



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

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### Committee on the Elimination of Discrimination against Women

Thirty-eighth session

14 May-1 June 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Serbia

1. The Committee considered the initial report of Serbia (CEDAW/C/SCG/1) at its 775th and 776th meetings, on 16 May 2007 (see CEDAW/C/SR.775 and 776). The Committee's list of issues and questions is contained in CEDAW/C/SCG/Q/1 and the responses of the Government of Serbia are contained in CEDAW/C/SCG/Q/1/Add.1.

#### Introduction

2. The Committee commends the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its initial report, while regretting that it was overdue, did not fully comply with the Committee's guidelines for preparation of initial reports, refer to the Committee's general recommendations or contain adequate data disaggregated by sex and, where appropriate, by age or ethnicity. The Committee regrets that the State party did not invite non-governmental organizations to participate in the preparation of the report nor make the report available to the public.

3. The Committee expresses its appreciation to the State party for submitting its written replies to the list of issues and questions sent by the Committee's pre-session working group, while regretting that these replies were submitted late and did not completely answer all questions in the list. It expresses its appreciation to the State party for the oral presentation and further clarifications given in response to the questions posed and concerns expressed orally by the Committee, but notes that some questions remained unanswered.

4. The Committee commends the State party on sending a delegation headed by the State Secretary, Ministry of Education, including the Vice-President of the Council for Gender Equality and representatives from the Ministries of Health, Human and Minority Rights, Interior and Foreign Affairs. It expresses its appreciation to the State party for the constructive dialogue with the Committee.



5. The Committee commends the State party on its accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 31 July 2003.

6. The Committee notes that the draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality (2007-2010) is based on the Beijing Platform for Action.

7. The State party explained that it was unable to discharge its responsibilities with regard to the promotion and protection of human rights in Kosovo and Metohija. The State party suggested that the Committee may invite the United Nations Interim Administration Mission in Kosovo (UNMIK) to submit to it relevant information on the implementation of the Convention in Kosovo and Metohija, owing to the fact that, according to Security Council resolution 1244 (1999), the administration over Kosovo and Metohija has been entrusted to UNMIK and that, under paragraph 11 (j) of the same resolution, UNMIK has the obligation to protect and promote human rights in Kosovo and Metohija. In these circumstances, the Committee requests UNMIK, in cooperation with the Provisional Institutions of Self-Government, to provide without prejudice to the legal status of Kosovo, a report on the implementation of the Convention in Kosovo and Metohija since 1999 by no later than 1 June 2008.

#### **Positive aspects**

8. The Committee commends the State party for its political will and commitment to fulfilling the legal obligations established by the Convention, as expressed in the new Constitution (2006), which includes the State's guarantees for equality of women and men and development of equal opportunities policy (article 15); the possibility of introducing special measures to achieve full equality (article 21); and the obligation to ensure equality and representation of women and men and members of national minorities in the National Assembly (article 100). The Committee commends the State party on removing discriminatory aspects of legislation, including the Family Law, the Labour Law, the Criminal Code and electoral laws. It further commends the State party on the preparation of a draft law on gender equality.

9. The Committee welcomes the institutional arrangements for gender equality at various levels, namely the Parliamentary Committee for Gender Equality of the National Assembly; the Council for Gender Equality; the Secretariat for Labour, Employment and Gender Equality within the Government of the Autonomous Province of Vojvodina; the Committee for Gender Equality of the Autonomous Province of Vojvodina Assembly; the Ombudsperson of the Autonomous Province of Vojvodina; the Provincial Gender Equality Institute, and the appointment of local gender focal points in 42 cities and municipalities.

10. The Committee commends the State party on general policies and programmes that have the potential of enhancing implementation of the Convention, including the nationalized Millennium Development Goals in the Republic of Serbia, the poverty reduction strategy, the national employment strategy and the draft national strategy for sustainable development.

11. The Committee commends the State party on the increase in the percentage of women deputies in the National Assembly from 12.8 per cent to 20.4 per cent after

the elections in January 2007, which was facilitated by the introduction of temporary special measures in the law on the election of deputies, whereby each entity submitting an election list shall have at least 30 per cent of its candidates from the less-represented sex.

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

**12. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and concrete results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries, other government structures at all levels and to Parliament, in order to ensure their full implementation.**

13. The Committee has noted the State party's acknowledgment that, within the complex process of political, economic and social transition in the post-conflict period, its main priority has been the accession to the European Union as soon as possible. It is concerned that this position indicates that the Convention on the Elimination of All Forms of Discrimination against Women has yet to be given central importance as a legally binding human rights instrument for the elimination of all forms of discrimination against women and the promotion of gender equality, despite the fact that it is part of the domestic legal order.

**14. The Committee urges the State party to base its legislation, policies, plans and programmes to achieve gender equality and the advancement of women on the Convention on the Elimination of All Forms of Discrimination against Women, as a comprehensive, legally binding human rights instrument within the domestic legal order. It therefore urges the State party to bring all domestic legislation in line with the Convention and to take clear and specific results-oriented measures to reflect the scope of the Convention in all Government actions across all sectors and levels. The Committee recommends that the draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality (2007-2010) address the needs of war victims and, in particular, women refugees and internally displaced women. The Committee also urges the State party to raise awareness about the Convention and its Optional Protocol, including in the media, and in particular among government officials, politicians and other decision makers, including parliamentarians, and to provide training to the judiciary and the legal profession.**

15. While welcoming recent legislative activities, including significant law reform, in areas covered by the Convention, the Committee is concerned that the normative legal framework for protection against discrimination against women is insufficient and that implementation of existing legislation is weak. It is also concerned that policies and programmes generally do not lead to sustainable results conducive to the achievement of substantive gender equality in practice.

**16. The Committee urges the State party to adopt without delay its draft law on gender equality and to ensure that the law has the institutional and operational aspects needed to ensure that women will be protected from acts of**

**discrimination in line with the requirements of the Convention. The Committee urges the State party to ensure that women are made aware of their rights and that complaint mechanisms be made accessible to them. The Committee recommends that the State party monitor the implementation of provisions in other legislation that guarantee women de jure equality with men in order to ensure that they result in substantive (de facto) equality for women. It further recommends that the State party review its plans and programmes to ensure that gender perspectives are fully integrated and systematically monitor and assess their implementation. It urges the State party to carry out systematic gender-sensitization and training programmes for government and other public officials, especially law enforcement, judicial and health personnel, and for all others responsible for the implementation of relevant legislation and programmes.**

17. While welcoming the establishment in 2004 of the Council for Gender Equality as an expert advisory body on issues related to gender equality and the advancement of women, the Committee is concerned that the Council may not have sufficient resources in terms of budget and staffing and that its advisory nature impedes its mandated coordination capacity.

**18. The Committee recommends that the State party strengthen the Council for Gender Equality by significantly increasing its human and financial resources and technical capacity so that it can effectively implement the tasks required by its wide-ranging mandate. Its increased strength should also enable it to influence policymaking and further promote the mainstreaming of gender equality issues into all laws, policies and national action plans, including a gender focus across ministries and at all levels of government.**

19. The Committee is concerned about the persistence of deep-rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in the wider community, which are major causal factors for violence against women and are reflected in women's educational choices, their disadvantaged situation in the labour market and their low level of participation in political and public life.

**20. The Committee calls upon the State party to implement comprehensive measures to initiate change in the widely accepted attitudes and practices subordinating women and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, religious and community leaders, parents, teachers and officials, in accordance with the obligations under articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to discuss and promote non-stereotypical and positive images of women and promote the value of gender equality to society as a whole.**

21. While welcoming the State party's measures taken to combat violence against women, including making domestic violence and marital rape criminal offences under the Criminal Code and the availability of protection and restraining orders, the Committee is concerned about the continuing prevalence of violence perpetrated against women and girls. It is also concerned that some penalties for domestic violence have decreased and that sexual harassment is no longer a criminal offence

under the (2005) amended Criminal Code. The Committee is further concerned about the limited available data on violence against women.

**22. The Committee urges the State party to give priority to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address violence against women in accordance with its general recommendation 19. The Committee calls upon the State party to adopt, without delay, the draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality, which provides measures to combat violence against women, including capacity-building for the implementation of laws and standards, research and record-keeping. It urges the State party to establish systematic and regular collection and analysis of data and information on all forms of violence against women in order to strengthen the knowledge base for effective and targeted policy and programme development, including prevention efforts, to monitor trends over time and to make its findings available to the public. The Committee further recommends that the State party consider adopting a domestic violence law that would consolidate relevant elements that are currently found in the Criminal Code and the Family Law. The State party should ensure that women and girls who are victims of violence have access to the immediate means of redress and protection for which the Family Law provides, that a sufficient number of shelters funded by the Government is available to all victims and that perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awareness-raising campaigns on the unacceptability of violence against women and that the State party develop and put in place counselling and rehabilitation programmes for perpetrators of violence against women. The Committee encourages the State party to make full use of the information contained in the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1).**

23. The Committee is concerned about instances of de facto discrimination against Roma women threatened by domestic violence who have been excluded from safe houses on account of the admission criteria applied.

**24. The Committee requests the State party to review and monitor the application of admission criteria used by safe houses for victims of domestic violence in order to ensure that these do not exclude Roma women.**

25. While welcoming measures taken by the State party to combat human trafficking, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the adoption of the Strategy against Human Trafficking in December 2006 and the creation, in 2004, of the Service for the Coordination of Assistance to Victims of Human Trafficking, the Committee is concerned that Serbia remains a country of transit, origin and destination for trafficked women and girls.

**26. The Committee calls on the State party to adopt the draft National Plan against Human Trafficking without delay and to establish a mechanism to**

**monitor and evaluate its effectiveness. The Committee further calls on the State party to effectively apply its anti-trafficking legislation and programmes and to enhance international, regional and bilateral cooperation in order to further curb the phenomenon. The Committee also requests the State party to establish human rights-based protection and long-term reintegration programmes for victims.**

27. The Committee is concerned at the low representation of women, including women from ethnic minorities, particularly in appointed bodies and in government structures at high levels and in decision-making positions, including the diplomatic service. It is also concerned that women have not fully and effectively participated in the country's post-conflict reconstruction and stabilization or in the negotiation processes on the future status of Kosovo and Metohija.

**28. The Committee urges the State party to strengthen and implement measures to increase the representation of women in appointed bodies and in government structures through, inter alia, effective application of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to realize women's right to equal participation in all areas of public life and, in particular, at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23. It also recommends that the State party increase its efforts in offering or supporting capacity-building programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making. The Committee recommends that the State party put in place an action plan for the full implementation of Security Council resolution 1325 (2000), taking into account paragraph 1 of article 4, and articles 7 and 8 of the Convention.**

29. The Committee is concerned about the lack of current sex-disaggregated data and information in regard to education, in particular of such information divided by rural and urban areas and ethnicity. It is concerned about the access of women and girls to education, particularly Roma women and girls and other marginalized groups. It is also concerned about illiteracy and the significantly high rates at which women and girls drop out of the educational system.

**30. The Committee requests the State party to undertake the data collection necessary to establish a clear baseline from which to monitor the de facto realization of women's and girls' right to education without discrimination. The Committee recommends that urgent efforts be undertaken to ensure equal access to education for both sexes, at all levels of education. It requests that special attention be paid to achieving equal access for marginalized groups of women and girls, in particular of the Roma minority, with special urgency at the elementary school level. The Committee also recommends that literacy and vocational programmes be provided to Roma women, in particular those who are elderly and illiterate, as well as to other marginalized groups of women in similar situations.**

31. The Committee is concerned about systemic indirect discrimination against women in employment, which is pervasive in the public and private sectors and the informal sector, and is characterized by: horizontal and vertical job segregation, with women predominating in lower paid jobs in the public sector; a significant pay

gap; higher unemployment rates of women, including older women, refugees, first-time job seekers and minority women; a larger number of women working as unpaid family helpers; limited access to the military for women; older women with lower incomes than older men; and some protective legislation being applied to women, including outdated notions of women's capabilities resulting in comprehensive protective legislation being applied to women.

**32. The Committee requests the State party to use the Convention as the human rights framework and to apply a holistic approach to modify and eliminate systemic, indirect discrimination against women in employment, supported by temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee requests the State party to provide training and retraining to unemployed women, including marginalized groups of women, credit to women entrepreneurs and to those who wish to set up their own business and social security benefits for unpaid family helpers. The Committee further requests the State party to enhance the income-generating capacity, in particular of women who are single heads of household and rural women. The Committee also requests the State party to review protective labour legislation with a view to eliminating provisions that perpetuate women's de facto inequality.**

33. While noting that new laws on health protection and insurance have been adopted with the aim of initiating reform of the health care system and ensuring the right of women to health protection and service, the Committee is concerned about the limited access to adequate health-care services for women, especially for women in rural areas and Roma women, including access to information and counselling on family planning. It is further concerned about the use of abortion as a method of family planning. It is also concerned about the lack of up-to-date sex-disaggregated data and information on the prevalence of HIV/AIDS among women and girls.

**34. The Committee recommends that the State party continue to take measures to improve women's access to affordable health care throughout their life cycle and in all areas of the country. It calls on the State party to increase its efforts to improve the availability of sexual and reproductive health services, including family planning, to mobilize resources for that purpose and to monitor the actual access to those services by women. It further recommends that information on family planning be widely available and reproductive health education targeted at girls and boys, with special attention to the prevention of early pregnancies and the control of sexually transmitted diseases and HIV/AIDS. The Committee requests the State party to include in its next report comprehensive information on the efforts of the State party to improve women's access to health-care services, including family planning, and on trends over time. It also requests the State party to include information about monitoring and evaluation mechanisms in place for health-related strategies.**

35. The Committee is concerned about the persistence of early marriage in the State party, particularly within the Roma population. It regrets that too little information was given about the new Family Law and its enforcement.

**36. The Committee urges the State party to enforce the legal minimum age of marriage, which is set at 18, and to undertake awareness-raising measures throughout the country on the negative effects of early marriage on women's**

**enjoyment of their human rights, especially their rights to health and education.**

37. The Committee notes that the report was lacking in information and statistics about particularly vulnerable groups of women, including rural women, Roma women, women without civil registration and documentation, disabled women, refugee women and internally displaced women, who often suffer from multiple forms of discrimination.

38. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of these vulnerable groups of women in all areas covered by the Convention and of governmental policies and programmes to eliminate discrimination against them.**

39. **The Committee calls upon the State party to collaborate with local authorities in the follow-up to the Committee's concluding comments and in the preparation of future periodic reports under article 18 of the Convention. The Committee also recommends that ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues pertaining to the promotion of gender equality be ensured, including in regard to the follow-up to the Committee's concluding comments and in the preparation of future reports.**

40. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

41. **The Committee urges the State party to continue to utilize, in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

42. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

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

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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 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

44. The Committee requests the wide dissemination in Serbia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

45. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its second periodic report, which was due in April 2006, and its third periodic report, due in April 2010, in a combined report in 2010.

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