Human Rights and the EU Accession Process: Between Normative Ambition and Practical Enforcement in the Western Balkans

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Abstract

This article looks at how the European Union's enlargement into the Western Balkans carries a strange contradiction. Despite demanding high standards on human rights and full compliance with EU legal frameworks, real application of those rules tends to fall short. Drawing from European Commission updates between 2023 and 2025, along with information gathered by the Council of Europe, it becomes clear that joining the Union promotes something resembling "performance-based reform." Here, governments - often labeled stabilitocracies - put democratic structures on paper yet leave them hollow when practiced. Security worries now shape how the European Union handles enlargement, especially after Russia attacked Ukraine. Because of this, efforts to strengthen democracy have stepped back while keeping nearby regions stable moves forward. Pressure on countries to protect people's basic rights has weakened under these new priorities. Looking at Albania, then North Macedonia, followed by Montenegro, Kosovo, and finally Serbia, patterns show a need to change evaluation methods. Rather than ticking boxes on forms, results should guide decisions. Money from the EU could go toward real progress - only when better enforcement of human rights actually happens. That approach ties funding to visible changes, not just formal compliance.

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1. Introduction

Backed by a firm pledge made during the pivotal 2003 summit in Thessaloniki[3], EU membership emerged as the central force behind democratic shifts across the Western Balkans. Since then, enlargement conditionality - Brussels' most influential tool abroad[4] - has shaped reforms in Albania, North Macedonia, Montenegro, Kosovo, and Serbia. Instead of rewards or pressure alone, the approach relied on long-term inclusion; the prospect of joining pulled nations toward adopting shared laws. Reforming institutions became easier when tied to that goal. Meeting EU standards meant strengthening justice systems, aligning legislation, and lifting safeguards for individuals. Motivation came not from mandates but from belonging later.

Right now, the area stands as an obvious contradiction. Although Western Balkan states sit under intense global scrutiny, bound by strict legal frameworks, their progress looks solid on paper. Advanced laws against discrimination exist there, alongside commitments to key European agreements. Independent bodies like Ombudsmen and equality watchdogs operate across the region. Yet actual conditions for people often tell a different story[5]. International reviews consistently reveal that lived experience falls short - sometimes further behind than before - compared to what the rules promise.

Throughout 2023 to 2025, European Commission progress updates highlight persistent structural flaws[6], notably courts prone to political pressure, fragile media independence, alongside systemic neglect of vulnerable groups. Just as consistently, oversight entities such as GREVIO and the CPT note robust laws exist; however, real-world application falters due to poor funding, lax implementation, or interference from governing powers.

This paper investigates the central problem that emerges from this contradiction: why has extensive compliance with EU human rights conditionality failed to translate into effective enforcement and democratic consolidation in the Western Balkans? The inquiry digs into reasons behind stalled political progress where rules exist but without concrete change.

Looking at how the EU assesses progress, this study uses a mix of firsthand and existing materials. Instead of relying only on broad summaries, it

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[3] Florian Bieber, *The Rise of Authoritarianism in the Western Balkans* (Cham: Palgrave Macmillan, 2020), 23–27.

[4] Solveig Richter and Natasha Wunsch, "Money, Power, Glory: The Linkages between EU Conditionality and State Capture in the Western Balkans," *Journal of European Public Policy* 27, no. 1 (2020): 42–45.

[5] Wouter Zweers et al., *EU as a Promoter of Democracy or 'Stabilitocracy' in the Western Balkans?* (The Hague: Clingendael Institute, 2022), 9–12.

[6] European Commission, *North Macedonia 2023 Report*, Commission Staff Working Document, SWD(2023) 693 final (Brussels: European Commission, 2023), https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf, accessed on 27 December 2025.

examines annual EU country assessments between 2023 and 2025. Complementing these are specialized reviews from Council of Europe bodies like GREVIO, CPT, and ECRI - offering deeper understanding where standard reports fall short. Where laws have changed recently, attention shifts to reforms in Albania's judiciary or updates to Serbia's constitution. Through comparison, patterns emerge beyond surface-level conclusions. This way, gaps in mainstream narratives become visible.

The paper suggests accession efforts have accidentally fostered what it calls "performative Europeanization." Under this setup, political leaders in regimes labeled as stabilitocracies put forward democratic structures and laws - mainly to satisfy outside demands - yet behind the scenes, entrenched networks erode actual rights enforcement. That gap grows sharper due to a shift beyond borders: following Ukraine's invasion, the EU has leaned more heavily into geopolitical priorities, placing less weight on democracy requirements and more on stability and security.

Methodologically, the article employs a qualitative doctrinal and comparative legal analysis. It systematically examines European Commission country reports (2023–2025) alongside evaluations by Council of Europe monitoring mechanisms, including GREVIO, the European Committee for the Prevention of Torture (CPT), and the European Commission against Racism and Intolerance (ECRI). These sources are supported by country-specific analysis of constitutional reforms, legislative amendments, and institutional practices, allowing for cross-country comparison and identification of recurring patterns across the Western Balkans.

Beginning with an overview, the study divides into four core segments. Moving forward, Section 2 explores how the idea of stabilitocracy reveals flaws in current conditionality models. Shifting focus, Section 3 looks at new geopolitical shifts affecting oversight of human rights practices. In contrast, Sections 4 and 5 highlight discrepancies between written laws and actual enforcement, especially where civic freedoms are shrinking. Ending on specific cases, Sections 6 and 7 analyze individual countries while suggesting practical steps to shift EU accession toward real outcomes instead of procedural compliance.

2. The Politics of Empty Reforms: Stabilitocracy and Performative Europeanization

Starting off, human rights conditionality aims to support candidate countries during step-by-step changes. At once, laws must evolve while institutions grow stronger and safeguards for marginalized communities take shape. Under the Stabilization and Association framework, alongside the updated enlargement strategy's "Fundamentals First" principle, rights protections become a core concern. Because rewards like funding access, eased travel rules, or

advancing negotiations depend on measurable improvements, the EU holds notable influence - on paper. Progress hinges on consistent delivery across multiple areas without falling behind in any.

Still, across the Western Balkans, this framework runs up against a distinct setup commonly labeled "stabilitocracy." Such systems claim alignment with Europe, adopting talk of democratic progress to win favor beyond borders[7]. Yet behind this front, authority tightens around public offices, sustained through hidden ties of loyalty and favors within the country. Under these conditions, changes meant to protect individual rights become bargaining tools. Lawmaking consistency and support for EU geopolitical stances come from local leaders; in exchange, Brussels overlooks weak governance and backsliding on civil liberties. This scenario gave rise to something resembling theater: rule-following without real change. Leaders across the area slowly mastered the art of accepting EU standards on paper while leaving daily administration untouched[8]. Detailed strategies appear, laws against bias multiply, offices for rights spring up - each ticking boxes set by Brussels under negotiation Chapters 23 and 24. Yet such moves frequently stem not from intent to transform local systems, but from calculation - to show progress where little occurs. Often, design matters; reforms take shape in ways that leave entrenched authority unshaken, relying instead on loose oversight to stay intact.

Meanwhile, how the EU shapes its own accession path plays a role in reinforcing this trend. Focusing heavily on starting and finishing negotiation chapters due to technical criteria risks reducing human rights efforts to ticking boxes[9]. What counts as progress often depends on actions taken - like approving a Gender Equality Strategy - not real-world results, such as fewer cases of violence against women or more convictions. The growing administrative nature of these conditions lets political leaders gain credit for reforms simply by enacting laws, even when those laws lack funding or follow-through[10].

One outcome is a pattern of "formal compliance" taking hold[11]. Though groups such as the CPT or local NGOs observe minimal change on the ground, EU Progress Reports frequently label new laws as meaningful advances - reinforcing how officials portray reforms. Such gaps go beyond slow implementation; they suggest something more structured: legal changes acting as shields, deflecting closer inspection. Meeting demands for modern legislation

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[7] Roman-Gabriel Olar. „Locking in democracy? Transitions, returning autocratic elites, and human rights treaty commitment". *The Review of International Organizations* (2025), https://doi.org/10.1007/s11558-024-09582-z.

[8] Marko Kmezić, "Recalibrating the EU's Approach to the Western Balkans," *European View* 19, no. 1 (2020): 56–58. https://doi.org/10.1177/1781685820913655.

[9] Andi Hoxhaj. "The EU Rule of Law Initiative towards the Western Balkans." *Hague Journal on the Rule of Law* 13, (2021): 143-172, https://doi.org/10.1007/s40803-020-00148-w.

[10] Solveig Richter and Natasha Wunsch, "Money, Power, Glory..." 47–50.

[11] Nedim Hogic, "Pre-Enlargement Reform Failures in the Western Balkans: Social and Economic Preconditions of the Rule of Law." *Hague Journal on the Rule of Law*, vol. 16, (2024): 693–714.

allows leaders in the Western Balkans to gain international credibility while maintaining control tactics domestically[12]. Over time, this produces an odd reality - democratic-looking rules sit beside long-standing autocratic habits in daily administration.

What happens within the EU shapes how it enforces rules on new member states. Pressure fades when enlargement slows, some members ignore legal norms, or global tensions rise. Mixed messages from Brussels make future benefits seem uncertain for those seeking membership. Reforms tied to tough demands then feel less urgent. Efforts to uphold rights lose priority - especially if change stirs opposition at home.

3. The Geopolitical Turn: Security over Democracy?

Nowhere was the shift more evident than in how European Union redefined its enlargement goals after 2022, when Russia moved into Ukraine. Suddenly, strategic positioning outweighed gradual reform as the core driver behind EU growth[13]. Instead of focusing solely on institutional progress, attention turned sharply toward collective defense and territorial cohesion[14]. Despite faster movement on talks with Ukraine and Moldova, standards once tightly tied to civil liberties began slipping elsewhere - especially across the Western Balkans. As alliances were tested, proof of loyalty to shared external policies took precedence over internal governance upgrades. Compliance with measures targeting Moscow, along with avoiding local unrest, started counting more than steady democratization at home.

That shift - called the security driven enlargement - undermines trust in how human rights are tracked. Because the European Union now sees the Western Balkans mostly as a shield from outside pressures, local politicians claim they keep order. So, when those governments stick to EU foreign policy goals while ensuring calm, officials in Brussels speak less about slipping democratic norms. Such patterns open space for risky behavior: nations seeking membership may think strong alignment on security cancels out weak governance and poor rights records[15].

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[12] Visnja Vukov, "European integration and state capture: insights from the EU's earlier Eastern enlargement", *Journal of European Public Policy*, vol. 32, issue 12, (2025): 3059-3084.

[13] Dušan Pavlović, "Is European Enlargement Policy a Form of Non-Democracy Promotion?," *Journal of International Relations and Development* 26, (2023): 330–334, https://doi.org/10.1057/s41268-022-00286-8.

[14] Andrej Semenov. "Reform Without Transformation: The EU's Diminishing Transformative Power in the Western Balkans." *Social Sciences* vol. 14, issue 2, (2025): 722; https://doi.org/10.3390/socsci14120722.

[15] Maryna Rabinovych, "EU Enlargement Policy Goes East: Historical and Comparative Takes on the EU's Rule of Law Conditionality vis-à-vis Ukraine." *Hague Journal on the Rule of Law*, vol. 16 (2024): 715–737, https://doi.org/10.1007/s40803-024-00223-6.

A striking example emerges when looking at Serbia[16]. Even though issues persist around press freedom, legal standards, and how dissenting voices are handled, its strategic position shapes how EU envoys respond. Geopolitical weight often tilts the balance - keeping Belgrade aligned with Europe takes precedence. Over time, what once seemed central - the idea that core values should lead talks - has faded in emphasis[17]. Worry about unrest resurfacing across the Western Balkans now influences decisions more than abstract commitments. As a result, the message filtering through is quiet but clear: meeting basic rights benchmarks matters less than maintaining regional calm.

Now shifting focus, the change in global power dynamics reshapes how the EU assigns money and diplomacy. Instead of prioritizing detailed institution-building or slow legal upgrades, funds move toward energy resilience, frontier controls, traffic through contested zones. Though protecting infrastructure makes strategic sense, quieter efforts - like nurturing fairness in courts or public accountability - tend to fade. Should Brussels keep trading core democratic principles for quick regional stability, it may unintentionally support top-down rule. Over time, joining the Union could mean propping up leaders, not strengthening civic life.

4. Legal Alignment and Institutional Development: Progress on Paper

With pressure building from EU integration demands - especially Chapter 23 covering justice and basic rights - Western Balkan countries began reshaping their legislation rapidly. Over ten years, new human rights statutes emerged across the area; these match, on paper, those found in older EU countries.

What stands out in this normative shift is the move toward stronger laws against discrimination. Take North Macedonia: it introduced a revised Law on Prevention and Protection from Discrimination in 2020[18]. That change mattered - sexual orientation and gender identity were now clearly listed as protected categories. Before, such inclusions faced resistance from socially conservative groups. Another feature of the update was the revival of the Commission for Prevention and Protection from Discrimination, now structured as an autonomous body with expert oversight. Starting in 2020, Albania updated its

[16] Natasha Wunsch, *Civil Society Mobilisation in Serbia.* In Natasha Wunsch, *EU Enlargement and Civil Society in the Western Balkans* (London: Palgrave Macmillan, 2018), chap. 5, pp. 95-122, https://doi.org/10.1007/978-3-319-91845-7_5.

[17] Tobias Lock. "Implications of the Revised Draft EU Accession Agreement for the ECHR", *European Convention on Human Rights Law Review*, vol. 6, issue 1 (2025): 65-101, https://doi.org/10.1163/26663236-bja10115.

[18] North Macedonia, Law on Prevention and Protection from Discrimination, Official Gazette of the Republic of North Macedonia, no. 258/2020.

anti-discrimination law - first established a decade earlier - with notable changes[19]. The revised version widened what counts as hate speech under the law. It also recognized that people can face bias based on overlapping identities. Authority given to the national commissioner grew at the same time. Now able to issue penalties, this official holds stronger tools for enforcement. Changes built directly upon the original 2010 framework.

Despite regional challenges, governments in the Western Balkans meet required benchmarks on policies targeting gender-related abuse. Each country seeking EU entry has approved the Council of Europe's treaty aimed at stopping violence toward women and household aggression - the so-called Istanbul Convention[20]. In 2013, Albania, Montenegro, and Serbia moved forward with legal validation; North Macedonia did the same four years later. Once approval took place, changes appeared in domestic penal codes - behaviors like coerced unions, persistent harassment, and cutting rituals affecting girls became formally outlawed. Take Serbia: back in 2016, it passed a law against domestic violence that brought in urgent protective steps along with required teamwork among agencies helping survivors. As for Kosovo - despite never joining the Council of Europe - it wove the Istanbul Convention right into its constitutional framework by 2020, showing a clear alignment with European norms on personal safety.

Starting in 2016, Albania introduced sweeping changes under its "Justice Reform", which brought about constitutional shifts establishing fresh oversight institutions like the High Judicial Council and the High Prosecutorial Council - efforts aimed at curbing political interference in legal affairs[21]. Elsewhere across the region, broader structural adjustments have taken place alongside targeted human rights initiatives. Over in Serbia, a vote on constitutional revisions during January 2022 altered how judges and public prosecutors are selected, scaling back Parliament's authority in those decisions. These updates responded directly to persistent advice from the Venice Commission, reflecting a move toward more independent judicial appointments.

Nowadays, across the region, official structures have grown in size and scope. Oversight mechanisms - like People's Advocates, information access commissioners, or anti-corruption agencies - are present in most Western Balkan states. Though independent in name, they hold authority to monitor government actions, review public grievances, yet their influence depends on enforcement follow-through. Meanwhile, national agendas take shape through detailed policy papers: inclusion strategies for Roma communities appear alongside

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[19] Islam Jusufi, "Human Rights in the EU's Conditionality Policy towards Albania," *Intersections. East European Journal of Society and Politics,* vol. 3, no. 2 (2017): 55–58, https://doi.org/10.17356/ieejsp.v3i2.304.

[20] Council of Europe, Baseline Evaluation Report on North Macedonia, GREVIO (Strasbourg: Council of Europe, 2023), https://rm.coe.int/baseline-evaluation-report-on-north-macedonia/1680ac76ab, accessed on 27 December 2025.

[21] Andi Hoxhaj, "The EU Rule of Law Initiative towards the Western Balkans,": 152–156.

implementation plans tied to EU Chapter 23 requirements. Support from European programs frequently shapes these texts, helping refine content so it reflects expected norms and measurable goals.

Looking at things strictly by law, the Western Balkans seems to have embraced European norms quite fully. Legal frameworks and state bodies meant to safeguard individual rights exist across most areas. Yet what follows in this study reveals a gap: having such systems does not automatically mean people can reach justice or see their rights upheld in daily life.

5. The Practical Reality: A Wide Gap Between Norms and Enforcement

What holds back progress in the Western Balkans isn't always bad laws - but how rarely they're implemented.[22] Though solid legal frameworks exist, execution falters under strained institutions, political pressure, or tight budgets. Slow trials pile up in courts, where rulings differ without clear patterns. Law enforcement officers frequently operate without proper instruction on human rights principles; meanwhile, systems meant to supervise them barely function. Because of this, acts like domestic abuse, bias, or misuse of authority by police either go unseen or untouched by investigation - eroding trust in justice over time.[23]

Resistance rooted in politics shapes outcomes just as much as policy does. Reforms tied to human rights frequently touch issues like free speech, equal treatment regardless of gender, justice after conflict, minority protections, alongside recognition for LGBTIQ individuals. Power balances shift when these matters come into focus, sparking friction among decision-makers. Even if laws change to align with European Union standards, leaders tend to sidestep changes demanding high political trade-offs. That gap between legal textbooks and lived reality becomes clear over time - media independence remains fragile, Roma populations still face systemic exclusion, efforts to stop violence based on gender lag behind promises.

Over time, the European Union's ability to be taken seriously has faded. Inconsistent reactions make it harder for leaders to see clear links between actions and outcomes - especially when politics seem to matter more than protecting rights. If promises tied to joining the Union are delayed too long, expectations begin to erode. Leaders might start thinking that meeting human rights standards brings little real progress in negotiations[24]. This belief opens space for incomplete

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[22] Hogić, Nedim. "Pre-Enlargement Reform Failures in the Western Balkans: Social and Economic Preconditions of the Rule of Law": 693–714.

[23] Arolda Elbasani, *European Integration and Transformation in the Western Balkans* (London: Routledge, 2013), 91–95.

[24] Gazmend Qorraj, Arben Hajrullahu, Driton Qehaja, "Absorption Capacity and the European Integration of the Western Balkans." *Regional Science Policy & Practice*, Volume 16, Issue 8,

changes, stalled efforts, sometimes even reversals in democracy - all unfolding with few repercussions. Motivation for genuine improvement fades alongside public confidence in these processes.

6. The Shrinking Civic Space: SLAPPs and Foreign Agent Narratives

Facing steep challenges, civil society groups and watchdog journalists find their work harder each year despite laws meant to protect them. Even though countries across the Western Balkans officially uphold rights to assemble and speak freely, those who defend such principles routinely deal with threats, funding cuts, or bureaucratic roadblocks. Where laws look strong on paper, reality tells a different story.

A noticeable trend in the area involves Strategic Lawsuits against Public Participation (SLAPP)[25]. Across nations like Serbia and North Macedonia, along with emerging instances in Albania, figures in power - often tied to state-linked enterprises - turn to defamation claims to deter dissent. Instead of pursuing justice through legitimate legal grounds, these suits serve mainly to burden watchdog journalists and civil society groups with costly litigation. The goal shifts from courtroom victory to draining resources, nudging critical voices toward silence. Courts become tools in this process, sometimes the very institutions the European Union aims to strengthen. Through such tactics, influential players erode oversight without openly breaking laws.

Nowadays, talk about civil society carries a sharper edge in politics. Across parts of Europe, leaders echo similar patterns - painting activists as outsiders, disloyal elements, or threats to order. Because of these labels, groups that monitor reforms independently lose credibility just when the EU needs them most. Reports from the European Commission in 2023 and 2024 show money given to nonprofit groups often moves through hidden routes. Instead of reaching genuine civic initiatives, funds flow into GONGOs - bodies set up by authorities to replicate grassroots movements[26]. While they look like real associations, their main role is backing official decisions, pushing aside dissent while giving the image of open dialogue - a thin version of democracy meeting paperwork standards only.

What happens when public oversight shrinks? It undermines how well conditionality works. If those who check power and report truthfully get pushed out, the Commission may depend only on government-submitted reports. That

August 2024: 100043, https://doi.org/10.1016/j.rspp.2024.100043.

[25] European Commission, Albania 2023 Report, SWD(2023) 690 final (Brussels: European Commission, 2023), https://enlargement.ec.europa.eu/system/files/2023-11/SWD2023690%20Albania%20report.pdf, accessed on 27 December 2025.

[26] Wouter Zweers et al., *EU as a Promoter of Democracy or 'Stabilitocracy' in the Western Balkans?*: 9–12.

reliance widens the distance - between what officials in Brussels believe is happening, and what people actually face every day.

7. Country-by-Country Analysis

7.1. Albania

Significant strides mark Albania's efforts to match European Union benchmarks on human rights. Though gradual, changes in legislation reflect a pattern of adaptation across key areas like anti-discrimination policies and gender equality. Legal updates now cover weaker segments of society more thoroughly than before. The national law targeting bias, especially after revisions, stands out compared to neighboring states' approaches - more complete, more defined. Reforms did not stop there. New versions of rules addressing abuse within households emerged alongside expanded authority given to oversight officials tasked with fighting inequality. Access pathways for those harmed have seen adjustments meant to simplify procedures. On paper, such shifts signal dedication to uphold expected norms during integration negotiations. Progress appears structured, even if real-world impact remains under observation.

Still, even with many laws in place, how they are enforced varies widely, often driven more by outside demands than real commitment within institutions. Not every agency functions smoothly; some, like the People's Advocate and the body overseeing anti-discrimination efforts, struggle due to tight budgets and too few workers. Efforts aimed at tackling domestic abuse or advancing gender fairness unfold unevenly, weakened by poor record-keeping and weak links among agencies meant to act. While Albania has created dedicated police teams and adjusted court procedures, safeguarding those most at risk - such as Roma individuals, LGBTIQ people, and disabled citizens - remains difficult. In report after report, recurring issues appear: bias still shapes experiences in jobs, schools, and when trying to reach basic public support.

One problem lies in how little accountability exists. Even after changes to the courts, real progress on protecting people's rights has been minimal. Many incidents - mistreatment, violence by officers, misconduct behind bars - rarely face proper scrutiny. Reports from advocacy groups and global observers stress ongoing weaknesses in official systems. Cooperation between government agencies and independent watchdogs tends to be inconsistent, lacking clear procedures. Because of this gap, laws that look solid on paper fail to bring steady change where it matters.

A striking case of such practical difficulty shows up in wide-ranging changes to the legal system, particularly the screening of judges and public prosecutors. Despite tight scrutiny - leading to dismissals for unclear wealth or poor performance in over 60 percent of reviewed personnel - an unforeseen gap emerged inside key institutions. Long stretches saw the Supreme Court and the

Constitutional Court unable to meet minimum member requirements, throwing regular operations into disarray. By 2024, thousands of unresolved hearings still pile up, signaling that while courts might look stronger on paper, many people are still denied timely access to justice. Even well-designed updates risk undermining basic rights if execution lags behind intent.

7.2. North Macedonia

Despite being small, North Macedonia engages consistently within the EU enlargement talks across the Western Balkans, moving steadily to match its human rights laws with those of the EU and key agreements under the Council of Europe. A functioning legal system now covers fairness, minority safeguards, and bias prevention, backed by the revived Commission for Prevention and Protection from Discrimination. Steps like national strategies on integrating Roma communities, safeguarding children, and advancing gender balance have been put into motion. On governance, regular dialogue with global oversight entities takes place, along with follow-up on suggested reforms - this pattern reinforcing closer adherence to continental norms.

Even so, progress in North Macedonia stumbles over deep-rooted issues that dull the effect of recent changes. Political divisions run high; because of this, efforts to uphold human rights shift with each new government. Institutional consistency falters when leadership turns over too quickly. Agencies meant to protect fairness - like the Anti-Discrimination Commission and the Ombudsman - struggle under tight budgets and outside pressures, making independent oversight difficult. Their hands are tied when probing injustices deeply. Laws exist on paper but take shape only when those in power choose to enforce them. A pattern persists: some groups feel the weight of neglect more than others. Roma individuals and LGBTIQ people still meet resistance in daily life. Hate-fueled speech spreads without strong response. Unequal treatment shows up during police stops or behind jail walls, where rules bend instead of holding firm.

What happened in September 2023 revealed how far national actions can drift from Europe's stated standards. Fast-tracked revisions to the Criminal Code reduced maximum sentences for misusing public office[27]. Because of these shifts, time limits on prosecuting certain major corruption charges got cut short. Soon after, multiple cases targeting ex-high-ranking officials came to an abrupt halt. Years of work by the Special Prosecutor's Office suddenly lost their foundation. The outcome signaled something unsettling: those in power still find ways to reshape laws when it suits them. Such moves run counter to what the EU demands - real responsibility under clear legal frameworks.

Despite laws supporting free speech, real-world protections often fall

[27] Transparency International Macedonia, *Annual report 2023*, https://transparency.mk/wp-content/uploads/2024/03/annual-report-for-2023-1.pdf?utm_source=chatgpt.com, accessed on 27 December 2025.

short - especially when journalists encounter threats or violence. Pressure on reporters comes not only from politics but also through lawsuits and unstable funding. Independent news voices struggle amid ongoing financial uncertainty. Protection exists on paper, yet enforcement lags behind promise. Minority communities, notably Roma citizens, still lack fair opportunities across key areas like health care, schooling, and shelter. Progress requires deep-rooted change, not temporary fixes. While authorities uphold rights in theory, actions rarely match those standards. The distance between rulebooks and reality weakens outside influence meant to drive reform.

7.3. Kosovo

A fresh start marked Kosovo's place in the Western Balkans. Following independence in 2008, bold legislative choices replaced step-by-step change seen elsewhere, embracing high-level global human rights norms right away. What sets the Constitution apart? It ranks alongside rare national charters that embed major international agreements - like the Universal Declaration and the Istanbul Convention - as binding law at home. These treaties hold greater weight than regular laws within Kosovo's system.

Lately, efforts in Kosovo have focused on improving gender fairness within government structures. Backed by the 2023 Strategy, the Law on Protection from Domestic Violence sets clear rules to help those affected. What makes the Victims' Advocacy and Assistance Office stand out is its dedicated legal aid for survivors, a rare approach across the area. Instead of just passing laws, authorities there also give monthly financial support to people harmed by wartime sexual abuse - official recognition that remains absent nearby. Because others in the region haven't matched this step, it marks real progress where so many have stalled.

Even so, Kosovo's real challenge lies in its split justice setup. Domestic courts keep facing delays, while major human rights and war crimes trials move to The Hague under the Specialist Chambers. Despite helping deliver justice, this shift pulls resources and focus from local institutions. Consequently, court queues grow longer at home; civil disputes - especially over land ownership - often stretch past ten years without resolution. Long waits block basic rights - property, justice - for many, especially those coming back and women. Democratic progress falters where minority lives are concerned. Even with strong laws meant to shield non-majority groups, real change stalls due to ongoing tensions with Serbia. Courts and law enforcement in the north struggle to hold steady; when Kosovo Serb leaders stepped down near year-end 2022, gaps opened up fast, weakening safety and fairness on the ground. People from Roma, Ashkali, and Egyptian backgrounds still face deep exclusion, stuck outside systems that offer schooling, medical help, stable jobs - even though official plans say otherwise.

Cosmopolitan engagement in Kosovo stands out across the area, yet

momentum fades when proposals meet rigid administrative habits. Even though officials say they listen - confirmed by Brussels last year - the law rarely carries traces of civic voices. A strong legal framework exists on paper, shaped by European Commission benchmarks, still ordinary life feels distant from those ideals. Marginalized groups, including survivors of abuse rooted in gender norms, face delays and thin support within courts. Decisions stall, tied not only to local limits but also to wider power pauses between global players.

7.4. Montenegro

Despite opening every chapter in its EU talks, Montenegro faces an unusual kind of delay - not from missing laws but from stalled institutions due to years of political turmoil. Its legal system includes solid protections for human rights, such as anti-discrimination legislation and firm constitutional rules. Yet consistent application falters when governance grinds to a halt amid ongoing power struggles.

Despite strong laws safeguarding basic rights, key government bodies have lost much of their effectiveness, according to European Commission assessments from 2023 and 2024. One notable issue emerged when the national legislature repeatedly failed to name justices to the Constitutional Court - a delay so prolonged it left the top judicial authority unable to operate. Because of this breakdown, individuals had little recourse within the national system when facing violations, even though protections existed on paper. As a result, robust legislation remained out of reach where it mattered most: in real-life enforcement. Apart from gridlock in politics, challenges endure in how security forces operate. Reports by the European Committee for the Prevention of Torture highlight ongoing tolerance of misconduct among officers[28]. Even though Montenegro's laws clearly ban torture, there are still reliable claims of abuse by police, yet probes into such cases tend to drag on without clear outcomes. What stands out is this mismatch - laws meet top-tier European benchmarks, however, systems meant to investigate wrongdoing rarely hold officials responsible, gradually eroding trust in justice institutions.

Much like elsewhere, gender-related abuse follows a comparable trend. GREVIO's initial assessment points to a gap - laws on paper do not match courtroom outcomes. Although Montenegro updated its laws to meet the Istanbul Convention’s demands, punishment approaches stay soft. Judges frequently consider reasons to reduce penalties when handling domestic harm cases, resulting in weak consequences that neither discourage offenders nor offer

[28] Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, *Report to the Government of Montenegro on the ad hoc visit to Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2022*, CPT/Inf (2023) 10, Strasbourg, 22 June 2023, https://rm.coe.int/1680abb132, accessed on 27 December 2025.

closure to survivors. This means the core issue in Montenegro goes beyond system limits; it touches deeper habits within courts, where high-level rights commitments exist in statutes but have not taken real hold in daily rulings.

7.5. Serbia

One of Europe's southeastern states shows how rules on paper often differ from real political life, progress in lawmaking does not always match actual governance. Judicial reform became part of the constitution during 2022, meant to distance courts from political influence. Changes also touched anti-discrimination legislation, updating protections across society. On paper, much of what is required under EU entry standards appears present. What exists legally, however, rarely tells the full story.

Even so, global assessments reveal signs of little progress - sometimes even decline - in democratic standards. Though fresh legislation keeps emerging, conditions needed to enforce these rules have deteriorated, according to the EU's 2023 and 2025 reviews. In matters concerning free speech, this shift becomes especially clear. Legal protections for press independence exist; yet watchdog groups and the Council of Europe's human rights Commissioner report growing hostility toward reporters. Smear tactics, lawsuits designed to silence critics, along with unchecked violence and intimidation targeting journalists, define much of today's media landscape.

What stands out most is how economic goals clash with basic rights when it comes to environmental protest, particularly around the Rio Tinto lithium operation[29]. Despite being seen by the EU as key in supplying essential minerals, Serbia has tightened control over civil society amid growing resistance to mining plans. Activists defending nature say they face monitoring, pressure from hired guards, even harsh responses from law enforcement at demonstrations. Behind this lies an unsettling choice - progress measured in investment appears to come at the cost of free speech and peaceful gathering. Officials present themselves as drivers of development and stability within Europe's resource network; yet their actions shrink room for dissent among citizens affected by industrial decisions.

What stands out in Serbia isn't just a shortage of tools, but deeper systemic flaws. Oversight bodies like the Regulatory Authority for Electronic Media (REM) are questioned due to weak autonomy and poor enforcement records. As a result, media platforms continue spreading prejudice under political influence. Findings from ECRI support this trend: laws meant to shield minorities exist, yet slurs against ethnic groups and LGBTIQ+ people still surface openly. High-level officials sometimes amplify these messages, turning silence into endorsement.

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[29] Amnesty International Report 2022/23; The State of the World's Human Rights; Serbia 2022, https://www.ecoi.net/en/document/2089601.html, accessed on 27 December 2025.

What stands out in the judiciary is how deeply technical the membership process really is. Even though changes to the constitution received praise for improving procedures on paper, actual progress stalls because foreign actors still shape decisions made by legal officials. This creates a pattern where compliance looks good from afar - laws and frameworks get updated regularly - but back home, enforcing human rights stays low on the priority list. The gap between outward conformity and internal practice grows wider each year.

8. Policy Recommendations

Looking ahead, it becomes clear the existing method of linking human rights to conditions can go only so far. Despite laws appearing similar on paper, how they work in practice reveals an expanding divide. A shift in how the European Union applies pressure feels unavoidable under these circumstances. Progress requires stepping away from mechanical assessments that treat reform like ticking boxes. What follows outlines four specific changes aimed at improving outcomes.

From Checklist to Track Record Assessments. Nowadays, measuring success often means ticking boxes rather than tracking real change. Instead of counting new laws, attention could shift toward what those laws actually achieve. Progress might look less like paperwork and more like tangible improvements in people's lives. When reforms pass but remain unused, the system rewards appearance over substance. A different path would judge countries not by statutes enacted, but by impacts observed. Separating lawmaking from enforcement offers a clearer picture of true advancement. A track record counts only when it is both believable and checked by others. Take efforts against gender violence - simply adopting policies does not suffice. What matters instead are clear signs of change, like more convictions in abuse cases. Another sign could be fewer delayed hearings on rights violations piling up in courts. Progress shows not through plans, but results seen over time.

Direct Funding for Independent Institutions with Restricted Use. Across the area, a clear pattern stands out: watchdog agencies rarely get enough money to function properly. Even when national authorities accept the roles of groups like anti-discrimination boards, audit offices, or ombuds services on paper, actual support tends to fall short - budgets are limited, hiring drags on. Because of this gap, changes to how funds are delivered through IPA III could make a difference if allocations were sent straight to those entities, shielded from interference. Stability in financing would help them work without influence from ruling parties, maintaining accountability within state systems. When these organizations operate freely, power imbalances inside governance structures begin to shift.

Institutionalizing the Priebe Model of Systemic Review. Each year, routine reports tend to miss how deeply hidden power structures shape

governance. Instead of just listing facts, a team of senior experts showed better results - especially during the 2015 investigation in North Macedonia linked to secret recordings later known as the Priebe Report. Because of its success in uncovering problems others ignored, this method ought to become normal practice, not reserved for emergencies. Across the region, similar teams could operate regularly under EU coordination. In places like Serbia, Montenegro, and Kosovo, specially chosen experts might examine issues such as unchecked police behavior, control over news outlets, or misuse of authority at the top levels. When these evaluations zoom in on one topic at a time, they usually lead to stronger responses and more useful recommendations compared to wide-ranging yearly summaries.

Credible Use of the Imbalance Clause. When progress on core issues like justice and basic freedoms slows, the updated enlargement approach allows Brussels to halt negotiations on every topic at once. This tool, known as the imbalance clause, remains underused even though it could carry weight. For real impact against symbolic compliance, the Union needs to act not just when laws are rolled back, but when enforcement stays weak year after year. If nations keep pressuring reporters or ignoring violent prejudice, penalties in funding and status should follow without delay. Only by tying concrete results in rights protection directly to how fast membership moves will leaders abroad rethink their choices.

9. Conclusion

Right now, the Western Balkans stands on uncertain ground. For two decades, efforts to join the EU have pushed deep changes in national laws - so that Albania, North Macedonia, Serbia, Montenegro, and Kosovo now align closely with Europe's regulatory models. Yet behind these legal updates lies a different picture: agencies meant to uphold people's rights are frequently weak, swayed by political interests, or lack proper resources.

This argument suggests the gap stems less from weak administration and more from how stabilitocracy functions - democratic appearances often lack real depth[30]. Focused heavily on strategies and action plans, the accession process carries a bureaucratic mindset that deepens the issue, even when unintended.

Achieving stability abroad means closing the gap between written rules and real life. Moving beyond tracking legislation involves observing actual daily experiences. Attention shifts toward how fairness feels for average people, marginalized groups, even reporters digging into hard truths. Progress depends on insisting results be clear, visible, tangible. Without that, Europe's role risks becoming little more than symbolic gestures.

[30] Florian Bieber, *The Rise of Authoritarianism in the Western Balkans*: 211–214.

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