



THE KVINNA TILL KVINNA FOUNDATION

# A LOW HANGING FRUIT

GENDER ANALYSIS OF THE 2023 EUROPEAN  
COMMISSION COUNTRY REPORTS FOR THE WESTERN BALKANS

## 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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**Author:** Giulia Pasquinelli

**Reference group:** Ristin Thomasson, Stina Magnuson Buur, Maja Stajčić, Voskre Naumoska Ilieva, Sofija Vrbaški, Maida Omerćehajić, Lejla Gačanica, Lejla Somun

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Representatives of Western Balkans partner women's rights organisations in front of the EU Parliament building in Brussels, Belgium, November 2023; Photographer: Johanna de Tessieres (Belgium)

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## ABBREVIATIONS & ACRONYMS

|                            |   |
|----------------------------|---|
| <b>BiH</b>                 | Bosnia and Herzegovina  |
| <b>CEDAW</b>               | Committee on the Elimination of Discrimination Against Women  |
| <b>CLIP</b>                | Country Level Implementation Plan (of GAP III)  |
| <b>CSO</b>                 | Civil society organisation  |
| <b>DG NEAR</b>             | Directorate for Neighbourhood Policy and Enlargement Negotiations   |
| <b>EC</b>                  | European Commission   |
| <b>ECHR</b>                | European Court of Human Rights  |
| <b>EEAS</b>                | European External Action Service  |
| <b>EIGE</b>                | European Institute for Gender Equality  |
| <b>EU</b>                  | European Union  |
| <b>EUD</b>                 | European Union Delegation   |
| <b>EUO</b>                 | European Union Office (Kosovo)  |
| <b>GAP II</b>              | Joint Staff working Document Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020                               |
| <b>GAP III</b>             | Joint Communication to the European Parliament and the Council: Gender Action Plan III – An Ambitious Agenda for Gender Equality and Women's Empowerment in External Action 2021-2026 |
| <b>GBV</b>                 | Gender-based violence   |
| <b>GREVIO</b>              | Group of Experts on Action against Violence against Women and Domestic Violence   |
| <b>IDP</b>                 | Internally displaced person   |
| <b>ILO</b>                 | International Labour Organisation   |
| <b>Istanbul Convention</b> | Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence   |
| <b>LGBTQI</b>              | Lesbian, Gay, Bisexual, Trans, Queer and Intersex   |
| <b>NAP</b>                 | National Action Plan  |
| <b>NEET</b>                | Not in Education, Employment or Training  |
| <b>NGO</b>                 | Non-governmental organisation   |
| <b>ODIHR</b>               | Office for Democratic Institutions and Human Rights   |
| <b>OSCE</b>                | Organisation for Security and Cooperation in Europe   |
| <b>SGBV</b>                | Sexual and gender-based violence  |
| <b>SRHR</b>                | Sexual and Reproductive Health and Rights   |
| <b>UNSCR 1325</b>          | United Nations Security Council Resolution 1325   |
| <b>UPR</b>                 | Universal Periodic Review   |
| <b>WPS</b>                 | Women, Peace and Security   |

## GLOSSARY

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

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

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

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

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

**Gender-mainstreaming<sup>1</sup>:** the systematic consideration of the differences between the conditions, situations and needs of women and men in all policies and actions.



EU flags, Brussels, Belgium, November 2023  
Photographer: Johanna de Tessieres

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

# EXECUTIVE SUMMARY AND RECOMMENDATIONS

## Overall considerations

**Gender mainstreaming of the EC Country Reports for the Western Balkans is steadily improving but progress is uneven.** Most reports now include official recommendations attaining to gender equality issues in the section on fundamental rights and also in other Chapters. This year, the Albania report includes one official recommendation in Chapter 28 (Consumer and Health Protection), the Bosnia and Herzegovina report has two official recommendations (one in Chapter 23 – Judiciary and Fundamental Rights - and one in Chapter 19 – Social Policy and Employment), the Kosovo report has three recommendations (two in Chapter 23 and one in Chapter 19),<sup>2</sup> the Montenegro report has one recommendation like North Macedonia (both in Chapter 23) and Serbia has three recommendations (one in Chapter 23, one in Chapter 24 – Justice, Freedom and Security and one in Chapter 19). However, the criteria for removing recommendations still remain unclear. For instance, the Montenegro report went from six recommendations in 2022 to one in 2023, despite limited progress in addressing the gender equality recommendations.

**Attention to the rights of women and girls is no longer limited to Chapter 23 (Judiciary and Fundamental Rights) and Chapter 19 (Social Policy and Employment)** but stretches across different chapters including Chapter 6 (Company Law), Chapter 18 (Statistics), Chapter 24 (Justice, Freedom and Security), Chapter 26 (Education and culture), 28 (Consumer and Health protection) and Chapter 31 (External Relations). However, the pace at which other chapters are being gender-mainstreamed is too slow and there are still huge disparities between countries in terms of how to mainstream gender in the different chapters and what issues to include where. Also, certain chapters such as Chapter 27 (Environment and Climate Change) and Chapter 11 (Agriculture and

Rural Development), are gender-blind despite the different impact of climate change and environmental degradation on men and women and the different roles they play in mitigation and adaptation strategies. In light of the EU's considerable investments in the green agenda for the region,<sup>3</sup> attention to the gender dimension of climate change and environmental degradation should also feature in the Country Reports.

### **Efforts are noted this year to include specific references to the EU acquis on gender equality.**

This is a positive step towards harmonizing the gender-mainstreaming of the Country Reports and bringing consistency in the same chapters across countries. Recommendations to harmonise legislation with specific EU directives designed to increase gender equality in different sectors are key and should be included also in other chapters. This year, the new EU Directive on Women on Boards was referenced in Chapter 6 (Company Law) of all the reports. From next year, the EU Work-Life Balance Directive should be included in Chapter 19 (Employment and Social Policy) and the EU Victims Directive should be included in Chapter 23 (Judiciary and Fundamental Rights) in relation to capacity of law enforcement to handle cases of gender-based violence and quality of justice.

**Specific gender-mainstreaming guidelines** with prompts suggesting how to include a gender perspective in different chapters and possible sources of sex-disaggregated data and analysis could support DG NEAR and EUD Staff in the process of compiling the Country Reports. Beyond Chapter 19 and 23, guidance is needed especially for those chapters that are not yet gender-mainstreamed, which are still the majority. We would recommend to start with the gender dimension of chapters 18 (Statistics), 24 (Justice, Freedom and Security), 26 (Education and Culture), 27 (Environment and Climate Change), 28 (Consumer and Health Protection), and 31 (Foreign and Security Policy).

<sup>2</sup> See Annex 1.

<sup>3</sup> See EU [Economic and Investment Plan](#) flagship initiatives on clean energy and environment and climate (2023).

## THEMES FROM THIS YEAR'S REPORTS

### Women's political participation

This year, a criterion on women's political participation was added to the seven existing criteria<sup>4</sup> used to carry out this gender analysis, given the importance it bears in showing progress (or lack thereof) in meeting democratic standards. Most Country Reports include some data on women's political participation either in the section on democracy or under the fundamental rights section but most fail to include a thorough analysis of structural barriers preventing women from joining politics (or forcing them to step down). Relying on reports,<sup>5</sup> data and analysis on women's political participation in the Western Balkan region, the Country Reports should further attend to this issue in the section on democracy. Ideally, specific recommendations to ensure greater participation of women in politics both at national and local level should be included, especially for those countries that have witnessed a drop in women's political participation in recent years.

### Anti-gender movements

This year's Country Reports acknowledge the rise of anti-gender movements and narratives in the region, especially where democratic backsliding is more pronounced and/or authoritarian regimes are in place. For instance, the North Macedonia Report acknowledges that these movements are on the rise and represent a serious concern. Attacks to women's rights, gender equality and LGBTQI issues are a key feature of ultra-conservative, anti-democratic and populist movements (not just in the Western Balkans but globally) which demonise gender equality as a "foreign import". In the Western Balkan region, these movements, supported by political and religious figures, achieved to delay the adoption of key pieces of legislation on gender equality and gender-based violence,<sup>6</sup> restrict freedom of expression and freedom of the press, legitimize hate speech and harassment against activists and female politicians and curtail civil society engagement. The impact of these anti-gender narratives on policy- and law-making can be detrimental for meeting the Copenhagen criteria, especially the guarantee of human rights, and the EU should closely monitor the developments and issue clear-cut recommendations to national authorities.

<sup>4</sup> See methodology and criteria used for the assessment on page 9.

<sup>5</sup> See for example ["Womens Rights in Western Balkans"](#), Kvinna till Kvinna Foundation (2023)

<sup>6</sup> See for example the adoption of the Gender Equality Law in North Macedonia and of legislation on domestic violence in Republika Srpska.

<sup>7</sup> See [State of Women Human Rights Defenders](#), Kvinna till Kvinna (2023)

### Restriction of civic space

Directly linked to this trend is the restriction of civic space in the form of targeted attacks to women human rights defenders, which have been growing steadily in some countries in the region.<sup>7</sup> In North Macedonia, Serbia and Republika Srpska (Bosnia and Herzegovina), activists dealing with women's rights, sexuality education, LGBTQI rights and vocal about other sensitive issues such as glorification of war criminals, the environment and corruption are regularly targeted with threats and harassment and their office premises vandalized. These vicious attacks tend to go unpunished. The Serbia Country Report acknowledges the discriminatory attitudes and verbal violence against women by Members of Parliament and other public figures. In Republika Srpska, the government has been regularly targeting civil society and media and last year, with the new proposed Law on the Special Registry and Publicity of the Work of Non-Profit Organizations it threatens to target civil society as foreign agents and impose additional financial controls on organisations receiving foreign funds. This represents a major departure from the EU criteria and should be strongly condemned.

### Gender-based violence

Domestic violence and violence against women continue to be key focus areas in the Country Reports, addressing a greater number of issues compared to previous years. In particular, forced marriages, online violence against women, attacks towards female politicians and femicides are included. A welcome development this year is the attention to the capacity of judges, prosecutors and police to handle cases of gender-based violence in the Kosovo report and the introduction of an official recommendation in this respect. Other countries should follow suit and include an analysis of how cases of gender-based violence are dealt with by the law enforcement sector and in relation to access and quality of justice, given the uneven attention to the rights of victims in the region. Similarly, all reports should include a reference to the need to harmonise legislation with the EU Victims Directive.

### Women, peace and security

Women, peace and security issues are insufficiently and unevenly integrated in the Country Reports, at times in the section on

fundamental rights and at times in 31 Chapter (Foreign and Security Policy). For example, the reference to Albania's priorities as non-permanent member of the UN Security Council 2022-2023, including that of strengthening the Women, Peace and Security Agenda, in Chapter 31 (Foreign and Security Policy) is a positive step forward. However, none of the reports includes a gender perspective in the analysis of the legacies of the 1990s' armed conflicts, despite the prevalence of conflict-related sexual violence and outstanding issues with victims/survivors of violence. Other chapters, including that on Normalisation of Relations between Serbia and Kosovo fail to include a gender perspective, mirroring the lack of gender perspective and women's participation in the EU-facilitated Belgrade-Pristina dialogue. The Kosovo report fails to analyse how the worsening security situation in northern Kosovo, including the spread of light weapons, is affecting the security of women and men.

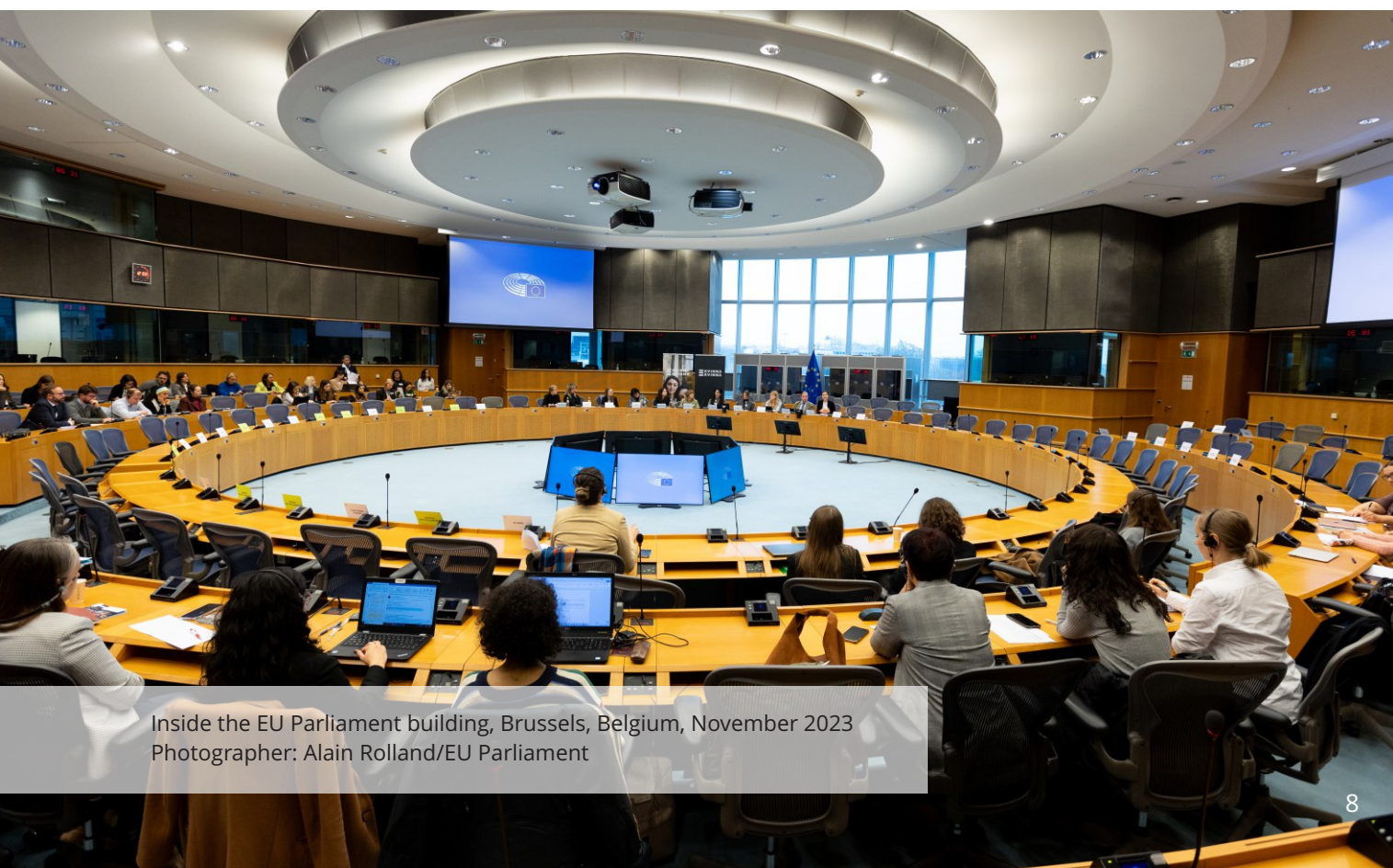
### Intersectionality

An intersectional approach is being progressively integrated in the Country Reports. More attention is paid to women belonging to minorities, women with different abilities, elderly women and women from rural areas in different chapters. The Albania report continues to include a specific recommendation in Chapter 28 (Consumer and

Health Protection) aimed at guaranteeing access to quality health care to vulnerable populations, including Roma and Egyptian women. The Bosnia and Herzegovina report increased attention to women belonging to minority groups who are particularly exposed to domestic violence, early marriages, human trafficking and labour exploitation, and health inequalities. Similarly, attention to Roma women increased in the North Macedonia report which zooms into the challenges they face in accessing employment and quality health services.

### Sex-disaggregated data and statistics

Inclusion of sex-disaggregated data and statistics is still limited, reflecting the insufficient collection and dissemination of sex-disaggregated data across sectors by the National Statistical Offices of the countries in the region. The EU should use different sources to inform its monitoring exercise, including reports by international expert bodies (GREVIO and CEDAW Committee on gender-based violence), women's and other civil society organisations and the European Institute for Gender Equality. When sex-disaggregated data is missing, the EU should issue a specific recommendation to national authorities under Chapter 18 (Statistics) to improve systems of collection and dissemination of sex-disaggregated data and statistics.



Inside the EU Parliament building, Brussels, Belgium, November 2023  
Photographer: Alain Rolland/EU Parliament



## Recommendations to European Commission DG NEAR and EU Delegations/Offices

- 1) Increase senior leadership support for and attention to gender equality as a vital component of the EU accession process and ensure regular training on gender mainstreaming to staff in DG NEAR and EU Delegations/Office
- 2) Update the guidelines to include gender-specific questions across an increased number of chapters in the reports with prompts and minimum requirements to be revised by the Gender Focal Point during the horizontal reading
- 3) Increase the number of official recommendations attending to gender equality issues across different chapters of the reports and ensure they are clear, practical and action-oriented
- 4) Include key statistics and sex-disaggregated data progressively in more chapters and issue specific recommendations (in Chapter 18) to strengthen the collection, dissemination and use of sex-disaggregated data in different sectors
- 5) Adopt common language and definitions to report on different forms of gender-based violence, not limited to domestic violence, according to the Istanbul Convention
- 6) Include attention to gender-based violence under the section on Judiciary and capacity of law enforcement to deal with cases of gender-based violence as well as in relation to access and quality of justice
- 7) Further increase attention to the situation of women belonging to minorities, women with different abilities and other vulnerable groups and subject to multiple discriminations across different chapters
- 8) Report on the Women, Peace and Security Agenda in line with the EU GAP III in Chapter 31 (Foreign, Security and Defence Policy) and Normalisation of Relations between Kosovo and Serbia
- 9) Include a gender perspective when addressing the legacies of the 1990s conflicts including attention to victims/survivors of conflict-related sexual violence
- 10) Report on the role of women's CSOs in the section on civil society, including their role as service providers, contributions to the EU integration process, peacebuilding and reconciliation work

# BACKGROUND AND PURPOSE OF THE ASSESSMENT

## Commitments under the GAP III

On November 25<sup>th</sup>, 2020, the EU adopted **the Gender Action Plan III (2021-2026)**<sup>8</sup> (GAP III) to reaffirm EU's commitments to support gender equality and women's empowerment through its external action. In November 2023, the European Commission published the mid-term report on the EU implementation of the GAP III<sup>9</sup>, pointing at **“the pivotal role of the GAP III in elevating gender equality as a strategic priority in EU external actions. It has encouraged more**

**comprehensive, determined and transformative approaches.”** Furthermore, the mid-term report says “Gender equality has also featured prominently in policy dialogues with candidate countries and potential candidate countries, with the EU supporting the adoption and implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); comprehensive evidence-based laws, aligned with the relevant EU *acquis*; and other international standards.”<sup>10</sup>

### Box 1. Pivotal areas in GAP III

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

As postulated in the GAP III, gender equality continues to be one of the key political objectives of the EU in its external action, be it through the accession process or through its Common Foreign and Security Policy. In **the accession countries**, the EU has been both supporting (through targeted actions and policy dialogue) and monitoring (through the Country Reports) the progress of countries aspiring to EU membership

in advancing gender equality standards. This process has been further aided by the adoption of **Country Level Implementation Plans (CLIPs)** setting policy priorities, key actions and objectives on gender equality for each country. These plans, developed in partnership with national stakeholders, were also informed by **Gender Country Profiles** and sector-specific **Gender Analyses** for the priority areas.

### Box 2. What should the gender analysis include?

According to the Guidance Note developed for DG NEAR and EUD Staff<sup>11</sup> under the previous GAP II, which is unlikely to change substantially under the current plan, the gender analysis for the thematic priorities should at a minimum indicate:

- Key statistics on the situation of women and girls, men and boys, which will also provide the baseline for future measurement (relevant statistics that reflect the thematic or concentration areas);
- Key barriers to achieving gender equality (including social norms, legislative, institutional capacity, political will etc.);
- Analysis of additional levels of discrimination (e.g. particular vulnerability of disabled women to violence);

<sup>8</sup> [Joint Communication to the European Parliament and the Council. EU Gender Action Plan III: An ambitious Agenda for Gender Equality and Womens Empowerment in EU External Action](#)

<sup>9</sup> [Joint report on the EU implementation of the Gender Action Plan III](#) (November 2023)

<sup>10</sup> Page 3, *ibid.*

<sup>11</sup> Guidance Note on EU Gender Action Plan 2016-2020 for DG NEAR HQ and EUD staff (1 April 2016).

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

The mid-term evaluation of GAP III<sup>12</sup> found that **CLIPs have provided a solid foundation for strengthening the EU's strategic approach to gender equality in partner countries by identifying context-specific policy and programmatic priorities.** However, as the evaluation found “it is still uncertain where CLIPs stand on the spectrum between (i) an aspirational statement of objectives and priorities in line with GAP III; i.e., a general country-level vision (the lack of which was pointed out by the evaluation of GAP II) and (ii) a guide to operational programming and monitoring”.<sup>13</sup> Also, “with CLIPs, messaging on GEWE in policy and political dialogue (and opportunities to do so) has become stronger under GAP III than it was under GAP II. However, despite the comprehensive guidelines received from Brussels HQ, CLIPs vary widely in form, content and quality”.<sup>14</sup>

### How does this apply to EC Country Reports?

The EC Country Reports are the **key policy instrument the EU has to monitor progress of and exert pressure on** Western Balkan governments on the path towards meeting the accession criteria. As a key instrument of the EU, the Country Reports should be informed by robust gender evidence to be able to meet the ambitious targets set under the GAP III and the adopted CLIPs. The EU accession process and the GAP III should mutually reinforce each other as EU's support to gender equality issues helps partner countries meeting the political criteria for membership. However, as it happens for a process that is often highly technical and somewhat rigid, the EU Accession process has often failed to incorporate and build on the opportunities offered

by other EU policies, including the GAP III. Kvinna till kvinna and its partner organisations have long argued that the **EC Country Reports should be better gender mainstreamed and should include more stringent recommendations in relation to gender equality.** Yet, we have often heard as a response that “this is not a gender report”, that “the chapters that are devoted to “gender issues” are Chapter 23 and 19” and that “the main problem with the Country Reports is their length”, which limits the extent to which gender issues can be integrated in different chapters. Yet, we would argue, this approach goes counter to the very definition of gender mainstreaming which postulates that a gender perspective should be integrated across all sectors with a view at identifying hidden discriminatory patterns which lead to the marginalization of women and girls, restrict their participation and limit their representation. **This means, each policy area, or Chapter of the Country Reports, should aim to include a gender perspective and stop referring to men as the “default” category.**

### Aim of the present assessment

This is the sixth Gender Analysis of EC Country Reports for the Western Balkans. The aim is to assess progress/regress year on year in the gender mainstreaming of the Country Reports, **identify areas where a gender perspective can be further strengthened across different chapters and include country-specific recommendations for the following year.** The starting point were the instructions included in the Guidance Note developed by DG NEAR for the implementation of the GAP II, which provide details about the key components of a gender analysis.<sup>15</sup> We argue that

<sup>12</sup> [Mid-term evaluation GAP III](#) (May 2023)

<sup>13</sup> Ibid. page 20.

<sup>14</sup> Ibid. page 20.

<sup>15</sup> See box 2 on page 9.

the same components should be included in the EC Country Reports although adapted to the nature of the documents, which is not that of an internal gender analysis but rather of external documents of both technical and political nature.

### Criteria used for the assessment

This year, the criteria were revised and one criterion on women's political participation was added. The

eight criteria are used to capture the extent to which EC Country Reports are informed by gender analyses and evidence. The selection of criteria is further inspired by the vision, mandate and mission of The Kvinna till Kvinna Foundation, to support women's rights organisations in fragile, conflict and post-conflict settings. Hence, the criteria include a strong focus on women and women's organisations.

#### Criteria used for the assessment:

1. Attention to gender equality (legislation, mechanisms and implementation) including potential barriers to achieving it (social norms, legislative, institutional barriers etc.) and to the rights of LGBTQI persons
2. Account of women's political participation at national and local level, including key barriers preventing women from joining the public space
3. Inclusion of key statistics on the situation of women, men, girls and boys
4. Attention to all forms of gender-based violence (including committed during armed conflicts)
5. Intersectionality<sup>16</sup> including reference to Roma women, women refugees and IDPs, women with different abilities
6. Reference to roles and challenges of women's organisations
7. Account of women's roles in peacebuilding, dealing with the past and reconciliation
8. Integration of gender into chapters/sections other than the fundamental rights section (i.e. Public administration, Rule of Law, Environment and Climate Change)



“Girls just wanna have fundamental rights” Kvinna till Kvinna merchandise, Ecka, Serbia, December 2023  
Photographer: Sandra Mandić

<sup>16</sup> Understood as the way in which different types of discrimination, because of a person's sex, ethnicity, social class, religion etc., are linked to and affect each other.

# DASHBOARD

## Assessment criteria



Attention to gender equality (legislation, mechanisms and implementation) including potential barriers to achieving it (social norms, legislative, institutional barriers etc.) and to the rights of LGBTQI persons



Account of women's political participation at national and local level, including key barriers preventing women from joining the public space



Inclusion of key statistics on the situation of women, men, girls and boys



Attention to all forms of gender-based violence (including committed during armed conflicts)



Intersectionality including reference to Roma women, women refugees and IDPs, women with different abilities



Reference to roles and challenges of women's organisations



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



Integration of gender into chapters/sections other than the fundamental rights section (i.e. Public administration, Rule of Law, Environment and Climate Change)

For each criterion we use arrows to show improvement (or lack thereof) year on year.



The upward facing arrow indicates a positive trend compared to 2022



The downward facing arrow indicates a negative trend compared to 2022



The horizontal arrow indicates no change compared to 2022



Great achievement

## ALBANIA



**Best practice example:** there is reference to gender gap in education in Chapter 26 (Education and Culture) and to collection of sex-disaggregated data in Chapter 18 (Statistics) with related recommendation to improve data collection on prevalence of violence and harassment at work.

**Main remaining gap:** reintroduce recommendation to implement the national strategy for gender equality, the law on gender equality and ensure gender-mainstreaming and gender-responsive budgeting for sectoral strategies under the fundamental rights section until fully met.

### Summary

The 2023 Albania Report<sup>17</sup> continues the positive trend of increasing the number of chapters that are gender mainstreamed. The section on fundamental rights provides a comprehensive account of the policy and legal context on gender equality, however the 2022 official recommendation to implement the national strategy for gender equality and the Law on Gender Equality was removed, although implementation needs to be stepped up, and there is no reference to the implementation of the action plan on LGBTQI persons. Attention to women and girls and/or to gender aspects is included in two additional chapters compared to 2022, namely Chapter 6 (Company Law) and chapter 26 (Education and culture). Chapter 18 (Statistics), Chapter 19 (Social policy and employment), 28 (Consumer and Health protection) and Chapter 31 (External Relations) continue to have references to gender and/or women. While overall positive steps were taken to gender mainstream different chapters, it is still crucial to keep an official recommendation in relation to gender equality in the section on fundamental rights, as per previous years.<sup>18</sup>

### Attention to gender equality and LGBTQI rights

The report refers to the 2021-2030 Strategy on Gender Equality and its action plan which are more affirmative in addressing the rights of all women and men. Yet, while implementation has been progressing at a slow pace the official recommendation concerning the implementation of the Strategy and the Gender Equality Law was removed. Gender-budgeting is dealt with under the fundamental rights section indicating that its application has continued to improve and that the Parliament increased its role in ensuring gender-responsive budgeting and gender equality more broadly. Issues such as reproductive health and rights, including the issue of sex-selective abortions, women's rights to property and access to justice are also included in this year's report. The report fails to mention the implementation of the Action Plan on LGBTQI persons adopted in 2022 in the face of ongoing discrimination and prevalence of hate speech against the LGBTQI community and the issue of the gender legal recognition law.

### Women's political participation

Overall, the Albanian political system and the culture of political parties is dominated by male politicians and participation of women is limited despite the quota established by the law.<sup>19</sup> Other groups such as youth, Roma and Egyptian communities, LGBTQI persons and persons with disabilities are generally not represented in politics. This year's report focuses on women's participation in politics at local level indicating that in the local elections held in May 2023 a very small percentage of mayoral candidates were women (15 out of 144) and that only few municipalities respected the quota system. On a positive note, the report indicates that 18

<sup>17</sup> EC [Albania Country Report](#) (2023)

<sup>18</sup> See Annex 1.

<sup>19</sup> [Political representation and participation of underrepresented groups in the electoral process](#), AWEN and NDI (May 2023)

municipalities signed the European Charter for Equality of Women and Men in Local Life, and 5 municipalities have developed and approved local gender action plans. This is a welcome development, however, a more comprehensive analysis of women's political participation, including at national level, highlighting barriers that prevent women from joining the public space would be preferable.

### **Inclusion of key statistics**

This year's report includes data on women's participation in the local elections held in May 2023. Data on cases of domestic violence is included and disaggregated by sex, indicating that 72% of all victims of violence within domestic relationships were women and girls. The report also includes the percentage of women recruited in public service and data on the number of women repatriated from the camps in Syria. The employment rate of men and women is included, indicating that gender inequality in employment remains problematic. It is very welcome that this year's report includes statistics on girls and boys in education from compulsory education to higher education and vocational education in Chapter 26 (Education and Culture).

### **Sexual and gender-based violence**

The report covers extensively the issue of domestic violence, including the number of cases dealt with by the police, criminal proceedings initiated and services provided to victims. It underlines that rehabilitation and reintegration programmes are generally provided by civil society organisations and are donor-driven. The section on gender-based violence fails to include other forms of gender-based violence though issues such as trafficking for sexual exploitation, child marriage, online sexual violence are included elsewhere in the report. The section on trafficking in human beings includes welcome references to the need to adopt a victim-centered approach in investigation and prosecution and a gender approach in access to justice. While the report refers to the NGO-run shelters, it could have further covered the key support provided by women's organisations specifically to victims of trafficking in relation to provision of services for their socio-economic reintegration and access to justice. The report should introduce an official recommendation on preventing and tackling gender-based violence and trafficking of women and girls given the prevalence of the phenomenon in Albania.

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

There is increased attention to women from minority groups in this year's report. The report refers that the implementing legislation on the Law on National Minorities is still to be adopted. Specific attention is paid to the Roma and Egyptian communities in several chapters including with regards to fundamental rights, education, trafficking, employment, access to health care, including sexual and reproductive rights, and social housing. Particular attention is paid to women from Roma and Egyptian communities, as well as other minorities and vulnerable groups in Chapter 28 (Consumer and Health Protection). The recommendation to continue to improve access to health services for vulnerable groups, including women and girls belonging to minority groups is welcome and progress in its implementation should be closely monitored.

### **References to roles and challenges of women's organisations**

The report notes that the role of civil society, especially in the framework of the EU accession negotiation process, should be strengthened. With the opening of the accession negotiations and the screening process currently ongoing Albania should step up its efforts to ensure smooth registration process, adequate funding and overall an enabling environment for civil society. Though there is mentioning of the NGO-run services for women victims of gender-based violence and trafficking, the report does not mention that these are women's organisations who have been providing services in the absence of adequate state funding.

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

The report includes reference to the Women, Peace and Security Agenda in two chapters, Chapter 31 (External Relations) in relation to Albania's priorities as non-permanent member of the UN Security Council 2022-2023 and in Chapter 28 (Consumer and Health Protection) where it indicates that the National Council for Gender Equality adopted a National Action Plan on Women, Peace and Security in June 2023. Given its relevance for foreign and security policy, the WPS agenda should be included in Chapter 31 only. As in previous years, there is no reference to women's

roles in peacebuilding and reconciliation. Integration of gender into other chapters/sections Two additional chapters this year include references to gender issues. Chapter 6 (Company Law) include a reference to the EU Directive on gender equality on Boards of Directors and Chapter 26 (Education and Culture) refers to the gender gap in education and adoption of the national strategy for youth which and deals with gender-based violence prevention. Chapter 19 (Social Policy and Employment) includes statistics on women's and men's employment and unemployment and refers to the persistent gender gap. On a negative note, the report removed its recommendation in the text to harmonise legislation with the Work-Life balance directive.

Similar to 2022, Chapter 18 (Statistics) refers that collection of sex-disaggregated data has improved but further efforts are needed to collect disaggregated data for certain groups, especially on prevalence of violence and harassment at work which should be disaggregated by sex, geographical location, age, ethnicity, disabilities, and migratory status. Chapter 28 (Consumer and Health Protection) tackles the issue of health inequalities among the Roma and Egyptian minorities and access to healthcare for women facing multiple discriminations. Other chapters, including Chapter 27 (Environment and Climate Change) and Chapter 11 (Agriculture and Rural Development) should be gender mainstreamed next.

### Recommendations for the 2024 Albania Report:

1. Add an overview of structural social, cultural and legislative barriers towards gender equality and the active roles women play in society in the fundamental rights section
2. Monitor and report on the implementation of the National Strategy for Gender Equality and the Law on Gender Equality and ensure gender mainstreaming of sectoral strategies
3. Monitor and report on the implementation of the Action Plan on LGBTQI persons and progress (or lack thereof) on the adoption of the legal gender recognition law
4. In view of the next parliamentary elections, introduce a recommendation concerning the respect of the quota system and a recommendation to political parties to introduce provisions aimed specifically at enhancing political participation of women and representatives from underrepresented groups
5. Include an official recommendation on the need to harmonise legislation with the Work-Life Balance Directive and the implementation of targeted measures to bridge the gender gap in employment
6. Include a specific recommendation on preventing and curbing gender-based violence and trafficking of women and girls, identifying victims and ensuring access to justice and services
7. Acknowledge the role of women CSOs providing specialised services to victims/survivors of GBV in the absence of adequate state services
8. Ensure attention to all forms of gender-based violence not just domestic violence in line with the Istanbul Convention definition
9. Extend the reporting on Albania's implementation of its National Action Plan on UNSCR 1325 and WPS in Chapter 31 and on the role of women in peacebuilding and reconciliation
10. Continue to integrate an intersectional perspective across the report and in particular in relation to women belonging to vulnerable groups



## BOSNIA AND HERZEGOVINA



**Best practice example:** thorough attention to women's political participation in the section on democracy and introduction of recommendation to increase women's public and political participation (possibly add a more specific target such as the respect of the 40% quota in all elected bodies/institutions).

**Main remaining gap:** the section on domestic handling of war crimes fails to refer to war-time sexual violence, the issue of status of civilian victims of war, justice and reparations. Negative development in Republika Srpska in relation to restriction of civic space is not accompanied by a specific recommendation.

### Summary

The 2023 Bosnia and Herzegovina Report<sup>20</sup> increased its focus on gender equality, gender-based violence, LGBTQI rights and rights of women belonging to minorities, reporting closely on key priorities number 9 and 13, but there is still room for improvement. This year's report includes two official recommendations pertaining to gender equality, with a new recommendation under the fundamental rights section to harmonise and improve legislation against domestic and gender-based violence and align laws across the country to the Gender Equality Law.<sup>21</sup> The attention to the backtracking by Republika Srpska on the enabling environment for civil society is welcome, yet it should have been accompanied by a specific recommendation as it represents a major departure from the EU criteria. The focus on women's political participation and the results of the 2022 elections, which saw a decrease in women in elected positions also due to the disregard of gender quotas and to the toxic party culture, is to be commended. There is increased attention to women from marginalized

groups and women facing intersecting forms of discriminations including in Chapter 28 in relation to health inequalities. While the section on gender-based violence improved, referring to the systemic shortcomings of the response to the phenomenon, the section on domestic handling of war crimes does not refer to war-time sexual violence and the issue of justice and reparations and Chapter 24 does not include a gender perspective when reporting on trafficking in human beings. There are welcome references to the role of women's organisations in reaching out to the most vulnerable in society, including victims of gender-based violence.

### Attention to gender equality and LGBTQI rights

Overall, the report indicates that legislation on gender equality and non-discrimination is not harmonized across the country. Discrepancies in the legislation in the different parts of the country lead to women not being able to enjoy the same level of protection and rights (including in relation to maternity benefits and gender-based violence). In light of this, the introduction of a new recommendation to harmonise and improve legislation against domestic and gender-based violence to meet international standards is particularly welcome. This year's report also covers the issue of threats and attacks against women journalists and against human rights defenders dealing with sensitive issues including women's rights and LGBTQI rights, among others. The section on LGBTQI rights recalls that prosecution of hate crimes on the grounds of sexual orientation and identity remains minimal, that no steps were taken to ensure rights of same-sex couples and that intersex and transgender people continue to face social stigma. The prohibition of the pride event in Banja Luka in March 2023 and the failure of the police to protect activists from physical attacks is also included.

<sup>20</sup> EC [Bosnia Herzegovina Country Report](#) (2023)

<sup>21</sup> See Annex 1.

## Women's political participation

Attention to women's political participation in the section on democracy in this year's report should be commended. It is welcome that the report notes a decrease in women's political participation following the 2022 elections, also due to the disregard of gender quotas, toxic party culture and verbal attacks on women politician all of which contribute to prevent women from participating equally in politics. In lights of this, the introduction of a new recommendation to align laws across the country to the Gender Equality Law to increase the public and political participation of women, is particularly welcome.

## Inclusion of key statistics

This year's report includes relevant sex-disaggregated data in relation to women's political participation, with women accounting for 24% of the elected members of the House of Representatives (or 10 out of 42) and 13% of the members of the House of Peoples (2 out of 15) and which is welcome. At entity level, the Republika Srpska assembly includes only 12 women among 83 MPs (14.5%, down from 18 MPs), and 16 the Federation House of Representatives has 27 women out of 98 MPs (27%, down from 30 MPs). The report also includes the percentage of women in the judiciary as judges, prosecutors and managers. While official statistics on gender-based violence are missing, reports and data collected by women's organisations could be referred to.<sup>22</sup> Similar to the 2021 report, there is a reference to the need to improve data collection to enable the development of sound policies to target key gender gaps and to provide data on gender-based violence.

## Attention to sexual and gender-based violence

While the report does not include data on gender-based violence, overall the section is more accurate and the recommendation to improve legislation against domestic and gender-based violence to meet international standards is welcome. The report mentions the cases of gender-based violence which led to a number of femicides sparking public protests against the institutions unable to protect women.<sup>23</sup> The report

highlights the need to urgently transpose the remaining obligations stemming from the Istanbul Convention, including the amendment of the Criminal code in the Federation of BiH, which should be subject to public consultations. Furthermore, it calls for Republika Srpska to implement legislation in this field and recognise the role of civil society organisations contributing to the protection of victims. It should also be mentioned that Republika Srpska should adopt the new legislation on domestic violence and violence against women yet, a fairly new anti-gender movement is lobbying the authorities demanding that femicide and violence against women be removed from the proposed legislation in the name of "traditional family values". The references to the 2020 CEDAW Committee decision to provide redress to victims of wartime sexual violence and to the need to accelerate prosecution of crimes of sexual violence, provide reparation to victims of war crimes and ensure witness protection, are welcome but should have been included under the section on domestic handling of war crimes. Regrettably, the section on trafficking in human beings in Chapter 24 is entirely gender-blind, despite the reference in Chapter 23 to women victims of human trafficking.

## Intersectionality – reference to women subject to multiple discriminations

The intersectional approach in this year's report continued to improve. There are references to women and girls from minority groups facing multiple discriminations in different Chapters. However, a specific recommendation concerning the situation of Roma women and girls is missing. The section on fundamental rights recalls that Roma women are particularly subject to domestic violence, early marriages, human trafficking and labour exploitation. Particularly welcome this year is the reference to health inequalities affecting women and girls, especially in relation to sexual and reproductive rights, and how women and girls belonging to ethnic minorities, women with different abilities, women from rural areas are particularly at risk in this respect. Data on Roma children in Chapter 26 (Education and Culture) is not disaggregated by sex and Chapter 19 (Social Policy and Employment) does not account for the situation of Roma women.

<sup>22</sup> For example, see the report 'Womens Rights in the Western Balkans, Kvinna till Kvinna (2023)

<sup>23</sup> See key demands by women's organisations in relation to the improvement of victim's protection, access to justice and to services as well as recognition of femicide as a criminal offence <http://zenskamreza.ba/zahtjevi-protista-protiv-femicida-i-nasilija-nad-zenama-i-djevojicama/>

### Reference to roles and challenges of women's organisations

The report indicates that much remains to be done to ensure an enabling environment for civil society organisations. The attention to the initiatives taken by Republika Srpska to reintroduce criminal penalties for defamation and to adopt a draft law<sup>24</sup> which would target civil society as foreign agents represent a major departure from the EU criteria and should have been accompanied by a specific recommendation. Shrinking space for civil society in Republika Srpska is also going hand in hand with the rise of an anti-gender movement and attacks against activists dealing with sensitive issues such as anti-corruption, women's rights, LGBTQI rights, migrants and the environment. Very welcome this year is the specific reference to women's organisations playing a key role in reaching out to the most vulnerable, including victims and survivors of gender-based violence. As the country has now acquired candidate status, the report should include a specific recommendation to ensure meaningful participation of CSOs in decision-making processes, including in the context of the EU accession negotiations.

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

The section on fundamental rights includes a reference to the need to adopt a new Action Plan on Women, Peace and Security and resume activities in this respect. While the reference to the plan is welcome, this should be included in Chapter 31 (Foreign Security and Defence Policy),

which should refer to BiH's alignment of priorities on WPS with the EU Gender Action Plan III. Also, the active role of civil society, including specifically women's organisations in promoting peace and reconciliation, searching for missing persons, providing support and legal aid to victims/survivors of war-related sexual violence, ensuring remembrance also for women victims of the war should be accounted for.

### Integration of gender into other chapters/ sections

Chapter 24 (Justice, freedom and security) continues to be gender-blind also in relation to trafficking in human beings which for which women and girls, including from minority groups, are particularly exposed. Chapter 19 (Employment and Social Policy) refers to women's employment and unemployment rate and gender equality and non-discrimination provisions, which are rarely enforced, but fails to report on the multiple barriers women face in accessing employment. The reference to the lack of uniform definition of maternity, paternity and parental leave and the lack of a uniform level of benefits in Chapter 19 is welcome as is the related recommendation. A reference to the EU Work-Life Balance Directive would be welcome. Particularly welcome is the attention to women and girls in Chapter 28 (Consumer and Health Protection). Other Chapters of the report, such as Chapter 26 (Education and Culture), Chapter 27 (Environment and Climate Change), Chapter 11 (Agriculture and Rural Development) and Chapter 31 (Foreign, Security and Defence Policy) should be gender-mainstreamed next.

<sup>24</sup> Law on the Special Registry and Publicity of the Work of Non-Profit Organizations.

## Recommendations for the 2024 Bosnia and Herzegovina Report:

1. Monitor implementation of the new recommendation to harmonise and improve legislation against domestic and gender-based violence to meet international standards and align laws across the country to the Gender Equality Law to increase the public and political participation of women
2. Continue to focus on women's political participation as a key component of a democratic country in line with EU standards and call for the full respect of gender quotas of 40% for the least represented gender and reform of political party cultures
3. Closely monitor and condemn the backtracking on civic space in Republika Srpska and the proposed adoption of the Law on the Special Registry and Publicity of the Work of Non-Profit Organizations as well as the growing anti-gender movement blocking the adoption of the proposed legislation on domestic violence and violence against women
4. Recommend the establishment of meaningful consultation mechanisms with civil society, including women CSOs, in the context of the EU accession negotiations
5. Include an analysis of the key legislative, social and cultural barriers hindering progress towards gender equality in particular in relation to women's political participation and representation, women's employment and women's access to health and social services
6. Acknowledge the role of women CSOs in peacebuilding, remembrance and reconciliation
7. Call for harmonisation of the BiH legislation with the EU Victims Directive, which is part of the *acquis communautaire* and calls for minimum safeguards for the victims of crimes, including gender-based violence as well as harmonisation of legislation and measures for victims of sexual violence during the war to ensure equal access to justice and reparations
8. Call for the harmonisation of BiH legislation with the EU Work-Life Balance Directive, including in relation to maternity, paternity and parental leave
9. Report on the significant barriers Roma women and other minorities are facing in access to education, employment, health services including on sexual and reproductive health and rights, the wide-spread gender-based violence and the practice of forced juvenile marriages affecting Roma girls and recommend to harmonise the Roma inclusion policy with the EU Strategy for Roma Inclusion 2020-2030
10. Focus on the gender-mainstreaming of Chapters 26 (Education and Culture), Chapter 27 (Environment and Climate Change) and Chapter 31 (Foreign, Security and Defence Policy)

<sup>25</sup> [Directive 2012/29/EU](#) establishing minimum standards on the rights, support and protection of victims of crime.

## KOSOVO



**Best practice example:** Inclusion of gender-based violence in the section on the judiciary (Chapter 23) in relation to the capacity of judges and prosecutors to handle cases of gender-based violence.

**Main remaining gap:** failure to integrate a gender perspective in relation to the deteriorating security situation in Northern Kosovo and prospects of normalisation of relation between Kosovo and Serbia. There is only a cursory reference to the Forum on women, peace and security organised by the President, but beyond this there is no attention to women, peace and security in relation to political dialogue.

### Summary

The 2023 Kosovo Report<sup>26</sup> improved the gender-mainstreaming of certain chapters but its attention to women belonging to minority groups decreased. This year's report includes three official recommendations pertaining to gender equality issues.<sup>27</sup> As an important step forward, one of the recommendations calls for improving the capacity of judges and prosecutors to handle cases of gender-based violence in accordance with current laws and strategies. The section on gender equality provides a comprehensive analysis of the situation of women and girls in the country, acknowledging the multiple areas in which they are discriminated and including cross-references to the relevant chapters. For the second year, the critical contributions of CSOs advocating for the rights of persons with disabilities, gender equality, and the rights of persons belonging to non-majority communities, are acknowledged. This year the fundamental rights section includes a reference to the Women, Peace and Security Forum organised by the President, which is welcome. However, the section on normalisation

of relations between Kosovo and Serbia fails to acknowledge how the deteriorating security situation in northern Kosovo is affecting women from different communities, especially given the widespread presence of small arms and light weapons, and how the current and future deals will address the security concerns of women.

### Attention to gender equality and LGBTQI rights

The section on gender equality provides a comprehensive analysis of the situation of women and girls in the country, acknowledging that, while the legislation and institutional mechanisms are broadly in place, women continue to face discrimination in the public administration, the labour market, access to finance, ownership of property and treatment by the justice system. The role of the Agency for Gender Equality and the contribution of civil society in advancing gender equality is acknowledged. Issues such as property rights are also addressed, noting an increase in the number of properties owned by women. The rights of LGBTQI persons are also addressed, with reference to the non-approval of the provisions on civil partnerships for same-sex couples in the draft Civil Code. The debate on the Civil Code resulted in the use of homophobic language by MPs, further exacerbating discrimination and prejudice towards LGBTQI persons. The report further notes that social services for LGBTQI persons are offered solely by NGOs, which report an increase in domestic violence and suicide rate among LGBTQI. As for the legal gender recognition, the report indicates that the process of amending the Civil Status law is pending.

<sup>26</sup> EC [Kosovo Country Report](#) (2023)

<sup>27</sup> See Annex 1.

### **Women's political participation**

There is some attention to women's political participation in the section on parliament and governance, which indicates that women's representation in senior government positions increased but remains unequal. Also, the report refers that women remain under-represented in local decision-making bodies and that affirmative measures are needed to ensure equal representation of women and men in the local executive. Whilst these references are welcome, a more comprehensive analysis of women's political participation, including highlighting barriers that prevent women from joining the public space should be included.

### **Inclusion of key statistics**

The report includes sex-disaggregated data and statistics in many sections including with regards to the number of women in elected positions in parliament and local governments; as judges, prosecutors and mediators; as foreign fighters and returnees from conflict zones; as missing persons; as police officers; in education; in the labour market. The number of victims of sexual violence during conflict who saw their status recognized is also disaggregated by sex while overall data on domestic violence is reported by not disaggregated by sex. While Chapter 18 (Statistics) recalls that the Civil Registry Agency does not collect sex-disaggregated data and that Kosovo does not have a Gender Equality Index, it could have included a specific recommendation for state authorities to improve collection, maintenance and transparent reporting of sex-disaggregated data, including on hate crimes and gender-based violence.

### **Sexual and gender-based violence**

The report concludes that despite the adoption of the Law on prevention and protection from domestic violence, violence against women and gender-based violence, more efforts are needed to streamline and oversee the implementation of fundamental rights. The report critically remarks that several femicide cases raised questions about the role of police, judges and prosecutors in the handling of cases of domestic violence and gender-based violence. Recognising that gender-based violence is a rule of law issue, the report recommends improving the capacity of judges and prosecutors in handling cases of gender-based violence in line with current laws, the Strategy on domestic violence and gender-based violence and

the State Protocol. The report also provides an account of the work of the Government Commission on Recognition and Verification of the Status of Survivors of Sexual Violence during the Conflict, for which the renewal of the mandate is pending, but does not recommend to extend its mandate indefinitely despite strong civil society recommendations in this respect. The report covers extensively the issue of domestic violence and mentions different forms of gender-based violence, including violence against women in public life, sexual harassment and threats (including online), forced marriages and body shaming. The report also covers the issue of human trafficking with the purpose of sexual exploitation for which women and girls are particularly at risk.

### **Intersectionality - reference to women subject to multiple discriminations**

There is limited attention to women and girls belonging to minority communities in this year's report. The only references concern the safeguarding of rights of women and girls from minority communities in the prison system and the recruitment of men and women in the police, which should reflect the ethnic composition of the four municipalities. A concern is raised on the access to health services for persons with disabilities, including women and girls, which needs to improve. The reference to the challenges faced by women from minority communities, especially Roma, Ashkali and Egyptian, including in relation to political participation, education, housing and employment is no longer in the report.

### **References to roles and challenges of women's organisations**

The report acknowledges that civil society continue to play a critical role in advancing gender equality and the rights of non-majority communities. It contributes to the improvement of legislation, monitors policy implementation, provides services, assists victims of violence and raises awareness, reflecting the need for the authorities to further step up their engagement in these areas. Similarly, the report highlights the importance of CSOs in preparing Kosovo for its EU accession in promoting social change, building trust and promoting multi-stakeholder cooperation and acknowledges the role of civil society in truth-seeking, reconciliation and memorialisation initiatives. Critically, the report remarks that Kosovo has made limited

progress on gender-mainstreaming and inclusive and evidence-based policy development – processes in which civil society remains marginalised. The report could highlight even better the role of CSOs in providing a large share of social services and the challenge of lacking public funding.

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

The section on normalisation of relations between Kosovo and Serbia continues to be gender-blind, failing to include a gender perspective in the account of the recent violent attacks and increase in tensions among the communities in northern Kosovo, and ignoring how the worsening security situation affects women and girls. The disregard for the Women, Peace and Security Agenda in the framework of the facilitated Belgrade-Pristina dialogue, despite numerous requests by women's organisations,<sup>28</sup> taints the EU's reputation as a credible actor in relation to UNSCR 1325. It remains unclear how current and future deals will address the security needs of women and girls, especially as they are not represented in any official negotiation. The reference to the Women, Peace and Security Forum organised by the President is welcome but insufficient.

### **Integration of gender into other chapters/ sections**

Women's political representation at national and local level is reported on, noting the measures taken by some political parties to increase women's participation. The section on the functioning of the market economy highlights the presence of a large informal sector and high inactivity rates, especially among women in Kosovo. Chapter 19 (Social Policy and Employment) goes beyond indicating women's employment and unemployment rates, which is particularly high for young women, and recommends Kosovo to address discrimination against women in employment and social policy, particularly during hiring procedures, promotions and pay. It further identifies the unequal share of responsibilities in maternity, paternity and parental leave as one of the factors hindering women's employment as well as discrimination against pregnant women and women who wish to have children. Chapter 6 (Company Law) includes a reference to the Directive on gender equality on boards of directors. Chapter 26 (Education and Culture) should include sex-disaggregated data on children's enrolment in primary and secondary education as well as drop-out rates.



“Democracy in Action”— Western Balkans delegation in front of the EU Parliament building, Brussels, Belgium, November 2023  
Photographer: Johanna de Tessieres

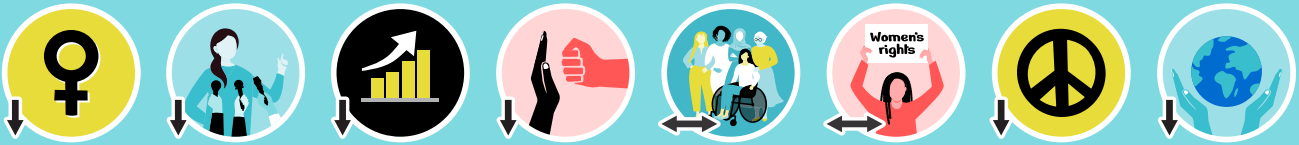
<sup>28</sup> [A Seat at the Table](#) - Women's contributions to and expectations from peacebuilding processes in Kosovo, Kosovo Women's Network (2021).

**Recommendations for the 2024 Kosovo Report:**

- 1.** Call for the harmonisation of the Law on Local Elections and Law on General Elections with the Law on Gender Equality to ensure equal representation of women and men in elected bodies
- 2.** Monitor the adoption of the amendments to the Labour Law in line with the EU Work-Life Balance Directive, including well-regulated maternity, paternity and parental leave
- 3.** Continue reporting on the rule of law aspects of gender-based violence, including the capacity of judges and prosecutors to handle cases of gender-based violence, protect victims and ensure access to justice as well as the role of the police
- 4.** Call for better coordination among institutional actors to address and prevent gender-based violence and recommend adequate allocation of resources for social services
- 5.** Improve the intersectional perspective in the report, recognising how gender intersects with other forms of discrimination. Refer to the challenges women from minority communities face, including in relation to access to education, employment, property, health services in relevant chapters
- 6.** Include a gender perspective in the section on normalisation of relations between Kosovo and Serbia, and report on the Women, Peace and Security Agenda as part of the EU-facilitated dialogue
- 7.** Include a gender perspective in relation to the worsening security situation in northern Kosovo through consultation with local CSOs, including how men and women are differently impacted, and report on the efforts of CSOs, and specifically women CSOs, working to build peace
- 8.** Recognise the role of women's organisations in providing services to women victims/survivors of gender-based violence and their active role in peacebuilding, remembrance and reconciliation
- 9.** Recommend the adoption of specific affirmative measures targeting women to increase their active participation in the labour market and to close the gender pay gap
- 10.** Increase the number of chapters that are gender-mainstreamed, including chapter 11 (Agriculture and rural development), Chapter 27 (Environment and Climate Change), Chapter 28 (Consumer and health protection)



## MONTENEGRO



**Best practice example:** there is a detailed approach to the issue of gender-based violence including recognition of the role of women's association in supporting victims of gender-based violence. The report rightly points out that the selection criteria for CSO public financing must be clear and fair and should recognize the expertise of civil society organisations in areas such as trafficking in human beings and gender-based violence.

**Main remaining gap:** Chapter 31 (Foreign Security and Defence Policy) is still gender-blind, with no reference to Montenegro's commitments to the Women, Peace and Security Agenda in the framework of alignment to the EU Common Foreign and Security Policy.

### Summary

The gender mainstreaming of the 2023 Montenegro Report<sup>29</sup> declined. The number of official recommendations pertaining to gender issues went from six to one this year.<sup>30</sup> It remains unclear why the recommendations were removed, given the limited progress in those areas, especially in relation to the capacity of the Parliament to integrate and oversee gender equality issues, to the ability of institutions to ensure a more efficient protection from all kinds of discrimination and better access to justice for all victims of human rights violations and to bridge the employment gap. Also, Chapters that used to have gender perspective such as Chapter 18 (Statistics), Chapter 32 (Financial Control), Chapter 25 (Science and Research) and Chapter 26 (Education and Culture), are now gender-blind. As usual, thorough attention is paid to gender-based violence and the structural weakness of the system of prevention, protection and adjudication of cases of domestic violence against women. The reference to the key role of women's association in supporting victims of gender-based violence is

welcome. Attention to women from minority groups could be strengthened and a reference to UNSCR 1325 should be included in Chapter 31 (Foreign, Security and Defence Policy).

### Attention to gender equality and LGBTQI rights

Overall attention to gender equality decreased in this year's report. Five official recommendations pertaining to gender equality were removed, leaving only one recommendation in the fundamental rights section. The report refers to the implementation of the 2021-2025 National Strategy for Gender Equality, though it remains unclear whether concrete measures are being implemented. There is no overall analysis of the barriers hindering women's access to employment, economic opportunities, inheritance and property rights. The report refers that there was no progress in the reporting period as regards LGBTQI rights but provides somewhat less details compared to the previous year. It refers to the attacks on offices of LGBTQI-rights NGOs and activists' private homes as well as hate speech. There is neither reference to the implementation of the National Strategy 2019-2023 or to the formation of the national focal point network. A concern is raised with regard to the restructuring of the Ministry of Human and Minority Rights which now lacks a competent office for LGBTQI rights. Also, there was no progress in harmonizing the relevant implementing legislation with the law on same-sex partnerships and in the adoption of the law on legal gender recognition.

### Women's political participation

Attention to women's political participation is included under the fundamental rights section, rather than under the section on parliament, as per last year's report. The section on parliament no longer includes an analysis of obstacles preventing women's political participation and the

<sup>29</sup> EC [Country Report Montenegro](#) (2023)

<sup>30</sup> See Annex 1.

recommendation from the 2022 Country Report to improve the Parliament's capacity to integrate and oversee gender issues was removed. This despite the fact that the Montenegrin Parliament now has the lowest number of elected women members since the introduction of the quota system. The section on fundamental rights refers to the smear campaigns, hate speech and gender-based violence against women in politics and public life. There is some attention to women's political participation at local level indicating that it continues to be low, with the exception of Podgorica and Budva.

### **Inclusion of key statistics**

The report includes percentages on women elected to Parliament, number of women judges and prosecutors, convicts and detainees, migrants and asylum seekers, police officers, trafficked women, women in the labour market and unemployed, Roma children in education. Although the report notes that femicides are on the rise, no data is included on this or other forms of gender-based violence. Chapter 18 on Statistics no longer includes information on collection of sex-disaggregated data by the Statistical Office of Montenegro.

### **Attention to sexual and gender-based violence**

As per previous years, the report acknowledges that gender-based violence continues to be a serious and persistent issue connected with deeply rooted societal behaviours that discriminate against women. While domestic violence remains the most prevalent form of gender-based violence, the report notes also a rise in the number of femicides. The report acknowledges the lenient sentencing and insufficient protective measures issued, limited specialisation of the justice, social, health and police system and the pivotal role played by women's associations in supporting victims of gender-based violence and organising training sessions for institutions, despite financial constraints. The report however fails to mention that gender-based violence and domestic violence are included in the National Strategy for the Implementation of the Istanbul Convention and that an Action Plan was adopted in July 2023. Yet, it is positive that the report mentions that the Strategy for Gender Equality should also include gender-based violence. This year's report fails to address other forms of gender-based violence including cyber-stalking and other forms of online violence and sexual harassment in the work space

which were introduced last year. The report notes that amendments to the Law on protection against domestic violence are not in place and that a national strategy on protection of victims' rights is under preparation.

### **Intersectionality – reference to women subject to multiple discriminations**

The report pays attention to the situation of minorities and vulnerable groups, including Roma and Egyptians, persons with disabilities and LGBTQI persons. However, there is no specific attention to the multiple discriminations women from vulnerable groups face, with the exception of the exposure to forced child marriages and human trafficking with the purpose of sexual exploitation. The report notes that there was no progress on the recommendation to amend the Family Law to raise the minimum age for entering marriage. Further attention to women belonging to minorities could be included in relation to health inequalities in Chapter 28 (Consumer and Health Protection), access to education, housing and property rights.

### **References to roles and challenges of women's organisations**

The report indicates that the role of civil society is recognized and promoted yet the legal and institutional frameworks in place need to be strengthened. Amendments to the Law on NGOs to improve the system of setting up, registering and operating NGOs are yet to be adopted. It is critical that the report recognises that the lack of clear and fair selection criteria for CSO financing in some cases resulted in the selection of CSOs with no experience in the area, or the selection of CSOs unfit for the work with a specific target group. In the area of trafficking in human beings, for instance, the Ministry of Interior allocated a grant to a CSO whose manager had been accused of exerting violence against minor victims of trafficking, during a previous grant of the Ministry. The two minor victims had filed a complaint with the local police. While the Strategy for cooperation with NGOs 2022-2026 was adopted, not all draft laws and strategies are open for public consultations and civil society should play a more active role in the framework of the EU accession process. The Council for Co-operation of State Bodies and Non-Governmental Organisations is not yet operational. This year there is a welcome reference to the role of women's association in supporting victims of gender-based violence, including the fact that these organisations often operate under considerable financial constraints.

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

This year's report does neither include information on the Action Plan for the implementation of UNSCR 1325 nor on women's participation in peacebuilding. The section on Good Neighbourly Relations and Regional Cooperation and Chapter 31 (Foreign, Security and Defence Policy) should include reference to Montenegro's commitments to UNSCR 1325 in line with the EU GAP III and women's participation in peace and security.

### Integration of gender into other chapters/ sections

This year's report did not continue the positive trend of further gender-mainstreaming chapters

that are traditionally gender-blind. While Chapter 19 (Social Policy and Employment) continues to address the situation of women, the recommendations that were included last year in relation to the implementation of the Labour Law and employment activation measures targeting women, persons with disabilities, minorities including Roma people and vulnerable people, were removed. Gender issues are no longer included in Chapter 25 (Science and Research), Chapter 18 (Statistics), Chapter 23 (Financial Control) and Chapter 26 (Education and Culture). Chapter 6 includes a reference to the EU Directive on women on boards. Chapter 28 (Consumer and Health Protection) should address the needs of women, minority and vulnerable groups in relation to access to quality health services.

### Recommendations for the 2024 Montenegro Report:

1. Reintroduce an analysis of women's political participation in the section on parliament and recommend adhering to relevant ODIHR and CEDAW recommendations to strengthen the parliamentary representation and participation of women in political and public life
2. Recommend the adoption of the amendments to the Law on Domestic Violence and alignment of the definition of gender-based violence and violence against women across legislation in line with the Istanbul Convention and GREVIO recommendations
3. Recommend that the new National Action Plan on the Istanbul Convention includes clear annual timelines for implementation and adequate monitoring mechanisms in consultation with women CSOs
4. Ensure the Law on Prohibition of Discrimination and institutional practice are fully harmonized with CEDAW. Establish single database on cases of gender-based discrimination at the national level
5. Recommend the adoption of specific affirmative measures targeting women, particularly from marginalised groups, to increase their active participation in the labour market and to close the gender pay gap in Chapter 19
6. Recommend that the system of licencing of CSOs providing specialised services to women victims/ survivors of sexual violence be mindful of the principles of confidentiality and autonomy of women CSOs
7. Ensure that the Law on NGOs and accompanying by-laws include clear mechanisms to prevent abuses in financing of NGOs and guarantee adequate system of setting up, registering and operating NGOs
8. Continue to include an intersectional perspective across different chapters including information and data on Roma and Egyptian women, women from rural areas, women heads of households, women with different abilities, elderly women
9. Include reference to Montenegro's commitments and implementation of UNSCR 1325, in line with EU GAP III, in Chapter 31 (Foreign, Security and Defence Policy) with a cross-reference under the fundamental rights section
10. Recommend strengthening the institutional and administrative capacity and competencies of the national gender equality mechanism

<sup>31</sup> Montenegro [Third Periodic Report on the Implementation of the Convention on Elimination of All forms of Discrimination Against Women CEDAW](#), September 2021.

# NORTH MACEDONIA



**Best practice example:** The attention to structural causes of low employment and inactivity rates of women, including unequal distribution of unpaid care responsibilities, lack of legislation on parental leave, insufficient childcare facilities.

**Main remaining gap:** The absence of a specific recommendation pertaining to gender equality, such as the adoption of the draft Law on Gender Equality, the Labour Law and the law on Harassment in the Work Space.

## Summary

Considerable progress can be noted in the gender mainstreaming of the 2023 North Macedonia Report.<sup>32</sup> The fundamental rights section includes an accurate overview of the developments concerning the policy and legal framework on gender equality and of discrimination women continue to face in employment, healthcare and care duties. However, while gender gap in employment did not improve, also due to the unbalanced distribution of care responsibilities, the 2022 recommendation to implement targeted employment measures for women, people with disabilities and Roma, was removed.<sup>33</sup> For the first time, the report acknowledges the rise of the anti-gender movement, supported at times by religious and political figures, and recognises that this is contributing to delays in the adoption of the Gender Equality Law. Attention to the Women, Peace and Security Agenda this year is included both under the fundamental rights section and in Chapter 31, (Foreign and Security Policy), which is very welcome. There is also reference to the fact that institutions lack capacity and coordination for gathering and analysis gender statistics, though again no recommendation is attached.<sup>34</sup>

## Attention to gender equality and LGBTQI rights

The report notes some progress on gender equality through further alignment with the Istanbul Convention and developing a policy framework for integrating gender perspectives and aligning with the EU gender equality *acquis*. The adoption of the National Strategy for Gender Equality 2022-2027 and related Action Plan 2023-2024 and the amendments to the criminal code are mentioned. However, as the report rightly recalls, the Law on Gender Equality has not been adopted yet due to a growing anti-gender movement and neither have the draft laws on labour relations and on harassment at the work place, leaving the overall legal framework protecting women incomplete. The section on gender equality also highlights the persistent gender gap in employment, linking it to the unequal share of care responsibilities between women and men. The report provides a good overview of the situation of LGBTQI persons, highlighting that there was no real progress in removing negative stereotypes and hate speech towards LGBTQI persons in textbooks nor in adopting a national action plan on LGBTQI rights. Also, the report indicates that there was no progress in implementing the ECHR judgment (January 2019) concerning legal gender recognition by amending the Law on the civil registry. There is a growing anti-LGBTQI rhetoric, fueled by religious and political figures, leading to intolerance, hate speech and attacks towards LGBTQI persons and activists.

## Women's political participation

The Report highlights that the number of women MPs is now the highest ever reached with 51 women out of 120 MPs. Furthermore, data is also

<sup>32</sup> EC [Country Report North Macedonia](#) (2023)

<sup>33</sup> See Annex 1 on recommendations.

<sup>34</sup> For additional analysis of the North Macedonia Country report please check [https://reactor.org.mk/en/wp-content/uploads/sites/4/2023/12/country\\_report\\_2023-1.pdf](https://reactor.org.mk/en/wp-content/uploads/sites/4/2023/12/country_report_2023-1.pdf)

included on the percentage of women in the executive branch of government (25% of ministers, 31% of deputy ministers and 29% of state secretaries). While the numbers may look promising, they fail to provide the full picture about women's political participation in North Macedonia which, looking at the results of the local elections in 2021 where a mere 2,5% of women were elected as mayors, is far from satisfactory. The report should include an overall analysis of women's political participation both at national and local level, highlighting practices of political parties which prevent women from participating in elections and be appointed to decision-making positions and recommending the adoption of measures to ensure women's equal participation.

### **Inclusion of key statistics**

The report includes data on women in elected positions at national level, in executive positions in government bodies and as public sector employees. Data on women's employment and unemployment is also included. In the other chapters and areas, there are scant statistics, reflecting the dearth of sex-disaggregated data collected and made available in North Macedonia by the State Statistical Office.<sup>35</sup> On gender-based violence the report mentions that State Statistical Office carried out a survey on this in 2022. Unfortunately, the only outcome of the survey conducted is infographic.<sup>36</sup> The report rightly indicates that the lack of reliable sex-disaggregated data across sectors hinders the possibility of developing evidence-based policies. However, it fails to introduce an official recommendation in Chapter 18 (Statistics) to the government to improve the system of collection, management and use of sex-disaggregated data and strengthen the powers of the State Statistical Office.

### **Sexual and gender-based violence**

This year's report focuses on the adoption in February 2023 of the amendments to the Criminal Code regulating acts of gender-based violence, including stalking, hate crimes based on gender identity and a definition of rape based on lack of consent. While this is a positive step, the

implementation of the Law on the Prevention of and Protection from Violence against Women and Domestic Violence is lagging behind due to the failure to adopt the relevant implementing legislation and to lack of funding. The report rightly points out that services for victims of gender-based violence need to be improved. However, there is no account of the extent of different forms of gender-based violence including domestic violence and trafficking of women for the purpose of sexual exploitation. As already mentioned, the report refers to the survey carried out by the State Statistical Office on gender-based violence in 2022 but the only public information available is an infographic. In the absence of official public data and report, references to the GREVIO baseline report and civil society reports on this matter could be added.<sup>37</sup>

### **Intersectionality - reference to women subject to multiple discriminations**

The report improved its attention to women subject to multiple discriminations, though much remains to be done. Some progress is noted in relation to the integration of Roma, also following the adoption of the action plans linked to the Strategy on Roma inclusion and the appointment of an Adviser to the Prime Minister overseeing Roma inclusion issues. The attention to Roma children in education, including enrolment and dropout rates, is positive but data should be disaggregated by sex. Access to employment and quality health care services continue to be a challenge particularly for Roma women and girls. There is no attention to the phenomenon of forced marriages and to how women from minority groups are exposed to violence. The report should further include an intersectional lens to address the multiple and intersecting forms of discriminations towards Roma women, women in rural areas, migrant, asylum seekers and refugee women and recommend the adoption of targeted measures.

### **Reference to women's rights organisations**

The report indicates that civil society continues to operate in an enabling environment. While overall this is correct, the rising anti-gender movement supported at times by local government officials,

<sup>35</sup> Analysis of the challenges in the current system of collection of sex-disaggregated data and statistics and specific recommendations are provided by REACTOR in the publication [Gender statistics and gender mainstreaming of the Statistical System of North Macedonia](#) (2022)

<sup>36</sup> [https://www.stat.gov.mk/InfoGraphic/2024/Gender\\_based\\_violence.pdf](https://www.stat.gov.mk/InfoGraphic/2024/Gender_based_violence.pdf)

<sup>37</sup> For example, [GREVIO Baseline Evaluation Report](#) (May 2023); [Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia](#) (2022); [-Gender-based violence in North Macedonia a Status Quo Report](#) (2022).

religious and political figures is contributing to shrinking the space for civic activism especially on sensitive issues such as, gender equality, LGBTQI rights, sexuality education, sexual and diversity issues. Hate speech and attacks against HRDs and activists are also on the rise and remain largely unaddressed. The report should address this issue also in the section on civil society and include a specific recommendation. In relation to involvement of civil society in decision and policy-making, the report recognises that the government should increase efforts to consult with civil society, particularly after the Council for Cooperation between Government and Civil Society interrupted its activities. CSOs boycotted it due to the lack of fair and transparent procedures for the allocation of public funding and lack of participatory decision-making.

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

This year's report reintroduced reference to UNSCR 1325 in two sections, which is welcome. The report indicates that the Ministry of Defence continues to implement the operational plan for the implementation of the National Plan on Women, Peace and Security. Under Chapter 31, the report indicates that North Macedonia is in line with EU priorities on women, peace and security and that the second national action is monitored by a working group which published a report in April 2023.

#### **Integration of gender into other chapters/ sections**

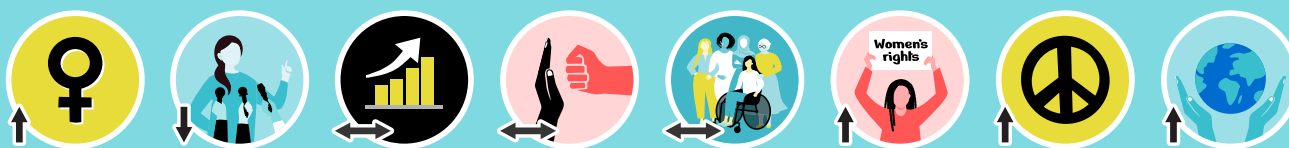
There was some progress in integrating a gender perspective in other chapters. As mentioned, Chapter 31 now includes a reference to the Women, Peace and Security Agenda in line with the EU priorities. Chapter 19 (Social Policy and Employment) not only provides data on women's employment but also analyses the availability of childcare and pre-school facilities as this is a key measure to promote women's participation in the labour market. The report could recommend the adoption of the Law on sexual harassment in the workplace. The persistent gender pay gap is also mentioned. Chapter 28 (Consumer and Health Protection) fails to mention that in 2023 substantial cuts were made to preventive programs by the Ministry of Health, which will impact especially on women and marginalized groups. Chapter 26 (Education and Culture) tackles the issue of inclusions in schools, in particular in relation to children with complex needs and Roma children, but fails to mention the lack of progress in removing negative stereotypes and hate speech against LGBTQI people in textbooks.

**Recommendations for the 2024 North Macedonia Report:**

- 1.** Recommend the adoption of the draft Law on Gender Equality<sup>38</sup>, of the Law on Labour in line also with the provisions of the Work-Life Balance Directive, Pay Transparency Directive and the Law on Sexual Harassment in the Workplace
- 2.** Recommend revising the Electoral Code of North Macedonia to support equal representation of women in politics and national and local level and reintroduce the recommendation to political parties to take steps to encourage the participation of women in electoral process
- 3.** Recommend the adoption of the new Law on textbooks and other didactical and teaching materials that include mechanisms for prevention of discriminatory and stereotypical contents in textbooks in Chapter 26
- 4.** Call for authorities to refrain from attacks on gender equality principles, which are founding principles enshrined in the EU treaties, and use of hate speech against HRDs feeding and fomenting the anti-gender movement
- 5.** Include an analysis of women's political participation both at national and local level including the respect of quotas and the adoption of specific measures by political parties to ensure equal participation of women including at local level
- 6.** Call for strengthening the enabling environment, safety and security for CSOs and HRDs by tackling and processing cases of misinformation, hate speech and attacks against activist ensuring protection to CSOs/HRDs against smear campaigns
- 7.** In Chapter 18, recommend the government to improve systems for collecting and sharing of sex-disaggregated data and reinforcing the mandate of the State Statistical Office in this respect in line with the proposed Law on Gender Equality
- 8.** Recommend strengthening the cooperation and consultation mechanisms between state institutions and civil society in the framework of the EU accession process. In relation to the Council of Cooperation between government and CSOs recommend that it be based on transparent and fair allocation of funds and participatory decision-making
- 9.** Continue reporting on the alignment of North Macedonia to the EU priorities in relation to Women, peace and security and the implementation of the second National Action Plan on UNSCR 1325 in Chapter 31
- 10.** Improve its intersectional perspective across different chapters, by highlighting the situation of women subject to multiple discriminations such as Roma women, women in rural areas, migrant, asylum seeking and refugee women, women in prostitution

<sup>38</sup> The draft Law on Gender Equality has been revised behind closed doors without the involvement of civil society organisations and several provisions were removed. We recommend the adoption of the original draft which was developed by the Expert Working Group.

# SERBIA



**Best practice example:** Chapter 26 refers to the need for Serbia to develop teaching materials and empower teachers to build student competencies related to gender equality, health, reproductive health, mental health, sex education, and prevention of, and response to, all forms of gender-based violence, including sexual abuse.

**Main remaining gap:** Chapter on Normalisation of relations between Serbia and Kosovo and Chapter 31 (Foreign and Security Policy) are still gender-blind, with no attention to how the declining security situation is affecting women and men differently.

## Summary

The 2023 Serbia Report<sup>39</sup> consolidated the gender mainstreaming of some of its chapters. The report includes two recommendations attending specifically to gender equality issues, one in the fundamental rights section and one in Chapter 19 (Employment and Social Policy) and a new recommendation under Chapter 24 in relation to trafficking in human beings, which is welcome.<sup>40</sup> Overall, the implementation of the Gender Equality Law still remains to be seen as some of the provisions will enter into force in 2024, yet it remains clear that gender equality is not a priority under the current government. Restrictions of political rights, freedoms and civic space continue unabated with ongoing attacks to journalists, human rights defenders and female politicians. The report could use stronger language in condemning Serbia's failure to comply with human rights and democratic standards issuing specific recommendations in this respect. The chapters concerning the normalization of relations between Serbia and Kosovo as well as Chapter 31 (Foreign and Security Policy) are still gender-blind. There is a welcome reference to the role of media in the

production and reproduction of gender-based violence and gender stereotypes, including when representing women victims of femicide or women in governing or decision-making roles.

## Attention to gender equality and LGBTQI rights

The section on gender equality points to a number of different issues but lacks a coherent structure and could benefit from the inclusion of a coherent analysis of some of the challenges women in Serbia are facing in the current socio-political context. The reference to the lack of implementation of some of the provisions of the Gender Equality Law, including in relation to gender stereotypes in curricula and textbooks is welcome. The section on LGBTQI rights refers to the ongoing hate speech, threats and violence targeting this community while cases of discrimination and violence often go unreported. The Pride Parade took place in September with no incidents, but the premises of the Pride Info Center in Belgrade were attacked and vandalized several times, indicating that LGBTQI organisations remain unsafe. The difficulties and obstacles faced by transgender and intersex persons is also highlighted. It is also welcome that the report identifies that the government made no progress in relation to the draft Law on Same-sex Unions and implementation of hate crime legislation, especially on grounds of sexual orientation.

## Women's political participation

The report pays limited attention to women's political participation. While the report refers to the number of women in elected positions, as members of parliament and ministers, there is no overall analysis of the barriers preventing women from joining the public sphere both at national and local level. The report should also condemn attacks on female politicians in social media.

<sup>39</sup> EC [Country Report Serbia](#) (2023)

<sup>40</sup> See Annex 1 on recommendations.



### Inclusion of key statistics

The report is generally lacking sex-disaggregated data and statistics. The number of women in elected positions is included but there is no data on domestic violence and other forms of gender-based violence, with the exception of trafficking in human beings. Similar to last year, the section on gender equality refers to the need to improve the collection of sex-disaggregated data and statistics, which are missing in various domains, though this should have been included in Chapter 18 (Statistics) as an official recommendation. The report should have also indicated that the current Official Statistic Programme 2021-2025 lacks reference to data on gender despite the appeal by women's CSOs to the Ministry of Human and Minority Rights and Dialogue.<sup>41</sup> It is necessary to include statistics on discrimination in the report, which are foreseen to be collected by the Commissioner for the Protection of Equality, according to the amendments to the Law on Prohibition of Discrimination.

### Attention to sexual and gender-based violence

The report refers to the delayed adoption of the Action Plan and funding related to the Strategy on Violence against Women and Domestic Violence and the insufficient implementation of the Law against Domestic Violence. It is welcome that the report indicates that Serbia lacks official statistics on gender-based violence disaggregated by type of violence and relationship between the victim and perpetrator and that it recalls that Serbia still needs to implement the 2019 GREVIO recommendations. Also, it is important to note that a more comprehensive response to different forms of gender-based violence, including rape, stalking, sexual harassment and forced marriage, is needed. The reference to the role of CSOs in providing support services for victims/survivors of violence against women and operating on a limited budget is welcome though it should be noted that their budget is reliant on foreign funding since public funding for such activities is not available. There is a welcome reference to the role of media in the production and reproduction of gender-based violence and gender stereotypes, including when representing women victims of femicide or women in governing or decision-making roles. The reference to the programme on

sexual and reproductive health is also welcome. It is commendable that under Chapter 24 the report mentions the limited progress made in addressing last year's recommendations, in particular on the detection and prevention of migrant smuggling and trafficking in human beings and the introduction of the new recommendation to adopt a strategy for the prevention and suppression of human trafficking. However, the section fails to acknowledge that the majority of victims of human trafficking are women and girls.

### Intersectionality - reference to women subject to multiple discriminations

The section on gender equality recognises that Roma women, older women, poor women, women with different abilities, refugees and internally displaced women face multiple intersecting forms of discrimination. In particular, they have limited access to health, education, employment, and social assistance, and they lack protection from gender-based violence. Also, the report stresses that attention should be paid to ensuring equal access to safe houses for all women, including refugee and migrant women, transgender women and women from other marginalised groups. Attention to specific forms of violence to which women with disabilities are exposed is welcome as is the reference to the issue of child marriages and domestic violence against Roma girls and women. Further attention to Roma women and girls as well as other women from vulnerable groups should be paid in Chapter 19 (Employment and Social Policy), and Chapter 28 (Consumer and Health Protection).

### Reference to women's rights organisations

The report indicates that further efforts are needed to ensure systematic, genuine and meaningful cooperation with civil society. This is an understatement. While Serbia started implementing the 2022-2030 Strategy and action plan for creating a stimulating environment for the development of civil society and set up the Council for cooperation and development of civil society, smear campaigns and attacks against civil society continue, including by high-level officials. In relation to the allocation of public funds, a recent report<sup>42</sup> pinpoints the corruption and looting of such funds in the interest of fake CSOs. CSOs supporting victims of gender-based violence

<sup>41</sup> <https://www.womenngo.org.rs/en/news/1696-awc-appeal-regarding-the-proposed-strategy-for-the-development-of-official-statistics-in-the-republic-of-serbia-in-the-period-from-2021-to-2025>

<sup>42</sup> Andrić, G. & Đorđević, A., "Fake Payments, Fictitious Lectures: How Millions of Euros for the Vulnerable Ended up in Other Peoples Pockets", Balkan Investigative Reporting Network, (21 November 2023).

and trafficking in human beings are primarily relying on foreign funding to keep their activities running, in the absence of public funds to support them. The overall situation for civil society organisations, especially those critical towards the government and dealing with sensitive issues, has not improved despite window dressing exercises. For this reason, the EU should issue a specific recommendation to government and public officials to refrain from attacking CSOs and human rights defenders, ensure freedom of speech, assembly and association and protection for human rights defenders, address corruption and establish transparent and fair procedures for the allocation of public funds.

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

Similar to last year, this year's report refers to UNSCR 1325 in the fundamental rights section while it should be included under Chapter 31 (Foreign, Security and Defence Policy), in line with the EU GAP III provisions. The section on Good Neighbourly Relations address some of the legacies of the war in the 1990s, including refugees, displaced and missing persons while ignoring the issue of war-time sexual violence. The section on domestic handling of war crimes includes reference to the proceedings taking place on three cases of sexual violence occurred during the conflict in Bosnia and Herzegovina. The section on Normalisation of Relations between Kosovo and Serbia is gender-blind, despite EU's and Serbia's commitments to the implementation of UNSCR 1325 which foresees the participation of women and integration of a gender perspective in all peace negotiations. The report should highlight that the Law on Missing Babies and the Law on the Rights of the Veterans, Disabled Veterans, Civilian Invalids of War and their Family Members

disregard the rights of women survivors of sexual violence. Although they are leading actors in peacebuilding, there is also no reference to women's civil society activism aimed at promoting reconciliation across borders and ethnic communities.

### **Integration of gender into other chapters/ sections**

Chapter 19 (Social Policy and Employment) indicates that the position of women in the labour market remains unfavourable compared to that of men. Not only is men's employment rate higher than that of women but their wages are also 8.8% higher than that of women. The report addresses the issue of the unequal share of unpaid care work carried out by women and the fact that stereotypes about childcare and household work being a women's responsibility persist. An official recommendation on ensuring adequate employment measures for the young, women and long-term unemployed is included. There is a welcome reference to the fact that legislation on maternity, paternity and parental leave is not fully aligned with the EU *acquis*, but there should be an explicit reference to the Work-Life Balance Directive. Chapter 28 (Consumer Health and Protection) includes only a cursory reference to health inequalities and this could be further expanded next year to include reference to SRHR of women and girls. Chapter 26 (Education and Culture) indicates that efforts should be intensified to develop teaching materials and empower teachers to build student competencies related to gender equality, health, reproductive health, mental health, sex education, and prevention of, and response to, all forms of gender-based violence, including sexual abuse, as dictated by the Gender Equality Law.

**Recommendations for the 2024 Serbia Report:**

- 1.** Condemn the government's curtailing of political and civil liberties and attacks on human rights defenders and civil society. Recommend the government to fully respect and guarantee the freedom of expression, assembly and association, and prosecute hate speech, verbal attacks and smear campaigns against civic actors, including HRDs
- 2.** Introduce an official recommendation in the fundamental rights section on the protection of rights of LGBTQI persons and minorities, full implementation of Law and Strategy on Non-discrimination and implementation of hate crime legislation
- 3.** Include an analysis of factors preventing women's political participation at national and local level coupled with clear recommendations on the implementation of the newly introduced quota of 40% for the least represented gender
- 4.** Introduce an official recommendation to develop teaching materials and empower teachers to build student competencies related to gender equality, health, reproductive health, mental health, sex education, and prevention of, and response to, all forms of gender-based violence, including sexual abuse
- 5.** Closely monitor and report on the implementation of the Program to Prevent and Suppress Human Trafficking for the purpose of sexual exploitation, labour exploitation as well as multiple exploitations, with particular attention to the rights of victims
- 6.** Continue reporting on different forms of gender-based violence, provision of specialised services for women and their children, and the issue of SRHR and women's health (in Chapter 28), which are increasingly under attack by conservative movements and individuals
- 7.** Include a gender perspective in the description of the outstanding legacies of the 1990s' conflicts, including sex-disaggregated data on refugees, IDPs and missing persons, and victims of war-time sexual violence and include a reference to UNSCR 1325 in Chapter 31 (Foreign and Security Policy) and in the section on Normalisation of Relations between Serbia and Kosovo
- 8.** Introduce an official recommendation to improve the collection of sex-disaggregated data and statistics in various domains, including on gender-based violence
- 9.** Introduce an official recommendation to harmonise legislation on paternity, maternity and parental leave rights with the EU Work-Life Balance Directive
- 10.** Further attend to the situation of women facing multiple discrimination such as Roma women, women refugees and IDPs, elderly women, women from rural areas, women heads of households including in Chapter 28 (Consumer and Health Protection)

## ANNEX 1

| Country                       | Chapter  | Official recommendations in grey boxes  | New / old recommendation |
|-------------------------------|--|---|--------------------------|
| <b>Albania</b>                | Chapter 28<br>(Consumer and Health Protection) | Guarantee equal access to quality health services for vulnerable populations, including Roma and Egyptian minorities, older people, people with pre-existing mental health problems, people with disabilities, rural or remote populations, notably for women and girls belonging to these groups who are often subjected to multiple forms of discrimination | Old                      |
| <b>Bosnia and Herzegovina</b> | Chapter 23<br>(Fundamental Rights)             | Harmonise and improve legislation against domestic and gender-based violence to meet international standards and align laws across the country to the Gender Equality Law to increase the public and political participation of women   | New                      |
| <b>Kosovo</b>                 | Chapter 23<br>(Functioning of judiciary)       | Improve the capacity of judges and prosecutors to handle cases of gender-based violence in accordance with laws, the 2022-2026 strategy against domestic violence and violence against women and the new State Protocol for the treatment of sexual violence cases  | New                      |
|                               | Chapter 23<br>(Fundamental rights)             | Reinforce the protection of women's civil and fundamental rights by adopting the Civil Code, by implementing the Law on prevention and protection from domestic violence, and by strengthening the implementation of the Law on gender equality and the strategy on gender-based violence   | Revised                  |
|                               | Chapter 19<br>(Social Policy and Employment)   | Adopt the amendments to the Law on Labour to align with recent <i>EU acquis</i> , in particular in relation to non-discrimination in employment and parental leave  | Revised                  |

## ANNEX 1

|                        |   |  |         |
|------------------------|---|--|---------|
| <b>Montenegro</b>      | Chapter 23<br>(Fundamental rights)            | Amend and adopt legislation in line with the <i>EU acquis</i> , European and international standards on domestic violence, anti-discrimination, hate crimes and hate speech, harmonisation of the 2020 Law on same-sex partnership, and data protection  | Revised |
| <b>North Macedonia</b> | Chapter 19<br>(Social Policy and Employment)  | Adopt the amendments to the Law on Labour to align with recent <i>EU acquis</i> , in particular in relation to non-discrimination in employment and parental leave   | Revised |
| <b>Serbia</b>          | Chapter 23<br>(Fundamental rights)            | Implement and report in good time on the strategies on anti-discrimination that includes the rights of LGBTIQ persons, gender equality, violence against women, and deinstitutionalisation; actively counter hate-motivated crimes and establish a track record of investigation and convictions | Revised |
|                        | Chapter 24<br>(Justice, Freedom and Security) | Adopt a national strategy for the prevention and suppression of trafficking in human beings and the protection of and support to victims, and increase national coordination efforts against trafficking   | New     |
|                        | Chapter 19<br>(Social Policy and Employment)  | Ensure adequate financial and institutional resources for employment and social policies to more systematically target the young, women and long-term unemployed   | Old     |

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