



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Initial report of States parties

Serbia*

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Part one

Serbia

Introduction

1. The Initial Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the Convention) for the period from 1992 to 2003 (the first six months) relates to the Federal Republic of Yugoslavia (hereinafter referred to as the FRY) and the State Union of Serbia and Montenegro (hereinafter referred to

6. Serbia and Montenegro is a single personality of international law and the member states may be members of international global and regional organizations which do not set international personality as a requirement for membership (Art. 14).
7. The organs of the new State are: the Assembly of Serbia and Montenegro (unicameral, made up of 126 deputies, 91 are from Serbia and 35 from Montenegro); the President of Serbia and Montenegro (elected for a four-year term of office); the Council of Ministers (Foreign Minister, Minister of Defence, Minister for International Economic Relations, Minister for Internal Economic Relations and the Minister for Human and Minority Rights); the Court of Serbia and Montenegro, made up of eight judges. (Rulings of the Court are binding and cannot be appealed against. The Court is authorized to invalidate laws, other regulations and enactments of the institutions of State that are contrary to the Constitutional Charter and the laws of Serbia and Montenegro). The Army of Serbia and Montenegro is under democratic and civilian control (Art. 54).
8. The Constitutional Charter stipulates that the aims of Serbia and Montenegro are respect for human rights of all persons under its jurisdiction; to preserve and promote human dignity, equality and rule of law; to join European structures, particularly the European Union; to harmonize regulations and practices with European and international standards; to create a market economy based on free enterprise, competition and social justice and to establish and ensure the smooth operation of the common market in the territory of the State Union, through coordination and harmonization of the economic systems of the member States, in line with the principles and standards of the European Union (Art. 3).
9. The FRY, now S&M, is situated in the south-eastern part of the European continent and occupies the central part of the Balkan peninsula covering the area of 102,173 square kilometres (Serbia covers the area of 88,361 sq. km., Montenegro 13,812 sq. km). From the point of view of geography, Serbia and Montenegro is a Balkan, Central-European, Mediterranean and Danubian country.
10. The population is multi-ethnic, multi-lingual and multi-confessional. According to the data of the past two censuses Serbia has 7,498,001 inhabitants (the 2002 census, without Kosovo and Metohija) and Montenegro has a population of 614,579 (the 1991 census).
11. According the census referred to above, out of 7,498,001 inhabitants of Serbia, 6,212,838 declared themselves as Serbs (82.86 per cent); 293,299 as Hungarians (3.91 per cent); 136,087 as Bosniacs (1.82 per cent); 108,193 as Roma (1.44 per cent) and 80,721 as Yugoslavs (1.08 per cent). The share of other national and ethnic communities taken individually does not exceed 1 per cent of the total number of inhabitants. The overwhelming majority of the inhabitants mentioned Serbian as the mother tongue, i.e. 6,620,699 inhabitants, followed by Hungarian – 286,508 inhabitants, Bosniac – 136,749 and Roma – 82,242 inhabitants. The Serbian Orthodox confession is the most widespread – 6,371,584, followed by Roman Catholic – 410,976 and Islamic – 239,658, etc.
12. According to the gender structure, out of 7,498,001 inhabitants of Serbia, 3,645,930 are men (about 49 per cent) and 3,852,071 women (about 51 per cent). The average age is 40.2 years, the average age of men being 39 and that of women 41.5 years.

13. In the Balkan region, a process of post-conflict consolidation and deep-going and complex internal changes in the majority of countries has been going on in the past few years, including the determining of the place of individual countries and of the region as a whole in the new international constellation. Apart from certain military-political reasons, underlying this process is the determination of the leading world countries, European in particular, to establish a political and economic system in the region, a system that has already proved its efficiency and viability as compared to other historical models.

14. About a dozen years ago the FRY (as the successor of the SFRY) was, according to the majority of the most important parameters, closer to the Western-European integration processes than any other Eastern European country. Today it is lagging behind them, primarily as a consequence of the policies pursued in the last decade of the 20th century. Therefore, Serbia and Montenegro faces the task of making up for the lost time and undertaking necessary political and economic changes that have already occurred in Eastern European countries, now members or about to become members of the European Union. However, it should be borne in mind in this context that these countries were not faced with the consequences of the disintegration of the State, armed conflicts and international sanctions, a large number of refugees and other problems. Also, the situation in the FRY, especially in Serbia, following the October 2000 changes, proved more difficult and more complex than originally thought. This is equally true of all spheres of social life, the economy in particular. It means that the consequences of political, economic, moral and civilizational disintegration of society that occurred during the previous regime need to be overcome. In this respect, the support and assistance of the international community have been and still are very important, both as regards the consolidation of the situation in the country and as regards its getting out of isolation.

15. Serbia and Montenegro is determined to fulfil all its international obligations. This includes compliance with the Dayton Agreement, to which the promotion of relations with Bosnia and Herzegovina and Croatia is a contribution, as well as the overcoming of the problems in Kosovo and Metohija. Serbia and Montenegro, although dissatisfied with the situation in which the non-Albanian population in Kosovo and Metohija finds itself, is determined to cooperate constructively with international representatives and to work with them towards the solution of the existing problems in line with UN Security Council resolution 1244.

16. Serbia and Montenegro is ready to fully cooperate with the International Criminal Tribunal for the Former Yugoslavia in The Hague. To that effect significant steps have been taken so far. Among them, mention should be made in particular of the adoption of the Law on Cooperation with the Tribunal in The Hague. On the basis of that Law a

respect for and consistent implementation of internationally assumed obligations, particularly those based on international treaties relating to human rights.

Background information

18. The Convention was adopted and became open for signature and ratification or accession by UN General Assembly resolution No. 34/180 of 18 December 1979. It became effective on 3 September 1981 after the depositing of the twentieth instrument of ratification or accession. The then SFRY signed the Convention in July 1980 and ratified it in 1981 (Official Gazette of the SFRY – International Treaties, No.11/81). For the SFRY, the Convention came into force in 1982. In addition to becoming a Party to the Convention, the FRY also became a Party to the Optional Protocol to the Convention, adopted by the United Nations in October 1999, which took effect in 2000 (Official Gazette of the FRY – International Treaties, No. 13/2002).

19. As a signatory of the Convention, the SFRY prepared two reports. After the outbreak of conflicts, on the basis of the decision of the Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) adopted during its 12th session held in 1993, the FRY submitted in 1993 also a Special Report on the Implementation of the Convention (doc. CEDAW/C/Jug/SP 1). The Special Report was considered at the 13th session of the Committee held in New York in January/February 1994 (CEDAW/1994/L.1/Add. 16, CEDAW/C/1994/L.1/WP 16). The Special Report relied on the two previous reports submitted by the SFRY, to the extent to which these reports related to the Republics of Serbia and Montenegro, members of the FRY at the time. Likewise, during the preparation of the Special Report account was taken also of the comments (questions raised) of the Committee made during the consideration of the Second Periodic Report of the SFRY.

20. After considering the Special Report which covered also violence committed against women during the war and the consequences that the UN Security Council sanctions had on the socio-economic status of women, the Committee made certain assessments. It also expressed its regrets at the status of women

Report included also an account of the facts, data, normative regulations and measures that constituted a novelty and a change in relation to the state of affairs described in the Special Report.

23. The Third Periodic Report also pointed out that a dramatic change of the overall way of life was

The special measures referred to in paragraph 4 of this Article may be applied only until the achievement of the aims for which they are undertaken.

44. The Constitution of the Republic of Serbia (hereinafter referred to as the Constitution of the RS, Official Journal of the Republic of Serbia, No. 1/1990) provides for, in its Article 13, that the citizens are equal in their rights and duties. Furthermore that they have equal protection before the State and other authorities, irrespective of their race, sex, birth, language, nationality, religion, political or other belief, level of education, social origin, property status, or any other personal attribute.

45. It is necessary to mention that the Constitution of the RS needs to be conformed to the Constitutional Charter. It means that in addition to the position of principle about the prohibition of discrimination, provision should be made for the prohibition of direct or indirect discrimination, as well as make it compulsory for the State to adopt measures of affirmative action in the field of gender equality.

46. These principles have been taken over and elaborated in the laws and other enactments regulating individual spheres of social life, which will be discussed later in this report. Thus, for instance, the Penal Code of the Republic of Serbia (hereinafter referred to as the PC RS, passed in 1977), in its Article 60, provides for additional guarantees for equality of sexes by defining the criminal act of violation of equality of citizens. Under this Article, the denial or restriction of the rights of citizens or granting of any concessions or privileges to citizens on the grounds of nationality, race, religion, political or other belief, ethnic affiliation, sex, language, education or social status is prohibited.

47. The Penal Code of the FRY (hereinafter referred to as the PC FRY, Official Gazette of the SFRY, No. 44/76 as amended subsequently) contains a similar provision. After the establishment of S&M, the PC FRY, following certain amendments, was renamed the Basic Penal Code (hereinafter referred to as the BPC, Official Journal of the RS, No. 39/2003). The BPC, in its Article 186, provides for the protection against the violation of equality of citizens. Article 154 stipulates that whoever, on the grounds of race, colour, nationality or ethnic origin, violates fundamental human rights and freedoms recognized by the international community will be punished. Also, whoever persecutes an organization or an individual for supporting equality of people will be punished.

48. It should be mentioned that the implementation of the principle of prohibition of discrimination based on sex is particularly interesting in the context of relations in the Army as a specific organization and/or in the overall system of defence. As such it will be dealt with in the relevant chapters of the present report.

Article 2

50. Besides Article 20 of the Constitution of the FRY mentioned above, it should be noted that the Constitution of the FRY also provided for the protection of certain categories of the population, i.e. children, expectant mothers and the elderly. Thus, Article 60 provided for that everyone is entitled to health care, in accordance with the law. Also, that children, expectant mothers and the elderly are entitled to publicly financed health care, if they are not covered by another insurance program, while other persons will receive such care under the conditions stipulated by law. Article 61 proclaimed that the family, mothers and children enjoy special protection and that children born out of wedlock have the same rights and duties as children born in wedlock.

51. The Charter on Human Rights contains similar provisions as the Constitution of the FRY. In addition to Article 3 of the Charter, which prohibits any discrimination, Article 39 stipulates that the family, mother and child enjoy special protection afforded by society and the member states. It also provides for the right of the mother to the support and protection of the member States within a period prior to and after childbirth specified by law is guaranteed. In this context, Article 45 stipulates that everyone has the right to health care and that the member States will provide health care for children, mothers-to-be and elderly people, unless they are enjoying it on some other grounds.

52. Special protection of the mother and child, minors deprived of parental care and persons unable to take care of themselves is also provided for by the Constitution of the RS in its Article 28. The Constitution of the RS stipulates that the family enjoys special protection and that parents have the duty to care for their children. It also determines that children are bound to care for their parents in need of assistance and that children born out of wedlock have the same rights and duties as those born in wedlock.

53. In addition to the special protection of vulnerable categories of the population enumerated in the country's highest legal acts, attention should be drawn to the protection of women in the sphere of labour legislation. In particular having in mind the fact that the economic position of women greatly affects the possibilities of the exercise of their rights in practice.

54. According to the existing regulations, women have been equalized with men in their rights and obligations (requirements for entering employment, work conditions, wage, etc.). The Law on Labour (Official Journal of the RS, Nos. 71/2001, 73/2001) contains a special provision on the prohibition of discrimination. According to that provision a person looking for employment, as well as those employed, may not be placed into a less favourable position in relation to others irrespective of sex (Article 12).

55. The Law on the Protection at Work (Official Journal of the RS, No. 42/91) guarantees the constitutional rights of each employee to secure conditions of work and to special protection of women. In this connection, reference should be made to the provisions of the Constitution of the FRY, the Charter on Human Rights and the Constitution of the RS.

56. The Constitution of the FRY guaranteed, among others, a free choice of occupation and employment (Article 54), the right to commensurate remuneration (Article 55), certain rights deriving

from employment as well as special protection of young persons, women and disabled persons (Article 56).

57. The Charter of Human Rights also guarantees the right to work in conformity with law, the right to a free choice of work, fair and appropriate conditions of work and, in particular, a fair compensation for work. It also provides for that the member states should create conditions under which everyone can earn his/her living (Article 40).

58. The Constitution of the RS contains similar provisions related to the right to work and stipulates, among others, that every person has the right to work and that everyone has equal access to jobs and functions (Article 35). It also provides for that the employed persons are entitled to fair remuneration (Article 36).

59. The Law on Employment and Insurance in Case of Unemployment (Official Journal of the RS, No. 71/2003) contains provisions on the introduction of the principle of equal access to jobs and equal treatment in the employment procedure. Furthermore, it prohibits discrimination, introduces the

436,956 or 11.98 per cent will be jobless. Of the total number of women (3,852,071) 887,000 or 23.03 per cent will be employed and 517,838 or 13.44 per cent will be without work.

64. The statistics shows that the share of university educated women in the total number of unemployed graduates is 58.2 per cent as well as that in all other levels of education the percentage of unemployed women is higher than that of men. Out of the total number of women waiting for a job, about 57.0 per cent of women have been waiting for employment more than two years, whereas 50.0 per cent of men are in that situation.

Article 3

65. Besides the provisions of the Constitution of the FRY (Article 20) and the Constitution of the RS (Article 13) mentioned earlier, relating to the principle of equality of all citizens irrespective of any differences, Article 3 of the Charter on Human Rights referred to before providing for a general guarantee of equality should also be recalled.

66. The Charter on Human Rights also guarantees that the family, mothers and children enjoy special protection of society and of the member States (Article 39). The provision about special protection of the family, mothers and children is also contained in the Constitution of the FRY (Article 61). The Constitution of the RS foresees special protection of these categories of the population (Articles 28 and 29).

67. In addition to the known, previously established mechanisms for ensuring the implementation of these constitutional and legal provisions about equality of sexes (the courts, prosecution authorities), the Government of the Republic of Serbia adopted, in February 2003, a decision on the establishment of the Council for Equality of Sexes. This subject will be discussed in more detail later in this report.

68. Although there were several attempts to work out a national action plan for women, no appropriate document has been adopted so far at the State level. The aims of the document should be as follows: amendments to existing legislation; the passing of laws against gender discrimination; introduction of mechanisms for gender equality into the legal and political system; strengthening the economic standing of women; introduction of aspects of gender equality into all spheres of social life, in particular in the fields of health, education and the media; introduction of the principle of positive discrimination aimed at increasing the number of women in decision-making bodies and bringing about changes in the traditional attitudes as well as promoting the participation of women in public and political life.

69. The realization of these objectives requires a clearly expressed political will and support of all social factors as well as the cooperation of all government bodies and institutions, non-governmental and international organizations. Also, it is necessary to set up professional teams that will work out the details of the set objectives and work on ensuring adequate financial support for their realization.

70. In the FRY there existed the Commission of the Federal Government for Cooperation with UNICEF and Promotion of the Status of Women. However, like other similar commissions it ceased

to function after the adoption of the Constitutional Charter. The Commission's task was to monitor and point to the situation with respect to the social and economic status of women and to submit reports to the Federal Government, including appropriate proposals. Furthermore, the Commission was entrusted with the task of coordinating activities aimed at the achievement of the UN goals relating to the promotion of the status and role of women. The Commission considered periodic and other reports on the implementation of the Convention and the Nairobi Strategies to the UN and other organs and organizations within the framework of bilateral and multilateral cooperation in the field of the promotion of the status of women. It submitted to the Federal Government proposals relating to the participation of the FRY in programmes, projects and meetings organized by the UN and other international governmental organizations aimed at promoting the status of women.

71. Having in mind the competencies and the importance of the field covered by the Commission it is thought that the setting up of the appropriate coordinating body at the level of the State Union would be very useful and, in the opini

Multidisciplinary Studies and Research (ACIMSI), starting from the academic year 2003/04. The Centre will organize courses in the field of gender studies at the postgraduate (two years) and specialist (one-year) levels.

81. Furthermore, Women's Studies as a specialized course in Belgrade and Novi Sad should be pointed out as a special activity. These studies are a part of the programme within Belgrade University. Within the subject of civic education in secondary schools in Serbia, gender sensitive subjects are studied as well. Also, in ten secondary schools a pilot project "Gender Equality in Schools" has been realized in cooperation with the Ministry of Education and Sports of the RS and NGOs. In addition, domestic and international non-governmental organizations ran a series of courses entitled "Women Can Do It 1 and 2" aimed at furthering the status of women, in particular in the domain of economic and political rights.

82. Although the media have no permanent programmes dealing with questions of the status of women, media footage, specialized programmes and sections concerned with these problems are numerous. Also, specialized women's magazines are published on a regular basis. Many successful promotional campaigns have been organized against domestic violence, in favour of economic equality, against trafficking in women, in favour of the introduction of mechanisms for gender equality, etc. Internet presentations, printed booklets, brochures and various promotional materials were prepared. However, the picture of woman in the media is still stereotyped, misogynous and discriminatory, whereas the Government is under no obligation to respond in cases of discrimination against women in the media.

Article 4

83. As already said before, the existing legislation makes no distinction between men and women in the exercise of rights and fulfilment of obligations provided for. However, it does not mean that there do not exist in practice certain forms of concealed gender inequality as a result of the tradition in respect of the role of sexes in society. Bearing this in mind, the relevant government organs, as well as the civil sector, have been making efforts aimed at grasping better the role of women in modern society and the problems facing them. Attempts have equally been made to ensure the full application of the existing legal regulations, but also to additionally protect women and, through them, children as well.

84. To that end, the Government of the Republic of Serbia set up the Council for Equality of Sexes (Official Journal of the RS, No. 24/2003), an independent government body comprised of prominent public and political figures and professionals. The tasks of the Council in achieving gender equality are to consider and propose measures for the promotion of policies and strategy for encouraging equality of men and women. The Council proposes short-term measures to the Government and takes actions aimed at the achievement of equality of sexes and evaluates the effects of these measures afterwards. The Council gives initiatives for the adoption of pr

85. A highly important activity of the Council should be considering whether the laws in force are in conformity with the basic international conventions and other documents on human rights of women, as well as setting standards and establishing mechanisms for the achievement of equality of genders. The Council should propose to the Government amendments to the laws by which possible perceived discrepancies are to be eliminated. Promoting the introduction of the principle of equality of genders into all activities of the Government of the RS and the activities of public administration should be an important segment of the Council's activity. Also, this activity should include initiating programmes of education of civil servants aimed at preventing gender stereotypes.

86. However, despite the well-conceived activity the Council has not, unfortunately, held the constitutive meeting so that it has not officially started to function. Nor have the appointments of experts and women experts for this body been confirmed.

87. At the same time, on a broader social level numerous measures are being taken for the protection of women during pregnancy and maternity as well as for health care and safety of women at work in general. These measures are based on the Charter on Human Rights (Art. 5). It allows temporary introduction of special measures needed for the achievement of equality, special protection and prosperity of a person or a group of persons in an unequal position in order to enable these persons to fully enjoy human and minority rights under equal conditions. These measures may be applied only until the achievement of the set objectives.

88. The Law on Financial Support to the Family with Children (Official Journal of the RS, No. 16/2002) introduced a new measure of once-only support to the family and of parents' allowance (Arts. 14-16) with a view to increasing the effectiveness of the country's population policy. The mother receives this allowance ex13diornralr rec3.0 increasing the e88. The Law on TD5.7(-0.0306 Twi-0.0300D5

professional assistance and support to expectant mothers or self-supporting mothers in eliminating the causes due to which the right to temporary shelter is exercised (Art. 37).

91. The Law on Pension and Disability Insurance (Official Journal of the RS, No.34/2003) ensures a more favourable status of women compared to that of men through the provisions that regulate:

- conditions for acquiring the right to old-age pension (Art. 19) – women at the age of 58 (men at the age of 63);
- conditions for acquiring the right to family pension or survivor's benefit (Art. 29) – a widow acquires this right if until the death of her husband she reached the age of 48 (53 for men);
- special privilege (Art. 60) – an insured woman who gave birth to her third child acquires additional two years on account of length of service;
- method of determining the amount of old-age and/or disability pension (Art. 69); it is provided for that, to determine the amount of old-age pension of a woman, the number of her years of insurance is increased by 15 per cent (not foreseen for an insured man).

According to the Law on Social Protection and Social Security, women over 60 and men over 65 years old are considered unable to work (Art. 14).

92. The same criteria are also applicable to determining the amount of disability pension. In this way it has been made possible for an insured woman to acquire the same amount of pension as an insured man although she has fewer years of insurance.

Article 5

93. Despite the fact that the existing legislative-legal system is based on full equality of men and women, practice has shown that the traditional social perception of the role of women and their place in society still persists. Such a perception that is not in favour of women assumes diverse forms of which some have a direct influence on its persistence.

94. Compared to certain studies of the value systems contained in the textbooks made at the beginning of the 1990s, more recent research into the matter is concerned more explicitly with the gender dimension in the contents of the textbooks for elementary school. The research work entitled *The Value System of Elementary School Textbooks of 1990* was devoted to the gender inequality dimension within the consideration of the equality-inequality dimension in textbooks. The authors maintain that relations between the sexes (genders) are not much talked about, i.e. that the textbooks support equality explicitly, while suggesting implicitly that the woman is a “weak creature that needs to be protected”. The picture of the social world in the textbooks portrays women as less real beings than men because the presented range of activities they are engaged in is much narrower.

95. In this context, mention should be made of the teaching of religion as an elective subject, as well as of the fact that the Ministry of Education and Sports of the RS has no influence on or control of the contents of the textbooks or curricula of religious instruction. According to some women’s non-governmental organizations, the analysis of the textbooks of religion points to the existence of

space). The style of clothes of personages in textbooks speaks not only of their anachronistic appearance but also of gender stereotyped choice of colours, clothes, etc.

103. The imbalance in the number of male figures in comparison with female ones in illustrations is as follows: women account for 30 per cent and men fo

elementary education. This change could be the way to approach family planning more purposefully in higher grades of elementary compulsory and secondary education.

115. The sex of the parent is not of crucial impor

non-governmental organization called the Autonomous Women's Centre and by the City Centre for Social Work, Belgrade. The projects included education and training of professionals working in social services, i.e. centres for social work (social workers, psychologists, lawyers and pedagogues) and other appropriate services (internal affairs). The objective was a more efficient work, acquiring of necessary skills and a more adequate social response to domestic violence. Within the said projects, Safe Home for Victims of Domestic Violence has been opened. The implementation of the projects was covered by adequate media campaign.

121. Protection of children from sexual exploitation is ensured through penal legislation. The Penal Code of the FRY defined the criminal act of pander which is committed by whoever procures, induces or encourages female persons to practice prostitution or whoever participates in any way in handing over a female person to another in order to have her practice prostitution. A more serious punishment is provided for if the act has been committed against an underage girl. It is also punishable to sell or to present or to make accessible by publicly showing or in some other way to a person under the age of 14 a written text, a picture, an audiovisual or other object with pornographic contents or to present a pornographic show. (Articles 251 and 252).

122. The Law on Amendments to the Penal Code of the RS defines a range of criminal acts against the dignity of a person and against morality. It also includes, as separate criminal acts or as more serious forms of basic criminal acts, various forms of sexual abuse and sexual violence against children. The protection of minors from sexual violence is particularly emphasized by qualified forms of general sexual crimes, thus reflecting the awareness of the need for reinforced penal-legal protection of minors from these criminal acts.

123. Article 103 of the Penal Code of the RS provides for a prison term of at least five years for the perpetrator of the basic criminal act of rape, if coercion to sexual intercourse of a female person, with the use of force or threat of a direct attack on the life or the body, was committed against an underage person or if death occurred as the consequence of the perpetration of such act. This protection is applicable only to an underage female person.

124. Coercion to sexual intercourse or unnatural carnal knowledge (Article 104 of PC of the RS) incriminates sexual intercourse (with a female person) and unnatural carnal knowledge (with a female or male person) with the use of coercion. It relates to the criminal act committed by several persons, or in a particularly cruel or degrading way, or against a minor who has reached the age of 14, or the consequence of which was pregnancy or a serious contagious disease. The punishment for this criminal act is a prison term of at least three years.

125. Sexual intercourse or unnatural carnal knowledge with an infirm person (Article 105 of the PC of RS) includes the criminal act committed by several persons, or committed in a particularly cruel or degrading way, or against a person who has reached the age of 14, while taking advantage of the existence of mental illness, temporary mental disturbance, infirmity or a similar condition. The punishment for this criminal act is a prison term of at least five years.

126. Sexual intercourse or unnatural carnal knowledge with a person who has not reached the age of 14 (Article 106 of the PC of the RS) entails penalties ranging from one to ten years. In case of the death of an underage person as the consequence of such act, a prison term of at least ten years is provided for.

127. Incrimination of sexual intercourse or unnatural carnal knowledge by abuse of the official position (Article 107 of the PC of the RS) protects underage persons from sexual abuse by a teacher, educator, guardian, adopter, stepfather or other person (para-incestuous type) who, by abusing their position, perpetrate sexual intercourse or unnatural carnal knowledge with a minor over the age of 14, who is in their custody for the purpose of education, upbringing, guardianship or caring for. The punishment provided for is up to ten years.

128. Incrimination of seduction (Article 109 of the PC of the RS) protects an underage female person who has reached the age of 14 from being enticed into sexual intercourse by false promise of marriage. The penalty provided for is a prison term of up to three years.

129. Coercion to unnatural carnal knowledge (Article 110 of the PC of the RS), if committed against a minor over the age of 14, or if the death of the coerced person occurred as the consequence thereof, represents a qualified form of this criminal act. The punishment provided for is a prison term of at least five years. Coercion to unnatural carnal knowledge committed against a male underage person who has reached the age of 14 is punishable with an imprisonment of up to one year.

130. Procurement or enabling the commission of unnatural carnal knowledge (Article 111 of the PC of the RS) against a minor is punishable with imprisonment of up to five years (paragraph 1). A prison term of up to three years is foreseen for a perpetrator who makes possible the commission of unnatural carnal knowledge against a minor (paragraph 2). The same penalty is foreseen for the perpetrator who, for a reward, procures a female person or who enables the commission of unnatural carnal knowledge for reward (paragraph 3).

131. The Law on Public Peace and Order of the Republic of Serbia (Official Journal of the RS, Nos. 51/92, 53/93, 67/93, 48/94) provides for in its Article 14, paragraph 2, that persons who make available premises to an underage person for practicing prostitution will be punished with imprisonment of up to 60 days. Under Article 20 of the same Law, a parent or guardian of an underage person, who commits violation referred to in Articles 6 to 19 will be fined or punished with imprisonment of up to 30 days. The penalty is applicable if the committed violation is the consequence of his/her omission to exercise due supervision of the underage person and if he/she is in a position to exercise such supervision.

132. The penal legislation in force also incriminates common law union with an underage person. A person who enters into such union with an underage person who has reached the age of 14 will be punished. Furthermore, a parent, adopter or guardian who allows an underage person (over the age of 14) to live in a common law marriage with another person, or who entices a minor into it, will be punished. The sanctions are more rigorous if the act has been committed for gain (Article 115 of the PC of the RS).

133. The criminal act of incest, i.e. sexual intercourse with a consanguineous relative in a direct line or with brother or sister, also falls into this category (Article 121 of the PC of the RS).

134. Systematized and consolidated specific data on the number of children victims of sexual exploitation are not available in the Republic of Serbia. The setting up of the specialized teams for the protection of children from abuse in two health care institutions in Belgrade – Institute for Mother and Child and the Institute for Mental Health. These teams make specialized medical, psychiatrist and forensic assessments and intervene in cases of neglected or abused children and their families, and also include treatment of sexually abused children. In the past two years, the number of cases of abused children registered by the team in the Institute for Mental Health increased 7.5 times compared to the preceding period.

135. A most important move with respect to the existing stereotypes in the perception of marital and family relations was made in February 2002. Namely, the already mentioned fundamental changes in the Penal Code of the RS were made consisting in new incriminations, i.e. introduction of the criminal act of domestic violence (Article 118a) and the amendment to Article 103 of the same Law (rape) which incriminated marital rape.

136. When speaking of domestic violence, until March 2002, when Article 118a was introduced into the PC of the RS incriminating domestic violence, there was no special Article in the legislation that would regulate the question of responsibility of persons jeopardizing members of their family in any way. Until the introduction of Article 118a, domestic violence was sanctioned by Article 6 of the Law on Public Peace and Order of the Republic of Serbia. The Article related to noisy row (domestic disturbance), endangering of the safety of another by threat, insult or abuse of another, violence against another, or by involving a social worker in the solution of family problems.

137. Changes in the PC of the RS in April 2003 incriminated sexual abuse as a criminal act (Article 102a), as well as the criminal act of trafficking in people (Article 111b) in view of the fact

and the lowest number in 1999 (15,087). The most marked fall in the number of criminal acts against women was registered in 2002, when 17,227 criminal acts to the detriment of women were committed or 24.2 per cent less than in the preceding year (22,730).

141. The largest number of criminal acts committed against women falls within the group of criminal acts against property (78 per cent) among which the largest number are aggravated larcenies – 93,145 or larcenies – 56,593. They are followed by the criminal acts against traffic safety (13.4 per cent), criminal acts against life and the body (3.0 per cent), among which there are 2,486 criminal acts of grave bodily injuries and 1,139 murders or attempted murders. The criminal acts against the dignity of the person and morals account for 2.2 per cent among which cases of rape or attempted rape account for 2,763.

142. In the period from the coming into force of the amendments to the PC of the RS in February 2002 to the end of June 2003, 831 criminal acts of domestic violence referred to in Article 118a of the said Law were committed.

143. In all cases of criminal acts committed to the detriment of women, in particular when the gravest criminal acts against life and the body and against the dignity of the person and morals are involved, the MUP RS took strong measures aimed at identifying and apprehending the perpetrators. In the period from 1992 to June 2003, the measure of deprivation of liberty was taken against 3,901 perpetrators. The measure of temporary arrest (which was abolished in 2001) was taken against 6,588 persons, whereas the measure of detention introduced by the Criminal Procedure Code (which came into force in March 2002) was pronounced against 640 perpetrators.

144. In order to fight more efficiently against all forms of sexual coercion and abuse of women, the tasks relating to the suppression of sexual crimes have been clearly defined within the framework of the MUP RS. Organizationally these tasks fall within the competence of the homicide departments. The work and procedures of the MUP RS are characterized by equal treatment of all women victims of criminal acts, which also relates to the problems of domestic violence and sexual coercion and abuse of women. The organs of internal affairs take adequate measures and action to elucidate each reported and established criminal act the victims of which are women.

145. The films and/or magazines containing violent scenes or which are sex offensive represent, according to our penal legislation, a criminal act defined as presentation of pornographic material (provisions of Article 252 of the PC FRY). Pursuant to the provisions of Article 111a of the PC RS, i. e. to the (prorticle our penalie of the MUP RS are char)Tj20.08 0 TD0.00.4 -8od proc5w[w .675 0 TD-0w .6.Tw(

- TV videos;
- Radio and TV programmes on the subject.

152. The following government agencies and NGOs are entrusted with the tasks referred to above: the Ministry of Foreign Affairs of Serbia and Montenegro, the MUP RS, the Ministry of Education and Sports of the RS, the Ministry of Labour and Employment of the RS, the Ministry for Social Affairs of the RS, centres for social work, institutions of social protection (homes for children without parental care) and non-governmental organizations (Astra, Beosuport, the Victimological Society of Serbia).

153. Numerous courses attended by the members of the National Team, the participants in the network of non-governmental organizations across the territory of the Republic of Serbia, a considerable number of members of the MUP RS, prosecutors, judges, professionals concerned with family-legal and social protection represent the results achieved so far.

154. The institutions charged with the task of directly working with vulnerable groups, i.e. Astra and Beosuport, organized a large number of lectures and workshops attended by youngsters (from secondary schools and homes for children without parental care).

155. Printed material has been provided (by Astra with the support from donors) and is available to the wide range of vulnerable populations. A number of TV videos have been shot with a prospect of shooting more of them and being shown more often (Astra in charge). The documentary entitled "Human trafficking up close", shot after appropriate research into this phenomenon, was shown at the International Festival of Documentary Films in Belgrade in 2002 (Beosuport in charge). A civic initiative has been taken for the adoption of a national plan of fighting against sexual exploitation and trafficking in young people, which should soon be before the deputies of the National Assembly.

156. The second set of tasks pertains to the police, prosecutor's offices and courts.

157. The third set of tasks relates to the protection of and assistance to the victims of trafficking in people. The Ministry for Social Affairs of the RS, the non-governmental organization the Advisory Council against Domestic Violence, Astra, the Victimological Society of Serbia, the Ministry of Health of the RS are in charge.

158. Among the results of the activity of this group are: the opening of the SOS telephone line for the victims of human trade (Astra in charge) and the setting up of a Safe Home for Victims of Human Trade, in February 2002. It is directed by the Advisory Council against Domestic Violence and funded by the Government of Austria. At present it is the only shelter of sexual ex58addition to TD0. a

159. The setting up of the Centre for Guidance and Advice is under way. It will pursue its activity under the Ministry for Social Affairs of the RS. It is expected that the Centre, as a joint project of OSCE and the Ministry for Social Affairs, will start to function before the end of 2003. The Centre will have the role of coordinator in the procedure of identification of and assistance to the victims of human trade.

160. However, the most important result of the mentioned numerous social activities aimed at preventing and combating various forms of violence against women, which often includes violence against children, are the latest amendments to the PC RS adopted in April 2003. The amendments to the PC RS introduced the following two separate criminal acts related to the protection from sexual abuse (Article 102a):

"Whoever sexually abuses another or brutally violates the dignity of his/her person in the sphere of sexual life shall pay a fine or be punished with imprisonment of up to six months.

Whoever commits the criminal act referred to in paragraph 1 of this Article by abusing his position in relation to a person who is in a position of some kind of servitude or dependence shall be punished with imprisonment of up to one year.

The criminal acts referred to in paragraphs 1 and 2 of this Article shall be prosecuted on the basis of a charge brought privately."

The criminal act, i.e. trafficking in people (Article 111b), including sexual exploitation of women and underage girls:

(a) Whoever by the use of force or threat, by misleading or keeping misled, by the abuse of authority, trust, relation of dependence or a difficult situation of another: recruits, transports, transfers, hands over, sells, buys, mediates in resale or sale, hides or keeps another person with the aim of acquiring some gain, exploiting that person's work, having him/her engage in criminal activity, prostitution, begging, used for pornographic purposes or of depriving that person of a part of his/her body for the purpose of transplantation or for the use in armed conflicts, shall be punished with imprisonment of one to ten years.

(b) If the criminal act referred to in paragraph 1 of this Article has been committed against several persons, by abduction, during the discharge of official duty, within a criminal organization, in a particularly cruel or a particularly degrading way, or if a grave bodily injury has been inflicted, the perpetrator shall be punished with imprisonment of at least three years.

(c) If the criminal act referred to in paragraph 1 of this Article has been committed against an underage person or in case of the death of the harmed person, the perpetrator shall be punished with imprisonment of at least five years.

(d) The criminal act referred to in paragraph 1 of this Article committed against a person under the age of 14 shall be punished with the penalty stipulated for this criminal act even if the perpetrator did not use force, threat or some other listed modes of the perpetration thereof.

161. The introduction of Article 111b has been initiated by the UN Convention against Transnational Organized Crime and by the Protocol for the Prevention, Suppression and Punishment of Trade in Human Beings, in particular in Women and Children, supplementing the said UN Convention. The Protocol defines more precisely the notion of trafficking in human beings. The definition from the Protocol has been almost entirely incorporated in Article 111b of the PC RS.

162. Before the introduction of Article 111b the phenomenon of sexual exploitation of women, i.e. "trade in white slaves", was sanctioned by the application of a number of provisions of criminal legislation, namely each Article incriminated individual phases of trade in people. The adoption of this Article came as the consequence of the perception that trade in people, in particular in women and children, for the purpose of sexual exploitation goes beyond the borders of one country, i.e. that it assumes the form of international organized crime.

163. The victims of trade in people, before reaching the place (country) in which they were coerced to practice prostitution (sanctioned by the criminal act of mediation in practicing prostitution referred to in Article 251 of the PC FRY/BPC), used to come through illegal channels crossing the state border illegally. (Sanctioned by the criminal act of illegal crossing of the state border referred to in Article 249 of the BPC). For this purpose forged passports were used (sanctioned by the criminal act of bordercrossing "white slaves", wa

167. In the period from 1992 to 2003, a total of 1,710 cases of the offence of practicing prostitution or making available premises for practicing prostitution referred to in Article 14 of the Law on Public Peace and Order of the RS were registered (1992 – 11; 1993 – 13; 1994 – 40; 1995 – 24; 1996 – 63; 1997 – 100; 1998 – 192; 1999 – 114; 2000 – 63; 2001 – 165; 2002 – 637; six months of 2003 – 288) for the purpose of committing minor offences by persons under the age of 14 (5); from 14 to 16 years (10); from 16 to 18 (66) and over 18 (1,629) or 95.2 per cent.

168. In the period from 1992 to June 2003, a total of 241 criminal acts of mediation in practicing prostitution referred to in Article 251 of the BPC have been registered in the territory of the Republic of Serbia (1992 – 2; 1993 – 0; 1994 – 2; 1995 – 8; 1996 – 16; 1997 – 10; 1998 – 10; 1999 – 15; 2000 – 15; 2001 – 42; 2002 – 76; 2003 – 45). Altogether 20 criminal acts are those referred to in Article 251, paragraph 2 of the BPC, i.e. criminal acts committed against an underage female person by the use of force, threat or deception (1994 – 1; 1996 – 2; 1998 – 2; 2000 – 3; 2001 – 3; 2002 – 8; 2003 – 1). During the period under review one criminal charge was brought for the criminal act of showing pornographic material referred to in Article 252 of the BPC (2001).

169. Significant results in suppressing prostitution were achieved in the course of 2002. In the territory of Belgrade alone, 38 criminal charges were brought against 58 persons for the criminal act of mediation in the practicing of prostitution and 33 criminal charges against 52 persons for organizing the practicing of prostitution through the so-called escort agencies (“Madonna”, “Angels”, “Millennium”, etc.). At the same time, thanks to the police action further advertising in the media of the services of these agencies and of the services of prostitutes was prevented.

174. The geographic location and a liberal visa regime applied to individual countries resulted in that citizens from Afro-Asian countries, as well as citizens from Eastern-European countries, have used the territory of S&M as a transit point for illegal transfer to Western European countries.

175. In 2002, 823 foreign citizens were found attempting to illegally cross the state border and, in the first six months of 2003, another 445 foreign citizens were caught attempting to do the same. Among them the most numerous are the citizens of Romania (102), Macedonia (66), Turkey and Iraq (40 each), Afghanistan (34), Moldova (27), China and BiH (19 each), Bulgaria (13), Croatia (11), Tunisia (10), Lebanon and Albania (7 each), etc. It is indicative that the larger number of illegal border crossings was committed by persons who entered the country legally, but were caught during the attempt of illegally leaving the country, i.e. in the attempt to reach some Western-European country (citizens of Romania, Moldova, China).

176. In view of the information that in the refugee camps in Bulgaria and Romania (near Bucharest) there is a rather large number of citizens from Afro-Asian countries, who intend to illegally cross over to S&M and farther to the West, the MUP RS takes intensified measures and actions. The purpose of these measures is to prevent or disclose the said illegal as well as economic migrations of citizens of Romania and Moldova towardt, the 8, 0 0 0

183. In 2002, 192 Iraqi citizens and, in the first six months of 2003, 18 of them entered into S&M

195. At the beginning of 2002, a seminar, organized by OSCE in Belgrade, was held. The representatives of police, centres for social work and of non-governmental organizations participated. Altogether 30 representatives of the MUP RS took part. The seminar was devoted to the struggle against trade in human beings.

196. Several seminars and public hearings organized by the organization Astra of Belgrade were held and were devoted to the struggle against trade in human beings. Also, several public hearings, organized by the organization Beosuport of Belgrade, were held and were concerned with the problem of sexual exploitation of children and human trafficking. The members of the MUP RS also took part as participants or lecturers.

197. Beosuport organized and carried out the shooting of a film about trade in people. Also, a brochure about the same problem has been published. Members of the MUP RS and of the Secretariat of MUP RS Belgrade contributed to this.

198. The Victimological Society of Serbia, Belgrade

204. Also, in 2003 several seminars were held

212. Over the last ten years, the number of women in executive positions in the administration of justice, primarily in the judiciary, has increased and that trend continues. Women account for one half of the overall number of employed in the organs of administration of justice of the RS (courts and public prosecution offices).

213. Women were involved, in particular, in the work of non-governmental organizations, especially in the field of humanitarian assistance for refugees, poor citizens of the FRY and the wounded from the war-torn areas of the former SFRY. Many women's charitable organizations were registered during the war.

214. The strengthening of the opposition to the regime prior to the October 2000 democratic changes accounted also for the emergence of non-governmental organizations which, in addition to humanitarian work, were involved in the promotion of the rights of women and in peace processes and initiatives. The Women's Political Network was established within the DOS. The positive processes initiated at that time have continued and accounted for the achievement of significant progress in the overall improvement of the position of women.

deprived of his/her citizenship, deported from the country; or extradited to another State. A Yugoslav citizen abroad enjoyed the protection of the FRY, while the matter of citizenship was regulated by federal law (Art. 17).

226. The Constitutional Charter establishes that a citizen of a member state is also a citizen of Serbia and Montenegro and has equal rights and duties in the other member state as its own citizen, except for the right to vote and be elected (Art. 7). Accordingly, it transpires from the Constitutional Charter that the question of the citizenship of the new state union is regulated in a different way in relation to the Constitution of the FRY. The citizenship of the state union is derived from the citizenship of the member states of the state union of Serbia and Montenegro, while the former citizenship of the Republics was derived from the citizenship of the FRY.

227. A provision on citizenship is contained also in the Constitution of the RS. It provides, among other things, that a citizen of the RS has the citizenship of the RS; that he/she may not be deprived of his/her citizenship, exiled or extradited; that the citizenship is acquired and terminated in the manner established by law; and that a person who has another citizenship may have the citizenship of the RS revoked only if he/she refuses to perform the constitutional duties of the citizen (Art. 47).

228. The acquisition and termination of the citizenship of the FRY are for the time being regulated under the following legislation: the Law on Yugoslav Citizenship (Official Gazette of the FRY, Nos. 33/96 and 9/2001), Law on the Citizenship of the of SR of Serbia (Official Journal of the SRS, Nos. 45/79 and 13/83) and the Law on Montenegrin Citizenship (Official Gazette of the Republic of Montenegro, No. 41/99).

229. The Law on the Implementation of the Constitutional Charter of the State Union of Serbia and Montenegro (Official Gazette of S&M, No. 1/03) specified, as a protection measure pending adoption of appropriate regulations, that persons who had acquired the Yugoslav citizenship prior to the entry into force of the Constitutional Charter retain that citizenship and the right to use the existing public documents.

230. The basic way of acquiring Yugoslav citizenship was the acquisition of citizenship by origin (*ius sanguinis*). It was also combined with the system of the acquisition of Yugoslav citizenship by the fact of birth in the territory of the FRY (*ius soli*). Through the force of law, a child acquired the citizenship of its parents at birth irrespective of the place of its birth. Only if both parents were unknown or of unknown citizenship or stateless persons, a child born or found in the territory of the FRY acquired Yugoslav citizenship solely by birth in the territory of the FRY.

231. In practical terms, the combination of the two systems accounted for the acquisition of the Yugoslav citizenship by any child whose one or both parents were Yugoslav citizens, i.e. who was born or found in the territory of the FRY, or whose both parents were unknown or of unknown citizenship or stateless persons. The additional methods of acquisition of Yugoslav citizenship were admission into (naturalization), and acquisition of, citizenship under international treaties.

240. The Law did not provide for the institution of the deprivation of Yugoslav citizenship, which is in accordance with the provision of Article 17, paragraph 3, of the Constitution of the FRY, according to which a Yugoslav citizenship may not be deprived of citizenship, expelled from the country or extradited to another State.

241. With respect to multiple citizenship, a Yugoslav citizen residing in the territory of the FRY was considered under Article 4 of the Law on Yugoslav Citizenship a Yugoslav citizen with all the rights and obligations belonging to him/her as a citizen of the FRY.

242. A Yugoslav citizen had his citizenship terminated through the termination of the citizenship of a member Republic. An alien may have acquired the citizenship of a member Republic through the acquisition of Yugoslav citizenship. A citizen of a member Republic had the same rights and obligations in the territory of the other Republic as those of its own citizens (Art. 5).

243. The law expanded the institution of re-acquisition of Yugoslav citizenship, the so-called reintegration. Yugoslav citizenship may have been re-acquired not only by a person who had his/her citizenship terminated at the parents' request as provided for by previous citizenship regulations, but also by any person who had his/her citizenship terminated through release and who had acquired a foreign citizenship provided he/she stayed continually in the FRY at least one year and fulfilled the conditions provided by the Law.

244. According to relevant regulations, Yugoslav citizenship was proved by birth and citizenship certificates.

245. Decisions on the termination of Yugoslav citizenship may not have been appealed against in administrative proceedings, but the protection of rights was ensured in legal proceedings by filing a request to the Federal Court to decide on the legality of final administrative acts.

246. The adoption of the new Law on Yugoslav citizenship in 1997 overcame the problem of the citizenship of the citizens from the former Yugoslav Republics considering that, prior to the adoption, citizens' requests for acquisition, i.e. termination of citizenship had been acted upon in the territory of the RS exclusively under the Law on Citizenship of the SRS of 1976. The provisions of that Law regulated the acquisition (by origin, birth in the territory of the SRS, admission of a citizen of another Republic into the citizenship of the SRS, naturalization and by international treaties) and termination (by the acquisition of the citizenship of another Republic, release, renunciation, deprivation and under

248. The Amendments to the said Law, i.e. the provision of Article 12a, made it possible for an alien married to a Yugoslav citizen for at least three years who had permanent residence in Yugoslavia approved may have been admitted to Yugoslav citizenship provided he/she had not been punished with a prison sentence for a criminal offence making him/her unsuitable for admission to Yugoslav citizenship and provided it was possible to conclude from his/her behaviour that he/she would respect the legal system of Yugoslavia.

249. The Law on Yugoslav citizenship as amended t

if the person requesting a passport was sentenced to at least 3 months in prison unconditionally pending completion of the sentence;

if, under the regulations in force, the person requesting a passport was restricted freedom of movement in order to prevent the spread of contagious diseases or an epidemic; and

if that was necessary for reasons of the defence of the country, declaration of the state of war, state of an imminent threat of war or the state of emergency.

257. By the last amendments to the Law on Travel Documents of Yugoslav Citizens changes were made in Article 46 determining the reasons for refusal to issue a travel document. Paragraph 5 of this Article was deleted; it had provided for refusal, at the request of a concerned person or its guardian/organ of guardianship, to issue a travel document to a person requesting a passport if established that, by leaving the country, that person sought to avoid payment of an alimony/maintenance or fulfilment of another matrimonial or parental obligation in respect of which an enforcement document had been issued. Paragraph 3 of the same Article was established to be contrary to the Constitution of the FRY if, at the request of the competent military authority, it was established that, by leaving the coun

261. A total of 6, 180, 621 requests for issuance of travel documents were made in the RS in the

270. Article 7 was changed by the said amendments to this Law and now expressly prohibits discrimination based on race, nationality, language, religion or sex, i.e. political opinion, incitement to such activities or the failure to take measures for their prevention.

271. A very similar provision is contained in the Law on Secondary School of 1992, as amended in 1996 and 2002, Article 8 of which prohibited political organization and activities and the use of school grounds and/or premises for those purposes.

272. Following the amendments of 2002, the Law, i.e. its Article 8, reads: "...Activities threatening or disparaging groups and individuals on the basis

- (f) culture and entertainment in students' cultural centres ;
- (g) sports and recreational activities; and
- (h) subsidized fares in local transport.

285. Students enrol on institutions of higher and advanced education by applying for available places. Admissions criteria and the number of places financed from the budget are determined by the Republic of Serbia, i.e. the Government, upon the advice of the University.

286. Students with the adequate number of entrance score points are entitled to the above listed benefits and have their fees paid from the budget of the Republic of Serbia in accordance with the regulations on the financing of public spending. These provisions apply to state colleges/faculties.

287. Under Article 21 of the said Law, outstanding full-time students are eligible for grants obtainable from the Ministry of Education and Sport of the RS through open competition on a non-refundable basis.

288. Under Article 19 of the Law, full-time students enrolled first time in any particular year are eligible for loans allocated through open competition.

289. Loans and grants are available to all students on equal terms without discrimination of any kind, even though the Law on Pupils' and Students' Standards contains no explicit provision prohibiting discrimination.

290. Ever since the first census after World War

- the mechanical influx of population (refugees, internally displaced persons et al.) also accounted for the relative increase of the number of illiterate in the overall population; and
- an imbalance emerged in the number of men and women within the population due to wars and migration. According to the 2002 census, the femininity coefficient for Serbia excluding Kosovo and Metohija stood at 946 and the masculinity coefficient at 1,067. This meant that the structure was tilted significantly in the direction of a greater number of women, which implied a larger percentage of illiterate population as that percentage was always greater among the female population.

293. Instead of adult literacy programmes, there are elementary schools for adults in Serbia. According to the data from the 2002 Statistical Yearbook of Serbia, there were 80 schools, i.e. 193 classes, for adults in the 1986/87 school year. Out of 4,277 attendants, 1,636 were women (38.25 per cent). In the 1998/99 school year, there were 18 such schools and 150 classes. Out of 2,621 attendants, 588 were women (27.55 per cent). In the 2000/01 school year, there were 12 schools and 133 classes. Out of 1,915 attendants, 588 were women (30.70 per cent). The data on those who completed elementary school for adults have not been differentiated by gender.

294. According to the data from the 2002 Statistical Yearbook of Serbia on schools for additional adult education in the last 15 years, there were 14,303 attendants in the 1986/87 school year, out of whom 8,916 (62.34 per cent) were women. In the 1998/99 school year women attendants accounted for 62.95 per cent; in the 1999/00 school year the percentage stood at 62.91 per cent; and in the 2000/01 school year at 60.47 per cent. The data on those who completed additional education have not been differentiated by gender.

295. According to the data from the last census of 2002, the percentage of women in the general population, aged 15 and over, who completed elementary school stood at 26.66 per cent. Compared to men (the percentage of men over 15 who completed elementary school stood at 22.98 per cent), the difference was not significant. Included in this number are those still attending secondary school.

296. According to the data from the 2001 Statistical Yearbook of Yugoslavia, regular female pupils accounted for 48.75 per cent of the total number of pupils in elementary schools in the 1999/2000 school year. The data of the Ministry of Education and Sports of the RS differ insignificantly. According to the 2001 Statistics on Elementary and Secondary Education, girls accounted for 48.61 per cent of the elementary school population in the 1999/2000 year.

297. According to the data from the 2001 Statistical Yearbook of Yugoslavia, the number of those who completed elementary school on time in the 1999/2000 school year was 104,614, in which girls accounted for 49.07 per cent. However, these data refer to Serbia and Montenegro as a whole and it is not possible to single out the data relevant to Serbia alone. The approximate percentage of pupils who complete elementary school, calculated on the basis of the number of pupils enrolled in the final, eighth grade of elementary school and the number of pupils who completed that grade was applied in the 2001 Statistics on Elementary and Secondary Education. Reviewing the data for the period after 1992, the percentage is fairly even in all school years ranging between the minimum of 99.06 per cent

(1998/99) to the maximum of 99.64 per cent (1995/96). The percentage for the 1999/2000 school year amounted to 99.33.

298. The number of girls enrolled in the final, eighth grade of elementary school in the 2002/03 year amounted to 43,456. Compared with the preceding school year in which 43,977 girls enrolled in the seventh grade, there was a difference of 521 female pupils. At the beginning of the 2002/03 school year the number of female pupils who were held back in the seventh grade was 113, which means that 408 female pupils belonged among those who dropped out (the possibility of attending elementary school part-time is not provided). The provisional dropout rate (barring those who repeated a grade) for female pupils who enrolled in the seventh grade in the 2001/02 school year amounted to 0.012 (1.18 per cent).

299. According to the information made available by statistical services, the women dropout rates are not officially calculated. With regard to compulsory elementary education this rate is negligent vis-à-vis the overall number of women attending elementary school. If women attending adult elementary schools and women attending special elementary schools are taken into account, the women dropout percentage is below 1.00.

300. With regard to secondary education, the approach is somewhat different, because secondary education is not compulsory. In addition, pupils are directed not according to territorial inclinations, but according to desired profiles; besides, there is holding back within generations. With the percentage of girls who do not complete secondary school standing at 1.2, it is possible to say that this data is also negligent. The situation differs considerably with regard to some social groups (e.g. the Roma), whose female representatives rarely enrol in secondary schools.

301. Since gender-sensitive data on grant and loan beneficiaries are unavailable, the data on boarding-house/dormitory users have been taken as replacement for those indicators in order to obtain a picture relative to sex discrimination. However, these data are incomplete, consequently insufficient to establish the extent of discrimination with accuracy

302. According to the data from the 2002 Statistical Yearbook of Serbia, 37 elementary school female pupils were accommodated in boarding-houses (as against 57 male pupils), i.e. out of the total number of 94 places, female pupils were allocated 39.36 per cent. In the 2002/03 school year, the percentage of female pupils in the elementary school population stood at 48.80.

303. In order to project the true picture of the situation, it is necessary to obtain data on the number of those who applied for boarding-house places (including those who were rejected). It is possible that the above difference was not the result of sex discrimination, but of a patriarchal education pattern which precludes girls' independence at this age or allows it in a much smaller measure compared with that of boys'.

304. With respect to secondary school pupils, the data available from the 2002 Statistical Yearbook of Serbia reveal that female pupils accounted for 30.66 per cent, as against 69.34 per cent of male pupils, of boarding-house users. This means that more than twice as many boys are allocated places in

boarding-houses than girls. Just as in the case of the number of boarding-house users among elementary school pupils, caution should be advised and the data on the number of registered pupils considered as relevant. Those data were not available to the Ministry of Education and Sport of the RS.

305. According to the last census taken in 2002, the percentage of women who completed secondary school in the female population older than 15 stood at 36.43 (The same percentage in the male population was 46.08.).

306. In the 1999/00 school year, the percentage of female pupils in the overall number of pupils attending secondary school full-time amounted to 50.69. All along, it should be borne in mind that secondary education is not compulsory. These percentages are similar to those on the number of female pupils in the overall number of those who completed secondary education full-time (49.93 per cent of female pupils and 50.07 per cent of male pupils).

307. The relatively stable and balanced structure of men and women who complete secondary school was the result of the momentum (especially the ideological momentum) of the former socialist system regarding full employment of both men and women and the idea of the emancipation of women through employment which, from the period of the second modernization of the 1970s onwards, implied by and large desirable, albeit legally non-obligatory completion of secondary education. The final benefit derived from that period is the acceptability and desirability of having women complete a form of secondary education. In addition, the phenomenon of viewing education as a type of one-time dowry is also in evidence, which explains greater investment in the secondary education of girls even in rural areas.

308. The percentage of women teachers in regular elementary schools in the 1997/98 school year amounted to 68.07; in the 1998/99 school year to 69.36; and in the 1999/00 school year to 69.85. The data on the number of women teachers per subject are unaumte seachern-a0005(e)- TD[(f.r8.5(efde0.5(n t1e)-]TJra

- women and men, i.e. girls and boys, had equal opportunities to participate in sports and physical education;
- there were no regulations prohibiting girls and women to participate in sports and physical education;
- there were no clothing regulations prohibiting girls and women to participate in sports on an equal basis; and
- sporting facilities were equally accessible to men and women, i.e. boys and girls.

312. The Law on Sports of the RS does not differentiate between sexes; rather, it accentuates the equality of sexes in some of its Articles. In Article 58 of this Law related to public grounds, it is said that *public grounds are accessible to citizens under equal conditions*. No regulation in force during the reporting period discriminated against women.

313. Athletic grants and scholarships were available to men and women athletes under equal conditions.

314. In cooperation with the Yugoslav Olympic Committee and the Commission for Women, the Directorate for Sport of the Ministry of Education and Sport of the RS realized a project *Representation of Women in Serbian Sports* as part of the women equality support programme; A publication having the same title was issued in 2002.

315. The conclusions based on the empirical research of the representation of women in Serbian sports reveal a proportionally small representation of women as athletes, coaches and/or officials/managers.

316. The differentiation among sports with respect to opportunities provided to young women athletes to progress towards top athletic achievements was noticeable in the reporting period. Some sports did provide women the opportunities to pursue their interests and reach top athletic results. Such opportunities, however, were negligible in most analyzed sports.

317. Through its plans and programmes on women's equality in sports, through relevant media and education campaigns, the organization of sports and recreational events and the establishment of bodies for the protection of women and children in sports, the Ministry of Education and Sport of the RS, i.e. its Directorate for Sport, invested significant efforts to contribute to the solution of these problems.

318. According to the 2002 census, the percentage of women who had completed post-secondary (including two-year colleges) higher education stood at 9.87 for the population over 15. That percentage for men was 12.27.

319. With respect to the number of those studying at various institutions of higher education, the trend of a higher number of female vis-à-vis male students was much in evidence in Serbia in the

326. The above-mentioned tendencies were stable. According to the available data, in 1991, women accounted for 70.80 per cent of graduate students from Schools of Medicine; 33.60 per cent on average from Schools of Engineering; 44.40 per cent from Schools of Agriculture; 73.10 per cent from Schools of Natural Sciences; and, finally, for 60.10 per cent of Law School graduates.

327. Since World War Two, the number of female students in student dormitories was constantly declining in comparison to the number of male students. Nevertheless, since the mid-1990s, the 2-to-1 ratio in favour of male students changed considerably. According to the data from the 2002 Statistical Yearbook of Serbia, the number of female students in student dormitories in 1998 was 9,718 or 51.04 per cent as against 9,323 male students. In the same year, female students accounted for 52.68 per cent of the overall student population.

328. The data for these categories in the following years were: in 1999, the percentage of women in student dormitories stood at 55.14, while the percentage of female students in the overall number of full-time students financed from the state budget amounted to 51.89. In 2000, those percentages were 52.70 per cent of female students in student dormitories and 54.14 per cent of female students in the overall number of full-time students financed from the state budget. In 2001, 56.06 per cent of female students in student dormitories and 56.12 per cent of female students in the overall number of regular students financed from the state budget.

329. Since there are no gender-sensitive statistical data on the structure of the teaching staff and management at universities in Serbia, only a number of available data on the relevant aspects of the functioning of the institutions of higher education are presented in this Report.

330. In view of the fact that Schools of the University of Belgrade enjoy a high level of independence, the number and hierarchical positions of women should be viewed separately for each individual School. Since such data are unavailable, only the data on the number of deans in this higher education institution will be provided.

331. According to the data for the 1993/94 academic year, out of the total number of 30 deans of all Schools of the University of Belgrade, 2 were women. According to the data of the Rector's Office of the University of Belgrade, 2 women were among the deans of this University in the academic year 1999/2000, while in 2002/03, 5 of them were women. It is perhaps important to point out that the Rector of the University was a woman. Since the establishment of the University in Belgrade in 1905, there have been 33 men rectors and 1 woman rector.

332. Special mention in the context of potential discrimination against women is made of the attendance of women of military and home affairs schools, colleges and universities.

333. The education in military secondary schools and military schools of higher education is regulated by the Law on Military Schools and Military Research Institutes (Official Gazette of the FRY, Nos. 80/94 and 74/99). The Law stipulates that the right to take part in competitions for admission to military secondary schools and military schools of higher education and for advanced training of career professional officers is given to the citizens of the FRY who meet a set of fixed

criteria. The applicants must be physically fit for military service and no criminal proceedings must have been instituted against them for a criminal offence prosecuted *ex officio*. The applicants must not have a criminal record, i.e. must not have been convicted of criminal offences and sentenced to more than 6 months in prison or to juvenile prison or must not have had an institution measure pronounced.

334. Article 50 of the same Law specifies that applicants who have completed elementary education and who fulfil the general conditions provided by this Law and special conditions established by the regulations of the Chief of General Staff and the Statute of the school will be admitted to secondary military schools. The applicants who completed military high school, correspondent civilian secondary school and applicants who completed military secondary vocational school will be admitted to the Military Academy, provided fulfil the general conditions provided by this Law and special conditions established by the Statute of the school.

335. On the basis of the provisions cited above, it is possible to conclude that women have the right to enrol on military schools, colleges and academies. However, the Decision of the Chief of General Staff contains a provision according to which an applicant for military schools and military academies must be of male sex.

336. In recent years and in accordance with the new trends and reform processes, an increasing number of women enrol in institutions of higher education which prepare and specialize in the training of police personnel.

337. The Police Academy is an institution of higher education, established in 1993 by the special Law on Carrying out Educational-Scientific Activities of Importance for Security and Police Work. The Police Academy educates and prepares officers for the highest managerial positions in the police, the main task of whom is to protect the law and the rights, freedoms and security of the public, ensure maintenance of public peace and order and crime control. The basic studies at the Academy last four academic years and candidates are admitted to the first year on the basis of a competition announced by the Academy in accordance with the Law on University, Law on the Police Academy and the Statute of the Police Academy.

338. To the first year is admitted a candidate who is a Yugoslav citizen, who has completed secondary four-year education and who fulfils special conditions established by the law for admission to the MUP SR. In addition, the candidate must also fulfil special conditions regarding age, health and psycho-physical ability to perform police duties, prescribed in more detail by the Minister of Internal Affairs.

339. In the period from the school year 1993/94 to the school year 2002/03, 1,170 students enrolled in the Police Academy for basic studies. For the first time since the establishment of the Police Academy 34 girls enrolled for basic studies in the school year 2002/03. In addition to the general admissions criteria, they had to meet special requirements for female candidates relating to psychophysical capabilities. In the current school year, 28 female students enrolled for basic studies of the Academy.

347. Furthermore, in compliance with Article 12 of the Law on Labour, the person seeking employment as well as those in employment may not be placed in an inferior position in comparison with others, regardless of sex, birth, language and other distinctions specified in the law. The employer must not make employment conditional on pregnancy test (Art. 14). However, this notwithstanding, within the examination of general health condition and the ability to work, gynaecological examination is required for women when concluding an employment contract. Likewise, according to Article 81 of the Law on Labour, the employee has the right to adequate remuneration determined in compliance with the law, a general act or the work contract. Employees are guaranteed equal pay for equal work or work of the same value, to be obtained by the employer.

348. The employer may contract jobs outside his premises provided that such jobs are not dangerous or damaging to the health of the employees. The work contract can be concluded for work outside the employer's premises. The work contract, concluded for that purpose, should contain additional provisions on the conditions of work, this being a novelty in the Law.

349. The Law on Labour and the Law on Protection at Work envisage, in respect of jobs that imply higher risk of accidents, occupational or other diseases, only workers who, in addition to general fulfil also specific conditions with rega

353. Practice has shown that the employed women, in comparison with the employed men, less frequently have recourse to labour inspection regarding the safety at work and protection of health. Employed women mainly complain to the inspection when they are not satisfied with their assignment to certain workplaces in keeping with their actual work abilities after they had suffered a degree of disability.

354. As records on accidents at work are not kept according to gender, there are no exact data on the number of employed women who suffered injuries at work. Looking at the total number of accidents occurring in the workplace it is noticeable that there are much fewer among employed women than among employed men.

355. In compliance with Article 76 of the Law on Labour, during pregnancy, maternity leave, leave of absence for the purpose of childcare, or leave for the purpose of special childcare, the employer

360. According to Article 71 of the Law on Labour, a parent of the child with serious psycho-physical handicap requiring special care has the right to be absent from work or to work half time for the purpose of childcare until the child is five years old. The said parent can use this right after the expiry of maternity leave or leave of absence from work for the purpose of childcare. The exceptions are defined by the regulations on health insurance.

361. During the absence from work, the employee has the right to wage compensation, in accordance with the regulations on social care of children. During the period in which the employee works half of the full working hours, the employee has the right to remuneration in compliance with the general act or his work contract. The other half of the remuneration, for full working hours, he will receive in accordance with the regulations on social care of children.

362. Under Article 72 of the Law on Labour an adoptive parent, a foster-mother or foster-father or a guardian of a child under the age of five, is entitled to be absent from work for the purpose of childcare for an uninterrupted period of eight months. The eight-month period is calculated from the date of the placement of the child in the adoptive, foster or guardian family until the child reaches the age of five. In case of the a child's placement in th

368. In compliance with Article 68 of the Law on Labour, in the course of the last eight weeks of pregnancy the employed women may not work overtime or night hours. One of the parents of a child under three years old may work overtime or nights only on the basis of his/her written consent.

369. A single parent with a child under seven years of age or a child with serious disability may work overtime or night hours, only on the basis of his/her written consent.

370. As already mentioned, the position of women employed in the Army of S&M and in the police forces deserves particular review.

371. The Law on the Yugoslav Army (Official Gazette of the FRY, Nos. 43/94, 28/96, 44/99, 3/02, 37/02) provides for (Article 117) that a Yugoslav citizen may be employed as a civilian in the Yugoslav Army for an indefinite or limited period of time. He or she must fulfil the general conditions prescribed by the federal law regulating the relations of employees in the federal organs of administration as well as the special conditions determined by the Chief of General Staff.

372. In implementing this provision, the principle of prohibition of discrimination based on gender is respected. Employment of civilians in the armed forces takes place by advertising vacancies or by open competition published in the media. The advertisement contains general and specific conditions

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are not subject to compulsory drafting or to compulsory military service. The work of men and women is equally valued and there are no differences in emoluments based on work.

377. Men and women exercise, under equal conditions

providing health care to the population, priority was given to the satisfaction of those needs whose neglect could endanger the biological survival of the nation and significantly undermine the social, humane and ethical foundations of the healthcare system. An absolute priority was given to the healthcare of women during pregnancy, childbirth and one year after child delivery.

390. Within a whole range of activities undertaken in the course of the past years, aimed at the realisation of healthcare development programmes in compliance with the international recommendation of the WHO and UNICEF, the Yugoslav Plan of Action in Favour of Children, adopted in 1996, should be mentioned. Activities in the area of women's healthcare have been envisaged in that plan. The main objectives included lower mortality rate of mothers to less than 13 and greater coverage of women of child-bearing age and/or of married couples by the work of counselling centres in order to reduce the number of abortions. Also, one of the objectives was to implement the support programme for breast-feeding

395. The sanctions imposed by the UN Security Council had a negative effect on the health of women in the Republic of Serbia. According to the assessment of health institutions concerned with the healthcare of this population group, preventative and curative examinations within the primary healthcare system were significantly reduced, the rate of hospitalisation was lower, as well as the number of hospital days. The diagnostic procedures were incomplete and the post-operative recovery prolonged.

396. Sanctions had a particularly negative effect on the prevention of cancer among women since the number of regular health check-ups enabling early diagnosis of the disease was reduced. Due to the lack of cytostatics (cancer treatment drugs), the therapy was incomplete and there was a long waiting period for surgeries. The survival period of patients with malignant diseases was considerably shortened and the death rate among women due to malignant diseases increased.

397. A special health problem emerged in connection with HIV/AIDS. According to the relevant data the situation in respect of HIV/AIDS is assessed as unfavourable. Inadequate number of test kits for diagnosis and means for preventing the spread of HIV/AIDS resulted in negative forecasts for the future, in view of the socio-economic situation, migrations of the population, insufficient use of condoms, increase in drug addiction, alcoholism and prostitution. Although there are counselling services for HIV&AIDS where it is possible to have one's blood tested and hotlines for the dissemination of all information on the disease, broader systematic education of the risk groups, especially the young, does not exist as yet. There are no massive-scale campaigns aimed at disseminating information among the population about this disease.

398. In recent years numerous activities have been pursued in order to improve this situation by the government agencies and non-governmental organisations, among which the NGO JAZAS should be mentioned in particular. The basic aim is to raise the awareness among as wide a population as possible, especially young people, about the risks of the disease, its transmission and prevention. In this context, special mention should be made of free actions periodically carried out in health institutions, such as the testing for HIV/AIDS virus for the purpose of possible detection of infected persons. However, the largest number of HIV/AIDS cases are found among intravenous drug addicts, homosexual or bisexual persons, heterosexuals and children infected through vertical transmission of HIV/AIDS from positive mothers.

399. As to the healthcare system of the FRY it can be said that according to the level of social welfare, measured by per capita gross social product (i.e. national income per capita), it may be ranked among the systems of developing countries.

400. According to its administrative structure, the health system of the country is formally pluralist but essentially monist and markedly centralised at the republic level.

401. The territory of the FRY/S&M has a developed health infrastructure with a well-established network of health institutions and an adequate number of doctors and medical personnel that is at the level of the European average. There are, however, certain variations by region and between urban and rural areas.

402. Two separate laws relating to health protection, i.e. the Law on Healthcare of the RS (Official Journal of the RS, Nos.17/92, 26/92, 50/92, 52/93 25/96, 18/2002) and the Law on Health Insurance of the RS (Official Journal of the RS, Nos.18/92, 26/93, 23/96, 46/98, 54/99, 29/2001 and 18/2002) have been adopted. Because of this fact the health system in the Republic of Serbia may be said to belong to the so-called Bismarck's model, a system based on the compulsory health insurance. The dominant ownership in the healthcare system is state ownership.

403. The health system, the same as other social activities, i.e. other areas of collective consumption within the so-called non-economic activities, spends a part of the realised social product. The share of spending on healthcare in the national income, as one of the most important indicators of the health policy of a country, is rather high and has ranged from 7.4 per cent in 1990 to 11.9 per cent in 1997. According to estimates, this percentage was the smallest in the year of crisis marked by hyperinflation.

404. It should be noted however that the data on healthcare spending as contained in the official statistics of FRY/S&M and Serbia indicate only data on the expenditure in the state health sector (health insurance and the expenses of health institutions). They do not include extra costs covered by the beneficiaries through payment of the full price of health services in the private health sector (mainly for dental services and medicines purchased in private pharmacies). Nor do they indicate the full prices in the state or public health sector for services that could not be covered by the insurance scheme.

405. The data on the health service expenditure do not include the expenditures of the military medical service (covered by the military budget), on the humanitarian assistance and donations to health institutions, nor data on the purchase of medical supplies necessary for hospital treatment. According to estimates made by economic experts, at the beginning of the 1990s these expenses amounted to additional 2.0 per cent of the national income. With the deteriorating situation in the health sector during the past few years, these expenses have risen to 4.5 per cent.

406. In the past ten years or so, in FRY/S&M a policy aimed at preserving all the existing capacities and rights envisaged by the healthcare law has been pursued. This is being done in the hope that better

408. The scope of preventive measures has been precisely determined. Standard general medical examinations on a regular basis are complemented with health education programmes, community health nursing, including the obligation to take adequate therapeutic and other measures. In this context, particular attention should be devoted to the contents and the scope of the measures of prevention for the health protection of women of child-bearing age. The same applies to women over 25 in connection with the early detection of malignant diseases, adults aged 20 and older, or 35 and older, in connection with the detection of chronic, non-communicable diseases, etc.

409. Treatment of the sick and the injured is ensured in respect of:

- Medical assistance in emergencies and taking care of urgent cases at all levels of medical services, including ambulance transportation;

- Medical examination, diagnostics, treatment at the primary level in out-patients, at home and at high expert levels on the basis of the referral of the chosen general practitioner or physician, or on the basis of the decision of a medical board or a doctors' consultation.

410. The scope of these measures is not limited. The prevention and treatment of the diseases of the oral cavity and teeth in children and young people, in women during pregnancy and treatment of emergency cases in dentistry, treatment of dental caries (cavities) and pulpitis are established as the basic contents of dental care. The righteasewomen ofct.0001 Tc0.0093 Tw[(e6758w[(413w[(basver)65m20004w

structure in Serbia has been dramatically changed due to the departure of many young people and the arrival of refugees and displaced persons with different morbidity and death risks.

428. In the early 1990s a series of dramatic events began resulting in a stagnation or deterioration of most of the indicators available for routine follow-up and analysis of the health of the population. Life expectancy at birth calculated on the basis of the existing specific mortality rates according to age (shortened approximate tables of mortality rate) became shorter by more than two years for male new-borns in central Serbia, in the period from 1989/90 to 1996/ 97. However, in Vojvodina it remained practically unchanged. In the case of female new-borns in the same period the value of this indicator has been diminished in Vojvodina by 1.13 years and remained virtually unchanged in central Serbia.

429. In the period from 1990 to 1997, the death rates of the adult population between 20 and 44 years old increased in central Serbia by 14 deaths per 100,000 inhabitants of that age group, while in Vojvodina decreased by 10.5.

430. During the same period the death rates of the adult population 44 to 64 years old in central Serbia rather increased, i.e. by 20.4 deaths per 100,000 inhabitants of that age, while in Vojvodina the rate increased by as many as 90.3 deaths per 100,000. It may be concluded from these figures that the most affected was the category of adult population aged 44 to 64 in the whole of the Republic of Serbia and in particular in the territory of Vojvodina.

431. It is worth mentioning that in the period under review (1990-1997), contrary to expectations, no increased death rate was recorded in the population over 65. The rate was even reduced although, according to local conditions, this category belongs to the especially vulnerable group. The death rate of those older than 65 per 100,000 inhabitants was reduced in Serbia in 1997 in comparison with 1990 by 693 deaths, while in Vojvodina this figure was lower by 1,184 deaths per 100,000 inhabitants of the same age.

432. The analysis of the specific death rates by age groups has shown, as already pointed out, that the increase in the death rates in the age group 20 to 44, in particular in the age group 45- 64, is mostly responsible for the reduced life expectancy at birth registered in central Serbia and Vojvodina in the period 1990-1997. This is consistent with the results of the health status analysis of the population in countries of Central and Eastern Europe.

433. In analysing the causes of death in the Republic

435. The third place is taken by insufficiently defined diseases and conditions (symptoms, signs, pathological, clinical and laboratory findings) while injuries, traumas and consequences of external factors' impact occupy the fourth place. The share of insufficiently defined diseases and conditions increased both in central Serbia and in Vojvodina. On the other hand, the share of the external factors as death causes was reduced in central Serbia and Vojvodina.

436. The high share of cardiovascular and malignant diseases in the structure of death causes points to a widespread presence of behavioural risk factors (smoking, alcohol, unhealthy diet, lack of physical exercise) as well as environmental risk factors (polluted air, contaminated food and water). Insufficiently defined diseases and conditions occupying the third place are the consequence of the unreliable reporting of deaths in the Republic as a whole. External death causes ranking fourth in the death structure point to inadequate safety at workposts, traffic safety and safety at home.

437. The disaggregation of external causes shows that the most frequent causes are accidents, followed by suicides and murders. The death rates due to these causes marked an increase in 1991 and 1992, at the beginning of the conflict in the territory of the former Yugoslavia. All the three categories registered an increase in 1996. The highest increase was recorded in the category of accidents and suicides.

438. Another level of analysis of deaths due to accidents according to gender has shown that the death rate in the reporting period was almost three times higher for males than for females and that in 1991 and 1992, this rate was four times higher.

439. The analysis of the health condition of the inhabitants of the Republic of Serbia was carried out on the basis of mortality statistics as the most reliable. The analysis has

443. The correlation between the infant mortality rate and the socio-economic development is appropriately illustrated by the negative correlation, already well known in literature both at international and national levels, between the infant mortality rate and the per capita social product (or national income).

444. The example of infants, as a vulnerable category of the population proves that the social and economic factors are the most powerful indicators of the health status of the population. For the period from 1990 to 1998 in the Republic of Serbia, it is possible to illustrate the negative correlation between the infant death rate and the per capita national income, calculated in stable prices.

445. The mortality rate of infants is a complex measurement of the mortality risk in the neonatal period (the first 28 days of life) that decreases with improved availability of neonatal healthcare and the mortality risk in the post-neonatal period (from the 28th day until the first birthday). The latter decreases with the better education of mothers, better sanitary conditions, better nutrition, higher coverage of infants with immunisation procedures, more effective treatment of respiratory diseases at that age, etc. The mortality of infants in the Republic of Serbia increased in respect of both of the above-mentioned risks in 1993 and subsequently in 1996 and 1997.

446. The greatest share in neonatal mortality is the mortality of newborn babies in the first week of life, as also indicated by the values of the perinatal mortality rate. This rate, which represents the ratio of the total number of stillbirths and deaths in the first week of life per 1,000 deliveries, is an indication of the influence of endogenous factors on the health of the foetus. In countries with well-organised perinatal healthcare (health protection of pregnant women) where practically all deliveries take place in health institutions, as is the case with the FRY, it represents at the same time a good indicator of the quality of health services rendered to mothers with children. The more so, as it occurs in the periods of intensive supervision of the health of of th0001 Tn0(of Serbia iiga975 u8696)rs[(erful indicn)]TJ

economic conditions of life. Furthermore, it depends on the health condition of the mother before pregnancy, the incidence of complications during pregnancy and at delivery, as well as on the availability and the extent of use of health services, in particular of the prenatal and obstetric healthcare. The same as the rate of perinatal mortality, the rate or the ratio of maternal mortality (used more frequently) are an appropriate indicator of the results achieved by the health services, i.e. of the quality of health services rendered.

451. In the period of eight years, the ratio of maternal mortality (the number of women that died during pregnancy, delivery and the post-natal period per 100,000 live births) increased by 10, in central Serbia. In Vojvodina, a similar increase was recorded, while in Kosovo and Metohija no increase was registered, probably due to irregular registration and a large number of deliveries taking place outside health institutions.

comments. A certain delay in the finalisation of the texts of these laws is due to their connection with the elaboration and adoption of laws in other fields, in particular with the Law on Local Government and the Law on Determining Certain Powers of the Autonomous Province (of Vojvodina).

459. Simultaneously with the work on the elaboration of the above-mentioned draft laws, legal acts to be adopted or approved by the Government of the Republic of Serbia are being prepared or have already been prepared. These acts include the Regulation on Health Institutions Network; the Decision on the Participation of Insured Persons in Health Care Costs. Also included are the Decision on the List of Prescription Drugs Paid by Health Insurance and the Decision on the Scope and Contents of the Right to Health Care.

460. Independently or in co-operation with the Ministry of Health of the Republic of Serbia and the Republican Institute of Health Insurance the following regulations were adopted: the Regulation on Joint Procurement of Medical Supplies for State-Owned Health Institutions; Decision on the Establishment of the Bases for the Payroll Tax for Compulsory Health Insurance, Decision on the Payroll Tax Rates for Compulsory Health Insurance. Furthermore, the Regulation on Amendments to the Regulation on Evidence supporting requests for the issuance of sanitary certificate; the Regulation on Expenses of Inspection and Method of Calculating Expenses incurred in carrying out inspection at the request of a party; the Regulation on the manner of gaining basic knowledge relating to the hygiene of foodstuffs, including that of personnel; Amendment to the Special Collective Agreement for the Health Sector (thus enabling an increase of 20 per cent in earnings of those employed in the health service), the Decision on the Criteria for contracting health care in 2001 between the Republican Institute of Health Insurance, health care institutions and others involved in the health sector.

461. Five national expert groups were established concerned with: dental care, public health, mental health, tuberculosis, and the elaboration of the National Health Expenditure of the Republic of Serbia.

462. The Terms of Reference for the World Bank technical assistance were prepared in the following areas: reform of the health insurance system and the financing of health care, development of the health information system, public health and development of human (professional) resources in the health care system.

463. The document entitled "A Vision for the Development of the Health Care System" was elaborated.

464. An analysis of the functioning of the medical services was prepared. A survey regarding the satisfaction of beneficiaries with hospital medical care in five in-patients health institutions in Belgrade was carried out. An Anti-Smoking Action Plan was prepared by the Ministry of Health and a Draft Amendment to the Decision on Personal Participation of Insured Persons in Health Care Expenses was elaborated. Also, a Conference on the Reform of Mental Health Services in the Republic of Serbia was held in co-operation with the WHO, Italian and Yugoslav Caritas organisations. Furthermore, a symposium devoted to the introduction of the National Health Bill in the Republic of Serbia, was organised in co-operation with DFID.

465. All necessary activities were completed for the licensing of software for the Ministry of Health in compliance with the planning, licensing and utilisation of Microsoft software. The procedure was started for the licensing of software for health institutions in the Republic of Serbia. Work is under way on the elaboration of a proposed web site of the Ministry of Health of the RS.

466. The Ministry of Health of the RS is developing a project (Secondary Health Care Restructuring: 2003-2007), worth US\$ 16.5 million, to be financed by World Bank loans. For the preparation of the loan project, the Ministry will commission the services of consultants who will be paid through grants allocated for the preparation of the loan project (SPEAG and PHRD). A newly established unit of four members, charged with the project management, will make preparations for the project. The unit has so far prepared documents necessary for the negotiations on loan terms and conditions between the Government of Serbia and the World Bank. In the course of December, the Bank engaged and funded two consultants to assist in the preparation of the necessary loan documentation.

467. The Ministry of Health of the RS and the Republican Institute of Health Insurance are the end users of a portion of the Structural Adjustment Loan. These resources are allocated for the purpose of restructuring the finances of the health system (the list of essential drugs, the Law on Drugs, participation in expenses, etc.), collection of health contributions (the basic package of services, development of supplementary packages of services through health insurance, etc.). The same resources are also intended for the preparation of the Master Plan and the Plan of Personnel for the Health System.

468. The first Biannual Country Agreement was signed with the WHO in 2002. A delegation of the Ministry of Health visited the WHO Headquarters and met with the Director. It was agreed that the Director would pay an official visit to Belgrade in 2003.

469. The document entitled "Provisional Programme on Adolescent Health for Health Care Providers" was prepared. The Ministry of Health organised a seminar on management, with the technical assistance of WHO.

470. The first shipment of Chinese humanitarian aid arrived in the customs warehouse of the Hemofarm pharmaceutical factory in the town of Vrsac. Its worth was US\$ 2,698,795.00. It consisted of medical equipment including 4 CT scanners, 60 ultrasound scan

478. Within the "Hellenic Plan" an application was submitted for the Project of the development and rehabilitation of the emergency medical aid along the route of "Corridor 10", worth 10 million Euro (8.0 million Euro by the Government of Greece and 2.0 million Euro from budgetary resources and other donors). Furthermore, an application was submitted for financing the Project for the management of medical waste, worth 2.0 million Euro, in which the Ministry for the Protection of the Environment and Natural Resources of the Re

There are no legal grounds for a differential treatment in this respect vis-à-vis the gender of the applicant. However, in most cases, a condition for obtaining credits and loans is the possession of certain property, movable and immovable, or the guarantees of the person owning such property. Therefore, it cannot be excluded that in practice women are placed in a less favourable position in relation to men, because among the owners of movable property or real estate, there is a considerably lower proportion of women than men. Thus, it could be said that from the legal aspect equality of the sexes formally exists but due to the reasons referred to above, it is more difficult for women to realise these rights in a certain number of cases, showing that some forms of indirect discrimination do exist. The strengthening of the economic status of women will help to overcome these problems.

486. Men and women enjoy equal rights to the participation in sports and recreation activities. Practice has shown that women are keenly interested in recreational sports (aerobics, gymnastics, fitness clubs, swimming, jogging) which may be explained by the need for health recreational activities or aesthetic shaping of the body. There are numerous programmes of physical exercise attended mainly by women.

487. The participation of women in cultural life, either as artists, organisers of artistic events, employees in cultural institutions or only as visitors of cultural events is very significant. Therefore, the field of culture is very often considered as an area of dominated by women. Although no precise data exist, practice has shown that in the cultural institutions (theatres, museums, cultural centres, in journalism, etc.) most of the employees are women, but that men mainly occupy the managerial positions. It reflects the traditional division of functions, still present in the majority of social systems.

Article 14

488. It should be mentioned at this point that the domestic legislation is based on the equality of men and women in the realisation of all rights and duties envisaged by the law. The principle of equality is contained in the previously mentioned provisions of the Constitution of the FRY (Art. 20), the Charter of Human and Minority Rights (Art. 3) and the Constitution of the Republic of Serbia (Art. 13).

489. In view of the specific way of life in the country, special mention should be made about the possibilities of owning real estate and inheriting it. Thus, the Constitution of the FRY has guaranteed the right to own property and the right of inheritance in conformity with the Constitution and law (Art. 51). Likewiser6fthea which may sh.0138a wi.15 TD0.4

491. The Constitution of the Republic of Serbia guarantees the right to own property, in compliance

Article 15

498. In the previous considerations it has been noted that the basic principle of the domestic legislation is that all are equal before the law and that there is no discrimination of any kind in the exercise of rights and duties. Men and women are recognised equal legal capacity and equal opportunities in enjoyment, without any restrictions based on gender. Furthermore, they are fully equal as to the conditions of acquiring, enjoyment and deprivation of business capability.

499. The Constitution of the FRY guaranteed freedom of movement and residence and the right to leave and return to the FRY. The right to freedom of movement and residence and the right to leave the territory of the FRY may be restricted by federal statute, if so required for the conduct of criminal proceedings, prevention of the spread of contagious diseases or for the defence of the FRY (Art. 30).

500. The same principle was adopted in the provisions of the Constitutional Charter and the Charter on Human and Minority Rights.

501. The Constitutional Charter provides that the movement of people, goods, services and capital shall be free. Setting obstacles to free flow of people, goods and capital shall be prohibited (Art. 13).

502. The Charter on Human and Minority Rights stipulates that everyone has the right to free movement and residence anywhere in the territory of the State Union, as well as the right to depart therefrom and return thereto. These rights may be re

506. The registration of residence and change of address must take place within 8 days from the date of arrival and/or change of address. The citizen is due to report his/her departure before leaving the place of residence (Art. 8).

507. On the occasion of the registration of residence citizens are obliged to give true information. A citizen may be required to produce a document as proof of identity. The intention of residing permanently in a place of residence and/or at a certain address is proved by the contract on the use of the apartment, owner's title sheet or by a sub-tenancy agreement (Art. 5).

508. The abode is the place where the citizen lives temporarily, outside his/her place of residence (Art. 4). Citizens who live outside their place of residence for more than 15 days are obliged to report their arrival and their departure before leaving (Art. 12).

509. Citizens who intend to stay abroad for more than 60 days have the duty to report their departure to a foreign country. These citizens are obliged to report their temporary arrival in or permanent return to the country not later than 3 days after arrival in or return to the place of residence (Art. 13).

510. The arrival in or departure from the place of residence; a change of address; departure to a foreign country or temporary arrival in, or return from a foreign country, to the place of residence, is reported to the municipal organ of internal affairs. In places outside the seat of the municipality they have the duty to report to a local community office, which shall fo

- Family (realisation of family rights, basic principles of family relations);
- Marriage (conditions for contracting and validity of marriage, procedures for contracting marriage, the rights and duties of the spouses, termination of the marriage, annulment and causes for divorce);
- Relations between parents and children (verification and denial of fatherhood and motherhood, the duties and rights of parents and children, exercise of parental rights, supervision of exercise of parental rights, deprivation of parental rights, continuation of parental rights);
- Special forms of protection of children without parental right (adoption, organised family placement, other forms of family placement);
- Guardianship (guardianship of minors, guardianship of persons deprived of business capacity, guardianship in special cases);
- Support (support of spouse, support of common-law spouse, support of children, parents and other relatives, manner of determining the amount of support);
- Property relations (property relations of spouses, division of the property in common of spouses, property relations of common-law spouses, property relations of the members of the family);
- Special court procedures in disputes related to marriage and family;
- Family name (determination of the family name, family name of the spouses and a change of the family name).

515. However, it should be borne in mind that although family relations are regulated solely by civil laws, in certain regions of Serbia (eastern Serbia, the region of Raška, Kosovo and Metohija) family relations, outside the institutions of the system, are regulated in keeping with religious rules and common law. This may place women in an unequal position to a considerable extent.

516. The right to contract marriage, according to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, is one of the basic human rights. As such it is recognised in Serbia and Montenegro and in the Republic of Serbia both to citizens of Serbia and Montenegro and to foreigners, irrespective of sex.

517. In compliance with this principle, the legal regulations treat the contracting of marriage as a general right, as a regulated union of a woman and man which is established on the basis of their consent to do so stated before the competent organ in the manner prescribed by the law. The circumstance that one or both spouses to be are foreign nationals is of relevance only in the sense of additional documents that they have to produce for the purpose of establishing their identity and in order to fulfil the requirements for contracting marriage.

518. The Law on Marriage regulates the requirements for contracting marriage and for it to be valid. It stipulates positive and negative premises for entering into marriage and the marriage prohibitions.

The positive requirements for entering a valid marriage is the legal age (acquired at the age of 18), different sexes, an agreed statement of consent of the future married couple, legal form of contracting marriage with the aim of living together.

519. The negative requirements for the validity of a marriage, or impediments to enter into marriage are the existence of a previous marriage, mental incompetence, kinship, status of a legal minor and defects in willpower (coercion and deception). Of all impediments to marriage this Law regulates only one, i.e. guardianship.

520. In the case of entering into marriage with an alien the conditions for contracting marriage are assessed according to the national law of the prospective spouses (*lex nationalis*), so that each spouse must fulfil the requirements set by the law of the country of his/her citizenship. However, even if conditions for contracting marriage according to the law of the state whose national is the person wishing to contract marriage before the competent authorities of the Republic of Serbia have been fulfilled, the entering into marriage will not be allowed in some cases. Namely, if, according to the Law on Marriage, there are impediments in respect of that person relating to a previous marriage, kinship or mental incompetence.

521. Otherwise, as far as marriage law is concerned, Serbia and Montenegro has ratified, within the framework of the Hague Convention for International Private Law, *inter alia*, the Convention on the Consent to Marriage, Minimum Age for the Contracting of Marriage and the Registration of Marriage (1962).

522. The procedure for contracting marriage is regulated by the Law on Marriage and the Regulation on the Duties of the Registrar in the Procedure for Contracting Marriage of 1993. In conformity with those regulations it is necessary for persons intending to contract marriage to inform the Registrar, orally or in writing, about their intention. In case of oral information, the Registrar establishes the identity and the place of residence of persons intending to enter into marriage, by inspecting their identity cards. In case of written information, the Registrar acts in compliance with the law regulating the general administrative procedure.

523. Together with the registration form, persons intending to enter into marriage are required to submit a birth certificate and, if necessary, evidence that no matrimonial impediments or prohibitions exist.

524. If the person intending to enter into marriage is an alien, he/she is required to submit a birth certificate (duly legalised for use in our country), a certificate of free civil status (so-called *nulla osta*). It should be stated in the certificate that according to the laws and regulations of the country whose he/she is a national no impediments exist to contracting marriage with the person whose name should also be mentioned in the certificate. A photocopy of the passport and proof of the registration of temporary stay in Serbia and Montenegro are also necessary.

525. In a private conversation, without the presence of the public, the Registrar has the obligation to inform the persons intending to enter into marriage of impediments and prohibitions for contracting

marriage and the legal consequences in case of entering into marriage notwithstanding their existence. The Registrar will recommend to the persons intending to enter into marriage to use the time prior to their wedding to collect information on each other's health status. Also, he will advise them to visit the marriage counselling service in order to receive professional advice regarding the conditions for a harmonious development of conjugal and family relations. The Registrar will also advise the prospective spouses to visit a health institution with a view to getting information about the possibilities and advantages of family planning. He will also inform them about the existing legal options in respect of their future surnames. The Registrar will make a note on their application for contracting marriage. The Registrar and the persons submitting the application will sign the aforementioned note.

526. Marriage is contracted at a ceremony, on the premises especially assigned for these purposes. Without delay, the Registrar enters the data on the marriage into the Register of Marriages, reads aloud to the couple and the witnesses that the entry has been made and states in the Register of Marriages that the entry was read out. The married couple signs the entry in the Register of Marriages using their new surnames. After that the witnesses also sign the Register. Upon completion of the entry, the Registrar issues a copy of the Marriage Certificate.

527. The Law on Marriage (Art. 402) envisages that the spouses may agree that:

- their common family name will be the family name of one or the other spouse;
- they will keep their own family name;
- they will add to their family name the family name of the other spouse,
- one of the spouses will take the family name of the other spouse and add to that family name his/her family name.

528. For entering into marriage, as already mentioned, a special ceremonial form is envisaged. Such a legal form of entering into marriage is one of the preconditions for the validity of the marriage. According to the Law on Marriage, the predominant form of entering into marriage is the marriage according to the civil procedure, as the most frequent form of marriage in contemporary law. Consequently, a marriage is legally considered a marriage only if it was contracted before appropriate state authorities and according to the procedure envisaged by the law. In this context, it is stated in the Law on Marriage (Art. 64) that persons officiating at a marriage ceremony according to the religious procedure cannot do so before the spouses had proved, by producing a Marriage Certificate, that they already contracted civil marriage.

529. The Law on Marriage (Art. 41) prescribes that the marriage is considered contracted at the moment when the spouses announce their consent to marriage in the presence of a state official,

544. Without any limitations based on sex, the Law on Marriage (Art. 287) provides that the spouse who does not have sufficient subsistence means, is not able to work or cannot find employment, has the right to be supported by the other spouse. The support should be proportional to the financial possibilities of that spouse.

550. In practice, the help and support to and protection of women victims of domestic violence is ensured through the institutions of social protection, health institutions, the police and the judiciary. During the past fifteen years a significant network of women's and other non-governmental organisations has been established, focusing their activities on women victims of domestic violence. In order to bring the problem to the attention of the public and, first and foremost, to protect the victims of domestic abuse, these organisations have launched a number of activities (campaigns, roundtables, TV videos). Of these activities the most important has been the setting up of safe houses for women and children, victims of violence.

551. However, this network of women's and other NGOs, SOS hotlines, legal aid services and safe houses for women has been faced with difficulties in its work because the state has no obligation to finance these organisations as part of the regular system of social protection. With this in mind, the Provincial Secretariat for Labour, Employment and the Equality of Sexes of the Autonomous Province of Vojvodina initiated the establishment of the first SOS hotline for women victims of violence and assumed the responsibility for its operation. In co-operation with the civic authorities and public

564. Either parent with whom children do not live, regardless of the reasons, is expected to pay maintenance for the children. This expectation is based on the law providing for that the parent with whom the children do not live is obliged to contribute to the expenses of their sustenance.

565. The parent with whom the children live may in a separate lawsuit request the court to bring a decision on the duty of the other parent to pay child support. Also, during divorce proceedings the court may ex officio decide that the other parent, to whom the children were not entrusted, has the obligation to pay maintenance for them.

566. In the legal procedure for the implementation of maintenance the court determines the total amount of financial resources necessary for the support of the children. The obligation of paying child support is decided in accordance with the financial standing of the parent who is obliged to pay the support (Arts. 309 and 310). Although the decisions on the payment of maintenance are normally implemented in practice, due to the overall low living standard of the population, the problem arises in connection with the amount of the maintenance. More often than not it cannot cover the basic needs of the child. In some cases, although the maintenance is rather low, it is nevertheless higher than the actual financial resources of the parent who is obliged to pay it.

567. The obligation of supporting the child is in most cases fulfilled voluntarily by the parent who is obliged to pay the maintenance. In case of failure to do so, the payment is effected through measures of enforcement, in appropriate court proceedings. The Criminal Code of the Republic of Serbia envisages the criminal responsibility of the parents and other persons in default regarding payment of child support.

568. According to the domestic legislation, legal age is reached at the age of 18. This provision is also contained in the Charter on Human and Minority Rights which, in its Article 36, states that a person shall be deemed as being of legal age on reaching the age of 18 years.

569. In compliance with the above mentioned, the Law on Marriage (Art. 15) provides for that the legal age is attained on reaching the age of 18. Furthermore, it stipulates that the full business capacity, attained on reaching the legal age, may be acquired earlier by entering into marriage before legal age. According to the law, men and women reach the legal age under the same conditions.

570. According to the Law on Marriage (Art. 49) being underage is an obstacle to entering into marriage. Thus, a person who has not reached the age of 18 cannot enter into a marriage. However, the same Article provides for that the court may allow entering into marriage to a person under 18 years old, but not under 16 years old. At the same time, the court must establish whether the person entering into marriage is physically and mentally mature to perform his/her marital duties. Prior to adopting such a decision the court will obtain the opinion of the guardianship authority and from a medical institution. Furthermore, the court will interview the underage person wishing to enter into marriage, his/her parents or guardian as well as the person with whom the underage person intends to enter into marriage.

Part two
Montenegro**Consideration of reports submitted by States parties under article 18
of the Convention on the Elimination of All Forms of Discrimination
against Women****Initial report of States parties****Montenegro****Convention: Articles 1-16****Article 1**

581. Constitutional Charter of state union Serbia and Montenegro (Official Gazette Serbia and Montenegro No. 1/03) has proclaimed respect of human rights of all persons within its competence as one of the goals of state union. In that sense it has prescribed that constituent states define, provide and protect human rights and minority rights and civil freedoms on their territory (Article 9, paragraph 1) and that provisions of international treaties on human and minority rights and civil freedoms which are valid in the territory of Serbia and Montenegro shall be applied directly (Article 10).
582. Pursuant to the Constitutional Charter, ratified international treaties and generally accepted norms of international law shall have primacy over laws of Serbia and Montenegro and laws of constituent states (Article 16).
583. Charter on Human and Minority Rights and Civil Freedoms (“Official Gazette of Serbia and Montenegro”, No. 6/03) prescribes that everyone is obliged to respect human and minority rights, that the human and minority rights granted by the Charter shall be directly applied in compliance with the Constitutional Charter of state union Serbia and Montenegro and that human and minority rights granted by this Charter shall be directly defined, provided and protected by constitutions, laws and policies of constituent states. Provisions of Article 3 of the Charter grant equality before the law and equal legal protection, without discrimination and explicitly prohibit both direct and indirect discrimination on any basis whatsoever and, consequently, discrimination on the basis of sex.
584. Constitution of Republic of Montenegro grants freedom and equality of citizens regardless of any specifics or personal characteristic as well as the equality before the law. The Constitution also prescribes power to define the way in which freedoms and rights are exercised before the law if that could be necessary for exercising them.
585. Having in mind that Constitutional Charter of state union Serbia and Montenegro, Charter on Human and Minority Rights and Civil Freedoms and the Constitution of RoM set forth general guarantees of equality of all citizens on the basis of sex, therefore they do not grant special guarantees for equality of women and men in protection and exercise of human rights, nor they prohibit discrimination against women on the basis of sex and marital status.

586. Provisions of international treaties on human and minority freedoms valid in the territory of Serbia and Montenegro are directly applied. Also, ratified international treaties and generally accepted jurisprudence of international law have primacy over laws in Serbia and Montenegro and laws of constituent states.
587. These principles have been accepted and further developed by other regulations that regulate certain fields of social life.
588. There is a need to draft a separate law that would integrate the definition “discrimination of women” into our legal system since none of the laws in Montenegro has an explicit definition of discrimination against women from Article 1 of the Convention.
589. However, it is worth pointing out that Criminal Code (Official Gazette of the RoM, No. 70/03) prescribes violation of equality as a criminal offence which is punishable with up to three years of imprisonment for a physical person and three to five years of imprisonment for an official person who has committed the offence thereof while s/he is on duty (Article 159). Besides, this criminal offence encompasses both deprivation and restriction of the right, but also provision of benefits or favours on the basis of sex.
590. In addition, Law on Courts (Official Gazette of the RoM, No. 5/02) prescribes, among other things, that everyone is equal before the court.
591. Having in mind that violation of equality has been prescribed as a criminal offence, we can consider that judges and barristers are acquainted with that. However, generally speaking, judges and barristers have not been acquainted with the provisions of international legal instruments for human rights such as Convention on Elimination of All Forms of Discrimination against Women. Our expectations are even lower when it comes to ordinary citizens knowing about this Convention and its definition of discrimination of women.

Article 2

592. There is no politics or practice of discriminating against women neither by the Government nor by other public institutions. Implementation of the Convention has been provided by the Constitutional Charter, Charter on Human and Minority Rights, Constitution of the RoM and by series of legislative acts whose essence is the equality of citizens regardless of the different sex.
593. In some state authorities, organizations and agencies as well as in some public services there are more women than men in total number of personnel. However, there are only few women in decision-making positions. Situation is rather similar business organisations, regardless of the form of ownership.
594. On the other side, there are more men in professions that require bigger physical effort, work in night shifts and fieldwork. This is what happens in practice, although there are no laws in Montenegro that discriminate citizens on the basis of sex.
595. On the contrary, valid legislation grants equality and equality before the law to everyone regardless of any specifics or personal characteristic and, besides, it does not specify any particular prohibition in relation to women nor their discrimination.

596. Constitutional Charter of state union Serbia and Montenegro, Charter on Human and Minority Rights and Civil Freedoms, Constitution of Republic of Montenegro as well as series of legislative acts which pledge equality of citizens ensure implementation of the Convention.
597. Charter on Human and Minority Rights gives general guarantee of equality prescribing that everyone is equal before the law. Everyone has right to equal legal protection without discrimination. Each direct or indirect discrimination is prohibited on any grounds including race, colour, sex, nationality, social descent, birth and other status, religion, political or other convictions, financial standing, culture, language, age or mental or physical disability (Article 3, paragraphs 1-3). A step forward in comparison with former Constitution of the FRY has been made in prescribing prohibition of indirect discrimination, in addition to direct one.
598. Constitution of the Republic of Montenegro also grants equal rights and obligations to all citizens regardless of any specifics or pe

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Employer is obliged to respect rights and equality of employees in relation to protection of rights as well as his/her privacy and dignity (Article 3).

605. In addition, employed women, employees younger than 18 and disabled employees have right to special protection in compliance with the law and during pregnancy, delivery and care for child, every female employee is entitled to take maternity leave lasting 365 days as of the day when she goes on leave (Articles 74 to 83).
606. FRY Constitution granted, *inter alia*, free choice of profession and employment (Article 54, line 1), right to appropriate salary and right to material benefits during temporary period out of work (Article 55), right to limited working hours, daily and weekly break and paid holiday leave and leave in compliance with the law and collective agreement and to special protection granted to young people, women and disabled persons (Article 56).
607. Charter on Human and Minority Rights and Civil Freedoms also grants right to work in compliance with the law, right to free choice of work, to fair and appropriate working conditions and specially fair reward for work. At the same time it obliges constituent states to create conditions in which everyone can live of his/her work (Article 40).
608. Constitution of the Republic of Montenegro contains rather s0.0633 ma0 TwiT2Tw(wor.2(cq1J23(/0 T]TJ

613. Laws which stipulate field of education put women on equal footing with men in terms of rights and obligations.
614. Protector of Human Rights and Freedoms (Ombudsman) has been instituted by law and its function is to protect human rights and freedoms pledged by the Constitution, law, ratified international treaties on human rights and universally accepted rules of international law if they are violated by an act, action or inaction of state authorities, local authorities and public services and other holders of public mandates.
615. Apart from Protector of Human Rights and Freedoms, the protection of those rights and freedoms falls within competence of Constitutional Court of the Republic of Montenegro because it has a mandate to decide on, among other things, constitutional complaints on the account of an individual act or action that has violated freedoms and rights of individuals and citizens granted by the Constitution if such protection does not fall within competence of Federal Constitutional Court and provided that other form of court protection has not been envisaged. Apart from that, it also protects human rights and freedoms in acting on assessment of constitutionality and legality of general legal documents.
616. Finally, protection of human rights in general falls within competence of prosecutor's office and regular courts. Regular courts are competent to decide in proceedings conducted on the account of discrimination.
617. However, although the lawsuits and relevant court procedures are important instruments in fight against discrimination, they are not effective instrument for indemnity in cases of discrimination and abuse since there is no protection from revenge of the employer in case when a woman complains about discrimination and abuse. It does not mean, though, that there are no efficient mechanisms that would provide real protection of women against discrimination in certain cases. Therefore, having in mind present economic situation in Montenegro, there are but few women who are ready to loge complaint against discrimination and abuse at workplace since such an act might pose threat for their job and material status.
618. Apart from the quoted institutions that are involved in providing general protection of human rights, an important novelty in the legal system of the Republic of Montenegro has been the foundation of the Office for Gender Equality in the Government.
619. Women on average look for a job longer than men regardless of their degree of qualification. According to statistical data, 69% women and 31% of the men make up the group of those who have been looking for a job for more that eight years.
620. Statistical data indicate that the share of women in overall number of employed in the last ten years has on average been around 41,8%, whereas average share of women in total number of unemployed in this period was 59,88%.
621. Out of total number of women who are looking for a job, 52,81% have been waiting for a job for longer than three years, while 43,72% of the men are in the same situation.

protects freedoms and rights of the citizens. In addition to protection of constitutionality and legality, the Constitution of the Republic of Montenegro granted to this court the competence to decide on the constitutional complaints on the grounds of violation of freedoms and rights granted by the Constitution to the people and citizens by act or action provided that the protection thereof is not in the jurisdiction of the Federal Constitutional Court or that some other judicial protection has not been envisaged. It is also competent to decide about electoral disputes and disputes in relation to referendum since these do not fall under jurisdiction of regular courts.

633. The Law on Election of MPs and Councillors (Official Gazette of the RoM, No. 4/98, 17/98, 14/00, 9/01, 41/02 and 46/02) grants equal participation in electoral processes to women. They have equal right as men have to elect and to be elected.
634. However, despite the fact that in 2001 certain number of political parties signed a recommendation stating that they would make effort to have at least 30% nominations of women in their candidate lists, this had not been observed.
635. Most of the holders of public mandates are men. This is a consequence of traditional perception of the position and role of woman in society. Namely, according to that concept, women's role is to rear and bring up children and manage the household, whereas the role of the men is to sustain family, engage into politics etc.
636. National and international non-governmental organizations have conducted significant number of seminars with a view to strengthen the position of women, particularly in the sphere of economic and political rights.
637. University of Montenegro in cooperation with Oslo University from Norway has been carrying out a three-year project of introduction of gender aspect in curricula.
638. Non-governmental organization "Anima" started women studies in Kotor (2002) for the purpose of changing social status of women and for the purpose of encouraging foundation of women studies at University.

Article 4

639. Montenegro has made progress in monitoring and treatment of position of women in society and contributing to true equality between men and women.
640. Namely, for the first time in Montenegro the Office for Gender Equality was set up in the Government of the RoM. The task of the Office in achieving gender equality is focused on making analyses and proposing measures for improving policies and strategies for fostering gender equality. The Office proposes short-term measures or activities to be undertaken for gender equality to be exercised and then it evaluates those measures.
641. Important activity of the Office is to analyse compliance of valid laws with basic international conventions and pacts on women's rights and to establish standards and mechanisms for attaining gender equality as well as to deliver educational activities with a view to overcoming gender stereotypes.

642. The important novelty has been the foundation of the Protector of Human Rights and Freedoms as an institution whose function is to protect rights and freedoms granted by the Constitution, laws, ratified international treaties on human rights and generally accepted rules of international law if these have been violated by an act, action or inaction of state authorities, local authorities and public services or other holders of public mandates. The right to equality on the basis of gender is one of those rights.
643. At the same time, at broader societal level a lot of measures have been undertaken to protect women during pregnancy and maternity leave as well as to guard their health and security at work place. Legal basis for this is found in the Charter on Human Rights (Article 3) that allows introduction of temporary measures when it is necessary to establish equality, necessary protection and progress for individuals and groups of individuals who have been put in unequal position with a view to enabling them to fully exercise human and minority rights under equal conditions. These measures can be applied only for as long as the goals for which they have been introduced are achieved.
644. Pursuant to the Labour Law, during maternity leave, leave from work for looking after a child and leave from work for the purpose of providing special care for a child, women are entitled to allowance in the amount of 100% of her salary. This has been envisaged as a measure of financial support whose goal is to facilitate reconciliation of work with parenthood.
645. Law on Social and Child Protection (Official Gazette of the RoM, No. 45/93, 16/95 and 44/01) grants many rights in the field of social and child protection with a view to providing minimum social security for citizens who are not capable to work, to harmonizing conditions for child care, upbringing and teaching for the sake of their appropriate psycho-physical development as well as to contributing to balanced birth rate of population. Out of these rights we want to single out the following: family allowance, granted under the conditions prescribed by this Law, child-support allowance, allowance for newborns and maternity benefit during maternity leave.
646. The following persons are entitled to child-support allowance: children coming from families who receive family allowance, children with slight development impairs, pupils/students attending special schools or special classes in regular schools and all children, irrespective of family material status, whose physical and psychological disability incapacitates them to live and work independently. The allowance amount is determined as 30% to 50% of minimum average salary in the Republic in the month in which the allowance thereof is disbursed.
647. All parents are entitled to newborn allowance for each newborn child. It is once-for-all payment to a family and it amounts to two minimum average salaries in public sector in the Republic in the month when the baby thereof is born.
648. In compliance with this law, a working mother or, alternatively, a father or adoptive parent or custodian are entitled to taking maternity leave and they can opt for working half work hours until a child turns three years of age for which they receive remuneration throughout the leave thereof.
649. Maternity pay is calculated as the amount of salary which women on maternity leave would have on the basis of work with appropriate adjustment, whereas those mothers on maternity leave who are employed by private companies or institutions receive the amount of net basis

after taxes and charges in the month in which the maternity leave or option of working for half work-hours thereof was taken.

650. The following persons are entitled to receive material family allowance are: families i.e. members of families who are incapable for work and do not have close relatives who are obliged to maintain them or do have relatives and they are not capable to sustain them, parents who sustain minor children or adult children who are incapable to work and earn for living or who were incapacitated before they turned 18, persons who have lost their right to a placement in orphanage (for two years after the end of placement) and persons who have finished special schools or special classes within regular schools.
651. In order to exercise this right, apart from conditions related to capacity to work, it is necessary to meet another series of conditions of material nature. Incapacity for work in the sense of this Law refers to women over 60 and men over 65 and persons whose incapacity for work has been established, pregnant women and single mothers with children until they turn one, children under 15 and schoolchildren until they finish school and persons whose disability falls within disability category I.
652. Law on Pension and Disability Insurance prescribes different conditions for qualifying for retirement on the basis of age for women and for men. Namely, a pension insured men qualify for retirement on the basis of age once they turn 65 and 15 years of work record, whereas insured women qualify for retirement on the basis of age once they turn 60 and also 15 years of pension insurance.
653. Labour Law envisages special protection of women so that an employer cannot reject signing an employment contract with a pregnant woman nor cancel her employment contract because of pregnancy or her maternity leave (Article 79).
654. The same law has prescribed that workingwoman during pregnancy and woman who has a child under three cannot work longer than standard work hours nor work in shifts (Article 81).
655. Maternity is particularly protected so that woman during pregnancy, delivery and care for children has maternity leave of 365 days and if she starts working before the end of maternity leave she has right to use additional extra 60 minutes daily break for the purpose of breastfeeding (Article 82).
656. A parent has right to work for half working hours until a child is three, provided that the child needs special care due to health problems. These hours shall be considered full hours of work and on the basis of that the parent concerned qualifies for all rights out of work and on the basis of work (Article 84-85).
657. In relation to that new Criminal Code of the Republic of Montenegro defines and sanctions an offence related to (purposeful) failure to observe law and other regulations, collective agreements and other general acts pertaining to labour rights and to special protection of women at work and thereby for deprivation or restriction of rights that they are entitled to and envisages fines or imprisonment sentence of up to two years (Article 224 of the CC).

667. Particularly interesting is the presentation of girls: they help with housework, go shopping with mothers, they are tender and nice or they are good housewives, and sisters who want to have brothers so as to have someone to protect them. Girls and parents are considered fully accomplished only if they have a brother or a son to love and respect, whereas the men are there to protect and look after them with male authority.
668. A positive example identified in this research is the textbook on nature and society for the first grade, "My Home – My School", published in 1998. In it the author set realistic standards for elementary school textbook and achieved set objectives by means of good methodology.
669. Its illustrations are positive examples and so is the fact that the author addresses pupils directly. The author identifies both sexes by using sign "/" in male/female denotations of gender which proved not to be a problem. It only takes care for such details.
670. Male characters are four times more often used in illustrations in comparison to women in "Rader" for IV grade. Regarding children, these differences are smaller so that there are 31 illustrations of boys as opposed to 22 of girls.
671. There are only four women authors of art texts as opposed to 51 male authors. The number of female authors should be higher but it would be bad to do that on the basis of quotas and favour authors who do not deserve it by artistic criteria. It would be a stereotypical way of fighting against stereotypes.
672. History for grade VIII has a modern design, a lot of illustrations, photographs etc. However, the "supremacy" of male characters over female ones is quite too obvious. It is important to point out that in this textbook women are more visible. It also has a part on growing importance of women in economic and social life. Also, the questions and tasks that come after units are given in gender-neutral form.
673. Domination of male characters is obvious in textbooks. Gender stereotypes are emphasized in addressing children in male form only. Almost all professional roles have been entrusted to men.
674. Most of the analysed textbooks had been first published nine, ten years ago. The problem is that textbook modernisation has not been initiated for years. The events in the region in the 90s had contributed to this stagnation.
675. The Agency for Textbook Publishing of Montenegro has been preparing new generation of textbooks. A woman is editor in chief and out of seven authors, four are women. One of the axioms in preparation of new textbooks for reformed school is not to be slaves to stereotypes such as: differentiation related to village-city, male-female or north-south.
676. Information and education centre for women "ŽINEC" ANIMA from Kotor has been monitoring and analyzing printed media in Montenegro since 2002 as a part of its INDOK program. The objective of monitoring of printed media is to collect data on how women are presented, analyze position of women in Montenegro and their (in)visibility in articles and photos. Results of the two year monitoring indicate to: discriminatory and sexist attitude to women in a part of printed media and also an extremely misogynic attitude that reduces women to mere objects; it is notable that social pathology is usually represented through a body of a woman and that forms of male aggression are reflected through relationship with women, both

verbal and visual; visible is the absence from media coverage of women who hold traditionally “male” functions; professions that women engage in are always named in male form of nouns (gender insensitive use of language); journalist profession is dominated by women but men dominate in hierarchy of power and in positions of editors and editors in-chief .

677. Article 59 of the Constitution of the RoM prescribes that family is entitled to special protection and parents are obliged to look after children, to bring them up and enable them to go to school and that children are obliged to look after their parents who need help. Article 60 prescribes protection of mother and child and Article 61 prohibits child abuse.

678.

697. Article 208 of the CC defined criminal offence *illegitimate sexual act* as an act of a person who commits some other sexual act.
698. Article 209 of the CC defines criminal act of *Procuration and enabling intercourse* for a person who procures a minor for the purpose of intercourse or a similar act or some other sexual act as well as for person who enables intercourse or a similar act or other sexual act with a minor.
699. Criminal legislation also sanctions *extramarital union with a minor* and it prescribes sanctions for an adult who lives in extramarital union with a minor. A parent, adoptive parent or a custodian who enables a minor to live in extramarital union with other person or prompts him/her to do it shall also be punished. The person thereof will also be punished if s/he has done that for a material gain. However, if the persons concerned get married, the person thereof shall not be prosecuted and if the prosecution has started it will be cancelled.
700. Criminal offence of *incest* is punishable, too, and it involves intercourse of an adult person with a minor relative by blood in first line.
701. The Law on Execution of Criminal Sanctions in its Article 27 specially protects women by stipulating that a punishment can be delayed if it is imposed on a woman whose child is under one or on a pregnant woman less than three months before a delivery or whose pregnancy is in risk.
702. Procedural legislation (Criminal Procedure Act, Civil Procedure Act, Law on Executive Procedure) provides full equality of women in the procedures pursuant to major principle that everyone is equal before the court and that everyone can undertake any action in the course of procedures thereof, equally men and women, depending on their position in the proceeding.
703. Despite criminal and legal incrimination of family violence, victims and persons who know of violence rarely opt for reporting this violence to law enforcement agencies. The reason probably lies in inadequate means for sheltering the victim, fear of revenge and the family being closed from community.
704. In a survey conducted by SCAN, out of all interviewed women, 12% replied that they have been exposed to physical abuse at home and almost every third woman responded that she know about several such cases. The total 41% women and 26% of men who have replied that they know cases of physical abuse in family indicates to a significant presence of abuse in families.
705. For the purpose of fighting better all kinds of violence, the Government of Montenegro has drawn up project Violence Prevention.
706. A team of sociologists from Faculty of Philosophy in April 2001 engaged in Sociological Survey of attitudes of Students of University of Montenegro on current and future position of women in field of science, politics and culture. Students think that women are not present enough in the process of creation of cultural values and standards in our society (63,11%) and that higher cultural level and education implicates bigger power in division of authority and power in family and society (66,24%).
707. This sociological survey has produced a scale of features of successful women in Montenegro. Female students think that successful woman is educated, with developed motherly feelings,

economically independent and at the end of the list they have put her engagement in public life.

prison and criminal offence rape (Article 204) for which sanctions are more stringent and perpetrator of this criminal offence shall be punished from one to 18 years so that national legislation is harmonized with European standards and UN standards.

716. Article 444 of the CC prescribes criminal offence of *human trafficking* for those persons who by force or threat, by misleading or keeping mislead, by abuse of authority, trust, relation of dependence, hard living conditions of the other person, by seizure of identification documents or by giving or taking money or other benefit, for the purpose of getting approval from the person who has control over other person: headhunts, transports, transfers, delivers, sells, buys, mediates in sale, hides or keeps other person with a view of forcing him/her to work, enslaving him/her, committing crime, prostitution or begging, use in pornography, for taking parts of body for transplanting or use in armed conflicts.
717. For an offence committed to a minor, a perpetrator shall be punished by a punishment prescribed for that offence even if s/he has not used force or some other quoted forms of execution.
718. Within the category of criminal offences against humanity and other goods that are protected by international law, a new criminal offence has been stipulated in Article 445 of the CC – *child trafficking for the purpose of adoption* for those persons who abduct a child for the purpose of having him/her adopted contrary to the regulations in force and who adopt such a child or mediate in such adoption or who to this end buy, sell or transfer other person who is under 14 or who transport, provide accommodation or conceal such person.
719. The CC also envisages criminal offences: *enslavement and transport of enslaved persons* (Article 446) and *showing pornographic material* (Article 211).
720. In the period from January 1, 1998 to December 31, 2003 in Montenegro 75 criminal offences of rape (35 attempted) and 158 other offences (debauchery and other) were reported.
721. In the period from January 1, 2001 to December 31, 2003 there were 25 criminal reports related to criminal offences of human trafficking and mediation in prostitution.
722. Aware of the dangers inherent in human trafficking as a contemporary form of organized crime, particularly having in mind geographic location of Montenegro and surrounding region, the Government of Montenegro has appointed National Coordinator for Combating Human Trafficking who cooperates with authorities, non-governmental organizations and international organizations involved in these matters. The task he has is to draw up national strategy for prevention, fighting trafficking and punishing perpetrators of the criminal offence of human trafficking and providing assistance to victims along with drawing up action plan for the implementation of this Strategy.
723. In the end of 2003, Government of the RoM adopted its Strategy for Combating Human Trafficking. Representatives of the US government, international organizations, Ministry of the Interior, Ministry of Justice, State Prosecutor and other relevant authorities took part in developing the Strategy. This Strategy entrusted Ministry of Justice with the task of keeping record of the number of judgments and criminal sanctions, compiling and publicizing statistics

741. In the last years, NGOs that are involved in fighting for women's human rights have initiated a big campaign for empowering women in politics and have drawn up a proposal for amending electoral law that would define participation of women in political life. However, they have not placed it in standard procedure.
742. There is the lack of relevant data on percentage of women who are members of political parties but it is evident that they are better organized and they are formalizing their participation in form of women's groups in their parties.
743. There are no sufficient democratic mechanisms in political parties to ensure gender sensitive nomination procedures.
744. There are no data of the turnout of women at elections.
745. In January 2001, NGO "Zenska Akcija" (Female Action) commissioned a survey of political activism in Montenegro. The 2/3 female respondents think woman can be a good politician and 68,30% think that greater participation of women in politics at all levels can contribute to developing democracy.
746. Results of this research show that Montenegrin women are ready to assume public and party functions (18,30% of respondents would accept that) and noteworthy is rather big turnout of women voters at elections. Namely, 72,4% of the respondents stated that they regularly vote at elections, which indicates that it is one of the most important forms of their political activism.
747. Almost $\frac{3}{4}$ women respondents in this survey claim that media contribute to formation of their political and other opinions and values.
748. After the latest parliamentary elections in 2002, Parliament of the Republic of Montenegro has 75 MPs, out of whom only 8 MPs i.e. 10,66% are women.
749. After local elections held in 2002, three mayors have been elected. This makes 14,2%. However, two of them resigned so that there is only one who is holding that mandate now. This accounts for 4,7%. The percentage of women elected then to local assemblies was 8,9%.
750. Out of 16 ministers in the Government of Montenegro, only two are women (12,5%) and the Prime Minister and four vice-premiers are men.
751. In the last decade there has been a notable trend of appointing more women in judiciary, primarily as judges and prosecutors, and this trend has been maintained. Out of total number of 242 judges in Montenegro, 92 are women, which accounts for 38%. Women prosecutors account for 51%. It is also noteworthy that a woman is the state prosecutor for the first time in history.
752. Activities of women in trade union are very important and prominent which indicates that there is an increased need to improve economic and social rights that has not been provided through their activities in parties. Women are mostly occupying the most basic functions in trade unions

have a woman president, which accounts for 15,8%. Regarding municipal trade unions, office of the president and other bodies, women account for 20% there.

753. Regarding professional engagement, women participate without discrimination by sex in drawing up development plans made by all institutions of the system. Regarding their participation in drawing up development plans of political parties, they are not accessible to public and it is impossible to estimate the participation of women in their development. However, the major problem that also refers to drawing up development plans of institutions is that women are presented as members of the party and not as the actors that advocate requirements and needs of the gender they also represent.
754. The most valuable support to participation of women in public life are non-government organizations. The state, through the Government and local governments, funds projects of those organizations. Selection of NGOs is done after a public call for competition with projects.
755. During their prison sentence, women are separated from men and placed in special premises. There have been no reported cases of sexual abuse of women prisoners. Guards are women.
756. Montenegro does not have gender-sensitive statistics and this creates problems in developing analyses.
757. A large number of conferences, round tables and meetings which discussed the issue of position of women has been held last years. They have been organized in cooperation between local and international NGOs and the Government's Office for Gender Equality has also cooperated in that lately.

Article 8

758. Women's representation in diplomacy, international organizations or in various activities at international level has not been separately regulated in Montenegro. The number of women in offices of the Ministry of Foreign Affairs of the RoM is quite large. However, women are not represented equally to men at higher positions.
759. There are 56 persons in the Ministry of Foreign Affairs of the RoM and in diplomatic and consular offices abroad. Women account for 27 employees (48,21%).
760. Women hold two senior posts in the Ministry of Foreign Affairs of the RoM: deputy minister/head of multilateral diplomacy and general secretary of the ministry.
761. State union Serbia and Montenegro has over 100 diplomatic and consular offices in 60 countries. Montenegro is represented through 13 ambassadors. One of them is a woman.
762. There are no accurate data about the representation of Montenegrin women in senior positions and among other officers in embassies/consulates/missions having in mind that the process of filling in those positions is still going on. However, there is no norm that regulates the percentage of women in those services.
763. Law on Foreign Affairs of the Republic of Montenegro that is being drafted does not envisage any special regulations to govern women's representation in diplomacy and in international organizations i.e. it has been drafted in gender-neutral manner.

764. Pursuant to UN resolutions, delegations from Yugoslavia were restricted or excluded from participating in international conferences and that applied to organizations of women. Therefore our official delegation could not participate in the Fourth World Conference of Women in Beijing, 1995. At that time the invitation was extended only to the Movement of Women of Yugoslavia.
765. Representatives of the Government of the RoM took part in a large number of international conferences. Women at senior positions (deputy ministers) and officials of lower rank took part in them.

Article 9

766. National regulation on citizenship (Law on Montenegrin Citizenship, Official Gazette No. 41/99) and travel documents (Law on Travel Documents of Yugoslav Citizens, FRY Official Gazette No 33/96) does not differentiate in terminology: woman-men, mother-father, daughter-son. Namely, they only refer to: person, parent and child, which indicates to both sexes and, consequently, imply the same conditions for exercising rights.
767. Constitution of the Republic of Montenegro (Article 10) stipulates that in Montenegro, citizens have Montenegrin citizenship and that nobody could be deprived of Montenegrin citizenship, nor of the right to change citizenship.
768. The FRY Constitution envisaged the existence of Yugoslav citizenship and a Yugoslav citizen was at the same time a citizen of a constituent republic (republican citizenship was derived from the FRY citizenship).
769. Constitutional Charter of Serbia and Montenegro stipulates that a citizen of a constituent republic is at the same time a citizen of Serbia and Montenegro (citizenship of Serbia and Montenegro is derived from the citizenship of a constituent republic).
770. Citizenship is an important prerequisite for establishing, changing or terminating a number of legal relations (electoral list, inheritance, real estate dealings etc.)
771. In the Republic of Montenegro women have equal rights as men in terms of citizenship: receiving, changing, terminating etc.
772. Marriage to a foreign national or change of citizenship does not automatically reflect on citizenship of women i.e. she neither loses nor gets other citizenship. Namely, it is up to her to choose citizenship and it is only at her request that the procedure is launched.
773. A measure of protection before new regulations are adopted, Law on Enforcement of the Constitutional Charter of Serbia and Montenegro (Official Gazette of Serbia and Montenegro, No. 1/2003), prescribes that persons who have received Yugoslav citizenship until the Constitutional Charter enters into force maintain that citizenship and right to use existing public identification documents.
774. Before 2001, when amendments to the Law on Yugoslav Citizenship were adopted, the marriage did not directly lead to receiving Yugoslav citizenship. It then prescribed that a foreigner married to a Yugoslav citizen for minimum three years and who had been granted permanent

residence permit in Yugoslavia could be granted Yugoslav citizenship provided that s/he had not been imprisoned for a criminal offence which would otherwise make him/her unqualified to receive Yugoslav citizenship and that, judging by his/her behavi

794. Out of total of 73 436 students of elementary school in school year 2003/04, 35 658 are girls i.e. 48,56%, while in school year 1995/6 out of total 80290 school pupils, there were 39 092 girls i.e. 48,69%.
795. In secondary school in school year 2003/04 out of 31 219 students, there were 15780 girls i.e. 50,55%, while the percentage of girls in the secondary school population of 1995/96 school year was 50,95%.
796. In academic year 2003/04, University of Montenegro enrolled 2600 students out of which girls account for 55,96%. These data broken down by faculties looks like this: Faculty of Economics, female students account for 69,9% of all enrolled students, Faculty of Philosophy 76,90%, Faculty of Law 61,67%, Faculty of Tourism and Hotel Management 85,10%, Faculty of Mechanical Engineering 13,39%, Faculty of Natural Sciences and Mathematics 47,54%, Faculty of Electrical Engineering – Course in Electronics 18,95% and Course in Energy and Automatics 4,76%, Faculty of Civil Engineering 46,52%, Faculty for Maritime Affairs 28,31%, Faculty of Fine Arts 20%, Academy of Music 61,36%, Medical Faculty 60,31%, while the number of female students enrolled in Faculty of Metallurgy and Technology was 33,33%.
797. In the period of 2000/2003, 608 students graduated from the Faculty of Economics. There were 386 or 63,47% female graduates, whereas in the same period 91,88% of enrolments in two-year studies of the Faculty of Philosophy were girls. At Medical Faculty two female and none of male students have graduated.
798. Ministry of Education and Science of RoM gives: loans to full-time students at faculties, colleges and academies; scholarships to talented pupils and students (25 to pupils, 30 to students). The Ministry awards education allowances to a certain number of pupils and students. The Ministry also awards scholarships to pupils of secondary school of mathematics, and Department for Science allocates certain funds to postgraduate students (for drawing up theses and dissertations).
799. Law on General Education grants rights and obligations in field of student standard. A pupil is entitled to: board and lodging in student halls of residence, scholarships for talented pupils and subsidized transport.
800. The Law on Higher Education grants rights and obligations in field of student standard. A student is entitled to: board and lodging in student halls of residence, student loans, scholarships for the best students, subsidized commuting for full-time students whose tuition fees are covered by the Budget, professional advancement and health insurance. All rights the law grants to pupils and students are equally available to male and female pupils/students.
801. Male and female students are equally entitled to all scholarships and other forms of benefits subject only to school/academic merits. There are no available data on percentages of scholarships, awards and paid fees that have been allocated to female pupils/students to which both sexes are equally entitled.
802. Two pieces of legislation that regulate rights and obligations of pupils and students are the Law on General Education and Higher Education Law. On the basis of these laws, the work on drafting by-laws and criteria that will stipulate rights and obligations in better detail is under

- way. The basic criterion for exercising one's right is solely based on education merits and they are gender-neutral.
803. The open call for applications has detailed rules for 4000 student loans out of which 1500 for new beneficiaries and 2500 for the old ones. The basic criterion for awarding a loan is average grade in the course of studies, regardless of sex. Unfortunately, there is no statistic on that broken down by sexes.
804. Elementary education of persons older than 15 has been provided through special classes in regular elementary schools and in special schools for adults. In “Workers’ University” in Niksic and “People’s University” in Podgorica there are schools for elementary education of adults. Women attend those schools, too. Out of 184 people who attend school in Podgorica, 20% (37 attendants) and out of 225 people who attend school in Niksic, 60% are women (141 attendants).
805. One of major problems is the lack of spare time in life of women to dedicate it to education and studies.
806. Special group of women who are deprived of education and learning are Roma women who have to come to grips with customs and prejudices that have been entrenched in the Roma community that does not allow girls/women to go to school. This is a problem that has to be tackled and educational and counselling measures have to be taken so that children of both sexes are enrolled in schools.
807. Regarding the forms of informal education it is evident that majority of students are women. Regarding some forms of education organized by “Workers’ University” from Niksic, the situation is the following: computer course – 52% women, foreign language courses – 27% women, vocational courses 50% women (mainly hairdresser’s course). In Podgorica the situation is the following: computer course – 68% women, foreign language courses – 55%, typist course – 100% women and a course for administrative secretaries – 100% women.
808. The Law on Elementary Education prescribes that a pupil has fulfilled the obligation of finishing elementary school after nine years of school attendance (Article 4, paragraph 3). Thus, girls and boys have the same obligation in terms of regular school attendance. Failure to fulfil obligation of finishing elementary school entails tortuous liability of a parent or custodian of a child concerned.
809. Elementary education of persons older than 15 is provided in special classes of regular schools

students have earned at the end of school year or in the course of former examination term will be recognized (Article 36, paragraph 3 and Article 92).

811. In addition, the quoted law prescribes a possibility for a student to sit for additional or differential exams for the purpose of transferring from one to some other school, change vocational course in the same school or acquire other vocational skills after finishing one vocational course.
812. Law on Education for Adults provides various possibilities for adults to acquire formal, non-formal and informal education (Article 6). Also, this law provides for adults to sit for an exam in the Centre for Vocational Training in order to prove their knowledge and skills regardless of how they have been acquired.
813. There are no special programs for women. Consequently, there is no special concern for girls who have dropped out.
814. According to the data from the census in 1991, the number of women among the population without any qualifications (77,3%) is rather considerable. There are more women who drop out of school and that is indicated through the data about those people who finished 1-3 grades of elementary school where 72% are women and those who finished 4-7 grades of elementary school where 62,2% are women.
815. Total number of teaching staff in preschool institutions is 897 out of whom 886 are women, which is 98,77%. In elementary schools there are 4671 teachers out of whom 3205 are women, which is 68,61% while there are 59,07% of women in teaching staff in secondary schools or 1218 women out of total of 2062 teachers. This means that, in total, at all three levels there are 65,69% of women in teaching staff and 67,86% of women in the population of all employees in those institutions (7361 women in total number of employees which is 10847).
816. There are 161 elementary schools in 21 municipalities in Montenegro. The heads of those institutions are 138 schoolmasters which is 85,71% and 23 headmistresses which is 14,29%. It is interesting that in 10 municipalities there are no women at the position of headmaster.
817. In seventeen municipalities (17) out of 21 in Montenegro there are 32 secondary schools and no headmistresses in any of the schools. In other four (4) municipalities there are 15 secondary schools and five (5) have schoolmistresses. In Montenegro, generally speaking, there are 47 secondary schools and five schoolmistresses (10,64%) and 45 (89,36%) schoolmasters.
818. Pursuant to Article 6 of the Law on Higher Education, higher education is accessible to all persons under the conditions prescribed by this law and the Statute of the institution concerned, while Article 7 prohibits discrimination on the basis of: sex, race, marital status, colour, language, religion, political or other conviction, national, ethnic or other origin, affiliation to a national community, property ownership, incapacity to work (disability) or other similar grounds, position or circumstances in exercising rights to higher education.
819. University of Montenegro has never had female rector and there are very few women at the posts of deans – there are four female deans at the moment.

820. One specific trend that has been recorded at University, which is positive only in its initial stage, but later, it tends to get negative characteristics. Namely, not only the girls slowly and in greater numbers continue studies at university, but also show great interest in further professional advancement by working as assistant lecturers at university so that in 2001/02 academic year they accounted for 63,7% of them. Such a big share of young women in the structure of teaching staff at the University of Montenegro gets more importance once when we know that in that year there were only 1/3 of female teachers (36,3% for women and 63,7% men).
821. However, what plays down the importance of this trend in higher education and eventually gives negative characteristic to the overall representation of women in the structure of teaching staff lies in the fact that in higher teaching posts number of women significantly gets smaller. Thus, in the posts of junior professor there are 29,9% of women, among associate professors there are 30,9% of women and among full professors there are only 7,8% women. It is this very indicator that best illustrates the causes for small number of female deans.
822. Thus, the University of Montenegro also confirms the rule by which higher you go hierarchically, in this case it refers to academic titles in the institutions of higher education, harder it gets to women to “climb” as compared with men.
823. At all levels of education system, from kindergarten to university, men and women have equal rights and conditions for education. The programs are common and they are designed for both sexes. They get education about family life all way through pre-school to the end of the secondary school.
824. In secondary schools of classical sciences in sociology lessons there is a whole chapter that deals with family which gives an overview from historical types of families through various ways of functioning of family in various periods in history and in various cultural models up to characteristics of modern family which is particularly focused on the need to plan family with special emphasis that in planning the partners are fully equal i.e. wishes and needs of men and women have to be respected equally.
825. Girls and boys, women and men have equal opporthig dou.1511 al

- has right to work, to free professional/vocational choice, to fair and humane conditions for work and to protection while out of work.
829. The Constitution of the RoM in Article 53 grants rights of employees to appropriate salary, limited hours of work, paid leave and protection at work. Young people, women and disabled persons are granted special protection at work.
830. Labour Law and Law on Protection at Work regulate appropriate health protection and security at work place for all employees regardless of their sex. Women enjoy additional protection related to maternity protection and special health protection.
831. If an employer fails to organize work in a way that life and health of employees are protected or fails to provide special protection to a workingwoman in terms of protecting her health, it shall be deemed in breach of law and subject to sanction.
832. The Labour Law of the Republic of Montenegro (Official Gazette of the RoM, No. 5/02) regulates the rights of persons who are out of work.
833. The solutions set forth by the Employment Law of the RoM are based on international standards in field of employment which have been accepted by our country through ratification of certain conventions and recommendations of the International Labour Organization and by numerous stands EU countries have adopted pertinent to this field. Convention No. 111, related to discrimination in employment and choosing profession, and Convention No. 122, on employment policy, have been particularly observed with a view to eliminating all kinds of discrimination in this field.
834. The Employment Law of the RoM in its Article 3 prescribes that every person who applies for a job has to be provided the same access to exercising his/her rights to employment regardless of national denomination, race, sex, language, religion, political or other conviction, education, social background, ownership or other personal trait.
835. Unemployed individuals pursuant to Employment Law of the RoM (Article 10) are entitled to: receiving information on possibilities and terms for employment; mediation in finding a job and recruitment; being involved in program of active labour policy; preparation for employment; insurance against unemployment; allowance; health insurance and other rights.
836. The rights stipulated in Article 10 of this Law shall be exercised on equal footing by all unemployed persons regardless of their sex.
837. The exception to the quoted rule is related to Article 45, paragraph 3 of the Employment Law of the RoM which stipulates that right to preparation/training for employment (professional orientation, occupational retraining and additional training and other forms of training) can be used by a unemployed man under 50 and a woman under 45.
838. One can observe that the provision of Article 45, paragraph 3 of the Employment Law of the Employment Law of the RoM indicates to inequality of women and men regarding age in case of rights to take training for the purpose of employment.
839. Regarding the fact that social and market policy combine in the labour market, the legislator has considered that older categories of unemployed persons and the disabled persons who have been

agreement shall determine the conditions and terms for work at home and the rights and obligations of employees.

848. According to SCAN survey, only one third of respondents said that there is no division between male and female jobs and that this division is rather obsolete.
849. The same survey showed that 33% of women and 57% men think that the chances for employment of men and women and for promotion at work are the same, whereas 45% women and 17% men think that women stand fewer chances.
850. Women get equal salary for equal work as men since the Labour Law (Article 65 and Article 66) prescribes that employees are entitled to appropriate salary which is determined on the basis of price of labour at the post which a person is assigned to, result of work and time spent at work in compliance with the law and collective agreement.
851. Labour Law (Articles 49-64) prescribes that all employees, regardless of sex, are entitled to: break from work during work hours, daily and weekly breaks, holiday leaves, leaves from work and dormancy of the rights pertaining to employment.
852. By law, all employees are entitled to holiday leave lasting minimum 18 days and temporary incapacity to work, which can also be a maternity leave, shall be considered as the time spent at work and on account of that employees can exercise their right to holiday leave.
853. In compliance with the Law on Pension and Disability Insurance (Official Gazette of RoM, No. 54/03), one cannot acquire status of an insured person on the basis of unpaid work at home and in agriculture. Consequently, that work has no effect on determining pension, while insured farmers are persons who engage in agricultural production (agriculture, members of farming families and members of mixed households) as the sole and major profession. The authority in state administration competent for agriculture, forestry and water management shall by a general act define agricultural business as a sole and major profession and shall keep a register of such persons.
854. By law, an insured person qualifies for pension on the basis of age i.e. once men turn 65 and women 60 and minimum 15 years of pension insurance. Otherwise men retire after 40 years of work record and women after 35 and at least are 55.
855. Pension and disability insurance contributions are the same for men and women.
856. Women are fully covered by the existing Law on Social Insurance.
857. A widower or a widow qualify for family pension under the same conditions prescribed by Article 44 of the Law on Pension and Disability Insurance. Also, Article 45 prescribes that a widow who is pregnant with or has a child of the deceased insured person is entitled to family pension.
858. Pursuant to Article 79 of the Labour Law, the employer cannot refuse to conclude employment contract with a pregnant woman nor is allowed to cancel employment contract because of pregnancy or if she is on maternity leave. The employer cannot terminate employment contract with a working woman who works half of work hours because of care for a child with grave

- development problems, a single parent whose child is under seven or a child with grave disability.
859. During pregnancy and while breast-feeding, by recommendation of her doctor, woman can be temporarily assigned to other positions if that is in the best interest of protecting her or child's health. If an employer cannot provide reassignment, the woman concerned can take a leave from work with salary that cannot be less than what she would get by working at that post.
860. A woman who has a child under three, one parent who has a child with grave developmental handicap or single parent whose child is under seven cannot work after regular work hours, except if s/he agrees in writing to such work.
861. Pursuant to Articles 82 and 87 of the Labour Law, a working woman or a working father of a child is entitled to maternity leave lasting for 365 days counted from the day when the leave commences during the pregnancy, delivery and care for child.
862. A workingwoman can start working before the end of her maternity leave but not earlier than 45 days after the delivery. If she uses this opportunity, a woman can also use 60 minutes more than regular break during working hours for breast-feeding.
863. During maternity leave a workingwoman qualifies for receiving maternity benefit in compliance with the law.
864. After expiry of maternity leave, one of working parents can work for half work hours before child turns three if the child needs increased care, in compliance with manner and procedure requested by the ministry competent for social and child welfare.
865. One of the parents has right to leave from work until a child turns three and in the course of it the employee thereof is entitled to health and pension and disability insurance but not to remuneration.
866. A workingwoman who works in industry and construction business cannot be assigned to night shifts unless she is allowed to have at least 12 hours of break before that.
867. A workingwoman cannot be assigned to posts which entail particularly hard work, work underground or under water nor work that can have detrimental effect and pose high risk to her health.
868. There is a network of public preschools and kindergartens and a large number of private institutions of this kind. However, present capacity is not sufficient to cater for the needs of taking children. All these institutions employ competent, qualified staff.
869. Some 90% of workers are members of trade unions in Montenegro. Women account for 40% of members of trade unions. Percentage of women on senior positions in trade union bodies does not reflect real number of female members in trade unions. For example, independent trade union of health and social welfare has 73,19% female members, while in republican board of this trade union women account for 46,15%, in independent trade union of trade there are 62,26% of women but only 28,57% in its republican board.

870. There has been no law sanctioning sexual harassment in Montenegro so far. However, there are some initiatives to draft one.

Article 12

871. As a part of meeting basic goals of health care of the population of Montenegro (harmonized with Millennium Goals and Global goals of the strategy “Health for All by Year 2020”) which is: eliminating discrimination of women in field of health care, the following measures are being undertaken:

- health education and information dissemination for wome

876. Women in fertile age are priority as a category of population that has a special treatment in health care. The state recognizes special needs of women in terms of health care and services during pregnancy, delivery and motherhood and it gives them the highest possible level of relevant health care free of any charge.
877. Economic crisis that has lasted for rather long time affected living standard of the population. It necessarily affected nutrition of pregnant and breast-feeding women, which also indirectly affects children as the most vulnerable category of population. For the time being, the state does not have any concrete, partial programs for

884. Women – refugees and displaced persons have been equally treated as domicile women in terms of exercising their rights to health care, particularly during pregnancy, delivery and post-delivery period.
885. The most frequent causes of death (mortality) of women in 2002 have been:
- Vascular illnesses 50,4%
 - Tumours 15,9%
 - Symptoms and abnormal clinical and laboratory findings 15,6%
 - Gland-related illnesses as a consequence of diet and metabolism 2,4%
 - Injuries, poisoning and various external causes 2,4%
 - Disease related to digestion 1,9%
- There have been no significant changes in the sequence related to the most frequent six causes of mortality of women in the last decade.
886. The figure of specific mortality rate of women in Montenegro is lower than the mortality rate of women on the whole and in relation to age these values have been lower for all age groups. It is only after the age of 75 that there is a higher share of women than men in the overall structure of the deceased as a consequence of the fact that life expectancy for women is rather longer than for men and they make majority in this age group.
887. According to the outpatient records, the most frequent causes of diseases (morbidity) are the diseases of urinary tract (74,9%), then the registered visits related to pregnancy and post-labour effects (16,3%), followed by tumours (4,2), contagious and parasite-caused illnesses (2,3%), blood diseases, vascular diseases and immunity related diseases (0,7%). The data show that although contagious and parasite-caused disease are not leading in the statistics, they are all the same present individually and in form of epidemics and those diseases have a particular significance for the overview of overall state of health and reflect on the development of medical service and considerably affect the costs of health care.
888. According to hospital treatment statistics, diseases related to vascular system have been on the top of the rank list and accounted for 14,8% in the general morbidity structure, they were followed by diseases of muscular and bone tract as well as connective tissues (12,9%), diseases of digestive tract (9,2%), respiratory diseases (8,9%), tumours (8,1%), diseases of urinary – sexual structure (8,0%).
889. According to the latest available data received directly from patient's lists on births, there was no case of death at labour in Montenegro in 2002, whereas in 2001 two women died as the consequence of labour and post delivery complications. Although very important, this sensitive indicator not only of state of health of pregnant women but also of socio-economic trends in society and care given to women in relation to their generative function, has never been published in Montenegro. Maternal mortality reflects all risks to mother's health in the course of pregnancy, at birth and six weeks after delivery.

890. Mortality rate of newborns in Montenegro analysed as of 1950 has a significant decreasing trend but in the last decade some oscillations have been observed. In 2001 it was 14.6 which is

Respiratory diseases (J00-J99)		2,4
Other		
Total	100,0	100,0
Cause of death by MKB	% of boys in the structure	of girls in the structure
State in perinatal period (P00-P99)		
Inborn deformity, deformations and chromosome anomalies (Q00-Q99)		
Symptoms, signs, pathological, clinical and laboratory findings (R00-R99)		
Vascular diseases (I00-I99)		
Respiratory diseases (J00-J99)		

895. The most frequent causes of infant morbidity by sexes in 2002 are given in the table below:

Causes	% of total number of ill girls	% of total number if ill boys
States that appeared in period of delivery	32,7	27,0
Respiratory diseases	28,4	31,9
Digestive diseases	6,7	8,6
Inborn deformity, deformations and chromosome anomalies	4,8	5,5

Causes	% of total number of ill girls	% of total number if ill boys
States that appeared in period of delivery		
Respiratory diseases		
Digestive diseases		
Inborn deformity, deformations and chromosome anomalies		
Injuries, poisoning and the effects of external factors		

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901. In Montenegro a number of live-born babies per one woman is going down. Total fertility rate (number of born children to one woman in fertile age 15-49) reduced to 4,3 in 1950 to 1,8 in 2000.
902. Medical care in the field of reproduction and family planning is delivered to women in wards for family counselling that are operating in outpatient centres. Number of visits ranges from 4000 in 1992 and 7000 in 1997 and 8000 in 1999 to 2600 in 2001.
903. Sharp decrease in number of registered visits related to family planning has been recorded. The reasons should be sought in private practice that delivers health care and their inadequate record of services they deliver. Due to that there are no valid data on the numbers of women who use contraception and on methods used most often. The data from 2002 range around 3541 visits for the sake of administering contraception methods, out of which some 2582 cases involved oral contraception, 803 of cases of intrauterous methods and 156 other local contraceptives.
904. As stated above, there are no legal obstacles for women to have a full access to medical care. Possible barriers are better explained by cultural, national barriers than by lack of access to medical care. However, poor utilization of these services could be blamed on living in rural areas, lack of information, education, prejudices and patriarchal upbringing, shame, belonging to national minority and not speaking the language well etc. In some of the situations mentioned, women do not have opportunity to plan family by their will but they have to get pregnant and bear babies, particularly with a view of bearing a baby boy.
905. It could be said that health sector is dominantly a “female workplace”, especially when it comes to professionals with college, secondary and elementary education degree where the number of women is ever growing. In 2001, out of all staff with university degree (doctors, specialists, dentists), women accounted for 54,7%. Out of total staff with high degree and lower degree of education women accounted for 85,6%. In health care institutions, however, men dominate at positions of authority.
906. There are no official data on medical workers, their work and their characteristics. According to experiential information, this does not have significant effect on women’s health.
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reproductive age because of possible risk that this can have for fetus. HIV prevention strategy includes planned activities that are particularly focused on female population in reproductive age.

920. Preventive programs related to sexually transmittable diseases, with particular emphasis on women and children, have been carried out as a part of the Government of Montenegro's strategy on prevention of drug abuse, Human trafficking and all other forms of violence with special emphasis on violence against women and children, strategies against delinquency, protection of mental health and through many other education and information providing strategies at global and local level respectively.
921. Women who are medical workers account for a large share of the employees in medical sector and a large share of medical workers involved in HIV/AIDS and drug-addiction preventive activities. Consequently, there is no need to stipulate it in any piece of legislation.

Article 13

922. Pursuant to Article 59 of the Constitution of the RoM, family enjoys special protection. Parents are obliged to look after children, to bring them up and provide school education for them.
923. The Law on Social and Child protection («Official Gazette of the RoM», No. 48/92, Article 9) prescribes that families which have no income or if the income is below the limit defined are entitled to family allowance («MOP») provided that: they do not have any business premises, house/apartment, family house in towns or outskirts of towns that are bigger than prescribed size, agricultural land or forests bigger than prescribed.
924. Exceptionally, property owning in the spirit of this article is not impediment to a family whose members are incapable to work and cannot have a job or engage into agricultural activities in order to earn income up to the limit prescribed for entitlement to welfare benefits stipulated by this law to qualify for receiving family allowance provided that they do not lease the land.
925. The basis for entitlement to welfare benefits is determined in relation to average net salary for workers in the Republic in preceding quarter of the year, while the family allowance amount is determined according to the lowest monthly salary in the Republic in the month in which the allowance thereof is disbursed.
926. Family allowance is determined as the amount that is the difference between family allowance and monthly income of the family by all grounds.
927. Family, as defined by this law, consists of spouses or extramarital partners and children (out of marriage, extramarital, adopted or foster children) and other cousins in linear succession and in non-linear succession to the second circle of accession, in compliance with the Family law. Members of the family are also other relatives and other persons who live in the same family.
928. The Law on Financial Support to Families with Children has defined child allowance as a measure of social support to families with children that receive family allowance. This condition is not relevant for children with developmental problems since they receive bigger allowance.

929. Families receive family allowance for the first three children, in line with conditions stipulated by the law, and it is given to a parent who directly looks after a child regardless of whether that person is a mother or a father.
930. The law has defined that families receive baby pay as a support for every family with children and it is given to the family for every child born to it. One of the parents gets a baby pay.
931. In addition to those benefits stipulated by the law, local governments can define some other forms of welfare support for families or mothers according to their competencies and capacities. Married and unmarried mothers have absolutely the same treatment regarding the right to welfare support.
932. The Law on Social and Child Protection prescribed a measure of welfare benefit for individuals or families whose incomes are below the line of social security as stipulated by the law. There are no differences by sex or family status in relation to exercising this right.
933. Women are equal beneficiaries of this right and they have the same rights as men. This equality derives from the law and it is exercised in practice. It is paid to a primary beneficiary.
934. The benefitsD()TiiD0.9 It i6.3ly]TJ2e famitsD(.69 0 eJ20.35.7(ed)]Tr(This)]6s p)60.0008 86Tc0.0302

941. The Sports Law of the RoM does not stipulate special rules that would prohibit women and girls from engaging in sports and physical education. In schools, girls and boys equally take part in all sports and physical education. In addition, there are no special dress codes that would affect participation of women and girls in sports.
942. Since women are particularly burdened with a large number of responsibilities (work, home, motherhood etc.), regardless of the fact that there are no legal barriers for them to engage or take part in sports, recreation and other cultural pursuits, they are confined by them (except when if they are professional sportswomen).
943. Generally speaking, the distorted gender hierarchy in society which women unconsciously respect and a sort of her passivity to do something about it indicates that there are social and cultural barriers for her active participation in sports and recreation as well as in cultural activities.

Article 14

944. The Constitution of the RoM pledges right to property and succession as well as freedom of doing business and free entrepreneurship. All fr

capacity, women are not separated from men and legislation does not differentiate between them.

963. Women are recognized as a legal subject on equal basis with men. They can use property in compliance with the law that prescribes the same for men. Woman can acquire property and handle it at her own will except in case of mental handicap. In this case in a non-contentious legal proceeding, regulated by the Law on Civil Procedure, she could be deprived of her business capacity and the same applies to men.
964. Legislation does not differentiate between women and men in relation to loan taking and other transactions related to property nor in other commercial transactions. She can sign contract on/for her own behalf.
965. Women and men have equal proprietary rights. They can have a testament and manage the estate of the deceased. However, in practice women resort to the legal institute of renouncing their succession rights in favour of other successors more often than men. Usually, daughter renounces her succession right in favour of son of the deceased, actually in favour of her brother. This is declared in a renouncement of succession before the court. The law does not differentiate in relation to successor's sex so that there is an opportunity for a male successor to do the same.
966. As it has already been stated, woman independently handles her property except for property acquired in marriage which she shares with her husband. She handles such property with her husband on equal footing.
967. In addition to this, woman is an independent testator like a man. She does not need anyone's approval for handling her property. Pre-nuptial contracts whose objective is to either abrogate or derogate legal capacity of a wife are not a part of national legislation.
968. Woman is an equal legal subject as men and she can present her case or cases of other's in processes before executive and judiciary authorities. Provision of legal aid is not an exclusivity of any sex.
969. Regarding prosecuted criminal offences, it is necessary to point out that women do not commit the same criminal offences as men and they are represented different from men in total statistics. For example, they do not commit offences with elements of violence. Regarding other criminal offences, women get similar sanctions as men (for example, fine, imprisonment or suspended sentence). However, they get lenient punishment on the account of being mothers. There has been no research about various effects that certain actions have on women and on men.
970. In relation to freedom of movement and free selection of residence, women have equal rights with men.
971. Free choice of residence for a married woman comes under the sphere of family relation and it is usually motivated by family's economic interests. They have the same rights in relation to taking a spouse or children abroad.

Article 16

972. The Constitution in its Article 58 prescribes that marriage can be registered only at a free consent of both woman and man. Family relations are regulated by the Family Law (“Official Gazette” No. 7/89). This law regulates: marriage and spousal relations, relationship between parents and children, adoption, custodianship, maintenance, proprietary relations in family, special court proceedings in litigations related to spousal and family relations as well as certain forms of social and legal protection of the family.
973. Marriage is based on free will of man and woman to get married, their equal position, mutual affection and love, mutual respect and support.
974. Marriage is a union of man and woman regulated by law. It is deemed registered once the spouses declare before a competent authority that their marriage is concluded, in compliance with prescribed procedure. Marriage is not valid if consent is given under coercion, threat or in error.
975. Bigamy is prohibited and defined as a criminal offence in the Criminal Code.
976. A minor, a person who is under 18, cannot get married except by exception subject to the decision of the court to allow that. In case of that there is yet another limitation which is that a person must not be under 16.
977. In compliance with the law, family is a union of parents, children and other relatives who have rights and obligations.
978. Conditions for registering the marriage and its validity before the law are regulated by law so that marital impediments are: state of being married already, mental incapacity, blood relations, being under age, lack of will (coercion, threat or error/delusion) and relation by adoption.
979. Procedure of entering into marriage starts with application that persons who want to enter into marriage submit to a marriage registrar. With application they enclose birth certificates and, if necessary, other documents. Marriage registrar on the basis of declarations of persons who want to get married checks whether there are any objections to marriage and, if necessary, s/he can also make a check in some other way.
980. Before the persons who want to get married enter into marriage, a marriage registrar will advise them to get informed of each other’s health, visit marriage counselling ward and learn about expert’s opinion on conditions for harmonious marital and family relations, visit medical outpatient ward to learn about possibilities and advantages of fa

rights for mutual maintenance. Also, children born out marriage have the same rights and obligations as children born in marriage (Constitution of the RoM, Article 60).

983. Spouses are equal in marriage, they consensually decide where to live, they are independent in choosing work and profession and they consensually decide about rearing their common children, how to organize mutual relations and how to do household work.
984. At the point of entering in marriage, spouses come to an agreement about their surname so that they can each decide to keep their own surnames, to take either of their surnames to be their common, to take both of their surnames to be theirs or that one of the spouses adds to his/her surname the surname of the other spouse. There is no discrimination whatsoever related to sex.
985. The Family Law regulates right of each person to decide freely about bearing the children which entails that woman decides about having children as a married or single person.
986. The Family Law stipulates relations between parents and children and it prescribes that both mother and father have parental right; that minor children are represented by parents and that property of a child is managed by his/her parents until s/he comes of age. Parental right is exercised jointly and consensually by parents and in case of disagreement a custodian authority shall decide.
987. If parents live separated, a parent with who a child lives with shall exercise parental right. Regarding the relation between parents and child, the law envisages the supervision over exercise of parental right, deprivation, extension and cessation of parental right.
988. The Family Law regulates child's status in the family and in relation to that the procedure of determining paternity or maternity of a child and challenging fraternity and maternity, while the last section of this Law regulates the adoption – definition, conditions, foundation, rights and obligations and termination.
989. A separate section of this Law prescribes the custody, custodian authority, who can be appointed a custodian as well as the competence of custodian authorities and procedures involved, custody for minors, custody for persons who are incapab

993. If one of the parents dies, or is unknown or deprived of parental rights, the other parent shall exercise parental rights.
994. In case of adoption, the adopted child and adoptive parents have the same relations as children and parents with a view to providing adopted child with the same conditions for living that children who live in families have.
995. Parents are obliged to maintain their minor children but also adult children provided they are full-time students under 26.
996. Children are obliged to maintain their parents in case they are incapable for work and do not have means for living or in case they cannot live of their property. The sustenance obligation refers to relations in the first line, whereas sustenance right is exercised in the same succession that is relevant for the line of inheritance.
997. Every souse is entitled to be sustained by his/her souse provided that s/he does not have enough for living, that s/he is incapable to work or cannot find a job, proportionately to the souse's sustenance capacity.
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person has suffered grave consequences due to not receiving alimony, an offender thereto shall be punished by tree month to three-year imprisonment sentence.

1005. According to national legislation, people come of age at 18 and this provision is also stated in the Charter on Human Rights, Article 36, that stipulates that person comes of age when s/he turns 18.
1006. Both spouses have unlimited right to lodge a divorce lawsuit and the divorces are registered in divorce registers.
1007. The Family Law stipulates that marriage gets terminated by death of a spouse, declaration that someone has disappeared or died, by annulment and divorce.
1008. The marriage is void if it was registered without fulfilment of conditions stipulated for validity of marriage, while a spouse can request divorce if spousal relations have been acutely and irretrievably disturbed or if due to some

1016. Division of common property can be done by mutual consent and if there is not any, then it is divided into equal parts. In case of uneven contribution to acquisition and enlargement of property, one spouse can request division of property by contribution through court. The division can be requested by either husband or wife during marriage and after it ends. The law does not differentiate between husband and wife in rights and obligations.
1017. If the property is divided by consent, it is divided into two equal parts. In weighing contribution of each spouse relevant to acquiring common property, the court shall consider not only personal income of each spouse but also to his/her support to his/her spouse, his/her work, running household and keeping family, looking and bringing up children and any other work and assistance in managing, maintaining or expanding common property.
1018. When common property of extramarital partners is divided, the provisions setting forth rules for dividing property of marital spouses shall be duly applied.
1019. National legislation does not contain separate regulations for minimum age at which a person can have sex. However, Article 206 of the Criminal Code sanctions criminal offence of sexual intercourse with a person under 14 regardless of whether the minor has given consent to it or not. The Criminal Code qualifies and sanctions sexual intercourse with a minor, intercourse by abuse of authority and solicitation of a minor for the purpose of intercourse or other sexual act within the group of offences against sexual freedom.
1020. Regarding the minimum age for marriage, the Family Law has stipulated 18 to be that minimum, withstanding that the court can allow a person to marry even earlier but only if s/he is older than 16. Regarding that, the Criminal Code of the RoM has qualified extramarital union with a minor as a criminal offence (Article 216, Criminal Code of the RoM).
1021. In addition, the Criminal Code defines a criminal offence of violence in family or in family union and sanctions it with fine or imprisonment (Article 220, CC of RoM).
1022. Pursuant to law, a spouse is by rule an inheritor of half of the (movable and immovable) property of a deceased spouse and s/he also takes equal part in the division of other half of property with other inheritors. Children inherit their parents' property equally, regardless of sex. However, in practice the inheritance position defined by law is used with certain exceptions that have to do with custom that women waive their hereditary rights in favour of male inheritors (mothers in favour of sons, sisters in favour of brothers etc.).
1023. The other spouse shall not be responsible for obligations that his/her spouse had before marriage not for obligations s/he assumes after s/he got married. Also, spouses assume separate responsibility with their separate property and their share in common property (Articles 292, 293 of the Family Law).
1024. Registration of marriages and divorces is requested by the Law.
1025. Marriage registrar registers marriage in the Register of Marriages and s/he is obliged to fill out the marital statistics form immediately. The marital statistics forms are forwarded to statistics bureau at the end of each month.

1026. A judge who administers divorce case is obliged to fill out a divorce form. Court is obliged to forward these forms to a competent statistics bureau every month.
1027. In the document titled Strategy for Poverty Reduction in Montenegro there are 13,5% of households headed by women. Among the population in general, those who have more chance to be poor, among other characteristics, are the families with single female parent.

Report of the Coordination Centre