



**REPUBLIC OF SERBIA
GOVERNMENT**

**Report on the implementation of recommendations 12a), 26a), 44 and 48d) of the
Concluding Observations of the Committee on the Elimination of Discrimination against
Women on the Fourth Report on the implementation of Convention on the Elimination of
All Forms of Discrimination Against Women (CEDAW)**

Belgrade, March 2021

Introduction

Delegation of the Republic of Serbia has presented the Fourth Periodic Report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women within the 72. Session of the Committee on the Elimination of Discrimination Against Women, in February 2019, in Geneva. In accordance with the recommendation 52. from the Concluding Observations of the Committee (CEDAW/C/SRB/4), regarding the obligation of the state party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (a), 26 (a), 44 and 48 (d), the Republic of Serbia hereby informs the Committee on the implementation of these recommendations.

This two-year reporting period was marked by the crisis caused by the COVID - 19 pandemic, which, in addition to limiting the enjoyment of all human rights, in the world as well in our country, led to slowdown and delays of many of planned activities in all fields. In Serbia too, women have borne the biggest burden of this health crisis, both in private and professional life.

The 2020 was also a year of elections in the Republic of Serbia that, on the one hand, caused the prolongation of the formation of the Government, but also resulted at the end with forming of three new ministries: The Ministry for Human and Minority Rights and Social Dialogue, the Ministry of Family Welfare and Demography and the Ministry of Rural Welfare.¹

Recommendation 12a) - Legislative framework and definition of discrimination

The Committee encourages the State party to adopt the new draft law on the prohibition of discrimination without further delay;

As a priority in its work, the newly formed Ministry for Human and Minority Rights and Social Dialogue², recognizes adoption of new and amendments of the existing antidiscrimination laws: amendments of the Law on Prohibition of Discrimination, adoption of the Law on Gender Equality and the Law on Same-Sex Unions.

Work on amendments of the Law on Prohibition of Discrimination, which started in the previous mandate of the Government, has continued in a widely participative process through further harmonization of the base text with recommendations of the EU, and all in accordance with the Law on the Planning System of the Republic of Serbia³. The Work Group is consisted of representatives of competent authorities, civil sector, unions and academic community.

¹ Law on Ministries ('Official Gazette of the RS, no 128/2020)

² Article 12, paragraph 3 of the Law on Ministries

³ 'Official Gazette of the RS', no 30/2018

In accordance with the methodology stipulated with the Law on the Planning System of the Republic of Serbia⁴ and the Regulation on the Methodology of Public Policy Management, Policy and Regulatory Impact Assessment, and Content of Individual Public Policy Documents⁵ as well as the Rulebook on guidelines of good practice for achieving public participation in the preparation of draft laws and other regulations and acts⁶, it is the obligation of the competent proposer to, in the phase of planning and defining regulations, conduct consultations in order to achieve public participation in the preparation of draft laws, through the collection of comments and suggestions.

Public consultations that lasted from February 3 to 20⁷, and a public debate from March 4 to 23 this year, were conducted electronically⁸ due to restrictions caused with the COVID 19 pandemic.

Also, the Ministry of Human Rights and Social Dialogue organizes social dialogues in which the highest representatives of line ministries as well as members of the Parliament, representatives of independent bodies, unions, civil society organizations, academic community and political parties participate.

This complex process aims not only to finally reach a social consensus regarding the best legal solutions in the final text of the law, but also to ensure its adequate and full implementation after the adoption of this law. This would be a step further in relation to the previous practice when it could be stated that the legal framework in this area is good, but the same cannot be said for its application.

It is expected that the Proposition of the Law on Amendments of the Law on Prohibition of Antidiscrimination will be in procedure until the end of May 2021.

Recommendation 26 a) - Trafficking and exploitation of prostitution

The Committee recommends that the State party repeal article 16 of the Public Law and Order Act and ensure that women in prostitution are not criminalized by laws, including the Public Law and Order Act, and provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution;

The draft law or amendments to the Law on Public Order and Peace⁹ have not been submitted to the National Assembly, regarding the part of the provisions of Article 16 which reads: “Whoever indulges in prostitution, uses the services, or gives a room for prostitution - will be fined in the amount of 50.000-150.000 dinars or imprisonment for 30 to 60 days. Whoever gives a minor a

⁴ ‘Official Gazette of the RS’, no 30/2018

⁵ ‘Official Gazette of the RS’, no 8/2019

⁶ ‘Official Gazette of the RS’, no 51/2019

⁷ <http://javnerasprave.euprava.gov.rs/javna-rasprava/258>

⁸ All comments were sent to a specified e/mail address for the purpose of public debate: javnarasprava@minljmpdd.gov.rs. The Ministry for Human and Minority Rights also organized a social dialogue for the representatives of the National Assembly, Government, independent bodies, civil society, international organizations and academic community.

⁹ ‘Official Gazette of the RS’, no 6/2016 and 24/2018

room for prostitution will be fined with 30 to 60 days in prison". From the beginning of the application of this new Law on Public Order and Peace, until the end of 2020, for misdemeanors under Article 16, a total of 1,427 requests for misdemeanor proceedings were made (2016/380, 2017/284, 2018/199, 2019/277 and 2020/287).

Through the E-classroom, from March to December 2019, the program of professional training of police officers, on the topic "Concept, recognition and action on the crime of trafficking in human beings", was attended by 26,129 police officers, and in the period January-December 2020 the same topic attended 30,308 police officers.

In terms of exit programs and alternative income generation opportunities for victims of trafficking who have been exploited through prostitution, there has been a slight increase in the capacity of the system, allowing for programs available to all victims of trafficking who have been sexually exploited.

The Center for the Protection of Victims of Trafficking in Human Beings, based on the protocol on cooperation with the National Employment Service, supports the employment of these beneficiaries, which is difficult due to a number of social factors.

In accordance with the *Employment Program of hard-to-employ beneficiaries* (cooperation with the social protection system), the National Employment Service works on the employment of these beneficiaries. The Centers for Social Work also provide support in cooperation with the Center for the Protection of Victims of Trafficking in Human Beings. Employment results have improved compared to the previous period, but there is still room for additional improvement.

Recommendation 44 - Disadvantaged groups of women

The Committee calls upon the State party to vigorously pursue efforts to eliminate multiple and intersecting forms of discrimination experienced by women belonging to disadvantaged groups and to ensure their economic empowerment. The Committee encourages the State party to conduct a comprehensive survey to assess the situation and the particular needs and aspirations of women belonging to disadvantaged groups, such as Roma women, older women, poor women, women with disabilities, refugee and internally displaced women and women heads of household, to inform its legislation and policies.

The National Assembly and its working bodies monitor the implementation of laws and consider other issues related to women belonging to vulnerable social groups, within the control function. In the reporting period, monitoring the implementation of Law on Prohibition of Discrimination, the National Assembly considered two regular annual reports of the Commissioner for protection of Equality. On the occasion of considering of these reports, the National Assembly adopted conclusions containing recommendations for improving the situation in certain areas, including recommendations relating to women belonging to vulnerable social groups. Among other, the National Assembly gave a recommendation to the Government to take further measures and activities aimed to ensure the improvement of the position of Roma, especially Roma women, in

terms of access to adequate housing, health, education and social protection services, as well as employment. Also, the need to take measures for economic empowerment, encouragement of women's employment and development of women's entrepreneurship was emphasized. On November 26, 2019, the Committee on Human and Minority Rights and Gender Equality held a public hearing on the topic: Prevention of violence against women.

The Coordination Body for Gender Equality held a multisector meeting on April 29, 2020, dedicated to the issue of gender based violence towards women and the domestic violence in a state of emergency.

The Secretariat for Social Politics, Demography, and Gender Equality actively participates and supports all projects promoting gender equality on the territory of the AP of Vojvodina. Program of measures for economic empowerment of women that have suffered an act of violence is specially financed.

The Social Inclusion and Poverty Reduction Unit, in cooperation with the Safe House Sombor, in the period October - December 2019, conducted a survey on the position and capacity of safe houses in the Republic of Serbia.

Position of women in the labor market

According to the survey data on the labor force (annual average values), the last few years have been characterized by an improvement in the absolute and relative position of women in the labor market of the Republic of Serbia, but the gender gap in basic labor market indicators is still present.

Coverage of unemployed women by active employment policy measures in 2019 and 2020:

Unemployed persons included by AEPM				
Year/Total	2019 / 142.540		2020 / 65.058	
MEASURES	Total unemployed	Women	Total unemployed	Women
Active job seeking measures	119.294	66.384	38.570	20.928
Additional education and training programs	9.177	6.000	14.561	8.837
Employment subsidy programs	8.776	4.490	7.396	3.672
Public work programs	5.293	2.409	4.531	2.118

Table 1

Additional support for integration or reintegration into the labor market, ie improving employability (through the acquisition of additional knowledge, skills and competencies) is provided through the IPA 2013 program cycle, as well as through cooperation between the NES and local governments on the implementation of local employment action plans.

Women by belonging to the categories of difficult employability, included in the measures of active employment policy during 2019 and 2020¹⁰		
Category	No of women	
	2019.	2020.
Up to 30 years of age	24.223	14.763
Category - employee redundancy	7.176	2.898
Over 50 years of age	15.772	6.537
Unemployed without qualifications or with a low level of qualifications	19.651	7.392
Women with disabilities	4.121	1.779
Roma women	3.053	1.534
Victims of domestic violence	74	41
Refugees	47	14
Internally displaced persons	628	209

Table 2

Women's entrepreneurship is recognized as a significant segment in the structure of the economy of the Republic of Serbia, and statistical indicators at the state level show that the percentage of women in business is around 31%, which is similar to the data in the EU (30%). According to the data of the Statistical Office of the Republic of Serbia (Labor Force Survey, 3rd quarter of 2020), the employment rate is 49.9%. Although statistics show that in recent years we have a slight increase in the establishment of companies and entrepreneurial activities by women (the latest data from the Business Registers Agency show that in the first 10 months of 2020, 6,905 companies were founded, of which 1,611 were founded by women), at the local level there are still problems in establishing new ones, but also in the high rate of closing down companies. Women usually start a business by opening an entrepreneurial shop and are mainly engaged in service activities, which are less profitable, innovatively weaker, exposed to greater competition and the gray economy, and employ fewer workers. In local markets and in smaller communities, women's business is more exposed to the public, failure is experienced personally and is not encouraged either to restart or to initially realize the idea of one's own business. However, women have become more self-aware and courageous, partly because of the financial and non-financial support programs offered by state institutions, as well as because of special credit lines for women.

Within the project "Key Steps towards Gender Equality", implemented by CBGE, MEI and UN Women, in the past three years, 16 civil society organizations have been supported in the field of economic empowerment of women and improving the position of women in the labor market, in the total amount of 57 million dinars, and over 1,600 women were empowered.

¹⁰ Note: An unemployed person can face multiple factors of difficult employability, so the represented coverage by categories should not be summed.

Women with disabilities

The Strategy for Improving the Position of Persons with Disabilities in the Republic of Serbia for the period 2020-2024, which was adopted on March 5, 2020, stated that women with disabilities are at risk of multiple discrimination; invisible in the public sphere; do not participate sufficiently in public and political life; they face difficulties in exercising their rights, as well as being exposed to gender-based violence. By including the perspective of women and girls with disabilities in policies, programs and strategies on disability, gender equality and gender perspective, the aim is to overcome multiple and cross-discrimination in all spheres of their lives.

Professional rehabilitation and employment incitement for women with disabilities	2019 PWD/women	2020 PWD/women
Active employment policy measures	4.121	1.779
Active job seeking measures	2.781	775
Additional education and training programs	277	52
Employment subsidy programs	511	443
Public work programs	552	509
Allocated funds /RSD	550 millions	550 millions

Note: The reduced coverage of unemployed persons with active employment policy measures (including PWD) in 2020 is a consequence of the limited possibilities for the undisturbed implementation of active employment policy measures, due to the epidemiological situation.

Table 3

Roma women

National Coalition for Ending Child Marriages, established in 2019, supports all interested parties to respond to the problem of child marriages in Serbia, with a coordinated action, and to provide that persons belonging to Roma community, women and men, girls and boys, start to change their practices concerning this problem. Members of the Coalition are representatives of relevant ministries/institutions, SIPRU, as well as of civil society organizations. Coalition has managed that, in the pandemic conditions, regularly holds meetings, and with the cooperation of civil sector, continually implements the campaign on harmfulness of child marriages, through printed and electronic media.

Rural women

The goals of the Strategy for Agricultural and Rural Development until 2024¹¹ can be viewed through the prism of gender equality, because they are aimed not only at improving the quality of life and reducing poverty, but also at a more equal share in income distribution and economic opportunities, as well as a fairer social position of everyone. Operational goals, which relate to the protection and affirmation of women and youth, include achieving greater social cohesion and a more advanced, innovative social network in rural areas.

¹¹ 'Official Gazette of the RS', no 85/2014

Rural development measures should lead to an increase in women's employment, the vitality of the rural population, an improvement in the economic situation and the status of small agricultural households. Indicators show that women's participation in agricultural and rural development tends to increase compared to previous years.

Also, in 2020, a *Platform for reporting on the implemented support to agriculture and rural development at the provincial and local level* was established, which will enable monitoring of women's participation in the implemented program support to agriculture and rural development.

The Coordination Body for Gender Equality, in cooperation with NALED and the Ethno Network, is implementing the project "Employment for 1000 women in rural areas", through support for the purchase of traditional handicrafts by socially responsible private companies, public companies, institutions and international organizations. Since the launch of the initiative, 766 women have been employed. Every year, KTRR, in cooperation with partners, celebrates October 15 - International Day of Rural Women.

Migrants, refugees and internally displaced women

The Commissariat for Refugees and Migration in all asylum and reception centers accommodates migrants and asylum seekers in compliance with the principles of non-discrimination, gender equality and family unity. In addition to respecting all standards regarding accommodation, health care and medical services, including sexual and reproductive health counseling and access to a gynecologist, special procedures have been developed to deal with cases of gender-based violence. The *Guide to Identifying Unaccompanied Girls* as well as training for early detection of potential victims of trafficking is applied. Particular attention is paid to the inclusion of girls in the education system (school year 2020/21, a total of 66 girls or 80%).

When the Commissariat in the process of integration solves the housing needs of refugees and internally displaced persons, spouses, in the contracts under which property is acquired on real estate, it is envisaged that the right of ownership is registered in the cadastre as joint property of spouses. In addition, as one of the criteria for determining the order of priority, an advantage is envisaged for single-parent families, in which that parent is in most cases a woman.

Collection of statistical data

In 2019, the Statistical Office of the Republic of Serbia, as part of the global MICS¹² program, conducted the *Survey of Multiple Indicators of the Position of Women and Children in Serbia 2019*¹³ and the *Survey of Multiple Indicators of the Position of Women and Children in Roma Settlements in Serbia 2019*¹⁴.

¹² *Multiple Indicator Cluster Survey*

¹³ MICS Serbia 2019

¹⁴ MICS Serbia 2019 - Roma settlements

Four questionnaires were used during the research, and a special *Individual questionnaire for women aged 15-49* contained the following areas: *Data on women, Fertility, Was the last birth desired, Maternal and newborn health, Contraception, Unmet needs, Attitudes towards violence in the family, Victimization, Marriage/union, Reproductive health decisions, Sexual behavior, Life satisfaction.*

The individual questionnaire for women also included questions regarding the woman's current employment status; termination of pregnancy; home visits of patronage nurses; attending childbirth preparation programs, knowledge of contraceptive methods and their use or non-use; a set of questions on deciding on reproductive health, and a novelty are questions on knowing where they can report cases of domestic violence.

The results of the MICS survey are available at <https://www.stat.gov.rs/istrazivanja/mics/>.

The process of preparations of the third Index of gender equality in Serbia began in the second half of the 2020. We emphasize that Serbia does not record any negative changes in any of the areas.

The CBGE, in cooperation with UN WOMEN, prepared the first economic analysis of unpaid jobs in the care field, which was conducted within the project “Gender responsible management - redistribution of unpaid work”. Gender analysis “The economic value of the unpaid care work in the Republic of Serbia” should contribute to change of the existing behavioral models in the field of care economy, obligations of women and unpaid domestic work, combining different economic and social measures, as well as employment policies. The main goal of the analysis was to calculate the value of unpaid work as well as the share in GDP, which is the first step on the way to social and economic recognition of that value and the creation of policies and systems of support and services in the community.

Recommendation 48 d) – Marriage and family relations

The Committee recommends that the State party eliminate discrimination against women in relation to property and inheritance, equate marriages and civil partnerships with regard to property and inheritance rights, enforce the right to joint ownership and establish a system of joint registration of property.

The new *Law on the Registration Procedure with the Cadastre of Real Estate and Utilities*¹⁵ enables spouses who acquire real estate in marriage to be automatically registered as co-owners. If it is a special property that was acquired in marriage, the possibility is left for the spouses to voluntarily agree that only one partner will be registered in the cadastre as the owner, and the notary public will inform the Republic Geodetic Authority about that.

According to data of the Republic Geodetic Authority, every fourth real estate in Serbia is fully owned by women, and 11% is in mixed ownership.

¹⁵ ‘Official Gazette of the RS’, no 41/2018, 95/2018, 31/2019 and 15/2020