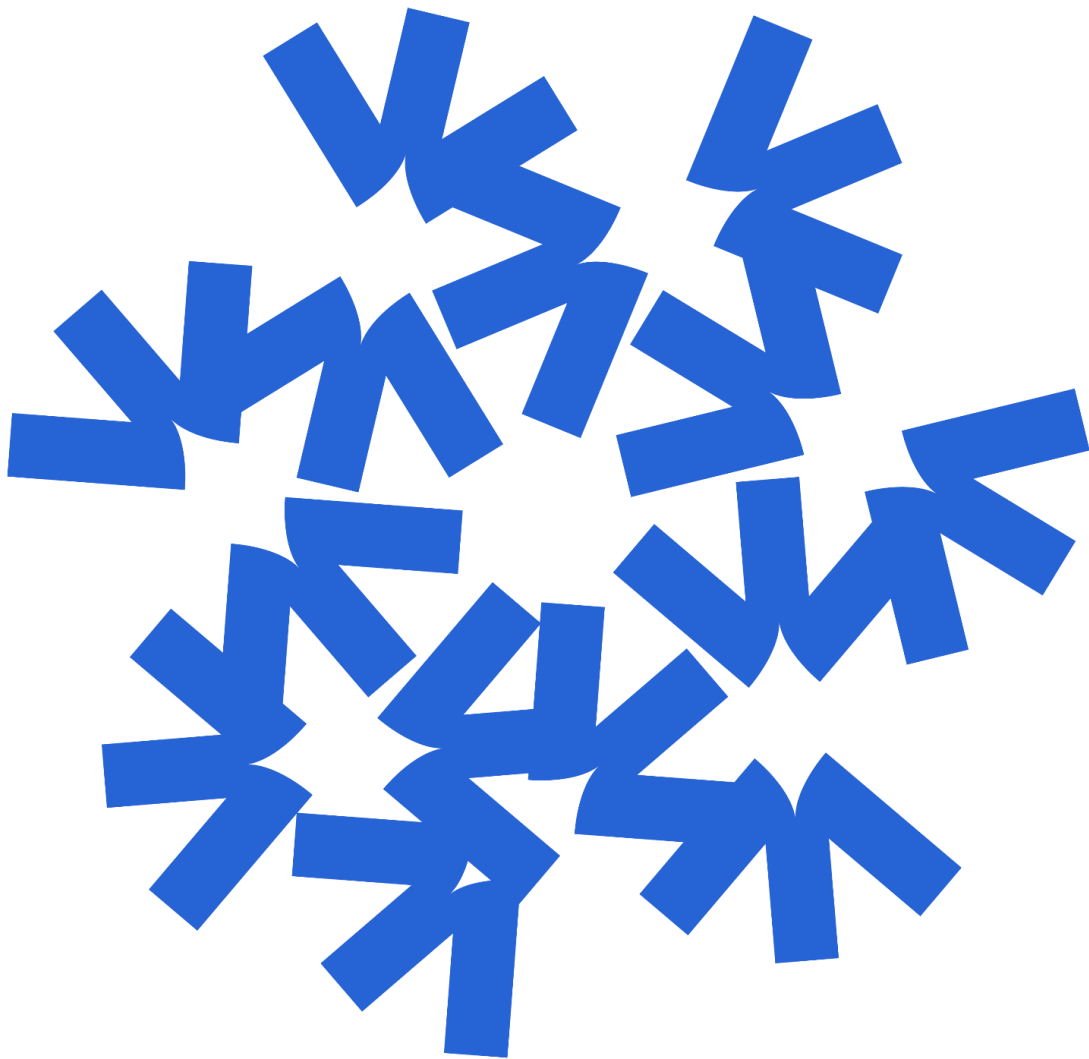


# Cooperation between the Six Western Balkans Countries (WB6) and the European Union Fundamental Rights Agency

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**KCSS**  
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# Introduction

In March 2020, the Council of the European Union (EU) formally endorsed the proposal of the European Commission (EC) for a new enlargement methodology that would henceforth be applied for countries interested to become EU Member States (MSs). Thus, for the six countries of the Western Balkans (WB6) that are in their EU accession paths and for other accession countries, this marked the introduction of the new, enhanced methodology to join the EU. Gradual integration, or phased accession, is one of the pillars of this new methodology. As an approach, this pillar allows the EU to support the WB6 countries in reaching EU standards by granting them access to its specialised mechanisms in specific policy areas, in parallel with reforms they implement. In practice, this means enabling WB6 countries' institutions and other stakeholders dealing with specific policy areas to engage directly with their peers in the EU in an institutional learning process. EU agencies and other policy organisations and structures are typical such mechanisms. They are specialised EU-level institutions or bodies that drive – together with the EC (which also conducts membership negotiations with WB6 countries) – the development of the EU acquis in their policy areas driven by policy expertise. As such, they would play a critical role in guiding and supporting WB6 countries' institutions in their reforms to align with the EU acquis and European standards and to implement the legislation aligned.

In this context, the Kosovar Centre for Security Studies is, for several years now, the leading civil society organisation working on phased accession of WB6 to the EU. We have been doing this through extensive policy research, as well as by engaging in advocacy and promoting and facilitating policy dialogue across the region and with EU actors on these topics, in cooperation with COSs in other WB6 countries. The main purpose of this engagement is to explore possibilities of accelerating cooperation between WB6 relevant stakeholders with such EU bodies, and gradual inclusion in them. The main purpose of this policy brief is to inform key stakeholders in WB6 countries and in the EU on the state of play with regard to cooperation of WB6 countries with the EU Fundamental Rights Agency. WB6 countries' access to and support by this agency would support them to implement reforms in the area of fundamental rights, which is part of first cluster, on Fundamentals (respectively chapter 23, on judiciary and fundamental rights), a cluster that is the to be opened and the last to be closed in membership negotiations. Second, this policy brief also seeks to shape the public discourse in the region on the EU integration process. Third, since only half of WB6 countries are observer members of the FRA (Albania, North Macedonia, and Serbia), we seek to support the establishment of cooperation with FRA of the three remaining WB6

countries (Bosnia and Herzegovina, Kosovo and Montenegro). We seek to do so through policy advocacy and by promoting policy dialogue, including between governments and civil society organisations in the region.

This policy brief contains two sections. The first section focuses on the FRA, namely its mandate and mission, the legal basis governing its functioning, as well as its structures, including specific instruments it has at its disposal to exercise its mandate and serve its mission. The second section explores the state of play regarding cooperation between WB6 countries and the FRA. This section also illustrates how one of the main FRA mechanisms – the annual Fundamental Rights Report – functions in practice by providing an overview of main findings of this report on the three FRA MSs from the WB in the last three years (2023-2025). This policy brief concludes with a list of conclusions and recommendations.

## On the EU Fundamental Rights Agency

The European Union Agency for Fundamental Rights (FRA) is the EU's independent, specialised agency for fundamental rights, based in Vienna. It was established on 15 March 2007 by the *Council Regulation (EC) No. 168/2007 establishing a European Union Agency for Fundamental Rights*<sup>1</sup> (2007 Regulation), adopted on 15 February 2007, in force as of 1 March 2007. The 2007 Regulation was amended by the *Council Regulation (EU) 2022/555*<sup>2</sup> (2022 Regulation), adopted on 5 April 2022, in force as of 8 April 2022. FRA's mission is to *promote and protect fundamental rights in the EU, with a view to defending such rights of all people living in the EU*.<sup>3</sup> The FRA exercises its mission by *providing public institutions of the EU and MSs, when implementing EU law, with assistance and expertise to support them to ensure respect for fundamental rights while exercising their functions within the scope of the respective policy areas*.<sup>4</sup>

FRA's added value is its focus on tackling systemic issues of fundamental rights by providing evidence-based advice to decision-makers at the EU level and in MSs, with particular focus on discrimination, access to justice, racism and xenophobia, data

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<sup>1</sup> Eur-Lex – EU Official Gazette, *Council Regulation (EC) No. 168/2007 establishing a European Union Agency for Fundamental Rights*, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R0168>.

<sup>2</sup> Eur-Lex – EU Official Gazette, *Council Regulation (EU) 2022/555 amending Regulation (EC) No. 168/2007 establishing a European Union Agency for Fundamental Rights*, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R0555>.

<sup>3</sup> Fundamental Rights Agency, *About FRA*, <https://fra.europa.eu/en/about-fra>.

<sup>4</sup> *Regulation 2022/555*, amendment to Art. 2 of the basic regulation.

protection victims' rights, and children's rights. It thus supports them in making better informed and targeted legislation and policies in the area of fundamental rights.<sup>5</sup> FRA MSs are EU MSs, as full members, and three observer members from the WB: Albania, North Macedonia and Serbia.

The 2007 Regulation contains 34 articles, structured in seven chapters: Chapter 1 (art. 1-5), on FRA's objective, scope, tasks and areas of activity; Chapter 2 (art. 6-10), on its working methods and cooperation; Chapter 3 (art. 11-15), on its organisation; Chapter 4 (art. 16-19), on its operation; Chapter 5 (art. 20-22) – financial provisions; Chapter 6 (art. 23-28) – general provisions; and Chapter 7 (art. 29-34) – final provisions. The 2022 Regulation has amended provisions governing FRA's objective, tasks, areas of activity, relations with relevant EU institutions, cooperation with the Council of Europe (CoE), internal structures and staff, transparency, access to documents, evaluations, review by the Ombudsman, privileges and immunities, jurisdiction of the Court of Justice of the EU (CJEU), and its participation and scope in respect of EU candidate countries and those having a Stabilisation and Association Agreement (SAA) with the EU in force.

Chapter 6, **general provisions**, governs FRA's legal status and location; its staff, language arrangements, privileges and immunities, jurisdiction of the CJEU, and its participation and scope with respect to EU accession countries. FRA has its own legal personality and extensive legal capacity in MSs, including the right to own property and the right to be a party to legal proceedings. FRA has also succeeded the European Monitoring Centre on Racism and Xenophobia. Its staff and employment related aspects, as well as privileges and immunities, are regulated by relevant EU regulations. The FRA (its Management Board [MB]), in agreement with the EC, is required to adopt staff-related implementing measures, including on secondment of experts from MSs. Its official languages are those of the EU, while the MB decides on internal language arrangements, and translation services are to be provided by the main EU body in charge of this. The CJEU has jurisdiction over the FRA.

Importantly, **Article 28** of the 2007 Regulation regulates **EU accession countries' cooperation with the FRA**. It establishes the legal basis for the participation of such countries in FRA's work, specifying, in paragraph 1, that the FRA shall be open to the participation of such countries as observers. Next, paragraph 3 stipulates that a country that has concluded an SAA with the EU to may be invited to become an observer member. These two paragraphs are in practice mutually exclusive, since one WB6 country – Kosovo – is not yet a candidate country, but has concluded its SAA with the EU.

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<sup>5</sup> European Union Agency for Fundamental Rights, [https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-union-agency-fundamental-rights-fra\\_en?utm\\_source=chatgpt.com](https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-union-agency-fundamental-rights-fra_en?utm_source=chatgpt.com).

This contradiction has not been addressed by the 2022 Regulation: amendment 21 has affected neither of these two paragraphs of article 28.

The regulations further provide for the observer membership and relevant modalities to be regulated by a *decision of the SAA Council* (the highest-level joint body with the EU). Such a decision has to define the nature, extent and manner of cooperation (taking into account the country's status), including on its participation in FRA's initiatives, financial contribution and staff. Once an accession country becomes an FRA observer member, it is required to appoint a person meeting the qualifications required by these regulations to represent it in the FRA MB as an observer member. Once s/he is appointed, the FRA may deal with fundamental rights issues in that country for the purpose of meeting its objectives, within the scope of EU competences, as necessary for gradual alignment to the EU law.

Chapter 1 governs ***FRA's objective, scope, tasks and areas of activity***. The FRA is a specialised EU agency that provides relevant EU institutions and MSs with assistance and expertise relating to fundamental rights, with a view to supporting them to fully respect them when developing and implementing policies implementing EU law within their sphere of competence. The scope of its mandate is limited to Union's competences, namely only relating to implementation of the EU law by EU institutions and MSs, except within the scope of the EU Common Foreign and Security Policy (CFSP). It refers in carrying out its tasks Article 6 of the Treaty on the European Union (TEU). Under Article 6, the EU recognizes rights, freedoms and principles as set in the EU Charter of Fundamental Rights (EUCFR), the latter given the treaty status. Next, such rights, freedoms and principles are to be interpreted in accordance with general provisions of EUCFR's Chapter VII. Lastly, the EU shall accede to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHRFF), and therefore fundamental rights guaranteed by it constitute general principles of EU law.

Within its scope of specialisation – fundamental rights in the context of the application of the EU law – the FRA has several *tasks*:

- Collecting, analysing and disseminating data and information;
- Developing methods and standards to improve comparability, objectivity and reliability of data at the EU level;
- Carrying out, cooperating with or encouraging research, studies and surveys;
- Publishing conclusions and opinions on specific topics for EU institutions and MSs;

- Publishing an annual report on fundamental-rights issues (in consultation with its Scientific Committee [SC]);
- Publishing an annual report on its activities;
- Publishing thematic reports based on its analyses, research and surveys; and
- Raising public awareness and disseminating information on its work through a communication strategy and by promoting dialogue with civil society.

The FRA functions based on a five-year Multiannual Framework (MAF) – adopted by the Council, on EC proposal, after consultations with the EP – setting out its *areas of its activity*, which must include the fight against racism, xenophobia and related intolerance. The MAF should be in line with EU priorities and ensure complementarity with other EU institutions, the CoE and other international organisations active in the area. The 2022 Regulation added a programming document as an umbrella framework containing the MAF and an Annual Work Programme (AWP). The draft programming document must be drawn up by the FRA Director each year and submitted (by 31 January) to the FRA MB, the SC and National Liaison Officers (NLOs) in MSs, the EP, the Council and the EC. Afterwards, s/he submits the draft to the MB for adoption, and, once adopted, to the EP, the Council, the EC and NLOs.

Chapter 3, on FRA's **organisation**, establishes three collegial bodies – the Management Board (MB), the Executive Board (EB) and the Scientific Committee – as well as the Director.

The FRA *Management Board* (MB) has the following functions:

- Adopting the FRA's rules of procedure, its Annual and Multiannual Work Programme (in accordance with the Multiannual Framework), its annual reports provided for in Art. 12 of the 2007 Regulation; financial rules and budget; measures to implement the EC staff-related regulations; as well as transparency and access to documents arrangements;
- Appointing and dismissing the FRA Director and overseeing her/him, including on disciplinary aspects;
- Appointing and revoking SC members;
- Drawing up annual estimates of FRA's expenditure and revenue; and
- Establishing (as per this regulation) that a member or alternate member does not meet the criterion of independence.

The MB members are independent persons with sound knowledge in the field of fundamental rights and appropriate experience in organisational management, namely one from each MS, one from the CoE and two from the EC. They are appointed for one

five-year term, alternates may also be appointed, and the list must be published. The MB has 30 full members and three observer members, one from each WB observer country.<sup>6</sup> If a member or alternate member no longer meets the criterion of independence, s/he is obliged to inform the EC and the FRA Director and the respective party is obliged to appoint a new one. The MB elects its Chairperson, her/his deputy and two Executive Board (EB) members from among its members, for a once-renewable two-and-a-half-year term. The MB makes its decisions by: unanimity (on FRA's language arrangements); two-thirds majority (on its own key functions) and simple majority (on other issues). Each member has one vote and the Chairperson also has the casting vote. It is convened twice annually, in regular meetings, and may also hold extraordinary meetings.

The FRA *Executive Board* (EB) has five members: the MB's Chairperson and Vice-Chairperson, the two MB members elected by it as EB members and one of MB members representing the EC. The FRA Director has to attend its meetings in observer capacity, and the MB's CoE member may also do so. The EB is in charge of supporting the MB and advising the FRA Director in carrying out their functions, it is convened by the Chairperson whenever necessary, and it decides by simple majority.

The FRA *Scientific Committee* (SC) is in charge of guaranteeing the scientific quality of its work. It does so by guiding the FRA, in an early stage, in the preparation of all its documents. The SC consists of eleven independent, highly qualified persons in the field of fundamental rights. They are appointed by the MB through a transparent, merit-based process, following consultations with the EP competent committee, for a non-renewable, five-year term. They elect the SC Chairperson and her/his deputy for a one-year term. MB members may not be SC members.

The FRA *Director* is its top management authority. S/he is appointed by the MB from a list of candidates selected through a transparent, merit-based process carried out by the EC, and following questioning by the EU Council and the EP competent committee and their ranking. S/he is appointed for a five-year term that may only be extended for one additional term, following an evaluation by the EC focusing on her/his performance and FRA's duties and requirements for the forthcoming years. The director is in charge of performing FRA's tasks outlined in Article 4 of the 2007 Regulation, in particular of the following:

- Preparing and publishing reports provided for in this regulation, in cooperation with the SC;

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<sup>6</sup> EU Agency for Fundamental Rights, *Management Board members*, <https://fra.europa.eu/en/about-fra/structure/management-board/members>.

- Preparing and implementing FRA's AWP;
- Implementing FRA's budget, day-to-day administration and staff-related matters;
- Implementing FRA's monitoring and evaluation procedures and reporting annually to the MB on results; and
- Cooperating with NLOs and CSOs and coordinating with the Fundamental Rights Platform (FRP).

Chapter 2, on **working methods and cooperation**, regulates FRA's methods of work and stakeholders it cooperates with. In order to provide objective, reliable and comparable information, it uses information networks, meetings of external experts and ad hoc working parties. It also relies on data and activities of EU and MS institutions, as well as the CoE, the Organisation for Security and Cooperation in Europe (OSCE), the United Nations (UN) and other international organisations. Similarly, it cooperates with EU institutions, MSs' governments (through the NLOs, appointed by them) and other relevant institutions, as well as with the CoE, the OSCE and civil society organisations (CSOs), through the FRP. NLOs are FRA's main contact points in MSs. The FRP, established and coordinated by the FRA, supports its mission through information exchange, networking, as well as through thematic input, strategic advice, tools and resources. Current FRP members (nearly 1,000) include EU-wide CSOs, as well as those from MSs, WB observer countries and the UK. Most of CSO members deal with fundamental rights, but it also includes trade unions and employers' organisations, religious organisations, universities, individual experts, etc.<sup>7</sup>

The FRA also has its Research Network (FRANET), a multidisciplinary network that carries out research to support the FRA to carry out its functions and is composed of contractors in all its MSs. They, upon FRA's request, provide it data on fundamental rights issues to facilitate comparative analyses prepared by the FRA.<sup>8</sup> Another mechanism of the FRA that has direct impact in improving policies and legislation and the situation in the area of fundamental rights in its MSs is the annual Fundamental Rights Report (FRR). The FRR provides an overview of the state of fundamental rights in the FRA MSs, also highlighting selected critical developments and trends in the respective year. In terms of structure, it first introduces the problem at hand and its magnitude and trends, then provides a detailed, empirical analysis, and in the end of the problem at hand, and concludes with a summary of key findings and FRA opinions. The latter are actually policy recommendations on how to address and solve the challenges identified in the analytical section of the report. Each annual edition focuses on certain specific fundamental rights topics or issues: for instance, the 2025 report tackled the following specific topics:

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<sup>7</sup> EU Agency for Fundamental Rights, *Fundamental Rights Platform*, <https://fra.europa.eu/en/cooperation/civil-society>.

<sup>8</sup> EU Agency for Fundamental Rights, *FRANET*, <https://fra.europa.eu/en/cooperation/franet>.

respect of fundamental rights in the electoral process, protection of women victims of violence, and implementation and application of the EUCFR.<sup>9</sup> Previously, the focus of the 2024 edition was the cost-of-living crisis across Europe.<sup>10</sup>

Chapter 5, **financial provisions**, cover drawing up and implementation of FRA's budget and prevention of fraud. The main source of FRA's *annual budget* – the EU budget – may be complemented by payments received for services and financial contributions from organisations at MSs' and international level it cooperates with, the CoE or accession countries involved. The estimate of revenue and expenditure is drawn up by the FRA Director and presented by the MB to the EC, and then by the latter to the EP and the Council. Finally, it is adopted by the MB and becomes final following the adoption of the EU general budget, and is adjusted as needed. The authority in charge of *implementation* of FRA's budget is its Director, in cooperation with the EC, the EU Court of Auditors (CoA), the EP and the Council, as per the applicable legislation. In order to prevent *fraud, corruption and other unlawful activities*, FRA is bound by the Regulation (EC) No. 1073/1999 on investigations by the EU Antifraud Office (OLAF). It is also bound to accede to the Council – EC – AP Interinstitutional Agreement on internal investigations by OLAF and to issue implementing legislation. The latter is bound to include provisions allowing the CoA and OLAF to carry out on the spot checks on FRA's staff and final beneficiaries of its budget.

**Final provisions** (chapter 7) include those on evaluations. The FRA is obliged to carry out ex ante and ex post evaluations, including an independent external evaluation of its performance in the first five years of its operation, which had to be carried out at the end of 2011. Based on such evaluations, the MB may issue recommendations to the EC to make changes in FRA's mission, scope or working practices, and the EC may submit proposals to amend the regulation/s governing the FRA.

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<sup>9</sup> EU Agency for Fundamental Rights, *Fundamental Rights Report – 2025*, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2025-fundamental-rights-report-2025\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2025-fundamental-rights-report-2025_en.pdf).

<sup>10</sup> EU Agency for Fundamental Rights, *Fundamental Rights Report – 2024*, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2024-fundamental-rights-report-2024\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-fundamental-rights-report-2024_en.pdf).

# Cooperation between WB6 and the EU Fundamental Rights Agency

This chapter discusses the state of play with regard to cooperation of the WB6 with the EU FRA, including the representation in its decision-making bodies and mechanisms of those WB6 that are FRA observer members. As noted above, Albania, North Macedonia and Serbia are the only WB6 countries currently enjoy the status of observer members at this agency. Regarding the rest of WB6, this section reports on efforts undertaken by them to establish cooperation with the FRA.

Regarding those WB6 that are observer members, this section discusses in more detail one mechanism – the annual Fundamental Rights Report (FRR) – taking a closer look at the structure and content of this report in the last three years on these countries. FRRs on these countries are formally contributions to the FRA’s FRR. The FRR provides a comparative overview of the situation on fundamental rights in all FRA MSs in the previous year. The FRRs have focused on several topics. From 2020 to 2023 it was focused on equality and non-discrimination; racism, xenophobia and related intolerance; Roma equality and inclusion; asylum, visas, migration, borders and integration; information society, privacy and data protection; rights of the child; access to justice; and implementation of the Convention on the Rights of People with Disabilities. In 2024 it was focused on the cost-of-living crisis; and threats to democratic values. Finally, in 2025 it was focused on political participation and equality in elections; and on protection of women victims of violence.

**Albania** joined the FRA, as an observer member, in December 2020.<sup>11</sup> It is also represented, in the same capacity, in the FRA Management Board. As a candidate country for membership to the EU that is in advanced stages of negotiations, this allows Albanian institutions to participate in FRA’s activities, to benefit from its expertise, and to thus gradually improve compliance with EU standards on fundamental rights. This is relevant for Cluster 1 of the negotiations for EU membership, on fundamentals, respectively in chapter 23, on judiciary and fundamental rights. Albania recently fulfilled its interim benchmarks in cluster 1, and is expecting closing benchmarks from the EU.<sup>12</sup> In addition to the FRA MB, six Albanian CSOs are members of the FRP. They deal with social inclusion, protection of minorities and marginalised communities, civil rights, and

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<sup>11</sup> EU Agency for Fundamental Rights, *Cooperation*, <https://fra.europa.eu/en/cooperation/eu-member-states>.

<sup>12</sup> European Western Balkans, Kos: "Albania has officially transitioned into the concluding phase of EU accession negotiations", <https://europeanwesternbalkans.com/2026/05/27/kos-albania-has-officially-transitioned-into-the-concluding-phase-of-eu-accession-negotiations/>.

transparency of public policies.<sup>13</sup> A third mechanism Albania is part of is the FRANET.<sup>14</sup> As part of the latter, it shares data and expertise on fundamental rights issues in the country with the FRA, thus contributing to comparative studies on human rights and fundamental freedoms. This contribution is for the FRA's annual FRR. According to FRA's official webpage, four such reports on Albania have been published so far, namely from 2022 to 2025.

According to the EC annual Country Reports, Albania has during the previous three years, 2023-2025, in chapter 23, which the area of fundamental rights is part of, advanced from *in between some and moderate level of preparation* in 2023 to *a moderate level or preparation* in 2024 and has remained *moderately prepared* in 2025. During this period, it has made *some* progress on year-on-year basis, *from 2022 to 2023, from 2023 to 2024 and from 2024 to 2025*.<sup>15</sup>

On *equality and non-discrimination*, the 2023 FRR<sup>16</sup> has identified several challenges facing Albania:

- Budgeting of policies is a systemic problem for their implementation;
- Homophobic statements made on TV targeting human rights defenders;
- LGBTI discrimination on access to services and school bullying;
- Lack of progress on legislation on recognition of gender identity based on self-determination and family as a union of two citizens.

On *racism, xenophobia and related intolerance*, the 2023 FRR<sup>17</sup> has identified several challenges facing Albania:

- Lack of the necessary implementing legislation under the Law on Free Legal Aid and the Law on Social Housing;
- The policy framework on violent extremism has not yet been completed;
- The long-running housing crises affecting the Roma and Egyptian communities in the Kabash and Guri i Kuq areas of the Pogradec municipality;
- The formal registration of the Roma Community is still a problem.

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<sup>13</sup> EU Agency for Fundamental Rights, *Fundamental Rights Platform*.

<sup>14</sup> EU Agency for Fundamental Rights, *FRANET*.

<sup>15</sup> European Commission, *Albania 2023 Report*, p. 18, [https://enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffdob\\_en?filename=SWD\\_2023\\_690%20Albania%20report.pdf](https://enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffdob_en?filename=SWD_2023_690%20Albania%20report.pdf); *Albania 2024 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68\\_en?filename=Albania%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf); *Albania 2025 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/fe9138b7-90fe-4277-a12c-3a03f6d1957f\\_en?filename=albania-report-2025.pdf](https://enlargement.ec.europa.eu/document/download/fe9138b7-90fe-4277-a12c-3a03f6d1957f_en?filename=albania-report-2025.pdf).

<sup>16</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2023 – Albania*, p. 7-8, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fr\\_2023\\_albania\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fr_2023_albania_en.pdf).

<sup>17</sup> *Ibid*, p. 9-12.

On *Roma equality and inclusion*, the 2023 FRR<sup>18</sup> has identified several challenges facing Albania:

- No annual action plan for implementation of the Roma Inclusion Strategy was adopted in 2022;
- Inter-ministerial, national and local coordination on Roma inclusion should be further strengthened;
- Weak capacities of the Ministry of Health and Social Protection on coordination of Roma-related policies and social inclusion;
- Roma and Egyptian women and other vulnerable groups face limited access to primary health care and to sexual and reproductive healthcare services;
- Limited progress on social inclusion of Roma and Egyptian minorities; participation of Roma in the local administration needs to be improved;
- Segregation of Roma and Egyptian pupils in schools should be systematically addressed;
- Negative progress on the overall employment rate of Roma and Egyptians due to the COVID-19 pandemic.

On *the rights of the child*, the 2023 FRR has found that no policy changes in regard to the implementation of the EU Child Guarantee.<sup>19</sup>

On *access to justice*, the 2023 FRR has found no developments regarding legislative changes to align with the Victims' Rights Directive.<sup>20</sup>

On *implementation of the Convention on the Rights of People with Disabilities*, the 2023 FRR has found that disabled persons face challenges of physical accessibility, access to transport, access to information and communication.<sup>21</sup>

On *threats to democratic values*, the 2024 FRR<sup>22</sup> has identified several challenges facing Albania:

- Legal and administrative constraints, harassment, intimidation, and reprisals against civil society organisations and human rights defenders;
- Lack of election integrity, including electoral process, political campaigning and party financing;
- Corruption, including misuse of EU funds;

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<sup>18</sup> Ibid, p. 18-21.

<sup>19</sup> Ibid, p. 38.

<sup>20</sup> Ibid, p. 49.

<sup>21</sup> Ibid, p. 56.

<sup>22</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2024 – Albania*, p. 12-25, [https://fra.europa.eu/sites/default/files/fra\\_uploads/frr2024\\_albania\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/frr2024_albania_en.pdf).

- Lack of meaningful public consultations – they are overly procedural, and substantive follow-up is not consistently achieved through genuinely meaningful dialogues.

On *political participation and equality in elections*, the 2025 FRR<sup>23</sup> has identified several challenges facing Albania:

- A large part of the electorate residing abroad are unable to vote from their place of residence;
- Women remain underrepresented in leadership positions, especially at local levels;
- Voter intimidation, political clientelism, pressure on public sector workers, vote buying, proxy voting, attempts to influence voters, the use by the majority in power of state resources and other privileges deriving from being in power;
- Citizen observers appeared to be representing the interests of a political party;
- The change of address of about 1.3 million voters raised concerns and claims that it was done to prevent citizens from voting, raising doubts about the integrity of the voter list;
- Media coverage during the pre-election period was editorially oriented and biased; and the monitoring mechanism and the imposition of sanctions failed to stop the imbalance in media coverage;
- Several instances of electoral silence breaking the day before elections and on election day itself; unjustified gathering of unauthorized people, alleged political activists, around polling stations.

On *protection of women victims of violence*, the 2025 FRR<sup>24</sup> has identified several challenges facing Albania:

- The environment for receiving and filing reports from victims is not always friendly;
- Disparity between recorded criminal proceedings and those sent to court, as well as between the number of defendants sent to court and those convicted;
- Due to hatred or family relationships, official statistics provide limited data on the enforcement of criminal policies concerning specific victim categories;
- The Charter of Victim Rights is not understandable for all victim levels;
- Rights of child, sexually exploited, trafficking and domestic violence victims: Legislation needs improvements to better guarantee their rights; Improving practical guarantee of victim's right to information, based on their specific

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<sup>23</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2025 – Albania*, p. 5-15, [https://fra.europa.eu/sites/default/files/fra\\_uploads/al\\_franet\\_frr2025.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/al_franet_frr2025.pdf).

<sup>24</sup> Ibid, p. 21-34.

characteristics; Restorative justice programmes that are safe for victims are not sufficiently implemented, not widespread across the territory, and informing such victims about them is a challenge; Integrated support services for victims are not available throughout the entire country, and existing ones need to be strengthened with necessary human and financial resources; The state budget for supporting services offered by non-public partners needs to be increased;

- The right of victim participation in criminal proceedings and that of their reimbursement for participating in criminal proceedings are not always guaranteed for all victims;
- Compensation of victims by the perpetrator – cases of implementation are very few;
- Procedural deadlines, legal provisions for certain criminal procedures, awareness of prosecutors and judges about compensating victims during criminal proceedings, and easing the burden for pursuing civil procedures;
- Guaranteeing the rights of victims residing in another state;
- Improving the legal framework and good practices of cooperation in criminal matters;
- Issues remain regarding legal provisions for sexual crime;
- Protecting family members of victims needs better addressing in law and practice;
- Protective measures for victims, such as the use of technology during questioning, are not always available for those who need protection;
- Lack of accurate data on the number of suitable environments for victim questioning, equipped with audio and video tools;
- Length of proceedings and the low clearance rate of courts;
- No reforms have been made to change the mandatory conciliation requirement for serious crimes against women, such as rape and forced marriage;
- Improving training and expertise of officers to ensure timely and sensitive responses to reports of violence against women, victim reporting processes;
- Improving victim-centred and gender-sensitive approach, to address specific needs of women experiencing intersectional discrimination.

**Bosnia and Herzegovina** is not a MS of the FRA and has so far not established any formal cooperation with it.

According to the EC annual Country Reports, Bosnia and Herzegovina has, overall, stagnated in chapter 23 during the previous three years, 2023-2025, remaining *at some level of preparation during this entire period*. On the other hand, looking at its pace of reforms in this chapter on year-on-year basis, it has made *limited progress from 2022 to*

2023 and from 2023 to 2024, and it has then slowed down its pace of reforms, having made *no progress from 2024 to 2025*.<sup>25</sup> This means that Bosnia and Herzegovina is behind Albania both in terms of preparedness to align with the EU acquis and standards in chapter 2023, and thus in the area of fundamental rights, and the pace of progress towards this.

**Kosovo** is not a MS of the FRA and has so far not established any formal cooperation with it. However, there have recently been efforts by Kosovo to establish cooperation with the FRA, notably by the Ombudsperson Naim Qelaj, who has met the FRA Director Sirpa Rautio in April 2025, at the FRA in Vienna. The Ombudsperson expressed Kosovo's interest and need to take part in FRA's work as an observer member, including its thematic networks and platforms. He also underlined the need of the Ombudsperson Institution in Kosovo to advance cooperation with the FRA. He also discussed specific needs of the institution in relation to the challenges it faces in its mission to ensure non-discrimination, protection of children's rights, as well as to support the rule of law vulnerable groups in the country. As reported by the Ombudsperson Institution of Kosovo, the FRA Director welcomed the interest of Kosovo and its Ombudsperson Institution to cooperate with the agency at the technical level despite the current political obstacles not allowing Kosovo to become an observer member.<sup>26</sup>

According to the EC annual Country Reports, Kosovo has, also stagnated in chapter 23 during 2023-2025, remaining at *between an early stage and some level of preparation during this entire period*. It has also recorded the same pace of reforms on year-on-year basis, having made *limited progress* during this entire period.<sup>27</sup> This means that while it is behind Bosnia and Herzegovina in terms of preparedness to align with the EU acquis and standards in chapter 2023, and thus in the area of fundamental rights, it has recorded a better pace of progress in reforms in this chapter from 2024 to 2025.

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<sup>25</sup> European Commission, *Bosnia and Herzegovina 2023 Report*, p. 24,

[https://enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_691%20Bosnia%20and%20Herzegovina%20report.pdf](https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf);

*Bosnia and Herzegovina 2024 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/451db011-6779-40ea-b34b-a0eeda451746\\_en?filename=Bosnia%20and%20Herzegovina%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/451db011-6779-40ea-b34b-a0eeda451746_en?filename=Bosnia%20and%20Herzegovina%20Report%202024.pdf);

*Bosnia and Herzegovina 2025 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/5d8fc547-f8f8-456f-84e3-b38998acfafd\\_en?filename=bosnia-and-herzegovina-report-2025.pdf](https://enlargement.ec.europa.eu/document/download/5d8fc547-f8f8-456f-84e3-b38998acfafd_en?filename=bosnia-and-herzegovina-report-2025.pdf).

<sup>26</sup> Republic of Kosovo – Ombudsperson Institution, *Kosovo Ombudsperson met the Director of the EU Agency for Fundamental Rights (FRA)*, <https://oik-rks.org/en/2025/04/30/kosovo-ombudsperson-met-the-director-of-the-eu-agency-for-fundamental-rights-fra/>.

<sup>27</sup> European Commission, *Kosovo 2023 Report*, p. 15, [https://enlargement.ec.europa.eu/document/download/760aacca-4e88-4667-8792-3ed08cdd65c3\\_en?filename=SWD\\_2023\\_692%20Kosovo%20report\\_o.pdf](https://enlargement.ec.europa.eu/document/download/760aacca-4e88-4667-8792-3ed08cdd65c3_en?filename=SWD_2023_692%20Kosovo%20report_o.pdf); *Kosovo 2024 Report*, p. 5,

[https://enlargement.ec.europa.eu/document/download/c790738e-4cf6-4a43-a8a9-43c1b6f01e10\\_en?filename=Kosovo%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/c790738e-4cf6-4a43-a8a9-43c1b6f01e10_en?filename=Kosovo%20Report%202024.pdf);

*Kosovo 2025 Report*, p. 5,

[https://enlargement.ec.europa.eu/document/download/127563ea-4c03-44a4-b56c-2d569afd86a5\\_en?filename=kosovo-report-2025.pdf](https://enlargement.ec.europa.eu/document/download/127563ea-4c03-44a4-b56c-2d569afd86a5_en?filename=kosovo-report-2025.pdf).

**Montenegro** is not a MS of the FRA and has so far not established any formal cooperation with it. According to Montenegro's Minister of Human and Minority Rights, Fatmir Gjeka, this country took the initiative towards observer membership status in the agency at the end of 2024. According to Montenegro's Government, additional steps have been undertaken afterwards. On 29 November 2024, Montenegro's Mission to the EU submitted a proposal for observer membership. This was followed by a formal letter, on 3 December 2024, by the Ministry of Foreign Affairs. By becoming an observer member of the FRA Montenegro expects to benefit in several ways, in particular through involvement at an early stage in mechanisms to monitor the state of human rights and by gaining access to expert analyses and recommendations in the area of fundamental rights.<sup>28</sup>

According to the EC annual Country Reports, Montenegro has been the best performing WB6 country in chapter 23 during 2023-2025, in chapter 23, having been *moderately prepared* in 2023 and 2024, and then advancing to *between a moderate good level or preparation* in 2025. In terms of its year-on-year progress in this chapter during this period, it has overall accelerated the pace of implementation of reforms, from *limited progress from 2022 to 2023*, to *good progress from 2023 to 2024* and then having slowed down to *some progress from 2024 to 2025*.<sup>29</sup>

**North Macedonia** has become an observer member of the FRA in October 2017.<sup>30</sup> It is also represented, in the same capacity, in the FRA Management Board. As a candidate country for EU membership, this allows this country's institutions to participate in FRA's activities, to benefit from expertise, and to thus gradually improve compliance with EU standards on fundamental rights.

In addition to the FRA MB, seventeen CSOs from North Macedonia are members of the FRA's FRP. These CSOs are active in various areas such as human rights, protection of minorities, civil society development, youth, education, and health.<sup>31</sup> North Macedonia is also part of FRANET<sup>32</sup>, which allows it to share data and expertise on fundamental rights

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<sup>28</sup> E-tv Portal, *Deka: Brussels has supported Montenegro's initiative for observer status in the Fundamental Rights Agency - relations with Croatia an important step toward the goal*, <https://etv.me/english/deka-brussels-has-supported-montenegro-s-initiative-for-observer-status-in-the-fundamental-rights-agency-relations-with-croatia-an-important-step-toward-the-goal>.

<sup>29</sup> European Commission, *Montenegro 2023 Report*, p. 21, [https://enlargement.ec.europa.eu/document/download/e09b27af-427a-440b-a47a-ed5254aec169\\_en?filename=SWD\\_2023\\_694%20Montenegro%20report.pdf](https://enlargement.ec.europa.eu/document/download/e09b27af-427a-440b-a47a-ed5254aec169_en?filename=SWD_2023_694%20Montenegro%20report.pdf); *Montenegro 2024 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/a41cf419-5473-4659-a3f3-af4bc8ed243b\\_en?filename=Montenegro%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/a41cf419-5473-4659-a3f3-af4bc8ed243b_en?filename=Montenegro%20Report%202024.pdf); *Montenegro 2025 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/9ae69ea7-81d6-4d6a-a204-bd32a379d51d\\_en?filename=montenegro-report-2025.pdf](https://enlargement.ec.europa.eu/document/download/9ae69ea7-81d6-4d6a-a204-bd32a379d51d_en?filename=montenegro-report-2025.pdf).

<sup>30</sup> EU Agency for Fundamental Rights, *Cooperation*.

<sup>31</sup> EU Agency for Fundamental Rights, *Fundamental Rights Platform*.

<sup>32</sup> EU Agency for Fundamental Rights, *FRANET*.

issues in the country with the FRA, thus contributing to comparative studies on human rights and fundamental freedoms. Part of this contribution is for the FRA's annual FRR. According to FRA's official webpage, six such reports on North Macedonia have been published so far, namely from 2020 to 2025.

According to the EC annual Country Reports, North Macedonia has stagnated during the previous three years, 2023-2025, in chapter 23, which the area of fundamental rights is part of, remaining *in between some and moderate level of preparation during this entire period*. It has also fluctuated in this chapter on year-on-year basis, having made *no progress from 2022 to 2023, limited progress from 2023 to 2024, and again no progress from 2024 to 2025*.<sup>33</sup> This means that North Macedonia is behind Albania both in terms of preparedness to align with the EU *acquis* and standards in chapter 2023, and thus in the area of fundamental rights, and the pace of progress towards this.

On *equality and non-discrimination*, the 2023 FRR<sup>34</sup> has identified several challenges facing North Macedonia:

- Legislative reforms for the legal recognition of gender recognition failed in 2022; the proposal was withdrawn due to the spread of fake news as to what exactly the proposal will entail;
- Lack of standalone national action plan for the rights of LGBTI persons;
- Vague regulation on the Coordination Body for the 2022-2026 National Strategy on Equality and Non-discrimination (NES) and vague formulation on funding of the NES;
- The Commission for Prevention and Protection against Discrimination was incomplete and it was in 2023 allocated about half of the budget amount it requested;
- Widespread perceptions of special treatment and prejudice towards other groups in society and widespread ethnic distance;
- Exclusion and oppression of marginalized groups such as LGB and Roma.

On *racism, xenophobia and related intolerance*, the 2023 FRR<sup>35</sup> has identified several challenges facing North Macedonia:

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<sup>33</sup> European Commission, *North Macedonia 2023 Report*, p. 17, [https://enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_693%20North%20Macedonia%20report.pdf](https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf); *North Macedonia 2024 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/5foc9185-ce46-46fc-bf44-82318ab47e88\\_en?filename=North%20Macedonia%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/5foc9185-ce46-46fc-bf44-82318ab47e88_en?filename=North%20Macedonia%20Report%202024.pdf); *North Macedonia 2025 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/267b368e-6b55-4a42-bb72-6395593de4da\\_en?filename=north-macedonia-report-2025.pdf](https://enlargement.ec.europa.eu/document/download/267b368e-6b55-4a42-bb72-6395593de4da_en?filename=north-macedonia-report-2025.pdf).

<sup>34</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2023 – North Macedonia*, p. 5-10, [https://fra.europa.eu/sites/default/files/fra\\_uploads/frr\\_2023\\_north\\_macedonia\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/frr_2023_north_macedonia_en.pdf).

<sup>35</sup> *Ibid*, p. 11-14.

- The national framework for recording and monitoring hate crime, and the legal framework and data collection system related to hate speech are underdeveloped;
- The NES is not aligned with the “One Society for All Strategy, the Strategy for Inclusion of Roma 2022-2030, the National Action Plan on the Protection, Promotion and Fulfilment of the Human Rights of Roma Women and Girls 2022-2024, and the Gender Equality Strategy;
- Prejudices on grounds of ethnic affiliation, gender, political affiliation, age, religion, disability and sexual orientation;
- Hate crime on grounds of political affiliation and ethnicity.

On *access to justice*, the 2023 FRR<sup>36</sup> has identified several challenges facing North Macedonia:

- The failure to criminalise gender-based violence, especially women’s murder, prevents adequate protection of women and girls against violence, and makes it difficult to follow data regarding such acts, especially femicide;
- Barriers in reporting cases of gender-based violence related to mistrust, mainly towards the police;
- Relevant institutions such as the police, social work centres and health institutions do not deal with cases of gender-based violence and domestic violence with adequate urgency;
- Cyber violence against women is recognized as a form of gender-based violence in the Law on Prevention and Protection from Violence against Women and Domestic Violence, but it is not yet criminalized by the Criminal Code.

On *implementation of the Convention on the Rights of Persons with Disabilities (CRPD)*, the 2023 FRR<sup>37</sup> has identified several challenges facing North Macedonia:

- Hate speech towards people with disability;
- Physical accessibility of pupils with disabilities in schools;
- Growing perceptions among people with disabilities that they are discriminated against;
- Lack of intersectional approach in terms of ensuring gender equality of smaller ethnic communities or other social groups, such as persons with disabilities in the judiciary;
- The national unified register of legislation is not accessible for persons with disabilities;

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<sup>36</sup> Ibid, p. 39-41.

<sup>37</sup> Ibid, p. 44-51.

- Electoral bodies are not familiar with the CRPD and hold negative views about the participation of persons with psychosocial and/or learning disabilities in the electoral process;
- Political party offices are not accessible to persons with disabilities;
- Persons with disabilities believe that they are ignored by political parties, regarded as incapable, and used as marketing and decoration;
- The methodology of the 2021 census did not provide reliable data on disability;
- The need to prioritise reforms of the child protection system, including the replacement of small group homes in favour of family placement;
- Insufficient financial and human resources for de-institutionalisation of children with disabilities;
- Lack of training for judges and prosecutors on the CRPD.

On *threats to democratic values*, the 2024 FRR<sup>38</sup> has identified several challenges facing North Macedonia:

- Attacks and threats to the safety of civil society organisations, human rights defenders, and journalists;
- Legal and administrative constraints, harassment, intimidation, and reprisals against civil society organisations, human rights defenders;
- Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking, including access to information;
- Amendments to the Law on Audio and Audio-visual Media Services were heavily criticized by media workers.

On *political participation and equality in elections*, the 2025 FRR<sup>39</sup> has identified several challenges facing North Macedonia:

- Electoral campaigns and political parties are largely ethnically defined and divided;
- The use of language and availability of information in different languages, as also political parties are not required to share information with their voters in a given language;
- Smaller communities such as Turks and Roma are less underrepresented in electoral lists, and say that the current system of distributing campaign funds and other assets hampers their ability to campaign on an equal footing;
- Threats and violence towards Roma persons on election days in 2024 elections;

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<sup>38</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2024 – North Macedonia*, p. 12-20, [https://fra.europa.eu/sites/default/files/fra\\_uploads/frr2024\\_northemacedonia\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/frr2024_northemacedonia_en.pdf).

<sup>39</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2025 – North Macedonia*, p. 5-16, [https://fra.europa.eu/sites/default/files/fra\\_uploads/mk\\_franet\\_frr2025.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/mk_franet_frr2025.pdf).

- Perceived political pressure due to the presence in polling stations of persons other than election personnel, as such persons kept track of persons who voted;
- Insufficient transparency of some members of the State Election Commission and unprofessional conduct of some members, who were observed voting along party lines, such as when SEC dismissed complaints without substantiating its findings and conclusions;
- Presence of online narratives fuelling ethnic division, discrimination, fear-mongering, and use of historical memory to manipulate voter sentiment and undermine political opponents;
- Underrepresentation of women in election campaigns, in media and rallies;
- Persons with physical disabilities had difficulties accessing polling stations in the 2024 elections;
- Political party bias by traditional media in covering election campaigns, potentially misleading voters;
- Amendment of the Electoral Code in 2024 did not go through an open process of public debate;
- The Electoral Code to allow candidates running for MPs to declare their ethnic affiliation;
- Disproportionate representation of ethnic minority women due to the electoral system of closed ballots and several (six) election districts;
- Lack of organized state efforts to identify or address disinformation and manipulative content, in particular since online space is not regulated by law and thus largely unmonitored.

On *protection of women victims of violence*, the 2025 FRR<sup>40</sup> has identified several challenges facing North Macedonia:

- The Law on Free Legal Aid excludes legal representation of victims in criminal proceedings, which leaves these victims unprotected and without proper information on their rights;
- Changes to the Criminal Code adopted in February 2023 failed to introduce ex officio prosecution for the most frequent criminal manifestation – bodily injury – leaving prosecution vulnerable to victims’ withdrawal from prosecuting the perpetrator;
- Courts may lack knowledge of standards enshrined in the Law on Prevention and Protection from Violence Against Women and Domestic Violence and the Istanbul Convention, particularly those requiring an understanding of the dynamics of violence and the effects of reconciliation and alternative sanctions;

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<sup>40</sup> Ibid, p. 21-30.

- Establishing services for the protection of victims and prevention efforts, as required under Article 7 of the Istanbul Convention, need more attention;
- Low number of victims of violence against women and gender-based violence who participated in court proceedings as witnesses and low number of victims who gave their statements in the presence of an attorney;
- Available data do not provide detailed insight into whether the crimes reported were technology-facilitated gender-based violence or whether they were committed against a woman journalist;
- Based on data provided by prosecution offices and courts, victims did not have support from a companion, and in one third of the cases, an attorney represented them;
- Victims reported crimes that entail lower prison sanctions and, thus, were not eligible for free legal support at this stage of the proceedings;
- Sentences in the cases finalised during 2024 indicate no improvements in the judges' practice of using the full range of possible punishments available under the law;
- Court data demonstrate that criminal courts failed to provide an effective remedy for the victims or impose a compensation obligation on the perpetrator; victims who requested compensation in the criminal proceedings were referred to pursue their rights in civil proceedings.

**Serbia** has become an observer member of the FRA in July 2018.<sup>41</sup> It is also represented, in the same capacity, in the FRA Management Board. As a candidate country for EU membership, this allows its institutions to participate in FRA's activities, to benefit from expertise, and to thus gradually improve compliance with EU standards on fundamental rights.

In addition to the FRA MB, six CSOs from Serbia – active in areas of youth, democratisation and rule of law, and human rights on cyberspace<sup>42</sup> - members of the FRP. Serbia is also part of FRANET<sup>43</sup>, allowing it to share data and expertise on fundamental rights issues in the country with the FRA. It can, therefore, contribute to comparative studies on human rights and fundamental freedoms, including for the FRA's annual FRR. According to FRA's official webpage, six such reports on Serbia have been published so far, namely from 2020 to 2025.

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<sup>41</sup> EU Agency for Fundamental Rights, *Cooperation*.

<sup>42</sup> EU Agency for Fundamental Rights, *Fundamental Rights Platform*.

<sup>43</sup> EU Agency for Fundamental Rights, *FRANET*.

According to the EC annual Country Reports, Serbia has seen the same level of performance as Bosnia and Herzegovina in chapter 23 during 2023-2025, both in terms of preparedness and the pace of progress in implementing reforms in this chapter. It has remained *at some level of preparation during this entire period*, at the same level as North Macedonia. On the other hand, looking at its pace of reforms in this chapter on year-on-year basis, it has made *limited progress from 2022 to 2023* and from 2023 to 2024, and it has then slowed down, having made *no progress from 2024 to 2025*<sup>44</sup>, having recorded the same level of performance as Bosnia and Herzegovina and worse than North Macedonia. This means that Serbia is the last of the three WB6 MSs of the FRA both in terms of preparedness to align with the EU acquis and standards in chapter 2023, and thus in the area of fundamental rights, and the pace of progress towards this.

On *equality and non-discrimination*, the 2023 FRR<sup>45</sup> has identified several challenges facing Serbia:

- Discrimination on the basis of sexual orientation remains deeply rooted in society, including a hostile attitude towards LGBTIQ individuals; many such individuals report discrimination during recruitment or at work;
- Hate speech, violence, and legal loopholes faced by LGBT people; a 37% increase of cases of unlawful conduct in 2021 compared to 2020;
- Discrimination on the grounds of mental health, HIV/AIDS, and socio-economic status, especially concerning the right to housing, education and healthcare;
- Roma mostly had to accept discrimination as part of their daily lives and were reluctant to report such cases because they feared retaliation or distrusted the justice system;
- Media had published many texts causing negative feelings towards Croats, Albanians, Bosniaks, and Montenegrins;
- Xenophobia and racism-related hate speech in the media and at sports events, and authorities' inadequate response;
- Deficiencies in policy and law, institutional prevention of discrimination, anti-discrimination practices and competences of public officials;
- The adoption of the Act on Same-Sex Unions remained uncertain,

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<sup>44</sup> European Commission, *Serbia 2023 Report*, p. 21, [https://enlargement.ec.europa.eu/document/download/9198cd1a-c8c9-4973-90ac-b6ba6bd72b53\\_en?filename=SWD\\_2023\\_695\\_Serbia.pdf](https://enlargement.ec.europa.eu/document/download/9198cd1a-c8c9-4973-90ac-b6ba6bd72b53_en?filename=SWD_2023_695_Serbia.pdf); *Serbia 2024 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/3c8c2d7f-bff7-44eb-b868-414730cc5902\\_en?filename=Serbia%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/3c8c2d7f-bff7-44eb-b868-414730cc5902_en?filename=Serbia%20Report%202024.pdf); *Serbia 2025 Report*, p. 5, [https://enlargement.ec.europa.eu/document/download/6e68ce26-b95b-48e1-921a-c60c12da8f00\\_en?filename=serbia-report-2025.pdf](https://enlargement.ec.europa.eu/document/download/6e68ce26-b95b-48e1-921a-c60c12da8f00_en?filename=serbia-report-2025.pdf).

<sup>45</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2023 – Serbia*, p. 6-8, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fr\\_2023\\_serbia\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fr_2023_serbia_en.pdf).

- The Social Cards Act allows collection of sensitive data and creates an intrusive digital surveillance system, thus posing severe risks to the right to privacy and data protection; it affects the Roma community disproportionately;
- The Draft Internal Affairs Act allowed video surveillance of people in public spaces by using automatic facial recognition and other biometric processing; CSOs warned that it would facilitate mass, indiscriminate processing and storage of sensitive personal data;
- The 2022 census had not been adequately conducted in Roma settlements and the data on Roma would not reflect the actual state of affairs; some interviews with Roma were reportedly rushed, biased and did not include the question about their ethnicity;
- Obstacles to exercising the right of free access to information: authorities' unresponsiveness to citizens' access to information requests and non-compliance with the Commissioner's decisions; abuse of the right of free access to information reflected in excessive submission of complaints.

On *implementation of the Convention on the Rights of Persons with Disabilities (CRPD)*, the 2023 FRR<sup>46</sup> has identified several challenges facing Serbia:

- Lack of systematic collection of data in the areas of economic, social and cultural rights obstructs the accurate assessment of their realisation;
- The COVID-19 pandemic affected institutionalised individuals to a much greater extent than the general population; they experienced psychological problems because they were kept under lockdown longer, wherefore they were also at greater risk of abuse and neglect;

On *threats to democratic values*, the 2024 FRR<sup>47</sup> has identified several challenges facing Serbia:

- Serbia remained in the category of countries in which fundamental freedoms are obstructed; its civic space is drastically narrowed and individuals and organisations criticising authorities are threatened;
- Threats and violence against journalists remain a concern, and the overall environment for the unobstructed exercise of freedom of expression still needs to be strengthened in practice;
- MPs and senior politicians regularly brand CSOs as traitors, or demand their prohibition;

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<sup>46</sup> Ibid, p. 30-32.

<sup>47</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2024 – Serbia*, p. 14-24, [https://fra.europa.eu/sites/default/files/fra\\_uploads/frr2024\\_serbia\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/frr2024_serbia_en.pdf).

- Verbal attacks and smear campaigns against such organisations continue: political opponents, civil society representatives, human rights defenders, environmental activists and journalists are among those who are disparaged, denigrated and discredited publicly, including in Parliament, on popular media channels, through coordinated smear campaigns.
- Media freedom is undermined by threat of lawsuits, or criminal charges against journalists.; lack of transparency in media ownership; editorial pressure from politicians and politically connected media owners; direct pressure, threats and violence against journalists; and high rates of self-censorship;
- SLAPP cases against journalists are common, and access of journalists critical of the ruling party to interviews with government representatives and to public information is restricted;
- Weak media pluralism, with independent broadcast media systematically disadvantaged in the market; accessibility to a diverse range of media throughout Serbia is also hindered;
- The 2023 early local and parliamentary elections took place under unjust conditions that were marred by bias in the media, pressure on public sector employees, misuse of public resources, as well as cases of intimidation, vote buying, ballot stuffing, and bussing of voters from abroad;
- Thousands of citizens were protesting after the elections and CSOs highlighted concern about the excessive use of force by police officers violating citizens' fundamental rights to freedom, security, and peaceful assembly;
- Threats to democracy are challenges to criminal proceedings: in March 2023, several high prosecutors working on corruption cases acknowledged that they were subjected to pressure from their superior prosecutor, through relocation from the special department on organized crime to other departments.
- Public prosecutor's offices do not keep separate records of criminal offences committed to the detriment of human rights defenders;
- The Regulatory Body for Electronic Media (REM) needs to be more independent and accountable and effective, and protected from political or economic interference;
- Judges report facing external pressure regarding their rulings; politicians regularly comment on judicial matters, including by discussing ongoing cases or investigations with the media;

On *political participation and equality in elections*, the 2025 FRR<sup>48</sup> has identified several challenges facing Serbia:

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<sup>48</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2025 – Serbia*, 5-13, [https://fra.europa.eu/sites/default/files/fra\\_uploads/rs\\_franet\\_frr2025.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/rs_franet_frr2025.pdf).

- Laws guarantee the inclusion of national minorities in the electoral process, yet in practice it often happens that the rights of national minorities are not promoted but misused;
- Women remain underrepresented in political life despite some measures to achieve more balanced representation; women candidates had limited visibility during the election campaign and were predominantly portrayed in a traditional setting; issues of gender equality were barely addressed in the campaign;
- The [2024 local] election day was negatively affected by issues related to the secrecy of the vote, numerous procedural problems, claims of pressure on voters and vote buying, and isolated instances of violence;
- No provision for transport to polling stations and polling stations generally inaccessible for persons with disabilities: 48.6% of them located in buildings with accessible entrances;
- Ruling party candidates holding leadership positions in public institutions have abused their positions and influenced the votes of employees in these institutions;
- Intimidation of voters employed in the public sector represents an identified pattern; numerous reports of pressure on public sector employees to attend public events and rallies and to vote for the ruling party; public sector employees on temporarily contracts are particularly exposed; trading of medical services to voters by candidates in managerial positions in public health institutions; ruling party's 'call centres', often located in public institutions, were used to persuade citizens to vote either by encouragement or by pressure;
- Vote-buying by the ruling party, often from vulnerable groups;
- A strong positive correlation between voting outside polling stations and better election results for the ruling party's electoral list;
- Legal provisions concerning mobile voting should be strengthened, including by requiring a declaration of consent when requesting mobile voting on behalf of another person;
- Tensions during the campaign led to violence: opposition party activists repeatedly reported of being physically and verbally attacked by ruling party representatives during the campaign;
- People with blindness and visually impaired can only vote with the help of an assistant, as the ballot papers are not printed in Braille, thus preventing them to vote independently and in secret;
- Long-standing concerns about media freedom include the threat and intimidation of journalists, impunity for crimes committed against them, strategic lawsuits against investigative journalism and the centralisation of media ownership;

- Individuals were observed keeping parallel records of voters who had cast their votes, which is not in accordance with the law;
- Serbs from Bosnia and Herzegovina had been registered before voting in Belgrade and that the ruling party had organised transport for them to vote in Belgrade;
- Many citizens were observed changing their place of residence, probably to vote in different polling stations, raising suspicions of electoral engineering and manipulation;
- There are documented cases of voters registered at the same address in 2023.

On *protection of women victims of violence*, the 2023 and 2025 FRRs<sup>49</sup> have identified several challenges facing Serbia:

- Widespread gender stereotypes and lack of institutional support are conducive to violence, wherefore vulnerable women rarely dare report it;
- Inconsistency and gender neutrality of legal definitions of various forms of violence, due to lack of understanding that specific forms of violence are gender-based and disproportionately affect women;
- Laws lack the definitions of “violence against women” and “gender-based violence against women” in accordance with the Istanbul Convention;
- The Criminal Procedure Code and the Criminal Code do not recognise the term ‘victim’;
- As the rights of damaged party in cases of gender-based violence are not specifically regulated by the CPC, general provisions on the rights of damaged parties are applied in these cases; no specific rights are guaranteed to the damaged party in cases of gender-based violence; no specific rights are guaranteed to the damaged party in such cases;
- None of prominent, experienced CSOs are represented in the working group for developing the action plan for implementation of the 2021–2025 Strategy for the Prevention of and Combating Gender-based Violence against Women and Domestic Violence;
- Rise of the number of domestic violence reports, albeit a steady decrease of the number of criminal complaints in the past three years; most reports of violence result in warnings rather than criminal charges;
- Number of imposed emergency measures decreased since 2018, which is concerning given that the number of repeat abusers grew by 68 % from 2020 to 2021;

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<sup>49</sup> EU Agency for Fundamental Rights, *National Contribution to the Fundamental Rights Report 2023 – Serbia*, p. 28-29; *National Contribution to the Fundamental Rights Report 2025 – Serbia*, p. 18-25.

- Lack of accurate statistics is a persisting problem, wherefore media and NGO reports remain the main source of information about violence against women;
- No official data on trends and the number of cases in which the status of particularly vulnerable witness has been granted to the witness who is damaged party in cases of gender-based violence;
- The criminal court usually refers the victim to other court proceedings — civil proceedings — and thus burdens the damaged party with another process and additional costs;
- The damaged party is not a party to the criminal proceedings and therefore has no right of appeal, except the right to appeal against the decisions on the costs of the criminal proceedings.

## Conclusions and Recommendations

As this policy brief shows, the EU Fundamental Rights Agency has so far been somewhat inconsistent in its approach to cooperation with WB6 countries, as it has among its observer members countries that are less advanced in their alignment with the EU acquis and standards in the area of fundamental rights than others that are not among its MSs. While there might be a political rationale behind this that has to do with their formal EU accession status, such an approach is also neither up to date nor in line with the real situation and needs of accession countries to implement reforms in this area.

In this sense, as noted in the first section, the 2007 Regulation is in practice contradictory in terms of whether it avails observer membership only to candidate countries or to any accession country. It is also constraining, as accession countries are provided no other forms of formal cooperation with the FRA but observer membership. None of these gaps has been addressed by the amendments introduced in 2022.

Therefore, there is a need to introduce amendments to address the contradiction identified in Article 28 of the 2007 Regulation in an inclusive spirit – namely to provide for observer membership to any country that has an SAA with the EU, regardless of their formal EU accession status. It would also be beneficial for accession countries' reform efforts in the area of fundamental rights to introduce amendments in the FRA regulations to provide accession countries with other forms of formal cooperation with it.

On the other hand, both regulations are clear in terms of steps required to be followed. First, it is in the discretion of EU MSs, namely ministers in charge of justice and internal

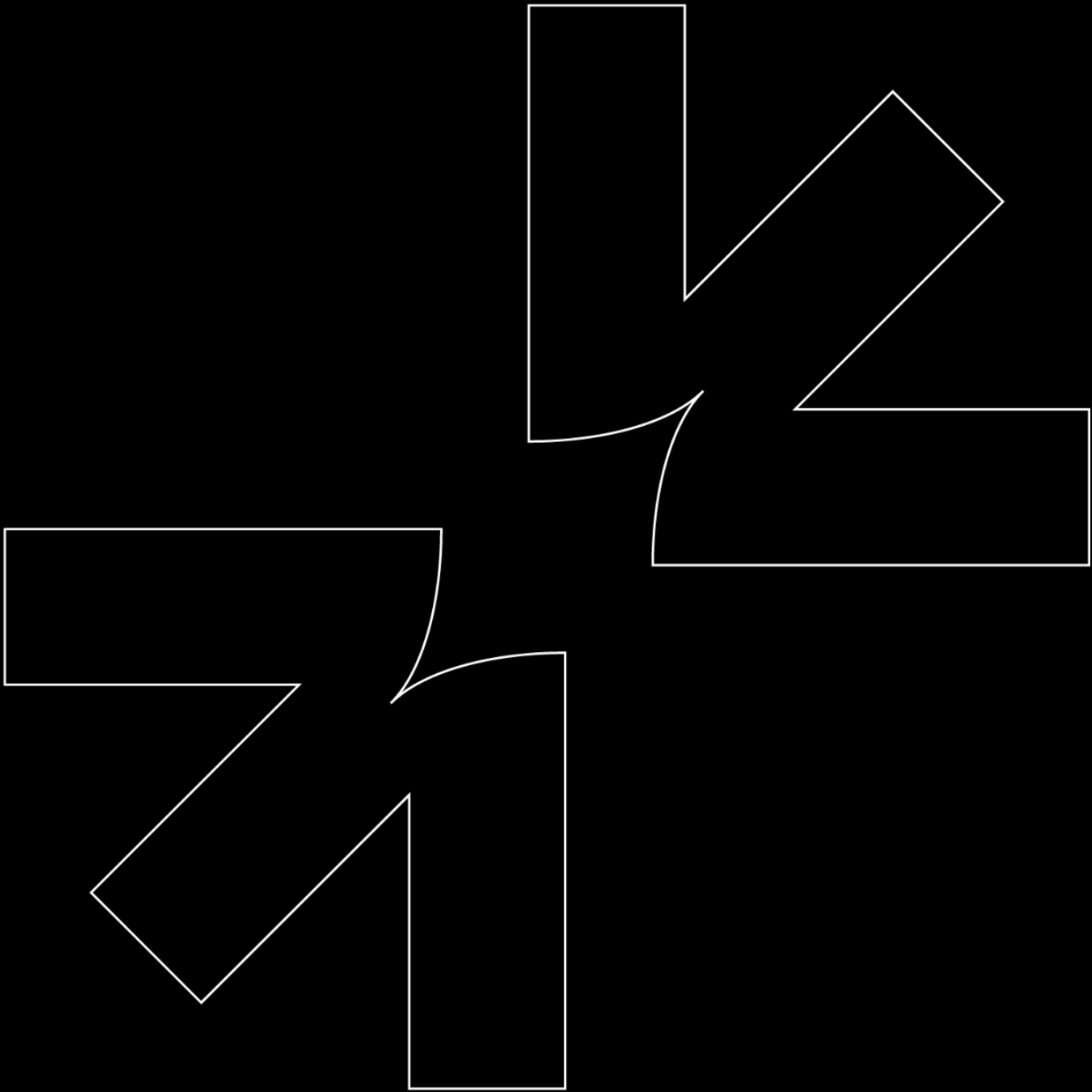
affairs acting in the Justice and Home Affairs formation of the Council of the EU, to invite a country that has an SAA to participate in FRA's work as an observer. Second, such a proposal is approved in the Council by unanimity. Third, it requires the EC to initiate such a proposal, which in practice it usually does not unless there is political will and consensus among MSs. It is evident that consensus among EU MSs is the key precondition.

Therefore, in order to join the FRA as observer members, two of the three WB6 countries that are not its observer MSs – Bosnia and Herzegovina, and Kosovo (Montenegro is expected to become an EU MS in about two years, and will automatically join the FRA as a full member) – need to pursue a number of key steps in their efforts to obtain such a status. First, they need to work with EU MSs to gain their support to obtain such a status in order to secure unanimity in the Council of the EU.

Second, while working with MSs, each of these WB6 countries also needs to work with the EC to introduce observer membership status to the FRA as a reform priority in its policy dialogue with the EU through the SAA joint institutional structures. Such efforts with EU MSs and the EC could focus on a few key preconditions to be met by the respective WB6 country within about one year. Such preconditions should address EU MSs' key concerns but need not go beyond ensuring that these countries have in place and implement key policies (strategies, action plans, etc.) in the area of fundamental rights.

Third, each of these WB6 countries needs to put forward, under its SAA policy dialogue with the EU, rapid roadmaps, with clear timeframes, to prepare for observer membership status in FRA. In line with Article 28, paragraph 2, of the 2007 Regulation and amendment 21 of the 2022 Regulation, the content of such policy instruments would be shaped in further exchanges with the EC and the FRA, or trilateral exercises. Such exercises would focus on: (1) Scanning the state of play in the area; (2) Determining in optimal detail the nature, extent and manner of its involvement as an FRA observer MS; and (3) Outlining how the WB6 country intends to utilise and benefit from all FRA mechanisms.

Last but not least, once consensus among EU MSs in the Council of the EU for observer membership status in the FRA is reached, a decision by the respective SAA Council formalising the respective WB6's country observer membership would be adopted.



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