



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

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### Committee on the Elimination of Discrimination against Women

#### Concluding observations on the combined second and third periodic reports of Serbia\*

1. The Committee considered the combined second and third periodic report of Serbia ([CEDAW/C/SRB/2-3](#)) at its 1144th and 1145th meetings, on 18 July 2013 ([CEDAW/C/SR.1144](#) and 1145). The Committee's list of issues and questions is contained in [CEDAW/C/SRB/Q/2-3](#) and the responses of the Government of Serbia in [CEDAW/C/SRB/Q/2-3/Add.1](#).

#### A. Introduction

2. The Committee appreciates that the State party submitted its combined second and third periodic report in a timely manner. It also appreciates the State party's written replies to the list of issues and questions raised by the Committee's pre-session working group, its oral presentation and the responses to the questions posed orally by the Committee. It regrets, however, that the report lacked data disaggregated by sex and other relevant factors, in addition to qualitative data on the situation of women in a number of areas covered by the Convention, in particular with regard to women belonging to disadvantaged groups.

3. The Committee commends the State party for its delegation, which was headed by the State Secretary of the Ministry of Labour, Employment and Social Policy, Brankica Janković, and included representatives of ministries and offices, in addition to a member of the National Assembly. The Committee appreciates the dialogue that took place between the delegation and the Committee.

#### B. Positive aspects

4. The Committee welcomes the adoption, since the consideration of the State party's previous report, of legislative measures aimed at eliminating discrimination against women, including the following:

- (a) Law on Prohibition of Discrimination, adopted in 2009, which includes a

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\* Adopted by the Committee at its fifty-fifth session (8-26 July 2013).



definition of the principle of equality and prohibits discrimination on various grounds, including gender-based discrimination;

(b) Law on Gender Equality, adopted in 2009, which contains provisions for equal opportunities and special measures to prevent and eliminate discrimination based on sex and gender, in addition to a procedure for legal protection of persons exposed to discrimination;

(c) Law on Employment and Insurance in Case of Unemployment, adopted in 2009, which also provides for gender equality and protection against discrimination;

(d) Law on Professional Rehabilitation and Employment of Disabled Persons, adopted in 2009, which includes provisions on gender equality of persons with disabilities;

(e) Law on Fundamentals of Education, adopted in 2009, which contains provisions against discrimination, including discrimination based on gender;

(f) Law on Election of National Deputies and the Law on Local Elections, adopted in 2011, which introduced gender quotas.

5. The Committee also welcomes the adoption of the following policies:

(a) Strategy for Prevention and Protection against Discrimination (2013);

(b) National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationships (2011-2015);

(c) National Action Plan on Implementation of Security Council Resolution [1325 \(2000\)](#) on Women, Peace and Security (2010-2015);

(d) National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality (2009-2015);

(e) Strategy for Improvement of the Status of Roma in the Republic of Serbia (2009) and its action plans (2009-2011 and 2013-2014).

6. The Committee notes with satisfaction that the State party has ratified or acceded to a number of international and regional instruments, including the following:

(a) Convention on the Rights of Persons with Disabilities and its Optional Protocol, both in 2009;

(b) International Convention for the Protection of All Persons from Enforced Disappearance, in 2011;

(c) Council of Europe Convention on Action against Trafficking in Human Beings, in 2009.

## **C. Principal areas of concern and recommendations**

### **National Assembly**

**7. While reaffirming that the Government bears the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the**

**Convention is binding on all branches of government. It invites the State party to encourage the National Assembly, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the State party's next reporting process under the Convention.**

**Visibility of the Convention, the Optional Protocol and the Committee's general recommendations**

8. The Committee is concerned that, to date, the Convention has not been directly invoked, applied or referred to in court proceedings, nor have women claimed their rights to non-discrimination and equality by invoking provisions of the Convention or relevant national legislation, which indicates a lack of awareness among women and among the judiciary and legal professionals about the rights of women under the Convention.

9. **The Committee recommends that the State party:**

(a) **Continue raising awareness among women about their rights under the Convention and the procedures under the Optional Protocol;**

(b) **Ensure that the Convention, the Optional Protocol thereto, the Committee's general recommendations, its views on individual communications and its inquiries and relevant national legislation are made an integral part of legal education and training for all judges, prosecutors and lawyers, with a view to enabling them to apply the Convention directly and to interpret national legal provisions in line with the Convention.**

**Legal framework for non-discrimination and equality**

10. The Committee notes that discrimination based on sex is prohibited by the Constitution, the Law on Prohibition of Discrimination and the Law on Gender Equality. The Committee is, however, concerned at:

(a) The failure of the State party to implement these laws in a timely and effective manner and the lack of awareness about the provisions of such laws among its population, resulting in a low number of cases initiated;

(b) The absence of the concept of intersectional discrimination against women in the State party's anti-discrimination laws;

(c) The absence of a legal framework on access to free legal aid and assistance, which impedes women from claiming their right to non-discrimination and equality.

11. **The Committee calls upon the State party:**

(a) **To ensure the timely and effective implementation of its anti-discrimination laws and to take measures to raise awareness about those laws among the general public, in particular among women from disadvantaged groups;**

(b) **To introduce the concept of intersectional discrimination in its legislation;**

(c) **To take the measures necessary to enact as soon as possible the draft law on free legal aid in order to enable women to claim their rights properly and satisfactorily.**

#### **Legal complaints mechanisms**

12. The Committee notes that the Deputy Ombudsman for Gender Equality and the Commissioner for Protection of Equality are responsible for handling complaints about sex-based discrimination. The Committee is, however, concerned about:

(a) The lack of visibility, transparency and accessibility of the Ombudsman's Office and the Commissioner for Protection of Equality;

(b) The low number of complaints of sex-based discrimination received by the national complaints mechanisms;

(c) The reports that most complaints about discrimination against women received by the Ombudsman's Office were rejected as unfounded.

13. **The Committee urges the State party to ensure that women avail themselves of the legal complaints mechanisms available to them and recommends that the State party:**

(a) **Take measures to improve the visibility, accessibility and transparency of the Ombudsman's Office and the Commissioner for Protection of Equality;**

(b) **Take measures to increase women's awareness of their rights and of the functions of the existing complaints mechanisms to enable them to seek redress in cases of sex-based discrimination;**

(c) **Ensure that all complaints of alleged sex-based discrimination are effectively investigated by both the Ombudsman's Office and the Commissioner for Protection of Equality.**

#### **National machinery for the advancement of women**

14. The existence of an extensive national machinery notwithstanding, the Committee regrets that institutions and bodies for the advancement of women are understaffed and lack adequate resources and authority to influence government policy and decision-making. The Committee is concerned at the lack of systematic and continuous dialogue between the national machinery at all levels and relevant non-governmental organizations, in particular women's organizations, and the absence of consultations with them in designing and implementing gender equality and women's empowerment policies.

15. **The Committee recommends that the State party:**

(a) **Further strengthen the national machinery by providing it with adequate human, technical and financial resources, increasing its visibility and efficiency and strengthening its capacity, especially at the local level, and ensure sufficient political support to enable it to discharge its functions effectively;**

(b) **Ensure formal and informal dialogue and consultations between the national machinery and relevant non-governmental organizations, in particular**

women's organizations, and put in place a system of cooperation that respects the autonomy of women's organizations.

**National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality (2009-2015)**

16. The Committee notes the adoption of numerous strategies and action plans, including a national strategy for the improvement of the status of women and promotion of gender equality for 2009-2015 and a national plan of action for its implementation for 2010-2015. The Committee is, however, concerned at:

(a) The lack of adequate State funding for the implementation of these and other strategies and action plans aimed at eliminating all forms of discrimination against women, in particular against women belonging to ethnic minorities, including Roma women, women with disabilities, older women, women living with HIV, women affected by the war, lesbian women and other disadvantaged women and girls;

(b) The lack of harmonization among various national strategies and their action plans with strategies at the local level and the lack of coordination, monitoring and evaluation mechanisms for their effective implementation and for regular and interim reporting;

(c) The lack of gender-specific measures in national strategies and actions plan to address inequality and intersectional discrimination with regard to disadvantaged women, in addition to the lack of indicators and benchmarks to measure progress achieved.

**17. The Committee calls upon the State party:**

(a) **To allocate substantial and sustained resources, both human and financial, to all national strategies, mechanisms and action plans aimed at the elimination of discrimination against women, especially disadvantaged women, and to ensure their effective implementation;**

(b) **To take measures to harmonize its national strategies and action plans, in particular with those at the local level, and to enhance coordination between sectoral policymaking and implementation and horizontal and vertical coordination between the national and local levels, as well as to monitor and regularly evaluate the process of their implementation through reporting on progress achieved;**

(c) **To adopt gender-specific measures in current and new national strategies and action plans to prevent and eliminate inequality and intersectional discrimination with regard to disadvantaged women;**

(d) **To accelerate the development of indicators and benchmarks as an integral part of a monitoring and evaluation system and to ensure their regular use to measure progress and address setbacks in the improvement of the situation of women.**

**Temporary special measures**

18. The Committee notes that some temporary special measures have been taken in the area of employment of women, including disadvantaged groups of women

such as Roma women and women with disabilities. The Committee is, however, concerned at:

(a) The absence of systematic and consistent application of temporary special measures to achieve substantive equality under the areas of the Convention and, specifically, to address the barriers to equality and non-discrimination facing disadvantaged women;

(b) The absence of gender-relevant statistics on the application of temporary special measures;

(c) The absence of special measures targeting women affected by the war and women living with HIV.

**19. The Committee encourages the State party:**

(a) **To take further steps to expand the use of temporary special measures, in accordance with article 4 (1) of the Convention and in line with the Committee's general recommendation No. 25 (1992), as part of a necessary strategy for accelerating the achievement of women's substantive equality, in particular for disadvantaged groups of women, including women affected by the war and women living with HIV, in all areas under the Convention;**

(b) **To ensure that adequate resources are allocated to such measures and that the relevant State institutions coordinate their implementation;**

(c) **To inform the public, in particular women, about temporary special measures introduced by the State party aimed at improving the situation of disadvantaged women, to evaluate their impact and to make the findings, including gender-relevant statistics, available to the public.**

**Stereotypes**

20. The Committee notes the information provided by the State party regarding its efforts to eliminate negative gender stereotypes in the media and its willingness, as expressed by the State party's delegation, to address the exposure of lesbian women and women with disabilities to negative stereotypes. The Committee remains concerned, however, about:

(a) The persistence of deep-rooted stereotypes and the recent trend of re-establishing traditional roles and responsibilities of women and men in the family and society, which undermine women's social status, participation in public life and professional careers;

(b) The predominantly negative attitude, including, in certain cases, hate crimes, towards minority women, Roma women, women with disabilities, women living with HIV and lesbian women, affecting the enjoyment of many of their rights.

**21. The Committee recommends that the State party:**

(a) **Further strengthen its efforts to overcome stereotypical attitudes regarding the roles and responsibilities of women and men in the family and in society and continue implementing measures to eliminate gender stereotypes by promoting positive images and substantive equality of women;**

(b) **Implement the Strategy for Prevention and Protection against Discrimination, in particular regarding minority women, Roma women, women**

**with disabilities, women living with HIV and lesbian women, and work with civil society, the media and other stakeholders to improve tolerance and combat social exclusion of those groups of women.**

#### **Violence against women**

22. While noting the adoption of a national strategy for prevention and elimination of violence against women in the family and intimate partner relationships in 2011, together with protocols at the level of ministries, the Committee remains concerned about:

(a) The increasing number of women murdered by their husbands, ex-husbands or partners and women victims of other forms of violence, including psychological, physical, economic and sexual violence;

(b) The significant disparity between the number of police interventions, the number of criminal charges filed and the number of persons convicted of domestic violence against women;

(c) The significant obstacles faced by women, in particular Roma women and women with disabilities, seeking protection from violence;

(d) The lack of emergency protection orders;

(e) The lack of disaggregated data on all forms of violence against women.

23. **Recalling its general recommendation No. 19 (1992), on violence against women, the Committee urges the State party:**

(a) **To review and revise the Criminal Code, the Family Code and other relevant laws with a view to effectively preventing all forms of violence against women and protecting victims;**

(b) **To encourage women to report incidents of domestic and sexual violence by raising awareness of the criminal nature of such acts;**

(c) **To ensure effective investigation of cases of violence against women and to prosecute and punish perpetrators of such crimes with sanctions commensurate with the gravity of the crime;**

(d) **To ensure that all women victims of violence have adequate assistance and unhampered access to effective protection from violence, including by ensuring a sufficient number of shelters funded by the State and improving cooperation with relevant non-governmental organizations in this respect;**

(e) **To ensure that the relevant authorities are aware of the importance of issuing emergency protection orders for women at risk and of maintaining such orders until the women are no longer at risk;**

(f) **To enhance the system of data collection by ensuring that the data are disaggregated by type of violence and by relationship between perpetrator and victim, supporting research in this field and ensuring that such information and data are available to the public;**

(g) **To expeditiously ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.**

**Trafficking and exploitation of prostitution**

24. While noting the legislative, institutional and policy measures taken to combat trafficking in persons, including the adoption of a national strategy and national action plan to combat human trafficking for 2009-2011, the Committee remains concerned about:

(a) The significant delays in the adoption of a new action plan to combat trafficking in human beings;

(b) The lack of rehabilitation and reintegration programmes for women victims of trafficking and the insufficient resources allocated to such programmes;

(c) The lack of cooperation with civil society organizations working on trafficking.

25. **The Committee recommends that the State party:**

(a) **Adopt a new plan of action against trafficking in human beings without further delay;**

(b) **Allocate sufficient resources to rehabilitation and reintegration programmes for women victims of trafficking;**

(c) **Establish effective cooperation with civil society organizations working in the area.**

**Participation in political and public life**

26. The Committee notes the provisions to promote equal representation of women and men in political and public decision-making, but remains concerned about lack of impact of such measures. The Committee is particularly concerned about:

(a) The limited implementation of the provisions of article 35 of the Law on Gender Equality, which requires political parties, trade unions and professional associations to promote equal representation of women and men in their respective decision-making bodies;

(b) The non-involvement of women's organizations in the drafting of a national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women, peace and security, in addition to their exclusion from negotiations regarding Kosovo;

(c) The low number of women in elected bodies at the local level and at the highest ranks of the diplomatic service.

27. **The Committee recommends that the State party:**

(a) **Ensure the full and equal participation of women in political and public life, including by implementing article 35 of the Law on Gender Equality, and assess its impact, in particular on women from disadvantaged groups, such as Roma women and women with disabilities;**

(b) **Involve women's organizations in the implementation of its policies concerning peace and security, including in its negotiations concerning Kosovo;**



(c) **Increase the number of women in decision-making positions, especially in local administrations and at the highest ranks of the diplomatic service.**

### **Education**

28. While noting the new inclusive education under the Law on Fundamentals of Education, the Committee remains concerned at:

(a) The low enrolment of Roma girls and boys at the primary and secondary levels of education and their low completion rates, in particular among girls;

(b) The persistence of gender stereotypes in secondary education materials and textbooks;

(c) The inadequate inclusion of education on sexual and reproductive health and rights in school curricula at all levels.

29. **The Committee recommends that the State party raise awareness of the importance of education as a human right and as the basis for the empowerment of women and girls. To this end, it urges the State party:**

(a) **To promote the enrolment and attendance of Roma children, especially girls, at the primary and secondary levels of education in regular schools and to eliminate all barriers, including financial barriers, to their access to education;**

(b) **To review and revise materials and textbooks used for secondary education to eliminate patriarchal gender stereotypes;**

(c) **To introduce age-appropriate sexual and reproductive health and rights education, including issues of gender relations and responsible sexual behaviour, in the curricula at all levels.**

### **Employment**

30. While the State party has taken measures aimed at eliminating sex-based discrimination in the workplace, the Committee remains concerned about:

(a) The persistent gender wage gap;

(b) Disproportionately high unemployment among women, especially Roma women, women with disabilities and rural women;

(c) The increasing feminization of some professions;

(d) The lack of opportunities to reconcile work and family obligations;

(e) The sexual harassment of women in the workplace;

(f) The lack of disaggregated data on the situation of women in the labour market.

31. **The Committee recommends that the State party:**

(a) **Adopt measures to implement the principle of equal pay for work of equal value in order to narrow and close the gender wage gap;**

(b) **Increase women's access to employment and entrepreneurship, including for Roma women, women with disabilities and women in rural areas;**

(c) **Encourage women's participation in occupational areas where they are traditionally underrepresented;**

(d) **Facilitate the reconciliation of professional and private life for women and men, including by expanding the number of childcare facilities and by encouraging men to participate equally in family responsibilities;**

(e) **Strengthen measures to prevent and combat sexual harassment of women in the workplace by establishing effective reporting mechanisms and sanctions;**

(f) **Collect disaggregated data on the situation of women and men in the labour market and on the number and nature of court cases and administrative complaints relating to sex-based labour discrimination and sexual harassment in the workplace.**

### **Health**

32. While noting the legislative and policy measures taken by the State party, including the extension of compulsory health insurance to the Roma population, the Committee remains concerned about:

(a) The limited implementation of such laws and policies, in addition to the restricted access for Roma women, women with disabilities and victims of rape to health-care services;

(b) The difficulties faced by women with disabilities in enjoying their right to reproductive health services owing to prejudices and lack of trained personnel and accessible facilities;

(c) The use of abortion as a method of birth control, the limited use of modern forms of contraception, the poor quality of counselling services for family planning and the risk that, faced with declining fertility rates, the State party may take measures to reduce the current accessibility of abortion;

(d) The lack of access to second-generation anti-retroviral treatment for women living with HIV/AIDS and the insufficient information on the prevention of mother-to-child transmission of HIV/AIDS and possible treatment.

33. **The Committee urges the State party:**

(a) **To improve women's access to high-quality health care and health-related services, in line with general recommendation No. 24 (1999);**

(b) **To ensure the effective implementation of laws and policies providing compulsory health insurance and free services to all women and girls;**

(c) **To take the measures necessary to ensure the full and effective realization of the right of women with disabilities to sexual and reproductive health by eliminating prejudices, training medical personnel and increasing the number of health facilities equipped to address their needs;**

(d) **To reduce the use of abortion as a method of contraception by improving information on and access to modern forms of contraception, which**

would be included in the positive list of drugs, and to ensure that abortion remains as accessible as it currently is, both legally and financially, and to consider including its costs in the health insurance system;

(e) **To take immediate measures to provide access for women and girls living with HIV/AIDS to second-generation anti-retroviral drugs and other necessary medication and services, in addition to information on methods to prevent mother-to-child transmission of HIV/AIDS.**

#### **Rural women**

34. The Committee notes with concern inequalities between the State party's urban and rural women with regard to the standard of living and employment, including for older women. It is further concerned about de facto discrimination against rural women in access to property owing to traditional and social patterns favouring men as holders of property titles.

**35. The Committee recommends that the State party ensure that rural women, including older women, enjoy unimpeded access to adequate standards of living and employment. It further recommends that the State party take the measures necessary to eradicate stereotypes regarding the role of women in rural areas and to eliminate practices of discrimination against women concerning property rights.**

#### **Disadvantaged groups of women**

36. While noting the adoption of a revised national strategy on the situation of refugees and internally displaced persons for the period 2011-2014, the Committee is concerned about the lack of State monitoring of the conditions of women refugees, women asylum seekers and internally displaced women and the lack of sex-disaggregated data, in particular with regard to violence against women. It is also concerned that the birth registration procedures for undocumented persons, in particular those belonging to the Roma community, under the amendments to the Law on Non-Contentious Procedures remain at the discretion of the Ministry of the Interior.

**37. The Committee calls upon the State party to establish mechanisms to monitor the situation of women refugees, women asylum seekers and internally displaced women in order to better protect their rights, including by protecting them against violence, and to provide relevant data thereon. It also recommends that the State party ensure that court decisions on birth registration and citizenship of undocumented persons are effectively implemented and cannot be reversed by any executive body.**

#### **Marriage and family relations**

38. The Committee notes that the Action Plan (2010-2015) for the Implementation of the National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality includes measures aimed at recognizing, preventing and solving the problems of child marriages, forced (arranged) marriages and the practice of selling brides. It also notes the willingness, as expressed by the State party's delegation, of the State party to discuss the model legislation on same-sex partnerships prepared by civil society. The Committee remains concerned, however:

(a) That no progress has been achieved in preventing early and forced (arranged) marriages among the Roma population and other minority groups;

(b) That the amendments to the Criminal Code in 2009 abolished articles on concluding a void marriage and on enabling to enter into unlawful marriage;

(c) That the State child allowance ceases at the fourth child and that collection of child support orders from fathers is inefficient.

**39. The Committee urges the State party:**

(a) **To take all measures necessary to implement the provision of its Action Plan aimed at preventing early and forced (arranged) marriages among minority groups, in particular Roma, and to increase awareness among such communities and social workers of the negative effects of early marriage on women's health and education;**

(b) **To review its Criminal Code to ensure that concluding a void marriage and enabling to enter into unlawful marriage are prohibited and adequately sanctioned;**

(c) **To establish mechanisms to provide support to large families and to children whose fathers have failed to fulfil their maintenance obligations;**

(d) **To ensure the swift adoption of the model legislation on same-sex partnerships.**

**Amendment to article 20 (1) of the Convention**

**40. The Committee encourages the State party to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

**Beijing Declaration and Platform for Action**

**41. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

**Dissemination and implementation**

**42. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the National Assembly and the judiciary, so as to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities and research institutions and the media. It further recommends that its concluding observations be appropriately disseminated at the local community level, so as to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention,**

its Optional Protocol and jurisprudence and the Committee's general recommendations to all stakeholders.

#### **Ratification of other treaties**

43. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

#### **Follow-up to concluding observations**

44. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 17 and 23 (a), (c), (d) and (e) above.

#### **Preparation of the next report**

45. The Committee invites the State party to submit its fourth periodic report in July 2017.

46. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/MC/2006/3](#) and Corr.1).

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.