

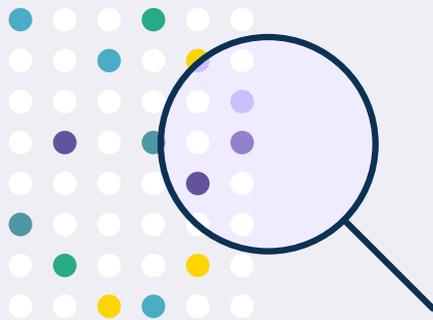


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Country Assessment Report

Serbia

2023

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COUNTRY ASSESSMENT REPORT

Country: Serbia

Organisation compiling the report: The Kvinna till Kvinna Foundation

Year: 01.2021-12.2021

INTRODUCTION

The purpose of this report is to assess the extent to which different processes concerning Serbia's Accession to the EU are gender mainstreamed. Several processes have been assessed through data collection, interviews and desk research based on a joint methodology developed for all six Western Balkan countries (included as Annex to this report). Based on 10 criteria and 45 indicators, the report aims to provide an overview of the status quo in relation to gender-equality in the EU accession countries. Indicators were developed jointly and are based on the [Joint Communication on the new Gender Action Plan III – An Ambitious Agenda for Gender Equality and Women's Empowerment in External Action](#) accompanied by its [Objectives and Indicators](#), also known as the EU Gender Action Plan III (GAP III). The monitoring focuses on the two key actors in the EU accession process namely national governments (and relevant bodies therein) and the EU (European Commission and EU Delegation in country) and provides separate recommendations for each actor.

Serbia has applied for EU membership in 2009 and in 2012 was granted candidate status, while the Stabilisation and Associations Agreement entered into force in 2013. European Council decided to start negotiation process already in June 2013. In January 2014, Serbia held first Intergovernmental Conference which announced the start of the negotiation processes. So far, Serbia has opened 18 Chapters and provisionally closed 2.¹

This is the first report out of foreseen 2 of this kind, and so the findings will serve as a baseline for comparison in the next two years of the progress made in incorporating a gender perspective in different the EU Accession process and in relation to the GAP III implementation.

¹ https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/serbia_en

FINDINGS

Criterion a. Country Reports are gender-mains

1. Number of times gender is mentioned in the Country Report	14
2. Number of times women/girls are mentioned in the Country Report	28/4
3. Number of times boys/men are mentioned in the Country Report	0/3
4. % of Chapters gender-mainstreamed ²	3% (1 out of 33 chapters)
5. Number of official recommendations on gender equality included in the Country Report ³	1
6. Number of other recommendations with a gender perspective included in the narrative of Chapters	3
7. Extent to which Country Report uses sufficiently sex-disaggregated data	Minimally
8. Extent to which issues recommended by women's organisations are included in the Country Report, based on your knowledge	Moderately

The 2021 country report for Serbia refers to women, girls and includes a gender perspective in certain areas but many chapters remain gender-blind. References are limited despite the overall length of the report which for 2021 is 134 pages. There is information concerning women's rights and gender equality in five chapters: 19 (Social policy and Employment), Chapter 23 (Judiciary and Fundamental Rights), Chapter 24 (Justice, Freedom and Security), Chapter 26 (Education and culture) and Chapter 28 (Consumer and health protection). One official recommendation is included referring to women in the Chapter 19:

- Ensure adequate financial and institutional resources for employment and social policies to more systematically target the young, women and long-term unemployed and improve the adequacy of social benefits for people below the poverty threshold

Three other recommendations are included in the narrative in Chapters 23, 26 and 28:

- Chapter 23 – recommending that the implementation of the law against domestic violence to be improved
- Chapter 26- recommending teachers to be consistently supported in implementing the ongoing outcome-based curricular changes, particularly with regard to developing students' key competences. Further efforts are required to develop teaching materials and empower teachers to build student competences related to gender equality, health, reproductive health, mental health, sexuality education, prevention and response to all forms of gender-based violence, including sexual abuse.

² For a chapter to be gender-mainstreamed it would need to include specific reference to the situation and needs of women and girls in a particular sector/domain or/and specific gender aspects emerging from your analysis of a specific sector/domain. It should also, ideally, include an analysis of key barriers preventing progress in a specific sector/domain such as, for example, lack of housing, land and property rights for women's access to economic rights.

³ Official recommendations are those in the grey boxes.

- Chapter 28- recommending improved to healthcare services for people with disabilities, people living with HIV, children and adults who use drugs, prisoners, women involved in prostitution, LGBTIQ people, internally displaced persons and the Roma.

Following the criteria set in the methodology for assessing the extent to which chapters are gender mainstreamed, only one of these five chapters, Chapter 19 can be considered fully gender mainstreamed as gender perspective is seldom mentioned in the other four. For example, in Chapter 23 women are mentioned under the Fundamental rights section, while completely missing in the Functioning of the judiciary, including quality of justice and domestic handling of war crimes, and Fight against corruption. In Chapter 24 women are mentioned under Fight against organised crime only in reference to human trafficking. The gender disaggregated data presented in the report is also not sufficient.⁴

The report is more focused on capturing the situation rather than setting concrete benchmarks for advancing it. Some of the input by WCSOs has been reflected in the country report like the covid-19 effects and situation with gender-based violence while some was not considered, like the lack of women’s participation in peace negotiation processes, especially in the context of the Kosovo*-Serbia EU-facilitated dialogue.⁵

Criterion B. Stabilisation and Association Committee meetings include gender issues

9. % of SAA Committee meetings with gender equality issues on the agenda	Can not be concluded
10. % of Sub-Committee meetings with gender equality issues on the agenda	Can not be concluded
11. Extent to which women’s organisations were consulted by the EU ahead of the sub-committee meetings	N/A
12. Extent to which SAA committee and sub-committee meetings conclusions attend to gender equality issues	N/A

Information about these meetings is not publicly available. From the list of documents⁶ that were shared with the Council working group on Enlargement and Countries Negotiating Accession (COELA) it was visible that only two sub-committee meetings took place during 2021: one on Economic and Financial Issues and Statistics and the other one on Transport, Energy, Environment, Climate change and Regional Development. Further information about the agenda points, participants, discussion and conclusion could not be found. In most Western Balkan countries, sub-committees

4 <https://kvinnatillkvinna.org/wp-content/uploads/2022/03/TheKvinnatillKvinnaFoundation-Gender-Analysis-of-2021-EC-Country-Reports-for-the-Western-Balkans.pdf> (accessed 11.03.2022)

5 In depth interviews.

6 https://www.parlament.gv.at/PAKT/EU/XXVII/EU/07/51/EU_75148/imfname_11096096.pdf; <https://data.consilium.europa.eu/doc/document/ST-5075-2022-INIT/en/pdf>; <https://data.consilium.europa.eu/doc/document/ST-11058-2021-INIT/en/pdf>; https://www.parlament.gv.at/PAKT/EU/XXVII/EU/05/95/EU_59567/imfname_11063065.pdf (all accessed on 18.04.2022)

*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

are required to meet at least once annually. The SAA in Serbia does not specify the required number of meetings, resulting in a gap in the available information on the transparency of the processes. Meeting with WCSOs before sub-committee meetings were not mentioned in the interview with EUD official.

Criterion C. EU strategic engagement at country-level on gender equality is in place

13. Country-level Implementation Plan for GAP III agreed and transmitted to HQ (Brussels) (indicator 5.1 GAP III)	Yes
14. Gender Country Profile conducted / updated	Yes
15. Fully-fledged gender analysis conducted / updated	No
16. Number of sector-specific gender analyses for the priority areas under the programming cycle 2021-2027 developed and transmitted to HQ (Brussels) (indicator 5.2)	1
17. Extent to which EU Delegation engages in dialogue on gender equality with governments, national gender equality mechanisms, parliaments and other institutional actors (indicator 7.1)	Moderately ⁷
18. Extent to which EU Delegation consulted civil society including women's organisations for the development of the Country-level Implementation Plan	Moderately
19. Extent to which EU Delegation engages in dialogue on gender equality with civil society including women's organisations (indicator 7.2)	Minimally
20. Extent to which EU Delegation engages in dialogue with civil society on women, peace and security issues in partner countries (indicator 7.2)	Minimally

The CLIP was developed through several consultations with different stakeholders including the national Gender Equality Machinery, EU Member States, international institutions and CSOs, as well as through two rounds of input to the draft document. Kvinna till Kvinna partner organisations attended the consultation and submitted their input for the preparation of the CLIP. The final draft incorporates some of the input shared by WCSOs, in particular in relation to gender-based violence, namely the inclusion of the objective recognising women's organisations, social movements and other CSOs' contributions in ending gender-based violence. However, by and large, the Serbia CLIP pays insufficient attention to the role of women's civil society organisations and human rights defenders in Serbia, despite the serious concerns about shrinking democratic space, rising anti-gender discourse and attacks on women human rights defenders. It also falls short of adopting a gender-transformative approach, as mandated by GAP III, and fully integrate an intersectional lens across the different priorities. Exchanges between the EU Delegation and WCSOs have continued after the adoption of the final CLIP and there is good reason to believe that dialogue and cooperation will continue in a more structured way in the implementation phase.

A Gender Country profile was prepared in 2021 as a basis for the CLIP and is publicly available.

⁷ Concrete number of meetings could not be included here as different numbers were received by EUD, stating they had 10 meetings with WCSOs in 2021, while the WCSOs shared they were invited for two meetings.

Information was shared about one sector specific gender analysis in the energy sector⁸ which is an important step in gender mainstreaming.

The EUD has good cooperation with the Coordination Body for Gender Equality and UN Women specifically in respect of strengthening the national and local gender equality machinery and processes for preparation of strategic documents such as: the National Strategy for gender equality 2021-2030, preparation of all three national Gender Equality Indexes⁹, and preparation of an analysis of the covid-19 effect on women in Serbia. EUD representatives participate in all national events on gender equality.

The EUD also regularly engages with the Women's Parliamentary Network. However, in 2021 the WPN was not as active as in previous years, affected partially by the presidential elections. The Gender Equality Law was adopted in Parliament with no objections or amendments. For the EUD this is signal that there is support by the Parliament for gender equality reforms.¹⁰ The EUD holds regular high-level and operational meetings with representatives of the government and includes always topics related to gender equality in the agenda. The newly established Ministry for Minority and human rights held between six and seven social dialogues in 2021 in relation to gender equality which were attended also by the EUD.

When it comes to the dialogue with WCSOs, the EUD already established a mechanism for consultations for county reports (which takes place twice a year), consultations for IPA programming, which sees the participation of the Head of Cooperation, and also with visiting missions from Brussels. They also reach out to diverse organisations through existing CSO networks (for Roma issues and for persons with disabilities for example). Kvinna till Kvinna partner organisations are aware of and invited to the consultation for the country reports and the IPA Civil Society Facility calls. According to the EUD, 10 consultations were organised with WCSOs but Kvinna till Kvinna's partners were aware only of 2. This should be further raised so that WCSOs are invited for all the consultation processes. Kvinna till Kvinna's partner organisations in the country have been investing efforts to mainstream gender in the EU Accession processes, by providing input to country reports, preparing monitoring reports, advocacy initiatives and getting involved in policy dialogue when possible. As gender experts, it is important they have the space to raise their concerns about the developments in the country and provide their recommendations for priority actions to improve the situation of women and girls.

The EUD, in their response, estimates that they engage with WCSOs at least twice a year on the issues on peace and security, and the EUD recognises the lack of involvement of women in the peace negotiations, especially in the Kosovo-Serbia EU-facilitated dialogue. One WCSO¹¹ leads an EU-funded project focusing on WPS and the GFP has been participating in events organised within this Action. Further efforts are needed for a more structured and meaningful dialogue with WCSOs specifically on WPS and on integrating a gender perspective in the reconciliation and normalisation of relations between Serbia and Kosovo .

⁸ <https://www.resfoundation.org/wp-content/uploads/2021/09/Sve-sto-ste-hтели-da-znate-o-energetskom-siromastvu-u-Srbiji.pdf>

⁹ <https://eige.europa.eu/gender-equality-indices-western-balkans-and-turkey>

¹⁰ In-depth interview with EUD, 10 March 2022

¹¹ Sandglass, *Women for Peace and Security- Towards good neighborly relations between Serbia and Kosovo, March 2020-February 2023*

Criterion D. EU mainstreams gender in all actions and targeted actions

21. Number and % of new actions ¹² that are gender responsive / targeted (GM1 + GM2) at country level (indicator 1.1 GAP III)	1/25%
22. Number and % of new gender targeted action (GM2) implemented from national allocation (indicator 1.2 GAP III)	N/A
23. Total funding in support of gender equality at country level (GM1 + GM2) (indicator 1.3 GAP III)	EUR 12 000 000.00
24. Amount of funding directed towards women's organisations and movements at country level (indicator 1.4 GAP III)	N/A
25. % of new actions supporting public finance management reforms that include a gender budgeting component (indicator 3.1 GAP III)	N/A

Under criterion H, there is more information on Action Documents for 2021, which should be the base for individual calls and selection of grants. Important to note that the funds allocated for the Action Document "EU for Enabling a More Responsive Healthcare system" are counted as funding in support of gender equality by EU, despite the fact that this document is marker with GM1 and the whole allocated funds will not go solely in support of gender equality.

Information on these indicators, especially 22, 24 and 25, are being collected by the EC during the time of writing of the report but could not be shared ahead of the publication of the first GAP III monitoring report.

Criterion E. The EU leads by example

26. Number and % of women in senior and middle management positions in the EU Delegation/Office (indicator 10.1 GAP III)	N/A
27. % of management trained on gender equality and GAP III in EU Delegation and CSDP mission (indicator 10.2)	N/A
28. % of management trained on women, peace and security in EU Delegation and CSDP mission (indicator 10.2)	N/A
29. Number of Gender Adviser / Gender Focal Points in the EU Delegation and CSDP mission	1

The EUD in Serbia has one appointed Gender Focal Point since 2015. The position is not full-time and the person holding it is double-hatted, following also Human Rights. GAP III, commits to ensure that Gender Advisors, Gender Focal Persons/Points (GFP) are in place and trained and have job descriptions that refer to their work on gender equality and the implementation of GAP III. Interview responses indicated that both EU officials and WCSOs think that more effort should be invested to have a full-time GFP providing more space and senior level-support for gender equality work especially in view of GAP III implementation and requirements.

Information on these indicators is being collected by the EC during the time of writing

¹² Action shall be defined as contracts. New shall refer to the last year, based on the date on which they were signed (as illustrated in the excel file).

of the report but could not be shared with the author ahead of the publication of the first GAP III monitoring report. Information and data will be included in the next edition of the report.

Criterion F. Government adopts legislation in line with the EU Acquis Communautaire on gender equality and consults women's organisations

30. Extent to which gender equality is addressed in the National Programme for the Adoption of the Acquis (NPAA)	Moderately
31. Extent to which key laws on gender equality and EU Accession are open for public consultation	Moderately
32. Extent to which inputs on Laws / amendments / policies by women's organisations in line with the EU Acquis on gender equality are taken on board	Minimally
33. Extent to which new sectoral strategies are publicly available	Fully
34. Extent to which new sectoral strategies mainstream gender equality	Moderately
35. % of sector working groups (or the like) with women's rights organisations included/represented	Cannot be concluded

For the purpose of this research, textual analysis has been conducted on the Serbian National Programme for Adoption of the Acquis (NPAA) with focus on the inclusion of gender-sensitive objectives and language. The latest NPAA¹³, revised in 2018, refers to gender equality on several occasions, mainly presenting the situation on the labour market and targeted measures for women's economic empowerment, gender-based violence and trafficking in human beings. It also provides an overview of the national gender equality machinery and the proposed legislation to be adopted between 2018 and 2021, including a new Law on Gender Equality that will regulate all issues around gender equality, in line with several EU Directives and harmonising legislation with the Istanbul Convention. Women's equal participation in decision making is also mentioned, as well as gender equality as an important instrument for achieving several goals of the Programme.

The government plans to take actions for integrating gender equality, among other topics, in the education materials and curriculum.

Non-discrimination, based on sexual orientation and gender identity in education and also non-discrimination on same grounds by the police, was planned to be specifically regulated as well as regulating legal consequences of gender legal recognition¹⁴. Yet, in the list of legislative documents that will be adopted or discussed, the Law on police is not included.

For the period of 2018-2021 the government plans to adopt the mentioned laws, legal changes, strategic plans and fully implement them.

However, the NPAA fails to include a gender perspective in other sectors, in particular

¹³ https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2018_2021.pdf

¹⁴ As defined by ILGA, legal gender recognition is the official recognition of a person's gender identity, including gender marker and name(s) in public registries and key documents.

when it comes to statistics, rural development, energy, transport and others. Notably the section on statistics does not make any reference to women or gender or even to collection of gender-disaggregated data.

There is a legal obligation for public consultations¹⁵ as part of the law adoption process. In the case of the Draft Law on gender equality and Draft Law for changes in the Law on prohibition of discrimination, the government gave 20 days for commenting and the laws were published online on the website of the Ministry and e-government portal. According to the Coordination Body for Gender Equality, WCSOs regularly and actively participate in the working groups for drafting legislation and strategic documents in the area of gender equality. Interviews with representatives of (W)CSOs, however, indicate that, even in instances where WCSOs are invited to contribute to the drafting of legislation, there are a number of challenges and barriers hindering meaningful participation in practice. Despite the invitation for WCSOs to participate in the working groups, there have been cases where WCSOs were not able to participate due to their prior experience in such processes where their input was not considered. Also, WCSOs providing services, especially those located outside of the capital city, have limited capacities and personnel to be able to fully contribute to these consultations and have to prioritise the provision of direct support to women victims of different forms of violence.

National strategies are publicly available on the website of the government¹⁶ but there is also a website aimed at coordinating development assistance where sectoral strategies are also listed but none are recently adopted.¹⁷

For the purpose of this analysis, as concrete information about sectoral strategies was not available on the MEI government website, we were only analysing strategies adopted in 2021 that were publicly available. Sixteen strategies¹⁸ in total have been adopted in 2021, out of which five are gender mainstreamed, namely the Employment Strategy, the Strategy for Human resource in the Judiciary, the Strategy for Development in Education, the Strategy for Prevention and Combating gender-based violence against women and domestic violence 2021-2025; and the Strategy for Gender Equality 2021-2030. Two strategies make reference to women and gender equality to a moderate extent, namely the Programme for Reforming the System of Self-government and the Strategy for Public Administration Reform. However, four¹⁹ mention these perspectives to a limited extent and five²⁰ do not mention women or gender equality at all. Only the

15 Law on planning systems, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2018/30/1/reg>

16 <https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi.php> (accessed on 14.03.2022)

17 <http://www.evropa.gov.rs/evropa/publicsite/Documents.aspx> (accessed on 14.03.2022)

18 Strategy for market capital development 2021-2026; Strategy for public administration reform 2021-2030; Strategy for development of education till 2030; Strategy for start up ecosystem development 2021-2025; Strategy for processing war criminals 2021-2026; Strategy for human resources in judiciary 2022-2026; Strategy for state ownership and managing economic subjects 2021-2027; Employment Strategy 2021-2026; Strategy for countering weapons for mass destruction 2021-2025; Strategy for developing postal services 2021-2025; Strategy for science and technology development 2021-2025; Strategy for information society and information security 2021-2026; Strategic plan for countering fraud and managing irregularities in administering EU funds 2021-2025; Programme for reforming the system of local self-government 2021-2027; Strategy for prevention and combating gender-based violence against women and domestic violence 2021-2025; Strategy for gender equality 2021-2030

19 Strategy for information society and information security, Strategy for science and technology development, Strategy for state ownership and managing economic subjects, Strategy for start up ecosystem development

20 Strategy for market capital development 2021-2026; Strategy for processing war criminals 2021-2026; Strategy for countering weapons for mass destruction 2021-2025; Strategy for developing postal services 2021-2025; Strategic plan for countering fraud and managing irregularities in administering EU funds 2021-2025

following sector strategies have been pointed out by interview respondents: Strategy for prevention and combating gender-based violence against women and domestic violence 2021-2025 and Strategy for gender equality 2021-2030²¹.

Finally, there is limited information available on the website of the Ministry for European Integration on the composition of the sector working groups. The MEI shared that they have formed a separate mechanism for the involvement of civil society organisations in IPA programming, and they expect to renew this mechanism in the following period. In the response there was no detailed information, however, of how many WCSOs are part of this mechanism.

Criterion G. Government implements recommendations on gender equality included in the Country Report

36. Extent to which recommendations on gender equality included in the Country Report have been implemented by the government/institutions

Moderately

The score refers to the recommendations of the EC Country Serbia report for 2020, assessing the extent to which the country has implemented them in 2021. The 2020 report notes the need for more comprehensive response to all violence against women covered by the Convention, not only domestic violence based on GREVIO recommendations, and the government had adopted a National Strategy for Prevention and Combating gender-based violence to address this. However, the 2021 report notes that definition of rape still has to be amended in the criminal code in order to comply with the Istanbul Convention.

In their response the Coordination Body for gender equality points out that the Strategy for Prevention and Combating gender -based violence, among other things, envisages the establishment of joint/unique registry for all forms of gender-based violence and domestic violence which was one of the shortcomings of the current prevention system noted also in the 2020 country report. This is an important progress in the field of gender equality however it was not officially recommended in the country report for 2020.

In the field of non-discrimination in employment and social policy, the report in 2021 notes that Serbia adopted amendments to the law prohibiting discrimination in May 2021 which was recommended in 2020 report.

There are recommendations that remain the same in the 2021 report including the official recommendation in the 2020 report on ensuring adequate financial and institutional resources for employment and social policies to more systematically target women (among few other groups). This could be interpreted that for this recommendation there was little or no progress. Same is for the recommendation on improving implementation of the law against domestic violence, access to healthcare services and efforts to enrich teaching materials with gender-relevant content, all remaining the same in 2021 report.

²¹ Strategy for prevention and protection against discrimination 2021-2030 was also mentioned but it's not included in the analyses as it was adopted beginning of 2022.

Also, important to note that some for some recommendations from 2020 report, including the one in reference to CEDAW, stating the government should take measures to combat the anti-gender discourse and its adverse impact on women's rights, there is no information at all in the report for 2021.

Serbia country report in 2020 in relation to gender-based violence and gender equality noted that policy processes are significantly delayed. Notably, Serbia has adopted the Law on gender equality, after four years of work on the draft legislation. Additionally, the Strategy for prevention and combating gender-based violence towards women and domestic violence was adopted. Both the institutions and EUD in their response to this indicator, referred only to these two processes.

It is important to note that for some of the processes the report was mainly just noting the current situation, rather than recommending concrete steps that the government should take in order to improve the situation.

Criterion H. Programming of IPA III at national level prioritises gender equality

37. Extent to which responsible government bodies consulted women's organisations for the development of the Multi-annual Indicative Programmes [IPA III Strategic Response]	Not at all
38. Extent to which Multi-annual indicative Programme [IPA III Strategic Response] includes gender equality objectives	Can not be concluded
39. Extent to which annual Indicative Programs or Action Documents contain a gender perspective	Minimally

The IPA III Strategic response is not publicly available. In their correspondence, MEI pointed out that UN Women was consulted and involved in the development of Strategic Response, but did not mention CSOs. WCSOs interviewed for this analysis are not aware of this document and were not consulted in the preparation of the Strategic Response. As this document is not publicly available it cannot be concluded whether and to what extent it includes gender equality objectives and considerations. However, based on the Action Document for 2021 which derive from the Strategic Response, it can be assumed that this document minimally include gender equality objectives.

On the website of the European Commission²², Action Documents for 2021 are available and accessible, as four were adopted for 2021, as follows:

- European Integration Facility²³
- EU for Connectivity and Green Agenda²⁴
- EU for Enabling a More Responsive Healthcare system²⁵

22 https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance/serbia-financial-assistance-under-ipa-ii_en

23 https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance/serbia-financial-assistance-under-ipa-ii_en (accessed 28.03.2022)

24 https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-01/C_2021_9653_F1_ANNEX_EN_V2_P1_1661149.PDF (accessed 28.03.2022)

25 https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-01/C_2021_9653_F1_ANNEX_EN_V2_P1_1661269.PDF (accessed 28.03.2022)

- EU for Sustainable Economy, Agriculture and Rural Development²⁶

Out of four documents only one is marked with gender marker 1²⁷, the other three are marked with gender marker 0²⁸. Despite this, all documents mention how the actions will contribute to gender equality as the mainstreaming section is mandatory for all action documents. For example, the European Integration Facility, marked with GM0, notes under the section "mainstreaming" that this action will support the efforts for gender mainstreaming as set by the requirements of the EU Gender equality strategy 2020-2025 and Gender Action Plan 2020-2025. According to the Action Document, gender perspectives will be promoted in both national policies and interventions financed through IPA III and whenever relevant, the particular needs of women and girls will especially be taken into consideration, through gender-disaggregated statistics and indicators and/or gender responsible budgets in line with the requirements of the EU gender equality strategy 2020-2025.

The Action Document EU for Connectivity and Green Agenda, marked with GM0, includes SDG goal 5 and sets focus on energy poverty and its gender outcomes mentioning also supporting gender equality and encouraging women's participation in the area of energy efficiency activities. It is planned for a set of activities to be designed to mainstream gender into the energy sector and to target energy poverty while ensuring that financial support to households, particularly vulnerable ones, is secured. Important to note here is that this Action Document reflects the gender analysis carried out in the energy sector, suggesting that gender analyses in other sectors are also needed to ensure gender mainstreaming of programming. None of the three other actions documents refers to women or include gender perspectives in their context sections. The Action Document EU for Connectivity and Green Agenda also makes a reference to GAP III, specifically the indicator stating that 85% of all new actions in external relations should contribute to gender equality and women's empowerment by 2025. The section "Description of the action" refers to mainstreaming gender in transport interventions. It misses, however, to include a gender sensitive indicator and gender sensitive objectives.

In the Action Document EU for a More Responsive Healthcare system, marked with GM1, gender equality and women's empowerment is set as a significant priority, yet concrete proposals on activities/strategies referring to GEWE are missing in the rest of the document. Reference to GEWE is only made in the mainstreaming section, where it mentions the GAP III requirements committing for all statistical data that will be used and collected during the intervention to be gender- and age-disaggregated. In the implementation of the Action activities will include: engagement in social dialogue, organising citizens' engagement and gender-sensitive consultations, promotional materials to promote gender equality and acceptance of differences and most importantly use available or develop sector specific gender and diversity analysis for the priority areas of intervention. This document does not include gender sensitive indicators or gender sensitive objectives.

²⁶ https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-01/C_2021_9653_F1_ANNEX_EN_V2_P1_1661249.PDF (accessed 28.03.2022)

²⁷ Gender as a significant objective but not the principal reason for undertaking the action according to the Handbook on the OECD DAC Gender Equality Policy Marker

²⁸ Gender not targeted according to the Handbook on the OECD DAC Gender Policy Marker.

Finally, the Action Document EU for Sustainable Economy, Agriculture and Rural Development, marked with GM0, in the mainstreaming section states that it will contribute to the EU Gender Equality Strategy by ensuring that all statistical data used and collected during implementation will be gender- and age-disaggregated, specific gender targets will be set and monitored, equal participation of women and men in all capacity building activities will be ensured as well as participation of women in decision making process. In addition, the contribution will be made by ensuring safety, including prevention of discrimination and harassment of women, both as employees and consumers, in business environments, including the online sphere. The Action will also contribute to preventing and addressing harmful practices of stereotypical gender representation in advertising. to setting specific It does not include gender sensitive indicators or gender sensitive objectives.

Following the OECD DAG criteria²⁹ for marking Action Documents, none of the four Action Documents should be marked with gender marker 1 or 2, yet one of the documents is incorrectly marked with GM1. This document,³⁰ EU for a More Responsive Healthcare system, only refers to gender in the mainstreaming part, not fulfilling any of the criteria such as the gender analysis, the use of findings from the gender analysis to inform the design of the action, , the presence of explicit gender equality objectives backed by at least one gender-specific indicator and data and indicators disaggregated by sex.

Criterion I. Sex-disaggregated data is collected by national statistical offices

40. The Country has an updated Gender Equality Index (GEI) at national level	Yes
41. Whether National Statistical Offices publish a report with easily accessible sex-disaggregated data that is sufficient for the public's use (based on Women & Men publication)	Moderately

To-date, Serbia has published three GEIs: in 2016, 2018 and 2021³¹. The GEI follow the methodology set by the European Institute for Gender Equality, covering the domains of power, knowledge, money, time, work, health. However, the domain of violence is a satellite domain as Serbia is still not in the position to calculate the composite indicator for this area. The Statistical Office of the Republic of Serbia has conducted a new survey on violence against women, so future reports will be able to calculate Index value for this domain.³²

The latest edition on Women and Men³³ was published in December 2020 by the National Statistical Office with data referring to 2019, so there is no reference to covid-19. From the information on the website of the Statistical Office it looks like this publication is

29 <https://www.oecd.org/dac/gender-development/Minimum-recommended-criteria-for-DAC-gender-marker.pdf>

30 https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-01/C_2021_9653_F1_ANNEX_EN_V2_P1_1661269.PDF

31 <https://eige.europa.eu/gender-equality-indices-western-balkans-and-turkey>

32 https://eurogender.eige.europa.eu/system/files/events-files/gender_equality_index_for_serbia_2021.pdf

33 <https://publikacije.stat.gov.rs/G2021/PdfE/G20216001.pdf>

published every third year³⁴. The publication from 2020 covers ten different areas: population, health, social protection, education and science, employment, earnings and pension, living standard, time use, judiciary and decision making. While the data is sufficient for the above included areas, the publication could go beyond the already included sectors and expand the data collection on transportation, agriculture and rural development, technology and environment that should feed into the decision-making process in all areas, especially in relation to the EU accession process. Intersectional perspective should also be considered for future Women and Men publication, with a special focus on marginalised communities in Serbia, including women from minority groups, in order to provide an intersectional analysis, not least when it comes to gender-based discrimination.

Criterion J. National bodies responsible for EU integration include staff with gender expertise

42. Extent to which gender expertise exists in the government body responsible for EU integration	Moderately
43. % of staff trained on gender equality in the national body responsible for EU integration	Can not be concluded
44. Extent to which Gender Focal Points are consulted in the IPA programming	Minimally
45. Extent to which gender equality expertise exists in national statistical offices	Moderately

The MEI has a responsible staff member with expertise on gender equality that coordinates the process for IPA programming. According to the information shared in the response, significant number of MEI staff have been trained on gender related issues, including: gender mainstreaming, gender-responsive budgeting and strategic and legislative frameworks of gender equality. The MEI, with support from UN Women, regularly conducts trainings and workshops for IPA Beneficiary institutions, predominantly on the programming process and gender mainstreaming of programming documents. In addition, the NIPAC Technical Support and UN Women have organised a study visit to an EU Member state for MEI staff and beneficiary institutions on the topic of gender equality and gender mainstreaming in the previous period.

The Coordination Body for Gender Equality has formed a network of gender focal points in the public administration at national, regional and local levels, which they expect will ease the process of gender mainstreaming of public policies. Through the Gender Equality Facility Project³⁵, these GFPs were involved in trainings for IPA programming and are expected to be more involved in the processes thus contributing with their expertise. On the other hand, MEI considers it is other Ministries responsibility for consulting or involving different structures/units within the ministries as they do not have mechanism for consultation with gender focal points. They consider that

³⁴ <https://www.stat.gov.rs/sr-Latn/oblasti/stanovnistvo/statistika-polova>

³⁵ file:///C:/Users/User/Downloads/GEF%20Serbia_Final%20Evaluation_Brief.pdf In the period 2018 – 2021, UN Women Programme Office in Serbia, in close cooperation with the National Coordination Body for Gender Equality and the Ministry of European Integration has implemented the project 'Support to Priority Actions for Gender Equality in Serbia' (Gender Equality Facility / GEF), funded by the EU through the Instrument for Pre-Accession Assistance (IPA) II.

consulting GFPs should be part of internal mechanisms of each Ministry (Beneficiary Institutions). MEI during programming process communicates directly with IPA units, which further disseminate information within their institution and collect inputs.

Most of the NIPAC Technical Staff have been involved in gender mainstreaming training within the last five years, as well as at least one representative of each IPA unit. The majority of IPA programming documents have been reviewed by gender experts, and MEI staff are regularly informed about EU gender-related policies. If this practice of involving gender experts also refers to the Action Documents that were adopted for 2021, it is visible that different EU gender-related policies are considered. However further improvement in gender mainstreaming in the Action documents is needed as, for example, they are all missing gender sensitive indicators and to ensure the gender marking is applied correctly. For improved sustainability and local ownership, these processes should also involve WCSOs as they are representing diverse women constituencies in Serbia and have crucial expertise on women's rights.

NIPAC Technical Support (TS) representatives claim they do not have mechanism for consultation with gender focal points because this should be part of internal mechanisms of each Beneficiary Institutions. During the programming process, NIPAC TS communicates directly with IPA units in beneficiary institutions, which further distributes information within their institution and collects inputs. Further coordination is needed between already existing mechanisms, such as the IPA units and GFPs, to make the most of available resources for gender mainstreaming.

The Coordination Body also cooperates with the State statistical Office for the preparation of Gender Equality Indexes. The State statistical office publishes the Women and Men publication, and because of this and the GE index, it seems that there is sufficient gender expertise in the Statistical office.³⁶

Conclusion

The EC Serbia report for 2021 is not fully gender-mainstreamed as information and data on women and men is limited to five of the thirty-three chapters while only one, Chapter 19, can be considered as fully gender mainstreamed. There is one official recommendation referring to advancing gender equality in the country. In 2021, Serbia has made moderate but limited progress in addressing the recommendations in the 2020 report and there is still work to be done considering that several recommendations remained the same in 2021 report.

Consultations with CSOs, including WCSOs, take place on several predetermined occasions during the year. WCSOs are mostly involved in providing input the country reports, are informed/involved in IPA programming and have also been consulted for the preparation of the CLIP and its subsequent implementation. However, there is room to ensure that dialogue between the EUD and WCSOs becomes more regular and structured on gender equality issues and that the EUD fully draws on the expertise of WCSOs. Information needs to be shared further about the EU Accession processes, and the EUD should reach out to diverse CSOs/ WCSOs including ahead of SAA Committee and Sub-Committee meetings to ensure their voices are heard in these processes.

³⁶ In depth interview with EU Official, 10 March 2022, and written response to the questionnaire, Coordinative Body for Gender Equality, 29 September 2021.



The Coordination Body for Gender Equality is also actively involved in the legislative processes concerning gender equality, together with the EUD and the government, however, there seems to be a lack of coordination between the two established mechanisms, for gender equality (GFPs) and the IPA units. The President of the Coordination Body for Gender Equality, who at the same time is the Minister of Mining and Energy, is seen as a gender champion, as a result of her achievement to publish the first gender analysis in 2021 in the energy sector.

The NPAA contains some reference to women and gender equality in a few sectors but many remain gender-blind. This is also the case with the sectoral strategies, where gender is mainstreamed in the employment, education and public administration, but for example not in information society and information security, science and technology development, start-up ecosystem development, processing war criminals and developing postal services. In the future, sectoral strategies should draw on available gender expertise and integrate gender considerations throughout.

Overall, it should be noted that much of the data needed for this analysis was neither publicly available nor accessible, including information about the SAA sub-committee meetings and sector working groups and the IPA III Strategic Response of the Serbian government. This remains a key transparency and accountability issue in the framework of the EU Accession process to be addressed in the near future. Information and documents related to the EU Accession process should be made readily available to the public by the relevant ministries as well as the EUD to ensure citizens are informed and able to engage constructively in the process.

As the main body for coordinating the processes related to EU Accession, the MEI refers to the involvement of UN Women in different process, for example in the development of the Strategic Response, as an UN agency with gender expertise. WCSOs are very important actors in the accession process as they have the local knowledge, expertise on gender equality issues and close connections with local constituencies yet they were not consulted in the lead up to the SAA Committee and Sub-Committee meetings or in preparation of the Strategic Response on IPA III. Their meaningful and structured involvement in different consultations in EU Accession processes should be ensured both by the EU and by the government in line with the EU's commitments to engagement with Civil Society in external relations³⁷ and government's commitments. The Action Documents for 2021 contain reference to different gender related policies, including the GAP III and the commitment for 85% of the new actions to contribute to GEWE. In three of the Action Documents adopted, GEWE is listed as not being a priority, while only one refers to GEWE being a significant objective. Additionally, the one that is marked with GM1, does not in reality match the requirements for such a marker. If we take only 2021, accessible data indicates that none of the new Action Documents contribute to GEWE as they are designed. The GM gives an incorrect picture of the overall funding for gender equality as even when a AD is marked with GM1 it counts as all the funds for implementation of that AD goes to advancing gender equality. The system also lacks possibility to track funding to WCSOs.

37 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0492:FIN:EN:PDF>

RECOMMENDATIONS

Recommendations towards EU:

- Continue the efforts for gender mainstreaming the Serbia Reports by progressively including gender perspectives and gender disaggregated data in chapters other than 19, 23, 24, 26 and 28;
- Include more action-oriented recommendations and clear benchmarks in the Serbia EC Country Report in relation to gender equality issues;
- Continue to advance the dialogue and meaningful involvement of WCSOs in the EU Accession processes, including the preparatory meetings for SAA Sub-Committee meetings;
- Continue the practice of consulting with WCSOs are part of the process for preparation of the country reports for Serbia;
- Improve transparency, and accessibility of the processes by publishing promptly relevant information and documents on the website of the EUD, including the agenda and conclusions of SAA Committee and Sub-Committees meetings;
- Consider the establishment of dedicated consultation mechanisms for WCSOs such as the Women Civil Society Soundboards with the aim of ensuring regular and meaningful dialogue at policy level between WCSOs and the EU Delegations on issues pertaining to gender equality ;
- Involve WCSOs in a meaningful and structured manner in the IPA programming to make sure the needs and priorities of women are addressed in the documents;
- Revise the DG NEAR Guidelines for EU Support to Civil Society in the Enlargement region 2021-2027 to include GAP III commitments and include a mapping of civil society organisations active in the country and their expertise (women's CSOs, LGBTIQ CSOs, CSOs working with migrants, minorities, disability, and others as appropriate, in line with the Human Rights Based Approach) as part of the baseline for monitoring the implementation of the Guidelines;
- Invest more efforts to have a full-time GFP with access to senior decision-making providing more space and senior level-support for gender equality work especially in view of GAP III implementation and requirements;
- Make use of all the available gender statistics including Gender Equality index, the publication Women and Men in Serbia, Gender Profile and other available gender analyses in country reports;
- Conduct trainings to EU staff on the correct use of the GM based on OECD principles and ensure that AD are marked correctly before they are approved;

Recommendations towards national government / bodies:

- Involve WCSOs in a meaningful and structured manner, as a prerequisite for furthering gender equality in the country and acknowledgment of their expertise and work, in particular in preparation of the SAA Committee and Sub-Committee meetings;
- Involve WCSOs in a meaningful and structured manner in the processes of IPA programming including the preparation of the Strategic Response to ensure that gender equality priorities are adequately included;
- Ensure a regular flow of information to CSOs including WCSOs and CSOs working on gender equality, on the EU Accession process in Serbia;

- Improve transparency, accessibility and efficiency of the processes by publishing required and relevant information and documents on the website of the MEI, including the IPA III Strategic response;
- Continue with the efforts to mainstream gender in IPA Programming, in line with the GAP III and CLIP commitments, and ensure the correct use of the OECD gender marker;
- Continue the efforts to gender mainstream in policy development including the sectoral strategies following the best practice of the Employment Strategy, Strategy for human resources in judiciary, Strategy for development of education;
- Increase efforts to coordinate between the IPA units and ensure that GFPs in ministries with appropriate expertise on gender issues are involved in the IPA Programming;
- Revise the NPAA as the last one expired. Ensure meaningful and structured involvement of WCSOs in this process to ensure the integration of key priorities for gender equality and women's rights in line with the *EU Acquis Communautaire*, including the Work-Life balance Directive;
- Continue with the efforts to advancing gender equality by implementing recommendations in the country reports for Serbia;
- Continue with the practise of regularly publishing GE Index and ensure collection of gender-disaggregated data especially in the area of gender based violence.

Annexes

Annex 1. Data Sources

Mixed methodology was used for the preparation of this report based on analyses of available documents, semi-structured interviews and e-mail correspondence. Consultations with the following institutions and organisations either through online interviews or via email correspondence informed this paper, enlisted in alphabetical order:

- A11 Initiative, 29th of March 2022
- Coordinative Body for Gender Equality
- European Union Delegation to Serbia, 10th of March 2022
- Ministry for European Integration/ National IPA Coordinator (NIPAC)
- Sandglass, 29th of March 2022

List of documents analysed and used as reference:

Action Documents for 2021 under IPA III for Serbia available at: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance/serbia-financial-assistance-under-ipa-ii_en

Definition and minimum recommended criteria for the DAC gender equality policy marker, available at: <https://www.oecd.org/dac/gender-development/Minimum-recommended-criteria-for-DAC-gender-marker.pdf>

Everything you wanted to know about energy poverty in Serbia (Sector Gender Analysis) available at: <https://www.resfoundation.org/wp-content/uploads/2021/09/Sve-sto-ste-hteli-da-znate-o-energetskom-siromastvu-u-Srbiji.pdf>

Gender Analysis of 2021 EC Country Reports for the Western Balkans available at: <https://kvinnatillkvinna.org/>

Gender Equality Index for Serbia 2021 available at: <https://eige.europa.eu/gender-equality-indices-western-balkans-and-turkey>

Information about sector strategies available at: <http://www.evropa.gov.rs/evropa/publicsite/Documents.aspx>

Law on planning systems available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2018/30/1/reg>

List of publications containing gender statistics, available at: <https://www.stat.gov.rs/sr-Latn/oblasti/stanovnistvo/statistika-polova>

List of working papers distributed to the Working Party on Enlargement and Countries Negotiating Accession to the EU in 2021 available at: https://www.parlament.gv.at/PAKT/EU/XXVII/EU/07/51/EU_75148/imfname_11096096.pdf ; <https://data.consilium.europa.eu/doc/document/ST-5075-2022-INIT/en/pdf> ; <https://data.consilium.europa.eu/doc/document/ST-11058-2021-INIT/en/pdf> ; https://www.parlament.gv.at/PAKT/EU/XXVII/EU/05/95/EU_59567/imfname_11063065.pdf

National Programme for Adoption of the Acquis, Serbia available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_2018_2021.pdf

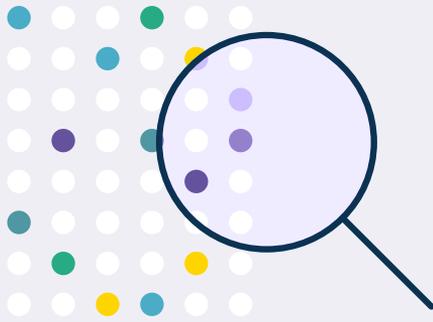
Publication Women and men in Serbia, 2020 available at: <https://publikacije.stat.gov.rs/G2021/PdfE/G20216001.pdf>

Strategies adopted in 2021 (*Strategy for market capital development 2021-2026; Strategy for public administration reform 2021-2030; Strategy for development of education till 2030; Strategy for start up ecosystem development 2021-2025; Strategy for processing war criminals 2021-2026; Strategy for human resources in judiciary 2022-2026; Strategy for state ownership and managing economic subjects 2021-2027; Employment Strategy 2021-2026; Strategy for countering weapons for mass destruction 2021-2025; Strategy for developing postal services 2021-2025; Strategy for science and technology development 2021-2025; Strategy for information society and information security 2021-2026; Strategic plan for countering fraud and managing irregularities in administering EU funds 2021-2025; Programme for reforming the system of local self-government 2021-2027; Strategy for prevention and combating gender-based violence against women and domestic violence 2021-2025; Strategy for gender equality 2021-2030*) available at: <https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi.php>



Support to priority actions for gender equality in Serbia (Gender Equality Facility/ GEF) 2018-2021 available at: <https://gate.unwomen.org/EvaluationDocument/Download?evaluationDocumentID=9681>

The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0492:FIN:EN:PDF>



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