

ALTERNATIVE REPORT ON THE IMPLEMENTATION OF THE CEDAW CONVENTION

This report is submitted to the UN Committee CEDAW on the behalf of the following women's 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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EXECUTIVE SUMMARY

Women's NGOs submit this alternative report to the UN Committee CEDAW for consideration at its 38th session. At this session, Serbia (as the successor state of the State Union of Serbia and Montenegro), will present the *initial* state report, covering the period from 1992 to 2002 (and the first six months of 2003). The first version of this alternative report, which covered the period from 1990 to 2002, was written by the NGO Voice of Difference in 2001/2002 (within one regional project), published in the regional publication and widely distributed/presented in Serbia and elsewhere. The report was sent to officials in the Ministry of Human and Minority Rights (responsible for coordinating preparation of the state report), with an open suggestion for collaboration, but no response was obtained. Upon completion of the state report (which was not available to public prior it appeared on the DAW Website), the group of women's NGOs updated the previous alternative report. The current report reviews legislation, state policies and factual status of women related to implementation of Articles 1, 2, 3, 5, 6, 7, 10, 11, 12 and 16 of the CEDAW Convention in the period (mostly) from 1992 to 2006. It should be stressed that the review pertained to four (successor) states, and covered the period of 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. Further, it might be added 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. As gender-disaggregated official data often were not available, particular attention was paid to rely on *review/analysis of a large amount of reliable sources* (mostly, *researches on nationally-representative samples*). Analyses supported the general conclusion that women, relative to men, paid higher price during years of dictatorial regime and political/economic hardship. Current critical issues were particularly stressed in a separate chapter of the report, pertaining to the period from 2003 to 2006.

Article 1 – Discrimination against women

Constitution of the Republic of Serbia (2006) provides a gender-neutral definition of discrimination; guarantees equality of all before the Constitution and the law; the right to equal legal protection; prohibits any discrimination, direct or indirect; special measures introduced for achieving full equality of persons and groups are not considered as discrimination; 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. *The laws* in Serbia do not contain an explicit prohibition of discrimination against women and prohibition of indirect discrimination. Definitions of discrimination do not encompass violence against women. Laws are not familiar with a definition of gender-motivated violence. Under the *Criminal Code* Breach of Equality is liable to punishment (Article 128). 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 2 - Policy of Elimination of Discrimination against Women

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. The *courts* do not adduce provisions of the Convention, and the Convention is not implemented directly. The state *is not taking pro-active measures* to make the Convention a frequently used and legally binding instrument for protection of human rights of women. Serbia does not have a *Law against Discrimination* and a *Law on Gender Equality*. The Autonomous Province of Vojvodina has adopted the Decision on Gender Equality and the Declaration on Gender Equality. Introduction of new mechanisms is not accompanied by efficient, swift and economically viable protection. 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. The existing *institutional mechanisms* for protection and affirmation of principle of gender equality do not have mandate to take binding decisions and mandate to decide about individual suits of employees or citizens. *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. The statistics lacks information about status of women who belong to minorities and marginalized groups.

Article 3 - Development and Advancement of Women

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). 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.

Article 5a - Gender-role stereotyping

The state-run media in the nineties often offered an image of aggressive macho or militant warrior as a positive role model and thus contributed to the atmosphere of “violence glorification”. Through stereotyped/sexist portrayal of women and support to highly traditionalistic views, they also contributed to a widespread tolerance to gender-based violence. The voice of women’s NGOs could not have been heard in the state-run media at all; furthermore, reps. of NGO sector were portrayed as “NATO spies”, “betrayers”, etc. Sexually offensive advertising was prevalent; private TV channels broadcasted pornographic movies and some even promoted sexual violence (e.g., advertised porn-tapes on “incest”, “pregnant women”, “pedophilia”, “sadism”, etc.); escort agencies and “erotic” hotlines were advertised freely. After the political changes in 2000, women’s activists gained more space in state-run media. Yet, the state bodies have not applied in recent years any *systematic strategy* to reduce gender-role stereotyping in media, discriminatory approach to women (although laws ban “the hate speech”) or to raise awareness of gender-based violence. Campaigns against gender-based violence/discrimination against women have been done solely by women’s NGOs. Many media improved the approach towards gender-based violence, but *comparative* research implied that journalists in Serbia primarily focused on sexual violence, especially against minors (far more often than their colleagues in Eastern Europe did) or to dramatic incidents of physical violence, while manner of reporting was often “sensational”, rather than analytical/ investigative. One Radio/TV Station (B92) introduced gender-sensitive language in its programs, which should be stressed as an important “breakthrough”.

General Recommendation 19 – Domestic violence

Republic of Serbia *does not have* a National Plan to Combat Violence against Women or a special body dealing with this issue.

After 2004, there is a clear *backward tendency* when legal regulation of penal policy for domestic violence, sexual violence and sexual harassment is concerned. Sanctions pronounced for criminal offence 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*.

There are no regulatory protocols about police behavior nor agreements on cooperation between police and other institutions. *There is no mechanism* enabling harmonization of attitudes and practices of the police, the prosecution and the court. Centers for Social Work show *high degree of prejudice* in the course of action they are taking. *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 court.

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). The state *does not have* programs for work with violent offenders. *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. *There are no proper official data* about the scope and characteristics of violence against women in a family. 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 state *has not organized* a single national campaign against violence against women.

General Recommendation 19 – Sexual violence

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. Among the professional and general public there is lack of professional and personal responsibility to report any suspicion or knowledge that this criminal offence had been committed. There are no sanctions for the failure to report a case. In case of criminal prosecution, procedural and legal solutions are extremely harassing and re-traumatizing for women. Two drafts of national strategies ought to have included the issue of sexual abuse of women, but it has not been mentioned in first, while the second draft mentions it in the part containing statistical data provided by women NGOs. 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. There are no representative surveys conducted by the state. The only data that exist are collected by women NGOs. In general, only women's NGOs have thus far taken responsibility to provide protective measures focused on survivors' needs and to raise awareness.

Article 6 – Trafficking in women

"In the field of prevention and education, the state should implement wide range of activities in order to establish systematic and comprehensive approach for elimination of risk factors (violence on women and children, poverty, discrimination in employment...). Up to now all preventive activities were implemented by NGOs.

The priorities are: Promotion of human rights as the basic approach/framework for fighting against trafficking in women. 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 perpetrators. Changes in court practice should be introduced in terms of deciding on damages during criminal proceedings without a need for the victim to file a civil lawsuit. 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. Also, 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."

Article 7 – Political participation

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 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 (only 10.8% are members of Parliament now). 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 government*, there is very small number of women at the highest positions on all levels (less 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), 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. *Women's organizations and groups* take active part in various spheres of public and political life in Serbia.

Article 10 - Access to education

Reliable analyses, based on official data indicated a *huge gender gap in illiteracy rates*, which became slightly wider between the censuses in 1991 and 2002 (in 2002, girls/women made up 84.9% of illiterate persons aged 10 and over). Similarly, census in 2002 implied *significant gender differences in educational levels* – nearly one third of females and 16% of males did not attend (or did not complete) primary school. In the nineties, data on enrolment/dropping out from primary school were often unreliable (overall drop out rate per generation was *estimated* to 5-15%); Roma, rural, refugee/displaced and disabled children (especially, girls) were repeatedly identified as vulnerable groups. In 2002, girls/women made up 48.4% of students enrolled in secondary schools (but, enrollment rates for Roma were very low!), 52.9% of college/university students (current positive trends might be jeopardized by university policies of high tuition fees), and roughly one third of holders of post-graduate degrees (M.A.: 32.6%, Ph.D.: 30.4%), while horizontal segregation of educational profiles was noticeable. Current problems involve the following: a) Some *Roma, rural, disabled, and refugee/IDP girls do not achieve their right to primary education*; b) Reliable official gender-sensitive data on enrolment/drop-out rates at all levels of schooling are necessary; c) *Numerous* research studies, conducted by NGOs/institutes indicate high prevalence of gender-role stereotyping in text-books/curricula (we suggest that these problems should be considered in a process of education reform, *with assistance of women's NGOs*); d) In-service teachers' training programs on gender awareness are urgently needed, but the *existing programs of NGOs are not accredited by the Ministry of Education*; e) Women are *poorly represented* among decision-makers in education and science/research; f) No efficient measures are undertaken to prevent *gender discrimination/sexual harassment* in educational institutions; g) *Gender studies are faced with resistance* in academic circles; h) More actions might be taken to *assist/promote gifted young men/women* and to *prevent further brain drain*.

Article 11 - Women and the labor market

Position of women at the labor market radically deteriorated in the nineties (*even, new unpunished discriminatory practices emerged in the private sector and the hidden economy*), as indicated in increased female unemployment (they made up almost 60% of unemployed and the vast majority of the long-term unemployed), a broad gender gap in unemployment rates, vertical job segregation, and a wide gender pay gap - although educational levels of male and female workers did not differ, women earned 20% less than men, and in the hidden economy even 28% less. Women were poorly represented among the private sector employees, and particularly among owners; they were often unregistered, engaged temporarily or as unpaid helpers, and exposed to sexual harassment/blackmail. They mostly worked in the public sector (in which jobs were commonly less paid), while their work in the hidden economy often did not create additional income - mostly; they produced food for the family survival.

After 2000, improvement in legislation was made (e.g., introduction of the equal pay principle, definition of harassment and sexual harassment, etc.), but some legal measures might be seen as counterproductive (e.g., engagement of family members without formal acknowledgement of their work). Some new legal mechanisms were not accompanied by an efficient, swift and economically viable protection, while cases

of discrimination were rarely recognized and recorded by respective bodies. Grave problems were identified in recent years: a) Labor Force Surveys implied *gender gap in employment rates*. Women made up 61.6% of the inactive population, 54.2% of the unemployed, and 40.2% of the employed; the total number of self-employed men was three times higher than the one of women; nearly 14% of all women-workers were engaged as *unpaid helpers in family business or agriculture*; b) Average earnings of women were lower than the average earnings of men in 12 sectors of the formal economy (out of 15 examined sectors), whereas the *estimated gender pay gap was notably wider in the hidden economy*; c) In all age groups, female unemployment rates were significantly higher (in comparison to male); job opportunities for young, rural, refugees/displaced, Roma, and disabled women and those over 45 were particularly limited; d) Active employment programs covered 5.3% of job seekers registered in 2004; women were under-represented in programs on entrepreneurship; e) Following the guidelines of European Commission, the government incorporated “reducing the gender gap in female and male employment/unemployment rates” in its strategic documents; yet, no gender-sensitive data on outcomes of active employment measures were available in the report of implementation of Poverty Reduction Strategy; f) Surveys revealed difficulties to combine professional and family roles (parenting has been mostly perceived as “women’s duty” and only 15 men a year have taken parental leave) and lower competitiveness of *women with children* at the labor market.

Article 12 – Reproductive health and access to health care

Formally, regarding the Laws, main women’s health issues are covered. In the reality legislation considers only biological aspects of women’s health (pregnancy, delivery, maternity, etc.), avoiding and/or neglecting women’s life cycle needs, priorities and specific programs/policies. National documents, practically, do not exist. Most prominent women’s health concern is mass non-contagious diseases, malignancies and reproductive health including family planning (contraceptives poorly in use, abortion became one of “contraception” method). MNCD and malignancies are in constant increase. Screening programs, early detection and preventive programs are not available or are poorly represented, at present. Patient orientated/friendly health services are not developed. Marginalized women health issues are missing from the agenda (Roma, lesbians, disabled, poor, HIV/AIDS). Health services are, in general, poorly equipped. Health care providers are not educated to take into consideration the social context of diseases or to communicate properly with patients. Equality and equity health concept in health is not recognized as well as participation of women in policy and decision making concerning their health issues. The problems are: a) Insufficient services (resources), especially for marginalized women; b) A need to improve health education (for women and men) about women’s health and reproductive health; c) There is no specific governmental body/department for women’s health within the Ministry of Health that would take care of legislation, programs, financing, promotion, appropriate services, etc. and contribute to establishment of equality and equity in health and health care system.

Article 16 - Marriage and family relations

Equality in marriage was not promoted in schools or media, and prejudices regarding family roles are prevalent. Due to economic hardship in the nineties, “double burden” of women increased - relevant survival strategy of the families was to rely on (enlarged) unpaid female work, which amounted to app. 23% of the GDP from 1996 to 1998. Women (both employed and unemployed) spent on average 6 hours per day at household work/childcare, and 4.2 hours at paid work. Upon divorce, child custody has been mostly given to mothers (e.g., in 76% of the cases in 2002) and fathers commonly avoid paying child support. A difficult position of single mothers was confirmed in research: single-parent families were consistently reported as having higher risk of poverty. Current critical issues involve: a) Poor implementation of newly-adopted (improved!) provisions on family relations and no information on efficiency of court protection; b) Poor protection of single mothers (research implied that groups of women with the poorest economic status were single mothers, unemployed young women, elder women in female-headed households, and those who care for disabled); c) Concepts of multiculturalism/tolerance were abused in favor of devastating practices like bigamy and genital mutilation, which emerged in the region of Sandzak; d) Research data on ownership of property within marriage revealed traditional patterns – property has been mostly registered on husband’s names, which reduced women’s opportunities to start their own business; e) Position of refugee/displaced women was particularly vulnerable, as many of them were widows, divorced or dependent on male family members (often, father-in-law).