





# MA in International Law University of Prishtina "Hasan Prishtina"

# EU Gender Policies: An Examination of The Efforts Made By The Western Balkans Towards Diminishing The Gender Pay Gap

#### Fortuna Sahiti

#### **ABSTRACT**

The issue of the gender pay gap in the Western Balkans is not one to fall under the nature of what could be referred to as 'simple', especially when knowing that we are dealing with post conflict states that still suffer the consequences from the previous regimes and the general harm inflicted after the fall of the former Yugoslavia. Considering the historical development of the female emancipation in the Western Balkans we look at the factors that have caused the imbalance of income to be so prominent and why this problem is one that the Western Balkans continue to face today. This paper attempts to shine a light on the current legislation in the Western Balkans regarding the state of women in the field of income and pay gap, what measures the states of the former Yugoslavia have taken towards decreasing the gap and have those efforts been successful. It also provides recommendations on what could be done to improve and reduce the discrimination in income women face in the Western Balkans in all the fields of the job market.

Presented at the James Madison University - Max Weber Programme Graduate Symposium, EUI, Fiesole, Italy, 12 April 2019.

#### INTRODUCTION

The modern ideas of Gender Equality and all the other issues that derive from the constant strive to achieve it vary a lot from one region to another, from one period to another. Considering the notion of the so called European culture and the shared values Europe tends to rely on, it's important to look into the measures the EU and Europe in general has taken so far to leave its mark towards advancing women, gender equality in general but more specifically the discrimination in income that women face. However to assume that Europe is one big pot of the same dish would be a big mistake, a mistake that is often made when referring to the European laws and their implementation as a whole. Because it is important to note that each country has their own ideologies and their own way of dealing with the gender pay gap, it's rather interesting to see how countries aspiring to join the 'European family' approach the issue.

The former Yugoslavia or the Western Balkans have proven to be a problem area for international entities in the past, be it in the field of the human rights violations ever since the fall of the Yugoslavian country, the many tensions that arose from it, to put it lightly, or in every other capacity imaginable. When looking at the historical context of it and the problems that have kept this particular region occupied it is easy to see why the idea of gender equality and let alone the notion of pay-gap was left in the back burner and treated with little to no importance at all. As a concerning problem that has occupied the whole world for the last few decades we have yet to see the most powerful nations taking action towards approaching it successfully. This makes it easy to understand why the Western Balkans have stagnated so much in this field specifically.

After the intervention of the international bodies and the establishment of the administration of those very entities in the region, the importance of gender equality began to be reiterated but that does not suggest that big steps towards addressing the gender pay gap were taken. In the modern days where the rest of the world is constantly attempting to grasp social justice and it's ever changing concepts, how have the Balkans kept up?

Furthermore how have the Balkans dealt with the issue of discrimination of women in income and the gender pay-gap? It is important to note that the whole idea of the gender pay gap in the Balkans is a new one and one that has not been researched nearly enough, seeing the amount of data (or lack thereof). In the following pages we will try to examine the legislation by the European entities, the compliance of the Western Balkans with those policies, their own national legislations while also trying to understand the factors and the history behind the current financial situation of women in the Western Balkans.

# A brief outlook on the history of Gender and pay-gap related policies and their development in Europe

Ever since the formation of the European Union a lot of key issues have been tackled, however this also means that there was a lot of room for improvement and a whole array of other issues that needed addressing. The issues that have been a concern for women however have not been addressed properly until what can be considered a very recent era. A key moment in the development of gender equality as a whole can be credited to the second wave of feminism during the 60s-70s<sup>1</sup>. However most of those laws and practices still continued to target violence against women or issues related to it but not the pay gap in particular.

European laws in the field of gender equality as a whole have evolved a lot ever since the aforementioned era, from being focused on the individuals rights to being more centered on what needed to be addressed specifically for women during the 1980<sup>2</sup> – and then acknowledging the

<sup>&</sup>lt;sup>1</sup> Sonia Mazey. 'The European Union and women's rights: from the Europeanization of national agendas to the nationalization of a European agenda?'. Published Online February 4th 2011

<sup>&</sup>lt;sup>2</sup> Gender Kompetenz Zentrum. "History of Gender Mainstreaming at international level and at EU level". Retrieved 26 September 2012.

fact that the current law structures are not only non-discriminatory but actually favor one sex compared to the other in many different ways— in the 1990s<sup>3</sup>.

The creation of special organs tasked with handling the issues of gender equality, equal pay, violence against women and others of the kind is credited mostly to the European Commission<sup>4</sup>.The Commission also has several divisions, known as Directorates-General (DGs).<sup>5</sup> Since 2010,<sup>6</sup> the task area of gender equality has been allocated to Directorate D of the newly created Directorate-General, "Justice" (JUST),<sup>7</sup>

This task area then breaches out into four different divisions:

- gender equality law;
- gender equality between women and men;
- the rights of people with disabilities; and
- anti-discriminatory practices and coordination of Roma issues.<sup>8</sup>

Even though as mentioned above the biggest task on dealing with issues such as Gender Equality in a larger scope goes to the European Commission, there are other entities which in one way or another also deal with gender pay-gap and discrimination in income, be in it the EU specifically or not.

Actors also responsible can include: The Council of the European Union and Parliament, different parliamentary Committees<sup>9</sup>, including the Women's Rights and Gender Equality

<sup>&</sup>lt;sup>3</sup> European Commission: Employment & European Social Fund (2004). [ec.europa.eu/employment\_social/equal/data/.../gendermain\_en.pdf "EQUAL Guide on Gender Mainstreaming"]. Retrieved 26 September 2012.

<sup>&</sup>lt;sup>4</sup> European Commission. "Basic facts".

<sup>&</sup>lt;sup>5</sup> European Commission. "Departments (Directorates-General) and services".

<sup>&</sup>lt;sup>6</sup> Prior to 2010 there was the "Equal Opportunities Unit" which was based in the DG for Employment, Social Affairs and Equal Opportunities (EMPL)

<sup>&</sup>lt;sup>7</sup> European Commission. "Departments (Directorates-General) and services", European Commission. "European Commission Directorate-General for Justice

<sup>&</sup>lt;sup>8</sup> Europa website. "Directorate D – Equality".

Committee (FEMM)<sup>10</sup>. The case law and treaties can also be considered a contributor in this area as well to varying degrees.

Other entities which address the issue of the gender pay-gap and discrimination in income to a lesser extent include the following:

- Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities;
- European Network of Women in Decision-Making in Politics and the Economy;
- Governmental Expert Group in the Field of Non-Discrimination and the Promotion of Equality;
- Network of Socio-economic Experts;
- Network of Legal Experts in the Field of Non-Discrimination;
- Council of Europe Steering Committee for Equality between Women and Men<sup>11</sup>

<sup>&</sup>lt;sup>9</sup> Council of the European Union. <u>"Employment, Social Policy, Health and Consumer Affairs Council (EPSCO)"</u>. Retrieved 1 October 2012.

<sup>&</sup>lt;sup>10</sup> European Parliament. "Women's Rights and Gender Equality".

<sup>&</sup>lt;sup>11</sup> Gunda Werner Institute. [http://www.gwi-boell.de/web/eu-gender-politics-institutions-eu-commission-3055.html#contents "Institutions of the EU Commission and Parliament". Retrieved 2 October 2012.

### Data analysis on the current situation of European women in the labor market and income.

#### Data on the involvement of women in the Labor Market:

The employment rate is easily one of the most important factors to look at when discussing the labor market of the gender pay gap in a certain country or region. It is also one of the biggest indicators used to monitor the Europe 2020 strategy. One of the main targets of the EU is to bring up the employment rate for women and men (aged 20–64) to 75% by 2020<sup>12</sup>.

The gender gap presented can be seen as the difference between the employment rates of men and women of working age which would be the ages 20-64. Across the EU-28, the gender employment gap was 11.5 p.p. in 2017, meaning that the proportion of men of working age in employment exceeded that of women by 11.5 p.p.<sup>13</sup>

The gender payment gap is different going from country to country all around Europe. In 2017, the lowest gap was in Lithuania (1.0 p.p.), followed by Finland (3.5 p.p.) Sweden, (4.0 p.p.) and Latvia (4.3 p.p.). These four were the only EU Member States with a gender employment gap not exceeding 5 p.p.<sup>14</sup>

On the other side, six Member States were reported to have a gap above 15 p.p., namely Hungary (15.3 p.p.), Czechia (15.8 p.p.), Romania (17.1 p.p.), Greece (19.7 p.p.), Italy (19.8 p.p.) and Malta (24.1 p.p.). This is because of the low participation of women in the labor market in the aforementioned states.

For the population as a whole, the employment rate for persons aged 20-64 in 2017 ranged from 57.8 % to 81.8 %. Among EU Member States with the smallest gender employment gaps (below 5 p.p.), the employment rate was above the EU-28 average rate of 72.2 %. Among the countries with the largest gender employment gaps, above 15 p.p., the employment rate in Greece

<sup>&</sup>lt;sup>12</sup> Eurostat, Europe 2020 Overview [https://ec.europa.eu/eurostat/web/europe-2020-indicators/europe-2020-strategy/overview]

<sup>&</sup>lt;sup>13</sup> Eurostat, Employment and activity by sex and age- annual data, last updated February 1<sup>st</sup> 2019

<sup>&</sup>lt;sup>14</sup> Eurostat, Employment and activity by sex and age- annual data, last updated February 1<sup>st</sup> 2019

<sup>&</sup>lt;sup>15</sup> Eurostat, Employment and activity by sex and age- annual data, last updated February 1<sup>st</sup> 2019

(57.8 %), Italy (62.3 %) and Romania (68.8 %) was below the EU average, whereas it was higher in Malta (73.0 %), Hungary (73.3 %) and Czechia (78.5 %). 16

The statistics mentioned above come as a result of many different factors that vary from country to country which is what makes them tailored to the situation of the gender pay gap of each and every country.

# Data on the earnings of women and pay in Europe

The unadjusted pay gap is what is referred to as the statistics that can be provided on the inequality of hourly pay between men and women. This paints a picture on what are the differences between the income of men and women in their hourly wages in this instance in Europe. It is called 'unadjusted' because it does not take into account other factors that contribute to the gender pay gap such as education or labor market experience.<sup>17</sup>

Over the continent of Europe and especially in the member states women in general earn less than men do. For the economy as a whole, in 2017, women's gross hourly earnings were on average 16.0 % below those of men in the European Union (EU-28) and 16.1% in the euro area (EA-19). Across Member States, the gender pay gap varied by 22 percentage points, ranging from 3.5 % in Romania to 25.6 % in Estonia. 18

Statistics for the Gender pay gap in 2014 ranged from 4.5 % in Romania, 5.4 % in Luxembourg 6.1 % in Italy, 6.6 % in Belgium, 7.0 % in Slovenia and 7.7 % Poland, 8.7 % in Croatia to 20.9% in the United Kingdom, 22.2 % in Austria, 22.3 % in Germany, 22.5 % in Czechia and 28.1% in Estonia . Across Member States, employees' average gross hourly earnings in 2014, expressed in purchasing power standards (PPS), varied from 32 % to 130 % of the EU-28 average.

<sup>&</sup>lt;sup>16</sup> The data generate above is all courtesy of the Eurostat, Employment and activity by sex and age- annual data, last updated February 1<sup>st</sup> 2019, Eurostat Glossary: Structure of the earnings survey (SES)

<sup>&</sup>lt;sup>17</sup> Eurostat, Gender statistics, Labor market [https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender\_statistics#Labour\_market]

<sup>&</sup>lt;sup>18</sup> Eurostat, Gender statistics, Earnings and income [https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender statistics#Earnings]

Among the countries with the smallest gender pay gap (below 10 %), earnings varied from 35 % of the EU-28 average in Romania to 125 % in Luxembourg.<sup>19</sup>

Countries with the largest gender pay gap (above 20 %) recorded earnings ranging from 50 % of the EU-28 average in Estonia to 115 % in Germany. Outside of the other factors what influences these statistics is also the big number of the female population working in part time compared to men.<sup>20</sup>

Across Member States, the gender overall earnings gap varied significantly, from 19.2 % in Lithuania, to 47.5 % in the Netherlands. At EU level, the gender pay gap, the gender employment gap and the gender hour's gap contributed 37.4 %, 30.4 % and 32.2 %, respectively, to the gender overall earnings gap.<sup>21</sup>

# Gender policies in the Western Balkans regarding the economic situation of women

# Women in the Western Balkans historically

The Western Balkans and their approach to Gender Equality, or more importantly in this instance the pay gap, vary from country to country. However comparisons can be made due to the shared history, tradition and culture. The stagnant development of a proper addressing of the issue of the gender pay gap in the Western Balkans can also attributed to the Yugoslavian wars and the problems that came after said war. The breaking up of the former Yugoslavian state not only caused the many problems that can be assumed clearly, the new idea of manhood, patriotism and masculinity being seen as the most desirable traits also contributed to the lack of emancipation for women<sup>22</sup>.

[https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=sdg\_05\_20&plugin=1]

<sup>22</sup> Study for the FEMM committee, January 2019, 'Women's rights in the Western Balkans'.

<sup>&</sup>lt;sup>19</sup> Eurostat, Gender pay gap in unadjusted form

<sup>&</sup>lt;sup>20</sup> Eurostat, Structure of earning survey: monthly earnings, last update August 7th 2017

<sup>&</sup>lt;sup>21</sup> Eurostat, Employment rates by sex, age and educational attainment level (%) [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa\_ergaed&lang=en]

Not to forget that it's exactly in this period that we see rape and sexual violence against women in a large scale being used as a tactic and a war strategy<sup>23</sup>. Not only have all of these problems left women in the Western Balkans with much more problems than their central or northern European counterparts per say, it has also caused for the issue of the discrimination in income to be considered one of the secondary matters that need addressing.

The historical changes in the entire region and the continuous wars have in return helped create an environment that imposed very strict and clear gender roles and established patriarchy supported by customs and societal standards. As it can be guessed this has not helped the cause of female liberation in any aspect but most notably it sent clear ideas on the notion of the financial independence of women.

Two decades after what can be seen as the last conflict in the region the state of women in the Western Balkans remains inadequate. However the aspirations of the Western Balkans to form closer ties to the European Union has also caused them to try adopting resolutions and other agreements to their national legislations concerning the pay gap or the involvement of women in the job market. A recent success of the entire region of the Western Balkans to approach the issues mentioned above is the fact that the European Parliament's Committee for Women's Rights and Gender Equality (FEMM) has adopted the Resolution on Women's Rights in the Western Balkans, authored by Croatian MEP Biljana Borzan, Rapporteur for Women's Rights<sup>24</sup>. Although this resolution mostly addresses violence against women it also focuses on the disadvantages of women in the job market in the Western Balkans.

Paragraphs below will refer to studies conducted in respect to the economic situation of women in the Western Balkans in order to provide accurate data on the countries of: Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro and Serbia.

<sup>&</sup>lt;sup>23</sup> Ian Black The guardian, March 21, 2000 Kosovo Special Report : 'Serbs 'enslaved Muslim women at rape camps'.

<sup>&</sup>lt;sup>24</sup> European Western Balkans, January 23, 2019 'Resolution on Women's Rights in the Western Balkans authored by Biljana Borzan adopted in EP'

### Legislation:

All the countries derived from the former Yugoslavia have strong legal mainframes which guarantee the equal treatment of men in women. All these countries as well have constitutions that address discrimination against women in all fields but more specifically these constitutions also guarantee equality between men and women in the labor market or in their respective jobs as well.

The Constitution of Kosovo (Article 24) emphasize that no one can be discriminated against based on gender but there are specific laws as well that provide this be it in the Family Law, Civil Law or others.

As far as other countries are concerned we have to mention some of the most impactful ones, the Law on Prohibition of Discrimination of BiH5 from 2009, revised in 2016, provides legal framework for gender equality in BiH<sup>25</sup>. An interesting but very important fact is that the Macedonian Constitution does not mention women and men specifically, neither speaks of gender equality but refers to 'individual citizen'<sup>26</sup>. Not only that but factors such as martial status, gender and more do not qualify as valid for discrimination of the individuals.

Kosovo has also adopted various laws regarding gender equality and then later on the economic status of women ever since 2004 with the Law on Gender Equality, and on the same year a Law on Protection against Discrimination<sup>27</sup>.

In Macedonia the Law on Equal Opportunities for Women and Men was for the first time adopted in 2006. In 2012 this law had some changes which mostly included the extension of the grounds in which an individual cannot be discriminated based on. This law had a special importance for Macedonia because it harmonized the national legislation with the EU one.

<sup>&</sup>lt;sup>25</sup> The Official Gazette of BiH, number 59/9, 66/16.

<sup>&</sup>lt;sup>26</sup> 'Constitution of the Republic of Macedonia', Constitution Society, available at: <a href="http://www.constitution.org/cons/macedoni.txt">http://www.constitution.org/cons/macedoni.txt</a>

<sup>&</sup>lt;sup>27</sup> Law on Gender Equality, available at: http://www.assembly-kosova.org/common/docs/ligjet/05-L-020%20a.pdf

The main goal of this Law is "to establish equal opportunities of women and men in the political, economic, social, educational, cultural, health, civil and any other area of social life; and any other sphere of the social life" (Article 2).<sup>28</sup>

It must be noted that the laws against discrimination implemented by these countries apply to a larger area of concerns however there are laws that specifically refer to the economic independence of women in the Western Balkans. In Albania it is the Labor Code (2015), or Family Code (2003) which should provide protection for women's property rights.

In Montenegro the rights of women (but not only) regarding the labor market are protected by The Labor Law which "prohibits direct and indirect discrimination against job seekers and employees on grounds of their sex, birth, language, race, religion, skin color, age, pregnancy, health condition, that is, disability, nationality, marital status, family responsibilities, sexual orientation, political or other belief, social background, property status, membership in political and trade union organizations or some other personal feature." (Article 5) <sup>29</sup>.

There is also The Employment Law which "guarantees equality to the unemployed persons in exercising their right to employment..."<sup>30</sup>

In terms of Labor laws in the Western Balkans there are several restrictions which to some extent might be considered 'positive discrimination' such as those which prohibit women working in construction to work on the night shift or more specifically the Labor Law in Kosovo which prohibits night shift and hard manual/physical work for pregnant and breastfeeding women.<sup>31</sup>

We can be making similar conclusions regarding the legal framework of the Western Balkans, which is rather strong and provides support good enough not only for all the individuals living in these countries but more specifically for women who have been effected directly by previous discriminatory regimes.

<sup>&</sup>lt;sup>28</sup> Law on Equal Opportunities for Women and Men, Official Gazette no.6/2012, available online: <a href="http://mtsp.gov.mk/content/word/LEOWM">http://mtsp.gov.mk/content/word/LEOWM</a> 6 12 EN2.doc

<sup>&</sup>lt;sup>29</sup> The Labour Law "Official Gazette of Montenegro", No. 49/2008, . 53/2017

<sup>&</sup>lt;sup>30</sup> The Employment Law (Official Gazette of the Republic of Montenegro 5/02, 79/04 and Official Gazette 21/08)

<sup>&</sup>lt;sup>31</sup> Law on Labour, Article 27(3), [http://www.assembly-kosova.org/common/docs/ligjet/2010-212-eng.pdf]

As the analyzing presented beforehand suggests, although there are several labor laws or more specifically laws that refer to the gender pay gap, most of the efforts made by these states focus on other instances of discrimination. To put it simply, there are legislations directed at diminishing the gender pay gap, however we can still find it to be prominent regardless.

"Although the legal framework is solid, as well as the policy framework which continues to be developed, there is a huge discrepancy between laws and their application in practice, so that numerous problems regarding the effective implementation of gender equality mechanisms still persist" 32

## Specifics of the participation of women in the economy and the wage gap

Keeping in mind that the position of women in a society is highly dependent on their economic or financial freedom, which in the case of the Western Balkans has not been developed enough for reasons discussed above. When considering the term 'women's financial freedom' it most likely refers to the employment of women and their participation in the work force first, and the earnings of women when compared to me for equal jobs or jobs of equal value second.

The high levels of unemployment in the Western Balkans, the social constructs and patriarchal customs, the conflicts in the area after the fall of Yugoslavia are all contributing factors as to why today in the Western Balkans men are the leading work force and why they're the most active part of the labor market. There are however many other factors as well which contribute to the gender pay gap in the region.

Women in Kosovo have a low participation in the labor force and high unemployment. In 2018, the whole inactive labor force is estimated 60.8%, within which 83.4% are women and 38.6% are men. The most serious problem in Kosovo is the youth unemployment rate. In the age group of 15-24 unemployment is the highest, 54%.<sup>33</sup>

<sup>&</sup>lt;sup>32</sup> Alina Trkulja, country expert from Bosnia and Herzegovina, authorized unpublished report on Social and Economic factors relevant to women's rights, 2018.

<sup>&</sup>lt;sup>33</sup> Agency of Statistics of Kosovo, Labour Force Survey Q1 2018, available at: http://ask.rks-gov.net/media/4349/labour-force-survey-q1-2018.pdf.

Statistics presented in North Macedonia indicate that only 39.1 percent of the total labor force is female, however the bigger problem is the percentage of women who belong to the inactive population which is estimated to be 64.3%.<sup>34</sup>

The biggest problem when it comes to the Gender pay gap in the Western Balkans is that not only is it one of the biggest indicators on the discrimination that women face but that it's severally under researched. As of right now there is a serious limitation on data available on the gender pay gap in the Western Balkans, for some countries there are no cohesive data at all. This not only becomes a problem when trying to diminish the issue, it also shows the importance that it is given be it by the institutions or by society in general.

For example, in Montenegro, the last periodical study Women and Man in Montenegro<sup>35</sup> from 2016 has no indicators on gender pay gap at all<sup>36</sup>. The last data on gender pay gap is from 2013, when it was 13.9 percent<sup>37</sup>.

Because of the lack of data it is currently not clear whether or not there is a difference in pensions, and there is no way to analyze the data on basis of age or education. In Kosovo because of the lack of data, there's no clarity on the issue of the wage-gap, if it exists or not however there are factors that point towards the possibility of its existence. The data available is that the salaries of men are 5.9% higher compared to women's.<sup>38</sup>

[http://www.europarl.europa.eu/RegData/etudes/STUD/2019/608852/IPOL STU(2019)608852 EN.pdf]

<sup>38</sup> Agency of Statistics of Kosovo, Labour Force Survey Q1 2018, p. 11.

<sup>&</sup>lt;sup>34</sup> Study, Women's rights in the Western Balkans

Women and Men in Montenegro, MONSTAT 2016, at:

https://www.monstat.org/userfiles/file/publikacije/ZENE%20I%20MUSKARCI%20U%20CRNOJ%20GORI%20-%202016%20za%20STAMPU.pdf

<sup>&</sup>lt;sup>36</sup> More on gender pay gap in NGO's CEDAW Report 2017: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MNE/INT\_CEDAW\_NGO\_MNE\_27715\_E.p df pp. 33-40

 $<sup>^{37}</sup>$  Action Plan for Achieving Gender Equality APAGE 2017/21: http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rid=285226&rType=2&file=Action%20Plan%20fo r%20Achi eving%20Gender%20Equality%20APAGE%202017-2021.pdf . However, the data is from MONSTAT's (Statistical Office of Montenegro) publication "Women and Men in Montenegro", 2014: http://www.minmanj.gov.me/ResourceManager/FileDownload.aspx?rId=190015&rType=2 , p. 96

"There is a pressing need to research and report on gender pay gap across industry and economic activity, level of education, and age."<sup>39</sup>

In Bosnia and Herzegovina, the situation is similar, there is no official or clear data on the existence of the wage gap, and just like with Kosovo there are indicators that it does exist. There are unclear sources that address the issue of the wage gap in Bosnia and Herzegovina by claiming:

"The analysis of wage differences shows significant gender differences in all wage classes, with the exception of the highest and lowest wage classes. Regarding the differential amounts, the largest difference in wages is found in the category of persons without a degree, where the difference is  $\in$  88.50 in favor of men. The wage gap is reduced as the education level goes up so that at the level of secondary school diploma the gap is  $\in$ 57.60. Women with a university degree earn on average 92 per cent of net wages of their male colleagues."<sup>40</sup>

There are however other reliable sources that claim:

"There is a visible gender difference in the hourly wages in favor of men that is persistent across levels of education, age groups, occupations and industries". This research further suggests: "the gender hourly wage gap is estimated at 9% of the average hourly-wage of a male worker (KM 3.9 for men against KM 3.5 for women)....Across industries and occupations the pattern is also largely in favor of men, with some minor nuances. While across occupations, men always earn more per hour than women, across industries there are some exceptions..."

<sup>&</sup>lt;sup>39</sup> Vjollca Krasniqi, country expert from Kosovo, authorized unpublished report on Social and Economic factors relevant to women's rights, 2018

<sup>&</sup>lt;sup>40</sup> Goran Stankovic, "Annual Review of Labour Relations and Social Dialogue Bosnia and Herzegovina", Friedrich Ebert Stiftung, March 2016. at: http://library.fes.de/pdf-files/bueros/bratislava/12440.pdf

<sup>&</sup>lt;sup>41</sup> The World Bank, Agency for Statistics of Bosnia and Herzegovina, FBiH Institute for Statistics and RS Institute for Statistics "Bosnia and Herzegovina: Gender Disparities in Endowments, Access to Economic Opportunities and Agency", may 2015, p. 52

#### **CONCLUSIONS**

While the issue of the gender pay gap and the gender policies formulated to combat it is one that is hard to address in one simple angle, it must be bared in mind that Europe as a whole has very strong legislation to base their implementation of such policies. While the EU has clearly made their efforts into addressing many different concerns women across the continent face, the Western Balkans still have a long way to go. Given the historical context, the customs and the overall external and internal factors that have caused the many problems that women face today, it's rather disappointing to see the lack of resources on the topic at hand.

It is to be applauded that the countries of the former Yugoslavia aka the current Western Balkans have formulated and even adapted such strong legal mainframes and expertly drafted legislations to help the female population in their countries overcome the obstacles created by the centuries long oppressions. All the countries in the Western Balkans have signed agreements and implemented laws to harmonize with the European Union, not only that but they have created their own national laws to appeal to the 'European Culture'. Can all of these be considered as good things and as a step forward? In a way yes. Are there still many areas that need improvement? Also yes.

However good the legislations are, the problem remains in the implementation and the documentation. Not only are these laws not implemented correctly, for the most part they're not implemented at all. The lack of women in decision making and the labor market also presents a big issue in itself. The other big problem is the lack of documentation on the gender pay gap. It is incredibly difficult for a country (or the entire region) to address (or even diminish) a certain problem when they lack the proper information to do so.

The way for the Balkans to move forward in the field of gender equality and the wage gap is to implement policies that include more women in decision making, increase the inclusion of women in the work force, properly assess the situation of the unequal income distribution of men and women for equal work or work of equal value by doing official research on the issue. That way the problems will not only be addressed but combated effectively as well.

#### **REFERENCES**

- Sonia Mazey. 'The European Union and women's rights: from the Europeanization of national agendas to the nationalization of a European agenda?'. Published Online Febuary 4th 2011
- 2. Gender Kompetenz Zentrum. "History of Gender Mainstreaming at international level and at EU level". Retrieved 26 September 2012.
- 3. European Commission: Employment & European Social Fund (2004).

  [ec.europa.eu/employment\_social/equal/data/.../gendermain\_en.pdf "EQUAL Guide on Gender Mainstreaming"]. Retrieved 26 September 2012.
- 4. European Commission. "Basic facts".
- 5. European Commission. "Departments (Directorates-General) and services".
- 6. Prior to 2010 there was the "Equal Opportunities Unit" which was based in the DG for Employment, Social Affairs and Equal Opportunities (EMPL)
- 7. European Commission. "Departments (Directorates-General) and services", European Commission. "European Commission Directorate-General for Justice
- 8. Europa website. "Directorate D Equality".
- 9. Council of the European Union. "Employment, Social Policy, Health and Consumer Affairs Council (EPSCO)". Retrieved 1 October 2012.

- 10. European Parliament. "Women's Rights and Gender Equality".
- 11. Gunda Werner Institute. [http://www.gwi-boell.de/web/eu-gender-politics-institutions-eu-commission-3055.html#contents "Institutions of the EU Commission and Parliament".

  Retrieved 2 October 2012.
- 12. Eurostat, Europe 2020 Overview [https://ec.europa.eu/eurostat/web/europe-2020-indicators/europe-2020-strategy/overview]
- Eurostat, Employment and activity by sex and age- annual data, last updated February 1<sup>st</sup>
   2019
- 14. Eurostat, Employment and activity by sex and age- annual data, last updated February 1<sup>st</sup> 2019
- 15. Eurostat, Employment and activity by sex and age- annual data, last updated February 1<sup>st</sup> 2019
- 16. The data generate above is all courtesy of the Eurostat, Employment and activity by sex and age- annual data, last updated February 1<sup>st</sup> 2019, Eurostat Glossary: Structure of the earnings survey (SES)
- 17. Eurostat, Gender statistics, Labor market [https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender statistics#Labour market]

- 18. Eurostat, Gender statistics, Earnings and income [https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender statistics#Earnings]
- 19. Eurostat, Gender pay gap in unadjusted form

  [https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=sdg

  05 20&plugin=1]
- 20. Eurostat, Structure of earning survey: monthly earnings, last update August 7th 2017
- 21. Eurostat, Employment rates by sex, age and educational attainment level (%) [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa\_ergaed&lang=en]
- 22. Study for the FEMM committee, January 2019, 'Women's rights in the Western Balkans'.
- 23. Ian Black The guardian, March 21, 2000 Kosovo Special Report: 'Serbs 'enslaved Muslim women at rape camps'.
- 24. European Western Balkans, January 23, 2019 'Resolution on Women's Rights in the Western Balkans authored by Biljana Borzan adopted in EP'
- 25. The Official Gazette of BiH, number 59/9, 66/16.
- 26. 'Constitution of the Republic of Macedonia', Constitution Society, available at: http://www.constitution.org/cons/macedoni.txt
- 27. Law on Gender Equality, available at: <a href="http://www.assembly-kosova.org/common/docs/ligjet/05-L-020%20a.pdf">http://www.assembly-kosova.org/common/docs/ligjet/05-L-020%20a.pdf</a>

- 28. Law on Equal Opportunities for Women and Men, Official Gazette no.6/2012, available online: <a href="http://mtsp.gov.mk/content/word/LEOWM">http://mtsp.gov.mk/content/word/LEOWM</a> 6 12 EN2.doc
- 29. The Labour Law "Official Gazette of Montenegro", No. 49/2008, . 53/2017
- 30. The Employment Law (Official Gazette of the Republic of Montenegro 5/02, 79/04 and Official Gazette 21/08)
- 31. Law on Labour, Article 27(3), [ <a href="http://www.assembly-kosova.org/common/docs/ligjet/2010-212-eng.pdf">http://www.assembly-kosova.org/common/docs/ligjet/2010-212-eng.pdf</a>]
- 32. Alina Trkulja, country expert from Bosnia and Herzegovina, authorized unpublished report on Social and Economic factors relevant to women's rights, 2018.
- 33. Agency of Statistics of Kosovo, Labour Force Survey Q1 2018, available at: http://ask.rks- gov.net/media/4349/labour-force-survey-q1-2018.pdf.
- 34. Study, Women's rights in the Western Balkans

  [http://www.europarl.europa.eu/RegData/etudes/STUD/2019/608852/IPOL\_STU(2019)6

  08852\_EN.pdf]
- 35. Women and Men in Montenegro, MONSTAT 2016,at: https://www.monstat.org/userfiles/file/publikacije/ZENE%20I%20MUSKARCI%20U%2 0CRNOJ%20GORI%20- %202016%20za%20STAMPU.pdf
- 36. More on gender pay gap in NGO's CEDAW Report 2017:

  <a href="https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MNE/INT\_CEDAW\_NGO\_MNE\_27715\_E.pdf">https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MNE/INT\_CEDAW\_NGO\_MNE\_27715\_E.pdf</a> pp. 33-40

- 37. Action Plan for Achieving Gender Equality APAGE 2017/21:
  http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rid=285226&rType=2&file=Action%20Plan%20for%20Achi
  eving%20Gender%20Equality%20APAGE%202017-2021.pdf . However, the data is
  from MONSTAT's (Statistical Office of Montenegro) publication "Women and Men in
  Montenegro", 2014:
  http://www.minmanj.gov.me/ResourceManager/FileDownload.aspx?rId=190015&rType
  =2 , p. 96
- 38. Agency of Statistics of Kosovo, Labour Force Survey Q1 2018, p. 11.
- Vjollca Krasniqi, country expert from Kosovo, authorized unpublished report on Social and Economic factors relevant to women's rights, 2018
- 40. Goran Stankovic, "Annual Review of Labour Relations and Social Dialogue Bosnia and Herzegovina", Friedrich Ebert Stiftung, March 2016. at: <a href="http://library.fes.de/pdf-files/bueros/bratislava/12440.pdf">http://library.fes.de/pdf-files/bueros/bratislava/12440.pdf</a>
- 41. The World Bank, Agency for Statistics of Bosnia and Herzegovina, FBiH Institute for Statistics and RS Institute for Statistics "Bosnia and Herzegovina: Gender Disparities in Endowments, Access to Economic Opportunities and Agency", may 2015, p. 52