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# IS THE GLASS HALF FULL OR HALF EMPTY?

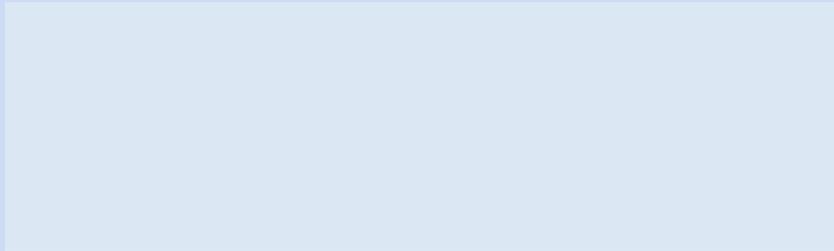
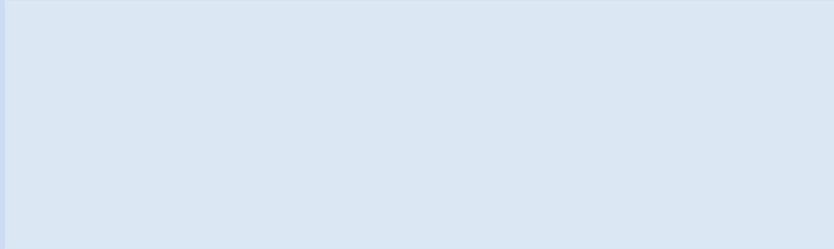
GENDER ANALYSIS 2020 EC COUNTRY REPORTS  
FOR THE WESTERN BALKANS



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## ACRONYMS

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BiH	Bosnia and Herzegovina
CEDAW	Committee on the Elimination of all Discriminations Against Women
CSO	Civil society organisation
DG NEAR	Directorate for Neighbourhood Policy and Enlargement Negotiations
EC	European Commission
ECHR	European Court of Human Rights
EEAS	European External Action Service
EIGE	European Institute for Gender Equality
EU	European Union
EUD	European Union Delegation
GAP II	Joint Staff working Document Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020
GAP III	Joint Communication to the European Parliament and the Council: Gender Action Plan III – An Ambitious Agenda for Gender Equality and Women's Empowerment in External Action 2021-2026
GBV	Gender-based violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
IDPs	Internally displaced persons
Istanbul Convention	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
LGBTQI	Lesbian, Gay, Bisexual, Trans, Queer and Intersex
NAP	National Action Plan
NGO	Non-governmental Organisation
SGBV	Sexual and gender-based violence
UNSCR 1325	United Nations Security Council Resolution 1325
UPR	Universal Periodic Review

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## GLOSSARY

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

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

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

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

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

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

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



Women human rights defenders protesting against sexual harassment on social media in North Macedonia.  
Photographer: Jasna Susha

## BACKGROUND AND PURPOSE OF THE ASSESSMENT

### Commitments under the GAP III

On 25<sup>th</sup> November 2020, the EU adopted the **Gender Action Plan III (2021-2026)**<sup>2</sup> (GAP III) to reaffirm EU's commitments to support gender equality and women's empowerment through its external action. The GAP III builds on the results of the previous plan, a global consultation with civil society and an external independent evaluation of the GAP II<sup>3</sup>. The GAP III comes at a crucial crossroad for women's rights globally as the impact of the Covid-19 pandemic risks rolling back fragile gains for women and girls registered over the last 10 years. Similar to the previous one, the GAP III applies to developing, enlargement and neighbourhood countries including fragile, conflict-affected and post-conflict countries.

#### Box 1. Pivotal areas in GAP III

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

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

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

According to the Guidance Note developed for DG NEAR and EUD Staff<sup>4</sup> under the previous GAP II, which is unlikely to change substantially under the current plan, the gender analysis for the thematic priorities should at a minimum indicate:

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

<sup>2</sup> [Joint Communication to the European Parliament and the Council EU Gender Action Plan III: An ambitious Agenda for Gender Equality and Womens Empowerment in EU External Action and related Staff Working Document](#)

<sup>3</sup> [Evaluation of the EUs External Action Support to Gender Equality and Womens and Girls Empowerment \(2010-2018\)](#)

<sup>4</sup> Guidance Note on EU Gender Action Plan 2016-2020 for DG NEAR HQ and EUD staff (1 April 2016).

## HOW DOES THIS APPLY TO EC COUNTRY REPORTS?

The new Western Balkans Strategy adopted in February 2018<sup>5</sup> provides renewed impetus to the EU's engagement in the region and reinforces its leverage. The EC Country Reports are the **key policy instrument the EU has to monitor progress** of Western Balkan countries on the path towards meeting the accession criteria and to pressure governments into enacting reforms. As a key instrument of the EU, the EC Country Reports should be informed by robust gender evidence to be able to meet the ambitious targets set under the Gender Action Plan III and the, soon to be developed, Country-level Implementation Plans. Progress in the implementation of such plans will have to be reported under the Country Reports to ensure that political pressure is attached to gender equality reforms in all Western Balkan countries.

## AIM OF THE PRESENT ASSESSMENT

This is the third Kvinna till Kvinna Gender Analysis of EC Country Reports for the Western Balkans. The aim is to show progress year on year in the gender-mainstreaming of the Country Reports and attempt to **identify areas where a gender perspective can be further strengthened across different chapters of the reports**, beyond the fundamental rights section and the Chapter on Social Policy and Employment. This year, the report also **includes country-specific recommendations on priorities to be addressed** in the 2021 Country Reports. The criteria used for the assessment are the same to ensure consistency in the methodology. The starting point were the instructions included in the Guidance Note developed by DG NEAR for the implementation of the GAP II which provide details about the key components of a gender analysis<sup>6</sup>. We argue that the same components should be included in the EC Country Reports although adapted to the nature of the documents which is not that of an internal gender analyses but rather of external documents of both technical and political nature.

## CRITERIA USED FOR THE ASSESSMENT

Based on the key components of a gender analysis suggested by the Guidance Note of DG NEAR for the GAP II, seven criteria were developed to capture the extent to which EC Country Reports are informed by gender analyses and evidence. The selection of criteria is further inspired by the vision, role and mission of the Kvinna till Kvinna Foundation which is that of supporting women's rights organisations in fragile, conflict and post-conflict settings. Hence, the criteria include a strong focus on women and women's organisations.

1. Attention to gender equality (legislation, mechanisms and implementation) including potential barriers to achieving it (social norms, legislative, institutional barriers etc.)
2. Inclusion of key statistics on the situation of women, men, girls and boys
3. Attention to all forms of gender-based violence (including in war crime cases)
4. Intersectionality<sup>7</sup> including reference to Roma women, women refugees and IDPs, women with different abilities
5. Reference to roles and challenges of women's organisations
6. Account of women's roles in peacebuilding, dealing with the past and reconciliation
7. Integration of gender into sections other than the fundamental rights section (i.e. Public administration, Rule of Law, Economic section)

<sup>5</sup> [A credible enlargement perspective for an enhanced EU engagement with the Western Balkans \(February 2018\)](#)

<sup>6</sup> See box 2 on page 4.

<sup>7</sup> Understood as the way in which different types of discrimination, because of a person's sex, ethnicity, social class, religion etc., are linked to and affect each other.



Women human rights defenders protesting against sexual harassment on social media in North Macedonia.  
Photographer: Jasna Susa

ПУВАНЊЕ  
ЕСТВО  
ЖРТВАТА  
ИЗКОГАЛИ  
РААИ  
ТЕЗ  
НЕ Е  
БОБЕГ  
ЗАШТИТИ ЈА КЕРК  
ИРАЈ ГО СИН  
#ЈАбуСкопје  
ПУВАН  
ПРО

ЈАВНА СОБА

## DASHBOARD

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



Green means that the quality of the EC report in relation to the specific criterion is good.



Yellow means that the quality of the report in relation to the specific criterion is somewhat good but could be improved



Orange means that the quality of the report in relation to the specific category is not very good and presents a number of shortcomings.



Red means that the quality of the report in relation to the specific category is poor.



The upward facing arrow indicates a positive trend compared to 2019



The downward facing arrow indicates a negative trend compared to 2019



The horizontal arrow indicates no change compared to 2019

## REGIONAL COMPARISON

2020 was meant to be a crucial year for gender equality world-wide. Preparations for the 25<sup>th</sup> anniversary of the Beijing Platform for Action and for the 20<sup>th</sup> anniversary of ground-breaking UNSCR 1325 were well under way when the Covid-19 pandemic struck. Not only **has the pandemic overshadowed these important anniversaries, it has also rolled back some of the crucial gains made for women's and girls' rights** across the globe and reminded us how fragile these achievements are. At EU level, 2020 with a new European Commission in place, has nonetheless seen the adoption of new and ambitious commitments in the area of gender equality with the launch of the EU Gender Equality Strategy (2020-2025)<sup>8</sup>, the first ever LGBTIQ strategy (2020-2025)<sup>9</sup> and the new Gender Action Plan III for External Action (2021-2025). It has also provided an opportunity to take stock of the results achieved with the former GAP II and address the challenges that lie ahead.

**Gender mainstreaming continues to be “the primary means to achieve gender equality” by the EU**, according to the recently adopted GAP III. However, the recent independent evaluation of GAP II found that gender mainstreaming in the EU has remained weak due to a lack of strategic vision on gender equality at country-level, a limited understanding of the concept of gender mainstreaming, particularly at strategic level, and a mismatch between commitments and resources.<sup>10</sup> Gender mainstreaming, which is defined as “the systematic consideration of the differences between the conditions, situations and needs of women and men in all policies and actions”<sup>11</sup> is not just a technical exercise. By ensuring that women's and men's conditions, situations and needs are central to EU policies and actions, gender mainstreaming is a key strategy to overcome inequalities, although not a substitute for targeted women-centred interventions.

The 2020 analysis of Country Reports for the Western Balkans shows that **gender mainstreaming of these official documents of a highly political nature** which are both assessing the progress of the countries in the region towards meeting the accession criteria and providing policy guidance on the critical reforms needed, **is improving but far from satisfactory**. Improvements can be attributed more to few highly committed individuals rather than to a systematic approach to gender mainstreaming integrated in the methodology. The lack of a unified approach to gender mainstreaming results in uneven attention paid to women and girls, men and boys across the Country Reports, fluctuating amount of sex-disaggregated data and different terminology used for the same concepts.

For instance, there is **no single approach to gender-based violence**, with some reports framing it as violence against women, some focusing on domestic violence only and a few recognising forms of gender-based violence other than domestic violence, as prescribed by the Istanbul Convention.<sup>12</sup> All Country Reports would benefit from the adoption of a common framework and language to address gender-based violence in its different manifestations and from the inclusion of specific references to the findings and recommendations of the international committees and groups of experts mandated to monitor the progress on women's rights and violence against women such as CEDAW and GREVIO in the Western Balkan countries. Sex-disaggregated data on gender-based violence should be included to also shed a light on violence perpetrated against men and boys, currently invisible.

**Covid-19 implications and consequences for women** are also differently captured in the Country Reports. Most referred to the health and economic implications of the pandemic but only the Kosovo and Montenegro reports recognised the correlation between Covid-19 and the increase in cases of domestic violence. Only the Kosovo report highlighted that women will be more severely affected by the economic and social consequences as they are in large part employed in the informal economy and have therefore no access to mitigation measures, and only the Serbia report stressed also the active role of women as health professionals in addressing the immediate consequences of the crisis. There is no analysis of the gendered impact of the Covid-19 pandemic in the Albania,

<sup>8</sup> [Gender Equality Strategy \(2020-2025\)](#).

<sup>9</sup> [LGBTIQ Strategy \(2020-2025\)](#).

<sup>10</sup> Page 5, conclusion 7, ""[Evaluation of EUs external action support to gender equality and women and girls empowerment \(2010-2018\)](#)."

<sup>11</sup> Definition by EIGE available at <https://eige.europa.eu/thesaurus/terms/1185?lang=en>.

<sup>12</sup> [Council of Europe Convention on preventing and combating violence against women and domestic violence \(2011\)](#)

Bosnia and Herzegovina and North Macedonia Country Reports. **None of the Country Reports mentions the (lack of) participation of women in decision-making bodies and structures** in charge of developing recovery plans in response to the crisis.

While **much remains to be done to improve gender-mainstreaming of the EC Country Reports**, some reports consolidated and/or made considerable progress this year and should be commended for it. The Kosovo report continues to lead the group by integrating a thorough gender perspective in many Chapters and sections of the report, not limited to Chapter 23 and 19. The active contributions and participation of women in the public sector including in national and local government level and in the justice system are recognised. Obstacles women continue to face at multiple levels, including in relation to property ownership and inheritance, access to finance, discrimination in the labour market, high unemployment rates, inadequate system of maternity and paternal leave, limited access to childcare, and domestic violence are also mentioned. A gender perspective is also included in the section on domestic handling of war crime cases with attention paid to the situation of victims/survivors of sexual violence during the war and in the transitional justice section, but the report should further stress the positive contributions of women and women's organisations in building peace.

The **Serbia** Report made a leap forward this year not only by providing a clear overview of the impact of Covid-19 on women and their active contributions during the crisis but also by improving its section on gender-based violence with clear references to the GREVIO report recommendations, referring to the wide-spread anti-gender discourse and its adverse impact on women's rights. It offered a detailed account of the factors preventing women from joining the labour market and starting to include a gender perspective in Chapter 28 (Consumer and Health Protection). The report however has a blind spot when it comes to the conflict of the 1990s with Chapter 4 (Good Neighbourly Relations and Regional Cooperation) and 5 (Normalisation of relations between Serbia and Kosovo) being entirely gender blind. There is neither a recognition of how women have been disproportionately affected by the war, including as victims/survivors of sexual violence, nor an account of women's peacebuilding efforts across borders and across ethnic groups.

Gender mainstreaming of the **North Macedonia** Report also improved. Particularly welcome this year are the attention to gender equality and human rights in the media, the recommendation to swiftly re-adopt the Law on the Prevention and Protection against Discrimination and to preserve the list of protected grounds for discrimination, including sexual orientation and gender identity, the improved section on gender-based violence and the inclusion of the issue of sexual harassment in the workplace. The issue of legal gender recognition continues to be covered by the report following the adoption of the ECHR ruling in 2019 and should continue next year by emphasising the importance of adopting the amendments to the Law on Civil Registry which regulate legal gender recognition based on self-determination. An intersectional perspective could be further strengthened across the report.

The **Bosnia and Herzegovina** Report also improved compared to 2018 although its account of the situation of women and girls is less detailed compared to the 2019 Analytical Report. A particularly welcome development is the integration of data on women's political participation and the reference to the, often not applied, gender quotas. The Report stresses that the BiH Constitution continues to be in breach of the ECHR Sejdić-Finci case but could further recommend to include a clear commitment to and definition of gender equality in the Constitution, a crucial safeguard for women's rights in a country where legislation is not harmonised throughout.<sup>13</sup> It is very welcome that the Report also covers the issue of intimidation and threats against journalists and activists, including female journalists and activists dealing with women's rights, which is a

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<sup>13</sup> The Constitution only bans discrimination on the basis of gender but does not include a positive affirmation of gender equality as a founding value for BiH.

The **Montenegro** Report continues the positive trend of integrating a gender perspective in certain Chapters, while others continue to be gender blind. The report addresses the issue of low political participation of women and of the reduction of women's presence in elected positions but has failed to issue a specific recommendation despite the lamentable results of the 2020 elections. The report should acknowledge that the political parties' compliance exclusively with the minimum requirements for gender parity on electoral lists is not yielding the expected results of increasing women's representation in Parliament and should be improved. There is a detailed section on violence against women and domestic violence which not only looks at the state response to the phenomenon but recognises the key role of civil society organisations (which are in fact women's organisations) in providing services to victims/survivors of violence, also during the Covid-19 pandemic. It could have alluded to the cumbersome licensing process which is putting their work and expertise at risk. Sex-disaggregated data is included in some sections in relation to women in public office, women asylum seekers, women in the labour market but this should be further expanded next year.

While most countries made strides, the **Albania** Report rolled back its inclusion of a meaningful gender perspective across chapters offering an incomplete representation of women's roles in society. In particular, the removal of data on women's political representation both at national and local level (which was included in the 2019 report), is a cause of concern also in light of the high ranking of Albania on the number of women in elected positions compared to the other Western Balkan countries. The section on equality between women and men is rather weak and provides little indication of the actual barriers hindering progress towards gender equality. On a positive note, there are references to the Law on Reproductive Health, the concerning practice of sex-selective abortions, specific attention to women and girls with disabilities and the UPR recommendation to revise the definition of rape and ensure protection of women victims of all forms of violence. The reference to Covid-19's impact on "vulnerable groups" remains vague.

All Country Reports would benefit from the integration of **a more consistent intersectional perspective** across different Chapters and more attention paid to women from different social and ethnic groups as well as women with different abilities, elderly women, women from rural areas and single mothers. **Sex-disaggregated data** can also be beefed up in all Country Reports with references to the data from the Gender Equality Indexes, now adopted by four countries (Serbia, North Macedonia, Albania and Montenegro) and from reports published by women's CSOs<sup>14</sup> and other public sources. Where data is lacking, the Country Reports should include a specific recommendation to authorities to improve collection of sex-disaggregated data and public access to data.

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<sup>14</sup> For example, [Womens Rights in the Western Balkans](#) (2020) by Kvinna till Kvinna

Based on the analysis we recommend DG NEAR to:

- 1.** Increase senior and middle-management leadership on gender equality and ensure full support for the gender mainstreaming of Country Reports
- 2.** Adopt a clear definition of gender-mainstreaming and specific guidelines on how to gender mainstream Country Reports with prompts and a list of minimum requirements to be revised by the Gender Focal Point
- 3.** Follow through on the GAP III requirement to develop Gender Country Profiles and Country-Level Implementation Plans setting the policy priorities, key objectives, actions to support gender equality and ensure these inform also the Country Reports
- 4.** Revise the system of recommendations and include clear, practical and action-oriented recommendations for governments on gender equality issues
- 5.** Include key statistics and sex-disaggregated data across all sections and include reference to the source; where sex-disaggregated data is not available, include recommendations on data collection mechanisms
- 6.** Adopt common language and definitions to report on all forms of gender-based violence according to the Istanbul Convention
- 7.** Adopt an intersectional perspective to highlight interlocking systems of discrimination faced by Roma, Egyptian and Ashkali women, women refugees, asylum seekers and IDPs, women with different abilities, women from rural areas and women heads of households
- 8.** Include a gender perspective in peacebuilding, reconciliation and transitional justice and report on the implementation of UNSCR 1325. Ensure it is included in the Chapter on Good Neighbourly Relations and Regional Cooperation and Chapter on External Relations.
- 9.** Provide a thorough account of the situation of women survivors of sexual violence during the war including existing legal frameworks, access to justice, redress mechanisms and reparations
- 10.** Report on the role of women's organisations in the section on civil society, including their role as service providers, their contributions to the EU integration process and their peace building and reconciliation work



Women human rights defenders protesting against sexual harassment on social media in North Macedonia.  
Photographer: Jasna Susha

# ALBANIA



## Summary

The 2020 Albania Report rolled back its inclusion of a meaningful gender perspective and of sex-disaggregated data across chapters, offering an incomplete representation of women's roles in society. In particular, the removal of data on women's political representation both at national and local level (which was included in the 2019 report) is a cause of concern, also in light of the high ranking of Albania on the number of women in elected positions compared to the other Western Balkan countries. The section on equality between women and men is rather weak and provides little indication of the progress and actual barriers towards gender equality. On a positive note, the report alludes to the Law on Reproductive Health, the concerning practice of sex-selective abortions, women and girls with disabilities and the UPR recommendation to revise the definition of rape and ensure protection of women victims of all forms of violence. The reference to Covid-19's impact on "vulnerable groups" remains vague and it is not accompanied by additional information.

## Attention to gender equality

The section on equality between women and men presents a partial picture of the legislative, institutional and policy context relevant to gender equality. The references to some of the legal and policy frameworks such as the National Strategy and Action Plan on Gender Equality 2016-2020 (for which the funding challenges are noted), the Law on Reproductive Health and Rights and the Law on Free Legal Aid are welcome, but the report could have added a recommendation for the upcoming 2021-2030 National Strategy on Gender Equality. Overall, the section lacks a consistent analysis of the legislative, social, cultural barriers women continue to face in exercising their rights and of the contributions of women in different sectors. It further seems that the report implies that women fall in the category of "vulnerable group" when tackling the impact of the Covid-19 pandemic. A more nuanced account of women's roles in Albania with a focus also on their contributions to the public domain is required to avoid reinforcing damaging stereotypes. The section on LGBTI persons offers a comprehensive overview of the existing legislation, challenges with implementation of the National Action Plan hampered by lack of resources, situation of shelters, hate speech and discriminatory language in the media, which needs to be addressed.

## Inclusion of key statistics

The removal of data on women's political participation at national and local level compared to the 2019's report is a cause of concern particularly as Albania scores higher than any other Western Balkan country on this indicator.<sup>15</sup> Statistics and data are included on the total number of cases of domestic violence, perpetrators prosecuted but with no details on the types of sentencing issued by courts. The number of women and girls referred to relevant services as potential victims of trafficking is also included. Sex-disaggregated data is included in the section on social policy and employment, also with regards to employment in the agricultural sector and in the informal economy.

<sup>15</sup> Up to date data on women's representation in politics is included in [Womens Rights in the Western Balkans](#), Kvinna till Kvinna (2020).

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

Similar to 2019, the report covers extensively the issue of domestic violence and trafficking of human beings (including specifically women) but does not refer to other forms of gender-based violence, as prescribed by the Istanbul Convention. Similar to 2019, there is a reference to the increase in the number of referral mechanisms (which now cover 52 out of 61 municipalities), to the fact that many women's organisations run shelters for victims/survivors of violence on tight budgets, and to the challenges of particular groups of women in accessing services for victims/survivors of violence. The section on trafficking refers specifically to the number of women subjected to trafficking and includes a welcome reference to the fact that NGO-run shelters are underfunded and that victim-centred investigations and prosecutions need to be more consistently carried out. Also similar to the 2019's report, there is a reference to the need to fully implement the Law on Free Legal Aid and promote awareness about laws and services to ensure women's access to justice. In fact, the slow implementation of the Law on Free Legal Aid, also due to the failure to adopt sub-laws, the limited budget allocation and the cumbersome procedures requested to applicants, continue to hamper women's access to justice.

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

There is considerable attention throughout the report to the Roma and Egyptian communities including with regards to education, employment, access to health and social housing. For the second year, under the fundamental rights section there is a reference to the challenges women from disadvantaged communities or marginalised groups such as IDPs, LGBTI persons and Roma and Egyptian women are facing in particular when it comes to awareness of their rights and access to services (such as shelters for victims/survivors of violence). Child marriage is also mentioned as a worrying practice in the Roma, Egyptian and rural communities. Also, the chapter on Consumer and Health protection includes a recommendation to continue to improve access to health and services for disadvantaged populations including women and girls belonging to minority groups. There is also a reference to the lack of ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the absence of a comprehensive gender equality policy and strategy that addresses the multiple and intersecting forms of discrimination faced by women and girls with disabilities.

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

The report refers to the lack of progress in the implementation of the Roadmap on an enabling environment for civil society and stresses the needs for inclusive consultations with civil society as part of an inclusive policy dialogue on reforms. Similar to the 2019 report, the report refers to the role of women's rights organisations managing shelters for survivors of domestic violence. Women's rights organisations have been playing a crucial role in response to the Covid-19 pandemic, including in the provision of services such as services to victims of sexual violence which should be guaranteed by the state and their contributions should be further recognised.

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

There is a welcome reference to the monitoring report on the Albanian Action Plan for the implementation of the UNSCR 1325, but it is unclear why it has been included in the section on gender-based violence. There is no reference to women's roles in peacebuilding and reconciliation either in the sections on Regional issues and International Obligations or in Chapter 31 on Foreign, Security and Defence Policy.

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

The chapter on Social Policy and Employment includes data on women's and men's participation in the labour market, unemployment rates, women's and men's involvement in unpaid work in family businesses and gender pay gap. However, there is no attempt to further identify the factors preventing women from joining the labour market with the only reference being made to unpaid work at home as a cause for inactivity. Similar to the 2019 report, concerns are raised over the proportion of women in the informal labour market, especially the textile and shoe industries, and over the lack of disaggregated data on this phenomenon. Other sections like agriculture and rural development, enterprise and industrial policy, remain gender blind. Chapter 28 on Consumer and Health protection tackles the issue of health inequalities among the Roma and Egyptian minority and access to health for women facing multiple discriminations. The section on the quality and efficiency of justice should recognise the obstacles women face in accessing justice.

**Recommendations for the 2021 Country Report:**

- 1.** Provide a more nuanced description of women's roles and contributions in society, highlighting both the social, cultural and legislative barriers towards gender equality and the active roles women play in society
- 2.** Improve the inclusion of sex-disaggregated data and statistics across different Chapters, including specifically on women's political participation both at national and local level
- 3.** Refer to the GREVIO recommendation<sup>16</sup> to step up efforts to tackle forms of violence other than domestic violence, promote gender-based understanding of violence against women throughout society, improve and harmonise data collection mechanisms on all forms of violence against women across the different sectors
- 4.** Report on the socio-economic impact of the Covid-19 pandemic on women including those employed in the informal economy who could not access the relief and recovery measures
- 5.** Call on the government to ensure that a gender perspective be included in the planning and implementation of relief and recovery measures aimed at addressing the impact of the Covid-19 pandemic
- 6.** Continue to strengthen the integration of an intersectional perspective across the report, including in the Chapter on Consumer and Health Protection

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<sup>16</sup> [Albania Report by Grevio \(2017\)](#)

## BOSNIA AND HERZEGOVINA



### Summary

Compared to the 2019 Analytical Report, the 2020 Country Report provides a less detailed overview of the situation of women and men in the country, but it is nonetheless more comprehensive than the 2018 Country Report.<sup>17</sup> A particularly welcome development is the integration of data on women's political participation and the reference to the, often not applied, gender quotas. The Report stresses that the BiH Constitution continues to be in breach of the ECHR Sejdić-Finci case, but it could further recommend to include a clear commitment to and definition of gender equality, a crucial safeguard for women's rights in a country where legislation is not harmonised throughout the different entities and district.<sup>18</sup> It is very welcome that the Report draws attention to the issue of intimidation and threats against journalists and activists, including female journalists and activists dealing with women's rights, which is a worrying trend. In relation to gender-based violence, like most other reports, there is a focus on domestic violence while other types of gender-based violence, as described by the Istanbul Convention, are not considered. Attention to the situation of women in ethnic minorities could be further strengthened across the report.

### Attention to gender equality

The section on equality between women and men alludes to the lack of harmonisation of legislation on gender equality across the country, but could provide further details about the different rights and treatments women are entitled and subject to due to these legislative discrepancies. Shortcomings in the implementation of existing legislation and action plans, including the 2018-2022 Gender Action Plan, could be further elaborated upon. Overall, the report lacks an analysis of the key barriers (legislative, social and cultural) preventing women from accessing their rights, including specifically for women belonging to national minorities, women with different abilities, elderly women, women from rural areas and women heads of households. The attention paid to women's political participation at different levels and the (uneven) application of quotas is very welcome. The section on LGBTI rights refers, among other things, to the need to adopt an Action Plan to safeguard their rights and highlights that the prosecution of hate crimes and hate speech against LGBTI persons remains low.

### Inclusion of key statistics

The report includes data on women's representation in elected bodies, as judges and prosecutors, and in the labour market. There is no data on sexual and gender-based violence, on cases reported and prosecuted and on types of sentencing. Statistics on gender-based violence and other indicators are collected by women's organisations and could be referred to.<sup>19</sup>

<sup>17</sup> The paper assess progress against the 2018 Country Report.

<sup>18</sup> The Constitution only bans discrimination on the basis of gender but does not include a positive affirmation of gender equality as a founding value for BiH.

<sup>19</sup> For example, see the report '[Womens Rights in the Western Balkans](#) (2020).

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

The report highlights that the Republika Srpska further aligned its legislation on protection against family violence to the Istanbul Convention and mentions that the institutional response to gender-based violence needs to be improved. It also calls on BiH authorities to accelerate the prosecution of crimes of sexual violence, provide reparations to women victims of war crimes and secure witness protection. The report could have further recalled the need to harmonise legislation on protection against GBV in the Federation of BiH, Republika Srpska and Brčko district and on the status and access to reparations for women civilian victims/survivors of violence during the war. The report should also stress that women's organisations continue to be the main providers of services to women victims/survivors of gender-based violence and to the need for regular and adequate public funding for such services, namely safe houses, as regulated by the entity laws on prevention and combating domestic violence. The wide-spread practice of ending criminal proceedings on GBV with plea agreements which prevent women from accessing their right to be heard and to claim compensation should also be included.

## **Intersectionality – reference to Roma women, women refugees and IDPs**

There is a considerable effort to integrate an intersectional perspective into the report. The report refers extensively to the situation of the Roma minority but makes only a cursory reference to the multiple intersecting discrimination facing Roma women. The new EU Roma Framework includes a focus on three horizontal areas - equality, inclusion and participation – and an ambition to be sensitive to the combination of ethnicity with other aspects of identity, such as gender, age, sexual orientation and so forth. This should lay the foundation for more gender-sensitive Action Plans to be adopted by the individual countries as well as more gender-sensitive monitoring and reporting by the EU, including through the Country Reports. The need to improve data collection on women and men with different abilities is also highlighted in the report.

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

The report stresses that no progress was made in creating an enabling environment for civil society, as recommended by the EU Opinion priority 11. The violent repression of the movement "Justice for David" is a case in point. The report further acknowledges how intimidation and threats against journalists and activists, including specifically female journalists and activists dealing with sensitive issues such as women's rights, are a recurring practice.

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

The report acknowledges that BiH has a National Action Plan on Women, Peace and Security and that in May 2019 the EU and BiH adopted a joint roadmap for action on the G7 initiative for the implementation of UNSCR 1325, although no additional information is included, either on the NAP or on the joint roadmap. The report should further highlight the key role of civil society organisations, including specifically women's organisations, in promoting peace and reconciliation, searching for missing persons, providing support and legal aid to survivors of sexual violence, ensuring remembrance also for women victims of the war, in a country where polarised narratives of the conflict are still very present.

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

There is a clear attempt to gender-mainstream the section on democracy but obstacles to women's political participation could be further elaborated and recommendations to overcome them included. The quality of justice section also includes a welcome reference to the number of women judges and prosecutors but could further reflect on how to ensure gender-sensitivity of the judicial system and how this can improve the quality of and access to justice. Chapter 19 also refers to the position of women in the labour market and the high unemployment rate compounded by the absence of measures aimed at women. Discrimination against women in the labour market is a wide-spread problem as is the lack of harmonisation on maternity and paternity leave across entities and cantons. The recommendation to introduce a uniform minimum level of maternity leave benefits and protection throughout the country is welcome. Other chapters of the report, such as Chapter 26 (Education and Training), Chapter 27 (Environment and Climate Change), Chapter 31 (Foreign, Security and Defence Policy) continue to be gender-blind.

## Recommendations for the 2021 Country Report:

- 1.** Recommend the inclusion of a specific commitment to and definition of gender equality in the Constitution to safeguard and protect the rights of women across the different entities, cantons and district.
- 2.** Recommend the full implementation of the Law on Gender Equality, including the application of quotas in all executive and legislative advisory bodies (including in the Roma Committee and Council on National Minorities), in political parties and in the bodies responsible for EU integration
- 3.** Include an analysis of the key legislative, social and cultural barriers hindering progress towards gender equality and on the socio-economic impact of the Covid-19 pandemic on women and men, including the increase in cases of gender-based violence
- 4.** Acknowledge the role of women's organisations as first respondents to the needs of women and vulnerable communities during the pandemic, including the provision of services to women victims/survivors of gender-based violence, and their active role in peacebuilding, remembrance and reconciliation
- 5.** Call for a harmonisation of the BiH legislation with the EU Victims Directive<sup>20</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
- 6.** Report on the barriers women from Roma and other minorities are facing in access to education, employment, health services including on sexual and reproductive health and rights, the wide-spread gender-based violence and the practice of forced juvenile marriages affecting Roma girls
- 7.** Call on the authorities to ensure that a gender perspective be included in the planning and implementation of relief and recovery measures aimed at addressing the impact of the Covid-19 pandemic

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<sup>20</sup> [Directive 2012/29/EU](#) establishing minimum standards on the rights, support and protection of victims of crime

# KOSOVO



## Summary

The 2020 Kosovo Report continues the positive trend of integrating a meaningful gender perspective and sex-disaggregated data across different chapters. The report accurately reflects the active contributions and participation of women in the public sector including their representation in parliament, in government bodies, in local municipalities and as judges, prosecutors and mediators. It also addresses the obstacles women continue to face at multiple levels, including in relation to property ownership and inheritance, access to finance, discrimination in the labour market, high unemployment rates, inadequate system of maternity and paternal leave, limited access to childcare and domestic violence. The report also mentions the disproportionate impact of the Covid-19 crisis on women and the rise in domestic violence cases during the pandemic but fails to include a specific recommendation to the government for gender-responsive recovery plans. A gender perspective is also included in the section on transitional justice, but the report should also stress the positive contributions on women and women's organisations in building peace. There is a step forward in integrating an intersectional approach with regards to women belonging to minorities, but this should be further strengthened next year.

## Attention to gender equality

The report indicates that the legislation and institutional mechanisms for equality between women and men are in line with international and EU standards and acknowledges the adoption of the Programme on Gender Equality (2020-2024) in May 2020. Obstacles hindering achievement of gender equality are mentioned across different sections of the report and include challenges related to property ownership and inheritance, access to finance, discrimination in the labour market, high unemployment rates, inadequate system of maternity and paternal leave, limited access to childcare, domestic violence. The reference to the disproportionate impact of Covid-19 on women is welcome but it should be accompanied by a specific recommendation. The section on LGBTI rights offers a good overview of the progress and persistent challenges facing the LGBTI community. A number of positive steps are reported, including the adoption of the Action Plan 2019-2022 by the Advisory and Coordination Group of the LGBTI, the first ex officio prosecution against an official of the ministry of Justice on the grounds of hate speech, two court decisions on legal recognition; one of which led to the Civil Registration Agency recognising the person's gender on the basis of self-determination.

## Inclusion of key statistics

The report includes sex-disaggregated figures and statistics in many sections including with regards to the number of women in elected positions in parliament and local governments; as judges, prosecutors and mediators; as foreign fighters and returnees from conflict zones; as missing persons; in education at different levels; in the labour market although it does indicate the gender pay gap. Data on cases of domestic violence is included but not disaggregated by sex. The report could include a more specific recommendation for state authorities on how to improve collection, maintenance and transparent reporting of sex-disaggregated data. The report mentions that there is an integrated database for cases of domestic violence which has been created and is accessible to police, victim advocates, prosecutor, courts and social workers, yet, it does not note that the database is still not serving its purpose and that it must become fully functional in order to keep track of gender-based violence cases.

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

The Report tackles domestic violence, which continues to be the most prominent form of gender-based violence, sexual violence during the war and trafficking. The report accounts for the latest legislative developments including the amendments to the criminal code, which see domestic violence as a stand-alone offence, and the amendment to the Kosovo Constitution which gives direct effect to the Istanbul Convention. There is also reference to the 2016-2020 Strategy and Action plan on Domestic Violence 2016-2020 and to the integrated database on cases of domestic violence. The report indicates that reported cases of domestic violence increased in the first semester of 2020 as a consequence of the Covid-19 pandemic and, possibly, greater awareness of the issue. Prevention of domestic violence, reintegration of victims/survivors and compensation continue to be limited. There is also attention raised to the need of sustainable funding for shelters for victims of gender-based violence and trafficking. With regards to cases of sexual and gender-based violence during the war, the report indicates that victims can apply to the Government Commission on Recognition and Verification of the Status of Survivors of Sexual Violence during the conflict to receive their benefits. However, the time frame of the law excludes those who suffered from conflict-related sexual violence after 20 June 1999 and that in addition to challenges in accessing justice survivors also face societal stigma.

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

There is a slight improvement in how the report attends to the situation of women belonging to minorities. In particular, there is a call to further guarantee the rights of persons belonging to minorities, including Roma, Ashkali and displaced persons, to ensure gender equality in practice and to protect their cultural heritage. However, the report could pay greater attention to the fact that women are not a homogeneous group and that they face different types of intersectional discriminations based on social markers such as age, different abilities, geographic location and ethnicity.

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

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

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

The report refers to the need for Kosovo to develop an overarching strategy for transitional justice and the work of the preparatory team in charge of drafting the normative act. The report also indicates that the team conducted a round of consultations with civil society, religious groups and women victims of sexual violence during the war, among others, and recommends the team to ensure that the future Commission for Truth and Reconciliation be gender-sensitive and inclusive of all communities. Unfortunately, the report does not stress the importance of meaningful participation of women in peace negotiations and ignores the lack of consultation with civil society, including women's organisations, of the EU-facilitated Kosovo-Serbia dialogue.

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

Sex-disaggregated data is included in the section on the fight against women in violent extremism. The chapter on social policy and employment includes several references to the situation of women but should include a specific recommendation to the government to develop specific measures to increase women's participation in the labour market and to close the gender-pay gap. Other chapters such as the ones on Education, Good Neighbourly Relations and Regional Cooperation, Enterprise and Industrial Policy, Environment include at least one reference to women but should be further gender-mainstreamed along with the chapters on Climate Change, Agriculture and Transport Policy which are still gender-blind.

**Recommendations for the 2021 Country Report:**

- 1.** Address the differentiated impact of Covid-19 on women including those belonging to minorities, women from rural areas, women with different abilities, elderly women and recommend the government to ensure women are consulted in the development of response and recovery plans
- 2.** Call on the government to ensure that a gender perspective be included in the planning and implementation of relief and recovery measures aimed at addressing the impact of the Covid-19 pandemic
- 3.** Include information and data on the particular challenges women from minorities face in accessing education, health services including on sexual and reproductive health and rights, and the labour market
- 4.** Recognise the role of women's organisations as first respondents to the needs of women and vulnerable communities during the pandemic, their ability to provide services to women victims/survivors of gender-based violence, their active role in peacebuilding, remembrance and reconciliation
- 5.** Include a gender perspective in the account of the 1990s' conflicts and their consequences, recognise the importance of women's participation in peacebuilding including in this phase of normalisation of relations between Kosovo and Serbia
- 6.** Recommend the adoption of specific actions and measures targeting women to increase their active participation in the labour market and to close the gender pay gap
- 7.** Clarify what Kosovo needs to improve in regard to women's property ownership (e.g. monitoring the work of Property Registration Agencies, monitoring the compilation of Acts of Death, Amendments to the Law on Inheritance, better cooperation with civil society at the local level)

# MONTENEGRO



## Summary

The 2020 Montenegro Report continues the positive trend of integrating a gender perspective in certain chapters, but many continue to be gender blind. The report acknowledges the issue of low political participation of women and the reduction of women's representation in Parliament following the 2020 elections, but has failed to issue a specific recommendation on this. The report should have further acknowledged that the political parties' compliance exclusively with the minimum requirements for gender parity on electoral lists has not yielded the expected results of increasing women's representation in Parliament and should be improved. There is a detailed section on violence against women and domestic violence which not only looks at the state response to the phenomenon but recognises the key role of civil society organisations (which are in fact women's organisations) in providing services to victims/survivors of violence, also during the Covid-19 pandemic. It could have alluded to the cumbersome licensing process which is putting their work and expertise at risk. Sex-disaggregated data is included in some sections in relation to women in public office, asylum seekers and women in the labour market, but this should be further expanded next year. An intersectional perspective is generally lacking with no specific reference to women from minorities, including Roma and Egyptian, or women from rural areas, women with disabilities or elderly women.

## Attention to gender equality

The section on equality between women and men points at the progress registered in 2019, including the adoption of the new Labour Law which was meant to align the legislation with the EU directive on equal opportunities and employment and on pregnant workers. It also mentions concrete steps in the right direction taken by the Judicial Training Centre and State Prosecution, such as the organisation of trainings on women's rights and gender equality. It also highlights that key obstacles in line with those identified by the 2017 CEDAW Report<sup>21</sup> persist, especially due to the weak implementation of existing measures on gender-based discrimination, the low awareness by state officials about their legal obligations and overall low prioritisation of gender equality issues within state structures and public accountability mechanisms. The report also includes a detailed section on LGBTI rights highlighting progress over 2019, including the adoption of the national strategy and action plan for improving the quality of life of LGBTI persons (2019-2023) and of the first law on same-sex partnerships, the signing of a Memorandum of Understanding between the Ministry of Human and Minority Rights and 20 municipalities to fight discrimination based on sexual orientation and gender identity, capacity building activities for police officers, prosecutors and social services professionals. The judicial system continues to lack adequate capacity to address cases of discrimination, hate speech and verbal abuse with low conviction rates.

## Inclusion of key statistics

The report includes data on women's participation in politics, which continues to be low, both at national and local level. In particular, it includes data on the number of women as Members of Parliament (18 out of 81) which considerably declined after the 2020 election. The report refers to the new law on financing of political

<sup>21</sup> [CEDAW Report](#) (2017)

entities and political campaigns which stipulates that 20% of budgets for the regular operation of political parties should be disbursed proportionately to elected representatives of the underrepresented gender. The report also includes data on women's participation in the Montenegrin civil service, in the judicial system (as judges and prosecutors), women asylum seekers, women in the labour market, women unemployed and women excluded from the labour market as a result of the implementation of the amendments to the Law on social and child protection, which withdrew the benefits to mothers of three or more. This year, the report includes data on violence against women and domestic violence, although not disaggregated by sex, and refers to the new electronic database on domestic violence. On gender-based violence the report could include data on the types of convictions, the number and type of protection measures, as well as ratio among misdemeanor and criminal cases.

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

The report offers an exhaustive account of domestic violence and violence against women, but other types of gender-based violence such as rape, forced marriages and stalking remain unaddressed. In 2018, the report published by the Group of Experts on Action Against Violence Against Women and Domestic Violence (GREVIO)<sup>22</sup>, raised the issue of the lack of preventive and protective measures, services and gender-sensitive attention in the judicial system for victims of rape, forced-marriages and stalking. While the report mentions that the Ministry of Labour and Social Welfare started issuing licences to NGOs offering specialised services for victims of violence against women and domestic violence it should also highlight that the cumbersome licensing mechanism is threatening the very existence of many NGOs. The impact of Covid-19 on domestic violence is also recognised. The report reiterates challenges with services' response to domestic violence, access to justice for victims/survivors, effective protection of victims including through the issuing of protection orders and concerns about overall lenient rulings.

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

The report provides a thorough account of the situation of minorities and in particular the Roma and Egyptian minority. These communities continue to face unequal access to housing, health, education and there are a number of worrying phenomena such as that of child marriages and begging. The report indicates that there is no official report on the implementation of the Roma and Egyptian social inclusion strategy and action plan and that there is limited evidence of progress from the ground. Budget for the implementation of the 2016-2020 Strategy for Social Inclusion is still insufficient, the report notes. There is no reference to the intersecting discriminations Roma and Egyptian women face with regard to access to education, employment, health care (including contraception) and justice in cases of domestic violence.

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

The report notes that there has been an improvement in the legal, institutional and financial environment in which civil society operates, in particular with regards to the rules on State-funding of NGOs. The reports also highlights that there is a greater recognition of the role of civil society in designing, implementing and monitoring public policies but that civil society's role in policy and decision-making is still insufficient. Greater transparency on the allocation of funds is also needed. There are a number of welcome references to the key role of civil society in different sectors including with regards to NGOs providing services to victims/survivors of violence against women and domestic violence.

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

The report includes a welcome reference to the 2019-2020 Montenegrin Action Plan for the implementation of UNSCR 1325 but there is no information on either its content, implementation or active role of civil society in this respect. The report refers neither to gender nor to women in the section on Regional issues and international obligations or Chapter 31 on Foreign, Security and Defence Policy.

<sup>22</sup> [GREVIO Baseline report Montenegro](#) (2018)

## Integration of gender into other sections

The report includes data on women's participation in politics both at national and local level and reference to the role of the Women's Political Network. Overall, the report offers a detailed overview of women's participation in the labour market which remains low and highlights the key obstacles women are facing, including discrimination in accessing employment, gender pay gap, sexual harassment in the workplace, lack of affordable childcare, among others. There is a welcome recommendation to continue to focus on measures and initiatives specifically targeting women, including legislative measures focused on work-life balance. The negative impact of Covid-19 on the labour market is mentioned but there is no information on how it has affected women specifically. Chapters on Consumer and Health Protection, Enterprise and Industrial Policy, Environment and Climate Change, Education and Culture, Science and Research, to name a few, are still gender-blind.

## Recommendations for the 2021 Country Report:

- 1.** Include a more detailed analysis of women's political participation and representation in elected bodies including the abysmal results of the 2020 elections
- 2.** Include an explicit recommendation to address the low representation of women in Parliament to ensure the election of a minimum of 30% of candidates from the least represented gender. Recommend the revision of the current quota system in electoral lists (for example introducing one candidate from the least represented gender every three candidates instead of four)
- 3.** Include reference to other forms of violence against women not limited to domestic violence, such as forced marriage, rape and stalking. Recommend the authorities to introduce comprehensive measures and services for the victims/survivors of these forms of violence
- 4.** Recommend that the system of licences to NGOs providing specialised services to women victims/survivors of sexual violence be mindful of the principles of confidentiality and autonomy
- 5.** Include an intersectional perspective across different chapters including information and data on Roma and Egyptian women, women from rural areas, women heads of households, women with different abilities, elderly women
- 6.** Report on the socio-economic impact of the Covid-19 pandemic on women including those employed in the informal economy who could not access the relief and recovery measures
- 7.** Call on the government to ensure that a gender perspective be included in the planning and implementation of relief and recovery measures aimed at addressing the impact of the Covid-19 pandemic

## NORTH MACEDONIA



### Summary

Gender mainstreaming of the 2020 North Macedonia Report considerably improved. Particularly welcome are the focus on gender equality and human rights in the media, the recommendation to swiftly re-adopt the Law on the Prevention and Protection against Discrimination and to preserve the list of protected grounds for discrimination, including sexual orientation and gender identity, the improved section on gender based-violence and the inclusion of the issue of sexual harassment in the workplace. Also, the report rightly indicates that procedures for legal gender recognition in line with the ECHR ruling from January 2019 are still to be established. Next year, the report should emphasise the importance of adopting the amendments to the Law on Civil Registry which regulate legal gender recognition based on self-determination. It should also address the consequences of the pandemic on women's economic and social well-being and highlight the role of women's organisations during the crisis, continue to extend its analysis to different forms of gender-based violence and recommend the swift adoption of specific legislation to the national authorities.

### Attention to gender equality

The Report indicates that the legal framework on gender equality is largely in line with the EU *acquis*. There is a reference to the weak budgetary allocation for the 2016-2020 National Strategy for Gender Equality, but a recommendation for a timely adoption of a new Strategy and for adequate funding could have been included. There is a welcome reference to the Law on Termination of Pregnancy but this should have been linked to the general lack of gynaecological services, especially in rural areas, further exacerbated by the Covid-19 pandemic. On the repealed Law on Prevention and Protection against Discrimination, which leaves the country without a comprehensive legal anti-discrimination framework and without an anti-discrimination body, the report recommends to quickly re-adopt the Law, preserving the list of protected grounds for discrimination, including sexual orientation and gender identity, which is welcome. The report could have further included a suggestion to ensure that the selection of candidates for the Commission be based on objective criteria and merit, as recommended by the Venice Commission.<sup>23</sup> The Report further reflects the situation of LGBTI persons, now left with no legal protection, and recognises that hate speech, discrimination and attacks are still prevalent. The recommendation to further implement the legislation on hate speech and increase the collection of data is welcome. The continuous attention paid to the issue of legal gender recognition is welcome and should continue next year.

### Inclusion of key statistics

The report includes data on women in elected positions, as judges and prosecutors, and as employees in the civil service. There is data on women's participation in the labour market, which slightly increased from last year, but the report warns that the positive trend is likely to be reversed as a result of Covid-19. An improvement this year concerns the inclusion of sex-disaggregated data on migrants. The report also refers to the lack of a comprehensive system to collect data on gender-based violence but does not include a specific recommendation in this regard.

<sup>23</sup> Venice Commission (2018) *Opinion on the draft law on prevention and protection against discrimination*. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)001-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)001-e)

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

This year's report expanded its account of different forms of gender-based violence to include also sexual harassment in the workspace and hate speech directed to women online. At the legislative level, the report recalls the need to further bring the legislation in line with the Istanbul Convention following its ratification. On domestic violence, the report focuses on the measures taken by the Ministry of Labour and Social Policy, including the establishment of a team of experts ready to act in cases of gender-based violence, and on services for victims/survivors of violence. The report stresses that four regions lack shelters and that most shelters do not comply with the minimum requirements imposed by the Istanbul Convention and are not accessible for women with different abilities. Particularly welcome this year is the attention paid to the situation of women in the workplace, including the section on sexual harassment in the workplace. The report does not mention the challenges facing women victims of violence in acquiring temporary protection orders and the lack of mechanisms to ensure reintegration and resocialisation for victims of sexual violence.

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

The report continues to be rather weak in the integration of an intersectional perspective. The report covers extensively the situation of the Roma community, the slow implementation of the Roma Inclusion Strategy (2014-2020) and the challenges they face in accessing education, housing, employment, health and justice. However, no attention is paid to the situation of Roma women who are among the most disadvantaged groups facing considerable obstacles in accessing basic rights, including access to health services. The 2018 CEDAW Report highlights the multiple and intersectional forms of discriminations towards Roma women, women in rural areas, migrant, asylum seekers, refugee women and women in prostitution and recommends the adoption of a targeted plan for the implementation of the Law on Equal Opportunities for Women and Men for these groups.<sup>24</sup> These issues should be captured in the next iteration of the report.

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

The report refers to the active role of civil society in policy and decision-making processes. It also mentions that measures have been taken to implement the 2018-2020 Strategy and Action Plan for the cooperation between Government and Civil Society and stresses that more efforts are needed for meaningful and timely consultation processes. There is an acknowledgement of the active contribution of civil society in supporting the most vulnerable among the population during the Covid-19 pandemic. However, no reference is made to women's civil society in general and to their roles and contributions in different sectors, including in providing services to victims/survivors of domestic violence and support to communities during the Covid-19 crisis.

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

This year for the first time the report refers to the National Action Plan on Women, Peace and Security, which is the second one, adopted in July 2020. While this is a positive step, there is no account of the role of women in peacebuilding, which should be at the heart of the implementation of UNSCR 1325. The report also refers to the fact that strategic documents of the Ministry of Defence and the Army now include a gender perspective, but it remains unclear what that entails. Chapter 31 on Foreign, Security and Defence Policy remains gender blind.

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

The report includes references to women in the sections on political criteria and rule of law, existence of a functioning market economy, asylum, social policy and employment, consumer and health protection chapters. The section on equality between women and men in employment and social policy improved considerably compared to 2019 with reference to the situation of women in the workplace, to the national Law on Protection against Workplace Harassment, training of public sector workers on gender equality and the lack of data on incidents of sexual harassment in the workplace or a system to investigate such incidents. The reference to the measures to help women return to work after pregnancy, such as increased childcare and pre-school capacity is welcome. Other sections such as Education and Culture, Science and Research, Environment and Climate Change, Foreign Security and Defence Policy, and Agriculture, to name a few, are still gender blind.

<sup>24</sup> [CEDAW Report on North Macedonia](#) (2018).

**Recommendations for the 2021 Country Report:**

- 1.** Improve its intersectional perspective across different chapters, by highlighting the situation of women subject to multiple discriminations such as Roma women, women in rural areas, migrant, asylum seeking and refugee women, women in prostitution as recommended by the 2018 CEDAW Report<sup>25</sup>
- 2.** Encourage the full implementation of the new Law on Prevention and Protection from Violence Against Women and Domestic Violence which recognises and addresses all forms of violence against women
- 3.** Call for the adoption of the amendments to the Law on Civil Registry which regulate legal gender recognition based on self-determination
- 4.** Report on the socio-economic impact of the Covid-19 pandemic on women including those employed in the informal economy who could not access the relief and recovery measures
- 5.** Call on the government to ensure that relief and recovery plans include a gender and intersectional perspective and attend to the needs of the most fragile segments of the population, including women in precarious employments

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<sup>25</sup> [CEDAW Report on North Macedonia](#) (2018).

# SERBIA



## Summary

The 2020 Report shows considerable improvement in the integration of a gender perspective across various chapters. The report offers a detailed account of the multiple ways in which Covid-19 affected women differently from men including the heightened risk of domestic violence due to the imposition of restrictive measures and curfews, the specific vulnerability of and lack of services for women with different abilities and the negative implications for women-dominated professions. It also highlights that women have been at the forefront of Covid-19 response including as health professionals. The section on violence against women and domestic violence also improved with welcome references to the conclusions and recommendations of the GREVIO report on Serbia<sup>26</sup>, including the need of a more comprehensive response to all types of violence against women, not limited to domestic violence. While the report offers a detailed overview of the factors hindering women's participation in the labour market in Chapter 19, it should more clearly refer to gender-based discrimination as a structural obstacle for achieving gender equality. There is little attention paid to women's political participation at national and local level and no gender perspective is included in the section describing the consequences of the conflict in the 1990s. The report should highlight that Serbia is the only country which has not recognised the status of civilian victims of war to women survivors of sexual violence, and should acknowledge women's contributions towards building peace across borders and across ethnic communities.

## Attention to gender equality

The section on gender equality is slightly more comprehensive than in 2019 but it could be further improved by summarising how gender-based discrimination is hindering progress towards gender equality. The report points at some of the key gaps in the institutional, legislative and policy framework in relation to gender equality and anti-discrimination, but clear recommendations are generally absent. The report indicates that the adoption of the new Law on Gender Equality has been seriously delayed, but it should also refer to the fact that the current draft is not considered satisfactory by women's CSOs.<sup>27</sup> Also, the report does not refer to the National Strategy on Gender Equality 2019-2020 and the lack of adoption of its Action Plan. There is a welcome reference to some of the recommendations of the CEDAW Committee including the one on combating the anti-gender discourse and its adverse impact on women's rights. Some of the other recommendations from the CEDAW report could have also been recalled, for instance the need for a timely adoption of the new Law on Gender Equality through an inclusive, participatory process in cooperation with civil society organisations focusing on women's rights.<sup>28</sup> The delays in the adoption of the Anti-Discrimination Strategy and in the appointment of an Equality Commissioner are noted, yet the report should have further highlighted that there is currently no protection for discrimination cases as complaints have been put on hold until a new Commissioner is appointed. This is of particular concern as discriminatory and hate speech, in particular against women, elderly, LGBTI and people infected by Covid-19, have been on the rise during the pandemic. The precarious situation of human rights defenders and LGBTI persons, who are often targeted by hate speech, and the weak implementation on hate crime legislation, including on grounds of sexual orientation, is

<sup>26</sup> GREVIO baseline evaluation Report Serbia (2020).

<sup>27</sup> Concerns on the draft law are shared by prEUgovor Coalition in the [Alarm Report on the Progress of Serbia on Chapter 23 and 24](#) (November 2020)

<sup>28</sup> Page 4, [Concluding Observations on the 4th Periodic Report of Serbia](#), CEDAW (2019)

reported. The situation is compounded by the lack of trust in institutions and the fear of stigmatisation which result in under-reporting of cases of violence. There are also references to trans persons, who are generally vulnerable to violence, and intersex persons, who are legally and socially invisible.

### **Inclusion of key statistics**

The report is generally lacking sex-disaggregated data and statistics. The number of women in the newly elected Parliament and employment rates are included. While official sex-disaggregated data and statistics in certain domains, including that of violence against women, are generally lacking, the report could refer to data included in the Serbian Gender Equality Index (2018) and in official reports published by CSOs.<sup>29</sup>

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

The section on violence against women and domestic violence considerably improved compared to the previous year. The report refers to the delays in the adoption of the new Strategy and Action plan on Violence against Women. There is a welcome reference to the 2020 GREVIO report which calls for a comprehensive response to all forms of violence against women, not limited to domestic violence, the provision of adequate specialist women's support services with a gendered approach - now mainly run by (women) NGOs and on tight budgets - the access to shelters and other services to all women, in particular women with disabilities, Roma women and the introduction of adequate systems to collect data disaggregated by type of violence and relationship between the victim and the perpetrator. Other issues could have been included and, in particular, the lack of effective prosecution of cases of violence against women and the low conviction rates, the distinction in the Law on Free Legal Aid between women victims of domestic violence and women victims of other forms of violence who need to demonstrate their eligibility through lengthy processes. The Law also sets out new criteria for providers of legal aid which disregard the decades of expertise of women's NGOs already providing these types of services. The report includes a cursory reference to the adoption of the 2019-2020 Action Plan to implement the Strategy for the Prevention and Suppression of Human Trafficking, which has a focus on women and children, but no additional information is provided on its implementation and mid-term results.

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

There are a few references to women from minority groups and with different abilities in the section on violence against women, highlighting the specific vulnerabilities of these women, ranging from forced contraception to forced abortion. The report covers extensively the issue of integration of minorities including specifically the Roma minority, but there is no specific data on Roma women. Data on Roma women's participation in the labour market, violence against Roma women and early marriages should be collected by the state.

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

The report indicates that civil society organisations and human rights defenders continue to work in a context which is not open to criticism and where authorities, including Members of Parliament, make negative statements or even launch smear campaigns against them, echoed by some media outlets. While some positive steps are reported such as the adoption of the guidelines on inclusion of NGOs in working groups for drafting regulations and public policies, the report could further stress the importance of meaningfully consulting civil society, including women's NGOs, in the process of Serbia's accession to the EU. The Report includes a welcome reference to the role of NGOs in providing specialised services to women victims/survivors of violence often on a limited budget. The role of women's NGOs in supporting peacebuilding across borders and ethnic lines should also be acknowledged.

<sup>29</sup> 'Womens Rights in Western Balkans' (2020) and Women's Against violence Network <https://www.womenngo.org.rs/>

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

The report refers to Serbia's respect for the Dayton/Paris Peace Agreement, the issue of refugees and IDPs as a result of the conflict, the fate of missing persons, which is also addressed in the framework of the Kosovo-Serbia dialogue. However, the gendered dimension of the conflict is entirely overlooked in the report, and previous references to UNSCR 1325 and the Serbian National Action Plan have been removed. There is no sex-disaggregated data on refugees, IDPs and missing persons and no reference to the sexual violence perpetrated during the conflict, which affected women disproportionately. Serbia is the only country in the region which has not recognised the status of civilian victims of war to victims/survivors of sexual violence during the conflict.<sup>30</sup> The report should highlight that the recently adopted Law on Missing Babies and the Law on the rights of the Veterans, Disabled Veterans, Civilian Invalids of war and their Family Members disregard the rights of women survivors of sexual violence. There is also no reference to civil society's effort to build peace, and women's activism aimed at promoting reconciliation across borders and across ethnic communities. This does not come as a surprise given the absence of a gender perspective and of the inclusion of women's voices in the Kosovo-Serbia dialogue.

## Integration of gender into other sections

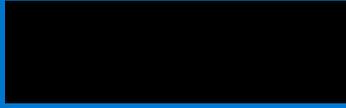
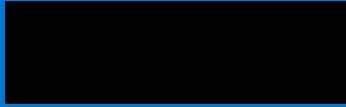
The report refers to the number of women in elected positions and the introduction of a 40% quota for the less represented gender on electoral lists which applies to both the Law on election of the Members of Parliament and the Law on Local Elections. However, a more detailed analysis of women's political participation both at national and local level, including obstacles preventing them from joining politics and recommended measure to reverse this trend, is missing. In its 2019 Concluding Observations, CEDAW raised concerns about the severe underrepresentation of women in local administration with only 9 out of 169 municipalities having women as mayors, accounting for 5% of all mayoral positions. The section on employment and social affairs offers a good analysis of the obstacles hindering women's participation in the labour market including unpaid work in the household, taking care of children, sick and/or elderly people, inadequate support to reconciling work and family responsibilities, employers' discriminatory treatment of young women, the existing wage gap, lower statutory retirement age, as well as the existence of a statutory minimum base for social insurance contributions, which discourages formal part-time work. Yet, it should more clearly refer to gender-based discrimination in the labour market, both in the private and public sector, which starts with the hiring process. Most other Chapters, including the one on Good Neighbourly Relations and Regional Cooperation, Education and Culture, Science and Research, Environment and Climate Change, Consumer Health and Protection, Trade, Agriculture and Rural Development, and Energy are gender blind.

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<sup>30</sup> See page 41, Alarm [Report on the progress of Serbia on Chapter 23 and 24](#), PrEUgovor (June 2020)

## Recommendations for the 2021 Country Report:

- 1.** Include a thorough analysis and sex-disaggregated data on women's political participation both at national and local level ideally coupled with clear recommendations on the implementation of the newly introduced quota of 40% for the least represented gender
- 2.** Include a gender perspective in the account of the conflict between Serbia and Kosovo and its consequences, including sex-disaggregated data on refugees, IDPs and missing persons, victims of sexual and gender-based violence
- 3.** Call on the government to recognise women victims/survivors of sexual violence during the conflict as civilian victims of war to ensure their access to justice, remedies and reparations
- 4.** Call on the government to address the CEDAW and GREVIO reports' conclusions and recommendations in the laws, national strategies and action plans on gender equality and anti-discrimination
- 5.** Address gender-based discrimination in the labour market, both in the public and private sector, starting from the hiring process
- 6.** Call for the amendments to the Labour Law, currently under review, to be aligned with the EU Work-Life Balance Directive
- 7.** Include additional information and data on women facing multiple discrimination such as Roma women, women refugees and IDPs, elderly women, women from rural areas, women heads of households
- 8.** Include a specific recommendation on the need for the government of Serbia to increase the efforts to ensure an enabling environment for civil society
- 9.** Condemn hate speech by public figures against human rights defenders and call for an end to impunity for such crimes
- 10.** Report on the socio-economic impact of the Covid-19 pandemic on women including those employed in the informal economy who could not access the relief and recovery measures.
- 11.** Call on the government to ensure that relief and recovery plans include a gender and intersectional perspective and attend to the needs of the most fragile segments of the population, including women in precarious employments.



**FOR ALL WOMEN'S RIGHTS,  
IN EVERY CORNER OF THE WORLD**