

Concluding comments of the Committee on the Elimination of  
Discrimination against Women: Yugoslavia

Second periodic report

334. The Committee considered the second periodic report of Yugoslavia (CEDAW/C/13/Add.23) at its 186th meeting, on 30 January (see CEDAW/C/SR.186).

335. The representative of Yugoslavia drew attention to the important changes that had occurred in the internal, political and economic life of her country since the preparation of the second periodic report. She said that the reform process involved democratization through political pluralism, multi-party elections and the expansion and protection of human rights and freedoms. In the economy, the equality of all forms of ownership was being asserted and freedom of entrepreneurship and competition was being established. She said that the promotion and protection of human rights and freedoms at the international level constituted an important component of the overall foreign political action of the Republic. She said that Yugoslavia had continued to work actively within the Movement of Non-Aligned Countries in strengthening the role of women in development and advancing the status of women as a precondition for humane and just social development and peace in the world.

336. The representative stated that the report had been prepared in cooperation with women's organizations.

337. She said that the economic restructuring process had not adversely affected the employment of women any more than it had that of men, although there had been an overall decline in employment opportunities. She reported that the legislation of individual federal units provided special protection against redundancy, resulting from the introduction of technology or from the economic situation, for female workers during pregnancy or with young or handicapped children. She said that the Yugoslav Government intended to use the National Survey of 1991 to prepare gender-disaggregated statistics to assist in measuring progress and identifying obstacles to the advancement of women. The system of indicators on women would be improved through specialized surveys carried out by scientific and research institutes.

338. On article 3, the representative said that efforts were being made to collect data on the incidence of domestic violence. An analysis of convictions indicated that, in the majority of cases, Yugoslav women were victims of sex-related violence (primarily rape) and domestic violence. Few cases of domestic violence were reported because of the social pressures on women with regard to their image and the welfare of their children and because of the fear of vengeance and women's economic dependence on their husbands. She said that SOS telephone lines and services had been established in a number of cities, which worked on a voluntary basis. She reported that the newly established women's associations and organizations had exerted pressure on the community to develop preventive and long-term policies to combat domestic violence. Legislation at the level of the republics and the provinces guaranteed both men and women the protection of life and the integrity of their body. The Yugoslav Constitution upheld the belief that the human life and body were sacrosanct and inviolable, regardless of gender. Criminal legislation provided protection for women against various sex-related crimes, in particular, rape. The Criminal Law of the Republic of Slovenia had extended legal protection to instances of rape committed within marriage and de facto unions, thus recognizing a woman's freedom to decide on her sex life in cohabitation situations. In the territory of the Autonomous Province of Kosovo and Metohija, the crime of rape had taken on political connotations through the activities directed by nationalists and separatists of the Albanian national minority against the Serbs and Montenegrins and had resulted in the Criminal Law of the Republic of Serbia being amended. Severe punishment, ranging from 3 to 10 years in prison, had been introduced to

provide adequate protection to women and to prevent nationalistically motivated rape. She said that the information provided to members on that issue was based on research carried out by the Institute for Sociological and Criminological Research at Belgrade.

339. On article 4, with regard to temporary special measures as a means of increasing the number of women in decision-making bodies, political organizations and self-management organizations, the representative said that, prior to 1989, women had been elected on a regular basis to the highest levels in the federal and republican governmental organizations and social and labour organizations. Women's associations and parties in Serbia had responded to the poor election results and the insignificant participation of women at the decision-making level in the last two years by demanding the introduction of separate lists of women candidates in the election procedure and an assurance of equal representation in the assemblies. In the Serbian Government, where the number of women representatives was very low, there had been a suggestion to establish a parallel women's assembly and a ministry for women.

340. In response to a question on article 5 of the Convention, the representative explained that the results of measures in education, health, family planning and culture, which had been undertaken with a view to overcoming the traditional beliefs and prejudices concerning the position and role of women in the family and society, varied. That was on account of the considerable differences in the level of economic development and the different religious, ethnic and cultural heritage of the regions of the country. The representative said that the presentation of the social status of women in the mass media, and in television in particular, was still inadequate and inaccurate. There was a marked differentiation of approach between the press of a political and informative nature and women's magazines. She added that the participation of women's organizations in pre-election campaigns at the federal unit level, in the previous year, had received good coverage in the media. The essential problems related to the social status of women had been expertly dealt with, both at the national and global level, demonstrating the commitment and support of the media to the interests of women in society.

341. The representative said that there were no organized or reliable statistics available on the incidence of prostitution. Data came from the Internal Affairs secretariats and were based on the number of offences. There had been a decrease in the number of recorded offences from 200 to 75, between 1970 and 1985; however, that decrease was attributed to a higher level of tolerance of prostitution on the part of the authorities rather than to a true decrease in its incidence. She said that Eastern European migrants from low socio-economic levels formed a significant proportion of the prostitute population, but they were under strict police surveillance. The representative did not consider that there was a connection between the spread of AIDS in Yugoslavia and prostitution as, in general, prostitutes were alcoholics and not drug addicts. Responding to a further clarification of that statement, she stated that statistics had shown that there was no connection, and the prostitutes from the migrant population had been checked by the medical services. There were only 31 recorded cases of AIDS among women in the country, including two cases of mother-to-child infection. No discrimination of AIDS patients existed in the fields of education, employment and health care.

342. On article 7, in response to the request for information on the feminist movement and women's organizations in Yugoslavia, the representative noted that the Conference for Questions on the Social Status of Women within the Socialist Alliance of the Working People of Yugoslavia had been abolished at the beginning of 1991. The federal council had been requested to set up a commission on women as a government agency to deal with women's problems through national legislation. She said that feminist groups, political parties and nationalist and religious organizations had been very active during the election campaign and had participated in national and international meetings. She said that it had proved impossible to obtain accurate information on the number of women members of the new political parties because of the recent administrative and organizational difficulties. Analyses of the election results had shown that the presence of a considerable number of women in party leaderships had not led to their inclusion in the lists of candidates of those parties, nor had their presence prevented women in the elections from achieving poor results. She reported that the representation of women in the republican parliaments was 13 per cent in Slovenia, 4.6 per cent in Croatia, 4 per cent in Montenegro, 3.3 per cent in Macedonia, 2.9 per cent in Bosna and Hercegovina and only 1.6 per cent in Serbia. The representative drew attention to the fact that, before the elections, the majority of party programmes had contained no specific programmes related to the status of women and only after reactions by the feminist organizations had women's issues been included. She said that the reduced participation of women in political decision-making levels could have been caused in part by the democratization of the political system, in that it provided a greater and freer choice of candidates but she considered that, ultimately, the multi-party system would be beneficial to the advancement of women.

343. On article 8, the representative said that Yugoslavia had been active in women's issues at both the national and international levels. However, insufficient funds invested in the programmes to implement the national strategies had limited their effectiveness. In response to a question on the extent to which women were given opportunities to represent Yugoslavia internationally, she said that there were 116 female diplomats in the Federal Secretariat for Foreign Affairs (compared with 880 men), of whom 3 held high-ranking posts. Women were diplomats at permanent missions to United Nations bodies and members and heads of delegations to various conferences that dealt with disarmament and economic as well as social issues. Although Yugoslavia was underrepresented in the United Nations, Yugoslav women held two posts at the director level.

344. Regarding the information requested on education under article 10, the representative said that 95 per cent of the girls of elementary-school age were in that level of education at the federal level, although there was some variation between regions. At the secondary level, girls represented less than 50 per cent of the total number of enrolled pupils. She said that the main reasons for the high drop-out rate of girls from the higher levels of education were traditional beliefs, the resurgence of traditionalism in some regions and the influence of religion. In rural and mountainous regions, she said that economic problems and poor prospects of future employment also contributed to the fact that girls discontinued their education. Efforts had been made by teachers, social workers, vocational guidance services and various socio-political organizations to discourage the trend. She said that

comprehensive regional development programmes had been adopted. The representative reported that the orientation of girls towards traditional employment was still noticeable. Women represented 86 per cent of the employees in education, 83 per cent in health services and 81 per cent in economic-commercial jobs, compared with 10.4 per cent of those attending schools for mechanical engineering and metallurgy. The educational authorities, vocational guidance institutions and employment agencies were working towards changing the professional orientation of girls in order to remove gender segregation in employment and to prepare girls for jobs required for modern socio-economic and technological development.

345. The representative said that the education system in Yugoslavia comprised: (a) regular education (elementary, secondary, teacher training schools and higher education); (b) adult education, through evening classes at workers' universities and other educational institutions; and (c) professional training at work, organized in enterprises and specialized educational institutions. She said that the compulsory elementary school-leaving age was 17. The percentage of women's participation in short-term further education and in retraining courses was related to their need to develop further skills in order to re-enter the workforce. Their lower participation in vocational and advanced training was connected to their obligations to the family and concern for the care of children, factors that were exacerbated in times of economic crisis. She said that general measures were being taken to improve the range of qualifications of workers in the process of economic restructuring. No separate measures or programmes had been developed for women but discrimination was excluded from the general measures.

346. The representative said that sex education and education for family planning was included in the basic curricula of elementary- and secondary-school education. The programmes varied between the federal units and between cities. Furthermore, she said that family planning and contraception was dealt with by the provision of counselling within health and social welfare institutions. She elaborated on the 1989 Assembly resolution on the fundamentals of population and family planning that had determined the basic guidelines for policies in that field. The objectives were: to base curricula in educational institutions on modern teaching principles and scientific achievements; to ensure closer cooperation between teachers and parents within the socio-political communities; and, in the implementation of those policies, to develop an interdisciplinary approach with regard to a more harmonious relationship between the sexes and to sex education.

347. Responding to a further question on the illiteracy rate and on campaigns to tackle the problem, the representative said that the 10 per cent of the population who were illiterate were either in the rural areas or among the elderly population. Although courses were held at night schools, workers' universities and in the adult education programme, they were often not easily accessible to older women or to those in less developed regions.

348. On article 11, the representative said that the use of social criteria applied by the Employment Office to applicants and the system of identifying employment priorities did not permit discrimination on the basis of gender. Data on the labour force included information on the sex of both employed and unemployed workers in addition to other criteria, such as occupation, age and work experience. The representative said that there were no specific projects

to change the gender-segregated structure of the labour market or to improve the salary levels of female-dominated occupations other than the general economic restructuring projects. In answer to a follow-up question, she said that new government-funded programmes were being introduced for unemployed women workers to help them reintegrate into the labour market, change to part-time work or take early retirement. She said that the reduction in the employment opportunities in traditionally female-oriented occupations had changed the preference patterns of young girls and their parents.

349. The representative said that statistics collected in March 1990 had shown that female workers accounted for 40 per cent of the 6.5 million employees in the public sector and 53.8 per cent of the 1.28 million unemployed. The long-term trend was that the share of women in overall employment in the public sector had increased, while their share in the unemployed workforce had decreased. She said that women represented 51 per cent of the active population engaged in private farming, but no accurate information was available on the proportion of women among the 800,000 employed in the private non-agriculture sector. In response to a request for the definition of the term "easier work", the representative said that, according to the Federal Law on Basic Labour Rights, the term referred to jobs that were not detrimental to or did not involve a high risk of affecting a woman's health and life, taking into account the need to protect her biological reproduction function. She said that the term "reproduction costs of households" referred to the minimum basics of life of a four-member Yugoslav household for the satisfactory attainment of food, clothing, housing, education and transport, and for meeting cultural and health needs. She informed members that the sharp rise in prices and inflationary trends of the past two years had raised the household reproduction costs and, consequently, the material and moral burdens of women, thus highlighting their increased family responsibilities.

350. With regard to conditions of maternity leave, the representative said that female workers, irrespective of their occupation, were entitled to a maternity leave of at least 270 days without interruption as stipulated in the Federal Law on Basic Labour Rights. Under that Law, either parent had the right, upon request, to work shorter hours or to take leave of absence, reaffirming the constitutional tenet that both parents had the equal right and responsibility to take care of the rearing and education of their children, in line with the conventions of ILO that had been ratified by Yugoslavia. If a child needed care because of the condition of its health, the mother was entitled to work part-time until the child was three years old. There was flexibility in the legislation of the republics and provinces in the case of a seriously handicapped child. Adoptive parents had the same parental rights as natural parents. In all instances, part-time workers had similar labour conditions as those of full-time workers. Republican and provincial health-care laws had introduced the important right of a female worker to a full monthly personal income during maternity leave. The representative stated that the Federal Law on Basic Labour Rights identified the conditions for mothers to work at night.

351. The representative said that the statistics available did not reflect the percentage of their income that women spent on facilities to care for their children. The expenses for those purposes were borne partly by parents, according to economic criteria, and partly by funds for health care, education, child care and social welfare. She said that medical certificates

for job applicants did not contain information about pregnancy and, if discrimination against a pregnant woman was proved, she could resort to the courts of associated labour. The representative said that some federal units had tried to introduce part-time job-sharing schemes to integrate young persons into the work process but they had not been successful. No accurate statistical data were available on the number of women working in part-time employment. She said the term "non-economic activities" referred to the overall activities outside the economy itself, such as social services, public administration and other activities not included in the notion of economy. The term "social sector" referred to sectors with socially owned means of production, thereby including both the economy and the non-economic activities.

352. The representative said that there was no disaggregated statistical information available on earned income, as men and women were equal under the Constitution and pay was equal for equal work. She said, however, that a higher percentage of employed women worked in the labour-intensive sectors with low income levels. She added that data showed that the total number of working women in the social services, commerce and the textile industry, which were traditionally low-paid occupations, had increased by about 56,000 since 1987 compared with a rise of 5,000 in financial and other services with above-average income levels.

353. In response to a question on the rights of a father to parental leave, the representative said that the child's father could take paternity leave if the mother had died, or abandoned the child or was prevented from taking the maternity leave herself. She defined the term "psycho-physical characteristics" of women as specific characteristics related to their reproductive function.

354. On article 12, the representative informed the members that, in 1989, the Yugoslavian Assembly had adopted a resolution on the fundamentals of population and family planning policies. She said that the Government considered family planning a fundamental human right, which should be based on a mature awareness of the need for a free, socially conscious and responsible parenthood. She said that the programme of measures of social policies aimed at family planning was opposed in some areas by separatist movements and by some religious groups; the training programmes of health and educational institutions and of the United Nations system had also met with organized opposition in the most affected region of Kosovo and Metohija. The representative said that measures were being implemented in the less developed areas, particularly the rural and remote ones, to provide health education and information on modern methods of family planning. Similarly, educational, health and social services were concerned with removing the factors that slowed women's emancipation and integration into all areas of life. The representative reported that, despite special campaigns in the media and through the education and health systems, the attitudes towards family planning had not changed substantially. The lack of adequate information or the non-availability of contraceptives had led, she said, to the use of induced abortions as a means of family planning. Regional variations were observed in the proportion of abortions to live births and although the majority of abortions were first-time pregnancies, many women had had three or more abortions. A recent study conducted by the Social Research Institute at Belgrade had determined that the main reason why women opted for an abortion was that they did not want any more children. The representative said that

the resurgence of traditionalism in some areas had led to pressure for a new law banning abortion but women's organizations were defending the right of women to family planning.

355. On article 14, the representative said that a recent analysis showed that the national average for the participation of women in agriculture was 64 per cent of the total. She said that the significant changes in the range of qualifications of young girls from rural areas were transforming the traditional concept of the division of work, which was that of women as manual workers and of men as machine operators. She stated that an increasing number of young women possessed qualifications in agronomy, veterinary medicine, forestry and agri-economics and, in the school year 1988/89, young girls represented 37.1 per cent of the agricultural students at the university level and 41 per cent of the students in secondary agriculture schools. The representative said that there was no discrimination within the social security system for farmers. She said that the participation of rural women in political activities had drawn attention to the interests of the rural population. She informed members that there was no available statistical information on associated farmer's cooperatives run by women nor on the number of female members of families of associated farmers, but the programme of statistical research had developed a methodology for collecting the data in future. The representative stressed that there was no discrimination against women in the legislation concerning their access to loans or the possibility to own land in order to establish an enterprise. Similarly, the law did not permit any discrimination on the basis of gender in cases of inheritance, separation or divorce.

356. On article 15, the representative said that arranged marriages for girls existed, as shown by the ethnological analysis of traditions in certain regions, particularly those in which the influences of tradition and religion were very strong.

357. Regarding article 16, the custody of young children was entrusted according to the opinion of the Social Welfare Centre on the basis of social background, bearing in mind above all the interests of the child. No statistical data on the allocation of custody to either father or mother upon divorce were available. The criteria that were applied in deciding on custody were the age and sex of the child; the concept that children of the same sex should not be separated; and the material and social standing of the parents. She said that, in most cases, young children were entrusted to the mother although there had been an increasing number of requests by fathers to change the practice. The representative stated that the present population policy was in accordance with the resolution of the Federal Assembly on the fundamentals of population and family planning policies (adopted in 1989) and was the result of an effort to change the negative trends of spontaneous and uneven population growth, which had had serious consequences for the country's economic development and had resulted in the political repercussions that burdened inter-nationality relations in the country. In the largest part of Yugoslavia (Croatia, Serbia, Slovenia and the Autonomous Province of Vojvodina), the birth rate was considerably below zero growth while in the Autonomous Province of Kosovo and Metohija and in some parts of Serbia, Macedonia and Montenegro, inhabited predominantly by Albanians, there was a doubling of the population from one generation to another. Comparison of the extremes showed a birth rate in Vojvodina of 0.2 per 1,000 inhabitants, whilst

in Kosovo and Metohija, it was 24 per 1,000 inhabitants. The population policy encompassed the right of the individual to decide freely on the size of his or her family, his or her responsibility towards the community and the community's responsibility for population growth and for the creation of the economic, social, cultural and educational conditions necessary to achieve higher living standards, "humanization" of birth and the harmonization of relations between the sexes. The representative provided data for 1989 on the number of marriages and divorces in the regions of Yugoslavia. In the whole country, 159,126 marriages had been contracted, of which 22,761 (or 14.3 per cent) had been dissolved. She said that the number of divorces per 1,000 marriages in the regions were as follows: 259.2 in Vojvodina, 221.1 in Slovenia, 185.5 in Croatia, 179.9 in Serbia, 143.6 in Bosna, 102.7 in Montenegro, 60.7 in Hercegovina, 60.0 in Macedonia and 22.3 in Kosovo and Metohija. She observed that the number of divorces was higher in the more developed communities while, in the less developed republics, the traditional upbringing of women and their economic dependence on men were the main reasons for the lower number of divorces.

358. In response to further questions from members, the representative said that measures were being taken to change regional variations that adversely affected the status of women, but the Government wanted to maintain those which were not detrimental to women. She said that bilateral agreements had been developed to assist the 1 million Yugoslav migrant workers in Western Europe with regard to their education and possible re-immigration. The representative stated that in a number of cases, asylum and refugee status had been sought mainly by gypsies and Albanians in some Western countries. Yugoslavia was trying to solve the problem through bilateral contacts with the countries concerned.

359. The members congratulated the Government of Yugoslavia on the preparation of the second periodic report and for the comprehensive presentation of information and data. They gave their full support to the women of Yugoslavia in their struggle to preserve the rights they had already achieved, particularly during the current difficulties the country was experiencing.