

VOICE OF DIFFERENCE FROM SERBIA

ALTERNATIVE REPORT TO THE CEDAW COMMITTEE

This report is submitted on the behalf of the following groups:

Voice of Difference – Group for Promotion of Women’s Political Rights

Autonomous Women’s Center

ASTRA

Incest Trauma Center

Women in Black

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TABLE OF CONTENTS:

Introduction: A process of preparing a report.....	4
Background information.....	5
Accession to CEDAW; Other relevant human rights treaties	6
The last government report to the CEDAW Committee	6
Structure of this report; Preparation of the report, methodology.....	7
A “legacy” of the former dictatorial regime: An impact on women in Serbia	8
General comment on the state report to the CEDAW Committee.....	10
Article 1 – 1992-2002 period	12
Definition of discrimination	12
Article 1 –2003-2006 period	12
Definition of discrimination in the new Constitution of Serbia.....	12
Recommendations	13
Article 2 – 1992-2002 period	15
A lack of anti-discriminatory legislation.....	15
Article 2 –2003-2006 period	15
Re-traditionalization as a prevailing spirit.....	15
The law on churches; Implementation of the Convention; Legislative framework.....	16
Implementation of the law; Gender-sensitive records	17
Recommendations	17
Article 3 – 1992-2002 period	19
Weak gender equality mechanisms	19
Article 3 – 2003-2006 period	19
Current mechanisms for achieving gender equality – assessment.....	19
Committee for Gender Equality of the National Parliament	19
Council for Gender Equality of the Government of Serbia.....	20
Impact on National Action Plan for Women	20
Law on Gender Equality: Absence of public discussion	21
Independent institutions for gender equality	21
Recommendations	22
Article 5a – 1992-2002 period	23
Stereotyping – a contribution of media	23
Article 5a – 2003-2006 period	23
No systematic strategy has been applied to decrease gender-role stereotyping in media	23
Recommendations	24
General recommendation 19 – Violence against women, 1992-2002 period.....	25
Domestic violence – legal regulations.....	25
Sexual abuse – legal provisions; Domestic violence – estimated prevalence	25
Institutional response to family violence.....	26
Survivor and the state – analysis of the court practice	26
“Hidden” sexual assaults – result of institutional policy?	27
Child sexual abuse; Sexual harassment – A “state of mind”	27
General recommendation 19 – Violence against women, 2003-2006 period.....	28
Domestic violence	28
State strategies; Legislation	29
Implementation of the law; Institutional course of action and support to victims	30
Education/training; Data collection and surveys	31
Public awareness and media	31
Recommendations	32
Sexual violence	32
General framework and prejudices, Laws and national strategies.....	33
Media and awareness raising; Surveys and statistics; Interventions	33
Recommendations	34

Article 6 – 1992-2002 period	35
Legal provisions	35
“Routes”; Victims, perpetrators and accomplices	35
Victims’ protection policy; Prevention and regional collaboration	36
Article 6 – 2003-2006 period	37
Chronology of the main initiatives and activities towards combating human trafficking	37
Legislative framework; Education.....	38
Support to victims.....	39
Media and awareness raising	40
Recommendations	40
Article 7 – 1992-2002 period	42
Legal framework; Official political participation under the previous regime	42
Political activity behind the (parliamentary) scene	43
Participation in Parliaments after 2000; Women election campaigns and party programs.....	43
Women as policy makers – Redistribution of power.....	43
Women in NGO sector – Leaders in the shadow	44
Comment on the state report.....	44
Article 7 – 2003-2006 period	45
Legislative framework – quotas for less represented gender.....	45
Participation in legislative and executive bodies.....	45
Participation of women in parliaments – national, provincial and local	46
Women in governments, Women in political parties	46
Leadership position in parties.....	47
Participation of women from NGOs in public and political life	47
Political activities of independent women’s NGOs and groups in Serbia	47
Recommendations	47
Article 10 – 1992-2002 period	49
A huge gender gap in illiteracy rates	49
Educational levels – nearly one third of females did not achieve a right to primary education.....	50
Access to primary school (enrolment and drop out rates) - which disadvantaged groups have lower access, or – can Serbia achieve MDGs?.....	50
An issue of concern: efficiency and quality of primary education	52
Secondary school enrolment.....	53
Higher education and university enrolment; Segregation of educational profiles.....	53
Post-graduate studies	54
Vertical segregation; decision-making posts in educational/scientific institutions	55
Engagement of NGOs in introducing gender studies into university programs	56
An issue of concern: Gender-role stereotyping in text-books/curricula	56
In-service training programs for teachers in primary/secondary schools	56
Introducing gender equality perspective into education system – gender awareness programs for teachers	56
Article 10 – 2003-2006 period	57
Various disadvantaged groups do not achieve their right to primary education	57
A lack of reliable, gender-sensitive data on education – negligence?	58
Gender-role stereotyping is prevalent in text-books/curricula	58
In-service teachers’ training programs on gender awareness are urgently needed.....	59
The problems of gender discrimination and/or sexual harassment/blackmail.....	60
Investment in education is perceived only as budget expenditure.....	60
Serbia needs new leaders in all areas of public life	61
Recommendations	62
Article 11 – 1992-2002 period	64
Legal provisions; Women and the labor market.....	64

Increased rates of female unemployment; Lower opportunities in the workplace	65
The gender pay gap; Sexual harassment in the workplace	66
Specific discrimination in the private sector and the hidden economy	66
Article 11 – 2003-2006 period	68
Legislative framework, Possible counterproductive effects, Using legal possibilities.....	68
Gender gap in employment rates; Cross-sector representation	69
The gender pay gap: rarely reported, barely recognized as a problem	70
Unemployment – disturbing trends	71
Are women (sufficiently) covered by active employment measures?	72
Is gender equality perspective integrated into strategic documents of the government?	72
Difficulty to balance professional and family roles.....	73
Recommendations	73
Article 12 – 1992-2002 period	75
Legal provisions; Access to healthcare	75
Female mortality rates and indicators of reproductive health	75
Abortion rates, contraceptive use and awareness of reproductive health	76
Risk-taking sexual behavior	77
Article 12 – 2003-2006 period	78
Legislation; National documents addressing women’s health.....	78
General data, epidemiology, health-care system	78
Recommendations	80
Article 16 – 1992-2002 period	82
Legal definition of marriage; Legal regulations related to unmarried couples.....	82
Child custody; Rights of children born out of wedlock.....	82
Property acquired during marriage	82
Equality in marriage and childbearing in practice.....	82
Article 16 – 2003-2006 period	83
Gaps in legal provisions	83
Poor protection of single mothers; Marriages of minors	84
Harmful traditional practices; Property is mostly registered on husbands’ names.....	84
Vulnerable position of refugee/displaced women	84
Recommendations	85
References (1992-2002).....	86
References (2003-2006).....	88
Authors of the report, Period: 1992-2002, Period: 2003-2006	92
APPENDIX:	93
1. Advertisement (billboard) for “Kumho” tires	
2. An example of one court case of severe family violence	
3. A statement of one NGO activist	
4. Responses of one woman in the survey conducted on 44 654 women – respondents during women door-to-door campaign (December, 2000)	
5. Participation of women (%) in the Federal Assembly: the former Yugoslavia and FR Yugoslavia (1969-2000)	
6. Candidates to the National Assembly (December 23 rd , 2000)	

Introduction – a process of preparing the report

A review of the process of preparing this alternative report might shed some light on the situation in Serbia, in particular, on interest of the state and NGO sector in women's human rights.

The first version of this alternative report was done under the regional project *Monitoring and reporting under CEDAW in the Balkan countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro and Serbia*, which was initiated by Danish Center for Human Rights, and coordinated by Bulgarian Gender Research Foundation. Voice of Difference – Group for Promotion of Women's Political Rights (as national partner in Serbia within the regional project) prepared the report in 2001 and completed it in February 2002. The report was published in the regional publication¹. This was a "pioneering" endeavor in Serbia (women's NGOs have not prepared alternative/shadow reports under CEDAW before). Collection of relevant information was particularly difficult, as gender-sensitive official data generally did not exist at that time. The report briefly reviewed the legislation and *de facto* situation in the most critical areas: Gender Role Stereotyping, Violence against Women, Trafficking in Women, Position of Women at the Labor Market, Access to Healthcare, Marriage and Family Life, and some issues related to legal definition of discrimination, mechanisms for achieving gender equality, etc. It mostly covered the period from 1990 to 2002 (as the most difficult one in the recent history). We assumed that *timing* was proper, since FR Yugoslavia (after the change of political regime) acceded to CEDAW in 2001. Upon completion, the report was published in regional publication, and sent to the UN Committee CEDAW, numerous international organizations, NGOs, etc. In Serbia, the report was widely distributed. Firstly, the Voice of Difference sent the report to officials in the Ministry of Human and Minority Rights (responsible for coordinating preparation of the state report), with an open suggestion for collaboration. No response was obtained whatsoever.

The alternative report was also presented to members of gender equality machinery (Council for Gender Equality of the Government of Serbia and Committee for Gender Equality within the National Parliament), expert officials (it total: 108) of the Ministry of Labor, Employment and Social Policy², experts of National Employment Agency, women's NGOs, etc. The report was also frequently used during gender awareness seminars for politicians, primary and secondary schoolteachers, police officers and other officials, organized by Voice of Difference and other women's NGOs. Some parts were published in manuals for teachers/politicians, prepared by NGOs. Similarly, the report was presented at regional/local and international conferences on alternative/governmental reporting under CEDAW (organized by, e.g., ABACEELI, UNICEF and United Nations Office of the High Commissioner for Human Rights, as well as Gender Equality Machinery, UNDP and UNIFEM). In addition, the entire report was made available at various Websites, while the version in Serbian was delivered to members of Council for Gender Equality of the Government of Serbia.

In the period from February 2002 to February 2007, we waited for the completion of the state report. No consultations with non-governmental organizations were organized in the preparation of the state report. There was no available information regarding progress in its preparation. When we made inquiries, the (unofficial) response was mostly, "It has been translated". *The state report was not available to the public prior it appeared on DAW Website* (at that moment, we actually realized that it was completed). The version of the state report in Serbian was not published/available.

¹ Brankovic, Biljana. (2002). Serbia – Alternative report. In: Iliana Stoycheva & Genoveva Tisheva (Eds.). *Implementation of the Convention on the Elimination of All Forms of Discrimination against Women: A Compilation of NGO Reports from Balkan Countries – A Publication under the project 'Monitoring and reporting under CEDAW in the Balkan countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro and Serbia*. (pp. 234-288). Sofia: Bulgarian Gender Research Foundation.

² Seminars were organized by OSCE Mission to Serbia. OSCE also translated the report into Serbian

Meanwhile, a group of women's NGOs prepared a list of critical issues for the pre-session of the CEDAW Committee. As soon as the state report appeared, the same group started to update the information provided in the previous alternative report, focusing on some clearly critical issues. It is important to stress that the analyses in the report pertain to four (successor) states: Socialist Federal Republic of Yugoslavia, Federal Republic of Yugoslavia, Serbia and Montenegro, and, finally, Serbia, a period covered is 17 years, during which many governments changed (while one was involved in four wars). We are fully aware that any report that covers so long period is by default incomplete.

Last, but not the least, it should be mentioned that the first version of the alternative report (covering a period between 1990 and 2002) was prepared and written with very modest funds, while updating (providing information from 2003 to 2006) was conducted on voluntary basis.

Background information

Serbia became an independent state in 2006 after dissolution of the State Union of Serbia and Montenegro - declaration of independence of Montenegro was adopted by the National Assembly of Montenegro in June 2006, upon the referendum. The Republic of Serbia continued the membership of Serbia and Montenegro in the UN. Prior to formation of Serbia and Montenegro, Serbia was the federal unit of Federal Republic of Yugoslavia (FRY) that ceased to exist in 2003. Kosovo has been under civil administration of the UN Interim Administrative Mission in Kosovo (UNMIK), which was established after the war. The war and the NATO bombing campaign ended with the enactment of UN Security Council resolution by which the government of FRY withdrew its forces from Kosovo. Kosovo is seeking independence, and negotiations regarding its status are underway.

The political regime of FRY (led by Slobodan Milosevic) was changed in October 2000. Milosevic's regime engaged in four wars in the region, which caused thousands of deaths. The policy of the regime had devastating effects on the population of Serbia as a whole, and women paid the high price. The "legacy" of the former regime, involving devastation of economy, a huge influx of refugees, increased corruption and heavy criminalization of the society, enlarged poverty and social inequality, erosion of ethical standards will be probably difficult to overcome for many years. "Facing the past" will also be a great problem, especially regarding war crimes and the damage done to other nations.

The change of the regime came as a result of continuous opposition movement and civil protests. What was previously the Democratic Opposition of Serbia (DOS) became a ruling coalition that came to power after landslide victory in the September 2000 elections and massive strikes/rallies - almost one million of people gathered at the streets of Belgrade on October 5, 2000. The newly established government of DOS, led by Prime Minister Zoran Djindjic, initiated many changes in legislation and large-scale reforms in economy and the society as a whole. FR Yugoslavia expressed readiness to become a member of European Union in the future. Milosevic was extradited to the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague, but the former regime was not defeated.

The Prime Minister Zoran Djindjic was assassinated in March 2003. The assassins were active or retired members of the specialized forces, and/or members of organized crime. A state of emergency was announced after the assassination, and a large number of suspected members of criminal groups were arrested in the police operation called "Sabre". Following the early parliamentary elections in December 2003, the new minority government was formed in March 2004, led by Prime Minister Vojislav Kostunica. The minority government was made up of members of Kostunica's Democratic Party of Serbia (DSS), the liberal G17 Plus, the Serbian Renewal Movement and New Serbia coalition; with the support of the Socialist Party of Serbia (the party of Slobodan Milosevic). Serbia and Montenegro (as the successor state of FRY) started the Stabilization and Association (SAA) negotiations with European Union in

October 2005. As Serbia did not meet its commitment on cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), i.e. failed to arrest Ratko Mladic, the European Commission called off the SAA negotiations in May 2006. In the same year, Serbia adopted the new Constitution. The last parliamentary elections were held in January 2007 and the negotiations regarding the formation of the new government have continued ever since. At present (the end of March 2007), the government has not yet been formed.

Accession to CEDAW: As the political regime changed in 2000, FRY acceded to CEDAW in 2001, after the period of political isolation from the international community. The initial government report to the CEDAW Committee is overdue.

During the period of isolation, however, the FRY Assembly stated that all international treaties that the former Yugoslavia (SFRY) had ratified, were binding on the FRY. According to the FRY Constitution, international treaties ratified by SFRY formed an integral part of the internal legal system and as such were part of federal law. In the legislative hierarchy, international treaties were on a higher level than both the federal and the republic laws. Only the provisions of the FRY Constitution were of a higher-level force than international treaties (BCHR, 2000). SFRY ratified the CEDAW Convention with no reservations (entered into force in 1982). Therefore, the CEDAW Convention was binding on FRY. Further, FRY ratified the Optional Protocol.

Other relevant human rights treaties: SFRY had ratified all major international human rights treaties: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of Forms of Racial Discrimination, the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, the Convention on the Rights of the Child, etc. FRY was, in terms of prohibition of discrimination, also bound by all these conventions. However, in the nineties, legal experts pointed out to numerous and grave problems related to implementation of legislation. In addition, a particularly grave problem was the contradiction between the Serbian Constitution and the federal Constitution. Most federal laws were enforced by the authorities in the republics (they, in case of contradiction, obeyed the republic legislation). Some federal and republic laws/regulations were not adopted to the federal Constitution. Consequently, some important constitutional guarantees of human rights were not effectively implemented in practice (BCHR, 2000). FRY ratified some other treaties, e.g., the UN Convention against Transnational Organized Crime, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Serbia and Montenegro became a member of the Council of Europe in April 2003 and ratified (European) Convention on the Protection of Human Rights and Fundamental Freedoms, and some other relevant European Conventions.

Current situation in Serbia regarding international treaties is as follows. Serbia notified Secretary-General in June 2006 (upon declaration of independence by Montenegro) that the Republic of Serbia continued the membership of Serbia and Montenegro in the United Nations, including all organs and organizations of the UN system on the basis of Article 60 of the Constitutional Charter of Serbia and Montenegro. Further, Serbia also notified Secretary-General in 2006 that all treaty actions undertaken by Serbia and Montenegro will continue in force with respect to the Republic of Serbia with effect from June 3, 2006.

The last government report to the CEDAW Committee was submitted in 1998, and it was not discussed before the Committee. The report of FRY was submitted in 1993 (and discussed in February 1994) on exceptional basis. The report did not meet the Committee's requirements. The Committee expressed concern that events in the former Yugoslavia (wars, economic crisis, etc.) affected the women's human rights. It also expressed regrets regarding

the situation of women from the territory of the former Yugoslavia and the acts of violence they were exposed to. The written report and the additional oral presentation of the government involved claims typical for the state policy in that time, e.g., “FRY was not engaged in the war in Bosnia and Herzegovina”. Deteriorating status of women and children was mostly explained as a consequence of the UN sanctions, as if the government had nothing to do with the situation in the country. Although the sanctions without doubt had deteriorating impact on women, “achievements” of the former regime gravely eroded all aspects of women’s lives.

Women’s NGO Voice of Difference prepared and published the alternative report under CEDAW in 2002 (the first one in Serbia), which covered a period from 1990 to 2002. However, as the state report was overdue, this alternative report was not presented to the members of the CEDAW Committee.

Structure of this report

In order to assist the CEDAW Committee in reviewing the initial state report of Serbia (2006), we decided to structure the report in the following manner. Considering that the initial state report covers a very long period (from 1992 to 2002, and the first six months of 2003), as well as that the situation related to women’s human rights has changed since 2003, the analysis (under specific Articles of the CEDAW Convention) will be divided into two parts:

a) A review of legislation and *de facto* situation between 1992 and 2002 in the most critical areas, including Definition of Discrimination against Women, Policy of Elimination of Discrimination against Women, Development and Advancement of Women, Sex Role Stereotyping, Violence against Women, Trafficking in Women, Position of Women at the Labor Market, Access to Education, Access to Healthcare, Marriage and Family Life. Naturally, some analyses from this period are obsolete now (in the year 2007), but are included anyway, to make sure that the origins of the key problems are not forgotten and that comparison with present situation can be made. Similarly, some relevant data that pertain to 1991 (e.g., 1991-census data) are also included when appropriate.

b) An overview of critical issues related to implementation of the CEDAW Convention between 2003 and 2006 in the same areas as mentioned above.

Preparation of the report, methodology

a) One researcher prepared a review of factual situation³, and one legal expert covered the analysis of legislation related to the 1992-2002 period. A process took approximately a year (part-time). Many problems were faced during preparation of the part on *de facto* situation. Official statistical data at that time were gender-aggregated, unavailable and/or (sometimes) unreliable, so monitoring trends in women’s status was rather complex. Further, at that time, the last census was conducted in 1991, i.e., before the wars and large changes in demographic picture (a huge influx of refugees, emigration waves, etc.). Moreover, certain relevant statistical data were published at the federal level, while the report was deliberately focused only on Serbia (our assumption was that Montenegrin women’s NGOs should write alternative report related to Montenegro). As we decided to monitor trends in roughly 12 years (whenever possible or appropriate), we made analysis relying on a “puzzle” of relevant, selected sources: research studies conducted on nationally-representative samples of women and girls, data or estimates of NGOs, regional/comparative studies, monitoring reports, official statistics (when possible/available), surveys of international organizations, Web sources, etc. Official statistical data were often quoted from *previously published analyses of*

³ Biljana Brankovic (Consultant, Voice of Difference) wrote the report; the legal analyses were prepared by Marija Lukic (Voice of Difference)

experts on women's rights (prepared as a part of Draft National Action Plan for Women). Women's groups interested in monitoring approved recommendations (as the latter were largely outdated, the new ones are provided here).

b) Nine activists/researchers⁴ prepared analyses related to the 2003-2006 period; each covered specific article(s), relying primarily on their previous experience in protecting and advocating for women's human rights, and monitoring/analyzing state policies. All women's NGOs involved in this process possess 10-14 years of experience in women's rights activism. We stress that, due to unexpected completion of the state report, the time available for writing this part was very short.

A "legacy" of the former dictatorial regime: An impact on women in Serbia

In our opinion, the situation of women's human rights in Serbia in both periods (1992-2002) and (2003-2006) cannot be properly understood without analysis of the heavy "legacy" of the former criminal regime. Notably, economic, social and demographic data all revealed disturbing picture. It has not been precisely known how many persons were killed in the wars. The number of refugees and displaced was (and still is) very high. According to UNHCR (June 2001), FRY had one of the highest number of refugees and displaced in Europe (about 620 000), although the number has dropped by 30% in comparison to 1996. It was not known precisely how many refugees/displaced women lived in female-headed households (but, in general, in 2002, 47% of all women lived alone, in female-headed households, while 10.1% of all men lived alone, in male-headed households). On the other hand, the unknown number of citizens fled to foreign countries. According to estimates (Bolcic, 1995), about 280 000 young persons with secondary or university education emigrated only between 1991 and 1994 (i.e., 10% of the younger generation and about 15% of all highly educated citizens). Since some citizens fled to circumvent the draft during wars, it might be presumed that more men than women have emigrated. The percent of urban population in total population in 1991 was 53.4% in Central Serbia and 55.7% in Vojvodina, respectively. In 1991, the mean age of women was 38 years, while the mean age of men was 35.9 years. In 2002, the mean ages of women and men were 41.5 and 39 years, respectively. Hyperinflation, corrupt officials, destructive economic policy, the years of international sanctions and isolation, the huge influx of refugees and IDPs, and the NATO bombing contributed to collapse of the economy. Gross national product (per capita) has dramatically fell – in 1989 and 1999 it was 2 941 US \$ and 975 US \$, respectively (G17, 1999). Hyperinflationary episode in 1993-1994 was one of the worst in the recorded history. At the pick of hyperinflation (in December 1993), average wage amounted to 21 DEM (app.10\$), which was 30 times lower than in 1990 (G17, 2000). Monthly inflation was 312 million percent in January 1994. For the sake of comparison - hyperinflation in Weimar Germany reached its peak in October 1923 when monthly inflation was running at 29.72% (Krstic & Reilly, 2001). The direct costs caused by UN sanctions were estimated at US\$ 36 billion and the losses caused by the NATO bombing at tens of billions (UNDP, 2000). The poverty became widespread. Under the minimum "consumer basket" criterion, the national standard for gauging poverty, 2.8 million people in Central Serbia and Vojvodina (out of the total number of 7.7 million inhabitants) were below the poverty line in 1999. Some social groups were consistently reported as having higher poverty risk: families of the unemployed, underemployed or low paid workers, families with many children and single parents, families of the disabled, low-income pensioners, living alone or with dependants, IDPs and refugees (World Bank, 2001).

⁴ Tanja Ignjatovic (Autonomous Women's Center/Voice of Difference), Biljana Brankovic (Consultant, Voice of Difference), Bobana Macanovic and Stanislava Otasevic (Autonomous Women's Center), Dusica Popadic and Ljiljana Bogavac (Incest Trauma Center), Tamara Vukasovic and Marija Andjelkovic (ASTRA), Slavica Stojanovic (Women in Black)

“Less visible legacy” of the former regime, mostly immeasurable in “hard data”, involved deep-rooted social changes (therefore, psychological recovery of the society would probably take longer time than the economic one). In the nineties, Serbia has become a heavy criminalized society, with high corruption rate and increased social inequality. This would probably have a serious impact on future development of Serbia. In 1999, corruption in Yugoslavia (including both Serbia and Montenegro) was the highest in Europe, according to Transparency International Corruption Perceptions Index. One expert cynically described the status of this new “elite” in the former regime: *“All states have Mafia, but only in Serbia Mafia has the state.”* The policy of the former regime, as well as isolation from the international community created a fruitful ground for criminals, war profiteers and “new rich” (one to three percent of the population, according to estimates). “Party officials” who mostly managed state enterprises had privileged position in so-called *“brother-to-brother privatization”*, and many of them became distinguished managers of their own companies. In general, civil sector played constructive role in this social context. Many NGOs had large informal political influence, representing the “conscience of Serbia”, while some others avoided criticism towards the regime, followed the mainstream and enjoyed benefits.

Women have appeared to be more affected by negative social and economic trends in the nineties. Female mortality rates declined (this trend was not identified in males). Their health deteriorated, as implied in increased rates of cancer. Some studies showed that survival of the families in the economic crisis was largely enabled by increased female work at home, as well as in family farms (most women who were engaged in the hidden economy, actually produced food for their own household). Women made up nearly 60% of unemployed, and the majority of long-term unemployed. In addition, women worked mostly in the state sector (in which wages were, in general, lower than in the private sector). The gender pay gap increased, particularly in the hidden economy. The hidden economy contributed to enlarged gender inequality, since women working in this sector could not have been protected against any form of discrimination, violence, or abuse. Women were poorly represented in the private sector. Owners of private companies favored young males as job candidates, while women working in this sector were more often unregistered, engaged as unpaid helpers in family businesses or on temporary basis. In addition, female representation in decision-making places was very low in the nineties. The latter fact might be regarded as fortunate - women made a very small contribution to aggressive nationalistic policy of the former regime (there were exceptions, for instance, a wife of ex-president Milosevic, who led neo-communist party JUL). Contrary to low participation in Parliament, women in the nineties were largely represented in NGOs (among both leaders and activists), and about equally in civil protests. Contribution of women to political changes in Serbia (that happened in 2000) was far greater than their participation in policy making after 2000. Representation of women in decision-making remained low in the period from 2003 to 2006 (See: Article 7).

Therefore, women (by and large) paid the price of economic and political crisis in the nineties. Since women mostly worked in the public sector, they also were greatly affected by privatization and dismissal after 2000 (they became the “losers” in transitional changes). The government of DOS initiated the structural reforms in economy and banking in the period from 2001 to 2003. These reforms were rather efficient and rapid (as indicated in frequent approvals of the IMF, the World Bank, etc.), but the economic consequences of the former regime were difficult to overcome and the poverty was enormous (as opinion polls and frequent strikes implied). Social inequality was high – according to the poll on 2006 households in 2001 (G17 Institute, 2001), the average monthly income of the poorest part of the population was 12 times lower than the average monthly income of the richest, and 4 times smaller than the estimated average of all households. According to agreement between the unions and the government, minimum wage at the end of 2001 was 3250 YU dinars (app. US\$ 47). Just for the sake of comparison, a cost of renting one-room apartment in Belgrade was at that time app. US\$ 130, which was roughly equal to a monthly wage of a high-school teacher

with a BA degree. Now, six years after the political changes, people who have become rich, due to their close links with the former regime, are still rich. The average net monthly salary in January 2007 was 24 122 Serbian dinars (app. US\$ 400).

GENERAL COMMENT ON THE STATE REPORT

The state report mirrors politics of the Serbian state in the following points:

1. Disrespect of international institutions and local non-governmental organizations;
2. Denying the facts and responsibility of Serbia for the war and consequences of war;
3. Irresponsible behavior toward Roma in Serbia;

We express our stern resignation concerning the part of the text about Kosovo in the state report.

Incoherency of the report is indicative of the relation of the state toward women's human rights. The regression of the entire system in the period from 2003 to 2006 cancelled the basis from which progress of women's human rights can be responsibly expected and measured. Sporadic steps forward neither build a system of short-term measures nor point toward long-range goals. Discrimination and exclusion are systemically present through strong favoring of national and religious identity. Women's rights are rewritten and curtailed again and again by various state and non-state actors through various actions; their outcomes in turn become new (regressive) breeding grounds.

We who defend women's human rights are worried about such state of affairs.

The state ignores its obligations and women's human rights defenders who warn about this. For example: the organization *Women in Black* submitted to the National Parliament on October 31, 2005 the Draft Resolution *Women, Peace, Security*. Even though several female Members of Parliament have supported the said Resolution and initiated parliamentary procedure for adopting the Resolution, the National Parliament has so far not adopted any resolution with which the Republic of Serbia would even formally meet its obligations of the UN member ensuing from the Resolution 1325 of the Security Council. *The activists who lobby for radical break with the criminal past and for accountability for war crimes are designated as extremists and even criminals.* After the assassination of Prime Minister Djindjic, and especially after elections in December 2003 and ascending to power of Vojislav Kostunica, the following has been noted: simultaneously with reinstatement of representatives of the previous (Milosevic) regime, methods from that period have also been reinstated: repressive measures are diversified, actions are prohibited, misdemeanor proceedings are instituted, there are questionings and hearings in various department of the Interior Ministry (department for organized crime and prostitution, for economic crime), visits by police officers to premises of the organization *Women in Black*, especially in the period from April to October 2005; physical assaults on activists fail to be prevented or tried. (Amnesty International has subsequently launched a campaign to protect *Women in Black*, demanding from jurisdictional institutions in Serbia to stop repression).

The following could be done in the upcoming period:

The Constitution and the Law on Churches and Religious Communities – the versions adopted have not been discussed or available to public and are enacted employing “urgency of proceedings” as a result of “party trade-offs.” Gender perspective in the political environment of Serbia cannot be derived exclusively from documents that are gender-specific because

systemic changes are made in Serbia which are the foundation for ongoing regress of women's human rights. It would be important for the Committee to give recommendations concerning both documents discussed in Art. 1-3 of the Shadow Report. The recommendations of this kind would be an important message to international organizations, including UN agencies, which conduct gender programs that are selective and limited and lack contextual approach and effective adducing of CEDAW in its entirety. These recommendations of the Committee would be a guideline, which gender mechanisms in Serbia miss. Marginal corrections further marginalize women's human rights.

State policies and strategies systematically exclude or marginalize women both as users and as participants/creators and at the same time annul existing knowledge and good practice of women's non-governmental organizations (National Strategy against Violence, National Strategy on Mental Health, Action Plan for Roma Women etc). It means that an opportunity is missed to advance critical areas, real state of affairs and needs are misrepresented and inefficient and unjust approach is assumed.

New institutional mechanisms such as the National Council for Gender Equality in their "clustering of power" and without clear mandate regarding CEDAW may have no impact on the state in terms of implementation and advancement of women's human rights. They may also become an administrative obstacle to self-organized women's activism. A recommendation of the Committee that within their mandate these bodies should clearly define their obligations to CEDAW would be an important instruction on responsibility. In the light of previous experience, gender mechanisms lack clear definition of conflict of interests, transparency of work and clear relations with international organizations (obligations and limits). Recommendations in this respect would facilitate the process of defining roles and responsibilities.

The real outcomes of work, actions and advancement of procedures, as well as quality and way of using special strategies of gender equality bodies, various ministries or other bodies can be observed only by way of independent monitoring (high decree of ignorance of principles of women's human rights and ensuing obligations, non-coordination of bodies, ignorance of the principle of transparency, corruption etc are arguments in favor of independence). Since there is no awareness in Serbia about the notion and importance of independent monitoring, recommendations of the Committee, with clear instructions, responsibilities and rules about the conflict of interest would be useful in the process that has been initiated by women's groups.

Article 1 – Discrimination against women

1992-2002 Period

Definition of discrimination: The Constitution of Yugoslavia and the Constitution of Serbia (which were in force in this period) contained provisions on the prohibition of discrimination in general, but there were no provisions that clearly defined or prohibited gender discrimination.

As constitutional provisions were mainly of declaratory nature, they did not provide good basis for achieving genuine gender equality. The Constitution of Serbia stated that: *"Citizens are equal in 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"* (Art. 13). "Women" were mentioned only once in the entire Constitution of Serbia, in the Article 38, *"Youth, women and the handicapped enjoy special protection at work in accordance with the law"* (Aleksic & Lukic, 2000). Similar provisions were contained in the FRY Constitution (Art. 20, Art. 56). The Criminal Code of FR Yugoslavia stated that *"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 differences - grants privileges or conveniences to anyone, shall be punished from three months to five years imprisonment."* The Serbian Criminal Code contained a similar provision (Aleksic & Lukic, 2000).

2003-2006 Period

Definition of discrimination in the new Constitution of Serbia: Constitution of the Republic of Serbia (November 2006) provides a gender-neutral definition of discrimination, rather than a definition of discrimination against women in accordance with Article 1 of the Convention; the Constitution of Serbia guarantees equality of all before the Constitution and the law; the right to equal legal protection, without discrimination; prohibits any discrimination, direct or indirect, including discrimination on grounds of gender, and special measures introduced for achieving full equality of persons and groups are not considered as discrimination (Article 41). Under Article 15, „The state guarantees equality of women and men and develops policy of equal opportunities.“ Under Article 100 „Equality and representation of genders and representatives of national minorities is to be ensured at the National Assembly in accordance with the law.“ Family, mother, single parent and children enjoy special protection. Sexual orientation is not explicated as a personal characteristic against which discrimination is prohibited.

Re-traditionalism – provisions and procedure of adopting the Constitution: Despite gender-sensitive rhetoric of the new Constitution, a conclusion that real progress has been made toward achieving equality and principle of equal opportunities for all can hardly be drawn. Contextually, the new Constitution of the RS has introduced provisions that affirm the impact of growing nationalism, traditionalism and clericalism. They include as follows: Serbia has been defined as the state of the Serbian people (and all citizens living in it, Article 1); Sovereignty is derived from citizens who exercise it by way of a referendum, a people's initiative and freely elected representatives (Article 2), but „A member of the Parliament is free, under conditions laid down by the law, to irrevocably put his tenure at the disposal of the political party that proposed him as a candidate for the member of Parliament“ (Article 102); the number of citizens needed for an initiative exercising the citizens' right to propose laws and other regulations has been doubled (from 15 000 to 30 000 citizens (Article 107); which detracts from and makes exercise of the sovereignty of citizens more difficult. Ratified international agreements are an integral part of the legal system of the RS and are directly

implemented; but „Ratified international agreements have to be in line with the Constitution“ (Article 16). The Constitution affirms that: „Everyone has a right to freely decide about childbearing (Article 63), even though the Family Law stipulates that: „A woman is free to decide about childbearing“(Article 5). Furthermore, the procedure of adoption of the new Constitution was unlawful and undemocratic – the Constitution was proclaimed at the session of the National Parliament of the RS under urgency of proceedings and without either parliamentary or any previous public discussion. It was confirmed on a referendum that lasted two days without presence of independent observers. For these reasons, *Voice of Difference (Glas razlike)* maintains that: „The process of dissolving newly broached reforms of totalitarian, national and police state and of smashing the freshly and merely partially erected foundations of a modern, democratic, civic state has been wrapped up by passing the Constitution of the Republic of Serbia (November 2006)». Moreover, it goes on: „A serious attack on male and female citizens and the secular state was committed in April 2006 when the Law on Churches and Religious Communities was adopted. It was preceded by passing of the Law on Rights of Detainees at the International Criminal Tribunal and Members of their Families (March 2004).“ (Report on discrimination on grounds of gender/sex, *Voice of Difference*, December 2006).

The laws in Serbia do not contain an explicit prohibition of discrimination against women, prohibition of indirect discrimination and do not define what discrimination on the grounds of gender really means and these provisions are consequently rarely used. Definitions of discrimination do not encompass violence against women. Laws are not familiar with a definition of gender-motivated violence (definitions of violence in all laws are gender-neutral). With the exception of *Labor Law* and *Law on Public Information*, there is no explicit prohibition of discrimination on the grounds of sexual orientation⁵.

Under the **Criminal Code** of the RS (Official Gazette of the RS 85/05) Breach of Equality is liable to punishment (Article 128): those who, owing to difference in gender (other personal characteristics are also enumerated) „deny or curtail rights of men and citizens laid down by the Constitution, laws and other regulations and general acts or ratified international agreements or grant privileges or advantages on grounds of this difference, shall be sentenced to a term of imprisonment from three months to five years.“ (Art. 128, paragraph 2).

The Article regulating Crime against Humanity (Art. 371) also includes, among provisions pertaining to an attack against the civilian population: „rape, compulsory prostitution, coercion to pregnancy or sterilizing in an attempt to change ethnic structure of the population; persecution or banishment on grounds of gender (and other grounds)... and is liable to punishment of at least five years imprisonment or imprisonment from thirty to forty years.“

There is no information (public available) about punishments meted out for criminal offense Breach of Equality (Article 128) on grounds of gender. There is no reliable and available information about how many women sued for discrimination, what kind of discrimination, in which area and what the outcome was. There is no information about discrimination against or reports to the police / filed charges by women who belong to minorities and marginalized groups (Roma women, lesbians, women with disabilities, foreign citizens etc).

Article 1 - Recommendations:

1. To incorporate in the Constitution and national legislation a definition of discrimination against women that is in line with Article 1 of the Convention.

⁵ Failure to prohibit discrimination on grounds of sexual orientation exposes lesbians to various kinds of discrimination, against which there is no proper legal protection. Previous efforts by NGOs to sensitize legislative and professional public have not had effect. Cvorovic, I. (2006) *Istraživanje o nasilju LGBTTI populacije (Survey into Violence against LGBTTI population)*, Labris, Beograd, http://www.labris.org.yu/images/npublikacije/istrazivanje_web.pdf/

2. To ensure available and successful protection of rights contained in the Convention. To ensure adequate remedy of law before a court for violation of rights contained in the Convention. To continually monitor, inquire into and analyze conduct of courts in cases of discrimination against women (discrimination on grounds of gender), especially concerning women who belong to minorities and marginalized groups.
3. To disseminate knowledge about the Convention among judges, lawyers, representatives of executive and legislative branches of government at all levels. To make the Convention familiar and available to the broader public. To conduct campaigns for suppression and prevention of all forms of discrimination against women.

Article 2 - Policy of Elimination of Discrimination against Women

1992-2002 Period

A lack of anti-discriminatory legislation: FRY (and Serbia) did not have anti-discriminatory legislation or the Law on Gender Equality.

The Constitution of Serbia which was in force at this period provided that citizens all have equal protection before the state and other bodies, irrespective of sex. In the area of work and labor rights, the Constitution guaranteed right to work, freedom of work, free choice of profession and employment, and participation in management.

In the nineties, the courts *did not call on* provisions of CEDAW, and there was no *direct implementation* of the Convention. The principle of affirmative action was not integrated into the legislation. Even the very concept of quotas was regarded as “strange”. The state *did not take proactive measures* (public and awareness raising campaigns on the Convention) to make it a legally binding instrument for women’s human rights protection. Similarly, availability of gender-sensitive data was very limited, so monitoring trends related to gender discrimination in the field of employment, education, etc. was very difficult.

After 2000, the government has improved policies in some areas, e.g., protection of trafficked women (creation of the National Team for Combating Human Trafficking, organization of trainings on trafficking for officials, primarily, the police), enhanced female participation in decision-making, better protection of families with children. Collaboration with NGOs was significantly improved. Due to engagement and pressure of women’s NGOs, some highly relevant legal provisions were also introduced, e.g., domestic violence became defined as a specific criminal act in the Criminal Code, and the equal pay principle was incorporated in the Labor Code (some of these legal changes are described below). Advanced policy in some areas came out of increased cooperation with international organizations, e.g., OSCE and Stability Pact. However, the government did not undertake a (visible) coordinated effort to decrease gender discrimination or to design long-term strategies for promoting gender equality (only NGOs have raised public awareness of the *relevance* of this issue).

A lack of affirmative action measures was also evident. Although the attitude towards female participation in decision-making posts was improved, there was no systematic and consistent policy of affirmative action.

2003-2006 Period

Re-traditionalization as the prevailing spirit: Re-traditionalization is presently the prevailing spirit of political elite in Serbia. The new Constitution takes a conservative political and legal course, and despite its gender-sensitive rhetoric it is difficult to conclude that a real progress toward establishing equality and principle of equal opportunities has been made. „Depoliticized topics“ (e.g. family violence, right to education, possibly even employment) may be the areas in which state will be making efforts, but it is less likely that in redistribution of economic, social and political power it will observe the guaranteed principles of gender equality. Re-traditionalization of society resulted in the growing influence of the Serbian Orthodox Church on state policy: religious training was introduced in state schools at primary and secondary level of education; church representatives are appointed to almost all independent agencies, state commissions and steering boards of public services, and the Law on Churches and Religious Communities favors Serbian Orthodox Church over other churches and ensures state benefits and legal exemptions granted to no other institution / organization. The government has adopted the Law under urgency of proceedings without public discussion, despite protests by numerous domestic and international organizations.

The Law on Churches: The Law adopted in 2006 enables/guarantees privileges to churches and religious communities granted to no other organizations and associations of citizens in a large number of areas, especially in terms of acquisition of property, tax exemptions, conducting of public worship and other religious rites, construction works, education etc. It enables churches and religious communities to engage in economic and other activities (churches could possibly establish economic societies for engaging in economic activity); the state can financially support churches „in order to advance religious freedoms and cooperation in the mutual interest“ (the role of the state is *not to finance* religious freedoms, but to guarantee freedom of religion and freedom of non-religion and equality of churches and religious communities); the state protects *social rights of priests* (Art. 31) by ensuring budgetary resources for health, pension and disability insurance of priests and religious officials; it enables *tax exemptions* for churches to carry out their activities by way of *partial or full exemption* from paying taxes and other obligations; natural and legal persons who give donations and gifts to churches *can be exempt from paying taxes* (Art. 32) (other organizations and civic associations are not granted such deductions, on the contrary, the Government of the Republic of Serbia issued a special decree obliging NGOs to pay 5% of the total amount of the received donation, which is taken as a gift rather than a contractual obligation to carry out concretely defined activities); *public space has been declared a place of public worship* (Art.33) (which makes it lose its characteristic of a public space), and public worship and religious rites can be performed in institutions and objects (state institutions *in a secular state* have to be exempt from the influence of religious organizations), (organizational and program) autonomy of churches and religious communities is guaranteed to *design curricula, textbooks and manuals, to hire and fire teaching and other staff and monitor the work* (Art. 39) (monitoring of the work of all educational institutions, either state or private, has to be conducted by the Ministry of Education rather than church).

Implementation of the Convention: Even though the state has been implementing the doctrine of monism, the Convention on Elimination of all Forms of Discrimination against Women is unfamiliar among broader public and representatives of executive, legislative and judicial branches of government on all levels – it is not typically adduced as a legal source for elimination of discrimination against women. The courts do not adduce provisions of the Convention, and the Convention is not implemented directly. The state is *not taking pro-active measures* (public campaigns, dissemination of information about the Convention) to make the Convention a frequently used and legally binding instrument for protection of human rights of women.

Legislative framework: Serbia does not have a **Law against Discrimination**. A draft law made by NGO Comparative Law Institute has been unable to find support since 2004. In late 2006, Secretariat for Human and Minority Rights of the Republic of Serbia and UNDP began making a new draft. Serbia does not have a **Law on Gender Equality**. The draft law made in April 2005 has been put off the agenda of the National Parliament of the RS in September 2006 because the Ministry for Local Self-Government and State Administration disagreed with certain articles (which meant lack of support by deputies of the Democratic Party of Serbia – the party led by the Prime Minister – for its adoption).

Law on Gender Equality – Influence on the Concept: The draft law made by an expert group commissioned by the Committee for Gender Equality of the National Parliament of the RS conserves, in the opinion of NGO *Voice of Difference*, traditional gender roles of men and women rather than set new norms for true change of gender roles so as to achieve equality. The concept of the law is supposed to offer principled solutions and be binding for separate laws.

The Autonomous Province of Vojvodina has adopted the Decision on Gender Equality (Official Gazette of APV 14/04) and the Declaration on Gender Equality. In majority of new laws (e.g. the Law on Civil Servants, the Law on Higher Education, the Law on Medical Associations etc), neither the principle of affirmative action nor the quotas for less represented

gender are mentioned when management bodies are concerned. Therefore, there is a problem not only with implementation of laws - as is often heard among professional and the broader public in Serbia - but also with unwillingness to recognize legitimacy of claims for equal participation in creation of important state policies.

The Labor Law contains a definition of discrimination that encompasses direct and indirect discrimination. The definition of principle of equal pay for equal work or work of equal value has been upgraded. Progress has been made in defining harassment and sexual harassment. Nevertheless, the Law also contains measures that can eventually prove to be counterproductive for women (explained in Article 11). *The Law on Employment and Insurance in Case of Unemployment* is the first law of the RS that has introduced affirmative action for vulnerable categories and especially women. The laws do not contain explicit prohibition of discrimination against women and prohibition of indirect discrimination.

Implementation of the law: Introduction of new mechanisms is not accompanied by efficient, swift and economically viable protection. The laws and regulations of the RS do not define what discrimination on grounds of gender actually means. The position of a person who claims that she/he has been discriminated against becomes very difficult in circumstances of very complicated judicial proceedings and economically inaccessible legal and professional assistance. There is no reliable and available information how many women have filed charges/a lawsuit for discrimination, of which kind, in which area and with what outcome. There is no information in what way the Decision of AP Vojvodina has been utilized by women and by gender-equality mechanisms in Vojvodina.

The existing institutional mechanisms for protection and affirmation of principle of gender equality do not have mandate to take binding decisions, which leaves them on the margins of decision-making and makes them dependent on executive, legislative or local branches of government. None of the existing bodies have mandate to decide about individual suits of employees or citizens. The Law on the Protector of Citizens (Ombudsman) and the Law on Prevention of Discrimination against Persons with Disabilities have serious shortcomings in areas they are regulating, because the private sector is practically never included. This makes claims to adopt a Law on Gender Equality and an Anti-Discrimination Law urgent.

Gender-sensitive records: The official statistics does not identify areas in which women are less represented or unequal, but this has not been recognized as an indirect and systematic discrimination (e.g. in education, employment, social and healthcare protection, protection against family violence etc). The records kept by services financed from the state budget are not gender-sensitive and sufficiently accessible, so it is impossible to obtain relevant and reliable indicators of indirect discrimination against women. Considerable progress made by the *National Employment Bureau* and the *Republic Institute for Statistics* in terms of gender-sensitive records and statistics ought to be emphasized, but it is still insufficient for continual monitoring, research and analysis of information on position of women.

The statistics lacks information about status of women who belong to minorities and marginalized groups: Roma women, refugees and displaced women, migrant women, foreign citizens, women with disabilities, women from rural areas, older women, women in prison and detention, women with psychiatrically altered behavior, poor women, single mothers, lesbians, female children etc.

Article 2 - Recommendations:

1. To thoroughly and continually monitor implementation of new legal solutions, i.e. those that prohibit discrimination and envisage affirmative action for women, especially in respect to efficiency of court protection. To ensure economically

accessible protection against discrimination. To ensure and develop other forms of protection (apart from judicial) against discrimination.

2. To support continual monitoring, research and analysis as well as promotion of integrative approaches to suppression and prevention of all forms of discrimination, especially against Roma women, women with disabilities, women with a history of psychiatric hospitalizations, lesbians, women with a history of violence, women with HIV, women prostitutes, single mothers, refugees and displaced women, women without permanent place of residence, foreign citizens. To discover most frequent forms of multiple discrimination and advance mechanisms for their prevention.
3. To introduce systemic training of police representatives, representatives of prosecution and court, as well as executive bodies, about discrimination against women, especially about forms and kinds of indirect and multiple discrimination.
4. To use the Convention as a legally binding instrument for protection of human rights. To treat violence against women, including family violence, as violation of human rights of women in accordance with the Convention.
5. To advance and make accessible current records and statistics about women in all areas. To make annual reviews / publications of gender-sensitive statistics and ensure their organized distribution to representatives of executive and legislative branches of government.

Article 3 - Development and Advancement of Women

1992-2002 Period

Weak gender equality mechanisms

Institutional mechanisms for achieving gender equality founded in this period were weak and had unclear mandates and authority. One mechanism was established within the federal government – the Yugoslav Committee for Collaboration with UNICEF and Improvement of the Status of Women. However, both the status and *authority* of this Committee remained unclear (some official documents which regulated foundation of federal ministries and administrative bodies did not even mention this Committee, Pajvancic, 2002). The establishment of gender equality mechanisms started in Autonomous Province of Vojvodina. The functional body: the Secretariat for Labor, Employment and Gender Equality was founded in 2002, and some attempts to establish operative gender equality machinery at the local level (Novi Sad, Becej) were noteworthy (Pajvancic, 2002).

As a part of the large program, aimed at increasing the number of women at all levels of decision-making, the Organization for Security and Cooperation in Europe (OSCE) has started to train and organize gender equality mechanisms - Gender Equality Focal Points (persons or bodies for gender equality and equal opportunities) at municipal level. Upon organization of gender awareness trainings, these local bodies were established in 14 cities in Serbia in 2002. Following the guidelines from the Beijing Platform, the Draft National Action Plan for Women was made in March 2000, but most of the measures proposed were not implemented (analyses provided for the purpose of this Plan were quoted throughout this report).

2003 – 2006 Period

Current mechanisms for achieving gender equality – assessment: At the *national level* the following bodies have been set up in Serbia: The Committee for Gender Equality of the National Parliament of the RS (2003); the Council for Gender Equality of the Government of the RS (2003, that is, 2004); At the level of the *Autonomous Province of Vojvodina*: the Secretariat for Labor, Employment and Gender Equality (2002), the Committee for Gender Equality of the Assembly of AP of Vojvodina (2003), the Province Institute for Gender Equality (2004); At the *level of municipalities*: Persons and bodies for gender equality and equal opportunities at municipal level (as part of an OSCE project in 50 municipalities up to 2005). These bodies do not have sufficiently clear mandates and there is no information about activities and effects of their work, or whether they have „survived“ the change of government at the local level (in 2004).

In its work, the Committee for Gender Equality of the National Parliament of RS (henceforth: the NPRS Committee) has not had permanent organized professional support nor clearly defined policy of cooperation with NGOs, which has diminished the number of activities under the Committee's jurisdiction (primarily in area of legislative policy of the state).

The NPRS Committee is made up of 15 members of all parliamentary parties (five of which are members of the Serbian Radical Party – an extremist right-wing party); it has held 27 meetings in the period 2004-2006. The Committee <u>initiated drafting of the Law on Gender Equality</u> (July 2004); it <u>proposed amendments</u> (to the Law on Financial Support to Families with Children, the Family Law, the Criminal Code); it organized presentation of the draft Anti-Discrimination Law (2004) and a survey of political participation of women (NDI); it <u>initiated</u> legal action in the case of discrimination in the company „Impol Seval“ (at the request of Ministry of Labor, Employment and Social Policy to probe the case of discrimination against women under Article 18 of the Labor Law); it initiated meetings, exchange of experiences and
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cooperation with international organizations (OSCE, NDI, GTF SP), education of members on gender equality (support of OSCE); At 13th meeting the decision was made to set up a Subcommittee for Children's Rights (even though parliamentary Committee for Health and Family already exists), indicating thereby a tendency to associate women with traditional roles (information from minutes from Committees' meetings on the National Parliament's Website).

Under the decision to set up the Council for Gender Equality (Official Gazette of the RS, no. 13/2003, 83/2004 and 3/2005), the Council was set up as an expert advisory body of the Government of the RS. In December 2006 at the Website of the Government of Serbia and the Ministry of Labor, Employment and Social Policy neither annual programs of work nor annual report about the work of the Council can be found. Even though the Rules of Procedure of the Council envisage transparency of its work, the direct request of representatives of women NGOs to be given access to annual reports on its work received a response that the Council was accountable exclusively to Government of the RS. It can be gathered from public statements of Council representatives that the Council carries out various projects. There is neither available information about the number, kind and results of project activities or budgets (state funds and funds from international donations) nor about impact made to improve position of women or change government policy. Therefore, it is impossible to determine what the Council has accomplished concerning 5 key tasks defined by the Decision to set up the Council: *assess degree of harmonization of local legislation with international conventions; monitoring and analysis of implementation of laws and international conventions; proposing measures and giving recommendations to the Government to amend laws; monitoring state of affairs, assessment of effects and informing the Government on the position of women*. The impression we get is that the Council does not use its position and jurisdiction of an institutional mechanism. Previous project activities have had no significant impact on policy, including legislative policy, of the Government of RS.

The Council began making the National Action Plan for advancing position of women and gender equality (NAP) and included representatives of 33 women NGOs and independent female experts appointed by the Council in that process. A broad public debate on the draft National Plan has been organized. The document was not adopted by the end of 2006 (there is no information whether the Draft has been altered and whether the Government has discussed it).

The Council is made up of representatives of seven ministries (Ministry of Education and Sports, of Finance, of the Interior, of Labor, Employment and Social Policy, of Health, of Culture, of State Administration and Local Self-Government), as well as „prominent scholars and representatives of associations for gender equality issues“. Its president is Minister of Labor, Employment and Social Policy, so Council is not „an independent government body“ (as stated in the government report in paragraph 84).

A body for gender equality is not able to act upon individual complaints, charges and reports. None of the bodies that have been set up is able to give an independent assessment of the existence of discrimination and collect information about individual cases. None of the set up gender equality bodies is able to make binding decisions. Both national mechanisms lack mandates for all the obligations ensuing from the Convention. The state has not ensured appropriate positions and knowledge, appropriate human resources (administrative and expert) and appropriate funds to ensure implementation of mechanisms and carrying out of activities in their jurisdiction. Coordination of work of mechanisms on various levels has not been ensured. Mechanisms for gender equality use resources of women NGOs but do not show sufficient readiness to define rules about ways of communication, transparency of work, observance of visibility and ownership of work and ideas of women's organizations. At the same time, we observe a tendency of systematic marginalization of independent non-governmental organizations by government institutions.

Legislative framework: Serbia does not have a Law on Gender Equality. The draft law has been taken off the agenda of the National Parliament of the RS in September 2006.

Law on Gender Equality – absence of public discussion: The Committee for Gender Equality of the National Parliament brought a decision to make a draft law (2004). With financial assistance of UNDP, an expert group (6 law school professors) has been engaged. The consultative process was closed, and was carried out only among representatives of mechanisms (the Committee, the Council, and the Secretariat) and international organizations (OSCE, UNDP). The draft law was published on the Committee's web site in April 2005. Several presentations of the draft law have been organized, but without a public discussion allowing for possibility to submit and give reasons for amendments. The working group has not shown an interest in NGO suggestions and representatives of mechanisms for gender equality and international organizations have not supported NGOs in their efforts to make an impact on drafting of the law. NGO *Voice of Difference* has proposed 40 amendments (most concerning definition of terms, sphere of work, education and social policy) and insisted on public discussion as a possibility to exert some influence on the draft law. In the long and unpleasant process, with the support of the president of the Committee, the amendments proposed by *Voice of Difference*, have been adopted. It was the first in a series of confrontations of several influential NGOs (mostly from Belgrade) with the mechanisms for gender equality. The other confrontations concerned transparency of work of public bodies, participation of NGOs and opportunity to make impact, their critical attitude toward kinds and effects of activities etc.

Independent institutions for gender equality: Serbia has the Law on the Protector of Citizens (Ombudsman) (2005), but no person has so far been appointed to this post, and it is not known when and in what way the work of this service will be organized. The AP of Vojvodina has brought a Decision on the Province's Ombudsman (Official Gazette of APV no. 23/2002) and has established an Ombudsman, „as an independent and autonomous body providing protection and advancement of human rights and freedoms of all, monitoring implementation of regulations, controlling the legality and efficiency of proceedings and reviewing the work of administrative bodies“ in order to protect human rights. The Ombudsman has five deputies, one of which is for gender equality. The annual report on the work of the Ombudsman is available to public on a web site. The report by the female deputy for gender equality (2004 and 2005) contains no information about: *implementation of laws and other regulations in the area of human rights; about violation of human rights and the information the Ombudsman has sent in connection with this and to whom; the number and kind of petitions concerning violations of human rights that the Ombudsman had received and probed; the number and kind of mediations to peacefully resolve disagreements and institution of criminal, disciplinary and other proceedings before judicial bodies in cases of violations of human rights.* The information about organized gatherings, trainings and campaigns, though significant, are not the basic function and jurisdiction of this institution.

Report 2005: chapter 4.

Gender equality: Structure of petitions: In the part of the report that deals with petitions by women, the structure of submitted petitions has not been shown (according to kind, areas and public services complained about), and there is no information about what women deputy Ombudsperson has done about petitions that have been submitted (manner of examination, information, mediations, institution of criminal, disciplinary and other proceedings and effects of initiated proceedings). We quote here complete report about the structure of petitions: „Out of a total of 623 petitions in 2005, women submitted 223 petitions, and another 200 female citizens contacted us either personally or by the telephone, which makes one third of all petitions and one third of all contacts established with our office. Like men, they mostly complain about the work of courts, urban planning and public utility services, as well as the work of administrative and public services, which they are mistrustful about. There are also complaints concerning labor relations, pensions and social welfare, such as financial assistance or use of community housing. The greatest number of petitions submitted by women concern family problems ensuring from divorce and placing children under guardianship, which makes

centers for social work the service most complained about by women. A significant number of women who contacted us complain about poverty. The number of those who give lack of financial means as a reason why they cannot initiate and follow through a judicial proceedings is not negligible.“

Article 3 - Recommendations:

1. To clearly define areas of work and coordination of all gender mechanisms in Serbia. To ensure that institutional mechanisms for gender equality at the national level have clear areas of jurisdiction, responsibilities and transparent work
2. To carry out tasks defined by the decisions to set up institutional mechanisms, primarily tasks related to monitoring and supervision of implementation of the Convention, international agreements on human rights, recommendations of Council of Europe, laws and regulations of the RS. To exert influence on executive and legislative authorities to change and supplement national legislation in accordance with the Convention. To encourage executive and legislative authorities and state administration to use and observe the Convention and national laws that define discrimination on grounds of gender.
3. To ensure jurisdiction of institutional mechanisms to act upon individual complaints, charges and reports on discrimination. To ensure jurisdiction for autonomous assessments of existence of discrimination and for probing information in individual cases. To ensure power to take binding decisions. To stimulate using public space to inform and report about the Convention and implementation of laws.
4. To support independent monitoring of work of institutional mechanisms by NGOs. To organize evaluation of work of newly established mechanisms after two years of work.
5. To devise institutional mechanisms at the local level in accordance with the needs. To define clearly their responsibilities and tasks and ensure transparency of work with an obligation to report annually on the work.
6. To systematically educate members of institutional mechanisms for gender equality at all levels. Organize special trainings of civil servants at all levels. The education should encompass education about particularly marginalized groups of women: Roma women, women with disabilities, women refugees and displaced women, lesbians, women with mental problems, foreign citizens etc.

Article 5 (a) – Gender Role and Stereotyping

1992-2002 Period

Stereotyping – a contribution of media: In the nineties, state-controlled media, an important source of poisoning nation with aggressive nationalistic concepts, significantly contributed to atmosphere of "**violence glorification**", offering an image of aggressive macho or militant warrior as a positive role model. Stereotyped or sexist portrayal of women in media supported traditional views regarding family roles and contributed to widespread tolerance of gender-based violence. Ethnically motivated rapes, conducted by Serbian forces during the wars in Bosnia and Croatia were denied in state-run media. Serbian women, raped in the armed conflicts, who fled to Serbia, received moderate attention. Stigmatizing approach of some journalists was striking – e.g., an attempt to portray child sexual abuse as a problem of refugee or Roma population (Popadic, 1999). The voice of NGO community could not have been heard in state-run media. Common labels for the members of NGOs in state-run media were "betrayers", "NATO-spies", and the like.

One private TV channel (Palma) with nearly national coverage promoted sexual violence very openly. Not only that they enabled the entire nation a possibility to watch hard-core pornographic movies every night for years, but also had advertisements for porn-videos. These ads involved "incest", "pregnant women", "sadism", "pedophilia", "weird", "animals", "sodomy", etc.

Pornographic magazines were sold regularly. Escort agencies and "erotic" hotlines were advertised freely. No specific prohibitions related to publishing this type of ads - the only 'regulation' was that they were charged double, as an employee in one advertising agency confirmed. Sexually offensive advertising was prevalent (see: Appendix – an example of one billboard is enclosed), and some experts warned that privatization would turn Serbia into "*a paradise for porn industry*".

After the political changes in 2000, an issue of gender-based violence received more attention in media than before. Representatives of women's NGOs gained more space in media. However, there were no efforts to introduce *gender-sensitive language* or *editorial policies*.

2003 – 2006 Period

No systematic strategy have been applied to decrease gender-role stereotyping in media:

Regarding the portrayal of women in media, the government report to the CEDAW Committee (2006) admits (in para. 82) that "the picture of women in media is still stereotyped, misogynous and discriminatory, whereas the Government is under no obligation to respond in cases of discrimination against women in the media". The government might be reminded that the Law on Broadcasting and the Law on Public Information (2003) ban the hate speech. As stipulated in the Art. 38 of the latter law, it is prohibited to publish information by which discrimination, hatred or violence against group of people is encouraged only because of their belonging or non-belonging to some race, religion, nation, ethnic group, sex, or because of their sexual orientation. No *systematic* actions have been taken by respective state bodies to prevent stereotypic and discriminatory approach to women in media. A group of 30 women's NGOs took legal actions against one (very popular!) nationally broadcasted TV show that was particularly offensive to women.

Associations of media professionals (Association of Independent Electronic Media – ANEM and Association of Journalists of Serbia) have adopted voluntary codes of conduct, which

prohibit all forms of discrimination (including gender-based discrimination) in a process of reporting.

Recently, one well-known TV and radio station (B92) has introduced gender-sensitive language in their programs. Women's NGOs have lobbied for such change for years, and consider this novelty as an important "breakthrough" in combating gender discrimination in media.

The government report to CEDAW mentions (in para. 82) that many successful campaigns have been organized against domestic violence, trafficking, and in favor of economic equality. However, the report does not acknowledge that these campaigns have been organized regularly by women's NGOs (the state neither initiated, nor funded them). In one of these campaigns, Autonomous Women's Center used press-clipping archive on 31 women who were killed by husbands/partners or ex-partners; as notified in the archive, these fatal cases of violence happened in the period from January to November 2003 (Ebart Consulting/Media Documentation, 2003). Various women's NGOs (e.g., AWIN, DICES, ASTRA, etc.) also conducted research studies on portrayal of women in media. One comparative study (conducted in nine countries of Eastern Europe; Jemric, 2003) focused on presentation of different forms of violence against women in media. In Central Serbia, most articles (81%) were published in the column "Crime", and journalists paid greatest attention to sexual violence – far more often than their colleagues in Eastern Europe (58% of articles in Central Serbia, as compared to the average for Eastern Europe – 32%). Hence, in Central Serbia, the primary focus of journalists was sexual violence, especially against minors, and to some extent – physical violence (particularly, dramatic incidents that involved a use of weapons or led to victim's death), while other forms of violence attracted negligible attention. Further, it was identified that legal proceedings and convictions of perpetrators were rarely covered in media (in 7% and 9% of articles, respectively; Veselinovic, 2003). The latter findings were consistent with attitude of NGO activists that journalists focused on 'bloody', 'sensational' cases of violence against women and rarely followed/investigated incidents in an analytical manner, so the public might get a message that state institutions were helpless in a process of punishing the perpetrators.

In recent years, *some media have improved their approach towards the problem of violence against women*, but the state has not applied any *systematic strategy* to raise awareness of these issues in public.

Article5a - Recommendations:

1. Adopting regulations that will enable the use of gender-sensitive language in media
2. Creating a team (composed of reps. of state bodies, media representatives, women's NGOs and gender experts) responsible for collecting the existing analyses and developing a comprehensive new survey on portrayal of women in media
3. Organizing a meeting with media editors, aimed at presenting the above-mentioned analyses/surveys and designing a plan for decreasing stereotypic presentation of women in media
4. Establishing teams for gender-sensitive editorial policy in the state-run media and providing continuous monitoring of the implementation (by independent bodies)

General Recommendation 19 – Violence against women

1992-2002 Period

Domestic violence – legal regulations: Prior to 2002, violence against women was not recognized as a specific form of violence in Serbia – there were no specific laws or legal provisions on domestic violence. Domestic violence was still *hidden behind general crimes as bodily injury, jeopardizing personal security*, etc. (Aleksic & Lukic, 2000). In March 2002, Criminal Code of the Republic of Serbia (Official Gazette RS 10/2002) introduced Article 118a, Domestic Violence, as a result of years-long advocacy of women’s groups, with the support of MP Leila Ruzdic-Trifunovic. The amended legislation also defined spousal rape and sexual harassment at work place as criminal offences.

Sexual abuse: legal provisions: Before the 2002-amendments, the Serbian Criminal Code defined rape as the act of *forced sexual intercourse between a man and a woman who are not married* (Article 103, Aleksic & Lukic, 2000). In addition, rape was punishable by one to ten years imprisonment, but under condition that a victim was under the age of 14, a minimum punishment was 3 years imprisonment (there were also more severe forms of rape, punishable by three to ten years imprisonment). However, the legislation was amended in 2002. The act of spousal rape was penalized, and penalties for different sexual crimes were increased (for two years). Usually, a victim had to prove that she really did not want to have sex (i. e., real and serious resistance), and that resistance lasted as long as the use of force. If the victim only resisted in the beginning and later gave up, it was not considered resistance anymore. There was also the offence of unnatural debauchery by abuse of position of authority. Incest was defined (Art. 121, Serbian Criminal Code) as sexual relations between direct blood relatives and between siblings, and the penalty was up to three years imprisonment. There was no specific difference between voluntary and forced sexual intercourse, or between blood relatives, regardless of whether they are adults or minors. By taking a vague attitude toward acts committed by an adult blood relative, the law had left this issue to court interpretation - there was no real and well-rooted protection of children from sexual abuse (Aleksic & Lukic, 2000).

Domestic violence – estimated prevalence: Official statistics were non-existent, so the only sources of information were data of SOS hotlines and a limited number of studies, conducted by NGOs. Research study on domestic violence, conducted on a sample of 700 adult women from seven Serbian cities in 2001 (Nikolic-Ristanovic, 2002) implied high prevalence rates – every third woman reported physical, every second – psychological, and app. 9% reported sexual violence. Findings on rates of **physical violence** were particularly disturbing, since they were **higher** in comparison to those identified in neighboring countries with similar economic and social conditions, as well as cultural patterns (e.g., Macedonia, Bulgaria). Research results indicated that uneducated or poorly educated women, as well as economic dependent ones were more often exposed to physical violence (the latter also correlated with extremely poor economic status of the family). On the other hand, all forms of violence were reported more often in families in which a husband/partner earned less than a woman, or a woman was the main provider of the family, implying that economic marginalization of males was correlated with violent behavior (males who could not conform to expectations related to traditional perception of gender roles often “project” their aggression to female partners). In addition, a theory of trans-generational transmission was mostly confirmed. The first study, conducted on the small sample of women in Belgrade (Nikolic-Ristanovic, 1994) found that violence increased after a husband/ partner or son had returned from the war, as well as due to a refugee status or deterioration of economic position (Nikolic-Ristanovic, 1995). Ex-warriors used heavy weapons or bombs to threaten victims, (they commonly kept the “*souvenirs from the war*”). One large survey involved a few questions on this topic and found that 15% of women suffered violence in a family. Majority of women reported that *other women* were

victims - 38% knew a few, while 21% knew numerous women being abused (SCAN, 2001). It might be assumed that violence was more prevalent than these results implied; i.e., women hesitated to speak about it openly. Roma women and girls also faced family violence, but no studies were focused on their particular problems. Violence was frequently reported to SOS hotlines. In 2001, Counseling Center for Family Violence received more calls (3910) than any year before. Girls were also faced with gender-based violence, occurring within a relationship or elsewhere. Center for Girls in Belgrade, working with young women (aged 12 to 22), received 3000 calls in 6 years - violence was reported in 16% of the cases. Case studies of women in prison revealed that many women who committed murder actually killed a husband, family member or partner after a prolonged “history” of physical/sexual abuse. One of them suffered violence by a father-in-law for years, and finally killed him the last time he attempted to rape her (Nikolic-Ristanovic, 2000).

Institutional response to family violence: Protective measures against family violence did not exist in legislation (e.g., removal of the offender from the home), and treatment of survivors in the official institutions often reflected conservative views regarding family roles or a common attitude that, “family violence is a private matter”. Measures taken by social workers and courts often revealed a pattern of protecting a family in general, not a woman survivor of violence. They often tended to keep family members together on the expense of a woman (See below). Autonomous Women’s Center (1998) analyzed cases reported to their SOS hotline from 1991 to 1993. Incidents involved violence or severe life treats, but survivors were dissatisfied with assistance provided by official agencies (e.g., 79% of women, who asked police assistance did not obtain it). Most cases (71%) did not end up in courts. Roma women were particularly faced with obstacles in dealing with institutions. Survivors interviewed in one study (Lukic & Jovanovic, 2001) stated that social workers and police officers attempted to preserve family members together, because, “*that is in the best interest of the kids*”. In-depth interviews with 40 professionals (police officers, attorneys, lawyers, and judges) revealed that most of them did not know what “battered woman syndrome” meant. In their opinion, courts should not distinguish between family violence and other violent acts, since, “*Violence is violence, no matter where it occurs*” (Lukic & Jovanovic, 2001). In order to improve survivors’ protection, women’s NGOs organized a widespread *network of hotlines/counseling centers and a few shelters*. Capacity of shelters was very limited. As they had no regular police protection, some were closed down, after attacks of victims’ (ex)husbands.

Survivor and the state – analysis of the court practice:

Law experts (Lukic and Jovanovic, 2001) analyzed 1224 court cases that occurred between 1995 and 1998, involving general violent crimes - heavy bodily injury, use of a weapon in a fight, etc. Actually, 30% of these violent crimes happened in the family - offenders were mostly ex-husbands/partners, and nearly half of cases involved heavy bodily injury or use of arms. Two compelling facts reflected the court policy regarding family violence cases – as compared to other (outside family) incidents, chances that a public prosecutor would drop the charges were higher, and chances for imprisonment sentence were weaker. In 53% of domestic violence cases, an offender was not sentenced (mostly, because a public prosecutor dropped the charges). An offender was found guilty in 37% of the cases. The most common sentence was probation (75% of those who were found guilty). Only 5% of perpetrators were sentenced to imprisonment. Analysis of the most frequent justifications for lowering the sentence confirmed mild penalizing policy of the courts and bias against victims. They were the following: a) being a father, b) a fact that they confessed a crime, self-criticism, expressing regret, remorse, a promise that they would not commit it again, c) economic status - sometimes, *a fact that they financially support a victim*. One “illustrative” conviction is quoted in the Appendix.

Hidden sexual assaults – a result of institutional policy? The number of hidden sexual assaults was probably very high. Comprehensive studies on women were not conducted. The only nationally representative study focused on adolescents and implied ‘social invisibility’ of sexual abuse, maybe even unspoken social acceptance (Brankovic, 1999-2002; See box).

Every eight girl in Serbia experienced sexual abuse or sexual harassment. Analysis of assaults implied that victims were mainly minor females (average age: 16.60), while offenders were adult males (average age: 26.86), mostly closely related to victims – close friends, boy friends, relatives, bosses, family friends, etc. Although assaults were severe (rape, attempted rape, incest, etc.), they were, as a rule, unreported to parents, or any official institution. Only 2% of the offences were reported to SOS helplines and 16% to the police, respectively. Main reasons for low levels of disclosure were the following: a victim’s fear of being blamed by a local community, or a fright of offender’s revenge. Attitudes toward official institutions might clarify the reasons for low level of disclosure - adolescents had no confidence in courts, social workers, police or any official institution whatsoever, while counseling centers were relatively the most trusted, though not too much.

The latter findings on low confidence in institutions were consistent with statistics on convictions and experiences of women’s NGOs that provided support to victims. Since sexual assaults were difficult to prove, many accused perpetrators were not convicted, or they received a mild punishment. For example, 250 rapes were reported in 1997 and only 103 accused perpetrators were sentenced. Common convictions were between six months and two years imprisonment. Precisely, 31 perpetrators were sentenced to imprisonment for a period of up to two years, while 25 were sentenced to six months imprisonment (Aleksic and Lukic, 2000). A procedure prescribed for reporting a rape was such that inevitably led to re-traumatization of a survivor. The survivor needed to provide a statement describing the incident, involving all details, 6-7 times during the medical examination, police and court investigation; further, interrogation was mostly done by males. Medical doctors, especially in rural areas, sometimes did not follow any protocol in examining rape victims. Offenders often threaten/force victims to drop the charges, and some (as one female officer asserted) offered the money to victims’ fathers.

Child sexual abuse: A comprehensive study conducted in the nineties (Mrsevic, 1997) analyzed legal provisions related to incest and insufficient mechanisms for providing help to incest survivors. The study also provided a survey of incest survivors and striking case studies. However, it should be stressed that sexual assaults committed by offenders closely related to victims (especially, incest) were the least “visible” to official institutions. Only 1-2 cases of child sexual abuse were reported to police in Belgrade per year, while Incest Trauma Center, women’s NGO offering assistance to survivors, had on the average five reported cases per week (Popadic, 1999). Centers for Social Work mostly avoided to separate a child from the family member who was an offender, since such intervention was presumed to be “a big responsibility” (Popadic, 1999). This policy sometimes led to recidivism, as one police officer described, “*Offenders should be isolated from the surrounding in which they committed a crime and put in prison, but mostly they are left out there, so we have recidivism. For instance, we submit a case of incest to a prosecutor, but the offender is not in prison, the case is put to a regular procedure, and after 3 months, the court cannot solve the problem of burial of a child born in incest. Unfortunately, the same happened again. Again, incest, and again, a stillborn child*” (Lukic & Jovanovic, 2001).

Sexual harassment – a “state of mind”: Sexual harassment became criminalized in 2002, but no mechanisms for effective protection or prevention were implemented (note: harassment at workplace is discussed in another chapter). One study at the University of Belgrade examined 5890 students – at some faculties, almost all respondents notified the same professors as harassers/abusers of female students, and even specified their names (Beta, June 4, 2001). The public was not informed on measures taken (if any) against these professors. In

general, treatment of this issue in public was often offensive for women. Sexual harassment was taken for granted as a part of “mentality” in the Balkan countries. A well-known case in 2002 implied possible changes in policy (though not in common attitudes). Deputy Prime Minister, ex-general of the Yugoslav Army, and a leader of Social-Democratic party (one of the parties in the coalition DOS, i.e., a ruling coalition at that time) was accused of sexual harassment of the party spokeswoman. An incident got an excessive media coverage and gave rise to “avalanche” of comments. The government decided to dismiss Deputy Prime Minister. Regardless of possible motives of the government, the public for the first time received a message that sexual harassment could not be tolerated.

In general, only women’s NGOs have thus far taken responsibility to provide protective measures focused on survivors’ needs and to raise awareness of gender-based violence. The time has come to stress responsibility of the state to implement preventive and protective measures, provide successful recovery of survivors, as well as “control mechanisms” that would ensure feedback from clients-survivors (e.g., satisfaction or dissatisfaction with provided services).

2003 – 2006 Period

Domestic violence

State strategies: Republic of Serbia does not have a National Plan to Combat Violence against Women or a special body dealing with this issue. In October 2005, Initial Framework of a National Strategy against Violence was made, but it does not recognize gender dimension of violence. It was made by a working group set up under the auspices of the Ministry of Labor, Employment and Social Policy (henceforth: MLESP). Even though statistical data of women NGOs have been included in this document (analysis of state of affairs) no NGO committed to violence against women has been included in making of this document. The document does not cover rape and sexual violence, and does not explicate domestic violence against women, violence in post-war circumstances, or arranged marriages. Gender-neutral terms (person, subject) additionally diminish visibility of gender dimension of domestic violence, even though statistics of criminal offenses show that women have been victims in 80% of cases, and men perpetrators in 92% of cases.

Republic of Serbia does not set aside budget funds for NGOs fighting against violence against women. MLESP in cooperation with UNDP set up in 2003 a Fund for Social Innovations (henceforth: FSI) that grants resources for social services. From the RS budget, FSI grants resources only to public institutions, while NGOs are financed exclusively from foreign donations. The change of policy of FSI is noticeable after the change of government in 2004. In 2005 and 2006 humanitarian and traditionally-oriented organizations received greater funding (Ring of Serbian Sisters, Merhamet, the Bible League), while organizations that treat violence against women as human rights violations received little or no funding. We surmise that in this period, FSI has been under the influence of state structures the policy of which, despite being declaratively democratic, is really traditionalistic and clericalist.

Legislation: After 2004, there is a clear backward tendency when legal regulation of penal policy for domestic violence, sexual violence and sexual harassment is concerned. The amendments and supplements to the **Criminal Code** in 2005 (Official Gazette of RS 85/05) diminish penalties for criminal offense of domestic violence (compared to the Law from 2002). The Law does not recognize stalking as a criminal offense. The **Family Law** enacted in 2005 (Official Gazette of RS 18/05) introduces protection measures against domestic violence (Article 198). A broad circle of persons have been named who are to be considered family members, in line with the preceding article (Article 197). The procedure is particularly urgent

(Art. 285), the charges do not have to be referred to the accused for obligatory response (Art. 204 para. 2), the court must carry out the proceedings in *two scheduled hearings* at most (Art. 204, para.3), the first scheduled hearing should be held within *8 days* from the day charges are received by the court (Art. 285, para. 2) and a second-instance verdict is to be delivered *within 15 days* from the day when the charges are referred to the court of second instance (Art. 285, para. 3). Even though the law is good, treatment measures for perpetrators of violence, measures of obligatory medical treatment for alcoholism and addiction are lacking, and the accused (the perpetrator) has a possibility to demand revocation of measures, which is not the practice in other legislations. The newly introduced fifth paragraph of the Article of Criminal Code that incriminates domestic violence sanctions any violation of measures of protection. **The Law on Misdemeanors** (Official Gazette of the RS 101/05), even though it does not specifically regulate the issue of domestic violence (only breaches of public peace and order) envisages protection measures (Art. 46) of obligatory medical treatment of alcoholics and drug addicts and restraining orders to access the damaged party, objects and venue where the offense had been committed, which can also be used in cases of domestic violence.

Implementation of the law: Sanctions pronounced for criminal offense Domestic Violence indicate that there is a tendency to pronounce milder sanctions – the majority of penalties are paroles and fines. Imprisonment sentences are meted out to a period, which is *the legal minimum*. Even though legal solutions are good, protection measures are not implemented. The statistics of pronounced sentences have not been publicly available so far (records are kept by CSW). The experience of NGO Autonomous Women's Center (henceforth: AWC) with 10 clients conducting legal proceedings requiring protection measures shows:

- A marked *inefficiency* of legal proceedings, which fundamentally undermines meaning of protection measures (prevention of repeated acts of violence and prevention of circumstances which favor or incite repetition of violence),
- *High costs* of the process for exercising the right to protection from domestic violence, which specifically affects poor women, additionally reducing their resources to step out of violence and poverty.

Example: In 2006, out of 10 proceedings conducted by AWC, *only four* ended with a verdict, four are still conducted, and in two cases, clients dropped the charges, one after six scheduled hearings and one after two scheduled hearings. The average *duration of proceedings* in four judged cases was 6.5 months (10 months the longest, four months the shortest). The average *duration of unjudged* cases by the end of 2006 was nearly five months (4.75) per case (10 months the longest; all four proceedings remain without a verdict in February 2007).

Institutional course of action and support to victims: Even though the police does check each petition, it often avoids to file charges – criminal or misdemeanor charges. There are no regulatory protocols about police behavior nor agreements on cooperation between police and other institutions. In 2003, NGO AWC created instructions, in a participative process (with participation of a large number of policemen from Belgrade police stations) about the course of action to be taken (the protocol) in accordance with international recommendations, but up to now there has been no political will to discuss or adopt these protocols at the Ministry of the Interior.

There is no mechanism enabling harmonization of attitudes and practices of the police, the prosecution and the court. The prosecution mostly relies on statements of victims as the only evidence. *Under which law the offense is to be processed*⁶ depends on decision of the police or the prosecution, and both prosecuting and police practice in Serbia is very uneven. It is not established practice of prosecution to file, *ex officio*, the suit for protection measures against violence under the Family Law (lawsuit) along with criminal charges.

⁶ The Law on Public Peace and Order (petty offense), Criminal Code or Family Law.

Centers for Social Work (henceforth: CSW) show high degree of prejudice in the course of action they are taking. In cases when women are violent or neglect children, harsher sentences and protection measures are meted out than when men are violent toward children, which indicates that prejudices exist about the role of mother and an expectation that she, rather than institutions, can (efficiently) protect children from a violent father.

There are no state services that offer free legal assistance to women who are victims of domestic violence, especially in form of legal counsel before a court⁷. This kind of assistance to women is provided by women NGOs, the services of which fully depend on foreign donations. In 2003, FSI financed 13 projects of protection against domestic violence (SOS telephones and safe houses), carried out by social services in cooperation with local NGOs as a one-year project activity. There is no information about training, principles of work and effects of these services, which are short-lived and do not accommodate needs of all women. There is no assistance service working 24 hours. The telephone, which was working 24 hours a day at an NGO in Belgrade (the capital with 2 million inhabitants), shortened its working hours due to lack of funding. Only a handful of CSW in Serbia has established „passive duty hours” and is available to the police 24 hours for emergency interventions. Safe houses do not have standards of work and rarely admit Roma women (regardless whether they are run by state institutions or NGOs). Shelters are inaccessible to disabled women or women who have children with disabilities. There is no specifically trained staff for work with women whose behavior is mentally altered, or women who are on treatment for addiction. For very poor women it is becoming increasingly difficult to get access to shelters.

Certain groups of women are exposed to greater risk from victimization (Roma women, women with disabilities, lesbians, women living in poverty, women refugees and displaced women, women from rural areas, foreign women, women with mentally altered behavior) – and experiences and consulting of reports and proceedings show that professionals in public services display *various and marked prejudices* toward them.

The state does not have programs for work with violent offenders.

Education and training: There are no programs in the mainstream schooling of children and youth about violence against women. The state *has not organized adequate and systematic education* of civil servants in charge of protecting the victims of violence. *Curricula* in most colleges and faculties educating for counseling/assisting professions (social work, psychology, pedagogy, special education, teacher training colleges, medical professions etc) do not contain relevant information about gender equality and gender-based violence nor about the correct course of action in cases of family violence or other forms of violence affecting women. The state does not include in *professional programs for civil servants' training* contents such as identifying a crisis situation and correct course of action in such situations, in order to improve handling of victims, listening to their stories and counseling they get. The state does not encourage inclusion of issues regarding domestic violence in education of judges.

Example: The Judicial Center for Training and Professional Advancement is the only licensed institution for training judges and prosecutors. On two occasions, AWC lawyers have attended a seminar at which the director of the Judicial Center had questioned justifiability of instituting legal proceedings *ex officio* for the first paragraph of criminal offense Domestic Violence, as well as justifiability of meting out the protection measure of ejectment from property, recommending to judges not to rule in favor of this measure because the state could be sued before the European Court for Human Rights. Even though we have intervened by sending an official communiqué both to the Judicial Center and to the Supreme Court, this practice has, to the best of our knowledge, continued.

⁷ An institution of free legal assistance which exists in some municipalities is insufficient and untrained, and lawyers working there have no legal right to appear before a court as legal counsel.

Data collection and surveys: Despite unforeseeable consequences, in this period domestic violence *has still not been an object of systemic survey* (on a representative sample) *and consideration*. Public services (CSW and healthcare services) *do not keep records of cases*, the kinds and forms of violence, gender of victims and perpetrators or their kinship. The police keep records of petitions, but they do not have efficient statistical indicators about various aspects of the phenomenon (there is no electronic database), there is no statistics about the kinship of perpetrator and victim. *There are no proper official data* about the scope and characteristics of violence against women in a family.

The only surveys conducted remain surveys by women non-governmental organizations. NGO AWC conducted in 2005 a survey at the territory of Belgrade, together with the WHO, „Violence in Partner Relations and Health“ (Otasevic, 2005). NGO Women's Research Center for Education and Communication from Nis conducted a survey „Criminal Offense of Family Violence – Legal Practice in the Republic of Serbia“ (Konstatinovic-Vilic, Petrusic, 2005).

The Association of Misdemeanor Judges is the only professional association that has conducted a survey of domestic violence in misdemeanor proceedings in the course of 2003 at the entire territory of Republic of Serbia (Misdemeanor Proceedings, 2005), and these days it is finishing the new survey for 2004.

Public awareness and media: The state does not have a strategy of media coverage of violence. Media cover violence in a sensationalist way, showing no responsibility. There are no programs initiated by the state to develop investigative or responsible journalism in connection with this topic. The state has not organized a single national campaign against violence against women. The campaigns with national coverage are organized by the Network of Women NGOs, *without financial support of the state*.

Example: In 2006, media enterprise B92 launched a fundraising campaign for building a Safe House. Even though financing of safe houses ought to be state concern, it is a positive gesture and an attempt to develop philanthropy among the population and local businesspersons. However, the campaign is entitled „For Our Children“, which is a clear indicator of prejudices and fears that the funds might not be raised if needs of women were to be explicitly mentioned.
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Recommendations:

1. Adopt a National Plan to Combat Violence against Women and appoint an independent body (that would include women's NGOs) for monitoring its implementation as well as implementation of the law and regular supply of information to the Government and the general public. Enable governmental and non-governmental organizations to get an insight into efficiency of work of public services and into implementation of the law.
2. Include NGOs committed to combat domestic violence and other forms of gender-based violence against women among organizations financed from the budget of the RS, in accordance with a long-term plan;
3. Raise the lower minimum sentence for domestic violence under the Criminal Code of the RS;
4. Implement more consistently existing legal regulations, especially protection measures as well as observe legally set deadlines for taking protection measures;
5. Adopt a protocol about the course of action of police officers, CSW and healthcare professionals by jurisdictional ministries. Sign an agreement on coordinated action / cooperation among institutions in charge of protecting victims of domestic and sexual violence (the police, CSW, prosecutors' offices/courts, healthcare services) at the national and at the local level;
6. Ensure that institutions in charge of protecting victims of domestic violence are physically available to disabled persons/disabled women and preclude discrimination

- in petitioning to the police/court processing when marginalized groups of women are concerned (Roma women, disabled women, lesbians);
7. Institute programs for economic reinforcement of victims of domestic violence;
 8. Introduce basic trainings on domestic violence and incest in regular curricula of all faculties educating future experts of competent institutions (the police, CSW, judiciary / prosecution, healthcare); Support to NGOs which, as part of their projects, conduct general and specialized training about gender-based violence for representatives of public services, as well as for policy makers at the national and local level; Support to projects aiming to create and conduct specialized trainings for the work with perpetrators;
 9. Introduce curricular contents about domestic violence and gender-based violence against women in curricula of primary and secondary schools;
 10. Establish a singular model of keeping of records about domestic violence, incest and rape within marriage in CSW and a singular model of processing data at the national level (having previously trained the staff in charge);
 11. Keep and regularly publicize gender-sensitive, reliable and accurate victimological statistics about domestic/sexual violence at the national level (gender and age of victim and perpetrator, kinship, type of criminal offense, outcome of court proceedings etc);
 12. Conduct quantitative and qualitative surveys of women on a nationally representative sample in Serbia, giving special attention to „vulnerable“ categories of women and women belonging to marginalized groups (Roma women, disabled women, lesbians, women refugees...);
 13. Setting up teams in charge of making gender-sensitive editorial policy in state media;

Sexual Violence

General framework and prejudices: The phenomenon of sexual abuse of women is not recognized as an outcome of unjust distribution and abuse of power between the sexes and is attributed to women as their private problem, making them feel isolated, guilty and ashamed. The treatment of a woman who has experienced sexual abuse is not from the perspective of trauma and recovery, but from the sphere of psychopathology and the approach commonly assumed is strictly medical. Among the professional and general public there is lack of professional and personal responsibility to report to the police any suspicion or knowledge that this criminal offense had been committed. There are no sanctions for the failure to report a case, especially for officers in line of duty. In case of criminal persecution, procedural and legal solutions are extremely harassing and re-traumatizing for women (and consequently protective for perpetrator of the sexual offense). All this makes the entire procedure a repeated demonstration of the power of institutions over women whose traumatic experience was exactly the abuse of power. The special taboo is raping of women in war. The issue of sexual abuse of women in Serbia has so far been primarily the concern of women NGOs.

Laws and national strategies: **Criminal Code of the RS** in its chapter *Criminal Offences against Sexual Liberty* envisages sanctions for the following criminal offenses: *Rape* (Art. 178) (includes coercion); *Sexual intercourse with an infirm person* (Art. 179) (taking advantage, without coercion); *Sexual abuse of a child* (Art. 180); *Sexual abuse misusing the position of authority* (Art. 181); (para. 2 Art. 181 enumerates „persons held in confidence“ who are in a position to abuse the trust of children: „teachers, kindergarten teachers, guardians, adoptive parents, parents, stepfathers, stepmothers or other persons who by abusing their position or authority commit statutory rape or an equivalent act over a minor who had been entrusted to him/her for learning, upbringing, guardianship or care, shall be sanctioned...); *Unlawful Sex Acts* (Art. 182); *Pandering (of minors)* (Art. 183); *Mediation in the Act of Prostitution* (Art. 184); *Showing pornographic material and exploitation of children*

in pornography (Art. 185); Provisions of all articles are gender-neutral. Legal proceedings for criminal offenses against sexual freedoms for Art. 178 and 179 against a spouse and for offense 182, paragraph 1 are instituted at a motion. These legal amendments have decriminalized sexual harassment.

Two drafts of national strategies ought to have included the issue of sexual abuse of women, namely *The First Working Version of the National Strategy for Development and Health of the Young in Serbia* (August 2005 – working group of the Ministry of Health of the RS) - Even though a subgroup has been set up (under the name Group for Protecting the Young from Abuse and Neglect) the problem of sexual violence has not been mentioned in this document; - and *the Initial Framework of the National Strategy against Violence* (October 2005 – working group of the MLESP), which mentions sexual abuse of women in the part containing statistical data provided by women NGOs. Taking into account that these documents have been available to a minimal number of members of the expert community, the issue of obligatory nature of their implementation has to be raised (the documents do not envisage any measures for a failure to act upon them). The general public is under-informed about these documents.

Media and raising-awareness programs: Even though there is consensus in society that campaigns raising public awareness are important, this problem is not an attractive issue: no aspect of a national campaign has been carried out. The issue of sexual harassment of women is not part of the curriculum of various profiles or part of prevention programs in schools for children and adolescents. There is a serious lack of literature on the topic, both for professional and general public. Most social groups are looking for „scapegoats“(refugees, Roma and others). In attitudes of the general and professional public it can be discerned that incorrect association between (homo) sexual/lesbian orientation and pedophilia is often being made („lesbians and homosexuals sexually abuse children“ or „I must be lesbian because I had been sexually abused“).

Surveys and statistics: There are no representative surveys conducted by the state on the issue of sexual violence. The only data that exist are data collected by women NGOs.

Example: The database of AWC NGO for the period January 2000 – April 2006 contains information collected by working with 300 women sexual abuse survivors. It shows that partners and former partners are perpetrators in 33% of cases, family members in 19% of cases, the persons abusing their authority, namely bosses, colleagues, professors etc are perpetrators in 16% of cases, an unknown person is a perpetrator in 15% of cases, an acquaintance in 12% of cases, and the rest in 5% of cases. Women are perpetrators in 3% of cases. Women have been repeatedly sexually victimized in 8% of the cases. Categorized according to the place where the offense is committed, sexual abuse happens at home in 30% of cases, on a familiar place in 29% of cases, in an institution such as work/school in 14% of cases, on a love date in 13% of cases, in a public place in 13% of cases, and the remaining in 1% of cases. Before turning to AWC for help, the women had gone to the police in 17% of cases, to a court in 9% of cases, addressed a medical institution in 16% of cases and a CSW in 4% of cases.

Interventions: Since 2000, NGO Incest Trauma Center (henceforth ITC) has had the best cooperation for an efficient and proper assistance to victims with the police.

Example: In the period September 2003 – September 2004, ITC team issued 38 expert opinions at the request of the police, the prosecution and the CSW, prepared children and adults for involvement in criminal proceedings, escorted children and adults to the trial and appeared before the court in the capacity of expert witness.

In the period September 2003 – September 2005, 10.62% of the entire sample of reported cases concerned physical, emotional and sexual abuse of children by guardians in institutions

of permanent accommodation (mostly homes for orphaned children and institutions in which disabled children are accommodated - the so-called special schools). Inappropriate reaction of institutions in the said cases has been noted (preservation of „a taboo within a taboo“, that is, all steps have been taken so as to fully protect „the reputation of the institution“). Exempting the issue of sex-trafficking of women, other forms of sexual abuse of women are not the focus of systemic partnerships between public services and women NGOs or the focus of autonomous work by state institutions.

Recommendations:

1. Reviewing procedures for reporting rape and other sexual offenses so as to avoid / reduce secondary traumatization of victims.
2. In case there is a report or a doubt that sexual abuse of a minor in the family has occurred – to isolate the child from the family, that is, to place him/her in a foster family, and / or to urgently isolate the perpetrator from the family/ home and taking other actions in order to prevent repetition of violence.
3. Stricter implementation of regulations contributing to marginalization of porn industry: regulating and control of sale of porn magazines and porn movies; monitoring and disabling abuse of children on porn sites on the Internet; regulating contents and ways of broadcasting “*hot-line*” advertisements/clips and advertising of business escort agencies.

Article 6 – Trafficking in women

1992-2002 Period

Legal provisions: Analysis (Aleksic & Lukic, 2000) revealed that according to the Criminal Code of Serbia and FRY at that time, there was no specific criminal offence related to trafficking in women and girls, although it could have been covered by crime no. 155 ("Slavery and the Transportation of Human Beings in the Position of Slaves"). This crime belonged to the group of crimes against international law, along with genocide, crimes against humanity, etc. Having ratified the Convention of Prevention and Combating Slavery (1926) and the Additional Convention of Elimination of Slavery and Trafficking in Human Beings (1956), FRY adopted the definition from these conventions within the national code. Only the last paragraph of this crime, which dealt with the transfer of human beings, demanded the crossing border element. Other relevant provision in Criminal Code involved pandering. There were three forms of this act - pimping of a minor (aged 14-18), making possible the indecent assault of a minor, and pimping or making possible the indecent assault for reward (which needed not be pecuniary). Art. 251 of the Yugoslav Criminal Code was another relevant provision, as it contained various acts of mediating prostitution (more severe forms included mediating prostitution of minor females, or using force, threat or delusion). In addition, the government of FRY (which came into power after the political changes) signed and ratified the 2000 UN Convention against Transnational Organized Crime, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

In the nineties, many factors contributed to a growth of trafficking in women: wars and isolation of FRY, corrupt judiciary, widespread poverty, and collaboration between state officials and organized crime. Criminals took advantage of increased presence of international military forces in the region and organized forced prostitution, encouraged by a fact that FRY was not the member of Interpol (re-admission to Interpol occurred after the former regime was overthrown).

As assessed by women's NGO ASTRA, after the political changes in Serbia in 2000, and support and pressure from high-level international bodies, such as the Stability Pact Task Force, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the UN, the authorities placed the problem of human trafficking high on the political agenda.

Routes: Various sources (women's NGOs, IOM, UNICEF) indicated that Serbia has become a major transit route and to a lesser extent a territory of origin and destination. Women from Moldova, Romania, Russia, and Ukraine were often trafficked through Serbia into Montenegro and onto Italy through Albania. The other major route was through Serbia and/or Montenegro onto Kosovo, Bosnia and Herzegovina, Macedonia or Greece (UNICEF, Aug. 2000). Records of IOM and Macedonian police supported claims that FRY was a relevant transit route - out of 328 trafficked women, assisted by IOM Mission in Skopje (from Aug. 2000 to Sept. 2001), 68% transited FRY.

Victims, perpetrators and accomplices: No complete official data on trafficking in women and girls existed in the nineties. IOM Mission in Belgrade provided repatriation assistance to 30 trafficked women between July 3, 2001 and January 1, 2002. Yugoslav Ministry of Interior (Dec.18, 2001) announced that app. 300 persons, mostly women, were identified as victims of trafficking in 2001. The Ministry further specified: a) major destinations were Kosovo and Macedonia, b) federal police, in collaboration with foreign colleagues, broke up two large rings of traffickers in July and October 2001. Serbian Ministry of Interior 2001 annual report (Tanjug, Jan.22, 2002) provided additional data - *1018 foreign women* were found in police raids on nightclubs or in illegal transit through the FRY into Kosovo, Bosnia or Western

countries. Further, 72 persons were accused for criminal acts related to trafficking in 2001 (bar owners, people who organized illegal transport or mediated prostitution, etc.). In January 2002, police raided 441 nightclubs throughout Serbia and detained 150 persons only during one night, including one “untouchable trafficker” (B92, Jan. 24, 2002). Local police in Southern Serbia confirmed that women were mostly trafficked into Kosovo in 2001 (Beta, Dec. 11, 2001). No figures on convictions related to mediating prostitution or similar crimes were available, but police officers testified that these crimes were difficult to prove in the court practice.

Women’s NGOs assumed that a real number of trafficked women was larger than indicated above. There was no efficient monitoring/research on this topic; yet, a study on adolescents (Brankovic, 1999) confirmed that minor girls in Serbia were also victims of commercial sexual exploitation. Women’s NGOs suggested that Roma girls were particularly vulnerable to trafficking, as well as women from collective centers for IDPs (the latter was also stated in the OSCE report on police reforms in Serbia, Reporter, 2001). One activist who assisted the victims (Stanojevic, 2002) provided the following evidence. Main trafficking centers were located in Southern Serbia (near the Kosovo administrative border), Eastern Serbia, and Northern Vojvodina. Trafficking of minor girls was increasing. Women and girls were sold for app. \$250-500. Even some farmers provided illegal transport across the border (price was app. \$ 10 for each woman). Often, entire families living along the borders were involved in trafficking networks (similar evidence was provided by IOM Mission in Macedonia, 2001). Women from Romania and Moldova testified that they had been sold from one brothel owner to another, placed in debt bondage, beaten, taken to brothel in Kosovo, and forced to take 10-15 clients per night.

Serbian Minister of Interior asserted in 2001 that police and Mafia highly collaborated under the former regime, but the government of the DOS coalition had put an end to deep-rooted police complicity. He stated, though, that crime rings might have links with low-ranking police officers (Serbian Minister of Interior, 2001). Interestingly, there was anecdotal evidence to suggest that one ex-member of the Intelligence ran a brothel in Serbia (Reporter, 2001). FRY Ministry of Interior repeatedly claimed that, “Kosovo has become a paradise for traffickers”, blaming the UN Mission in Kosovo (UNMIK) for this situation. The US Department of Justice, Immigration and Naturalization (2002) provided evidence on 85 identified brothels in Kosovo. However, the UNMIK (Regulation No.2001/4) imposed severe penalties for traffickers - up to 20 years imprisonment. On the other hand, Human Rights Watch (2001) reported that implementation of this regulation came slowly, and only a handful of prosecutions went forward, so trafficking in Kosovo continued to rise in 2001. In addition, the UN disciplined four civilian police officers for alleged involvement in trafficking. Compelling evidence of international police complicity was obtained in Bosnia as well (Human Rights Watch, 2001; FOW, 2001), so implementation of Code of conduct might be re-considered.

Victims’ protection policy: As analyzed by women’s NGO ASTRA, no systematic mechanisms for helping victims of trafficking existed in the nineties. The problem of trafficking in women was not recognized at the political level. Policy regarding trafficked women did not assume that victims should be always treated as victims, not only when they were willing to testify against traffickers. Since there were no clear standards for identifying the victims, many women found during raids in bars, motels, etc. were arrested, interrogated and sent to a magistrate’s court, where they were prosecuted pursuant to the Law on Movement and Stay of Foreigners. Without exception, such women were treated as illegal immigrants. If they were foreign nationals, they were sent to the Detention Center for Illegal Immigrants in Padinska Skela, from where they were later deported to the country from which they entered Serbia, without prior evaluation of the situation and victim’s position in the country of origin. *On average*, 8-12 women, aged 16-24, mostly from Ukraine, Moldova and Romania, were placed to this Center. If they were domestic nationals, there were punished

under the Law on Public Peace and Order. No witness protection programs existed, police often lacked interpreters for foreign detained women, and female police investigators were rare.

According to the review of ASTRA, an adoption of the new policy came upon democratic changes. In May 2001, after the first roundtable on human trafficking organized by OSCE Office in Belgrade, ODIHR-Warsaw and the Stability Pact for Southeast Europe Task Force on trafficking in women, the Yugoslav Team for Combating Human Trafficking was established at the federal level. The Team involved relevant ministries, women's NGOs and international organizations.

Due to uncertain status of the federation, anti-trafficking activities were transferred from the federal level to the level of republics. In 2002, a National Coordinator was appointed in Serbia, and shortly after the National Team for Combating Human Trafficking was established at the level of Serbia. In the course of 2002, women's NGOs (ASTRA, Incest Trauma Center) organized first seminars for police officers, in cooperation with Serbian and FRY Ministry of Interior. Women victims of trafficking were no longer treated as persons who violated the law, but were granted the status of victims. As the Shelter for Trafficked Victims was established (run by women's NGO Counseling Center against Family Violence), women who were identified as the victims of trafficking were referred to the Shelter.

Prevention, regional collaboration: All awareness raising campaigns were implemented by NGOs. The campaigns (organized by ASTRA) have reached many potential victims, but were faced with *general tolerance toward all forms of gender-based violence*. In the nineties, women's NGOs continuously declared that the increasing number of escort and tourist agencies disguised trafficking. However, the FRY legislation allowed escort agencies to be registered, so they could freely advertise their work. In 1997, 32 such agencies were registered in Belgrade alone (Aleksic & Lukic, 2000). Moreover, efficient prevention was impossible without mechanisms to root out corruption in general, better border surveillance equipment, and improved regional cooperation, particularly with UNMIK. Women's NGOs were the first to draw public attention to the fact that this problem in our country existed.

A long-term approach to combating trafficking inevitably assumes combating poverty in Eastern Europe.

2003 – 2006 Period

Chronology of the Main Initiatives and Activities towards Combating Human Trafficking (Report of the Republic of Serbia on Human Trafficking, 2007): Year 2003 was marked by assassination of Prime Minister Djindjic and declaration of the state of emergency, which affected the entire country. Since March 2003, through the operation "Saber", a large number of persons suspected to be members of criminal groups were arrested. Many of them were direct or indirect actors in the chain of trafficking and organizers of human trafficking in this part of the region. At the same time, human trafficking was added to the list of criminal offences regulated under the Criminal Code of Serbia (*Official Gazette of Serbia*, no. 67/2003). On July 5, 2004 an Instruction on Conditions for Approving Temporary Residence to Foreign Nationals – Trafficked Victims was issued by the Minister of the Interior of the RS. In October 2004, the Government of Serbia passed a Decision to set up an Anti-Trafficking Council as an expert advisory body of the Government. The Council members are Interior Minister, Minister of Education and Sport, Finance Minister, Minister of Labor, Employment and Social Policy, Health Minister and Justice Minister. The Witness Protection Law was passed in 2005 (*Official Gazette of the Republic of Serbia*, no. 85/2005). Although the criminalization of human trafficking was done in 2003, the legislator has introduced some changes in order to fully harmonize definition of human trafficking with international

standards, and under the new Criminal Code which entered into force on January 1, 2006, two offences were separated – people smuggling and human trafficking. The criminal act of human trafficking is regulated under the Article 388. Other articles important for this issue are: *Trafficking in children for the purpose of adoption* (Article 389), and people smuggling, which is now regulated as *Illegal crossing of the state border and people smuggling* (Article 350). The Government of Serbia adopted the Anti-Trafficking Strategy in December 2006.

Legislative framework: In January 2006, the Criminal Code of the RS entered into force (Official Gazette of the RS 85/05). It envisages positive amendments in the sense of making a clear distinction between criminal offense of human trafficking and people smuggling (Art. 350). However, an important objection to this legal solution is reducing of sanctions for an offense against a minor in paragraph 3 of this article to a minimum of three (3) years imprisonment⁸. Taking into account the need to protect children in particular, as well as the fact that all statistics (by both government and non-government organizations in the RS) indicate rising number of identified children who are victims of human trafficking, as well as mild penalizing policy, a conclusion can be drawn that such legal solution is inappropriate.

Education: Seminars and trainings are organized mostly by NGOs and international organizations. Seminars for judges and prosecutors are organized by OSCE in cooperation with Association of Judges of the RS. For the past three years, there have been a total of 20 seminars. Since 2005, trainings for social workers (initiated in 2003 and carried out with the support of UNDP) are no longer organized. There are no initiatives to continue those trainings. Trainings of representatives of institutions are carried out by non-governmental organizations. The state has not shown a serious interest to take a systematic approach to work on prevention of human trafficking in Serbia.

Example: In the area of prevention, ASTRA attempted to introduce, together with representatives of institutions, new methodology and sustainability in the area of prevention and education of youth on human trafficking by obtaining accreditation by the state to conduct programs in schools with pupils and teachers, which is subject to an approval by the Minister of Education. However, ASTRA was faced with serious problems.

1. ASTRA submitted a project proposal and the required documents for the tender for professional advancement programs for employees of the education sector on March 31, 2004 (no. 267/2004). The Center for Professional Advancement of Education Experts had an obligation to inform the participants in writing on the results of the Commission's work by May 24, 2004. However, ASTRA received first specific information (by e-mail) on May 22, 2006. It was therefore not possible to get program accreditation for the school year 2004/05.

2. In the e-mail message from May 22, 2006, ASTRA was informed that its program was short-listed for further procedure and that we needed to submit additional documentation (authors' CVs, signed statements by program implementers and proof about the field of activity of the institution supporting the program – the Ministry of the Interior of the Republic of Serbia). ASTRA submitted the documentation within the specified period (submitted under the number 797-48 on May 30, 2006). There was no mention on any occasion, either in telephone communication with the Center's staff or by e-mail that the institution supporting the program must be an educational institution. However, in several telephone conversations with the Center's director it turned out to have been mandatory.

3. For this reason, it was necessary to submit additional documentation about other institutions that supported the program, whose field of activity was education – the Secondary Boarding School for Postal and Telecommunication Services and the Police College. However, having

⁸The earlier Law on Criminal Proceedings envisaged in Article 111b the imprisonment sentence of no less than five years – the Law on Amendments and Supplements to the Criminal Code of the RS (Official Gazette of the RS no. 39/2003), Criminal Law of the RS (Official Gazette of the RS no. 26/77, 28/77, 43/77, 20/79, 24/84, 39/86, 51/87, 6/89, 42/89 and 21/90 and Off. Gazette of RS no. 16/90, 49/92, 23/93, 67/93, 47/94, 17/95, 44/98, 10/2002, 11/2002, 39/2003 and 67/2003. See: Decision by Constitutional Court of Yugoslavia no. 197/87 and 115/87 - SRS, 42/90. See: Decision by CCY no. 197/87 and 115/87 - 26/91-964. See: Decision by the Constitutional Court of the RS no. 58/91 - 75/91-3188. See: Art. 44, of the Law- 9/92-341. See: Art. 25 of the Law - 51/92-1789. See: para. 12, Art. 192 of the Law - 80/2002-1.

received additional documentation, Center's staff informed ASTRA's team member "not to worry in case accreditation is not granted, because the program approval form has changed so the negative outcome might be of merely procedural nature".

4. On September 13, ASTRA received written information that its program did not fulfill prescribed conditions, without mentioning what these prescribed conditions are. The same month, ASTRA sent an e-mail to Director of the Center for Advancement of Education and to the Head of Program Accreditation Department asking for reasons why accreditation was denied to the program. We have never received feedback information.

5. Although at the Center's premises the SDC logo as a partner and donor is posted on a visible place, ASTRA team was advised (by employees), before meeting with the Director concerning program accreditation, to try to avoid mentioning the fact that ASTRA is an NGO and to steer the conversation toward institutions supporting the program (MoI of the RS) because "the Director is negatively disposed toward local and international NGOs".

Support to victims: By 2003 (and the operation „Saber“) the greatest number of all identified victims were foreign citizens (as much as 70%). Since 2004 up to now, the situation has drastically changed and the majority of identified victims are citizens of the RS. By 2004, there has been only one shelter for victims of human trafficking (coordinated by NGO Counseling Center against Family Violence). However, during 2004, at the initiative and with the support of IOM, another shelter was founded (Temporary House – ATINA with only 5 accommodation places), intended for reintegration of victims of human trafficking. It was envisaged that the target group of this project should be local citizens who cannot afford to live on their own, and who should be given a chance to begin reintegration in this temporary house, while foreign citizens were supposed to use the services of emergency shelter. However, because these relations are not clearly defined and procedures do not exist and because of mutual competition both shelters now receive both local and foreign citizens who are victims of human trafficking. In June 2006, the Ministry of Labor, Employment and Social Policy (henceforth: MLESP) supported the Shelter for the Victims of Human Trafficking coordinated by NGO Counseling Centre against Family Violence with 75,000€, without any previously existing plan or public tender which had previously been supported mostly by Austrian Development Agency (which will, together with the MLESP, finance the work of the Shelter in the next three years). Budget details and details about the Shelter's new services are not available⁹.

In the past two years (2005-2007), not a single raid was made and police focused more on the issue of human smuggling. Even though the judges of the City Body for Misdemeanors had undergone a basic training about human trafficking¹⁰, no evaluation was made that would confirm that victims of trafficking are not treated as prostitutes.¹¹ Identification of victims in Serbia is still conducted, in principle, by the police (the police are „the filter“ victims have to pass before they reach a misdemeanor judge). The responsibility for primary identification of (potential) victims lies with the police and it is not possible to verify accuracy of such identification. The original idea was that a Service for Coordination of Assistance to Victims (henceforth: the Service), in cooperation with NGOs, should conduct final identification of victims. However, the number of clients who contact the Service is significantly smaller than the number of those who contact the police, so the role of the Service boils down to confirmation of police identification. The Service has never consulted an NGO to help identify a victim. Therefore, even though the idea was that the Service should have the role of a

⁹ News taken from Government of Serbia's website on June 14, 2006 : <http://www.srbija.sr.gov.yu/>

¹⁰ Convention of magistrates of the Republic of Serbia held on Kopaonik, Serbia; the event was attended by 500 magistrates from throughout Serbia. One of topics discussed was the problem of human trafficking. This was another in the series of educational activities, after trainings held in Belgrade in June and September and two trainings held in Zrenjanin in August. Within the same project, a manual on human trafficking for magistrates was made in Serbian and English language. An educational documentary film intended for magistrates was shot as well. (Association of Magistrates, ABA CEELI)

¹¹ The only analysis about this issue (before conducted trainings) is [The Research of Practice of Magistrates' Bodies in Belgrade Concerning Prostitution and \(Il\)legal Migration as Phenomena Screening Possible Human Trafficking](#), ASTRA 2003.

coordinator in identifying and assisting victims of human trafficking, identification of victims is in practice still made by the police. By mid 2005, the Service has been financially supported by OSCE and financing obligation is now supposed to be fully assumed by the MLESP¹². Owing to the aforementioned, a smaller Working Group has been set up (NGOs working directly with victims ASTRA, ATINA and the Counseling Centre, as well as the Service), which has had regular monthly meetings since January 2006, which are also attended by OSCE and IOM.

The Development of Victim Assistance Mechanisms¹³: As far as treatment of trafficked victims is concerned, we may distinguish four periods:

1. As a result of a joint project of Ministry of Labor, Employment and Social Policy and OSCE Mission to Serbia and Montenegro, the Agency for Coordination of Assistance to Trafficking Victims was set up, as the national referral mechanism, within the Institute for Upbringing of Children and Youth in Belgrade in March 2004. The Mobile Team was also founded as a part of the Agency. The main task of the Agency is to act as a coordination center in organization of assistance and protection of trafficked victims in Serbia, as well as to make first evaluation of potential victims and her/his needs. The Mobile Team members were Ministry for Social Policy, ASTRA and the Counseling Centre against Family Violence. The Mobile Team also successfully recorded its first cases, solved in cooperation of GOs and NGOs.

2. In November 2004, the concept of the Agency with the Mobile Team was abandoned. From then on, the Agency has been working with two staff members: a social worker and a psychologist. The Agency is designed as a coordination center for all actors involved in provision of assistance to victims. Upon receiving of information about (potential) trafficked victim, the Agency conducts identification or confirms identification conducted by the police and is (also) in charge of first assessment of (potential) victims' needs and coordination of assistance to meet them.

The concept of the Mobile Team has been revoked at the request of international organizations, but this was certainly also convenient for state institutions. The Mobile Team concept envisaged that NGOs should have formal sway, should participate in the process of identifying victims. After the Mobile Team was revoked, access of NGOs to stages of preliminary identification has been made much more difficult.

Media and Raising of Public Awareness: Preventive activities, campaigns and print materials are published exclusively by NGOs.

Examples: During the Football World Cup in Germany in June 2006 at the initiative of individuals from the Interior Ministry and with the help of unpaid volunteer work of individuals from Radio Television Serbia, clips were made campaigning against trafficking of women. This *ad hoc* campaign ought to be praised, but it cannot count as systematic prevention. In December 2006, MLESP financially supported a project by the Production House Monte Royal Pictures with a total of 72 000 000 RSD (920 128 EUR) for shooting the series „Modern-Day Slavery“ and the ensuing campaign¹⁴. The tender for this donation has not been announced, it was an individual project that the production house offered to MLESP.

Article 6 - Recommendations:

1. Effective mechanisms must be set up to rein in impunity for abuses, and for ensuring that victims of trafficking in human beings receive fair redress and compensation. The public must be fully informed on decisions to this effect, and be able to see what sanctions are imposed against officers who break the law. Changes in court practice

¹² Regrettably, MLESP does not cover expenses for mobility and accessibility of service 24 hours a day.

¹³ Text published in the Republic of Serbia Report on Human Trafficking, made as part of the project HERA - Network for Combating Human Trafficking in Central and Southern Europe, January 2007 (co-authored by ASTRA)

¹⁴ News taken from Government of Serbia's website on December 22, 2006 <http://www.srbija.sr.gov.yu/>. On 22nd December 1 EUR = 78.25 RSD

should be introduced in terms of deciding on damages during criminal proceedings without a need for the victim to file a civil lawsuit.

2. Professionals at all levels who come in touch with trafficked victims during their work should be educated in order to prevent possibility of torture and abuse. The introduction of Codes of Ethics for the police.
3. The Witness Protection Law should be applied in practice at all stages of the proceedings (before, after and during the trial) in all institutions victims come in touch with.
4. Direct bilateral contracts should be promoted. In cases of increased risk, the dislocation of the victim to third country ought to be considered, while witness's participation at the trial should be regulated in special way, i.e. testifying through video link.
5. Property of traffickers and other persons involved in human trafficking should be found, frozen and seized; confiscated resources should be directed to a fund for assistance for victims, reintegration programs and police agencies.
6. Corruption, especially if linked with organized crime and trafficking, should be defined as a serious felony and tried before special courts. All anti-corruption initiatives should be subjected to independent internal and external supervisory body in order to ensure integrity and efficiency in fighting corruption.
7. Long-term reintegration programs should be established and institutions should take an active part in that process by respecting standards set by international conventions (especially UN Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, especially Women and Children and Protocol against Smuggling of Migrants by Land, Sea and Air supplementing the Convention), as well as by taking into account specific situation of each victim.
8. It is necessary to elaborate programs for protection of vulnerable groups such as mentally disabled victims or drug addicts etc.
9. A mechanism for monitoring and evaluation of the National Anti-Trafficking Plan should be elaborated.
10. It is necessary to include Ministry of Finance in order to start financial investigations of human trafficking cases.
11. Promotion of human rights as the basic approach/framework for fighting for human rights.
12. Gender perspective in designing and implementing anti-trafficking activities.
13. Programs for prevention and assistance to victims of labor exploitation should be designed.
14. Improving legal provisions on child trafficking (higher penalties).
15. Hiring female police officers specialized for trafficking
16. Ensure transparency of financing from the RS budget, including financing of NGOs.

Article 7 – Political participation

1992-2002 Period

Legal framework: The Constitution of FRY that was in force at that time specified in Art.34, “Yugoslav citizens who are 18 years old have the right to vote and be elected in state organs”. The Constitution of Serbia stated, “A citizen who is 18 years old has the right to vote and be elected in the People’s Assembly and other organs and electoral bodies. Elections are direct the electoral right is general and equal, and voting is secret.” (Art. 42; Aleksic & Lukic, 2000).

Official political participation under the previous regime: The former Yugoslavia had 17% of women in Federal Parliament before the first multi-party elections. In the nineties, participation of women at all levels of governing sharply fell relative to socialist times. This decline was striking, regardless of well-known fact that in socialist states participation of women in political bodies did not imply a real political power (see: Appendix). After the first multi-party elections in Serbia, the share of women in National parliament fell to 1.6 % (probably, the lowest percentage in Europe at that time; Voice of Difference, 2000). The share of women elected to Serbian Parliament remained very low during the regime of Milosevic (max. 5.6 %). Elections were neither free nor democratic, and involved widespread fraud. Low participation of women in political bodies was not surprising, taking into account the policies of Serbian dictatorial regime.

Political activity behind the (parliamentary) scene: Women had a genuine impact on political changes in Serbia that happened in 2000. They actively participated in opposition movement and civil protests against the regime of Milosevic, in independent trade unions (e.g. Independence), and especially, in the NGO sector. At that time, political activity was not concentrated only within opposition parties. Some of the most vigorous and influential “dissident” political initiatives/actions were generated behind the official political scene (i.e., outside the opposition parties). Large civil and student protests in 1991 and 1992 involved many female leaders and activists. Three main opposition leaders organized massive protests in 1996 and 1997; one of them was a woman. Women made up roughly the half of student protests’ organizers in 1996/1997 (Blagojevic, 1998). Similarly, females were highly represented in “Otpor” (Resistance), a large-scale movement that involved mostly high-school/university students and largely contributed to the change of the regime.

Some leaders/activists of opposition movement and some NGO activists were exposed to pressures, arrests, beatings, and even attempts of murder. This particularly pertained to *Otpor* members. In the period May-September 2000, police detained app. 2500 citizens, mostly young (under 25), while 200 were minors (aged 16-18) and 30 were mothers of *Otpor* members (HLC, 2000). Data on these events were available on Websites of NGOs. Sadly enough, *some respectable international organizations dealing with children’s rights did not report about well-known police brutality toward minors, including girls, although such “events” were probably unique in Europe at that time.*

In addition to regular “street activism” and other opposition actions, women’s political activity intensified one year before the September 2000 elections. Female politicians from Democratic Opposition of Serbia – DOS coalition (that won the elections in 2000) created Women’s Political Network. The Network initiated many activities to support political changes. Women organized four pre-election campaigns on the national level, six regional ones and endless number of local ones. During pre-election “door-to-door” campaign, organized by Group for Promotion of Women’s Political Rights, app. 45 000 women in 28 cities were interviewed (see: Appendix). The DOS coalition won presidential and federal parliamentary elections in September 2000. Ex-president Milosevic refused to recognize a defeat, and massive street protests lasted for days. After the “peaceful revolution” on October 5, 2000, when around one

million people gathered at the streets of Belgrade, the regime was defeated. Women equally participated in the rallies in this decisive period, as documentaries clearly showed. What was a result of female activism?

Participation in parliaments after 2000: In the September 2000 elections, women won only 8 out of 178 seats in Federal Parliament. In federal government, no women ministers were appointed. Interestingly, when results were officially published for administrative purposes, it was not even mentioned whether elected candidates were male or female (Voice of Difference, 2001). Before the parliamentary elections in Serbia (December 2000), Women's Political Network and Gender Equality Task Force of the Stability Pact attempted to introduce 30-percent quota and made the agreement with DOS coalition to increase the number of female candidates. Twelve (out of 18) leaders of DOS coalition signed the agreement, but only three fulfilled the promise (Voice of Difference, 2001). Therefore, among 250 candidates nominated by DOS coalition, only 35 (14%) were women. One right-wing party had more female candidates than DOS. After the parliamentary elections in December 2000, women won 11% of the seats in the Serbian Parliament (as in January 22, 2001). Women won 6.7% of the seats in Parliament of Vojvodina. However, a woman became the President of National Parliament. Data from countries in Eastern Europe (UNICEF, 1999) showed that women were consistently better represented in local than in national authorities. This trend was not evident in Serbia. After the 2000 elections, percent of women in local parliaments ranged from two to eleven. Certain local assemblies were entirely "female-free", and in some cities, women were not even nominated (Voice of Difference, 2001). Activists of local NGOs testified that names of women candidates were often placed at the end of the electoral lists. Likewise, many women candidates were designated to "in-the-middle-of-nowhere"-electoral places. A woman became the mayor in Belgrade, but female mayors were rare.

One activist in women's pre-election campaigns, Jasna Trifunovic, summarized the outcome of the campaigns in the following way: *"Can eight women in Federal Parliament represent our voice? Where have we disappeared in between the 'street' activism and parliamentary seats? And who made us disappear?"*

Women in election campaigns and party programs: Female candidates in general were less promoted in press during the 2000 pre-election campaign, at least in eight papers or magazines analyzed in the period December 11-22, 2000 (Voice of Difference, 2001). Further, a tiny promotion of female candidates was not improved by statements/speeches of their own respective party members. Lower promotion of women candidates was at least partially attributable to gender-role stereotypes in media, as well as among party members (a positive model of female politician has not yet been created in the political scene). On the other hand, female candidates designated by DOS coalition followed programs of their respective parties in public speeches. They did not focus on social issues or specific problems of females more frequently than their male party-colleagues did. Ex-president Milosevic was 10 times more likely to be mentioned in speeches of both male and female candidates than education, health care and other daily-life issues. Programs of all political parties at the political scene were also analyzed from the gender equality perspective (Voice of Difference, 2000). Many programs explicitly notified gender discrimination, but did not specify any mechanisms for increasing gender equality. Interestingly, the programs mentioned women mostly within discussions of pro-natalist policy.

Women as policy makers – redistribution of power: A large redistribution of power has happened in Serbia after the elections in 2000. The former regime of Milosevic was removed, but the system was not dismantled. Proportion of women among the key decision-makers remained low, particularly in economy, finance and other strategic branches relevant for development of the society. In Serbian government, only two ministers are women. Women were designated to certain high-ranking posts: President of National Parliament, one of Vice-Presidents of National Parliament, Chair of the Supreme Court, Rector of the University of

Belgrade, Rector of the Academy of Arts in Belgrade, Rector of the University of Novi Sad (in Vojvodina), Vice-governor of the National Bank, editor-in-chief of news in the state TV. It should be stressed that the University of Belgrade (which was founded in 1905) has never had a female Rector in its history. Women obtained posts in ministries (as Deputy Ministers or Assistants), diplomacy (often, as ambassadors), courts, civil service, education, administration, health care and culture. The share of women in sub-ministerial positions was higher than in ministerial ones. It also became a “fashionable trend” to hire women as assistants, counselors, chiefs of the office, PR staff or spokespersons of political parties.

General climate towards involvement of women in policymaking was improved in that time. However, efforts of the government to enhance female representation in decision-making appeared to be occasional signs of “good will”, not a result of consistent and systematic affirmative action policy.

Both previous and more recent analyses revealed lower females’ chances for upward mobility. According to 1991 census data, a chance of employed or self-employed woman to obtain a leadership post was three times lower in comparison to a man. Similar “invisible barriers” were identified in recent studies – many female respondents specified that women, in comparison to men, have lower access to managerial and leadership posts in general (Posarac, 1998; SCAN, 2001). Further, representation of women in senior positions was considerable in some areas (higher education), but low in others (business). Women made up 20% of the most prestigious positions at the university, working as full professors, and 31% as associate professors (Aleksic and Lukic, 2000). On the other hand, the share of women in managerial posts in economy and banking in FR Yugoslavia was 16% (HDR, 1997). Low involvement in business and finance was (most likely) detrimental for women in a process of transition.

Women were poorly involved in planning strategies for societal development at the crucial historical moment – when the government (after political changes in 2000) initiated structural reforms in the economy and a large-scale privatization.

Women in NGO sector – leaders in the shadow: In general, NGO sector generated important political initiatives and had a large influence on public opinion under Milosevic’s regime. Some NGOs were under severe police pressure, e.g., *Women in black*, the women’s group well known for anti-militaristic activity (nominated for Nobel Prize for Peace). The civil sector became active and developed, but NGOs differed considerably, with respect to programs’ quality and authentic autonomy. By September 2000, 790 “citizens’ associations”, as defined in the law, were registered in Central Serbia and 683 in Vojvodina (Federal Statistical Office, 2001). NGOs were, and still are, incubators for leadership. Some prominent representatives of civil sector assumed political functions after 2000. This specific “mobility” might become risky for preservation of independence of the NGO sector. Women have been highly represented in NGO sector throughout the nineties, among both activists and directors - women have led some of the largest and the most influential NGOs. Network of women’s NGOs has been rather strong and developed, in spite of rivalry, insufficient coordination of activity and a lack of development planning.

Comment on the state report: paragraphs 214 and 215: In the 1990s, women were also engaged in humanitarian activities, but their overall engagement exceeded engagement in this respect alone. The state’s failure to mention and marginalizing of participation and role of women in political, public, anti-war and human rights movements and movements calling for accountability for crimes reflects irresponsibility of the current state policy in Serbia. Women feminist organizing in Serbia is autonomous, with a history dating from late 1970s (feminist group *A Woman and Society*, 1978) and very significant both in theoretical respect and in terms of activism. Feministic activism in pre-war and wartime marked a clear attempt to oppose the state’s growing nationalism and militarism and not to be appeased with the war (even though resistance and protests failed to stop it). In the 1990s, these movements

encompassed various groups, initiatives, projects and achievements. Very prominent political and anti-war groups were: *Belgrade Women's Lobby, 1990; Women's Party, 1990; Women's Parliament 1991; Women in Black, 1991* – each Wednesday without intermission throughout the years of war *Women in Black* stood with anti-war posters on the main Belgrade square; and each year they mark the day of the genocide in Srebrenica by standing on the main Belgrade square demanding accountability for crimes. All these groups fervently voiced their opposition to legislative and other parliamentary decisions, launched legislative initiatives, organized anti-war activism and were connected with women groups in the region (in Croatia and Bosnia and Herzegovina) throughout the war; with groups fighting against violence against women; *SOS telephone for women and children victims of violence, 1990; Autonomous Women's Center against Sexual Violence, 1993; SOS telephone and Center for Girls, 1993; Safe Women's House, 1995; Incest Trauma Center 1995*, as well as groups for special, marginalized groups of women: *Lastavica (The Sparrow) – A Group for Women from Krajina, 1995; Labris – A Group for Lesbian Human Rights, 1995; Out of Circle – A Group for Assistance and Support to Disabled women, 1997*; groups dealing with education / theory / publishing: *Center for Women's Studies, Research and Communication, 1992; Feminist 94, 1994*

2003 – 2006 Period

Legislative framework – quotas for less represented gender: New election laws at the local level and province and Republic level envisage a system of quotas – 30% for the less represented gender on the lists of candidates, but not in terms of allocated mandates. (The Law on Local Elections – Official Gazette of the RS 33/02; the Decision on Election of Deputies to the Assembly of AP of Vojvodina – Official Gazette of the APV 12/04); Law on Supplements and Amendments to the Law on Election of Members of Parliament – Official Gazette of the RS 18/04).

Combinatory policy concerning election lists and mandates: Under election laws, on election lists every fourth candidates has to be the one belonging to the less represented gender, and on all election lists there must be no less than 30% of candidates of the less represented gender (the election list not fulfilling this condition are not accepted). Mandates are distributed among election lists that have won no less than 3% (at the local level) or 5% (at the national level) of the total number of votes; 1/3 of mandates are allocated in accordance with the order of appearance on an election list, while 2/3 of mandates are allocated by the party that submitted the list on its own accord, but every fourth candidate has to be a candidate of the less represented gender. Due to special combinatory policy, women on the list can be allocated less than 30% of mandates (the smaller the number of mandates won by the party that submitted the list, the smaller the number of women; parties submitting the lists that win greater number of mandates can avoid reaching the 30% quota by specific positioning of women on the list and allocate no more than 20% of mandates to women).

Participation in legislative and executive bodies: Women make up 20.5% of the legislative branch of government, 30.3% of government officials; occupy 28.1% leadership positions in local self-government, make up 25.2% of directors and executive managers and 28.1 % of business managers (Republic Institute for Statistics, 2002). The amendments to election laws increased the number of women in **assemblies** at all levels, but they still do not have significant, leadership roles. At the same time, given that men head almost all parliamentary parties and caucuses, it is clear that women cannot express, let alone exert a significant and independent influence. It is certain that Women Forums (within some political parties) have had no say in proposing female candidates for election lists.

Participation of women in parliaments – national, provincial and local: At national elections (2003) out of 225 female candidates on election lists, only 31 were allocated MP mandates (12.4%) and by the end of 2006 only 27 remained MPs (if an MP mandate expires for some reason, mandates of women are replaced by mandates of men). The Parliament Speaker is a man, and one in six vice president posts belong to women. Out of seven caucuses, only one is headed by a woman. Out of 30 parliamentary committees, 5 have female presidents. In the Assembly of AP of Vojvodina there are 23 women (19.2%). Out of 20 assembly committees, only three have female presidents. After local elections (2004) we have 21.3% of women in municipal assemblies. However, in eight municipalities participation of women in assemblies does not exceed 10%, two city municipalities do not have any women in their assemblies (Belgrade municipality of Grocka and Nis municipality Crveni Krst), in 70 municipalities participation of women is between 10 and 20%, and only 14 municipalize have over 30% of female deputies to the assembly (information of the Committee for Gender Equality of the National Parliament of the RS, 2004). Only three women are mayors in some of 175 municipalities (excluding cities).

In government, there is very small number of women at the highest positions on all levels (less than in the period from 2000 to 2003). Since 2004, government policy is characterized by *re-patriarchalization and re-traditionalization of society*, which is a huge obstacle for equal position of women.

Women in governments: In the Government of Serbia, Prime Minister and Deputy Prime Minister are men; out of 18 ministries, only one ministerial post belongs to a woman (since May 2006, a Deputy Prime Minister is a woman who used to be the only female Minister in the Government. The Ministry has subsequently been headed by a man). There are no women in leadership positions in four ministries¹⁵. Only three out of 18 ministries have more women than men among Assistant and Deputy Ministers¹⁶. In Government of Vojvodina, women head only two out of 17 Secretariats. In the period from 2003 to 2006, the number of women ministers is fewer than in the period from 2000 to 2003.

There is no available statistical information about representation of women in public services (and steering boards on all levels). There are no available data about incidence of women at leadership positions in courts and prosecutors' offices. There are no special temporary measures for increasing the number of women in Government, government bodies, state administration and state-owned companies. There is no systemic structural education about gender equality for civil servants. There are no provisions about prohibition of discrimination against women in rule books regulating work of government and public services.

Women in political parties. In political parties, according to estimates, 30% of members are women, but their visibility on the political scene is negligent. In political programs, equality between men and women is declarative, and women are associated with program solutions such as support to mothers and families and population policy. Political leaders address voters only during pre-election campaigns, mostly reasserting expected roles. Women are the ones who are blamed for low level of participation in public and political life, thus restating general misunderstanding of indirect and structural discrimination. Women who occupy leadership positions are often exposed to more or less covert discrimination, open misogyny and stereotyping in the media.

¹⁵ Ministries of Energy, Science and Environment, Religion and for Diaspora (all ministers, deputy and assistant ministers are men). All Ministries are responsibility of the Democratic Party of Serbia, the party led by Prime Minister.

¹⁶ Ministry of Labor, Employment and Social Policy (9 women and 3 men), Ministry of Finance (6 women and 3 men), Ministry of Health (4 women and 2 men). All three ministries are responsibility of G17+ party and the Social Democratic Party (subsequently of the Democratic Party of Serbia).

Leadership positions in parties: only one parliamentary party has woman for the president (GSS); four parties do not have female deputy presidents (SPO, DSS, SPS, NS) and four have one deputy president (G17+, DS, SDP, and SRS). Women are not commonly presidents of municipal and district party committees (in 175 municipalities in Serbia G17+ has 22 women presidents of municipal committees, DS has 13, DSS has 12, SRS has six; other parties do not make available this information at their public presentations); some political parties have special women organizations within parties (Women's Forums – DS, LSV, GSS).

Participation of women from NGOs in public and political life: Women's organizations and groups continued to take active part in various spheres of public and political life in Serbia after the change of the regime (2000). They continually take part in campaigns against militarism, nationalism and clericalism, campaigning for examination of responsibility for war and crimes committed and are exposed to frequent attacks by nationalistic groups and media. Women NGOs continue to launch civil initiatives (for amending laws), propose declarations, form anti-discriminatory coalitions in favor for secular state and networks against violence against women, organize campaigns, take part in writing commentaries and amendments to laws, analyze compatibility of laws with EU standards, comment and monitor state strategies and implementation of laws, organize trainings (for education of women politicians, institutional mechanisms for gender equality for civil servants), organize conferences and public debates, forge links among NGO representatives, trade unions, political parties and media; they create textbooks, trainers' guides and publications about political participation of women. Following political changes in 2003, a marked tendency to marginalize and ignore independent women NGOs has been noticed, that is, a tendency of government institutions (as well as international organizations!) to prefer cooperation with the so-called »constructive, cooperation-oriented« women groups.

Political activities of independent women's NGOs and groups in Serbia: Civic initiative Not in Our Name (2004) against the Law on the Rights of Detainees of the International Criminal Tribunal and Members of their Families (18,000 signatures against this Law); Declaration on Srebrenica (2005); Declaration Women, Peace, Security (on the basis of UN Resolution 1325) 2006; Coalition for Secular State against the *Draft Law on Churches and Religious Communities* (2006); Women's Peace Coalition (women of Kosovo and Serbia) in order to monitor negotiations on future political status of Kosovo; initiative to boycott the referendum for the new Constitution of the RS (2006); campaigns (against the gender-based violence, pre-election campaigns and campaigns for economic empowerment of women); comments and amendments to laws (*the Law on Financial Support to Families with Children; Draft Labor Law; Draft Law on Pension and Disability Insurance; Draft Family Law* (2003); *Bill to Introduce Protection Measures against Sexual Blackmail and Harassment into the Law on Labor Protection* (2003); *Bill to Pass a Law Annulling the Law on the Rights of Detainees of the International Criminal Tribunal and Members of their Families* (2004); *Draft Law on Advertising* (2005); *Draft Anti-Discrimination Law* (2005); *Draft Law on Gender Equality* (2005); *Draft Law on Churches and Religious Communities* (2006); comments and monitoring of state strategies and reports (e.g. *The First Report on Implementation of Poverty Reduction Strategy in Serbia* (2005); *Independent Monitoring of the Process of Making the National Action Plan for Women* (2005/2006), and *Serbia/CEDAW – List of Critical Issues* (2006).

Article 7 - Recommendations:

1. To make amendments to election laws in order to make the quotas equally apply to allocated mandates.
2. To introduce affirmative action in order to increase the number of women at leadership positions in executive government at the national and local level, in judiciary, police, defense system, diplomacy etc.
3. To introduce systematic education (training and mentor programs) for young female leaders (members of parties, NGOs, trade unions, media).

4. To ensure implementation and promotion of gender-balanced and anti-discriminatory language in official documents, education and media.
5. To establish cooperation with women NGOs and international organizations to plan strategies related to participation of women in public life.
6. To ensure financial resources from the state budget for activities of women NGOs which promote human rights of women.

Article 10 - Access to education

1992 - 2002 Period

Yugoslav and Serbian legislation did not contain any provisions that discriminated against women in terms of equal access to education (Aleksic & Lukic, 2000; Plut, 2004). According to the law, primary education is both compulsory and free. However, the implementation of these legal provisions in practice has been faced with numerous problems; this text reveals some of them.

Indicators regarding gender equality in access to education (at least, when female population below 40 is concerned) are better than in other areas, e.g., political participation or position at the labor market. However, data quoted below should be viewed within the following context:

1. Quality of education has rapidly deteriorated in the nineties, as indicated in independent analyses (e.g., UNICEF, 2001). Mostly, a low government investment in education contributed to this deterioration (Ivic, 1998). For example, total educational spending (expressed as percentage of GDP) was 3.8 in 1997 (UNICEF, 2001). Consequently, teachers' wages rapidly decreased. Humiliating social position of teachers resulted in frequent strikes, brain drain, and "escape" to private sector, low motivation for the job, etc. In August 2000, no teacher, at any level of education system, earned a net salary that exceeded the cost of the minimum consumption basket (ibid.). Since 2000, the situation has improved in this respect, but the quality of education remains an issue.

2. Economic and political crisis, as well as increased hidden economy contributed to lower social importance of education. Since students became aware that wage and social position often did not depend on educational qualifications, their motivation for education dropped (as implied in Pesic et al., 2000) or they applied a principle "graduate and emigrate". In addition, potential of educated females has been inadequately used or misused at the labor market, as data on women's economic rights seem to imply.

A huge gender gap in illiteracy rates: In the nineties, women made up a majority of illiterate persons; both overall and female illiteracy rates were higher in comparison with other countries of Eastern Europe, e.g., Slovenia, Croatia, Hungary, Bulgaria (Dinkic, 2000). Based on 1991-census data, overall rate for population aged 15 and older was 6.5%, while female illiteracy rate was 10.7% (UNICEF, 2001). Illiteracy might be viewed as the result of previous discrimination in the field of education, since most of illiterate women were aged 50 and over. Within the Central Serbia, *high regional differences were identified* – 28 out of 115 municipalities (located mostly in the South) had female illiteracy rate that ranged from 20 to 30% and above. Regretfully, *a limited provision of state-funded adult education programs was not sufficient to decrease a large gender gap in literacy*. Notably, women made up only 26% of participants in literacy courses organized in the 1997/1998 school year (Dinkic, 2000). A comparison of census data (See Table 1) indicates that a proportion of women in the total number of illiterate persons aged 10 and over slightly increased in the period between 1991 and 2002.

Table 1: Illiterate population aged 10 and over (1991 and 2002)

	Females	Males	Percentage of females in the total number of illiterate persons aged 10 and over
Census 1991	346 967	71 975	82.8 %
Census 2002	197 654	35 271	84.9 %

Experts reported, based on 2002-census data, that overall illiteracy rate for population aged 15 and over was 3.7%; female and male rates were 6.1% and 1.1%, respectively (Plut, 2004). Based on official data obtained in the last census in 2002 (Statistical Office of Serbia and UNDP, 2005), girls/women made up a vast majority (84.9%) of illiterate persons aged 10 and

over or, the total number of illiterate girls/women was 5.6 times higher than the total number of illiterate boys/men. Most of illiterate females were older than 65 years (78.6 %). On the other hand, analysis of gender differences across age groups (based on the census in 2002), revealed a disturbing fact: illiterate girls/women outnumbered boys/men in all age groups. These gender differences remain even when we take into account a greater number of girls/women in the population. Furthermore, data on educational levels (See below) supported experts' estimates that over one third of the whole population might be considered as functionally illiterate, especially older women from rural areas. More recent research on functional literacy revealed even worse results.

Educational levels – nearly one third of females did not achieve a right to primary education: Analyses conducted in the nineties implied that roughly one third of the population did complete primary school and notified a large differences in educational levels across age groups - citizens aged 25-34 had solid education, even according to OECD-standards; percentage of persons with completed (at least) secondary school was exactly the same as the average in OECD-countries (Perazic, 1995). Further, while more than 80% of rural female population over the age of 50 did not complete primary school, nearly a half of urban females had secondary or higher education. Regarding Roma population, a disturbing discrimination was revealed – 75% of females and a half of males did not complete primary education. A comparison of census data is provided below.

Table 2: Educational levels of females/males aged 15 years and over (1991 and 2002)

	Census (1991)		Census (2002)	
	Females (%)	Males (%)	Females (%)	Males (%)
Without education / incomplete primary school	40.22	26.54	27.20	16.06
Primary school	24.69	24.28	24.72	22.97
Secondary school	26.95	37.60	36.43	46.08
Higher education/university	7.35	10.67	9.87	12.27
Unknown	0.79	0.90	1.78	2.61

Source: Govt. of Serbia, 2005

Although the total number of citizens with no primary education has dropped in comparison to 1991, gender differences were *significant* (See: Table 2). As census data (2002) revealed, nearly one third (27%) of the total number of girls/women aged 15 and over did not attend school at all or did not complete primary school (in male population, the percentage was *significantly lower* – 16). *It should be also stressed that the gender gap in attainment of primary school has broadened in the period 1991-2002.* Regarding the legal right to primary education, previous analyses also identified large gender, regional and age differences, implying that *women, elder, and rural population were the most endangered, as well as some ethnic minorities: Roma, Albanians, Vlachs* (Perazic & Ivic, 2000). Discouraging facts indicated above should be carefully considered in strategic planning of the future human and economic development of Serbia. Further, the 2002 Survey on Living Standard of the Population clearly demonstrated the importance of education for poverty reduction: 69% of poor people in Serbia had only primary or incomplete secondary education, while only 2% had university degrees (as reported in government report on implementation of Poverty Reduction Strategy, 2005).

Access to primary school (enrolment and drop out rates): Which disadvantaged groups have lower access, or - can Serbia achieve MDGs?

It would be difficult to provide *reliable* analysis of overall enrolment rates (or rates by gender) in the nineties, since available data were not based on monitoring the cohort. Data (related to the same period) differed. Consequently, relying on official data might be misleading. For the sake of illustration, the Table related to coverage by primary education in school years 1993/1994 and 1996/1997 is provided below. It appeared that in some parts of Serbia (Vojvodina), the coverage by primary education was above 100%. In fact, this was due to

refugee children, who entered the primary school, although they were not included in population statistics in corresponding years – the author (Dinkic, 2000) concluded that coverage by primary education was lower than the data seemed to imply, but also added that gender differences in enrolment rates were not significant.

Table 3: Coverage by primary education (Statistical Office of Serbia, in: Dinkic, 2000)

	1993/94		1996/97	
	Total	Females	Total	Females
Central Serbia	97.6 %	97 %	97.6 %	97.9 %
Vojvodina	105.1 %	101 %	110.1 %	106.6 %

In 2000, *experts' estimate of overall enrolment rate was approximately 92-95%* (Perazic & Ivic, 2000). The survey of UNICEF (2000) revealed results broadly compatible with the official data - 97.4% of children aged 7-14 attended school; and no significant differences were found between boys and girls, children of different ages, urban and rural areas, and regions.

However, different analyses indicated that overall dropout rate from primary school was rather high in the nineties. Based on *monitoring the generation* that completed primary school in the 1997/1998 school year, experts (Dinkic, 2000) reported that *6.8% of boys and 7.1% of girls did not complete primary school with their corresponding generation*. UNICEF study (2000) reported that 93.8% of children who entered the first grade of primary school eventually reached grade five, and found no gender differences in dropout rates. Some experts (Perazic & Ivic, 2000) emphasized that *official data on dropout rates in the nineties should not be regarded as reliable*. They also added that official statistics should be adapted in order to reveal reasons for lower attendance in higher grades, i.e., which groups were affected. Experts and activists stressed that *Roma children, especially girls, were affected* (Ivic, 1998; unofficial reports of women's Romani NGOs). For instance, Roma Child Center identified in 2001 several schools in Belgrade in which principals openly opposed attendance of Roma children, and insisted on putting them into the special school. No official measures were taken against the executors of this clearly discriminatory policy.

Comment on the state report: Government report to CEDAW (2006) comes to unreliable conclusions regarding dropping out from primary school. For example, it is admitted (para. 299) that, “according to the information made available by statistical services, the drop out rates for women are not officially calculated.” In the next sentence, it is concluded that these rates are “negligent” (this is, most likely, an omission; authors probably want to say that the rates are “negligible”). However, *if the gender-sensitive data on drop out rates are absent, how it is possible to reach a RELIABLE conclusion that such rates are negligible? Could the data listed above, as well as those that pertain to disadvantaged groups be considered negligible?* Similarly, data on illiteracy are interpreted in the following manner in the government report to the CEDAW Committee (2006). In para. 291, it is recognized that, “The data for 2002 are somewhat surprising in view of the expected trend of gradual reduction of the number of illiterate”. These “surprising” facts are attributed to influx of refugees and other war-related factors. The state report does not address a problem of (possible) inefficiency of state measures for reducing the number of illiterate, or the above-mentioned problems of disadvantaged groups. *No explanation is provided for a fact that women are poorly represented in primary schools for adults, e.g., 27.5% in 1998/1999 school year or 30.7% in 2000/2001 school year.*

Various studies on enrolment/completion of primary school and drop out rates (conducted in the period from 1990 to 2003) were analyzed in the review of implementation of Millennium Development Goals in Serbia (Govt. of Serbia, 2005). It was concluded that, “Data on enrolment of children differ, depending on the source...and range from 94 to 99%; information should be interpreted with caution as these statistical processes *conceal data on vulnerable groups* (those data are either unavailable or different, or concealed by data average)... The average enrolment rate is app. 97% and no significant gender differences are found...Data on enrolment and completion of primary education have not been prepared on the basis of monitoring the cohort and are in reality lower. If the statistical data on the percentage of

persons over 15 years who have not completed primary education, as well as the number of illiterate, are taken into account, it transpires that these high percentages are questionable and it is more likely that the rate of completion of primary education is about 85%." In the same analysis, drop out rate per generation was assessed as "worrisome 5-15%" (ibid.).

Roma and some other minorities (e.g., Vlachs), refugees/IDPs, rural and disabled children were repeatedly identified as vulnerable groups. Among rural children, girls dropped out more often than boys did (Govt. of Serbia, 2005), but in some studies, gender-sensitive data were not reported (e.g., UNICEF, 2001). Data collected by Education Statistics Department within the Ministry of Education in 2003 (in: Govt. of Serbia, 2005) also implied a disturbing fact that only 20% of Roma children were covered by primary education, and enrolment rate was higher for boys than for girls. Experts also estimated that 85% of children with special needs who lived with their families were out of school; differences across gender were not reported (UNICEF, 2001). Having in mind the facts listed above, it can be concluded that efficient measures are needed if Serbia plans to achieve the Millennium Development Goal No. 2 (universal primary education) by 2015.

Comment on the state report: It is worth notifying that the state report to the CEDAW Committee (2006) does not refer to these disadvantaged groups. Roma are mentioned only once, it is said (para. 300) that "their female representatives rarely enroll in secondary schools" (Government report to the CEDAW, 2006). *Well, there is a simple problem in relation to the above – in order to enroll in secondary school, one should complete primary school first.* However, the state report does not mention the enrolment of Roma girls in primary schools at all (or, other disadvantaged groups). On this point, it should be added that vulnerable groups of population would continue to grow in the following years, due to readmission agreements (asylum seekers, illegal immigrants and refugees with temporary protection will be returned from Western Europe, with their families/children).

An issue of concern: efficiency and quality of primary education: UNICEF field-study, conducted in 2000, provided assessment of educational outcomes - educational achievements of eighth-grade students in primary school were measured by standardized tests (UNICEF, 2001). It was revealed that, "quality of educational achievements was lower than expected, as the students' test results did not meet the functional standards of basic literacy on which the tests were based". The minimum passing score was defined as providing correct answers to a half of the questions/tasks in the tests. It turned out that 59.7% and 52.2% of students had not reached the minimum passing score in sciences and math, respectively (implying that they had not mastered the half of essentials in the curriculum in sciences and math; UNICEF, 2001). Further, 22.8% of the students scored below the minimum standard in mother tongue. *Girls outperformed boys on all tests* (science, math and mother tongue). Urban children in comparison to rural ones also had better scores on the latter tests. "The tests were designed to measure how well students had assimilated the essentials of the curriculum. In a well-functioning educational system, one would not expect any students to score below the minimum standard" (ibid.). The achievement of children from small rural schools was considerably lower (in comparison to the national average), as indicated by National Testing of Education Achievement of the Students of the Third Grade of Primary School in 2005 (Institute for Evaluation in Education, in: Govt. of Serbia, 2005).

Serbia participated in the second phase of the cross-national OECD-study - Program for International Student Assessment (PISA 2003). In total, 4405 15-year-olds from 151 schools in Serbia were involved in the study and scored below OECD average on all tests (mathematics, reading literacy, scientific literacy and problem solving; PISA, 2003). Amongst 41 countries that took part in the survey, our country was placed on position 34th on math test, 37th on reading comprehension, and 35th on natural sciences, as well as on problem solving (ibid.). National coordinator of the PISA-study in Serbia explained that the results were not

unexpected, since many previous studies implied that our educational system has been traditionally oriented towards mastering *academic knowledge*, rather than on its *applicability* in practice. She also stressed that a large-scale public debate was needed, in order to analyze weaknesses of the educational system and plan further steps for improvement.

Secondary school enrolment: Regarding the situation in the nineties, experts reported that, in comparison to some countries in transition (Hungary, Poland, Slovenia), secondary school enrolment of female population was satisfactory in 1997, but also added that official figures might be actually an over-estimate, due to refugee/displaced children, who were not included in official population statistics (Dinkic, 2000). However, overall dropout rates were assessed as high in the same year— app. 10% (female drop out rate was on the average level; *ibid.*).

Table 4: Coverage by secondary education (Statistical Office of Serbia, in: Dinkic, 2000)

	1993/94 (%)		1996/97 (%)	
	Total	Females	Total	Females
Central Serbia	71.1 %	73.7 %	72.8 %	76.1
Vojvodina	73.8 %	74.1 %	77.2 %	78.2

Comparison of census data (based on data published in: Stat. Office of Serbia and UNDP, 2005) indicated that girls made up 48.4% of the total number of enrolled children in 2002 (See: Table 5). However, it should be notified that *the total number of both boys and girls enrolled in 2002 decreased in comparison to 1991*. Data on drop out rates by gender were not available. Regarding disadvantaged groups, Education Statistics Department within the Ministry of Education revealed in 2003 (in: Govt. of Serbia, 2005) that only 13.1% of Roma were enrolled in secondary schools.

Table 5: Secondary school enrolment in 1991 and 2002 (based on: Stat. Office and UNDP, 2005)

	Girls	Boys	Percentage of girls in the total number of enrolled children
Census 1991	45 042	50 098	47.3 %
Census 2002	42 918	45 679	48.4 %

Segregation of educational profiles in secondary schools: Female adolescents' choices of secondary schools seem to reflect gender-role stereotypes regarding “male” and “female” professions (Dinkic, 2000). In 1998/1999 school year, girls mostly chosen gymnasium or some vocational schools for administration, economy, healthcare and social service, trade, textile industry, etc. (Ministry of Education, Statistical Office, 1999; in: Dinkic, 2000). These occupational choices might make them perfect candidates for unemployment (these educational qualifications have been already superfluous at the labor market). On the other hand, a negligible number of girls had chosen electrical engineering, technology, construction or traffic (*ibid.*).

Higher education and university enrolment, segregation of educational profiles: Worsening of equal access to high education was not notified between 1991 and 2002 (See: Table 6). As indicated by Dinkic (2000), enrolment rates were relatively high in the nineties - in 1994/1995 school year, 29% of the corresponding generation entered college/university. Female enrolment rate in that year was 31%; therefore, it was higher in comparison to some developed countries – Italy, Great Britain, France (Key Indicators of the Labor Market 1999; in: Dinkic, 2000). In 1997/1998 school year, 54.5% of all college and university students in Central Serbia were females. In addition, women made up 56% of all students subsidized by the state. Female students also proved to be more efficient in their studies, as indicated by the enrolment/graduation ratio in the period between 1994 and 1997. For instance, female graduates made up 55.4 % of all students who graduated in Central Serbia in 1997. *However, their choice of profession in 1998/1999 (mostly - economy, law, languages, and medicine) was risky as employment was concerned, since Serbian labor market could not “absorb” educated*

persons of the indicated profiles (Dinkic, 2000). Data that are more recent imply similar conclusions related to the segregation of educational profiles.

However, some political reasons for high enrolment rates in the nineties should be emphasized. High enrolment was stimulated by the policy of Milosevic's government - for instance, in 1997/1998 school year, a total number of freshman students increased for 33.5% in comparison to 1993/1994 school year, while at the same time the percentage of students subsidized by the state rapidly dropped. *Policy of prolonged schooling was aimed at decreasing a number of job-seeking individuals, and thus preserving the social peace.*

Table 6: College/university students by gender (1991 and 2002; based on Stat. Office & UNDP, 2005)

	Females	Males	Percentage of females in the total number of enrolled college/university students
Census 1991	25 061	24 138	50.9 %
Census 2002	37 203	33 062	52.9 %

According to 2002-census data, representation of women at colleges/universities *slightly increased* in comparison to 1991. Similarly, the census in 2002 also revealed that women made up 58.8% of students who *graduated at universities* of sciences and 64.9% of graduates at Academies of Arts (Statistical Office of Serbia and UNDP, 2005). It might be concluded that no indicators of unequal access to college/university education were identified until the 2002 (the latter could be attributed to the above-mentioned political reasons and the "legacy" of the ex-socialist state). On the contrary, data implied positive trends towards high representation of females at colleges/universities, although segregation of educational profiles was noticeable.

In recent years, a trend towards gradual reduction of students subsidized by the state and a very large increase of tuition fees has become evident. This policy might possibly affect gender equality in access to high education in the long run.

Post-graduate studies: In 1992 (Blagojevic, 1992a, 1992b), a half of specializations, as well as 40% of MA/MD degrees and 34% of doctorates were held by women (mostly in social sciences and humanities, medicine, natural sciences and math). In subsequent years, representation of women at graduate studies programs varied with age. In younger age groups (26 to 29 years), attendance rates in FRY in 1996 were the same (or even higher) for females than for males, which might be viewed as a positive trend (Dinkic, 2000). Proportion of women among masters/doctors *slightly increased* in the period between 1991 and 2002 (See: Table 7).

Table 7: Post-graduate degrees by gender (1991 and 2002; based on: Stat. Office and UNDP, 2005)

	Females MA/MSc	Males MA/MSc	Females Ph.D.	Males Ph.D.	Percentage of females in the total number of masters/doctors	
Census 1991	374	896	161	462	MA: 29.4 %	Ph.D. 25.8 %
Census 2002	404	835	137	313	MA: 32.6 %	Ph.D. 30.4 %

As shown in Table 7, women made up roughly one third of holders of graduate degrees in 2002. It is worth notifying that *absolute numbers of masters/doctors actually decreased*, most likely, due to brain drain. Figures supported an impression of women's NGOs that more educated men than women have left the country in the nineties. The number of people who fled due to political or economic reasons has never been officially confirmed, but it was estimated to 600 000 (Popovic, 2006).

Similarly, it is *estimated* that currently more men than women apply to graduate studies at foreign universities. Horizontal segregation of educational profiles have had an impact on this issue – men dominated in fields such as computer science, electronic engineering, physics and

the like, which made them more “desirable” candidates for finding jobs or post-graduate scholarships in the U.S., Canada, and the EU.

Vertical segregation; decision-making posts in educational/scientific institutions: Data on female representation among teachers at different levels of education illustrate a problem of vertical segregation in a painfully clear manner (See: Table 8). Feminization of teachers’ profession has become evident at lower level of education – in 2002, women were over-represented in pre-school institutions (98%), and primary schools (more than 70%), while they were poorly represented in universities (less than 30% of teaching staff; Stat. Office and UNDP, 2005). In comparison to 1991, representation of women at lower levels of education has increased, while at university level, a decrease has been notified. It should be stressed that profession of teachers in primary and secondary schools has been rapidly degraded in Serbia in the nineties, both in terms of wages and social prestige. A certain improvement in teachers’ position has been made after 2000 (i.e., a real pay rise). Nevertheless, *teachers’ dissatisfaction might have a far-reaching impact on the quality of education in Serbia in the future.*

At the university level, female teaching staff made up 29.4% in 2002 (ibid.). However, a segregation was evident; e.g., at Belgrade University, men constituted a vast majority in some fields, e.g., sciences and IT (up to 80%), while women were represented in philology, chemistry, pharmacy and biology (Popovic, 2006).

Table 8: Teachers at different levels of education by gender (1991 and 2002)

	Census (1991)		Census (2002)	
	Females (%)	Males (%)	Females (%)	Males (%)
Primary schools	65.8	34.2	71.8	28.2
Secondary schools	52.3	47.7	60.8	39.2
Post-secondary schools	27.1	72.9	38.1	61.9
Universities	32.4	67.6	29.4	70.6

Based on: Stat. Office and UNDP, 2005

Women made up slightly over 40% of independent researchers, and slightly over 50% of assistants/technicians in scientific institutions in the period between 2000 and 2002 (Stat. Office and UNDP, 2005; See Table 9). Experts who monitored trends in this field explained that gender ratio in scientific institutions has somewhat changed (on the behalf of women) in the last 15 years. Women have started to occupy “empty space” that occurred due to brain drain and other reasons (Popovic, 2006). The same trend has become evident at low-ranking posts (Assistants) at universities. Jobs at universities and scientific institutions have not been any longer prestigious and well paid, as they used to be during socialism. Consequently, a gradual increase of female representation in junior positions at scientific/academic institutions has been associated with a fact that the latter institutions lost economic/social prestige, and women occupied the posts, which their male colleagues did not consider as desirable any more. Yet, experts notified that research institutes have been more open for women than the Belgrade University (ibid.).

Table 9: Representation of women in scientific institutions (2000-2002)

	Females - Researchers	Males - Researchers	Females - Assistants	Males - Assistants	Percentage of females in the total number of Researchers and Assistants	
2000	4815	7154	2697	2751	Res: 40.2 %	Ass: 49.5 %
2001	4246	5825	2513	2005	Res: 42.2 %	Ass: 55.6 %
2002	4663	6192	2475	2156	Res: 43.0 %	Ass: 53.4 %

Based on: Stat. Office and UNDP, 2005

Women have been, and still are, seriously under-represented in managerial positions at universities, and other decision-making posts in education system/scientific institutions, as indicated by data on female Deans, Rectors, Directors of scientific institutes, members of University Boards, etc. (See in more detail in: 2003-2006 Period below).

Engagement of NGOs in introducing gender studies into university programs: In the nineties, women's NGOs have initiated and implemented numerous **alternative** educational programs at the university level; programs on women's studies/gender studies were among them, e.g., Center for Women's Studies in Belgrade, Novi Sad, Subotica, Nis, Uzice, Kraljevo, Alternative Academic Educational Network, and Peace Studies (NAP - National Action Plan for Women, 2006). Similarly, on the initiative of women's NGOs, gender studies have been introduced as an optional subject in the regular studies programs at some Serbian universities: Faculty of Philosophy in Belgrade (in 1993), Faculty of Political Sciences in Belgrade (1997), and Law School in Nis (2003; *ibid.*).

An issue of concern: Gender-role stereotyping in text-books/curricula: Gender-role stereotyping is so prevalent in school text-books that even the government report to the CEDAW (2006) recognizes/admits this problem. Numerous previous and more recent studies on socialization patterns and portrayal of boys/girls and men/women in text-books confirmed a striking proportion of the problem (e.g., Plut, Danicic and Tadic, 1990; Plut, 1991; 1994; 2000; 2004; Marinkovic and Pesikan, 1999; Jaric, 1994; Plut, Pesikan, Pesic and Antic, 2002; Marinkovic, 2004). *However, no systematic state measures have been undertaken to improve the situation.*

Comment on the state report: Government report to the CEDAW Committee (2006) identifies this problem, in relation to Article 5 of the Convention, and quotes surveys on gender-role stereotyping in text-books. The govt. report does not clearly recognize that most of quoted surveys are made by NGOs or institutes. It is also not mentioned which measures are taken to improve the situation. Further, it is specified, in para. 95, that, "the Ministry of Education and Sports of Serbia has no influence on or control of the content of text-books or curricula of religious instruction. According to some women's non-governmental organizations, the analysis of text-books of religion points to the existence of discrimination, encouragement of stereotypes and a patriarchal model of male-female relations... For example, according to the patriarchal model, abortion is murder; girls should grow into exemplary mothers and wives, subordinated to husbands physically and mentally, obey him without objection, etc." (Govt. report to the CEDAW Committee, 2006). Consequently, the govt. report admits prevalence of gender-role stereotyping in curricula and text-books for primary and secondary education, including the religious instruction. However, a question might be raised – **does the govt. report imply that the state cannot be held accountable for this issue?**

In-service training programs for teachers in primary/secondary schools: In the nineties and in the period between 2000 and 2003, numerous in-service teachers' training programs were organized, which covered a wide variety of topics: democratization of education, multiculturalism, peace-building, non-violent communication, conflict resolution, participatory/interactive teaching methods, children's rights, development of sensitivity for the needs of minority and disabled children, health awareness, gifted education, computer literacy, ecology, as well as specific programs for teachers on different school subjects. It should be stressed, however, that *a majority of these programs were designed and organized by various NGOs, international NGOs, professional associations and universities/institutes. Mostly, the programs were financed by foreign and other donors.* For example, a high number of teachers participated in the well-known program "Active learning". The program was developed by distinguished experts on education and supplemented by the manual for teachers (Ivic, Pesikan, Jankovic and Kijevcanin, 1997); UNICEF provided financial support. The Ministry of Education and Sports developed a system of accreditation (official approval) of these programs. In total, **129 programs** were accredited by the Ministry in the school year 2002/2003 and published as a Catalogue (Ministry of Education and Sports of Serbia, 2002).

Introducing gender equality perspective into education system - gender awareness programs for teachers: Having in mind the above-mentioned alarming data on gender-role

stereotyping in text-books, and a fact that gender awareness have not been involved as integral part of pre-service education of teachers, organization of in-service teachers' training programs on gender might be viewed as a necessity. A clear "gap" in in-service programs for teachers on gender issues could be confirmed by analysis of the above-mentioned Catalogue of Accredited Programs (Ministry of Education, 2002). Out of 129 programs, none was related to gender equality or gender roles. In order to bridge this gap, INGO CARE International and NGOs (Autonomous Women's Center, Belgrade Women's Studies Center, Voice of Difference and Group MOST) conducted a *pilot project on gender awareness programs for schoolteachers* in 22 primary and secondary schools in Belgrade. This was the first attempt to introduce the topic of gender equality into schools in Serbia. The project was carried out with the support and permission of the Ministry of Education (during the government of Prime Minister Djindjic). The outcomes were presented at one international conference organized by the Ministry (Brankovic, 2002). This project was mentioned in the government report to CEDAW (2006) in a positive context, although the NGOs that designed and implemented the program were "nameless", and data on the number and type of schools were incorrect. Women's NGOs organized the second project on gender equality in primary schools in 2004-2005. The unfortunate "fate" of this program is described in the Chapter: 2003-2006 Period.

2003 – 2006 Period

Various disadvantaged groups do not achieve their right to primary education: Although the official rate of enrolment in primary schools is high, and the dropout rates low, government report on MDGs (Govt. of Serbia, 2005) estimates that real level of dropping out from primary schools is 5-15%. It is openly admitted that official statistics "conceal data on vulnerable groups" (ibid.). *Consequently, some Roma, rural, disabled, and refugee/IDP children do not achieve their right to (compulsory!) primary education.* Similarly, the same source notifies that two thirds of Roma live in settlements; 60% of Roma over 15 years of age who live in settlements do not possess primary education (ibid.). Dropout rates are higher for *Roma and rural girls* (in comparison to boys). Official data on overall enrolment of Roma are particularly disturbing (only 20%; further, enrolment rates are lower for girls; Ministry of Education, 2003, in: Govt. of Serbia, 2005). On this point, one should be reminded that, based on 2002 census data, 108 193 persons declared themselves as Roma (which made up 1.5 % of the total population; Stat. Office, 2005), but activists of Romani NGOs estimated that in reality, the number of Roma was 3-4 times larger. Thus, these people are "invisible" in official statistics, and data on enrolment/drop-out rates cannot be considered as reliable. Recent data based on *household surveys on vulnerable populations* might reveal the picture - the survey, conducted on 2254 persons (UNDP, 2006) found that overall enrolment rate of refugee/displaced children was 85% (girls: 77%, boys: 89%). Overall enrolment rate was 74% among Roma; enrolment of girls was 1% lower than that of boys (yet, the survey did not include street children, who have been largely absent from school!). Although the respondents listed financial hardship as the main reason for not attending school, it was noteworthy that only 1% of surveyed refugee/IDP and Romani households received stipend or scholarship assistance (ibid.). Hence, the above-mentioned data on lower enrolment in primary education might illustrate the vicious circle of poverty.

Further, official sources report that many Roma children who should attend regular schools are enrolled in special schools for mentally challenged children, "sometimes they make up 80% of students in such schools" (Govt. of Serbia, 2005). There are no reliable data on percentage of Roma children who have been transferred to the schools/classes for mentally challenged, due to *systemic fault in the categorization* of mental capacities of children when they are enrolled to schools, or based on their permanent low results in education. Yet, one relevant source (UNICEF, 2001) reported that, "The disproportionate presence of Roma children in special schools is one indicator that the categorization process is not working

well". In 2004, the Joint Common Plan for the Advancement of Roma Education was prepared by the Ministry of Education and Sports, with the assistance of the Ministry of Human and Minority Rights and OSCE. However, as assessed by UNDP (2006), "some complex activities were envisaged for 2005-2006, but will now start with a considerable delay". The First Progress Report on the Implementation of the Poverty Reduction Strategy in Serbia (Govt. of Serbia, 2005) listed that about 144 school projects related to improvement of Roma education were financially supported in 2002/2003 and 2003/2004. However, figures on affirmative action measures were not particularly encouraging: *42 Romani students were enrolled in secondary schools in 2002/2003 and 70 were enrolled in 2004/2005* (gender-sensitive data were not reported). Further, 51 and 89 Romani students were enrolled in two-year colleges and universities in the school years 2002/2003 and 2004/2005, respectively. In general, there are no sufficient systematic, continuous and state-financed programs (affirmative actions) for the improvement of the educational status of the above-mentioned disadvantaged groups. Moreover, the state institutions approved return of up to 150 000 persons from countries with which readmission agreements have been signed (Group 484, 2005, in: UNDP, 2006). Partial and unofficial data on those who have already returned implied that many children have problems in access to school, due to a lack of documents, and/or because they do not speak Serbian (ibid.). Unofficial records on already existing population of returnees notify that 60-65% of them are Roma. There are no available strategic documents of the government, which would address the problems of returnees. Having in mind the above-mentioned data on educational status of disadvantaged groups, a question might be raised – how Serbia plans to integrate (presumably) high number of returnee children into education system?

A lack of reliable gender-sensitive data on education – negligence? This problem is closely linked to the above-mentioned problems. There is a clear need of reliable official gender-sensitive data on enrolment/drop-out rates in all levels of schooling, which will be based on monitoring the cohort. Similar recommendation is provided in the government review of implementation of MDGs (Govt. of Serbia, 2005). It is especially important to collect and regularly publish gender-sensitive data that include information on rural, Roma, disabled and refugee/IDP children. Experts' analyses (e.g., Plut, 2004), based on simulation of the model of monitoring the cohort, implied that gender differences in enrolment rates were not high (See: Table). However, simple calculations imply problems related to efficiency of the primary school – 8.2% of the corresponding generation did not reach grade eight. Consequently, they either repeated grade(s) or dropped out (records on reasons for not reaching grade eight were not available). Out of the total number of girls who entered grade one, 7.4% did not reach grade eight, whereas in this generation, 8.9% of the total number of enrolled boys did not complete grade eight with their age-mates.

Table: Completion of primary school – monitoring the generation

	Total	Girls	Boys	Percentage of girls in the total	Percentage of boys in the total
Entered grade 1 in 1995/1996	96 185	46 634	49 551	48.5 %	51.5 %
Completed grade 8 in 2002/2003	88 298	43 200	45 098	48.9 %	51.1 %

Source: Ministry of Education and Sports, in: Plut, 2004

Gender-role stereotyping is prevalent in text-books and curricula; education reform should consider this issue, through assistance of NGOs: National Action Plan for Women (2006) summarizes this problem, "The curricula at all levels are still anachronous and discriminatory, and they contribute to strengthening gender-role stereotypes". Regarding the university programs, the same document (NAP, 2006), specifies, "University programs are not gender sensitive, either in contents, or in language". This Plan (which is not yet adopted by the government), however, does not suggest the analysis of the current text-books/curriculum from gender equality perspective, or the involvement of NGOs in this process. Therefore, the problem of stereotyping remains a burning issue, predominantly at the primary and secondary school level. In our opinion, the problem of gender-role stereotyping in text-books and

curricula, regardless of the subject, should be addressed in a process of education reform. Further, in planning measures for introducing gender equality perspective into education system, women's NGOs and gender experts should be involved, since educational authorities are neither interested, nor sensitized for these specific issues. Furthermore, a lack of political consensus for implementation of education reform remains an issue; similar conclusion is stressed in the government document – a review of implementation of MDGs (2005). Ministry of Education (during the government led by Prime Minister Zoran Djindjic), initiated a large-scale education reform. After the parliamentary elections, when the government (led by Vojislav Kostunica) was formed, the educational policy was changed, and the reform initiated by the previous government was largely abandoned or postponed. The Minister of Education in the latter government also officially stopped some teachers' training seminars. Subsequently, the Minister was forced to resign, due to various controversial decisions (e.g., banning Darwin's theory¹⁷). Nevertheless, the problem of stereotyping in text-books/curricula remains unresolved. Relevance of curriculum revisions and teachers' training programs on gender is convincingly confirmed in surveys – notably, it is found that a half of examined primary/secondary school-teachers do not know what the term "gender equality" actually means (Brankovic, 2002; 2005).

In-service teachers' training programs on gender awareness are urgently needed; however, the existing programs of NGOs are not accredited by the Ministry of Education: Gender studies are not a part of regular pre-service training for teachers. As National Action Plan for Women (2006) reports, out of five Teaching Faculties in Serbia, and additional seven faculties where future teachers are educated, only one (in Uzice) has Gender Studies as subject. The latter National Action Plan recommended training of teaching staff, but women's NGOs were not planned as creators/implementers of such programs in the future (although only women's NGOs designed and implemented these programs in the past).

As mentioned above, women's NGOs conducted the first (pilot) project on gender awareness program for primary and secondary schoolteachers in Serbia. The pilot project is mentioned, in a positive context, in para. 81 of the government report to CEDAW. *However, the events that happened afterwards might reveal the state policy regarding this issue.*

Namely, women's NGOs (Belgrade Women's Studies and Gender Research Center, in partnership with Voice of Difference and Anthropy) conducted the second project in 2004/2005. Four-day seminars were organized for teachers in 51 primary schools throughout Serbia, as well as shorter programs for secondary school teachers. The manuals for teachers' training were designed (Ignjatovic & Bogdanovic, 2004a;2004b). The first manual for teachers, with detailed guidelines how to apply gender-sensitive teaching in regular classroom, was created (Brankovic & Ignjatovic, 2004), delivered to program participants and applied in practice. Teachers assessed programs extremely positively, e.g., 99% expressed an opinion that similar programs should be organized throughout Serbia. Similar favorable assessment was given by two independent reviewers (Rosandic and Gosovic, 2004), and the external evaluator (Jankovic, 2005). The results were presented, as good practice examples, at Expert Group Meeting on Elimination of All Forms of Discrimination and Violence against the Girl Child, organized by DAW and UNICEF (Brankovic, 2006).

However, this program for teachers was not accredited by the Ministry of Education; thus, its further implementation was made impossible. Similarly, women's NGOs developed workshop scenarios on gender equality in primary school and sent it to the Ministry as a proposal for involvement of gender-equality perspective into the curriculum for the school subject Civic Education. *Educational authorities have not responded to the proposal so far.*

A question might be raised: considering that (even the pilot) phase of this program was quoted in the govt. report to CEDAW, and that the second project was positively assessed by teachers, reviewers/evaluators, and participants at Expert Group Meeting, **how come that this program for teachers was not good enough to be accredited by educational authorities in Serbia?**

¹⁷ This decision was strongly condemned in media, both in Serbia and elsewhere, and on the Web as well (e.g., through Google Search Engine, 3170 texts could have been found, as a result of the following combination of key words: Serbia + Darwin + Minister). A majority of texts discussed the decision in a very sarcastic way.

Women are under-represented in decision-making posts in educational/scientific institutions: The glass-ceiling index (the ratio of women in all levels of education and those with the highest education degree) is 1.07 (Popovic, 2006). Therefore, Serbia is far below the average for the EU countries (2.1).

Further, **women have been (and still are) poorly represented among decision-makers in education and science/research.** Out of 16 members of the National Council for Education (the body with extremely high responsibilities and power), only one is a woman (NAP, 2006). The University of Belgrade had only one female Rector (since its foundation in 1905); the University of Novi Sad had three, while Universities in Nis, Kragujevac, and Pristina have never had a female Rector. Women made up 26.5% of members of the University Board at the Belgrade University (Popovic, 2006) and 27% at the University of Nis (Students' Union of Serbia, 2004). Similarly, female students have been very poorly represented in university bodies (Students' Union of Serbia, 2004; Popovic, 2006). Out of eight research institutes within the University of Belgrade, two have female Directors (NAP, 2006). Among members of the Serbian Academy of Sciences and Arts, women made up 6% in 2006; further, Dept. of Natural Sciences or Dept. of Social Sciences were completely female-free (Popovic, 2006). No woman has become a President of this institution since its foundation in 1887, and not a single woman was mentioned in the recent publication of the Academy related to the lives and work of 150 natural scientists in the 19th and 20th century (ibid.).

The problems of gender discrimination and/or sexual harassment/blackmail are evident at university level; no efficient state measures are undertaken to address this issue: Research of Students' Union of Serbia (2004), conducted on a representative sample of university students revealed that one third of them reported personal experience of gender discrimination. Similarly, nearly one third of students (26.5%) reported they knew the cases of male professors who had sexually blackmailed female students, while 40% knew of the cases of sexual harassment.

Further, **a lack of gender sensitivity in university programs** was identified in National Action Plan for Women (2006), as mentioned above. In recent years, due to engagement of women's NGOs, a major improvement was made regarding introduction of gender studies at universities. Post-graduate programs on gender studies were introduced at the University of Novi Sad (MA studies in 2003, Ph.D. studies in 2004), and at the University of Belgrade (specialist studies in 2004, MA studies in 2005). However, these programs are faced with certain resistance and cynical comments in academic circles.

Rumors about corruption at universities are also present. It cannot be assessed whether such problem has gender-specific implications, but a recent astonishing event might be mentioned. A problem of corruption was discovered at the University of Kragujevac – the police released filmed materials showing a bribe “exchange”. Professors at Law School of this University were arrested, some of whom were politically influential, e.g., Deputy Minister of Education, one ex-parliamentarian, one ex-member of the Constitutional Court, etc. Investigation is underway; therefore, we will avoid jumping to conclusions. Nevertheless, a proportion of discovered corruption and a fact that distinguished individuals were presumably involved created a heated debate in media. Certain experts assert that the event evokes *suspicion* about the system of high education. Even, the Ministry of Education of Greece announced a decision that no diplomas of Serbian universities will be recognized any longer.

Investment in education is perceived as budget expenditure, although young educated people, including women, could be seen as human potential for development of Serbia: As assessed in government report on MDGs (Govt. of Serbia, 2005), an increase of educational spending is necessary in order to improve quality of education of all children. In recent years, educational spending was 3.4% of GDP in 2003, and 3.9% in 2005 (ibid.). Surveys on educational outcomes also imply a need for improvement of the quality of

education. Increased investment in education is also needed in order to improve financial position of teachers and schools (certain progress was made after 2000, but further steps might be required), and to prevent a gradual decrease of the number of university students subsidized by the state. Self-financing university students often organize protests against high tuition fees, e.g., students of architecture at Belgrade University recently (in March 2007) protested against fees, which amounted to 24 average monthly salaries. It is essential to maintain current high enrolment rates of females in colleges/universities; however, policy related to tuition fees might decrease possibilities of young women to obtain the university degree. Further, academic degrees are often under-estimated in the labor market, and a general social climate does not favor an idea that young educated people should be seen as development potential. Youth often claim that they want to “graduate and emigrate”, or that a negative selection is dominant in the society. Similarly, they express a well-funded impression that high-ranking posts are obtained on the basis of “loyalty to political parties”.

Serbia needs new leaders in all areas of public life; no sufficient state measures have been implemented to promote gifted young men/women and to prevent further brain drain:

It is a well-known fact that a high number of males and females, mostly young and educated, left the country in the nineties (either to avoid draft or due to other, political/economic reasons), but the precise figures are not known. Experts' estimates amount to (shocking) 600 000 people (Popovic, 2006). There are no available comprehensive analyses of possible gender-specific implications of the brain drain. Further, there are some state-funded measures to assist gifted and talented boys/girls and men/women, but they might not be regarded as sufficient. The government of Serbia provides scholarships to talented students and post-graduates. Yet, the only NGO for extra-curricular science education of the gifted receives a very modest state contribution. The problem of barriers to realization of potential in gifted girls/women is neglected and overlooked, both social ones (hidden or overt gender discrimination, “glass ceiling effect”) or psychological ones. Assassinated Prime Minister Djindjic initiated a project “1000 young leaders”; the Fund with his name still provides support to talented students. On the other hand, a lot more should be done to promote talented young people (especially girls), create an atmosphere in which they will see hope and achieve motivation for further schooling/development, and to assure that Serbia will have a new (gender-balanced) leadership in the future - in science, education, politics, art and other areas of public life. One young woman, attendant of numerous programs for the gifted, explains the current atmosphere, “I don't want to wash dishes in a foreign country, and I will leave only when I'm certain that leaving is my choice, based on professional options, and not simply – running away. But, whenever I watch TV, I'm thinking...maybe even running away is not a bad option. This is not a normal country, and it will not become normal in million years”.

Article 10 - Recommendations

1. Assuring that women's NGOs are involved in planning/implementing gender-related aspects of educational policy at the national level, e.g., through establishing a special *Gender Task Force* at the Ministry of Education (composed of reps. of women's NGOs and gender experts) that *would participate* in: a) Curriculum planning and designing reforms in education; Preparing programs for pre-service and in-service teachers' training, creating gender-sensitive teaching methods and manuals/guidelines for teachers; b) Analyzing curricula for religious instruction from gender equality perspective and providing measures that would enable removal of overt/hidden gender discrimination, in line with secular character of the state; c) Monitoring educational policy at all levels (primary, secondary and university education), as well as practical work of educational institutions; Developing mechanisms for alleviating gender discrimination in educational practice and measures for solving a problem of sexual harassment;

2. Creating an independent body (composed of reps. of women's NGOs and gender experts) that would gather existing and develop new analyses of *curricula and school text-books for primary and secondary schools* from gender equality perspective, and provide guidelines to future authors of text-books (i.e., introducing a "brand" – "gender-sensitive text-book"). The latter assumes that educational authorities should adopt the guidelines as *mandatory* for authors of text-books, and assure that guidelines are implemented in practice
3. Increasing the expenditure for education in the state budget
4. Efficient implementation and monitoring of the adopted National Plans related to education, and adoption of those which have not been adopted
5. Organizing a large-scale debate on education reform in professional circles/general public; assuring participation of civil society in such debate; creating conditions for continuous implementation of the reform
6. Collecting and regularly publishing up-to-date gender-disaggregated national educational statistics at all levels, based on monitoring the cohort. Developing mechanisms and gender-sensitive indicators for analyzing access to education of disadvantaged groups: rural, Roma and other minorities, refugee/displaced, disabled
7. Conducting a survey on functional literacy of different age groups; Organizing *state-funded* vocational trainings for children, and adult education programs; Encouraging involvement of girls/women in such programs
8. Adopting affirmative action measures for vulnerable groups of children (scholarships, quotas), paying particular attention to less represented gender; Increasing enrolment of disadvantaged groups of children in *pre-school institutions/programs*; Organizing community-based programs aimed at inclusion of disadvantaged children into school, which would involve their parents/families, community members/leaders; Assuring implementation of formal and/or various forms of alternative/informal educational programs for boys/girls who were not enrolled in formal schooling, or dropped out from school; Taking steps to decrease the gender imbalance in primary schools for adults; Increasing the number of educational programs for children and adults in state-run National TV and Radio
9. Collecting existing analyses of the *quality of education* at the national level (based on surveys of *educational outcomes*) and organizing periodic new surveys
10. Creating an analysis (by independent experts) of implementation of Bologna Declaration at Serbian universities; Monitoring policy of universities related to tuition fees and suggesting measures that would alleviate current large *disparities* in fees across various faculties; Creating a fund-raising action aimed at collecting sources for scholarships
11. Organizing meetings with Deans/University Boards and discussing a possibility¹⁸ of introducing gender equality issues and barriers to realization of potential in girls as mandatory subjects at the Teaching Faculty and/or other college/university programs for future teachers
12. Organizing a debate in professional circles/general public, aimed at analyzing possibilities for establishment (or maintenance) of gender studies as integral part of university education system
13. Introducing gender awareness seminars as integral part of in-service teachers' training – supporting existing programs of NGOs and developing new ones (preferably, supplemented with manuals that will provide concrete examples how to implement gender-sensitive approach to teaching in regular classroom);
14. Supporting programs of women's NGOs, which are focused on teachers as target group (e.g., programs on prevention of gender-based violence and other gender-related issues)

¹⁸ We value and appreciate the autonomy of universities. However, educational authorities could raise the issue of gender equality in education system, and *propose* to relevant university bodies to analyze their current programs and provide compliance with international standards and conventions

15. Promoting and supporting girls' access to information technologies and equipment; developing educational policy that would encourage girls' interest in natural sciences, math, technology, computer science and sports
16. Promoting equal access to different professions; Providing support to existing programs of NGOs and youth organizations focused on empowerment of girls; Organizing programs for parents in order to enable them to identify and encourage girls' interests and question their own stereotypes related to gender roles
17. Improving possibilities for career counseling at the secondary school age; Assuring participation of school psychologists and career counselors in gender awareness programs
18. Developing and implementing affirmative action measures aimed at increasing representation of women in decision-making posts at educational/scientific institutions
19. Adopting affirmative action measures at the level of graduate and post-graduate studies (e.g., scholarships for less represented gender, e.g., at Faculty of Philology for men, and at the Faculty for Electronic Engineering for women)
20. Providing comprehensive analysis of gender-specific effects of brain drain, increasing the number of talented students who receive state financial support/rewards (including affirmative actions for less represented gender in various scientific disciplines); Supporting exchange programs; Creating opportunities for students to visit foreign universities
21. Applying models of identification of the gifted that will take into account interests, independent creative products, essays on aspirations, self-reported engagement in extra-curricular activities (i.e., models that would rely on self-descriptive techniques, and use IQ scores and personality measures only as additional indicators); Organizing pre-service and in-service training for school staff on these identification models, as well as on psychological and socio-cultural barriers to realization of potential in gifted girls;
22. Developing mentorship programs for girls who are highly interested in science/art, including mentorship based on peer education model (appointing mentors who are only a few years older than gifted girls); Encouraging extra-curricular education of gifted students (with professional staff previously trained to address specific needs of gifted girls) and/or organizing other sporadic extra-curricular programs

Article 11 – Women and the labor market

1992 – 2002 Period

Legal provisions: The Constitution of Serbia that was in force in that period (Art.54, para 1) had some provisions prescribing that jobs and functions were accessible to all, under the same conditions. *“Everyone shall have the right to work. Freedom of work, the free choice of occupation and job, and participation in management are guaranteed. Everyone shall have access, on equal terms, to every job and every function.”* Special protection for working women was guaranteed in Art. 56, para. 3 of the FRY Constitution, and Art. 38, para. 3 of the Serbian Constitution. The Labor Law of Serbia (2001) was amended to adopt some proposals of women’s groups, e.g., incorporated the equal pay principle for the first time. The Law introduced some relevant improvements, e.g., regarding pay equity and “childcare leave” (the changes involved the principle of equality in childbearing). The Labor Law stipulated that employees who worked for the same employer were guaranteed equal pay for equal work or work of the same value (Art. 81), and the right to protection of personal integrity (Art. 9). The latter provision might, depending on the court practice, protect women against blackmail, abuse, etc. at work. Article 9 specified that employee had the right to special protection related to childcare, according to the law. According to Art.69, para. 1, of the Labor Law, employed woman had the right to maternity leave and the right to be absent from work for childcare within a period of 365 days. Maternity leave lasted until the third month after delivery (para 2). After maternity leave expired, the employed woman had *the right to be absent from work for childcare*, but no longer than 365 days starting from the day when she went on maternity leave (para 3). The father of the child enjoyed the rights in para. 1 in the case of mother’s death, if the mother abandoned the child, or if she was prevented from enjoying this right for other justified reasons (imprisonment, serious illness). During maternity leave and the absence from work for childcare, the employed woman, or the father of the child, had the right to compensation, according to the law (para 4). *The father of the child could take up childcare leave*, i.e., might enjoy the rights in para. 4. One parent might be absent from work until the child reached the age of three, and during that period, the rights and obligations of that person were suspended, unless certain rights were regulated differently by the law or act/contract (Art. 75). The same rights might be enjoyed by one of adopted parents– a man or a woman – on the condition that the adopted child was under the age of five. In cases that a child needed special care due to severe psychophysical disabilities, one parent of the child had the right to be absent from work (after maternity leave and childcare leave expired), or to work half-time, but for no longer than the child reached the age of five (Art.71). One parent had the right to compensation - one half was provided by the employer, while the other half was obtained according to provisions regarding care for children and the family.

Women and the labor market: Data clearly showed that gender discrimination at the labor market prevailed in the nineties. Even some new discriminatory practices emerged in the private sector and the hidden economy. According to the census data (1991), 42% of women in Central Serbia were economically active; even in some age groups (30-39), the percent exceeded 80. Among employed experts/artists in Central Serbia (based on 1991-census data), females made up 16.7%, while males made up 11.1 % (in Vojvodina, percentages for females and females were 19% and 9.3%, respectively). This apparently positive trend however “disguised” a fact that *females were concentrated in semi-professions (nurses) or lower-rank professions* (teachers/educators at the elementary schools or kindergartens); implying gender-role stereotyping in public sphere/professional world (Blagojevic, 1995). Nevertheless, the share of women among employed has not notably changed in the nineties, at least based on official data (app. 40%).

Women mostly worked in the public sector. Some analyses showed that two thirds of employed women worked in public and financial services (UNDP, 2000). Women were poorly

represented in the private sector (See below), and they made up about one third of workers in the hidden economy (Labor Force Survey, 1998; UNDP, 2000). Job opportunities for disabled women were very limited. In 2000, 28 enterprises were registered “for disabled persons’ employment” (FSO, 2001). Some groups of women faced “double discrimination” regarding employment (Roma, sexual minorities). Due to a lack of gender-sensitive data, occupational segregation was difficult to monitor, but regional survey (UNICEF, 1999) implied that it was lower relative to several transitional countries. It was noteworthy that gender differences in educational levels of employed workforce were not significant (Matkovic & Maric, 2000). Unfortunately, education did not necessarily implied equality in the workplace, or upward mobility – if the status of female workforce depended solely on educational qualifications, it would have been far better than it actually was. More women than men were engaged in occupations below their educational qualifications (SCAN 2001). “Boom” of the hidden economy further degraded the importance of education, as a potential advantage of female workforce - no education was needed in many “branches” of informal sector.

Protective legislation (e.g., maternity leave) was enforced in the public sector, but it was not necessary beneficial for a mother and a child - wages were very low and usually in arrears, so the same applied to maternity leave compensations. In general, combining professional and family roles was more difficult due to economic hardship – women were over-burdened, as they assumed primary responsibility for the family survival.

Increased rates of female unemployment: In addition to officially registered unemployment, *hidden unemployment* was also high in the nineties. Many workers in public sector were sent on mandatory leave for several years (with the minimum pay). A total surplus labor rate was estimated to be 47% (Jovanovic & Nedovic 1998). Regarding sending on mandatory leave, women were not discriminated, at least until 1999 (trends probably changed thereafter, but no data were available). Nevertheless, the share of women in general unemployment has constantly raised between 1990 and 1997, while it has stagnated or slightly dropped from 1997 to 2001. Further (slight) decrease was also notified in 2002. Out of 842 652 unemployed persons in 2002, 55.3% were women (Serbian Labor Market Agency, 2002). In addition, women made up the majority of long-term unemployed (1-3 years), although *educational levels of unemployed men and women did not differ* (Matkovic & Maric, 2000). Women accounted for two thirds of those who have been waiting for a job longer than 8 years (UNDP, 2000). After 2002, the overall unemployment raised, due to transitional changes (privatization of state enterprises, dismissal) and macro-economic policy.

Officially registered unemployment	1997	2000	2001	2002
Unemployed – total	636 451	725 596	772 611	842 652
Unemployed women	366 323	413 082	433 109	465 899
% of women in total unemployment	57.6 %	56.9%	56.1%	55.3%

Unemployment rates by gender provided more disturbing picture. Among 10 examined countries in the region, FR Yugoslavia in 1994 had the widest gender gap in unemployment rates, defined using the standard ILO criteria (UNICEF Regional Monitoring Report, 1999). Similar trend was evident, taking into account only data from Serbia. According to 1999 data, the female unemployment rate was 32.4%, while the rate for men was 20.3% (UNDP, 2000). Institutional measures for reducing unemployment (courses for unemployed) were insufficient, and women were under-represented in these programs. However, women *showed great interest in computer science courses for unemployed* (they made up 70.5% of attendants in 1998). Since women mostly worked in the public sector, they were seriously affected by privatization and dismissal, especially those in the age group 45-55.

Lower opportunities in the workplace: Legal provisions regarding equal access to jobs were poorly implemented - surveys on representative samples showed that women’s chances were lower. There was no state policy aimed at reducing vertical job segregation, and no

reliable gender-sensitive statistical data existed in the nineties. As implied in one relevant survey, every fourth woman reported that in her workplace, chances for job promotion were weaker for women (Posarac, 1998). Responses of female employees, describing experiences in their workplaces, indicated the following “rank” of discriminatory practices (SCAN, 2001). Women, relative to men, had lower chances for job promotion (48% agreement), lower access to managerial posts (34% agreement), lower access to leadership positions in firms/institutions (26%), and higher chances to be “shifted” to low-paid jobs (15%). Activists of the SOS hotline for women – victims of discrimination in the workplace testified that female workers mostly reported unlawful cut of a wage or sending on mandatory leave. Those who decided to prosecute employers were faced with increased mistreatment (SOS hotline statistics, 2000).

According to official census data (2002), women accounted for 25.2% of directors and chief executives, and 28.1% of executives – managers in economy. Census in 2002 also showed that women made up 58.9% of technicians/associate professionals, 55.9% of workers in services and sale, 53.4% of administrative workers, and 52.8% of professionals/experts.

The gender pay gap: The gender pay gap, and the monthly and hourly pay gap increased by 4,9% and 4,7% respectively between 1995-1998, as a result of selective withdrawal of less qualified women from the labor market (Krstic, 2000). Survey conducted in 1998 among randomly selected households revealed that female employees earned 20% less than their male counterparts (Krstic & Reilly, 2001). Another analysis, based on official statistical data in 1998, indicated somewhat narrower gap (86.5%), and pointed out that that the gap could not be explained by different educational levels of men and women, as qualifications of employed women were not lower in comparison to male workforce (Matkovic & Maric, 2000). The latter analysis also revealed that women earned fairly more than men did - only in free-lance professions. In general, the gender pay gap was *similar or narrower* than that in other countries in the region (UNICEF, 1999). However, experts stress that, as transition progress, the gender pay gap should be monitored, controlling for educational level, age, work experience, branch of economic activity (*the gap might be primarily attributable to concentration of women in low-paid sectors, like healthcare or textile industry*).

Sexual harassment in the workplace: Women’s NGOs identified tremendous prevalence of sexual harassment at work, especially in the private and the informal sector. However, such impression was difficult to prove in surveys. Sexual harassment was not legally defined as a criminal offence and no protective mechanisms existed (in 2002, the sexual harassment became criminalized, but the provision was later excluded). As women’s NGO reported, harassment has often started as a request to “amuse business partners during dinner” and remained unreported to any official agency. Job advertisements sometimes openly mentioned “pleasant looking” as a requirement. As Labor Law granted authority of employers to hire and fire, female workers might be exposed to “blackmail”. Cross-national survey reported 58 sexual incidents at work per 1000 women in the FR Yugoslavia in 1996 – the rate was one of the highest in the region (UNICEF, 1999). One recent survey found that 5% of women had experienced harassment during job seeking (20% refused to answer the question!). In addition, 22% of them reported that *other women* in their workplace had been sexually harassed by male employers (SCAN, 2001). It seemed that women hesitated to disclose incidents in the face-to-face interview; on the other hand, some women maybe assumed they should tolerate harassment. A view that women have the *right* not to be sexually offended has been still regarded as “weird”.

Specific discrimination in the private sector and the hidden economy: A borderline between the private sector and the hidden economy has been (and still is) vague in Serbia, to put it mildly. Some private companies performed illegal activities, protected by the regime of Milosevic and enjoyed enormous benefits. Studies implied that some war profiteers and “new rich”, after gaining capital from illegal jobs, simply switched to legal businesses (Bolcic, 1995).

Females were poorly represented in the private sector in the nineties (Matkovic & Maric, 2000; Posarac, 1998, SCAN, 2001, UNDP, 2000). This factor influenced the economic position of women in general, since difference between wages in private firms and other enterprises was higher in Serbia than in many transitional countries (Krstic & Reilly, 2001). Labor Force Survey for 1998 indicated a slight rise of female representation in this sector (data pertained to FR Yugoslavia). Women made up 37% of private sector employees, but authors stressed that this trend should not be regarded as stable (Matkovic & Maric, 2000) or reliable, as employees were often *unregistered*. Similarly, women made up only 22% of private enterprises/shops owners (Matkovic & Maric, 2000). Reasons for poor female participation in this sector involved unpaid work at home, extended family responsibilities (Posarac, 1998), and *a lack of experience in managerial work* - women in Serbia have been under-represented in leadership positions for years. In addition, families often decided to confide a husband a risky private job, while a woman kept a less-paid, but more secure job in the public sector (Matkovic & Maric, 2000). Other obstacles were more difficult to overcome. Some women who wanted to initiate business did not fit conventional loan models – since property has been often registered on husbands' names, they could not provide guarantee to a bank.

Two large surveys in the nineties (Bolcic, 1995; Milic, 1995) indicated that owners of private firms were mostly males who possessed lower educational qualifications relative to *their own* employees, as well as directors and employees in the state sector. These employers tended to eliminate women as job candidates and to favor younger males. Females were more likely to be unregistered, engaged as unpaid “helpers” in family businesses, or hired on temporary basis - on less-paid technical jobs, often below educational qualifications. They were often deprived of many rights regarding working hours, maternity leave, medical care provision, etc. Employers could easily avoid payment for maternity leave by keeping female workers as unregistered, also, they often tended to *report lower wages than actual* in order to reduce tax payment, medical insurance, obligations toward retirement fund (these practices would jeopardize women's security in the old age). Wages were sometimes in arrears, but no protective mechanisms were implemented. As workers in the private sector did not enjoy protection by unions, even severe violations were not penalized.

The hidden economy in Serbia has comprised different activities, ranging from “grey” (selling food or smuggled goods at a flea market) to very “black”, clearly criminal ones, i.e. weapons trade, organized prostitution, involving *modus operandi* typical for organized crime (Bolcic, 1995). Nevertheless, the “grey” branch became the safety net for unemployed, underemployed, refugees and displaced, rural, retired and all impoverished population (particularly, Roma), and a source of additional income for employed, because almost one third of the population was below a recognized poverty threshold in 1995 (Posarac 1998). Krstic (1998) estimated hidden economy activity to be 34% of measured GDP in 1997. According to Labor Force Survey (1998), women made up about one third of the workers in this sector. The hidden economy might be viewed as a significant source of gender inequality. Women working in this sector enjoyed no legal rights, so they could not be protected against sexual abuse or harassment, violence, discrimination regarding pay, working hours, etc. They often worked in the open air, under unacceptable conditions, below all civilized norms. The average pay of women in the hidden economy was 28% lower than the average pay of men in 1997 (Jovanovic & Nedovic, 1998). Two thirds of women were engaged in the informal sector as farmers (they often produced food for their own household; Labor Force Survey, 1998, CPL, 2000). Therefore, female additional work in the informal sector often has not produced additional income - it has become a mere survival strategy. On the other hand, this sector provided a chance, particularly to younger and educated women, to hold second jobs on rather fair terms. As one large survey revealed, officially employed women (with the exception of young ones) were less likely than men to engage in “moonlighting”, i.e., to hold second jobs

in the informal sector. No gender differences in second-job earnings were identified, and women even earned more in some branches, implying that the skills women possessed were in demand in the informal sector. Unfortunately, women over 30 were not able to benefit from this job offer, probably due to household work and childcare (Krstic & Reilly, 2001).

2003 – 2006 Period

Legislative framework (Lukic, 2006): Economic policy laws¹⁹; **Labor Law** contains definition of discrimination at all stages and in all elements of labor, as well as key grounds for discrimination. The definition of the principle of equal pay for equal work or work of equal value has been significantly improved. Progress has been made in defining harassment and sexual harassment. In this way, at the legal level, position of women on the labor market has been improved. However, the law also contains measures that can eventually prove counterproductive for women.

Possible counterproductive effects: Flexibilization of workforce may have negative impact on women. For example, work from home as a labor category allows engagement of family members without formal acknowledgement of their work (Labor Law and Law on Private Entrepreneurs). According to the data of the Institute for Statistics of the RS, two to three persons working from home (recognized as a form of employment) are male, while two to three members of the household assisting them in this work (formally unrecognized as employment) are female. It is therefore necessary to examine the issue of exploitation of women's work and review these legal provisions. Moreover, long maternity i.e. parental leave (up to 2 years of paid leave for the third and fourth child or 3 years of unpaid leave in order to take care of children) and absence of guarantee that they will be given the same job or job with equal pay after they return from maternity leave makes mothers who have recently given birth a specially vulnerable category at the labor market.

The Labor Law does not recognize measures of gradual balancing of family and professional obligations (through provisions on shorter working hours for mothers who have recently given birth) and does not recognize sexual blackmail (as a more severe form of sexual harassment). **The Law on Employment and Insurance in Case of Unemployment** is the first law of the RS to introduce affirmative action for vulnerable categories, especially women. This is important in light of the fact that horizontal and vertical gender segregation of the labor market still exists in Serbia. **The Law on Taxes for Obligatory Social Insurance** introduces a measure stimulating employers to employ certain categories of the unemployed, including those over 50, that is, 45 (the employer is exempt from paying taxes the following two years).

Using legal possibilities: According to the information of the National Employment Agency, this measure is not sufficiently used, if at all. The category, which is particularly vulnerable and multiply discriminated against are women over 50 who have lost their jobs. An employer can be discouraged to use this measure because a legal provision obliges him to compensate all taxes he had not been paying if for any reason employment should terminate in the next five years. To make the law more stimulating, it is necessary to strike a balance between rights and interests of employers and employees. (State policy has to be clear).

Introduction of new mechanisms, namely protection based on principles such as equal pay for equal work or work of equal value, sexual harassment etc is not accompanied by an efficient,

¹⁹ Labor Law, Law on Security and Protection at Work, Law on Employment and Insurance in Case of Unemployment, Law on Peaceful Resolution of Labor Disputes and Law on Civil Proceedings lay the foundations of position of women at the labor market.

swift and economically viable protection²⁰. Inspections and jurisdictional ministries rarely recognize and even less frequently record cases of discrimination, probably owing to fact that existing regulation of the RS does not concretely define gender-based discrimination. The *Agency for Mediation of Labor Disputes* has a limited jurisdiction: discrimination with regard to payment of salaries, compensation, employment etc is under the jurisdiction of an inspection and / or a court. The laws do not allow for a possibility to „shift the burden of substantiating the claim with evidence“ from the plaintiff to the indicted in cases of discrimination. The position of the person claiming that she/he has been discriminated against is accordingly very complicated in circumstances of complex judicial proceedings and economically inaccessible legal and professional assistance. *Trade unions*, even though recognized by law as key actors in protecting employees, do not fully utilize their capacities. It should be mentioned that *National Employment Bureau* and *Republic Institute for Statistics* have made substantial progress in terms of gender-sensitive records.

For reviewing legislative policy on position of women at the labor market, it is important to observe links between social policy and key processes of economic reform. Social policy laws²¹: „**Healthcare**“ **laws of the RS** are based on contemporary principles and provide broad healthcare protection to various categories of the population, introducing control of work and institution of the patients' advocate. However, certain incongruities also exist: partner/cohabiting partner does not automatically acquire the right to mandatory health insurance (as does a married partner), but only after two years of living together. If she is not registered with the Employment Bureau (and she will be erased from their register if she is not active in seeking employment), an extramarital female partner will not have access to state healthcare services, even if pregnant or with a baby. Women who take maternity leave due to temporary inability to work owing to complicated pregnancy receive only 65% of their salary.

Gender gap in employment rates, cross-sector representation: According to *official data of Stat.Office*, 1 813 570 persons were employed in Serbia in 2003; women and men made up 43.9% and 56.1%, respectively. Percentages for the year 2004 were very similar. In 2004, the *National Employment Agency* introduced relevant positive changes in the methodology of monitoring and reporting. This change made comparison with the previous data *meaningless or difficult*. However, the new trends have been identified (Jovic, National Employment Agency, 2005). In 2005, the share of women and men in the total employment was 45.8% and 54.2%, respectively. Data on representation of women and men across sectors were revealing – women considerably outnumbered men in certain sectors, such as textile/leader industry (88.4%), healthcare, pharmaceuticals and social work (82.9%), education and childcare (79.3%), administration and law (75.7%), culture, art and media (75.7%), and social/humanistic branches (73.1%). On the other hand, some sectors were almost female-free, i.e., men made up the greatest share of employees in mechanical engineering and metalworking (94.2%), physical culture/sports (93.5%), transportation/traffic (92.1%), electronic engineering (91.4%), forestry (83.4%), geodesy and construction (82.5%), geology, mining and metallurgy (76.6%), and agricultural/food production (65.6%).

The above-mentioned official data do not cover unregistered work force in private and informal sector, therefore, relying on other sources might be helpful in monitoring trends related to structure of male/female employment. The latest available Labor Force Survey (in 2005) covered in total 6500 households and applied methodology/definitions consistent with ILO recommendations and Eurostat standards. The structure of the entire labor force aged 15

²⁰ Possible sources of legal protection are: initiation of proceedings by the labor inspection or the market inspection, initiation of misdemeanor or civil proceedings for damages or criminal proceedings for discrimination, or mediation by the Agency for Mediation in Labor Disputes. An employee can choose the most suitable way to protect his/her rights.

²¹ Normative foundations of the social policy are laid down by: the Law on Healthcare, the Law on Health Insurance, the Law on Obligatory Taxes for Social Insurance, the Family Law, the Law on Financial Support to Families with Children, the Law on Foundations of the System of Education and the Law on Social Protection and Ensuring Social Security.

and over was as follows: unemployed (20.8%), employed (56.5%), self-employed (16.3%), and unpaid workers in family business/agriculture (6.4%). Women made up 61.6% of the inactive population, 54.2% of the unemployed, and 40.2% of the employed (it should be stressed that *the latter finding was considerably lower in comparison with official records for the same year*). Female and male inactivity rates (for the population aged 15-64 years) were 43.8% and 25.7%, respectively. Interestingly, significant gender differences were found among self-employed and unpaid “workers” (See: Table). The total number of self-employed men was three times higher than the one of women.

Women are faced with many obstacles in starting their own business. One of them is a poor possibility to obtain a loan, as the property is often registered on husbands’ names. Notably, only 2.4% of women possess private companies, 3.4% have savings, 16.2% own apartments, 10.8% own houses, and 9.3% possess agricultural land (State Report to Human Rights Committee, 2003; para. 126). The data should be taken into account as relevant indicators of economic status of women.

It should be stressed that nearly 14% of all women-workers were engaged as unpaid helpers in family business or agriculture (in other words - every seventh!). By 2005, privatization process progressed, but (still) more women than men worked in the state/public sector - the Survey indicated that 39.2% of females and 33.6% of males worked in the state/public sector, while 57.3% of females and 61.9% of males worked in the private sector. In relation to job security, the following was found: 87.2% of women had a permanent job, 6.3% were temporarily employed, 3.8% were seasonal workers, and 2.7% worked occasionally.

Structure of female and male employment (based on: Labor Force Survey, 2005)

	Women	Men	Women	Men
Self-employed	134 390	429 059	12.2 %	26.3 %
Employees in state/public and private sector	811 578	1 138 583	73.9 %	69.6 %
Unpaid helpers in family business and agriculture	152 456	67 346	13.9 %	4.1 %
Total	1 098 424	1 634 988	100.0	100.0

The gender pay gap: Rarely reported, barely recognized as a problem: Due to recent improvement in statistics (Stat. Office and UNDP, 2005), gender-disaggregated data on representation of women/men (and their wages) in certain sectors of the formal labor market became available. According to 2003-data, the average earnings of women were lower than the average earnings of men in 12 sectors (out of 15 examined sectors). The widest gap was found in manufacturing industry (women earned 74.2% of man’s pay) and some other sectors, e.g., fishing (78.9%), financial transactions (83%), wholesale and retail trade (87.2%). In *healthcare and social work* (sectors with a high concentration of women, i.e., 328 women per 100 men), the gap was 89.2%. Wage disparities are possibly related to vertical and horizontal segregation; further, recent research (AWIN, 2006) on representative sample notifies that women more often than men work on jobs below their educational qualifications (44.3% of women and 59.8% of men are engaged on jobs appropriate to their education). Other analyses indicate the large wage disparities among workers *with the same or similar qualifications in different sectors*; branches like the textile industry (with high concentration of women) have lower wages relative to the wages in privileged industries (Djuric-Kuzmanovic, 2005). Relevant sources (e.g., Labor Force Survey, 2005) confirm occupational segregation. Over 60% of women work as technicians, agricultural or service and shop/market sales-workers. Distribution across occupations is as follows: technicians and associate professionals (21.1% of all employed women and 10.3% of all employed men), skilled agricultural and fishery workers (20.4% of women and 19.3% of men), service workers and shop/market sales-workers (19.5% of women and 10% of men), elementary occupations (11.2% of women and 9.5% of men), professionals (11% of women and 7.9% of men), clerks (6.9% of women and 5.1% of men), craft and related trades workers (5.7% of women and 20% of men), machine operators and assemblers (1.9% of women and 11.9% of men), and legislators, senior officials

and directors-managers (2% of women and 4.7% of men). It is estimated that the gender pay gap is notably wider in informal sector, i.e., women earn fairly less (up to 40% in some years) than men do (Djuric-Kuzmanovic, 2005).

The implementation of the equal pay principle requires continuous monitoring, as mechanisms for its protection are weak, expensive, and insufficient, as recent analysis estimates (Lukic, 2006). The analysis (ibid.) provides a well-known example of the factory in Sevojno in which, during a privatization process, the Board offered compensation to employees who would leave the company voluntarily. The compensation was lower for females than for their male colleagues, and female workers lodged a complaint to the Labor Inspectorate, on the ground of *discrimination based on violation of the principle of equal pay*. Since the Inspectorate confirmed the decision as legitimate, female workers organized the media campaign; finally, the Minister of Labor declared this practice as discriminatory. The Board changed its decision. Other female workers, who suffered discriminatory practices, but were not so determined to claim their rights, have been rarely mentioned in media.

Unemployment - disturbing trends: In 2003, nearly one million people (947 296) were *officially registered* as unemployed. Therefore, overall *officially registered* unemployment rate in that year (based on data of National Employment Agency) was extremely high – 29.9%, while the share of women in total unemployment was 54.4%. Data for 2004 and 2005 were (more or less) equally disturbing. Experts of the Agency (Jovic, 2005) reported that a positive trend identified in the period from 2001 to 2003 (a slight, but gradual, decrease of the share of women in general unemployment) was *no longer present in recent years*. Further, data on the share of women across sectors were unfavorable, since a majority of job-seeking women²² in 2004-2005 actually applied for work in sectors in which women have been already over-represented (See: Cross-sector representation above). Namely, in 2005, most of female job seekers registered as workers in textile industry (the share of women in the total number: 88.3%), healthcare (82.3%), education (79.4%), and law and administration (75.8%). The previously identified trend of high representation of females among long-term unemployed was also evident in the period from 2003 to 2005. It was particularly pronounced in 2003 – out of the total number of unemployed women, 58.4% of them waited for a job for more than two years (the corresponding percentage for men was lower – 50.4). In 2004 and 2005, a minor decrease in the number of long-term female job seekers was notified; however, a gender gap in long-term unemployment rates remained the same. In 2004, rates of female and male long-term unemployment were 56.1% and 48.7%, respectively. In 2005, the rates were 54.8% and 47.1%, respectively. Regarding educational qualifications of job-seeking workforce, data were indicative – representation of women was higher among better-educated job seekers (Jovic, 2005). In 2004, women made up 63.9% of job seekers who possessed secondary education, 60.6% of those with two-year college and 58.7% of those with university degree. Percentages for 2005 were (almost exactly) the same. Other analyses indicate that the women over 45 years of age have especially severe problems in finding employment, and stress that job opportunities for **young women, rural women, refugees/displaced, Roma, and disabled** women are particularly limited.

Labor Force Survey (2005) provided other revealing data. *The number of unemployed (719 881) was significantly lower in comparison with data on officially registered unemployment in that year (990 011)*. The difference (270 130!) probably indicates the scope of activities in the informal sector – most likely, *these people work in the grey economy* and experts consider the findings as more realistic (Economist, 2005). The share of women in the number of unemployed (54.2%) was compatible with the official data. Data also implied difficult consequences of transition – out of the total number of unemployed, two thirds of them had been employed before, but were dismissed or quitted for numerous reasons. Women made up 52.9% of the total number of previously employed workers and 49.3% of the dismissed. In

²² Since 2004, the National Employment Agency applies a new methodological approach in registration/reporting - their reports pertain to "job-seeking persons" (defined as unemployed persons active in job search, or employed persons requiring to change a job)

addition, a long-term unemployment was typical for women – they accounted for 55.8% of those who waited for a job for 5-10 years and longer. Gender gap in unemployment rates of the population of working age (15-64 years) was broad – based on 2005-data, the female unemployment rate was 27.4%, while the rate for men was 17.6%. Female unemployment rates were significantly higher in all age groups, e.g., in the age group: 15-24 years (51.7% for females and 44.9% for males, respectively), in the group: 25-34 years (37.8% and 21%, respectively), in the group 35-54 years (21.4% versus 12%). The only exception was the oldest group: 55-64 years (female and male unemployment rate in this group was 8.3% and 11.2%, respectively). Data on marginalized groups (e.g., Roma, refugees/displaced, disabled, etc.) are rarely available. NGO that has worked with the refugees/displaced (Group 484, 2006) stressed, using official statistical data, that refugees, despite the fact they were more educated than the domicile population, have had an unfavorable position at the formal labor market. In 2004, the unemployment rate for refugees was 36%, whereas for the general population it was 22% (ibid.). Female unemployment rates were higher compared to that of males. On the other hand, Group 484 noted that unemployment rates of displaced population should be regarded as unreliable, since around 25 000 displaced people from Kosovo have received temporary monetary remuneration by the government, and were not registered as unemployed at the National Employment Agency. Therefore, this measure (only) formally decreased the unemployment rate of displaced population (ibid.).

Are women (sufficiently) covered by active employment measures? The data mentioned above clearly justify a need for affirmative action and other measures for improvement of the status of women at the labor market. Some measures of the National Employment Agency will be reviewed (taking into account that their possibilities for solving the above-mentioned grave problems are limited). In 2004, in total 50 586 individuals were involved in active employment programs, organized by the Agency (National Employment Agency Annual Report, 2004). Consequently, the programs covered only 5.3% of the total numbers of job seekers registered in that year. Job seekers (55%) were mostly involved in active job search programs/job fairs, followed by programs on entrepreneurship/self-employment (36.4%), and additional education/vocational training (only 8%). In total, women made up 52.6% of the participants; but *the gender ratio across different types of programs was far more interesting*. Women were somewhat over-represented in programs on active job search/job fairs (59.7%), and vocational trainings (60.8%); yet, they were under-represented in the programs on private enterprise/self-employment (40.3%; Jovic, 2005). In a view of previously described facts, it seems advisable that programs on entrepreneurship might target women.

Is gender equality perspective integrated into strategic documents of the government?

European Commission in its recent report on Serbia (2006) estimates that access of women to job opportunities remains poor. The National Employment Strategy for 2005-2010 (that has been adopted in 2005) incorporates the guidelines of the European Commission, including “strengthening gender equality” in the field of employment and reducing the gender gap in female and male employment/unemployment rates (Govt. of Serbia, Review of Implementation of MDGs, 2005).

The first progress report (detailed, comprehensive and well structured) of the government on the implementation of the Poverty Reduction Strategy (2005) listed measures (financed from the state budget or by numerous foreign donors) that were taken in order to increase employment, e.g., active employment programs, loans, etc. It was reported (ibid.) that “*the ratio of funds spent on active and passive measures was unfavorable (10% to 90%)*”. The report also notified that “in total, 5.3 billion EUR of donor assistance was allocated to Serbia in the period 2000-2005”. Active employment measures were described; however, **no gender-sensitive data were reported (available)**. Hence, gender-specific impacts of these programs remained a mystery, although women’s NGOs asked for introduction of gender-disaggregated indicators.

Reducing unemployment and creating new jobs are common promises of political parties in pre-election campaigns. One of the parties promised 150 000 new jobs in the period 2003-2006. As it is estimated that creation of one new job costs from 3500 to 8500 EUR (depending on the sector; Economist, 2005), it can be calculated that such promises cannot be fulfilled without a large investments of foreign companies. However, in 2006 the European Union suspended talks with Serbia related to Stabilization and Association Agreement (SAA), since Serbia failed to arrest Ratko Mladic. The pace of accession to EU is, therefore, uncertain, as well as an amount of further foreign investments. *Taking into account women's poorer access to job opportunities, the question might be raised whether they would be more affected by slower accession to EU.*

Difficulty to balance professional and family roles: Taking into account current re-traditionalization of gender roles and a lack of efficient institutional and social care support for families with children; studies analyzed competitiveness of *women with children* at the labor market (Voice of Difference, 2003). It was concluded that the position of women was less favorable than that of their husbands. Women had a full-time job in 86% of the cases (and their husbands/partners in 93% of the cases); women's income was some 20% lower; and 77% of them did not engage in additional jobs (while 57% of husbands did not take extra jobs). Further, re-calculated to represent a full working time of 8 hours per day, women spent 15 working days per month performing household work and childcare (whereas their husbands spent 7 days per month). Out of total number of unemployed women, many did not work due to personal reasons: 20% of them did not work due to bearing or raising a child; and 9% of them – because her husband would not allow them to. Women with lower education and lower incomes predominantly believed that their husband's work was more important. Recent research (AWIN, 2006) confirms that women, regardless of educational level or employment status, mostly perform household work at home, including cooking, cleaning, caring for the sick and the elderly. A certain tendency towards higher engagement of men in household chores is identified among younger couples (ibid.). Women are less satisfied with the quality of marital relations and more often assess that they "adapt to partner's needs". Further, women are mostly "responsible" for childcare and parenthood. Other analyses (Lukic, 2006) stress that, through legal provisions, which allow long parental leave, the state sends a "message" that parenting is an individual responsibility, dependent on individual resources.

There are no comprehensive data on the number of fathers who take up parental leave. However, state insurance professionals have reported that in Serbia around 15 men a year take up parental leave, and the State Agency for Social Protection assesses that income is the most important factor – the larger the number of women earning higher pay, the more men take up childcare leave (Lukic, 2006). Having in mind data on gender pay gap (See above), no rapid increase of the number of fathers who take up parental leave might be expected, and the state has not taken measures to promote such possibility. All analyses indicate a need of improving institutional childcare system, in order to make raising children a responsibility for all.

Article 11 - Recommendations:

1. Reducing a gender gap in employment rates through adoption of affirmative action measures and encouragement of female self-employment and entrepreneurship (supporting centers for female entrepreneurship, business and management; establishing flexible credit programs and reduced taxes for job-creating activities/small enterprises, creating special funds for these activities within the privatization funds, implementing strict, transparent and fair procedures for employment in the state/public sector); Implementing mechanisms for gender-sensitive monitoring and evaluation of the programs

2. Providing gender analysis of already adopted (or planned) national strategies/policies related to employment and poverty reduction, and developing gender-sensitive indicators for monitoring progress in implementation of these strategies and policies
3. Introducing gender-sensitive budgeting at state/local level, and providing appropriate monitoring of the implementation
4. Establishing cooperation with women's NGOs and gender experts in conducting gender analysis of economic policy (including macro-economic policy) and in integrating gender-equality perspective in planning further measures for economic and human development; Presenting these analysis to the Parliament; Re-analyzing current possibilities to attract direct foreign investments
5. Analyzing current trends in programs for unemployed; Encouraging involvement of women in all types of active employment programs, including active job search, vocational trainings, computer literacy courses, self-employment trainings; Implementing programs that would address the needs of specific vulnerable categories of women: young, rural, Roma, disabled, refugees/displaced; Organizing training programs on gender equality for employees of National Employment Agency
6. Organizing consultations with women's NGOs in analyzing gender-related aspects of labor legislation; Improving legal provisions with respect to: introducing the principle of shifting the "burden of proof" to the defendant in cases of discrimination at the workplace, introducing aggravated forms of sexual harassment (sexual *blackmail*) and defining sexual harassment/blackmail as gender-based discrimination, adopting measures that would enable return to the same or equally-paid job after maternity leave and childcare (parental) leave
7. Establishing mechanisms that would enable affirmative action measures, aimed at increasing representation of women in decision-making and managerial posts in different economic sectors (including governing and executive boards of state companies, privatization agencies, etc); Developing mechanisms for monitoring the gender structure of management
8. Monitoring and implementation of equal opportunities provisions (including the equal pay principle), establishing efficient and mechanisms within the Labor Inspectorate for detecting, mandatory data-collecting and analyzing of all cases of gender-based discrimination at workplace, including unequal pay; Providing adequate legal aid to women who are faced with discrimination at the workplace
9. Developing policies for preventing sexual harassment/blackmail at the workplace, encouraging creation of internal anti-harassment regulations in companies and firms
10. Creating and regular publishing of gender-disaggregated statistics on employment (structure of the workforce by age and educational levels, as well as cross-sector representation and earnings) and trends related to unemployment

Article 12 – Reproductive health and access to health care

1992 – 2002 Period

Legal provisions: As indicated by Lukic (1998; 2000, BCHR, 2000) Art. 27 of the Constitution of Serbia that was in force in that period stated, *"It is a human right to freely decide matters related to childbearing"*. Abortion was legalized in 1952. The 1960 Decree stipulates the social conditions - difficult personal, family or financial conditions that would affect the woman if she had the child. This trend was changed in the Law on Abortion Procedures in Health Institutions (adopted in 1995). The 1995 Law states that abortion may be performed only on woman's request, but it stipulates that abortion may be performed up to the 10-th week of pregnancy. Thereafter, abortion may be performed only due to health reasons (e.g., saving women's life), eugenic reasons (a risk that child could have serious disabilities) or if the woman was raped. Up to the 12-th week, a Commission of physicians must approve abortion. After that, the Ethical board of the medical institution has to decide. Despite the vigorous campaign against these restrictions that mark the beginning of conservative demographic policy, the Law was adopted.

Access to healthcare: Due to rather high state investment before the nineties, the network of medical facilities in Serbia has become rather developed (including special health care facilities for women and maternity wards). In the nineties, the resources available to the health care sector have declined - from \$200 per capita in 1990 to app. \$60 per capita in 2000 (HSRC, 2001), so the system has nearly collapsed. The quality of services has radically declined in the nineties, due to a shortage of drugs/supply, and obsolete equipment. Due to shortage of drugs in state pharmacies, prescribed drugs were mostly bought in private pharmacies - in 1998, out of pocket payment for drugs amounted to 35.5% (UNICEF, 1999). Services were not fully covered by medical insurance. A beneficiary had to contribute to the costs of drugs, some complex interventions or to provide a full payment of medical supply (chemicals for reproductive hormones analyses, a super-sound breast check, general/local anesthesia for abortion, etc.). In addition, small wages and damaging conditions of work at state institutions gave rise to a low motivation of staff and enlarged corruption. Research on corruption (CPL, 2001), revealed that medical profession was one of the most corrupt ones. Health care beneficiaries were often required to pay for (supposedly) free services at state institutions. Monitoring pregnancy cost from \$500 to \$1000, and this covered the entire duration of pregnancy (UNDP, 2000). In addition, physicians were rarely prosecuted for malpractice. This gradual unofficial abolition of free medical care policy inevitably damaged women's health in the nineties. Roma and rural women were mainly affected.

Women's NGOs reported giving up medical treatment due to economic reasons. One women's NGO identified many rural women who had breast cancer and gave up treatment, to avoid selling goods from the house and jeopardizing family existence.

In one recent study, 40% of citizens reported emotional problems. However, the impact of increased poverty and prolonged living in stressful conditions on mental and physical health of women has not been studied in detail. In addition, no reliable data on environmental pollution existed. Health risks related to toxic substances released during the NATO bombing were rarely mentioned in media. Estimates were made that incidence of cancer might increase, but a lack of *reliable* information on this topic was striking. Media in 2002 announced a disturbing fact that 120 000 patients in Serbia had cancer, and that cancer rates have rapidly increased.

Female mortality rates and indicators of reproductive health: In 1997, the average life expectancy for women and men was estimated to 74 and 68.9 years respectively (Pejin-Stokic, 2000). In comparison to 1991, a decline in life expectancy of women was identified (- 0.49

years), while male life expectancy increased (+ 1.1 years). The pattern of gender differences in life expectancy actually has reversed in the indicated period, which should be viewed as distressing. More recent official data, based on the last census in 2002, indicated somewhat different picture - life expectancy for women and men in 2002 was estimated to 75 and 69.7 years respectively. Thus, between 1997 and 2002, life expectancy for women increased (+ 1 year), as well as for men (+ 0.8 years). The mean age of population fairly increased between 1991 and 2002 (in 2002, the mean age of women and men was 41.5 and 39 years, respectively). Comparative data of WHO identified that in 2002 life expectancy for females and males, respectively, was 7 and 6 years below the average in low mortality European countries. The likelihood of deaths of children under five declined between 1991 and 2002 (from 18.3 to 11.5 per 1000 live births in 2002), but separate data on vulnerable children (refugees/displaced or Roma) were not available. Infant mortality rose in 1993 and 1996, but gradually fell later (in 2002, the rate was 10.1 deaths per 1000 live births, yet, based on WHO reports, it was still twice as high as in EU countries). Based on official statistics, maternal mortality rate per 100 000 live births reached its peak in 1997 (21.3), but it dropped in subsequent years (8.9 in 2001).

Aggregate mortality rates have notably risen between 1991 and 1997 (reaching in 1997 the highest annual level within the last 40 years). Female mortality rates have risen, while male mortality rates have dropped in the indicated period (Pejin-Stokic, 2000). Primary causes of increased female mortality in that period were diseases of circulatory system and cancer of reproductive organs, but monitoring trends in female health was difficult, due to gender-aggregated statistics on morbidity (ibid.). *Incomplete evidence* from primary health care indicated deterioration of reproductive health - rates of cervical cancer and neoplasm have increased for 41% and 40%, respectively, between 1991 and 1996, and the number of pregnant women suffering from anemia has increased, too (ibid). WHO also reported a rise in female mortality rates since 1994, and estimated that in 2002, both male and female children below 15 years of age had more than twice as high a risk of dying than their counterparts in EU. The mortality rate from breast cancer increased between 1994 and 2001 by 17%, while female mortality rate from cerebrovascular diseases was the highest in Europe. Female mortality rates from trachea, bronchus and lung cancer has grown by 51% between 1993 and 2002. The risk of dying from cervical cancer was the fifth highest in European countries in 2000, especially in women aged 25-64; mortality rates for cancer of other parts of the uterus were also the fifth highest in 2001 and 2002 (WHO, 2005; Note: reported data pertain to Serbia and Montenegro). Media reported in 2002 that every eighth woman suffered from breast cancer. In media and public, high incidences of breast and cervical cancer have been often attributed to poor health awareness of women. In-depth survey of women aged 20-55 confirmed high incidence of ignorance or self-neglect concerning health care (Posarac, 1998), and an official study reported that only 39.2% of women of reproductive age regularly visited a gynecologist (Institute of Public Health of Serbia, 2000). **However, a distressing fact that women, including young ones, have been dying of curable types of cancer indicated a lack of efficient prevention.**

Abortion rates, contraceptive use and awareness of reproductive health: As indicated in the analysis of party programs (Voice of Difference, 2000), political parties proposed pro-natalist measures in their programs, but they did not demand (at least, not openly) a restriction of the right to abortion. In media, the issue of abortion was mostly raised within a context of pro-natalist policy, which would probably become more aggressive as soon as standard of living improves. In 2000, economic situation was so desperate that rhetorical appeals to “prevent extinction of the nation” simply could not have attracted enough supporters. In the nineties, abortion could have been legally conducted in public hospitals, but payment for anesthetic was required and the quality of services was poor. Medications for pregnancy termination after 12 weeks were available only in private pharmacies, on very high prices. Women who could afford payment (app. one average salary or more) preferred to conduct an abortion in private clinics. No complete monitoring was available, but analyses (Rasevic, 2000) showed that abortion has been the main method of birth control for years, regardless of women’s age, marital status, educational level, occupation or marital status (probably due to a lack of efficient institutionalized measures for family planning, and various prejudices related to contraceptive use; See below). Number of abortions was higher than a total number of live

births. The number of *registered* abortions amounted to 193 755 in 1989 (84.6 abortions per 1000 women of fertile age), while it fell to 80 003 in 1996 (Konstantinovic et. al., 1999; Rasevic, 2000). This high drop in abortion rates was not plausible (Rasevic, 2000), considering increased poverty, lower access to contraception and a growing number of illegal gynecology clinics. Moreover, reliable and complete statistics on legal abortions have not been conducted after 1989 (does this fact show the state concern for the women's health?). Reliable survey (Posarac, 1998) showed that 50% of examined women had at least one or two abortions (among those who did have abortion, over 15% in fact had more than two). Over 90% of abortions were performed in public clinics, and percent of illegal ones (without professional assistance) was low. WHO reported that some maternal deaths were attributed to abortions. Roma women faced greater difficulties, as they often were not able to afford payment in clinics, so some of them returned to forgotten, abandoned "methods" that sometimes caused women's death, as reported by Romani NGOs.

Reliable official data on contraceptive use were not available. One large survey reported low rates of use among adult women in Central Serbia and Vojvodina - 26,6% and 28,6%, respectively (Posarac, 1998). In urban areas, as compared to rural ones, rates of use were notably higher. The pill was the most common method, followed by the condom. Studies identified a remarkable fact - even gynecologists (or their partners) did not differ from the general population regarding rates of use. One third of gynecologists working in 11 institutions in Belgrade did not use any contraceptives, and over 30% had two or more abortions (Ristic, 1994). Low rates of use can be explained by various reasons. *Firstly*, poor availability - imported spirals and pills can be bought mostly in private pharmacies, on rather high prices. Condoms were widely available, but expensive (\$0.5 per piece in 2002). Elective sterilization was not legally regulated. *Secondly*, low awareness of reproductive health – some studies noted (Rasevic, 1993) that every third woman believed that interrupted intercourse was a secure method of birth control, while every tenth woman was not able to define the most fertile period of the menstrual cycle). Sex education was not a part of the curriculum, and no campaigns were organized by the state. *Thirdly*, prejudices contributed a great deal - in particular, *an attitude "Only a woman is responsible for preventing unwanted pregnancy"*. In one survey (ibid.), every fifth man was directly against use of contraceptives, and every third woman reported that her partner had been entirely indifferent.

Risk-taking sexual behavior: Between 1985 and 2000, 860 cases of AIDS were registered. Male/female case ratio was 5:1 in 1990, but this fell to 2:1 in 2000 (HSRC, 2001). No estimates of HIV/AIDS rates among refugees, IDPs and non-Belgrade population existed. App. 90 % of AIDS cases were registered in Belgrade, which corresponded to the availability of testing (voluntary testing, free of charge, was available in Belgrade at least one day per year). Survey on persons who voluntarily applied for HIV testing found higher incidence of risk-taking sexual behavior among males, yet, 54% of women reported they often had unprotected sex (Zakula, 2001). Sporadic anti-AIDS media campaigns (organized by NGOs), focusing mostly on men as target population, have appeared insufficient. Very few preventive actions have addressed specific needs of the young (provision of condoms free of charge in some Belgrade-based associations, peer education programs, funded by foreign NGOs). Research on adolescents proved the high prevalence of risk-taking sexual behavior, low awareness of sexually transmitted diseases and contraceptives, a decline in average age at first intercourse and a growing number of unwanted teen-age pregnancies. Percent of boys and girls who had the first sexual experience at ages 12-14 ranged from nine to 13 (Bjegovic, 1999; Jankovic, 2000). *Estimated* annual prevalence of teen-age pregnancies was 50 per 1000 girls (Rasovic, 2000). Study conducted in Belgrade found that 75% of sexually active girls did not use condoms, while 20% did not know that HIV could be transmitted sexually (Djeletovic, 1998). Broad survey (Pesic et al., 2000) revealed that youth rarely discussed safe sex/contraception with parents. TV was the essential source of information, while doctors/gynecologists were (interestingly) the least important (further, 47% of girls reported avoiding visits to gynecologists, even when they suffered disturbances).

2003 – 2006 Period

Legislation: Women's health is included in following legal acts: a) **Constitution** (November 2006) - Women's health is specified in two articles of the Constitution: Article 63: freedom to decide about childbearing; Article 66: Special protection of women and family before and after delivery; b) **Health Care Protection Law:** Articles 11, 17, 20, 28, 68, 74, 97, 99 and 190 address women's health issues explicitly – regulations on prenatal/postnatal care or in the context of gender. In terms of content and approach (the Law includes human rights, solidarity, equality, and minorities - Roma) the current Law is modern and advanced compared to the preceding one (Health Care Protection Law, 2002). Overall, the Law is poorly gender-sensitive and does not take into consideration women's needs, gender, the entire women's life cycle, health risks (poverty, violence, trafficking, sexual identity and other diversities). The aforementioned articles mainly consider biological specificities and address women health issues in terms of basic reproductive rights (pregnancy, delivery, and maternity one year after delivery). Priorities are not specified nor recognized, especially when women are concern. c) **Health Insurance Law:** Articles 34, 35 and 36 encompass complete insurance coverage in case of: pregnancy, delivery and maternity in the one year period; prevention of HIV and examinations related to pregnancy, delivery and maternity in the one year period. The Law is not gender-sensitive and does not take into consideration women's health safety. Besides, the Law does not recognize gender priorities and gender-sensitive health funds.

National documents addressing women's health: 1) National Action Plan for Women in FR Yugoslavia (draft), Economic Institute, Belgrade, 2000; 2) Better Health for All in the Third Millennium, Ministry of Health, Republic of Serbia, Belgrade, 2003; 3) Poverty Reduction Strategy, Government of the Republic of Serbia, Belgrade, October 2003; 4) Action Plan for Children, National Committee for Children Rights, Government of Republic of Serbia, adopted in December 2003; 5) National Strategy against HIV and AIDS (Belgrade, 2005); 6) National Action Plan for Women (draft), Belgrade 2006; 7) Action Plan for Protection and Advancement of Women's Health in the Republic of Serbia 2005 – 2010 (draft), AWC and Ministry of Health, Belgrade, 2004.

General data, epidemiology, health care system: Accurate epidemiological data are not up to date and have not been segregated according gender in the field of reproductive health. Therefore, it is not so easy to ascertain women's health position and its determinants analyze and make conclusions about the overall situation in the country.

General data: Number of women living in Serbia is 3,852,071 (51.4%), average age is 39 (Census, 2002). Women in Serbia make majority of the employed in the health care sector (about 75%) but are represented by less than 10% in policy-making and decision-making structures. Life expectancy at birth for women is 75.0 year and for men 69.7 year (Institute for Public Health, Belgrade, 2002). Average age of women increased 3.3 years in the 1991-2002 period.

Main causes of morbidity and deaths: Cardiovascular diseases are the most frequent among female population and at the same time the main cause of deaths (60.8%). Prevention and education programs are not developed. The coverage of cardiovascular diseases focuses on giving medicament therapy. National screening and early detection programs for women are not available. Bad life style practices as smoking (33.6% of women in Serbia) and alcohol abuse (3% women in Serbia) contributes to appearance and serious consequences of cardiovascular diseases. Education about healthy life style is temporary and superficial. Lack of information and financial resources prevent women to practice wellness programs (obesity among women is present in 7.9% of female population and only 2.5% practice recreation / sports). Existing corruption in secondary and tertiary health care also contributes to limited and low-quality care for women in these institutions.

Malignant diseases are increasing up to 16.3% (Annual Report, Institute for Public Health, Belgrade, 2005). The percentages regarding morbidity incidence are: breast cancer 64.4% of those suffering from malignant diseases with mortality rate 36.3; for cervical cancer 30.7% (one of the highest rates in Europe) with mortality rate 22.2. National screening and early detection programs for are not available. Only one national association of cancer survivors exists, situated in Belgrade, which means that it is not accessible for women from other settings. The counseling services for women cancer survivors in the healthcare system are poorly developed and depend on the region, are mainly directed toward strictly medical interventions not taking into consideration complex needs of women survivors. The support mainly comes from women NGOs concerned with the issue. Alternative approach to problems is practically neglected.

Reproductive health is well covered in terms of pregnancy, delivery and postnatal care. New laws pay adequate attention to medical care and health insurance for women, including Roma women. In practice, the situation is not so optimistic, because discrimination against vulnerable groups (Roma women, disabled and poor women) is present and exists among health care providers. Besides, facilities and equipment are accommodated for “normal” women and do not pay attention to special needs of some categories of women. The corruption within the medical / non-medical staff in delivery departments is very high. It is a public secret that supervised pregnancy with delivery costs about \$700. Women who are not able to pay are discriminated against in terms of quality of services and assistance during delivery.

Abortion is widespread in Serbia. The unofficial data show that 200,000 abortions per year are performed in Serbia. It means that 50 abortions in 1,000 women in reproductive period are performed. Women in generative period represent 47% of the female population in Serbia. Only 13% of abortions are registered officially, all others are performed in the private sector. These figures show that abortion has become a “contraceptive” method. The legislation concerning abortion is not bad, but it can also be termed insufficient. Abortion is legally accepted at a woman’s request until 10th week of pregnancy. After this period, it is allowed only in case of threat to woman’s life or if a genetic disease and/or malformation of the fetus are present. Women’s social status is not considered nor the circumstances of living / relationship conditions. Besides, payment for abortion in the governmental sector is mandatory and rather high for most of women (about \$72). The rising number of abortions and low natal rate (-3.3 per 1000 inhabitants) lead to development and strengthening of pro-life concept in the Serbian society. This trend is especially strong within nationalistic part of the population and Church representatives. In the latest period, it has rapidly grown and may figure as a source of discrimination against women on a much wider plane.

Contraception is very limited. The recent data (media) claim that only 7.6% of women use contraceptive pills. It seems that the mostly used “contraceptive method” is abortion. The official data on contraceptive usage are not available. The “family planning” services practically do not exist. The education on protection from STD and unwanted pregnancy is poor and seldom. This subject is not taught in educational curricula. The “day after” concept is practically unknown. Reproductive health of girls and young women is highly jeopardized due to lack of services friendly to young people and lack of adequate information on prevention. All kinds of contraceptives are available in pharmacies, but information and education on how and why to use them is lacking. Data on condom use do not exist. Condom as a contraceptive device is not very popular in Serbia. The high prevalence of partner violence additionally prevents condom usage.

The situation regarding HIV infection and AIDS is as follows: 71 new recorded HIV infections (54 male vs. 17 female), 40 persons with developed AIDS and 18 deaths – 14 males and 4 females (Report, Institute for Public Health, Belgrade 2006). Serbia belongs to countries with low prevalence of HIV infection. The HIV infection male/female rate is 3:1. Transmission mother-child is low (1.4%). Testing and prevention measures have improved in

the most recent period, but are insufficient to adequately control the disease. Discrimination against this population is very high in all aspects of their lives. Discrimination among health care providers against persons with HIV infection is also present. Stigmatization prevents people from taking tests. Girls and young women do not visit gynecologists on regular basis and such attitude may contribute to the spreading of infection. Risky behavior among young people is one of risk factors too. Violence against women is one of the factors that expose women to greater risk of HIV infection.

The health of lesbians is recognized neither in the health legislation nor in the laws concerning health. Health care providers are not educated and skilled in communication, professional approach and special needs that should be addressed to lesbians. Information and education on lesbian's health are limited to the lesbian NGOs. The only information is provided and seminars organized by Lesbian human rights group Labris. Lesbians are otherwise non-existent in the health care system, and particularly avoid seeing gynecologists (information from the interviews in Labris) so as not to be exposed to heterosexist questions and comments. Concerning mental health, the state approved in 2006 the *Strategy for Advancement of Protection of Mental Health* in Serbia. The Strategy as well as the Action Plan is envisaged for the period up to 2017. For the first time mental health is seen as a human right, which is a notable improvement in the health system. However, the Strategy completely lacks the gender component, as well as research and statistics about the way gender affects mental health of women, and what kind of services are therefore to be provided. In the "vulnerable groups" category the Strategy fails to mention women with disabilities, women survivors of violence, lesbian women. The Strategy consequently does not mention special services for mental health of women raped in war, lesbians, violence survivors or women with disabilities.

Health Care System: Access to healthcare institutions is different depending on the profile of institutions. Primary health care is much more accessible than secondary and tertiary. Primary health care services are developed and generally meet women's needs in terms of accessibility. The problem grows when quality of services are concerned. Facilities and equipment are very basic and in many cases do not fulfill women's needs. The time dedicated to medical examination is too short and the time waiting for examinations is too long. Women believe health care providers and their role in provision for women's health is therefore big (Survey on Expectancy of Women Patients in Primary Health Sector, AWC, Belgrade, 2006). Unfortunately, health care providers' concern is strictly the medical aspect of women's health and they do not think or ask about social context of women's lives. Persistence of partner violence is not one of their concerns. Furthermore, privacy and confidentiality are not respected. Access to secondary and tertiary healthcare institutions is difficult for rural women and women living outside Belgrade. The procedures and costs of examinations in these institutions are hardly affordable for most of them. Discrimination against Roma, disabled and other marginalized groups of women is very present in the healthcare system. Architecture barriers are also very frequent. Health care providers rarely inform women about their diseases, procedures to be undertaken, medications and their side effects. The communication skills with patients are not a part of medical education curricula.

Article 12 - Recommendations

1. Legal documents/regulations that cover or tackle specific women's needs in health protection; No official document addresses women's health as a separate category in the medical and social context.
2. Governmental/Ministry of Health initiation of activities and production of legally adopted document(s) addressing specifically women's health issues
3. Special programs and politics aimed at advancing women's health and well-being / National Action Plan for Women's Health - Ministry of Health, local government and communities
4. Integrate government objectives with CEDAW goals and Beijing Platform for action

5. Execute strategies and measures to eliminate discrimination in health and health system
6. Produce special healthcare provision for women with disabilities and lesbians in terms of their reproductive rights, mental health in partnership issues, violence and discrimination in mental health issues,
7. Inclusion of women in making health strategies, policies and programs, including women belonging to different groups: the young, the old, single mothers, lesbians, women with disabilities, women with mental health problems, displaced and refugee women, women with HIV, Roma women.
8. Allocation of national budget for preservation and improvement of health of women
9. Inclusion in the State Budget of resources set aside for advancing and improving the
10. services specifically related to specific health needs of women
11. Gender-sensitive Budget planning
12. Establishment of an effective national system to conduct gender policy analysis
13. National data-base to collect gender-specific and sex-segregated data
14. Provision and promotion of gender-sensitive surveys which contribute to women's health needs, an achievement of gender equality in health
15. Advancement and improvement of services competent to provide high quality care to all women according to their needs, especially to those from vulnerable groups (Roma, women with disabilities, violence survivors and lesbians)
16. Advancement and improvement of services aimed at eliminating negative cultural practices, reducing violence against women, promoting access to comprehensive health services and education (including that of girls and elderly women), meeting women's non-reproductive health needs and addressing life-cycle choices
17. Educated and skilled patient-friendly health providers
18. Improved equipment of the health setting
19. Access to resources for preservation and promotion of mental and physical health
20. Better access to information on health issues through school curricula, media and other informative sectors
21. Development of policies and programs of women's empowerment to participate and take leading role in activities for improvement and preservation of their health, including young and old women, single mothers, lesbians, women with disabilities, women with mental health problems, displaced and refugee women, women with HIV, Roma women.
22. Policies and programs for empowerment of women to take active role to participate in health policy making and decision making
23. Monitoring of the number of women participating in health policy making and decision making.

Article 16 – Marriage and family relations

1992 - 2002 Period

Legislation that was in force at the period had the following provisions.

Legal definition of marriage: *“Marriage is the union of (one) man and (one) woman regulated by the law. Both spouses are equal under the law”* (Law on Marriage and Family Relations, adopted in 1988, Art.26; Official Journal of SRS, Nos. 22/80 and 11/88). Women and men have the same rights/obligations in marriage; both parents have equal responsibilities towards children. Children can have the surnames of both parents (this is a matter of agreement between the spouses; Aleksic & Lukic, 2000).

Legal regulations related to unmarried couples: *“Unmarried couples are equal with regard to mutual support and other property rights”* (Law on Marriage and Family, Art. 16). If an unmarried couple has children, they are treated as a married couple by the law (irrespective of whether they lived together). In terms of property rights, the law stipulates - unmarried couples are treated in the same way as married couples if they lived together for at least 5 years, or have common children (irrespective of whether they lived together; Aleksic & Lukic, 2000).

Child custody: The law provides for equality in terms of filing an order for custody with the court. According to the law, up to 50% of the salary should be provided for children living with the other parent (Aleksic & Lukic, 2000).

Rights of children born out of wedlock: According to Art. 60 of the Constitution of FRY, *“Children born out of wedlock shall have the same rights and duties as children born in wedlock.”* (Aleksic & Lukic, 2000).

Property acquired during marriage: *“Property relations in the family are based on the principals of equality, reciprocity and solidarity and on the protection of the interests of minor children”. The property of members of the family community may be the joint estate of husband and wife and their personal property. “The property acquired by the spouses by work during the marriage is their joint estate”* (Art.12, Law on Marriage and the Family). Property owned before marriage is personal property, but if it is enlarged/developed during the marriage through the efforts of the other spouse, this part could be considered common property. It could be divided between the spouses during the marriage and during or after divorce (Art.321). If the (ex)spouses cannot reach an agreement about the division, the civil court shall divide the property taking into account the contribution of each spouse. It should be stressed that Art. 328 specifies, *“contribution need not be financial, and includes assistance, caring for children, housekeeping, taking care of, managing, maintaining, and increasing the income and property”* (Aleksic & Lukic, 2000).

Equality in marriage and childbearing in practice: Marriage and birth rates have dropped in the period between 1991 and 1998. The birth rate per 1000 population declined dramatically - from 14.6 to 9.8 between 1991 and 1998 (HSRC, 2001). The average age of women at first marriage, however, rose. It was 26.7 years (Central Serbia), and 27.4 years (Vojvodina) in 1997. Equality in marriage was not promoted in schools or media, and prejudices regarding family roles were prevalent. Representative surveys showed:

- a) 45% of women claimed that a husband was “dominant” in marital relations (SCAN, 2001),
- b) the majority of women assessed relationship with a husband/partner as “harmonious”, but 57% of them disclosed that he sometimes had used coercion/force in solving marital conflicts (Posarac, 1998). Although the law specified equal obligations of spouses, in practice women mostly have perform household work and childcare. Nationally representative studies implied that unpaid female work at home have largely contributed to survival of families in the

economic crisis (Posarac, 1998; CPL, 2000, UNICEF, 2000). The share of the value of household work performed by women (homemakers, employed, farmers and pensioners) in the GDP from 1996 to 1998 amounted to app. 23% (Jovanovic & Nedovic, 1998). Women aged 20-55 (including both employed and unemployed ones) spend on average 4.2 hours per day at paid work, and more than 6 hours per day performing unpaid household work, childcare, etc. (Posarac, 1998). They devoted to their own needs (recreation, rest, watching TV) less than two hours daily. Women-mothers mostly asserted that husbands had been “equally” engaged in childcare, but analyses of daily activities revealed that mothers spent in childcare twice as much as fathers. More than one third of women had no help from husbands/family members in household chores and only 0.3% had a financial possibility to pay domestic help. These results were consistent with findings that total workload of females was higher in Eastern Europe than in developed countries (UNICEF Regional Monitoring Report, 1999).

Surveys also showed that motherhood reduced employment opportunities - private employers generally avoided hiring mothers with children. Institutional provision of childcare was insufficient. Percent of children aged 36-59 months attending pre-school education ranged from 25.8 (in Central Serbia) to 51.7 (in Belgrade area; UNICEF, 2000). Condition of childcare facilities has seriously deteriorated in the nineties. Institutions for disabled children often looked like medieval asylums, despite some recent improvements. Families having children with special needs were faced with grave problems and higher risk of poverty (World Bank, 2001). Child benefits were low, but the government (since 2001) paid them regularly and generally paid more attention to families with children. The government of Slobodan Milosevic did not pay *any* child benefits for two years.

Divorce rates have stagnated or slightly dropped in the nineties, most likely due to impoverishment and housing problems (an increase in the number of divorces was identified from 2000 to 2002). According to the law, child custody might be given to a father in case of divorce. In practice though, the custody was mostly given to a mother. Even if the financial situation of the father was more favorable, the mother would be granted custody if she wanted to raise the children. Legal provisions related to child support payment were applicable only on the regular wage of non-custodial parent, however, many citizens earned additional income in the hidden economy (often, larger than the one obtained from a regular job!), which could not be included in legal obligations, like child support payments. Further, these regulations were poorly implemented in practice – there was a huge and burning problem of avoiding child support payments (in most cases it was the father who avoided payment; Aleksic & Lukic, 2000). Women mostly hesitated to collect arrears in the courts, since legal procedures were slow. Hence, single mothers often assumed a heavy burden - nobody asked *them* whether their wages were sufficient to raise children. Their difficult position was confirmed in studies of poverty. Single-parent families in Serbia were consistently reported as having higher risk of poverty (World Bank, 2001). Further, modest monitoring/research was devoted to mothers with children born out of wedlock. A total number of those children has significantly risen between 1991 and 1997. In 1997, every fifth child was born outside marriage. Their mothers were single or cohabiting, and the vast majority of them attended (and often, not completed) only elementary school (Bobic, 2000). It might be assumed that these women had a limited capacity to achieve legal rights in the court in cases when fathers refused to support children. It appeared that single mothers needed special protection, since “feminization of poverty” became widespread.

2003 – 2006 Period

Gaps in legal provisions: The Law on Financial Support to Families with Children introduced, for the first time, parental allowance for the first child, but this compensation, as well as compensations for the second, third and fourth child are paid in 24 monthly

installments, which significantly reduces the effect of financial assistance. There is no compensation for more than four children, which particularly affects the poorest Roma families who usually have more than four children. **The Family Law** contains an assumption that a married woman, equally as her partner, contributes to acquisition of property, thereby improving position of women in case of divorce. The marriage contract can speed up previously long proceedings of sharing marital, jointly acquired and separate property. Furthermore, mother of a child who does not have sufficient means of subsistence has a right to request from the father of the child to support her (three months before giving birth and a year after the child is born). However, some questions remain insufficiently defined: the subsistence amount paid (and how it is determined); inefficiency of payment mechanisms; existence (and quality) of a network of kindergartens for one-year olds and whether they are economically and otherwise accessible to single parents. There is no information about implementation of new legal solutions in area of family relations, particularly concerning efficiency of court protection (payment of subsistence money, division of jointly acquired property etc).

Poor protection of single mothers: Official statistical data reveal that in case of a divorce, the child custody is mostly given to a mother. In 2003, for example, the custody was given to a mother in 76% of the cases, and to a father in 19% of the cases, while a joint custody was arranged in only 4% of the cases (Statistical Office, 2003). Since fathers often avoid child support payments, single mothers are often exposed to a high risk of poverty. Inefficiency of court proceedings contributes to the problem. According to the recent survey (AWIN, 2006), groups of women with the poorest economic status are single mothers, unemployed young women, elder women in female-headed households, and those who care for disabled.

Marriages of minors: Romani women's NGO Bibija (2006) notifies that there are no sanctions by the state against arranged marriages of minors, or betrothal of minors.

Harmful traditional practices: Some NGO sources report another great problem related to marital relations and common-law practices. Concepts of multiculturalism and tolerance are abused in favor of devastating practices like bigamy and genital mutilation, developing in Muslim communities in the region of Sandzak.

Property is mostly registered on husbands' names: A survey, conducted on a large sample of 1200 women with children (Voice of Difference, 2003) implied revealing findings regarding ownership of property within marriage - if the family lived in its own apartment/house, it was mostly registered as husband's property (only 19% of women owned apartment). Similarly, if the family owned a car, it was registered as husband's property (in 79% of the cases). The wife or other members of the family were the owners of a car in an approximately identical number of cases (11%;10%). If there were two cars in the household (which was the case in only 9% of the households), the situation was somewhat different; the husband and the wife owned the second car in 40% and 30% of the cases, respectively.

Vulnerable position of refugee/displaced women: Recent study on the position of refugee/displaced women (Group 484, 2006) indicates that only 13% of interviewed women have a full-time job, and 43% of them work in informal sector, mostly below their educational qualifications. As a majority of them have children (mostly, two, but also - up to five), and 25% are widows or divorced, their economic position is very difficult, while their housing situation is poor in 40% of the cases (e.g., not enough room, no electricity/water, heating, etc.). Roma women are in the most vulnerable position. In a response to a question which organizations helped them in the refugee or displacement period, women listed the following: international organizations (40%), Red Cross (36%), local NGOs (17%), and the state institutions (4%). The women surveyed are almost with no property whatsoever, and in that sense depend on their spouses and male members of the family (mostly, father-in-law). Out of those who possess houses/apartments (*in the place of residence or asylum*), women are their

owners or co-owners in 18% of the cases, while out of those who own land, mostly husbands or other male family members are registered owners (in 85% of the cases). Women explain this as a social/cultural practice, “Husbands are always holders of the title, although sometimes women invest in property more than they do”, or “That’s the custom in Kosovo. Female children are persecuted. You are going to somebody else’s house and you have right to nothing...” (ibid.).

This survey (Group 484, 2006) also covered 42 institutions that deal with refugees (e.g., Centers for Social Work, municipal Red Cross organizations, etc.) in places with high concentration of refugees/IDPs; 26 of them kept no records on the number of women amongst their users and 24 of them did not have programs specifically aimed at empowering women. Numerous and complex activities within Poverty Reduction Strategy targeted refugees/displaced persons, but in the progress report on implementation (Govt. of Serbia, 2005), *gender-disaggregated* data on the *outcomes* of the programs were not presented.

Article 16 - Recommendations:

1. Increasing the number and improving condition of institutions for child-care facilities/institutions for children; Implementing effective supervision and control of private nurseries and baby-sitting services
2. Establishing the state fund for child support payments or encouraging other possible solutions for solving avoidance of child support payment (e.g., the court might prescribe an amount needed for raising child/ren and custodial parent might collect child support directly from the ex-partner’s employer)
3. Implementing positive action measures – active employment policy that would specifically address the needs of vulnerable categories of women (single mothers, women living in female-headed households, Roma, disabled, refugees/displaced); Developing mechanisms for monitoring implementation of the policy at the local level; Encouraging partnerships between local branches of National Employment Agency and local NGOs that work with specific categories of vulnerable women
4. Promoting parenthood instead of motherhood in media, parental leave and the newly-adopted model of joint custody
5. Taking necessary steps against common law practices, like arranged marriages or betrothal of minors, genital mutilation
6. Developing a closer collaboration between state institutions responsible for protection of the family and women’s NGOs

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- Introduction: A process of preparing the report, Background information, Accession to CEDAW, Other relevant human rights treaties, The last government report to the CEDAW Committee, Preparation of the report/methodology, A “legacy” of the former dictatorial regime – An impact on women in Serbia, Articles 1, 2, 3, 5, 6, 7, 10, 11, 12, 16

Analyses of legal provisions: Marija Lukic (Voice of Difference – Group for Promotion of Women’s Political Rights)

- Articles 1, 2, 3, 5, 6, 7, 10, 11, 12, 16

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This previous version might be found on: http://www.siyanda.org/static/brankovic_serbia.htm

PERIOD 2003-2006

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- Articles 1, 2, 3, 7, analyses of legal provisions related to Articles 11 and 16

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- Articles 5, 10, 11, 16

BOBANA MACANOVIC (Autonomous Women’s Center)

General Recommendation 19 – Violence against Women (domestic violence)

MARIJA ANDJELKOVIC and TAMARA VUKASOVIC (ASTRA)

- Article 6

STANISLAVA OTASEVIC (Autonomous Women’s Center)

- Article 12

SLAVICA STOJANOVIC (Women in Black)

- General comment on the state report

DUSICA POPADIC and LJILJANA BOGAVAC (Incest Trauma Center)

- General Recommendation 19 – Violence against Women (sexual violence)

APPENDIX

1. ADVERTISEMENT (BILLBOARD) FOR “KUMHO” TIRES

A text on the billboard says: “(She) sticks to every surface”



2. AN EXAMPLE OF ONE COURT CASE OF SEVERE FAMILY VIOLENCE,

obtained in research (Lukic and Jovanovic, 2001), might reveal how courts (sometimes) perceive gender-based violence. In between the lines, the court sent an important social message to females – they should be very careful not to irritate their husbands.

A husband was accused for inflicting a heavy bodily injury that might put a life in danger (his wife's spleen was split, she had internal bleeding, her eyes, belly and lungs were crumpled). His wife did not appear in court, since she was expected a third child, further, she had pregnancy complications due to severe injuries inflicted by the husband. As her husband put it: *“She did not come because of pregnancy, but also because she's afraid she might say something that she shouldn't”*. He also expressed his regret in the following way: *“I'm sorry. I shouldn't beat her that much, but if I hadn't, maybe she would go with that guy and leave me and kids”*. The sentence was announced one year and a half after the incident. The accused was sentenced to probation (10 months imprisonment, with a probation period of 3 years). **The sentence was lower than the one prescribed for that crime by the law.** As justifications for lowering the sentence, the following was stated: the accused confessed an offence, the accused and the offended stabilized their relationship and got a third child, the accused was supporting a family, and finally, he honestly expressed remorse. Moreover, the court found that *“...sentenced him to probation, because eventual imprisonment would prevent him in attempts to support his family. Also, that would put the offended and their children in unfavorable material position and jeopardize their existence. In sentencing the accused to probation, the court took into the consideration a behavior of the offended, since she to great extent contributed to his mental state of enhanced affective agitation.... Prolonged marital problems, which the accused could not have successfully solved, generated enhanced emotional tension.... Therefore, his liability tempore criminis was greatly reduced”*. (Source: Lukic, Marija, Jovanovic, Sladjana (2001). *Violence in the Family – Violence in the Presence of Authorities*. Belgrade: Institute for criminological and sociological research).

3. A STATEMENT OF ONE NGO ACTIVIST

“The last years of my life have been taken away from me. I did not ask for these wars. All I want is some stability – a normal life where I can do my job, be with the kids and have some fun. Look what other women like me in the countries around have achieved. They are now years ahead. Where would I be now? **Who had the right to steal these years from me?**”

Source: Womankind worldwide and Focus on Development consultancy team, Dakova, Vera, Hyatt, Jenny, Latifi, Hamide, Vesic, Aleksandra (2000). Future Strategy in Albania, Kosovo, Macedonia, Serbia and Montenegro, Mimeo

4. RESPONSES OF ONE WOMAN IN THE SURVEY CONDUCTED ON 44 654 WOMEN – RESPONDENTS DURING WOMEN DOOR-TO-DOOR ELECTION CAMPAIGN (December, 2000)

Question: In which areas is the gender inequality the most visible?

Answer: *Women are overwhelmed by it. I have an aquarium and a little fish in it. I think the fish and I are profoundly alike. Women float within the limits imposed by men. Men are those who decide what the internal, domestic arrangement will be like.*

Question: What should the state finance in order to improve the position of women?

Answer: *To enable pensions to housewives. To enable me to break the aquarium walls and swim away to the sea.*

Question: Who/what is the most significant source of gender inequality?

Answer: *I think that my parents bought me the aquarium. Mom didn't know otherwise, and it suited dad. It means that everything depends on tradition and upbringing.*

Question: What should the state do to prevent violence against women?

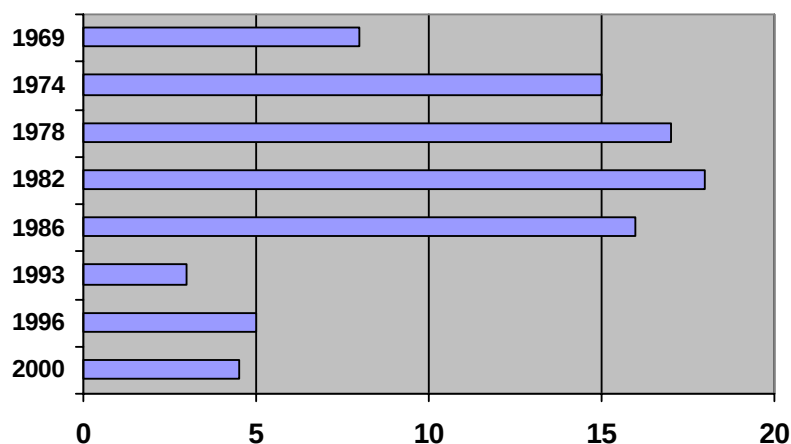
Answer: *My husband slapped me two or three times. Since the first slap, I have become mute like a fish and overwhelmed by hatred. His best friends are policemen. I don't trust the authorities. The state would have to gain my trust first. We need places in which women can find haven.*

Question: What do you expect from female politicians?

Answer: *At least to replace the water in my aquarium.*

(Source: The Voice of Difference - Group for Promotion of Women's Political Rights (2001). Elect to be Able to Make Choices)

5. PARTICIPATION OF WOMEN (%) IN FEDERAL ASSEMBLY: THE FORMER YUGOSLAVIA AND FR YUGOSLAVIA (1969-2000)



6. CANDIDATES TO THE NATIONAL ASSEMBLY (December 23, 2000)

Note: DOS (Democratic Opposition of Serbia); a ruling coalition after 2000

