

## ANNEX

### PRIORITIES AND RECOMMENDATIONS FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN SERBIA:

Broader shadow report to the Committee for the Elimination of All Forms of  
Discrimination against Women regarding the fourth reporting cycle of Serbia

Annex submitted by the SOS Vojvodina Network, 2019.

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## GENERAL INFORMATION ABOUT SERBIA

<b>Basic facts about Serbia</b>	
<b>Population 2017<sup>1</sup></b>	
Total population mid-year	7.020.858
Natural increase	-5.5
Infant mortality per 1000 live births	4.7
Marriages per 1000 inhabitants	5.1
Divorced marriages on 1000 marriages	256.9
Average age of the population	In: 43.0; M: 41.6; F: 44.4
Life expectancy at birth	M: 73.0; W: 77.9
Aging index	In: 141.6; M: 120.9; F: 163.4
Total fertility rate	1.5
<b>Government<sup>2</sup></b>	
The share of women among deputies of the National Assembly of Serbia, 2016	37.6% (2016)
Percentage of women in the Government of the Republic of Serbia, 2016	22.2%
Women's share among council members of local assemblies, 2016	36.0%
<b>Economics<sup>3</sup></b>	
GDP per capita, EUR	5.581
GDP growth rate in 2017	2.0%
Employment rate of the population between 15 - 64	U: 57.3%; M: 63.9%; F: 50.8%
Unemployment rate	In: 14.1%; M: 13.5%; F: 14.8%
<b>Social development and inclusion</b>	
Human Development Index, 2015	0.776 <sup>4</sup>
Rank on the Human Development Index, 2015	66 <sup>5</sup>
Literacy rate (% of aged 15 and over), 2015	98.1% <sup>6</sup>
Net enrollment rate in elementary school (f m per 100), 2016	95./95.7 <sup>7</sup>
<b>General remarks</b>	
<p>The Republic of Serbia is a state in the Western Balkans, South east Europe, a result of the breakup of former Socialist Federal Republic of Yugoslavia. Serbia is a post-conflict society, a delayed post-socialist transition, in the process of EU accession that imposes important reforms and standards in laws, policies and their implementation. It is among economically medium-developed countries or middle income countries, according to the World Bank's classification, with high economic inequalities, low employment and high risk of poverty. Gender regimes are still dominantly patriarchal, with specific forms that, thanks</p>	

<sup>1</sup> SORS, Statistical Yearbook 2017, <http://publikacije.stat.gov.rs/G2018/Pdf/G20182051.pdf>

<sup>2</sup> SORS, Statistical Yearbook 2017, <http://publikacije.stat.gov.rs/G2018/Pdf/G20182051.pdf>

<sup>3</sup> SORS, Statistical Yearbook 2017, <http://publikacije.stat.gov.rs/G2018/Pdf/G20182051.pdf>

<sup>4</sup> <http://hdr.undp.org/en/data>

<sup>5</sup> <http://hdr.undp.org/en/data>

<sup>6</sup> <http://hdr.undp.org/en/indicators/101406>

<sup>7</sup> <http://uis.unesco.org/country/RS>

to their heritage during the socialist period, are marked as positive shifts in the public sphere, particularly by the inclusion and achievements of women in education, but also in the expressive patriarchal structures and relations in the private spheres of partner and family life. The strengthening of the patriarchy, the basis of discrimination against women, was contributed by the destruction and crises of the 1990s that have long diminished the position of women. Empowerment and emancipation of women are slowed down by ineffective implementation of reforms, by strengthening conservative right-wing polytheistic ideologies and elites with sensitive relations in the Western Balkans region, as well as in the EU, which are characterized by increased political conflicts, the strengthening of right political ideologies and attacks on women's rights.

## INTRODUCTION

This report was prepared by a group of civil society organizations and experts gathered around the SOS Network Vojvodina (contact: [mreza.sos.vojvodina@gmail.com](mailto:mreza.sos.vojvodina@gmail.com)) with the aim to point out priority areas for the elimination of discrimination against women and their empowerment, and suggest to the CEDAW Committee issues that need to be brought to the attention of representatives of the state in further dialogue with the Republic of Serbia, as well as recommendations for more effective and efficient the elimination of discrimination against women in areas that are in the focus this report. This way, the coalition gathered around this report wants to contribute to the dialogue between the Republic of Serbia and the CEDAW Committee, which will continue at the Committee's 72nd regular session in February 2019.

The report relates to the following areas that correspond with the articles of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the Convention), and the recommendations of the CEDAW Committee:

- 1) Legal framework and access to justice (Articles 2 and 15 of the Convention, recommendation 33)
- 2) Political participation and mechanisms for gender equality and protection against discrimination (Articles 7 and 8, general recommendations 6, 23)
- 3) Socio-economic rights: employment, education, health care, social protection and other equal rights (Articles 10, 11, 12, 13 and 14, general recommendations 13, 16, 17, 24, 36)
- 4) Marriage, family and gender-based violence (Article 16 and general recommendations 12, 19, 21, 29 and 35)
- 5) Gender stereotypes and prejudices (Article 5)
- 6) Security, gender discrimination (general recommendation 30)

The report was prepared taking into account the Fourth Periodic Report submitted by the Republic of Serbia to the CEDAW Committee in 2017, the list of questions addressed by the CEDAW Committee to the

Republic of Serbia in 2018, as well as the responses sent back. It was prepared with insight into other shadow reports submitted by civil society organizations.<sup>8</sup>

Bearing in mind that other shadow reports focus on either specific social groups of women or on a narrow set of issues related to certain forms of discrimination, the organizations behind this report are intent on encompassing priorities in all the most important areas, thereby contributing to the conclusions and recommendations. The Committee includes all relevant areas of suggestion for further interventions. This intent is based on the experiences from recent policy development and implementation, reforms of gender equality and the goal to eliminate discrimination against women, which are often focused on particular problems and aspects that are more likely to result from the fundamental forms of inequality and discrimination against women, paying less attention and resources to those areas hiding the causes of these problems, such as the patriarchal structures of power that are reproduced in all spheres of society and at all levels, maintained through economic inequalities, norms and values internalized from the earliest childhood and reproduced through the education system, the media, the exploitation of women in unpaid housework and the care economy, exclusion from decision-making in reform and development processes.

In addition to the efforts to identify priority problems in a number of areas, this report is based on an effort to highlight the critical position of women who are exposed to multiple discrimination. Therefore, the focus of this report are ten groups of women who are most exposed to discrimination and whose social status and well-being are at risk: Roma women, migrants (recommendations 26 and 32), single mothers, women with disabilities (recommendation 18), rural women, elderly women (recommendation 27), women victims of violence (recommendation 19 and 35), women in prisons and LGBT women.

## 1. GENERAL OBSERVATIONS ON THE SITUATION AND PROCESSES REGARDING GENDER EQUALITY AND DISCRIMINATION AGAINST WOMEN

During extensive research, discussion, preparation of this report, as well as the shadow report to the CEDAW Committee, some general characteristics of the situation, as well as some general processes that permeate different areas of gender equality and position of women showed clear outlines. Since they are permeating, manifesting themselves in numerous forms and areas of gender relations, taking on various manifestations of direct and indirect discrimination against women or forming the conditions in which this discrimination takes place, we want to point them out in order to be able to recognize their elements and different manifestations in later chapters.

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<sup>8</sup> By December 2018, six shadow reports were submitted: (1) Report with emphasis on discrimination of elderly women submitted by CSOs Amity, Red Cross of Serbia, Caritas Sremska Mitrovica, Kokoro from Bor, Lužnik Handicrafts, Ž.EC from Babušnica and Center for single life of persons with disabilities. (2) Report emphasizing socio-economic rights submitted by CSOs FemPlatz and the A11 Initiative for Economic and Social Rights. (3) A report focusing on the suppression of corporal punishment of children was submitted by the Global Initiative for the Elimination all forms of corporal punishment of children; (4) A report focusing on lesbian rights was submitted by the human rights organization Lesbian Labris; (5) the report with emphasis on access to justice was submitted by the international organization Equal Rights Trust and (6) a report focusing on discrimination against rural women were submitted by civil society organizations Women's Center Uzice, Femina Creativa Subotica, Že Initiative Priboj and Ternipe from Pirot. Reports can be found at the CEDAW Committee's website: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1190&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1190&Lang=en)

**REFORM IS PRESENT THOUGH FORMAL, WITHOUT IMPLEMENTATION OF ESSENTIAL LAWS, POLICIES AND EFFECTS ON WOMEN AND GENDER RELATIONSHIPS.** Reform processes are evident in the changes of the legal framework, as well as in defining relevant sectoral, multi sectoral and specific policies aimed at promoting gender equality. These processes are not without contradiction, since positive trends (i.e. harmonization of the RS Criminal Code with the Istanbul Convention, adoption of the new Law on the Prevention of Domestic Violence) are accompanied by some negative measures (as in the case of Financial Support to the Family with Children practically vetoing individual support to parents).

The biggest issue is that laws and policies are not implemented effectively or transparently. Implementation mechanisms are not effective, accompanying regulations defining them are missing or happen long after the adoption of the law. The mechanisms for monitoring the application of regulations are not effective because either they have not been established, or the effects are not systematically monitored, indicators of implementation effects are missing, etc. There is no proper horizontal or vertical co-ordination among key actors at national, provincial and local levels when applying gender equality policies.

**DEINSTITUTIONALIZATION PROCESSES ARE PRESENT AT ALL LEVELS.** Gender equality mechanisms have been established at national, provincial and local levels, but they are less functional today than before when it comes to local and provincial levels.

The Coordinating Body for Gender Equality, the main mechanism for gender equality at national level, is not legally founded nor financed from the budget, employing only a few people and has no operational offices. The provincial mechanism today is far less active than its predecessor, a real leader of change and best practice example for establishing mechanisms throughout Serbia. The institutional heritage of this mechanism has completely disappeared, starting from information, publications, studies and reports that are no longer available, to the poor implementation of previously established measures.

Mechanisms at local level have been formed under the pressure of the Gender Equality Act, but essentially aren't proactive bearers of policies for the promotion of gender equality in local communities. With all the above mentioned in mind, deinstitutionalization is visible in the absence as well as the collapse of previously established coordination mechanisms.

Horizontal coordination between the Coordinating Body and the contact persons for gender equality in ministries hasn't been established on solid foundations, there are no formal mechanisms of activity harmonization or standardized reporting and consultation processes. There are no effective coordination mechanisms between bodies and persons in charge of gender equality in the executive and legislative authorities. There are no standardized effective coordination mechanisms between national and local mechanisms that would enable the effective implementation of policies and measures in local communities, and reporting on the results achieved.

We are witnessing the weakening of regional coordination mechanisms in the Western Balkans that were once active and enabled coordinated gender equality policies between countries in the region, exchanging experiences and mutually supporting and reinforcing processes.

**VIOLENCE PERMEATES ALL AREAS OF PUBLIC AND PRIVATE LIFE.** Violence is visible in the discourse and public appearances of politicians, even women politicians who, although reached the highest positions of power, are not changing the patterns of governance, but, on the contrary, accept and reproduce a form of government that is inherent in the hegemony of the masculine model of political power that promotes competitiveness, non-transparency, the constant need to name "enemies" in order to base their own legitimacy on the weakness of the opponent.

Violence in general and in particularly against women is present in the national parliament, in mass media spreading misogynist, sexist messages, is present as structural violence against women and excludes them from decision-making, from the labor market, from property, new technologies, is present as violence against women in the workplace, in institutions where women should achieve social or health care, is present in the family, partnerships, where women should feel safe and where they need to get the biggest support for realizing their potential and well-being.

Ironically, never has more been done on preventing and combating violence and these are precisely the areas where significant progress has been made over the last five years, but there has never been more violence in many areas of social life.

**LACK OF DATA** needed for analysis, monitoring of the situation in various areas of gender equality due to institutions not introducing or sufficiently improving gender-sensitive records, as well as their unwillingness to make data available to civil society organizations. While positive developments are visible in terms of improving statistics that fall within the scope of the state statistical institution - the National Bureau of Statistics, everything regarding the records of individual institutions is unsatisfactory. Data on the situation in the field of gender equality is not harmonized, synchronized or available as open data, must be demanded through a formal claim, the responsiveness of some institutions is not satisfactory, and, when data is provided, it is usually not in an adequate format.

## 2. LEGAL FRAMEWORK AND ACCESS TO JUSTICE

### 2.1. Normative framework

Article of the Convention referred to in this chapter	2
Question from the List of Issues for the Fourth Periodical Report which the Committee sent to RS, referred to in chapter	2

#### **PRIORITY ISSUES**

- 1. Drafting of the new Law on Gender Equality is stalling, from 2015 to the present.***
- 2. Protection against discrimination on grounds of sex and gender is not systematically regulated, meaning that regulations in this field are different than the laws.***

**3. Special anti-discrimination laws (on persons with disabilities, national minorities) are not gender-sensitized, subsidiary legislation in areas relevant for gender equality does not include a systematic gender aspect when creating solutions and monitoring their effects.**

## *Priority 1: Drafting the Law on Gender Equality*

Practice indicates that it is necessary to adopt the new Law on Gender Equality due to the deficiencies of the current one. The shortcomings are: the title of the law (Law on Gender Equality); gender equality is not regulated; multiple discrimination<sup>9</sup> or special measures for certain groups of women (women with disabilities<sup>10</sup>, Roma women, national minorities<sup>11</sup>, rural women and others) are not specifically regulated; institutional mechanisms for gender equality are under regulated (only one provision of the Law regulates institutional mechanisms for gender equality at local level, while institutional mechanisms for gender equality at higher levels of government are not regulated by the Law); the prescribed measures achieving gender equality are obligatory only for employers in the private sector, not for public authorities; law implementation instruments are missing; the protection of rights is inadequate; there are no criminal provisions etc. Work on the Law on Gender Equality is ongoing since 2015, including several delays. The National Strategy for Gender Equality 2016 – 2020 (and the corresponding Action Plan for its coordination 2016-2018), as well as the Action Plan for Chapter 23 in the EU Accession Process, all define this law as top priority and link its adoption with 2016. Women's civil society organizations also consider the adoption of this law a top priority and regularly carry out advocacy activities such as public and media appearances, communication with Deputy Prime-Minister, the relevant Ministries and the Coordinating Body for Gender Equality. A draft was sent to the National Assembly in 2016 but was withdrawn from the procedure. At the Ministry of Labor, Employment, Veterans' and Social Affairs, in whose jurisdiction lies gender equality, work on drafting the Law on Gender Equality is still underway. In the beginning of December 2018, a recent draft was sent to the European Commission for review, despite the general public not being familiar with its content or having information about legal solutions proposed in it.

### PROPOSED QUESTIONS:

- Why didn't the Ministry of Labor, Employment, Veterans' and Social Affairs, in charge of the drafting process, make the draft version addressed to the EC available for public review?
- Does the Law draft addressed to the EC for review define the position and mandate of the main national mechanism for gender equality, i.e. Coordinating Body for Gender Equality?

### RECOMMENDATIONS:

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<sup>9</sup> Law on the Prevention of Discrimination, RS Official Gazette, no. 22/2009 regulates multiple and cross-cutting discrimination as serious forms of discrimination (Article 13, paragraph 1, point 5) and special cases of discrimination on the basis of sex (Article 20), sexual orientation (Article 21), disability (Article 26), age (Article 23), religion (Article 18), nationality (Article 24), political belief (Article 25).

<sup>10</sup> Law on the Prevention of Discrimination Against Persons With Disabilities, RS Official Gazette, no. 33/2006; Law on Movement With the Help of Guide Dog, RS Official Gazette, no. 29/2015; Law on the Use of Sign Language, RS Official Gazette, no. 38/2015.

<sup>11</sup> Law on the Protection of Rights and Liberties of National Minorities, YU Official Gazette, no. 11/2002; SCG Official Gazette, no. 1/2003 – Constitutional Charter; RS Official Gazette, no. 72/2009, 97/2013 and 47/2018; Law on National Councils of National Minorities, RS Official Gazette, no. 72/2009, 20/2014, 55/2014 and 47/2018.

- Inform the general public about the Law draft addressed to the EC for review, as well as corresponding conclusions of the EC addressed to the Serbian Government.
- Take necessary measures to ensure that good solutions, i.e. the 40% quota and other solutions proposed by civil society organizations, are retained in the final draft.
- Incorporate provisions defining the main national mechanism for gender equality into the final Law draft, if not done so already.
- Accelerate the adoption of the Law on Gender Equality in order to remove barriers for further advancement of gender equality through appropriate measures and policies.

## *Priority 2: Protection against discrimination based on sex and gender is not systemically regulated*

Protection against discrimination based on gender and sex, regulated by the Gender Equality Law and the Law on the Prohibition of Discrimination, is not systemically regulated, and the solutions proposed by these laws are different. The Law on the Prohibition of Discrimination regulates civil rights protection in proceedings related to protection against discrimination, whereas the Gender Equality Law does not regulate this possibility. Additionally, The Gender Equality Law prescribes a special measure of exemption from payment of previous procedural costs which the Law on the Prohibition of Discrimination does not recognize. The Law on the Prohibition of Discrimination stipulates that the burden of proof in litigation proceedings for the protection against discrimination lies on the defendant, the Gender Equality Law again not regulating this area. Finally, procedural urgency is not regulated at all.

### PROPOSED QUESTIONS:

- Has the Ministry of Labor, Employment, Veterans' and Social Affairs, the body responsible for drafting the Law on Gender Equality and the Law on the Prohibition of Discrimination, prepared an analysis of the compliance of these two laws regarding protection against discrimination and what are the findings of that analysis?
- Is the Law draft addressed to the EC for review in line with the Law on the Prevention of Discrimination?

### RECOMMENDATIONS:

- Comprehensively and consistently regulate protection against discrimination (especially judicial protection) on the basis of gender and sex and prescribe special measures: exemption from payment of procedural costs, specific provisions on the burden of proof of discrimination, procedural urgency, etc.
- Include regulations on gender equality and the prevention of discrimination in the training of judges, prosecutors and lawyers.

Special anti-discrimination laws governing the rights of persons with disabilities<sup>12</sup> and the rights of national minorities<sup>13</sup> do not include a gender aspect when developing solutions and monitoring their effects on the position of women. One exception is the Law on National Minority Councils.<sup>14</sup>

The relationship between the Law on Gender Equality and subsidiary laws is a central issue for the achievement of gender equality due to the multi sectoral nature of this area. Some laws, such as the Law on the Prevention of Domestic Violence<sup>15</sup>, Law on Financial Support to the Family with Children<sup>16</sup>, are extremely important in regulating issues of relevance to the achievement of gender equality and are closely related to the Law on Gender Equality. This would make the proposed legal solutions consistent and compatible, which is not the case now. In practice, the gender perspective is not integrated into subsidiary laws regulating areas relevant for gender equality.

Rare positive examples (e.g. amendments to the national assembly quota for less represented sex in electoral legislation<sup>17</sup>; gender sensitive budget in the Law on the Budget System<sup>18</sup>) are the result of joint activities of Women's Parliamentary Network and women's civil society organizations. Subsidiary laws often contain discriminatory norms (e.g. the Law on Pension and Disability Insurance<sup>19</sup> treats marital and extra-marital unions differently in property relations, although the Constitution<sup>20</sup> foresees their equality) or don't regulate issues relevant to gender equality despite lawmakers' repeated submission of amendments to the draft (e.g. the Law on Local Self-Government<sup>21</sup> does not regulate institutional mechanisms for gender equality at local level).

### PROPOSED QUESTIONS:

- When does the Serbian State plan to harmonize all subsidiary laws with the Law on Gender Equality?
- When does the Serbian State plan to integrate the gender dimension into laws regulating the rights of persons with disabilities and the rights of national minorities?

### RECOMMENDATIONS:

- Integrate the gender component into laws regulating areas of importance for gender equality (i.e. employment, social protection, education, health care, taxation and other relevant areas).

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<sup>12</sup> Law on the Prevention of Discrimination Against Persons With Disabilities, RS Official Gazette, no. 33/2006, as part of a set of anti-discriminatory laws regulates only discrimination against persons with disabilities and not any other questions important for the position of vulnerable groups, nor the gender dimension of this discrimination.

<sup>13</sup> Law on the Protection of Rights and Liberties of National Minorities, YU Official Gazette, no. 11/2002; SCG Official Gazette, no. 1/2003 – Constitutional Charter; RS Official Gazette, no. 72/2009, 97/2013 and 47/2018.

<sup>14</sup> Law on National Councils of National Minorities, RS Official Gazette, no. 72/2009, 20/2014, 55/2014 and 47/2018 contains special measures for the election of members – quotas (30%).

<sup>15</sup> RS Official Gazette, no. 94/2016.

<sup>16</sup> RS Official Gazette, no. 113/2017 and 50/2018.

<sup>17</sup> Law on the Election of Members of Parliament, RS Official Gazette, no. 35/2000, 57/2003, 72/2003, 75/2003, 18/2004, 85/2005, 101/2005, 28/2011, 36/2011, 104/2009; Law on Local Elections, RS Official Gazette, no. 129/2007, 34/2010, 54/2011; Provincial Decision on the Election of Members of Parliament of APV, APV Official Gazette, no. 23/2014.

<sup>18</sup> RS Official Gazette, no. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013, 108/2013, 142/2014, 68/2015, 103/2015, 99/2016 i 113/2017.

<sup>19</sup> RS Official Gazette, no. 34/2003, 64/2004, 84/2004, 85/2005, 101/2005, 63/2006, 5/2009, 107/2009, 101/2010, 93/2012, 62/2013, 108/2013, 75/2014 and 142/2014.

<sup>20</sup> RS Constitution, Article 62, paragraph 4, RS Official Gazette, no. 98/2006.

<sup>21</sup> RS Official Gazette, no. 129/2007, 83/2014, 101/2016 and 47/2018.

- Consistently integrate the gender perspective into subsidiary laws and laws regulating the rights of persons with disabilities and national minorities.

## 2.2. Access to justice

Article of the Convention this chapter refers to	15
Question from the List of Issues for the Fourth Periodical Report which the Committee sent to RS, referred to in chapter	3

### PRIORITY ISSUES

**1. Free legal aid is not systemically established, the implementation of the new Law on Free Legal Aid has been postponed, and does not correspond to the core needs of citizens in access to justice. Territorial distribution of courts and prosecutors' offices is not adequate, mutually harmonized and based on real needs, which makes it difficult for women to access justice, especially those living outside urban centers (in rural or remote areas).**

**2. Access to justice is hampered for various groups of women due to linguistic and physical barriers.**

**3. Modifications to the migration and asylum system provide additional protection for migrant women and the integration of gender sensitive procedures, but employees in the justice system have insufficient knowledge to ensure their satisfactory implementation.**

#### Priority 1: Free legal aid

The Serbian Constitution<sup>22</sup> guarantees the right to legal aid, while the conditions for providing free legal aid are regulated by law. Women are particularly affected by financial obstacles to access to justice.<sup>23</sup> The differences in the material status of women and men significantly affect the affordability of Justice.<sup>24</sup>

The Law on Free Legal Aid was adopted in November 2018<sup>25</sup>, after more than a decade of development, but its application was postponed until October 2019. The law is restrictive towards the possibility of using free legal aid: unduly limitations for potential providers of free legal aid; prerequisites for granting aid are not adequately explained; leaving an open door for the possibility of refusal to provide free legal aid on the grounds of formal<sup>26</sup> in compliance or other reasons related to the evaluation of the service provider.<sup>27</sup>

<sup>22</sup> RS Constitution, Article 67, RS Official Gazette, no. 98/2006.

<sup>23</sup> Currently, the cost of one correspondence to the court or participation in one hearing by a lawyer is at least one third, while filing a complaint costs more than two thirds of an average salary in Serbia.

<sup>24</sup> Employed women in Serbia earn on average 8.7% less than employed men, which also represents the difference in average pension. The level of women's employment is 14.7% lower than that of men.

<sup>25</sup> Law on Free Legal Aid, RS Official Gazette, no. 87/2018.

<sup>26</sup> Law on Free Legal Aid, Article 32, establishes the assumption that a claim has been denied in the cases of relevant personnel not responding within the legally prescribed timeframe.

<sup>27</sup> Law on Free Legal Aid, Article 7, stipulates that free legal aid is not allowed in cases of high procedural costs or low chances of success; Article 21 prescribes denial of service in cases of beneficiary's non-compliance with the law.

The law does not explicitly recognize the issues women face in their access to justice, while it does stipulate that free legal aid may be requested by victims of domestic violence. Since women are most often victims of domestic violence, the law has indirectly opened the possibility for their better legal protection.

Free legal aid and the exemption from payment of previous civil<sup>28</sup>, criminal<sup>29</sup> and administrative<sup>30</sup> procedural costs are regulated by relevant laws in these fields.<sup>31</sup> On the other hand, the courts and administrative authorities do not publish data on the number of persons who received free legal aid or exemption from paying previous procedural costs because no records of these cases are being kept.<sup>32</sup>

## PROPOSED QUESTIONS:

- Why hasn't the Serbian State established the right of all citizens to free legal aid, thus failing to consistently apply Article 67 of the Constitution?
- What criteria were established by the Serbian State when defining the conditions for granting free legal aid?
- Why do the Serbian State grant associations of citizens to provide free legal aid only in exceptional circumstances?

## RECOMMENDATIONS:

- Immediately establish mechanisms for citizens facing financial and informational barriers in accessing justice and ensure the right to free legal aid.
- The conditions for granting free legal aid must not be discriminatory and must be in accordance with domestic and international obligations of Serbia.

## *Priority 2: Inadequate territorial distribution of courts*

Law on Territorial Distribution of Courts and Public Prosecutor's Offices<sup>33</sup> stipulates the seat of the courts of general jurisdiction (66 magistrate courts, 25 higher courts, four appellate courts and the Supreme Court of Cassation). While the seats of higher and appellate courts and the prosecutor's offices are aligned, this is not the case with the Basic Prosecutor's Offices, which have 8 less<sup>34</sup> in relation to magistrate courts.

The adoption of the Law on Territorial Distribution of Courts and Public Prosecutor's Offices continues the practice of frequent changes in the network of judicial institutions.<sup>35</sup> This testifies to the unstable judicial policy and a lack of clear plan for the organization of judiciary work.

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<sup>28</sup> Law on Litigation Procedure, RS Official Gazette, no. 72/2011, 49/2013, 74/2013, 55/2014 and 87/2018.

<sup>29</sup> Law on Criminal Procedure, RS Official Gazette, no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014.

<sup>30</sup> Law on General Administrative Procedure, RS Official Gazette, no. 18/2016.

<sup>31</sup> Law on Litigation Procedure ( Article 168 and 170), Law on Criminal Procedure (Article 76, 77 and 264) and Law on General Administrative Procedure (Article 89).

<sup>32</sup> Analysis of court practice. Court proceedings following recommendations for the exemption from paying previous procedural costs in litigation. YUCOM, 2018.

<sup>33</sup> Law on Territorial Distribution of Courts and Public Prosecutor's Offices, RS Official Gazette, no. 101/2013.

<sup>34</sup> Law on Territorial Distribution of Courts and Public Prosecutor's Offices, Article 9.

<sup>35</sup> Over the previous 17 years, the number of hierarchically lowest courts varies greatly: from 138 to 34, then to 66.

Changes in territorial distribution are conducted without public debate and consultation with the professional public. These changes are justified primarily by organizational reasons within the judiciary itself (number of judges and prosecutors, network maintenance etc.) and that certain regions are traditionally used to having courts in their area. The network of judicial institutions has not been developed on the basis of analyses of the situation and needs of citizens. When changing the network of judicial authorities, women's rights were not specifically considered.

## PROPOSED QUESTIONS:

- Has the Serbian State conducted an analysis of the availability of the network of courts and prosecutors from the point of view of access to justice and when?
- Is the Serbian State planning a reform of the network of courts and prosecutors' offices to improve access to justice for women, especially for women from rural and remote areas?

## RECOMMENDATIONS:

- Analyze the availability of the network of courts and prosecutors' offices, bearing in mind the needs and obstacles of women from different social groups and regions.
- To undertake comprehensive reform of the network of courts and prosecutors based on the needs of women from various vulnerable groups regarding access to justice, obstacles related to territorial distribution, language and physical barriers.

### *Priority 3: Language and physical barriers for access to justice*

Significant obstacles for access to justice also occur due to linguistic and physical barriers. The Serbian Constitution guarantees everyone a right to a fair trial.<sup>36</sup> Data on languages used in judicial proceedings are not publicly available, so the assessment of whether and to what extent language barriers prevented access to justice, especially when women are concerned, is not available.<sup>37</sup>

The possibilities for court proceedings in national minority languages are limited by the Law on the Official Use of Language and Alphabet<sup>38</sup>, stipulating procedural language equivalence, but only if the language in question is in official use in a specific community or if members of a specific minority group represent more than 15% of the population according to the last census.<sup>39</sup> The possibility of leading proceedings in a national minority language is additionally limited only to first-degree proceedings, as well as upon request by parties involved to lead the procedure in another language.<sup>40</sup> There are no law translations in languages of national minorities and multilingual standard court forms. When appointing judges and prosecutors, their knowledge of national minority languages is not considered and the system of education of lawyers and judiciary staff does not prepare them for conducting proceedings in languages other than Serbian.

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<sup>36</sup> RS Constitution, Article 32.

<sup>37</sup> This is possible, though only indirectly, by using other data – perhaps about Roma girls leaving the education system early, therefore having less knowledge of Serbian language than boys who spend more time in education.

<sup>38</sup> Law on the Official Use Of Language and Alphabet, RS Official Gazette, no. 45/91, 53/93, 67/93, 48/94, 101/2005, 30/2010, 47/2018 and 48/2018.

<sup>39</sup> Law on the Official Use Of Language and Alphabet, Article 11. Data from the Special report of the Ombudsperson shows that national minority languages are not significantly used in first degree court proceedings in communities where they are in official use.

<sup>40</sup> Law on the Official Use Of Language and Alphabet, Article 12.

The Constitutional ban on discrimination<sup>41</sup> based on personal traits including disability is further regulated by laws and other documents on accessibility of buildings, in particular buildings intended for public use. There is no data on whether or not physical obstacles prevent persons with disabilities from seeking court protection. Indirectly, it can be concluded that inaccessibility impacts women, who make up 58.2% of persons with disabilities, more than men.<sup>42</sup> For additional information, see chapter 3.3 of the Initial State Study in the field of gender equality in Serbia.<sup>43</sup>

## PROPOSED QUESTIONS:

- Has the Serbian State conducted an analysis of language accessibility of the judicial system for citizens belonging to national minorities?
- Has the Serbian State conducted an analysis of the physical accessibility of the judicial system for citizens with disabilities? If it is planned, who is the bearer of that task and when is it planned to be implemented?

## RECOMMENDATIONS:

- It is necessary to conduct an analysis and determine the extent to which access to justice is made difficult for citizens, especially women, due to linguistic and physical barriers.
- It is necessary to ensure preconditions for using the language of national minorities and other languages in court proceedings (administrative, technical, financial prerequisites and additional education of lawyers and judiciary staff).
- It is necessary to develop and implement a plan for improving access to justice by removing these obstacles.

### *Priority 4: Weaknesses in the application of migration and asylum systems*

The Law on Temporary Protection and Asylum<sup>44</sup>, adopted in 2018, recognizes gender based violence as an act of persecution and a basis for requesting asylum, establishing new gender sensitive procedures. This law guarantees the right to refuge for people who justifiably fear persecution<sup>45</sup>, recognizing persecution based on sex, gender, gender identity and sexual orientation<sup>46</sup>. Among recorded acts<sup>47</sup> of persecution, there is physical and psychological violence, including sexual and gender-based violence, as well as acts related to sex or children.

New legal solutions have made progress in integrating the principles of gender equality into the migration and asylum system. The law prescribes gender sensitive procedures, especially through the principle of gender equality and sensitivity<sup>48</sup>. Special procedural and acceptance guarantees are also provided for persons in a specific situation, including those who have been tortured, raped or exposed to other serious

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<sup>41</sup> RS Constitution, Article 21.

<sup>42</sup> Milan M. Marković (2014), Persons with Disabilities in Serbia. Nationa Bureau of Statistics.

<sup>43</sup> Gender Equality in Serbia, Rights and Status of Women: Initial State Study in the field of Gender Equality in Serbia; SeConS and Vojvodina SOS Network, Kikinda 2019.

<sup>44</sup> Law on Temporary Protection and Asylum, RS Official Gazette, no. 24/2018.

<sup>45</sup> Law on Temporary Protection and Asylum, Article 26.

<sup>46</sup> Law on Temporary Protection and Asylum, Article 24.

<sup>47</sup> Law on Temporary Protection and Asylum, Article 28.

<sup>48</sup> Law on Temporary Protection and Asylum, Article 16.

forms of psychological, physical or sexual violence<sup>49</sup>. The law also establishes a rule on priority health care for victims of torture, rape and other serious forms of psychological, physical or sexual violence<sup>50</sup>.

The problem is a lack of knowledge about gender-based violence among professionals in the migration and asylum system. Previous experience shows that professionals are not sufficiently trained to recognize gender-based discrimination, nor the need of victims in the process of providing protection.

## PROPOSED QUESTIONS:

- How many cases of asylum applications filed in the Republic of Serbia for the period 2015-2018 stated threats of persecution in some form of gender-based violence as a basis for international protection?
- How many asylum applications were accepted since the adoption of the new Law on Temporary Protection and Asylum and how many of these cases were based on the threat of persecution in the form of gender-based violence?
- Has the state ensured the implementation of new systems for the protection of women in migrations, through staff training in relevant institutions on gender-based violence and discrimination of migrant women?

## RECOMMENDATIONS:

- Ensure record-keeping of asylum applications that allows identification of grounds for protection, including threats of gender-based violence.
- Publish data on asylum applications and corresponding decisions in the Migration Profile of the RS, identifying claims based on fear or threat of gender-based violence.
- Ensure education of all employees in the migration and asylum system for the implementation of new protection procedures against gender-based discrimination of migrant women.

## 3. POLITICAL PARTICIPATION AND MECHANISMS FOR GENDER EQUALITY AND PROTECTION AGAINST DISCRIMINATION

Article of the Convention this chapter refers to	7, 8
Question from the List of Issues for the Fourth Periodical Report which the Committee sent to RS, referred to in chapter	4, 12

### **PRIORITY ISSUES**

- 1. Insufficient participation of women in decision-making at all levels (local, provincial, national).***
- 2. Underdeveloped, unstable and inefficient institutional mechanisms for gender equality at all levels.***
- 3. Increase of violence against politicians and women in the public sphere.***

<sup>49</sup> Law on Temporary Protection and Asylum, Article 17.

<sup>50</sup> Law on Temporary Protection and Asylum, Article 54.

## *Priority 1: Insufficient participation of women in decision-making at all levels*

Serbia has managed to raise the visibility and participation of women in legislative power through the Law on the Election of Members of Parliament, but in the executive power women's participation is still below 30%, the standard prescribed by the Gender Equality Law. In the National Assembly, women make up 37%<sup>51</sup> of representatives, and in the Government of the Republic of Serbia, 22.7%<sup>52</sup>. In Local Self-Governments<sup>53</sup>, out of 169 there are only 12 women mayors, or 7%, indicating the gender gap when appointing executive positions. Only 14% of women are in the position of president of the municipal assembly. Participation of women councilors in municipal/city assemblies in the Republic of Serbia is 34.8%, but in 68 municipalities/cities (which account for 40.2% of all local self-governments), the number of women councilors is below the statutory values.

Among the membership of national councils of national minorities, after the election of 2014, there was an increase in women's participation (eight women more than in 2010). Nevertheless, men were still an overwhelming majority (86%), and only two women were in the position of chairperson of national councils.<sup>54</sup>

The political participation of women from marginalized groups in the work of the National Assembly and the Government is at a very low level: one with a disability, several representatives of national minorities and no Roma. The National Assembly of Serbia and the Assembly of the Autonomous Province of Vojvodina do not keep statistics on the national affiliation of the MP.

The experience so far has shown that the bastions of traditionalism and patriarchal structures in political life are in fact political parties. The lack of clear mechanisms and non-compliance with regulations that guarantee women's participation in decision-making leads to their marginalization in the parties, and later also reflects on positions in the legislative and executive branches.

### **PROPOSED QUESTIONS:**

- How does the Serbian State plan to increase the participation of women in executive positions at all levels?
- How does the Serbian State monitor the implementation of plans to improve the position of women in political parties? What are the findings of this monitoring?
- Does the Serbian State implement special programs for increasing the motivation and skills of women to perform public functions?

### **RECOMMENDATIONS:**

- Increase women's participation in executive positions at all levels to at least 30%.
- Conduct regular monitoring of the state of gender equality in political parties and their activities in promoting gender equality in party structures.

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<sup>51</sup> [National Assembly of the Republic of Serbia](#)

<sup>52</sup> [Government of the Republic in Serbia](#)

<sup>53</sup> [Gender Equality in Local Self-Governments](#)

<sup>54</sup> [Position of Women in National Councils of National Minorities](#)

- Commit political parties to greater representation of women in party organs and on candidate lists.
- Introduce measures of affirmative action - quotas for positions in the executive branch through appropriate amendments to the law (Law on the Government, Law on Local Self-Governments regulating the field of gender equality).

## *Priority 2: Underdeveloped, unstable and inefficient institutional mechanisms for gender equality*

In recent years, the weakening of institutional mechanisms for gender equality has been explained as a result of the change of institutional forms in which these bodies are established<sup>55</sup>, the weak legal basis on which the mechanisms are founded<sup>56</sup> and insufficient capacity to undertake regular and systematic activities to promote gender equality, especially at local level.<sup>57</sup>

The main national body for gender equality is not founded in law, but established by a government regulation. By moving the gender equality mechanism in AP Vojvodina from the Secretariat for Labor, Employment and Gender Equality to the Secretariat for Social Policy, Demography and Gender Equality<sup>58</sup>, all materials, reports, studies, publications on the web sites, which are of great importance for the current measures and policies of gender equality, have been withdrawn, thereby weakening an important institutional heritage. Activities of local mechanisms are mostly promotional or educational, without actual power to produce change.<sup>59</sup>

The legal framework governing gender equality mechanisms is under regulated. Systemic training on gender equality is not being implemented, though they are crucial for the development of institutional capacities, especially in conditions of frequent employee fluctuations. The Coordinating Body for Gender Equality does not apply the principle of publicity in its work, which is guaranteed by the Rules of Procedure of this body in Part VI. No information on the number of sessions of this body, as well as the number and content of the decisions made can be found on the website of the Coordinating Body. The Coordinating Body for Gender Equality, as a permanent body of the Government that seeks to implement the NAP 1325, does not report on the realization of the National Action Plan. Reports on the work of the Coordinating Body for Gender Equality are not available in a manner prescribed by open government standards, instead upon request.

### **PROPOSED QUESTIONS:**

- How does the Serbian State institutionally strengthen the capacities of the Coordinating Body for Gender Equality in order to effectively and efficiently perform tasks within its mandate?
- What is the 2019 national budget allocation to the Coordinating Body for Gender Equality and the programs and activities that this body implements and monitors?

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<sup>55</sup> The Office for Gender Equality was dissolved in 2014 and the Coordinating Body for Gender Equality established one year later with minor institutional, financial and human resources.

<sup>56</sup> Coordinating Body for Gender Equality isn't founded in law but through a decree of the Government.

<sup>57</sup> Due to insufficient human and financial capacity, political will etc.

<sup>58</sup> [Application of the Principle of Gender Equality in Local Self-Governments in the AP Vojvodina](#)

<sup>59</sup> [Special Report of the Ombudsperson](#)

- Has the Serbian State established mechanisms for coordination between national, provincial and local mechanisms for gender equality?
- Has an assessment of the effectiveness of these coordination mechanisms been carried out and what are the conclusions of this assessment?

## **RECOMMENDATIONS:**

- Clearly define the position and responsibilities of institutional mechanisms for gender equality in relevant laws.
- Create staffing and financial prerequisites for the work of gender equality mechanisms at all levels.
- Ensure effective coordination of the activities of gender equality mechanisms at national, provincial and local levels.

### *Priority 3: Violence against politicians and women on the public scene*

During the past two years, attacks on women politicians have become increasingly frequent. Members of Parliament, local councils and women in executive positions are often attacked in various printed media and web portals financed from public funds, in cases when they speak out against the actions and policies of the current government.

Despite the numerous complaints of NGOs, media associations and other actors, media attacks continue and they are not recognized as a social problem, nor have the competent institutions taken decisive steps to stop these attacks and, in case of perpetrators, take appropriate measures at their disposal. One of the most recent cases is the attack on Marinika Tepic.<sup>60</sup> Due to her positions in parliamentary debate, she became a target of death threats by extremist right-wing organizations.<sup>61</sup> Other women politicians were also exposed to attacks, such as Draga Rakic<sup>62</sup>, Aleksandra Jerkov<sup>63</sup>, Jelena Djordjevic<sup>64</sup>, Tatjana Macure<sup>65</sup> and many others.

Women politicians are exposed to direct verbal attacks, violent media campaigns, blackmail and threats. In October 2018, the Prime Minister Ana Brnabic found herself under such an attack, finally prompting the Commissioner for the Protection of Equality to react and issue a warning.<sup>66</sup>

## **PROPOSED QUESTIONS:**

- What measures has the Serbian State taken to protect women in political office from violence in public and political life?
- What measures has the Serbian State taken to find and punish the perpetrators of acts of violence against women in political office?

## **RECOMMENDATIONS:**

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<sup>60</sup> <https://www.glasamerike.net/a/pretnje-poslanici-marinki-tepic-drzava-ne-reaguje/4162664.html>

<sup>61</sup> <https://www.blic.rs/vesti/politika/grafiti-sa-pretnjama-smrcu-poslanici-mariniki-tepic-u-beogradu/5y0dz6y>

<sup>62</sup> <http://rs.n1info.com/a314216/Vesti/Vesti/Vrsac-Odbornica-DS-na-meti-uvreda.html>

<sup>63</sup> <https://www.vecernji.hr/vijesti/seseljevci-napali-zastupnicu-spodobo-ustaska-k-vo-1239738>

<sup>64</sup> <http://rs.n1info.com/a379247/Vesti/Odbornica-u-Nisu-zbog-pritiska-okolo-aerodroma-napustila-vlast.html>

<sup>65</sup> <https://www.blic.rs/vesti/politika/incident-u-skupstini-ko-je-koga-pljunuo-a-ko-je-kome-psovao-majku/8dxsyw4>

<sup>66</sup> <http://ravnopravnost.gov.rs/en/statement-regarding-the-insulting-of-prime-minister-ana-brnabic/>

- Ensure an effective response by competent institutions and independent bodies in cases of violence against women in political life.

## 4. SOCIO-ECONOMIC RIGHTS: EMPLOYMENT, EDUCATION, HEALTH CARE, SOCIAL PROTECTION AND OTHER EQUAL RIGHTS

### 4.1 Education

Article of the Convention referred to in the chapter	10
General recommendations of the CEDAW Committee referred to in the chapter	36
Question from the List of Issues for the Fourth Periodical Report Committee sent to Serbia referred to in the chapter	7, 13

#### PRIORITY ISSUES

- 1) Gender segregation in education is still widespread, based on patriarchal culture, gender stereotypes and reproduced in conditions of inadequate and ineffective reforms in the education system.**
- 2) Early exclusion of Roma women from the education system subsequently exposes them to the extremely high risks of multiple social exclusion and poverty.**
- 3) Lower participation of girls in inclusive education which points to widespread patriarchal norms in families of girls with developmental obstacles where they are often prevented from engaging in inclusive education.**

#### *Priority 1: Gender segregation in education according to fields of study*

Gender segregation in education is very pronounced, and according to the values of the Gender Equality Index 2014-2016, it is becoming even more pronounced. It manifests itself at the level of secondary education as a concentration of young men in areas of secondary education more practical in nature which allows early inclusion in the labor market. In higher education, segregation is manifested as a large concentration of girls in the areas of social, humanistic sciences and arts. The girls accounted for 56.6% of the total number of students enrolled in 2017/2018 and 58% among graduates in 2016. However, they constitute a minority among students of ICTs (26%), engineering, mechanical engineering, and construction (37%).<sup>67</sup> This segregation is also transmitted to the labor market, manifesting itself as concentration of women in the social service sector with lower chances of employment and lower wages. Among most important policies defining reforms in the area of gender equality and education there are no measures to reduce segregation in education.

<sup>67</sup> Women and men in Serbia 2017, National Bureau of Statistics.

The formal education system continues to reproduce gender stereotypes and contributes to different forms of gender segregation and other gender inequalities not only in education but also in everyday life, as girls and boys become socialized by adopting segregated roles and norms (men wear a larger responsibility for activities in the public sphere - political, economic, etc. and women in the private sphere of family and household care). An analysis of the content of textbooks at different levels of education pointed to the lack of gender-responsive and responsible content.

In the most important current policies defining reforms in the field of gender equality and education<sup>68</sup> there are no measures for reducing segregation in education.

For more information, see chapter 5.1.2 of the Initial State Study in the field of Gender Equality in Serbia.

## PROPOSED QUESTIONS:

- What measures does the Serbian State take to reduce gender segregation at all levels of education and encourage girls/boys for non-traditional female/male occupations?

## RECOMMENDATIONS:

- Measures to eliminate segregation in education should be defined by key strategies - strategy and action plan for gender equality, as well as education strategy.
- School programs and practices stimulate the interest of girls for natural-technical areas and the boys for socio-humanistic areas from the earliest ages.
- Systematic gender sensitization of the teacher profession to improve their capacity to treat girls and boys equally and stimulate their interests in segregated segments of education.

## *Priority 2: Early exclusion of Roma women from the education system*

Girls from Roma population, especially those living in sub-standard settlements and in households with the lowest income, are not sufficiently covered by pre-school education. 98.1% of children of appropriate age from the general population attend compulsory pre-school programs, whereas only 62% of Roma girls do so, among them 58.6% being Roma girls from lowest income households. The rate of attendance of compulsory primary education among the general population is 99.1%, while it is significantly lower among boys and girls from Roma settlements (84.5% and 85.2%). Roma children, especially girls, leave the education system very early, before they complete primary school, as can be seen from the data on primary school completion rates (for girls in the general population, this rate was 98%, and for Roma girls 63%). Roma girls are almost completely absent from secondary education, according to MICS data, only 14.9% of them attend secondary school, while the boys' attendance is somewhat higher (although also extremely low), accounting for 28%.<sup>69</sup>

One of the key reasons for early school leaving of Roma girls is early/forced marriage, a widespread occurrence in Roma communities. According to the UNICEF MICS survey for 2014, 33% of Roma girls aged

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<sup>68</sup> National Strategy for Gender Equality 2016-2020 with accompanying action plan 2016-2018 and the Strategy for the Development of Education in Serbia until 2020.

<sup>69</sup> Research of Multiple Indicators, Serbia and Roma Community 2014, UNICEF, Belgrade.

15-19 were pregnant or had already given birth.<sup>70</sup> In the general population of women aged 15-49, 0.8% have entered into marriage before the age of 15, among the girls from Roma settlements it is 16.9%. In the general population of women aged 20-49, 6.8% entered marriage before the age of 18, among women from Roma settlements of the same age, 57% of them.<sup>71</sup>

## **PROPOSED QUESTIONS:**

- What measures does the Serbian State apply in order to keep Roma girls in the education system, especially in higher grades of primary school when they mostly leave education?
- What is the Serbian State doing to make mechanisms for keeping Roma girls in the education system more effective?
- Is the implementation of the Strategy for Social Inclusion of Roma in the Field of Education 2016-2025 continuously monitored and what are the results of these measures in relation to Roma women?

## **RECOMMENDATIONS:**

- Develop mandatory programs for working with parents of girls from the Roma population and, through measures of encouragement, mentoring, involving parents in educational institutions, increase their motivation to support the education of girls.
- Provide effective mechanisms in the education and social protection system that enable early response to the exclusion of girls from education.
- Increase the capacity of pedagogical assistants to provide better support for girls who respond to their gender-specific needs in order to improve social inclusion.

### *Priority 3: Lower participation of girls than boys in inclusive education*

Girls with disabilities or developmental obstacles are less involved in inclusive education than boys. Data from 2016 shows that boys make up two thirds among children who attend inclusive education with an individual education plan.<sup>72</sup> This finding was not the subject of analysis, so there are no factually substantiated conclusions as to the reasons for this disproportion. Having an insight into the patriarchal norms and experiences of organizations dealing with gender equality of persons with disabilities, the reasons may be a greater inclination of parents of parents of girls with disabilities to keep them at home, as well as weak mechanisms to involve these girls more in the inclusive education system.

## **PROPOSED QUESTIONS:**

- Is the Serbian State analyzing the reasons for lower participation of girls in inclusive education programs?
- What measures does the Serbian State undertake to equally include girls and boys in inclusive education?

## **RECOMMENDATIONS:**

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<sup>70</sup> Research of Multiple Indicators, Serbia and Roma Community 2014, pg. 102, UNICEF, Belgrade

<sup>71</sup> Research of Multiple Indicators, Serbia and Roma Community 2014, pg. 215 and 218, UNICEF, Belgrade

<sup>72</sup> Women and men in Serbia 2017, pg. 49, National Bureau of Statistics.

- Conduct a gender analysis of inclusive education.
- Define measures and programs for working with parents to encourage equal participation of girls in inclusive education.

## 4.2 Employment

Article of the Convention referred to in the chapter	11
General recommendations of the CEDAW Committee referred to in the chapter	13, 16, 17,
Question from the List of Issues for the Fourth Periodical Report Committee sent to Serbia referred to in the chapter	14

PRIORITY ISSUES
<b>1) Women's employment is continuously low, the gender gap in employment is very pronounced, and discrimination in employment is largely the reason for such a situation</b>
<b>2) Horizontal and vertical gender segregation is present in the labor market, their roots being in educational segregation and imbalance in power that makes it difficult for women to access economic decision-making positions.</b>
<b>3) Wage gap is present in the public and even more in the private sector, a large part of this gap being the result of direct and indirect discrimination.</b>
<b>4) Growing informal employment of women and the weakening of labor rights, such as the right to health, pension and disability insurance, paid annual leave and paid sick leave.</b>
<b>5) Inadequate valuation of unpaid housework predominantly performed by women, which is not economically and socially recognized.</b>

### *Priority 1: Low employment of women and discrimination in employment*

Gender inequalities in the labor market are continuously very pronounced. Women have a constant significantly lower activity rate than men (59.6% vs. 73.8%), lower employment rates (50.8% vs. 63.9%) and higher inactivity rates (40.4% vs. 26.2%).<sup>73</sup> The gender gap is not reflected only in unemployment rates (14.8% vs. 13.5%), primarily because women are more easily discouraged to look for work and move into the inactive population than men.

Some groups of women are faced with major barriers to employment. Among young women (15-24), the unemployment rate is as high as 36%, and among young women from rural areas as much as 39%. Due to widespread patriarchal norms that attach women to primary roles in the family and household, women are more easily discouraged from seeking employment and withdrawing from the labor market into inactivity when they encounter obstacles to employment. Among inactive persons who do not seek employment because they have lost hope of finding it, 62% are women, while among those who do not

<sup>73</sup> Labor Force Survey 2017, pg. 16 and 17, National Bureau of Statistics.

seek employment because they take care of children and adult family members, as much as 97% of them are women.<sup>74</sup>

Economic participation of women from marginalized groups is even more unfavorable, which further contributes to weakening their opportunities to achieve decent living conditions. The lowest employment rate is registered among women with disabilities and Roma women. Only 4% of women with disabilities are formally employed.<sup>75</sup> Only 9% of Roma women aged 15-64 are employed. The highest unemployment rates are among Roma women and amounts to 50%.<sup>76</sup> The rate of inactivity among young rural women amounts to as much as 73%. Exclusion of women from marginalized groups from employment results in their economic dependence on other family members and wider social exclusion from the community.

Research on discrimination of women in the labor market<sup>77</sup> points to numerous forms of gender discrimination while seeking employment or during: 53.5% of women reported that they were discriminated against during the recruitment process, usually through inquiry into private life (whether married, having children) or into the frequency of using sick leave in the year preceding the employment interview. Discrimination also manifests itself through commenting of their physical appearance, poorer treatment compared to male candidates, indicating pregnancy and parenting as an obstacle to gaining employment, sexual harassment and blackmail and so on.

For more information, see chapter 5.2.2 of the Initial State Study in the field of Gender Equality in Serbia.

## PROPOSED QUESTIONS:

- On the basis of which indicators does the Serbian State report on gender discrimination in employment and whether it is published in reports of inspection supervision?
- How many employers were issued fines due to discrimination of women in the employment process?

## RECOMMENDATIONS:

- Regular and public reporting on discriminatory employer practices and measures taken.
- Regular evaluation of active employment measures from the perspective of its effects on gender segregation by sectors, occupations and decision-making positions.

## *Priority 2: Gender segregation in the labor market*

Horizontal gender segregation (according to sectors and occupations) is visible and, according to the Gender Equality Index 2014-2016, it has increased further. This segregation has its roots in education and is manifested as a concentration of women employed in the sectors of social services (education, health and social protection).<sup>78</sup> The share of women among entrepreneurs has increased between 2011 and 2014

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<sup>74</sup> Women and Men in Serbia 2017, pg. 77, SORS.

<sup>75</sup> Markovic, M. (2014) Persons with disabilities in Serbia. Population census 2011 in Serbia. SORS, Belgrade.

<sup>76</sup> UNDP, World Bank, Roma at Glance, Serbia 2018.

<sup>77</sup> Nikolic-Ristanovic, V, Copic, S, Nikolic, J, Saciri, B. (2012) Discrimination of women on the labour market in Serbia, Victimology Society of Serbia, Belgrade.

<sup>78</sup> Team for Social Inclusion and Reduction of Poverty of the Government of RS, Gender Equality Index in Serbia 2018, Belgrade.

(26% to 34%), but is still low<sup>79</sup>. According to the data of the Business Registers Agency, among managers of active companies 38% are women.<sup>80</sup> In the case of public companies whose founders are municipalities or cities, women are represented among managers with only 15.5%, while among members of supervisory boards of these companies they represent 28.9%.<sup>81</sup>

## PROPOSED QUESTIONS:

- What special measures does the Serbian State take to monitor gender segregation in the labor market and with which strategies?
- What indicators does the Serbian State use to monitor gender segregation in the labor market and where are the reports of this monitoring published?
- When was the last time the Serbian State evaluated the effects of employment measures aimed at combating gender segregation by sectors, occupations and leadership positions?

## RECOMMENDATIONS:

- Regular evaluation of active employment measures from the perspective of its effects on gender segregation by sectors, occupations and decision-making positions.
- Consistent integration of active employment measures with formal and life-long learning measures.
- The state should monitor cases of discrimination against women in employment and at work in relation to sector, occupation and decision-making positions, especially young women in transition towards parenting, in order to take more effective measures to combat discrimination.

### *Priority 3: Gender wage gap*

The gender wage gap is on the rise. The overall gender gap in earnings is 8.7%, but it is higher in the private sector and in specific areas: it is 18.6% in the industry, 14.9% in the information and communications sector, 12.9% in finance and insurance, 12.6% in health and social care. The share of women with the lowest wages in the total number of employed workers is higher than the share of men with the lowest wages in the category of employed workers (24.4% vs. 21.6%).<sup>82</sup> According to a survey on gender wage gap in the Western Balkans in 2013, it was so high that it took women 40 work-days more per year to earn equal pay as men.<sup>83</sup>

The gender wage gap is not the subject of any policy in Serbia, those focused on gender equality, nor those focused on employment and working conditions.

For more information, see chapter 5.2.2 of the Initial State Study in the field of Gender Equality in Serbia.

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<sup>79</sup> Though part of the difference can be attributed to the minor differences in methodology as baseline value was calculated through research based on Business register data, while last value is calculated by Statistical Office of Serbia based on the Business Register data.

<sup>80</sup> Women and Men in Serbia 2017, pg. 78, SORS.

<sup>81</sup> Commissioner for the protection of equality (2017), Gender Equality in Local Self-Governments, pg. 16.

<sup>82</sup> Women and Men in Serbia 2017, pg. 82 and 83, SORS.

<sup>83</sup> Avlijaš, S., Ivanović, N., Vladislavljević, M., Vujić, S. (2013) Gender Pay Gap in the Western Balkan Countries: Evidence from Serbia, Montenegro and Macedonia, pg. 10 and 11, FREN, Belgrade.

## PROPOSED QUESTIONS:

- What measures does the Serbian State take to motivate employers to undertake activities to reduce or close the gender wage gap?
- When was the last time the Serbian State implemented an evaluation of measures for reducing the gender wage gap and what were the results?
- Has the Serbian State enabled the gender wage gap to be the subject of social dialogue between employers, trade unions and the state, and in what way, or is it the subject of collective agreements?

## RECOMMENDATIONS:

- Introduce the obligation of employers to control and report on gender wage gap in their companies.
- Regularly monitor, evaluate and publish data on gender wage gap, according to property status, economic sectors, regions.
- Make a gender pay gap in the element of social dialogue and the content of collective agreements that are effectively applied and monitored.

### *Priority 4: The growing informal employment of women and the weakening of work based rights*

Informal employment is usually more common among men than among women. However, data from the Labor Force Survey for 2017 shows that, for the first time, the rate of informal employment of women is higher than the rate of informal employment of men (22.2% vs. 19.63%).<sup>84</sup> Informal employment of women is most common in the sectors of agriculture and personal services. Rural women engaged in family agricultural holdings are in a particularly disadvantaged position. They account for only 17% of holders, and make up the majority (63%) of the total workforce in the holding. These women work without contract, earnings, social rights based on work (although they can pay pension and disability insurance as members of registered agricultural holdings).<sup>85</sup>

Research on the discrimination of women in the labor market<sup>86</sup> showed that 57.7% of employed women had experienced some form of discrimination in the workplace. Women employed in the private sector were more often exposed to discrimination than women employed in the public sector (64.8% vs. 48.7%). Informally employed women were more often discriminated than formal employees.

The most common form of discrimination in the workplace involves the obligation of women to perform jobs that are not in the job description (such as cooking, courier or administrative work), exposure to unpleasant situations and gender-based remarks, sexual harassment and psychological violence (disdain, threats of termination, spreading false stories, insults, humiliation etc.). The most common perpetrators

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<sup>84</sup> Labor Force Survey 2017, pg. 35 and 36, SORS.

<sup>85</sup> Bogdanov, N., Babović, M. (2014) Labor Force in Family Farms. Agricultural Census 2012, SORS, Belgrade.

<sup>86</sup> Nikolic-Ristanovic, V, Copic, S, Nikolic, J, Saciri, B. (2012) Discrimination of women on the labour market in Serbia, Victimology Society of Serbia, Belgrade.

of such violence are managers and supervisors. According to the Labor Force Survey, 10% of employed women did not have the right to use paid sick leave and paid vacation.<sup>87</sup>

## PROPOSED QUESTIONS:

- Does the Serbian State know the reason for the increase of women's informal employment and the higher rate of informal employment of women than men in Serbia?
- Does the Serbian State know what proportion of employed women don't exercise the right to health and pension insurance and what measures are being taken to reduce the share of women not insured on the basis of work?
- How does the Serbian State monitor and report on the exercise of the right to paid vacation and temporary work leave (sick leave) among employees in the private sector?
- What measures does the Serbian State implement to sanction the denial of rights to paid sick leave and annual leave of employed women?

## RECOMMENDATIONS:

- To conduct analysis and gain information on types of employment (according to the contract) and the sectors seeing an increase in employment of women.
- To evaluate active employment measures from the perspective of effectiveness in increasing the quality of (formal) employment of women.
- To determine which categories of employed women are not covered by compulsory social security and to assess why the existing measures do not lead to an increase in the number of women insured.
- To undertake, or reinforce, measures of control over the use of basic social rights based on work, such as the right to paid sick leave and vacation with employers in the private sector, and that the effects of these measures are regularly evaluated in the public.

### *Priority 5: Inadequate evaluation of unpaid housework*

Employed men spend in paid work on average an hour a day more than employed women, but two and a half hours shorter in unpaid housework. Employed women work on average longer than men, and the time they spend in work is at the expense of leisure activities for which they have, on average, one hour or less per day.<sup>88</sup>

Valuation of unpaid housework and economics of aging within the household and the family isn't conducted by the state or even by the expert community and civil society, nor were the measures for equal participation in unpaid domestic labor and economics of aging within the household and the family applied to the extent which could produce a change.

## PROPOSED QUESTIONS:

- Has the Serbian State conducted an assessment of the value of unpaid housework and the care economy?

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<sup>87</sup> Labor Force Survey 2017, pg. 39 and 40, SORS.

<sup>88</sup> Use of time in Serbia in 2011 and 2015, SORS, Belgrade.

- Does the Serbian state plan to introduce a national satellite account that would calculate the value of this work, contributing to economic and social development?

## RECOMMENDATIONS:

- Introduction of a national satellite account that calculates the economic value created on the basis of unpaid housework and family care.

### 4.3 Social Protection

Article of the Convention referred to in the chapter	11, 14
General recommendations of the CEDAW Committee referred to in the chapter	18, 27, 34
Question from the List of Issues for the Fourth Periodical Report Committee sent to Serbia referred to in the chapter	19, 20

#### **PRIORITY ISSUES**

- 1) Among women aged 65 and over, almost every fifth does not have any type of pension.**
- 2) Elderly women (65 years or more) are at greater risk of poverty and social exclusion than men of the same age and younger population.**
- 3) Financial assistance does not diminish the economic dependence of women because it is granted to a family rather than an individual and therefore it is questionable how much their economic position is improving.**
- 4) The availability of social care services is uneven, low in less developed and rural areas, which is why women from these areas are discriminated against in the possibilities of exercising the right to social protection services, especially rural and older women.**
- 5) Human rights of women in residential institutions of social protection are endangered.**

#### *Priority 1: Elderly women without pensions*

The employment gap and an unfavorable position of women in the labor market also reflect on gender inequalities that are expressed through the gap in pensions and higher risks of poverty and social exclusion of elderly women. According to statistics on income and living conditions in Serbia in 2016, 8% of men and 17% of women did not receive any type of pension (age, family, disability).<sup>89</sup> The gender pension gap is also present in terms of amount. In all pension categories, women on average earn lower pensions than men. The average pension (of any kind) earned by women is at 80% of the average pension that men earn.

<sup>89</sup> Babović, M, Veličković, K, Stefanović, S, Todorović, N, Vračević, M. (2018) Social Inclusion of Elderly Persons (65+) in Serbia, Serbian Red Cross.

These differences are partly due to length of service, considering men had on average 4 years of service more when retiring in 2016.<sup>90</sup>

## PROPOSED QUESTIONS:

- Does the Serbian State know how many women aged 65 or more haven't exercised their right to any form of pension or have no legal status?
- Does the Serbian State know how many women aged 65 or more receive pensions that are less than the prescribed minimum?
- What special measures are implemented by the Serbian State to protect older women against poverty. Are the effects of these measures monitored?
- Does the Serbian State evaluate these measures in terms of risk of poverty among these women?

## RECOMMENDATIONS:

- It is necessary to establish universal age pension, not related to the length of service and paid contributions, for elderly people who have not exercised their right to retirement on the basis of work experience or on other grounds, and especially for women who present the majority of them.

## *Priority 2: Higher risks of poverty and social exclusion of elderly women*

Elderly women are exposed to higher risks of poverty and social exclusion than elderly men but also in relation to younger women. Among the population under 65, women have a slightly lower risk of poverty than men (26% vs. 27.8%), while among the older population it is the opposite - the risks of poverty are higher among women than among men (risk of financial poverty for women is 22% and for men 15.2%).<sup>91</sup>

Higher risks of financial poverty in elderly women are due to the gap in pensions and their overall unfavorable economic situation in earlier stages of life. In addition to data on financial poverty, the data on material deprivation shows that the status of older women is even more unfavorable. Material deprivation is the inability to satisfy basic needs. Among the population aged up to 64 years, severe material deprivation is somewhat more common among men than among women, while among elderly people it is more common among women than among men. The oldest women are also the most exposed to severe forms of material deprivation.<sup>92</sup>

## PROPOSED QUESTIONS:

- Which measures does the Serbian State take to protect elderly women from poverty?
- Does the Serbian State know the number of women at risk of poverty covered by these measures?
- Does the Serbian State know the number of women who haven't exercised their right to pension covered by these measures?
- How does the Serbian State measure the effectiveness of these measures?

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<sup>90</sup> Women and Men in Serbia 2017, pg. 85, SORS.

<sup>91</sup> Babović, M, Veličković, K, Stefanović, S, Todorović, N, Vračević, M. (2018) Social Inclusion of Elderly Persons (65+) in Serbia, Serbian Red Cross.

<sup>92</sup> Ibid

## RECOMMENDATIONS

- It is necessary to increase the coverage of financial social protection for older women, especially those who have not exercised the right to a pension and/or live in households at risk of financial poverty.

### *Priority 3: Financial assistance does not diminish the economic dependence of women*

As a measure of protection against poverty, there are several possibilities for the granting of material assistance. The most comprehensive is financial aid granted to an individual (if he/she lives alone) or a family. Various analyses have shown that the amount of benefits is low and does not provide adequate protection against poverty. Thus, the average amount of compensation in September 2017 was 65 EUR for people living alone, 101 EUR for couples, 144 EUR for a couple with two children aged 7 to 14, or 107 EUR for one parent with two children.<sup>93</sup> Other analyses have shown that these compensation amounts are insufficient to escape poverty. For example, in 2014, individuals received 65 EUR, and the poverty threshold (income greater than 60% of median income in Serbia) was set at 116 EUR. The survey of financial assistance beneficiaries showed that 82% of the respondents estimate that it covers only one third or less of their total needs.<sup>94</sup>

In the context of discrimination against women, it is additionally worrying how financial assistance is paid to family members and whether women have adequate access to that money, however insufficient to provide full protection against poverty. Bearing in mind the findings that one fifth of women don't have the power of decision to spend even less money on their own, as well as the findings of various studies on how money is managed in households in Serbia<sup>95</sup>, there is a serious basis for concern that women do not have adequate access to money from social assistance when it is granted to the family and paid to the "head of household" who is usually a man. A survey of rural women in the status of assisting household members, representing unpaid labor<sup>96</sup>, has shown that only a third of these women manage their money at their own discretion and this is mainly the money earned from selling produce in the market or work on another farm for compensation. A survey on domestic violence against women in Central Serbia has shown that 16% of women are economically abused, which means that they do not have access to money or if they earn it, the money is taken away, most often by partners.<sup>97</sup>

## PROPOSED QUESTIONS:

- Has the Serbian State assessed the effects of financial assistance to the family on material deprivation of women?
- Has the Serbian State estimated how such a measure of financial assistance to the family is reflected on women of different age categories, their predominant status on the labor market, place of residence, type of family, presence of children?

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<sup>93</sup> Vuković, D. (2018) Social Protection in Rural Areas. Is it a time for "rural mainstreaming"?, FAO.

<sup>94</sup> Stokic Pejcin, Ljiljana and Jurij Bajec (2015). ESPN Thematic Report on minimum income schemes Serbia. Brussels: European Commission

<sup>95</sup> Babović, M. Gender economic inequalities in a comparative perspective: Serbia and EU, ISIFF, SeConS, Beograd.

<sup>96</sup> Babović, M, Vuković, O. (2008) Women in rural areas as assisting members of the household in Serbia: position, roles and social justice, UNDP, Belgrade.

<sup>97</sup> Babović, M, Ginić, K, Vuković, O. (2010) Mapping of domestic violence against women in Central Serbia, SZRN, UNDP, Beograd.

- Has the Serbian State conducted an assessment of the impact of such measures on the decision of women exposed to domestic violence to leave their situation?

## **RECOMMENDATIONS:**

- It is necessary to consider the good practices of states that have changed the model of financial assistance - from family to individual and the effects of, and changes in, gender equality and the position of women.
- It is necessary to redefine financial social assistance and pay funds to individual users directly.

### *Priority 4: Access to social protection of women from rural areas and residential institutions*

Access to social services is extremely uneven among regions and municipalities in Serbia. Mapping local social protection services in 2015<sup>98</sup> indicated that out of 145 municipalities involved in the mapping, 12 did not provide any social protection services. The most widespread is the home assistance service for the elderly, and the day care for children with disabilities. In a number of local communities, these services are not provided throughout the year. Some social welfare services, such as shelters, day care for children in conflict with the law, children's shelter and respite, are poorly distributed and only available in 10 local communities.

There is very little research aimed at examining the availability of services and their quality from the perspective of potential or actual users. A survey on social exclusion in rural areas of Serbia<sup>99</sup> has shown that a large proportion of rural families were not inclined to seek the support of relevant institutions for particular problems they had in their families, such as the presence of an elderly, immobile or disabled person, or cases of family problems. Not only was their knowledge about available services poor, but also the habit of being left to solve issues alone or provide care in the absence of community services. Among those who sought support, a significant share of those who did not realize it was due to the fact that they did not meet the criteria or due to insufficient capacity of the service.

Less developed municipalities receive dedicated transfers from the national budget for the development of social protection services, but it is not known how and to what extent these resources really contribute to improving access to social protection services for various vulnerable categories, including women from rural areas.

## **PROPOSED QUESTIONS:**

- Does the Serbian State influence the services of local social protection systems by demanding dedicated financial transfers be based on the needs of various social groups?
- Does the Serbian State approve dedicated transfers to local self-governments according to submitted proposals based on gender-sensitive analyses of the needs of vulnerable groups in local communities?

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<sup>98</sup> [Matković, G., Stranjaković, M. \(2015\) Mapping of social protection services within local self-governments in Serbia, SIPRU, Belgrade.](#)

<sup>99</sup> Cvejić, S, Babović, M, Bogdanov, N, Petrović, M, Vuković, O. (2009) Social inclusion in rural areas in Serbia, SeCons, UNDP, Beograd.

- Has the Serbian State developed criteria for assessing the effectiveness of funds from dedicated transfers as well as the criteria by which it is ensured that these funds are spent on the development of local social services in accordance with the needs of women?
- Does the Serbian State assess the compliance of social protection services with the needs for different forms of social protection of women when planning the social protection system?

## RECOMMENDATIONS:

- Regularly conduct needs assessments for the social protection of different categories of women (older and no family support, victims of violence, dysfunctional relationships, disabled persons, mothers of children with disabilities, etc.) in order to better plan services.
- Conduct dedicated transfers by assessing the need for social services in local communities that specifically take into account the specific needs of women.

### *Priority 5: Human rights of women in residential social protection institutions are threatened*

According to the data from 2015<sup>100</sup>, more than 5,000 people with intellectual and psychosocial disorders were admitted to large residential institutions providing social protection services to persons with disabilities. Most (about 4000) were in institutions for adults and the elderly with mental, intellectual, physical or sensory difficulties, and around 1400 in five homes for children and young people with disabilities. Among the last group, as many as 54% were adults.

An initial study of violence against women with disabilities in residential institutions<sup>101</sup> highlighted the high risks of various forms of abuse that women are exposed to in residential institutions for people with disabilities, from physical constraints, through the abuse of medicines which is considered a pharmacological constraint, isolation during which users are deprived of interaction with other persons other than employees of the institution, violations of the right to privacy, exploitation (which is defined as the performance of jobs that bring tangible or intangible profit to the employer, not the person performing the job), to physical, psychological and sexual abuse. Data also indicated the risks of gender-based violence, such as forced sterilization and forced abortion.

A survey conducted in residential institutions for the elderly in Serbia<sup>102</sup> showed that beneficiaries, when speaking of violence, explicitly notice verbal or physical violence, while the manifestations of violence that threaten their dignity are virtually invisible or have even become "normal" to them. It seems that the results of this research merely confirm the thesis that violence in residential institutions is often considered justified, creating a "culture of institutional violence" that has become acceptable to both staff and beneficiaries.<sup>103</sup>

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<sup>100</sup> Report on the work of social protection institutions for adults and elderly with mental, intellectual, bodily or sensory difficulties for 2015, Bureau for Social Protection, Belgrade, 2016; Report on the work of institutions for the care of children and youth for 2015, Bureau for Social Protection, Belgrade, 2016.

<sup>101</sup> Beker, K, Milošević, T. (2017) Violence against women with disabilities in residential institutions. Baseline study. Initiative for the rights of persons with mental disabilities, MDRI-S, Belgrade.

<sup>102</sup> Satarić, N. i dr. (2013) Deprived out of ignorance – Report on the monitoring of human rights of the elderly in residential stay in Serbia, Amity – "Strength of friendship", 2013, Belgrade.

<sup>103</sup> Satarić, N. i dr. (2013) Deprived out of ignorance – Report on the monitoring of human rights of the elderly in residential stay in Serbia, Amity – "Strength of friendship", 2013, Belgrade.

## PROPOSED QUESTIONS:

- Does the Serbian State allow independent oversight of institutions and the protection of women's rights in residential institutions? How often and when was the last such oversight?
- What measures does the Serbian State seek in order to improve the rights of women in residential social care institutions?
- How does the Serbian State implement the deinstitutionalization process in regard to women with mental difficulties?

## RECOMMENDATIONS:

- It is necessary to take into account the findings of independent monitoring of the work of residential social care institutions, to act upon recommendations and to report on the conducted activities in accordance with the recommendations.
- Deinstitutionalization processes need to be accelerated, enabling better protection of women needing continuous support, through smaller organizational forms and better professional support.

### 4.4 Health protection

Article of the Convention referred to in the chapter	12
General recommendations of the CEDAW Committee referred to in the chapter	24
Question from the List of Issues for the Fourth Periodical Report Committee sent to Serbia referred to in the chapter	15, 21

#### **PRIORITY ISSUES**

- 1) Women have insufficient access to services for the protection of sexual and reproductive health.**
- 2) Relevant services do not act adequately in cases of juvenile pregnancies.**
- 3) Roma women's rights to health are at risk, additionally contributing to the lack of systematically regulated support for mediator services.**

#### *Priority 1: Sexual and reproductive health of women*

According to a health sector research among the inhabitants of Serbia<sup>104</sup>, 60.9% of women over 15 years of age have a chosen gynecologist. A third of them (34.9%) visited their doctors at least once during the year preceding the study, while this percentage is significantly higher in Belgrade and other urban areas, particularly in the groups of most educated and wealthy citizens. However, the use of contraception is still low and the number of abortions is high. A worrying fact is that women between 18 and 24 have a lack of knowledge about modern contraception methods in relation to older women, early (juvenile)

<sup>104</sup> [Research on the Health of Serbian Citizens, pg. 62, Ipsos Strategic Marketing, Belgrade, 2014.](#)

pregnancies are largely present among Roma women and women's participation in birth preparation programs is low, and among Roma women marginal.<sup>105</sup>

Although there has been a significant increase in women's participation in organized screenings for early detection of breast and cervical cancer, the most common malignant tumors in women in Serbia with high mortality, we are still far from recommended standards that envisage the coverage of at least 70% of women with this preventive measure.<sup>106</sup> Organized breast cancer screenings are carried out since 2012 in 35 of the 153 health centers which represents a coverage of 25% of municipalities. In 2016, 41% of women in the risk group (50-69 years) were called, 38% of them responded and 16% actually did the mammogram.<sup>107</sup> Organized cervical cancer screenings are carried out in only 17 health centers, and in 2016 56% of women in the risk group (25-64 years) received calls, 62% responded and the Pap test was done on 35% of women in the risk group.<sup>108</sup> The accessibility of health facilities to women with disabilities is inadequate, since not all primary health facilities provide hydraulic gynecological tables.<sup>109</sup>

The Law on Biomedical Assisted Fertilization<sup>110</sup>, apart from the principle of medical justification of "artificial insemination/fertilization", provides for several other important principles, inter alia, the principle of equality achieved by ensuring equal opportunities for women and men in the application of BMAF. Adult and capable women and men - spouses or extra-marital partners, have the possibility to seek help in the treatment of infertility, provided they are able and in such a psychosocial state that it can reasonably be expected to perform parental duties in the interest of the child. Under the same conditions, the right to "artificial insemination" belongs to women or a man, living a common life<sup>111</sup>, who have postponed the use of their reproductive cells because of the possibility of reducing or losing reproductive function. As before, the right to "artificial insemination" is "exceptionally" granted to women who live alone.<sup>112</sup>

This provision is not explained in more detail as it was in the previous law, stating that "mutual consent of relevant ministers" was necessary for the achievement of this right, "if there are particularly justified reasons for this."<sup>113</sup> Until the adoption of regulations for the implementation of the Law on BMAF<sup>114</sup>, the regulations that were in force prior to the adoption of the law apply, as well as the provision that discriminates women who live alone in exercising the right to "artificial insemination".

## PROPOSED QUESTIONS:

- What measures does the Serbian State take to increase the availability and quality of counseling services on sexual and reproductive health the use of contraception etc.?

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<sup>105</sup> CEDAW background report.

<sup>106</sup> <http://www.skriningsrbija.rs/srl/statistika/0/131/204/detalji/ukupno-svi/>

<sup>107</sup> <http://www.skriningsrbija.rs/srl/statistika/0/133/186/detalji/ukupno-svi/>

<sup>108</sup> CEDAW background report

<sup>109</sup> Fourth periodic report on the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women, pg.45, paragraphs 178 – 187.

<sup>110</sup> RS Official Gazette, no. 40/2017 and 113/2017.

<sup>111</sup> Law on Biomedically Assisted Fertilization, Article 25.

<sup>112</sup> Law on Biomedically Assisted Fertilization, Article 25, paragraph 2.

<sup>113</sup> Law on Biomedically Assisted Fertilization, Article 26, paragraph 3.

<sup>114</sup> Law on Biomedically Assisted Fertilization, Article 69.

- Has the Serbian State investigated the reasons for the low response of women and what measures are being taken to increase the response to organized screenings for breast and cervical cancer?
- Through which measures and with which results does the Serbian State improve access to reproductive health services for women with disabilities?
- Can the Serbian State specify the procedure and relevant bodies deciding on the fulfillment of conditions for biomedical assisted fertilization of women living alone/without a partner?

#### RECOMMENDATIONS:

- Increase the availability and quality of reproductive health counseling services, using contraception and participating in birth preparation programs.
- Ensure the availability of screening services and increase the number of health centers and health workers that implement preventive measures to protect reproductive health of women.
- Develop by-laws ensuring the right to in vitro fertilization to all women without discrimination and arbitration.

#### *Priority 2: Inadequate institutional response to juvenile pregnancy*

The institutional response to juvenile pregnancies is not in accordance with the law, which presents a particular issue. A girl (under the age of 18) who is diagnosed as having undergone pregnancy before the age of 14 is undoubtedly the victim of a serious sexual offense, while other underage pregnant women may be and most often are victims of out-of-wedlock community with a minor, as it is usually the case of an extra-marital relationship with an adult partner (arbitrarily or against her will). In most cases, healthcare workers attribute this to customs and tradition, particularly present in Roma families, and do not report cases to the police, which is the only one acting on the Prosecutor's order to examine and check suspicions of a criminal offense.

#### PROPOSED QUESTIONS:

- What measures does the Serbian State take to ensure that health workers report juvenile pregnancies to the police/prosecution?

#### RECOMMENDATIONS:

- Consistent oversight of health workers and their obligations to report criminal offenses.

#### *Priority 3: Roma women's right to health care is undermined by the weakening of the network of mediators*

The work of health mediators has significantly contributed to the inclusion of Roma women and Roma children in the health protection system, but information on reproductive health is not yet sufficiently available to them.<sup>115</sup> Activities related to prevention protection of reproductive health and education of Roma women are not carried out systematically, they are mainly carried out by civil society organizations

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<sup>115</sup> Special report of the Ombudsperson on reproductive health of Roma women with recommendations, pg. 3, 2017.

and the Ministry of Health has not regulated the status of health mediators in a sustainable and lasting manner.<sup>116</sup>

## PROPOSED QUESTIONS:

- What measures does the Serbian State take to protect the reproductive health of Roma women?
- Why didn't the Serbian State introduce medical mediators into the health care system and provide funding for their work?

## RECOMMENDATIONS:

- The state should ensure the availability and sustainability of health mediator services and enable employment of a sufficient number of health mediators.

## 4.5 Other equal rights

Article of the Convention referred to in the chapter	13
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### **PRIORITY ISSUES**

- 1. Discrimination against women in exercising their right to property.**
- 2. The absence of information on women's access to financial markets.**
- 3. Gender digital gap.**

### *Priority 1: Discrimination against women in exercising their right to property*

Data on the property aspects of gender relations is very difficult to find. Some of the most basic data for 2017 was obtained from the Republic Geodetic Authority upon request. According to this data, women own 23.42% of all plots, 24.70% of buildings, and in 42.5% of cases they are owners of special parts of buildings. This represents exclusive ownership of women (property right), while there is a percentage of real estate registered as a joint property/co-ownership of women and men on all three types of immovable property (plots, buildings and special parts of buildings) and amounts to 9.49%. This data indicates women's poor access property. Previous research on women in rural areas has shown that the main reason for women not being (co-)owners of property are deep-seated customs and inheritance practices.

Women often renounce property for the benefit of male heirs. A survey on rural women in the status of assisting members of the household<sup>117</sup> showed that among inheritance cases in which all property was left to male descendants and none to female ones, the prevailing pattern in arrangements of property

<sup>116</sup> Initial State Study in the field of Gender Equality in Serbia, SeConS and SOS Vojvodina Network, 2018.

<sup>117</sup> Babović, M., Vuković, O. (2008) Women in rural areas as assisting members of the household in Serbia: position, roles and social justice, UNDP, Belgrade.

division was the women's renouncement of property in favor of their brothers and other male heirs (3/4 cases). This registered self-determination has proven to be deeply embedded in patriarchal family patterns that are largely reproduced by women themselves under strong pressure of social norms and expectations. In addition, especially in rural areas, there is a widespread practice of patri-local formation of a household, where a woman comes into the spouse's household where property is often owned by his father or carried on to him or another male relative. In such a context it is hard to expect that new measures defined by the law will lead to significant changes. Much progress can be expected in urban areas, where the couple buys the property, in which case the law stipulates it should automatically be registered as joint property.

## PROPOSED QUESTIONS:

- What measures are taken by the Serbian State in order to reduce the gender gap in land, housing units and business premises?
- Has the Serbian State conducted an assessment of the effectiveness of these measures?

## RECOMMENDATIONS:

- It is necessary to make data on ownership of land, housing units and business premises publicly available (open data).
- It is necessary to carry out an assessment of measures aimed at reducing the gender gap and make it publicly available.

## *Priority 2: Absence of information on women's access to financial markets*

Access to financial markets and services involves possession of bank accounts, savings, insurance, foreign remittance and access to various credits and loans. This aspect of access to resources is almost completely unknown today in Serbia. The Social Inclusion Survey 2009<sup>118</sup>, developed for the purposes of the United Nations Human Development Report, indicated a higher proportion of bank account holders among women than among men. It should be kept in mind that this is a very dynamic area of change, so that these findings cannot be taken today as an indicator of the situation, but given the lesser disposal of property, lower employment of women, it can be expected that certain discrimination exists in access to financial markets and services. A particular issues is the absence of monitoring this aspect of gender relations and the economic situation of women, which is necessary for other economic empowerment measures to be more adequately formulated and implemented more effectively.

## PROPOSED QUESTIONS:

- Does the Serbian State have precise data on the percentage of women and men without a bank account?
- Has the Serbian State conducted an assessment of the availability of financial loans for women entrepreneurship and agricultural production?
- Has the Serbian State conducted an assessment of the availability of consumer loans for women and men and the reasons for any gender gap?

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<sup>118</sup> Cvejić, S, Babović, M, Pudar, G. (2010) Study on human development – Serbia 2010. Sources and outcomes of social inclusion, UNDP, Belgrade.

## RECOMMENDATIONS:

- It is necessary to conduct a thorough analysis of women's access to financial markets and the effects of this approach on the economic activity of women and their standard of living.

### *Priority 3: Gender digital divide*

Data from the survey on the use of information and communication technologies (ICT), which is regularly carried out by the National Bureau of Statistics, indicates that the gender gap in this area is present. During the three months preceding the research in 2017, 72.2% of men and 63.4% of women used computers. Women are also less frequent internet users, especially among the elderly, while these differences are not reflected in the use of mobile phones.

Given the lesser use of computers and the internet among the elderly, and especially elderly women, in the process of digitizing public services there are great risks of discrimination against them in accessing public services, especially e-Government services. During the 12 months preceding the ICT research, only 17% of the population aged 65 or more used a computer, which is significantly lower than for the same population in EU28 (52%). Bearing in mind this low usage of information technologies and Internet access of elderly persons in Serbia, it is not surprising that the use of e-Government services is extremely low. It is anyway low for the general population, significantly lower than in the EU and especially low among the elderly. Gender data for this aspect of ICT use is not available in research reports.

## PROPOSED QUESTIONS:

- Has the Serbian State conducted an assessment of how digitization of public services reflects on the access to these services for older and digitally illiterate women?
- What measures does the state of Serbia take to increase digital literacy and the use of information technologies of those categories of women that do not have adequate digital literacy and/or access to these technologies?

## RECOMMENDATIONS:

- It is necessary to provide support for older women who do not use digital technologies in electronic access to public services, such as e-government, etc.
- Special support measures for women from vulnerable groups should be provided to increase their digital literacy and make information technology, access to information and electronic services more available.

## 5. MARRIAGE AND FAMILY

Article of the Convention referred to in the chapter	16
General recommendations of the CEDAW Committee referred to in the chapter	21
Question from the List of Issues for the Fourth Periodical Report Committee sent to Serbia referred to in the chapter	21

## PRIORITY ISSUES

- 1. Marital and extra-marital relationships are not equal by law, although the Constitution equals them.**
- 2. The irregular support by one parent further aggravates the situation of single mothers.**
- 3. Mothers are materially affected by the requirements of the Law on Financial Support to the Family with Children.**
- 4. The rights of girls are threatened by underage and forced marriages.**

### *Priority 1: Unequal status of marital and extra-marital relationships*

The Constitution of the Republic of Serbia<sup>119</sup> regulates the right to marry and states that everyone has the right to freely decide on the conclusion and dissolution of the marriage. Marriage is concluded on the basis of the freely given consent of the man and woman before a state body. The conclusion, duration and dissolution of a marriage rest on the equality of men and women. An extra-marital union is equated with marriage, in accordance with the law.<sup>120</sup> This article can cause doubts and issues because it states that everyone has the right to freely decide about marriage, which could also apply to same-sex partners, while the second paragraph introduces men and women as holders of rights.

Also, the constitutional guarantee of equating marital and extra-marital relationships introduces a legal guarantee, though it is not clear what the scope and content of this guarantee is. Interpretation should go towards the recognition of a guaranteed or greater scope of human rights. An extra-marital union in certain segments (which are legally regulated) does not produce the same effect as marriage. For example, extra-marital partners cannot be legal successors of property, nor can they succeed family pensions.

This discrepancy between regulations regarding property succession, pension and disability insurance and the Law on Family and the Constitutions itself, greatly affect women as they live longer and rarely decide to get their affairs in order during their partner's life, leaving them on the edge of poverty in case of their partner's death.

#### **PROPOSED QUESTIONS:**

- What steps is the Serbian State taking to equalize the rights of women within marital and extra-marital relationships?

#### **RECOMMENDATIONS:**

- It is necessary to amend the legislative framework in the sense that extra-marital relationships produce the same legal effect as marriage in order to guarantee the full scope of women's human rights.

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<sup>119</sup> RS Constitution, RS Official Gazette, no. 98/2006.

<sup>120</sup> Article 62

Although parents have a legal obligation to support their children, there are frequent cases of non-fulfillment of this obligation, as evidenced by the number of court proceedings for exercising the rights of the child to support after divorce/termination of the parent's marital union. This procedure is ineffective, despite the proclaimed principle of urgency, and the application of provisional measures that can provide provisional protection and ensure the satisfaction of the child's life needs during the course of the court proceedings is rare. Judicial decisions (in 2017, out of 1559 persons convicted of non-payment of support, 178 were women)<sup>121</sup> do not guarantee child support/alimony because the parents in charge (most often fathers) do not fulfill their obligation (out of 1553, 1236 of them received conditional verdicts, but no information is available on whether the courts ordered the perpetrator to settle previous obligations and to regularly provide support, Article 195, paragraph 4).<sup>122</sup> In cases of domestic violence, this situation enables the perpetrator to continue committing violence against his family.<sup>123</sup> Even the Law on Financial Assistance to Families with Children from 2018 won't eliminate all difficulties, considering that single parents qualifies for assistance only in cases where "the other parent does not contribute to the upbringing of the child and the fulfillment of the child support obligation is not possible through existing and legal remedies and procedures."

Data from the research on income and living conditions show that the economic situation of single parents is much more unfavorable than the average for Serbia. While the risk-of-poverty rate for Serbia was 25.5% in 2016, for single-parent families with dependent children (mostly single mothers), this rate was as high as 40%.<sup>124</sup> This data indicates the great importance of effective support mechanisms after divorce, which is the most common reason for establishing single families with dependent children in Serbia.

### **PROPOSED QUESTIONS:**

- What measures does the Serbian State take to regulate the issue of irregular support by one parent?
- Has the Serbian State investigated the possibilities of introducing the alimony fund and what are the conclusions on the issue?

### **RECOMMENDATIONS:**

- Establish the Alimony Fund and the right of the child to be paid maintenance from that fund
- Establish the obligation of the court to adopt a provisional measure immediately after filing a divorce application to regulate the exercise of parental rights, the obligation to support children and the realization of a child's contact with a parent with whom he/she does not live.

*Priority 3: The rights of mothers are threatened by the new Law on Financial Support to the Family with Children*

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<sup>121</sup> Database "Convicted adults, according to criminal act, sex and verdicts, Republic of Serbia, 2011-2017", SORS.

<sup>122</sup> Ibid

<sup>123</sup> CEDAW background report

<sup>124</sup> [Statistics on Income and Living Conditions, EUROSTAT.](#)

The law<sup>125</sup>, applied since June 2018, has several unjust and discriminatory provisions. In addition to the remuneration of women during maternity leave/absence for the care of the child and special care of the child, now this support is also available to women who are working without employment contracts or who have earned income in the past.<sup>126</sup> In reality, the amount of financial support is calculated on the basis of taxable monthly income and, considering that a large number of women doesn't have continuous employment over a period of 18 months, this means the support is inadequate.<sup>127</sup>

There is also an unjust and discriminatory requirement of having 24 months of continuous employment for women engaged in agriculture to be eligible for support<sup>128</sup>, as well as the regulation stipulating that the monthly amount of child support cannot be higher than three average monthly pays.<sup>129</sup> The right to salary compensation, that is, compensation for the absence from work in order to provide special care for the child can't be received in cases where a form of financial support has already been granted<sup>130</sup>, preventing parents from staying with their child while ill.

The law also predicts the suspension of financial support in case of divorce or dissolution of extra-marital relationships, pending ministry decision<sup>131</sup>, thus impacting material security of children.

#### PROPOSED QUESTIONS:

- What does the Serbian State do to remove the discriminatory provisions in the Law on Financial Support to the Family with Children towards women in terms of their economic status or employment?

#### RECOMMENDATIONS:

- Modify legal solutions to ensure financial security and stability for families with children and eliminate discrimination against women without work.

### *Priority 3: Girls' rights are threatened by early and forced marriages*

According to the MICS survey, in 2014, among the general population of girls 15-19 years old, 0.8% of them were married while, among Roma girls in the same age group, 16.9% were married. In the general population of women aged 20-49 years, 6.8% married before turning 18, while the percentage for their counterparts in Roma communities is 57%.<sup>132</sup> The factors identified as most contributing to the prevalence of early marriage in Roma communities include the patriarchal model of community functioning in which the position of women is subordinate, their gender roles include primarily the role of the wife, mother and housewife, the powerful influence of social and cultural norms in which the cult of innocence determines the perception of marriage. Getting into a marital union is largely a consequence of the first sexual relationship, without knowing what it means, especially in relation to the absence of the idea of a

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<sup>125</sup> Law on Financial Support of Families with Children, RS Official Gazette, no. 113/2017 and 50/2018.

<sup>126</sup> Law on Financial Support of Families with Children, Article 17.

<sup>127</sup> Law on Financial Support of Families with Children, Article 13.

<sup>128</sup> Law on Financial Support of Families with Children, Article 17, paragraph 2.

<sup>129</sup> Law on Financial Support of Families with Children, Article 13, paragraph 4 and Article 18, paragraph 7.

<sup>130</sup> Law on Financial Support of Families with Children, Article 12, paragraph 7.

<sup>131</sup> Law on Financial Support of Families with Children, Article 24, paragraph 5.

<sup>132</sup> [UNICEF, MICS 2014, 2015, 2018.](#)

sex life. The research also identified the absence of intergenerational dialogue on marriage and sex life, especially between mothers and daughters. Sexuality is taboo, which significantly compromises sexual and reproductive health of young girls, especially in cases of early childbirth. There is also noticeable community pressure regarding irreversibility of getting married because divorce is largely seen as a violation of the reputation and honor of the family. An important factor and the consequence of early marriage is poverty and social exclusion that goes along with it.<sup>133</sup>

## PROPOSED QUESTIONS:

- What does the Serbian State do to adopt and implement effective practices to combat juvenile and forced marriages, especially among the Roma population?

## RECOMMENDATIONS:

- Combine legal measures for the suppression of child marriages, with an emphasis on a clear link between child/forced marriage and slavery and clearly determine the mandate of institutions.

## 6. VIOLENCE AGAINST WOMEN

Article of the Convention referred to in the chapter	1-3
General recommendations of the CEDAW Committee referred to in the chapter	12, 19, 35
Question from the List of Issues for the Fourth Periodical Report Committee sent to Serbia referred to in the chapter	8, 9

### **PRIORITY ISSUES**

- 1. There is a widespread culture of violence and tolerance towards it, manifestations of violence against women are present in all areas and forms.***
- 2. Protection and services for women victims of violence<sup>134</sup> is inadequate, victims are insufficiently involved in the planning of individual protection and support measures, support services are not available to all women and the resources that the state allocates to combat domestic violence are insufficient.***
- 3. An effective mechanism for monitoring domestic violence, the prevalence of violence, most vulnerable groups, the efficiency of processing and the functioning of victim protection and support systems has not been established.***
- 4. Support services for women victims of domestic violence and other forms of gender-based violence are not available to all women without discrimination.***

<sup>133</sup> [Juvenile marriages among the Roma population in Serbia. Ethnographic research. UNICEF, 2017.](#)

<sup>134</sup> This report will utilize the term victim of violence by which indicating women who survived situations of domestic and partner violence. When using terminology, we rely on the General Recommendation of the 35<sup>th</sup> CEDAW Committee, which uses the terms victim/survivor. The report will not discuss terminology, but it won't disregard opinions of women's non-governmental organizations on the use of term strengthening women.

## *Priority 1: Prevalence of the culture of violence and high tolerance towards violence against women in all areas and forms*

Violence permeates all areas and all levels of public and private life. It is visible in discourses and appearances of politicians and even women politicians who, although they have reached the highest positions of power, do not change the patterns of governance, but, on the contrary, accept and reproduce a form of government that is inherent in the hegemony of the masculine model of political power that promotes competitiveness, non-transparency, the constant need to name "enemies" in order to base their own legitimacy on the weakness of the opponent.

Violence in general and gender-based violence in particular is present in the national parliament, in the media spreading misogynist and sexist messages, it is present as structural violence against women that excludes them from decision-making, from the labor market, from property, new technologies, is present as violence towards women in the workplace, in institutions where women should achieve social or health care, is present in the family, in partnerships, where women should feel safe and where they need to get the greatest support for realizing their potential and well-being. Paradoxically, never has more been done on preventing and combating violence and these are precisely the areas where significant progress has been made during the last decade, while there has never been more violence in many areas of social life.

### **PROPOSED QUESTIONS:**

- What does the Serbian State do to establish zero tolerance for violence against women in all areas of public and private life?

### **RECOMMENDATIONS:**

- It is necessary for the state to create effective mechanisms for the prevention and suppression of all forms of violence against women in public and private life.

## *Priority 2: Prevention and protection of women victims of violence is inadequate*

One-year implementation of the Law on the Prevention of Domestic Violence<sup>135</sup> shows that comprehensive protection of victims of domestic violence, primarily women and children who are most often exposed to domestic violence is not yet complete, efficient and purposeful. The sixth independent report on the implementation of the law<sup>136</sup> indicates that it is necessary to improve the understanding of the rights and needs of victims of domestic violence and other offenses covered by the provisions of the law. The first prerequisite for this is that the victim is involved in the planning of protection and support measures and her safety, rights and needs are treated with due care. The number of individual protection plans made is lower than the legal norm<sup>137</sup> with less than 20 women victims of violence participating in

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<sup>135</sup> RS Official Gazette, no. 94/2016.

<sup>136</sup> [6<sup>th</sup> independent report on the implementation of the Law on the Prevention of Domestic Violence for the period April - June 2018 and overview of main annual findings and conclusions, Autonomous Women's Center.](#)

<sup>137</sup> Law on the Prevention of Domestic Violence, Article 25, paragraph 2, foresees that the group for coordination and cooperation evaluates every case of domestic violence not ended by final court judgement in a litigation or criminal process, cases where protection and support should be provided to victims of domestic violence and victims of criminal acts covered by this law, developing individual protection and support plans and recommending measures to the relevant public prosecutor's office.

the meetings of the group for coordination and cooperation, only 1-1.5 percent of the total number of case examined.

From the adoption to the beginning of the implementation of the Law, mandatory licensed trainings for police officers have been organized<sup>138</sup> as well as for representatives of the prosecution and courts<sup>139</sup>, but not for employees of centers for social work and other institutions that are not envisaged by law. The law does not propose professional support to protection and support beneficiaries in order to better understand and effectively implement their powers and obligations, as well as to establish unified treatment in cases of domestic violence. It is not known whether this obligation will be foreseen through by-laws that have not been adopted even though all deadlines have expired. The allocations for these purposes are not shown transparently, and on the basis of available data it is evident that they are insufficient. This violates Article 15 of the Istanbul Convention, which obligates the State to provide adequate and continuous financing of legal measures, as well as a sustainable and stable development of the services and support systems. In the first year of implementation of the Law, a large number of newly reported cases of domestic violence were recorded and, given the urgency of the procedure, exposed an insufficient number of competent police officers who frequently perform other tasks that affect the quality and efficient performance of their tasks with due care. There is also an insufficient number of trained employees in the public prosecutor's offices and centers for social work. According to the data of the National Bureau of Statistics<sup>140</sup>, 1,723 skilled workers were employed in the centers for social work, while in 2017 the total number of reports of violence in relation to which the professional procedure was conducted in the centers was 31,138. This should be added to the fact that this is 25% more than in 2016, while the number of employees is 16.4% lower than in 2013.

Human and financial resources are a precondition for effective treatment, but their lack cannot be an argument for failing or ineffective protection of victims of domestic violence. The European Court of Human Rights has confirmed with its verdicts that domestic violence is a violation of human rights and that by inadequate treatment and protection of States it violates obligations under the European Convention on Human Rights, most often Articles 2, 3 and 14.<sup>141</sup> Each system should assess the number of employees who need to act in cases of domestic violence, provide expert and professional support and release other duties and responsibilities.

Failure to report domestic violence leads to fatal consequences<sup>142</sup> and produces damage to victims. Within each system there is a mechanism of internal control which, in addition to the general possibility of disciplinary prosecution through the labor law, should provide control of work and actions. However, the control mechanism is only initiated when non-action has fatal consequences and this is usually the case if it gets media attention. Malpractice and decisions contrary to the rules of international and domestic laws violates the human rights of victims and the obligation to act without discrimination. The establishment of a unique database in accordance with the Law on the Prevention of Domestic Violence would enable the monitoring of the case, insight into the work of all services, acting officials, and thus assess their

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<sup>138</sup> Training carried out by the Criminal Academy in cooperation with the Judicial Academy.

<sup>139</sup> Training carried out by the Judicial Academy.

<sup>140</sup> Data collected during the preparation of this report.

<sup>141</sup> Talpis v. Italy

<sup>142</sup> <https://www.blic.rs/vesti/hronika/ubistvo-na-novom-beogradu-izvestaj-otkrio-sve-propuste-centra-za-socijalni-rad/qv8lgqc>

responsibilities. In this way, the work, actions and understanding of institutions would improve, and the declarative struggle against domestic violence and gender-based violence will begin with the changing of the institutions themselves, obliged to always act without discrimination.

In the cases of divorce or dissolution of the extra-marital relationships in which violence is recorded, institutions give their conclusions on parental competences, exercise of parental rights and model of custody, disregarding the situation of domestic violence and often give priority to the rights of the parent who committed violence over the right of the child to a peaceful life without violence. Through these actions, a patriarchal model is visible in which the father is the head of the house and members of the family are obliged to listen to him, which is recognized in treatment in cases of domestic violence and determining who the victims are. Centers for Social Work do not recognize children as victims of domestic violence except in cases of direct violence, or that the rights of a violent parent arise from the right of the child to maintain contact with both parents. Stereotypical attitudes of professionals shape the findings that are delivered to the court and affect verdicts that fully respect the rights of the parents who committed the violence by neglecting their parental responsibilities, and above all the principle of the best interests of the child, which should include both safety and life without violence.<sup>143</sup>

#### **PROPOSED QUESTIONS:**

- What steps and measures are taken by the Serbian State to ensure the participation of domestic violence victims in planning protection and support measures within the GKS?
- What does the Serbian State do to ensure systemic expert support in dealing with cases of violence, especially violence against particularly vulnerable groups of women?
- How does the state monitor and evaluate the work of relevant institutions and their responsibility for acting/not acting in cases of violence against women?
- What does the Serbian State do to ensure that the child's right to life without violence has priority over the parent's right to exercise custody?

#### **RECOMMENDATIONS**

- It is necessary for the state to adopt by-laws instructing all relevant institutions on the participation of victims in planning protection and support measures.
- Provide sufficient human resources, establish operational monitoring of relevant institutions and mechanisms of professional support and continuous training of officers.
- Provide permanent budgetary means to prevent domestic violence.
- Use the resources of women's non-governmental organizations for psycho-social support and psychotherapy for victims of domestic violence, with funding of their services.
- Establish/improve the existing body for the coordination, implementation, monitoring and evaluation of policies and measures, in accordance with Article 10 of the Istanbul Convention.
- Establish an institutional obligation to treat children witnesses of domestic violence as victims and provide them with protection and support.
- Improve knowledge and sensitize professionals about the position of women in society, with the aim of eliminating stereotypes about gender roles in the life of the child.

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<sup>143</sup> Initial State Study in the field of Gender Equality in Serbia, SeConS and

### *Priority 3: A system for monitoring the processing, protection and support of victims has not yet been developed*

A unique database was established in the Public Prosecutor's Office, but not in electronic form as foreseen by the Law on the Prevention of Domestic Violence, which makes it difficult to quickly and efficiently collect and access accurate and reliable data from organizational units but also the responses of the competent authorities, since the records are not updated on a daily basis, but on a monthly basis.

Systems that are obliged to act do not possess the appropriate records, which prevents the creation of an accurate single database. The National Bureau for Social Welfare does not have an information system, instead collecting data on the basis of the reporting on the activities of the centers for social work. The sixth independent report<sup>144</sup> states that the Ministry of Internal Affairs has established electronic records, which will facilitate the monitoring and analysis of data within that system, as well as the specific actions of operatives.

Due to the discrepancy between the seats and areas where the primary public prosecutor's offices are and the seats and areas of jurisdiction of the police authorities, direct comparison and evaluation of data is not possible, that means that only data collected for the territory of the whole country or data within one system can be compiled and commented among each other. When it comes to femicide (gender-based murder), the data collection methodology has not been developed and there are no official data, but is collected and published by the network "Women Against Violence" through counting cases that appear in the media.<sup>145</sup> This type of work, in the absence of a unified methodology for data collection, leads to the absence of a single national record that will provide clear and comparable data on the occurrence of violence and methods of work of institutions.

#### **PROPOSED QUESTIONS:**

- When will the Serbian State develop and publish a unified database of all cases of domestic and gender-based violence?
- What measures does the Serbian State take in order to establish an efficient system for the prevention and monitoring of femicide?

#### **RECOMMENDATIONS:**

- Establish a unified data collection methodology and a unified database of cases of domestic violence and gender-based violence.
- Appoint a special body responsible for collecting and reporting on cases of domestic violence and gender-based violence.

### *Priority 3: Support services for women victims of violence aren't available to all women without discrimination*

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<sup>144</sup> [Autonomous Women's Center](#)

<sup>145</sup> [https://www.zeneprotivnasilja.net/images/pdf/FEMICID\\_Saopstenje\\_01.januar-30.jun\\_2018.pdf](https://www.zeneprotivnasilja.net/images/pdf/FEMICID_Saopstenje_01.januar-30.jun_2018.pdf)

By ratifying the Convention on the Prevention and Combating Violence against Women and Domestic Violence<sup>146</sup>, the state has committed to taking necessary legislative or other measures to establish a non-stop (24 hours a day, seven days a week) free SOS helpline, covering to the whole country, to give advice in confidential form or to guard the anonymity of callers in connection with all forms of violence (Article 24). In addition, the state should take legislative or other measures and facilitate the opening of appropriate, easily accessible, crisis centers for cases of rape, that is, centers for victims of sexual violence providing medical and laboratory examination services, support in case of trauma and counseling (Article 25).

However, even five years after the ratification of the Convention, these protection and support services have not been established. Regarding the establishment of crisis centers for cases of rape/sexual violence, there is no indication of this, except that in the Draft Law on Gender Equality<sup>147</sup> one chapter is devoted to the prevention and suppression of gender-based violence, especially with regard to providing support to victims and the perpetrators of violence. Given the complexity of this service and the need to integrate health, social, legal and psychological aspects into its delivery, it is not clear how this service will be operationalized and when this will happen, as well as whether experiences in the piloting process of seven centers for the victims of sexual violence in the territory of AP Vojvodina will be used<sup>148</sup> and whether the state will financially and in otherwise support their functioning.

#### **PROPOSED QUESTIONS:**

- What measures does the Serbian State undertake to establish the services of National SOS helpline and Crisis Center for rape victims, Centers for sexual violence victims in accordance with the Istanbul Convention?

#### **RECOMMENDATIONS:**

- Establish standard operational procedures to address the problem of women experiencing sexual violence and establish appropriate crisis centers for cases of sexual violence.
- Establish a national SOS helpline for women victims of violence in accordance with obligations of the Istanbul Convention, using existing resources of women's organizations providing SOS helpline services.

## 7. GENDER STEREOTYPES AND PREJUDICES

Article of the Convention referred to in the chapter	5
Question from the List of Issues for the Fourth Periodical Report Committee sent to Serbia referred to in the chapter	6, 7

#### **PRIORITY ISSUES**

<sup>146</sup> Law on the Ratification of the Council of Europe Convention for the Prevention and Combating Violence Against Women and Domestic Violence, RS Official Gazette – International Contracts, no. 012/13.

<sup>147</sup> <https://www.minrzs.gov.rs/izvestaj-o-sprovedenij-javnoj-rasprav13b9fc1bfaa71.html>

<sup>148</sup> <http://projekti.zdravstvo.vojvodina.gov.rs/pilot-centri/>

- 1. The media spread gender stereotypes and prejudices: sexism, misogyny and patriarchal cultural patterns, reports on violence against women are sensational and stereotypical.**
- 2. Regulatory bodies that monitor the work of the media are not effective and efficient.**
- 3. Educational programs, content and practices reproduce gender stereotypes, prejudices and tolerance towards gender-based violence.**

## *Priority 1: Media spreads gender stereotypes and prejudices*

According to research of media content, sexism and misogyny are very present in their reporting. The media encourage patriarchal cultural patterns and stereotypical gender roles for women and men. Sexism is present in media reporting, especially when it comes to covering women in decision-making positions in the political, economic or other public spheres. Domestic violence cases are often portrayed in a sensational way, further victimizing women and girls involved. In commercial media, the disparaging portrayal of women as objects prevails.<sup>149</sup>

The media today produces meaning and are not just plain messengers. They not only reflect reality, but at the same time create and present a kind of new media meta-reality. It's as if reality no longer exists, but only the images of the reality that the media intends for us. It is important to have this awareness about media meta-reality, because the processes of media information production can, when and if they evaluate it profitable, systematically hide unjust social relationships (in particular gender inequality), presenting them under the facade impartial reporting.

The creation of this new dimension of reality by distorting the facts is contributed especially by the tabloid media. Tabloidization is used as a synonym for sensationalism and predominantly has a negative connotation, as it is associated with poor quality content and immoral reporting techniques.

As a specific "pollution" of the media space, tabloidization is a trend of lowering professional standards in journalism with an increased interest in private lives and the gradual destruction of the seriousness of reporting. Tabloidization means poor, cheap, aggressive and sensationalist journalism, which is mostly not in the service of readers, but in spreading misinformation, mocking and insulting opponents, promoting and even spreading hate speech. Tabloidization promotes gossip, rumor, affair and scandal.

Media analysis<sup>150</sup> points to the practice of increasingly adopting the style of so-called "tabloid" reporting on violence in a way that is trivial and sensational, places them in sections of *fun, hot stories, show time*, which all minimizes the seriousness of violence, its consequences and place in social pathology. Evaluating such reports, there is no message that violence is life threatening, but on the contrary, that it is part of a "normal and regular" partner relationship, some sort of game for mutual entertainment. It is dangerous for violence that happens in partner relations of "celebrities" to become glamorous, because it can easily lead to normalizing violence in partner relationships. Such media presentations can affect not only the general public, but also the responsible persons in the police and judiciary who are also part of the public,

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<sup>149</sup> Mršević, Z. (2017) [Media in Serbia on gender based violence in 2015 and 2016](#). UNDP, Belgrade

<sup>150</sup> Ibid

who are authorized to undertake certain actions for the sanctioning of violence. Media reporting on violence against women has gender prescriptive elements (instead of a descriptive factual approach) and fits into the general pattern of reactions to violence encouraging women's passivity and ongoing suffering.

Unlike tabloid media, socially responsible media display positive examples of gender equality, the responsibilities and contributions of women and men in the public and private spheres of life. The vision of socially responsible media is an extremely important step in building a healthy and democratic society that will not encourage self-realization of all men and women in the areas of public and private life without discrimination and prejudice. It can be noted that the media in Serbia are mostly not fully compliant with such, perhaps excessively set requirements for socially responsible reporting when it comes to violence against women.

#### PROPOSED QUESTIONS:

- What measures does the Serbian State apply to eliminate discrimination against women, including harmful stereotypes against specific groups of women and women's human rights defenders?
- Why does Serbia not respect the recommendations regarding the suppression of media spread gender-based stereotypes, sexism, misogyny and patriarchal cultural patterns in public discourse?
- What instruments does the Serbian State have at disposal to prevent public office holders from spreading gender stereotypes?

#### RECOMMENDATIONS:

- Adopt the Media Strategy and other sub-acts that will regulate the spread of gender-based stereotypes in the media

#### *Priority 2: Regulatory bodies that monitor the work of the media are not effective and efficient*

Independent regulatory bodies in Serbia are struggling with the political influence of the authorities. It is noticeable that the legislator often does not respect its own regulations in this area. The Press Council and the Electronic Media Regulatory Authority have the role of monitoring the violation of ethical standards of the journalistic codex in media reporting on violence against women and monitoring the safety of survivors and their best interests when the cases of femicide are at issue.

#### PROPOSED QUESTIONS:

- What measures are applied by the Serbian State to strengthen the media self-regulatory bodies in eliminating gender stereotypes?

#### RECOMMENDATIONS:

- Strengthen the capacity of media self-regulatory bodies to implement effective monitoring of reporting on women according to the standards

#### *Priority 3: Educational programs, content and practices reproduce gender stereotypes, prejudices and tolerance towards gender-based violence*

Formal education plays an important role in the elimination of gender stereotypes and prejudice as well as the promotion of the values of gender equality among children and youth. Conducted research<sup>151</sup> shows that educational programs and curricula are not adequate for such a role of education. Textbooks often represent gender relations stereotypically, in the content in which gender inequalities are presented, critical thinking is not encouraged and teachers often do not possess sufficient competences on gender equality that would enable them to adequately present it and contribute to developing awareness of gender equality and abandoning stereotypical behavioral patterns. In higher education there are no curricula on gender studies, nor are the textbooks gender-sensitized.<sup>152</sup> These analyses have helped to gain insights into how formal education influences the reproduction of gender inequalities and indicate what needs to be changed in order to initiate the root causes of change from the earliest ages and at all levels of education.

Research on Gender-Based Violence in Schools<sup>153</sup> shows that among students and teachers there are attitudes that express tolerance towards violence. Detailed analyses of programs and textbooks from the standpoint of influencing attitudes towards gender-based violence and domestic violence have not been implemented so far. An analysis of the content of primary school textbooks for grades 1-8 shows the abundance of content that depicts gender-based violence, including its most extreme forms – femicide.<sup>154</sup> However, there are no findings on how teachers interpret and analyze these texts with students, nor do students understand and critically think about this content. Also, analysis of the content of syllabus in the framework of gender studies that exist in several faculties in Serbia has not been carried out, so it is not known whether and in what way the educational content is related to gender-based violence and domestic violence.

## **PROPOSED QUESTIONS:**

- Through which measures and strategies does the Serbian State foresee the reform of programs, textbooks and practices in formal education at all levels in order to eliminate gender stereotypes and tolerance of gender-based violence?
- Has the Serbian State established the gender equality criteria applied in the assessment and accreditation of programs and textbooks?

## **RECOMMENDATIONS:**

2. Develop and apply criteria for gender equality applied in the accreditation of programs and textbooks at all levels of formal education.
3. Within regular reports of the Ministry, publish information on monitoring the process of accreditation of educational contents based on the application of the gender equality standard.
4. To include gender equality standards in the system of regular teacher training.

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<sup>151</sup> Ćeriman, Jelena, Milutinović Bojanić, Sanja, Pudar, Gazela (2011), „Serbia at the Crossroads. Gender Inclusiveness in Higher Education: Real or just Wishful Thinking?“, u L. Grunberg (prij.), *From Gender Studies to Gender IN Studies Case Studies on Gender-Inclusive Curriculum in Higher Education*, Bucharest: UNESCO – Cepes, pg. 185–210.

<sup>152</sup> Bačević, J, Blagojević, J, Duhaček, D, Džamonja-Ignjatović, T, Vukasović, M, Popović, D, Zaharijević, A. (2010) *Analysis of the gender dimension in materials for higher education*, UNDP, Beograd.

<sup>153</sup> Ćeriman, Jelena et al. (2015) *Research on gender-based violence in Serbian schools*, Center for the Study of Gender and Policy, Faculty of Political Sciences, University of Belgrade and UNICEF Serbia.

<sup>154</sup> Stefanović, Glamočak (2008).

General recommendations of the CEDAW Committee referred to in the chapter	30
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### PRIORITY ISSUE

***Women are discriminated against in their right to participate in peace negotiations and post conflict recovery.***

*Priority 1: Women are discriminated against in their right to participate in peace negotiations and post conflict recovery*

In May 2017, the Government of the Republic of Serbia adopted the second National Action Plan for the Implementation of the UN Security Council Resolution 1325 on Women-Peace-Security for 2017-2020.

The document was adopted more than a year after the conducted public consultations and by the end of 2018 did not begin its implementation. The Government of Serbia has not yet taken steps to form the main bodies responsible for the implementation of the NAP, such as the Political Council, the Operating Body and the analytical groups in the relevant ministries. In Serbia, there is a strong conservative reaction against gender equality that threatens to diminish the importance of adopting this NAP. Although there is no public opposition to the agenda of women, peace and security, it is obvious that there is a lack of political support for the implementation of the NAP, bearing in mind that nothing has been done on the issue since the adoption of the document.

Despite focusing on the localization of programs for women, peace and security, the NAP is not recognized at the level of local self-governments as an important document. In addition, the NAP lacks the sustainable budgetary resources needed to implement the activities it envisages. A worrying trend is the widespread opinion among political leaders and public officials that the implementation of strategic documents does not require funds and the expectation that the development and implementation of government policies will be supported by donor communities. In addition, neither public administration nor local self-governments have allocated funds to support the activities of women's organizations operating in this field. The plan envisages only international donor support for CSOs which is not a viable mechanism. As a consequence, the plan did not deal with women's security issues; efforts of women in peacekeeping and conflict resolution are not visible and recognized by leading political and community members, while women continue to be insufficiently represented in security sector institutions and peace negotiations, including the Belgrade-Pristina dialogue.

### PROPOSED QUESTIONS:

- What does the Serbian State do to ensure full implementation of NAP 1325 and increase the participation of women in peace negotiations and post-conflict recovery?

### RECOMMENDATIONS:

- To establish the bodies and mechanisms of the envisaged NAP 1325 in order to ensure transparency of its implementation and reduce discrimination against women in the security sector.

## 9. PRIORITY ISSUES FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN FROM VULNERABLE GROUPS

### 9.1 Women from national minorities

Serbia is a multiethnic and multi-confessional state in which, apart from the majority Serb population, many ethnic communities live in a variety of historical, socio-cultural and demographic background, religion and language. During the 2011 census, nearly 750,000 people declared themselves as members of one of the national minorities. The number of women who declared themselves as members of national minorities was 380,000, and they constituted 51.4% of the population declaring themselves as belonging to one of the national minorities or 12.9% of the total female population in Serbia.<sup>155</sup>

More information can be found in Chapter 10.1 of the Initial State Study in the field of Gender Equality in Serbia.

PRIORITY ISSUES	RECOMMENDATIONS
<b>1. Extreme underrepresentation of members of national minorities in public and political life</b>	<p>1.1 To increase the participation of women in National Councils of National Minorities, especially in leadership positions</p> <p>1.2 Increase the participation of women from national minorities in the legislature.</p>
<b>2. Lack of comprehensive analysis behind the positions of members of national minorities in all areas of public and private life</b>	<p>2.1 Conduct a comprehensive analysis of the situation of women from national minorities in all areas of public and private life, as well as specific experiences of discrimination</p> <p>2.2 Reports on perception of discrimination among citizens of Serbia, published by the Commissioner for the Protection of Equality, shall allow for data classified by sex and nationality</p>
<b>3. There is a lack of gender perspective in the work of the National Councils of National Minorities and the institutions of which they are founders</b>	<p>3.1 Integrate gender equality into the activities and programs of the National Councils of National Minorities</p>

<sup>155</sup> [2011 Population Census, SORS.](#)

	3.2 Integrate gender equality into the work and activities of institutions founded by National Councils of National Minorities
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## 9.2 Roma women

According to the 2011 population census, 147.604 Roma people were residing in Serbia, which represented a share of 2.1% in the total population. Roma women accounted for 49.2% of Roma population (72.562).<sup>156</sup> Roma population lives mainly in urban areas (60%) and according to the OSCE Mission in Serbia, in 2016, 38.1% of the Roma population lived in sub-standard settlements.<sup>157</sup>

More information can be found in Chapter 10.2 of the Initial State Study in the field of Gender Equality in Serbia.

PRIORITY ISSUES	RECOMMENDATIONS
<b>1. Juvenile/forced marriages and juvenile pregnancies endangering the human rights of Roma girls, their development and well-being</b>	1.1 Consistent application of the law defining juvenile marriages as a form of violence against girls and forbidding juvenile pregnancy
	1.2 Conduct education of professionals from the health care system in order to act in accordance with the law and report juvenile pregnancies
	1.3 Establish an early warning system in elementary schools for timely action in the event of withdrawal of Roma girls from school, to include them in the mediator systems
	1.4 Improve cooperation between the school and the Center for Social Work in preventing the withdrawal of Roma girls from school
<b>2. Due to exclusion from education and the labor market, Roma women live in extremely unfavorable economic conditions, exposed to poverty, substandard housing conditions and high material deprivation</b>	2.1 Improve the coverage and level of financial assistance for Roma women, especially those with more children and single mothers
	2.2 Increase the coverage of Roma housing support programs, which include integrated housing and employment measures
<b>3. Due to unfavorable living conditions, Roma women's health is threatened and health care, despite free health insurance, is inadequate due</b>	2.3 Strengthen the position of the mediators in order to provide adequate support to Roma women in exercising the right to health care, to

<sup>156</sup> [2011 Population Census, SORS.](#)

<sup>157</sup> [Dorđević, A \(2017\) Sub-standard Roma settlements in Serbia. Overview of data from the Geographic Information system for 2016. OSCE, Belgrade.](#)

<p><b>to poor information, administrative barriers and inadequate access to health services</b></p>	<p>assist in access to preventive and protective services.</p> <p>2.4 Increase the awareness of Roma women living in sub-standard settlements about the availability of preventive and health care services.</p>
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## 9.3 Migrant women<sup>158</sup>

In November 2018 in Serbia there were up to 4000 refugees and migrants who are in the situation of so-called long stay, meaning that they stay for several months or several years. Most of them did not get an asylum status nor did they initiate a procedure to get it, hoping to continue their path to EU countries, but also because the state did not do much to speed up and ease the process. According to UNHCR estimates, in September 2018, about 40% of refugees and migrants in Serbia were women and children, mostly from Pakistan (34%), Afghanistan (30%) and Iran (14%). They are located in 15 transit/reception centers, asylum centers, social welfare institutions, foster families and other forms of accommodation.

More information can be found in Chapter 10.3 of the Initial State Study in the field of Gender Equality in Serbia.

PRIORITIES ISSUES	RECOMMENDATIONS
<p><b>1. Violence against women refugees and migrant women is widespread and represents one of the major problems in protecting the rights of migrant women who came to Serbia during the last refugee crisis</b></p>	<p>1.1 Train employees in services that provide various forms of support to migrants or make decisions regarding their status of gender-based violence against women</p> <p>1.2 Train staff in these services and in relation to the cultural specificities of communities from which migrant women come</p> <p>1.3 Allow migrant women victims of gender-based violence to provide adequate protection services that respect cultural specificities and needs</p>
<p><b>2. Women from the migrant population do not have adequate access to justice, and legal protection is particularly unfavorable in the protection against gender-based violence</b></p>	<p>2.1 To increase the availability of free legal aid services and protection of migrant women against gender-based violence</p> <p>2.2 Ensure that language barriers do not interfere with access to justice for migrant women</p>

<sup>158</sup> For the purposes of this report, the category of migrant women covers women asylum seekers, refugees and women returnees under a readmission agreement.

<p><b>3. Women from the migrant population are not included in the local communities where they are staying and are lacking activities to fulfill their time well</b></p>	<p>3.1 Design and implement programs of activities in accordance with the needs, possibilities and cultural specifics of migrant women in the centers for stay</p>
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## 9.4 Single mothers

According to the National Bureau of Statistics, in 2017 there were 367,957 families of single parents with children. These families accounted for one quarter (24.9%) of all families with children. Among the families of single parents with children, the vast majority (79.2%) are single mothers (291.522 families in total).<sup>159</sup>

More information can be found in Chapter 10.4 of the Initial State Study in the field of Gender Equality in Serbia.

PRIORITY PROBLEMS	RECOMMENDATIONS
<p><b>1. High risks of financial poverty and material deprivation of single parent families</b></p>	<p>1.1 Apply consistent measures for the effective payment of support for single mothers by the other parent</p> <p>1.2 Examine the effectiveness of social protection measures in the form of monetary compensation (social assistance, child allowance, etc.) in order to determine the effectiveness of these transfers in the protection against poverty and, accordingly, redefine measures for single parents.</p>
<p><b>2. Adverse housing conditions for single mothers</b></p>	<p>2.1 Increase the availability of housing support for single mothers in unfavorable housing and financial situations</p>
<p><b>3. Difficulties in reconciling work and family responsibilities, lack of time for their own needs of single mothers and fatigue</b></p>	<p>3.1 Give priority to children living with single mothers in securing a place in kindergartens, all-day stay.</p>

## 9.5 Women with disabilities

In 2011, there were 332,840 disabled women in Serbia, representing a share of 9.03% of women with disabilities in the total population of women.<sup>160</sup>

More information can be found in Chapter 10.5 of the Initial State Study in the field of Gender Equality in Serbia.

<sup>159</sup> [SORS](#)

<sup>160</sup> [2011 Population Census, SORS.](#)

PRIORITY ISSUES	RECOMMENDATIONS
<p><b>1. Violence against women with disabilities</b></p>	<p>1.1. The state should pay special attention to violence against women with disabilities and to create conditions for access to protection, assistance and support services in cases of violence</p>
<p><b>2. Sexuality of women with disabilities is inhibited by community prejudice and inadequate self-awareness of women with disabilities and access to information and services for the protection of their sexual and reproductive health is inadequate</b></p>	<p>2.1 The state should implement youth education programs on sexuality and sexual and reproductive health that would allow for the elimination of stereotypes and prejudices against the sexuality of women with disabilities, while girls and women with disabilities are empowered to freely develop their sexual identity and take care of the needs of their sexual and reproductive health.</p> <p>2.2 The state should include women with disabilities in the process of drafting measures and policies on providing health care services in order to better tailor these services, especially in the area of protection of sexual and reproductive health, to the needs of girls and women with disabilities, having in mind the different types and degrees of disability.</p>
<p><b>3. Access to education for women with disabilities</b></p>	<p>3.1 The state should implement work programs with parents of girls with disabilities to encourage the inclusion of these girls in regular and inclusive education.</p> <p>3.2 The state should provide incentives for higher education of girls with disabilities with special measures such as scholarships, affordable accommodation in student dormitories, funds for the procurement of literature and equipment (especially in the case of impaired vision and hearing).</p>

## 9.6 Women from rural areas

In Serbia in 2017, 2,764,729 inhabitants lived outside the urban areas, which is considered a category that is approximate to the category of rural areas.<sup>161</sup> This means that almost 40% of the total population of

<sup>161</sup> Official statistics for Serbia currently defines settlement types through two categories: city and other.

Serbia lives in rural areas. Women account for half of the rural population (49.6%), equating to 1,372,091. They therefore constitute a significant part of the overall population of women (38.1%). There is little participation of young women among rural women (16.3% are women aged 15-29), and elderly women - a quarter of rural women aged 65 and over (24.7%).<sup>162</sup>

More information can be found in Chapter 10.6 of the Initial State Study in the field of Gender Equality in Serbia.

PRIORITY ISSUES	RECOMMENDATIONS
<p><b>1. Adverse property status and access to property of rural women</b></p>	<p>1.1 Equalize formal marriage and extra-marital relationships with regard to inheritance of property</p> <p>1.2 Expand the measure envisaged by the Law on the Procedure of Registering in the Cadaster of Real Estate to automatically register joint ownership of partners when registering property during the relationship.</p> <p>1.3. Speed up the registration of means of production for women through programs supporting agriculture and rural tourism</p>
<p><b>2. Adverse labor market situation, reflected in low employment in the non-agricultural sector, low share among holders of family farms and concentration of unpaid labor in the household (category of assisting household members)</b></p>	<p>2.1 Apply measures that encourage the economic diversification of farmland that makes them more resilient with programs supporting non-agricultural activities of women in the family farm</p> <p>2.2 Accelerate the process of registration of farms for women and through support programs, their more proactive approach and a more autonomous role in organizing agricultural production and selling agricultural products</p>
<p><b>3. Inadequate accessibility to social benefits for women in rural areas</b></p>	<p>3.1. Modify the provisions of the Law on Financial Support to the Family with Children so that women employed in agriculture on family farms are entitled to the parental leave entitlement to women employed in the non-agricultural sector</p>

## 9.7 Elderly women

<sup>162</sup> [SORS](#)

In 2017, according to estimates of the population at the end of the year, there were 798,737 women aged 65 and over. They accounted for 57% of the total population aged 65 and over and more than a quarter (21.9%) of the total female population in Serbia.<sup>163</sup>

More information can be found in Chapter 10.7 of the Initial State Study in the field of Gender Equality in Serbia.

PRIORITY ISSUES	RECOMMENDATIONS
<p><b>1. A significant number of elderly women are not provided with any type of pension</b></p>	<p>1.1 Establish the financial situation of older women who have not exercised the right to a pension on any basis and examine the coverage of financial social security measures and the adequacy of those measures. In assessments, use the measures of severe financial deprivation as they point to the economic dependence of older women.</p>
<p><b>2. Older women are exposed to higher risks of financial poverty and material deprivation than older men and younger population</b></p>	<p>2.1 Define measures of financial social protection that would be individualized and directed towards elderly women in order to prevent them from reaching beneficiaries due to their economic dependence on other members of the household.</p>
<p><b>3. The system of social services, especially long-term care, does not provide adequate protection</b></p>	<p>3.1. Urgently launch a revision of the long-term care system based on the needs of different groups of elderly women.</p>

## 9.8 Women victims of violence

The size of this group of women is difficult to estimate. If the estimate is based on data from a survey conducted by the OSCE in 2018 on the welfare and safety of women<sup>164</sup>, the rates of violence projected on women aged 18-74 (which was the basis for the sample), their comparison can aid efforts. Applying the rates of violence committed by current or former partners since women have reached 15 years of age<sup>165</sup>, it is estimated that about 450,000 women experienced physical violence, about 132,500 women experienced sexual violence and more than 1,166,000 of women experienced psychological violence in partner relationships.

More information can be found in Chapter 10.8 of the Initial State Study in the field of Gender Equality in Serbia.

<sup>163</sup> [SORS](#)

<sup>164</sup> Well-being and Security of Women (in preparation), OSCE.

<sup>165</sup> [Gender equality index - Serbia 2018, SIPRU.](#)

PRIORITY ISSUES	RECOMMENDATIONS
<p><b>1. Violence against women permeates all spheres of society</b></p>	<p>1.1. Ensure an effective response by competent institutions and independent bodies in cases of violence against women in political life.</p> <p>1.2. It is necessary for the state to create effective mechanisms for the prevention and suppression of all forms of violence against women in public and private life</p>
<p><b>2. Support services for women victims of domestic violence and other forms of gender-based violence are not readily available and without discrimination to all women.</b></p>	<p>2.1. It is necessary for the state to adopt by-laws with instructions to all relevant institutions on the participation of victims in planning protection and support measures.</p> <p>2.2. Provide sufficient number of officers, establish operational monitoring of the actions of the competent institutions and mechanisms of professional support and continuous training of officers.</p> <p>2.3. Provide permanent budgetary means to prevent domestic violence.</p> <p>2.4. Use the resources of women's non-governmental organizations for psycho-social support and psychotherapy for victims of domestic violence, with the funding of their services.</p> <p>2.5. Establish / improve the existing body for the coordination, implementation, monitoring and evaluation of policies and measures, in accordance with Article 10 of the Istanbul Convention.</p> <p>2.6. Establish an obligation for institutions to treat children witnesses of domestic violence as victims and provide them with effective protection and support.</p> <p>2.7. To improve the knowledge and sensitivity of experts and professionals about the position of women in society, with the aim of eliminating stereotypes about the role of mother and father in the life of the child.</p> <p>2.8. Establish standard operational procedures to address the problem of women who have experienced sexual violence and establish appropriate, easily accessible crisis centers for cases of rape/sexual violence.</p> <p>2.9. Establish a national SOS helpline for women who survived violence in accordance with the</p>

	Istanbul Convention obligations using the existing resources of women's organizations providing SOS helpline service.
<b>3. No system of monitoring, processing, protection and support to victims has been established</b>	<p>3.1. Establish a unique methodology for data collection and a unique electronic database of cases of domestic violence and gender-based violence against women.</p> <p>3.2. Appoint a special body that would be responsible for collecting and reporting on cases of domestic violence and gender-based violence</p>

## 9.9 LGBTI women

Data on the size of this group of women is not available, and its characteristics and issues can be found in more detail in Chapter 10.9 of the Initial State Study in the field of Gender Equality in Serbia.

<b>PRIORITY ISSUES</b>	<b>RECOMMENDATIONS</b>
<b>1. LGBTI women are exposed to multiple violence and hate crimes that are not effectively prevented or sanctioned</b>	1.1. Establish effective mechanisms for the protection of human rights of LGBTI women
<b>2. LGBTI women have no opportunity to establish a legally regulated partnership</b>	2.1. Improve the legal framework to enable recognition of the same-sex relationships