



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the fourth periodic report of Serbia\*

1. The Committee considered the fourth periodic report of Serbia (CEDAW/C/SRB/4) at its 1675th and 1676th meetings (see CEDAW/C/SR.1675 and CEDAW/C/SR.1676), held on 28 February 2019. The Committee's list of issues and questions is contained in CEDAW/C/SRB/Q/4, and the responses of the State party are contained in CEDAW/C/SRB/Q/4/Add.1.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its fourth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/SRB/CO/2-3/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its honourable delegation, which was headed by the Director of the Office for Human and Minority Rights, Suzana Paunović, and included representatives of the Ministries of the Interior, Justice, Labour, Education, Health, Construction, and Public Administration and Local Self-Government, as well as representatives of the National Assembly, the Assembly of the Autonomous Province of Vojvodina, the Supreme Court, the Public Prosecutor's Office, the Coordination Body for Gender Equality, the Social Inclusion and Poverty Reduction Unit, the Commissariat for Refugees and Migrants, the Office for Human and Minority Rights, the Office for Kosovo and Metohija and the Permanent Mission of Serbia to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined second and third periodic reports (CEDAW/C/SRB/2-3) in undertaking legislative reforms, in particular the adoption of the following:

\* Adopted by the Committee at its seventy-second session (18 February–8 March 2019).



- (a) Law on Free Legal Aid, establishing a national free legal aid mechanism, in 2018;
- (b) Law on Asylum and Temporary Protection, prohibiting persecution on the grounds of sex, gender or gender identity and prohibiting gender-based violence, in 2018;
- (c) Law on the Prevention of Domestic Violence, introducing emergency protection measures for victims, in 2016;
- (d) Budget System Law, introducing gender-responsive budgeting, in 2015.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

- (a) National strategy for the prevention and elimination of trafficking in persons, especially women and children, and for the protection of victims for the period 2017–2020 and the accompanying action plan for the period 2017–2018;
- (b) National action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security for the period 2017–2020;
- (c) National programme for the preservation and improvement of sexual and reproductive health, in 2017;
- (d) National strategy for gender equality for the period 2016–2020 and the accompanying action plan for the period 2016–2018;
- (e) National strategy for the social inclusion of Roma women and men for the period 2016–2025;
- (f) Council for Monitoring the Implementation of the Recommendations of United Nations Human Rights Mechanisms, in 2014.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party acceded to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, on 21 November 2013.

### **C. Sustainable Development Goals**

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

### **D. Parliament**

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations**

between now and the submission of the next periodic report under the Convention.

## **E. Principal areas of concern and recommendations**

### **Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations**

9. The Committee welcomes the fact that: (a) the Convention and its Optional Protocol have been translated into 16 minority languages; (b) its previous concluding observations have been published on the website of the Office for Human and Minority Rights, and its recommendations have been integrated into the national strategy for gender equality for the period 2016–2020; and (c) its general recommendations have been translated into Serbian. While taking note of the State party's statement during the dialogue that it had no capacity to monitor the implementation of international human rights treaties in Kosovo<sup>1</sup> because its administration had been entrusted to the United Nations Interim Administration Mission in Kosovo, the Committee regrets the insufficient information on the implementation of the Convention in that territory. The Committee is also concerned about the following

(a) The potential negative impact of regressionist attitudes and anti-gender discourse on the visibility and implementation of the Committee's recommendations in the State party;

(b) The persistent lack of awareness among women, specifically rural women, Roma women, women with disabilities, older women and migrant women, of their rights under the Convention and available remedies.

### **10. The Committee recommends that the State party:**

(a) **Continue to give prominence to the Committee's recommendations by ensuring the continuous monitoring, evaluation of the impact and visibility of the recommendations and mainstreaming them into the State party's realization of the Sustainable Development Goals as a key part of the advancement and empowerment of women;**

(b) **Take all measures necessary to combat anti-gender discourse and its adverse impact on the State party's achievements in the area of women's rights;**

(c) **Intensify its efforts to raise awareness among women, including disadvantaged groups of women, of their rights under the Convention and how to claim them.**

### **Legislative framework and definition of discrimination**

11. The Committee notes the information provided by the State party that the new draft law on the prohibition of discrimination, which defines and prohibits direct and indirect discrimination, sexual harassment and incitement to discrimination, is pending adoption before the National Assembly. It also notes that it is envisaged that the new draft law on gender equality will outlaw direct and indirect discrimination. The Committee is nevertheless concerned that the adoption of those laws has been hampered by a lack of political consensus.

<sup>1</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

**12. The Committee encourages the State party:**

(a) **To adopt the new draft law on the prohibition of discrimination without further delay;**

(b) **To review, with a view to its timely adoption, the new draft law on gender equality in line with the Convention through an inclusive, participatory process in cooperation with civil society organizations focusing on women's rights, while ensuring that the law addresses direct, indirect and intersecting forms of discrimination, including on the grounds of sexual orientation and gender identity;**

(c) **To ensure sufficient budget allocations for, as well as regular monitoring and impact assessment of, anti-discrimination laws, to ensure that all women, including the most vulnerable groups, fully benefit from their provisions;**

(d) **To raise awareness of those laws, especially among women belonging to disadvantaged groups.**

**Independent judiciary and access to legal aid**

13. The Committee welcomes the constitutional reform aimed at strengthening the independence of the judiciary and the adoption of the Law on Free Legal Aid, in 2018. It also welcomes the fact that the right to free legal aid is enshrined in the Law on the Prevention of Domestic Violence and the draft law on gender equality. The Committee is nevertheless concerned that:

(a) The restrictive criteria for access to legal aid under the Law on Free Legal Aid impede access to justice and exclude civil society organizations and universities as possible legal aid providers;

(b) The recognition of victims of various forms of gender-based violence other than domestic violence as beneficiaries of free legal aid under the Law on the Prevention of Domestic Violence, but not under the Law on Free Legal Aid, may lead to a denial of access to free legal aid;

(c) The new draft law on gender equality limits the provision of free legal aid to victims of gender-based violence and does not extend to victims of all forms of gender-based discrimination;

(d) There is a lack of knowledge of the Convention among members of the judiciary, the police and lawyers.

**14. In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Put into force the Law on Free Legal Aid and establish a countrywide legal aid system without further delay, and ensure that adequate human, financial and technical resources are allocated to the implementation and monitoring of the Law;**

(b) **Review the Law on Free Legal Aid, the Law on the Prevention of Domestic Violence and the new draft law on gender equality, with a view to ensuring that victims of all forms of gender-based discrimination, including those belonging to disadvantaged groups, have access to free legal aid, and with a view to enabling various actors, including civil society organizations and universities, to provide legal aid;**

(c) **Strengthen the knowledge of members of the judiciary, prosecutors and lawyers regarding the Convention and their capacity to invoke and directly**

**apply it in court proceedings, while ensuring that capacity-building initiatives adequately address the needs all of women and girls.**

#### **National machinery for the advancement of women**

15. The Committee commends the State party on its establishment in 2014 of the Coordination Body for Gender Equality under the Office of the Deputy Prime Minister and on the adoption of the national strategy for gender equality for the period 2016–2020 and the accompanying action plan for the period 2016–2018, as well as some progress made in gender-responsive budgeting. Nevertheless, the Committee is concerned about reports that:

- (a) The Coordination Body for Gender Equality lacks adequate budget, staff, political independence and sustainability;
- (b) There is a duplication of roles and a lack of synergy between the Coordination Body for Gender Equality and the Sector for Anti-Discrimination Policy and Improvement of Gender Equality formed in 2017 under the Ministry of Labour, Employment, Veteran and Social Affairs;
- (c) The national strategy and action plan for gender equality lack funding and depend on external resources;
- (d) Local mechanisms for gender equality have not been established in all municipalities;
- (e) There is a lack of collaboration with civil society organizations;
- (f) Gender-responsive budgeting has been implemented unevenly.

#### **16. The Committee recommends that the State party:**

- (a) **Strengthen the mandate and independence of the gender equality bodies by providing them with adequate human and financial resources and by clearly defining their responsibilities to ensure harmonious cooperation and to avoid duplication of efforts;**
- (b) **Finalize the establishment of gender equality mechanisms at the local level, equip them with adequate human, financial and technical resources and empower them to participate in decision-making in pertinent areas, and ensure the requisite coordination between mechanisms at the national and local levels;**
- (c) **Allocate substantial and sustained human and financial resources for the effective implementation, monitoring and evaluation of the national strategy and action plan for gender equality;**
- (d) **Pursue gender-responsive budgeting, with a view to meeting the State party's commitment to its countrywide implementation by 2020;**
- (e) **Enhance cooperation with civil society organizations, in particular women's organizations, support their work financially, and systematically involve them in the development of related legislation, policies and programmes, at the national and local levels.**

#### **National human rights institutions**

17. The Committee welcomes the establishment of the office of the Protector of Citizens (Ombudsperson), its accreditation with A status by the Global Alliance for National Human Rights Institutions, on the basis of its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), the enlargement of its mandate and its active role in promoting women's rights. Nevertheless, the Committee remains concerned about

the limited visibility and accessibility of that body, specifically in rural areas and for vulnerable groups of women, and regrets the absence of information as to whether the Protector of Citizens acts in accordance with the Paris Principles.

18. **The Committee recommends that the State party:**

- (a) **Ensure that the Protector of Citizens acts in accordance with the Paris Principles;**
- (b) **Strengthen the visibility, accessibility and transparency of the Protector of Citizens, specifically in rural areas;**
- (c) **Intensify its efforts to increase awareness of the mandate of the Protector of Citizens in favour of gender equality, including the complaint mechanism, among women and encourage them to make use of the mechanism.**

#### **Temporary special measures**

19. The Committee takes note of the temporary special measures taken in the fields of education, employment, health care and housing. The Committee welcomes:

- (a) The positive impact of the measures taken on academic achievement, truancy and dropout rates among Roma girls;
- (b) The introduction, under the new draft gender equality law, of a 40 per cent quota for the representation of women in the areas of social life marked by an unbalanced representation of women and men. It is concerned, however, that, as a general rule, the measures taken are not gender-specific and target a range of vulnerable social groups. It is also concerned about the absence of gender-relevant statistics on the application of the temporary special measures in those areas of social life and the absence of gender-disaggregated data on their impact.

20. **Recalling its general recommendation No. 25 (2004) on temporary special measures and its previous recommendations (CEDAW/C/SRB/CO/2-3, para. 19), the Committee recommends that the State party:**

- (a) **Strengthen the application of gender-specific temporary special measures to accelerate progress towards the achievement of substantive equality for women, in particular for disadvantaged groups of women, in all areas under the Convention, and allocate sufficient resources for the implementation, monitoring and impact assessment of such measures;**
- (b) **Strengthen the collection and analysis of gender-relevant statistics to effectively monitor and assess the impact of temporary special measures;**
- (c) **Raise awareness among relevant government officials, parliamentarians, employers and the general public, especially women, of such measures and their impact.**

#### **Discriminatory gender stereotypes**

21. The Committee is concerned about reports of high levels of discriminatory gender stereotypes that hinder the advancement of women's rights in the State party. The Committee is particularly concerned about the following:

- (a) Increased instances of anti-gender discourse in the public domain, and the public backlash in terms of the perception of gender equality, and misogynistic statements expressed in the media, including by high-ranking politicians, religious leaders and academics, with impunity;
- (b) The promotion of a highly conservative idea of a traditional family, with women primarily regarded as mothers, which has been exacerbated by the national

campaign to encourage births and the adoption of the Law on Financial Support for Families with Children, under which financial incentives are offered for mothers with three or more children.

**22. The Committee reiterates its previous recommendations (CEDAW/C/SRB/CO/2-3, para. 21) and urges the State party:**

(a) **To put into place a specific strategy and conduct large-scale public campaigns targeting women and men at all levels of society, including religious leaders, to reaffirm the notion of gender equality and to promote positive images of women actively participating in social, economic and political life;**

(b) **To monitor the use of misogynistic language referring to women in public statements and media reporting, encourage the media to institute an effective self-regulatory mechanism to address the use of such language, introduce legislative amendments, as appropriate, to hold the authors accountable, and use the education system to enhance positive and non-stereotypical portrayals of women.**

#### **Gender-based violence against women**

23. The Committee commends the State party on:

(a) The ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in 2013;

(b) The adoption of the Law on the Prevention of Domestic Violence, introducing, inter alia, emergency protection measures for victims, in 2016;

(c) The criminalization of marital rape, female genital mutilation, stalking, sexual harassment and forced marriage;

(d) The alignment of the sentences for rape (article 178 of the Criminal Code) and sexual intercourse with a person with disabilities (article 179 of the Criminal Code);

(e) The adoption of a national remembrance day for women who have been victims of domestic violence and intimate partner violence.

It is, however, concerned about the following:

(a) The high prevalence of physical violence against older women, the increase in all forms of gender-based violence against women with disabilities in institutions and the frequent misuse of firearms in domestic and intimate partner violence;

(b) The fact that the measures taken by the State party address domestic violence only and do not cover all types of gender-based violence against women and girls;

(c) The discriminatory language in article 179 of the Criminal Code, in which “copulation with a helpless person” is criminalized, in relation to women with disabilities;

(d) Inadequate risk assessment to prevent gender-based violence against women and girls, including femicide, and the lack of the timely issuance and effective implementation of emergency protection orders;

(e) The lack of effective prosecution of cases of gender-based violence against women, the persistent disparity between the number of criminal charges and the number of convictions, with a majority resulting in suspended sentences, and the low number of rape cases reported;

(f) The fact that support to victims of gender-based violence is mainly provided by non-governmental organizations and remains donor-dependent, and the shortage of shelters for victims of gender-based violence;

(g) The lack of a robust data collection and monitoring system for cases of gender-based violence against women and girls.

**24. The Committee recommends that the State party:**

(a) **Conduct a survey on the prevalence and causes of gender-based violence against women and girls, ensuring that it covers older women, rural women and girls, Roma women and girls, women and girls with disabilities, including those in institutions, and women and girls belonging to other disadvantaged groups;**

(b) **Develop a comprehensive strategy and action plan to eliminate all forms of gender-based violence against women, including by combating gender stereotypes, allocate sufficient and sustainable resources to ensure the full implementation, monitoring and evaluation of the impact of the strategy, and accelerate the adoption of the national strategy for the prevention and elimination of domestic and intimate violence for the period 2017–2020;**

(c) **Review and revise its Criminal Code, Family Code and other relevant legislation and policies, including in relation to the handling and possession of firearms, with a view to effectively preventing and combating all forms of violence against women and protecting victims, and revise article 179 of the Criminal Code, on “copulation with a helpless person”, with a view to removing the discriminatory language;**

(d) **Ensure that cases involving all forms of violence against women, including rape, are properly investigated, that perpetrators are prosecuted and punished with sanctions commensurate with the gravity of the crime and that victims are protected against revictimization and have access to effective reparations, including compensation, and ensure the timely and effective issuance, implementation and maintenance of emergency protection orders for women at risk and support programmes for perpetrators to prevent them from reoffending;**

(e) **Strengthen multisectoral cooperation for preventing and combating all forms of gender-based violence and providing services to victims, including cooperation with centres for social work and civil society organizations;**

(f) **Ensure that all women who are victims of gender-based violence, including those belonging to the most disadvantaged groups, have unimpeded access to effective protection from violence, including by ensuring the provision of free legal aid by experienced professionals from the State, academia and non-governmental organizations, a sufficient number of State-funded and accessible shelters, and an anonymous emergency helpline to be operated by personnel experienced in working with victims of violence, and raise public awareness of the available services run by the State and by non-governmental organizations;**

(g) **Enhance its system for collecting and monitoring cases of all forms of gender-based violence, while ensuring the disaggregation of data by type of violence and by relationship between perpetrator and victim and accelerating the creation of a central register for cases of domestic violence, under the Ministry of Justice.**

### **Trafficking and exploitation of prostitution**

25. The Committee commends the adoption of the national strategy for the prevention and elimination of trafficking in persons, especially women and children, and for the protection of victims for the period 2017–2020 and the accompanying action plan for the period 2017–2018, the standard operating procedures for the treatment of victims of trafficking in persons and the protocol on cooperation in the field of identification of victims of trafficking. It also welcomes the establishment of the first State-run shelter for victims of trafficking. Nevertheless, the Committee is concerned that:

(a) The State party remains a country of origin of victims of trafficking who are exploited both nationally and abroad, the majority of the victims identified in Serbia are female, and sexual exploitation constitutes over 70 per cent of all trafficking cases involving women and girls as victims;

(b) Women in prostitution in particular are subject to the punishments for prostitution under article 16 of the Public Law and Order Act by fines of up to 150,000 Serbian dinars (€1,300) and up to 60 days' imprisonment;

(c) There has been a decrease in trafficking convictions, partly owing to plea bargains, while victims have been referred to civil proceedings to claim compensation or, reportedly, prosecuted for prostitution and therefore denied available protection;

(d) There is a lack of protection services and budgetary allocations for victims of trafficking, including shelters, in particular for girls, most of which are run by non-governmental organizations.

26. **The Committee recommends that the State party:**

(a) **Repeal article 16 of the Public Law and Order Act and ensure that women in prostitution are not criminalized by laws, including the Public Law and Order Act, and provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution;**

(b) **Effectively investigate and prosecute cases of trafficking in persons, especially women and girls, under article 388 of the Criminal Code (trafficking in persons), ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime and effectively implement provisions of the Criminal Procedure Code that enable judges to determine compensation for the victims in criminal proceedings;**

(c) **Enhance capacity-building for law enforcement officials, including in border areas and at major transportation points, and judicial authorities in order to increase their ability to identify and refer potential victims of trafficking, including foreigners and girls who are victims of trafficking, and investigate and prosecute cases in a gender-sensitive manner;**

(d) **Improve protection services for victims of trafficking by allocating sufficient and sustainable human and financial resources and strengthening coordination and cooperation between the State authorities and civil society, and facilitate access for victims to education and employment;**

(e) **Pursue international, regional and bilateral cooperation efforts with countries of origin, transit and destination and establish a mechanism to facilitate regular migration.**

**Participation in political and public life**

27. The Committee commends the appointment of the State party's first woman Prime Minister, in 2017. It also welcomes the establishment of the Women's Parliamentary Network. The Committee is concerned, however, that:

(a) Women are severely underrepresented in local administration, with only 9 of 169 municipalities having women as mayors, as well as in the foreign service, in the armed forces and in decision-making positions across all sectors;

(b) There are no women military attachés in the diplomatic corps;

(c) Women belonging to disadvantaged groups, such as Roma women or women with disabilities, are not represented in political or public life;

(d) The activities of the Women's Parliamentary Network have been suspended;

(e) Negative media campaigns and reporting against representatives of civil society hinder their work towards the advancement of women's rights.

28. **The Committee recommends that the State party:**

(a) **Accelerate the equal representation of women, including Roma women and women with disabilities, in all areas of political and public life, in particular in decision-making positions, at the national and local levels, and in the armed forces and foreign service, and allocate adequate resources for the implementation of such measures;**

(b) **Adopt the new draft law on gender equality, setting 50 per cent quotas for the representation of women in the areas of social life marked by an unbalanced representation of women and men, and extend that quota to all public authorities and administrations;**

(c) **Ensure that civil society organizations, including women's rights activists, are able to exercise their rights to freedom of expression, assembly and association without intimidation or reprisals;**

(d) **Ensure that cases of alleged intimidation or reprisals against civil society activists are duly investigated, perpetrators are prosecuted and appropriately punished and victims receive protection from such acts;**

(e) **Ensure that civil servants who obstruct the prosecution of attackers are held accountable.**

**Women and peace and security**

29. The Committee welcomes the adoption of the second national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security, for the period 2017–2020. It also notes the explanations provided by the State party during the dialogue on the implementation of the previous national action plan for the period 2010–2015 and its evaluation. Nevertheless, the Committee is concerned about the following:

(a) The absence of specific information on the steps taken to monitor and assess the impact of the second national action plan and on services provided to women and girls who are victims of conflict-related violence;

(b) The insufficient budget allocation to implement the second national action plan;

(c) The reported lack of engagement with women affected by conflict and with civil society organizations that work with survivors in the development of the report;

(d) The lack of statistics on conflict-related violence against women and girls.

**30. With reference to its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, Security Council resolution 1325 (2000) on women and peace and security and subsequent resolutions on the subject, the Committee recommends that the State party:**

**(a) Allocate sufficient resources and enhance mechanisms to effectively implement, monitor and evaluate the impact of the second national action plan and undertake a mid-term evaluation of the plan without further delay;**

**(b) Actively involve civil society, including women affected by conflict and organizations that work with survivors, in the implementation, monitoring and impact assessment of the national action plan, as well as in the development of any related strategy document, peace negotiations and post-conflict rebuilding and reconstruction;**

**(c) Strengthen and promote the representation of women among peace negotiation and mediation personnel, including at senior levels, and collect data, disaggregated by age, gender and geographical area, on the participation of women in the implementation of the national action plan in the legislative, executive and judicial branches;**

**(d) Ensure the conduct of a needs assessment and effective access with regard to legal, health-care and psychosocial services for all women and girls who are victims of conflict-related violence, including rural women and girls and those belonging to other disadvantaged groups;**

**(e) Take measures to protect internally and externally displaced women and girls against forced displacement and violence;**

**(f) Improve standardized data collection on conflict-related violence against women and girls.**

#### **Nationality**

31. The Committee commends the significant progress made by the State party in the reduction of the risk of statelessness among the Roma population, from 30,000 persons at risk in 2004 to 2,200 in 2018, since its accession, in 2011, to the Convention on the Reduction of Statelessness of 1961. It also welcomes the adoption of new legislation simplifying birth registration and registration of residence. However, the Committee is concerned that:

(a) Some 2,200 persons remain at risk of statelessness, in particular Roma who are internally displaced, registered in Kosovo and residing in Serbia, with approximately 300 to 400 persons lacking birth registration;

(b) There is a lack of access to birth registration for children whose parents, or at least whose mothers, lack birth registration or identity documents, mainly among Roma;

(c) Child and forced marriages among Roma contribute to statelessness.

**32. The Committee recommends that the State party:**

**(a) Take measures, including legislative measures, to ensure immediate birth registration, access to identity documentation and citizenship for all children, regardless of whether their parents lack personal documentation or are stateless;**

(b) **Extend electronic birth registration to home births and to all parents, including Roma and internally displaced parents and those without an address or identity documents;**

(c) **Establish a system to track all cases involving child marriage among stateless children, in particular Roma girls.**

### **Education**

33. The Committee commends the progress made by the State party in the education sector through the implementation of the strategy for development in education, in particular by increasing scholarships for girls and recognizing the need to prevent them from dropping out of school. Nevertheless, the Committee is concerned that:

(a) Education is influenced by an increasingly prevalent anti-gender political agenda that translates into gender-stereotyped content in teaching material, widespread discriminatory gender stereotypes among the teaching personnel, who are predominantly male, gender segregation in education and an alarmingly widespread incidence of gender-based violence, especially sexual violence, in school, in the context of the withdrawal of a proposed teaching tool on sexuality and sexual violence in 2016;

(b) Roma girls leave school even before completing primary school and are almost fully absent from the education system after the age of 18;

(c) Girls with disabilities are less involved in inclusive education than boys with disabilities.

34. **The Committee calls upon the State party to make improvements in its education sector, in line with the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, and recommends that the State party:**

(a) **Develop content on combating gender discrimination and on gender equality and introduce age-appropriate, gender-sensitive content into teaching curricula and textbooks at all levels of education;**

(b) **Integrate age-appropriate education on sexual and reproductive health and rights, including issues relating to sexually responsible behaviour;**

(c) **Reduce gender segregation at all levels of education and encourage girls and boys to pursue occupations that are not traditionally associated with their genders;**

(d) **Strengthen mechanisms for keeping Roma girls in the education system, continuously monitor the implementation of the national strategy for the social inclusion of Roma women and men for the period 2016–2025 and assess its impact on the inclusion of Roma women in education;**

(e) **While pursuing its policy on inclusive education, enhance its efforts to promote and ensure inclusive preschool and school education in regular classes for Roma children, especially girls, and for girls with disabilities, while putting into place reasonable accommodation in school infrastructure and places for sport and leisure for girls with disabilities, and accelerate the adoption and implementation of the national framework for monitoring inclusive education and the education quality indicators.**

### **Employment**

35. The Committee commends the State party's efforts to ensure the equality of women and men in the labour market and to combat gender-based discrimination. It

welcomes the active employment measures taken with regard to Roma women and women with disabilities. However, the Committee remains concerned about the following:

(a) The persistent gender pay gap and vertical and horizontal occupational segregation in the labour market;

(b) The lower employment rate among women (50.8 per cent) compared with that of men (63.9 per cent);

(c) The high unemployment rates, in particular among Roma women, women with disabilities and rural women, and the higher unemployment rates among young women than among young men;

(d) The unequal sharing of responsibilities between women and men and the lack of opportunities to reconcile work and family obligations, which reduces employment opportunities for women;

(e) The lack of measures to address sexual harassment in the workplace, specifically with regard to young women and lesbian, bisexual and transgender women and intersex persons, including the disproportionately low number of convictions for sexual harassment, which adversely affects women's possibilities for employment and promotion.

**36. The Committee recalls its previous recommendations ([CEDAW/C/SRB/CO/2-3](#), para. 31) and urges the State party:**

(a) **To ensure that the principle of equal pay for work of equal value, enshrined in the Labour Code, is implemented effectively, including by regularly reviewing wages in traditionally female and male sectors with a view to closing the gender pay gap, and by taking other appropriate measures;**

(b) **To design, adopt and implement targeted, gender-sensitive and time-bound measures, including temporary special measures: (i) to create more opportunities for women, including young women, Roma women, women with disabilities and rural women; (ii) to enhance women's access to employment, in particular in higher-paying and male-dominated sectors, including through incentives for public and private sector employers to recruit women; (iii) to implement gender-responsive policies; (iv) to support women entrepreneurs; and (v) to promote a positive image of women in business and professional life in general;**

(c) **To ensure that unemployed women, including those registered with the National Employment Service, are fully aware of the services available to them;**

(d) **To introduce flexible working arrangements for both women and men, such as part-time work and telecommuting, extend the provision of childcare facilities and care facilities for other dependents, promote equal sharing of family and domestic responsibilities and responsible fatherhood, including by introducing paid paternal leave, by encouraging fathers to use it and by monitoring the practice;**

(e) **To ensure access to maternity protection for all working women, including by ensuring regular payment of salary compensation during pregnancy, maternity and childcare leave and by facilitating the return to work for young mothers, in particular by maintaining adequate financial support;**

(f) **To undertake a comprehensive survey to assess the prevalence of sexual harassment at the workplace; encourage reporting of sexual harassment at the workplace and raise public awareness of its discriminatory nature, its negative impact on women's employment and potential sanctions; strengthen the**

**mechanism to address cases of sexual harassment effectively, including in court; and collect statistics, disaggregated by age, origin, geographical area and relationship with the perpetrator, on the number and nature of complaints of sexual harassment at the workplace in the public and private sectors.**

### **Health**

37. The Committee commends the adoption of the national programme for the preservation and improvement of sexual and reproductive health, in 2017. However, it is concerned about the following:

- (a) The low use of contraceptives and the lack of knowledge among young girls and adolescents about modern methods of contraception;
- (b) The prevalence of adolescent pregnancy among Roma girls;
- (c) The continuing use of abortion as a contraceptive method, in particular among women over 40 years of age;
- (d) The low participation of women in birth preparation programmes, especially among rural women and Roma women, and the insufficient coverage of organized screenings for the early detection of breast cancer and cervical cancer;
- (e) The persistent difficulties faced by women with disabilities in gaining access to sexual and reproductive health services, exacerbated by a lack of technical equipment;
- (f) Reports that lesbian, bisexual and transgender women and intersex persons are excluded from family planning services, including artificial insemination.

38. **The Committee recalls its previous recommendations (CEDAW/C/SRB/CO/2-3, para. 33) and urges the State party:**

- (a) **To raise public awareness of modern forms of contraception and ensure that abortion is not used as a contraceptive method, including through education and media campaigns targeting young and adolescent boys and girls, in particular among the Roma population, and older women, and improve access to contraception, including by ensuring the universal coverage of related costs under the State health insurance scheme;**
- (b) **To collect statistics on adolescent pregnancy, disaggregated by age, origin and geographical area, and ensure that health workers report adolescent pregnancies to social services and the police;**
- (c) **To ensure unhindered access to health care, including sexual and reproductive health care, early prevention programmes for breast and cervical cancer and free anti-retroviral treatment, for all women and girls, including Roma women and women with disabilities, including those in institutions, and raise awareness among women of the benefits of early preventive measures, and guarantee that the free and informed consent of the woman concerned is acquired;**
- (d) **To enhance access to family planning services and artificial insemination for lesbian, bisexual and transgender women and intersex persons.**

### **Economic empowerment and social benefits**

39. The Committee notes with appreciation the statement of the State party's delegation during the dialogue that the upcoming action plan for gender equality will be focused on the economic empowerment of women. However, it is concerned about the following:

- (a) Over 74 per cent of women who report that they work in agriculture do so as unpaid family members;
- (b) Unemployed women and women employed in the informal sector lack access to social security benefits;
- (c) The participation of women in decision-making with regard to agricultural holdings is low, with only 15.9 per cent of women managing such holdings;
- (d) The limited number of women entrepreneurs;
- (e) Women are underrepresented in sports and among sports officials and holders of scholarships and national awards for athletes.

40. **The Committee recommends that the State party:**

- (a) **Conduct a study to assess the participation of women in the informal sector of the economy, including with regard to access to social security coverage and retirement schemes and, on the basis of the results of the study, review the implementation and analyse the impact of the current employment legislation and policy from a gender perspective, with a view to ensuring social protections for all women, including those employed in the informal sector of the economy;**
- (b) **Take targeted and time-bound measures to empower women in agriculture and other sectors, including by strengthening their participation in management and decision-making and by enhancing entrepreneurship opportunities;**
- (c) **Promote the participation of women and strengthen their recognition in sports on an equal basis with men, and mainstream gender-responsive budgeting in sports.**

### **Rural women**

41. The Committee welcomes the State party's adoption of the national programme for rural development for the period 2018–2020. It is, however, concerned that rural women lack access to health care, education, formal employment opportunities, retirement and social security schemes, and land ownership on an equal basis with men and that the participation of women in decision-making is limited.

42. **The Committee recommends that the State party:**

- (a) **Adopt measures, including temporary special measures, to ensure that rural women, including women employed in the informal sectors of the economy, have access to education, health care, housing, formal employment, social security and retirement schemes, lifelong training opportunities and ownership and use of land on an equal basis with men, and that the specific needs of rural women are met;**
- (b) **Ensure the equal participation of rural women in decision-making, including in relation to agricultural holdings, and involve them in the design, development, implementation, monitoring and evaluation of all relevant plans and strategies, such as those relating to health, education, employment, retirement and social security;**

(c) **Strengthen the collection of data, disaggregated by age, gender and geographical area, on rural women, so as to assess their situation and the progress made over time.**

#### **Disadvantaged groups of women**

43. The Committee welcomes the adoption of the national strategy on ageing, the national strategy for the social inclusion of Roma women and men for the period 2016–2025 and the national strategy for resolving the issues of refugees and internally displaced persons, as well as the State party's political will and determination to improve the situation of disadvantaged groups of women, as stated by its delegation during the dialogue. The Committee is nevertheless concerned about reports that Roma women, older women, poor women, women with disabilities, refugee and internally displaced women and women heads of household continue to experience multiple and intersecting forms of discrimination. It is particularly concerned that those women continue to have limited access to health care, education, employment and social assistance and that they lack protection from gender-based violence.

44. **The Committee calls upon the State party to vigorously pursue efforts to eliminate multiple and intersecting forms of discrimination experienced by women belonging to disadvantaged groups and to ensure their economic empowerment. The Committee encourages the State party to conduct a comprehensive survey to assess the situation and the particular needs and aspirations of women belonging to disadvantaged groups, such as Roma women, older women, poor women, women with disabilities, refugee and internally displaced women and women heads of household, to inform its legislation and policies.**

#### **Equality before the law**

45. The Committee is concerned about the deprivation of legal capacity and guardianship regime in the State party, which restricts the legal capacity of many women with disabilities, as a consequence of which they cannot marry, form a family, acquire access to justice or vote.

46. **The Committee recommends that the State party repeal any provisions of the Civil Code and other legislation that restrict the legal capacity of women on the grounds of disability or any other form of discrimination.**

#### **Marriage and family relations**

47. The Committee welcomes the criminalization of forced marriage, the extension of maternity leave to self-employed women and women agricultural producers and the introduction of paternity leave. It is concerned, however, about reports that:

(a) Women with children account for the majority of single-parent families and less than one fifth of single-parent families can afford basic goods and services;

(b) Only one third of partners make regular child support payments;

(c) Child marriage is present in the general population, in urban and rural areas, and in particular in the Roma community, with around 7 per cent of girls marrying before the age of 18, while, according to the State party's information during the dialogue, only two cases of forced marriage have been reported;

(d) Women account for 11 per cent of landowners, whereas the majority of property is traditionally registered to men, in inheritance matters, sons are prioritized over daughters, who are socially expected to renounce their inheritance rights in favour of their brothers, and civil partners are excluded from inheritance.

48. **The Committee recommends that the State party:**

(a) **Urgently address the situation of deprived single-parent families, especially those run by women;**

(b) **Ensure the timely recovery of child support payments, including by introducing enforcement mechanisms and deterrent penalties in the case of non-compliance;**

(c) **Prevent and eradicate child and forced marriage through coordinated action by the competent authorities, non-governmental organizations and the Roma community, in particular by:**

(i) **Strengthening awareness-raising campaigns on the negative effects of such marriages on the health and well-being of women and girls;**

(ii) **Establishing mechanisms to detect cases of child and forced marriage;**

(iii) **Ensuring the implementation of articles 187a (forced marriage) and 190 (cohabitation with a minor) of the Criminal Code and the prosecution and punishment of perpetrators with sanctions commensurate with the gravity of the crime;**

(iv) **Systematically collecting data on the number of complaints, investigations, prosecutions, convictions and penalties imposed with regard to the prohibition of forced marriage and cohabitation with a minor;**

(d) **Eliminate discrimination against women in relation to property and inheritance, equate marriages and civil partnerships with regard to property and inheritance rights, enforce the right to joint ownership and establish a system of joint registration of property.**

#### **Beijing Declaration and Platform for Action**

49. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

#### **Dissemination**

50. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the National Assembly and the judiciary, to enable their full implementation.**

#### **Ratification of other treaties**

51. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>2</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International**

<sup>2</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political 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 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which it has signed but not yet ratified.**

**Follow-up to the concluding observations**

52. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (a), 26 (a), 44 and 48 (d) above.

**Preparation of the next report**

53. The Committee requests the State party to submit its fifth periodic report, which is due in March 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

54. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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