

PERMANENT MISSION OF THE REPUBLIC OF SERBIA  
TO THE UNITED NATIONS

38th Session of the Committee on the  
Elimination of Discrimination against Women  
Consideration of the Initial Report of Serbia  
Submitted under Article 18 of the  
Convention on the Elimination of All Forms of  
Discrimination against Women

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STATEMENT

by

MS. VESNA ILIC PRELIC  
STATE SECRETARY  
HEAD OF THE DELEGATION OF THE REPUBLIC OF SERBIA

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Madam Chairperson,  
Distinguished members of the Committee,  
Ladies and gentlemen,

On behalf of the delegation of the Republic of Serbia I would like to express our pleasure at having this opportunity to present the Initial Report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in our country.

First of all, I would like to introduce the members of our delegation:

- Ms. Dragana Petrovic, Deputy Head of the delegation, Vice President of the Gender Equality Council,
- Ms. Zorica Pavlovic, Ministry of Health,
- Ms. Snezana Elez, Ministry of the Interior,
- Ms. Marina Ivanovic, Ministry of Foreign Affairs
- Ms. Marija Antonijevic, Ministry of Foreign Affairs
- Ms. Gordana Mohorovic, Agency for Human and Minority Rights
- Ms. Ana Ilic, Permanent Mission of the Republic of Serbia to the UN

After the democratic changes in 2000 and the reinstatement of its membership in the United Nations, the then Federal Republic of Yugoslavia as one of the successor states of the former Socialist Federal Republic of Yugoslavia continued its membership in all international instruments in the field of human rights, including the Convention on Elimination of All Forms of Discrimination against Women. The SFRY signed the Convention in 1980 and ratified it in 1981, namely it ratified the Convention the same year it came into force. Also, in 2002 the Federal Republic of Yugoslavia ratified the Optional Protocol to the Convention on Elimination of All Forms of Discrimination against Women.

Upon the submission of the notification of succession on 12 March 2001, the then Federal Republic of Yugoslavia commenced the process of preparation and submission of initial reports on the implementation of ratified international treaties and UN conventions before the competent treaty bodies. The initial report of Serbia and Montenegro on the implementation of the International Covenant on Civil and Political Rights was presented in July 2004 and the initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights was presented in May 2005. Also, in July last year, the Human Rights Committee considered the report by the United Nations Interim Administration Mission in Kosovo (UNMIK) on the implementation of the International Covenant on Civil and Political Rights in the Province of Kosovo and

Metohia, as an integral part of the report by Serbia and Montenegro that was considered in 2004. In May 2006 Serbia and Montenegro submitted to the competent committees the initial reports on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the initial report on the implementation of the Convention on Elimination of All Forms of Discrimination against Women.

The process of reporting of the Republic of Serbia on the implementation of international instruments in the realm of human rights has so far been specific and complex. The initial reports covered a long time period and they were prepared in the period of changes of state-legal structure, dynamic process of reforms and adoption of new legislation as well as in the period of numerous structural changes.

After the dissolution of Serbia and Montenegro in June last year, the Republic of Serbia as the legal successor of the state union continued the membership in all the UN treaties and conventions in the field of human rights and on the occasion of considerations of initial reports submitted at the time the State Union of Serbia and Montenegro existed, it shall present a part of the reports related to the Republic of Serbia.

Madam Chairperson,

As I already said, the Initial Report of the Republic of Serbia on the implementation of the Convention on Elimination of All Forms of Discrimination against Women covers a long time period from 1992 to 2003. The reporting period was very complex. Up to the democratic changes in 2000 it was marked with conflicts, isolation, disturbed relations with the neighboring countries and the international community, economic sanctions and internal instability, which resulted in rapid economic degradation and impoverishment of the general population. The following data may be used as an indicator – GDP in Serbia at the beginning of the nineties was USD 3,000 and in 2000 it dropped down to only USD 960. From this time until now, in the process of radical social-economic reforms and transition from socialist to market economy, GDP was increasing and in 2006 it exceeded USD 4,000.

Thus, the initial report we are going to present today covers two different periods and for practical reasons, it could be divided into two separate parts – the period before 2000 and the period after the democratic changes in October the same year. After 2000 the period of building of democratic institutions and of a democratic society and significant progress, especially in the field of human rights, has commenced.

As for the period before 2000 it may be said it was the period of spread violations of human rights, regardless of the accepted international commitments in this field. The appearance of democratic forces meant the start-up of the process of building of democratic institutions, putting out of force of discriminatory laws and laws contrary to international law, reinstatement of

membership in international organizations, primarily in the UN and then in the OSCE and the Council of Europe as well as the active co-operation with the mentioned organizations in the field of protection and promotion of human rights. In view of the strategic commitment of the Republic of Serbia to accede the European and the Euro-Atlantic integrations, the domestic legislation reform process is aimed at harmonization with the *acquis communautaire* and the highest international standards in the field of human rights as well.

Since the Initial Report covers the period until 2003, I shall focus in this statement on the period from 2003 up to now and the results achieved within the specified period.

After the withdrawal of the Republic of Montenegro from the State Union of Serbia and Montenegro in June 2006, the Republic of Serbia became the successor of the state union and inherited the international legal personality of the state union in full.

Madam Chairperson,

The new Constitution of the Republic of Serbia was adopted in November 2006. I wish to stress in particular that the new Constitution prohibits all forms of discrimination. Namely it is stated in the Constitution that the State shall guarantee the equality of women and men and shall develop policy for equal opportunities. The Constitution introduces the option of special interim measures in order to achieve full equality; it also stipulates equality in marriage and family, freedom to decide on childbirth, special maternity protection. In addition, the Constitution explicitly prohibits slavery, all forms of human trafficking, forced labor, sexual abuse and economic exploitation. It also defines the Republic of Serbia as a secular state.

Finally, the Constitution proclaims that the laws and other acts of the Republic of Serbia must be in accordance with the international treaties and generally accepted rules of international law.

Concerning the respective legislation, I would like to mention just a few most important examples.

The Gender Equality Law has been drafted and is awaiting the parliamentary procedure with a promising majority support for adoption; The Criminal Code penalizes domestic violence and marital rape; human trafficking is defined as organized crime; relationship between partners and children's rights are regulated by the Family Law, which also introduces special measures against violence and improves adoption and divorce procedures; Labor Law strictly forbids gender discrimination and sexual harassment at work; election laws fix a system of quota of 30 % for the less represented gender for the national, provincial and local elections; and finally the Ombudsman Law provides a focus on gender issues as one of priorities.

The expected Gender Equality Law shall harmonize our legislation system with the international standards; adoption of this Law is one of the conditions for the accession to the European Union; beside the general provisions, the Law shall regulate the policy of equal opportunities and against the discrimination of women, especially in the political and public life, employment and work relations, social and health protection, family relations, education and culture, and it shall define the institutional obligations at all levels. The current Judicial Reform Project provides gender analyses of the legislation, gender statistics from courts, monitoring of domestic violence treatment, education for judiciary and a booklet on women's rights.

There are following gender mechanisms established in Serbia: The Gender Equality Council is an expert and advisory body of the Serbian Government, which deals with the issues of gender equality, analysis and evaluation of the situation in this domain, as well as with short-term and long-term measures to achieve gender equality and strengthen the position of women. The Gender Equality Council drafted as priorities: gender sensitive legislation, National Strategy for Improvement of the Position of Women and Advancement of Gender Equality, economic empowerment of women, raising public awareness and capacity building for gender issues. There is also the Gender Equality Committee in the National Parliament of Serbia, which examines the laws and other regulations, reviews the situation concerning policy making and implementation of the laws by all the bodies responsible to the Parliament, from the point of view of gender equality. Local Gender Focal Points exist in some 42 cities and municipalities, but they do not have any legal support yet and there is a possibility to link this program to the Standing Conference of Cities and Municipalities. In the Autonomous Province of Vojvodina, there is the Provincial Secretariat for Labor, Employment and Gender Equality, with special attention to the promotion of gender equality concept, economical empowering of women, fight against domestic violence, women's education and support to the women's organizations; there are also Gender Equality Committee of the Assembly of Vojvodina, Provincial Gender Equality Institute, provincial ombudsperson, and local gender equality committees. The Declaration on Gender Equality and the Decision on Gender Equality provide the legal framework for achieving gender equality in the Autonomous Province of Vojvodina.

There exists, no doubt, a political will and commitment to build gender equality, as well as to introduce modern standards in gender issues. However, certain discrepancy between legislation and practice as well as the lack of capacities are still evident. Bearing in mind that equal rights guaranteed by law do not always result in an equal position in practice, some measures of positive action need to be undertaken. For that purpose, the Ministry of the Interior carried out gender trainings for the treatment against domestic violence; The National Anti-Trafficking Council and the National Anti-Trafficking Team make a lot of efforts in their work and are estimated as successful; The Ministry of Labor, Employment and Social Policy also conducted gender trainings; the National

Employment Council and the National Employment Service prepare special employment projects for women; The Labor Inspection shall introduce gender focal points to protect women from discrimination at work. The Republic Statistical Office plans to introduce obligatory gender disaggregated registers and administrative records; the expected Law on Employment Records shall contribute to it. However, there are still some problems of gender equality in private relations. This is a delicate question of stereotypes and the change of mentality, which is a process that takes time and constant engagement.

A step forward was the process of drafting the National Action Plan for 2007-2010, based on the Beijing Platform, which was prepared by the Gender Equality Council in full co-operation with 33 different NGOs and a number of prominent gender experts. The draft National Action Plan deals with the following issues: women and the economy, decision making, women's health, violence against women, women and education, as well as women and the media. In the drafting process, all available data on the position of women have been collected and the draft defines the priorities for empowerment of women, together with the policies to achieve a higher level of gender equality. The draft also took into consideration all other strategies at the national level, in order to contribute to the strengthening of gender perspective in the related areas, especially the Poverty Reduction Strategy, Millennium Development Goals, special strategy *Better Health of All in the Third Millennium*, the Strategy for Roma Integration and Empowerment, Anti-trafficking Strategy, National Mental Health Policy.

The gender aspect was included in ICT Development Strategy and the Sustainable Development Strategy. There are also other projects on economic empowerment of women, such as improvement of the position of women on the labor market, projects regarding the Security Council Resolution 1325, campaigns to raise public awareness and visibility of gender issues, capacity building and research programs.

It is important to mention the improvement of co-operation with the civil sector, as well as the development of gender mechanisms network in the region of the Western Balkans. I would like to express our gratitude for the strong support from the UN system, especially UNDP and UNIFEM, and other European and regional organizations and institutions.

Madam Chairperson,

I would in particular like to draw the attention of the Committee to the problem relating to the implementation of the Convention on Elimination of All Forms of Discrimination against Women in a part of the territory of the Republic of Serbia, namely in the Autonomous Province of Kosovo and Metohija, which is, since June 1999, under the United Nations administration in accordance the Security Council resolution 1244 (1999). Resolution 1244 (1999) recognizes that Kosovo and Metohija is part of the territory of the Republic of Serbia. Hence, the CEDAW is applicable in the Province. Nevertheless, Serbia as the State Party to

the Convention cannot assume responsibility for its implementation there because the administration of the Province is entirely within UNMIK prerogatives. For that reason, the Report which is currently before the Committee, does not contain detailed information regarding the implementation of CEDAW in Kosovo and Metohija.

I must stress that generally the human rights situation in Kosovo and Metohija is very grave. What is extremely worrisome is that discrimination of ethnic groups which are in minority, in particular, members of the Serbian community, is widespread. This is true for practically every right guaranteed by the CEDAW, such as the rights to education, health care, employment, participation in public and political life, etc.

Under such circumstances, and taking into account the conclusions of the relevant treaty bodies of the UN, after the consideration of the initial reports of the Republic of Serbia on the implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, my delegation would like to suggest to the Committee to request UNMIK to provide relevant information, namely to find the most adequate way to consider the implementation of the Convention in the Province. We are convinced that the Committee, based on the detailed information on the implementation of all relevant provisions of the Convention in the Province, would be able to get a real picture of the position of women and contribute to the improvement of gender equality in general, especially of extremely grave position of the members of the non-Albanian communities. That is why we have indicated, within the responses to the list of issues and questions submitted by the CEDAW, the relevant conclusions of the Human Rights Committee after the last year's consideration of the report presented by UNMIK about the status of human rights in Kosovo and Metohija, as an integral part of the initial report by Serbia and Montenegro on the implementation of the International Covenant on Civil and Political Rights (ICCPR) that was considered in 2004.

Madam Chairperson,

In the report before you, as well as within the framework of responses to the list of issues and questions and in my present statement, the measures being undertaken by the Republic of Serbia aimed at improving gender equality and fully implement the Convention on Elimination of All Forms of Discrimination against Women have been indicated. In spite of radical legislative reforms and positive practice since 2000, there are still a lot of challenges and difficulties.

In spite of the facts that:

-We have still been facing the negative inheritance of the nineties, the consequences of the conflicts in the region, economic sanctions and a large number of refugees and internally displaced persons;

- A part of the territory of the Republic of Serbia has been under the United Nations administration for nearly eight years and the future status process of the Province of Kosovo and Metohija is still under way;
- The country has been going through the complex process of economic and social transition, the main priority being the acceleration of European integrations with the aim to accede the European Union as soon as possible;
- The reforms related to this process concern all fields of social life and are particularly challenging in the area of achievement of high standards in the field of gender equality and advancement of the position of women

I would like to emphasize that the Republic of Serbia remains committed to further advancement of the process of democratization, fulfillment of international obligations and achievement of the highest standards, in the domain of human rights and improvement of the position of women above all and full co-operation with the competent international institutions in this respect.

Madam Chairperson,

Achieving gender equality is an ongoing process. In recent years a lot has been done and we are aware that a lot still remains to be done. Although the results of some measures, by their nature, may not be always visible immediately, the women in our country already benefit from many of undertaken actions. In that sense, striving for gender equality requires constant attention.

Bearing that in mind, we see the today's dialogue with the distinguished members of the Committee as a part of that process. I am convinced that we shall in the course of the today's consideration of the report, in an open and constructive dialogue, recognize all the aspects of the implementation of the Convention on Elimination of All Forms of Discrimination against Women in the Republic of Serbia. As far as we are concerned, it would be a very useful and welcome experience in our further efforts to promote and strengthen gender equality and advance the position of women in our country.

Thank you, Madam Chairperson.