



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: DB/follow-up/Serbia/65

6 December 2016

Excellency,

In my capacity as Rapporteur for 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 combined second and third periodic report of the Republic of Serbia at the Committee's fifty-fifth session, held in July 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/SRB/CO/2-3). You may recall that in the concluding observations, the Committee requested the Republic of Serbia to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 17 and 23 of the concluding observations.

The Committee welcomes the follow-up report received with a 7-months delay in February 2016 (CEDAW/C/SRB/CO/2-3/Add.1) under the CEDAW follow-up procedure. At its sixty-fifth session, held in November 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 17** of the concluding observations, recommending that the State party “Allocate substantial and sustained resources, both human and financial, to all national strategies, mechanisms and action plans aimed at the elimination of discrimination against women, especially disadvantaged women, and to ensure their effective implementation”: The State party reported that between 2010 and 2015, an amount of 3.5 million dinars (30 500 USD) was planned for the implementation of the Strategy for Prevention and Protection against Discrimination (2013-2018) and the National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationships (2010-2015). It added that contribution of donor countries has reached an amount of 1 526 340 EUR (1 700 000 USD). The State party also reported that State budget has only put to contribution for the implementation of the National Action Plan in relation to Security Council Resolution 1325 (2010-2015) through resources initially allocated for education, representation and business travels by the involved Ministries. It added that the implementation of this plan has benefitted from financial support of donors. The State party also informed that a gender equality adviser, appointed to the Customs Administration of the Ministry of Finance, is responsible for the implementation of the plan and that other high State officials carry out activities projected by the National Action Plan along with their regular duties. The State party also informed that an amount

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of 4 034 508 660 RSD (35 000 000 USD) was planned to implement the Action Plan for Implementation of the Strategy for Prevention and Protection against Discrimination in the period between 2014 and 2018, of which 2 001 826 083 RSD (17 500 000 USD, 49.6% of the total budget) was planned to be provided from State budget. The State party added that as of 2014, a new Coordination Body for Gender Equality was created and a work plan for 2015 was adopted, but did not provide information on the financial resources planned or mobilized for its implementation.

The State party added that this body is working on a new law on gender equality and a national strategy in this area for the period 2016 – 20. It further informed that this body receives support from three advisors for gender equality from the Ministry in charge of construction, transportation and infrastructure, as well as from four advisors from the Office for human and Minority Rights. The Committee recognizes the efforts undertaken by the State party to ensure availability of human resources for the implementation of national strategies and action plans aimed at the elimination of all discrimination against women. The Committee considers having received information on planned budget, but lacks information on efforts made to implement strategies, plans and planned budgets. It also notes the State party does not report on specific policies and strategies for disadvantaged women. The Committee considers that the recommendation **has been partially implemented**.

In regards to the recommendation that the State party “Take measures to harmonize its national strategies and action plans, in particular with those at the local level, and to enhance coordination between sectoral policymaking and implementation and horizontal and vertical coordination between the national and local levels, as well as to monitor and regularly evaluate the process of their implementation through reporting on progress achieved”: The State party reported that efforts of harmonization of national strategies show in the decision to consider action plans for European Union accession as umbrella strategic documents with clear monitoring mechanism, deadlines and financial projections. In terms of coordination, the State party referred to the Coordination Body for Gender Equality and its action plan for 2015, as well as to the existence of a Council for Monitoring the Implementation of the Recommendations of the United Nations Human Rights Mechanisms and of a Council for monitoring the realization of the Action Plan Implementing the Strategy for Prevention and Protection against Discrimination. The State party also informed on a multisector coordination body responsible for the monitoring and implementation of the National Security Council Resolution 1325 Action Plan, in collaboration with a monitoring commission of the National Assembly, an independent group of civil society organisations and other entities. The Committee recognizes the decision taken by the State party aiming to harmonize implementation of existing strategies and notes the existence of coordination mechanisms for multi-sectoral implementation and reporting of existing plans and strategies. It however considers it lacks information on results of these measures. Furthermore, the Committee considers not having received sufficient information on measures taken to enhance coordination between national and local levels. The Committee considers that the recommendation **has been partially implemented**.

In regards with the recommendation “To adopt gender-specific measures in current and new national strategies and action plans to prevent and eliminate inequality and intersectional discrimination with regard to disadvantaged women”: The State party mentioned that the Action Plan implementing the Strategy for Prevention and Protection against Discrimination related to women foresees the revision and implementation of all strategic documents related to the position of women. In regards to a special focus on disadvantaged women, the State party referred to programmes aiming to protect women from marginalized groups against domestic violence, and promoting economic empowerment of women victims of such violence. The Committee takes note of the plan to integrate gender-specific measures in current and new strategies related to the position of women. It however considers the State party has not taken adequate measures to realize such revision. The Committee recognizes the existence of programmes focussing on women from marginalized groups against domestic violence. However, it stresses the need for a more comprehensive approach to intersectional discrimination and underlines that no action has

been reported in the view to eliminate intersectional discrimination. The Committee thus considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “Accelerate the development of indicators and benchmarks as an integral part of a monitoring and evaluation system and to ensure their regular use to measure progress and address setbacks in the improvement of the situation of women”: The State party reported on the application of a monitoring-evaluation system for the implementation of the National Action Plan in relation to the Security Council Resolution 1325. The State party indicated that this system is based on a number of indicators, and that progress has been evaluated, setting the grounds for a new National Action Plan. The State party also made reference to the ongoing development of a Gender Equality Index. It added that the annual publication of the Statistical Office on Women and Men in Serbia provides gender-disaggregated data. The Committee welcomes the development of a Gender Equality Index, as well as the initiative to use a monitoring-evaluation system for the implementation of a National Action Plan. It also welcomes efforts to produce gender-disaggregated statistical data. The Committee however considers that the State party has did not take sufficient measures to mainstream the use of monitoring-evaluation systems throughout strategies, programmes and plans in different sectors, as well as to use them for the measurement of progress and the assessment of setbacks. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 17 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to

- 1) Allocate substantial and sustained resources to all national strategies, mechanisms and action plans aimed at the elimination of discrimination against women, especially disadvantaged women, and to ensure their effective implementation;
- 2) Take measures to harmonize its national strategies and action plans, in particular with those at the local level, enhance coordination and implementation, monitor and regularly evaluate the process of their implementation;
- 3) Adopt gender-specific measures in current and new national strategies and action plans to prevent and eliminate inequality and intersectional discrimination with regard to disadvantaged women;
- 4) Accelerate the development of indicators and benchmarks and ensure their regular use to measure progress and address setbacks in the improvement of the situation of women.

In regards to the recommendation recalled in **paragraph 23** of the concluding observations “To review and revise the Criminal Code, the Family Code and other relevant laws with a view to effectively preventing all forms of violence against women and protecting victims”: The State party informed that, in line with the 2015 Work Plan of the Coordination body for gender-equality, a team has been formed with the objective to propose amendments to relevant laws, aiming to overcome the issue of domestic violence and enhance prevention and protection in this area, as well as to harmonize national legislation with the Council of Europe Convention on preventing and combating violence against women and domestic violence. The Committee welcomes the creation of a team aiming to propose amendments to relevant laws for the prevention of all forms of violence against women and the protection of victims. In the view of the subsequent submissions in 2011 and 2012 by the Protector of Citizens of an initiative to amend the Criminal Code in this regard, the 2014 State commitment to harmonise its criminal law with the Council of Europe Convention and the lack of consequent legislative action, the Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation “To ensure effective investigation of cases of violence against women and to prosecute and punish perpetrators of such crimes with sanctions commensurate with the gravity of the crime:”: The State party mentioned that cases of violence in intimate partnerships are regulated by a “Special Protocol for Judiciary in the Cases of Violence within the family and in intimate partner relationship” and those cases are referred to in the Criminal Code. The State also informed that adequate prosecution of such cases is ensured through trainings of public prosecutors and their assistants. The Committee notes that domestic violence is referred to in the Criminal Code and that prosecutors and assistants are trained for adequate prosecution of such cases. The Committee however also notes high rates of dismissal of criminal charges filed for domestic violence as to payment of fines, as well as non-enforcement of court decisions. It moreover underlines that, action on domestic violence does not respond to all types of violence against women. The Committee regards measures taken by the State party to ensure effective investigation of all cases of violence against women and to prosecute and punish perpetrators to such crimes as insufficient. The Committee thus considers that the recommendation **has been partially implemented.**

In regards to the recommendation that the State party “Ensure that all women victims of violence have adequate assistance and unhampered access to effective protection from violence, including by ensuring a sufficient number of shelters funded by the State and improving cooperation with relevant non-governmental organizations in this respect”: The State party mentioned that aiming to enhance access to justice, an Information Office for Victims and Witnesses was created within the Public Prosecutor in 2014. The State party added that such offices are planned in three regional centres and all higher public prosecutors’ offices. The State party also informed that a framework for collaboration with civil society has been signed in 2015 to grant more adequate support for access to justice. The State party added that a working group has been established within police forces to monitor and coordinate activities related to cases of domestic violence, that a handbook to enhance gender sensitivity in procedures for domestic violence has been produced and that representatives of all police departments have been trained on the application of the Special Protocol for Police in case of domestic violence. In terms of the provision of shelters, the State party reported on 14 existing safe houses able to accommodate 160 persons. It added that 12 of those shelters are state-owned, but that only three of them offer free accommodation. It also informed that the work plan of the Coordination Body for Gender Equality for 2015 foresees mapping of capacities of existing services for violence against women, regulation of minimal standards of accommodation, the introduction of an SOS number for victims of violence and the construction of three additional safe houses. The Committee welcomes the adoption of a Special Protocol for Judiciary in the Cases of Violence within the family and in intimate Partner Relationships. It however considers that efforts made to ensure implementation of the Special Protocol should be reinforced, and that timely response of authorities should be granted even on first reports of violence. The Committee recognizes the measures taken by the State party to inform victims of violence on their access to justice, and the collaboration with civil society for assistance in the access to justice. The Committee however notes the insufficient provision of free accommodation to victims of violence, and a concentration of measures on domestic violence, not addressing all forms of violence. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented.**

Regarding the recommendation “To ensure that the relevant authorities are aware of the importance of issuing emergency protection orders for women at risk and of maintaining such orders until the women are no longer at risk”: The State party reported on an initiative delivered to the National Assembly for the creation of an Autonomous Women’s Centre, in charge of introducing emergency protection measures for women victims into the Law on Police, which has received the support of the Vice-President of the government and the president of the Coordination Body for Gender Equality. The Committee welcomes the support for an initiative to introduce emergency protection measures for women victims into the Law on Police. It however notes the current absence of emergency protection measures in the legislative framework and thus considers that the recommendation **has not been implemented.**

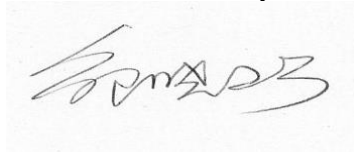
The Committee recommends that, in relation to paragraph 23 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Review and revise the Criminal Code, the Family Code and other relevant laws with a view to effectively preventing all forms of violence against women and protecting victims;
- 2) Ensure effective investigation of cases of violence against women and to prosecute and punish perpetrators of such crimes with sanctions commensurate with the gravity of the crime;
- 3) Ensure that all women victims of violence have unhampered access to effective protection from violence, including by ensuring a sufficient number of shelters funded by the State;
- 4) Ensure that the relevant authorities are aware of the importance of issuing emergency protection orders for women at risk and of maintaining such orders until the women are no longer at risk.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Republic of Serbia on the implementation of the Convention.

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

Yours sincerely,



Xiaoqiao Zou  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women