**UN WORKING GROUP ON DISCRIMINATION AGAINST WOMEN AND GIRLS**

**QUESTIONNAIRE ON WOMEN’S AND GIRLS’ HUMAN SECURITY IN THE CONTEXT OF POVERTY AND INEQUALITY**

1. **What is the legal and policy framework in your country/region to address such risks and prevent human rights violations affecting women and girls in poverty?**

*Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2022-2030[[1]](#footnote-1) with the Action Plan for the period 2022-2024, the Gender Equality Strategy for the period from 2021 to 2030[[2]](#footnote-2) with the Action Plan for 2022 and 2023, the National Youth Strategy for the period from 2015 to 2025[[3]](#footnote-3), the National Strategy for Preventing and Combatting Violence against Women and Violence in Family and in Intimate Partner Relations for the period 2021-2025[[4]](#footnote-4), the National Strategy for Prevention and Protection against Discrimination for the period 2022-2030[[5]](#footnote-5), the Gender Equality Strategy for the period from 2021 to 2030[[6]](#footnote-6) with the Action Plan for 2022 and 2023, the Strategy for deinstitutionalization and development of social protection services in the community for the period 2022-2026[[7]](#footnote-7), the National Strategy for Preventing and Combatting Violence against Women and Violence in Family and in Intimate Partner Relations for the period 2021-2025[[8]](#footnote-8), the Strategy for the improvement of the position of persons with disabilities in the Republic of Serbia for the period from 2020 to 2024[[9]](#footnote-9) with the Action Plan for the period from 2021 to 2022.*

*The Constitution of the Republic of Serbia* stipulates that the State guarantees equality of women and men and develops equal opportunities policy.

*The Law on Social Protection* from 2011[[10]](#footnote-10) regulates, among other things, the conditions for providing material support to families whose income does not enable them to meet basic life needs and provide children with a living standard conducive to development. The Law also regulates other forms of social support aimed at overcoming difficulties in family functioning and realizing child well-being. As members of the family household, children and women can be beneficiaries of all rights to material support: financial aid, allowance for assistance and care of another person, which is especially important for children with disabilities, one-time financial aid, aid in kind and other types of material support[[11]](#footnote-11). Women and children can also apply as beneficiaries of soup kitchens and other types of aid in kind provided by local self-governments. Children are especially recognized as beneficiaries of services in the field of family law and social protection, especially when they find themselves in a vulnerable position.

*The Law on Financial Support for Families with Children*[[12]](#footnote-12)from 2017 is also important in ensuring a satisfactory level of living standards for women and children. The Law recognizes and regulates the conditions for exercising the right to child allowance, wage compensation during maternity leave and child care leave, as well as parental allowance. The Law prescribes that the reimbursement of the costs of stay in a preschool institution for children without parental care and for children with developmental disabilities is financed from public revenues, and that the costs of stay for children from materially disadvantaged families can be reimbursed.

In accordance with the Opinion of the Protector of Citizens, the Law on Employees in Public Services prescribes affirmative measures during the selection of candidates, fully exercising the principle of equal availability of jobs. This Law stipulates that if several candidates meet the selection criteria with the same best result, priority is given to a candidate belonging to a group in an unequal position, such as victims of family violence and in intimate partner relations, persons with disabilities, the Roma national minority. Other groups who are in an unequal position may also be included, by the law regulating the work of the public service, i.e., by a collective agreement. However, the number of employed Roma in public services is still low.

In the area of ​​housing, *the Law on Housing and Maintenance of Buildings*[[13]](#footnote-13) is of particular importance, as it regulates social housing, i.e. the provision of housing support and the procedure for eviction and displacement from legal and illegally built buildings. The Law improved the position of particularly vulnerable categories of persons – women, children, single parents, families with three or more children, victims of domestic violence, persons over 65 years of age and persons with disabilities – during eviction or resettlement, as well as when determining the criteria for the allocation of housing support. These solutions are in line with the Opinion of the Protector of Citizens, issued during the drafting of this Law[[14]](#footnote-14).

In accordance with the recommendations repeated in the annual reports of the Protector of Citizens from 2015, the Law on Gender Equality[[15]](#footnote-15) was adopted in 2021. The Protector of Citizens also participated in the drafting process. Still, it is necessary to adopt by-laws. Taking into account the fact that women are more burdened with unpaid housework and work involving care,[[16]](#footnote-16) the Protector of Citizens proposed inserting a provision into the Law prescribing that an unemployed person without health insurance acquires this right on the basis of unpaid work (at home – running a household, raising children, taking care of other family members, as well as work in an agricultural estate, etc.). This provision was incorporated in the Law. It is necessary to enable the application of this legal provision in practice.

1. **Are there any particular groups of women and girls most at risk or conditions that especially determine barriers for women and girls to access such rights and why (such as by living in poverty, working in the informal labor market, unpaid care work or domestic work, migrant, asylum-seeker, refugee or stateless status, race, ethnicity, religion, age, gender identity, sexual orientation).**

Early development of Roma children is hindered by numerous factors, including poor housing conditions, poverty and parents’ low level of education and unemployment, as well as living in segregated settlements far from vital social resources (health, education, cultural, sports).[[17]](#footnote-17) [[18]](#footnote-18) [[19]](#footnote-19)

Roma women, including Roma children and adolescents, are exposed to poverty, social exclusion and discrimination. The position of young Roma women is characterized by exclusion from education, early school dropout, early marriage, multiple pregnancies with a short time in-between, unavailability of information, and financial and other dependence on older family members and partners. They don’t have access to information on reproductive health, including safe contraception methods, or about their right to health care and health insurance and mechanisms for the protection of these rights. Activities on the prevention of reproductive health of Roma women and their education in this field are not carried out systematically, but mainly through projects of civil society organizations. [[20]](#footnote-20)

Despite the Protector of Citizens’ recommendations, repeated since 2018, Roma health mediators are still not part of the health care system, although they played a key role in increasing the coverage of Roma children with health care and education[[21]](#footnote-21).

Arranged and forced child marriages are of particular concern, as they are not suppressed effectively enough, while the abuse of child labour is largely present in poor families and in rural areas.

1. **Are there laws and/or practices in your country/region which differentiate between persons on the basis of sex or gender, i.e., between girls and boys to access education, ability for men and women, both inside and outside marriage, to enter into contracts, own/administer property, purchase land and/or housing, own/administer business, and gain access to credit? If so, what are they?**

There are no laws in the Republic of Serbia that take into account the differentiation between sex and gender, but in many parts, especially in rural areas and among older population, there are still strong traditional customs, which exclude women from inheritance: female are expected to renounce inheritance in favour of their brothers, when there are any; many parents who distribute property during their lifetime leave their daughters an incomparably smaller portion of property compared to the property left to sons. Denial of inheritance has a particularly harmful effect on women and their families, who later find themselves in a state of social need.

In rural areas there are still family communities – a form of extended family based on blood kinship, that includes joint life, economic activities and the existence of common property of all members of the family community. In practice, property acquired in a family union is most often registered in the name of the oldest male member, which puts female family members in disadvantage, especially because their consent is not required for the alienation or encumbrance of immovable property.[[22]](#footnote-22)

Due to lack of services and support, especially the service of help at home, elderly women living in single rural households are in a particularly difficult position. The elderly women in rural areas who live in families are most often dependent on other family members to meet their needs, given that they most often do not have ownership rights or income, and they have no access to adequate community services, social and health care services in places where traffic and public transport structures have not been established.

**12. How does your institution/Government/organisation contribute to ensuring girls’ and women’s access to their basic economic and social rights in your national context? Are there particular issues, platforms or levels in which the State/your institution encourage their participation, inclusion and engagement and what role does it play?**

The Law on the Protector of Citizens[[23]](#footnote-23) provides that a complaint can be submitted to the Protector of Citizens by any natural or legal person, domestic or foreign, who believes that their human or minority rights and freedoms have been violated by an act, action or failure to act of an administrative authority. A complaint on behalf of a natural person, with his/her consent, can be submitted by an association that deals with the protection of human rights. A complaint due to the violation of a child's rights can be filed by his/her parent or guardian, as well as an association dealing with the protection of children's rights, with the consent of the child's parent or guardian or with the consent of a child older than ten. Children can submit complaints on their own if they have reached the age of ten.

The Association "Strength of Friendship – Amity" and the Protector of Citizens organize gatherings[[24]](#footnote-24) in rural areas[[25]](#footnote-25) with the aim of raising the awareness of older women about various forms of domestic and gender-based violence and their harmfulness, as well as about the available protection mechanisms, including addressing the Protector of Citizens.

With the support of the Council of Europe, the Protector of Citizens is implementing a project to strengthen the capacity of this NHRI to monitor the realization of the rights of elderly women in rural areas guaranteed by the Revised European Social Charter, contribute to the improvement of the legal framework which regulates their rights, as well as to submit alternative reports to the European Committee on Social Affairs and other international bodies.

1. **What concrete measures should States adopt and implement to eradicate poverty and tackle in particular the situation of women and girls living in poverty and the disproportionate impact poverty has on them?**
2. Amending and supplementing existing regulations or adopting new ones should ensure new rights and support measures for parents of seriously ill children and children with developmental and physical disabilities who require constant care and assistance, in accordance with the proposals and recommendations of the Protector of Citizens.
3. By amending and supplementing existing regulations or adopting new ones, services and measures should be established to preserve and improve the living standards of children, through the introduction of additional forms of material assistance and the determination of child allowance in an amount that can satisfy the child's basic needs, and comprehensive measures should be undertaken to prevent and suppress the life and work of children in the street.
4. Provide Roma families with access to social protection measures, especially social housing and integration programs, and take measures to improve living conditions in substandard Roma settlements, including providing adequate housing, water, hygiene, healthy nutrition, etc.
5. Undertake strategic measures in order to increase the employment and employability of members of the Roma nationality.
6. Improve the access of Roma children, especially girls, to quality education at all levels (pre-school, primary, secondary and professional/higher education), develop programs to reduce the school dropout rates and implement monitoring and evaluation of such programs, take measures to stop the segregation of Roma children in the school system and provide adequate human capacities and resources (especially pedagogical assistants) for the implementation of additional support for Roma students in accordance with the regulations governing inclusive education.
7. Provide normative and financial conditions for the introduction of a socially guaranteed pension, which, as a social grant, would be paid out of the budget, taking into account that among citizens over 65 who do not meet the conditions for a pension, the most affected are the elderly in rural areas, and among them there are about 80% women.
8. Increase the level of information of elderly people in the countryside, especially elderly women, about the available rights and social services and manners of their realization, by printing and distributing brochures and other informative material, organizing meetings in rural local communities, etc., and provide support for elderly people in exercising social rights.
9. Implement a targeted campaign aimed at the rural population to overcome traditional patriarchal patterns regarding property and inheritance of married and cohabiting spouses and family members, which favour men and are most pronounced in rural areas, as well as regarding the distribution of housework and work involving care. At the same time, the campaign should enable citizens to be better informed about the rights, obligations and legal consequences of entering into contracts on lifelong support, renunciation of inheritance and other forms of property disposal.

1. Available at: https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi-.php [↑](#footnote-ref-1)
2. Available at: https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi-.php [↑](#footnote-ref-2)
3. Available at: <http://www.mos.gov.rs/mladisuzakon/attachments/article/389/nacionalna_strategija_za_mlade0101_cyr.pdf> [↑](#footnote-ref-3)
4. Available at: https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi-.php [↑](#footnote-ref-4)
5. Available at: https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi-.php [↑](#footnote-ref-5)
6. Available at: https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi-.php [↑](#footnote-ref-6)
7. Available at: https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi-.php [↑](#footnote-ref-7)
8. Available at: https://www.srbija.gov.rs/dokument/45678/strategije-programi-planovi-.php [↑](#footnote-ref-8)
9. *Ibid.* [↑](#footnote-ref-9)
10. "Official Gazette of RS", number 24/11. [↑](#footnote-ref-10)
11. Article 79 of the Law on Social Protection. [↑](#footnote-ref-11)
12. "Official Gazette of RS", no. 113/17 and 50/18. [↑](#footnote-ref-12)
13. "Official Gazette of RS", number 104/16 and 9/20. [↑](#footnote-ref-13)
14. Opinion available at: <http://www.zastitnik.rs/index.php/2011-12-11-11-34-45/4985-ishlj-nj-z-sh-i-ni-gr-d-n-n-s-n-cr-z-n-s-n-v-nju-i-drz-v-nju-zgr-d>. [↑](#footnote-ref-14)
15. "Official Gazette of RS", number 52/21 [↑](#footnote-ref-15)
16. See: Women and men in Serbia, Statistical Office of the Republic of Serbia, 2020, p. 106. Available at: [https://www.stat.gov.rs/media/5806/zim-u-rs-2020\_webopt.pdf (17](https://www.stat.gov.rs/media/5806/zim-u-rs-2020_webopt.pdf%20(17) August 2022). [↑](#footnote-ref-16)
17. Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period from 2016 to 2025, "Official Gazette of RS", number 26/16. [↑](#footnote-ref-17)
18. Only 64% of Roma children complete primary education, and only 22% of children of Roma origin attend secondary school (in the general population it is 89%). Girls drop out of school more often, and as many as 43% of Roma girls at this age drop out of school in order to get married (for girls of the same age in the general population, this percentage is 4%). Roma students are overrepresented in schools for the education of students with developmental disabilities and special classes in regular schools. [↑](#footnote-ref-18)
19. The consequences of social and educational exclusion affect the competitiveness of Roma men and women in the labour market. Of the employed members of the Roma national minority, 77.5% are Roma men, and only 22.5% Roma women. Almost three quarters (70%) of the employed Roma (according to the definition of employment given by the International Labour Organization) are actually informally employed. More than a quarter (27.6%) of the total number of Roma households derive their income from social benefits. Research by the Protector of Citizens from 2018 showed that in 143 local self-government units, only 25 Roma men and 13 Roma women were employed in executive positions in local self-government unit bodies. [↑](#footnote-ref-19)
20. Available at: <https://www.rodnaravnopravnost.rs/attachments/article/276/Poseban%20izvestaj%20ZG%20Rep%20zdravlje%20Romkinja%2011.pdf>. [↑](#footnote-ref-20)
21. Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period from 2016 to 2025, "Official Gazette of RS", number 26/16 foresees that mediators are introduced into the health system, that is, that the Ministry of Health systematizes the position of a health mediator [↑](#footnote-ref-21)
22. Women are only in 19% of the cases the holders of agricultural holdings, and in other cases, they are in the status of supporting members of the agricultural household and as many as 93% of them do not pay pension insurance, mainly due to lack of money. The most affected are people in rural areas, and among them there are about 80% women. Although the introduction of the so-called socially guaranteed pensions has been advocated for many years, which, as a social benefit, would be paid from the budget, which was foreseen by the National Strategy on Aging, this type of social benefit still does not exist. [↑](#footnote-ref-22)
23. "Official Gazette of RS", number 105/21. [↑](#footnote-ref-23)
24. In 2021, three forums were held, in Čajetina, Aleksinac and the settlement of Medveđa near Trstenik. [↑](#footnote-ref-24)
25. The mentioned events are realized within the project "Improving the safety of women in Serbia", which is implemented by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in cooperation with the Ministry of Interior, and with the support of the Norwegian Embassy in Belgrade. [↑](#footnote-ref-25)