At an International conference held November 27-28, 2013 in Podgorica on the occasion of the proactive reflection to the Report of MEP Marije Cornelissen and the Resolution of the European Parliament on Women’s Rights in Western Balkans accession countries, from May 21, 2013, participants agreed to adopt the following:

JOINT STATEMENT

Participants of the workshop, representatives of European Parliament, EU Delegation in Montenegro, UN, OSCE, EIGE, parliaments, governments from the Western Balkans and civil society, as well as independent experts

Agreed

- That according to EU Progress Reports, as well as CEDAW Committee Reports and reports related to implementation of Millennium Goals, as well as according to Beijing Platform for Action, Western Balkans countries not yet reached satisfactory level of respect for gender equality and women human rights.

Remind

- To obligations of countries to align their national legislations with ratified international conventions and other international legal instruments, before all, with Acquis communautaire and respective soft EU regulations in this field, and to regularly monitor its implementation

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1 The topic of the international conference was implementation of the EU criteria on gender equality. The event was organized by EU TAIEX and Gender Programme IPA 2010. The Gender Programme is implemented through a partnership of the Department for Gender Equality of the Ministry of Human and Minority Rights and UNDP, with financial support from the EU Delegation to Montenegro.
Consider and highlight

- That the Western Balkan countries should take advantage of the EU accession process to strengthen institutional mechanisms for gender equality in administrative and financial capacities and the advancement of knowledge and responsibilities in this area;
- That in the region there is still not parity representation of women in political and economic decision-making at all levels. It is necessary to invest efforts to strengthen existing legislation and to introduce new effective positive measures and take care of the implementation, as well as ensure systematic monitoring;
- That there is insufficient awareness of the existing legal and institutional mechanisms for gender equality and women human rights and protection from discrimination and violence. It is necessary to continuously raise awareness among citizens, women and men, leadership of political parties and relevant institutions, and therefore run campaigns and point out on existing rights and institutional protection;
- That in the most of the countries, the EU comparable and comprehensive way of keeping the sex segregated statistics does not exist. It is necessary to organize systematic collection, procession and dissemination of sex desegregated data in order to ensure creation of gender responsive policies and needs based programs and interventions;
- That the effective and efficient implementation of gender equality policies is possible just in the close cooperation of governments, parliaments and civil society. Therefore, all future activities should be based on coordinated and consensual approach of all stakeholders when creating and addressing defined priorities in the countries and in the region.

Request and appeal

- On responsible institutions, governments and parliaments in the region, EU Delegations in the countries of the region, Regional Cooperation Council in Sarajevo, as well as responsible institutions of the EU: European Commission, Council of EU, European Parliament, and High Representative for Foreign Affairs and Security Policy, to consider request, recommendations and conclusions of this Joint Statement in order to be able to develop further joint activities in the area of gender equality and empowerment of women;
- On European Parliament, European Commission and EU Delegations in the countries of the region, to pay especial attention to implementation of gender policies and national and local action plans for gender equality during the monitoring process. It is also requested to introduce measurable indicators of success in this area;
- On European Commission, EU Delegations in the countries of the region, as well as on governments and parliaments of the region, to introduce gender equality issues in strategic and financial planning processes at national and regional levels, in order to enable implementation of action plans for gender equality;
- On European Commission to enable the European Institute for Gender Equality to offer expertise and support to countries in the region in undertaking research, data collection and development of comparable indicators related to gender equality and violence against women. The indicators will allow for easier monitoring of advancement of countries towards EU;
- To the countries in the region to incorporate the gender dimension in their national strategies for sustainable development;
- To the media in the region to continuously promote and monitor the implementation of national action plans for gender equality and women's empowerment;
- On participants of this international workshop from the countries in the region to initiate efficient cooperation of all potential stakeholders to ensure coordinated approach in the implementation of the goals set within this Joint Statement. They need to enable inclusive, transparent and comprehensive process of strategic planning, both programmatic and financial side, both on the level of the countries and at the regional level;
- On NGOs to actively involve and provide full support to coordination with responsible institutions in the process of strategic planning, both programmatic and financial, as well as effective and efficient implementation of gender responsive policies;
- On participants of this international workshop and all relevant stakeholders in countries of the region, to initiate the establishment of national platforms and regional platform related to gender equality and respect for women’s human rights in the EU accession process. The platforms should gather people from political parties, parliamentarians, representatives of the executive and judicial powers, civil society, trade unions, media and independent experts. The aim of the platform/s is to define the main priorities of the countries and the region in relation to the gender equality and advancement of status of women in the context of EU accession;
On UNDP in Montenegro, Ministry of Human and Minority Rights and the Parliamentarian Committee for Gender Equality to communicate requests and conclusions of participants presented in this Joint Statement, with governments, parliaments, EU Delegations and UN agencies in the region, as well as with European Commission and European Parliament, creating in that sense platform for the regional approach in addressing the issues of gender equality and women’s human rights in this region.

Podgorica, 28 November, 2013.

**Strategies, conventions, regulations and standards**

The following international regulations call for introduction of gender equality standards:

1. Article 3 of the Treaty on European Union, and Articles 8 and 19 of the Treaty on the Functioning of the European Union, as well as the Charter of Fundamental Rights of the European Union
2. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly on 18 December 1979,
3. United Nations Security Council Resolution 1325 (UNSCR 1325);

Progress reports for Western Balkans countries and the Enlargement Strategy 2013:

1. Commission communication of 9 November 2010 entitled ‘Commission Opinion on Albania's application for membership of the European Union’ (COM(2010)0680), which states that gender equality is not fully guaranteed in practice, in particular in the field of employment and access to economic aid,
2. Commission communication of 9 November 2010 entitled ‘Commission Opinion on Montenegro's application for membership of the European Union’ (COM(2010)0670), which states that gender equality is not fully guaranteed in practice,
8. Council conclusions of 2 and 3 June 2005, in which Member States and the Commission are invited to strengthen institutional mechanisms for promoting gender equality and to create a framework for assessing the implementation of the Beijing Platform for Action, in order to develop more consistent and systematic monitoring of progress,
9. Council conclusions of 30 November and 1 December 2006 on Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – Indicators in respect of Institutional Mechanisms,
10. Council conclusions of 30 September 2009 on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action,
11. European Parliament resolution of 4 December 2008 on the situation of women in the Balkans(5),
12. EP resolution of 9 March 2011 on the EU strategy on Roma inclusion(6);
13. Report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Foreign Affairs (A7-0136/2013)
Country-specific indicators, related to Question 1 (Present situation, baseline), listed in the Resolution of the European Parliament on Status of Women in the Western Balkans (adopted on May 21, 2013):

Albania

1. Albanian legal framework is not gender sensitive when it comes to reforms to the legislation on property rights, the penal code, the electoral law and labor laws;
2. Legislation stipulating a quota of 30% women in political decision-making, by strict application of the law and dissuasive penalties for non-compliance, especially with a view to the parliamentary elections in 2013 is still missing;
3. Parliamentary committee dealing specifically with women’s rights and gender equality does not exist;
4. Although gender Equality Law exists, it is not fully implemented. It is necessary to appoint Gender Equality Employees, responsible for guiding gender mainstreaming and promoting and monitoring gender equality, in every Ministry and governing body and to promote inter-ministerial collaboration in this field;
5. National Strategy for Integration and Development is not fully implemented. It is recommended that an appeals institution in the form of a Commissioner for cases of gender discrimination is appointed;
6. Performance indicators to monitor the implementation of women’s rights and gender equality measures should be developed and inter-institutional working group on statistics should be established;

Bosnia and Herzegovina

1. Legislation on gender equality as well as legal practice at different levels is not aligned. It is necessary to be done in order to create a uniform legal situation in the country, and to strengthen the department responsible for gender equality at the central level, in order to coordinate efforts;
2. Discrimination of pregnant women and women who have just given birth on the labor market is very much present. Differences in social security rights pertaining to maternity between different entities and cantons exist. It is necessary to foster awareness of non-discrimination rights and ensure that women can invoke these rights, and to align social security rights for those who take maternity, paternity or
parental leave across the country to a high standard, creating a uniform situation for all citizens;

3. There is low level of awareness of women’s rights, gender equality and legislation against violence against women, not only among the population at large, but also among those working in law enforcement; it is necessary to implement an action plan to create more awareness and to train law enforcement officers;

4. Although Bosnia and Herzegovina on its legislation stipulating at least 40% of each gender in administrative functions in state and local government bodies, this has not led to 40% women in administration in practice; it is necessary to draw up an action plan with clear timeframes and a clear division of responsibilities to implement this legislation;

5. There is the lack of financial and human resources for the implementation of the action plan on UN resolution 1325, for institutional mechanisms to ensure gender equality and for shelters for victims of domestic violence; calls on the Bosnian authorities at all levels to include sufficient funding for these purposes in their budgets;

6. Monitoring of existing legislation in the area of women’s rights and gender equality should be upgraded by including clear objectives in policies and action plans and clearly identifying the state institutions accountable for implementation. It is also necessary that authorities at all levels cooperate in gathering comprehensive statistical data on gender equality for the country as a whole.

Kosovo (UNSCR 1244)

1. The country-wide SOS hotline for victims of domestic violence and gender related violence does not exist. It is necessary to create awareness of the possibilities for reporting and handling of cases;

2. Law on Gender Equality is not fully implemented. It is necessary to accelerate the implementation by ensuring the independence of the Gender Equality Office. It is also necessary to establish Centre for Equal Treatment as soon as possible;

3. Judiciary is not adequately prepared for handling cases of violence.

4. There is the insufficient number of shelters for victims of domestic violence. It is necessary to open the new ones;

5. Indicators for compliance and non-compliance in administrative instructions for the laws on gender equality and discrimination are not developed, which unable effective
implementation and monitoring. It is necessary to establish a national registry and practice to collect data on gender-based discrimination and violence cases;

Macedonia (FYROM)
1. Legislation regulating protection from gender-based harassment and sexual harassment criminal offences does not exist. Also, it is necessary to amend labor legislation in order to make sure that both parents may take up parental leave or family leave to take care of sick relatives and to afford better legal protection for women who are pregnant or have just given birth on the labor market;
2. Although dissuasive penalties for non-compliance to the law stipulating a representation of at least 30% of each gender in political decision-making exist, it is necessary to monitor closely whether this results in at least 30% women in decision-making, especially at local level;
3. The mechanism within the Ministry of Labor and Social Policy to deal with complaints of gender discrimination does not function properly and this is necessary to take measures to improve the handling of complaints;
4. Action plans and strategies for gender equality are not fully implemented due to the lack of coordination of efforts. It is necessary to strengthen the Department for Gender Equality in terms of financial and human resources and to take an active and strategic approach to implementing national strategies and action plans;

Montenegro
1. Percentage of women in political decision-making has hardly increased over the past decades, despite legislation in this area. With only 16% of women in the Parliament, Montenegro remains on the bottom of the list among the WB countries. It is necessary to reform the legislation and to promote its implementation to ensure compliance.
2. Department for Gender Equality is understaffed and underfinanced. It is necessary to strengthen the implementation of the legal and institutional framework for enforcing gender equality and the Gender Equality Action Plan in terms of human and financial resources;
3. It is necessary to priorities actions to implement gender equality provisions in the negotiations on chapter 23, judiciary and fundamental rights as well as within other relevant Chapters (Chapter 19 - Social Policy and Employment, Chapter 24 - Justice, Freedom and Security; and Chapter 18 – Statistics);
4. There is the low number of complaints of gender-based discrimination and violence; this is necessary to investigate the causes for this and to address these;

5. Although Montenegro drafted the new National Action Plan for Accomplishing Gender Equality in cooperation with civil society, it is necessary that the government afford sufficient human and financial resources to its implementation and to establish a framework for continuing cooperation with civil society in the implementation phase;

6. Although the Code of Conduct on procedures for coordinated institutional response in situations of violence in family exists, it is necessary that the Government awards sufficient funds and efforts to implement legislation and the Code of Conduct (Protocol), to introduce a national telephone helpline and collect data between institutions, agencies and organizations.

Serbia

1. National Integration Program is developed, but should be upgraded by enforcing legislation for prevention of discrimination and establishing mechanisms for monitoring the application of the law prohibiting discrimination within the Ministry for Human and Minority Rights.

2. Administrative capacities of bodies dealing with gender equality are weak. Capacities of the law enforcement officers in police and judiciary should be strengthened in order to properly handle the cases of gender-based discrimination and violence, to make free legal aid available to victims and to address the general problem of backlog in cases before the courts;

3. Although the general protocol on procedures for cooperation in situations of domestic and partner-relationship violence exist, as well as the telephone helpline and the new shelter, it is necessary to award sufficient funds and efforts to implement legislation and the protocol, to promote reporting of cases and to collect and share information and data between institutions, agencies and organizations;

4. Although the Serbian government and parliament drafted an action plan to implement UN resolution 1325 in close cooperation with civil society organizations, it is necessary that the government makes sufficient human and financial resources available for its implementation. It is also necessary that the government improve cooperation with civil society organizations for gender equality.