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# **WOMEN'S RIGHTS IN WESTERN BALKANS**

**WOMEN IN POLITICS, GENDER-BASED VIOLENCE AND SECURITY  
FOR WOMEN HUMAN RIGHTS DEFENDERS IN ALBANIA,  
BOSNIA AND HERZEGOVINA, KOSOVO, MONTENEGRO,  
NORTH MACEDONIA AND SERBIA 2020**

## ABOUT THE KVINNA TILL KVINNA FOUNDATION

The Kvinna till Kvinna Foundation has defended women's rights since 1993. For every woman's right to be safe and to be heard.

Today we are one of the world's leading women's rights organisations, working directly in areas affected by war and conflict to strengthen women's influence and power. We work closely together with over 100 local partner organisations across 20 countries to end violence against women, reach lasting peace and close the gender gap once and for all. The future is equal. And together, we are change.

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### Researched and written by:

Lejla Gačanica  
Raba Gjoshi  
Sofija Vrbaški

### Edited by:

Sofija Vrbaški  
Stina Magnuson Buur

### Acknowledgements:

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### Layout by:

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## ABOUT THE RESEARCH

*Women's Rights in Western Balkans* serves as a benchmark for the six Western Balkan accession countries regarding women's rights and influence, for comparisons over time. This is the fifth edition of the report. The report is prepared as part of the regional programme "Strengthening Women's Rights, Participation and Influence in the Western Balkans 2015 - 2020", to strengthen evidence-based advocacy. This programme is funded by the Swedish International Development Cooperation Agency (Sida) and implemented by *The Kvinna till Kvinna Foundation* in cooperation with women's civil society organisations in the Western Balkans. It includes Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. The overall objective of the programme is to strengthen women's rights and women's equal participation in decision-making in the Western Balkans, with the specific objective of gendering the EU accession.

The three areas included in this benchmark are women in politics, gender-based violence and the situation for women human rights defenders, as these are the priority areas for advancing women's rights. These areas were selected, defined, and described in the first Women's Rights in Western Balkans report, written in the first edition in 2016. The scope of the current edition is to update relevant 2019/20 statistics and resources for each of the indicators, in each of the six Western Balkan countries. For each indicator, authors tested 2019/20 numbers/figures against earlier ones in order to determine to what extent Western Balkan women's social positions improved or worsened. The report reflects data collected during the period of June 2019 to June 2020. Though the indicators in this edition remained the same, some sub-sections were amended. This edition, for the second time, included data request submissions to relevant institutions in each of the six countries. This was done to collect data that was not accessible online and to determine to what extent institutions were responsive in upholding Freedom of Information laws when it comes to data on gender-based violence in particular. Women's rights organisations, partner organisations to *The Kvinna till Kvinna Foundation*, have given their input to the report. The recommendations are based on conclusions from the report; recommendations to governments come from women's rights organisations and recommendations to international actors are from *The Kvinna till Kvinna Foundation* and women's civil society organisations. The responsibility of the content, however, lies solely with the authors.

The authors recognise that there are limitations in the research and gender benchmarking indicators. Due to the scope of the assignment, time-frame and limited resources, the authors developed specific indicators within each of the thematic areas mentioned above. One of the challenges was to limit the number of indicators, as the authors recognise that there are numerous other indicators that could have been used to measure women's social positions. The greatest barrier remains the lack of updated information from official government websites in each of the studied countries.

We hope that this report will be a useful tool, showing trends over time for women's rights in Western Balkans.

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## ABBREVIATIONS AND ACRONYMS

<b>AWEN</b>	Albanian Women Empowerment Network, Albania
<b>ASTRA</b>	ASTRA – Anti Trafficking Action, Serbia
<b>AGE</b>	Agency for Gender Equality, BiH Agency for Gender Equality, Kosovo
<b>BiH</b>	Bosnia and Herzegovina
<b>CEDAW</b>	Committee on the Elimination of Discrimination against Women
<b>CSO</b>	Civil society organisation
<b>DV</b>	Domestic violence
<b>EcHO</b>	Educational-humanitarian Organisation, North Macedonia
<b>ECHR</b>	European Court of Human Rights
<b>EEAS</b>	European Union External Action Service
<b>FBiH</b>	Federation of Bosnia and Herzegovina
<b>GAP II</b>	Joint Staff Working Document - Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020 (also known as the Gender Action Plan II)
<b>GBV</b>	Gender-based violence
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (German Corporation for International Cooperation)
<b>GREVIO</b>	Group of Experts on Action against Violence against Women and Domestic Violence
<b>HERA</b>	Health Education and Research Association, North Macedonia
<b>HLC</b>	Humanitarian Law Centre, Serbia
<b>HRD</b>	Human Rights Defender
<b>IPA</b>	Instrument for Pre-Accession Assistance
<b>KGSC</b>	Kosovar Gender Studies Center, Kosovo
<b>Kvinna till Kvinna</b>	The Kvinna till Kvinna Foundation
<b>KWN</b>	Kosovo Women's Network, Kosovo
<b>MHSP</b>	Ministry of Health and Social Protection, Albania
<b>MLSP</b>	Ministry of Labour and Social Policy, North Macedonia
<b>MLSW</b>	Ministry of Labour and Social Welfare, Kosovo
<b>MP</b>	Member of Parliament
<b>NAP</b>	National Action Plan
<b>NPISAA</b>	National Programme for Implementation of the Stabilisation and Association Agreement
<b>N/A</b>	Not applicable or not available
<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>Reactor</b>	Reactor – Research in Action, North Macedonia
<b>SEA</b>	Secretariat for European Affairs
<b>Sida</b>	Swedish International Development Cooperation Agency
<b>UN</b>	United Nations
<b>UNFPA</b>	United Nations Population Fund
<b>VAAO</b>	Victims Assistance and Advocacy Office, Kosovo
<b>WHRD</b>	Women Human Rights Defender

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# **% of REPRESENTATION OF WOMEN IN POLITICS AND/OR IN HIGH POSITIONS WITH DECISION-MAKING POWER**

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During this reporting period (October 2019 – May 2020) there were no major changes in the representation of women in politics in the Western Balkans. General (Parliamentary) elections were held in Kosovo and Serbia. In Kosovo, the constitution of bodies with decision making power was long and challenging, and the government took several months to form; basically the majority of the reporting period. The new government included more women than it has done since its independence. Still, women remained underrepresented and the government later collapsed.<sup>1</sup> The long-awaited constitution of the Council of Ministers of Bosnia and Herzegovina (BiH) unfortunately did not bring improvement for women's Ministerial positions.

Women remain underrepresented in all Western Balkan countries, and in all decision-making bodies. The exception is the government of Albania, with equal representation of women and men in Ministerial positions. Gender quotas require political parties to include at least 30% of the less represented gender in their lists of candidates (40% in BiH and North Macedonia), but the quotas are not always implemented. A positive development took place in Serbia, where the Parliament adopted a

minimum quota of 40% of candidates on electoral lists for Parliamentary and local elections from the less-represented gender (this constitutes an increase from the previous 30%). In 2020, North Macedonia met the quota minimum of 40% women in the national Parliament. Gender quotas are an important instrument for achieving gender equality in terms of women's participation in politics, in all Western Balkan countries. So far quotas have shown positive results for women's access to decision-making positions, but it is still necessary to understand their importance for a society's progress instead of being perceived as simply 'ticking the box'.

Data collected in Kosovo and Albania showed gaps and limitations to women in political parties and their access to funds, media representation, and representation in political parties' structure. Similar findings apply to the rest of the Western Balkan countries, reflecting the region's patriarchal attitudes and gender roles. Women who hold positions in politics are still perceived as "assistants" rather than decision-makers and as less capable than their male counterparts. It is important to note that women in politics are more exposed to different types of violence in politics than men.

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<sup>1</sup> Kosovo's government lasted until June 2020.

## ALBANIA

In comparison with other Western Balkan countries, according to the available data, Albania is best positioned regarding political participation of women in politics. Compared to the EU, it is also above the average participation percentage set by the Gender Equality Index. According to the *Gender Equality Index for the Republic of Albania 2020*, women participate in Ministerial positions in Albania with 45%, which is higher than the 28% average in the 28 EU Member States. Additionally, women are more represented among members of regional assemblies in Albania than in the EU (36% compared to 28%). The current Albanian Parliament has the largest representation of women Members of Parliament than it has had in the last 30 years.<sup>2</sup>

Even still, looking at gender structures of different Executive bodies, the leading positions are held by men. For example, high-level positions such as the Speaker of Parliament, the Parliament's Secretary General,<sup>3</sup> national administrators (specifically the

top two tiers of administrators by function of government) are all held predominantly by men. Seventy-eight of high-level decision-making positions are held by women, and by comparison, 96 are held by men.<sup>4</sup> Only one woman is the leader of a major political party, and the other three are men. Furthermore, among the major political parties' Deputy Party Leaders, there are no women. The Supreme Court President is a man and none of the nine Supreme Court judges are women.<sup>5</sup>

Despite improvements in recent years, legal and regulatory constraints, combined with gaps in implementing quotas, political participation for women remains hindered. This is supported by the analysis *Cost of Politics in Albania 2019*<sup>6</sup> which suggest that there are many areas beside quotas that must be improved. Women are still underrepresented in democratic processes, both as decision-makers and in democratic policymaking.

<sup>2</sup> Ministry of Health and Social Protection and Institute of Statistics of the Republic of Albania, *Gender Equality Index for the Republic of Albania 2020*, Tirana, Ministry of Health and Social Protection and Institute of Statistics of the Republic of Albania, 2020, [http://www.instat.gov.al/media/6661/gender\\_equality\\_index\\_for\\_the\\_republic\\_of\\_albania\\_2020.pdf](http://www.instat.gov.al/media/6661/gender_equality_index_for_the_republic_of_albania_2020.pdf), (accessed 10 June 2020), p.21-22.

<sup>3</sup> Inter-Parliamentary Union, *Albania: Parliament* [website],

[https://data.ipu.org/content/albania?chamber\\_id=13313](https://data.ipu.org/content/albania?chamber_id=13313), (accessed 10 April 2020).

<sup>4</sup> European Institute for Gender Equality, *Gender Statistics Database* [website], <https://eige.europa.eu/lt/gender-statistics/dgs/browse/wmidm>, (accessed 10 April 2020).

<sup>5</sup> Ibid.

<sup>6</sup> B. Kadia, and R. Prifti, *The Cost of Politics in Albania*, Westminster Foundation for Democracy, 2019, [https://www.wfd.org/wp-content/uploads/2019/09/Costs-of-Politics-in-Albania\\_Final.pdf](https://www.wfd.org/wp-content/uploads/2019/09/Costs-of-Politics-in-Albania_Final.pdf), (accessed 10 June 2020).

## BOSNIA AND HERZEGOVINA

In 2018, general elections were held, however, it was not until this 2019 reporting period in December that a 14-month stalemate in forming an official government came to a close, and the new Council of Ministers of BiH was established. The inability for the BiH government to form in a timely manner had a tremendous impact on national politics and the country's ability to function. The number of women Ministers remained the same as under the previous government, and women accounted for only two out of nine Ministerial positions. There are approximately 3.2 million registered voters in BiH: 2.04 million in the Federation of BiH (FBiH) and 1.24 million in Republika Srpska, and in total, approximately 51% are women. Despite this, women continue to be underrepresented at all other levels of political and public life.<sup>7</sup>

Regardless of existing gender quotas for electoral lists, stark inequalities remain in gender representation in decision-making bodies at all levels of government. Women are still underrepresented in all leading positions on higher levels, while men are overrepresented:<sup>8</sup> The Speaker of the House of Representatives and the Parliamentary Secretary General are both men, and major political parties' leaders are also men. Parliaments at both entity and state level in BiH are not gender sensitive,<sup>9</sup> and out of 26 working bodies of the National Assembly of Republika Srpska, women are leading only six of them. Comparably, in

the FBiH Parliament, women are heads of five out of 26 working bodies.<sup>10</sup> Out of the 12 committees in the Parliament of BiH, only one woman presides.<sup>11</sup>

In the *Concluding Observations on the Sixth Periodic Report of Bosnia and Herzegovina*, the Committee on the Elimination of Discrimination against Women (CEDAW) reiterated its concerns about the underrepresentation of women in the parliaments and governments, the lack of participation of women belonging to disadvantaged groups, including Roma women, the lack of women's access to political and public life, the lack of training on political leadership, negotiation and campaigning skills for women candidates, the limited representation of women in the judiciary, and in international organisations. In particular, CEDAW calls upon the adoption of the amendments to the Election Law of BiH to increase the quota for women candidates on electoral lists of political parties to 50%, as well as the Law on the Council of Ministers to introduce a minimum quota of 40% for the representation of women and men. This calls for replacing the open list system with a "zipper system" for the nomination of candidates on electoral lists of political parties, ensuring that women and men candidates are placed in every second place on electoral lists.<sup>12</sup> Furthermore, it would introduce reserved seats for the least represented gender in the Parliaments of all entities.<sup>13</sup>

<sup>7</sup> United Nations Development Programme Bosnia and Herzegovina, *Women in Elections Project* [website], [https://www.ba.undp.org/content/bosnia\\_and\\_herzegovina/en/home/sustainable-development/WomenInElections.html](https://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/sustainable-development/WomenInElections.html), (accessed 10 June 2020).

<sup>8</sup> D. Hasanbegović, et al., *Orange Report 5: Report on the State of the Human Rights of Women in Bosnia and Herzegovina for the period 2016-2019*, Sarajevo, Sarajevo Open Centre, 2019, [https://soc.ba/site/wp-content/uploads/2019/12/Orange-report-2016-2019\\_ENG\\_web.pdf](https://soc.ba/site/wp-content/uploads/2019/12/Orange-report-2016-2019_ENG_web.pdf), (accessed 10 June 2020), p. 80.

<sup>9</sup> Gender sensitive parliaments as parliaments which, through their organisation and methods represent needs and interests of men and women. This also involves actively removing obstacles (material, structural and/or cultural) for equal participation of women and ensuring resources for promoting gender equity.

<sup>10</sup> Helsinki Citizens' Assembly Banja Luka, *Assessing Gender Sensitivity of Entity and State Parliament*, Banja Luka, Helsinki Citizens' Assembly Banja Luka, 2020, <http://hcabl.org/wp-content/uploads/2020/07/Assessing-Gender-Sensitivity-of-Entity-and-State-Parliament-1.pdf>, (accessed 11 September 2020), p. 6.

<sup>11</sup> Ibid

<sup>12</sup> Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Sixth Periodic Report of Bosnia and Herzegovina*, Committee on the Elimination of Discrimination against Women, 2019, [https://arsbih.gov.ba/wp-content/uploads/2019/11/CEDAW-C-BIH-Concluding-Observations-6\\_AsAdopted.pdf](https://arsbih.gov.ba/wp-content/uploads/2019/11/CEDAW-C-BIH-Concluding-Observations-6_AsAdopted.pdf), (accessed 1 June 2020).

<sup>13</sup> Ibid.

## KOSOVO

The October 2019 elections were the fourth legislative elections since Kosovo's declaration of independence. Verified candidates' lists included 724 men and 343 women; women comprised 32% of all candidates, in line with the existing electoral list quota.<sup>14</sup> Only one woman ran for the position of Prime Minister.<sup>15</sup> According to the EU Election Observation Mission to Kosovo, political platforms did not sufficiently address gender issues during the elections, and only 17% of the total election media coverage was devoted to women candidates.<sup>16</sup>

Despite the challenges women faced during the elections, more women were directly elected by popular vote to the parliament than ever before (rather than receiving seats due the quota alone).<sup>17</sup> For the first time, the Government of Kosovo, led by Albin Kurti, had 30% of its highest ranking positions filled by women; of 15 Ministerial positions, five were led by women (Ministry of Economic Development, Ministry of Justice, Ministry of Education, the Ministry of Culture and the Ministry of Local Government). Meanwhile, a woman — Vjosa Osmani — was elected president of the Assembly for the first time, and another woman — Arbërie Nagavci — as the deputy president of the Assembly. However, this new government was toppled on 25 March 2020, less than two months after it was formed. The government of Kosovo has collapsed after a vote of no confidence for Prime Minister Kurti.

Although the Law on Gender Equality calls for equal representation of women and men in all social, economic, and public spheres (defined as 50/50), the

Law on General Elections still only requires a minimum quota of 30% of the least represented gender to participate on party lists. In practice, the electoral law quota is upheld rather than the new Law on Gender Equality. Both the Agency for Gender Equality (AGE)<sup>18</sup> and the Ombudsperson Institution<sup>19</sup> called for the implementation of the Law on Gender Equality, including women and men's equal representation on party lists.

Another example of poor implementation is the case of Vetëvendosje political party candidate Tinka Kurti, which illustrates continued legislative obstacles in the appropriate application of the Law on Gender Equality. Despite the fact that more women were directly elected by popular vote to parliament (rather than receiving seats by the quota alone) than ever before, elected officials who subsequently join the Executive branch should be replaced by new candidates of the same gender.<sup>20</sup> In this case, two men replaced appointed male Ministers as Deputies, despite each having received fewer votes than Tinka Kurti.<sup>21</sup>

There is only one woman leader of a political party currently in power. As in all previous editions of *Women's Rights in Western Balkans*, the trend of funding men over women members of political parties continued: "insufficient regulation and lack of transparency on how funds are distributed among male and female party members, end up prioritising male candidates. In the context of male patronage works, males are seen as more desirable and reliant candidates".<sup>22</sup> This harmful practice undermines participation of women in politics.

<sup>14</sup> EU Election Observation Mission in Kosovo, *Kosovo 2019: Final Report – Early Legislative Elections, 6 October 2019*, EU Election Observation Mission in Kosovo 2019, [http://www.epgencms.europarl.europa.eu/cmsdata/upload/1e4f1465-9cdd-4565-a837-a0487b092e51/Kosovo\\_early-legislative-elections\\_6-October-2019\\_final-report.pdf](http://www.epgencms.europarl.europa.eu/cmsdata/upload/1e4f1465-9cdd-4565-a837-a0487b092e51/Kosovo_early-legislative-elections_6-October-2019_final-report.pdf), (accessed 10 June 2020), p. 33.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>18</sup> Agency for Gender Equality, 'Press Release – The Law on Gender Equality Shall be Adhered to in Terms of Equal Representation of 50% during the 6 October 2019 Parliamentary Elections', *Agency for Gender Equality*, 04 September 2019, [https://abgj.rks-gov.net/en/lajmi\\_single/739](https://abgj.rks-gov.net/en/lajmi_single/739), (accessed 1 September 2020).

<sup>19</sup> Ombudsperson Institution, 'Ombudsperson's Statement Related to Equal Gender Representation in the Process of Early Parliamentary Elections 2019', *Ombudsperson Institution of the Republic of Kosovo*, 5 September 2019, <https://www.oik-rks.org/en/2019/09/05/ombudspersons-statement-related-to-equal-gender-representation-in-the-process-of-early-parliamentary-elections-2019/>, (accessed 1 September 2020).

<sup>20</sup> D. Halili, 'Women's Political Empowerment Meets its Limit', *Kosovo 2.0*, 14 February 2020,

<https://kosovotwopointzero.com/en/womens-political-empowerment-meets-its-limit/>, (accessed 11 June 2020).

<sup>21</sup> Ibid.

<sup>22</sup> Lj. Cvetanoska and A. Elbasani, 'Kosovo: Corruption, Electoral Funding and Political Participation of Women', *OBC Transeuropa*, 1 June 2020, <https://www.balkanicaucaso.org/eng/Areas/Kosovo/Kosovo-corruption-electoral-funding-and-political-participation-of-women-202255>, (accessed 21 June 2020).

## MONTENEGRO

Women in Montenegro are underrepresented in positions of political power, and they do not have the same influence as men on policies, laws and reforms that shape socio-economic development. Women constitute less than a third (approx. 29%) of members of the National Parliament. Their share among government members is approximately 18%, with the highest governmental positions occupied by men (Prime Minister and Deputy Prime Minister). Both the Speaker of Parliament and the Secretary General are men as well. Political campaigns are mainly focused on men candidates, and the key speakers in almost all parties'

campaigns are men. This indicates that men candidates are prioritised over women candidates and that political party campaigns devote more resources for outreach and more public space for men's campaigns than those of women's.

Although the number of women in influential Executive positions continues to grow, according to the *Gender Equality Index 2019* for Montenegro, there are still concerns that men hold the positions with the most decision-making power, and women hold positions more in so-called "soft" portfolios, like sociocultural issues.

## NORTH MACEDONIA

There were no major changes from the previous reporting period: 40% of the Members of Parliament are women (48 women and 72 men) and two out of five Deputy Prime Ministers are women. The current Government is composed of the Prime Minister, three Deputy Prime Ministers, 15 minister and seven ministers without portfolio, a total of 26 persons. Of those 26, four (or 15%) are women and 22 (85%) are men. Percentages for other Executive bodies for this reporting period are as follows: 13% of Deputy Ministers in 16 ministries are women; approximately 27% of State Secretaries in 16 Ministries are women; 33% of Deputy Speakers in Parliament are women; 50% of Deputies within the Ombudsperson institution are women; 50% of the judges in the Supreme Court are women; 22% of the judges in the Constitutional Court are women.<sup>25</sup> While the Speaker of the Assembly of the Republic is a man, the Secretary General is a woman.<sup>26</sup> Women's civil society organisations (CSOs) recognised that since the forming of the government in 2017, women politicians and women Parliamentarians from the largest opposition party "Internal Macedonian

Revolutionary Organisation – Democratic Party for Macedonian National Unity" became more open to collaboration with CSOs, and started to actively work on increasing their knowledge about gender equality, organise meetings and plan joint events with representatives from CSOs.<sup>27</sup>

The *Gender Equality Index for North Macedonia 2019* indicated that, if there were to be no quotas for participation of the less represented gender in the different domains of political power (national government, Parliament, local governments), the participation of women would be significantly smaller compared to men, i.e. the distribution of political power is disproportionately higher in favour of men.<sup>28</sup> This highlights that, though the electoral quota system is not a perfect system, it is successful in ensuring that women's participation in politics exists to some degree, even if the proportional 50% is not achieved. Furthermore, without quotas, women's voices would be nearly absent from political spaces.

<sup>23</sup> Organisation for Security and Co-operation in Europe, *OSCE-led Survey on Violence against Women: Montenegro*, Organisation for Security and Co-operation in Europe, 2019, [https://www.osce.org/files/f/documents/8/7/424985\\_1.pdf](https://www.osce.org/files/f/documents/8/7/424985_1.pdf), (accessed 21 June 2020), p. 10.

<sup>24</sup> O. Komar, *Gender Equality Index Montenegro – 2019*, United Nation Development Programme, 2020, [https://www.me.undp.org/content/montenegro/en/home/library/womens\\_empowerment/GEI2019.html](https://www.me.undp.org/content/montenegro/en/home/library/womens_empowerment/GEI2019.html), (accessed 12 June 2020).

<sup>25</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>26</sup> Inter-Parliamentary Union, *North Macedonia: Assembly of the Republic* [website], [https://data.ipu.org/content/north-macedonia?chamber\\_id=13391](https://data.ipu.org/content/north-macedonia?chamber_id=13391), (accessed 10 April 2020).

<sup>27</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>28</sup> M. Bashevskva, *Gender Equality index North Macedonia 2019: Measuring Gender Equality*, Skopje, UNDP- UN Women, 2019, [https://eurogender.eige.europa.eu/system/files/events-files/gender\\_equality\\_index\\_macedonia\\_eng.pdf](https://eurogender.eige.europa.eu/system/files/events-files/gender_equality_index_macedonia_eng.pdf), (accessed 15 June 2020), p. 24.

In 2020, the North Macedonia ruling alliance<sup>29</sup> announced an action to equalise the number of men and women candidates for the forthcoming early general elections. This action would involve equalising the number of women and men MP

candidates on party lists. The ruling alliance also confirmed that its lists of candidates in all six electoral districts would be led by a tandem of front-runners, one male and one female candidate.<sup>30</sup>

## SERBIA

During this reporting period, there were no significant changes in the political participation of women in decision-making positions in Serbia. The Speaker of the National Assembly is a woman and the Secretary General is a man. Of the 120 registered parties, only six are led by women.<sup>31</sup>

In its Concluding *Observations on the Fourth Periodic Report of Serbia*, CEDAW recommended the adoption of the Draft Law on Gender Equality. Implementing this representation would set mandatory quotas to 50% for the representation of women in all public authorities and administrations.<sup>32</sup> During the reporting period in 2020, the Serbian Parliament adopted an amendment to its electoral laws with a new minimum quota of 40% for the less represented gender (from the previous 30%) of candidates on

electoral lists for Parliamentary and local elections. The Parliament adopted this amendment to two laws; the Law on the Election of Members of Parliament and the Law on Local Elections, aiming to increase the representation of women in politics.<sup>33</sup>

Parliamentary elections were originally scheduled for April 26<sup>th</sup>, 2020, but postponed to June 21<sup>st</sup>, 2020, after the COVID-19 state of emergency had been lifted. Only one candidate spoke about women's rights during the 2020 the electoral campaign.<sup>34</sup> At the time of writing this report, the election results have not yet been finalised and as such, a government has not yet officially been formed. Due to irregularities in the election process, voting had to be repeated at 234 polling stations.<sup>35</sup>

”

**“Practice shows that if you want to achieve the same success as your male colleague, you have to be twice as good as him in order to be equal”**

Gordana Čomić, Serbian MP<sup>36</sup>

”

**“It doesn't say that only 30% of parliament should be women. It says that a minimum of 30% of women need to be listed on electoral lists.”**

Luljeta Demolli, Executive Director of the Kosovar Centre for Gender Studies<sup>37</sup>

<sup>29</sup> During this reporting period. By August 2020, a new government is yet to be formed.

<sup>30</sup> S.J. Marusic, 'North Macedonia Ruling Alliance Pushes Gender Equality in Elections', *BIRN*, 16 March 2020, <https://balkaninsight.com/2020/03/16/north-macedonia-ruling-alliance-pushes-gender-equality-in-elections/>, (accessed 10 June 2020).

<sup>31</sup> A. Janković and M. Čvorić Gubelić, 'Kvote su Uvele Žene u Politički Život, ali ne i na Funkcije', *Blic*, 31 December 2019, <https://www.blic.rs/vesti/politika/samo-dve-partije-u-srbiji-imaju-predsednice-kvote-su-uvele-zene-u-politicki-zivot-ali-58gdnyg>, (accessed 12 June 2020).

<sup>32</sup> CEDAW, *Concluding Observations on the Fourth Periodic Report of Serbia*, CEDAW, 2019, [https://www.womenngo.org.rs/images/CEDAW/CEDAW\\_Concluding\\_observations.pdf](https://www.womenngo.org.rs/images/CEDAW/CEDAW_Concluding_observations.pdf), (accessed 6 June 2020).

<sup>33</sup> Inter-Parliamentary Union 'Serbia Steps up Efforts for Gender Parity', *Inter-Parliamentary Union*, 2020, <https://www.ipu.org/news/news-in-brief/2020-02/serbia-steps-up-efforts-gender-parity>, (accessed 11 June 2020).

<sup>34</sup> 'Izbori 2020, Žene i Politika u Srbiji: "Mnogo Ljudi mi je Reklo da mi Tako Nešto Nije Trebalo u Životu"', *BBC News*, 11 June 2020, <https://www.021.rs/story/BBC/245671/Izbori-2020-zene-i-politika-u-Srbiji-Mnogo-ljudi-mi-je-reklo-da-mi-tako-nesto-nije-trebalo-u-zivotu.html>, (accessed 11 June 2020).

<sup>35</sup> 'Ponavljanje Izboru na 234 Biračka Mesta u Srbiji', *Radio Slobodna Evropa*, 26 June 2020, <https://www.slobodnaevropa.org/a/30691628.html>, (accessed 20 June 2020).

<sup>36</sup> 'Izbori 2020, Žene i Politika u Srbiji: "Mnogo Ljudi mi je Reklo da mi Tako Nešto Nije Trebalo u Životu"', *BBC News*, 11 June 2020.

<sup>37</sup> D. Halilij, 'Women's Political Empowerment Meets its Limit', *Kosovo 2.0*, 14 February 2020.

**STATISTICAL DATA SHOWS:**

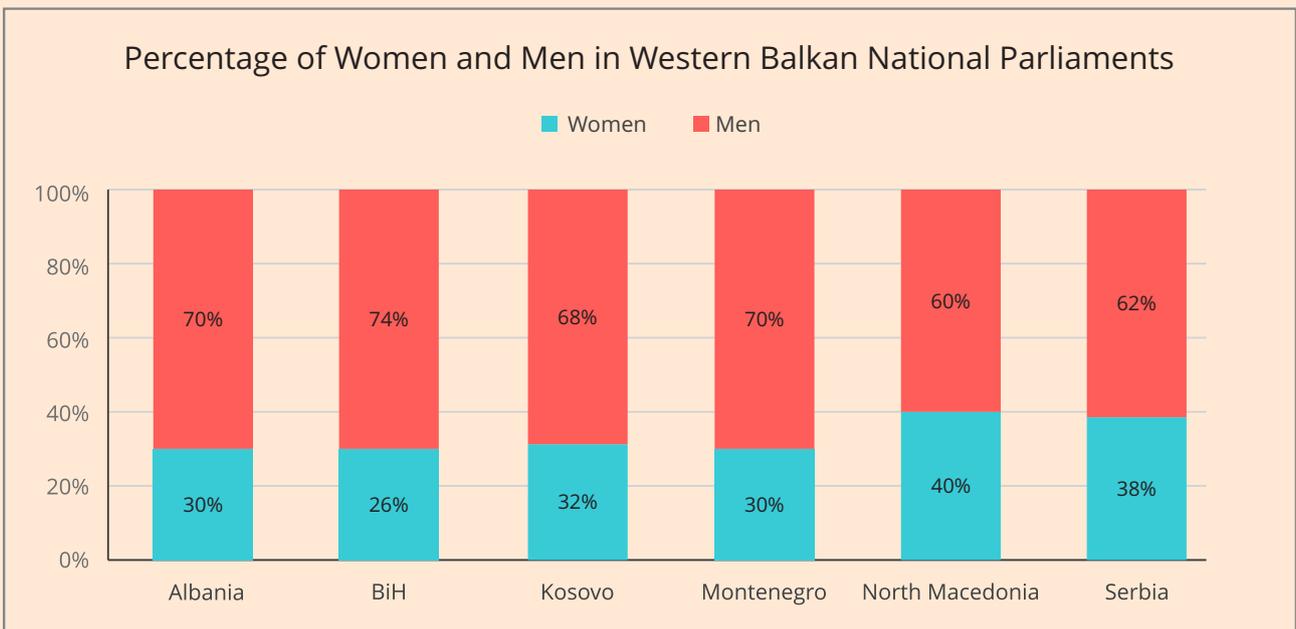
Percentage of Women and Men in National Parliament

	Number of women	Number of men	Total number of seats	Percentage of women (%)	Percentage of men (%)
Albania	39	81	122	30	70
BiH	11	31	42	26	74
Kosovo	39	81	120	32	68
Montenegro	24	57	81	30	70
North Macedonia	48	72	120	40	60
Serbia	93	154	247	38	62



**Info:**

The average percentage of women MPs in the Western Balkans is approximately 33%, which represents an overall 4 percentage point increase in the region compared to statistics from 2019.



Percentage of Women and Men Ministers

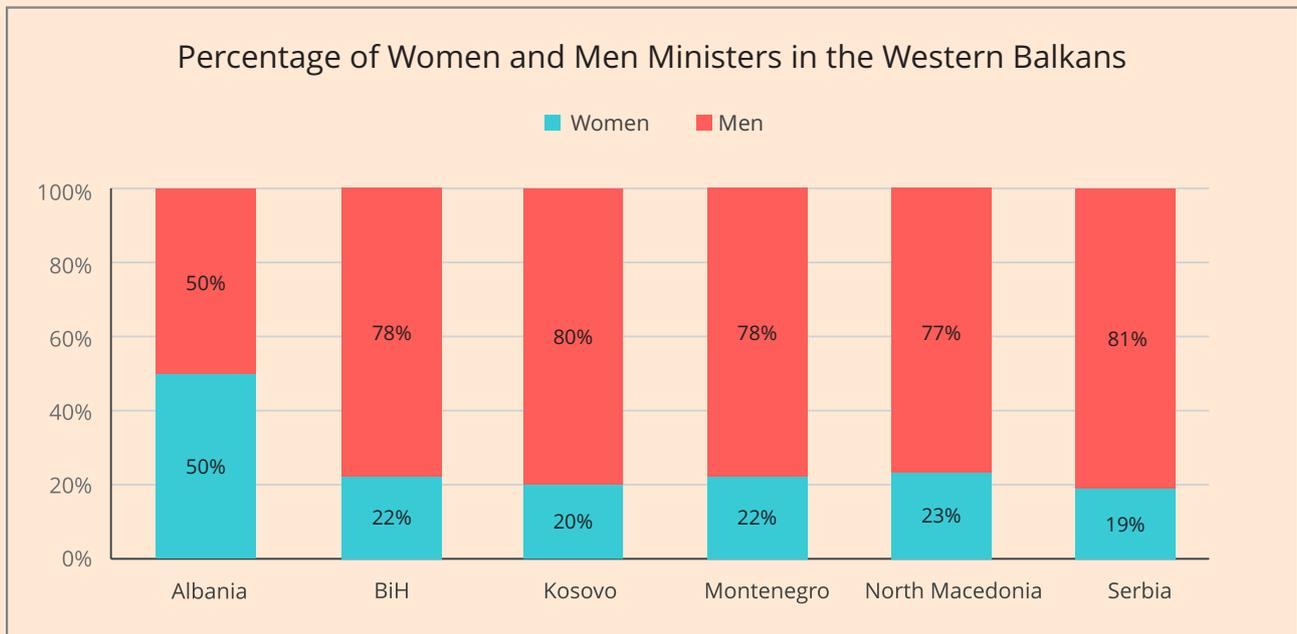
	Number of women	Number of men	Total number of seats	Percentage of women (%)	Percentage of men (%)
Albania	7	7	14	50	50
BiH	2	7	9	22	78
Kosovo*	4	16	20	20	80
Montenegro	4	14	18	22	78
North Macedonia	6	18	24	25	75
Serbia*	4	17	21	19	81

\* Countries that held elections after June 1st, the data collection cut-off date for this report edition. These numbers reflect the governments at the time of writing this report, which may be different than the time of publication.



**Info:**

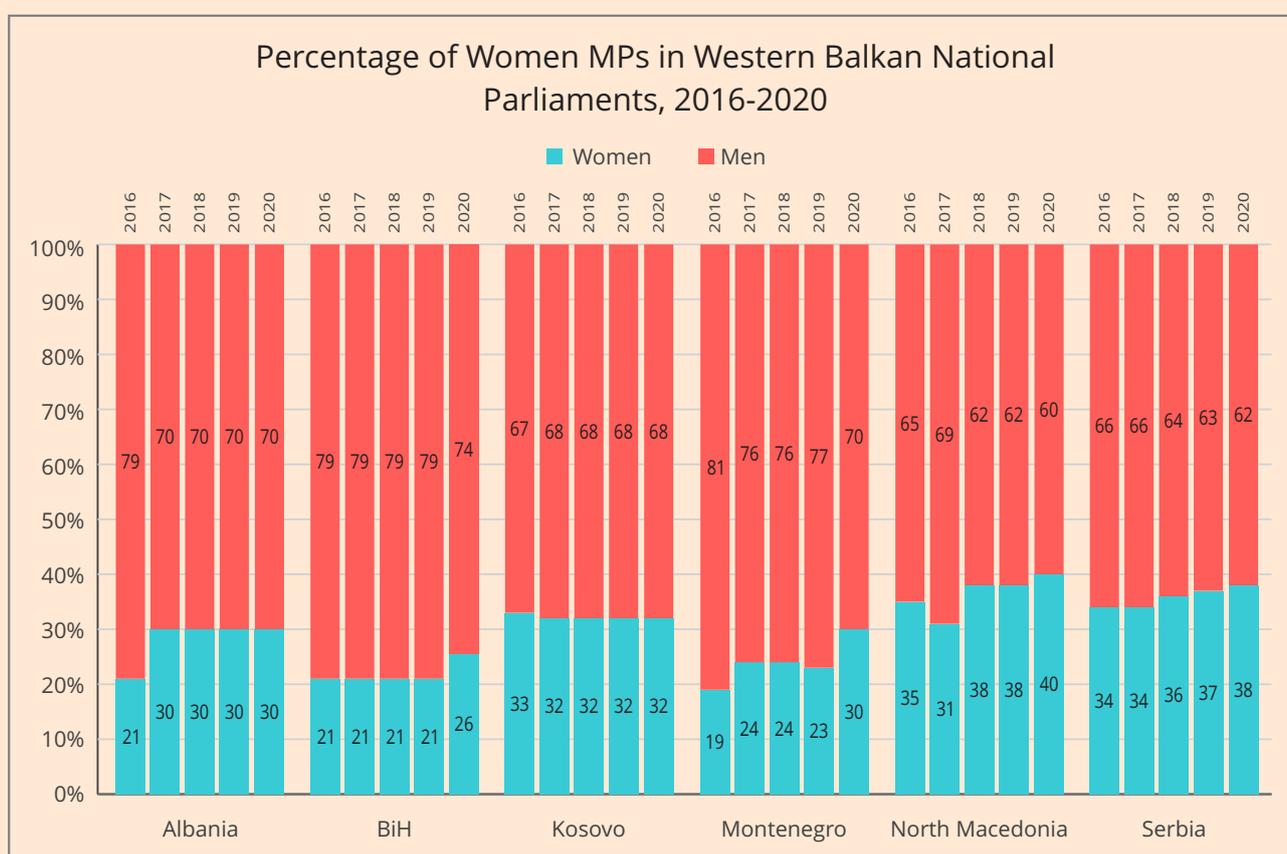
The average percentage of women Ministers is approximately 27% (excluding Albania, the average is 22%). This represents an overall 1.6 percentage point increase in the region compared to statistics from 2019.



Comparison Table:

Percentage of Women Members of Parliaments in National Parliaments 2016-2020<sup>38</sup>

	2016		2017		2018		2019		2020 <sup>39</sup>	
	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	21	79	30	70	30	70	30	70	30	70
BiH	21	79	21	79	21	79	21	79	26	74
Kosovo	33	67	32	68	32	68	32	68	32	68
Montenegro	19	81	24	76	24	76	23	77	30	70
North Macedonia	35	65	31	69	38	62	38	62	40	60
Serbia	34	66	34	66	36	64	37	63	38	62



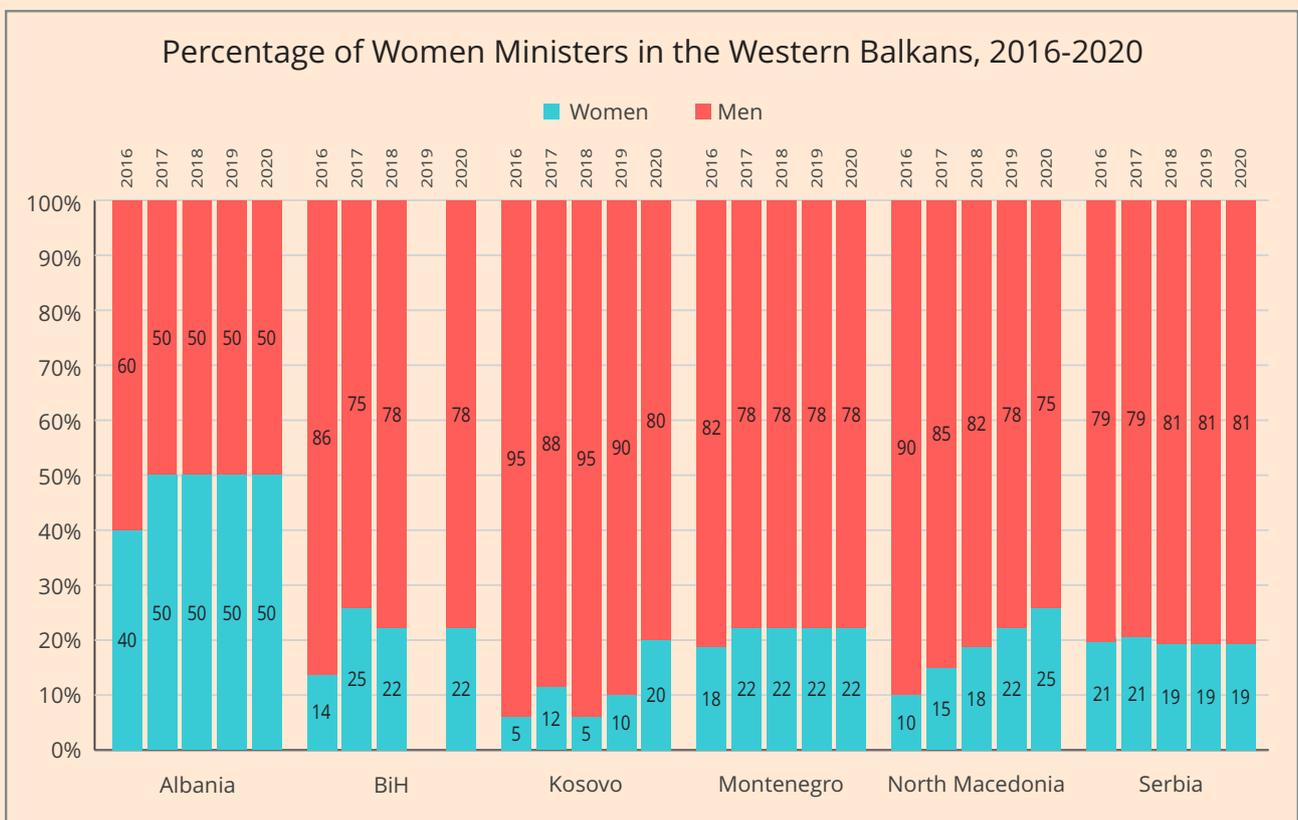
<sup>38</sup> Various sources give different percentages of women and men MPs between 2016-2020 in each of the Western Balkan countries. Depending on the source, there can be a difference of several percentage points for each year. This report prioritises statistics from the EIGE database. For archival statistics, the Inter-Parliamentary Union's database was used to fill in statistics where EIGE did not have them.

<sup>39</sup> Data for 2020 reflects the numbers only up to and including June 1, 2020

Comparison Table:

Percentage of Women Ministers 2016-2020

	2016		2017		2018		2019		2020	
	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	40	60	50	50	50	50	50	50	50	50
BiH	14	86	25	75	22	78	/	/	22	78
Kosovo	5	95	12	88	5	95	10	90	20	80
Montenegro	18	82	22	78	22	78	22	78	22	78
North Macedonia	10	90	15	85	18	82	22	78	25	75
Serbia	21	79	21	79	19	81	19	81	19	81



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## **% OF REPRESENTATION OF WOMEN IN POLITICS IN LOCAL/MUNICIPAL COUNCILS**

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The equal representation and influence of women and men in political life, at all levels of governance, is a fundamental right as well as a prerequisite for a democratic society. Local structures in Western Balkan countries remained relatively unchanged during the reporting period. Smaller changes happened at the local level, but those changes did not greatly influence the ratio between women and men representatives in local/municipal councils. Generally in the region, men's voices are more represented and more present than those of women. Despite some improvements in women's participation at the national level, municipal politics remain a battlefield for women candidates; it is at the local level where the difference between men's and women's participation is most visible. The data on the number of women mayors in all Western Balkan countries is devastating. The representation of women in councillor seats record a slight increase, but they remain disproportionately low.

Women from ethnic minority groups as well as LGBTQI+ communities have limited access to entering politics. Addressing their lack of access is not prioritised in Western Balkan countries, at any

level of government. At the local level, political participation of minority communities is crucial, but even when it exists, there remains a lack of a gender-sensitised understanding of it. There are significantly fewer (or almost no) women under the age of 31 in politics at the local level, which is not the case for male political candidates. Thus, the age gap of elected women and men in decision-making positions in local government is visible. Claims exist that women must do more for longer periods of time to "prove" themselves and that this discriminatory practice contributes to the disproportionately low numbers of young women in local politics compared to young men.

Western Balkan societies still are very traditional with deeply engrained norms for women, making access to politics more difficult, unequal and discouraging. This is a structural, as well as sociological, problem and it must be addressed at many different levels, from selection process and electoral system, self-perception and social image of women in politics, work-life balance considerations, to equal access to funding and media outlets.

## ALBANIA

There are 1 595 council members representing all the parties registered in Albania's 61 municipalities,<sup>40</sup> of which 555 are women (approx. 35%) and 1 040 are men (65%). Though the most recent municipal elections brought a higher number of women mayors in 2017, there are very few women who hold leadership roles within political parties.<sup>41</sup>

The *Cost of Politics in Albania* report reveals where women are in terms of financing and running campaigns. Research findings indicate that women candidates and women politicians received very limited coverage during the electoral campaign.<sup>42</sup> Furthermore, women councillors believe that expenses faced during campaigns are high and therefore it might affect women's willingness to participate in politics: all of them suggested that the party did not compensate them for any of the costs relating to campaigning.<sup>43</sup> Women's exclusion from certain circles of power, in addition to their own

economic status, which in general is inferior in comparison to men's, affects their nomination and recruitment as candidates in local elections.<sup>44</sup> Women do not have the same access to campaign resources and as a result they cannot claim different positions within the party. These unequal positions create tremendous barriers for women who want to participate in political affairs, obstacles which their male counterparts and colleagues do not face.<sup>45</sup>

In general, there is low inclusion of women in local decision-making structures in Albania. Very few women candidates are involved in elections, the gender quota is not respected or fully implemented by local governments, and for the few women who are able to access political positions, they do not get to operate in equal and fair conditions compared to men. In addition, many women are not aware that they should have a real representation in the decision-making structures; a consequence of enduring patriarchal and traditional values.<sup>46</sup>

## BOSNIA AND HERZEGOVINA

There have been significant improvements from the 2018 elections at the cantonal level in FBiH, where four out of 10 cantons (Central Bosnia, Herzegovina-Neretva, Sarajevo, and Tuzla) have 40% or more women elected as representatives in their respective assemblies, reflecting the provisions of the Law on Gender Equality. The Executive Branches that have been formed at the time of writing this report, however, once again reflect very low participation of women in the formation of governments, especially at the cantonal levels.<sup>47</sup> This shows that, despite the successes of quota systems, women are underrepresented in Executive Branches and high positions of decision-making

power. Quota requirements can be reached, while surpassing them remains a challenge, and entering the highest tiers of government remains disproportionate.

Recent research findings from the *Baseline Study on Barriers to Political Participation of Women in Bosnia and Herzegovina* report points out that traditional gender roles, lack of support from both women and men, and overall lack of support from the electorate are factors which prevent and discourage women from entering politics. The visibility and public presence of women candidates in BiH are particularly low in the run-up to municipal elections.

<sup>40</sup> B. Kadia, and R. Prifti, *The Cost of Politics in Albania*, WFD, 2019, p. 18.

<sup>41</sup> Office for Democratic Institutions and Human Rights, *Republic of Albania: Local Elections 30 June 2019 - ODIHR Election Observation Mission Final Report*, Warsaw, Office for Democratic Institutions and Human Rights, 2019, [https://www.osce.org/files/f/documents/1/f/429230\\_0.pdf](https://www.osce.org/files/f/documents/1/f/429230_0.pdf), (accessed 21 June 2020), p. 2.

<sup>42</sup> B. Kadia, and R. Prifti, *The Cost of Politics in Albania*, WFD, 2019.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid., p. 19.

<sup>45</sup> Ibid., p. 20.

<sup>46</sup> Information shared with Kvinna till Kvinna by partner organisation in Albania.

<sup>47</sup> Ibid.

## KOSOVO

While the gender quota resulted in increased number of women in the national government, no elections occurred at the local level during this period. Still, Kosovo does not have a single woman mayor in any of its 38 municipalities. Legal provisions on gender equality have not been sufficiently mainstreamed within the various laws, causing uncertainty as to their proper implementation.<sup>48</sup> Women remain under-represented within political parties and election administration. Political parties remain one of the

greatest barriers for women's advancement and meaningful participation in public life.<sup>49</sup>

Affirmative measures, like quotas, are important for strengthening women's participation in politics, as this edition and prior editions of this report have outlined. Implementing the Law on Gender equality in Kosovo appropriately by aligning electoral laws with it could contribute directly to women's more equal participation at the local level.

## MONTENEGRO

In terms of positive trends in the proportion of women elected to local office, Montenegro is in second place in the Western Balkans (after Albania), increasing the number of elected women at the local level from 11% in 2008 to 30% in 2019.<sup>50</sup> During the last two election cycles, the largest increase in women's participation was recorded in municipal parliaments, where the number of women councillors was approximately 29%, while men held 71% of councillor positions. The highest number of women councillors is represented in the Municipal Assembly of Nikšić, at 40%, and the lowest in Gusinje, with approximately 20%.

Only 2% of Montenegro's mayors are women, which means that men hold the highest decision-making power in 98% of municipalities.<sup>51</sup> Another worrying fact is the insufficient number of women from ethnic groups in politics and decision-making at the local level. The lack of women's voice in municipal politics is exacerbated by the fact that minority women in this sphere have almost no decision-making power at all.



**“Who asks a male politician if he is capable enough to be in the decision-making position? For a woman, this is an unavoidable question if she finds herself in that position.”**

Edina Dešić, Director General of the Directorate for Labour Market and Employment in the Ministry of Labour of Montenegro.<sup>52</sup>

<sup>48</sup> EU Election Observation Mission in Kosovo, Kosovo 2019: *Final Report – Early Legislative Elections, 6 October 2019*, EU Election Observation Mission in Kosovo, 2019, p. 4.

<sup>49</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>50</sup> S. Ceciarini, *Women in Politics Local and European Trends*, The Council of European Municipalities and Regions (CEMR), 2019, [https://ccre.org/img/uploads/piecesjointe/filename/CEMR\\_Study\\_Women\\_in\\_politics\\_EN.pdf](https://ccre.org/img/uploads/piecesjointe/filename/CEMR_Study_Women_in_politics_EN.pdf), (accessed 21 June 2020), p. 23.

<sup>51</sup> OSCE, *OSCE-led Survey on Violence against Women: Montenegro*, OSCE, 2019, p. 10.

<sup>52</sup> M. Boričić, and A. Jelić, 'Nedovoljno Žena iz Manjinskih Naroda u Politici i Odlučivanju: Tvrda Odbrana "Muškog Posla"', *Vijesti*, 31 January 2020, <https://www.vijesti.me/vijesti/drustvo/419786/nedovoljno-zena-iz-manjinskih-naroda-u-politici-i-odlucivanju-tvrda-odbrana-muskog-posla>, (accessed 21 June 2020).

## NORTH MACEDONIA

The absence of women in local level politics is particularly noticeable in local self-governments, especially in rural areas. Data on women's participation in local planning and decision-making processes from this reporting period are also disconcerting: the latest local citizenship survey shows that approximately 78% of women surveyed have never been involved in any form of political decision-making processes.<sup>53</sup> Only an approximate 15% of Municipal Council Heads in 81 municipalities are women (a total of 12 women, 69 men), while 30% of the elected councillors in the local self-government units are women (415 out of 1388, 973 being men).<sup>54</sup> Findings indicate that "most women,

regardless of which social group they belong to, have difficulty connecting their daily problems with local government competencies and responsibilities due to a lack of information on key processes and the role of the local government".<sup>55</sup> *Women's Political Participation in North Macedonia, Study and Scientific Research Papers* concludes that there is systematic discrimination against women within political parties, as well as in the process of recruiting for municipal councils, stating that "political parties give men a chance based on their potential, while women must prove themselves before they get a chance".<sup>56</sup>

## SERBIA

In the *Concluding Observations on the Fourth Periodic Report of Serbia*, CEDAW noted their concern that women are severely underrepresented in local administration, with only 9 of a total of 169 municipalities having women as mayors,<sup>57</sup> accounting for 5% of all mayoral positions, country-wide, while men hold 95% of the same positions. This indicates that there is a severe underrepresentation of women's voices at the local level.

According to research of the Commissioner for the Protection of Equality, the largest difference in the participation of women and men in municipalities and cities is in the position of the mayor. Regarding presidents of municipal/city assemblies, 14% are women, 86% are men. According to the same source, women have a slightly higher chance of being appointed to the positions of deputies.<sup>58</sup>

”

**"In community-based meetings in rural areas, the participation of women is estimated to be around 5 to 10% compared to 90 to 95% participation of men in meetings of municipal structures or even in village meetings"**

Kosovo Program for Gender Equality 2020-2024<sup>59</sup>

”

**In the pre-election TV campaign ads, "the most effective form of paid pre-election advertising, women are almost always the ones who speak in favour of the list holder"**

Dubravka Valić Nedeljković, analyst at the Novi Sad School of Journalism and professor at the University of Novi Sad<sup>60</sup>

<sup>53</sup> M. Dokmanovikj et al., *Women's Political Participation in North Macedonia*, *Study and Scientific Research Papers*, WDF, 2019, <https://www.wfd.org/wp-content/uploads/2020/02/Women-Political-Participation-2019-EN-for-web-.pdf>, (accessed 15 June 2020), p. 20.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*, p. 33.

<sup>56</sup> *Ibid.*, p. 49.

<sup>57</sup> CEDAW, *Concluding Observations on the Fourth Periodic Report of Serbia*, CEDAW, 2019.

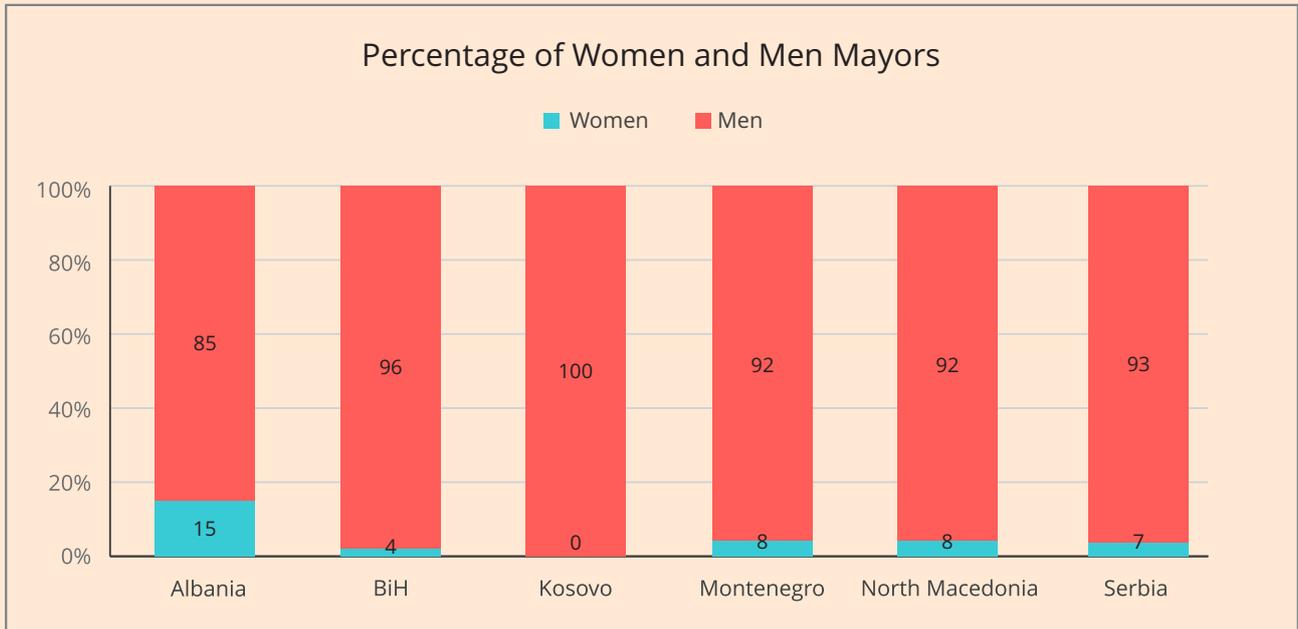
<sup>58</sup> A. Janković and M. Čvorić Gubelić, 'Kvote su uvele žene u politički život, ali ne i na funkcije', *Blic*, 31 December 2019.

<sup>59</sup> Government of Republic of Kosovo, *Kosovo Program for Gender Equality 2020-2024*, Government of Republic of Kosovo, 2020, <https://abgj.rks-gov.net/assets/cms/uploads/files/AGE%20Kosovo%20Program%20for%20Gender%20Equality%202020-2024.pdf>, (accessed 23 September 2020), p. 44.

<sup>60</sup> 'Izbori 2020, Žene i Politika u Srbiji: "Mnogo ljudi mi je Reklo da mi Tako Nešto Nije Trebalo u Životu"', *BBC News*, 11 June 2020.

**STATISTICAL DATA SHOWS:**

Percentage of Women and Men Mayors in the Western Balkans



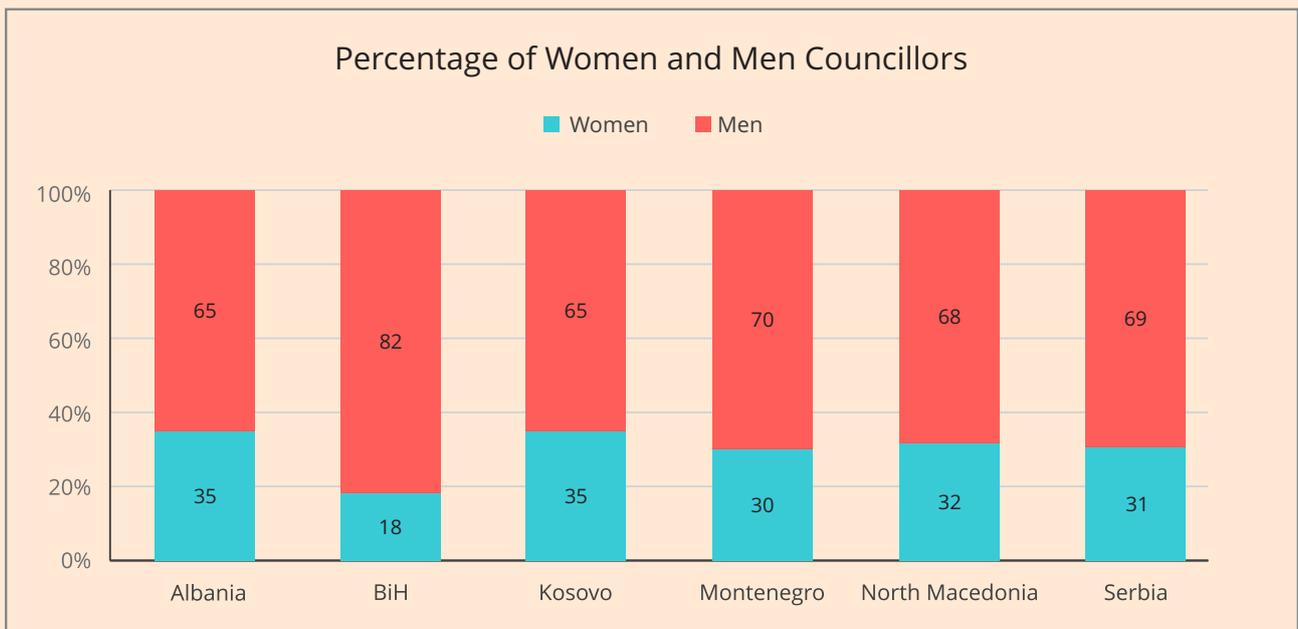
**Info:**

The average percentage of women mayors in the Western Balkans is very low, averaging approximately 7%.



There are no women mayors in Kosovo.

Percentage of Women and Men Councillors in the Western Balkans



**Info:**

The average percentage of women Councillors in the Western Balkans is 30%, which represents a 1.7 percentage point increase compared to the statistics from the previous edition of this report (2019).

Comparison Table:

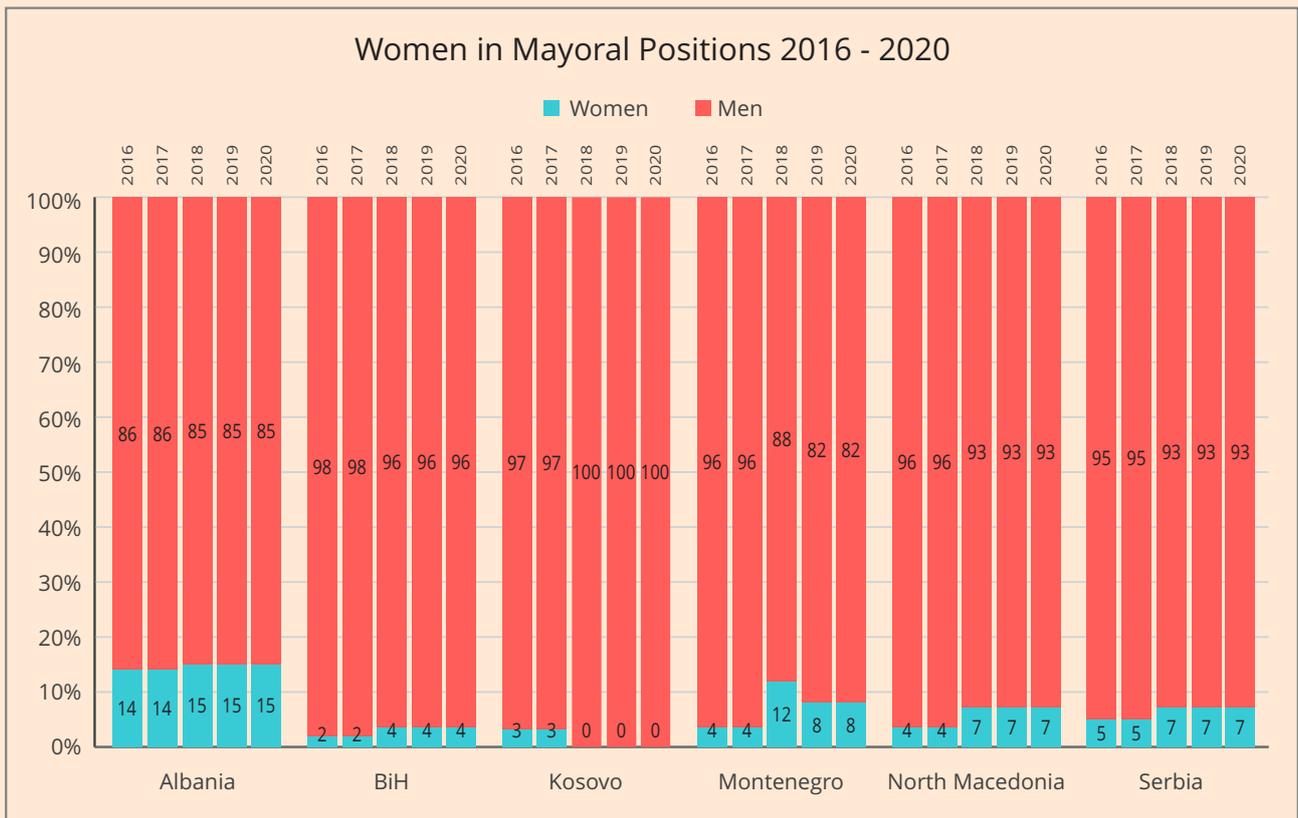
Women in Mayoral Positions 2016-2020

	2016		2017		2018		2019		2020	
	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	14	86	14	86	15	85	15	85	15	85
BiH	2	98	2	98	4	96	4	96	4	96
Kosovo	3	97	3	97	0	100	0	100	0	100
Montenegro	4	96	4	96	12	88	8	92	8	92
North Macedonia	4	96	4	96	7	93	7	93	7	93
Serbia	5	95	5	95	7	93	7	93	7	93



**Info:**

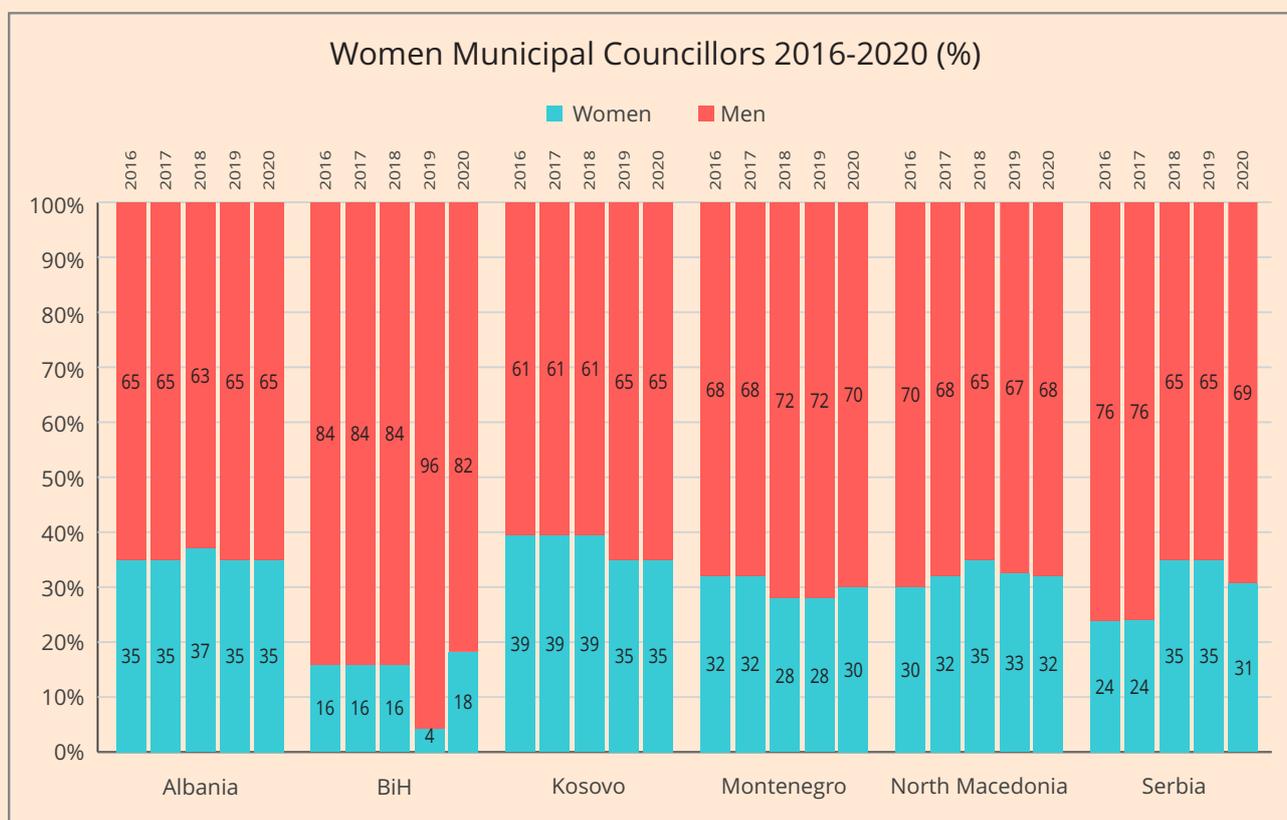
There are no changes in the number of women in mayoral positions in the Western Balkans compared to 2019.



Comparison Table:

Women Municipal Councillors 2016-2020

	2016		2017		2018		2019		2020	
	% W	% M	% W	% M	% W	% M	% W	% M	% W	% M
Albania	35	65	35	65	37	63	35	65	35	65
BiH	16	84	16	84	16	84	4	96	18	82
Kosovo	39	61	39	61	39	61	35	65	35	65
Montenegro	32	68	32	68	28	72	28	72	30	70
North Macedonia	30	70	30	70	35	65	33	67	32	68
Serbia	24	76	24	76	35	65	35	65	31	69



## ROMA WOMEN IN POLITICS

Women who are part of ethnic minority groups in the Western Balkans face intersectional forms of discrimination and barriers to accessing public life and positions with decision-making power. Regionally, ethnic minority groups face systematic racism at all levels of society. Roma women are further marginalised because of their gender. Western Balkan countries have an overall low representation of both Roma men and women in politics, and in cases where there is a Roma representative in a position of decision-making power, in most occasions it is a man. Low post-secondary education rates, high illiteracy rates, specific traditional roles and gender stereotypes, impact Roma women's access to public and political positions.<sup>61</sup>

Albania, BiH, Kosovo, North Macedonia<sup>62</sup> and Montenegro do not have Roma women in politics or in decision-making positions at the national level (MPs, Ministers/Deputy Ministers). Serbia elected its first Roma woman MP in 2018.<sup>63</sup> At the local level, BiH has one Roma woman municipal councillor and North Macedonia has a Roma woman President of Council in Suto Orizari.

During this reporting period, in BiH there are a total of 14 Roma councillors in municipal and city councils (out of a total of 143 municipality/cities), of which one is a Roma woman (Visoko municipality) and 13 are men. Roma can neither be candidates, elected as members of the Presidency of BiH, nor in the

Parliamentary assembly of the country, since they are recognised as a national minority, and minority groups cannot hold these positions, according to the BiH Constitution.<sup>64</sup>

Roma women are not present at political functions at all in Albania or Montenegro, neither at local nor national levels by women's organisations in the countries.<sup>65</sup> There are also no Roma, Ashkali or Egyptian women involved in politics or decision-making positions at the national or the local level in Kosovo.<sup>66</sup> In the Parliament of North Macedonia, two political parties are ethnically Roma parties, holding two Parliamentary seats out of a total of 120. None of these seats are held by women.<sup>67</sup>

Political parties' compositions in the Western Balkans reflect much the same situation. In Kosovo, there are Roma, Ashkali, and Egyptian women who belong to, and contribute to, various political parties and who were also participating in elections at both national and central levels, but so far none of these women have been elected.<sup>68</sup> No Roma political party in North Macedonia has ever had a woman as party leader, and there is only one Roma woman currently on a high-ranking position in a political party structure, Ljatifa Shikovska, who is a member of the Executive Board of the Social Democratic Union of Macedonia<sup>69</sup> (the current ruling party). In BiH, the social and political participation of Roma women is very low, even in the bodies representing the interests of Roma communities.

<sup>61</sup> A. Kadribašić et al., *Baseline Study on Barriers to Political Participation of Women in Bosnia and Herzegovina*, Sarajevo, United Nations Development Programme Bosnia and Herzegovina, 2019, [https://www.ba.undp.org/content/bosnia\\_and\\_herzegovina/en/home/library/democratic\\_governance/polazna-studija-o-barijerama-politikom-ueu-ena-u-bosni-i-hercego.html](https://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/library/democratic_governance/polazna-studija-o-barijerama-politikom-ueu-ena-u-bosni-i-hercego.html), (accessed 12 June 2020), p. 41.

<sup>62</sup> During the writing of this edition, Parliamentary elections were being held in North Macedonia, the results of which do not appear in this report edition.

<sup>63</sup> 'Jelena Jovanović - Prva Romkinja u Skupštini AP Vojvodine', *Radio-Televizija Vojvodine*, 23 May 2018, [https://www.rtv.rs/sr\\_lat/vojvodina/novi-sad/jelena-jovanovic-prva-romkinja-u-skupstini-ap-vojvodine\\_920566.html](https://www.rtv.rs/sr_lat/vojvodina/novi-sad/jelena-jovanovic-prva-romkinja-u-skupstini-ap-vojvodine_920566.html), (accessed 12 June 2020).

<sup>64</sup> The Constitution's text refers to 17 national minorities as "others" and denies their members the right to run for the presidency and the upper house of parliament. Despite the decision of the European Court of Human Rights in Strasbourg (Sejdić-Finci vs. Bosnia and Herzegovina) from 2009, which obliges BiH to abolish discriminatory provisions of the Constitution, that has yet to be done.

<sup>65</sup> Information shared with Kvinna till Kvinna by partner organisations.

<sup>66</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>67</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>68</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>69</sup> The party name still includes "Macedonia", rather than "North Macedonia".

These figures illustrate the under-representation of Roma in general and Roma women in particular in Western Balkan politics, at all levels of government and in political parties. Based on the marginalised position of Roma women, these data are worrying, and statistical trends do not indicate any positive and meaningful improvements. Additional issues related to the low numbers of Roma women's political participation are: a lack of reliable data that can accurately demonstrate the existing political participation of Roma women, since some available State data is neither disaggregated by gender nor ethnicity, (such as in North Macedonia); a lack of research analyses and overall research gaps in literature on this topic; and a lack of transparency in electing and nominating members of existing Minority Councils, which often excludes women (such as in BiH).

Despite the discouraging statistical trends, there are women's CSOs working on these issues, and there are numerous initiatives throughout the region to change the current situation and address these gaps. One example is Bolja Budućnost in Tuzla, BiH,

that is working on ensuring that all bodies and groups representing the Roma women's and men's interests at all levels of government increase the participation of Roma women to at least 40%, as set by the Law on Gender Equality.<sup>70</sup>

Roma women activists in civil society also face particular challenges, due to opposing traditional norms as women members of an already stigmatised ethnic group.<sup>71</sup> Stereotypes related to Roma women further discourage their participation and the electorate. Roma women are marginalised not only within national societies but also often within the Roma communities. As such, due to other existential challenges Roma women face in the Western Balkans, the lack of access to political participation is underrepresented as an issue. The resolution of this problem therefore requires its clear articulation in relation to intersectional discrimination, as well as interventions that would initiate changes and processes of equal participation of Roma women in politics, both in terms of legislation and social awareness.

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<sup>70</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>71</sup> The World Bank, *Closing the Gender Gaps among Marginalized Roma in the Western Balkan - A Summary of Findings and Policy Recommendations*, The World Bank, 2019, <http://documents1.worldbank.org/curated/en/994401560763568796/text/Closing-the-Gender-Gaps-among-Marginalized-Roma-in-the-Western-Balkans.txt>, (accessed 4 August 2020).

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## **% OF WOMEN IN DECISION-MAKING POSITIONS IN THE EU ACCESSION PROCESSES**

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Equality between women and men is a fundamental value of the European Union (EU), dating back to the 1957 Treaty of Rome. Gender equality has been a component of the EU integration from its outset, and therefore is an integral part of the accession conditions with which candidate and potential candidate countries from the Western Balkans have to comply. In 2002, the EU introduced a Gender Equality Action Programme aimed at increasing women's participation in politics in the accession countries. The European Commission monitors the progress of the accession countries and publishes annual Country Reports. Albania, Montenegro, North Macedonia and Serbia are candidate countries that all have started accession negotiations, whereas BiH and Kosovo are potential candidate countries.

Potential and candidate countries are required to harmonise their legislation in accordance with EU gender equality acquis and to mainstream gender. Besides commitments to gender equality, the EU accession process in the Western Balkans should reflect a true understanding and implementation of gender mainstreaming, which means: include adopting or amending relevant legislation, elaborate national strategies and action plans, and

establish institutional mechanisms to carry out and monitor relevant policies, all within a gender sensitised framework. In this fifth edition of *Women's Rights in Western Balkans*, Kvinna till Kvinna has decided to observe one element of gender mainstreaming within the entire EU process. This indicator seeks to analyse to what extent women in the Western Balkans are involved in decision-making in the negotiations within the EU accession processes. Furthermore, this indicator provides a quantitative and qualitative analysis of women's political participation in bodies or institutions that are mandated to implement the EU accession process in each country.

All Western Balkan countries are at different stages of the negotiations, and the relevant negotiation bodies are not streamlined across all six countries. Since different institutions exist in each country, and since all are structured differently, introductory remarks on the general structure are as follows:

- **Foreign Minister:** representing the interests of the state through external cooperation, including in-part the EU integration process.

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<sup>72</sup> V. Lilyanova, *Women in the Western Balkans - Gender Equality in the EU Accession Process*, European Parliamentary Research Service, 2018, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/625139/EPRS\\_BRI\(2018\)625139\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/625139/EPRS_BRI(2018)625139_EN.pdf), (accessed 10 June 2020), p. 1.

<sup>73</sup> Commission of the European Communities, *Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Annual Report on Equal Opportunities for Women and Men in the European Union 2002*, Brussels, Commission for European Communities, 2003, [https://www.europarl.europa.eu/meetdocs/committees/empl/20030909/COM\(03\)0098\\_EN.pdf](https://www.europarl.europa.eu/meetdocs/committees/empl/20030909/COM(03)0098_EN.pdf), (accessed 11 June 2020).

<sup>74</sup> A country is deemed to be a candidate country when, having examined its application for EU membership, the EU Council formally recognises the country as candidate, thus granting the country candidate status.

<sup>75</sup> Countries/entities which have a clear prospect of joining the EU in the future but have not yet been granted candidate country status.

- **Minister of Ministry responsible for EU integration:** an official governmental body directly involved with negotiations relating to EU accession. In the Western Balkan countries, these Ministries have different organisational forms:
  - Ministry of European Integration: Albania, Serbia.
  - Directorate for European Integration in BiH (which took over the role of the former Ministry of European Integration).
  - Secretariat for European Affairs: North Macedonia
  - Agency for European Integration: Kosovo (working within the office of the Prime Minister).
  - European Integration Office in Montenegro.
- **National Instrument for Pre-Accession Assistance (IPA) Coordinator:** a funding mechanism of the EU. Potential and candidate countries are beneficiary countries for these funds. Each Western Balkan country has National IPA Coordinator.
- **Chief Negotiator:** official representative of the country during the country's accession negotiations with the EU.

Overall, these listed positions are predominantly occupied by men. Men also make up the majority within the negotiating structures, as well as among deputies, secretary generals and committees within national parliaments (where data were available). In each country, the literature and available data indicates that there is much improvement needed,

and that much needs to be done by the relevant institutions to ensure that women are included in accession negotiations at both national and EU-levels. The composition of the negotiating teams is different between countries, which creates a challenge for presenting a comparative regional analysis. To address this limitation in the analysis, this indicator will compare similar institutions and decision-making positions in each country to the best of its ability, analysing the number of women involved in these institutions and positions.

The EU Country Reports for all Western Balkan countries also reflect the status of gender equality. The differences in these Country Reports are visible: gender-related issues are somewhat systematically covered (such as in Kosovo and Montenegro), where improvement is visible (Albania), or where there is a lack of coherent data analysis or representation (BiH, North Macedonia, Serbia). Gender is a cross-cutting issue and is not only limited to the EU integration processes, as equality between women and men is a fundamental principle of the EU. Unfortunately, the lack of comprehensive and systematic gender analysis informing Country Reports, combined with the under-representation of women in places of influence and integration negotiation processes, creates a context where genuine gender equality processes risk becoming 'ticking the box' exercises. To address this issue and to ensure that women are involved in all aspects of EU integration, women's CSOs in the region invest efforts and energy in ensuring that women are a part of, and heard, in EU integration.

## ALBANIA

In Albania, all aforementioned positions for EU integration negotiations (Foreign Minister, EU Integration Minister, National IPA Coordinator and Chief Negotiator) are held by men. Women make up 30% of the Parliamentary Commission for European integration (5 of 16 representatives), while men hold 70% of the positions.<sup>76</sup>

According to Kvinna till Kvinna's analysis, the 2019 EC Report on Albania includes references to the situation of women and it includes some gender-disaggregated data in the sections on democracy, fundamental rights, social policy and employment. The section on equality between women and men has considerably improved compared to 2018.<sup>77</sup>

These improvements in the Country Report are welcome, as they provide better opportunities for monitoring the implementation of gender mainstreaming processes.

Albanian Women Empowerment Network (AWEN) are highly involved in advocating for gender equality and women human rights in the context of EU accession. AWEN's initiatives in this regard involve: monitoring actions on important EU accession instruments; national awareness-raising campaigns; advocacy actions and workshops with local CSOs on gender and EU legislation; and capacity development for members of their network.<sup>78</sup>



**“A society that is without the voice and vision of women is not less feminine. It is less human.”**

Mary Robinson, UN High Commissioner for Human Rights activists<sup>132</sup>

<sup>76</sup> INSTAT, *Women and Men in Albania 2018*, Tirana, INSTAT, 2018, , <https://www2.unwomen.org/-/media/field%20office%20albania/attachments/publications/2018/06/women%20and%20men%20in%20albania%202018.pdf?la=en&vs=3558>, (accessed 21 June 2020), p. 102.

<sup>77</sup> G. Pasquinelli, *Two Steps Forward, One Step Back - Gender Analysis of 2019 EC Country Reports for the Western Balkans*, The Kvinna till Kvinna Foundation, 2019, <https://kvinnatillkvinna.org/2019/10/30/two-steps-forward-one-step-back-2019/>, (accessed 11 June 2020), p. 9.

<sup>78</sup> Information shared with Kvinna till Kvinna.

## BOSNIA AND HERZEGOVINA

There are no women in leading and high-ranking positions in institutions related to EU integration in BiH. Women are underrepresented in almost all bodies that make up the national Coordination Mechanism.<sup>79</sup> Women make up 10%, men 90%, of the EU Integration Collegium, the highest body of the Coordination Mechanism, responsible for the most important political decisions in the integration process.<sup>80</sup> Furthermore, women make up 14% of the Ministerial Conferences (men 86%).<sup>81</sup> The low percentages of women's representation indicate the exclusion of women from policy dialogues and contributes to women's further discrimination.<sup>82</sup> The EU accession process is a continuation of the practice of women being constantly underrepresented in all levels of BiH governmental bodies.<sup>83</sup> In 2019, the European Commission did not publish a Country Report for BiH, but rather an Opinion on BiH's application for membership to the EU. The Opinion is particularly weak on gender equality.<sup>84</sup> Gender as a ground for discrimination is overshadowed by ethnicity with the result that women are almost entirely invisible and absent from the Opinion.<sup>85</sup>

CSOs in BiH, namely Helsinki Citizens Assembly and Rights for All, formed a Women Lobby Group and Women Advocacy Group respectively. The Women Lobby Group, composed of prominent feminists, politicians, and experts from BiH and the region is primarily responsible for raising key women's rights issues relevant to EU accession processes, at an EU and international level. The Women Advocacy Group is composed of women's CSOs from BiH, jointly advocating for the increased visibility of women's

human rights at a national level and to EU Delegation representatives. The goals of these groups are to include women and women's voices in the entire process of BiH EU integration, and to provide a women's perspective on all issues on different levels of national and international governments. Rights for All also monitor the formation and composition of Parliamentary committees for EU integration at all levels, establishing cooperation with members of the committee for European Integration of the House of Representatives of the Parliament of the Federation of BiH.<sup>86</sup> Cooperation between women CSOs, including women CSOs, and committees responsible for the negotiation process is an important part of EU accession, as it creates a bridge between the institutions and civil society, offering a platform on which CSOs' issues can be represented.

During the reporting period, a Women's Advisory Board was established as part of the EU-supported initiative "Include Women in Change Processes"<sup>87</sup> aiming to advocate and advise on issues related to the gender equality in politics and all sphere of public life, as part of the EU integration.<sup>88</sup> The Women's Advisory Board consists of 10 members who are available for consultations regarding gender mainstreaming with the EU Delegation to BiH and EU Special Representative, and it stemmed from the implementation of the Joint Staff Working Document - Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020 (also known as the EU Gender Action Plan II) (GAP II).<sup>89</sup>

<sup>79</sup> The Coordination mechanism defines the institutional and operational system and methods of achieving coordination of institutions in BiH on the implementation of activities regarding the EU accession process.

<sup>80</sup> Prava Za Sve, *How to Ensure Gender Equality through the Process of EU Integration?*, Prava Za Sve, 2018, [http://rightsforall.ba/wp-content/uploads/2018/11/Engleska-verzija-How-to-ensure-gender-equality-trough-the-process-of-EU-integration\\_finalna-verzija.pdf](http://rightsforall.ba/wp-content/uploads/2018/11/Engleska-verzija-How-to-ensure-gender-equality-trough-the-process-of-EU-integration_finalna-verzija.pdf), (accessed 15 June 2020), p. 4.

<sup>81</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>82</sup> Ibid.

<sup>83</sup> A. Hanušić Bećirović, et al. *Shadow Report for the 3rd Universal Periodic Review on the state of human rights in Bosnia and Herzegovina*, Sarajevo Open Centre, 2019, <https://soc.ba/site/wp-content/uploads/2019/08/UPR-ENG-final.pdf>, (accessed 15 June 2020), p. 13.

<sup>84</sup> G. Pasquinelli, *Two Steps Forward, One Step Back - Gender Analysis of 2019 EC Country Reports for the Western Balkans*, The Kvinna till Kvinna Foundation, 2019, p. 11.

<sup>85</sup> Ibid.

<sup>86</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>87</sup> "Include Women in Change Processes" is a joint initiative of the EU Special Representatives, the SIDA and Kvinna till Kvinna, launched in December 2017.

<sup>88</sup> Delegation of the European Union to Bosnia and Herzegovina, 'Women's Advisory Board holds its first session in Sarajevo', *Delegation of the European Union to Bosnia and Herzegovina*, 2019, <https://europa.ba/?p=63835>, (accessed 20 June 2020).

<sup>89</sup> EU Gender Action Plan II 'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020'.

## KOSOVO

According to available information for this reporting period, all leading positions within the Ministry of European Integration are held by men: the Minister, Deputy Minister, and Secretary General. The National IPA Coordinator is a man, as are the Chief Negotiator and Foreign Minister.<sup>90</sup> The state also has an all-men negotiation team.

EU Country Reports for Kosovo continue the positive trend of integrating a gender perspective across different criteria and chapters offering a thorough account of women's roles and the challenges they continue to face, moving beyond an analysis of obstacles hindering achievement of gender equality in Kosovo.<sup>91</sup> As such, Kosovo's shortcomings observed by the EU are evident: there are deficiencies in the roles of the gender machinery in policy-making; effective implementation of the Law on Gender Equality is lagging; secondary legislation aimed at institutionalising gender-responsive budgeting is still pending; and mainstreaming of gender in laws and policies is not systematic.<sup>92</sup>

Gender has not been mainstreamed sufficiently within several Kosovo laws, policies, government programs and the EU accession process. Women's CSOs report that the political context became increasingly difficult for achieving results in the context of EU Accession, with the collapse of the government of Kosovo and snap elections. Several draft laws and policies for which Kosovo Women's Network (KWN) has advocated remain at a stalemate, awaiting government and/or Parliamentary approval. Several of KWN's key areas for advocacy could not move forward during this reporting period because of this stalemate. KWN and Kosovar Gender Studies Center (KGSC) actively monitor and contribute to the EU integration

process from a women's perspective. These organisations are (jointly) submitting input from a gender perspective to the Country Report for Kosovo, collaborating with different organisations and think tanks, monitoring women's participation in the Prishtina-Belgrade Dialogue, participating in several working groups, and actively participating in joint advocacy efforts with other women's CSOs.<sup>93</sup>

The political stagnation has also affected progress related to EU accession and the crucial dialogue with Serbia, which has been on hold.<sup>94</sup> Still, in the EU accession process, the civil society in general, and women's CSOs in particular, play an active role in promoting the gender equality agenda.<sup>95</sup> This is why it is crucial to maintain their cooperation with the relevant institutions, to ensure that these processes are ongoing and meaningful.

In 2019 the EU Office/EU Special Representative in Kosovo launched a series of discussions, under the title *EU Gender Talks: Because We Make a Difference*.<sup>96</sup> All EU staff in Kosovo were reportedly trained on gender equality and internal guidelines and practical guides on gender mainstreaming programmes, monitoring, implementation, and data collection. The EU Office in Kosovo contracted KWN to support the EU to develop a tailored Gender Action Plan 2019-2020 for the for the EU Office in Kosovo, and to support in implementing the EU GAP II in Kosovo.<sup>97</sup> It is important for women's CSOs to be involved in, and consulted for, political and policy-making processes. It is also important that institutions apply their gender-sensitive trainings to their everyday work and structures so that goals and recommendations outlined in numerous Action Plans and women CSO reports are achieved.

<sup>90</sup> By the end of this report, Kosovo has formed a new government in which the Foreign Minister is a woman (Meliza Haradinaj).

<sup>91</sup> G. Pasquinelli, *Two Steps Forward, One Step Back - Gender Analysis of 2019 EC Country Reports for the Western Balkans*, The Kvinna till Kvinna Foundation, 2019, p. 13.

<sup>92</sup> European Commission, *Kosovo\* 2019 Report*, Brussels, European Commission, 2019,

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>, (accessed 21 June 2020), p. 28.

<sup>93</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> A. Selmani, *Talking Women - One Year of EU Support to Gender Equality and Women Empowerment in Kosovo*, Europe House, 2020, [https://europehouse-kosovo.com/wp-content/uploads/2020/03/EU-Talking-Women\\_publication\\_ENG-2-1.pdf](https://europehouse-kosovo.com/wp-content/uploads/2020/03/EU-Talking-Women_publication_ENG-2-1.pdf), (accessed 21 June 2020), p. 7.

<sup>97</sup> Ibid., p. 54.

## MONTENEGRO

Montenegro has the highest number of women in positions of decision-making power in the negotiation and accession processes and relevant institutions compared to the other Western Balkan countries. Few women hold high-ranking decision-making positions in EU accession processes in Montenegro and of the positions reviewed in this report, there is only one, the National IPA Coordinator. The Minister of European Affairs, Chief Negotiator, and Director of the European Integration Office are all men. According to literature from 2019, the negotiating structure consists of a rather large and bureaucratised administrative apparatus, with 909 members of various working groups from all sectors (including the government, Assembly, civil society, academic community, business community, trade unions). A gender analysis of the working groups indicates that 524 of these members are women (58%), and 385 are men (42%), and out of the 15 members of the Negotiating Group, six are women, nine are men. Both previous main negotiators were men.<sup>98</sup>

The 2019 EU Report on Montenegro continued the positive trend of integrating a gender perspective across different sections.<sup>99</sup> However, gender mainstreaming and gender analysis in the policy-

making process, in accordance with the Gender Equality Act, have not yet been implemented.<sup>100</sup>

Women's CSOs report that the adopted laws and policies that have been aligned with EU directives have had almost no positive impact on women's daily lives. The state lacks the financial resources required to effectively implement them. Women's Rights Centre's in Montenegro is one of the most active women's CSOs in the EU accession process and the organisation continued to strengthen the dialogue between civil society and the EU Delegation, European Parliament, the European Commission Directorate-General for Neighbourhood and Enlargement Negotiations, EU External Action Service (EEAS), as well as with other key stakeholders, such as foreign embassies and national decision-makers. This cooperation between civil society and EU institutions also translated into a set of recommendations that were drafted and adopted by the Working Group for Chapter 23 (Judiciary and Fundamental Rights), and were distributed to all relevant institutions in regard to victim/survivor protection and international standards against gender-based discrimination and violence.<sup>101</sup>

<sup>98</sup> Ibid., p. 6.

<sup>99</sup> G. Pasquinelli, *Two Steps Forward, One Step Back - Gender Analysis of 2019 EC Country Reports for the Western Balkans*, The Kvinna till Kvinna Foundation, 2019, p. 15.

<sup>100</sup> European Commission, *Montenegro 2019 Report*, Brussels, European Commission, 2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf>, (accessed 12 June 2020), p. 12.

<sup>101</sup> Ibid.

## NORTH MACEDONIA

Men hold the majority of the observed high-ranking decision-making positions in the EU accession processes in North Macedonia: Chief Negotiator, National IPA Coordinator, and the Deputy Prime Minister for European Affairs within the Secretariat for European Affairs (SEA). The positions of IPA Coordinator and Deputy Prime Minister are held by the same man. In the previous government, this was the case for all three positions. The State Secretary of SEA is a woman, and State Counsellors in SEA are equally represented by women and men. The Committee on European Affairs also has equal representation of women and men members (7 women and 7 men).<sup>102</sup> The EU integration processes allow women MPs to have much stronger arguments for certain laws that affect women's rights.<sup>103</sup> The increased involvement of women MPs in North Macedonia is a welcome benefit of the EU accession process, but there is still much to be done to achieve equal representation of women or women's CSOs in all negotiation dialogues. The 2019 EU Report on North Macedonia lacks a coherent analysis of the key obstacles to achieving gender equality such as social attitudes, discrimination in the workplace or the impact of gender-based violence (GBV).<sup>104</sup>

In 2019, CSO Reactor – Research in Action (Reactor) was active in numerous advocacy initiatives with the objective of increasing women's participation as well as the visibility of women's human rights in EU accession documents. Reactor's work throughout the reporting period (built on years of work) has led

to visible improvements in gender mainstreaming within the consultation processes, and to improved gender-sensitive reporting of the EU Delegation in their submissions for the Country Reports. CSOs Reactor, HERA – Health Education and Research Association (HERA) and the National Network to End Violence against Women and Domestic Violence – Voice against Violence (National Network), all contributed to these processes through their work and direct involvement with the institutions, through networking and coalition-building with (women) CSOs, working on gender equality, and through joint advocacy initiatives with other CSOs engaging with the EU Delegation, EU Member States' embassies, United Nations (UN) agencies, media, political parties and the public.<sup>105</sup> HERA submitted a Shadow report to the European Commission regarding gender inequalities in North Macedonia. The National Network has worked according to their own EU advocacy strategy, including meetings, input on legislation, public debates, analysis and studies, all aiming at implementing the Istanbul Convention in North Macedonia and preventing violence against women while protecting women victims/survivors.<sup>106</sup>

Though the government has formally stated that gender equality is a priority, financial resources are seldom allocated for national Strategic Plans or Action Plan documents for advancing gender equality, indicating that the necessary steps to make gender equality a priority have not been taken.

<sup>102</sup> Dokmanovikj, M. et al., Women's Political Participation in North Macedonia, Study and Scientific Research Papers, Westminster Foundation for Democracy, 2019, <https://www.wfd.org/wp-content/uploads/2020/02/Women-Political-Participation-2019-EN-for-web-.pdf>, (accessed 15 June 2020), p. 125.

<sup>103</sup> „When such laws are linked to the European agenda and are part of a reform package for harmonising with EU legislation, then women MPs can have a much stronger impact“. - Dokmanovikj, M. et al., Women's Political Participation in North Macedonia, Study and Scientific Research Papers, Westminster Foundation for Democracy, 2019, p. 15.

<sup>104</sup> G. Pasquinelli, *Two Steps Forward, One Step Back - Gender Analysis of 2019 EC Country Reports for the Western Balkans*, The Kvinna till Kvinna Foundation, 2019, p. 17.

<sup>105</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>106</sup> Ibid.

## SERBIA

Besides the vacant<sup>107</sup> position of Chief Negotiator, the Foreign Minister is a man and the two other observed positions (National IPA Coordinator and Minister of European Integration) are held by women. Despite this, the CEDAW *Concluding Observations on the Fourth Periodic Report of Serbia* reiterates that women are severely under-represented in decision-making positions across all sectors, including EU accession processes.<sup>108</sup>

The 2019 EU Report for Serbia provides an overview of the current legislative and institutional developments with regards to gender equality, but is missing important sections and data on LGBTQI+, intersectional analyses of communities made marginalised, an analysis of different forms of GBV, and gender-sensitised approaches to the wars of the 1990s and of peacebuilding and reconciliation efforts.<sup>109</sup>

Roma Centre for Women and Children Daje submitted input for the Post-2020 EU Roma Framework and was active in advocating for political and social inclusion of Roma women in national and

EU integration processes. Autonomous Women's Centre and ASTRA – Anti Trafficking Action, in partnership with five other CSOs in the “prEUgovor Coalition”, monitored reforms under Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Freedom and Security) of the Copenhagen criteria. In 2019, prEUgovor drafted 11 recommendations prepared for their Alarm Report,<sup>110</sup> of which only three were taken into account in the first revision of the Action Plan for Chapter 23. The prEUgovor 2020 Alarm Report indicated that no improvement has been made from October 2019 to April 2020 in the area of anti-discrimination policy, while the level of gender equality and status of women, especially in the sexual and reproductive sphere, deteriorated due to sliding into traditional and orthodox state policy.<sup>111</sup> The Alarm Report provides (women's) CSOs an opportunity to address gaps and hold the state accountable for shortfalls within the framework of the EU accession process, highlighting the importance of this process and the involvement of civil society using the process as a monitoring and watchdog tool.

<sup>107</sup> Position was vacant up to the end of the data collection period of this edition of the report, June 1st 2020.

<sup>108</sup> CEDAW, *Concluding Observations on the Fourth Periodic Report of Serbia*, CEDAW, 2019, p. 8.

<sup>109</sup> G. Pasquinelli, *Two Steps Forward, One Step Back - Gender Analysis of 2019 EC Country Reports for the Western Balkans*, The Kvinna till Kvinna Foundation, 2019, p. 19.

<sup>110</sup> Independent semi-annual report on Serbia's progress regarding the implementation of policies in the areas covered by Chapters 23 and 24 of the Copenhagen criteria for accession negotiations with the EU. Alarm Reports monitor the extent to which the responsible authorities fulfil their obligations envisaged by the Action Plans for both chapters, as well as other complementary initiatives relevant for Rule of Law.

<sup>111</sup> J. Pejić Nikić, (ed), *prEUgovor Alarm: Report on Progress of Serbia in Chapters 23 and 24*, Belgrade, Belgrade Centre for Security Policy, 2020,

<http://preugovor.org/Alarm-Reports/1596/Coalition-prEUgovor-Report-on-Progress-of-Serbia.shtml>, (accessed 21 June 2020), p. 11.

**STATISTICAL DATA SHOWS:**

Gender structure of EU integration institutions by countries:

Position	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
<b>Foreign Minister</b>	man	woman	woman <sup>112</sup>	man	man	man
<b>Chief Negotiator</b>	man	-	-	man	man	vacant (was woman)
<b>National IPA Coordinator</b>	man	man	woman	woman	man	woman
<b>Minister of ministry responsible for EU integration</b>	man	man (Director)	man	man	man	woman

”

**“Even though it has a first woman Prime-minister, member of the LGBT community and 34% of women in the Parliament, the position of all other women in Serbia has never been worse”**

Vanja Macanović in *Statement of Coalition of Women NGOs – Dark Clouds over Serbia* on the 72<sup>nd</sup> session of the Committee on the Elimination of Discrimination Against Women.<sup>113</sup>

”

**“We are adopting laws that are in the interest of improving women's rights, which probably would not be a priority if the European integration processes were not current.”**

Maja Morachanin, a Member of North Macedonia's Parliament<sup>114</sup>

<sup>112</sup> At the time of finalising this report, Kosovo has formed a new government in which the Foreign Minister is woman (Meliza Haradinaj).

<sup>113</sup> V. Macanović et al., 'Statement of Coalition of Women NGOs – Dark Clouds over Serbia', 2019, <https://tinyurl.com/y55y3kdp>, (accessed 21 June 2020).

<sup>114</sup> M. Dokmanovikj et al., *Women's Political Participation in North Macedonia, Study and Scientific Research Papers*, WFD, 2019, p. 143.

## Trends in Women in Politics

This fifth report of *Women's Rights in Western Balkans* includes an analysis of the trends regarding the Women in Politics indicators and the respective sub-indicators. This section provides an overview of the trends over the past five years, using the previous four editions of the *Women's Rights in Western Balkans* as the foundation of the overview. Primarily, the greatest challenge for improving gender equality over the years remains the mentality of women and men towards traditional gender roles, and to change these patriarchal mentalities. Between 2015 and 2020, the changes in statistics, in favour of women, were small and slight increases in the number of women in decision-making bodies at the national level was recorded. At the same time, a negative

trend of very slow and difficult progress at the local level in the participation of women in municipal politics was noted during the five-year period, which was also reflected in the repeated recommendations of the reports. Therefore, the following sections of this overview address trends regarding:

- Impacts of application of gender quota systems in the Western Balkans
- Number of women in decision-making bodies

An analysis of these trends will help to articulate the situation of the (lack of) progress in women's political participation in the Western Balkans in the past five years.

### Would women in politics exist without quotas? Impacts of application of gender quota systems in the Western Balkans

All Western Balkan countries have gender quotas in place as a mechanism to ensure more gender equal representation in National Parliaments. The quotas vary from 30% (Albania, Kosovo, Montenegro) to 40% (BiH, North Macedonia, Serbia), for electoral legislation and representation in government.<sup>115</sup> Established percentages represent minimum required representation (at least prescribed percentage candidates of the less represented gender). However, barely any Western Balkan country reached the requirements of the quotas - women continue to face challenges in political representation despite gender quotas.<sup>116</sup>

Many inconsistencies and misuse of quota systems appeared over the observed period (2016-2020) – from replacing women candidates who were elected with their male party colleague,<sup>117</sup> only partial implementation of quotas (for example restricted to certain levels of government, certain positions);<sup>118</sup> presenting quotas as “place savers” for women and

discouraging voters to vote for women candidates (discouraging voters from “throwing votes away”);<sup>119</sup> to interpretation of the quota percentage as maximum representation rather than minimum (such as in the 2019 Kosovo elections). Direct non-compliance with quotas or its “soft” suppression begins in political parties and continues through the electoral process and the implementation of election results. Political parties still use quotas as the main, or only, tool for advancing women in politics, rather than offering women space and resources, supporting them in further empowerment and strategically advancing their political careers.<sup>120</sup> The question remains – why are quotas not set at 50%, which would be the only percentage that truly represents gender equality? The fact that quotas are not set at 50% can push women candidates' names significantly down the political party lists, thus only formally respecting the quota, at the bare minimum and in a tokenised way. In doing so, the parties are still favouring male candidates and investing in their promotion and campaigns, which leads to the fact that the gap between the representation of women and men on the list is further widened in the election results.<sup>121</sup>

<sup>115</sup> Kosovo has a different type of quota called “reserved seats” for the proportion of the election list, which is as follows: in each Political Entity's candidate list, at least 30% shall be male and at least 30% shall be female, with one candidate from each gender included at least once in each group of 3 candidates, counting from the first candidate in the list.

<sup>116</sup> S. Tadić, et al., *Women's Rights in Western Balkans*, The Kvinna till Kvinna Foundation, 2016, <http://hcabl.org/wp-content/uploads/2019/04/Womens-Rights-in-Western-Balkans-Indicators-Kvinna-till-Kvinna-2016.pdf>, (accessed 19 June 2020), p. 3.

<sup>117</sup> Ibid.

<sup>118</sup> L. Gačanica et al, *Women's Rights in Western Balkans*, The Kvinna till Kvinna Foundation, 2019, <https://kvinnatillkvinna.org/wp-content/uploads/2019/11/Womens-rights-in-Western-Balkans.pdf>, (accessed 19 June 2020), p. 3.

<sup>119</sup> S. Tadić et al., *Women's Rights in Western Balkans*, The Kvinna till Kvinna Foundation, 2016, p. 4.

<sup>120</sup> Ibid., p. 13.

<sup>121</sup> A. Hanušić Bećirović et al., *Shadow Report for the 3rd Universal Periodic Review on the State of Human Rights in Bosnia and Herzegovina*, Sarajevo Open Centre, 2019, p. 12-13.

Implementation of the quota system is particularly weak on local level (local elections), and in most of the Western Balkan countries,<sup>122</sup> there is no existing gender quota for the least-represented gender at the level of councillors.<sup>123</sup> On a municipal level, women are mostly elected for lower positions in their local governments, while men hold the most powerful positions.<sup>124</sup> During the observed period, this was most noticeable in Serbia, North Macedonia and Kosovo.

In BiH, it is necessary that the amendments to all relevant laws are passed to ensure the double guarantee of the minimal representation of the less represented gender at 40%, as well as the amendments to the BiH Election Law which would introduce a gender quota of 50% for the party election lists, with the added obligation to list men and women candidates alternately, on every second place of electoral lists.<sup>125</sup>

Still, in some countries quota systems in the previous four reporting periods are credited with the visible advancement of women in decision-making bodies at the national level, such as in the case of North Macedonia. The development of electoral legislation by introducing a minimum 40% representation, in combination with the “sandwich system”, i.e., the positioning of the under-represented gender at (at least) third place on every candidates' list, as well as the mandatory replacement of women elected with other female candidates, significantly increased women's access to elected positions.<sup>126</sup> During the observed period, Albania's percentage of women in Parliament increased from approximately 17% in 2013 to 23% in 2015. From 2017 onwards, Albania has had 50% of women and men ministers. This was largely due to implementation of the gender quota, increased general awareness, and consistent advocacy initiatives by women's CSOs.<sup>127</sup>

In Serbia, the introduction of legislated candidate quotas with firm ranking rules and drastic sanctions (disqualification of the list in case of noncompliance) had positive effects in increasing elected women into national Parliament, in comparison with the previous Parliaments.<sup>128</sup> In Montenegro, participation in politics increased after gender quotas were introduced into the electoral legislation in 2011 and were further amended in 2014. However, the number of women participating in politics remains low and women are especially underrepresented when it comes to Executive power.<sup>129</sup>

During this reporting period, some positive examples can be mentioned: a political coalition in North Macedonia that supported a 50% quota for their electoral lists; the Serbian Parliament adopted a new minimum quota of 40% for the less-represented gender for electoral lists for Parliamentary and local elections.

Despite the many challenges facing implementation, gender quotas remain an important tool for gender balance in political representation in the Western Balkans as an instrument to overcome deeply rooted social norms that hinder women from equal political representation.



**“None of the women who take the position want to be a quota woman and be there just because she is a woman. The emphasis is on the fact that women have competencies, knowledge and want to decide about their lives and the life of the country and the city in which they live.”**

Nada Drobnjak, President of the Parliamentary Committee for Gender Equality Montenegro<sup>130</sup>

<sup>122</sup> With the exception of Kosovo. Please refer to footnote #115

<sup>123</sup> S. Tadić, et al., *Women's Rights in Western Balkans*, The Kvinna till Kvinna Foundation, 2018, <https://kvinnatillkvinna.org/wp-content/uploads/2018/11/WRWB2018.pdf>, (accessed 19 June 2020), p. 7.

<sup>124</sup> *Ibid.*, p. 9.

<sup>125</sup> A. Hanušić Bećirović et al., *Shadow Report for the 3rd Universal Periodic Review on the State of Human Rights in Bosnia and Herzegovina*, Sarajevo Open Centre, 2019, p. 12-13.

<sup>126</sup> WFD, *Women's Political Participation in North Macedonia, Study and Scientific Research Papers*, Skopje, WFD, 2019, <https://www.wfd.org/wp-content/uploads/2020/02/Women-Political-Participation-2019-EN-for-web-.pdf>, (accessed 19 June 2020).

<sup>127</sup> S. Tadić et al. *Women's Rights in Western Balkans*, The Kvinna till Kvinna Foundation, 2016, p. 3.

<sup>128</sup> *Ibid.*, p. 6.

<sup>129</sup> O. Komar, *Gender Equality Index Montenegro – 2019*, -UNDP, 2020, p. 29.

<sup>130</sup> Ž. Vučinić, 'Žene Polako idu ka Vrh', *Vijesti*, 29 June 2019, <https://www.vijesti.me/vijesti/politika/391699/zene-polako-idu-ka-vrhu>, (accessed 19 June 2020).

### Where are women in politics? Number of women in decision-making bodies

Data from previous editions of Women's Rights in Western Balkans for the period of 2016-2020 indicates trends of increasing numbers of women in decision-making positions in the region. The region is still far away from reaching or obtaining gender equality in any facet of the social or political structure, however, the progress made must be recognised. Change in the Western Balkans occurs within slow processes, accompanied by necessary changes in awareness and attitudes towards women in the (still very patriarchal) societies of the Western Balkans.

While numbers of women in politics in general are on the rise in terms of members of political parties and candidates on electoral lists, the number of elected women and those in decision-making positions is significantly lower. This is especially visible at the municipal level.

The **Percentage of Women Members of Parliaments** in National Parliaments in the period 2016-2020 shows that numbers have not changed significantly. Percentages for Albania, BiH and Montenegro range between 20 and 30%, while Kosovo, North Macedonia and Serbia have representation of women between 30% and 38%. The largest percentage point increases were recorded in Albania with a nine percentage point increase in 2017, and North Macedonia with five percentage points from 2016 to 2020. Also noteworthy is that North Macedonia reached 40% representation in these positions.

The **Percentage of Women Ministers 2016-2020** records the largest change in relation to national and local decision-making positions. Albania has achieved an equal ratio of men and women in Ministerial positions since 2017. In Kosovo, women Ministers accounted for 5% in 2016, and reached 20% in 2020. North Macedonia has achieved annual growth in women Ministers' representation, from 10% in 2016 to 25% in 2020. In BiH and Montenegro, the percentages are also increasing, but to a lesser extent, and progress is very slow. In Serbia, on the other hand, there is the status quo with a slight decline from 21% to 19% of women in Ministerial positions during the period of 2016-2020. The EU average is 28% women ministers.

Data on women's political participation at the municipal level, however, remain discouraging. Numbers of **Women in Mayoral Positions 2016-2020** reflect the harsh reality of women's political participation at levels that should be the entry points for their political action. In Kosovo, no woman, out of 38 positions in municipalities, has been mayor since 2018. BiH has only 4% women mayors, North Macedonia and Serbia have 7%, and 8% in Montenegro, leaving men more than 90% of the positions, in all four countries. These four countries have had minor increases of women, of approximately two percentage points over the years. Albania holds the highest percentage of women mayors at 15%, an increase of one percentage point from 2016, and though Albania is the regional leader in this regard, translated into numbers, that accounts for only nine out of a total of 61 mayors, with men still holding 85% of these positions. **Women Municipal Councillors 2016-2020** account for higher percentages but remain far from reaching gender equality. Numbers of women Councillors are steady and highest in Albania (35%), North Macedonia (32%, an increase of 2% over the past four years), and Serbia (31% and slowly increasing over the years). Kosovo has currently reached 35%, but has declined by four percent from 2019, the previous reporting period. In Montenegro the current 30% women is two percentage points higher than in 2018 but also a notable two percentage point decrease from 2016. During the observed period, BiH experienced a two percentage point increase, though the actual number of women councillors remains very low: only 587 women out of a total 3 278 councillor positions.

With the exception of Atifete Jahjaga, who served as the first woman President of Kosovo from 2011 until April 2016, all other Western Balkan Heads of State in the period of 2016-2020 have been men. On the level of National Parliaments, there is only one woman Prime Minister of a National Government, and that is in Serbia. There are no women presidents of Regional Assemblies in any of the six Western Balkan countries. Roma women, and women from other national ethnic minority groups are systematically excluded from political participation, particularly in decision-making bodies, in all Western Balkan countries.



**“Activism in political parties is important, because it encourages both women and men in political parties to fight for their rights.”**

Ismeta Dervoz, former BiH MP and long-time activists

### **What should be done? Trends in recommendations 2016-2020**

Women's participation in politics is a major topic for women's CSOs and their advocacy initiatives in all Western Balkan countries. Although the indicators of representation are quantifiable and measurable, the impacts and changes of these statistics, as well as the factors that keep women from achieving equality in decision-making and policy processes in general, are often unquantifiable, qualitative, and indirectly measurable. With regards to women's participation and access to politics, it is these unquantifiable factors, that require the most observation, the most thorough analysis, and serious consideration alongside analysing quantitative data. The causes of gender inequality, including low political participation, have their roots in patriarchal attitudes, social norms, and stereotypical notions of the roles of women in society. However, in addition to changes in social consciousness, changes must also take place at the level of legislation through the implementation of affirmative action measures that go beyond quotas and encompass a network of various actors at all different levels of government. Women's Rights in Western Balkans editions from 2016 to 2020 issued recommendations in this regard, in-line with the findings, on an annual basis. The fulfilment of recommendations, or lack thereof, can be observed through their repetition and indicates how limited progress was during the reporting periods.

For many issues identified as requiring change through long-term and short-term actions, planning, implementation and improvements, no progress has been observed in achieved recommendations for the period of 2016-2020. This is particularly related to implementation of legislation (gender quotas, anti-discrimination standards), introducing novelties for local level of political participation and changing paradigms in political parties' treatment of women members and candidates. Other recurring issue are women's lower access to political party funding, lower visibility in the media when campaigning, barriers to raising awareness of the importance of women's participation, as well as challenging the dominant narrative in Western Balkan societies and creating a positive image of women as politicians and political leaders. As stated before, there is no possibility to improve women's position on the political scene using only legislation or one-time campaigns. The promotion of gender equality must be continuous and persistent on all levels: society, political parties, local and national-level governments. Gender-responsive policies in the budget(s) remain unrealised. It is important to note that the elimination of stereotypes and the deeply embedded patriarchal social norms is crucial, and a recommendation also emphasised by CEDAW<sup>131</sup> for each Western Balkan country.

<sup>131</sup> In Concluding Recommendations for each CEDAW country report except Kosovo.

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**“The media are full of sexist and misogynistic statements, which also come from high state officials, university professors, religious leaders and other public figures, with almost no consequences.”**

Tanja Ignjatović, Autonomni Ženski Centar<sup>133</sup>

”

**“Every single law that comes to the assembly should be seen through the gender lens. You will see us talking and fighting for gender equality, no matter what the topic in the assembly and in the government is.”**

Vjosa Osmani, Chairwoman of the Assembly of Kosovo<sup>134</sup>

<sup>132</sup> B. Barlovac, 'Albanian and Serbian Gender Activists Join Efforts for Gender Equality Under the Patronage of UN WOMEN', *United Nations Serbia*, 2016, <https://serbia.un.org/en/13494-albanian-and-serbian-gender-activists-join-efforts-gender-equality-under-patronage-un-women>, (accessed 21 June 2020).

<sup>133</sup> T. Ignjatović, 'Gde su Danas Prava Žena u Srbiji', *Danas*, 10 December 2019, <https://www.danas.rs/dijalog/licni-stavovi/gde-su-danas-prava-zena-u-srbiji/>, (accessed 21 June 2020).

<sup>134</sup> N. Đorđević, 'Women Make their Mark in Kosovo's New Government', *Emerging Europe*, 9 March 2020, <https://emerging-europe.com/news/women-make-their-mark-in-kosovos-new-government/>, (accessed 21 June 2020).

## Recommendations\*

### % of women in politics and/or in high positions of decision-making power

#### IN BRIEF:

Women have not achieved political parity in a large majority of the parliaments and governments in the Western Balkans, gender equality issues remain marginalised within political discourse and women politicians face discrimination, harassment and violence from the public, and from within their own and opposition parties.

#### WITHIN ONE YEAR:

Legislative reform could impose sanctions for non-compliance with existing quota requirements; complaint mechanisms and free legal aid could be established within parliaments to tackle violence, discrimination and harassment faced by female politicians.

#### Governments:

- Adopt quotas to ensure a minimum of 40% representation for the less represented gender in parliaments, executive cabinet positions and within the civil service (e.g., in all state nominations) (Examples: Czech Republic, France).
- Adopt quotas to ensure a minimum of 40% representation on party lists, requiring that candidates are listed alternatively by gender on party lists to preclude the practice of women being placed on the bottom of the lists, where it occurs (e.g., woman, man, woman, etc.).
- Amend existing legislation related to quotas on party lists to provide for sanctions for non-compliance, including the withholding of State funds (Examples: Belgium).
- Establish a complaint mechanism within parliament to address discrimination, harassment and violence against women in politics, to provide them with the necessary support services, including recognition as a category eligible for the receipt of free legal aid, and to collect data on the phenomenon (Example: Spain).
- Regulate/legislate to require broadcast media to provide free-of-charge airtime to women candidates and to parties that nominate the most women candidates and those that feature women in their electoral campaigns.

#### EU institutions, other inter-governmental organisations and donors:

- Include clear benchmarks in the EC Country Reports towards greater participation of women in national parliaments, in executive cabinet positions and in the civil service.
- Support women's parliamentary networks or women's parliamentary forums where they exist to develop specific advocacy agendas on gender issues.
- Support the training of journalists on gender-sensitive media coverage in elections
- Support collaboration between women's CSOs and media regulatory bodies to monitor coverage of campaigns from a gender perspective.
- Include an intersectional perspective in all programmes aimed at supporting women's political participation.

\* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.

## % of women in local politics (mayors, local/municipal councils)

### IN BRIEF:

Women's political representation among mayors and local/municipal levels of government is extremely low, requiring binding legislatively-mandated quotas on party lists and in local executive nominations and appointments.

### WITHIN ONE YEAR:

Local legislation and regulations should be modified to ensure a minimum of 40% representation, *de facto*, where such provisions do not exist already, and broad-based, local public awareness-raising campaigns about the current gender bias in elections.

### Governments:

- Amend quota legislation to increase quotas to 40% for the less represented gender to ensure parity among candidates.
- Amend quota legislation to require alternative placement on party lists by gender for mayoral and municipal council lists.
- Amend legislation to impose sanctions for parties that do not comply with quota requirements.
- Establish a complaint mechanism within local municipal councils related to discrimination, harassment and violence against women in politics.
- Establish parental and/or carers leave for political representatives (Example: Sweden).
- Engage in broad-based local-level awareness-raising campaigns on gender bias in politics.

### EU institutions, other inter-governmental organisations and donors:

- Include clear benchmarks in the EC Country Reports towards greater participation of women as mayors and in local and municipal councils.
- Support the participation of CSOs, including women's organisations, as accountability agents in budgetary and policy-making consultations at the local level.
- Support women's CSOs to conduct broad-based awareness-raising campaign at the local level to address gender discrimination in political decision-making.
- Support the training of journalists on gender-sensitive media coverage in local elections.
- Include an intersectional perspective in all programmes aimed at supporting women's political participation.

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## GENDER-BASED VIOLENCE

Gender-based violence (GBV) remains a widespread problem throughout the six Western Balkan countries. Challenges to combating GBV are numerous. The legislation, largely aligning with international law, is in place, however, there is a need to expand its extent in addressing GBV beyond the scope of domestic violence (DV), as it is not the only form of GBV, rather it is one of many different forms of gendered violence.

This chapter explores the implementation of key aspects of the Council of Europe *Convention on Preventing and Combating Violence Against Women and Domestic Violence*<sup>135</sup> (the so-called Istanbul Convention). It focuses on states' obligations to provide shelters and helplines for victims/survivors of GBV (Istanbul Convention Articles 23 and 24), ensure sanctions and appropriate measures for the GBV perpetrators and measures (Article 49), collect disaggregated data on all the cases of GBV at regular intervals (Article 11), and allocate appropriate financial resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence (Article 8). Specific attention is given to the obligation for the implementation of the Convention based on the principles of equality and non-discrimination (Article 4), in relation to Roma women and women with different abilities.

Despite the Article 11 requirement of the Istanbul Convention, data on cases of GBV remains largely unavailable throughout the region. Databases relevant to the domestic legislation are not effectively utilised, thus representing a major challenge for tracking the cases of DV and evaluating the appropriateness of institutional response. Given the lack of public information on GBV/DV and intending to assess the extent to which provisions of the Istanbul Convention were being applied by the Western Balkans governments, Kvinna till Kvinna exercised the right to access public information

again this year, by submitting freedom of information requests in each country, based on the respective laws. The requests were standardised and required information on the allocated financial amounts for protection and prevention from GBV, as per obligations deriving from Article 8<sup>136</sup> of the Istanbul Convention. Western Balkan governments' responses varied on the provided information with most of it being partial and limited to some sectors. The information gathered through the data request responses indicated that governments lack understanding of their obligations toward the prevention and protection against GBV/DV. They have made limited efforts to establish financial systems that portray their overall financial commitment in this regard.

Commitment and capacities of the Western Balkans countries to enforce their legislation and fulfil the obligations deriving from the Istanbul Convention remain limited. There is an inadequate allocation of funds for the implementation of legislation, strategies and policies addressing GBV/DV throughout the region. Evidence on the allocation of funds is fragmented. Prevention and protection against GBV/DV remained a subject of international donors' support.<sup>137</sup> Services for the GBV/DV victims/survivors such as shelters, helplines, free legal aid, health care and economic support suffer directly from the underfunding.

Kosovo is the only non-signatory country of the Istanbul Convention in the region due to its political status affecting the membership in the Council of Europe. The 2019 Constitutional Court decision affirming the legality of the proposed constitutional amendment for the adoption of the Istanbul Convention by the Kosovo Assembly has however paved the way towards its ratification.<sup>138</sup> Yet, Kosovo's lack of recognition as a signatory country will have its shortcomings in monitoring the implementation of the Convention.

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<sup>135</sup> Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*, Istanbul, Council of Europe, 2011, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e>, (accessed 21 September 2020).

<sup>136</sup> In Article 8, the Istanbul Convention calls for signatories to allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the Convention, including those carried out by non-governmental organisations and civil society. Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*, Istanbul, Council of Europe, 2011.

<sup>137</sup> N. Farnsworth et al., *Where's the Money for Women's Rights? Funding Trends in the Western Balkans*, The Kvinna till Kvinna Foundation, 2020.

<sup>138</sup> Constitutional Court of the Republic of Kosovo, *Judgment in the application of the President of the Assembly of the Republic of Kosovo (2009)*, Case No. K0162/18, Prishtina, Constitutional Court of the Republic of Kosovo, 2019, [https://gjk-ks.org/wp-content/uploads/2019/02/ko\\_162\\_18\\_agj\\_ang.pdf](https://gjk-ks.org/wp-content/uploads/2019/02/ko_162_18_agj_ang.pdf), (accessed 09 May 2020).

GBV/DV-related incidents throughout the region has increased significantly since the start of the COVID-19 pandemic. This has led to an increased number of reported cases, as well as a drastic increase in calls to hotlines run by women's civil society organisations (CSOs).<sup>139</sup> Meanwhile, the

lockdowns and measures taken by the governments have made it difficult for victims/survivors to report their cases of GBV/DV and receive adequate protection and other services. The full consequences of the pandemic regarding GBV remain to be seen.

## NUMBER OF OPERATING SHELTERS AND SOS HELPLINES

Provisions of the Istanbul Convention, specified in Article 23 and Article 24, require states to undertake necessary legislative and practical measures to ensure safe and sufficient accommodation, which includes establishing adequate shelters, providing state support, and establishing and maintaining accessible helplines for victims/survivors of GBV. This section provides information on the extent to which the Western Balkan countries have fulfilled

their obligations in terms of the availability of shelters and helplines as substantial measures for addressing GBV. It also evaluates their progress compared to the previous years.

**Data show that the number of national operating shelters and telephone helplines have not changed significantly during this reporting period.**

### ALBANIA

There are nine women's shelters operating in Albania, four of which are dedicated to victims/survivors of human trafficking and five to those of DV.<sup>140</sup> Two shelters are run by the government and seven managed by women's CSOs.<sup>141</sup> Only three shelters are long-term or reintegration shelters.<sup>142</sup> Financing of the women's CSOs' shelters has improved slightly over the last years, although they still face challenges related to inadequate funding.<sup>143</sup>

Most of the shelters are located in the major cities, thus rendering access difficult to the victims/survivors from remote or rural areas.<sup>144</sup> Victims/survivors' accessibility to the shelter services is further hindered by the fact that they are required to present a notarised copy of their protection orders, referrals from the police, social workers or medical reports to be admitted.<sup>145</sup> In absence of the emergency shelters, municipalities often use facilities that are not equipped to deal with cases of DV, such as hospitals, geriatric centres, dormitories etc.<sup>146</sup> This is an ongoing issue that has still not been addressed by the state.

<sup>140</sup> Information shared with Kvinna till Kvinna by partner organisations in Serbia

<sup>141</sup> Organisation for Security and Co-operation in Europe, *Survey on Well-Being and Safety of Women in Albania*, Organisation for Security and Co-operation in Europe, 2019, <https://www.osce.org/secretariat/434849?download=true>, (accessed 21 May 2020), p. 15.

<sup>142</sup> Ibid.

<sup>143</sup> Information shared with Kvinna till Kvinna by partner organisation in Albania.

<sup>144</sup> L. Gačanica et al, *Women's Rights in Western Balkans*, The Kvinna till Kvinna Foundation, 2019, <https://kvinnatillkvinna.org/wp-content/uploads/2019/11/Womens-rights-in-Western-Balkans.pdf>, (accessed 19 June 2020), p. 40.

<sup>145</sup> M. Llubani, *Mapping of Policies and Legislation on Violence Against Women and the Istanbul Convention in Albania*, *European Women's Lobby*, 2019,

[https://www.womenlobby.org/IMG/pdf/ewl-albania\\_report\\_web.pdf](https://www.womenlobby.org/IMG/pdf/ewl-albania_report_web.pdf), (accessed 21 May 2020), p. 11.

<sup>146</sup> The Advocates for Human Rights & Human Rights in Democracy, *Stakeholders Report for the United Nations Universal Periodical Review*, Minneapolis, The Advocates for Human Rights & Human Rights in Democracy, 2019,

[https://www.theadvocatesforhumanrights.org/uploads/albania\\_report.pdf](https://www.theadvocatesforhumanrights.org/uploads/albania_report.pdf), (accessed 21 May 2020), p. 7.

<sup>147</sup> M. Llubani, *Mapping of Policies and Legislation on Violence Against Women and the Istanbul Convention in Albania*, *European Women's Lobby*, 2019, p. 11.

The National Crisis Centre for victims of sexual violence “Lilium” established by the Albanian government in the late 2018 remains largely unknown to victims/survivors. One research report showed that only 28% of the interviewed respondents who work in the field of GBV (including but not limited to: police, social workers, women's CSOs, hospitals) were aware of the existence of the centre.<sup>147</sup> The Ministry of Health and Social Protection (MHSP) expects local hospitals and health professionals to serve as collaborators in reporting sexual violence cases to the police.<sup>148</sup> Given that “Lilium” serves as an immediate support and referral centre, longer term assistance to the victims/survivors who have turned to them for their services is usually provided through other DV shelters.

Albania has a national helpline providing 24-hour free services, which is run by a CSO with limited support from the government.<sup>149</sup> Local helplines run by CSOs operate during day hours with regular phone operator fees.<sup>150</sup> This is a major barrier to victims/survivors in rural areas or outside of city-centres, or those who are low income and are unable to set aside enough funds (without being noticed in the family budget) to cover the costs of communication with local helplines. All helpline services are available in Albanian, and not in minority languages.

## BOSNIA AND HERZEGOVINA

There are eight women's CSO run shelters/safe houses for women in Bosnia and Herzegovina (BiH): five in the Federation of Bosnia and Herzegovina (FBiH), located in Sarajevo, Zenica, Tuzla, Bihać and Mostar. In Republika Srpska there are three in total, located in Banja Luka, Modriča, Bijeljina.<sup>151</sup> They provide 174 beds out of the 353 that would be required by Istanbul Convention standards, based on the BiH population according to the latest census data. Shelters' limited capacities sometimes lead to inadequate protection services for the DV victims/survivors, and accessibility is especially difficult for migrant/refugee women, women of minority ethnic backgrounds, and women with different abilities.<sup>152</sup>

The financing of shelters is regulated by the entity-level laws on protection from DV, although in FBiH this needs to be complemented by the adequate secondary legislation to ensure the full implementation of the law.<sup>153</sup> By law, FBiH and Republika

Srpska governments are required to finance 70% of the operational costs of safe houses, whilst the remaining 30% of the costs is to be provided by the canton/municipality of the victim/survivor.<sup>154</sup> There are different practices in terms of public budget support for operational costs of the shelters in Republika Srpska and FBiH. This causes women's CSOs to remain dependent on international donors in order to provide specialised services and assistance to women victims/survivors of GBV.

Funding difficulties impact shelters, sometimes resulting in insufficient psychological and economic support to victims/survivors. Individual counselling and support groups remain limited to some but not all shelters.<sup>155</sup> Specialised services required by the Istanbul Convention for victims/survivors of sexual violence are lacking, as there are no crisis and counselling centres in the country specifically for victims/survivors of rape and sexual violence.

<sup>147</sup> Women Against Violence European Network, *Mapping of Sexual Violence Services in the Western Balkans and Turkey*, Vienna, Women Against Violence European Network, 2019, [https://cssplatform.org/wp-content/uploads/2019/10/CSSPWAVE\\_SVReport190927\\_web.pdf](https://cssplatform.org/wp-content/uploads/2019/10/CSSPWAVE_SVReport190927_web.pdf), (accesses 4 August 2020), p. 7.

<sup>148</sup> Ibid.

<sup>149</sup> The Advocates for Human Rights & Human Rights in Democracy, *Stakeholders Report for the United Nations Universal Periodical Review*, Minneapolis, The Advocates for Human Rights & Human Rights in Democracy, 2019, p. 7.

<sup>150</sup> OSCE, *Survey on Well-Being and Safety of Women in Albania*, OSCE, 2019, p. 15.

<sup>151</sup> Information shared with Kvinna till Kvinna by a partner organisation in BiH.

<sup>152</sup> OSCE, *Survey on Well-Being and Safety of Women in Bosnia and Herzegovina*, OSCE, 2019, <https://www.osce.org/secretariat/423470?download=true> (accessed 23 May 2020).

<sup>153</sup> Ibid.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> OSCE, *Survey on Well-Being and Safety of Women in Bosnia and Herzegovina*, OSCE, 2019, p. 15.

BiH has two available SOS helplines for victims/survivors of violence, one operating in FBiH and the other one in Republika Srpska. Helplines in both entities are managed by shelters, while their maintenance is provided by entity-level gender centres.<sup>157</sup> Helplines are free of charge and operate 24-hours, seven days per week.<sup>158</sup> However, women's awareness of the existence of the SOS helplines remains low. Data from an Organization for Security and Co-operation in Europe (OSCE)

survey conducted during the reporting period indicates that only 56% of women in FBiH and 49% of women in Republika Srpska have heard of the helplines in their respective entities, however, they were not sure if the services were free, which discouraged them from reaching out.<sup>159</sup> The lack of accessibility to information about the available helplines remains a barrier for victims/survivors in need of those services.

## KOSOVO

Currently in Kosovo there are nine shelters for victims/survivors of DV, one for children and one for victims/survivors of human trafficking.<sup>160</sup> They are all managed by CSOs with partial funding from the Ministry of Labour and Social Welfare (MLSW) and occasionally from their respective municipalities. DV shelters are located in Gjakova, Ferizaj, Prishtina, Peja, Gjilan, Prizren, South Mitrovica and Novo Brdo, with a new one that has opened in Northern Kosovo.<sup>161</sup> The state also runs an Interim Security Facility for persons who have been trafficked. A provisional government-run quarantine shelter was set up by the Agency for Gender Equality (AGE), Ministry of Justice and the Ministry of Health during the COVID-19 pandemic lockdown.<sup>162</sup> It was used to shelter DV victims/survivors before they were admitted to the existing shelters, to ensure there was no spread of the COVID-19 virus among the staff and residents.<sup>163</sup>

DV shelters offer accommodation for up to six months, but this can be extended in agreement with the MLSW. The shelters assist victims/survivors in their recovery and reintegration processes. Staff is licenced from the MLSW and though they offer skilled services to victims/survivors, they only earn a minimum wage.

Being dependent on institutional funding, the women's CSOs operating shelters face constant funding struggles, sometimes risking complete shutdown.<sup>164</sup> In 2019, shelters faced a serious funding crisis due to the lack of a specific MLSW budget line dedicated to shelters, as well as constant funding delays. Driven from the women's CSOs' advocacy, led by the Kosovo Women's Network (KWN), the Kosovo Assembly ensured funding for DV victims' shelters through a special amendment to the Budget Law 2019. Still, the shelters did not receive any support for the first months of the year. MLSW issued a delayed call for financing for the year of 2020, thus causing another funding gap for the shelters.<sup>165</sup> The funding, and therefore operational, gaps in this as well as the previous reporting period are of serious concern, and have massive impacts on victims/survivors of GBV. During 2019, the Ombudsperson Institution reported that 111 women victims/survivors of GBV/DV<sup>166</sup> were housed in the shelter in Prishtina, 105 cases in the shelter in Gjakova, and 47 cases in the shelter in Ferizaj.<sup>167</sup> Between January and July 2020, women's CSOs reported a total of 218 women and children housed in shelters in Gjakova, Peja, Prizren, Ferizaj, Gjilan, Prishtina, Mitrovica.

<sup>157</sup> Ibid.

<sup>158</sup> Halilović, M., *Analysis of the Cost of Domestic Violence: Estimating the Cost of Multi-Sectoral Response at the Local Level in Bosnia and Herzegovina*, Sarajevo, UN Women, 2019, <https://tinyurl.com/y2ycs6nw>, (accessed 23 September 2020), p. 53.

<sup>159</sup> OSCE, *Survey on Well-Being and Safety of Women in Bosnia and Herzegovina*, OSCE, 2019, p. 55.

<sup>160</sup> Ministry of Justice of the Republic of Kosovo, *Public Information Calling the Victims of Domestic Violence to Report their Cases Providing the Contacts of the Shelters and Police* [website], <https://md.rks-gov.net/page.aspx?id=1,15,2208>, (accessed 12 May 2020).

<sup>161</sup> The shelter is primarily for Serbian persons. It is state-run through a collaboration between three municipalities.

<sup>162</sup> UN Women Europe and Central Asia, 'Temporary Shelters set up to Quarantine Safely Domestic Violence Survivors in Kosovo', *UN Women Europe and Central Asia*, 2020, <https://eca.unwomen.org/en/news/stories/2020/5/temporary-shelters-set-up-to-quarantine-safely-domestic-violence-survivors>, (accessed 12 May 2020).

<sup>163</sup> E. Travers, 'Reports of Domestic Violence Increase in 2020', *Prishtina Insight*, 13 May 2020, <https://prishtinainsight.com/reports-of-domestic-violence-increase-in-2020/>, (accessed 4 August 2020).

<sup>164</sup> Kosovo Women's Network, 'Letër shqetësuese nga Strehimoret e Kosovës për Koordinatorin Nacional', Prishtina, Kosovo Women's Network, 2019, <https://womensnetwork.org/sq/leter-shqetesuese-nga-strehimoret-e-kosoves-per-koordinatorin-nacional/>, (accessed 12 May 2020).

<sup>165</sup> Ibid.

<sup>166</sup> Republic of Kosovo Ombudsperson Institution, *Raporti Vjetor 2019* (Annual Report 2019), Prishtina, Republic of Kosovo Ombudsperson Institution, 2020, <https://www.oik-rks.org/2020/04/02/raporti-vjetor-2019/>, (accessed 9 May 2020).

<sup>167</sup> Information shared with Kvinna till Kvinna by a partner organisation in Kosovo.

The existing legal framework does not task institutions with adequate responsibilities regarding DV shelters. The duty towards social services is dispensed between the municipalities and the MLSW.<sup>168</sup> The administration of social services is set as a sole responsibility of the municipal authorities,<sup>169</sup> whereas the responsibility for establishment and supervision of such services remains with the Ministry.<sup>170</sup> In this setup, the contracting of sheltering services for victims/survivors of DV provided through the licenced women's CSOs is impaired by the limited funding.<sup>171</sup> Further, their funding sustainability suffers from the underfunding and inappropriate administration of the funds from the Ministry. Proper oversight by the Department of Social Welfare has been insufficient. The lack of reintegration programs, social housing, and options for securing economic independence continue.<sup>172</sup> Further funding challenges are elaborated later in this chapter (see: "Allocation of Funds for Combatting Gender-based Violence").

The National Strategy on Protection from Domestic Violence and the corresponding National Action Plan (NAP) 2016-2020 recognises the responsibility to offer protection services to the most disadvantaged groups. This, however, has not been materialised in practice. Though the need is mentioned in the National Strategy, there is still no shelter for LGBTQI+ persons, and they are sent to Tirana. Women of different ethnic backgrounds, with different abilities, gender identities, and sexualities (e.g. lesbian, bisexual) face challenges to

access the shelters and other social services.<sup>173</sup> This is not in-line with the requirements of the Istanbul Convention and requires special attention to ensure that services are equally accessible to all victims/survivors.

Kosovo Police have a general 24-hour emergency police line, which can be used for response to DV calls; response should be provided by trained Domestic Violence Investigation Units comprised of women and men. In practice, however, other officers with less adequate training, knowledge and qualifications reportedly may respond to calls due to work and staffing schedules. As such, reporting procedures may be left unhandled, delayed, and not taken seriously, as research shows that Police Officers tend to not prioritise GBV cases, thus hindering women's access to justice.<sup>174</sup> The Victims Assistance and Advocacy Office (VAAO) manages a 24-hour free helpline for the victims of GBV/DV providing information on the relevant existing services and mechanisms.<sup>175</sup> However, Victim's Advocates from VAAO now also must respond to other cases as well, which may strain their limited human resources. Although the VAAO has the proper expertise to respond to GBV/DV cases, they lack the necessary human resources to cover the entire country. Delivery of their services in Serbian, Romani, Turkish and Bosnian remains largely unavailable due to the human resource deficit of native speaking or fluent staff.<sup>176</sup> Shelters also provide phone support services, and most offer services in Albanian and Serbian.

<sup>168</sup> OSCE, Mission in Kosovo, *Shelters for the Victims of Domestic Violence in Kosovo*, Prishtina, OSCE, 2019, [https://www.osce.org/files/Report%20on%20Shelters%20for%20victims%20of%20domestic%20violence%20in%20Kosovo\\_eng.pdf](https://www.osce.org/files/Report%20on%20Shelters%20for%20victims%20of%20domestic%20violence%20in%20Kosovo_eng.pdf), (accessed 23 September 2020), p. 7.

<sup>169</sup> Law No. 03/L- 040 on Local Self Government, Article 17(1), 2008, Republic of Kosovo.

<sup>170</sup> Law No. 02/L-17 on Social and Family Services, Article 3(3), 2001, Republic of Kosovo.

<sup>171</sup> OSCE, *Survey on Well-Being and Safety of Women in Kosovo*, OSCE, 2019,

<https://www.osce.org/mission-in-kosovo/439781?download=true>, (accessed 12 May 2020), p. 28.

<sup>172</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>173</sup> *Ibid.*, p. 10.

<sup>174</sup> Kosovo Women's Network, *Kosovo Gender Analysis*, Kosovo Women's Network, 2018,

<https://womensnetwork.org/wp-content/uploads/2018/10/womens-network.pdf>, (accessed 10 September 2020), p. 1.

<sup>175</sup> *Ibid.*, p. 27.

<sup>176</sup> S. Gavric, *Mapping of Policies and Legislation on Violence Against Women and the Istanbul Convention in Kosovo*, European Women's Lobby, 2019, [https://www.womenlobby.org/IMG/pdf/ewl-kosovo\\_report\\_web.pdf](https://www.womenlobby.org/IMG/pdf/ewl-kosovo_report_web.pdf), (accessed 13 May 2020), p. 11.

## MONTENEGRO

Montenegro has six CSO-run shelters of which four are for victims/survivors of DV, one for victims/survivors of trafficking and one for LGBTQI+ victims/survivors of violence.<sup>177</sup> Montenegro has not yet achieved the shelter accommodation requirements of the Istanbul Convention. Shelters receive limited public funding and are mostly dependant on international donors. They are located unevenly throughout the country, mostly near the major cities, therefore leaving a considerable part of the country without access to shelters. This constitutes a difficulty for victims/survivors to reach out to services residing far from their homes. The accessibility of shelters and the support services remains a problem for women of different ethnic minority communities, especially Roma women, and victims/survivors with different levels of abilities.<sup>178</sup>

The limited capacities of the existing shelters also reflect on the quality and quantity of their services for the victims/survivors. Most women's CSOs that run shelters provide victims/survivors with legal aid, medical and psychosocial counselling.<sup>179</sup> Yet, for women to be able to live their lives independently of their perpetrators, who in most cases are their partners, they need long-term accommodation and employment support.<sup>180</sup> Women's CSOs require

more funding in order to be able to implement such additional services, though funding from national institutions is extremely limited (see sub-indicator "Allocation of Funds for Combatting Gender-based Violence" in this report). Women's CSOs also share concerns over licensing and other restrictions faced by CSOs providing specialised services.<sup>181</sup>

Montenegro has made no progress towards implementing Article 25 of the Istanbul Convention that requires providing services for victims/survivors of rape and sexual assault. Rape crisis or sexual violence referral centres are still unavailable. It is troubling that women have reported a limited awareness and limited knowledge of the existing shelters and their services. This is more pronounced among women living in rural areas, senior women, and unemployed women.<sup>182</sup>

There is one national SOS helpline in Nikšić and it is operated by a women's CSO with partial funding from the Ministry of Labour and Social Policy and international donors. It offers free 24-hour services in Montenegrin, Albanian and English.<sup>183</sup> Besides the national helpline, there are five other local helplines in Montenegro providing support to the DV victims/survivors run by women's CSOs.<sup>184</sup>

<sup>177</sup> OSCE, *Survey on Well-Being and Safety of Women in Montenegro*, OSCE, 2019, <https://www.osce.org/secretariat/424985?download=true>, (accessed 12 May 2020), p. 16.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Information shared with Kvinna till Kvinna by a partner organisation in Montenegro.

<sup>182</sup> OSCE, *Survey on Well-Being and Safety of Women in Montenegro*, OSCE, 2019, p. 16.

<sup>183</sup> Ibid.

<sup>184</sup> Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *GREVIO's (Baseline) Evaluation Report on Legislative and other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Montenegro*, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), 2018, <https://rm.coe.int/grevio-report-montenegro/16808e5614UNDP>, (accessed 23 September 2020), p. 36.

## NORTH MACEDONIA

Since December 2019, North Macedonia increased the number of specialised services for GBV/DV victims/survivors to 11: eight shelters and three crisis centres. Out of the 11, three are run by women's CSOs and the rest by the Ministry of Labour and Social Policy (MLSP) through the Centres of Social Welfare. Yet, the increase in the number of services has not been followed by the increase of their financial sustainability, therefore their limited capacities leave the needs of victims/survivors of GBV/DV unmet. Women's CSOs have expressed their concerns on the quality of services provided by state-run shelters and crisis centres, doubting the qualifications and knowledge of the engaged staff to provide adequate support for the victims/survivors.<sup>185</sup>

As is common at a regional level, most of the shelters are located in a few, larger cities and out of reach for women from remote areas.<sup>186</sup> Additionally, women's awareness of the existence of support services remains limited; a recent OSCE survey shows that women from rural areas believe that there is no support service available to them, whereas those from the urban area know about the shelters, although some of them believe that they provide short-term support that is only available during the daytime.<sup>187</sup> Survey respondents also doubted the security of victims/survivors, given the public knowledge of the shelter locations.<sup>188</sup>

There are three referral centres for victims of rape and sexual violence as a part of the gynaecological-obstetric clinics in Skopje, Tetovo, and Kumanovo which are run by the Ministry of Health.<sup>189</sup> They provide victims/survivors with medical care and collect forensic evidence when they wish to report their case to the police. Victims/survivors' voluntary reporting of their cases is a result of the noncompliance of the referral centres' standard operating procedures with internal police protocols and criminal procedure protocols.<sup>190</sup> The number of women who have visited the centres since their establishment in 2018, remains very low, and reflects the lack of knowledge about their services. This is a cause for concern, as GBV continues to be a problem country-wide, while victims/survivors are unaware of what their options are.

North Macedonia has three national SOS helplines providing free services for DV victims/survivors. Additionally, there is one separate helpline specifically dedicated to victims/survivors of human trafficking. The helplines are run by women's CSOs, although as noted in *Kvinna till Kvinna's* previous edition of this report, it remains unknown whether they work in full capacity. For this reporting period as well, researchers were unable to obtain confirmation on their capacity. One helpline provides limited services in the Albanian language, while no helpline services exist in other minority community languages, such as Romani or Turkish. Services are not fully sensitised to, or fully accessible for, victims/survivors with different abilities.<sup>191</sup>

<sup>185</sup> Information shared with *Kvinna till Kvinna* by a partner organisation in North Macedonia.

<sup>186</sup> OSCE, *Survey on Well-Being and Safety of Women in North Macedonia*, OSCE, 2019, <https://www.osce.org/secretariat/419264?download=true>, (accessed 27 May 2020).

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*, p. 67.

<sup>189</sup> Women Against Violence European Network, *Mapping of Sexual Violence Services in the Western Balkans and Turkey*, Vienna, Women Against Violence European Network, 2019.

<sup>190</sup> *Ibid.*

<sup>191</sup> OSCE, *Survey on Well-Being and Safety of Women in North Macedonia*, OSCE, 2019, p. 15.

## SERBIA

There are fifteen shelters in Serbia, of which nine are designated for women and children victims/survivors of DV and three for the victims/survivors of human trafficking including a recently opened state-run shelter.<sup>192</sup> Shelters are either run by the Centres for Social Welfare with state funding, or by the women's CSOs with funding from national and international donors. Although the number of shelters increased from the last year, it remains inadequate compared to the needs at the national level, according to the Istanbul Convention.

The scope and quality of services offered in shelters run by Centres for Social Welfare are limited due to funding deficits and understaffing.<sup>193</sup> As a result of these shortages, some shelters are forced to lock in their residents overnight, until the beginning of the next shift and staff change.<sup>194</sup> This limitation to the mobility of shelter residents is a cause for concern, and increased funding and staff power would be necessary to ensure this practice does not continue. Specialist support services provided by the state, as outlined in the Istanbul Convention, are almost non-existent. Instead, these services are offered by the women CSOs.<sup>195</sup> Regular monitoring of service delivered is not provided for any of the shelters.<sup>196</sup> This is an additional barrier to adequate monitoring of the implementation of the Istanbul Convention regulations. Survey data from this reporting period

indicates that only 3% of women, suffering serious incidents of physical and/or sexual violence, contacted a shelter, and out of that 3%, only 1% contacted a victim support organisation.<sup>197</sup> This is mainly due to the feelings of shame and fear or mistrust of the service providers.<sup>198</sup> Availability of these services in the rural areas is another barrier.<sup>199</sup> Access to shelters for women from ethnic minorities<sup>200</sup> and migrants/refugees continue to remain an issue throughout the country, as in previous reporting periods. Women CSOs are left to address these gaps, and have responded by providing shelters where needed, such as the centre for refugee women, run by CSO Atina.

The *National Social Housing Strategy (2021-2022)* introduces the provision of housing for victims/survivors of DV, although a limited number of municipalities can offer such services. The National Employment Service Programme has helped only a few women gain economic independence from their abusive partners.<sup>201</sup> Much improvement is still necessary in ensuring that the number of women helped by these services increases. Women's CSOs, on the other hand, provide socio-economic empowerment for the GBV victims/survivors in an effort to address the lack of such services at a state-level.

<sup>192</sup> UN Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the Fourth Periodic Report of Serbia*, UN Committee on the Elimination of Discrimination Against Women, 2019, <https://undocs.org/en/CEDAW/C/SRB/CO/4>, (accessed 16 May 2020), p. 9.

<sup>193</sup> GREVIO, GREVIO's *(Baseline) Evaluation Report on Legislative and other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Serbia*, GREVIO, 2020, <https://rm.coe.int/grevio-report-on-serbia/16809987e3>, (accessed 17 May 2020).

<sup>194</sup> *Ibid.*, p. 34.

<sup>195</sup> *Ibid.*, p. 33.

<sup>196</sup> M. Petronijević, *Mapping of Policies and Legislation on Violence against Women and the Istanbul Convention in Serbia*, Europeans Women's Lobby, 2019, [https://www.womenlobby.org/IMG/pdf/ewl-serbia\\_report\\_web.pdf](https://www.womenlobby.org/IMG/pdf/ewl-serbia_report_web.pdf), (accessed 17 April 2020), p. 11.

<sup>197</sup> OSCE, *Well-being and Safety of Women – Serbia*, OSCE, 2019, <https://www.osce.org/secretariat/419750?download=true>, (accessed 17 May 2020).

<sup>198</sup> *Ibid.*

<sup>199</sup> *Ibid.*

<sup>200</sup> GREVIO, GREVIO's *(Baseline) Evaluation Report on Legislative and other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Serbia*, GREVIO, 2020, p. 31.

<sup>201</sup> *Ibid.*, p. 15, 31.

The National Hotline for Women Victims of Violence was established as part of the Centre for Protection of Infants, Children and Youth in 2019. The institution lacks experience to provide such services, with its staff being trained just a few days before they started to work.<sup>201</sup> In the fourth edition of the *Women's Rights in Western Balkans* report, and as reported by the national network Women Against Violence, the procurement process for this national SOS helpline was problematic, as was the lack of training provided to staff who were hired to work for the helpline. In this reporting period, it can be confirmed that the National Hotline for Women Victims of Violence only provides referral services. Women's CSOs address this gap in service provision, by providing in-depth counselling, among other forms of specialised services. It is additionally problematic that the referrals of the national helpline mostly include the Centre for Social Welfare and law-enforcement agencies, and very rarely include the women's CSOs, who are providing specialist services that victims/survivors need and require.<sup>203</sup>

Twenty-two women's CSOs in Serbia run SOS helplines for women survivors of violence, of which two are for victims/survivors of human trafficking, and four are for women with different abilities<sup>204</sup> Three of the CSO-run helplines are available in ethnic-minority languages<sup>205</sup>, while the national helpline services are available only in Serbian. Women's CSO ASTRA has reported that since the beginning of 2020, the number of calls to ASTRA's SOS hotline by victims/survivors of human

trafficking has increased by 71%.<sup>206</sup> This increase is a cause for concern, and though it is most likely a result of COVID-19 lockdown measures, it nonetheless signifies that there is an increase of people experiencing human rights abuses, connected to the current pandemic and measures. Women's CSOs raised concerns on the violation of the victims'/survivors' rights on data protection by the national helpline. This has led to the Personal Data Protection Commissioner's warning to the national helpline on their breach of the victims'/survivors' rights as they were recording the victims calls without prior information or obtaining consent.<sup>207</sup> Since then, the helpline has introduced a message notifying callers that their call will be recorded.

Given the overall lack of state collaboration with women's CSOs<sup>208</sup>, the latter objected to the national helpline, arguing that its lack of professionalism and resources hinder proper service provision at the cost of the victims/survivor's protection and safety. They suggest that the state should support the work of women's CSOs through the allocation of appropriate financial resources, since many women's CSOs in Serbia have been providing these services for decades and their expertise surpasses that of the Centre for the Protection of Infants, Children, and Youth when it comes to SOS helpline services.<sup>209</sup> Furthermore, there is no publicly available data on the total number of calls received by all helplines, although most women's CSOs publish data for their helplines in their annual reports.<sup>210</sup>

<sup>202</sup> Autonomni Ženski Centar, 'There was No Need to Create a New National SOS Helpline: The First Independent Report on the Activities of the Newly Formed National SOS Helpline for Women with Experience of Violence', *Autonomni Ženski Centar*, 2020, <https://www.womenngo.org.rs/en/news/1484-there-was-no-need-to-create-a-new-national-sos-helpline-the-first-independent-report-on-the-activities-of-the-newly-formed-national-sos-helpline-for-women-with-experience-of-violence>, (accessed 1 September 2020).

<sup>203</sup> GREVIO, GREVIO's (Baseline) Evaluation Report on Legislative and other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Serbia, GREVIO, 2020, p. 31, 35-36.

<sup>204</sup> OSCE, *Well-being and Safety of Women – Serbia*, OSCE, 2019, p. 15.

<sup>205</sup> Autonomni Ženski Centar, 'National SOS Helpline: Unauthorised Recording!', *Autonomni Ženski Centar*, 2019, <https://www.womenngo.org.rs/en/news/1543-national-sos-helpline-unauthorized-recording>, (accessed 1 September 2020).

<sup>206</sup> ASTRA – Anti Trafficking Action, *Human Trafficking Victims in Criminal Proceedings: Analysis of Judicial Practice for 2019 for the Crimes of Mediation in Prostitution, Trafficking in Human Beings and Trafficking in Minors for Adoption*, ASTRA – Anti Trafficking Action, 2020, <https://drive.google.com/file/d/1T8nMxvpcAObEjB9Bc6MNPaz0GOY-tbb/view>, (accessed 1 September).

<sup>207</sup> Ibid.

<sup>208</sup> CEDAW, *Concluding Observations on the Fourth Periodic Report of Serbia*, CEDAW, 2019, p. 5.

<sup>209</sup> Information shared with Kvinna till Kvinna by a partner organization in Serbia.

<sup>210</sup> OSCE, *Well-being and Safety of Women – Serbia*, OSCE, 2019, p. 15.

## Extent to which GBV services are sensitive to the needs of Roma women

Roma women across the Western Balkan countries remain highly exposed to all forms of GBV. At the same time, evidence of incidents of violence against Roma women and the low level of its reporting to the institutions is scarce. Research reports across the region note that among the reasons that Roma woman victims/survivors do not report their cases of violence is because of the lack of trust in state institutions. They feel that professionals will not trust their experiences, that they will not receive help and support, and therefore they will risk the violence becoming even more severe.<sup>211</sup>

The majority of services in the Western Balkans are neither sensitised to Roma women, nor their specific needs, as required by Article 4<sup>212</sup> of the Istanbul Convention. Evidence shows that Roma women in the region are first of all not aware of the existence of helpline services<sup>213</sup>, and second, feel that the shelter service is not intended for them, but for women from the general (majority) population.<sup>214</sup> The region is marked with uneven distribution of shelters, mostly located near larger cities, which also constitutes an obstacle to Roma women's access to services. Roma women who reach out to institutions and shelters find it difficult to receive the same support or services that are available to other victims/survivors of DV.<sup>215</sup> Numerous CSOs report

that some professionals even resist providing services to Roma women.<sup>216</sup> However, when Roma women are accompanied by CSO representatives, they tend to receive better support. This differential treatment may be an indicator of structural racism and prejudice that reportedly takes place in various shelters and institutions.

Roma women's CSO share their concerns of the systemic and discriminatory approach by the institutions on the violence committed against Roma women:

“Roma women are often threatened by institutions with having their children taken away, so that even when they go to safe houses, they return to the perpetrators for fear of losing their children. When Roma women leave the safe houses, they often have nowhere to go but to return to their husbands. In many cases the violence is repeated, and when this happens, workers from the Centres for Social Work are angry with the women who have returned because 'now they want help again'. When we get in touch with the Centres' workers, we get answers along the lines of 'we offered her help, she refused,' or 'she returned to her husband,' as a reason for why they rejected continuing to help the women.”<sup>217</sup>

<sup>211</sup> K. Beker et al., *Regional Report on Compliance with UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Relating to Discrimination of Roma Women in the Area of Healthcare, Child Marriages and Offering Support and Protection to Roma Women in Cases of Domestic Violence*, Belgrade, BIBIJA Roma Women Centre, 2019, <https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2019/10/regional%20report%20on%20discrimination%20of%20roma%20women%20english.pdf?la=en&vs=1148>, (accessed 11 August 2020), p. 53.

<sup>212</sup> In Article 4, the Istanbul Convention calls for all implemented measures to protect the rights of victims/survivors without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, ability, marital status, migrant or refugee status, or other status. Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*, Istanbul, Council of Europe, 2011.

<sup>213</sup> K. Beker et al., *Regional Report on Compliance with UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Relating to Discrimination of Roma Women in the Area of Healthcare, Child Marriages and Offering Support and Protection to Roma Women in Cases of Domestic Violence*, Belgrade, BIBIJA Roma Women Centre, 2019, p. 53.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid.

<sup>217</sup> Information shared with Kvinna till Kvinna by partner organisation in Serbia.

According to data from a recent Committee on the Elimination of Discrimination against Women (CEDAW) report, one recorded reason why Roma women victims/survivors of DV (who have reached support services in the past) are sometimes not accepted in shelters is the number of children they have, as victims/survivors of DV have five to seven children on average.<sup>218</sup>

In Montenegro, the introduction of women's CSO outreach services for groups made vulnerable and for Roma and Egyptian settlements to promote the services of the national helpline for victims/survivors of DV, financed from the state budget and ran by women's CSO SOS Nikšić, has led to an improvement in outreach to Roma victims/survivors. In the period of March 2018 to August 2019, 51 Roma and Egyptian women and girls requested assistance through the DV national

helpline in Montenegro.<sup>219</sup> However, inability to access data from previous reporting periods means that researchers of this report do not have a baseline number, and therefore cannot confirm how much of an increase this is in comparison to previous years.

Enabling easier access to shelters and adapting services, including those offered through the helplines, to the needs of Roma women victims/survivors of GBV is essential for all the Western Balkan countries. Services also need to be provided in the Romani language. This requires states' commitment in combating GBV among the Roma community and dismantling structural racism while building trust in institutions. Coordination of state authorities with the women's CSOs working on these issues is crucial to improving the accessibility and services for Roma women.

### Extent to which GBV services are sensitised to women with different abilities

Most of the shelters throughout the Western Balkan countries are not well adapted to the needs of women with different abilities and therefore do not meet the requirements outlined in Article 4 of the Istanbul Convention. Differences in abilities include differences in mobility, vision, hearing, cognitive abilities and more, though it has been very difficult to retrieve any data regarding these various differences in abilities, and most information available is centred around shelter access for women with different mobility needs. A continuous challenge in the region is that all shelters are struggling with architectural barriers (e.g. entrance and premises, including bathrooms and toilets) not being adjusted to women with different mobility needs.<sup>220</sup> Staff often lack sensitised training to meet the needs of those with different abilities<sup>221</sup>, including sign language, availability of information in Braille<sup>222</sup>, and knowledge on how to work with beneficiaries with varying cognitive abilities or barriers. Overall, shelters face the challenge of financial resources required to hire interpreters or skilled workers with experience in this field.

Challenges to receive help or counselling via helplines are highly evident. Namely, information on helpline services adapted to women with different abilities is limited throughout the region. Additionally, women with different abilities, especially those living with financial constraints, or with a financial dependency on others, experience challenges to accessing phones, and to speak in private.

Women's CSOs in the Western Balkans highlight that institutions responsible for providing services to the victims/survivors of GBV often "forget" the women with different abilities, meaning their needs are not being met with services sensitive to their needs. It also means that there is a lack of progress in mitigating and eliminating the barriers that women with different abilities face in accessing GBV services. In Kosovo, an Ombudsperson representative reported that they were not informed if women with different abilities are allowed in shelters during the COVID-19 pandemic and confirmed that her institution did not check on them.<sup>223</sup> This indicates that monitoring is also not being adequately implemented.

<sup>218</sup> K. Beker et al., *Regional Report on Compliance with UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Relating to Discrimination of Roma Women in the Area of Healthcare, Child Marriages and Offering Support and Protection to Roma Women in Cases of Domestic Violence*, Belgrade, BIBIJA Roma Women Centre, 2019, p. 50.

<sup>219</sup> S. Elezovic, *Gender Analysis and Recommendations for Strengthening the Inclusion of Gender Perspective in the Implementation of the Action 'Improving Procedural Safeguards in Judicial Proceedings in Montenegro'*, Council of Europe, 2019, <https://rm.coe.int/gender-analysis-final-hf7/16809963c1>, (accessed 11 August 2020), p. 16.

<sup>220</sup> Information shared with Kvinna till Kvinna by partner organisations in BiH and North Macedonia.

<sup>221</sup> Information shared with Kvinna till Kvinna by partner organisations in Montenegro.

<sup>222</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>223</sup> Ibid.

**STATISTICAL DATA SHOWS:**

## NATIONAL WOMEN'S SHELTERS 2020

Countries	Total population (year of most recent census) <sup>224</sup>	Year	Meets the Istanbul Convention minimum standards	Number of Women's Shelters	Number of Beds in Women's Shelters	Number of Beds Needed in Women's Shelters	Number of Beds Missing in Women's Shelters
Albania	2 821 977 (2011)	2016	No	5	153	290	137
		2020	No	9	153	287	134
BiH	3 531 159 (2013)	2016	No	9	204	379	175
		2020	No	8	187	353	179
Kosovo	1 739 825 (2011)	2016	No	8	140	179	39
		2020	No	9	105	173	68
Montenegro	620 029 (2011)	2016	No	3	44	62	18
		2020	No	4	38	62	24
North Macedonia	2 022 547 (2002)	2016	No	5	22	202	180
		2020	No	11	101	202	101
Serbia	7 186 862 (2011)	2016	No	12	257	715	458
		2020	No	9	257	715	461

## NATIONAL WOMEN'S HELPLINES 2020

Countries	National Women's Helplines	Free of Charge	Operating 24/7	Multilingual Support
Albania	Yes	Yes	Yes	n/a
BiH	Yes	Yes	Yes	n/a
Kosovo	Yes	Yes	Yes	Occasionally
Montenegro	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	Yes*	Yes
Serbia	Yes	Yes	Yes	n/a

\* The service in minority language Albanian is not provided 24/7.

<sup>224</sup> For this research report, population statistics have been calculated in accordance with population numbers that derive from the most recent Census results available for each respective country.

# ALLOCATION OF FUNDS FOR COMBATTING GENDER-BASED VIOLENCE

The Istanbul Convention requires signatory states to allocate adequate financial and human resources for the implementation of the integrated policies, measures and programmes to combat all forms of GBV.<sup>225</sup> Without the appropriate amount of funds, the Istanbul Convention requirements can neither be properly implemented nor monitored. This presents a significant barrier to the elimination of GBV and the role of women's CSOs that are implementing and monitoring related activities, as all Western Balkan countries face major challenges in this field.

This section provides an overview of the six Western Balkan countries' allocated funds for prevention and protection from GBV. Public availability of such information remains limited, therefore Kvinna till Kvinna sent freedom of information requests to the relevant institutions,<sup>226</sup> utilising the provisions of the respective laws. Responses from all countries varied in the amount and relevancy, of information provided, with some offering only partial responses.

**The obtained information shows no significant improvement of Western Balkan governments' financial commitments to fulfil the requirements as required by Article 8 of the Istanbul Convention. Government funding is provided through different Ministries and/or bodies, and there is no integrated data on the overall amount of funds allocated for GBV in any of the six countries.**

**Women's CSOs are at the forefront of addressing GBV and providing services to the victims/survivors. Yet, the government support, both financial and otherwise, of their work remains limited. A recent study on the funding received by women's CSOs in Western Balkan countries shows only 5% of women's CSOs' funding in the region comes from their respective national governments.<sup>227</sup> Among the thematic areas funded in the Western Balkans, addressing GBV received the most funds, accounting for at least 27% of received funding.<sup>228</sup>**

## ALBANIA

MHSP is mandated to coordinate and monitor the effective inclusion of gender equality in the Public Finances Management System. The response to Kvinna till Kvinna's data request indicated that their allocation of funds was done to correspond with the obligations deriving from the National Strategy and Action plan for Gender Equality 2016 – 2020. During 2019, MHSP provided a total of 18 181 000 ALL (approx. 146 818 EUR) for the economic support of 505 DV victims/survivors and 11 800 000 ALL (approx. 95 295 EUR) for shelters and services of DV victims/survivors.<sup>229</sup>

A total of 21 516 866 ALL (approx. 173 769 EUR)<sup>230</sup> was allocated for the human trafficking centres, with 31% to the Tirana region<sup>231</sup>, 42% to Vlora<sup>232</sup> and 27% to Elbasan.<sup>233</sup> The LGBTQI+ residence centre STREHA was supported with 2 875 725 ALL (approx. 23 224 EUR).<sup>234</sup> The Albanian National Child Helpline – ALP 116 received 4 267 242 ALL (approx. 34 462 EUR), while the Counselling Line for Girls and Women received 2 926 125 ALL (approx. 23 631 EUR).<sup>235</sup>

<sup>225</sup> Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*, Istanbul, Council of Europe, 2011.

<sup>226</sup> In Albania, three freedom of information requests were sent to the relevant government institutions of which two provided responses. In BiH, requests were sent to four institution of which three responded. In Kosovo, five requests were sent to the government institutions and three responses were received. In North Macedonia six requests were sent to the government institutions on which four responses were received. In Serbia two freedom of information requests were sent and one reply was received

<sup>227</sup> N. Farnsworth et al. *Where's the Money for Women's Rights? Funding Trends in the Western Balkans*, Kvinna till Kvinna Foundation, 2020, <https://kvinnaillkvinna.org/2020/06/01/wheres-the-money-for-womens-rights-2020/>, (accessed 26 August 2020), p. 7.

<sup>228</sup> Ibid.

<sup>229</sup> Ministry of Health and Social Protection – Republic of Albania, Data requested by Kvinna till Kvinna, Response received on 18 May 2020.

<sup>230</sup> Ibid.

<sup>231</sup> 6 747 687 ALL (approx. 54 494 EUR)

<sup>232</sup> 8 976 564 ALL (approx. 72 494 EUR)

<sup>233</sup> 5 792 615 ALL (approx. 46 780 EUR)

<sup>234</sup> Ministry of Health and Social Protection – Republic of Albania, Data requested by Kvinna till Kvinna, Response received on 18 May 2020.

<sup>235</sup> Ibid.

The data request response from the Ministry of Justice, however, was limited to support for free legal aid, without providing any specific numbers. The response stated that the call for the financing of CSOs providing free legal aid had not been completed due to challenges experienced because of the COVID-19 pandemic, and therefore, no evidence on the allocation of funds for such services was provided.<sup>236</sup> This puts into question the adequacy of the state response, given the increase of DV caused by the pandemic-related lockdowns.<sup>237</sup>

The above data on the Albanian Government allocation of funds for shelters, helplines and financial support for activities related to support for GBV/DV victims/survivors indicates an overall

amount of 61 566 958 ALL (approx. 494 447 EUR). Compared to the data obtained in the previous reporting period, the government funding has seen an increase. Still, the lack of comprehensive official data on this matter presents a limitation to an effective evaluation of the government funding for prevention and protection from GBV/DV, and possibilities for conclusions. Even with the increase of funds, the total amount for country-wide mitigation, prevention, and activities related to GBV ultimately remains insufficient, not least in providing protection and support to victims/survivors. Different forms of GBV are prevalent in Albania, and more funding is needed to adequately address and respond to these issues.

## BOSNIA AND HERZEGOVINA

The BiH Agency for Gender Equality (AGE) is the main coordination mechanism for gender equality in BiH. Since June 2017, USAID has supported AGE's project "Building Capacities of Institutions for Combating Gender-Based Violence in BiH" with 850 000 USD (approx. 434 598 EUR). Within the framework of this project, at the end of 2018, AGE funded nine women's CSO with a total amount of 16 000 BAM (approx. 8 180 EUR). AGE reported an expenditure of 16 391 BAM (approx. 8 380 EUR) on prevention of GBV/DV activities in 2019. An additional amount of 8 000 BAM (approx. 4 090 EUR) was spent by the AGE for the analysis of the capacities of the judicial sector for the implementation of the Istanbul Convention in BiH, focusing on data collection. 290 000 BAM (approx. 148 274 EUR) were allocated to support activities of the FBiH Gender Centre.<sup>238</sup>

AGE's response highlighted an expenditure of 180 500 BAM (approx. 92 288 EUR) for providing support to victims of GBV in 2019. From January to May 2020, it reported 14 780 BAM (approx. 7 556 EUR) awarded as support to victims of GBV and DV. It remains unclear from AGE's response, however, whether

these funds have been allocated from the state budget, or if they were granted from international donors.

AGE also noted the support of six CSO projects aimed at increasing human security from a gender perspective, totalling 80 000 BAM (approx. 40 903 EUR) in 2020, from the Financial Mechanism for Implementing the Gender Action Plan in BiH 2018-2022 programme funded by international donors. One of these CSOs was supported for a GBV-related programme, receiving 14 780 BAM (approx. 7 500 EUR).

The Gender Centre of FBiH coordinates the implementation of the *Strategy for Prevention and Combating Domestic Violence*. According to their data request response, the Centre's annual budget for addressing DV in 2019 was 43 000 BAM (approx. 23 000 EUR), whereas its expenditure for the DV-related projects was 58 500 BAM (approx. 29 900 EUR).<sup>239</sup> The 2020 annual budget for funds allocated to preventing GBV had a notable increase, with planned annual funds of 563 000 BAM (approx. 287 800 EUR).

<sup>236</sup> Ministry of Justice – Republic of Albania, Data requested by Kvinna till Kvinna, Response received on 11 May 2020.

<sup>237</sup> AWEN Network, 'COVID-19, Threefold Increase in Calls for Help at the National Hotline for Domestic Violence Cases / Up to 6 Protection Orders Issued within One Day in Durrës District', *AWEN Network*, 2020, <https://awenetwork.org/covid-19-threefold-increase-in-calls-for-help-at-the-national-hotlinefor-domestic-violence-cases-up-to-6-protection-orders-issued-within-oneday-in-durresdistrict/?lang=en>, (accessed 8 August 2020).

<sup>238</sup> Agency for Gender Equality, Bosnia and Herzegovina, Data Requested by Kvinna till Kvinna, Response received on 27 May 2020.

<sup>239</sup> Gender Centre of BiH – Federation, Data requested by Kvinna till Kvinna, Response received on 21 May 2020.

In comparison, the Gender Centre - Centre for Equity and Equality in Republika Srpska, during 2019 spent a total of only 14 538 BAM (approx. 7 433 EUR) for combatting GBV/DV.<sup>240</sup> The expenditures occurred within the framework of the project "*Increasing Access to Better Multisectoral Services for Survivors of Violence against Women and Domestic Violence at the Local Level - Phase 2*", funded by the UN Women office in BiH. Activities included: 1) an international conference on the implementation of the Istanbul Convention; 2) an analysis of attitudes and competencies of protection service providers in the six municipalities in Republika Srpska; and 3) development of a training module for professionals working with multiple marginalised victims/survivors of GBV.

Given the inconsistency of the governments' data on their allocation of funds for prevention and protection against DV, it is difficult to assess BiH funding difference with previous years. The state's responses to Kvinna till Kvinna's data requests did not provide information on the same areas of funding as in the response received in the previous year, and the latest response showed their limited efforts on the total allocated funds for GBV. Despite the state's lack of financial support, donor support to women's CSOs working on issues of GBV in BiH, remains a significant source of funding.

## KOSOVO

Kosovo's Ministry of Finance has no official data collection mechanism for tracking allocated funds for prevention and protection from GBV/DV.<sup>241</sup> This is a challenge for monitoring funds allocated for GBV in Kosovo because, in the absence of a detailed data system, the tracking is strewn between the different relevant institutions, and a reliable and cohesive amount is unobtainable.

The AGE under jurisdiction of the Prime Minister's Office, is the main body mandated to advance gender equality. During 2019, AGE reportedly organised several capacity development trainings for the relevant stakeholders in the implementation of DV Standard Operating Procedures such as police, prosecutors, judges, victim/survivor protection officials, social workers, health professionals and shelters' staff. The total amount for these trainings was 10 713 EUR (compared to 16 770 EUR in 2018).<sup>242</sup> An assessment on the application of DV Standard Operating Procedures was conducted for 12 159 EUR, with 9 500 EUR support from the German Corporation for International Cooperation (GIZ).<sup>243</sup> Support to the process of the revision of the *Law on Protection from Domestic Violence* was provided to the Parliamentary Committee for Human Rights,

Gender Equality, Missing Persons and Petitions at the amount of 5 820 EUR, with expertise for the project provided by consultancy NIRAS-Corporate Public Management International.<sup>244</sup> Financial support to the women's CSOs addressing DV in 2019 was reduced to 5 820 EUR<sup>245</sup> from 7 490 EUR in 2018.<sup>246</sup> This constitutes a decrease from an already modest amount. This sum is not nearly enough for women's CSOs to adequately address GBV, and create programmes for supporting victims/survivors. AGE also reported spending on public activities that address GBV at an awareness-raising level, including the "16 Days of Activism against Violence Against Women" in 2019, which increased to 14 267 EUR<sup>247</sup> from 10 409 EUR in 2018.<sup>248</sup> The majority of this funding, however, was provided by the United Nations Population Fund (UNFPA) and the Swedish International Development Cooperation Agency (Sida). In 2020, AGE's spending was focused on the capacity development of its staff regarding DV with a 25 000 EUR support from Sida.<sup>249</sup> Support from international donors such as CPM International, GIZ, Sida, and UNFPA indicates that international donor organisations are providing funding for project support to fill funding gaps for the state.

<sup>240</sup> Centre for Equity and Equality of BiH – Republika Srpska, Data requested by Kvinna till Kvinna, Response received on 27 May 2020.

<sup>241</sup> Ministry of Finance – Republic of Kosovo, Data requested by Kvinna till Kvinna, Response received by phone on 14 May 2020.

<sup>242</sup> Agency for Gender Equality – Republic of Kosovo, Data requested by Kvinna till Kvinna, Response received on 20 May 2020.

<sup>243</sup> Ibid.

<sup>244</sup> Ibid. Note that funding was provided by Sida to AGE for technical support.

<sup>245</sup> Ibid.

<sup>246</sup> L. Gačanica et al, *Women's Rights in Western Balkans*, The Kvinna till Kvinna Foundation, 2019, p. 48.

<sup>247</sup> Agency for Gender Equality – Republic of Kosovo, Data requested by Kvinna till Kvinna Foundation, Response received on 20 May 2020.

<sup>248</sup> L. Gačanica et al, *Women's Rights in Western Balkans*, The Kvinna till Kvinna Foundation, 2019, p. 48.

<sup>249</sup> Agency for Gender Equality – Republic of Kosovo, Data requested by Kvinna till Kvinna, Response received on 20 May 2020.

MLSW in 2019 allocated 257 000 EUR during the reporting period to six women's CSOs running shelters for GBV victims/survivors. In 2020, the allocated funds increased to 495 000 EUR for 10 shelters.<sup>250</sup> This was allocated prior to COVID-19 reaching the country, and is a welcome increase. It is important to note that it occurred after heavy and long-term advocacy from women's CSOs, international and local institutions.

The Ministry of Justice, as a key institution in the protection from GBV/DV, reported no expenses from the state budget. This is a major cause for concern, as its activities in this matter were all financed by international donors. In 2019, the Office of the Coordinator for Protection Against Domestic

Violence (Office of the Coordinator) within the Ministry of Justice organised a training on the updates of the integrated database for DV cases with police, prosecutors, judges, victims'/survivors' advocates, and social workers. A similar training was reportedly conducted in 2020. The Office of the Coordinator also reported donor-sponsored workshops on the assessment of the Action Plan for the National Strategy for Protection against Domestic Violence and the effectiveness of the relevant mechanisms and shelters.<sup>251</sup> Though relevant officials and institutions require regular training for addressing GBV, it is worth noting that this particular training was financed by international donors rather than the state.

## MONTENEGRO

At the state level, funding for gender equality in Montenegro is mainly distributed through the Ministry of Human and Minority Rights.<sup>252</sup> In 2019, the Ministry funded 24 CSOs, with 290 000 EUR total, of which 10 were women's CSOs, receiving a total of 107 970 EUR. Women's CSOs, however, note the insufficient funding and that selection committees often lack sensitivity and understanding of gender equality.<sup>253</sup> This presents a barrier for CSOs receiving state funds for the protection and prevention of GBV. In addition to that, not all funds allocated to women's CSOs address the issues of GBV specifically. There is limited funding for protection and prevention against violence against women and for DV. Funding is mainly distributed through the public open call of the Ministry of Labour and Social Welfare. Only licenced CSOs can apply for this state funding.<sup>254</sup>

Public information on the financial resources of the Montenegrin government for the implementation of legislation, strategies and policies for preventing and combating GBV remains limited. Kvinna till Kvinna's data request based on the provisions of the Law for Free Access to Information failed to receive any response from the government during this reporting, as it did in the past report. This constitutes a major shortcoming in fulfilling the obligations of the Istanbul Convention when it comes to tracking the government's progress in implementing the NAP<sup>255</sup> as well as monitoring the implementation itself. The lack of data also indicates the government's non-transparency, major barriers to accessing information pertinent to research and policy-making and contributes to shrinking space for the watchdog role of civil society.

<sup>250</sup> Ministry of Labour and Social Welfare – the Republic of Kosovo, Data requested by Kvinna till Kvinna, Response received on 13 May 2020.

<sup>251</sup> Ministry of Justice – Republic of Kosovo, Data requested by Kvinna till Kvinna, Response received on 4 June 2020.

<sup>252</sup> N. Farnsworth et al. *Where's the Money for Women's Rights? Funding Trends in the Western Balkans*, Kvinna till Kvinna Foundation, 2020, p. 50.

<sup>253</sup> Ibid.

<sup>254</sup> Information shared with Kvinna till Kvinna by partner organisation in Montenegro.

<sup>255</sup> The current National Action Plan 2016-2020 ends at the end of 2020 and its successor is still in draft form.

## NORTH MACEDONIA

The government of North Macedonia adopted the *National Action Plan for the Implementation of the Istanbul Convention 2018 - 2023* in August 2018, shortly after ratifying the Istanbul Convention in March 2018. The document designates the responsibilities of each relevant institution with no indication of their requirement for financial contribution in combatting GBV. To meet the obligation deriving from the Action Plan, the Ministry of Justice drafted the *Law on Compensating Victims of Criminal Acts*.<sup>256</sup> The new *Law on Free Legal Aid* was adopted in May 2019 and the review process of the *Criminal Code and Criminal Procedure Law* has begun during this reporting period.<sup>257</sup> Funding of legal infrastructure revision, leading to an improved scope of protection for the victims/survivors of GBV is essential. The response of the Ministry of Justice to Kvinna till Kvinna's data request provided no information on the allocated funds for prevention and protection from GBV/DV, suggesting that the laws do not categorise victims, therefore the costs affecting GBV/DV victims/survivors cannot be estimated. Lack of gender disaggregated data, as well as data disaggregated by offense, poses challenges to collecting such information, as well as monitoring any implemented programming for the

NAP. The Ministry of Justice reported that the specified activities of the Ministry will rely on donor funding in addition to their own budget.<sup>258</sup>

In 2019, the MLSP provided a total of 5 346 000 MKD (approx. 87 014 EUR) to six CSOs working with GBV/DV victims/survivors.<sup>259</sup> In 2020 the MLSP support to women's CSOs decreased to 4 000 000 MKD (approx. 65 106 EUR) with only four organisations supported.<sup>260</sup> The allocated funds originate from the income acquired through lottery ticket sales as well as chance and entertainment games.<sup>261</sup> MLSP noted that they allocate funds to support different areas of intervention, prevention of, and protection from GBV/DV, however, no exact amount of such funding was provided in their response.<sup>262</sup>

The funding of CSOs by the North Macedonia government has increased over the years.<sup>263</sup> Yet, on an annual basis, women's CSOs receive on average 73% less government funds compared to other CSOs.<sup>264</sup> This presents a lack of government commitment towards prevention and protection from GBV/DV given that most of the services for the victims/survivors are provided by women's CSOs.

<sup>256</sup> Ministry of Justice – Republic of North Macedonia, Data requested by Kvinna till Kvinna, Response received on 19 May 2020.

<sup>257</sup> Ibid.

<sup>258</sup> Ibid.

<sup>259</sup> Ministry of Labour and Social Policy – the Republic of North Macedonia, Data requested by Kvinna till Kvinna, Response received on 20 May 2020.

<sup>260</sup> Ibid.

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> N. Farnsworth et al. *Where's the Money for Women's Rights? Funding Trends in the Western Balkans*, Kvinna till Kvinna Foundation, 2020, p. 51.

<sup>264</sup> Ibid.

## SERBIA

The Coordination Body for Gender Equality is the formal governmental mechanism mandated to ensure the implementation of the Istanbul Convention,<sup>265</sup> yet, the institution has no permanent staff or budget line allocated to discharge its mandate.<sup>266</sup> Given this fact, their response to Kvinna till Kvinna's data request for information on the amount for preventing and combatting GBV recommended asking other governmental bodies instead, which in itself is an interesting finding. This deflection from the data requested presents a barrier to obtaining data from the institution mandated to implement the Istanbul Convention. In much the same way, the Ministry of Finance asserted that the information should be requested from the responsible institutions as per the *Law on the Prevention of Domestic Violence*, as they do not have data on allocated funds for combatting GBV.<sup>267</sup>

The Serbian government's data on allocated funds to prevent and combat violence against women are not properly recorded or made available to the public, as per Article 11 of the Istanbul Convention. The government funding on this matter remains limited<sup>268</sup> with most of it provided by international donors.<sup>269</sup> This constitutes a major shortcoming in fulfilling the obligations of the Istanbul Convention, in tracking the government's progress in implementing the NAP as well as monitoring the implementation itself. It presents an additional

challenge in advocating for appropriate policy changes, as access to this data is necessary for evidence-based advocacy and policy-making.

During this reporting period, the new *National Strategy for Prevention and Elimination of Violence against Women in Family and Intimate Partner Relationships* is being drafted.<sup>270</sup> The new Law on the Planning System of the Republic of Serbia requires authorities to ensure a financial calculation and cost estimate before its adoption.<sup>271</sup> Allocation of funds for the implementation of this policy document provides the government with an opportunity to ensure a comprehensive commitment towards the prevention and protection of GBV. Funding of the wide-ranging policies by the government is essential for fulfilling the obligations of the Istanbul Convention as well as the advancement of the fight against GBV, which are yet to be evidenced. This draft legislation and accompanying processes also provide a tool for combating and measuring the progress in the fight against GBV. Women's CSOs, however, have voiced their concern on the lack of government commitment in supporting the victims/survivors of GBV/DV. One example that the organisations noted is that in February 2020, the Ministry of Justice had an open call for project grants, and out of a total of 500 million RSD (approx. 4 252 507 EUR), no grants were awarded to supporting women victims/survivors of violence.<sup>272</sup>

<sup>265</sup> GREVIO, *GREVIO's (Baseline) Evaluation Report on Legislative and other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Serbia*, GREVIO, 2020.

<sup>266</sup> Coordination Body for Gender Equality, Data requested by Kvinna till Kvinna, Response received on 15 May 2020.

<sup>267</sup> Ministry of Finance – Republic of Serbia, Data requested by Kvinna till Kvinna, Response received on 15 May 2020.

<sup>268</sup> Instead of increased funding commitments for the prevention of GBV, during this reporting period, the Serbian government focused on other investments, such as the military. During 2019, Serbia was ranked 5th globally for increasing military spending - the highest-ranking increase on military expenditure in the Western Balkans and among the highest in Europe. (Source: N. Tian et al., *SIPRI Fact Sheet April 2020: Trends in World Military Expenditure, 2019*, SIPRI, 2020).

<sup>269</sup> GREVIO, *GREVIO's (Baseline) Evaluation Report on Legislative and other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Serbia*, GREVIO, 2020.

<sup>270</sup> Ibid.

<sup>271</sup> Ibid.

<sup>272</sup> Autonomous Women's Centre, 'Press Release', *Autonomous Women's Centre*, 2020, <https://www.womenngo.org.rs/en/news/1596-press-release>, (accessed 1 September 2020).

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## NUMBER OF SANCTIONED GENDER-BASED VIOLENCE CASES

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**Sanctioning of GBV<sup>273</sup> is an essential requirement of the Istanbul Convention. Western Balkan countries have made substantial progress in adapting legislative measures against DV and some other aspects of GBV. Yet, DV and GBV law enforcement remains a concern.**

Challenges to law enforcement in the region included inadequate police response, combined with inadequate prosecution and sentencing of GBV/DV cases. Regionally, police officers have reportedly blamed victims, attempted to mediate the reported cases, ignored different forms of violence and gravity of the crimes, as well as risked the lives of the victims, by refusing to issue or properly enforce protection orders against perpetrators. For perpetrators, whose crimes do enter the judicial system, sentencing throughout the Western Balkans is lenient and oftentimes conditional, resulting only in a fine. Compensation for the victims is hardly ever imposed, even if sanctioned. Victims/survivors lack trust in institutions, and reporting is closely connected with stigmas and fears. All of this impacts the victims'/survivors' low reporting rates, setting a negative precedent for the perpetrators of violence.

Despite the lack of comprehensive and gender disaggregated data on sanctioned cases of GBV/DV, this section provides an overview depicting the gaps

and challenges in this regard. This research section seeks to provide an overview of accessible data on sanctioned GBV cases in each Western Balkan country. In doing so, it is important to note that most Western Balkan governments and relevant institutions do not have accessible data for DV cases. In assessing sanctioned cases and reporting rates, and considering that systemic GBV is a widespread issue throughout the Western Balkans, a decrease in reports does not indicate fewer cases of violence, rather, it can often indicate other external barriers to reporting. This is important to note during this reporting period especially, with regards to the current ongoing COVID-19 pandemic, emergency measures and physical distancing measures that have been taken. Decreased reporting rates may indicate that the victim/survivor is unable to, or feels unsafe to report the perpetrator, or that they lack trust in the relevant institutions. An increase in reports, on the other hand, may indicate a more accurate account of rates of violence. When it comes to femicide (the gender-based and intentional murder of women), Western Balkan governments rarely disaggregate this form of homicide from other types of murders in their databases. In most instances, when data is available, it is women's CSOs who are monitoring femicide rates, collecting data, and playing a watchdog role in GBV-related murders.

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<sup>273</sup> Due to limitations with the scope of this report, a decision was made to omit the topic of wartime sexual violence, included in previous reports, as it requires a more contextual and detailed elaboration.

## ALBANIA

There was a decrease of reported DV cases in Albania during 2019 compared to the previous year. The prosecution registered a total number of 1 140 cases in 2019 (compared to 1 209 in 2018), of which 834 (and 1 007 in 2018) made it to trial.<sup>274</sup> There were 1 024 DV perpetrators registered in 2019 (compared to 1 195 in 2018), of which 888 (and 1 069 in 2018) were brought before the courts, and 793 (826 in 2018) were convicted.<sup>275</sup>

A decreasing trend of reported DV cases was also identified in early 2020. In February 2020, there were 321 DV cases reported to the police, whilst in March this number declined to 245 cases, out of which 89 were criminally prosecuted, 33 offenders were arrested, and 141 protection orders were issued.<sup>276</sup> Women's CSO helplines, on the other hand, reported an increase of calls related to DV during this period, which coincided with the COVID-19 pandemic, highlighting the victims'/survivors' barriers to report their cases to the relevant institutions due to the emergency measures and state-sanctioned lockdowns.<sup>277</sup>

The number of reported cases of sexual harassment during 2019 saw an increase compared to 2018. The prosecution recorded 57 cases of sexual harassment in 2019 (compared to 51 in 2018), of which 34 were brought before the courts (18 in 2018).<sup>278</sup> From the reported cases of sexual harassment, 34 perpetrators were recorded (27 in 2018), the same number brought before the courts (18 in 2018), and 23 were convicted (13 in 2018).<sup>279</sup> Spousal rape remains misunderstood from the Albanian authorities thus resulting in a low rate of prosecution.<sup>280</sup> Given that spousal rape is often not

considered a crime by the authorities, it discourages victims/survivors from reporting as there is evidence and experience that the relevant authorities do not process the crime adequately.

By July 2019, the Albanian State Police reported 11 DV-related murders.<sup>281</sup> The data show that in less than two months of 2019, every eight days a woman was a victim of femicide.<sup>282</sup> In July 2020, a case of child rape was reported in the media and before the institutions, attracting vast attention. This public case involved a 15-year-old girl, who was repeatedly raped and threatened by her school guard and three other men.<sup>283</sup> The four perpetrators were arrested by the police and investigations are underway during the writing of this report. An incident as this one, that is visible in the public and in the media, sheds light on GBV and the brutality of the crimes perpetrated on women and girls' bodies.

In another case of GBV receiving public attention, the European Court of Human Rights (ECHR) published its decision on August 4<sup>th</sup>, 2020, on the case of *Tërshana v. Albania*, citing the failure of the Albanian authorities in effectively investigating the complainant's case, requested them to pay her compensation.<sup>284</sup> On 29 July 2009, the complainant was attacked with acid by an unknown assailant on the street, causing her grievous injuries.<sup>285</sup> She suspected that the attack was organised by her former husband.<sup>286</sup> The ECHR's decision on this case was a significant reminder to the state that it is responsible for combating and meaningfully investigating GBV as required by the Istanbul Convention and national legislation.

<sup>274</sup> Prokuroria e Përgjithshme, *Raport i Prokurorit të Përgjithshëm mbi Gjendjen e Kriminologjisë për Vitin 2019*, Prokuroria e Përgjithshme, 2020, p. 108, [http://www.pp.gov.al/web/kuvendit\\_raporti\\_vjetor\\_2019\\_28\\_3\\_2020\\_pp\\_perf\\_1864.pdf](http://www.pp.gov.al/web/kuvendit_raporti_vjetor_2019_28_3_2020_pp_perf_1864.pdf), (accessed 22 May 2020).

<sup>275</sup> Ibid.

<sup>276</sup> 'UNDP and Swedish Government Join Forces to Combat Domestic Violence amid COVID-19', *Medium.com*, 19 April 2020, <https://medium.com/@albania.undp/undp-and-swedish-government-join-forces-to-combat-domestic-violence-amid-covid-19-3670c09c75b1>, (accessed 22 May 2020).

<sup>277</sup> E. Ballhysa, 'Debati: Karantina dhe Dhuna në Familje : Ulje e Rasteve apo mos Raportim i Saj?', *portavendore.al*, 24 April 2020, <https://portavendore.al/2020/04/24/debati-karantina-dhe-dhuna-ne-familje-ulje-e-rasteve-apo-mos-raportim-i-saj/>, (accessed 22 May 2020).

<sup>278</sup> Prokuroria e Përgjithshme, *Raport i Prokurorit të Përgjithshëm mbi Gjendjen e Kriminologjisë për Vitin 2019*, Prokuroria e Përgjithshme, 2020, p. 93.

<sup>279</sup> Ibid.

<sup>280</sup> United States Department of State - Bureau of Democracy, Human Rights and Labour, '2019 Country Reports on Human Rights Practices: Albania', *United States Department of State - Bureau of Democracy, Human Rights and Labour*, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/albania/>, (accessed 22 May 2020).

<sup>281</sup> Ibid.

<sup>282</sup> Work with Perpetrators – European Network, 'Femicide across Albania: Every Eight Days a Woman is Killed!', *Work with Perpetrators – European Network*, 2020, <https://www.work-with-perpetrators.eu/about-us/members/woman-to-woman-on-femicide>, (accessed 22 May 2020).

<sup>283</sup> N. Bogdani, 'Qindra Protestues Marshojnë në Tiranë për t'i thënë STOP Dhunës Seksuale', *Reporter.al*, 4 June 2020, <https://www.reporter.al/qindra-protestues-marshojne-ne-tirane-per-ti-thene-stop-dhunes-seksuale/>, (accessed 12 June 2020).

<sup>284</sup> *Tërshana v. Albania* (2020) 48756/14, [https://hudoc.echr.coe.int/eng?fbclid=IwAR067Tq4YivtZqXoGA8xDuerd5besXwj7bbqmCchKd-AvFAAISM-uZO5-OI#{"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-203825"\]](https://hudoc.echr.coe.int/eng?fbclid=IwAR067Tq4YivtZqXoGA8xDuerd5besXwj7bbqmCchKd-AvFAAISM-uZO5-OI#{), (accessed on 11 August 2020).

<sup>285</sup> Ibid.

<sup>286</sup> Ibid.

## BOSNIA AND HERZEGOVINA

Legislation concerning DV in FBiH and Republika Srpska have advanced with the adoption of their respective laws on protection from DV and criminalisation of DV/GBV. Yet, the progress in implementation remains limited. Multi-sectorial cooperation of the relevant stakeholders with law enforcement is lacking, mainly in the FBiH.<sup>287</sup> There is no official data collection system for DV cases.<sup>288</sup> The FBiH database integrating data from police stations, social welfare centres, safe houses, shelters and SOS helplines has not yet become functional, despite its establishment in 2014.<sup>289</sup>

In 2019, FBiH police registered 1004 offences of DV, with 1010 reported perpetrators, of which 523 were detained.<sup>290</sup> Given that the same data are not available for the previous years, it is impossible to determine whether the number of police-reported cases has increased or decreased in this respect. In Republika Srpska, the number of cases of DV reported to the police in 2019 was 1178, a 16% increase from 2018.<sup>291</sup> The number of perpetrators of DV in 2019 was 1223, which was also an increase of 16% when compared to data from 2018, and the number of victims/survivors of DV increased by 14% in 2019, with a total of 1438 identified.<sup>292</sup> Police in Republika Srpska reported that, of the total number of victims/survivors in 2019, 488 had experienced violence perpetrated by their husbands, in 39% of the total number of victims/survivors, the type of violence was physical violence whereas in 33% of cases it was psychological violence.<sup>293</sup>

The unavailability and inaccessibility of DV/GBV data presents a major challenge in tracking the effectivity of law enforcing mechanisms at both the country and entity levels. Women's CSOs' reports, however, note the inaccuracies in assessing numbers of the police-reported cases that entered the court system.<sup>294</sup> Police discourage victims/survivors to report their cases and seek protection by blaming them, or by attempting to mediate their cases and convince them to not take actions against the perpetrators.<sup>295</sup> There have been reports of police ordering protective emergency orders with delays, thus failing to provide effective protection for victims/survivors.<sup>296</sup> Overall, DV crimes are often treated, and filed, as a disruption of the public order.

No improvements on the issues regarding the sanctioning of DV/GBV cases were observed since the previous reporting period. The lengthy processes of the court proceedings remain unsettling and discouraging. DV victims/survivors are not provided with adequate physical protection of the victim/survivor and their family during the duration of the court proceedings, leaving them susceptible to experience further threats or attacks from their perpetrators between the moment of reporting and the moment the court reaches a verdict. Additionally, Prosecutors reportedly lack the willingness to lead proper investigations of DV cases by ensuring there is supporting evidence, which would enable them to continue with the prosecution even after the victims' potential withdrawal, as provided by the law.<sup>297</sup>

<sup>286</sup> The Advocates for Human Rights & Ženski Centar Trebinje, *Bosnia and Herzegovina: Stakeholder Report for the United Nations Universal Periodic Review*, 2019, file:///C:/Users/elidel/Downloads/JS1\_UPR34\_BIH\_E\_CoverPage.pdf, (accessed 23 September 2020).

<sup>287</sup> United States Department of State - Bureau of Democracy, Human Rights and Labour, *2019 Country Reports on Human Rights Practices: Bosnia and Herzegovina*, United States Department of State - Bureau of Democracy, Human Rights and Labour, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/bosnia-and-herzegovina/>, (accessed 23 September 2020).

<sup>288</sup> OSCE, *Survey on Well-Being and Safety of Women in Bosnia and Herzegovina*, OSCE, 2019, <https://www.osce.org/secretariat/423470?download=true>, (accessed 23 May 2020), p. 14.

<sup>290</sup> Federation of Bosnia and Herzegovina – Ministry of Interior, *Informacija o Stanju Sigurnosti na Području Federacije BiH za Period Januar-Decembar 2019*. Godine, Federation of Bosnia and Herzegovina – Ministry of Interior, 2020, <http://www.fup.gov.ba/wp-content/uploads/2020/02/Informacija-2019.-godine-konacna.pdf>, (accessed 25 May 2020), p. 12.

<sup>291</sup> Министарство Породице, Омладине и Спорта, Република Српска, *Информација о Спровођењу Општет Протокола о Поступању у Случајева Насиља у Породици за 2019. Године у Републици Српској*, 2020, <https://tinyurl.com/y35u436l>, (accessed 18 September 2020), p. 6.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> The Advocates for Human Rights & Ženski Centar Trebinje, *Bosnia and Herzegovina: Stakeholder Report for the United Nations Universal Periodic Review*, November 2019.

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

## KOSOVO

The number of DV-related cases reported to the police during 2019 increased to 1 915 from 1 541 reported in 2018.<sup>298</sup> The Victim Advocacy and Assistance Office received 1 353 reported cases of DV.<sup>299</sup> The government-sanctioned emergency measures and imposed lockdown due to the COVID-19 pandemic resulted in an increased number of GBV/DV cases in the first half of 2020.<sup>300</sup> From January until March of 2020, there was a greater number of registered cases compared to the same period in 2019.<sup>301</sup> The increase of reported DV cases during the COVID-19 pandemic was 30%.<sup>302</sup> Furthermore, over 40 cases of sexual violence were reported to the police in the first five months of 2020.<sup>303</sup> This increase of DV-related cases is reported across all ethnic groups in Kosovo.<sup>304</sup> GBV/DV-related murders have been frequent in the last years. Three women were murdered by their family members in 2019. In June 2020, another woman was killed by her husband, who had previously received a suspended sentence for committing physical violence against the victim in the past.<sup>305</sup> The lack of public and accessible data on the number of femicides makes it difficult to compare the numbers from one year to another. Nevertheless, the femicide rate remains a great cause of concern.

The Victims Advocacy and Assistance Office requested protection orders for 668 cases of DV during 2019, of which 447 were court-approved.<sup>306</sup> Data on the number of DV cases before the courts were not made available to the public.<sup>307</sup> An integrated database enabling the monitoring and prosecution of DV cases in Kosovo was established in early 2019,<sup>308</sup> yet the institutions have demonstrated reluctance to utilise it.<sup>309</sup> This reluctance is an obstacle to data collection for research and advocacy purposes, but also indicative of how data collection for GBV or DV is not prioritised.

The right to compensation for the family of a DV victim, murdered by her husband in 2011 was established in a ruling by the Basic Court in Prizren on November 2019, following the decision of the Constitutional Court, which confirmed the failure of the state to protect the victim.<sup>310</sup> Yet, the State Advocacy Office filed a complaint against the decision, claiming the responsibility of the Kosovo Judicial Council for the compensation, thus bringing the case before the Appeal Court, where it remains during the writing of this report.<sup>311</sup>

<sup>298</sup> 'Komunikatë për Media', *Kosovo Police*, 15 April 2020, <https://www.kosovopolice.com/komunikate-per-media-5/>, (accessed 13 April 2020).

<sup>299</sup> B. Iberdemaj, 'Gratë dhe Thirrjet e Humbura për Mbrojtje nga Dhuna në Familje', *Kallxo.com*, 14 April 2020, <https://kallxo.com/gjate/analize/grate-dhe-thirrjet-e-humbura-per-mbrojtje-nga-dhuna-ne-familje/>, (accessed 13 May 2020).

<sup>300</sup> E. Billaca, 'Worrying Increase in Cases of Domestic Violence in Kosovo', *Voice of America*, 15 April 2020, <https://www.zeriamerikes.com/a/kosovo-osce-domestic-violence/5373091.html>, (accessed 13 April 2020).

<sup>301</sup> 'Komunikatë për Media', *Kosovo Police*, 15 April 2020, <https://www.kosovopolice.com/komunikate-per-media-5/>, (accessed 13 April 2020).

<sup>302</sup> 'UN Women: Ka rritje të dhunës në familje për 30 për qind', *epokaere.com*, 27 April 2020, <https://www.epokaere.com/un-women-ka-rritje-te-dhunes-ne-familje-30-per-qind/>, (accessed 10 September 2020).

<sup>303</sup> B. Bajrami, 'Mbi 40 Raste të Dhunës Seksuale për Pesë Muaj në Kosovë', *Koha.net*, 25 May 2020, <https://www.koha.net/arberi/223236/mbi-40-raste-te-dhunes-seksuale-per-pese-muaj-ne-kosove/>, (accessed 13 June 2020).

<sup>304</sup> KoSsev Portal, 'Domestic Violence Cases on the Increase Compared to Last Year', *KoSsev*, 24 April 2020, <https://kossev.info/domestic-violence-cases-on-the-increase-compared-to-last-year/>, (accessed 13 April 2020).

<sup>305</sup> B. Iberdemaj, 'Dështimi në Parandalim, i Dyshuari për Vrasjen e Gruas e Kishte Rrahur edhe më Parë me Bisht të Sëpatës', *Kallxo.com*, 30 July 2020, <https://kallxo.com/ligji/deshtimi-ne-parandalim-i-dyshuari-per-vrasjen-e-gruas-e-kishte-rrahur-edhe-me-pare-me-bisht-te-sepates/>, (accessed 26 August 2020).

<sup>306</sup> B. Iberdemaj, 'Gratë dhe Thirrjet e Humbura për Mbrojtje nga Dhuna në Familje', *Kallxo.com*, 14 April 2020.

<sup>307</sup> Ibid.

<sup>308</sup> UN Women Europe and Central Asia, 'Kosovo to Start Using an Integrated Database for Cases of Domestic Violence', *UN Women Europe and Central Asia*, 2019, <https://eca.unwomen.org/en/news/stories/2019/04/kosovo-to-start-using-an-integrated-database-for-cases-of-domestic-violence>, (accessed 13 May 2020).

<sup>309</sup> B. Iberdemaj, 'Gratë dhe Thirrjet e Humbura për Mbrojtje nga Dhuna në Familje', *Kallxo.com*, 14 April 2020.

<sup>310</sup> B. Iberdemaj, 'Court Awards Family of Diana Kastrati 950000 Euros in Compensation', *Prishtina Insight*, 11 September 2019, <https://prishtinainsight.com/court-awards-family-of-diana-kastrati-950000-euros-in-compensation/>, (accessed 13 May 2020).

<sup>311</sup> B. Iberdemaj, 'Shteti Ankohet për Kompensimin e Familjes së Diana Kastratit', *Kallxo.com*, 29 October 2019, <https://kallxo.com/lajm/video-shteti-ankohet-per-kompensimin-e-familjes-se-diana-kastratit/>, (accessed 13 May 2020).

The DV case sanctioned with life imprisonment, the highest sentence, was issued in 2018 for the murder of a woman and her 9-year-old daughter by the woman's husband. The September 2018 verdict was returned for retrial by a Supreme Court decision on June 2019, despite the strong protest against a retrial by women's CSOs.<sup>312</sup>

Professionals, including women's CSOs, representing victims/survivors have shared numerous accounts of the inadequate handling of DV cases from the responsible institutions. They indicate that mishandling of the case, lenient sentencing, failure to issue obligatory protection or

removal orders or inadequate response, all serve as push factors for the perpetrators to re-offend. A stance of dissatisfaction with the Kosovo Police on their overall treatment of DV cases is common, starting with the inadequate interviewing of the victims to the measures they take against the perpetrators.<sup>313</sup> Alongside police responses, courts have also been widely criticised in their negligent handling of DV-related trials, namely for re-traumatisation of victims/survivors through repeated unnecessary interviews, lack of court infrastructure to protect victims/survivors from facing their perpetrators, as well as the violation of other Criminal Code Procedures.<sup>314</sup>

## MONTENEGRO

Data on the number of reported and sanctioned cases of GBV/DV for 2019 have, at the time of writing this report, not yet been made available to the public. A database enabling the exchange of information between the Ministry of Interior, the Police Directorate, the Ministry of Social Welfare and Centres for Social Work on the cases of DV was established in May 2019.<sup>315</sup> Results in increasing the effectiveness of institutions on tracing and combating DV remain to be seen. Willingness and commitment to the effective utilisation of the database is imperative to ensure that it serves its purpose of inter-institutional coordination on addressing DV.

Montenegro's legislation on DV/GBV is largely aligned with the Istanbul Convention, with the exception of sexual harassment, which remains unsanctioned by the law, contributing to a great number of unprotected victims/survivors. Aside from the advanced legislation, reports have noted little progress on its effective enforcement. The lack of political will for promotion and protection from GBV is mainly reflected through poor inter-institutional coordination. Victims/survivors criticise

the slow and inadequate handling of their cases, which is one of the main impediments to reporting. Obstacles to reporting are of serious concern, as they can lead to ongoing or increased risks of violence.

Cultural factors embedded in institutions constitute major challenges to the effective protection of GBV victims/survivors. Police regularly places the burden of proof on the victim/survivor, often taking the side of perpetrators.<sup>316</sup> Although the law provides for the perpetrators to be evicted from the home in cases of DV, this is rarely applied by the police.<sup>317</sup> Instead, the victims/survivors and their children are sent to shelters with temporary accommodation. In the absence of alternative housing and financial constraints to ensure it, DV victims/survivors have no alternative but to return to their perpetrators. This gap in services and institutional responses is of serious concern and has been reported in previous editions of *Women's Rights in Western Balkans*. During this reporting period, improvement in this regard has neither been noted in the accessible data and resources, nor by women's CSOs combatting GBV.

<sup>312</sup> KWN, 'RrGK Kundër Kthimit në Rigjykim të Rastit të Vrasësit Pjetër Nrecaj', *KWN*, 2019, <https://womensnetwork.org/sq/rrgk-kunder-kthimit-ne-rigjykim-te-rastit-te-vrasesit-pjeter-nrecaj/>, (accessed 13 May 2020).

<sup>313</sup> B. Iberdemaj, 'Gratë dhe Thirrjet e Humbura për Mbrojtje nga Dhuna në Familje', *Kallxo.com*, 14 April 2020.

<sup>314</sup> Ibid.

<sup>315</sup> Delegation of the European Union to Montenegro, 'The Domestic Violence Data Base has been Established', *Delegation of the European Union to Montenegro*, 2019, [https://eeas.europa.eu/delegations/montenegro/63167/node/63167\\_id](https://eeas.europa.eu/delegations/montenegro/63167/node/63167_id), (accessed 30 May 2020).

<sup>316</sup> OSCE, *Survey on Well-Being and Safety of Women in Montenegro*, OSCE, 2019.

<sup>317</sup> Ibid., p. 16.

Lenient sentencing of DV by the courts remains a key concern in Montenegro, and a symptomatic trend in the Western Balkans. Although by law, DV is punishable by a one to 10 year prison sentence, in practice, Montenegrin courts generally sanction the perpetrators with fines or imprisonment averaging up to three years.<sup>318</sup> Psychological and sexual violence for the most part remain unprosecuted.<sup>319</sup> In November 2019, a perpetrator of sexual violence was convicted with only six months of imprisonment by the Bijelo Polje High Court, following the trial court ruling that initially freed the perpetrator.<sup>320</sup>

The number of protection orders remains low, even in cases of repeated violence.<sup>321</sup>

In Montenegro, a significant geographical difference in law enforcement remains. The police reaction towards victims/survivors from different ethnic communities is believed to be inadequate and based on prejudicial notions. Further, the information on reporting DV in languages other than Montenegrin is unavailable, thus resulting in unequal access to the state protection for ethnic minority victims/survivors.<sup>322</sup>

## NORTH MACEDONIA

North Macedonia continues to face challenges when it comes to institutional responses to GBV. The Gender Equality Platform reported that there were three femicides from January until summer of 2020, and in all cases, institutions knew about the cases as violence had been previously reported, yet they failed to provide adequate protection.<sup>323</sup>

During this reporting period, North Macedonia witnessed a slight decrease in the number of DV cases reported to the police. According to the data from the Ministry of Interior,<sup>324</sup> in 2019 there was a total of 989 (compared to 1 006 in 2018) reported criminal offences related to DV, of which 588 were cases of bodily injuries (506 women victims/survivors), 23 with severe bodily injuries (14 women victims/survivors), 366 cases of criminal offences endangering security (318 women victims/survivors) and five were cases of femicide. From January to March of 2020, there were 241 newly 207 were women victims/survivors. During the

COVID-19 pandemic lockdown, however, North Macedonian police recorded a decreased number of DV cases compared to the same period of 2019, which may indicate DV victims'/survivors' inability to access a safe space from which to report their cases while self-isolating with the perpetrator. During the country lockdowns, as part of COVID-19-related emergency measures, two women were killed by their partners.<sup>325</sup> Similarly, in the period of April to June 2020, the Ministry of Interior reported 193 criminal DV-related offences compared to 226 in the same period of 2019.<sup>326</sup>

On the other hand, in 2019 the MLSP,<sup>327</sup> recorded 1555 new cases of DV with 1 135 women victims/survivors and 173 children victims/survivors. For the period between 1<sup>st</sup> of January and 15<sup>th</sup> of May 2020, there were 505 newly registered cases of DV. Psychological violence (in 1 275 cases) and physical violence (in 787 cases) were the most often reported forms of DV.

<sup>318</sup> United States Department of State - Bureau of Democracy, Human Rights and Labour, '2019 Country Reports on Human Rights Practices: Montenegro', *United States Department of State - Bureau of Democracy, Human Rights and Labour*, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/montenegro/>, (accessed 30 May 2020).

<sup>319</sup> OSCE, *Survey on Well-Being and Safety of Women in Montenegro*, OSCE, 2019, p. 12.

<sup>320</sup> Ibid.

<sup>321</sup> Ibid., p. 12.

<sup>322</sup> Ibid., p. 58.

<sup>323</sup> Gender Equality Platform, 'Реакција: Ненавремената реакција на полицијата може да резултира во фемцид', *Gender Equality Platform*, 2020, <https://tinyurl.com/y4lmffm5>, (accessed 18 September 2020).

<sup>324</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>325</sup> Z. Hajro Jajaga, 'Shkup: Dy Viktima nga Dhuna në Familje Gjatë Pandemisë - Nuk Raportohen Rastet', *Radio Evropa e Lirë*, 16 May 2020, <https://www.evropaelire.org/a/30615661.html>, (accessed 3 June 2020).

<sup>326</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>327</sup> Ibid.

Women's CSOs state that not all the cases of DV reported to the police are recorded as such. Sometimes they are classified as misdemeanours for disturbing public order and peace, therefore they do not receive the status of DV.<sup>328</sup> Such misclassifications have also been confirmed by the 2019 Annual Report of the Ministry of Interior, where it is identified that police stations received 3196 complaints of DV and 470 of those were classified as misdemeanours.<sup>329</sup> Women's CSOs also note that many of the cases reported to the police are related to physical violence, while the victims/survivors do not report other forms of violence, such as psychological or economic violence, because they believe that the police officers will not act on this type of violence.<sup>330</sup> At times, DV victims/survivors withdraw their statements, meaning that the reports will no longer be registered as DV-related, only as complaints, upon which police take no further action.<sup>331</sup> Moreover, police officers

sometimes refer DV victims/survivors to Centres for Social Welfare only if children are involved.<sup>332</sup> This is problematic because women victims/survivors of GBV should receive referrals to the centres regardless of whether or not they have children or if their children were victims/survivors as well.

Although the Ministry of Interior and MLSP are required to cooperate and inform each other about new reported cases, this does not happen in practice.<sup>333</sup> The lack of an integrated database for the cases of GBV/DV presents a major challenge both to having a unified number of the reported cases before the relevant institutions, and their corresponding sanctioning. In the absence of such data, it is difficult to follow the trend of the reported cases from one year to another and conduct analysis regarding the institutional effectivity in dealing with them, and perform a monitoring, and advocacy role.

## SERBIA

In 2019, the police recorded a total of 28 214 cases of DV in Serbia. The data show that 68% of reported DV cases were assessed by the police as "high risk". What has been done in the DV cases that have not been assessed as high risk and for which no order of urgent measures has been issued, cannot be concluded on the basis of the available data. Researchers are also unable to access data on what steps have been taken for those that have been assessed by the police as high risk. Bearing in mind that Serbia has high femicide rates and attempted homicides of women in the context of partner and family relations, it is necessary to investigate further whether risk assessment and management were appropriate in these situations.<sup>334</sup>

The gendered nature of violence against women in partnership and in the family is consistently shown in the gender disaggregation of perpetrators and victims/survivors, according to data retrieved by Autonomous Women's Centre in the form of

Freedom of Information requests. Women are predominantly victims/survivors of violence perpetrated by their current or former partners (in 69% of cases), as well as other male relatives (approximately 24%). Where men are victims/survivors of DV, in 73% of the cases violence was perpetrated by other family members who are men.<sup>335</sup>

Representatives of the prosecution proposed the extension of 97% of all police orders for urgent measures, and representatives of the court adopted 96% of prosecutorial proposals. This means that in 2019, in Serbia, as many as 93% of police orders for emergency measures (48 hours) were extended by 30 days. Nine percent of perpetrators violated orders, however, given this data, there is no way to estimate how many violations went unreported, or how many reported violations were inadequately processed by the authorities.<sup>336</sup>

<sup>328</sup> Ibid.

<sup>329</sup> Министерство за Внатрешни Работи, *Годишен Извештај на Министерството за Внатрешни Работи, 2019*, <https://tinyurl.com/yxbo755k>, (accessed 1 September 2020).

<sup>330</sup> Information shared with Kvinna till Kvinna by partner organisation in North Macedonia.

<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

<sup>333</sup> Ibid.

<sup>334</sup> Т. Ignjatović, *Primena Zakona o Sprečavanju Nasilja u Porodici u Srbiji za Period Januar – Decembar 2019. Godine, Osmi Izveštaj o Nezavisnom Praćenju Primene Zakona*, Belgrade, Autonomous Women's Centre, 2020, [https://www.womenngo.org.rs/images/vesti-20/Osmi\\_nezavisni\\_izvestaj\\_jan\\_dec\\_2019.pdf](https://www.womenngo.org.rs/images/vesti-20/Osmi_nezavisni_izvestaj_jan_dec_2019.pdf) (accessed 11 August 2020), p. 1.

<sup>335</sup> Ibid, p. 2.

<sup>336</sup> Ibid, p. 1.

The data shows that the long-term protection of victims/survivors of DV remains a "weak spot". Prosecutors' offices in Serbia have filed lawsuits for protection measures in only 2% of violent cases for which urgent measures have been extended, and civil proceedings, although urgent, are proving ineffective, indicated by the recurrence of violence.<sup>337</sup> Thirty percent of perpetrators who received emergency measures repeated the violence.<sup>338</sup>

Based on the data from the Second Basic Public Prosecutor's Office in Belgrade, the number of criminal indictments against the perpetrators of DV in Belgrade's surrounding suburbs decreased from 654 in 2018 to 414 in 2019. The prosecutor's office rejected nearly one quarter of the total number of DV incitements filled in 2019, considering them unfounded. Detention was ordered against 120 perpetrators of DV whose cases went through the court, while emergency measures of removal from the home and banning communication with the victim/survivor were applied against 515 perpetrators. During 2019, based on the indictments from the Second Basic Public Prosecutor's Office in Belgrade, 135 perpetrators of DV were convicted, plea bargaining was concluded for 60 perpetrators, and security measures were imposed against 33 perpetrators. A total of 230 perpetrators were criminally sanctioned. In 2019, the court acquitted five cases and one-third received a prison sentence, of which the highest sentence was six years.<sup>339</sup>

A comparison of quantitative data from the records kept in the Ministry of Internal Affairs and the Public Prosecutor's Office from 2019 with data from 2018 indicates certain trends in key parameters: reports

of violence increased by 10% compared to 2018; the recurrence of acts of violence increased to 60% compared to the previous year; 42% more individual plans for protection and support of victims were made compared to 2018.<sup>340</sup>

Although it is impossible to determine the number of women who died as a direct result of GBV/DV,<sup>341</sup> the trends of high rates of femicide show no decrease over the years in Serbia.<sup>342</sup> High numbers of femicide are of the utmost concern and require immediate addressal at the institutional level.

Regarding victims/survivors of trafficking, data on 29 court decisions reached in criminal proceedings during 2019 were made available from the Basic, Higher and Appellate Courts in Serbia.<sup>343</sup> First instance verdicts included 16 judgements which covered a total of 18 perpetrators: six persons were charged with the crime of human trafficking, two were charged with human trafficking and mediation in prostitution, nine were charged with mediation in prostitution and one was accused of trafficking minors for adoption.<sup>344</sup> That same year, there were a total of 37 injured parties in the first instance decisions, of which 14 (38%) were minors at the time of the commission of the criminal offense.<sup>345</sup> Thirty-six injured persons (97%) were female, while only one injured person was male (3%).<sup>346</sup> Second instance judgments include 13 court decisions rendered during 2019.<sup>347</sup> The total number of perpetrators in these judgements was 21.<sup>348</sup> The court verdicts show a trend of mild penal policy and a large number of plea agreements.<sup>349</sup> Since the beginning of 2020, women's CSO ASTRA's Victim Support Team identified 22 new victims/survivors of human trafficking.<sup>350</sup>

<sup>337</sup> Ibid.

<sup>338</sup> Ibid, p. 2.

<sup>339</sup> Tanjug, 'Drugo Turobstvo: Pad Krivičkih Dela Porodično Nasilje', *Dnevnik*, 03 January 2020, <https://www.dnevnik.rs/hronika/drugo-tuzilastvo-pad-krivicnih-dela-porodicnog-nasila-03-01-2020>, (accesses 18 May 2020).

<sup>340</sup> T. Ignjatović, *Primena Zakona o Sprečavanju Nasilja u Porodici u Srbiji za Period Januar – Decembar 2019. Godine, Osmi Izveštaj o Nezavisnom Praćenju Primene Zakona*, Belgrade, Autonomous Women's Centre, 2019, p. 3.

<sup>341</sup> K. Stevanović, 'Dan Sećanja na Žene Žrtve Nasilja u Srbiji: Od Početka Godine Šest Žena Ubijeno u Porodičnom Nasilju', *BBC na Srpskom*, 18 May 2020, <https://www.bbc.com/serbian/lat/srbija-52704802>, (accessed 18 May 2020).

<sup>342</sup> K. Đorđević, 'Osam Žrtava Porodičnog Nasilja od Početka Godine', *Politika*, 18 May 2020, <http://www.politika.rs/sr/clanak/429841/Друштво/Осам-жртвава-породичног-насилја-од-почетка-године>, (accessed 18 May 2020).

<sup>343</sup> ASTRA – Anti Trafficking Action, *Human Trafficking Victims in Criminal Proceedings: Analysis of Judicial Practice for 2019 for the Crimes of Mediation in Prostitution, Trafficking in Human Beings and Trafficking in Minors for Adoption*, ASTRA – Anti Trafficking Action, 2020, p. 9.

<sup>344</sup> Ibid., p. 10.

<sup>345</sup> Ibid., p. 14.

<sup>346</sup> Ibid.

<sup>347</sup> Ibid., p. 9.

<sup>348</sup> Ibid., p. 21.

<sup>349</sup> Ibid., p. 34.

<sup>350</sup> Information shared with Kvinna till Kvinna by partner organisation in Serbia.

Ineffective investigations into GBV cases rests on the persistent discrepancy between the number of criminal charges and the number of convictions, with the majority of them resulting in suspended sentences.<sup>351</sup> In 2019, for 514 perpetrators of stalking (Article 138a of the Criminal Code), criminal charges were rejected in 21% of cases, indictments were filed for only 13.4% of perpetrators, and only 9% of perpetrators were convicted.<sup>352</sup> When it comes to sexual harassment, in 2019, only 231 persons were reported, 10.4% of reports were rejected, an indictment was filed for 18.2% of persons, and only 14.3% were convicted. In 2019, no application for forced marriage was registered in Serbia.<sup>353</sup> Inadequate risk assessment to prevent GBV including femicide, and the lack of timely issuance and effective implementation of emergency protection orders is evident.<sup>354</sup> Victims/survivors who do report their abuser and decide to enter the judicial system, receive insufficient protection during the court proceedings, further putting them at-risk of violence at the hands of the perpetrator.<sup>355</sup>

Claims that the decreased number of criminal indictments reflects the decreased incidence of DV cases, remain questionable considering the lack of robust data collection and monitoring system for GBV cases in Serbia.<sup>356</sup> Even three years after the implementation of the Law on Prevention of Domestic Violence, at the time of writing this report, no central records have been established in electronic form. This electronic data collection system would facilitate monitoring and review of data from key institutions such as police, prosecutors' offices, courts and social work centres.<sup>357</sup> The lack of a system that ensures the collection of all data on all forms of violence against women, as well as the institutional response to them, indicates the lack of progress in implementing the requirements of Article 11 of the Istanbul Convention.

<sup>351</sup> ICEDAW, *Concluding Observations on the Fourth Periodic Report of Serbia*, CEDAW, 2019, p. 7.

<sup>352</sup> T. Ignjatović, *Primena Zakona o Sprečavanju Nasilja u Porodici u Srbiji za Period Januar – Decembar 2019. Godine, Osmi Izveštaj o Nezavisnom Praćenju Primene Zakona*, Belgrade, Autonomous Women's Centre, 2020.

<sup>353</sup> Ibid.

<sup>354</sup> CEDAW, *Concluding Observations on the Fourth Periodic Report of Serbia*, CEDAW, 2019, p. 7.

<sup>355</sup> OSCE, *Well-being and Safety of Women – Serbia*, OSCE, 2019.

<sup>356</sup> CEDAW, *Concluding Observations on the Fourth Periodic Report of Serbia*, CEDAW, 2019, p. 8.

<sup>357</sup> T. Ignjatović, *Primena Zakona o Sprečavanju Nasilja u Porodici u Srbiji za Period Januar – Decembar 2019. Godine, Osmi Izveštaj o Nezavisnom Praćenju Primene Zakona*, Belgrade, Autonomous Women's Centre, 2020, p. 3.

## Recommendations\*

In addition to the substantive legal framework on combating GBV and DV, the Istanbul Convention (and the UN Essential Package of Services) require the establishment of an institutional framework for policy-making, coordination of services, data

collection, monitoring and evaluation and collaboration with CSOs. The establishment of these required structures remains incomplete in the Western Balkan region.

### Number of sanctioned GBV cases

#### IN BRIEF:

**Despite progress in harmonising national legal frameworks with the Istanbul Convention, not all requirements have been transposed to the national levels, the implementation of newly-established standards remains uneven at best. Existing legal frameworks fail to effectively address all forms of violence including those disproportionately affecting women and girls from vulnerable groups. Imposed sanctions are not commensurate with the crimes and fail to serve as a deterrent.**

#### WITHIN ONE YEAR:

**Legislative amendments can be drafted to encompass: the full harmonisation of the Istanbul Convention, all forms of violence and sanctions that serve as a deterrent and are commensurate with the gravity of the crime.**

#### Governments:

- Criminalise all forms of GBV as recognised in the Istanbul Convention).
- Criminalise all forms of cyber-harassment, threats and violence.
- Amend legislation and/or protocols to require ex. officio investigations and prosecutions for gender-based crimes so that the offences are not wholly dependent upon the complaint filed by the victims/survivors and that the proceedings can continue even if the victim/survivor withdraws from the statement or complaint.
- Secure that legislation defines rape by the sole constituent element of consent.
- Amend legislation to remove fines as a sanction for DV.
- Amend criminal codes to ensure the inclusion of the aggravated circumstances set forth in the Istanbul Convention, including for crimes committed by family members.
- Introduce long-term and/or permanent protection orders, amend legislation to ensure that the violation of a protection order is criminalised.
- Abolish and sanction the practice of mediation in cases of GBV/DV.
- Create specialised units to address GBV/DV within police and prosecution.

- Develop guidelines and specialised forms to document injuries for use in criminal proceedings (Example: Austria)
- Recognise gender, sexual orientation and gender expression/identity as grounds for hate crimes.
- Establish and implement integrated databases with information on GBV cases
- Make GBV statistics accessible by the public.

#### EU institutions, other inter-governmental organisations and donors:

- Support full harmonisation of the applicable legislation with the Istanbul Convention, following the recommendations of the GREVIO reports.
- Support countries' capacities to collect gender disaggregated statistics including reported and sanctioned cases of GBV/DV.
- Fund studies on prevalence of different forms of GBV and reporting rates in Western Balkan countries as part of overall support to GBV prevention and protection programmes.

\* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.

## Number of shelters and SOS helplines

### IN BRIEF:

**Most countries in the region face a chronic shortage of shelter space, especially outside of capital cities, for GBV victims/survivors due to limited financing by states.**

### WITHIN ONE YEAR:

**Establish internal complaint mechanisms and pre-departure evaluation forms for use in all shelters as a matter of internal regulations, and ensure increased allocation to shelters and other specialised services from national and local budgets.**

### Governments:

- Ensure that specialised women's CSOs can continue to manage shelters and provide other services to women victims/survivors of GBV/DV.
- Secure sustainable funding for existing shelters and enable the increase of the number of shelters and helplines with adequate financing from the applicable budgets.
- Provide shelters and helplines services to all the victims/survivors of all forms of GBV rather than to victims/survivors of DV only.
- Ensure proportional distribution of shelters across the countries.
- Ensure the availability of all services for women from minority communities, including Roma.
- Support the development of specialised services for LGBTQI+ victims/survivors.
- Ensure shelters are accessible to victims/survivors with disabilities.
- Ensure that assistance is provided (shelters, CSOs, social workers) without a requirement of filing a criminal complaint and disclosure of personal identity.
- Create a minimum standard for shelters and helplines in-line with the Istanbul Convention in cooperation with women's CSO experts in the field to ensure the quality of services.

### EU institutions, other inter-governmental organisations and donors:

- Call on governments to allocate sufficient funds for shelters as required by the Istanbul Convention.
- Pressure governments to recognise the role of women's CSOs in providing specialised support services for women victims/survivors of GBV, lift unnecessary administrative restrictions and ensure sustainable funding of these services through long-term grants.
- Call for the implementation of the recommendations emerging from the GREVIO reports and include the recommendations in the EC Country Reports for the Western Balkans.

## Allocation of funds for combating GBV

### IN BRIEF:

**Insufficient funds, and in some countries a reduction in funds, impedes access to shelters, services and meaningful protection for victims/survivors of violence. Support for CSO-partners in providing services that the state is obliged to offer under its international commitments, must be sustained.**

### WITHIN ONE YEAR:

**Advance the application of gender-responsive budgeting to secure adequate resources for GBV services.**

### Governments:

- Allocate adequate and sustainable financial resources to women's CSOs for an inclusive service provision to women victims/survivors of GBV according to the obligations deriving from Article 8 of the Istanbul Convention.
- Ensure gender-responsive budgeting at all levels of government.
- Advance the finance systems to show all the allocated state funding for GBV/DV.
- Establish transparent mechanisms for evaluating the implementation of policies and budget use on GBV pursuant to Article 10 of the Istanbul Convention.

### EU institutions, other inter-governmental organisations and donors:

- Apply increased diplomatic and political pressure to ensure adequate state funding as per requirements of the Istanbul Convention.
- Call on governments to ensure adequate funding to women's CSOs specialised in service provision to victims/survivors of GBV/DV including through long term grants.
- Address that funding is taken from women's CSOs and CSOs and that financial support is going towards government organised non-governmental organisations across the region.
- Urge the governments to take all the necessary actions for the application of gender-responsive budgeting at all levels of government.
- Consider supporting the provision of specialised services to victims/survivors of GBV/DV provided by women's CSOs through the regional programmes such as IPA III where national and local allocations are insufficient.

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## WOMEN HUMAN RIGHTS DEFENDERS

The position of Women Human Rights Defenders (WHRDs) did not change significantly during this reporting period. Women activists are still more exposed to insults and threats both because of their activism and their gender. Analysing the situation in the six Western Balkan countries, it is notable that two main issues frame the position of WHRDs: (lack of) recognition of legal status of WHRD, and social norms (including patriarchal attitudes) towards women and thus WHRDs.

Most Western Balkan countries do not have legal definitions or legal categories for Human Rights Defenders (HRDs).<sup>358</sup> In BiH, Kosovo, Montenegro and North Macedonia, HRD,<sup>359</sup> therefore WHRD<sup>360</sup> are not recognised as a specific legal category. This means that all violations and assaults against them are considered general criminal offenses. Moreover, attacks, threats, physical and psychological assaults or intimidations reported to the state authorities are often neglected, disregarded or not investigated properly, thus contributing to a practice of impunity amongst perpetrators. Additionally, HRDs have neither easier access to institutions that could facilitate their work, nor institutional protection in cases of threats or pressures from political or societal actors.<sup>361</sup> These are factors that would facilitate their work substantially. The Declaration on Human Rights Defenders by the United Nations (UN) General Assembly set a milestone in universally recognising the essential and legitimate role played by HRDs. Not only has it provided recognition of HRDs, it has also contributed to increasing their visibility and the legitimacy of their work, as well as need for better protection. In 2019, Albania ratified the *UN Declaration on Human Rights Defenders*,

while in Serbia the Declaration has also been ratified, though the term HRD is not explicitly recognised in the legal system. Here the Criminal Code (under the title “Racial and Other Discrimination”) does specify that a penalty shall be imposed on whoever persecutes organisations or individuals due to their commitment for equality of people. There is no evidence of applying this article in the legal system of Serbia, despite the fact that there were a number of cases filed before the courts. The scope of this article is also limited only to HRDs that work on equality issues, but leaves out all other HRDs.<sup>362</sup>

WHRDs are exposed to different forms and scales of attacks on the basis of their gender. Types and means of attacks are usually motivated by the predominant, traditional social, cultural or religious norms, attitudes and values present in all Western Balkan countries. The WHRDs mostly affected by these norms are those engaged in the general field of human rights such as gender equality, gender-based violence (GBV), rights of LGBTQI+ persons, but also in fields that challenge and hold governments to account, such as corruption and war crimes.

In the Western Balkans, the acknowledgment of women's civil society organisations (CSOs) is divided between national governments' need of their knowledge, experience and data, and restrictive approaches towards civil society in general. Despite the continually shrinking space for civil society, their contributions to legislation, and furthering women's rights continues. The long battle for access and impact is still ongoing during times of uncertainty for Western Balkan democracies.

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<sup>358</sup> A. Xhaho et al., *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, <https://crd.org/wp-content/uploads/2019/12/Human-Rights-Defenders-Report.pdf>, (accessed 10 June 2020).

<sup>359</sup> HRD act individually and/or in association with others, to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels. From: United Nations Human Rights Office of the High Commissioner, *Article 1, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, <https://www.ohchr.org/en/professionalinterest/pages/rightandresponsibility.aspx>, (accessed 6 June 2020).

<sup>360</sup> According to the definition provided by Office of the High Commissioner for Human Rights, WHRDs are women who, individually or in association with others, act to promote or protect human rights, including women's rights and gender equality issues. Because of the similarities of the situations they face, the term will be considered so as to include men and non-binary human rights defenders working on gender equality issues.

<sup>361</sup> A. Xhaho et al. *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, p. 4, 50.

<sup>362</sup> Ibid.

The **Regional Coalition for Gender Mainstreaming the EU Accession Process** (consisting of partner organisations to Kvinna till Kvinna, their members and other organisations within their networks) sent an open letter to various high-ranking representatives at the European Commission, addressing, among other issues, the lack of gender perspectives in discussions on reforms that Western Balkan countries should make during the EU accession process, during the Western Balkans Summit held in Zagreb in May 2020. The open letter raised the issue of the region-wide lack of commitments to advancing gender equality, in

particular related to the worrying increase in GBV in the Western Balkans and the lack of a gendered assessment of how the COVID-19 pandemic may impact men and women differently, particularly in relation to their labour rights, considering widespread labour rights violations.<sup>363</sup> In this example, and all others in this chapter, women's CSOs show that they react quickly and consistently. Additionally, women's CSOs organise across their networks to put pressure on governments, regionally and nationally, representing women's voices in areas where they otherwise may have been silenced or underrepresented.

## ATTACKS ON WOMEN HUMAN RIGHTS DEFENDERS

This reporting period was marked by attacks, threats and harassment of WHRDs, including women activists and journalists. Attacks were not exclusively motivated by specific topics but were often rooted in the notion of gender and all that this social construct entails. Therefore, women journalists, politicians and activists were targeted and attacked in very particular and gendered ways – referring to their psychical integrity (threats of rape, insults to their appearance or sexual orientation), threats to their family members (especially their children), and discrediting their work (calling upon moral values, religious values, shaming). Social norms and patriarchal mentality continued to perpetuate various forms of violence in this reporting period. It is also important to note that in the Western Balkans, CSO offices or spaces where they organise are sites of violence, and are frequently under attack from far-right nationalists or groups with ties to ruling regimes. Regarding WHRDs who work or volunteer for these CSOs, and are public in their activism and awareness-raising, attacks may not

always be directed at them personally, rather, these WHRDs sometimes serve as magnets for attacks on their workspaces. Those who oppose the work of CSOs in the Western Balkans and attack CSO offices also add to the ongoing shrinking space reported in each edition of the *Women's Rights in Western Balkans*, including this report.

LGBTQI+ persons and activists (especially prominent/public activists) remain more targeted and attacks are constant in public spaces. LGBTQI+ persons are under threat simply on the basis of their sexual orientation, gender identity or gender expression. Very limited progress has been made in this regard in any of the Western Balkan countries. Attacks are also integrally linked to existing gaps in legislation, hate speech from government officials, and a serious lack of intervention by the police and state authorities. As a result of the hostile contexts in which people live, more LGBTQI+ persons have reportedly emigrated from countries such as Albania and BiH.<sup>364</sup>

<sup>363</sup> Regional Coalition for Gender Mainstreaming the EU Accession Process, 'Open letter - The 2020 Western Balkans Summit: A Missed Opportunity', *Regional Coalition for Gender Mainstreaming the EU Accession Process*, 2020, [https://womensnetwork.org/wp-content/uploads/2020/05/WB-Summit-Gender-Perspective\\_2020-05-15-18.pdf](https://womensnetwork.org/wp-content/uploads/2020/05/WB-Summit-Gender-Perspective_2020-05-15-18.pdf), (accessed 21 June 2020).

<sup>364</sup> ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People Covering Events that Occurred in Europe and Central Asia between January-December 2019*, Brussels, ILGA-Europe, 2020, <https://www.ilga-europe.org/sites/default/files/Annual%20Review%202020.pdf>, (accessed 1 June 2020).

For WHRDs, the most frequent channels for verbal assaults and harassments during the reporting period were social media, followed by emails and phone calls. The global COVID-19 pandemic has also had a negative impact on WHRDs, as space for activism and media freedom further shrunk in the Western Balkans. For example, in BiH, legislative proposals aimed at punishing the circulation of information that can cause social panic ran the risk of limiting the work of journalists and their freedom of expression on social media platforms. In Serbia, there have been reports of journalists who were prevented from attending press conferences, from obtaining information from health authorities or documenting the operations of law enforcement officials.<sup>365</sup> Media smear campaigns continue to be a popular method against HRDs, and in many cases, WHRDs in particular. Physical attacks on LGBTQI+ activists and journalists remain (see country-specific examples in this chapter) but are fewer in comparison to online attacks. In Montenegro, according to the *Human Rights Defenders in the*

*Western Balkans* report,<sup>366</sup> many HRDs tried to report online attacks (in the form of verbal abuse and/or threats), but these complaints have almost all been dismissed by the prosecutors who did not find in them evidence of criminal activity or sufficient grounds for raising charges. Prosecution on hate crimes or attacks on WHRDs is slow and inefficient. While formal procedures often last many years, WHRDs remain unprotected and exposed to prolonged threats and pressure. The normalisation of impunity for those crimes sends a dangerous message to all individuals and groups who target WHRDs in Western Balkan countries that their actions will likely go unpunished.

Kvinna till Kvinna tracks all incidents and attacks on WHRDs in the Western Balkans on an annual basis. The purpose of this chapter of *Women's Rights in the Western Balkans* is to report on these incidents and provide updates from previous editions of the report on ongoing proceedings where possible.

## ALBANIA

Comparing to previous reporting periods, there have been neither improvements nor actions in favour of protecting, raising awareness or promotion of WHRDs. New attacks on LGBTQI+ persons and women journalists have been registered. The Swedish-based CSO Civil Rights Defenders identifies that HRDs and WHRDs most at-risk in Albania are those working to protect the rights of LGBTQI+ communities, victims/survivors of trafficking and other forms of GBV, as well as investigative journalists that challenge the ruling government. WHRDs are particularly subject to gender-based attacks, such as online intimidation and sexual harassment.<sup>367</sup> These sexualised tactics of intimidation and harassment are not evident among men activists. According to Civil Rights Defenders, LGBTQI+ activists and those working on the rights of persons in prostitution, are subject to targeted assaults and more likely than others to face perpetual psychological violence, sexual violence and anonymous threats of physical assault. WHRDs working with victims/survivors of trafficking or cases

of domestic violence (DV), are exposed to great security risks and it is common that they are under acute threats from the perpetrators involved in the cases they are working on. WHRDs faced multiple discriminations, on grounds of both their gender and their specific personal status – their activism.

On November 12<sup>th</sup>, 2019, Anxhela, a trans woman from Tirana, was severely beaten by five men. Anxhela was sitting on a bench when she was hit on the back of her head and beaten until she was unconscious, sustaining injuries to her head and face. There have been no arrests so far, despite the area being covered with cameras. According to the Alliance Against Discrimination of LGBT People, Anxhela has been attacked frequently and has made many visits to both hospitals and police stations. Anxhela's activism makes her visible in public and civic spaces; she was an active part of the recent international LGBTQI+ conference that took place in Tirana and she was in the first row of activists who marched at the very first Tirana Dyke March.<sup>368</sup>

<sup>365</sup> Council of Europe, 'Statement by Council of Europe Commissioner for Human Rights: Press Freedom Must not be Undermined by Measures to Counter Disinformation about COVID-19', *Council of Europe*, 2020, <https://www.coe.int/en/web/media-freedom/-/press-freedom-must-not-be-undermined-by-measures-to-counter-disinformation-about-covid-19>, (accessed 10 June 2020).

<sup>366</sup> A. Xhaho et al., *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019.

<sup>367</sup> *Ibid.*, p. 6.

<sup>368</sup> 'Press Release on the Latest Attack on the Albanian Trans Activist Anxhela', *Historia Ime*, 13 November 2019, <https://www.historia-ime.com/english/press-release-on-the-latest-attack-on-the-trans-activist-anxhela/>, (accessed 28 April 2020).

Such a violent attack signifies major consequences for people working outside of heteronormative contexts, where their health and safety can be compromised to a serious degree. Negative statements and hate speech have often been used as tools against women CSO representatives as well.<sup>369</sup>

Hate speech by political leaders and public figures also increased. In October, MP Kujtim Gjuzi (Conservative Party) publicly threatened LGBTQI+ people on a prime-time political television show. The host also made negative statements. Both cases were reported to the Council of Complaints at the Albanian Media Authority, which issued a warning, but did not impose any sanctions on Gjuzi or on the channel.<sup>370</sup>

In 2020 Albania dropped two points on the 2020 World Press Freedom ranking, from 82<sup>nd</sup> to 84<sup>th</sup> place the year before.<sup>371</sup> 2019 has been described as the most difficult year for journalists in Albania due to a concerning increase in verbal and physical threats against them. Almost half of the attacks in the country were “attacks on physical safety and integrity of journalists”, followed by “harassment and intimidation of journalists”, and “other acts having a chilling effect on media freedom”.<sup>372</sup>

Albanian journalist Sonila Meco has been subjected to online abuse and harassment after certain media portals accused her of disrespecting the country's doctors in a social media post: Following a comment on Facebook, criticising comments made by a single doctor regarding Albanian nationals stuck at the border with Greece and not being able to return, the newspaper Gazeta Tema published an article picturing Meco as an enemy for national safety which resulted in public backlash and abusive online comments, included threats of sexual violence against her.<sup>373</sup>

Albanian authorities' disregard for these kinds of incidents and neglect or improper investigation, contributes to the impunity for perpetrators of attacks on WHRDs. WHRDs also report that central government authorities have tried to silence their activism by labelling them 'enemies', threatening that they would stop collaborating with them and that they would place further restrictions upon them, that would limit their access to funding and donor networks.<sup>374</sup> Such actions are not only silencing mechanisms, but they actively contribute to the repression of and shrinking space for WHRDs to safely and fully do their work.

## BOSNIA AND HERZEGOVINA

The Committee on the Elimination of Discrimination against Women (CEDAW) in their *Concluding Observations on the Sixth Periodic Report of Bosnia and Herzegovina* emphasised concerns regarding an anti-gender discourse and online threats against women politicians, journalists, human rights defenders and women's CSOs, including threats

made by high-level politicians, and the lack of effective sanctions for such acts.<sup>375</sup> As with all previous editions of Women's Rights in Western Balkans, threats, attacks and pressures remained in Bosnia and Herzegovina (BiH) during this reporting period.

<sup>369</sup> Information shared with Kvinna till Kvinna by partner organisation in Albania.

<sup>370</sup> ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People Covering Events that Occurred in Europe and Central Asia between January-December 2019*, Brussels, ILGA-Europe, 2020.

<sup>371</sup> Reporters Without Borders, *Albania* [website], <https://rsf.org/en/albania>, (accessed 24 April 2020).

<sup>372</sup> 'CoE: 2019 Was Worst Year for Albanian Media Freedom', *Exit*, 29 January 2020, <https://exit.al/en/2020/01/29/coe-2019-was-worst-year-for-albanian-media-freedom/>, (accessed 3 June 2020).

<sup>373</sup> 'Online Harassment and Abuse of Albanian Journalist Reported by Mapping Media Freedom', *Exit*, 17 April 2020, <https://exit.al/en/2020/04/17/online-harassment-and-abuse-of-albanian-journalist-reported-by-mapping-media-freedom/>, (accessed 3 June 2020).

<sup>374</sup> A. Xhaho et al., *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, p. 14.

<sup>375</sup> CEDAW, *Concluding Observations on the Sixth Periodic Report of Bosnia and Herzegovina*, CEDAW, 2019, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBIH%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBIH%2fCO%2f6&Lang=en), (accessed 6 June 2020).

<sup>376</sup> G. Katana, BH Duboko Homofobno Društvo, *LGBTI.ba*, 4 January 2020, <https://lgbti.ba/bih-duboko-homofobno-drustvo/>, (accessed 3 June 2020).

At the end of 2019, after the first BiH Pride Parade, the number of reports of attacks against LGBTQI+ persons increased.<sup>376</sup> Homophobic incidents included hostile remarks about LGBTQI+ persons by public figures, hate speech on social media and acts of violence. Incidents of violence, however, are rarely reported in the local media.<sup>377</sup> In Banja Luka for example, a lesbian couple was physically and verbally assaulted. They immediately contacted the police, however due to the hostility of the police, the couple lost faith in pursuing the case, ultimately deciding not to press charges and to leave the country in search of safety.<sup>378</sup> Kristina Ljevak, a journalist and visible ally of the LGBTQI+ rights movement, was a target of a smear campaign after being appointed the Director of TVSA, the Sarajevo Canton public broadcast television station.<sup>379</sup>

When it comes to gendered attacks on women journalists, assailants often call women journalists different epithets alluding to their physical appearance: "hags", "prostitutes", "freaks", "whores", "bitches". Assailants addressed them with derogatory language, comments regarding their physical appearance, and threats to their lives and security.<sup>380</sup> Vanja Stokić, editor of the eTrafika.net portal, recently received death threats via social media because of a photo of her with migrants in BiH on their way to EU countries. A stranger threatened her to "decapitate" not only the migrants but also "all you soul caregivers who welcome them." She reported the case to the Banja Luka police, who did not take her seriously, and told her to return in two days. Meanwhile, the threats of the unknown man continued: he contacted her again, he even contacted her friends, repeating the threats and even leaving his phone number so she could pass it to the police. It was only after a quick and sharp reaction from the public that Stokić was called to the police station to give a statement. Following this, the man was arrested, but eventually released.<sup>381</sup>

Fokus.ba journalist Semira Degirmendžić, who is responsible for the discovery of the 2020 "Respirators" affair,<sup>382</sup> was publicly condemned. A video clip appeared on social networks, saying that the worst untruths come from her, and that what she discovered was not a scandal, but "commissioned journalism". After that, posters with the image of Degirmendžić were pasted in public spaces in Sarajevo, with accompanying text that had a political message.<sup>383</sup> This was an attempt to endanger the personal safety of journalist Degirmendžić and a call for a public lynching.

Attacks were reported in political discourse as well. At a session of the National Assembly of Republika Srpska, male MP Nebojsa Vukanović made derogatory and ableist comments, stating that another MP behaved like someone with different abilities, an action he later repeated in a statement for TV N1. Ana Kotur Erkić, an activist and a woman with different abilities, reacted on her personal Facebook profile to these statements, pointing out that such statements insult and belittle people with different abilities. MP Vukanović spoke again via video, insinuating that long-time activist Kotur Erkić was politically mentored, politically engaged and a servant of the authorities in Republika Srpska, adding that she was "abusing the very population that she belongs to" and "flattering the powerful" in order to obtain funds and campaigns against his actions.<sup>384</sup> Such public attacks on WHRDs perpetrated by government authorities in positions of power are particularly harmful to WHRDs because the power dynamic is skewed in favour of the government official.

CSOs organising the International Women's Day action in 2019 in Banja Luka were subject to police interrogations due to presence of widely recognised activists from different, visible activist groups. This was an intimidation, and attempt to instil fear, discouraging activists from participating in direct actions in public places.<sup>385</sup>

<sup>377</sup> USAID, *Fact Sheet: Strengthening LGBTI Rights in Bosnia and Herzegovina* [website],

<https://www.usaid.gov/bosnia/fact-sheets/strengthening-lgbt-rights-bosnia-and-herzegovina>, (accessed 3 June 2020).

<sup>378</sup> ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People Covering Events that Occurred in Europe and Central Asia between January-December 2019*, Brussels, ILGA-Europe, 2020.

<sup>379</sup> Ibid.

<sup>380</sup> T.Gatarić, 'Milica Samardžić za VOA: Mrežom Novinarke do Boljeg Položaja Žena u bh. Medijima', VOA, 3 May 2020, <https://ba.voanews.com/a/milica-samardzic-za-voa-mrezom-novinarke-do-boljeg-polo%C5%BEaja-zena-u-bh-medijima/5402858.html>, (accessed 6 June 2020).

<sup>381</sup> I. Sandžaktarević, 'Vanja Stokić: Napad na Vanju je manje bitan, a da se desio nekom političaru, napadač bi bio istog trena priveden', *Interview*, 29 May 2020, <https://interview.ba/interview/item/32382-b-vanja-stokic-b-napad-na-vanju-je-manje-bitan-a-da-se-desio-nekom-politicar-u-napadac-bi-bio-istog-trena-priveden>, (accessed 6 June 2020).

<sup>382</sup> A scandal that took place amidst the COVID-19 pandemic, in which a Bosnian raspberry farm was granted a contract from government authorities to import overpriced respirators, despite a medical company proposing to purchase the machines at a lower price. The raspberry farm failed to deliver on the purchased respirators, leading to arrests and interrogations of those involved, including FBiH Prime Minister Fadil Novalić, the raspberry farm owner and TV host Fikret Hodžić, and Fahrudin Solak, the suspended head of Civil Protection.

<sup>383</sup> BH Novinari, 'Utvrditi ko stoji iza napada na novinarku Semiru Degirmendžić', *BH Novinari*, 2020, <https://bhnovinari.ba/bs/2014/03/26/utvrditi-ko-stoji-iza-napada-na-novinarku-semiru-degirmendzic/>, (accessed 7 June 2020).

<sup>384</sup> Mreža za Izgradnju Mira, 'Reakcija Povodom Vrijeđanja Aktivistice Ane Kotur Erkić i Osoba sa Invaliditetom od Strane Narodnog Zastupnika Vukanovića', *Mreža za Izgradnju Mira*, 2020, <https://www.mreza-mira.net/vijesti/aktivnosti-mreze/reakcija-povodom-vrijedanja-aktivistice-ane-kotur-erkic/>, (accessed 6 June 2020).

<sup>385</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

## KOSOVO

Social, political and dominant cultural norms in Kosovo have created a patriarchal system in which active work in fields of gender equality, violence against women, rights of LGBTQI+ persons and freedom of expression often encounter institutional resistance.<sup>386</sup>

The Kosovo CSO Centre for Equality and Liberty stated that LGBTQI+ activists had received more than 150 online death threats during 2019. All were reported to police, but no cases were prosecuted.<sup>387</sup> When LGBTQI+ activists report to the authorities a criminal offense, violation or obstruction committed against them, the police in most cases do not take them seriously, do not carry out proper investigation procedures and do not inform them of the developments on their case.<sup>388</sup> The same treatment has been experienced by other WHRD. Ardiana Mehmeti, one of the recipients of the EU Award for investigative journalism in the Western Balkans and Turkey for the story "Exploitation in Telecom", testified about the struggles she faced while writing her investigation on Telecom: "They asked me directly 'how much [money]' I needed to stop my work. They sliced my tires. The police did nothing."<sup>389</sup>

The police briefly arrested the editor-in-chief of the KoSSev portal, Tatjana Lazarević, for allegedly violating the curfew announced as a response to the COVID-19 pandemic. According to KoSSev, Lazarević

was on her way to report on the situation at the Zvečan Health Centre, in relation to the pandemic. During her arrest, she identified herself to the police by presenting her press card to them. She now reportedly faces criminal proceedings.<sup>390</sup> KoSSev portal already has a history of being exposed to restriction of media freedom by local authorities. This incident was another example of shrinking space for journalists, especially women journalists.

The Executive Director of Kosovo Women's Network (KWN), Igballe Rogova, observed that every time KWN works on strategic litigation for GBV or she personally raises LGBTQI+ issues in public, she receives threats online and sometimes is harassed in public. "I'm the figure that [the perpetrators] blame. We are demanding justice for those who kill their wives, who beat their wives. Therefore, perpetrators attack us. Behind the attacks are people who hate that we are standing up for the protection of women. So every time we shake an abuser's world, they become angry – they want to attack those who shake their world".<sup>391</sup> Another activist from KWN also received threats after marching for LGBTQI+ rights in September 2019. WHRDs in Kosovo have reportedly received messages and verbal threats in the street if people know who they are. Most of these threats go unreported.<sup>392</sup>

<sup>386</sup> A. Khaho et al. *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, p. 39.

<sup>387</sup> Human Rights Watch, *World Report 2020 – Events of 2019*, Human Rights Watch, 2019, [https://www.hrw.org/sites/default/files/world\\_report\\_download/hrw\\_world\\_report\\_2020\\_0.pdf](https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2020_0.pdf), (accessed 6 June 2020), p. 338.

<sup>388</sup> Ibid.

<sup>389</sup> Strengthening Quality News and Independent Journalism in the Western Balkans and Turkey, 'Winners of EU Investigative Awards in Kosovo Announced', *Strengthening Quality News and Independent Journalism in the Western Balkans and Turkey*, 2019, <https://euwbmedia.com/2019/10/winners-of-eu-investigative-awards-in-kosovo-announced/>, (accessed 6 June 2020.).

<sup>390</sup> OSCE, 'OSCE Media Freedom Representative concerned about pressure on KoSSev online portal and its editor-in-chief in Kosovo', OSCE, Vienna 2020, <https://www.osce.org/representative-on-freedom-of-media/450085>, (accessed 6 June 2020).

<sup>391</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>392</sup> Ibid.

## MONTENEGRO

WHRDs in Montenegro are exposed to the persistent negative influence of the church and religious communities in spreading conservative ideas. Regular media attacks against WHRDs, led by the pro-government media, involve “intense misogyny” aiming to discredit both WHRDs' integrity and public image.<sup>393</sup> In Montenegro, WHRDs most exposed to attacks are those working in the field of LGBTQI+ rights and women's rights, and women journalists.

Processing hate crimes, including attacks on LGBTQI+ persons, is a notoriously slow progress. The attacker of a trans woman in 2017 was sentenced to four months in prison during this reporting period, three years after the incident. The sentence received was less than the minimum sentence, and the High Court later suspended the sentence.<sup>394</sup> The lawyer representing the plaintiff was not informed of this by the High Court, but received the information through other channels. Only the Prosecutor has power to challenge this verdict and did not do so despite the request submitted by the lawyer.<sup>395</sup>

In 2019, the Deputy Ombudsman Siniša Bjeković published an opinion, establishing that two nurses at the Podgorica Health Centre behaved transphobic and discriminatory when they laughed at Hana Konatar, a vocal trans activist for LGBTQI+ rights with CSO Association Spektra, who came for hormone therapy.<sup>396</sup> The case is currently being examined by the Commission for Quality Control.

Disruptions to heteronormativity within the dominant social narrative are discouraged and denounced.

According to CIVICUS, there have been persistent concerns over media freedom in Montenegro while there are still many unresolved cases of violence against journalists.<sup>397</sup> Many of these concerns and threats to safety involve women journalists. Olivera Lakić is an investigative journalist who regularly reports on corruption within the government. In the previous edition of *Women's Rights in Western Balkans*, Kvinna till Kvinna reported on her case regarding a 2018 attack in which she was shot in the leg and the case remains unresolved in this reporting period.<sup>398</sup>

In early January 2020, police arrested and detained the Editor-in-Chief of *FOS Media*, Anđela Đikanović, on suspicion of causing panic and disorder for allegedly distributing fake news. The incident began when Đikanović published an article stating that the government may use security forces in neighbouring Kosovo to help quell Serbian Orthodox Church supporters' protests.<sup>399</sup> After her arrest and 72-hour detention, the journalist was dismissed as Editor-in-Chief for a “serious professional error”.<sup>400</sup> Đikanović's case is an example of how unsafe the environment is for women journalists who investigate the ruling<sup>401</sup> regime in Montenegro, and how serious the consequences can be to their careers.

<sup>393</sup> A. Xhaho et al. *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, p. 57.

<sup>394</sup> ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People Covering Events that Occurred in Europe and Central Asia between January-December 2019*, Brussels, ILGA Europe, 2020.

<sup>395</sup> Information shared with Kvinna till Kvinna by partner organisation in Montenegro.

<sup>396</sup> Zaštitnik Ljudskih Prava i Sloboda Crne Gore Ombudsman, *Ispunjenja Preporuka o Poštovanju Prava Transrodne Osobe* [website], 2019, <https://www.ombudsman.co.me/article.php?id=34128&display=1>, (accessed 28 September 2020).

<sup>397</sup> CIVICUS, ‘Attacks on Journalists on the Rise as Religious Groups Clash with Police’, *CIVICUS*, 2020, <https://monitor.civicus.org/updates/2020/04/03/attacks-journalists-rise-religious-groups-clash-police/>, (accessed 23 April 2020).

<sup>398</sup> Reporters Without Borders, Montenegro [website], <https://rsf.org/en/montenegro>, (access 24 April 2020).

<sup>399</sup> CIVICUS, ‘Measures to Combat “Fake News” Used to Silence Journalists’, *CIVICUS*, 2020, <https://monitor.civicus.org/updates/2020/02/18/measures-combat-fake-news-used-silence-journalists/>, (accessed 23 April 2020).

<sup>400</sup> Committee to Protect Journalists, ‘Montenegro journalist Anđela Đikanović charged with incitement over retracted report’, *Committee to Protect Journalists*, 2020, <https://cpj.org/2020/01/montenegro-journalist-andela-dikanovic-charged-wit/>, (accessed 6 June 2020).

<sup>401</sup> Ruling regime for this reporting period which is up to and including June 1<sup>st</sup>, 2020.

## NORTH MACEDONIA

During the reporting period, WHRDs in North Macedonia experienced numerous cases of sexual harassment and threats of sexual violence and rape, according to the *Human Rights Defenders in the Western Balkans* report. Attacks differ and the targeted defenders include a lesbian WHRD who faced physical assaults during public feminist events.<sup>402</sup>

Last year's edition of *Women's Rights in Western Balkans* reported on seven LGBTQI+ activists who were attacked by a group of 20 assailants following the first Skopje Pride. The activists were dragged from taxis, beaten and threatened with murder and rape. Three police officers were also attacked when trying to intervene. During this reporting period, there has been little progress on the case, the investigation is ongoing and court proceedings are yet to be initiated.<sup>403</sup> On several occasions, the office of the CSO LGBTI Support Centre in Skopje was damaged. No attackers have yet been identified, with some cases pending for several years.<sup>404</sup> According to Civil Rights Defenders, there is not a single prosecuted case for hate crime based on gender, gender identity or sexual orientation so far in North Macedonia.<sup>405</sup>

Hate crimes, or crimes with a motive based on prejudice, are prohibited by the Criminal Code and receive harsher sentencing. The issue, however, is that there is space for judicial interpretation of hate crimes because anti-discrimination legislation is limited in its definitions of what provisions constitute a hate crime. Grounds such as gender expression or sexual orientation are not explicitly

defined as motives based on prejudice or discrimination that would receive harsher sentencing, leaving space for judicial interpretation by individual judges at the time of sentencing, rather than clearly defined provisions in the legislation.

Media rights groups reported a spike in threats against women media workers. While the number of physical attacks on journalists has declined, there is a growing practice of cyber-bullying and verbal abuse.<sup>406</sup> On January 15<sup>th</sup>, 2020, the Association of Journalists in North Macedonia reacted to two journalists receiving threatening messages. Meri Jordanovska, editor of *A1on.mk*, and Iskra Koroveshovska, editor of *Alfa TV*, were targeted by a former government employee for their work as investigative journalists. Both women received messages from Emil Jakimovski, at the time an employee at the Central Registry, containing threats claiming that he would "create a funeral for them" and calling them "Sorospija" (which can be translated as "Soros whore") alongside other gendered derogatory language. Jakimovski was fired after his online comments came to light. A case was later filed with police in North Macedonia resulting in Jakimovski's arrested and a case against him is currently being prepared by the prosecution. A similar incident happened to *TV21* journalist Almedina Ismaili, and in this case, the perpetrator was a member of a political party. Ismaili was targeted after researching a story that Neshat Ademi, a long-time member of the Alliance for Albanians, was reportedly leaving the party. Ademi reacted by phoning Ismaili and leaving a barrage of insults and threats on her voicemail.<sup>407</sup>

<sup>402</sup> A. Xhaho et al. *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, p. 76.

<sup>403</sup> ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People Covering Events that Occurred in Europe and Central Asia between January-December 2019*, Brussels, ILGA-Europe 2020.

<sup>404</sup> A. Xhaho et al. *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, p. 68.

<sup>405</sup> Ibid.

<sup>406</sup> Reporters Without Borders, *North Macedonia* [website], <https://rsf.org/en/north-macedonia>, (accessed 24 April 2020).

<sup>407</sup> CIVICUS, 'Media Watchdogs Raise the Alarm After Female Journalists Threatened', *CIVICUS*, 2019, <https://monitor.civicus.org/updates/2020/03/30/media-watchdogs-raise-alarm-after-female-journalists-threatened/>, (accessed 23 April 2020).

## SERBIA

Serious attacks on WHRDs continued in Serbia during this reporting period. Activists as well as CSOs were target of different forms of attacks at the hands of police, unidentified civilians and groups. Different examples were registered during the observed period, and for different areas of work. On many frontlines, WHRDs, journalists and CSOs were targeted mostly related to their work on women's rights, LGBTIQ+ rights, human rights, and war crimes. The general population is under considerable influence of government-controlled media, who glorify war criminals, promote hate and discriminatory speech aimed at activists.<sup>408</sup> Pro-government media outlets frequently smear independent outlets and journalists, describing them as "traitors" and "foreign mercenaries".<sup>409</sup> This affects tremendously the position and security of WHRD, who themselves are targets of media smear campaigns, physical assaults, violations of their dignity, and threats to their safety. There are "Increased instances of anti-gender discourse in the public domain and a public backlash in the perception of gender-equality; misogynistic statements that are expressed in the media and also by high-ranking politicians, religious leaders and academics with impunity", as concluded by the CEDAW *Concluding observations on the fourth periodic report of Serbia*.<sup>410</sup>

Nataša Kandić, founder of the Humanitarian Law Centre (HLC), along with five other activists of HLC, the Youth Initiative for Human Rights and Forum Živiler Friedensdienst, was physically assaulted by members of the far-right political Serbian Radical Party (SRS) at a book promotion event. The event was hosted by the party leader and convicted war criminal Vojislav Šešelj, the author of the books, in which he systematically denies the Srebrenica genocide in BiH and other crimes against humanity perpetrated by Serbian forces in the wars of the 1990s. Kandić and the other activists were physically assaulted by SRS supporters at the event while distributing a HLC report detailing proof of war

crimes committed against Croats in the Vojvodina province. HDRs, were pushed to the ground and kicked by SRS members following an order coming from Šešelj. The attack took place at the premises of the municipality *Stari Grad* in Belgrade, which is a public space, yet no staff or security personnel attempted to intervene to prevent the confrontation.<sup>411</sup>

On another occasion on Twitter, Šešelj called for the rape of Brankica Janković, the Commissioner for Protection of Equality in 2019. Šešelj also continuously and publicly antagonises and threatens the women's peace activist network Women in Black and one of its founders, Staša Zajović, including taunting, public statements that include death threats, and ongoing ridicule.<sup>412</sup>

Journalist Ana Lalić, who was arrested for publishing an article in which she criticised the situation and conditions of the Clinical Centre of Vojvodina during the COVID-19 pandemic, was the target of attacks by tabloids and fake pages on social media. As part of the attacks was a paid advertisement with her picture and the inscription of how she works against the interests of Serbia.<sup>413</sup> The last in a series of attacks on Lalić, during the reporting period occurred in May 2020, when someone punctured her car tire in Novi Sad.<sup>414</sup>

The Prismotra portal published two texts in which it divulged inappropriate information about work and private life of women journalists Vanja Đurić and Žaklina Tatalović. N1 TV journalist Đurić was marked as the person who "made films against Serbia", alluding to her participation in the film *Albanians are our Sisters*. Private photos of Tatalović were published on the portal.<sup>415</sup> Similarly, web portal Istraga published a list titled "Female Journalists who Embarrassed Serbia" because of the same film. Information about these journalists, including their photos and jobs were published, as well as the names of the CSOs in which they work, and the

<sup>408</sup> A. Xhaho et al. *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, p. 88.

<sup>409</sup> Human Rights Watch, *World Report 2020 – Events of 2019*, Human Rights Watch, 2020, p. 496.

<sup>410</sup> CEDAW, *Concluding observations on the fourth periodic report of Serbia*, CEDAW, 2019, [https://www.womenngo.org.rs/images/CEDAW/CEDAW\\_Concluding\\_observations.pdf](https://www.womenngo.org.rs/images/CEDAW/CEDAW_Concluding_observations.pdf), (accessed 6 June 2020).

<sup>411</sup> Civil Rights Defenders, 'Attack Against Civil Rights Defender of the Year Recipient Natasa Kandic in Belgrade' *Civil Rights Defenders*, 2020, <https://crd.org/2020/02/06/attack-against-civil-rights-defender-of-the-year-recipient-natasa-kandic-in-belgrade/>, (accessed 6 June 2020).

<sup>412</sup> Information shared with Kvinna till Kvinna by partner organisation in Serbia.

<sup>413</sup> Građanske Inicijative, *Tri Slobode Pod Lupom: Prikaz Slučajeva Kršenja Osnovnih Ljudskih Prava u Srbiji Tokom Vanrednog Stanja*, Građanske Inicijative, 2020, <https://www.gradjanske.org/wp-content/uploads/2020/04/Tri-slobode-pod-lupom-13-15-april-.pdf>, (accessed 22 June 2020).

<sup>414</sup> 'Novi napad na novinarku Anu Lalić', *Patria*, 1 May 2020, <https://nap.ba/news/65099>, (accessed 6 June 2020).

<sup>415</sup> Građanske Inicijative, *Tri Slobode Pod Lupom: Prikaz Slučajeva Kršenja Sloboda Udruživanja, Okupljanja i Izražavanja u Srbiji 16-28. Februar 2020. Godine*, Građanska Inicijativa, 2020, <https://www.gradjanske.org/wp-content/uploads/2020/02/Tri-slobode-pod-lupom-16-28-februar.pdf>, (accessed 22 June 2020).

amount of funding those organisations received, without citations of the sources of information.<sup>416</sup> TV N1 claims that a new strategy of the pro-government media in Serbia is to photograph N1 women journalists at official Presidential press conferences, in a shameless way, so as to create an image that would humiliate them and project the worst sexist prejudices against them.<sup>417</sup>

Activist Milinka Nikolić was interrogated several times by police officers, even including a polygraph examination, due to a "flammable speech" held in 2019 in front of the Presidency building in Belgrade at an environmentalists' protest against the construction of mini hydropower plants.<sup>418</sup>

Anita Mitić, an activist and representative of the Youth Initiative for Human Rights, was attacked by the Informer editor-in-chief Dragan J. Vučićević, at a trial against him. Vučićević told her that she was a "Šiptar<sup>419</sup> whore and was paid by Serb murderers" and insulted her based on her physical appearance.<sup>420</sup>

In March of 2020, activist and artist Jovana Popović was arrested and detained in Požarevac for allegedly

leaving her state-sanctioned home quarantine after entering Serbia from abroad during the COVID-19 pandemic. Popović maintains that she returned to Serbia before the mandatory quarantine was implemented. Numerous CSOs have demanded her release, recalling that provisions and laws cannot apply retroactively. They also assessed that her arrest was revenge for the politically engaged song "Bagra", which she recorded and in which she criticized the situation in Serbia and the ruling government.<sup>421</sup>

Belgrade's Pride Information Centre was attacked on October 6<sup>th</sup>, 2019 by a gang of fans of the Red Star football team, who kicked the windows and threw glass bottles. The Serbian authorities refused to investigate the attack since no-one was injured and the property was not damaged.<sup>422</sup> Since its opening in August 2018, the Centre has been attacked ten times, and none of the incidents to-date have been resolved by relevant authorities. The rise of right-wing nationalism in Serbia has been paralleled by the rise of homophobia and transphobia, with reports of homophobic incidents, many perpetrated by youth, increasing annually.

<sup>416</sup> D. Popović et al., *Udruženje Građana: Sužavanje Prostora za Delovanje, Srbija 2019*, Belgrade, Građanske Inicijative, Fondacija za Otvoreno Društvo, 2020, <https://www.gradjanske.org/wp-content/uploads/2020/02/Udruzenja-gradana-Suzavanje-prostora-za-delovanje-OCD-2019-.pdf>, (accessed 22 June 2020).

<sup>417</sup> 'N1 traži reakciju države na seksističke napade na novinarku', *N1 Beograd* 25 April 2020, <http://rs.n1info.com/Vesti/a592978/N1-trazi-reakciju-drzave-na-seksisticke-napade-na-novinarku.html>, (accessed 7 June 2020).

<sup>418</sup> D. Popović, et al., *Udruženje Građana: Sužavanje Prostora za Delovanje, Srbija 2019*, Građanske Inicijative, Fondacija za Otvoreno Društvo, Belgrade, 2020.

<sup>419</sup> Derogatory term for an Albanian or Albanian-speaking person, often used in reference to people from Albania or Kosovo.

<sup>420</sup> "Vučićević mi govorio da sam šiptarska kurva"?!', *Direktno.rs*, 2 June 2020, <https://direktno.rs/beograd/278213/vucicevic-mi-govorio-da-sam-siptarska-kurva.html>, (accessed 8 June 2020).

<sup>421</sup> M.P., 'Jovana Popović, Autorka Pesme "Bagra", Puštena na slobodu', *Danas*, 13 April 2020, <https://www.danas.rs/drustvo/umetnica-iz-kikinde-jovana-popovic-pustena-na-slobodu>, (accessed 22 April 2020).

<sup>422</sup> ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People Covering Events that Occurred in Europe and Central Asia between January-December 2019*, Brussels, ILGA-Europe, 2020.

### Follow-up on Attacks on Women Human Rights Defenders

In the previous, fourth edition of *Women's Rights in Western Balkans*, Kvinna till Kvinna reported a record number of attacks on WHRDs in Serbia - so many, that several attacks could not be included in the report for the sake of brevity. In this fifth edition, researchers have followed up on events that occurred in the previous reporting period but were not included in the report. One such incident in Serbia took place on March 6<sup>th</sup>, 2019, where women activists from numerous women's organisations and groups (Women in Black, Centre for Women's Studies, among others) organised a symbolic action where messages were painted on aprons, and those aprons were draped on top of statues of historic male figures throughout Belgrade, including a statue of Nikola Tesla and former Patriarch Pavle of the Serbian Orthodox Church. Fierce public backlash ensued across all media and all social media platforms for many days following the action. Nadja Duhaček, one of the activists involved, was interviewed that day, and photos of her surfaced on right wing and extreme nationalists' websites and forums. Women activists involved were targets of hate speech, verbal abuse and threats. A misdemeanour complaint was filed by the association Ko nam truje decu? (Who is Poisoning Our Children?) for allegedly desecrating the statue of Patriarch Pavle by draping it with an apron that

read "Abortion is a Woman's Right". The motion against the Centre for Women's Studies and associated activists was dropped due to lack of active legitimacy on the part of Ko nam truje decu? and the organisation's motion to initiate proceedings, since the organisation did not fall within the scope of an injured party under Serbian law, as there was no violation of the rights of the organisation that filed the complaint.<sup>423</sup>

In the last four years, 13 (recorded) attacks have been committed on Women in Black activists.<sup>424</sup> During this reporting period, there has been little progress on an incident filed against Women in Black regarding their protest performance in front of the Patriarchate of the Serbia Orthodox Church, titled "My Body - My Right", which took place on May 28, 2019. A few days after the performance, the right-wing nationalist political party Zavetnici filed a criminal complaint against Women in Black, citing that the performance provoked national, racial, and religious hatred and intolerance.<sup>425</sup> The protest received police permission beforehand and was a legal, lawful protest performance. Regardless of this, many activists who participated in the protest were brought forward by the Prosecution and were heard before the court. These trials are time-consuming processes, draining activists of their time, which could be used for their work and organisational activities, proving to be one tactic contributing to the shrinking space for civil society in Serbia. The process remains in court and a verdict has not yet been reached.<sup>426</sup>

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**“When you are an activist - that is not enough. You have to know all the laws if you are called to the police, as not to find yourself in a 'God-forbid-position'. And that is terrible: that we have to be careful all the time in this country so that someone does not deceive us.”**

Dragana Dardić, Helsinki Citizen's Assembly  
Banja Luka, BiH

”

**“It is beneath my dignity for a police officer to discriminate and tell me 'Listen, girl, you were walking in the park in the evening, did you provoke him?’”**

Dajana Dangubić, regarding an attack in  
Banja Luka, BiH, adding that she presumes  
the officer spoke to her that way because he  
suspected she was gay.

<sup>423</sup> Information shared with Kvinna till Kvinna by YUCOM.

<sup>424</sup> 'Međunarodni dan Braniteljki Ženskih Prava', *Peščanik*, 29 November 2019, <https://udruzenjepescanik.org/aktuelnosti/medjunarodni-dan-braniteljki-zenskih-ljudskih-prava/>, (accessed 8 June 2020).

<sup>425</sup> Information shared with Kvinna till Kvinna by YUCOM.

<sup>426</sup> Information shared with Kvinna till Kvinna by partner organisations in Serbia.

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“All these years they tried to keep my mouth shut by using my sexuality. Whenever I was working on something big for women's rights they find a way to bring into public my sexual orientation, with the intention to humiliate me.”

Igballe (Igo) Rogova, Executive Director KWN

”

“During the Coloured Revolution men were never referred to by using the sexual connotation or their looks or outfits, while this still happens with women in the Macedonian society. 'How dare you to criticize the government, go home and cook' – these were the messages I got from the people who were not fighting the same struggle as we did during the Coloured Revolution.”

Uranija Pirovska, Helsinki Committee in North Macedonia<sup>427</sup>

”

“What affect me is not the fear. What affects me is the burnout.”

Igballe (Igo) Rogova, Executive Director KWN

”

“Since its inception, Women in Black has been exposed to every possible type of attack. None of the attackers on the Women in Black activists have ever been punished. There were several court proceedings that always had the same outcome - the judicial institutions of the state of Serbia acquitted all the attackers on Women in Black. Attacks on Women in Black do not happen by accident, the perpetrators are not disorganised, it is not spontaneous. On the contrary.”

Miloš Urošević, Women in Black activist<sup>428</sup>

<sup>427</sup> J. Georgievski, *Civil Rights Defenders: Regional Solidarity Crucial for Defending European Values*, European Western Values, <https://europeanwesternbalkans.com/2019/12/04/civil-rights-defenders-regional-solidarity-crucial-for-defending-european-values/>, (accessed 6 June 2020).

<sup>428</sup> J. Diković, 'Vučićev Režim - Stanje Gore od Zločina', *Danas*, 3 January 2020, <https://www.danas.rs/drustvo/suocavanje/vucicev-rezim-stanje-gore-od-zlocina/>, (accessed 28 April 2020).

## ACKNOWLEDGEMENT AND THE RECOGNITION OF WOMEN'S CSOS BY NATIONAL GOVERNMENTS

A serious tendency and persistent in each edition of *Women's Rights in Western Balkans*, is the shrinking space for women's CSOs and WHRDs in the Western Balkans. Deeply-rooted nationalism, populism, conservatism, and accompanying anti-gender movements contribute to shrinking space for women's rights activists and women's CSOs.<sup>429</sup> WHRDs are faced with cuts in funding<sup>430</sup> and resources, declaring CSOs foreign mercenaries and calling for a boycott, political pressure, slow or no reaction from judiciary on attacks on activists and/or CSOs.<sup>431</sup> Also, US-based Freedom House declared in its annual *Nations in Transit* report that Serbia and Montenegro can no longer be classified as democracies after unprecedented democratic backsliding.<sup>432</sup> Freedom House rankings as of this reporting period, for the first time, classify all Western Balkan countries as Transitional or Hybrid Regimes. This has resounding impacts on women's CSOs.

Recognition of the work of women's CSOs, almost as a rule in the Western Balkans, appears in the form of contributions they make to official state processes. In most cases, it is still the women's organisations that initiate processes in the first place. Women's CSOs ultimately serve as a source of information and expertise in these processes. In all Western

Balkan countries' contexts, there is noticeable progress in including women's CSOs in legislative processes and working groups,<sup>433</sup> using their knowledge and capacity to train institutions and their representatives, and in improving cooperation with relevant institutions. These improvements, however, are still the result of the long-term work put in by women's CSOs and many years of resources and energy of demanding to be part of these processes. States generally remain passive, with a lack of interest and commitment to processes that should be inclusive for, or directly involve, civil society, while gender equality remains a marginalised area overall. True recognition of the work of women's CSOs is still most often reduced to the use of the capacities and achievements of these organisations. Many years of work on improving women's rights in the Western Balkan countries, however, has positioned women's CSOs as an irreplaceable resource and active participants in the development of legislations, policies, and strategic documents (especially in GBV and LGBTQI+ rights related legislation in all countries), and as identifiers of points for action and educators for officials in some Western Balkan countries. There still are many gaps and difficulties in cooperation, involvement in processes crucial to women's rights in each country, but some progress has been made.

<sup>429</sup> N. Farnsworth et al. *Where's the Money for Women's Rights? Funding Trends in the Western Balkans*, The Kvinna till Kvinna Foundation, 2020, [https://womensnetwork.org/wp-content/uploads/2020/06/Funding-WCSOs\\_FINAL\\_2020-06-11.pdf](https://womensnetwork.org/wp-content/uploads/2020/06/Funding-WCSOs_FINAL_2020-06-11.pdf), (accessed 26 August 2020), p. 6.

<sup>430</sup> For example, Serbian WHRDs dealing with violence against women, who were traditionally supported (albeit with small funds) by the state to provide support to victims of GBV through SOS helplines, no longer receive state funding. Instead, the funding was directed to a newly created, state-owned entity (Source: A. Xhaho et al. *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019). In the Western Balkans, states have not established sustainable funding for CSOs while the funding environment in the Western Balkans remains fragmented with a plethora of funders engaged and seldom well-coordinated (source: N. Farnsworth et al. *Where's the Money for Women's Rights? Funding Trends in the Western Balkans*, The Kvinna till Kvinna Foundation, 2020).

<sup>431</sup> After five years of trial, in March 2020, three associations in BiH - Transparency International, BUKA magazine and the Helsinki Citizen's Assembly - won a joint defamation lawsuit as plaintiffs against the publishing house Besjeda, which published the book *Demolition of Republika Srpska, Theory and Technology of Coup*. The book, which is still available online, lists "fake NGOs on standby and waiting for a moment from foreign commanders to get involved in inciting riots and undermining the constitutional order". The court concluded that this construction was indeed intended to defame and discredit the plaintiffs. (source: E. Padalović, 'Donesena Presuda: Izdavačka Kuća "Besjeda" i Stefan Karganović Krivi Zbog Objave Liste Rušilaca Republike Srpske', *BUKA*, 2 March 2020).

<sup>432</sup> 'Hungary, Serbia, Montenegro "No Longer Democracies": Report', *Al Jazeera*, 6 May 2020, <https://www.aljazeera.com/news/2020/05/hungary-serbia-montenegro-longer-democracies-report-200506161223889.html>, (accessed 8 June 2020).

<sup>433</sup> Note to readers that this is not the same as decision-making. The suggestions and input submitted by women's CSOs may or may not be adhered to, and the women's CSOs are as a rule expected to contribute without compensation, while performing tasks such as note-taking and even drafting legislation: tasks that paid authority staff members should perform.

In terms of EU integration, Western Balkan governments are required to involve civil society actors in the necessary reforms through consultations and as monitors of their implementation, which sometimes results in only a “*pro forma*” manner because it is required by the EU”.<sup>434</sup> Some forms of formal government-civil-society-cooperation framework is present in all countries. Women's CSOs are present in some *Acquis* Chapter negotiations, but their inputs and recommendations are not always included, or even considered, in final decisions. Regional progress in the observed period for this report edition has been documented, particularly in active participation in expert and task forces and in the development of strategic documents.

In this fifth edition of *Women's Rights in the Western Balkans*, it bears mentioning that the trends recorded in the five-year period of monitoring the report indicators have shown a regional

deterioration in democracy and backsliding of fundamental freedoms. The Western Balkans have shown an increase in nationalism, contributed by the growing right-wing movement at social and state levels. When speaking about shrinking space for women's CSOs and women activists in the region, the space in question, even five years ago, was distinctly small to begin with. The deterioration in Western Balkan democracy, and all of the consequences that come with this, has led the authors of this publication to note that, state acknowledgement and recognition of women's CSOs no longer means the same thing that it did when the first edition was issued. In this region's continuously worsening context, it is therefore important that the recognition of the vital work that women's CSOs do towards gender equality is not lost, and that the acknowledgements come from the side of the organisations' constituents and from the international community.

## ALBANIA

In September 2019, Albania adopted its first National Action Plan (NAP) for the implementation of the UN Security Council Resolution 1325 on Women, Peace and Security. The process was participatory and involved the “Women, Peace and Security in Albania” coalition, comprised of 32 local CSOs.<sup>435</sup> This coalition has been the leading organisation in lobbying and advocating for the preparation of the Action Plan for 1325.<sup>436</sup>

The Albanian Women Empower Network (AWEN) continues to be recognised as one of the main actors in fighting for gender equality in the country, providing inputs and recommendations to crucial national and EU documents, regarding women's situation in the country. During the reporting period, AWEN has maintained cooperation with authorities through different forms: participating in the hearing session on Gender Budgeting for 2020 alongside the Minister of Health and Social Protection;

participating and providing information in a conference organised by the Ombudsperson in Albania on issues of gender equality; contributing to the Social Services Law by submitting inputs with a focus on girls and women victims/survivors of GBV; organising advocacy meetings on EU gender policies and instruments with representatives of Alliance of Women Councillors of Vlorë, Himarë and Selenicë.

As for the EU integration process, the Partnership Platform for European Integration is a model for informing, consulting, communicating, and engaging civil society, stakeholders, academia and local government in the process of membership negotiations to the EU in Albania. However, there is lack of activity of the National Council on European Integration; the responsible authority on this issue, as well as lack of political will to further enhance the process of civil society development and other non-state actors.<sup>437</sup>

<sup>434</sup> J. Juzová, ‘Civil Society and the EU Integration Process: Key Importance, Little Impact?’, *European Western Balkans*, 11 September 2019, <https://europeanwesternbalkans.com/2019/09/11/civil-society-and-the-eu-integration-process-key-importance-little-impact/>, (accessed 7 June 2020).

<sup>435</sup> UN Women, ‘The First Report on the Implementation of Resolution 1325 in Albania Launched’, *UN Women*, 2019, <https://eca.unwomen.org/en/news/stories/2019/10/the-first-report-on-the-implementation-of-resolution-1325-in-albania-launched>, (accessed 7 June 2020).

<sup>436</sup> Information shared with Kvinna till Kvinna by partner organisation in Albania.

<sup>437</sup> J. Marović, I. Stefanovski, and I. Ivanovik, *Comparative Study, Civil Society in the Western Balkans: Involvement in the EU Accession Negotiation and EU Integration Processes from Initiatives to a Structured Dialogue*, Belgrade, CRTA, 2019, <http://www.centaronline.org/userfiles/files/publikacije/comparative-study-civil-society-in-the-western-balkans.pdf>, (accessed 16 April 2020), p. 23-24.

## BOSNIA AND HERZEGOVINA

Women's CSOs regularly provide institutions their assistance, in the specific areas where they work and where they possess more in-depth expertise.<sup>438</sup> Women's CSO representatives were appointed to working groups on various governmental levels during this reporting period. In 2019, the project coordinator of women's CSO CURE Foundation, Selma Hadžihalilović, has been officially appointed by the Sarajevo Canton Government to take part in the working team responsible for the development of the Gender Action Plan and financial plan of Canton Sarajevo. Women's CSO Foundation United Women is one of the selected CSO representatives in the Council for Combating Domestic Violence of Republika Srpska, which enables stronger involvement of CSOs in the decision-making processes regarding GBV. Representative of the Foundation have also been appointed as members of the Advisory Body of the Council of Ministers of BiH for cooperation with CSOs.<sup>439</sup>

During the reporting period, women's CSOs continued to establish and improve cooperation with service providers. HORIZONTAL Association from Tuzla and Forum Žena Bratunac improved cooperation between women lobby groups in Tuzla, Bratunac, Milići, Srebrenica and Gračanica and their respective Municipal Gender Commissions, through meetings which provided women's CSOs with concrete opportunities to advocate for the creation of Local Gender Action Plans in their municipalities.<sup>440</sup> A Memorandum on Cooperation between Foundation Lara and the Ministry of Interior of Republika of Srpska was signed in 2019, enabling the women's CSO to conduct independent monitoring of the police response to GBV on the territory of Republika Srpska. The Memorandum of Cooperation also enabled Foundation Lara and women's CSO Ženski Centar to collect data on suspended investigations in DV cases in Republika Srpska for 2016 and 2017. Access to this data that resulted from the cooperation between women's CSOs and relevant institutions is a major success for women's CSOs working in the field of combatting GBV.

CSOs continue to be recognised as educators, and during the reporting period, women's CSOs provided numerous important trainings and workshops for institutional representatives. TRIAL International developed a tool for education of prosecutors and judges when it comes to inconsistencies in sentencing policies for crimes of conflict-related sexual violence, and advocated toward Centres for Judicial and Prosecutorial Training. For the first time, the topic of inconsistencies in sentencing policy was included in official training programs of both Centres for Judicial and Prosecutorial Training in 2020, as a direct result of these trainings.<sup>441</sup> The Centre of Women's Rights Zenica held a series of trainings for police and representatives from social work centres. Additionally, trainings for judges and prosecutors conducted in 2018 and 2019 created a modality of influence to change attitudes and approaches towards the GBV victims/survivors in judicial proceedings.<sup>442</sup> Good practice indicates that regular and ongoing trainings for institutional representatives working on GBV response or prevention has the greatest impact, and it is important to note that judges and prosecutors in BiH have taken notice of women's CSOs, recognising their expertise in their training efforts.

CSO initiatives in regard to legislative changes were successful in the observed period. Republika Srpska adopted the proposed changes and amendments of the Law on Protection from Domestic Violence, incorporating all changes requested from the Foundation United Women and their partner organisations.<sup>443</sup> United Women advocated for changes of the Republika Srpska Law on Free Legal Aid in recognising women victims/survivors of DV as beneficiaries of free legal aid regardless of property census, an initiative that has since been accepted in the draft law adopted by the People's Assembly of Republika Srpska.<sup>444</sup> Foundation CURE started an initiative at the municipal level in Central Sarajevo, on addressing issues faced by single-parent families, resulting in the 2019 study *Mapping the Rights and Needs of Single-Parent Families in the Municipality of Centar Sarajevo*<sup>445</sup> financed by the municipality.<sup>446</sup>

<sup>438</sup> Ibid., p. 27.

<sup>439</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>440</sup> Ibid.

<sup>441</sup> Ibid.

<sup>442</sup> Ibid.

<sup>443</sup> New articles related to the introduction of persons of trust for victims/survivors of violence have been adopted in the Law on Protection from Domestic Violence. This includes mandatory informing of victims/survivors of violence about their rights. Other key changes in the law include abandoning minor offence sanctions for DV, and recognising it solely as a criminal offence under the Republika Srpska Criminal Code.

<sup>444</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

<sup>445</sup> S. Sadić, A. Ždralović, and M. Emirhafizović, *Jedno Roditeljske Porodice - Mapiranje Prava i Potreba Samostalnih Roditelja/ki na području općine Centar Sarajevo*, Fondacija CURE, 2020, [http://www.fondacijacure.org/files/Jednoroditeljske\\_.pdf](http://www.fondacijacure.org/files/Jednoroditeljske_.pdf), (accessed 7 June 2020).

<sup>446</sup> Information shared with Kvinna till Kvinna by partner organisation in BiH.

## KOSOVO

Ongoing trainings for institutional representatives were successfully continued in the observed period of this report. As a result of good cooperation with local authorities, the Network of Roma, Ashkali and Egyptian Women Organisations in Kosovo was invited by Kosovo police Domestic Violence Unit to jointly conduct lectures on GBV/DV for the Roma, Ashkali and Egyptian communities living in the municipalities of Mitrovica and Fushë Kosovë, during the "16 Days of Activism against Violence against Women" campaign.

Women's CSOs were involved in legislative processes and the success of these initiatives outlines the importance of involving women's CSOs in legislative and policy-making processes related to their fields of expertise. For example, Medica Kosova, KWN and KGSC among numerous other CSOs were focused on reviewing and finalising the Standard Operating Procedures for GBV victims'/ survivors' access to legislation and justice, and was also part of drafting these procedures, and their suggestions<sup>447</sup> were included in the final draft. KWN assisted the Ministry of European Integration by reviewing the draft European Reform Agenda II, the National Programme for Implementation of the Stabilisation and Association Agreement (NPISAA), as well as numerous other draft policies and laws to be adopted in the future, related to Kosovo's EU Accession.<sup>448</sup> KWN has also been one of the key stakeholders in the drafting process of the National Plan on Gender Equality 2020-2024 and in ensuring that it is based on a grounded and evidence-based

analysis and recommendations from experts in the field.<sup>449</sup> KGSC became part of the working group on drafting the new Law on the Kosovo Population and Housing Census, organised by the Agency of Statistics.<sup>450</sup>

In September, a trans activist in Kosovo won the case for trans persons to be allowed to change their name and gender in the civil registry and government-issued documents.<sup>451</sup> This court ruling would not have been achieved had it not been for the advocacy efforts of LGBTQI+ rights CSOs, and their efforts in putting pressure on relevant institutions.

Another successful example is the Kosovo government's decision, jointly with the EU, to take 11 steps to better prioritise women's human rights issues related to the EU accession process, as a direct result of KWN's advocacy work. Other examples of changes that were a direct result of KWN together with other women's CSOs' advocacy during the reporting period include: Kosovo Parliament establishing a budget line for sufficient financial support for shelters for 2019; inputs integrated into NPISAA 2019-2023; the Ministry of Labour and Social Welfare (MLSW) changes to an internal regulation, wherein the Blind Women's Committee of Kosovo was added as an official representative for the blind community; and the Committee on Health, Labour and Social Welfare suspended the draft Labour Law on the grounds that it excluded maternity leave.

<sup>447</sup> For example: mandatory psychosocial support for victims/survivors entering the documentation process at Kosovo Prosecution to be provided before, during and after the trial.

<sup>448</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>449</sup> Kosovo Women's Network, 'KWN Welcomes the Adoption of the National Plan on Gender Equality 2020 – 2024', *Kosovo Women's Network*, 2020,

<https://womensnetwork.org/kwn-welcomes-the-adoption-of-the-national-plan-on-gender-equality-2020-2024/>, (accessed 7 June 2020).

<sup>450</sup> Information shared with Kvinna till Kvinna by partner organisation in Kosovo.

<sup>451</sup> X. Bami, 'Kosovo Pride Activists Put Law Under Spotlight', *BIRN*, 10 October 2019,

<https://balkaninsight.com/2019/10/10/kosovos-3rd-pride-parade-demands-law-implementation/#gsc.tab=0>, (accessed 7 June 2020).

## MONTENEGRO

Public opinion polls conducted in 2019 have shown a high level of trust in CSOs in Montenegro; higher than the public level of trust in the government.<sup>452</sup> The European Commission, however, highlighted that the genuine inclusion of CSOs in the policy-making process is yet to be ensured in practice.<sup>453</sup> Positive examples of acknowledgement of women's CSOs are seen in their inclusion of legislative drafting, education and training for institutions that is conducted by women's CSOs, and their participation in governmental task forces as experts.

A new LGBTI Strategy was adopted in 2019 and it includes more concrete measures, a clearer budget and clearer indicators than the previous strategy, which expired in 2018. The Committee on Social Affairs in the municipality of Kolašin adopted Montenegro's first local LGBT Action Plan with a majority vote. Bijelo Polje was the second town to follow. These positive developments are a result of continued cooperation between the municipalities and CSOs, such as Juventas and Queer Montenegro. The two organisations are also working with Podgorica and Kotor, in hopes that those municipalities will follow. The LGBT Action Plan for the municipality of Mojkovac, however, was rejected.<sup>454</sup>

During the reporting period, the Ministry of Justice initiated the procedure of amending the Law on Domestic Violence Protection and created a working group of which the Executive Director of Women's Rights Centre (WRC) is a member. WRC drafted legal proposals and coordinated organisations to jointly submit amendments to the Law on Protection against Domestic Violence, based on extensive

practical experience in providing support for women and children victims of violence. WRC's Executive Director was also a member of the Operational Team for the fight against family violence and violence against women, formed within the Ministry of internal affairs of Montenegro.

Further, WRC pursued advocacy through membership in several working groups established by the state: a working group for preparing the new Protocol on Prevention, Treatment and Protection from DV and violence against women; a working group for Chapter 23 within the EU accession process; and working groups for changing the Law on Domestic Violence and for amending the Montenegrin Criminal Code. Two meetings with the Prime Minister were held in 2019 on important issues regarding shortcomings in victim/survivor protection, the lack of protection of children DV witnesses, institutional discrimination and impunity of public officials in protecting the rights of women and children.

Unfortunately, CSO participation in negotiation working groups has, over time, become more and more *pro forma*, in-part due to the outdated Action Plans which do not leave the possibility of opening discussion on reforms. Though (Women's) CSO participation at both national and local levels of decision-making processes are welcome, it has been reported that representatives from the civil sector are out-voted in many of the working groups, since the relation of forces is naturally on the side of those coming from public administration and governmental bodies.<sup>455</sup>

<sup>452</sup> A. Xhaho et al. *Human Rights Defenders in the Western Balkans: Intimidation Instead of Recognition*, Civil Rights Defenders, 2019, p. 52.

<sup>453</sup> European Commission, *Montenegro 2019 Report*, Brussels, European Commission, 2019.

<sup>454</sup> ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People Covering Events that Occurred in Europe and Central Asia between January-December 2019*, Brussels, 2020.

<sup>455</sup> 'The role of CSOs in Montenegro's EU integration: Substantial or Make-believe?', *European Western Balkans*, 21 February 2020, <https://europeanwesternbalkans.com/2020/02/21/the-role-of-csos-in-montenegros-eu-integration-substantial-or-make-believe/>, (accessed 7 June 2020).

## NORTH MACEDONIA

Although the capacities and results of the work of women's CSOs is visible through their cooperation and participation in legislative processes, at the same time there is no paradigm shift in the relationship of the state to women's CSOs. As before, women's CSOs are often treated as “secretaries” for the government, with the expectation that they will provide the research and input in place of state officials, but without recognition for their work or expertise. The lack of expertise within institutions regarding gender equality and the burnout among activists from the additional work was noted during the reporting period. During the reporting period, women's CSOs were invited to participate in working groups for preparations and amendments of laws, documents and policies. Their recommendations, input and recommendations were to a large extent recognised and included in the final versions of the prepared documents, but a lack of prioritisation of issues within the field of women's rights was evident.

During the reported period, CSOs have reported that the government elected in 2017 is much more open for cooperating with civil society than the previous regime. Different working groups have been established within state institutions, where women CSOs were invited to participate in order to draft new, or amend existing, laws. This is a positive aspect, as the involvement of women's CSOs has an affirmative impact on legislation adopted in 2019, such as the Law on the Termination of Pregnancy and the Law on Social Protection. During the reporting period, the Law for the Prevention and Protection against Discrimination was adopted after a decade-long drafting process by both institutions and civil society. Following this process, the law was adopted in 2019, ushering in new anti-discrimination protections, especially for communities made marginalised. Though North Macedonia's adoption of anti-discrimination legislation was widely celebrated for its content and for the cooperative process in its drafting, it is important to note that the state repealed the law on May 14<sup>th</sup>, 2020, after a refusal of the Constitutional Court to accept the law without a constitutional majority vote.<sup>456</sup> The National Assembly first adopted the law in May 2019 with a vote of 55 out of 120, falling short of the required 61 votes for a constitutional majority.<sup>457</sup> The repeal of the new Law

for the Prevention and Protection against Discrimination meant that all of the new protections afforded to communities made marginalised, especially protections for LGBTQI+ communities, had also been repealed. At the time of writing this report, no changes in the status of the Law for the Prevention and Protection against Discrimination had been made.

New legislation on GBV was also prepared alongside recommendations and input from think-tank Reactor – Research in Action and women's CSO National Network to End Violence against Women and Domestic Violence “Voice against Violence” (National Network). Both organisations participated in consultation processes and validation events, where proposals are reviewed and validated before they are passed, with the Ministry of Labour and Social Policy (MLSP). Additionally, the National Network strengthened their partnership with the Women's Parliamentary Club, organised several joint meetings, one public event, and jointly advocated for the adoption of a model for reintegration and socialisation of women victims/survivors of GBV.

The Coalition “Sexual and Health Rights of Marginalised Communities” (Coalition MARGINS) has signed a Memorandum of Cooperation with the Bureau for Development of Education and has been accepted to be part of the working group on drafting the new law on high-school education, providing an opportunity to ensure that the prevention of GBV and bullying in high schools is included in the legislation.

Reactor continued working on supporting the work of government institutions in mainstreaming gender in the EU accession process and advancing gender equality in the country. During 2019, the National Network established cooperation with more than 10 stakeholders, including the MLSP, Ministry of Health, Ministry of Education and Science, Ministry of Internal Affairs, Ministry of Justice, Parliamentary Commission for Equal Opportunities for Women and Men, Women's Parliamentary Club, Women Unions/Forums within political parties, City of Skopje and four other municipalities within the Skopje region.

<sup>456</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, *Flash Report: The Constitutional Court Repealed the 2019 Anti-Discrimination Law*, European Commission, 2020, <https://www.equalitylaw.eu/downloads/5148-north-macedonia-the-constitutional-court-repealed-the-2019-anti-discrimination-law-104-kb>, (accessed 3 July 2020).

<sup>457</sup> Civil Rights Defenders, ‘North Macedonia's Repeal of Anti-Discrimination Law Poses Major Setback to Human Rights Protection’, *Civil Rights Defenders*, 2020, <https://crd.org/2020/05/19/north-macedonias-repeal-of-anti-discrimination-law-poses-major-setback-to-human-rights-protection/>, (accessed 3 July 2020).

The Helsinki Committee for Human Rights in North Macedonia established excellent cooperation with various relevant institutions and important actors for implementing the Istanbul Convention, such as the MLSP, Ministry of Interior, Ministry of Health, and municipalities. This cooperation has resulted in successfully organised events and activities such as trainings and policy dialogues related to the Istanbul Convention and GBV. The CSO Health Education and Research Association's (HERA) work was recognised and some of the organisation's recommendations were introduced in the 2019 European Commission report on North Macedonia in the area of sexual and reproductive health and rights.

At the local level, the municipality of Štip signed an agreement with CSO Educational-Humanitarian Organisation (EcHO), authorising the organisation to

carry out the preparation of an Action Plan of the municipality for protection from GBV. The municipality also announced financial support for the organisation from the Social Protection Programme, as well as local Multisectoral Community Teams against GBV which will work on enhancing and improving inter-agency relationships.

Akcija Zdruzenska provided relevant policy input towards revisions of the Law on Equal Opportunities between Women and Men, including reforming and improving the effectiveness of the local and national gender equality machinery. The assessment and policy documents will serve as background documents for the working group (including Akcija Zdruzenska) established by the MLSP to propose legislative changes.

## SERBIA

During this reporting period, Serbia has been downgraded on the Monitor Tracking Civic Space of the international CSO network CIVICUS, and is now in the category of countries whose basic freedoms have been obstructed.<sup>458</sup> The rating indicates a context where the state imposes a variety of legal and extra-legal restrictions on civil society through demeaning statements and bureaucratic procedures.<sup>459</sup> This is reflected in the treatment of and lack of acknowledgement of women's CSOs by the national government, and the ongoing shrinking space for civil society.

Autonomous Women's Centre reported that communication with government bodies at all levels was reduced during the reporting period due to delays in all planned legislative changes, drafting of strategies and Action Plans due to political developments in the Parliament, as well as the fact that the views of specialised women's organisations were markedly ignored, which resulted in a boycott of the working group for drafting the new Strategy on Preventing Violence against Women 2020-2025. This is a strong measure, that is used only after careful considerations and awareness of the potential negative publicity that could follow such a decision, judging that its legitimisation by participating would be worse.

In the municipality of Aleksandrovac, a mural for women's solidarity was painted on a public building. This mural was a result of Mreža Žena Rasinskog Okruga (Women's Network of Rasina District) of which women's CSO Sandglass is a member, and the network's cooperation with the municipal government.<sup>460</sup> The mural is a symbolic representation of the empowerment of women in the countryside and in small urban areas, and in Aleksandrovac it illustrates the logistical and political will to express it in public.

Representatives of Serbian civil society continued to face substantial obstacles in their efforts to participate in the EU accession process. Therefore, impact of civil society in the EU negotiation processes is limited, despite the necessary CSO consultation processes that is a key part of EU accession. Transparency of these processes in Serbia remains limited, while challenges that organisations face when accessing these processes and providing inputs into draft laws prevents them from meaningfully contributing.<sup>461</sup> Governmental cooperation with (women) CSOs is of a more token nature, without real respect of opinion and expertise. Blocking or interrupting communication with CSOs (autonomous and critically-oriented ones) by state bodies is a common occurrence.<sup>462</sup>

<sup>458</sup> CIVICUS, *Monitor Tracking Civic Space: Serbia* [website], <https://monitor.civicus.org/country/serbia/>, (accessed 23 April 2020).

<sup>459</sup> CIVICUS, 'Serbia's Civic Space Downgraded', *CIVICUS*, 2019,

<https://www.civicus.org/index.php/media-resources/news/4113-serbia-s-civic-space-downgraded>, (accessed 22 April 2020).

<sup>460</sup> Information shared with Kvinna till Kvinna by partner organisation in Serbia.

<sup>461</sup> J. Marović, I. Stefanovski, and I. Ivanovik, *Comparative Study, Civil Society in the Western Balkans: Involvement in the EU Accession Negotiation and EU Integration Processes from Initiatives to a Structured Dialogue*, Belgrade, CRTA, 2019, p. 18.

<sup>462</sup> Information shared with Kvinna till Kvinna by partner organisation in Serbia.

Two consecutive CSO Sustainability Index reports for Serbia (in 2017 and 2018) indicated that the situation regarding shrinking space for CSOs in Serbia has worsened during those periods. It is important to note that the European Commission in

2019 concluded that “no progress towards establishing an enabling environment for the development and financing of civil society has been made”.<sup>463</sup>

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**“In the present political context, women's CSOs are among the leading voices demanding good governance and promoting human rights. Gender inequalities remain widespread in the Western Balkans and women's CSOs are well-placed to address these, including through evidence-based research, advocacy, policy proposals, government monitoring, and public benefit service provision. Evidence shows that women's CSOs have contributed to several social changes, suggesting that supporting women's CSOs means investing in social change.”<sup>464</sup>**

*Where's the Money for Women's Rights?  
Funding Trends in the Western Balkans report*

”

**“Globally, 2019 brought us increased nationalism, which aggravated conditions for women human rights defenders who are targeted with threats and hate speech. At the same time, we also saw women taking to the streets and demanding their rights in decision-making forums, all the way from local councils to international peace negotiations.”**

Petra Tötterman Andorff, Secretary-General,  
The Kvinna till Kvinna Foundation<sup>465</sup>

”

**“The pressure is expressed through [...]: Exclusion from negotiations, especially with regards to EU integration process; and governmental institutions 'have limited time' to participate in different efforts initiated by civil society organisations, especially women's organisations such as ours. This sends the message that organisations are irrelevant. We also see a non-willingness to respond to our calls for cooperation with local policy makers.”**

WHRD, BiH<sup>466</sup>

<sup>463</sup> “Tangled up in Bureaucracy. What is Hindering Serbian CSOs to Participate the EU Negotiation Process?”, *European Western Balkans*, 28 January 2020, <https://europeanwesternbalkans.com/2020/01/28/what-is-hindering-serbian-csos-to-participate-the-eu-negotiation-process/>, (accessed 7 June 2020.).

<sup>464</sup> N. Farnsworth et al., *Where's the Money for Women's Rights? Funding Trends in the Western Balkans*, The Kvinna till Kvinna Foundation, 2020, p. 7.

<sup>465</sup> The Kvinna till Kvinna Foundation, *Annual Report 2019*, Stockholm, The Kvinna till Kvinna Foundation, 2020, <https://kvinnaatillkvinna.org/2020/04/29/annual-report-2019/>, (accessed 1 September 2020).

<sup>466</sup> C. Wassholm, *Suffocating the Movement - Shrinking Space for Women's Rights*, The Kvinna till Kvinna Foundation, 2018, <https://kvinnaatillkvinna.se/wp-content/uploads/2018/03/kvinna-till-kvinna-suffocating-the-movement-report-eng-2018.pdf>, (accessed 20 August 2020), p. 18.

## Recommendations\*

### Attacks on WHRDs

#### IN BRIEF:

**Attacks against WHRDs, in addition to women journalists and politicians, are under-reported and inadequately pursued. In cases where the attacks are reported, reports are often not taken seriously by the relevant institutions. No complaint and support mechanisms exist, and no systematic data is collected for evidence-based policy-making.**

#### WITHIN ONE YEAR:

**Add HRDs as a legal category in all Western Balkan countries, so that all violations, assaults and threats made against HRDs are tried as their own specific legal status, to ensure the safeguarding of their important position as promoters of peace and human rights. Establish data collection and the monitoring of cases of attacks on these groups.**

#### Governments:

- Define HRD as a legal category in relevant legislation to outline their particular vulnerabilities and to ensure attacks and threats against (W)HRDs are treated by judicial institutions as a category with a separate legal status and in-line with international standards (such as the Declaration on Human Rights Defenders).
- Develop an action plan specifically targeted to addressing violence, harassment (both online and offline) and hate speech directed at WHRDs, politicians, journalists and other groups of women in public discourse (e.g., artists) (Examples: Finland, Sweden).
- Ensure gender-bias is an aggravating circumstance for sentencing these crimes.
- National human rights institutions and/or gender equality bodies should be required to collect, analyse and disseminate data on attacks of WHRDs and journalists (Examples: Finland).

#### EU institutions, other inter-governmental organisations and donors:

- Ensure EU Human Rights Country Strategies include an analysis of the needs and challenges of WHRDs and include specific measures to address them.
- Meaningfully involve women's CSOs in the development and implementation of specific policies such as the EU Human Rights Country Strategies and the EU Gender Action Plan II (soon III).
- Fund research and data collection on WHRDs and women journalists in the Western Balkans to be used as a baseline, documenting incidents, responses and the applicable legal framework.
- Press for the development of an action plan or policy to comprehensively address GBV against WHRDs, including digital harassment.

\* Given the diverse situation in each country, the recommendations are generalised, applying to the majority of Western Balkan countries for each recommended action.

<sup>467</sup> Full name: UN Human Rights Office of the High Commissioner Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms

## Recognition of women's CSOs by national governments

### IN BRIEF:

**Trends in democratic backsliding have disrupted cooperation patterns between CSOs and state actors. Some countries have become more hostile to concepts of gender equality and discredit it as a goal with clear implications for the ways in which women's CSOs work and for democracy based on equal rights.**

### WITHIN ONE YEAR:

**Provide skills-building and strategy development support to women's CSOs to reorient their relationship with government and oppositional actors within civil society.**

### Governments:

- Formalise institutional cooperation with CSOs across policy sectors, such as Memorandums of Understanding for inter-agency cooperation.
- Ensure CSOs' participation in policy-making on the full range of issues relating to EU accession and at all levels.
- Ensure mechanisms for CSO inputs in national reporting processes to international bodies.

### EU institutions, other inter-governmental organisations and donors:

- Foster systematic inclusion of a cross-sector of CSOs in policy making dialogues in line with Article 11 of the Lisbon Treaty and in particular in all consultations related to the EU accession process
- Prioritise programmes and policies to counteract shrinking space in Western Balkan countries including by:
  - Funding an analysis of the implications of democratic backsliding for State-women's-CSO-relations.
  - Providing a safe space to meet and arranging consultations between the EU and civil society.
  - Involving women's CSOs in the development and implementation of specific EU policies aimed at supporting democratic principles, gender equality and the role of independent CSOs.
- Support individual women's CSO and networks of women's CSOs at national and regional level through the Civil Society Facility of the EU IPA III to consolidate their presence, strengthen their capacities and foster engagement at the policy level.
- Include an agenda point on women's roles and participation in every policy dialogue on with national governments representatives.
- Develop flexible, long-term and innovative funding modalities for women's CSOs based on their needs, capacities and ability to manage funds. Consider allocating long-term and core funding to enable organisations to operate in restricted conditions and to be more resilient.<sup>468</sup> Emergency funds should also be made available.

<sup>468</sup> Farnsworth, N. et al., *Where's the Money for Women's Rights? Funding Trends in the Western Balkans*, The Kvinna till Kvinna Foundation, 2020.

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in every corner of the world.**