation for 2023 to 2025²⁸⁷ are neither fully developed nor adopted, although the support from several donors was secured years ahead.²⁸⁸ The previous strategy expired in 2022, and was left without the officially adopted Action Plan for the last two years of implementation. The Ministry of Interior, the mandated Ministry, initiated the new strategic planning process in June, with the first planning session to be held in late August. This means that the important policy document and Action Plan in regards of suppression of trafficking and protection of the victims/survivors, among whom the majority are women and girls, will be at least one year late in adoption.

Shelter capacities for women victims/survivors of trafficking in human beings in Serbia remain limited and centralised. The state shelter has the capacity for only six victims/survivors. There are no specialised shelters for girl victims/survivors of trafficking in human beings. There is one national women's helpline in Serbia, run by the Centre for the 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 civil society experts are not involved with this helpline, and it is not clear whether or not 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.²⁸⁹ During the pandemic, with the support of UN Women, the WCSO Women for Peace based in Leskovac partnered with WCSO SOS Network Vojvodina, to develop a mobile app providing chat support and SOS services, including a panic button, for women victims/survivors of GBV. According to Women for Peace, despite the initial reluctance towards the app, the number of women using it has been increasing. Additionally, Women for Peace reports that in 2022 their SOS helpline experienced an increase in the number of calls from women victims/survivors of GBV.²⁹⁰ Regarding the number of women who called the helpline, data of the civil society and public sectors differ significantly. The calls that WCSOs received from victims/survivors are more than seven times higher than those received by the state National SOS helpline. This shows that the helplines of WCSOs are more well known, and/or that women victims/survivors of GBV have more trust in the helpline run by WCSOs.²⁹¹

In Serbia, there is no rape crisis centre, no sexual violence referral centre, and no specific shelter for women from groups made marginalised, as required by the Istanbul Convention.²⁹² Centres for victims/survivors of sexual violence exist only in four towns in Vojvodina. They are run by state institutions and a WCSO. Centres are financed

²⁸⁶ Information shared with Kvinna till Kvinna by partner organisation in Serbia.

²⁸⁷ Government of the Republic of Serbia, 'Negotiation Group for Chapter 24 – Justice, Freedom and Security, Revised: Action Plan for Chapter 24 – Justice, Freedom and Security', Belgrade, 2020, Activity 6.2.8.7., <https://www.statewatch.org/media/2453/annexe-4-clean.pdf>.

²⁸⁸ Information shared with Kvinna till Kvinna by partner organisation in Serbia.

²⁸⁹ Women Bring Justice (Žene Donose Pravdu), 'Women Bring Justice Website', (n.d.), <https://www.zeneprotivnasilja.net/index.php?start=5>.

²⁹⁰ UN Women, 'Interview: "Always trust a woman who decides to report violence"', 25 September 2022, <https://eca.unwomen.org/en/stories/interview/2022/09/interview-always-trust-a-woman-who-decides-to-report-violence>.

²⁹¹ AWC, 'More money for state services, more trust to women's organizations', AWC, 10 August 2022, <https://www.womenngo.org.rs/en/news/1924-more-money-for-state-services-more-trust-to-women-s-organizations>.

²⁹² Elena Floriani and Léa Dudouet, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, Vienna, Women Against Violence Europe (WAVE), December 2021, p. 154, https://wave-network.org/wp-content/uploads/WAVE_Country-Report.pdf.

almost entirely with funds provided by international donors. During 2021 and 2022, a total of 42 cases of sexual violence were reported in the four centres for victims/survivors of sexual violence and more than 300 support services were provided to women in situations of violence, primarily in the form of psychosocial support.²⁹³

The specialised SOS hotline for trafficking in human beings in Serbia processed 4,770 calls in 2022, and identified 16 women victims/survivors of trafficking, of which five were girls. During this period, the prevailing types of exploitation that were identified were sexual exploitation, followed by forced marriage, labour and combined exploitation. As reported in the previous editions of *Women's Rights in Western Balkans*, and similar to the other countries, adequate and sustainable funding remains one of the main challenges faced by WCSOs working in the field of GBV, filling the gap where institutions are failing in this area. Free legal aid to victims/survivors of GBV is a service consistently provided by CSOs without any funding from the state budget.²⁹⁴ Most of the activities of the WCSOs are funded by international donors. For six consecutive years, not a single CSO has received funds from the Institute for Deferral of Criminal Prosecution (Institut odlaganja krivičnog gonjenja) opportunity fund.²⁹⁵ The public funds in most cases are not sufficient and most importantly are not distributed in a transparent way. The May 2023 prEUgovor Alarm report pinpoints that funds are granted to dubious organisations whose work and results cannot be monitored.²⁹⁶ The previous edition of *Women's Rights in Western Balkans* reported about local public funds for combating DV in the city of Leskovac having been distributed to a CSO run by a man who himself has been convicted twice for DV. The May 2023 prEUgovor Alarm report states that the same CSO has received public funds for an SOS hotline in the city for the second year in a row.²⁹⁷

Similar to 2022, the 2023 response²⁹⁸ of the Coordination Body for Gender Equality, within the Ministry of Culture, to the submitted FOI request contained an outline of the roles and responsibilities of said body, alongside the legislation which directs its work on GBV. The response, however, did not provide any information about projects, activities, budgets, or budget amounts related to GBV as requested by the FOI. In the response, it was stated that the Coordination Body has neither its own budget, nor does it independently enter into contracts or similar legal documents, or any other bilateral or multilateral legal affairs, and therefore it does not follow the implementation of the Budget of the Republic of Serbia. Based on this response, it is not possible to understand or analyse the GBV-related activities within the budget of one of the key institutions that is mandated to implement the Istanbul Convention. The fact that the main institution for the implementation of the Istanbul Convention lack proper and adequate fundings goes against the requirements of the same Convention. It also shows that policies and laws regarding GBV often remain on paper, and that the work of preventing and addressing GBV falls on WCSOs that, without funding allocated in national budgets, remain dependent on the support of international donors. Therein, WCSOs and international donors continue to fill the gaps where state institutions are failing.

The Ministry of Family Welfare and Demography²⁹⁹ responded to the FOI request by informing that, based on the Law on Access to Information of Public Importance, they had two public calls for funding in 2022, but by this same law, they cannot with certainty confirm whether or not the funds were spent on GBV prevention or support to victims/survivors.³⁰⁰ From an observation in the Ministry's website, it may be noted that the only

²⁹³ Autonomous Women's Centre (AWC), 'AWC Contribution for the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence regarding the 2020 Recommendations for Serbia', 31 March 2023, p. 14, https://www.womenngo.org.rs/images/vesti_2023/AWC_Contribution_to_CoE_Committee_of_Parties_regarding_2020_Recommendations_for_Serbia.pdf.

²⁹⁴ AWC, 'AWC is one of the three associations with the largest number of free legal aid and support services in Serbia', 29 October 2021, <https://www.womenngo.org.rs/en/news/1834-awc-is-one-of-the-three-associations-with-the-largest-number-of-free-legal-aid-and-support-services-in-serbia>.

²⁹⁵ AWC, 'Press Release of Civil Society Organizations', AWC, 05 May 2022, <https://www.womenngo.org.rs/vesti/1864-saopštenje-za-javnost-organizacija-civilnog-drustva>; Information provided by Kvinna till Kvinna partner organisation in Serbia.

²⁹⁶ Jelena Pejić Nikić (ed.), *PREUGOVOR ALARM: Report on the Progress of Serbia in Cluster 1, Belgrade*, Belgrade Centre for Security Policy, May 2023, p. 88, <https://www.preugovor.org/Alarm-Reports/1811/Alarm-Report-on-Progress-of-Serbia-in-Cluster-1.shtml>.

²⁹⁷ *Ibid.*

²⁹⁸ Response received from the Coordination Body for Gender Equality, received on 31 March 2023.

²⁹⁹ Response received from the Ministry of Family Welfare and Demography, received on 11 April 2023.

³⁰⁰ *Ibid.*

public open call in 2022 that can still be found on their website is for a programme proposal as part of "Children's Week" in 2022. Neither GBV nor DV were themes in the call.

Based on the legal framework, Centres for Social Work that support victims/survivors of GBV and DV are within the jurisdiction of the Ministry of Labour, Employment, Veteran and Social Policy.³⁰¹ In their response to the submitted FOI request regarding the 2022 funds dedicated to GBV prevention and protection, most of the information refers to social security benefits in general with no specifics regarding GBV or DV. The budget of the Republic of Serbia provides funds for dedicated transfers, which in accordance with the law on social protection and the regulations of local self-government units, finance social protection services in those local self-government units whose level of development is below the national average.³⁰² In line with Decree for Purposeful Transfers for Local Self-government Units, funds approved for shelter services transferred to local self-government units in 2022 were as follows: 4,135 EUR (484,567 RSD) for Jagodina; 22,934 EUR (2,687,210 RSD) for Vranje;

8,484 EUR (994,165 RSD) for the municipality of Trgovište. Additionally, 6,827 EUR (800,000 RSD) were allocated to SOS telephone in Vranje.³⁰³

Article 58 of the Law on Gender Equality stipulates diverse funding for specialised services to be provided in the budget of the Republic of Serbia, the budget of the autonomous provinces and the budget of the local self-government unit. The obligation of the government to fund the majority of services will start on January 1, 2024, including the stipulation that safe houses and rape crises centres (Article 55, paragraph 1) will be funded by local self-government units, while financial resources for programs for perpetrators of violence (Article 56) will be provided in the Serbian budget. According to an AWC report, such division hampers the financial situation of safe houses and rape crisis centres financed only by local self-government units whose funds are often not sufficient.³⁰⁴ As a response, in January 2023 AWC submitted to the Constitutional Court an initiative for the assessment of constitutionality and compliance with confirmed international agreements, for Articles 58 and 77 of the Law on Gender Equality.³⁰⁵

³⁰¹ Response received from the Ministry of Labour, Employment, Veteran and Social Policy, received on 19 April 2023.

³⁰² *Ibid.*

³⁰³ *Ibid.*

³⁰⁴ AWC, 'AWC Contribution for the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence regarding the 2020 Recommendations for Serbia', 31 March 2023, https://www.womenngo.org.rs/images/vesti_2023/AWC_Contribution_to_CoE_Committee_of_Parties_regarding_2020_Recommendations_for_Serbia.pdf.

³⁰⁵ AWC, '2023 AWC submitted an initiative for the evaluation of the constitutionality and compliance with confirmed international treaties of the provisions of the Law on Gender Equality', Belgrade, AWC, 24 January 2023, <https://www.womenngo.org.rs/en/policy-activities/advocacy/1989-2023-awc-submitted-an-initiative-for-the-evaluation-of-the-constitutionality-and-compliance-with-confirmed-international-treaties-of-the-provisions-of-the-law-on-gender-equality>.

IN FOCUS – OBSTETRIC VIOLENCE IN THE WESTERN BALKANS

One of the forms of GBV that has been and remains hidden is obstetrical and gynaecological violence. Obstetric violence is a global problem and refers to structural violence perpetrated by medical professionals that takes place during pregnancy and within maternity health services, and may include, but are not limited to, physical abuse, forced medical procedures or procedures carried out without consent, the refusal to give painkilling medication or anaesthesia, violations of privacy, humiliation, verbal abuse, and also mistreatments during abortion care.

In 2015, the World Health Organisation (WHO) released a statement regarding the growing concerns of women during childbirth, condemning “outright physical abuse, profound humiliation and verbal abuse, coercive or unconsented medical procedures (including sterilisation), lack of confidentiality, failure to get fully informed consent, refusal to give pain medication, gross violations of privacy, refusal of admission to health facilities, neglecting women during childbirth to suffer life-threatening, avoidable complications, and detention of women and their new-borns in facilities after childbirth due to an inability to pay”.³⁰⁶ In its statement, WHO also recognised that “such treatment not only violates the rights of women to respectful care, but can also threaten their rights to life, health, bodily integrity and freedom from discrimination”.³⁰⁷ In August 2019, Dubravka Šimonović, United Nations Special Rapporteur on Violence against Women, submitted to the UN General Assembly a report³⁰⁸ focusing on childbirth and obstetric violence.³⁰⁹

The first countries to conceptualise and codify obstetric violence as a punishable form of GBV by law were in Latin America during the early 2000s.

After WHO's statement, countries in Europe started also to address this issue. In the Western Balkans, the issue remains hidden and overwhelmingly unknown. During recent years, however, several articles and analysis have been published and protests have been organised to denounce this form of GBV. In March 2022, BiH human rights activists from several cities held rallies under the slogan “Safe childbirth is a political issue”.³¹⁰ The main objective of such rallies was to protest against disrespect and abuse experienced by women during childbirth, as well as to raise awareness about instances of systemic violence that mothers who underwent labour in public hospitals have faced. During these protests in BiH, it was also emphasised that women made marginalised, such as Roma women or women with different abilities, were among the main victims/survivors of such forms of violence. Similar results are highlighted in the first report on obstetric violence in Serbia.³¹¹ The report indicated that during childbirth, women are likely to experience verbal violence: insults, swearing, humiliation, yelling.³¹² Findings also highlighted cases wherein women experienced medical treatments such as the Kristeller manoeuvre³¹³ or an episiotomy,³¹⁴ without their consent, even if they were opposing and had to endure great suffering and pain.

Aside from WHO's statement from 2015 and the UN Special Rapporteur on Violence against Women report, two other documents could support institutions in the Western Balkans to frame the work of prevention and prosecution of obstetric and gynaecological violence, and the protection of victims/survivors of these forms of GBV. First, Resolution 2306³¹⁵ on Obstetrical and Gynaecological Violence, adopted by the Parliament of the Council of

³⁰⁶ World Health Organisation (WHO) statement, ‘The prevention and elimination of disrespect and abuse during facility-based childbirth’, 2015, WHO/RHR/14.23, https://iris.who.int/bitstream/handle/10665/134588/WHO_RHR_14.23_eng.pdf?sequence=1&isAllowed=y.

³⁰⁷ UN General Assembly (UNGA), ‘Note by the Secretary-General: A human rights-based approach to mistreatment and violence against women in reproductive health services with a focus on childbirth and obstetric violence’, 11 July 2019, A/74/137, <https://digitallibrary.un.org/record/3823698?ln=en>.

³⁰⁸ *Ibid.*

³⁰⁹ Parliamentary Assembly of the Council of Europe, ‘Report of the Committee on Equality and Non-Discrimination on Obstetrical and gynaecological’, 12 September 2019, <http://www.assembly.coe.int/LifeRay/EGA/Pdf/TextesProvisoires/2019/20190912-ObstetricalViolence-EN.pdf>.

³¹⁰ Katarina Panić, ‘End labour violence on mothers in the Balkans!’, *Fair Planet*, 10 March 2022, <https://www.fairplanet.org/editors-pick/end-labour-violence-on-mothers-in-the-balkans/>.

³¹¹ Božica Luković, ‘Prvi veliki izveštaj o akušerskom nasilju u Srbiji: Najviše prijava za 4 bolnice’, *zadovoljna.rs*, 20 September 2022, <https://zadovoljna.nova.rs/beba-i-porodica/prvi-veliki-izvestaj-o-akuserskom-nasilju-u-srbiji-najvise-prijava-za-4-bolnice/>.

³¹² *Ibid.*

³¹³ The Kristeller manoeuvre refers to fundal pressure during the second stage of labour involving application of manual pressure to the uppermost part of the uterus directed towards the birth canal, in an attempt to assist spontaneous vaginal birth.

³¹⁴ An episiotomy is a cut made by a healthcare professional into the perineum and vaginal wall to make more space for the baby to be birthed. In several national health care websites, it is stated that episiotomies are only done with the consent of the mother.

³¹⁵ Parliamentary Assembly of the Council of Europe (CoE), ‘Resolution 2306: Obstetrical and gynaecological violence’, 03 October 2019, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=28236&lang=en>.

Europe (CoE) in 2019 provides a comprehensive frame. The Resolution calls on CoE Member States to prevent and combat discrimination (on all grounds) in access to health care in general; to collect and make public data on gynaecological and obstetrical violence and to undertake studies on this subject; and to prevent and combat sexism and VAW, including gynaecological and obstetrical violence. Second, the European Parliament Resolution on Sexual and Reproductive Health and Rights in the EU, in the Frame of Women's Health,³¹⁶ adopted in 2021, calls on Member States to combat gynaecological and obstetrical violence by reinforcing procedures that guarantee respect for free and prior informed consent and protection from inhuman and degrading treatment in healthcare settings, including through the training of medical professionals. The European Parliament Resolution also calls on the EC to tackle this specific form of GBV in its activities. For the first time, the EC BiH Report for 2022 emphasised that BiH "needs to improve conditions in hospitals and maternity hospitals and ban obstetric violence, in line with its obligations under the Istanbul Convention".³¹⁷ The issue of obstetric violence in BiH had been previously raised in the recommendations submitted to the EC Enlargement Package by the CSO Helsinki Citizen's Assembly.³¹⁸

The BiH CSO Oštra nula conducted a survey with mothers who had delivered in public hospitals and collected 420 personal stories that showed the wide range of problems. The most common was a lack of information, forced induction, unjustified episiotomy, verbal insults, sexualisation, dehumanisation and seclusion.³¹⁹ Similar results and patterns were highlighted by research conducted in Serbia.³²⁰ One obstacle to recognising this form of GBV is that women in most of cases do not consider it as a form violence and therefore do not talk about it or report it to relevant institutions. Experiences are widely framed within the existing patriarchal norms that

perpetrate the myths of natural pain that is expected to be endured. Even women often dismiss such violence as a common experience that everyone goes through: "I was told to forget about my dignity once I went to deliver. And I did so. Still, I am not ready to accept that as normal" reports one of the women interviewed by Oštra nula.³²¹

As highlighted by a regional analysis conducted by the the Balkan Investigative Reporting Network (BIRN),³²² many women have shared their experiences about violence, verbal abuse and negligence during childbirth, but very few of them felt that they were able to report it to the relevant institutions. According to the regional analysis, more than 80% of the survey participants alleged medical negligence, many complained about the attitude of medical staff but barely 3% filed an official complaint or sued. A woman from the BiH town of Foča said that without warning she was subjected to an episiotomy and to the Kristeller manoeuvre. She complained of verbal abuse as well, with staff telling her to "Stop acting up" and accusing her of behaving "like [she is] the only mother in the world." A woman from Serbia reported that she "was insulted by the doctor over [her] body weight, [called] derogatory names". Another, in Montenegro, said she was subjected to violence, shouting and "jumping on the stomach", referencing the Kristeller manoeuvre. She also shared that the medical staff had verbally abused her with expressions such as "Suck it up" and "Do you think this is a hotel?". One of the first examples of speaking up about obstetrical violence in the region is that of Ivana Ninčević Lesandrić who shared her experience of obstetrical violence in 2018 during her tenure as MP of the Croatian Parliament. Ninčević Lesandrić publicly stated that she had received a dilation and curettage with no anaesthesia in the hospital in Split. In 2021, a journalist in Serbia, Mina Smiljanić, also recounted her story of verbal abuse and humiliation during childbirth.³²³ The widespread #NisamPrijavila

³¹⁶ European Parliament, 'Sexual and reproductive health and rights in the EU, in the frame of women's health: European Parliament resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health (2020/2215(INI))', 24 June 2021, P9_TA(2021)0314, https://www.europarl.europa.eu/doceo/document/TA-9-2021-0314_EN.pdf.

³¹⁷ European Commission (EC), *Bosnia and Herzegovina 2022 Report*, Brussels, 2022, https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022_en.

³¹⁸ Information shared with Kvinna till Kvinna by partner organisation in BiH.

³¹⁹ Katarina Panić, 'End labour violence on mothers in the Balkans!', *Fair Planet*, 10 March 2022, <https://www.fairplanet.org/editors-pick/end-labour-violence-on-mothers-in-the-balkans/>.

³²⁰ Božica Luković, 'Prvi veliki izveštaj o akušerskom nasilju u Srbiji: Najviše prijava za 4 bolnice', *zadovoljna.rs*, 20 September 2022, <https://zadovoljna.nova.rs/beba-i-porodica/prvi-veliki-izvestaj-o-akuserskom-nasilju-u-srbiji-najvise-prijava-za-4-bolnice/>.

³²¹ Katarina Panić, 'End labour violence on mothers in the Balkans!', *Fair Planet*, 10 March 2022, <https://www.fairplanet.org/editors-pick/end-labour-violence-on-mothers-in-the-balkans/>.

³²² Milica Stojanovic and Anja Vladisavljevic, 'Childbirth Often Traumatic in CEE, But Few Women Seek Redress', *Balkan Insight*, 22 July 2021, <https://balkaninsight.com/2021/07/22/childbirth-often-traumatic-in-cee-but-few-women-seek-redress/>.

³²³ Branka Mrkić-Radević, 'Violence at the Doctor's Office', *Kosovo2.0*, 06 May 2021, <https://kosovotwopointzero.com/en/violence-at-the-doctors-office/>.

(translation: *I did not report*; also connected to the #MeToo movement) social media campaign in 2022 opened a space online, for women to speak about various forms of GBV that they had experienced. One type of violence that was shared among women's posts across Serbia was obstetric violence.³²⁴ Milica Filipović from Šabac shared about her traumatic experience in 2021 in the maternity clinic Narodni Front in central Belgrade during an induced abortion procedure. The inhumane treatment that she was exposed to attracted the attention of a number of media, especially online portals. At the same time, many women began to share on Twitter, Instagram and Facebook about their own experiences in maternity hospitals across Serbia. Milica Filipović started a Facebook Group "Stop nasilju u porodilištima!" ("Stop Violence in Maternity Hospitals!") as a form of support to women who have had similar experiences.³²⁵ Other initiatives have emerged in other Western Balkan countries with

the aim of raising awareness, speaking up and denouncing such forms of violence.³²⁶

Currently, there are no particular state initiatives in Western Balkan countries to raise awareness, prevent and prosecute obstetrical violence. No data is available regarding cases of obstetric violence, and there is no information whether such form of violence is being addressed by institutions in the region, with the exception of some (W)CSOs working on gender equality and sexual health and reproductive health and rights, as mentioned previously. WCSO continue to be leading actors in raising women's/mothers' awareness, assisting victims/survivors in speaking out about and reporting their experiences, and advocating towards institutions to address obstetric violence by taking preventive actions, protecting victims/survivors, and holding to account those perpetrating such violence.



³²⁴ Kosana Beker (Dr.) et al., 'Priručnik za Etičko i Nediskriminatorno Izveštavanje o Nasilju Prema Ženama u Onlajn Sferi', *Beogradski Centar za Ljudska Prava and UN Women*, 2022, p. 44, <https://eca.unwomen.org/sites/default/files/2023-02/01-prirucnik-za-eticko-i-nediskriminatorno-izvestavanje-o-nasilju-prema-zenama-u-online-sferi-ethical-and-non-discriminative-reporting-about-VAWG.pdf>.

³²⁵ *Ibid.*

³²⁶ Branka Mrkić-Radevič, 'Violence at the Doctor's Office', *Kosovo2.0*, 06 May 2021, <https://kosovotwopointzero.com/en/violence-at-the-doctors-office/>.

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	2023	2,821,977 (2011)	No	12	153	290	- 137
	2016		No	5	153	290	- 137
BiH	2023	3,531,159 (2013)	No	8	181	353	-168
	2016		No	9	204	353	-149
Kosovo	2023	1,739,825 (2011)	No	9	135	173	- 43
	2016		No	8	140	173	- 33
Montenegro	2023	620,029 (2011)	No	3	35	62	- 27
	2016		No	3	44	62	- 18
North Macedonia	2023	1,836,713 (2021)	No	14	60	184	- 124
	2016	2,022,547 (2002) ³²⁷	No	5	22	202	- 180
Serbia	2023	6,647,003 (2022) ³²⁸	No	14	300	665	- 265
	2016	7,186,862 (2011)	No	12	257	718	- 461

³²⁷ Estimation by the State Statistical Office, based on the census in 2002.

³²⁸ EU in Serbia, 'Final results of the innovative Census', 03 May 2023, <https://europa.rs/final-results-of-the-innovative-census/?lang=en#:~:text=According%20to%20the%20final%20results,in%20the%20Republic%20of%20Serbia.>

Comparison Table: Sanctioned and Reported Cases

	Number of DV cases reported to the police					Number of prosecuted DV cases					Femicides	
	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022	2021 ³²⁹	2022
Albania	4,411	4,177	4,321	N/A	4,135 ³³⁰	1,209	1,140	1,251	1,406	1,453 ³³¹	12	8 ³³²
BiH	N/A*	2,182	N/A	N/A	N/A	N/A	1,851	1,998	N/A	N/A	9	11 ³³³
Kosovo	1,541	1,915	2,069 ³³⁴	2,456 ³³⁵	2764 ³³⁶	N/A	N/A	1,145	1,374	N/A	3 ³³⁷	N/A
Montenegro	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	282	427 ³³⁸	2	2 ³³⁹
North Macedonia	1,006	1,541	992 ³⁴⁰	1,056	1,117	N/A	N/A	N/A	302 ³⁴¹	315 ³⁴²	6	2 ³⁴³
Serbia	N/A	28,214	26,818	26,696	27,693 ³⁴⁴	5216	4,666	4,161	4,225	3,844 ³⁴⁵	20	27

³²⁹ Nevena Dičić Kostić et al., *Women Rights in Western Balkans 2022*, The Kvinna till Kvinna Foundation, November 2022, <https://kvinnatillkvinna.org/wp-content/uploads/2022/12/The-Kvinna-till-Kvinna-Foundation-Womens-Rights-in-Western-Balkans-2022.pdf>.

³³⁰ US Department of State, *2022 Country Reports on Human Rights Practices: Albania*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/albania/>.

³³¹ General Prosecution Office, 'Report on the crime situation in Albania in 2022', Tirana, March 2023, p. 110, https://www.pp.gov.al/rc/Raporti_Vjetor_kriminaliteti_2022_Kuvendit_Prokuroria_e_Pergjithshme_6915.pdf.

³³² Information shared with Kvinna till Kvinna by partner organisations in Albania.

³³³ Amina Sejfić, 'Defining and Responding to Femicide in Bosnia and Herzegovina', *Balkan Diskurs*, January 2023, <https://balkandiskurs.com/en/2023/01/13/defining-and-responding-to-femicide-in-bih/>.

³³⁴ Perparim Isufi, 'Kosovo to Probe Prosecutor for Neglecting Case of Murdered Woman', *Balkan Insight*, 05 April 2023, <https://balkaninsight.com/2023/04/05/kosovo-to-probe-prosecutor-for-neglecting-case-of-murdered-woman/>.

³³⁵ *Ibid.*

³³⁶ QIKA, '2764 raste të dhunës në familje të raportuara në Policinë e Kosovës gjatë vitit 2022', *QIKA*, 04 July 2023, <https://www.facebook.com/photo?fbid=599540105655082&set=pcb.599540168988409>.

³³⁷ Information shared with Kvinna till Kvinna partner organisations in Kosovo.

³³⁸ Women's Rights Centre, *Judicial Response to Gender-based Violence*, Podgorica, 2023.

Both 2021 and 2022 figures refer to the court cases of domestic and family violence under the Criminal Code in Montenegro. These figures do not include the cases of misdemeanour under the Law on Protection from Domestic Violence.

³³⁹ Amra Brkić-Čekić, 'Samo zakon ne zna šta je femicid', *Vijesti*, 16 January 2023, <https://www.vijesti.me/vijesti/crna-hronika/639128/samo-zakon-ne-zna-sta-je-femicid>.

³⁴⁰ State Statistical Office of the Republic of North Macedonia (MAKSTAT), *Women and Men in North Macedonia: 2023*, Skopje, p. 98, https://www.stat.gov.mk/publikacii/2023/ZeniteMazite_2023_en.pdf.

³⁴¹ Aneta Risteska and Valentina Vurmo, 'Accomplices to Crime? North Macedonia's Domestic Violence Victims Feel Betrayed by Institutions', *Balkan Insight*, 23 May 2023, <https://balkaninsight.com/2023/05/23/accomplices-to-crime-north-macedonias-domestic-violence-victims-feel-betrayed-by-institutions/#:~:text=Statistics%20suggest%20that%20the%20number,up%20from%20302%20in%202021>.

³⁴² *Ibid.*

³⁴³ According to the information provided by WCSO National Network, the official State statistics reports only one femicide in 2022 in North Macedonia. But according to the annual report of the Ministry of Internal Affairs and to the monitoring of the National Network is two. The discrepancy comes from the fact that the murder of a woman in Negotino in August 2022 was classified by the public prosecutor and the judge as a serious bodily injury (Article 131 of the Criminal Code). This case is a further illustration of what has been stated previously: there is an imminent need to have a clear definition of the crime of femicide, and this applies to in all Western Balkan countries. Currently, femicides are classified as other crimes, and as such they are counted under different types of statistics. We can have a picture of the gravity of this form of GBV only because of the work of the different WCSOs in the Western Balkan countries.

³⁴⁴ AWC, *Jedanaesti izveštaj o primeni Zakona o sprečavanju nasilja u porodici*. AWC, 2023, <https://www.womenngo.org.rs/prakticne-politike/zagovaranje/2065-2023-jedanaesti-izvestaj-o-nezavisnom-pracenju-primene-zakona-o-sprecavanju-nasilja-u-porodici-u-srbiji-za-period-januar-decembar-2022-godine>.

³⁴⁵ Statistical Office of the Republic of Serbia 'Statistical Release Judiciary Statistics No. 184: Adult perpetrators of criminal offences, 2022', July 2023, Data for Serbia refer to the number of *Accused adult perpetrators for criminal offences against family and marriage*, as per the Statistical Release "Judiciary Statistics", Nr. 184, July 2023, 3844, <https://publikacije.stat.gov.rs/G2023/PdfE/G2023184.pdf>.

Recommendations*

COMBATTING GENDER-BASED VIOLENCE

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 marginalised 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.
- 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 (Article 46).
- Introduce long-term and/or permanent protection orders, amend legislation to ensure that the violation of a protection order is criminalised.
- Abolish the practices of monetary fines and mediation used in place of sentencing, to ensure sanctions for crimes are proportionate.
- 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).
- Criminalise all forms of cyber-harassment, threats and violence.
- Recognise gender, sexual orientation and gender expression/identity as grounds for hate crimes (Examples: Belgium, France).
- Establish and implement publicly accessible, integrated databases with information on GBV cases as per the Istanbul Convention (Article 11).

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:

Allocate adequate financial resources to existing expert WCSOs for service provision, including shelters, hotlines and legal aid.

Governments

- Increase the number of shelters, rape crisis centres and helplines with adequate financing from the applicable budgets as per the Istanbul Convention (Articles 23-25).
- Allocate adequate and sustainable financial resources to WCSOs for service provision (Article 8), as well as mechanisms for monitoring and evaluation of the Istanbul Convention (Article 10). 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 WCSO experts in the field to ensure the quality of services (Articles 23 and 24).
- 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 (Article 8).
- Consider supporting the provision of specialised services to victims/survivors of GBV/DV provided by WCSOs through the regional programmes such as IPA III where national and local allocations are insufficient.
- Call on governments to recognise the expertise of WCSOs in providing specialised support services for women victims/survivors of GBV, to lift unnecessary administrative restrictions and to 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.

SECURITY FOR WOMEN HUMAN RIGHTS DEFENDERS

ATTACKS ON WHRDS

Despite the fact that 2023 marks the 25th anniversary of the adoption of the UN Declaration on Human Rights Defenders³⁴⁶ that prompts signatory governments across the world to make stronger commitments towards supporting human rights defenders (HRDs), all six Western Balkan countries consistently fail to provide full recognition, protection and support to at-risk HRDs. Consequently, throughout the region women HRDs (WHRDs) equally lack institutional recognition. This is in particularly disappointing considering that Albania, BiH, Montenegro, North Macedonia and Serbia³⁴⁷ all participated in drafting the 2013 landmark UN General Assembly Resolution on Women Human Rights Defenders.³⁴⁸ While at the international level Western Balkan countries were ready to pledge at protecting the WHRDs, these commitments were not transposed at the domestic level even 10 years after its adoption. To date, all Western Balkan countries lack a policy or legal document recognising the importance of the (W)HRDs in building democracy in their respective countries and the risks they face on account of their work. As reported in the previous edition of the *Women's Rights in Western Balkans*, Albania was the only country that made a progress in this direction, but regrettably the 2019 Parliament Resolution on HRDs made no tangible improvement of the situation of the HRDs in the country. Continued attacks against LGBTQI+ activists in Albania have also shown the government's lack of efforts towards combatting shrinking civic space to ensure safety for activists and civil society.

The position of the WHRDs reflects the overall situation of women's rights and gender equality in the Western Balkan societies. The above-mentioned discrepancy between international commitments and proclaimed political goals vis-à-vis domestic political and legal practices should be understood in the context of democratic backsliding of the Western Balkan countries over the past several years and the types of regimes in power. In 2023, all Western Balkan countries remain classified as hybrid or transitional regimes³⁴⁹ with fragile democratic institutions, ineffective protection of political rights and civil liberties and questionable potential for sustainable, liberal democracy.³⁵⁰ This has not, however, been the case with all editions of the *Women's Rights in Western Balkans* reports as, for instance, Serbia and Montenegro were classified as semi-consolidated democracies in 2018 but have regressed since. Democratic aspirations of political structures have been replaced with authoritarian and autocratic tendencies³⁵¹ taking the toll on the gender equality and women's rights, but also resulted in shrinking space for any critical and dissonant voices.

During the period covered by this edition of the *Women's Rights in Western Balkans*, apart from Kosovo, there has been no improvements of the environment in which (W)CSOs operate. On the contrary, as argued further below in this report, there is evidence to suggest that the space for women activist, journalists and WCSOs to freely

³⁴⁶ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) adopted in 1998 by consensus by all member states of the United Nations General Assembly on the occasion of the 50th anniversary of the Universal Declaration of Human Rights.

³⁴⁷ United Nations General Assembly, Sixty-eighth session, Third Committee, Agenda item 69 (b), Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms; Albania, Argentina, Australia, Bosnia and Herzegovina, El Salvador, Guatemala, Iceland, Ireland, Jordan, Liechtenstein, Mexico, Montenegro, New Zealand, Norway, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and Turkey: Draft Resolution Protecting Women Human Rights Defenders, 4 November 2013.

³⁴⁸ Association for Women's Rights in Development (AWID), 'First Resolution on Protecting Women Human Rights Defenders Adopted at the UN Amid Strong Conservative Opposition to Already Agreed Rights', 06 December 2013, <https://www.awid.org/news-and-analysis/first-resolution-protecting-women-human-rights-defenders-adopted-un-amid-strong>.

³⁴⁹ Freedom House, *Nations in Transit 2023: War Deepens a Regional Divide*, 2023, https://freedomhouse.org/sites/default/files/2023-05/NIT_2023_Digital.pdf.

³⁵⁰ Freedom House, 'Nations in Transit Methodology', *Freedom House*, 2023, <https://freedomhouse.org/reports/nations-transit/nations-transit-methodology>.

³⁵¹ Kurt Bassuener et al., *Gaslighting Democracy in the Western Balkans: Why Jettisoning Democratic Values is Bad for the Region and the Liberal World*, Sarajevo, Democratization Policy Council (DPC), March 2023, p. 3, http://www.democratizationpolicy.org/wp-content/uploads/2023/03/DPC-Policy-Paper_Gaslighting-Democracy.pdf.

express their critical ideas and work has continued to grow smaller across the region. Such political context against the backdrop of traditional and patriarchal societies with strong clerical influences, lack of institutional recognition and absence of effective response to previous attacks resulted in continued violence and harassment of WHRDs. Digital violence and cyber harassment were the dominant forms of abuse, even though physical attacks of WHRDs, destruction or vandalism of their properties, or threatening messages on public spaces were common occurrence. Overall institutional response to these attacks remained limited and weak. While there was slight progress in effectively prosecuting previous violent attacks on (W)HRDs, for example in North Macedonia where two convicting judgments were delivered including prison sentences in relation to physical assaults on LGBTQI+ activist, institutions across the region continued to be passive in addressing different forms of digital violence against activists. Some instances of violence against WHRDs and journalists were fuelled by alarming levels of misogynist, homophobic and transphobic language used by political figures, as had occurred in BiH when the highly violent attack on WHRDs during the Banja Luka Pride events in March 2023 was preceded by anti-LGBTQI+ rhetoric of both the city's Mayor and Republika Srpska's President. In Western Balkan countries that have been sliding towards authoritarianism, the legal harassment and legal pressure against (W)HRDs and journalists has been on the rise and taking different forms, such as misdemeanour fines, arrests and detentions, tax inspections and Strategic lawsuits against public participation (otherwise known as SLAPP lawsuits). In the past several editions of this report, Serbia has been seen as the regional leader in the number of SLAPP lawsuits against journalists critical of the government and (W)HRDs.

Throughout the period covered by this edition of the *Women's Rights in Western Balkans* the anti-gender movement continued to grow stronger, moving away from societal and political margins and deeper into the mainstream. Western Balkan governments still lack a response to counterbalance the anti-gender narrative; it was either being ignored by the ruling structures or, on occasions, even being openly

endorsed by officials. Such governments' attitudes towards the anti-gender groups resulted either in progressive, liberal legislation or policies still being postponed such as Law on Gender Equality in North Macedonia or legislation on same-sex partnerships in Albania, Serbia and Kosovo, or in the attempts to nullify already achieved gender equality standards like the mandatory use of gender-sensitive language in Serbia, or eliminating the word "gender" from local policies on equality or budgeting in North Macedonia.

Due to institutional invisibility of (W)HRDs there is still no official monitoring or support mechanism in place in cases of attacks on (W)HRDs in any of the Western Balkan countries. Unlike the *ProtectDefenders.eu*, a HRD protection mechanism at the EU level established in 2015 with the direct funding from the EU and managed and operated by a consortium of regional and international human rights organisations, nothing similar exists in Western Balkan at the regional or country level. Monitoring attacks on WHRDs at the national level is left to the initiatives and efforts of local civil society and availability of scarce funding opportunities from the international community, usually limited to a project timeframe. Across the region, support is mostly limited to CSOs that provide free legal aid. An example is the database "Solidarity for the Rights of All" which monitors attacks and pressure against HRDs in Serbia run by three CSOs and established through an EU-funded project.

Finally, the responsibility for the lack of accountability of the governments for the worsening position of the WHRDS lies with the international community as well. For instance, as a part of its external relations policy, the EU Guidelines on Human Rights Defenders³⁵² are put in place as a key tool for EU institutions and EU Missions to support HRDs in any contact with non-Member States and/or accession countries. Commitment to these Guidelines and better adherence to it has been further strengthened by the European Parliament Resolution from March 2023.³⁵³ Despite the Guideliness, however, it appears the EU pays insufficient attention to the (W)HRDs and shrinking space for civil society in Western Balkans. The EU Country Reports in the

³⁵² European External Action Service (EEAS), *EU Guidelines on Human Rights Defenders*, Brussels, June 2016, https://www.eeas.europa.eu/sites/default/files/02_hr_guidelines_defenders_en_0.pdf.

³⁵³ European Parliament, 'European Parliament resolution of 16 March 2023 on the EU Guidelines on Human Rights Defenders (2021/2204(INI))', Strasbourg, March 2023, https://www.europarl.europa.eu/doceo/document/TA-9-2023-0086_EN.html.

2022 Enlargement Package for the Western Balkans do not adequately address the position of, or risks faced by, (W)HRDs. Reference to (W)HRDs and the use of terminology is inconsistent as HRDs are explicitly mentioned only in two country reports, BiH and Serbia. Kvinna till Kvinna's gender analysis of the 2022 EC Country Reports for the Western Balkans, titled "Friends or Foes", notes that democratic backsliding and deteriorating

conditions in which women's rights organisations and activists operate in, including risks to their safety, have not been thoroughly addressed in these reports. Reference to roles and challenges of women's rights organisations has been improved and satisfactory only in Montenegro, while EU Country Reports for all other countries are either fully or partially inadequate or somewhat good but still need improvement.³⁵³

ALBANIA

While demonstrating minor progress in relation to press freedoms,³⁵⁵ Albania has not made any progress in political rights and civil liberties³⁵⁶ in comparison with the period covered in the previous edition of the *Women's Rights in Western Balkans* report, and the overall situation for WHRDs and women journalists remained unchanged.

Over the past five years, however, Albania has experienced democratic backsliding and deterioration in the environment for civil society and journalists (see: Comparison Table: Freedom House Rankings Over Five Year Period). The framework within which WHRDs and women journalists live and work continues to be shaped by dominant patriarchal and traditional values and lack of effective institutional protection thus placing WHRDs, in a higher risk of abuse and harassment.

While Albania has formally put in place legislation and policies that support gender equality and inclusion of LGBTQI+ communities, the government has not yet demonstrated sincere and effective commitment in advancing women's and LGBTQI+ rights. The LGBTQI+ community

continues to experience physical aggression and hate speech, particularly in social media but, as in previous reporting periods,³⁵⁸ these incidents remain mostly unreported.³⁵⁹ The anti-gender forces and organised groups continue to overtake public space. In February 2023, the Albanian Coalition for Family and Life led by an Evangelical Pastor well-known for his anti-LGBTQI+ rhetoric organised its second convention "God, family, nation" in Tirana, attended by politicians from Austria, US, England and representatives of the Albanian government and opposition.³⁶⁰ Prominent political figures used this gathering as yet another opportunity to advocate against the changes of the Albanian Family Code that would accommodate same-sex partnerships.³⁶¹ In May 2023, the Pastor used the court proceedings to continue to spread disinformation against the LGBTQI+ community's position on parenthood. What was a trail before the Administrative Court following his appeal against the Commissioner for Protection from Discrimination's 2021 decision on finding of hate speech on the grounds of sexual orientation and gender identity, the Pastor falsely presented it as a legal crusade to preserve a notion of fatherhood and motherhood in the Albanian Constitution. This added to the disinformation campaign that started

³⁵⁵ *Ibid.*

³⁵⁶ Reporters Without Borders (RSF), 'Albania', *RSF*, 2023, <https://rsf.org/en/country/albania>.

³⁵⁷ Freedom House, 'Nations in Transit: Albania', *Freedom House*, 2023, <https://freedomhouse.org/country/albania/nations-transit/2023>; Freedom House, 'Freedom in the World 2023: Albania', *Freedom House*, 2023, <https://freedomhouse.org/country/albania/freedom-world/2023>.

³⁵⁸ European Commission, *Commission Staff Working Document Albania 2022 Report: Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy*. Brussels. European Commission, 2022, p. 35, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>.

³⁵⁹ US Department of State, *2022 Country Reports on Human Rights Practices: Albania*, March 2023, p. 31, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/albania/>.

³⁶⁰ Syri.net, 'Konventa e 2-të, 'Pro Familjes dhe Jetës'/ Akil Pano: Familja shqiptare e kërcënuar', *Syri.net*, 18 February 2023, <https://www.syri.net/politike/571478/konventa-e-2-te-pro-familjes-dhe-jetes-akil-pano-familja-shqiptare-e-kercenuar/>.

³⁶¹ Abdullah Klinaku, 'Për Zotin, kombin e familjen', *Kosova Post*, 21 February 2022, <https://kosovapost.net/per-zotin-kombin-e-familjen/>

in 2021, as reported in the previous edition of the *Women's Rights in Western Balkans*, when public discussion was initiated around the same-sex families and possibilities of their legal recognition.³⁶²

The government continues to disregard contribution and importance of human rights defenders' (HRDs) and CSOs' work, including the work of WHRDs. Cooperation with state institutions in decision-making processes remains deprived of meaningful participation of (W)CSOs. The Adoption of the Resolution in Support of the Activity of Human Rights Defenders in March 2019 by the Albanian Parliament looked like a promising step forward, but it made no tangible impact to the situation of WHRDs. The backlash against activists still lacks adequate institutional response.

While last year's Albania press freedom index was the worst in its past five-year period, the slight improvement³⁶³ in the World Press Freedom ranking in 2023 did not bounce back to the situation prior to 2022, when Albania held a much higher position.³⁶⁴ In the Western Balkans, Albania remains the country with the lowest level of media freedoms. Analysing the Reporters Without Borders' 2023 World Press Freedom Index indicates that the security of journalists further deteriorated during the reporting period, being the worst in the region. Physical attacks on reporters and media workers, including multiple use of deadly weapons,³⁶⁵ intimidations and verbal attacks, smear campaigns and legal harassment tactics against journalists persist. One alarming incident was a shooting at the headquarters of a

TV station that resulted in the death of a media worker.³⁶⁶ At the time of writing this report, the perpetrators have not yet been identified.³⁶⁷

Politicians' hostile and degrading language and tolerated impunity for violence towards journalists further jeopardises their safety. Women journalists reported increase in online harassment, including misogynist, violent and sexual comments and threats.³⁶⁸ Digital harassment against women journalists not only violates their personal integrity, but it could also hamper women's careers and professional opportunities. Societal gender inequality is reflected in the media work setting. Gender-based discrimination and sexual harassment of women reporters is present even at their workplace, though most cases remain undisclosed due to fear of retaliation and mistrust.³⁶⁹

The investigative reporter Antela Lika and her crew were attacked in February 2023 while filming what appeared to be an illegal mining operation in the Zezë River in Nikel, Fushë-Krujë. Three armed men first shot at their drone used for filming excavation activity, forcing them to ground it. The journalists informed the police immediately, though they waited almost one hour for the police to arrive. The perpetrators further threatened the journalists, holding them at gunpoint, destroyed their camera and physically assaulted a crew member. Two perpetrators were later identified by the police, but no immediate arrest was made.³⁷⁰ This is the second attack on journalist Antela Lika and her crew within less than one year.³⁷¹

³⁶² Erisa Kryeziu, 'Pastori Akil Pano nuk fitoi ndaj çështjes "Prindi 1 dhe 2", por u rrëzua masa e vendosur për diskriminim', *Citizens Channel*, 26 May 2023, <https://citizens-channel.com/2023/05/26/pastori-akil-pano-nuk-fitoi-ndaj-ceshtjes-prindi-1-dhe-2-por-rrezoi-vendimin-per-diskriminim/>.

³⁶³ The improvement is mostly contributed to the withdrawal of an anti-defamation legislation package.

³⁶⁴ RSF, 'Albania', *RSF*, (n.d.), <https://rsf.org/en/country/albania>.

³⁶⁵ Safejournalists.net, 'Sulm aktual ndaj gazetareve te Top Channel, 08/02/2023, Nikel, Fushe Kruje', *SafeJournalists.net*, 10 February 2023,

<https://safejournalists.net/reports/sulm-aktual-ndaj-gazetareve-te-top-channel-08-02-2023-nikel-fushe-kruje/?lang=sq>.

³⁶⁶ Safejournalists.net, 'Safejournalists: Firearm Attack against Top Channel in Albania, Guard Killed', *SafeJournalists*, 27 March 2023, <https://safejournalists.net/portfolios/safejournalists-firearm-attack-against-top-channel-in-albania-guard-killed/>.

³⁶⁷ Top Channel, 'No trace of the authors; Albanian police still far from uncovering the truth about the grave attack on Top Channel TV', *Top Channel*, 29 March 2023, <https://top-channel.tv/english/no-trace-of-the-authors-albanian-police-still-far-from-uncovering-the-truth-about-the-grave-attack-on-top-channel-tv/>.

³⁶⁸ Safejournalists.net, *Western Balkans Journalists' Safety Index: Narrative Report Albania 2022*, August 2023, p. 30, <https://safejournalists.net/wp-content/uploads/2023/08/Index-Safety-of-Journalists-Albania-ENG-2022.pdf>.

³⁶⁹ *Ibid.*

³⁷⁰ European Centre for Press and Media Freedom, 'Mapping Media Freedom', (n.d.), <https://www.mapmf.org/alert/25614>.

³⁷¹ Coalition for Women in Journalism (CFWIJ), 'Albania: Investigative Journalists Shot At And Threatened While Reporting Illegal Mining - CFWIJ Calls For Immediate Action', CFWIJ, 08 February 2023, <https://www.womeninjournalism.org/threats-all/albania-investigative-journalists-shot-at-and-threatened-while-reporting-illegal-mining-cfwij-calls-for-immediate-action>.

BOSNIA AND HERZEGOVINA

Fragile democratic structures in BiH continued to be eroded throughout the reporting period and the level of individual freedoms remains the lowest in the region (see: Comparison Table: Freedom House Rankings Over Five Year Period). The position of civil society is assessed as the worst in the region and currently at its lowest point over the past five years (see: Comparison Table: Freedom House Rankings Over Five Year Period). From government pressure, interference, administrative hurdles and financial restrictions to institutional disregard of CSOs, the work of WHRDs and WCSOs is additionally hampered by conservative political infrastructure, dominating patriarchal norms and strong religious influence in public life. Gender-based discrimination, femicide and domestic violence remain serious issues that are faced with inadequate institutional response and the overall societal apathy present in both entities. Hate speech and violent attacks against the LGBTQI+ community intensified but prosecution of these crimes remains unsatisfactory. During general elections' campaign held in October 2022, many political figures and government officials resorted to anti-LGBTQI+ rhetoric. WHRDs and LGBTQI+ activists were attacked during the International Women's Day march, as well as during the time of the scheduled but subsequently banned Banja Luka Pride in March 2023. In a 2023 research study conducted by Kvinna till Kvinna, respondents in BiH stated that WCSOs who exposed how local organised crime syndicates were engaging in and profiting from human trafficking were subjected to threats of violence, including break-ins at their offices, shelters, and homes.

In March 2023 in Republika Srpska in BiH, police in Banja Luka prohibited a Pride event, citing security concerns as the reason. The event was planned as a movie screening and a panel discussion on human rights, organised by the activist groups BiH Pride March from Sarajevo and Geto from Banja Luka. Prohibition and inflammatory language by both the President of Republika Srpska and Mayor of Banja Luka led to violent, physical attacks on LGBTQI+ activists, which took place only hours after the police banned the event and when organisers met to discuss the cancellation of the event. In the presence of police, a group of thirty to forty right-wing hooligans attacked the activists both physically and verbally. Several activists were injured, and three required further medical attention. Violence related to this event was not isolated, and included attacks on the "DKC Incel bar" in Banja Luka as well as the Banja Luka Social Centre (see "Security for Women Human Rights Defenders"). In his response following the violent attack, the Mayor of Banja Luka publicly stated that "Banja Luka will remain a bastion of traditionally patriarchal family values". Many activists and members of the LGBTQI+ communities considered this statement inappropriate and as a form of justification for the violence that took place. The decision on the ban was issued shortly before the event, on the day of the event itself, and resonates with the attitude of the BiH institutions, as well as regional practice, that the potential violence towards LGBTQI+ communities is resolved by banning their gatherings and restricting their human rights, rather than protecting them.

³⁷² Civil Rights Defenders, 'Open Letter from civil society organisations in support of human rights defenders, nonprofit organisations and media from Republika Srpska/ Bosnia and Herzegovina', *Civil Rights Defenders*, 09 May 2023, <https://crd.org/2023/05/09/open-letter-from-civil-society-organisations-in-support-of-human-rights-defenders-nonprofit-organisations-and-media-from-republika-srpska-bosnia-and-herzegovina/>.

³⁷³ Johanna Förberg et al., *They Came Together Not to be Silenced*, Stockholm, The Kvinna till Kvinna Foundation, July 2023, p. 7, <https://kvinna.tillkvinna.org/wp-content/uploads/2023/08/The-Kvinna-till-Kvinna-Foundation-they-came-together-not-to-be-silenced-gender-based-violence-in-conflict-the-role-of-womens-rights-organisations.pdf>.

³⁷⁴ Azem Kurtic, 'Bosnian Pride Activists Blame Top Politicians for Violent Attack', *Balkan Insight*, 20 March 2023, <https://balkaninsight.com/2023/03/20/bosnian-pride-activists-blame-top-politicians-for-violent-attack/>.

³⁷⁵ Civil Rights Defenders, 'Violent attack on LGBTQI+ people in Bosnia and Herzegovina', *Civil Rights Defenders*, 20 March 2023, <https://crd.org/2023/03/20/violent-attack-on-lgbti-people-in-bosnia-and-herzegovina/>.

³⁷⁶ N1 BiH, 'Stanivuković: Banjaluka će ostati bedem tradicionalno patrijarhalnih vrijednosti', *Vijesti*, 19 March 2023, <https://n1info.ba/vijesti/stanivukovic-banjaluka-ce-ostati-bedem-tradicionalno-patrijarhalnih-vrijednosti/>.

³⁷⁷ *Ibid.*

The safety of journalists and the overall environment for media freedoms deteriorated in the period covered by this report, with a particular worrying situation in Republika Srpska.³⁷⁸ Physical attacks and intimidation of journalists continued, while verbal threats and attacks on journalists by politicians and high-level officials were on the rise. A report from the Association BH Journalists indicated that while women journalists encounter fewer physical assaults than their male colleagues, women in media are more targeted and at an increasing pace by online harassment. Every fifth woman journalist experienced gender-based discrimination in line of duty, mostly in the form of sexual harassment and sexist comments. Politicians were the attackers in almost half of the documented cases of verbal violence against women journalists and they frequently employed misogynistic language and profanities addressed at women reporters.³⁷⁹ Journalists are faced with a new threat to their work, as the authorities in Republika Srpska reintroduced defamation as a criminal offence. Amendments to the Criminal Code, effective as of August 2023, contain vague legal provisions subjected to broad interpretation of the prosecuting authorities. These legislative changes have broader implications than media freedoms alone and represent a threat to the freedom of expression in general of any independent, critical voices. Legal amendments were heavily criticised by civil society, domestic stakeholders and the international community, and are widely viewed as a setback in the human rights sphere as well as EU integration processes.³⁸⁰

The pressure felt by BiH environmental activists that was reported in the previous edition of this report continued in this reporting period as well.

Attacks and threats on environmental activists, especially women environmental activists, continued, most often led by wealthy foreign investors or corporations. Two young women environmental activists that are part of the civil initiative "Stop building small hydropower plants on Kasindolska river", Sunčica Kovačević and Sara Tuševljak received lawsuits after challenging environmental permits granted to BUK d.o.o., of which Belgian-based hydropower company Green Invest is a shareholder.³⁸¹ Both activists received defamation lawsuits filed by BUK d.o.o., seeking 7,500 EUR in damages to the company and threatening continued legal action if the women continued to speak publicly about the hydropower plant set to be constructed on the Kasindolska river. SLAPP lawsuits are part of a growing trend in the Western Balkans, in which powerful corporations or public officials misuse the justice system to silence and intimidate activists and simultaneously shield themselves from public scrutiny.³⁸² As Front Line Defenders reports in the April 2023 hearing, the hydropower company offered a deal to the women environmental rights defenders in which it would drop its complaint and the case against them if they renounced their previous statements.³⁸³ Both Kovačević and Tuševljak have refused the deal and continue to stand by their statements against the hydroelectric plant and the irreversible environmental³⁸⁴ damage it will cause.

On International Women's Day in Banja Luka in 2023, protesters of the Women Rights March were attacked by a group of four young men, first verbally and then physically, when they hit one of the activists and seized the Pride (rainbow) flag. Two of the identified perpetrators were minors.³⁸⁵

³⁷⁸ Civil Rights Defenders, 'Civil Rights Defenders expresses concerns over the state of media freedom in Bosnia and Herzegovina', *Civil Rights Defenders*, 10 March 2023, <https://crd.org/2023/03/10/civil-rights-defenders-expresses-concerns-over-the-state-of-media-freedom-in-bosnia-and-herzegovina/>.

³⁷⁹ Maja Radević, *Bosna i Hercegovina – 2022 Indicators on the Level of Media Freedom and Journalists' Safety*, Sarajevo, Association BH novinari [BH Journalists], 2023, p. 23, <https://safejournalists.net/wp-content/uploads/2023/03/BIH-ENG-2022.pdf>.

³⁸⁰ Al Jazeera, 'EU o zakonu o kleveti u RS-u: Veliki korak unazad u evropskim integracijama BiH', *Al Jazeera*, 26 August 2023, <https://balkans.aljazeera.net/news/balkan/2023/8/26/na-snagu-stupio-zakon-o-kleveti-u-entitetu-rs-prijeti-svima-u-bih>.

³⁸¹ Amnesty International, 'Bosnia and Herzegovina: Young environmental activists face baseless defamation charges from Belgian-owned hydropower company in Bosnia', *Amnesty International*, 20 October 2023, <https://www.amnesty.org/en/latest/news/2022/10/bosnia-and-herzegovina-young-environmental-activists-face-baseless-defamation-charges-from-belgian-owned-hydropower-company-in-bosnia/>.

³⁸² Euractiv, 'Belgian-based company causes environmental uproar in Bosnia and Herzegovina', *Euractiv*, 19 October 2022, https://www.euractiv.com/section/all/short_news/belgian-based-company-causes-environmental-uproar-in-bosnia-and-herzegovina/.

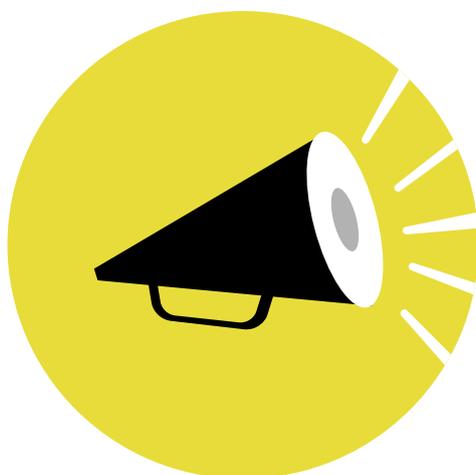
³⁸³ Front Line Defenders, 'Bosnia And Herzegovina: Experts Appointed By The Court Into The Case Against Environmental Women Human Rights Defenders', *Front Line Defenders*, 31 May 2023, <https://www.frontlinedefenders.org/en/case/women-environmental-rights-defenders-sara-tusevljak-next-hearing>.

³⁸⁴ *Ibid.*

³⁸⁵ Azem Kurtic, 'Bosnia Women Rights Marchers Attacked in Banja Luka Over LGBT Flag', *Balkan Insight*, 09 March 2023, <https://balkaninsight.com/2023/03/09/bosnia-women-rights-marchers-attacked-in-banja-luka-over-lgbt-flag/>.

On March 18th, 2023, in Banja Luka, one man and three women journalists and activists – Vanja Stokić, Melani Isović, Vanja Šunjić and Ajdin Kamber,³⁸⁶ sustained injuries when a group of 20 to 30 masked hooligans used glass bottles and metal bars to attack LGBTQI+ activists in front of the CSO Transparency International's premises. Since this attack took place during Banja Luka's Pride Week, a police van was parked in the vicinity, but despite activists' cry for help, the police did nothing to protect the activists. WHRD Vanja Stokić tried to seek shelter in a nearby private garden, but she was handed down to the hooligans by bystanders who pointed her out to hooligans by shouting "she is one of theirs!" In her attempt to escape, Stokić was grabbed by one of the attackers and thrown over a wall.³⁸⁷ The attacks on CSOs and activists in Banja Luka were part of a string of events sparked earlier in the day, where on the pretext of security risks, the Ministry of Interior banned LGBTQI+ events organised by the BiH Pride Parade, scheduled for the same date.³⁸⁸ The days before

the scheduled event were marked by inflammatory speech and strong anti-LGBTQI+ messages, even from the President of Republika Srpska Milorad Dodik and Mayor of Banja Luka, Draško Stanivuković, who called for the cancellation of the Pride events.³⁸⁹ Following the attack on Transparency International, Stokić gave an interview for BUKA portal, stating that despite there being approximately three men in the space that was under attack for the Pride event, there were over 15 women activists in attendance at that moment, noting that this was predominantly an attack on WHRDs.³⁹⁰ Such intense anti-LGBTQI+ propaganda around Pride events triggered other attacks on CSOs and queer-friendly alternative spaces in Banja Luka. Prior to the attack described above, on the same day, the premises of Društveni kulturni centar Incel Bar were demolished by hooligans³⁹¹ and several days later, so too was the Banja Luka Social Centre. These attacks left activists in fear for their safety and concern over a potential escalation of violence.



³⁸⁶ Committee to Protect Journalists (CPJ), 'Bosnia and Herzegovina journalists attacked after covering LGBTQ event', *CPJ*, 22 March 2023, <https://cpj.org/2023/03/bosnia-and-herzegovina-journalists-attacked-after-covering-lgbtq-event/>.

³⁸⁷ N1 BiH, 'Stokić: Stanivukoviću jesu li tradicionalne vrijednosti i da se tuku djevojke?', *Vijesti*, 19 March 2023, <https://n1info.ba/vijesti/stokic-stanivukovicu-jesu-li-tradicionalne-vrijednosti-i-to-da-se-tuku-djevojke/?fbclid=IwAR2Gq1fHG9bydVwxQNofLiWjjbVd6whcApvBDqK3YlvgfP4zmp25wD96M>

³⁸⁸ Mladen Vujinović, 'Policija zabranila skup u okviru "Povorke ponosa" u Banjaluci', *Vijesti*, 18 March 2023, <https://n1info.ba/vijesti/policija-zabranila-skup-u-okviru-povorke-ponosa-u-banjaluci/>.

³⁸⁹ Azem Kurtic, 'Bosnian Pride Activists Blame Top Politicians for Violent Attack', *Balkan Insight*, 20 March 2023, <https://balkaninsight.com/2023/03/20/bosnian-pride-activists-blame-top-politicians-for-violent-attack/>.

³⁹⁰ Slađan Tomić, 'Novinarka Vanja Stokić za BUKU: Ovaj napad su planirali i dogovarali sistem i huligani', *buka*, 20 March 2023, <https://gyka.com/intervju/novinarka-vanja-stokic-za-buku-ovaj-napad-su-planirali-i-dogovarali-sistem-i-huligani>.

³⁹¹ Dnevni avaz, 'Huligani demolirali prostorije DKC Incel u Banjoj Luci', *Dnevni avaz*, 20 March 2023, <https://avaz.ba/vijesti/crna-hronika/817341/huligani-demolirali-prostorije-dkc-incele-u-banjoj-luci>.

³⁹² Radio Slobodna Evropa (RSE), 'Demoliran još jedan prostor aktivista u Banjaluci', *RSE*, 23 March 2023, <https://www.slobodnaevropa.org/a/demoliran-basoc-banjaluka/32331472.html>.

KOSOVO

Although the country has made the biggest progress over the past five years, Kosovo still holds a low position on the overall state of democracy among the six Western Balkan countries (see: Comparison Table: Freedom House Rankings Over Five Year Period). GBV, homophobic and transphobic attitudes still characterise the dominantly conservative and patriarchal Kosovar society - a society already divided along ethnic lines. In response of increased GBV, and alarmingly high rate of femicides, in recent years, WCSOs have been mobilising the public for a series of protests against ineffective prosecution of gender-based crimes. In the 2022 edition of *Women's Rights in Western Balkans*, cases of legal harassment of WHRDs were reported, wherein seven women activists faced misdemeanour charges and eight faced fines for disturbing public peace during a protest by whistling at the speech of a high judicial official. In the period covered by this report, legal harassment tactics continued as WHRDs were arrested and kept in detention following a public protest against a femicide.

The LGBTQI+ community continues to be targeted by hate speech and violence. During the public and parliamentary debate over changes to the Civil Code that would allow for same-sex civil partnerships, inflammatory anti-LGBTQI+ speech was used by MPs, political parties and government representatives.³⁹³

On December 1, 2022, two WHRDs, Neri Ferizi and Anita Mjeku, who took part in a protest organised after yet another femicide took place, were arrested and taken into custody for allegedly throwing a Molotov cocktail at a government building.³⁹⁴ Following a judicial decision, they were released the following day.³⁹⁵

On the Reporters Without Borders global ranking of media freedoms, Kosovo continued to progress, although the Security Index ranking declined in comparison to the previous reporting period. Safety of journalists continued to be undermined by physical and verbal online and offline attacks, as well as increased derogatory language and smear campaigns, often used by politicians. There has been an increase in SLAPP lawsuits initiated by public figures and businesses.³⁹⁶ New survey data shows that women journalists in Kosovo are faced with multiple discrimination at the workplace - invisibility in serious political TV panel discussions, sexual harassment by their colleagues and superiors, unequal pay and not only on the base of gender, but also age or family status.³⁹⁷ Political tensions in Northern Kosovo in May and June 2023 resulted in an alarming series of attacks against journalists, covering political developments in the Serb-majority towns, including 14 women journalists who have been physically assaulted, threatened, or had their equipment and cars damaged over the course of those months.³⁹⁸

³⁹³ US Department of State, *2022 Country Reports on Human Rights Practices: Kosovo*, March 2023, p. 33, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/kosovo/>.

³⁹⁴ Ardita Zeqiri, 'Protest in Prishtina after Pregnant Woman's Murder in Hospital Courtyard', *Pristina Insight*, 02 December 2022, <https://prishtinainsight.com/protest-in-prishtina-after-pregnant-womans-murder-in-hospital-courtyard/>.

³⁹⁵ Adelina Ahmeti, 'Lirohen aktivitet Neri Ferizi e Anita Mjeku', *kallxo*, 03 December 2022, <https://kallxo.com/lajm/lirohen-aktivitet-neri-ferizi-e-anita-mjeku/>.

³⁹⁶ RSF, 'Kosovo', *RSF*, (n.d.), <https://rsf.org/en/country-kosovo>.

³⁹⁷ Dafina Halili, 'The Invisible Burden on Women Journalists', *Kosovo 2.0.*, 05 April 2023, <https://kosovotwopointzero.com/en/the-invisible-burden-on-women-journalists/>.

³⁹⁸ CFWIJ, 'Kosovo: 4 More Women Journalists Injured By Violent Masked Mob', *CFWIJ*, 16 June 2023, <https://www.womeninjournalism.org/threats-all/kosovo-4-more-women-journalists-injured-by-violent-masked-mob>.

MONTENEGRO

Dominant conservative structures, deeply rooted patriarchal norms and gender stereotypes continue to shape private, public and political life in Montenegro. As a consequence, the period covered by this edition of *Women's Rights in Western Balkans* was marked by unstable political developments, noted continuous increase in smear campaigns, hate speech and GBV against women politicians, public figures and women journalists. During the reporting period, WHRDs and WCSOs that provide services to GBV victims/survivors have been exposed to public attacks and hate speech, instigated by men who are members or supporters of the perpetrators. They have established an informal group that organises public protests and defamation campaigns on social media against WHRDs and WCSOs.³⁹⁹ LGBTIQ+ individuals and CSOs were increasingly targeted by online harassment, hate speech and hate crime. During this reporting period was marked by a series of physical attacks, violence and hate speech, all of which WCSOs report are at a high level yet continuously increasing.⁴⁰⁰ The systemic response and actions of the competent institutions are limited and weak, making the everyday life of LGBTIQ+ communities more difficult and unsafe.⁴⁰¹ Orthodox religious leaders often resorted to homophobic statements and during the ninth Podgorica Pride held in October 2022, they organised a public rally for "preservation of marriage and family", which was attended by some current and former government officials. Following Podgorica Pride, two trans activists had their apartment broken into and vandalised. One of the perpetrators pleaded guilty and received a one-month prison sentence.⁴⁰²

Media contributed to amplifying hate speech in public as legal provisions prohibiting hate speech in online comments were disregarded. Data indicate that in Montenegro over the last 12 years, discrimination on the grounds of sexual orientation and gender identity has continuously been on the rise, while other categories have experienced a decrease in discriminatory attitudes.⁴⁰³

In relation to media freedoms, Montenegro has seen a significant improvement in the Reporters without Borders ranking, rising from 63rd in 2022 to 39th position in 2023.⁴⁰⁴ Despite this improvement, verbal and physical attacks on journalists continued during the reporting period, with an increasing number of threats towards women reporters.⁴⁰⁵ Positive legislative changes, as reported in the previous edition of *Women's Rights in Western Balkans*, gave an initial boost to more effective prosecution of attacks on journalists. Recent reports however note that more robust institutional response is needed. The Government-appointed Commission that monitors state prosecution of violence against journalists concluded that the investigations are still not effective or conducted in a timely manner, and that coordination between the prosecuting authorities and the police is poor. Several case files concerning attacks on women journalist remain classified as confidential and inaccessible to the Commission, despite their mandate to oversee these cases as well. The Commission also noted that women journalists are specifically exposed to sexual harassment.⁴⁰⁶ The investigation and prosecution of old cases of attacks and a killing of a journalist remain unsatisfactory.⁴⁰⁷

³⁹⁹ Information shared with Kvinna till Kvinna by partner organisation in Montenegro.

⁴⁰⁰ Information shared with Kvinna till Kvinna by partner organisation in Montenegro.

⁴⁰¹ Information shared with Kvinna till Kvinna by partner organisation in Montenegro.

⁴⁰² ILGA Europe, *Annual Review Of The Human Rights Situation Of Lesbian, Gay, Bisexual, Trans, And Intersex People In Montenegro Covering The Period Of January To December 2022*, ILGA, 2023, <https://www.ilga-europe.org/sites/default/files/2023/montenegro.pdf>.

⁴⁰³ Vijesti, 'CEDEM istraživanje: U porastu diskriminacija na osnovu seksualne orijentacije i rodnog identiteta', *Vijesti*, 02 December 2022, <https://www.vijesti.me/vijesti/drustvo/633238/cedem-istrazivanje-u-porastu-diskriminacija-na-osnovu-seksualne-orijentacije-i-rodnog-identiteta>.

⁴⁰⁴ RSF, 'Montenegro', *RSF*, (n.d.), <https://rsf.org/en/country/montenegro>.

⁴⁰⁵ Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, *MONTENEGRO: Indicators on the Level of Media Freedom and Journalists' Safety 2022*, Podgorica, Trade Union of Media of Montenegro, 2023, p. 26, <https://safejournalists.net/wp-content/uploads/2023/05/MNE-ENG-2022.pdf>.

⁴⁰⁶ Government of Montenegro, *Izveštaj o radu Komisije za praćenje postupanja nadležnih organa u istragama slučajeva prijetnji i nasilja nad novinarima, ubistava novinara i napada na imovinu medija za period od 5. decembra 2022. do 23. juna 2023. godine*, Podgorica, 2023, <https://www.gov.me/dokumenta/25794a97-9610-48a6-a51b-85592c797ed6>.

⁴⁰⁷ *Ibid.*; European Commission, *Commission Staff Working Document Montenegro 2022 Report: Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy*, Brussels, European Commission, October 2022, p. 36, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Montenegro%20Report%202022.pdf>.

Shrinking space for Montenegrin civil society has been highlighted on several occasions during the reporting period. On November 16th, 2022, BIRN published a map of far-right and extremist groups in the region, adding to the list of individuals perceived as a threat of inciting far-right or religious extremism. This action caused great public controversy as it included also names of several journalists, civic activists, feminists and antifascists, including two WHRDs and two women journalists and editors.⁴⁰⁸ The map was presented on an event in Sarajevo and available on the BIRN's website for one month. Following heavy public criticism, especially from activist groups, in December 2022 BIRN withdrew the map from their website, until an independent review is completed.⁴⁰⁹

In December 2022, the LGBT Drop-In Centre in Podgorica was attacked by a group of six young men. The perpetrators threatened the clients and staff and vandalised the premises with metal bars. Police identified and questioned the attackers, most of whom were underage, and informed the

prosecuting authority.⁴¹⁰ The same premises had been previously attacked in July when the violence was condemned by top government officials, an investigation was launched, and the perpetrators identified.⁴¹¹

In May 2023 a queer-rights activists and member of CSO "Sistem", who also works as a psychologist in the primary health centre in the Bar municipality, was targeted through digital violence, including death threats following a television appearance.⁴¹² The President of Bar publicly condemned the attacks.⁴¹³ One month following this series of attacks and harassment, LGBTQI+ rights CSO Kvir Montenegro reported that the activist was again physically attacked on the streets of Bar, and in another incident, was verbally harassed by a taxi driver who recognised him while he was crossing a street in Podgorica, at which point a passer-by heard and joined in on the verbal attack.⁴¹⁴ Following these incidents, Kvir Montenegro shared with media that life for Montenegrin LGBTQI+ community members is becoming increasingly difficult and dangerous.⁴¹⁵

⁴⁰⁸ Srđan Janković, 'Označeni kao ekstremisti iz Crne Gore, pišu tužbe protiv BIRN-a', *Radio Slobodna Evropa*, 21 November 2022, <https://www.slobodnaevropa.org/a/crna-gora-birn-tuzbe/32141484.html>.

⁴⁰⁹ Glas Amerike, 'BIRN povukao mapu krajnje desničarskih i ekstremističkih grupa', *Glas Amerike*, 14 December 2022, <https://www.glasamerike.net/a/birn-povukao-mapu-krajnje-desnicarskih-i-ekstremistickih-grupa/6876191.html>.

⁴¹⁰ Vijesti, 'Privedene tri mlađe osobe osumnjičene za napad na prostorije LGBTIQ centra u Podgorici', *Vijesti*, 21 December 2022, <https://www.vijesti.me/vijesti/crna-hronika/635948/privedene-tri-mladje-osobe-osumnjicene-za-napad-na-prostorije-lgbtiq-centra-u-podgorici>.

⁴¹¹ ILGA Europe, *Annual Review Of The Human Rights Situation Of Lesbian, Gay, Bisexual, Trans, And Intersex People In Montenegro Covering The Period Of January To December 2022*, ILGA, 2023, <https://www.ilga-europe.org/sites/default/files/2023/montenegro.pdf>.

⁴¹² Vijesti, 'Prijavljeno ugrožavanje bezbjednosti psihologa Petra Markovića', *Vijesti*, 07 May 2023, <https://www.vijesti.me/vijesti/drustvo/655444/prijavljeno-ugrozavanje-bezbjednosti-psihologa-petra-markovica>.

⁴¹³ Bar Info, 'Raičević: Osuđujem napade na psihologa Markovića, zabrinut sam zbog eskalacije nasilja', *Bar Info*, 10 May 2023, <https://barinfo.me/raicevic-osudujem-napade-na-psihologa-markovica-zabrinut-sam-zbog-eskalacije-nasilja/>.

⁴¹⁴ Vijesti, 'Kvir Montenegro: Psiholog Petar Marković napadnut u Podgorici i Baru', *Vijesti*, 15 June 2023, <https://www.vijesti.me/vijesti/crna-hronika/661183/kvir-montenegro-psiholog-petar-markovic-napadnut-u-podgorici-i-baru>.

⁴¹⁵ *Ibid.*

NORTH MACEDONIA

Despite maintaining a positive trend towards democratic governance over the past five years, North Macedonia remained a “partly-free” country with “hybrid or transitional” regime during the reporting period.⁴¹⁶ While North Macedonia may have progressed in its overall democracy potential, the environment in which (W)CSOs operate has continuously deteriorated throughout 2022, disrupting civil society's involvement and contribution to the country's reform processes.⁴¹⁷ The political environment, against the traditional, conservative societal backdrop, created a fertile setting where organised anti-gender groups continued to grow during the reporting period,⁴¹⁸ resulting in persistent attacks on women's rights CSOs and WHRDs working on gender equality and human rights. Failure of the institutions to oppose and counter the anti-gender narratives and attacks, hinders not only the work and safety of WHRDs, but also democratic processes. At the time of writing this edition of *Women's Rights in Western Balkans*, neither the Law on Gender Equality nor the draft amendments to the Civil Registry Law,⁴¹⁹ that regulate legal gender recognition, have been adopted, and the introduction of elective sexual education in school curricula remains stalled. Orthodox Church representatives, religious and conservative groups are the most vocal opponents of both laws and of the comprehensive sexual education curriculum, alongside many political representatives endorsing anti-gender narratives. Apart from disturbing progressive democratic changes, these illiberal forces undermine already achieved gender equality standards. At the institutional and local level, this is reflected by growing efforts of municipal political stakeholders to leave out the word “gender” from local policies such as gender equality strategies and gender responsive budgeting (See also: Gender-based Violence).

Cyber bullying easily spirals into real life harassment as in the case of a WHRD from Radovish who, after experiencing online harassment for openly supporting the Law on Gender Equality, was “ambushed” in front of the kindergarten that her child attends, and verbally harassed by other mothers who wanted to re-educate her about the “right” values.⁴²⁰

On March 8th, 2023, an activist from Meduza, part of Macedonian Helsinki Committee, held a sign at the International Women's Day protest which read “Churches, F*** off!!!” in reference to the Orthodox Church's increased interference in politics and legislation, which regularly has a disproportionately negative effect on the bodily autonomy and rights of women. After the photo of her holding the sign went viral, she began receiving threats, including threats of rape and death threats.⁴²¹

In June 2023 the Commission for Prevention and Protection against Discrimination established that a Bishop of the Orthodox Church, Jakov Stobiski, had made remarks against trans and LGBTI+ persons in a public appearance on television, which were discriminatory on the grounds of gender identity and sexual orientation. In the complaint filed by the CSO Coalition Margins and Queer Center Skopje it was argued that the Bishop “is a spokesman of the anti-gender movement” who often spreads transphobia, anti-LGBTI+ and anti-gender rhetoric in his public appearances going beyond the freedom of expression. He additionally targeted Coalition Margins and its Executive Director Irena Cvetkovik, a well-known WHRD. The complaint filed by Coalition Margins stated that the bishop referred to trans persons and advocates for the gender equality rights as “harmful for society and children”, having “mental disorders” or being “satanists and ambassadors of the devil”.⁴²² In this context, during

⁴¹⁶ Freedom House, ‘Nations in Transit 2023: North Macedonia’, *Freedom House*, 2023, <https://freedomhouse.org/country/north-macedonia/nations-transit/2023>.

⁴¹⁷ Anja Bosilkova-Antovska, *Monitoring Matrix on Enabling Environment for Civil Society Development – Regional Report: Western Balkans and Turkey 2022, Skopje, Balkan Civil Society Development Network (BCSDN)*, March 2023, <https://www.balkancsd.net/novo/wp-content/uploads/2023/04/62-3-MM-Regional-Report-2022.pdf>.

⁴¹⁸ Ivana Smilevska, “‘Koj se plashi od rodot’: Dezinformaciite kako glavna alatka na antirodovite dvizhenja’, *Radio Mof*, 26 October 2022, <https://www.radiomof.mk/koj-se-plashi-od-rodot-dezinformaciite-kako-glavna-alatka-na-antirodovite-dvizhenja/>.

⁴¹⁹ The Law on Civil Registry was amended in June 2023. The amendments addressed all known cases of “statelessness”.

⁴²⁰ Shared with Kvinna till Kvinna by partner organisation in North Macedonia.

⁴²¹ *Ibid.*

⁴²² Coalition Margins, ‘26 Jun Kszd Utvrdi Deka Episkop Jakov Stobiski Treba Da Se Izvini Za Storeno Вознемирување Врз Основа На Сексуална Ориентација И Родов Идентитет Врз Лгбти Заедницата’, *Coalition Margins*, 26 June 2023, <http://coalition.org.mk/archives/12466>.

one panel discussion in the town of Strumica in March 2023, Stobiski mentioned Irena Cvetkovik 28 times,⁴²³ using his public addressing for an extremely personalised attack on her as a WHRD. As reported in previous editions of *Women's Rights in Western Balkans*, Cvetkovik has been exposed to constant violent attacks and threats from the anti-gender groups, including against her family members.

Over the reporting period, prosecuting authorities received 13 criminal complaints concerning LGBTQI+ persons; two were dropped due to lack of evidence and the remaining procedure is pending.⁴²⁴ Two physical assaults on activists which were reported to the police are still pending.⁴²⁵

There is no systemic data collection on hate crimes against (W)HRDs or in general. To fill this data gap, CSOs run an online platform that helps report and analyse incidents of hate speech across the geographic area, format, and personal characteristics. From December 2022 until May 28, 2023, there were a total of 91 reports of hate speech on the platform, 47% of which were on the grounds of sex, gender, gender identity or sexual orientation.⁴²⁶ The institutional response to investigating violence against WHRDs and LGBTQI+ individuals and activists remain mainly inadequate, although some encouraging steps have been taken by the Prosecutor's Office, such as processing an attack from 2019, which is a welcomed improvement.

In November 2022 the Skopje Basic Public Prosecutor's Office filed charges against one person for hate-motivated assault on a group of LGBTQI+ activists in 2019 just after the first Skopje Pride, causing bodily injuries to Bekim Asani, a prominent queer rights activist from Tetovo. As reported in Kvinna till Kvinna's *Women's Rights in Western Balkans* 2019 report, the incident occurred when a group of about 20 men recognised Asani in public, in the company of six other activists from North Macedonia, Albania and BiH. The perpetrators, all of which were men, chased the activists, pulled them out of their taxi, and

physically assaulting Asani, inflicting bodily injuries while others received death and rape threats. Police officers who happened to be nearby, intervened and apprehended the attackers.

Criminal trial proceedings commenced in December 2022. Despite the positive development in charges being filed for this crime, activists are disappointed that it took three and a half years for the prosecuting authority to conduct an investigation and raise an indictment against one perpetrator while others remain unaccountable. In addition, it appears that only one person of a group of seven received the status of victim in the criminal proceedings, while the other activists who were attacked appear only as witnesses.

In November 2022, the Strumica Basic Court delivered a judgment sentencing one person to six months imprisonment for a hate-motivated attack on a HRD on the grounds of sexual orientation. The attack left the activist with injuries on the neck, chest, stomach and left arm.

In July 2023 the Skopje Basic Court sentenced a man to two-year imprisonment for physically assaulting a well-known LGBTQI+ activist on the grounds of sexual orientation. The activist who sustained bodily injuries during a protest held in Skopje in September 2022 against GBV and in solidarity with the protests in Kosovo against a rape of an 11-year-old girl in Pristina.⁴²⁷

While this long-awaited progress in prosecuting hate crimes against sexual and other minorities is a welcomed change, instances of hate speech continue to receive little attention of the prosecuting authorities even though LGBTQI+ communities remain exceptionally vulnerable to hate speech, with even some political actors resorting to homophobic statements. CSO Subversive Front submitted 80 criminal complaints to prosecution offices and police for hate speech against LGBTQI+, including one complaint against a police officer, with some of the complaints being dismissed and most of them still being under review, with none of them so far leading to

⁴²³ Shared with Kvinna till Kvinna by partner organisation.

⁴²⁴ US Department of State, *2022 Country Reports on Human Rights Practices: Montenegro*, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/montenegro>.

⁴²⁵ *Ibid.*

⁴²⁶ Govor na omraza, 'Map on Hate Speech', *Govor na omraza*, (n.d.), <https://www.govornaomraza.mk/>.

⁴²⁷ Slobodenpecat, 'Two years in prison for the attacker of activist Bekim Asani', Slobodenpecat, September 2023, <https://www.slobodenpecat.mk/en/dve-godini-zatvor-za-napagjachot-na-aktivistot-bekim-asani/>.

prosecution.⁴²⁸ This indicates that the prosecuting authorities give weight only to hate-motivated violence that results in actual physical harm, while disregarding all other biased attacks and threats that inflict psychological harm and jeopardises safety of the activists, including many WHRDs.

According to the 2023 Press Freedom Ranking, North Macedonia continued to make significant progress and is now ranked 38 out of 180 countries, holding the best position in press liberties among the Western Balkan countries. This ranking, however, does not provide the full picture of the context in which journalists in North Macedonia work. For example, the Security Index for journalists declined in comparison with the 2022 rankings. Physical and verbal attacks, online harassment and intimidation of reporters continued. Prosecution of previous attacks on

journalists remained inadequate and unsatisfactory. Reporters Without Borders noted that during the reporting period, journalists were exposed to SLAPP lawsuits, however, the courts tended to uphold freedom of the press and protect journalists, which is a welcome improvement.⁴²⁹

A worrying trend is that digital and online violence against women journalists is on the rise.⁴³⁰ In a survey conducted among women journalists, 80% responded that they were targeted by online harassment.⁴³¹ Although in 2022 the Association of Journalists of Macedonia in cooperation with the Ministry of Interior developed a "Protocol for online safety of journalists (with a focus on women journalists)", at the institutional level, both institutions lack mandatory, internal instruction on effective prosecution of attacks against journalists.⁴³²

SERBIA

The erosion of political rights and civil freedoms continued during this reporting period as in all previous report editions, while clerical, nationalistic and (extreme) right-wing discourse was strengthened. As a result, the situation for the (W)CSOs and (W)HRDs in Serbia is alarming, and at its worst compared to the past five years.⁴³³ As society became more politically polarised, inflammatory speech and hostility of government officials and political actors towards (W)HRDs, independent journalists and critical public figures intensified. During her visit to Serbia in March 2023, the Council of Europe Commissioner for Human Rights expressed concern over the safety

of HRDs and journalists.⁴³⁴ Such socio-political issues, combined with a culture of impunity for attacks on activists, prompted an increase in violence towards (W)HRDs committed by State and non-State actors. Instances of hostility ranged from physical violence, verbal attacks both online and offline, to property destruction, intimidation, threats, and smear campaigns, arrests, criminal and misdemeanour prosecution, and other forms of legal harassment. In parallel with GBV, including femicide rates, reaching an alarming level, anti-gender propaganda maintained an upward trajectory, gaining more space and influence in public life.

⁴²⁸ US Department of State, 2022 Country Report on Human Rights Practices: North Macedonia, March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/north-macedonia/>.

⁴²⁹ Reporters Without Borders, 'North Macedonia', *RSF*, 2023, p. 4, <https://rsf.org/en/country/north-macedonia>

⁴³⁰ SafeJournalists.net, *Western Balkans Journalists' Safety Index: Narrative Report North Macedonia 2022*, SafeJournalists.net, June 2023, <https://safejournalists.net/wp-content/uploads/2023/06/MK-ENG.pdf>.

⁴³¹ US Department of State, *2022 Country Report on Human Rights Practices: North Macedonia*, March 2023, p. 14, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/north-macedonia/>.

⁴³² SafeJournalists.net, *Western Balkans Journalists' Safety Index: Narrative Report North Macedonia 2022*, SafeJournalists.net, June 2023, p. 29, <https://safejournalists.net/wp-content/uploads/2023/06/MK-ENG.pdf>.

⁴³³ Freedom House, 'Freedom in the World 2023: Serbia', *Freedom House*, 2023, <https://freedomhouse.org/country/serbia/freedom-world/2023>; Freedom House, 'Nations in Transit 2023: Serbia', *Freedom House*, 2023, <https://freedomhouse.org/country/serbia/nations-transit/2023>.

⁴³⁴ CoE, 'Country Visit Serbia: more efforts needed to face the past, increase safety of journalists and human rights defenders, and protect women from violence', 17 March 2023, <https://www.coe.int/en/web/commissioner/-/serbia-more-efforts-needed-to-face-the-past-increase-safety-of-journalists-and-human-rights-defenders-and-protect-women-from-violence>.

Anti-gender groups' strong disapproval of the 2021 Law on Gender Equality, mandatory use of gender sensitive language and gender-inclusive content in school textbooks continued during this reporting period.⁴³⁵ At the forefront of anti-gender crusaders is the head of the Serbian Orthodox Church who, during the Easter ceremony in April 2023, accused gender-sensitive language of the destruction of family and marriage,⁴³⁶ followed by misogynistic speech that went viral and caused public outrage.⁴³⁷ In May 2023 the Pro-life Worldwide Summit was organised in Belgrade, and a similar event for "Family Days" was scheduled around the same time by the Belgrade Mayor and the Patriarch of the Serbian Orthodox Church. The latter event, whose goal was to "promote traditional values of Serbian people" was subsequently postponed to June 2023.⁴³⁸ These developments prompted feminist CSOs to organise a press conference, warning about the dangers of a growing anti-gender movement and the impact that such a movement can have on fundamental rights and civil liberties.⁴³⁹

Violence against LGBTQI+ persons is prevalent and on the rise, especially after the EuroPride event, which took place in Belgrade in September 2022. This was reported on in detail in the previous edition of *Women's Rights in Western Balkans*. As a follow up to the previous report edition, and contrary to the Government claims of successfully protecting all participants during EuroPride, LGBTQI+ CSO "Da se zna!" documented 14 homophobic and transphobic attacks, including eight physical assaults. Most of these incidents were not reported to the police or prosecutor due

to mistrust in institutional protection. In February 2023, four young men were injured in two extremely violent, homophobic attacks, triggering a protest of LGBTQI+ community and activists demanding more effective prosecution of hate crimes.⁴⁴⁰ Trans persons and activists remain more vulnerable to discrimination, harassment and violence, while intersex persons continue to be the most excluded from their Constitutionally guaranteed rights. Disinformation and biased, discriminatory speech in the media around different LGBTQI+ issues by doctors⁴⁴¹, academics⁴⁴² and other public figures⁴⁴³ is a common occurrence.

There is no official systemic collection of data on attacks on (W)HRDs, but the network of CSOs *Solidarity for the Rights of All*⁴⁴⁴ established an attack database and map; a platform for documenting different attacks on (W)HRDs and (W)CSOs, including chronological and detailed descriptions of the incidents. This initiative is unique in the region and enables better monitoring and analysis of safety violations encountered by the (W)HRDs.

Press freedoms dropped dramatically in Serbia, from 79th place in 2022 to 91st place in 2023⁴⁴⁵ during the reporting period, and attacks, threats, intimidation tactics and smear campaigns against journalists continued, mostly initiated by corporations/businesses, politicians and government officials. As a result, Serbia is the regional "leader" when it comes to the number of SLAPP lawsuits against journalists. Hostile statements by top officials induce violence against journalists and hinder the freedom of expression.

⁴³⁵ Ivica Dobrić, 'Udžbenici biologije za osnovce: Povratak cenzure na mala vrata', *Vreme*, 01 December 2022, <https://www.vreme.com/vreme/povratak-cenzure-na-mala-vrata/>.

⁴³⁶ Tomislav Marković, 'Porfirije, patrijarh kojem smeta ravnopravnost žena', *Al Jazeera*, 19 April 2023, <https://balkans.aljazeera.net/opinions/2023/4/19/porfirije-patrijarh-kojem-smeta-ravnopravnost-zena>

⁴³⁷ N1 Serbia, "'Kako može bednica, a zločin je psihološkinja": Govor patrijarha razbesneo ljude', *Vesti*, 13 May 2023, <https://n1info.rs/vesti/kako-moze-bednica-a-zlocin-je-psiholoskinja-reakcije-na-patrijarhov-govor/>.

⁴³⁸ Nataša Anđelković, 'Ženska prava i Srbija: Međunarodni samit protiv abortusa u Beogradu, kakve mogu biti posledice', *BBC Serbia*, 13 May 2023, <https://www.bbc.com/serbian/lat/srbija-65562136>.

⁴³⁹ Befem, 'Poziv za vanrednu konferenciju za novinare: Činjenicama protiv laži – stanje reproduktivnog zdravlja i prava žena u Srbiji', *Befem*, 11 May 2023, <http://www.befem.org/poziv-za-vanrednu-konferenciju-za-novinare-cinjenicama-protiv-lazi-stanje-reproduktivnog-zdravlja-i-prava-zena-u-srbiji/>.

⁴⁴⁰ Sasa Dragojlo, 'Serbian Rights Groups to Protest Over Wave of Homophobic Attacks', *Balkan Insight*, 02 March 2023, <https://balkaninsight.com/2023/03/02/serbian-rights-groups-to-protest-over-wave-of-homophobic-attacks/>.

⁴⁴¹ Matija Stefanović, 'Podneta pritužba protiv dr Ivane Begović Lazarević zbog širenja neistina o LGBT+ zajednici', *Da Se Zna!*, (n.d.), <https://dasezna.lgbt/podneta-prituzba-protiv-dr-ivane-begovic-lazarevic-zbog-sirenja-neistina-o-lgbt-zajednici/>.

⁴⁴² *Ibid.*

⁴⁴³ Da se Zna!, 'Saopštenje povodom stručne komisije za procenu udžbenika iz biologije', *Da se Zna!*, (n.d.), <https://dasezna.lgbt/saopstenje-povodom-strucne-komisije-za-procenu-udzbenika-iz-biologije/>.

⁴⁴⁴ Network Solidarity for the Rights of All, 'Mapa Incidenata', *Network Solidarity for the Rights of All*, (n.d.), <https://yucom.org.rs/inmap/>.

⁴⁴⁵ Freedom House, 'Freedom in the World 2023: Serbia', *Freedom House*, 2023, <https://freedomhouse.org/country/serbia/freedom-world/2023>.

In Serbia, women journalists face inequality in the workplace, while being often exposed to sexist comments and gender stereotypes on the line of duty.⁴⁴⁶

In October 2022, feminist activist and author Minja Marđonović had her social media accounts hacked, compromised and permanently shut down by the social media conglomerate Meta. This form of digital, but also psychological, harassment came after she threw eggs at the *Informer* tabloid newspaper office during a protest against Serbian media's extreme exploitation of GBV victims/survivors. Such a digital attack (also referred to as "digital murder") is a way of silencing and eliminating critical women's voices, given that significant part of her work, economic livelihood and activism is channelled through social media platforms.⁴⁴⁷

From October to December 2022 tax authorities sent six tax inspectors to review the work of local WSCO Fenomena from Kraljevo, which they believed to be a form of harassment and intimidation due to their critical work toward local authorities. Interestingly, all six tax inspectors were women, seemingly indicating that the tax authority instrumentalised their women employees and no men employees for this particular series of inspections. In addition to tax review, Fenomena was subjected to labour and administrative inspection during the same period.⁴⁴⁸

On October 9th, 2022, the office of the Belgrade-based Pride Info Centre was robbed twice in one day by unidentified perpetrators, who stole money from a charity donation box. Police identified three perpetrators and announced submitting criminal offence reports with the competent Public Prosecutor's Office.⁴⁴⁹ The Pride Info Centre was

again attacked on February 19th, 2023, when an unknown perpetrator spray painted the office windows. The video of vandalism was posted on Twitter with the slogan "Orthodox army, Go Serbia", followed by a comment "You asked for it, now watch!" and football hooligan songs.⁴⁵⁰

Later, during the night of May 26th, 2023, red paint was thrown on their premises, cables of the security camera wires were cut and the door lock was glued shut. Since its opening in 2018, and at the time of writing this report, the Pride Info Centre was attacked 19 times in total,⁴⁵¹ while only two incidents were resolved and sanctioned.⁴⁵²

The worsening conditions for queer communities continued following the 2022 cancellation of the Pride Parade and heightened attacks on LGBTQI+ community members. One women's and LGBTQI+ rights activist had pride flags displayed in each of her street-facing windows, and the windows were targeted by a white liquid on two separate occasions, one month apart.⁴⁵³ Displaying a pride flag in a public space in Serbia is rare, and in this instance, it is likely that perpetrators came back to the flags to see if they had been removed. In July 2023 in Kruševac, a panel on hate speech and homophobia was organised in the Alternative Cultural Centre "Nest". Approximately 50 to 60 people gathered around the space, threw stones at a well-known trans rights activist, and vandalised the walls of the space.⁴⁵⁴ The panel was organised in response to a number of homophobic incidents that had taken place in Kruševac at that time. The September 2023 Pride Parade in Belgrade, as in previous years, had a heavy police presence. As in all previous Pride Parades in Serbia, the parade route and surrounding streets were closed off to passers-by and onlookers. The LGBTQI+ rights organisations *Da se zna!*, which tracks hate crimes

⁴⁴⁶ Rade Đurić, *SRBIJA Indikatori za nivo slobode medija i bezbednosti novinara 2022*, Belgrade, Nezavisno udruženje novinara Srbije, 2023, <https://safejournalists.net/wp-content/uploads/2023/05/SRB-SRB-2022.pdf>.

⁴⁴⁷ Nemanja Marinović, 'Minja Marđonović – Doživela sam digitalno ubistvo', *Zoomer*, 27 November 2022, <http://zoomer.rs/minja-mardjonovic-doživela-sam-digitalno-ubistvo/>.

⁴⁴⁸ AWC, *AWC Contribution for the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence regarding the 2020 Recommendations for Serbia*, Belgrade, AWC, 31 March 2023, p. 8, <https://rm.coe.int/awc-contribution-to-coe-committee-of-parties-regarding-2020-recommendat/1680aacb24>.

⁴⁴⁹ Sofija Bogosavljev, 'Opljačkan Prajd info centar u Beogradu: Mladić koji je radio kao obezbeđenje dao ključ lopovu', *nova.rs*, 19 October 2022, <https://nova.rs/vesti/hronika/opljackan-prajd-info-centar-u-beogradu-mladic-koji-je-radio-kao-obezbedjenje-dao-kljuc-lopovu/>.

⁴⁵⁰ Network Solidarity for the Rights of All, 'Mapa Incidenata', *YUCOM*, (n.d.), <https://yucom.org.rs/inmap/>.

⁴⁵¹ belgradepride, 'Zašto treba da šetaš na Prajdu?', *belgradepride*, 29 August 2023, <https://www.instagram.com/p/Cwh5gH7sekU/?igshid=MWZjMTM2ODFkZg==>.

⁴⁵² Radio Slobodna Evropa (RSE), 'Ponovo vandalizovan Prajd info centar u Beogradu', *RSE*, 27 May 2023, <https://www.slobodnaevropa.org/a/napad-na-prajd-info-centar-u-beogradu/32430556.html>.

⁴⁵³ First-hand experience shared with Kvinna till Kvinna by eyewitness.

⁴⁵⁴ N1 Beograd, 'Napad na LGBT aktivistu u Kruševcu, napadu prethodio poziv na društvenim mrežama', *N1 Serbia*, 18 July 2023, <https://n1info.rs/vesti/napad-na-lgbt-aktivistu-u-krusevcu-napadu-prethodio-poziv-na-drustvenim-mrezama/>.

and attacks against queer communities in Serbia, reported an attack on the evening of the Pride Parade, wherein four men attacked an activist that had attended the event.⁴⁵⁵

The daily independent newspaper *Danas* and its editor-in-chief received emails with death threats to their journalists, editors and columnists for their reporting on Kosovo, Republika Sprska in BiH and Montenegro, in November 2022. Several of its renowned columnists, including woman journalist Snežana Čongradin were explicitly named. Čongradin has consistently been the target of physical and digital attacks over the past years, which has been documented in previous editions of this report as well. The email sent to *Danas* threatened journalists with a scenario identical to the 2015 shooting at the French magazine *Charlie Hebdo* and “barrage of bullets” that will be aimed at the journalists.⁴⁵⁶

In December 2022, graffiti against the feminist, anti-militarist peace WCSO, Women in Black, appeared again in Belgrade city centre, also portraying the capital “Z” as a symbol of support for the Russian aggression on Ukraine. Over the past nine years, there have been approximately 40 attacks on Women in Black alone – their activists are repeatedly attacked, threatened and premises vandalised. As mentioned in the previous edition of *Women's Rights in Western Balkans*, none of the perpetrators have been sanctioned, either because the case has never reached prosecution or because proceedings were halted due to statute of limitations after which prosecution was no longer possible due to time limitation.

A group of neo-Nazis attacked the antifascist and queer-friendly bar and cultural space “Crni ovan” in January 2023, a place of gathering for local activists, when three men with brass knuckles, bars and a machete ransacked the space and physically assaulted the bar owner and one of the guests,

causing them injuries. A pregnant woman was one of the guests present at the scene. Perpetrators were later arrested, charges were brought against them, and restraining orders were issued.⁴⁵⁷ The attack was praised among neofascist and nationalist groups on social media with many death threats directed at the owner of “Crni ovan”.⁴⁵⁸ Subsequently, the space was again vandalised in March and May 2023⁴⁵⁹ amounting to a total of six attacks within a year and a half. Repetitiveness and frequency of violent attacks is indicative of a worrying trend of the continuous rise of right-wing extremism in the multi-ethnic Vojvodina region.

Activists of CSOs KROKODIL and Youth Initiative for Human Rights (YIHR) were fined by Belgrade communal police in February 2023 and threatened with criminal charges for property destruction while cleaning up a children's park in Belgrade city centre and removing an unauthorised mural of a Serbian medieval knight and slogan “When Serbian army returns to Kosovo” from a wall located in public space. The park cleanup action was organised in support of an initiative for the park to be named after a 13-year-old Roma boy Dušan Jovanović who was beaten to death in 1997 by a group of skinheads.⁴⁶⁰ After removing the nationalistic mural, within hours, a new one against Albanians appeared.

On February 19th, 2023, following the action mentioned above, office windows of the YIHR were vandalised with spray paint by a young man dressed in black. In the same string of attacks that day by the same perpetrator, Pride Info Centre was also attacked (see above). The case was reported to the police and video footage showing the perpetrator's face was submitted as evidence. In addition, social media accounts of YIHR and KROKODIL were flooded with hundreds of negative comments and direct death threats.⁴⁶¹

⁴⁵⁵ dasezna.lgbt, ‘Četiri Muškarca Pretukla Kvir Momka U Gradskom Prevozu’, *dasezna.lgbt*, 13 September 2023, <https://www.instagram.com/p/CxI6EKEsPSj/?igshid=MWZjMTM2ODFkZg==>.

⁴⁵⁶ *Danas*, ‘Redakciji Danasa stigle jezive pretnje: Leteće salve metaka, završićete kao Šarli Ebdo’, *Danas*, 06 November 2022, <https://www.danas.rs/vesti/drustvo/redakciji-danasa-stigle-jezive-pretnje-letece-salve-metaka-zavrsicete-kao-sarli-ebdo/>.

⁴⁵⁷ Norbert Šinković, ‘Antifašizam na udaru u Novom Sadu’, *Radio Slobodna Evropa*, 20 January 2023, <https://www.slobodnaevropa.org/a/napad-crni-ovan-antifasizam/32230696.html>.

⁴⁵⁸ Zoran Strika, ‘Pretnje i uvrede upućene vlasniku “Crnog ovna” nakon tvita Gorana Davidovića’, *o2i*, 17 January 2023, <https://www.021.rs/story/Novi-Sad/Vesti/329058/Pretnje-i-uvrede-upucene-vlasniku-Crnog-ovna-nakon-tvita-Gorana-Davidovica.html>.

⁴⁵⁹ Žarko Bogosavljević, ‘FOTO, VIDEO: Napad na Crni ovan i CK13 na Dan pobjede nad fašizmom’, *o2i*, 09 May 2023, <https://www.021.rs/story/Novi-Sad/Hronika/340164/FOTO-VIDEO-Napad-na-Crni-ovan-i-CK13-na-Dan-pobjede-nad-fasizmom.html>.

⁴⁶⁰ Network Solidarity for the Rights of All, ‘Podaci o žrtvi 234’, *YUCOM*, (n.d.), <https://yucom.org.rs/inmap/slucuj/234>.

⁴⁶¹ Network Solidarity for the Rights of All, ‘Podaci o žrtvi 233’, *YUCOM*, (n.d.), <https://yucom.org.rs/inmap/slucuj/233>.

Yet another attack against YIHR took place in August 2023, aimed specifically at the Programme Director Sofija Todorović, when graffiti appeared on the building where she lives, stating her name, last name, and misogynistic and sexist comments.⁴⁶² This indicates that the perpetrators are not only ready to deface a building to threaten her, but intentionally wrote her entire name, and of most concern, are aware of where she lives. Todorović is regularly the target of attacks and threats, both online and offline, as a well-recognised peace activist and WHRD who often represents YIHR in media in support of LGBTQI+ communities' rights, and peaceful resolutions to the Kosovo-Serbia conflict.

During the International Women's Day march, a passer-by grabbed the Trans Pride Flag out of a protester's hand during the procession, and then fled. Police in civilian clothes managed to catch the perpetrator and retrieve the flag.⁴⁶³ Three days later, two eco-activists; Daniela Mihajlović and Miljana Stojković from Bosilegrad, a small town in southern Serbia on the border with Bulgaria, were taken for questioning to a local police station because of publicly displaying three banners against the town's Mayor during President Aleksandar Vučić's visit to Bosilegrad on the same day. They were held for two hours in the police station and interrogated without the presence of a lawyer by two officers who introduced themselves as being from the national security service, the Security Information Agency, but who never showed their official credentials or signed the official police record. The two women activists were accused of disturbing the public with the banners that displayed the message "We are hungry and without a future", as well as banners with messages warning about local ecological problems, asking for urgent replacement of the Mayor.⁴⁶⁴

In two incidents that took place two days in a row, on March 11th and 12th, 2023, the office space of the CSO KROKODIL, an organisation devoted to promoting cultural dialog and reconciliation through literature, was attacked and vandalised. Perpetrators, who appear to be underage, sprayed hate messages, attempted to break the fence, threw stones at the windows and broke security cameras. The attacks were reported to the police.⁴⁶⁵ On two occasions in December 2022, a mural devoted to a Ukrainian writer located in front of KROKODIL's office was destroyed with pro-Russian messages written over it.⁴⁶⁶

On March 23rd, 2023, near northern Serbian city of Novi Sad, police used violence to suppress environmental protests that were in defence of Šodroš – an oasis for rare birds and plants jeopardised by the construction of a bridge that is being constructed across the Danube.⁴⁶⁷ Ten activists, including several WHRDs, were arrested and charged with misdemeanour offences.⁴⁶⁸ Similar instances of violence against protesters took place in October 2022, when also several activists were arrested, and two women activists sustained injuries.⁴⁶⁹

In May 2023, the home of an LGBTQI+ activist from Belgrade was attacked on two occasions when unknown perpetrator(s) threw eggs at the house and sprayed an obscene image on the postal box. While the activist and his partner were often targets of attacks in public, this was the first time that their home, where the activist's ill mother also lives, was identified, invaded and vandalised. The case was initially reported to the police, who refused to intervene. Only after the activist contacted the LGBT Liaison Officer (for cooperation with the LGBTQI+ community) within the Ministry of Interior, police responded.⁴⁷⁰

⁴⁶² N1 Beograd, 'YIHR: Preteći grafit osvanuo u komšiluku Sofije Todorović', *N1 Serbia*, 15 August 2023, <https://n1info.rs/vesti/yihr-preteci-grafit-osvanuo-na-fasadi-zgrade-u-kojoj-zivi-sofija-todorovic/>.

⁴⁶³ First-hand experience shared with Kvinna till Kvinna by eyewitness.

⁴⁶⁴ Mašina, 'Aktivistkinje privođene zbog transparenta "Predsedniče mi smo gladni i bez budućnosti ovde"', *Mašina*, 13 March 2023, <https://www.masina.rs/aktivistkinje-privodene-zbog-transparenta-predsednice-mi-smo-gladni-i-bez-buducnosti-ovde/>.

⁴⁶⁵ Krokodil, 'Napad Na Prostorije Udruženja Krokodil', *Krokodil.rs*, 13 March 2023, <https://www.krokodil.rs/2023/03/napad-na-prostorije-udruzenja-krokodil/>.

⁴⁶⁶ Network Solidarity for the Rights of All, 'Mapa Incidenata', *YUCOM*, (n.d.), <https://yucom.org.rs/inmap/>.

⁴⁶⁷ Marco Ranocchiari, "'Novi Sad on water'", concrete and protests along the Danube', *Osservatorio balcani e caucaso transeuropa*, 22 September 2022, <https://www.balcanicaucaso.org/eng/Areas/Serbia/Novi-Sad-on-water-concrete-and-protests-along-the-Danube-220635>.

⁴⁶⁸ Direktno., 'Uhapšeni na Šodrošu pušteni na slobodu', *Direktno.*, 24 March 2023,

<https://direktno.rs/vesti/srbija/461795/policija-uhapseni-protest-sordos-kamenicka-ada.html>

⁴⁶⁹ Glas Amerike, 'Protest ekoloških aktivista protiv gradnje mosta u Novom Sadu, privedeno 10 ljudi', *Glas Amerike*, 18 October 2023, <https://www.glasamerike.net/a/balkan-srbija-novi-sad-sordos-protest-most-izgradnja-hapsenje/6794889.html>.

⁴⁷⁰ FoNet, 'Napad na LGBT aktivistu: Kuću danima gađaju jajima, iscrtavali uvredljive crteže', *N1 Serbia*, 14 May 2023, <https://n1info.rs/vesti/napad-na-lgbt-aktivistu-kucu-danima-gadjaju-jajima-isrtavali-uvredljive-crteze/>.

The mass shootings that took place in Serbia in May 2023 marked the beginning of a series of weekly protests titled “Serbia against Violence” that lasted several months (see: Context). The far-right ultra-nationalist group “Narodna patrola” has, on numerous occasions, violently attacked protest attendees. In one such incident, they attacked a woman with a sign that said “Stop femicide” as well as a second woman who was recording the

incident on her mobile phone.⁴⁷¹ This attack is particularly concerning, as the “Stop femicide” sign was in reference to the then-17th femicide that took place in Serbia days before the protest, and the sign was evidently targeted over other signs at the protest by the right-wing hooligan group, notorious for their ongoing violence against protesters and reporters over the years.

IN FOCUS: Research on Attacks on Serbian WHRDs

In 2022, the Centre for Women's Studies, in partnership with Kvinna till Kvinna, carried out a research study titled “Countering Gender Backlash in Serbia – Experiences of Feminist and Queer Activists”.⁴⁷² The two-part research project consisted of a scholarly article that analysed the anti-gender movement in Serbian media,⁴⁷³ and a separate analysis of interviews with diverse WHRDs across the country. The latter, and the focus of this section, was carried out using a qualitative research procedure and data was gathered using the technique of semi-structured in-depth interviews. Interviews were conducted in the period from August to October 2022, and a total of twelve people who are active in the feminist and/or queer movement took part in the research. The subject of the research was the narrowing of the democratic and civic space for action in the field of gender equality, with special focus on anti-gender policies and their impact on organising and alliances between feminist and queer movements.

Of the twelve activists interviewed, ten interlocutors explicitly emphasised that they had experienced violence in their activist work and advocacy. In examples of physical and verbal violence, organisations of the right-wing ideological spectrum stand out as the most dominant group of perpetrators, and the most common examples are members of the “Dveri” party and so-called hooligans, i.e. members of right-wing extremist organisations. In addition to these types of violence, the interlocutors also emphasised the experience of violence in the digital space, such as on social

networks, which does not have to be characterised exclusively as organised attacks, but also involves violence initiated by individuals, that is, those who are not necessarily representatives of organised groups or institution. No less significant are the experiences of violence that occur due to work on the protection of persons who have survived violence, where activists who provide direct support to victims/survivors of violence are particularly vulnerable:



Women Human Rights Defender

At the time, I didn't even know why I was attacked on the street, I thought it was because of the bag in which I had money and a phone. Only at the trial did I realise, because my name is well known, that the attack was not for the bag, but because his wife was a beneficiary [of GBV services].

⁴⁷¹ N1 Serbia, ‘Devojka napadnuta na protestu, muškarci u crnom napravili incident’, *N1 Serbia*, 19 May 2023, <https://n1info.rs/vesti/devojka-napadnuta-na-protestu-muskarci-u-crnem-napravili-incident/>.

⁴⁷² The research project was supported by the Institute of Development Studies (IDS): <https://www.ids.ac.uk/>.

⁴⁷³ Publication by Centre for Women's Studies and Kvinna till Kvinna forthcoming. For more information on the programme supported by the Institute for Development Studies, see: <https://www.zenskestudie.edu.rs/suprotstavljanje-nazadovanju/?preview=true>.

During their interviews, activists noted several key factors that influence the attacks that they experience throughout their careers: there are often attacks on the premises where women activists work or that certain spaces are not available to them due to the work they do; that there are attempts to hack websites and email addresses and disable organisations for work; in the public sphere, the work of WHRDs is often discredited and questioned; there is a stereotypical representations of WHRDs, their identities, and alleged money flows available for their organisations.

Institutions' reactions to violence experienced by activists are mostly absent, or not implemented consistently. WHRDs often decide not to report violence because they do not trust institutions or protection systems against further exposure to violence. Only four respondents decided to engage in court proceedings, individually or with the support of their organisation, although most of them had experience of violence due to activist activities:



Women Human Rights Defender

What is actually the biggest defeat here is that we lost all those cases [...] I mean lost, I don't even know how to describe it, those are the cases that we chose as strategic ones that pass one through the other, so there is nothing controversial - it is clear that it is hate speech, there is no doubt about it. So those judgments are shameful, that someone can violate the Constitution and make decisions contrary to what is written in the law [...] We have really exhausted those court possibilities to the point of exhaustion, for that we need a lot of capacity, strength, contacts. And when I saw that it is very difficult to change the narrative through that legal means, because they simply ignore the laws they have adopted.

Interviewees named state institutions, the Serbian Orthodox Church and organisations with right-wing ideologies as the primary bearers of anti-gender policies. It is particularly significant that the WHRDs consider that the mentioned actors do not represent separate and independent entities, but that they unite and act together. Anti-gender movements in Serbia dominantly mobilised around topics of: the Kosovo-Serbia conflict, banning Pride Parades, endangered so-called "family values", women's reproductive rights, LGBTQI+ rights, sexual education in schools and corresponding textbook content concerning gender non-conforming persons. There are indications that the organisations and informal groups of the anti-gender movement are often supported by the ruling structures and the state, and that the institutions are more open to cooperation with far-right organisations:



Women Human Rights Defender

We have the 'Movement for Life', which is exactly what it [sounds like], and it is made up, according to my free estimate, of about thirty organisations that are strongly networked and act together. They also have access to public policies, unlike us. On their websites you have their regular meetings with the current Minister of Demography. I don't remember when any current women's organisation had the opportunity to chat with the Minister. Even in these bodies for gender equality, we have never talked with the Minister, who has "gender equality" in the name of the [institution], in the way that they have the opportunity to talk with the Minister.

In order to understand the impact of anti-gender policies and narratives, it is necessary to analyse it in structural frameworks - through political, economic, social and cultural conditions, systems and processes that constitute, support and shape anti-gender actions and manifestations. This means that the effects of anti-gender policies must be viewed in

conjunction with the capitalist economic system, the strengthening of right-wing ideologies both locally and globally, and cultural representations that support negative attitudes about the actions of women and trans organisations/movements/groups/individuals.

Comparison Table: Freedom House Rankings Over Five Year Period

Freedom House – Nations in Transit Democracy Percentage Rating (0 – 100) ⁴⁷⁴						
	2019	2020	2021	2022	2023	Change over 5-year period
Albania	48	47	46	46	46	↓2
Civil Society Score ⁴⁷⁵	5	5	4.75	4.75	4.75	↓
Bosnia and Herzegovina	39	39	39	38	37	↓2
Civil Society Score	4.5	4.5	4.50	4.25	4.25	↓
Kosovo	35	36	36	38	38	↑3
Civil Society Score	4.5	4.5	4.5	4.5	4.75	↑
Montenegro	49	48	47	47	46	↓3
Civil Society Score	5.25	5.25	5.25	5.25	5.25	–
North Macedonia	45	46	47	47	48	↑3
Civil Society Score	4.75	4.75	4.75	4.75	4.75	–
Serbia	50	49	48	46	46	↓4
Civil Society Score	5.5	5.5	5.5	5.25	5.25	↓

⁴⁷⁴ Freedom House’s *Nations in Transit* is an annual study that evaluates the state of democracy in the region stretching from Central Europe to Central Asia and it covers events from January 1 through December 31 for a given year. The Democracy Percentage, introduced in 2020, is a translation of the Democracy Score to the 0-100 scale, where 0 equals least democratic and 100 equals most democratic.

⁴⁷⁵ Civil Society is one of 7 indicators assessed by the Freedom House when evaluating the regime types in each country. The indicator is expressed in numerical rating based on scale of 1 to 7, with 1 representing the lowest and 7 the highest level of democracy. For more on methodology see: <https://freedomhouse.org/reports/nations-transit/nations-transit-methodology>.

In 2023 all Western Balkan countries remain classified as hybrid or transitional regimes, which has not been the case with all editions of the *Women's Rights in Western Balkans* reports. This indicates a negative trend across the region, in which countries are regressing. BiH is ranked the lowest among all six countries, and also holds the lowest score for the civil society indicator. In comparison with the previous year, only North Macedonia notes an increase in democracy score. Over the past five-year period, most Western Balkan countries (Albania, BiH, Montenegro, Serbia) have dropped in their democracy ratings, while Kosovo and North Macedonia improved. Similarly, in most of the

Western Balkan countries, civil society witnessed either a decline, such as in the case of Albania, BiH, and Serbia, or no change, such as in the case of Montenegro and North Macedonia, when it comes to the environment in which they operate in over the past five years. The situation slightly improved only in Kosovo due to protests and campaigns led by women's rights activists and CSOs, which resulted in amending the Criminal Code to increase penalties for GBV, as well as ongoing efforts by CSOs to build bridges between ethnic groups and advocate for a normalisation of relations between Kosovo and Serbia.⁴⁷⁶



⁴⁷⁶ Freedom House, 'Nations in Transit 2023: Kosovo', *Freedom House*, 2023, <https://freedomhouse.org/country/kosovo/nations-transit/2023>.

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 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 a safe and free environment for the work of HRDs by including a definition and recognition of WHRD.
- 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.
- Fully adhere to the EU Guidelines on Human Rights Defenders and the UN Declaration on Human Rights Defenders.

EU institutions, other inter-governmental organisations and donors

- Ensure implementation of specific policies such as the EU Human Rights Country Strategies and the EU Gender Action Plan III, including an analysis of the needs and challenges of WHRDs and 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.
- Conduct assessment, in consultation with HRDs and WHRDs, for allocating funds aimed at increasing safety and mitigating security risks, including digital security, for WHRDs and activist organisations.
- Fund specific programmes to comprehensively address GBV against WHRDs, including digital harassment.

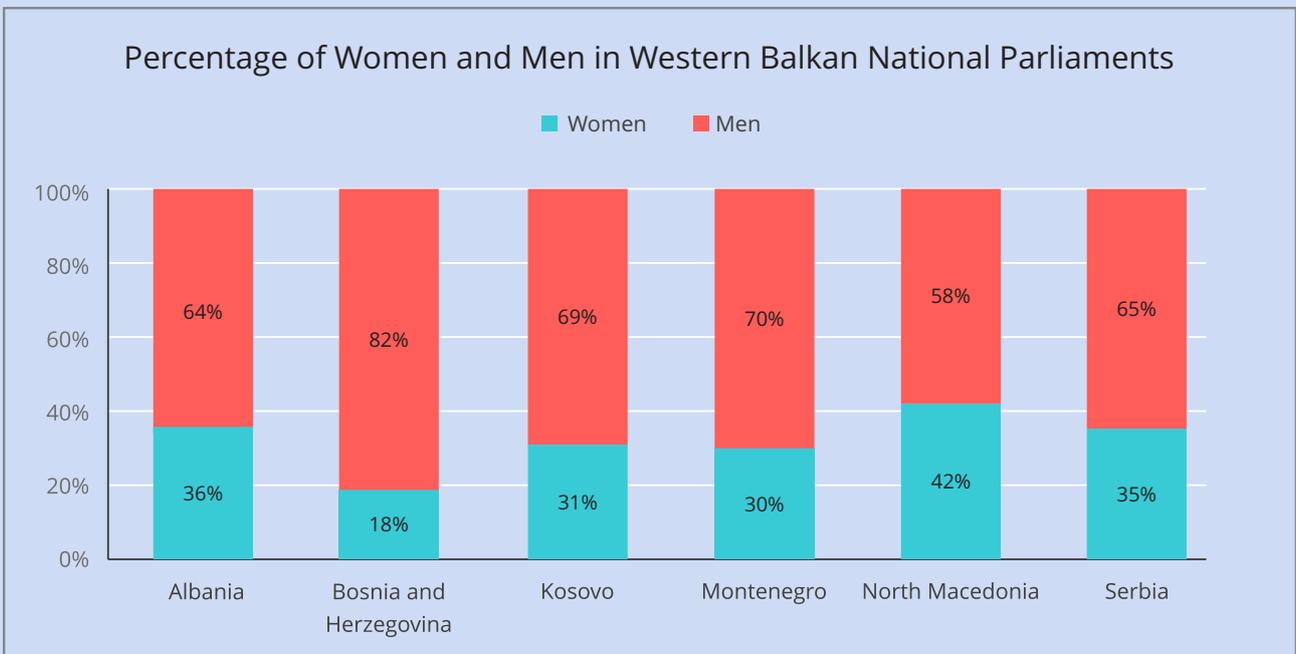
* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.

ANNEX 1: WOMEN IN POLITICS, DATA

STATISTICAL DATA:

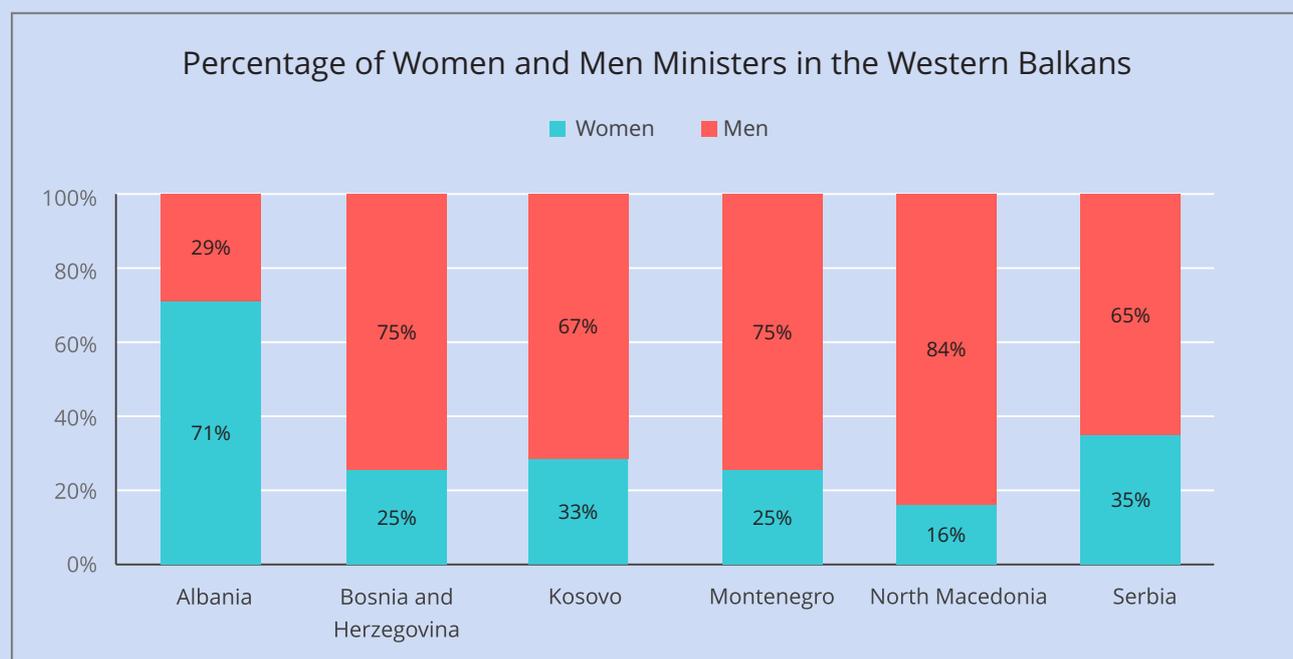
Percentage of Women and Men in National Parliament, 2023

	Number of women	Number of men	Total number of seats	Percentage of women (%)	Percentage of men (%)
Albania	48	92	140	36	64
BiH	14	43	42	18	82
Kosovo	38	82	120	31	69
Montenegro	24	56	80	30	70
North Macedonia	51	69	120	42	58
Serbia	88	162	250	35	65



Percentage of Women and Men Ministers, 2023

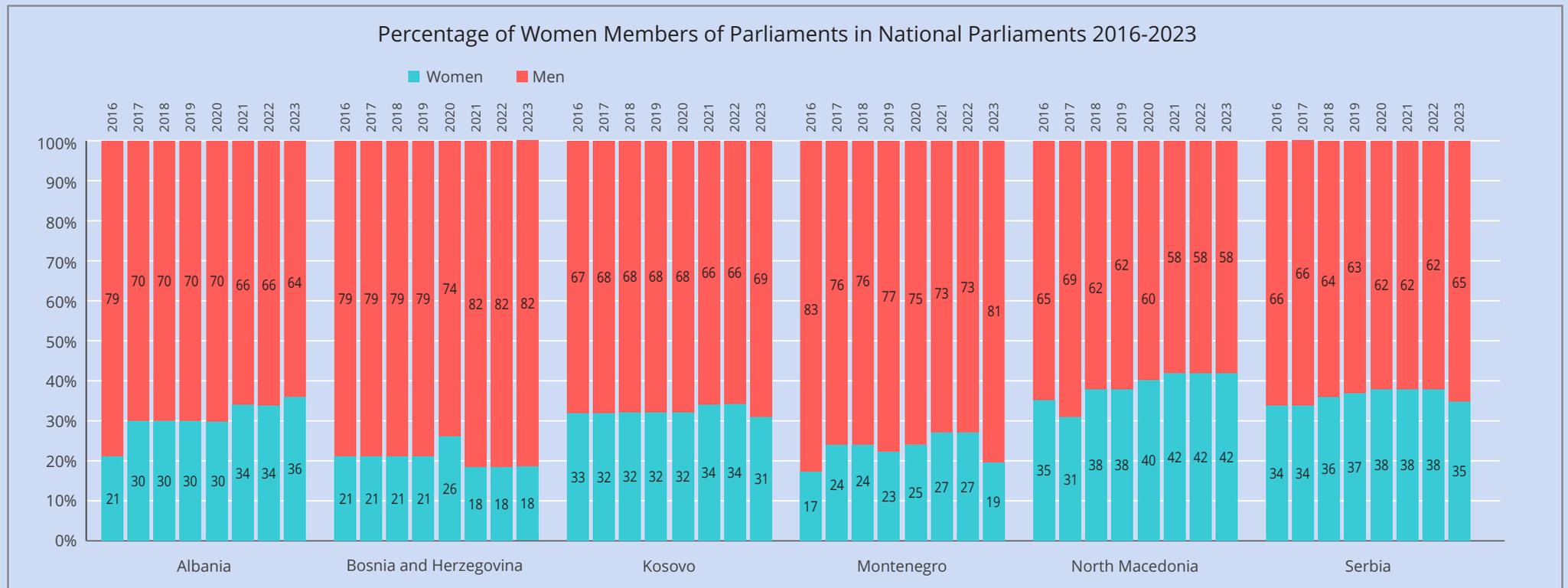
	Number of women	Number of men	Total number of seats	Percentage of women (%)	Percentage of men (%)
Albania	12	5	17	71	29
BiH	4	12	16	25	75
Kosovo	5	10	15	33	67
Montenegro	4	16	20	25	75
North Macedonia	4	17	21	16	84
Serbia	10	18	28	35	65



COMPARISON CHART

Comparison Table: Percentage of Women Members of Parliaments in National Parliaments 2016-2023⁴⁷⁷

	2016		2017		2018		2019		2020		2021		2022		2023	
	% W	% M	% 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	36	64
BiH	21	79	21	79	21	79	21	79	26	74	18	82	18	82	18	82
Kosovo	33	67	32	68	32	68	32	38	32	68	34	66	34	66	31	69
Montenegro	17	83	24	76	24	76	23	77	25	75	27	73	27	73	19	81
North Macedonia	35	65	31	69	38	62	38	62	40	60	42	58	42	58	42	58
Serbia	34	66	34	66	36	64	37	63	38	62	38	62	38	62	35	65

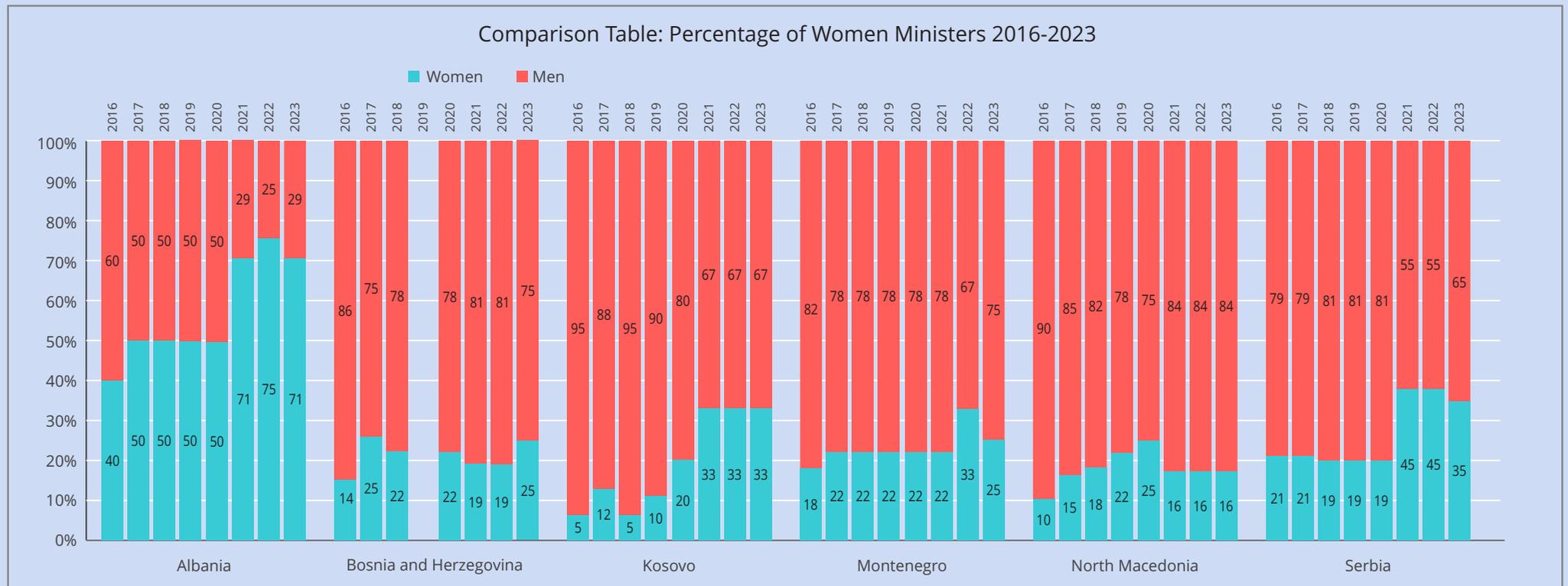


⁴⁷⁷ Various sources give different percentages of women and men MPs between 2016-2020 in each of the Western Balkan countries. Depending on the source, there can be a difference of several percentages for each year. This report prioritises statistics from the EIGE database. For archival statistics, the Inter-Parliamentary Union's database was used to fill in statistics where EIGE did not have them.

COMPARISON CHART

Comparison Table: Percentage of Women Ministers 2016-2023

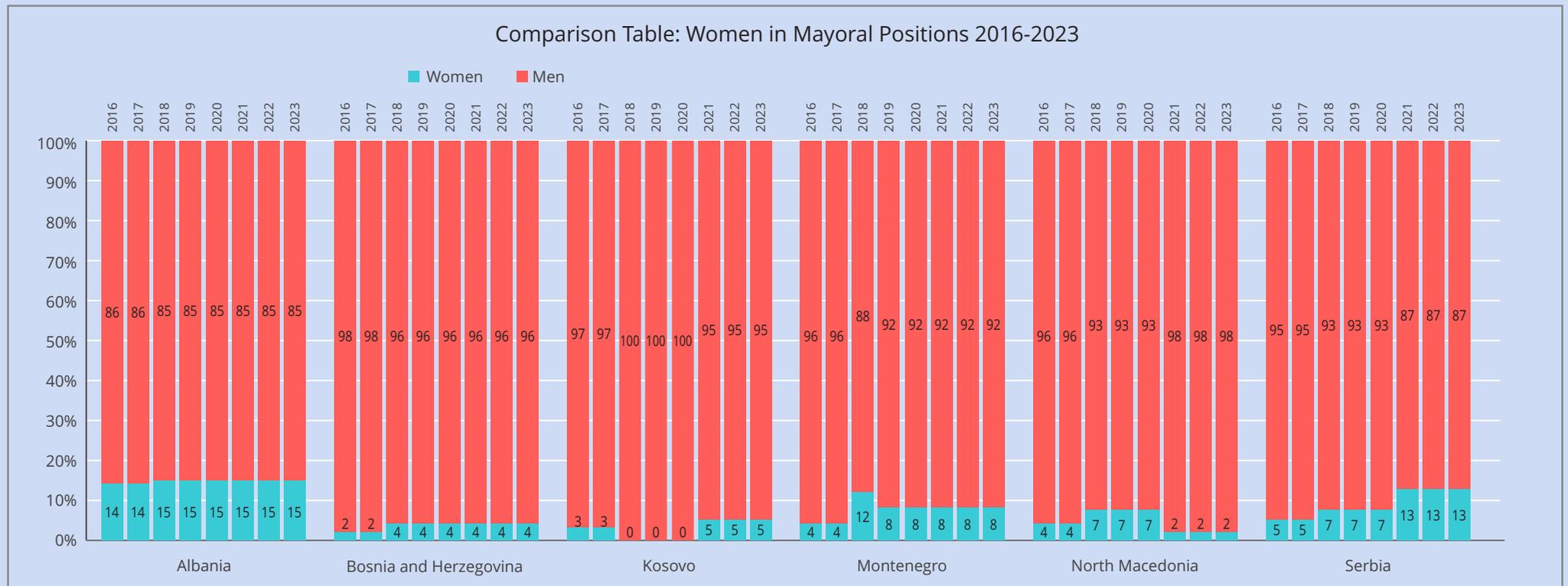
	2016		2017		2018		2019		2020		2021		2022		2023	
	% W	% M	% W	% M	% W	% M	%W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	40	60	50	50	50	50	50	50	50	50	71	29	75	25	71	29
BiH	14	86	25	75	22	78	-	-	22	78	19	81	19	81	25	75
Kosovo	5	95	12	88	5	95	10	90	20	80	33	67	33	67	33	67
Montenegro	18	82	22	78	22	78	22	78	22	78	22	78	33	67	25	75
North Macedonia	10	90	15	85	18	82	22	78	25	75	16	84	16	84	16	84
Serbia	21	79	21	79	19	81	19	81	19	81	45	55	45	55	35	65



COMPARISON CHART

Comparison Table: Women in Mayoral Positions 2016-2023

	2016		2017		2018		2019		2020		2021		2022		2023	
	% W	% M	% 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	15	85
BiH	2	98	2	98	4	96	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	5	95
Montenegro	4	96	4	96	12	88	8	92	8	92	8	92	8	92	8	92
North Macedonia	4	96	4	96	7	93	7	83	7	83	2	98	2	98	2	98
Serbia	5	95	5	95	7	93	7	83	7	83	13	87	13	87	13	87



Info: There are no changes in 2023 in the number of women in mayoral positions in the Western Balkans compared to 2022, with men's representation being in the 90th percentile in four of the Western Balkan countries, and nearly in the 90th percentile in the remaining two.

ANNEX 2: WOMEN IN POLITICS, RECOMMENDATIONS

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, as well as from within their own parties. Women's political representation among mayors and local/municipal levels of government is extremely low, requiring legally binding quotas on party lists and in local executive nominations and appointments, as is the case for national-level governments in all Western Balkan countries.

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) (Example: Spain); 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.) (Example: France).
- 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: Ireland) 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.
- Engage in broad-based national- and local-level awareness-raising campaigns on gender bias in politics.
- Include an intersectional perspective in all programmes aimed at supporting women's political participation.

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

ANNEX 3: WOMEN IN THE LABOUR MARKET, DATA

STATISTICAL DATA SHOWS:**Comparison Table: Labour Force Participation rate 2018 – 2022, by gender**

	2018		2019		2020		2021		2022	
	M%	W%								
Albania	67	50	68	44	66	44	66	44	66	44
Bosnia and Herzegovina	53	31	51	40	53	39	52	40	52	41
Kosovo	56	18	53	18	49	23	55	19	55	23
Montenegro	64	48	65	44	63	45	63	46	63	46
North Macedonia	68	45	66	41	61	40	62	40	62	40
Serbia	63	44	63	45	62	45	63	45	63	45

Comparison Table: Unemployment rates 2018 – 2022, by gender

	2018		2019		2020		2021		2022	
	M%	W%								
Albania	13	12	12	11	13	13	12	12	12	12
Bosnia and Herzegovina	17	20	14	19	14	17	14	18	12	17
Kosovo	38	29	34	22	23	32	24	30	24	30
Montenegro	15	15	15	16	17	18	18	19	15	16
North Macedonia	20	20	16	18	17	17	16	16	16	14
Serbia	12	14	10	11	9	9	11	12	9	10

ANNEX 4: WOMEN IN LABOUR MARKET, RECOMMENDATIONS

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.
- Monitor implementation and harmonisation of all anti-discrimination laws in relation to labour.
- Adopt the ILO Violence and Harassment Convention (C190), 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.
- 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.

⁴⁷⁸ Farnsworth, N. et al., *Gender-based Discrimination and Labour in the Western Balkans*, Kosovo Women's Network, 2021.

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