



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org – cedaw@ohchr.org

REFERENCE: BJ/follow-up/Serbia/80

25 November 2021

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the fourth periodic report of Serbia, at the Committee's seventy-second session, held in February 2019. At the end of that session, the Committee's concluding observations (CEDAW/C/SRB/CO/4) were transmitted to your Permanent Mission. You may recall that in paragraph 52 on follow-up to the concluding observations, the Committee requested the Republic of Serbia 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) of the concluding observations.

The Committee welcomes the follow-up report received on time in April 2021 (CEDAW/C/SRB/FCO/4) under the CEDAW follow-up procedure. At its eightieth session, held in October 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 12 (a)** of the concluding observations, urging the State party to **“adopt the new draft law on the prohibition of discrimination without further delay”**:

The Committee notes with appreciation the information by the State party on the steps taken to conduct consultation among a variety of actors, including representatives of competent authorities, civil society organizations, and the academic community, in the drafting and development process of the new amendment to the Law on Prohibition of Discrimination. The Committee welcomes the adoption of the amendments to the Law on Prohibition of Discrimination by the National Assembly in May 2021, which entered into force in June 2021. The Committee notes with appreciation that the new amendments define and prohibit direct and indirect discrimination, sexual harassment and incitement to discrimination. Therefore, the Committee considers that the State party has provided evidence of the full implementation of all actions recommended by the Committee. It considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation made in **paragraph 26 (a)** of the concluding observations, urging the State party to **“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”**:

H.E. Mr. Dejan Zlatanović
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

Email: mission.serbia.ungeneva@mfa.rs



The Committee regrets that the State party did not take any steps to repeal article 16 of the of the Public Law and Order Act and that women engaged in prostitution are still prosecuted and sanctioned. The Committee is deeply concerned that in 2019 288 perpetrators were registered for violating article 16 of the Law, out of which 206 were women, while in 2020 there has been registered total of 312 of perpetrators of the offense, out of which 214 were women, according to statistics by the police. The Committee regrets the lack of information on measures taken by the State party on the provision of exit programmes and alternative income-generating opportunities for women who wish to leave prostitution. Thus, the Committee considers that the State party has taken no action to implement the recommendation. It considers that the recommendation **has not been implemented**.

The Committee notes that the information provided by the State party is vague and incomplete, and that it fails to address the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 26 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Repeal, without delay, article 16 of the Public Law and Order Act to decriminalize women in prostitution 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.

With regard to the recommendation made in **paragraph 44** of the concluding observations, urging 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**”, while encouraging 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**”:

The Committee welcomes the information by the State party on the adoption of the strategy for improving the position of persons with disabilities (2020 – 2024), which includes a focus on the situation of women and girls with disabilities and their participation in all sphere of life and protect them from gender-based violence. The Committee also notes the information on the implementation of an initiative for the employment of rural women, as well as the establishment in 2020 of the platform for reporting on the implemented support to agriculture and rural development to ensure the monitoring of women’s participation in the implemented program support to agriculture and rural development. The Committee take notes of the information on the conduct of the survey of multiple indicators of the position of women and children and the survey of multiple indicators of the position of women and children in Roma settlements in 2019, however, it regrets the absence of results. However, the Committee remains concerned about reports on the prevalence of multiple and intersecting forms of discrimination experienced by women belonging to disadvantaged groups, particularly in during the lockdown and the COIVD-19 pandemic. The Committee regrets despite the lack of comprehensive surveys to assess the situation and needs of women belonging to disadvantaged groups, reports indicate that women and girls in rural areas, older women, Roma women, women and girls with disabilities and migrant women and girls are facing obstacles in accessing basic services and economic empowerment.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 44** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Adopt measures to strengthen its efforts to eliminate multiple and intersecting forms of discrimination experienced by women belonging to disadvantaged groups and to ensure their economic empowerment and 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.

With regard to the recommendation made in **paragraph 48 (d)** of the concluding observations, urging the State party to “**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**”:

The Committee takes note of the information by the State party on the amendments made to the Law on the Registration Procedure with the Cadastre of Real Estate and Utilities to ensure the right to joint ownership within marriage. However, the Committee regrets the lack of information on measures taken to enforce this right, as well as the lack of information on steps taken to eliminate discrimination against women in relation to property and inheritance and to equate marriages and civil partnerships regarding property and inheritance rights. The Committee considers that the State party took some steps towards the implementation of the recommendation, but that it needs to take further action to implement all measures recommended by the Committee. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 48 (d)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Adopt legal and policy measures to 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.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Louiza Chalal
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women