



WHAT'S GENDER GOT TO DO WITH IT?

GENDER ANALYSIS OF 2018 EUROPEAN COMMISSION
COUNTRY REPORTS FOR THE WESTERN BALKANS

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ACRONYMS

BiH	Bosnia Herzegovina
CSO	Civil society organization
DG NEAR	Directorate for Neighbourhood Policy and Enlargement Negotiations
EC	European Commission
EEAS	European External Action Service
EU	European Union
EUD	European Union Delegation
FYROM	Former Yugoslav Republic of Macedonia
GAP II	Joint Staff working Document Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016–2020
GBV	Gender-based violence
IDPs	Internally displaced persons
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
NAP	National Action Plan
SGBV	Sexual and gender-based violence
UNSCR 1325	United Nations Security Council Resolution 1325

BACKGROUND AND PURPOSE OF THE ASSESSMENT

COMMITMENTS UNDER THE GAP

The **EU Gender Action Plan 2016-2020**¹ (GAP II) provides the framework for the European Commission (EC), the European External Action Service (EEAS) and the Member States to deliver support to gender equality through the EU's external action. The GAP II applies to developing, enlargement and neighbourhood countries including fragile, conflict-affected and post-conflict countries and focuses on four pivotal areas (three thematic and one horizontal), as indicated in the box below. The main objective of the GAP II is to progressively change the way in which the EC and the EEAS work on gender issues through an institutional cultural shift. This in turn will put the EC in a condition to more effectively contribute to the development of more equal and inclusive societies in the partner countries.

BOX 1. PIVOTAL AREAS IN GAP II

- 1) Ensuring girls' and women's physical and psychological integrity
- 2) Promoting the economic and social rights / empowerment of women and girls
- 3) Strengthening girls' and women's voice and participation
- 4) Shifting the Commission's services and the EEAS institutional culture to more effectively deliver on EU commitments

One of the key novelties introduced by the GAP II is the mandatory use of **robust gender evidence** to inform all EU external spending, programming and policy making. The original commitment required the EU to have a gender analysis at the correct level of intervention (at sector level, project level or national regional level) by 2016. The gender analysis or analyses are meant also to inform the choice of the objectives (at least one per each thematic priority) to deliver on during the period 2016-2020.

BOX 2. WHAT SHOULD THE GENDER ANALYSIS INCLUDE?

According to the Guidance Note developed for DG NEAR and EUD Staff² the gender analysis for the thematic priorities should at a minimum indicate:

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

¹ Joint Staff working Document Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020

² Guidance Note on EU Gender Action Plan 2016-2020 (1 April 2016).

HOW DOES THIS APPLY TO EC COUNTRY REPORTS?

The new Western Balkans Strategy adopted in February 2018³ provides renewed impetus to the EU's engagement in the region and reinforces its leverage. The EC Country Reports are the **key policy instrument the EU has to monitor progress** of Western Balkan countries on the path towards meeting the accession criteria and to pressure governments into enacting reforms. As a key instrument of the EU, the EC Country Reports should be informed by robust gender evidence to be able to meet the ambitious targets set under the Gender Action Plan. Integrating a gender analysis in the EC Country Reports is key because it allows the EU to 1) identify areas and sectors where gender inequality is still prevalent; 2) use this evidence to promote reforms that are sensitive to the needs of different groups and support gender equality objectives; 3) avoid reinforcing inequalities in its own support to partner countries.

AIM OF THE PRESENT ASSESSMENT

The aim of the present assessment is to **evaluate the extent to which 2018 EC Country Reports are based on gender evidence** and include sufficient analysis and reference to the situation of women, men, boys and girls in the relevant countries. The starting point are the instructions included in the Guidance Note developed for DG NEAR for the implementation of the GAP II which provide details about the key components of a gender analysis.⁴ While these elements are usually included in the gender analysis of thematic or concentration areas, used internally by the EU, they were deemed equally useful to inform an assessment of the comprehensiveness and the quality of the analysis included in the EC Country Reports. The elements have been adapted to the nature of EC Country Reports, which are not internal gender analyses but rather external documents of political nature. Therefore, aspects such as the assessment of where the EU can add value and realistic objectives / opportunities for policy dialogue have not been included.

CRITERIA USED FOR THE ASSESSMENT

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

- 1) Attention to gender equality (legislation, mechanisms and implementation) including potential barriers to achieving it (social norms, legislative, institutional barriers etc.)
- 2) Inclusion of key statistics on the situation of women, men, girls and boys
- 3) Attention to sexual and gender-based violence (including in war crime cases)
- 4) Intersectionality⁵ including reference to Roma women, women refugees and IDPs
- 5) Reference to roles and challenges of women's organisations
- 6) Account of women's roles in peacebuilding, dealing with the past and reconciliation
- 7) Integration of gender into sections other than the fundamental rights section (i.e. Public administration, Rule of Law, Economic section)

³ A credible enlargement perspective for an enhanced EU engagement with the Western Balkans (February 2018)

⁴ See box 2 on page 1.

⁵ Understood as the way in which different types of discrimination because of a person's sex, ethnicity, social class, religion etc. are linked to and affect each other)

DASHBOARD

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



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



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



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



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

ALBANIA – 2018 EC COUNTRY REPORT



Attention to gender equality



Inclusion of key statistics



Attention to SGBV



Intersectionality – multiple discriminations



Reference to women's rights organisations



Women in peacebuilding



Integration of gender into other sections

Summary

Overall the report shows some improvements in depicting progress and challenges for Albania on gender equality. Information on legislation and existing mechanisms for gender equality is rather comprehensive but the report provides little information on implementation of laws and functioning of mechanisms. Data and statistics are included in some chapters (democracy, fundamental rights, social policy and employment) but all other sections are gender blind and do not include sex-disaggregated data. Some barriers towards achieving gender equality are mentioned but there is no overall assessment on the need to change social norms and attitudes towards gender roles.

Attention to gender equality

The report provides a good overview of gender equality legislation and mechanisms in place but provides little information on its implementation and includes only a cursory reference to a funding gap. Barriers to gender equality are mentioned in relation to existing laws containing discriminatory provisions, women's access to justice and mechanisms for reporting gender-based violence at local level. There is considerable attention to the situation of LGBTI people and the legislative framework to prevent discrimination. The report clearly indicates that more needs to be done to protect LGBTI people from discrimination and increase public awareness and acceptance.

Inclusion of key statistics

There are statistics on women's representation in the Parliament and in the new government. Statistics on unemployment are disaggregated by sex. Also, the percentage of men and women as agriculture employees is included. Data on domestic violence are not disaggregated by sex. All other sections lack sex-disaggregated statistics and data.

Attention to sexual and gender-based violence

The report is quite strong on the issues of domestic violence which continues to be a serious concern in Albania but does not report on other forms of gender-based violence. Figures are included on the total number of cases reported and protection orders issued. However, the report does not include sex-disaggregated data on domestic violence and other forms of violence against women, despite this being a key requirement under art.11 of the Istanbul Convention.⁶ Current shortcomings of the system, including the lack of cross-sectoral coordination with child protection and anti-trafficking mechanisms, are mentioned.

Intersectionality – reference to Roma women, women refugees and IDPs

Vulnerable groups such as Roma and Egyptians minorities feature prominently in the report in the framework of the analysis of human rights, anti-discrimination policies, employment, education and healthcare. While there is reference to Roma and Egyptian girls and boys in relation to pre-school and basic education, no attention is paid to the situation of women in these vulnerable groups.

⁶ Article 11 of the Istanbul Convention requires the Parties to “collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention”. It also requires the Parties to ensure that the information collected is available to the public.

Reference to roles and challenges of women's organisations

The report devotes a section to civil society under the political criteria highlighting the need to ensure increased efforts towards meaningful consultation of civil society actors as part of an inclusive policy dialogue. Current challenges including the tax regime and the limited public funding are analysed. There is no analysis of the different groupings of civil society organisations and of the differentiated challenges they face and roles they play.

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

The EU's commitments to women's full participation in peace and security efforts as detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 should be part and parcel of the accession criteria and reported on. Albania just recently adopted a National Action Plan on UNSCR 1325 which was the result of close cooperation between civil society, line ministries and international organisations and actors. Yet, there is no reference to either gender or women in the sections on Regional issues and International Obligations or in Chapter 31 on Foreign, Security and Defence Policy.

Integration of gender into other sections

Some of the sections in the report include no reference to gender although a gender perspective could shed a light on some of the structural weaknesses of Albania. For example, the section on the functioning of the judiciary and the quality and efficiency of justice is entirely gender blind, although in the section on domestic violence there is reference to the need to improve access to justice for women. The section of justice, freedom and security is also gender blind, including the one on trafficking of human beings which does not include sex-disaggregated data and ignores the fact that the majority of victims of trafficking are women⁷ and that this phenomenon is often related to sexual exploitation.

⁷ In 2017, 80% of trafficked persons were women and 20% men, according to "Vatra" Psycho-Social Centre Annual report 2017.

BOSNIA HERZEGOVINA – 2018 EC COUNTRY REPORT



Attention to gender equality



Inclusion of key statistics



Attention to SGBV



Intersectionality – multiple discriminations



Reference to women's rights organisations



Women in peacebuilding



Integration of gender into other sections

Summary

The BiH report is particularly weak in integrating gender evidence and analysis. The section on equality between women and men accurately reflects the challenges at legislative level, however all other sections are gender blind and there is no effort to include statistics and data on the situation of women and men, boys and girls (the only statistics relate to women's participation at the labour market). While the report recognizes that domestic violence is a key concern and that implementation of legislation on prevention and protection from domestic violence is weak, there is no analysis of social, legislative and institutional factors legitimizing violence and discrimination. There is no attempt to integrate an intersectional perspective.

Attention to gender equality

The section on gender equality issues included in the report is rather comprehensive when it comes to the legislative framework but provides insufficient information about the shortcomings in implementation. It fails to mention that the Constitution does not contain a clear definition of gender equality which, in a country where legislation and policies are not harmonized across the entities would provide an important safeguard to women's rights. There is a reference to the low participation of women in politics and public life in the section on gender equality but the section on democracy is silent about it. Somewhat better is the section on LGBTI rights which refers to the adoption of anti-discrimination legislation on grounds of sexual orientation and gender identity and also refers to cases of violence against LGBTI persons and the failure of the authorities to prosecute and issue indictments.

Inclusion of key statistics

Statistics on women's participation in the labour market are included. There are no other statistics on the situation of women and men, girls and boys. Relevant statistics on women's representation in political parties, ministerial positions and municipalities as well as other statistics are collected and made available by women's organisations.⁸

Attention to sexual and gender-based violence

The report highlights the lack of effective implementation of legislation on the prevention of and protection from gender-based violence, in particular domestic violence. There is reference to the lack of harmonization of legislation to the Istanbul Convention but the report fails to mention that there are no official statistical data on the number of gender-based killings of females (femicide) in BiH. The report indicates a positive trend in handling war crime cases involving sexual violence. There is a reference to the need to adopt a comprehensive transitional justice strategy and mechanism for compensation for victims of gross human rights violations, including war-related sexual violence. However, this reference should have been included in the section on access to justice rather than the one on procedural rights and should have, at a

⁸ Article 11 of the Istanbul Convention requires the Parties to "collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention". It also requires the Parties to ensure that the information collected is available to the public.

minimum, recognized that due to the lack of harmonized legislation on civilian victims of war a large number of women is still denied access to justice and reparations. Gender-disaggregated data and statistics on gender-based violence should be collected and included.

Intersectionality - reference to Roma women, women refugees and IDPs

There is no attempt to integrate an intersectional perspective to the analysis to the report. For example, the report fails to mention the situation of Roma women, who belong to the country's most vulnerable and disadvantaged minority and often face double discrimination. Also, the section on refugees and IDPs does not include reference to the ratio of women and men and of the specific challenges and needs of women refugees and IDPs.

Reference to roles and challenges of women's organisations

The section on democracy provides information about the steps taken to establish institutional cooperation between governments and civil society organisations and points at the need to develop strategic frameworks for cooperation. There is no specific reference to women's organisations although they have been playing key roles both as service providers, where the state has been unable to provide basic services, and as advocates for the rights of the most vulnerable. Over the last few years, they have been among the most vocal advocates of the need for an inclusive and transparent EU Accession process, becoming key interlocutors and sounding boards for the EU.⁹

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

The EU's commitments to women's full participation in peace and security efforts as detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 should be part and parcel of the accession criteria and reported on. There is no reference to UNSCR 1325 or specifically to the role of women in peacebuilding. Since the end of the war in the 1990s, women across BiH have been active in providing support to survivors of war-time sexual violence including access to justice, developing peacebuilding initiatives, launching dealing with the past and remembrance projects, advocating for equal treatment of civilian victims of war and advocating for the amendment of the Constitution in line with the Sejdic-Finci ruling. BiH was also the first country in the region to adopt a National Action Plan on UNSCR 1325, leading the way for a greater attention to women's roles in peacebuilding in the region. The EC Report should include specific reference to such efforts and stress the importance of women's roles and contributions in dealing with the legacies of the war.

Integration of gender into other chapters

Compared to other country reports, the BiH report is particularly weak when it comes to integrating gender into chapters other than the fundamental rights one. A gender perspective is absent in the section on the functioning of democratic institutions and public administration reform and in the one on functioning of judiciary, where there is only a cursory reference to the handling of war crime cases including sexual violence. The section on economic development and competitiveness only refers to the percentage of women in the labour market. However, it ignores issues of gender pay gap, maternity benefits and labour rights, which are uneven across BiH, with a large participation of women in the informal economy.

⁹ See for example the 2018 Alternative Analytical Report on the Application of Bosnia Herzegovina to the EU developed by the initiative for Monitoring the Integration of Bosnia Herzegovina.

FORMER YUGOSLAV REPUBLIC OF MACEDONIA – 2018 EC COUNTRY REPORT



Attention to gender equality



Inclusion of key statistics



Attention to SGBV



Intersectionality – multiple discriminations



Reference to women's rights organisations



Women in peacebuilding



Integration of gender into other sections

Summary

The 2018 EC Report on FYROM clearly improved compared to previous years. There is a considerable effort to integrate sex-disaggregated data and statistics in a number of sections under the political criteria (elections, governance, public service) and an initial attempt to place more emphasis on women as a heterogeneous group with reference to Roma women and transgender persons. Certain vulnerable groups of women however are still invisible, in particular rural women and single mothers. Barriers towards achieving gender equality, such as gender pay gap, gender stereotyping, women's low participation in the labour market are also mentioned and could be further elaborated. The challenges faced by women's organisations and women activists to continue to operate should also find a space in the future iterations of the report.

Attention to gender equality

The section on equality between women and men provides a good overview of the progress as well as challenges for achieving gender equality. As for most other countries in the Western Balkans, while legislation on gender equality is largely in line with the EU *acquis communautaire*¹⁰, the report stresses that the challenge lies in its implementation. However, the report does not further elaborate on such challenges. The report accurately reflects the progress made on LGBTI issues, including the public support for LGBTI rights expressed by the new political leadership and the establishment of an inter-party group in the Parliament to advocate the rights of LGBTI persons. The report indicates also that despite progress much remains to be done to prevent hate speech against LGBTI persons, prosecute attacks on LGBTI persons and prevent homophobic/transphobic hatred and violence. The legal framework does not allow for official recognition of same-sex couples. The report also includes reference to the work on amending the framework on non-discrimination and notes that it is essential for the law to also include sexual orientation and gender identity as grounds for discrimination.

Inclusion of key statistics

Sex-disaggregated statistics are integrated in the sections on elections, governance and employment. The report includes reference to the fact that authorities collect sex-disaggregated statistics on social policy, employment, education or population (births and deaths). It should also state that for other sectors ministries and agencies are not collecting sex-disaggregated data.

Attention to sexual and gender-based violence

Attention to sexual and gender-based violence

The 2018 report acknowledges the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), as well as the establishment of centers for victims of domestic violence and shelter for victims of sexual harassment and violence. Nevertheless, access to justice for survivors of violence, including the limited capacities of the relevant institutions to combat violence against women, particularly those operating on local level, have

¹⁰ The EU's 'acquis' is the body of common rights and obligations that are binding on all EU countries, as EU Members. More information can be found at https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/acquis_en

not been addressed. Sex-disaggregated data on sexual and gender-based violence should be made available and included in this section, pursuant to article 11 of the Istanbul Convention. The report also states that “women continue to risk resorting to illegal abortions due to restrictive procedural rules in the Law on Termination of Pregnancy”. However, it does not refer to the fact that national legislation mainly focuses on domestic violence while other forms of gender-based violence, including violence perpetrated in educational institutions and at the work-place, are not being addressed.

Intersectionality – reference to Roma women, women refugees and IDPs

The report extensively refers to the issue of Roma refugees from Kosovo and the challenges related to the integration of the Roma minority. In particular, it says that the implementation of the Roma Inclusion Strategy (2014-2020) and corresponding action plans for education, employment, health, housing and Roma women is poor. While it is very positive that the report refers to Roma women specifically, it could further elaborate on the particular difficulties facing this group. A reference to transgender persons is also included in the section on LGBTI persons. The situation of single mothers and rural women, who are among the most disadvantaged groups of women, are not addressed in the report.

Reference to roles and challenges of women’s organisations

The report analyses the progress registered in the last year in relation with civic space and in the attitude of the new government towards civil society organisations. However, it fails to mention that the investigations against civil society initiated by the Public Revenue Office under the previous legislature remain open. It stresses the constructive role played by civil society in the democratic process and in ensuring democratic checks and balances. As a sign of normalization of relations, civil society is progressively being involved in policy-making and legislative processes. The report fails to describe the specific challenges for women’s rights organisations and women’s activists who are operating in FYROM.

Account of women’s roles peacebuilding, dealing with the past and reconciliation

The EU’s commitments to women’s full participation in peace and security efforts as detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 should be part and parcel of the accession criteria and reported on. In particular, Chapter 31 on Foreign, Security and Defence Policy should include reference to efforts to implement UNSCR 1325.

Integration of gender in other chapters

The report shows positive examples of integration of gender in the sections on elections, governance and public administration reform. Proportion of women and men participating in the labour market is included in the employment section and there is reference to gender stereotyping and gender pay gap in employment and social policies. Finally, there is a cursory reference to women’s entrepreneurship in the chapter on Enterprise and Industrial Policy, which is welcome but could be further elaborated. Other sections such as Education and Culture, Science and Research, Trade, Agriculture are still gender-blind. adopt a comprehensive transitional justice strategy and mechanism for compensation for victims of gross human rights violations, including war-related sexual violence. However, this reference should have been included in the section on access to justice rather than the one on procedural rights and should have, at a

KOSOVO – 2018 EC COUNTRY REPORT



Attention to gender equality



Inclusion of key statistics



Attention to SGBV



Intersectionality – multiple discriminations



Reference to women's rights organisations



Women in peacebuilding



Integration of gender into other sections

Summary

The 2018 EC Country Report on Kosovo shows some clear signs of improvement compared to previous years. Reference to women and gender are not limited to the fundamental rights section and appear together with data and statistics in the section on elections and the fight against violent extremism and radicalization. There is an attempt to identify and analyse social, legislative and institutional barriers hindering progress towards gender equality. The improvement could be partially explained by the increased attention of the EU Office in Kosovo to gender issues. Over the last few years, this translated into specific contracts with women's rights organisations who are mandated to conduct, among others, sector-specific gender analysis¹¹ and training. While the report is comparatively more advanced when it comes to integrating gender analysis, the intersectional perspective is still lacking throughout the sections.

Attention to gender equality

The report offers a good overview of gender equality legislation and of key challenges towards equality, in particular gender-based violence and discrimination in the labour market, judiciary and the police, under-representation in decision-making in both the central government and the municipalities, challenges with property ownership and inheritance. The report offers a thorough account of women's participation as candidates in the May 2017 Parliamentary elections, including of factors hindering their chances of success. On LGBTI rights the report refers to the 2015 anti-discrimination law which covers discrimination on the basis of both gender identity and sexual orientation. Efforts are still needed to combat prejudices and stereotyping including in the media and to prosecute hate crimes against LGBTI persons.

Inclusion of key statistics

The report recognizes that gender-disaggregated data is generally lacking.

Attention to sexual and gender-based violence

The section on judiciary and fundamental rights refers to the launch of the application process for the recognition and verification of the status of victims of sexual violence during the conflict and the challenges for victims of sexual violence to access justice. Also, the report indicates that the 2016- 2020 strategy and action plan on protection against domestic violence, adopted in December 2016, are not sufficiently implemented. The report recommends to strengthen implementation of the Strategy on domestic violence. The report could better analyse the context, provide sex-disaggregated data and provide more concrete recommendations to the Kosovar government.

Intersectionality – reference to Roma women, women refugees and IDPs

Women in the report are portrayed as a homogeneous group, there is no attempt to analyse or provide additional information on whether “the women” come from rural or urban areas, belong to a specific ethnic or

¹¹ The first fully-fledged Gender Analysis for Kosovo was published by Kosovo Women's Network in 2018 (after the release of the EC Country Report) and includes key information and analysis from a gender perspective on all sections of the Country Reports.

religious group, to a privileged or under-privileged social class. While the report tackles the issue of protection of minorities, in particular Roma and Ashkali, refugees and displaced persons, there is no indication about the composition of these groups and no particular attention to the situation of women within these groups.

Reference to roles and challenges of women's rights organisations

The section on civil society indicates that there is progress in the cooperation between civil society and the central government although there is a need to clarify rules to set up, register, operate, suspend, terminate, and de-register NGOs. The report refers to the impact of anti-terrorism legislation on civil society but fails to recognize the differentiated impact on women's organisations who struggle to finance themselves. As activists interviewed for a recent report by Kvinna till Kvinna underlined, anti-terrorism legislation has been one of the three key factors contributing to shrinking space for human rights organisations, including many women's rights organisations.¹²

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

The EU's commitments to women's full participation in peace and security efforts as detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 should be part and parcel of the accession criteria and reported on. There is no reference to either gender or women in the section on Regional issues and International obligations. Given the recent history of conflict in Kosovo and the role the EU plays in Kosovo's post-conflict transformation, efforts to implement UNSCR 1325 including through Kosovo's National Action Plan should be included in the report. Principles of equal participation of women in peace and security matters should also apply to the EU facilitated Belgrade-Pristina dialogue by including meaningful consultation and participation of women.

Integration of gender into other chapters

The report presents some progress in integrating gender in other sections of the report, for example, the section on the fight against terrorism includes sex-disaggregated data on persons who left Kosovo to become foreign fighters. Also, there is reference to the lack of comprehensive programmes on prevention, de-radicalisation, rehabilitation and reintegration of returned fighters including those in prisons and their families, in particular for women and minors. The section on the functioning of the market economy points at the need to enhance employment of women and tackle their discrimination in employment, in particular in the private sector, and social policies. Other sections such as Education and Culture, Science and Research, Trade, Agriculture and so forth are still gender-blind.

¹² Suffocating the movement, shrinking space for women's rights (2018).

MONTENEGRO – 2018 EC COUNTRY REPORT



Attention to gender equality



Inclusion of key statistics



Attention to SGBV



Intersectionality – multiple discriminations



Reference to women's rights organisations



Women in peacebuilding



Integration of gender into other sections

Summary

The 2018 EC Country Report on Montenegro presents some improvements compared to previous editions. In particular, there are a number of welcome references to women's political participation, gender stereotyping, the impact on women of the introduction of discriminatory social benefits for certain categories of women, the issue of sex-selective abortions, discrimination on the basis of gender in the labour market and women facing multiple discriminations. The report contains clear language on gender-based violence but could provide additional information and sex-disaggregated data. The section on trafficking should be informed by gender-sensitive analysis and data. Also, specific attention should be paid to women in already vulnerable groups, including the Roma and Egyptian community, who are facing multiple discriminations.

Attention to gender equality

The section on equality between women and men is rather good but some aspects should be further clarified. For example, there is reference to “concerns about the practical impact of the relevant legislation” without any additional contextual information. The report also refers to the Action Plan on gender equality and suggests that human, technical and financial resources are not adequate for implementation. The report refers to specific barriers hampering the achievement of gender equality and in particular women's low political participation, limited access to education and economic empowerment, gender stereotyping, discriminatory practices in the labour market and gender-based violence. It further highlights the problem of sex-selective abortions. Progress on LGBTI issues is reported but probably overstated. While it is true that authorities are open on this issue and cooperate closely with civil society, including with the preparation of the Law on civic partnership, much remains to be done to change perceptions and prosecute hate speech.

Inclusion of key statistics

Statistics on the number of women in Parliament and in formal employment are included. There are no statistics on gender-based violence cases.

Attention to sexual and gender-based violence

The report indicates that gender-based violence continues to be a serious concern in the country and that, while legislation is in line with the Istanbul Convention, implementation is slow. In particular, it refers to the limited capacity and gender-sensitivity of responsible institutions. There is no data on cases of gender-based violence reported and prosecuted as well as number of protection orders issued. An analysis on data of the Ministry of Justice from women's organisations recently showed that while the number of domestic violence charges has remained steady, criminal charges as a percent of total domestic violence charges are declining, suggesting that cases of violence are increasingly routed toward misdemeanour prosecutions. The fact that cases of domestic violence often are classified as misdemeanour rather than criminal offense cases sends a signal to both perpetrators, victims/survivors and society in general about

the severity of the offences.¹³ Statistics on gender-based violence should be made available by institutions pursuant to Article 11 of the Istanbul Convention and included in the report. While the report suggests that effective victim support services are yet to be provided, it does not mention that at present all the support services in place are provided by women's organisations under considerable constraints.

Intersectionality - reference to Roma women, women refugees and IDPs

The report indicates that the Roma and the Egyptian minorities remain the most vulnerable and discriminated communities. The analysis includes education, employment, access to health and housing. While the report refers to women facing multiple discriminations (in the section on equality between women and men), there is no specific reference to Roma or Egyptian women. Similarly, when it comes to refugees and IDPs, the report does not provide any indication about the situation of women within these groups.

Reference to roles and challenges of women's organisations

The report includes an account of the improvements of the legal and institutional framework for cooperation with civil society and also a recommendation to invest in more meaningful consultations. There is also reference to the 2017 amendments to the law on NGOs which aimed at setting up a more effective system of public financing for civil society which have yet to yield results. There is no reference to women's organisations and the role they play as service providers for those services neglected by the state (support to survivors of sexual violence, support to women negatively affected by the amended laws on social protection and so forth) and as key interlocutors for the accession process.

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

The EU's commitments to women's full participation in peace and security efforts as detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 should be part and parcel of the accession criteria and reported on. Yet, the report does not refer to either gender or women in the section on Regional issues and international obligations or Chapter 31 on Foreign, Security and Defence Policy. The report should include information on the implementation of UNSCR 1325 by Montenegro under the current National Action Plan 2017-2018.

Integration of gender in other sections

The section on elections includes reference to women's participation in politics but there is no data to corroborate the analysis. The section on participation in the labour market includes percentage of women's participation in the formal economy. The chapter on social policy and employment offers a thorough overview of the negative impact of the amendments introduced to the Law on social and child protection in 2015, which granted mothers of three and more life-long social benefits and were ultimately declared unconstitutional. The report stresses the need to increase allocations to incentivise women to join the labour market, introduce measures to support single parents (93% of which are women), address undeclared work among women and introduce more thorough gender statistics and use gender analysis (although it does not clarify for what). There is a reference to the number of women who left the country to become foreign fighters in Syria. Chapter 20 on Enterprise and Industrial Policy refers to the 2015-2020 strategy for the development of women entrepreneurship. Other sections such as Education and Culture, Science and Research, Trade, Agriculture, Energy are still gender-blind.

¹³ Women's Rights Center Annual Report to Kvinna till Kvinna (2018).

SERBIA - 2018 EC COUNTRY REPORT



Attention to gender equality



Inclusion of key statistics



Attention to SGBV



Intersectionality - multiple discriminations



Reference to women's rights organisations



Women in peacebuilding



Integration of gender into other sections

Summary

The 2018 EC Country Report on Serbia includes some good analysis on the legislative and institutional framework for gender equality, including current gaps in the legislation and practical barriers for women which prevent them from equally participating in the functioning of the state. However, as it is the case for most other reports, integration of a gender perspective is limited to certain sections namely the fundamental rights, social policy and employment sections. There is an attempt to include sex-disaggregated statistics to corroborate some of the analysis but these could be further included across other sections of the report. In particular, statistics and contextual information would be helpful to support the statement that the difference between the position of women and men can be registered in a number of areas (labour, time use, political participation, property and access to resources). There is a mild attempt to introduce an intersectional perspective in the section on equality between women and men.

Attention to gender equality

The report highlights the gaps in the current legislative framework on gender equality in Serbia. The new Law on Gender Equality still needs to be adopted. There is a reference to the role of media in perpetuating gender stereotypes and the need to take action to change social attitudes towards roles and responsibilities of women and men. The section on LGBTI rights is rather comprehensive and it recognizes that, despite some progress, the situation for LGBTI persons remains difficult in Serbia. In particular, it highlights that LGBTI and human rights defenders are regularly exposed to hate speech, threats and violence but investigation and prosecution of such crimes are inadequate. The report acknowledges that there is a need for stronger and more visible political commitment to social inclusion and respect of LGBTI rights.

Inclusion of key statistics

The report includes statistics on women in elected positions and on their participation in the labour market. The report includes reference to the total number of cases of violence against women reported on.

Attention to sexual and gender-based violence

The report refers to the issue of sexual violence in conflict, domestic violence and violence against LGBTI persons. At the legislative level, amendments to the criminal law and the law on prevention of domestic violence were adopted in 2016 in line with the Istanbul Convention. However, the national strategy and action plan for combating violence against women in family and partner relationships expired in 2015 and has not been replaced. There is reference to the overall number of reported cases of violence against women. This is not in line with requirements under the Istanbul Convention since article 11 requires authorities to collect and make available to the public sex-disaggregated data on all cases of gender-based violence. The report does not highlight that the legislation only covers domestic violence and not gender-based violence per se. There is a cursory reference to the fact that sexual violence in conflict has not been adequately addressed and that further efforts are needed in this area.

Intersectionality - reference to Roma women, women refugees and IDPs

The report includes a mild attempt to integrate an intersectional perspective in particular in the section on equality between men and women which highlights that “women with disabilities, older, rural and Roma women continued to be among the most discriminated against in society”. The situation of IDPs and refugees is included in the report but there is neither specific data nor information on women within these groups.

Reference to roles and challenges of women’s organisations

The report clearly states that there has been no progress with regards to establishing an enabling environment for the development and financing of civil society organisations. A national strategy for an enabling environment for civil society and its accompanying action plan have not been adopted. The report also refers to the lack of progress on freedom of expression only referring to instances of threats, intimidation and violence against journalists while there have been a number of cases where activists from women’s organisations, human rights organisations and LGBTI groups were targeted in slander and smear campaigns, suffered intimidation and violent attacks, received threats to their life, bodily integrity and to their families by far-right groups.¹⁴

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

The EU’s commitments to women’s full participation in peace and security efforts as detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 should be part and parcel of the accession criteria and reported on. There is no reference to either women or gender in the section on Regional issues and international obligations or in the section on normalization of relations between Serbia and Kosovo. Yet, the Serbia Report is the only one including a reference to UNSCR 1325 and the relevant NAP, which is welcome. Further information on its implementation and more generally on women’s multiple roles in peacebuilding efforts should be included in the relevant sections.

Integration of gender in other sections

There is a mild attempt to integrate gender into the section on elections and governance but this is limited to the number of women in elected positions and does not address the issue of women’s political participation at large. The section on the functioning of the economy refers to women’s participation in the labour market (limited to formal employment). The section on social policy and employment stresses that women’s inactivity reflects unpaid work in the household, inadequate support to women in reconciling work and family responsibilities, employers’ discriminatory treatment of young women, the existing wage gap, lower statutory retirement age, as well as the existence of a statutory minimum social insurance contributions base, which discourages formal part-time work. All other sections in the report are gender-blind.

¹⁴ See Kvinna till Kvinna’s report *Suffocating the Movement, Shrinking Space for Women’s Rights* (2018) and newspaper “Alo!” from March 20, 2018

COMPARATIVE ANALYSIS AND RECOMMENDATIONS

The assessment shows that EC Country Reports include some information, data and analysis on the situation of women and men, girls and boys in the respective countries but are generally **not informed by a fully-fledged gender analysis**.¹⁵ Most references to women and to gender equality are included in Chapter 23, Judiciary and Fundamental Rights and Chapter 19, Social Policy and Employment. While some EC Country Reports made strides in integrating a gender perspective in some of the other sections, in particular under the political criteria (elections, democracy, public administration), in Chapter 24, Justice, freedom and security, Chapter 20, Enterprise and Industrial Policy and Chapter 28, Consumer and health protection, the vast majority of Chapters and sections remain gender neutral.

This **piecemeal approach to gender** seems to suggest that a gender perspective is relevant for some chapters but not for others. However, in the GAP II, the EU itself committed to make use of gender analyses to inform all EU external spending, programming and policy making. As key political instruments in the EU Accession process, the EC Country Reports are bound by the same rule. In particular, integrating a gender perspective into EC Country reports can serve three main goals: 1) identify areas and sectors where gender inequality is still prevalent; 2) use its leverage to promote reforms that are sensitive to the needs of different groups and support gender equality objectives; 3) avoid reinforcing inequalities in its own support to accession countries. The message the EU sends to governments in the Western Balkans by adopting Country Reports with limited and ad hoc integration of gender is that they can continue to ignore the issue as long as they deliver on other reforms promoted and supported by the EU.

The lack of a consolidated approach to gender results also in **wide discrepancies among the Country Reports**. For example, under the political criteria two reports only refer to the number of women in elected positions (Albania and Serbia), three reports include a broader approach to women's political participation (Kosovo, FYROM and Montenegro) and one (BiH) does not tackle the issue (included under the section on equality between women and men). The issue of women's underrepresentation in politics and public life in the Western Balkans is key as it leads to policies and legislation that are gender blind, further reinforcing pre-existing discriminatory patterns. A more coherent approach to women's political participation across the Country Reports is needed on the form as well as substance.

Terms such as **violence against women, gender-based violence and domestic violence** are often used interchangeably leading to confusions about the nature and the implications of the violation. A glossary of the terms used in relation to this phenomenon could be useful to clarify the choice of language. The lack of sex-disaggregated data on such violations in most reports seems to suggest that the phenomenon is not gendered in nature and leaves the issue of violence against men and boys to go unnoticed. While most reports highlight how gender-based violence continues to be a serious concern in many countries, there is no attempt to analyse its implications for survivors' health, employment and participation in social and political life. Such implications constitute a barrier for women's full enjoyment of their rights.

Another common trait is that **women are** generally referred to as a homogeneous group rather than as **a diverse group with differentiated needs and interests influenced by class, ethnicity, age, language, religion and sexual orientation**. This approach prevents the authors of the report from identifying and analyzing interlocking systems of discrimination and giving visibility to those who are subject to multiple discriminations. All reports focus on minorities and their rights but women belonging to specific minori-

¹⁵ Understood by the European Commission as the study of differences in the conditions, needs, participation rates, access to resources and development, control of assets, decision-making powers, etc. between girls/women and boys/men in their assigned gender roles.

ties such as Roma and Egyptians, disabled women, women from rural areas, single mothers and so forth are mostly invisible.

No attention in EC Country Reports is paid to a gender perspective in relation to peacebuilding, reconciliation, dealing with the past and transitional justice, including domestic handling of war crime cases. The section on Regional issues and International obligations as well as the one on Foreign, Security and Defence policy fail to mention UNSCR 1325, despite EU's clear policy commitments detailed in the EU Comprehensive Approach to UNSCR 1325 and 1820 the fact that all countries in the region adopted National Action Plans on UNSCR 1325. Given the recent history of conflict in the region, it is crucial to ensure that the principle of women's equal participation in peacebuilding becomes part and parcel of the accession criteria. The differentiated impact of the war on women as well as their contributions to peacebuilding across ethnic lines, survivor and witness support, access to justice and dealing with the past should not go unnoticed in future iterations of the reports.

Recommendations for the EU by 2019:

- 1) Ensure all EC Country Reports are informed by a gender analysis / sectoral gender analyses
- 2) Report not just on existing legislation for gender equality but on actual challenges for implementation and what needs to change
- 3) Provide an overview of gendered roles in societies and their impact on the full enjoyment of equal rights
- 4) Include key statistics and sex-disaggregated data across all sections and include reference to the source; where statistics do not exist, highlight the need to collect them
- 5) Provide consistent reporting on gender-based violence across the reports, include sex-disaggregated data and a glossary with relevant definitions
- 6) Report on violence against men and boys as well as women and girls
- 7) Adopt an intersectional perspective to highlight interlocking systems of discrimination and avoid portraying women as a homogenous group
- 8) Include a gender perspective on peacebuilding, reconciliation and transitional justice and report on the implementation of UNSCR 1325
- 9) Provide a thorough account of the situation of women survivors of sexual violence during the war including existing legal frameworks, access to justice, redress mechanisms and reparations
- 10) Report on the role of women's rights organisations in holding societies together and building more democratic countries

ANNEX 1

REFERENCE TO WOMEN / GENDER IN 2018 EC COUNTRY REPORTS

	Albania	BiH	FYROM	Kosovo	Montenegro	Serbia
Political criteria (including functioning of democratic institutions, democracy, public administration reform)	Women in elected positions	-	Women's political participation and representation	Women's political participation and representation	Women's political participation and representation	Women in elected positions
Judiciary and fundamental rights (23)	Section on equality between women and men / LGBTI / domestic violence	Section on equality between women and men / LGBTI / war crimes	Section on equality between women and men / LGBTI	Section on equality between women and men / LGBTI	Section on equality between women and men / LGBTI / gender-based violence	Section on equality between women and men / LGBTI
Justice, freedom and security (24)	One reference to women migrants	Trafficking of women / Women who joined terrorist groups	-	Women who joined terrorist groups	Women who joined terrorist groups	-
Economic development and competitiveness	Women's participation in labour force	Women's participation in labour force	Women's participation in labour force and informal economy	Women's participation in labour force	Women's participation in labour force	Women's participation in labour force
Regional issues and international obligations	-	-	-	-	-	-
Financial services (9)	-	n.a.	-	-	-	-
Information society and media (10)	-	n.a.	-	-	-	-
Agriculture and rural development (11)	-	n.a.	-	-	-	-
Transport policy (14)	-	n.a.	-	-	-	-
Energy (15)	-	n.a.	-	-	-	-
Statistics (18)	Publican women and men in Albania	n.a.	-	-	-	-
Social Policy and employment (19)	Unemployment of women, non-discrimination, equality in employment	n.a.	Women's unemployment, equality in employment	Non-discrimination / equality in employment	Impact on women of legislation on Social and Child protection	Women's unemployment / equality in employment
Enterprise and industrial policy (20)	-	n.a.	Women entrepreneurship	-	Women entrepreneurship	-
Education and culture (26)	Reference to rural women	n.a.	-	-	-	-
Environment and climate change (27)	-	n.a.	-	-	-	-
Consumer and health protection (28)	Recommendation to improve access to services for women	n.a.	-	-	Access to health care services for women	Women smokers
External relations (30)	-	n.a.	-	-	-	-
Foreign Security and defence policy (31)	-	n.a.	-	-	-	-



GENDER ANALYSIS CAN HELP THE EU IDENTIFY AREAS AND SECTORS WHERE DISPARITIES AMONG WOMEN, MEN, GIRLS AND BOYS ARE STILL PREVALENT AND USE ITS LEVERAGE TO PROMOTE REFORMS THAT ARE SENSITIVE TO THEIR RESPECTIVE NEEDS.