

REPUBLIC OF SERBIA¹

CEDAW A/40/45 (1985)

232. The Committee considered the initial report of Yugoslavia (CEDAW/C/5/Add.18) at its 52nd and 56th meetings, on 24 and 28 January 1985 (CEDAW/C/SR.52, 56 and 63).

233. The report was introduced by the representative of the State party who said that it covered the period up to 1981/82 and discussed problems relating to the economic situation of the country.

234. He explained that Yugoslavia had complied with all the social, economic and political prerequisites to ensure equality of the two sexes in social, economic and political life. He further explained that his country was aware that legal equality of rights between the sexes was not necessarily always a guarantee of their actual equality, on a day-to-day basis.

235. He referred to the impact of traditional factors that affected the level of employment and other roles of women in society. He said that the country's policy of accelerated socio-economic development had become the most important factor in progress towards a more satisfactory, more equitable and more active position of women in society.

236. The representative of Yugoslavia informed the committee that in 1978 the Assembly of the Socialist Federal Republic of Yugoslavia had adopted a resolution on the basic guidelines for social action with a view to promoting the socio-economic status and the role of women in a socialist self-managed society. The resolution also gave the basic lines of social action with a view to more comprehensive education, employment of women and the improvement of the social status of women in rural areas. He stated that the implementation of the resolution was reviewed every two years on the basis of reports. One of which was submitted in 1980 and the other one was being prepared.

237. The second part of the introduction of the report was made by the President of the Committee for Labour of Yugoslavia, who stated that steps had been taken to implement the Convention. Amendments and supplements to the laws had been adopted, in such areas as labour relations, disability pension coverage, job placement, intermediate and higher education. She further explained that a law limiting the work week to less than 42 hours in industries with less favourable working conditions (e.g. textile, chemical and leather industries where female workers were most numerous) will soon be adopted.

238. The representative of Yugoslavia also stated that it was considered that matters such as certain

¹ [Ed. Note: Formerly Yugoslavia. Effective 4 February 2003, the State of Yugoslavia changed its name to Serbia and Montenegro. Effective 6 June 2006, the state again changed its name to Republic of Serbia.]

bans on night work for women had to be carefully reviewed with a view to applying that kind of prohibition when necessary and when it could be determined that its application would not represent a form of discrimination against women.

239. With regard to retirement, the representative of Yugoslavia stated that a previous law, found to be unconstitutional, had recently been amended to allow women to retire on pension after 35 years of work, as before, but with the right to work a full 40 years in the same way as men.

240. The representative of Yugoslavia emphasized that all Yugoslav legislation, the federal Constitution of Yugoslavia and the constitutions of the Socialist Republics and autonomous provinces were fully in accord with the Convention. She regretted that despite the positive achievements to which she had referred there were still numerous factors that continued to exert negative effects on the status and role of women, e.g. educational and vocational structures, the low level of female employment in the public sector, problems regarding maternity benefits and public care of children. She assured the Committee that many measures and initiatives were currently being taken to eliminate those negative factors within the country.

241. Experts thanked both representatives for their introduction of the report. Several experts expressed their appreciation for the information contained in the report and for the efforts made by Yugoslavia to comply with the Convention's articles. In response to the introductory statement, some experts felt that the report contained few statistical data on education, employment, health, etc. Additional statistical data was provided later that day to update and complete information contained in the report.

242. One expert asked why it was deemed unnecessary to have any institutions or party mechanism for the promotion of women's rights.

243. Clarification was sought on "humanization of relationship between the sexes".

244. One expert asked for further explanation regarding the statement in the report that any permanent union of persons living together, where a parent or an adult looked after children, was considered to be a family. Another expert commented on this statement.

245. One expert sought clarification regarding the part of the report on the protection of women from trafficking and exploitation.

246. Some experts noted that despite the fact that the Constitutions contained provisions to ensure full equality for the sexes in voting and public referenda as well as the possibility of being elected to all bodies, the participation of women in political life remained very low. Experts requested data on the participation in council and local communities, which was later supplied by the representative of Yugoslavia. Another question was raised about ways in which Yugoslav women participated in the struggle for peace. Another expert requested clarification of women and the military service.

247. Some experts wanted to know why statistical data on men's participation in political assemblies were lacking, and how women were represented compared with men in leading bodies of

different organizations such as the League of Communists and the Socialist Alliance. Others asked whether Yugoslavia had undertaken specific measures to increase the proportion of women in political life and also about the active participation of women in public organizations.

248. Some of the experts were concerned about the number of women working in diplomatic service, including diplomatic and consular mission abroad: 174 women compared to 967 men. The experts asked what was required for women to join the diplomatic service.

249. One expert wanted to know whether nationality and citizenship were the same thing in Yugoslavia and what were the provisions in that respect.

250. Referring to education, some experts wanted to know the proportion of girls and boys attending technical colleges. There was a request for additional statistical data on the proportion of girls attending schools, technical colleges and universities of all kinds. Information was sought on the educational steps taken to end discrimination against women and about discrimination that might be found in local customs and traditions.

251. Some experts asked about the employment situation for women compared with men and the sanctions in cases of violations of employment rights. Others asked what were the criteria used to evaluate the quality and quantity of work in order to determine correct remuneration, and requested statistical breakdown of wages. One expert noted the data on the qualification pattern of women employed in the social sector as contained in the report and asked how such a percentage had been reached.

252. It was noted with satisfaction that Yugoslavia had adopted a new approach towards protective legislation, such as prohibition of night work only for women and that there had been changes in legislation in order to close the gap with regard to retirement ages for women and men.

253. More information was requested about the Penal Code concerning the rights of individuals for freedom of trade and free employment. A few experts wanted to know whether there had been instances of violations and, if so, what kind of action had been taken.

254. Information was requested about the amount of time husbands devoted to household work compared to women and about whether rural areas differed from urban areas. One expert stated that in rural areas women were reported to have an extremely heavy work-load and asked what measures were planned to ease their burden.

255. Noting the attention paid in the report to the concept of equality in public life, work and the family, a few experts wanted to know what was done not only to promote better conditions for women but also to encourage men to perform the role of caretakers in the family. One expert wanted to know whether only mothers were considered to be capable of caring for children.

256. Some experts wanted to know whether there were any statistics as to how many women changed their names and how many men took their wives' names, since a woman could choose by law to keep her maiden name or to take her husband's name after marriage. Clarification concerning

the names of children was requested.

257. One expert wanted to know the minimum age for marriage for women and men and the divorce rates. Other questions were whether marriages were common in Yugoslavia and the number of single mothers. One expert asked about the required age for women and men to adopt children.

258. Referring to the law of the Socialist Republic of Croatia prohibiting a husband from initiating divorce proceedings while his wife was pregnant or until their child reached a certain age without prior consent of the wife and the law of the Socialist Republic of Serbia restricting the right of the mother to initiate divorce proceedings while she was pregnant, one expert wanted to know what happened when the wife was in great conflict with her husband.

259. One expert specifically wanted to know about the position of women migrant workers and the problems they encountered when they returned, such as for example, difficulties in finding employment.

260. The representative explained that the Yugoslav Constitution was based upon the recognition of men and women alike as productive and creative individuals and precluded all forms of exploitation, whether of men or of women.

261. The representative pointed out that the Yugoslav economic system was based on free associated labour, whereby the public sector was predominant. In 1947 the public sector accounted for 49 per cent of the gross national product, in 1959 for 62 per cent, in 1967 for 77 per cent and in 1974 for approximately 81 per cent. By 1974 some 3 million persons had moved from rural areas to the cities, where approximately 45 per cent of the country's inhabitants lived and worked (in 1953 the figure was 22 per cent). The proportion of the agricultural population had declined from 67 per cent in 1948 to 31 per cent in 1977 and the trend was continuing in that direction.

262. Legislative jurisdiction was divided between the Federation six republics and three autonomous provinces. The legislative organs of the Federation were confined to regulating the basic rights of all employees and the basic rights of the working people with a view to ensuring their social security and solidarity. Regulations relevant to women on marriage and family relations, health care, social welfare and education were made by the republics and provinces through their laws. The representative explained that the Federal Assembly adopted two resolutions that were important for women's status: a resolution on Family Planning, 1969, and another on Social Welfare, 1970.

263. The representative explained that there were no registered cases of white slave traffic in Yugoslavia; prostitution, where it existed, was not organized but was primarily a matter of personal decisions of particular women and did not represent a serious social problem.

264. Replying to the questions concerning Yugoslavia's political system, she explained the delegation system operating in Yugoslavia and showed a diagram illustrating the number of delegates, of whom 26 per cent in 1962 had been women. Women comprised 44.82 per cent of the membership of workers' councils. Lastly, she said that criminal law in Yugoslavia was treating equally women and men.

265. She informed the Committee that women represented 44 per cent of the deputies of the workers' councils, 26 per cent of delegates to basic organizations and about 35 to 36 per cent of the country's work-force. At the federal republic and autonomous territorial levels, a strengthening could be observed in the overall framework for development; for example, there had been a 4 per cent increase in industry and a 3 per cent rise in employment.

266. Replying to the question on participation of women in diplomatic services, the representative explained that the Foreign Service had always been and was open to women at all levels. The country had women ambassadors (in Finland, Morocco, Norway, Sri Lanka and Switzerland), consuls-general (Geneva), assistants or counsellors to the Federal Secretary for Foreign Affairs and heads or members of important delegations sent abroad. Women also made a substantial part of various bodies involved with the elaboration of foreign policy.

267. In 1976, 95 per cent of the population enjoyed elementary education, which was compulsory for eight years of school. The figures for secondary and higher education were 46 per cent and 7.6 per cent, respectively. An average of 180 doctorates and 618 masters degrees a year were obtained by women. On the issue of illiteracy, she said that 54 per cent of Yugoslav women had been illiterate in 1934, 30 per cent in 1961 and 14.7 per cent in 1981; the corresponding percentage among men in 1981 was 4.1 per cent. The proportion was high, but figures were available to show that illiteracy was now confined to women aged 40 or more.

268. On the subject of unemployment, she said that the situation varied from province to province. In Slovenia, women made up 44 per cent of the labour force, in Kosovo only 20 per cent. Some 71 per cent of the country's total labour force was employed in production of various kinds and 29 per cent in public services such as health and education; 60 per cent of those employed in public services were women. A total of 35 per cent of Yugoslav women were employed.

269. The statutory working week in Yugoslavia was 42 hours. Maternity leave varied from 3 to 12 months depending on the republic. Annual leave was granted at the rate of 1.5 days per month. Workers under the age of 18 were allowed an additional week a year. Annual leave could also be extended in the light of such factors as health, family conditions such as single parenthood and working conditions.

270. With regard to agriculture, she said that women accounted for 42 per cent of the agricultural work-force. Private land holdings in Yugoslavia were limited to 10 hectares, except in mountainous and high-altitude regions, where they could be larger.

271. She said that the number of doctors, hospitals and clinics in rural areas was steadily increasing. Turning to the question of family relations, she also said that women's increasing and economic independence was altering traditional attitudes.

272. In reply to the question on the definition of the family in Yugoslavia, the representative explained the generally accepted principle in Yugoslav society was that any permanent union of persons of different sex living together where a parent or an adult looked after the children was considered a family.

273. Many activities were pursued to develop more human relations between the sexes such as educational programmes on family life to encourage responsibility and socially active parenthood.

274. As regards the issue of family planning, the representative pointed out that the right to health care and to freely decide on family planning had been spelled out by the Constitution and the constitutions of all republics and autonomous provinces.

275. Children born out of wedlock had the same rights and duties as children born in wedlock.

276. Guardianship, the representative explained, was regulated by statutory provisions that accorded protection to minors deprived of parental care as well as to a certain category of adult with a view to protecting their personalities. Another purpose of guardianship was to ensure the observance of property and other rights and interests of the wards. Property related matters that the guardian may deal with on behalf of a ward were precisely spelled out.

277. As concerns property in marriage, the representative explained that according to family legislation there were two categories: the separate property of each spouse and common property, the latter being the property acquired during marriage. Spouses managed and disposed of that property together and in agreement. Upon divorce, the size of the share of each spouse was determined either by agreement or by a court of law.

278. On the question of the age of marriage, the representative said that the laws of all federal units set 18 years as the age; however, a lower limit of 16 and 14 years had been prescribed in case of emergency, e.g. pregnancy. Spouses may agree to take the surname of either spouse or their own surnames, or to add the surname of one spouse to the surname of the other.

279. On the issue on women migrant workers, the representative explained that at the moment women represented about one third of the total number of Yugoslav migrant workers abroad. The number of emigrant workers dropped from 750,000 in 1981 to about 600,000 at the end of 1983. About 500,000 family members of workers lived abroad, of whom roughly 250,000 were younger than 18 years. The position of migrant women was determined by the Act on Protection of Yugoslav citizens working temporarily abroad (1980). The representative said that the Government was suggesting co-operation with countries of immigration by creating new jobs in Yugoslavia for returning migrants in the small-scale industries.

280. The representative explained that 1,700,000 Yugoslavs (11 per cent of the pre-war population) lost their lives in the Second World War, among them a great many women. As illustration, he cited that more than 100,000 women participated in partisan units; more than 25,000 women were killed in action, 40,000 were wounded and some 3,000 remained physically disabled. Some 2,000 were promoted to the rank of officer. More than 280,000 women were sent to Nazi concentration camps. Some 85 women were decorated with the order of National Heroes, the highest Yugoslav award as a symbol of gallantry. He also referred to the Act of Military Services introduced in 1980, which stipulated that women could enlist in the army under the same conditions as men, and some 3,000 of them actually served in the army.

CEDAW A/46/38 (1991)

334. The Committee considered the second periodic report of Yugoslavia (CEDAW/C/13/Add.23) at its 186th meeting, on 30 January (see CEDAW/C/SR.186).

335. The representative of Yugoslavia drew attention to the important changes that had occurred in the internal, political and economic life of her country since the preparation of the second periodic report. She said that the reform process involved democratization through political pluralism, multi-party elections and the expansion and protection of human rights and freedoms. In the economy, the equality of all forms of ownership was being asserted and freedom of entrepreneurship and competition was being established. She said that the promotion and protection of human rights and freedom at the international level constituted an important component of the overall foreign political action of the Republic. She said that Yugoslavia had continued to work actively within the Movement of Non-Aligned Countries in strengthening the role of women in development and advancing the status of women as a precondition for humane and just social development and peace in the world.

336. The representative stated that the report had been prepared in cooperation with women's organizations.

337. She said that the economic restructuring process had not adversely affected the employment of women any more than it had that of men, although there had been an overall decline in employment opportunities. She reported that the legislation of individual federal units provided special protection against redundancy, resulting from the introduction of technology or from the economic situation, for female workers during pregnancy or with young or handicapped children. She said that the Yugoslav Government intended to use the National Survey of 1991 to prepare gender-disaggregated statistics to assist in measuring progress and identifying obstacles to the advancement of women. The system of indicators on women would be improved through specialized surveys carried out by scientific and research institutes.

338. On article 3, the representative said that efforts were being made to collect data on the incidence of domestic violence. An analysis of convictions indicated that, in the majority of cases, Yugoslav women were victims of sex-related violence (primarily, rape) and domestic violence. Few cases of domestic violence were reported because of the social pressures on women with regard to their image and the welfare of their children, and because of the fear of vengeance and women's economic dependence on their husbands. She said that SOS telephone lines and services had been established in a number of cities, which worked on a voluntary basis. She reported that the newly established women's associations and organizations had exerted pressure on the community to develop preventive and long-term policies to combat domestic violence. Legislation at the level of the republics and the provinces guaranteed both men and women the protection of life and the integrity of their body. The Yugoslav Constitution upheld the belief that the human life and body were sacrosanct and inviolable, regardless of gender. Criminal legislation provided protection for women against various sex-related crimes, in particular, rape. The Criminal Law of the Republic of Slovenia had extended legal protection to instances of rape committed within marriage and de facto

unions, thus recognizing a women's freedom to decide on her sex life in cohabitation situations. In the territory of the Autonomous Province of Kosovo and Metohija, the crime of rape had taken on political connotations through the activities directed by nationalist and separatists of the Albanian national minority against the Serbs and Montenegrins and had resulted in the Criminal Law of the Republic of Serbia being amended. Severe punishment, ranging from 3 to 10 years in prison, had been introduced to provide adequate protection to women and to prevent nationalistically motivated rape. She said that the information provided to members on that issued was based on research carried out by the Institute for Sociological and Criminological Research at Belgrade.

339. On article 4, with regard to temporary special measures as a means of increasing the number of women in decision-making bodies, political organizations and self-management organizations, the representative said that, prior to 1989, women had been elected on a regular basis to the highest levels in the federal and republican governmental organizations, and social and labour organizations. Women's associations and parties in Serbia had responded to the poor election results, and the insignificant participation of women at the decision-making level in the last two years, by demanding the introduction of separate lists of women candidates in the election procedure and an assurance of equal representation in the assemblies. In the Serbian government, where the number of women representatives was very low, there had been a suggestion to establish a parallel women's assembly and a ministry for women.

340. In response to a question on article 5 of the Convention, the representative explained that the results of measures in education, health, family planning and culture, which had been undertaken with a view to overcoming the traditional beliefs and prejudices concerning the position and role of women in the family and society, varied. That was on account of the considerable differences in the level of economic development and the different religious, ethnic and cultural heritage of the regions of the country. The representative said that the presentation of the social status of women in the mass media, and in television in particular, was still inadequate and inaccurate. There was a marked differentiation of approach between the press of a political and informative nature and women's magazines. She added that the participation of women's organizations in pre-election campaigns at the federal unit level, in the previous year, had received good coverage in the media. The essential problems related to the social status of women had been expertly dealt with, both at the national and global level, demonstrating the commitment and support of the media to the interests of women in society.

341. The representative said that there were no organized or reliable statistics available on the incidence of prostitution. Data came from the Internal Affairs secretariats and were based on the number of offences. There had been a decrease in the number of recorded offences from 200 to 75, between 1970 and 1985; however, that decrease was attributed to a higher level of tolerance of prostitution on the part of the authorities rather than to a true decrease in its incidence. She said that Eastern European migrants from low socio-economic levels formed a significant proportion of the prostitute population but they were under strict police surveillance. The representative did not consider that there was a connection between the spread of AIDS in Yugoslavia and prostitution as, in general, prostitutes were alcoholics and not drug addicts. Responding to a further clarification of that statement, she stated that statistics had shown that there was no connection and the prostitutes from the migrant population had been checked by the medical services. There was only 31 recorded

cases of AIDS among women in the country, including two cases of mother-to-child infection. No discrimination of AIDS patients existed in the fields of education, employment and health care.

342. On article 7, in response to the request for information on the feminist movement and women's organizations in Yugoslavia, the representative noted that the Conference for Questions on the Social Status of Women within the Socialist Alliance of the Working People of Yugoslavia had been abolished at the beginning of 1991. The federal council had been requested to set up a commission on women as a government agency to deal with women's problems through national legislation. She said that feminist groups, political parties and nationalist and religious organizations had been very active during the election campaign and had participated in national and international meetings. She said that it had proved impossible to obtain accurate information on the number of women members of the new political parties because of the recent administrative and organizational difficulties. Analyses of the election results had shown that the presence of a considerable number of women in party leaderships had not led to their inclusion in the lists of candidates of those parties, nor had their presence prevented women in the elections from achieving poor results. She reported that the representation of women in the republican parliaments was 13 per cent in Slovenia, 4.6 per cent in Croatia, 4 per cent in Montenegro, 3.3 per cent in Macedonia, 2.9 per cent in Bosnia and Herzegovina and only 1.6 per cent in Serbia. The representative drew attention to the fact that, before the elections, the majority of party programmes had contained no specific programmes related to the status of women and only after reactions by the feminist organizations had women's issues been included. She said that the reduced participation of women in political decision-making levels could have been caused in part by the democratization of the political system, in that it provided a greater and freer choice of candidates but she considered that, ultimately, the multi-party system would be beneficial to the advancement of women.

343. On article 8, the representative said that Yugoslavia had been active in women's issues at both the national and international levels. However, insufficient funds invested in the programmes to implement the national strategies had limited their effectiveness. In response to a question on the extent to which women were given opportunities to represent Yugoslavia internationally, she said that there were 116 diplomats in the Federal Secretariat for Foreign Affairs (compared with 880 men), of whom 3 held high-ranking posts. Women were diplomats at permanent missions to United Nations bodies, and members and heads of delegations to various conferences that dealt with disarmament and economic as well as social issues. Although Yugoslavia was underrepresented in the United Nations, Yugoslav women held two posts at the director level.

344. Regarding the information requested on education under article 10, the representative said that 95 per cent of the girls of elementary-school age were in that level of education at the federal level, although there was some variation between regions. At the secondary level, girls represented less than 50 per cent of the total number of enrolled pupils. She said that the main reasons for the high drop-out rate of girls from the higher levels of education were traditional beliefs, the resurgence of traditionalism in some regions and the influence of religion. In rural and mountainous regions, she said that the economic problems and poor prospects of future employment also contributed to the fact that girls discontinued their education. Efforts had been made by teachers, social workers, vocational guidance services and various socio-political organizations to discourage the trend. She said that comprehensive regional development programmes had been adopted. The representative

reported that the orientation of girls towards traditional employment was still noticeable. Women represented 86 per cent of the employees in education, 83 per cent in health services and 81 per cent in economic-commercial jobs, compared with 10.4 per cent of those attending schools for mechanical engineering and metallurgy. The educational authorities, vocational guidance institutions and employment agencies were working towards changing the professional orientation of girls in order to remove gender segregation in employment and to prepare girls for jobs required for modern socio-economic and technological development.

345. The representative said that the education system in Yugoslavia comprised: (a) regular education (elementary, secondary, teacher training schools and higher education); (b) adult education, through evening classes at workers' universities and other educational institutions; and (c) professional training at work, organized in enterprises and specialized educational institutions. She said that the compulsory elementary school-leaving age was 17. The percentage of women's participation in short-term further education and in retraining courses was related to their need to develop further skills in order to re-enter the workforce. Their lower participation in vocational and advanced training was connected to their obligations to the family and concern for the care of children, factors that were exacerbated in times of economic crisis. She said that general measures were being taken to improve the range of qualifications of workers in the process of economic restructuring. No separate measures or programmes had been developed for women but discrimination was excluded from the general measures.

346. The representative said that sex education and education for family planning was included in the basic curricula of elementary-and secondary-school education. The programmes varied between the federal units and between cities. Furthermore, she said that family planning and contraception was dealt with by the provision of counselling within health and social welfare institutions. She elaborated on the 1989 Assembly Resolution on the fundamentals of population and family planning that had determined the basic guidelines for policies in that fields. The objectives were: to base curricula in educational institutions on modern teaching principles and scientific achievements; to ensure closer cooperation between teachers and parents within the socio-political communities; and, in the implementation of those policies, to develop an interdisciplinary approach with regard to a more harmonious relationship between the sexes and to sex education.

347. Responding to a further question on the illiteracy rate and on campaigns to tackle the problem, the representative said that the 10 per cent of the population who were illiterate were either in the rural areas or among the elderly population. Although courses were held at night schools, workers' universities and in the adult programme, they were often not easily accessible to older women or to those in less developed regions.

348. On article 11, the representative said that the use of social criteria applied by the Employment Office to applicants and the system of identifying employment priorities did not permit discrimination on the basis of gender. Data on the labour force included information on the sex of both employed and unemployed workers in addition to other criteria, such as occupation, age and work experience. The representative said that there were no specific projects to change the gender-segregated structure of the labour market or to improve the salary levels of female-dominated occupations other than the general economic restructuring projects. In answer to a follow-up

question, she said that new government-funded programmes were being introduced for unemployed women workers to help them reintegrate into the labour market, change to part-time work or take early retirement. She said that the reduction in the employment opportunities in traditionally female-oriented occupations had changed the preference patterns of young girls and their parents.

349. The representative said that statistics collected in March 1990 had shown that female workers accounted for 40 per cent of the 6.5 million employees in the public sector and 53.8 per cent of the 1.28 million unemployed. The long-term trend was that the share of women in overall employment in the public sector had increased, while their share in the unemployed workforce had decreased. She said that women represented 51 per cent of the active population engaged in private farming but no accurate information was available on the proportion of women among the 800,000 employed in the private non-agriculture sector. In response to a request for the definition of the term “easier work”, the representative said that, according to the Federal Law on Basic Labour Rights, the term referred to jobs that were not detrimental to or did not involve a high risk of affecting a woman’s health and life, taking into account the need to protect her biological reproduction function. She said that the term “reproduction costs of households” referred to the minimum basics of life of a four-member Yugoslav household for the satisfactory attainment of food, clothing, housing, education and transport, and for meeting cultural and health needs. She informed members that the sharp rise in prices and inflationary trends of the past two years had raised the household reproduction costs and, consequently, the material and moral burdens of women, thus highlighting their increased family responsibilities.

350. With regard to conditions of maternity leave, the representative said that female workers, irrespective of their occupation, were entitled to a maternity leave of at least 270 days without interruption as stipulated in the Federal Law on Basic Labour Rights. Under that Law, either parent had the right, upon request, to work shorter hours or to take leave of absence, reaffirming the constitutional tenet that both parents had the equal right and responsibility to take care of the rearing and education of their children, in line with the conventions of ILO that had been ratified by Yugoslavia. If a child needed care because of the condition of its health, the mother was entitled to work part-time until the child was three years old. There was flexibility in the legislation of the republics and provinces in the case of a seriously handicapped child. Adoptive parents had the same parental rights as natural parents. In all instances, part-time workers had similar labour conditions as those of full-time workers. Republican and provincial health-care laws had introduced the important right of a female worker to a full monthly personal income during maternity leave. The representative stated that the Federal Law on Basic Labour Rights identified the conditions for mothers to work at night.

351. The representative said that the statistics available did not reflect the percentage of their income that women spent on facilities to care for their children. The expenses for those purposes were borne partly by parents, according to economic criteria, and partly by funds for health care, education, child care and social welfare. She said that medical certificates for job applicants did not contain information about pregnancy and, if discrimination against a pregnant woman was proved, she could resort to the courts of associated labour. The representative said that some federal units had tried to introduce part-time job-sharing schemes to integrate young persons into the work process but they had not been successful. No accurate statistical data were available on the number of women

working in part-time employment. She said the term “non-economic activities” referred to the overall activities outside the economy itself, such as social services, public administration and other activities not included in the notion of economy. The term “social sector” referred to sectors with socially owned means of production, thereby including both the economy and the non-economic activities.

352. The representative said that there was no disaggregated statistical information available on earned income as men and women were equal under the Constitution and pay was equal for equal work. She said, however, that a higher percentage of employed women worked in the labour-intensive sectors with low income levels. She added that data showed that the total number of working women in the social services, commerce and the textile industry, which were traditionally low-paid occupations, had increased by about 56,000 since 1987 compared with a rise of 5,000 in financial and other services with above-average income levels.

353. In response to a question on the rights of a father to parental leave, the representative said that the child’s father could take paternity leave if the mother had died, or abandoned the child or was prevented from taking the maternity leave herself. She defined the term “psycho-physical characteristics” of women as specific characteristics related to their reproductive function.

354. On article 12, the representative informed the members that, in 1989, the Yugoslavian Assembly had adopted a resolution on the fundamentals of population and family planning policies. She said that the Government considered family planning a fundamental human right, which should be based on a mature awareness of the need for a free, socially conscious and responsible parenthood. She said that the programme of measures of social policies aimed at family planning was opposed in some areas by separatist movements and by some religious groups; the training programmes of health and educational institutions and of the United Nations system had also met with organized opposition in the most affected region of Kosovo and Metohija. The representative said that measures were being implemented in the less developed areas, particularly the rural and remote ones, to provide health education and information on modern methods of family planning. Similarly, educational health and social services were concerned with removing the factors that slowed women’s emancipation and integration into all areas of life. The representative reported that, despite special campaigns in the media and through the education and health systems, the attitudes towards family planning had not changed substantially. The lack of adequate information or the non-availability of contraceptives had led, she said, to the use of induced abortions as a means of family planning. Regional variations were observed in the proportion of abortions to live births and although the majority of abortions were first-time pregnancies, many women had had three or more abortions. A recent study conducted by the Social Research Institute at Belgrade had determined that the main reason why women opted for an abortion was that they did not want any more children. The representative said that the resurgence of traditionalism in some areas had led to pressure for a new law banning abortion but women’s organizations were defending the right of women to family planning.

355. On article 14, the representative said that a recent analysis showed that the national average for the participation of women in agriculture was 64 per cent of the total. She said that the significant changes in the range of qualifications of young girls from rural areas were transforming the

traditional concept of the division of work, which was that of women as manual workers and of men as machine operators. She stated that an increasing number of young women possessed qualifications in agronomy, veterinary medicine, forestry and agro-economics and, in the school year 1988/89, young girls represented 37.1 per cent of the agricultural students at the university level and 41 per cent of the students in secondary agriculture schools. The representative said that there was no discrimination within the social security system for farmers. She said that the participation of rural women in political activities had drawn attention to the interests of the rural population. She informed members that there was no available statistical information on associated farmer's cooperatives run by women nor on the number of female members of families of associated farmers but the programme of statistical research had developed a methodology for collecting the data in future. The representative stressed that there was no discrimination against women in the legislation concerning their access to loans or the possibility to own land in order to establish an enterprise. Similarly, the law did not permit any discrimination on the basis of gender in cases of inheritance, separation or divorce.

356. On article 15, the representative said that arranged marriages for girls existed, as shown by the ethnological analysis of traditions in certain regions, particularly those in which the influences of tradition and religion were very strong.

357. Regarding article 16, the custody of young children was entrusted according to the opinion of the Social Welfare Centre on the basis of social background, bearing in mind above all the interests of the child. No statistical data on the allocation of custody to either father or mother upon divorce were available. The criteria that were applied in deciding on custody were the age and sex of the child; the concept that children of the same sex should not be separated; and the material and social standing of the parents. She said that, in most cases, young children were entrusted to the mother although there had been an increasing number of requests by fathers to change the practice. The representative stated that the present population policy was in accordance with the resolution of the Federal Assembly on the fundamentals of population and family planning policies (adopted in 1989) and was the result of an effort to change the negative trends of spontaneous and uneven population growth, which had had serious consequences for the country's economic development and had resulted in the political repercussions that burdened inter-nationality relations in the country. In the largest part of Yugoslavia (Croatia, Serbia, Slovenia and the Autonomous Province of Vojvodina), the birth rate was considerably below zero growth while in the Autonomous Province of Kosovo and Metohija and in some parts of Serbia, Macedonia and Montenegro, inhabited predominantly by Albanians, there was a doubling of the population from one generation to another. Comparison of the extremes showed a birth rate in Vojvodina of 0.2 per 1,000 inhabitants, whilst in Kosovo and Metohija, it was 24 per 1,000 inhabitants. The population policy encompassed the right of the individual to decide freely on the size of his or her family, his or her responsibility towards the community and the community's responsibility for population growth and for the creation of the economic, social, cultural and educational conditions necessary to achieve higher living standards, "humanization" of birth and the harmonization of relations between the sexes. The representative provided data for 1989 on the number of marriages and divorces in the regions of Yugoslavia. In the whole country, 159,126 marriages had been contracted, of which 22,761 (or 14.3 per cent) had been dissolved. She said that the number of divorces per 1,000 marriages in the regions were as follows: 259.2 in Vojvodina, 221.1 in Slovenia, 185.5 in Croatia, 179.9 in Serbia, 143.6 in Bosnia, 102.7 in

Montenegro, 60.7 in Herzegovina, 60.0 in Macedonia and 22.3 in Kosovo and Metohija. She observed that the number of divorces was higher in the more developed communities while, in the less developed republics, the traditional upbringing of women and their economic dependence on men were the main reasons for the lower number of divorces.

358. In response to further questions from members, the representative said that measures were being taken to change regional variations that adversely affected the status of women but the Government wanted to maintain those which were not detrimental to women. She said that bilateral agreements had been developed to assist the 1 million Yugoslav migrant workers in Western Europe with regard to their education and possible re-immigration. The representative stated that in a number of cases, asylum and refugee status had been sought mainly by gypsies and Albanians in some Western countries. Yugoslavia was trying to solve the problem through bilateral contacts with the countries concerned.

359. The members congratulated the Government of Yugoslavia on the preparation of the second periodic report and for the comprehensive presentation of information and data. They gave their full support to the women of Yugoslavia in their struggle to preserve the rights they had already achieved, particularly during the current difficulties the country was experiencing

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758. The Committee considered the report of the Federal Republic of Yugoslavia (Serbia and Montenegro) (CEDAW/C/YUG/SP.1) at its 254th meeting, on 2 February (see CEDAW/C/SR.254).

759. In introducing the report, the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) described the consequences of the disintegration of the Socialist Federal Republic of Yugoslavia, the civil war in Bosnia and Herzegovina which had caused a flow of refugees to her country and the blockade unjustly imposed on her country by the international community, in particular as a result of the sanctions introduced by the Security Council in its resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992 and 820 (1993) of 17 April 1993. She also referred to the numerous interventions by various humanitarian organizations and individuals to provide humanitarian aid and to draw the attention of the world to the devastating consequences of the sanctions for the national economy, social infrastructures and the entire civil population, in particular women and the vulnerable groups.

760. Living standards had fallen dramatically. National health services lacked basic medical supplies and infrastructures and the supply of imported medicines and other needed goods was blocked or obstructed by the embargo. Mortality had increased, in particular among young children and the elderly, as had the death rate of infants and people suffering from chronic disease. The problem of AIDS had become pressing owing to a shortage of diagnostic tests. Women were affected by the shortage of contraceptives, anaesthetics used for abortions and basic hygienic items. The number of miscarriages and deliveries at home had increased, as had the death rate of live-born infants and mortality of mothers and babies during delivery. Stress, fear of the future and separation of families often caused psychiatric problems. Violence, alcoholism and various forms of sexual abuse had increased. Various forms of violence against women and sexual harassment had been addressed through non-governmental activities, including SOS telephone services and by the Government, which considered rape and the abuse of women and children as crimes that should be condemned in the strongest terms wherever they occurred and that those responsible, whoever they were, should be punished.

761. The representative also referred to the issue of abuses of women in war zones and pointed to her Government's position that such crimes were contrary to international humanitarian law. For those reasons, the Government had cooperated actively with the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992, investigating facts and collecting data about women who had been victims of rape and had come to Yugoslavia as refugees, with a view to the physical and mental rehabilitation of those victims. The Government had also established State bodies to investigate all such allegations, collect data and monitor the rehabilitation of victims of sexual abuse committed in war areas and had sheltered them as refugees in the Federal Republic of Yugoslavia. Some parts of the collected evidence had already been presented to the Commission of Experts and had been circulated as documents of the General Assembly and the Security Council. For example, the Commission for monitoring the sexual abuse of women, children and men in conditions of war, composed of medical experts and psychologists, was set up in the Federal Ministry of Labour, Health and Social Policy. Although the Commission did not

discriminate in terms of nationality, the majority of victims were Serbian female refugees from Croatia and Bosnia and Herzegovina. Some of those women had already been successfully reintegrated into society, as had, for example, young women who had given birth as a result of rape in Muslim- and Croat-run camps and brothels. Other medical and expert sources revealed that many Serb women had been victims of persecution, sexual torture and rape in various camps for Serbs. Some, however, after hospitalization withdrew their statements and were not included in any evidence. All who had become pregnant as a result of rape had received the necessary assistance. Most of them did not want to talk and wanted to forget everything that had happened to them. Only those who had come to have an abortion after a few months of pregnancy and had been required to have an examination and to obtain the approval of the special medical commission, had revealed what had really happened to them. A considerable number of women who had been raped in Bosnia and Herzegovina, however, with pregnancies of less than 10 weeks, had had abortions without waiting for the Commission's approval and had concealed the fact that they had been raped. Such behaviour only confirmed her country's claim that, in its culture, a woman would admit that she had been raped only if she had to. Rape was so traumatic that it often caused suicidal tendencies. Instead of counting the number of raped women, trying to prove which side had suffered more hardship, doubting their testimonies and using them for political manipulation, it would be better to assist raped women and reintegrate them in society.

General observations

762. Members of the Committee thanked the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) for presenting the additional oral report, which was more in compliance than the written report with the request made by the Committee at its twelfth session that the States of the former Yugoslavia submit a report or reports on an exceptional basis in view of the Committee's deep concern about recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under the Convention. The written report (CEDAW/C/YUG/SP.1) did not meet those requirements, as it was more like a periodic report and did not address the situation of women with regard to the prevailing armed conflict and various forms of violence against women. It was emphasized by some that a report submitted on an exceptional basis should provide more information on the specific situation of women owing to the state of war. The members expressed their grave concern about the situation of women in the Federal Republic of Yugoslavia (Serbia and Montenegro), who had been affected by increasingly difficult living conditions, inflation, unemployment, increasing violence in daily life and collapsing social and health services. They expressed their solidarity with all women of the Federal Republic of Yugoslavia (Serbia and Montenegro) and other States of the territory of the former Yugoslavia. They appealed to the wisdom and solidarity of women in the Federal Republic of Yugoslavia (Serbia and Montenegro) to put an end to the war, to exercise the force of right and to exert all possible pressure on men at the decision-making levels, in the military and in peace negotiations, to stop the destruction, to stop using women as tools of war and to achieve peace.

763. The view was expressed that, as in any armed conflict, women and children were the primary victims.

764. In response to those observations, the representative stated that the main emphasis had been

placed on regular reporting because her country had not been a party to the war in Bosnia and Herzegovina. It had nothing to do with the civil war in Bosnia and Herzegovina between its three constituent peoples - the Bosnian Serbs, the Bosnian Muslims and the Bosnian Croats, and the Federal Republic of Yugoslavia had no territorial claims on Bosnia and Herzegovina. The last soldier of the former Yugoslav People's Army had left the territory of Bosnia and Herzegovina on 19 May 1992, so that the Federal Republic of Yugoslavia could not be responsible for the ongoing violations of human rights in Bosnia and Herzegovina. Thus, she was not in a position to report on human rights violations in Bosnia and Herzegovina. The Federal Republic of Yugoslavia was doing its utmost and playing a very constructive role in the ongoing Geneva peace negotiations.

General questions

765. Reference was made to the fact that, despite all diplomatic initiatives, and its internationalization, the conflict kept developing, with all its outrageous consequences for women and children. It was asked whether women had the political will and strength to stop further fighting, organize themselves for peace at all levels and struggle together, independent of ethnicity, nationality or religion, for a just and peaceful future for the country and for its reconstruction. Information was also sought as to the role of non-governmental organizations in the search for peace and the participation of women in the peace negotiations, reconstruction of the country and its future decision-making bodies.

766. The representative answered that in the Federal Republic of Yugoslavia (Serbia and Montenegro) women supported the Government's policy related to Bosnia and Herzegovina which was the policy of peace. Together with men in the Federal Republic of Yugoslavia, they sought a peaceful solution to the war in Bosnia and Herzegovina. Non-governmental organizations in the country had made some attempts towards peace, but had not succeeded up to now.

767. The members of the Committee commented on various negative consequences of the sanctions described in the report and pointed to their damaging effects, especially for women, in particular with regard to employment, health care, housing, nutrition, pensions, maternity, child care, daily violence, sexual abuse and the disintegration of the family. While reiterating concern that all sanctions affected the most vulnerable social groups and not the Governments, reference was made to the lack of explanation in the report as to why the embargo had been imposed. It was asked why reference was made in the report to Kosovo and Metohija as regions that were slow in ridding themselves of some traditions and customs related to ensuring equality of men and women, and why the distinction was made on ethnic, religious and traditional grounds. The representative replied that those regions had been singled out not for the purpose of discrimination, but for special attention, as requested by the Committee at its tenth session.

768. The observation was made that the report did not address properly the issues of violence against women. While information had been provided in the statement on the increasing daily aggression and violence against women in the Federal Republic of Yugoslavia (Serbia and Montenegro), such as physical violence, sexual abuse, verbal and/or physical coercion of women to sexual intercourse, sexual abuse of children, verbal and emotional abuse of women and children, harassment and intimidation of women at their places of work, economic abuse of women and

children, there had been no information on the issue of rape as a weapon of war. Although reference to mass rapes used as means of warfare was included in reports of the Special Rapporteur of the Commission on Human Rights and in many press reports on the subject in the past two years, exact information and data on the subject would be essential to the Committee. The situation in which might prevailed over right and men used their power to return to such practices of the dark ages was shocking and required clarification as to the facts, figures and actions taken by the Government, if any, to bring the perpetrators to justice and assist the victims. One member, however, did not share the view that such data would be important, but rather favoured the view that the focus should be on rehabilitation of and assistance to women victims. The remark was also made that the statement in the oral report made by the representative that "aberrant and violent sexual behaviour is far from being characteristic of the war in the former Bosnia and Herzegovina alone; such behaviour has occurred in all known wars thus far" (see CEDAW/C/SR.254) was unacceptable, as well as immoral and appalling.

769. The representative stated that the accusation of the use of mass rapes as a war weapon did not apply to her country at all because the Federal Republic of Yugoslavia was not engaged in the war in Bosnia and Herzegovina. She referred to the report of the Special Rapporteur, which confirmed the incidence of mass rapes but pointed to all parties in the conflict. Although incidents had happened in all war-torn areas, the evidence of ordered, systematic rapes was very weak, and the Federal Republic of Yugoslavia had strong evidence of Serbian women being raped by Croats and Muslims. She also stated that the issue of violations against women who had found refuge in the Federal Republic of Yugoslavia had been studied by the State Commission for War Crimes and the Crimes of Genocide and the Interdepartmental Group of the Federal Government involving all crucial ministries, non-governmental organizations and associations of citizens. She stated that her Government was willing to cooperate with all international fact-finding bodies. She also apologized for the sentence that might give the false impression that rape was considered, by the Government of the Federal Republic of Yugoslavia, normal behaviour in times of war and asked that it be seen in the context of what followed in her report, where rape was clearly characterized as a great breach of humanitarian law.

770. With regard to the concern expressed about the situation and the marginalization of detained women, incidents of unwanted pregnancy, numerous abortions, women dying during delivery, the dramatically declining birth rate, and increasing infection with AIDS, she pointed out the increased difficulties that influenced the status of women in the Federal Republic of Yugoslavia owing to the consequences of war in neighbouring Bosnia and Herzegovina, general shortages and the malfunctioning of medical services and supplies and the collapse of social structures as a result of the sanctions. Abortion was still used as a means of contraception. There were an increasing number of new-born children with AIDS. The risk of AIDS was particularly dangerous, especially in view of the lack of proper information, medicines and sexual education, especially among young people.

771. Asked about the data related to prostitution, policies in that respect and the increasing number of female prostitutes visible, even in neighbouring countries, and if that was related to the incidence of massive rapes, the representative answered that prostitution was not a crime under the provisions of the Yugoslav Penal Code. Increased numbers of prostitutes, who were mainly women, but also

young girls and boys, had started to practice "covert prostitution" as a result of the dramatic situation of the country and the lack of basic goods and prospects.

772. With regard to questions related to the situation of women and children refugees, the representative stated that the refugees from all neighbouring war-ridden areas were accepted by the society and individual families regardless of their ethnic origin, religion or nationality. This was also a policy of her Government. Referring to the question of the increased incidence of violence within the families that received the refugees, she stated that it had resulted from basic shortages and daily hardship and had nothing to do with the national or ethnic background of the refugees and the receiving families. Contrary to the image, the cultural differences between the nations of the former Yugoslavia were not so drastic, and those nations had lived in peace together for many years.

773. In conclusion, one member said that the representative's statement that her country had nothing to do with the human rights violations in Bosnia and Herzegovina was not acceptable.

Concluding comments of the Committee

774. The Committee commended the representatives of the Federal Republic of Yugoslavia for presenting their report on an extraordinary basis in spite of the regrettable situation in their country and also for providing answers to most of the questions posed by members of the Committee.

775. The Committee expressed its sadness at the plight of the women of the Federal Republic of Yugoslavia and recalled that it had always deplored violence against women in all its forms. It expressed its concern at the increased violence perpetrated against the women of the country caused by the stress and deprivation currently being experienced by the population. It expressed its concern that the women were also suffering the consequences of sanctions, which were having a serious impact on their health care and nutrition in particular. The tragic war in the territory of the former Yugoslavia had affected women's dignity as human beings, had caused large numbers of women to become refugees and had demonstrated women's vulnerability in time of conflict.

776. The Committee called on all the women of the Federal Republic of Yugoslavia not to remain passive. Women must participate fully at governmental and non-governmental level in initiatives for peace in the territory of the former Yugoslavia. The Committee expressed the hope that the women would generate the political will needed for change and needed to bring the conflict to an end. The Committee awaited initiatives from the women of the Federal Republic of Yugoslavia which would bring an end to the tragic conflict.