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Gender equality in the countries of the former Yugoslavia

Report[1]
Committee on Equality and Non-Discrimination
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Summary

For more than a decade, the States of the former Yugoslavia have been facing the dual challenge of progress towards a market economy and the consolidation of democracy. A gender policy and legislative framework have been introduced but equality is still far from being a reality. Application remains problematic: the lack of effective control over the implementation of laws and the lack of real financial and technical resources means that the application of new laws, which often comply with European standards, remains slow and inconsistent.

Measures need to be taken to improve the implementation of laws and policies, as well as to raise the awareness of all economic and social actors of the need to empower women to achieve their full potential in political, economic and social participation in overall development at national as well as regional level.

1. Reference to committee: Doc. 12517, Reference 3757 of 11 April 2011.

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A. Draft resolution[2]

1. For over a decade, the States of the former Yugoslavia have been facing the dual challenge of progress towards a market economy and the consolidation of democracy. Today, those that are not already members of the European Union have aspirations to join in the not too distant future.

2. The Parliamentary Assembly believes that discrimination against women is a violation of human rights and hinders a country's democratic and economic development. Moreover, in the current economic crisis, there is a risk of regression in women's rights insofar as governments focus their efforts on other priorities.

3. The Assembly welcomes the introduction of a gender policy in the countries of the former Yugoslavia, which has allowed the introduction of new legislation and of institutional machinery for the furtherance of gender equality, the provision of support to women's rights organisations by enhancing their legitimacy and influence and the inclusion of the "gender" parameter in the work of national statistical institutes, thereby providing certain indicators regarding the state of society.

4. Serious progress has been made with the introduction of legislative frameworks to align legislation with international and European standards, but gender equality is still far from being a reality. Indeed, governments tend to deal with economic and political situations without including the gender aspect, when the approach to it should be comprehensive and cross-cutting. The implementation of the laws passed remains problematic: the lack of effective oversight of the implementation of legislation and of proper financial and technical resources means that effective application of new laws, which often comply with European standards, remains slow and inconsistent.

5. The Assembly is aware that traditional stereotypes regarding respective male and female roles remain present in society, and that school curricula still convey these stereotypes. One of the principal difficulties continues to be changing attitudes, which needs time but also technical and financial resources and firm political will.

6. Violence against women is a widespread scourge in the region. Here, as in other countries, such practices are still considered acceptable among certain sectors of the population and are only partially reported and recorded.

7. The Assembly welcomes the progress made in integrating women into the economy and politics, especially the introduction of quotas in political parties and on electoral lists, which has led, for instance in Serbia, to better representation of women in national parliaments.

8. It supports the considerable work done by numerous non-governmental organisations (NGOs) to raise women's awareness of their rights and to alert politicians to the issue. However, it underlines that active efforts by the public authorities are vital, particularly the involvement of the Ministry of Education in combating stereotypes and domestic violence, for example through school and university education.

9. The countries in the region should therefore step up their efforts to raise awareness among all economic and social players about the need to empower women so that they realise their full potential in political, economic and social participation in overall development at the national and also regional levels. Steps should be taken to speed up the implementation of existing legislation that is consistent with European standards.

10. In the light of the above, the Assembly calls on the States in the region to take measures at the earliest opportunity to:

10.1. intensify efforts towards women's participation in political life, at the national and local levels, and their participation in public life;

10.2. promote actions and campaigns to raise awareness of combating violence against women and domestic violence, ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) and deal with the question of violence against women in a comprehensive and cross-cutting way;

10.3. actively combat sexual harassment, especially in the workplace;

10.4. deploy measures to combat discrimination against women and multiple forms of discrimination with a view to their becoming real economic and social players;

2. Draft resolution adopted unanimously by the committee on 3 December 2012.

10.5. make the population aware of women's rights, in particular by organising information campaigns and by gender mainstreaming in school and university curricula;

10.6. pursue and intensify efforts to promote gender equality by working to narrow the male-female wage gap and by encouraging women to attain positions at the highest levels and in all areas;

10.7. allocate the necessary human and financial resources for implementing the national gender equality action plans and ensuring a regular assessment of their efficiency, in particular by providing financial support for NGOs operating in this field;

10.8. give rural women access to the labour market, especially by fostering their access to a basic level of education, land ownership, training, modern farming methods, finance and facilities.

B. Explanatory memorandum by Mr Gardetto, rapporteur

1. Introduction

1. This report stems from the motion for a resolution on gender equality in South East Europe tabled on 2 February 2011 (Doc. 12517). The motion is based on the proposition that "[w]omen in South-East Europe face common challenges in the field of gender equality. To a considerable extent, this can be explained in the light of the region's recent history. The transition from socialism to democracy affected the position of women in society, being accompanied by a return to traditional values. In addition, the war contributed to the marginalisation of women from decision making to the advantage of men, who were considered more decisive leaders".

2. The geographical scope of my report will include the States of the former Yugoslavia. Moreover, with the exception of Slovenia, which has already become a member, all these States have aspirations to become members of or candidates to the European Union in the not too distant future (Bosnia and Herzegovina, Croatia, "the former Yugoslav Republic of Macedonia", Montenegro and Serbia). For over a decade now, this region has been meeting the dual challenge of progress towards a market economy and at the same time consolidation of democracy.

3. Given that gender equality is one of the goals of European Union members, I hope that these countries will find in this report a few tools to support them in the process of accession and in the fulfilment of their obligations as members of the Council of Europe.

4. When preparing my report, I travelled to Zagreb, Belgrade and Sarajevo in February and September 2012 to make three fact-finding visits. I wish to thank the authorities in Croatia, Serbia and Bosnia and Herzegovina for organising these visits and everyone I spoke to for helping me to collect numerous relevant facts and items of information.

2. Gender equality policies and legal instruments

2.1. Croatia

5. Croatia's accession process, commenced several years ago now, has rapidly propelled it towards harmonisation of its legislation with European Union standards, gender equality included. Croatia's accession to the European Union will take effect from 2013. The Gender Equality Act adopted on 15 July 2008 has revised the 2003 act for this purpose. The act prohibits any form of discrimination on the basis of gender, marital or family status or sexual orientation. It extends the prohibition of discrimination to employment, labour and education. It also provides for the setting up of gender equality committees in regional administrative structures and in the city of Zagreb. The Anti-discrimination Act of 1 January 2009 provides an additional legislative weapon for combating all forms of discrimination, whether directed at women or men.

6. Croatia is a Party to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and the United Nations International Convention on the Elimination of All Forms of Discrimination against Women. It is not yet a Party to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"). However, various people I spoke to told me that a working group was currently considering how Croatia's domestic legislation could be brought into line to allow ratification of this convention; this would be on the agenda for 2013.

7. Various institutional mechanisms have been established in the field of gender equality:

– a Parliamentary Committee on Gender Equality since 2000;

– a Gender Equality Ombudsman since 2003;

– a Government Office for Gender Equality since 2004.

8. A national policy to promote gender equality was adopted by the parliament in 2006 and a national strategy for protection against domestic violence was adopted for the period 2011-2016.

9. The national programme for the protection and promotion of human rights (2008-2011) fully incorporated the notion of gender equality. It emphasised that implementing anti-discrimination laws is vital for protecting and promoting women's rights. However, its effectiveness has been jeopardised by the lack of funding allocated for its implementation.

2.2. Serbia

10. Serbia is a Party to the Council of Europe Convention on Action against Trafficking in Human Beings and the International Convention on the Elimination of All Forms of Discrimination against Women. It signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 4 April 2012, but has not yet ratified it.

11. The principle of equality is enshrined in the 2006 Constitution of the Republic of Serbia, Article 15 of which stipulates that the State shall guarantee equality between women and men and develop equal opportunity policies. Article 15 also introduces the principle that discrimination is prohibited, including gender-based discrimination.

12. The 2009 Gender Equality Act requires all public authorities to pursue this goal actively, to monitor the implementation of the principle of gender equality and to supervise the application of international standards and constitutional rights within the ambit of their powers. The act extends the principle of equality to employment, health, family relations, education, culture, sport, politics and public life and legal protection.

13. A national strategy to improve the position of women and promote gender equality was adopted in February 2009, focusing on women's participation in public life and decision-making, in the economy, education and health, and highlighting the action to combat violence against women and the elimination of gender-based stereotypes in the media.

14. Even though these principles have been enshrined in law, however, the gap between the kind of equality sought with the legislation and reality remains considerable, particularly as the financial and technical resources provided for enforcing these laws seem to be limited.

2.3. "The former Yugoslav Republic of Macedonia"

15. "The former Yugoslav Republic of Macedonia" is a Party to the Council of Europe Convention on Action against Trafficking in Human Beings and to the International Convention on the Elimination of All Forms of Discrimination against Women. It signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 8 July 2011, but has not yet ratified it.

16. Regarding the institutional mechanisms established, "the former Yugoslav Republic of Macedonia" has a Gender Equality Unit in the Ministry of Labour and Social Policies since 1997, with the aim of influencing women's role in compliance with international standards. Ten committees on gender equality were incorporated into the country's 10 municipal councils as from 2000. Lastly, in 2003, parliament set up a parliamentary committee on equal opportunities for women and men, addressing the full spectrum of gender equality issues and the harmonisation of the legislation with European standards.

17. The Act on equal opportunities for women and men, passed in 2006, governs the basic principles of gender equality and sets out specific measures for equal opportunities, and the responsibilities, tasks and obligations of public institutions. The act's main purpose is to further the principle of equal opportunities for women and men in political, economic, social and educational life and in all other areas of life. The act prohibits all forms of discrimination between the sexes in the public and private sectors. The bodies responsible for implementing the principles and measures are parliament, the government, ministries and other public services.

18. Finally, a national action plan for gender equality 2007-2012 was adopted in 2007 with four strategic goals:

– increasing the employment rate among women;

– improving and strengthening women's economic status;

– encouraging transition from the informal economy to the formal economy in the services sector;

– increasing the employment rate of women in rural regions.

2.4. Slovenia

19. Slovenia joined the European Union in 2004. It is a Party to the Council of Europe Convention on Action against Trafficking in Human Beings and to the International Convention on the Elimination of All Forms of Discrimination against Women. It signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 8 September 2011, but has not yet ratified it.

20. The Equal Opportunities Act was passed in July 2002 and provides a common basis for establishing equal opportunities for women and men:

– it defines and prohibits direct and indirect discrimination;

– it allows positive measures for ensuring equality;

– it provides for the appointment of an ombudsperson who will deal with complaints of unequal treatment.

21. In addition, the Labour Relations Act of 1 January 2003 introduced a number of new provisions on equal opportunities and equal treatment for women and men.

22. Gender equality is currently under the responsibility of the Equal Opportunities Office set up in 2003 which looks after the surveillance and co-ordination of gender equality questions in all ministries and participates in the drafting of laws and regulations in accordance with international standards.

2.5. Montenegro

23. Montenegro is a Party to the Council of Europe Convention on Action against Trafficking in Human Beings and to the International Convention on the Elimination of All Forms of Discrimination against Women. It signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 11 May 2011, but has not yet ratified it.

24. Article 8 of the constitution prohibits direct or indirect discrimination for whatever reason and guarantees gender equality. An outline act on equal opportunities was passed in 2007 and coupled with an action plan adopted in 2008. This is assessed annually and may be revised in the light of measures taken or not taken.

2.6. Bosnia and Herzegovina

25. Bosnia and Herzegovina is a Party to the Council of Europe Convention on Action against Trafficking in Human Beings and to the International Convention on the Elimination of All Forms of Discrimination against Women. It has not yet signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, although the people I spoke to during my fact-finding visit in September 2012 assured me that it was actively seeking to do so. In July, the cabinet also adopted an action plan to combat domestic violence (2012-2017), one of the objectives of which is the signature of the Istanbul Convention. In addition, the Gender Equality Committee of the National Assembly joined forces with the Gender Equality Agency of Bosnia and Herzegovina, the Parliamentary Assembly's Committee on Gender Equality and Non-discrimination and the Mission of the Organization for Security and Co-operation in Europe (OSCE) to Bosnia and Herzegovina on 21 November 2011 in holding a parliamentary seminar to promote the signature and ratification of the Istanbul Convention.

26. The 2003 Gender Equality Act was revised in 2009 to embody the concept of direct or indirect discrimination, including discrimination on grounds of gender. In it, sexual harassment is recognised as a criminal offence punishable by six months to five years of imprisonment. Furthermore, the Anti-discrimination Act passed in 2009 completed the legislative framework and amplifies the concept of sexual harassment as another form of discrimination.

2.7. General remarks

27. From the point of view of policies and legal standards, it can be seen clearly that Council of Europe membership and the process of accession to the European Union has contributed positively to the introduction of a gender policy in the countries in this region undergoing transformation. In particular, it has contributed to:

– the introduction of new gender legislation;

– the introduction of institutional machinery for the furtherance of gender equality;

– the provision of support to women's rights organisations by enhancing their legitimacy and influence.

28. Thanks to the inclusion of the "gender" parameter in their work, the national statistical institutes provide certain indicators regarding the state of society. However, certain subjects remain taboo, especially issues relating to violence within the family unit, and in fact are not included in these statistical data. A meaningful assessment is therefore difficult.

29. One of the principal difficulties continues to be changing attitudes, which needs time but also logistical and financial resources and firm political will. Traditional stereotypes regarding respective male and female roles remain present in many areas of society and school curricula still convey stereotyped models.

3. Participation in public and political life

3.1. Croatia

30. At present, 23.84% of the members of the Croatian parliament are women (the figure was 25.49% in the previous parliament). Women hold 21% of parliamentary committee chairs. Likewise, in 2010, women held 15% of ambassador's posts (compared with 8% in 2000).

31. The appointment of a woman to the post of Minister for Foreign Affairs and European Integration, indeed a key position, is unquestionably a move in the right direction in a government where only 18.18% of the members are women (a deputy prime minister and three ministers out of 22 members).

32. The Gender Equality Act states that, from 2013, at least 40% of the candidates on political parties' lists for all elections must be from the under-represented sex and provides for fines ranging from 20 000 to 50 000 kunas (3 000 to 7 000 euros) for any parties which fail to observe this rule, although these are not always imposed.

3.2. Serbia

33. In the government formed in July 2012, five ministerial posts were assigned to women, including a post of deputy prime minister responsible for European integration.

34. Since May 2012, the Serbian Parliament has included 84 women, namely 34% of its members (up substantially on the previous parliament, which was 20.4% female). Under the 2004 Electoral Act on the election of national representatives, the number of candidates of each gender on the lists of the political parties must be at least 30% of the total number, and every fourth place on electoral lists must be reserved for the least represented sex. If an electoral list fails to comply, the Republic Electoral Commission must declare it invalid. The increase in the number of women shows that quotas and very strict penalties bring about progress towards real equality.

35. The same quotas apply at local level. At present, in the 24 towns (*gradovi*), 23 mayors (*gradonačelnik*) are men and only one is a woman.

36. In the judiciary, the number of women is constantly growing: 64% of judges' and prosecutors' posts, 69% of court of first instance judges; 67% of commercial court judges; and 73% of criminal court judges.

3.3. "The former Yugoslav Republic of Macedonia"

37. The parliament has included 38 women (30.9%) since the parliamentary elections of 201 and six women are members of the government, among them the deputy prime minister responsible for European integration. The electoral law prescribes a quota of 30% of the under-represented sex in the electoral lists, registration of the list being refused by the central electoral commission if the quota is not fulfilled.

3.4. Slovenia

38. A quota system for the political parties' lists of candidates was introduced in 2006, with an obligation for 25% of candidates to be of the under-represented sex and rejection of the list if the quota is not achieved. No woman is a minister in the present government, but five women are secretaries of state (for economic development and technology, for education, science, culture and sport, for health, for home affairs and for labour and family and social affairs). At the last elections in 2011, 29 women (32.2%) were elected to parliament. Only one woman is a member of the Senate[3] (2.5%).

39. For the composition of electoral lists, the law stipulates that as from 2014, one man and one woman in turn should form the first half of the list.

3. The Slovenian Senate or National Council is elected indirectly and by specific electoral colleges in which no under-represented gender quota is imposed.

3.5. Montenegro

40. In Montenegro, there have been 11 women members of parliament (13.583%) since the elections held in 2012 (a slight improvement compared to the 12.3% of the previous legislature), and two women are ministers in the government. In the autumn of 2001, parliament introduced an electoral quota for women in the electoral law, stipulating 30% of women on the electoral lists, although no order is imposed in the composition of the list. The Electoral Commission may refuse a list that does not meet these requirements.

3.6. Bosnia and Herzegovina

41. The present parliament has nine women (21.4%), and two women are members of the Senate. There are no women in the government appointed in February 2012. The electoral law prescribes that one third of the lists must consist of the under-represented sex, but does not provide for a penalty in the event of non-compliance with the quota.

3.7. General remarks

42. With regard to participation in public and political life, some key figures show an encouraging trend, even though, despite certain advances, women's representation in the political decision-making process remains inequitable on the whole. As regards quota systems, only the strictest systems appear to bring about an increase in women's representation in public institutions. The example of the Serbian Parliament is remarkable here.

43. Women still face significant obstacles in making a real and meaningful contribution to political and public life. Quotas for women on electoral lists are provided for in legislation but are not reflected in the membership of the national parliaments. The non-application of the laws is accounted for either by the absence of penalties or by insufficiently strict penalties.

4. Violence against women

4.1. Croatia

44. The legal framework includes a specific law on protection against domestic violence, certain provisions of the Penal Code and the Gender Equality Act. The question of domestic violence has been pursued since 2004. The first national strategy for protection against domestic violence covers the period 2011-2016. The police authorities must closely abide by a detailed code of conduct in cases of domestic violence.

45. Attention should be drawn to the "Protocol on the procedures to be followed in case of domestic violence" adopted in 2008, aimed at securing the best possible protection to victims and at co-ordinating the measures to be taken by the various services concerned. The protocol calls for co-operation between police forces, social welfare centres, clinics, schools and judicial bodies. Also to be noted is the adoption in 2010 of a standard operating procedure for the police, setting out in detail the various modes of intervention for officers from the reporting of violence onwards: arrival at the scene, taking the perpetrator and the victim into custody, taking the victim's statement, transfer of the perpetrator to the police station for further investigation.[4]

46. However, the non-governmental organisations (NGOs) contacted during my visit to Croatia stressed that women did not have confidence in these institutions. Numerous testimonies too often point to an inadequate response by the police or the welfare services which minimise the facts when they take place in the family unit or if the victim does not display severe physical traces of violence.

4.2. Serbia

47. According to a 2004 study by the Victimology Society, one woman in two suffers from psychological violence in the family circle, and one woman in three suffers from physical violence while one in four is threatened with violence.

4. Ms Karmela Martinović-Grčić, Head of the Directorate of Juvenile Delinquency of the Osječko-Baranjska county police authorities (Croatia) presented this protocol to the committee at a hearing on the police response to women victims of violence organised by the Parliamentary Network "Women Free from Violence", Strasbourg, 25 April 2012.

48. Under the legislation in force, conjugal violence is an offence punishable by a prison sentence of six months to 10 years, depending on the seriousness. The Law on the family adopted in 2005 institutes a system of legal protection for the family against family violence which:

– strictly prohibits domestic violence;

– grants members of the family a right to protection against family violence;

– prescribes five measures of legal protection against domestic violence;

– regulates the judicial proceedings relating to the protection against domestic violence.

49. Serbia has also launched a national strategy to combat sexual and gender-related violence, in co-operation with the United Nations Development Programme (2009-2011).

4.3. "The former Yugoslav Republic of Macedonia"

50. The family law reform in 2004 made way for the first legislation on domestic violence and gave rise to a series of individual measures for the protection of victims. It defines domestic violence in law[5] and enables the Centre for Social Work and the NGOs operating in the field of education and prevention of domestic violence to establish a co-ordinated system for the protection of victims.

51. The first inquiry on domestic violence was carried out in 2000. The inquiry – concerning 600 women – showed that 72.28% of women had undergone physical assault or threats within the family, 10.4% had been victims of sexual assault or threats, 12.87% had been physically or sexually assaulted and 4.46% did not answer the questionnaire. Also in 2000, the first shelter was opened (home for women victims of domestic violence) taking in women and their children with a psychological, medical and legal assistance service for victims.

52. From 2000 to 2011, 3 011 women were received in these shelters for stays ranging from one day to several years. In 2007, six centres for women victims of domestic violence were opened at the national level. At present, four institutional shelters and one established by an NGO are open. Over the last five years, several legal aid centres for victims of domestic violence have been set up by UN Women, but some have closed when funds ran out.[6]

4.4. Slovenia

53. A national programme for prevention of family violence (2009-2014) was adopted in 2009 under the authority of the Ministry of Labour and Family and Social Affairs. It puts measures and objectives in place in order to curb family violence and sets up a working group for the implementation of activities within the ministries. The government is to present a report on this national action plan to parliament every two years.

4.5. Montenegro

54. The Penal Code was amended in 2002 to incorporate domestic violence in the family as a criminal offence. In 2010, Montenegro adopted a law on the prevention of domestic violence, inspired by those adopted by bordering countries. Parliament subsequently adopted a national strategy on prevention of domestic violence.

55. Statistics supplied by Monstat (national statistics) show that women represent one third of victims of offences, 75% of victims of domestic violence and 95% of sexual violence cases. In 2010, the Montenegrin police registered 385 complaints of domestic violence, 79.6% of whose victims were women. 94% of the perpetrators of these crimes were men and 31% of them had already been convicted of the same offence.

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5. According to family law (2004), domestic violence may be use of force, threats to the family, intimidation, bodily harm, psychological, sexual or material abuse, sexual exploitation or forced labour imposed on another family member.

6. Awareness-raising campaigns on family-related violence, Ms Verica Stamenkova Trajkova, Institute of Social Work and Social Policy, Comments paper – FYR of Macedonia, for the European Commission, Justice, Round table on Exchange of good practices on gender equality, Awareness-raising activities to fight violence against women and girls, United Kingdom, 7-8 February 2012.

4.6. Bosnia and Herzegovina

56. The 2005 Act on protection against domestic violence contains provisions on measures of protection against domestic violence and the penalties for perpetrators. An action plan for achieving gender equality (2012-2017) was adopted by the government in July 2012. It contains a specific section on violence against women. This provides for the various activities, implementing agencies and the timetable of activities up to 2017, including the ratification of the Istanbul Convention.

57. Another form of violence was the rapes which were committed on a large scale during the Bosnian conflict. The practice of using sexual violence as an ethnic cleansing tool was classified as "torture" and a "crime against humanity" by the International Criminal Tribunal, at the close of the trial of three Serb soldiers in 2001. However, trials have not taken place at national level and the perpetrators of the atrocities have not been sentenced. Moreover, many women come face to face with their tormentors from that era on a daily basis. Yet the matter remains such a taboo that it is still difficult to find people in Bosnia or the other countries affected by the war who are willing to discuss it.

4.7. General remarks

58. Violence against women is a scourge that affects many women in the region. Here, as in other countries, such practices are still considered acceptable among certain sectors of the population and, as a result, are only partially reported and recorded. Numerous NGOs are working to raise women's awareness of their rights and to alert politicians to the problem but there is also a need to tackle persistent cultural taboos through education, from a very young age. The support of the public authorities is vital, particularly the involvement of the Ministry of Education in combating domestic violence, for example through school education.

59. Although various programmes have been introduced to train judges, prosecutors and police forces, women are still reluctant to file complaints, not least because of the slowness of court proceedings, during which the victim has no protection from the abusive spouse, who is not required to stay away. Statistics show that, in the majority of domestic violence cases, the abuser continues to live in the family home even if the person is not the owner or registered tenant. In the absence of any protection for victims or fast-track or urgent proceedings for domestic violence cases, victims remain vulnerable.

5. Participation in the labour market and economic empowerment

5.1. Croatia

60. The gender pay gap is 12% on average for equal work. Women also tend to be recruited to positions of a lower grade than men with the same qualifications, and even if they outperform men in terms of university qualifications.

61. According to the World Bank,[7] in 2010, a woman's average wage was US$12 934 as against US $19 360 for a man.

62. Sexual harassment in the workplace is a common practice. In 2011, Croatia's gender equality ombudsperson recorded 80 complaints for sexual harassment in the workplace. The first-ever conviction for this offence was handed down by the Croatian courts on 3 March 2011 (the accused was sentenced to six months' imprisonment) and sets an encouraging precedent for women who are still afraid to file complaints for fear of reprisals.

5.2. Serbia

63. Women represent 55% of the working population, but only 30% of women occupy managerial posts. According to the World Bank,[8] in 2010, a woman's average wage was US$7 654 as against US$12 900 for a man.

7. Gender wage gap in Western Balkan countries, Biljana Apostolova, paper prepared for World Bank international conference on Poverty and Social Inclusion in the Western Balkans, Brussels, 14-15 December 2010.
8. Ibid.

5.3. "The former Yugoslav Republic of Macedonia"

64. The female employment rate is lower than the male employment rate: in 2008, men represented 50.7% of the employed population whereas women represented only 32.9%. In terms of active population, 76.6% of men are considered active compared to only 50.2% of women. The gender wage gap is in the region of 20% and over.

65. According to the World Bank,[9] in 2010, a woman's average wage was US$5 956 as against US$12 247 for a man.

66. Moreover, in its 2008 report on "the former Yugoslav Republic of Macedonia", Amnesty International points to constant discrimination against Roma girls and women, who are deprived of education, work or health insurance. It is estimated that over 66% of these women can only find work on the "grey" market of the economy.

5.4. Slovenia

67. The legislation for the defence and promotion of women's rights and their participation in the labour market and political life also represents a genuine advance towards gender equality. However, this legislation still has only a limited impact on the situation of women, who represent less than one third of company directors and senior civil servants and have deficient political representation although they have more educational qualifications than men.

68. In the labour market, women remain concentrated in certain sectors of activity at certain levels of the occupational hierarchy, irrespective of the sector of activity concerned. Women predominate in the service industries including health, social work, education, financial brokerage, catering and tourism. They represent less than one third of the population working in the sectors of engineering and construction.

5.5. Montenegro

69. Women made up 46% of the active population in 2011 as against 54% of men.[10] The overwhelming majority of female labour is employed on fixed-term contracts, which not only places them in precarious circumstances and restricts their financial independence, but in practice also hampers the enjoyment of the right to maternity leave.

5.6. Bosnia and Herzegovina

70. In a country where the unemployment rate is particularly high (43%), fewer women enter the labour market.[11] The female unemployment rate in 2010 stood at 30% as against 25.6% for men. Women are the victims of discrimination at work, their wages are lower than men's for the same type of work, and they receive fewer promotions. Women's jobs are the first to be axed during restructuring.

5.7. General remarks

71. In terms of conditions of labour market access and employment, common features recur throughout the region:

– the female employment rate is comparatively low;

– women are more highly educated than men but do not reach corresponding responsible positions;

– women's responsibilities in the family remain greater than those of men;

– rural women are more marginalised than urban women, particularly because of low educational levels and a more traditional social environment. They have limited access to land ownership, training, modern farming methods, finance and facilities. In agriculture, they generally work as unskilled labourers;

– women are more often recruited for fixed-term contracts, allowing the maternity leave entitlement enshrined in the laws to be circumvented;

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9. Ibid.
10. Data from the National Office of Statistics, Monstat, Publication No. 45, Podgorica, 5 March 2012.
11. See Gender and employment in Bosnia and Herzegovina: a country study, Lejla Somun-Krupalija; International Labour Office, Bureau for Gender Equality, 2011, Geneva [ISBN: 9789221255017; 9789221255024 (web pdf)].

– sexual harassment remains a widespread and infrequently punished practice.

6. Conclusions

72. In the aftermath of the war that followed the break-up of Yugoslavia, the countries in the region had to meet the dual challenge of progress towards a market economy and the consolidation of democracy.

73. In less than ten years, serious progress has been made with the introduction of legislative frameworks to align legislation with international and European standards, but gender equality is still far from being a reality. The governments tend to deal with economic and political situations – particularly during the current difficult period of financial and economic crisis – without including the gender aspect, when the approach to it should be comprehensive and cross-cutting.

74. Unfortunately, the lack of effective oversight of the implementation of legislation and of proper financial and technical resources means that the implementation of the laws passed, which often comply with the standards of the Council of Europe and the European Union, remains slow and inconsistent.

75. Statistics integrating the gender concept are not always available. Regular and detailed recording of gender-related data is nevertheless a crucial starting point for a proper comprehensive gender policy.

76. The countries in the region should intensify their efforts to raise awareness among all economic and social players about the need to empower women. Women must realise their full potential in political, economic and social participation in overall development at the national and also regional levels.

77. In line with Council of Europe priorities and in view of the situation described in this report, measures should be taken in order to:

– intensify efforts towards women's participation in political life, at the national and local levels, and their participation in public life;

– promote actions and campaigns to raise awareness of combating violence against women and domestic violence, ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and deal with the question of violence against women in a comprehensive and cross-cutting way;

– actively combat sexual harassment, especially in the workplace;

– deploy measures to combat discrimination against women and multiple forms of discrimination with a view to their becoming real economic and social players;

– make the population aware of women's rights, in particular by organising information campaigns and by gender mainstreaming in school and university curricula;

– pursue and intensify efforts to promote gender equality by working to narrow the male-female wage gap and by encouraging women to achieve positions at the highest levels and in all areas;

– allocate the necessary human and financial resources to implementing the national gender equality action plans and ensuring their regular assessment, in particular by providing financial support for NGOs operating in this field;

– give rural women access to the labour market, especially by fostering their access to a basic level of education, land ownership, training, modern farming methods, finance and facilities.