

ALTERNATIVE REPORT ON THE IMPLEMENTATION OF THE CEDAW CONVENTION

This report is submitted to the UN Committee CEDAW on the behalf of the following women's groups:

Voice of Difference – Group for Promotion of Women's Political Rights
Autonomous Women's Center
ASTRA
Incest Trauma Center
Women in Black

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RECOMMENDATIONS

ARTICLE 1 - Recommendations:

1. Incorporating a definition of discrimination against women (that is in line with Article 1 of the Convention) in the Constitution and national legislation
2. Ensuring available and successful protection of rights contained in the Convention, and adequate legal remedy for violation of rights contained in the Convention. Providing continuous monitoring, inquiry and analysis of conduct of courts in cases of discrimination against women (discrimination on grounds of gender), especially concerning women who belong to minorities and marginalized groups.
3. Disseminating information about the Convention among judges, lawyers, representatives of executive and legislative bodies at all levels; Making the Convention familiar and available to the broader public; Conducting campaigns for suppression and prevention of all forms of discrimination against women.

ARTICLE 2 - Recommendations:

1. Conducting thorough and continuous monitoring the implementation of newly adopted legal solutions, i.e. those that prohibit discrimination and envisage affirmative action for women, especially in respect to efficiency of court protection; Ensuring economically accessible protection against discrimination and developing other forms of protection (apart from judicial) against discrimination.
2. Supporting continual monitoring, research and analysis, as well as promotion of integrative approaches to suppression and prevention of all forms of discrimination, especially against Roma women, women with disabilities, women with a history of psychiatric hospitalizations, lesbians, women with a history of violence, women with HIV/AIDS, women prostitutes, single mothers, refugees and displaced women, women without permanent place of residence, foreign citizens. Developing the most frequent forms of multiple discrimination and advance mechanisms for their prevention.
3. Introducing training of police representatives, representatives of prosecution and court, as well as executive bodies, about discrimination against women, especially about forms and kinds of indirect and multiple discrimination.
4. Using the Convention as a legally binding instrument for protection of human rights; Treating violence against women, including domestic violence, as violation of human rights of women
5. Improving and making accessible current records and statistics about women in all areas; Making annual reviews / publications of gender-sensitive statistics and ensuring their organized distribution to representatives of executive and legislative bodies.

ARTICLE 3 - Recommendations:

1. Defining clearly areas of work and coordination of all gender mechanisms in Serbia; Ensuring that institutional mechanisms for gender equality at the national level have clear areas of jurisdiction, responsibilities and transparent work
2. Developing gender-sensitive budget planning and creating trainings for officials on gender-sensitive budgeting; Ensuring transparency of spending funds from the budget; Planning sources in the budget for activities of autonomous women's NGOs
3. Carrying out tasks defined by the decisions to set up institutional mechanisms, primarily tasks related to monitoring and supervision of implementation of the Convention, international agreements on human rights, recommendations of Council of Europe, laws and regulations of the Serbia; Exerting influence on

- executive and legislative bodies to change and supplement national legislation in accordance with the Convention; Encouraging executive and legislative bodies and state administration to use the Convention.
4. Supporting *independent monitoring* of work of institutional mechanisms by NGOs and organizing evaluation of work of newly established mechanisms after two years of work.
 5. Integrating government objectives with CEDAW goals and Beijing Platform for action
 6. Ensuring jurisdiction of institutional mechanisms to act upon individual complaints, charges and reports on discrimination; Ensuring jurisdiction of mechanisms to provide autonomous assessments of existence of discrimination in individual cases and to make binding decisions; Providing reports available to public on violation of the Convention and implementation of laws.
 7. Supporting institutional mechanisms at the local level in accordance with the needs and defining clearly their responsibilities/tasks, ensuring transparency of their work with an obligation to report annually on their activities
 8. Systematically educate members of institutional mechanisms for gender equality at all levels; Organizing special trainings of civil servants at all levels (the trainings should encompass education about marginalized groups of women: Roma women, women with disabilities, women refugees and displaced women, lesbians, women with mental problems, foreign citizens etc.)

ARTICLE 5a - Recommendations:

1. Adopting regulations that will enable the use of gender-sensitive language in media
2. Creating a team (composed of reps. of state bodies, media representatives, women's NGOs and gender experts) responsible for collecting the existing analyses and developing a comprehensive new survey on portrayal of women in media
3. Organizing a meeting with media editors, aimed at presenting the above-mentioned analyses/surveys and designing a plan for decreasing stereotypic presentation of women in media
4. Establishing teams for gender-sensitive editorial policy in the state-run media and providing continuous monitoring of the implementation (by independent bodies)

GENERAL RECOMMENDATION 19 – Violence against women;

Domestic violence - Recommendations:

1. Adopting a National Plan to Combat Violence against Women and appoint an independent body (that would include women's NGOs) for monitoring its implementation as well as implementation of the law and regular supply of information to the Government and the general public. Enabling governmental and *non-governmental organizations* to get an insight into efficiency of work of public services and into implementation of the law.
2. Including NGOs experienced in combating domestic violence and other forms of gender-based violence among organizations financed from the budget of Serbia, in accordance with a long-term plan;
3. Raising the lower minimum sentence for domestic violence under the Criminal Code of Serbia
4. Implementing more consistently the existing legal regulations, *especially protection measures* as well as respecting legally defined deadlines for prescribing protection measures;
5. Adopting (by respective ministries) *a protocol about the course of action* of police officers, Centers for Social Work and healthcare professionals; Signing an agreement on coordinated action / cooperation among institutions responsible for protecting victims of domestic/sexual violence (the police, Centers for Social Work, prosecutors' offices/courts, healthcare services) *at the national and at the local level*;
6. Assuring that institutions for protection of violence survivors are *accessible* to disabled persons; Preventing any form of discrimination against marginalized groups of women (Roma women, disabled women, lesbians, etc)
7. Establishing programs for *economic empowerment* of victims of domestic violence;
8. Introducing basic trainings on domestic violence and incest in regular curricula of *all faculties* educating future experts of respective institutions (the police, social workers, judiciary, healthcare workers); Supporting NGOs that organize general and specialized *in-service training* for officials (police officers, social workers, media, healthcare workers, and in particular – judiciary!), as well as policy makers at the national and local level; Supporting projects aimed at creating specialized trainings for *the work with perpetrators*; Introducing topics related to gender-based violence in curricula for primary and secondary schools;

9. Establish *a uniform* model of keeping of records about domestic violence, incest and rape within marriage in Centers for Social Work and a uniform model of processing data *at the national* level (it is assumed that responsible staff have been previously trained on these issues);
10. Keeping and regularly publishing gender-sensitive, reliable and accurate victimological statistics about domestic/sexual violence *at the national* level (including gender and age of victim and perpetrator, relations between victim and perpetrator, type of criminal offense, outcome of court proceedings etc);
11. Conducting quantitative and qualitative surveys of women on *a nationally representative* sample in Serbia, paying particular attention to „vulnerable“ categories of women and women belonging to marginalized groups (Roma women, disabled women, lesbians, women refugees...);
12. Creating teams in charge of making *gender-sensitive editorial policy in state media*

Sexual violence – Recommendations:

1. Reviewing procedures for reporting rape and other sexual offences so as to avoid / reduce secondary traumatization of victims.
2. In case there is a report or a doubt that sexual abuse of a minor in the family has occurred – removing the child from the family, that is, placing him/her in a foster family, and / or urgently isolating the perpetrator from the family/ home (and/or taking other actions in order *to prevent repetition* of violence)
3. Stricter implementation of regulations that might contribute to *marginalization* of porn industry: regulating and control of sale of porn magazines and porn movies; monitoring and disabling abuse of children on porn Websites; regulating contents and ways of broadcasting “*hot-line*” advertisements/clips and advertising of business escort agencies.

ARTICLE 6 - Recommendations:

1. Creating effective mechanisms to rein in impunity for abuses, and for ensuring that victims of trafficking in human beings receive fair redress and compensation; Informing the public about decisions in this area, and sanctions that are imposed against officers who break the law. Introducing changes in court practice in terms of deciding on damages during criminal proceedings without a need for the victim to file a civil lawsuit; Improving legal provisions on child trafficking (higher penalties).
2. Training professionals at all levels who come in touch with trafficked victims during their work, in order to prevent possibility of torture and abuse; Introducing Codes of Ethics for the police.
3. Applying The Witness Protection Law in practice at all stages of the proceedings (before, after and during the trial) in all institutions victims come in touch with.
4. Promoting direct bilateral contracts, in cases of increased risk, the dislocation of the victim to third country ought to be considered, while witness’s participation at the trial should be regulated in special way, i.e. testifying through video link.
5. Regulating issues related to property of traffickers (property of traffickers and other persons involved in human trafficking should be found, frozen and seized; confiscated resources should be directed to a fund for assistance for victims, reintegration programs and police agencies); Ensuring the involvement of the Ministry of Finance in order to start financial investigations of human trafficking cases.
6. Defining corruption, especially if linked with organized crime and trafficking, as a serious felony and prosecuting it before special courts (all anti-corruption initiatives should be subjected to independent internal and external supervisory body in order to ensure integrity and efficiency in fighting corruption)
7. Establishing long-term reintegration programs; Enabling that institutions should take an active part in that process by respecting standards set by international conventions (especially UN Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, especially Women and Children and Protocol against Smuggling of Migrants by Land, Sea and Air supplementing the Convention), as well as by taking into account specific situation of each victim; Developing programs for protection of vulnerable groups such as mentally disabled victims/drug addicts etc.
8. Elaborating a mechanism for monitoring and evaluation of the National Anti-Trafficking Plan
9. Designing programs for prevention and assistance to victims of labor exploitation
10. Hiring female police officers specialized for trafficking

ARTICLE 7 - Recommendations:

1. Making amendments to election laws in order to make the quotas apply equally to allocated mandates.
2. Introducing affirmative action in order to increase the number of women at leadership positions in government at the national and local level, as well as in judiciary, police, defense, diplomacy etc.

3. Introducing systematic education (training and mentorship programs) for young female leaders (members of parties, NGOs, trade unions, media).
4. Ensuring implementation and promotion of gender-balanced and anti-discriminatory language in official documents, education and media.
5. Establishing cooperation between women NGOs and international organizations, in order to plan strategies related to participation of women in public life.
6. Proving financial resources from the state budget for activities of women NGOs that promote human rights of women.

ARTICLE 10 – Recommendations:

1. *Assuring that women’s NGOs are involved in planning/implementing gender-related aspects of educational policy at the national level, e.g., through establishing a special Gender Task Force at the Ministry of Education (composed of reps. of women’s NGOs and gender experts) that would participate in:* a) Curriculum planning and designing reforms in education; Preparing programs for pre-service and in-service teachers’ training, creating gender-sensitive teaching methods and manuals/guidelines for teachers; b) Analyzing curricula for religious instruction from gender equality perspective and providing measures that would enable removal of overt/hidden gender discrimination, in line with secular character of the state; c) Monitoring educational policy at all levels (primary, secondary and university education), as well as practical work of educational institutions; Developing mechanisms for alleviating gender discrimination in educational practice and measures for solving a problem of sexual harassment;
2. Creating an independent body (composed of reps. of women’s NGOs and gender experts) that would gather existing and develop new analyses of *curricula and school text-books for primary and secondary schools* from gender equality perspective, and provide *guidelines to future authors of text-books* (i.e., introducing a “brand” – “gender-sensitive text-book”). The latter assumes that educational authorities should adopt the guidelines as *mandatory* for authors of text-books, and assure that guidelines are implemented in practice
3. Increasing the expenditure for education in the state budget
4. Efficient implementation and monitoring of the adopted National Plans related to education, and adoption of those which have not been adopted; Organizing a large-scale debate on education reform in professional circles/general public; assuring participation of civil society in such debate; creating conditions for continuous implementation of the reform
5. Collecting/regularly publishing up-to-date gender-disaggregated national educational statistics at all levels, based on monitoring the cohort. Developing mechanisms/gender-sensitive indicators for analyzing access to education of disadvantaged groups: rural, Roma and other minorities, refugee/displaced, disabled
6. Conducting a survey on functional literacy of different age groups; Organizing *state-funded* vocational trainings for children, and adult education programs; Encouraging involvement of girls/women in such programs
7. Adopting *affirmative action measures for vulnerable groups of children* (scholarships, quotas), paying particular attention to less represented gender; Increasing enrolment of disadvantaged groups of children in *pre-school institutions/programs*; Organizing community-based programs aimed at inclusion of disadvantaged children into school, which would involve their parents/families, community members/leaders; Assuring implementation of formal and/or various forms of alternative/informal educational programs for boys/girls who were not enrolled in formal schooling, or dropped out from school; Taking steps to decrease the gender imbalance in primary schools for adults; Increasing the number of educational programs for children and adults in state-run National TV and Radio
8. Collecting existing analyses of the *quality of education* at the national level (based on surveys of *educational outcomes*) and organizing periodic new surveys
9. Creating an analysis (by independent experts) of implementation of Bologna Declaration at Serbian universities; Monitoring policy of universities related to tuition fees and suggesting measures that would alleviate current large *disparities* in fees across various faculties; Creating a fund-raising action aimed at collecting sources for scholarships
10. Organizing meetings with Deans/University Boards and discussing a possibility¹ of introducing gender equality issues and barriers to realization of potential in girls as mandatory subjects at the Teaching Faculty and/or other college/university programs for future teachers

¹ We value and appreciate the *autonomy* of universities. However, educational authorities could raise the issue of gender equality in education system, and *propose* to relevant university bodies to analyze their current programs and provide compliance with international standards and conventions

11. Organizing a debate in professional circles/general public, aimed at analyzing possibilities for establishment (or maintenance) of gender studies as integral part of university education system; Introducing gender awareness seminars as integral part of in-service teachers' training – supporting existing programs of NGOs and developing new ones (preferably, supplemented with manuals that will provide concrete examples how to implement gender-sensitive approach to teaching in regular classroom);
12. Supporting programs of women's NGOs, which are focused on teachers as target group (e.g., programs on prevention of gender-based violence and other gender-related issues)
13. Promoting and supporting girls' access to information technologies and equipment; developing educational policy that would encourage girls' interest in natural sciences, math, technology, computer science and sports
14. Promoting equal access to different professions; Providing support to existing programs of NGOs and youth organizations focused on empowerment of girls; Organizing programs for parents in order to enable them to identify and encourage girls' interests and question their own stereotypes related to gender roles; Improving possibilities for career counseling at the secondary school age; Assuring participation of school psychologists and career counselors in gender awareness programs; Developing and implementing affirmative action measures aimed at increasing representation of women in decision-making posts at educational/scientific institutions
15. Providing comprehensive analysis of *gender-specific effects of brain drain*, increasing the number of talented students who receive state financial support/rewards (including affirmative actions for less represented gender in various scientific disciplines); Supporting exchange programs; Creating opportunities for students to visit foreign universities
16. Applying models of identification of the gifted that will take into account interests, independent creative products, essays on aspirations, self-reported engagement in extra-curricular activities (i.e., models that would rely on self-descriptive techniques, and use IQ scores and personality measures only as additional indicators); Organizing pre-service and in-service training for school staff on these identification models, as well as on psychological and socio-cultural barriers to realization of potential in gifted girls;

ARTICLE 11 - Recommendations:

1. Reducing a gender gap in employment rates through adoption of affirmative action measures and encouragement of female self-employment and entrepreneurship (supporting centers for female entrepreneurship, business and management; establishing flexible credit programs and reduced taxes for job-creating activities/small enterprises, creating special funds for these activities within the privatization funds, implementing strict, transparent and fair procedures for employment in the state/public sector); Implementing mechanisms for gender-sensitive monitoring and evaluation of the programs
2. Providing gender analysis of already adopted (or planned) national strategies/policies related to employment and poverty reduction, and developing gender-sensitive indicators for monitoring progress in implementation of these strategies and policies
3. Introducing gender-sensitive budgeting at state/local level, and providing appropriate monitoring of the implementation
4. Establishing cooperation with women's NGOs and gender experts in conducting gender analysis of economic policy (including macro-economic policy) and in integrating gender-equality perspective in planning further measures for economic and human development; Presenting these analysis to the Parliament; Re-analyzing current possibilities to attract direct foreign investments
5. Analyzing current trends in programs for unemployed; Encouraging involvement of women in all types of active employment programs, including active job search, vocational trainings, computer literacy courses, self-employment trainings; Implementing programs that would address the needs of specific vulnerable categories of women: young, rural, Roma, disabled, refugees/displaced; Organizing training programs on gender equality for employees of National Employment Agency
6. Organizing consultations with women's NGOs in analyzing gender-related aspects of labor legislation; Improving legal provisions with respect to: introducing the principle of shifting the "burden of proof" to the defendant in cases of discrimination at the workplace, introducing aggravated forms of sexual harassment (sexual *blackmail*) and defining sexual harassment/blackmail as gender-based discrimination, adopting measures that would enable return to the same or equally-paid job after maternity leave and childcare (parental) leave
7. Establishing mechanisms that would enable affirmative action measures, aimed at increasing representation of women in decision-making and managerial posts in different economic sectors

- (including governing and executive boards of state companies, privatization agencies, etc); Developing mechanisms for monitoring the gender structure of management
8. Monitoring and implementation of equal opportunities provisions (including the equal pay principle), establishing efficient and mechanisms within the Labor Inspectorate for detecting, mandatory data-collecting and analyzing of all cases of gender-based discrimination at workplace, including unequal pay; Providing adequate legal aid to women who are faced with discrimination at the workplace
 9. Developing policies for preventing sexual harassment/blackmail at the workplace, encouraging creation of internal anti-harassment regulations in companies and firms
 10. Creating and regular publishing of gender-disaggregated statistics on employment (structure of the workforce by age and educational levels, as well as cross-sector representation and earnings) and trends related to unemployment

ARTICLE 12 - Recommendations

1. Establishing Governmental/Ministry of Health activities and production of legally adopted document(s) addressing specifically women's health issues; Developing special programs and politics aimed at advancing women's health and well-being; Developing National Action Plan for Women's Health - Ministry of Health, local government and communities
2. Executing strategies and measures to eliminate discrimination in health and health system; Producing special healthcare provision for women with disabilities and lesbians in terms of their reproductive rights, mental health in partnership issues, violence and discrimination in mental health issues,
3. Inclusion of women's needs in making health strategies, policies and programs (including the needs of various groups: the young, the old, single mothers, lesbians, women with disabilities, women with mental health problems, displaced and refugee women, women with HIV, Roma women); Advancement and improvement of services competent to provide high quality care to all women according to their needs, especially to those from vulnerable groups (Roma, women with disabilities, violence survivors and lesbians)
4. Allocation of national budget for preservation and improvement of health of women
5. Developing national data-base to collect gender-specific and gender-sensitive data
6. Conducting and promoting surveys which contribute to women's health needs and an achievement of gender equality in health
7. Advancement and improvement of services aimed at eliminating negative cultural practices, promoting access to comprehensive health services and education (including that of girls and elderly women), meeting women's non-reproductive health needs and addressing life-cycle choices
8. Ensuring better access to information on health issues through school curricula, media and other informative sectors
9. Policies and programs for empowerment of women to take active role to participate in health policy making and decision making
10. Monitoring the number of women participating in health policy making and decision making.

ARTICLE 16 - Recommendations:

1. Increasing the number and improving condition of institutions for child-care facilities/institutions for children; Implementing effective supervision and control of private nurseries and baby-sitting services
2. Establishing the state fund for child support payments or encouraging other possible solutions for solving avoidance of child support payment (e.g., the court might prescribe an amount needed for raising child/ren *and* custodial parent might collect child support directly from the ex-partner's employer)
3. Implementing positive action measures – active employment policy that would specifically address the needs of vulnerable categories of women (single mothers, women living in female-headed households, Roma, disabled, refugees/displaced); Developing mechanisms for monitoring implementation of the policy at the local level; Encouraging partnerships between local branches of National Employment Agency and local NGOs that work with specific categories of vulnerable women
4. Promoting parenthood instead of motherhood in media, parental leave and the newly-adopted model of joint custody
5. Taking necessary steps against common law practices, like arranged marriages or betrothal of minors, genital mutilation
6. Developing a closer collaboration between state institutions responsible for protection of the family and women's NGOs