

**Answers to the Questionnaire of the Office of the High Commissioner for Human Rights
on the implementation of the Human Rights Council Resolution 32/L.25**

1 According to the results of research of the Republic of Serbia, women (42%), followed by Roma, persons with disabilities and children, come first in terms of exposure to discrimination in Serbia. The practice of the Commissioner for the Protection of Equality shows that women are at higher risk of multiple discrimination, particularly disabled women, women from minority communities, women from rural areas, elderly women and others. Roma girls and women are at a less favorable in the areas of education, health care, and are more likely to be victims of domestic violence. In 2015, there were 6,520 reports of violence against children, the proportion of girls and boys is almost equal in all kinds of violence, except in cases of sexual violence, where the proportion of girls (83%) is dominant. When talking about adults, CSWs recorded 18,746 reports of family and intimate partner violence. In 2015, 40 victims of human trafficking were identified, of which 60% were underage victims. Women (80%) are significantly more exploited than men (20%). Girls are victims in 56% of cases. The adoption of the Law on Prevention of Domestic Violence (2016) has introduced a unique system for recording the data on domestic violence, including gender-based violence against multi-discriminated women and girls. Currently, cases are registered in individual bodies responsible for dealing with these situations, (centers for social work, police departments, courts, prosecutor's offices, etc.); and the non-governmental organizations specialized in providing assistance and support to victims.

2 The legal framework of the Republic of Serbia, from the Constitution to specific legislation, prohibits discrimination and violence based on gender and/or any other personal characteristic (race, language, national origin, religion, disability, political opinion or social status, etc.).

*The Law on the Prohibition of Discrimination*¹ regulates the general prohibition of discrimination on grounds of any personal characteristic, and it recognizes multiple or intersecting discrimination as a serious form of discrimination. The law has established an independent state body *Commissioner for the Protection of Equality*, as a central mechanism for monitoring the application of this Law and prevention of discrimination in the country. *The Law on Prevention of Domestic Violence (2016)* regulates emergency procedures of the Prosecutor's Office, the police and centers for social work, and their coordination in cases of domestic violence, assistance to victims, training of responsible professionals, keeping records on this type of violence (victims and perpetrators) and forming a body responsible to supervise and support the measures against domestic violence. As a result of the ratification of the Istanbul Convention, certain crimes, which had not been a part of criminal legislation, were criminalized by the *amendments to the Criminal Code*, namely: stalking, female genital mutilation and forced marriages. *Draft Law on Asylum and Temporary Protection* lays down that the acts of persecution can be physical or psychological violence, including sexual violence, legal, administrative, police and/or judicial discriminatory measures, and it states that the terms in the law that have gender meanings shall be used neutrally and shall apply equally to male and female gender. *Strategy for Prevention and Protection Against Discrimination and*

¹ "Official Gazette of RS", No 22/09

accompanying Action Plan until 2018 predict the establishment of a mechanism for monitoring and responding to cases of multiple discrimination. This is the first Strategy that comprehensively addresses the issue of discrimination and which has recognized 9 vulnerable social groups that are at increased risk of discrimination, including women. For the purpose of continuous and effective monitoring of the implementation of measures and activities predicted by the Action Plan, Serbian Government has established a body for monitoring the implementation of the AP. *The National Strategy for Gender Equality for the period 2016-2020*, with two-year Action Plan (NAP), defines four pillars for the improvement of gender equality, and one of them relates to the improvement of the situation of multi-discriminated and vulnerable groups of women (Roma women, elderly women, women with disabilities, rural women, women with HIV, women belonging to national minorities, sexual minorities, single mothers, victims of gender-based violence, displaced persons, migrant women, poor women, etc.), and the elimination of their multiple discrimination. *The Strategy for Social Inclusion of Roma from 2016 to 2025* predicts a series of measures and activities related to the improvement of the situation of Roma women in all areas. The proposal of the *Strategy for Improvement of Position of Persons with Disabilities in the Republic of Serbia for the period until 2020*, whose adoption is expected soon, determines the measure of perception of severe forms of discrimination and of taking actions for the achievement of equality, while the development of mechanisms for prevention of multiple discrimination against people with disabilities, especially girls and women with disabilities, is established as an activity for the implementation of this measure.

At the institutional level, the Government has formed a *Coordination Body for Gender Equality*, which was established to discuss all matters and coordinate the work of State Administration in relation to gender equality, and to improve gender equality in the Republic of Serbia. This body has also predicted the adoption of a new Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationships until 2020, with accompanying Action Plan.

Obligations of multisectoral cooperation, forms, methods and content of cooperation are defined in *General and specific protocols on action in situations of violence against women in the family and in intimate partner relationships*, as well as *the protection of children from abuse and neglect*. The state authorities, in cooperation with civil society organizations and local self-governments and media, as well as the independent state bodies, continuously carry out the activities to break the stereotypes and prejudices that are the roots of discrimination, through a variety of educational seminars for various professional groups and individuals, public campaigns, forums, round tables, etc. The concept of establishing the cooperation with the media is developed, in order to develop sensitive and inclusive media coverage of vulnerable groups, including members of Roma community.

The project "Integrated Response to Violence against Women and Girls" is realized by three UN funds, Coordination Body for Gender Equality, with the support of the Swedish SIDA.

5 The National Strategy for Gender Equality also predicts the increased equality of women and men by applying the policies and measures of equal opportunities. Through ensuring that women and men equally make decisions in public and political life, at all levels of decision-making, including the level of the executive authority and the areas in which women

are particularly underrepresented (economy, security, energy, transport, sport and the diplomatic service). In order to realize this objective, the strategy foresees that the principle of gender equality is incorporated into specific principles of election of the National Minority Councils in the Law on elections of the National Minority Councils, while respecting the application of the quota of at least 30% of underrepresented gender in the candidate lists and distribution of mandates in compliance with the order on the list. Also, the formation of the Committee for Gender Equality in all the National Councils of National Minorities is predicted, with the commitment of the National Councils to implement the policy of gender equality, which will be achieved by amending the existing Law on National Councils of National Minorities. The Strategy also includes providing the conditions for exercise of active and passive voting rights for Roma women by raising awareness and motivation, as well as finding and taking special measures to create conditions for greater participation of women and men from vulnerable groups in all organs of executive and public authority at all levels of decision-making. The Strategy also supports the research on the specifics of the situation of multi-discriminated groups, with recommendations to improve their position and eliminate discrimination, and thus, the long-term conditions for expedient and sustainable inclusion of the aforementioned women members of vulnerable groups in decision-making at all levels of government will be ensured, and it will contribute to their further empowerment.

4 In the area of creating the conditions for maximum utilization of economic potential, creativity and entrepreneurship of women, special attention of the Strategy for Gender Equality is paid to creation of conditions for equal access of girls and boys, women and men, especially from vulnerable groups, to education, from preschool to higher education, and to professional development and training, education for information and communication technologies and new technologies, as well as in terms of access to information and communication technologies. Women and girls will be encouraged and supported in education for occupations that provide great added value, such as engineering and new technologies.

With the application of affirmative action measures, since 2003, 1,782 Roma students and 3,438 Roma high school students have enrolled in the schools. It should be borne in mind that the application of these measures increases the number of Roma girls who entered high schools and colleges.²

During 2016, the Office for Human and Minority Rights, in cooperation with the Ministry of Culture and Information, and with support of the OSCE Mission in Serbia, has implemented trainings for the National Minority Councils on gender budgeting.

5 With the adoption of the new Law on Prevention of Domestic Violence, the organization and conduct of state authorities and institutions is regulated in a general and uniform manner, thus enabling effective prevention of domestic violence and urgent, timely and effective protection and support for victims of domestic violence. State authorities and institutions responsible for the implementation of this Law are obliged to prevent domestic violence and commitment of criminal offenses stipulated in this Law in a fast, efficient and coordinated manner, and to provide protection, legal aid and psychosocial and other support to victims, for their recovery, empowerment and independence. The Law predicts individual plans

³ In 2013/14, 8 students enrolled at the Faculty of Medicine in Novi Sad, of which 5 girls, 16 students enrolled at the Faculty of Medicine in Niš, of which 8 girls, 4 female students enrolled at the Faculty of Philosophy in Niš, 4 students enrolled at the Faculty of Sciences in Niš, including 3 girls, 5 students enrolled at the Faculty of Dental Medicine in Belgrade, of which 4 girls. In 2013/14, 367 Roma pupils enrolled in high schools, of which 176 girls (53.33%)

of protection and support to victims, containing comprehensive and effective measures to protect and support the victims, but also other family members who need support. The victims may participate in developing the individual plan, if they wish and if their emotional and physical condition permits. Protection measures must provide security to the victims, stop the violence, prevent that the violence repeats and protect the victims' rights, and support measures must ensure that the victims are provided with psychosocial and other support for their recovery, empowerment and independence. The individual plan shall also determine the executors of concrete measures and the deadlines for their implementation, as well as the plan to monitor and evaluate the effectiveness of planned and implemented measures.

In July 2015, the Ministry of Labor, Employment, Veteran and Social Affairs developed an Instruction on procedures of centers for social work and social care institutions for accommodation of beneficiaries in ensuring the protection and accommodation of unaccompanied migrant minors, governing the organization of work and responsibilities of these institutions in the process of temporary accommodation and care of unaccompanied minors, which will provide them with security, health care and basic living conditions. Also, early next year, the line ministry is planning the measures that will encourage employers, by subsidies, to hire victims of domestic violence and/or trafficking.

6. The General Protocol on procedures and cooperation of institutions, bodies and organizations in situations of violence against women in the family and intimate partner relationships was adopted in Serbia (2011), and also the special protocols in the field of home affairs, social security, health and justice. The continuous trainings are conducted for police officers, judges and prosecutors, social and health workers, on the implementation of legislation both by the relevant state authorities (the Coordination Body for Gender Equality, the Ombudsman, the Commissioner for the Protection of Equality, etc.), and the independent experts, non-government sector representatives, etc. The trainings of journalists are also implemented, on gender sensitive reporting about cases of discrimination and violence against women, as well as the trainings of staff in the professional support services at the local level, on the application of a set of protocols, connection and coordinated action. Within the Human Resources Management Service of the Government of the Republic of Serbia there are regular lectures, dedicated to all the officials, on the topic of human rights, gender equality and gender-based violence. The knowledge about these areas will be included, in accordance with the Strategy of Gender Equality, in the content of the state exam for civil servants, judges, prosecutors and lawyers.

Serbia is in the process of adoption of the Standard Operating Procedures for dealing with cases of gender-based violence in crisis situations, especially against migrant women and girls.

Strategic and legislative framework of employment policy is based on the principles of non-discrimination and gender equality, as well as on the measures of affirmative action intended for categories of less employable persons, aiming at improvement of the situation of certain categories in the labor market and creation of equal opportunities. In accordance with the NAP for the employment for 2017, the victims of trafficking and victims of domestic violence are also in the category of less employable persons who will have priority in joining the active employment policy measures.

7. Improving the normative framework and by continuous training of professionals, media campaigns aimed at gradual change of awareness of the widest community, we try to influence the reduction of prejudice and stereotip and develop culture of tolerance on diversity.

8. The whole process of periodic reporting contributes to better understanding of the culture of human rights and the status and problems the multi-discriminated groups face, representing both the learning process and the control of respect for human and minority rights of all categories of the population, and particularly vulnerable categories. UPR thus contributes to promotion of dialogue between the government and non-government sector, establishes a basis for continuous improvement of the achieved level of respect of human and minority rights, incorporates the established international standards and norms into national legislation and contributes to a regular self-assessment of the situation in this area.

In order to meet the recommendations of the Second Cycle UPR (2013) and effectively monitor its application, the Serbian Government established the *Council for monitoring the implementation of recommendations of UN mechanisms for human rights* in 2014. This mechanism is aimed at more efficient monitoring of the recommendations, as well as at improving the cross-sectoral cooperation and cooperation with UN mechanisms. The Office for Human and Minority Rights, which provides technical and administrative support to the Council, has drafted the plan for fulfillment of all the recommendations addressed to Serbia, with the aim, status, deadlines, responsible carriers and indicators of fulfillment.

