

## *Fifteen years since the adoption of the Beijing Declaration*

### *Overview of the achievements and challenges in the promotion of gender equality and empowerment of women*

National policy in terms of gender equality and improvement of women's position was defined by the strategic document of the Government of the Republic of Serbia in the form of the National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality (2009-2015). The Strategy encompasses the areas concerning the participation of women in creation of policies and decision making, the economic area through the mechanisms of improvement of women's political position, education, health, the problem of violence against women, as well as the issue of media and social awareness upon changed role and position of women in Serbia.

The Action Plan which is underway shall define the short-term objectives and activities for all relevant participants in the implementation procedure of the Strategy. Being the implementers of the activity, they are appointed in the Strategy in the form of government bodies, competent ministries provincial administration and local self-management bodies and civil sector.

The Strategy also regulates the screening mechanism for its implementers' activities, which is the mandatory form of the monitoring and reporting procedures for the Government upon possible obstacles in realization of each of the individual objectives. This means that the Government was recognized to be the national top-level coordination mechanism, being the holder of the most important executive authority in the country. The next level in the activity coordination, nevertheless not less important, is constituted by the Parliamentary Committee for Gender Equality of the Republic of Serbia, the members of which are the national delegates in the role of highest legislative authority in the country, and Council for gender Equality of the Government, the members of which are the most prominent public sector workers and delegates appointed by the Government, recognized as human rights and gender equality defenders.

The Republic of Serbia has issued an Initial Report (covering the period from 1992 until 2003, with addition covering 2007) and answers to additional questions to CEDAW Committee in May 2007. Thereafter, the State Delegation has explained this report and answered the questions of the Committee members. The Committee has sent the recommendations in the framework of their Conclusive Comments, regarding further implementation of CEDAW Conventions in the Republic of Serbia. New report should be issued by April 2010.

Concerning the obtained recommendations, the Sector for Gender Equality has sent the text of the Conclusive Comments to all ministries of the Serbian Government, as well as to the Committee for gender Equality of the National Parliament, in autumn 2007.

The contents of the Comments and the possibilities to enforce the decisions were discussed in several round table conferences organized by NGOs, which have also provided parallel "shadow" reports (Autonomous Women's Centre, The Voice of Difference and the Romany "Bibija").

In March 2008, the Sector for Gender Equality has organized the Round Table with the following topic: „Mechanisms for Implementation of CEDAW Convention”, whereby it was decided to publish the document containing the CEDAW Convention, the speech of the head of the delegation while issuing the report, the recommendations obtained from the UN Committee, as well as the authority of ministries for their

enforcement. It was also proposed to form a working group consisting of persons from the ministries who are in charge for organization and screening of the recommendation revision.

Problems were identified in terms of authority overlapping between Department for Human and Minority Rights and Sector for Gender Equality of the Ministry for labor and Social Policy regarding the application and reporting according to the CEDAW Convention. Early elections in May 2008 and doubts that existed upon the structure of the new Government have again raised the question of authority of the government bodies.

By establishment of the Government in July 2008, the Ministry of Labor and Social Policy has formed the Directorate for Gender Equality and charged it with the enforcement of the CEDAW Convention. The authority of other bodies related to particular recommendations was analyzed, along with the preparation of special letters for each of the ministries including other administrative bodies, explanation regarding the recommendation enforcement and a request to assign the contact person for the working group. Notifications were received in August 2008, as Directorate for Gender Equality began to work more intensively on its application.

Directorate for Gender Equality has published a book in November 2008 „Convention upon Elimination of All types of Discrimination Against Women” comprising besides the text of the Convention with Optional Protocol and General Recommendations, also the Initial Report of the Republic of Serbia, the speech of the head of the Delegation of the Republic of Serbia before the UN Committee and answers to additional questions regarding the Report, as well as the Conclusive Comments of the UN.

Through open competition for NGOs organized by UNIFEM for the purpose of the CEDAW Convention and recommendations promotion, a number of projects were granted, which are still ongoing.

In the chapter *Human Rights and Freedoms* of the Constitution of the Republic of Serbia from 2006, Art. 23 to 82 the human rights are listed according to their comprehensive range and the breach of any of them shall indirectly imply discrimination. The prohibition of the violence is expressed most concretely in the following Articles: 24 – Right to Life, 25 – Invulnerability of Physical and Mental Integrity and 26 – Prohibition of Slavery, Practices Similar to Slavery and Forced Labor.

Legislative progress is related above all to the amendments of the Law on Penal Procedures, declaring for the first time the family violence and marital rape a felony, and defining the trafficking in human beings as organized crime.

Family Law from 2005 improves the definition of marriage and partnership. This Law categorizes particular measures against the family violence, enhances the procedures regarding divorce and adoption of children. Law on Labor from 2005 prohibits the sexual discrimination and sexual harassment at work. A set of Election Laws introduces the measure of mandatory presence of 30% of candidates of the less represented gender in all electoral lists. Law on Protection of Citizens pays particular attention to the gender equality issues.

The Government of the Republic of Serbia has adopted the Draft Law on Ratification of the Revised European Social Charter in December 2008 and submitted it to the National Parliament for adoption. Draft Laws on Ratification of the Convention of International Labor Organization No. 183 on Maternity Protection were also adopted, so this year it is expected to issue the Law on Maternity Protection as well. Draft Law on Acknowledgement of Convention of European Council on Human Trafficking is in process.

Relevant documents regulating the gender equality area in Serbia are completely harmonized with European legislation. Besides the mentioned ones, this regards also the Law on Health Protection, Law on Professional Rehabilitation and Employment of Persons with Disabilities, Draft Law on Discrimination Prohibition, Draft law on Gender Equality, Draft Law on Prevention of Harassment at Work, the adoption of which is expected, Strategy for Sport Development in the Republic of Serbia for the period from 2009 to 2013, Strategy for Poverty Reduction, National Strategy of Sustainable Development, National Strategy for Young People, Strategy for Childbearing Promotion, Strategy for Regional Development of Serbia for the period from 2007 to 2012, Strategy for Position Improvement for Persons with Disabilities in the Republic of Serbia.

Until now, there were no systematic activities conducted in terms of gender equality in the Republic of Serbia regarding budget preparations. They were mainly limited to sporadic attempts related to personal initiatives and projects led by particular expert groups. In previous period some meetings took place between the representatives of system institutions and international experts and representatives of international organizations, several seminars were held and material related to this topic was distributed.

Main obstacles for activities regarding the gender perspective of budgeting are related to insufficient capacities of gender equality mechanisms, lack of sensibility in public institutions and rather slow reforms of public administration and public finances. Most of the projects introducing the gender perspective in the budget planning are carried out in Autonomous Province of Vojvodina.

In the year 2007, UNIFEM has begun with the regional project *Gender Responsive Budgeting in SE Europe: Advancing Gender Equality and Democratic Governance through Increased Transparency and Accountability*, in the framework of which several regional meetings were held, with participation of representatives of the Republic of Serbia. Preliminary discussions were conducted with system institutions in order to support the establishment of corresponding capacities, provide resources and support for active associations in this area. Through this program, several pilot-projects were also supported in Valjevo, Kragujevac and Pancevo and in the Municipality of Backi Petrovac.

Within the National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality, in the framework of the objective regarding economic empowerment of women, some activities were also planned in terms of gender equality introduction in the planning and execution of budget, which are being elaborated in the plan for the strategy enforcement.

Millennium Development Goals in the Republic of Serbia were one of the bases for issuing of the Strategy for Poverty Reduction. Special expert, Dr. Marina Blagojevic, who was assigned for the elaboration of these goals, has prepared the proposals related to necessities for gender equality in the framework of Millennium Development Goals. Thereby the gender perspective and women's interest were considered also within the other Millennium Goals. During the work conducted in regard to Millennium Goal realization and enforcement of the Poverty Reduction Strategy, as well as during the result monitoring, close cooperation was established also with the civil sector, i.e. women's associations.

Considering the fact that the Republic of Serbia is a development country with significant poverty problems, it is doubtless that the problem of sensitive groups is also severe. Millennium Development Goal 3, regarding promotion of gender equality and improvement of women's rights, foresees the elimination of difference between genders in regard to basic and higher education until 2005 or at the latest until 2015. It is certain

that Serbia has completely fulfilled this goal, given the fact that the percentage of female and male children who attend elementary school is similar – girls 98.1% and boys 97.2%.

One particular issue however needs special attention, and the Directorate for Gender Equality is actively involved in it together with the Ministry of Education: preventing from early dropping out of school for particular categories, boys and girls equally, Romanians, refugees, displaced persons and children from rural areas.

Regarding use of information and communication technologies, (hereinafter: ICT), it is obvious that Serbia is generally behind in terms of information society introduction, so there are still no notable effects in this area. E-administration is still not working, there is no e-service and e-business, and information society is limited in its range. Examinations show that women are using ICT rather rarely in comparison to men, in particular in rural areas, there are no special e-topics for women, although they do show interest for them, in particular those related to education, health and employment.

Development Strategy for Information Society in the Republic of Serbia from 2005 has considered also the gender equality elements.

National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality foresees exactly the incentives for enhancement of women's participation in utilization of ICT. Considering the complexity of economic situation in the country, due to transition and job loss, along with the impact of economic crisis which is notable in trade, it is doubtless that women are the first ones to feel this impact, being the particularly endangered category. For these reasons, Directorate for Gender Equality was actively involved in the project of *Quick Computer Literacy for Women*, together with the National Employment Service.

The activities of the National Employment Service are mostly intended for unemployed persons, and those who have lost their jobs. Considering the following data: that the unemployment rate for women is higher by half in comparison to that for men; out of the total number of employed persons, the percentage of women is 44%, among the unemployed persons it is 54,3%; 80% out of the total number of persons who have voluntarily left their jobs for family reasons are women, who also make 98% of those whose only occupation relates to households – the conclusion is clear, that the women are the majority of users of the National Employment services.

Some of these services comprise: training courses for starting their own business, subsidies for self-employment, payment of the monetary compensation for starting a business, training realization for known employers, job search clubs, financial support for persons with the redundant employee status, public works.

The dimension of gender equality and women's interest was implemented in many special acts, strategies and action plans of the Republic of Serbia. Roof Strategy for Poverty Reduction which encompasses also the gender dimension has resulted in several strategy documents, such as: Strategy to Combat Human Trafficking in the Republic of Serbia, Health Development Strategy for Young People, National Strategy on Aging, Development Strategy for Social Protection, National Employment Strategy for the period from 2005-2010, National Strategy to Combat HIV/AIDS, Strategy for Position Improvement of Persons with Disabilities, Development Strategy for Expert Education in Serbia, Strategy for Education of Adults in the Republic of Serbia, Development Strategy for Mental Health, Strategy for Childbearing Promotion, national Strategy for Young People, Strategy for Sport Development in the Republic of Serbia from 2009 – 2013, strategy for Prevention and Protection of Children Against Violence and National Strategy for the Improvement of Women's Position and Enhancement of

Gender Equality (2009-2015). All listed documents show doubtless necessity to underline the position of genders – women within legislation.

Positive actions which contribute to equal position of less represented gender, beginning with statutory principles proclaimed in the form of general standards, in mentioned and other provisions, allow for the practical application of this principle. Directorate for Gender Equality has the possibility of active influence on legislation also through other provisions that were not mentioned, since the rulebook of the Government also foresees the obligation for the ministries – proponents of particular acts, to ask for opinion from the competence area of the Directorate prior to adoption of an act by the Government. Therewith the Directorate ensures its active role in promotion and implementation of mechanisms which shall provide for gender equality. Within the legislative activity of the Parliament, the Gender Equality Committee may act as the corrective element in the procedure of regulation adoption, in accordance with its competence.

State administration plays an interactive role with the NGO sector. Research and conclusions coming from this sector, which in most cases has more comprehensive data, are often used in the process of strategic document elaboration, reporting upon implementation degree and monitoring.

Especially close cooperation with NGO sector was made during the elaboration of the National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality. Thirty four organizations from the whole Serbian territory have participated in the working groups, besides the large number of public discussions, round tables, tribune discussions and conferences which have taken place.

The position upon the necessity to hear and acknowledge the opinion of this sector is mandatory for both executive and legislative authority, who shall consider the positions of NGO sector in their debates upon a concrete issue. At this point, the Republic of Serbia has no law which regulates the area of lobbying, but it is in preparation, exactly on the initiative of the NGO sector. The public opinion in Serbia is prepared to accept the lobbying, which means for the most of the citizens an additional explanation to pros and cons upon this issue.

Besides discussions and proposals, there were no efforts in the Republic of Serbia in order to actively involve men and boys in the gender equality promotion.

In the National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality, within the framework of the objectives related to introduction of the gender dimension in education, prevention and restraining of all types of violence against women, further development was planned in terms of gender sensitive, anti-discriminatory and secular programs at all education levels, as well as introduction of courses for non-violent communication in the formal education system.

The Government of the Republic Serbia has issued the National Strategy to Combat HIV/AIDS 2005, and within the program realized by UNICEF together with the Ministry of Health, special attention was paid to gender dimension and particular risk groups in terms of HIV/AIDS prevention and treatment.

***Progress in implementation of critical areas of Beijing Platform and further initiatives and activities identified in 23<sup>rd</sup> Special Session of General Parliament***

There are a large number of regulations applicable in the Republic of Serbia today, which partially regulate the protection from discrimination in some areas, or safeguarding of vulnerable groups. The Penal Code of the Republic of Serbia from 2005 foresees three felonies regarding the discrimination prohibition. These are: violation of the equality (Article 128), violation of the right to use language and script (Article 129),

race and other discrimination (Article 387). Safeguard measures for endangered persons, which shall define misdemeanor and disciplinary liability of the bodies, organizations and persons who conduct or incite others to conduct such illegitimate acts, are foreseen in series of laws, namely: Law on Basic System of Education and Upbringing (Article 145, paragraph 1, point 3) the liability of the institution if it imperils, disrespects or discriminates certain groups or individuals based on race, nationality, language, religion or gender, mental or physical constitution, social or cultural origin or political orientation, or incites such activities (Article 46, para. 1 to 3.); Law on Health Protection prohibits the discrimination in health protection (Article 20); Law on Labor (Article 18); Law on Employment and Unemployment Insurance (Article 8 para. 1); Law on Prevention from Discrimination of Persons with Disabilities prohibits discrimination in regard to conditions for employment, candidate choice, work conditions and all rights related to employment; Law on Public Communication (Article 38); Law on Radio-Diffusion (Article 8); Law on Prevention from Violence and Misbehavior at Sports Events (Article 3, para.1) also prohibits discrimination.

Although the Republic of Serbia has made substantial effort and progress by introduction of gender dimension in the social and political system, there are some severe obstacles, lacks and challenges which are being faced during elaboration and enforcement of the policy of equally possibilities. System of national mechanisms for gender equality achievement was set up incompletely and later as it was planned. Competences are often unclear and overlapping with those of other institutions. Without the Law on Prohibition of Discrimination and Law on Gender Equality there are no harmonized legal acts, no bylaws, regulations and guidelines. The Action Plan for Application of the National Strategy is still pending for preparation. Directorate for Gender Equality has no capacities for the enforcement and monitoring of realization of the policy taken on the local self-management level. There is still no cognition by the state administration as a whole upon the obligations and importance of realization of the policy of equal possibilities and gender equality. Training courses are conducted sporadically and slowly, hardly likely to encompass also the state officers in managerial positions.

Unstable political situation, i.e. early elections are also slowing down the procedures related to gender equality issues, since the efforts done for the enforcement of the state policy are often interrupted by government changes, i.e. changes and expectations in regard to managerial positions. Further on, although nobody is questioning the equality principles between men and women, the gender equality is still not treated as one of state's priorities. It is however considerable, that the enforcement of the policy of equal possibilities is inseparable from the process of stabilization and association to EU. There are still not enough women in decision-making positions, and due to the traditionally biased distribution of gender roles and transition process, their economic status is also well behind in comparison to that of men.

In the heyday of the world economic crisis, the delineation of sufficient budget means for the activities in this area is also difficult, whereas the international and other organizations reduce the amounts intended for aid and projects. It is necessary to make substantial efforts towards changing the patriarchal mentality, suppression of gender stereotypes and enhancing the public awareness upon the importance of gender equality for successful social development. In order to achieve this, it is necessary to have the defined legal background, adopted strategic papers, but also the mechanisms for their enforcement, i.e. expert staff, clear procedures and available financial means. Above all it is necessary to reach broad consensus in the society and doubtless political will and determination.

Whenever it came to complex cooperation between women from governmental and non-governmental sector, women from political parties, trade unions, associations and other organizations, it resulted in successful mobilization of potential and progress achievement in regard to women's position, as well as acceptance of the values related to gender equality. Such processes were related to the democratic changes which occurred in 2000, decision upon establishment of legal mechanisms 2002 and elaboration process of the National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality 2006.

### *Institutional development*

The problems related to equal possibilities and reduction of inequality between genders were addressed by the Republic of Serbia through establishment of the Sector for Gender Equality in the Ministry of Labor and Social Policy in 2007. Recognizing the importance of gender dimension and complexity of the work which demands higher independence degree, the Government of the Republic of Serbia has established the Directorate for Gender Equality 2008, as a separate body within the Ministry of Labor and Social Policy, which performs among all special activities and government administration works regarding the current state analysis and proposal of measures in the area of gender equality improvement, women's position enhancement and promotion of gender equality and policy of equal possibilities, integration of gender equality principles in all operating areas of system institutions, enforcement of the recommendations of the UN Committee upon elimination of discrimination against women. The Republic Deputy Ombudsman was chosen 2008 in order to protect constitutional rights of the citizens in regard to equal possibilities. Another important institutional mechanism is the Parliamentary Committee for Gender Equality, as well as the gender Equality Council – intermittent operative unit of the Government of the Republic of Serbia, the members of which belong to the state administration, academic circles and civil sector, also Secretariat for Labor, Employment and Gender Equality of the Autonomous Province of Vojvodina, and also the local-level mechanisms. The means for their functioning are provided in the budget of the Republic of Serbia.

Having in mind that the full effects of the world economic crisis are still to be expected in Serbia, any large-scale expenditure for these purposes shall be postponed. Material and human resources of these institutional mechanisms are insufficient for the competence and range of tasks which they are entrusted with.

Directorate for Gender Equality has provided trainings based on the common project with UNIFEM, through 12 successful courses for state officers in high positions. By donation of the Government of the Kingdom of Norway in December 2008 in the amount of 3.011.141 \$, the project document was adopted *Combating Sexual and Gender-Based Harassment*, financed by the Government of the Kingdom of Norway with the expert and technical cooperation of the United Nations for Development, and to implement by the Directorate for Gender Equality. The given period for the program realization is 3 years, from 2009 – 2011.

Contact persons for promotion of gender equality are available within the ministry due to the fact that the Government has formed the Gender Equality Council, also including the officials from the following ministries in its membership: Ministry of Health, Ministry of Economy and Regional Development, Ministry of Finance, Ministry for State Administration and Local Self Management, Ministry of Culture, Ministry of Internal Affairs and Ministry of Labor and Social Policy. Each of the representatives of the ministries involved is in the position to provide support from the part of their department. Directorate for Gender Equality has provided a series of training courses and advisory services for state officers in high positions with the purpose to clarify the importance and objectives of the gender dimension. The efficiency of contact persons was provided through transparent way of conduct and guidelines which can be found on the website of the Ministry of Labor and Social Policy, i.e. Directorate for Gender Equality, as well as through their willingness to solve each problem jointly.

By establishing the Action Plan for the enforcement of the National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality, the Government, as the highest authority level, has overtaken the role of the executor in terms of these activities, in particular those related to policy creation and decision

making, keeping the presence of women in managing and state officer positions on equal level. As for the other activities, in the areas of media, economy, health, all of the ministries in charge shall be obliged to provide regular reports during the applicability period of the strategic document (until 2015) upon results and possible obstacles in realization of assigned objectives. In that sense, the coordination shall be with the competent ministry for each of the given areas, depending on the area.

At this point, a satisfactory level of administrative capacity for gender dimension introduction was achieved within the institutions. One of the major challenges for the next period will certainly be permanent change of social awareness, and overall perception of women's position and role, having in mind that this is a developing country, including all the effects of poor economic situation related to transition, economic crisis and severely reduced economic security for individuals.

Main indicators of the gender equality are well known. This statement is also supported by numerous research activities done with the financial aid of international organizations regarding position of different categories of women in Serbia. It was noticed that statistical procession of data is a big problem, or better – lack of the gender-based distribution of data. The Government has issued the Development Strategy for Official Statistics of the Republic of Serbia, for the period from 2009 – 2012, allowing the Directorate for Gender Equality to underline, besides the gender-based budgeting as part of the development strategy, also the importance of gender-sensitive statistics in following areas: demography, vital statistics, labor market, earnings, labor costs, education, culture, social protection, criminology and in particular victimology, as well as population standards in general. This would also help use the gender-based distributed data efficiently in the processes of regulation formulation and planning.

### *Other challenges and activities*

Due to the lack of integrated anti-discriminatory law, the Draft Law on Prohibition on Discrimination was formulated by a group of domestic and foreign experts under the umbrella of the Project of the Serbian Government, United Nations Development Program and with help of the European Agency for Reconstruction. Venice Commission has given a positive appraisal to the Draft law in December 2007, pointing out that the Draft was in accordance with international standards regarding this area, moreover exceeding some of them in some particular definitions.

Since the Proposal for Amendments of particular parts of the Law contains the facts related to these amendments in terms of higher technical, orderly and more precise definition of the law application, the Draft is now undergoing the renewed procedure of public discussion between the Ministry for Labor and Social Policy, being the competent ministry for surveillance of these activities and Ministry for Human and Minority Rights, which was newly established pursuant to the Law on Ministries from July 2008. It must not be forgotten, that within the observed period 2008 was the election year and the previous Government existed with its technical, incomplete capacity until May 15<sup>th</sup> 2008, meaning that the new Government was formed not before July 7<sup>th</sup> 2008.

Priority areas for the following period were defined by the National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality. The areas which include the participation of women in policy creation and decision making, such as economy, education, health, the problem of violence against women and the issues of media and public awareness were expressed through the democratic process by different participants, and have been recognized as priorities necessary for the improvement of women's position.

The examples of the measures which shall allow for the realization of strategic objectives are mostly related to amendments of and additions to the existing positive regulations and their harmonization with internationally recognized documents and European standards. Law on Elections is one of such regulations, and it shall also allow women, as less represented gender, to be *de facto* equally treated in representative bodies, regarding their position in participant lists in electoral procedures, parties or citizens groups, their selection in foreseen quotas, as well as their replacement in cases prescribed by law, if the mandates are consigned to another participant from the same list. Equal earning for women and men was doubtlessly standardized for equal amount of labor, although there are also research data clearly showing that women are less paid for the same amount of work than men.

Equal distribution of parent duties and generation of the new general social climate, as well as necessary infrastructure objects to help an employed woman in her role as a mother, are also mandatory in order to achieve full equality of roles between man and woman in the family.

Major priority is definitely to combat sexual and gender-based violence. It is necessary to strengthen the capacities of those institutions which are concerned with victims of violence, enhance the legal framework in the area of victim protection from violence and permanently raise the awareness of citizens and society upon the unacceptability of violence as behavior model, in order to create the social ambience above all for preventive purposes.

Belgrade, February 2009

Group for normative  
study and analytical issues