





**SPECIAL REPORT OF THE PROTECTOR OF CITIZENS  
REPRESENTATION OF WOMEN IN DECISION-MAKING POSITIONS,  
AND THE POSITION AND ACTIVITIES OF LOCAL GENDER EQUALITY  
MECHANISMS IN LOCAL SELF-GOVERNMENT UNITS IN SERBIA**

**Belgrade  
May 2018**

*Publisher*  
**Protector of Citizens**

*For publisher*  
**Zoran Pašalić**

*Editor*  
**Gordana Sevanović**

*Authors*  
**Nataša Jović**  
**Borjana Peruničić**

*Consultant*  
**Višnja Baćanović**

*Circulation*  
**250 copies**

*Year of publishing*  
**2018**

*Prepress*  
**Underdog**

*Printing*  
**???**

Disclaimer: The views herein expressed are solely those of the authors and contributors and do not necessarily reflect the official position of the OSCE Mission to Serbia.

## Contents

INTRODUCTION .....	7
Research by the Protector of Citizens .....	9
ASSESSMENT OF THE SITUATION AND RECOMMENDATIONS .....	12
ASSESSMENT OF THE SITUATION .....	12
RECOMMENDATIONS .....	14
RESEARCH FINDINGS .....	18
Participation of women and men in decision-making .....	18
<i>Quotas</i> .....	18
<i>Local Community Councils</i> .....	19
<i>Municipal/City Assemblies</i> .....	20
<i>Mayors and Municipal Presidents</i> .....	21
<i>Municipal and City Councils</i> .....	22
<i>Local Self-Government Unit Administrations</i> .....	22
<i>Representation of Roma national minority and persons with disabilities</i> .....	23
<i>Perception of under-representation of women, and men and women from marginalized groups</i> .....	23
Local Gender Equality Mechanisms .....	24
<i>About the mechanisms</i> .....	24
<i>Working Bodies for Gender Equality – Form and Composition of the Mechanisms</i> .....	25
<i>Gender equality job title and position, and the designated person responsible for gender equality</i> .....	28
<i>Documents regulating the functioning of mechanisms</i> .....	31
<i>Local documents in the field of gender equality</i> .....	32
<i>Activities of gender equality mechanisms</i> .....	34
<i>Financing of the activities of local gender equality bodies</i> .....	38
Integration of gender perspective into local policies and cross-sectoral cooperation.....	39
Gender-sensitive statistics .....	45
ANNEX 1.....	47
QUESTIONNAIRES SENT TO LOCAL SELF-GOVERNMENT UNITS .....	47
ANNEX 2.....	54
LEGAL AND STRATEGIC FRAMEWORK FOR THE ACHIEVEMENT OF GENDER EQUALITY AT THE LOCAL LEVEL IN THE REPUBLIC OF SERBIA .....	54

All terms in this text expressed in the grammatical masculine gender, shall imply the natural masculine and feminine gender of persons they refer to.



## INTRODUCTION

The Republic of Serbia has ratified international documents and developed national instruments for the prevention of gender-based discrimination and the achievement of gender equality. By the adoption of the National Strategy for the Achievement of Gender Equality by 2020 and the accompanying Action Plan for the period 2018-2020 and the Second National Action Plan for the Implementation of United Nations Security Council Resolution 1325 - Women, Peace and Security, as well as the introduction of gender-responsive budgeting, significant steps have been taken in the implementation of gender equality policies. Manuals<sup>1</sup> and model documents<sup>2</sup> have been developed, and training<sup>3</sup> carried out aimed at capacity building of local mechanisms and employees in administrative bodies in order to improve the implementation of gender equality policies and the implementation of the national legal and strategic framework.

National and international institutions and organizations cooperate with local self-government units (hereinafter: LSU) in this area in the endeavor to support the functioning of local mechanisms: primarily the OSCE Mission in Serbia, since 2003; the European Progress Program in the municipalities of South and Southwest Serbia; the Swedish International Development Agency - SIDA, through support to national mechanisms and policies, as well as projects in cooperation with the Standing Conference of Towns and Municipalities (SCTM); the United Nations Entity for Gender Equality and the Empowerment of Women- *UN WOMEN*, and other.

However, both the data and practical experience still point to persisting inequality between women and men in different areas, and (more often) to less advantageous situation of women and girls.

Women are still less economically active, less gainfully employed, and have lower average incomes. The employment rate of women is 38.1% and that of men 52.8%. The highest gender gap in the labor market has been recorded in the age group 55-64, where the employment rate of women was 32.5% and that of men 52.8%. Self-employment is twice as high in men as in women: 28% of men and 13% of women between the ages of 15 and 64 are self-employed. The rate of inactivity on the labor market is higher in women than in men: it is 54.6% in women, and 38.2% in men; it is the highest in the category of those between 55 and 64 years of age, where women constitute 64.8%. Women make up 84% of family helpers in agricultural households, while 86% of those formally employed in this field are male. Women are farm holders or managers in 15.9% of cases<sup>4</sup>.

Women are employed in lower-paid lines of work; in agriculture they are most often helping household members and are formally invisible. Women spend 4 hours a day doing unpaid

1 For example, Guidebooks for the development of Local Action Plan for the implementation of the European Charter for Equality of Women and Men in Local Life drafted by the Council of European Municipalities and Regions (2006), for the introduction of gender-responsive budgeting at the local level, toolkit for self-evaluation of LSU capacities, training program for the enhancement of the capacities of local gender equality mechanisms, etc..

2 For example, amendments to the Statute which regulates the issue of gender equality, model decisions and decrees on the establishment of mechanisms, models of local decisions on gender equality, models of the systematization of gender equality job title and description.

3 Training was carried out by the Directorate for Gender Equality during the implementation of the NAP 1010 - 2015, SCTM organized a series of training sessions for local mechanisms in the period from 2012 to 2015 and established a gender equality network at the local level. European Partnership with Municipalities Programme - EU PROGRES organized training for local mechanisms and councilors on the integration of gender perspective into local policies. In 2016 and 2017 the Coordination Body for Gender Equality, in cooperation with Human Resources Management Service realized three trainings for civil servants. The data on the implementation of Gender Equality NAP (2016-2018) have shown that the systemic approach to the enhancement of capacities is still lacking, i.e. that there is no single system that would enable capacity enhancement sustainability, or systematism.

4 Women and Men in the Republic of Serbia, Statistical Office of the Republic of Serbia, available at: [http://www.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/Zene%20i%20muskarci%20u%20Republici%20Srbiji\\_web\\_2017.pdf](http://www.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/Zene%20i%20muskarci%20u%20Republici%20Srbiji_web_2017.pdf)

household jobs, while men on average spend 2 hours; mothers with children make up 79% of single-parent families that are more vulnerable to poverty and face a host of other challenges. Of those who do not work full time because they care for children or disabled adults, 96% are women, and 4% are men<sup>5</sup>.

Among students who complete general four-year secondary education (grammar schools) there are more girls (58%) than boys (42%), while three times more boys than girls<sup>6</sup> complete three-year secondary schools.

More women enroll at and graduate from university. Among the enrolled students women constitute 56%, and among university graduates 58% (data for 2016), although they still more frequently receive degrees in social sciences and humanities, and less in technical and engineering sciences which are more valued in the labor market. Thus, in the field of information technology and communication technologies, men constitute 74% of all graduates, and 63% of graduates in engineering, manufacturing and construction. In 2016, more women (57%) than men (43%) received their doctorate. However, in the same year, 90% of SASA members were men<sup>7</sup>.

Roma women are in a particularly disadvantageous position, compared to women in the majority population, but to Roma men as well, so that only 14% of girls (and 24% of boys) enroll in secondary schools<sup>8</sup>.

The precondition and indicator of gender equality in public and political life, and the prerequisite of policies that will include women's perspective and the interests and voice of women, is the participation of women in decision-making as well. In addition to the participation of women in representative bodies (assemblies), this also entails the representation of women in other decision-making positions (in the executive branch of government, and management positions in administrative bodies and public enterprises), but equally so the involvement of women's organizations in decision-making processes.

The Gender Equality Index for the Republic of Serbia<sup>9</sup>, which monitors success in achieving equality in 6 different domains: work, money, knowledge, time, power, health and two sub-domains: cross-inequality and violence against women<sup>10</sup>, has shown that the most progress has been achieved in the area of power, and the least in the field of labor and money. In total, the Index for the Republic of Serbia is 40.6%<sup>11</sup>, while the lowest index in the EU countries is above 50%.

The Equality Index for the Republic of Serbia in the domain of decision-making is higher than in other domains, primarily due to the application of legal provisions on the participation of the less represented sex, which had direct impact on women being represented in the National Assembly of the Republic of Serbia with 34%<sup>12</sup>. Another reason is the election of a woman to the position of the Governor of the National Bank of Serbia. A high percentage of women in the National Assembly contributed to the establishment of the Women's Parliamentary Network, which raised the

---

5 Ibid.

6 Ibid.

7 Ibid.

8 Multiple Indicator Cluster Survey on the state of women and children in Serbia in 2014, UNICEF and the Statistical Office of the Republic of Serbia; available at: [http://webrzs.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/MICS/MICS5%202014%20Glavni%20nalazi\\_Srbija+Srbija%20Romska%20naselja.pdf](http://webrzs.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/MICS/MICS5%202014%20Glavni%20nalazi_Srbija+Srbija%20Romska%20naselja.pdf).

9 Available at: [http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2016/02/Izvestaj\\_Indeks\\_rodne\\_ravnopravnosti\\_2016\\_SRP.pdf](http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2016/02/Izvestaj_Indeks_rodne_ravnopravnosti_2016_SRP.pdf)

10 Within which the values calculated range from 0 – absolute gender inequality to 100 – full gender equality.

11 Gender Equality Index was first calculated for Serbia in 2016 and shows that Serbia lags behind the EU-28 average in overall gender equality by 12 percentage points or 30 percent.

12 Representation of women was below 20%, and below 15% before the mandatory application of quotas for the less represented gender was prescribed.

visibility of women in decision-making places, and has been a framework for the cooperation of women deputies and the women's movement, but also a framework for cooperation with women councilors, and an incentive for the creation of similar networks at the local level. Based on data published in the Gender Equality Index, women are still under-represented in the executive government bodies in administrative and supervisory boards and in certain departments. According to the data for the year 2014, the participation of female ministers is 21%, the participation of women in the boards (supervisory and administrative) of the largest companies on the stock exchange is 15%, and in local assemblies, women are represented with 19%.

The data on the situation of women and men point to unsatisfactory effectiveness of the implementation of equal opportunities mechanisms, policies and measures, primarily the implementation of the Law on Gender Equality, but also that of specific measures prescribed in the Constitution, which can be introduced in order to achieve full equality of persons, or groups of persons whose position is in actual fact unequal in relation to that of the rest of citizens, as well as that of the measures envisaged in the National Strategy for the Achievement of Gender Equality 2016-2020, and reveal the lack of gender sensitive strategies and policies in other areas.

At the local level, the implementation of gender equality policies is absent, there is a noticeable lack of gender-disaggregated data, women are under-represented in decision-making positions, their essential participation in decision-making is lacking, as is the appropriate coordination and implementation of the national legislative and strategic framework. As a result, there is lack of application of the provisions<sup>13</sup> stipulating the establishment of institutional mechanisms - gender equality bodies at the local level, keeping of gender-sensitive statistics, application of equal opportunities policies and measures, ensuring the participation of women in decision-making, and the implementation of measures that contribute to the goals defined at the national level, but also respond to the needs and priorities in the local communities.

### **Research by the Protector of Citizens**

The research conducted by the Protector of Citizens during 2017, with the support of the OSCE Mission to Serbia, aimed to gather data on the implementation of equal opportunities policies and measures, that is, the implementation of laws and practices in the field of gender equality at the local level in order to determine the current situation and potentials to improve the institutional framework and practices.

The research covered the following areas:

- Forms, role and position of local bodies for gender equality;
- Local regulations, strategic documents and mechanisms in the field of gender equality and equal opportunities policies;
- Capacities, instruments and practices of the introduction of gender mainstreaming, and horizontal and vertical, as well as inter-sectoral cooperation;
- Overview of key and most regular activities in the area of gender equality at the local level;
- Representation of women in decision-making places;
- Review of good practices and success factors, as well as key obstacles to the development and implementation of gender equality policies.

<sup>13</sup> These obligations of the LSU are prescribed by the Law on gender Equality, the Law on the Prohibition of Discrimination, the Law on Local Self-Government, and the National Strategy for the Achievement of Gender Equality.

In addition to research findings<sup>14</sup>, this report also provides an overview of the legal and strategic framework and recommendations how to improve the institutional framework and practices, both at the local and national levels.

The research included collection and processing of quantitative data on the status and activities of local mechanisms for gender equality and the participation of women in decision-making at the local level, as well as collection of qualitative data on success factors and solutions that proved to be functional in practice, but also data on the impediments to the application of legal obligations and strategic documents in the field of gender equality.

Data on the representation of women in decision-making positions and the position and functioning of local gender equality mechanisms were collected through two questionnaires, which were sent to 145 LSUs<sup>15</sup>. The first dealt with the status of local mechanisms, procedures, local regulations related to gender equality, activities of the local gender equality mechanism and cooperation at the local level with relevant organizations and institutions. The second questionnaire referred to the collection of numerical data on the representation of women and men, but also on that of members of vulnerable groups in decision-making places, and among employees and managers in administrative bodies at the local level<sup>16</sup>.

Data was provided by 143 out of 145 LSUs to which questionnaires were sent<sup>17</sup>.

Qualitative data were collected through focus group discussions held in November and December 2017 and a total of ten focus group discussions (FGD)<sup>18</sup> were held attended by representatives of 45 LSUs<sup>19</sup> and five city municipalities - four in Belgrade and one in Niš. The discussions were attended by representatives of local self-government units in which there exist good practices and functional mechanisms for gender equality, but also of those in which gender equality mechanisms have not been established or are not active. In addition to representatives of gender equality mechanisms, heads of LSUs and secretaries of local assemblies (from a small number of LSUs) also took part in focus group discussions, in order to gather information about the position of local mechanisms in the local self-government system. The criteria used in the selection of LSUs for focus group discussions were the functionality and form of local mechanisms, in order to represent different forms of mechanisms; examples of good practice, such as local action plans, local decisions on gender equality, the signing of the European Charter of Gender Equality at the local level; as well as the representation of women at decision-making and implementation of quota levels for the less represented sex.

---

14 Data analysis was carried out by consultant Višnja Baćanović

15 Questionnaires for the collection of data are attached in Annex 1.

16 The same methodology has been applied as in the questionnaire of 2011 used to collect for the first time data on the participation of women in decision-making positions, within the implementation of the National Action Plan for the Improvement of the Position of Women and Achievement of Gender Equality 2010 - 2015. For the purposes of this research the questionnaire has been expanded with information on employees in administrative bodies.

17 Municipalities of Preševo and Bačka Topola did not provide the data. Approximately 30 questionnaires have not been completed, i.e. no answer was provided to some of the questions, which has been shown in the tabular representation of the processed data.

18 Focus group discussions were held in Belgrade (two), Vrnjačka Banja, Jagodina, Niš (two), Novi Sad, Petrovac na Mlavi, Čačak and Šabac.

19 Aleksandrovac, Aleksinac, Aranđelovac, Bačka Palanka, Bački Petrovac, Bela Palanka, Belgrade, Blace, Bogatić, Brus, Vračar, Vrnjačka Banja, Vršac, Gadžin Han, Golubac, Gornji Milanovac, Despotovac, Dimitrovgrad, Žabalj, Žabari, Zaječar, Zrenjanin, Jagodina, Knjaževac, Kovačica, Kragujevac, Kraljevo, Kruševac, Lazarevac, Lajkovac, Leskovac, Ljubovija, Niš, Novi Sad, Obrenovac, Opovo, Osečina, Pančevo, Paraćin, Petrovac na Mlavi, Pirot, Požarevac, Svilajnac, Svrlijig, Smederevo, Smederevska Palanka, Titel, Čačak, Šabac and city municipalities Medijana (Niš) and Stari Grad (Belgrade).

Starting from the constitutional and legal framework of the Republic of Serbia, international guidelines, strategic documents of the Republic of Serbia and the “minimum standards<sup>20</sup>” in the functioning of local mechanisms for gender equality, the research examined the following: participation in decision-making; the existence of a local mechanism and its functioning; local acts regulating the field of gender equality (regulations and action plans), as well as budget funds; and the degree of development of tools for the introduction of gender mainstreaming, primarily gender-sensitive statistics.

---

20 “Minimum standards” have been defined to some extent in the Benchmarking Toolkit for (Self) Assessment of the capacities and performance of Local Governments in the area of gender equality, which was developed in a participatory process in 2013 with the support of the OSCE Mission to Serbia.

## ASSESSMENT OF THE SITUATION AND RECOMMENDATIONS

### ASSESSMENT OF THE SITUATION

1. The Gender Equality Law and the Law on Local Self-Government fail to effectively regulate issues of importance for the implementation of gender equality in local self-government units, and the achievement of gender equality has not been prescribed as one of local self-government competences.
2. Women are under-represented in decision-making in local self-government administrative bodies and their representation at the level of local communities is extremely low.
3. Representation of women and men with disabilities, and women and men belonging to the Roma national minority in local self-government administrative bodies is extremely low.
4. Representation quotas for the less represented gender in government bodies at the local level are applied only in relation to the election of women and men councilors in local self-government assemblies, but are not observed in relation to other local government bodies and local assembly bodies.
5. Representation of women becomes lower as the level of authority and competences for key decision making and creation of policies gets higher.
6. Gender equality mechanisms have not been established in all local self-government units despite the provisions of the Law on Gender Equality that prescribe establishment of these mechanisms.
7. Although it prescribes establishment of gender equality mechanisms, the Law on Gender Equality has not set up a monitoring mechanism to oversee the enforcement of this legal provision, nor has it stipulated penal provisions for failure to fulfil this legal obligation.
8. The law, by-laws and local self-government units documents of enactment fail to adequately regulate
  - Competences, powers, form, composition and functioning of gender equality mechanisms,
  - Duties and responsibilities of gender equality mechanisms
  - Duties and responsibilities of local self-government bodies in relation to gender equality mechanisms
  - Obligatory participation of gender equality mechanisms in the process of decision-making important for the achievement of gender equality in all areas,
  - The scope of influence of gender equality mechanisms in decision-making process
  - Working methods and procedures of their gender equality mechanisms.
9. Current provisions of the state regulations and those of local self –government units’ general enactment documents fail to ensure the permanency and continuity of gender equality mechanisms and their functioning.
10. Manner and criteria for the establishment of gender equality mechanisms, such as the criteria for the selection of members of the working bodies and appointment of a person tasked to work on gender equality activities, methods for their selection and appointment, their necessary competences, etc. have not been regulated.

11. In a considerable number of local self-government units, gender equality mechanisms have been established in such a manner and form which fails to provide them the power to influence passing of the decisions important for the achievement of gender equality in the local self-government unit; they are not adequately included in decision-making and creation of policies of relevance to the achievement of gender equality in local self-government units, and their views and opinions essentially are not taken into consideration when decisions are made that affect the achievement of gender equality in local self-government units.
12. A large number of local self-government units have not stipulated in their general enactment documents a position for a person tasked to work on gender equality matters.
13. Gender equality mechanisms fail to act in full measure in accordance with the purpose for which they have been established, so that their activities are mostly promotional, informative and non-binding in nature.
14. A monitoring mechanism for the establishment and functioning of gender equality mechanisms in local self-government units has not been set up, nor is there a mechanism in place to oversee the fulfillment of local self-government units' obligations in the achievement of gender equality and the establishment of gender equality mechanisms.
15. In most local self-government units gender equality mechanisms do not submit reports on the situation in the area of gender equality to their local self-government assembly.
16. Cooperation between civil society organizations and local self-government bodies is not adequately developed, which is why the resources and capacities of both civil society organizations and LSU bodies are not utilized to the full extent
17. Civil society organizations do not adequately involve in the activities of gender equality mechanisms, nor do they participate sufficiently in the creation and monitoring of the implementation of local policies in the field of gender equality.
18. The knowledge and competences in the field of gender equality are not sufficiently developed.
19. Most local self-government units do not segregate data by gender and do not keep gender-sensitive statistics.
20. Cooperation of gender equality mechanisms with Ombudsmen in local self-government units, Roma coordinators, female health mediators, health councils and safety and security councils of the local self-government units has not been adequately established.
21. Not all local self-government units have signed the European Charter for Equality of Women and Men in Local Life.
22. Local self-government units which have signed the European Charter for Equality of Women and Men in Local Life do not fully implement it.
23. Monitoring and evaluation of the effectiveness of the implementation of the European Charter on Equality of Women and Men in Local Life has not been ensured.
24. Local action plans have not been adopted by all local self-government units.
25. In local self-government units which have adopted local action plans, gender equality mechanisms are not sufficiently included in monitoring of implementation and evaluation of action plans.
26. Gender equality mechanisms are not sufficiently included in gender-responsive budgeting.

## RECOMMENDATIONS

1. It is necessary that the law regulating gender equality ensures more effective regulation of the achievement of gender equality at all levels. It is necessary that the laws regulating gender equality and local self-government stipulate explicitly:
  - o that the achievement of gender equality and ensuring equal opportunities is the competence of a local self-government unit,
  - o competences, rights, duties and responsibilities of local self-governments, city municipalities, local communities and local self-government authorities in implementing gender equality and ensuring equal opportunities.
2. In accordance with universally accepted international standards, it is necessary to adopt a law that will prescribe the representation of a less represented gender in all public authorities and managing bodies in the public sector of at least 40%.
3. Local self-government units should take special measures in order to raise the representation of persons with disabilities and Roma women in all public authorities and managing bodies in the public sector of the local self-government unit.
4. All local self-government units should, in accordance with universally accepted international standards, stipulate in their general enactment documents representation quotas for a less represented gender of at least 40% in all local government bodies, local community bodies and managing bodies in the public sector of the local self-government unit.
5. It is necessary that local self-government units, pending the adoption of general acts or regulations in accordance with the previous recommendations, ensure the representation of a less represented gender in all government bodies in local self-government units, bodies established by the authorities, councils and other bodies of local communities, managing bodies in the public sector in the unit of local self-government and management positions in the bodies of the local self-government unit and institutions, bodies, organizations in the public sector, to the extent prescribed by the provisions of the Law on Gender Equality.
6. It is necessary that all self-government units establish gender equality mechanisms.
7. It is necessary to adopt a law that explicitly prescribes the obligation of local self-government units to establish mechanisms for gender equality in a way that ensures the permanency and continuity of mechanisms and their work, regardless of political and other changes in the structures of public authorities, as well as the sanctions for failure to fulfill that obligation.
8. It is necessary to stipulate in the law, by-laws and general documents of local self-government units
  - competences and powers of gender equality mechanisms in a manner that makes possible the participation and influence of mechanisms on the decision-making process and the creation of policies of a local self-government unit that have an effect on the achievement of gender equality (by establishing the mechanisms to include senior management positions or functions, by prescribing additional competencies and powers, and in some other way),
  - the form and composition of gender equality mechanisms,
  - the criteria and methods for the selection of members of the working bodies,
  - the criteria and method for installing of a person employed to work on gender equality matters,

- 
- the expertise that members of the working bodies, or the employed person, should have, and other matters which provide that persons with appropriate knowledge and skills are involved in the functioning of the mechanism
  - the manner in which gender equality mechanisms shall operate,
  - duties and responsibilities of gender equality mechanisms,
  - interrelation between different gender equality mechanisms,
  - obligations of local self-government authorities in relation to gender equality mechanisms,
  - mandatory participation of gender equality mechanisms in the process of the creation of policies which have an effect on the achievement of gender equality, in all areas and at all levels of operation of local self-government authorities,
  - that the decisions that have an effect on gender equality may not be passed without the participation of gender equality mechanisms,
  - the scope of the influence of the gender equality mechanism on the process of passing the decisions that affect the achievement of gender equality in the local self-government unit.
9. It is necessary that local self-government units ensure that gender equality mechanisms participate in processes that precede passing of all decisions of importance for the achievement of gender equality and in the decision-making process in all areas when the decisions have an effect on gender equality (participation in the work of the decision-making agencies and bodies organs, by providing its opinions, or in some other way).
  10. It is necessary that local self-government units provide financial resources for the effective performance of the tasks of the gender mechanism for the purpose of which it has been established.
  11. It is necessary that local self-government units stipulate a position for gender equality affairs in their general acts.
  12. It is necessary that local self-government units define precisely in their general acts the competences, powers and duties of the employee tasked with gender equality affairs, and how they are to be performed.
  13. It is necessary that local self-government units, in their general acts or in some other way, ensure that gender equality mechanisms:
    - collect data segregated by gender;
    - provide their views and opinions relating to proposals and drafts of decisions and other general and specific acts;
    - keep abreast with the regulations and standards in the field of gender equality and implementation of equal opportunities;
    - propose measures for the achievement and advancement of gender equality in all spheres;
    - monitor to what extent gender equality has been achieved in the local self-government unit;
    - submit to the appropriate authorities reports on the achievement of gender equality in the local self-government unit, with proposed measures;
    - perform other tasks in accordance with the aim and purpose of their establishment.
  14. It is necessary to adopt a law that will establish a mechanism for monitoring and oversight of the establishment and operation of gender equality mechanisms in local self-government

units in carrying out their obligations in achieving gender equality and the establishment of gender equality mechanisms.

15. It is necessary that local self-government units, by their general acts or in some other way, establish the obligation for gender equality mechanisms to submit at least once a year to their local self-government assembly reports on the state of affairs in the field of gender equality in their local self-government unit.
16. It is necessary that local self-government units, by their general acts or in some other way, ensure the obligation of the local self-government assembly to consider the reports of gender equality mechanisms on the state of affairs in the field of gender equality.
17. It is necessary that local self-government units encourage and support the establishment and functioning of civil society organizations in the fields of gender equality and equal opportunities.
18. It is necessary that local self-government units encourage and support the cooperation of local self-government authorities with civil society organizations in the field of gender equality in the processes preceding decision-making, in the process of decision-making itself, and in the process of creation of public policies in the local self-government unit.
19. It is necessary that local self-government units ensure by their general and particular acts greater participation of civil society organizations in the activities of gender equality mechanisms, and their involvement in the creation of local gender equality policies and monitoring of their implementation.
20. It is necessary that the Ministry of Labor, Employment, Veterans' and Social Affairs, Ministry of Public Administration and Local Self-Government and the Coordination Body for Gender Equality of the Government of Serbia provide appropriate training on gender equality and the principle of equal opportunities for the employees, appointed and designated persons in local self-government administration bodies.
21. It is necessary that the Ministry of Labor, Employment, Veterans' and Social Affairs, Ministry of Public Administration and Local Self-Government and the Coordination Body for Gender Equality of the Government of Serbia take appropriate measures to encourage and support the creation of a network of gender equality mechanisms as a means to acquire and enhance knowledge and expertise, and exchange experience and good practices.
22. It is necessary to adopt a law that will determine the areas of importance for the achievement of gender equality for which data segregated by gender are collected.
23. It is necessary to adopt a law that will stipulate the obligation of local self-government units to segregate data by gender in the areas of importance for the achievement of gender equality, as well as the sanctions for failure to meet this obligation.
24. It is necessary that local self-government units, by means of their general acts or in some other way, ensure that the data in official records are segregated by gender and collected in a gender-sensitive manner in all areas of importance for the achievement of gender equality.
25. It is necessary that local self-government administration bodies ensure through the adoption of their general acts or in some other way the establishment and maintaining of permanent and effective cooperation of gender equality mechanisms with Roma Coordinators, female health mediators, with local self-government health and safety councils, and the Ombudsmen.
26. It is necessary that the appropriate bodies of local self-governments which have not signed

---

the European Charter on Equality of women and Men in Local Life without further delay take measures for the accession to this international treaty.

27. It is necessary that the appropriate bodies of local self-governments that have signed the European Charter on Equality of women and Men in Local Life without further delay take measures to ensure full implementation of this international treaty.
28. It is necessary that the appropriate bodies of local self-governments that have signed the European Charter on Equality of Women and Men in Local Life ensure that the citizenry, as well as the employees, and appointed and designated persons in local self-government administration bodies are fully informed of the fact that the local self-government unit has signed the European Charter on Equality of Women and Men in Local Life.
29. It is necessary that all local self-government units ensure that the citizenry, as well as the employees, and appointed and designated persons in local self-government administration bodies receive full information on the European Charter on Equality of Women and Men in Local Life and its contents.
30. It is necessary that local self-governments that have signed the European Charter on Equality of Women and Men in Local Life, by means of their general or in other ways, ensure the competences, powers and functioning of gender equality mechanisms in order to monitor and evaluate the effectiveness of the implementation of the European Charter on Equality of Women and Men in Local Life.
31. It is necessary that local self-government units which have so far failed to do so, adopt local action plans for gender equality, which will be harmonized with the National Gender Equality Strategy and ensure its implementation at the local level.
32. It is necessary that local self-government units, by means of their general acts or in other ways, ensure full participation of gender equality mechanisms in the preparation and adoption of the local gender equality action plan.
33. It is necessary that local self-government units ensure wider participation of civil society organizations in the preparation of the local gender equality action plan.
34. It is necessary that local self-government units, by means of their general acts or in other ways, ensure the competence, authority and course of action of gender equality mechanisms in monitoring the implementation of local gender equality action plans and their evaluation.
35. It is necessary that local self-government units, by means of their general acts or in other ways, ensure full participation of gender equality mechanisms in the preparation and adoption of budget of the local self-government unit, in particular by giving opinions on budget compliance with the obligation of gender-responsive budgeting.

## RESEARCH FINDINGS

### Participation of women and men in decision-making

Representation of women in key decision-making at the local level is extremely low, especially at the level of basic local communities (local community offices), where the voices of women are practically silent. The ratio of women's participation is inversely proportionate to the degree of power in policy and decision making, so the representation of women in executive positions and lower managerial positions is significantly higher than in the positions that have a stronger impact on local decisions, plans and policies.

#### Quotas

Quotas for the less represented gender apply to electoral lists for local elections – for the election of councilors in local assemblies. The quotas are applied mainly to the councilors in the assembly, while in relation to other positions in the LSU assembly, or other bodies in the LSU administration, the quotas are applied to a far lesser degree, or are not applied at all.

In about one third of local self-government units, quotas are applied as an affirmative measure in relation to the gender less represented in decision-making positions. In most local self-government units, the quotas are applied in the election of councilors, and in appointments and nominations, and to a lesser extent in relation to positions in bodies in the executive branch of the local government and election of officials in administrative bodies. In 17 LSUs the application of quotas for less represented gender has been regulated by the local decision on gender equality (in some LSUs: the decision on the equality of the sexes), while in 10 LSUs this is regulated by the Statute of the Municipality, or the Statute of the City. Quotas are not applied in the elections to local community councils in one fifth of the total number of local self-government units<sup>21</sup>.

Are quotas applied to:	Yes	No
election of councilors	36,7	63,3
positions in executive bodies	25,6	74,7
appointments and nominations	30,2	69,8
election of officials in local administration	28,7	71,3
elections for Local Community Councils	21,9	78,1

Table 1: Application of quotas for the less represented gender in decision-making positions

There is a noticeable difference in the representation of women in the local government in those LSUs which have prescribed by their acts (the Decision on Gender Equality or the Statute) the application of quotas for the less represented gender, in comparison to that in JLSs which did not prescribe it. Where the application of quotas has been prescribed, there are on the average 22.9% of women in decision-making positions, while in the LSUs where such a decision has not been adopted, the representation of women in decision-making positions is 19.8%. Although this difference exists, the fact that in the LSUs in which the application of quotas has been regulated, women are also represented by only slightly more than one-fifth, points to inadequate application of these regulations.

21 For example: Apatin, Bački Petrovac, Bosilegrad, Veliko Gradište, Vranje, Despotovac, Žitište, Zrenjanin, Sombor and Subotica, in their responses to the Protector of Citizens, say that the quota for minimum representation of the less represented gender in decision-making positions has been specified in the local act, and that quotas also apply to local community councils "based on the Decision on the principle of gender equality".

## Local Community Councils

In 127 Local Self-Government Units which provided data in relation to the local community level, there are a total of 3417 local communities, i.e. local community councils, on average 27 local community councils per LSU. In local community councils, 19,255 members are men, and 2,501 are women. In percentage terms, the participation of women in local community councils is 11.4%. On average, in local community councils there are 175 male and 23 female members per LSU. The low representation of women in local community councils also exhibits a downward tendency, since in the year 2012 the representation of women in these bodies was higher by 2%.

In the majority of cases, men occupy the position of Local Community Council Chairperson. Of 3,417 councils, men chair 2,935 councils, and women only 148. On average, 25 local communities are run by men, and 1.5 by women.

Since most communities in Serbia are rural, this suggests that the position of rural women in decision-making is markedly less favorable, even more so than in local self-government bodies, which fact also indicates how strong the influence is of traditional gender patterns. These gender patterns are manifested in numerous ways: as a conviction shared by both women and men that "women are not interested in that", that they do not have time to engage in "politics" because they have responsibilities raising children and in the household, that "it is not a place for a woman", that "men in the village would not put up with a woman running their local community".

*"Women are not interested. In my village, there are around 1200 inhabitants, and I am the only employed woman. Ours is a very traditional social environment."*<sup>22</sup>

On the other hand, campaigns carried out in Kraljevo and Užice were effective and lead to the increase in the participation of women, followed by activities aimed at the advancement of women and women's activism in rural local communities. For example, in Vitkovac Local Community (Kraljevo), a woman is the Chair of the Council, so a women's volunteer firefighter department was founded and a number of initiatives which involve the participation of were launched in that village. In some municipalities, women have shown interest, but lack adequate information on the procedure an opportunities for candidacy.

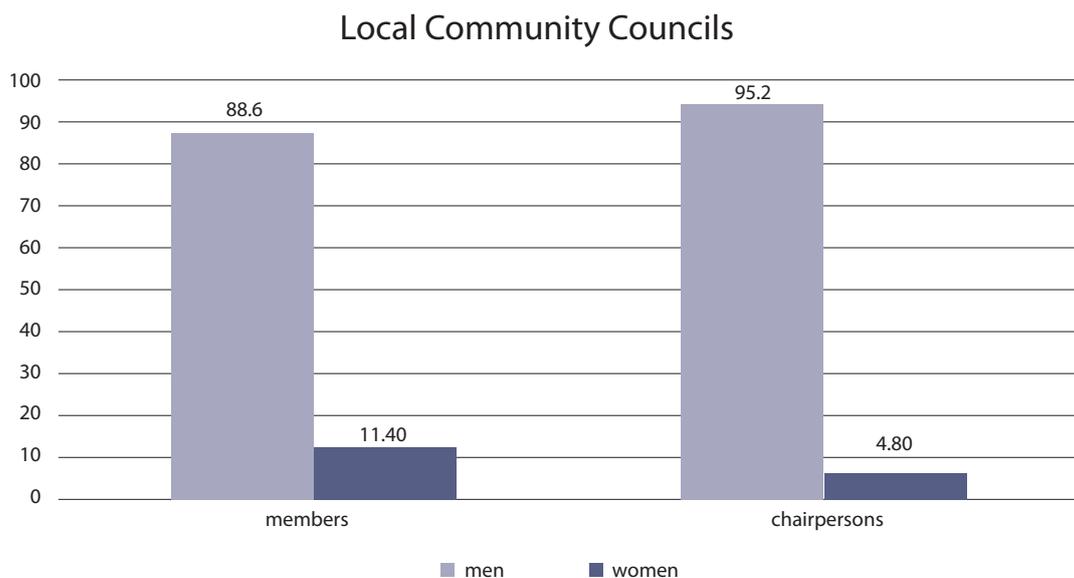


Chart 1: Representation of women in Local Community Councils

<sup>22</sup> Comment given during focus group discussion.

In most municipalities/cities chairpersons of all local community councils are men: in no less than 40.5% of LSUs there is not a single local community council chaired by a woman, while in 31.4% of LSUs there is only one such council. In six municipalities and cities in Serbia there are more than five local community councils chaired by women, and the largest number of women occupying the position of local community council chairperson is in Jagodina, Novi Sad and Smederevo: women preside over seven local community councils in each of these municipalities

In some municipalities and cities (Kraljevo, Užice) campaigns were carried out in order to increase the participation of women in local communities, and some were aimed at empowering women to run as candidates for members or chairperson of their local community council.

### *Municipal/City Assemblies*

	<b>Men</b>	<b>Women</b>
Presidents of Municipal/City Assemblies	85.6%	14.4%
Deputy Presidents of Municipal/City Assemblies	76.5%	23.5%
Municipal/City Councilors	67.3%	32.7%
Chairpersons of Boards of Councilors	81.4%	18.6%
Secretaries of the Assemblies	43.6%	56.4%
Mayors and Municipality Presidents	92.1%	7.9%
Deputy Mayors/Municipality Presidents	81.5%	18.5%
Assistants to Mayor/Municipality President	75.2%	24.8%
Chiefs of Staff	68.7%	31,3%
Councilors	79.6%	20,4%
Heads of Administration	51.25%	48,75%
Heads of Department	41.65%	58,35%
Non-executive staff	43.77%	56,23%
Local Community Councils	88.6%	11,4%
Local Community Council Chairpersons	95.2%	04,8%

*Table 2. Representation of women and men in local government agencies and bodies*

In total, women constitute 32.7% of the councilors in the assemblies of local self-government units, while in the National Assembly of the Republic of Serbia 34% of deputies are women. In the 137 local self-government units which provided the data on the number of councilors, 17,672 councilors are women and 36,469 councilors are men.

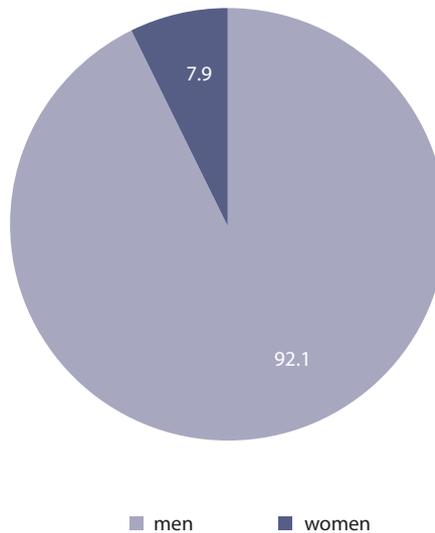
As has been stated in the outline of the legal framework, the quotas are clearly specified only in relation to nomination of candidates for the local elections. In all other positions, to which the quotas do not apply, the representation of women is considerably lower. As a result, the president of the assembly in 85.6% of the cases is a man, and in 14.4% a woman, which is to say that the representation of women in this position is almost two times lower than in the ranks of councilors. Candidates for Presidents of the Assembly are nominated by at least one third of councilors, and elected by secret vote.

Women are secretaries of municipal and city assemblies in 56.4% cases, while in 43.6% local assemblies this function is performed by men. Although secretaries are appointed by the Assembly at the proposal of its President, this is mostly an administrative position; the duties of the Secretary of the Assembly are specified in the Assembly Rules of Procedure and primarily have to do with carrying out of professional and procedural tasks in relation to convening and holding of the sessions of the assembly and its working bodies, and managing of administrative affairs related to their work<sup>23</sup>. At the same time, this position is very important for the functioning of gender equality mechanisms – when they are established in the form of municipal working bodies – in the preparation of, and support to the sessions of the working body.

### *Mayors and Municipal Presidents*

A woman is Municipal President/Mayor in only 12<sup>24</sup> municipalities and cities, while in 129 local self-government units (92.1%) Municipal President or Mayor is a man.

Women are Deputies to Municipal President/Mayor in 25 local self-government units, which constitute 18.51%.



*Chart 2: Women and men in the position of the President of the Municipality*

Women are assistants to Municipal President/Mayor in 24.8% cases.

In 31.3% of municipalities women are Chiefs of Staff. The Cabinet organizes the activities of the Municipal President/Mayor and Deputy Municipal President/Mayor, and the Chief of Staff manages the work of the cabinet staff and often communicates with the public on behalf of the Municipal President/Mayor<sup>25</sup>.

<sup>23</sup> For example, Rules of Procedure of the Assembly of the City of Čačak, „Official Gazette of the City of Čačak“ No. 3/208, 8/13, 22/13, 15/15 and 26/16.

<sup>24</sup> Vršac, Zaječar, Kovin, Lučani, Merošina, Odžaci, Pećinci, Smederevo, Sombor, Surduloca, Svrlijig and Čoka.

<sup>25</sup> Examples of the description of the tasks of the Cabinet and Chief of Staff job- description: <https://www.starapazova.rs/opstinska-uprava/kabinet-predsednika-opstine-stara-pazova.html>.

### *Municipal and City Councils*

In municipal and city councils, the representation of men is on average over three times higher: an average council consists of 2 women and 7 men. In total, in the municipal and city councils in Serbia, there are 249 and 970 men, which means that women comprise 20.42%. Moreover, in 16 local self-government units there is not a single woman in the municipal/city council<sup>26</sup>. Nevertheless, it must be noted that, in general, the participation of women in the councils has increased in comparison to the year 2013, when they were represented by a total of 16%<sup>27</sup>.

Most of women councilors are in charge of education, culture, healthcare, sports and youth affairs, and social policy matters, and to a lesser extent of agriculture and rural development, as well as tourism, entrepreneurship and local economic development, environmental issues, and budget and finances. The smallest percentage of women councilors are in charge of infrastructure, communal affairs, roads and international cooperation. Approximately 9.6% of women councilors are not in charge of any field.

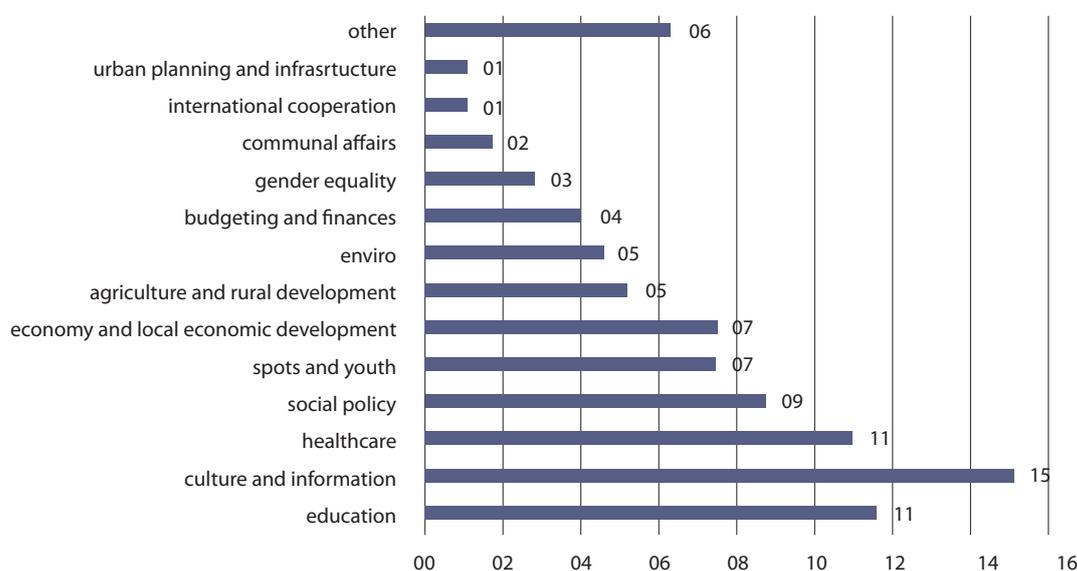


Chart 3: Distribution of competences within municipal and city councils

### *Local Self-Government Unit Administrations*

The number of women and men in the position of Head of Municipal/City Administrations is almost equal: 123 men and 117 women. The representation of women becomes higher as the managerial level gets lower, so the percentage of female heads of departments/offices in municipal and city administrations is slightly higher: 1031 women versus 736 men. Women also constitute the majority among the employees in municipal/city administrations: 7731 women versus 6018 men.

The representation of women in the ranks of employees in the local government and in lower managerial positions is frequently used as an arguing point in favor of the equality of women in decision-making, although decisions are not made in non-executive positions, nor are the lower managerial positions where strategic and key decisions are made and influence exercised on the creation of policies, so this disproportion in the representation of women in the LSU employee

26 Ada, Bojnik, Bujanovac, Vlasotince, Vrnjačka Banja, Golubac, Žitorađa, Kikinda, Majdanpek, Malo Crniće, Osečina, Petrovac na Mlavi, Priboj, Senta, Smederevska Palanka and Čičevac.

27 Bačanović, V., *Učešće žena u odlučivanju na lokalnom nivou (Participation of Women in Decision-Making at the Local Level)*, Ministry of Labor, Employment, Veterans' and Social Affairs, Belgrade, 2014. [http://zir.rs/wp-content/uploads/2015/11/Knjiga\\_Usešce\\_zena\\_18-09-2014.pdf](http://zir.rs/wp-content/uploads/2015/11/Knjiga_Usešce_zena_18-09-2014.pdf).

ranks and in relation to their representation in decision-making positions may in effect be regarded as an indicator of gender inequality.

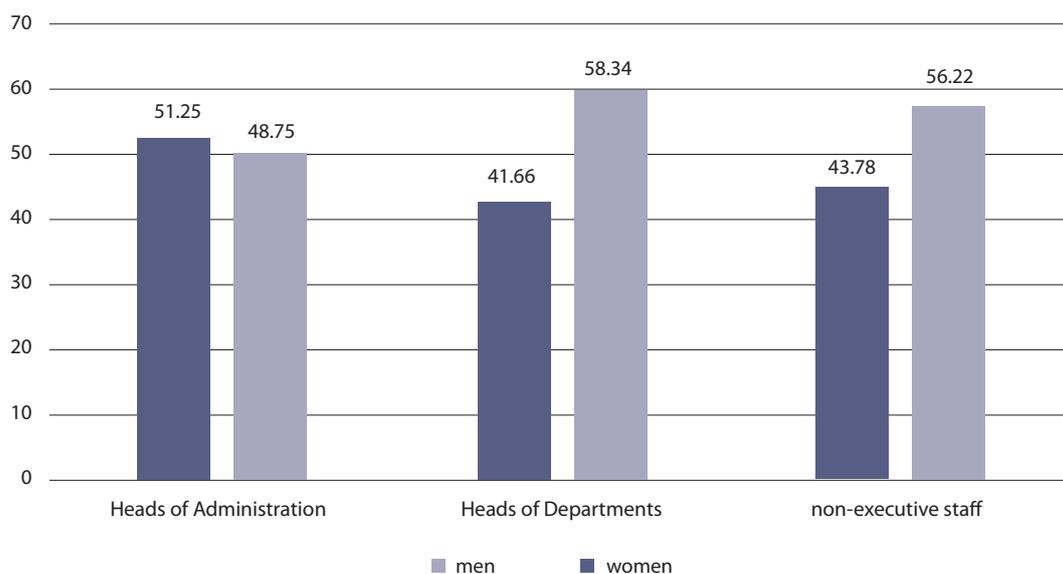


Chart 4: Representation of women in positions of Head of Administration, Head of Department and non-executive positions

### ***Representation of Roma national minority and persons with disabilities***

In total, among the councilors in the municipalities and cities in Serbia there are 5 men and 7 women with disabilities.

There are 5 men with disabilities and one woman in the position of a designated person, while among non-executive staff there are 90 women and 97 men.

In Serbia, only 2 Roma women and 10 Roma men are councilors in the local assemblies. Among the non-executive staff, there are 25 Roma men and 23 Roma women, while 1 Roma man and not a single Roma woman, occupies the position of a designated person in local governments in Serbia.

This fact is indicative of the exclusion of persons of Roma ethnicity and persons with disabilities, as well of the non-existence and/or non-application of adequate instruments and institutional framework for their participation at all levels.

### ***Perception of under-representation of women, and men and women from marginalized groups***

Except when it comes to local community councils, the under-representation of women in LSU authorities is not perceived as problematic, and one of the arguing points is that women are represented in the positions of general managers of public enterprises and institutions, mostly in cultural and educational institutions.

Data on the representation of women are studied and kept up to date, and the local mechanisms recognize their role in increasing the participation of women in decision-making. However, except for advocating and establishing the quotas at the local level in relation to positions in the executive branch of local government, there are no major activities in this area, although there is a strong need for more active monitoring of the representation of less represented gender, especially persons from multiply marginalized groups, for the empowerment of women and civil society organizations, but first and foremost the need to change local policies so that they ensure a more

functional and greater involvement of women and persons from marginalized groups in policy creation and decision-making processes.

## Local Gender Equality Mechanisms

### *About the mechanisms*

The first institutional mechanisms in Serbia were established back in 2003 at the local level, in 2004 at the provincial level, and after that at the national level as well. After the establishment of Gender Equality Council and Gender Equality Directorate in the Ministry of Labor and Social Policy, Coordination Body for Gender Equality was established in 2014 in the Cabinet of the Vice-President of the Government. At the provincial level, the following mechanisms have been established: the Committee on Gender Equality in the Assembly of the Autonomous Province of Vojvodina; in the Government of the Autonomous Province of Vojvodina, gender equality affairs fall under the competences of one of the Provincial Secretariats (currently dealing with these matters is the Provincial Secretariat for Social Policy, Demography and Gender Equality); and the Provincial Institute for Gender Equality, founded on the basis of the Decision adopted by the Assembly of the Autonomous Province of Vojvodina.

Adoption of the Law on Gender Equality in 2009 laid down legal regulations for the establishment of institutional mechanisms, but neither the position and the role of the mechanism have been defined clearly enough, and the law failed to clearly introduce the legal obligation of the LSUs to establish the mechanisms, and to stipulate sanctions for failure to comply with this legal obligation. As a result, mechanisms have not been established in all LSUs, local policies and programs are not equally accessible to men and women (in the fields of sports, agriculture, economic development<sup>28</sup>), women are under-represented in decision-making positions and processes, measures from the National Action Plan are not implemented or are implemented sporadically at the local level<sup>29</sup>, and even those LSUs that have signed the European Charter for Equality of Women and Men in Local Life<sup>30</sup> drafted by the Council of European Municipalities and Regions failed to fully comply with the obligations in relation to its implementation.

The Law on Gender Equality stipulates the obligation to establish a standing working body in the LSU agencies or appoint a person employed in the administration to be in charge of gender equality and equal opportunities matters<sup>31</sup>. Some LSUs have come up with a third solution: designation of a person tasked with gender equality within the municipal or city council.

In the course of the past ten years or so, several surveys (collection of data) were conducted<sup>32</sup> in order to determine the position of local gender equality mechanisms within the local self-government system, their practices, as well as the major challenges that need to be addressed through changes in legislation, policies or practices. However, a comprehensive assessment that would include a relevant number of local mechanisms and qualitative research in order to determine the causes of certain findings was never carried out.

---

28 National Gender Equality Strategy 2016 - 2020.

29 Based on the report on the implementation of the National Action Plan in 2016, compiled by the Coordination Body for Gender Equality and presented in November 2017.

30 Available at: [http://euintegracije.skgo.org/upload/Document/Doc/2014\\_01/Brosura\\_POVELJA\\_200x200\\_Final\\_2012\\_WEB\\_1str.pdf](http://euintegracije.skgo.org/upload/Document/Doc/2014_01/Brosura_POVELJA_200x200_Final_2012_WEB_1str.pdf).

31 Art. 39 of the Law on Gender Equality.

32 Database of the Standing Conference of Towns and Municipalities, <http://rr.skgo.org> and the research carried out by SCTM in 2015; researches of the Gender Equality Directorate on the representation of women in decision-making positions, researches of the Provincial Institute for Gender Equality and the Center for the Support of Women of 2011.

### *Working Bodies for Gender Equality – Form and Composition of the Mechanisms*

In practice, gender equality mechanisms – standing working bodies, or working bodies for gender equality, are established as:

- assembly working bodies
- working bodies established by the act passed by Municipal President/Mayor, or
- bodies established within the Municipal/City Council.

Also, in some LSUs individual council members have been tasked with gender equality issues, or employees designated to be in charge of gender equality and achievement of equal opportunities.

Considering their designated role, working bodies can and should participate in the decision-making process in the assembly and other agencies. Establishment of these bodies as standing working bodies in the assemblies, which as such are defined in the Statute as the fundamental document of the LSU, is considered to be the model which ensures their sustainability and continuity<sup>33</sup>.

In most LSUs (80), the gender equality mechanism is a working body of the assembly, while in 52 LSUs one person employed in the administration is put in charge of gender equality affairs. In 26 LSUs where assembly working bodies were established, there is also a person designated to be in charge of gender equality.

A working body within the municipal/city council is established as a gender equality mechanism in 18 LSUs.

The role of persons in charge of gender equality affairs, who are employed in the LSU Administration, is not quite clear, and in practice has proved to be dissimilar in different LSUs. In some LSUs their role is to coordinate and support the work of parliamentary bodies, while in some those are non-executive positions which should actually enable the implementation of decisions passed by the working bodies.

Out of 80 parliamentary working bodies, as many as 74 are standing working bodies of the Assembly. Their establishment and position are regulated by the Statute of the Local Self-Government Unit (46.1%), and/or the Rules of Procedure of the Assembly (61.25%).

The municipalities of Bajina Bašta, Bogatić, Vladimirci, Gornji Milanovac, Žabari, Žitorađa, Kosjerić, Lajkovac, Lučani, Ljig, Mali Zvornik, Mionica, Rekovac, Smederevska Palanka, Srbobran, Titel and Čoka have neither the working body, nor an employee in charge of gender equality. In the municipality of Arilje, the working body for gender equality is stipulated in the Statute, but has not been established, i.e. its members have not been appointed.

A gender equality body within the municipal council has been established in Aleksinac, Arandjelovac, Beočin, Bujanovac, Žitište, Zrenjanin, Kovačica, Kragujevac, Mali Zvornik, Mali Idoš, Nova Varoš, Novi Bečej, Novi Pazar, Pirot, Raška, Trgovište, Tutin and Ub.

In 26 LSUs a person has been designated to be in charge of gender equality (Aleksinac, Bujanovac, Velika Plana, Gadžin Han, Žagubica, Žitište, Zrenjanin, Kikinda, Kragujevac, Kraljevo, Krupanj, Kučevo, Leskovac, Nova Varoš, Novi Bečej, Paraćin, Pećinci, Priboj, Ražanj, Raška, Svrljig, Sečanj, Smederevo, Topola, Trgovište and Čuprija). Designated persons are mainly councilors in the municipal or city councils (for example in Arandjelovac, Bački Petrovac, Žitište,

33 For example in: Pajvančić, M., *Mechanisms for achieving gender equality at the local level*, OSCE Mission to Serbia, 2010. <http://www.osce.org/sr/serbia/81309?download=true>.

Kragujevac) and in most of these LSUs a working body has been established as well, but they also have an employee designated for this field.

While the research of the Protector of Citizens was underway, gender equality mechanisms were formally established in the municipalities of Gadžin Han and Petrovac na Mlavi.

Has a gender equality mechanism been established in the LSU?	Number of LSUs
Assembly working body	80
Board or person in the Municipal/City council	18
Designated person in charge of gender equality	26
Person employed in the Municipal/City Administration	52
Office for gender equality	3

Table 3: Established gender equality mechanisms

In some LSUs there is more than one mechanism, so in addition to the working body these LSUs also have an employee in charge of gender equality affairs or a designated person for gender equality in the municipal council. Aleksinac, Blace, Bački Petrovac, Žagubica, Zrenjanin, Kikinda, Kovačica, Kraljevo, Nova Varoš, Novi Bečej, Priboj, Raška and Svrlijig have the largest number of established institutional mechanisms (namely, an LSU employee, a designated person in the municipal council, and a working body).

In Leskovac there has also been established an Office for Gender Equality. The office for gender equality has not been stipulated by the law, but it is an adequate mechanism in the coordination of the implementation of policies and measures, and in carrying out of gender analysis within different sectors. The effectiveness of this mechanism depends on its specified competences, its capacities and developed procedures, as well as on its cooperation with LSU authorities. Municipalities of Raška and Nova Varoš have also stated to have a gender equality office, but these LSUs have not established these offices as such, and by the notion of office they mean administrative and technical support to the LSU.

In 13 local self-government units, in addition to the working body in the assembly, a body within the municipal/city council has been established as well. However, neither the decisions on their establishment, nor any other LSU documents regulate their cooperation and mutual coordination, or the division of competences between these two working bodies. The absence of legal provisions and the provisions in the LSU acts, or their vagueness, contribute to a large extent to the lack of clarity concerning the organization of work and the distribution of competences of these bodies, as well as in relation to the expected results and methods for monitoring the effectiveness of these bodies. This creates room for and increases the risk of ending up with having nonfunctional and ineffective mechanisms.

*“We do not have a standing working body, board, committee, whatever it is called, because it has not been specified how it is supposed to be named. That illustrates how imprecisely it has been defined. Then we do everything in own way and have no results at all.”<sup>34</sup>*

As most of the gender equality mechanisms are working bodies of the assembly, it is mainly (78) the councilors who take part in their work. Designated and appointed persons in LSU bodies are participate in the work of 39 working bodies.

<sup>34</sup> Comment given during focus group discussion

Representatives of women's organizations are also members of 36 working bodies. The most intensive cooperation between the LSU and women's organizations is in Aleksinac, Kraljevo, Kruševac, Novi Pazar, Tutin and Užice. These are also cities where women's organizations have been active for many years.

International treaties (such as the Beijing Platform for Action) point out the need to include women's organizations in gender equality bodies, that is: to establish a systemic cooperation between them at the national level, but this practice should also be applied to the level of local communities, since civil society organizations dealing with gender equality issues have both the capacity to collect data and monitor the implementation of policies and regulations in this field, but also the information and knowledge on the situation and the needs in the local community. Women's and other civil society organizations form networks and are interconnected, they cooperate at the national and international levels, and possess the knowledge, information and experience in the field of gender equality which may be useful to the local mechanisms in a number of ways, primarily in complying with international and legal commitments, but also in identifying their priorities in the field of gender equality, that is: the status of women. These organizations have experience in developing strategic plans and projects, in carrying out campaigns and programs aimed at capacity-building, etc., which knowledge and skills can contribute significantly to the development and advancement of gender equality and the principle of equal opportunities in the local community. The role of the organizations of civil society is evident in the cities and municipalities where women's organizations are recognizable and active. They have initiated the adoption of local documents, and in some cities also the establishment of local mechanism, and their representatives have been, and still are, members of local gender equality mechanisms (for example in Aleksinac, Kraljevo, Novi Pazar, Tutin).

Typically, there are more women than men in gender equality working bodies; the average ratio is 6 women versus 2 men, which is to say that the representation of men is 30%. Men constitute the majority of working body members in Doljevac (4 men and 1 woman), while in Vrnjačka Banja not a single woman participates in the working body (this working body is made up of 5 men)<sup>35</sup> The working body in this municipality is also in charge of sports and allocation of budgetary funds for sporting activities, which, regrettably, has not resulted in the formulation and implementation of affirmative measures or policies aimed at the achievement of gender equality in the field of sports. In Vrnjačka Banja, a woman employed in this municipal administration has been put in charge of gender equality matters. In contrast, in Požarevac and Subotica there are no men in the working bodies.

Gender equality is frequently perceived as a strictly or primarily women's issue and one solely to their interest. It is often misperceived as activism, and there is a lack of comprehension of the connection between the achievement of gender equality (or human rights in general) and public policies, that is: the instruments by means of which it is possible and necessary, but also requisite to have an impact on combating discrimination and the achievement of equality. This is also evident in the typical activities of local gender equality bodies, which aim at "awareness raising" and "promotion" of gender equality, and not at the creation of local policies and documents, as well as in the comments by women participants in focus group discussions in relation to gender equality as a "women's issue". The influence on, and contribution to the fulfillment of the obligation of the LSU to be a factor in the advancement of gender equality and combating discrimination against women through public policies it adopts and implements, have not been adequately recognized as the task of local mechanisms.

<sup>35</sup> The working body in Vrnjačka Banja is at the same time a working body in charge of sports and allocation of budget resources for sports activities, which explains the above average representation of men. On the other hand, no affirmative measures were taken or policies implemented for the achievement of gender equality in the field of sports.

*"They all want to cooperate, but on the other hand, those are these women's issues and we have other things to do, instead of having to deal with that."*<sup>36</sup>

### ***Gender equality job title and position, and the designated person responsible for gender equality***

In the total of 52 LSUs an employee has been designated to be in charge of gender equality and perform the tasks aimed at the achievement of equal opportunities. In over 20 LSUs the post for gender equality matters has been specified in job classification, while in almost 30 LSUs the competences pertaining to gender equality have been added to a job description for an already existing post.

A person designated for gender equality matters is the only mechanism in 16 LSUs: Bečej, Boljevac, Bosilegrad, Bor, Golubac, Krupanj, Ljubovija, Lapovo, Negotin, Odžaci, Pirot, Rača, Svilajnac, Sokobanja, Surdulica and Temerin.

Just as in the case of working bodies, both the national regulations and the LSU general enactment documents fail to precisely determine the competences, course of action, powers, working methods of these persons, or the competencies they are expected to possess, but also the selection methods and criteria (appointment or designation).

In most LSUs (12) persons designated for gender equality matters are employed in organizational units of the local government administration dealing with general affairs, social policy, prevention of discrimination and situation of refugees and internally displaced persons, and in some LSUs also in organizational units in charge of local economic development. Some of the persons designated for gender equality are heads of departments for general affairs, employees in human resources management departments, but also persons working in the fields of traffic and transportation, and environmental protection.

<b>Fields of work of employees to whose job descriptions dealing with gender equality affairs has been added</b>	<b>Number of LSUs</b>
Departments in charge of public affairs, social welfare, and child care, etc.	12
Departments in charge of local economic development, economy, budgeting, treasury operations, etc.	6
Departments in charge of general affairs	4
Parliamentary services	4
Employees in charge of free legal aid, protection of patients' rights, etc.	3
Other – department for transport, environmental protection, etc.	3
Local officials	2

*Table 4: Fields of work of employees to whose job descriptions dealing with gender equality affairs has been added*

There are no precise criteria for the selection of the person who will be responsible for gender equality affairs, nor is it easy to determine the connection between gender equality and the tasks that the person designated to deal with gender equality originally performs in the LSU Administration. The relations between the persons responsible for gender equality in LSU administration and the gender equality working bodies, their cooperation and exchange of information have not

<sup>36</sup> Comment given during focus group discussion.

been regulated. In the absence of more specific regulations relating to the selection and carrying out of duties of persons responsible for gender equality, also absent is the assessment of their competencies, performance, and effectiveness.

*"No one checks the competences and familiarity with legislative regulations."<sup>37</sup>*

Although by determining a person responsible for gender equality they comply with their legal obligation, the activities of LSUs which have established only this gender equality mechanism have demonstrated that this is the least effective of models, and that the effectiveness is much higher if there is also a body established at the level of decision-making authority – the assembly or the council, as the persons responsible for gender equality in the LSU administration do not have the powers or competences of importance for decision making and policy creation processes, nor do they have an official role in those processes.

The fact that major initiatives came from local women leaders or local women's organizations and their activists also proved important for the establishment and effectiveness of gender equality mechanisms. In local self-governments where such initiative failed to occur, the mechanism is usually a person responsible for gender equality affairs.

Job descriptions of employees responsible for gender equality are different in different LSUs. In some LSUs the tasks of the person responsible for gender equality are complementary with gender equality body (similar to those in the acts on the establishment of working bodies) or with the competences of the person from the ranks of local officials tasked with gender equality – the option that in some LSUs serves as a "substitute" for gender equality body (which is an option that is not stipulated in the Law on Gender Equality). In other LSUs the tasks of the person responsible for gender equality have been defined as provision of professional and administrative support to parliamentary bodies (where they have been established). In Kruševac and Loznica, for instance, this is explicitly specified in the acts regulating job classification. In Loznica, duties of the person responsible for gender equality include coordination of the activities of the council, taking and distribution of the minutes, etc. In Kruševac, this person is part of the professional services of the City Assembly, and in addition to expert tasks concerning the holding of sessions of the City Assembly and its working bodies, also works on the preparation of drafts of acts, and provides expert assistance to councilors in the performance of their duties. There are also other solutions when it comes to technical and administrative support, so in the City of Belgrade, based on the Decision on the establishment of Gender Equality Council, it has been specified that the Secretariat for Social Welfare shall provide technical and administrative support to the Council. This solution cannot be considered as entirely adequate, since, in accordance with the Law on Gender Equality, an employed person responsible for gender equality is an alternative to the working body. The tasks of the person responsible for gender equality should also include analyses, preparation of expert opinions, initiation of measures, etc. as it has been specified, for example, in the model classification by job description proposed by the Standing Conference of Towns and Municipalities. This model includes that the person responsible for gender equality should stay up-to-date with the regulations and professional literature relevant to the field, perform expert duties, implement equal opportunities policies, keep informed and report on the implementation of municipal decisions concerning gender equality, and provide expert assistance to the gender equality body in the municipal assembly or council in its work. Such a model has been implemented in Aleksandrovac and Bački Petrovac, for example. Some LSUs have even expanded this model, so their classification by job description also includes monitoring of the implementation of the local action plan (Kragujevac) and data collection (Ada).

<sup>37</sup> Comment given during focus group discussion.

In some LSUs, as for instance in Paraćin, the act on classification by job description does not even stipulate gender equality duties or the corresponding position, and instead a person employed to perform other duties is also tasked with gender equality issues<sup>38</sup> by passing of a specific act, i.e. by the adoption of a specific act, gender equality affairs are added to the existing job description, often without specifying the duties it exactly entails.

*“Gender equality was added to the duties of my female colleague who was dealing with internally displaced persons and refugees. So when I replaced her in that position, I got it too, and now I don’t know what to do with it”<sup>39</sup>*

Job descriptions need to be more specific in detail, while including gender equality in the state qualifying examination program for civil servants, as envisaged in the National Action Plan, may contribute to the enhancement of capacities.

Although enhancing the capacities in the administration is central to the implementation of gender equality policies, limited number of staff, the current ban on new hiring and even the reduction in the number of staff<sup>40</sup>, as well as the volume of administration duties<sup>41</sup> also constitute an obstacle to its achievement.

*“We are now dealing with tax collection, before that there were the registries and we were all working on that. There is a lot that has to be done to avoid penalties. We can’t manage, what with our regular duties”<sup>42</sup>.*

Local self-government units failed to establish mechanisms to monitor the performance of duties in the field of gender equality, especially when it comes to measures for the achievement of gender equality within the scope of other sectoral policies under the competences of different departments and offices in the administration. Absence of well-defined legislative regulations in connection with the competences, powers, duties, tasks and procedures of gender equality mechanisms is consequently accompanied by the absence of regulations pertaining to monitoring of the performance of gender equality mechanisms at both the national and local levels. This is especially noticeable when it comes to the work of the person employed in the LSU administration responsible for gender equality, to whose duties all regulations pertaining to the work of employees in LSU administrative bodies apply, which bodies on their part fail to recognize the specific nature of duties concerning gender equality and the specific nature of the cooperation and relations of the person performing those duties in LSU administration with the LSU assembly, council, and President/Mayor.

*“Cooperation between the working bodies and the administration, i.e. non-executive staff is poor. A lot depends on the Head of Administration. The Head has to give orders. If we do not have a sector for that, then in the job classification there should be a job description for someone who will be directly answerable to the council or to the president of the municipality.”<sup>43</sup>*

38 Similar principle is applied in the ministries, where “contact persons” for gender equality were appointed, without determining their specific tasks in the classification by job description.

39 Comment given during focus group discussion.

40 In Leskovac, there used to exist both the Office for Gender Equality, and the administration employee in charge of gender equality; due to the staff reductions, this person was then retained on a temporary employment contract and continued to deal with gender equality matters.

41 Public Administration Reform is under way in Serbia, which is based on the Public Administration Reform Strategy <http://www.mduls.gov.rs/doc/Strategija%20reforme%20javne%20uprave%20u%20Republici%20Srbiji.pdf> and Action Plan for the period 2015 – 2017. [http://www.mduls.gov.rs/doc/AP\\_PAR\\_final\\_version19.03.15%20\(1\).pdf](http://www.mduls.gov.rs/doc/AP_PAR_final_version19.03.15%20(1).pdf) At the same time, a ban on new hiring in the public sector is in place, which puts into question the possibility to implement the reform. The ban on new hiring is in force based on the Law on the Budget System of 2017, because it has been defined that the Law should remain in effect in 2018 as well. The ban on new hiring has been specified in the Law on the Method of Determining the Maximum Number of Employees in the Public Sector, “Official Gazette of the Republic of Serbia”, No. 68/15 и 81/16 and the Decree on Procedure for Obtaining Approval for New Hiring and Additional Work Engagement with Users of Public Funds, “Official Gazette of the Republic of Serbia” No. 59/15.

42 Comment given during focus group discussion.

43 Comment given during focus group discussion.

### *Documents regulating the functioning of mechanisms*

Most mechanisms were established by the *written decision* (of the President of the Municipality), or by *the decision passed by the LSU Assembly* on the establishment of the committee or council, and appointment of its members. Usually the Statute of the municipality/city, or the decision on gender equality are the documents regulating gender equality at the local level, stipulating at the same time the working body; the working body itself is established by particular written decisions or by the adoption of decisions on the establishment of the body and appointment of its members. For this reason, it sometimes happens that the working body has been stipulated by the Statute of the Rules of Procedure of the Assembly, but the members have not been appointed, nor has the working body been established and functioning in the current mandate.

Official document establishing the gender equality mechanism	Number of LSUs	%
Decision passed by the LSU Assembly	17	15,5
Decision to establish a committee (council) and appoint its members	30	27,5
Decision of the Mayor/President of the Municipality	5	4,6
Act on job classification	3	2,8
Decision of the Head of LSU Administration	2	1,8
Rules of Procedure of the LSU Assembly	4	3,7
Statute of the LSU	29	25,7
Decision on Gender Equality	7	6,4
Local Action Plan or the European Charter for Equality of Women and Men in Local Life	10	9,2
Other	2	1,8
None	1	0,9
Total	109	100
No response	34	

*Table 5: Official document establishing the gender equality mechanism*

On the other hand, Statutes of the LSUs and Decisions on gender equality, being general acts stipulating general rules, fail to regulate in detail a whole number of issues pertaining to the specific competences and powers of the mechanisms, their tasks and the manner in which the tasks are performed, and the operational procedures. Usually, these documents define the competences of the mechanisms in a general manner; for example, it is stipulated that one of the competences of the mechanisms is "monitoring the state of affairs in the field of gender equality and the situation of women and men, and the situation of women from marginalized groups; inauguration of equal opportunities measures and policies and/or measures for the advancement of women; provision of expert opinion from gender equality perspective in connection with the decisions and regulations adopted and passed by the assembly or other municipal/city bodies". The statutes and decisions, as a rule, do not prescribe procedures, instruments, or tools which would be available to the working bodies in the exercise of their competences. Regulation of these issues requires the adoption of special acts which elaborate in more detail the provisions of the statute or of the decisions on gender equality, and as a rule, such specific regulation is lacking in the LSUs.

The lack of procedures/methods of operation in which the working bodies/employees responsible for gender equality are to perform their role is one of the main shortcomings in the positioning of gender equality mechanisms at the local level.

Especially aggravating is that the issue of communication and cooperation between the working bodies and other bodies has not been regulated, just as the obligations of other bodies in relation to the working bodies have not been regulated. Regulation by local ordinances of the obligatory participation of the working bodies in the preparation of development plans and strategic documents, communication and cooperation methods, types of data and time-frames for their delivery, and other issues fundamental for the successful and effective cooperation and inter-sectoral approach in decision-making, is a prerequisite not only for the appropriate functioning of gender equality mechanisms, but above all for the effective advancement of gender equality at the local level through exercising expert influence on the processes of decision-making creation of policies.

In 29 local self-government units the working bodies have adopted the rules of procedure, but failed to adopt the methods and procedures defining their involvement in decision-making at the level of their LSU and their relations with other LSU bodies. On the other hand, rules of procedure of municipal/city assemblies stipulate the establishment of working bodies and specify their competences, but also fail to prescribe how the working bodies prepare expert opinions and deadlines for their submission, mandatory (positive) opinion of the working body for the adoption of the decision, or to regulate specifically the functioning of gender equality mechanisms. The functioning of a working body, and its position in the municipal/city assembly, has been regulated in 49 rules of procedure of the assembly, and the competences are usually the same as those of other working bodies, only in the field of gender equality.

In 42 local self-government units participation of mechanisms in decision-making (decisions adopted by the assembly, action plans, budget) has been specified in the local acts, but even so the decisions are not submitted to the working body for consideration and opinion, which means that neither the tasks of the working bodies, nor the obligations of the working bodies or LSU agencies have been prescribed.

In some LSUs, monitoring and improvement of the situation of multiply marginalized groups of women (in Bosilegrad and Pirot), or vulnerable groups (Nova Varoš) are recognized in the competences. In Jagodina, the competences do not recognize gender-specific aspect or multiple discrimination and disadvantage as such, but different groups in disadvantageous position (members of national minorities, persons with disabilities, single mothers, internally displaced persons, etc.).

### *Local documents in the field of gender equality*

Most local self-government units have adopted documents that regulate gender equality issues primarily through identifying objectives in this field. These documents are usually local action plans or local decisions on gender equality. Signing of the European Charter for Equality of Women and Men in Local Life is a specific method of regulating gender equality at the local level.

<b>Number of LSUs where documents relating to gender equality were adopted</b>	
Decision on gender equality	39
Local gender equality action plan	45

*Table 6: Local documents in the field of gender equality*

Adoption of the decision on gender equality is a formal indicator of the *commitment* to achieve gender equality and constitutes a basis for the adoption of more specific acts and implementation of specific measures, such as defining the measures for the empowerment of women, monitoring the representation of women in local community councils, etc. That the decision on gender equality, as the expression of the will of the local self-government to work towards the improvement in this field, is important for actual activities has also been proven by the fact that in 31 out of 39 local self-government units that have adopted the *decision on gender equality*, there are functioning gender equality bodies as well. For example, in Bački Petrovac, Ivanjica, Leskovac, Nova Varoš, Novi Bečej, Sombor, Tutin and Užice the decisions have been adopted and the mechanisms are active, but they also have employees in the administration responsible for gender equality, local action plans and decisions on gender-sensitive statistics. In Bački Petrovac, the Decision on Gender Equality is the basis for the creation of local measures, such as the quotas for the less represented gender in decision-making positions, including the local community councils. Local administrations had to harmonize their statutes with the Municipal Decision, and then apply the provisions prescribed by it.

The fact that in eight local self-government units (Batočina, Bač, Gornji Milanovac, Despotovac, Koceljeva, Opovo, Čuprija, Ub) this is not the case, however, only proves that the adoption of the Decision is not enough for the full establishment of the institutional framework and application of the regulations and policies in the field of gender equality, but that other factors, such as the interest in the subject, advocacy activities, courses, training and events, awareness raising, have a strong effect on this. So, the Decision on Gender Equality has been adopted in Brus, data are segregated by gender in order to monitor the situation in the field of gender equality, there is an active mechanism and a local action plan has been adopted, but there are no budgetary resources, the local action plan is not implemented and the local gender equality body does not monitor and report on its implementation.

*“The Decision really was a significant step forward, but it was passed 9 years ago. After that we signed the European Charter, but by then the progress was already evident. It’s all a process, and takes many small steps.”<sup>44</sup>*

By signing the European Charter for Equality of Women and Men in Local Life drafted by the Council of European Municipalities and Regions, local self-governments commit to promote gender equality and implement equal opportunities policies, to implement activities and develop mechanisms with the aim to achieve gender equality, which is why the Charter and its implementation are of great importance. The research by the Protector of Citizens, however, has revealed a curious disparity when it comes to the figures relating to the signing and implementation of the Charter. Only 23 local self-government units<sup>45</sup> have stated in their responses to the Protector of Citizens that their LSU has signed the Charter, while the records of the Standing Conference of Towns and Municipalities show there are 55 municipalities, cities and city municipalities that have signed the Charter. This reveals that all agencies and bodies within the LSU lack proper information on the signing of the Charter, but also the lack of continuity, as well as the insufficient visibility of, and lack of information about the European Charter for gender equality and the procedures following its signing.<sup>46</sup>

*“The European Charter makes it the obligation of the city. That is exactly why the cooperation, when it comes to some of our demands, is simply better.”<sup>47</sup>*

44 Comment given during focus group discussion

45 Aleksinac, Bečej, Babušnica, Bački Petrovac, Blace, Brus, Vlasotince, Žabalj, Žitište, Ivanjica, Kovačica, Kragujevac, Kraljevo, Kruševac, Leskovac, Majdanpek, Niš, Svrlijig, Sjenica, Sombor, Tutin, Ub, Užice.

46 LSU informs of its signing of the Charter the national association of local governments, in Serbia this is Standing Conference of Towns and Municipalities, and after that also the CEMR, and within the period of two years adopts the action plan.

47 Comment given during focus group discussion

*“Well, probably the approach will be different, because it obligates the mayor to incorporate what is contained in the European Charter into practice. This means that an appropriate working group should be formed – a body that will be tasked to deal only with this, and report to other bodies what has been done.”<sup>48</sup>*

Bearing in mind that it has not been clearly specified who is in charge of monitoring the implementation of the European Charter for Equality of Women and Men in Local Life, and to whom they are to report on its implementation at the local level, it has been left up to the LSU to define the methods for the implementation of the Charter and the mechanisms to monitor the results and effects of the measures. In view of the purpose for the establishment of gender equality mechanisms, and especially taking into consideration the capacity of the working bodies (within the assembly or in the council), monitoring of the implementation of the European Charter for Equality of Women and Men in Local Life and Action Plan for the implementation of the Charter should naturally be the competence of all these mechanisms.

### *Activities of gender equality mechanisms*

The Law on Gender Equality stipulates that “In the process of adoption of development plans and other documents, the competent bodies of local self-government units shall consider measures and activities to promote gender equality and achievement of equal opportunities”<sup>49</sup>. The purpose of local mechanisms is to monitor the situation in the field of gender equality, the situation of women in different sectors, to propose measures and monitor their effects, and to report on all this to the Assembly and other agencies in the LSU.

The data, however, indicate that in practice, local gender equality mechanisms carry out other activities: organize events, individual drives or campaigns, implement donor-funded projects, but seldom initiate measures for the enhancement of gender equality within the scope of local policies and only rarely participate in decision-making, or consider the acts adopted by the assembly, namely: fulfil their role as specified by the Law on Gender Equality.

A large number of local self-governments (61) state in their responses to the Protector of Citizens that they monitor the implementation of local regulations, decisions and strategies in the field of gender equality. The monitoring of the implementation, however, is not consistent, because in most of the local self-government units there are no data on the situation of women and men in different sectors (i.e. gender sensitive statistics).

Less than one third of all local mechanisms (23) and administration employees responsible for gender equality (27) prepare reports on the situation of gender equality, i.e. monitor the situation of women and men in their local community, which also includes monitoring of the implementation of local regulations, decisions and strategies, as well as monitoring of the participation of women in decision-making. At the same time, in only 10 local self-government units (Arandjelovac, Bosilegrad, Vranje, Ivanjica, Jagodina, Kanjiža, Kraljevo, Nova Varoš, Paraćin and Pećinci) the gender equality body provides expert opinion in the process of verification of mandates, or about nominations and appointments. Provision of opinion, however, is not a formally established procedure, but comes down to deliberating on the number of women in decision-making positions in the councils and committees, and proposing and carrying out of activities to increase the participation of women primarily in local community councils, because their representation there is the lowest<sup>50</sup>. This fact suggests that the role of the mechanisms in the functioning of local administrations and LSU assemblies has not been properly recognized and understood.

---

48 Comment given during focus group discussion

49 Art. 39 of the Law on Gender Equality.

50 Data collected in focus group discussions.

*“We reacted as a Committee after our selection, and asked how this might be regulated; the Head of Administration said it would be difficult to apply, there were no interested women, and they could not have organized elections.”<sup>51</sup>*

<b>Gender equality body as a working body of the LSU Assembly:</b>	<b>Number of gender equality bodies</b>
Monitors the implementation of local regulations, decisions and strategies in the field of gender equality	61
Cooperates with the Coordination Body in the implementation of the AP for the implementation of the National Gender Equality Strategy	37
Gives expert opinions regarding nominations and appointments	10
Gives expert opinion on the verification of councilors' mandates, with regard to compliance with the quotas for the representation of women in decision-making positions	10
Compiles reports on the situation of gender equality or the activities in the LSU	23

*Table 7: Activities of gender equality bodies*

<b>Person employed in the administration responsible for gender equality:</b>	<b>Number of LSUs</b>
Coordinates the implementation of local regulations, decisions and strategies in the field of gender equality	32
Cooperates with the Coordination Body in the implementation of the AP for the implementation of the National Gender Equality Strategy	26
Compiles reports on the situation of gender equality or the activities in the LSU	27

*Table 8: Activities of the person employed in the administration responsible for gender equality*

Although 33 local self-government units declared that their local mechanisms monitor the implementation of local action plans, they fail to regularly report on this to the assembly and other agencies, and the indicators, even when defined in the action plans, are not available.

Reports on gender equality are compiled by Ada, Apatin, Babušnica, Bački Petrovac, Bečej, Boljevac, Bosilegrad, Ivanjica, Jagodina, Kanjiža, Kovačica, Kučevo, Leskovac, Medveđa, Novi Pazar, Novi Sad, Odažci, Plandište, Paraćin, Stara Pazova, Surdulica, Trgovište, and Užice. Most of the local self-government units submit reports to the Coordination Body for Gender Equality, Standing Conference of Towns and Municipalities, Protector of Citizens, Commissioner for the Protection of Equality, Institute for Gender Equality of the Autonomous Province of Vojvodina, and the appropriate authorities and immediate supervisors (Medveđa). In Užice, Bački Petrovac, Kučevo and Leskovac the bodies submit reports on the situation of gender equality to their respective Municipal or City Assembly. Apart from the fact that local mechanisms fail to recognize the importance of monitoring of, and reporting on the situation in the field of gender equality (which would include implicitly the enhancement of gender-sensitive statistics as well), this item of information reveals that the councilors too fail to recognize the importance of monitoring the situation in the field of gender equality or the results of the activities of local mechanisms or LSU authorities in the field of gender equality, so the lack of reports is not regarded as a problem and

<sup>51</sup> Comment given during focus group discussion

as such removed from practice.

A different question altogether is how the gender equality bodies monitor the situation in gender equality in the set of circumstances where in most local self-government units gender-sensitive statistics has not been introduced. Focus group discussions have shown that in some local self-government units, the data submitted to other institutions and organizations (such as the data provided for this research) and reports on the institutional framework or on particular areas (participation in decision-making, for example) are considered to be their reports on the situation of gender equality. Absence of clear rules and methods, or guidelines for monitoring of the situation of gender equality, and lack of legislative norms that would regulate this area and stipulate mandatory reporting and oversight over both reporting and monitoring, are the major obstacles for a complete and appropriate monitoring of the situation, that would provide a clear picture of the achievement of gender equality and the measures that need to be taken.

The usual activities relating to local decisions and policies are the initiatives in the area of gender-sensitive budgeting, in the sense of creating gender-responsive budgetary programs with the support of the Coordination Body for Gender Equality, European Partnership with Municipalities Programme – EU PROGRES, etc., and the efforts aimed at securing the funds for the activities of local mechanisms, implementation of action plans, or support to particular activities. Participation of local gender equality bodies in the creation of strategic and action documents, such as local action plans for sustainable development, is an exception, rather than a rule.

Coordination and monitoring of the implementation of local action plans is also the task of local mechanisms, but tools and procedures are lacking. Local Action Plan for gender equality has not been adopted in 36 local self-government units, and 43 local self-government units did not provide a response to the question about the monitoring of local action plan implementation, so the number of local self-government units without a local action plan may be even greater. In 33 local self-government units the body monitors the implementation of the local action plan, while in 32 local self-government units the person employed in local administration who is in charge of gender equality coordinates local action plan implementation. Monitoring of the implementation of the local action plan is not linked to indicators in any of the local self-government units, nor are the data provided in connection with completed activities, or the effects of the implemented activities on the situation of women and men in the particular field. The main progress in coordinating the implementation and reporting has been made through allocation of financial resources for the implementation of activities, which are mostly carried out by the local mechanisms, on their own or in cooperation with other institutions. Usually these are promotional activities and campaigns.

Gender Equality body monitors the implementation of LAP	Number of LSUs	%
Yes	33	33,7
No	30	29,6
LAP was not adopted	36	36,7
No response	44	
	143	100

Table 9: Monitoring of the implementation of the local action plan (LAP) for gender equality

When it comes to cooperation with mechanisms at the national level, namely: the Coordination Body for Gender Equality, in the implementation of the National Action Plan, 37 local parlia-

mentary bodies and 26 administration employees responsible for gender equality have reported back that they cooperate with the Coordination Body, mainly through participating in conferences, seminars, roundtables and similar events. It is interesting to note that cooperation with the Coordination Body in introducing gender-responsive budgeting – which is an example of good practice, has not been mentioned in local self-government units' feedback.

The usual topics that the local gender equality mechanisms dealt with were violence against women, women's health, safety and local economic development. To the question about their most important activities in the previous two years, 64 local self-government units responded, out of which number 2 stated that there had not been any activities, i.e. the body had not held meetings (Kovačica), or that in 2015 a number of public discussions and other public events were organized (Sombor). The usual activities that the local mechanisms carried out, based on the responses in the questionnaire, were: organizing events, public discussions, roundtables, and conducting campaigns on combating violence against women, women's health and prevention of malignant diseases, engaging in sports; implementing projects in the fields of women's entrepreneurship, women's health, combating violence or promotion of gender equality – funded by the European Partnership with Municipalities Programme – EU PROGRES; creating local documents (local action plans for gender equality, signing of the European Charter for Equality of Women and Men in Local Life, initiating decision on gender equality); gender-responsive budgeting with the support of other institutions (e.g. Standing Conference of Towns and Municipalities in Novi Bečej) or on their own (Pančevo and Pirot, where gender-responsive budgeting was applied to grants earmarked for non-governmental organizations). It is evident from the activities that the local self-governments presented to the Protector of Citizens that local gender equality bodies customarily carry out and participate in promotional and educational activities and one-time projects, rather than exercise their competences.

Activities of gender equality bodies in Dimitrovgrad, Kraljevo and Niš feature prominently, because these bodies actively exercised their competences through participation in the development of the local employment plan, and giving expert opinions concerning City Assembly decisions (Kraljevo), in meetings with the local Council for Employment and the Municipal Council (Dimitrovgrad), by conducting gender analysis in the fields of energy efficiency (Niš), in cooperation with the Standing Conference of Towns and Municipalities<sup>52</sup>, and conducting a research on gender aspects of safety and women's safety needs (Niš).

Motivation and sensitivity of the members of gender equality body, or person in charge of gender equality on the one hand, and the knowledge of both national and international regulations, as well as the understanding and sensitization in the field of gender equality, on the other are important influencing factors in the selection of the activities of the gender equality mechanism, and the method of their implementation. Lack of activities is often the result of being unacquainted with the obligations and competences, as well as of the absence of motivation to get involved in the work in this field, and lack of understanding of gender equality and the obligations that local self-government units undertook in this field. Individual initiative has proved to be a significant success factor in the functioning of the mechanisms, in the same way as advocating for gender equality policies. Another significant success factor for gender equality mechanism is knowledge and understanding of the responsibilities of the working bodies/person in charge of gender equality, and the role and tasks of the mechanisms<sup>53</sup>.

52 Gender analysis within the scopes of SCTM projects was also conducted in other LSUs, but has not been recognized everywhere, nor is there any continuity or adequate visibility of programs and end results.

53 Information gathered in focus group discussions.

It has been proven in practice that the relationship between the Council, Municipal President/Mayor and gender equality body is very important, especially because of the strong influence the decisions of these bodies on local policies and processes (these bodies, for example, propose decisions and policies adopted by the assembly).

*“Councilors create the budget. Everything depends on that”<sup>54</sup>*

Bearing in mind the lack of procedures for communication with the executive bodies, this is also important for the implementation of measures, plans and decisions relating to gender equality.

In some municipalities (Bela Palanka, Vladimirci) the reason given as to why the topic of gender equality has not been recognized as important is “unfavorable economic situation” or “other priorities”, which conflicts with the obligation of local self-government units to provide adequate resources for the implementation of equal opportunities policies, just as for other areas within the scope of their competences. This indicates that there is a lack of understanding, on the one hand, that gender-responsive budgeting is actually based on the fact that, in accordance with gender policies, the available means and resources are redistributed in a way that will enhance gender equality, and on the other hand, that there are capacities and potential for the advancement of gender equality which do not require additional financial or human resources.

A particularly problematic aspect of the work of local mechanisms is the absence of continuity after local elections. There is no exchange of information about previous activities or the results of previous sessions of the working bodies, which is why it is of the essence to have an employee in the administration in charge of gender equality.

*“There were some activities back home, but we had the elections and we don't even know what was going on before.”<sup>55</sup>*

*“The Charter was signed earlier, but we do not know what happened with that.”<sup>56</sup>*

#### *Financing of the activities of local gender equality bodies*

Adoption of local action plans has proved to be essential for the financing of local gender equality bodies' activities. In some local self-government units budgetary funds were allocated for the implementation of the local action plan, which seldom amounted to over 500,000.00 or one million dinars. The activities usually involved drives and events organized by local gender equality bodies (e.g. preventive medical checkups for women, open forum discussions, and campaigns).

The cities of Leskovac and Šabac, and Novi Bečej Municipality have signed a Declaration of gender-responsive budgeting with the Coordination Body for Gender Equality, and commenced the activities on its implementation. However, there are still certain ambiguities when it comes to gender-responsive budgeting at the local level. On the one hand, it is a current topic and, together with program budgeting as a whole, represents a challenge for budget users. On the other hand, local mechanisms are in need of clearer and more specific information that would be provided them from the national level.

*“A legal obligation and a circular letter are required. The Ministry of Finance issues the instruction, outside of that we can talk all we want. Everyone in this chain and all institutions are involved in budgeting*

---

54 Comment given during focus group discussion.

55 Comment given during focus group discussion.

56 Comment given during focus group discussion.

*based on that instruction. Female heads of departments are involved in budgeting and that story has its framework in procedures.”<sup>57</sup>*

Insufficient involvement of gender equality bodies in budget preparation and the lack of local procedures are a separate problem altogether. Local mechanisms participate in budget preparation when they propose projects and request funding for their implementation; they do not participate in the preparation of other programs, nor are they informed that there is the need or possibility to do so.

Although it has not been regulated by law, the role of local mechanisms in gender-responsive budgeting is evident, and primarily refers to defining of gender aspects and measures for the achievement of gender equality that the mechanisms should initiate and propose in the decisions and programs adopted by the LSU, i.e. their role is to define gender-responsive objectives. In that respect, enhancement of the capacities and effectiveness of local gender equality bodies, and the existence of local action plans that may serve as a basis in determining gender-responsive objectives in different programs are central for gender-responsive budgeting.

### **Integration of gender perspective into local policies and cross-sectoral cooperation**

Cross-sectoral cooperation is one of the main prerequisites for the integration of gender perspective into (local) policies. At the same time, it proves to be the weakest point of local gender equality mechanisms, even in those local self-government units where important and evident activities and measures for the enhancement of gender equality and the advancement of women were implemented. Local mechanisms, as the usual activities of the working bodies demonstrate, do not participate in the development of sectoral strategic and planning documents, and are not consulted in the creation of programs and measures which are implemented. Based on the topics the local mechanisms deal with and the documents that exist in local self-government units, it is evident that gender equality is rarely integrated as a topic in other sectors, while integrating gender perspective into all policies is the crux of the matter.

Measures to ensure gender equality or advance the situation of women (for example, affirmative measures for the less represented gender in the nomination procedure or in allocation of subsidies in agriculture) need to be integrated into all documents adopted by the assembly, or passed by the LSU authorities. This entails consideration of the situation of women and men and of gender equality in different fields, or sectors which fall under the competences of the LSU and local authorities.

One of the challenges is lack of knowledgeability of the local mechanisms, but also of the employees and decision-makers of the concept of gender mainstreaming and failure to recognize gender equality as a cross-sectoral issue, of relevance for all domains. In consequence, the inclusion of gender equality bodies and gender equality issues in general, into other sectors, such as employment, youth policy, sports, agriculture, etc., presents a particular challenge. In addition, there is also the misinterpretation of the concept of affirmative measures that need to be implemented in order to increase the representation of women. In Šabac, for example, the activity of participatory budgeting was implemented in local communities, in the organization of which the gender equality body did not participate, i.e. they failed to look at the process from gender equality perspective. In Blace, the gender equality body carried out a project for economic empowerment of women, during the implementation of which 48 women completed training and developed a

<sup>57</sup> Comment given during focus group discussion.

self-employment plan, but the mechanism did not actively participate in the self-employment budget planning, so the funds allocated for further support to the women in the program proved to be inadequate.

*“This is a good proposal (affirmative measure for women in agriculture), but we need to be careful not to break any statutes or laws. When we grant those subsidies, we are bound by regulations prescribed at the republic level.”<sup>58</sup>*

Cooperation and coordination between local gender equality mechanisms with other working bodies and the institutions outside the local self-government administration is not developed adequately in identifying, responding to, combating and preventing discrimination, or in creating equal opportunities policies and measures.

Cooperation of local mechanisms with local ombudspersons is inadequate, although in this area – bearing in mind complementary roles of the institution of ombudsman and gender equality body – there lies a great potential for monitoring the compliance with the regulations in the field of gender equality, advancement of human rights, suppression of discrimination, including discrimination against women, development of equal opportunities principle, and identifying and initiating major changes in the local self-government unit.

Gender equality body cooperates with the local Ombudsman	Number of LSUs	%
Yes	34	38,4
No	35	40,7
There is no local Ombudsman	18	20,9
Total	86	100,0
No response	56	
Total	143	

Table 10: Cooperation of gender equality bodies with local Ombudsmen

Cooperation with local ombudspersons is present in joint activities in combating violence against women. As an example of this cooperation, the city of Pančevo stated that the city of Pančevo Ombudswoman participated in the creation of strategic documents.

Local self-governments have the obligation to establish Health Councils (based on the Law on Patients’ Rights<sup>59</sup>) as local bodies that will create and implement public health policy at the local level, and in actual fact ensure cross-sectoral cooperation.

Safety Councils are advisory bodies founded to create local safety policies, including identifying major safety challenges, but also to facilitate cooperation between the principal local factors<sup>60</sup>.

58 Comment given during focus group discussion

59 Art. 38 of the Law on Patients’ Rights, “Official Gazette of the Republic of Serbia”, No. 45/13.

60 Available at: <https://www.osce.org/sr/serbia/217011?download=true>.

Gender equality body cooperates with the Health Council?	Number of LSUs	%
Yes	61	42,7
No	37	25,9
No response	45	31,4
<b>Total</b>	<b>143</b>	

Table 11: Cooperation of gender equality bodies with Health Councils

Gender equality body cooperates with the Safety Council?	Number of LSUs	%
Yes	53	37
No	39	27,3
No response	51	35,7
Total	143	

Table 12: Cooperation of gender equality bodies with Safety Councils

Cooperation of local mechanisms with Health Councils is realized in 61 local self-government units and with Safety Councils in 53 self-government units. The usual activities are mainly in the area of combating violence against women, through joint participation of the gender equality body and the health center, police, center for social work, and other institutions involved in the cross-sectoral cooperation in combating violence against women. In Bački Petrovac and Bela Palanka joint activities are being considered in the implementation of the Law on Public Health<sup>61</sup> or in the development of the plan for the advancement of health. In other local self-government units the cooperation is usually realized through multi-sectoral cooperation in combating domestic violence, or through organizing preventive examinations for women in local health centers.

In the field of safety and security, the implementation of the National action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2017-2020) has not been recognized as the area for cooperation with Safety Councils at the local level<sup>62</sup>. Even when the Safety Councils recognize the importance of cooperation with women's organizations, i.e. gender perspective, they do not necessarily cooperate with local gender equality mechanisms.

*"In Leskovac, the Safety Council has recognized the importance of cooperation with the local women's organization Women for Peace", but failed to do the same when it comes to gender equality body, for which there is no satisfactory explanation; nor is there an intention present to exclude the gender equality body from activities. This example illustrates how important it is to have procedures in place, which would ensure the participation of all relevant authorities.*"<sup>63</sup>

On the other hand cooperation with the councils, as sectoral working bodies, has been recognized as an effective way for gender equality bodies to get involved in different fields and policies, not

61 "Official Gazette of the Republic of Serbia", No. 15/16.

62 SCTM, in cooperation with the OSCE Mission to Serbia implemented in 2017 training and other activities aimed at integration of gender perspective into local safety and security policies, which contributed to the establishment of cooperation between local safety councils and gender equality bodies.

63 Comment given during focus group discussion.

only through participation in the work of the councils but in decision-making procedures as well (in terms of data used, consultations conducted, how indicators are defined, and which are the competent authorities and working bodies).

*“We did not get involved as a Council. We should cooperate more with other councils. I personally am member of the Health Council, but we have not cross-referenced our data, and we should cross-reference what they do and what we do”*.<sup>64</sup>

In Kraljevo, female representatives of the gender equality body were included in the activities of the Council for Employment and in development of the local action plan, which envisages budgeted measures for the employment of women.

*“It is important to include the person responsible for gender equality, and a person from the Council in the bodies that are established at the city level.”*<sup>65</sup>

*“We insisted that special-purpose funds be allocated, and we got 3,600,000.00 RSD.”*<sup>66</sup>

One of the suggestions made in focus groups was that a representative of gender equality body should also be included in the composition of different councils.

Another option to improve sectoral cooperation is to have a person in charge of gender equality in the Municipal/City Council, who would in that way be in contact with decision-makers and well-informed about the activities and plans in different fields. This would be a better solution than having a council member in the local gender equality mechanism, because that would not guarantee adequate communication and more effective monitoring of the decisions that are being prepared and adopted. In the same way as when it comes to the cooperation between sectoral working bodies, it is necessary to install procedures which would define more closely the role and tasks of the person in charge of gender equality within the council and in the decision-making process.

Female health mediators, and coordinators for Roma issues as well are the positions created within the framework of measures for the inclusion of Roma men and women. Female health mediators are retained by the Ministry of Health in local health centers, and their role is to provide support to Roma families in their access to health services, both in practice and in when it comes to access to institutions in general. These women are in Roma settlements every day and are know very well the needs of the local population. Coordinators for Roma issues are persons retained by the LSU, initially to provide support in the implementation of the Strategy for the Improvement of the Status of Roma for the period 2009-2015<sup>67</sup>, whose role it is to contribute to defining the priorities and implementation of measures for the advancement of Roma men and women at the local level. As the advancement of Roma men and women involves a significant gender dimension, and because Roma women are multiply discriminated against, cooperation with local gender equality bodies is of essence.

---

64 Comment given during focus group discussion.

65 Comment given during focus group discussion.

66 Comment given during focus group discussion.

67 This Strategy was completed, and the new Strategy for Social Inclusion of Roma for the period from 2016 to 2025 and the accompanying Action Plan is under way; available at: [http://www.ljudskaprava.gov.rs/sites/default/files/dokument\\_file/strategija\\_za\\_socijalno\\_ukljucivanje\\_roma\\_i\\_romkinja\\_2016\\_2025.pdf](http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/strategija_za_socijalno_ukljucivanje_roma_i_romkinja_2016_2025.pdf).

<b>Gender equality body cooperates with female health mediators</b>	<b>Number of LSUs</b>	<b>%</b>
Yes	27	18,9
No	54	37,8
No response	62	43,3
<b>Total</b>	<b>143</b>	

*Table 13: Cooperation of gender equality bodies with female health mediators*

<b>Gender equality body cooperates with coordinators for Roma issues</b>	<b>Number of LSUs</b>	<b>%</b>
Yes	44	30,8
No	36	25,2
No response	63	44
<b>Total</b>	<b>143</b>	

*Table 14: Cooperation of gender equality bodies with coordinators for Roma issues*

Cooperation with female health mediators and coordinators for Roma issues is also sporadic and occurs mainly in connection with the development of implementation of local action plans for the improvement of the status of Roma men and women. In Novi Pazar the Council participated in the formulation of the Strategy for the improvement of the status of Roma men and women, while in Šabac the improvement of the status of Roma women is a specific objective in the Local Action Plan for Gender Equality. In Dimitrovgrad, cooperation has been established on programs for employment and improvement of housing conditions of Roma population, and joint projects have also been implemented in Arandjelovac and Ivanjica (with Roma Development Center).

<b>Gender equality body cooperates with civil society organizations</b>	<b>Number of LSUs</b>	<b>%</b>
Yes	61	42,7
No	17	11,9
There are no such organizations	33	23
No response	32	22,4
<b>Total</b>	<b>143</b>	

*Table 15: Cooperation of gender equality bodies with civil society organizations*

Local gender equality bodies also cooperate with local women's organizations and civil society organizations. The usual forms of cooperation are organization of events and participation in public events, as well as humanitarian drives and cultural events. Cooperation of the local gender equality mechanism with civil society organizations has been a factor in establishing of financial support to women's associations from the LSU budget, which has been recognized and defined as gender-responsive budgeting in Pirot, but may be in a broader sense considered to be support to women's activism. In Šabac, cooperation is realized in the implementation of the project "Living Library", which is not directly connected to monitoring and enhancement of the situation of

women by civil society organizations, but is a project dedicated to breaking prejudices, especially towards multiply marginalized groups.

On the other hand, there is a lack of clearly defined objectives for the support to women's associations, or objectives for cooperation with women's associations, which would contribute to gender equality, and be more than mere funding of projects, as, for example, is in the case of "fitness for women" in Loznica, which is not a systemic solution to improve women's access to sports activities and it is not quite clear how it contributes to gender equality. The city of Užice stated that the cooperation is manifested in financial support of this local self-government unit to services for women in the situation of violence, bearing in mind that helpline services and counseling services for women in situation of violence are usually financed from donor funding. In Šabac, a Platform of organizations dealing with human rights and the rights of marginalized groups has been formed, and they are partners to local self-government unit and gender equality body in the implementation of Local Action Plan activities - which strengthens the capacities of both civil society organizations, and the local self-government unit itself.

*"Organizations take part in the open competition, withdraw funds from our budget line and implement activities instead of us"*<sup>68</sup>

*"We received a lot of help in the beginning from a women's organization, they actually gathered us together to create a local action plan. There have been some attempts at that earlier, but with no success."*<sup>69</sup>

These data indicate that further efforts are needed in strengthening the role of civil society organizations in creating, as well as in monitoring of the implementation of local policies.

Continuous and well-developed cooperation with women's organizations is present in Aleksandrovac, Kraljevo, Kruševac, Novi Pazar, and Tutin. In most of these local self-government units the role of women's organizations in providing services to women in the situation of violence has been well recognized, and cooperation takes place in this field. In addition to Aleksandrovac, Kruševac and Tutin, this is also the case in Belgrade (through visits to shelters for battered women and cooperation with the organization "... the Circle" in the field of combating violence against women with disabilities) and in Zrenjanin.

33 local self-government units have stated explicitly that there is no cooperation with civil society organizations because there are no such organizations, i.e. local gender equality body has not recognized them as potential colleagues and/or partners.

*"I have not seen a single organization that deals with that. There are civic organizations, but none deals with this topic."*<sup>70</sup>

In a number of local self-government units, as for instance in the municipalities of Aleksinac and Gadžin Han, women's organizations are active that deal predominantly with the status of women in rural areas. These organizations, women's groups and networks represent a vast potential for women's participation in decision-making, especially at the level of local communities, because they play a major role in the emancipation and empowerment of women, but lack the appropriate structured support which would enable them to have stronger initiative and greater involvement in the creation of policies at the local level. Thorough strengthening of civic participation in gender equality matters is not feasible without partnership and cooperation with the local self-government unit, not only through joint activities of the local self-government unit and

---

68 Comment given during focus group discussion.

69 Comment given during focus group discussion.

70 Comment given during focus group discussion.

civic associations and organizations, but also by providing assistance and support to establish associations and organizations which may contribute at the local level to the improvement of the status of all citizens, as well as to the enhancement and advancement of gender equality – which are also, in accordance with the UN Convention on the Elimination of All forms of Discrimination Against Women, gender-responsive objectives of local self-government units.

### Gender-sensitive statistics

Decision on gender-sensitive statistics, i.e. segregation of data by gender has been adopted in only three local self-government units. 22 local self-government units have stated in their responses to the Protector of Citizens that they keep gender-sensitive statistics<sup>71</sup>, and 28 local self-government units<sup>72</sup> report that their local gender equality mechanism collects data segregated by gender. Only one municipality has specified that gender-disaggregated data are used to monitor the implementation of the municipal Decision on gender equality, and to report to the councilors on the implementation of this Decision. In the rest of local self-government units these data are used in situation analysis, annual reports, or in development and monitoring of local action plans, as well as in gender-responsive budgeting (in Ivanjica).

There is no uniform understanding of what gender disaggregated data are and which data should be segregated by gender, so it is usually thought these are the data provided on specific requests, such as the data on representation of women in decision-making positions collected for the purpose of this research by the Protector of Citizens. Neither is there adequate understanding of the reasons for keeping gender-sensitive statistics, so some local self-government units are of the opinion that they see no need for “data disaggregation of that kind”, or that there is the need to do so only “if it is necessary to submit this type of records”.

Data collected by LSU offices and departments are not systematically segregated by gender in any local self-government unit, not even in those that have adopted decisions on gender-sensitive statistics and gender equality, or in those where models for data collection and monitoring have been developed (Pančevo, Kragujevac).

*“The data exist, but are collected on from-case-to-case basis, when we request them. I go to the office and request the data, and make a nuisance of myself until they provide them to me.”<sup>73</sup>*

Representatives of local self-government units agree that Rules of Procedure or some other by-law should specify the minimum of data to be collected (as has been done in the fields of health-care or human resources), and are also in agreement that the database and types of data collected by the Statistical Office of the Republic of Serbia may help to do so.

In the rest of self-government units the data are not segregated by gender.

*“We are under no strict obligation by law to keep gender disaggregated data. As lawyers, our way of thinking is to immediately check if there are any sanctions imposed and if we really must comply, and if not, then we just disregard it.”<sup>74</sup>*

71 Some LSUs, based on their responses given in the questionnaire, keep gender-sensitive statistics and the mechanism collects data segregated by gender, but affirmative answers to this question have also been received from LSUs in which the institutional framework and practice in the field of gender equality are not fully in place.

72 Aleksandrovac, Arandjelovac, Babušnica, Bački Petrovac, Beočin, Bosilegrad, Brus, Vladičin Han, Gadžin Han, Despotovac, Dimitrovgrad, Žitište, Ivanjica, Kanjiža, Kikinda, Kraljevo, Kruševac, Leskovac, Medveđa, Nova Varoš, Pančevo, Prokuplje, Ražanj, Raška, Sjenica, Topola, Tutin, Čačak, Šid.

73 Comment given during focus group discussion.

74 Comment given during focus group discussion.

Gender-responsive budgeting, i.e. the need to use gender-sensitive indicators, as integral part of budgeting programs, may considerably improve the understanding of gender-sensitive statistics and its application.

*“We adopted a plan in which we specified programs for gender-responsive budgeting, we collected a great number of data segregated by gender from various fields, from decision-making to sports, and that is how we determined which data we will need. Later I saw that the Statistical Office of the Republic of Serbia has useful data in their DevInfo database, and this made things easier for us. Because we don't know which data should be used for gender analysis.”<sup>75</sup>*

### Are statistical data segregated by gender?

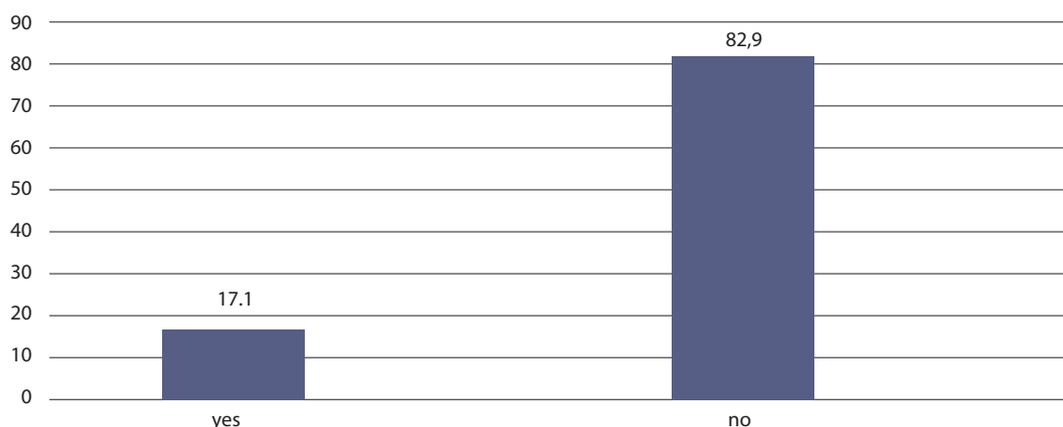


Chart 5: Segregation of data by gender

Where the data are not segregated by gender, the reasons usually given are that there is no employee responsible for gender equality, increased workload of employees in local administration, and that there are no clear instructions as to how to collect or process the data. In Kraljevo, local gender equality body collected data by conducting a survey, while in Leskovac the Office for Gender Equality cooperates in data collection with employees in different local administration departments who completed training on gender equality and gender-sensitive statistics.

Data are usually submitted to the Municipal Assembly or to municipal authorities, but also to national institutions and organizations, such as the Standing Conference of Towns and Municipalities, and international organizations.

Local self-government units recognize that introduction of a legal obligation to keep gender-sensitive statistics may be one of the ways to resolve the problem of the lack of such statistics, together with strengthening of the resources (human, material and financial) for the launching and sustainability of this activity<sup>76</sup>.

<sup>75</sup> Comment given during focus group discussion.

<sup>76</sup> The most frequent answers LSUs gave to the question of how keeping of gender-sensitive statistics may be improved, are: "By introducing a legal obligation", "By employing a person who would deal with gender equality and data segregated by gender"; "By hiring more staff and decreasing workload"; "Software would be needed"; "That the appropriate agencies recognize the importance of data and official records segregated by gender".

## ANNEX 1

## QUESTIONNAIRES SENT TO LOCAL SELF-GOVERNMENT UNITS

## QUESTIONNAIRE 1

## QUESTIONNAIRE FOR THE COLLECTION OF DATA ON THE REPRESENTATION OF WOMEN IN DECISION-MAKING POSITIONS AT THE LOCAL LEVEL

**MUNICIPALITY/CITY (CITY MUNICIPALITY):**

1. Is the quota for minimal representation of the less represented gender in decision-making positions specified in any local enactment document in your LSU (local self-government unit)?

a) Yes	If yes, please specify by which document and the year it was passed?
b) No	

2. Are quotas for the less represented gender observed in your LSU in relation to:

Assembly bodies (secretaries, vice-presidents, etc.)	a) yes	b) no
Executive government bodies – municipal/city council	a) yes	b) no
Elected and appointed persons	a) yes	b) no
Local Community Office Councils	a) yes	b) no
Executive positions in local government	a) yes	b) no

3. Representation of women and men in decision-making positions

Representation of women and men in the following positions (please enter figures in the appropriate column)	M	F
Members of City and Municipal		
Deputy Presidents of the Municipality (the Mayors)		
Assistants to the President of the Municipality (the Mayor)		

Representation of women and men in the following positions in the Municipal/City Assembly (please enter figures in the appropriate column)	M	F
Councilors		
Heads of Councilors' Groups		
Vice-Presidents of Municipal/City Assembly		
Deputy of the Municipal/City Assembly President		

4. Please list the fields of which women members of the Municipal/City Council are in charge?

--

5. Local Community Office Councils in the Municipality/City territory  
(Please enter figures in the table below)

Number of Local Community Offices	Number of men members of Local Community Councils	Number of women members of Local Community Councils	Number of men Council Chairs	Number of women Council Chairs

6. Employees and executive officials in Municipal/City Administration  
(Please enter figures in the appropriate column)

Position	Men	Women
Head of Municipal/City Administration		
Heads (Managers) of Municipal/City Administration departments (offices)		
Number of employees in non-executive positions (not including managers)		

7. Please enter into the appropriate columns the total number of men and the total number of women belonging to vulnerable groups (persons with disabilities and members of Roma national minority) occupying positions and functions in your local self-government.

Persons with disabilities	Committee Members		Employed in the Administration		Elected and Appointed persons	
	M	F	M	F	M	F

Roma	Committee Members		Employed in the Administration		Elected and Appointed persons	
	M	F	M	F	M	F

## QUESTIONNAIRE 2

### QUESTIONNAIRE FOR THE COLLECTION OF DATA ON LOCAL GENDER EQUALITY MECHANISMS

**Municipality/City**

1. Has a gender equality mechanism been established in your LSU (Local Self-Government Unit)? Please mark all the answers applicable to your LSU.

Assembly working body	Yes	No
<i>If it is an Assembly Working Body, is it a permanent working body?</i>	Yes	No
<i>If it is a permanent working body, has its existence been stipulated in the Statute?</i>	Yes	No
Person – Body in the Council	Yes	No
Appointed person in charge of gender equality matters	Yes	No
A person employed in the Administration, in charge of gender equality matters	Yes	No
Office for Gender Equality	Yes	No
Other, specify what	Yes	No

2. Please enter information on the composition of the local mechanism (if it is a working body).

Members (please enter number in the appropriate column)	M	F
Are councilmen/councilwomen members of the working body?	Yes	No
Are men/women officials members of the gender equality body?	Yes	No
Are women representatives of women’s civil society organizations members of the gender equality body?	Yes	No
Are men/women members of other civil society organizations members of the gender equality body?	Yes	No

3. By which enactment document was gender equality mechanism established, and the year when the gender equality mechanism was first established?
4. Did the same enactment document specify the competences of the working body/designated person? If so, please list the competences of the working body.
5. If there is a person in your LSU employed to work on gender equality matters:

Is that position specified in the job classification	Yes	No
Have competences been added to job descriptions in the existing Document on Job Classification and formal decision	Yes	No
Something else (please specify)		

6. If competences/tasks have been added to the existing Document on Job Classification and formal decision, which tasks did the person in charge of gender equality formerly perform – please list the position and the department in the administration.

7. Please list the job description of the person in charge of gender equality in your LSU, and how the Document on Job Classification was amended?

8. Which documents regulate the functioning of the mechanism (if it is a working body)

Municipal/City Assembly Rules of Procedure	Yes	No
Operating Procedure of the working body	Yes	No
Another document – if so, specify which		

9. Is participation of the mechanism in decision-making (decisions of the Assembly, local strategies and action plans, budget, etc.) regulated by any LSU document?

Yes	No
If so, specify which document	

10. If the mechanism for gender equality is the working body in the Assembly, does it:

Monitor the implementation of local regulations, decisions and strategies in the field of gender equality?	Yes	No
Monitor through annual reports the implementation of LAP for gender equality (if it was adopted in your LSU)	Yes	No
	Not adopted	

Cooperate with the Coordination Body for Gender Equality of the Government of Serbia in the implementation of the AP for the Implementation of the National Strategy for Gender Equality?	Yes	No
If the answer is "yes", please specify the manner of your cooperation with the Coordination Body.		
Comment on appointments and assignments, in connection with adherence to the quota on the representation of women in decision-making positions	Yes	No
Comment on the verification of councilors' mandates, in connection with adherence to the quota on the representation of women in decision-making positions	Yes	No
Request data on the position of women and men from the appropriate departments, institutions, companies and organizations?	Yes	No
If it gathers data, please specify how the data is utilized.		
Prepare reports on the situation of gender equality or the activities of the LSU, and if so, to whom it submits the reports?	Yes	No

11. If in your LSU there is a person in charge of gender equality matters, do they:

Coordinate the implementation of local regulations, decisions and strategies in the field of gender equality?	Yes	No
Cooperate with the Coordination Body for Gender Equality of the Government of Serbia in the implementation of the AP for the Implementation of the National Strategy for Gender Equality?	Yes	No
If the answer is "yes", please specify the manner of your cooperation with the Coordination Body.		
Prepare annual reports on the implementation of LAP for gender equality (if it was adopted in your LSU)	Yes	No
	Not adopted	
Collect data on the position of women and men in the municipality/city	Yes	No
If the answer is "no", please specify what are the obstacles in collecting data.		
Prepare reports on the situation of Gender equality or the activities in the LSU, and if so, to whom they submit the reports?	Yes	No

12. Have documents relating to gender equality been adopted in your LSU, and if so, please mark which:

Decision on gender equality	Yes	No
Local Action Plan for Gender Equality	Yes	No
Decision on gender sensitive statistics and official records	Yes	No
Other, specify which	Yes	No

13. Are data/official records kept by the offices/department gender disaggregated (for example, data on scholarship beneficiaries, children enrolled in preschool institutions, beneficiaries of subsidies in agriculture, etc.)?

Yes	No
If the data are NOT gender disaggregated, what would be required in order to segregate them by gender?	

14. Does the Committee/Council for gender equality or the person in charge of gender equality cooperate with:

Local Ombudsman/Protector of Citizens	
Coordinator (m/f) for Roma issues	
Health Council	
Safety Council	
Female Roma health mediators	
Other working bodies (please specify which)	

15. Please give an example of cooperation with the institutions and organizations mentioned in question 14.

--

16. Does the Committee/Council for gender equality or the person in charge of gender equality cooperate with civil society organizations/associations which deal with the advancement, protection and promotion of women's rights and principles of gender equality?

Yes	No
a) yes	
b) no	
c) there are no such associations in our LSU	

17. Please give an example of cooperation with the civil society mentioned in question 16.

18. Please specify the most important activities of the local gender equality body in the past three years (2015, 2016 and 2017)

## ANNEX 2

### LEGAL AND STRATEGIC FRAMEWORK FOR THE ACHIEVEMENT OF GENDER EQUALITY AT THE LOCAL LEVEL IN THE REPUBLIC OF SERBIA

The legal and strategic framework for the achievement of gender equality stems from the Constitution of the Republic of Serbia, ratified international treaties, laws and regulations based on laws.

#### *The Constitution of the Republic of Serbia*<sup>77</sup>

The Constitution of the Republic of Serbia guarantees the equality of women and men, develops equal opportunities policy<sup>78</sup>, guarantees equality and protection against discrimination and allows for the introduction of special measures in order to achieve full equality of individuals or group of individuals who are in a substantially unequal position compared to other citizens<sup>79</sup>. When defining the competences of Local Self-Government Units, the Constitution also gives them the competence to see to the realization, protection and promotion of human and minority rights<sup>80</sup>

By ratifying international treaties, Serbia undertook the commitment to take measures aimed at achieving equality and universally accepted standards for the protection and promotion of human rights. Universally accepted rules of the international law and ratified international treaties constitute an integral part of the legal system of the Republic of Serbia, and are applied directly<sup>81</sup>.

- The State shall guarantee the equality of women and men and develop equal opportunities policies<sup>82</sup>.
- Human and minority rights guaranteed by the Constitution are implemented directly. Provisions on human and minority rights are interpreted in support of the promotion of the values of a democratic society, in accordance with the valid international human and minority rights standards, and practices of international institutions which monitor their implementation.<sup>83</sup>
- All are equal before the Constitution and the Law. Everyone shall have the right to equal legal protection, without discrimination. Special measures which the Republic of Serbia may introduce to achieve full equality of individuals or groups of individuals who are in a substantially unequal position compared to that of other citizens, shall not be considered discriminatory<sup>84</sup>
- In the National Assembly equality and representation of genders and members of national minorities shall be provided, in accordance with Law<sup>85</sup>.
- The Municipality shall see to the exercise, protection and promotion of human and minority rights, as well as to public information in the municipality<sup>86</sup>.

---

77 "The Official Gazette of the Republic of Serbia", No. 98/06.

78 Article 15. of the Constitution.

79 Article 21. of the Constitution.

80 Article 190. of the Constitution.

81 Articles 18. and 194. of the Constitution.

82 Article 15. of the Constitution.

83 Article 18. of the Constitution.

84 Article 21. of the Constitution.

85 Art. 100. of the Constitution.

86 Art. 190. of the Constitution.

### *Convention on the Elimination of All Forms of Discrimination against Women*<sup>87</sup>

The Convention on the Elimination of All Forms of Discrimination against Women obligates States Parties to take appropriate measures to ensure to women equal rights with men to participate in the political life; equal rights in the field of education; the same opportunities to participate actively in sports and physical education; equal access to social and health care services; protection of the rights of mothers or pregnant women in the field of employment; legal protection.

States Parties are also to take all appropriate measures to eliminate discrimination against women in rural areas, including those to ensure to them access to services, but also participation in decision-making concerning local development, as well as participation in all community activities<sup>88</sup>.

- States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, and, in particular, shall ensure, on equal terms with men, the right:
  - (a) To vote in all elections and public referenda and to eligible for election to all publicly elected bodies;
  - (b) To participate in the formation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
  - (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country<sup>89</sup>.

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- ...
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technologies and equal treatment in land and agrarian reform, as well as in land resettlement schemes;

Key Recommendations of the UN Committee for the Elimination of All Forms of Discrimination against Women (CEDAW) given in the Concluding Observations in 2013<sup>90</sup> on the combined Second and Third Interim Reports of the Republic of Serbia<sup>91</sup>, relate to the allocation of financial and human resources to gender equality mechanisms (primarily at the national, but also at other levels), as well as on harmonization and both horizontal and vertical coordination of the implementation of national policies in the field of gender equality.

The Committee calls upon the Republic of Serbia to *“take measures to harmonize its national strategies and action plans, in particular with the ones at the local level, and enhance coordination between sectorial policy-making and implementation and horizontal and vertical coordination between the national*

87 Convention on the Elimination of All Forms of Discrimination against Women, UN General Assembly Resolution 34/180, 1979. Law on Ratification of the Convention on the Elimination of All Forms of Discrimination against Women, “The Official Gazette of the SFRY – International Treaties”, No. 11/81; available at: [http://ravnopravnost.gov.rs/wp-content/uploads/2012/11/images\\_files\\_Konvencija%20o%20eliminisanju%20svih%20oblika%20diskriminacije%20zena%20UN.pdf](http://ravnopravnost.gov.rs/wp-content/uploads/2012/11/images_files_Konvencija%20o%20eliminisanju%20svih%20oblika%20diskriminacije%20zena%20UN.pdf).

88 Article 14. of the Convention on the Elimination of All forms of Discrimination against Women, available at: [http://www.zenskavlada.org.rs/downloads/konvencija\\_diskriminacija.pdf](http://www.zenskavlada.org.rs/downloads/konvencija_diskriminacija.pdf).

89 Article 7. of the Convention on the Elimination of All Forms of Discrimination against Women.

90 Available at: [http://www.ljudskaprava.gov.rs/sites/default/files/dokument\\_file/cedaw\\_zakljucna\\_zapazanja\\_srp.pdf](http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/cedaw_zakljucna_zapazanja_srp.pdf)

91 Available at: <http://www.ljudskaprava.gov.rs/sh/node/19867>.

and local levels as well as to monitor and regularly evaluate the process of their implementation through reporting on progress achieved". The Recommendations of the Committee relate particularly to the lack of affirmative measures for the advancement of the status of women, especially Roma women and women with disabilities, and access to health care, especially for women with disabilities<sup>92</sup>. The Committee gives special recommendations in connection with participation of women in decision-making, as well as in relation to the enhancement of cooperation with women's organizations, and the implementation of the Beijing Declaration and Platform for Action.

In addition to the Convention on the Elimination of All Forms of Discrimination against Women, Serbia has ratified a number of other international treaties for the protection of human rights<sup>93</sup>, particularly those dealing with the rights of persons with disabilities, the rights of the child, the right to participation in the political and public life, and other.

Republic of Serbia also undertook commitments under Council of Europe treaties and documents (some of which relate specifically to the local level), and in the process of European integration under both legal and strategic frameworks of the European Union<sup>94</sup> (mostly in connection with the rights in the area of labor and employment, but also relating to the general promotion of gender equality principles and integration of gender perspective in all its policies), as well as under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence<sup>95</sup> (Istanbul Convention), which are particularly relevant in Negotiation Chapters 23<sup>96</sup> and 19. In addition to being an integral part of the European Union founding documents, gender equality is regulated by the European Commission Directives, but also in the EU Gender Action Plan 2016-2020<sup>97</sup>, which specifically relates to the promotion of gender equality in international cooperation with the third countries and partner states, as well as with the countries in the process of the accession to the EU, where the objectives are economic empowerment of women, suppression of violence, political participation, as well as the fourth, horizontal objective concerning the changes in institutional culture in order to adequately implement the policies and principle of gender equality.

92 The National Action Plan envisages measures to improve access of women with disabilities to gynecological services, as well as maternity support, but the Ministry of Health did not implement these measures in 2016 and 2017.

93 Of particular importance are the International Covenant on Economic, Social and Cultural Rights (Law on the Ratification of the International Covenant on Economic, Social and Cultural Rights, "Official Gazette of SFRY - International Treaties", No 7/71); International Covenant on Civil and Political Rights (Law on the Ratification of the International Covenant on Civil and Political Rights, official Gazette of SFRY - International Treaties", No. 7/71); International Convention on the Elimination of All Forms of Racial Discrimination (Law on the Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, "Official Gazette of SFRY - International Treaties", No 31/67); UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Law on the Ratification of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, "Official Gazette of SFRY - International Treaties", No. 9/91); UN Convention on the Rights of the Child (Law on the Ratification of the UN Convention on the Rights of the Child "Official Gazette of SFRY - International Treaties No. 15/90 and "Official Gazette of SRY - International Treaties", No. 4/96 and 2/97); International Convention for the Protection of All Persons from Enforced Disappearance (Law on the Ratification of the International Convention for the Protection of all Persons from Enforced Disappearance, "Official Gazette of RS - International Treaties", No. 1/11) and the Convention on the Rights of Persons with Disabilities (Law on the Ratification of the Convention on the Rights of Persons with Disabilities, "Official Gazette of RS - International Treaties", No. 42/09).

94 Council Directive 75/117/EEC on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women, Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, amended by Directive 2002/73/EC, Council Directive 86/613/EEC on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood, Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, Council Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.

95 "Official Gazette of the Republic of Serbia - International Treaties", No. 12/13.

96 Available at: <https://www.mpravde.gov.rs/files/Akcioni%20plan%20PG%202023%20Treci%20nacr-%20Konacna%20verzija1.pdf>.

97 The EU's Gender Action Plan 2016-2020; available at: <http://www.consilium.europa.eu/media/24467/st13201-en15.pdf>

In connection with Chapter 23 the Action Plan highlights the recommendations of the UN Committee on the Elimination of All Forms of Discrimination against Women, as well as the need to harmonize national legislation with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Special attention is focused on raising the awareness of women, but also of representatives of institutions, including courts and office of the prosecutor, on discrimination against women and protection measures.

### *International Covenant on Economic, Social and Cultural Rights*<sup>98</sup>

- The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant<sup>99</sup>.

### *International Covenant on Civil and Political Rights*<sup>100</sup>

- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status<sup>101</sup>.

### *Convention on the Rights of Persons with Disabilities*<sup>102</sup>

- States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure full and equal enjoyment by them of all human rights and fundamental freedoms. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention<sup>103</sup>.

### *Beijing Declaration and Platform for Action*<sup>104</sup>

Beijing Declaration and Platform for Action require of States Parties to establish institutional mechanisms to implement equal opportunities policies and work towards the achievement of gender equality, and which will, first and foremost, facilitate the cooperation of institutions and governments with women's organizations so that the interests and needs, as well as the voices of all women are acknowledged in the decision-making process. The Beijing Platform for Action also defines 12 "critical" areas of concern in which governments and other actors are called upon to take urgent measures, of which inequality between men and women in the sharing of power

98 International Covenant on Economic, Social and Political Rights, UN GA Resolution 2200 A(XXI), 1966. (Law on Ratification of the International Covenant on Economic, Social and Political Rights, "official Gazette of SFRY - International Treaties" No. 7/71)

99 Articles 2.and 3. of the International Covenant on Economic, Political, Social and Cultural Rights.

100 International Covenant on Civil and Political Rights, UN General Assembly Resolution 2200 A (XXI), 1966. (Law on Ratification of the International Covenant on Civil and Political Rights, "The Official Gazette of SFRY - International Treaties", No. 7/71)

101 Art. 26. of the International Covenant on Civil and Political Rights.

102 Convention on the Rights of Persons with Disabilities, 2006 (Law on Ratification of the Convention on the Rights of Persons with Disabilities, "Official Gazette of the Republic of Serbia - International Treaties", No. 42/09.

103 Art. 6. of the Convention on the Rights of Persons with Disabilities.

104 Available at: [http://www.e-jednakost.org.rs/kurs/kurs/download/pekinska\\_deklaracija.pdf](http://www.e-jednakost.org.rs/kurs/kurs/download/pekinska_deklaracija.pdf).

and decision-making at all levels; insufficient mechanisms at all levels to promote the advancement of women; lack of respect for and inadequate promotion and protection of the human rights of women<sup>105</sup> are especially important for this Report. Beijing Declaration gives special consideration to the participation of women in power and decision making<sup>106</sup> and the enhancement of institutional mechanisms for the advancement of women<sup>107</sup>, and sets taking measures to ensure women's equal access to and participation in power structures and decision-making and increasing women's capacity to participate in decision-making and leadership as strategic objectives. The Platform lays out actions to be taken by governments<sup>108</sup> and political parties<sup>109</sup>. One of the strategic objectives is to generate and disseminate gender-disaggregated data and information for planning and evaluation. It is specified that governments need to provide staff training in designing and analyzing data from a gender perspective, establish procedures to allow the national mechanisms to gather information on government-wide policy issues at an early stage and continuously use it to integrate gender perspective and compile progress reports, including the objectives set in the Platform for Action<sup>110</sup>.

Resolutions of the Council of Europe<sup>111</sup> call for higher representation of women in decision-making positions at the local level, implementation of gender-responsive budgeting and integration of gender perspective in local policies.

### *European Convention for the Protection of Human Rights and Fundamental Freedoms*<sup>112</sup>

- The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status<sup>113</sup>

### *European Social Charter (Revised)*<sup>114</sup>

- The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realized:

.....

- All workers have the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.
- All persons with family responsibilities and who are engaged or wish to engage in employment have a right to do so without being subject to discrimination and as far as possible without conflict between their employment and family responsibilities.

105 Paragraph 44. of the Beijing Platform for Action

106 Chapter IV, Paragraph G of the Beijing Declaration.

107 Chapter IV, Paragraph H of the Beijing Declaration.

108 Article 190 of the Platform.

109 Article 191 of the Platform.

110 Article 203 of the Platform.

111 CoE Resolution of the Committee of Ministers 17 (2007) on gender equality standards at the local level, Resolution 303 (2010) of the Congress of Local and Regional Authorities on achieving sustainable gender equality in local and regional political life, Resolution 176 (2004) on gender mainstreaming at the local and regional level. Available at: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2975851&SecMode=1&DocId=2390760&Usage=2>.

112 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), as amended by Protocol No. 11, "Official Gazette of Serbia and Montenegro – International Treaties", No. 9/03, 5/05 and 7/05 – correction), Protocol No. 7 (1984) and Protocol No. 12 (2000), available at: [https://www.echr.coe.int/Documents/Convention\\_SRP.pdf](https://www.echr.coe.int/Documents/Convention_SRP.pdf).

113 Art. 14. of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

114 European Social Charter (Revised), 1996, available at: <https://www.minrzs.gov.rs/lat/medjunarodna-organizacija-rada.html>.

## *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)<sup>115</sup>*

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence – Istanbul Convention obligates the State to provide adequate services to women in the situation of violence, that is to ensure setting-up and unimpeded functioning of telephone helplines and access to the services provided by women’s organizations, shelters, and free legal aid services. The Republic of Serbia has made certain amendments to the national legislation with the aim to harmonize it with the Convention<sup>116</sup>. However, there still remain barriers hindering proper implementation of the Convention, such as the lack of the law which would regulate provision of free legal aid, as well as the still existing shortcomings of both the legal and sub-legal frameworks.

- Parties shall take the necessary legislative and other measures to promote and protect the right of everyone, particularly women, to live free of violence in both public and private sphere. Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:
  - embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realization of this principle;
  - prohibiting discrimination against women, including through the use of sanctions, where appropriate;
  - abolishing laws and practices which discriminate against women.
- Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention<sup>117</sup>.
- Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women<sup>118</sup>.
- Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and coordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women. Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations<sup>119</sup>.
- Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organizations and civil society<sup>120</sup>.

115 Law on the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, “Official Gazette of the Republic of Serbia – International treaties”, No. 12/13.

116 Amendments to the Criminal Code and the Law on the Police, adoption of the Law on the Prevention of Domestic Violence.

117 Art. 4. of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

118 Art. 6. of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

119 Art. 7. of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

120 Art. 8. of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

- Parties shall recognize, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations<sup>121</sup>.

### *European Charter for Equality of Women and Men in Local Life*<sup>122</sup>

#### *Drawn up by the Council of European Municipalities and Regions*

The Council of European Municipalities and Regions (CEMR)<sup>123</sup> drafted in 2006 the European Charter for Equality of Women and Men in Local Life<sup>124</sup>. By signing the Charter, the LSU commits to implement it. The Charter defines objectives and necessary measures within the scope of different competences of the LSU, primarily ensuring equal participation of women and men in decision-making, not only in formal decision-making positions, but also in the process of consultations with both female and male citizens, in the areas of local economic development, natural resources management and access to services provided by the LSU, such as education, health-care, communal services, etc. The Charter also obligates the LSU to conduct gender analyses of the local decisions and development plans. The Signatory is under the obligation to develop an Action Plan for the implementation of the Charter (within the timescale not exceeding two years) following the date of its signature, and report to CEMR on the results achieved. National associations of local governments monitor the signing and implementation of the Charter, but also promote this document.

Based on the records kept by the Standing Conference of Towns and Municipalities (SCTM), by the end of the year 2017, 55 LSUs in Serbia signed the European Charter.

- The Signatory recognizes that the right to equality of women and men is a fundamental prerequisite of democracy, and that a democratic society cannot afford to ignore the skills, knowledge, experience and creativity of women. To this end, it must ensure, on a basis of equality, the inclusion, representation and involvement of women from different backgrounds and of different age groups in all spheres of political and public decision-making. The Signatory, as the democratically elected body responsible for promoting the well-being of its population and area, therefore commits itself to promote and advance the practical application of this right in all of its spheres of activity – as democratic leader of the local community, provider and commissioner of services, planner and regulator, and as employer<sup>125</sup>.
- The Signatory recognizes the equal rights of women and men to vote, to be a candidate for and to hold elected office. The Signatory recognizes the equal rights of women and men to participate in the formulation and implementation of policy, to hold public office and to perform all public functions at all levels of government. The Signatory recognizes the principle of balanced representation on all elected and public decision-making bodies. The Signatory commits itself to take all reasonable measures on support of the above rights and principle... The Signatory commits itself to promote and apply the principle of balanced representation to its own decision-making and consultative bodies, and in its appointments in external bodies<sup>126</sup>.

---

121 Art. 9. of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

122 Available at: [http://euintegracije.skgo.org/upload/Document/Doc/2014\\_01/Brosura\\_POVELJA\\_200x200\\_Final\\_2012\\_WEB\\_1str.pdf](http://euintegracije.skgo.org/upload/Document/Doc/2014_01/Brosura_POVELJA_200x200_Final_2012_WEB_1str.pdf).

123 Available at: <http://www.ccre.org>.

124 Available at [http://euintegracije.skgo.org/upload/Document/Doc/2014\\_01/Brosura\\_POVELJA\\_200x200\\_Final\\_2012\\_WEB\\_1str.pdf](http://euintegracije.skgo.org/upload/Document/Doc/2014_01/Brosura_POVELJA_200x200_Final_2012_WEB_1str.pdf).

125 Article 1 of the Charter.

126 Article 2 of the Charter.

- The Signatory recognizes that the right of citizens to participate in the conduct of public affairs is a fundamental democratic principle, and that women and men have the right to participate equally in the governance and public life of their region, municipality, and local community. In relation to different forms of public participation in its own affairs, for example via advisory committees, neighbourhood councils, e-participation or participatory planning exercises, the Signatory commits itself to ensure that women and men are able to participate equally in practice. Where existing means of participation do not lead to such equality, it undertakes to develop and test new methods. The Signatory undertakes to promote the active participation in its political and civic life of women and men from all sections of the community, in particular of women and men from minority groups who may otherwise be excluded<sup>127</sup>.
- The Signatory shall, as the democratic leader and representative for its community and territory, make a formal public commitment to the principle of equality of women and men in local life, including:
  - The announcement of the signing of this Charter by the Signatory, following debate in and adoption by its highest representative body;
  - An undertaking to fulfill its commitments under this Charter, and to report publicly, on a regular basis, on progress in implementing its Equality Action Plan;
  - An undertaking that the Signatory, and its elected members, will adhere to and uphold good standards of behavior, in relation to gender equality<sup>128</sup>.
  - The Signatory undertakes, in relation to each of its areas of competence, to undertake gender assessment, as set out in this Article. To this end, the Signatory undertakes to draw up a programme for implementation of its gender assessments, in accordance with its own priorities, resources and timescales, to be included or taken into account in its Equality Action Plan<sup>129</sup>.
  - The Signatory recognizes that discrimination on any grounds such as sex, race, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation is prohibited. The Signatory further recognizes that despite this prohibition, many women and men suffer from multiple discrimination or disadvantage, which has a direct impact on their ability to exercise the other rights set out and referred to in this Charter. The Signatory commits itself, across the range of its competences, to take all reasonable actions to combat the effects of multiple discrimination or disadvantage...<sup>130</sup>
- The Signatory in its role as employer recognizes the right to equality of women and men in regard of all aspects of employment, including work organization and working conditions. The Signatory recognizes the right to the reconciliation of professional, social and private life and the right to dignity and security in the workplace. The Signatory commits itself to take all reasonable measures, including positive action within its legal powers, in support of the above rights<sup>131</sup>.

---

127 Article 3 of the Charter.

128 Article 4 of the Charter.

129 Article 9 of the Charter.

130 Article 10 of the Charter.

131 Article 11 of the Charter.

### *Law on Gender Equality*<sup>132</sup>

The Law on Gender Equality calls for the creation of appropriate measures to ensure equality in the spheres of labor, political participation, family life, but also for the establishment of institutional mechanisms for gender equality. The Law also defines the obligations of local self-governments to ensure gender equality, implement policies for the realization of the rights of women and men, as well as to encourage and improve equality of women and men<sup>133</sup>. The Law also stipulates the establishment of local institutional mechanisms in the form of a working body or a person/employee assigned to deal with gender equality matters<sup>134</sup>. In the process of adoption of development plans and other documents adopted by the local community, the competent LSU bodies consider the measures and activities that promote gender equality and the achievement of equal opportunities<sup>135</sup>.

The Law on Gender Equality obligates local community authorities, and other bodies, to collect and keep gender disaggregated statistical records<sup>136</sup>.

In accordance with international recommendations (in the Beijing Platform) the Law on Gender Equality stipulates the right of associations whose objectives concern the achievement of gender equality, to monitor the progress in the achievement of gender equality, prepare and publish reports, propose special measures and actively participate in the achievement of gender equality. The role of the mechanisms is also to encourage this cooperation<sup>137</sup>.

Equal representation in decision-making positions is regulated by the Law on Gender Equality<sup>138</sup>.

- Gender equality is guaranteed in accordance with the universally accepted rules of the international law, ratified international treaties, the Constitution and laws. The state authorities, the authorities of the autonomous provinces, the authorities of self-government units, organizations entrusted with the exercise of public powers, as well as the legal entities established or financed in full, or predominantly by the Republic of Serbia, the autonomous province and the self-government unit (hereinafter: public authorities) have the obligation to monitor the progress in the achievement of gender equality in all spheres of social life, as well as the application of international standards and the rights guaranteed by the Constitution in this field<sup>139</sup>.
- The public authorities shall create an active equal opportunities policy in all spheres of social life. Equal opportunity policy means equal participation of both genders in all stages of planning, decision making, and implementation of the decisions that have an effect on the status of women and men<sup>140</sup>.

132 "Official Gazette of the Republic of Serbia", No. 104/09, available at: [https://www.paragraf.rs/propisi/zakon\\_o\\_ravnopravnosti\\_polova.html](https://www.paragraf.rs/propisi/zakon_o_ravnopravnosti_polova.html)

133 Article 39. of the Law on Gender Equality.

134 Article 39. of the Law on Gender Equality: In the bodies of local self-government units, within the current organizational structure and the act on internal organization and classification by job description, a standing body shall be set up, or an employee assigned to be in charge of gender equality issues and perform the tasks aimed at the achievement of equal opportunities, in accordance with this Law.

135 Article 39. of the Law on Gender Equality.

136 Article 40. of the Law on Gender Equality: Statistical data collected, recorded and processed at the level of the Republic of Serbia, the Autonomous Province and Local Self-Government Units, as well as in the institutions and organizations exercising public powers, public enterprises and companies, must be segregated by gender. Statistical data referred to in Paragraph 1 of this Article are an integral part of the statistical information system of the Republic of Serbia, and the public shall have access to them in accordance with the Law.

137 Article 42. of the Law on Gender Equality.

138 Article 32 of the Law on gender Equality: The authorized proposer shall propose at least 30% of the less represented gender in the procedure for the appointment of members of administrative and supervisory bodies in public services; Article 37: Gender equality shall be ensured in the process of nomination of candidates for the elections to all positions and appointments in public authorities, financial and other institutions.

139 Art. 2. of the Law on Gender Equality.

140 Art. 3. of the Law on Gender Equality.

- Gender must not be an impediment to professional advancement.<sup>141</sup>
- All employees, regardless of sex, are entitled to equal pay for equal work, or work of equal value with the employer, in accordance with the law regulating the sphere of labor<sup>142</sup>.
- The authorized proposer shall propose at least 30% of the less represented sex to be appointed members of administrative and supervisory bodies in public services<sup>143</sup>.

Gender equality shall be ensured in the nomination process of candidates for the President of the Republic, members of the Parliament and councilors, in the manner and in accordance with the regulations governing elections. Gender equality shall be ensured in the nomination process of candidates for the elections for all positions and appointments in public authorities, financial and other institutions. Gender equality shall be ensured in the implementation of the election procedure through the composition and operation of the bodies in charge of conducting the elections, in accordance with the regulations governing the elections<sup>144</sup>.

- The bodies of local self-government units, within the scope of their competences, shall ensure gender equality and the achievement of equal opportunities. The bodies of local self-government units shall promote and enhance gender equality, within the framework of their competences and responsibilities concerning gender equality. In the process of adoption of development plans and other documents, the competent bodies of local self-government units shall consider measures and activities to promote gender equality and achievement of equal opportunities. In the bodies of local self-government units within the current organizational structure and job descriptions, a standing body shall be set up or an employee assigned for gender equality issues and achievement of equal opportunities, in accordance with this law<sup>145</sup>.
- Statistical data collected, recorded and processed at the levels of the Republic of Serbia, the Autonomous Province and the LSU, as well as in the institutions and organizations exercising public authority, public enterprises and companies, must be gender disaggregated. The statistical data referred to in Paragraph 1 of this Article shall be an integral part of the statistical information system of the Republic of Serbia and shall be made available to the public in accordance with the Law<sup>146</sup>.
- Associations whose goals involve the promotion of gender equality have the right to monitor the achievement of gender equality and point to discrimination, as well as to compile and publish reports on their findings. Associations actively participate in achieving gender equality, proposing special measures and creating the conditions to achieve gender equality, as well as in compiling gender equality reports. Associations have their representatives in the working body of the Government in charge of gender equality, which is set up and whose members are appointed by the Government<sup>147</sup>.

### *Law on the Prohibition of Discrimination*<sup>148</sup>

The Law on the Prohibition of Discrimination regulates the general prohibition of discrimination, the forms and cases of discrimination, as well as the methods of protection against discrimination. This Law establishes the Commissioner for the Protection of Equality, as an autonomous

141 Art. 16. of the Law on Gender Equality.

142 Art. 17. of the Law on Gender Equality.

143 Art. 32. of the Law on Gender Equality.

144 Art.37. of the Law on Gender Equality.

145 Art. 39. of the Law on Gender Equality.

146 Art. 40.of the Law on Gender Equality.

147 Art. 42. of the Law on Gender Equality.

148 "The Official Gazette of the Republic of Serbia", No. 22/2009, available at: [https://www.paragraf.rs/propisi/zakon\\_o\\_zabrani\\_diskriminacije.html](https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html).

state agency, independent in carrying out the tasks prescribed by this Law. The Law prohibits “discrimination” and “discriminatory treatment”, inter alia, on the grounds of race, skin color, national affiliation or ethnic origin, gender, gender identity, sexual orientation, health, disability, marital and family status, age, and other real or presumed personal characteristics. The prohibition of discrimination is based on the principle of equality. The forms of discrimination are direct and indirect discrimination, as well as violation of the principle of equal rights and responsibilities, calling to account, association in order to perform an act of discrimination, hate speech, and harassment and humiliating treatment. Discrimination on the grounds of gender is specified as a special case of discrimination.

- Special measures introduced in order to achieve full equality, protection and advancement of an individual or a group of individuals who are in an unequal situation shall not be considered to constitute discrimination<sup>149</sup>.
- It is forbidden to discriminate in the sphere of labor; that is: to violate the principle of equal opportunities to gain employment or to enjoy under equal conditions all the rights pertaining to the sphere of labor, such as the right to employment, free choice of employment, career advancement, professional development and professional rehabilitation, equal pay for work of equal value, to fair and satisfactory working conditions, to paid vacation, to education, the right to join a trade union, as well as to protection from unemployment<sup>150</sup>.
- Discrimination occurs in case of engaging in conduct contrary to the principle of the equality of the genders; that is, the principle of observing the equal rights and freedoms of women and men in the political, economic, cultural and other aspects of public, professional, private and family life. It is prohibited to deny rights or to grant privileges, either openly or covertly, based on gender or for the reason of sex-change. It is prohibited to practice physical or any other form of violence, exploitation, hate speech, disparagement, blackmail and sexual harassment, as well as to openly advocate, support and engage in conduct in keeping with prejudices, traditions and other social patterns of behavior based on the idea of gender inferiority or superiority, that is, the stereotyped roles of the genders<sup>151</sup>.

### *Law on Local Self-Government*<sup>152</sup>

The Law on Local Self-Government further elaborates the provisions of the Constitution pertaining to the competences of local self-government unit and its bodies. Thus creating a legal framework for the LSU to elaborate and regulate in more detail in its general documents of enactment the general regulations stipulated in this Law and the Law on Gender Equality, these provisions, stemming from the Constitution, ratified international treaties, the Law on Gender Equality, the Law on the Prohibition of Discrimination and other laws which set out the fundamental rules for the implementation of the principles of equal opportunities and gender equality and protection against discrimination.

General official documents of the LSU (the Statute, decisions and other official documents of general nature) thus regulate the status of gender equality mechanism; competences of the mechanism; procedures and methods of the participation of gender equality mechanism in decision-making and its functioning. Precise regulation of the status and competences of the local gender mechanism is of the essence for the functioning, continuity in functioning and stability of the local gender equality mechanism, while the procedures are fundamental in defining the

---

149 Art. 14. of the Law on the Prohibition of Discrimination.

150 Art. 16. of the Law on the Prohibition of Discrimination.

151 Art. 20. of the Law on the Prohibition of Discrimination

152 “Official Gazette of the Republic of Serbia”, No. 129/2007, 83/2014 - other law and 101/16 - other law.

methods of its involvement in the process of decision-making and adoption of decisions and development plans.

- The basic legal document of a local self-government unit is its Statute. The Statute regulates in particular: the rights and duties of a local self-government unit and the manner of their realization; the number of councilors of the Assembly of the local self-government unit; the organization and work of authorities and departments of the local self-government unit; the manner in which the citizens shall administer the affairs within the scope of competences of the local self-government unit; the establishment and functioning of local communities and other forms of local self-government; the conditions for launching civic initiatives; and other issues of significance for the local self-government unit<sup>153</sup>.
- The Municipality, through its authorities, and in accordance with the Constitution and the law, performs, *inter alia*, the following duties: adopts development plans; adopts urban planning strategies; approves the budget and balance sheet of the budget; adopts programs and implements projects for local economic development, and sees to the advancement of the general framework for economic activities in the local self-government unit; sees to environmental protection; adopts programs for the proper use and protection of natural resources and environmental protection programs, i.e. local action plans and emergency response plans, in accordance with the strategic documents and its own interests and specificities, and sets and establishes special fees for environmental protection and development; establishes institutions and organizations in the fields of elementary education, culture, primary healthcare, physical culture, sports, child care and protection, and tourism, and monitors and provides for their functioning; establishes social welfare institutions and monitors and provides for their functioning, grants licenses for the commencement of activities of social welfare institutions established by other legal entities and natural persons, determines the fulfilment of conditions for the provision of social welfare services, established norms and standards for the performance of activities of the institutions of which it is the founder, passes regulations on social welfare rights and performs the function of state guardian; organizes carrying out of the activities for the protection of cultural assets of significance for the municipality, encourages the development of cultural and artistic creativity, provides funding for financing and co-financing of cultural programs and projects of significance for the municipality and creates the conditions for the functioning of museums, libraries and other cultural institutions of which it is the founder; adopts basic rules for the protection, utilization and cultivation of agricultural land and secures their implementation, takes care of the utilization of grazing lands and decides on converting areas defined as grazing lands to other uses; encourages and sees to tourism growths and development in its territory and determines the amount of sojourn tax; takes care of the improvement of hospitality industry, handicrafts and trade, regulates working hours, locations where certain activities may be performed and other conditions for their functioning; manages the municipal property and uses state-owned assets and sees to their preservation and expansion; establishes bodies, organizations and services for the need of the municipality and regulates their organization and functioning; provides assistance in developing various forms of self-help and solidarity with persons with special needs and individuals in a substantially unequal position compared to other citizens and encourages activities and provides assistance to organizations of persons with disabilities and other social and humanitarian organizations in its territory; encourages and provides assistance in the development of the system of cooperatives; ensures the exercise, protection and promotion of human rights and individual and collective rights of members of national minorities and ethnic groups; establishes inspection authorities and observes the

153 Art. 11. of the Law on Local Self-Government.

implementation of regulations and other general acts that fall under the competences of the municipality; performs other duties of immediate interest to the citizens, in accordance with the Constitution, law and Statute<sup>154</sup>.

- The Municipal Assembly is the highest municipal authority which performs the fundamental functions of the local government, as established by the Constitution, law and the Statute. The Municipal Assembly is comprised of councilors elected by the citizens in direct elections by secret ballot, in accordance with the law and the Statute of the municipality. The Municipal Assembly is considered to be constituted by the election of the President of the Assembly and the appointment of the Secretary of the Assembly<sup>155</sup>.
- The Municipal Assembly, inter alia, adopts the Statute of the Municipality and the Rules of Procedure of the Assembly; passes the budget and the annual balance sheet of the municipality; adopts development program of the municipality and its particular activities; adopts regulations and other general acts; establishes municipal authorities, public enterprises, institutions and organizations, as stipulated by the Statute of the municipality and supervises their work; appoints and dismisses the Managing and Supervisory Board, appoints and relieves of duty general managers of public enterprises, institutions, organizations and services of which it is the founder, and gives consent to their statutes, in accordance with the law; elects and dismisses the President of the Municipal Assembly, Deputy President of the Municipal Assembly, Deputy President of the Municipality and members of the Municipal Council; appoints and dismisses the Secretary of the Municipal Assembly; performs other duties determined by the law and the Statute<sup>156</sup>.
- The Municipal Assembly establishes standing or temporary working bodies for the consideration of matters that fall under its competences. Working bodies give opinions on the proposed regulations and decisions adopted by the Assembly. The number of working bodies, the selection, rights and duties of the chairperson and members of working bodies are determined by the Municipal Statute<sup>157</sup>.
- The Municipal Assembly has a Chairman. The Chairman of the Assembly organizes the work of the Municipal Assembly, convenes and chairs its sessions and performs other duties determined by the law and the Statute of the Municipality. The Chairman of the Assembly, at the proposal of at least 1/3 of the councilors, is selected from the ranks of councilors for the period of four years by secret ballot, by the majority of votes of the total number of councilors of the Municipal Assembly<sup>158</sup>.
- The President of the Assembly has a deputy, to act in his stead in his absence or when he is prevented from performing his duties. The Deputy Chairman of the Assembly is selected and dismissed in the same manner as the President of the Assembly<sup>159</sup>.
- The Municipal Assembly has a Secretary who is responsible for carrying out professional duties in connection with convening and holding of the sessions of the Assembly and its working bodies, and manages administrative affairs related to their work. The Secretary of the Assembly is appointed, at the proposal of the President of the Assembly, for the period of four years, and may be re-appointed<sup>160</sup>.

---

154 Art. 20. of the Law on Local Self-Government.

155 Art. 28. of the Law on Local Self-Government.

156 Art. 36. of the Law on Local Self-Government.

157 Art. 36. of the Law on Local Self-Government.

158 Art. 38. of the Law on Local Self-Government.

159 Art. 39. of the Law on Local Self-Government.

160 Art. 40. of the Law on Local Self-Government.

- The manner of preparation, chairing and work of the Municipal Assembly session and other issues in relation to the work of the Assembly are regulated by its Rules of Procedure<sup>161</sup>.
- The executive bodies of the Municipality are the President of the Municipality and the Municipal Council<sup>162</sup>.
- The President of the Municipality is elected by the Municipal Assembly, from the ranks of the councilors, for the period of four years, by secret ballot, by the majority of votes of the total number of councilors of the Municipal Assembly. The President of the Municipality has a Deputy, to act in his stead in his absence or when he is prevented from performing his duties. The President of the Municipal Assembly proposes the candidate for the President of the Municipality. The candidate for the President of the Municipality proposes the candidate for the Deputy President of the Municipality from the ranks of the councilors, who is elected in the same manner as the President of the Municipality.<sup>163</sup>
- The president of the Municipality represents and advocates the interests of the Municipality; proposes the manner in which the issues on which the Municipal Assembly is to decide are to be addressed; issues instructions for the execution of the budget; directs and coordinates the work of the municipal administration; passes individual acts for which he is authorized by law, the Statute or the decision of the Municipal Assembly; performs other duties determined by the Statute and other municipal acts<sup>164</sup>.
- The Municipal Council consists of the President of the Municipality, Deputy President of the Municipality, and members of the Municipal Council whose number is determined by the Statute of the Municipality and who are elected by the Municipal Assembly, for the period of four years, by secret ballot, by the majority of votes of the total number of councilors. Candidates for the members of the Municipal Council are proposed by the candidate for the President of the Municipality. When it decides on the election of the President of the Municipality, the Municipal Assembly decides at the same time on the election of the Deputy President of the Municipality and members of the Municipal Council. President of the Municipality is the President of the Municipal Council. Deputy President of the Municipality is a member of the Municipal Council by virtue of his office. The number of Municipal Council members, who are elected by the Municipal Assembly at the proposal of the President of the municipality, may not exceed 11.<sup>165</sup>
- The Municipal Council: proposes the Statute, budget and other decisions and acts passed by the Assembly; directly executes and sees to the execution of decisions and other acts of the Municipal Assembly; passes the decision on temporary financing in the event that the Municipal Assembly fails to adopt the budget before the beginning of the fiscal year; supervises the work of the Municipal Administration, annuls or revokes the acts passed by the Municipal Administration which are not in compliance with the law, the Statute or other general act or decision that is passed by the Municipal Assembly; decides in the administrative procedure in the second instance about the rights and duties of citizens, enterprises and institutions and other organizations in administrative matters within the competences of the Municipality; sees to the performance of delegated tasks from the scope of the competences of the Republic and the Autonomous Province; appoints and relieves of duty the Head of Municipal Administration, and Heads of Administration in particular fields.<sup>166</sup>

---

161 Art. 41. of the Law on Local Self-Government.

162 Art. 42. of the Law on Local Self-Government.

163 Art. 43. of the Law on Local Self-Government.

164 Art. 44. of the Law on Local Self-Government.

165 Art. 45. of the Law on Local Self-Government.

166 Art. 46. of the Law on Local Self-Government.

- The President of the Municipality is responsible for the legality of work of the Municipal Council. The President of the Municipality has the obligation to suspend the implementation of any decision of the Municipal Council which he considers not to be in accordance with the law.
- The organization, method of functioning and passing of decisions of the Municipal Council are regulated in more detail by its Rules of Procedure, in accordance with this Law and the Statute<sup>167</sup>.
- The President of the Municipality and the Municipal Council submit regular reports to the Municipal Assembly, on their own initiative or at the request by the Municipal Assembly, on the implementation of the decisions and other acts adopted by the Municipal Assembly<sup>168</sup>.
- The Municipal Administration: prepares drafts of regulations and other documents to be passed by the Municipal Assembly, President of the Municipality and the Municipal Council; executes the decisions and other acts passed by the Municipal Assembly, President of the Municipality and Municipal Council; decides in the administrative proceedings in the first instance on the rights and duties of citizens, enterprises and other organizations in administrative matters within the scope of the competences of the Municipality; carries out administrative supervision over the implementation of the regulations and other general acts passed by the Municipal Assembly; implements laws and other regulations the implementation of which is entrusted to the Municipality; performs professional and other duties determined by the Municipal Assembly, President of the Municipality and Municipal Council<sup>169</sup>.
- The Municipal Administration, as a single body, is managed by the Head of Municipal Administration. Within the Municipal Administration established as a single body, internal organizational units may be formed to carry out similar duties<sup>170</sup>.
- The Head of Municipal Administration, and Heads of Administrative Departments in charge of particular fields of work, are appointed by the Municipal Council, by means of a public announcement, for the period of five years. The Head of Municipal Administration may have a Deputy, who acts in his stead in his absence or when he is prevented from performing his duties. The Deputy Head of Municipal Administration is appointed in the same manner and under the same conditions as the Head. Heads of organizational units in the Administration are assigned by the Head of Municipal Administration<sup>171</sup>.
- The Head of Municipal Administration is accountable for his work and the work of the Administration to the Municipal Assembly and Municipal Council, in accordance with the Statute of the Municipality and the Act on the Organization of the Municipal Administration<sup>172</sup>.
- The Statute of the Municipality may provide for the appointment of Assistants to The President of the Municipality in particular areas (e.g. economic development, urban planning, primary healthcare, environmental protection, agriculture, etc.). Assistants to the President of the municipality launch initiatives, propose projects and draft opinions in relation to the matters of importance for the development of the areas of which they have been put in charge, and perform other duties established by the Act on the Organization of Municipal Administration. Assistants to the President of the Municipality are appointed and relieved of duty by the President of the Municipality<sup>173</sup>.

---

167 Art. 47. of the Law on Local Self-Government.

168 Art. 48. of the Law on Local Self-Government.

169 Art. 52. of the Law on Local Self-Government.

170 Art. 54. of the Law on Local Self-Government.

171 Art. 56. of the Law on Local Self-Government.

172 Art. 57. of the Law on Local Self-Government.

173 Art. 58. of the Law on Local Self-Government.

- The Act on the Organization of Municipal Administration is passed by the Municipal Assembly, at the proposal of the Municipal Council. The Act on the Internal Organization and Systematization of Municipal Administration is passed by the Head of Municipal Administration, with the approval of the Municipal Council<sup>174</sup>.
- The City Authorities are: the City Assembly, the Mayor, the City Council and the City Administration<sup>175</sup> and their functioning, competences and organization are regulated by the same provisions of the law which regulate the competences, organization and functioning of the Municipality and municipal authorities<sup>176</sup>.
- For the purpose of meeting the needs and interests of the local population local communities or other forms of local self-government may be established in villages. Local communities and other forms of local self-government may be also established in towns and cities (e.g. districts, quarters, boroughs, etc.). One local community may also be established for two or more villages<sup>177</sup>.
- The Acts of the local community, or another form of local self-government, in accordance with the Statute of the Municipality/City and the Founding Act, determine the duties performed by the local community, its bodies and the procedure for their election, the organization and functioning of these bodies, the manner in which decisions are passed, and other matters of importance for the functioning of the local community, or another form of local self-government<sup>178</sup>.
- Resources for the functioning of the Local Community or another form of local self-government are provided from: the funds determined by the Decision on the Municipal/City Budget, including local voluntary tax; donations; income that the Local Community or another form of local self-government may realize through its activities<sup>179</sup>.
- By the Decision of the Municipal Assembly or City Assembly, all or individual Local Communities may be entrusted with the performance of certain duties within the competences of the Municipality/City, with the provision of the necessary funds. For the performance of particular tasks falling under the Municipal/City Administration competences, especially those pertaining to the exercise of citizens' rights, the work of the Municipal Administration may be organized in local communities.<sup>180</sup>

### *Law on the Election of Members of the Parliament*<sup>181</sup>

The Law on the Election of Members of the Parliament introduces quotas for the less represented gender, as affirmative measures, and prescribes that every third place on the electoral list should be set aside for a candidate of a less represented gender<sup>182</sup>.

174 Art. 59. of the Law on Local Self-Government.

175 Art. 65. of the Law on Local Self-Government.

176 Art. 66. of the Law on Local Self-Government.

177 Art. 72. of the Law on Local Self-Government.

178 Art. 74. of the Law on Local Self-Government.

179 Art. 75. of the Law on Local Self-Government.

180 Art. 77. of the Law on Local Self-Government.

181 "Official Gazette of the Republic of Serbia", No. 35/00, 57/03, 72/03, 75/03, 18/04, 101/05, 85/05, 28/11, 36/11 and 104/09.

182 Art. 40a of the Law on the Election of Members of the Parliament.

### *Law on Local Elections*<sup>183</sup>

The Law on Local Elections stipulates that among every three candidates on the electoral list, in due order (the first three places, second three places, and so on until the end of the list) there must be at least one candidate of the gender less represented on the list<sup>184</sup>.

- The same person may be a candidate for councilor on one on one electoral list only. The submitter of the electoral list shall determine the order of candidates on the list.
- Among every three candidates on the electoral list (the first three places, the second three places, and so on until the end of the list) there must be at least one candidate of the gender less represented on the list. If the electoral list is not in compliance with this requirement, it shall be considered to contain deficiencies for proclamation, and the submitter of the list shall be called in accordance with this Law to correct the deficiencies of the list. If the submitter of the list fails to eliminate the shortcomings, the Election Commission shall deny the proclamation of electoral list<sup>185</sup>.

### *Law on the Budget System*<sup>186</sup>

Amendments to the Law on the Budget System of 2015<sup>187</sup> introduce program budgeting and prescribe the obligation to gradually introduce gender-responsive budgeting in the Republic of Serbia by the year 2020. Gender-responsive budgeting is defined as the introduction of gender mainstreaming into the budgeting process, and involves gender assessment of the budget and restructuring of revenues and expenditures with the aim to enhance gender equality<sup>188</sup>. The Law also prescribes that the instruction for the preparation of the local government budget shall include the manner in which the gender analysis of the budget will be reflected<sup>189</sup>. This Law also defines the obligations of the LSU to set out in the process of budget preparation gender-responsive objectives, activities and indicators in the budget programs<sup>190</sup>. As this involves the reform of public finances, which, in addition to the legal obligation, also requires support for the implementation (improvement of capacities, instructions, etc.), the Ministry of Finance and the Standing Conference of Towns and Municipalities have formulated budget preparation guidelines for LSUs for the preparation of gender-responsive budget programs<sup>191</sup>.

- Gender-responsive budgeting is the introduction of the principle of gender equality in the budget process, which implies gender analysis of the budget and restructuring of revenues and expenditures in order to promote gender equality<sup>192</sup>;
- In the course of budget preparation and execution the priority budgeting objectives shall be macroeconomic stability, low inflation, and economic development, stimulation of regional development and mitigation of financial risk of the Republic of Serbia.

---

183 "Official Gazette of the Republic of Serbia", No. 129/07, 34/10 – Decision of the Constitutional Court and 54/11.

184 Art. 20. Para. 3 of the Law on Local Elections.

185 Art. 20. of the Law on Local Elections.

186 "Official Gazette of the Republic of Serbia", No. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013 – corr., 108/13, 142/14, 68/15 – another law, 103/15, 99/16 и 113/17.

187 "Official Gazette of the Republic of Serbia", No. 103/15.

188 Art. 2 of the Law on the Budget System.

189 Art. 40 of the Law on the Budget System.

190 Art. 28 of the Law on the Budget System.

191 Available at: <http://skgo.org/files/fck/File/2017/April/MFIN%2031032017%20plan%20i%20uputstvo%20za%202017.pdf>  
<http://skgo.org/files/fck/File/2017/MArt/30.3./Rodno%20odgovorno%20budzetiranje%20na%20lokalu%20-%20dopis%20SKGO%20za%20JLS.pdf>.

192 Art. 2. of the Law on the Budget System.

- In the course of budget preparation and execution the principles of efficiency, cost-effectiveness, publicity, comprehensiveness, accuracy and unique budget classification must be observed<sup>193</sup>.

#### *Law on Patients' Rights*<sup>194</sup>

- The protection of patients' rights is provided by the local self-government unit, by appointing a person to carry out the function of the Advisor for the Protection of Patients' Rights and by setting up the Health Council.<sup>195</sup>
- In accordance with the law regulating local self-government units, the Health Council, in addition to the tasks determined by the statute or by the decision of the local self-government unit, also performs specific tasks in the area of protection of patients' rights, and, inter alia, considers the reports of the Patients' Rights Advisor, monitors the exercise of patients' rights in the territory of the local self-government unit and proposes measures for the protection and promotion of patients' rights; submit an annual report on its activities and measures taken for the protection of patients' rights to the appropriate body of the local self-government unit, as well as to the Ministry of Health, and in the territory of the Autonomous Province also to the body in charge of health affairs. For the purpose of provision of information and realization of the necessary cooperation, the report referred to in Paragraph 1, Item 4) shall be submitted to the Protector of Citizens (Ombudsman).
- The Health Council, in addition to the local self-government representatives, is composed of representatives of associations of citizens from the ranks of patients, health institutions from the territory of the local self-government unit, as well as the appropriate branches of the Republic Health Insurance Fund<sup>196</sup>.

#### *National Gender Equality Strategy (2016 - 2020)*<sup>197</sup> and the accompanying Action Plan for its implementation (2018 - 2020)

The Republic of Serbia adopted the National Gender Equality Strategy (2016 - 2020) and the accompanying Action Plan for the implementation of the Strategy (2018 - 2020). The Strategy sets the priorities and five year objectives in the sphere of gender equality. The Action Plan defines the measures to be implemented by a number of actors, including LSU, in order to contribute, within the scope of the three Strategic Goals, to the achievement of gender equality and advancement of women, including the women from vulnerable groups (Roma women, young women, rural women, single mothers, women with disabilities).

The National Strategy Goals are: changed gender patterns and improved gender equality culture; increased equality of women and men by implementation of equal opportunities policies and measures; system-wide gender mainstreaming in the public policies adoption, implementation and monitoring processes.

The National Action Plan, within the scopes of the Strategic Goals 1 and 3, envisages further strengthening of gender equality mechanisms through the enhancement of their capacities, development of gender-sensitive statistics, introduction of gender-responsive budgeting, but also through the measures within the scope of the Strategic Goal 2, aimed at the improvement of the

193 Art. 4. of the Law on the Budget System.

194 "Official Gazette of the Republic of Serbia", No. 45/13.

195 Art. 38. of the Law on Patients' Rights.

196 Art. 42. of the Law on Patients' Rights.

197 The Strategy and Action Plan are available at: <http://www.mgsi.gov.rs/lat/dokumenti/nacionalna-strategija-za-rodnu-ravnopravnost-za-period-od-2016-do-2020-godine-sa-akcionim>.

status of women. Local Self-Government Units are the main carriers of, or partners in the implementation of the activities, especially in the part pertaining to participation of women from rural communities on decision-making, support to women in agriculture, access to training and lifelong learning, access to healthcare services, combating child marriages, etc.

*Specific objective 2.2. – Equal participation of women and men in public and political decision-making*

- The key prerequisite of a democracy is to ensure that women and men have equal opportunities and equal access to positions of power and decision-making in all spheres and at all levels of public and political life, including the executive power level, and in the spheres in which women are underrepresented (economy, security, energy industry, traffic and transportation services, sports and diplomatic service).

Measures for achieving the objective:

- Introduce a legally mandated quota of at least 40% seats for women in elected representative bodies at all levels and introduce special measures to create an environment conducive to the participation of women from vulnerable groups.
- Amend the law to ensure that, in case of change of the mandate-holder after the elections, a female mandate-holder is replaced by the next female mandate-holder on the electoral list.
- Ensure conditions for the functioning of women's forums in political parties, while creating at the same time a favorable environment for the equal participation of women from vulnerable groups.
- Strengthen the Women's Parliamentary Network and enhance its influence by establishing internal parliamentary procedures that will enable consultations on issues relevant for gender equality.
- Incorporate gender equality into the special principles for the election of National Councils in the Law on the Election of National Councils of National Minorities, observing the minimum 30% quota for the less represented sex on the lists of candidates and the distribution of mandates according to the order on the list.
- Stipulate legally-mandated special measures and quotas to ensure the equal participation of women and men in all bodies of the executive branch of administration at the national, provincial and local levels.
- Identify and take special measures to create the conditions for greater participation of women in decision-making positions in the state administration, state agencies and public enterprises.
- Formulate and take special measures to increase the representation of women in the areas of security, technological development, energy industry, infrastructure, traffic and transportation, sports, and other areas in which they are underrepresented, including the highest levels of the diplomatic service.
- Employ special measures to create the conditions for greater participation of women in designing, implementation and overseeing of economic and development policies at all levels and in all phases.
- Create the conditions for equal representation of women and men in state delegations accredited to international and regional organizations.

***Specific objective 2.5 – Women and men in rural areas actively and equally contribute to development and have equal access to development results***

- Eliminate regulations and practices discriminating against the access of women to agriculture, property and other resources and promote the equal rights of women to inherit real estate and other property.
- Combat stereotypes on the role of rural women.
- Create the conditions for equal participation of women in decision-making at the level of local communities and development of programs at the local level.
- Encourage and support the establishment and functioning of women's associations in rural areas, their networking and exchange of experiences, and communication with gender equality mechanisms at the national, provincial and local levels.
- Take measures to combat the forms of discrimination faced predominantly by rural women, particularly women from vulnerable groups such as Roma women, women with disabilities, older women, etc.
- Introduce incentives for local self-governments which invest in the development of infrastructure in rural areas, including public transportation, to increase availability of services and programs, and the mobility of rural women.

***Specific objective 2.6 – Improve the position of women discriminated against on multiple grounds and women from vulnerable groups***

- Introduce into legislation the concept of multiple discrimination, and grant access to justice and fair compensation to the victims.
- In the course of preparation and development of new strategic documents, from the national to the local level, carry out an *ex ante* analysis of the impact of their effects on the position of vulnerable groups.
- Create the conditions for local self-government units to implement incentive measures to improve the position of women, in particular those from vulnerable groups, in their communities.
- Ensure the conditions for Roma women to exercise both their active and passive voting rights (raising awareness and motivation).
- Identify and apply special measures to create the conditions from greater participation of women and men from vulnerable groups in all bodies of the executive and public authorities at all levels.

***Specific objective 3.1 – Established functional gender equality mechanisms at all levels***

- Establish gender equality mechanisms in all public administration bodies at all levels and secure resources and capacities for their functioning.
- Ensure participation of gender equality mechanisms in decision-making in all spheres, and create the conditions for their influence in the formulation of public policies.
- Draft specific and centrally-coordinated operational guidelines for institutional gender equality mechanisms at the local level. Introduce the measure of mandatory appointment of a sector member of the city and/or municipal council in charge of gender equality issues, as well as professional services competent exclusively for this field which are comprised of

experts independent of potential changes in the composition of leading local political structures. Secure the material, financial and human resources for their activities.

- Create the conditions for adequate human, technical and financial resources for the institutional mechanisms at the national, provincial and local levels, as well as political support, in order to facilitate efficient execution of their functions.
- Appoint persons in charge of gender equality, coordinators for gender equality affairs in all ministries and public authorities, to also act as focal points for communication with the Gender Equality Coordination Body.
- Continuously strengthen the capacities of institutional mechanisms through the provision and implementation of education programs.
- Establish an efficient mechanism for cooperation and communication at the national, provincial and local levels, in particular with other relevant government and non-government stakeholders (the National Assembly and other public authorities, state institution in the fields of judiciary, security, healthcare, education, etc.; independent bodies for the protection of human rights and equality, the academic community, business sector, trade unions, women's and other associations, media, etc.)
- Coordinate active representation and participation in the activities of the United Nations bodies, agencies, working bodies and other UN mechanisms.

#### *Specific objective 3.4: Gender-sensitive statistics and records*

Measures for achieving the objective:

- Create the conditions for keeping of gender-sensitive statistics in all fields based on the same methodology in order to make the data comparable; statistical data should be segregated not only by sex, but also by age, location, national or ethnic origin, disability, language, education and other bases of social vulnerability, as well as by region.
- Ensure the definitions and concepts on which the statistics is based take into account the differences in gender roles of women and men.
- Ensure that data collection methods take into account gender stereotypes and cultural and social patterns that may affect the generation of gender prejudices.
- Create the conditions the implementation of legal provisions with the aim to obligate the state authorities, institutions and institutes, as well as companies and local self-governments to collect and keep records of gender disaggregated data.
- Define gender indicators by sector to measure the impact of policies, programs and measures on changes in the relations between women and men, as well as to monitor the achievement of gender equality objectives.
- Regularly present and publish the Gender Equality Index.

#### *Specific objective 3.5 – Gender-responsive budgeting*

Measures for achieving the objective:

- Develop and adopt a normative framework for gender-responsive budgeting.
- Stipulate the mandatory gender-responsive budgeting in the Law on the Budget System.
- Integrate the instruction for gender-responsive budgeting in the guidelines for budget preparation.

- Establish a working group for the implementation of gender-responsive budgeting initiative.
- Define and adopt the phases for the introduction of gender-responsive budgeting.
- Provide training on gender-responsive budgeting for the employees in state administration, in particular for men and women who create the budget, for budget analysts, as well as for those employed in the institutions and other agencies funded from the budget.
- Conduct an assessment of the impact of the budget in relation to gender to determine whether it produces different effects on women and men.
- Promote the principles of gender equality and gender-responsive budgeting in the allocation of public funds by way of public calls and competitions.

### *Specific objective 3.6 – Established mechanisms for the cooperation with associations*

Measures for achieving the objective:

- Ensure formal and informal dialog and periodic consultations between institutional mechanisms at all levels and relevant associations, particularly women's associations, through a formal mechanism for the cooperation in the implementation of the strategy.
- Include in the cooperation associations dealing with the status of vulnerable groups.
- Encourage and support associations to more often make use in the projects they implement of the objectives and measures set out in this strategy, and to exchange examples of good practices.

### *National action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2017-2020)<sup>198</sup>*

Serbia has ratified the **UN Security Council Resolution 1325 – Women, Peace and Security** and adopted in May of 2017 the second National Action Plan for the Implementation of this Resolution<sup>199</sup>. The main focus of the Action Plan is on the participation of women's associations in the preservation of peace and security, as well as in the creation of security policies at the local level, which is of particular relevance for LSUs.

- Specific objective: Developed preventive mechanisms to increase the security of women in peace, conflict and post-conflict rehabilitation of society in the country and abroad.
- Specific objective: Enhanced system of support to the recovery of women who have suffered any form of threat to security in the post-conflict rehabilitation of society, crisis and emergency situations.

<sup>198</sup> The first Action Plan for the period 2010 – 2015 has been implemented and evaluation of the implementation carried out. The current Action Plan is available at: [http://www.mod.gov.rs/multimedia/file/staticki\\_sadrzaj/dokumenta/akcioni\\_planovi/2017/Zakljucak%20Vlade%20o%20usvajanju%20NAP%20za%20primenu%20R\\_1325%20SB%20UN%20u%20R\\_Srbiji.pdf](http://www.mod.gov.rs/multimedia/file/staticki_sadrzaj/dokumenta/akcioni_planovi/2017/Zakljucak%20Vlade%20o%20usvajanju%20NAP%20za%20primenu%20R_1325%20SB%20UN%20u%20R_Srbiji.pdf).

<sup>199</sup> The first Action Plan for the period 2010 – 2015 has been implemented and evaluation of the implementation carried out. The current Action Plan is available at: [http://www.mod.gov.rs/multimedia/file/staticki\\_sadrzaj/dokumenta/akcioni\\_planovi/2017/Zakljucak%20Vlade%20o%20usvajanju%20NAP%20za%20primenu%20R\\_1325%20SB%20UN%20u%20R\\_Srbiji.pdf](http://www.mod.gov.rs/multimedia/file/staticki_sadrzaj/dokumenta/akcioni_planovi/2017/Zakljucak%20Vlade%20o%20usvajanju%20NAP%20za%20primenu%20R_1325%20SB%20UN%20u%20R_Srbiji.pdf).

*Strategy for the Prevention and Protection against Discrimination  
and the accompanying Action Plan<sup>200</sup>*

**4.3.4. Measures**

- 1) Improve the implementation of international treaties ratified by the Republic of Serbia, related to the prohibition of discrimination against women and gender equality;
- 2) Harmonize the existing legal framework with the standards for the prevention of discrimination against women contained in the European Union directives, particularly Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation;
- .....
- 4) Improve and secure the implementation of the Law on the Prohibition of Discrimination and the Law on Gender Equality;
- 5) Improve the existing legislative framework in the fields of labor and employment, personal and family life, education, healthcare and participation of women in political life, as well as in protection from violence, advertising and public information, and harmonize them with the prohibition of discrimination and the principle of equality and equal rights;

**4.3.5. Specific objectives**

o **4.3.5.4. Political and public life**

Make necessary amendments to existing laws that will ensure equal participation of women in political life and remove obstacles that lead to discrimination and unequal position of women in this field. Provide a proactive approach in the affirmation of women's participation in political life. Ensure equal participation of women in the creation and implementation of government policy. Create opportunities that women, in the same way as men, may hold public office and exercise public functions at all levels of administration. Ensure equal participation of women in representing the Government at the international level and in the work of international organizations.

*Action Plan for the Implementation of the Strategy for the Prevention and Protection  
against Discrimination for the Period 2014 - 2018<sup>201</sup>*

- Special measures pertaining to vulnerable groups
3. Women –gender equality: Ensure full implementation of the Law on gender Equality and make necessary amendments to this Law

Activities: 1. Continue to monitor the implementation of the Law on Gender Equality and follow up the analysis of most frequent violations of this Law. 2. Prepare Draft Law on the Amendments to the Law on Gender Equality to introduce special measures that facilitate full equality and advancement of the situation of women, and new quotas for the less represented sex in public administration authorities.

---

200 "Official Gazette of the Republic of Serbia", No. 60/13; available at: [http://www.srbija.gov.rs/vesti/dokumenti\\_sekcija.php?id=45678](http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678).

201 Available at: [http://www.ljudskaprava.gov.rs/sites/default/files/dokument\\_file/akcioni\\_plan\\_-\\_srpski.pdf](http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/akcioni_plan_-_srpski.pdf)

4. Women- gender equality: Ensure full implementation of the Law on the Election of Members of the Parliament and the Law on Local Elections for cases of termination of office in relation to gender equality.

*Strategy for Social Inclusion of Roma in the Republic of Serbia  
for the period from 2016 to 2025*<sup>202</sup>

***Operational objective 6: Increase the number of Roma men and women employed in public administration***

The treaties and regulations that follow do not have an official translation into the Serbian language, and are therefore given in their original version in the English language:

*Convention on the Political Rights of Women*<sup>203</sup>

- Women shall be entitled to vote in all elections on equal terms with men, without any discrimination<sup>204</sup>. Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination<sup>205</sup>. Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination<sup>206</sup>.

***Resolution (A/58/501) 58/142. Women and political participation***<sup>207</sup> (UN General Assembly)

The General Assembly,

.....

1. Urges States:

- (a) To promote and protect the right of women to associate freely, express their views publicly, openly debate political policy and petition and participate in their Government at all levels, including in the formulation and implementation of government policy, on equal terms with men;

...

- (e) To promote the goal of gender balance in all public positions and to take all appropriate measures to encourage political parties to ensure that women have a fair and equal opportunity to compete for all elective and non-elective public positions;

- (f) To review the differential impact of their electoral systems on the political representation of women in elected bodies and to adjust or reform those systems where appropriate;

...

- (h) To monitor progress in the representation of women through the regular collection, analysis and dissemination of data on the political participation of women and men at all

202 Available at: [http://www.srbija.gov.rs/vesti/dokumenti\\_sekcija.php?id=45678](http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678).

203 Available at: [http://www.un.org.ua/images/Convention\\_on\\_the\\_Political\\_Rights\\_of\\_Women\\_eng1.pdf](http://www.un.org.ua/images/Convention_on_the_Political_Rights_of_Women_eng1.pdf)

204 Article I

205 Article II

206 Article III

207 Available at: [http://dag.un.org/bitstream/handle/11176/246737/A\\_RES\\_58\\_142-EN.pdf?sequence=3&isAllowed=y](http://dag.un.org/bitstream/handle/11176/246737/A_RES_58_142-EN.pdf?sequence=3&isAllowed=y).

levels and the progress of political parties in providing equal and fair opportunities for women to participate;

...

(k) To encourage greater involvement of indigenous and other marginalized women in decision-making at all levels and to address and counter the barriers faced by marginalized women in accessing and participating in politics and decision-making;

2. Invites Governments, as well as the private sector, non-governmental organizations and other actors of civil society:

(a) To develop mechanisms and training programmes that encourage women to participate in the electoral process and improve women's capacity to cast informed votes in free and fair elections;

(b) To encourage political parties to remove all barriers that directly or indirectly discriminate against the participation of women, in order to ensure that women have the right to participate fully at all levels of decision-making in all internal policy-making structures and nominating processes and in the leadership of political parties on equal terms with men;

(c) To encourage political parties to actively seek qualified women candidates, to provide training in conducting campaigns, public speaking, fund-raising and parliamentary procedure and to include qualified women and men on their party lists for elective office, where such lists exist;

...

(e) To support initiatives, including public-private partnerships and exchange programmes, to expand women's political skills, which include imparting or enhancing skills on how to vote, advocate, manage and govern, run for public office and serve as elected and appointed officials;

...

(h) To intensify efforts to increase the number of women in public bodies, including through research into barriers to women's access to high-level public appointments;

...

(k) To promote equal opportunities for women to gain appointment to advisory and decision-making bodies and promotion to senior positions by, inter alia, reviewing the criteria for recruitment, appointment and promotion, to ensure that such criteria are relevant to and do not discriminate against women;

### *Beijing Declaration and Beijing Platform for Action*<sup>208</sup>

#### *Beijing Declaration*

- It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women;

---

208 Available at: <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

- The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations and community-based organizations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the Platform for Action;

...

- Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;

### *Beijing Platform for Action*

#### *Chapter IV Strategic Objectives and Action*

##### G. Women in power and decision-making

#### *Strategic objective G.1. - Take measures to ensure women's equal access to and full participation in power structures and decision-making*

##### **Actions to be taken**

190. By Governments:

- (a) Commit themselves to establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions;
- (b) Take measures, including, where appropriate, in electoral systems that encourage political parties to integrate women in elective and non-elective public positions in the same proportion and at the same levels as men;
- (c) Protect and promote the equal rights of women and men to engage in political activities and to freedom of association, including membership in political parties and trade unions;
- (d) Review the differential impact of electoral systems on the political representation of women in elected bodies and consider, where appropriate, the adjustment or reform of those systems;
- (e) Monitor and evaluate progress in the representation of women through the regular collection, analysis and dissemination of quantitative and qualitative data on women and men at all levels in various decision-making positions in the public and private sectors, and disseminate data on the number of women and men employed at various levels in Governments on a yearly basis; ensure that women and men have equal access to the full range of public appointments and set up mechanisms within governmental structures for monitoring progress in this field;

...

- (g) Encourage greater involvement of indigenous women in decision-making at all levels;

191. By political parties:

- (a) Consider examining party structures and procedures to remove all barriers that directly or indirectly discriminate against the participation of women;
- (b) Consider developing initiatives that allow women to participate fully in all internal policy-making structures and appointive and electoral nominating processes;
- (c) Consider incorporating gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men.

192. By Governments, national bodies, the private sector, political parties, trade unions, employers' organizations, research and academic institutions, subregional and regional bodies and non-governmental and international organizations:

- (a) Take positive action to build a critical mass of women leaders, executives and managers in strategic decision-making positions;
- (b) Create or strengthen, as appropriate, mechanisms to monitor women's access to senior levels of decision-making;
- (c) Review the criteria for recruitment and appointment to advisory and decision-making bodies and promotion to senior positions to ensure that such criteria are relevant and do not discriminate against women;

...

- (f) Restructure recruitment and career-development programmes to ensure that all women, especially young women, have equal access to managerial, entrepreneurial, technical and leadership training, including on-the-job training;

*Strategic objective G.2. Increase women's capacity to participate in decision-making and leadership.*

**Actions to be taken**

195. By Governments, national bodies, the private sector, political parties, trade unions, employers' organizations, subregional and regional bodies, non-governmental and international organizations and educational institutions:

- (a) Provide leadership and self-esteem training to assist women and girls, particularly those with special needs, women with disabilities and women belonging to racial and ethnic minorities to strengthen their self-esteem and to encourage them to take decision-making positions;
- (b) Have transparent criteria for decision-making positions and ensure that the selecting bodies have a gender-balanced composition;

...

- H. Institutional mechanisms for the advancement of women
- Strategic objective H.1. Create or strengthen national machineries and other governmental bodies

**Actions to be taken**

203. By Governments:

- (a) Ensure that responsibility for the advancement of women is vested in the highest possible level of government; in many cases, this could be at the level of a Cabinet minister;
- (b) Based on a strong political commitment, create a national machinery, where it does not exist, and strengthen, as appropriate, existing national machineries, for the advancement of women at the highest possible level of government; it should have clearly defined mandates and authority; critical elements would be adequate resources and the ability and competence to influence policy and formulate and review legislation; among other things, it should perform policy analysis, undertake advocacy, communication, coordination and monitoring of implementation;
- (c) Provide staff training in designing and analysing data from a gender perspective;
- (d) Establish procedures to allow the machinery to gather information on government-wide policy issues at an early stage and continuously use it in the policy development and review process within the Government;
- (e) Report, on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns, taking into account the implementation of the Platform for Action;
- (f) Encourage and promote the active involvement of the broad and diverse range of institutional actors in the public, private and voluntary sectors to work for equality between women and men.

*Resolution 176 (2004)<sup>1</sup> on gender mainstreaming at local and regional level: a strategy to promote equality between women and men in cities and regions<sup>209</sup>*

- 15. Calls on local and regional authorities to:
  - b. evaluate the current situation of men and women – including by collecting statistics (gender disaggregated statistics) in order to assess the impact that gender has on who benefits, or who does not, from particular policies;
  - e. adopt a gender equality policy and develop local and regional action plans to implement equality between women and men and to promote gender mainstreaming as a strategy, in the framework of the definition, implementation and evaluation of the policies and actions carried out by municipalities and regions;
  - f. adopt the recommendations and specific measures outlined in Recommendation Rec(2003)3 of the Committee of Ministers on balanced participation of women and men in political and public decision-making to increase the Resolution 176 2 participation of women and men in all decisions that affect them;

*Recommendation Rec(2003)3 on the balanced participation of women and men in political and public decision-making*

- Recommends that the governments of member states:
  - II. protect and promote the equal civil and political rights of women and men, including running for office and freedom of association;
  - III. ensure that women and men can exercise their individual voting rights and, to this end, take all the necessary measures to eliminate the practice of family voting;

<sup>209</sup> Available at: <https://rm.coe.int/09000016807191f2>.

- IV. review their legislation and practice, with the aim of ensuring that the strategies and measures described in this recommendation are applied and implemented;
- V. promote and encourage special measures to stimulate and support women's will to participate in political and public decision making;
- VI. consider setting targets linked to a time scale with a view to reaching balanced participation of women and men in political and public decision making;
- ...

### *Appendix to Recommendation Rec(2003)3*

- For the purpose of this recommendation, balanced participation of women and men is taken to mean that the representation of either women or men in any decision-making body in political or public life should not fall below 40%.
- On this basis, the governments of member states are invited to consider the following measures:
  - A. Legislative

### *Recommendation CM/Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms adopted on 21 November 2007 and explanatory memorandum<sup>210</sup>*

- 6. Elements indicating states' political will and commitment to gender equality in this regard include the following:
  - i. regular assessment of the relative percentages of women and men in leading bodies at all levels of the organisation and functioning of society, including leading bodies of political and administrative institutions and of civil society organisations (political parties, social partners, youth organisations, academic institutions, private sector organisations, etc.);
  - ii. existence of mandatory/voluntary gender equality plans in political and administrative institutions and in civil society organisations, including private sector organisations, and the adoption of norms/guidelines to achieve balanced participation of women and men in their leading bodies, including targets and timeframes of implementation;
  - iii. existence of and support to research and policy-related analytical studies on women's participation at the different levels of these institutions and organisations, including at decision-making level, on obstacles/barriers which prevent women's access to decision-making and on effective strategies to promote that participation.
- 31. Participation in political and public life is a basic right of citizenship and must be enjoyed by women and men on a parity basis. The balanced participation of both sexes at all levels of political and public life, including at decision-making level, is therefore a requirement of human rights that can ensure the better functioning of a democratic society.
- 32. The existence and regular functioning of a parity democracy is also a guarantee that women's and men's interests and needs are fully taken into account in policy making and in the running of society. In achieving the goal of equal participation of women and men, a minimum participation rate of 40% for each sex is considered as the parity threshold to be attained.

---

210 Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805d4aa3](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d4aa3).

- 33. Elements indicating states' political will and commitment to gender equality in this regard include the following:
  - i. ratification and full implementation of relevant international treaties, taking particularly into account Articles 7 and 8 of CEDAW, together with General Recommendation No. 23 on political and public life adopted by the Committee on the Elimination of Discrimination against Women, and Article 25 of the ICCPR;
  - ii. full implementation of relevant international non-binding legal instruments, in particular Article 21 of the UDHR and Recommendation Rec(2003)3 of the Committee of Ministers of the Council of Europe on balanced participation of women and men in political and public decision making, as well as of strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in regard to the electoral system, that may guarantee in particular Section G (women in power and decision making);
  - iii. adoption/existence and implementation of norms, legal or administrative, including balanced participation of women and men in elected assemblies or bodies;
  - iv. adoption/existence and enforcement of laws/regulations or other initiatives aiming at balanced participation of women and men in government appointed posts;
  - v. adoption/existence and implementation of equality plans in decision-making bodies in political and public life, including senior management of public administration, judiciary, diplomacy, etc., and the setting of progressive timeframes;
  - vi. regular assessment of the participation of women and men in decision-making bodies, both elected and appointed, including percentages of members of each sex in these bodies and identification of obstacles encountered and strategies needed to overcome the identified barriers;
  - vii. existence of capacity building and training programmes aimed at political participation and representation on a parity basis, for both women and men, and in particular for youth groups and other relevant audiences;
  - viii. regular monitoring of progress towards gender balance within political parties, particularly in regard to their decision-making bodies, electoral lists and other selection processes of candidates;
  - ix. systematic inclusion of the gender dimension in campaigning for all elections for bodies at national, regional or local levels, as well as bodies at international level;
  - x. information and awareness-raising campaigns addressed at the general public on gender balanced/parity participation of women and men at all levels of political and public life.

*Recommendation 1899 (2010) Increasing women's representation in politics through the electoral system*<sup>211</sup>

- The Assembly calls on the Committee of Ministers to continue its work in this field, and to encourage the member states of the Council of Europe to take the necessary measures in order to increase women's representation in politics by:
  - reforming their electoral system to one more favourable to women's representation:
    - in countries with a proportional representation list system, consider introducing a mandatory quota which provides not only for a high proportion of female candidates (ideally

211 Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17812&lang=en>.

at least 40%), but also for strict rank-order rule (for example, a “zipper” system of alternating male/female candidates), and effective sanctions (preferably not financial, but rather the non-acceptance of candidatures/candidate lists) for non-compliance, ideally in combination with closed lists in a large constituency and/or a nationwide district;

- in countries with majority or plurality systems, consider introducing the principle of each party choosing a candidate amongst at least one female and one male nominee in each party district, or find other ways of ensuring increased representation of women in politics, such as applying innovative mandatory gender quotas within political parties, or “all-women shortlists” or “twinned” constituencies, again accompanied by effective sanctions for non-compliance;
  - associating the gender equality and anti-discrimination provisions in their constitutions and their electoral laws with the necessary exception allowing positive discrimination measures for the under-represented sex, if they have not already done so;
  - accompanying these changes with measures such as gender-sensitive civic education and the elimination of gender stereotypes and “built-in” bias against women candidates, in particular within political parties, but also the media.
- The Assembly recommends that the Committee of Ministers instruct the competent committee to consider drafting an additional protocol to the European Convention on Human Rights (ETS No. 5) in order to enshrine the right to equality for women and men therein, as well as the necessary exception allowing positive discrimination measures for the under-represented sex.

#### *Council of Europe Gender Equality Strategy 2018-2023*<sup>212</sup>

#### *Strategic objective 4: Achieve balanced participation of women and men in political and public decision-making*

##### *Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women*<sup>213</sup>

- The principle of equal pay for men and women outlined in Article 119 of the Treaty, hereinafter called “principle of equal pay”, means, for the same work or for work to which equal value is attributed, the elimination of all discrimination on grounds of sex with regard to all aspects and conditions of remuneration. In particular, where a job classification system is used for determining pay, it must be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex<sup>214</sup>.

##### *Directive 2006/54/EC of The European Parliament and of The Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)*<sup>215</sup>

- Member States may maintain or adopt measures within the meaning of Article 141(4) of the Treaty with a view to ensuring full equality in practice between men and women in working life<sup>216</sup>.

---

212 Available at: <https://rm.coe.int/ge-strategy-2018-2023/1680791246>.

213 Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31975L0117&from=EN>.

214 Article 1

215 Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0054&from=EN>.

216 Article 3.

- For the same work or for work to which equal value is attributed, direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration shall be eliminated. In particular, where a job classification system is used for determining pay, it shall be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex<sup>217</sup>.
- There shall be no direct or indirect discrimination on grounds of sex in the public or private sectors, including public bodies, in relation to:
  - (a) conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;
  - (b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
  - (c) employment and working conditions, including dismissals, as well as pay as provided for in Article 141 of the Treaty;
  - (d) membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations<sup>218</sup>.

---

217 Article 4.

218 Article 14.





