

# Economic Empowerment of Women in the Western Balkans: Where the Law and Tradition Collide

Eva Jerman<sup>1</sup>

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## ABSTRACT

Economic empowerment of women in the countries of the Western Balkan can be explored from the aspects of their participation in the labour market and the enforcement of their right to property. Whereas the countries legislatively comply with the international battle against gender inequality, their legal regulations do not fully reflect in practice. The reasons for this lie in traditional customs and beliefs common to a large part of the region that are embedded in its societies.

There is a clear collision of legal norms and customs which stands in a way of economic empowerment of women and, in relation to that, in a way of economic development of the region. The article describes the struggle of women to achieve economic independence and explores some venues through which the countries tackle the issues of poor law enforcement.

**KEY WORDS:** Economic empowerment, gender equality, right to property, labour market, tradition.

## POVZETEK

Ekonomska moč žensk v državah Zahodnega Balkana se odraža v prisotnosti žensk na trgu dela in v možnosti uresničevanja njihovih pravic do lastnine. Države v regiji sicer usklajujejo svoje zakonodaje s pravnimi normami in načeli, ki jih mednarodna skupnost sprejema v boju proti neenakemu obravnavanju spolov. Kljub temu pa zakonske norme nimajo prave učinkovitosti v praksi. Prebivalci Zahodnega Balkana še vedno v veliki meri sledijo tradicionalnim normam in običajem, ki so močno vpeti v tamkajšnjo družbo.

Zakoni in tradicionalne norme si nasprotujejo v taki meri, da slednje preprečujejo zakonskim normam krepitev ekonomske moči žensk in stojijo na poti gospodarskemu razvoju držav. Članek predstavi razloge za obstoj problematike šibkejšega ekonomskega položaja žensk v državah Zahodnega Balkana in navaja nekatere ukrepe, ki jih države in mednarodna skupnost izvajajo z namenom zagotoviti učinkovitejšo implementacijo zakonov.

**KLJUČNE BESEDE:** Gospodarska moč, enakovrednost spolov, pravica do lastnine, trg dela, običaji.

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<sup>1</sup> ABOUT THE AUTHOR: Eva Jerman, Lawyer, holding a Master in Public International Law from Leiden University.  
Email: jerman.eva@gmail.com

## INTRODUCTION

*“[A]chieving gender equality and empowering women and girls is the unfinished business of our time, and the greatest human rights challenge in our world.” A. Guterres (UN Women 2018).*

Significance of gender equality has been increasingly discussed and addressed in international political and legal spheres. Gender equality is a fundamental human right and the fifth of the 17 goals of the United Nations Sustainable Development Goals. For the purpose of establishing sustainable economies and to benefit the societies at large, the UN considers it necessary for the countries to adopt actions which will provide women and girls with *“[e]qual access to education, health care, decent work, and representation in political and economic decision-making processes”* (UN Sustainable Development Goals). The discrepancies have been notably present in the sphere of economic empowerment of men and women. In this respect, they have been common to societies across the world, regardless of the countries' levels of development. In the labour markets, gender gaps have persisted in regard to levels of employment, salaries, leadership positions, etc. Beside the participation in the labour market, an important part of economic empowerment of women constitutes also their ownership of land and property, the entitlement to which is generally guaranteed in the legal frameworks of the countries.

Indeed, the primary obligation to ensure equality between men and women lies with the states' authorities and the Western Balkan countries accordingly follow the gender equality principles set by the international community. They all provide constitutional guarantees for equal treatment of men and women before the law and prohibit discrimination between them.<sup>2</sup> Unfortunately, implementation of legal norms tends to be unsuccessful in practice and it seems that they are often subverted by traditional social norms (EP Study 2019).

The existence of gender gaps in economic empowerment of men and women in European societies is far from an exceptional phenomenon. However, the gaps tend to be especially large in the countries of the Western Balkan. According to the World Bank reports from 2018, gen-

<sup>2</sup> Article II (4) of the Constitution of Bosnia and Herzegovina, Article 21 of Constitution of Serbia, Article 9 of the Constitution of North Macedonia, Article 18 (2) of Constitution of Albania, Article 24 of the Kosovo Constitution, Article 18 of Constitution of Montenegro; Article 3 of the Constitution of the Republic of Croatia.

der gaps in the labour market are the cause of an average of 18 per cent of their gross domestic product (EP Briefing 2018). The right of women to inherit property is even more important in relation to improvement of their economic status due to high rates of unemployment.

Nonetheless, in practice, women do not exercise their rights to property to the same extent as men do. Despite the extensive legal framework on equal rights of both genders, women in Western Balkans still own significantly less properties than men. In 2017, only 15-39 per cent of women in the region of Western Balkans were reported to be registered as owners or co-owners of land (FAO 2017). Properties and land are usually owned by the oldest male of the household and transferred to male descendants. This is in line with the traditional belief and the purpose to ensure that the property will stay in the family. Accordingly, women are often entitled to land rights only through their male family members and can consequently lose this entitlement in cases of divorce, widowhood or other forms of separation from their spouses. Absence of formal ownership rights limits women in legal management of the land and thus their economic independence. Without registered ownership, women cannot participate in the property sales and rental markets, they cannot take a mortgage and are consequently very limited in making their own financial decisions (FAO 2017; Petričević 2012).

The aim of this article is to highlight the issue of gender inequality in the region of Western Balkans, notably in regard to the participation in the labour market and ownership of land and property, which pertains to the common traditions embedded in the countries' respective societies.

## **METHODOLOGY**

The article is based on the documents prepared by Committees of the European Parliament and of the European Commission, which address women's rights and economic status of the Western Balkan's countries. References are made also to the relevant legislation of the concerned countries. For the purposes of the analysis of the implementation of laws in practice, the article takes into consideration also information from regional statistical offices, academic papers, and media reports.

## COLLISION OF LAWS AND TRADITIONS

Countries of the Western Balkans are all, except Croatia,<sup>3</sup> in different stages of the process of accession to the membership in the European Union. Whereas Montenegro and Serbia already entered the phase of EU accession negotiations, North Macedonia and Albania still await the start of the accession talks. Nevertheless, all these countries hold a status of official candidate countries for the EU membership. On the other hand, Bosnia and Herzegovina and Kosovo currently still hold status of potential candidates for the membership (CSF Brief 2018; EC 2016; EC Enlargement).

Majority of these countries are successors of the Socialist Federal Republic of Yugoslavia ('SFRY'), which explicitly guaranteed gender equality in its Constitution from 1946. Additionally, in the time of its existence, SFRY introduced equal property rights for men and women in regard to inheritance and co-ownership of marital property (Joiroman, 2015). Even though, the society in Western Balkans has been traditionally patriarchal, the socialist system guaranteed women rights and freedoms which enabled them to participate in the labour market. Accordingly, the full-time employment rate of women in Yugoslavia exceeded 40 per cent (Simić, 2015). However, after the dissolution of Yugoslavia, consequent fall of socialism and Balkan wars, the economic status of women deteriorated (Irvine and Sutlović, 2015).

Nowadays, the legal frameworks of the Western Balkan countries continue to safeguard the equal treatment of men and women before the law. In accordance with their interest of joining the European Union, the countries pursue with harmonising their legislation with the EU regulations and principles. Nonetheless, the laws often collide with cultural norms and traditional beliefs in their respective societies, especially in the rural areas.<sup>4</sup>

Moreover, due to common ethnicities, religious beliefs and language backgrounds in the region, it is a natural consequence that the countries also share many social behaviours. Although customary and religious laws do not have any legal value, the countries face difficulties in implementation and enforcement of the legal gender equality provisions in practice (EP Study 2019). As a result, especially due to the lack

<sup>3</sup> Croatia is a member of the European Union since 2013.

<sup>4</sup> RTS (news article 2019), Žene na selu – žrtve predrasuda i patrijarhalnog mentaliteta.

of respect for their right to property, women are often economically weaker and more dependent on their families and spouses than men.

### **PARTICIPATION OF WOMEN IN THE LABOUR MARKET**

The region of Western Balkans is generally confronted with high unemployment rates and significant gaps in wages of men and women. On top of that, the records show particularly low participation of women in the labour market. The lowest gender gap in the employment market, in comparison to the rest of the region, exists in Serbia and the highest in Kosovo, where only 17 per cent of women participate in the labour market (WB 2019).

Indeed, this contradicts the past efforts of socialism to increase the participation of women in the labour market by introducing several benefits, for example state provided childcare services. Nevertheless, unpaid labour, such as care-giving and domestic chores, is still considered to fall within female responsibilities. In fact, the patriarchal structure of the society turned out to be embedded in the private sphere to the extent which indicates that it might not be easily influenced by the regime (Hadžiristić, 2016; Miller and Ruth, 2007).

According to some views, the traditional gender norms in former Yugoslavian countries entrenched during the 1990s wars. The reason for that were a rise in military roles of men in the conflict and consequently enhanced masculine roles resulting in men's privilege and control (Hadžiristić, 2016). In line with this, gender inequality in the labour market emerges from the patriarchal family structures, religious beliefs, cultural factors, pay differences between men and women and difficulties that women face with the access to paid labour. Further, the existence of inequality has been attributed also to the lack of affordable services, the work of which consequently fall within the family responsibilities of women, especially in a form of care for children and elderly (Eurostat 2017; EC Serbia 2019; WB 2019).

Accordingly, 2019 INSTAT report on women and men in Albania indicated that the number of employed women engaged in unpaid family work reached 23 per cent (EC Albania 2019). Moreover, on top of the generally low employment rate, in Bosnia and Herzegovina only 33 per cent of women participate in the labour market. Even when employed, it is estimated that for the same position, they earn only

75-85 per cent of the salaries of men. The responsibility for providing protection against discrimination in Bosnian and Herzegovina lies on the institution of the Human Rights Ombudsman, which reportedly deals with cases of employment-related discrimination, notably regarding pregnant women having their employment contracts cancelled or not extended (EC BiH 2019).

An extremely low employment rate is present also in Kosovo and in Montenegro, where the employment rates for women are only 12.3 per cent and 57 per cent respectively. In this respect, the European Commission issued an opinion that women are limited in participation in the labour market particularly due to the flawed existent system of maternal and paternal leaves, difficult access to child care, and lack of flexible work arrangements (EC Kosovo 2019; EC Montenegro 2019).

Similarly, in North Macedonia the employment rate of women in 2018 amounted to 41.5 per cent. It would take a much more extensive research to suggest that the low participation in the labour market resulted from discriminatory behaviour of the employers. Nonetheless, discrimination in employment is certainly present, as the Ombudsman's Annual Report stated that the Office dealt with 16 cases of complaints related to this issue (EC Macedonia 2019).

Regardless of the reasons for the low rates of employment of women in the region, it shall be borne in mind that economic inactivity and working in unpaid family jobs do not affect only economic independence of women due to absence of income, social benefits and pension, but also put them in a vulnerable position in regard to lack of health services coverage (UN Women 2018).

## **RIGHT TO PROPERTY**

The ownership of property shall be considered as another aspect of the economic empowerment of women. Especially in situations of their inactivity in the labour markets, their assets carry even more importance in regard to their economic independence.

The right to property is one of the fundamental human rights.<sup>5</sup> Private

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5 The right to property is enshrined in the Universal Declaration of Human Rights and in Article 1 of Protocol No. 1 to the European Convention on Human Rights; Acknowledging women equal rights to land and property is enshrined also in Goal 5 of the UN 2030 Goals for the Sustainable Development (See UN Sustainable Development Goals).

ownership creates economic security for individuals, and contributes to the economic growth and democracy in the society. Hence, denial of property rights largely affects economic independence of individuals. If the property is not registered to their names, they cannot personally profit from property related transactions or investments, nor do they have any say in them (EP Study 2019; Joireman 2015, 64th session of CEDAW 2016).

Media from the region often report about cases where women have to fight for their share of joint property acquired by both spouses during their marriage. Not only men, but also women tend to disagree that divorce/separation of partners should result in a division of the shared property between partners. It is also reported as a common belief amongst both genders that women shall renounce their legal rights to inherit property.<sup>6</sup>

Depriving women of registering as co-owners of the properties not only prevents them from disposing of the property in the economic market but also from disposing of it in a testament and passing it on through inheritance. In this regard, it is an issue of a special concern if a husband passes away before his wife. When a woman is not officially recorded as a co-owner of a property, and the legal presumption of joint ownership is not taken into consideration, the inheritance is awarded entirely on the basis of the hereditary title. Consequently, the half of the property which should had been officially owned by a wife (or legally presumed to be hers) becomes a subject of inheritance and is transferred to her late husband's legal heirs, leaving her with a smaller property than she should have owned (Mandro, 2013; EP Study 2019).

## **PATRIARCHAL CUSTOMS**

Generally, traditions and written customary law in the region recognise patrilineal inheritance of the deceased's property, which means that it could be inherited only by male descendants. Patrilineal inheritance is based on the stereotypes which portray women mainly as wives, mothers, and housewives (Simić, 2015; OECD 2019).

6 See: <https://www.telegraf.rs/vesti/srbija/3022923-bivsi-muzevi-u-srbiji-ne-zele-da-daju-ni-dinar-suprugama-posle-razvoda-a-da-li-je-nepravda-ako-zena-zaradjuje-vise-anketa>; <https://www.slobodnaevropa.org/a/pravo-na-imovinu-rod-zene-dom/29859105.html>; <https://balkaninsight.com/2019/09/03/tradition-denies-albanian-women-right-to-property/>; <http://www.trustconference.com/news/?id=8c1cea0b-1ad5-4b21-8052-4cfc29682d15>; <https://balkaninsight.com/2016/09/30/kosovo-women-still-fear-to-claim-their-inheritances-09-29-2016/>.

Corresponding with this custom are also situations where women renounce their rights to inheritance. There is a social perception that if a woman brings property into the marriage, it indicates that a man is not capable of providing for her. Similarly, it shines a bad light on woman's male siblings if a woman accepts or claims inheritance. In line with the tradition, it should be men who socially and politically support their sisters. Pursuant to the Albanian customary legal code, *the Kanun*, property shall not be inherited by a woman. Instead, a male heir shall be sought up to the 12<sup>th</sup> potential heir, in order to assure that the property stays within the male line (Joireman, 2015). For a similar purpose, properties and land in the Western Balkans are often registered to the name of the "head of the household", who are usually male family members. This is mainly the case because women are either unaware or misinformed about their property rights or due to large costs of legal processes to claim their rights (UN Women 2018; Mandro, 2016; Raičević, 2019).

#### **GENDER GAPS IN OWNERSHIP OF LAND AND PROPERTY**

Pursuant to reports of the National Cadastre Agency of Albania, the ratio between the ownership of immovable property and land by men and women amounted to just over 80 per cent against nearly 19 per cent for each gender respectively. Moreover, this coincided with the reports that the country failed at successful implementation of the Law which provided for joint ownership of the property that spouses acquire during their marriage (Sinoruka, 2019; CEDAW 2016).

Similarly, despite having the same rights to inheritance, ownership and management of land and non-land assets as men do,<sup>7</sup> in 2015 only 15 per cent of land in Bosnia and Herzegovina was registered to women (WB 2015; EP Study 2019). In 2019, the issue of poor implementation of legislation on non-discrimination and gender equality in Bosnia and Herzegovina was reported also by the European Commission (EC Report 2019). However, there have been no official reports about women renouncing their inheritance rights in favour of male relatives. Rather, it has been suggested that even if such would occur, it would be only exceptional, due to a dominant religious belief that men and women shall be equal in terms of inheritance (Trkulja, 2018; Preljević, 2019; EP Study 2019). Nonetheless, so far, there have been no adequate and

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7 Law on inheritance of the Bosnia and Herzegovina, Articles 3, 10, 28, and 29.

reliable statistical data on discrimination cases which would support or deny this possibility.

In addition, whereas the governmental entities manage property cadastres and land registries to safeguard the right to property, it has been pointed out that these are often not sufficiently accessible to women, the poor and vulnerable groups (EC Report 2019).

Comparing countries in the Western Balkans, it appears that the most extensive legal guarantees for gender equality can be found in Croatia. The country is also the only one in the region that is already a member of the European Union and a lot of its legal framework was adopted or amended in compliance with the EU standards during the negotiation stage of the accession to the membership. The enforcement of the regulations on gender equality has been subject to independent monitoring by a special Gender Equality Ombudswoman,<sup>8</sup> who handles the cases of gender discrimination and reports to the Parliament. The responsibilities of the Gender Equality Ombudswoman include assistance to persons in regard to filing complaints of sexual discrimination prior to the legal proceedings, and perhaps even more importantly, assistance with seeking an 'out of court' settlement (Petričević, 2012).

Nevertheless, the issue with the implementation of the legal framework, even despite the existence of the above mentioned institutions, again emerges from the collision of law with traditional norms. For example, it is customary that women move into their husband's home after they get married. His property is considered to be acquired before the marriage and thus to be a separate property. Moreover, husbands are commonly registered as the sole owners even of the properties that partners obtained together. Consequently, women would become property owners only after their husbands' deaths and only of the part they are entitled to pursuant to the legal regulation of inheritance and depending on the number of other heirs. Moreover, women would often renounce their right to inheritance, in benefit of their children or grandchildren. Nonetheless, it has been reported that the value of the traditional norms in the societies is declining, especially in the cities (WB 2019).

In contrast, reports from Kosovo show that, despite clear laws on gender equality, which are compliant with the EU regulations,<sup>9</sup> traditional

8 The institute of an Ombudswoman exists besides the Office of the Ombudsperson.

9 Article 46 of the Constitution of Kosovo guarantees equal rights to property for women and men in Kosovo.

beliefs persist and still only 12 per cent of women are registered as property owners (UNMIK 2019). The issue of the lack of economic independency of women has been some time ago publicly acknowledged by the Kosovar Deputy Prime Minister Hajredin Kuçi: “[T]he fact that most women do not own property means that a significant portion of the population is unable to freely engage in economic activity, start their own businesses, create jobs and contribute fully to Kosovo’s economic growth.” (Reuters 2017)

In Kosovo, the majority of population is of Albanian descent, sharing common traditions with the society in Albania. Customary patrilineal succession can be even legally followed by adhering to Law on Inheritance, which allows the heir to “[r]enounce the inheritance by a statement made to the court, until the inheritance proceedings are completed” (Article 130.1 of the Law on Inheritance in Kosovo). Indeed, such provision is quite general and it is not extraordinary for it to be included in inheritance laws. Still, it is reported that in Kosovo it has been frequently invoked by female heirs, who renounce their right to property to follow the tradition and protect the reputation of their partners or male relatives (Joireman, 2015). Women are under additional pressure to renounce their inheritance rights also due to their economic dependence on their families as a result of their inactivity in the labour market (Joireman, 2015; EULEX 2016; EP Study 2019).

## **FLAWS IN THE LAWS**

Legal provisions in legislations of the concerned countries are often unclear and as such leave room for the traditional transfer of property to be *de facto* carried out without constraints. In this regard, it has been pointed out that gaps in legislation allow for continuation of discriminatory treatment of women in relation to inheritance and registration of real estate transactions. In particular, this is possible because the Law leaves the possibility that the heirs freely decide on how to divide the inheritance among themselves, and can thus arbitrarily exclude women from obtaining property (EULEX 2016).

Furthermore, as already mentioned, it has been a common practice to register joint property to the name of only one spouse, usually husband’s. Indeed, cadastral agencies are bound by decisions of courts and notaries. Nonetheless, they are at the same time in a position where they could exercise control over and guarantee the registration of

both spouses wherever that is possible and where it was overlooked by the courts or notaries. This is especially important because all transactions of immovable property rights are based on the information from the cadastral registry and because the will of the *transferor* suffices for a valid transfer (EULEX 2016).

In Serbia, only one in four properties is owned by a woman and only 11 per cent of all properties are registered in joint ownership of partners (Upis nepokretnosti 2019). As in other parts of the region, women would renounce their right to inheritance from their late partners in favour of their children and grandchildren, especially so in rural areas. Still in 2016, the majority of joint matrimonial properties were registered to a husband's name only. A reason behind this could be the fact that notaries would not always request a written consent of a spouse when certifying agreements about matrimonial properties. Thus, when a property is registered only to a husband, he can dispose of the property completely independently (Zivanovic, 2017; Zenovich, 2016).

Traditional customs tend to circumvent the laws also in Montenegro, which became independent from Serbia in 2006 and is therefore culturally very similar. A study published in 2019 reported that women in Montenegro own less than 25 per cent of real estate in the country (EP Study 2019). This goes in line with the observation by the Ministry for Human and Minority Rights that there is a trend of women renouncing their rights to inherit property in favour of male members of the family, despite their equal legal status. Such corresponds with the results of a public survey, which showed that 82 per cent of respondents thought that men and women should be equally entitled to their inheritance, but only 25 per cent of them believed that it is indeed so in practice. Large majority of the respondents (male and female) also expressed a belief that women would be judged negatively in the society if they would not renounce their rights to inheritance. Besides that, women also pointed out the issues of unawareness of their rights,<sup>10</sup> the fear that the property gets under the ownership of another family and the disrespect of women's rights (MMP 2019).

Recent data from North Macedonia show that only 28 per cent of woman population owns property (USAID 2019). Also in that area, women would traditionally leave their parents' houses after they mar-

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<sup>10</sup> Nearly 50 per cent of women in Montenegro believe that they do not exercise the right to property.

ry, whereas men would keep living there with their own families. The law in North Macedonia provides that children who live at the family's estate are natural heirs of the property and those who do not may renounce their succession. In practice, this reflects an expectation that sons who stay at their parents' houses inherit the property and that daughters shall renounce their rights to inherit their share of the property. Again, the reason why women choose to renounce the right to inheritance is suggested to lie in the fear of social judgment if they do not do so and in relatively large costs entailed in the process of inheritance (Mitrevska, 2017; OECD dev; UN Women 2018). In addition, it has been reported also in Montenegro that the issue lies in the lack of women's awareness of their legal inheritance rights. The assumption is that the reason behind this tradition lies in keeping the property within the family. Since the property inherited by women is believed to fall under the ownership of her husband and his family, registration of property to a woman is understood to result in losing it from her father's family to another family. (Tonchovska, Kelm, and Giovarelli, 2014; OECD dev 2019).

## TACKLING THE ISSUES

As demonstrated above, issues standing in a way of the support of economic empowerment of women have been recognised by the governments of the concerned countries. It has been argued that unsuccessful implementation of gender equality rules persists also due to unclear legal definitions of gender discrimination and to the lack of legal regulations for prosecution of offenders (Irvine 2013).

In 2019, the European Parliament adopted a *Resolution on Women's Rights in the Western Balkan* (EP Draft Resolution). The Resolution, amongst other issues, acknowledges the underrepresentation of women in the labour market and calls on the governments to tackle the female unemployment and the gender gap. “[c]ustoms and traditions often prevail over the legal norms. Therefore, the role of notaries and land registration offices is seen as crucial for improving gender equality in access to land.” (Marcela Villarreal, Director of FAO's Office of Partnerships, Advocacy and Capacity Development Division, 2017).

In regard to the right to property, Croatia adopted a legal requirement for a written consent of the other spouse in cases of transactions rela-

ted to a property used as a family home (WB 2019). A similar measure was taken by Serbia, which amended the law governing the registration of property by introducing a process of automatic registration of the joint property that spouses acquired during their marriage. In addition, to ensure equal rights to property by 2020, Serbia adopted *the Strategy for Gender Equality*, activities within which were supported also by the World Bank through its project *Improvement of the Cadastre Administration in Serbia* (Dokmanovic, 2016).

Moreover, in 2019, the Ministry of Labour and Social Policy in North Macedonia received financial support by the World Bank for the purpose of implementation of a project for economic empowerment of women, including amending the legislation regulating the rights to property (Carovska, 2018). It is now provided by the Law that the right to property of items held in joint ownership is not affected by a (non-) registration of property. Both, men and women, enjoy legal right to request their names to be noted in the registry and to retain equal rights to property after divorce or separation (OECD 2019).

Another important measure to safeguard property rights of women in the region was adopted in March 2019, when Albania adopted the new Law on Cadastre and the Law on Notaries, which introduced mandatory registration of the joint property to both spouses (WB Albania 2019). Similarly, Kosovo in 2018 introduced the measure for the registration of real estate to both spouses free of charge (EC Kosovo 2019).

Above listed are only few examples of countries' efforts to tackle gender inequality emerging from customary norms. Nonetheless, when the laws are not being followed, the final remedy lies on the judiciary. Women have a right and a choice to bring a legal claim for their inheritance in courts. However, their exercising of this rights again remains questionable. Firstly, women may not be aware of their right to property and hence nor of their right to claim it in court (Simić, 2015). Secondly, professional legal advice and representation in court may be costly and women may struggle to afford to participate in court proceedings. Lastly, the proceedings may be lengthy and women may be exposed to a risk of being judged for their actions by their family, friends, and society in general.

The Ombudsman's 2019 Annual Report from Montenegro, states that in 2018, the institution received 48 complaints on the length of first-in-

stance court proceedings and other property-rights related issues. Less than half of these complaints were lodged by women (Ombudsman's Report 2019). Similarly, based on the records from the Kosovo's Court of Appeals, it is rare that women would initiate appeal proceedings and even when they do, they often do so together with a male co-claimant and male co-respondent (EULEX 2016). This may present an additional example of the issues related to dependency of women to their partners and male relatives and their dominant roles in the families.

## CONCLUSION

Discrepancies between the laws and customs are notably evident in regard to the gender equality and the right to property. The gap between the number of men and women participating in the labour market and the gap between the numbers of male and female owners of properties are significant all over the region. Hence, this creates differences between economic empowerment of both genders.

In order to avoid legal norms being arbitrarily circumvented, the countries need to adopt laws with clear provisions. Accordingly, it is also essential that not only women, but general public, become informed about their rights. Special attention should be, in this respect, given notably to the rural areas where cultural norms seem to be embedded in the society the most.

In this respect, there have been already many projects initiated by the governments of the Western Balkan countries and non-governmental organisations operating there to address the issues emerging from gender inequalities.

Whereas it is important that the countries adopt clear and extensive legislation which safeguards women's rights, it may be equally or even more important to guarantee the implementation of legal norms. Considering that customary norms have been strongly integrated in the societies for decades, despite existing opposing legal norms, the emphasis should be given to raising public awareness on the matter. Reports show that, especially in urban areas of the region, women have already become more aware of importance of economic independence.<sup>11</sup>

<sup>11</sup> Obradović A, I u rod i u dom: Žene da se ne odriču nasljedja, Cdm (news article); Manojlović M, Hercegovke sve češće prihvataju očevo nasljedstvo, (news article).

Nevertheless, the issue of economic empowerment of women is only one part of a much larger dimension of the countries' economies. The higher is the general employment rate in the country, higher is its economic growth and consequently, better is its economic development and the living standard of its citizens. Therefore, it shall be in the economic interest of the countries to ensure that the legislation providing and safeguarding equality of women and men is duly respected and implemented in the societies. Additional measures that could be taken by the countries for this purpose are, for example: incorporation of principles and values of non-discrimination in school education, providing sufficient amount of child-care services that are financially subsidised by the governments, and perhaps encouraging the employers in the private sector to aim towards a gender balanced structure of their employees by providing them certain subsidies. Nonetheless, the future of the economic development of the Western Balkans seems to be bright. Taking a look at Croatia after its accession to the EU membership in 2013, the employment rate in the country increased for 10 per cent in 5 years (Europe 2020 targets). Indeed, this could be also the result of easier movement of workers within the EU and would not necessarily indicate increased economic empowerment of women in the country due to more active participation in the national labour market.

Finally, this issue is one that shall be followed up in the future, particularly after the Western Balkan countries become members of the EU. Especially so, because the comparison of the gender equality in these societies, employment rates, economic development and living standards between now and then will be a good indicator of the general significance of the membership in the EU in these areas.

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