

Women in the Western Balkans

Gender equality in the EU accession process

SUMMARY

Equality between women and men, or gender equality, is a fundamental right and a common value, recognised by the EU. It has been a component of the European integration project from its outset. Enshrined in the EU Treaties, gender equality forms part of the accession conditions with which candidate and potential candidates from the Western Balkans (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia) have to comply. Investing in gender equality, however, is essential not only as an EU requirement, but for an equal society. Although progress has been noted in these countries as regards gender equality, more work is still required. Equal opportunities would allow EU candidate countries to better tap into the potential and skills of women, and underpin achievements in areas such as economic growth, employment and social cohesion, as well as in peace-building.

As part of their preparation for an EU future, the Western Balkan countries have taken steps to advance women's rights in recent years. These include adopting or amending relevant legislation (e.g. criminal and labour laws), elaborating national strategies and action plans, and establishing institutional mechanisms to carry out and monitor relevant policies. Nevertheless, promoting gender equality is often sidelined, and the action taken in this respect is insufficient.

Ensuring equality between women and men remains 'unfinished business' in a region where traditional gender roles are deep-rooted and social attitudes and lack of awareness of women's rights are at the core of the problem. This Briefing aims to highlight the EU's efforts to promote gender equality as part of EU enlargement policy, and the way the EU strives to mainstream equality across the board. It also aims to cast light on some major challenges that women face in the Western Balkans, such as their weaker roles in economy and politics, and widespread gender-based violence.

This follows up the June 2017 briefing on ['Rights and empowerment of women in the Western Balkans'](#).



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Gender equality – a human right, a core EU value and objective

Gender equality (same opportunities, rights and obligations for women and men in all spheres of life) 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 in 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. Gender equality is promoted across the world, through a [broad international regulatory and policy framework](#).

EU enlargement policy and gender equality

The EU accession process, leading EU aspirants to eventual membership, aims to prepare them to take on the rights and obligations associated with membership, and to align their legislation with the EU *acquis*. As a gender equality actor of growing importance, the EU includes gender equality as a prerequisite for accession – an essential element in making the democratic transformation of a country more resilient. Candidate countries are [expected to comply](#) with the related EU *acquis*, and have the institutional framework needed to be able to enforce it. Relevant EU legislation mainly includes Treaty provisions and directives on access to employment, equal pay, maternity protection, parental leave, social security and occupational social security, the burden of proof in discrimination cases and self-employment. The case law of the European Court of Justice is also a key element.

Once negotiation talks begin, the [negotiation chapters](#) that relate particularly to gender equality include Chapter 19 (social policy and employment); Chapter 23 (judiciary and fundamental rights); and Chapter 24 (justice, freedom and security). The EU's renewed approach to the Western Balkan accession process envisages opening rule of law Chapters 23 and 24 at the outset, which allows [increased](#) monitoring of fundamental rights during the accession talks. At present, Serbia and Montenegro are in ongoing negotiation talks with the EU, with Albania and the former Yugoslav Republic of Macedonia expected to begin talks in [June 2019](#), if they achieve progress on reforms.

The EU's '[Strategic engagement for gender equality 2016-2019](#)' makes promoting gender equality and women's rights across the world one of the EU's external policy priorities. As regards enlargement, it envisages continuous assessment of the adoption of EU gender equality *acquis* throughout the accession process, by closely monitoring candidates' compliance with the Copenhagen criteria for membership of the EU as regards human rights (including equality between women and men); and continuing efforts to integrate a gender mainstreaming perspective into all relevant programmes funded through the Instrument for Pre-accession Assistance ([IPA](#)).

Gender mainstreaming in the EU accession process

The European Commission has continually stressed the importance of including gender equality considerations in decision-making. [Gender mainstreaming](#) is not a policy goal itself; rather a means to achieve gender equality; '[a horizontal strategy](#)' that allows integrating gender issues across the entire EU public policy spectrum, and a priority in the Treaty of Amsterdam.

The European Institute for Gender Equality (EIGE) defines [gender mainstreaming](#) as 'a strategy towards realising gender equality', i.e. integrating a gender perspective in design, implementation, monitoring and evaluation of policies, regulatory measures and spending programmes, to promote equality between women and men, and combat discrimination.

In 2015, the Commission and the European External Action Service adopted a second [gender action plan for 2016-2020](#) (referred to as GAP II). The plan set ambitious objectives to transform lives of women and girls through EU external relations, applicable to the Western Balkans region. GAP II is [significant](#), as it aligns with the principles on gender parity outlined in the new [European Consensus on Development](#).

[GAP II](#) sets three thematic and one horizontal themes to organise delivering on its vision: 1) ensuring girls' and women's physical and psychological integrity; 2) promoting their economic and social rights; 3) strengthening their voice and participation; and 4) shifting the EU institutional culture to more effectively deliver on its commitments, and [close the gap](#) between policy and practice.

GAP II calls for measures that [ensure that gender is mainstreamed](#) in the EU's external spending: i.e., that gender equality is considered in the programmes the EU funds. It also calls for the inclusion of women's civil society organisations (WCOS) and national gender equality mechanisms, such as gender equality officers, in the planning of IPA programmes. As highlighted in a [2018 report](#) on equality between men and women in the EU, gender budgeting can provide an important tool in gender mainstreaming. This is included in the Commission's June 2018 [proposal for a regulation on IPA III](#) for the next multiannual financial framework (2021-2027). The programmes and actions planned are intended to mainstream climate change, environmental protection and gender equality.

That said, a [2016 publication](#) by the Kosovar Gender Studies Centre allows for a glimpse of some important challenges to mainstreaming gender efficiently through the process of European integration, including: a general lack of knowledge on the part of women, WCOS and local authorities as to the instruments and opportunities the EU integration process provides; and/or not enough interest in introducing related tools. To change this situation, the report suggests that educating target audiences on the EU integration process opportunities is key.

Overview of the situation in the Western Balkans

Achieving gender equality in the Western Balkans (WB) countries has been a [continual challenge](#). The objective of EU membership has had a positive impact, in that the WB candidate and potential candidates have largely adopted and amended relevant legislation, now broadly in line with the highest EU and international standards. However, in practical terms, significant [limitations](#) remain: gender equality is generally pushed down the agenda, with attention going mainly to the economic and political situation. Women have also been largely excluded from post-war rebuilding processes and from redress as victims of sexual violence. Besides, the low level of implementation of existing laws prevents women from experiencing change and immediate results in their everyday life.

According to a [2017 report](#) for the United Kingdom's Department for International Development, the biggest challenge for improving gender equality is changing the mentality of both women and men towards traditional gender roles. A 2018 [publication](#) by the Friedrich Ebert Stiftung states that the main challenges to gender inequality in the region persist: namely feminised poverty; insecurity in the labour market; a growing share of unpaid care work; wide gender pay and pension gaps; uneven progress on tackling harassment and violence; ensuring access to health, sexual and reproductive rights; and paid maternal and family leave. It also depicts women as 'chronically underrepresented in virtually all facets of public life, including in the region's EU Member States'.

A 2018 [policy brief](#) by the Civil Society Forum of the Western Balkan Summit Series further mentions lack of gender mainstreaming among the most pressing challenges that women face in those countries. Although recognised as a necessary tool to improve gender equality, gender mainstreaming has not been widely applied in the region, nor prioritised by the relevant national authorities. The paper also recognises that gender stereotypes are an underlying cause for almost all other forms of discrimination and a reason for the persistently subordinated position of women.

Institutional and legislative framework

Legislation in the Western Balkans countries is assessed as broadly compliant with international and EU standards 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](#)¹ promoting gender equality and providing protection against discrimination. Special gender-equality bodies, national strategies and action plans have been set up, and gender equality has been included in the national European integration plans. However, efforts to achieve tangible results face major challenges: sluggish implementation, non-enforcement and institutional inefficiency. Few cases of breaches of women's rights are referred to the police and the courts, and follow-up is unreliable. The Commission's [new 2018 strategy](#) admits that, although fundamental rights are largely enshrined in the Western Balkan countries' legislation, implementation is insufficient.

A lack of proper monitoring and statistical data, as well as inadequate funds for capacity-building further complicate the picture. Lack of capacity, knowledge, resources or social barriers are considered as major limitations in this respect. The European [network of legal experts](#) in gender equality and non-discrimination issues outlines some specific gaps in its country reports on [Serbia, former Yugoslav Republic of Macedonia](#) (FYR Macedonia) and [Montenegro](#). For example, its 2017 [report](#) on Serbia exposes gaps in legislation, such as pregnancy and maternity discrimination not being explicitly prohibited as a form of direct sex discrimination. The 2017 [report](#) on Montenegro states that provisions on important areas such as self-employment, and occupational social security, are missing. The FYR Macedonia 2017 [report](#) reiterates the main problem: the enormous gap between legislation and its implementation.

The European Commission's [2018 enlargement reports](#) also examine the legislative and institutional framework, and reaffirm this message. The [2018 report on Albania](#) notes that a number of laws still contain gender-discriminatory provisions and that further efforts are required to ensure that all strategies and policies are gender mainstreamed. On a positive note, the 2017 World Economic Forum Gender Gap Index [report](#) showed that Albania improved compared to 2016 (rising from a ranking of 62 to 38 of 144 countries). The [2018 report on Bosnia and Herzegovina](#) states that relevant legislation is still not aligned with the [Istanbul Convention](#) on violence against women and domestic violence. On the other hand, the [2018 report on FYR Macedonia](#) commends the country's ratification of the Istanbul Convention in December 2017, and in general states that reforms have enhanced compliance with European human rights standards. The [Kosovo 2018 report](#) acknowledges adoption of two remaining secondary laws stemming from the law on gender equality, and the appointment of the National Coordinator for the Protection from Domestic Violence in January 2018. Future action is, however, required to introduce a clear legal definition of domestic violence and sexual harassment in the Criminal Code; amend the law on labour; and reform the maternity and parental leave system, which presents an obstacle to hiring female staff, particularly in the private sector. The [2018 Montenegro report](#) welcomes the adopted 2017-2021 action plan on gender equality, and accompanying programme for 2017-2018, as well as the adoption of the Criminal Code in July 2017, which aligns legislation with the Istanbul Convention. Another important development was the Constitutional Court's ruling on the amendments to the law on social and child protection, granting social benefits to mothers of three and more children as unconstitutional. A new piece of legislation was put in place instead, laying down different conditions for each affected category of women. Montenegro should further counter stereotypes and discriminatory practices, and introduce active labour market measures for women negatively affected by the repeal of these social benefits. The [2018 report on Serbia](#) states that the new gender equality law has not yet been adopted. However, the laws amending the Criminal Code and on preventing domestic violence (in line with the Istanbul Convention), entered in force in June 2017. In the subsequent three months, 9 403 cases of violence against women were reported to the Public Prosecutor's Office. The increase in reporting of such cases is seen as a sign of progress in the region.

Ensuring girls' and women's physical and psychological integrity

One EU priority, as identified in the [GAP II](#) is ensuring the physical and psychological integrity of girls and women. This includes preventing and combating violence against them, a precondition for inclusive sustainable development, and an important value and objective in itself; as well as protecting and respecting sexual and reproductive human rights (SRHR) – a vital component of achieving gender equality.

Violence against women and girls

Violence and discrimination against women is one of the [most prevalent human rights violations](#) across the Western Balkans, a recurrent message in the 2018 enlargement reports. In particular, domestic violence is perceived as a common problem and services to counteract it are perceived as weak. [Research](#) has shown that violence against women is particularly visible in the post-conflict environment. Bosnia and Herzegovina is a particular example: the legacy of war has created

conditions of poverty and trauma that are said to have contributed to domestic violence. Patriarchal values, women's economic dependence, and an emphasis on women's role in keeping the family together, further fuel the large acceptance of domestic violence. Violence is also not limited to certain classes, poverty levels or age – it spans across them all.

In a setting imbued with mistrust of security and justice institutions, as well as norms of acceptance of violence, victim-blaming and attempts at family reconciliation even when crimes have been committed, incidents tend to be underreported. Various reports on the topic point to the fact that the legal systems do not adequately protect victims, shelters to relocate victims are sparse and underfunded, while access to free legal aid is precarious and usually provided by civil society. Multiple surveys across the region reveal that the percentage of women that have experienced violence, either psychological or physical, is far from negligible. For example, a Kosovo's Women Network survey in 2015 showed that 68 % of Kosovar women have experienced domestic violence in their lifetime. The Kosovo Women's Network published a further [report](#) in 2018 on monitoring the institutional response to gender-based violence in Kosovo, in which it draws attention to the aspect of sexual violence, a largely invisible and under-researched subject.

The EU has been insisting on the adoption and full implementation of frameworks aligned with the standards of the [CEDAW](#), and the [Istanbul Convention](#), key documents for addressing gender-based discrimination and violence against women. Apart from that, the EU has aimed to help eradicate gender-based violence against women through political dialogue and financial assistance. The EU-UN Women [regional programme](#), 'Ending violence against women in the Western Balkan Countries and Turkey. Implementing Norms, Changing minds' provides €3 million in grants to civil society organisations, out of a total €5 million. The EU also supports a number of [related projects](#), such as 'a roof for Roma women' in Albania, the 'Centre for Better Society' in Bosnia and Herzegovina (BiH), the 'gender programme' in Montenegro, and 'raise voice for silence' in Serbia, among others.

Sexual and reproductive health and rights (SRHR)

Women's sexual and reproductive health and rights (SRHR) are human rights. However, as a [Council of Europe report](#) points out, women in Europe still have these rights denied or restricted as a result of laws, policies and practices that ultimately reflect continuing gender stereotypes and inequalities. At the same time, the CoE Commissioner for Human Rights recalls that states have the duty to provide women with accessible, affordable, good quality sexual and reproductive health care and services.

As the above cited [report](#) highlights, in the Western Balkans, traditional gender roles and conservative attitudes towards women's sexuality prevail. In general, access to maternity care in the region is assessed as reasonable. Nevertheless, women often face discrimination in terms of maternity rights when looking for a job, for example being asked questions in job interviews, despite laws in place against this practice. BiH is pointed out as an example of a country where very limited information on SRHR is given to young people. In Serbia, the increased religious influence of the Orthodox Church in public life, and the rise in nationalism have caused concern in the past about a possible revival of traditional patriarchal values that reduce women's roles in society.

Lesbian, gay, bisexual, trans and intersex (LGBTI) rights are often described as poorly protected, especially in rural areas. Kosovo is seen as having more inclusive legislation on sexuality and LGBTI rights, attributed to the strong UN presence. However, a comprehensive survey by the Kosovo Women's Network found that few of the respondents knew about the availability of reproductive health services; the lack of information also explained the low contraception use in the country. An example of an EU-funded project that addresses such issues is that on [sexual and reproductive health](#) in Montenegro, financed by the Erasmus+ programme, to be completed by December 2018.

Despite existing comprehensive and generally protective laws, the delivery of good quality related services remains problematic. In the Western Balkans, threats such as gender stereotyping, violence, hate speech, and smear campaigns against people and organisations defending women's rights still need to be further addressed, coupled with raising awareness and education.

Women's economic and social rights

Guaranteeing women's economic and social rights by creating an empowering environment for their fair and active participation in the economy is a key EU priority. This is the basis for faster growing economies, but in practice, not enough results have been delivered on this area.

When it comes to [education](#), there is good gender parity in the region. However, as the [World Bank](#) states, this does not translate to a similar situation on the labour market or in terms of entrepreneurship. Women are less often formally employed, and in general earn less. The wage gap and gender discrimination is seen as more pronounced in the private sector. The barriers and disincentives to work that women face are multiple: less access to land and property (overwhelmingly owned by men), to productive resources including financial services, and more time spent on unpaid labour. Other factors, such as access to child and elderly care, skills, labour regulations, attitudes and social norms, keep women out of jobs. Addressing these and allowing for a better work-life balance for women is crucial to unlocking their economic potential.

The labour market trends show that women in the region have lower levels of activity compared to men (figure 1), and that there has been little progress in closing the gender employment gap.

Figure 1 – Western Balkan countries – the labour market



* This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 and the ICJ opinion on the Kosovo declaration of independence.

Source: Eurostat, EPRS, 2018.

Such exclusion of women from the labour market is associated with high economic and social cost, and puts a brake on the potential growth in the region. As the World Bank defines, promoting gender equality is '[smart economics](#)'. To demonstrate this, it points out that annually, Western Balkan countries lose an average of 18 % of their gross domestic product due to gender gaps in the labour market, thus missing out on their human capital potential.

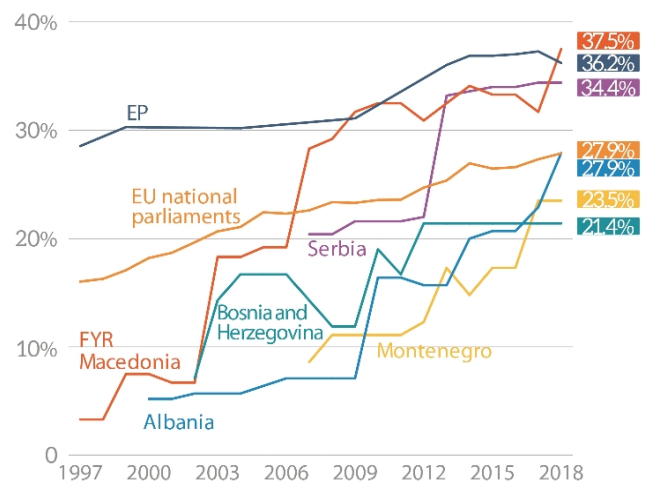
In May 2018, senior officials from the Western Balkans endorsed a [communiqué](#), affirming their commitment to improving access to economic opportunities for women, particularly by supporting reforms in three priority areas: access to assets; to jobs and decent work; and strengthening institutions to monitor progress on gender equality.

Strengthening women's voice and participation

Finally, that women should have a voice at all levels of society, and be able to effectively participate in making decisions that affect their lives, is of central importance to achieving inclusive democratic societies. Equal participation, including in high-level politics, is not simply their right; it is considered a condition for more inclusive, balanced and representative societies. However, women are underrepresented at most levels of decision-making, and have also been insufficiently included in the peace-building processes in the region, despite their potentially invaluable contribution in the area.

Throughout the Western Balkans, [gender quotas](#) require political parties to include at least 30 % women in their lists of candidates (40 % in BiH and FYR Macedonia), but they are not always adhered to. Even if it seems that women in the Western Balkans have more decision-making power and influence than ever before, as their representation in parliaments has grown (figure 2), according to a [FES publication](#), this does not automatically imply that gender equality and women's rights are promoted and defended, or that women have real power to improve the situation. In general, however, that women are less represented than men in political and public positions is a global phenomenon.

Figure 2 – Women in parliaments



Source: Inter-parliamentary Union, EPRS, 2018.

European Parliament position

The European Parliament (EP) has repeatedly drawn attention to the situation of women in the Western Balkans. In 2008, it adopted a [resolution](#), stressing the importance of NGOs and women's organisations in finding adequate solutions and contributing to the democratic processes in the region. The Parliament called on the Commission to ensure that its policy for strengthening Western Balkan NGOs should be particularly focused on the empowerment of women's participation in civil society. In a 2013 [resolution](#), the EP called for measures to increase awareness through the media, public campaigns and education programmes to eliminate gender stereotypes and promote women's active participation in all spheres of life. It urged the governments to use the same methodology for gathering statistical information as used by Eurostat and the European Institute for Gender Equality (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, with the EP delegations to enlargement countries, organised an [exchange of views](#) on the subject.

In its 2017 country resolutions on the Western Balkans, the EP draws attention to the ineffective implementation of existing laws and calls for further promotion of gender equality, [increased women's participation](#) in political and public life, and an improved socio-economic situation. It remains concerned about [gender-based violence](#), the lack of prosecutions and proper sentencing of perpetrators and weak support for victims. The EP expresses concern about the [discrimination](#) against disadvantaged women and calls for measures to raise awareness on women's rights.

Future steps and the role of civil society organisations

The challenges, outlined above, and in a 2017 [EPRS study](#) assessing the implementation of the GAP II, represent a strong call for change. In its [March 2018 paper](#) on 'a new European perspective

for the Western Balkans or more of the same?', the Kvinna till Kvinna Foundation finds that key reforms as part of the accession process have often been gender-blind in recent years. The paper recalls that the EU has a role in supporting the much needed gender-sensitive reforms in the region.

The Commission, replying to an [EP question](#), recently reaffirmed its [strong commitment](#) to advancing gender equality through policy, political dialogue and financial assistance. It will continue to monitor gender equality via its [enlargement strategy](#), [enlargement reports](#) and the [GAP reporting exercise](#). It supports both UN Women, and EIGE with a [project](#) on improved monitoring of gender equality progress (2017-2019) to help governments integrate the EU *acquis*.

The six Western Balkan countries themselves need to prioritise further women's rights, as a way to achieve more democratic societies, and promote growth and social inclusion. Properly implementing existing laws is a task at hand. Government support, adequate funding, and measures to raise awareness for both genders are needed to raise a culture of knowledge on human rights. In this respect, the role of civil society remains fundamental. Civil society organisations have been the main driver for the development of national gender policies. They play an unparalleled role in fighting the trend that national authorities sideline gender issues, and insist on justice, reparations and services for women who suffered during the 1990s conflicts. As for the EU, civil society calls for a more visible presence of gender equality in the progress reports and to mainstream gender in the enlargement policy and the [IPA](#) programmes. In its 2018 [evaluation](#) of the GAP II implementation in Western Balkan countries, Kvinna till Kvinna, and partner women's civil society organisations argue that the EU has not consistently raised the issue in political dialogues with regional governments. They call for greater political pressure towards furthering gender equality, as a clear message that this is a priority for the EU, as well as for a more extensive dialogue with local women's civil society organisations.

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ENDNOTES

¹ More detailed information on the legislative framework can be found in Lilyanova, V. [Rights and empowerment of women in the Western Balkans](#), EPRS, European Parliament, 2017 and on the website of the [European network of legal experts](#) in gender equality and non-discrimination.

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