

Advance Unedited Version

Distr.: General
8 March 2019Original: English
English, French and Spanish only_____

_____**Committee on the Elimination of
Discrimination against Women****Concluding observations on the fourth periodic report of
Serbia^{*},^{**}**

1. The Committee considered the fourth periodic reports of Serbia (CEDAW/C/SRB/4) at its 1675th and 1676th meetings (see CEDAW/C/SR.1675 and 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 (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's honourable delegation which was headed by Ms. Suzana Paunovic, Director of the Human and Minority Rights Office. The delegation also included representatives of the Ministries of the Interior, Justice, Labour, Education, Health, Construction and of Public Administration and Local Self-Government, as well as representatives of the National Parliament and of the Parliament 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 Team, the Refugee and Migrant Commissariat, the Human and Minority Rights Office, the Office for Kosovo and Metohija Government of the Republic of Serbia, and the Permanent Mission of Serbia to the United Nations Office and other international organizations in Geneva, and interpreters.

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:

(a) The Law on Free Legal Aid (2018), establishing a national free legal aid mechanism;

(b) The Law on Asylum on Temporary Protection (2018), prohibiting persecution on the grounds of "sex, gender, gender identity, gender-based violence";

* The present document is being issued without formal editing.

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

- (c) The Law on Prevention of Domestic Violence (2016), introducing emergency measures for perpetrators;
- (d) The Budget System Law (2015), introducing gender-responsive budgeting.
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 and establishment of the following:
- (a) The National Strategy for Prevention and Elimination of Human Trafficking, especially Women and Children, and Protection of Victims (2017-2020) and Action Plan (2017-2019);
- (b) The National Action Plan (2017-2020) for the Implementation of United Nations Security Council Resolution 1325(2000) On Women and Peace and Security;
- (c) The National Programme for Preservation and Improvement of Sexual and Reproductive Health (2017);
- (d) The National Strategy for Gender Equality (2016-2020) and Action Plan (2016-2018);
- (e) The National Strategy for Social Inclusion of Roma Women and Men (2016-2025);
- (f) The Council for Monitoring of Implementation of the Recommendations of United Nations Human Rights Mechanisms (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 (Istanbul Convention), 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 the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2). It invites the National Assembly in line with its mandate, to take 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, Optional Protocol and the Committee's general recommendations

9. The Committee welcomes that: (a) the Convention and its Optional Protocol were translated into 16 minority languages; (b) its previous concluding observations were published on the website of the Office for Human and Minority Rights and its

recommendations were integrated in the National Gender Equality Strategy (2016-2020); (c) its general recommendations were translated into Serbian. While taking note of the State party's statement during the dialogue that it has no capacity to monitor the implementation of international human rights treaties in the autonomous province of Kosovo and Metohija since its administration had been entrusted to the UN Interim Administration Mission in Kosovo, the Committee regrets insufficient information on the implementation of the Convention in this territory. The Committee is also concerned at:

(a) The potential negative impact of the 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 and migrant women, about 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 their continuous monitoring, impact evaluation and visibility, and by mainstreaming them into the State party's realisation of the Sustainable Development Goals as a key to women's advancement and empowerment;**

(b) **Take all necessary measures to combat the 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, about their rights under the Convention and how to claim them.**

Legislative framework and definition of discrimination

11. The Committee notes the information by the State party that the new draft Law on Prohibition of Discrimination that defines and prohibits direct and indirect discrimination, sexual harassment and incitement to discrimination is pending adoption before the National Assembly. It also notes that the new draft Law on Gender Equality envisages to outlaw direct and indirect discrimination. The Committee is nevertheless concerned that the adoption of these laws has been hampered by a lack of political consensus.

12. The Committee encourages the State party to:

(a) **Adopt the new draft Law on Prohibition of Discrimination without further delay;**

(b) **Review, with a view to timely adoption, the new draft Law on Gender Equality in line with the Convention through an inclusive participatory process in cooperation with women's rights civil society organisations, while ensuring that it addresses direct and indirect, as well as intersecting forms of discrimination, including on the grounds of sexual orientation and gender identity;**

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

(d) **Raise awareness about those laws, especially among women from disadvantaged groups.**

Independent judiciary and access to legal aid

13. The Committee welcomes the constitutional reform aiming to strengthen the independence of the judiciary and the adoption of the Law on Free Legal Aid (2018). It also welcomes the fact that the right to free legal aid is enshrined in the Law on Prevention of Domestic Violence and the draft Law on Gender Equality. The Committee is nevertheless concerned that:

(a) The restrictive criteria of access to legal aid under the Law on Free Legal Aid impede access to justice and exclude civil society organisations and universities as eventual 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 Prevention of Domestic Violence but not under the Law on Free Legal Aid (2018) may lead to denial of access to free legal aid;

(c) The new draft Law on Gender Equality limits free legal aid provision 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 on the Convention among 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) **Enact the Law on Free Legal aid and establish a country-wide legal-aid system, without further delay, while ensuring 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 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 disadvantaged groups of women, have access to free legal aid and to enabling different actors, including civil society organisations and universities, to provide legal aid;**

(c) **Strengthen the knowledge of the judiciary, prosecutors and lawyers on 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 establishment of the Coordination Body for Gender Equality (2014) under the Deputy Prime Minister and the adoption of the National Strategy for Gender Equality (2016-2020) and Action Plan (2016-2018); as well as some progress made on gender-responsive budgeting. The Committee is, however, concerned that reportedly:

(a) The Coordination Body for Gender Equality lacks adequate budget, staff, political independence and sustainability;

(b) There is duplication of roles and a lack of synergy between the Coordination Body for Gender Equality and the Sector for Anti-discrimination and Gender Equality formed in 2017 under the Ministry of Labour, Employment, Social and Veteran 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) A lack of collaboration with civil society organisations;

(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 clearly defining their responsibilities to ensure harmonious cooperation and avoid overlap;**

(b) **Finalise 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; ensure requisite coordination between 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 organisations, particularly women's organisations, 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 Protector of Citizens (Ombudsman), its accreditation with "A" status under the Paris Principles, the enlargement of its mandate and its active role to promote women's rights. It, however, remains concerned at the limited visibility and accessibility of this 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, and (c) intensify its efforts to increase awareness of the mandate of the Protector of Citizens in favour of gender equality, including the complaints mechanism, among women and encourage them to make use thereof.

Temporary special measures

19. The Committee takes note of the temporary special measures taken in the fields of education, employment, healthcare and housing. The Committee welcomes: (a) the positive impact of the measures taken on the academic achievement, truancy and dropout among Roma girls and (b) the introduction of the 40 per cent quota for women representation in the areas of social life marked by unbalanced representation of women and men, under the new draft Gender Equality Law. It is, however, concerned that, as a general rule, the measures taken are not gender-specific and target a range of vulnerable social groups. It is also concerned at the absence of gender-relevant statistics on the application of the temporary social measures and of gender-disaggregated data on their impact.

20. Recalling its general recommendation No. 25(1992) 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 women's substantive equality, in particular for disadvantaged groups of women, in all Convention areas; and allocate sufficient resources to 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 general public, especially women, about such measures and their impact.

Discriminatory gender stereotypes

21. The Committee is concerned at 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 at:

(a) Increased instances of anti-gender discourse in the public domain and a public backlash in the perception of gender-equality; misogynistic statements that are expressed in the media and also 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 considered as mothers, which was exacerbated by the national campaign to encourage births and the adoption of the Law on Financial Support to Families with Children, offering financial incentives 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 to:

(a) Put in 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 promote positive images of women actively participating in social, economic and political life;

(b) 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 it and introduce legislative amendments, as appropriate, to hold the authors accountable; use the education system to enhance positive and non-stereotypical portrayals of women.

Gender-based violence against women

23. The Committee commends: (a) the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2013); (b) the adoption of the Law on Prevention of Domestic Violence (2016), introducing *inter alia* emergency measures for perpetrators; (c) the criminalisation 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 the National remembrance day of women victims of domestic violence and intimate partner violence. It is, however, concerned at:

(a) High prevalence of physical violence against older women; an 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 only address domestic violence and do not respond to all types of gender-based violence against women and girls;

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

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

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

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

(g) A 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, Roma

women, women with disabilities, including those in institutions, and other disadvantaged groups of women and girls;

(b) Develop a comprehensive strategy and action plan to eliminate all forms of gender-based violence against women, including through combatting gender stereotypes, allocate sufficient and sustainable resources to ensure the full implementation, monitoring and impact evaluation of the strategy; Accelerate the adoption of the National Strategy for the Prevention and Elimination of Domestic and Intimate Violence (2017-2020);

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

(d) Ensure that cases of 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, that victims are protected against re-victimisation and have access to effective reparations, including compensation; Ensure the timely and effective issuance, implementation and maintenance of emergency protection orders for women at risk and support programmes for perpetrators to prevent reoffending;

(e) Strengthen multi-sectoral cooperation for preventing and combatting all forms of gender-based violence and providing services to victims, including with Centres for Social Work and civil society organisations;

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

(g) Enhance the 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 Prevention and Elimination of Human Trafficking, especially Women and Children, and Protection of Victims (2017-2020) and its Action Plan (2017-2018); the Standard Operating Procedures for Treatment of Victims of Trafficking and the Protocol on cooperation in the field of identification of victims of human trafficking. It also welcomes the establishment of the first State-run Shelter for victims of human trafficking. The Committee is however 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; sexual exploitation constitutes over 70 per cent of all trafficking cases, with women and girls as victims;

(b) Women in prostitution are punishable under article 16 of the Public Law and Order Act (prostitution) by fines of up to 150,000 RSD (1300 EUR) and imprisonment of up to 60 days;

(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 available to victims of trafficking, including shelters, particularly for girls, which are mainly run by non-governmental organisations.

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 the laws, including the Public Law and Order Act; 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 enabling judges to determine compensation for the victims in criminal proceedings;**

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

(d) **Improve the protection services to victims of trafficking by allocating sufficient and sustainable human and financial resources and strengthening coordination and cooperation between the State authorities and civil society; facilitate victims' access 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 first woman Prime Minister in 2017. It also welcomes the establishment of the Women's Parliamentary Network. The Committee is, however, concerned that:

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

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

(c) Women from disadvantaged groups, such as Roma women or women with disabilities, are not represented in public and political 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 public and political life, particularly in decision-making positions, at national and local levels, and in armed forces and foreign service, and allocate adequate resources to the implementation of such measures;**

(b) **Adopt the new Draft Law on Gender Equality, setting 50 per cent quotas on women representation in the areas of social life marked by unbalanced representation of genders, and extend this quota to all public authorities and administrations;**

(c) **Ensure that: (i) civil society organisations, including women's rights activists, are able to exercise their rights to freedom of expression, assembly and**

association without intimidation or reprisals; (ii) cases of alleged intimidation or reprisals against civil society activists are duly investigated, that perpetrators are prosecuted and appropriately punished, and that victims receive protection from such acts; (iii) civil servants that obstruct the prosecution of attackers are hold accountable.

Women, peace and security

29. The Committee welcomes the adoption of the second National Action Plan (NAP, 2017-2020) for the Implementation of UN Security Council Resolution 1325(2000) on Women, Peace and Security. It also notes the explanations provided by the State party during the dialogue on the implementation of the previous NAP and its evaluation (2010-2015). Nevertheless, the Committee is concerned at:

(a) The absence of specific information on the steps taken to monitor and assess the impact of the second NAP and on services provided to women and girl victims of conflict-related violence;

(b) Insufficient budget allocation to implement the second NAP;

(c) The reported lack of engagement with conflict-affected women and civil society organisations working with survivors for 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 on women in conflict, conflict prevention and post-conflict situations, Security Council Resolution 1325(2000) on women, 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 NAP; undertake a mid-term evaluation of the plan without further delay;**

(b) **Actively involve civil society, including conflict-affected women and organisations working with survivors, in the implementation, monitoring and impact assessment of the NAP, as well as in the development of any related strategic document, peace negotiations, post-conflict rebuilding and reconstruction;**

(c) **Strengthen and promote the representation of women among peace negotiation and mediation personnel, including at senior levels; collect disaggregated data on the participation of women in the NAP implementation at the legislative, executive and judicial level;**

(d) **Ensure needs assessment and effective access to legal, healthcare and psychosocial services for all women and girl victims of conflict-related violence, including rural and other disadvantaged groups of women and girls;**

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

(f) **Improve standardised 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 Roma population at risk of statelessness, from 30,000 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, particularly Roma IDPs registered in Kosovo who are residing in Serbia, with approximately 300-400 persons lacking birth registration;

(b) There is a lack of access to birth registration for children whose parents, or at least the mother, lacks birth registration or identity documentation, mainly 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 IDP parents and those without address and identity documents;**

(c) **Establish a system to track all cases involving child marriage among stateless children, particularly 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, particularly increasing scholarships for girls and the recognition of the need to prevent school dropout. Nevertheless, the Committee is concerned that:

(a) Education is influenced by an increasingly predominant anti-gender political agenda that translates into gender-stereotyped content of teaching material; widespread discriminatory gender stereotypes among the teaching, predominantly male, personnel; gender segregation in education; and alarmingly widespread 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.

34. The Committee calls on the State party to make improvement in its education sector in line with the Committee's general recommendation No. 36 and recommends that the State party:

(a) **Develop content on gender discrimination and 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 the issues of sexually responsible behaviour;**

(c) **Reduce gender segregation at all levels of education and encourage girls and boys for non-traditional female/male occupations;**

(d) **Strengthen mechanisms for keeping Roma girls in the education system; continuously monitor the implementation of the Strategy for Social Inclusion of Roma (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 school and pre-school education in regular classes for Roma children, especially girls, and girls with disabilities, while putting in place reasonable accommodation of school infrastructure and places for sport and leisure for the latter; 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 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 at:

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

(b) A lower employment rate of women (50.8 per cent) as compared with men (63.9 per cent);

(c) High unemployment rates, particularly among Roma women, women with disabilities and rural women, and higher unemployment rates among young women than among young men;

(d) Unequal sharing of responsibilities between women and men and a lack of opportunities to reconcile work and family obligations that reduces employment opportunities for women;

(e) A lack of measures to address sexual harassment in employment, specifically with regard to young women and lesbian, bisexual and transgender women, including a disproportionately low number of convictions for sexual harassment, that 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 to:

(a) Ensure that the principle of equal pay for work of equal value, enshrined in the Labour Code, is effectively implemented, 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) Design, adopt and implement targeted, gender-sensitive and time-bound measures, including temporary special measures, to: (i) create more opportunities for women, including young women, Roma women, women with disabilities and rural women; (ii) access employment, in particular higher-paying and male-dominated sectors, including through incentives for public- and private sector employers to recruit women; (iii) implement gender-responsible policies; (iv) support women entrepreneurs; and (v) promote a positive image of women in business and overall professional life;

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

(d) 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, encouraging fathers to use it and monitoring this practice;

(e) Ensure access to maternity protection by 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, particularly by maintaining adequate financial support;

(f) 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 about its discriminatory nature, negative impact on women's employment and possible sanctions; strengthen the mechanism to effectively address cases of sexual harassment, including in court; collect disaggregated statistics 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 Preservation and Improvement of Sexual and Reproductive Health (2017). However, it is concerned at:

(a) A low use of contraceptives, while young girls and adolescents lack knowledge about modern contraception methods;

- (b) Prevalence of adolescent pregnancies in Roma girls;
- (c) Continuing use of abortion as a contraception method, particularly among women above 40 years old;
- (d) Low women's participation in birth preparation programs, especially among rural women and Roma women, and insufficient coverage of organized screenings for early detection of breast and cervical cancer;
- (e) Persistent difficulties faced by women with disabilities in accessing sexual and reproductive health services, exacerbated by a lack of technical equipment;
- (f) Reports that LGBTI women 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 to:**

- (a) Raise public awareness about modern form of contraception and ensure that abortion is not used as a contraception method, including through education and media campaigns targeting young and adolescent boys and girls, particularly among the Roma population, and senior women; Improve access to contraception, including by ensuring universal coverage of related costs under the State health insurance;**
- (b) Collect statistics on adolescent pregnancies disaggregated by age, origin and geographically; Ensure that health workers report adolescent pregnancies to social services and the police;**
- (c) Ensure unhindered access to healthcare, including sexual and reproductive healthcare, breast and cervical cancer early prevention programmes and free anti-retroviral treatment, for all women and girls, including Roma women, women with disabilities, including those in institutions, and raise women's awareness about the benefits of early prevention, guaranteeing the free and informed consent of the woman;**
- (d) Enhance access to family-planning services and artificial insemination for LGBTI women.**

Economic empowerment and social benefits

39. The Committee notes with appreciation the State party's delegation's statement during the dialogue that the upcoming Action Plan for Gender Equality will be focused on women's economic empowerment. However, it is concerned that:

- (a) Over 74 % of women who report to work in agriculture, do so as unpaid family members;
- (b) Unemployed women and women employed in the informal sector lack access to social security;
- (c) Women's participation in decision-making on the agricultural holdings is low, with only 15.9 per cent of the women managing such holdings;
- (d) The number of women entrepreneurs is limited;
- (e) Women are underrepresented in sports, among sports officials and holders of scholarships and national recognitions 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, their access to social security coverage and retirement schemes; based on the results of the study, review the implementation and analyse the impact of the current employment legislation and policy from the gender perspective, with a view to ensuring social protection of 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 enhancing entrepreneurship opportunities;**

(c) **Promote women's participation and strengthen their recognition in sports on an equal basis with men; mainstream gender-responsive budgeting in sports.**

Rural women

41. The Committee welcomes the adoption of the National Programme of Rural Development (2018-2020). It is, however, concerned that rural women lack access to healthcare, education, formal employment opportunities, retirement and social security schemes, access to land ownership on an equal basis with men, while their participation 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, healthcare, housing, formal employment, social security and retirement schemes, life-long training opportunities, ownership and use of land on an equal basis with men, and that their specific needs 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 data collection on rural women, disaggregated by age, gender and geographical area, to assess their situation and the progress made overtime.**

Disadvantaged groups of women

43. The Committee welcomes the adoption of the National Strategy on Aging, the National Strategy for Social Inclusion of Roma Women and Men (2016-2025) and the National Strategy for Resolving the Issues of Refugees and IDPs, 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 at reports that Roma women, older women, poor women, women with disabilities, refugee and internally displaced women, women heads of households, continue to experience multiple and intersecting forms of discrimination. It is particularly concerned that these women continue to have limited access to health, education, employment, social assistance and lack protection from gender-based violence.

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

Equality before the law

45. The Committee is concerned about the incapacity and guardianship regime in the State Party that restricts the legal capacity for many women with disabilities, as a consequence of which they cannot marry, form a family, access 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 criminalisation of forced marriage, the extension of maternity leave to self-employed women and women agricultural insurers, and the introduction of paternity leave. It is, however, concerned that reportedly:

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

(b) Only one third of partners regularly pay child support alimony;

(c) Child marriage is present in the general population, in urban and rural areas and particularly within the Roma community, with around 7 per cent girls marrying before age 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 land owners, while the majority of property is traditionally registered to men; in inheritance, sons are prioritized over daughters, who are socially expected to renounce their inheritance rights over their brothers; 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 mothers;**

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

(c) **Prevent and eradicate child and forced marriages through a coordinated action by the competent authorities, NGOs and Roma community, in particular by: (i) strengthening awareness-raising campaigns on 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 marriages; (iii) ensuring the implementation of articles 187 (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 marriage and partnership with regard to property and inheritance rights; enforce the right to joint ownership and establish the 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 language(s) of the State party, to the relevant State institutions at all levels (national, regional, 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 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 Convention on the**

Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to 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 (see HRI/GEN/2/Rev.6, chap. I).
