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# REPORT

on women's rights in the Balkan accession countries  
(2012/2255(INI))

Committee on Women's Rights and Gender Equality

Rapporteur: Marije Cornelissen

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on women's rights in the Balkan accession countries

(2012/2255(INI))

*The European Parliament,*

- having regard to Article 3 of the Treaty on European Union, and Articles 8 and 19 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly on 18 December 1979,
- having regard to United Nations Security Council Resolution 1325 (UNSCR 1325);
- having regard to the European Pact for Gender Equality (2011-2020), adopted by the Council in March 2011<sup>1</sup>,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and Parliament's resolutions of 18 May 2000 on the follow-up to the Beijing Action Platform<sup>2</sup>, of 10 March 2005 on the follow-up to the Fourth World Conference on Women – Platform for Action (Beijing+10)<sup>3</sup> and of 25 February 2010 on Beijing +15 – UN Platform for Action for Gender Equality<sup>4</sup>,
- having regard to the Commission communication of 21 September 2010, entitled 'Strategy for equality between women and men 2010-2015' (COM(2010)0491),
- having regard to the Commission communication of 9 November 2010 entitled 'Commission Opinion on Albania's application for membership of the European Union' (COM(2010)0680), which states that gender equality is not fully guaranteed in practice, in particular in the field of employment and access to economic aid,
- having regard to the Commission communication of 9 November 2010 entitled 'Commission Opinion on Montenegro's application for membership of the European Union' (COM(2010)0670), which states that gender equality is not fully guaranteed in practice,
- having regard to the Commission's 2012 progress reports on the candidate and potential candidate countries accompanying the Commission communication of 10 October 2012 entitled 'Enlargement Strategy and Main Challenges 2012-2013' (COM(2012)0600),

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<sup>1</sup> Annex to Council conclusions of 7 March 2011.

<sup>2</sup> OJ C 59, 23.2.2001, p. 258.

<sup>3</sup> OJ C 320 E, 15.12.2005, p. 247.

<sup>4</sup> OJ C 348 E, 21.12.2010.

- having regard to the Commission communication of 10 October 2012 on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo (COM(2012)0602),
  - having regard to the Commission communication of 10 October 2012 on the Main Findings of the Comprehensive Monitoring Report on Croatia’s state of preparedness for EU membership (COM(2012)0601),
  - having regard to the Commission communication of 5 March 2008 entitled ‘Western Balkans: Enhancing the European perspective’ (COM(2008)0127),
  - having regard to the Commission communication of 27 January 2006 entitled ‘The Western Balkans on the road to the EU: consolidating stability and raising prosperity’ (COM(2006)0027),
  - having regard to the Council conclusions of 2 and 3 June 2005, in which Member States and the Commission are invited to strengthen institutional mechanisms for promoting gender equality and to create a framework for assessing the implementation of the Beijing Platform for Action, in order to develop more consistent and systematic monitoring of progress,
  - having regard to the Council conclusions of 30 November and 1 December 2006 on Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – Indicators in respect of Institutional Mechanisms,
  - having regard to the Council conclusions of 30 September 2009 on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action,
  - having regard to its resolution of 4 December 2008 on the situation of women in the Balkans<sup>1</sup>,
  - having regard to its resolution of 9 March 2011 on the EU strategy on Roma inclusion<sup>2</sup>;
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Foreign Affairs (A7-0136/2013),
- A. whereas seven countries in the Western Balkans – Albania, Bosnia and Herzegovina, Croatia, Kosovo, Former Yugoslav Republic of Macedonia (FYROM), Montenegro and Serbia – are at different stages of the process to become Member States of the European Union; whereas these countries need to adopt and implement the *acquis communautaire* and other EU obligations in the area of gender equality during this process;
- B. whereas the implementation of women’s rights and gender equality measures requires an

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<sup>1</sup> OJ C 21 E, 28.1.2010, p. 8.

<sup>2</sup> OJ C 199 E, 7.7.2012, p. 112.

increase in public awareness of these rights, judicial and non-judicial ways to invoke these rights, and governmental and independent institutions to initiate, carry out and monitor the implementation process;

- C. whereas women play an essential role in peace, stabilisation and reconciliation efforts, and whereas their contributions should be recognised and encouraged, in line with UNSCR 1325 and subsequent resolutions;

### ***General remarks***

1. Notes that the accession countries in the Western Balkans have adopted much of the legislation required in the EU accession process, but that this legislation is in many cases not being effectively implemented;
2. Stresses the need for women in the Western Balkans to take a prominent role in society through active participation and representation in political, economic and social life at all levels; points out that advancing towards women's equal participation in decision-making at all levels of government (from local to national, from executive to legislative powers) is of high importance;
3. Notes with concern that the population in most countries is not fully aware of the existing legislation and policies to promote gender equality and women's rights and that such awareness rarely reaches the vulnerable or marginalised members of society, especially Roma women; calls on the Commission and the governments of accession countries to foster awareness through the media, public campaigns and education programmes in order to eliminate gender stereotypes and promote female role models and women's active participation in all paths of life including decision making; calls, above all, for the personal commitment of government members and officials;
4. Underlines the importance of awareness-raising campaigns in the fight against stereotypes, discrimination (gender-based, cultural, religion-based) and domestic violence, and for gender equality in general; notes that these campaigns should be complemented with the promotion of a positive picture of female role models in the media and advertising, educational materials and the internet; stresses the importance of improving the situation of women in rural areas, especially vis-à-vis discriminatory customs and stereotypes;
5. Notes with concern that women remain under-represented in the labour market as well as in economic and political decision making; welcomes quotas and calls on those countries which have not already done so to promote female representation and, where necessary, to apply quotas effectively in political parties and national assemblies, and encourages those countries which have already done so to continue this process in order to enable women to participate in political life and overcome their under-representation; notes that, where gender quotas in political decision making have been introduced, they should be properly implemented and supplemented with effective legal sanctions; welcomes, in this connection, the recent international women's summit on 'Partnership for Change' held in Pristina in October 2012 under the auspices of the region's only female head of state, Atifete Jahjaga;

6. Notes with concern that women's employment rates in the Western Balkan countries remain very low; points out that supporting equal opportunities policies is important for the economic and social development of the Balkan accession countries; calls on the governments to introduce measures in order to reduce the gender pay gap and, consequently, the gender pension gap and to tackle high unemployment rates, focusing in particular on women, especially those in rural areas; invites the governments of the countries in the Balkans to establish a legal framework for equal pay for equal work for both sexes, to assist women in reconciling private and professional life, to secure better working conditions, lifelong learning, flexible work schedules and in addition to create an environment which stimulates female entrepreneurship;
7. Notes with concern that, in some states in this region, women entrepreneurs are frequently discriminated against when trying to secure loans or credit for their businesses, and still often face barriers based on gender stereotypes; calls on states in the region to consider the creation of mentoring schemes and support programmes that can harness the advice and experience of entrepreneurial professionals; calls on the Western Balkan countries to develop active labour market schemes designed to curb unemployment among women; urges them to develop loan schemes and make funding available for starting businesses;
8. Stresses the importance of combating all forms of discrimination in the workplace, including gender discrimination in respect of recruitment, promotion and benefits;
9. Emphasises that, in the process of building properly functioning democratic institutions, securing the active participation of women – who comprise over half of the population in the Balkan countries – is crucial for democratic governance; notes with concern the lack of financial and human resources allocated to the functioning of governmental and independent institutions tasked with the initiation and implementation of gender equality measures and especially gender mainstreaming policies in most countries; calls on the authorities to accompany measures and action plans with adequate resources for their implementation, including appropriate women personnel; stresses that the Instrument for Pre-Accession Assistance (IPA) may and should be used for projects related to the promotion of women's rights and gender equality and that authorities in the countries bear full responsibility for well-functioning implementation mechanisms for women's rights and gender equality; calls on the Commission to exercise due diligence with respect to the effectiveness of spending;
10. Notes with concern the lack of statistical information on gender equality, on violence against women, on access to and availability of contraceptives, and on unmet need for contraception necessary for monitoring implementation that is standardised and may be compared over time, between accession countries and between EU Member States and accession countries; calls on the governments of the Balkan accession countries to establish a common methodology for gathering statistical information together with Eurostat, EIGE and other relevant institutes; stresses that specific strategies need to be developed and existing strategies implemented to improve the position of women faced with multiple discrimination, such as Roma women, lesbian, bisexual or transgender women, women with disabilities, women of ethnic minorities and older women;
11. Considers that women play an essential role in stabilisation and conflict resolution, which

is crucial to reconciliation in the region as a whole; underlines the importance of access to justice for women victims of wartime crimes, in particular rape; reiterates the responsibility of all states to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, including crimes involving sexual violence against women and girls, and to recognise and condemn these crimes as crimes against humanity and war crimes; stresses the need to exclude these crimes from amnesty provisions; welcomes the efforts of networks such as the Regional Women's Lobby to support women in peace-building and to promote access to justice for women in post-conflict countries; stresses the ongoing need to deal with the past and to secure systematically justice and rehabilitation for victims of conflict-related sexual violence; urges the adoption and implementation of adequate state programmes for witness protection and the prosecution of these crimes;

12. Condemns all forms of violence against women and notes with concern that gender-based violence and verbal abuse remain present in the Balkan countries; invites the governments of the Balkan countries to strengthen law enforcement bodies in order successfully to address issues such as gender-based violence, domestic violence, forced prostitution and trafficking in women, to create shelters for victims who have experienced or are currently experiencing domestic violence and to ensure that law enforcement institutions, legal authorities and public servants are more sensitive to this phenomenon; encourages national authorities in the region to set up awareness-raising programmes on domestic violence;
13. Notes with deep concern that 30 % of the victims of cross-border trafficking in human beings in the EU are nationals of Balkan countries, whereas women and girls comprise the bulk of the victims detected; stresses that gender equality, awareness-raising campaigns, and measures to combat corruption and organised crime are essential in order to prevent trafficking and protect potential victims; calls on national authorities in the region to work together in creating a common front;
14. Calls on the authorities in the Balkan accession countries to provide sustained funding to combat trafficking, to further strengthen their capacity to identify proactively and protect victims among the vulnerable population, to ensure by law that identified trafficking victims are not punished for committing crimes as a direct result of being trafficked, to sustain victim protection efforts, to train law enforcement officials, and to further develop reception-centre and shelter capacity; calls also on the respective governments to improve the implementation of the existing legislation in order to create a dissuasive environment for traffickers, where cases of trafficking are properly investigated and perpetrators are prosecuted and convicted; calls on the Commission to urge Balkan accession countries to improve their records on prosecution and punishment and support local initiatives to address the root causes of trafficking, such as domestic violence and limited economic opportunities for women;
15. Considers that genuine gender equality also rests on equality and non-discrimination as regards sexual orientation and gender identity; encourages the governments of the accession countries to address lingering homophobia and transphobia in law, policy and practice, including by legislating on hate crimes, police training and anti-discrimination legislation, and asks the national authorities in the region to denounce hatred and violence

on grounds of sexual orientation, gender identity or gender expression;

16. Welcomes the increase in cross-border regional initiatives in the area of women's rights and gender equality; calls on governments and the Commission to support these initiatives and to encourage the exchange and promotion of good practices arising from them, inter alia by employing the pre-accession funds and by making sufficient grants available to these initiatives, including from a gender budgeting perspective;
17. Invites the Government of Montenegro, and the Serbian, FYROM and Albanian Governments, once they start accession negotiations, to agree on a framework agreement with their parliaments, political parties and civil society on the involvement of civil society organisations, inter alia in the area of women's rights and gender equality, in the accession negotiations and in drafting the action plans for reform resulting from these negotiations, and ensuring their access to relevant documents pertaining to the accession process;
18. Calls on the governments of the Balkan accession countries to recognise and support the role that civil society and women's organisations play in specific areas, such as promoting LGBT rights, combating violence against women, increasing women's political participation and representation and promoting peace-building efforts; strongly supports activities aimed at empowering women and strengthening their position in the societies concerned;
19. Notes with concern that in most of the Balkan accession countries the process for the social inclusion of Roma has slowed down and, in some cases, even came to a halt; calls on the respective governments to step up their efforts to further integrate Roma citizens and guarantee the elimination of all forms of discrimination and prejudice against Roma, especially women and girls who suffer from multiple, compound and intersectional discrimination; calls on the Commission to enhance its efforts to involve the enlargement countries at whatever stage of accession, and to mobilise the Instrument on Pre-Accession Assistance (IPA) and the mechanism of the Stabilisation and Association (SAA) process;
20. Notes with concern that LGBT-rights activists and human rights activists who stress the importance of dealing with the past are regular targets of hate speech, threats and physical attacks, and calls on the governments of the Balkan accession countries to take specific measures to prevent and combat violence against women human rights defenders;
21. Calls on the Commission to make the implementation of women's rights, the mainstreaming of gender equality and the continuous fight against domestic violence a priority in the accession process of Western Balkan countries, by continuing to address these issues and to monitor and report on their implementation in progress reports, and to emphasise their importance in contacts with authorities, and showing a good example by ensuring that its own delegations, negotiating teams and representation at meetings and in the media are gender-balanced;
22. Calls on the EU delegations in the Balkan countries to keep progress in the sphere of women's rights and gender equality under careful review in anticipation of future accession to the EU and calls on each delegation to appoint a member of staff to deal with gender policies with a view to facilitating the exchange of good practice within the Balkan



region;

23. Encourages national authorities in the region to support gender equality through education in schools and universities; notes that from a young age many girls are discouraged from pursuing school and university subjects perceived as inherently 'masculine', such as science, maths and technology; recommends that initial courses be introduced at school that the spectrum of possible subjects and careers open to girls be broadened, so that they are able to develop the knowledge base and full range of skills necessary for succeeding in any path of life they may decide to choose;
24. Stresses that all women must have control over their sexual and reproductive rights, including by having access to affordable high-quality contraception; expresses concern about the restrictions on access to sexual and reproductive health services in the Balkan accession countries;
25. Calls on the governments of the Balkan accession countries to adopt legislation and policies that ensure universal access to reproductive health services and promote reproductive rights, and to gather systematically data that is necessary to promote the situation of sexual and reproductive health;

#### **Albania**

26. Calls on the Albanian Government to support the participation of more women in political decision-making, especially with a view to the parliamentary elections in 2013;
27. Calls on the Albanian Government to implement the National Strategy for Integration and Development and the Law on Protection from Discrimination by strengthening the Office of the Commissioner for Protection from Discrimination and establishing an appeals institution in the form of a Commissioner specifically for cases of gender discrimination, in order to promote an environment in which women giving birth to girls are not subjected to discrimination;
28. Calls on the Albanian Government to improve coordination between national and local authorities, especially for the purpose of combating domestic violence, and notes that women should be involved more widely in local and national decision-making in Albania;
29. Calls on the Albanian Government to propose gender-sensitive reforms to the legislation on property rights, the penal code, the electoral law and labour laws;
30. Commends Albania for the training given to judges on the implementation of gender-equality legislation and measures against violence against women and for the possibility for victims of discrimination or violence to receive state-sponsored legal aid;
31. Commends Albania for the decision taken on gender mainstreaming in the medium-term budget programme for all line ministries and looks forward to seeing the results of its implementation;
32. Calls on the Albanian Government to implement, and if necessary adapt, performance indicators to monitor the implementation of women's rights and gender equality measures;

33. Calls on the Albanian parliament to establish a parliamentary committee to deal specifically with women's rights and gender equality;
34. Calls on the Albanian Government to step up the implementation, particularly at local level, of policy tools fostering women's rights, such as the National Strategy on gender equality, domestic violence and violence against women (2011-2015);
35. Commends the Albanian authorities on the establishment of performance indicators to monitor the implementation of women's rights and gender-equality measures, and the publication of the National Report on the Status of Women and Gender Equality in Albania 2012;

### **Bosnia and Herzegovina**

36. Calls on the Government of Bosnia and Herzegovina to align legislation on gender equality as well as legal practice at different levels, in order to create a uniform legal situation in the country and to strengthen the department responsible for gender equality at central level in order to address the ongoing lack of women in the highest echelons of governance and monitor the problems caused so far by its non-implementation; calls on the Commission to use all available mechanisms to strengthen accountability and stronger action on the part of the Bosnia and Herzegovina authorities in this direction; calls on the Bosnia and Herzegovina Government to put stronger emphasis on the implementation and harmonisation of the Law on Gender Equality of Bosnia and Herzegovina and the Law on Prohibition of Discrimination with other laws at the state level;
37. Notes with particular concern the discrimination against pregnant women and women who have just given birth on the labour market, and the differences in social security rights pertaining to maternity between different entities and cantons; calls on the Bosnia and Herzegovina authorities to align social security rights for those who take maternity, paternity or parental leave across the country to a high standard, creating a uniform situation for all citizens;
38. Notes with concern the low level of awareness of gender equality legislation and legislation against violence against women, not only among the population at large, but also among those working in law enforcement; calls on the authorities to implement an action plan to create more awareness and to train law enforcement officers;
39. Notes with serious concern that the laws on protecting victims of domestic violence still remain to be harmonized with the entity laws, with a view to recognising domestic violence as a criminal offence in the criminal codes of both Bosnia and Herzegovina entities, thus failing to properly provide legal security to these victims; calls on the Government of Bosnia and Herzegovina to resolve this issue as soon as possible in order to increase protection for victims;
40. Commends the women in the Bosnia and Herzegovina parliament for their cross-party debate on gender-based violence with the relevant ministers; calls on the Bosnia and Herzegovina authorities to follow up on this debate with concrete measures to promote combating gender-based violence;

41. Calls on the Bosnia and Herzegovina authorities to provide official statistics on the number of reported cases of violence on the basis of data gathered from police reports, social care centres and judicial institutions and to make these statistics publicly available; likewise, calls on the Bosnia and Herzegovina authorities to gather and publicise data on measures aimed at ensuring protection of victims of domestic violence;
42. Calls on the Government of Bosnia and Herzegovina to harmonise the Law on Gender Equality of Bosnia and Herzegovina with the Election Law, as regards the composition of bodies of executive governance at all decision-making levels (municipal, cantonal, entity and state);
43. Commends Bosnia and Herzegovina on its legislation laying down a 40 % minimum representation rate for each gender in administrative functions in state and local government bodies, but notes that this has not led to women accounting for 40 % of staff in administration in practice; calls on the Bosnia and Herzegovina authorities to draw up an action plan with clear timeframes and a clear division of responsibilities to implement this legislation;
44. Notes with concern the lack of financial and human resources for the implementation of the action plan on UNSCR 1325, for institutional mechanisms to ensure gender equality, for proper access to justice and for shelters for victims of domestic violence; calls on the Bosnia and Herzegovina authorities at all levels to include sufficient funding for these purposes in their budgets;
45. Deplores the fact that, until now, the Bosnia and Herzegovina authorities have investigated and condemned only a limited number of cases of war crimes of sexual violence; notes with serious concern that a large number of perpetrators of such crimes have escaped the justice system with impunity; notes also the failure of the Bosnia and Herzegovina authorities to provide adequate witness protection programmes for the victims; calls, therefore, on the Bosnia and Herzegovina authorities to ensure that all victims of war crimes of sexual violence have safe and adequate access to the judicial system and that all war-crime cases brought forth be dealt with swiftly and efficiently;
46. Calls on the Bosnia and Herzegovina government to improve monitoring of existing legislation in the area of women's rights and gender equality, by including clear objectives in policies and action plans and clearly identifying the state institutions accountable for implementation; furthermore calls on Bosnia and Herzegovina authorities at all levels to cooperate in gathering comprehensive statistical data on gender equality for the country as a whole;

## **Croatia**

47. Encourages the Croatian Government to continue the adjustment of its legislation with the EU's *acquis communautaire* in the area of gender equality after accession;
48. Calls on the Croatian authorities to fully implement the legislation stipulating 40% women on election lists for local and regional self-government bodies, Parliament and the European Parliament, considering that during the parliamentary elections in 2011, two thirds of political parties did not meet the prescribed target;

49. Commends Croatia for the establishment of the office of a Gender Equality Ombudsperson and the awareness of women's rights and gender equality measures created by the visibility of this office; recommends all countries in the region to consider whether they can follow this example as good practice; encourages the Croatian Government to continue funding the Ombudspersons Office and follow up their recommendations;
50. Welcomes the local gender mainstreaming action plans especially in the Istria region, calls on the Croatian government to promote the adoption and implementation of such action plans throughout the country;
51. Calls on the Croatian Government to establish a structural dialogue with civil society organisations, especially with a view to the situation after accession;
52. Welcomes the progress made in Croatia in terms of the proper handling of cases of violence against women and gender discrimination by the police following targeted training of police officers in this field and encourages authorities to continue these actions; points out that cases are however still not always properly handled by the judiciary and calls on authorities to initiate actions to sensitise and train the judiciary too; furthermore calls on the Croatian government to make free legal aid available to victims of gender-based violence and discrimination;
53. Asks the Croatian authorities to clarify in the National Strategy on Protection from Family Violence (2011-2016) which authority is responsible for what action and to award proper funding to authorities and civil society organisations to implement the strategy;

#### **Kosovo**

54. Welcomes the role attributed to the Assembly of Kosovo in approving, reviewing and monitoring the Programme for Gender Equality; calls for the implementation of the recommendations arising from monitoring reports;
55. Calls on the Kosovar Government to promote a country-wide SOS hotline for victims of domestic violence and gender-related violence and to create awareness of the possibilities for reporting and handling of cases;
56. Commends the Kosovar Government for placing the Gender Equality Agency under the Office of the Prime Minister, and calls on the Government to ensure more efficient functioning of the Agency in implementing and monitoring the Law on Gender Equality without political interference;
57. Calls on the Kosovar Government to establish the proposed Centre for Equal Treatment as soon as possible;
58. Commends Kosovo on the training of police officers in the handling of cases of gender-based violence and the establishment of special rooms in police stations for victims and their children; calls on the Kosovar Government to train the judiciary in handling these cases too and to increase the number of shelters for victims and the possible duration of stay in these shelters;

59. Urges the Kosovar Government to recognise and work towards the implementation of the Pristina principles as established by the Kosovo women's summit in October 2012;
60. Stresses the need for further advocacy regarding the use and supply of, and access to, contraceptives, given that while a greater percentage of women are now using such forms of birth control, the use of contraceptives is still far from universal among all women in Kosovo;
61. Calls on the Kosovar Government to recognise the victims of sexual violence during the conflict in 1998-1999 as a special category under the law through an amendment to Law No. 04/L-054 on the status and the rights of the martyrs, invalids, veterans, members of Kosova Liberation Army, civilian victims of war and their families;
62. Calls on the Kosovar Government to identify clear indicators for compliance and non-compliance with administrative instructions for laws on gender equality and discrimination, in order to facilitate their implementation and monitoring; calls, furthermore, on the Government to collect data on, and establish a national registry for, cases of gender-based discrimination and violence;

#### **Former Yugoslav Republic of Macedonia (FYROM)**

63. Commends the Macedonian Government on the new law proposal against sexual harassment or mobbing in the workplace, including fines for perpetrators, and calls for the harmonisation of the law proposal with the criminal code; welcomes the intention of the Macedonian Government to change legislation to ensure that both parents are allowed to take parental leave or family leave in order to take care of sick relatives, and the recent adoption of changes to the labour law to afford better legal protection on the labour market for women who are pregnant or have just given birth;
64. Notes with concern that Roma women suffer from double discrimination on the grounds of gender and ethnicity; calls, therefore, on the Macedonian Government to adopt a comprehensive anti-discrimination framework that would enable Roma women to secure their rights;
65. Commends the Macedonian authorities on the addition of dissuasive penalties for non-compliance with the law stipulating a representation of at least 30 % of each gender in political decision-making bodies; calls on the Macedonian Government to monitor closely whether, as a result, at least 30 % of members in decision-making bodies, especially at local level, are women;
66. Commends the Macedonian Parliament on the active 'women's club' through which female Members of Parliament of different parties cooperate in promoting women's rights and gender equality by arranging public debates, conferences and international and other events, and by cooperating with civil society to address delicate or marginalised issues such as sexual education in primary schools, domestic violence, HIV, cervical cancer, hate speech and the position of women in rural areas;
67. Notes that the mechanisms of the Legal Representative within the Department for Equal Opportunities at the Ministry of Labour and Social Policy, responsible for providing legal

advice in cases of unequal treatment between women and men, does not function properly; calls on the Macedonian Government to take measures to improve the functioning of these mechanisms;

68. Notes with concern the fragmented implementation of the action plans and strategies for gender equality and the lack of overall coordination of efforts; calls on the Macedonian Government to increase the financial and human resources available to the Department for Gender Equality, as well as to ensure the appointment and effective functioning of Coordinators for Equal Opportunities at national and local level;
69. Welcomes the progress made in combating gender-based violence, reflected not least in the increase in reports as a result of awareness campaigns, the training of specialised police officers and the agreement on protocols between institutions in the handling of reports; notes with concern, however, that the number of shelters for victims of domestic and other forms of gender-based violence is not sufficient;
70. Calls on the Macedonian Government to eliminate the existing cultural and financial barriers for women to gain access to contraception;

## **Montenegro**

71. Notes with concern that the percentage of women in political decision-making has hardly increased over the past decades; calls on the Montenegrin Government to reform legislation in this area and ensure compliance;
72. Calls on the Montenegrin Government to increase the human and financial resources available to the Department for Gender Equality, the implementation of the legal and institutional framework for enforcing gender equality and the Gender Equality Action Plan;
73. Commends the Montenegrin Government on the drafting of the new National Action Plan for Accomplishing Gender Equality in cooperation with civil society and the inclusion of strategic and operational goals in this plan; calls on the Government to set aside sufficient human and financial resources for its implementation and to establish a framework for continuing cooperation with civil society in the implementation phase;
74. Welcomes the inclusion of gender equality measures in the Montenegrin reform programme for accession; calls on the Montenegrin Government to prioritise actions to implement gender equality provisions in the accession negotiations on Chapter 23 on 'Judiciary and Fundamental Rights' as well as in other relevant chapters, including Chapter 19 on 'Social Policy and Employment', Chapter 24 on 'Justice, Freedom and Security' and Chapter 18 on 'Statistics';
75. Commends the Montenegrin Government on the progress made in addressing domestic violence through the adoption of a Code of Conduct on procedures for coordinated institutional response; notes with concern, however, that domestic violence remains a great concern in Montenegro, and calls on the Government to dedicate sufficient funds and efforts to implement the relevant legislation and the Code of Conduct, to introduce a national SOS helpline and to collect data;

76. Notes with concern the low number of complaints of gender-based discrimination and violence; calls on the Montenegrin Government to make the investments needed to raise awareness about women's rights, the legislation in place to combat violence and the possibilities to report and address violations;
77. Welcomes the efforts made by the Montenegrin Parliament to research in a methodical manner the implementation of equality legislation;

## **Serbia**

78. Calls on the Serbian Government to implement further the National EU Integration Programme by strengthening mechanisms to monitor the application of the law prohibiting discrimination, and to improve the administrative capacities of bodies dealing with gender equality, including the Equality Protection Commissioner and the Deputy Ombudsperson for Gender Equality;
79. Commends the Serbian Government on the electoral code stipulating that every third candidate on election lists for Parliament must be a member of the underrepresented sex and on the full implementation thereof, which has ensured that 34 % of the seats in Parliament are held by women;
80. Calls on the Serbian Government to reinforce the training of law enforcement officers in the police and judiciary in awareness and proper handling of cases of gender-based discrimination and violence, to make free legal aid available to victims and to address the general problem of the backlog of cases before the courts;
81. Commends the progress made in combating domestic violence through the adoption of a general protocol on procedures for cooperation in situations of domestic and partner-relationship violence, the introduction of a telephone helpline and the opening of a new shelter; notes, however, that domestic violence is still a great concern in Serbia; calls on the Government to award sufficient funds and efforts to implement legislation and the protocol, to promote the reporting of cases and to collect and share information and data between institutions, agencies and women's civil society organisations;
82. Commends the Serbian Government and Parliament on their close cooperation with civil society organisations in drafting and monitoring an extensive action plan to implement UN Security Council resolution 1325; calls on the Government to make sufficient human and financial resources available for its implementation;
83. Calls on the Serbian authorities to improve cooperation with civil society organisations for gender equality, especially at local level between local governments and local civil society organisations, in drafting, implementing and monitoring laws and policies on gender equality and gender-based violence, and to provide structural funding for the work of organisations dealing with gender-based violence;
84. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Balkan accession countries.

## EXPLANATORY STATEMENT

‘Our countries are a true paradise for women’s rights and gender equality. On paper that is’, said a representative of civil society lately about the accession countries in the Western Balkans. While these countries have worked hard on adopting the necessary legislation to align their laws with the EU *acquis communautaire* in the field of women’s rights and gender equality, the implementation of these rights so that women may invoke them in practice is less satisfactory.

For women’s rights and gender equality provisions to be effective, mechanisms for implementation need to be in place. People need to be aware of the rights they have, they need to be able to report discrimination or a violation of their rights to an authority and their reports need to be properly and timely handled for their rights to be meaningful in practice.

The committee on women’s rights and gender equality did its last report on women’s rights and gender equality in the Balkan accession countries in 2008. Since then, most countries on the Western Balkans have progressed on the road to EU accession, albeit at different paces. Croatia is almost ready to accede, Montenegro has entered negotiations, Serbia and Macedonia have gained candidate status and Albania, Bosnia and Herzegovina and Kosovo are working, with varying measures of success, to take their next accession steps. Promoting gender equality is a vital part of these processes. Not only because women are half of the population of accession countries, but also because gender equality is a core value of the EU, enshrined in its Treaty.

In this report, the choice has been made to specifically address implementation mechanisms in accession countries instead of listing the problems concerning women’s rights and gender equality in general. The goal is to make concrete calls on countries to adapt their laws, policies, budgets and/or institutional frameworks, so that it is clear what is wanted from them to implement gender equality. Therefore issues like the shortcomings in health care systems for women and the lack of education aimed at eliminating gender stereotypes have been left outside of the scope of this draft report, as they are not addressed by specific implementation mechanisms established by authorities. Violence against women is included for some countries, since in that area the governments may be called upon to provide a hotline, shelters, police protection and proper judicial handling of cases.

Another choice is to address countries specifically by name instead of making only general remarks about the region as a whole. This is justified by the different stages of the accession process that countries are in at the moment. Furthermore, there is a danger in only addressing all. If all are addressed, chances are that none will feel addressed. The draft report therefore starts with general remarks that concern all countries in some measure or that require concerted efforts from more than one country. After that, measures required from specific countries are listed per country in alphabetic order. For each country, remarks in addition to the general remarks have been made in one or more of the following areas:

- alignment of legislation to EU equality acquis, other legislation
- action plans and strategies



- governmental, parliamentary and independent bodies
- efforts of police and judiciary
- budgetary aspects
- cooperation with civil society
- monitoring, information and data collection

As a basis for this report, I have used a study recently made at my request. For the study, a large number of EU delegations, authorities and civil society organisations in the accession countries on the Western Balkans were asked what the EU demands of future member states in the area of women's rights and gender equality, what mechanisms and tools are in place to implement legislation and policies and how effective these are in practice.

Furthermore, I have organised a workshop in Sarajevo in October 2012 with civil society organisations, parliamentarians and government representatives from most of the countries in the region, and had many individual and group discussions with representatives of civil society, gender equality bodies, members of parliament and government officials.

8.3.2013

## **OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS**

for the Committee on Women's Rights and Gender Equality

on women's rights in the Balkan accession countries  
(2012/2255(INI))

Rapporteur: Emine Bozkurt

### **SUGGESTIONS**

The Committee on Foreign Affairs calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Stresses the need to make the question of women's rights central to the negotiations with potential candidate and candidate countries of the Western Balkans, thus ensuring that progress on women's rights is reflected in all the relevant negotiating chapters and that women are fairly represented at the negotiating table;
2. Calls on the Commission to monitor and report on women's rights, and their implementation, thoroughly in progress reports;
3. Reaffirms the need to mainstream women's rights and gender equality throughout the enlargement process, including in the future setup of the new Instrument for Pre-accession Assistance (IPA-II) for the 2014-2020 multiannual financial framework; emphasises that governmental commitment, together with structures and methods for implementing gender mainstreaming, is crucial for successful progress towards gender equality;
4. Considers that genuine gender equality also rests on equality and non-discrimination based on sexual orientation or gender identity; encourages the governments of accession countries to address lingering homophobia and transphobia in law, policy and practice, including by legislating on hate crimes, police training and anti-discrimination legislation;
5. Emphasises that, in the process of building properly functioning democratic institutions, securing the active participation of women – who comprise over half of the population in the Balkan countries – is crucial for democratic governance;
6. Strongly supports activities aimed at empowering women and strengthening their position in the societies concerned;

7. Stresses the need for women in the Western Balkans to take a prominent role in society through active participation and representation in political, economic and social life at all levels; points out that supporting equal opportunities policies is important for the economic and social development of the Balkan accession countries; points out that advancing towards women's equal participation in decision-making at all levels of government (from local to national, from executive to legislative powers) is of high importance; welcomes quotas and calls on those countries which have not already done so to promote female representation and, where necessary, to apply quotas effectively in political parties and national assemblies, and encourages those countries which have already done so to continue this process in order to enable women to participate in political life and overcome their under-representation; welcomes, in this connection, the recent international women's summit on 'Partnership for Change' held in Pristina in October 2012 under the auspices of the region's only female head of state, Atifete Jahjaga;
8. Considers the empowerment of women – through promoting, protecting and strengthening their rights, improving their social and economic situation, increasing their presence on the labour market, securing their fair representation in political and economic decision-making processes and encouraging their entrepreneurship – as key to strengthening and consolidating democracy in the Balkan countries;
9. Notes with concern that women's employment rates in the Western Balkan countries remain very low and that women remain under-represented in the labour market; calls on the governments of the Western Balkan countries to encourage the active participation of women in the labour market by promoting, inter alia, measures to secure better working conditions, equal pay for equal work, lifelong learning, flexible work schedules and a fair balance between family life and work, as well as measures to reduce the gender pay gap and, consequently, the gender pension gap;
10. Call on the Western Balkan countries to develop active labour market schemes designed to curb unemployment among women; urges them to develop loan schemes and make funding available for starting businesses;
11. Stresses the importance of combating all forms of discrimination in the workplace, including gender discrimination in respect of recruitment, promotion and benefits; calls for the governments concerned to collect relevant and accurate statistical data;
12. Stresses that financing from European funds, including the Instrument for Pre-Accession Assistance (IPA), should increasingly target projects relating to the promotion of women's rights, including monitoring mechanisms; calls on the Commission to exercise due diligence with respect to the effectiveness of spending;
13. Condemns all forms of violence against women and stresses the need to strengthen law enforcement bodies in order successfully to address issues such as gender-based violence, domestic violence, forced prostitution and trafficking in women;
14. Condemns human trafficking in the Balkans, which is a form of modern-day slavery and, regrettably, is one of the fastest-growing transnational crimes; encourages the EU to offer continuous support for efforts to combat human trafficking, as the Western Balkan countries are countries of origin, transit and destination for trafficking in human beings,

especially women and girls, and emphasises the need to combat actively the organised crime behind such trafficking; calls for close cooperation on this matter between the relevant EU institutions and governments; calls for more awareness-raising campaigns in the region;

15. Is concerned about the increasing marginalisation of women in decision-making on peace and security; stresses, in this connection, the importance of women's participation and representation in the peace process and politics, and of strengthening laws and mechanisms designed to ensure the security of women and girls by protecting them from, and preventing, gender-based violence; considers regrettable the lack of data on gender-based violence and underlines the need for consistent and systematic collection of gender-specific statistics in order to monitor progress in the implementation of legislation;
16. Underlines the importance of access to justice for women victims of wartime crimes, in particular rape; emphasises the responsibility of all states to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, including crimes involving sexual violence against women and girls, such as rape, sexual slavery, forced prostitution, enforced pregnancy, enforced sterilisation and any other form of sexual violence of comparable seriousness, and to recognise and condemn these crimes as crimes against humanity and war crimes; stresses the need to exclude these crimes from amnesty provisions;
17. Stresses the ongoing need to deal with the past and to secure systematically justice and rehabilitation for victims of conflict-related sexual violence; urges the adoption and implementation of adequate state programmes for witness protection and the prosecution of these crimes;
18. Considers that women play an essential role in stabilisation and conflict resolution which is crucial to reconciliation in the region as a whole; welcomes the efforts of networks such as the Regional Women's Lobby to support women in peace-building and to promote access to justice for women in post-conflict countries;
19. Notes with concern that Roma women suffer double discrimination on the grounds of gender and ethnicity; calls on governments to adopt comprehensive anti-discrimination frameworks that would enable Roma women to secure their rights;
20. Stresses the importance of improving the situation of women in rural areas, especially vis-à-vis discriminatory customs and stereotypes.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	4.3.2013
<b>Result of final vote</b>	+: 29 -: 1 0: 2
<b>Members present for the final vote</b>	Sir Robert Atkins, Arnaud Danjean, Mário David, Mark Demesmaeker, Michael Gahler, Marietta Giannakou, Ana Gomes, Takis Hadjigeorgiou, Liisa Jaakonsaari, Tunne Kelam, Evgeni Kirilov, Andrey Kovatchev, Vytautas Landsbergis, Francisco José Millán Mon, María Muñiz De Urquiza, Annemie Neyts-Uyttebroeck, Ioan Mircea Pașcu, Hans-Gert Pöttering, Tokia Saïfi, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Charles Tannock
<b>Substitute(s) present for the final vote</b>	Charalampos Angourakis, Nikolaos Chountis, Anne Delvaux, Norbert Neuser, Nadezhda Neynsky, Helmut Scholz, Alf Svensson, Ivo Vajgl
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Danuta Jazłowiecka, Monika Panayotova

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	20.3.2013
<b>Result of final vote</b>	+: 25 -: 1 0: 3
<b>Members present for the final vote</b>	Regina Bastos, Edit Bauer, Marije Cornelissen, Edite Estrela, Iratxe García Pérez, Mikael Gustafsson, Livia Járóka, Teresa Jiménez-Becerril Barrio, Silvana Koch-Mehrin, Rodi Kratsa-Tsagaropoulou, Astrid Lulling, Elisabeth Morin-Chartier, Norica Nicolai, Angelika Niebler, Siiri Oviir, Antonyia Parvanova, Raúl Romeva i Rueda, Joanna Katarzyna Skrzydlewska, Marc Tarabella, Britta Thomsen, Anna Záborská, Inês Cristina Zuber
<b>Substitute(s) present for the final vote</b>	Minodora Cliveti, Silvia Costa, Anne Delvaux, Mariya Gabriel, Mojca Kleva Kekuš, Katarína Neved'álová, Angelika Werthmann