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GENDER EQUALITY IN THE WESTERN BALKANS: CHALLENGES BETWEEN LAW AND REALITY IN THE CONTEXT OF EUROPEAN INTEGRATION EFFORTS

ABSTRACT: *Gender equality, as one of the principles of democracy, is the equal treatment of all, excluding differences based on gender. Achieving social equality without any distinction contributes to the respect of freedoms and human rights, therefore globally equal gender treatment in different segments adds to the values of democracy. But what is the legal perspective of gender equality in the countries of the Western Balkans, how far has the principle of equality been established in practice for the countries of the Western Balkans and what are the advantages that are evidenced by equal gender treatment in different fields and how the same can have an impact on the society of the countries of the Western Balkans?! Considering that the countries of the Western Balkans aim for their integration in the EU, the dilemma will be whether they can rely on the strategies that the EU has to establish the principle of equality, knowing that the EU has a backlog in terms of equal gender treatment. The dynamics of gender equality in the countries of the Western Balkans is the duty of these countries and a condition on the road to EU membership.*

KEYWORDS: Western Balkans; Gender equality; Perspective; Challenges; EU.

1. Introduction

Gender equality is one of the essential principles in democratic states, aiming at the equality of individuals regardless of their gender. Discrimination on the basis of gender as a historical phenomenon, dividing the role of man and woman has historically been unfairly disfavoring and putting men in power since Roman times. Historically, the position of women has been in the struggle to be considered equal to the position of men in society, such division and discrimination on the basis of gender continues to be a problem of society. Globally, as a phenomenon that has not been completely eliminated, democratic societies still face great challenges in equal gender treatment.

The study of the dynamics of equal gender treatment in the Western Balkans focuses attention on social, cultural, historical and legal factors. The description of the context of gender equality in the countries of the Western Balkans emphasizes the need for compatibility between the strategies of the European Union and the specific needs to interact collectively towards the prevention of discrimination on the basis of gender, in order to take adequate measures that establish the principle of equality and advancing gender equality in the countries of the Western Balkans. The continued importance of respecting the principle of non-discrimination and addressing equal treatment in society as a challenge in itself, but aimed at a fair society and at the same time a step towards the integration of the European Union.

Raising awareness of the challenges and opportunities that society can interact to prevent gender discrimination. Therefore, the countries of the Western Balkans may be prepared with a legal basis, but the law will not achieve its effect until the legal provisions are not respected and implemented in practice. But with special emphasis, of course, are the principles that manage to create peace and security in the region and the world. Thus, the principle of equality represents the construction of peace and stability in the functioning of the rule of law.

2. Methodology

The method used in the study related to the dynamics of gender equality in the countries of the Western Balkans, is presented in multiple dimensions that can reflect the degree of gender equality in these countries.

The argumentative method is expressed to argue our hypotheses:

1. Social and cultural dynamics: the key dimension in influencing the degree of gender equality in the countries of the Western Balkans

2. Non-fulfillment of the legal effect in practice by the principle of gender equality.

The comparative method has been used in cases of comparison between six countries of the Western Balkans to show how much the principle of equality is violated.

The analytical method itself is necessary to study the scientific topic, the analysis of legislation, the evolution of laws and raising the level of education are some of the basic elements to influence the reduction of the level of gender inequality.

Gender inequality as a global and historical phenomenon

In order to guarantee basic human rights, the provision of gender equality must be completed. The consideration of the right to gender equality is among the principles which for states is a duty to be fulfilled

and the democratic aspect. Two conceptions of equalitay have been important in the legal context (Ortenbald, Marling, & Vasiljevic, 2017), namely the formalo-legal and material-social. Gender refers to the socially constructed roles played by women and men that are ascribed to them on the basis of their sex (Persadie, 2012). From a sociologist's perspective, anthropologists' search for the origins of gender inequality appeared to peak in the early 1970s and then slow nearly to a halt (Huber, 2015).

The regulation of gender equality is foreseen by several documents from the international arena, such as they are**: CEDAW** (Cole, 2016), Universal Declaration of Human Rights, Beijing Declaration and Platform for Action, The United Nations has issued many resolutions dealing with gender equality for example Resolution 1325 (Willet, 2010), ECHR (See for more: (Brems & Gerards, 2013)) etc. However, this doesn't mean they have gained equal access (Unterhalter & Aikman, Practising Gender Equality in Education , 2007), because in the historical development of gender equality, women have been equal in different fields, it is a problem since history due to their lack of equal representation.

Historically, in analyzing gender equality by measuring the index in the period after 1950 - 2003, the result from the index shows that most countries in the world have made progress in relation to gender equality (Dilli, Carmichael, & Rijpma, 2019).

From the current perspective, the necessity to apply measures in extreme cases, where women are denied the right to life, and recently and frequent cases where women are denied the right to live, means that states must engage in strategies/policies against gender inequality.

Social and cultural dynamics: the key dimension in the influence of the degree of gender equality in the countries of the Western Balkans

Social dynamics, how it has influenced gender equality for the countries of the Western Balkans, represents one of the most influential aspects in equality, that is, society, mentality and even stereotypes are the most influential factors regarding the issue of gender equality. The social and cultural dimension will be elaborated through the degree of stereotypes in the countries of the Western Balkans and the educational aspect of society in the Western Balkans.

Impact of Stereotyping and Historical Legacies in the Western Balkans

Stereotypes and the group of stereotyping can be a key indicator in different fields or segments. In this aspect, when society is dominated by stereotyping, it also emphasizes the negative phenomenon of social composition, because the negative effects may be increasing as a result of stereotyping. The group of stereotypes that is part of the phenomenon of Balkanism, represents another obstacle that hinders the membership of these countries in the European Union. (Trültzsch, 2010).

Historical events and consequences can leave consequences that follow the society and that avoiding the consequences can cost the society for decades. The countries of the Western Balkans have a historical past with wars. Thus the war also conveys some of the phenomena as a trigger of the invasion. Ethnic wars in the Western Balkans had a parallel in 'gender wars' (Hughson, 2012). In the lead up to the conflicts in the region, there was a re-patriarchalisation of Yugoslavian society and a reductionist portrayal of gender roles (Ioana-Bianca, 2013). The concept of 'militant masculinity' placed males in the role of violent warrior (Haug, Gender Equality and Inequality in Kosovo, 2015).

A key obstacle to women's progress and inclusion is the persistence of patriarchal social norms and attitudes and traditional views of gender roles in society (Simić, 2015), Yugoslav successor states, continues to convey traditional value systems (Korac, 2016). Therefore, the norms which the society has considered as "right", have influenced the patriarchal attitudes and causing the role of the woman in these countries to be in a different position from that of the man.

In Serbia, the political regime reinstated Serbian traditional family values (Duhaček, 2015), restoration and the party-triarchal system worsened gender equality and undermined human rights based on gender.

In Kosovo, the political leadership that emerged from the war promoted masculine ideas (Lellio, 2016). A study shows that the case of the Kosovar nation when it achieved independence has caused women to find themselves excluded from the public sphere and power (Davis & Werbner, 1999). Men regain and consolidate their power in both the private, that is, family; and the public, that is, political, leadership domains (Krasniqi, Sokolić, & Kostovicova, Skirts as Flags: Transitional Justice, Gender and Everyday Nationalism in Kosovo, 2020).

A gender analysis of Albanian elementary school textbooks revealed evidence of the education system's reinforcement of gender stereotypes, with boys portrayed as high achievers and leaders and girls as carers (Dauti & Gjermeni, 2015). An example of a patriarchal family and a typical example of domestic violence in Montenegro is when there is a violent man and a victimized woman (Draginja V. , Nemanja, Batris, & Andrea, 2023). Engaging with the nation-building project in Kosovo legitimizes the public recognition of the legacy of wartime sexual violence, but it also embeds that recognition within the dominant construction of the nation (Krasniqi, Sokolić, & Kostovicova, Skirts as Flags: Transitional Justice, Gender and Everyday Nationalism in Kosovo, 2020). The analysis has shown that stereotypes in the Balkans have developed in relation to socio-political (Zupančič & Arbeiter, 2016).

Gender inequalities in education for the countries of the Western Balkans

The study of sexism in Europe is important given ongoing efforts to promote gender equality or mainstreaming across Europe (Scambor & Scambor, 2009). In many developing economies marginal returns to

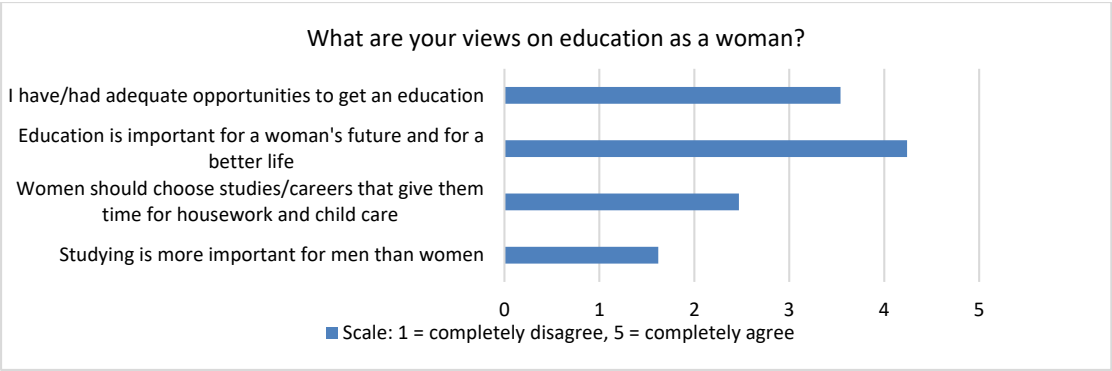
education are higher for girls than for boys (Alderman, Behrman, Ross, & Sabot, 1996; Dijkstra & Lucia, Measuring Socio-Economic GENDER Inequality: Toward an Alternative to the UNDP Gender-Related Development Index, 2000). If we compare historically, men have been more educated than women (Schofer & Meyer, 2005). Willingness of men to include women, the process of inclusion and the prejudice against women are at the heart of this problem (Lutovac, Ostojić, Jovanović, & Matić, 2016).

Researchers determine that gender stereotypes take an amazingly huge portion of textbooks in multiple countries (Camera, 2016). This is a worldwide problem and covers countries all over the world, including Kosovo (Ymeri, 2020). Kosovo is concerned about the fact that the proportion of men and women vary considerably between different areas of study in tertiary education (Canaj, 2021). This means that there is gender inequality during the fields of study in universities, if we take the example of the field of engineering, it actually consists mainly of the number of male students. Such a model as a cause of inequality can be one of the traditional perceptions where the role of women and men is divided between the work that can be done.

In Albania, girls' low enrollment in VE is per se one reason for VE overall low students' enrollment (Gerdoçi & Dibra, 2020). While the reasons for the lower number of girls enrolled in professional education may be due to cultural norms, the opportunities that girls can benefit from their education, etc. In Serbia: In rural areas, women have lower average educational attainment (Žarković-Rakić & Vladisavljević, 2016). The disparity in educational achievements between men and women is not a coincidence, especially in rural areas.

How does education affect the promotion of gender equality?

The impact that education and training has on gender equality is an undeniable fact, an example is the countries of Malawi and Bangladesh experiencing a phenomenal achievement (Wrigley, 2003; Chisamya, DeJaeghere, Kendall, & Khan, 2012; Unterhalter, Global values and gender equality in education: needs, rights and capabilities, 2008). Below is the figure which demonstrates that the society also embraces the positive opinion on the impact of education on gender equality. Where the participants declare on average that they had enough opportunities to be educated. Agreeing that (4.24% of participants) education is important for a woman's future and life. They agreed on average (2.47% of the participants) with the idea that women choose a profession that they can exercise and at the same time do housework, while the research shows that the participants do not agree that for men the study is more important than for women.



Source: Women's Study the Republic of North Macedonia 2020/2021 (Latkovikj, Popovska, Chupeska, Starova, & Gjorgjev, 2020)

Legal challenges and reality for gender equality

Since the collapse of the Yugoslav socialist state (Haug, Gender Equality and Inequality in Kosovo, 2015), albanian society has experienced dramatic history, the course of events has been overflowing with turmoil and changes from time to time, under these changes, women and their representation has remained absent in political history.

After the adoption of its Constitution, which contains the basic democratic principles guaranteed to citizens, Kosovo also includes international instruments, among other things, to combat gender discrimination, the Constitution incorporated the Istanbul Convention. In the fight against gender inequality, Kosovo has installed numerous programs to combat gender discrimination, such as: starting with the ombudsman as a constitutional category where the gender unit is located, the interministerial council for gender equality, the gender center located at the University of Pristina, offices in prime ministerial level etc.

Program for gender equality 2020-2024, assesses that Women, especially ethnic minority women, remain underrepresented (Hajra & Rustemi, 2023), therefore, from a legal perspective, Kosovo has taken appropriate steps, but in practice, the principle of equality hasn't been fully implemented.

It is emphasized that in North Macedonia, among many challenges, there is also no institutional equality for women in political participation (Musliu, 2020). Evaluating the political situation in North Macedonia, it is clear about the attempts to meet the standards of equal gender representation. Identifying the lack of women's non-participation in politics is related to many factors such as: patriarchal tradition, non-genuine policies to encourage participation in politics as well and other obstacles such as social ones.

Given that such networks are usually male-dominated, particularly in the context of patriarchal societies, they tend to restrict women's access to politics (Cvetanoska, Corruption and Women's Access to Politics: Comparative Perspectives on Quotas and Party Funding in Kosovo* and North Macedonia, 2021).

Table 1: Gender Quota Adoption in the six Western Balkan Countries

Country	Number of Members of Parliament	Legislated Quotas (national+local)	Reserved Seat Quota	Voluntary Party Quotas	Year Adopted	Sanctions for non-compliance
Albania	140	30%	30%	No	2008	Administrative
Bosnia and Hercegovina	42	40%	No	No	2000	Administrative
Kosovo	120	30%	30%	No	2000	Administrative
Montenegro	81	30%	No	No	2011	Administrative
North Macedonia	151	40%	No	Yes	2002	Financial
Serbia	250	40%	No	No	2004	Administrative

Source: Representation of women in politics (Limani, Women's political participation: A comparative study of gender quota implementation in six Western Balkan countries, 2023)

See the case of Amra Babić in 2012 in Bosnia-Herzegovina, whose case helped destigmatize male participation in the political sphere. Babić is one of the women elected in Bosnia, in the municipal elections of October 2012 (Bartulović, 2015). Women are primarily underrepresented and discriminated against, according to a study on the gender profile in Kosovo that concentrated on different aspects that can ensure gender equality (Banjska, etj., 2022).

The impact of corruption on women's access to politics in North Macedonia and Kosovo by examining obstacles for entry, and suggests that corruption, in combination with patriarchal norms, is a formula for a low number of women in politics (Cvetanoska, The impact of corruption on women's access to politics: Insights from North Macedonia and Kosovo, 2022). Another dimension, where it shows that the dominance of men in politics is the cause of corruption.

Gender inequality from a separate study in politics, education, social fields and especially in the economic sector (Pacukaj , Brajshori, & Deda, 2021), gender inequality is reflected. Contribution is that in Western Balkan countries it is arguable that women have no real influence on businesses (Knežević, Pavlović, & Bojičić, 2022). So, in the countries of the Western Balkans, the influence of women in business is debatable, because their participation in business is minimal. The presentation of the challenges that you will encounter in the business field is the financial field. As for the financial sector, women in Albania suffer from poverty feminism and the social status is far from their aspirations (Kalaja & Tahiri, 2015). The study shows that education, uninterrupted work experiences, social support and infrastructure are crucial factors determining female labor force participation (Miluka & Tsushima, 2020).

The simple difference in the average female vs. male wage, i.e. the so-called raw wage gap, amounts to only 3.3%, 13.4% and 16.0% in Serbia, Macedonia and Montenegro (Avlijaš, Ivanović, Vladisavljević, & Vujić, 2013).

The wage gap between men and women shows that women earn less than men. It is important to note

that the unworked gap and non-commitment in this aspect offers a comparison showing the income gap between men and women. Taking into account that at the beginning it was discussed about stereotypes in the Western Balkans, it is a dimension that women are excluded based on prejudice in the division of roles and the performance of women's and men's work. Factors such as occupational segregation, gender inequality in education, stereotypes contribute to the wage gap. And not only in the increase in the wage gap, but such factors have an impact on the financial sector.

Taken as a whole: the countries of the Western Balkans manage to have an imbalance between the law and reality. Thus, the lack of law enforcement shows the challenge faced by the countries of the Western Balkans.

Women's Insecurity and Domestic Violence

There is a similar relationship between higher levels of education and the incidence of violence agains women (Grown, Gupta, & Kes, 2005). This means that there is a correlation between higher levels of education and cases of domestic violence, because with the increase in the level of education, it is expected that the cases of domestic violence will decrease. Educated individuals lead to increased awareness of the issue of gender equality and rights. Therefore, the educated society is 'equipped' to implement the legal system and to respect the rights of others.

As for the abuse of women, governments regarding these negative phenomena have tried to make efforts to help victims after experiencing domestic violence. Governments in Western Balkan countries have built shelters for these women. But if we take the actuality regarding the functioning of these shelters, it is a disturbing situation.

We have an unsatisfactory situation in North Macedonia in relation to violence against women, where the need to strengthen the voices of the victims of the use of violence should be added. In North Macedonia, half of the women in this country believe that domestic violence is a private matter (Musliu, 2020). The non-reaction and lack of information in the law enforcement agencies in North Macedonia shows the insecurity of women in this country, when they keep the experienced violence inside the house and do not inform the institutions, it also represents the weak result of the functioning of justice in the country. A typical example of domestic violence in Montenegro shows an intimate couple with a violent male and a victimized female partner (Draginja V. , Nemanja, Batric, Andrea, & SV, Socio-Economic Characteristics and Risk Factors Affecting Domestic Violence in Montenegro: A Case-Control Study, 2023).

In Bosnia and Herzegovina, there is concern among state reports and data on cases of domestic violence, i.e. a distortion of the truth. NGOs have received reports of a marked rise in violence, and these numbers diverge from those provided by governmental agencies (Dževad & Sanja, Domestic violence at the time

of the COVID-19 pandemic in Bosnia and Herzegovina, 2021). The level of dissatisfaction with cases of domestic violence is similar in Serbia (Ristanović & Stevković, 2016).

Domestic violence and increasing cases are also in Albania and Kosovo. Women who are victims of domestic violence continue to be a concern. During the period of 2009-2013 from Kosovo Police were recorded 7319 domestic violence cases (Hajdari, 2015).

Based on the analysis, we emphasize the disturbing prevalence of cases of domestic violence against women in the countries of the Western Balkans. The need for urgent measures to deal with comprehensive measures to deal with domestic violence, including the system of support for victims after domestic violence, the improvement of institutions where housing and financial support are offered.

3. Conclusion

Based on the different dimensions, gender equality and gender discrimination in the Balkan countries is expressed on the basis of:

Social and cultural dynamics, where the level of gender equality for the countries of the Western Balkans is expressed from the social and cultural aspect. The group of stereotypes has led to the separation of the role of men and women, based on the study, we found that the 'root' of stereotyping found its place since ancient times, but the countries of the Western Balkans and the wars that took place in these countries left consequences that continue to be present in these places. Then, the cultural aspect has an impact on gender inequality. We can mention the education of women in these countries, where compared to men there is still work to be done in this aspect.

Legal influence in practice has not managed to have the effect of establishing the principle of gender equality. We found that women are not at a satisfactory level in the political aspect of representation in legislative bodies. Although in some countries, as specified in table 1, quotas for the female gender are guaranteed, in practice the full implementation of the quotas for the female gender has not been implemented in practice. The next aspect that proves part of the gender inequality is the cases of family violence where the victim is a woman, of cases with not low numbers of violence expressed against women.

The countries of the Western Balkans aim to integrate into the European Union. But, on the way to their integration in this international organization, they must take into account the fulfillment of the required criteria. We found that the countries of the Western Balkans have not yet managed to fully meet the criterion of equality and non-discrimination. The degree of gender equality and equal treatment without any gender difference indicates non-respect of the principle of equality and non-discrimination on the basis of gender.

4. Recommendation

Knowing that gender equality represents one of the democratic principles of states, where equality and non-discrimination play a powerful role in the development of a democratic state. Gender inequality and discrimination based on gender in the countries of the Western Balkans represent the negative phenomenon of the society of these countries. Based on the analysis of different dimensions to show the level of gender inequality and gender discrimination important to potentiate that the state and society interact together:

Stereotypes and Education: to avoid prejudices in the division of the role of men and women. This can also be achieved by educational programs. The field of education encourages both sexes in their participation in the study regardless of the fields of study, because from what we saw there is still a prejudice that in some fields of study they cannot be adequate for both sexes.

Implementation of legal provisions: gender quota in representation promotes gender equality. Western Balkan countries must commit to implement quotas and equal political participation for women as well. The mechanisms for the protection of women must be increased, because the number of cases of domestic violence represents an alarm of the security risk for women. Which, due to the institutional capacities to be treated equally in society, become victims of domestic violence.

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