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New law on gender equality in Serbia - a necessity or a threat to the traditional family values - the contestation around gender and the uses of the EU in the public discourse in Serbia

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New law on gender equality in
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Introduction

In its lengthy accession process, commenced in 2012, Serbia went through substantial changes to adopt the EU's *acquis communautaire* and abide by the conditionality requirements laid out in the Copenhagen criteria. Through the process of opening and negotiating chapters, the EU expects the countries to adapt, not only the laws, but the norms and fundamental values of the Union. As one of them, gender equality has been incorporated into the Treaty of Lisbon as one of the basic principles of the European Union. The EU has taken considerable initiative in the gender equality realm, with the European Commission having a substantial role in it. From the first directives in the 1970s onwards, the EU has created a robust body of legislation on gender equality, mainly in the sphere of employment, equal pay, social security, employment, working conditions, and harassment. In 2009, a Recast Directive was revised, with the goal to repeal and replace the directives on equal pay, equal treatment in employment, training, promotion and working conditions, social security schemes and burden of proof encompassed in one comprehensive text (Avdeyeva, 2015). More recently, in November 2022 after ten years of a standstill in the Council, a Directive on gender balance in corporate boards was adopted (European Commission, 2022). Additionally, the ECJ and its efforts to build a consistent case law on gender equality with judgments on prominent cases such as *Defrenne v. Belgian State*, *Seymour-Smith* and *Bilka-Kaufhaus GmbH*, supported the progress in the area (Brzezińska, 2009). The newest Gender Equality Strategy has been introduced by the von der Leyen Commission for 2020-2024 (European Commission, 2020).

Literature recognized numerous flaws in the EU gender agenda, one of them being the notion that the EU gender equality legislation is based on the male pattern of living - namely male figure of a citizen and a worker (Guerrina, 2002). The agenda seems to fall short in tackling the needs of women whose job patterns are impacted by care-related obligations (Lombardo, 2003). The EU does not do this for several reasons, including a narrow focus on the needs of workers. While this still holds true, the Directives on employment have begun to acknowledge the worker-parent standard, instead of only that of a worker. However, the current strategy is challenged by the era of "new intergovernmentalism", with Member States with extremely varied interests (Bickerton et al. 2015), in which certain Commission's policies have been reduced to a nudging function with uncertain effect. In addition to this, the trend of democratic backsliding in several candidate and member states also has an adverse effect on areas such as gender equality.

Despite its shortcomings, the EU still plays an important role in gender equality promotion. In addition to the hard law, the EU uses soft policy instruments which focus on idea exchange and persuasion rather than compliance (Beveridge, 2012). Gender mainstreaming, nowadays a widely used policy tool, brought about organizational and operational changes inside state bureaucracies and nongovernmental organizations, with the new legislation came the institutional frameworks to advance gender equality (Caglar, 2013). As in other candidate countries, in Serbia a substantial step in the EU's policy to advance gender equality is the support for women's organizations and

NGOs striving to contribute to this goal. It enabled these organizations, as well as individual gender scholars and experts, to group and create networks, access more women and initiate grassroots movements, engage in advocating for the adoption of the EU norms, lobby in the policy making processes and disseminating information to the public (Spehar, 2021).

Despite this positive effect, western Balkans as a region represents a challenging group of potential member states (Spehar, 2012), and Serbia is no exception. Radical social transformation, instability, conflicts, including armed ones, a decline in the living conditions and general quality of life for most of the population have all been features of Serbia's recent past, the repercussions of which are still visible to this day. Hard living conditions have affected different social groups in different manners, and feminist scholars have already noted the detrimental consequences of gender-specific socioeconomic and political developments throughout the "transitioning" Eastern and Central Europe (Drezgić, 2010). Đundić (2014) notes that, despite on average having higher education than men, women in Serbia are still working in sectors that match their traditional roles, in jobs that are considered of less value and provide lower earnings than the jobs men are occupying. Female workers have fewer chances of getting employed as well, especially in the 55-64 age category (Femplatz, 2021), and once employed, their promotion and salary increases are hindered by the care for the dependent family members at home. In 2020, women's unpaid labor amounted to 14.9% of Serbia's GDP, or 6.37 billion euros, compared to men's 6.6% GDP contribution of 2.83 billion (Femplatz, 2021). In the same year, only 14% of women, in comparison to 25% of men, were self-employed or engaged in entrepreneurship, as they do not see these forms of employment as the solution to their economic disadvantages. Next to these difficulties experienced by all women, the ones marginalized on multiple grounds (i.e., women belonging to an ethnical minority) are experiencing additional hardship (Avlijaš et al, 2013).

Serbia's authoritarian turn has become increasingly apparent in the years following the start of the rule of the Serbian Progressive Party in 2012. By obliterating independent institutions, the media and the judicial system, Serbian leader Aleksandar Vučić managed to concentrate a substantial amount of power in his hands (Bieber, 2019). The Progressive's initial Euroenthusiasm from 2012 is long gone, however, for the fact that the EU is by far the biggest trade partner for Serbia (EU in Serbia, 2022), being at least seemingly 'European' is an obvious advantage for the government. In the realm of gender equality, the Progressives rarely dedicate any attention to the issue in their public rhetoric. Vučić's 'catch all' party does not risk defying the traditional notions of family values and gender roles, as this would mean losing a portion of the electorate seeking nationalist sentiments. Much more open on their stances are the numerous new far-right parties and organizations that have emerged in the political scene since 2012, whose members have, on numerous occasions, used the topic and politicized it in the media. Some of these parties and organizations are led by young women, actively promoting "pro-woman" policies (anti-abortion, clericalist, pro-Christian values), and implying that these policies should only be available to ethnic Serb women. In comparison to these, the fact that the Progressive party members rarely make any remarks on gender equality makes this party seem more acceptable and 'more European'. This seemingly gender-neutral stance of the government, along with the strengthened women's NGO

networks, and a growing interest of the educated, urban population in gender equality is should be considered in the context of the rising involvement of other external players including China, Russia, Turkey, the Gulf monarchies, promoting alternative governance models and opposing the EU's efforts (Börzel, 2015; Makocki & Nechev, 2017; Bieber & Tzifakis, 2019). Russian and Chinese help in the pandemic times was heavily praised in the media, while the President framed the EU as an unreliable partner (Barovic & Cardenas, 2021).

In times of economic downturn, such as the one triggered by the COVID-19 breakout, the societies rely heavily on unpaid work at home carried on mostly by women (Drezgić, 2010). This impacts women in two ways: it worsens their inequality in the household and affects how much and on what level they participate in the workforce (in the public sphere) and politics. As a result, conventional and patriarchal values are emerging in both the public and private spheres. The processes of national mobilization and intensified de-secularization of society, which began in Serbia in the late 1980s and peaked during Yugoslav conflict in the 1990s had a substantial effect on re-traditionalization and repatriarchalization of public discourses. The repercussions of such a discourse are visible at all times, but especially accentuated in times of crisis such as the COVID-19 pandemic, with long-won feminist victories backsliding, the gender roles being reinstated, women leaving the labor market at a much higher rate than men and domestic violence peaking.

It is in these times, however, that the government has passed the new law on Gender Equality (Sl. glasnik RS br., 52/2021), as well as several other legislative measures and amendments on gender based discrimination, prevention of violence against women and more, all in 2021. The first draft of the new law was proposed in 2015, but the progress on the legislation was stalled for seven years. As it can be seen, in recent years Serbia has been in the middle of numerous opposing actors of influence. With the EU's credibility shaken by the Serbian COVID-diplomacy narratives, a situation where the health emergency and economic distress seem to have most of the government's attention, an advance in gender equality legislation occurs. This paper will examine the discourse dynamics in the media during the seven-year long legislation drafting, with the intention to unpack the forces that brought about this progress in gender equality policy. It will provide insights into how the country's political actors conceptualize gender equality, what strategies they use to advocate for it, and how they frame and use the EU in their discourse. The paper will contribute to the literature that explores how the EU can still exert influence over prospective member states even when "stick and carrot" conditionality does not appear to be effective. On the other hand, it can aid in our understanding of the limits to the EU influence, in times of the growing anti-gender trend in Eastern Europe.

The first chapter will explore the scholarly debate on the EU as a gender actor, and lay out the methodology for this research. The second chapter will be used to introduce background information on the Serbian case in the gender equality realm, and the way that gender-relevant policies have been shaped by its political past. This will provide a foundation for the third chapter – a qualitative discourse analysis of the public reporting on gender equality law drafting from 2015 to 2021. The final chapter will shortly lay out the changes brought about by the new law, after which the conclusion will follow.

1. Literature review

1.1. The evolution of the EU as a gender equality actor

Jacquot (2015) categorizes EU's gender equality policy evolution in three phases: a) the first one commencing with the Treaty of Rome and ending with the Maastricht Treaty (1957 - 1992), the phase in which women were still treated as a separate category; b) the second one following the Treaty of Maastricht and ending with the Lisbon Treaty (1992–2007), the phase characterized by the rise of gender policies and gender mainstreaming; c) Post-Lisbon treaty phase that marks the change of focus from gender equality policy towards women's rights protection and fight against discrimination. Woodward & Van der Vleuten (2014) note that the reason for that is the fact that, until 1997 and the Treaty of Amsterdam, the EU could only act on gender inequality in the realm of market integration. With the Article 13 (now TFEU Article 10) the Treaty of Amsterdam broadened the scope of the anti-discrimination policy and enable the possibility 'to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation' (EUR-Lex, 2012, Art. 10). This opened the door for the directives on non-discrimination outside of the labor market. After more than 50 years from the EU's inception, gender equality was introduced as one of its core values in the Treaty of Lisbon in 2007. This treaty makes it the EU's duty to promote the ideas in and out of its boundaries.

The gender equality policy is based upon a variety of tools and instruments, starting from a legal arsenal - treaties, directives, and case law, regulating areas such as equal pay and treatment in the workplace or job market. Additionally, they cover prohibition of all forms of discrimination, declared harassment to be a form of discrimination, established minimum standards for maternity and paternity leaves, safeguarded the safety of pregnant employees and new mothers, and specified the rights of independent contractors and their spouses. Besides legal regulation, numerous action plans have been introduced on gender equality since the 1980s onwards. The five-year long action plans often tackled specific areas such as assistance for immigrant and ethnic minority women in employment, reconciliation of the private and professional life or social and political participation (Abels, 2011). Action plans often involve financial tools that allow the field of action for gender equality to be expanded outside its usual zone of involvement, the labor market. These represent pilot initiatives like the NOW program, which supports women's inclusion into the workforce, or the STOP and DAPHNE programs, which address sex trafficking and violence against women, respectively (Elman, 2007). In 2007, a Vilnius-based European Institute for Gender Equality was established and started operating in 2010. Finally, it is based on "soft law", non-binding instruments such as directly effective regulations, commonly tied to the gender mainstreaming in cohesion policy, and Council's and Commission's recommendations. Both are not legally binding

but have in some cases served as a trigger for a directive or used in ECJ interpretations of the gender acquis (Abels, 2011). Gender mainstreaming is an instrument that aims to incorporate gender into all European policies, along with the Women's Charter of the European Commission, the European Pact for Gender Equality, and Gender Equality Strategy. The 1996 introduction of the gender mainstreaming strategy, as well as the Open Method of Coordination, as a new mode of governance, marks a noteworthy policy innovation (Squires, 2007). Gender mainstreaming is a transversal, demanding yet soft and flexible policy tool. Its application in all policy sectors requires context-specific techniques and tools, it necessitates horizontal and vertical transfer of policy tools and, in turn, institutional and procedural reforms (Schmidt, 2005). Gender mainstreaming is thought to be implemented unevenly in the Commission throughout the years. In the words of Locher and Prügl (2009, p. 187) „the most strongly neoliberal DGs, including those focused on competition policy, have resisted gender. So have DGs in important areas such as agriculture, environment, and transport, and in foreign policy“. Gender mainstreaming represents a merely procedural tool for many actors, one that cannot be turned into a resource or an opportunity. Gender mainstreaming has become a matter of consensus - open resistance to it is not widespread but inertia and lip service are very common. Despite the introduction of "naming and shaming" mechanisms, the majority of DGs were able to complete the necessary procedures and produce information without significantly advancing the fight against gender inequality in their respective spheres of responsibility (Halpern et al. 2008). A substantial amount of criticism has arisen around the way in which gender mainstreaming has been incorporated into EU policies through an 'integrationist approach' (Rees, 1998) which has led to gender being 'everywhere and nowhere' (Painter & Ulmer, 2002). The EU's integrationist approach caused the existing institutional structures to try adapting new practices without sufficient funding, staff, or training in order to do so. Although the obligation to mainstream gender equality has a "hard" foundation in the treaties, this obligation seems infirm because there are no substantial consequences for inaction (Woodward & Van der Vleuten, 2014).

Other instruments of coordination used in the policy areas dedicated to traditions and norms are benchmarking and ranking (Héritier, 2003). Ranking has become a common policy measure at the European level, and its effects on reputation and performance are likely to be stronger if the policy area is more ideological than technical in nature (Van der Vleuten & Verloo, 2009). Because of this, gender equality policies represent the area where these mechanisms' political components should be most evident. A good reputation validates the path a government has taken and may also be used to validate further inaction because, once earned, it lasts a certain time. As a result, it is useful in both domestic and international negotiations. A state is better equipped to persuade people of the value of its current ideas if they have previously been persuaded of the virtues of that state. On the other hand, free riding and lagging the policy implementation diminishes the country's leverage in other areas (Börzel, 2003).

Scholarly literature often questions the foundations of the EU gender agenda, as well as the current state of affairs. Haastrup et al. (2019) claim that the gender policy in the EU came about as a result of a functional spillover after the adoption of the Common Market rather than a manner

of mitigating social injustice. This in turn means that the way that the EU engages in the policy promotion is not motivated by the feminist goals. Walby (2004) writes about the EU as a neo-liberal project, tied to the rules of the ECB and characterized by fiscal conservatism, and that, as such, limits the Member States' capacities to establish welfare measures that would be needed to achieve equality. This stance implies that the EU holds market individualism as the guiding principle of social, economic, and political life (Somers, 2005). The EU's social welfare policies and ideology, which view the individual rather than the family as the unit of social, political, and economic life, are justified by their usefulness for advancing the neoliberal capitalism. The EU advocates for the engagement of women in the market economy in order to boost productivity together with the will to uphold the ideal of human dignity. Woodward & Van der Vleuten (2014) are of the opinion that these two aspects do not coexist in harmony, due to the approaches to human rights and economic growth being underpinned by fundamentally different beliefs, attitudes, and logics. These authors also note that these differences are often camouflaged. Walby (2004) suggests that the way towards an effective integration of gender issues is to create a form of capitalism that views social inclusion and full employment as tools for creating a globally competitive economy.

Analyzing the impact of the EU's gender policy on the case of Spain, Lombardo (2003) stated that the gender policy seems to be trapped in "Wollstonecraft dilemma" - focusing on the symptoms of inequality rather than its roots, such as patriarchy and other structural limitations, and thus generating policies that eventually have negative effects on women. Authors like Süleymanoğlu-Kürüm & Cin, (2020) argue the image of the EU as a gender actor oftentimes commences and ends at a rhetoric level. There is a concern that, in the realm of gender equality, the EU does not practice what it preaches. One of the arguments supporting this stance is that the EU itself falls short on gender equality representation. For instance, while there to promote equality, European External Action Service's organizational structure predominantly consists of male leadership members, as much as 80% men in top leadership positions (EEAS, 2022). These instances of female underrepresentation diminish the EU's credibility in gender equality promotion. Van der Vleuten (2013) states that even though the EU provides a promising legislative framework for gender equality, it falls short in building the equal polity that it aspires to.

1.2. Democratic backsliding and anti-gender equality trends

Since the 1995 Beijing Women's World Conference substantial progress has been made in enacting laws promoting gender equality in a variety of areas, including political involvement, labor market, caregiving, and violence against women. However, this development has been challenged in the past decade. The Lisbon Strategy and its European social agenda, which defined the key social challenges for the ensuing decade, placed Social Europe relatively high on the list of European policy goals in 2000, including gender equality. However, in 2010, within the Europe 2020 strategy and European Semester for economic policy coordination alike, gender equality appeared more peripheral (Jacquot, 2017). This author notes that due to the changes in the

Council's political balance, after the enlargements in mid 2000s, the minimal consensus on the balance between justice and social progress on the one hand, and growth and economic competitiveness on the other, proved itself challenging. Additionally, while it was traditionally created within the framework of Social Europe, gender equality was added to the justice portfolio in 2011 and was viewed as a component of a comprehensive fundamental rights policy.

In parallel, backsliding and de-democratization have been spreading throughout Europe in recent years, mostly in response to the financial crises, and with them arose the opposition to gender equality and threats to prior gender equality policy victories (Krizsan & Roggeband, 2018). The existing literature on the effect of democratic backsliding on gender largely focuses on Central and Eastern European member states, as they have been on the forefront of backsliding in the gender-equality realm (Krizsan and Zentai, 2017), however this trend is not reserved for those member states exclusively. Widely noted and prominent indicators of policy backsliding are the changes in official political discourses from positions that were supportive, or silent, on gender equality, to statements that openly challenge gender equality objectives, frequently going against a country's formally adopted and accepted policy positions (Krizsan & Roggeband, 2018). Political figures in the ruling structures frequently express opposition to gender equality and cast doubt on the viability of the previously adopted laws. Backsliding in this area entails anti-gender equality viewpoints that have a detrimental impact on how policies are viewed and carried out. The most recent economic collapse caused by the Covid-19 epidemic posed new problems for gender equality and the EU's capacity for integration. Paradoxically, in parallel with what the literature refers to as the gradual dismantling of the policy comes its increased significance as a component of the fundamental identity of the European Union. Jacquot (2017) refers to this as a symbolic affirmation for a policy that is just as symbolic, lacking in substance or impact.

1.3. Gender equality policy promotion in candidate states

The current process of joining the EU assumes a plethora of political and economic conditions that prospective members must meet. The power of the EU to apply more stringent requirements as a membership gatekeeper is referred to as the enlargement conditionality. In the backdrop of the EU's expansions in 2004, 2007, and 2013, conditionality has shown to be a potent motivator for bringing domestic policy in line with the EU. As noted by Schimmelfennig and Sedelemeier (2004), the countries' ambition to join the EU, along with the weighty and intrusive nature of the rules connected to membership, has given the EU a great level of influence in the reorganization of local institutions. In fact, some authors argue that conditionality unveils unprecedented chances for cross-sectoral collaboration amongst organizations and civil society unified in the pursuit of domestic reform (Aybars et al., 2019). Author Avdeyeva (2015) explores the different methods by which the EU exerts influence in the candidate process, and she identifies three - conditionality, normative demands, and social pressures. By normative pressures, or socialization, the author refers to the EU's attempts to shape the public and elites' normative viewpoints in the candidate states. These persuasion-based techniques consist of the following -

recommendations and advice on public policy, and "policy teaching" which includes soft law, training, conferences, and the distribution of educational policy resources.

The candidate states are given directions by the Commission regarding the precise meaning of the otherwise ambiguous Copenhagen criteria and how they will be evaluated. The Commission uses a twofold approach to address gender equality. In the Regular Reports, it assesses the progress in adopting the *acquis*, within the administrative Copenhagen criterion under Employment and Social Policy. On the other hand, it evaluates the progress through the political Copenhagen criterion concerning rule of law, human rights, and minority protection. As aforementioned, while this changes nowadays, the traditional focus of the EU's gender policy were social and employment issues, and the most impact is, in turn, to be expected in these areas. Childcare, social benefits, taxes, and education are examples of national matters that have an impact on women's employability and, consequently, the likelihood that gender equality will be achieved. Research on Europeanization reveals a trend toward convergence in the application of gender-related community legislation (Abels, 2011). This convergence commonly comes as a result of the 'velvet triangle' - the Commission, civil society activists and academic experts (Woodward, 2004).

From the perspective of women's movements and expert networks the supranational institutions are believed to be paramount as a platform for gender policymaking (Abels, 2011). These actors generated the feeling amongst lobbying groups that the EU represents a socially progressive entity, thus expectations were raised by politicians and lobby groups that the EU would act as a modernizing missionary. A "boomerang effect" is oftentimes used by the candidate states' women's movements—in which national actors use the supranational level to exert pressure on the national level. In addition, to strengthen the progress of gender policy the EU often mobilizes academic expertise, frequently provided by networks of women experts financed by the EU. Research projects financed by the EU's framework programs for research and development have frequently complemented community action.

A weak spot for the gender agenda promotion is gender mainstreaming in public policies and the resistance of bureaucratic structures, who understand it as unnecessary pressure on the budget and a fangled part of the accession ordeal that has no real impact on policies. An understanding of the transformative potential of the mainstreaming strategy in the candidate countries is very rare, and in most cases, it remains at the level of the integrationist approach (Antonijević, 2013; Krizsán and Zentai, 2006). In practice, this means that gender equality is often glued to other political priorities, and that the actual transformation of the work of public administration towards more transparent, responsible, and participative public policies remains absent. In other words, pursuing gender mainstreaming without changing the existing political paradigm leads to it being used as another way to achieve the goals of other public policies more effectively, but not gender equality (Walby, 2011; Lombardo et al., 2009). This implies that the formal and legislative changes in gender policy can only be expected if they can be used to achieve other political goals.

As it can be noted, the EU's influence is present, such as the empowerment of the women's civil society sector, but oftentimes informal, and dependent on the Commissions normative diffusion. It is, however, less effective in tackling bureaucratic structures and public administration.

Avdeyeva (2015) notes that the European Commission's influence on compliance dramatically weakens once states join the EU. This notion alters how governments weigh the costs and advantages of adhering to EU regulations, particularly when making costly and unpopular domestic policy changes. In a member state, the monitoring procedure is less stringent and frequently depends on third-party monitoring (such as interest groups and the public). In the sphere of social policy in general and gender equality in particular, the cases of infringement procedures are confined to legal violations of EU Directives. The Commission has relatively limited authority to oversee the application of new regulations. For instance, there have never been any instances of infringement actions taken against new member states for failing to uphold laws enacted to ensure gender equality.

1.4. Methodology

The aim of the paper is to reveal the dynamics that led to the adoption of the new Law on Gender Equality in 2021. This will be done through a qualitative analysis of the discursive contestation in the period from November 2015, when it became publicly known that the law drafting has started, until its adoption in June 2021. The analysis will be conducted on eighty interviews from five daily and weekly papers, six online portals, and three television outlets.

The first limitation of this method on the whole is the element of the editorial policy of the media outlets, which can have an impact on how the concepts used by the political actors are framed. The lack of availability of any video or textual record of parliamentary debates or public consultations means that, in order to get a picture of the evolution from the law proposal to adoption, one has to look into statements and interviews noted by the media. Secondly, a large portion of the statements used in the analysis came from Politika, a daily paper known for its affiliation with the regime since the Milošević era (Kortenska et al., 2020). The regimes have changed, but this tendency of Politika remains. The paper provides a searchable online archive and captures the dominant discourses of the current government. The paper consistently covers the regime's actions across different fields, and the fact that the regime orchestrated Coordination Body for Gender Equality plays a substantial role in the law adoption means that this reporting on this issue in Politika can be expected.

The analysis started by detecting available public statements in regard to the law. Secondly, patterns in the rhetoric on gender equality and stances on the law will be identified. Additionally, the individual actors who spoke on the issue prominently will be discerned. Based on the similarities in the discourse frames, the actors will be grouped into three categories. The similarities will be looked for in the way the actors speak about gender equality, what aspects of gender equality they repeatedly choose to comment on, how they frame them, the aspects of the

legislation they deem most problematic, and the ways to refer to the EU through the drafting process.

The EU is used in domestic discourses for a variety of purposes - to promote a policy change by affecting people's perspectives on an issue, to establish legitimacy of particular political activity or discourse, and to support one's position in a debate (Lombardo & Forest 2013). Woll and Jacquot (2010) developed a typology of the 'uses of the EU' - political, strategic, cognitive, and legitimizing. These uses' borders are frequently blurred in political reality, as a cognitive usage can often also be strategic, and/or legitimizing, for example. In the cognitive type of use, which emphasizes the discursive aspect, policy actors can use the EU by explicitly referencing it to support specific policy reforms at the national level, or they can decide to avoid any mention of the EU and only shape their discourse in terms of the domestic context.

2. The case of Serbia

Even though the candidate countries have a membership perspective in principle, the factors such as the internal opposition to enlargement within the EU or the country's candidate fatigue can lead to a question of credibility. The problem of credibility is particularly acute in the current candidates in the Western Balkans, where the prospect of membership is more remote than it was in the ECE nations for instance (Aybars et al., 2019). O'Brennan (2014, p. 221) refers to the Western Balkans enlargement as a trajectory on 'life support', and this dynamic is visible in the lengthy process of Serbia's candidacy.

Serbian Progressive Party came to power following the victory in 2012 elections and has ever since dominated the political scene in Serbia. A strategically motivated U-turn in the party's stance on EU membership contributed to the victory and made their program more appealing to voters and potential coalition partners (Stojić, 2017). The party was vocal about their idea of leading the country towards the Union and framed it as the only acceptable option for the future of Serbia. Not long after obtaining the candidate status, however, the officials of the ruling party started shifting their stances towards Euroscepticism and started questioning the Europeanization process and its impact on the country's traditions and norms. In the years to follow until the present moment, the distrust on both the EU and the candidate's side has been growing. Internally, the country experienced changes as well - from 2019 to the present moment, Freedom House's report on Serbia categorizes the country as a 'Transitional or Hybrid regime', from the previous status of 'Semi-consolidated democracy' (Freedom House, 2022). This trend is also reflected in gender equality, a heavily ignored issue, rarely addressed in the public discourse. Political parties rarely take gender issues into consideration in their programs or narrative. To understand the frames used to address gender equality it is necessary to understand the evolution of the gender equality realm and discourse. The following sections will address the evolution of gender-related discourses and legislation, beginning with the socialist period. This will provide a better understanding of the context that led to the present narratives and legal solutions.

2.1. The socialist past

As an ex-socialist country, Serbia is marked by the socialist ideas of equality. Brainerd (1997) writes that in these times equality was heavily promoted, however solely in the area of paid labor. Despite what the propaganda claimed, the legal system lacked gender-neutral regulations (e.g., family laws). No formal concept of paternity leave existed, and fathers were not encouraged to share in the obligations of raising children. Matters of domestic violence and sexual abuse were considered private and not discussed in public. This period left the legacy of traditionalism as ever-present in the definition of gender roles. Often considered a favorable period for gender equality, due to the increase in employment rates among women, the feminist literature on the topic warns about the contradictions with these views. Equality is often defined in the context of the private and public sphere. Havelková (2010) explains the notions of the public sphere (access to work, equal treatment, pregnancy, and maternity leave, working conditions) and private one (gendered labor division, domestic violence, homosexual rights) and notes that the fact that the latter has not been addressed under socialist regimes negatively affected the gender equality agenda as a whole. Due to these limitations, the traditional roles of men and women in the society and the attitudes towards them have not substantially changed in these times. Spehar (2012) notes that it is often questioned if the motivation behind the increase in women's employment and its conditions in communism were brought about because of the concerns about equality or purely economic reasons. Additionally, any notion of abuse and harassment towards women was considered private, and not a subject for intervention or public discourse. Fodor (2002) claims that although the gendered presumptions built into the rational individual's formation are well known in Western feminist philosophy, they cannot be used to describe cultures with alternative philosophies, such as East European state socialism. In her work she supports the idea that the communist subject, which served as the foundation for communist political theory, was just as male biased as its counterpart, the rational individual under liberal capitalism. Despite appearing to be genderless, the ideal communist subject had clearly masculine characteristics, and women could never fully meet the criteria. Women could never be regarded as committed to the communist cause as men were, especially because of their reproductive role, which were ignored by state socialist policy makers.

The literature largely agrees on the idea that the socialist emancipation project's most important component was the integration of women in the paid labor and the educational system. However, this did not mean that women's domestic and reproductive obligations would decrease, as the division of labor in a household was left intact. Formally, the constitution guaranteed equal rights for women and men in political, economic, and social life (Spehar, 2012). For instance, the new constitution made abortion a human right in 1974 (Hughes et al., 1995). The fact that the legal provisions formally enabled gender equality was, at times, a convenient argument to claim that enough work on equality had been done. The policy attempted to change the societal view on women who have long before that been denied the right to property, commonly forced to give up right of inheritance to their male siblings (Petrušić et al., 2015), and who were only allowed to

initiate divorce in 1946 with the Yugoslav Law on Marital Relations (Simić, 2018). However, the persistent patriarchal matrix, on top of which the formal legislation was imposed, always protruded. While it brought fruition for female employment, this period did little when it comes to changing the view on gender roles. In the view of many women this meant adding the burden of labor, onto the existing burden of being the primary caretaker. In these times, feminism was perceived as elitist since it only attracted a small number of intellectuals who were ignorant about the issues the working class was facing and did little to fight for the legislative changes to alleviate these issues.

2.2. Gender in the 1990s

Ghodsee et al. (2010) write about the potential factors that come in between post-communist countries embracing the EU's gender equality agenda. Apart from the overall lack of political will to do so, the state's inability to engage the public in the debate and promote the agenda is another factor. This inability can be a result of the weak civil society, corruption of the judicial system, and the relics of the social engineering of the communist regimes that shaped the societal perceptions on gender equality.

Papić (1994) writes about the period following the 'socialist emancipation' and that, despite it, women never took an active role in the political reality that was forming after socialism. Despite their efforts to take part in the political scene, Papić notes that women were forced to stay in the background as the new democratic transformation was occurring - "Before their very eyes, the new patriarchy emerged, because the whole concept of the emancipation of women and equality between the sexes simply vanished as the significant and equal component of these new democracies" (Papić, 1994, p.13). This author claims that the newly created democracies were male democracies, and that by this the new post-communist nationalisms are also men oriented - the hero of the nation was a male figure, defending the territory and tradition.

The alleged Serbian traditional family values were restored during the violent breakup of Yugoslavia in the 1990s, with the army, but perhaps even more prominently paramilitary groups, playing a crucial part in this revival (Duhaček, 2015). This led to the erosion of gender equality and the rights of women. The nationalist ideology had distinct needs and clear roles for both men and women. Hughes et al. (1995) wrote about the turmoil that took place - the strong conservative propaganda insisted on women's duty to bear children in the service of the state and the Serbian Orthodox Church. The right to abortion was no longer secure, as the Church opened the debate and pushed for the abortion ban (Drezgić, 2010). The "white plague" narrative popularized by nationalists served to perpetuate the idea that women ought to be mothers and breeders. The fear of ultimate extinction of the Serb people was stoked by the notion that fertility rates among "white" Serbs were declining while fertility rates among Roma, Albanian, and Bosniak communities were rising. The question of women's reproductive system is a common component of nationalist agendas, and it is framed around the notion of the continuity and the "purity" of a nation. At the

time of Yugoslavia's dissolution and the increased concern about the ethnic purity, women's bodies were hijacked by the states' reproduction politics. Drezgić (2010) writes on the role that the Serbian Orthodox Church had in this, as this type of the narrative was often accentuated by the church officials. This author is of the opinion that Orthodox Christianity, like other monotheistic religions, advocates distinctive gender roles, suggesting a division between the private (female) and public (male) spheres. Post-socialism, the church re-established its position in the public and political life in Serbia. Religious groups embraced nationalism for their own reassertion, while political elites exploited religion to support their rise to power. A close bond has been created between the highest levels of the church and the political power centers post-Milosević's rule, and that bond stays relevant to this day. Gender equality was disregarded and not discussed in public discourse. Civil society was the first and biggest casualty of the dominance of nationalist ideas (Mahuron & Zajović, 2011). With the help of the media, the state managed to label the NGOs as a "national enemy", while at the same time, their existence was used as evidence of the democratic nature of the regime abroad (Marceta, 2009). The combination of the war, nationalism, militarism, economic crisis in the midst of a hyperinflation, sanctions and embargo, led to a substantial increase in violence against women (Hughes & Mršević, 1997). It was obvious that, in this nationalist-war situation, women were invisible and unimportant.

In order to fight this silencing, feminist movements were formed to raise the voice against the war, nationalism, and sexism. The SOS Telephone, a Women's Party, a Women's Parliament, Women in Black, the Women's Studies Research and Communication Centre, the Autonomous Women's Centre against Sexual Violence, the Centre for Girls, two safe houses for women, and a feminist publishing house called "1994" have all been founded in the 1990s (Hughes et al., 1995). The most prominent of them - Women in Black - was founded in 1991. An Israeli group who wore black in opposition to their nation's treatment of the Palestinians served as an inspiration, as the women decided to defy the government through activism and civil disobedience. Women in Black made their first appearance in Belgrade on 9 October 1991. In their first public statement the activists defined themselves as an anti-nationalist, anti-militarist, feminist, pacifist group who rejected the reduction of women to the role of mothers (Žene u crnom, 2022). This defiance triggered extreme reactions from the nationalist side - Women in Black activists were verbally and physically harassed, detained, tortured, and charged with false crimes. An aggressive rhetoric surrounded all their actions, with extreme right-wing parties labeling them as inner enemies that should be persecuted (Baiocchi, 2009).

Until the early 1990s all households with children were entitled to child support. However, since 1991, due to the economic crisis, only families with very low or no income have received child support (Drezgić, 2008). The privatization of national enterprises resulted in a substantial decline in female employment (Kovačević & Sehić, 2015). Women could rarely join the privatization trend as entrepreneurs, as they were subject to many limitations, such as low-wage employment, which made it difficult for them to accumulate capital, for instance (Ivanović & Kufenko, 2020). With the mobilization of men, the absence of their income and privatization in the picture, women had to go through great lengths to make ends meet, in parallel with their role

as caretakers. With the detrimental effect of the war, the economy was primarily dependent on women's unpaid labor in producing commodities and services for domestic consumption (Drezgić, 2008).

The 1990s and the rise of nationalism brought about calamitous times for gender equality in the discourse and women's economic status. Women's activism in the 1990s was directed at combating nationalism and militarism, rather than the issues of social and economic equality. In these circumstances, it is not surprising that the 1990s are not marked with any significant legislative progression in the realm of gender.

2.3. Times of change and big expectations in 2000s

October 2000 marks the beginning of Serbian democratic development and the first steps away from planned nondevelopment and isolation and toward parliamentary democracy and international collaboration. Subsequent changes that the democratic regime brought about became important both conceptually and practically. After the new laws on labor relations and privatization were passed in 2001, crucial for the transition of the economy and society, sweeping changes were made to the current economic structure in favor of the market economy (Djurić Kuzmanović, 2002). Vojislav Koštunica's government, despite being ostensibly committed to developing social discourse, largely excluded civil society from decision-making processes. The antagonistic narrative regarding NGOs from Milošević's era, which suggested that they served foreign interests, persisted. Some NGOs, including the Helsinki Committee, Belgrade Center for Human Rights, Women in Black, and the Humanitarian Law Centre, were officially condemned by the political elite, and even subject to violence, for their demands for the prosecution of human rights violations and ethnic violence committed in the 1990s (Marceta, 2009). However, the growing presence of external actors, and the efforts towards democratization, brought about changes through working with the non-governmental sector and, at times, the government. In the first years of democratic rule, emphasis was placed on reestablishing democratic institutions and processes - free and fair elections, building democratic institutions, as well as, ineffectively, addressing the country's wartime past. Serbia's membership in international and regional organizations has been renewed on a global scale - United Nations, Organization for European Security and Cooperation, Council of Europe. With the membership in these organizations, the women's movement was able to expand the scope of its operations by reporting to contractual bodies and using the organizations' monitoring systems.

Post-2000 the national assembly itself started cooperating with international organizations such as the National Democratic Institute (NDI), Konrad Adenauer Foundation, Friedrich Ebert Foundation, Westminster Foundation for Democracy, and the aforementioned USAID (Orlović, 2012). An extensive collaboration with the United Nations Development Program also commenced. Since 2004, the Assembly and UNDP have worked together on initiating public hearings, poverty reduction, and organization of study tours on the issue of poverty. USAID has been involved in Western Balkans since the Yugoslav conflict in 1990s and has made substantial

donations to Serbian organizations as democratic assistance. The amount of aid for democratic assistance in Serbia rose sharply throughout the 1990's, totaling \$50 million in 2000 (Irvine, 2018). The support increased dramatically in the 2000 due to the run up to the elections in this year. Women's organizations have been one of the focus points of the USAID in these times, as these organizations and their activists were seen as essential agents in mobilizing popular protest and electoral change. The US government adopted what Irvine (2018) describes as a social movement model of funding empowerment, which implicitly aimed to help organizations create capacity, find voice, and form alliances. An organization named Glas Razlike (Voice of Difference), formed in 1999, heavily endorsed and supported by USAID, launched a door-to-door campaign that reached tens of thousands of, predominantly, rural women, and urged them to vote (Irvine, 2018). USAID support helped organizations such as this one to open offices and connect with the grassroots, which gave them the ability to work for political change. Moreover, the influence from UN organizations and bilateral donors—in the case of Serbia, mostly the Nordic states, particularly Sweden and Norway—imposed a particular discourse and practices that acknowledged the state needs to partner with associates, gender experts, consultants, and women's organizations if it wishes to advance the gender equality agenda. In parallel, it was in the beginning of 2000s that the EU's influence started gradually growing, to eventually build up to the signing of the Stabilization and Association Agreement in April 2009 (EUR-Lex, 2019). Since the opening of the agreement negotiations in 2005 the EU's influence has substantially intensified. The first significant step on the accession path occurred in 2009 when Serbia got accepted to the visa-free regime for Schengen countries. The condition for the Schengen Agreement was precisely the adoption of the Law on Gender Equality and the Anti-discrimination law, and both were passed in 2009 (Antonijević, 2015). With the adoption of the law on gender equality (Sl. glasnik RS br. 104/2009), the right to equality between women and men was operationalized by separate legal provision for the first time (Pajvančić, Petrušić, Jašarević, 2010). The law required public authorities to pursue an active equal opportunity policy in all spheres of social life. For the first time, a procedure for legal protection from discrimination based on gender was established. Gender equality clauses were introduced in areas such as labor relations, employment, family relationships, electoral procedures, social protection, health care, education, sports, media, including special affirmative measures. It invoked affirmative action for women belonging to vulnerable social groups (i.e. Roma women). Violence in the family and partner relationships was recognized as a form of discrimination against women. The law stipulated that female representation needs to amount to at least thirty percent, in any organizational unit, including the Parliament. Particularly important documents for the economic empowerment of women accompanied the new legislation - National Strategy for the Improvement of the Position of Women and the Advancement of Gender Equality with the accompanying Action Plan was adopted in 2009 and 2010, respectively, for the period from 2010 to 2015 (The Government of the Republic of Serbia, 2009). Difficulties occurred while adopting these strategic documents as well. Both aforementioned laws were perceived as being passed under pressure from the EU, particularly from the perspective of conservative parties and Eurosceptics, rather than as an essential step toward achieving equality for all citizens. Once more, neither discrimination nor

gender equality were considered as ends in and of themselves, but rather as a box to be ticked on the way to EU membership (Pajvančić, 2012).

2.4. Scattered steps forward and the year of big changes from 2010 to 2021

Advances in the gender equality legislation and policy occurred sporadically in the years post 2009. The Strategy on the Prevention and Protection against Discrimination was adopted at the end of June 2013, along with its accompanying document - the Action Plan (Sl. glasnik RS br. 60/2013). The strategy covered the period from 2013 to 2018 and was the first of that kind in the country. Under this strategy women were one of the protected categories, along with the elderly, children, refugees, ethnic minorities and more. Gender-responsive budgeting at all levels was envisioned in the Budget System Law, which was ratified in December 2015. The Strategy for Gender Equality (2016–2020) and Action Plan for the years 2016–2018 (The Government of the Republic of Serbia, 2016) were introduced in 2016. The solutions that the strategy imposed followed the order set forth in the National Program for the Adoption of the EU Acquis for the years 2014 to 2018 (Dokmanović, 2018). Dokmanović (2018) notes that the strategic objectives matched those of the Council of Europe's gender equality strategy for the years 2014 to 2017. In June 2017, the Criminal Code and the Law on Preventing Domestic Violence were adopted, and urgent preventive measures were set in place (Sl. glasnik RS br. 94/2016).

Next to the legislation changes and strategies, the Coordination Body for Gender Equality was established on October 30, 2014, and led by, at the time, Deputy Prime Minister Zorana Mihajlović. Its responsibilities include leading and overseeing the implementation of strategic documents, laws, and other regulations in the area of gender equality, offering expert advice, supervising state projects that have a direct or indirect impact on gender equality, and coordinating state administration bodies in this area (Štrbac & Janković, 2019). However, a professor and an expert in the field of gender equality, Marijana Pajvančić, voiced her concerns on the Coordination Body, and noted the the Body does not have its own staff, but relies on the Mihajlović's ministry personnel, lacks appropriate funds to support its functioning and the mechanisms to facilitate the implementation of gender regulations (Istinomer, 2016). This stance has often been repeated by the representatives of the female non-governmental organizations, along with the doubts on the Body's inevitable connection to the regime. In the drafting process, the cooperation between the NGO sector and the Body was quite sporadic, and Mihajlović's statements in the media seemed to imply that the NGO's repetitive complaints on the draft proposals are the ones stalling the law passing.

In the European Commission's country report for 2017, it is noted that a new sector in the Ministry of Labour, Employment, Veterans and Social Affairs was established, with the goal to advance gender equality and anti-discrimination policy (European Commission, 2018). In the same report, the Commission comments that clarifying roles of the new sector and the Coordination Body for Gender Equality is necessary, as is ensuring an effective institutional structure with sufficient funding of the body. This sentence reappears in the reports for the following two years,

almost intact (European Commission 2019, 2020). Another potential indicator of the EU's stance is the fact that the Body is not a part of Equinet, DG JUST's permanent network that supports and helps 49 national equality organizations from 31 different European states (Equinet, 2022). Instead, part of Equinet on Serbia's end is the Commissioner for the Protection of Equality (Poverenik za Zaštitu Ravnopravnosti), an independent and autonomous public entity. In the reports for 2020 and 2021, there is no mention of the Body, while the Commissioner for Equality receives a more prominent attention (European Commission, 2021, 2022). Despite the arguments above and the lack of support from different sides, The Coordination Body for Gender Equality takes a dominant position in the media in the gender equality policy realm.

2.5. Gender in times of crisis

Fodor & Van der Lippe (1998) write about women being on the losing end of economic and social transformations and they link this view to the capitalist production (following Marx' idea that capitalist production also yields many workers in flexible employment), gender ideals and the overall lack of political will to defend women's interests in a society. They note that the Eastern European women have been a part of the "reserve army of labor" in the post-socialist era (Fodor & Van der Lippe, 1998, p. 133). The reserve army idea means that women represent the underprivileged category of workers whose job is more susceptible to exploitation than that of men. This in turn suggests that the inequality rises in the periods of crisis and that the market mechanisms do not work in favor of its diminishing.

The "Report on Women's Rights and Gender Equality in Serbia for 2019" states that the austerity measures introduced in 2014 disproportionately affected women. The trigger for this race to the bottom was the program of fiscal consolidation and structural reforms in October 2014 and the year after the adoption of the Public Finance Management Reform Program 2016-2020. In this framework, a key measure was the ban on employment in the public sector, mostly consisting of female employees, which was in force from 2014 until January 2021 (Krstić, 2021). The issue of gender equality is not recognized in any of the five challenges in the labor market, although consideration of the problems of demography, labor migration and regional differences, education, and duality in the labor market has significant implications from the gender perspective (Bradaš et al, 2017). Even though the effect of the EU's gender mainstreaming is expected to be the strongest in the area of labor market and employment, this instance showcases that even in these areas the effect seems to be limited, especially in times of economic downturn.

COVID-19 pandemic was no exception. As the pandemic spread it became clear that major geopolitical players were utilizing emergency aid to achieve their foreign policy objectives. Serbia exercised 'corona diplomacy', juggling between the EU and China, with Russia as a tertiary player. On March 15, 2020, Serbia proclaimed a state of emergency, coincidentally the European Commission had just announced a prohibition on the export of medical products the same day.

The EU's lack of aid at that point received harsh criticism from the president of Serbia who publicly expressed his doubt about European solidarity. On this occasion he stated that the only reliable side was China (Euractiv, 2020). From this moment on, the discourse on Serbia and China's strong friendship prevailed in the media (Šantić & Antić, 2020). Šantić & Antić stress that even though the EU's entire financial package was significantly larger than the sum of what Russia and China contributed individually, little media attention was paid to it. The EU itself lacked an effective method of interacting with the Serbian public and providing more detailed information about assistance it provided to the country. This, along with the president's discourse, played a significant role in the growth of Euroscepticism in Serbia (Filipović, 2021).

With all non-essential business sectors shutting down in the midst of the pandemic, the economy was in a tumult. The recession that followed had an adverse effect on Serbian GDP, exports, total production, and a decrease in the growth rate. A comprehensive set of monetary and fiscal policies have been put in place in Serbia in an attempt to decrease the harmful consequences (Lazarević-Moravčević & Kamenković, 2021). The policy rate was lowered, moratoriums were introduced on loans and dividends, and commercial banks were provided liquidity in dinar and foreign currency (Savić et al., 2021). Billions of euros have been spent on liquidity injections for small and medium enterprises, to remain in operation and safeguard jobs (Martin, 2020).

Despite contestation from the citizens, the state imposed stringent curfews, restricting any outdoor activities at times for days - four days in case of Orthodox Easter 2020 bank holiday (Djurović, 2020). This absolute withdrawal of the right of movement for days, in comparison to a restriction on movement, raised questions on the justifiability of the measure (Čović, 2020). A 24-hour curfew was implemented from March to May 2020 for all residents older than 65 years of age in urban areas, and older than 70 in rural areas. Younger adults and children were subject to a somewhat less harsh curfew in the same period, restricting leaving homes from 5 PM to 5 AM daily (Gazibara et al., 2022).

Bradaš et al. (2020) researched the impact of this crisis on the employment and workers' rights and noted that women, especially the ones with lower education working in low paid jobs, were the ones to experience the biggest harm. Single mothers with caregiving obligations towards children or elderly with definite contracts were at the absolute losing end. The authors note that the consequences of terminated employment in the pandemic times will disproportionately affect young women, who have substantially less chances to get employed. The measures adopted in the state of emergency - interruption or reduction of business, work from home - had a severe impact on family and partner relations and increased domestic violence. This rise was so significant that the Ministry of Justice officially called women who experienced violence to seek support through the web of NGOs specialized in this cause (Bradaš et al., 2020). The number of women who requested assistance from the NGO members increased three times (Čović, 2020). UNDP called for governments to urgently react to the rise of domestic violence, including Serbia (UNDP, 2020). From the outset of the pandemic in Serbia, UNDP and the Ministry of Justice had ongoing discussions about the challenges of addressing violence against women institutionally.

In these circumstances of crisis, great uncertainty, economic downturn, increased influence of external actors other than the EU, a chain of legislative changes aimed at bettering the gender equality situation in the country occurred in 2021. It commences with the new law on gender equality, proposed by the Coordination Body for Gender Equality in 2015. At the same time, the government amended the existing anti-discrimination law, with the aim to prevent discrimination based on any aspect of an individual's identity. The amendments envision harsher sanctions on discrimination. Additionally, as one of the government's priorities, two steps have been taken to tackle the rise in violence against women - the Strategy to Combat Gender-Based Violence Against Women and Family Violence for the years 2021–2025, and an establishment of a coordination body consisting of three ministries (justice, health, labor), with the aim to support the victims and witnesses in the court proceedings (The Government of the Republic of Serbia, 2021).

Before laying out the discourse analysis it is important to mention the immediate context in which the discourse analysis occurs. The year 2020 and the beginning of the pandemic were marked by a significantly low media attention to any aspect of gender equality. Reporting on the virus breakouts, lockdowns, and healthcare system problems, occupied the media, despite the urgent issue around the rising gender-based violence in parallel. On the other hand, 2021 was marked by a significantly high number of publications, caused by the numerous public confessions of women who spoke about their experience with gender-based violence and sexual harassment (United Nations, 2022). On top of that, the media reported on the cases in a sensationalist and tabloid manner and neglected all the rules of ethical reporting. This provoked a strong counterweight from women's NGOs and grassroots movements, and general public engaging in mass social media campaigns in the attempt to support the survivors and prevent future violence – You Are Not Alone, You Were Not Asking For It (Nisi Sama, Nisi Tražila), No Means No (Ne Znači Ne), I did not report it (Nisam Prijavila). What seemed to be isolated cases, resulted in an avalanche of women from all walks of life, stepping out with their stories of assault. This movement stirred up the conversation about the position of women in the society, and the abuse they experience as a result of men misusing their positions of power, superior functions in working environments and educational institutions.

3. New law on gender equality in Serbia – a necessity or a threat to the traditional family values

From the moment the Coordination Body for Gender Equality proposed the law until the day it was adopted, the body of the law changed on several occasions. The NGO sector and a number of experts and professors in gender studies participated in the seven-year drafting process on a number of occasions, either through open discussions and consultations or in private sessions with MPs and the Coordination Body. Overall, the new law is extensive, covering a wide variety of relevant areas. The changes that were introduced by this law in comparison to the previous one normally lay in the area of employment. The law stipulates special measures with the aim to

equalize chances for men and women and incorporate gender equality in public policies. It includes several new areas and their policies, where gender perspective is to be integrated. These are: environment preservation, climate change, green and circular economy, energy efficiency, entrepreneurship, innovation, science, digital technologies, ICT sector and transport. In these areas, the focus is on reducing the gender and pay gap, as well as the unemployment rate in all sectors of the labor market and increasing the female participation in highly paid jobs. The law envisions systemic support for female business founders as well as the participation of women in social and technological innovations (Sl. glasnik RS br., 52/2021). It introduces a number of requirements for tracking gender statistics, including the gathering of information on unpaid domestic labour. All employers, in both the public and commercial sectors, have responsibilities for preventing sexual harassment and other forms of gender discrimination, as well as a range of obligations for achieving gender equality in the workplace, working conditions, career progression, and remuneration. The aspect that received the most support was the adoption of health insurance right based on unpaid domestic work and unpaid work in agriculture. The most problematic aspect were the articles stipulating the use of gender-sensitive language in textbooks and teaching materials, certificates, diplomas, titles, licenses, and other forms of educational work (Sl. glasnik RS br., 52/2021). At the same time, its final version is being criticized by the NGOs for being very ambitious and robust, but hard to implement in practice. In the report for 2021 the European Commission criticized the fact that there are provisions of the law, such as the ones related to reporting on data collection and funding duties for specialized services, that will enter into force only in 2024 (European Commission, 2022). The law is characterized by significantly stricter penalty stipulations, but not prescribing any mechanisms, bodies or budget that could execute them.

The discourse analysis surrounding the law adoption will be divided into three categories: a) Progressive Party members rhetoric and the dominant role of Zorana Mihajlović as the voice of gender equality; b) The voices of the law opposition; c) Women's civil society sector and non-governmental bodies.

3.1. Progressive Party members rhetoric and the dominant role of Zorana Mihajlović as the voice of gender equality

The data shows the presence of the Minister Zorana Mihajlović's name in over 60% of the media coverage on the new law on gender equality - either through her own statements and interviews or mentioned by other actors commenting on the law. This evident prominence creates the picture of Mihajlović as the face of the law in the media. She held a Deputy Prime Minister position from 2014 to 2022 and Minister of Mining and Energy one from 2012 to 2014, Minister of Construction, Transport and Infrastructure from 2014 to 2020, and again the Minister of Mining and Energy from 2020 until the law adoption. She is a member of the ruling Serbian Progressive Party. At the

same time, as aforementioned, she was the President of the government's Coordination body for Gender Equality until 2022. She was appointed to this job by the state president Aleksandar Vučić, despite the fact that her background and the Ministry she led do not represent a logical first choice, in comparison to the Ministry of Labor, Employment, Veterans and Social Affairs, for instance. The actual power of the women in the ruling party is often debated about. Critics often note that they do not have any substantive say in political decision making and are there for the purposes of representation. Positioning a person from an unfitting ministry and no background in gender matters, seems to support these claims.

At the beginning of the period under analysis (2015/2016) Zorana Mihajlović was more explicit about the problems women are facing in Serbia, publicly naming the issues arising from patriarchal views on gender roles. For example, in November 2015, in an interview for Politika, Mihajlović spoke about female representation in politics. She stated that the politics in Serbia are men led, even though every third seat in the parliament is held by a woman as a result of the article on quotas from the 2009 gender equality law. The approach to problem-solving is one of men, and women adopt it in order to survive, because they cannot afford doing otherwise (Politika, 15/11/2015). Although the issues she addressed in her public statements almost always had to do with women in politics mostly, which affect a fairly low number of women, it seemed that the Minister was ready to pinpoint the pitfalls. Very rarely does she address the pressing issues in the gender equality realm, affecting much larger groups than women in politics, in regard to which little progress has been made throughout the years - the position of women in villages, Roma women and women with disabilities. Around the same time, in 2015, she called for gender-responsive budgeting, and reorganizing income and expenditure to advance gender equality (Informer, 2015). She, however, does not elaborate what this income reorganization would entail and how it would go about advancing equality. From 2015 until the breakout of the pandemic, the Minister often mentioned the EU in her interviews on gender equality and the new law. She expressed her unambiguous views that Serbia needs to look up to European values and pave its way towards the Union. In her frequent calls for the Prime Minister, Ana Brnabić, to act upon the law adoption, in 2018, she stated that Brnabić needs to choose between a modern and ambitious new law, appropriate for the Serbian path towards the EU, and the old law that, she claims, was never implemented in practice (BizLife, 2018). Brnabić rarely commented on the debate but stated, on a rare occasion, that the country already had such a law and that the new one is only an improvement to it, and that she believes that the content of the new law corresponds to the open and tolerant nature of the Serbian nation (Politika, 29/04/2021). Commenting on the European Commission's report on Serbia's progress in June 2019 (Politika, 02/06/2019) Zorana Mihajlović pointed out that the EU recognized Serbian efforts in improving gender equality. "The European Commission welcomed the adoption of the new Gender Equality Index and the progress we have achieved in two years, especially in the domain of women's participation in political life. We are proud to be the only non-EU country to have calculated the index". Contrary to the common Progressives' frame that whatever Serbia does is not enough for Europe, the Minister frames the EU as a teacher who is happy with an exceptionally dedicated student, that is Serbian government.

She uses the EU to legitimize even the minor steps forward in the gender equality area taken by the government and does not miss a chance to repeat them in her public statements.

Over time, she moved further into this direction - the criticism became less sharp, state achievements became more accentuated, and the mention of the EU became scarcer. This gradual decrease of the EU presence in her discourse might be explained by the decrease of the EU's popularity among citizens in the light of the pandemic, but also, the lack of focus on gender equality from the EU's side, brought about by the health emergency. The Minister increasingly distanced herself from feminism and women's right rhetoric. In an interview in 2017, she stated: "Gender equality is neither feminism nor sexism, but a way for equality, which stands so proudly in our Constitution, to be implemented in everyday life" (Danas, 2017). From 2017 on, Mihajlović's public addresses on gender equality typically follow a similar pattern - they start with the pressing issues and end with the praises of governmental achievements in the field steered by the Coordination body for Gender Equality. She spoke publicly about the difficulties the pandemic brought about by noting that women are a category that is particularly vulnerable during times of emergency and crisis. They make up 76% of the workforce in the health and social care sector, and along with the women working in commerce, they are on the front line in the pandemic (Politika, 21/10/2020). She noted that the fact that women spend twice as much time on housework, child and elderly care makes it difficult for them to achieve full freedom and economic independence. She also addressed the increased domestic violence against women. On the same occasion she also mentioned that Serbia is one of the few nations in the world that have incorporated gender concepts into budget planning and praised the reformed laws in the battle against violence. She praised the use of Gender Equality Index once again and added that Serbia is considered a role model for female political participation. In another interview in 2020, she started by saying that the work on gender equality is not complete as long as there are still women victims of gender-based violence, child marriages, women spending twice as much time on unpaid housework as men, and women are paid less for the same work. She then added that she is proud of the fact that the number of female employees in the Ministry of Construction, Transport, and Infrastructure under her leadership, rose from 18% to 43% percent. The minister does not mention the civil society contribution to the gender equality policy in any of her statements, which re-emphasizes the aforementioned weak ties of the Coordination Body and the NGOs.

In a similar way as Mihajlović, other women from the ruling party frequently talk about figures in the gender equality realm, highlighting the high representation of women in the government relative to other European nations. Maja Gojković, the Parliament President at the time, frequently spoke in favor of the law adoption. In a press conference in 2019, she talked about the World Bank's "Women, Business and Law" survey, saying that the survey placed Serbia in 18th place among 188 countries in the world, and the best-ranked country in the region and ahead of many EU member states when it comes to gender equality. She added that Serbia, as well as many parts of Europe and the world, battles with gender discrimination, but that she is proud by the work the state has already done in this realm (Politika, 07/03/2019). She noted that Serbia made the biggest progress in terms of the representation of women in decision-making positions, with

37% of women in the parliament at the time, holding the most important positions in the government, including those of the Public Prosecutor's Office, the Constitutional Court, and Prosecutors for War Crimes. She named the pay gap and the lack of women in the leading positions of municipalities as the remaining issues. This use of ranking and benchmarking against the EU member states serves as an effective tool to build an image of the government as a diligent gender equality actor. In a similar way to Mihajlović, Maja Gojković rarely touches upon the questions of gender-based violence, women belonging to minorities, the position of elderly women in the society. In the light of the meeting "Towards a united Europe: gender equality and women's rights" in March 2019, the Minister for European Integration at the time, Jadranka Joksimović said that Serbia has never been behind in terms of women's and civil rights in comparison to Europe and has nothing to be ashamed of, but ought to continue on this path (Politika, 07/03/2019). On the same occasion, she added that March 8th can be celebrated with great pride in Serbia, "because we consider women as the most important development component of our country, which has not yet been well used". As it can be noted, the topic of gender equality seems to be reserved for the female members of the ruling party. This phenomenon follows the idea that there are always more urgent problems than gender, especially the ones of economic nature. The female members mostly stick to the gender equality reflected through employment and representation. As aforementioned, the women's role as a worker has long been the focus of the EU's gender policy promotion. These areas are easier to quantify and use for benchmarking and comparison to other countries, fitting the political actors' idea to frame Serbia as an exceptional, progressive student in the gender equality realm. Additionally, none of the politicians' statements address the weak cooperation between the government and the NGO sector and grassroots. There is an overarching trend in glorifying the progress in hand-picked areas and downplaying or ignoring the rest.

3.2. The voices of the law opposition

The strongest opposition came from the right-wing party Dveri, known for their conservative discourse and insistence on traditional family values, with its leader Boško Obradović on the forefront as the loudest critic of the law. The party belongs to the opposition and commonly criticizes the policy decisions made by the ruling party, especially in cases where they perceive that the decision can put the alleged Serbian values in jeopardy. However, certain members of left-wing and centrist parties also voiced their worries about the law adoption. The common thread that reappeared in the criticism has been the gender-sensitive aspect of the law, deemed problematic by the Serbian Academy of Sciences and Arts, and later used heavily as an argument in the anti-law narrative.

3.2.1. Gender-sensitive language conundrum

The analysis of the media reporting on the opposition to the law adoption revealed that the new law was in a substantial portion of public statements reduced to the issue of gender-sensitive language. The law stipulates that the gender-sensitive language is to be used in the names of work positions, titles, and occupations in order to influence the elimination of gender stereotypes. Gender-sensitive use of language is mentioned across six different Articles of the law - Art. 6, 10, 25,37,44, and 65 - with the conclusion that its use comes into force three years after the law adoption - 2024 (Sl. glasnik RS br., 52/2021). As Serbian language distinguishes three grammar gender categories - feminine, masculine, and neuter, the gender-sensitive language would assume the use of feminine word form for the nouns for which previously the masculine form was used to convey a gender-neutral meaning. This use is often seen in names of professions, for instance.

Despite being widely criticized for remaining silent on numerous debatable instances in Serbian political affairs, Serbian Academy of Sciences and Arts took a clear stance during the law drafting. The Academy has on numerous occasions claimed its independence from political affairs and emphasized that it does not support any political option, however, it has been long known for its conservative political stances, close ties with the Ortodox Church, and even open nationalism from its prominent members. In an official announcement, Serbian Language Institute, a part of SASA, expressed a severe critique on the gender-sensitive language. The Institute noted that the standardization of language in public use may, to some extent, reflect an intervention leading towards a certain political message. However, this standardization must not be solely motivated by the idea of conveying a desired political message, particularly when this idea conflicts with the official science of language and the structure of the language, i.e., be incompatible with accepted grammar norms. As a result, any standardization of speech in the Republic of Serbia for official and public purposes must first be in line with the established standard of the Serbian language (Serbian Language Institute, 2018). SASA support was subsequently widely used among the right-wing politicians to support their opposition to the law and frame the letter as the voice of experts that must be considered. In a television interview, Dr Jovanka Radić, a research assistant at the Serbian Language Institute argued that the working group drafting the law took upon themselves to change the way people are thinking and speaking - as a comment on the gender-sensitive language - while threatening with sanctions if the language is not used as the law prescribes (K1 TV, 2021). She argued that prohibiting the use of certain word forms would not advance the gender equality fight but have the opposite effect.

3.2.2. The threat to Serbian family values

The debate on the Law on Gender Equality provided an opportunity for right-wing parties and organizations to further promote patriarchal values by asserting that "no genders and gender identities live in Serbia, but one's mothers and fathers" (Mašina, 2017). The aforementioned leader

of Dveri, Boško Obradović, voiced his opposition on several occasions and called on the country president not to sign the law adoption (Politika, 21/05/2021). He argued that the law proposed by the Coordination Body for Gender Equality is anti-constitutional, anti-Christian, and "representing the legal basis for social engineering". The explanation behind the argument that the law is anti-constitutional is that the Serbian constitution does not mention the notion of gender, but sex. He used the SASA letter as an argument and noted that the law is a violent attack on Serbian language. In another interview he stated that the law adoption and the adoption of amendments to the Law on Prohibition of Discrimination are initiated by the Serbian Progressive Party under pressure by Western embassies and non-governmental lobbies, to the detriment of family and traditional Serbia, which, according to him, represents the majority of the country KTV (2021). The anti-constitutional argument was widely used by the parties opposed to the law. After mentioning the SASA letter and the issue of language, he argued that the new law corresponds much more to the communist regime than to the one of liberal democracy, and with this law the country would be returning to communism. The NADA coalition, consisting of the Movement for the Restoration of the Kingdom of Serbia (POKS), the Serbian Democratic Party (DSS) and nineteen other movements, parties, associations, and citizen groups, also demanded from the president not to sign the law, because it poses a threat on the Serbian language, culture, traditional family and freedom of thought and expression. The coalition draws an argument on the law adoption that often reappeared in the right-wing rhetoric - it is argued that the law on gender equality provides the basis for a law on same-sex unions (Direktno, 2021). In his statement in the parliament, the MEP Đorđe Komlenski and a member of the Socialist Movement party, insisted that the articles on gender-based violence (Article 1), also recognize violence against men, as, he noted, no violence should be tolerated, even if the number of cases would be as low as one (Pokret Socijalista, 2021). He argued that the articles stipulating the removal of gender stereotypes, are a disguised intention to de facto nullify gender, tradition, and positive societal values. He continued to say that these articles encourage the future lawmakers to think that all traditional views and values are wrong and need to be defied. He noted that the law prevents parents to opt for a traditional upbringing of their children and intrudes into the parental decision-making.

The vocal opposers to the law do not use the EU explicitly in their public statements. However, mentioning the Western influence, as Obradović does for instance, is often used interchangeably with the EU in the rhetoric of the right-wing political actors. Their frame of Europe normally involves presenting it as a threat to the traditional Serbian family values, however, it is important to observe that the EU has not been explicitly used in any of the statements. In other contexts, it is often used as a tool to criticize the ruling party for, allegedly, giving in under the EU's pressure and allowing it to force its norms and values on the citizens against their will. This political and strategic use of Europe in times when the EU's popularity diminishes, can be a secure way to appeal to the electorate and delegitimize the ruling party's decisions, however, right-wing opts for not employing this strategy by avoiding mentioning the EU in the context of the law adoption.

3.3 Women's civil society sector and non-governmental bodies

As mentioned, the NGO sector was involved in the law making through consultations and appeals that occurred sporadically over the seven-year period. Already in 2016, the name of the law became a topic of major contestation. It was temporarily renamed into the Law on the Equality of Women and Men, once again due to the right-wing's argument that the Serbian Constitution does not recognize the notion of gender. The plan to pass the law under this name in an urgent procedure within a week's time did not come to life in 2016. The Coordination Body for Gender Equality suddenly withdrew the proposal from the parliamentary procedure after a session of the Women's Parliamentary Network, where NGO representatives voiced their objections regarding the law proposal (Politika, 18/02/2016). One of which was the problematic name with the explanation that it excludes non-binary people. On this occasion, Tanja Ignjatović, the representative of the Women's Autonomous Center said that many articles are vague, such as the mechanism for achieving gender equality at the local and provincial levels. She noted that it was vagueness of the 2009 Law on Gender Equality that led to only two court verdicts being passed based on this law in the six years from its implementation.

In 2020, the women's organizations' presence in the media in regard to the law peaked - the pandemic revived the traditional gender roles, forced women into unemployment, and brought a severe increase in domestic violence. Many civil society actors found this moment as an appropriate one to call to the lawmakers to act urgently. In 2020, Biljana Maletin, a gender equality and women's rights activist and a member of Women's platform for Serbian Development, a platform bringing together a sizable group of women engaged in civil society from numerous organizations, academic institutions, private sector, political parties, unions, and the media, talked about the 2000-2010 decade in which gender equality was institutionalized (Televizija Forum, 2020). She notes: "In this decade we (women's NGO network) made the state adopt the first gender equality law, that gender equality becomes a topic for the government, that the institutions as well as the local municipalities start dealing with this subject". She then continues to express that the following decade brought about deinstitutionalization, stallment of the new law adoption for years. She attributes this lack of political will to the fact that the institutions are in their entirety hijacked by the ruling regime, and that positive aspects such as a high level of female representation in the parliament do not matter in a situation where the parliament's powers are minimal. Maletin argues that the women's civil sector, citizen groups, and interest groups are increasingly better organized, but that despite this, they do not find any space in the current political scene. On the topic of the increase of women in politics, the Director of the Center for Practical Politics, Dragan Popović stated that seeing women in leadership positions is a positive change, but that at the same time Serbia lacks everything else, and that this increase in representation is just a minor step. He concludes by stating that gender equality is not feasible in an autocracy in which everything is governed by a single person (Nova, 2020). Zoran Pašalić, state ombudsman spoke about the prevalent gender prejudices, and noted that sexist remarks towards women in public are not condemned harshly enough by society or sanctioned by the authorities (Politika, 07/03/2020). He criticized the fact that the law on gender equality is proposed but its adoption is belated, which

leads to the situations in which public authorities are uncertain on how to act upon the ombudsman's recommendations in the field of gender equality. On the conundrum about the gender-sensitive language, representatives of women's organizations, gender studies experts, and several language specialists spoke publicly in support of the articles that stipulated its use. Dr Dubravka Đurić, professor at the University of Media and Communication, supported the gender-sensitive language, by saying that societal changes need to be followed by language norms (K1 TV, 2021). Profesor Valentina Bošković Marković defended the articles on gender-sensitive language by noting that its use is not intended as the only tool for establishing gender equality, but as one of the means for improving the position of women in the language, and by that, in turn, in the society. She added that the influence of gender ideology is also important because depending on whether we nurture traditional or egalitarian gender ideology, we avoid or use gender-sensitive language (Politika, 10/06/2021). Professor Zorica Mršević, research advisor at the Institute of Social Sciences in Belgrade, who participated in drafting the text of the Law on Gender Equality warned that by using the masculine gender as 'neutral', female presence in public sphere and professional life is camouflaged to the point of erasure and denial (Al Jazeera, 2021).

The NGO sector often uses the EU in their rhetoric, mainly as a reminder to the government about its obligations in the candidate negotiation process. The actors belonging to this group frame the EU as the role model and an example of best practices. They use the European institutions as the objective voice of authority that reveals the government's inertia. In an interview for Forum Info (2019), Snežana Jakovljević, a member of a female NGO Peščanik, argued that the pressure that the EU exercises on the candidate states to reform the laws to match the EU *acquis* is extremely important, and that otherwise, political actors at the local, municipal level, would not take gender equality in consideration in public policy making. Milena Mićović-Trajković from the Center for Democracy called for more effort in the realm of gender equality and used as a reference the European Commission's country report for 2020, which evaluated the state's work in this field as 'limited improvement' (Centar za demokratiju, 2021). She warned that the citizens are waiting for the new gender equality law unacceptably long, in times when the majority of workforce working on the front line in COVID-19 is female and domestic violence is on the rise. There are, however, NGO activists that show signs of enlargement fatigue and a worry that the longer the candidacy process is, the smaller the use of Europe as an argument becomes. One of them is Biljana Maletin, who notes that the EU integration was once viewed as a means to bring about the changes faster, instead of waiting for them to occur by spontaneous societal emancipation (Televizija Forum, 2020). However, due to the duration of the process, she argues that the opposite is true - the change occurs as a result of the internal forces, mobilization of activists for change at grassroots. This frame reappears in the discourse, with the probable intention to stress the importance of the NGO sector and its involvement at the grassroots level. However, it can also be provoked by the opposition to the law, that claims that advancing gender equality is a western idea, forced from outside, rather than a real national concern. Commissioner for the Protection of Equality, Brankica Janković, stated that she supports the law adoption as it is one of the state's responsibilities on the path to European integration. However, she noted that it seems that, as a result of the lengthy

process of the law drafting, the public has unrealistic expectations that the law will alleviate all gender equality related issues. She expresses her worries that the law does not have the power to change the traditional gender roles in the society (Politika, 07/03/2021). The NGO representatives, as well as the Commissioner, repeatedly called for more precision in the law stipulations, in order to avoid the ambiguity of the previous law. They often stressed that the law is the necessary first step but that its implementation and monitoring mechanisms are the ones that can make the change. While, on the one hand, the NGO sector managed to influence the legislators to keep certain contested parts in the law - such as the gender-sensitive language - they did not succeed in their objective to make the ambitious, over-arching law more concrete and easier to implement.

Conclusion

Looking at the discourse in the Serbian media provides us with an insight into the dynamics around the circumstances that led to the passing of a legislation that was being drafted for seven years. The ruling party actors' rhetoric accentuating the state's accomplishments and creating a picture in which the government is committed to a steady progress in the gender equality area, does not necessarily create the sense of urgency to adopt a law in times where the pandemic and its effect on the economy seem to be the only concern. The Progressives' use of the EU is present, but not too dominant, and never to say that Serbia must fulfill the EU's conditions. This choice can have two potential explanations. By doing this the ruling party avoids the right-wing political actors using the EU against them as they pit Serbian tradition against Western values. Additionally, the EU's popularity is diminishing as a result of the country's COVID-diplomacy, and the party deems it unfavorable to remind the public of European integration. On the other hand, the NGO sector uses the EU more often in their discourse, as a role model whose expectations the candidate states need to fulfill, but without the concrete references to the EU's own legislation. While a portion of the activists used the EU in their narrative to call on the government's inaction, others showed signs of doubt on how much the integration process can influence domestic change in the case of a candidacy with no end in sight. Almost all actors that have spoken in support of the law on gender equality mentioned the adverse effect of the pandemic on it, as well as the rise of gender-based violence. By looking at the analysis results, it seems that the domestic circumstances and the sense of urgency they created weighed in on the law adoption to a greater extent than the EU's gender agenda promotion.

A suggestion for further research in this direction would be conducting discourse analysis and around legislative changes in other areas in which the EU utilizes soft policy instruments and noting the differences and similarities in the use of the EU and the dynamics that lead to change. An interesting comparison can be made by exploring a policy area that is not perceived as one that can intervene into the traditional norms and values of a candidate state and seeing how this increases or decreases the use of the EU.

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