

**THE REPUBLIC OF SERBIA**

**The Ministry of Human and Minority Rights**

**THE SECOND AND THE THIRD PERIODIC REPORTS ON THE  
IMPLEMENTATION OF THE CONVENTION ON  
ELIMINATION OF ALL FORMS OF DISCRIMINATION  
AGAINST WOMEN**

**Belgrade, November 2010**

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## INTRODUCTION

### Concluding Observations and Recommendations - 12, 39, 44 and 45

1. The Second and the Third Periodic Reports on the implementation of the Convention on Elimination of All Forms of Discrimination against Women, as a compilation refers to the period from 2007 to 2009. The report consists of three parts: information on the implementation of individual Articles of the Convention (1-16); statistical data and the Report of the Ministry of Kosovo and Metohija concerning the status of women in the Autonomous Province of Kosovo and Metohija.
2. The report has been prepared by the Ministry of Human and Minority Rights and as for the line ministries, the following ministries have taken part in its preparation: the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Interior, the Ministry of Justice, the Ministry of Agriculture, Forestry and Water Resources, the Ministry of Economy and Regional Development, the Ministry of State Administration and Local Self-Government, the Ministry of Education, the Ministry of Health, the Ministry of Labour and Social Policy, the Ministry of Environment and Spatial Planning, the Ministry of Culture, the Ministry of Kosovo and Metohija, the Ministry of Youth and Sports, the Ministry of Science and Technological Development, the Statistical Office of the Republic of Serbia, the Provincial Secretariat of Labour, Employment and Gender Equality and the Refugee Commissioner Office.
3. The Ministry of Human and Minority Rights has also invited non-governmental organizations to participate in the preparation of these reports. The supplements to the reports have been submitted by the *Grupa 484*, the *Belgrade Centre of Human Rights*, the *Iz Kruga, Srbija* and the *SeConS*. The *Autonomni ženski centar*, the Ministry has been co-operating with extremely well explained their absence by the fact that it has been itself the main party in the preparation of the alternative report.
4. In order to inform the civil servants, politicians, members of the National Assembly, non-governmental organizations and the entire public about the steps that need to be undertaken in order to secure *de jure* and *de facto* equality of women, the Ministry of Labour and Social Policy - the Directorate of Gender Equality had undertaken in the previous period the following:
  - After the submission of Concluding Observations by the Committee for Elimination of All Forms of Discrimination against Women (hereinafter referred to as the Committee), a letter was sent to all competent ministries and boards of the National Assembly including detailed information on the submission of the Initial Report and the translation of received Concluding Observations of the Committee;
  - 12 seminars were held in the course of 2008, which were attended by 250 civil servants with the aim that they learn about the international obligations of the Republic of Serbia as well as to train them to include gender aspects in the state policy and practice. The education of civil servants was continued in the course of 2009 – two days' seminars for 120 labour inspectors were arranged and a handbook for their activities under the title of *Discrimination of Women at Work*<sup>1</sup> was also published.

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<sup>1</sup> Author: Nataša Perišić – Pavlović, published by the Directorate of Gender Equality, 2009.

- Two round tables were held, which gathered the representatives of relevant institutional mechanisms in order to establish mutual co-operation in the implementation of the Convention;
  - The publication under the title of the *Convention on Elimination of All Forms of Discrimination against Women*<sup>2</sup> was also printed, which in the first part contains the text of the Convention, Optional Protocol and 25 General recommendations, and in the second part it contains the text of the Initial Report, the speech of the head of the delegation of the Republic of Serbia, additional questions of the Committee, replies to those questions and the Concluding Observations of the Committee including recommendations. This publication was addressed to all ministries and relevant state institutions and it has also been promoted in public on several occasions;
  - The Working Group to monitor the implementation of the Convention and the Concluding Observations was formed in the course of 2009, which consisted of the representatives of the relevant ministries and state institutions (the Statistical Office of the Republic of Serbia, the National Employment Agency, the EU Integration Office, the Refugee Commissioner Office). A handbook including guidelines for the activities related to monitoring of the implementation of the principles and recommendations has been prepared for the requirements of the Working group. The handbook refers to the Concluding Observations of the UN Committee, indicating the measures that need to be undertaken in order to accomplish the most efficient implementation of the Convention (e. g. data about competences, statistical data, concrete replies to be contained in each periodic report). The results of the activities of the Working Group are the analyses of activities of the institutions related to their competences in the implementation and monitoring of implementation of the Convention. Sensibilization and training of the members of the Working Group in charge of issues of gender equality and of the Convention in the first place has also been carried out, thus establishing informal focal points, namely gender equality commissioners with the institutions concerned;
  - Within the framework of co-operation with the UNDP, a tender has been issued, intended to non-governmental organizations, to prepare reports on the supervision of implementation of the Recommendations of the Committee in respect of violence towards women. Three relevant non-governmental organizations have been selected at the tender – the *Autonomni ženski centar*, the *Viktimološko društvo* and the *...Iz kruga, Srbija*, in co-operation with the Monitoring and Evaluation Centre.
5. The Provincial Secretariat of Labour, Employment and Gender Equality, in co-operation with the Provincial Secretariat of Administration, Regulations and National Minorities, submitted the Concluding Observations to all secretariats of the Executive Council of the Autonomous Province of Vojvodina, as well as to local self-governments in the territory of the Autonomous Province of Vojvodina. The Concluding Observations were printed and published within the *Ženski rokovnik 2008*, which was forwarded to all members of the Parliament and the members of the Assembly of the Autonomous Province of Vojvodina, as well as to those who adopt decisions at the Executive Council of the Autonomous Province Vojvodina and the institutions founded by the Autonomous Province of Vojvodina.

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<sup>2</sup> The Directorate of Gender Equality, November 2008.

**Article 1**  
**Discrimination of Women – Definition**

6. *The Law on Prohibition of Discrimination*<sup>3</sup>, which was adopted on 26 March 2009, presents a framework law in the field of combat against discrimination and prescribes general prohibition of discrimination, forms and cases of discrimination, as well as the procedures for the protection against discrimination (Article 1). All expressions used in this law in male gender include the same expressions in female gender (Article 2 paragraph 5). The second chapter of this law, under the title of General Prohibition and Forms of Discrimination, includes the definition of the principle of equality (Article 4) and certain forms of discrimination (Articles 6-13) as well as special measures that are not considered discrimination as affirmative ones (Article 14). In the third chapter this Law governs special cases of discrimination: discrimination in procedures before the public bodies (Article 15); in the field of labour (Article 16); in rendering public services and use of buildings and spaces (Article 17); prohibition of religious discrimination (Article 18); in the field of education and professional training (Article 19); discrimination based on sexual orientation (Article 21); discrimination of children (Article 22); age-based discrimination (Article 23); discrimination of national minorities (Article 24); discrimination based on political or syndicate affiliation (Article 24); discrimination of disabled persons (Article 26); discrimination in respect of health conditions (Article 27). Such a method of registration of special cases of discrimination is also frequent in legal solutions of other countries and it meets the requirements of efficient protection in respect of clear guidelines and lack of ambiguities concerning the application in certain cases.
7. The Law on Prohibition of Discrimination prescribes that gender-based discrimination shall exist if certain actions are undertaken contrary to the principle of gender equality, namely contrary to the principle of respect for equal rights and freedoms of women and men in political, economic, cultural and other aspects of public, professional, private and family life (Article 20. paragraph 1) prohibits deprivation of the right to public or concealed acknowledgement of advantages in respect of gender or because of the change of gender, physical and other violence, exploitation, expression of hate, humiliation, blackmail and harassment based on gender, as well as public advocacy, support and acting in accordance with prejudices, customs and other social forms of behaviour based on the idea of subordination or superiority of genders, namely on stereotype roles of genders (Article 20. paragraph 2)
8. *The Law on Employment and Insurance in Case of Unemployment*<sup>4</sup> and *the Law on Professional Rehabilitation and Employment of Disabled Persons*<sup>5</sup>, which entered into force on 23 May 2009, are based on the principles against discrimination and gender equality. The principles of the Law on Employment and Insurance in Case of Unemployment are prohibition of discrimination; impartiality in performing employment jobs; gender equality; affirmative actions directed towards unemployed persons who cannot get a job easily; freedom to select profession and job position and free of charge performance of employment related affairs in respect of unemployed persons (Article 5). The principles of the Law on Professional Rehabilitation and Employment of Disabled Persons are respect for human rights and dignity of disabled persons; inclusion of disabled persons in all spheres of social life on equal grounds – in accordance with professional capacities; encouragement of

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<sup>3</sup> The Official Gazette of RS, no. 22/09

<sup>4</sup> The Official Gazette of RS, no. 36/09

<sup>5</sup> The Official Gazette of RS, no. 36/09

employment of disabled persons in adequate positions and under adequate working conditions; prohibition of discrimination of disabled persons; equal rights and obligations and gender equality of disabled persons (Article 2).

9. *The Law on Fundamentals of Education*<sup>6</sup> prescribes prohibition of discrimination and governs that the activities jeopardizing, humiliating, discriminating or separating persons or groups of persons are prohibited at an institution if they are based on: racial, national, ethnic, linguistic, religious or gender affiliation, physical and psychological properties, difficulties in growth and disability, health conditions, age, social and cultural origin, property status, namely on political beliefs and encouragement or non-prevention of such activities, as well as on other grounds established by law prescribing prohibition of discrimination; discrimination of persons or group of persons means any direct or indirect, whether open or concealed, exclusion or limitation of rights and freedoms, unequal treatment or failure to act, namely unjustified making of differences by acclamation or by giving advantages; discrimination does not mean special measures introduced in order to accomplish full equality, protection and progress of persons, namely of group of persons being in an unequal position; more detailed criteria how to recognize the forms of discrimination by an employee, a pupil or a third person at an institution, are mutually prescribed by the minister and the minister in charge of affairs of human rights (Article 44).
10. On 11 December 2009, after many years of preparations and long-term parliamentary procedure, the Republic of Serbia adopted the *Law on Gender Equality*<sup>7</sup>. This is the key law in the field of gender equality governing the establishment of equal opportunities to accomplish rights and obligations, undertaking of special measures to prevent and eliminate discrimination based on sex and gender and the procedure of legal protection of persons exposed to discrimination (Article 1). According to this law, gender equality implies equal participation of women and men in all fields of public and private sectors in compliance with generally accepted rules of international law, recognized international treaties, the Constitution of the Republic of Serbia and laws (Article 2) and the public bodies develop the active policy of equal opportunities in all fields of social life (Article 3).
11. According to the Law on Gender Equality, discrimination is any unjustified making of difference or unequal treatment, namely neglect (exclusion, limitation or giving priorities) with the aim or consequence to make it more difficult, jeopardize, disable or disclaim to a person or a group of persons the recognition, enjoyment or achievement of human rights and freedoms in political, economic, social, cultural, civil, family and other fields or if a person is unjustifiably treated more badly than some other person, explicitly or mainly because he/she had asked for or intends to ask for legal protection against discrimination or if he/she had offered or intends to offer evidence of discriminatory treatment (Article 4).

## **Article 2**

### **Legislative-Legal Regulations**

#### Concluding Observations and Recommendations - 14-16

12. In the previous period the Republic of Serbia had voluminous legislative activities and the framework laws in the field of anti-discrimination were adopted in 2009. Since the Law on Prohibition of Discrimination and the Law on Gender Equality were adopted in the course of 2009, namely at its end, their practical application shall only be visible in the forthcoming

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<sup>6</sup> The Official Gazette of RS, no. 72/09

<sup>7</sup> The Official Gazette of RS, no. 104/09



period. It is expected that there would be considerable improvement of the status of women and more efficient protection of their rights.

13. The largest achievement of the above mentioned laws, within this period, is the high outcome the very campaign had made during the passing and adoption of the laws concerned on raising of awareness at all levels, in respect of both the definition of expressions and the need to provide legal regulations on prohibition of discrimination of women and improvement of gender equality.
14. The laws adopted in the previous period are listed in the Core Document, and the relevant legal provisions governing the issues related to the status of women are given in the form of tables in the Report, within the framework of individual Articles of the Convention, as in the previous Article and as follows.

### **Article 3**

#### **Measures to Ensure Full Development and Progress of Women and Guarantees to Accomplish and Enjoy Human Rights and Fundamental Freedoms Equally with Men**

#### **Strategic Frameworks**

#### Concluding Observations and Recommendations - 22

15. Within the previous period, a whole series of national strategies was adopted making the concrete application of the principle of equality guaranteed by the Constitution. *The National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality*<sup>8</sup> was adopted on 13 February 2009. This document prescribes a comprehensive and coordinated policy of the state aimed at the elimination of discrimination of women, improvement of their status and integration of the principle of gender equality in all fields of activities to be performed by the system institutions, as one of the elements of modernization, democratization of the society and faster, more balanced and efficient social development, in accordance with the policy of equal opportunities proclaimed by the Constitution of the Republic of Serbia (Article 15).
16. This strategy covers 6 fields that have been assessed, through a wide and democratic debate, to be of key importance for the improvement of the status of women and promotion of gender equality: the accomplishment of the right of women to participate in decision making equally with men; extermination of economic non-equality between men and women; accomplishment of gender equality in education; improvement of health of women and promotion of gender equality in health policy; prevention and suppression of all forms of violence against women and provision of a comprehensive system of protection for women victims of violence; establishment of gender equality in public media, elimination of gender stereotypes and elimination of speech of hate (misogyny). Those six national priorities are in compliance with the Beijing Declaration and the Action Platform.
17. The planned activities are for the period from 2009 to 2015, and their implementation should make it possible that the long-term accumulation of up to now positive changes would lead to in-depth and lasting transformation of gender relations in the Republic of Serbia. These activities have also been incorporated in the National Programme of Integration of the Republic of Serbia to the European Union and they make an integral part of overall efforts of the Republic of Serbia on its way to the membership in the EU.

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<sup>8</sup> The Official Gazette of RS, no. 15/09

18. The strategy is an integral part of overall changes in the society and is consolidated with other strategic documents, especially with the *Poverty Reduction Strategy in Serbia* and the *UN Millenium Development Goals*. It follows the courses of social changes and is realistic in respect of financial capabilities of the state.
19. The associations aimed at elimination of discrimination of women have ben included in the preparation of the document (33), which have contributed and continue to contribute to democratization and modernization of the society in Republic of Serbia, promoting peace, human rights and democratic values and human rights of women in particular.
20. The Directorate for Gender Equality has prepared the Action Plan covering all six strategic fields and prescribing long-term and individual goals, concrete activities, with expected results, measurable indicators and holders of activities, terms and projection of required funds. The Plan has been prepared in accordance with the Resolution of the 23rd session of the UN General Assembly and recommendations for further activities and initiatives to implement the Beijing Declaration and the Platform for Action. In addition to experts, the representatives of the line ministries also took part in the preparation of the Plan and consultations have been made with the representatives of local self-governments and interested associations. The draft of the Action Plan has been in the process of co-ordination with the line ministries and it is expected to be adopted in the first quarter of 2010. A part of planned activities shall be financed from the budget.(Notice: The Action Plan was adopted on August 2010)
21. Other national strategic documents, the *Strategy of Sustainable Development*, the *National Ageing Strategy*, the *Strategy on Improvement of the Status of Disabled Persons* and the *Strategy for the Improvement of the Status of the Roma* are also gender sensitive, namely they recognize a gender dimension.

### **Mechanisms to Improve the Status of Women**

#### Concluding Observations and Recommendations - 17-18

22. Within the previous period the Gender Equality Council held no meetings and while the new institutional and administrative mechanisms have been created, there was further stagnation in the activities and letting many jobs to the Directorate for Gender Equality. The new constitutive meeting of the Council was held on 8 December 2009. It was noted that it was necessary to find a new, more adequate role of the Council, to strengthen the co-operation with the Directorate for Gender Equality, to increase options for actions among sectors and to stress the inciting and criticizing role of this body.
23. Within the previous period, the formation of the Directorate for Gender Equality and the appointment of the Deputy Ombudsman for Gender Equality caused the strengthening of institutional mechanisms for gender equality.
24. The *Sector for Gender Equality* was founded within the Ministry of Labour and Social Policy in 2007, which was by the Law of Ministries<sup>9</sup> transformed into the *Directorate for Gender Equality* in 2008, thus transferring this field from a sector organization to the scope of activities of a special body, within the Ministry, recognizing without any doubt the importance of gender equality issues and expressing the readiness of the state to work on their promotion.
25. The competences of the Directorate for Gender Equality, as the first executive body in this field are: analysis of conditions and proposal of measures in the field of promotion of gender

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<sup>9</sup> The Official Gazette of RS, no. 65/08, 36/09 и 73/10

equality; preparation and implementation of the National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality; preparation of drafts of laws and other regulations in this field; co-operation with the state authorities, the authorities of the autonomous provinces and bodies of local self-government in this field; international co-operation; co-ordination of activities and rendering professional and administrative-technical assistance to the Gender Equality Council; improvement of the status of women and promotion of gender equality and policy of equal opportunities; integration of the principle of gender equality in all fields of activities of the system institutions; monitoring of implementation of the recommendations of the UN Committee on Elimination of Discrimination of Women, as well as other jobs in accordance with law.

26. Within the previous period there was also a considerable improvement of the mechanisms at the local level. Pursuant to the Law on Gender Equality, the bodies of local self-government units, within their competences, provide gender equality and accomplishment of equal opportunities; encourage and improve gender equality; in the process of adoption of the development plans and other documents, they consider measures and activities in the function of gender equality and accomplishment of equal opportunities, organize within the bodies of local self-government units, within the framework of the existing organization and documents on internal organization and systematization, a permanent working body or appoint employees in charge of gender equality and perform jobs to achieve equal opportunities, in compliance with this law (Article 39). Since there is now an explicit legal obligation, it is expected that the process of establishment of the bodies will be continued in places where they do not still exist, but that the activities of the existing bodies will be improved as well.
27. This process has started in 2002, when the Ministry of State Administration and Local Self-Government, in co-operation with the National Assembly and under the support of the OESC initiated a pilot project under the title of *Gender Focal Points*, in 15 towns in Serbia, establishing the first institutional forms for the improvement of the status of women at the local level. Before the adoption of the Law on Gender Equality, under the support of the Directorate for Gender Equality, provincial institutions, international donors and local organizations of civil society, in 40% of municipalities in Serbia such bodies had been established or they were in the process of establishment (councils, commissions, offices, commissioners).
28. The Directorate for Gender Equality shall undertake a series of activities to improve their establishment and activities: permanent contacts of the Directorate with their representatives, rendering assistance in making links between each other, support and attendance at activities, dissemination of printed matter, education, improvement of co-operation with the organizations of the civil society and donors, etc. With this in mind, the production of the website ([www.gendernet.rs](http://www.gendernet.rs)) intended for all interested parties has started, the website primarily intended to local bodies for gender equality in order to facilitate their access to information on relevant legal and strategic documents, projects and tenders, as well as to exchange of experience and good practice. The website has been in the process of preparation.
29. The Standing Conference of Towns and Municipalities also supports the strengthening of local bodies in charge of gender equality, which started to promote the *European Charter on Gender Equality at the Local Level*, by the Council of European Municipalities and Regions, which was presented at the Sixth Ministerial Conference of the Council of Europe. In the course of 2010 this Charter shall be offered for signing to local self-governments thus

obliging them to prepare the local action plan for the improvement of this field, but also offering them a possibility of international and regional co-operation.

30. The Directorate for Gender Equality has established the Forum for Dialogue with the organizations of the civil society in the field of gender equality. The objective of this Forum is establish the dialogue and the system of more efficient and direct transfer and exchange of information, views and prospects between mechanisms for gender equality at the national and local levels and the sectors of the civil society. Several meetings were held during 2009 at which the co-operation between the local bodies for gender equality and the local non-governmental organizations was also discussed as well as the inclusion of the associations in the preparation of the Action Plan for the implementation of the National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality.
31. In order to support the activities of minor non-governmental organizations, the Directorate issued a public tender for the organizations interested in the submission of project proposals for the improvement of the status of women from double and/or multiply discriminated groups in the Republic of Serbia. A large number of organizations applied to the tender (there were 115 project proposals received) of which 9 projects were selected to be financed from the budget of the Directorate for Gender Equality and additional funds provided by the UNDP through the project of *Strengthening of Civil Society in Creation of Policies and Practices Related to Poverty Reduction* (this project was financed by the Delegation of the European Commission).

### **Improvement of the Status and Protection of Human Rights of Vulnerable Groups of Women**

Concluding Observations and Recommendations - 23,37, 38

- ***Status of Disabled Women***<sup>10</sup>

32. In respect of disabled persons in the Republic of Serbia, the challenges they face at visible, easily noticeable level are still most frequently analyzed and solved neglecting the specific properties the different sub-groups of this large population face. Accordingly, the challenges the persons with visible bodily disabilities face are mostly talked about.
33. It is estimated that more than 700,000 persons having various types of disabilities live in the Republic of Serbia, although on 31 December 2009 there were only 23,023 of them registered with the National Employment Agency.
34. As regards of disabled persons, as regards of disabled women in particular, before the adoption of the *Law on Prevention of Discrimination against Disabled Persons*<sup>11</sup>, social care for this part of the population was mainly directed towards the so-called medical model. The laws governing social contributions and medical services dealt with the rights of disabled persons, as well as the special models of employment of disabled persons, while the laws regarding the court and administrative proceedings only recognized the notions of *helpless persons*, *persons with disabilities*, etc. No law dealt with those issues, and such legal solutions were not recognized as discrimination. There were no special regulations concerning the protection of human rights of disabled persons, especially of women. The adoption of this law means a big step forward in the accomplishment of the rights of disabled persons and recognition of a form of discrimination, although indirectly, because the fundamental laws have not been amended in respect of the rights of disabled persons. This

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<sup>10</sup> The study of *Žene sa invaliditetom u Srbiji (Disabled Women in Serbia) ...the Iz Kruga, Srbija*, December 2009 is the source of the largest part of this segment of the Report

<sup>11</sup> The Official Gazette of RS, no. 33/06

law has not been widely applied and the large public has not been informed about it since it was missed to organize education of disabled persons or to train lawyers and judges in this field.

35. *The Law on Prohibition of Discrimination* in the part on Special Cases of Discrimination defines discrimination of disabled persons as their treatment contrary to the principle of respect for equal rights and freedoms of disabled persons in political, economic, cultural and other aspects of public, professional, private and family life (Article 26). One of the positive effects of this law, at this stage, is the fact that a larger number of judges learned about the provisions of the Law on Prevention of Discrimination of Disabled Persons and the notion of legislation against discrimination so that it is expected in this regard that the treatment of disabled women will be improved in comparison with the previous period.
36. *The Law on Ombudsman*<sup>12</sup> established five deputies, and one of them is in charge of issues of gender equality and rights of disabled persons.
37. By the adoption of the *Law on Ratification of the Convention on the Rights of Disabled Persons*<sup>13</sup> on 29 May 2009 this Convention was also made an integral part of the national legislation as well as the Optional Protocol to this Convention.
38. In 2006 the Government of the Republic of Serbia adopted the Strategy on Improvement of the Status of Disabled Persons<sup>14</sup> prescribing the objectives for the period from 2007 to 2015. Development and provision of equal opportunities for disabled women for equal participation in living of the community is one of the set objectives but at present there are no special regulations specifying and providing this objective. The establishment of the Sector for Protection of Disabled Persons with the Ministry of Labour and Social Policy is a considerable progress in the creation of policy in the field of disabilities, which evidently pays increasing attention to multiply discrimination of disabled women.
39. In the Strategy on Improvement of the Status of Women and Gender Equality, disabled women present one of vulnerable groups of women and their status is treated all through 6 strategic goals.
40. Social, **stereotype role** of men and women is still present in the Republic of Serbia and the level of disability of a woman in patriarchal society is measured in relation to the extent in which disability jeopardizes the fulfilment of her social, traditional role. Disability of a woman is of heavier degree if it affects her appearance, capability to do the household jobs, work and children upbringing. In view of the stereotype that women are not most frequently able to fulfil those roles in expected and socially acceptable way, they become socially invisible and as such, they are often the victims of psychical, physical, sexual, economic and institutional violence. It often happens that a disabled woman becomes the victim of all members of her own family – husband, parents and children.
41. Improper expressions are present in the media: *confined to a wheelchair* or *tied to a wheelchair, special needs* and *helpless*. The expression of *autistic* is very common when describing the behaviour of political opponents in the negative sense, in order to describe bad and ignorant behaviour or to mock other persons. In spite of reactions by certain organizations of disabled persons for many years, similar expressions are still used quite legitimately by public figures as well.
42. According to the existing regulations in the field of **health care**, a large number of disabled women have problems on the occasion of exercise of their rights to health care. The *Law on Health Care*<sup>15</sup> prescribes that compulsory insured persons are also disabled persons and

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<sup>12</sup> The Official Gazette of RS, nos. 79/05 and 54/07

<sup>13</sup> The Official Gazette of RS, no. 42/09

<sup>14</sup> The Official Gazette of RS, nos. 55/05 and 71/05

<sup>15</sup> The Official Gazette of RS, no. 107/05 and 72/09

mentally retarded persons, meaning they are released from payment of portion of the relevant costs. At the same time, *the Rules on Contents and Scope of Rights to Health Care from Compulsory Health Insurance and on Participation in Costs*<sup>16</sup> defines a list of diseases and persons suffering from certain diseases, who enjoy those rights so that it happens that persons not suffering from the specified diseases remain outside the scope of rights although they are disabled women.

43. Those who use medical aids based on the *Rules on Medical-Technical Aids Provided from the Funds of Compulsory Health Insurance*<sup>17</sup> must from time to time visit three specialized doctors for examination, regardless of the fact that in some cases they are in the conditions obviously requiring the use of aids for the rest of their life. The aids obtained this way are mainly of bad quality and in the largest number of cases they are not in function, whereas many forms of disabilities are not recognized, leading to a status of not being able to accomplish the rights recognized by these Rules in spite of the existence of disability.
44. Disabled women accomplish the rights in the field of reproductive health with difficulties because the very medical service is not accessible – there are no gynaecological beds adjusted to disabled women at the largest number of medical centres and hospitals, and there are no mammography devices, either (out of 152 medical centres only 7 of them have hydraulically-driven gynaecological chairs), because of prejudices, lack of technical equipment and lack of training of medical staff how to use the equipment properly. Things are similar in case of other types of medical examinations.
45. Disabled women go to a doctor most frequently when the disease had largely progressed, while the use of services of preventive medical care is at considerably lower level in comparison with non-disabled persons. Within the previous period, the co-operation between ...*the Iz Kruga, Srbija* organization, the Ministry of Health and the Ministry of Labour and Social Policy was achieved in the implementation of the project of *Moje pravo da budem zdrava*.
46. Within the framework of this project, the funds were granted to purchase gynaecological hydraulically-driven bed for disabled women at the *Narodni front* Gynaecological-Obstetrical Hospital in April 2006. This project was also expanded to other towns so that in 2008 the funds were allocated from the budgets of local self-governments to purchase hydraulically-driven gynaecological chairs for medical centres in Novi Sad, Niš, Kragujevac, Kraljevo, Užice, Novi Pazar, Sombor and Bačka Topola.
47. Special education of 230 medical professionals to work with disabled women was carried out. The project will be continued in another 5 medical centres: Stari Grad, Subotica, Kikinda, Kruševac and Leskovac.
48. Hospitals and medical centres are mainly inaccessible or if there are accesses to the very building available there are no toilets for disabled persons. Within the previous period these buildings were increasingly adjusted to disabled persons, although the underdeveloped regions of the Republic of Serbia are neglected, because the funds to adjust the buildings are provided from donations of international organizations, ministries or the very medical institutions and local self-government.
49. Access to medical services of disabled women has been slightly increasing, although there remain many procedures to be implemented in order to enable disabled women as well as disabled persons in general in the territory of the Republic of Serbia to exercise their rights to health care equally with persons who are not disabled. In this process, it is necessary to improve information to disabled women, primarily in the domain of primary health care, as

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<sup>16</sup> The Official Gazette of RS, nos. 7/09 and 82/09.

<sup>17</sup> The Official Gazette of RS, nos. 22/08 and 42/08

well as about availability of medical services in their immediate vicinity. It is necessary to continue and intensify education of medical professionals to work with disabled women, but with other vulnerable groups as well; to simplify administrative procedure and facilitate the procurement of medical aids to disabled persons.

50. During **education** disabled women are very often discriminated from their very childhood, at their own families, in respect of education after the completion of primary school, and if they do not face and overcome such difficulties during school, at the majority of university institutions they are faced with the problem of architectural inaccessibility. Positive legal regulations are entirely non-discriminatory but the problems exist in practice, from the very enrolment into primary school to the cases that many disabled children stop going to school in order that the family, most frequently the mother remains exercising the right to aid and care for another person. The Law on Fundamentals of Education introduced measures and instruments of support for the implementation of inclusive principles and goals of education, facilitating their implementation in practice and obliging the employees to implement them.
51. According to the *Law on Primary School*<sup>18</sup>, primary school education is compulsory and free of charge. Retarded persons, adults and persons with special capabilities have the right to education respecting their special educational needs, in compliance with this Law and other law. Activities related to primary education are performed by primary schools, primary schools for education of adults, primary music and ballet schools and primary schools for education of retarded pupils. Primary schools carry out school curricula, but may also carry out a modified curriculum for pupils and adults with disabilities and a special curriculum for education of adults. Primary education of children with disabilities lasts for up to eight years and it is accomplished in accordance with primary school curriculum or special curriculum. A retarded pupil may also gain primary education after 19 years of age. A retarded child shall gain primary education in accordance with this Law and shall be enrolled in school based on the decision establishing the type and the degree of retardation. The Rules on detailed conditions for assessment of needs to render additional educational, health or social support to a pupil, the composition and method of operation of inter-line commission have been in the process of adoption. The operation of the inter-line commission is defined on the principles of respect for the needs of a child and his/her potentials thus establishing a mechanism of support in co-operation of three systems (health, education and social security) and the parents making it easier for the child to be included into regular groups of the pre-school institution. For children with extremely severe difficulties, it is planned to include them into development groups at pre-school institutions.
52. Concerning **employment** and poverty, disabled women are most endangered. Without adequate qualifications disabled women are not competitive on the labour market and the problem of employment of disabled persons is very alarming, too. In 2007 the employment rate of disabled persons amounted to 13.6%, and the inactivity rate amounted to even 69%. Women, persons without education and elderly persons are in an even more unfavourable position on the labour market. The reasons for such conditions are both prejudices of the employer and the lack of their willingness to adjust working environment and the fear of disabled persons of losing the rights to social benefits. Mothers who cannot get employment are in the worst position because they have to take care of a disabled child.
53. Until 2009 the *Law on Qualifications of Disabled Persons to Work and Their Employment* was in force, which prescribed detailed types of disabled persons and governed their employment only under special working conditions.

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<sup>18</sup> The Official Gazette of RS, nos. 50/92; 53/93; 67/93; 48/94; 66/94; 22/02; 62/03; 101/05 and 72/09

54. *The Law on Professional Rehabilitation and Employment of Disabled Persons* also establishes, in addition to quota employment system, wider types of disabled persons who might be employed under general and special working conditions (Article 4 of this Law), which by all means gives a positive picture that disabled persons may work.
55. The rights prescribed by this Law shall be accomplished by a disabled person who has the established status of a disabled person (Article 4. paragraph 1). If a disabled person has no established working capacity, it shall be assessed in accordance with this Law in order to establish the options of employment or maintenance of employment (Article 8). By the assessment of the working capacity of disabled persons who had no status, these persons also gain the possibility to be the holders of support in employment and change of professional career.
56. Findings, opinions and assessment of working capacity and options of employment or maintenance of employment shall be provided by the expert body of the organization in charge of pension and disability insurance (Article 9. paragraph 3). The decision on assessed working capacity shall be adopted by the organization in charge of employment affairs, as the organization entrusted with this job, on the grounds of findings, opinions and assessment of the expert body (Article 9. paragraph 4). The entire Law is based on the coverage and entire assessment of medical, psychological and social factors affecting the working capacity so that the accent is placed on the possibilities and capacities, and not on incapacities for work. The classification commissions are under the jurisdiction of the Ministry of Education and they only assess one type of disability. The practice so far indicated many objections in respect of the operation of the classification commissions concerning transparency of their operation, short duration of the every examination, lack of respect and wrong assessments.
57. This Law introduced for the first time the system according to which the employers are obliged to employ a certain number of disabled persons depending on the number of employees, namely depending on the size of the company (Article 24). If the employers shall not fulfil this obligation, not even through established alternatives (Articles 26 and 27), they are obliged to pay certain amounts to the budgetary fund for professional rehabilitation and employment of disabled persons (Article 29). The implementation of these provisions in practice is to be seen in the forthcoming period.
58. State, educational and medical institutions are only obliged at present to announce publicly vacancies, and not the employers in private sector, which leads to indirect discrimination and aggravates employment of disabled women. Although the state provides a possibility of refund of justified costs of adjustment of a work post to disabled persons (Article 31), for disabled persons it is often far more difficult how to get a job, because public grounds are mostly inaccessible for them.
59. *The National Employment Strategy* for the period from 2005 to 2010 noted that women look for a job longer regardless of their qualifications, that they are burdened with household jobs and upbringing of children, and that there is need to have better regulations concerning disabled persons. Disabled women are not separated as a special category in this context.
60. It is often the case that disabled women apply for a job, and during the selection process they are rejected although they meet all the requirements, in most cases when the selection procedure also includes having an interview with the employer, who has discretion to select a candidate he/she considers (subjectively) the best for the job concerned<sup>19</sup>. It also happens that a disabled woman is also the best candidate according to the announcement conditions, but the employer shall not employ her without giving any explanation for his/her decision. The practice so far shows that disabled woman who succeed in getting a job progress slowly in

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<sup>19</sup> Article 34. paragraph 1. item 2 of the Law on Employment and Insurance in Case of Unemployment (The Official Gazette of RS, no. 36/09)



their career, work more than other employees in order to keep the job, that they are assigned to work without having direct contacts with customers.

- *Status of the Members of the National Minorities*

61. In March 2008 the Government formed the Council for Improvement of the Status of the Roma, consisting of 22 members, also including the representatives of the Ministries of Finances, Health, Education, State Administration and Local Self-Government, as well as the representatives of other bodies which may have effect on the improvement of the status of the Roma minority.
62. The Law on Prohibition of Discrimination prohibits discrimination against national minorities and their members based on national affiliation, ethnic origin, religious beliefs and languages. The method of accomplishment and protection of the rights of national minorities are prescribed in another law (Article 24).
63. On 8 April 2009 the Republic of Serbia adopted the *Strategy for Improvement of the Status of the Roma in the Republic of Serbia*. This document, as well as the Strategy for the Improvement of the Status of Women and Improvement of Gender Equality, defines the Roma women as especially vulnerable group, for the reason that they are often the victims of double and multiple discrimination, as both women and the Roma women.
64. In the Republic of Serbia there are about 15 Roma associations aimed at elimination of discrimination of women, which have implemented the projects in all fields important for the improvement of the status of the Roma women. The Roma women's network was established in 2005 and it gathers at present more than 30 Roma activists. The establishment of stable financial mechanisms remains to be a challenge for the forthcoming period, on the grounds of both budgetary funds and funds from donations.
65. In respect of **education**, the girls from the Roma families face difficulties at two levels: on one side it is the school environment without initiatives, which often meets them with discriminatory attitude and weak expectations, and on the other side it is the family and immediate surroundings where there are still patriarchal opinion that women do not need to be educated. Parents often withdraw girls from primary schools as early as after the fifth grade and state they do it that way in order to protect them against attacks by other children, in order to protect their virginity, in order to get ready for marriage in the best possible way or to take over the duties at home, in order to help their mothers in housekeeping, look after younger and older members of the family, etc. The statistics indicate that women make at least 70% of illiterate persons in the Roma population.
66. Measures undertaken in the field of education, in the first place affirmative action and engagement of the Roma teaching assistants contributed to better coverage of the Roma girls in the educational process. Up to 31 December 2009 the Ministry of Education financed 23 Roma teaching assistants from the budget and 26 Roma teaching assistants and co-ordinators of the Roma assistants from a donation by OESC. The role of assistants as the support to pupils of the Roma nationality evaluated from the research conducted in 2009 and indicates that out of 3,415 pupils of the Roma national minority who had support by the Roma teaching assistants 1,463 of them in total attend school from the first to the eighth grade of compulsory primary education. One of the results of this type of support is that female pupils did not leave school, which was not the case before.
67. The circle beginning for a female Roma by giving up education continues with her inability to be **employed**, early marriage and maternity leading to economic dependence on her husband, so that women from multiply marginalized groups make the weakest economic

layer and the most powerless social layer. Direct and indirect discrimination the female Roma face on the occasion of attempts to find a job is the fact that is unfortunately very often denied or considered false. Property registered in the name of a female Roma makes less than 0.2% of the total property owned by the family. Jobs performed by the female Roma are the jobs paid at minimum and they are also the most difficult ones. There are different reasons for this: lack of education and qualifications, discrimination in employment, and also the entire economic state in the country. In June 2009 the National Employment Agency established keeping records on the Roma for the first time, which did not exist before, because no national affiliation was registered by the National Employment Agency on the occasion of registration, for the very reason to avoid discrimination on those grounds. According to the report for the first six months of 2009 there were 13,871 Roma registered with the National Employment Agency, of whom 88.72% had the first level of qualifications. The data about the number of unemployed female Roma are not published in the report. Until September 2009, the persons of the Roma nationality used 10,221 services rendered by the National Employment Agency. Out of this number, 4,047 services relate to services used by the female Roma. The National Employment Agency initiated affirmative action to allocate certain funds to start small businesses and self-employment, which prescribes additional points for the members of the Roma community, for women and male and female disabled persons. The intention was positive but this action found women not ready because without adequate knowledge and skills to run business, without adequate qualifications, the majority of female Roma did not use this option to get certain funds to start the process of self-employment.

68. In the field of **health care**, the female Roma are forced to neglect their own health, do not have adequate treatment, use health cards of other persons, give birth to children at home (without adequate conditions and professional assistance). Bad understanding of importance of preventive examinations, wishing to avoid obsession with their own benefits contrary to care for family, may lead to the state that the female Roma consider medical services something that is not suitable for them and what they cannot afford. The phenomenon of *sick health* of women is frequent with the female Roma, and there are numerous reasons for this: lack of time, money, traditional attitude that a woman must always be healthy, that it is a shame to go to see a doctor. Lack of documentation and discriminatory attitude of medical professionals present an additional obstacle. The above mentioned facts are often presented as lack of care for their own health, low level of awareness about importance of health, etc. Considerable differences in the contents of services rendered to pregnant women of the Roma nationality have been noted in relation to other pregnant women. Although 99% child births in the Republic of Serbia take place at medical institutions and under professional assistance, with women of the Roma nationality this percentage is lower (93.3%). Concerning health care in respect of maternity (prenatal and perinatal), the female Roma are in the worst position in relation to all other vulnerable groups having maternal mortality higher for 10%.
69. Within the implementation of the Strategy and the Action Plan for the Improvement of the Status of the Roma in the field of health, the Ministry of health engaged 60 medical mediators, whose main task was to facilitate access and provide better quality health care for the female Roma. Since the criteria to engage mediators were that they were women and mothers with completed primary school at minimum, it was one of rare opportunities to be employed, as the members of the most vulnerable group of population. In addition, the Ministry of Health has been financing the projects of medical centres since 2006, which are implemented in co-operation with the Roma associations, having the health of women as one

of the priorities. The projects of the Ministry of Health, within the period from 2007 to 2009, provided personal documents for 1,333 persons, health insurance for 2,564 persons, financial aid for 567 families, 3,936 children were vaccinated, 903 children were enrolled in school, 1,087 health check-ups of pregnant and child-bearing women, 2,318 systematic examinations were performed and 272 mammography check-ups and 6,345 female Roma selected a doctor.

70. An evident problem, making the status of the female Roma more delicate, is the fact that a certain number of the female Roma is not registered in the registry books. However, it is necessary to indicate that all legal assumptions had been ensured to accomplish the right to register the fact of birth of all those persons in the registry book of births. The adoption of the *Law on Registry Books*<sup>20</sup>, which started to be applied as from 28 December 2009 additionally advanced the accomplishment of this right, especially in the part referring to the registry of the fact of birth of persons applying upon the expiration of the legal term (the so-called subsequent registration of the fact of birth in the registry books of births). In this respect, the Ministry of State Administration and Local Self-Government formed a special working group to implement the Strategy for the Improvement of the Status of the Roma in the Republic of Serbia.
71. Among the members of the Roma national minority there is still a custom that parents contract marriages for their under-aged children. In the cases concerned, it cannot be considered that a bride shall enter the marriage from her free will, because it is about the contracted marriage between the parents of the future spouses in most cases, but it also happens that a marriage is contracted at the early calendar age of children.
72. Upon the publication of the General Recommendations of the UN Committee for Elimination of All Forms of Discrimination against Women, the Provincial Secretariat of Labour, Employment and Gender Equality translated the Recommendations and in co-operation with the European Centre for the Rights of the Roma, on 19 July 2007 it arranged the public presentation of Recommendations, with a special stress on the recommendations related to women from vulnerable groups. Within the same event, the Shadow Report was also presented, which had been submitted to the Committee by the Roma associations aimed at elimination of discrimination against women, in order to raise awareness of decision-makers concerning the status of the female Roma and the recommendations related to the improvement of their status. The public presentation of the Recommendations was attended by the ministries of the Government of the Republic of Serbia, the representatives of the provincial administrative bodies, mechanisms of gender equality, the representatives of female non-governmental organizations.

- *Status of Refugee and Displaced Women*

73. The Republic of Serbia is the state with the largest number of refugees and internally displaced persons (IDP) in Europe. At present, there are 86,154 registered refugees and 210,146 registered internally displaced persons. The registration of internally displaced persons was made in 2001, so that there are data about the number of displaced women from that period only – 94,320 women or 50.6% in the population of displaced persons. It is estimated that about 300,000 refugees and persons who had previously had the status of refugees declared to be integrated. The basic problem in the establishment of the rights of women who are refugees and displaced persons is the lack of systematic state monitoring of their status in various fields of social life. Three researches at the state level were conducted

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<sup>20</sup> The Official Gazette of RS, no. 20/09,

within the period from 2007 to 2009: *Social and Economic Status of IDP sin Serbia, Analysis on the Grounds of the Questionnaire on Living Standard of IDPs*<sup>21</sup> and *State and Needs of Refugee Population in the Republic of Serbia*<sup>22</sup>. However, there are not many data on the specific status of women who are refugees and internally displaced persons.

74. According to the data of the Refugee Commissioner Office of RS and the UN High Commissioner Office for Refugees, obtained through the 2004/2005 registration of refugees, the majority of refugee population is in the category from 19 to 59 years of age (59.57%). Average age is 43 years. Women prevail (51.44% in relation to 48.56%), especially in the age group of over 60 years, where this percentage is considerably higher, which is a direct consequence of male killing in the war (63.91% in relation to 36.09%).
75. In 1992 the Republic of Serbia adopted the Law on Refugees<sup>23</sup> constituting the Refugee Commissioner Office, as a special organization performing professional and other jobs related to placement of refugees, competent bodies in the Autonomous Province, the city of Belgrade and municipality in charge of organization of placement, as well as commissioners with the executive councils of the municipality, the city of Belgrade and the Autonomous Province assigned to have contacts with the Commissioner and to perform certain jobs for the Commissioner Office (Article 5).
76. The Decree on Placement of Refugees<sup>24</sup> governs the methods and forms of rendering aid to refugees in respect of social, health care and education. The National Strategy on Resolution of Issues of Refugees and Internally Displaced Persons was adopted on 30 May 2002, and in November 2009 the Refugee Commissioner Office developed the draft of the revised National Strategy on Resolution of Issues of Refugees and Internally Displaced Persons.
77. In the National Strategy for Improvement of the Status of Women and Promotion of Gender Equality, refugee women and internally displaced women are recognized as double and/or multiply discriminated group.
78. Within its competences the Refugee Commissioner Office has always taken care of the needs of refugees women and internally displaced women on the occasion of the selection of collective centres (referring to the conditions and quality of placement, services of social welfare centres, etc.), especially in case of women (with or without children) as the victims of family/sexual violence, women with health problems, and by placement in collective centres these persons had more available programmes for the improvement of living conditions intended for the close of collective centres related to the resolution of housing needs (construction and self-construction of dwelling houses, completion of construction, placement in social dwelling houses under protected conditions and profitable activities).
79. The establishment of overall system of resolution of housing issues of refugees, former refugees, i. e. the improvement of living conditions of internally displaced persons, on clearly defined needs and criteria, meant that the Refugee Commissioner Office, together with the UNHCR and other partners, placed the accent on the most vulnerable groups of this population. That is why it always especially stressed participation of women in its projects, primarily of self-supporting mothers, who are always represented in the projects of construction of dwelling houses to a certain extent, so that all constructed dwelling areas have women with children as the occupants of dwelling houses, whether they are families of war veterans or single parent families because of divorced marriages or for other reasons (unrecognized or undetermined paternity, cease of common-law marriage, etc.).

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<sup>21</sup> Cvejić and Babović, 2008.

<sup>22</sup> The Refugee Commissariat, 2008.

<sup>23</sup> The Official Gazette of RS, nos. 18/92 and 45/02

<sup>24</sup> The Official Gazette of RS, nos. 20/92, 70/93, 105/93, 8/94, 22/94, 34/95, 36/04

80. The occupants of social dwelling houses under protected conditions are also, in addition to old persons and families who cannot provide essential earnings due to illness of a member of the family, self-supporting parents, of whom 90% are women, whereas special care is taken of women who keep houses and of women who are the victims of family/sexual **violence**, based on the needs recognized in practice. Also, some social welfare centres provide a flat at those houses for the requirements of safe house for women.

The Refugee Commissioner Office makes co-operation with safe houses for women and ensures that they receive assistance, after the stay there and received professional support at a safe house, if necessary, in the form of further placement within the framework of the existing collective centres. There are no information on violence against women in this population in Serbia, but this population is risky in respect of violence because of poverty, living conditions and patriarchal model of predominant form, especially among refugees. There is also high risk of violence in collective centres, due to the fact that they are over-populated and there is no privacy. It is necessary to investigate this phenomenon among the population of refugee women and internally displaced women to protect them and cover them with protective activities.

81. Since 2008 the Refugee Commissioner Office, in co-operation with IOM, has started the project of preparation of local action plans to resolve the issues of refugees and internally displaced persons. Up to now this project included 125 municipalities and towns, whereas it is also planned that the remaining municipalities/towns shall be included in it in the forthcoming period. In this way the accent shall be placed on the most endangered groups of this population, whereas the priorities are: families of self-supporting parents, victims of domestic violence, women who keep houses.

82. The Action Plan for the implementation of the National Strategy for Improvement of the Status of Women and Promotion of Gender Equality should continue and develop this well-founded practice and concrete forms of aid (primarily in strengthening of provision of placement or resolution of housing needs), which has been implemented by the Refugee Commissioner Office since the beginning of its activities.

83. According to the Law on Refugees, the refugees have the right to employment and **education** as the citizens of the Republic of Serbia (Article 2. paragraph 2). In accordance with this, the Commissioner Office has tries to help that all children, especially girls, are enrolled in schools (primary, secondary, higher schools and universities) in accordance with their wishes and possibilities, under the conditions and criteria regulated by the system through the educational institutions. The Commissioner Office finances the placement of refugee pupils at students' hostels, taking particular care of children of self-supporting parents and from families of war veterans. The objective is that refugees and internally displaced persons, especially vulnerable groups (little girls and girls, and those living in collective centres) are included at all levels of education to the same extent as the domiciled population. According to the data obtained during the registration of refugees in 2004/2005, almost half of all registered refugees completed secondary school.

84. According to the research conducted by the Refugee Commissioner Office in 2008 related to persons having the status of refugees, in order to assess the state and the needs of refugee population in the Republic of Serbia, there is obviously more women than men who have no education (21% women in relation to 10% of men), who only have primary school education (25% of women in relation to 21% of men). Educational structure of persons placed in collective centres is considerably less favourable than the structure of persons having private accommodation. In collective centres 39% of refugees have secondary school education, 8% of them have higher school or university qualifications, there are 31% of them who have

primary school education, and there are 18% of persons with uncompleted primary school education and they are mostly women. If we compare the educational structure of refugee population with the educational structure of the general population, it may be seen that refugee population is behind in respect of the number of persons with higher school and university education.

85. The questionnaire on the living standard of IDPs (in 2008) indicated that the children from refugee population were well integrated into the educational system although compared with the general population of the Republic of Serbia, they participate in university education with 45% in relation to 61%, which is probably the consequence of lack of financial resources. For the same reason, a smaller number of pupils from the families of IDPs participate in activities after school. It was also noted that in relation to the children from the domiciled communities, a smaller number of displaced children gets scholarships for education. Gender differences in the population of displaced children are only present in respect of attendance of activities after school, which are attended more by boys than by girls. Training after school play an important role in the processes of socializing and social integration of displaced children into age groups.
86. There are attempts to mitigate financial difficulties in education of children and young from vulnerable social groups through the Fund for Young Talents of the Republic of Serbia within the Ministry of Youth and Sports and the Fund for Scholarships of Poor Secondary School Pupils within the Ministry of Labour and Social Policy. Since there are no affirmative measures for little girls and girls or adequate monitoring of the criteria, it is quite certain that those funds are not sufficient and that there is need to establish additional funds, at both the national and the local levels.
87. The high rate of **unemployment** is the main indicator of endangered position of refugees. Almost 60% of refugees are unemployed. Among refugees from Bosnia and Herzegovina there are considerably more unemployed women (63.4%) than men (46.0%). It is similar with the refugee population from Croatia: 66.8% of women in relation to 51.0% of men. One of the objectives of the National Strategy on Resolution of Issues of Refugees and Internally Displaced Persons is the provision of reinforced inclusion of women in the implementation of all planned measures in order to decrease the existing obvious gender non-equalities among the population of refugees and displaced persons in respect of unemployment and employment. Pursuant to the analysis based on the questionnaire on the living standard of IDPs (in 2008) within the population of IDPs there are very distinctive gender differences: the rates of employment of women from this population are considerably lower (47% of men and 21% of women) and the rates of unemployment are considerably higher (29% of men and 48% of women). If they work, they accomplish more rights to social care than men, but they are less paid in average (17% of men and 30% of women earn less than minimal salary). It is interesting that pursuant to the basic properties of unemployment (educational structure of unemployed persons, period with no employment, previous work experience, etc.), there are no significant gender differences between men and women among IDPs. The quality research by the 484 Group on the status of women from the population of refugees and displaced persons on the labour market showed that women belonging to this population face many problems in respect of employment: their access to information on vacancies and employment opportunities is aggravated, there are little social networks (friendships, acquaintances), which proved to be a very important channel of employment, facing prejudices of employers and employees regarding refugees and displaced persons. Because of these obstacles refugee women and displaced women are often forced not to wait for a proper job but to perform jobs below their qualifications (mainly services requiring low

qualifications), badly paid jobs, informal jobs. In addition, due to bad financial standing, they are often forced to perform several jobs at the same time. Within the project of *Research of Effects of the Governmental Policies on Refugees*, which was implemented by 484 Group in co-operation with the UNDP, the publication of *the Status of Refugees on the Labour Market and Participation in Active Employment Measures* was issued. If we compare the data obtained from the research on women from refugee population and the data from the questionnaire on the working capacities from 2005 for women from the general population, it is noticeable that the rate of activities and the rate of employment of women from refugee population is higher, although the rate of unemployment is also higher. The data from the research also indicate that a third of employed women from refugee population is informally employed. The majority of refugees have resolved their status in the meantime, while at the end of June 2009 there were 6,528 of internally displaced persons in the records of the National Employment Agency.

88. In 2007 the National Employment Agency issued a special public announcement for employment of vulnerable categories of refugees and displaced persons and/or members of the Roma nationality. 45 programmes in total were financed providing employment for 58 persons (43 Romas, 9 displaced persons and 6 refugees). Out of this, 33 persons started running their own business, and 25 persons were employed through opening and equipping new working posts. 24 women in total were employed within the framework of this programme.
89. On the occasion of placement of families and individuals, the Commissioner Office has been trying to provide the most adequate accommodation to vulnerable categories with **health problems**. In co-operation with non-governmental organizations and donors examinations of women at collective centres have been arranged, as well as psychological-social support. Pursuant to the analysis based on the questionnaire on the living standard of IDPs conducted in 2008, differences in respect of sexes are very slight regarding their health conditions. There is a slightly higher number of internally displaced women who stated they suffered from chronic diseases (28.8% in relation to 23.2% of men). The difference is most obvious in case of rheumatic diseases and high blood pressure, which is also the case with the national specimen. In the forthcoming period it is necessary to establish and apply affirmative measures of health care directed to especially vulnerable population groups of refugee and internally displaced persons in the Republic of Serbia, i. e. to include these groups in the services of health care up to the level reported in the general population the Republic of Serbia.

### *Statistical Data*

90. There has been certain progress in the collection and access to statistical data in the past period. In 2008 the Statistical Office of the Republic prepared and published the second publication of *Women and Men in Serbia*<sup>25</sup>. The data of the Statistical Office of the Republic and the following sources are presented: the Ministry of Interior, the Ministry of Health, the National Employment Agency, the Health Protection Institute, etc. These data relate to the following: population, households and families, health care, education, social care, judiciary, employment, salaries, decision-making process and standard of the population. The publication also contains the data on some especially vulnerable groups of women, such as

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<sup>25</sup> Belgrade, 2008.

self-supporting mothers, housewives, rural women, women as supporting members of households.

91. The preparations for the next census, which is to be conducted in 2011 (a trial census was conducted in 2009), some amendments were made that should contribute to better quality gender-sensitive approach.
92. The Law on Gender Equality prescribes that statistical data to be collected, registered and processed at the level of the Republic of Serbia, the Autonomous Province and the unit of self-government, as well as at the institutions and organizations exercising public powers, public companies and commercial entities, must be presented in respect of sexes (Article 40 paragraph 1).
93. The statistical data of this Report are mostly a separate part of it.

#### **Article 4**

##### **Special Provisional Measures**

94. *The Law on Prohibition of Discrimination* prescribes that special measures introduced in order to achieve full equality, protection and progress of persons, namely of a group of persons having an unequal status are not considered discrimination (Article 14).
95. According to the *Law on Gender Equality* the adoption of special measures in order to eliminate and prevent unequal status of women and men and achieve equal opportunities of sexes are not considered discrimination or violation of the principle of equal rights and obligations (Article 7). No one must bear harmful consequences because he/she had given a statement as a witness or a victim of gender-based discrimination before the competent authorities or had warned the public of a case of discrimination (Article 8).
96. Special measures to increase employment and employment options of less employed gender as well as special measures to increase participation of less represented gender in professional training and provision of equal opportunities for promotion are not considered discrimination or violation of the principle of equal opportunities (Article 11. paragraph 2).
97. A novelty introduced by this Law relates to the Plan of Activities to eliminate or mitigate unequal representation of sexes for each calendar year, which must be adopted by the employers having more than 50% of employees on permanent basis being also obliged to submit annual reports on its implementation, not later than 31 January of the current year for the previous year. They are obliged to submit the reports concerned to the ministry in charge of gender equality affairs (Article 13).
98. The Law on Gender Equality prescribes that special measures encouraging child births and special measures for protection and improvement of women's reproductive health (Article 28. paragraph 3).

#### **Article 5**

##### **Elimination of Stereotypes**

Concluding Observations and Recommendations - 19-20

99. In spite of legislative-legal regulations proclaiming and guaranteeing gender equality, traditional views of the role of a women and her status in the society are still present in the social consciousness.



100. According to the *Law on Prohibition of Discrimination*, propagation of discrimination through public media means is included in severe forms of discrimination (Article 13. paragraph 3). Any denial of rights or public or hidden acknowledgement of advantages in respect of sex or because of sex change is prohibited. Physical and other violence, exploitation, expression of hate, humiliation, blackmail and harassment based on gender are prohibited, as well as public advocacy, support and acting in accordance with prejudices, customs and other social behaviour patterns based on the idea of subordination or superiority of sexes, namely on stereotyped roles of sexes (Article 20).
101. On 31 August 2009 the Republic of Serbia adopted the *Law on Amendments and Supplements to the Law on Public Information*<sup>26</sup>. This Law precisely defines the responsibility of founders of media because of violations of the legal provisions and also precisely defines rights and obligations of the media distributors regarding distribution of public media.
102. According to the *Law on Gender Equality* information released through public information means must not contain or encourage gender-based discrimination, which also refers to all forms of advertisements and advertising matter and the public information media are obliged to raise awareness of gender-based equality in their programmes, as well as to undertake adequate measures to change social and cultural patterns, customs and any other practice, causing stereotypes, prejudices and discrimination founded on the idea of subordination, namely of superiority of a certain sex (Article 41). A responsible person with the public information media shall be punished with a fine from 5,000 to 25,000 dinars if some information published in the means concerned insults dignity of persons in respect of their sex, violates equality of persons in respect of their sex or encourages such violations (Article 55).
103. Within its competences in the media, the Ministry of Culture shall undertake measures to improve the status and image of women in the public media means: issue annual tenders for co-financing of projects/programmes in the field of public information that with their contents contribute to accomplishment of the right to public and objective information; support projects contributing to the promotion of the status of women in the society, note the issue of domestic violence, etc. One of the important goals on the occasion of assessment and selection of such projects is that they are accessible to the largest possible number of users, so that raising awareness on the necessity of the change of the role of women could reach the communities where discrimination is widely present.
104. According to some researches, discrimination of women in the media is still present to a large extent, in respect of both their status in the media companies and their image in the media contents, which is still stereotyped and follows patriarchal pattern of the role of women in family and society. As an example, let us mention the research conducted by the Women's Information-Documentary Centre at the end of 2008 under the title of *Gender Equality in Media and Through Media*. This research covered 10 printed media and 7 radios and televisions of each local, regional, provincial and national character, in 7 towns of Serbia (Belgrade, Novi Sad, Niš, Kraljevo, Valjevo, Novi Pazar and Kruševac).
105. The results proved that a small percentage of articles, i. e. supplements have been dedicated to women at all levels; that only in about 15% of cases women were in the central focus of news; that news in such media mainly mention women in the field of sports, culture, chronicles and entertainment, and that columns regarding political events, current events, education and economics have the smallest number of news concerning women. It has also been noticed that the prevailing topics were related to popular and famous personalities,

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<sup>26</sup> The Official Gazette of RS, nos. 43/03; 61/05 and 71/09

whereas the topics regarding gender equality and education were at the bottom. The number of reporters of both sexes in the printed media has been almost equalized, whereas the presence of women on TV is higher, which is attributed to good appearances of hostesses. There is a high percentage, even 40%, of presence of men in the news about women, and in half of cases they are also present in photographs. Women whose photographs are published are mostly anonymous (models, photo-models) or they are presented in group photographs (for example, photographs of sports teams). Only a third of news related to women as the main subjects in the printed media, and their official statements do not exceed 10%, while the number of expert comments and personal opinions of women is negligible. It has also been noticed that there is discrimination of women in respect of their age, because women of up to 18 years of age are mostly represented, as well as those from 35 to 49 years of age, while women over 65 years of age are almost entirely excluded from the media. Concerning the supplements about women, men are represented more than women. However, the data indicate that there is slight progress in respect of gender equality, especially in the news and supplements other than columns about entertainment and chronicles.

106. Within the tender issued in 2008, the Ministry of Culture supported two projects dealing with the status of women: the *Astra* Video Production from Pirot was awarded the funds in the amount of 532,000 dinars for the project under the title of *Women from the South*, which in 12 documentary-motion pictures deals with the issues of women in the traditional community and domestic violence, where women are the most frequent victims. The series has just been broadcasted on several regional televisions in the South and the South-East Serbia. Otherwise, the research of the team for the support and assistance to the victims of violence indicated that even 39,3% of questioned female citizens of Pirot were affected by violence, and that many of them did not even recognize the forms of violence. Another media company that had been awarded funds by the Ministry of Culture at this tender in the amount of 500,000 dinars was RTV5 from Niš for the project of *Safe House* – a series of 4 programmes, also having the topic of domestic violence, and in the light of the fact that the construction of a safe house in Niš had been announced, as well as that more than 800 women had been received temporarily at the emergency centre for the victims of violence. The objective of the project was to find donors because without their support the Safe House will not have sufficient funds to accommodate the victims of violence.
107. In 2009 the Ministry of Culture issued a tender in the field of public information, and one of the advantageous criteria for the selection of projects were also the topics dealing with the issue of gender equality. Out of 355 received projects, the Commission awarded 425,000 dinars to the project of *TV Campaign on Gender Equality*, submitted by the Panonija Fund from Subotica (TV Panon). This project stipulated filming of 10 thematic programmes dedicated to the issues of gender equality – to the rights of women in political and public life, education, labour, marriage and family, combat against all forms of violence against women. The project submitted by the Centre for Democracy and development of the South of Serbia from Leskovac, under the title of *Strengthening of Socially Vulnerable Groups in the Pčinjski and Jablanički Districts* was awarded 408,000 dinars, and it also stipulated the production of 12 specialized TV/radio/printed reportages drawing the attention of the public to the problems (and their solution) of the children's and youth's population, displaced persons, disability persons, the poor, self-supporting mothers. These programmes will be broadcasted on some ten regional and local televisions and radio stations, and their most interesting parts will be also published by FoNet Agency. The third project awarded in this tender with the funds in the amount of 359,280 dinars was the project of *Combat against Domestic Violence*, submitted by CIP – Radio 996 from Kraljevo. Proceeding from the results of researches

conducted in the region of Kraljevo, according to which almost every third women declared that she had suffered violence at some stage of her life, the project stipulates the implementation of 12 programmes in the form of reportages, not only pointing out to the issue of violence but also to the methods of its prevention and protection against it.

108. At the tender for the media in minority languages issued in 2009, the funds in the amount of 180,000 dinars were awarded to PC Radio Subotica – Programme in Hungarian Language for the project of Women and Social Problems, which will address the opportunities of employment for women, domestic violence, women's health, their status in political life in radio programmes in Hungarian language... PC Radio Šid was another media that had been awarded funds at this tender for the project of *A Women – the Foundation of the Slovak Evangelistic Church in Šid* (84,000 dinars). The programmes in Slovak language present the specific properties of this church because it engages women to a great extent in its activities, who are holding the highest positions now – the president of the church community, the cashier, the cantor, the conductor of the church quire. In this way the Ministry of Culture contributes to affirmation of women who are the members of national minorities, which is of particular importance for the prevention of the so-called double discrimination.
109. On the occasion of marking the 8th of March, the International Women's Day, high-circulation daily newspapers published inserts aimed at the affirmation of the combat of women for their rights and demystification of the idea of feminism (in 2008) and that women also learn about the existing legal framework related to the status of women (in 2009). In the course of March 2009 the *Danas* daily newspaper published the Gender equality Dictionary, in order to inform the large public about the basic ideas of the concept of gender equality, and in November and December the same year this daily published articles on women's human rights and combat against sexual and gender-based violence. The *Danas* daily regularly publishes the articles affirming women's human rights and gender equality.
110. The local media have supported the already mentioned campaign of *16 Days of Activities to Combat Violence against Women*, which included 18 round tables in 17 towns all over Republic of Serbia, informing about the events in their surroundings.
111. In the system of education the adoption of the *Law on Fundamentals of Education* and the *Law on Textbooks and Other Teaching Aids*<sup>27</sup> meant the introduction of positive legal solutions of anti-discriminatory nature, but which also have positive secondary consequences for the elimination of stereotyped role of women in the society. In these laws, the objectives of education point to the development and respect for racial, national, cultural, linguistic, religious, gender, sexual and age equality, tolerance and respect for diversities.
112. According to the Law on Textbooks and Other Teaching Aids, the textbooks and other teaching aids should enable through their contents and forms the implementation of the principle of equal opportunities of girls and boys. The contents or the forms of textbooks and other teaching aids must not imperil, belittle, discriminate or distinguish groups and individuals or encourage such behaviour, based on racial, national, ethnic, linguistic, religious or sexual affiliation, handicap, disability, physical and psychical properties, health conditions, age, social and cultural origin, property status, namely on political affiliation, as well as on other grounds established by law governing prohibition of discrimination (Article 4). The principle of gender equality has been gaining importance within the framework of curricula and textbooks. The curricula and textbooks increasingly have gender sensitive dimension, especially in the implementation of the teaching of Civil Education. The difference between normative and actual is stressed to pupils, i. e. the difference between the description of a democratic society as it should look like in its ideal form and the description

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<sup>27</sup> The Official Gazette of RS, no. 72/09

of what exists in a society in reality. In the first grade of secondary school civil education deals with the issues of nature and the method of regulation of relations in a group/community, the nature of attitudes we have towards other people and groups, methods of research of one's own opinion and communication with other people. This programme teaches about non-violent communication and techniques of peaceful solution of conflicts, gender equality, use of gender sensitive language, etc.

## **Article 6** **Women Trafficking**

### Concluding Observations and Recommendations - 25-26

113. *The Criminal Code* prescribes a criminal act of human trafficking in Article 388 and in August 2009 amendments and supplements to the Criminal Code were adopted, in respect of both introduction of new criminal acts and amendment of incrimination of the existing acts. Punishments have been increased for almost all forms of this criminal act, and some provisions harmonizing this act in full with the international standards in this field have also been added. The provisions governing the conditions under which this act is committed by an organized criminal group are a novelty (Article 388. paragraph 6); if the offender knew or he/she might have known that a person was a victim of human trafficking, so he/she used his/her status or enabled another person to use his/her status for exploitation; if the act is committed against a person the offender knew or might have known to be a minor (Article 388. paragraphs 2 and 3). The consent of a person to be exploited or to establish slavery or similar relation shall not affect the existence of a criminal act.
114. The amendments and supplements of the title of Article 185 of the Criminal Code have also been adopted, which now reads *Presentation, Provision and Possession of Pornographic Matter and Abuse of Under-Aged Child for Pornography*, as well as of the title of Article 389 of the Criminal Code, which now reads *Trafficking with Under-Aged Persons for Adoption*, thus increasing age limit and protecting under-aged persons against all forms of exploitation and trafficking. Also, threat of criminal sanction in case of commitment of the criminal act contained in Article 184 – *Mediation in Performance of Prostitution* – is more severe.
115. According to the *Law on Prohibition of Discrimination*, slavery, human trafficking, apartheid, genocide and ethnic cleansing are characterised as severe forms of discrimination (Article 13 paragraph 4). Physical and other violence, exploitation, expression of hate, humiliation, blackmail and harassment in respect of sex, as well as public advocacy, support and acting in accordance with prejudices, customs and other social patterns of behaviour based on the idea of subordination or superiority of sexes are prohibited, namely on the idea of stereotyped roles of sexes (Article 20 paragraph 2).
116. Great efforts have been made in order to increase co-operation at international, regional and national levels with the aim to provide effective implementation of laws and programmes regarding human trafficking. The Commission for co-ordination of activities and further improvement of co-operation in the field of judiciary and internal affairs in relation to issues of general interest was formed at the end of 2008, in particular to co-ordinate the activities in the combat against corruption, organized crime, terrorism, drugs, human trafficking, confiscation of property, money laundry and other related issues.
117. *The Law on Criminal Procedure*<sup>28</sup> was also amended in August 2009 in order to introduce special research techniques and powers of prosecution offices and police.

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<sup>28</sup>The Official Gazette of SRJ, no. 70/01, 68/02 The Official Gazette of RS, nos., 58/04, 72/09

Preparations have been in progress at present to provide the training programme for the implementation of *the Law on Deprivation of Property Benefit Earned Through Criminal Act*<sup>29</sup>, for financial investigation, confiscation of immovable property as means to commit a criminal act. Regional co-operation is the key in the combat against human trafficking and it also implies the use of evidence collected abroad. In 2006 Serbia ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, which entered into force in August 2007, as an extremely important international treaty in the field of international legal aid. The international and European standards in the field of international criminal legal aid have been incorporated into the Law on International Legal Aid in Criminal Matters, which entered into force in March 2009.

118. *The Law on Ratification of the Convention of the Council of Europe on Combat against Human Trafficking*<sup>30</sup> was adopted on 18 March 2009.
119. The Law on Foreigners, which entered into force on 1 April 2009, prescribes that a foreigner as the victim of human trafficking shall be granted temporary residence in the Republic of Serbia, and if he/she does not have enough funds to support himself/herself, he/she shall be provided with adequate accommodation, food and essential living conditions (Article 28).
120. In December 2006 the Government adopted the Strategy for Combat against Human Trafficking<sup>31</sup>. This document has been prepared according to the Guidelines for National Action Plans of the Stability Pact and in compliance with the Programme for the preparation and implementation of overall national response to the issue of human trafficking and the best practice in the region, worked out by the International Centre for Migration Policy Development (ICMPD).
121. In April 2009 the Government adopted the Conclusion on the adoption of the National Action Plan for Combat against Human Trafficking for the period from 2009 to 2011, in which way the Republic of Serbia had fulfilled one of the technical conditions for liberalization of the visa regime with the EU.
122. During the presidency of the Republic of Serbia over the Committee of Ministers of the Council of Europe, from May to November 2007, October was declared to be the month of combat against human trafficking when advertising campaigns, seminars, educational gatherings and the campaign in respect of the series of *Modern Slavery* were organized. On 18 and 19 October 2007 the regional seminar under the title of *Combat against Human Trafficking: Protection Measures and Improvement of Victims' Rights* was held in Belgrade wherein the members of the Ministry of Interior were lecturers and participants.
123. The idea of the public painting tender on the subject of *Modern Slavery* has been prepared and implemented, which was issued by the Office of the Council of Europe, the Council for Combat against Human Trafficking and the Ministry of Interior and announced in the *Politika* daily on 11 October 2007. The pupils of primary and secondary schools in the Republic of Serbia participated in this tender. The objective of the tender, as well as of series of activities undertaken in the course of October, was to raise the level of awareness with children and youth on the existence of a very complex and multi-layered social phenomenon. The Office of the Council of Europe in Belgrade received 1,195 works from all over Serbia and several works from a school in Bijeljina, B&H, for which reason it gained an international character. 175 schools in total participated in this tender, as follows: from the Central Serbia –82 schools in total and 738 pupils, 68 works from 34 schools were selected

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<sup>29</sup> The Official Gazette of RS, no. 97/08

<sup>30</sup> The Official Gazette of RS, no. 19/09

<sup>31</sup> The Official Gazette of RS, no. 111/06

for the exhibition, from AP of Vojvodina – 41 school in total and 320 pupils, 17 works from 10 schools were selected for the exhibition, from AP of Kosovo and Metohija –4 schools in total and 48 pupils, 4 works from 4 schools were selected for the exhibition, from B&H, the Republic of Srpska (Bijeljina) – 1 school and seven pupils.

124. The objective of the tender was to select the best work to be printed on additional charge stamp, whereas the funds to be obtained through its sale were intended to be for the victims of human trafficking. In addition to the best work, another 13 works were also selected that were printed in the 2008 calendar and January 2009 calendar with the same topic. Through the sale of additional charge stamp on the topic of human trafficking within the period from 21 to 27 January 2008, the funds in the amount of 60,000 euros were collected, which were allocated for direct assistance rendering to the victims through the Agency for Co-ordination of Protection of Human Trafficking Victims.
125. In the course of 2007 the Ministry of Interior investigated the forms of labour exploitation, since it had been noticed that there was abuse of severe financial status of unemployed persons by various employers offering tempting options and opportunities for employment in the country and abroad, the police officers initiated and implemented, in co-operation with the National Employment Agency, to pay special attention to the issue of human trafficking in October copy of the *Jobs* magazine, which is issued by this Agency. Announcements of the Ministry of Interior of the Republic of Serbia and thematic posters showing various forms of exploitation of actual and potential victims of human trafficking have been published, such as: labour exploitation, sexual exploitation and abuse of the Internet in order to recruit for human trafficking.
126. In October 2008, as the month of the combat against human trafficking, police officers of the Ministry and all police directorates participated in: 176 public platforms (which lasted for 285 school classes), which were attended by 12,145 pupils, students and parents, as well as by 952 principals, professor, teachers, pedagogues, psychologists and other experts. Some platforms were also attended by the representatives of NGOs and social welfare centres. In the public information media – on radio stations 65 programmes on human trafficking lasting for 9 hours and 32 minutes in total were broadcasted, there were 111 programmes on TVs dedicated to this issue lasting for 36 hours. Within the same period, the police officers of the Ministry of Interior had interviews, held press conferences and issued 32 media statements, and 31 newspaper articles were published about the issue of human trafficking in the Republic of Serbia. 2,000 posters and 10,000 information leaflets were printed on prevention educational activities in combating human trafficking and protection of victims, which were disseminated to the regional border police centres and to the police directorates to be displayed in police premises and at border crossings. The posters and information leaflets contain the contact telephone number of the Emergency Centre with the Border Police Directorate and the electronic address of the Border Police Directorate foreseen for the collection of information on human trafficking. The contents of information leaflets refer to human trafficking, forms of human trafficking, victims of human trafficking, methods of prevention, legal and institutional framework and national mechanisms for combat against human trafficking and protection of victims in the Republic of Serbia. With the aim of education of Roma population, which was recognized as the most vulnerable population, public platforms and meetings with the members of 43 Roma association in total were held, which were attended by 390 members.
127. In the course of October 2009, the police officers of the Border Police Directorate and all police directorates participated in 284 public platforms in total lasting for 530 school classes, which were attended by 25,769 pupils and students, 1,318 principals, professor, teachers,

pedagogues, psychologists and other experts. Some platforms were also attended by 255 representatives of NGOs, the Red Cross and the Social Welfare Centre. In order to educate Roma population, public platforms and meetings with the members of Roma association were held, which were attended by 232 members in total. Radio stations broadcasted 16 programmes on human trafficking, lasting for 270 minutes in total; on television stations there were 102 programmes in total lasting for 1,913 minutes and 47 newspaper articles on the issues of human trafficking in the Republic of Serbia were also published.

128. The exhibition of children's paintings from the tender implemented in 2007 was opened on 18 October 2009. The President of Serbia, the Prime Minister, the President of the National Assembly, the ministers the members of the Council for Combat against Human Trafficking, the ministers whose representatives are the members of the Republic team for combat against human trafficking (the Minister of Foreign Affairs, the Minister of Human and Minority Rights, the Minister of Youth and Sports), the Minister of Culture, the representatives of the diplomatic corps, the European Commission, the Council of Europe, the Mission of OESC to the Republic of Serbia, IOM, UNICEF, UNHCR, ICMPD were invited to attend its opening, as well as other important guests dealing with this issue. The exhibition was also attended by the children who were the authors of paintings and who were given the book under the title of *You would not like being a slave in the ancient Greece!*<sup>32</sup> and copies of the 2010 calendar. The poster announcing the exhibition in electronic form was put on the Internet site of the Ministry of Interior, as well as on the FACEBOOK profile of the Ministry of Interior. There was also a promotion of the 2010 calendar containing children's works, which was printed by the National Bank of Serbia in 1,000 copies delivered to the present guests.
129. From a transit and destination country, the Republic of Serbia became a country of origin, transit and exploitation of domestic citizens and it has been noticed that there is a tendency of decrease of age limit of the victims to 14 to 18 years, which increasingly even goes down to children younger than 14 years of age.
130. In the previous period, the employees of the Agency for Co-ordination of Protection of Victims of Human Trafficking identified 127 victims of human trafficking in total, whereas there were 107 victims of human trafficking and 20 were potential victims. Out of the total number of victims, 59 were under-aged and 68 were of age. In respect of sex, 104 victims were female and 23 victims were male. Out of the total number of victims, 116 were the citizens of the Republic of Serbia, 3 were from Romania, 2 were from the Dominican republic, 1 from Macedonia, 1 from Albania, 1 from Moldova, 1 from B&H, 1 from Montenegro and 1 victims was a citizen of Czech Republic. In respect of type of exploitation: 66 were victims of sexual exploitation; 18 were victims of labour exploitation; 14 were victims of exploitation in the form of begging, 6 were victims of forced labour, 2 were victims of commitment of criminal acts and 1 was a victim of attempt of illegal adoption.

## **Article 7**

### **Improvement of Status of Women in Political and Public Life**

#### **Concluding Observations and Recommendations - 27 and 28**

131. *The Law on Local Elections*<sup>33</sup> prescribes that an election list must have at least 30% of candidates in total belonging to less represented sex in the list (Article 20. paragraph 3) and be considered to have failures if that it is not so and that the proposer of the list shall be invited

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<sup>32</sup> The Creative Centre, Belgrade

<sup>33</sup> The Official Gazette of RS, nos. 129/07 and 34/10- Decision of the Constitutional Court

to eliminate such failures, if an election list does not meet these requirements (Article 20. paragraph 4). It is prescribed that the election commission shall reject to declare an election list if the proposer of the list does not eliminate such failures (Article 20. paragraph 5).

132. *The Law on Election of National Deputies*<sup>34</sup> prescribes that an election list must include a candidate of less represented sex in the list among every four candidates in sequence of the list (the first four seats, the second four seats and on to the end of the list), and the total number of candidates in the list must be at least 30% of candidates of less represented sex in the list (Article 40a paragraph 1). If an election list does not meet the above mentioned requirements, it shall be considered to contain failures to be declared an election list, and the proposer shall be invited to eliminate such failures (Article 40a. paragraph 2). If the proposer of the list does not eliminate failures, the Republic Election Commission shall reject to declare the election list (Article 40a paragraph 3).
133. The adoption of the *Law on Uniform Election List*<sup>35</sup> meant considerable improvement of the legal framework for the accomplishment of the right to vote in the Republic of Serbia, since the registration in the election list is a condition to accomplish the right to vote prescribed by law. This Law entered into force on 24 December 2009 and its implementation shall start upon the expiry of two years after its entering into force. This Law governs in a uniform way the issue of registration of voters, which had so far been regulated by laws governing the election of national deputies and the President of the Republic. Another novelty introduced by this Law is that it provides that an election list shall be kept as an electronic data base, which shall by all means enable more efficient and easier accomplishment of the right to vote.
134. *The Law on the National Councils of National Minorities*<sup>36</sup> was adopted in order to make comprehensive definition of the status of national councils in the legal system of the Republic of Serbia, thus ensuring a comprehensive legislative framework to improve and protect the rights of national minorities. This Law governs competences of national councils of national minorities in the field of education, culture, public information and official use of language and script, relations with state authorities, authorities of autonomous provinces and units of local self-government, procedure for election of national councils, financing of activities of national councils, etc.
135. This Law prescribes that in case of direct elections of national councils at least 30% seats in the election list must be reserved for less represented sex, whereas every third seat in the election list shall be reserved for less represented sex (Article 72. paragraph 3). If the election list does not meet this requirement, among other things, it shall be considered to contain failures to be declared an election list, and the proposer of the list shall be invited to eliminate the failures from the list (Article 72. paragraph 4). If the proposer of the list does not eliminate such failures, the Central Election Commission, as the body to conduct elections of national councils, shall reject to declare an election list (Article 72. paragraph 5). The identical solution for representation of women in electoral lists is also prescribed for elections for national councils (Article 109. paragraph 3).
136. Direct protection of the principle of representation of women in national councils has been ensured for indirect elections (Article 98. paragraph 6) and for electoral lists (Article 109 paragraph 12), which establish the rule that mandates belonging to a certain election list are granted to the candidates from the list according to the sequence of their names in the list, wherein every third seat is reserved for less represented sex.

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<sup>34</sup> The Official Gazette of RS, nos. 35/00; 57/03- Decision of the Constitutional Court of RS; 72/03- other law; 75/03- cor. Of other law; 18/04; 85/05-other law; 101/05-other law and 104/09

<sup>35</sup> The Official Gazette of RS, no. 107/09

<sup>36</sup> The Official Gazette of RS, no. 72/09



137. *The Law on Gender Equality* prescribes equal availability of jobs and positions and if the presence of less represented sex in each organizational unit, at management positions and in management and supervision bodies amounts to less 30%, the authorities are obliged to apply affirmative measures in accordance with the Law on Civil Servants and the Law on State Administration (Article 14).
138. In Chapter 5, under the title of *Political and Public Life*, this Law governs in details the following: equal opportunities for political and other activities (Article 35); election right (Article 36); equal representation and equal opportunities of access to the bodies of executive power, public, financial and other institutions (Article 37); obligations of the bodies of local self-government units (Article 39); statistical records (Article 40); associations whose goals are related to improvement of gender equality (Article 42).
139. *The Law on Associations*<sup>37</sup>, which entered into force on 22 July 2009, has been applied since 22 October 2009. The field of associations of citizens is regulated in accordance with the highest European standards, the conditions for establishment and registration into the registry of associations are more liberal and there is also a possibility to establish associations to be active even without registration in the registry. Associations may be established by at least three founders (natural persons having business capacity or legal entities may be founders of associations), provided that at least one founder must have residence, namely seat in the territory of the Republic of Serbia (Article 10). It is important to stress new legal solutions, according to which one of the grounds to prohibit the operation of associations are the objectives directed to cause and encourage non-equality, hate or intolerance based on, *inter alia*, sex, gender, physical, psychical or other properties or capabilities (Article 50. paragraph 1 within the meaning of Article 3. paragraphs 2 and 3). The implementation of the new Law on Political Parties<sup>38</sup> started on 23 July 2009.
140. According to the *Law on the Army of Serbia*<sup>39</sup> a citizen of the Republic of Serbia who fulfils the relevant conditions of completion of adequate military training for the duty to take may be a professional army officer and another condition for men is that they had completed army service (Article 39. paragraph 1. item 9). The completion of army service is not a condition to be fulfilled by women. The positive side of this Law is that now women have an option to contract employment in the capacity of professional army officers. Out of the total number of employees in the defence system, 19% are women in all categories (professional soldiers, sergeants, officers, civil servants, employees, military officers and military employees) at all positions from military to commanding, from executive to leading positions. Out of the total number of women employed in the defence system, 7% are employed in the capacity of professional military employee (professional soldier, sergeant and officer). The Army of Serbia employs 1,291 women in total, namely 18 officers (0.4%), 27 sergeants (0.37%), 355 professional soldiers (5.62%) and 891 civilians (27.14%). One woman officer is holding a managerial position with the Army of Serbia, two women are sergeants and nine women are civil servants. In view of the fact that the Military Academy started training of female persons to perform officer duties, it is expected that there will be a larger number of women officers, thus also at leading positions. In the course of 2009, during the implementation of the tender for admission into professional army service in the capacity of professional soldiers, it was noticed that there was great interest in it of female persons who meet the requirements for admission into professional army service so it is expected that the number of professional female persons in the army will be further increased.

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<sup>37</sup> The Official Gazette of RS, no. 51/09

<sup>38</sup> The Official Gazette of RS, no. 36/09

<sup>39</sup> The Official Gazette of RS, nos. 116/07 and 88/09

141. The Belgrade Fund for Political Excellence, in co-operation with the Ministry of Defence, initiated the preparation of the National Action Plan for the implementation of the Resolution 1325 of the Security Council. Four working groups have been formed consisting of the representatives of the ministries and other relevant institutions that had worked on the collection of data and preparation of the draft of the Action Plan to be forwarded to public debate. The Resolution was presented at the National Assembly on 4 December 2009 at the round table organized by the Board of Foreign Affairs of the National Assembly. This table was attended by the national deputies from the relevant boards, the representatives of ministries, experts, the representatives of diplomatic corps as well as the representatives of international organizations accredited in the Republic of Serbia. It was stressed at the gathering that the implementation of the Resolution is a legal obligation of each member state of the UN and that the adoption of the National Action Plan would be a confirmation of the intentions of Serbia to contribute adequately to the processes of peace building, stability and security, primarily in the immediate surroundings of the region of the South-East Europe and other parts of Europe, through the comprehensive process of European integrations.
142. According to the current data, the most significant positions in the state are now held by women (the President of the National Assembly, the President of the Constitutional Court, the Acting President of the Supreme Court of Cassation). There are 51 women among the national deputies, which makes 20.4% of the total number of national deputies (250). There are 5 women ministers in the Government out of 24 ministers in total. At the local level there are 27% of councilwomen. Out of 159 presidents of municipalities 7 are women presidents. In the lists of elected judges there are 1,703 women judges out of 2,399 judges in total.

### **Article 8**

#### **Participation of Women in Diplomatic Service**

143. According to the *Law on Gender Equality* everybody has equal right to participate in the same way and without discrimination in international co-operation accomplished within the framework of foreign policy of the Republic of Serbia, and in accordance with the competences of the Republic of Serbia, autonomous provinces and units of local self-government if and to be appointed in the activities of international organizations. On the occasion of selection and appointment of delegations to represent the Republic of Serbia, the composition of the delegation must include at least 30% of persons of less represented sex, in compliance with international standards. The provisions of paragraph 2 of this Article are also applied to international co-operation accomplished by autonomous provinces and units of local self-government in accordance with the Constitution and the laws prescribing competences (Article 38).
144. The Republic of Serbia has 10 women ambassadors and 4 women are general consuls (66; 9.24%)

### **Article 9**

#### **Citizenship**

145. New biometric passports and termination of visa regime are the most significant novelty for the citizens of the Republic of Serbia in the past period. In respect of citizenship, there have been no changes.

146. *The Law on Travel Documents*<sup>40</sup> governs travel documents for travelling of citizens of the Republic of Serbia abroad, defines types of travel documents and method of their issuance.
147. New biometric passports of the Republic of Serbia were presented at the beginning of 2008 and the first new passports were issued to citizens at the beginning of August 2008.
148. In the Republic of Serbia, in addition to biometric passports, passports issued according to the former forms are also still used, pursuant to the Law on Travel Documents of Yugoslav Citizens<sup>41</sup>. Pursuant to the Law on Amendments of the Law on Travel Documents<sup>42</sup> the validity of the old passports has been extended until 31 December 2010, and at present the proposal to extend the validity of old passports till 31 December 2011 has been in the parliamentary procedure.
149. A passport shall be issued to any citizen of the Republic of Serbia according to the conditions prescribed by the Law on Travel Documents. The accomplishment of the right to a travel document is ensured without discrimination on any grounds, such as sex, race, skin, language, religion, national origin or social status, property or other status.
150. Passports are valid within the period of 10 years, except for persons younger than three years who are issued passports with the validity period of three years. Persons from 3 to 14 years of age are issued passports with the validity period of five years. Validity period runs from the date of application for the issuance of a passport, and not from the date of issuance or production as in the case of previous passports.
151. Passports are to be issued within the period of 30 days (if an application is submitted in the country), namely within the period of 60 days (if an application is submitted through diplomatic or consular representative office of the Republic of Serbia) from the date of submission of applications. In exceptional cases, if evidence is attached to an application showing that there are reasons for a passport to be issued urgently, the competent body is obliged to issue a travel document not later than 48 hours from the date of submission of an application. Please note that the procedure for amendments and supplements to Article 34 of the Law on Travel Documents related to the urgent issuance of passports has been in the parliamentary procedure. Approximately 1.6 million biometric passports have been issued so far.
152. By the decision of the Committee of Ministers of the European Union, visas for travelling abroad have been terminated for the citizens of the Republic of Serbia on 19 December 2009.

### **Article 10**

#### **Improvement of Status of Women in the Field of Education Concluding Observations and Recommendations - 29 and 30**

153. All key laws adopted in the previous period govern and promote the improvement of the status of women in the field of education, too.
154. *The Law on Prohibition of Discrimination* governs discrimination in the field of education and professional training in the part regarding special cases of discrimination. Everyone has the right to pre-school, primary, secondary and university education under equal terms, in accordance with the law. Any person or a group of persons, based on their personal properties, must not be aggravated or disabled to enrol in an educational institution, or to be excluded from such institutions, aggravated or deprived of the possibility to attend

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<sup>40</sup> The Official Gazette of RS, nos. 90/07, 116/08 and 104/09

<sup>41</sup> The Official Gazette of SRJ, no. 33/96..5/2003 and the Official Gazette of RS, no. 101/2005

<sup>42</sup> The Official Gazette of RS, no. 104/09

teaching and participate in other educational activities. Pupils must not be classified according to their personal properties, ill-treated or make some other unjustified difference between them and treat them unequally. It is prohibited to discriminate educational institutions performing activities in accordance with the law and other regulations, as well as to discriminate persons using or had used the services of such institutions in compliance with the law (Article 19).

155. In the chapter under the title of *Education, Culture and Sports, the Law on Gender Equality* regulates equality in the field of education. Accordingly, within the meaning of equal opportunities, educational and scientific institutions, as well as the institutions for professional training must not make gender-based discrimination, especially regarding the conditions of admission and rejection of admission to an institution, the conditions of access and opportunities for access to permanent education, including all programmes for education of adults and programmes of functional literacy, the conditions for exclusion from educational process, scientific work and professional training, the method of service rendering and provision of privileges and information, assessment of knowledge and evaluation of achieved results, the conditions to get scholarships and other types of support for education and studies, the conditions for selection or mastering of knowledge, professional orientation, professional advancement and acquiring of diplomas, the conditions for progress, additional qualifications or new qualifications (Article 30).
156. Education about gender equality is an integral part of pre-school, primary, secondary and university education, as of permanent learning. Education about gender equality is ensured within the curricula and study programmes with the aim to overcome limiting gender-based roles, to free from gender-based stereotypes and gender-based prejudices. Special adequate teaching relating to sexual relations and reproductive health is also provided within the framework of curricula. The state authorities in charge of education, namely the educational institutions are obliged to provide the implementation of the policy of equal opportunities for women and men in the procedure of adoption of curricula and study programmes and on the occasion of establishment of standards for textbooks, teaching methods and standards for school premises and equipment (Article 31). The authorized proposer shall propose at least 30% of representatives of less represented gender on the occasion of nomination of members of management and supervision boards in public services (Article 32).
157. *The Law on Gender Equality* prescribes special measures aimed at provision of conditions for advancement and more complete inclusion into the process of education and professional training, which the public authorities in charge of education are obliged to undertake in order to include into the above mentioned processes the pupils or groups of pupils who leave school early because of their culture, tradition and social-economic conditions. The measures for special support to pupils or groups of pupils for transfer from lower to higher educational level, namely for continuation of education may also be undertaken. The public authorities in charge of education shall establish special programmes for the return of pupils to schools and other educational institutions. The public authorities in charge of education may also undertake other special measures, especially the measures to encourage information, technical and technological education of less represented sex (Article 33).
158. In the course of 2009 the educational system of the Republic of Serbia was also improved by the adoption of two important laws, namely: the Law on Fundamentals of Education and the Law on Textbooks and Other Teaching Aids.
159. According to the *Law on Fundamentals of Educational System*, all children, pupils and adults must be provided with equal rights and access to education without discrimination and

separation based on sex, social, cultural, ethnic, religious or other affiliation, place of permanent or temporary residence, financial standing or health conditions, handicap and disability or some other grounds (Article 3 paragraph 1), as well as with equal opportunities for education at all levels and types of education, in accordance with the needs and interests of children, pupils and adults, without any obstacles to change, continue and supplement education or lifelong learning (Article 3 paragraph 5).

160. All persons have the right to education. The citizens of the Republic of Serbia are equal in accomplishment of their right to education regardless of sex, race, national, religious and linguistic affiliation, social and cultural origin, property status, age, physical and psychical constitution, handicap and disability, political affiliation or other personal property. Handicapped and disabled persons have the right to education respecting their educational needs in the regular system of education, in the regular system of education with individual or group support or in special pre-school group or school, in accordance with this Law and other relevant laws. Persons with exceptional capabilities have the right to education respecting their special educational needs in the regular system of education, in special classes or special schools, in accordance with this Law and other relevant laws. Foreign citizens or stateless persons have the right to education under the same conditions and in the manner prescribed for the citizens of the Republic of Serbia (Article 6).
161. This Law obliges the institutions to prepare individual curricula, individual programmes and individual methods of teaching. For children and pupils who need additional support in education due to their social disadvantages, handicap, disability and other reasons, the educational institution shall provide elimination of physical and communication obstacles and adopt an individual educational scheme. In this way it will be possible for mothers to be included in the activities and other social interactions they had been deprived of because of impossibility for the child to have an adequate care.
162. The objective of the individual educational scheme is to achieve optimum inclusion of children and pupils into the regular educational activities and their independent activities in the community of the same age. The duration of pre-school education has been increased. The programme of preparation of a child within pre-school education before entering primary school lasts for four hours daily for nine months at minimum.
163. This Law also prescribes the establishment of the Council for Professional Education of Adults of 21 members, including the president, too. The president and the members of the Council for Professional Education of Adults shall be appointed by the Government among the distinguished representatives of the Chamber of Commerce, craftsmen, associations of employers, experts for professional training and education of adults, economy, employment, labour, social and youth policies, teachers from the associations of professional schools and representative trade unions established in the territory of the Republic of Serbia for education. The Government shall appoint the members of the Council for Professional Education of Adults for the period of six years. As an exception from paragraph 3 of this Article, a half of members of the first appointed composition of the Council for Professional Education of Adults shall have the mandate of three years. A person elected, nominated or appointed to the function at a state authority, territorial autonomy body, local self-government unit and a person who is a member of the political party body or the school body member may not be appointed a member of the Council for Professional Education of Adults (Article 15).
164. The Council for Professional Education of Adults shall:

- 1) monitor and analyze the status of education within its competences, its harmonization with the European principles and values and propose measures for its improvement;
  - 2) participate in the preparation of the professional training development and improvement strategy, especially of secondary professional training, education of adults, specialized and craftsmen's education, secondary professional education and training of handicapped and disabled persons and other forms of professional education (formal and informal);
  - 3) propose to the Minister:
    - (1) A list of educational profiles;
    - (2) Special achievement standards for secondary professional education;
    - (3) Additional quality standards for activities of professional schools and education of adults;
    - (4) Qualification standards for the level of secondary professional training, professional advancement and other forms of professional education;
    - (5) Programme standards and standards for implementation of professional training programmes and training if they are implemented according to non-standard school regulations;
    - (6) A part of curricula and programmes for educational profiles, for professional subjects and modules of secondary professional education and education of adults and programmes of other forms of professional education – labour education, professional qualifications and training;
    - (7) Programmes of specialized exams, craftsman's exam, final labour education exam, professional qualification exam, training exam and models of recognition of previously gained knowledge and skills, in accordance with this Law and other relevant laws;
    - (8) Programmes of professional graduation exams and final exams of secondary professional education;
    - (9) Approval of textbooks and teaching aids for professional subjects;
    - (10) National framework of qualifications for the level of secondary professional education, professional advancement and other forms of professional education;
  - 4) consider, take views and give opinions to the Minister in the process of preparation of drafts of laws, proposals of regulations concerning the network of professional schools for adult education and other documents governing the issues of importance for education within its competences;
  - 5) monitor, encourage and direct activities linking education and employment and their effects to the economical development;
  - 6) link and include the needs and interests of social partners with the directions of development of professional education and education of adults;
  - 7) consider and include in the fields of its competences the models of development and professional consulting;
  - 8) perform other activities pursuant to this Law (Article 16).
165. The new systematization of working posts with the Ministry of Education also includes the Department for Adult Education, which shall, in accordance with the legal solutions, support the opening of primary and secondary schools for education of adults, support new forms of formal and informal education.
166. The Ministry of Education shall implement the projects in order to achieve equality at all levels of education, and in particular:

- Increased level of education;
  - Balanced professional advancement of girls and boys;
  - Integration of gender principle into curricula and textbooks;
  - Professional advancement of male and female teachers.
167. In order to achieve the Millenium Development Goals in Serbia it has been stated that it was necessary to introduce Gender Studies into the educational system and increase the number of computer literate women. Gender Studies have been introduced at the Faculty of Political Sciences in Belgrade and at the Faculty of Philosophy in Novi Sad, and the Faculties of Law in Belgrade and Niš have the so-called legal clinics, wherein the students also render free of charge consultations to women thus being educated and becoming sensible for this type of legal aid, too. The second goal requires the accomplishment of more universal primary education, i. e. it has to be ensured that all children, girls and boys equally, would be able to complete their primary education until 2015. The third goal is directed to elimination of differences between sexes at all levels of education until 2015 at the latest.
168. Out of 8 persons appointed to the Ministry of Science and Technological Development 3 persons are women, as follows: the Secretary of the Ministry, 1 state secretary and 1 assistant minister. According to EUROSTAT, the Republic of Serbia is in the fourth place, with over 40% of women as researchers, although funds in this area are not sufficient – only 0.3% of gross domestic product.
169. The European Women in Mathematics held its 14th meeting in Novi Sad from 25 to 28 August 2009 in co-organization with the Faculty of Natural Sciences and Mathematics from Novi Sad. This meeting was co-financed by UNESCO. The European Women in Mathematics is an organization formed in Finland in 1986 with the aim to network, support and promote women dealing with mathematics. The previous meetings were held in Great Britain (2007), Russia (2005) and France (2003). The working group for women in physics was formed in Serbia in 2001 by the Association of Physicians of Serbia. Women are very active, very successful and visible in the scientific domain. A doctor of medical science from the University of Niš is the winner of the UNESCO – L' Oreal Fellowship –Women in Science for 2009. For her scientific project, which deals with detection of proteins in urine in order to diagnose kidney diseases she had been awarded this award in the strong competition of female scientists from all over the world and is the first winner of this prestigious UNESCO award in the amount of 40,000 dollars in the Republic of Serbia.
170. In addition to the current programmes indicating that representation of women in science is good, it has been planned with the Ministry of Science and Technological Development to introduce, through the NAP for improvement of the status of women and promotion of gender equality for the period from 2009 to 2015, the integral programmes of analysis and researches of gender perspectives in science, in accordance with strategic scientific priorities of this Ministry, which shall have place in essential, development and applied researches and contribute to the European integrations.
171. The National Action Plan to improve the status of women and promote gender equality in the Republic of Serbia for the period from 2009 to 2015 prescribes a series of activities in the forthcoming period, which shall support and ensure gender equality in the field of education.

### **Article 11**

#### **Improvement of the Status of Women in the Field of Labour and Employment**

Concluding Observations and Recommendations 31-32

172. In respect of improvement of the status of women in the field of labour and employment, the adoption of key laws in the course of 2009 additionally strengthened legal regulations in this field and the most significant novelties are the introduction of equal opportunities as well as the fact that sexual harassment, together with harassment and sexual blackmail are sanctioned and defined as expressions.
173. In the part concerning special cases of discrimination, *the Law on Prohibition of Discrimination* prohibits discrimination in the field of labour, namely infringement of equal opportunities to contract employment or enjoy all rights in the field of labour under equal conditions, such as the right to work, free choice of employment, career advancement, professional advancement and professional rehabilitation, equal compensation for the work of the same value, just and satisfactory working conditions, holidays, education and membership in trade unions, as well as to protection against unemployment. Protection against discrimination is enjoyed by an employed person, a person performing temporary and occasional jobs or jobs on contract basis or on the basis of some other agreement, a person performing additional work, a person holding a public function, a member of the army, a person looking for a job, a student and a trainee pupil, a person attending professional training and advancement without employment contract, a volunteer and any other person who participates in performance of some work on any other grounds. It is not considered discrimination if difference is made, if there is an exclusion or grant of privileges because of the specific properties of some job where personal properties of a person present the actual and the decisive condition to perform such a job, if the purpose wished to be achieved is justified, as well as undertaking of protection measures for certain categories of persons - women, pregnant women, maternity women, parents, under-aged persons, disabled persons and other (Article 16).
174. *The Law on Gender Equality* governs the area of labour and employment, introducing significant novelties that should contribute to the improvement of the status of women as less represented sex and ensure more efficient protection of their rights (Articles 11-22). For example, in chapter 2 under the title of *Employment, Social and Health Care*, this Law prescribes a series of obligations for the employers in respect of equal opportunities and introduction of special measures to increase employment and opportunities for employment of less represented sex and to increase the participation of less represented sex in professional training and provision of equal opportunities for advancement (Article 11), keeping of records and documentation about gender structure of employees (Article 12) as well as in respect of planning of the measures to mitigate or eliminate unequal representation of sexes and reporting on planned and performed measures (Article 13).
175. This Law prescribes equal accessibility of jobs and positions so if the representation of less represented sex in each organizational unit, at managerial positions and in the management and supervision bodies is less than 30%, the public authorities are obliged to apply affirmative measures in accordance with the Law on Civil Servants and the Law on State Administration (Article 14).
176. When contracting a job and work engagement and in public announcements of jobs and conditions for their performance and during the decision-making on the selection of persons looking for a job in order to get employment or other form of work engagement, it is not permitted to make any difference in respect of sex, unless there are justified reasons established in compliance with the law governing labour issues (Article 15).
177. In respect of assignments and advancements, sex must not be an obstacle to career advancement. Leave from work because of pregnancy and parenthood must not be an obstacle to the promotion to a higher position, advancement and professional training. Leave



from work because of pregnancy and parenthood must not be grounds for assignment to inadequate jobs and for cancellation of the employment contract in accordance with the law governing labour issues.

178. The employees, regardless of their sex, shall accomplish the right to equal salary for the same work or for the work of the same value with the employer, in accordance with the law governing labour issues (Article 17).
179. In relation to the findings stated in the Concluding Observations and Recommendations - 31, we note that labour relations, rights and duties of civil servants and certain rights and duties of employees with the state administration bodies, courts, public prosecution offices, the Public Prosecution Office of the Republic of Serbia, the National Assembly, the President of the Republic, the Government, the Constitutional Court and the agencies whose employees are appointed by the National Assembly are governed in the *Law on Civil Servants*<sup>43</sup>. It is prohibited to favour or deprive a civil servant of his/her rights and duties, especially because of racial, religious, sex, national or political affiliation or because of some other personal property (Article 7). It is prescribed that on the occasion of employment with the state authorities, care would be taken that the national composition, representation of sexes and the number of disabled persons reflect the structure of the population to the greatest possible extent (Article 9 paragraph 3). *The Law on Salaries of Civil Servants and Employees*<sup>44</sup> defines the method of establishment of a basic salary (Article 7), the method of establishment of salary basis (Article 8), the method of establishment of coefficient and salary group (Article 9), while salary coefficients are defined in the provisions of Article 13 of this law and according to Article 14 they are to be fixed by the manager by a relevant decision. Neither the *Law on Labour Relations with the State Bodies*<sup>45</sup>, which governs the labour related rights and obligations of the employees with the bodies of territorial autonomy and the bodies of local self-government, which had been applied to all employees of the state bodies before the adoption of the Law on Civil Servants recognizes any possibility to fix different salaries for the same work in respect of sex. It is to be stressed in particular that in the public sector in the Republic of Serbia no cases of discrimination of women were reported. The Administration Inspection noted no cases of discrimination of civil servants and employees during the inspections and in the procedure of acting according to the complaints filed by civil servants and citizens (in the bodies of local self-government) in respect of sex.
180. The former *Law on Employment and Insurance in Case of Unemployment* was in force from 23 July 2003 to 22 May 2009 and was based on the principle of equal availability, acting and prohibition of discrimination in employment. It guaranteed equal access to jobs and equality in the procedure of employment of women and men (Article 8). It also prescribed an option that damage because of discrimination in employment was compensated (Article 21).
181. The new *Law on Employment and Insurance in Case of Unemployment* entered into force on 23 May 2009. This Law is based on the principle of gender equality (Article 5). The payment of pecuniary compensation shall be continued during: 1. additional education and training, in accordance with the individual employment schedule; 2. temporary inability to work as defined by the regulations on health insurance, but not longer than 30 days from the date of occurrence of temporary inability; 3. maternity leave, leave from work to care for a child and leave from work because of special care for a child, according to the labour related regulations or other regulations governing leave from work (Article 73).

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<sup>43</sup> The Official Gazette of RS, no. 79/05, 81/05-corr., 83/05-corr., 64/07, 67/07-corr., 116/08 and 104/09

<sup>44</sup> The Official Gazette of RS, nos. 62/06, 63/06-corr., 115/06-corr. and 101/07

<sup>45</sup> The Official Gazette of RS, nos. 48/91, 66/91, 44/98-other law, 49/99- other law 34/01-other law, 39/02, 49/05-the CC of RS, 79/05-other law, 81/05-corr. of other law and 83/05-corr. Of other law,

182. The Labour Inspectorate with the Ministry of Labour and Social Policy had some complaints because of violations of the rights of women on maternity leave, in the sense that the employer did not issue to an employed woman the decision on the rights during maternity leave and during leave because of care for a child, as well as that the employer did not pay earnings during maternity leave and during leave because of care for a child. Such cases were resolved as priority cases by ordering the employer to effect the payment, which was done by the employer almost every time within the fixed term (if contrary to this, the labour inspector would have filed a complaint for the offence). As the reason for non-payment of earnings during maternity leave and during leave for care of a child, the employers stated that they often had no pecuniary funds of their own to pay these costs together with the salaries of other employees, and the funds from the Health Insurance Fund are not paid regularly, i. E. They are not regularly reimbursed to the employers. It has been noted that the employers most often contract employment with women for a specified period of time in order to be able to cancel it in case of maternity leave and leave because of care for a child, because of the expiration of the period the contract had been concluded for, thus being released from the payment of legal liabilities. There were cases in which disrespect for work discipline was specified as the reason for the cancellation of the employment contract in order to hide the true reason for it, pregnancy of an employed woman.
183. The Labour Inspectorate with the Ministry of Labour and Social Policy in charge of cases of discrimination on the occasion of employment stresses the problem of evidencing of this type of discrimination.
184. According to the *Criminal Code* whoever deliberately fails to comply with law or other regulations, collective agreement and other general acts on labour rights and on special protection of young persons, women and disabled persons at work, or on social insurance rights and thereby deprives or restricts another's guaranteed right, shall be punished with a fine or imprisonment up to two years (Article 163). Whoever deliberately contravenes regulations or otherwise unlawfully deprives or restricts a citizen's right to be freely employed under equal conditions in the territory of Serbia, shall be punished with a fine or imprisonment up to one year (Article 164). A person responsible for undertaking protection measures at work who knowingly fails to observe the law or other regulations or general enactment on safety measures at work, thereby endangering life and health of employees, shall be punished with a fine or imprisonment up to one year (Article 169).
185. *The National Employment Strategy for 2005-2010 Period* prescribes measures to support gender equality in respect of employment and salaries, as follows:
- Provision of respect for the protective provisions of the Labour Law and severe sanctioning of any forms of violations,
  - Introduction of standards for identification of different forms of discrimination related to employment and mechanisms to prevent and sanction discrimination,
  - Promotion of flexible forms of employment with the aim to create possibilities of optimum choice for parents,
  - Provision of reasonable services related to care for children under seven years of age,
  - Wider introduction of optional forms of daily stay at schools for children under 12 years of age,
  - Special attention within active measures on the labour market to be paid to self-supporting parents, as well as to parents with low levels of education.

186. *The National Employment Action Plan for 2006-2008 Period* – support measures to gender equality in respect of employment and labour require consistent application and severe sanctioning of violations of legal provisions, as well as:
- Improvement of the status of women and encouragement of employment of women on the labour market: training for entrepreneurship and management for women, self-employment programme, regional programmes, flexible employment, pilot projects for women.
  - Better inclusion of women into the existing programmes of active measures on the labour market: keeping of separate records for women and men, encouragement of inclusion of women into the programmes of active measures on the labour market.
187. *The National Employment Action Plan for 2009* prescribes the incitement of employment of women through the following measures:
- Implementation of programmes and projects for unemployed women
  - Inclusion of unemployed women into the measures of active employment policy
  - Financial incitements to women to establish and operate companies
188. The measures of active employment policy imply, in the widest sense, the mediation in finding jobs and rendering of consulting services, training and grant of subsidies for employment. These measures are implemented by the National Employment Agency in order to improve the offer of labour on the labour market organizing training, increase demand for labour by granting subsidies to improve the functioning of labour market through mediation in employment.
189. The funds in the budget of the Republic of Serbia, which are allocated for the measures of active employment policy, in spite of the fact that they had been increased (1,950,983,950 dinars in 2007, 3,014,000,000 dinars in 2008, 3,500,000,000 dinars in 2009) remain still ten times less in relation to the developed countries. In average these allocations amount to only 0.1% of GDP, which is very low and insufficient.
190. The percentage of women included in the programmes of additional education and training implemented by the National Employment Agency is higher than the percentage of included men. The percentage of women in the total number of persons who had been granted subsidies for self-employment – to start their own business is still very low, although women had gender-based priority in the list of points under equal conditions.

Number of Persons and Percentage of Women Included in the Measures Implemented by the National Employment Agency

Measure	2007		2008		2009	
	Total Number of Persons	% Women	Total Number of Persons	% Women	Total Number of Persons	% Women
Programme of additional education and training	14,551	65.4	10,030	58.9	20,515	56.9
Subsidies for self-employment	5,465	39.6	3,386	36.1	5,303	41.1

Subsidies to employers to open new working posts – Regional Programmes	4,108	49.6	8,668	50.9	6,429	47.3
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NOTE: The data for 2009 are the total data on participation of persons in the measures conducted according to the National Employment Strategy, which are financed from the budget of RS and the budget of AP of Vojvodina.

191. In 2008 in co-operation with the National Employment Agency the Provincial Secretariat of Labour, Employment and Gender Equality implemented the programme of grant of subsidies for self-employment and new employment of supporting mothers in the territory of AP of Vojvodina. 18 applications for self-employment and 27 applications for new employment were approved.

192. As from May 2009 to May 2010 the International Migration Organization (IMO) from Belgrade in co-operation with the National Employment Agency implemented the project of *Sustainable Response of Labour Market to Need for Economic Inclusion of Human Trafficking Victims*. It is expected that 20 women as victims of human trafficking would be included into active job finding and standard employment programmes of the National Employment Agency, in order to ensure their inclusion in the labour market.

193. The Labour Questionnaire conducted by the Statistical Office of the Republic of Serbia

The Labour Questionnaire for Persons from 15 to 64 Years of Age	October 2007		October 2008		April 2009		October 2009	
	Men	Women	Men	Women	Men	Women	Men	Women
Employment rate %	60.0	43.0	62.2	44.7	58.7	43.3	57.4	42.7
Unemployment rate %	16.5	21.7	12.7	17.3	15.0	18.1	16.1	19.1
Activity rate %	71.9	54.9	71.3	54.1	69.0	52.8	68.4	52.8
Inactivity rate %	28.1	45.1	28.7	45.9	31.0	47.2	31.6	47.2

194. The reduction of differences in rates of employment and unemployment of men and women within the period from 2005 to 2009 indicates that the employment policy implemented in the Republic of Serbia resulted in encouragement of employment of women. According to the Labour Questionnaire, the difference in unemployment rate between women and men in the Republic of Serbia amounted to 9.8 percentage points in 2005, while it was reduced to 3 percentage points in October 2009. It is necessary to mention that since the beginning of 2008 there has been a change of methodology, i. e. a change of the questionnaire, which resulted in differences in indicators of unemployment rates in 2007 and 2008 being higher than they actually were (in October 2008 the unemployment rate for men amounted to 16.5% and in October 2008 it amounted to 12.7% while in October 2007 the unemployment rate for women amounted to 21.7% and in October 2008 it amounted to 17.3%). The differences in employment rates and rates of activity of men and women are still very high, although there is trend of their gradual decrease.

Rate Differences for Men and Women in Percentage Points	October 2005	October 2006	October 2007	October 2008	April 2009	October 2009
Employment rate	20,4	18,6	17,0	17,5	15,4	14,7

Unemployment rate	<b>9,8</b>	<b>6,9</b>	<b>5,2</b>	<b>4,6</b>	<b>3,1</b>	<b>3,0</b>
Activity and inactivity rates	18,1	18,2	17,0	17,2	16,2	15,6

195. According to the data contained in the Labour Questionnaire from April 2009, the number of unemployed men is higher than the number of unemployed women for about 10,000 persons, while this difference was increased to about 16,000 persons in October 2009.

The Labour Questionnaire for Persons from 15 to 64 Years of Age	October 2007		October 2008		April 2009		October 2009	
	Men	Women	Men	Women	Men	Women	Men	Women
<b>Employed</b>	1,461,559	1,064,011	1,523,387	1,122,835	1,405,626	1,081,108	1,391,876	1,058,767
<b>Unemployed</b>	288,982	295,234	221,737	235,468	248,039	238,820	266,427	250,562
<b>Active population</b>	1,750,541	1,359,245	1,745,124	1,358,303	1,653,665	1,319,928	1,658,303	1,309,329
<b>Inactive population</b>	683,841	1,114,600	703,447	1,153,645	741,731	1,178,255	764,949	1,172,608
<b>Total working age population</b>	2,434,382	2,473,845	2,448,571	2,511,948	2,395,396	2,498,183	2,423,252	2,481,937

196. According to the data contained in the Labour Questionnaire, the percentage of self-employed women in the structure of employed women was increased within the period from 2007 to 2009, but the percentage of women as supporting members of households was also increased within the same period. Contrary to this, the percentage of employed women was decreased. In comparison with the structure of employed men, a considerably higher percentage of self-employed men has been noted as well as a considerably lower percentage of men as supporting members of households.

Structure of Employed According to the Labour Questionnaire	October 2007		October 2008		April 2009		October 2009	
	Men	Women	Men	Women	Men	Women	Men	Women
Self-employed	26.5	<b>11.3</b>	29.9	<b>14.9</b>	30.5	<b>14.8</b>	28.9	<b>14.9</b>
Employed	70.4	<b>76.8</b>	66.2	<b>70.1</b>	65.1	<b>70.3</b>	66.5	<b>70.8</b>
Supporting members of household	3.1	<b>11.9</b>	3.9	<b>14.9</b>	4.3	<b>14.8</b>	4.6	<b>14.3</b>

197. In 2007 and 2008 there was a drop of unemployment rate of women from 55 to 64 years of age, while in April 2009 it was slightly increased. Employment rate of women from 55 to 64 years of age amounted to 25.7% in April 2009 and was considerably lower in relation to the total population of women amounting to 43.3%. However, unemployment rate was also considerably lower and in April 2009 it amounted to 6.2%, which is considerably less in relation to the total population of women where unemployment rate was 18.1%. Inactivity rate of women from 55 to 64 years of age has been slightly lower last years, but it is still high and in April 2009 it amounted to 72.6%. In the Republic of Serbia women reach age limit for retirement earlier than men, so the majority of women from 55 to 64 years of age meet the requirements for retirement.

<b>The Labour Questionnaire Women from 55 to 64 Years of Age</b>	<b>October 2007</b>	<b>October 2008</b>	<b>April 2009</b>
Employment rate %	22.0	26.3	25.7
Unemployment rate %	<b>8.6</b>	<b>5.9</b>	<b>6.2</b>
Activity rate %	24.1	27.9	27.4
Inactivity rate %	75.9	72.1	72.6
Employed	<b>124,439</b>	<b>149,969</b>	<b>153,443</b>
Unemployed	<b>11,730</b>	<b>9,469</b>	<b>10,073</b>
<b>Active population</b>	<b>136,169</b>	<b>159,438</b>	<b>163,516</b>
Inactive population	<b>428,953</b>	<b>411,018</b>	<b>433,407</b>
<b>Total number of women from 55 to 64 years of age</b>	<b>565,122</b>	<b>570,456</b>	<b>596,923</b>

198. The number of unemployed persons looking for a job for the first time is smaller than the number of earlier employed persons. According to the data contained in the Labour Questionnaire from April and October 2009, the number of unemployed men is considerably larger than the number of unemployed women in the category of earlier employed persons. In October 2009 there were about 42,000 more unemployed men who had been employed earlier than in October 2008 so it may be concluded that the crisis affected the labour market more in relation to men who had lost their jobs more than women in 2009.

<b>The Labour Questionnaire Unemployed from 15 Years of Age and Over</b>	<b>October 2007</b>		<b>October 2008</b>		<b>April 2009</b>		<b>October 2009</b>	
	Persons Looking for Job for the First Time	Earlier Employed Persons	Persons Looking for Job for the First Time	Earlier Employed Persons	Persons Looking for Job for the First Time	Earlier Employed Persons	Persons Looking for Job for the First Time	Earlier Employed Persons
Men	112,656	177,147	91,422	130,315	81,156	168,164	93,440	172,987

Women	120,419	175,250	108,949	126,519	95,400	143,875	99,041	151,900
	<b>233,075</b>	<b>352,397</b>	<b>200,371</b>	<b>256,834</b>	<b>176,556</b>	<b>312,039</b>	<b>192,481</b>	<b>324,887</b>

199. In respect of the persons looking for a job for the first time, the number of women is considerably higher than the number of men. The number of young women looking for a job for the first time is higher than the number of young men, although there was a decrease of this difference in October 2009 in relation to April 2009 according to the data contained the Labour Questionnaire. Unemployment rate of young people from 15 to 24 years of age is very high, in particular in case of young women.

Young People from 15 to 24 Years of Age	October 2007			October 2008			April 2009		
	General 15-24	Men	Women	General 15-24	Men	Women	General 15-24	Men	Women
Rate	18.7%	22.6	<b>14.4</b>	21.2%	26.3	<b>15.7</b>	16.8%	19.9	<b>13.6</b>
Employment %	43.7%	40.7	<b>48.3</b>	37.4%	32.2	<b>45.1</b>	40.7%	38.5	<b>43.7</b>

200. The Republic of Serbia has been paying particular attention to employment of young people. The Action Plan for employment of young people was adopted in 2009 and the Young People Employment Fund was established, which is orientated in particular to young people with no qualifications and young people who get jobs with difficulties. In 2009 about 33% of funds allocated from the budget for the measures of active employment policy were directed towards the Programme of Employment and Professional Training of Young People under 30 years of age with qualifications. In 2009 55.5% of women were included in the Programme of Employment and Professional Training.

201. The largest number of women is employed in the following sectors: 24.5% in agriculture, forestry and water resources, 17.7% in whole and retail trades and repairs, 15.3% in processing industry, 11.4% in health and social services. Within the last five years the amount of the highest salary is in the sector of financial mediation activities and it is considerably higher than the salaries in other sectors of activities. In this sector the number of employed women is also considerably higher than the number of employed men. The salaries in the sectors mentioned hereinafter are above the average net salary in the Republic of Serbia: production of electricity, gas and water, ore and stone mining, state administration and social insurance, real estate transactions, renting, traffic, storage and communications, health and social care activities, education. 32.8% of women are employed in the above mentioned sectors out of the total percentage of employed women and 25.8% of men out of the total number of employed men. In other sectors of activities the average net salaries are under the average value in the Republic of Serbia.

Ranking of Sectors of Activities in Respect of Average Net Salary in 2008 According to the Data of the Statistical Office of the Republic of Serbia and the Structure of Employed	Men	Women
<b>1. Financial mediation</b>	<b>1.5</b>	<b>3.2</b>
<b>2. Production of electricity, gas and water</b>	<b>2.2</b>	<b>0.5</b>

<b>3. Ore and stone mining</b>	<b>1.8</b>	<b>0.3</b>
<b>4. State administration and social insurance</b>	<b>4.8</b>	<b>4.8</b>
<b>5. Real estate transactions, renting</b>	<b>3.1</b>	<b>3.3</b>
<b>6. Traffic, storage and communications</b>	<b>7.4</b>	<b>2.7</b>
<b>7. Health and social care</b>	<b>2.7</b>	<b>11.4</b>
<b>8. Education</b>	<b>2.3</b>	<b>6.6</b>
9. Other utility, social and personal services	4.6	4.1
10. Whole and retail trades, repairs	13	17.7
11. Civil engineering	10.2	1.6
12. Agriculture, forestry and water resources	23.6	24.5
13. Processing industry	20.0	15.3
14. Hotels and restaurants	2.7	3.6
15. Fishing industry	0.1	0
Total	100	99.6

202. According to the data of the Statistical Office of the Republic of Serbia from 2007, average salaries of women are higher in the following sectors of activities: civil engineering, traffic, storage and communications, real estate transactions and other utility, social and personal services. In all other sectors of activities men earn more than women.
203. In respect of salaries of elder employed persons there is no difference in the calculation of salaries for men and women and the percentage of salary increase is calculated equally in relation to the years of working age.
204. The economic transition has caused many changes for women in the Republic of Serbia and mainly worsened their status. An increasing number of women work in the worst paid economic branches and services, under the increasing gap between paid work of men and women. Insufficient payment of women is more notable in education, health and social insurance, where there is a large number of employed women. Differences in salaries have spread to all categories of employment last years. A research by the Belgrade Human Rights Centre<sup>46</sup> shows that 90% of women think men can get a job easier and 63% of them believe that men earn more than women.
205. Mothers with children have a particularly disadvantageous status and women face age discrimination more than men. The employers avoid employing women over 40 years of age so that they almost have no chance to get another job after they had lost their previous jobs. Since in the majority of cases they do not meet the conditions for retirement they have no regular personal income.
206. Feminisation of poverty is also present and there are 52.1% of women under the poverty limit while there are 47.9% of men under this limit. Each third employed woman fears losing her job and the women employed with private companies fear mostly, i. e. 47%<sup>47</sup> of them. Many women work without the employment contract, without paid working age and contributions for pension, social and health insurances, without the right to leave from work and paid holidays and without any protection at work.
207. The economic status of women is also marked by the fact that there are considerably more women who are workers than women who are employers. There are at least twice more

<sup>46</sup> Public opinion research: *Working Rights and Discrimination* – Knowledge of and Opinions of Women in Serbia.

<sup>47</sup> *Ibid.*



men who are employers than women who are employers. The data from 2007 indicate that there are 50 women<sup>48</sup> per 100 men who are employers.

208. A very small percent of women think that the trade unions seriously deal with the rights and the status of employees and there are only 11% of them who think that the trade unions are committed to the status of women and protection of their rights. Weak confidence in the trade unions obviously also results from the fact that only 13% of women stated they would refer to the trade union in case of harassment at work and only 8% of them would do the same in case of sexual harassment at work.<sup>49</sup>
209. A frequent form of discrimination of women is non-recognition and non-evaluation of their work to a sufficient extent. In the Republic of Serbia there is so-called effect of *glass ceiling*, where women see opportunities for promotion but they are prevented from reaching this objective by a seemingly invisible barrier (glass ceiling).
210. Women are considerably less represented at high management positions. The number of employed women at companies frequently meets the relevant standards, but in essence women are much less present at the decision-making positions. Women are frequently excluded from the selection for employment and promotion because of their marital status or because of age, regardless of the fact they fulfil all the conditions with their qualifications. They accept less attractive and less paid jobs, they even accept contracts including conditions contrary to law, for example, a condition they will not get pregnant.
211. The Belgrade Human Rights Centre conducted a research the results of which showed that a number of cases wherein women ask for protection of their working rights before the domestic courts is largely disproportionate to the realization of women concerning the actual number of violations of their rights in practice.<sup>50</sup>
212. Using the *Law on Free Access to Information of Public Interest*<sup>51</sup>, the Belgrade Human Rights Centre referred to 130 courts in Serbia with a request to review the acting of those courts in cases related to violations of working rights.<sup>52</sup> 102 responses were received, which showed that even before 58 courts there were no such proceedings. 12 labour disputes have been in progress and 62 criminal proceedings. An analysis of the received responses showed that women had asked for protection of their rights before courts in 35 cases. In addition to fear of losing a job and permanent or long-lasting inability to find a job, the reasons for this are also insufficient knowledge of their rights guaranteed by law, high proceedings costs and lack of social mechanisms to prevent victimization of participants in such proceedings. The above mentioned causes affect women in the most vulnerable status most severely and most frequently (e. g. women having low level of education, women affected with poverty, women without employment for a long period of time, women not qualified to perform jobs needed on the market, disabled women).

## **Sexual Harassment**

213. According to the Law on Gender Equality harassment means any unwanted verbal, non-verbal or physical act, committed with the intention or having a violation of dignity as the consequence and causing of fear or creation of gender-based hostile, humiliating, degrading or insulting environment (Article 10 paragraph 6); sexual harassment means unwanted

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<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> Public opinion research: *Working Rights and Discrimination – Knowledge of and Opinions of Women in Serbia.*

<sup>51</sup> The Official Gazette of RS, no. 120/04

<sup>52</sup> The request was limited to investigation of violations of the following Articles: 18–21 of the Labour Law, 163–169 and 128 of the Criminal Code.

verbal, non-verbal or physical act of sexual nature committed with the intention or consequence of violation of personal dignity, creation of gender-based threatening, hostile, degrading or insulting environment (Article 10 paragraph 7); sexual blackmail means any behaviour of the responsible person who, with the intention to ask for services of sexual nature, blackmails another person to declare something against him/her or against a person close to him/her that would be harmful for his or her honour and reputation if rendering of required services is rejected (Article 10 paragraph 8).

214. In the chapter under the title of *Employment, Social and Health Care*, the Law on Gender Equality prescribes that harassment, sexual harassment or sexual blackmail at work or related to work by one employee to another employee are considered a violation of working obligation, which is the ground for the termination of the employment contract, namely for ordering the termination of employment, as well as the ground to discharge the employee from work. The employee shall inform the employer in writing about the circumstances indicating that he/she is exposed to harassment, sexual harassment or sexual blackmail and ask for efficient protection (Article 18).

## **Article 12**

### **Improvement of Health Care of Women and Girls**

#### **Concluding Observations and Recommendations 33-34**

215. *The Law on Prohibition of Discrimination* prohibits discrimination of persons or a group of persons based on their health conditions, as well as of members of their families. There is particular discrimination if a person or a group of persons are rejected medical services because of their personal properties, if special conditions for medical services are made, which are not justified from medical reasons, if they are rejected to get diagnosis and deprived of information on the current health conditions, undertaken or intended treatment or rehabilitation measures, as well as harassment, insulting and humiliation during a visit to the medical institution (Article 27).
216. According to the *Law on Gender Equality* gender-based discrimination is prohibited during accomplishment of the rights to health care. The Republic of Serbia provides medical care for women and men by establishing medical institutions at primary, secondary and tertiary levels in accordance with the relevant law governing health care. Health care for women includes in particular: prevention and early detection of disease; health care related to family planning, during pregnancy, delivery and maternity; health care in case of disease and injuries, pursuant to the law governing health care (Article 24). Social and health care institutions are obliged to adjust organization of activities and working hours to the requirements of customers (Article 25).
217. According to the *Law on Gender Equality*, in respect of birth giving, every person at generative age has the right to health care and medical services related to family planning, regardless of sex. Partners are equal in planning of the number of children, access to information, education and means enabling them to exercise those rights. Special measures encouraging birth giving and special measures of protection and improvement of reproductive health of women are not considered discrimination (Article 28).
218. *The Law on Public Health* governs the accomplishment of public interest, creating the conditions for preservation and improvement of population health by means of comprehensive activities of the society directed towards preservation of physical and psychological health of population, preservation of living and working environments, prevention of occurrence and effects of risk factors causing health disorders, diseases and injuries,

method and procedure, as well as the conditions for organization and implementation of public health (Article 1).

219. *The Law on Treatment of Infertility through Procedures of Bio-medically Supported Conception*<sup>53</sup> defines the conditions, method and procedure of treatment of infertility with women and men through procedures of bio-medically supported conception for the purpose of child conception, supervision over the implementation of this Law and performance of certain jobs of the state administration in the field of treatment of infertility through procedures of bio-medically supported conception, as well as other issues of importance for the performance of procedures of bio-medically supported conception (Article 1). The principle of gender equality is accomplished by the provision of equal conditions for both men and women to be treated for infertility through bio-medically supported procedures, in accordance with this Law (Article 8). The principle of protection of human dignity is accomplished through the implementation of infertility treatment by applying bio-medically supported conception respecting human dignity, right to privacy, health care, welfare and rights of a child to be born (Article 10). The right to treatment of infertility through procedures of bio-medically supported conception is held by all women and men of age who have business capacity who live together in accordance with the law governing family relations – spouses, namely wedlock partners who are, in respect of their age and general health conditions, able to perform parental duties and who are of such psycho-social state on which grounds it may be reasonably expected that they will be capable to perform parental duties, pursuant to the law, in the interest of a child. A living community must exist at the time of insertion of sexual cells, namely embryo into a woman's body. Exceptionally, the right to treatment of infertility through bio-medically supported procedures is also held by a woman of age having business capacity who lives alone and meets the necessary requirements, under the approval of the minister in charge of health issues and the minister in charge of family relations, if there are especially justified reasons to do so. It is prohibited to include into bio-medically supported procedures a woman at the age improper for childbirth in respect of her age and general health conditions, namely a woman who is at the age improper for childbirth (Article 26).
220. On 24 April 2009 the Government of the Republic of Serbia adopted the *Decree on the National Programme of Health Care for Women, Children and Youth*<sup>54</sup>, which supports the efforts to preserve and improve the health of women during pregnancy, child delivery and motherhood and health of children and youth. This document defines the basic objectives, priority activities and directions of development of health care for women, children and youth in the Republic of Serbia.
221. The Programme is based on the following principles: follow-up of life course; equality and accessibility; age and gender sensitive access to rendering of health care; protection of human rights; care for sensitive groups; participation of community; participation of individuals; partnership for health (inter-sector co-operation); quality of operations of agencies in charge of health care for women, children and youth and uniform health information centre.
222. The population groups the Programme elates to are: women concerning family planning, pregnancy, delivery of child and motherhood; newborn babies and infants; children up to four years of age; children of pre-school and early school age; youth up to lawful age; young after lawful age up to 26 years of age. The programme has the aim to preserve and improve

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<sup>53</sup> The Official Gazette of RS, no. 72/09

<sup>54</sup> The Official Gazette of RS, no. 28/09

health by applying the measures and activities of primary, secondary and tertiary prevention, based on evidence.

223. Programme units of special importance: improvement and protection of mental health, health care for children and youth with acute and emergency states and diseases of greater social-medical importance; health care for children and youth with chronic diseases and states and disabilities, have been integrated with the units in respect of the above mentioned population groups following life course, from birth up to the age of young adult persons. One or several general objectives have also been defined for each programme unit.
224. Health care for women regarding family planning, pregnancy, child delivery and motherhood is directed towards the implementation of the National Millennium Development Goals until 2015: reduction of maternity mortality and mortality rate of women of fertile age, especially rate of malignant diseases; reduction of morbidity from sexually contagious infections and HIV; increase of inclusion of preventive examinations and use of modern contraceptive aids and methods; comprehensive health care for pregnant women; preservation of health of pregnant women and foetal.
225. Within the period from 1997 to 2007 the share of women of reproductive age was decreased from about 24.5 % to 23.4 %. The programmes and projects in the field of health promotion have been developed and improved within the same period with the aim to educate future parents and motivate them to build human relations among sexes and responsibility of parenthood.
226. On 31 January 2008 the Government of the Republic of Serbia adopted the Strategy on Incitement of Child Births, which establishes the measures and the holders of activities in order to achieve strategic goals of extreme importance for demographic development of Republic of Serbia. This Strategy is the national platform for combat against low birth-rate defining measures, activities and mechanisms aimed at the mitigation of the economic price of child bringing up, co-ordination of work and parenthood, reduction of psychological price of parenthood, promotion of reproductive health of adolescents, combat against infertility, healthy motherhood, education of the population and local self-government becoming active.
227. A low percentage of women over than 15 years of age is included in preventive gynaecological examinations at the medical centres for health care for women (10.3% in 2007). Within the same year, the family planning advisory centre was only addressed by about 5% of women of fertile age. The largest number of paid visits at the advisory centre for pregnant women was achieved in the first three months of pregnancy, whereas the ration of initial and repeated visits is 1: 6.5 in 2007, which indicates that pregnant women take care of their health better. Polyvalent visiting nurse made 0.8 home visits per each pregnant woman, which is insufficient cover. In recent years there is a trend of increase of home visits by a polyvalent visiting nurse to a woman in confinement and co-ordination with the established scope and content of activities of polyvalent visiting nurse service (4.7 visits per a woman in confinement, including nearly 80% in 2007).
228. Diseases and states related to pregnancy, childbirth and confinement report the constant drop, as well as the total number of services at advisory centres for pregnant women, which is in accordance with the drop of fertility rate and birth rate. The proportion of Caesarean sections per 100 of deliveries in case of single pregnancies amounted to 18.04% in 2007.
229. According to the available data, maternity mortality (death outcome of women related to pregnancy, child birth and confinement) as a rare incident, varies each year having the trend of decrease. The ratio of maternity mortality, expressed as a five year average value for the period from 2000 to 2005 amounted to 5.6 in the Republic of Serbia, which is at the level of average of the European regions, but it is still higher than the average value in the countries

of the European Union, as well as in relation to the goal specified in the Millennium Development Goals (4.9 up to 2015). It is estimated that maternity mortality is 10% higher in relation to the official data, which is explained by sub-registration due to improper coding and non-presentation of death outcomes outside maternity hospitals. The leading causes of deaths of mothers during pregnancy, delivery and in puerperium in the Republic of Serbia for the period from 1997 to 2005 are: postpartum bleeding and complications during child delivery including pre-eclampsy, eclampsy, bleeding and womb rupture.

230. Among many progressive movements all over the world the initiative called *Baby Friendly Hospital* is singled out, which implies the application of the strategy of the World Health Organization and UNICEF of *Ten Steps to Successful Breast Feeding*: to inform pregnant women, namely future parents about nourishment, care, protection of physical and psychical health of women (pregnant women- women in confinement – breast feeding woman) and child (foetus – newborn baby - infant); preparation for child delivery and parenthood at schools for parents, namely at schools for pregnant women and through psycho-physical preparations, including the option of having painless child delivery and presence of the partner during child delivery, as well as the creation of conditions for a baby to be with the mother during the stay at hospital and for mothers to breast feed their babies if required. The existing concept of *Baby Friendly Hospital* is one of the priority activities meaning creation of new modern concept in accordance with the best practices in the world.
231. A low inclusion of women over 15 years of age in preventive gynaecological examinations is stressed as one of priority issues: low inclusion of women of generative age in the activities of the advisory centres for family planning and insufficient inclusion of pregnant women during the first three months of pregnancy to visit a gynaecologist for the first time.
232. Within the general objective – Preservation and improvement of health of women of reproductive age, the focus is on four specific goals: preservation and improvement of health of women before pregnancy; preservation and improvement of health of women during pregnancy; provision of adequate health care and the best conditions for child delivery and child birth and preservation and improvement of health of women after delivery.
233. It is expected that the results of the Programme, which are classified to short-term results and long-term results, will be obtained until 2015.
234. The expected short-term results are: harmonization of the existing health care doctrine for women concerning motherhood, children and youth with current demographic, epidemiologic and social properties, as well as with modern scientific and technological achievements of medical and other sciences in this field; direction from dominant clinical towards public health, namely to promotional – preventive access in primary health care including strengthening of team work of medical workers and medical associates, individuals, family, local self-government, associations, public media; co-ordination of scope of medical care use with the possibilities but also with specific and current needs of this population; provision of equity in accessibility and use of health care for children, youth and women concerning motherhood, especially for vulnerable groups; strengthening of commenced activities to improve organization, develop and apply better quality, more effective and more efficient health care for children and youth of all ages and women regarding motherhood at all levels of health care.
235. Long-term results of the Programme are directed towards: reduction of non-equality in accessibility and use of health care between rural areas and towns, administrative counties, between sexes, in relation to the members of the Roma nationality, disabled persons and marginalized groups; achievement of full health and development potential for children and

youth, as well as active participation in the promotion and preservation of their own health; improvement of the health care system for better health of vulnerable groups of the population (children, youth and women regarding motherhood); construction of necessary facilities for the improvement and protection of health of women concerning motherhood, children and youth in the best and the most efficient way and improvement of work quality, follow-up and estimations, and the development of health information system, too.

236. The funds required to implement this programme shall be provided from the budget of the Republic of Serbia. The funds intended for the implementation of the Programme shall be allocated every year depending on the schedule of utilization of funds and planned activities for the current year.
237. In 2009 the Government of the Republic of Serbia adopted the National Programme of Serbia for combat against cervix cancer, the National Programme for prevention of breast cancer and the National Programme for prevention of colon rectal cancer.
238. In April 2009 the Ministry of Health and the Social Insurance Fund of the Republic of Serbia, under the support of some pharmaceutical companies and some media companies started the national campaign of *Serbia against Cancer*. In the Republic of Serbia about 4,000 of women in Serbia get breast cancer annually, about 1,400 get cervix cancer and about 1,500 get colon rectal cancer. Breast cancer makes 25% of all malignant tumours in Serbia. Within the framework of this campaign mobile mammography devices were donated to the Institute of Oncology and Radiology of Serbia in Belgrade, to the Clinical Centre in Niš and to the General Hospital in Paraćin. Great success has been achieved using mobile mammography devices, which cover less developed regions of the Republic of Serbia, where 5,000 examinations were carried out until the end of 2009, and women increasingly become aware of the importance of preventive examinations. The campaign is very present in the media, including participation of many public figures.
239. According to the data of the Ministry of Health there are 2,414 persons infected with HIV virus in the Republic of Serbia, and one third of them are women. It is estimated that there are 3,000 HIV positive persons, which indicates that a part of them had not been registered. The highest percentage of HIV positive persons (57%) is at the age between 25 and 39 years. The number of diseased and those who had died from this disease in the last 10 years has been slightly decreasing, thanks to improved treatment. There has been a change in the entire epidemiologic image of HIV infection concerning transmission, there is an increasing number of persons who contracted HIV virus in sexual intercourses, and until 1999 this disease was mostly transmitted among drug addicts. The problem noted is that the new cases of infected persons were registered only after they had been infected.
240. According to the revised data of the central registry of diseased and dead from AIDS in the Republic of Serbia, since the beginning of epidemic in 1985, inclusive of 2009, there were 1,489 of registered cases of *AIDS* (61% of all registered HIV positive persons). Also, within the same period 970 persons died from *AIDS* (65% of all diseased from *AIDS*). In 2009 another 52 newly diseased persons were registered (incidence of 0.71/100,000 citizens), while 25 persons died from *AIDS* (mortality of 0.34/100,000, namely 48% of dead in relation to newly diseased in 2009). In 2009 registered incidence and mortality from *AIDS* were at similar level as in 2005 and 2006. Out of 25 dead persons from *AIDS* in the course of 2009, three were from the territory of Vojvodina, and 17 (68%) from Belgrade. The sex ration among those who had died from *AIDS* amounts to 4:1 (20M: 5F), while the highest number of dead was registered at the age from 30 to 59 years (18 persons, i. e. 72%). In the age group from 20 to 29 years three persons who had died from *AIDS* were registered (mortality of 0.30/100,000). In relation to transmissible category, the largest number of dead was

registered in the population of intravenous drug addicts (12 persons, i. e. 48%), and then among persons infected with HIV in sexual intercourses (9 persons, namely 36%), while for one eighth of dead the way of transmission was not registered (3 persons, i. e. 12%). Among the newly *AIDS* diseased in the course of 2009, 14 death outcomes were registered (27%), while with 11 diseased persons *AIDS* was diagnosed within the period from 1998 to 2008.<sup>55</sup>

241. In the previous two years the Global Fund for combat against HIV, tuberculosis and malaria in Serbia granted two five years' projects in the total amount of about EUR 20 million for combat against AIDS. One of them is implemented by the Ministry of Health and the other is implemented by the Ministry of Health and Youth of JAZAS.
242. The campaign under the title of *Both Plus and Minus* has been organized and implemented by the Ministry of Health through the Project for Combat against HIV, which is financed from the funds of the Global Fund for combat against HIV, tuberculosis and malaria /and the Public Health Institute of Serbia. Together with commercial sexual workers, the project is implemented through:
- The project of *Prevention of HIV/AIDS*, programme for reduction of damage among male/female commercial sexual workers in Belgrade, which is implemented by the Association for Combat against aids – JASAZ
  - The project of *HIV Prevention Services*, decrease of damage among commercial sexual workers in Kragujevac, which is implemented by Youth of JAZAS from Kragujevac
  - The project of *HIV Prevention Services*, decrease of damage among commercial sexual workers in Niš, which is implemented by the Timok Youth Centre
  - The project of *HIV/AIDS Prevention Services* among commercial sexual workers in Subotica, which is implemented by Youth of JAZAS in Novi Sad
  - The project of *Decrease of damage among commercial sexual workers in Novi Sad*, which is implemented by the *Prevent*
243. The opinion about persons suffering from HIV has been changed, although they still face discrimination. The assessment of the Ministry of Health is that awareness of citizens in the Republic of Serbia had mostly changed in the combat against HIV, thanks to every day activities all over the country in combat against this disease, which is the best example of inter-sector co-operation and partnership, also including the UN agencies, international, non-governmental and religious organizations in addition to the activities of the line ministries.

### **Article 13**

#### **Improvement of the Status of Women in Economic and Social Life**

244. The incitement of the economic development of the Republic of Serbia is performed through grant of long-term and short-term loans to economic subjects through the Development Fund of the Republic of Serbia, as follows:
- Start up loans for beginners are implemented through crediting of entrepreneurs and crediting of legal entities. Loans for beginners are primarily intended to the young and the means of security of these loans for the young does not have to be mortgage on property, which is often not possessed by the young. The loans granted by the Development Fund are equally available to men and women, but the number of women

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<sup>55</sup> Data source: The Dr Milan Jovanović Batut Public Health Institute  
The report on infectious diseases in 2009 in the territory of the Republic of Serbia

who submit applications for loans is lower than the number of applications submitted by men and accordingly the number of concluded contracts on the grant of loans is smaller. The number of concluded contracts with the Development Fund to grant loans to women beginners in business has been increasing every year and amounts to 30% - 40 % of the totally granted loans.

- Loans to incite and develop companies and entrepreneurship in the mostly underdeveloped municipalities in the Republic of Serbia are granted in order to build new facilities, expand the capacities of the existing buildings and expansion of business activities of the existing craftsmen's activities. Regarding the loans granted to entrepreneurs in the underdeveloped regions, the share of women amounts to slightly over 20%.

245. In April 2008 the Provincial Secretariat of Labour, Employment and Gender Equality started with the implementation of the project of *Towards the Policy of Gender Budgeting in the Autonomous Province of Vojvodina*, which analyzed the programmes to encourage employment and self-employment and were financed from the budget of the Autonomous Province of Vojvodina, in order to assess their availability to women and men. Recommendations for inclusion of gender perspective in those programmes were prepared within this programme. In addition to this, on the occasion of issuance of instructions for the preparation of budget of the Autonomous Province of Vojvodina, the Provincial Secretariat of Finances issued recommendation to all provincial bodies to express gender component when preparing the budget where possible and where they find it necessary. The long-term goal of the Provincial Secretariat of Labour, Employment and Gender Equality, which is implemented within the framework of gender budgeting programme, is to review all provincial policies and programmes from the view point of their effect on women and men, as well as that care for accomplishment of gender equality be a task and regular activity of all those creating and implementing policies so that they are available to women and men in the territory of the Autonomous Province of Vojvodina. In accordance with this goal, the Provincial Secretariat provided training for introduction of gender perspective into programmes and policies for decision makers in the provincial administration and for the members of the Assembly of the Autonomous Province of Vojvodina.

246. The project of the Guarantee Fund of the Autonomous Province of Vojvodina under the title of *Support to Non-Working Women and Women Entrepreneurs* commenced in November 2006 with the aim to provide support to non-working women and women entrepreneurs running business for less than three years, providing credit lines under favourable conditions and guaranteeing for regular repayment of loans approved by commercial banks. The Regional Centre for Social Economic Development – Banat, the Academy of Women's Entrepreneurship from Kikinda, the Zrenjanin Educational Centre and the *Alma-Mons* Regional Agency for development of Small and Medium Companies from Novi Sad are also included in the project, through rendering expert assistance to future applicants. 132 guarantees were issued until the end of 2009 and the guarantee potential was committed in the total amount of 175,083,671 dinars. 518 new working posts were opened through this activity of the Fund. These tender activities were supported by Banca Intesa a.d. Beograd, providing the credit line in the amount of the guarantee potential established in the tenders. For the project of the Guarantee Fund in 2008, the Autonomous Province of Vojvodina received the award for the promotion of social cohesion through economic development by the Congress of Local and Regional Authorities with the Council of Europe.



247. According to the *Law no Financial Support to Families with Children*<sup>56</sup>, parental allowance is obtained by mothers for the first, the second, the third and the fourth child provided she is a citizen of the Republic of Serbia, that she has residence in the Republic of Serbia and that she accomplishes health care through the Health Insurance Fund of the Republic of Serbia. Exceptionally, if the mother has three children, and she brings two or more children at the next delivery, she will have the right to parental allowance for each child delivered at the next delivery, based on a separate decision of the ministry in charge of social issues.
248. *The Law on Gender Equality* prescribes equal representation of sexes in **sports** and also prescribes that educational institutions are obliged to provide equal conditions for active going in for sports, regardless of sex, and to undertake measures to encourage physical exercises and sports activities for girls and women. Sports organizations and associations are obliged to ensure equal treatment of sexes in the development and financing of sports activities. Sports organizations and associations are obliged to ensure equal representation of sexes in management bodies of such organizations and associations (Article 34).
249. The Sports Development Strategy in the Republic of Serbia for the period from 2009 - 2013 was adopted on 27 November 2008. The first objective in the field of women in sports is the achievement of gender and sexual equality and female sports on a massive scale and the creation of the community in which girls and women are socially affirmed in sports activities at all levels and feel safe in sports activities and where the activities directed towards the implementation of those objectives are the implementation of information programmes on benefits of sports activities and continuing education about health –useful effects of sports on female population of all age groups and organization of discussions and campaigns to raise of awareness of instructors, officials, parents and sportsmen on the seriousness of the problem of insufficient engagement of women in sports organizations. The second objective is the development of scientific researches on female sports and the activities within this objective are: performance of scientific researches on female sports and effects of sports activities on women and organization of professional gatherings on the application of results of scientific researches in female sport. The third objective is the existence of the development programme and improvement of female sports where the foreseen activities are: participation of all sports factors in the preparation and implementation of development programmes and improvement of female sports. The fourth objective is the introduction of compulsory participation of women in all committees, commissions and working bodies of sports organizations with activities related to the adoption of the recommendation of the Government/the competent ministry on desired percentage of participation of women in accordance with the world and European standards.
250. In 2008 the Ministry of Youth and Sports conducted an analysis of the capacities of youth associations and organizations, which, *inter alia*, analyzed sexual structure of members of youth associations. An analysis of 266 active youth organizations of civil society indicated that more than a half of organizations have equal representation of women and men, while only several organizations have absolutely homogeneous sexual structure. The same results indicate considerable sexual non-equality, which may be noted at the level of decision-making. The management body of every second organization (49.8%) consist of the majority of men, while women make majority in every third organization (33.7%). The difference becomes even more obvious if we take into account the organizations absolutely managed by men (8.6%), namely by women (4.1%)“.

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<sup>56</sup> The Official Gazette of RS, nos. 16/02, 115/05 and 107/09

251. In youth organizations women and men are absolutely equally represented in the management bodies. In half of organizations (48.5%) women make the majority, and in the same number of organizations men make the majority. In youth organizations (in which 2/3 of members belongs to young people from 15 to 30 years of age), men are present in almost three fourths of organizations (70.2%) dominantly taking management positions, and women are only present in 25.5% of organizations.
252. The researches carried out up to now showed that there was considerably lower percentage of representation of women in the sports system of the Republic of Serbia. Out of total 11,053 of employees in sports organizations, 931 are women, of which 90% are employees of general services (accounting, translators, secretaries...).
253. The Fund of Young talents has been within the framework of the Ministry of Youth and Sports since August 2008. The data base of the Fund for 2009 indicates that scholarships were granted to 361 men and 639 women at the tender for scholarships for 1,000 best students of the final year of basic academic studies and master studies from the faculties and universities.

#### **Article 14**

##### **Status of Women in Rural Areas**

254. Out of the total number of women, 42.75% of women in the Republic of Serbia live in mixed or rural settlements. In relation to men, there are 50.33 % of women who live in mixed or rural surroundings.
255. In many researches conducted in 2008 the comparative analysis of rural and urban population indicates that there are great differences between these two populations. The percentage of population living under the poverty limit is more than twice higher in rural regions (9.8%) than in urban regions (4.3%). Average consumption in urban regions is for about 25% higher than in rural regions. Half of citizens in rural regions estimate that they are not satisfied with the quality of living. Such estimation is based on bad accessibility and quality of health care, educational and cultural institutions and other services.
256. The level of economic development and living standard in the South-East Serbia is lower in relation to the average value in the Republic of Serbia. The rural population in the South-East Serbia is characterized by the highest percentage of poor people in Serbia. In this group the percentage of poor people amounts to 18.7%, in relation to 9.8% of poor people in the total rural population and 8.6% of poor people in the urban population of the South-East Serbia.
257. The difference in unemployment and employment rates between men and women in the rural population of the South-East Serbia is higher than in general and rural population, which makes the status of women in this group on the market even worse in relation to already bad status of women in the Republic of Serbia. In 2008 the percentage of vulnerable employment of rural population in the South-East Serbia reaches even 54.8% (in relation to 47.6% in rural population in and 31.2% in the total population). The rural population of the South-East Serbia also maintained the status of higher vulnerability and bad status in 2009, according to the basic indicators of the labour market in relation to the total rural population. In 2009 the unemployment of this group was even 20.5% (in relation to the unemployment rate of the total population of rural regions of 13.4%), and in comparison with 2008 this rate went up for even 5.8 percentage points. The categories of women with secondary education and the groups of the young from the rural population of the South-East Serbia are in an exceptionally bad status, where unemployment rates reach even 26%, 24% and 51%.

respectively. The very unfavourable status of these very categories of the population is additionally aggravated because of the 2009 crisis.

258. According to the Strategy for the Improvement of the Status of Women and Promotion of Gender Equality, rural women belong to double and/or multiply discriminated groups of women and as other vulnerable groups they are not treated separately in the Strategy and the Action Plan but through all six strategic fields.
259. Within the framework of its competences in 2009 the Ministry of Agriculture, Forestry and Water Resources issued a tender for the award of stimulating funds for the support of development of rural areas investing in expansion and improvement of economic activities of the rural population for 2009. The objective of this tender is to encourage activities, such as: promotion of countryside tourism, increase of employment of women, manifestations fostered by the associations of women in rural regions, handicrafts, traditional crafts, etc. This should have effect on the reduction of unemployment of rural population, primarily of women, which would reflect in the increase of income of agricultural estates.
260. The activities to be performed within the period from 2009 to 2015 are, as follows: public campaigns with the aim to change patriarchal values in the country (by informing women about their rights and mechanisms to accomplish the same, raise awareness of women on the importance of ownership over land, real estates and property earned mutually, economic contribution to family property through household jobs), encourage women in rural regions to have associations and co-operatives (in the manner to increase employment of rural women, increase the number of women's co-operatives, associations, newly registered agricultural estates), develop programmes of outright stimulating funds for the support to development of women's tourism as well as for the development of women's entrepreneurship related to countryside tourism (fostering of women's manifestations).
261. Special measures intended for women from rural regions are implemented within the framework of the project of the Provincial Secretariat of Labour, Employment and Gender Equality under the title of the *Rural Women's Year*, which includes the activities related to the increase of capacities of rural women to make profit.
262. In the course of 2009 the Provincial Secretariat of Labour, Employment and Gender Equality and the Gender equality Institute implemented the programmes and activities dedicated to affirmation of creative potentials of rural women in Vojvodina:
- Preparation of the data base of women's organizations in Vojvodina (450 in total, 230 rural, 76 political);
  - Four days' seminar held in two sessions (on 28 and 29 May and on 16 and 17 June) to increase the capacities of rural women's organizations to write projects and manage project cycles according to the EU standards (38 women from 28 municipalities were educated);
  - Organization of the concert of women's folklore and singing groups in the territory of AP of Vojvodina. The concert was held on 14 October 2009 at the Hall of the Government of AP of Vojvodina. The highest amateur results and cultural-artistic achievements of 12 authentic folklore women's groups from AP of Vojvodina were presented;
  - On the occasion of marking of the International Rural Women's Day on 15 October 2009, an exhibition of works of rural women from Vojvodina was held at the Novi Sad Fair presenting creative potentials, handicraft works, old craft products and rich cultural heritage of 150 women's rural organizations in Vojvodina. The exhibition was accompanied by round tables and presentations on the topic of *Development of Women's Co-operatives and Agricultural Women*, presentation of research results about the status of rural women in Vojvodina and the cross-border co-operation projects and an exhibition of photographs under the title of *Rural Women*.

263. Within the previous period the Provincial Secretariat of Labour, Employment and Gender Equality also implemented trainings for unemployed women from rural environments in the field of information systems, services of aid to the old and sick people (gerontology house-keepers), in the field of ethno and agricultural tourism. The tender for the award of outright funds to finance the projects intended to improvement of cultural creativity of women in the territory of the Autonomous Province of Vojvodina.
264. According to the research conducted in 2008 by the group for creative initiative, the *SeConS*, at a specimen of 500 women from 50 villages in the territory of the Republic of Serbia, the results indicated that 6.7 % of employed population had the status of a supporting household member of whom 74% were women, meaning they are engaged in family business without being paid. During the season of agricultural works rural women work longer than specified full working hours, without having a day of holidays. Rural women work in small and medium-size agricultural estates having mixed production, which are mostly owned by male members of families. Every tenth household is owned by a woman and even 84% of women do not own any land or means for production.
265. It is established that 17% of women had no health insurance and that even 93% of them does not pay their pension-disability insurance mainly because of their bad financial standing and lack of information. A fifth of women with no health insurance cure themselves. The majority of insured women exercise this right thanks to their husbands who hold key financial power. Some women have their own *secret* funds for their personal requirements, which is mostly saving from direct sale of agricultural products.
266. It is registered that among the tested forms of social care the households from the specimen only receive child's allowance, while other forms of financial support are not represented although rural households possessing less than one acre of land make 70% of the poor.
267. As indicated in the research, one of the main reasons of unfavourable economic status of women is the repetition of patriarchal local patterns. By getting married and going to live in the husband's households rural women mostly dispose of their maiden property in favour of male members of the households, whereas they do not have the right to dispose of property at the household they get married to. The research showed that 44% of women were previously employed in industry, trade and catering industry. The status of a housewife and of a supporting family member is not their choice but a must in most cases. Nevertheless, the majority of questioned women did not express any interest to get a job somewhere else out of the family estate. It is only one fourth of women actively looking for a job and only 20% of women are ready to start entrepreneurship and business. On the other hand, they are very interested in co-operatives and even two thirds of them would like to join agricultural co-operatives or would establish agricultural co-operatives with other women from the village. The majority of them even have ideas about the activities of a co-operative, mainly being handicrafts, flower growing or some other agricultural production.
268. The round table with the representatives of the competent ministries, institutions and organizations was organized, as well as individual talks with the representatives of relevant ministries in order to present the findings of the research and define mutually further measures and activities. The media expressed great interest in this topic. The findings of the research indicate two basic conclusions:
1. the status of women as supporting members of households cannot be systematically improved without the improvement of the status of agricultural households or the improvement of employment conditions for those who would like to establish their economic status
- outside households;

2. the gender dimension of social status indicates that the social status is conditioned by obvious property non-equalities, exclusion or limited participation in decision-making on economics of estates, limited access to household income and unbalanced share of responsibilities and activities related to household keeping and family maintenance.

269. Rural women are marginalized twice, as the members of agricultural households and as women within the framework of economic and family organization of their households. Their social status cannot be improved without the improvement of the status of agricultural households, which mainly do not make a lot of profit, or without better conditions for employment of those women who wish to establish their economic status outside their households. These women mostly live according to traditional patriarchal principles. Lack of information is one of big problems.
270. It is necessary to inform women about the possibility to accomplish health and social care and encourage them to get involved in the programmes for unemployed. It is possible to make a step forward by education, promotion of association of women in rural production and delivery of detailed information on the method of accomplishment of health insurance to home addresses.

### **Article 15**

#### **Equality before Law, Legal and Business Capacities, Freedom of Movement, Temporary and Permanent Residence**

271. The Law on Prohibition of Discrimination and the Law on Gender Equality additionally stress equality before law of all people, namely of both sexes.
272. *The Law on Prohibition of Discrimination* prescribes protected rights and persons. Every one has the right to effective protection against all forms of discrimination by the competent bodies and other bodies of public power of the Republic of Serbia. A foreigner in the Republic of Serbia, in accordance with international treaties, has the right to all rights guaranteed by the Constitution and law, except for the rights guaranteed by the Constitution and law to the citizens of the Republic of Serbia only. It is not allowed to exercise the rights established by this law contrary to the objectives they had been recognized for or with the intention to deny, violate or limit the rights and freedoms of other persons (Article 3).
273. *The Law on Prohibition of Discrimination* promotes the principle of equality in Chapter 2 under the title of General Prohibition and Forms of Discrimination.
274. All people are equal and enjoy the same status and equal legal protection regardless of their personal properties. Everyone is obliged to respect the principle of equality and prohibition of discrimination, respectively (Article 4).
275. A violation of the principle of equal rights and obligations shall exist if a person or a group of persons, because of his/her or their personal properties is unjustifiably deprived of rights and freedoms or if obligations are imposed that are not deprived of or imposed to another person or a group of person in the same or similar situation, and if the objective or the consequences of undertaken measures are unjustified, as well as if there is no proportionality between the undertaken measures and the objective to be achieved by such measures (Article 8).
276. In Part 3 under the title of *Special Cases of Discrimination*, the *Law on Prohibition of Discrimination* prescribes that propagation or exercise of discrimination by the public authority and in the procedures before the public authorities (Article 13 paragraph 2) are severe forms of discrimination and also defines discrimination in the procedures before the

public authorities and discrimination in rendering of public services and use of buildings and space.

277. Everyone has equal access and equal protection of rights before courts and public authorities. Discriminatory treatment by an official, namely by a responsible person of public authority is considered severe violation of work duty, pursuant to law (Article 15).
278. Discrimination in public services is if a legal entity or a natural person, within their activities, namely profession, based on personal properties of a person or a group of persons, shall reject to render some service, ask to meet the requirements not asked to be met by other person or a group of persons, namely if they unjustifiably enable other person or a group of persons to have advantage.
279. Everyone has the right to equal access to buildings in public use (the buildings with the seats of public authorities, buildings in the field of education, health, social care, culture, sports, tourism, the buildings used for the protection of environment, for the protection against natural disasters, etc.), as well as to public space (parks, squares, streets, pedestrian crossings and other roads, etc.) in accordance with law (Article 17).
280. Spouses decide on the place of living in an agreement and how to keep their household (Article 27).
281. In Part 3 under the title of *Family Relations, the Law on Gender Equality* prescribes that everyone is equal, regardless of family and marital status (Article 26). Spouses and common-law partners are equal, in accordance with law (Article 27).

### **Article 16**

#### **Equality in Marital and Family Relations**

Concluding Observations and Recommendations 35-36

282. On 25 February 2005 the Assembly of the Republic of Serbia adopted the Law on Family Relations. The transitional and final provisions of this Law prescribe that this Law shall be applied as from 1 July 2005, except for the provisions of Article 203 paragraphs 2 and 3 of this Law (provisions on the composition of court panels in family disputes), which shall be applied as from 1 July 2006. New legal institutions have been introduced in the field of the rights of the child, mutual exercise of parental right, protection against domestic violence, mediation, issue of marital contract, gift contract, tenancy rights and emancipation. Legal institutions that had undergone considerably changes are adoption, common-law marriage, agreement on marriage dissolution, establishment and contest of maternity and paternity, establishment and contest of maternity and paternity in case of conception under biomedical support and maintenance. The institute of marital contract and protection measures against domestic violence are some examples whose introduction caused discussions in professional and large public, primarily because of justification of their introduction and effects to be achieved through their application, as well as because of possibility to abuse the relevant rights.
283. *The Family Law* defines: marriage and marital relations, relations in common-law marriage, relations between children and parents, adoption, fostering, custody, maintenance, family property relations, protection against domestic violence, proceedings related to family relations and personal name (Article 1). Family enjoys special protection by the state. Everyone has the right for respect of family life (Article 2). Marriage is a community of woman and man established by law. Marriage can only be contracted on the grounds of free consent of future spouses. Spouses are equal (Article 3). Marriage cannot be contracted by a person whose will is not free (Article 24). Common-law marriage is permanent community

- of woman and men, who have no marriage impediments. Common-law partners have rights and duties of spouses under the conditions prescribed by this Law (Article 4).
284. In Part 2 in the section under the title of *Marriage Effects*, the Family Law prescribes that spouses are obliged to live in community and to respect and help each other (Article 25). Spouses are independent in selection of their work and profession (Article 26). Spouses are obliged to support each other under the conditions prescribed by this Law (Article 28).
285. In respect of the procedure for marriage contraction as well as of age required to contract marriage there are no amendments in relation to the Initial Report.
286. According to the data published by the Statistical Office of the Republic of Serbia, average age in the Republic of Serbia during marriage contraction was 28.83 years of age for bride in 2008 and 32.57 years of age for bridegroom.
287. The Family Law does not recognize the institution of engagement. An engagement is the institute of customary law of various groups of citizens living in the territory of the Republic of Serbia, so the customs related to the institute of engagement are also different. The institute of engagement is not prescribed by the positive regulations of the Republic of Serbia.
288. Marriage is null and void if contracted by two persons of the same sex, if the statements of spouses are not affirmative or if a marriage is not contracted before the registrar (Article 31).
289. In respect of property relations, the Family law introduces for the first time (without taking into account the solutions from the laws of the pre-war Yugoslavia prescribing the institution of dower on the occasion of marriage contraction) the institute of marital contract.
290. Family property relations are governed by law but they may also be governed in an agreement pursuant to this Law (Article 9). The property of spouses may be common and separate. Spouses may settle their property relations on the grounds of marital contract (Article 29) according to the conditions stipulated by law. The Family Law prescribes that the spouses may also define their property relations concerning the existing or future property differently if they conclude a marital contract (Article 29). Marital contract must be concluded in writing and certified by a judge (Article 188). The practice does not show that many spouses decided to conclude marital contracts. In case of some groups of citizens living in the territory of the Republic of Serbia (Roma, Vlachs), according to customary law, a bride is bought, namely a bride brings dower into marriage although there are no data to mention this phenomenon in some concrete way.
291. In Part 3 under the title of *Family Relations, the Law on Gender Equality* prescribes that everyone is equal in respect of family life, regardless of family and marital status (Article 26). Marriage and common-law marriage are equal, spouses and common-law partners are equal, in accordance with this Law (Article 27).
292. In respect of inheritance, there have been no amendments of the legal solutions in relation to the Initial Report.

## **DOMESTIC VIOLENCE**

### Concluding Observations and Recommendations - 14, 21-24

293. According to the *Law on Gender Equality* gender-based violence means behaviour imperilling bodily integrity, mental health or peacefulness or causing material damage to a person as well as serious threat because of such behaviour preventing or limiting some

person to enjoy rights and freedoms based on the principle of gender equality (Article 10 paragraph 5).

294. All family members have equal right to protection against domestic violence. Special measures and programmes intended for the victims of domestic violence are not considered discrimination because they ensure social, legal and other support and compensation aimed at protection against domestic violence and elimination and mitigation of violence consequences, placement of victims of violence to prevent violence and accomplish the victims' right to life without violence (safe houses, etc.) and sanction the offenders of violence to stop it. The public power bodies are obliged to plan, organize, implement and finance measures intended to raise awareness of the public about the need to prevent domestic violence (Article 29).
295. *The Criminal Code* introduced amendments (introduced amendments (concerning criminal acts against sexual freedom), which relate to criminal act of rape and consist of the fact that the offender of this criminal act may be both a man and a woman. The actions previously included in the criminal act of gross indecency are treated as criminal act of rape (another act equalized with rape).
296. The Republic of Serbia proceeded with the establishment of systemic grounds to treat violence against women. Another novelty introduced by the Family Law is the very introduction of protection measures against domestic violence, primarily meaning measures to issue orders for vacation of family flat or house, regardless of the right of property over the real estate (Article 198 paragraph 2). The statistical data show that in the majority of cases of domestic violence the offender remains in the family flat or house, even if he/she does not hold the property right or the right to use the property concerned. An analysis of the court cases related to domestic violence in Belgrade for the period from 2006 to 2008 shows that prohibition of further harassment had been ordered in 43 % of cases and in 22% of cases access to the victim had been prohibited while vacation had been ordered in 18% of cases.
297. In lawsuits for the protection against domestic violence, the rules of special civil proceedings are applied, the course of which is defined in Part 10 of the Family Law regarding the family relations proceedings (Articles 283 – 289).
298. The Ministry of Justice has an important role in respect of training in judiciary and lawyers in general, since professional training of employees of judiciary bodies and tortuous bodies is one of the activities within the scope of competences of the Ministry of Justice.
299. Until December 2009 this training was conducted by the Judicial Centre for training and professional advancement of judges and prosecutors. The Ministry of Justice and the Serbian Association of Judges established this institution in 2001, with the aim to ensure continuing and quality education in judiciary and improve efficiency of the activities of the courts, in the greatest interest of legal certainty of citizens.
300. The Judicial Training Centre has organized a series of trainings aimed at the improvement and advancement of knowledge of employees of the state bodies in order to administer legal regulations more efficiently. In respect of family law the Family Law introduced compulsory specialization of judges acting in cases concerning the rights of the child (Article 204), and the very specialization programme is prescribed in the Rules on programme and method of gaining special knowledge by judges acting in family cases in the field of the rights of the child. The Rules prescribe that the Judicial Training Centre is obliged to carry out and organize the training for relevant certificates (Article 10). This programme includes specific training in the field of the rights of the child, legal consequences of marriage dissolution and common-law marriage, child's opinion and domestic violence. The seminars last for 5 working days while the six day is foreseen for



testing. Since the Family Law entering into force in July 2006, the Judicial Training Centre organized 18 seminars until April 2009, which were attended by 525 judges from all courts who received the relevant certificates as well as 45 one-day seminars on the subject of the *Family Law – the Principles*, which were attended by 735 judges.

301. *The Law on Judicial Academy*<sup>57</sup> was adopted in December 2009. The Judiciary Reform Strategy, which is in progress, prescribes that the Judicial Training Centre would be transformed into an institution for training in judiciary and that the initial and permanent training of judges, public prosecutors, deputies of public prosecutors, judicial and prosecution assistants and apprentices would be organized in a comprehensive way, as well as the training of employees in judicial and prosecution administration. The aim of establishment of the Academy is to contribute to professional, independent, impartial and efficient performance of judge and prosecution duties and to expert and efficient performance of jobs of judicial and prosecution staff. As from the date of this Law entering into force, the jobs of the Judicial Training Centre shall be performed by the Academy.
302. Within the period from June 2006 to April 2009, within the Civil and Criminal Law Sector, the Ministry of Justice organized 74 one-day seminars on the subject of *Domestic Violence– Civil Legal and Criminal Legal Aspects of Enforcement in Family Matters*, which were attended by 987 judges and public prosecutors and their deputies.
303. The preparation of the training programme for public prosecutors and deputy public prosecutors on how to treat the victims of domestic violence. This programme is aimed at the introduction of the continuing training of public prosecutors and their deputies on how to adequately treat the victims of domestic violence. As the result of this training, efficiency, responsibility and transparency of work of public prosecutors would be strengthened and the capacity of actions improved. This programme takes into account the importance of multidisciplinary co-operation in the combat against domestic violence, primarily between prosecutors and judges, but also psychologists, social workers, doctors and other persons involved in the protection process, in order to understand this harmful phenomenon comprehensively and from all aspects in each concrete case. It is necessary to co-ordinate the actions and co-operation of all persons involved, i. e. of judiciary bodies, health bodies and institutions, education and employment. This training shall also include case-study, in order to inform the participants about the successful examples of the combat against domestic violence and assistance rendering to the victims, about the measures and activities undertaken with the aim to suppress domestic violence, about experiences of prosecutors and their deputies who had already dealt with the cases of domestic violence. The programmes shall also include the issues such as rape in marriage, planning of victims' safety, application of protective measures, such as prohibition of access to another person, risk assessment, guarantees of efficient intervention, i. e. the shortest possible proceedings, legal aid rendering to victims, protection of witnesses, police and public prosecution powers to prosecute the offenders in the capacity of office.
304. In co-operation with the Provincial Ombudsman, the Provincial Secretariat of Labour, Employment and Gender Equality prepared the *Strategy for Protection against Domestic Violence and Other Forms of Gender-Based Violence in AP of Vojvodina 2008-2012*, which was adopted by the Assembly of the Autonomous Province of Vojvodina on 23 September 2008. The Strategy also defines the measures for prevention of violence, which are grouped in five separate fields: 1. General legal and political measures including the implementation of policy based on the principles of non-discrimination, respect and protection of human

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<sup>57</sup> The Official Gazette of RS, no. 104/09

- rights; measures related to data collection, analyses and researches, as well as keeping of statistics, records and documentation;
2. Preventive measures related to public awareness raising; social-economic measures and development of local action plans;
  3. Education implying the implementation of training courses within the framework of formal education of professionals; training programmes within professional advancement and introduction of educational programmes in regular education of children and youth;
  4. Support and protective measures related to advancement of access to justice, legal aid and victim protection; improvement of access to health, psychological and social services and improvement of access to specialized services; improvement of co-operation between the institutions and organizations and development of rehabilitation programmes for aggressors, as well as establishment of assistance to professionals;
  5. Monitoring, assessment of effects and revision based on monitoring of laws, programmes and measures, as well as on monitoring of implementation, assessment of effects and the revision of the Strategy.
305. Preparations to implement this Strategy were made in the course of 2008 and the implementation of measures started in January 2009. The measures contained in the Strategy plan to include all municipalities (45) in the territory of the Autonomous Province of Vojvodina within the period from 2009 to 2011. The implementation of the measures concerned implies the increase of capacities of female and male professionals employed with social welfare centres, police, health services, education, prosecution and courts, as well as of the female and male representatives of non-governmental organizations and organizations representing vulnerable population groups, in order to secure better prevention and protection of women who are victims of violence, especially of women from vulnerable groups. The implementation of this measure started in February 2009 and the training of professionals in 12 municipalities was carried out. Special activities are carried out in order to ensure accessible, efficient and effective system of prevention and protection against violence through establishment of co-ordinated operations of the institutions and organizations at the local level. In order to secure better access to assistance and protection, special activities to improve access to justice and legal assistance for victims are carried out in the form of expert meetings and education of criminal and civil law judges, as well as of prosecutors and lawyers at social welfare centres. Aimed at achievement of this objective, there are also activities to strengthen the existing and develop new capacities of specialized services of anonymous and/or free assistance through training of medical workers on early detection of violence signs further support and assistance procedures, establishment of advisory – therapy work with the victims of violence, as well as of free legal aid at social welfare centres.
306. The Executive Council of the Autonomous Province of Vojvodina allocated the funds for the construction of safe houses for women in the territory of AP of Vojvodina. So far the funds have been provided for the construction of safe houses for women in the territories of the municipalities of Zrenjanin, Sombor, Pančevo, together with the existing safe houses in Novi Sad and Subotica.
307. The Provincial Secretariat of Labour, Employment and Gender Equality has been collecting the data on the size and consequences of domestic violence, as well as about the quality and accessibility of specialized services, with the aim to establish systemic and regular data collection, whereas a special working group has been working on the development of methodology and software to keep universal and standardized records of reported cases of violence, fully respecting the provisions on protection of personal data and with participation of all relevant institutions and organizations. In order to secure the

application of the methodology, the Provincial Secretariat shall provide technical support and training. The application of this methodology should contribute to the establishment of regular monitoring of the number of registered cases of violence and good quality services.

308. With the aim to improve information and public awareness of consequences and inadmissibility of gender-based violence and domestic violence, as well as about available types of assistance and services and organizations rendering assistance and support to women who are victims of violence. Each year the Provincial Secretariat of Labour, Employment and Gender Equality provides the printed matter intended to women who are victims of violence about the rights of victims, signs of violence, protection procedures and proceedings, and about types of assistance and possibilities of protection against violence. Since 2009 the information printed matter has also been available in the languages of the national minorities living in the Autonomous Province of Vojvodina.
309. In order to raise public awareness of inadmissibility of violent behaviour and violence against women, special co-operation has been achieved with the members of the Assembly of the Autonomous Province of Vojvodina and the media, which had attended the training on violence against women and which had been included in the public awareness raising campaigns. It has been planned that the public would be also informed through media campaigns about violence against women and protection against violence.
310. Sexual abuse and all forms of violence are often manifested in the form of long-term sexual abuse, which is in a large number of cases directed to mothers by fathers. There are frequent cases of sexual abuse within a family by fathers-in-law or close relative (uncles) or by persons in the immediate vicinity towards mothers or children. In a certain number of cases such type of abuse is not reported, mostly because of fear of physical ill-treatment, fear of economic uncertainty or fear of losing children or because of complaints and rejection by the community.
311. Criminal acts in the field of sexual wrongful acts committed by unknown offenders had been mostly committed in open, on which occasion the offender used places in sufficiently lighted, near parks, passages, isolated bus stops and where there are no passers-by under the threat of direct attack to life or body, the damages person is approached with a pistol, knife or other article, and rape is committed. The offenders of the above mentioned criminal acts frequently come from poor social classes and have no permanent employment or residence. There is a considerable number of offenders coming from crime-present surroundings, as well as the number of those socially acceptable. In the majority of cases they stress their wealth, so by inviting for a drive in an expensive car or by false promises, etc. they take the opportunity to commit rape over the damaged person.
312. In their activities related to clearing up of criminal acts in the field of sexual wrongful acts, the members of the Ministry of Interior co-operate with medical institutions, social welfare centres and non-governmental organizations with the aim to provide necessary medical aid to damaged persons and aid to restore normal functioning and overcome traumatic experience through consultations, support, psycho-therapeutic treatments, medical and legal aid or placing damaged person in safe houses.
313. It has been planned to prepare the National Strategy for the Combat against Gender-Based Violence and the project of *Combat against Sex-Based and Gender-Based Violence*<sup>58</sup> has also been started. It is foreseen that this project will be implemented within the period of three years and it will be financed by the Government of the Kingdom of Norway. The objective of this project is capacity strengthening of the Gender Equality Directorate within the Ministry of Labour and Social Policy for the development and introduction of system

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<sup>58</sup> The Conclusion of the Government of the Republic of Serbia, no. 018-5539/2008 of 11 December 2008.

solutions in the field of sex-based and gender-based violence, capacity strengthening of the institutions dealing with protection of victims against violence, establishment and application of mechanisms to ensure activities in accordance with the international standards related to human rights. This Project is aimed at strengthening of legislative framework in the field of protection of victims of violence, development of standard procedures and protocols on actions by the relevant institutions, development of coherent system for the collection of data about sex-based and gender-based violence and awareness raising of the public and female and male citizens about inadmissibility of violence as a model of behaviour in order to contribute to the creation of social environment to have a preventive function.

314. Since July 2009 the following activities have been performed on the Project of Sex-Based and Gender-Based Violence:

- Questionnaires have been prepared and sent to social welfare centres in the territory of the Republic of Serbia, in order to map the existing services rendered by the centres concerned to victims of violence. The filled-in questionnaires had been returned and they are being processed at present;
- Co-operation with women's non-governmental organizations dealing with the issues of sex-based and gender-based violence and relevant state institutions dealing with this issue has been established;
- Female and male consultants have been engaged to research the best practices of rehabilitation programmes for the offenders and prepare action strategies for treatment of offenders of sex-based and gender-based violence; for mapping of the existing services rendered by the social welfare centres to the victims of sex-based and gender-based violence; for creating of curricula and performance of training courses for female and male instructors at three institutions: the Judicial Training Centre of the Republic of Serbia, the Police Academy the Human Resources Agency of the Republic of Serbia; for development of uniform procedure and form for collection of data about sex-based and gender-based violence among the relevant parties; for development of Action Protocols in case of violence at the relevant institutions; for comparative analysis of strategies and creation of the draft of the National Strategy and for the production of the white book containing proposals for amendments of the existing legislation in the field of domestic violence; for adoption of by-laws and protocols to govern the actions of the police, the social welfare centres, the providers of health care and other relevant factors in cases of sex-based and gender-based domestic violence;
- The tender has been issued to grant funds to all legal entities being stakeholders at the local level such as social welfare centres, health centres, educational institutions, police, courts, prosecution offices, civil society organizations, women's groups, media and other dealing with the issues of sex-based and gender-based violence and the tender to grant funds for researches in this field;
- The questionnaire of the Council of Europe on violence against women has been filled in;
- The project team has participated at the conferences related to sex-based and gender-based violence in the country and abroad, presenting the Project of Sex-Based and Gender-Based Violence and the Gender Equality Directorate of the Ministry of Labour and Social Policy;
- On 25 November 2009, which is the International Day of Prevention of Violence against Women, the campaign of *16 Days of Activities to Combat Violence against Women*, which included 18 round tables in 17 towns all over Serbia (Majdanpek, Lebane,

Prokuplje, Niš, Ivanjica, Kruševac, Novi Pazar, Kikinda, Negotin, Jagodina, Kragujevac, Pirot, Vrbas, Senta, Kovačica, Pančevo, Pećinci) and the final round table in Belgrade on 11 December 2009 with the aim to link and improve the co-operation of local institutions and organizations rendering protection and assistance to victims of violence, promotion of gender equality and the status of women. Several presentations of this Project were held for all relevant female and male associates in this Project (state institutions, civil society organizations, professional public, media).

315. According to the data of the Ministry of Interior for the period from 1 January 2008 to 31 December 2009, which relate to the committed criminal acts with the elements of sexual abuse and violence, certain criminal acts against sexual freedom and criminal acts against marriage and family have been separated:

Criminal Offence	1 January - 31 December 2008	1 January - 31 December 2009
Rape	160	139
Rape against Helpless Person	22	20
Rape against Child	63	83
Prohibited Sexual Acts	115	120
Domestic Violence	2,980	3,396

316. The Ministry of Health has prepared *the Protocol Intended to Medical Works on How to Treat and Protect Women Exposed to Violence*. The researched conducted in our country so far showed that medical workers have no official instructions and protocols on how to treat women who had been the victims of violence and how to organize and co-ordinate social actions to render adequate assistance. This Protocol has been prepared because of these recognized needs and it is intended to medical workers at all levels of health care. It defines procedures and precise roles of medical workers related to prevention and treatment of violence against women.

**The Convention on Elimination of All Forms of Discrimination against Women**  
**Implementation of the Convention in the Territory of Kosovo and Metohija, Material for**  
**the Second and Third Periodic Reports on the Implementation of the Convention on**  
**Elimination of All Forms of Discrimination against Women**

**Basic Information**

Implementation of the instruments for the protection of human rights in the Autonomous Province of Kosovo and Metohija, including the Convention on the Elimination of All Forms of Discrimination against Women, should be seen in the light of the following facts:

- In 1999, pursuant to the Resolution 1244 (1999) of the Security Council, the governance of Kosovo and Metohija was entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK), while certain responsibilities have been entrusted to the international security forces (KFOR).

- Pursuant to the operative Article 11(j) of the Resolution 1244(1999) of the Security Council, UNMIK has the obligation to protect and to promote human rights in Kosovo and Metohija.

- Among different international key instruments on the protection of human rights ratified by the Republic of Serbia, the Convention on the Elimination of All Forms of Discrimination against Women is in the list of instruments in force in the Province as a part of the Constitutional Framework for the provisional self-government in Kosovo and Metohija.

The Committee on the elimination of discrimination, on its 38<sup>th</sup> session (14 May – 1 June 2007) adopted the Concluding Observations of the Committee on the elimination of discrimination against women in Serbia, and after the examination of the Initial Report of Serbia, which was presented at the meeting held on 16 May 2007.

Among the Concluding Observations of the Committee, in item 7, the impossibility of the Republic of Serbia to submit relevant data on the implementation of the Convention in the Southern Serbian province has been emphasised, because, pursuant to the Resolution 1244 of the Security

Council, the administration in Kosovo and Metohija has been entrusted to UNMIK and pursuant to item 11 of the same Resolution, UNMIK has the obligation to protect and promote human rights in Kosovo and Metohija. In the same item, the Committee, in accordance with the proposal of the Republic of Serbia, requested UNMIK to provide, in co-operation with local authorities, the information on the implementation of the Convention in Kosovo and Metohija not later than 1 June 2008.

We note that we did not have the opportunity to see this Report. The UNMIK report can neither be seen at the official UN web site, therefore we are not able to give our comments to it.

The only information we dispose of are the reports of international organisations operating in Kosovo and Metohija, as well as the Report on the status of human rights in the Province of Kosovo and Metohija, submitted by the United Nations Interim Administration Mission in Kosovo (UNMIK) and examined by the Human Rights Committee in July 2006.

In its Concluding Observations adopted after the examination of the UNMIK Report, in paragraphs 11 and 16, the Human Rights Committee expressed its concern and passed the recommendations regarding the status of women in the Province, which can be significant for the Committee on the elimination of all forms of discrimination against women:

*- "The Committee is concerned for the prevailing attitude of the male domination within the Kosovo society, poor representation of women in the ministries and central institutions of Kosovo, lack of reporting of cases of domestic violence, low number of persons convicted for the commitment of domestic violence, limited capacities of the victim assistance programmes and for the lack of overall assessment of the effectiveness of measures to combat domestic violence. (Articles 2(1), 3, 7, 26)*

*UNMIK, in co-operation with PISG, should undertake prompt and effective measures with the goal of achieving equal representation of women in public offices and intensify the training for judges, public prosecutors and law enforcement officers on the application of existing laws and other instruments to combat gender-based discrimination and domestic violence. Besides this, UNMIK must facilitate the reporting on gender-related criminal acts, the obtaining of protection orders against offenders, enhance victim assistance programmes and ensure the application of effective legal remedies. Concluding Observations of the Committee, paragraph 11)"*

*- "The Committee is concerned about the incidence of trafficking in human beings, especially women and children, and about reports that traffickers are rarely prosecuted and convicted. It is also concerned that victims of trafficking are often not informed of their rights and denied access to a lawyer or interpreter upon arrest, and that the Action Plan to Combat Trafficking in Human Beings fails to incorporate adequate measures for victim assistance and support. (Article 8)*

*UNMIK, in co-operation with PISG, should provide the effective investigation and criminal prosecution of persons involved in human trafficking, including UNMIK and KFOR personnel. Further, it has to provide victims with health care, consultations and other forms of assistance and support, and to review its Action Plan to Combat Trafficking in Human*

*Beings in the light of the Covenant. (Concluding Observations of the Committee, paragraph 16)*”.

These conclusions of the Human Rights Committee reflect the problems that the women in the Province are facing, regardless of the ethnical affiliation. However, regarding the women of minority communities in the Province, we should take into account the difficult situation in regard of human rights and the discrimination of minority ethnical communities in the Province – Serbs and other non-Albanian population.

In relation to the resolution of the issue of the status of minority ethnicities in the Province, the Human Right Committee in its Concluding Observations on the Report of UNMIK expressed its concern about the following: *“very low number of minority returns and the inability of displaced persons to recover their real property, including agricultural lands”, “restricted freedom of movement and access to essential services, such as judicial legal remedies, health care and education, and personal documents, of minority communities living in micro-enclaves”, “selective use of minority languages in official dealings and lack of opportunities for minority children, in particular Roma children, to receive instruction in their language from their teachers”*. The Committee, further, notes with concern that *“the members of minority communities have only limited access to the conduct of public affairs, as well as to public service and that the discrimination against minorities, including the Roma, is widespread in Kosovo”*.

The essence of the problems in Kosovo and Metohija is in a very expressed and aggressive discrimination based on ethnical affiliation, origin, language and religion. The gender-based discrimination is also present. The stated forms of discrimination, which are often multiple, are the result of extreme intolerance of the majority Albanian community towards differences in respect of ethnical affiliation, origin, language, religion... It makes that the whole range of elementary human rights and freedoms, even of the most fundamental ones such as the right to life, the right to free enjoyment of property, freedom of movement, security, etc. is imperilled for the members of other communities. The efforts of the international community to rectify such conditions reflected in the policy of implementation of established standards, the essence of which is the increase of the levels towards the minimal international recognized basic standards of living. Unfortunately, such a policy experienced failure in fact. It is only a reduced number of standards that was unilaterally declared accomplished without actual support for such an allegation in practice, while for the fulfilment of the majority of other standards there are not even minimal positive steps forward.

### **Available Data**

Women in Kosovo and Metohija are still in an unequal position and the problem of the achievement of the gender-based equality is still to be solved in all of its various forms.



If we talk about the forms of discrimination, we certainly have to mention the elementary violation of basic human rights.

In its report, the State Department<sup>59</sup> cites politically and ethnically motivated murders, long court and pre-criminal proceedings, corruption, interference of the government into the activities of the judiciary institutions, social intolerance towards the Serbs and the Serbian Orthodox Church, low intensity of returns of displaced persons, corruption at the very provisional institutions, violence and discrimination of women, trafficking and sexual abuse of women and girls as well as violence, ill-treatment and discrimination of the members of the minority ethnic communities as the most severe violations of human rights in Kosovo.

Women and girls are an especially vulnerable category in the territory of Kosovo and Metohija.

More than a half of the population in the AP of Kosovo and Metohija is below 25 years of age. The total number of population has not been established (the so-called Kosovo institutions have estimated that there are about two million people living in Kosovo and Metohija, which can not be taken as a relevant data. The increment rate is very high and every mother has three children in average. The Albanians are the majority population and then we have the Serbs, the Roma, the Turks and other.<sup>60</sup>

Although the Kosovo Standards<sup>61</sup>, a document adopted by the UN Security Council in 2003 accept the idea of multiethnic province wherein all the citizens of Kosovo and Metohija have the same rights and freedoms, the reality is considerably different and shows considerable distance among the communities.

Women belonging to minority groups have the same rights as all other women. In compliance with the legal regulations, all women have the right to work, health care, reproductive health care, the right to decision-making within family, the right to protection against violence, the right to participate in public and political life.

Taking into account that PISG provided quota system and proportional representation of women in election system according to the legal framework, women still have difficulties if they wish to appear on the political scene because of the prevailing stereotypes that a woman's place is at home and in private sphere. Although from the aspect of the gender equality in the process of adoption of decisions gender issues are among the priorities of the politics, women as politicians are neither sufficiently present nor visible.<sup>62</sup>

In 2005, the executive power of PISG established the Gender Equality Office in accordance with Article 5.1 of the UNMIK Regulation no. 2004/18 of 7 June 2004 declaring the Law on Gender Equality. In September 2006, the Office was transformed into the

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<sup>59</sup> Country reports on Human Rights Practices-Kosovo, 2007.

<sup>60</sup> The Statistical Office of Kosovo, Priština 2007.

<sup>61</sup> In December 2003, the United Nations Security council adopted the Kosovo Standards, a document defining what has to be done in order to accomplish full implementation of the UN Security Council Resolution 1244

<sup>62</sup> Gender profile of Kosovo, november 2008.

Gender Equality Agency in charge of promotion of equal participation of women and man in all spheres of political, economic, cultural and social life, as an important factor of functioning of democratic institutions.

The education of the Kosovo Albanians lasts for 9.33 years in average, and in gender respect, the education of men lasts for two years longer than the education of women. Illiteracy of the Kosovo female Albanians is three times higher than illiteracy of the Kosovo male Albanians. According to the educational index, the Serbs in Kosovo and Metohija take the highest position. The rate of literacy is extremely high in comparison with other ethnic communities. The Bosniaks, the Turks and the Gorani take the position below the Kosovo Albanians in the educational index. The community of the Roma, the Egyptians and the Ashkali is the worst educated one.

After the family education, primary school education is the first step, which is compulsory for all in accordance with all international and domestic regulations. In practice, it looks quite differently in Kosovo and Metohija. As an example of this, let us mention in the Gora. The strongest assimilation pressure over the Gorani community is also reflected in the process of education. Namely, Serbian is the mother tongue of the Gorani people and they expect that their children are educated in the mother tongue. In this respect, the Gorani community is enabled to attend teaching in Serbian language and according to the curricula and educational programmes of the Republic of Serbia. At the beginning of each school year the Gorani people are exposed to the pressure to accept the curricula in Albanian. The university education of the Gorani people at the Kosovo faculties is impossible because there are no lectures in Serbian. As far as the Roma community is concerned, the status is even worse. There are numerous and generally accepted negative stereotypes of the Roma women in the society, although they often have an inferior status in their own community almost exclusively lead by men. A small number of the Roma women can read and write and illiteracy rate of women over 45 of age is very high.

Due to bad education, discrimination in education and later unemployment as well, a small number of the female members of the minority communities in Kosovo and Metohija have employment. The majority of employed women works in an informal sector and earns less than men.

Women are less represented on the labour market than men. There are differences in the sense of gender representation at work, at both vertical and horizontal level. As different from women, men work at higher positions, which are also better paid<sup>63</sup>. The rate of unemployment for women from 15-64 years of age is about 60% as different from the rate of unemployment for men amounting to about 33%. There are also differences in earnings between men and women. The gender difference is also the rate of their share in labour. The share of women in paid labour amounts to the half of the share of men. The professional engagement mostly shows to what extent women are humiliated, subordinate and devaluated. The statistics show that there are much more unemployed women, but that women have also been discharged from jobs more than men<sup>64</sup>. The share of female members of non-Albanian community in the activities of the Community Units in the municipalities of Kosovo and Metohija is far from attainable and foreseen levels.

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<sup>63</sup> Women and Men in Kosovo, February 2007.

<sup>64</sup> The Report on Human Development in Kosovo, UNDP 2006.

Although health care is free of charge for all citizens of Kosovo, there is no health insurance in reality. It is thought that an insufficient number of medical staff has great influence over the health conditions of the total population followed by the opinion that health care established with the private doctors is expensive and insufficiently developed culture of disease prevention and health maintenance.

According to UNDP 2004, Kosovo has the shortest life expectancy in the region. The actual life expectancy for women is 69.9 years of age in relation to life expectancy for men of 67.8 years of age. Differences between different ethnic groups are not big except for the community of the Roma, the Ashkali and the Egyptians, wherein women have the shortest life expectancy in relation to women from other communities. Women in urban areas live for two years longer than women in rural areas.<sup>65</sup>

It is difficult to get the updated statistical data on the presence of HIV/AIDS although it seems that the number of persons in the highest risk groups has been increasing – meaning sexually active persons and drug addicts. The prevailing young population in Kosovo makes this status worrying in particular. Women in Kosovo have not declared HIV/Aids to be their main health problem.<sup>66</sup>

In a study made in 2004, it was established that cancer is the main health problem of the Albanian women and high blood pressure in the second place. The Serbian women declared that stress is their main health problem, while women from minority non-Serbian communities declared blood pressure to be their main problem.

Women also complained of financial problems, because they do not receive family and community support and lack of privacy and confidentiality, as the main reasons for not having access to preventive health care.

Violations of human rights of women and children, also including human trafficking and prostitution, have been recently increasing in Kosovo and Metohija. Traditionally the cases of domestic violence and rape have not been reported and it has been considered a private matter to be resolved within the family so that it is very difficult to obtain the reliable statistical data about these phenomena. Nevertheless, the research is conducted by the local non-governmental organizations and other interested parties indicate high increase of domestic violence, which might have been expected under the circumstances of chaos and increasing poverty.

It is to be noted that the prevailing Serbian communities succeeded in remaining outside the main streams of human trafficking, which is the most severe form of violation of the Convention in the remaining part of Kosovo and Metohija. We can partly be grateful for this because of education and information about the problem.

In other parts of Kosovo and Metohija, prevailingly or absolutely inhabited by the Albanian population this problem is very present and under control of the local very powerful clans of organised crime. The Province of Kosovo and Metohija is a relatively small area, but is at the same

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<sup>65</sup> ESK, Demographic, Social and Reproductive Status in Kosovo 2007 – June 2008.

<sup>66</sup> The Voice of Women KWN/UNKT/KWI Kosovo (2004)

time the zone of transit of human trafficking and to a smaller extent also the zone of destination. It has also been recently the zone of sources of human trafficking.

According to the Report of IOM, Kosovo and Metohija has become a transit zone for human trafficking from the territories of the former Soviet republics and the SFRY. The interviewed victims were of 25 years of age in average (a third of them were minors), the majority had primary education and came from dysfunctional families where they were physically abused or were the victims of rape. About 83% of them became the victims of human trafficking traders due to poverty (out of this 79% of them were attracted because of the promises to get job abroad, mainly in Italy, as baby-sitters, waitresses or maids), 9% of them were kidnapped, although there are cases that they had been sold by their parents.<sup>67</sup>

Such circumstances have already been the subject of criticism in numerous reports of non-governmental organizations also indicated the decreased low limit of age of girls recruited for prostitution to even 14 years of age. According to the UNMIK reports, the number of brothels in the Province varies.

The UNMIK Regulation no. 2003/1 on the amendment and supplement of the Law on Criminal Acts of Sexual Violence amended the previously valid legal regulations on marital rape, which is now sanctioned as a criminal act. In addition, the UNMIK Regulation no. 2003/12 on the protection against domestic violence provided expanded powers to courts to be able to adopt orders for protection, which had not existed before as a legal institute. The victims of domestic violence may be addressed to the social welfare centres and those centres may place them at some adequate shelter.

In respect of women trafficking AP of Kosovo and Metohija is mostly a destination country but also a country of transit and the country of origin. A certain number of different international organizations is in charge of reactions in this field, including Human Trafficking and Prostitution Unit and Unit for Assistance to Victims with UNMIK, Unit for Combat Against Human Trafficking of SHPK and OSCE.

In Kosovo and Metohija, as well as in other countries all over the world, cultural values are stated as the reason for gender non-equality and it can be proved that in Kosovo – as well as in other parts all over the world – cultural values are extremely resistant to changes.

Based on the UNMIK Regulation no. 2000/38 the Ombudsman Institution of Kosovo for protection and enhancing of human rights was established in June 2000.<sup>68</sup> The task of this institution is to promote and protect the rights and freedoms of individuals and legal entities and to ensure that all persons in Kosovo may effectively exercise their human rights and fundamental freedoms. The Gender Equality Unit with this institution deals with the issues of gender-based discrimination.

The Regulation no. 2003/12 on protection against domestic violence, which was adopted in 2003, confirms that the domestic violence and all its forms may not be tolerated at all and that

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<sup>67</sup> [www.iom.org](http://www.iom.org)

<sup>68</sup> The UNMIK Regulation no. 2000/38 on the establishment of the Ombudsman Institution in Kosovo.

there must be efficient legal protection and mechanisms to render assistance to the victims of domestic violence.

In April 2004 two new criminal codes entered into force in Kosovo. Article 117 of the Provisional Criminal Code explicitly prescribes slavery, which is defined as the “exercise of any and all powers related to the ownership right over some person and include the exercise of such powers in human trafficking, especially in women and children trafficking”. In addition, rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, namely, any other form of action of similar weight are defined as actions contrary to law, as well as gender-based persecution. All the above mentioned actions are sanctioned as criminal acts against humanity if committed with the knowledge to be a part of spread of systematic violence against civil population.

The Provisional Code on Criminal Procedure shall order the bodies conducting criminal proceedings to “take into account reasonable needs of damaged parties and of the victims of sexual violence or gender-based violence in particular” (Article 78). Article 90 prescribes the procedure that must be applied during the interrogation of persons who are not accused in the proceedings “especially if the application of such procedure might help to reduce any subsequent traumas during the testimony of the victim of the sexual or gender-based violence”.

Lastly, in accordance with Article 517, the transfer of some person to the competence of a foreign state cannot be carried out if there is doubt that such the transfer had been requested on gender-basis. If applied together, these two codes prohibit marital rape and seek to establish responses to violence against women in accordance with the recognized international human rights.

In general, in Kosovo and Metohija in the communities where the Serbs and other non-Albanians live, due to the lack of confidence in the Kosovo institutions, domestic violence is not reported on one hand, and on the other violence is tolerated for the reasons of traditional patriarchal patterns justifying and strengthening the opinion that it is the way it should be. In cases violence is reported to the social welfare centres under the competence of the Republic of Serbia, it is difficult to sanction it due to both bad economic and security conditions and the lack of alternative forms of placement of persons exposed to violence and because of the lack of adequate support programmes.<sup>69</sup>

In addition to the above mentioned fear of stigmatization caused by patriarchal patterns, lack of confidence in institutions, lack of freedom of movement, bad standard of living, economic dependence, it is also a shame to report sexual violence. In this way, the aggressor and offender are being covered up.

In June 2004 the Law on Gender Equality<sup>70</sup> was declared, according to which the gender equality is recognized as one of fundamental values of the democratic development of the society in

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<sup>69</sup> In view of the complexity of the status of people with social needs, the Ministry of Kosovo and Metohija proposed to the OSCE mission to Kosovo and Metohija the implementation of the project of shelter stations in six multiethnic communities in Kosovo and Metohija.

Kosovo and it prescribes equal opportunities of participation for both men and women in political, economic, social and cultural life, as well as in other areas of life.

The Gender Equality Offices have been appointed in every municipality. The offices concerned report on their activities to the Gender Equality Sector with the Ministry of Local Administration and have meetings every month with a Gender Equality Agency. Gender equality commissions were formed in 20 out of 30 municipalities in total under the initiative of the municipal assemblies.

The National Plan to achieve gender equality in Kosovo was prepared within the period from 2003 to 2004 as a part of the implementation of the Beijing Declaration and the Action Platform as well as of CEDAW. According to this Plan there are six most important areas related to the given subject (education, economy, politics, health and social care, human rights and violence against women and culture). The National Action Plan was adopted by the Government in the course of April 2004. The Kosovo Programme of Gender Equality for the period from 2007 to 2013 was written in the same way.

In spite of legislative solutions and legal institutions related to gender equality and equal opportunities, it should be clearly said that those issues do not take a high position in the agenda of politics, wherein microeconomic issues prevail. The fact that the Law against Discrimination (LaD) provides protection even against the most subtle forms of discrimination is very contrary to every day examples of direct discrimination disabling the individuals in Kosovo to accomplish their rights. In fact, it is even difficult to start an analysis of this Law for the accomplishment of rights under the circumstances that neither elementary assumption for the application of its provisions has been achieved, such as:

- a) it is not clear what bodies are in direct charge for the implementation of the LaD,
- b) no mechanisms are established for the implementation of the provisions of the LaD,
- c) the lack of statistical data disable the application of the provisions aimed at suppression of direct discrimination and provision of adequate representation of all communities in public agencies and public companies in Kosovo and Metohija.

#### **Data on ethnical structure of employees in public companies in Kosovo and Metohija**

<b>Company</b>	<b>Total Number of Employees</b>	<b>Serbs %</b>	<b>Turks %</b>	<b>Bosniaks, Muslims %</b>	<b>RAE<sup>71</sup>, Gorani, Croats, Cherkess %</b>
	2,484	41	32	30	14

<sup>71</sup> This abbreviation stands for the members of the Roma, the Askali and the Egyptian communities

PTK (Post and Telekom of Kosovo)		<b>1.65%</b>	<b>1.28%</b>	<b>0.8%</b>	<b>0.5%</b>
KEK (Kosovo Energy Corporation)	7,452	25 <b>0.32%</b>	28 <b>0.36%</b>	28 <b>0.36%</b>	16 <b>0.24%</b>
The Priština International Airport	577	5 <b>0.8%</b>	4 <b>0.6%</b>	2 <b>0.3%</b>	2 <b>0.3%</b>
The Kosovo Railways	346	41 <b>11.8%</b>	-----	1 <b>0.2%</b>	1 <b>0.2%</b>
Kosovatrans	912	-----	10 <b>1%</b>	10 <b>1%</b>	30 <b>3%</b>
Termokos and Đakovica Remote Heating System	143	-----	-----	3 <b>0.2%</b>	2 <b>0.1%</b>
Water Supply and Sewage System	1.283	26 <b>2%</b>	1 <b>0.07%</b>	3 <b>0.2%</b>	1 <b>0.07%</b>

Source: The data mentioned in the above table are taken from the analysis under the title of *The application of the Law against Discrimination and the use of language in the Kosovo public companies*, prepared by the Humanitarian Law Centre – Kosovo, a non-governmental organization, 2007.

In fact, the degree of non-implementation and non-application of this Law is such that it can be absolutely said that it is a law not in force in the Kosovo legal system at all. Socially tolerated and widely spread domestic violence still exists in Kosovo and Metohija, which is not adequately sanctioned. More information about the issue concerned can be found in the publications published by the Kosovo Women Network, a non-governmental organization.

The victims of the so-called multiple discrimination require special attention. In their community they are discriminated as women, and in the society they are discriminated as the members of endangered national, racial or religious minority. The lack of political will to protect the victims of multiple discrimination is often hidden behind cultural relativism.

It is to be noted that in ten years of their presence in Kosovo and Metohija, many international organizations carried out researches on the subject of human rights, gender equality, domestic violence, discrimination of women. In the reports of the international organizations available to us, primarily in the documents of the Organization for Security and Co-operation in Europe (OSCE) and the Mission of this organization to Kosovo and Metohija (OMIK), entrusted with democratization and institutional building in Kosovo and Metohija, we found the facts and examples supporting our claims on discrimination of women in Kosovo and Metohija in all areas.

### **Brief Background of Legal Framework**

As a reminder, civil and security forces in Kosovo and Metohija under the auspices of the United Nations were established by the United Nations Security Council Resolution 1244 (item 5) on 10 June 1999. The Resolution prescribed that the international civil presence had to establish provisional administration in Kosovo and determined that the people in Kosovo would be able to enjoy substantive autonomy within the framework of the Federal Republic of Yugoslavia. Further, it was competent for the provision of transitional administration whereas it would establish and supervise the development of provisional, democratic self-government institutions (paragraph 10), as well as for the transfer, in accordance with the establishment of those institutions of its administrative assignments (item 11, under 4), while at the final stage the competence would include supervision of transfer of power from the provisional institutions of Kosovo to the institutions to be established in accordance with the political solution (item 11, under 6).

On 25 July 1999, based on the UNMIK Regulation 1999/1<sup>72</sup> “all legislative and executive power related to Kosovo, also including the management of the judiciary was entrusted to UNMIK [...]” while the implementation was entrusted to the Special Representative of the Secretary General (Article 1, paragraph 1).

On 15 May 2001, based on the UNMIK Regulation 2001/9<sup>73</sup> the constitutional framework for provisional self-government in Kosovo (the Constitutional Framework) was declared defining the Provisional Institutions of Self-Government (PISG) (Article 1, paragraph 2). The Constitutional Framework divides the competencies between UNMIK and the Provisional Institutions of Self-Government aimed at the development on self-government in Kosovo until the resolution of the final status.

The Provisional Institutions of Self-Government received a wide range of competences in legislative, executive and administrative domain of power exercise (Chapter 5), while UNMIK retained exclusive competence in the area of foreign affairs, judiciary, as well as in the financial and budgetary control (Chapter 8). Also, the Special Representative of the Secretary General regained the powers to monitor acts and activities of the Provisional Institutions of Self-Government in

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<sup>72</sup> The UNMIK Regulation no. 1999/1 on powers of the Interim Administration in Kosovo.

<sup>73</sup> The Regulation no. 2001/9 on the Constitutional Framework for provisional self-government in Kosovo, entered into force on 15 May 2001, amended by the Regulation no. 2002/9 and implemented by the Administrative Order no. 2001/23, the Administrative Order no. 2003/15 and the Administrative Order no. 2004/6.



order that they are in the compliance with the Resolution 1244 (Chapter 8, paragraph 1, under (b) and Chapter 12).

It meant that all legislation in Kosovo had to be adopted at the Assembly of Kosovo fast and then signed by the Special Representative of the Secretary General, too.

Since the administration of Kosovo is entrusted to UNMIK, the international conventions addressing human rights of women, such as the Convention on Elimination of All Forms of Discrimination against Women within the Constitutional Framework, the Protocol on Elimination and Prevention of Women and Children Trafficking and the UN Charter must also be implemented in Kosovo.

The above mentioned documents are also included in the preamble of the Constitutional Framework for the Provisional Institutions of Self-Government in Kosovo (the Constitutional Framework) and as such they became a part of legislation in Kosovo and Metohija. Besides the rights defined in the Constitutional Framework, the protection of women is also defined in the following UNMIK regulations: the UNMIK Regulation 2003/12 of 7 May 2003 on protection against domestic violence and the UNMIK Regulation 2004/32.

UNMIK has transferred wide competences to the Provisional Institutions of Self-Government with the aim to create the conditions for self-government in Kosovo and Metohija. The transfer of competences has started in 2001 and was especially accelerated in autumn 2005.

In spite of long-term international presence in Kosovo and Metohija, the general status of human rights is unsatisfactory and especially concerning in relation to disrespect for elementary human rights of the members of non-Albanian communities, primarily of the Serbs and the Roma.

Following the unilateral illegal declaration of independence of Kosovo and Metohija by the Provisional Institutions of Self-Government in Kosovo and Metohija on 17 February 2008 the conditions of uncertainty and insecurity of non-Albanian population in the Province in respect of the enjoyment of human rights was additionally complicated and worsened.

### **Legal System in Kosovo and Metohija**

The legal system in Kosovo and Metohija consists of a large number of unrelated sources. Such a system is characterised by lack of order and overall confusion, whereas the competences overlap or do not exist, certain areas govern more than one legal issue, there are many obsolete or anachronous laws and by-laws and unclear and inapplicable articles regarding the binding character of the legal documents concerned. In addition to legal texts adopted by UNMIK administration, the law adopted by the Assembly of Kosovo are also applied in Kosovo and Metohija, which were later proclaimed by the Special Representative of the United Nations

Secretary General, as well as the laws in force in Kosovo and Metohija on 22 March 1989. In case of any areas not covered by the mentioned sources, the laws adopted after 22 March 1989 are also applied, provided they are not discriminatory and that they are in accordance with the international standards in the field of protection of human rights. The general level of human rights in Kosovo and Metohija is still under the minimal level of the international standards. Serious analyses indicate that there are many problems in the field of discrimination and property rights in particular. The lack of strong security guarantees still affects to a great extent the members of minority groups whose freedom of movement is limited, thus reducing their access to health, educational and other institutions.

On 30 July 2004, the Assembly of Kosovo adopted the Law against Discrimination, and on 20 August the same year, the United Nations Special Representative proclaimed it by UNMIK Regulation no. 2004/32. The Law was adopted in accordance with the highest standards of protection of equality and by its legal solutions it even exceeds its European models. The Law against Discrimination prescribes prohibition of all forms of discrimination and protects an individual not only from discriminatory acts of public bodies, but from discriminatory conduct of legal entities and natural persons as well (vertical and horizontal effects).