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This report is submitted on the behalf of the following organisations:

- Autonomous Women’s Center
- ASTRA
- Women in Black
- Labris
- Voice of Difference

Belgrade, May 2013
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CONTACTS:
Autonomous Women’s Center; Tirišova 5a; 11 000 Belgrade; Serbia; +381112687190 dobre_prakse@azc.org.rs
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General comment

In this Shadow Report we, women's groups from Serbia in solidarity present critical systemic obstacles to women's human rights protection: violence against women, trafficking in women, lesbian rights denial and militarization of UN R1325. Also, we strongly endorse all critical inputs expressed by other NGOs, especially concerning Roma women, women with disabilities and internally displaced women with focus on ID Roma women since this ground of their rights has been totally denied.

The mentioned areas were supposed to progress in due time, for the benefit of women in Serbia based on the State obligations and accountability. But, the period 2007-2009 in Serbia will be remembered by women's human rights defenders for the following happenings:

- inefficiency of the courts and the fact that all citizens of Serbia (still) are not equal before the law, for example Case of Bishop Pahomije (2007) - A powerful alliance of Orthodox clergy, judicial officials and politicians succeeded in shielding clerical child abuser from justice.

- unclear criteria in relation to the right of assembly of citizens, for example “March 8th – Postponed” (2008) - Peace march and performance, planned for March 8th was forbidden. (A week later, Women in Black with solidarity of 50 civil society organizations performed “March 8th – Postponed – No more prohibitions, violence, fear! Free citizens, never servants!”)

- different social groups do not enjoy equal rights, including the right to public assembly, for example Gay Pride de facto banned (2009, as well in 2011 and 2012).

- decades of experience, expertise and autonomy of women's organizations that have been marginalized and excluded from key government policy making processes, for example Open Letter to Gender Equality Directorate (2009) identified key moments of marginalization, signed by 44 women's organizations:

  1. neglect of long-standing work and expertise of women's organizations in the issues of improvement of status of women and gender equality
  2. fictively participative process with no real possibility to make an influence
  3. disempowerment of women's organizations in regard to the state structures

- Forced evictions of Roma including girls, old, pregnant and sick women. Since April 2009 until May 2012 seventeen forced evictions of informal settlements in Belgrade have taken place to segregated and isolated spots fueling the problems where numerous Roma women are still without personal documents or they survive as stateless.

- Although femicide has been alarmingly increasing, there is no urgent or structural response. Meanwhile non-governmental services combating VAW have been excluded and erased.

We want to question normative optimism and sense of lush activities in the state report through our concerns with lack of accountability and basic political will. None of the above contributed to the improvement of status of women in Serbia. On the contrary, women's rights have been losing political and public ground through homogenization of power. Any of the above "cases" were not isolated incidents, but trends.
The current period confirms our serious concerns. The parties who formed the new government in July 2012 were leading warmongers in 90-es. Their violent and conservative politics erode women’s prospective. **Attacks on and black listing** of women’s human rights defenders have not been confronted by the state. Violence and its inspirators have been tolerated and perpetrators were not prevented or punished.

*Hereby, we ask the Committee to pay high attention and to put strict demands on Serbia to protect women from too much erosion of their rights.*
Article 2 – Legislative-Legal Framework

1. Convention on the Elimination of All Forms of Discrimination against Women is claimed to be the source of measures in the strategic documents that relate directly to women as legal subjects, but it is not applied directly, by reference to its provisions in court proceedings (as is the case with the Convention on the Rights of the Child, or with regional legal instruments such as the European Convention for the Protection of Human Rights and Fundamental Freedoms).

2. The Gender Equality Law (2009), after two years of implementation, has no effects on the actual equality of men and women. There are no publicly available reports on the effects of the law implementation. For the most of measures prescribed by the law, there are no sanctions provided, which practically means that the law has the character of recommendations and that there are no consequences for failure to apply the law. Only several by-laws were adopted, and the most of them are related to employers with more than 50 employees (Article 13: A Model of the plan of measures for mitigating or eliminating gender under-representation and a Model of the report on procedures undertaken to rectify the situation).

3. Draft Code Civile is a new legislative intention of the Ministry of justice, to codify civil laws, amongst which is the Family law. If the draft Code Civile pass in the Parliament, the Family law will be called Code Civile, book iii – Family relations. Family law is currently one the most advanced and progressive law in Serbia whose implementation is showing better and better results each year. Extracting Family law from the legal system of individual laws and putting it in Code composed of 4 books, will be in, our opinion, serious step back. After more than 60 years of not having Code Civile in Serbia and with all the changes that are constantly developing in the modern society, we can only presume how difficult it will be for the professionals and citizens to use and manipulate through this new Code, and how difficult it would be to change and amend any of the articles. The draft of the Code Civile, book III – Family relations contains many legal solutions that amend current Family law, on which the Autonomous Women's Centre sent comments to the Ministry of justice.

RECOMMENDATIONS

1. Amend the text of the Gender Equality Law, so that breaching of norms would be appropriately sanctioned.

2. Improve public informing on the prohibition of discrimination based on gender (and on the most usual examples of discrimination), as well as on the rights to equality, in order to stimulate women to advocate for their rights.

3. Exclude the content of the family law matters from the draft Code Civile.
Article 3 – Measures for the Development and the Advancement of Women

The Strategic Framework

1. Strategic documents in the Republic of Serbia and action plans for their realization aren’t harmonized enough. There is a hyper-production of such documents and plans, a lack of precise distribution of responsibilities and competence (action plan is rather a wish-list than a document clearly directing the implementation of the strategy), as well as absence of coherent framework for implementation and reporting on the results of planned measures and activities.

2. Four strategies recognize women as the main legal subjects. Action plan (AP) for the implementation of one of the strategies (a) was adopted, but there is no report on its implementation; AP for another strategy (d) wasn’t adopted; while two strategies (b,c) are being implemented through projects, without APs. What concerns is the fact that almost all funds for the implementation of these strategies are from foreign donations, and not from the budget of the Republic of Serbia.

3. Out of 12 strategic documents relevant for women and particularly vulnerable groups of women, 4 do not recognize women as legal subjects; 3 have no action plans adopted; and even 8 have no reports on realization.

4. In the reports on implementation of the measures there is no adequate gender statistics. The report for 2010 for the National Strategy of Sustainable Development (2008) states that the increase in the absolute poverty rate did not cause the deterioration of relations between average earning of women and average earning of men, which shows a fact that increase of poverty in the Republic of Serbia in the previous period had no significant gender dimension and could not be related to gender (at-risk-of-poverty rate in 2009 was 17.7% – 17.7% male and 17.8% female). However, when a family is the unit of analysis, the position of women is not visible, except in single-member household and partly in single parents with one or more dependent children. These data unambiguously confirm the significant gender differences (at-risk-of-poverty rate by type of household in 2009 for single-member household was 24.7% – 26.2% female and 21.3% male; for single parents with one or more dependent children rate was 30.6%, but 77% of single parents are women). Other economic indicators also testify to the deteriorating position of women, so it is to be expected that poverty has a gender dimension.

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1 (a) The National Strategy for Improving the Position of Women and Promotion of Gender Equality (adopted in 2009); (b) National Strategy for Prevention and Elimination of Violence Against Women in the Family and in Intimate Partner Relationship (adopted in 2011); (c) The Strategy for Protection against Domestic Violence and Other Forms of Gender-Based Violence in the Autonomous Province of Vojvodina for the period 2008-2012 (adopted in 2008); (d) The Strategy for Encouraging Birth (adopted in 2008)


5. Overview of local strategies shows that the presence and the role of women is considered solely at the level of statistical data (overview of facts and numbers), and not through measures and activities for the development and stimulation of advancement of women.

**Gender Equality Mechanisms**

1. The issue of gender equality became more present and visible in the previous period, among other things thanks to the activities of gender equality mechanisms, first of all to mechanisms of Autonomous Province of Vojvodina and of Gender Equality Directorate within the Ministry of Labour and Social Policy. Activities of these bodies are mostly supported by international donations, while budget support of their work is still very small. In addition to the creation of strategic documents and recommendations, they organized education of state servants, initiated analyses and researches, organized meetings, improved the cooperation with other relevant institutions and developed international cooperation. Within the jurisdiction of these bodies, the least attention was paid to activities related to analyses of legislation, drafting amendments and plans for monitoring the implementation of the existing laws and strategies.

2. The establishment of local gender equality mechanisms was strongly encouraged. In 2012, approximately 110 municipalities in Serbia (out of 167) had a contact person in charge of this field of work. However, there is no systematic data on the number of active local mechanisms and their effects. Survey on local GE mechanisms shows that many of them do not have defined indicators of success, allocated budget funds, that are not sufficiently informed with the Gender Equality Law and national strategies, or even with the CEDAW Convention, national reports and recommendations of the Committee. Conferences and meetings that GE Directorate organizes with local mechanisms to strengthen their capacities, although significant, are not effective or sufficient activities for the change of actual situation. Many local GE mechanisms have no influence on the change of situation, and some actively avoid cooperation with local women’s organizations.

3. There is no data (reports) on implementation of the Gender Equality Law (the first draft was made in 2006, and the Law was adopted in 2009), The National Strategy for Improving the Position of Women and Promotion of Gender Equality (the document made in 2006 and adopted in 2009, after unnecessary formal reconstruction), and of the Action plan for the implementation of the Strategy (adopted in 2010). Reports on the work of gender equality mechanisms at best enumerate the activities of these bodies, but not the changes made in this field. Gender sensitive amendments are still being submitted mostly by women’s NGOs, having strong support of the Ombudsperson.

4. Spending budget money by the Gender Equality Directorate (GED), the highest executive body in the field, is very low. Percentage of the execution of the approved funds in the period from 2008 to 2011 was 24 to 48%. This long-lasting practice is bad, since it unables creation of the culture of financing and increasing finances for the activities aiming at gender equality in Serbia. In 2010, the biggest part of money from donors (87.6%) was spent for hiring additional personnel for organizing the activities and for paying consultants. Although human and financial resources of this mechanism were increased, according to the CEDAW recommendation, they are not sufficiently directed to the crucial fields. At the same time, staff and a number of consultants engaged within the project Combating Sexual and Gender-based Violence have no

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6 Database on local mechanisms of gender equality, available at the web site of the Gender Equality Directorate. www.gendernet.rs

7 Presentation Gender Equality and Local Self-Government – Current Situation and Next Steps; Ms Aleksandra Vladisavljević, by UN Women, October 13-14, 2011.

8 Macanović, B. 2012 (Autonomous Women’s Centre monitored implementation of the Gender Equality Directorate budget in the period 2008-2011; reports available at the web site).

9 Payments of project activities done directly from the account of donors (for example UNDP) or through independent agencies (for example, the project funded by Swedish agency SIDA) are invisible in the reports.
adequate knowledge in the field, so that the produced documents have substantive mistakes and flaws. For these reasons, women’s organizations are forced to intervene, write letters of protests to Ministries in order to stop the adoption of badly written documents.10

5. Cooperation with women’s nongovernmental organizations: Efforts to formalize the cooperation between Gender Equality Directorate (GED) and women’s organizations through the Forum for Dialogue with the Civil Society Organizations (NGOs) failed (only 3 meetings were held, one in 2008 and two in 2009). During the realization of the three year project Combating Sexual and Gender Based Violence (2009-2011), GED also marginalized the role of women’s organizations, but the women’s NGOs succeeded not to lose control of defining the key documents. This trend continues with the new project of UN agencies (UNDP, UN WOMEN, UNICEF), even though GED is no longer the project holder. The experiences of cooperation of women’s organizations with the local mechanisms for gender equality vary – from being totally or intensely ignored, facing refusals when asked for financial support for the services these organizations have provided for years, to favouring those civil society organizations that are „more loyal” (i.e., whose members are close to political structures or local institutions). This phenomenon is mostly ignored by the donors, including UN agencies (e.g. UNDP abd UN WOMEN), who avoid active support to the women’s organizations.

6. Donations to women’s nongovernmental organizations: Budget money (at all levels) given to women’s NGOs is very small, and does not provide even the continuity of their work, and the conditions of distributing budget money are non-transparent. For example, Gender Equality Directorate (GED) did not spend the whole amount given for the purpose of gender equality in 2008 and 2011 (1,000,000 and 2,000,000 RSD) and it is unclear why. In the same period, many women’s organizations had major financial problems. Activities of GED were not directed toward development and support of women’s organizations, nor toward the needs of women who were their direct clients, but they favoured the activities contributing to foundation and/or raising capacities and improving work of gender equality bodies at the level of local governments. Situation of the budget support for NGOs (budget line 481) in Serbia is problematic: CSO’s receive only 21.5% of these budget funds.11 Tax payers in Serbia have no information on which activities are financed by their money (reports are not publicly available).12

7. Cooperation with international agencies and donors: Gender equality mechanisms have established and realized a significant cooperation with international and inter-state agencies and donors, but due to insufficient information in the anual reports it is impossible to see neither the extent of realized activities, nor their effects. Even though UNDP have the Information Disclosure Policy which enables making information about its programmes and operations available to the public, United Nations Development Programme (UNDP) did not act in accordance to it. When Autonomous Women’s Centre showed interest in the part of the realization of the project Combating Sexual and Gender Based Violence (realized by UNDP in partnership with GED, supported by the Government of the Kingdom of Norway with the amount of cca 3,000,000 USD), UNDP did not send narrative report at all, and sent the financial report formulated in a way that no one outside the UNDP can understand it.

8. Independent regulatory bodies for the protection of rights of citizens have been established, but their influence is still very weak. After the resignation of the Ombudsmen’s Deputy for Gender Equality in January 2011, the new deputy has not been appointed for more than a year. The amendment of the Autonomous Women’s Centre to change the title

10 This was done during the process of creating National Strategy on VAW, General protocol, and most recent, national Action plan on VAW.

11 Most of the funds are received by citizen’s profit-associations whose work is regulated by special laws: religious communities get 11% of the funds, political parties 8.6%, sports and youth associations 32.4%.

of the Deputy for Gender Equality to Deputy for the Rights of Women (as it is in the case of other deputies, e.g. for the rights of children, persons with disabilities etc.) was rejected. In 2012 Deputy for the Rights of the Children was assigned to work paralely as a Deputy for the Rights of the Children and a Deputy for Gender Equality, thus indirectly contributing to the reduction of visibility of de facto inequality between women and men in Serbia. Small number of complaints submitted by women is the result of filing complaints within Ombudsman office under other categories (children's rights, good governance, etc.), and on the other hand, of the low awareness amongst women and fear of consequences, or disbelief in the possibility for change.

**Statistical Data**

1. **Statistical Office of the Republic of Serbia** has improved presentation and availability of data disaggregated by gender through regular publishing of the special edition titled *Women and Men in the Republic of Serbia* (in 2005, 2008 and 2011), which has shown trends in several crucial fields. This publication is useful to prove de facto (in)equality of women and men, but much of the data shown through histograms and diagrams lack tables with precise percentages. Statistical Office of the Republic of Serbia is willing to give additional information.

2. Even though the Statistical Office of the Republic of Serbia has worked on harmonizing the methodology with EUROSTAT, gender sensitivity of some surveys is still deficient (which is a common trait of both national and EU statistics). For example, the unit of analysis used in the survey on consumption of households is “a household”, which blurs the position of an individual within the household and disguises the real inequalities between men and women.

3. **Judicial statistics**, concerning crimes against sexual freedoms, marriage and family, but also other crimes (against life and body, freedoms and rights of people and citizens), include gender and age information, but do not include information on the type of relationship (kinship) between the victim and the perpetrator of violence – and it is the information of crucial importance for understanding the gender dimension of such crimes. Since 2008, Statistical Office of the Republic of Serbia has repeatedly rejected suggestions to include registering this type of data.

**RECOMMENDATIONS**

1. Make relevant strategic documents gender sensitive. Include measures related to multiple-marginalized groups of women. Make sure that policies from national strategies reflect to local strategies.

2. Adopt of all action plans simultaneously or immediately after the adoption of the strategies, and ensure that action plans include clear information on implementers and budgets, as well as clear indicators for the results evaluation.

3. Regular reporting on the implementation of the strategy measures, using gender sensitive statistics which intersects data by relevant characteristics (age, ethnicity, region) and by specific characteristics (persons with disabilities, refugees and displaced persons etc.)

4. Regular and publicly available reports on gender equality at all levels, that would include the information on the number and extent of the activities, clear and measurable indicators that would allow for the monitoring of the spent money (both from the budget and the donors) and the results, as well as evaluation of the extent of fulfilment of implementation of the *National Strategy for Improving the Position of Women and Promotion of Gender Equality* and its Action Plan.

5. Intensify the Gender Equality Directorate activities on the creation of proposals for amendment to laws that improve the position of women. Provide regular monitoring of the implementation of *Gender Equality Law* and other legal provisions with a major
influence on women. More active reacting to discrimination of women (by filing
complaints to independent state mechanisms and regulative bodies).

6. Initiate reexamination of the Ombudsperson’s decision to abolish the Deputy for
Gender Equality.

7. Strong encouragement of the development of autonomy of women’s nongovernmental
organizations, that should be reflected in the distribution of financial support within
gender equality mechanisms, but also by all other state bodies at all levels, and in
accordance with the topics and priorities listed in relevant national strategies.

8. Stimulate agencies that support activities of the gender equality mechanisms at all levels,
especially UN agencies, to make their reports (both narrative and financial) available
to the public, so that investments in the field of gender equality can be evaluated
and compared with the gained results. This would also support the development of
the culture of transparency of public sector, enabling insight in potential conflicts of
interest or corruption, that are some of the major problems in the Republic of Serbia.

9. Continue with improving the presentation of all the relevant data categorized by gender,
age, region, intersecting them with the specific features of multiple-marginalization
(based on ethnicity, disability, position of refugees/displaced persons, urban/rural
living etc.). Include information on the type of relationship (kinship) between the
victim and the perpetrator of crimes. Improve indicators in surveys concerning poverty
discrepancies (not only financial) between women and men.
**Article 4 – Temporary special measures**

1. Although temporary special measures are proscribed in Constitution and other relevant laws (on Prohibition of Discrimination, Gender equality, Labour Law…), there still exists *de facto* misunderstanding of these measures and their purpose.

2. The most recent example of *de facto* misunderstanding of the purpose of temporary special measures and recognition of affirmative action for women related to birth, is the initiative of the Provincial Ombudsman filled before Constitutional Court. In January 2012, the Provincial Ombudsman submitted an initiative for assessing the constitutionality of Articles 14 and 16 of the *Law on financial support for families with children*. 13 The initiative stated that fathers are in unequal and discriminatory position by the fact that they are denied the right to obtain financial support for each new born child in accordance with the Law, except in exceptional cases. the Autonomous Women’s Centre reacted on this initiative by filling Third party intervention report, calling upon the art. 4 of the CEDAW and explaining its meaning and purpose. The opinion of the Constitutional Court is still pending.

**RECOMMENDATION**

1. Educate public servants on the meaning and the purpose of temporary special measures.

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13 case number IV-J – 40/2012.
Article 6 – Trafficking in women

1. General overview. For over a decade, Serbia has been a country of origin, transit and destination of women and girls trafficked mainly for the purpose of sexual exploitation, but also for forced begging, labour exploitation, forced marriage, etc. They are falling victim mostly because of poverty, general marginalisation and social deprivation, lack of education, lack of access to social services that would protect them from family violence and because job offers made by traffickers are mostly the only offers they would get. Since none of these root causes of trafficking is being effectively resolved, this situation is not likely to change.

Since March 2002 until 31st December 2012, ASTRA – Anti Trafficking Action received 17,871 calls through ASTRA SOS Hotline and identified and/or assisted 420 trafficking victims (36.46% of victims were children). Over 3/4 of victims identified in this period were the citizens of Serbia; for nearly half of them Serbia was also the destination country.

As far as destination countries are concerned, the most frequent destination for trafficking victims in 2012, like in the previous years, was Serbia. Other destination countries were Italy, Germany, Montenegro, Bosnia and Herzegovina, Sweden and Austria. 55% of all trafficking cases in 2012 were trafficked internally.

Victims identified and assisted by AStRA in 2012 were trafficked most often for the purpose of sexual exploitation, forced marriage, forced begging, exploitation through coercion into criminal activity.

In 2012, the Center for Protection of Human Trafficking Victims/Agency for Coordination of Protection of Trafficking Victims identified a total of 79 persons. Of this figure, 70 were recognized as trafficking victims and 9 as potential victims. The majority of victims were females (61, i.e. 77%) and the citizens of the Republic of Serbia (72, i.e. 91%). Identified foreign nationals came from Montenegro, Bosnia and Herzegovina, Moldova, Romania, Bulgaria and Thailand. Children (33) accounted for 42% of identified victims, which is a significant increase of 12 percentage points in comparison to the percentage of minor victims a year before.

2. Budgetary financing. One of the major problems in the Serbian anti-trafficking is the absence of sustainable and predictable budgetary financing. Direct victim assistance still depends primarily on support of foreign donors, while state support is sporadic and non-systemic. It could be heard quite often that victim assistance could be provided within the existing social welfare14 and public health systems.15 However, such assistance is often insufficient, inappropriate and not always available to all victims. The new Anti trafficking Strategy and NAP are once again drafted without ensuring reliable budget allocation for their implementation. Some NGOs (not critical upon Government) are funded on ad hoc basis.

3. Legal Framework and Court Practice. Although legislative framework for prosecuting human trafficking is rather satisfactory,16 its implementation in practice suffers many deficiencies and does not improve the status of the victim significantly. Victims are expected to report the crime and witness before the court, but they enjoy no protection and the issue of their safety is not systemically solved. Trials are lengthy and victims are summoned to give statements over a long period of time, which is a serious obstacle for their putting the trafficking experience behind and moving on. Sentences for traffickers are around prescribed minimum and a small number of them end in jail, while in a couple of cases victims have been convicted of something they have done as trafficking victims.17

15 Health Act of the RS, Official Gazette of RS, no. 57/2011
17 ASTRA, 2011, The Position of Trafficking Victims in Court Proceedings - The Analysis of Judicial Practice through Monitoring of Trials and Court Judgments

Although trafficking in women is observed as an issue of organized crime in most countries in the world, it seems not to be the case in Serbia. In the last couple of years, it could be heard in the statements of the law enforcement officials that organized criminal groups are not involved in human trafficking in Serbia any longer. Similar message is sent by the Office of Special Prosecutor for Organized Crime, in particular by its decisions not to prosecute certain trafficking cases as the acts of organized crime, but to have them prosecuted before regular courts. For 25 months the Special Prosecutor’s Office for Organized Crime refused to prosecute trafficking cases. The case they accepted after 25 months ended with the most severe sentences for traffickers ever rendered in Serbia – ranging from 10 to 15 years. This is a first instance verdict.

Further, it has been observed in recent months that in spite of numerous trainings, judicial professionals still do not understand human trafficking as a phenomenon. Both judges and prosecutors are often insensitive to the vulnerability of victims and pay no attention to secondary victimization; in addition, public prosecutors are often passive, although they have a vital role in the proceedings. We have seen several cases of victims being prosecuted for acts committed under or in relation to their exploitation.

Regarding prevention its worth to mention that trafficking in human beings is not recognized by any curriculum in primary and secondary school.

Free legal aid for trafficked persons that is funded by the government, local government or the like, still does not exist in Serbia.

No victim received compensation for what have happened to her/him nor criminal assets have been confiscated for any trafficker. Criminal courts are reluctant to decide on damages and refer the victims to litigation, which is costly, lengthy and brings additional re-traumatization with uncertain outcome.

In the case prosecuted before the Basic Court in Vranje, a trafficked woman, identified in 2008, who was a key witness to the proceedings refused to keep participating in the proceedings because of constant threats she was exposed to. As a result, the Prosecutor filed an indictment for perjury against her (Article 334, Para. 2 in connection with Para 1 of the Criminal Code).

In the mid-2010, the Vranje Basic Prosecutor’s Office asked to inspect the case and the Prosecutor decided to drop charges for perjury. However, the accused from the trafficking case decided to take over and in the end the victim got a suspended sentence of 6 months over 2 years. On December 8, 2011 an appeal was lodged against this judgment (K 573/10) to the Court of Appeal in Niš, but no final decision has been made to date.

At the same time, this person appears as a witness/victim in the trial for human trafficking that is conducted before the Vranje Basic Court. In 2010, the Vranje Basic Prosecutor’s Office forwarded the case to the Basic Court for initiating a new investigation for the offence of human trafficking. The first hearing in the case K-1222/12 was held in March 2012. The first-instance judgment has not been issued yet. (ASTRA Database, ID number 2638)

In 2005, ASTRA was contacted by a mother of a 16-year old girl who was sexually exploited in the territory of Serbia. Because of the girl’s poor psychiatric condition, the court allowed her not to come to town where she was exploited and where the proceedings were taking place, but she gave her testimony in the presence of a neuropsychiatrist in the town where she lived.

In November 2011, the Court of Appeal returned the case to the Higher Court for new trial and the girl was summoned to testify again. Since the forensic examiners have found her fit for trial, she will have, at the next session scheduled for the end of April, to testify again nine years after the trafficking offence was committed and after seven years of participating in the proceedings. (ASTRA Database, ID number 925)
4. **Victim assistance.**

Within the **reform of the national referral mechanism**, the former Agency for Coordination of Protection of Trafficking Victim has undergone major transformation in 2012. Namely, a whole new agency has been established named the **Centre for the Protection of Victim of Trafficking** which operates its activities through two organizational units: the Agency and the Emergency Shelter. Specialized victim assistance is provided by NGOs. As said earlier, it could be heard quite often that victim assistance could be provided within the existing social welfare and public health systems. However, such assistance is often insufficient, inappropriate and not always available to all victims. Victims – domestic nationals, who do not have proper documents, which are the condition for enjoying any rights in the field of social welfare and public health (except for emergency assistance), are faced with the greatest obstacles.

Social welfare centers operate at the municipal level; their involvement is mandatory if trafficked person is a child. They are generally in charge of providing social services, but they lack specialized programs, skills and sensitivity to work with trafficked persons.

Accomodation of trafficked person has been problematic in Serbia for years. To overcome the situation in which there has been only one shelter - Reintegration Shelter in Belgrade, with the capacity to accommodate up to 7 persons, in October 2011 two shelters for victims of domestic violence ran by local social welfare centers – in Novi Sad and Nis - were expanded to provide primary care for trafficked persons. These shelters have the capacity of up to host up to six persons. However, victims with addiction diseases or with psychologically altered behavior/ psychological disorders cannot be admitted in these shelters because programs for support to such victims have not been developed nor cooperation with specialized institutions have been established in order to enable their involvement in victim assistance in urgent situations without ample red tape. In addition, there are no night shifts in either of these shelters and victims cannot receive urgent assistance or support during the night. Specifically, the shelter in Novi Sad is managed by the employees of the Novi Sad Social Welfare Center; they are engaged in the shelter alongside their regular duties, but after their working hours, i.e. in the afternoon and over night, the staff is reduced to one security guard who is supposed to provide physical protection of the facility. The shelter in Nis has only one person engaged who works only one shift, while additional staff and support is engaged if and when necessary. To our knowledge, staff at the shelters did not passed long-term training or education programs held by local and/or international experts in the field of identification, urgent assistance and (re)integration.

In November 2011, the Justice Minister and Minister of Labor and Social Policy signed an agreement according to which a temporarily seized house (pursuant to the Criminal Assets Confiscation Act19) in Belgrade would be the central office of the new Victim Assistance Center, which is composed of an emergency shelter for trafficked women and the former the Agency of Coordination of Protection of Trafficking Victims20. However, although the answers provided by the Republic of Serbia provided to the List of issues and questions with regard to the consideration of periodic report may indicate that the shelter and the Victim Assistance Center have given any contribution to the protection victims in Serbia, **they are actually not operational as yet** due to the procedural failures, legal and technical reasons. Moreover, the address of the future shelter is published in the Official Gazette of Serbia.

Although children have been constituted a large proportion of victims identified in Serbia and that they are almost exclusively children of Serbian origin, Republic of Serbia still lack specialized assistance and reintegration programs for children.

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19 Official Gazette of RS, no. 97/2008
20 Decision on the Establishment of the Victims Assistance Center of the Repubulic of Serbia, Official Gazette of RS, no. 35/2012
All actors in the field of victim protection in the phase of recovery and reintegration should abide by generally accepted standards based on international practice, documents and recommendations that are accepted in Serbia, too. This is quite challenging for all actors in terms of persistent implementation of the principles of working with victims, respect for their needs and rights and the provision of appropriate support, especially having in mind that victim assistance in Serbia is not provided following any written procedures, not to mention monitoring and quality control.

Even with no safety or data protection guarantees victims are sometimes forced to give statements to police and other authorities with no implementation of reflection period.

5. Joint Programme of UNHCR, UNODC and IOM to Combat Human Trafficking in Serbia.
The Joint Programme of UNHCR, UNODC and IOM to Combat Human Trafficking in Serbia, under the auspices of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) and in partnership with the Government of Serbia, was officially launched in the autumn of 2010. The idea of this all-inclusive project of the UN agencies, which managed to raise several million EUR, was to coordinate and finance the implementation of the activities envisaged in the Serbian Anti Trafficking Action Plan (2009), which Action Plan the Government had to adopt for the reason of visa liberalization with the EU, but failed to provide any budgetary funding for it.

Although this project envisaged numerous activities for which implementation considerable funds have been raised, its impact, especially sustainable and essential policy change, has remained modest and its results brought only half way. At the same time, it monopolized the entire anti-trafficking effort in Serbia, both policy and grass-root, including the donors which had been considerable support to NGOs, thus leaving them completely dependant on the Joint Programme. We can illustrate Joint Programme’s attempt to marginalize independent NGOs with the answer Republic of Serbia provided to the List of issues and questions with regard to the consideration of periodic report. Namely, it is said that one of the results was “Developing the first formal training programme for social workers who shall, under the new law, bear the responsibility for the process of identification, referral and protection of victims (about 100 social workers have passed the training so far)”, although AStRA developed and accredited the first formal programme for social workers one year earlier and around 100 social welfare professionals attended it.

In addition, there is a lack of transparency in the tender procedures and criteria for selecting the best bidder for implementing project activities of the Joint Programme, as well as not very high likelihood of fair evaluation of the outcomes, since institutions of the Republic of Serbia cooperate on this project through their representatives and do not have interest in being critical.

However, our greatest concern refers to the fact that the Joint Programme envisaged and then initiated many activities, but either failed to bring them to the end or to implement them in a way that would bring a sustainable and long-term impact (although the idea behind such a large project was that it would ensure necessary coordination and consequently bring systemic and sustainable outcomes); however, although left halfway, these activities are considered to be finished/completed and it would be difficult to raise funds for their real implementation in the future, to ensure Government’s cooperation or to mobilize donors’ support.

The Joint Programme especially failed to bring systemic change at the institutional / policy level, which should have been its greatest strongpoint and contribution having in mind that it managed to get involved all relevant state actors. It should be noticed that 40% of NAP envisaged activities, mentions in State additional answers, are done mostly by NGOs thanks to the foreign donations.

Since the Join Program funds are not spent in the three years it was prolonged on the basis on non cost extinction until October 2012. It does not exist anymore.
Regarding replies to question No. 7 of Serbia to the list of issues to be taken up in connection with the consideration of its combined second and third periodic reports (CEDAW/C/SRB/2-3) it should be stressed:

* In regard to paragraph 4 (question No. 7) no independent monitoring mechanism (National Reporter etc.) has been established yet. Independent consultants mentioned, did the ad hoc evaluation of UNGIFT project and not the anti trafficking mechanism as whole.

* In regard to paragraph 5 (question No. 7) Serbia doesn’t have a Strategy on combating trafficking in human beings nor the National action plan (NAP) since December 2011. The final session of the public debate for the new Strategy 2013-2018 and NPA 2013-2014 was held on 22nd April 2013. The main debate was on serious attempt to marginalize NGOs which had played the major role in building Serbian anti-trafficking system in the last ten years. Namely, around 25 representatives from 10 ministries and two state agencies participated in the process, as well as only 2 NGOs. NGOs are also marginalized with regard to the implementation of the Strategy and NAP. Namely, the Strategy Implementation Team – to be formed by the Government Anti Trafficking Council – shall include the representatives of various ministries, the Office for Human and Minority Rights and Serbian Intelligence Agency. NGOs will not be included as members, but will be allowed to be present at the meetings of the Implementations Team.

* In regard to paragraph 10 (question No. 7) the activities presented as UNGIFT project activities (creating the first formal training program for judges and social workers, establishing law clinics …) existed much before the UNGIFT project. The two funds mentioned (The prevention fund and the Direct aid and social inclusion fund) are actually the part of the UNGIFT project budget and not the funds per se. In regard to that the cost efficiency analyzes was never done. Regarding the shelter issue, please find more in the summary of this report. Regarding the info sessions at asylum seekers accommodation it was done by NGO Asylum Protection center for a few months. Neither asylum seekers no employees in these accommodation centers receive and education or information on trafficking in human beings.

* In regard to paragraph 11 (question No. 7) the system of protection and support of victims was established in 2004 and it was reformed in 2012. The process of identification of victims of trafficking is rather ambiguous i.e. neither procedure is clear or written nor communication between different Governmental institutions involved (Ministry of interior, social welfare centers, prosecutors’ office…) is regulated. The new created Center for victims’ of trafficking plans to make positive changes in this regard.

* In regard to paragraph 12 (question No. 7) all prevention activities in republic of Serbia are carried out by the NGOs with support of foreign donations. Representatives of government authorities are invited as participants or presenters.

* In regard to paragraph 13 (question No. 7) the cooperation between Police academy and NGO ASTRA (mentioned in additional State answers) was established in informal way and with non-systematic approach and thanks to initiative of one professor from that school.

* In regard to paragraph 14 (question No. 7) the only specialized SOS hotline for victims of trafficking in the Republic of Serbia is run by NGO ASTRA and supported by foreign donations for the last 11 years. Exchange of information sometimes is one way (from NGO to police) with not getting feedbacks.

RECOMMENDATIONS

1. Improve the identification process
2. Establish the institute of the National Rapporteur on human trafficking
3. Plan and allocate a budgetary line in the budget of the Republic of Serbia for the protection of victims, the prosecution of perpetrators and the prevention of human trafficking.
4. Amend the Criminal Procedure Act so that it envisages that trafficking victims may claim for compensation only in criminal proceedings in which way the need for civil suit will be eliminated.

5. Amend the Health Care Act so that it explicitly provides the right to free health care for trafficking victims even if they do not have registered place of residence.

6. Design a procedure for regulating personal documents for domestic nationals in cases when they do not have permanent residence, with full respect of privacy and protection of victim's identity.

7. Develop and implement state-run programs of long-term reintegration for trafficking victims, adjust them to existing reintegration programs and make them available in all mixed/combined cases.

8. Urgently ratify the Council of Europe’s Convention on the Compensation of Victims of Violent Crimes which would make it possible for trafficking victims to claim compensation from the state for injuries or damage suffered as a consequence of human trafficking.

9. Design and implement policies aimed at reducing poverty and social exclusion, and consequently at reducing vulnerability to human trafficking among the following groups of women: rural women, Roma women, unregistered and undocumented women, women with disabilities, women – refugees and IDPs who are exposed to multiple discrimination.
1. **Educational structure of the population** in Serbia is unfavorable, especially when it comes to women with lower levels of education: 0.8% of the population has no education (0.6% of men: 1% of women), 4.5% has incomplete primary education (3.5 : 5.6%), 23.9% has completed primary school (21.9 : 25.9%), 56.2% has secondary education (60.9 : 51.6%), 6.3% has post-secondary, non-university education (5 : 5.6%) and 9.3% has higher education (8.3 : 10.3%).

*Education level of Roma population is extremely unfavourable*: 58.1% of Roma older than 15 has completed less than 8 grades of elementary school, 31.1% has completed elementary school, and only 10.8% has secondary education.

2. **From the budget** of the Republic of Serbia for education is allocated 5.4% of GDP (close to the EU average), but in the absolute amount it is significantly less.

3. **Capacities for preschool education are insufficient**, despite the increased number of facilities. Average coverage of children by preschool education is only 38.8 (16.1% of children aged 0-3, and 87.8% of children covered by the compulsory preschool curriculum). Preschool institutions are equally inaccessible to the children from rural areas and undeveloped regions. Children from poor households are significantly less covered by preschool programme (16% : 43%), including Roma children. The percent of children with only one employed parent is 29%, and only 5% of them are children of self-supported parents.

4. **Coverage of children by primary and secondary education, disaggregated by sex**: Primary education in 2009/10 covered 98.7% of 7 year old children, and rates of completing primary school in the last three years have been over 99%. Coverage of 7-14 years old children by primary education in 2010 was 95.6% for girls and 96.2% for boys. Rate of enrolment to secondary schools in the school-year 2009/2010 was 82.7%. Coverage of children aged 15-18 by secondary education in 2010 was 84.8% for girls and 81.5% for boys.

5. **Inclusion of children with developmental disabilities and from marginalized social groups** into school system is legally resolved, but it is too early to see significant improvements. There is a lack of activities aimed at improving the situation of children in rural areas, as well as of mechanisms for monitoring and protecting children from discrimination.

6. **Drop-out of school before completion**: Approximately 7% of pupils from each generation drop out of primary school before due time. There are still no mechanisms for prevention of early drop-out from educational system. No system measures have been introduced for the support of poor children, although the percentage of children from this group who leave school before due time has increased from 6 to 12% (in the period from 2002 to 2007). Dropping-out before completion of vocational secondary education that lasts for 3 years is 23.5%, while dropping out of secondary education that lasts for 4 years is 9.3%. The Republic of Serbia is one of the rare countries of Europe where secondary education is not compulsory. Significantly fewer children from families of low educational level, poor families, Roma families and refugee and displaced families are covered by secondary education. In October 2008, around 30% of people aged 18-24 who dropped out of school, were not at the training, out of them 23.3% of women and 35.9% of men (2009).

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24 Ibid, pg 145-146
25 Ibid, pg 147
26 Ibid, pg.166
7. The gender dimension of teaching materials for elementary and secondary school: Overview of textbooks and curriculums\textsuperscript{29} shows that there are more gender sensitive content in elementary school textbooks, while there are almost no such content in secondary school textbooks. All textbooks analyzed share the same deficiencies: absence of themes important for the understanding of gender equality, uneven number of male and female characters and uneven number of quotations of female and male authors. „Ancestors and descendants” are usually represented by male family members. „Nuclear, complete, heterosexual family” is advocated as the superior model for the procreation and raising children. Men are portrayed as the exclusive owners of the managing positions, while women are shown as having crucial roles in housework. Gender-insensitive language is systematically used.

8. In Serbia there are no obligatory sexual education curriculums for primary and secondary school students. Within some curriculum (e.g. for biology) it is possible to include content of sexual education, family planning, reproductive rights of women, prevention of gender based violence, but there is no information on how to use this possibility. There are no data on the influence of religion teaching (optional subject in both elementary and secondary education) on sexual education and understanding of the reproductive rights of women.

9. Vocational Education Development Strategy of the Republic of Serbia\textsuperscript{30}, as well as its Action Plan for the period 2009-2015, do not recognize women, or multiple-marginalized group of women, as legal subjects. There is no report on the realization of the Action Plan. Adult Education Development Strategy of the Republic of Serbia\textsuperscript{31} does recognize women as legal subjects. There is no report on the realization of the Action plan for the period 2009-2010, so it is hard to monitor the effects of undertaken measures and activities.

10. Share of women in higher education: From 2007 to 2009 the share of female students in total population of students enrolled to universities was 55%, while the share of graduated female students was even higher – 61%. The increase of women among graduated students, masters and doctors of science (44%) is a positive trend, but isn’t the result of an affirmative state action within the field of education, but of deteriorated status of education and science in the society. Therefore, women enter „the empty space left behind men, who turn to more profitable occupations (business and private enterprise).”\textsuperscript{32}

11. Gender segregation by fields of education is still strong. Secondary educational fields such as personal services, administration, textile industry, health services, social protection, sales and gymnasium are dominated by girls, while boys dominate in the fields of mechanical engineering, electrotechnics, transport, geodesy, mining, metalurgy. In the higher education women make a majority of graduates in the fields of education (even 91%), health and social protection (77%), arts and humanistic sciences (65%), and social sciences (62%). Men make a majority in the fields of natural sciences, mathematics and informatics (61%), technics and construction (56%), agriculture and veterinary studies.

12. Gender analysis of higher education textbooks (in the field of social and humanistic sciences) shows the absence of gender perspective from most of the textbooks: there is no gender sensitive language, nor any kind of gender perspective in the analyzed materials, or the gender perspective is presented in a way that can not be seen as gender sensitive.\textsuperscript{33}

13. There is a distinct feminization of the educational professions. Women make 96% of employees in preschool education. Teacher in elementary and secondary schools are in 71.8% and 63% (respectively) women, and 46% of university professors are women. Share of women university professors is highly uneven depending on the faculty (6-60%; natural

\textsuperscript{29} Stepanović-Zaharijević, D. and associates, UNDP 2010; 18 textbooks and workbooks for elementary and secondary education were analysed, plus 6 rule books for teaching plans and curriculums.

\textsuperscript{30} „Official Gazzete of the Republic of Serbia”, No 01/07

\textsuperscript{31} „Official Gazzete of the Republic of Serbia”, No 4/07

\textsuperscript{32} Popović, D., Women and education: At the door of III millenium, Genero, 2008, Vol.12, pg 102-103

\textsuperscript{33} Baćević, J. and associates, Analysis of gender dimension in education material for higher education, UNDP, 2010.
sciences, technics and informatics are dominated by men).34 Despite the fact that women make a majority of employees in the field of education, they do not prevail at the managing positions within the educational institutions, especially not at the higher educational levels and scientific institutes.

14. Serbian Academy of Sciences and Arts averagely has 6% of women. Since the Academy was founded, a woman has never been at its head.35

15. Share of women in the sport system in Serbia is strikingly low: only 8.4% of employees are women, and even 90% of them work in the administration.36 Men dominate at all important positions, from positions of coaches to clubs management positions. Women make between 24 and 37.5% of active members of sport clubs. Only 13% of professional associates in the clubs are women. Finances allocated from the budget for women’s clubs in the period 2008-2010 made only 10%, while finances for men’s clubs made 61% and finances for mixed clubs made 29%. Incomparably less media attention is given to women in sport. Even women’s sports are dominated by male coaches, insensitive for women’s needs and problems.37

RECOMMENDATIONS

1. Make every effort to provide sufficient and accessible preschool education capacities, especially for children coming from poor environments and families, for Roma children, children living with a self-supporting parent – bearing in mind the importance of early development, but also the fact that lack of public child care institutions affects women the most.

2. Introduce measures to stimulate education of children coming from families with low level of education, poor families, Roma families, refugee and displaced families, as well as for children with disabilities. Make every effort to decrease dropping-out of elementary and secondary schools before their completion. Introduce programmes of prevention of early marriages and early pregnancy. Establish mechanisms of protecting children from discrimination.

3. Strongly promote non-discriminatory gender roles and gender equality in all educational programmes and materials, at all educational levels. Systematically introduce, not only within optional and facultative subjects but also compulsory ones, content of sexual education, family planning, women’s reproductive health, prevention of gender based violence. Publish reports containing data on the extent, type and effects of these activities.

4. Revise text of the Vocational Education Development Strategy and its Action Plan, in order to explicitly include women, i.e. girls and young women, as legal subjects. Undertake intense measures to reduce gender segregation in the choice of educational fields, by stimulating girls for education in informatics, technics, economy and other prevailingly male fields. Make prevailingly female fields of education attractive to men. Regularly make publicly available reports on realization of the action plans for all strategies related to education.

5. Adopt Law on Adult Education that would recognize women as a specific target group. Develop programmes for especially vulnerable groups of women and measures to stimulate young pregnant women to continue education, within the implementation of the Adult Education Development Strategy, in order to enable these groups of women to obtain adequate education and fully use their chances for decent work conditions, better paid jobs and gaining financial autonomy. Introduce mechanism of regular

34 Popović, D., Women and education: At the door of III millenium,, Genero, 2008, Vol.12, pg 103-104
35 Serbian Academy of Sciences and Arts, 2008
37 Position of Women in Sports in Vojvodina, Centre for Support of Women, 2010
reporting on the effects of undertaken measures, including data disaggregated by sex, age, region, as well as specific characteristics (such as ethnic belonging, status of refugees and displaced persons, persons with disabilities etc.).

6. Increase the number of women at decision-making positions within the educational system and at managing positions in the educational institutions.

7. Raise public awareness on importance of adopting measures to stimulate girls and women to take part in amateur and professional sports. Establish affirmative measures (quotas) for all the positions in sport clubs and associations, from coaches to managing positions. Allocate greater budget money for women’s sport and regularly report on the effects of the undertaken measures.
Article 11 – Employment

1. Rate of activity of the population (older than 15) in the Republic of Serbia (2012) is 46.1%, and is significantly higher for men than for women (55.3 : 37.5). In the age group 55-64 the discrepancy is even higher (51 : 25). Rate of employment (2012) is 34.3%, and is significantly higher for men than women (41.5 : 27.7). Rate of unemployment (2012) is 25.5%, and is almost the same for men and for women (25 : 26.1), while the inactivity rate reaches 53.9% and is significantly higher for women (44.7 : 62.5). Rate of long-term unemployment is higher among women, especially in the age group 15-24 (28 : 24). The discrepancy between employment of women and men has decreased in the period from 2005 to 2010, but mostly as the result of better coverage of the category of contributing family workers, and not the result of state employment policy. There are less formally self-employed women (28% of women; 72% of men), as well as informally self-employed women (26 : 74%). There are significantly less women among individual agriculture producers (23% of women; 77% of men), but much more of women among contributing family workers in the field of agriculture (71 : 29%). Contributing household work is often unpaid. Raise of unemployment rate of women is expected in the future period, due to the announced reform of the public sector.

2. Employment rates of women are related to their educational level. Women of lower and middle education level have significantly lower employment rate than men with the same level of education. Women with lower education are less active at the labour market, and more active in the family and unpaid housework, while the most frequent reason for inactivity of men is retirement. Unemployment rates among women from socially marginalized groups are higher than among the general population of women: in comparison with the average unemployment rate of women, women refugees unemployment is 15% higher, displaced women unemployment rate is 32% higher, and unemployment of Roma women is 39% higher. Position of Roma women is characterized by high unemployment rate, dropping-out of school, poverty, lack of personal documents, bad living conditions in isolated and non-hygienic settlements, early marriages and having many children. There are no precise data in Serbia on the total number of persons with disabilities, nor on the structure of this category of population and degrees of disability. Out of unemployed persons with disabilities registered in the employment bureau, women make 34.5%.

3. Position of women in rural areas is particularly difficult: they mostly work as contributing family workers, have no property of their own, rarely are holders of agricultural farms, don't take part in decision making concerning agricultural production, have little chance to attend seminars and educations or visit agricultural fairs and exhibitions. Additional burden is a weak system of services in rural areas (health care, care of the children and the elderly), so they are multi-burdened. Small number of women take part in the agricultural subvention programmes, and it should be investigated why (is it because they are uninformed, or the subvention terms do not fit the possibilities and/or needs of women). Gender segregation in the labour market by occupation and branch of activity is still present, although less at the higher education level. Differences between genders in the

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44 *Ibid*, pg 60.
choice of profession, lack of technical knowledge and inability of women to take jobs that require traveling often and long absence make it harder for women to get good quality and well paid jobs. Women are usually employed at low wage positions that leave them enough free time to take care of the family.

5. The gap in earnings still exists and can not be explained by educational differences. Women earn approximately 90% of male earnings. Labour Law does define all kinds of payments covered by the equality in wages, but there is no systematic and reliable data collection on these forms of discrimination of women, nor systematic data collection on the obstacles to social vertical mobility. Data on the forms of labour discrimination are non-systematic, and protection mechanisms are non-functional.

6. Besides earnings, work environment is often a source of frustration and discrimination, but there are no comprehensive researches on treatment of workers, although it is well known that they are unprotected when it comes to sick leave, paid leave, payment of obligatory contributions, or when it comes to working conditions, safety and health at work (all guaranteed by the law). Researches show that women are often abused at work, especially in small and medium size enterprises, working in bad conditions and are being fired because of pregnancy/maternity leave, but there is no data on reactions to these phenomena.

7. Job advertisements and hiring procedures are not transparent, and many employers avoid hiring women to traditionally male jobs, require good looks and doing work not included in the job description, ask for information on family plans and maternity. An example of discrimination that women face with when looking for a job can be found in the online employment questionaire of the company Kelt-Invest, that includes following questions: Marital status, number of children, and whom do you live with? When do you plan children and how many? Does your husband (partner) work and where?, as well as the question: Were you ill or do you currently have some disease? Network Women against Violence reacted against this example of discrimination by filing complaint to the Commissioner for Protection of Equality. The Commissioner informed Network that regarding this case, she filled civil suit before the court for discrimination.

8. The State of Serbia confirms the existing inequality, but does not give stronger power to state institutions to investigate, prosecute and punish the employers for actions stated in par. 182 and 183 of the state report. On the other hand there are no comprehensive researches on treatment of workers, although it is well known that they are unprotected when it comes to sick leave, paid leave, payment of obligatory contributions, or when it comes to working conditions, safety and health at work (all guaranteed by the law). Researches show that women are often abused at work, especially in small and medium size enterprises, working in bad conditions and are being fired because of pregnancy/maternity leave, but there is no data on reactions to these phenomena.

9. Feminization of poverty isn't characteristic only for households with unemployed women, but also for ones with employed but badly paid women. When holders of households are women, especially women of lower education, risk of poverty rises (such households make

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47 Babović, M., Position of women in the labour market in Serbia, UNDP, 2007, pg 34.
50 Published at http://www.kelt-invest.com/contact.html.
51 „Official Gazzete of the Republic of Serbia”, No 125/04.
66% of the total population affected by poverty\textsuperscript{53}. Older women, unemployed women, self-supported mothers, women with no more than elementary education, ones from economically undeveloped regions, Roma women, women with disabilities, women from rural areas – all of them are the biggest victims of transition, because they have the least chances for employment\textsuperscript{54}.

10. **Budget spent for the active employment programmes** in 2010 was only 0.1% of GDP. These programmes include a small number of unemployed persons and must be better directed. According to the report on realization of the **National Employment Action Plan** in 2010, share of women in almost all measures of active employment policy was increased (55.3% women). Out of the total number of participants in the active measures, 27.8% got employed, but data on employments are not disaggregated by sex (there are indications that 2/3 of employed beneficiaries of active measures are men).

11. **There is a great gap in use of the right to leave for family reasons** between men and women. Annually this right is used by averagely 33,000 women and only 10-15 men, fathers of newborn children\textsuperscript{55}. Reduced number of working hours and parental leaves affect women much more: out of all employed persons in 2010, 77% of women were absent from work for at least a month because of taking care of the youngest child, while 63% of women worked part-time because of the unavailability of child care services\textsuperscript{56}. Due to the lack of institutions for the palliative and care for the terminally ill patients\textsuperscript{57}, family, and most often women take over this task as well. Out of total number of inactive persons who did not seek job in 2010 due to caring about children or adult and elder members of the family, even 97% were women, and only 3% men\textsuperscript{58}.

12. Given that the **Law on Prevention of Abuse at Work** does not recognize women, i.e. vulnerable group of women, as legal subjects, it is necessary to prescribe special measures for the protection of women, in accordance with the **National Strategy for Improving the Position of Women and Promotion of Gender Equality**. The protection against sexual harassment is now regulated not only by the Law on labour, but also by the **Law on Gender Equality** and **Law on Prohibition of Mobbing at work place**, and it remained civil protection. There are no systematic monitoring and reliable data on sexual harassment of women at work.

13. **Minimal pension** is defined as 25% of the average salary from the previous year. Around 6% of pensioners receive minimal pension, and among them there are much more women than men, not because of low earnings during their work lives, but above all because of smaller number of working years (32% of women and 12% of men worked 15-20 years, and 30% of women and 7% of men worked 20-25 years). Short period of retirement reflects poor state at the labour market (working in the grey economy, long waiting for the employment, losing jobs at older age, paying contributions on the minimum base) and the fact that women are more affected. **Family pensions** are defined as age (or disability) pensions in amount of 70% for one family member, reaching up to 100% of the pension for four and more family members. Almost 30% of people receiving family pensions have very low pensions, ant it also contributes to the poverty of older women. **Average pension of insurants who were farmers** is 2.5 times lower than the average pension of insurants who were self-employed (90% of pensioners who were farmers receive minimal pension which is bellow the absolute line of poverty), and it confirms the poverty of women in rural areas. Absolute amounts of pensions are low, and even 60% of pensioners receive pensions lower than the average\textsuperscript{59}.


\textsuperscript{55} Data obtained by the Ministry of Labour and Social Policy on February, 2\textsuperscript{nd} 2012.


RECOMMENDATIONS

1. Increase efforts and budget allocations for the active measures at the labour market, in order to increase employment of women, shorten the long waiting for the first employment, and stimulate employment of older women and women from marginalized social groups. Improve targeting of the active employment measures. Develop special programmes within National Employment Service adjusted to the needs of different vulnerable groups of women.

2. Improve data collecting on women from the rural areas and conduct researches on the needs of women holders of the agricultural farms, in order to increase their use of agricultural subventions, their participation in education and paid visits to fairs and exhibitions. Improve informing of women in rural areas and to systematically work on the improvement of social and health services for the population in rural areas.

3. Provide data disaggregated by sex, age, region and specificities (such as ethnicity, refugee and displaced person status, persons with disabilities etc.) of all persons covered by data collection – in all reports on the realization of active employment measures. Intersect all data on participants of active programmes with the data on their employment, also shown disaggregated by sex, age, region and other specific personal characteristics, relevant for the employment policy, in order to provide better monitoring of the effects.

4. Develop indicators and regularly monitor measures for reduction of gender segregation at the labour market and the gap in earnings between men and women, and for increase of the vertical mobility of women, as well as measures for elimination of various forms of discrimination of women at work and in employment procedures.

5. Provide the Labour inspection, with stronger powers to investigate, prosecute and punish the employers for violations of the rights of women employees related to the exercise of the right to maternity leave. Enhance the role of Gender Equality Directorate in this field. Prepare publicly available reports on these issues, with examples of positive and negative practice. Systematically inform the public and employees on the problems and rights, in order to encourage women to advocate for their rights.

6. Improve the statistics of poverty, in order to target more precisely the groups of women in need of social support. Link employment measures with social (material and psychosocial) and educational services, not only for women but for their children as well, and also with the social housing services. Provide monitoring of the number and type of integrated services for women at local levels, as well as of their effects to the long-term reduction of poverty and social exclusion of women.

7. Create measures for stimulation (and binding) of both parents to more equal use of the right to absence from work for the child care (more equal sharing of the family responsibilities). Systematically encourage activities realized by the state, including local governments, aimed at establishing better, more available and flexible system of public care of the children and elders, that would unleash the potential of women in the labour market, which is especially important for self-supported mothers and all other multiple-marginalized groups of women.

8. Direct all measures related to the principle of flexicurity (especially flexible working hours and working from home) toward employment of self-supported mothers, in order to provide them better access to the labour market and easier employment. At the same time, effects of such solutions should be carefully monitored, in order to prevene long-term negative effects on the earnings, career development and advancement and retirement prospects of women working part-time or in atypical form of employment.

10. Create a long-term plan for reduction of the share of women receiving minimal pensions.
Article 12 – Health Care of Women and Girls

1. Expenditure on health care. According to the World Health Organisation Health for All database, the estimated total expenditure on health care in the Republic of Serbia in 2008 amounted to 9.8% of the GDP, which exceeds the EU member states' average (9.0). However, compared to other European countries, the Republic of Serbia's expenditure on health care, in absolute terms, is low, which is a result of its relatively low GDP. Total per capita expenditure on health care shows a stable increase between 2003 and 2008; the 2008 estimate was 838 ppp$ per capita, while the EU average was 2877 ppp$. The structure of the Republic Institute of Health Insurance income and expenditure has been relatively constant in recent years: a mere 3% is spent on prevention activities, 33% on primary health care and 63% on hospital care.

2. Family planning counseling services in Serbia are in the scope of medical institutions. The Report of the Institute for Public Health of Serbia for the period 1997-2007 states that number of women using those services had declined and that the average of 5% of women in fertile age had used these services.

3. Sexual education. In Serbia there are no obligatory sexual education curriculums for primary and secondary school students. The only sexual education is taught on few biology classes for the seventh grade with primarily focus on reproductive organs and hygiene. Curriculums for optional subject Civic education are focused on children's rights and don't contain any topics related to sexual education. Health care programme is in curriculum for 1st to 4th grade of the primary school, and it's left to teachers to talk about that at other lectures or during extra school activities. Ad hoc lectures on sexual responsible behavior and family planning are organized on the professors self initiatives or in the classes of religious education. There is no monitoring mechanism of what is actually taught.

4. Young women and girls. According to the data from "Health of Serbian Citizens” research from 2006, conducted by Ministry of Health and Public Health Institute, 70% of youth in Serbia aged 15–29 are sexually active. From the total number of girls in Serbia aged 15–29 who were sexually active in the last 12 months, less than half of them (42.3%) used contemporary contraceptive methods. A quarter (24.3%) of youth or their partners aged 15-29 reported always using condom during sexual intercourse. According to the data from health statistics (includes only health institutions in the so called public sector) specific rate of intentional termination of pregnancies per 1000 females aged 15-29 in 2007 was 11.3. Specific fertility rate per 1000 females aged 15-29 in the Republic of Serbia in 2007 was 62.4.

5. Health care of women during pregnancy and childbirth. The 2009 survey results of user or patient satisfaction with health care services, conducted by the Ministry of Health, indicate high satisfaction with all aspects of health care provided. The average rating of overall satisfaction with primary health care services was 4.0, without much variation, either among different services (general medicine, pediatrics, gynecology, stomatology), or among districts. Overall satisfaction of recent mothers with their stay in maternity wards was of the average rating of 3.8, lower than the average rating of satisfaction with hospital treatment (4.3). There are no possibilities/services for women to choose medically guided and monitored home births.

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61 Ibid, pg. 174
63 Curriculums for Civic education for 5th to 8th grade of primary and 1st to 4th grade of secondary school are available at http://www.gradjanske.org/page/civicEducationProgram/sr/civicEducationSubject/manuals.html
64 http://www.batut.org.rs/download/publikacije/zdravlje_mladih.pdf, pg. 44
65 First national report on social inclusion and poverty reduction in the Republic of Serbia, pg. 170.
6. **Additional services during childbirth.** The new concepts of father or other person of trust being present during childbirth is not available to the majority of population. The hospitals either prescribe fee of 30 to 170 euro⁶⁶ for this service or the service is just not available because of the technical reasons. Regarding painless birth, not all women in Serbia are entitled to free of charge epidural during child birth. Ministry of health gave the opportunity to hospitals to decide whether they’ll charge for the service or not. In hospitals that charge, epidural costs from 100 to 200 euro⁶⁷.

7. **The concept of Baby Friendly Hospital** in Serbia did not meet its goal. It looks that now it is less work for the nursery and more work for the women who gave birth. In reality, the nursery is not 24/7 available to mothers and their needs. Only one newly renewed hospital in Belgrade expanded its service in 2010 to “mother friendly programme”⁶⁸—so called “baby friendly plus” which pays special attention to mothers after birth.

8. **Fertility rate** dropped from 1.6, as recorded in 2001, to 1.4 in 2010⁶⁹. In 2009 and 2010 the greatest number of deliveries, by mother’s age, was in the 20-29 age group, followed by deliveries in 30-39 age group, and then those in 15-19 group (in app. 5% of cases). Girls younger than 15 gave birth in less than 0.1% of cases. The greatest number of births registered in 2009 and 2010 were first births (app. 51%), second births account for app. 35%, third births were at app. 10%, while there were 4.3% births of higher order.⁷⁰ The number of children born to mothers aged 15–19 years has dropped by more than a third over the past ten years⁷¹. According to the 2011 Census results⁷², average number of children in Serbia is 1.9, every forth woman (25,70%) older than 14 years did not give birth, among women aged 15 and over participation of women who gave birth to one child is equal in the last two censuses, while in 2011 there is slightly higher share of women who gave birth to two children. Share of women who gave birth to three or more children shows a decreasing trend.

9. **Perinatal mortality** decreased from 9.3 perinatal deaths per 1,000 births in 2007 to 8.9 perinatal deaths per 1,000 births in 2009. (the value of this indicator in the EU in 2008 was 5.8.)⁷³. Infant mortality rate in Roma settlements is considerably less favourable: in 2005, it was three times higher than the rate for the overall population – 25 infant deaths per 1000 live births⁷⁴. No doctor has ever been accused of medical error in case of death of a child or mother at birth.

10. **Women access to family planning devices.** Research data of the Institute for Public Health⁷⁵ in Serbia showed that only 51.6% of citizens used a condom during the latest intercourse with non regular partner and that 37.3% of the total number of women of childbearing age with a steady partner used proper birth control (contraceptive pill, intrauterine device, local chemicals, condom, diaphragm), while 36.9% used unreliable methods of birth control (unfertile days, interrupted coitus). On the approved list of medicaments that can be bought in Serbia are 8 types of contraceptive pills (7 imported and 1 domestic), morning after pill, vaginal

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⁶⁶ prices of additional services available only in Serbian on the web site of one Belgrade Gynecological hospital
http://www.gakfront.org/dokumenti/GAK_Narodni_Front_Cenovnik.pdf


⁶⁹ Women and men in the Republic of Serbia, http://webrzs.stat.gov.rs/WebSite/repository documents/00/00/52/50/ZeneiMuskarci.pdf, pg. 91


⁷³ First national report on social inclusion and poverty reduction in the Republic of Serbia, pg. 170

⁷⁴ ibid, pg. 170

ring, diaphragm, female condoms, spermicides, etc, but the State of Serbia subsidizes only 5 contraceptive pills76 in cases when women have prescription from their gynecologists working within state health care centers. There are no choices for women with low salaries or unemployed to reach the right to the highest attainable standard of health in the field of reproductive rights, to have medicament suitable to their personal medical characteristics because the price of imported pill is 10 times higher than domestic pill.

11. In vitro fertilization. In vitro fertilization is legally regulated in Serbia just recently, although the public and private clinics have more than 15 year experience in this field. The Law on curing infertlity by biomedicine aided procedures – IVF77 was passed in August 2009, and its implementation started from January 1st, 2010. In 2010 total number of performed IVF in state owned clinics was 774 and in 2011 – 371. In privately owned clinics, the total number of IVF in 2010 was 2465 and in 2011 was 2950.78

Although Law on IVF in art. 8 proscribe equality of services for men and women, it is obvious that the service of free IVF is primarily available to the citizens of the 4 largest cities in Serbia, because high travel and accommodation costs are still the major obstacles for poor, marginalized, and rural women, and these costs are not covered by the Republic Institute of Health Insurance.

There is direct state discrimination of all single women on the bases of their marital status, proscribed in art. 26 of this Law, reserving the right to IVF to couples, married or in a long lasting relationship. The only exception, proscribed in par. 3 of the same article, for a single woman to be granted the right to IVF is if there are especially important reasons and approvals from Ministry of Health and Ministry of Employment and Social Policy.79 Ministry of health could not provide data on number of single women who were granted the right to IVF.80

12. Abortion81 Despite the previous Concluding comments of the CEDAW Committee82 and lack of free or subsidized contraceptive pills/devices, abortion is still used as a family planning method. In the Health Statistical Yearbooks of the Institute for Public Health of Serbia from 2007 to 201083, app. 18.00084 medically indicated abortions are yearly reported, out of which 95% in the gestational period 10 weeks or less. The greatest share of women who had medical abortion was between 25-34 years of age (app. 48%). The number of women below 20 who had their pregnancies terminated accounts for app. 4% of the total number of medical abortions. The greatest number of abortions (app. 41%) is registered in women who already have two children, while the share of women who had a termination and are childless is around 24%.

Abortion is considered to be additional medical service for which women do not need official referral from their gynecologist working in public medical sector. Women can choose between public or private sector to perform that procedure, and that choice often vary of financial means85. Doctor can refuse to perform the abortion only in case when woman life would be

76 Official response of “Apoteka Beograd”, state pharmacist company on the Request for publicly availably data
77 Law on curing infertility by biomedicine aided procedures (Official Gazette RS no. 79/09)
78 Official response of the Ministry of Health on the Request for publicly available data
79 In the response from the Ministry of Health on the publicly available data, there was no official statistics about number of single women requesting and receiving IVF before the adoption of the Law on IVF so the Ministry couldn't respond to that request.
80 Official response of the Ministry of Health on the Request for publicly available data
81 Law on abortion procedure in health institutions (Official Gazette RS no. 16/95 and 101/05)
82 Concluding Comments of the CEDAW Committee for Serbia, par. 33
84 app. 2% of 23% of women in Serbia in their fertile ages
85 Abortion costs from 50 to 150 EUR in public/state hospitals and 250 to 400 EUR in private clinics; prices of abortion available only in Serbian on the web site of one Belgrade Gynecological hospital http://www.gakfront. org/dokumenti/GAK_Narodni_Front_Cenovnik.pdf
endangered by that procedure. Women who are mostly affected by the presented abortion policy are poor and unemployed ones, from marginalized and especially vulnerable social groups who, in the absence of free or in larger percentage subsidized contraceptive pills/devices and change of prescription practice, are unable to pay that procedure.

13. **Women living with HIV/AIDS.** In the Republic of Serbia in the period from 1985, when the first cases were registered, until 2012,\(^{86}\) 2850 persons had been registered as HIV infected (2210 men and 640 women). In the same year there were 1645 reported cases of Morbus HIV (AIDS) of which 407 women (24,7\%), while 1135 persons died, out which 266 women (23,4\%). In the beginning of 2013, 374 women were registered as HIV infected. In 2011, there were 52 newly diagnosed Morbus HIV cases (incidence rate of 0.71 per 100,000 population), while 31 persons died (mortality rate of 0.43 per 100,000 population). With regard to the transmission group, the majority of Morbus HIV cases were registered among intravenous drug users,\(^{87}\) while the third transmission group is the transmission from mother to child, which is extremely rare (31 cases or 1.7\% of the total number of HIV registered).\(^{88}\)

The number of the newly diagnosed persons infected with HIV is increasing. In 2012, 125 persons infected with HIV had been discovered (10 women), while 50 persons had been diagnosed with Morbus HIV cases (6 women), and 17 persons died (2 women). Over 85\% of all newly discovered HIV infected persons during 2012 became infected through unprotected sexual intercourse (83 MSM and 25 heterosexual out of which 8 women). Almost 85\% aged 20-49 (102 persons, out of which 10 women), which is a trend that is constant for the last ten years.\(^{89}\)

Transmission of HIV from mother to child is insignificantly represented in the total number of the registered HIV-infected persons. Pregnant women infected with HIV have the possibility to enroll to holistic prevention program of HIV transmission and have a healthy child. Data collected from the National office for HIV/AIDS show that in the period from 2002-2012, 12 HIV-positive children had been born from the mothers that didn't know about their HIV-positive status. This is a significant reduction of infected children compared to data in the period 1992-2001 when 22 children became infected through vertical transmission.\(^{90}\)

Increase of infection is noted in female population. In the first years of epidemics, the ratio between the male and female sex among the persons suffering from AIDS was 5,7:1 (in 1991), while in recent years this ratio has stabilised at about 2,5:1. The greatest number of the registered HIV positive persons, some 70\% of them, belongs to the age group between 20 and 39 years of age.\(^{91}\)

Health care for the persons with HIV/AIDS is being implemented within a centralized system that is focused on the implementation of clinical practice and hospital care, with the application of the expensive and inadequately accessible antiretroviral therapy.\(^{92}\) According to current legal regulations and current health care system resources, the persons with HIV/AIDS may obtain health care services in the same way as all other people. However, they refrain from obtaining medical services because of the health personnel's potentially discriminatory attitude towards them. Even though the Republic Health Insurance Fund have included the medicines for treating AIDS in the list of the medicines subsidized by the Fund in 2003, financial resources for procurement of the components necessary for effective implementation of HAART protocol

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\(^{86}\) information for 2012 received from Dr Danijela Simic, National coordinator for the surveillance HIV/AIDS/STI, Coordinator of the National office for HIV/AIDS; percentages are similar to the data published for 2011 on [http://www.batut.org.rs/download/publikacije/pub2011.pdf](http://www.batut.org.rs/download/publikacije/pub2011.pdf)


\(^{89}\) Information for 2012 received from Dr Danijela Simic, National coordinator for the surveillance HIV/AIDS/STI, Coordinator of the National office for HIV/AIDS

\(^{90}\) ibid.

\(^{91}\) ibid., pg. 15.

\(^{92}\) ibid., pg. 19.
are still lacking.\(^9\) Also, the prices of the medicines for HAART are in Serbia among the highest in the region.\(^9\)

The most clinical researches on the efficiency and side effects of HAART had been primarily done on the male population in Serbia infected by HIV. Just recently number of women has been increased in these researches, to evaluate the effects and toxicity of antiretroviral medicines for women.\(^9\)

In the period of January- February 2010, CSO International Aid Network (IAN) conducted the research on “Perception of knowledge, attitudes and behaviors of health professionals in Serbia related to HIV”. The research was carried out on a representative sample of 1500 health workers.\(^9\) The most prominent negative attitudes were present among nurses and midwives on a tertiary level of health care.\(^9\)

Within the project Comprehensive support program for people affected by HIV (2007-2009) supported by CAFOD, IAN supported development of eight PLHIV associations (associations of people living with HIV), that are active in Serbia (Aid+, ŽENA+, following Q-club, ALEXO, Stav plus, UPSZ, Sunce and SPAiDS). The support consisted of delivering great number of training programs specifically designed according to the need of every association and individual consultation.\(^9\)

In 2012 the latest HIV research had been conducted and at the same time that was the first HIV Stigma index research in Serbia and the third on the “Quality of life of PLHIV”. The total of 281 PLHIV had been interviewed.\(^9\) With regard to women infected with HIV, they assess their quality of life less then HIV infected men. They are less sexually active, have more negative feelings toward themselves, less self confidence, they believe that they should be punished and they isolate themselves from family and friends, avoid social gatherings, quit education, and resign from asking for medical services when in need. Especially, HIV positive women refrain themselves from having children, because of the fear of vertical transmission and their own disease, but also because of the lack of financial means. HIV stigma index showed that 42% of PLHIV had never received information and consultations about their reproductive options, and around 8% had been advised by medical personal not to have children.\(^10\) 34% of women said that during pregnancy they didn’t receive ARV prophylaxis for PMTCT because they didn’t know that such therapy existed or they didn’t have an access to it (this therapy is provided since 2003 in only one Gynecological hospital in Belgrade on the approval from the Ministry of Health).\(^10\)

The data of the financial support from the Global Fund to Fight AIDS, Tuberculoses and Malaria for HIV/AIDS to Serbia is primarily focused on 2 large projects of the Ministry of Health and one smaller project of the CSO.\(^10\)

\(^9\) Ibid, pg. 49, also in Research “Therapy for HIV: accessibility, procurement and insecurity”, available only in Serbian on http://www.ian.org.rs/sida/publikacije/UNDP%20PLHIV%20Report_Serbian%20FINAL%20Apr%202007.pdf

\(^10\) Ibid, pg. 49
14. **Women victims of domestic and sexual violence.** Since there is no Special protocol for victims of rape, women victims of marital rape and rape are not recognized as vulnerable categories that should be entitled to free abortion, nor they are offered free of charge morning after pill to prevent unwanted pregnancy or HIV/STI testing. There are no Rape crisis centers or similar institutions. In cases of no court order for forensic medical examination of the victims, the victims have to pay for that examination by themselves (50 to 70 EUR at the Institute for forensic medicine in Belgrade). There are no free of charge specialized services that provides psychological help in order to overcome the trauma of rape, nor the state provide funds for the CSO's to give that type of service.

15. **Women victims of trafficking.** According to the Health Act, free access to emergency treatment is explicitly granted only to foreign victims of trafficking. Domestic victims of trafficking have access to health care based on a Communication of 28 July 2006\(^{103}\) signed by the then Assistant Minister. This Communication provides that victims of trafficking are entitled to primary health care. They have access to secondary care upon the referral by the primary care doctor providing that they have the certificate issued by the Agency for Coordination of Protection of Victims of Trafficking that they are victims of trafficking.

In practice, it is very difficult to ensure victims' access to public health care services. Many institutions are not aware of the above mentioned Communication and refuse to act upon it. Further, staff employed at public health institutions is not sensitized enough to handle victims of trafficking without exposing them to secondary victimization. Very often it is not possible to ensure prompt reaction from the public health care system: it is usually necessary to wait for several days or several months for an appointment, which is unacceptable when the victim is in acute state. For this reason, AStRA is more prone to use the services of private hospitals for our clients and pay for them from foreign donations.

**RECOMMENDATIONS**

1. Equalize gynaecological medical services in public and private sector in all spheres of reproductive rights;
2. Subsidize variety of contraceptive pills in a greater percentage and enable to be bought at subsidized price without prescription;
3. Determine that especially vulnerable\(^{104}\) women and girls receive free contraceptive pills, chosen in accordance with their medical status;
4. Determine that especially vulnerable women and girls, victims of domestic and sexual violence, have right to free indicated abortions in all cases;
5. Adopt special medical protocol for the victims of rape, establish Rape crises centres that would provide free forensic medical examinations and offer free of charge morning after pill and HIV/STI testing, and financially support specialized services that provide free of charge psychological help to victims of rape and other sexual offences;
6. Revise the procedure for urgent examination of victims of trafficking and educate health care professionals in order to eliminate secondary victimization;
7. Adopt amendments on Law on IVF in order to eliminate discriminatory articles concerning approvals from the Ministers;
8. Modernize the approach of family planning counselling services, especially with regard to HIV positive women and constantly work on informing women and girls about that service;

\(^{103}\) Filed under 531-01-239/2006-02 at the Ministry of Health

\(^{104}\) By especially vulnerable considers: unemployed, poor, on social aid, Roma, with disabilities, etc
9. Enable the ARV prophylaxis for PMTCT in other gynecological hospitals in the country and establish special family planning counseling services for PLHIV.
Article 15 – Equality before the law

1. Legal status of immigrant women. According to 2002 census of population in Republic of Serbia, around 1% of population (75,783 persons) declared to be foreigners and 1.4% (103,551 persons) declared to be without citizenship. 2,396 foreigners lived in Serbia more than a year on the bases of a work permission, out of which 1,127 (47%) were women foreigners. Around 3,000 foreigners lived less than a year or resided in Serbia on the other grounds than work and 50% of them were women. In 2012, 10,369 men and 9,313 women foreigners had been given temporary residence status in Serbia with the following purposes: a) unification of family – 3,449 men and 6,644 women; b) work – 6,106 men and 2,175 women; c) education – 587 men and 263 women; d) property ownership – 186 men and 191 women; e) visits – 29 men and 29 women; f) other reasons – 12 men and 11 women. On the territory of Serbia 1,702 foreign men and 5,863 foreign women received permanent residence status. From the period of January 2010 to July 2012, 800 foreign citizens with permanent residence status gained Serbian citizenship – 257 men and 543 women. These data clearly shows that Provisions of the Law on foreigners are not in accordance with Law on Prohibition of discrimination with regard to immigrant women, whose number is twice as foreign men when it comes to unification of family, temporary residence and citizenship. Women who are foreign citizens in Serbia can obtain temporary residents on the bases of the marriage/extra-matrimonial relationships with the men whose nationality is Serbian, after they pay very high tax. These women can not obtain residence permit or citizenship after divorce, on the fact that they gave birth to children whose nationality is Serbian. Many foreign women refuse to take Serbian citizenship because of the condition that they have to denounce their previous citizenship and by that loose property or other right in their country of origin.

From January 2009, 21 foreign women addressed Autonomous Women’s Centre because of domestic violence problem or abduction/misuse of children as a result of reporting domestic violence. These provisions of the Law on foreigners disables women who are foreign citizens to seek help and divorce violent partner prior to the requested period of 3 years, and even further, because procedure for granting citizenship lasts more than a year.

2. Legal status of women victims of trafficking. Republic of Serbia joined countries who adopted legislative measures regarding the status of women victims of trafficking. According to the art. 28 par. 4 of Law on foreigners and obligations that come from ratified international conventions, amongst all UN Convention against Transnational Organized Crime and OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, victims of trafficking will be granted temporary residence on humanitarian grounds.

Law on foreigners, which came to force in April 2009, for the first time regulates the issue of temporary residence of foreigners – victims of trafficking who are detected as such on the territory of Republic of Serbia. The Law proscribes that only if that is in the interest of running the criminal case for the act of trafficking of human beings, the temporary residence will be granted to the victim of that criminal act, except if that is contrary to the reasons of protection of public policy and security of Republic of Serbia and their citizens or if there is justifiable suspicion that residence won’t be used in proclaimed purpose (art. 28, par. 5). According to this, the victims of trafficking will be granted temporary residence only if they cooperate with justice system, and not based on their needs or their personal situation. Having in mind that 80-90% of victims are women, this clause disproportionally affects women victims of trafficking.

105 Data from the 2011 census are still being processed
106 Data received from Statistical Office of Serbia
107 Data received from Ministry of internal affairs on 24th September, 2012, according to the Law on publicly available data
108 On the Law on Republic administrative taxes, foreigners should pay appr. 90 eur for the 3 moths temporary residence, 135 eur tax from 3 months to 1 year, and 210 eur for more than 1 year, and for the citizenship appr. 150 eur.
During their temporary residence in Republic of Serbia, the victims of trafficking that don't have enough means to support themselves; will be provided adequate accommodation, food and basic life conditions (art. 28 par. 6). The Law proscribes that temporary residence lasts until the interest of the participation of the victims in the criminal case is required. Approval of temporary residence is inserted into passport, and if the person doesn't have the passport, as it is usually the case, temporary residence will be granted and renewed by the decision of police department where the victim reside (art. 29 par. 3, 4 and 5). It should be mentioned that the procedure of granting temporary residence for foreigners – victims of trafficking is regulated in details by sublegal documents of the Ministry of internal affairs – Instruction for the implementation of Law on foreigners, which took the articles from Instruction on conditions for granting temporary residence to foreigners – victims of trafficking and parts of the Instruction on procedure for granting temporary residence. Instruction for the implementation of Law on foreigners proscribes in detail the procedure, necessary documentation and conditions required for granting temporary residence.

So, victim of trafficking can be granted temporary residence on humanitarian reasons in the period of 3 months, with the aim to provide protection and help in recovery and return to the country of origin or in the country of previous residence. During that period, the victim has to recover and consider whether she wants to come back home or to testify against traffickers. In case, after the period of recovery, the victim of trafficking decides to cooperate with justice system in detection of criminal act and their perpetrators, the victim will be granted temporary residence in the period of 6 months. This can be interpreted as conditioning victim to participate in criminal proceedings. If the victim of trafficking actively participate in court proceedings (criminal and civil) as a witness or a victim, it can be granted temporary residence in the period of one year. Procedure for granting temporary residence is relatively simple and requests only documents that victim and state institutions have, exactly which the Agency for Coordination of Protection of Victims of trafficking have, because that Agency file the request for temporary residence in the name of the victim. The request should be filled within 7 days from the accommodation of foreign victim of trafficking in the shelter for victims of trafficking or some other form of accommodation, or within 3 days before the expiration of previous granted temporary residence. For the victims accommodated in shelter in Belgrade address of the Agency for Coordination of Protection of Victims of Trafficking is put as an address of the residence, in order to preserve the secret address of the shelter.

This Instruction is for all victims of trafficking regardless of their sex. Temporary residence can not be annulled automatically after the end of court proceedings and it gives victims of trafficking freedom of movement and right to work in Serbia. On the bases of the report from the Agency for Coordination of Protection of Victims of Trafficking, the temporary residence can be prolonged. The procedure for granting temporary residence is an urgent procedure and instead of regular 30 days, it lasts only 3 days. In that period the police department will conduct an interview of a victim, trying to avoid secondary traumatization. The procedure is free for the victims.

RECOMMENDATIONS

1. Amend the Law on foreigners in order to grant temporary or permanent residents to a foreigner who is a victim of domestic violence or who has children whose nationality is Serbian.

2. Eliminate the condition stated in the Law on foreigners that proscribes that participation of victims of trafficking in court proceedings against the traffickers is a condition for granting temporary residence for the victims of trafficking on humanitarian grounds.

109 Instruction was issued by the Minister of internal affairs, no. 1089/09-11 from July 14, 2009.

110 Necessary documentation include: photograph of the victim, passport or other proof of identity, report of the Agency for coordination, report of the relevant institution that confirms that the victim is engaged in program of (re)integration, request for the issuance of entry/exit visa (if necessary), report of the relevant institution that confirms that victim cooperate in detection of criminal act, report of the court or prosecution office that confirms active participation of the victim in court proceeding as witness/victim, report of the police that personal safety of the victim is in danger.
1. In the field of marriage and family relations the Republic of Serbia has achieved *de jure* equality between women and men, but not *de facto* equality. *Traditional, patriarchal marital and family models of life and gender role distribution* are still present and nurtured through ideological (values in raising children, education, media, culture and religion) and structural influences (procedures and attitudes of professionals). These influences are amplified due to the strong re-traditionalization of the society, the impact of nationalism and religion, weak institutional capacities, insufficient presence of democratic and modern values in educational materials and in the media, and also due to the economic crisis. Public opinion survey on gender equality in Serbia has confirmed that the *youngest* (15-25) and the oldest inhabitants have more traditional attitudes than the rest of the population\(^{111}\).

2. **Early marriage:** According to the *Family Law*, a person younger than 18 cannot get married, but court may, for the good cause, allow marriage to a juvenile aged 16 who attained physical and mental maturity necessary for the exercise of the marital rights and duties.\(^{112}\) Assessment of maturity is usually given by the centres for social welfare in charge, which mostly agree and do not use enough of their legal mechanisms to prevent marriages before the age of 15. We can see a certain increase of the early marriages among the younger generation of women: marrying before the age of 15 is more often among women 20-24 years old, than among women aged 25–29 and 30–34 (0.9%, 0.3% and 0.5%, respectively). Percentages of women who got married before the age of 18, in the same age groups, are 5%, 4.4% and 4.6%\(^{113}\) (respectively). According to the *Family Law*, the marriage can not be concluded if there is *no free will* of the person getting married.\(^{114}\) There are no data on how many marriages are „contractual”, agreed between families while their children are still minors, or whether and how much these contracts are paid for, but this phenomenon still exists in certain ethnic groups. Criminal statistics for article 188 – Concluding a Void Marriage, article 189 – Enabling to Enter into Unlawful Marriage and article 190 – Cohabiting with a Minor\(^{115}\) show that in 2009 and 2010 there were one per year criminal charges for articles 188 and 189, and in 2010 one conviction for criminal act under article 189. In 2009 there were 159 criminal charges for the criminal act under article 190, 103 accusations and 94 convictions and in 2010, 133 criminal charges and 51 convictions.\(^{116}\) Since August 2009, by the Amendments of the Criminal Code, articles 188 and 189 have been *deleted and are no longer criminal offenses* (although the State still refer to these acts in response no 19 CEDAW/C/SRB/2-3/Add.1).

3. **Number of children born by mothers aged 15 to 19** decreased for more than one third for the last ten years (in the same period fertility rate also dropped from 1.6 in 2001 to 1.4 in 2010, and it wasn’t the result of the modernization of the society and emancipation of women, but the consequence of economic problems lasting for decades).\(^{117}\)

4. **Equality between women and men in fulfilling family responsibilities** has not been achieved. In average, women spend *much more time doing unpaid housework*, almost 5 hours a day, while men spend bit more than 2 hours a day (the situation is just the opposite when it comes to time spent doing paid work). Distribution of housework shows a significant domination of patriarchal model of the household work distribution: in 80.9% of families cooking is done exclusively by women, washing in 80%, ironing in 80.5%, cleaning in 75.9%.

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111 Ignjatović, S., at al., Citizens of Serbia on gender equality: public opinion of Serbia on gender equality. Institute of Social Sciences, Center for political studies and public opinion Belgrade, 2011, pg 38.

112 Official Gazette of the Republic of Serbia, No 18/2005, article 23. Minors


114 Official Gazette of the Republic of Serbia, No 18/2005, article 24. Freedom of will


117 Ibid, pg 9
caring of small children in 72.9% and caring of children’s school responsibilities in 72.2% of cases.\textsuperscript{118}

5. In Serbia, home budgets are centralized, which means that earnings go to a single, common family treasury (in 78.9% of households). Strategic management of the money is more often in the hands of men (49.6% compared to 26.9% of managing done by women), while management of the funds for everyday spending is more often assigned to women (46.2% compared to 35.8% of cases where men manage everyday spending). Such budget management is not directly related to the employment status of women, i.e. it is the consequence of the culture, customs, and prevailing values.\textsuperscript{119}

6. Serbia has not achieved true equality between women and men when it comes to responsibilities of parents toward children. Right of leave for infant care is annually used by averagely 33,000 women and only 10-15 men, fathers of newborn children.\textsuperscript{120} Reduced number of working hours, parental leaves from work are more often in the case of women: out of all employed persons in 2010, 77% of women were absent from work for at least a month because of taking care of the youngest child, while 63% of women worked part-time because of the unavailability of child care services.\textsuperscript{121} Due to the lack of institutions for the palliative care and care for the terminally ill patients, family, and most often women take over this task as well. Out of the total number of inactive persons who did not seek for job because of the care for children or adult and elderly family members, even 97% were women, and only 3% men.\textsuperscript{122} Despite all the data that ambiguously confirm de facto inequality between women and men in relation to children, the Provincial Ombudsman has submitted a proposal for assessing the constitutionality of Articles 14 and 16 of the Law on financial support for families with children.\textsuperscript{123} The Provincial Ombudsman stated that fathers are in unequal and discriminatory position by the fact that they were denied the right to obtain financial support for the new born child in accordance with the Law, except in exceptional cases. Autonomous Women’s Centre was of the opinion that it is about a lack of recognition of affirmative action for women-mothers, and filed a Third party intervention report (the opinion of the Constitutional Court is pending).

7. Despite the increased number of facilities, preschool education capacities are insufficient. Day care services for children and young persons with developmental disabilities, as well as day care services for adults and elderly, have been developed in the previous years, but are still insufficient and unevenly available. Ministry of Health, in the cooperation with UNICEF, has conducted the project „A Child’s Place is Within the Family“, as the prevention of separation of the newborns with developmental disabilities from their families. At the same time, during the process of adopting new Law on social security, the Parliament was not willing to give the right of the status of parent caregiver to parents (mostly mothers),\textsuperscript{124} but the amendment of the Autonomous Women’s Center brought before the Parliament discussion via Ombudsman, was modified so that the parent who take care of child in need of specific care, for at least 15 years, is for the first time entitled to the right to pension insurance.\textsuperscript{125} Since the burden of child and

\begin{itemize}
  \item Babović, M., \textit{Position of women in the labour market in Serbia}, UNDP, 2007, pg 76.
  \item Ibid, pg 77.
  \item Data obtained from the Sector for Family Care and Social Protection of the Ministry of Labour and Social Policy, on February 2012.
  \item Case number IV, – 40/2012.
  \item \textit{Right to the status of parent caregiver} is recognized to one of the parents of the child who needs specific medical an technical care for the maintenance of the quality of life, and the status is awarded to the parent trained for such care after the doctor’s recommendation. Parent caregiver is entitled to the compensation in the amount that is given to foster parents, to pension insurance rights, health insurance rights and right to unemployment benefits, as an employed person under the provisions of the Labour Law. Recognizing the status of parents caregivers would prevent placing children in the situations of serious illness and disability out of their primary families.
  \item Amendment on “parent caregiver” was proposed by Autonomous Women’s Centre in 2011, and was represented in the Parliament by Ombudsperson.
\end{itemize}
care of the elder and disabled members of the household is not equally distributed between parents or partners, women are under much more pressure and it reflects not only to their employment and career, but also to their physical and emotional resources.

8. Insufficient social care of the children is also reflected in the children allowance, the instrument of support to poor families with children, given for the first four children. In 2010 the allowance was received by 227,160 families, i.e. for 435,679 children, in the amount of approximately 2,000 RSD (cca 20 EUR) and 2,500 RSD (cca 25 EUR) in case of larger allowance. Annual expenditures from the budget for this purpose are small and amount only 0.3% of the GDP.

9. In Serbia there are no obligatory sexual education curriculums for primary and secondary school students. The only sexual education is taught in few biology classes, and ad hoc lectures on responsible sexual behaviour and family planning are organized on the self initiatives of professors or in the classes of religious education, with no monitoring mechanism of curriculum. Research data of the Institute for Public Health in Serbia showed that only 51.6% of citizens used a condom during the last intercourse with a non regular partner and that 37.3% of the total number of women of childbearing age with a steady partner used proper birth control (contraceptive pill, intrauterine device, local chemicals, condom, diaphragm), while 36.9% used unreliable methods of birth control (infertile days, coitus interruptus). Serbian Orthodox Church openly (and aggressively) agitates for the abolition of abortion, and in July 2012 walls of numerous buildings in the main pedestrian street in Belgrade were decorated by graffiti written in large letters saying: Stop Abortion!

10. Single women (as well as men) can adopt a child only in special cases and under specific circumstances. According to the provisions of the Family Law, a child can be adopted by spouses or common-law partners together, or by a person who is a spouse or a common-law partner to the child’s parent. A person living alone can be granted the right to adopt a child only exceptionally, in case of special and justifiable reasons, and such permission can be issued by the minister in charge for family protection. Only one to three single women per year gain permission to adopt, which shows very restrictive state policy when it comes to single woman’s right to adopt (total number of adopted children in 2007, 2008 and 2009 was 138, 149 and 135 children, but only 3, 2 and 1 (respectively) were adopted by single women).

11. Single parents (women make 77% of all persons living out of marriage with a child/children not older than 17) are often unable to exercise their legal right to alimony (as well as right to their own support). A large number of fathers use different ways to avoid fulfilling this obligation, thanks to the lack of system of monitoring of the entire process of child support payments (they change the address of residence, don’t report employment, report having minimal wage, hide additional earnings etc.). In order to get the alimony, women have to take new legal actions that additionally exhaust and impoverish women, and at the same time do not guarantee success. It is estimated that 85% of children do not fully enjoy this right. The number of criminal charges for failure to pay child support is increasing, from 877 in 2002 to 1442 in 2010. In 90% of the cases, perpetrators of these criminal offenses are men. Penal policy is inefficient (parole with the obligation to pay off the debt within the next six months). Given the totally inefficient system of enforcement of court rulings, it’s obvious that this obligation can be avoided and unfulfilled for years, with no serious consequences. That’s why most women give up of the legal actions intended to help them exercise their right.

RECOMMENDATIONS

1. Provide systematic and system approach to the changes of the ideological influences that lead to re-traditionalization and re-patriarchalisation of the society and marital and family relationships, especially in the early education, education generally and in the media. Ensure that all public services consistently apply legal provisions on the equality of men and women, and to recognize and eliminate even indirect discrimination of women, regardless of the personal opinion of employees (public servants).

2. Take all preventive measures to reduce the percentage of early marriages and juvenile pregnancies, typical for groups with higher incidence of these phenomena. Develop guidelines for services in charge on prevention and effective ways to prevent marriages of persons under 16 years of age, as well as „contractual” marriages concluded while spouses are still children, with or without „selling” the bride.

3. Strongly promote equality of women and men in sharing responsibilities for family life: doing housework, managing the household budget, caring of children and old and disabled persons. Strongly encourage women’s need of economic independence and a balanced relationship between family and professional roles. Improve the system of public child care services and services for the care of old and disabled family members, making these services available and adapted to working women, especially self-supported mothers and other multiple-discriminated groups of women.

4. Prevent every direct or indirect restriction of the right of women to decide freely and independently on her reproductive rights. Introduce systematic measures for the availability of information, education and resources that enable making free decisions on reproductive rights. Adapt these measures to multiple-discriminated women.

5. Revise the law provision that discriminates single women (and men) in adopting children, i.e. provide this group with the same rights to adoption as are already provided to persons living together with their partners.

6. Revise the educational materials that favour „nuclear, complete, heterosexual family” as a superior model for the procreation and raising children, i.e. include other family forms that exist in the society into the educational materials (single parent family, multigenerational family, homosexual family relationship and partnership).

7. Amend legislation to enable efficient exercise of the right to the payment of child support by the parent who does not live with the child, as well as of the right to support of other family members, in accordance with the law. Establish Agency for Enforcement in Collecting Alimony and define efficient sanctions for non-payment of alimony.
General Recommendation 19 – Violence Against Women

1. State policy on violence against women. The Republic of Serbia formally does show interest in solving the problem of violence against women, but the operationalization of the adopted measures for combating and preventing violence against women continues to be very deficient, i.e. testifies on the lack of clear political response to violence against women. Although important strategic documents have been passed, their implementation is slow and greatly dependant on the international donations. There is no will to continually allocate funds within the state budget for the purpose of prevention and combating violence against women. Women’s organizations, working on prevention and combatting violence against women, have been minimally and occasionally financed by the state.

2. Family law protection from domestic violence. Competent state bodies, Centres for social welfare (CSW) and Prosecution offices, initiate a very small percentage of court proceedings for protection from domestic violence (only 3,4% of proceedings are initiated by CSW and only 1% by state persecutor’s office). All centres for social welfare in Serbia together have registered 8,481 victims of domestic violence (in 3,772 families), but have initiated only 186 court proceedings for the issuance of protection measures (for 3,5% of identified victims). In 2010 and 2011, only 7 basic Prosecution offices out of 33 basic and 25 Higher Prosecution offices in Serbia initiated court cases for the issuance of protection measures, out of which only Prosecution office in Zrenjanin has that as a regular practice (during these two years 87 plaints were filled) while other Prosecution offices had from 1 to 5 cases. The court has no legal obligation to submit judgments on the imposed protection measures to the police (but only to CSW), although it is the police who intervenes in the cases of repeated violence (although in 2011 787 civil protection measures from domestic violence had been issued, police registered only 14 breaches of protection measures for which criminal charges had been submitted). Although the protection measures should be issued in urgent procedure, in approximately 40% of cases more than two court hearings are held, and delayed hearings are common practice. Only in 20,4% of cases the judgments is reached within one month after filling civil suit, and a significant number of judgments are issued after three or even six months, which reflects the inefficiency of court proceedings that stultifies the intended purpose of these measures.

In the new draft Code Civile, book III – Family relations, which will, if accepted by the Parliament, derogate existing Family law, article 242 Protection measures (equivalent to current art. 198 of the Family Law) proscriptes (new) protection measure „obligatory treatment from alcohol, drugs and other addiction deases“. Perpetrator of violence volunterary acceptance to tretment is connected to suspension of all other protection measures, which is unacceptable from the view of the rights of the victims to protection from repeated violence. At the same time, only the measure of treatment of perpetrator doesn’t garantee that the perpetrator will change his violent behavior (because the alcoholizm is not the cause of violence, but stimulus to perpetrate violence), especially if other measures are not put in place in case that perpetrator quits the treatment. We fear that this and similar legal measures will be adopted, having in mind the composition of the Working group of Ministry of justice and newly formed Government.

3. Criminal law protection. Definition of members of the family whom should be granted protection from domestic violence, is much narrowed in Criminal Code than the Family Law, which reduces the possibility of criminal law protection of the victims. In the Criminal Code there are no criminal offences of harassment or stalking (by a family member, current or former

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133 Official responses of the Basic and Higher Prosecution offices in Serbia on the Request for publicly available data

partner), despite the fact that this phenomenon is very widespread (18.6% of polled women). Experience of stalking endure also women who have never been either in emotional or sexual relationship with the stalker, and sometimes they end up being killed by their stalkers.

Despite the fact that in 2009 penalty for domestic violence increased and monetary fine was abolished, 23 amendments Autonomous Women's Centre (AWC) drafted (and submitted via Republic Ombudsperson) in 2011, intended to improve the protection of children and women from all forms of violence, and in accordance with international standards, were not adopted. Proposals of AWC for amendments to the Criminal Procedure Code, submitted in 2011, also weren't adopted, and all addressed the adoption of new, greater rights of particularly vulnerable categories of victims. Therefore, we conclude that there is a strong political resistance against acceptance of international standards within criminal protection of the victims.

There is a great disparity between total number of police interventions, number of filed criminal charges and number of convicted persons. From 2004 to 2006 total of 4,597 criminal charges were filed against adults suspected to be perpetrators of domestic violence, and total number of convicted perpetrators was 2,007 (sentenced mostly to a suspended sentences). Only 421 perpetrators were sentenced to a prison sentence. Approximately in the same period, police intervened in 50,127 cases of reported domestic violence: in 31,724 cases police issued verbal warnings (63% of interventions) and in 15,894 cases filed misdemeanour charges (breach of public peace and order). Studies shows that almost one third (28.6%) of criminal charges that come before the Public Prosecutor's office end up suspended or rejected by the public prosecutor. Criminal sanctions imposed in the first instance trials show a tendency of lenient penal policy: 66.6% of sanctions were suspended sentences, 3.3% were fines, 21.6% prison sentences, 6.9% security measures and 1.6% were court warnings. Prison sentences usually last 4 months. A period from filing a criminal charge to first instance decision and moment it becomes final lasts unacceptably long – from 7 months to one year.

4. **Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence** was signed (April 2012) but still has not been ratified. In regard to the Convention, the Republic of Serbia reserved the right not to apply the provisions of the Convention under two Articles. The same provisions stipulated in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse were of women from violence.

5. **Special law on domestic violence.** Women's organizations do not insist on adopting a special law on domestic violence, especially if it would regulate penal policy. There is a danger that such new law would additionally marginalize domestic violence, i.e. that violence against women in most cases would be sanctioned as misdemeanor, and that that could lead to imposing monetary fines to both victim and perpetrator of violence (as it is the practice seen in the Republic of Croatia). Because of the strong patriarchal tradition and widespread prejudice among professionals, it is of crucial importance that domestic violence remains recognized as a criminal act. Successful implementation of a special law would require logistic support (courts

135 Research of Victimology Society of Serbia, 2009
136 Initiative of Autonomous Women's Centre, submitted by ombudsperson.
142 http://conventions.coe.int/Treaty/Commun/Liste Declarations.asp?NT=210&CM=2&DF=&CL=ENG&VL=1
specialized for domestic violence), for which establishment doesn’t exist political will in Serbia at the moment. It is much more important to harmonize legislation and amend existing laws in accordance with international standards. It is much more important to prescribe the standards of proceedings of relevant public servants, above all of police and social workers, and efficient exchange of information between services.

6. Draft Law on Free Legal Aid is still in a process of consultations with all potential providers. Victims of domestic violence are recognized as beneficiaries of free legal aid due to their status, but the down sides of the draft law are: inappropriate and exaggerated requirements for registration of legal aid providers from civil sector (associations, clinics); linking of registration of legal aid providers from civil sector to the established inability of the attorneys to cover certain legal needs; processing of legal aid application in a multi-level procedure which may be ineffective and require legal aid for procedure of applying for legal aid, chief body for management is the Ministry of Justice instead of a separate independent body (e.g. Legal Aid Fond), etc.

7. Support services for women victims of violence. Law on Social Welfare passed in 2011 has for the first time recognized victims of domestic violence and trafficking as users of social services. The law defines a plurality of providers of services (public, private and non-governmental), but also enables Centres for social welfare to be providers of services, even though CSW at the same time estimate needs and evaluate provided services, and therefore might be in a conflict of interests.

Ongoing process of standardization of services and licensing service providers hasn’t taken into consideration the comments of women’s organizations (although women NGO’s were included in the process). The standards require formal academic education (even though formal curriculums do not include education on violence against women) and ignores expertise based on the experience and specific knowledge of women’s organizations, especially the ones working with multiple marginalized women (Roma, women with disabilities, rural women and women from undeveloped regions in Serbia). If the standards are to be adopted, because of lack of high degree educated women from these vulnerable groups, Roma organizations and organizations of women with disabilities that provide specific support to vulnerable victims of violence, will not be able to licence, and eventually, continue their ten years work in this field.

Although the Republic Institute for Social Protection claimed that in 2011 in 15 municipalities and towns in Serbia, SOS hotlines for victims of domestic violence were established within state institutions (CSW), this data was checked and discovered to be false. Out of 14 CSW, 9 do not provide this kind of services, nor have a special phone line for SOS hotline services (they either use phone central number or other CSW numbers), and personnel had no specific training for such services. At the same time, according to the information given by Network Women Against Violence, women’s nongovernmental organizations have had 22 SOS hotlines for women victims of violence, very experienced, which have worked for years (2 SOS hotlines for victims of trafficking, 4 specialized for women with disabilities, and 3 available for women

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144 National Strategy for Prevention and Elimination of Violence Against Women in the Family and in Intimate Partner Relationship, segment 5.4.4. Education and Capacities.

145 Currently, within Joint Project „Integrate Respons to Violence against Women“, conducted by UNDP, UN Women and UNICEF (UN Trust Found to End VAW), representatives of women’s organizations have been invited to give their proposals for the Standards for the work of SOS hot lines for women victims of violence, but this doesn’t mean that this Proposal will be adopted by the state

146 List of services available at the web site [http://wwwzavodszgovrs/indexphp?option=com_content&task=view&id=245&Itemid=245](http://wwwzavodszgovrs/index.php?option=com_content&task=view&id=245&Itemid=245)


148 Research conducted by Network Women Against Violence (report available at the Network web site).
speaking languages of national minorities). SOS hotlines of women’s NGOs receive no (or occasional and insufficient) financial support from the local governments, and none of them can be found in the data base of Social Protection Services, provided by the Republic Institute for Social Protection. Due to lack of financial support, 4 SOS hotlines of women’s NGOs were closed in 2011.

Out of 13 shelters for women survivors of violence, 11 of them are state owned, within CSW. During the last 5 years, 4 shelters led by women’s NGOs were closed due to the lack of finances (Zaječar, Užice, Beograd, Kragujevac), but local governments then opened shelters within CSW. In Serbia, not a single shelter for women victims of violence is accessible for women with disabilities. Some state shelters do not recognize the gender dimension of violence and are not specialized for assisting women and their children. The state still hasn’t adopted standards for shelters.

- Research conducted by Network Women against violence shows that in 2010, in 10 out of 12 shelters that are operated by Centers for social work (CSW), were accommodated 367 women and their children. Plaints for protection measures, in accordance with Family law, were initiated by CSW in only 38 cases, out of which only 2 measures for the eviction of perpetrator were requested. In shelter run in the city of Vranje are organized contacts of children with violent fathers, while the children and their mother are accommodated in the shelter. This can have serious consequences on the safety of victims.

- In 2011, there were 137 children who had been removed from their families on the ground of protection of safety by the Preliminary decision of the CSW, and the reason for the removal of the children was that “parent wasn’t able to protect the child from the abuse of other parent”. In this way malpractice of the removal of children from non-violent parent can be established, which leads to secondary victimization of both the child and the non-violent parent. We are worried with the measures performed by CSW that point to the tendency of “additional punishment” of women victims of violence by applying system of state control over executing parental rights, partialy and total deprivation of parental rights.

- CSW, especially Counseling services for mariage and family within CSW, give preference to service of advisory-therapeutic work with perpetrators. Efficiency of this service (for example 80% of perpetrators do not repeat phisical violence) has been promoted without valuable data (for example – what is the follow up period), which can be potentialy dangerous, because it represents another way to force woman victim of violence to “cognitive distortion”. Having in mind that this service is provided within public system, which also has public authorities to propose protection measures from domestic violence, it is to be expected that this practice will influence the quality of protection provided to women victims.

8. Femicide. In the period from 2007 to 2010, the proportion of women in the total number of victims of serious homicides increased from 28% to 43%. Data of the Network Women Against Violence shows that in 2010 26 women and in 2011 29 women were killed by their family members of partners. There are no official data, since state statistics do not disaggregate the data by the type of relationship (family ties) between victims and their murderers. Police do not have defined procedures for the estimation of risk, nor a special line of work for cases of domestic violence. In 2011, two policemen got killed while intervening in domestic violence situations. Proposals of women’s groups to establish specialization of police officers and standardize risk assessment and management list were repeatedly rejected.

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149 Vranje, Kragujevac, Pancevo, Smederevo, Sabac, Sombor, Zrenjanin, Nis, Jagodina, Leskovac.
Special protocol on action of police in cases of violence against women in the family and in partnership, was adopted in February 2013,\(^{153}\) and represent significant improvement to standardization and specialization of police, and development of multisectoral cooperation. It states “the most common risks” for possible heavy injury. The only serious flaw of this Protocol is paragraph 3.7. False accusation. Statements that “some of the indications that can show that it is the question of false accusation of domestic violence and in partnership:

- Uncorrect details of time, place and manner in which the criminal act had been committed,
- Nonexistance of defence wounds on part of the victim that states that she had been forced to sexual act,
- Expiration of long time from the moment of ‘execution’ of criminal act till the time of reporting that act, etc. ”

Attempt of the Autonomous Women’s Center to explain the Ministry of Interior that these statements of “indications of false accusations” are uncorrect and not in accordance with international standards didn’t come to understanding.

Special protocol on action of social service (CSW) in cases of violence against women in the family and in partnership, was adopted in March 2013,\(^{154}\) with inconsistensy in using terminology (gender neutral), omitting to state two important general principles for protection of victims,\(^{155}\) that are of the substantion importance to understand gender dimension of violence and for the work in social service (CSW). It fails to specify a range of specific indicators and guidelines for actions of CSW in these cases.

9. Cooperation of institutions in charge of protection of victims of domestic violence. The framework for institutional cooperation was adopted at the end of 2011, but even before that women’s groups had stimulated such coordination. Local services in many municipalities have signed Protocols of cooperation, but there is no follow up of the implementation of cooperation. There are/were examples of good local practices (in Sombor, Zrenjanin, Lazarevac, Kragujevac and Požega), but they depend on dedication of small groups of professionals, while ministries in charge do not do enough (or do nothing) to convey such practices to other places and to standardize procedures.\(^{156}\) Serious problems are lack of modernized communication between services and lack of adequate data exange.

10. Training for professionals. There are accredited training programs on domestic violence and violence against women, sexual violence and human trafficking – for professionals from social, health and educational institutions. Autonomous Province of Vojvodina organized systematic training for employees of these institutions in all 45 municipalities at its territory. Rest of the municipalities in Serbia aren’t systematically covered by such education. Judiciary and police have no system of accreditation of trainings that would enable plurality of offered trainings, but allow educations held by NGO. Although the number of educated professionals from all sectors are rising, it does not guarantee that gained knowledge will be applied in practice. Therefore, systematic monitoring of work of these services and effects of the taken measures are especially important.

11. Researches, evidencing and statistics. There is no comprehensive research on a representative sample conducted recently. The research done by Directorate for Gender Equality covered only Central Serbia. The research conducted in Vojvodina (that covers cca 30% of the state territory) used different methodology, so the data collected in these two researches can

\(^{153}\) Ministry of Interior.

\(^{154}\) Ministry of work, employment and social policy.

\(^{155}\) Defined in General Protocol on action and cooperation of public services in cases of violence against women in the family and in partnership, Government RS, 2012: taking into consideration inequality of power between victim of violence and a perpetrator and the principle of security and welfare of the child through securing safety and support to the autonomy of the non-violent parent.

\(^{156}\) Ignjatović, T. 2011, (2011), Violence against women in intimate partner realtionships: coordinated model of community response, Reconstruction Women’s Fund
not be compared. Data are also incomparable with the research conducted in 2001, so it's impossible to follow changes and trends.

There is no unique, common system of evidencing and documenting cases of domestic violence and other forms of violence against women (each service registers cases in a different way), and analyses and comparing are impossible. Although the Ministry of Health suggested in the Special Protocol for protection of women the form for documenting injuries, the Protocol is not used in the practice. Provincial Secretariat for Labour, Employment and Gender Equality made a step forward: suggested a unique administrative data base or 8 relevant services and made a model of unique administrative data base (exchange of data), and currently a software for electronic evidencing is being made, as well as preparations for piloting data base in 4 municipalities. State statistics on violence against women (Republic statistical office – judicial statistics and The Republic institute for social protection) next to data on sex and age of the victim and perpetrator, does not provide data on type of relationship between victim and perpetrator. Research data (stated in response number 6 of the CEDAW/C/SRB/Q/2-3/Add.1) do not provide answer to question on establishing systematic and regular collection of data on all forms of violence against women.

12. Programmes for perpetrators of violence have just begun, so it can not be estimated how successful they will be. Because of the poor understanding of the phenomenon, our fear is that rights of the victim will not always be protected in the best possible way, and it is therefore necessary to carefully monitor and examine these programmes.

13. Programmes for women after leaving the situations of violence. There are no such programmes, although there is no legal obstacle for their realization. There are no plans of integral support in the fields of social and health protection, employment, housing and child care. Throughout 2012, women's organizations have initiated a series of proposals for changes in this direction at the local level.157

14. Sexual violence against women and girls. Sexual violence against women is still a taboo in Serbia. There are no representative surveys conducted by the state institutions. The only available data come from the researches of women's NGOs. According to the results of the 2003 survey of Autonomous Women's Centre, 6% of women from the Belgrade territory (the capital city) reported sexual violence by their partners. In 2009, there were 448 criminal charges for criminal acts against sexual freedom, but only 238 persons in Serbia were convicted, out of which 77 of them were convicted for the crime of rape and 86 for prohibited sexual acts. In 2010, there were 387 criminal charges for criminal acts against sexual freedom, but only 164 persons in Serbia were convicted, out of which 62 of them were convicted for the crime of rape and 47 for prohibited sexual acts.158 All convicted persons were men. A criminal offence is categorized as rape only if it included a use of force or a threat of use of force, which implicates that victim should physically resist (even though a number of women will not physically resist out of fear of being heavily hurt or killed). Also, for the crime of rape or other forms of forced sexual acts, the theory and judicial practice require penetration by male sexual organ, even in cases against children. All other cases of penetration by hand or foreign objects, or forcing someone to oral sexual act, are not considered rape or forced sexual acts, but prohibited sexual acts.

The proscribed penalty for prohibited sexual acts (par. 1 of the article 182 of the Criminal Code) is monetary fine or 3 years imprisonment, even in cases where children were victims. In 2009, out of 86 convicted persons for prohibited sexual act, 26 were sentenced to suspended sentence and 13 to monetary fines. In 2010, out of 47 convicted persons for prohibited sexual act, 14 were sentenced to suspended sentence and 3 to monetary fines. In 2009, there were 71 victims of the criminal act of prohibited sexual act, out of which 43 were children (23 younger than 14 years, and 20 children aged 14 to 18 years). There is no official data on sex of the children victims.

157 Ignjatović, T. and Pešić, D., 2012, Poverty risks for women who have experienced violence, Autonomous Women's Centre.

Autonomous Women's Center, in one case of sexual violence against a 4-year-old girl conducted by the use of hand and pen, insisted on prosecuting that act as sexual intercourse by use of position – article 181 (because grandfather is alleged perpetrator), but the prosecution decided to charge grandfather for the article 182 of the Criminal Code. Autonomous Women's Center wrote to the Public Prosecution Office about this issue requesting it to make position on this, but, after more than a year, there is still no answer from the Republic Prosecution Office. The case is still in investigation faze. The amendments of the Autonomous Women's Center on this article 182, regarding deletion of monetary fine, hasn't been accepted.

The Criminal Code also proscribes that prosecution for rape within marriage will be undertaken only if the victim agrees with criminal prosecution, and not ex officio, even if there are evidences confirming that the crime was committed. This provision discriminates wives in comparison to partners and other women, and this amendment was also rejected by the Working group of the Ministry of Justice.

There are no general or specialized Protocols on the treatment of rape victims, neither there are specialized, free of charge services for victims of rape and other sexual offences. There are no specialized institutions educated to competently determine sexual abuse of children, especially in cases of non-penetration acts (prohibited sexual acts) where no intercourse occurred. Autonomous Women's Centre had few cases of sexual abuse of girls aged 4 to 7, in which the mother were granted free legal representation by the AWC. Mothers who try to defend their children are usually being accused of making false accusations and are proscribed medical treatment because of “alleged” psychological illness.

RECOMMENDATIONS

1. Provide long term financing within the budget of the Republic of Serbia (both at the national and local levels) for the work of women’s nongovernmental organizations that deal with domestic violence and other forms of gender based violence against women. Provide system support for women’s organizations that realize general and specialized education on gender based violence for the representatives of public institutions. Recognize the expertise based on experience.

2. Ratify the Convention on Preventing and Combating Violence Against Women and Domestic Violence of the Council of Europe, and ensure harmonization of national legislation with the international laws and recommendations.

3. Provide consistent implementation of laws, especially protection measures from domestic violence, and ensure efficient court proceedings with a systematic psycho-social support for victims of violence and free of charge legal assistance for women victims of all sorts of gender based violence in all legal procedures.

4. Provide physical accessibility of institutions in charge of protection of victims of violence to persons with disabilities, including accessibility of shelters. Make information on protection from violence, including information on available services and contacts of the most important institutions and specialized women’s institutions, available to women, various ethnic groups, rural women and other group of women marginalized at many levels. Develop policy against discrimination toward marginalized groups of women (Roma women, women with disabilities, lesbians and others) within the procedures of reporting, assessment and legally processing gender based violence.

5. Systematically establish and develop multisectoral institutional cooperation and integral intervention for supporting victims during and after leaving the situations of violence (programmes of economic empowerment, employment, social housing, and child care).

6. Establish the model of unique, administrative data base of domestic and sexual violence in all relevant services (to spread the practice of Autonomous Province of Vojvodina to the whole territory of Serbia). Regularly publish gender sensitive, reliable and precise
victimology statistics (which must include the type of relationship between a victim and a perpetrator of violence).

7. Conduct periodical quantitative and qualitative researches of violence against women, using nationally representative sample of women, while paying special attention to specificities of multiply marginalized groups of women.

8. Harmonize Criminal Code definition of family members with the definition in the Family Law. Adopt stalking or harassment as criminal act. Improve definitions of criminal act and protection of women from all forms of violence, in accordance with the international standards. Amend the Criminal Procedure Code, so that vulnerable groups of victims (women and children) get guaranteed greater protection rights within criminal proceedings, also in accordance with the international standards (person of trust, giving testimony via video link, right to appeal, etc.).

9. Create general and special Protocols on institutional proceedings in cases of sexual violence, delete monetary fine for all criminal acts against sexual freedoms and increase proscribed minimal sanctions. Change the definition of rape to unconsentual act (removing the condition of force or threat of use of force). Equalize conditions for rape indictments, regardless of the type of relationship of the victim and the perpetrator (rape within and outside marriage).
Status of the National Action Plan (NAP) for the Implementation of the Resolution 1325 in Serbia

1. NAP was drafted in a period of 6 months. The Ministry of Defense was responsible for the whole drafting process which confirms a militaristic approach to security. Forming of the bodies and institutional mechanisms for the implementation of NAP started 10 months after the adoption of the NAP. Political Council (PC), responsible for the creation of political conditions for the realization of activities planned by the NAP, was created in October 2011. Since then, Political council was dissolved in 2012 due to the elections and was not established until May 2013. Multi-sector Coordination Body (MCB), an operational body of the Government responsible for the realization of goals and activities of the NAP, was formed in November 2011 and still working. Moreover, Supervisory Body (SB) – responsible to supervise the reports of the PS was formed 26 months after the adoption of the NAP (February 2013). There was no public or parliamentary hearing on the implementation of the Resolution 1325 by the SB until May 2013. To conclude, by May 2013 even normative mechanisms for the implementation of the NAP were not fulfilled entirely. Independent monitoring of the implementation of the NAP (2011 – 2013) in Serbia was done by eight civil society organizations (2011 – 2012) and four organizations (2012 – 2013). Both processes are coordinated by Women in black (WiB). Also, another CSO monitoring was conducted by think tank organization, Belgrade center for security policy (BCBP) in 2011/12.

2. Activities of the NAP in 2011, 2012 and 2013. In 2011, NAP activities in the Ministry of defense were conducted without any funding because they were “unplanned” despite the fact that NAP was adopted in December 2010. Funding in 2012 was planned only for the meetings of the Political Council. Gender responsible budgeting for the activities planned by the NAP started in November 2011, but has not been established due to “tough financial situation in the society”. NAP asserts that funding for all its activities will be provided by the Ministry of Finances. Funds for activities of the NAP have not been allocated according to the budget of the Republic of Serbia for 2012 and 2013. Women in Black have filed a complaint to the Commissioner for Information of Public Importance against Ministry of finances because of the administrative silence regarding the funding.

3. The Lack of Transparency in Reporting on the Implementation of the Activities of the NAP. Despite the fact that NAP prescribes clear deadlines and obligatory reporting, and requires that all reports of all bodies in charge for the NAP implementation to be public, Ministry of Defense and institutional bodies (PS and MCB) have not complied with the NAP procedures and have not publicized the reports. Women in Black have filed a complaint to the Commissioner for Information of Public Importance (Commissioner) because of the lack of transparency in reports on the NAP implementation in 2011/12. Moreover, Ministry of Defense put the “code of secrecy” on the Annual report on the implementation of the NAP for the Resolution 1325 and reports of the Analytical group of the Ministry of Defense for the analyses of the implementation of the NAP for the Resolution 1325. After the WiB’s complaint to the Commissioner, Ministry of Defense had to take off the “code of secrecy” from these documents. Reports on the implementation of NAP are not transparent and available to the citizens. During the monitoring process 2011 – 2013, Women in Black filed 41 complaints to the Commissioner and 5 administrative disputes against several institutions of the Republic of Serbia in the Administrative court because of the silence of the institutions. Reports from the institutions are late or they lack which makes monitoring process slower and more difficult.

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160 Answers from Ministry of defense to Women in black, page 16.
161 Annual report on the implementation of the NAP for the Resolution 1325 in Ministry of defense, page 3.
162 NAP for the implementation of the Resolution 1325 in Serbia, page 21.
163 NAP for the implementation of the Resolution 1325 in Serbia, page 21.
4. Main Objectives and the Priorities of the NAP. The main objectives and priorities of the NAP are focused on the security sector. The prevailing concept of security in the core of the NAP is a militaristic approach to security, and promotion of the national security rather than human security. Careful analysis of the realization of the NAP activities in 2011/2013 can provide a clearer picture on the main objectives and priorities of the Serbian NAP. The only activities implemented by the institutions in 2011/2013 were the following: institutionalization of the bodies in charge of the NAP implementation, increase of the representation and percentage of women in the army and peacekeeping missions, trainings for the peacekeepers and media campaigns related to gender equality in the army.

Post-conflict problems such as implementation of the transitional justice mechanisms that would stop impunity for the crimes against women and girls committed by the Serbian state in ex-Yugoslavia (education about the war crimes, legal, social and economic support and reparations to women victims of war and consultations with these women, programs of reintegration and rehabilitation, disarmament, and programs for improvement of the status of women refugees and internally displaced persons and support to local initiatives of women for peace and reconciliation) have not been addressed in the whole process of the NAP implementation by May 2013. In addition, activity of providing “legal, psycho-social and economic protection to women victims of sexual violence during the 1990s”\(^{164}\) was erased from the second draft of the NAP after the comment of Women in Black that there is no institutional possibility to perform such thing according to the Law on civil war invalids from 1996. Entire NAP shows the lack of activities and topics related to transitional justice and responsibility of Serbia for the war crimes committed in ex-Yugoslavia due to the absence of women’s organizations and CSOs in the drafting process.

Activities of the NAP are not extended to local level (as can be seen from the research Women in Black and local partner organizations conducted in 2011/12 in the following cities of Novi Becej, Leskovac and Krusevac). Due to the lack of reports from the institutions we are not able to conclude the same for the period until May 2013. The timeframe for the achievement of the NAP activities is 2010 - 2015.

Moreover, in the negotiations of Serbia with Kosovo initiated and monitored by the EU there women’s CSOs were not at the negotiation table. As we are informed, women’s organizations were not consulted and Resolution 1325 was not on the list of the issues discussed in negotiations despite the fact that country is implementing the NAP.

5. Due to the slowness and selectivity of the institutions in charge for the implementation of the NAP, it is very likely that activities concerning mechanisms of transitional justice will not be implemented, not even in the smallest degree as prescribed by NAP.

6. The Role of CSOs in the Preparatory Process. Civil society had no influence on the process of creation of NAP, and years-long efforts of the civil society organizations in the field of education, promotion and lobbying for the adoption of the Resolution 1325 were not acknowledged at all. WiB conducted a survey on a sample of 28 most relevant CSOs dealing with the issue of women and security, which proved that the entire process of drafting NAP in Serbia lacked democratic approach, transparency and inclusion.\(^{165}\) Only two civil society organizations that deal with the issue of security took part in the NAP drafting process, but none of the two are women’s organizations. Leader of one of these organizations was appointed to the NAP’s PS, but not as a representative of the civil society, but as a representative of the institution: the President of the Political council of the Ministry of Foreign Affairs.\(^{166}\) This is the best example of the lack of autonomy of CSOs in the whole process. Moreover, the deadlines for submitting comments on the both NAP drafts (in March and November 2010) were too short (only 15 days).

\(^{164}\) The second draft of the NAP for the implementation of the Resolution 1325, November 2010.
\(^{165}\) Resolution Women, Peace, Security - 10 Years, Women in black, 2010, page 155
\(^{166}\) Answers from Ministry of defense to Women in black, page 2
7. The Role of CSOs in the Implementation. According to the Rules of Procedure of the PC “it is not planned for women organizations to be a part of the work and implementation of the NAP.” This information is not in accordance with the answer of the Republic of Serbia to list of questions of the CEDAW Committee which states “citizen’s associations were specified as collaborators in the execution of 17 NAP activities”. WIB demanded the answer from the institution in charge regarding this misinformation and will complain to the Commissioner or Administrative court if the administration stays silent.

RECOMMENDATIONS

2. Develop mechanisms of reparations for all victims of sexual and other gender based crimes against humanity related to wars in ex-Yugoslavia
3. Include women victims of sexual and other gender based crimes against humanity into national strategies and plans regulating the field of providing legal, psychological, medical and economic assistance.
4. Pass a law that would regulate the work of private security agencies and multinational security corporations in Serbia.
5. Open space and support the inclusion of autonomous women’s organizations and groups in the revision of the NAP and creation of policies and work on the implementation of the Resolution 1325, not only formally but also practically.

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167 Answers from Ministry of defense to Women in black, page 4.
168 Replies of Serbia to the list of issues to be taken up in connection with the consideration of its combined second and third periodic reports (CEDAW/C/SRB/2-3), Republic of Serbia for the Fifty-third session 1 – 19 October 2012, 27th of July 2012, page 18.
The status of lesbian women

**Articles 1–6.** Having in mind that provisions of the Convention recurrently affirm that special attention should be directed towards problems faced by specific groups of marginalized women, it is our understanding that discrimination as defined in Article 1 of the Convention, stating that “any distinction, exclusion or restriction made on the basis of sex” also includes discrimination against women on the basis of their sexuality. Therefore, not including the interests and needs of women of different sexual orientation than heterosexual would go against the spirit of inclusivity of the Convention.

Gender Equality Law\(^{169}\) which was adopted in 2009 only recognizes discrimination based on sex and does not identify the need to pay attention to differences among women which make them more susceptible to discrimination, such as sexual orientation. It is our contention that these provisions should have been clearly outlined in the law. However, National Strategy for the Advancement of Women and Gender Equality (2009–2015)\(^{170}\) which was also adopted in 2009 does mention sexual orientation, but only in general terms without any concrete goals and activities (with the exception of the chapter about the media), resulting in invisibility of problems that lesbian women face and a lack of plans in the Action Plan for the Implementation of the National Strategy for the Advancement of Women and Gender Equality (2010–2015)\(^{171}\).

As opposed to lesbian women, other multiply discriminated and marginalized women have recurrently been mentioned throughout these documents.

Since lesbian women, that have so far been one of the most neglected, marginalized and vulnerable groups of women in the Serbian society\(^{172}\) have not been meaningfully included in the mentioned documents, it is our contention that this undoubtedly demonstrates a homophobic and discriminatory attitude of the Serbian Government towards lesbian women. As a result, no measures to advance the position of lesbian women have been undertaken, leaving them highly exposed to discrimination, social exclusion, violence and poverty.

**Article 10: Equality in Education.** Various studies have shown that educational materials (textbooks, curricula), as well as educational staff, are not gender sensitive, and promote and perpetuate traditional gender roles in all educational levels in Serbia.\(^{173}\) By extension, educational materials do not contain information about non-heteronormative sexualities, including lesbian women, nor does the educational staff transfer this information to students due to lack of knowledge and sensitivity. This enforces intolerance towards lesbian women which is often based on the fact that lesbian women do not conform to predefined notions of female gender identity. As a result, lesbian women are at high risk of physical violence, hate crimes, sexual assaults and harassment, both within and outside educational settings.

**Article 11: Employment.** According to the current Labour Law\(^{174}\), discrimination based on sexual orientation is forbidden. However, there is reason to believe that lesbian women

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\(^{169}\) Official Gazette of RS, no 104/2009.


\(^{171}\) Official Gazette of RS, no 067/2009.

\(^{172}\) Various studies in the past years show that levels of homophobia in Serbia are extremely high and that LGBT people increasingly face violence, threats of violence and discrimination, both in the public and private spheres. Labris records demonstrate that lesbian women are especially vulnerable when it comes to violence, both in private and public spheres.

\(^{173}\) “Towards non/homophobic secondary school”, Gayten-LGBT, Belgrade, 2008; “Gender Equality in Teaching Plans and Programs in Primary Education”; Gender Equality Institute, Novi Sad, 2010; „Recommendations for modifications of teaching plans and programs and teaching materials in accordance with principles of education for human rights and an inclusive society”; Commissioner for Equality, Belgrade, 2011.

\(^{174}\) Official Gazette of RS no 12/24/2005/01.
are facing problems in the employment process and at the workplace, when their sexual orientation becomes known or is presumed, leaving them exposed to harassment, intimidation and humiliation. In addition, Serbian law does not recognize same-sex partnerships of any kind, which means that women in same-sex relationships do not have equal rights as people in heterosexual relationships, such as the right to social security, pension and health insurance, sickness-leaves for partners, parental-leaves for children and bereavement leaves.

**Article 12: Healthcare and Family Planning.** Repeated accounts\(^{175}\) demonstrate that healthcare providers are not sensitive to issues regarding non-heteronormative sexualities and they lack adequate knowledge to provide lesbian women with complete medical care, both when it comes to physical conditions and when dealing with psychological problems that lesbian women might face. Due to this, lesbian women are not comfortable disclosing details pertaining to their sexuality which could be relevant for proper medical treatment, in fear that they could be laughed at, harassed or denied medical services. Resultantly, lesbian women are often not being provided with equal access to full and professional medical care. In addition, since same-sex relationships between women are not recognized as families according to Serbian law, lesbian couples are not included in matters relating to family planning, including medically assisted artificial insemination. Under current laws lesbian women (in a relationship or not) are not allowed to adopt children or to undergo medically assisted artificial insemination, putting them in an unequal situation with other women that are married. This is not only a discriminatory situation towards lesbian women, but to all women who are not married, making it discrimination based on a personal characteristic (marital status).

**Article 16: Marriage and Family Law.** As was stated earlier, currently Serbian Family Law\(^{176}\) does not recognize same-sex unions, and explicitly states that a marriage is void if it is between two persons of the same sex. As a result, lesbian women in a relationship are deprived of crucial rights which normally stem from this law, namely, social and health benefits, inheritance rights, housing rights, maintenance rights, visiting rights in hospitals, etc. This makes lesbian women particularly vulnerable to social, economic and health insecurity, exclusion and poverty. This not only gravely affects lesbian women but also their children.

**RECOMMENDATIONS:**

1. Recognize ongoing discrimination and human rights violations taking place against lesbian women and ensure that all existing and future measures, policies and activities related to women’s rights include lesbian women as well.

2. Ensure equal protection for lesbian women who are victims of violence.

3. Design, implement and promote special educational measures such as revising curricula on all educational levels and textbooks, and develop trainings, both formal and informal, which are explicitly designed to change attitudes of discrimination and stigmatization against lesbian women.

4. Ensure equal protection for lesbian women in employment by designing and promoting special measures to be included by both public and private employers, as well as by establishing a closer cooperation with trade/labour unions in protecting the rights of lesbian women.

5. Design and implement trainings for healthcare staff on the health issues, physical and psychological, that take into account particularities of lesbian women, and establish counselling services for lesbian women.

\(^{175}\) During the past several years Labris has documented numerous accounts of discrimination and harassment against lesbian women in the healthcare sector.

\(^{176}\) Official Gazette of RS, no 18/2005.
6. Ensure equal access to artificial insemination and family planning for all women irrespective of their marital status or sexual orientation.

7. Ensure that same-sex relationships are legally recognized, in a manner that would provide same-sex couples with rights that are equal to rights that heterosexual couples (married and unmarried) are able to enjoy.

8. Initiate and execute comprehensive research activities about the status of lesbian women in relation to all issues, both in the public and private spheres, which are outlined in the CEDAW Convention.

REPORT PREPARED BY:

SLAVICA STOJANOVIĆ (Voice of Difference/Women in Black)
General comment

TANJA IGNJATOVIĆ (Autonomous Women’s Center/Voice of Difference)
Articles 2, 3, 10, 11, 16

VANJA MACANOVIĆ (Autonomous Women’s Center)
Article 4, 12, 15 (part on HIV/AIDS in Article 12 was written by Nevena Ćirić, AID+)

MARIJA ANDJELKOVIĆ and TAMARA VUKASOVIĆ (ASTRA)
Article 6 and parts on trafficking in Articles 12 and 15

BOBANA MACANOVIĆ and TANJA IGNJATOVIĆ (Autonomous Women’s Center)
General Recommendation 19 – Violence against Women

GORDANA SUBOTIĆ (Women in black)
Status of the National Action Plan (NAP) for the Implementation of the Resolution 1325 in Serbia

DRAGANA TODOROVIĆ (Labris)
The status of lesbian women