

Amendment proposals to the Draft Law on Amendments and Additions to the Law on Games of Chance

I

Article 2 of the Draft Law on Amendments and Additions to the Law on Games of Chance is as follows:

Article 5, paragraph 2 shall be replaced with:

“Part of the funding which is the Republic budget revenue in the amount of 40% (hereinafter: earmarked funds) shall be used for financing of the Red Cross of Serbia, associations of people with disabilities and other associations for the advancement of the socio-economic and social position of people with disabilities and other needy people, institutions of social welfare, sports and local self-governments”.

Amendment to Article 2 of the Draft Law on Amendments and Additions to the Law on Games of Chance:

In Article 2, the words “and other needy people” shall be followed by the words: “associations for the advancement of women,”

So that Article 2 of the Draft Law is now as follows:

Article 5, paragraph 2 shall be replaced with:

“Part of the funding which is the Republic budget revenue in the amount of 40% (hereinafter: earmarked funds) shall be used for financing of the Red Cross of Serbia, associations of people with disabilities and other associations for the advancement of the socio-economic and social position of people with disabilities and other needy people, **associations for the advancement of women**, institutions of social welfare, sports and local self-governments”

II

Article 7 of the Draft Law on Amendments and Additions to the Law on Games of Chance is as follows:

Article 18 shall be replaced with:

“Earmarked funds from Article 5, paragraph 2 of this law shall be allocated, in the amount of 20% each, for financing:

- 1) the Red Cross of Serbia;
- 2) Associations of people with disabilities and other associations for the advancement of the socio-economic and social position of people with disabilities and other needy people;
- 3) institutions of social welfare;
- 4) sports;
- 5) local self-government units

The way and the criteria for the allocation of funds for financing of the subjects from paragraph 1, lines 1) to 5) of this article are to be determined by the competent ministers.

Amendment to Article 7 of the Draft Law on Amendments and Additions to the Law on Games of Chance is as follows:

In Article 18, paragraph 1, the words “in the amounts of 20% to each” shall be replaced with the words “in the following amounts”;

In Article 18, paragraph 1, line 1, the words “the Red Cross of Serbia” shall be followed with the words “20%”;

In Article 18, paragraph 1, line 2, the words “and other needy people” shall be followed by the words “20%”;

In Article 18, paragraph 1, the line 3 shall be added: “associations for the advancement of women 5%”;

In Article 18, paragraph 1, line 4, the proposed line 3 shall become the line 4 and the words “institutions of social welfare” shall be followed by the words “20%”;

In Article 18, paragraph 1, line 5, the proposed line 4 shall become the line 5 and the word “sports” shall be followed by the words “15%”;

In Article 18, paragraph 1, line 6 shall be added, the proposed line 5 shall become the line 6 and the words “local self-government units” shall be followed by the words “20%”;

In Article 18, paragraph 2, number 5) shall be replaced with number 6)

Article 7 of the Draft Law shall now be as follows:

Article 18 shall be replaced with:

“Earmarked funds from Article 5, paragraph 2 of this law shall be allocated for financing, in the following amounts:

- 1) the Red Cross of Serbia 20%;
- 2) associations of people with disabilities and other associations for the advancement of the socio-economic and social position of people with disabilities and other needy people 20%;
- 3) associations for the advancement of women 5%;
- 4) institutions of social welfare 20%;
- 5) sports 15%;
- 6) local self-government units 20%

The way and the criteria for the allocation of funds for financing of the subjects from paragraph 1, lines from 1) to 5) of this article are to be determined by the competent ministers.”

JUSTIFICATION OF THE PROPOSED AMENDMENTS

I – Article 2 of the Draft Law on Amendments and Additions to the Law on Games of Chance

1) Proposed changes are in the spirit of special measures taken to achieve gender equality and develop the equal opportunity policy in the Republic of Serbia.

*The Constitution of the Republic of Serbia*¹ envisages that “the state shall guarantee the equality of women and men and develop the equal opportunity policy” (Article 15), and *the Law on Gender Equality*² envisages that the public authorities shall develop the active equal opportunity policy in all aspects of social life (Article 3) and take special measures to combat and prevent inequality (Article 7).

*The National Strategy for Improvement of the Position of Women and Promotion of Gender Equality (2009-2015)*³ points out that the improvement of the position of women leads to democratization, modernization and Europeization of the Republic of Serbia, stimulates the national development (using the women’s human resources) and leads to direct improvement of quality of live for all its citizens. The Strategy underlines that “the women’s human rights organizations and the women’s movement make a huge contribution to democratization and modernization of society, promotion of peace, human rights and democratic values and principles, which is in accordance with the European perspective of the Republic of Serbia”.

The government report on the implementation of the *National Millennium Development Goals in the Republic of Serbia*⁴ emphasizes the importance of “strengthening the partnerships between NGOs and institutions, as well as the financial support to the NGO sector”. *The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*⁵ says that the women’s human rights are an integral part of universal human rights, and in accordance with all international documents, they have to be guaranteed, respected and protected. The Convention, also, points out the “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men” (Article 3). In the *Concluding comments of the UN Committee on the Elimination of Discrimination against Women: Serbia*, the Republic of Serbia is urged to bring all domestic legislation in line with the Convention and to take clear and specific results-oriented measures (14) and to review its plans and programs to ensure that gender perspectives are fully integrated (16).

2) Although the legal gender equality has been achieved, gender equality de facto still has not been achieved. There are several reasons for it, including, among others, the lack of funding for programs and associations for the advancement of women.

Women in Serbia are poorer than men⁶. They are more illiterate than men, more uneducated, they wait longer to get employed, they have lower wages than men for the same jobs, they have lower pensions and less property registered in their names, which reduces

¹ The Constitution of the Republic of Serbia, “The Official Gazette of the Republic of Serbia”, No. 98/2006

² Law on Gender Equality, “The Official Gazette of the Republic of Serbia”, No. 104/2009

³ The National Strategy for Improvement of the Position of Women and Promotion of Gender Equality, “The Official Gazette of the Republic of Serbia”, No. 15/2009

⁴ National Millennium Development Goals, the Government of the Republic of Serbia, 2006, Millennium development goal No. 3 (Promote gender equality and empower women)

⁵ The Law on Ratification of the Convention on the Elimination of All Forms of Discrimination against Women, “The Official Gazette of the Federal Republic of Yugoslavia – International Treaties”, No. 11/81

⁶ Monitoring Social Inclusion in Serbia: Overview and Current Status of Social Inclusion in Serbia Based on Monitoring European and National Indicators, the Government of the Republic of Serbia, April 2010

their economic independence and mobility⁷. They are more victims of violence committed by men in marriages, relationships and after divorces, as well as other forms of domestic and community violence (customary practices, sexual violence, human trafficking, and sexual harassment in the workplace).

Women spend more time than men doing household chores and taking care of children and older family members (unpaid work), which reduces their capacity for education, career advancement and their spare time. More than men, they suffer the consequences of economic crisis due to restrictions of social, health and education services. Women are single parents more often than men, which along with the inefficient justice system, exposes them to economic and psychological exhaustion (enforcement of child custody orders).

Women in Serbia are at higher risk of poverty than men⁸, particularly the multiple discriminated against groups, including Romani women, women with disabilities, refugee or displaced women, minority women, unemployed women, rural women, single mothers and other women. Therefore, as a group, women are more often than men in "in need". Advancing the position of women requires taking special measures aimed at combating direct and indirect discrimination and achieving social inclusion. These special measures include, also, the state funding for programs and associations for the advancement of women.

. 3) The argumentation of the sponsor of the article amendment (Ministry of labor and social policy) in explaining the basic legal and individual solutions, is neither enough or accurate.

We think the proposed amendment *does not specify, but rather excludes the* subjects which can benefit from these funds. Therefore, the proposed solution of the sponsor *does not comply with* Article 6 of the Law on Social Welfare and Provision of Social Security of the Citizens, but is contrary to law because Article 6 of the Law refers to other socio-humanitarian, expert and other organizations and citizens' associations.⁹

II – Article 7 of the Draft Law on Amendments and Additions to the Law on Games of Chance

1) This will harmonize Article 18 of the Law on Games of Chance with amendments stated in Article 2 of the Draft Law.

Changes stated in Article 2 of the Draft Law require harmonization of provisions in Article 18. Besides, the specification of the amount of the funds for certain categories of recipients shall be done. The proposed changes refer to 5% of the earmarked funds from Article 5, paragraph 2 of this law, which would be allocated to a *new category of the funds recipients* - associations for the advancement of women. The funds would be provided for the new category of recipients by reducing 20% of the amount (by 5%) originally designated for the sports by the Ministry of labor and social policy.

The proposed solution is the fairest one considering the fact that 29% of the funds for non-governmental organizations¹⁰ from the economic classification 481 – subsidy for non-governmental organizations, are actually assigned for sports. Also, the sports associations are being financed from other sources as well at both national and local levels. Very often,

⁷ Women and men in Serbia, Statistical Office of the Republic of Serbia, Belgrade 2008

⁸ Monitoring Social Inclusion in Serbia: Overview and Current Status of Social Inclusion in Serbia Based on Monitoring European and National Indicators, the Government of the Republic of Serbia, April 2010

⁹ The Law on Social Welfare and Provision of Social Security of the Citizens, "The Official Gazette of the Republic of Serbia", No. 36/91, 79/91, 33/93, 53/93, 67/93, 46/94, 48/94, 52/96, 29/01, 84/04, 101/05 and 115/05. Article 6 – Programs of organizations of people with disabilities, socio-economic, humanitarian, professional and other organizations and associations of citizens contribute to the advancement of the socio-economic and social position, rehabilitation and socialization of people with disabilities and other people in need, as well as the advancement of the professional and voluntary humanitarian work.

¹⁰ From the analysis of the "Classification 481 – Subsidy for NGOs in the budget of the Republic of Serbia", Center for Development of Non-profit Sector

http://www.crnps.org.rs/xdoc/arhivavesti/analiza_481_za_2007_8_i_9_u_republickom_budzetu.pdf

profitable sports are being financed from this source, and the sports being a profitable industry it relies on other sources of funding as well. So little is being done in Serbia to promote women's sports although all factors indicate that women are less represented in both amateur and professional sports. Representation of women in professional sports associations, commissions and in roles of chief coaches of republic teams or among the referees is extremely disproportionate compared to the representation of men¹¹. Therefore, there is disproportionately less funds available for women's as compared to the funds assigned for men's sports.¹².

Women's organizations in Serbia have been working for twenty years to advance women's rights and achieve gender equality. They deserve praise for raising public awareness on this issue, as well as initiating the system changes in the Republic of Serbia (initiating the establishing of the gender equality mechanisms, legal changes and strategies). Their activism has especially developed in the field of combating violence against women (domestic violence, sexual violence and trafficking in women), economic empowerment of women, women's health and women's participation in the public sphere. A lot of activities of women's organizations dealt with the provision of social services, especially services to multiple marginalized groups of women such as Romani women, women victims of violence, unemployed women, single mothers, rural women, elderly women, refugee and displaced women and other groups.

We think that the proposed legal solution leads to more equitable distribution of funds in meeting public needs and directly contributes to the development of equal opportunity policy in compliance with the Constitution and laws of the Republic of Serbia.

¹¹ Raic, A. et al. (2002): *Representation of Women in the Sports in Serbia*, the Yugoslav Olympic Committee, the Sports Academy of Belgrade

¹² The research "Analysis of the annual statement of account in 2009", conducted by the Autonomous Women's Center and 6 local women's organizations, showed that the funds assigned for women's sports clubs are significantly smaller. For example, in Novi Pazar, the analysis of the budget item "sport" in 2009 showed that only 2% of the envisaged funds were assigned for 2 women's sports clubs (as compared to 10 men's and 10 mixed clubs). In 2008, the city of Kragujevac assigned 63 times more funds from the current budget reserves for the men's volleyball club as compared to the women's volleyball club.