

THE KVINNA TILL KVINNA FOUNDATION

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# EU ENLARGEMENT PACKAGE 2024 **INPUT FOR THE WESTERN BALKANS**

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Author: Giulia Pasquinelli



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# INTRODUCTION

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The input for the 2024 Country Report is based on the contributions by the following partner organisations of The Kvinna till Kvinna Foundation in the Western Balkans: Albanian Women's Empowerment Network (Albania), Rights for All (Bosnia and Herzegovina), Helsinki Citizens Assembly (Bosnia and Herzegovina), United Women Banja Luka (Bosnia and Herzegovina), Bolja Buducnost (Bosnia and Herzegovina), Kosovo Women's Network (Kosovo), Kosovar Gender Studies Center (Kosovo), REACTOR – Research in Action (North Macedonia), National Network to End Violence

against Women and Domestic Violence (North Macedonia), Association for emancipation, solidarity and equality of women (ESE) (North Macedonia), Coalition Margins (North Macedonia), National Network against Homophobia and Transphobia (North Macedonia), Women's Rights Center (Montenegro), Autonomous Women's Center (Serbia), Sandglass (Serbia), ASTRA Anti-trafficking Action (Serbia), A 11 - Initiative for Economic and Social Rights (Serbia), YUCOM (Serbia).

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## KVINNA TILL KVINNA

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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 more than 100 local partner organisations across 20 countries to end violence against women, reach lasting peace and close the gender gap once and for all.

**Kvinna till Kvinna and its partner organisations** have been producing a full gender analysis of the European Commission Country Reports for five years now, the latest report is available online.<sup>1</sup> The analysis shows that **gender mainstreaming of the EC Country Reports for the Western Balkans has been steadily improving but progress is uneven**. All 2023 Country reports include recommendations attending to gender equality issues and 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). However, criteria for removing recommendations still remain unclear (last year five gender-sensitive recommendations were removed from the Montenegro report despite limited progress) and the majority of chapters continues to be gender-blind.

**Efforts were noted last 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 and should

continue. For example, last 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.

**While these are positive steps forward, we believe that DG NEAR should develop 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. 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).

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<sup>1</sup> [A Low Hanging Fruit: Gender analysis of the 2023 European Commission Country Reports](#), Kvinna till Kvinna (2024)



ALBANIA

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## POLITICAL DEVELOPMENTS

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In early 2023, the government adopted the new national plan for European integration for 2023-2025, and the 2022-2030 national strategy for development and European integration, which defines the vision, priorities and sectoral strategic objectives for the upcoming period.

In the local elections held in May 2023, 40 electoral subjects registered, fielding a total of 144 mayoral candidates, of which only 15 were women, and 23 out of 763 municipal councilors candidates. Legal provisions require that half of the candidates for municipal councils should be women, however this was fully respected in only 10% of municipalities. On gender equality, 18 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.<sup>2</sup>

On 15 June, the Electoral College ruled that the election of the mayor in the municipality of

Rrogozhine should take place again, following irregularities in one polling station set up in the town's prison. By-elections were held in Kukes on 24 September, following the dismissal of the mayor.

In November 2023, Italian PM Giorgia Meloni and Edi Rama signed a "Memorandum of Understanding" or "Protocol on the Management of Migration." Announced as a groundbreaking migration policy, up to 36,000 asylum applications per year will be processed from Italy to Albania. The protocol involves migrants rescued at sea by Italian authorities being disembarked in Albania, where two centers will be built and exclusively managed by Italian civil servants. The deal, aiming to reduce migrant arrivals in Italy, is the first of its kind between an EU member state and a non-EU country. In February MPs ratified the agreement. It is the first time a non-EU country accepts migrants on behalf of an EU country.

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## KEY DEVELOPMENTS AT LEGISLATIVE AND POLICY LEVEL

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There have been delays and politicization of the appointments of the Ombudsperson and of the new Anti-Discrimination Commissioner.

In terms of social protection, the Ministry of Health and Social Protection (MoHSP) is currently finalizing the new National Strategy for Social Protection for the 2024-2030 period, already at the process of public consultation, with a strengthened focus on improving the Ndihme Ekonomike scheme as well as social care services. However, for the strategy to be successful, particularly in relation to the decentralization of social care services and the financing mechanisms in place, the MoHSP will require further support in moving forward social protection reform as well as being invested in the improvement of Labour market policies for welfare recipients.

For employment and VET, the new NESS has begun implementation of its strategy 2023-2030, which focuses on the improvement of service delivery at the local level, the improvement of Active Labour Market Policies, and the improvement of the information system, and the recent prioritization of both the Youth Guarantee and the Employment Social Fund. There continues to be significant bottlenecks, such as the optimization plan in place for VET centers that has yet to be fully implemented, as well as limited skills intelligence improvements. Continued support is required in the outreach of employment and VET services to vulnerable populations, and a focus on skill development given the opportunities that the European Year of Skills present.

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<sup>2</sup> EC Albania Country Report (2023).

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## EXTENT OF CONSULTATION WITH CIVIL SOCIETY

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The Government developed the **Roadmap for Government Policy towards a More Facilitative Environment for Civil Society Development 2019-2023**. This strategic framework delineates four key focal points: i) institutionalizing the Government- civil society cooperation in policy making and EU integration; ii) improving legal environment and data governance; iii) improving fiscal and funding framework; iv) supporting the implementation of the law on public consultation through all policy dialogue processes. Overall, the adoption of the roadmap for a more conducive environment for civil society has not yet led to a more meaningful system of consultation between the government and civil society.

The electronic register of CSOs at the High Judicial Council was supposed to be in place by the end of 2023, which has not been achieved. The electronic register is not functional, with a conspicuous absence of public disclosures concerning efforts to enhance the High Judicial

Council's capacity to operationalize the digital registration system for CSOs.

The **National Council for Civil Society (NCCS)** serves as the consultative body for fostering dialogue and collaboration with CSOs, a responsibility that has gone unfulfilled over the years. The amelioration of its operational efficacy is less contingent on legislative amendments than on diligent law enforcement. Despite statutory mandates dictating periodic meetings convened by the NCCS Chairperson, these gatherings are either non-existent or formal, primarily limited to membership ratification rather than substantive discussions on pivotal issues pertinent to the civil society sector. Ensuring the transparency of the NCCS's endeavors, including the disclosure of its activities, periodic deliberations, and oversight of proposed initiatives, coupled with intensified collaboration with the non-profit sector, is paramount for enhancing the efficacy of the NCCS.

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## IMPLEMENTATION OF LEGAL FRAMEWORK ON GENDER EQUALITY

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In implementation of to the **2021-2030 Strategy on Gender Equality** the Ministry of Health and Social Protection and other institutions included in this strategy, the national authorities have the duty to perform periodic monitoring with a frequency of six months, this has not been achieved. The last monitoring done has been for the period June-December 2021.

Information System of Integrated Planning is the main system for planning, analysis, preparation of all typologies of strategic documents, as well as for monitoring the performance achieved for implemented policies and planned objectives. This system has not been updated this year with the justification that the staff of the relevant sector in the MHSP

has not yet been trained. This reasoning does not justify the non-operation of this important system.

Another limitation is the lack of information on the available and spent financial resources by any responsible central or local self-government institution to implement the relevant measures and actions, and the cost-efficiency measurement in the implementation of SGE, for the year 2023, has not been carried out.

Only 5 municipalities (Tirana, Durrës, Shkodër, Elbasan and Korçë) have **Action Plans for Gender Equality** in accordance with the European Charter for Equality between Women and Men, while the other municipalities don't

have local action plans. The lack of a local action plans at the Municipality/Administrative Unit or District level affects the follow-up of the problems of violence against women in the family, as well as the lack of responsibility of

local units for their protection. This also leads to non-fulfilling the obligations that derive from the national strategy "For Gender Equality" and the Action Plan 2021-2030".

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## MAIN ISSUES OF CONCERN

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Public spending on social care services programmes continues to be modest and there is yet no mechanism for monitoring the situation of those who are vulnerable and with no access to such services. The social care services National Electronic Register (NERSCS) is not yet fully operational and the procurement processes associated with installing the register have been delayed.

**Violence against Women (VAW)** remains a grave violation of human rights in Albania, hindering the full and equal participation of women and girls in society. According to the Institute of Statistics of the Republic of Albania, over half of women (52.9%) report experiencing violence at least once in their lives, with 36.6% currently enduring it. Most commonly, this violence occurs within intimate relationships, with coercive control being the predominant form, followed by psychological and physical/sexual violence. Domestic violence perpetrators typically have lower levels of education. The age groups that have experienced the most frequent domestic violence from the intimate partner are the age groups from 45-54 years old and from 55-64 years old.

**Sexual violence** remains a pressing issue in Albania, often overlooked and underreported compared to other forms of violence. According to a national study by the AWEN network<sup>[3]</sup>, understanding sexual violence and harassment is challenging in Albania. Girls and women lack information about these issues, as discussions about them are considered taboo both at home and in schools. Teachers often avoid addressing sexuality topics, contributing to the lack of awareness among students. While Albania's legal framework on sexual abuse has seen improvements, there are still issues with

defining rape and various forms of harassment. Clarity in these definitions is crucial for effective judicial responses and appropriate sanctions against perpetrators.

**Cyber violence against women and girls** is emerging as one of the most prevalent forms of violence and is currently unregulated. The current legal and institutional framework is not providing adequate protection to victims of incidents and crimes in the digital space which has turned into an unsafe environment that encourages threats, violence, including new form of sexual violence. AWEN and network members have initiated an advocacy and lobbying campaign for the immediate need for a new dedicated law on cybercrimes and violence.

**Trafficking of girls and women** remains one of society's most concerning issues. In 2023, the National Coalition of Anti-Trafficking Shelters (NCATS) identified and referred 166 new cases of victims of trafficking/ potential victims of trafficking (VoT/PVoT), including 40 children, to services.<sup>3</sup> These actions were guided by the Standard Operating Procedures for protection of trafficking victims. According to the TIP Report 2023, despite the government's overall increased efforts compared to the previous reporting period, Albania remained on Tier 2. Although there has been significant progress in investigating more suspected traffickers and implementing new screening procedures to identify trafficking victims in irregular migration flows, as well as providing support services through the four support centers, the government fell short of meeting minimum standards in several key areas. Notably, no traffickers were convicted, and fewer victims were identified. Screening efforts for vulnerable populations, such as migrants, asylum-seekers, Romani and Balkan-Egyptian communities, and

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<sup>3</sup> Internal data (not published) provided by all members of NCATS.

children, were inconsistently implemented. Mobile victim identification units (MIU) remained underfunded and understaffed, despite being responsible for identifying most victims annually. Additionally, the government lacked resources for victim reintegration efforts, anti-trafficking coordinating bodies failed to meet, and the government-run hotline remained non-functional.

**Journalists continue to be subject to threats, intimidation and blackmail** due to the exercise of their profession. Among the most flagrant cases are: the case of Afrovita Hysaj; On

October 24, 2023, the correspondent of Fax News television in Vlora, Afrovita Hysaj, was threatened with her life and publicly attacked after the journalist's reports about the gang rape of a 26-year-old girl in Vlora; In July 2023, journalist Ola Xama published details of the investigation file of the Special Prosecutor's Office, which revealed the role of the mayor of Tirana, Erion Veliaj, as a proponent of the PPP, which was then finalized with the Tirana incinerator contract. After this publication in the media Reporter.al of Birn Albania, the journalist received threats through messages on Whats App from the mayor of Tirana.

### Recommendations for the 2024 Albania Country 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

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# POLITICAL DEVELOPMENTS

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The SNSD, the leading party of the ruling coalition in Republika Srpska (RS) led by Dodik is taking a number of legislative initiatives, some of which controversial. This applies in particular to several laws, such as the Law on the non-application of the Decision of the High Representative and the Law on the non-application of the decisions of the Constitutional Court of BiH in the territory of this entity, which were adopted in July 2023. The majority in the RS entity considers that the Constitutional Court is a politicized institution in which Bosnian judges together with three foreign judges appointed by the President of the European Court for Human Rights in Strasbourg, most often make decisions to the detriment of the RS entity. Also, the majority in the RS does not recognize the German diplomat Christian Schmidt as a High Representative of the international community in BiH, given that his appointment was not confirmed by the UN Security Council.

The **Law on the Criminalization of Defamation** in the RS was adopted in August 2023, which again made defamation a criminal offense. This law stifles freedom of speech in the RS and specifically affects the freedom of media and CSOs. Also, the **draft Law on the Special Registry and Publicity of the Work of Non-Profit Organizations**, which includes special surveillance for NGOs that are financed from abroad, a ban on political activities, the need for additional registration and sending of financial reports, is of particular concern. During the year, the draft law was criticised by both the opposition and various international entities, which slowed down the process of passing the law, but it did not stop it and the government is not giving up on it.

**The rise of anti-gender movement is visible especially in RS.** A group of 20 or more conservative and right-wing organizations are campaigning against 'gender ideology' and in the name of "traditional family values". They

requested from RS authorities **to withdraw new RS legislation on protection from domestic violence and violence against women**, adopted in the first reading by RS Parliament in November 2023. In particular, they demanded for the definitions of femicide and violence against women to be removed from the text of the proposal law arguing that the announced changes are introducing into legal system genders other than male and female, and that it attacks traditional family values. Their general demands are for the Law to be removed completely from the procedure. They are publicly supported in this activity by the RS President and Prime Minister, as well as the Orthodox Church. Following their requests in a parliamentary session held in March 2024, the ruling coalition proposed an initiative toward changes of RS Criminal Code to be discussed in the 2nd quarter of 2024, with objective to remove 'gender' and 'gender identity' from the Code. They are also using false argumentation that Istanbul Convention is not obligatory for RS authorities, and this has been repeated by RS parliamentarians from the ruling coalition.

**The provisions of the BiH Constitution still discriminate against the Roma population**, preventing their full inclusion in political and social life. After 14 years, changes to the Constitution of BiH have not yet been made and the implementation of the "Sejdić-Finci" verdict has not been carried out. Presence of Roma women in parliamentary and assembly bodies representing minorities is insufficient, i.e., no adequate presence of Roma women was secured, showing that the legal provisions regulating representations of genders in management, decision making, and chairing are not implemented. It was noted that criteria favoring a more adequate presence of women, and especially of Roma national minority, is not being set for elections and nominations in different bodies, because these procedures are often non-transparent.

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# KEY DEVELOPMENTS AT LEGISLATIVE AND POLICY LEVEL

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- **BiH Law on Prevention on Money Laundering and Financing of Terrorist Activities**, adopted in February 2024

- **BiH Law on Preventing the Conflict of Interests**, Published in the Official Gazette of BiH, no. 82/23

- **Gender Action Plan of BiH for 2023-2027**, adopted by the BiH Council of Ministers in October 2023, which covers state and Brčko District BiH level

- **Law on protection of national minorities in Federation of BiH-** in the process

- **The Law on Changes and Amendments of the Criminal Code of RS** entered into force on 24 August 2023, upon publishing in the Official Gazette of RS no.73/23. The Law re-criminalized defamation and disclosure of personal and family circumstances. According to the opinion of CSOs, it is not in accordance with international standards for the protection of the right to freedom of opinion. CSOs submitted comments on this Law and participated in public debates.

- **The Draft Law on Protection from Domestic Violence and Violence against Women** of Republika Srpska, adopted in the first reading by RS Parliament in October 2023. It recognizes definitions of femicide and violence against women in context of prevention, introduces imposing urgent protection orders by police, free access to safe houses based on request of a victim (one of GREVIO recommendations to BiH authorities), regulates SOS helpline and its financing from the entity public budget, 100% financing of the safe houses from the entity public budget.

- **The Draft Law on Special Register and Publicity of Work of Non-Profit Organizations** in RS, adopted in the first

reading by RS Parliament at the end of September 2023. Recognizes non-profit organizations that are receiving partial or full foreign funding as 'agents of foreign influence', requiring them to register in the special register, subjecting them to extraordinary financial and inspection controls, and prohibiting political activities. The draft directly targets women's non-governmental organizations that are financed from abroad and that work in the field of lobbying for the improvement of legal solutions. The Proposal Law has been sent by the RS Ministry of Justice to the RS Parliament at the beginning of April 2024, expected to be discussed on the next parliamentary session.

- **Law on freedom of access to information BiH**, adopted in August 2023, directly concerns the work of women's CSOs and human rights defenders who can or need certain information from state authorities; it makes it impossible to access a large amount of information of public interest, as it contains a long list of exceptions or possible limitations to access information held by public authorities.

- **Draft amendments to the Law on Geological Surveys**; activists who work in the field of environmental protection will also be directly "affected" (the draft envisages the exclusion of local communities from the process of deciding whether some geological research will be carried out on their territory, as well as the possibility of so-called non-invasive research being carried out on someone else's land, without obtaining prior consent of the land owner); the draft is in procedures.

- **The Law on Changes and Amendments of Criminal Code of Brčko District BiH** (adopted in March 2024) introduced changes to harmonize it with the Istanbul Convention.

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## EXTENT OF CONSULTATION WITH CIVIL SOCIETY

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In general, there is decrease of involvement of civil society organizations in the formally established working groups working on legislation and public policies in both BiH entities. CSOs are working together through coalitions and networks and are conducting individual advocacy activities toward the BiH authorities, participate in public discussions and using available mechanisms to influence improvements aimed for protection of the most vulnerable groups in BiH society. However, there is identified lack of communication between authorized ministries and CSOs submitting initiatives and lack of public transparency in drafting the laws. There is worrying trend of draft laws emerging in the public on governmental sessions without clear information on who proposed them.

**Association “Bolja Budućnost”** participated in consultation for Law on protection of national minorities in Federation of BiH. It is expected that this new Law will provide clear guidelines and ensure a transparent and fair procedure for the election of members of the Council of National Minorities.

**Foundation United Women** was successful in two legislative initiatives regarding changes of

RS Criminal Code toward improving criminal prosecution for the offence of Sexual Harassment, and inputs provided on Draft RS Law on Protection from Domestic Violence and Violence against Women, regarding 100% financing of the safe houses from the entity public budget, and ensuring free access to the safe houses for victims of violence (based on GREVIO recommendations). However, there is a lack of regular consultative mechanisms applied consistently and limited opportunities for consultations. Very few CSOs are invited to contribute to the working groups for developing new legislation, and it is usually only one CSO representative involved, if any.

**Helsinki Citizens Assembly** contributed to debates on and submitted input for the following laws: The Law on Changes and Amendments of the Criminal Code of RS, The Draft Law on Special Register and Publicity of Work of Non-Profit Organizations in RS and Draft amendments to the Law on Geological Surveys. The only institutions with which hCa had significant cooperation were the Agency for Gender Equality of BiH, the Ministry of Human Rights and Refugees of BiH and Ministry of security BiH.

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## IMPLEMENTATION OF LEGAL FRAMEWORK ON GENDER EQUALITY AND MAIN ISSUES OF CONCERN

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Unfortunately, there are no positive developments in the implementation of laws that contribute to gender equality during the reporting period. Bearing in mind the new law making defamation a criminal offence and the intention to withdraw the legislation on protection against domestic violence, RS is actually taking a few steps back when it comes to rights, equality and EU integration. Also, the increase of the anti-gender movement and the emergence of new organizations that claim to promote “traditional family values” against

women's rights and LGBTQI rights is a matter of concern.

Discrimination is a significant problem in BiH. There are a number of provisions in the legal system and institutional practices which contribute to legitimising discriminatory behaviours towards various vulnerable groups. Improving free legal aid services, access to information and harmonization of legislation with international standards are key steps to effectively address discrimination. This requires

a coordinated effort, including the cooperation of state bodies, institutions, and civil society organizations. When it comes to cases of discrimination against Roma, that is, when it comes to suppressing anti-gypsism, we notice that a significant number of court cases have not been recorded, which is the result of insufficient knowledge of anti-discrimination legislation and available legal protection mechanisms, as well as problems in accessing rights and free legal aid.

Implementation of **RS Law on Protection from Domestic Violence** still encounters challenges. Imposing urgent protection orders in cases of domestic violence is used sporadically due to unclear procedures. Criminal proceedings in cases of domestic violence are lengthy, without applying urgency, which places victims of violence under risk of repeated violence, as perpetrators are not in custody. Penalty policy for offences of violence against women remains low, with high number of suspended sentences based on plea bargaining and/or penalties

reduced below legislative minimum applied based on wide usage of mitigating circumstances. Women survivors of violence do not have access to compensation within criminal proceedings against perpetrators of violence. Official statistical data on all forms of violence against women is inconsistent and not aligned with the mandatory international standards of CEDAW and Istanbul Convention. Common database on the state level is not existent.

**FBiH Law on Protection from Domestic Violence** does not recognize mandatory risk assessment by police in cases of domestic violence, which leads to frequent failures of public institutions to react and protect safety of victims. Mandatory financing of the safe houses in RS for victims of domestic violence from the public budgets at entity and municipal levels is inconsistent and delayed, which places under risk providing urgent shelter and recovery of the victims.

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## MAIN ISSUES OF CONCERN

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**The developments of the political situation are not consistent with the path of EU integration, especially in the RS entity.** The emergence of new laws which aim at limiting the activities of CSOs, the curtailing of freedom of speech, the increasingly rare political dialogues leading to EU accession are indicators of the current negative trend. Of particular concern to women's rights organisations is the growth of the anti-gender movement. The decision to start accession negotiations in this context was met with concern by CSOs who are worried about the lack of progress towards meeting the accession criteria in the country.

There is no progress in investigations of cases of attacks on activists that occurred in March 2023 in Banja Luka. The prosecutor's office is leading an investigation against unidentified attackers for violent behaviour. Appeals against Milorad Dodik, RS President and Draško Stanivuković, Major of Banja Luka for hate speech around the

events in March 2023 in Banja Luka are discharged.<sup>4</sup>

Besides their attacks on legislation, **anti-gender organizations in RS started harassing women's CSOs** that are managing safe houses, stating that they are receiving donations from the USA and UK to promote gender ideology. There are continuous online posts targeting women's CSOs by their members and supporters.

Roma women who turned to centers for social work, municipalities and other relevant institutions that deal with issues of domestic violence continue to walk a thorny path, facing discrimination, poor treatment by officials, failure to exercise their rights as victims of domestic violence, and non-punishment of abusers. Victims are often left to fend for themselves and to an exclusive and discriminatory social community without a job,

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<sup>4</sup> News: ["The Anniversary of the Attack of Hooligans in Banja Luka: The Feeling of Mistrust Continues to This Day"](#), (in local language) E-Traffika, 2024.

income, education, place of residence, and often return to abusive husbands/partners or live in inadequate housing.

Safe houses, although they provide protection to victims, have certain limitations that make it difficult for Roma women victims of violence to leave violent communities. Male children under the age of 15 cannot be accommodated with their mother in Safe Houses, and Roma women often refuse accommodation because they do

not want to leave their children with an abusive husband. After the end of their stay in the Safe House, most Roma women do not participate in the very important segment of help regarding independence, financial assistance, education, and economic empowerment, and return to their abusive husbands, where the vicious cycle of domestic violence continues, or they go to their parents and family without their own home without funds and employment for an independent life.

### Recommendations for the 2024 Country 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<sup>5</sup>, 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)



KOSOVO

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## POLITICAL DEVELOPMENTS

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In 2023, Kosovo experienced ongoing fluctuations and tensions in both its political and social contexts, which also had an impact on marginalized communities. The political arena was dominated by the ongoing dialogue with Serbia but also escalated tensions in north of Kosovo.

On June 27, the Special Representative of the European Union in the Kosovo-Serbia dialogue, Miroslav Lajcak, presented a plan for reducing tensions. The plan includes the withdrawal of special Kosovo police units from municipal buildings in the north, the relocation of mayors from these facilities to alternative buildings, the announcement of early elections, and the initiation of court proceedings against demonstrators who attacked KFOR troops.

The situation further escalated in September,

following a shootout between a serb-supported paramilitary group and Kosovo special police forces in the northern Kosovo village of Banjska, in which one police officer and three gunmen were killed. In October, the European Parliament approved the resolution calling for all participants to be brought to justice. The events of September 24th have instilled fear and concern among both Serbian and Albanian citizens living in the north of Kosovo and surrounding areas.

Additionally, Kosovo was also faced with EU imposed financial and political measures without sufficient analysis of the potential impacts this may have on diverse women and men economically, politically, and socially. This has also affected the work of CSO's and other organizations due to stagnation of EU funds, such as IPA III.

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## KEY DEVELOPMENTS AT LEGISLATIVE AND POLICY LEVEL

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- **The Labour Law** NO. 03/L-212 is still not adopted, it contributes to continued discrimination against women, and it was removed from the legislative calendar for 2024 despite continuous advocacy of WCSOs.
- **The Law on Public Finance** NO. 03/L-048 and the Law on Procurement NO. 04 / L-042 are under amendment and need to include Gender Responsive Budgeting, and have not been put out for consultation yet.
- **The Draft Law on Social Housing** is still not adopted, KWN has sent its comments.
- **The draft Civil Code of Kosovo:** The adoption of draft CCK has stagnated due to objections of assembly members mainly on same sex marriages. Among others, the adoption of the Civil code would make possible for the equal share of joint marital property between women and men spouses in Kosovo, as the draft Civil code has also integrated an article recognizing the contribution provided at home from each partner, when sharing joint marital property;
- **The draft law on Reproductive Health and Medically Assisted Fertilization:** Continues to be delayed due to strong opposition of the some of the MP's within the Kosovo Parliament. A draft law on Reproductive Health and Medically Assisted Fertilization was voted in its first reading in October 2023. The second reading was scheduled for February 22, but the vote was cancelled because of a lack of quorum in the Assembly.
- **The Law on National Elections:** After the approval of the Law on National Elections there were some concerns related to equal gender representation and on deepening gender inequality in the electoral list of

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<sup>6</sup> Kosovo Online. "Lajcak: Three Demands Remain in Force - De-escalation, New Elections, and Implementation of the Ohrid Agreement." June 25, 2023

<sup>7</sup> [https://www.europarl.europa.eu/doceo/document/RC-9-2023-0437\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-9-2023-0437_EN.html)

<sup>8</sup> Taylor, "First effects of EU sanctions sting Kosovo," Euractiv, 05 July 2023, r,

parties political. This law has been submitted by Ombudsperson to the Constitutional Court for its legal review.

Additionally:

- **The Law on Social and Family Services NO. 02/L-17** was adopted
- **The Budget Law NO. 08/L-260** was adopted but did not include many of KWN's comments

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## EXTENT OF CONSULTATION WITH CIVIL SOCIETY

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Generally, public consultations exist but not all input is always taken. For instance, WCSO's such as MWAHR that work in Mitrovica as well as Northern Kosovo has not been approached nor engaged directly in consultations regarding the enactment of particular laws, policies, or reforms pertaining to the EU accession process from public authorities and the government. As such, more needs to be done to make sure that

the public consultation platform reaches diverse Women Civil Society Organizations, and that they are meaningfully consulted when drafting public policies, especially from a gender perspective. Informative sessions or campaigns that would reach grassroots WCSOs and women in the rural areas are crucial to a successful public consultation process.

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## IMPLEMENTATION OF GENDER EQUALITY LEGAL FRAMEWORK AND MAIN ISSUES OF CONCERN

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The new Law on GBV does not include any regulations on gender-based cyber violence. This is even though WCSOs offered clear definitions and other relevant recommendations. The number of women victims of gender-based cyber violence appears to be increasing, whereas institutional mechanisms lack capacities for treating such cases and credibility in the eyes of Kosovar women and girls, towards protecting them.

- Provisions of the law on the civil service related to principles of gender equality (as per the Law on Gender Equality) are not systematically implemented. Affirmative measures should be used in accordance with the Law on Gender Equality to ensure gender equality at all levels.
- The **draft Law on Social Services** was adopted but it still needs to be implemented effectively
- **The Law on Public Finance** should institutionalize gender-responsive budgeting

- **The Law on Public Procurement** should also include article on gender-responsive budgeting in procurement
- **The Law on Social and Family Services NO. 02/L-17** was adopted
- **The Budget Law NO. 08/L-260** was adopted but did not include many of KWN's comments.

The most important laws in Kosovo, concerning the lives of women and girls in particular, as a vulnerable and discriminated category, remain pending, despite continuous efforts and recommendations from WCSOs to speed up and finalize their adoption. A few of these laws which continue to remain drafts are:

- **The draft Law on Public Housing**
- **The draft law on Reproductive Health and Medically Assisted Fertilization** has been part of many discussions both within and outside the Kosovo Parliament
- Provisions of the Law on the civil service related to principles of gender equality (as per

the Law on Gender Equality) are not systematically implemented. Affirmative measures should be used in accordance with the Law on Gender Equality to ensure gender equality at all levels.

- **The Labour Law, Law on Protection from Discrimination** and the **Law on Gender Equality** remain fragmented regarding discrimination, hindering appropriate addressing of cases. As a result, women continue to face discrimination at work.
- **The Project-Civil Code** continues to be pending for approval by the assembly, and it continues to be confronted with counter-arguments especially on the articles regulating marriage, which currently exclude same-sex marriages and do not provide the LGBTI+ community the opportunity to fully enjoy their rights granted by the Kosovo Constitution which regulated marriage in a

gender neutral language as per the European Convention for Human Rights, directly applicably through article 22 of the Kosovo Constitution.

- **National strategy of Republic of Kosovo on prevention and combating of informal economy, money laundering, terrorist financing and financial crimes 2019-2023** is under revision but is not yet released for public consultation.
- KWN provided comments on the **Law of Social housing** but it is not yet finalized.

Whereas the following laws were adopted but still need to be implemented:

- The draft **Law on Protection from Domestic Violence and Violence Against Women**
- The **draft Law on Social Services**

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## MAIN ISSUES OF CONCERN

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The discourse on gender equality in Kosovo in the past year predominantly centered around **addressing gender-based violence, particularly femicide**. Survivors of violence often face significant obstacles due to gaps in criminal law and procedure, gender stereotypes, victim blaming and inadequate responses of criminal justice institutions and professionals, leading to secondary victimization. While the femicide rates in Kosovo continue to be a significant worry, what is even more alarming is the insufficient attention they receive from law enforcement mechanisms and government. Specifically, the women living in the north of Kosovo had difficulties in accessing justice due to the absence of functioning institutions.

What should be highlighted, though, is growing challenges in operating as feminist organizations with anti-gender groups. Though this is not as explicit as in other countries in the WB, it is still very evident when we try to advocate for issues such as same sex marriage or abortion and assisted fertility.

Additionally, a concern related to the participation of women in informal economy is included on KWN's 2024 report in Informal Economy where 42% of Kosovo citizens are engaged in the informal economy, and women are twice as likely to participate informally, especially rural women of ages 35+.

The **worsening of the tensions in Northern Kosovo**, culminated in the attacks by Serb paramilitary groups against Kosovo special police forces in September 2023, has precipitated the security situation of both Albanian and Serbs in the region. The consequent stalemate on the normalisation of relations between Serbia and Kosovo and the failure to address the security needs of the population, including the spreading of arms, is a great concern to WCOs. At the same time, the sanctions imposed on Kosovo risk having considerable negative impact in the country.

## Recommendations for the 2024 Country Report:

- 1.** Call for the harmonisation of the Law on Local Elections and Law on General Elections with the Law on Gender Equality to ensure equal representation of women and men in elected bodies
- 2.** Call for 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

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# POLITICAL DEVELOPMENTS

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In 2023 presidential elections Milo Djukanovic lost to Europe Now! candidate Jakov Milatović, who became the first Montenegrin president in 30 years who was not the candidate of the Democratic Party of Socialists (DPS). Big political shift continued with the following Parliamentary elections, held in June 2023, after which the new political party “Europe Now” emerged as the largest party in the Parliament winning 24 of 81 seats. The Together! alliance led by the Democratic Party of Socialists (DPS) finished second with 21 seats and for the first time failed the majority of seats since the introduction of multi-party politics in 1990. Voter turnout was 56%, the lowest turnout since 1990.

In November 2023, Milojko Spajić of the “Europe Now” movement (PES) formed Montenegro's Government. In a short period of time, Montenegro's Parliament agreed on a Supreme State Prosecutor (more than two years after the former holder of the post retired), the last member of the Constitutional Court, and members of the Judicial Council, meeting the conditions to unblock the EU accession.

The absence of women from politics continues to be a huge problem. Only one woman participated in the political negotiations which led to the formation of the 44th government. It was reflected in the parliamentary elections

results, showing the lowest percentage of women in the 2023 convocation of the parliament (21%). This percentage increased after male MPs were nominated for the positions in the Government and other executive branches and reached 27%. Situation is even worse on the executive level, where only 4 or 17,4 % out of total Government members are women, and none of them at the vice-presidential function. This is the lowest participation of women in the Government since 2012.

While Montenegro's headline goal to become the EU's 28th member state by 2028, the government is now focusing on the next few months, to meet the provisional (interim) benchmarks on the rule of law and fundamental freedoms by June (out of 83 measures defined as interim benchmarks, it still needs to meet 32), and to receive Interim Benchmark Assessment Report (IBAR). The period until mid-2024 will be pivotal for reform progress in Montenegro and adequate response from Brussels. However, the benevolent attitude of Brussels towards the accession of Montenegro should not soften the critical attitude towards the lack of essential reforms in the field of human rights, gender equality and gender-based violence in particular, which are always waiting for "better times".

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<sup>9</sup> The statement of the female MP Zdenka Popovic, who was the only woman who, along with ten men, participated in the negotiations on the formation of the 44th Government, .at <https://www.eu.me/en/panel-gender-equality-in-focus-analysis-of-the-european-commission-report/>

<sup>10</sup> Gender Analysis of the 2023 Montenegro Parliamentary elections, WRC and Spektra, 2023, at:

<https://womensrightscenter.org/wp-content/uploads/2024/04/gender-perspective-of-elections-eng.pdf>

<sup>11</sup> WRC and Spektra Report on Monitoring of Parliamentary elections 2023.

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## KEY DEVELOPMENTS AT LEGISLATIVE AND POLICY LEVEL

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- The new concept of **program budgeting or performance-based budgeting**, introduced in Montenegro in 2021, as a key prerequisite for gender-responsive budgeting, is still not covered by the systemic Law on Budget and Fiscal Responsibility, so its implementation failed. According to the analysis of the Parliamentary Budget Office<sup>12</sup>, in 2022 the total amount of gender mainstreamed funds is 3.08% of the overall proposed state budget.
- In December 2023, Parliament adopted the **Law on Amendments to the Criminal Code of Montenegro**,<sup>13</sup> while the new Draft with additional set of amendments just passed the public debate. Despite the public announcement of the Minister of Justice on introduction of femicide in the Criminal Code, the working group established by the line ministry failed to discuss it.
- The **Draft Law amending the Criminal Procedure Code** is still in the process of being adopted, and so far, it foresees new articles related to the rights of victims, legal obligation of the individual assessment of the victim etc. However, the Criminal Procedure Code needs to introduce measures for victim protection during criminal proceedings, such as restraining and eviction orders and other measures that are available in misdemeanor proceedings.
- Although being in its final phase of adoption, the **Draft Law on Domestic Violence** retained a gender-neutral definition of domestic violence that was not harmonized with the Article 3 of the Istanbul Convention, despite the WRC proposal presented to the working group of the Ministry of Justice.
- Three years after the expiration of previous strategy on gender-based violence, in June 2023, the Government finally adopted a **National Action Plan for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Action Plan) 2023-2027**. The Action Plan foresees the establishment of one or more official bodies responsible for the coordination, implementation, monitoring, and evaluation of policies and measures to prevent and combat all forms of violence included in this Convention. However, that process has not started to date.

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## EXTENT OF CONSULTATION WITH CIVIL SOCIETY

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Some positive developments followed the latest changes of the Government, **where chapters working groups were reopened for more than one NGO's representative per WG**. Consultations with CSO's conducted by the Minister for European Affairs and other Government's representatives became more regular. However, there is still lot to do in order to ensure enabling environment for civic activism, specifically women CSO's specialized service provides. Nothing has been done in order to address the issue of licensing and obstacles imposed to Women's NGOs, that often

incur further financial burdens, without state obligation to provide any financial support.

The new **Draft Law Amending the Law on NGOs**, planned to be re-evaluated and amended by the Government, is an ultimate opportunity to adopt clear mechanisms to prevent further abuses, primarily guaranteeing that individuals convicted of violent crimes are ineligible to lead specialized support services in this area.. Montenegro should as well establish a database of financial support to civil society organizations providing specialized services for

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<sup>12</sup> Presentation of the Bill on the Budget of Montenegro for 2022, Parliamentary Budget Office, Parliament of Montenegro, 2021 formation of the 44th Government, .at <https://www.eu.me/en/panel-gender-equality-in-focus-analysis-of-the-european-commission-report/>

<sup>13</sup> Law on Amendments to the Criminal Code of Montenegro, at <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/99/3257-18458-23-1-23-9-8.pdf>

women and children, respecting their autonomy and work principles. Previously, the lack of precise and fair selection criteria resulted in the selection of NGOs without experience in the field or in the selection of NGOs unsuitable for working with a specific target group.<sup>14</sup> As a result, large amounts of money are spent ineffectively and do not reach the vulnerable groups, who need them most. This practice applies to all support lines (combatting violence, persons with disabilities, the LGBTQI+ community, etc.).

**WRC<sup>15</sup> contributed to the drafting of the new Law on Domestic Violence** with limited success. Out of 19 suggestions for the draft law only was admitted. The text currently retained a gender-neutral definition of domestic violence which is not harmonized with the Article 3 of the Istanbul Convention. In addition, the working group did not accept elements of victim protection, for example the obligation of the state authorities to obtain an update of the

victim safety risk assessment before issuing a decision to terminate imposed protective measure, etc.

WRC representatives participated in several Working Groups<sup>16</sup> and were able to contribute to the drafted policies. However, WRC comments to the **National Strategy for Judiciary Reform 2024-2027** were scarcely adopted. WRC proposed harmonisation of the judiciary ICT system in collection of data on gender-based and domestic violence classified by types of violence as set in Istanbul Convention and the EU Directive 2012/29<sup>17</sup>. WRC also suggested establishing system for monitoring the judicial responses in cases of sexual and gender-based violence, and specialisation of judiciary in that respect. Strategy also needs to foresee establishing of functional units for sexual and gender-based violence, that would increase efficiency in conducting investigations and improve protection of victims and coordination among judicial and other institutions.<sup>18</sup>

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## IMPLEMENTATION OF LEGAL FRAMEWORK ON GENDER EQUALITY AND MAIN ISSUES OF CONCERN

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**The Law on Gender Equality**, last time amended in 2015, is not sufficiently harmonized with ratified international treaties, accepted standards and provisions of relevant directives of the EU. The State Audit Institution recommended to the Ministry of Human and Minority Rights to initiate amendments to the Law on Gender Equality, in such a way that it defines policy measures for achieving and improving gender equality, introduces the obligation to perform a gender analysis, clearly defines the institutional framework for achieving gender equality, as well as the obligations of state bodies, employers and other social partners to integrate a gender perspective in the field in which they operate while

providing legal guarantees for the law implementation.<sup>19</sup>

State institutions lack an appropriate, comprehensive and coherent framework for achieving and improving gender equality in practice, due to lack of political will, and consequently, the capacities. The current Gender Equality Action Plan foresees that more than a half of the AP's measures will be implemented in cooperation with NGO's. It predicted only 99,000 Euros for activities in which cooperation with NGOs is foreseen. However, it remains unclear if this funding is intended only for NGOs or for state institutions that implement joint activities.

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<sup>14</sup> Report of the European Commission on Montenegro for 2023, page 17.

<sup>15</sup> Women's Rights Center, Montenegro.

<sup>16</sup> WG for the drafting 2023-2024 Action Plan of the National Gender Equality Strategy 2021-2025, Working group for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Action Plan) 2023-2027, Working Group for Chapter 23.

<sup>17</sup> EU Directive 2012/29 on imposing minimal standards about the rights, support and protection of victims.

<sup>18</sup> WRC analysis of domestic violence sentencing, January 2024.

<sup>19</sup> From the State Audit Report, find at link:

<https://dri.co.me/aktuelnost/objavljen-izvjestaj-o-reviziji-uspjeha-uspjesnost-sprovođenja-politike-rodne-ravnopravnosti-u-crnoj-gori>

As for the data on judicial response to gender-based violence, in the absence of publicly available official data, WRC continues to collect and analyse the court statistics including for the year 2023. The latest analysis confirmed trend of still very lenient penal policy, a small number of evictions and restraining orders imposed in misdemeanor proceedings, and an extremely low number of security measures for victims imposed with a verdict in criminal proceedings. The data showed that prison sentences are still closer to the legal minimum and that the penal policy still does not have a sufficiently deterrent character for perpetrators of violence. There is no official data on femicides. The WRC keeps its own database based on media articles. According to collected data, in the period from January 1, 2001, to February 28, 2017, in Montenegro at least 73 femicides happened. From the end of 2017, until October 2023, 15 women were killed by their partners or family members. This data is gathered only from the available media sources and does not represent official statistics on the number of femicides. Based on the analyzed sample of 30 judgments on domestic violence and court files of 12 additional cases completed in 2023, every second defendant had previous misdemeanour convictions, while every fifth was previously convicted for the same criminal offence or criminal offence belonging to same chapter in the Criminal Code (against sexual freedom, marriage, and family). This indicates the ineffectiveness of the sentences imposed in breaking cycles of crimes. Also contributing to this is a lack of a psychosocial treatment being offered to perpetrators to engage them around changing their behaviour and breaking cycles of violence.

In addition, based on the analysis of the case files conducted by the WRC, 80% of misdemeanor cases lasted up to 6 months, 10% of cases lasted between 6 months and one year and another 10% lasted more than 1 year. The delay in receiving the opinions and lack of institutional cooperation often affects the length and efficiency of court procedures. All

institutions expressed concerns about passivity and failure of Center for Social Work to provide opinions required by the judges in a timely manner. The quality of their assessment was also questioned, which is why the courts often rely on expert witnesses.<sup>20</sup>

In the observed period (from January 1 to November 20, 2023), **the basic courts** issued a total of 113 verdicts out of a total of 399 cases (of which 270 were received in 2023). However, prison sentences do not exceed 40% in the structure of convictions, and the average duration of a prison sentence is 4.7 months in 2023, which is closer to the legal minimum. Even more worrying is the fact that the basic court criminal judges did not impose any Eviction of perpetrator from home, while Restraining orders were issues only 11 times in 2023. The **misdemeanor courts** had a total of 2,108 cases and completed a total of 1,285 cases during the reporting period. The most frequent sanctions were fines (29%), followed by the conditional convictions that made a significant share of 24%, while warnings are present in 7% of all completed cases. Rejection of requests makes up 1% of decisions. One fifth of the cases (20%) ended with an acquittal decision of the court. The procedure was suspended in 5% of cases. A small percentage of cases were resolved 'in another way'. When it comes to prison sentences, they account for around 10 % of all court decisions, which leads to the conclusion that misdemeanor courts impose prison sentences to a lesser extent compared to other types of sanctions.

Restraining orders in misdemeanour procedures were issued in only 18% of all completed cases and only 8 % of evictions of perpetrators from the apartment and other living space.

This data indicates that the system rarely uses the range of available emergency measures to protect victims, particularly temporary ones during the pendency of the proceeding which is a very dangerous time for victims in general.

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<sup>20</sup> Information obtained through the interviews with the police, judges and prosecutors, conducted in December 2023, as well as through the WRC monitoring of cases.

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## ISSUES OF CONCERN

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Hate speech against women and LGBTIQ+ remained a huge issue of concern with inadequate institutional response.

Human rights were additionally threatened by the **interference of the church in the reproductive rights of women and the rights of LGBTIQ+ person**, culminating in recent debates in which church leaders have shown intent to meddle in the legislative and executive branches. Lately, the church is also being given an increased media space,<sup>21</sup> both from national broadcaster, whose program schemes started openly to promote traditional values of family

and marriage, but as well by the private media channels, whose ownership is connected to foreign businessmen close to political elites and church in Serbia. This opens an issue of foreign influence through domestic media control and is also used for spreading problematic narratives questioning hardly won rights such as, right to abortion (named "Murder without punishment" in one morning TV show)<sup>22</sup> or disseminating discriminatory and derogatory language against LGBTIQ persons (named "Man, women or something third" in the same morning show).<sup>23</sup>

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<sup>21</sup> TV show "Let's see each other" popularized church marriage. Another TV show "Arguments" gathered representatives from four religious communities in Montenegro discussing the right of self-determination of trans persons etc.

The link: [https://youtu.be/hg2Qnxin\\_nk?si=cXOHizA3WDigRYSE](https://youtu.be/hg2Qnxin_nk?si=cXOHizA3WDigRYSE)

<sup>22</sup> Full show at: <https://www.youtube.com/watch?v=UXG6WkfRAuY>

<sup>23</sup> *ibid*

## Recommendations for the 2024 Country Report:

- 1.** Revise relevant legislation to be in line with the repeated CEDAW recommendations asking for the revision of 30% of quota system to ensure that each among three candidates on the electoral lists are from the least represented gender.
- 2.** The Law on Government should impose quotas for the least represented gender, as proposed by the WRC amendments to the draft Law.
- 3.** Enhance the protection of basic human rights, especially the rights of vulnerable groups, and ensure consistent interpretation of the case law of the European Court of Human Rights and European and international human rights standards throughout the judicial system, including improving interinstitutional cooperation.<sup>24</sup>
- 4.** Harmonise criminal legislation with the definitions from Article 3 of the Istanbul Convention, including measures against femicide, digital violence in the public space and gender-based hate speech.
- 5.** Ensure Criminal Procedure Code provides measures of victim protection during criminal proceedings and before a verdict;
- 6.** Amend the Law on Gender Equality to harmonize it with international treaties, generally accepted standards and provisions of relevant directives of the European Union.
- 7.** Harmonise the Draft Law on Amendments to the Law on Protection from Domestic Violence with Article 3 of the Istanbul Convention and further improve it according to recommendations of women's non-governmental organizations.
- 8.** Prioritise implementation of GREVIO recommendations from 2018 and prepare for the new set of recommendations after GREVIO 2nd evaluation taking place this year.
- 9.** Ensure public policies include integrated measures addressing intersectional forms of discrimination faced by women and girls from marginalised groups and encourage their participation in decision making and employment.
- 10.** Prioritise implementation of CEDAW and UPR recommendations and prepare for the new set of recommendations after CEDAW 3rd evaluation taking place this year. CEDAW recommendations related to LGBTQI, Roma, rural women and women with disabilities require particular attention.
- 11.** Adopt the Law on legal gender recognition based on self-determination

<sup>24</sup> Consistent interpretation of the case law of the European Court of Human Rights, as an official recommendation to Montenegro by the Commission, is of utmost importance for Montenegro and for resolving the situation of judges' decisions in cases involving both economic and social rights of women and girls.



**NORTH MACEDONIA**

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## POLITICAL DEVELOPMENTS

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In 2024, North Macedonia will witness both presidential and parliamentary elections scheduled for April 24<sup>th</sup> and May 8<sup>th</sup>. Following the resignation of the President of the Government Dimitar Kovachevski on January 25<sup>th</sup>, a technical government was established 100 days before the election date, as mandated by the Przhino Agreement of 2015. On January 28<sup>th</sup>, the Assembly elected the current Government composition. President Stevo Pendarovski entrusted Talat Xhaferi with the mandate to form the Government, making him the first Albanian to assume the role of Prime Minister in North Macedonia. However, concerns persist regarding the representation of women in the executive branch, even in the technical government, with only four out of 20 members being women, constituting a mere 20% of government positions. **This highlights a substantial gender gap in decision-making roles where quotas are not in place.**

Additionally, in this period leading up to the elections, political parties began announcing **female candidates for the presidency**, triggering a troubling rise in sexist and

misogynistic hate speech directed at them, particularly on social media. There are now seven presidential candidates, including two women, Professors Gordana Siljanovska Davkova and Biljana Vankovska. While the running of two women as presidential candidates is positive, the rise in hate speech against female candidates is deeply concerning and requires an institutional response.

The **active involvement of women in politics and their presence in decision-making** roles are indispensable for the development of a democratic society. Political parties should be urged to take concrete steps to encourage the participation of women in the electoral process and to ensure an overall increase in women's representation in politics, including at local decision-making level where they are least represented. Furthermore, in line with the repeated advocacy initiatives of diverse WCSOs, the Electoral Code should be amended to introduce quotas where they are not in place and align with the 50-50 commitment, outlined under one of the specific objectives of the national Gender Equality Strategy 2022-2027.<sup>25</sup>

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## KEY DEVELOPMENTS AT LEGISLATIVE AND POLICY LEVEL

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In general, the adoption of legislation concerning gender equality faced a silent stalemate since June 2023. Following the **backlash and protests against the new draft-Law on Gender Equality**, organized by religious leaders in the country, it was essentially “locked in a drawer”, receiving minimal attention on the political agenda.

Specific objective 2.1 of the Gender Equality Strategy 2022-2027 aims to reduce the gender gap in women's economic participation and in the labour market, with an intersectional approach. Expected outcomes include reducing gender inequality in the labour marker, narrowing the gender pay gap, minimizing

sectoral and hierarchical job segregation and implementing measures to harmonize professional and private life. A key prerequisite for achieving these outcomes is **the adoption of the new Law on Labour Relations, which has also been stuck in the drafting phases for years**. Additionally, the final phase of drafting faced transparency issues, with CSOs being excluded from the process without explanation. Furthermore, public debates for this law were organized at a time when the final draft was unavailable to the general public, for which a joint reaction was issued by the Platform for Gender Equality and the Network for Protection against Discrimination.

However, it is essential to note that in June 2023, **North Macedonia became the ninth country in Europe to ratify the ILO Convention no.190 on Elimination Violence and Harassment in the World of Work.**<sup>26</sup> Therefore, it is imperative that the new Law on Prevention and Protection from Harassment at Work, which faced the same “destiny” as the draft Law on Gender Equality and the draft Labour Law, be fully aligned with the Convention and be urgently finalized and adopted by the new MPs after the elections.

The process to adopt the following laws and policies was put in motion during the reporting period:

- **National Action Plan (NAP) for Open Government Partnership 2024-2027** was adopted by the Government on 27<sup>th</sup> February 2024. As a result of the efforts undertaken by ESE in this process, the priority area on access to justice included a specific objective aimed at increasing the prevention of violence against women and domestic violence, through education and training of practitioners from relevant institutions and the judiciary, as well as the implementation of a public awareness campaign. Yet, the implementation of the NAP is still a challenge, recognizing the lack of budget planning within the process of development.
- **National Strategy for Prevention and Protection against Gender-Based Violence and Domestic Violence 2024-2032** is in initial

phase of preparation. In January 2024, the Ministry of Labour and Social Policy formed a working group for the preparation of the National Strategy, yet here are serious deficiencies in the process of development of the strategy so far, due to a lack of adequate system for evaluation of the implementation of the previous National Action Plan for implementation of Istanbul Convention 2018-2023 which serves as basis for development of the new National Strategy. The process of development of the strategy is expected to be finalized by September 2024, however, detailed information regarding the working group's operations and the process timeline has not been provided.

**Law on Changes and Amendments to the Law on Health Insurance.** In January 2024, the Parliamentary Commission on Health organized public debate for the draft text of the Law inviting representatives of CSOs to present their arguments for adoption of legal provision that will guarantee parental leave and sick leave for women involved in agriculture. As stated in the EC report, these vulnerable groups of women who are recognized as health insurance beneficiaries are still excluded from exercising their rights. Despite the evidence-based advocacy demands of CSOs and Network for Protection Against Discrimination, the parliamentarians from the ruling political parties have opposed the adoption of the legal changes that will guarantee these rights to these women.

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## EXTENT OF CONSULTATION WITH CIVIL SOCIETY

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During 2023, the Secretariat for European Affairs (SEA) organized **consultations and gathered input from various CSOs on the Roadmaps for the Functioning of Democratic Institutions, Public Administration Reform and Rule of Law.** However, challenges persisted, with late notices remaining a significant issue, as invitations and work materials were often sent with minimal advance notice, sometimes just a day before the consultations, and follow-up procedures were

lacking. The National Programme for the Adoption of the Acquis 2021-2025 (NPAA), which was assessed in the monitoring as gender-mainstreamed to a minimal extent, was expected to undergo revision by the SEA in 2023. Nonetheless, to Reactor's knowledge, no consultations with CSOs have been held to date.

Regarding CSO participation in **Sector Working Groups (SWGs) and IPA programming**, there is a lack of uniform and formalized CSO

<sup>26</sup> [https://www.ilo.org/budapest/whats-new/WCMS\\_899634/lang--en/index.htm](https://www.ilo.org/budapest/whats-new/WCMS_899634/lang--en/index.htm)

involvement, with obstacles for meaningful participation even when CSOs were represented. In terms of participation in the Stabilisation and Association Agreement (SAA) processes, the EUD invited several CSOs to

consultations ahead of **SAA Sub-Committee meetings**. However, to the best of our knowledge, no consultations with civil society had been organized on this topic by national authorities.

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## IMPLEMENTATION OF LEGAL FRAMEWORK ON GENDER EQUALITY / ANTI-DISCRIMINATION / LGBTQI RIGHTS

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The **lack of systematic implementation of adopted laws and policies in accordance with the Council of Europe Convention** on preventing and combating violence against women and domestic violence still persists. In this regard, no efforts were made to fulfill the recommendations of the latest EC report regarding the allocation of necessary financial resources for the implementation of adopted laws and policies regarding gender equality. As a result, the serious systemic deficiencies of institutional response toward domestic violence that exists since 2004 are still not overcome: low level of understanding among general public about the nature of domestic violence and legal mechanisms of protection; lack of continuous education of practitioners; inadequate proceeding and low level of coordination among institutions; lack of system for data collection; ineffective prosecution and lenient penal policy toward perpetrators.

**EC's recommendations for guarantying the independent merit-based appointment and functional independence of regulatory bodies, such as the Commission for the Prevention and Protection against Discrimination (CPPD) were not met.**

Moreover, the procedure for the election of CPPD members in the Parliament in December 2023 was influenced by political parties and unlawful, due to the election of candidates who do not meet the required legal conditions. Additionally, the legally guaranteed financial autonomy of this body is still not respected (Article 15 of the Law on Prevention and Protection against Discrimination), meaning that the necessary financial resources are not allocated/approved by the Ministry of Finance and the Parliament of North Macedonia.

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## MAIN ISSUES OF CONCERN

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### RISE OF ANTI-GENDER MOVEMENT

The **anti-gender movement continued to rise rapidly in North Macedonia in 2023**. As noted in the 2023 Country Report, this movement at times receives support from religious and political leaders, as well as local government officials.

The anti-gender movement in North Macedonia is a structured network of **30 entities** (registered or non-registered organisations, political parties, businesses, religious groups,

and anti-abortion and nationalistic groups). Most influential and active anti-gender actor is the Macedonian orthodox church. They mainly mobilise **around the legal initiative on legal gender recognition (LGR), gender equality law and the inclusion of optional Gender Sensitive Education and Comprehensive Sexual Education in elementary schools**. Their rhetoric is organised around several pillars: a) gender ideology (attack on gender studies, biological sex as only true and real, anti-

LGR), b) right-wing populism (CSOs as corrupted elite, while they are the "common people"), c) trans-exclusionary feminism (trans women as a threat to women and children). All these pillars advance the narrative that trans rights violate and undermine women's rights.<sup>27</sup>

In June 2023, the **Macedonian Orthodox Church** (MOC) organised a protest calling for the State to abandon the adoption of draft laws on Gender Equality and Civil Registry (for LGR), claiming these laws seriously threatened society.<sup>28</sup> In a video message, Archbishop Stephen called for a protest against the proposed laws "to protect the past and secure the future... to fulfil the obligation towards God and the human kind."<sup>29</sup> The CSOs strongly condemned the MOC's protest, characterising it as a direct encroachment on the secular nature of the State, a disregard for the Constitution, and a failure to acknowledge the real-life situations of women in the country.<sup>30</sup> Following the same practice, this event received no condemnation from any State party. The

## LEGAL GENDER RECOGNITION

Against this background, **no progress has been made towards establishing legally regulated gender recognition procedures**, following the ECtHR judgement from January 2019. We strongly condemn the decision of the Government of the Republic of North Macedonia to withdraw the Draft Law on Civil Registry, which included a chapter for regulating the procedure for legal gender recognition (LGR). The draft law was revoked a day before it was reviewed by the Parliamentary Committee on the Political System and Inter-Ethnic Relations. Moreover, in the days before the scheduled session of the Parliamentarian

campaigns and statements of anti-gender actors were disseminated and amplified by the media without adequate critical analysis of their detrimental impact on human rights. Furthermore, these media outlets failed to categorise such content as hate speech, violating both the Code of Journalists and existing media legislation.

**The anti-gender groups' efforts have led to the implementation of regressive policies in various municipalities** while obstructing the adoption of recommended legislation at the national level. In its 2018 concluding observations, CEDAW emphasised the necessity of enacting a gender equality law and establishing an effective gender machinery for its enforcement.<sup>31</sup> In June 2023, the Mayor of Strumica,<sup>32</sup> a prominent advocate of anti-gender causes, publicly announced his veto and suspension of collaboration with CSOs after the failed attempt to amend the municipal program by replacing "gender equality" with "equal opportunities between men and women."

Committee and after the revoking of the draft law, there has been an avalanche of transphobic and homophobic hate speech by the MPs and other stakeholders, which significantly is contributing to the further strengthening of the social stigma against transgender people, as one of the most marginalized communities in the country. The transphobic narratives continued to prevail in public to this day. We strongly condemn the refusal to put the Law on Civil Registry (LGR) proposed by 5 MPs (members of the InterParty Parliamentary Group for Advancement of LGBTI rights) on the National Assembly Agenda.

<sup>27</sup> *ibid.*

<sup>28</sup> Telma. *MOC with a call for a nationwide protest after the activists' protest, while the views clash with the non-governmental ones.*

Available at: <https://bit.ly/3ELjDFS>.

<sup>29</sup> Macedonian Orthodox Church. *Archbishop Stefan: We have a sacred duty to continue what we have received and inherited from our ancestors!*

Available at: <https://bit.ly/460pq6y>.

<sup>30</sup> 360 Degrees. *Under the motto "We have a duty", MOC-OA is going to a rally today against the draft laws on gender equality and birth records.*

Available at: <https://bit.ly/3t4mlyg>.

<sup>31</sup> United Nations Convention on the Elimination of All Forms of Discrimination against Women. *Concluding observations on the sixth periodic report of the former Yugoslav Republic of Macedonia. CEDAW/C/MKD/CO/6.* Available at: <https://bit.ly/3wA4Au6>.

<sup>32</sup> Gender Platform. *The function of a Mayor is not to make divisions in the civil society between "obedient" and "disobedient" organisations, but to work for the good of all citizens.* Available at: <https://bit.ly/3t7BIB2>.

## NATIONAL ACTION PLAN FOR LGBTI

**No progress has been made with the adoption of the National Action Plan (NAP) for LGBTIQI** within the Ministry of Labour and Social Policy. The NAP was finalised in 2020 and

it included a clear plan for tackling issues from 2021 to 2025 but is still waiting for adoption in the Ministry.

## HATE SPEECH AND ATTACKS BASED ON GENDER, SEXUAL ORIENTATION AND GENDER IDENTITY

During this reporting period on the platform [www.govornaomraza.mk](http://www.govornaomraza.mk) 1171 cases of hate speech were registered, out of which 298 on the grounds of sexual orientation and gender identity. Further, there has been a notable increase in Coalition Margins documented cases (13) of hate speech against LGBTIQI+ individuals. The **rise is primarily attributed to heightened activism within the anti-gender movement** supported by religious leaders, including the main voice of the Macedonian Orthodox Church, which became the primary source of such hate speech incidents.

One instance involved Orthodox Bishop Jakov Stobiski, a vocal figure in the anti-gender movement, who targeted the executive director of the Coalition Margins during a public debate in June 2023. His two-hour tirade featured transphobic, anti-LGBTIQ, and anti-gender rhetoric, sparking a subsequent wave of

harassment against her, including the malicious screening of her interview and the circulation of a defamatory image associating her with a swastika symbol online.

Also, there is a **notable increase of peer bullying based on sexual orientation and gender identity**. Youth LGBTIQ+ students feel that the school system cannot offer safety and appropriate response to homophobic and transphobic bullying. As a result, youth LGBTIQ+ students are obliged to change classes, schools, and many times to move out from their cities (especially related to youth LGBTIQ+ students from smaller cities). The school administration is not trained or sensible enough on how to respond to peer-based bullying based on sexual orientation and gender identity and often the measures are directed towards depriving the full expression and social interactions of LGBTIQ+ youth, instead of working with the aggressors.

## ACCESS TO JUSTICE FOR WOMEN WHO SUFFERED DOMESTIC VIOLENCE

**Women victims of violence continue to face considerable challenging in accessing protection measures and justice.** There are serious shortcomings at the level of the Centers of Social Work (CSWs) and the police, which have the role of competent institutions for reporting domestic violence and ensuring the legally guaranteed protection of women survivors. IN particular, CSWs are mistreating cases of domestic violence and calling the victims accountable for the situation, and subsequently fail to provide legally guaranteed protection measures and specialized support services for women survivors.

The “family preservation” methodology is applied in cases of domestic violence, whereby women survivors are referred to visit psychological counselling together with the abusers in order to have their parenting skills strengthened. There is a significant discrepancy

between the number of women survivors in need of urgent protection through Temporary Measures of Protection (TMP) and the actual number of procedures within the Basic Civil Courts initiated by CSWs. Moreover, there are documented cases by CSOs where CSW demanded imposition of TMPs toward the women survivors and abusers at the same time which further traumatizes the women survivors. The system for effective monitoring of the enforcement of the temporary measures of protection is still missing, although it is part of CSWs mandate since 2004.

Despite the significant increase in reported domestic violence cases in 2023, the police response lack effectiveness because of the inadequate risk assessment and insignificant use of the urgent measure of protection, as well as not recognition and prosecution of criminal acts related to psychological violence which

subsequently leads to their classification as “complaints” instead of crimes. The criminal act of bodily injury continues to be prosecuted upon the consent of the women survivors which results in a significant number of women withdrawing from the procedure and classification of these crimes as complaints as well.<sup>33</sup> It is alarming that in 80% of reported domestic violence cases that are treated as complaints are not prosecuted and the perpetrators remain unpunished.

Public Prosecutors lack the specialized capacities to proceed in these cases and there is a lack of cooperation with the police in the phase of investigation and evidence collection which burdens the criminal prosecution of domestic

violence. Public Prosecutors although legally obliged are not prosecuting the perpetrators that have violated the Temporary Measures of Protection imposed by Basic Civil Courts.

The situation is even more alarming recognizing the lenient conditional sentences applied by Basic Criminal Courts toward domestic violence as a serious challenge that significantly undermines the effects of the legally prescribed penal policy for this severe form of violence against women. The prolongation of the procedure by the Basic Civil Courts and the requested high degree of proof of domestic violence in these cases delays the urgent protection of women survivors and increases the risk of harm for them and their children.

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<sup>33</sup> In the period July – December 2024 there were 565 criminal acts, 171 misdemeanors and 3045 complaints as a result of domestic violence (Source: Ministry of Interior, Official Statistics on Domestic Violence).

## Recommendations for the 2024 Country Report:

- 1.** Recommend the adoption of the draft Law on Gender Equality , 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 National Action Plan for implementation of the Istanbul Convention and National Action Plan on LGBTI, developed with meaningful engagement of WCSOs and push for government and relevant ministries/institutions to transparently allocate funds within their budgets for implementation of the activities of the new NAP
- 4.** Recommend the Ministry of Labour and Social Policy and Ministry of Interior to adopt specific measures to address the current shortcomings of the CSW and of the police in ensuring adequate access to protection measures and justice for women survivors of violence
- 5.** 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
- 6.** Recommend the authorities to develop and implement comprehensive awareness campaigns and educational programs in alignment with international human rights principles, to actively promote an inclusive and respectful public discourse as well as understanding and respect for gender diversity and equality.
- 7.** 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
- 8.** 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
- 9.** 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
- 10.** 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

<sup>34</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

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# POLITICAL DEVELOPMENTS

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In May 2023, **two mass shootings, one involving minors in an elementary school, traumatised Serbian society.** The government failed to ensure accountability for the crimes committed. The inquiry committee that was set up in the aftermath of the attacks to investigate the crimes was soon disbanded without ascertaining the main responsibilities. These tragic events exposed systemic failures in the country and demonstrated the consequences of fostering a culture of verbal and physical violence in public space, triggering protests and demands for accountability. Serbian citizens flocked the streets demanding accountability for systemic loopholes in media, education, justice, security and health sector.

The government failed to provide adequate response to the requests of citizens and the opposition asked for early elections. The **snap parliamentary elections and Belgrade city elections were held on 17 December and were accompanied by numerous irregularities** noted by the international<sup>35</sup> and national election observers.<sup>36</sup> The Center for Research Transparency and Accountability (CRTA) observation mission expressed well-founded suspicion that organised voter migrations occurred on a scale that crucially influenced the outcome of the elections for the Belgrade City Assembly. The CRTA concluded that organised voter migrations and related illegal manipulations of the voter register would not have been possible without the direct complicity of several state institutions. This was the reason for ODIHR to highlight shortcomings in its final report. It is of concern that during their election observation mission, the CRTA mobile team's automobile was attacked and destroyed in the town of Odžaci.<sup>37</sup>

After the snap elections, **mass protests started on 18<sup>th</sup> December culminating in a massive and violent protest on 24<sup>th</sup> December 2023.** The protest had several violent incidents, the police was already located inside and outside of

the Belgrade City Hall, wherein they teargassed the crowd, surrounded and physically assaulted the protesters, and detained over 30 persons. Protesters and activists were mainly charged with Sedition (Calling for or incitement to change the constitutional order, Article 309) or Endangerment of Safety (Article 138). This was the way to intimidate citizens and deter possible future protests. In the week between the elections and the protest, Government officials and the President were further instilling fear among the general public saying that, based on information from the Russian services, the protests could turn violent and lead to a possible coloured revolution.

The authoritarian turn the country is taking, embodied by the snap elections in December 2023, close ties with the Russia and China regimes, lack of substantial reforms in the area of freedom of expression and the media, failure to tackle corruption and organised crime, repression of civic liberties and silencing of voices that oppose the government narrative represent a serious departure from the EU criteria and pose serious questions about the intentions and commitment of the government to the EU integration.

Regional stability remains fragile, and the continuous **tensions between Serbia and Kosovo** peaked in May 2023 with violent clashes. The situation further escalated in September 2023 when Serb para-military groups attacked the Kosovo police near the Banjska Monastery, which resulted in one police officer and three gunmen killed. The responsibilities of the attacks, including potential responsibility of the Serbian state remain to be ascertained. Despite INTERPOL issuing arrest warrants for gunmen, most notably for the organiser of the attack, Milan Radoičić, Serbia has failed to hold perpetrators accountable, bringing normalisation of relations to a potential stand-still.<sup>38</sup>

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<sup>35</sup> [Final Report by ODIHR on early parliamentary elections in Serbia \(2024\)](#)

<sup>36</sup> [Final Election Observation Report CRTA \(2024\)](#)

<sup>37</sup> <https://n1info.rs/vesti/izbori-2023/odzaci-crta-napad-osunjiceni/>

<sup>38</sup> <https://osce.usmission.gov/on-recent-developments-in-kosovo/>

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## KEY DEVELOPMENTS AT LEGISLATIVE AND POLICY LEVEL

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While the government is busy consolidating its grip on power, there have been scant developments in terms of legislative and policy initiatives which would bring the country closer to the EU. Adoption and harmonisation of key laws, strategies and action plans has been stagnating leaving a clear vacuum.

- In June 2023 the High Prosecutorial Council, and respectively in September 2023, the High Judicial Council had started the process of **amendments and adoption of new bylaws pertaining to the Constitutional changes and the new judicial laws**. There was no progress nor initiation of the public discussion regarding the two laws that had to be amended by February 2024 – the Law on Judicial Academy and the Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices.
- In December 2023 the working groups for **amendments of the Criminal Code and Criminal Procedure Code** have met with the National Convent on EU Working Group for Chapter 23 to discuss the direction of changes. It was agreed that the working groups will share the draft laws with the CSOs in order to work thoroughly on the draft legislation, but three months after the meeting, there was no proposal of the concrete meetings or steps to do so.
- The amendments to the **Law on Foreigners and the Law on Employment of Foreigners**,

adopted in December 2023 have tackled numerous issues from previous period. The implementation of the amended laws, however, poses many practical obstacles: the online platform (*e-uprava*), organisation, capacities and the inter-sectoral cooperation and coordination of the institutions involved.

- The **Program for Combating Trafficking in Persons in the Republic of Serbia (2024-2029)**, with the accompanying Action Plan for the implementation of the programme for the period 2024-2026 was adopted.<sup>39</sup>

Action Plans that should have been adopted between 2020 and 2023 and were never adopted:

- Action plan for the period 2023-2025 for the **Strategy for the Development of the Public Information System in the Republic of Serbia 2020-2025**;
- Action plan for the **Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence 2021-2025**;
- Action plan for the period 2022–2023 for the **Strategy of Deinstitutionalisation and Development of Social Protection Services in the Community 2022–2026**;
- the **Action Plan for Exercising Rights of National Minorities 2022–2025**.
- **National Action Plan for the Implementation of UNSCR 1325**

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## EXTENT OF CONSULTATION WITH CIVIL SOCIETY

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In a context where the government attempts to structurally stifle critical voices and limit citizens' engagement in policy-making, there are few functioning channels of communication between national authorities and civil society. The Ministry of Human and Minority Rights regularly involved civil society through working groups in the development of strategies and

action plans. Also, the **Council for creating a stimulating environment for civil society** has been formed by the Ministry of Human and Minority Rights and Social Dialogue. The Council has started its work though the priorities at the time of writing this report were transparency of funding from the national budget for CSOs and protection of HRDs. Within the framework of the

<sup>39</sup> [https://rtv.rs/sr\\_lat/politika/usvojen-program-za-borbu-protiv-trgovine-ljudima\\_1525738.html](https://rtv.rs/sr_lat/politika/usvojen-program-za-borbu-protiv-trgovine-ljudima_1525738.html)

Strategy for the Creation of an Encouraging Environment for the Development of Civil Society in the Republic of Serbia for the period 2022-2030, the Council was established with the intent to reach an agreement with CSOs regarding the functioning of the Council itself and to establish methods of public consultation with civil society.<sup>40</sup> The Council could be an important mechanism for strengthening civic participation, however concerns are generally expressed by civil society about the genuine interest of the government to improve cooperation with civil society.

In relation, to EU accession reforms, the main **working mechanism for consultation between the Government is the National Convention on EU**. Although the communication within this format is still working, the level of cooperation is low, since only small number of CSOs recommendations is being acknowledged. Despite this, civil society continues to be engaged in different process, including monitoring the progress (or lack thereof) in the approximation of Serbia with the EU criteria, especially under Chapters 23 and 24.<sup>41</sup>

WCOS have been very active in providing input and participating in consultations on a number of different legislative procedures. In some cases, WCOS reported that they learned of relevant Working Groups for draft legislation after their formation, and having not received an invitation, advocated towards their inclusion. In addition, oftentimes there is no explanation provided on why input by WCOS is rejected or not taken into consideration.

- In February and March 2023, AWC representatives (as well as representatives of other interested organisations) participated in consultations with the MoI regarding the **Law on Internal Affairs** (withdrawn from public discussion in 2022 under civil society pressure), for four sessions, but without significant effects. During the consultations, the MoI accepted one proposal of the AWC, two proposals were partially accepted in formal aspects, and 12 proposals for amendments were rejected. There was no written explanation for AWC's rejected proposals. Consultations were stopped, and have not continued to date.
- In January 2023, the Ministry of Justice put a **"package" of draft amendments to the law relating to courts and public prosecutions** to public discussion. AWC submitted comments and proposals on three laws (12 amendments): the draft *Law on Judges* (5 proposals), the draft *Law on Public Prosecutions* (six proposals) and, the draft *Law on the Organization of Courts* (one proposal), considering that greater autonomy and independence require greater responsibility of the judicial system. Only part of one amendment was accepted.<sup>43</sup>
- In August 2023, amendments to the **Law on the Protection of Persons with Mental Disabilities were submitted**, and proposals (two) of the AWC referred to provisions that put a child who is involuntarily hospitalised in a less favourable position compared to adults. Although the Ministry of Health published the report after the public hearing, it is incomplete (it does not contain a list of commentors and amendments, nor information on what was accepted and what was rejected and why).<sup>44</sup>

<sup>40</sup> <https://www.minlmpdd.gov.rs/savet-podsticajno-okruzenje.php>.

<sup>41</sup> See PreuGovor Alarm reports <https://preugovor.org/Publications/1131/Alarm-Reports.shtml>

<sup>42</sup> <https://www.womenngo.org.rs/en/policy-activities/advocacy/2031-2023-awc-participated-in-consultations-on-the-new-draft-law-on-internal-affairs>.

<sup>43</sup> <https://www.womenngo.org.rs/en/policy-activities/advocacy/1985-2023-awc-submitted-comments-on-draft-judicial-laws-to-the-ministry-of-justice>.

<sup>44</sup> <https://www.womenngo.org.rs/en/policy-activities/advocacy/2081-2023-awc-submitted-comments-on-the-draft-law-on-amendments-to-the-law-on-the-protection-of-persons-with-mental-disabilities>.

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# IMPLEMENTATION OF THE LEGISLATIVE FRAMEWORK ON GENDER EQUALITY, NON-DISCRIMINATION, TRAFFICKING

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According to the **Law on Gender Equality**, one of the obligations is the publication of reports detailing progress in achieving gender equality. This requirement facilitates the compilation of data from local to national levels, categorising and presenting it by gender and age. The objective is to provide accurate information of the state of gender equality within a specific institution, while the collected information plays a vital role in narrowing the existing gender gap and fostering continuous development in democracy and equal rights for both men and women. Monitoring gender differences also aids in crafting effective policies and contributes to the enhancement of gender equality in Serbia.

**Despite the importance of these reports, there have been delays in their publication** - the report for 2022 was postponed for nine months and finally published only in December 2023.<sup>45</sup> Despite two consecutive years of the low quality of the collected data, the relevant ministry still hesitates to initiate misdemeanour procedures. This lack of implementation undermines gender equality, reflected in Serbia's drop from 54<sup>th</sup> to 77<sup>th</sup> place on the WEF list regarding women's involvement in economic life.<sup>46</sup> In addition, there is also insufficient utilisation of the funds earmarked for gender equality, i.e. in 2022, only 28.5% of budget funds designated for gender equality activities were utilised. Political reluctance and external pressures, such as those from some religious communities and the right-wing political parties, also hinder the fulfilment of the Law on Gender Equality.

Additionally, there has been no progress on draft legislation for same-sex partnerships, first introduced in 2021. Despite Working Groups being formed over the years, the process has

come to a standstill and no progress has been made in the previous two years.<sup>47</sup>

The Government of the Republic of Serbia adopted the **Program for Combating Trafficking in Persons in the Republic of Serbia (2024-2029)**, with the accompanying Action Plan for the implementation of the program for the period 2024-2026. The overall assessment of specialised CSOs is that the opportunity was missed for opening a wide, informed debate on the key issues in trafficking in human beings, protection and support to the victims, within the process of drafting a new planning document, involving and motivating major stakeholders and establishing a strong sense of ownership and responsibility. The whole planning process was rushed and poorly organized, thus limiting the level and quality of the inputs from the specialised CSOs. It's too early to discern any significant changes in implementation as the new planning document has only just been introduced.

The amendments to the Law on Foreigners and the Law on Employment of Foreigners, adopted in December 2023 have tackled numerous issues from previous period. However, the implementation of the amended laws is posing many practical obstacles: the on-line platform (e-uprava), organization, capacities and the inter-sectoral cooperation and coordination of the institutions involved. Also, newest cases of presumed trafficking in human beings for the purpose of labour exploitation are showing better response of mandated institutions, but still poor outcome in the protections of the workers. As the consequence, foreign workers are still almost equally exposed to rights violations and exploitation due to the lack of action, capacities and/or willingness of competent authorities.

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<sup>45</sup> <https://www.minljmpdd.gov.rs/doc/izvestaji/lzvestaj-o-ostvarivanju-rodne-ravnopravnosti-uRSza2022.godinu.pdf>

<sup>49</sup> Global Gender Gap Report 2023, World Economic Forum, <https://www.weforum.org/publications/global-gender-gap-report-2023/in-full/benchmarking-gender-gaps-2023/>

<sup>47</sup> <https://www.context.news/socioeconomic-inclusion/serbian-lgbtq-couples-hope-greek-marriage-law-kick-starts-change>

The novelty of the **Law on Employment of foreigners** is that the migrants are applying for unified permit - for temporary residence and work. Requests are submitted and processed electronically, with the employer or the migrant submitting the request. Temporary residence and work permit can be approved for up to three years and can be extended. One of the most prominent changes of the Law is allowing the labour migrant to leave the job with their

first employer in Serbia, and to have 30 days to find new employment, without losing their residence permit. This beneficial provision might also pose a concern, since the 30-day deadline may be too short and put workers under pressure to find a new employer and accept unfavourable working conditions. It's essential to allow a sufficient timeframe, ideally around a year, to evaluate the effectiveness and impact of implementing laws concerning foreigners.

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## MAIN ISSUES OF CONCERN

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Of particular concern is the **overall climate of violence and repression**, fuelled by government representatives and other officials who attack critical expression against the regime. The revision of the anti-fascist history of the country continues, as well as the celebration of war criminals from the wars of the 1990s in the territory of former Yugoslavia. Data show that there are approximately 250 murals in Belgrade dedicated to Ratko Mladić, who was rightfully convicted in The Hague for genocide in Serbia. The government persistently avoids paying adequate attention to the issues of transitional justice and taking accountability for war crimes committed in the past, including the issue of sexual violence against women in the wars of the 1990s.

The meddling of the church, but also of other actors who do not have the mandate to do so, in state affairs and in social spheres is worrisome. There is a growing concern with the **Serbian Orthodox Church challenging the constitutionality of the Law on Gender Equality** and the consequences, including the potential future consequences, fuelling anti-gender rhetoric. Besides the fact that they have no competence to change or influence the legislation, they had now been in an active campaign in different forms, including the "scientific conferences". The last one was held in Belgrade on March 14, 2024, under the title

"Legal Aspects and consequences of the Law on Gender Equality". Additionally,, in February the **Ombudsman announced that he would initiate an evaluation of the constitutionality of certain provisions of the Law on Gender Equality**.<sup>48</sup> Following this announcement, the Ministry for Human and Minority Rights and Social Dialogue reacted stating that the Ombudsman had representatives in the Working Group that drew up the draft law, and the representatives did not have reservations against the law during that time, and encouraged the Ombudsman institution should prioritise strengthening women's rights rather than actively impeding on them.<sup>49</sup>

As noted also by the OHCHR,<sup>50</sup> there continued to be a **high prevalence of all forms of violence against women**, with 190,000 reported cases between 2017 and 2021. Overall, 21.6 per cent of women had experienced a certain form of violence, and 10 per cent had experienced physical or sexual violence. An estimated 71 per cent of cases were not reported to police. In 2023, 29 women were killed in family settings. The delays by the in adopting the Action Plan on Gender-based Violence and the new Law on Gender-based Violence signal a lack of interest and commitment to the issue.

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<sup>48</sup> <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/7952-rnji-zi-ljuc-n-u-cuv-nju-n-ci-n-ln-g-id-n-i>.

<sup>49</sup> <https://insajder.net/prenosimo/ministarstvo-za-ljudska-i-manjinska-prava-zastitnik-gradana-da-doprinosi-unapredenju-zastite-prava-zena-a-ne-da-im-to-osporava>.

<sup>50</sup> [Considerations on the 4<sup>th</sup> periodic report of Serbia by the UN Human Rights Committee](https://www.unhcr.org/refugees/2023/12/considerations-on-the-4th-periodic-report-of-serbia-by-the-un-human-rights-committee).

<sup>51</sup> <https://kvinnatillkvinna.org/publications/womens-rights-in-western-balkans-2023/>.

As noted last year, there is a **continued shrinking of the safe and conducive working environments for civil society organisations** and attacks, smear campaigns and SLAPP lawsuits directed at human rights defenders, activists, and journalists, or any other critical voices against Government policies. Serbia remains the regional “leader” regarding the number of SLAPP lawsuits against women human rights defenders and journalists.<sup>51</sup>

Lastly, and highly worrisome is the announced **possibility of Government of Serbia decision to leave the Council of Europe**, should the intergovernmental organisation accept the membership of Kosovo. This would have a major impact on the respect of human rights and access to justice for Serbian citizens given the fact that Serbia is one of the countries with high number of the addresses of its citizens to the ECtHR.

Finally, the **exclusion of women from the foreign policy** conducted by the state and the

decisions it makes on the international level, as well as from the dialogue between Belgrade and Pristina, is still very present. Women remain largely excluded from consultations on significant policies that impact their lives, especially from the inclusion in technical negotiation teams, as a fundamental requirement of United Nations Security Council Resolution 1325 and the Women, Peace, and Security Agenda, to which the EU has committed.<sup>52</sup> Women's groups were not consulted either by dialogue participants and dialogue mediators or by government representatives about the needs and priorities of women in post-conflict areas. No evidence exists that women's rights organisations were consulted on the last EU Proposal - Agreement on the path to normalisation between Kosovo and Serbia.<sup>53</sup> The drafting of the 3<sup>rd</sup> NAP for the implementation of Resolution 1325 has been going on for more than a year. There is currently no available information on when that process will be completed and the plan adopted.

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<sup>51</sup> <https://kvinnatillkvinna.org/publications/womens-rights-in-western-balkans-2023/>.

<sup>52</sup> <https://kvinnatillkvinna.org/publications/womens-rights-in-western-balkans-2023/>.

<sup>53</sup> *Ibid.*

## Recommendations for the 2024 Country 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)

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



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

Contact:  
[info@kvinnatillkvinna.se](mailto:info@kvinnatillkvinna.se)