

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

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

Report submitted by the SOS Vojvodina Network, 2019.

This report was prepared by a SOS Vojvodina Network (contact: [mreza.sos.vojvodina@gmail.com](mailto:mreza.sos.vojvodina@gmail.com)) based on contributions of partners CSO and external experts (**Center for Support of Women**, Kikinda; **Educational Center Zrenjanin**, Zrenjanin; **Roma Association**, Novi Bečej; **From the Circle Vojvodina**, Novi Sad; **Women's Leadership Academy**, Belgrade; **Belgrade Found for Political Excellence**, Belgrade; **Resource Center for Research Support**, Belgrade; **Atina**, Belgrade and **SeConS**, Belgrade and external experts: **Marija Babović, Biljana Stepanov, Marijana Pajvančić, Danica Todorov, Sofija Mandić, Zorica Mršević, Maja Bjeloš, Andrijana Čović and Svetlana Janković**), gathered with the aim to point out priority areas for the elimination of discrimination against women and their empowerment, suggest issues that need to be set in the future dialogue with the Serbian Government and representatives of the state, as well as recommend future measures.

***The report was prepared taking into account the Fourth Periodic Report submitted by the Republic of Serbia to the CEDAW Committee in 2017 and the list of questions sent by the CEDAW Committee to the Republic of Serbia in 2018, the responses were sent to the Committee along with the insights into reports submitted by civil society organizations.***

This report is accompanied by Annex: Broader shadow report that provides more detailed descriptions of issues in these areas, as well as priority issues identified among 9 marginalized groups of women: women from national minorities, Roma women, migrant women (recommendations 26 and 32), single mothers, women with disabilities (recommendation 18), rural women (recommendation 34), elderly women (recommendation 27), women victims of violence (recommendation 19 and 35) and LGBTI women.

## 1. LEGAL FRAMEWORK (Article 2)

### **PRIORITY ISSUE:**

***Drafting of the Law on Gender Equality is lingering, preventing systemic implementation of special measures and integration of gender perspective into subsidiary laws.***

Adoption of a new Law on Gender Equality is a priority due to shortcomings of the existing Law. Draft work has been ongoing since 2015, marred by clashes and deadlocks, the general public not being aware of the relevant version sent to the European Commission for review, whether solutions proposed by civil society have been retained in this version and whether it is consistent with the Law on Prevention of Discrimination.

### ***Proposed questions:***

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

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

## *Recommendations*

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- Inform the general public about the Law draft addressed to the EC for review, as well as corresponding conclusions of the EC addressed to the Serbian Government.
- Take necessary measures to ensure that good solutions, i.e. the 40% quota and other solutions proposed by civil society organizations, are retained in the final draft.
- Incorporate provisions defining the main national mechanism for gender equality into the final Law draft, if not done so already.
- Accelerate the adoption of the Law on Gender Equality in order to remove barriers for further advancement of gender equality through appropriate measures and policies.
- Comprehensively and consistently regulate protection against discrimination (especially judicial protection) on the basis of gender and sex and prescribe special measures: exemption from payment of procedural costs, specific provisions on the burden of proof of discrimination, procedural urgency, etc.
- Consistently integrate the gender perspective into subsidiary laws and laws regulating the rights of persons with disabilities and national minorities.
- Include regulations on gender equality and the prevention of discrimination in the training of judges, prosecutors and lawyers.

## 2. ACCESS TO JUSTICE

(Article 15; Recommendation No.33)

### **PRIORITY ISSUES:**

- 1. Women are denied access to justice due to free legal aid not being established systemically, as well as due to inadequate territorial distribution of courts and prosecutors' offices, linguistic and physical barriers.***
- 2. Modifications to the migration and asylum system provide additional protection for migrant women and the integration of gender sensitive procedures, but employees in the justice system have insufficient knowledge to ensure their satisfactory implementation.***

### 2.1 Barriers to women's access to justice

The Law on Free Legal Aid was adopted in November 2018, but its application is postponed until October 2019. Access to free legal aid will not be improved even when its implementation starts, because the Law is restrictive, limits the availability of these services to citizens and their provision by civil society organizations. The network of courts and prosecutors makes access to justice more difficult for women, and the analysis of the inaccessibility effects due to territorial distribution or linguistic and physical barriers is absent.

## Proposed questions:

- Why hasn't the Serbian State established the right of all citizens to free legal aid, thus failing to consistently apply Article 67 of the Constitution?
- What criteria were established by the Serbian State when defining the conditions for granting free legal aid?
- Has the state planned to reform the network of courts and prosecutors' offices in order to improve access to justice for women, especially women from rural and remote areas, women from national minorities and women with disabilities?
- Has the Serbian State conducted an analysis of the physical accessibility of the judicial system for citizens with disabilities? If so, who is the bearer of that task and when is its implementation planned?

## Recommendations

- Immediately establish mechanisms for citizens facing financial and informational barriers in accessing justice and ensure the right to free legal aid.
- The conditions for granting free legal aid must not be discriminatory and must be in accordance with domestic and international obligations of Serbia.
- To undertake comprehensive reform of the network of courts and prosecutors based on the needs of women from various vulnerable groups regarding access to justice, obstacles related to territorial distribution, language and physical barriers.

## 3.POLITICAL PARTICIPATION AND MECHANISMS FOR GENDER EQUALITY

(Articles 7, 8; Recommendations No. 6,23)

### PRIORITY ISSUES:

- 1. Women are not equally represented in decision-making of representative and executive authorities and do not have real impact on decision-making.**
- 2. Institutional mechanisms for gender equality are not stable, functional, efficient, nor financed from the state budget.**

### 3.1 Unequal participation of women in power

Participation of women in the legislature increased above the 30% quota, but the share of women in executive power at all levels remains below the quota stipulated by the Law on Gender Equality. The political participation of women from national minorities and marginalized groups in the work of the National Assembly and Government is extremely low (one member with a disability, several from national minorities and no Roma).

The sources of low representation of women in different branches and levels of government are political parties that continue to be the backbone of large gender inequalities in political decision-making and who

do not comply with the Gender Equality Law, which prescribes the development of party plans for the promotion of gender equality.

## *Proposed questions:*

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- How does the Serbian State plan to increase the participation of women in executive positions at all levels?
- How does the Serbian State monitor the implementation of plans to improve the position of women in political parties? What are the findings of this monitoring?

## *Recommendations*

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- Increase participation of women in executive power by at least 30% by introducing special measures of affirmative action - quotas for seats in the executive branch - through appropriate law amendments (Law on the Government, Law on Local Self-Government, Law regulating the field of gender equality).
- Commit political parties to greater representation of women in party organs and candidate lists.

## 3.2 Unstable and weakened mechanisms for gender equality

In recent years, the weakening of institutional mechanisms for gender equality has been registered as a result of changing institutional forms in which these bodies are established, weak legal basis on which mechanisms are based, insufficient capacity to undertake regular and systemic activities to promote gender equality, especially at local level. The main national mechanism – Coordinating Body for Gender Equality is not founded in law, but in a decree, it does not have adequate human resources, institutional capacities or support from the state budget. By moving the Gender Equality Mechanism in AP Vojvodina from the Secretariat for Labor, Employment and Gender Equality to the Secretariat for Social Policy, Demography and Gender Equality<sup>1</sup> all materials, reports, studies published on the Internet were withdrawn, which are of great importance for the current measures and policies for gender equality, and thus a significant and important institutional heritage. Activities of local mechanisms are mostly promotional, educational as actors without enough power to produce change.<sup>2</sup>

## *Proposed questions:*

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- How does the Serbian State plan to institutionalize the Coordinating Body for Gender Equality in order to effectively and efficiently perform tasks within its mandate?
- Has the Serbian State established mechanisms for coordination between national, provincial and local mechanisms for gender equality?
- Has an assessment of the effectiveness of these coordination mechanisms been carried out and what are the conclusions of this assessment?

## *Recommendations*

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- Clearly define the position and responsibilities of institutional mechanisms for gender equality in relevant laws.

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<sup>1</sup> [Application of the principle of gender equality in local self-governments in AP Vojvodina](#);

<sup>2</sup> Special Ombudsperson report "Representation of women in decision-making positions and activities of local mechanisms for gender equality in local self-governments in Serbia".

- Create staffing and financial prerequisites for the functioning of mechanisms for gender equality at all levels.
- Create effective mechanisms for coordinating the activities of gender equality mechanisms at national, provincial and local levels.

## 4. EDUCATION

(Articles 10, 11, 12, 13, 14; Recommendations No. 13, 16, 17, 18, 24, 27, 36)

### PRIORITY ISSUES:

1. ***Women are educated for occupations characterized by unfavorable working conditions and lower earnings.***
2. ***Girls from vulnerable groups are excluded from the compulsory education system, especially Roma women and girls with disabilities.***

### 4.1 Gender segregation in education leads to poor female employment

Gender segregation in education is very pronounced, and according to the values of the Gender Equality Index 2014-2016, it is becoming even more pronounced. It manifests itself at the level of secondary education as a concentration of young men in the areas of secondary education more practical in nature which allows early inclusion in the labor market. In higher education, segregation is manifested as a large concentration of girls in the areas of social, humanistic sciences and arts. The girls accounted for 56.6% of the total number of students enrolled in 2017/2018 and 58% among graduates in 2016. However, they constitute a minority among students of ICTs (26%), engineering, mechanical engineering, and construction (37%).<sup>3</sup> This segregation is also transmitted to the labor market, manifesting itself as concentration of women in the social service sector with lower chances of employment and lower wages. Among most important policies defining reforms in the area of gender equality and education<sup>4</sup> there are no measures to reduce segregation in education.

#### *Proposed questions:*

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

#### *Recommendations*

- Measures to eliminate segregation in education should be defined by key strategies - gender equality strategy and action plan, as well as education strategy.

### 4.2 Exclusion of girls from vulnerable groups from education

Roma girls, especially those living in sub-standard settlements, are not adequately covered by preschool education, compulsory preparatory programs (98.1% of children from the general population attend the program, and only 62% of girls from Roma settlements), elementary education (attending primary school

<sup>3</sup> NBS, Women and men in Serbia 2017;

<sup>4</sup> National strategy for gender equality 2016-2020 with the action plan for the 2016-2018 period and the Strategy for the development of education in Serbia until 2020;

in the general population is 99.1% and among the girls from the Roma settlements 84.5%). Roma girls leave the education system early, even before completing primary school, which is evident from data on primary school completion (among girls in the general population, this rate is 98% and girls from Roma settlements 63%). The most common reason for this is early marriage (among Roma women who live in sub-standard settlements aged 20-49, 57% entered marriage before adulthood<sup>5</sup>). Girls from Roma settlements are almost completely absent from secondary education (according to MICS, only 14.9% of them attend high school).<sup>6</sup>

Girls with disabilities or developmental obstacles are less involved in inclusive education than boys. Data from 2016 shows that boys who attend inclusive education with an individual education plan make up two thirds of all children enrolled in it.<sup>7</sup>

### *Proposed questions:*

- What is the Serbian State doing to strengthen mechanisms for keeping girls from Roma communities in the education system?
- Is there continuous monitoring of the implementation of the Strategy for Social Inclusion of Roma 2016-2025 in the field of education and what are the results of these measures in relation to Roma women?
- Is the Serbian State analyzing the reasons for lower participation of girls in inclusive education programs?
- What measures did the Serbian State take to equally include girls and boys in inclusive education?

### *Recommendations*

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

## 5. EMPLOYMENT

(Articles 10, 11, 12, 13, 14; Recommendations No. 13, 16, 17, 18, 24, 27, 36)

### **PRIORITY ISSUES:**

- 1. *Women's employment is low, employment conditions are unequal, informal employment is on the rise and labor rights are reduced.***
- 2. *Unpaid housework predominantly performed by women is not valued and recognized.***

<sup>5</sup> UNICEF, MICS 2014: 2015, 2018;

<sup>6</sup> UNICEF, Research of multiple indicators, Serbia and Roma settlements 2014, Belgrade.

<sup>7</sup> NBS, Women and men in Serbia 2017, pg. 49;

## 5.1 Adverse employment of women

Gender inequalities in the labor market are continuously very pronounced. Women have a significantly lower activity rate than men (59.6% vs. 73.8%), lower employment rates (50.8% to 63.9%) and higher inactivity rates (40.4% to 26.2%)<sup>8</sup>. Some groups of women face major employment barriers. Among young women (15-24 years), the unemployment rate is as high as 36%, and among young women from rural areas as much as 39%. Only 9% of Roma women aged 15-64 are employed<sup>9</sup>, and only 4% of women with disabilities have a formal employment contract.<sup>10</sup>

In 2017, for the first time, the rate of informal employment of women exceeded the rate of informal employment of men (22.2% versus 19.63%).<sup>11</sup>

Horizontal and vertical segregation is very pronounced, more than half of women (53.5%) stated that they were discriminated against during the recruitment process.<sup>12</sup> The gender pay gap is rising and is not the subject of any policy in Serbia.

### *Proposed questions:*

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- On the basis of which indicators does the Serbian State report on gender discrimination in employment and whether it is published in reports of inspection supervision?
- What special measures does the Serbian State take to monitor gender segregation in the labor market and with which strategies?
- Does the Serbian State know the reason for the increase of women's informal employment and the higher rate of informal employment of women than men in Serbia?
- Does the Serbian State know what proportion of employed women don't exercise the right to health and pension insurance and what measures are being taken to reduce the share of women not insured on the basis of work?
- What measures does the Serbian State take to motivate employers to undertake activities to reduce or close the gender wage gap?
- Has the Serbian State enabled the gender wage gap to be the subject of social dialogue between employers, trade unions and the state, and in what way, or is it the subject of collective agreements?

### *Recommendations*

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- Regular and public reporting on discriminatory employer practices and measures taken.
- Regular evaluation of active employment measures from the perspective of its effects on gender segregation by sectors, occupations and decision-making positions.
- To evaluate active employment measures from the perspective of effectiveness in increasing the quality of (formal) employment of women.

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<sup>8</sup> NBS, Labor force survey 2017, pgs. 16 – 17.

<sup>9</sup> UNDP, World Bank, Roma at aGlance, Serbia 2018;

<sup>10</sup> Markovic, M. (2014) Persons with disabilities in Serbia. Population census 2011 in Serbia. SORS, Belgrade;

<sup>11</sup> NBS, Labor force survey 2017, pgs. 35 – 36;

<sup>12</sup> Nikolic-Ristanovic, V, Copic, S, Nikolic, J, Saciri, B. (2012) *Discrimination of women on the labor market in Serbia*, Victimology Society of Serbia, Belgrade.

- To determine which categories of employed women are not covered by compulsory social security and to assess why existing measures do not lead to an increase in the number of insured women.
- To undertake, or reinforce, measures of control over the use of basic social rights based on work, such as the right to paid sick leave and vacation with employers in the private sector, and that the effects of these measures are regularly evaluated in the public.
- Introduce the obligation of employers to control and report on gender wage gap in their companies.
- Make the gender gap in earnings an element of social dialogue and the content of collective agreements that are effectively applied and monitored.

## 5.2 Evaluating unpaid housework and caring for the family

Employed men spend, on average, one hour and a half more on paid work per day than employed women, but two and a half hours shorter in unpaid housework. Employed women work on average longer than men, and the time they spend in work is at the expense of leisure activities for which they have, on average, one hour or less per day.<sup>13</sup>

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

### *Proposed questions:*

- Has the Serbian State conducted an assessment of the value of unpaid housework and the care economy?
- Does the Serbian state plan to introduce a national satellite account that would calculate the value of this work, contributing to economic and social development?

### *Recommendations*

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

## 6. SOCIAL PROTECTION

(Articles 10, 11, 12, 13, 14; Recommendations No. 13, 16, 17, 18, 24, 27, 36)

### **PRIORITY ISSUES:**

- 1. Older women (65 and older) are at greater risk of poverty and social exclusion, and almost one in five does not have a pension.**
- 2. Financial assistance does not diminish the economic dependence of women because it is granted to a family rather than an individual and therefore it is questionable how much women's economic position is improving.**
- 3. Women from rural areas and residential institutions are extremely vulnerable to violations of rights to social protection.**

<sup>13</sup> NBS, Use of time in Serbia 2010 and 2015, Belgrade;

## 6.1 Social exclusion of older women

In Serbia in 2016, 8% of men and 17% of women did not receive any kind of pension (age, family, disability).<sup>14</sup> The gender pension gap is also present. Older women are exposed to higher risks of poverty and social exclusion (the risk of financial poverty for women is 22% and for men 15.2%).<sup>15</sup>

### *Proposed questions:*

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- Does the Serbian State know how many women aged 65 or more haven't exercised their right to any form of pension?
- What special measures are implemented by the Serbian State to protect older women against poverty. Are the effects of these measures monitored?

### *Recommendations*

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- It is necessary to establish universal age pension, not related to the length of service and paid contributions, for elderly people who have not exercised their right to retirement on the basis of work experience or on other grounds, and especially for women who present the majority of them.
- It is necessary to increase the coverage of financial social protection for older women, especially those who have not exercised the right to a pension and/or live in households at risk of financial poverty.

## 6.2 Financial assistance does not diminish the economic dependence of women

Various studies show that due to patriarchal relationships, women do not have adequate access to money in the household.<sup>16</sup> Therefore, there is a serious basis for concern that women do not have adequate access to financial assistance allocated to the family and paid to the "head of household" who is usually a man.

### *Proposed questions:*

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- Has the Serbian State assessed the effects of financial assistance to the family on material deprivation of women?
- Has the Serbian State estimated how such a measure of financial assistance to the family is reflected on women of different age categories, their predominant status on the labor market, place of residence, type of family, presence of children?
- Has the Serbian State conducted an assessment of the impact of such measures on the decision of women exposed to domestic violence to leave their situation?

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<sup>14</sup> Babović, M, Veličković, K, Stefanović, S, Todorović, N, Vračević, M. (2018) Social inclusion of the elderly (65+) in Serbia, Serbian Red Cross;

<sup>15</sup> As above;

<sup>16</sup> This research is shown in the wider report annexed to this report.

## *Recommendations*

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

### 6.3 Access to social protection of women from rural areas and residential institutions

Access to social services is un-harmonized among regions in Serbia. Research on social exclusion in rural areas of Serbia<sup>17</sup> showed that a large proportion of rural families (mainly due to lack of information) did not seek the support of the authorities for specific problems that they had in the family, such as the presence of an elderly person, persons with physical or mental disability, or in case of family problems. Among those who sought support, a significant share of them did not receive it due to the assessment that they did not meet the criteria or insufficient capacity of the service.

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

Initial study on violence against women with disabilities in residential institutions<sup>18</sup> pointed to high risks of various forms of abuse that women are exposed to in these institutions, from physical constraints, through drug misuse, isolation, violation of the right to privacy, exploitation (their use for doing jobs that generate material or non-material profits in favor of the service provider), to physical, psychological and sexual abuse.

#### *Proposed questions:*

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- Does the Serbian State approve dedicated transfers to local self-governments according to submitted proposals based on gender-sensitive analyses of the needs of vulnerable groups in local communities?
- Does the Serbian State assess the compliance of social protection services with the needs for different forms of social protection of women when planning the social protection system?
- Does the Serbian State allow independent oversight of institutions and the protection of women's rights in residential institutions? How often and when was the last such oversight?
- What measures does the Serbian State seek in order to improve the rights of women in residential social care institutions?

#### *Recommendations*

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- Regularly conduct needs assessments for the social protection of different categories of women (older and no family support, victims of violence, dysfunctional relationships, disabled persons, mothers of children with disabilities, etc.) in order to better plan services.

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<sup>17</sup> Cvejić, S, Babović, M, Bogdanov, N, Petrović, M, Vuković, O. (2009) Social exclusion in rural areas in Serbia, SeConS, UNDP, Belgrade;

<sup>18</sup> Beker, K, Milošević, T. (2017) Violence against women with disabilities in residential institutions – Initial study, MDRI-S, Belgrade.

- Conduct dedicated transfers by assessing the need for social services in local communities that specifically take into account the specific needs of women.
- It is necessary to take into account the findings of independent monitoring of the work of residential social care institutions, to act upon recommendations and to report on the conducted activities in accordance with the recommendations.
- Deinstitutionalization processes need to be accelerated, enabling better protection of women needing continuous support, through smaller organizational forms and better professional support.

## 7. HEALTH

(Articles 10, 11, 12, 13, 14; Recommendations No. 13, 16, 17, 18, 24, 27, 36)

### **PRIORITY ISSUES:**

- 1. Reproductive health services are not sufficiently available to women.**
- 2. Roma women's right to health care is jeopardized, which additionally contributes to the lack of systemically regulated support for health mediator services.**

### 7.1 Insufficiently available reproductive health services

The use of contraceptives in Serbia is still low and the number of abortions is high. A worrying fact is that women between 18 and 24 have a lack of knowledge about modern contraception methods in relation to older women, early (juvenile) pregnancies are largely present among Roma women and women's participation in birth preparation programs is low, and among Roma women marginal.<sup>19</sup>

Although there has been a significant increase in women's participation in organized screenings for early detection of breast and cervical cancer, the most common malignant tumors in women in Serbia with high mortality, we are still far from recommended standards that envisage the coverage of at least 70% of women with this preventive measure.<sup>20</sup> The accessibility of health facilities to women with disabilities is inadequate, since not all primary health facilities provide hydraulic gynecological tables.<sup>21</sup>

#### **Proposed questions:**

- Has the Serbian State investigated the reasons for the low response of women and what measures are being taken to increase the response to organized screenings for breast and cervical cancer?
- Through which measures and with which results does the Serbian State improve access to reproductive health services for women with disabilities?
- What measures does the Serbian State take to ensure that health workers report juvenile pregnancies to the police/prosecution?

<sup>19</sup> CEDAW background report;

<sup>20</sup> <http://www.skriningsrbija.rs/srl/statistika/0/131/204/detalji/ukupno-svi/>

<sup>21</sup> Fourth periodic report on the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women, pg.45, paragraphs 178 – 187.

## Recommendations

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

## 7.2 Roma women's right to health care is jeopardized

The work of health mediators significantly contributed to the inclusion of Roma women and Roma children into the health insurance system, but information about reproductive health is insufficiently accessible to them.<sup>22</sup> Activities related to reproductive health and education of Roma women are not implemented systemically, mainly done by civil society organizations and the Ministry of Health has not regulated the health mediators' status in a sustainable way.<sup>23</sup>

### Proposed questions:

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- Why didn't the Serbian State introduce medical mediators into the health care system and provide funding for their work?

### Recommendations

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

## 8. OTHER EQUAL RIGHTS

(Articles 10, 11, 12, 13, 14; Recommendations No. 13, 16, 17, 18, 24, 27, 36)

### **PRIORITY ISSUE:**

***Women are discriminated against in accessing resources such as assets, new technologies and financial markets.***

Women have significantly less access to property than men. According to data of the National Geodetic Authority for 2017, women own 23.42% of all plots, 24.70% of buildings, and in 42.5% of cases they are owners of special parts of buildings. Women often renounce property for the benefit of male heirs.<sup>24</sup>

Women use computers and the Internet less than men (in 2017, 72.2% of men and 63.4% of women used computers). Given the poor use of computers and the Internet among the elderly, especially elderly

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<sup>22</sup> Special Ombudsperson report on reproductive health of Roma women with recommendations, 2017, pg. 3;

<sup>23</sup> CEDAW background report

<sup>24</sup> [Babović, M, Vuković, O. \(2008\) Rural women with the status of helping members in the household: position, roles and social rights, UNDP, Belgrade](#)

women, in the process of digitizing public services there are great risks of discrimination against these women in accessing public services, especially e-Government services.

Women's access to financial markets and services (possession of bank accounts, savings, insurance, foreign remittance and loans) is almost completely unknown in Serbia. There is no research or reports from state authorities about this.

## *Proposed questions:*

- What measures are taken by the Serbian State in order to reduce the gender gap in land, housing units and business premises?
- Has the Serbian State conducted an assessment of the effectiveness of these measures?
- Has the Serbian State conducted an assessment of the availability of financial loans for women entrepreneurship and agricultural production?
- Has the Serbian State conducted an assessment of how digitization of public services reflects on the access to these services for older and digitally illiterate women?
- What measures does the Serbian State take to increase digital literacy and use of information technologies among those categories of women?

## *Recommendations*

- It is necessary to make data on ownership of land, housing units and business premises publicly available (open data).
- It is necessary to carry out an assessment of measures aimed at reducing the gender gap and make it publicly available.
- It is necessary to conduct a thorough analysis of women's access to financial markets and the effects of this approach on the economic activity of women and their standard of living.
- It is necessary to provide support for older women who do not use digital technologies to access public services, such as e-government, etc.
- Special support measures for women from vulnerable groups should be provided to increase their digital literacy and make information technology, access to information and electronic services more available.

## 9. MARRIAGE AND FAMILY

(Article 16; Recommendation No.21)

### **PRIORITY ISSUES:**

- 1. Marital and extra-marital relationships are not equal by law, although the Constitution equals them.**
- 2. Mothers are materially affected by the conditions prescribed by the Law on Financial Support to Families with Children, and single mothers by an ineffective support system.**

### 9.1 Unequal status of marital and extra-marital relationships

Same sex marriages have not been legalized and despite the Serbian Constitution<sup>25</sup> stipulating extra-marital relationships as equal with marriage<sup>26</sup> this is not systemically established in other laws. Out-of-wedlock partners cannot be legal successors of property, nor can they succeed family pensions. This discrepancy between regulations regarding property succession, pension and disability insurance and the Law on Family and the Constitutions itself, greatly affect women as they live longer and rarely decide to get their affairs in order during their partner's life, leaving them on the edge of poverty in case of their partner's death.

### *Proposed questions:*

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

### *Recommendations*

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

## 9.2 Discrimination of mothers in parental benefits and the difficult economic situation of single mothers

Although parents have a legal obligation to support their children, there are frequent cases of non-fulfillment of this obligation, as evident by the number of court proceedings for exercising the rights of the child to support after divorce/termination of the parent's marital union. This procedure is ineffective, despite the proclaimed principle of urgency and application of measures that can provide provisional protection and ensure the satisfaction of the child's life needs during the course of the court proceedings. The data from the research on income and living conditions show that the economic situation of single parents is much more unfavorable than the average for Serbia. While the risk-of-poverty rate for Serbia was 25.5% in 2016, for single-parent families with dependent children (mostly single mothers), this rate was as high as 40%.<sup>27</sup>

### *Proposed questions:*

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- What does the Serbian State do to remove the discriminatory provisions in the Law on Financial Support to the Family with Children towards women in terms of their economic status or employment?
- What measures does the Serbian State take to regulate the issue of irregular support by one parent?
- Has the Serbian State investigated the possibilities of introducing the alimony fund and what are the conclusions on the issue?

### *Recommendations*

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<sup>25</sup> The Constitution of the Republic of Serbia, "Official Gazette RS" no. 98/2006;

<sup>26</sup> Article 62 of the Serbian Constitution;

<sup>27</sup> [Eurostat, Statistics on income and living conditions.](#)

- Establish the Alimony Fund and the right of the child to be paid maintenance from that fund if the parent debtor fails to fulfill his/her obligation to support.
- Establish the obligation of the court to adopt a provisional measure immediately after filing a divorce application to regulate the exercise of parental rights, the obligation to support children and the realization of a child's contact with a parent with whom he/she does not live.
- Modify legal solutions to ensure financial security and stability for families with children and eliminate discrimination against women without work.

## 10. VIOLENCE AGAINST WOMEN

(Articles 1;2,3 Recommendations No. 12, 19, 35)

### **PRIORITY ISSUES:**

- 1. *Women are subjected to violence and discrimination in private and public spheres, tolerance to violence is high.***
- 2. *Prevention and protection of women victims of violence is not adequate.***
- 3. *A system for monitoring the processing, protection and support of victims has not yet been developed.***

### 10.1 Violence against women permeates all spheres of society

Violence permeates all areas and all levels of public and private life. It is evident in the discourse and public appearances of politicians and even some members of parliament, in the media who spread misogynist and sexist messages, present as structural violence against women, which excludes them from decision-making, from the labor market, from property, new technology, present as violence against women in the workplace, in institutions where women should achieve social or health protection, it's present in the family, in partner relations, where women should feel safe and where they need to get the most support to realize their potential and well-being. Paradoxically, never has more been done on preventing and combating violence and these are precisely the areas where significant progress has been made during the last decade, while there has never been more violence in many areas of social life.

#### ***Proposed questions:***

- What measures has the Serbian State taken to protect women holding political functions from violence in public and political life?
- What measures has the Serbian State taken to find and punish the perpetrators of violent acts against women in political office?
- What does the Serbian State do to establish zero tolerance for violence against women in all areas of public and private life?

#### ***Recommendations***

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

## 10.2 Prevention and protection of women victims of violence is inadequate

One-year implementation of the Law on the Prevention of Domestic Violence<sup>28</sup> shows that comprehensive protection of victims of domestic violence, primarily women and children who are most often exposed to domestic violence, is not yet achieved.

### *Proposed questions:*

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

### *Recommendations*

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

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<sup>28</sup> Official Gazette RS no. 94/2016.

## 10.3 A system for monitoring the processing, protection and support of victims has not yet been developed

The monitoring system is fragmented, data formats not standardized between systems, updates are not taking place according to the required dynamic, making it difficult to monitor the processing and protection of victims. The inability to monitor is reflected in the poor potential for improvement of the protection system.<sup>29</sup>

### *Proposed questions:*

- When will the Serbian State develop and publish a unified database of all cases of domestic and gender-based violence?

### *Recommendations*

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

## 11. GENDER STEREOTYPES AND PREJUDICES (Article 5)

### **PRIORITY ISSUES:**

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

The media encourage patriarchal cultural patterns and stereotyped gender roles for women and men. Sexism is present in media speech, especially when it comes to presenting women in decision-making positions. Cases of violence are often portrayed in a sensational way, further victimizing women and girls involved. In commercial media, the disparaging portrayal of women as objects prevails.<sup>30</sup>

### *Proposed questions:*

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

<sup>29</sup> More on specific weaknesses of the monitoring system in the wider report annexed to this report;

<sup>30</sup> [Mršević, Z. \(2017\) Media in Serbia on gender based violence in 2015 and 2016, UNDP, Belgrade;](#)

## Recommendations

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- Adopt the Media Strategy and other sub-acts that will regulate the spread of gender-based stereotypes in the media
- Strengthen the capacity of media self-regulatory bodies to implement effective monitoring of reporting on women in accordance to the standards

## 12. WOMEN, PEACE, SECURITY

(Recommendation No.30)

### **PRIORITY ISSUE:**

***Women do not participate equally in peace negotiations and post-conflict recovery.***

National Action Plan for the implementation of UNSC Resolution 1325 “Women, Peace and Security 2017-2020” was adopted in May 2017, and by the end of 2018 did not begin its implementation. The Serbian Government has not yet taken steps to form the main bodies responsible for implementing the NAP, such as the Political Council, the Operating Body and analytical groups in relevant ministries. There is a strengthening conservative reaction against gender equality that threatens to diminish the importance of this NAP. Although there is no public opposition to the agenda of women, peace and security, it is obvious that there is a lack of political support for the implementation of the NAP, bearing in mind that nothing has been done on the issue since the adoption of the document.

### **Proposed questions:**

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

### **Recommendations**

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