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TOWARDS INCLUSIVE EU ACCESSION

ASSESSMENT OF WESTERN BALKANS' EU ACCESSION PROCESS FROM A GENDER PERSPECTIVE



A BRIEF OVERVIEW ON
THE MONITORING AND
ASSESSMENT REPORTS
WITH SUMMARY OF
FINDINGS

Implemented by:

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FEBRUARY, 2024

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BACKGROUND AND METHODOLOGY (MONITORING FRAMEWORK)

The monitoring assessment reports are one of the main outputs of the regional EU Action “Furthering Gender Equality through the EU Accession Process” (2020-2024) implemented by the members of the Coalition for Gender Equality in the EU Accession Process (EQUAPRO) and led by the feminist think-tank Reactor – Research in Action (North Macedonia). Other EQUAPRO members involved in the project as partners are: Albanian Women’s Empowerment Network (AWEN) (Albania), Kosovo Women’s Network (Kosovo*), Kvinna till Kvinna Foundation (Sweden/North Macedonia office), Rights for All (Bosnia and Herzegovina) and Women’s Rights Center (Montenegro).

This Action is co-funded by the EU and Sweden, and it aims at enhancing regional cooperation among women’s rights civil society organizations and strengthening participatory democracies to bring about an inclusive gender-sensitive EU approximation process. The specific objectives of the Action include providing gender analyses to inform policymaking, supporting evidence-based advocacy towards integrating a gender perspective in the EU Accession process, and monitoring reforms related to the EU Accession process from a gender perspective.

As part of this Action, the members of the EQUAPRO Coalition, under the guidance of the regional expert Giulia Pasquinelli, carried out a comprehensive monitoring exercise with **two separate regional assessments** of the Western Balkans EU Accession from a gender perspective. **During each of the two monitoring waves, six country reports were produced, alongside a regional report** compiling and comparing the findings from the country-level reports and analysing additional fields and indicators at regional level.

- The first batch of national assessment reports covering the baseline reference period – January – December 2021, were produced in 2022 and 2023, and the first regional report - “SCRATCHING THE SURFACE: Assessing implementation of gender equality standards in the EU Accession process for the Western Balkans” - followed right after the national assessments were completed.
- The second assessment wave was carried out in 2023 and it focused on monitoring the same processes for the reference year 2022, while comparing the findings to the baseline year. Six more national reports were produced and used to feed the second regional report “TOWARDS INCLUSIVE EU ACCESSION: Follow-up assessment of Western Balkans’ EU accession process from a gender perspective”, which was completed and published at the beginning of 2024, marking the closure of the four-year EU-funded Action.

All produced reports provide overview of the main trends in relation to the integration of a gender perspective in the EU accession process of the Western Balkan countries, including gender mainstreaming in key decision making and drafting policy and programming documents related to IPA III and relevant national sector policies and strategic documents, as well as providing relevant recommendations.

*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.

The overall monitoring framework draws from the revised methodology for the EU Accession process included in the Communication “Enhancing the Accession process: A Credible EU Perspective for the Western Balkans” published by the European Commission in February 2020 and officially endorsed by the EU Member States in the March 2 2020 Council Conclusions and from 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 Objectives and Indicators (GAP III). Finally, the monitoring framework also looks at how bilateral funding provided by the EU to candidate and prospective candidate countries in the Western Balkans include gender equality objectives. To do so, it draws from the regulation for the Instrument for Pre-Accession (IPA) III and the Strategic Responses developed by the individual countries.

The monitoring framework builds on **51 qualitative and quantitative indicators** (45 national and 6 regional), which include EU accession documents and related processes, including the CLIPs, which should also mirror accession priorities, as per EU GAP III.

All the indicators are gathered **under 10 criteria**:

1. Country reports are gender-mainstreamed (Criterion A)
2. Stabilisation and Association Committee meetings include gender issues (Criterion B)
3. EU strategic engagement on gender equality at country level is in place (Criterion C)
4. EU mainstreams gender in all actions and targeted actions (Criterion D)
5. The EU leads by example (Criterion E)
6. Government adopts legislation in line with the EU acquis on gender equality and consults with women’s organisations (Criterion F)
7. Governments implement recommendations on gender equality included in the EC Country Reports (Criterion G)
8. Programming of IPA III at national level prioritises gender equality (Criterion H)
9. Sex-disaggregated data is collected by National Statistical Offices (Criterion I)
10. National bodies responsible for EU integration include staff with gender expertise (Criterion J)

Additionally, publicly available regional action documents were also analysed with particular focus on how they are marked using OECD DAC criteria and whether they fulfil the minimum requirements for the corresponding gender markers - GM1 and/or GM2.

SUMMARY OF FINDINGS (WITH CONCLUSIONS AND RECOMMENDATIONS)

Respect for fundamental rights, including gender equality, is part of the Copenhagen criteria to be fulfilled by a country prior to joining the EU. Gender equality principles, standards and laws are part of the EU Acquis Communautaire and are - or should be - included in the political dialogue between the EU and the governments, as one of the cross-cutting priorities of the IPA III. The regional report, complementing the national reports produced by the EQUAPRO Coalition for each Western Balkan country, examined how gender equality commitments are taken forward both by the EU and by national governments in the framework of the EU Accession process.

The findings of the monitoring conducted over the scope of two years suggest that although the EU accession process remains the main driver of pro-democratic reforms and advancement on fundamental values, including gender equality, in the Western Balkans, the results so far have been mixed. While the findings of the reports show, and the WCSOs' advocacy activities contributed to, some positive developments, further monitoring would be necessary to assess how substantive, transformative, and sustainable these changes are.

(Criterion A)

The overall assessment reveals that **gender mainstreaming of Country Reports remains limited** to selected chapters and, particularly, the political criteria, chapter 23 (Judiciary and Fundamental rights), to a limited extent chapter 24 (Justice, freedom, and security) and chapter 19 (Social Policy and Employment). **This contradicts the spirit of gender mainstreaming, first endorsed by the EU in 1996** and later included in the EU Treaties, which entails the recognition of the impact of gender on every aspect of political and economic life. **While this requires a considerable investment in time and resources, the EU will somehow need to progressively move towards the gender-mainstreaming of the entire Country Report if it expects governments in the Western Balkans to also take gender equality commitments seriously.**

Additionally, **the use of sex-disaggregated data in the Country Reports could be increased to cover more sectors**, beyond the traditional areas such as the labour market.

While the extent of inclusion of WCSOs' recommendations in the Country Reports differed among the countries, these **recommendations could be reflected more evenly across the different chapters and more diverse WCSOs could be involved in the process.**

(Criterion G)

National governments in Albania, Montenegro, North Macedonia, and Serbia took steps to address the official gender equality-related recommendations included in the Country Reports to a moderate extent while in BiH and Kosovo only to a minimal extent. This suggests that **the political will and commitment to follow suit on the EU recommendations in this domain is not sufficient.** The EU should further use its leverage to push national governments to comply with the recommendations through political

dialogue and **ensure the recommendations are specific, action-oriented, and achievable within the expected time frame.** Also, they are not to be removed until they are fully implemented.

(Criterion B)

Greater **transparency and inclusion** were among the aspirations of the new accession methodology proposed by the EC in 2020 and called for by citizens in the region, for a process that is often viewed as exclusionary and privileging communication with political elites over ordinary citizens. **Both the EU and national governments are taking steps to be more transparent and involve citizens** at key stages of the process, **yet efforts remain elusive.** For example, **limited information** could be obtained on **Stabilisation and Association Committee and Sub-Committee meetings**, due to agendas and conclusions not being publicly available (could not be retrieved in three out of six countries). The partially gathered data indicated that the gender perspective had been included only in a few of the Sub-Committees (SAA SC on Justice, Freedom and Security and SAA SC on Innovation, Society and Social Policy), suggesting limited success in terms of gender mainstreaming.

The extent of **consultations with WCSOs ahead of the SAA** Sub-Committee meetings ranged **from minimal to moderate**, and although some improvement was registered in 2022 in Albania and Montenegro, the process could be improved in terms of regularity, structured dialogue, timeliness and completeness of information and feedback. Among the countries of the region, Kosovo provides an example of good cooperation holding regular consultations with WCSOs prior to SAA SC meetings and the government institutions share with WCSOs the invitations, agendas, and conclusions of these meetings.

(Criterion C, D, E)

The EU has stepped up its strategic engagement on gender equality at country level through the adoption of **CLIPs** in all countries, as mandated by the GAP III. In all countries, **CLIPs were developed with significant WCSO consultations with best examples set in Albania, Kosovo and North Macedonia.** WCSOs reported that they were extensively consulted for the development of the CLIPs by the EUDs, having also led the consultation process in at least two countries. **This puts the region in a good place for future implementation of GAP III.** Yet, **greater clarity is needed in relation to the role WCSOs can play as partners of the EU in the implementation phase of the CLIPs**, in view of their unique expertise on gender equality issues, established networks at national and regional level and ability to reach out to and express the needs of the most marginalised groups of women.

Although the CLIPs were not updated in 2022 in any of the Western Balkan countries, updates were conducted in Montenegro and North Macedonia with a great degree of consultations of WCSOs during the conclusion of the second monitoring reports (end of 2023).

Most countries also had a **Gender Country Profile** completed or updated in 2021, except for North Macedonia where the GCP was finalised only in 2023. **A fully-fledged gender analysis** was conducted only in Kosovo. Several sector-specific gender analyses were conducted across all WB countries during both reference years by WCSOs. While the number of **sector-specific**

gender analyses per year was assessed as sufficient in 2022, it would be desirable to continue with this pace and produce gender analyses for all sectors.

While the EUD/O's strategic engagement with national stakeholders and civil society, including WCSOs, was assessed rather highly (moderate to extensive), overall dialogue on gender equality issues between the EUDs and WCSOs happens mostly in relation to programming, while **WCSOs call for greater involvement also at policy level.**

Meanwhile, **dialogue with civil society on women, peace and security issues (WPS) is lagging behind**, with three out of six countries indicating that this is hardly taking place, which is perceived with concern in the post-conflict context of the region that is still grappling with the legacies of the 1990s wars.

Dialogue on gender equality between the EU and partner governments, national gender equality mechanisms, parliaments and other institutional actors was rated positively (from moderate to extensive), although there is always room for improvement.

Regarding the extent to which **EU actions are gender-responsive or targeted**, the **results were at first glance good**, meeting the GAP III objective of at least 85% gender-responsive new actions (with **90% of new actions being gender-responsive in 2022**) and with one national Action Document having gender equality as a principal objective (marked GM2 according to the OECD/DAC markers) for both reference years (in 2022 it was for North Macedonia). While there are efforts to meet with the GAP III ambition to have 85% of new Actions marked GM1 and 5% GM2, **a more detailed analysis of the Action Documents showed that, in most cases, they were marked incorrectly and did not fulfil the minimum OECD/ DAC criteria for the GM1 or GM2.** This means that the total amount of funding in support for gender equality in each country, deriving from the total sum of GM1 and GM2 Action Documents, cannot be considered a reliable figure. Similarly, the funding in support of gender equality at the country level formally increased in 2022 in Albania, BiH and Serbia, reaching approximately 78.000.000 EUR. However, these figures are misleading as only a small part of the actions marked GM1 would contribute to gender equality specifically. So, even if the Actions Documents had been marked correctly, the system does not account for the fact that in a GM1 Action, where gender equality is a significant but not principal objective of the action, only a proportion of its funding is directed to gender equality. **The fact that the EU, the largest donor in the Western Balkans, does not yet have a system to accurately track the total funding in support of gender equality provided through external funding instruments should be addressed as a matter of priority. Furthermore, the system does not allow for tracking the amount of funding allocated to WCSOs in partner countries and so this remains unknown.**

For the criterion E “the EU leads by example”, which corresponds with the fourth pillar of GAP III, it was not possible to obtain the needed information for most indicators in all countries except for Kosovo and Montenegro, as it could not be accessed publicly nor was it provided based on formal requests for data sent to the EUDs. In the countries where this data was available, the results for 2022 showed that the **representation of women in senior and middle management in EUD/O was on average 20%**, while the

representation of men was 80%. **The lack of data prevented a regional comparison and identification of the trends** in the proportion of EUD/O staff trained on gender equality, GAP III and WPS.

Regarding the position of **Gender Advisors and Gender Focal Points (GFP)** in the EUD/O and CSDP missions, most institutions had one, while Kosovo stood out with 13 such positions (largely due to EULEX presence with 10 GFPs). In general, the GFP colleagues are faced with obstacles to fulfilling their role sufficiently – typically this is only a part-time role, and there are often no job descriptions related to this position.

(Criterion F, H)

On inclusion at national level, looking at the composition of the **sector working groups set up with the purpose of EU integration** and whether they foresee the participation of civil society, including WCSOs, there are **diverse results across countries**. From the data collected, three countries could not verify whether WCSOs are involved in the sector working groups (Albania BiH, and Serbia), and in one (Kosovo) the working groups have not been set up yet. In North Macedonia and Montenegro in 14% and 25% of the working groups respectively, WCSOs are included. While countries may have different models for CSO inclusion, **the composition of the sector working groups should be publicly available and WCSOs' participation should be foreseen**.

The extent to which gender equality was included in the National Programmes for the Adoption of the Acquis (NPAA) in individual Western Balkan countries differed significantly in 2022, from full to minimal extent. On the **approximation of the Western Balkan countries' legislation to the EU Acquis**, the analysis shows that only two of the National Programmes for the Adoption of the Acquis extensively address gender equality while the others do so to a lesser extent. By the end of 2023, BiH still did not have a NPAA, although it is included among the 14 priorities for BiH opening accession negotiations.

In most countries, laws and public policies put forward as part of the accession process are generally made available for public consultations, including through new online platforms. **However, the introduction of more accessible platforms for consultations, has not always contributed to making the consultative process more meaningful and inclusive**. Although public consultation mechanisms for draft laws were in place in all countries, the process could be improved by an expanded timeframe for the collection of inputs (timeliness), the inputs on laws and policies by WCSOs could be better reflected, more diverse (W)CSOs could be involved in the process, and CSOs should receive better and more timely and systematic feedback, while reporting on the consultation outcomes needs to be enhanced. **A best practice example was reported in Montenegro** where the government publishes on its website timely reports from the public debates attended by CSOs, including detailed feedback and explanations on the adopted or refused suggestions made by civil society.

The new sectoral strategies, publicly available in all countries, were gender mainstreamed mostly to a moderate extent. However, **the most gender mainstreamed documents in 2022 remained the ones focused on gender equality, human rights or trafficking in human beings**. The information on WCSOs' representation in sector working groups in 2022 was not retrieved

in most countries despite best efforts. However, a regress was noted in Montenegro where new government rules introduced a public call for CSOs to propose one representative for each of the working groups, undermining WCSOs' participation, with no involved representative in 2022.

Programming of IPA III funding from both the point of view of transparency and inclusion as well as gender mainstreaming, remains challenging. **The Strategic Responses for IPA III were developed in most countries without proper consultations with WCSOs, except in Montenegro where it was subject to public debate.** In three (BiH, Kosovo, Serbia) out of six countries, the IPA III Strategic Response was not publicly available during the reference period nor were the WCSOs consulted in the process. The analysis shows that **gender equality objectives were included** in the available documents **only to a minimal or moderate extent and should be enhanced in future revisions.** North Macedonia's NPAA is the only that moderately includes gender equality objectives, while in Montenegro this is done only to a limited extent and in Albania not at all. **Documents of such importance should be made available throughout all the drafting phases in order to increase transparency of the national approach to IPA III programming.**

(Criterion I)

On the **collection of sex-disaggregated data at national level**, most countries indicated that the National Statistical Offices are collecting sex-disaggregated data on different domains and publishing it through the "Women and Men" publication every other year. While these publications are considered helpful, suggestions were made to **expand the remit of the publication to include also transportation, agriculture, rural development, technology, environment, informal economy, unpaid labour, gender-based violence, pay gaps and pension gaps and to introduce an intersectional lens to capture the incidence of intersecting inequalities** on women and girls from marginalized groups.

In 2021, four out of six countries had **Gender Equality Indices** which contain useful data and statistics, yet **their use would be greater if they were published at regular intervals**, based on more recent data for some domains, as well as be **timed so that they could inform the EC Country Reports**. In 2022, no updated Gender Equality Index (GEI) was published in the Western Balkans, although in several countries a GEI update was being planned. A partial GEI in BiH (focusing on two domains) was published in 2022. In Kosovo, the GEI was not published during 2022, although three domains were being developed. The same happened in North Macedonia, where the new GEI was in progress but not published during the monitored year (postponed for second half of 2023). This seriously hinders evidence-based policymaking from a gender perspective.

(Criterion J)

The **gender expertise in national bodies responsible for EU integration** is present only **to a minimal or moderate extent** and sufficient expertise or experience on gender issues was very limited among the staff. The training on gender equality in these institutions was confirmed in 2022 only in three countries and usually involved a very small proportion of the staff (except for Montenegro).

Gender equality expertise in the national statistical offices varied significantly among the countries, from a minimal (in Kosovo) to a large

extent (Albania), but in general, the statistical offices could benefit from increased capacities for gender statistics and analysis.

When it comes to the EU, for most countries, accurate data on the percentage of women in senior and middle management positions in the EUDs, or on the percentage of staff trained on gender equality and GAP III in the EUDs and on women, peace and security in CSDP missions could not be retrieved.

The findings also showed that GFPs were consulted in the IPA programming to a minimal or moderate extent and that there is a need for clarification on the GFP's role in IPA programming, and a more structured involvement.

RECOMMENDATIONS TO DG NEAR AND EU DELEGATIONS/OFFICES

The recommendations presented below aim to provide guidance on how to better address commitments related to gender equality.

Gender mainstreaming of Country Reports

- Establish minimum requirements on gender mainstreaming of each Country Report and ensure consistency in the approach across the different countries;
- Ensure there are clear and concrete action-oriented recommendations on gender equality and that these are not removed from the reports until fulfilled;
- Empower the Gender Adviser in DG NEAR and Gender Focal Points in Delegations/Offices to further support colleagues in gender mainstreaming the Chapters that are not currently mainstreamed;
- Consult diverse WCSOs and utilise their input to better integrate attention to gender equality in different chapters;
- Revise the internal guidelines on compiling the Country Reports and progressively include gender-sensitive questions for all Chapters.

Transparency and inclusion

- Publish all the relevant documents connected to the EU Accession process on the relevant webpages, including the agendas and conclusions of the SAA Committee and Sub-Committee meetings;
- Further inform and involve citizens and civil society organisations in key steps of the EU accession process;
- Publish key accession-related documents and information in local languages.

Strategic engagement on gender equality and inclusive dialogue

- Continue the good practice of consulting and partnering with WCSOs for the development, revision and assessment of CLIPs;
- Establish a meaningful dialogue and partnership with WCSOs for the implementation of the GAP III at country level to ensure alignment of the EU priorities with those identified by WCSOs;
- Increase funding to national and grassroots WCSOs as provided for in GAP III, indicating a baseline and a target;

- Ensure an inclusive and participatory reporting system throughout the implementation of GAP III,
- Increase regular dialogue with diverse WCSOs not just in relation to programming and funding opportunities but also on policy and political issues;
- Continue the good practice of consulting with CSOs, including WCSOs, and collecting written input ahead of the drafting of Country Reports;
- Establish a yearly dialogue on WPS-issues with WCSOs, providing space to discuss issues related to peacebuilding, reconciliation and transitional justice, as per the EU's commitments;
- Ensure a system of feedback is in place to inform WCSOs about the uptake of their proposals and concerns.

Funding for gender equality related to EU Accession

- Train EUD staff on the appropriate use of the gender markers based on the OECD/DAC criteria and establish an internal quality control system to ensure that Action Documents are marked correctly;
- Improve OPSYS to track more accurately the actual amount of funding allocated to gender equality and to different beneficiaries, including specifically WCSOs;
- Publish the relevant data every year on the EC and EUD/Os' webpages.
- Collection of sex-disaggregated data
- Continue to support and fund programmes to improve data collection and management systems in accession countries, as well as to encourage governments to improve these systems at national level;
- Urge EIGE to publish the Gender Equality Index at regular intervals and, where possible, time it so that the data can be used to inform different chapters in Country Reports.

Expertise and capacities on gender equality

- Ensure at least one full-time Gender Adviser/Focal Point in the EUD/Os with a standard job description, clear responsibilities and access to senior decision-making level;
- Provide regular trainings on gender mainstreaming and GAP III requirements, objectives and tools for implementation to staff and particularly management in DG NEAR, EU Delegations and CSDP missions;
- Provide regular trainings on WPS issues to staff in EU Delegations and CSDP missions;
- Consider contracting WCSOs' expertise to support capacity building in gender mainstreaming that also considers country-specific contexts.