

CEDAW ASSESSMENT TOOL REPORT FOR SERBIA



APRIL 2003

**AMERICAN BAR ASSOCIATION
CENTRAL EUROPEAN AND EURASIAN LAW INITIATIVE**



**CEDAW ASSESSMENT TOOL
REPORT**

SERBIA

April 2003

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INTRODUCTION

From 1945 until his death in 1980, Josip Broz Tito led the Federal Socialist Republic of Yugoslavia.¹ He established a federal system of six republics, one of which was Serbia.

Under Tito, the legal status of women improved in many respects. For example, the 1946 Yugoslav Constitution proclaimed equality regardless of sex, providing that “women are equal to men in all aspects of state, economic and socio-political life.”² Many believe women enjoyed more rights during Tito’s reign than they do currently.

In 1989, Slobodan Milosevic was elected President of Serbia. In 1991, Slovenia and Croatia declared independence from Yugoslavia and, as the other republics soon followed suit, a brutal war ensued. The 1990s—the period of Milosevic’s reign—was a particularly dark time in Serbia’s history, a period marked by war, the disintegration of the former Yugoslavia, economic sanctions imposed by the United Nations, a growing black market, a tightly controlled media, and severe economic decline.³

Predictably, years of upheaval exacted a toll on the entire population, but many believe that women suffered disproportionately during the Milosevic era.

Despite Milosevic’s ouster from office in 2000, Serbia has continued to endure political and economic upheaval. In fact, at the time of this writing, the political situation in Serbia remains very much in flux.⁴ On February 4, 2003, the Federal Republic of Yugoslavia (“Yugoslavia” or “FRY”) adopted a new Constitutional Charter of the State Union of Serbia and Montenegro (“Constitutional Charter”) that created the new state of Serbia & Montenegro,⁵ and as a result, Yugoslavia no longer exists.⁶

¹ During that period, Yugoslavia was comprised of present-day Slovenia, Croatia, Bosnia and Herzegovina, Serbia & Montenegro, and Macedonia.

² Yugoslav Constitution (1946), Art. 24.

³ In 2000, Milosevic lost the presidency of Yugoslavia. Less than one year later, Milosevic was before the International Criminal Tribunal for the Former Yugoslavia (ICTY) at the Hague for having allegedly committed genocide, crimes against humanity, and other crimes. The trial of Milosevic was ongoing at the time this report was written.

⁴ During the fall of 2002, Serbia was unable to elect a president due to low voter turnout. As a result, at the outset of 2003, Natasa Micic, speaker of the Serbian Parliament, was serving as interim President of Serbia. As of this writing, the status of Kosovo remains a politically sensitive issue. The assassination of Prime Minister Zoran Djindjic on March 12, 2003 has also significantly contributed to the sense of uncertainty in Serbia.

⁵ “Serbia & Montenegro” will be used to refer to the State Union of Serbia and Montenegro.

⁶ Under the new constitutional framework, the republics of Serbia and Montenegro now have additional powers while those of the federal government have been reduced. See Constitutional Charter, Art. 64. References to the Yugoslav Constitution are to the Constitution of the Federal Republic of Yugoslavia that was adopted in April 1992.

The Republic of Serbia (“Serbia”) will draft a new constitution and enact new legislation in light of the new Constitutional Charter of Serbia & Montenegro.⁷ However, all the laws of Yugoslavia will remain in effect until Serbia & Montenegro finalize legislation and are, therefore, included in this report. Additionally, the treaty obligations of Yugoslavia remain in effect, notwithstanding the creation of the new state of Serbia & Montenegro.

This report assesses Serbia’s compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁸ CEDAW is comprised of 16 substantive articles that articulate a state’s responsibilities in ensuring and promoting women’s rights and equality, regardless of nationality, religion, or culture. These articles address a broad range of issues, including political representation, education, health care, economic rights, rural women’s concerns, employment, and family relations.

CEDAW provides that all states parties to the Convention shall adopt measures to eliminate discrimination against women. States are also obliged to take affirmative steps to promote equality between men and women.

CEDAW was opened for signature in 1979 and entered into force in 1981. Currently, 173 countries have ratified CEDAW, including the former Yugoslavia, which ratified CEDAW without reservation in 1982.⁹ On December 16, 2002, Yugoslavia ratified the Optional Protocol to CEDAW.¹⁰ As Yugoslavia’s successor state, Serbia & Montenegro will need to submit an initial report to the UN CEDAW Committee.

This report assesses Serbia’s compliance with its obligations under CEDAW, using the *CEDAW Assessment Tool*, which was developed by the Central European and Eurasian Law Initiative of the American Bar Association (CEELI). The *CEDAW Assessment Tool* can be applied in any country in the world to analyze a state’s compliance with CEDAW.¹¹

The report examines *de jure* and *de facto* compliance with each substantive article of CEDAW. The *de jure* analysis examines the extent to which Yugoslav and Serbian laws comply with CEDAW. The *de facto* evaluation considers the extent to which women actually enjoy the rights and protections set forth in CEDAW. The “areas of concern”

⁷ This report covers only Serbia, including Vojvodina but not Kosovo. Yugoslav and Serbian laws are included in the analysis, as well as those of Serbia & Montenegro.

⁸ G.A. Res. 34/180, U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/180, entered into force Sept. 3, 1981.

⁹ The former Yugoslavia lost its status in the United Nations in 1992. On November 1, 2000, Yugoslavia was admitted to the United Nations as a new member. On March 12, 2001, it issued an official statement of succession in which it confirmed that it would continue to respect the international legal obligations made by the former Yugoslavia.

¹⁰ FRY Official Gazette -- International Agreements, No. 13/2002. However, at the time this report was written, the Optional Protocol had not yet been entered into force as to Serbia & Montenegro.

¹¹ The full text of the *CEDAW Assessment Tool* can be found at www.rightsconsortium.org.

associated with each article identify matters in which Serbia's compliance with CEDAW is particularly problematic.

It is CEELI's hope that this document will be helpful to the government of Serbia & Montenegro, nongovernmental organizations, international organizations, and individual citizens in their collective quest to enhance women's equality and increase the opportunities for women to contribute fully to Serbian society.

METHODOLOGY

The data for this report was primarily gathered in 2002, using the *CEDAW Assessment Tool* developed by CEELI in 2001.¹²

The *CEDAW Assessment Tool* has two major components: (1) a *de jure* assessment, and (2) a *de facto* analysis. The *de jure* section evaluates the degree to which the laws of the state comply with CEDAW. The *de facto* section examines the degree to which women, in practice, enjoy the rights and protections guaranteed by CEDAW.

Four legal experts from Serbia completed a 66-question template for the *de jure* assessment. Their comments were then compiled and reviewed by a vetting committee, composed of three Serbian legal experts.

Teresa L. Cannady, CEELI Regional Gender Issues Legal Specialist, with the assistance of Tanja Unguran, CEELI Legal Assistant, conducted over 30 interviews throughout Serbia as part of the *de facto* assessment. Interviewees included government representatives, NGO leaders, students, teachers, doctors, business leaders, and other members of the community. Interviews with key experts addressed the implementation of CEDAW in Serbia, and more broadly, the status of women in Serbian society. The report refers to observations made by “experts” and “interviewees” but does not attribute specific quotes to particular individuals in deference to the concerns and wishes of those interviewed. A vetting committee composed of three gender issues experts also reviewed the *de facto* report and provided their comments.

Additionally, Ms. Cannady and Ms. Unguran conducted extensive research using secondary sources. Milica Popovic, an assistant on this project, compiled statistics and reports applicable to the assessment.¹³ Katie Zoglin, Regional Gender Issues Legal Specialist, then edited and updated the report, and conducted additional research. Zorica Mrsevic, Ph.D., a Serbian legal expert also reviewed the report.

¹² In May 2002, CEELI completed its pilot assessment in Armenia. The *CEDAW Assessment Tool Report* for Serbia is the second instance in which CEELI has implemented the *CEDAW Assessment Tool*. As of this writing, *CEDAW Assessment Tool* reports for Kazakhstan and Georgia were nearing completion.

¹³ Although statistics are cited whenever they were available and relevant, CEELI acknowledges this report is not a scientific survey.

EXECUTIVE SUMMARY

Overall, Serbia's laws satisfy many of the requirements of CEDAW. They provide general guarantees that all are entitled to equal treatment, regardless of gender. However, the laws rarely go beyond a basic statement of equality, as is explained more fully below.

The *de facto* reality for women is more problematic. The existing general laws on gender equality are rarely implemented or enforced. There is little confidence in the legal system's ability to deal with the problems affecting women, such as gender-based discrimination. The patriarchal nature of Serbian society continues to influence the role of women in society. Traditional gender-based stereotypes persist and lead many women to believe that the discrimination they experience is a "normal" and acceptable part of life.

Although they exist in many realms, inequalities between men and women are most pronounced in politics, the economic arena, marriage and family relations, and employment. Unfortunately, the government has taken few meaningful steps to address discrimination and other obstacles that women encounter.

De Jure Compliance

Serbia's *de jure* compliance with CEDAW is generally satisfactory. The federal laws of Serbia & Montenegro and the national laws of the Republic of Serbia provide for equality, without regard to gender. More specifically, Serbia & Montenegro's Charter on Human and Minority Rights and the Constitution of Serbia guarantee that all citizens are equal before the law.¹⁴ Although the constitutions and laws of Serbia & Montenegro and Serbia do not include a definition of discrimination, the Constitutional Charter of the State Union of Serbia & Montenegro provides that international agreements (and the definitions contained therein) are incorporated into national law.¹⁵ Furthermore, international treaties have precedence over both the laws of Serbia & Montenegro and Serbia.¹⁶

In addition to constitutional provisions, a range of general laws guarantee equal rights to all. For example, the principle of equality of all citizens is protected in the Serbian Criminal Code.¹⁷ In addition, there are statutes providing for equal access to work and to equal pay.¹⁸ Women and men are granted equal rights under the law with regard to citizenship, marriage, children, and access to health care. State funded education is

¹⁴ The Charter on Human and Minority Rights and Civil Freedoms of Serbia and Montenegro ("Charter on Human and Minority Rights"), Chapter I, Art. 3; Serbian Constitution, Art. 13.

¹⁵ Constitutional Charter, Art. 10.

¹⁶ Constitutional Charter, Art. 16.

¹⁷ Serbian Criminal Code, Art. 60.

¹⁸ Serbian Labor Law, Art. 12.

available to all without regard to gender. Primary education is mandatory and free of charge, and secondary schools are also equally available to boys and girls.

Nevertheless, many deficiencies persist with regard to Serbia's *de jure* compliance with CEDAW. Serbia's legal system essentially takes a "neutral" stance on gender in that it provides that all are equal under the law. However, it extends few protections to women. For example, there are no effective mechanisms to redress gender-based discrimination and no civil remedies for sexual harassment. Nor is there an ombudsman or government entity with the responsibility, authority, or funding to investigate and to address claims of gender-based discrimination.

Nonetheless, some positive reforms were enacted in 2002-2003. For example, Serbia passed landmark amendments that criminalize domestic violence and marital rape. Additionally, the Serbian Parliament recently enacted a law that allows for private criminal prosecutions of sexual harassment. Also, a new electoral law requires that women comprise a minimum of 30% of the candidates on electoral lists at the local level.¹⁹ In addition, a number of reforms have been proposed that would strengthen legal protections for women. Proposed legislation includes civil protection orders to enhance the efficacy of domestic violence laws.²⁰

De Facto Compliance

During the *de facto* assessment, a majority of the people interviewed noted that women enjoyed greater equality before 1990 than they do presently. Most interviewees acknowledged that women have equality under the law in theory but not in practice. Even where legal equality technically exists, mechanisms for enforcement are not present or are ineffective.

Gender role stereotypes and the patriarchal nature of society were identified as major obstacles to achieving *de facto* compliance with CEDAW. Experts noted that many women and men do not recognize the existence of gender discrimination but instead see it simply as "a way of life." Also, many experts bemoaned the practical hurdles women encounter in achieving parity with men. As one expert explained, "no one told Cinderella she *couldn't* go to the ball." If she mopped the floors, washed the dishes, ironed the clothes, and could find a dress and transportation, then perhaps she could attend. According to the expert, this scenario aptly describes the situation for women in Serbia: the law may not tell them "no," but the demands of their lives often do.

Inequalities are most evident in four areas: politics, the economic arena, marriage and family relations, and employment. First, in the political arena, the number of women elected to public office fell significantly during the 1990s and remains low. Women held only 5.6% of the offices in the Federal Parliament (before it was replaced by the

¹⁹ Technically, the law requires that 30% of the names on local electoral lists be from the "least represented gender." As a practical matter, that means women.

²⁰ It is too early to determine when Serbia's Parliament will consider this legislative proposal.

Parliament for Serbia & Montenegro), approximately 11% of the offices in the Serbian Parliament, and 6.5% of the offices in local government. Only 8.8% of Serbia's representatives recently chosen for the new Serbia & Montenegro Parliament are women.

Second, women lack economic power. Their economic position has had a negative impact on their ability to participate in the business sector. For example, women find it difficult to obtain financial credit, because they typically own little collateral such as real property. Moreover, Serbia does not provide any special loan programs or training assistance for women to encourage entrepreneurship.

Third, although men and women have the same legal rights and responsibilities during marriage, couples tend to adhere to traditional gender roles. It is not uncommon for women to have primary responsibility for running the household and caring for the children while working full-time.

Fourth, women experience a number of inequities in the workplace. For example, women routinely encounter discrimination with respect to hiring, remuneration, and promotion. Women are often overqualified for their positions and encounter a "glass ceiling." Moreover, sexual harassment is common, but as a practical matter, women have little recourse when subjected to such harassment. There are no civil prohibitions against or civil remedies for sexual harassment. More broadly, there are no mechanisms for filing complaints or obtaining an effective remedy in cases involving gender-based discrimination in the workplace.

Women encounter problems in a number of other realms as well. Violence against women is a serious problem in Serbia. Criminal sanctions for domestic violence were recently enacted, but few cases have been prosecuted. Many victims continue to view domestic violence as a private matter and are reluctant to involve the police. The NGO community has played an active role in combating violence against women and addressing the needs of battered women. For example, NGOs run legal clinics, operate hotlines, maintain shelters and have proposed legislation aimed at combating domestic violence. Trafficking in women is a growing problem and has received increasing attention.

As a general matter, neither men nor women trust the legal system in Serbia. It is not perceived to be an effective mechanism for resolving disputes or vindicating legal rights. Women have even less access to the legal system than do men, largely due to their relative lack of economic resources.

While the law guarantees health care for all, in reality, health care services are often inaccessible to women and men alike due to their inability to afford such services. Health care facilities in rural areas tend to be in poor condition. More broadly, many experts note that access to most government benefits, including health-related benefits, is equally unsatisfactory for men and women.

Education is a continuing priority throughout Serbia. The literacy rate is high for men and women, including in rural areas. More than 50% of university students are female. At the same time, the educational system appears to perpetuate gender role stereotypes in textbooks and other materials. Newly introduced religion classes in the public schools appear poised to further promote these stereotypes. Female students tend to gravitate toward certain fields of study, such as the humanities and social sciences, while males tend to concentrate on the physical sciences.

In sum, the government's efforts to improve the status of women have been extremely limited. Serbia has not undertaken special measures to educate the population about CEDAW or to ensure its application. Many of those interviewed expressed disappointment that the situation has not improved since the fall of the Milosevic regime in October 2000. Finally, many recognize that the NGO community, in which women are widely represented, is robust and is capable of effecting positive change.

Article 1

For the purposes of the present convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Areas of Concern

- Although international agreements are incorporated as part of Serbia’s laws, no statute reflecting CEDAW’s definition of discrimination has been adopted.
- The legal community and public are not well-informed about CEDAW and its requirements

De Jure Compliance

According to Serbia & Montenegro’s new Constitutional Charter, “Provisions of international treaties on human and minority rights and civil liberties applicable on the territory of Serbia and Montenegro shall apply directly.”²¹ This language appears to signify that no implementing legislation is necessary and thus the definition of discrimination in Article 1 appears to be incorporated in Serbian law. However, no legislation in Serbia & Montenegro or Serbia specifically incorporates the definition of discrimination from Article 1.

Neither the constitutions nor the laws of Serbia & Montenegro and Serbia provide any general definition of discrimination. However, the Constitutional Charter and the Serbian Constitution set forth general guarantees of equality of all citizens.²² Serbia’s Criminal Code provides additional guarantees of equal treatment.²³

De Facto Compliance

In general, judges and lawyers are not familiar with the content of international human rights legal instruments such as CEDAW. The average citizen is even less likely to be familiar with CEDAW or its definition of discrimination.

²¹ Constitutional Charter, Art. 10. See also Constitutional Charter Article 16 (“Ratified international agreements and the generally accepted rules of international law shall have precedence over the law of Serbia and Montenegro and over the law of the member states”).

²² Constitutional Charter, Art. 3; Serbian Constitution, Art. 13.

²³ Serbian Criminal Code, Art. 60.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated there in and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Areas of Concern

- The government has taken few steps to address pervasive gender role stereotypes that perpetuate discrimination against women.
- Current laws merely state that all are equal without reference to, or any specific prohibition of, discrimination against women.
- There are no meaningful governmental efforts to ensure equality and equal opportunity for women.
- There are no effective mechanisms to ensure that women are protected from discrimination.
- There is a dearth of gender-disaggregated statistics.

De Jure Compliance

The Charter on Human and Minority Rights provides a general guarantee of equality: "Everyone is equal before the law. Everyone is entitled to the same protection, without discrimination. Any direct or indirect discrimination, on any basis, including race, color, sex, nationality, social origin, birth or other status, religion, political or other convictions, age, or mental or physical handicap, is forbidden."²⁴ The reference to both direct and indirect discrimination represents an improvement over language from Yugoslavia's

²⁴ Charter on Human and Minority Rights, Art. 3.

Constitution. The Serbian Constitution also provides that citizens enjoy equal rights and obligations regardless of sex.²⁵ The current Serbian Constitution does not explicitly prohibit gender discrimination.

Moreover, Serbia's Criminal Code states: "Whosoever denies or restricts on the basis of nationality or ethnicity, race or religion, political or other beliefs, sex, language, education, social status, social origin, property status or other personal attributes the rights of any person and citizen guaranteed under the Constitution, laws or other legal provisions, general rules, or confirmed international treaties, or on the basis of the above difference grants privileges or conveniences to anyone, shall be punished from three months to five years imprisonment."²⁶ The Yugoslav Criminal Code prohibits officials from discriminating against anyone on the basis of gender.²⁷

There are no specific mechanisms at the federal or republic levels by which to realize or seek redress for violations of these principles of gender equality, as required by Article 2(a) of CEDAW.

Finally, the Charter on Human and Minority Rights provides that "Family, mother and child shall enjoy special protection of the society and the member states."²⁸

De Facto Compliance

Measures Prohibiting Discrimination

Serbia has no effective legal or institutional mechanism to protect women's rights. There is no venue other than the courts for filing and adjudicating discrimination claims. For a variety of reasons, including the length of court proceedings and negative perceptions about the judiciary, lawsuits are not perceived as an effective means of redressing discrimination and harassment. Other reasons include the absence of protections against retaliation by an employer when a woman complains of discrimination. Moreover, given the current economic situation in Serbia, few women are willing to risk their jobs by complaining about discrimination or working conditions.

²⁵ Article 13 of the Constitution of the Republic of Serbia provides: "Citizens are equal in their rights and obligations and are entitled to equal protection before the state and other institutions, regardless of race, sex, birth, language, ethnicity, religion, political or other beliefs, education, social origin, property status or any other personal attributes."

²⁶ Serbian Criminal Code, Art. 30.

²⁷ As noted above, Yugoslavia's laws remain in effect until Serbia & Montenegro enacts other laws that supersede them. Article 186 of the Yugoslav Criminal Code provides: "An official who on the basis of nationality, race, religion, political or other beliefs, ethnicity, sex, language, education or social status denies or restricts the rights of any person guaranteed under the Constitution, laws or other legal provisions, several rules, or confirmed international treaties, or on the basis of the above difference grants privileges or conveniences to anyone, shall be punished from three months to five years imprisonment."

²⁸ Charter on Human and Minority Rights, Art. 39. See Serbian Constitution, Art. 38, which also provides women with "special protection."

(A more detailed description of the obstacles women encounter in employment is provided in Article 11.)

Serbia has not established a national machinery to monitor compliance with CEDAW, nor has it established any enforcement mechanism to ensure the implementation of laws that promote the equality of women and protect the rights of women. Serbia has not established an ombudsman's office, although draft legislation to do so has been proposed. The government has done little to address gender stereotypes. For example, Serbia has not taken steps to ensure that public authorities, much less private sector actors, refrain from engaging in discriminatory acts or practices affecting women. However, it recently authorized the creation of the Council for Gender Equality, an advisory body that will make recommendations designed to promote greater gender equality.

(See discussion in Article 3.)

Gender Disaggregated Statistics

Gender disaggregated statistics are generally unavailable. For example, statistics regarding ownership of real or personal property or company registration are not broken down by gender. As a result, it is difficult to determine the full extent of gender disparities, although they are acknowledged to be significant.²⁹

²⁹ Because statistical information is needed to assess the status of women, the CEDAW Committee has recommended that governments "make every effort to ensure that their national statistical services responsible for planning national censuses and other social and economic surveys formulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested." CEDAW Committee General Recommendation No. 9 (8th session 1989).

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality of men.

Areas of Concern

- The government has made little effort to promote greater gender equality.
- The government has done little to ensure the full development or advancement of women.

De Jure Compliance

The government has done little to ensure the development and advancement of women. There is still no institutional framework to ensure the protection of women’s rights in Serbia in accordance with the mandates of CEDAW. Although there is currently no official office of an ombudsmen or “public defender” designated to protect the human rights of women, legislation is being considered to establish a general “protector of human rights.” No legislation had been enacted as of this writing.

In February 2003, Serbia authorized the creation of a Council for Gender Equality, an advisory body comprised of various government ministries and experts.³⁰ The purpose of this advisory body is to make recommendations to advance gender equality. It has no enforcement powers. It is too early to determine how active or effective the Council for Gender Equality will be.

There are two other entities charged with improving the position of women, but they appear to have little support from the government and no real authority. One is the Federal Commission for Cooperation with UNICEF and Advancement of Women, which is based in Belgrade. It has no legal power or authority to enforce the rights of women. The Commission’s mandate is unclear, its powers are poorly defined, and it lacks funding. A second entity is a regional commission, the Secretariat for Women, which is organized within the Executive Council of Vojvodina, and has limited powers.³¹ It has no enforcement authority, and its funding is limited.

³⁰ Decision on Establishing Council for Gender Equality, Official Gazette of Republic of Serbia, 19 February 2003. According to the decision, the Council for Gender Equality is to be made of the Ministry for Education and Sports, the Ministry for Finance and Economy, the Ministry for Internal Affairs, the Ministry for Social Issues, the Ministry of health, the Ministry of Culture and Public Information, the Ministry for Public Administration and Local Self-Government, prominent experts, and representative of the Association for Gender Equality Issues.

³¹ The Executive Council of Vojvodina is the executive organ of regional self-government. Vojvodina is an autonomous region located in northern Serbia.

De Facto Compliance

In 2000, a National Plan for Advancement of the Position of Women was drafted but remains unfinished. Since the fall of the Milosevic regime in October 2000, the situation for women has improved nominally.

Although it lacks funding, the Federal Commission for Cooperation with UNICEF and Advancement of Women developed a set of goals and plans for the advancement of women.³² Its proposal identifies four areas of concern: legislation, economic empowerment of women, elimination of gender stereotypes, and promotion of the visibility of women. The plan offers specific measures for improving the position of women in these areas.

Due to limited enforcement powers and insufficient funding, it is difficult, if not impossible, for the Secretariat for Women in Vojvodina to complete any projects. Despite these barriers, the Secretariat has been able to work with local NGOs and to provide some support for women's initiatives in that region.

A comprehensive plan for gender equality mechanisms was proposed at an April 2000 conference organized by the OSCE, Federal Commission for Cooperation with UNICEF and the Advancement of Women, and STAR Network. The plan included a proposal to create parliamentary and ministerial bodies dedicated to women's issues. These bodies would ensure the drafting, adoption and implementation of laws and policies directed at improving that status of women. At the conference, the government voiced its support for the proposal. The Serbian prime minister expressed his willingness to establish an inter-ministerial commission for gender equality. As noted above, in early 2003, the government ultimately authorized the creation of a Council for Gender Equality. The Council had not yet met as of the time this report was written.

In the fall of 2002, gender equality/equal opportunity focal points were established in 16 municipalities in Serbia.³³ The purpose of the focal points is to address a range of gender issues, such as workplace discrimination, women's entrepreneurship, portrayal of women in the media, violence against women, and women's health. OSCE is providing support and training for the gender focal points.

³² At the time this report was written, there was no one in the position of Coordinator for Gender Issues.

³³ The 16 municipalities are: Kikinda, Sremska, Mitrovica, Zrenjanin, Kragujevac, Nis, Pozarevac, Bor, Knjazevac, Zagecar, Valjevo, Uzice, Novi Pazar, Velika Plana, Krusevac, and Prokuplje.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Areas of Concern

- The government has not enacted temporary special measures to address gender-based discrimination or to promote equal opportunity for women.

De Jure Compliance

The Charter on Human and Minority Rights allows for temporary special measures to achieve equality.³⁴

In June 2002, the government adopted the Law on Local Elections.³⁵ According to this law, one out every four candidates on a municipal electoral list shall be of the less represented gender, and the total number on the list may not be less than 30%.³⁶ As a practical matter, women are the “less represented gender” in politics and thus are the intended beneficiaries of the law. Comparable legislation for federal elections was not enacted.

³⁴Article 3 of the Charter on Human and Minority Rights provides: “Temporary imposition is permitted of special measures required for the exercise of equality, special protection and prosperity for persons or groups of persons in unequal position, in order to enable them to fully enjoy human and minority rights under equal conditions. Special measures mentioned in paragraph 4 of this Article may only be applied until the achievement of aims for which they are undertaken.” This language could be seen as inconsistent with Article 60 of the Serbian Criminal Code, which provides that “... whoever grants citizens privileges or benefits on the basis of ... a difference [in nationality, race, religion, ethnicity, political or other convictions, sex, language, education or social status which are stipulated in the Constitution], shall be punished with three months to five years of imprisonment.” It does not appear that any court has interpreted this provision of the Serbian Criminal Code as prohibiting temporary special measures aimed at achieving equal opportunity. In any case, any such inconsistency presumably will be addressed when Serbia harmonizes its laws with the new Charter.

³⁵ Serbian Law on Local Elections, “Official Gazette of the Republic of Serbia,” No. 33, 13 June 2002.

³⁶ Article 20 of the Serbian Law on Local Elections provides: “One of every four candidates in the list (the first four candidates, the second four candidates, etc.) shall be of the sex that is less represented in the list, and the total number of the less represented sex in the list may not be smaller than 30%.”

De Facto Compliance

Many human rights advocates and NGO representatives believe that temporary special measures are needed to realize meaningful advances in gender equality in Serbia. As previously noted, women hold few decision-making positions in critical spheres, such as politics and business. They also suffer discrimination in the workplace.

Even though women benefited from higher levels of political representation at all levels of the government during the socialist era, the number of women in politics fell significantly during the war and with the breakup of the former Yugoslavia. This fact supports the argument made by many women's advocates that temporary special measures are needed to advance women's participation in politics. Temporary special measures may also be beneficial in the employment and business realms.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Areas of Concern

- The government has failed to take affirmative steps to eliminate or to address pervasive gender role stereotypes, including those relating to the role of women in the workplace and family.
- No laws or government programs to alter pervasive gender role stereotypes exist. There are no mechanisms or government bodies vested with authority or financial means to address gender issues in a comprehensive manner.
- Measures to address the problem of discrimination in the workplace are inadequate.
- Domestic violence is a serious problem and is often viewed as an internal “family problem” that does not require government intervention.
- Although Serbia enacted initial domestic violence legislation, additional laws (such as restraining orders or civil protective orders), training, and increased public awareness are needed to ensure appropriate implementation of the law and the protection of domestic violence victims.
- Women are often stereotyped and portrayed in a negative manner in the media.
- Because of powerful gender role socialization, women are largely responsible for raising children and often do not recognize it as a shared responsibility.

De Jure Compliance

The government has failed to address meaningfully gender role stereotypes. In fact, aspects of public school education appear to reinforce these stereotypes. On the other hand, important and commendable legislative changes were enacted in February 2002 when Serbia amended its criminal code, making family violence illegal and criminalizing rape within marriage.³⁷ Legislation, such as restraining orders or civil

³⁷ Serbian Criminal Code, Art. 118A; Serbian Criminal Code, Art. 103.

protective orders, could provide additional protection for women who are victims of family violence.

(See Article 11 for a discussion of discrimination in the workplace.)

De Facto Compliance

In February 2002, the SCAN Agency for Research and Development prepared a survey that asked, among other things, whether “women in our reality are equal to men in all their rights.” A majority of the male respondents (63%) believed that women enjoyed equal rights in all areas. By contrast, a majority of the women (60%) felt they had fewer rights than men.³⁸ That said, both men and women recognized that inequalities were most evident in the same four areas: managerial positions in companies and institutions, politics, marriage and family relations, and employment.³⁹

In a recent survey, when asked about the degree to which women should be involved in the women’s rights movement, 35.4% of men said “more” and 26.1% said “a lot more.” Women responded to the same question, with 29.7% saying women should be “more” involved in the women’s rights movement and 47.7% saying they should be “a lot more” involved.⁴⁰

Gender Role Socialization

During interviews conducted for this assessment, respondents repeatedly noted that men and women are not equal in society. A majority explained that inequalities are largely attributable to the patriarchal nature of Serbian society. Respondents identified politics as the most significant area in which inequalities between men and women exist. While women comprise 52% of the electoral body, they hold only 8.8% of Serbia’s seats in the Parliament of Serbia & Montenegro, roughly 11% in the Serbian parliament, and 6.5% in local government.⁴¹ Women are also poorly represented in executive bodies and at almost all decision-making levels of government and business.

(See the discussion in Article 7 regarding women’s participation in political and public life and the discussion in Article 8 on the representation of women in government at the international level.)

Although many women are highly educated and work outside the home, they are still primarily responsible for childcare and household duties.⁴² Respondents noted some

³⁸ “Status and Challenges for Gender Equality in Yugoslavia,” SCAN Agency for Research and Development (“SCAN”), Milka Puzigaca (Novi Sad, Feb. 2002), p. 30.

³⁹ *Id.*

⁴⁰ “Women Today,” SCAN (April 2001), p. 25.

⁴¹ *Id.*, p. 5.

⁴²A recent OSCE report describes this pattern as “double-work” and concludes that it places women at a disadvantage in either the family or the workplace. It further concludes that double work represents one of the most significant obstacles to women’s participation in public life and

positive changes among the younger generation. However, several experts expressed concern about a perceived increase in the role of the Orthodox Church in schools and society, fearing that the church's influence would place greater restrictions on the role of women in society and generally support a more patriarchal approach to male-female relationships.

It was reported that the Orthodox Church has prepared teaching materials for boys and girls that perpetuate these stereotypes. One such manual is entitled "What every orthodox girl should know?" The book states that all girls want to be boys, but since fate did not allow that, girls should accept it and bear it. This manual portrays a girl as housewife and states that it is a sin to engage in any sexual relations that are for any purpose other than to conceive a child. The book further teaches that women should give birth to and raise children, since men are more capable at intellectual, artistic, and other endeavors. There is a similar book, entitled "What every orthodox boy should know?" It depicts the boy playing, fishing, and camping with his father.

Traditional patriarchal expectations and notions of women's appropriate role in society and in the family are so deeply rooted that many women do not question them. Many believe women and men are expected to fulfill certain roles. For example, the man is expected to be the breadwinner and the woman is expected to be a homemaker and to care for children. However, the economic situation has led to some role reversals, wherein the woman is the chief breadwinner, which may be difficult for some men to accept.

(See discussion in Article 10 regarding gender role socialization in educational institutions.)

Women and the Media

Women continue to be the subjects of negative stereotypes in the media.⁴³ It is not uncommon to see partially nude women on the cover of daily newspapers. Billboard advertisements also display partially nude women accompanied by degrading statements. The example below is from a tire advertisement featuring a nude woman sitting in a "splits" position with the statement "Adjusts to every surface."



in politics. "Research on Gender Based Discrimination and Equal Opportunity Policy," OSCE (Belgrade 2002), p. 18.

⁴³ The CEDAW Committee specifically recommends that "effective measures should be taken to ensure that the media respect and promote respect for women." CEDAW Committee General Recommendation No. 19 (11th Session 1992), para. 24(d).

This advertisement was followed by a series of billboards where a woman had tire marks across her body and included the phrase “roll over me gently.” Television advertisements routinely air nude women and advertisements for sex phone lines. According to experts, media outlets do not believe that professional ethics require them to reject advertisements that degrade women.

Even in regular television programming, women are typically portrayed as mothers or victims. The media interviews women less frequently than men, in part because politicians receive substantial media attention, and few women hold political positions. However, according to a recent survey, women and men believe that the media does not adequately cover gender issues.⁴⁴

Domestic Violence

Domestic violence remains a hidden but significant issue in society.⁴⁵ Many perceive it to be a “private” or “family” problem in which the police should not become involved. There are no government statistics that shed light on the prevalence of the problem.⁴⁶ However, in a recent 700 person survey on domestic violence, 46.1% of those who responded acknowledged incidents of psychological violence in the family and 30.6% had experienced physical assaults.⁴⁷ According to another study involving 1,800 women, 15% indicated that they were exposed to violence in the family. Nearly 60% responded that they knew of cases of other women being victims of violence in the family.⁴⁸

Women are reluctant to call the police when they are victims of domestic violence, in part because traditional reactions to domestic violence persist, such as blaming the victim. Before domestic violence legislation was enacted in 2002, few cases were prosecuted, and the defendant was convicted in only 37% of the cases involving family violence.⁴⁹ Those found guilty of family violence were often given probation and rarely

⁴⁴ “Research on Gender Based Discrimination and Equal Opportunity,” OSCE (Belgrade 2002), pp. 15-16.

⁴⁵ The CEDAW Committee has explained that the definition of discrimination set forth in Article 1 of the Convention includes gender-based violence. CEDAW Committee General Recommendation No. 19 (11th Session 1992), para. 6. It further remarked: “Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence. *Id.* In this report, gender-based violence is addressed primarily in the discussions regarding Articles 5 and 12.

⁴⁶ The CEDAW Committee notes that States should encourage the collection and analysis of statistics on the prevalence or violence, causes, and impact of violence against women. CEDAW Committee General Recommendation No. 19 (11th Session 1992), para. 24(c).

⁴⁷ Domestic Violence in Serbia, Vesna Nikolic-Ristanovic (Belgrade 2002), p. 6. The Victimology Society is an NGO based in Belgrade.

⁴⁸ See “The Status of Women’s Human Rights in Serbia 2000-2001,” Draft Report, Biljana Brankovic, The Voice of Difference- Group for Promotion of Women’s Political Rights, Belgrade, p. 8, citing a 2001 study by SCAN.

⁴⁹ “The Status of Women’s Human Rights in Serbia 2000-2001,” Draft Report, Biljana Brankovic, The Voice of Difference- Group for Promotion of Women’s Political Rights, Belgrade, p. 8, citing study by Lukic and Jovanovic that analyzed 1,224 court cases from 1995 through 1998.

sentenced to jail.⁵⁰ Moreover, social workers and police often continue to encourage the husband and wife to reconcile in order to preserve the family.⁵¹

It is unclear to what extent police are responding to reports of domestic violence or prosecutors are filing charges under the new laws, but it appears to be infrequent. More generally, the government has been quite passive in addressing the issue of domestic violence. To date, NGOs rather than the government have been providing resources to combat domestic violence, including establishing hotlines, setting up shelters, proposing draft legislation, representing victims, and educating the public.⁵² However, the scope of this assistance has been limited, largely due to financial constraints.

(See Article 12 for an additional discussion of gender-based violence.)

Family Education

(See discussion in Article 16 regarding the lack of shared parenting responsibilities.)

⁵⁰ Id.

⁵¹ Id.

⁵² Victimology Society, Justicia, and the Autonomous Women' Center represent a few of the NGOs working on domestic violence issues.

Article 6

State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Areas of Concern

- Inadequate support services are provided for victims of trafficking and prostitution.
- The lack of economic opportunities for women contributes to the trafficking of women and exploitation of prostitution of women.

De Jure Compliance

On September 6, 2001, the Federal Republic of Yugoslavia ratified the Convention Against Transnational Organized Crime and the Protocol on Prevention, Eradication and Punishment of the Trafficking Crimes. Serbia & Montenegro is a party to the Convention on Prevention and Combating Slavery (1926) and the Additional Convention of Elimination of Slavery and Trafficking in Human Beings (1956).

The Charter on Human and Minority Rights provides that “Trafficking in human beings in any form shall be prohibited.”⁵³ In the spring of 2003, the Serbian Parliament enacted a law specifically criminalizing human trafficking.⁵⁴

Before Serbia amended its criminal code in the spring of 2003, prosecutions of traffickers were based on provisions in the codes relating to slavery that could also be applied to trafficking, such as Article 155 of the Yugoslav Criminal Code.⁵⁵ In addition, the Yugoslav Criminal Code prohibits the recruitment of prostitutes and the promotion of prostitution.⁵⁶ Prostitution is illegal under the Law on Public Peace and Order as a

⁵³ Charter on Human and Minority Rights, Art. 13. Article 13 continues: “Forced labour shall be prohibited. Sexual or economic abuse of person in disadvantageous position shall also be considered forced labour.” Article 12 may also be relevant: “Everyone is entitled to inviolability of his or her physical well-being or mental integrity. No one shall be subjected to torture or to inhuman or degrading treatment.”

⁵⁴ Article 111b of the Serbian Criminal Code provides: “Whoever recruits, transports, moves, delivers, sells, purchases, acts as liaison in selling or purchasing, hides or keeps another person by force or threat, by giving a person false information or by keeping a person falsely informed, by abuse of authority, trust, dependent relationship or by using another’s situation of hardship, with the aim to obtain some benefit, to exploit a person’s labor, for performance criminal acts, for prostitution or street-begging, for use in pornography, in order to harvest a body part for transplantation, or for use in wars, shall be punished by one to ten years in prison.” See Law on Amendments and Additions to the Criminal Code of the Republic of Serbia, Official Gazette of the Republic of Serbia, No. 39, 2003 April 11.

⁵⁵ This provision essentially prohibits slavery and the assistance of buying or selling of people.

⁵⁶ Article 251 of the Yugoslav Criminal Code provides: “Whoever recruits, induces incites or lures a female person into prostitution or whoever in any way takes part in turning over a female

misdemeanor and is punishable by up to 30 days of imprisonment.⁵⁷ In the rare instances in which trafficking prosecutions were initiated before the new legislation was enacted in 2003, charges were usually brought for solicitation of prostitution under Article 251 of Yugoslavia's Criminal Code. The punishment for that crime is imprisonment for three months to three years.

De Facto Compliance

It is believed that human trafficking and exploitation of prostitution represent a serious problem in Serbia. In particular, the true scope of Serbia's trafficking problem remains unknown due to the lack of accurate data.⁵⁸ Institutional mechanisms to combat these crimes are inadequate. The lack of economic opportunities for women contributes to the trafficking of women and exploitation of prostitution of women.

Exploitation of Prostitution of Women

The government has done little to address prostitution. Police rarely arrest prostitutes. When they do, it is often to harass the women. Solicitation of prostitution is punishable under the Yugoslav Criminal Code, but charges are seldom brought and convictions are rare. Serbian law allows for the registration of "business escort agencies," which is a mechanism for solicitation of prostitution and which are often involved in human trafficking. Newspapers in Serbia are filled with advertisements offering the "company" of attractive women. According to Serbia's Ministry of Interior, the police recently shut down three "business escort agencies" and arrested the owners of these agencies. It remains to be seen whether they will be prosecuted and convicted.

Trafficking

The nature of Serbia's trafficking problem has evolved over the past 10 years as the social and economic climates have changed. At the beginning of the 1990s, Serbia was a destination country for women from Eastern European countries, due to the relatively superior economic situation and living conditions in Serbia at that time.⁵⁹ As a result of the war and economic decline, Serbia became a less attractive market for traffickers and evolved into a transit country. Recent reports indicate that Serbia & Montenegro is a country of origin, destination, and transit.

Serbia is a transit point for more affluent western European countries and to the neighboring areas where the presence of foreign military troops has led to increased demand for prostitutes.⁶⁰ Many women are trafficked through Serbia and Macedonia to

to another for the exercise of prostitution shall be sentenced from 3 months to 3 years. If perpetrated against a minor the offence carries a sentence from 1 to 10 years."

⁵⁷Law on Public Peace and Order, Art. 14, para. 1.

⁵⁸ Trafficking in Human Beings in Southeastern Europe, UNICEF (2002), p. 78.

⁵⁹ Id., p. 77.

⁶⁰ Id., p. 78.

Kosovo. In Serbia, most of the victims are trafficked from Romania, Russia, and Ukraine and are placed in areas close to the Hungarian, Romanian, Bulgarian, Macedonian, and Bosnian borders. Women from Serbia are mostly sold in Italy, Holland, Germany, Scandinavian countries, Greece, and Cyprus.⁶¹ The Roma population has been identified as being particularly vulnerable to trafficking.⁶²

Trafficking in women was, until recently, a problem that was unrecognized by the government and general public. The Serbian & Montenegrin police have begun to report cases of trafficking and released official statistics on the prevalence of the crime. The Minister of Interior announced that approximately 300 people, mostly women, were victims of trafficking in 2001.⁶³ Kosovo and Macedonia were identified as major destinations of trafficking. According to the 2001 Annual Report issued by the Yugoslav Ministry of Interior, 1,018 women were found in police raids in nightclubs or in illegal transit through Serbia & Montenegro to Kosovo, Bosnia, or western countries.⁶⁴

Response of the Justice System and Government

The number of trafficking cases brought before the courts is quite low. A report of the Federal Department for Statistics shows that not a single person was charged, indicted, or sentenced for Transportation of Enslaved Persons under Article 155 of the Yugoslav Criminal Code between 1995 and 2000.⁶⁵ That same report also reveals that there were only seven convictions for Solicitation of Prostitution in 2000, compared to five in 1995. Experts reported that in 2001, the police filed 72 charges for crimes related to trafficking. None of those cases resulted in a conviction. Notably, women are usually afraid and unwilling to report that they have been trafficked or to testify against traffickers.

Serbia's executive and judicial branches are not properly trained to deal with the prosecution of traffickers. In fact, many law enforcement officials, prosecutors, and judges are uninformed about the problem of human trafficking in Serbia. This lack of awareness is seen as one of the greatest obstacles to dealing with the problem. Experts stated that corruption also contributes to the inadequate response to the problem.

Experts noted that immigration and prostitution laws have been used as a means of dealing with victims of trafficking. Trafficking victims are typically treated as prostitutes, sentenced to 20 days in prison, and then deported as illegal immigrants. Thus the focus has been on treating victims as the primary wrongdoers rather than focusing on traffickers and criminal syndicates. Serbian citizens who are trafficking victims may be provided with some services by an NGO and then released.

⁶¹ "Trafficking in Women in Serbia and Neighboring Countries: Scope, Characteristics and Causes," Vesna Nikolic Ristanovic, Temida No. 1 (2002), pp. 4-6.

⁶² "An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States," IHF (2002) p. 535.

⁶³ Dec. 18, 2001.

⁶⁴ Tanjug News Agency, Serbian Ministry of Interior 2001 Annual Report - press release, daily Politika, Jan. 23, 2002.

⁶⁵ "Trafficking in Women in Serbia and Neighboring Countries: Scope, Characteristics and Causes," Vesna Nikolic Ristanovic, Temida (2002), No. 1, pp. 4-6.

However, with increased education, some of these government practices may be changing. The government has indicated an increased willingness to cooperate with NGOs to combat trafficking. For example, the police have started to refer trafficking victims to a shelter located in Belgrade operated by the Counseling Center Against Family Violence, an NGO. The Yugoslav and Serbian Teams to Combat Trafficking in Human Beings have agreed to implement a comprehensive national referral mechanism in Serbia.

The national referral mechanism is a comprehensive victim identification, assistance, and protection mechanism and involves governmental and non-governmental actors. It is a pilot project in Southeastern Europe initiated by the OSCE and is currently being implemented. The national referral mechanism is being funded and implemented by a number of international and domestic entities.⁶⁶ The Stability Pact Task Force on Anti-Trafficking has identified the national referral mechanism in Serbia as a model for other countries in Southeastern Europe.

Response of NGOs

Until recently, only NGOs were addressing the problem of trafficking. NGOs in Serbia have formed a network for combating trafficking. They are raising awareness and creating educational and training programs targeting young women. The Anti Sex Trafficking Action (ASTRA) organization recently developed television advertisements that aired on a number of Serbian television stations warning of the dangers of trafficking. ASTRA has also established an SOS hotline. Domestic NGOs and international organizations are involved in lobbying campaigns to introduce legislative changes. For example, the Victimology Society of Serbia, an NGO, has proposed changes to relevant legislation, including proposals to provide protection for trafficked women. As noted above, the Counseling Center Against Family Violence runs a shelter for victims of trafficking.

International Response

In addition to the National Referral Mechanism, the OSCE has facilitated and implemented a number of other anti-trafficking initiatives. For example, in April 2001, OSCE organized a roundtable on trafficking which representatives from Montenegro and Serbia attended.⁶⁷ A Serbian & Montenegrin Team for Combating Trafficking was then formed in the federal Ministry of Interior to devise effective and comprehensive measures to combat trafficking. The team is divided into four working groups devoted to: (1) preventing and raising awareness about trafficking; (2) assisting victims; (3) amending legislation and strengthening law enforcement; and (4) collecting data and

⁶⁶ These groups include international entities such as the United States, Austria, Norway, International Organization for Migration (IOM), and OSCE. Domestic entities include the Ministry of Social Affairs, Ministry of Interior, Anti Sex Trafficking Action (ASTRA), Counseling Against Family Violence, and the Belgrade Social Center.

⁶⁷ Trafficking In Human Beings In Southeastern Europe, UNICEF (2002), p. 80.

conducting research.⁶⁸ The OSCE has been involved in other projects including but not limited to establishing the Mobile Team of the National Referral Mechanism, helping develop an anti-trafficking national plan of action, setting up a referral and counseling center, and helping initiate a regional anti-trafficking NGO network.

Additionally, the OSCE Mission to Serbia & Montenegro and the Stability Pact Task Force on Trafficking developed and conducted training for police. The Task Force has also established a clearinghouse for information on trafficking in Southeastern Europe in Belgrade.

Moreover, a number of other international organizations have been involved in anti-trafficking projects in Serbia. These organizations include the International Organization for Migration (IOM), UN High Commission for Refugees (UNHCR), UN Office of High Commissioner for Human Rights (UNHCHR), and UN Children's Fund (UNICEF).

⁶⁸ Id.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

Areas of Concern

- The number of women in elected political office is among the lowest in Europe.
- There are few women at high levels in Serbian political parties.
- The ability of women to help formulate government policy is limited due to the dearth of women in high government positions.

De Jure Compliance

The Charter on Human and Minority Rights and Serbia's Constitution include universal rights to participate in political and public life.⁶⁹ They provide that every citizen over 18 has the right to be elected to government bodies, thus granting women the same general right as men to serve in public bodies.⁷⁰ Under Serbian law, violations of the general right to participate may result in criminal penalties.⁷¹ At the same time, Serbian law does not specifically prohibit gender discrimination in political and public life.

In June 2002, Serbia enacted a law requiring that 30% of the candidates on municipal party lists be "of the sex that is less represented on the list."⁷² As a practical matter, this law mandates that at least 30% of the political candidates at the local level be female. In addition, it provides that one of every four candidates on the list shall be of the less represented sex. The purpose of this provision of the law was to avoid the scenario in which 30% of the candidates on a party list are female but the women would never be chosen to represent their party, because they would all be placed at the very bottom of

⁶⁹ Charter on Human and Minority Rights, Art. 33 ("Citizens of Serbia and Montenegro ... have the right to participate in decision-making regarding public affairs, directly or through representatives, elected freely through a secret ballot, in general and periodic elections"); Art. 34 ("Everyone has the right to address the state bodies, individually or in association with others, to send them petitions and other proposals, and to receive answers to them if he/she seeks them"); Serbian Constitution, Art. 79a; Serbian Constitution, Art. 42.

⁷⁰ Constitutional Charter, Art. 33; Serbian Constitution, Art. 42.

⁷¹ Serbian Criminal Code, Art. 80

⁷² Law on Local Elections, Art. 20, Official Gazette of the Republic of Serbia, No. 33 of 13 June 2002.

the list.⁷³ A similar proposal requiring minimum numbers of the “less represented sex” on party lists for national elections was considered but rejected.

De Facto Compliance

Women in Politics and Government

Pursuant to the Charter on Human and Minority Rights and Serbian Constitutions, women and men have equal rights to vote and to hold office. However, there are social and practical factors limiting women’s ability to be elected in Serbian society. These factors include entrenched stereotypes of women’s roles, socialization of women that discourages political participation, lack of access to campaign finance, lack of publicity and political connections, and limited opportunities to develop leadership and political skills. Because women are underrepresented at most levels of government, it is difficult for them to influence policy.⁷⁴

Women represent 52% of the adult population of Serbia & Montenegro. From 1979 to 1989, roughly 17% of the representatives in parliament were women. The highest level of female representation (24.4%) occurred in provincial assemblies.⁷⁵ In the 1989 and 1990 elections, the percentage of elected women in Parliament fell to 1.6%. During the 2000 elections, not a single woman was elected in 38 of Serbia’s 160 municipalities. In 40 municipalities, only one woman was elected. Sixty percent of the elected women are from Vojvodina or Belgrade.⁷⁶ In 2002, women held 5.6% of the offices in the federal Parliament, approximately 11% of the offices in the Serbian Parliament, and 6.5% of the offices in local government. According to the Group for Promotion of Women’s Political Rights, women were allocated only eight seats in the federal Parliament, notwithstanding their enormous contributions in the 2000 elections.⁷⁷ This level of female representation is one of the lowest in Europe.⁷⁸

⁷³ *Id.* Thus, one candidate out of the first four identified on the list must be female, then one out of the fifth through eighth candidates must be female, and so on. The result may be that 25% of the candidates at the top of the list are female due to this requirement and that greater numbers are placed towards the bottom of the list, so that the actual number of women who are chosen will be less than 30%

⁷⁴ As the CEDAW Committee has recognized, “A gender perspective is critical...if true democracy is to be assured...Women’s full participation is essential not only for their empowerment but also for the advancement of society as a whole.” CEDAW Committee Recommendation No. 23 (16th session 1997), para. 16.

⁷⁵ *Yugoslavia 1918-1988*, Statistical Yearbook, FSO (1989).

⁷⁶ Percentages as stated in SCAN report from February 2002 quoting data from Republic Statistical Office on Municipalities in Serbia 200 (Belgrade, April 2001), p. 5.

⁷⁷ “Elect To Be Able to Make Choices,” Group for Promotion of Women’s Political Rights (2001), Belgrade.

⁷⁸ *Id.*, p. 55.

In February 2003, representatives for Serbia & Montenegro's federal parliament were chosen. Eight out of 91, or 8.8%, of the Serbian parliamentarians in the new Parliament are women.

In a study conducted in 2001, 63% of women responded that there were not enough women represented in political life, while only 48% of men agreed with that statement.⁷⁹ When asked about the degree to which women should be represented in politics, 31.7% of the women responded "a lot more" and 39.3% said "more."⁸⁰ These views contrast with those of male respondents, 15% of whom said that women should be represented "a lot more" in politics and almost 40% replied "more." Notably, nearly 13% of the men responded "less" and 9% replied "a lot less."⁸¹

Some of the experts noted that there is also a perception among some that women are not "suited" to political life, given that the public sees politics as a dirty business and women should have nothing to do with it. But, according to a survey conducted in 2002, a large majority believed that women are capable of holding public office at high levels.⁸² Voters may perceive women to be weak on issues such as the economy and security.⁸³ By contrast, women are seen as stronger than men on social issues and less prone to corruption.⁸⁴

Also, many women find it difficult to make the additional time commitment needed for political involvement given that many already handle a majority of family responsibilities and work full-time.⁸⁵ Even if women overcome these and other obstacles and become involved in politics, one interviewee noted that male colleagues in political parties would not take them seriously.

During the local elections in 2002, a number of political parties agreed to abide by a 30% quota for women candidates on the electoral lists, but only two actually followed through with that commitment. While the true percentage of women participating in political parties as members is unknown, interviewees gave estimates ranging from 7% to 40%. Experts stated that no more than 6% of party leaders are women. Many of the social democracy parties have active women's forums. The more conservative parties, including the Democratic Party of Serbia (DSS), of which former Yugoslav President Kostunica is a member, have been strongly opposed to quotas for women candidates. There are no women in the Presidency of the Democratic Opposition of Serbia (DOS), which is a coalition of leaders (including party presidents) from all the political parties

⁷⁹ "Women Today," SCAN (April 2001), p. 20.

⁸⁰ *Id.*, p. 20.

⁸¹ "Women Today," SCAN (April 2001), p. 21.

⁸² "Serbia: Reform Constituency Shrinks," National Democratic Institute for International Affairs (June 2002), p. 3. Results of nationwide survey conducted by Greenberg Quinlan Rosner Research, Inc., based on face-to-face survey of 1,290 adults in Serbia.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ See "Research on Gender Based Discrimination and Equal Opportunity Policy," OSCE (Belgrade 2002), p. 18 (attributes "double-work" as "one of the most important factors in preventing women [from] engag[ing] in public and political life").

that comprise the DOS. According to one interviewee, female party members who asked for seats on the council were “laughed at.” One interviewee stated the only reason women are allowed to be involved to the extent they are is attributable to political correctness and the desire of Serbia & Montenegro to be admitted to the European Union. At the same time, there are women who are actively involved in political parties and whose work contributions are recognized.

During the spring 2001 elections for Parliament, 14% of all nominees from the DOS coalition were women and 13.6% were elected. Similarly, 8.8% of the Serbian Radical Party nominees were women and 8.7% were elected. The highest percentage of women candidates was nominated by the Serbian Unity Party (20%), which ultimately won 14 seats in Parliament. However, that party did not choose a single woman for those seats.⁸⁶

Women often feel pressure within their own parties and are not always able to accomplish their goals due to the directives of party leaders. Nevertheless, there are a few influential women in politics who have made significant progress in furthering a somewhat independent agenda, but their small numbers make it difficult to achieve their goals.⁸⁷

Natasa Micic, the former president of the Serbian parliament, is currently serving as interim President of Serbia. A woman has served as Vice-President of the national Parliament. Women hold positions as President of the Supreme Court and Mayor of Belgrade. The number of women in deputy ministerial positions is higher than those in ministerial positions.

The government has not undertaken special measures to ensure that women are better represented in national level legislative and executive bodies.

Participation in NGOs

The NGO sector developed rapidly after Milosevic left office in 2000 and has been the source of much activism in Serbia. Women’s NGOs have been particularly active, organizing SOS hotlines, establishing shelters, drafting legislation, and lobbying for women’s rights. For example, the Autonomous Women’s Center organized numerous trainings in women’s rights and its Justicia branch provides free legal services to victims of domestic violence. In 1992, the Belgrade Women’s Studies Center was organized as an alternative, interdisciplinary educational project that includes teaching, research, and publishing. This organization has a long-term strategy for gender mainstreaming and sensitizing higher education to issues of tolerance and minority rights.⁸⁸

⁸⁶ Percentages as stated in “Status and Challenges for Gender Equality in Yugoslavia,” SCAN (Novi Sad, Feb. 2002), p. 4.

⁸⁷ The CEDAW Committee has observed: “Research demonstrates that if women’s participation reaches 30 to 35 per cent (generally termed a ‘critical mass’), there is a real impact on political style and the content of decisions, and political life is revitalized.” CEDAW Committee General Recommendation No. 23 (16th session 1997), para. 16.

⁸⁸ Report of Belgrade Women’s Studies Center 1992-2002.

Women are widely represented in the NGO community. By September 2000, over 1,450 NGOs or “citizens associations,” as denoted in the law, were registered in Serbia.⁸⁹ According to the most recent directory, there are more than 2,000 NGOs in Serbia. There are a number of NGO networks operating throughout the country, including a women’s information network (with more than 60 groups), a domestic violence network, and the Women in Black network. Many of the large and influential NGOs are headed by women, including the Center for Free Elections and Democracy , Yugoslav Lawyers’ Committee for Human Rights (YUCOM), Humanitarian Law Center, Helsinki Committee for Human Rights, and Center for Cultural Decontamination. In contrast, women are not highly represented in leadership positions in trade unions. Experts stated that while 45% to 50% of trade union members are women, men hold the majority of the leadership positions.⁹⁰

In 2000, women contributed to the downfall of the Milosevic regime by participating in opposition movements and civil protests. Women were highly represented in the large-scale movement of Otpor (“Resistance”), which primarily involved high school and university students. During the period of May through September 2000, police detained approximately 2,500 citizens, most of whom were less than 25 years old, including 200 minors (16 to 18 years old) and 30 mothers of Otpor members.⁹¹

While government has not undertaken specific measures to increase the participation of women in the political process, NGOs, in contrast, have been active in this area. In the fall of 2000, a number of women’s NGOs participated in “get out the vote” campaigns. For example, the Group for Promotion of Women’s Political Rights, conducted a pre-election campaign in 30 cities. Over 600 volunteers conducted a door-to-door campaign during which they spoke with 45,121 people and distributed 486,000 leaflets. As part of this campaign, women were asked whether they knew when the elections would be held, if they planned to vote, and whether they believed the elections represented a way to change conditions in Serbia. According to the report, nearly 93% of the women knew when the elections were taking place, over 83% declared they would vote, and almost 66% agreed with the statement that voting is a way to create change.⁹²

In addition, a series of seminars entitled “Woman Can Do It” and “Woman Can Do It II” were organized throughout Serbia to encourage women to participate more actively in politics. This program involved more than 1,000 women and provided training for 27 trainers. The programs were designed to reach women in NGOs, unions, media, and political parties. Norwegian People’s Aid organized the seminars in cooperation with the OSCE, Stability Pact, and local NGOs. NGOs, such as World Learning/Star Network organized seminars on political participation. Finally, the National Democratic

⁸⁹ Federal Statistical Office, 2000.

⁹⁰ The CEDAW Committee has noted that trade unions “have an obligation to demonstrate their commitment to the principle of gender equality.” CEDAW Committee General Recommendation No. 23 (16th session 1997), para. 34.

⁹¹ Humanitarian Law Center Report, OTPOR/Resistance under Jurisdiction of the Police, Serbia, May 2- September 24, 2000.

⁹² “Your Vote, Vote of Difference,” Group for Promotion of Women’s Political Rights (Belgrade 2000), p. 44.

Institute (NDI) has conducted extensive training programs for women's political participation.

Cooperation has increased between NGOs and the government. NGOs prepare draft laws and submit them to government working groups, which often merge the drafts with their own. A number of NGOs have been instrumental in developing draft laws and obtaining the support of the ministries. For example, the Center for Advanced Legal Studies is working on a new family code that would bring the law into compliance with European Union standards. Also, the Victimology Society worked on the new anti-trafficking legislation.

While cooperation between the NGOs and government is generally improving, government experts indicated that NGOs are too narrowly focused on their specific issues and do not understand the political process. On the other hand, NGO leaders indicated the government lacks transparency and frequently fails to include them in the political process.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Areas of Concern

- Few women are represented at high levels of government in any area, including international relations.
- Serbia does not appear to be taking affirmative steps to promote or encourage the participation of women in government positions dealing with international affairs.

De Jure Compliance

Apart from the declared principles of equality of all citizens⁹³ and equal access to all public functions for all citizens,⁹⁴ Serbian law does not mandate or promote the equal representation of women at the international level. No laws ensure the right of women to represent the government at the international level or to take part in the work of international organizations. At the same time, there are no formal legal obstacles that prevent women from participating in these arenas.

Laws regulating employment in the Federal Ministry of Foreign Affairs are formulated in a gender-neutral fashion; however, they do not include any measures aimed at increasing the participation of women in international affairs.⁹⁵ Nor are there any such provisions in the Ministry or federal government's internal regulations. When nominating representatives for diplomatic positions or state delegations to international conferences, no national regulations specifically address the government's obligation to comply with CEDAW or, more generally, to ensure the participation of women.⁹⁶

De Facto Compliance

The government has taken no steps, formal or informal, to encourage women to participate in the area of diplomacy or international politics.⁹⁷ In practice, political

⁹³ Charter on Human and Minority Rights, Art. 3; Serbian Constitution, Art. 13

⁹⁴ Serbian Constitution, Art. 35, para. 2.

⁹⁵ Law on Foreign Affairs, Art. 17-18.

⁹⁶ The Ministry of Foreign Affairs is responsible for implementing CEDAW. See Law on Foreign Affairs, Art. 4, 5.

⁹⁷ The CEDAW Committee recommends: "States parties should identify and implement temporary special measures to ensure that the equal representation of women in all fields covered by articles 7 and 8." CEDAW Committee General Recommendation 23 (16th session 1997), para. 43. See also id., para. 49.

parties often negotiate nominations for ambassadors and other high-level diplomatic positions. With only a few exceptions, the political parties do not take into account equal participation of men and women when nominating members to high government positions. As a result, the number of women in decision-making positions in foreign affairs is very low: seven ambassadors, one first secretary in a consulate, two assistants to a minister, and three members of the mission to the United Nations are women.

Article 9

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

De Jure Compliance

Nationality of Women

Citizenship is to be granted to men and women on an equal basis. The Law on Citizenship sets forth methods of acquiring and renouncing national citizenship.⁹⁸ The standards set forth in the law are the same for men as for women. Marriage to a foreign citizen or change of a husband's citizenship does not lead to the wife automatically losing her citizenship. In these cases, she may decide to keep Serbia & Montenegro citizenship or to acquire that of her husband if the country of the husband's citizenship permits it. Also, a foreigner who marries a citizen of Serbia & Montenegro may choose to keep his or her original citizenship or take Serbia & Montenegro citizenship. Finally, a foreign citizen who marries a citizen of Serbia & Montenegro may acquire a residency permit and a work permit under conditions specified under the law. Those requirements are the same for men as they are for women.

A problem affecting both men and women is the lack of agreements regarding dual citizenship between Serbia & Montenegro and other nations, such as Croatia and Bosnia and Herzegovina.

Refugees are also entitled to Serbia & Montenegro citizenship. Requirements for obtaining Serbia & Montenegro citizenship under laws that regulate the status of refugees are the same for men and women.

Nationality of Children

Men and women in Serbia have equal rights with respect to determining the nationality of their children. The Law on Citizenship sets forth the circumstances under which children may be granted citizenship.⁹⁹

⁹⁸ See Yugoslavia Law on Citizenship, Art. 7-8; Serbian Law on Citizenship, Part 8, Art. 4-13.

⁹⁹ Yugoslav Law on Citizenship, Art. 5.

De Facto Compliance

Nationality of Women

A woman's right to determine her citizenship, in practice, is satisfactory. Current laws do not differentiate between men and women. They leave little room for discriminatory implementation. The legal provisions regulating citizenship by the responsible agency appear to be applied in a non-discriminatory manner. The difficulties associated with obtaining citizenship are often related to a lack of documents, which affect men and women equally. In many cases, a Serb, regardless of gender, will opt to acquire the citizenship of a foreign spouse.

Nationality of Children

Men and women in Serbia enjoy equal rights with respect to determining the nationality of their children. Parents often try to acquire foreign citizenship for their children, regardless of whether the holder of foreign citizenship is a husband or a wife. This phenomenon is commonly attributed to Serbia's poor economy.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.

Areas of Concern

- Although education is a priority in Serbia, irrespective of gender, and there is equal access to education, gender role stereotypes continue to be perpetuated in the educational system.

De Jure Compliance

According to the Charter on Human and Minority Rights and the Constitution of Serbia, education is available for everyone.¹⁰⁰ Primary education is mandatory and free of charge.¹⁰¹ While there is no law that explicitly prohibits gender discrimination in education, the law provides that education shall be accessible to everyone.¹⁰² Secondary schools are equally available to boys and girls. Secondary school is not mandatory but all public secondary schools are free of charge. University education is no longer free.

There is a program of continuing education for those who have not been able to complete their secondary school education. Participants have the opportunity to

¹⁰⁰ Charter on Human and Minority Rights, Art. 43 (“Everyone has the right to an education”); Serbian Constitution, Art. 32. Education is available for all, including non-citizen immigrants.

¹⁰¹ Charter on Human and Minority Rights, Art. 43 (“Elementary education is compulsory. The member states shall provide for free elementary education”); Serbian Constitution, Art. 32.

¹⁰² Charter on Human Rights and Minority Rights, Art. 43 (“Everyone has the right to an education”); Serbian Constitution, Art. 32.

complete their education through external studies and to take a high school equivalency examination to earn a high school certificate. This public program is free and available equally to males and females.

De Facto Compliance

The literacy rate for men and women in Serbia is 99% and 96%, respectively.¹⁰³ Ninety percent of illiterate women are 50 years and over.¹⁰⁴ In 2002, 49% of high school graduates were girls.¹⁰⁵ There appears to be no overt discrimination against females in Serbia's educational system. Unfortunately, many see the quality of education overall as having declined during the past decade.¹⁰⁶ Teachers are generally paid low wages.

Primary and Secondary Education

Primary education is widely available throughout Serbia and is mandatory for all children. A majority of students continue to secondary school, including those in rural areas. Many students from rural areas attend secondary school in a nearby city. Those interviewed reported it was not a problem for students to travel to a nearby school and most students pursue higher education.

In primary schools, 69% of the teachers are women but the majority of administrators are men. In secondary schools, 59% of the teachers are women.¹⁰⁷

Experts reported that the illustrations in and content of many primary and secondary school textbooks contain clear gender differentiation, with boys/men portrayed engaging in active tasks, "male-oriented" labor, and physical activity. In contrast, girls/women are depicted working on household tasks (such as cooking or serving food), playing with dolls or other "girlish" toys, or sitting passively. In addition, there is little information in textbooks about women's contributions to the development of culture, science, literature, politics, or civic life.

The gender stereotypes portrayed in textbooks are illustrated in the questions below from a workbook printed by the Ministry of Education entitled, "Practice Workbook for Serbian Language and Literature High School Entry Exam:"

A folk/fairy tale has a story about a shepherd who is given the ability to understand animals. From this gift he finds out that his wife is pregnant. He smiles and the wife wants to know

¹⁰³ "The State of the World's Children 2002," UNICEF, p. 27, table 4. This rate is based on school attendance and does not necessarily reflect levels of functional literacy, which may be lower.

¹⁰⁴ Women 2000, International Helsinki Federation For Human Rights (2000), p. 522.

¹⁰⁵ Statistical Yearbook of Yugoslavia, 2001, pp. 374-375.

¹⁰⁶ "The Status of Women's Human Rights in Serbia 2000-2001," Draft Report, by Biljana Brankovic, The Voice of Difference--Group for Promotion of Women's Political Rights, Belgrade, p. 21.

¹⁰⁷ Statistical Yearbook of Yugoslavia, 2001, p. 365.

why is he happy but the shepherd will not tell his secret. Because his wife is persistent with asking, he, advised by the rooster, beats up his wife.

Questions:

No. 368. The shepherd's wife in the folk/fairy tale deserved to be punished:

The correct answer is: because of her inappropriate curiosity and lack of respect.

No. 369. Reader would like to have the power of the main character so he could:

The correct answer is: behave correctly on every occasion and always be in service of justice and good.

No. 370. The shepherd has these characteristics:

The correct answer is: curiosity, devotion and faithfulness, persistence, honesty, good nature.

Experts noted that the exam is filled with stereotypes, not just of women, but also of nationalities and ethnic groups.

A recently enacted law requires elementary and secondary school students to enroll in a civic or religious education course.¹⁰⁸ During the optional phase-in period, approximately 30% of students were not enrolled in either class. Beginning in 2003, students must choose one or both of the classes. The civic education program is built around tolerance and conflict prevention but currently lacks a gender component. A number of interviewees expressed grave concerns about the Orthodox religious education course, stating that it teaches and endorses what they described as the patriarchal principles of the Orthodox Church.

CARE International developed a gender-training program with the support of the Ministry of Education and Sports.¹⁰⁹ The purpose of this seven-month pilot project was to train elementary and secondary school teachers on methods of raising awareness about gender issues. In 2002, CARE International organized a "train-the-trainers" program that addressed issues such as gender discrimination and women's rights as human rights. The trainers were responsible for implementing a pilot program in approximately 22 schools in Belgrade. Schools then designed and carried out gender equity projects.

Some secondary schools have a psychologist or use the Department for Labor Market to offer career guidance to students, but most students are unaware of these services and do not use them. Although there is no career guidance or "tracking" system that directs

¹⁰⁸ Law on Elementary Schools, Art. 22; Law on High Schools, Art. 27.

¹⁰⁹ CARE is an acronym for "Cooperative for Assistance and Relief Everywhere."

students towards particular career paths in school, there are subtle social pressures signaling “gender appropriate” careers.

Almost all of the experts in the field noted that girls tend to pursue subjects in the social sciences and humanities while boys are more involved in the natural sciences. It was noted that the majority of students attending vocational schools are male. This pattern appears to be attributable largely to gender role socialization.

University Education

In 2001, women comprised almost 56% of the total number of students who graduated from universities.¹¹⁰ Students have access to the same curricula, teaching staff, and premises, regardless of gender. Many of those interviewed noted that women are often better students and receive more scholarships, which normally are based on academic achievement. Experts also reported that students from rural areas have an equal opportunity to attend university, if they are financially able to do so.

As noted above, women often choose certain fields of study and professions that have traditionally been viewed as appropriate for females, such as those in the social sciences and humanities, while men typically choose fields of study such as the natural sciences and technical professions. For example, female students comprise 90% of the pedagogy and teacher programs, 86% of the philosophy and philology programs, and 60% of the legal program. Military and police academies were closed to women until very recently. There were no women noted as having graduated from police academies in 2000. In addition, females comprise only 17% of the students in national defense, 19% in mechanical engineering, and 41% in mining, geology, and metallurgy.¹¹¹

At the university level, there are more male than female professors. Only 22% of full professors are women.¹¹² However, three out of six rectors in the major universities in Serbia are women.¹¹³

University examinations are often conducted orally. Students can ask to re-take an exam before a commission if they feel their grade was unfair. However, professors who gave them the original grade will serve on these commissions. This system is inherently subjective and discrimination may occur. It was reported that some women feel they have to “play games” to obtain good grades, including wearing provocative clothes. It is believed that female students refrain from lodging complaints because of concerns about retaliation. In any case, there are no formal mechanisms for students to report sexual harassment or discrimination occurring in the universities.

¹¹⁰ Statistical Yearbook of Yugoslavia, 2001, pp. 374-375.

¹¹¹ Id.

¹¹² Id., p. 369.

¹¹³ A rector is the head or highest position in a university. This position is equivalent to the president of a university in other systems. The rectors of the University of Belgrade, University of Novi Sad, and the Academy of Arts in Belgrade are women.

Scholarships

Male and female students seem to enjoy the same opportunity to receive scholarships and other study grants. Experts said that female students tend to be awarded scholarships more often than males, because females tend to be better students. According to government statistics, approximately 54% of students financed by the State are female.¹¹⁴

Dropouts

There are no specific programs aimed at reducing female dropout rates or to assist females who have left school early. There are no rules banning pregnant students from attending school. The general sense is that pregnant students can continue to study or can ask for leave for a period of time and return to school. The highest dropout rates are in the Roma community, where it is more common for females to marry at a young age.

Continuing Education

Women may encounter more hurdles than men when they pursue additional education to further their careers. According to a study by SCAN, men did not believe family obligations represented an obstacle to their efforts to pursue additional education to improve their professional situation.¹¹⁵ SCAN explained that this response generally signified that wives and family supported men who sought opportunities for professional development.¹¹⁶ In contrast, women often saw their families as posing an obstacle to their pursuit of additional education.¹¹⁷ It was reported that women interested in professional development had to face this challenge alone or to rely on the help of their parents to do so.

Physical Education

As a general matter, girls and boys are afforded an equal opportunity to participate in sports. However, boys are encouraged to pursue different physical activities than girls. Boys typically participate in competitive sports such as football (soccer) and basketball, while girls are encouraged to engage in sports such as swimming and dance. There are limited opportunities for girls to participate in team sports.

Facilities for boys' sports tend to be in better condition, and there is more funding for boys' sports activities. Few women are coaches, referees, or hold high-level positions in sports associations. Very few women athletes are known to the public, while male athletes (particularly in basketball and football (soccer)) are well known.

¹¹⁴ Statistical Yearbook of Yugoslavia, 2001, p. 370.

¹¹⁵ "Status and Challenges for Gender Equality in Yugoslavia," SCAN, Milka Puzigaca (Feb. 2002).

¹¹⁶ Id., p. 8.

¹¹⁷ Id.

Family Planning and Sex Education

Sex education courses do not exist as a part of a specific government program. There are no courses on reproductive health or family planning in the standard primary and secondary school curricula. Whether this information is actually provided depends on the individual school and often on individual teachers. Some teachers will ask doctors to talk to their classes once a year.

The Counseling Offices for Family Planning and Protection, which is part of the government's health care centers, conducts a special program on a broad range of subjects for students, such as counseling regarding contraception. Its goals include protecting and improving reproductive health, improving the relations between boys and girls, preventing accidental pregnancies, and preventing sexually transmitted diseases.¹¹⁸ This program has been poorly implemented, especially during the past 15 years, due to a lack of funding. Lectures on reproductive health are available at municipal health care centers. Women are free to attend these talks and to obtain information.

The government has provided limited information on HIV/AIDS to the public. Instead, the NGO community has played a far more significant role in educating the public about this growing problem.

(See discussion in Article 12 on HIV/AIDS for more details.)

¹¹⁸ Regulation on Medical Protection of Children of School Age and Students.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Areas of Concern

- Women encounter discrimination in the workplace, including in hiring, remuneration, and promotions.
- The government is doing little to address discrimination against women in the workplace.
- Although a law now allows for private prosecutions of sexual harassment, there are no laws that specifically define or prohibit other forms of gender-based discrimination in the workplace.
- There are no formal mechanisms for redressing workplace discrimination or safeguards against retaliation for complaints about incidences of discrimination.

De Jure Compliance

According to the Charter on Human and Minority Rights and the Constitution of Serbia, everyone has the right to work and to decide his or her occupation freely.¹¹⁹ The law provides that everyone should have the same conditions for access to work.¹²⁰ The law further states that one cannot be placed in an unfavorable position on the basis of marital status or sex.¹²¹

Wages

Serbia's Labor Law provides that employed persons have the right to receive equal salary for the same work or work of similar value.¹²²

Work Environment

It is illegal to place an employee in an unfavorable position on the basis of sex.¹²³ Violation of this principle of equality in a hiring context is punishable as a criminal act, but gender discrimination is not explicitly mentioned in the criminal code.¹²⁴ In 2003, the Serbian Parliament enacted a law that allows private criminal prosecutions of sexual harassment.¹²⁵ However, this law does not define sexual harassment. There are no prohibitions against or civil remedies for other forms of gender-based harassment or discrimination in the workplace.¹²⁶ Moreover, there is no law prohibiting an employer from retaliating against a woman who complains about sexual harassment or discrimination. There is no formal system or mechanism under which women can file sexual harassment complaints, other than in the courts. As noted elsewhere in this report, the public has little confidence in the judiciary, and legal proceedings often take years to resolve.

Protective Legislation

The Charter on Human and Minority Rights provides that "Expectant mothers have the right to support and protection in the member states within the period prescribed by

¹¹⁹ Charter on Human and Minority Rights, Art. 40; Serbian Constitution, Art. 35.

¹²⁰ Serbian Constitution, Art. 35; Serbian Labor Law, Art. 12.

¹²¹ Serbian Labor Law, Art. 12.

¹²² Serbian Labor Law, Art. 81, sec. 1.

¹²³ Serbian Labor Law, Art. 12.

¹²⁴ Yugoslav Criminal Law, Art. 162.

¹²⁵ Article 102a of the Serbian Criminal Law provides: "Whoever sexually harasses another person or in some other way grossly violates a person's dignity in the area of sexual life shall be fined or punished by up to six months in prison." It continues that if the sexual harassment is the result of "abuse of his/her position" towards a subordinate or someone in a dependent position, then the punishment shall be up to one year in prison. See Law on Amendments and Additions to the Criminal Code of the Republic of Serbia, Official Gazette of the Republic of Serbia No. 39/2003 April 11.

¹²⁶ The handful of sexual harassment cases that have been brought have alleged violations of a statute prohibiting abuse of power and lustful intent.

law, prior to and after giving birth.”¹²⁷ In addition, under the Serbian Labor Law, employed women receive special protections based on “psychophysical” characteristics, pregnancy, and motherhood.¹²⁸ Special protections for working women are also guaranteed by the Serbian Constitution.¹²⁹ Serbia’s Labor Law further provides that women can work neither “at jobs which usually consist of especially difficult physical labor, underground or underwater, nor at other jobs that may have damaging influence and increased risk to health and life, considering their psychophysical abilities.”¹³⁰

Pregnancy and Maternity

In addition to the protective legislation identified above, the law provides additional safeguards for women. For example, the Serbian Labor Law states: “Employers must not condition an employment contract on a pregnancy test.”¹³¹ It allows for fines if an employer fails to provide adequate protection during pregnancy and childbirth.¹³² The law prohibits employers from terminating an employee during pregnancy, maternity leave, or childcare leave.¹³³ The Labor Law further bars a pregnant woman from working overtime or nightshifts during her last eight weeks of pregnancy.¹³⁴

According to existing regulations, a female employee has a right to maternity leave and childcare leave.¹³⁵ Maternity leave lasts three months from the date of delivery. After that time has expired, the woman has the right to paid childcare leave for 365 days from the date of delivery.¹³⁶ A woman may begin paid maternity leave as early as 45 days before delivery, but she must begin maternity leave at least 28 days before delivery.¹³⁷

The Labor Law provides for paternity leave if the mother has abandoned the child, has died, or is prevented by valid reasons from taking care of the child.¹³⁸ Under limited circumstances, the father has the right to paid leave from work to care for the child even when the mother is not employed.¹³⁹

¹²⁷ Charter on Human and Minority Rights, Art. 39.

¹²⁸ Serbian Labor Law, Art. 9.

¹²⁹ Charter on Human and Minority Rights, Art. 42 (“Every person residing in the state union of Serbia and Montenegro has the right to social welfare and social security in accordance with the law”); Serbian Constitution, Art. 38.

¹³⁰ Serbian Labor Law, Art. 67, para. 1.

¹³¹ Serbian Labor Law, Art. 14, sect. 2.

¹³² Serbian Labor Law, Art. 164.

¹³³ Serbian Labor Law, Art. 76.

¹³⁴ Serbian Labor Law, Art. 68.

¹³⁵ Serbian Labor Law, Art. 69.

¹³⁶ Id.

¹³⁷ Id.

¹³⁸ Id.

¹³⁹ Id.

Social Benefits

Social benefits are equally available to men and women.¹⁴⁰ These government benefits include unemployment, health, pension, and disability benefits. An employee must register with the government to receive the benefits.¹⁴¹

De Facto Compliance

The breakup of the former Yugoslavia and the economic sanctions in the 1990s gave rise to an expanded gray economy which is estimated to constitute as much as 40% of Serbia's GDP;¹⁴² about 75% of the total work force is employed in the regular market and 25% in the gray labor market.¹⁴³ Women and men do not appear to be treated equally in the labor market.¹⁴⁴ In 1997, the average wage for women in the gray labor market was 28% lower than that for men.¹⁴⁵ Increased economic privatization during the last several years, together with the unfavorable position of women in the labor market, have led to growing numbers of women performing domestic labor.¹⁴⁶

According to official statistics, in 2000, women comprised 57% of the total unemployed and 40% of those who were employed.¹⁴⁷ Women make up 40.8% of those employed in the state sector and only 34% in the private sector.¹⁴⁸ According to SCAN, women are estimated to comprise 44% to 65% of the unemployed persons in the labor market, depending on their level of education.¹⁴⁹

¹⁴⁰ Health and Safety Protection, Art. 66, 67.

¹⁴¹ Employees are supposed to register with the government when they are hired at a new job. When an employee is registered, the employer pays certain taxes to the government. The employee will then qualify for unemployment and pension benefits (although they are not necessarily large payments).

¹⁴² Women 2000, International Helsinki Federation For Human Rights (2000), p. 522.

¹⁴³ Id.

¹⁴⁴ "Status and Challenges for Gender Equality in Yugoslavia," SCAN, Milka Puzigaca (Feb. 2002), p. 8.

¹⁴⁵ Id. See "The Status of Women's Human Rights in Serbia 200-2001," Draft Report, by Biljana Brankovic, The Voice of Difference -- Group for Promotion of Women's Political Rights, Belgrade, pp. 29-30 for a discussion of the gender pay gap. According to one study, in 1997, women earned an average of 11% less than men. Id., p. 29. Another study concluded that in the fall of 1998, the average pay of women was 86.5% of that of men. Id.

¹⁴⁶ Women 2000, International Helsinki Federation For Human Rights (2000), p. 523.

¹⁴⁷ Statistical Yearbook of Yugoslavia, 2001, pp. 91, 100.

¹⁴⁸ "Women Today," SCAN (April 2001), p. 16.

¹⁴⁹ "Status and Challenges for Gender Equality in Yugoslavia," SCAN, Milka Puzigaca (Feb. 2002), p. 8. In 1997, the unemployment rate for women as 29.96% while the unemployment rate for men was 17.63%. See "The Status of Women's Human Rights in Serbia 200-2001," Draft Report, by Biljana Brankovic, The Voice of Difference -- Group for Promotion of Women's Political Rights, Belgrade, p. 2.

As a result of UN sanctions, the government placed many employees on a paid leave status in the 1990s.¹⁵⁰ While there is no specific data about the relative percentages of men and women on paid leave, the Economy Institute stated that 41.8% of all workers on leave in 1998 were women.¹⁵¹ A large number of people remain in this status and are paid a small benefit. Experts noted that with the increased privatization of businesses in the country, more layoffs, particularly of women, are likely. According to research conducted by SCAN, only 11.9% of owners or directors of firms were women and 16% of managers were women.¹⁵²

Employment Opportunities

While women can freely choose the type of work in which they engage, certain professions are seen as more acceptable for women, including positions in health services, as teachers in primary schools, textile and food industries, and civil service. In a study in which men and women were asked if there is a division of professions between men and women, 35.6% of women and 27.2% of men, respectively, stated that a division still exists to a certain extent, in part as a result of the patriarchal nature of society.¹⁵³ Approximately 25% of the men polled said this problem had been overcome, while an equal number of women responded that the division of labor based on gender lines still existed.¹⁵⁴ Almost 30% of men and 15% of women said it was the result of unavoidable differences between the sexes.¹⁵⁵ This research also revealed that slightly over 50% of men believed that women and men had the same chances of finding employment and progressing in a career, while slightly less than 50% of women thought that women had a worse chance than men.¹⁵⁶

Job advertisements often include requirements regarding the physical appearance of a woman. Employers frequently expect women to dress in a “sexy” manner. In a recent survey, men and women were asked what employers were interested in knowing during a job interview. Marital status was the answer given by 36.9% of women and 22.9% of men.¹⁵⁷ Other inquiries included the number and age of children (27.3% of women and 14.2% of men), possibility for overtime work (reported equally by both), dressing habits (5.5% of women and 2.0% of men), and whether the spouse would object to business trips (3.3% of women and 1.2% of men).¹⁵⁸

Employers sometimes subvert the law regarding equal pay by developing a hierarchy of jobs. For example, an employer may tell a woman that she is being placed in a lower

¹⁵⁰ In 1997, approximately 900,000 people had this status.

¹⁵¹ “The Status of Women’s Human Rights in Serbia 200-2001,” Draft Report, by Biljana Brankovic, The Voice of Difference -- Group for Promotion of Women’s Political Rights, Belgrade, p. 2.

¹⁵² Id., p. 9.

¹⁵³ “Women Today,” SCAN (Novi Sad, April 2001), p. 7.

¹⁵⁴ Id.

¹⁵⁵ Id.

¹⁵⁶ Id., p. 8.

¹⁵⁷ Id., p. 5.

¹⁵⁸ Id.

paying position (even though the position requires a high level of education) while she gains experience but is not given a raise after she in fact has gained the requisite experience.

Many women have lost their jobs with the closure of state-run companies. A significant proportion of these women are middle aged and have had difficulty finding new jobs because of their lack of skills valued in the modern workplace. Many of these laid off workers were offered an option of re-education or an award of approximately \$100 per year of service. It was reported that most employees accepted the money to help provide for the immediate needs of the family or to improve the family residence. One expert noted that women over 50 years old are being fired in large numbers. In response, the government recently adopted a special program to encourage employers to hire older women, with the state paying the relevant employment taxes and social benefits.

Despite the high numbers of officially unemployed women, some experts reported that employers prefer to hire women, because they purportedly work harder, cause less trouble, and have greater expertise. Many women are employed in jobs beneath their educational level. Women often accept the first position that becomes available, whereas men often wait for a job consistent with their skills and education.

Many respondents noted that women have to work harder just to hold the same position as men, and women find it increasingly difficult to advance to higher positions. Experts also reported that this "glass ceiling" phenomenon exists due to the patriarchal nature of Serbian society.

No government programs are available to assist women in opening and developing their own businesses. The programs that do exist are conducted by NGOs.

Work Environment

While sexual harassment in the workplace is recognized by many as a problem, there is little data available on the extent of the problem. There are no effective mechanisms for employees to file complaints or to obtain recourse for discrimination in the workplace. Companies generally lack policies that prohibit sexual harassment and discrimination in the workplace.

Few sexual harassment cases have been filed in court. Until 2003, there was no law prohibiting sexual harassment. As a result, litigants had to rely on other provisions in the law, such as those regarding abuse of official position and violation of the integrity of the employee. In one case the defendant was acquitted. Another case was dropped during the investigation phase of prosecution without an indictment being issued. After the prosecutor's office decided not to pursue a high profile sexual harassment case against a Serbian politician, an NGO (the Yugoslav Lawyers Committee for Human Rights, known as "YUCOM") filed criminal charges in 2001. There has been no resolution of that case to date.

Experts noted that women who are victims of sexual harassment typically do not want to speak out about it. Women are often ashamed, afraid of losing their jobs, or concerned about the reaction of friends and family. Also they may not understand the improper conduct as sexual harassment.

The Ministry of Labor has an Inspection Section that can conduct inquiries regarding certain violations of the Labor Law.¹⁵⁹ However, it rarely exercises this authority, and fines are seldom imposed. The government has not undertaken any campaigns to educate workers and managers about what constitutes sexual harassment.

Wages

The results of a survey in 1997 found that the average wage of women was 11% lower than that of men.¹⁶⁰ The pay differential ranges from 10% to 20% lower for women in state-run enterprises to as much as 30% in private firms. The wage differential between men and women appears to be greater in higher-level positions.¹⁶¹ None of those interviewed were aware of any wage discrimination cases having been filed in the courts.

Refugees and Roma

Refugee women often have little choice but to work in unregistered positions. Employers often exploit refugee women and on many occasions these women are not paid or are fired for complaining about their work conditions. Many of them work as house cleaners or cooks.

The position of Roma women in the labor market is particularly difficult. The Roma are recognized as a national minority and protected by the Framework Convention on Rights of Minorities. However, the government provides them with virtually no assistance. At least one NGO, the Roma Women's Center "Bibija," conducts special job training for Roma women inside the settlement areas. Bibija provides courses on hairdressing, bookkeeping, computer skills, and other subjects.

¹⁵⁹ Serbian Labor Law, Art. 157.

¹⁶⁰ Id.

¹⁶¹ Women 2000, International Helsinki Federation For Human Rights (2000), p. 523.

Social Benefits

Given the economic situation and high unemployment rate in Serbia, women are often employed in the home or in unregistered positions. As a result, they do not pay certain taxes that allow them to qualify for government benefits.

Health and Safety in the Workplace

The Decree on Health Protection of Workers charges the Center for Health Protection of Workers (CHPN) with conducting research and testing new technologies and products for potentially harmful effects on workers.¹⁶² CHPN also collects data on harmful exposures in workplaces and monitors the prevention of harmful exposures.¹⁶³ Representatives of the Ministry of Labor reported that they are trying to develop new job security measures in accordance with International Labor Organization and European Union standards.

The laws regarding the protection of workers' health are largely adequate but are not enforced. The working conditions at Serbian factories and other workplaces, such as health institutions, are often poor and hazardous. The economic crisis and decline in commercial activity have led to the use of old and dangerous technologies and inadequate safety measures. The Serbian government appointed a working group to draft a new Law on Health Protection of Workers. NGOs have presented their commentary and proposals for the new law, but it is unclear which protections will ultimately be adopted.

Protective Legislation

The Labor Code includes "protective legislation" that bars women from working in broadly defined areas unless she gives written consent.¹⁶⁴ Employers often use the principle of "special protection" to justify not hiring women for certain jobs.¹⁶⁵ The statutory language on this issue is vague. For example, it is unclear what constitutes a job that "usually consists of especially difficult labor" under Article 67 of the Serbian Labor Law. Moreover, the law fails to define what jobs may have a "damaging influence and increased risk" considering a woman's "psychophysical" abilities.¹⁶⁶ A

¹⁶² Official Gazette of the Republic of Serbia, No. 4/00, Ch. III, Art. 2.

¹⁶³ Id.

¹⁶⁴ According to Article 67 of the Serbian Labor Law, women may not work in "jobs which usually consist of especially difficult physical labor, under ground or under water, nor at other jobs which may have damaging influence and increased risk to health and life, considering their psychophysical abilities." It does state that "The prohibition of the work underground shall not refer to women who perform management jobs, medical staff, and students during practical training."

¹⁶⁵ Although these provisions are intended to "safeguard women's health and safety [they are] indirectly discriminatory towards female workers and inhibit their marketability." See CEDAW Commentary and Guidelines, p. 28.

¹⁶⁶ Serbian Law on Labor Relations, Art. 67.

woman may be employed in these positions if she gives her written consent.¹⁶⁷ It is unclear how these positions (under Article 67) are different from jobs “with increased danger of injury, professional or other illness” that are identified in a separate article of the Labor Code.¹⁶⁸ Employees have to meet certain requirements concerning their “health condition, psychophysical abilities and age,” as determined in a special procedure regulated by the Law on Health Protection of Workers.¹⁶⁹

Employers who violate these restrictions may be fined. Given the vagueness of Articles 66 and 67 of the Labor Code, it is difficult to know what may comprise a violation of these statutes.¹⁷⁰ Few fines are levied as a practical matter.

The Labor Law prohibits a pregnant woman from working overtime during the last eight weeks of pregnancy or from working night shifts.¹⁷¹ An employer that violates this law may be fined.¹⁷² However, in practice, penalties are seldom imposed for violations of this provision.

Pregnancy and Maternity

Cases of women being fired because of pregnancy or maternity leave were not reported. However, there were reports of women being forced to make verbal promises or to sign agreements not to become pregnant for a certain period of time. This practice was more prevalent in the private sector. According to a recent survey, a majority of respondents (63.1%) incorrectly believed that an employer has the right to require a female candidate for a job to provide evidence that she is not pregnant.¹⁷³ Experts reported that employers utilized “legal” tactics to terminate women who become pregnant. Employers may enter into contracts for a definite period (usually three to six months).¹⁷⁴ The law allows employers to continue to renew these short-term contracts for up to three years. If the woman becomes pregnant, employers can simply choose not to renew the contract. Women reported that they felt pressured to return to work early in order to keep their jobs. It was reported that maternity benefits are often late and not fully paid.

¹⁶⁷Serbian Law on Labor Relations, Art. 67, para. 2

¹⁶⁸ See Serbian Law on Labor Relations, Art. 66.

¹⁶⁹ See Serbian Law on Special Protection of Workers, Art. 30-34, Official Gazette. These laws essentially require a special medical exam to determine whether a worker is physically fit to perform certain work duties adequately.

¹⁷⁰ Serbian Labor Law, Art. 164.

¹⁷¹ Serbian Labor Law, Article 68 provides that “A woman at the last eight weeks of pregnancy may neither work overtime nor night shifts.”

¹⁷² Serbian Labor Law, Art. 164, provides that fines may range from 100,00 to 200,000 dinars, which is the equivalent of approximately \$1,600 to \$3,200.

¹⁷³ “Research On Gender Based Discrimination And Equal Opportunity Policy,” OSCE (Belgrade 2002), pp. 16-17.

¹⁷⁴ Serbian Labor Law, Art. 22.

Childcare

A system of childcare facilities exists throughout Serbia and is equally available to all. However, there is not enough space for all children and the facilities are often in poor condition. Families frequently must find other solutions, such as asking family members to care for their children or placing the children in a private facility, if they can afford to do so. If these are not options, a woman may have no choice but to quit work and return home to care for the children. Many women stop working outside of the home once they have children because of social expectations. Additionally, a grandmother may be expected to quit her job and care for her grandchildren. In practice, it is rare for a father to take leave from work to care for his children.

Article 12

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.**
- 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

Areas of Concern

- Health care is not affordable or accessible to many Serbs.
- Women's health care is a neglected area; women do not appear to seek health care on a regular basis.
- Family planning services are limited and their availability is poorly publicized.
- Partly because many men and women are uninformed about family planning options, abortion is a significant means of birth control.

De Jure Compliance

Access to Health Care

Equal access to health care for women involves a variety of factors, including quality of health care, a woman's ability to make her own decisions, timely access to affordable health care, and informed choice and consent regarding health care decisions.¹⁷⁵ According to the Charter on Human and Minority Rights, "Everyone is entitled to health care."¹⁷⁶ In Serbia, all the services and rights relating to medical insurance are equally available to men and women. There is no discriminatory language in the laws and no legal barrier to equal access to medical insurance.

The Charter on Human and Minority Rights further provides that Serbia shall provide health care for pregnant women, unless they are entitled to health care on other grounds.¹⁷⁷ The Serbian Constitution also specifically provides health protection to pregnant women.¹⁷⁸ Women enjoy special medical protection during pregnancy, delivery, and for a period of time following the birth of a child.¹⁷⁹ The Law on Health Protection does not explicitly prohibit discrimination against women.

¹⁷⁵ U.N. Committee on the Elimination of Discrimination Against Women, General Recommendation No. 24 (20th Session, 1999), UN Doc. A/54/38/Rev. 1, para. 20-22.

¹⁷⁶ Charter on Human and Minority Rights, Art. 45.

¹⁷⁷ Id.

¹⁷⁸ Serbian Constitution, Art. 30.

¹⁷⁹ Serbian Law on Health Protection, Art. 7.

Abortion is available legally until the 10th week of pregnancy. After that time, pregnancy can only be terminated if a doctor establishes that certain conditions exist, such as the woman's life is endangered or she was raped.

De Facto Compliance

Access to Health Care

It was noted by many experts that access to health care is equally unsatisfactory for men and women. Due to the depressed economy, hospitals have not been properly maintained and services are available only to those who can afford to pay for treatment at private clinics. Thus, access to health care is limited, not on the basis of sex but rather on the ability to pay. Many people are not covered by health insurance, because they have lost their jobs or are employed in unregistered positions. The loss of health insurance particularly affects women, since they are typically employed in unregistered positions and have less income to pay fees for services. In practice, refugees and internally displaced persons (IDPs) have little access to medical services, because they cannot afford to pay for them.

The bulk of health care expenditures fall on patients through official and unofficial payments. According to one study, respondents ranked health institutions first when asked in what kind of institutions citizens were obliged to offer a bribe to obtain the necessary services.¹⁸⁰ Moreover, when women were asked what problems and dangers caused them worry and fear, 82.4% rated illness and the lack of medical treatment as second only to pollution.¹⁸¹ Also, 71.8% of men identified illness and the lack of treatment as their third greatest concern, only slightly behind pollution as their primary concern. Corruption, immorality, and lack of respect for the law ranked as men's second greatest concern.¹⁸²

There is one physician for every 469 persons and one hospital bed for every 185 persons. Primary care does not focus on prevention. As a result, many serious conditions such as breast cancer and gynecological cancers go undetected. While there is a sufficient number of doctors, there is no concept of a "family doctor." Specialists outnumber primary health providers six to one. The number of physicians has actually increased from a total of 20,385 in 1988 to a total of 22,659 in 1999.¹⁸³ Out of the latter number, 15,784 are specialists.¹⁸⁴

¹⁸⁰ "Status and Challenges for Gender Equality in Yugoslavia," SCAN, Milka Puzigaca (Feb. 2002), p. 12.

¹⁸¹ "Women Today," SCAN (April 2001), p. 33.

¹⁸² Id.

¹⁸³ Statistical Yearbook of Yugoslavia, 2001.

¹⁸⁴ Id., p. 406.

Women's health care represents a neglected area. According to one study comparing life expectancies between 1991 and 1997, the life expectancy of women decreased by almost six months, while that of men increased by a little over one year.¹⁸⁵ In addition, only a minority of women visited gynecologists and the number appears to be falling: 36.1% of women reported they almost never visit a gynecologist; 17.6% said they rarely visit a gynecologist; and only 25.6% reported regular visits to a gynecologist.¹⁸⁶ In 1988, the number of visits to a gynecologist was 4,792,000; by 1999, that number dropped to 2,399,000.¹⁸⁷ The number of consultations for family planning was 189,000 in 1988, but that figure fell to only 82,000 consultations in 1999.¹⁸⁸

There appears to be a lack of gender sensitivity on the part of some physicians, including gynecologists and obstetricians. Respondents reported that sometimes women were subjected to insensitive comments, leading one expert to suggest that special gender sensitivity courses be taught in medical school. This comment is consistent with a recommendation by the CEDAW Committee that governments ensure that health care workers receive gender sensitivity training.¹⁸⁹

Health care centers in larger municipalities are required to have a department dedicated to women's health. The quality of services varies widely from region to region and depends on funding from the Ministry of Health and supplemental funding from municipalities. The services available include counseling services for gynecological needs, pathology departments for early detection of cancer, contraception and fertility departments, and an obstetrics department for monitoring pregnancies.

Confidentiality is a problem in some health centers simply because of the layout of the facilities. It is often clear who is waiting for gynecological care or an abortion. This lack of privacy is particularly problematic in rural areas. In those areas, women who can afford transportation reportedly prefer traveling to other regions to seek medical services to assure anonymity.

Abortion and Family Planning

Abortion has been the most common form of birth control in Serbia for many years. A 1997 UNICEF study indicates that 72.2% of citizens did not use contraception.¹⁹⁰ The report also shows that 36.1% of women had one to two abortions, 8.8% had three to five abortions, and 3.6% had more than five abortions.¹⁹¹ The report notes that there were more abortions than births (130.5 abortions to every 100 births).¹⁹²

¹⁸⁵ "The Status of Women's Human Rights in Serbia 2000-2001," Draft Report, by Biljana Brankovic, The Voice of Difference -- Group for Promotion of Women's Political Rights, Belgrade, p. 34, citing Pejin - Stokic article from 2000.

¹⁸⁶ Statistical Yearbook of Yugoslavia, 2001.

¹⁸⁷ Id., p. 409.

¹⁸⁸ Id.

¹⁸⁹ CEDAW Committee General Recommendation No. 24 (20th session 1999), para. 31(f).

¹⁹⁰ Women's Status Research, UNICEF, Aleksandra Posarac (1997).

¹⁹¹ Id.

¹⁹² Women 2000, International Helsinki Federation For Human Rights (2000), p. 528.

Causes for the widespread use of abortions include lack of knowledge about modern contraception, psychological barriers, and the lack of institutionalized family planning.¹⁹³ Pharmacies are not always well equipped with contraceptives. Moreover, some of the products are expensive, and there is still a social stigma associated with purchasing contraceptives.

Many women choose to have abortions in private clinics if they are financially able to do so. Abortions range in price from \$90 to \$135 USD in a private clinic.¹⁹⁴ State clinics charge less. If the abortion is performed at the university clinic, women will be required to stay overnight, thereby incurring additional expenses. Another problem is the lack of anesthesia; women are required to pay for or provide it themselves. Experts noted that there were no reports of deaths during the 20 years when abortions were free and conducted in state medical facilities. Now, in contrast, there are reports of women dying from improperly performed abortions.

Maternity

Pregnant women and children are afforded special care pursuant to legislation. However, Serbia's economic decline has led to a collapse of some of the institutions that have traditionally provided important services.¹⁹⁵ As a result, during the 1990s, critical social benefits payments, such as supplemental payments for children, were often late.¹⁹⁶ In addition, maternity leave benefit payments were sporadic.¹⁹⁷ The situation has purportedly improved during the past few years.

Larger municipalities have their own health centers with special divisions for women. Women's divisions provide a system for monitoring pregnancies including a minimum number of exams and additional exams for high-risk pregnancies. Visiting nurses contact new mothers in their homes and provide services for the mothers and newborn children. There are counseling services on reproductive health, which cover topics such as pregnancy, what to expect during the birthing process, and how to care for a newborn. Unfortunately, these services are not well organized and are unavailable in many rural areas. The counseling services also provide information and training for young people about contraception and family planning, but women must take the initiative to obtain this information and may have to pay for the services. Family planning and contraceptive counseling are not conducted on a regular basis in the school system.

The Decree on Medical Protection provides a range of services to pregnant women free of charge, including monitoring of blood pressure and weight, ultrasound, and

¹⁹³ Id.

¹⁹⁴ Id.

¹⁹⁵ Id., p. 11.

¹⁹⁶ See Article 13, Family Benefits (*de jure* and *de facto* sections) for additional descriptions of these benefits.

¹⁹⁷ "Status and Challenges for Gender Equality in Yugoslavia," SCAN, Milka Puzigaca (Feb. 2002), p. 11.

additional testing for high-risk pregnancies.¹⁹⁸ There is also a legal obligation to provide follow-up services for both mother and child. There is no program to provide nutritional assistance to women during pregnancy and lactation. While some experts state that adequate pregnancy-related services are available, others believe they are inadequate. Some experts noted that the follow-up services are poor and focus more on the child than on the mother. Childbirth outside a hospital setting has been prohibited since 1997 and rarely occurs.

Gender-Based Violence

Medical workers are not provided with specialized training regarding gender-based violence.¹⁹⁹ Health care workers are required to report physical abuse to the police. However, cooperation with police is poor, thus causing cases of abuse to go unreported. If a woman is raped, she must be examined by two gynecologists who then submit a report to the police. Victims of gender-based violence are often afraid to involve health care services.

(See Article 5 for further discussion of gender-based violence.)

HIV/AIDS

According to statistics from the Yugoslav Association Against Aids, an NGO known as "JAZAS," 1,314 persons are registered HIV positive in Serbia. However, it is estimated the actual number is 10-15 times higher. Out of the total HIV positive population, approximately 30% are women.

To date, Serbia has not provided social benefits to people with HIV/AIDS. There is only one clinic for infectious diseases within the state system, and the conditions there are poor. The majority of the informational training on this issue is being conducted by JAZAS.²⁰⁰ Services are equally limited for men and women. Free testing is usually offered at the state facility during December, which is HIV/AIDS awareness month. Otherwise, physicians can conduct the tests for approximately \$10. JAZAS also makes free testing available at certain student and city health centers. Counseling, both pre- and post-testing, is provided. There is an intense stigma associated with HIV/AIDS,

¹⁹⁸ Serbian Decree on Medical Protection of Women, Children, School Children and Students, Section I, Family Planning and Medical Care of Women During Pregnancy, Child Birth and Child Care, b.

¹⁹⁹ The CEDAW Committee has recommended that "gender-sensitive training to enable with health care workers to detect and manage the health consequences of gender-based violence." CEDAW Committee General Recommendation 24 (20th Session 1999), para. 15(b). The CEDAW Committee also recommends that the government ensure "the formulation of policies, including health care protocols and hospital procedures to address violence against women and abuse of girl children and the provision of appropriate health services. *Id.*, para. 15(a).

²⁰⁰ The CEDAW Committee recommends that states "intensify efforts in disseminating information to increase public awareness about HIV/AIDS. CEDAW Committee General Recommendation No. 15 (9th session 1990).

making it difficult for people to be tested. Discrimination against HIV positive children in schools has been reported; there have been some reports of parents withdrawing students from classes with HIV-positive children.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Areas of Concern

- Because women lack economic power and collateral (such as real property), it is often difficult for them to obtain credit.
- There is a lack of adequate support, training, and assistance for women who want to start businesses. Moreover, women are not encouraged to engage in entrepreneurial activities.
- Women's lack of economic independence and access to resources limit their options to participate in all aspects of society.
- Women's ability to participate in cultural life is limited by work and family responsibilities.

De Jure Compliance

Family Benefits

The Charter on Human and Minority Rights provides: "Every person residing in the State Union of Serbia and Montenegro has the right to social welfare and social security in accordance with the law."²⁰¹ The law provides family benefits without regard to marital status.²⁰² The right to material security is the same for the family, whether the couple is legally married or in a common law relationship, as well as for individuals.²⁰³

On June 1, 2002, the New Law on Financial Support of Families came into effect.²⁰⁴ This law provides financial supplements (for all but the wealthy) for the second, third, and fourth child.²⁰⁵

²⁰¹ Charter on Human and Minority Rights, Art. 42.

²⁰² Serbian Law on Marriage and Family Relations, Art. 16. See also Serbian Constitution, Art. 13, which states that all persons are equal under the law.

²⁰³ Serbian Law on Social Care and Social Security, Art. 13, para. 1 provides: "The right to material security belongs to an individual, living alone (in the further text: individual), and family, which has income below the level of social security set by this law." See also Serbian Law on Social Care and Social Security, Art. 10.

²⁰⁴ Serbia's Law on Financial Support of Families with Children, Official Gazette of the Republic of Serbia, No. 16/02.

Men need to continue working longer to receive the same benefits that working women receive. More specifically, men with 15 years of service may retire at age 65, whereas women with 15 years of experience may retire at age 60.²⁰⁶ Under the social benefits scheme, disabled men and women also receive benefits.²⁰⁷

Recreation and Culture

Women have an equal right to participate in recreational and cultural activities.²⁰⁸

Access to Credit

There are no legal obstacles to women receiving bank loans, mortgages, and other forms of financial credit.²⁰⁹ Women are not required to have men co-sign for them or provide additional guarantors.

De Facto Compliance

Women's lack of economic independence and access to resources limit their options to participate in all aspects of society. Social benefits are provided on an equal basis, with most respondents noting they are equally inadequate for men and women. While it is difficult for men and women to obtain financial credit, women are more likely to lack the requisite collateral for a loan.

Women are free to participate in a variety of cultural activities; however, many women have no time to do so due to their childrearing and home-related duties.

Family Benefits

Serbia has a program to support families in need, including benefits for single mothers. In fact, single parents receive 30% more in benefits than do families. However, the aid tends to be nominal and was unpaid for two years. It is now being paid.

As noted above, families receive supplemental payments for the second, third, and fourth child.²¹⁰ The government chose not to give supplements for more than four children based on recommendations from the World Health Organization (WHO) population fund. This payment generally goes to the mother. A father may receive it only if the mother is not able to take care of the children.

²⁰⁵ Id., Art. 14.

²⁰⁶ Serbian Labor Law, Art. 97; Serbian Law on Bases of Pension and Disabled Insurance, Art. 22.

²⁰⁷ Serbian Constitution, Art. 39.

²⁰⁸ See generally Serbian Constitution, Art. 3.

²⁰⁹ Serbian Law on Marriage and Family, Art. 320.

²¹⁰ There is no aid for the first child because, as one expert noted, the firstborn in the family holds a high place.

De facto discrimination against women in the implementation of most social benefits is not apparent. Given the services the government provides to single mothers, some experts believe that women tend to receive more social benefits than men.

Access to Credit

Banks and other financial institutions set the conditions for obtaining loans and credit.²¹¹ Women have the same right as men to obtain bank loans and other credit. However, women disproportionately lack adequate collateral, since they are less likely than men to own real property or other substantial assets.

In a recent survey on credit for women-owned businesses, bankers agreed the number of women business owners is modest and that they rarely apply for credit. Interviewees thought that bankers treated male and female applicants the same, with some noting women tend to be more thorough and methodical in managing their business and repaying debts. Female entrepreneurs who obtained credit were mainly involved in service industries, textile production, trade activities, and cosmetics and hygiene businesses.²¹²

According to one survey, many businesswomen lack awareness of credit programs. The survey also revealed that many women do not want to obtain credit due to unfavorable terms and economic instability, particularly with regard to large investments.²¹³ In 1991, women comprised approximately 33% of all owners of private enterprises.²¹⁴ According to the 1998 Survey on the Workforce, the percentage of female-owned businesses decreased to 20%.²¹⁵ Experts noted that this percentage may not present an accurate picture of the number of women entrepreneurs. For example, businesses may be registered in someone else's name, such as the wife of a male business owner, so that he can reduce his tax liability.²¹⁶

There appears to be very little support or training for women who want to open their own businesses. Many women do not understand the technicalities of organizing a business entity. The female entrepreneurs in the MASMI survey were highly educated but had not received training on starting a business.²¹⁷ Instead, they sought out information on their own through friends and the internet. They noted they would have preferred to have training on the management of a firm and preparation of business

²¹¹ According to respondents in one survey, the major obstacles to obtaining credit include Yugoslavia's depressed level of economic activity and corruption. "Survey on Conditions for Crediting Small and Medium Enterprises with Special Accent on Crediting Women's Business," MASMI Beograd (March 2002), p. 28.

²¹² *Id.*, p. 5.

²¹³ *Id.*

²¹⁴ *Women 2000*, International Helsinki Federation for Human Rights (2000), p. 530.

²¹⁵ *Id.*

²¹⁶ For example, a business may be registered in wife's name to avoid taxes.

²¹⁷ Fathers may leave their businesses to their sons; the sons may thus receive informal training from their fathers. In addition, men are more likely to have business related jobs in state firms and thus gain business experience.

plans.²¹⁸ The main reasons these women wanted to establish their own businesses were their desire to work independently and creatively, as well as to have greater opportunities for advancement.²¹⁹

Participation in Recreation and Cultural Life

Women have the right to enjoy recreational activities, sports, and all aspects of cultural life in Serbia. Restrictions may derive from a self- or family-imposed sense of what activities are appropriate for women.

Women are routinely involved in theater, local community, school, and sports activities. However, between their responsibilities in the workplace and the home, many women have little time for these activities. UNICEF research in 1997 on the status of women in Serbia and Montenegro reported that each day women spent an average of 4.2 hours in the workplace and more than six hours in the home doing household work and caring for children.²²⁰ These commitments leave little time for recreational and cultural events. In fact, the UNICEF report revealed that 69.3% of women stated they almost never participated in recreational activities.²²¹

There are few female professional athletes. Government funds are not appropriated for women's sports to the same extent they are for men's sports. Certain sports, such as water polo and football (soccer), are almost entirely male-dominated. It is extremely rare to find women coaches, referees, or leaders in athletic associations, as noted in the discussion regarding Article 10. Additionally, it is difficult for women to find positions within sports-related organizations. Thus, women graduating from sports academies often can only find jobs in fitness centers.

²¹⁸ "Survey on Conditions for Crediting Small and Medium Enterprises with Special Accent on Crediting Women's Business," MASMI Beograd (March 2002), p. 26.

²¹⁹ Id.

²²⁰ Women's Status Research, UNICEF, Aleksandra Posarac (1997).

²²¹ Id.

Article 14

- 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.*
- 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*
 - (a) To participate in the elaboration and implementation of development planning at all levels;*
 - (b) To have access to adequate health care facilities, including information, counseling and services in family planning;*
 - (c) To benefit directly from social security programmes;*
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
 - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;*
 - (f) To participate in all community activities;*
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

Areas of Concern

- Gender role stereotypes appear to be even more pronounced in rural areas.
- Quality and affordable health care is less accessible in rural areas.

De Jure Compliance

The laws governing civic participation,²²² health care,²²³ social security,²²⁴ education,²²⁵ employment,²²⁶ economic development,²²⁷ agricultural loans, and basic services do not include special provisions targeted at women living in rural areas.

²²² See discussion of CEDAW Article 7, above.

²²³ See discussion of CEDAW Article 12, above.

²²⁴ See discussion of CEDAW Article 13, above.

²²⁵ See discussion of CEDAW Article 10, above.

²²⁶ See discussion of CEDAW Article 11, above.

²²⁷ See discussion of CEDAW Article 13, above.

De Facto Compliance

Status of Rural Women and Education Regarding CEDAW

One woman in a village summed up the problems of rural women by explaining that women have many obligations and few rights. Women are expected to work in the house as well as the fields. The State has not undertaken any special measures to educate rural women about CEDAW or to ensure its application in rural areas. There are a number of NGOs operating in rural areas; some have conducted trainings to inform women of their rights.

Community Participation

Women are involved in community development and local politics to a limited degree. Villages usually have an informal group of women who are active, but more on a social rather than a political or planning level. Typically, the man is seen as the head of the household and this status extends to community decision-making. Rural women experience substantial pressure to marry and to have children. Women who are interested in community involvement often lack time due to work and family responsibilities.

During the socialist era every village had its own “active women” forum. While these groups still exist in a number of villages, their purpose is usually limited. They are organized for social purposes, or as one interviewee put it, for their “own soul.” Sometimes these groups led to women’s involvement in humanitarian efforts. None of these groups appeared to be organized around economic or political activities.

In most villages, women are involved in a “house of culture,” which is similar to a community center. Women are also involved in school councils, including at the decision-making level. Although local schools have recreational facilities, women have limited opportunities to participate in sports activities, because, as previously noted, they are disproportionately responsible for childcare and household duties.

Health Care Access

Health care facilities in rural areas tend to be in poor condition. Physicians are typically well trained but lack resources to care for their patients properly or to purchase modern equipment. Although Serbia has a socialized health care system and medicine is supposed to be free, patients almost always must pay for medication themselves. Services are available to pregnant women and newborns in rural areas. However, regional clinics are only equipped to address primary health care issues. Women needing a specialist are typically referred to doctors in larger cities.

While refugees are entitled to medical care, there are reports that they experience unequal treatment in rural areas, including longer waiting times to see doctors. Also, refugees have difficulty accessing health services, because they are unfamiliar with the system.

Health care centers in rural areas vary widely in their quality and services. Local government officials decide whether to commit financial resources to enhance the services and quality of the clinic. It is not widely known that clinics offer information on contraception and family planning. Some are too embarrassed to ask for this information.

Social Benefits

Social benefits for rural and urban women are the same. Pensions and family benefits are awarded on the same basis and in the same amount. There is a special contribution plan for agricultural workers that enables them to pay into social welfare programs so that they will be eligible for benefits, including pensions and insurance.²²⁸ Because many of the women who work in the agricultural sector have not paid for social insurance, they do not receive any benefits.²²⁹ They only receive benefits after the death of their husbands, who is usually the registered landowner.

Access to Education

Education remains a priority for people in Serbia, and the literacy rate is high in rural areas. Although there are public kindergartens in rural areas, there are limited spaces available, and the facilities are in poor condition after 10 years of neglect. However, the same is true of the kindergarten system throughout Serbia. Attendance is mandatory in village primary schools. A secondary school is located in the center of every municipality and is equally available to students from rural regions. Attendance is high, and the vast majority of students complete their studies.

Universities are located within a reasonable distance from most villages. Universities are equally accessible to men and women. Merit-based scholarships are available, and they are awarded to women more often than to men. Education at the university level is no longer free. Consequently, poor rural families may have to choose which children can attend university. Some reports indicated families faced with this decision favor the male child, while others suggested that families believe male children can always find a way to earn money and, therefore, would be more likely to send a daughter. According to the administration at one university, there has been no drop in the number of students since the payment system was instituted.

²²⁸ Normally, payments are made by employers into a state pension system on behalf of registered workers. Because farmers are generally self-employed, they generally do not make these types of contributions and consequently would not be eligible to receive the benefits if it were not for this special contribution plan for farmers. See generally Serbian Law on Pension and Disability Insurance.

²²⁹ In its discussion regarding unpaid women working in rural as well as urban family enterprises, the CEDAW Committee recommends that States "Take the necessary steps to guarantee payment, social security and social benefits for women who work without such benefits in enterprises owned by a family member." CEDAW Committee General Recommendation No. 16 (10th session 1991).

Agricultural Cooperatives and Programs

Rural women are not generally involved in agricultural cooperatives and few start their own businesses.

While agricultural programs exist, men almost exclusively take advantage of them. Women are typically more involved in manual labor in the fields than in the business aspect of Serbia's agricultural sector. Serbia does not provide special loan programs or training assistance for rural women entrepreneurs.

Living Conditions

The living conditions vary greatly in rural areas, ranging from housing that is similar or preferable to that in Belgrade to settlement villages for refugees that lack basic utilities. Rural areas in the north are more developed than those in the south.

The Vojvodina region in northern Serbia is agriculturally rich, and most people there live in reasonable conditions. It was estimated that at least 95% of homes in Vojvodina have electricity, water, and adequate sanitation. A public transportation system is available, and a large number of people own cars.

In southern Serbia, however, conditions are more difficult. Utilities are not always available, and many people cannot afford them when they are available. The city of Nis has developed a social card system to help the poorest people receive utilities at reduced rates.²³⁰ Many people have moved from villages to cities, leaving behind an elderly population unable to care for its housing. It is reported that many homes stand empty in certain villages. There is a general lack of investment in infrastructure, including roads. Although buses do operate, travel times are often lengthy and passengers frequently must endure long waits in the city to return. There are no direct lines between nearby cities. As a result, people must travel out of their way to Belgrade or Novi Sad to make connections. This situation disproportionately affects women, given that they are less likely than men to own cars.

²³⁰ Nis, a city located in southern Serbia, has established a local program to help its most needy citizens. Nis provides supplements to help the poor pay for heating, water, electricity, and food.

Article 15

- 1. States Parties shall accord to women equality with men before the law.**
- 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.**
- 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.**
- 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**

Areas of Concern

- There is a general lack of confidence in the legal system as an effective mechanism for resolving disputes or vindicating rights.
- A lack of economic power represents an obstacle to women who seek redress in the courts.
- Negative stereotypes of women, whether as lawyers or victims, appear to persist in the legal system.

De Jure Compliance

The Charter on Human and Minority Rights provides that “all are equal before the law.”²³¹ Serbia’s Constitution also provides that all citizens have equal rights and obligations.²³² Moreover, everyone is “guaranteed equal protection in proceedings before courts, other state authorities, and holders of public power.”²³³ The Charter on Human and Minority Rights further explains: “Everyone has the right to a complaint or other legal remedy against the decision concerning his right, obligation or legally found interest.”²³⁴ Thus, female parties have the same procedural authority and obligations as men in legal and administrative proceedings. In addition, all enjoy the same protections before government agencies regardless of their race, sex, birth, language, nationality, religion, political or other belief, education, social background, financial status, or any other personal quality.²³⁵

According to the Law on Marriage and Family, spouses have equal personal and property rights.²³⁶ Women can own property individually, including without consent from their husband if they are married.²³⁷

²³¹ Charter on Human and Minority Rights, Art. 3.

²³² Serbian Constitution, Art. 13.

²³³ Charter on Human and Minority Rights, Art. 17.

²³⁴ Charter on Human and Minority Rights, Art. 18.

²³⁵ Serbian Constitution, Art. 13.

²³⁶ Serbian Law on Marriage and Family, Art. 67.

De Facto Compliance

Men and women do not trust the legal system in Serbia; it is not perceived to be an effective mechanism for resolving disputes or vindicating rights. Experts consistently reported that men and women are treated equally in the court system and under the law.²³⁸ The inequities that exist usually result from the fact that men can better afford to hire competent counsel.

Women make up a majority of the legal profession. They comprise 56.1% of all judges and 40.4% of all prosecutors.²³⁹ Women constitute 60.4% of the municipal judges, 24.1% of county judges, and 36.8% of Supreme Court judges.²⁴⁰ Judicial positions traditionally have been poorly paid and the positions are not considered prestigious. However, the working hours and conditions are often acceptable to working mothers. While women do hold a number of significant positions within the courts, such as President of the Supreme Court, a majority of the presidents of the courts are men.

There are no reported incidents in which cases brought by women were dismissed on the basis of their gender. There are no restrictions limiting women's legal capacity. Women are not required to meet extra requirements to bring cases to court, to sign contracts, or to handle complex business dealings.

Although there are no specific reports of women facing discrimination in the legal system, gender stereotypes persist. One study found that 73.3% of women attorneys had often or sometimes heard the phrase that "criminal cases are not for women."²⁴¹ A majority (67.3%) reported hearing that "women attorneys are overly emotional."²⁴² Among women law professors, 66.7% had heard that "women can't meet the professional demands of the legal profession the same as men."²⁴³ Even more female law students (71%) had frequently or sometimes heard the phrase "It is not for a woman to become a judge or a prosecutor," and 75% have frequently or sometimes heard the phrase "it is not for a woman to become a head of a court or a public prosecution office."²⁴⁴

Moreover, according to an official textbook on criminal law, some eight to ten year old girls have different perceptions from boys of a similar age and are more prone to exaggerate and to be emotional.²⁴⁵ There were reports that in hearings involving

²³⁷ See generally Serbian Law on Marriage and Family, Art. 320 ("Every spouse independent manages its separate property").

²³⁸ But see the discussion at Article 5 regarding domestic violence. Violence against women by family members has traditionally not been treated the same as violence against strangers.

²³⁹ "Women in Legal Professions," research project by Dr. Zorica Mrsevic (2002).

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ *Judicial Psychology*, Lectures of Prof. Dobrivoje Radovanovic, p. 31.

domestic violence or rape, female victims are referred to experts to determine whether they are lying.

Freedom of Movement and Freedom to Chose Domicile

Men and women freely choose their domicile and have equal legal rights regarding freedom of movement. However, the economic situation, customs, and social pressures limit the options available to women in deciding where to live. In most cases, women live with their parents until they are married. Even after marriage, couples often live with parents due to a lack of housing or funds to purchase separate housing. Single women rarely live by themselves.

Article 16

States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,

(f) The same rights and responsibilities with regard to guardianship, ward ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Areas of Concern

- Although men and women are equal before the law, traditional gender stereotypes and women's lack of economic independence often dictate the roles of men and women.
- Because information on family planning is limited, women are unable to decide on the number and spacing of their children in a free and responsible manner.
- The government has not made sufficient efforts to ensure that men and women understand shared parenting responsibilities.

De Jure Compliance

Marriage

According to the Serbian Law on Marriage and Family Relations, "A person who is not 18 years old cannot enter a marriage."²⁴⁶ Both parties must be 18, or 16 with the consent of the court, to enter into marriage.²⁴⁷ A marriage is void if both parties do not give free

²⁴⁶ Serbian Law on Marriage and Family Relations, Art. 49.

²⁴⁷ Id., Art. 49.

consent.²⁴⁸ Immediately after the civil ceremony, the spouses are given a marriage certificate. Marriages must be registered in the official state registry.²⁴⁹ A religious wedding ceremony cannot take place if the couple does not have proof of a civil marriage.²⁵⁰

The Charter on Human and Minority Rights acknowledges the equality of men and women in marriage: “The marriage, duration or dissolution of marriage shall be based on the equality of spouses.”²⁵¹ Similarly, the Serbian Law on Marriage and Family Relations states “Spouses are equal in marriage.”²⁵² The law provides that unmarried couples are equal with regard to support and other property rights.²⁵³ They may be treated in the same way as married couples, if they have lived together for an unspecified length of time or have common children.²⁵⁴

Divorce

Men and women are equally entitled to the right to divorce.²⁵⁵ The Law on Marriage and Family Relations allows the services of women working in the home to be taken into account when dividing property at the time of divorce.²⁵⁶

Children

Legally, parents have equal rights and duties with respect to children.²⁵⁷ According to the new Charter on Human and Minority Rights, the family, mothers, and children enjoy the special protection of society.²⁵⁸ Children born out of wedlock have the same rights as children born to married parents.²⁵⁹

Property Ownership

According to the law, property relations in the family are based on principles of equality.²⁶⁰ Property acquired by spouses during their marriage creates a joint estate.²⁶¹ Property owned before marriage is treated as separate property.²⁶² However, if this

²⁴⁸ See generally Charter on Human and Minority Rights, Art. 25 (“Future spouses shall be guaranteed the right to marry on the basis of freely given consent”).

²⁴⁹ Serbian Law on Marriage and Family Relations, Art. 62.

²⁵⁰ *Id.*, Art. 64.

²⁵¹ Charter on Human and Minority Rights, Art. 25.

²⁵² Serbian Law on Marriage and Family Relations, Art. 28.

²⁵³ Serbian Law on Marriage and Family Relations, Art. 16.

²⁵⁴ Serbian Law on Marriage and Family Relations, Art. 293.

²⁵⁵ See generally Serbian Law on Marriage and Family Relations, Art. 83.

²⁵⁶ Serbian Law on Marriage and Family Relations, Art. 328.

²⁵⁷ Serbian Constitution, Art. 29, para. 3.

²⁵⁸ Charter on Human and Minority Rights, Art. 39.

²⁵⁹ Charter on Human and Minority Rights, Art. 25.

²⁶⁰ Serbian Law on Marriage and Family Relations Art. 32, Art. 320.

²⁶¹ Serbian Law on Marriage and Family Relations, Art. 12.

²⁶² Serbian Law on Marriage and Family Relations, Art. 320.

property is developed or improved during the marriage through the efforts of the other spouse, this improvement could be considered common property and be divided between the spouses during the marriage or upon divorce.²⁶³ The contribution of the spouse need not be financial; it can include caring for children, doing housekeeping, and taking care of or managing income and property.²⁶⁴

When a spouse dies, separate property passes to the estate of the deceased spouse pursuant to inheritance provisions in the law.²⁶⁵ The surviving spouse has to prove that he or she is entitled to a percentage of the mutual property, which can be achieved through a legal proceeding to determine the specific share. The law identifies minimum levels of property that a spouse and some other specified family members are entitled to inherit.²⁶⁶

Right to Choose Name and Occupation

Under the law, spouses choose a mutual family name by consent. They may choose between either family name. A woman is entitled to keep her family name when she marries.²⁶⁷ After the termination of marriage, the spouse who took the family name of the other spouse may resume the use of his or her prior family name.²⁶⁸ There are no legal obstacles limiting a woman's choice of occupation.

De Facto Compliance

While men and women have equal legal rights in marriage and divorce, the balance of power in couples is significantly affected by stereotypical conceptions of proper gender roles and women's relative lack of economic independence. According to a recent study, many women hold traditional, stereotypical views.²⁶⁹ It attributed this phenomenon in part to the politics of the 1990s as well as the influence of the Orthodox Church.²⁷⁰

²⁶³ Serbian Law on Marriage and Family Relations, Art. 321

²⁶⁴ Serbian Law on Marriage and Family Relations, Art. 328.

²⁶⁵ Serbian Law on Inheritance, Art. 8, 9.

²⁶⁶ Serbian Law on Inheritance, Art. 40, para. 2. A spouse may inherit more than the minimum provided by law, such as when a will expresses that intent.

²⁶⁷ Serbian Law on Marriage and Family Relations, Art. 402.

²⁶⁸ Serbian Law on Marriage and Family Relations, Art. 403.

²⁶⁹ "Research On Gender Based Discrimination And Equal Opportunity Policy," OSCE (Belgrade 2002), pp. 18-24.

²⁷⁰ Id.

Marriage

Although there are social and family pressures to marry, men and women are generally free to choose whom they marry and when to marry. According to experts, women have the same right to enter into marriage as men. There were no reports of forced marriages.

Those interviewed noted that most university educated men and women wait until after they complete their university studies to marry. Some do marry at a younger age, even as young as 16, but those situations are more likely to be related to pregnancy or to occur in rural areas. Women are expected to marry and to have children. One survey indicated that women marry at an average age of 26.4.²⁷¹ Reports of child marriage were rare and mostly involved Roma girls.

While men and women are supposed to have equal rights and responsibilities during marriage, couples tend to adhere to traditional gender roles. In a recent survey, 65.2% of men reported their marriages are equal while only 48.6% of women agreed.²⁷² Another report found that 77.6% of couples described their marriages as "harmonious." However, they also indicated that during misunderstandings women make concessions about 59% of the time while men do so only 20% of the time.²⁷³ Another survey found that a majority of men (51.8%) and women (52.9%) agreed with the statement: "Men and women should be equal, but it's better if the man is the head of a family."²⁷⁴

Family Planning

The birth rate was very low during the 1990s. In 2000, the population increase was only 0.7%.²⁷⁵ As a result, the government is offering financial incentives if a woman has a second, third, and fourth child. One study revealed that over 65% of men and women agree with the statement: "One of the basic national interests of each nation is that women give birth to many children."²⁷⁶

The lack of access to family planning information limits the ability of men and women to exercise their rights to control the spacing and number of children. Despite Serbia's limited efforts, the large number of abortions, and the ineffective use of birth control demonstrate that family planning information is not being adequately disseminated to the public and that men and women are not well informed.

²⁷¹ Women's Status Research, UNICEF, Aleksandra Posarac (1997).

²⁷² "Women Today," SCAN (April 2001), p. 19.

²⁷³ Women's Status Research, UNICEF, Aleksandra Posarac (1997).

²⁷⁴ "Research On Gender Based Discrimination And Equal Opportunity Policy," OSCE (Belgrade 2002), p. 20.

²⁷⁵ Statistical Yearbook of Yugoslavia, 2001, p. 61.

²⁷⁶ "Research On Gender Based Discrimination And Equal Opportunity Policy," OSCE (Belgrade 2002), pp. 21-22.

Children

Although parents have equal legal rights and duties with respect to their children, the government has not met its obligation to ensure that men and women alike understand shared parenting responsibilities. As a result of persistent gender role stereotypes, many in society believe that women are entitled to more rights in matters relating to their children than are men. Women usually spend more time caring for children than men.²⁷⁷ Additionally, some women discourage men from participating in child rearing, believing that it is exclusively a woman's job.²⁷⁸ UNICEF research on Serbia indicated that 57.1% of mothers served as the primary caregivers for their children, while only 2.3% of fathers did so.²⁷⁹

Women are more often awarded custody of children than are men. The non-custodial parent is required to pay child support but collecting support payments can be difficult.²⁸⁰ Parents who work in unregistered jobs or understate their wages can easily avoid child support payments.

Reports vary as to whether being a single mother is perceived negatively in society. It appears that although it is fairly well accepted in Belgrade, that is not the case in rural areas, where illegitimate children are often subjected to insults.

There is a general attitude among the population that couples should have their own biological children. Adoption is not viewed positively. Nevertheless, according to experts, there are many more couples wanting to adopt children than there are available children. At the same time, however, experts also estimated that some 4,000 children are either in orphanages or foster care despite the number of prospective adoptive parents. The explanation may lie in the difficult procedures associated with the termination of parental rights, given that birth parents need to relinquish parental rights and agree to the adoption.²⁸¹ In any case, it is primarily childless couples that adopt children. Single people are permitted to adopt but rarely do so. Typically, only couples are able to succeed in the process, because they are favored over individuals.

Divorce

According to government statistics, in 1999, there were 53,034 recorded marriages and 7,211 divorces.²⁸² The proceedings can be handled with relative speed if the parties agree to the division of property at the time of the divorce. However, if a court hearing

²⁷⁷ Many unemployed men are also at home, although they often do not participate in primary childcare responsibilities.

²⁷⁸ In 2002, men were granted the right to take family leave upon the birth of a child; however few men have taken advantage of this benefit thus far. See Serbian Law on Financial Support to Families with Children, Art. 10, para. 2.

²⁷⁹ Women's Status Research, UNICEF, Aleksandra Posarac (1997).

²⁸⁰ Serbian Law on Marriage and Family Relations, Art. 30.

²⁸¹ Serbian Law on Marriage and Family Relations, Art. 153, 156.

²⁸² Statistical Yearbook of Yugoslavia, 2001, p. 76.

is required to resolve disputes, the legal process can take several years. The parties sometimes remain living in the same apartment while their case is pending.

The law prohibits parties from divorcing before a child is one year old, except by mutual consent.²⁸³ This provision is based on the presumption that a woman could be suffering from the stress of child delivery and not making rational decisions. Despite this law, couples separate and then wait to file for a divorce when the child turns one year old. Because of their relative lack of economic resources, women in divorce cases are generally in a more vulnerable position than men. Women often lack the funds to hire a good attorney. Families often will not support the wife if she attempts to divorce her husband. Instead, they may encourage her to keep the family together. The Center for Social Services is required to make reconciliation efforts with couples filing for divorce.²⁸⁴

(See the next subsection, Property Ownership, for a discussion regarding division of property when couples divorce.)

Property Ownership

Men are much more likely to own valuable property than women. SCAN interviewed 2,220 people and found only 7.8% of women owned a car, while 42% of men owned a car.²⁸⁵ In addition, 31% of men owned an apartment, while only 17% of women did. Thirty-two percent of men owned a house while only 8.7% of women owned a house. Men were three times more likely to own agricultural plots or summer homes than were women (21% of men versus 7% of women). Few people had savings: 4% of men and only 2% of women. Six percent of men and 2% of women owned private companies.²⁸⁶

In theory, the Law on Marriage and Family allows women the right to participate in the division of property, even if they are not employed outside of the home.²⁸⁷ However, division of property upon divorce typically does not result in an equal division, largely because men contribute more financially to the household.²⁸⁸ Even though the household work of women is taken into account when property is divided during divorces, it is not as highly valued. A spouse must prove his or her share of the property through the use of witnesses, which can be a difficult and lengthy process,

²⁸³Serbian Law on Marriage and Family Relations, Art. 84, para. 2.

²⁸⁴ Serbian Law on Marriage and Family Relations, Art. 352-358.

²⁸⁵ "Status and Challenges for Gender Equality in Yugoslavia," SCAN, Milka Puzigaca (Feb. 2002), p. 2.

²⁸⁶ *Id.*, pp. 2-3.

²⁸⁷ Serbian Law on Marriage and Family Relations, Art. 328.

²⁸⁸ The CEDAW Committee noted that some countries place greater weight on financial contributions made during a marriage than on non-financial contributions such as caring for children and household responsibilities, even though the non-financial contributions may enable the other spouse to earn an income. As a result the CEDAW Committee recommends that that "Financial and non-financial contributions" to property acquired during a marriage should be accorded the same weight. CEDAW Committee General Recommendation No. 21 (13th session 1994), para. 32.

often taking two to three years. One expert noted that if a woman is employed outside the home she is likely to receive half the property, but if she worked as a housewife, she could expect to receive between 1/5 and 1/3. In some rural areas where customs informally supercede national law, some women sign over property to their brothers to avoid losing it to a spouse in a divorce.

Spousal abuse is not considered a factor in the division of property. One expert explained that if the wife suffered physical injury, she could file a separate civil suit asking for damages. She could be compensated for these injuries based on a determination by a court expert that she suffered physical and emotional injuries, but such cases are rare.

Maternity and Employment

(See discussion in Article 11.)

Childcare

(See discussion in Article 11.)

Protective Legislation

(See discussion in Article 11.)

Right to Choose Name and Occupation

Women are free to keep their family name and many do. Some also choose to use both names. An issue regarding the use of the family name recently developed when the national census was being compiled. Census interviewers were told to ask married women and widows for the name of their husbands for purposes of registering the household under the husband's name. YUCOM, an NGO, filed an appeal to the Constitutional Court regarding the census. The Court refused to hear the appeal, stating it was not within its jurisdiction.

(See Article 10 and Article 11 for a discussion of factors influencing a woman's choice of occupation.)

APPENDIX 1

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APPENDIX 2

COMPLETE LIST OF AREAS OF CONCERN

- Although international agreements are incorporated as part of Serbia's laws, no statute reflecting CEDAW's definition of discrimination has been adopted. (Article 1)
- The legal community and public are not well-informed about CEDAW and its requirements (Article 1)
- The government has taken few steps to address pervasive gender role stereotypes that perpetuate discrimination against women. (Article 2)
- Current laws merely state that all are equal without reference to, or any specific prohibition of, discrimination against women. (Article 2)
- There are no meaningful governmental efforts to ensure equality and equal opportunity for women. (Article 2)
- There are no effective mechanisms to ensure that women are protected from discrimination. (Article 2)
- There is a dearth of gender-disaggregated statistics. (Article 2)
- The government has made little effort to promote greater gender equality. (Article 3)
- The government has done little to ensure the full development or advancement of women. (Article 3)
- The government has not enacted temporary special measures to address gender-based discrimination or to promote equal opportunity for women. (Article 4)
- The government has failed to take affirmative steps to eliminate or to address pervasive gender role stereotypes, including those relating to the role of women in the workplace and family. (Article 5)
- No laws or government programs to alter pervasive gender role stereotypes exist. There are no mechanisms or government bodies vested with authority or financial means to address gender issues in a comprehensive manner. (Article 5)
- Measures to address the problem of discrimination in the workplace are inadequate. (Article 5)

- Domestic violence is a serious problem and is often viewed as an internal “family problem” that does not require government intervention. (Article 5)
- Although Serbia enacted initial domestic violence legislation, additional laws (such as restraining orders or civil protective orders), training, and increased public awareness are needed to ensure appropriate implementation of the law and the protection of domestic violence victims. (Article 5)
- Women are often stereotyped and portrayed in a negative manner in the media. (Article 5)
- Because of powerful gender role socialization, women are largely responsible for raising children and often do not recognize it as a shared responsibility. (Article 5)
- Serbia has not yet enacted specific laws regarding the trafficking of women. (Article 6)
- Inadequate support services are provided for victims of trafficking and prostitution. (Article 6)
- The lack of economic opportunities for women contributes to the trafficking of women and the exploitation of prostitution of women. (Article 6)
- The number of women in elected political office is among the lowest in Europe. (Article 7)
- There are few women at high levels in Serbian political parties. (Article 7)
- The ability of women to help formulate government policy is limited due to the dearth of women in high government positions. (Article 7)
- Few women are represented at high levels of government in any area, including international relations. (Article 8)
- Serbia does not appear to be taking affirmative steps to promote or to encourage the participation of women in government positions dealing with international affairs. (Article 8)
- Although education is a priority in Serbia, irrespective of gender, and there is equal access to education, gender role stereotypes continue to be perpetuated in the educational system. (Article 10)
- Women encounter discrimination in the workplace, including in hiring, remuneration, and promotions. (Article 11)

- The government is doing little to address discrimination against women in the workplace. (Article 11)
- Although a law now allows for private prosecutions of sexual harassment, there are no laws that specifically define or prohibit other forms of gender-based discrimination in the workplace. (Article 11)
- There are no formal mechanisms for redressing workplace discrimination or safeguards against retaliation for complaints about incidences of discrimination. (Article 11)
- Health care is not affordable or accessible to many Serbs. (Article 12)
- Women's health care is a neglected area; women do not appear to seek health care on a regular basis. (Article 12)
- Family planning services are limited and their availability is poorly publicized. (Article 12)
- Partly because many men and women are uninformed about family planning options, abortion is a significant means of birth control. (Article 12)
- Because women lack economic power and collateral (such as real property), it is often difficult for them to obtain credit. (Article 13)
- There is a lack of adequate support, training, and assistance for women who want to start businesses. Moreover, women are not encouraged to engage in entrepreneurial activities. (Article 13)
- Women's lack of economic independence and access to resources limit their options to participate in all aspects of society. (Article 13)
- Women's ability to participate in cultural life is limited by work and family responsibilities. (Article 13)
- Gender role stereotypes appear to be even more pronounced in rural areas. (Article 14)
- Quality and affordable health care is less accessible in rural areas. (Article 14)
- There is a general lack of confidence in the legal system as an effective mechanism for resolving disputes or vindicating rights. (Article 15)
- A lack of economic power represents an obstacle to women who seek redress in the courts. (Article 15)

- Negative stereotypes of women, whether as lawyers or victims, appear to persist in the legal system. (Article 15)
- Although men and women are equal before the law, traditional gender stereotypes and women's lack of economic independence often dictate the roles of men and women. (Article 16)
- Because information on family planning is limited, women are unable to decide on the number and spacing of their children in a free and responsible manner. (Article 16)
- The government has not made sufficient efforts to ensure that men and women understand shared parenting responsibilities. (Article 16)