Implementing Work-Family Reconciliation Policies in Western Balkans: The Case of Child Care

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Paper prepared for the 5th European Conference on Politics and Gender,
University of Lausanne, Switzerland, June 8-10, 2017

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Introduction

At the end of 2016, the employment rate for men and women in the European Union member states stood at 77.4%, while the rate for women reached an all-time high level of 65.55%. Even though progress has taken place, the gender gap in employment continues to haunt European economies. The situation is even worse for younger women, women with disabilities, and Roma women. Recognizing the gender disparities in employment, in the past two decades, the European Union has promoted work-life balance policies, supporting women’s economic independence. Amongst these policies, access to quality child care facilities has been proposed as a solution for women’s labor integration. Together with flexible working arrangements and the provision of a suitable system of family leave, it forms a core of policy aims for achieving a work-life balance promoted at European level.

In March of 2002, a meeting of the European Council in Barcelona, established the “Barcelona targets,” a set of goals to improve the rate of employment of parents of young children, particularly women, and consequently improve gender equality in the labor market. Specifically, member states were encouraged to “remove disincentives to female labour force participation and strive, taking into account the demand for child care facilities and in line with national patterns of provision, to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age.” As of 2014, only ten member states met the targets of 33% of children below three years old in formal care structures and only nine met the target of 90% of children between three and school age in formal care.

Without any formal enforceable Directives, child care policy, unlike other reconciliation policies such as parental leave, is mostly adopted through favorable incentive structures.

European Social Fund and the European Regional Development Fund have served as leverage to encourage member states to improve quality and access to child care facilities. Child care therefore, is an area of reconciliation of work and family policy promoted through “soft law,” consisting of “policy documents, recommendations and declarations that rely on the power of persuasion, the spreading of good practice and softer instrument” (Kantola 2010: 13). The Open Method of Coordination (OMC), initiated with the European Employment Strategy (EES) in 1997, is a policy instrument for the voluntary coordination of social policy among member states (Zeitlin 2005). It relies on benchmarking and peer review processes to move the member states closer to objectives that they themselves have agreed on (Morgan 2008: 44). The Barcelona Targets were part of this new approach to policy change, lacking hard sanctions, instead enforcing through learning and international shaming (Trubek and Mosher 2003). This particular approach to child care policy makes the role of domestic-level actors critical in order to push reform from below and meet the set goals.

Child care policy, therefore, provides an excellent opportunity to observe change in recent member-states and candidate countries. In this paper, we focus particularly in Western Balkans, a diverse region with countries recovering from communism and responding to the strong incentive structure for EU membership. More particularly we focus on the case of Croatia, the most recent EU member state, as well as the candidate states of Albania, Montenegro, and the Former Yugoslav Republic of Macedonia over 15 years (2000-2015). Much work has been done examining the role of democratization and the European Union in transforming gender equality policy in the former communist countries. Policy adoption and implementation studies have examined the various factors affecting policy success in the region. However, faced with the brutal legacy of ethnic conflict as well as slow economic growth and high rates of corruption,
the Western Balkan region has presented a different set of challenges. This paper seeks to analyze the progress in social policies in the region, taking in consideration internal and external forces affecting change. In this project, we are particularly interested in highlighting the regional characteristics, especially the role of local actors in agenda setting and effect on policy implementation. Furthermore, we focus on how the EU “soft law” framework interacts with domestic settings in affecting policy change in Western Balkans. The countries at the candidate stage have approached EU accession with different speeds and therefore, have not made systematic legal changes. Thus, informal norms and goals that are encouraged by the EU, such as the availability of quality affordable child care facilities, may already be seeping in. Soft measures in general have received less attention, especially in former communist countries. Therefore, this analysis contributes to further our understanding of policy change beyond member states and beyond formal hard laws.

**Literature Review**

Literature on childcare policy in this paper spans over three areas. First, since we are examining the effect of the European Union on childcare policy at the domestic level, we explore the literature on reconciliation policies at the EU level. Second, we delve deeper into childcare more particularly, as one area of reconciliation policy, implemented through soft measures and OMC. We discuss the repercussions of these methods on policy changes. Lastly, we discuss the regional characteristics of Western Balkans and the specific challenges and legacies the region presents for implementing gender equality policy change.
Reconciliation of work and family life at the EU level

Equal employment policy has been the EU mainstream policy area when it comes to gender equality policy mainly because of its starkly economic nature and focus. However, as the EU has enlarged not only geographically but also in its scope of influence, it has extended its reach into areas that deal more with domestic social aspects such as reconciliation policies. We use Mazur’s (2002) operational definition of reconciliation policy here to refer to “any policy that seeks to promote women’s economic independence within the purview of the predominant division of labour between work and family” (104).

Issues dealing with reconciliation policy did not rise for public debate at the EU level until the early 1990s. Before then, some documents did bring up the topic but nothing binding in nature. In 1974, the Council of European Communities agreed to a Social Action Program that called for efforts “to ensure that the family responsibilities of all concerned may be reconciled with their job aspirations.”\(^2\) In 1982 the European Commission drafted a Communication in which it discussed the need for measures to assist parents reconcile paid work and family life and to encourage greater sharing of family responsibilities (Hantrais 2000: 15). The same point was raised by the 1989 Community Charter of the Fundamental Social Rights of Workers. Furthermore, a Council Resolution in 1991 also urged member states to implement measures that reconcile family and occupational responsibilities for both men and women.\(^3\) However, all of the proposals were met with resistance, especially from Great Britain which resisted the inference of the EU in the private lives of the family.

The field of reconciliation policy in the EU is marked by case law developed through the European Court of Justice (ECJ) utilizing the binding directives in the area of parental leave and


\(^3\) OJEC C 142, May 31, 1991, p. 2.
equal treatment for pregnant workers. The first binding Directive addressing the principle of reconciliation between work and family life was adopted in 1992, the Pregnant Workers Directive (92/85/EEC) which provided measures to protect pregnant workers and workers who have recently given birth or are breastfeeding against work risks, discriminatory dismissal, and banning outright their exposure to certain chemical agents. The Pregnant Workers Directive defines pregnancy as a ‘condition’ which should not be used as a basis for discrimination (Guerrina 2005: 69).

The Pregnant Workers Directive has been criticized for reaffirming male norms and maintaining the male ‘breadwinner” model (Hoskyns 1996: 229; McGlynn 2001: 256). Critics have argued that instead of challenging the gender hierarchy, the Directive encourages the existing gender division of labour, especially when it comes to care work. For example, the Directive explicates the role of the mother upon the birth of a child but does not address men as fathers, consequently reproducing traditional approaches to pregnancy and parenting (McGlynn 2001: 257). However, some scholars have claimed that reconciliation policies may function within the established gender division and still contribute to the promotion of women’s economic independence within the purview of the predominant division of labour between work and family (Mazur 2002: 104). Thus, despite weaknesses, the Pregnant Workers Directive is seen as the first major step towards the establishment of wide-reaching legislation for the reconciliation between work and family life in Europe (Guerrina 2005: 71). The Directive does provide a minimum standard of protection for working mothers in the EU and improves the state of women in countries where domestic maternity provisions are low (Hoskyns 1996: 157). Moreover, the Pregnant Worker Directive brought attention to the need for developing policies that would
enable women to reconcile professional and family life and consequently improve women’s ability to participate in the labour market (Bego 2015).

The next legislative measure at the EU level was the ratification of Parental Leave Directive in 1996 (96/34/EC). The Parental Leave Directive makes the framework agreement on parental leave concluded between the general cross-industry organizations compulsory. It grants men and women workers an individual right to parental leave on the ground of birth or adoption of a child and protects them from dismissal after returning from leave. The Parental Leave Directive has three main aims. First, it requires the establishment of a framework for the reconciliation of professional and domestic work. Second, it redefines gender division of labour by encouraging more participation of males in childcare. Third, it establishes minimum protection for working parents (Falkner 1998: 119).

These two main directives have been further refined over the years through court cases and other reforms the EU has pushed forward. The ECJ has given practical meaning to some of the terms that the EU Directives define. The precedence in these cases has made the possibility for implementation of the EU laws transposed at the domestic level much more likely. However, even though the issue of child care as further discussed below, entered the public discourse at about the same time, it lacked the enforcement mechanism and therefore, it developed differently than other areas of reconciliation policy.

Child Care: The “soft measures” in EU Reconciliation Policies

Childcare is an important issue with regards to gender equality. The European Union has acknowledged that since women tend to take on a larger share of unpaid care work in families, having children often tends to have a negative impact on the economic situation of women, due
to interruption of work or reduced working time (part-time work). Having access to affordable, good-quality childcare services could reduce this risk and support women and men in reconciling work and family life (European Commission 2013).

Just as with other reconciliation policies, the development of child care policy began in the 1980s. The Equal Opportunities Unit created the European Community Network on Childcare (ECNC), active from 1986 to 1996. ECNC collected information on childcare policy in the member states and offered the first comparable data on the issue (Ross 1998). The 1992 Council of Ministers Recommendations on childcare were a result of the ECNC work. The recommendations called upon member states to “enable women and men to reconcile their occupational, family and upbringing responsibilities arising from the care of children,” with particular emphasis on childcare services, parental leave, the organization of work, and improving men’s participation in childcare responsibilities (Bleijenbergh 2004).

The European Employment Strategy (EES) emerging out of an intergovernmental conference in Amsterdam in 1997, identified equality as one of the four pillars of the employment guidelines adopted by the member states. Within the concept of equality, specific recommendations were made to improve women’s access to the labor market, amongst others, childcare provisions (Morgan 2008). The EES promotes public provision of childcare and supports other measures to reconcile work and family life (Kantola 2010). At the March 2000 European Council meeting in Lisbon, the member states agreed to increase average EU female participation rate from 51 percent to 60 percent, by 2010. In 2002, the Barcelona targets were adopted by the European Council with the aim of increasing the availability of formal childcare arrangements. The Barcelona targets set two objectives, namely to provide childcare places to at

4 92/241/EEC: Council recommendation of 31 March 1992 on child care
least 33% of children under three, and to 90% of children aged between three and the mandatory school age. In 2006, European Council reaffirmed its commitment to the Barcelona Targets by adopting the first European Pact for Gender Equality\(^5\).

In addition, in 2006, in order to promote gender equality at the local and regional level, the Council of European Municipalities and Regions (CEMR) launched the European Charter for Equality of Women and Men in Local Life\(^6\) in 2006. As such, the Charter (Article 16) encourages signatories to ensure that childcare provision is considered a priority, and that issues such as affordability, availability and quality of care are adequately taken into account. The Charter calls on signatories to take action to ensure that affordable, high-quality services are provided. Moreover, signatories are asked to provide support and opportunities to people assuming caring responsibilities, and to combat gender stereotypes in relation to care. The Europe 2020 Strategy, launched in 2010, also points out the importance of access to childcare facilities and provision of care for other dependents in increasing labour market participation and fostering inclusive growth.

Radulova (2009) examines the different frameworks that the EU has employed in constructing childcare policy described above. She finds that in the 1980s and up to 1998, the EU promoted childcare as a solution linked to the problem of gender inequality. With the introduction of Equal Employment Strategy and OMC, the frame shifted more towards economic competitiveness and welfare state reform, and both frames dominated until 2002. After 2002, she concludes, the economic competitiveness frame has been the dominant one used by the EU to promote childcare, moving away from the initial feminist context. We utilize these frames as we

\(^5\) 7775/1/06 REV 1
\(^6\) http://www.ccre.org/docs/charte_egalite_en.pdf
observe the effect of the EU “soft measures” in Western Balkan member states and candidate countries.

Since the development of EES, child care policy changes have taken place through the OMC. There is much scholarly debate on whether OMC actually functions to change domestic policy. The informal way of setting and meeting goals has certainly enabled the EU to extend its area of influence to social policy without much pushback (Morgan 2008; Plantenga 2004). However, exactly this benefit can also serve as a barrier. Lacking an enforcement mechanism mixed with the vague nature of goal-setting, can potentially undermine the effectiveness of OMC and “soft law” more generally. At best, OMC leads to policy learning between member states. At worse, member states still have to provide comparable data, which can be helpful in policy development and progress (Kantola 2010). Thus, this study contributes to our understanding of whether “soft measures” can transform candidate states through self-driven informal channels and learning.

The literature on the effectiveness of OMC also discusses the conditions necessary to make it effective. Active national debate on recommendations agreed between member states and the EU is dependent on the involvement of all relevant national actors. Otherwise, the process is merely an exercise for a minority of officials (Scharpf 2002: 654). The involvement of social partners, non-governmental and grassroots organisations and the academic community is essential to disseminate knowledge and to modify indicators as appropriate (Atkinson 2002: 630). Thus, we look for the actors setting the goals and agenda in each case to understand whether the process is meaningful and inclusive rather than a top-down box check for candidate states of Western Balkans.
Reconciliation and Child Care Policy in Western Balkans

The communist regime in Eastern European countries tried to address the issue of reconciliation of work and home because it acknowledged the double and many times triple burdens of women in the society (Bego 2015). Therefore, during communism free public daycares were created, women were provided with special provisions in the workplace if pregnant or breastfeeding, generous pregnancy leaves were put into place, even though they were only for women and not framed in terms of family leaves. Moreover, reconciliation policies were implemented differently across the communist bloc. For example, “in 1989, kindergarten enrollment rates ranged from 86% in Hungary, to 49% in Poland and 23% in Yugoslavia (UNICEF 1999:21-2). Similarly, nursery enrollment rates (for children up to 2 years of age) also differed. In 1989, the highest rate of enrollment in nurseries was 42%, in Latvia, and the lowest in Poland where the corresponding figure was 9%. Saxonberg and Sirovatka (2006), Heinen and Wator (2006), Saxonberg and Szelewa (2007), Szelewa and Polakowski (2008), as well as Haskova and Saxonberg (2015), all argue that the institutional development during the communist era provide explanations for current child care policies in the post-communist region. They capture the institutional differences with regards to child care in the former communist states and trace those effects to today’s divergent development of child care policy. Therefore, we expected differences on how child care policy is developing today, especially comparing the former Yugoslavian Republics with Albania.

While the reconciliation measures assisted Western Balkan women to participate in the labor market, they were still regarded as the caretakers at home. They still were the primary caretakers of children and the elderly. The work of women in the private domain still went unrecognized since the communist regime held on to its theoretical principles of equality. Under
communism, gender-neutral stipulations in judicial sectors (e.g., family laws) were completely absent. Fathers, for example, were not encouraged to share responsibilities for raising children and there was no official notion of paternity leave (Funk and Mueller 1993). The lack of gender-neutral legislation as well as the lack of public gender approach contributed to the strong legacy of traditionalism in attitudes toward the family and gender roles. Furthermore, some central gender equality and women’s rights issues, such as sexual harassment and domestic violence, were considered “private matters” exempted from state interventions and were completely absent from public debates (Spehar 2012).

Since the mid-1990s, the Western Balkans countries have made substantial progress in adopting new legislation and policies aimed at ensuring greater gender equality in different spheres of social life owing to the domestic women’s mobilization and international pressure (Bego 2015; Spehar 2007, 2012). Particular attention has been paid to eliminating discriminatory practices and passing laws that address specific problems such as domestic violence (Council of Europe 2005, Spehar 2012). In the area of employment, new legal frameworks have been adopted for prohibition of gender discrimination. Most countries already had provisions in their constitutions and labour codes for equal treatment in the workplace but there were, for example, no specific regulations for the reversal of the burden of proof in cases of sex discrimination or sexual harassment at work. In the transition period countries passed supplementary legislation to clarify and strengthen those deficiencies. It is also important to point out that countries added stipulations in their family laws that encourage sharing the responsibilities of raising children. Despite some differences, recent national reforms show an increasing emphasis on fathers’ rights, which is a new phenomenon in all countries (Spehar 2012). As part of the EU membership process and international obligations, the governments in the region have also
developed and set up national machineries for the advancement of gender equality. They have created special departments, directorates, agencies and committees at national and local level to deal with this matter (Bego 2015).

Despite the progress in gender policy adoption, women in the region continue to face restrictions in the labor market, earn lower wages, suffer notably often from domestic violence, and have lower levels of political representation (Hassenstab and Ramet 2015; Petricevic 2011). Gender inequality in economic empowerment, in particular, has remained sizable. Women’s labor force participation rate in Macedonia in 2014, for example, was 43.9%, and in Albania even lower at 40.3 percent (World Bank 2015).

Once the regime collapsed all of its reconciliation measures, even though not sufficient and transformational, dismantled and many times were seen from the newly elected democratic governments as the “crutches” the communist regime had provided for women. Substantial drop in the number of child care centers and pre-elementary nursery schools took place with little to no protest after communism collapsed (Heinen 2002). Women started to feel the burdens of their responsibilities more than ever especially during the time that the need for women in the post-communist world to work was even higher than before.

In addition to political changes, the former communist countries also experienced major economic struggles and restructuring. The planned communist economy would be swiftly replaced with a market economy and the role of women would be changed in the process. Unemployment and the disappearance of the welfare states would have an immediate effect on women’s position in the society. Rising inequality and insecurity, especially in employment, placed women in post-communist countries in very difficult positions. Many times, women
NGO-s stepped in to fill the gaps left by the reduction in state welfare provisions. It is undeniable that women sustained a disproportionate share of the burden of the economic transition.

Western Balkan states, particularly, experienced a more difficult road of democratization than other former communist state due to ethnic conflict, the rise of nationalism, and harsh economic conditions. Serbia for example endured the destructive effect of Slobodan Milosevic’s public, national, and state politics, causing the destruction and disintegration of society, with detrimental effects for gender equality (Ramet 1999). Similarly, in Croatia, under the nationalist regime of Franjo Tudjman, the woman became the symbol of motherhood, valued for reproduction and purity (Pavlovic 1999). In Albania, economic reform took precedence, and gender equality was not articulated as necessary for economic development. As one of the poorest countries in the region, reconciliation policies did not receive any attention.

In terms of institutional capacity, the countries of Western Balkans can be said to provide a highly unfavorable political environment for gender equality policy making: they continue to suffer from severe political, economic and security problems, including xenophobia and pathological forms of nationalism, underdeveloped democratic political culture, and weak rule of law (Efendic, Silajdzic and Atanasovska 2014; Pridham 2008). However, in the second half of the 1990s, Western governments and international organizations such as UN and EU have made Balkan countries a laboratory to test the idea that engaging women supports war-to-democracy transitions (Irvine 2013). The democracy transitions in the Balkans defined intervention and assistance efforts with an increased focus on women's empowerment and gender policy development (Spehar 2016). Thus, the transition to democracy created an opportunity for women in the region to start establishing new groups and also mobilizing other actors with similar policy
preferences to pressure the political establishment to take action on a range of issues relevant to gender equality. In this paper, we focus on the progress achieved on childcare policy.

**Methodology**

In this project we are interested in examining how Western Balkan states have responded to childcare policy as a result of the EU membership incentive structure. We examine the new EU member state, Croatia, to develop a comprehensive understanding of potential changes during the process of accession. We also examine Albania, Macedonia and Serbia, all three candidate states but having gained status at different points in time. Macedonia was the first to receive the green light for membership in 2004 but was halted due to Greece’s veto on NATO membership. Albania and Serbia gained candidate status in 2014 and provide a shorter time span to observe possible changes coming from EU ‘soft measures.’

To assess change, we first look for evidence demonstrating that the policy has entered the public policy agenda, measured by key documents produced by governmental agencies. Second, we look for evidence of OMC related changes, such as setting specific goals and regularly reporting on them. Third, we examine whether the Barcelona targets are mentioned in key social policy or gender equality policy documents. Fourth, we identify key actors promoting child care policy in each country by identifying the authors of the main reports written on the topic.

We also qualify the frames under which child care is discussed into three categories: 1. Gender equality 2. Economic competitiveness 3. Child well-being 4. Traditional family roles. The gender equality frame refers to child care discussed as an issue of addressing gender inequality in the society at large and specifically discusses the historically predominant role of women in caring for children. The second frame, the economic competitiveness, discusses the
role of childcare in removing women’s barriers to participating in the labor market and closing the gender gap. Child well-being frame focuses on child care solely as a benefit for the development of young children and is not concerned with the parents or the labor market. Lastly, the traditional family roles framework, addresses childcare as an issue that reinstates the gender roles in the family, such as affirming women’s part-time work while children are still young or allowing women only to stay at home with the children for lengthy for periods of time, avoiding the need for child care.

In addition to the procedural aspect, we are also interested on whether any of the formal actions above have played a role in increasing the accessibility, affordability, and quality of child care in each case. Here, we also examine whether there is a correlation between the increase in child care and the closing of the gender gap in employment, one of the key assumptions of the Barcelona Targets. The expenditures on social policy are also examined to assess whether a commitment by the state, increases the odds of reducing the gender employment gap in Western Balkan countries.

To understand the procedural and empirical changes on child care policy in the four countries under study we utilize all EU, UNICEF, World Bank and national reports available. In addition, we gather data from Eurostat, World Bank, and OECD.

We utilize the qualitative comparative method to systematically compare and contrast the changes in child care policy across the four cases. We compare the procedural differences as well as the empirical changes in numbers of facilities, cost of care, quality of care, as well as the number of children attending. We also consider informal care to fully understand the situation in each country. Governmental expenditures on social policy are also reported, when available, and compared across cases.
There are several reasons why the Western Balkan countries are suitable for a comparative analysis like this one. First, the Western Balkans countries are similar in many respects, both in terms of their communist past and the international gender norms promoted by the EU, UN, and specific international donors. In the last 25 years there have been reconsiderations, modifications, and discursive changes of communist gender equality policy which offers a unique opportunity to study key issues in these policy areas. However, differences also exist within the Balkan region as a whole, if one distinguishes for instance, between countries ethnically diverse or homogeneous (like Macedonia versus Albania), Catholic or Orthodox or Muslim (for instance, Croatia versus Serbia versus Albanians throughout the region), with a harsher or milder communist past (that is, Albania versus the ex-Yugoslav republics), with or without war legacies (such as Croatia/Serbia/Bosnia-Herzegovina versus Albania/Montenegro/the former Yugoslav Republic of Macedonia), with ‘democracies in consolidation’ and ‘defective democracies’ (such as Croatia/Serbia versus Bosnia-Kosovo), and with different EU integration paths. Such differences could translate in each case into catalysts or tall obstacles for the gender policy implementation processes in general, and regarding child care in particular.

**Child Care Across Four Western Balkan States**

**Albania:**

The evidence that child care has entered the public policy agenda in Albania is scarce, with the exception of a few documents where it has been discussed in the child development framework. Childcare as a reconciliation policy area is still not specifically addressed and
elaborated in the European Commission enlargement reports\textsuperscript{7}. The government reports covering child care speak of educational goals but do not discuss gender equality or economic competitiveness. Albania provides an interesting case to examine because during communism the government heavily pushed a pro-natalist agenda and supported it with generous maternity leaves and accessible free child care centers (Gjonca et al. 2008). However, as soon the communist regime collapsed, the day care centers disappeared without much discussion. The topic of child care in aiding to reconcile public and private life disappeared from the public agenda and it has still not made a comeback, even though Albania became a EU candidate state in 2014. Thus, procedurally, we find no evidence of OMC actions and no evidence of learning from the EU soft approaches.

Empirically, the situation is better for pre-school education than for child care. The provision of childcare for children 0-3 years of age is under the supervision of local governments, while the education of children age 3 to 6 (the mandatory school age) is a responsibility of the Ministry of Education and Sports\textsuperscript{8}. As a result, the funding and regulations for pre-school facilities is a lot better managed. For example, the Ministry of Education has in its annual budget a line for local trainings that all preschool teachers have to complete once a year. There are incentives set in place, such as extra training credits, that can lead to a salary increase. Progress is also noted by the adoption of the pre-university education strategy (2014-2020)\textsuperscript{9}, aiming by 2018 to achieve 95% participation rate in preschool programs for children 3-5 years of age, and 100% participation rate for children 5-6 years of age.

\textsuperscript{8} Law No. 69/2012, Article 21.
Public pre-schools are available to all for a small fee (UNICEF 2013). There are half-day and full-time pre-schools. There has also been an increase in the availability of private facilities. About 6.4% of Albanian children age 3-6 attend private preschools, approximately 5,340 children. According to the latest Ministry of Education and Sports report, 77,154 children attended preschool in the 2014-2015 time span, out of which 37,713 children were in rural areas while 39,441 attended facilities in urban areas. The number of children served over time has remained steady as shown in the chart below.

Figure 1.1 Number of Children Enrolled in Public Preschool (3-6 years of age) in Albania (2004-2015)

According to Multiple Indicator Cluster Survey (MICS) 2005, about 40 percent of the 36-59 month old children attend an early childhood education program, well below the 90% goal of the Barcelona Targets. There is an attendance gap when rural and urban areas are compared.


Attendance in urban areas was reported at 48.2% compared to 34.7 percent in rural areas. Household wealth also matters for child care attendance, where 59.2 percent of children from wealthy families attend pre-school and in the poorest households only 25.7 percent attend.

UNICEF (2008) data shows that preschool attendance also depends on the mother’s education. Out of all children age 3-5 who attend a formal childcare facility, 49.6 percent of them have a mother with secondary or higher education degree compared to 34.7 percent of children whose mothers have only completed high school.

Childcare facilities, or nurseries as they are commonly referred to, serve children from 0 to 3 years of age. Public nurseries are available for a small fee that ranges from 2,500-3,500 leke. These facilities can be used as full time, 8 hours, or part time, half day (UNICEF 2013). As mentioned above, local governments are responsible for this type of care. According to a UNICEF report on Nurseries (2011), local governments do not have the sufficient budget, technical, or administrative capacity to manage these facilities, and often have poorly trained staff. Nurseries only exist in the main cities and towns, leaving the rural population with no access to childcare. There are no nurseries with special services for children with disabilities or for Roma children.

There is no official data source of the number of children 0-3 years of age who attend childcare facilities in Albania. The only exception is the municipality of Tirana, which reports the availability of 26 public daycares. According to a UNICEF (2013) report, in smaller cities, there are 2-4 nurseries providing services for approximately 100 children, highlighting a shortage of formal daycare facilities.

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11 Save the Children- Child Rights Situation Analysis- Albania 2012
12 For more information see here: http://femijetetiranes.al/
The absence of attention on childcare policy becomes evident when examining Albania’s falling female labor participation rate over time. The 2015 World Economic Forum Gender Gap Index report ranked Albania 70th out of 145 countries. Miluka and Grown (2010) find that having children in Albania has a negative impact on women’s wages in the labor market and lack of child care contributes to putting women at a disadvantage. Even though a robust childcare system was in place during communism, Albania was unable to carry forward the institutional legacy. This immediate dissipation of childcare policy from the public agenda can be attributed to the superficial changes that were made during communist years to accommodate two-worker families rather than meaningful transformation of gender roles in the family. The communist past could certainly inform some of the new economically-driven policies by the EU, which might not lead to long-term sustainable societal changes.

Croatia:

Croatia demonstrates visible effects of OMC. First, there is comparable childcare data, currently missing from the other Western Balkan countries examined here. Second, various EU and national reports explicitly mention the learning and exchange of good practices on social policy and more particularly on childcare policy. However, there is no evidence that the topic has entered the domestic policy agenda. Various authors report that the issue of childcare has not received much governmental attention or discussion in the past 20 years. Zrinščak (2008) notes, the system of public services was paradoxically not a political issue or an issue within public debates. The question of public services for children was much less discussed than issues related to parental leaves and benefits, which left this aspect of family policy neglected by the political establishment.

Therefore, while OMC has certainly seeped into Croatia’s social policy discourse and first steps have been taken, it has yet to materialize as an issue that galvanizes interested actors. The only organization rallying around childcare in Croatia is "Roda" (Roditelji u akciji /Parents in Action) which initiates informational campaigns, training activities, and advocates for the rights of children, parents and families. For example, the organization led a campaign against the increase of kindergarten fees paid by the parents in Zagreb. However, no feminist groups have taken on the issue in the framework of reconciliation policy.

Croatia, as other former Yugoslav republics, inherited an insufficient childcare system from the communist regime which did not have comprehensive coverage for children in public preschool care, maintaining traditional family support mechanisms. Public programs were not efficient in meeting the needs of working mothers (Baturina et al. 2011). In 1975, only 15 percent of children participated in any type of child care and in late 1989, the childcare system in former Yugoslavia only covered 30.3% of children in kindergartens and 7.8% in nurseries, amongst the lowest levels of coverage in the socialist world (Baran et al. 2011; Puljiz and Zrinščak 2002; Zrinščak 2007). Similarly to Albania, family policy measures in Croatia were directed solely towards working mothers, failing to address the position of women in the private sphere (Dobrotić 2012).

After the collapse of communism in 1990, family policy in Croatia was still influenced by the communist legacy. The traditional role of the family in providing for the wellbeing of children seems to have relieved the Croatian state from developing efficient support systems for children and families (UNDP 2006). The return to traditionalism and familialism dominated the 1990s in Croatia, however, due to pronounced socio-economic difficulties most of the proposed reforms were never implemented (Dobrotic 2013). In 2003, the Croatian government developed
a document entitled "National Population Policy", which was adopted in 2006. According to Zrinščak (2008), it presented a rather ambitious set of measures, primarily emphasizing the natalist goals, and ignoring other aspects of family policy, such as risk of poverty among particular family types, specific needs of single parent families, or gender equality in family life.

Preschool child care and education is regulated by the Preschool Education Act and its amendments. It is a sub-system within the education system, and includes children from six months of age until the school age. Childcare is part of the educational system, and the responsibility for its financing and the development of new capacities is set at the local level under the supervision of the Ministry of Science, Education and Sports. Such radical decentralization has led to fragmentation and differences in accessibility and quality of preschool care (Dobrotic 2013) Local governments decide on fee levels, often dependent on political will, which results in great variations in price from one region to another. As a result, there are pronounced and consistent regional differences in childcare accessibility (Dobrotić et al. 2010). For example, around 14 to 19 percent of children are enrolled in some type of childcare in some counties of eastern Croatia while 66 percent of children are enrolled in the county of Istria and over 68 percent in the county of Zagreb (Dobrotić et al. 2010). These differences are matched by the disparities in female employment rates and consequently affecting the counties’ GDP-s (Ibid.). To address these discrepancies, in January of 2014, the measure "Enabling uniform development of preschool education" was implemented, including 312 kindergartens/other legal persons implementing preschool programmes, and 13,212 children. Following the entry into force of Article 23.a of the Preschool Education Act in August of 2014, a new decision was

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In Croatia, preschool education and care is organized in nurseries (for children age six months to 3 years) and kindergartens (for children from 3 to the school age, which is usually six or seven), in full-time, part-time or occasional programmes (e.g. 1 to 3 hours a day). Under the age of 1 there is a very small number of children in public child care, as this is the period of paid maternity leave. The majority of children in preschool education programmes are enrolled in regular full time programmes, i.e. a little more than 8 hours a day, which coincides with the working hours of the parents. Working hours of public kindergartens are usually from 6 am to 5 pm on weekdays, although some organize late working hours or are open on Saturdays. Parents co-finance the placement of their children in nurseries and kindergartens, and local municipalities determine the level of parental contributions (Matković 2007).

Empirical data, as shown in Figure 2.1, suggests that nursery programmes are particularly undeveloped in Croatia. An increase in the percentage of children in preschool care over the years of post-transition is explained by the decrease of the total size of the cohort (children under the age of six), and to a much lesser degree by the increase in capacities of the institutions (Zrinščak 2008). In 2015, only 11\% of children under the age of three received any formal child care compared to the average 28\% in the EU and falling below the Barcelona Target of 33\%. From age three up to the mandatory school age, only 47\% of children received any formal childcare, compared to average 82\% in the EU, and once again not meeting the Barcelona Target of 90\% . When looking at part time care, 30 hours or less, an even smaller percentage of children participates. More specifically, in 2015, 2.3 percent of children under 3 and 6.5 percent of
children 3 and up attended childcare part time. According to Sustainable Governance Indicators\textsuperscript{16} child-care coverage is especially poor in areas with low employment, which reflects the inability of local governments to pay for services.

Figure 1.2 Percentage of Children in Child Care in Croatia (2010-2015)

![Percentage of Children in Child Care in Croatia (2010-2015)](image)

Source: Eurostat Report

Over the post-communist period, women’s employment in Croatia was jeopardized by insufficiently developed family and childcare services. Both, men and women, report conflicts arising from balancing work and family life (Dobrotić and Laklija 2009; Pećnik and Tokić 2011; Dobrotić and Pećnik 2013), where the workplace characteristics (quality and flexibility of the workplace, long working hours and work intensity) and care obligations are cited as the main factors (Dobrotić and Laklija 2009). Half of the parents do not consider the childcare programmes affordable, which is one of the main barriers for enrolling their children in these

\textsuperscript{16}http://www.sgi-network.org/2016/Croatia/Social_Policies
facilities, particularly in rural areas where the quality may also be low (Dobrotić 2013b; Hazl et al. 2011; UNDP 2006:130).

The problem of accessibility to public preschool care programmes is particularly emphasized in urban areas, where even children of parents who are both employed cannot get enrolled due to the lack of capacities (Puljiz and Zrinščak 2002). In the late 1990s, every year there were five to seven thousand children who could not be enrolled in preschool programmes due to lack of capacities (Matković 2007). According to a UNICEF (2002) report, in June of 2001, 1,100 children remained on waiting lists for pre-school education in the city of Zagreb alone. Informal support, most notably provided by the grandparents is rather widespread, as an answer to the lack of capacities in kindergartens and nurseries. Despite of the opening of possibilities to establish private kindergartens in the 1990s, the growing needs of Croatian families for the placement of children in kindergartens cannot be satisfied in this manner. It is clear that an increase in the number of institutions for children, and an increase in the proportion of children included in organized pre-school care, is a priority issue in the development of family policy in Croatia.

Parents also report problems with the quality of childcare, such as too big groups, absence of necessary items, as well as problems with working times of childcare facilities (Dobrotić 2013b). To regulate the grey market and as a response to a shortage of places in childcare facilities, the government adopted new legislation, the Act on Nannies\(^\text{17}\), on 15 March 2013, coming into force on April 5, 2013. The Act regulates the conditions and basic standards under which nanny services can be provided, addressing quality concerns of childcare.

The slow changes in childcare policy are mirrored in Croatia’s female labor participation rate, as already discussed above. Since women are expected to be the ones in charge of care

\(^{17}\) OG No. 37/13
work, lacking accessible and affordable public childcare, hampers women’s efforts to join the labor market. As seen in Figure 1.3 below, female participation rate in Croatia, even though the highest of the four Western Balkan countries examined here, has held steady, at 45 percent in 2000 and 46 percent in 2015. The gender gap in employment, once again the lowest for the region at 12 percent in 2015, seems as if it has decreased however, the reason is the decline in male employment participation rate rather than an increase in female’s rates. It can be said that Croatia has not made much empirical progress on child care, even though it already became an EU member state. The Yugoslav legacy of scarcity of child care services as well as the gendered approach to welfare state, have affected the possibilities of Croatia becoming a leader in the region. The systemic legacy is visible in the way child care is left to local governments lacking the necessary funds to improve this very important area for gender equality. Thus, while OMC has begun to affect Croatia, there are still domestic barriers needed to overcome before we might see meaningful changes in child care policy and consequently in improving the status of women in the labor market and beyond.

**Macedonia:**

In Macedonia, the Ministry of Labour and Social Policy is responsible for overall coordination of pre-school education. The establishment, financing, investments and maintenance of pre-school facilities are responsibility of the municipality. According to different comparative and national reports, the current network of kindergartens and nurseries is not sufficient to meet the demands for childcare facilities (e.g. CRPM 2010; Plantenga and Remery 2013; World Bank 2015). The problem of the lack of childcare facilities is inherited from the socialist period. After country’s independence in 1991 the investments in the sector were rather low (UNICEF 2013). According to the available research, the system of early childhood
education and care in the country is faced with many challenges (Plantenga and Remery 2013, p.26). The first challenge has to do with accessibility. The average gross enrollment rate in pre-primary education in Macedonia was 28% in 2012 which is much lower than the 74% average rate in Central and Eastern Europe (World Bank 2015, p.7). Even among its Western Balkans neighbors, Macedonia’s rate is low (World Bank 2015, p.7). The gross pre-primary enrollment rate for children between 6–months and 5,5 years is only 11%. In addition to availability, quality and affordability are very important aspects of childcare services. The child to staff ratio, maximum group size and qualification of staff are not regulated in Macedonia (Plantenga and Remery 2013, p.28) For working parents a relevant characteristic of out-of-school care is the flexibility of the services. Flexibility might refer to opening hours during the day, week and year and during non-standard hours and to flexible use of the facility over the week or during the year. There is very little reliable information on this topic for Macedonian case.

Costs, distance, the lack of appropriate accessible facilities, discriminatory attitudes and preferential practices that constrain enrolment opportunities are other underlying causes of unequal access to child care. Children with disabilities, Roma and Albanian children face discrimination from other children and their parents when they enroll. While the average enrolment rate started increasing since 2010, the most marginalized children were not affected by the increase. Many children from rural areas, ethnic Albanians, Roma and children with disabilities were excluded, with no opportunity to access pre-primary child care services. According to 2011 Multiple Indicator Cluster Survey (MICS) the enrolment rate among children aged 36-59 months increased at national level from 11 per cent in 2006 to 22 per cent in 2011, while the increase for marginalized groups of children was very limited: among ethnic Albanians from 1.5 to 3 per cent, ethnic Roma from 3.5 to 4 per cent, and rural from 1.5 to 6 percent
(UNICEF 2013). To address these equity gaps and to increase childcare enrolment for the most excluded children, in 2010, UNICEF supported study “Fair Play” highlighting inequities and system bottlenecks, such as urban concentration of preschools and state funding subsiding children from better off families. It also found that the country had the highest cost per child in kindergarten in the region and major system inefficiencies. In 2013, with UNICEF support, a new Early Child Education (ECD) law and sub-laws were adopted which addressed key bottlenecks related to supply (allowed diversified provision) and quality. The new Law on Early Childhood Development (ECD) adopted in February 2013 introduced the possibility of diversified ECD services (public, private, and civil society ECD centres, including kindergartens). UNICEF also supports communication for development campaigns to raise awareness about the importance of ECD, and fundraising with the private sector for opening of new ECD centres.

For working parents a relevant characteristic of out-of-school care is the flexibility of the services. Flexibility might refer to opening hours during the day, week and year and during non-standard hours and to flexible use of the facility over the week or during the year. There is very little reliable information on this topic for Macedonian case. Preschool education is the responsibility of municipalities. Municipalities with the highest level of development have the highest enrolment rates, while the least developed, mostly rural Municipalities, have much lower rates. High number of rural municipalities does not provide any childcare facilities (CRPM 2017).

The development of the childcare facilities in Macedonia is primarily a donor driven initiative, with the UNICEF as a main donor and policy advisor. According to UNICEF evaluation the state spending is not child-oriented and funding is not allocated on the basis of
specific outcomes and as a result of clearly defined standards. Public expenditure systems remain weak and insufficiently transparent. With only one per cent of Gross Domestic Product (GDP), the country has one of the lowest allocations for social assistance programmes in the region, and is lagging behind the average for Eastern Europe of 2.2 per cent of GDP. In the second half of 2014, UNICEF invited the Ministry of Finance to develop and jointly conduct a Public Expenditure Review focused on child related spending as a first step aimed at addressing some of these bottlenecks, but specific Terms of References are yet to be agreed upon. The collaboration with the Ministry of Labour and Social Policy was strengthened in 2014 to further improve the social protection system (UNICEF 2014).

Serbia:

Preschool educational child services in Serbia includes nurseries, kindergartens, preschool preparatory groups at kindergartens or primary schools. The services are provided by local municipalities. The need for the further development of the childcare facilities is emphasized in several strategic documents. The National Strategy for Improved Status of Women and Gender Equality Promotion (2009-2015) and of the following Action Plan foresees measures that would disburden employed women and help them to harmonise their private and work duties in a more adequate way, in order to increase their participation in the public and professional life.18 The goal of reconciling work and family life among women was to be achieved, among other things by: providing day care centers for under-7-year-olds and extended day care for school age children; establishing incentives for companies to offer these services to their employees; improving elderly care and conducting public campaigns that promote the take-up among fathers of parental leave and the greater involvement of men in sharing household

responsibilities. Similar objectives are emphasized in the According to the 2016–20 National Strategy for Gender Equality.19 The National Millennium Development Goals (NMDG, 2006) specify that by 2015, 70% of children from 3 to 5.5 years old should be in preschool education, with a special focus on children from marginalized groups.20 The NMDG (2006) also include a plan to double the number of preschool institutions, with uniform geographical distribution. Further, the draft National Strategy of Education Development in Serbia covering the period until 2020, which includes preschool education, envisages that by 2020, 75% of children from 3 to 5.5 years old should be in preschool facilities.21

Several studies have assessed the availability and use of childcare services based on separate data sources (Baucal and Ranković2010; Sekulić 2012; UNICEF 2012; 2015, World Bank 2015). Although the number of childcare institutions has risen every year in the last 20 years, it is still insufficient to cover all children of preschool age (Ivic, Pesikan, and Jankov 2012, SORS 2015). The use of formal facilities for childcare up to school age in Serbia is far below Barcelona targets. According to the latest data from the Statistical Office of the Republic of Serbia and UNICEF, 50.2% of children aged 3 to 5.5 years are covered by preschool education in Serbia. Coverage of children from socially vulnerable groups is much lower: 5.7% of children in informal Roma settlements, 9% of children from poor families, 27% of children in rural areas, and for children with disabilities there is no precise data. The use of childcare services for under-3-year-olds is 17 percentage points below the Barcelona target (EU-SILC). This is similar to the situation in other Eastern European countries such as Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, and Slovakia (EC 2014; RAND Europe 2014). The

20 http://www.rszundp.org/content/srbjs/en/home.html
21 http://www.mpn.gov.rs/strategije-2020/
share of children between the age of 3 and the mandatory school age cared for through formal arrangements is also quite low: 30 percentage points below the Barcelona target and similar only to the case of Bulgaria, Croatia, and Poland. For many Serbian women, the only way to enter the labor market is if grandparents look after their children. In Serbia, almost 50 percent of children 0 to the age of mandatory schooling are cared for through informal arrangements, mostly by grandparents (SORS 2015).

Partly due to the lack of child care facilities, women in Serbia face unequal access to the labor market. The gender gap persists in labor market (see table 1), and women are still overrepresented in lower-paying sectors and receive less than men for equal work (World Bank 2014; 2016). According to various reports, Serbia’s experience in the promotion of gender equality in access to economic opportunity is relatively limited (Babovic, 2007; World Bank 2016). Specially in the rural municipalities, the child care facilities are underdeveloped and are lacking. The municipalities with the highest coverage in preschool education were located in Belgrade or in Vojvodina, in the north. 43% of all child care services for children from 0-3 are located in the City of Belgrade, while participation in these services from the South and East Serbia Region is only 0.5% In rural areas, access is about half of that in the cities: 28% versus 56%. Among Roma, 10% of urban children are enrolled, against a mere 4% of those living in the countryside. Children with disabilities are underrepresented as well. While about 5% of the children in this age group have a disability, only1% of enrolled children are those with disabilities (UNICEF 2012). In order to ensure greater enrollment of ethnic minority children, the poor and disabled, the donors have initiated and funded several projects in Serbia in recent years. One such project entitled the "Kindergartens without Borders - Quality Inclusive Preschool Education in Serbia" project, and was is implemented by UNICEF, the Ministry of
Education, Science and Technological Development of Republic of Serbia in cooperation with the Centre for Interactive Pedagogy, with the financial support of the Swiss Agency for Development and Cooperation.

Table 1.1: Labour market indicators by gender (15-64 %), 2013

<table>
<thead>
<tr>
<th></th>
<th>Women</th>
<th>Men</th>
<th>Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment rate</td>
<td>40,1</td>
<td>54,9</td>
<td>14,8</td>
</tr>
<tr>
<td>Unemployment rate</td>
<td>24,6</td>
<td>21,7</td>
<td>-2,9</td>
</tr>
<tr>
<td>Inactivity rate</td>
<td>46,8</td>
<td>29,9</td>
<td>-16,9</td>
</tr>
</tbody>
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Source: Worldbank 2016

Conclusions

Western Balkan states, unlike other former communist countries, have had a difficult journey, leaving behind the communist past. Economic reforms have not come quickly enough as nationalism and ethnic conflict still burden the political arena. The European Union has served as a major incentive structure in the region for political and economic transformation. It has provided the countries in the region with a potential membership vision in return for successful reforms. In this paper, we focused on examining whether the European Union has had an effect on transforming childcare policy in Western Balkans through “soft measures” rather than binding Directives.

What we find is that most Western Balkan states, not unlike Western EU member states, are far away from achieving the targets set at the Barcelona Council meeting in 2002. The rates of childcare coverage have been constant and insufficient to serve as an impetus for women’s participation in the labor market. Croatia and Serbia have the largest childcare coverage with 47
and 50 percent of children 3 to school age attending child care facilities. The care of young children stands at 11 percent for Croatia and 16 percent for Serbia.

The lack of progress in all four cases can be explained by a variety of factors. First, in Croatia we expected to find the most change and progress since it became an EU member state in 2014. Indeed, procedurally Croatia has made progress by collecting data on childcare policy and reporting back to the EU Commission. However, just like Macedonia and Serbia, Croatia’s communist legacy is still negatively affecting its progress on child care. The decentralization of care to municipalities which do not have the necessary funds and administrative capability to support childcare and preschool education, has hampered progress in all three cases. The communist government in former Yugoslavia never fully supported childcare and thus, the issue remained private outside of the public agenda. Albania is the exception here, where at least care for children 3 years of age and up is managed by the Ministry of Education and Sports, enabling better assessments, regulations, and funding to shape childcare. The importance of centralized management becomes evident in the case of Albania, as even available data on the number of facilities in the country serving children 6 months to 3 years of age and percentage of children participating is lacking. Administrative capacities differ in the four cases and thus, produce different outcomes for the implementation of child care policy.

Second, there has been no involvement of the local organizations on discussions of childcare policy. Reconciliation policy has been defined by debates on maternal and parental leaves but have not extended to the “soft measures” the EU has promoted to reform childcare policy and better integrate women into the labor market. In no country have women’s non-governmental organizations or other local actors brought the issue to the public attention. We find that external actors have been the agenda setters for childcare policy. We expected the EU to
play the largest role but found that UNICEF is the major actor pushing for improvements in childcare. Therefore, the framework most used is that of child well-being, and rarely (with some exceptions in Croatia and Serbia) that of gender equality. The European Union has played a major role in Croatia since 2010, but UNICEF has been the main driver for change. Thus far, childcare has been very much a top down policy and still focused on benefits for children.

Third, government commitment is lacking as most government yearly reports, even though elaborate on social policy, completely ignore childcare as part of the efforts to reconcile work and family life. What is interesting is that governments fail to use what is the most common frame used by the EU since 2002, that of economic competitiveness. Western Balkan states have still not recognized the benefits of increased labor participation for economic development. They have yet to formulate arguments on how increasing funding for childcare, contributes to long term benefits for all.

Overall, as expected, Croatia has demonstrated to be the leader in the group of countries studied here. What is unexpected is the substantial attention childcare has received in Serbia. Unlike Macedonia and Albania, data is being collected and disseminated on childcare coverage. Moreover, campaigns are being initiated to increase coverage and include all children. Moreover, the National Strategy on Gender Equality, has set specific goals, similar to those promoted by OMC.

What is common amongst all four cases is that all struggle with issues of availability, affordability and quality of care. Particularly rural areas struggle with the availability of nurseries for children under three years of age. Cities like Tirana and Zagreb, with better equipped local governments, are doing much better than smaller cities and rural areas. Urban areas struggle with the lack of capacity in the existing facilities. With the demographic shifts from rural to urban
areas, childcare in urban areas is in demand. Moreover, issues of equity of access and inclusivity are also raised, as in the case of Macedonia.

Until public childcare is available to all, women will be the ones to suffer the consequences in the labor market and the inequality in wage gaps. In the Western Balkans the gender inequality in economic empowerment, in particular, has remained sizable during the last two decades. While the European Union, through Strategy 2020 has promoted childcare as a necessary step for economic development, the gender equality frame must also be promoted. The countries of Western Balkans have had their fair share of symbolic policy changes for the sake of the economy experienced during 45 years of communism. Immediately after the fall of the regime, the former communist societies quickly awakened the dormant gendered roles and reversed back to traditionalism. Thus, if reform in child care policy takes place in Western Balkans, it ought to be accompanied by meaningful conversations about gender roles in the family. Until societal transformation take place, women will continue to carry the weight of childbearing and rearing.

Table with childcare coverage rates
References


Pećnik, N. (2013), Kako roditelji i zajednice brinu o djeci najmlađe dobi u Hrvatskoj. Zagreb: UNICEF.


Figure: 1. 3 Female Labor Participation Rate (2000-2015)

Source: World Bank Database
Figure 1.4 Male Labor Participation Rate (2000-2015)

Source: World Bank Database

Figure 1.5 Gender Gap in Labor Participation (2000-2015)

Source: World Bank Dataset