



# Status of vulnerable groups in the process of the accession of the Republic of Serbia to the EU

## SITUATION OVERVIEW: STATUS OF WOMEN AND GENDER EQUALITY

03 November 2021

### **The status of vulnerable groups from the aspect of compliance with obligations in the process of the accession of the Republic of Serbia to the European Union**

European integration is a strategic goal of the Government of the Republic of Serbia. The process of adopting the required legislation and raising administrative capacities has been ongoing continuously since the start of accession negotiations in 2014. However, to improve the process of accession, the European Union (EU) adopted a new accession methodology on 5 February 2020 under the name "Enhancing the accession process – a credible EU perspective for the Western Balkans".<sup>1</sup> The European Commission adopted a document on 9 March 2021 whereby the new methodology also applies to Serbia and Montenegro.<sup>2</sup> This methodology changed the way of monitoring Serbia's success in the process of EU accession so that, aiming for a more dynamic process and acceleration of reforms that the candidates need to implement, negotiation chapters are organised into thematic clusters. Negotiations will be opened in all chapters in a cluster simultaneously, after the

opening benchmarks for chapters are met. The negotiation chapters were divided into 6 clusters: 1. Fundamentals; 2. Internal market; 3. Competitiveness and inclusive growth; 4. Green agenda and sustainable connectivity; 5. Resources, agriculture and cohesion; 6. External relations.

Vulnerable groups primarily have their place under the first (chapter 23 Judiciary and fundamental rights) and third cluster (chapter 19 Social policy and employment), and in a way they are entwined with the other clusters. This methodology brought about certain changes within the institutional system of the Republic of Serbia, thus in May 2021 a Decision was adopted on establishing Coordination for running the accession negotiations of the Republic of Serbia to the European Union and the Team for supporting the negotiations.<sup>3</sup> This was aimed at harmonisation with the new methodology for monitoring progress in the accession of Serbia to the European Union. Despite certain activities in 2020, Serbia did not open a single chapter, nor the expected third cluster during the first half of 2021. Regarding European integration, 2020 will be remembered as the year of changing the existing frameworks and priorities of

the EU, as well as the year of the COVID 19 epidemic that also had a negative impact on the dynamics of the European integration process for Serbia. However, there is progress. The Government of the Republic of Serbia adopted the Negotiation position and Action plan for Chapter 19 – Social policy and employment, and the revised Action plan for Chapter 23 – Judiciary and fundamental rights.

On the other hand, there is a notable delay in the implementation of activities envisaged by these plans that are important for improving the status of vulnerable groups. The activities primarily relate to improving the strategic and legislative framework and other public policies relevant for improving the status of vulnerable groups. The Employment and Social Policy Reform Programme has ended, and the drafting of a similar document is not envisaged, while the implementation of structural reform in the field of social welfare and inclusion defined by the Economic Reform Programme has been noted to be limited, insufficient or partial for a number of years, as assessed by the European Commission.<sup>4</sup>

The Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia has started an initiative to draft an analytical review of the status of vulnerable groups in the context of EU accession with the following objectives:

- To increase the visibility of the challenges faced by vulnerable social groups in the Republic of Serbia;
- To inform stakeholders on current processes in the development of the strategic and legislative framework in the field of social inclusion;

- To promote a dialogue and cooperation in meeting the obligations under the process of Serbia's accession to the EU in the field of social inclusion.

The series of informative analytical situation overviews on the status of vulnerable groups in the context of meeting the obligations in the process of European integration is intended for a broad circle of stakeholders: decision-makers, state administration and staff in local self-government units, development partners, civil society organisations, the academic community, journalists, and other stakeholders.

The situation overview covers the following vulnerable groups: persons with disabilities, LGBTI, women, children, the elderly, youth, Roma, national minorities, refugees and asylum seekers, and persons living with HIV. This analysis covers the status of women and gender equality in the process of Serbia's accession to the European Union.

### **Status of Women and Gender Equality in the Republic of Serbia**

Women in Serbia have the same rights as men, but their status is worse. All studies implemented regarding this topic in Serbia in recent decades indicate that women are being discriminated based on sex and gender. They are in a worse position than men both in the public and private sphere of life and are exposed to discriminatory gender stereotypes and violence. Furthermore, women are less employed despite being more educated, they work in jobs that pay less, they are burdened more with household work and childcare than men and take less part in decision making.<sup>5</sup>

The Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW), in its Concluding observations on the Fourth periodic report of the Republic of Serbia on the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (2013-2018),<sup>6</sup> has positively assessed the improvements of the legislative and strategic framework for improving the status of women and prohibition of discrimination. However, the CEDAW committee has also noted the still unfavourable status of Women in the Republic of Serbia in many areas. The Concluding observations of the CEDAW committee contain many recommendations, including those fully repeated from past concluding observations (temporary special measures, employment, health and healthcare, discriminatory gender stereotypes), indicating that measures undertaken with the aim of compliance with previous recommendations were not effective enough, having a further negative impact on the status of women and exercise of their rights.<sup>7</sup>

That there is space for further improving the status of women in the Republic of Serbia is also indicated by the values of international indices measuring gender equality.

The Gender Equality Index, calculated based on the methodology of the European Institute for Gender Equality (EIGE), represents an instrument monitoring gender inequalities in European Union (EU) countries and it measures gender equality on a scale of 1 (full inequality) to 100 (full equality).<sup>8</sup> The value of the Gender Equality Index for the Republic of Serbia for 2021,

calculated based on data from 2018 (58), shows a continuous, albeit slow, progress in improving gender equality. Compared to the initial Gender-Equality Index (calculated based on data for 2014), it registers an increase in the index of 5.6 points. However, if progress continues at this rate, another 59 years will be necessary to achieve full gender equality in Serbia. The Republic of Serbia has achieved the best results in the domain of health (index value of 84.1) and in the domain of work (69.4), and the worst in the domain of power (46.5).<sup>9</sup> Compared to the EU average Serbia is 9.4 points behind, while the difference compared to Sweden, registering the best results in the EU, is 25.8 points. Considering the data by index domain, the Republic of Serbia is behind the EU average in all domains of the gender equality index. The smallest differences are in the fields of work and health (2 and 3.7), while the greatest are in the domain of money (21.9).<sup>10</sup>

The gender index of the Sustainable Development Goals (SDG) represents the most comprehensive means of measuring overall progress towards gender equality harmonised with the sustainable development goals of the United Nations. The SDG gender index in 2019 for the Republic of Serbia was 74.9 and places it at 34 out of 129 countries. Denmark took the number 1 spot with a value of 89.3.<sup>11</sup>

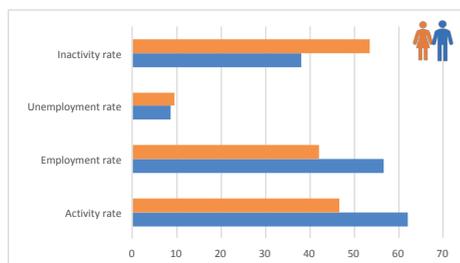
## Socio-Economic Status of Women in the Republic of Serbia

This chapter covers the socio-economic status of women in the Republic of Serbia through analysing their status in the labour market, in the educational, healthcare and social welfare system, and examining the incidence and prevalence of violence against women.

### Labour Market

The Republic of Serbia continuously registers higher employment and activity rates among men, while women's unemployment and inactivity rates are higher. During 2020, as in previous years, the activity rate of men over 15 years of age was nearly 15 percentage points (pp) higher than the activity rate of women (60% compared to 45.5%). The significant difference in activity resulted in an employment gap, thus the employment rate of women was 42.1%, while the employment rate of men was 56.6%.

*Chart 1. Main labour market indicators 2020. (in %)*

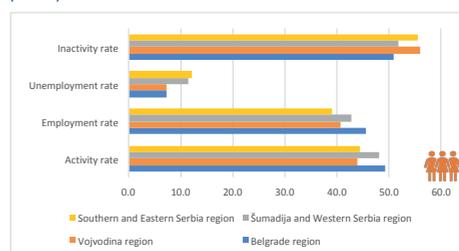


Source: LFS, SORS

Differences in the main labour market indicators are also noticeable regarding only the women's part of the labour force. On a regional level, the best results are registered by the Belgrade region,

while Southern and Eastern Serbia region registers the lowest employment rate and highest unemployment rate. By age, the most vulnerable group are young women aged 15-24. Their employment rate in 2020 was 14.9%, while their unemployment rate was 29.5%, compared to the 54.8% and 9.9% that were the employment and unemployment rates for working-age women (15-64).

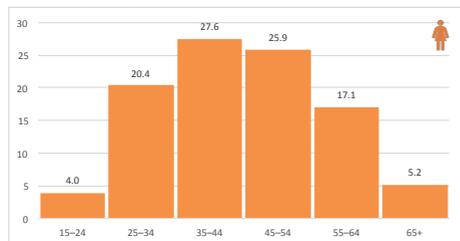
*Chart 2. Regional overview of the main labour market indicators for women, 2020. (in %)*



Source: LFS, SORS

The contingent of employed women is dominated by women aged 35-54 years, while the share of older women (55-64) is considerably lower. By number of employed women, the region of Šumadija and Western Serbia and the Belgrade region are ahead, while the lowest number of employed women are in the region of Southern and Eastern Serbia. Women have considerably more access to jobs in urban environments, thus nearly 60% of employment women are employed in cities.

Chart 3. Age structure of employed women, 2020. (in %)

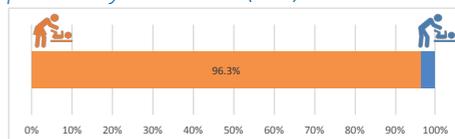


Source: LFS, SORS

Inactivity among women has stabilised at a level of 53% during the past five-year period. At the same time, inactivity among men is between 37% and 38%. The inactivity of women in the market is caused by a large number of factors, notably: 1) performance of unpaid housework, including care for children, the sick and/or elderly persons in the household; 2) inadequate support in harmonising work and family obligations; 3) discriminatory behaviour of employers towards young women; 4) existing pay gap; 5) lower legal age limit for retirement; and 6) existence of a minimum legal basis for social welfare contributions, discouraging part-time employment. Although legislation approves paternity leave and leaves for caring for a child for fathers, there are still stereotypical, gender-based prejudices that childcare and housework are women's responsibilities. The lack of state services tasked with childcare in rural areas increases the scope of unpaid housework performed by women.

As stated, the reasons leading to higher inactivity among women are numerous. Still, the most notable is care for children and adult incapable persons and other family reasons - 9.7% of inactive women in 2020 list these two reasons as the cause of inactivity, compared to 1.6% of inactive men.

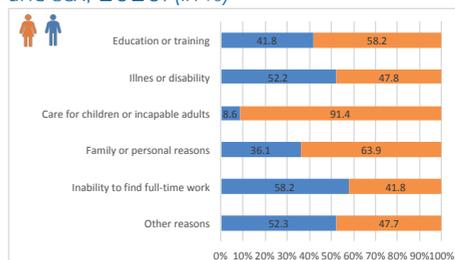
Chart 4. Inactive persons not seeking work due to care for children or other incapable persons, by sex, 2020. (in %)



Source: LFS, SORS

Kada su zaposlene, žene, takođe, zbog brige o deci ili nesposobnim odraslim licima, u većoj meri koriste opciju rada kraće od punog radnog vremena od muškaraca.

Chart 5. Part-time employed, by reason and sex, 2020. (in %)



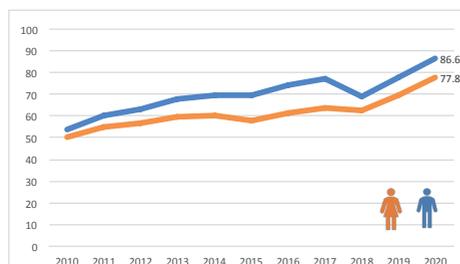
Source: LFS, SORS

Nepovoljniji položaj žena na tržištu The unfavourable status of women in the labour market is also reflected through the pay gap between men and women.<sup>12</sup> According to the Statistical Office of the Republic of Serbia, the pay gap in 2018 in the Republic of Serbia was 8.8%. The pay gap is most expressed among persons with low qualifications<sup>13</sup>, aged 30-39 and 40-49. By occupation, the highest pay gap is registered among craftspeople, engineers, professional associates, technicians, and artists.

In September 2020, the average gross salary for women was 89.9% of the

average gross salary of men, amounting to RSD 77.826. The difference between the average salary for women and men was the most prominent in 2017 when the salary for women was only 82% of the salary for men.

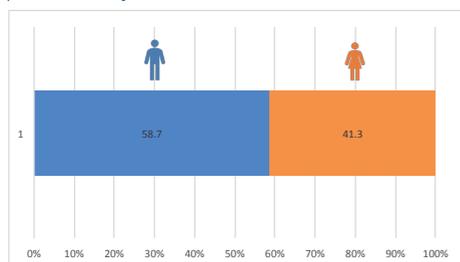
Chart 6. Trends in gross earnings, by sex. (in RSD 000)



Source: Income Statistics, SORS

The positions where men and women are employed also contribute considerably to this disparity in salaries. According to SORS data, in 2020 positions that involve the control and management over the work of at least one employee (other than an intern) were filled by men in the majority of cases.

Chart 7. Employees in management positions, by sex, 2020. (in %)



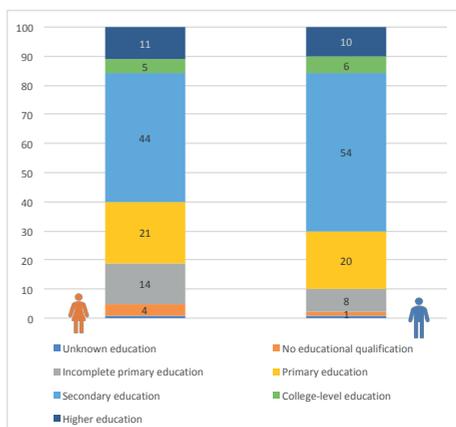
Source: LFS, SORS

## Education

According to the results of the Census of the Population, Households and Dwellings in the Republic of Serbia in 2011, 31.1% of women aged 10 or more were illiterate (compared to 0.7% of men). At the same time, 53% of women and 49% of men aged 15 or more were computer illiterate.

The structure of the population aged 15 or more by education level shows that the share of women and men with higher education is equal, while the share of women without education or incomplete primary school is twice that of the same share for men. Women also complete secondary education to a lower extent.

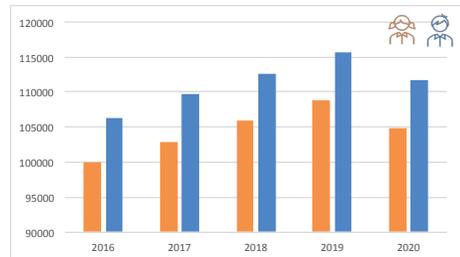
Chart 8. Population aged 15 or over, by education and sex, 2011.



Source: Census of Population, Households and Dwellings, SORS

The number of children enrolled in preschool education registered a constant increase during the past period (except 2020, specifically due to the COVID-19 pandemic). The coverage of girls and boys aged 0-6 by preschool education was identical in 2020, amounting to 48%.

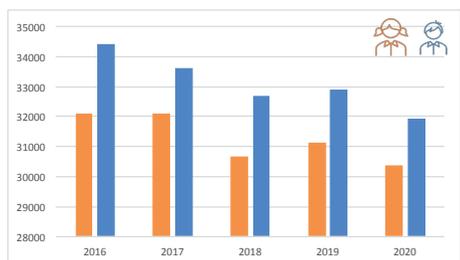
Chart 9. Children in preschool education, by sex.



Source: Education Statistics, SORS

The number of girls enrolled into the first grade of primary school is lower than the number of boys, in line with the sex structure of the population aged 7. The coverage of girls aged seven by regular primary education was slightly above the coverage of boys of the same age (94.8% compared to 94.3%).

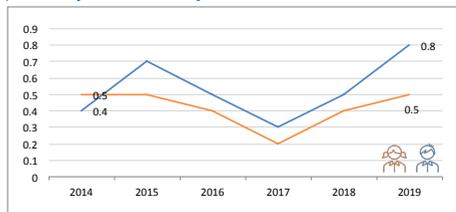
Chart 10. Children enrolled in first grade of primary school, by sex.



Source: Education Statistics, SORS

Regarding completion of primary school, girls have been registering better results during past years. The drop-out rate in regular primary schools among girls in 2019 returned to 2014 levels, amounting to 0.5%. At the same time, the drop-out rate for boys in primary education doubled, amounting to 0.8% in 2019.

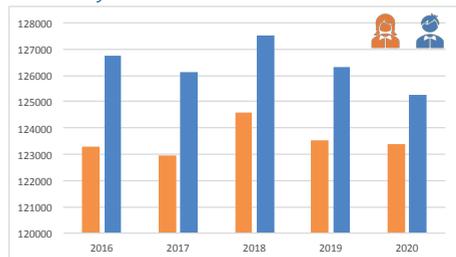
Chart 11. The drop-out rate in regular primary schools, by sex.



Source: Education Statistics, SORS

According to data on the children enrolled in secondary schools, the number of boys, year on year, is higher than the number of girls in secondary education. Unlike the coverage with first grade of primary school, the coverage with first grade of secondary school is slightly higher among boys (92.8%) than among girls (92%). Girls enrol significantly more in gymnasiums, slightly more in four-year vocational schools, while boys enrol more in three-year secondary schools.

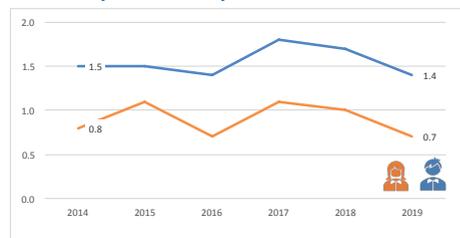
Chart 12. Children enrolled in secondary school, by sex.



Source: Education Statistics, SORS

Girls were more successful than boys in completing secondary education during the past period. Only 0.7% of girls (compared to 1.4% of boys) dropped out of school in 2019 in regular secondary schools.

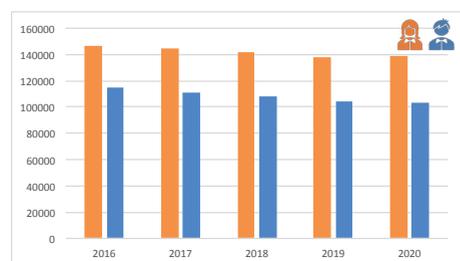
Chart 13. Drop-out rate in regular secondary schools, by sex.



Source: Education Statistics, SORS

According to SORS data, a total of 241,605 students were enrolled at all higher education institutions and at all levels of study in the Republic of Serbia during the 2020/21 school year. Among the total number of enrolled, 102,870 students (42.6%) are male, while 138,735 (57.4%) are female.<sup>14</sup> A total of 41,331 students have graduated during the calendar year of 2020 at all higher education institutions and at all study levels. 16,488 or 39.9% are men among the total number of graduates, while 24,843 or 60.1% are women.<sup>15</sup>

Chart 14. Students enrolled in higher education institutions, by sex.

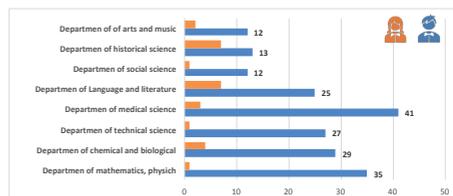


Source: Education Statistics, SORS

Although SORS data shows that year-on-year more women are enrolled in higher education institutions, and more women complete the faculty they enrolled in<sup>16</sup> and more women complete doctoral

studies<sup>17</sup>, women work on scientific and research work far less. The membership of the Serbian Academy of Sciences and Arts (SANU) is still dominated by men.

Chart 15. SANU members, by sex, 2020.

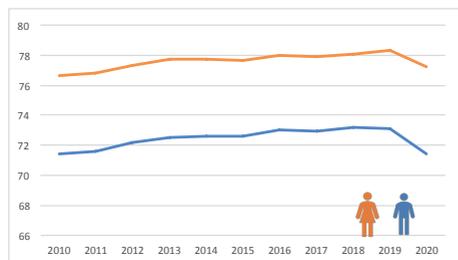


Source: Women and men in the Republic of Serbia, SORS according to SANU records

## Health and Healthcare

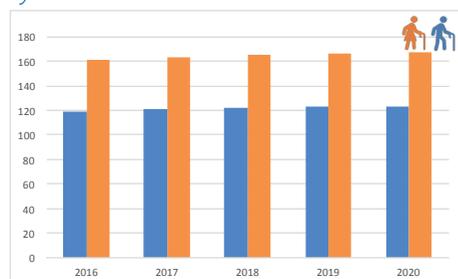
The average age of women in the Republic of Serbia in 2020 was 44.8, 2.8 years more than the average age of men. Women also register a longer life expectancy, 77.2 years, compared to 71.4 among men. At the same time, the ageing index<sup>18</sup> for women was considerably higher than the ageing index of men. The high values of this index indicate that the average age will increase during the coming years. Suppose we add to this the information that the dependency index for those older than 65 years<sup>19</sup> is also higher among women than among men. In that case, we may conclude that it is necessary to focus public policy in the forthcoming period towards older women and the conditions of their life and health.

Chart 16. Life expectancy, by sex.



Source: Vital Statistics, SORS

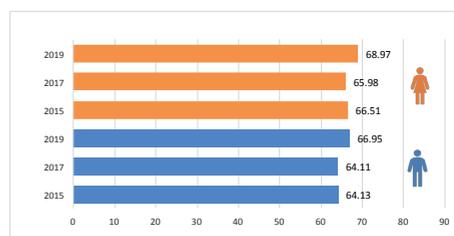
Chart 17. Ageing index of the population, by sex.



Source: Demographic indicators, SORS

The Survey on Income and Living Conditions (SILC) results indicate that the health status of women is somewhat better than that of men. Women on average reach 69 healthy years of life, while the healthy life for men on average lasts 2 years less. On the other hand, the personal perception of health is worse for women - 54.7% of women assessed their health as good or very good in 2019 (compared to 63.6% of men). At the same time, 18.4% of women and 12.7% of men assessed their health as poor or very poor.

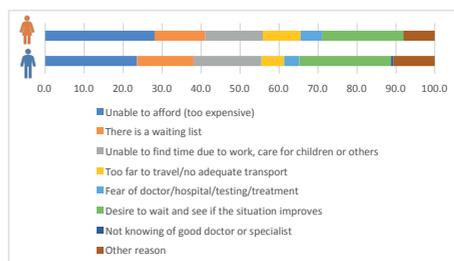
Chart 18. Healthy years of life, by sex.



Source: Women and men in the Republic of Serbia, SORS

Regarding the accessibility of healthcare, women are equally vulnerable as men - 10.2% of the representatives of both sexes needed a doctor yet did not visit one in 2019. However, the reasons for the lack of doctor visits differ significantly between men and women. To a greater extent, women cannot afford a visit to the doctor or lack adequate transportation to the doctor, while men tend more to wait for the situation to change itself or cannot find the time due to their jobs.

Chart 19. Main reasons for lack of visits to the doctor, by sex, 2019.



Source: Women and men in the Republic of Serbia, SORS

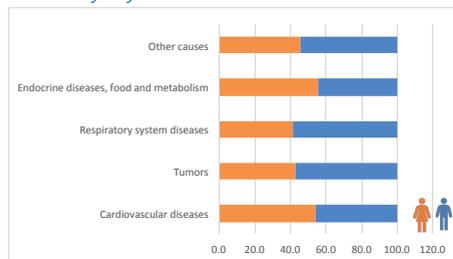
The European Health Interview Survey (EHIS) implemented by SORS in 2019 indicate that women (aged 15 or over) had more cases of chronic non-communicable diseases - 52.9% of women compared to 44.5% of men. The diseases significantly

more frequent among women in 2019 were: increased blood pressure (32.3% for women and 26.7% for men), deformity of the lumbar spine or other chronic back problems (20.4% for women and 13.7% for men), neck deformity or other chronic cervical spine problem (15.9% for women and 8.0% for men), increased fat content in blood (13.1% for women and 8.4% for men), arthrosis (9.4% for women and 4.2% for men), coronary heart disease or angina pectoris (10.2% for women and 7.4% for men) and allergies (8.8% for women and 5.8% for men). No significant difference was found in the frequency of occurrence among sexes for the following chronic diseases or states: diabetes, asthma, urinary incontinence, chronic bronchitis, or liver cirrhosis. Men show significantly higher incidences of myocardial infarction and brain stroke.<sup>20</sup>

Mental health is one of the main components of an individual's health and has a vital role in the disease burden. Symptoms of depression were present to a significantly higher percentage among women (2.8%) than men (1.5%).

The leading causes of mortality among women and men are cardiovascular diseases, tumours, and other causes. Regarding the structure of deceased by lead causes of mortality, women die more from cardiovascular diseases and endocrine gland diseases, food, and metabolism. In contrast, men die more from tumours and respiratory system diseases.

*Chart 20. Deceased by leading causes of mortality, by sex, 2019.*



Source: Women and men in the Republic of Serbia, SORS

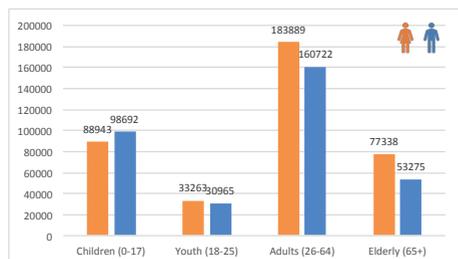
## Social welfare

The at-risk-of-poverty rate for women in the Republic of Serbia in 2019 was above average, amounting to 23.6%. Poverty affected the most girls up to 17 years of age (at-risk-of-poverty rate 29.3%) and women aged 18-24 (at-risk-of-poverty rate 26%).<sup>21</sup> Two main types of handouts are provided in the Republic of Serbia to secure a minimum living standard: financial social assistance and child allowance. According to data from the Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA), in December 2020, the right to financial social assistance (FSA) was utilised by 90,028 families, i.e. 218,166 persons, 3.9% less than during the previous year. The number of FSA beneficiaries was reduced by 11% during a five-year period. Since FSA is awarded to families, MoLEVSA does not publish data on the gender structure of FSA beneficiaries, thus it is not possible to make conclusions on the adequacy of targeting these material handouts by sex.

During 2020 the records of social work centres (SWC) held a total of 727,087 beneficiaries, or 10.2% of the total population of the Republic of Serbia.<sup>22</sup> The total number of beneficiaries is

dominated by women, while only the category of children shows a higher share of boys compared to girls.

*Chart 21. Beneficiaries in SWC records by age and sex, 2020.*



Source: Report on the work of SWCs for 2020, RISP

Children beneficiaries of SWCs are predominantly children from materially vulnerable families, and children whose parents are disputing the method of exercising parental rights. Adult SWC beneficiaries are predominantly materially vulnerable beneficiaries, followed by persons with disabilities and victims of violence.

## Violence against Women

Violence against women in the Republic of Serbia is widespread. This fact is indicated by the results of a quantitative study implemented by OSCE in 2018 on a representative sample of women aged 18 to 74 living in the Republic of Serbia.<sup>23</sup> According to this study, 62% of the surveyed women have experienced violence after the age of 15, while 25% have experienced violence during the 12 months preceding the study. The study also indicated low rates of reporting violence to the police and other competent bodies and confirmed gender stereotypes and prejudice that contribute

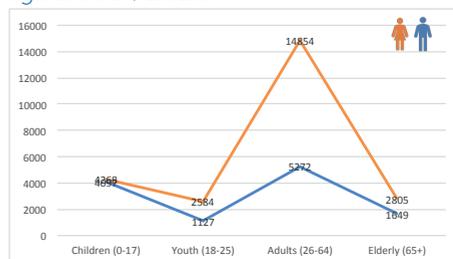
to the non-reporting of violence. As many as 29% of the respondents believe domestic violence is a private issue, while 19% believe the victim herself often causes the violence.<sup>24</sup>

Monitoring the phenomenon of violence against women still relies on ad-hoc studies or is based on partial, non-collated records of competent institutions. There is still no central record of cases of domestic violence that would, in accordance with the Law on the Prevention of Domestic Violence, be kept by the Republic Public Prosecutors' Office, so as to considerably facilitate the overview and monitoring of data from various sources (police, prosecution, courts and social work centres).<sup>25</sup>

## Data on cases of domestic violence and measures undertaken under the competence of social work centres

The total number of reports of violence has been growing continuously during the past ten years. SWCs have registered 36,656 reports of domestic violence in 2020. In the great majority of cases, the victims of violence are women. Across all age categories reports of violence against females are more numerous.<sup>26</sup>

*Chart 22. Reports of violence in SWC by age and sex, 2020.*

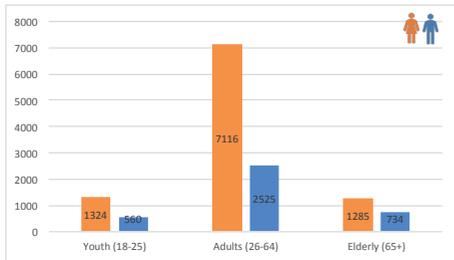


Source: Report on the work of SWCs for 2020, RISP

According to the Family Law, domestic violence is exhibited in various forms: physical, psychological, sexual and economic violence.

The number of reports of physical violence against adults in 2020 is 13,544. Among the total number of reports of physical violence against adult beneficiaries in 2020, 71.8% of the reports are cases of gender-based violence against women.<sup>27</sup>

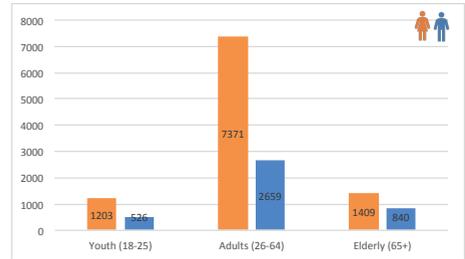
*Chart 23. Reports of physical violence against adult SWC beneficiaries by age and sex, 2020.*



Source: Adults in the social protection system in 2020, RISP

There were 14,008 adult victims of psychological violence reported in 2020. The share of reports of psychological violence against adult women in the total number of reports in 2020 was 71.3%.<sup>28</sup>

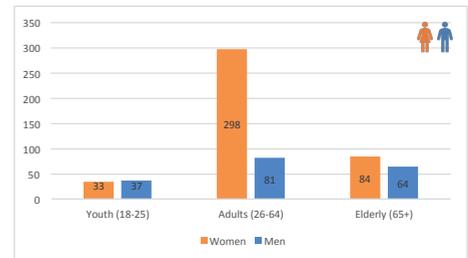
*Chart 24. Reports of psychological violence against adult SWC beneficiaries by age and sex, 2020.*



Source: Adults in the social protection system in 2020, RISP

The data indicates that in 2020 SWCs have registered 595 reports for economic violence against adult beneficiaries. Women are more often victims of economic violence across all age categories. The share of women in the total number of reports of economic violence against adult beneficiaries in 2020 was 69.5%.<sup>29</sup>

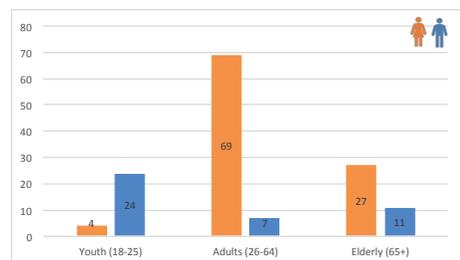
*Chart 25. Reports of economic violence against adult SWC beneficiaries by age and sex, 2020.*



Source: Adults in the social protection system in 2020, RISP

There were 142 reports of sexual violence against adults in 2020. Women are more often victims of sexual violence across all age categories, and in 2020 the share of reports where women were victims of sexual violence was 70.4%.<sup>30</sup>

Chart 26. Reports of sexual violence against adult SWC beneficiaries by age and sex, 2020.



Source: Adults in the social protection system in 2020, RISP

The social welfare system has at its disposal several different services intended for victims of violence: the services of accommodation in shelters, drop-in centres, SOS hotlines for women with experiences of violence and supported housing services.

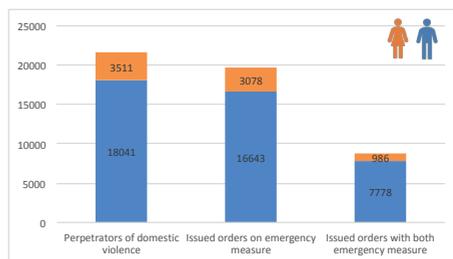
The number of beneficiaries using accommodation in shelters for victims of violence in 2020 was 259, with 50% of the beneficiaries being adults. The services of accommodation in shelters for victims of violence in 2020 were used exclusively by women.<sup>31</sup> The total number of calls to SOS hotlines for women victims of violence in 2020 was 17,176, and the total number of female beneficiaries was 2,682, with 2,642, i.e. 98.5% being adults. Women aged 26 to 49 dominate with a share of 64.3%, while the lowest percentage of women are those aged over 80, amounting to 4.1%.<sup>32</sup> During 2020 only one licenced provider provided the supported housing service for 11 women victims of human trafficking.<sup>33</sup>

## Data on cases of domestic violence and measures undertaken under the competence of the police

The total number of cases of domestic violence registered by the police in 2020 was 26,818.<sup>34</sup> In 2020 the police issued 19,721 orders for emergency measures,<sup>35</sup> i.e. in 73.5% of the cases.<sup>36</sup> During 2020 the police issued 8,764 orders with both emergency measures (a measure of temporary removal of the perpetrator from the apartment and measure of temporary restraining of the perpetrator from contacting or approaching the victim of violence). The total number of emergency measures of temporary removal was 9,080, i.e. 50.2% of all orders.

Based on the records kept by the Mol on the sex of perpetrators of domestic violence, in 2020 there were 18,041 male perpetrators (83.7%) and 3,511 female perpetrators (16.3%). Male perpetrators of violence were issued 84.4%, while female perpetrators of violence were issued 15.6% of police orders on emergency measures in 2020.

Chart 27. Perpetrators and issued orders on emergency measures, by sex, 2020.



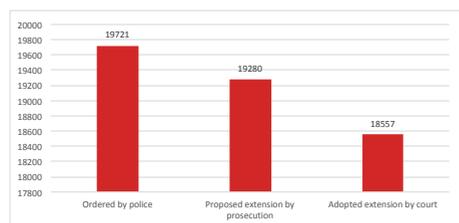
Source: Ninth report on the independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia January – December 2020, AWC

## Data on violence and measures undertaken under the competence of the prosecution

Basic public prosecutor's offices (BPPO) in Serbia deliberated on 45,805 cases of domestic violence in 2020.

The BPPOs have proposed the introduction of a total of 19,280 emergency measures, 97.8% of the number of police orders. The court has adopted 18,557 proposals for extending the emergency measures, representing 96.3% of the proposals and reflecting a high accordance between the proposals and decisions of these two bodies.<sup>37</sup>

Chart 28. Emergency measures, 2020.



Source: Ninth report on the independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia January – December 2020, AWC

BPPO representatives have submitted a small number of filings for measures of protection from domestic violence based on official duties (in line with the Family Law), only 213, and this comprises only 1.1% of the number of adopted proposals for extending emergency measures. The number of adopted prosecution filings for protection measures is not comparable to the number of proposals, amounting to only 69, a consequence not only of the inefficiency of the proceedings, but also the extraordinary circumstances of the

work of courts during the COVID-19 pandemic, confirming that the protective effect of these measures (more extended term protection of victims) could not be counted on in 2020.

The records on the parties incurring damages (victims) are maintained by the Republic Public Prosecutor's Office (RPPO), and in regards to domestic violence in 2020 in the Republic of Serbia, they have registered 21,535 victims, slightly less than the number of perpetrators of violence (registered by the police). Women were victims of reported domestic violence in 15,606 (72.5%) of cases, while men were registered as victims of domestic violence in 5,929 cases (27.5%).<sup>38</sup>

Chart 29. Number of victims and perpetrators of domestic violence, by sex, 2020.



Source: Ninth report on the independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia January – December 2020, AWC

## Legislative and Strategic Framework in the Republic of Serbia

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### Legislative Framework

The umbrella law regulating the field of gender equality and having the greatest effect on the status of women in the Republic of Serbia is the Law on Gender Equality<sup>39</sup>, adopted in 2021. This law regulates the term, meaning and policy measures for achieving and improving gender equality, and measures to combat and prevent all forms of gender-based violence, violence against women and domestic violence. The measures for achieving and enhancing gender equality involve the creation of equal opportunities for the participation and equal treatment of women and men in all areas of life, such as: work, employment and self-employment, social welfare and healthcare, education, science and technological development, security and defence, transport, environmental protection, culture, public information, sports, political activity and public affairs, sexual and reproductive health and rights, access to goods and services.

In particular, the Law on Gender Equality prohibits gender inequality during absence from work due to pregnancy and care for a child (Article 33). In this regard, it is not permitted to transfer a female employee absent from work due to pregnancy, maternity leave, absence from work to care for a child, or absence from work for special care for the child, to other duties or referrals to work at other employers. The Law on Gender Equality has introduced a new legal term – sexual blackmail. Sexual harassment has already been prohibited, whereas the new law adds to the list of banned behaviours sexual blackmail at

work or in regards to work based on sex, and/or gender, committed by employers, employees, or other persons engaged for work purposes against other employees or other persons engaged for work purposes (Article 32).

An important novelty introduced by the Law on Gender Equality compared to existing laws in the domain of healthcare and health insurance is that a person without health insurance on any other grounds shall acquire the right to health insurance based on unpaid work in the household (running the household, care for child raising, care for other family members), unpaid work on a farm, etc. (Article 28). This provision has made the first step towards the valuation of unpaid work within the household, performed in the majority of cases by women.

The Law on Gender Equality also prescribes the use of gender-sensitive language<sup>40</sup> (Article 10) to eliminate gender stereotypes when exercising the rights and obligations of women and men. The use of gender-sensitive language is prescribed for textbooks and teaching tools, and in report cards and diplomas.

In accordance with the Law on Gender Equality, gender-based violence is any form of physical, sexual, psychological, economic or social violence perpetrated against a person or groups of persons for belonging to a certain sex or gender, while violence against women denotes the violation of human rights and a form of discrimination against women, and all acts of gender-based violence that lead to, or may lead to: physical, sexual, psychological, and/or financial harm or suffering for women (Article 6). The Law on Gender Equality envisages general and

specialised support services for victims of gender-based violence, including services of psychosocial assistance, SOS hotlines, counselling, safe accommodation for victims of violence, etc. provided within the social welfare system, following the Law on Social Welfare.

The Law on the Prohibition of Discrimination<sup>41</sup> regulates the overall prohibition of discrimination, forms and cases of discrimination, and procedures for protection from discrimination. This law explicitly prohibits discrimination based on sex, gender, or gender identity. Furthermore, it served in 2009 to establish the Commissioner for the Protection of Equality as an independent state body in performing the duties of protection of equality.

The Labour Law<sup>42</sup> and Law on Employment and Unemployment Insurance<sup>43</sup> prohibit any form of discrimination based on sex or gender at work, both regarding work and during job-seeking. The Labour Law also prescribes a number of measures that should contribute to the equal status of women and men at work, in regards to motherhood, maternity leave and absence from work to care for a child, as well as for special care for a child or another person.

The Law on Healthcare<sup>44</sup> that rests on the principles of respect for human rights, equity, comprehensiveness, and accessibility of healthcare prescribes the prohibition of discrimination in the provisions of healthcare based on race, sex, gender, sexual orientation and gender identity, age, national affiliation, social origin, religion, etc.

The Law on Social Welfare<sup>45</sup> from 2011 is also based on the principle of the

prohibition of discrimination based on sex, race, age, national affiliation, etc. as well as the principle of the best interest of the beneficiary, involving the respect, inter alia, for the sex and life cycle of the beneficiary.

The Law on the Fundamentals of the Education System<sup>46</sup> guarantees children protection from all forms of discrimination, violence, abuse and neglect. This law also does not tolerate any form of discrimination in educational institutions, including discrimination based on sex, gender or sexual orientation.

Gender-based violence and violence against women, as noted above, is regulated under the Law on Gender Equality, while domestic violence, in addition to the Law on Gender Equality, is also regulated under the Law on Social Welfare, Family Law<sup>47</sup>, Law on the Prevention of Domestic Violence<sup>48</sup>, and is also identified as a criminal offence and regulated under the Criminal Code.<sup>49</sup>

Under domestic violence the Family Law covers: inflicting or attempting to inflict bodily harm; causing fear by the threat of murder or infliction of physical harm to a family member or a person close to them; coercion into sexual relations; leading into sexual relations or performing sexual relations with a person younger than 14 years of age or an incapacitated person; limiting the freedom of movement or communication with third persons; verbal abuse or any other rude, careless or malicious behaviour. The Family Law envisages the option of the court issuing one or several measures for protection against domestic violence against the family member committing violence, whereby they temporarily prohibit or limit the maintenance of personal relations with another family member.

The Law on the Prevention of Domestic Violence regulates the prevention of domestic violence and actions of state bodies and institutions in the prevention of domestic violence and providing protection and support to victims of family violence. The law envisages that everyone must report cases of domestic violence or immediate danger thereof without delay. The competent bodies designated for the prevention of domestic violence and provision of protection and support to victims of domestic violence and victims of criminal offences identified by this law are the police, public prosecutor's offices, general competence courts and misdemeanour courts, as the competent state bodies, and social work centres, as well as institutions.

The Criminal Code of the Republic of Serbia prescribes that the use of violence, threats of assault against the life or body, rude or careless behaviour endanger the tranquillity, bodily integrity, or state of mind of a family member shall be punished with a prison sentence of three months to 15 years (depending on the severity of the offence and outcome of the committed domestic violence).

### **Strategic Framework**

In accordance with the Law on Gender Equality, measures for improving gender equality have been presented in the Gender Equality Strategy 2021-2030.<sup>50</sup> The goal of the Strategy is overcoming the gender gap and achieving gender equality as a precondition for social development and improvement of the everyday lives of women and men, girls and boys. The vision planned to be achieved through the Strategy is a gender-equal Republic of Serbia where women and men, girls

and boys, as well as persons of diverse gender identities are equal, have equal rights and opportunities for personal development, provide equal contributions to the sustainable development of society and accept equal responsibility for the future. The strategic framework is of key importance for raising the capacities of institutions and organisations, improving the coordination of key stakeholders, and raising the awareness of citizens on gender equality.<sup>51</sup>

The drafting and adoption of the new Gender Equality Strategy was preceded by the drafting of an ex-post analysis, i.e. the Final Evaluation of the National Gender Equality Strategy 2016-2020.<sup>52</sup> The evaluation has shown that the Strategy remains fully relevant for priorities in the field of gender equality and it responds to the needs of various social groups, including women from marginalised groups and those discriminated under multiple grounds. However, the evaluation also indicates unequal effectiveness in the implementation of the Strategy in various targeted areas, with greater effectiveness in gendering policies, institutions, decision-making processes, budgeting, prevention and combating of violence against women, and lower effectiveness in the fields of economic empowerment of women, improving the status of women from vulnerable groups, gender sensitive education. The effectiveness of the Strategy was also affected by the weaknesses of the first Action Plan for the implementation of the Strategy for 2016-2018, and the complete lack of a second Action Plan for 2019-2020. As a unified financial system did not support the Strategy, nor was there an established mechanism for monitoring the invested resources, the evaluation did not respond

to the question of efficiency of the previous National Gender Equality Strategy. The sustainability of achievements, according to the findings of the evaluation, depends on the institutional system that exists, but is insufficiently strong. The establishment of the Ministry for Human and Minority Rights and Social Dialogue could strengthen the institutional structure for gender equality.<sup>53</sup>

In 2021, the Government of the Republic of Serbia adopted the Strategy for Prevention and Combating Gender Based Violence against Women and Domestic Violence 2021-2025. The Strategy's main goal is to provide efficient prevention and protection from all forms of violence against women and girls and domestic violence and develop a system of support for victims of violence. The Strategy envisages ways to achieve these objectives, including the development of prevention programmes through all systems (education, healthcare, social welfare, etc.), the adoption of service standards of work programmes with offenders in cases of violence against women and domestic violence, establishment and improvement of general and specialised support services (SOS hotlines, shelters, free legal assistance, etc.) for women victims of violence across the entire territory of Serbia.<sup>54</sup>

In 2021, a new proposal for a National Strategy for the Prevention and Protection from Discrimination 2021-2030 is initiated. The newly formed Ministry of Human and Minority Rights and Social Dialogue is running this process, with the inclusion of civil society organisations in a special working group.<sup>55</sup>

## Overview of the Situation and Obligations in the Process of EU Accession

Since 2014 the Republic of Serbia has participated in official negotiations on EU accession after receiving candidate status in 2012. In September 2013 the Government signed the Stabilisation and Association Agreement with the EU and committed to gradually harmonising national legislation with the set of general rights and mandatory obligations for all EU member states - the Acquis.

The issue of gender equality under the process of EU accession was noted upfront as an intersectoral issue under the Economic Reform Programme (ERP).<sup>56</sup> The ERP for 2021-2023, just as the programmes for previous years, reviews all reform measures through their impact on gender equality, by implementing the gender equality test. Although most structural reforms are stated to have a neutral effect on gender equality, a positive step forward was made in raising awareness of the importance of considering these effects.

The Action Plan (AP) for Chapter 19 - Social Policy and Employment<sup>57</sup>, adopted by the Republic of Serbia in 2020, envisaged the Law on Gender Equality adoption by the end of 2020, completed during the first half of 2021. The AP for Chapter 19 also envisaged the adoption of an AP for the implementation of the National Gender Equality Strategy 2019-2020. Although the process of drafting was initiated (a draft was produced, public review was implemented in five cities across the Republic of Serbia), it was never adopted and the period of validity of the Strategy has simply expired. The new

Gender Equality Strategy 2021-2030 was adopted in October 2021, thereby enabling the continued application of planned measures for improving gender equality.

The revised AP for Chapter 23 – Judiciary and Fundamental Rights<sup>58</sup>, adopted in 2020, states that the Republic of Serbia plans to pay due attention during the forthcoming period to improving the achievement and promotion of the principle of gender equality, both in the strategic and legislative field, as well as in the field of raising the coordination and capacities of institutions. The adoption of a new Law on Gender Equality was planned with the purpose of full harmonisation with the Acquis, and this was completed, followed by the adoption of a new Action Plan for the implementation of the National Gender Equality Strategy (the AP was not adopted, but with the expiry of the above Strategy a new Gender Equality Strategy 2021-2030 was adopted), and a new National Strategy and Action Plan for the Prevention and Combating of Violence against Women in the Family and Intimate Partner Relations, and this was completed, along with efficient oversight over its implementation. Amendments were also planned to the Law on the Prohibition of Discrimination with the aim of complete harmonisation with the EU Acquis, in particular regarding the scope of exceptions to the principle of equal treatment; the definition of indirect discrimination; the obligation to provide reasonable accommodation for employees with disabilities, as completed in mid-2021. The implementation of training for staff of public authorities in the field of gender equality is planned to provide more efficient coordination and monitoring of the implementation of gender equality policies.

Finally, it should be noted that the European Commission (EC), in its latest Progress Report for Serbia<sup>59</sup> from October 2021, has positively assessed the progress in gender equality achieved in 2021, with the adoption of the Law on Gender Equality entirely in line with the EU Acquis, along with the Gender Equality Strategy 2021-2030, and the Strategy for Prevention and Combating of Gender Based Violence against Women and Domestic Violence 2021-2025.

At the same time the EC notes in its report that Roma women, elderly women, women in poverty, women with disabilities, refugees and internally displaced women still face interconnected forms of discrimination, further exacerbated by the COVID-19 situation. Furthermore, the EC states that the status of women in the labour market is still unequal compared to men. Moreover, women's employment is more vulnerable to the occurrence of a crisis (during the COVID-19 crisis 7% of employed women, compared to 4% of employed men, were left without employment or were forced into a leave of absence). In addition, the unequal status is partly the consequence of gender stereotypes, and the greater burden of unpaid household work on women.

According to the EC findings, it is necessary to improve the implementation of laws against domestic violence. The integrated system for collecting and monitoring cases of violence sorted by type of violence and relationship between the offender and victim is still non-existent. The definition of rape in the Criminal Code needs to be amended to align with the Istanbul Convention.

The EC states in its report that the Action Plan for the protection and improvement of sexual and reproductive health remains to be adopted, and additional funding is required to ensure its implementation regarding improved access to quality services in this field.

In the field of prohibition of discrimination, Serbia has adopted amendments to the Law on the Prohibition of Discrimination in May 2021. The EC report states that further work will be necessary to fully harmonise this law with the EU Acquis. After the expiry of the previous Anti-Discrimination Strategy in 2018, the Republic of Serbia is late with the adoption of a new strategy. The process of drafting the Strategy was initiated in 2021 with the formation of a working group, and its adoption is expected by the end of the year.

## **Conclusions and Key Recommendations for Improving the Status of Women and Gender Equality in the Republic of Serbia**

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The social and economic status of women is considerably worse than the status of men. Women register lower employment and activity rates, and higher unemployment and inactivity rates than men. Furthermore, despite better educational achievements, women are still being employed in lower paid and lower management positions. Data on poverty shows that women are at a higher risk of poverty than men, and the adequacy of the response of the Republic of Serbia to this fact cannot be reviewed due to the character of FSA, as a handout approved to families, not individuals. The higher social vulnerability of women is also indicated by the fact that women are in the majority as beneficiaries of the social welfare system, particularly in the section of protection from violence.

Violence against women remains a burning issue for the status of women in the Republic of Serbia. Violence against women should be viewed in a more comprehensive manner, not just as domestic violence. It should also include rape, stalking, sexual harassment, and forced marriage. The lack of an integrated system for collecting and monitoring cases of violence sorted by type of violence and relationship between the offender and victim considerably hampers the monitoring of data from various sources (police, prosecution, courts, and social work centres) and thus analysing the phenomenon of violence.

During recent years considerable attention in the Republic of Serbia is paid to

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improving gender equality and the status of women, through amendments to the legislation. The legislative framework for equality and non-discrimination has been considerably improved and harmonised with international practice and EU laws. However, the equality framework is considerably undermined by the lack of practical measures that would ensure its effective implementation in practice. EC reports, year on year, emphasise the need to complement the legal framework with relevant strategic documents and improve the implementation of existing legal regulations. During 2021 the strategic framework was complemented with the drafting of three important strategic documents for this field. There remains a need for improved implementation and monitoring of the planned measures.

The legal structure that would facilitate access to justice, effective legal remedies, and implementation of anti-discrimination laws by judicial and non-judicial bodies have been developed to a certain extent. Gender equality institutions and mechanisms (both national and local) are insufficiently developed and empowered to implement all provisions prescribed by the laws through coordinated action. An efficient institutional structure needs to be ensured with adequate resources.

The anti-discrimination regulations were complemented with the adoption of the Law on Gender Equality. To ensure the implementation of anti-discrimination laws in practice, it is necessary to work on the low awareness of the existence and provisions of the law among holders of the right and responsible persons in all domains of social life (work, employment, education, healthcare and social welfare, etc.).

The Republic of Serbia needs to ensure everyone has access to information on discrimination, as a phenomenon, and on their rights and obligations according to national anti-discrimination laws, to enable them to effectively improve and enjoy such rights and respect the rights of others.

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12. The pay gap is defined under the Sustainable Development Goals of the United Nations, calculated by the following formula: 
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13. No education, incomplete primary school or primary education.
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16. During 2019 there were 25,002 women and 17,497 men who graduated at higher education institutions in the Republic of Serbia. Source: Women and men in the Republic of Serbia, SORS 2020
17. During 2019 there were 448 women and 344 men who completed doctoral studies in the Republic of Serbia. Source: Women and men in the Republic of Serbia, SORS 2020
18. The ageing index represents the ratio of the population aged 60 or over and population aged 0 to 19, estimated at the middle of the observed year.
19. The dependency index for the elderly is the ratio between the total number of elderly persons during an age when they are mainly economically inactive (age 65 and above) and number of persons of working age (15 to 64). The values of this index in 2019 were 36.3 for women and 27.3 for men.
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of EU member states, i.e. it represents inclusion in the process of the European semester of economic policy coordination in the EU.

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**NOTE:** This document does not represent the official views of the Government of the Republic of Serbia, or the Government of Switzerland. All terms used in the publication in the male grammatical gender cover both the male and female gender of the persons they relate to.

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