

ACTIVITIES
*OF THE REPUBLIC OF
SERBIA RELATED TO
IMPLEMENTATION
AND MONITORING OF
RECOMMENDATIONS
OF THE COMMITTEE
ON THE ELIMINATION
OF ALL FORMS OF
DISCRIMINATION
AGAINST
WOMEN*

Belgrade,

January

2019.



GOVERNMENT OF
THE REPUBLIC OF SERBIA
THE OFFICE FOR HUMAN AND
MINORITY RIGHTS





This publication was produced with the support of The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). The views and analysis contained in the publication are those of the authors and do not necessarily represent the views of UN Women, the United Nations or any of its affiliated organizations.

ACTIVITIES
OF THE REPUBLIC OF
SERBIA RELATED TO
IMPLEMENTATION
AND MONITORING OF
RECOMMENDATIONS
OF THE COMMITTEE
ON THE ELIMINATION
OF ALL FORMS OF
DISCRIMINATION
AGAINST
WOMEN

CONTENTS

INTRO-DUCTION 5

THE REPUBLIC OF SERBIA AND THE UNITED NATIONS CONVENTIOS 7

COUNCIL FOR MONITORING OF IMPLEMENTATION OF
THE UN HUMAN RIGHTS MECHANISMS RECOMMENDATIONS
OF THE REPUBLIC OF SERBIA GOVERNMENT 9

THE REPUBLIC OF SERBIA AND THE COMMITTEE ON
THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN 13

COMPLYING WITH RECOMMENDATIONS OF THE COMMITTEE ON
THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN 15

ACHIEVEMENTS IMPORTANT FOR THE RIGHTS OF
WOMEN AND GENDER EQUALITY 17



INTRO- DUCTION

The brochure has been developed with a view to present determination, seriousness and commitment of the Republic of Serbia, its institutions and the employees to monitoring of complying with the recommendations related to the rights of women, made by the Committee on the Elimination of Discrimination against Women.

The Republic of Serbia is fully committed to fulfillment of the CEDAW Committee recommendations

Men and women are equal, and the state is obliged to develop policies of equal opportunities

Equality of men and women is one of the fundamental principles the Republic of Serbia is grounded on. The Constitution¹ stipulates that the state guarantees equality of men and women and develops policies of equal opportunities². Gender discrimination is forbidden and it is strictly stipulated that special measures, that could be introduced with a view to achieve full equality of persons or a group of persons, who are essentially unequal compared to other citizens, will not be considered as discrimination³.

1 "Official gazette of the Republic of Serbia", No. 98/2006
2 Article 15 of the Constitution
3 Article 21 of the Constitution

The Constitution is guaranteeing and directly implementing human and minority rights guaranteed by the generally accepted rules of the international law, ratified international treaties and laws. Provisions on human and minority rights are interpreted for the benefit of promotion of values of a democratic society, in line with the current international standards of human rights, as well as the practice of international institutions that are monitoring its implementation⁴. The Constitutional guarantees of human and minority rights serve for preservation of human dignity and achievement of full liberty and equality of every individual in a just, open and democratic society, based on the rule of law principle⁵.

The Republic of Serbia is committed to monitoring of complying with recommendations of the Committee for the Elimination of Discrimination against Women not only for meeting international obligations accepted by ratification of the Convention on the Elimination of All Forms of Discrimination against Women, but also because equality of men and women, as well as respect of human and minority rights represent basic principles of foundations of a state.

The brochure will briefly present activities conducted by the Republic of Serbia during the period between 2013 and 2018, i.e. during the period between two cycles of reporting to the Committee on the Elimination of Discrimination against Women.

4 Article 18 of the Constitution

5 Article 19 of the Constitution

THE REPUBLIC OF SERBIA AND THE UNITED NATIONS CONVENTIOS

Commitment of the Republic of Serbia to the respect of human rights is evident also through ratifications of international United Nation treaties on human rights. Serbia ratified eight out of nine core treaties and integrated them into its internal legislation - the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearances.

Serbian citizens are allowed to make individual complaints to the relevant UN treaty bodies in charge of monitoring of the human rights conventions implementation, since most of the optional protocols to conventions have been ratified⁶.

Ratification of the conventions also imply obligation of the state to report periodically on implementation of the conventions to the treaty bodies and to the UN Human Rights Council within the Universal Periodic Review.

Reports on the conventions implementation and monitoring of the treaty bodies recommendations are regularly being submitted to the competent treaty bodies. Within the second cycle of the Universal Periodic Review for 2013, the Republic of Serbia received 144 recommendations in total, 137 of which were accepted.

⁶ There are two optional protocols which are not ratified: the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Third Optional Protocol to the Convention on the Rights of the Child.

One of the accepted recommendations was the recommendation No. 131.4:
Consider establishment of a national institution for monitoring of recommendation implementation of the UN human rights mechanisms should be considered.

The recommendation was accepted since gaps in implementation of recommendations of the UN mechanisms were noticed, and that had negative impact to the Serbia's reporting to the UN treaty bodies, as well as to the Serbia's compliance with the obligations related to human rights.

The process of compliance with the recommendation lasted during 2013 and 2014. An informal work group was initially established, composed of representatives of relevant ministries, having as the objective to draft a proposal for establishment of a national mechanism for monitoring of implementation of the UN treaty bodies recommendations. Consultations were organized afterwards with representatives of executive power in order to achieve a wider political consensus on implementation of the recommendation to establish a national mechanism, and to make proposals related to the methodology, the action plan, the timeline and other relevant issues. Simultaneously was conducted a wide process of consultations with representatives of legislative power, civil society organizations, independent human rights bodies and other stakeholders.

Consultations were closed with a series of conclusions, most important of which was that there was a need to establish a national institution for monitoring of implementation of the UN mechanism recommendations, and as a model was proposed an institution to be established by the Republic of Serbia Government, which should be supported in its work by the Office for Human and Minority Rights.

**UPR (2013)
Recommendation
No. 131.4**

**Informal work group
Wide consultations**

**Establishment
of the Council
for monitoring
of the UN
recommendations
implementation**

COUNCIL FOR MONITORING OF IMPLEMENTATION OF THE UN HUMAN RIGHTS MECHANISMS RECOMMENDATIONS OF THE REPUBLIC OF SERBIA GOVERNMENT

At the end of 2014 the Republic of Serbia Government established the Council for monitoring of implementation of the UN human rights mechanisms recommendations, for the period of five years⁷.

THE COUNCIL COMPOSITION

The Council has a President and nine members. Ms. Suzana Paunovic, PhD, Director of the Office for Human and Minority Rights was appointed as the Council President.

The Council members are appointed by the Republic of Serbia Government out of the officials and civil servants employed at the ministries competent for matters of justice, foreign affairs, internal affairs, labour, employment, veteran and social issues, education, science and technological development, health, culture and informing, state administration and local self-government and from the ministry in charge of European integration.

⁷ Decision on establishment of the Council for monitoring of implementation of the UN human rights mechanisms recommendations "Official gazette of the Republic of Serbia", No. 140/2014

WHAT DOES THE COUNCIL DO?

Tasks of the Council for monitoring of implementation of the UN human rights mechanisms recommendations are as follows:

- To consider and monitor implementation of recommendations submitted to the Republic of Serbia within the process of Universal Periodic Review of the UN Human Rights Council and recommendations of the UN treaty bodies⁸
- To propose measures for implementation of the received recommendations;
- To give opinion on progress of human rights during the reporting period; and
- To provide professional elaborations on condition of human rights and the achieved results through implementation of the recommendations.

The Council prepared the Plan for implementation of recommendations. The Plan is made in a form of the matrix with the following information:

- All of the received recommendations from nine the UN mechanisms
- The institution/authority with competence for implementation of the concrete recommendations
- Status of compliance with the recommendations
- Dynamic of compliance with the recommendations
- Objections/suggestions
- Indicators
- Link with the UN Agenda 2030

Overview of the recommendations and current status of its compliance is thus enabled, and it should further improve coordination during the process of implementation of the recommendations, it should enhance the procedure of preparation of periodic reports for the UN treaty bodies, and it should also improve communication with other relevant stakeholders.

The CEDAW Committee recommendations are integral part of the Plan for implementation of the recommendations.

8 Of the Human Rights Committee, Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances.

ADDITIONAL INFORMATION ON THE COUNCIL

- The Council is submitting the report on work to the competent council at least every 60 days, and to the Government at least every 90 days;
- The Council is issuing the rules of procedures of its work;
- When needed, the Council may invite representatives of other public institutions and organizations and associations to attend the Council sessions;
- The professional and administrative-technical support to the Council is provided by the Office for Human and Minority Rights.

WHAT HAS BEEN DONE SO FAR?

In March 2015, the constitutional session of the Council for monitoring of implementation of the UN human rights mechanisms recommendations was held. At the first session was determined that the Council basic objective was work on promotion of human rights in Serbia.

The Council introduced into the Plan for implementation of the recommendations a list of all recommendations submitted to the Republic of Serbia by the UN mechanisms. The list contains 388 recommendations in total. In order to ensure adequate monitoring of the recommendations, contact persons and their deputies were appointed within all sectors relevant for implementation of the recommendations of the UN mechanisms.

Establishment and work of the Council have significantly made easier the reporting process. This is especially related to the third cycle of the UPR within which Serbia presented its report in January 2018.

The Council established cooperation with representatives of the Finish, the Austrian and the Belgian national mechanisms for reporting and monitoring of the recommendations, and within that cooperation experiences in reporting and monitoring of the recommendations are exchanged. In November 2018 a regional conference in Belgrade was held on modalities of implementation and complying with the recommendations of the UN mechanisms.

The Council is keeping and improving its cooperation with civil society organizations, and the civil society organizations are participating in the Council work and its activities. The Council supported establishment of the Platform of civil society organizations for cooperation with the UN human rights mechanisms and it is planning improvement of the cooperation.

The Council is organizing capacity building trainings for its members, contact persons from relevant ministries, civil servants, civils society organizations and

other stakeholders. During 2017 and 2018, education was organized with focus on reporting upon international treaties and the best practices in implementing the recommendations received by the UN human rights mechanisms.

THE COUNCIL COOPERATION

Fundamental principles serving as grounds for the Council establishment are inclusion and transparency. All relevant stakeholders are also included into the Council work, and the Council work is transparent and open to both general and professional public.

The Council is cooperating with public authorities, international organizations, independent human rights bodies, civil society organizations and all other relevant stakeholders.



In line with Rules of procedure of work of the Council for monitoring of implementation of the UN human rights mechanisms recommendations, representatives of the Ombudsman, the Commissioner for the Protection of Equality and the National Assembly Council for human and minority rights have the right to attend the Council sessions, and material for every session is being submitted to them.

Civil society organizations are also participating in the Council's work. Cooperation with 12 non-governmental organizations dealing with protection and improvement of human rights has been formalized so far by signing memorandums on cooperation.

THE REPUBLIC OF SERBIA AND THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

In July 2013 the Republic of Serbia presented the Second and the Third periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In its concluding observations related to the report,⁹ the CEDAW Committee praised the Republic of Serbia for timely reporting, for submitting answers to the questions posed at the session prior to the meeting, for answering to oral questions at the sessions, as well as for the dialogue between the delegation members and the Committee members. On the other hand, the CEDAW Committee expressed regret that the report did not contain more data disaggregated by gender, or qualitative data on position of women in numerous areas encompassed by the CEDAW Convention, especially on women coming from vulnerable groups.¹⁰

In the CEDAW Committee concluding observations for 2013, the Republic of Serbia received 24 recommendations. The recommendations are integral part of the Action Plan for monitoring of implementation of the UN human rights mechanisms recommendations.

9 CEDAW/C/SRB/CO/2-3 from 25th of July 2013

10 Paragraphs 2-3, CEDAW/C/SRB/CO/2-3

The CEDAW Committee made 24 recommendations to the Republic of Serbia (2013)

All recommendations are part of the Action Plan for monitoring of implementation of the UN human rights mechanisms recommendations

In January 2016 the Republic of Serbia submitted to the CEDAW Committee the report on implementation of priority recommendations No. 17 and 23 in line with the Committee request made in the concluding observations to the combined Second and Third periodic report.¹¹

In July 2017, the Fourth periodic report on implementation of the CEDAW Convention in the Republic of Serbia¹² was submitted to the CEDAW Committee, in line with the Committee request.¹³

At the pre-session, where the Republic of Serbia Fourth periodic report was preliminary reviewed, in context of information submitted to the Committee by the civil sector, the Ombudsman and the specialized UN agencies, the CEDAW Committee adopted the List of issues.¹⁴ In November 2018, the Republic of Serbia submitted answers to the List of issues to the Committee.¹⁵

11 Paragraph 44, CEDAW/C/SRB/CO/2-3

12 CEDAW/C/SRB/4

13 Paragraph 45, CEDAW/C/SRB/CO/2-3

14 CEDAW/C/SRB/Q/4 from 31st of July 2018 the List of additional questions contains 21 questions from 15 areas: constitutional, legislative and institutional frameworks and definition of discrimination; access to justice; public mechanisms for improvement of position of women; temporary special measures; stereotypes; gender based violence; trafficking in human beings and exploitation by prostitution; participation in political and public life; education, employment; health; position of women in rural environments; women refugees; women from vulnerable social groups; marriage and family relations.

15 CEDAW/C/SRB/Q/4/Add. 1 from 28th of November 2018

COMPLYING WITH RECOMMENDATIONS OF THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

During the period between the two reporting cycles to the CEDAW Committee, the Republic of Serbia undertook numerous activities with a view to fulfil the received recommendations, thus expressing its decisiveness and commitment to comply with international obligations, but also firm orientation towards improvement of general position of women in the society.

The CEDAW Committee asked from the Republic of Serbia to timely publish concluding observations in the official language and to distribute it to the competent authorities at all levels, as well as to continue activities that would make the CEDAW Convention, the Optional Protocol to the Convention, the case law and the General Recommendations of the Committee available to all relevant stakeholders.¹⁶ With reference to complying with the recommendation, the Republic of Serbia undertook the following activities:

- The CEDAW Convention with the Optional Protocol was translated to Serbian language and to 16 languages of national minorities – Romanian, Ruthenian, Macedonian, Hungarian, Czech, Albanian, Bosnian, Montenegrin, Croatian, Slovakian, Bulgarian, Roma, Bunjevac, Ukrainian, Vlach and German languages

¹⁶ Paragraph 42, CEDAW/C/SRB/CO/2-3

- Concluding observations of the CEDAW Committee (2013) were translated to Serbian language
- The CEDAW Convention for the youth was translated to Serbian language
- All General recommendations adopted by the CEDAW Committee so far, were translated to Serbian language

All of the translated documents are available at the Republic of Serbia Office for Human and Minority Rights website.¹⁷ The Committee concluding observations (2013) were widely distributed to all relevant public authorities, and translations to minority languages were submitted to the national councils of national minorities for further distribution to the local self-governments.

All recommendations received from the CEDAW Committee in 2013 are integral part of the Action Plan for monitoring of implementation of the UN human rights mechanisms recommendations. The Action Plan has been changed and amended during the previous years; therefore it contains also indicators of completion and link with the sustainable development goals from the UN2030 Agenda (SDGs).

The table below shows content of the Action Plan and illustrates overview of a recommendation received by the CEDAW Committee.

Recommendation	The authority competent to fulfil/CSO competent to monitor	Status of the recommendation	Objections	Timeline of fulfilling	Indicators	Link with sustainable development goals from the UN 2030 Agenda
40. The Committee encourages the state party to accept the amendments of Article 20 paragraph 1 of the Convention on schedule of the Committee meeting.	The Republic of Serbia Government The Ministry of Foreign Affairs	Completed	The Republic of Serbia ratified the amendment to Article 20 paragraph 1 of the Convention on schedule of the Committee meeting and on 18th of June 2014 submitted the ratification instrument ("Official gazette of the Republic of Serbia – international contracts", No. 5/2014)	2014	Accepted amendment of Article 20 paragraph 1 of the Convention on schedule of the Committee meeting The ratification published in the Official gazette of the Republic of Serbia – international contracts	Goal 5 – to achieve gender equality and to empower women and girls

ACHIEVEMENTS IMPORTANT FOR THE RIGHTS OF WOMEN AND GENDER EQUALITY

During the last several years numerous activities were conducted contributing to improvement of position of women and promotion of gender equality in the Republic of Serbia, related to complying with recommendations received by the CEDAW Committee and other UN human rights mechanisms, but also with the national law and policy papers.

INSTITUTIONAL FRAMEWORK

The Coordination body for gender equality was established within the Republic of Serbia Government (2014), as a national coordination mechanism for the gender equality issues, in charge of coordinating work of public institutions and other institutions aimed at improving position of men and women. The Coordination Body is governed by the Government Vice-President.¹⁸

The Sector for non-discrimination policy and promotion of gender equality was established within the Ministry of labour, employment, veteran and social affairs (2017).¹⁹ The Republic of Serbia National Assembly has the Board for human and minority rights and gender equality.

¹⁸ More information available at: <https://www.rodnaravnopravnost.gov.rs/sr/pocetna>

¹⁹ More information available at: <https://www.minrzs.gov.rs/rodna-ravnopravnost.html>

In February 2013, female MPs established the Women Parliamentary Network, based on a model of similar institutions in other states. The Women Parliamentary Network is informal and is gathering all female MPs, regardless of their political affiliation.²⁰ During the same year, in the Assembly of the AP of Vojvodina, the Women Parliamentary Network was established, as informal network, gathering all female MPs.²¹ Both networks are very active related to improvement of position of women and gender equality.

In the Republic of Serbia there are over hundred equality bodies established in the local self-governments. In certain local self-government units there are in parallel equality bodies and a person in charge of gender equality issues.

GENDER RESPONSIVE BUDGETING

The Republic of Serbia belongs to a small number of states, which introduced into their legal framework the gender responsive budgeting and thus made a step forward in comparison to many European states. The objective of the gender balanced budgeting is more equal and just use of budgetary resources for men and women.

The Law on budgetary system stipulates gradual introduction of the gender responsive budgeting into planning, execution and reporting on the budget at all levels in the period between 2016 and 2020.²² When preparing the 2017 budget, 28 budget beneficiaries had obligation to implement gender responsive budgeting at one program/program unit or a project. The obligation was completed by 26 budget beneficiaries to 45 program activities and projects.²³ When preparing the 2018 budget, the obligation to implement gender responsive budgeting was increased to 35 budget beneficiaries in total,²⁴ 33 of which completed their obligation in the 2018 budget, to 42 programs in total and 57 program activities.²⁵

20 More information available at:

<https://zpmrsrbija.wordpress.com/zenska-parlamentarna-mreza/>

21 More information available at: <http://www.skupstinavojvodine.gov.rs/Strana.aspx?s=zenskamreza&j=SRL>

22 Sanja Nikolin and Aleksandra Vladislavljevic, *Progress report on introduction of the gender responsive budgeting into the system of public finance planning in the Republic of Serbia for the 2018 budget*, UN Women, Office in Serbia, Belgrade, 2018

23 *Ibid.*

24 28 budget beneficiaries who have already started to implement the gender balanced budgeting and seven new budgetary beneficiaries who have been encompassed by the process for the first time.

25 *Ibid.*

GENDER EQUALITY INDEX

As of February 2016 the Republic of Serbia has been using the Gender *equality index* – an instrument for measuring of gender equality in six areas: labour, money, knowledge, distribution of time, power and health. Serbia is the first country outside of European Union to receive the Gender equality index.

The Gender equality index in Serbia is 55,8. Compared to the EU average of 28, Serbia has made significant improvement between two reporting periods. Namely, value of the index in Serbia for the period 2014-2016 was increased by 3,4 points, while in the European Union during the period 2012-2015 it was increased by 1,2 points. Related to the total index value, Serbia was ranked compared to other member states on the 22nd position, as was in 2014.²⁶

In many areas Serbia is even better than the European average, for example in the process of political decision making, and is behind the European average in gender equality in relation to labour and distribution of time.

INDICATORS OF FULFILMENT OF RECOMMENDATIONS OF THE UN HUMAN RIGHTS MECHANISMS

In cooperation with civil society organizations and with support of the UN Team for human rights it is on-going development process of creation of indicators for monitoring compliance with the UN human rights mechanisms.

The Action Plan for implementation monitoring of recommendations of the UN human rights mechanisms identifies the recommendations containing gender component. The gender sensitive indicators shall provide for more efficient monitoring of promotion of gender equality in the Republic of Serbia.

LINK BETWEEN THE RECOMMENDATIONS AND THE UN AGENDA 2030

All recommendations of the UN human rights mechanisms, including recommendations of the CEDAW Committee, are linked to the sustainable development goals (SDGs) from the UN Agenda 2030. The Agenda has 17 sustainable development

26 The Republic of Serbia Gender equality index – Measuring gender equality in Serbia in 2016, the team for social inclusion and reduction of poverty of the Republic of Serbia Government, Belgrade, 2018, pages 6-7, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2018/12/Indeks_rodne_ravnopravnosti_u_Republici_Srbiji_2018.pdf

goals²⁷ and 169 targeted values of the broader scope compared to the Millennium Development Goals and it includes all three key dimensions of the sustainable development: economic growth, social inclusion and protection of the environment.²⁸

The Fifth goal of the Agenda 2030 is related to gender equality, i.e. to the achieving of gender equality and empowerment of all women and girls. Although recent trends show improvement of position of women in Serbia, the gender equality level is not yet satisfactory, but the Republic of Serbia is firmly oriented towards achieving the Agenda 2030 goal. With reference to that, the National Strategy for Gender Equality for the period between 2016 and 2020,²⁹ is very important, since it defines three strategic goals: changed gender patterns and improved culture of gender equality, increased equality of men and women through implementation of public policies and measures of equal opportunities and systematic introduction of gender perspective when adopting, implementing and monitoring public policies.

THE PLATFORM OF ORGANIZATIONS FOR COOPERATION WITH THE UN HUMAN RIGHTS MECHANISMS

In 2018, the Platform of organizations for cooperation with the UN human rights mechanisms was established, with support of the UN Human Rights Team in Serbia and the OSCE Mission to Serbia. The Platform is composed of 18 civil society organizations. The Platform has been established with a view to enable to the civil society organizations to provide their active contribution to monitoring of the recommendations given by the UN human rights mechanisms to the Republic of Serbia. Several thematic clusters have been established within the Platform, among others there is the Cluster for gender equality, and eight organizations are included into its work. The Cluster for gender equality of the Platform of organizations for cooperation with the UN human rights mechanisms submitted to the CEDAW Committee a shadow report on implementation of the CEDAW Convention in the Republic of Serbia.

27 The Sustainable development goals are: 1. World without poverty; 2. World without hunger; 3. Good health; 4. High-quality education; 5. Gender equality; 6. Clean water and sanitary conditions; 7. Available and sustainable energy; 8. Dignified labour and economic growth; 9. Industry, innovation and infrastructure; 10. Reduction of inequality; 11. Sustainable cities and communities; 12. Responsible consumption and production; 13. Climate action; 14. Underwater life; 15. Aerial life; 16. Peace, justice and strong institutions; 17. Partnership towards the goal.

28 Serbia and the Agenda 2030: Mapping of the National strategic framework compared to the sustainable development goals, the Republic of Serbia Government – Public Policy Secretariat and GIZ, pages 5-6, available at: <https://rsjp.gov.rs/wp-content/uploads/2017/11/Agenda-UN-2030.pdf>

29 "Official gazette of the Republic of Serbia", No. 4/2016

