



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-eighth session

Summary record of the 776th meeting

Held at Headquarters, New York, on Wednesday, 16 May 2007, at 3 p.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Initial report of Serbia (continued)
(CEDAW/C/SCG/1 and CEDAW/C/SCQ/1)

1. *At the invitation of the Chairperson, the members of the delegation of Serbia took places at the Committee table.*

Article 6

2. **Ms. Begum** said that, despite the country's stated efforts to prohibit slavery and all forms of human trafficking, there were reports of a high incidence of trafficking in Serbia, especially among the minority communities and internally displaced persons. Furthermore, traffickers were rarely prosecuted and convicted. She would welcome information on the number of cases tried and traffickers punished during the reporting period. She would also like to know the reasons for the delay in adopting the national plan to combat sexual exploitation and human trafficking mentioned in the initial report. Further details were needed on the Service for the Coordination of Assistance to Victims of Human Trafficking and reintegration programmes referred to in the responses to the list of issues, as well as on the number of survivors of trafficking who had been reintegrated. Clarification was also needed on Government measures to provide an alternative livelihood for vulnerable groups. Lastly, she would appreciate information on Serbia's witness protection legislation for the victims of trafficking.

3. **Ms. Chutikul** would like to know whether the national team for the suppression of human trafficking referred to in paragraph 149 of the report was still in existence. If so, it would be useful to learn what it had achieved. Secondly, she wondered whether the Service for the Coordination of Assistance to Victims of Human Trafficking took a multisectoral and multidisciplinary approach and whether its work was based on the Guidelines on Human Rights and Human Trafficking of the Office of the United Nations High Commissioner for Human Rights. It would be useful to have information on the results of the prosecutions of perpetrators of trafficking, including the number of foreigners among them, and on any obstacles encountered in the prosecution processes. She would

appreciate more information on how legislation on witness protection was used, as well as on the confiscation of the property of traffickers under the money-laundering law. She would like to know whether the persons involved in the judicial process had been made aware of the Guidelines. Lastly, she would welcome a summary of the main areas of concern in the national plan to combat human trafficking and the time frame for implementing it.

4. **Ms. Elez** (Serbia) said that the Federal Republic of Yugoslavia had signed the United Nations Convention against Transnational Organized Crime in 2000 and in 2001 the Protocol against the Smuggling of Migrants by Land, Sea and Air and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. When the State Union had disintegrated in 2002, a national team for the prevention and suppression of human trafficking had been established, headed by the chief of the Border Police within the Ministry of Internal Affairs. In 2003, trafficking in persons had been incriminated under the Penal Code. The legislation had made no distinction, however, between trafficking in and smuggling of human beings until 2006, when it had been amended to make them separate offences. A strategy for combating human trafficking had been drafted in 2006. Nevertheless, the national plan had not been adopted, as the Government had been awaiting the results of the national elections held in January 2007. It was expected that the plan would be adopted in the near future.

5. In the past, criminal acts relating to trafficking in persons had been covered under legislation on prostitution, rape, illegal border crossing, document forgery and other offences. The police had not been trained in the proper treatment of victims of human trafficking. Foreign women found to be residing unlawfully in the Federal Republic of Yugoslavia had thus been prosecuted for the aforementioned offences. However, criminal legislation and the approach taken towards the victims of human trafficking had changed. Such persons were no longer held criminally liable and were treated as victims. For that purpose, the Service for the Coordination of Assistance to Victims of Human Trafficking had been established in 2004 to identify victims of human trafficking. Training in that area had been provided for judges, prosecutors, law enforcement officers, health workers and members of NGOs.

6. The national team for the prevention of human trafficking was composed of government agencies, including the Ministry of Foreign Affairs, the Ministry for Human and Minority Rights, the Supreme Court and others, as well as non-governmental organizations. The international members of the team included the Organization for Security and Cooperation in Europe (OSCE), the International Organization for Migration, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees and others.

7. The cases of human trafficking mostly involved sexual exploitation. A smaller number of cases concerned unregulated labour and child labour. There were no cases relating to trafficking in human organs. With respect to the detection of the perpetrators of human trafficking and identification of their victims, the bulk of such cases had been detected by the police. In a smaller number of cases, NGOs had provided information to the police for steps to be taken.

8. The Criminal Code provided for confiscation of the proceeds from human trafficking, but in practice there had been no such cases. In 2007, training programmes had been organized by OSCE and the United States Embassy in Belgrade for law enforcement officers and public prosecutors on the confiscation of the proceeds from human trafficking. Her Government would make every effort to implement such measures. The law enforcement authorities were cooperating with international organizations, regional police and NGOs to that end. At a recent regional conference, a recommendation had been made to establish ad hoc joint inspection teams for the seizure of the proceeds of such crime, which would include tax, customs and labour inspectors and others.

Articles 7 and 8

9. **Ms. Neubauer**, noting the increased participation of women in political decision-making as a result of the measures introduced in electoral legislation, requested information on the measures planned or taken to increase such participation in executive positions. The Government should play a positive role in overcoming the traditional division between men and women in society. Temporary special measures with respect to appointments within the Government for that purpose would be much easier to introduce than electoral legislation. She would like further details

on the measures to ensure gender balance in working and advisory bodies established by Government decision and within individual ministries.

10. **Ms. Begum** said that she would also like information on Government initiatives to adopt temporary special measures. Under Serbian electoral law, the minority gender must make up at least 30 per cent of electoral lists submitted by parties. Nevertheless, tables 4 and 5 contained in the responses to the list of issues and questions for consideration of the initial report indicated that the share of women in the National Assembly was only 12 per cent. Unless the quota was mandatory, the legislation could not be expected to produce the desired results. She would appreciate hearing the delegation's views on ways of enforcing the electoral law.

11. She wondered why between 2001 and 2004 there had been four women ministers but only two women ministers to date in the period following 2004. It would also be useful to know whether there were any training programmes for lawmakers and high-level government and non-governmental officials and civil servants to educate them about gender equality and equal opportunities for men and women. Details were needed on the national budget to support gender-mainstreaming programmes.

12. **Ms. Gaspard** said that she would like to know the percentage of women participating in the recently elected Government and the posts which women were occupying. It was not clear whether the figure of some 60 per cent of women among state secretaries cited at the previous meeting referred to the current or previous Government. She welcomed the fact that Serbia was among the fifty or so countries which had enacted legislation to require political parties to put forward women candidates in both national and local elections. Nevertheless, she noted with concern that the 30 per cent quota had not been achieved at the parliamentary or municipal level. She wondered why there was a gap between the target set by the law and the results of the elections and proposed the introduction of penalties for parties which did not have the percentage of women candidates required under the law. Indeed, some parties were very far from attaining the 30 per cent quota. It was unclear whether that percentage was a stage to be reached in order to gradually increase women's representation or a ceiling. She would also like to know the gender distribution in the Commission for Cooperation with UNICEF and Promotion of the Status

of Women, as experience with similar commissions had shown that men's participation in them was important. Lastly, with respect to article 8, there was insufficient information in the report on the presence of women in diplomatic missions. As there were two representatives from the Ministry of Foreign Affairs present, she would welcome additional information from them on whether positive action had been taken to increase the participation of women in the Ministry and in the diplomatic missions of Serbia.

13. **Ms. Belmihoub-Zerdani** commended the Serbian delegation on the results obtained in the recent legislative elections, in which the number of women in Parliament had doubled. She called for further consideration of Roma and other minority women such as those who stood for election but were not elected and proposed the introduction of a number of seats reserved for such minority women. She also commended the drafting of a Constitution in accordance with international agreements, draft legislation on gender equality and the election law establishing a 30 per cent quota for the less represented sex, whether men or women. She, too, hoped that that quota did not constitute a ceiling but rather a good start to achieve gender equality in decision-making positions.

14. **Ms. Tavares da Silva**, recalling the important role that women played in post-conflict situations, asked whether women were involved in negotiations for the stabilization and peaceful reconstruction of Serbia, particularly with regard to the situation in Kosovo, or whether they were marginalized as reported by some NGOs and, if so, which measures the Government had taken to ensure their full participation in that reconciliation effort.

15. **Ms. Prelić** (Serbia) said that there had been a number of positive developments: about one quarter of the members of the new Parliament were women; the election law included special rules and affirmative action measures for national minorities; the new Parliament included representatives of the Muslim, Hungarian, Roma and Albanian minorities, including one Hungarian woman; the election laws had been amended to reserve seats and guarantee the representation of national minorities in Parliament, with at least 30 per cent of the seats for women.

16. The Government had adopted a document entitled *Nationalized Millennium Development Goals in the*

Republic of Serbia, which included specific measures for improving the position of women in political and social life. In the executive branch of government, there were four women ministers and a number of female secretaries of state and, according to the new structure that was being put in place, 65 per cent of the positions in state administrations were to be held by women. Women held other senior positions in important ministries such as the Ministry of the Interior and the Treasury and the office for accession to the European Union was headed by a woman. While much could still be done to improve the situation, it was important to remember that Serbia was still in a transitional phase and that it was not easy to reach agreement on such matters in a coalition government.

17. **Ms. Ivanovic** (Serbia) said that the number of women in the diplomatic service had increased since 2002, including those holding senior ambassadorial and other consular positions. For example, the delegation to the Council of Europe and the Coordination Centre for Kosovo and Metohija were both headed by women.

Articles 9 and 10

18. **Ms. Arocha** said that, while it was encouraging that education had played an important role in the economic and political empowerment of women, the data provided in the responses to the list of issues and questions were from the 2002 census and were therefore obsolete, especially in the field of education where the situation could change dramatically in five years. She requested more recent data on school enrolment for girls and women, with a breakdown between urban and rural areas and between ethnic groups, if possible. She asked whether concrete measures had been taken between 2002 and 2005 to improve literacy and primary school enrolment and completion among Roma girls and adolescents and what measures had been taken nationwide to encourage girls who had dropped out of school to return. She also wondered whether there were any educational programmes for adult women.

19. **Ms. Gaspard** noted that the response to the list of issues and questions had indicated that there was general awareness of equality between men and women, but asked whether gender equality was included in teacher-training courses and whether educational and vocational training encouraged girls to enter non-traditional fields such as science and

technology. The report provided very few data on a breakdown by gender of hierarchical positions in higher education, particularly the number of male and female professors in universities. She wondered whether there were any departments on gender issues in the universities — since gender-based budgeting techniques could not be applied without formal training on the subject — and whether the Government encouraged research in those fields.

20. **Ms. Prelić** (Serbia) said that primary education was mandatory in Serbia; the vast majority of children completed primary school and girls were generally more interested in furthering their education than boys. However, there were more Roma boys attending and completing school than girls, primarily due to early marriage and the tradition entrenched in the Roma community that did not allow girls and women to go to school.

21. **Ms. Mohorovic** (Serbia) said that there were strategies and action plans for the education of children and statistical data for 2004-2005 showed very little difference in the percentages of boys and girls attending school at all levels. With regard to minorities, the new law on national minorities included provisions for the creation of national councils for national minorities, a form of cultural autonomy and functional decentralization through which they could participate in the enforcement of their cultural and educational rights. Being a particularly vulnerable group, the Roma population received special care with the creation of the National Strategy for Roma Secretariat within the Agency for Human and Minority Rights to prepare action plans and strategies for integration and empowerment of the Roma population. They covered education, employment, housing, health care, social welfare, culture, media and information, internally displaced persons, returnees on the basis of readmission agreements, women's rights and anti-discrimination measures.

22. Four action plans had already been adopted with regard to employment, education, housing and health care, while the action plan for women was still being drafted. The goal of the draft action plan for Roma women was to provide mechanisms for the issuance of all necessary documents for Roma citizens, including women, in order to overcome the difficulty of identifying their place of residence. In education, the goals were to halve the number of illiterate women, to introduce measures for continuing education and to

remove stereotypes from textbooks and curricula. The Ministry of Education had also adopted a strategy to improve education in Serbia with a goal of integrating the Roma population into the educational system, improving the quality of their education and developing the sense of tolerance and appreciation of differences.

Article 11

23. **Ms. Patten** commended Serbia for its progressive labour laws but wondered whether there were adequate sanctions for those who violated such laws and whether measures were taken by the Ministry of Labour to make women aware of their protection under the law. She asked whether there were mechanisms for assisting women in case of complaints, whether there was a legal aid system for labour disputes, and whether there was a special labour court. She requested more information about the number of complaints referred to the Labour Inspectorate and about the implementation of gender-focused policies by the labour offices nationwide. She wished to know whether the National Employment Council was considering any special projects to reduce the high unemployment rate among women. She also wished to know whether efforts were being made to facilitate self-employment and access to credit and capital for women; and whether there were any efforts to eliminate occupational segregation and promote the participation of women in highly skilled jobs and their appointment to senior management positions. With regard to the wage gap, she wondered what mechanisms were in place to adjudicate labour disputes and to ensure gender-neutral job evaluations.

24. **Ms. Simms**, while commending the Government for the encouraging data on tertiary education among girls in Serbia and their enrolment in non-traditional fields, asked whether there were any mechanisms or tracking devices for measuring employment outcomes, to ensure that women with better education did not end up in low-paying jobs.

25. **Ms. Schöpp-Schilling** noted that there was systematic discrimination against women in the labour market, due to arrangements under the previous system or the emergence of a transitional and private labour market. In addition, women had a higher unemployment rate than men; they did not have unrestricted access to military jobs and held more jobs in family enterprises than men, with few or no health benefits; they were in an unfair position in the labour

market because parental leave for fathers was still restricted. She expressed concern about the constant reference to European Union standards in the country's report instead of CEDAW standards, and wondered whether there were any plans to adopt a holistic approach in order to eliminate the various forms of systemic discrimination against women in the labour market by using CEDAW as a human rights framework.

26. **Ms. Prelić** (Serbia) said that the Government would step up efforts to invoke the Convention in the area of labour and employment. With respect to positive discrimination measures and temporary measures, the Ministry of Labour and Employment had harmonized legislation with the standards of the International Labour Organization with a view to preventing discrimination and ensuring equal opportunities for men and women in the labour market. In addition, legal provisions had been established to enable fathers to take leave of absence following the birth of a child and women were entitled to take three months' maternity leave. The Government would establish mechanisms for enhancing the timely resolution of labour disputes and the Ministry of Labour and Employment had trained 30 per cent of its employees through sensitization programmes. A task force had been established within the Employment Agency to encourage women to report cases of discrimination.

27. The rate of unemployment of women was higher than for men and the gender pay gap remained a cause for concern. The Government had conducted research on the conditions of women in the labour market and was preparing a policy paper on employment. Measures were being taken to improve women's employment opportunities and to encourage women to engage in self-employed activities. Young women were able to concentrate on their careers and choose when to return to work after childbirth because they received more support from their husbands. The Government had established good relations with the trade unions and the Association of Business Women of Serbia, which was to give awards to the leading women entrepreneurs and employers.

Article 12

28. **Ms. Zou Xiaoqiao** said that additional data should be provided on the mortality rate of pregnant women, the infant mortality rate, HIV prevalence and

abortion rates in order to clarify ethnic and regional variances. It would be interesting to know what measures were being taken to ensure that refugee women were able to enjoy the same access to prenatal and post-natal care and medical attention as Serbian women. Additional information should be provided on the campaigns to raise awareness of HIV/AIDS, the efforts to target young people and the inclusion of HIV/AIDS issues in the school curriculum, and the main elements of the HIV prevention strategy. In addition, it would be interesting to learn which measures were being taken to provide assistance to rural women.

29. **Ms. Pimentel** said that additional information should be provided on the inclusion of sexual and reproductive health and rights in the school curriculum and on the high rate of abortion resulting from lack of contraceptive options. It would be interesting to know more about the gender perspective in health strategies and programmes.

30. **Ms. Dairiam** said that the initial report provided a considerable amount of information on the Government's intentions but it was difficult for the Committee to assess achievements because of the lack of specific data in the report. It was important to clarify who was benefiting from access to health-care services and to know whether a plan had been established to provide progressive access to those services. Further data should be provided on abortion and contraceptive practices. It would be interesting to learn whether the Government was monitoring the attitudes of health-care providers and whether it had formulated specific policies on women's access to health-care services.

31. **Ms. Pavlović** (Serbia) said that health-care services and policies fully complied with article 12 of the Convention and women received health care without discrimination. During the reporting period, the country had suffered from significant economic and social problems but health-care provision had increased significantly since the end of the war and the Government was giving priority to issues concerning family planning, pregnancy, childbirth and maternity leave. Similarly, during the reporting period it had been difficult to provide adequate treatment to patients with HIV/AIDS but the Government had increased funding for HIV/AIDS since 2002. Between 1991 and 2006 the causes of HIV infection had changed: most cases of HIV infection resulted from homosexual and heterosexual relations rather than from drug abuse.

With the support of international organizations, the Government had taken measures to raise awareness of HIV/AIDS in the educational system and had established free HIV testing. With respect to family planning, the most recent data from 2005 showed that there had been a significant decrease in the number of abortions performed for medically unjustified reasons. There were plans to establish reproductive health programmes and family planning counselling in schools.

Article 14

32. **Ms. Tan** said that further information should be provided on the property rights of rural women. In particular, it should be clarified whether women were expected to waive property rights in favour of men and whether men made efforts to share property rights with women. It would be interesting to learn what measures were being taken to address the health problems of rural women and the decreasing number of medical staff in rural areas. Further data should be provided on gender-based violence in rural areas and the number of shelters for victims of domestic violence in rural areas.

Articles 15 and 16

33. **Ms. Halperin-Kaddari** said that additional information should be provided on the Family Law and on the role of religious law in relation to civil law. It would be interesting to learn more about division of property rights for women in different family situations. Clarification should be provided on the measures that were being taken to protect the pension rights and other rights of refugee and displaced women.

34. **Ms. Tan**, referring to paragraph 533 of the report, requested more details on polygamous marriage and the rights of wives in such unions. She asked what legal measures protected the rights of divorced women to have contact with their children when custody was awarded to the father.

35. **Ms. Shin** said that she was interested to know the percentage of the population affected by religious and customary marriage rules and the proportion of common-law marriages. She would also like to know what efforts the Government was making to protect religious freedom. Finally, she would like to hear more about the situation of single mothers, and whether there were any statistics on disabled women and girls.

36. **Ms. Coker-Appiah**, referring to paragraphs 547 and 548 of the report, asked how long a common-law marriage must last in order for the spouses to have the right to share the common property upon its dissolution, and whether those common property rights applied to such unions when there were no children.

37. While the age of majority was 18, legal majority could also be attained by entering into marriage as early as age 16. Allowing such early marriages would most likely mean an end to a girl's education, and she would like to hear what steps were being taken to prevent that.

38. **Ms. Prelić** (Serbia) said that the Law on Religious Communities in no way affected civil law. Its purpose was to allow religious communities to regulate their internal affairs and to protect freedom of belief, but it did not exempt them from their civil rights and obligations. Civil marriage was the only legally valid form of marriage in Serbia, as was civil birth registration. Polygamy was illegal, and had never been part of most religious traditions in the country, but was still practised among some Albanian ethnic communities in Kosovo and Metohija. In other parts of the country, cases of bigamy or polygamy were grounds for criminal prosecution.

39. Common-law marriage had equal status with other forms of marriage. All property was considered common and would be divided equally on dissolution of the union. Under the current law, unpaid domestic work entitled a partner to a share of the common monetary assets of the union. Under the 2005 Family Law, custody of children was usually awarded to the mother, and father was required to pay child support or alimony in the event of divorce.

40. The legal age for marriage was 18. Rather than early marriage, the growing trend towards later marriage, often over age 30, could prove to be a problem over time, as it reduced childbearing years. Early marriage remained a problem among the Roma community, however.

41. **Ms. Petrović** (Serbia), responding to questions on land ownership in rural areas, said that 70 per cent of land was owned by men and 30 per cent by women. The Government was working to revitalize rural areas through a Poverty Reduction Strategy Paper, with programmes in microcredit and development of the tourism, food and service sectors, which should facilitate women's economic independence. Single

parents, both mothers and fathers, received State benefits to provide support for up to four children.

42. **Ms. Shin** requested further clarification regarding religious practices such as polygamy which were illegal; she would like to know the extent to which they were still practised. She also suggested that the Government should hold a public forum involving the community of non-governmental organizations to disseminate the results of the consideration of its report.

43. **Ms. Neubauer** said that the Committee would like to receive the full text of the sections of the new Criminal Code dealing with sexual and domestic violence and sexual harassment. It would also like to be informed when the draft action plan on Roma women was adopted. Finally, she requested further information on registration of internally displaced persons.

44. **Ms. Prelić** (Serbia) said that the tradition of the Muslim community in Serbia had never included polygamy and other more extreme practices, though some of those practices had appeared in recent years. The Government hoped to avoid conflict between religious and civil laws and to achieve harmony.

45. The Government had already made plans to hold a conference on its report to the Committee as a means of developing its relationship with the growing non-governmental sector, which currently included some 100 women's organizations.

46. **The Chairperson** noted that a great deal of progress had been made in the areas of women's political participation, gender equality law and national gender policy. The constitutional provisions on gender equality were a good beginning, but much remained to be done to put them into practice. She urged wide dissemination of the Committee's concluding comments on the report, which could be useful for the growing number of women parliamentarians.

The meeting rose at 5.25 p.m.