

Rights and empowerment of women in the Western Balkans

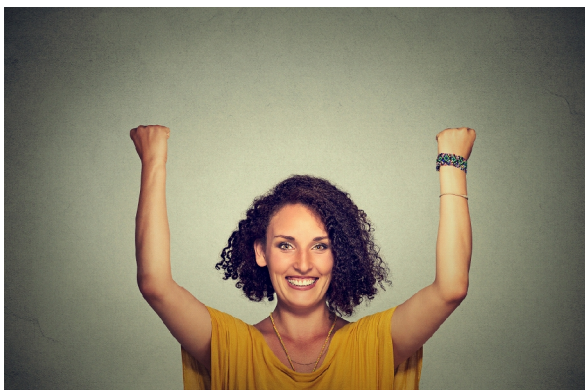
SUMMARY

Gender equality – recognised by the United Nations as a human right, and enshrined in the EU Treaties – is among the requirements with which Western Balkan candidates and potential candidates for EU accession (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia) have to comply.

In recent years, these six countries have taken steps to advance women's rights. They have adopted or amended their relevant legislation (for instance, criminal and labour laws), elaborated national strategies and action plans, and established institutional mechanisms to carry out and monitor the policies in the area. Despite these formal efforts, however, promoting gender equality is often seen as a low-priority task, the main focus being centred on political and economic issues.

In practice, women in the region still share similar challenges of increased personal, economic, and social insecurity. Traditional stereotypes place them in a subordinate position, and public awareness of their rights is low. Moreover, even though laws on gender equality exist, the institutions responsible for implementing them are weak and enjoy little public trust. Widespread domestic violence, limited labour market opportunities and unequal access to participation in high-level politics (despite existing quotas) are palpable issues concerning women still waiting to be tackled.

As the Western Balkan governments' response to the above challenges is largely seen as inadequate, there have been calls to dedicate greater attention to them, including in the framework of EU accession, and for an increase in civil society involvement. For its part, civil society has repeatedly called for stricter monitoring, more consistent implementation and public awareness-raising as part of the national agenda.



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This briefing has been produced at the request of a Member of the European Economic and Social Committee, in the framework of the Cooperation Agreement between the Parliament and the Committee.

Gender equality as a human right

Gender equality means ensuring the same opportunities, rights and obligations for women and men in all spheres of life. A broad international regulatory and policy framework provides for its promotion across the world: the 1995 [Beijing Declaration and Platform for Action](#), known as the most 'progressive blueprint' for women's rights; the 1979 Convention on the Elimination of all Forms of Discrimination Against Women ([CEDAW](#)); a set of International Labour Organization conventions and recommendations relevant to women's economic empowerment, and other UN-led initiatives (the [Guiding principles](#) on business and human rights and the [Women's empowerment principles](#)). The UN's 2030 [sustainable development agenda](#) includes [a set of goals](#), of which [goal 5](#) refers particularly to achieving gender equality and empowering all women by ending all forms of discrimination against them everywhere.

Gender equality is a core value and objective (recognised in Articles 2 and 3(3) of the Treaty on European Union and in the EU's Charter of Fundamental Rights), which the EU is committed to integrating into all of its activities (Article 8 of the Treaty on the Functioning of the EU). The EU has adopted extensive [gender equality legislation](#) covering equal pay, social security, employment and working conditions.

EU accession and gender equality

Upon their accession to the EU, candidates are [expected to comply](#) with the EU's gender equality legislation, have the necessary institutional framework to be able to enforce it, and respect equality as a core value. The EU's 2010-2015 [Strategy for equality](#), in its section on promoting gender equality in external actions, states that 'monitoring the transposition, implementation and enforcement of EU legislation in this area remains a priority of the enlargement process'. Furthermore, three of the chapters that form part of EU accession negotiations relate to gender equality: chapter 19 (social policy and employment) covers employment standards on equality and anti-discrimination; chapter 23 (judiciary and fundamental rights) ensures that fundamental rights are respected; and chapter 24 (justice, freedom and security) ensures adequate legal implementation of common rules and effective law enforcement.

As part of the EU's renewed approach (first applied to Montenegro in 2012), the monitoring of fundamental rights was [stepped up](#) during the accession talks. In general, however, although EU accession prospects have given the promotion of gender equality an [impetus](#) and have boosted the legitimacy and policy influence of women's movements, their impact is still widely seen as [modest](#) and uncertain, especially in the short term, and the advancement of gender equality as limited.

Overview of the situation in the Western Balkans

In many parts of the world, gender equality 'remains an unfulfilled promise'; and the Western Balkans are no exception. Women's rights promoter [Kvinna till Kvinna Foundation](#) describes the situation there, and outlines several hurdles to a democratic transition in the Western Balkans: weak rule of law, rampant corruption and discrimination (against women and minorities), weakened civil society and low public trust in the government. It notes that political issues, such as those related to [nationalism and power struggles](#) (Serbia) or to [political status](#) (Kosovo), top national agendas and prevent women's rights from gaining more visibility. [Strong patriarchal values](#); women's [under-representation](#) in politics; their [exclusion](#) from official post-war rebuilding processes and from redress as victims of sexual violence; their widespread [trafficking](#) for sexual purposes; and violence against them all remain serious issues that provide a dire context for gender equality, and call for change.

Institutional and legislative framework on gender equality

EU membership prospects have triggered efforts to align Western Balkan legislation with international and EU standards, including on gender equality. The region's constitutions guarantee a broad range of human rights and freedoms, and the countries have gradually adopted a [comprehensive legal framework](#) promoting gender equality and providing protection against discrimination. Special gender-equality bodies, national strategies and action plans (see table 1) have been set up, and gender equality has been included in the national European integration plans. The European [network of legal experts](#) in gender equality and non-discrimination issues country reports on [Serbia](#), [FYR Macedonia](#) and [Montenegro](#), in which it presents the main provisions on gender equality that have been adopted, the EU directives that have been transposed, and other developments.

Table 1 – National gender equality-related strategies and government bodies

Country	Relevant national strategy	Specialised state bodies
Albania	Strategy and action plan for gender equality, 2016–2020	Department for Equal Opportunities and Family Policies at the Ministry of Labour, Social Affairs and Equal Opportunities Commissioner for Protection from Discrimination
Bosnia and Herzegovina (BiH)	Gender action plan Strategy for preventing and fighting against domestic violence	Gender Equality Agency, (2004), part of the Ministry of Human Rights and Refugees Committee for Gender Equality at the BiH Parliament's House of Representatives
FYR Macedonia	National action plan for equality between women and men Strategy for protection against domestic violence, 2012–2015 Strategy for equality and non-discrimination, 2016–2020	Department for Equal Opportunities at the Ministry of Labour and Social Policy Parliamentary Committee for Equality between Women and Men (2006) Commissioner for Protection against Discrimination (2011)
Kosovo	Strategy and action plan for protection against domestic violence, 2016–2020	Parliamentary Committee for Human Rights, Gender Equality, Missing Persons and Petitions Gender Equality Agency
Montenegro	National action plan for accomplishing gender equality Government action plan for implementing gender equality, 2013–2017	Department for Gender Equality at the Ministry of Human Rights and Minority Rights Parliamentary Committee for Gender Equality Protector of Human Rights and Freedoms (Ombudsman)
Serbia	Strategy for the advancement of women and gender equality Strategy for the prevention and elimination of violence against women, 2011–2015	Directorate for Gender Equality at the Ministry of Labour, Employment and Social Policy Commissioner for the Protection of Equality (2010) Council for Gender Equality

Source: EPRS, 2017.

Serbia was the first non-EU country to adopt the EU [gender equality index](#), which measures gender gaps in several domains. The 2016 [report](#) on the country's gender equality index places it at 40.6 %, compared to the EU Member States' average of 52.9 %.

Despite the progress achieved, the network's country reports reveal remaining gaps. For instance, the 2016 [country report](#) on Montenegro says that its labour law is not aligned with the relevant EU directives; a new law is to be adopted in 2017. The 2016 [country report](#) on FYR Macedonia notes that steps to help women, improve the gender balance

in company boards and fight discrimination, have not led to visible results. Many laws are adopted through a fast-track procedure, without proper debate, the report says.

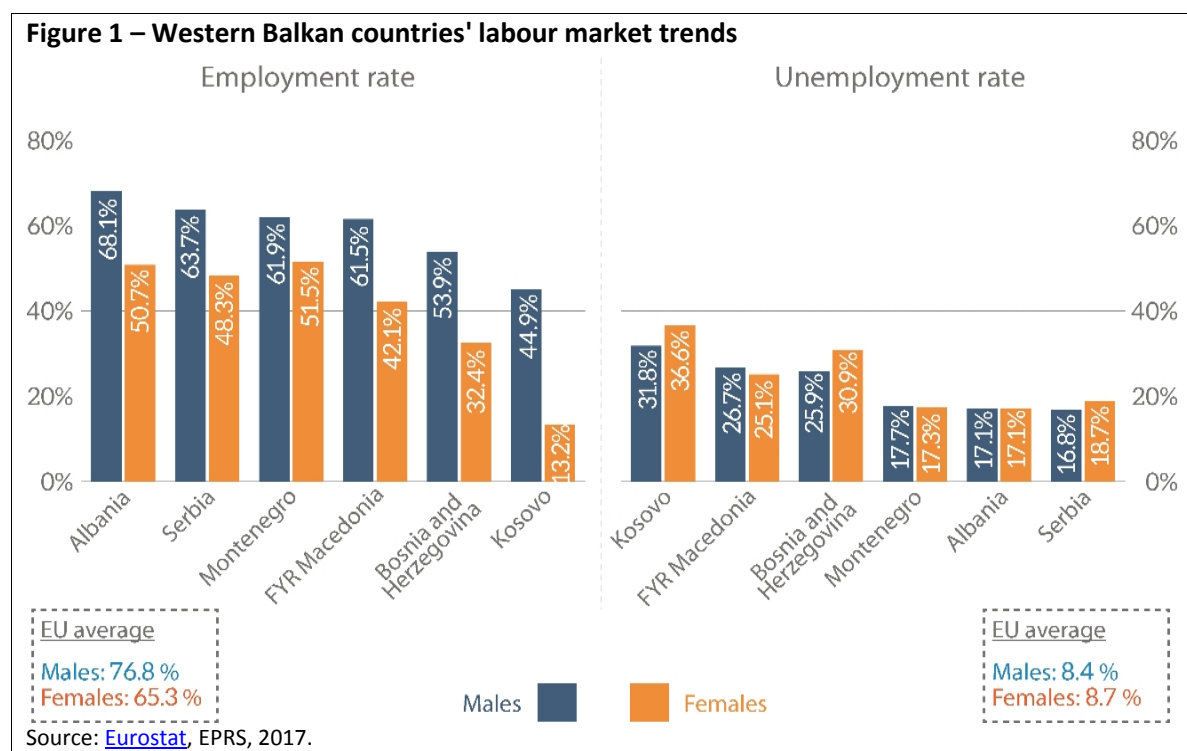
Key challenges

Achieving tangible results requires that laws and policies are implemented efficiently, and institutional mechanisms operate effectively. However, the major challenges facing the region include sluggish implementation, non-enforcement and institutional inefficiency. Few cases are referred to the police and the courts, and their follow-up is unreliable. Lack of proper monitoring and statistical data, as well as inadequate funds for capacity-building further complicate the picture. Last but not least, a core regional challenge that affects all areas of public life relates to the stereotypes and patriarchal ideas about women's roles in society, and illustrates the need for a [change of mentality](#).

Labour market inequalities and the economic empowerment of women

Labour market inequalities hinder the improvement of women's status in society. Traditionally, women face discrimination and exclusion from the labour market, have lower levels of activity ([well below EU levels](#)), and own less land and property. According to a 2015 European Commission paper, the 'large [gender differences](#) in labour force participation' speak of enduring structural weaknesses.

A 2017 [report on labour market trends](#) in the region reveals the many challenges remaining, including high inactivity rates, especially among women, the low-educated and the young. It says that progress in closing the gender employment gap has been slow. Women's labour market participation is significantly lower than men's, with differences being particularly noticeable in Kosovo, BiH and FYR Macedonia (See Figure 1).



The report attributes these disparities to religious and cultural reasons, traditional gender roles, reliance on remittances and the widespread informal economy. Labour taxation and social benefits also create disincentives: after Montenegro, in 2016, introduced life-long benefits for mothers with at least three children, over 15 000 women applied for them, with many of those moving away from the labour market.

Widespread violence against women

Violence against women and gender-based discrimination [rooted in inequalities](#) between men and women are a global problem that affects the EU as well. In the Western Balkans, this problem [persists](#) mainly in the form of domestic violence and sexual harassment, stemming from a combination of mentality patterns and a lack of adequate legal protection and access to justice for victims, among others. A European Women's Lobby [factsheet](#) notes that of the approximately 140 000 sex-trafficking victims in Europe, 'around a third come from the Balkans'. A Kosovo's Women Network [survey](#) shows that 68 % of Kosovar women have experienced domestic violence in their lifetime.

According to NGOs active in the field of women's rights, violence against women is typically not recognised as such; institutions that should offer protection lack understanding or are unresponsive; and free legal aid is not always available. The systematic targeting of female human-rights defenders, portrayed as working against the government, is another shared challenge. A further problem is the under-reporting of cases of violence, which does not allow for the full extent of violence to be estimated, as pointed out by the [Women against Violence Network](#) in a [2016 report](#), and by the European Institute of Gender Equality ([EIGE](#)).

Measures to prevent widespread domestic violence

The UN and the Council of Europe have created instruments that serve as benchmarks in fighting violence against women. The EU has no related binding instrument, but its 2008 [guidelines on violence against women](#) express its commitment to promote and protect women's rights in third countries.

Western Balkan countries have strategies against domestic violence that include measures such as amending penal codes and other relevant laws, ensuring better access to justice and improving victim protection. Kvinna till Kvinna's [2016 report](#) finds that institutions often fail to respond adequately to reports about domestic violence: they sometimes treat victims' complaints as over-exaggerated (BiH), are short of the human and financial resources needed to offer victims proper support (Kosovo), or consider domestic violence a private family issue (Montenegro, Serbia). Consequently, women who have suffered violence will most often seek help from NGOs, as they have the right programmes and mechanisms for offering them support. The report highlights the need for close cooperation with other stakeholders, i.e. the police, local government, law enforcement agencies, healthcare professionals, judges and prosecutors, all of whom need proper training. Ensuring enough shelters and helplines for survivors is another goal, as per the Istanbul Convention (See box).

The Council of Europe Convention on preventing and combating violence against women and domestic violence (the [Istanbul Convention](#)) builds on UN conventions, and complements related EU directives, and is recognised as the most far-reaching international treaty tackling violence against women. It is very comprehensive and requires states to adopt practical measures criminalising nine different types of violence against women. It obliges signatory parties to 'recognize, encourage and support, at all levels, the work of relevant NGOs and of civil society active in combating violence against women and establish effective co-operation with these organisations'. Kosovo has not signed the convention, while [FYR Macedonia](#) has not ratified it yet. In November 2016, Serbia, urged in its Commission [2016 progress report](#) to implement the Istanbul Convention, adopted its [first Law on prevention of domestic violence](#), whose implementation is scheduled to begin in June 2017. In BiH, relevant legislation on gender-based violence is still not harmonised with the Istanbul Convention.

BiH, for example, adopted a relevant official strategy for the 2015–2019 period, and its Gender Equality Agency signed a memorandum of understanding with nine NGO-run safe houses. Their financing remains problematic, and NGOs claim that there is a need to at least double the existing capacity. Kosovo's government took steps to acknowledge sexual survivors of wartime violence as a separate category in need of assistance. In April 2017, it set up a [Committee for Verification and Recognition of Violence Victim Status](#).

Women's participation in political processes

Women's equal participation in politics is one of the [indicators of gender equality](#). The [Beijing Platform for Action](#) aims to increase women's capacity to participate in decision-making and the [World Economic Forum](#) suggests that women's engagement in public life fosters greater credibility in institutions and better democratic outcomes.

In the Western Balkans, however, the number of women in key political positions remains relatively low; for example, women in ministerial positions are few, except in Albania, where they have a 40 % presence.

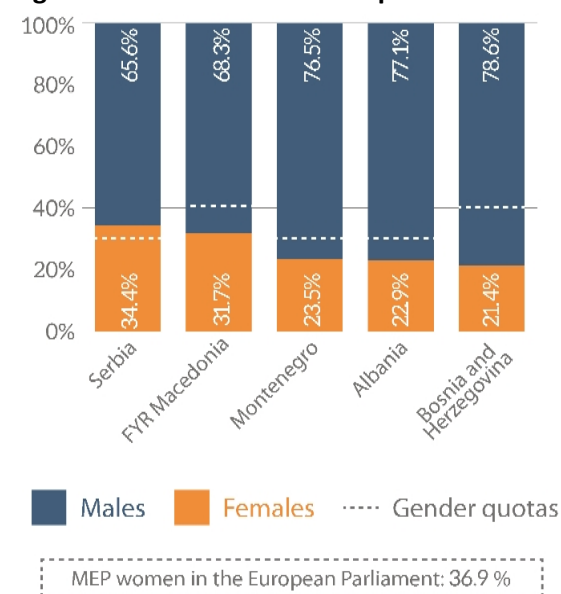
In general, women lack access to equal participation in political life. According to a [study](#) on FYR Macedonia by the think-tank, Reactor – Research in Action, the general socio-economic dynamics hinder women's potential to be actively involved in all public spheres, including political life. To improve their chances of taking part in politics, a more adequate environment allowing the reconciliation of work and private life is needed. Political factors that influence the extent of their participation are the voting system and structure, the quota system, the number of parties in the government, and women's attitudes towards their own participation. Although there are [gender quotas](#) (see Figure 2) that require political parties to include at least 30 % women in their lists of candidates (40 % in BiH and FYR Macedonia), the status and participation of women in politics are still 'changeable and flux', as the above-mentioned Kvinna til Kvinna report observes. Stronger non-compliance sanctions against political parties failing to respect quotas are needed to allow women to have a say on important issues.

The role of civil society organisations in improving gender equality

Civil society organisations (CSOs) in the Western Balkans have an important role to play in influencing authorities to commit to gender issues, especially in gender equality promotion, an area often side-lined by national governments. Developing CSOs is a key reform priority in the EU accession framework, aimed at securing them a more efficient role in the democratisation and reconciliation processes. The EU has launched a [civil society facility](#) to support this objective.

The Balkan Civil Society Development Network notes in a [2017 position](#) that the opportunities for civil society development are diminishing in all enlargement countries, which brings to the fore the need to prioritise support for ensuring an adequate legal environment, diversified financial sources, political support and effective cooperation between the state and CSOs in a regular, structured way. CSOs are crucial for addressing

Figure 2 – Women in national parliaments



Source: [Inter-Parliamentary Union](#), 2017.

key challenges, such as raising awareness to influence societal changes. CSOs' role in the debates and monitoring of how laws are adopted and amended, their access to official information and their financial and human resources all need to be improved.

Civil society calls for a more [visible presence of gender equality](#) in the Commission progress reports. It furthermore calls for mainstreaming gender in the enlargement policy and the instrument for Pre-Accession Assistance (IPA) programming, through more thorough and timely consultations with gender experts. Yet again, it calls for more extensive dialogue between the EU and local women's organisations.

In November 2016, the first regional [forum of south-east Europe equality bodies](#) was organised with the aim of establishing effective regional cooperation between the bodies in charge of ensuring equality, and to jointly promote human rights protection and equality. In their [statement](#), the above bodies also committed to fostering cooperation with NGOs.

What the EU is doing

In 2015, the EU published its new [Gender action plan for 2016–2020](#), entitled 'Gender equality and women's empowerment: transforming the lives of girls and women through EU external relations'. Again in 2015, the [Commission](#) published its [work programme for gender equality](#) for the 2016–2019 period. There, it identified [five priority areas](#), one of which is promoting gender equality beyond the EU. The latter builds upon goal number 5 of the UN's 2015 sustainable development agenda, and is a policy priority for the EU's external relations. The EU is committed to closely monitoring and supporting the candidate and potential candidate countries' compliance with the Copenhagen Criteria as regards human rights, including gender equality, and to continuing efforts to integrate a gender mainstreaming perspective in all relevant programmes funded through its IPA. Among the policy areas that IPA II covers, [policy area 3](#) includes employment, social policies, education, promotion of gender equality, and human resources development. In 2013, after having been invited to [participate](#) in IPA II, EIGE launched a project entitled 'Preparatory measures for the participation of candidate countries and potential candidates in EIGE's work', to boost the aspirant countries' capacity to comply with EU policies as regards gender equality.

The European Parliament position

The European Parliament (EP) has repeatedly drawn attention to the situation of women in the EU accession countries. In 2008, it adopted a [resolution](#) on the situation of women in the Balkans, stressing the importance of NGOs and women's organisations in finding adequate solutions and contributing to the democratic processes and stability in the region. The EP called on the Commission to ensure that its policy for strengthening Western Balkan NGOs should be particularly focussed on the empowerment of women's participation in civil society. In 2013, the EP adopted another [resolution](#) on this subject, noting that while much of the legislation required in the EU accession process had been adopted, in many cases it had not been implemented effectively. It called for increasing awareness through the media, public campaigns and education programmes to eliminate gender stereotypes and promote women's active participation in all paths of life. It also urged the governments to use the same methodology for gathering statistical information as used by Eurostat and EIGE.

In 2015, the EP hosted an inter-parliamentary [conference](#) on Western Balkan and Turkish women's political participation. In June 2017, the EP's Committee on Women's Rights and

Gender Equality, and the Subcommittee on Human Rights, together with the EP delegations to enlargement countries, organised an [exchange of views](#) on the subject.

In its 2017 resolutions on the Commission progress reports, the EP draws attention to the ineffective implementation of existing gender equality legislation and calls for further efforts to promote gender equality, [increase women's participation](#) in political and public life, and improve their socio-economic situation. It remains concerned about [continued gender-based violence](#), the lack of prosecutions and proper sentencing of perpetrators and the feeble support for victims. The EP also expresses concern about the [discrimination](#) against disadvantaged/marginalised women and calls for raising awareness, stepping up prevention against violence and implementing the Istanbul Convention.

Future steps

Future efforts in the six countries are expected to be directed towards bringing legislation fully into line with the EU *acquis*, but most importantly, towards closing the gap between existing laws and their proper implementation. To this end, a stronger institutional framework and adequately trained staff need to be ensured. Additionally, making gender equality a priority through top-level government support coupled with adequate funding is a necessary future step. Raising awareness and investing in education among both genders from the grassroots level upwards could help overcome gender stereotypes and establish a culture of knowledge as regards human rights. In this respect, the role of civil society becomes all the more important. As for the role of the EU, civil society calls for placing additional emphasis on the importance of gender equality in the enlargement process and on the need for an ongoing policy dialogue in the region.

Main references

'[Women's rights in the Western Balkans](#)', Kvinna till Kvinna, 2016.

'[Western Balkans labour market trends 2017](#)', Vienna Institute for International Economic Studies, 2017.

'[Women's rights in the Western Balkans in the context of EU integration: institutional mechanisms for gender equality](#)', on the initiative of Marije Cornelissen, MEP, 2012.

'[How might EU accession impact gender equality in Kosovo?](#)', Kosovo Women's Network, 2016.

'[Empowering women in the EU and beyond: Leadership and conflict resolution](#)', EPRS, 2017.

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