

SUMMARY

SERBIA'S EUROPEAN PERSPECTIVE FROM WOMEN'S POINT OF VIEW

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After six years of activities aimed at establishing a normative framework that would create the necessary preconditions for achieving gender equality in democratic governance, ensure adequate representation of women in national and local assemblies, and increase institutional capacities for enhanced women's role, we will now present the results.¹ Main indicators will be the two indices of the efficiency of our activities: representation of women in the assemblies and the establishment institutional machinery for promotion of gender equality within the state institutions.

In addition to a review of our past activities, we will focus on the activities that have marked the recent elections from the women's point of view.² We will note both accomplishments and failures. Accomplishments, to remember where we started. Failures, to help us draw the future plans of action.

HOW DID IT ALL START?

Integration and coordination of activities – women participating in the 2000 election. The initiative was launched at the *Political Prospects of Women* conference,³ which established the following goals for women's activities at the political moment: integration and coordination of the activities of women within political parties, trade unions, the media and the NGOs; forming of a political network of women aimed at integration of women politicians and increased participation of women in politics; campaign for women's participation in the September 2000 election.

Results. Women politicians, trade unionists, journalists and NGO activists took part in the campaign for women's participation in the electoral process. The tasks were scheduled, the activities were effective and well-coordinated, and the results were visible. Women participated in the elections - the election saw the highest-ever turnout of 74.4%.⁴

SECOND STEP - HOW TO INCREASE THE NUMBER OF WOMEN IN THE ASSEMBLIES?

The post-election activities were aimed at increasing representation of women in the institutions of government. The immediate goal was to increase the representation of women in the assemblies. Long-term goal was to establish preconditions for active participation of women in political and social decision-making. This started the process of social change. Women demonstrated their readiness to become change agents on equal terms with men. They have publicly expressed their wish to participate in the public decision-making process,

¹ See: *Five Years Later*, Regional Institute for Gender Equality, Novi Sad, 2006

² Elections for Serbian National Assembly were held on January 21, 2007

³ The conference was held on Palić, February 3-6, 2000. It was convened by S. Lokar, G. Čomić, D. Petrović, B. Grupković and A. Vladislavljević, on behalf of the Stability Pact GTF.

⁴ Turnout at the elections for the National Assembly: 1990 (71,5%); 1992 (69,7%); 1993 (61,6%); 1997 (57,4%); 2000. (57,7%)

to actively participate in the creation of laws and government measures, to oversee their implementation and to take their share of responsibility for the course of social change.

In order to achieve these goals, special measures had to be introduced to increase the number of women in the assemblies.

The activities aimed at increasing number of women participating in the decision-making process took place within a restrictive legal framework. Special measures for elimination of the inequality between men and women weren't foreseen within the Serbian Constitution, and the Election Law made no provisions for special measures for the underrepresented gender.

However, there were other grounds for action. One was the pre-1990 experience: in 1986, women made up 23.5% of the Serbian Assembly. The number tumbled to 1.6% on the first multiparty⁵ elections. The Vojvodina Assembly had the highest percentage of women in the pre-1990 era.⁶ Women made up 28.6% of the Assembly in 1986, and the number was even higher in 1982, when 29.8% of the Vojvodina MPs were women. Likewise, important grounds for action were the standards set by the international documents regarding gender equality and the representation of the underrepresented gender.

The circumstances dictated the scope of the activities aimed at incorporating special measures into the Election Law. Sustained action in the period between 2000 and 2004 resulted in the introduction of quotas for the underrepresented gender in the local assemblies (2002), and in the national assemblies in Serbia (2004) and Vojvodina (2004).

Preparations for the introduction of quotas, determining quotas and the agreement on the implementation of quotas. First steps towards the introduction of quotas were taken by the end of 2000, before the early election for the Serbian Assembly. The measures of affirmative action still weren't incorporated into the law, and the activities had to be undertaken in three different spheres.

The first one was the preparation of *legal solutions* providing for special measures. Quotas for the party lists were first introduced by the model election law⁷ drafted by the Centre for Free Elections in 2000.⁸ The draft was rated favourably by the department for elections of the Venice Commission, and it provided for establishment of quotas ensuring at least 30% representation of women in the assemblies. However, the subsequent changes in the Election Law disregarded this model law, introducing instead the legal solutions which enable the violation of quotas. This has indeed happened in all of the elections that took place after the quotas have been introduced.

The second group of activities were those undertaken by *women in the political parties*. The Election Law included no provisions regulating the number of women in the party lists. Women party members prepared a political agreement to be accepted and signed by the DOS leaders. They demanded at least 30% of women in the DOS party list; at least 30% of the seats for the underrepresented gender; party leaders to publicly sign the agreement and adhere to it.

⁵ First multiparty election was held in 1990.

⁶ To illustrate, between 1986 and 1990, the following countries had less female deputies than Vojvodina: Bosnia and Herzegovina (24.1%), Slovenia (24%), Serbia (23,5%), Kosovo (19%), Macedonia (17%), and Montenegro (11,2%). From: Statistical Yearbook.

⁷ Stating that: quotas for the underrepresented gender are to be established in the party lists (50%, and not less than 30%); noncompliant lists are to be declared invalid; the underrepresented gender should be provided with reserved seats; mandates are distributed according to the placement on the lists; if a delegate's mandate is terminated, he or she is to be replaced with a candidate of the same gender.

⁸ The author was one of the members of the expert team.

The third area of concern was the *educational work* within political parties and among citizens in general, aimed at raising awareness of the need to introduce quotas into the election law.

The representation of women in the Serbian National Assembly was increased from 6.4% in 1997 to 10.8% after the 2000 election.

Changes in the Election Law and the adoption of quotas in party lists. Further activities were aimed at legislative changes and introduction of special measures providing for the gender balance in the assemblies.

The quotas were first introduced by the *Local Election Law*⁹, enacted in 2002. The law introduced several regulations concerning the issue: every fourth candidate on the party list is to be a member of the underrepresented gender.¹⁰ At least 30% of the candidates on the party lists are to be women.¹¹ The party list that would fail to meet these standards is not to be accepted until modified in full accordance with the standards imposed by the law.¹² If the list still fails to meet the standards, it will not be accepted by the election committee.¹³ The first third of the mandates won will be awarded to the candidates according to their placement on the list.¹⁴ The remaining two thirds of the candidates will be chosen by the party or a person that submitted the list, or according to their placement on the list if this isn't done in due time.¹⁵ If a candidate's mandate is terminated before expiration of the elected term¹⁶, the seat will be passed on to the next person on the list.¹⁷

After the Local Election Law, the quotas have been introduced into the *Law on the Election of Deputies in the National Assembly*¹⁸. The new law was enacted after the 2003 election, and was never implemented. Amendments to the law enacted prior to the 2007 election left out the quotas altogether. Thus, the quotas were provided for by the Election Law only during the period between the two elections, and were never implemented. This is an obvious sign of the lack of political will to introduce measures promoting gender balance in the national assembly.

In AP Vojvodina the special measures for the underrepresented gender were introduced by *The Decision on Election of Deputies to Vojvodina Assembly*,¹⁹ enacted before the elections. Its provisions are the same as those in the *Local Election Law*. But, AP Vojvodina has mixed electoral system. One half of the deputies are elected under majoritarian system, and the other half under the proportional one.²⁰ Quotas are implemented only under the proportional system, although comparative law is familiar with special measures in the majoritarian systems.²¹ Thus, the 30% quota is implemented in the election of only one half of the deputies, which means that the quota is set at 15% when all deputies are taken into

⁹ The law was enacted in 2002. Serbian Official Gazette No. 33/2002, 42/2002 and 100/2003. Quotas were established for party lists only, and not for legislative seats.

¹⁰ Article 20 Subsection 3, Local Election Law.

¹¹ Article 20 Subsection 3, Local Election Law.

¹² Article 20 Subsection 4, Local Election Law.

¹³ Article 20 Subsection 5, Local Election Law.

¹⁴ Article 42 Subsection 4, Local Election Law.

¹⁵ Article 42 Subsection 4, Local Election Law.

¹⁶ Article 45, Local Election Law.

¹⁷ Article 47 Subsection 1, Local Election Law.

¹⁸ Article 40 a of the Law on Election of Deputies to the National Assembly, Serbian Official Gazette No. 18/2004.

¹⁹ Vojvodina official Gazette, No. 12/2004.

²⁰ Article 6 of the Decision on Election of Deputies to the Vojvodina Assembly.

²¹ For example, special precincts for election of women deputies.

account. This is another example of the lack of willingness to create equal opportunities for women and men in the political representation.

Outcomes of the implementation of quotas. In spite of inadequate legislation, the implementation of quotas had visible impact on the results of both local and provincial elections. For example, in the *local elections*²² in Vojvodina, the number of women deputies has increased in all local assemblies. In comparison with the 2000 election, when women made up 7.77%²³ of deputies in local assemblies, the number has tripled - 23.29% of the elected deputies were women.²⁴ Although not all of the local assemblies have fulfilled the 30% quota,²⁵ most of them have successfully attained the established goal. Obviously, the implementation of quotas was erratic.²⁶ This is indicative of the legislative inadequacies, since laws fail to specify the details of the implementation.²⁷ The implementation of quotas in the *election of deputies to the Vojvodina Assembly*²⁸ increased the representation of women from 6.67% to 19.17%, which is the portion of women in the current session. The 30% quota has not been reached, but the process of change to more adequate representation of women has definitely started.

Where did we fail? The legislation concerning quotas isn't effective, and leaves too much discretion to parties to apply, or to fail to apply, the 30% quota for the underrepresented gender.

Where are the legal inconsistencies reflected? Every fourth place on a party list is reserved for the underrepresented gender, which amounts to 25%, instead of the 30% quota. The law requires 30% of the candidates on the party list to be women, but fails to specify their placement, which makes it possible for parties to assign women the lowest places on the list. Regulations on the distribution of mandates won by a party list (1/3 placement mandates, 2/3 appointed by the party, in adherence to the regulations on the number of seats reserved for the underrepresented gender) enable ineffective implementation of the regulations concerning the first reserved place on the list.²⁹ Regulations on the termination of mandates and alternate candidates can override the regulations concerning quotas for the underrepresented gender.³⁰

²² Local elections were held in 2004.

²³ In five out of 45 Vojvodina municipalities there were no women deputies (Bač, Novi Bečej, Odžaci, Temerin, Čoka). See: *Facts 2000*, NGO Vojvođanka – Regional Women's Initiative, Novi Sad, 2000

²⁴ From: *Information on the Representation of Women and Men in the institutions of government after the 2004 local and regional elections*, Regional Secretariat for Social Affairs, Labor and Gender Equality.

²⁵ The goal has been reached in 26 out of 45 Vojvodina municipalities.

²⁶ In 6 municipalities women's participation in the assemblies is between 30% and 40%; it is between 20% and 30% in 26 municipalities, and in 12 municipalities it is below 12%. From: *Information on Representation of Women and Men in the Representative Bodies and Public Administration of AP Vojvodina after the 2004 Elections*, Regional Secretariat for Social Affairs, Labor and Gender Equality.

²⁷ Kikinda municipality has the highest percentage of women in the Assembly (41.03%), while the representation of women is lowest in Žitište (9.68%).

²⁸ Elections were held in 2004.

²⁹ Let's give an example. If a list wins 10 mandates, the first three will be placement mandates. Since every fourth place on the list is reserved for women, the three placement mandates could be given to men. The remaining 6 mandates will be given to delegates chosen by party leadership, who need to adhere to the fourth-place rule for the underrepresented gender. This makes it possible to give only one out of ten mandates to a member of the underrepresented gender, which amounts to a mere 10% of mandates.

³⁰ A mandate can be terminated by resignation. If a woman resigns, she will not be replaced with another woman from the party list, but the person placed behind her on the party list. So, if a woman resigns, she could be replaced with a man, which would mean that all of the 10 seats won by a party would be given to men.

The law requires quotas to be applied in the party lists, but not in the distribution of parliament seats.

Failure to introduce special measures into election of half of deputies in the Vojvodina Assembly should also be mentioned here, as well as the crucial failure to introduce quotas in the distribution of seats in the Serbian National Assembly.

The quota laws need to be amended to avoid loopholes and negative effects of the existing legislation.

INSTITUTIONAL CAPACITY BUILDING - ACTIVITIES IN INSTITUTIONS

Shifting the focus of our activities onto institutions required creation of institutional strategies for achieving gender equality. Activities in this field started in 2001. The initial proposals³¹ were set forth at the *Women's Prospects in the New Political Context Conference*.³² The participants (women MPs, trade unionists, NGO activists, experts) unanimously concluded that the new circumstances required new forms of political activity. The focus of activities was shifted onto institutions. Institutional machinery (bodies and procedures) ensuring participation in decision-making had to be established. It was necessary to set up state bodies for gender equality (governmental, in assemblies and in local communities). At that point, normative framework provided no guarantees for gender equity in public affairs.³³

Taking the international documents³⁴ and the assessment of needs as a starting point, the participants issued a call for establishment of gender equality machinery in the assemblies and in the executive branch, and for introduction of instruments for monitoring the implementation and protection of women's rights.

Institutional activities in the representative bodies - choosing the optimal solution. Primary activities were aimed at various forms of institutional activity in the assemblies. Various solutions (permanent or occasional working bodies, parliamentary groups, etc.) and advantages and disadvantages of each were taken into consideration. The view in favour of a permanent working body in the assemblies prevailed. Its advantages are:

Firstly, the body would be comprised of the deputies elected at direct election. Direct election meets the standard important for the status of gender equality machinery, which requires its representatives to be appointed through democratic process in order to be considered legitimate representatives of their groups.

Secondly, assemblies are the central places of decision making. Working bodies of the assembly have (by the norms as well as institutionally) an important position in decision making and in proposing motions and initiatives. Permanent working body for gender equality is positioned more favourably in the decision making process than individual deputies.

³¹ Initial materials for the proposals and the statement of reasons were prepared by Professor Marijana Pajvančić.

³² The conference was held on June 22, 2001, under the auspices of OSCE, and organized by the Star Network.

³³ At the time of the conference, the only existing gender machinery was a Government Committee (Yugoslavian Committee for Cooperation with UNICEF and Improvement of the Women's Position) and the Member of the AP Vojvodina Executive Council for Women's Issues. The position of the Committee for Cooperation with UNICEF and Improvement of the Position of Women in the federal administration is not quite clear. The Decision on Forming Federal Ministries and Other Federal Bodies, Organizations and Services of the Federal Government (SRY Official Gazette 41/2001) fails to mention the Committee, and the same is true for the Rules of the Procedure of the Federal Government (SRY Official Gazette 41/2001).

³⁴ The Inter-Parliamentary Union Plan of Action (Geneva - Paris 1994), which includes forming institutional gender machinery.

Thirdly, publicity of the activities of the assembly and its working bodies enables gender equality issues to enter the public debate more easily.

Forming gender equality machinery in the assemblies. Legislative changes were the next step taken. Through amendments to the rules of procedure, permanent bodies for gender equality were formed in Serbia and Vojvodina Parliament, as well as in the local assemblies.³⁵

Gender Equality Committee has been established as the standing committee of the Serbian National Assembly.³⁶ The committee considers bills, and proposals of other regulations and by-laws from the point of view of ensuring gender equality, and monitors implementation of policies, Bills, other regulations and by-laws from the point of view of respecting gender equality.

*Gender Equality Committee*³⁷ has been formed in the Vojvodina Assembly as the standing committee to consider proposals of decisions and acts of the Assembly from the point of view of ensuring gender equality, and monitors implementation of policies, decisions and regulations relating to gender equality.

Forming of local gender machinery started in 2002.³⁸ By 2005, gender machinery has been established in more than 20 Serbian municipalities,³⁹ and in more than 20 municipalities in Vojvodina⁴⁰, in close cooperation with the Regional Secretariat for Social Affairs, Labour and Gender Equality.⁴¹

Institutional gender equality machinery in the executive branch. Gender equality cannot be achieved without direct participation in decision and policy making. Thus the need to establish gender equality machinery in the executive, as well as in the legislative branch of government. Advantages of this form of institutional activity are: opportunity to submit proposals and launch initiatives; participation in the process of preparing draft legislation; direct influence on drafting laws; timely response to draft laws prepared by ministries; monitoring the implementation of laws; assistance by expert services; opportunity to engage *ad hoc* experts; cooperation with NGOs; interdepartmental cooperation, which is of vast importance in the gender equality issues; budget, etc.

Forming of the working bodies in the assemblies was concurrent with the establishment of the gender equality machinery in the executive branch.

³⁵ Establishment of local mechanisms for gender equality was supported by OSCE, and local gender machinery was initially formed under its auspices. Ministry for Public Administration and Local Government also provided support.

³⁶ The Committee was set up in 2003, under Article 68 G of the Rules of Procedure of the Serbian National Assembly, Serbian Official Gazette 57/2003.

³⁷ The Committee was set up in 2002, under Articles 20 and 69 of the Rules of the Procedure of the Vojvodina Assembly, Vojvodina Official Gazette 23/2002.

³⁸ Program of the establishment of local gender machinery, initiated and supported by OSCE in Montenegro was implemented in 30 Serbian municipalities (Kruševac, Niš okrug, Prokuplje, Kikinda, Velika Plana, Zrenjanin okrug, Požarevac, Zaječar, Valjevo, Užice, Knjaževac, Bor, Kragijevac, Sremska Mitrovica, Novi Sad, Zrenjanin grad, Beograd, Topola, Arandelovac, Čačak, Sombor, Subotica, Niš grad, Kučevo, Novi Bečej, Aleksinac, Pirot, Jagodina, Loznica). From: *Gender Equality*, OSCE, Belgrade, 2005, p. 22.

³⁹ Boljevac, Negotin, Kladovo, Majdanpek, Senta, Žitište, Kovačica, Nova Crnja, Vrbas, Sečanj, Irig, Sjenica, Prijepolje, Lebane, Medveđa, Tutin, Bujanovac, Preševo, Priboj, Niš municipality Medijana, New Belgrade. From: *Gender Equality*, OSCE, Belgrade, 2005, p. 22.

⁴⁰ *Establishment of Institutional Gender Equality and Equity Machinery in Vojvodina Municipalities*, Regional Secretariat for Social Affairs, Labor and Gender Equality, 2005.

⁴¹ Activities were implemented in cooperation with OSCE, in compliance with the Agreement on Cooperation signed in 2003.

Gender Equality Council was set up as the working body of the Serbian Government, comprised of representatives of several ministries and experts.⁴² Its task is to: propose measures and interdepartmental cooperation in the field of gender equality; assess the harmonisation of laws with international conventions on gender equality and launch initiatives for the elimination of inconsistencies; monitor the implementation of laws and international documents on gender based discrimination and propose measures for their implementation; monitor the situation in the field of gender of gender equality; propose, assess and implement measures for achieving gender equality; launch the initiative for gathering gender-disaggregated statistical data; monitor women's representation in elected and appointed positions; monitor and analyse criteria for entering the civil service; initiate elimination of obstacles preventing the underrepresented gender from entering the civil service and being appointed to official positions; education of civil servants aimed at promotion of gender equality; initiate programs and proposing measures for training and empowering women for participation in political life, and deal with other issues related to gender equality.

Secretariat for Social Affairs, Labour and Gender Equality is a government body set up in 2002. The Decision on Regional Authorities⁴³ defines the areas within its competence: affairs within the competence of state authorities related to the issues of gender equality and implementation of gender laws and regulations; monitoring the implementation of ratified international conventions; giving instructions and opinions on the implementation of regulations and producing reports on the implementation of gender equality laws and regulations; preparing decisions concerning gender equality; cooperation with women from NGOs, trade unions and the media; participation in the forming of municipal bodies for gender equality; proposing establishment of credit funds for women entrepreneurs; preparing analyses; cooperation with state and regional institutions and international organizations dealing with gender equality, etc.

Council for Gender Equality is an advisory body for gender equality in Vojvodina.⁴⁴ It is comprised of representatives of regional administration and experts. The Council takes part in creation, promotion and implementation of programs, actions and policies promoting gender equality; lobbies for projects related to gender equality; monitors implementation of regulations and proposes measures for achieving gender equality; encourages activities in the field of gender equality in public, social and economic sphere; provides expert assistance to the Executive Council of AP Vojvodina, authorities and NGOs, in creation of programs aimed at incorporating gender equality into legislation, policies and social life; collects and analyses gender-disaggregated statistical data; creates conditions necessary for interconnecting of institutions, public administration, governmental and non-governmental organizations and individuals working in the field of gender equality, etc.

In AP Vojvodina there is also the *Institute for Gender Equality*⁴⁵, the tasks of which are to provide expert support and analyses, prepare and implement educational programs; cooperate with institutional gender machinery and international organizations; publishing, etc.

New institutional mechanism - deputy ombudsman for gender equality. One of the mechanisms for protection of human rights, especially gender equality, is the deputy ombudsman for gender equality.

Drawing on experience of other countries, AP Vojvodina issued a Directive on the *Regional Ombudsman*,⁴⁶ which introduced the position of deputy ombudsman for gender

⁴² The decision was enacted in 2003. From: *Gender Equality*, OSCE, Belgrade, 2005, p. 19.

⁴³ Article 33 of the Decision on Regional Government, Vojvodina Official Gazette 3/2002.

⁴⁴ The Council was set up in 2003.

⁴⁵ The Institute was established in 2004. Vojvodina Official Gazette 14/2004.

equality,⁴⁷ whose task is to: monitor the implementation of international gender equality standards and antidiscriminatory regulations; collect data on the implementation of antidiscriminatory regulations; monitor the establishment of gender equality; assume an advisory role when gender regulations are concerned; produce annual reports and detailed research on every reported case of gender based discrimination; inform the authorities and the public on gender based discrimination; issue statements on reported cases of gender based discrimination; provide conflict mediation; initiates legal proceeding of gender based discrimination; launch campaigns, provide consultations and education in gender equality issues; propose antidiscriminatory measures; cooperate and exchange experience with the ombudsmen.

Serbian National Assembly adopted the Law on Citizen's Ombudsman.⁴⁸ The Law doesn't explicitly state the areas of responsibility of the ombudsman deputies. The ombudsman and the deputies still haven't been appointed, a year after the passing of the law. It is yet to be seen if one of the deputies will be in charge of gender equality.

Results of the establishment of the institutional gender machinery. Organized and coordinated activities resulted in changes in the interior organization of the assemblies. Permanent working bodies for gender equality have been established. Women politicians have been provided with institutional framework for their activities, which was immediately reflected in the legislative activity of the assemblies.⁴⁹ The number of municipalities with institutional gender machinery has been increased. This is of vast importance, since most rights are implemented in the local communities. Preconditions for institutional activity in the field of gender equality have been created in the executive, as well as in the legislative branch. This significantly extended the influence of women in decision making and policy creation, and provided them with direct access to the process of the implementation of policies and decisions.⁵⁰ The introduction of the ombudsman is of no less importance, especially when the explicit provisions concerning the deputy for gender equality are considered. This institution completes the institutional system for protection of gender equality and presents an important institutional mechanism for systematic monitoring of the implementation of gender equality legislation.

Obstacles and flaws. In spite of the results achieved, some criticism is still in order. We should mention what we still find lacking, and what remains the goal of our activities.

A special measure should be introduced reserving one vice-presidential seat for the underrepresented gender, in assemblies as well as in the executive bodies at all levels of government. The rules of procedure would include provisions for the role and the status of the vice presidents.

⁴⁶ Vojvodina Official Gazette 23/2002. The author was a member of the expert team working on the preparation of the Decision on the regional ombudsman in 2002.

⁴⁷ Danica Todorov was the first to be appointed as the Deputy Ombudsman for Gender Equality.

⁴⁸ The law was adopted in 2005. Serbian Official Gazette 79/2005.

⁴⁹ For example, the National Assembly has adopted amendmets to the Criminal Code (family violence is sanctioned as a criminal act); new Labor Law provides for specila measures for achieving gender equality at the workplace and sanctions sexual harassment at the workplace; new Family Law provides for gender equality family and equality of marital consorts, and sanctions family violence etc., while Vojvodina Assembly has adopted the Decision on Gender Equality and the Declaration on Gender Equality. (Official Gazette AP Vojvodine, br. 14/2004.)

⁵⁰ For information on the activities of the Secretariat, see: *Information on the Position of Women in Vojvodina 2002/2003*, Secretariat for Social Affairs, Labor and Gender Equality 2004; *Decision on Gender Equality*, Secretariat for Social Affairs, Labor and Gender Equality, 2004; *annual Reports on the Work of of the Secretariat for Social Affairs, Labor and Gender Equality*, etc.

The law should also make legal provisions for local gender machinery as a form of institutional activity in the local communities. The law would present a guarantee of stability for the institutions, the position of which would no longer be dependant on local assemblies, who would no longer be able to revoke the decisions establishing them, which has already happened in several municipalities.

LEGISLATION, STRATEGIES AND POLICIES - STEP FOUR

In addition to institution building, the activities included preparing legislation, strategies and politics. The activities took place within gender machineries in the assemblies and in the government, and in cooperation with several NGOs. The platform and the course of future activities were outlined at the *Women's European prospect - Palić Six Years Later* conference⁵¹ which once again gathered women from numerous political parties, trade unions, the media and the NGOs, as well as experts in the field. Goals and strategies were defined in the light of the European values that Serbian women wish to foster in their country (peaceful resolution of conflicts, modernization, europeization, sustainable development grounded in local contexts, social justice and the rule of law, recognition of human/women's and minority rights, democratization, decentralization, secularism).

The agreement was reached on the introduction of a new set of constitutional provisions dealing with gender issues, as well as on the drafting of the Law on Gender Equality and the National Plan for Advancement of the Position of Women.

Introducing gender into Constitution. A set of gender provisions has been incorporated into the recently adopted Constitution of the Republic of Serbia. The provisions are a part of the draft Constitution prepared by an expert group⁵² set up by the President of the Republic. Along with the draft Constitution prepared by the Government and the one prepared by the President, it served as a basis for the new Constitution of the Republic of Serbia. Gender equality has been incorporated into the Constitution with the usage of non-discriminatory terminology and gender-neutral language, constitutional definition of Serbia as the state based in the rule of law and social justice⁵³ and secular,⁵⁴ guarantee of gender equality and development of equal opportunities policy,⁵⁵ endorsement of international standards and guarantees for protection of human rights, including protection before international bodies⁵⁶, prohibition of lowering the attained level of human rights,⁵⁷ prohibition of direct and indirect discrimination, as well as provision foreseeing the introduction of special antidiscriminatory measures,⁵⁸ prohibition of trafficking and forced labour, as well as the provision explicitly stating that financial exploitation of person in unfavourable position should be deemed forced labour,⁵⁹ freedom to decide whether to procreate or not,⁶⁰ a set of parental rights based on gender equality, special protection of

⁵¹ The conference was held in February 2006, on Palić, the same place where the 2000 strategies were defined.

⁵² The author was a member of the expert group and directly involved in the formulation of constitutional provisions regarding gender.

⁵³ Article 1 of the Constitution of the Republic of Serbia. Ustava Republike Srbije.

⁵⁴ Article 11 Constitution of the Republic of Serbia.

⁵⁵ Article 15 Constitution of the Republic of Serbia.

⁵⁶ Article 16 Constitution of the Republic of Serbia.

⁵⁷ Article 20 Constitution of the Republic of Serbia.

⁵⁸ Article 21 Constitution of the Republic of Serbia.

⁵⁹ Article 26 Constitution of the Republic of Serbia.

⁶⁰ Article 63 of the Constitution, which defines it as everybody's, not solely women's right.

reproductive rights, provision for equality of representation in the Assembly,⁶¹ rights to asylum for fear of gender based prosecution,⁶² etc.

A comparison of constitutions, especially of constitutions of countries in transition, shows that the newly adopted Serbian Constitution may serve as an example and a guideline.

Law on gender equality. Draft Law on Gender Equality has been prepared,⁶³ and is regarded by some to be one of the most complete, as far as this region is concerned. A wide debate was opened on the draft of the Law, and a campaign was launched promoting its adoption.⁶⁴ The law entered the procedure, but, although that has happened over a year ago, still hasn't been adopted. At the moment, Serbia is one of the few countries without special antidiscrimination laws, or laws on gender equality. This is why during the election campaign it was necessary to issue repeated calls for the adoption of the law.

National Plan of Activities for Advancement of the Position of Women and Promotion of Gender Equality. On the initiative and under the auspices of the Council for Gender Equality of the Serbian Government, in cooperation with numerous NGOs, experts⁶⁵ and government officials, National Plan of Activities for Advancement of the Position of Women and Promotion of Gender Equality has been prepared. Along with the Strategy for Reduction of Poverty and the documents operationalizing the Millennium Goals, the National Activity Plan is the Government's strategic document, which establishes wholesome and integrated state policy aimed at the elimination of the discrimination against women, improvement of the position of women and incorporation of the gender perspective into all forms of institutional activity, which is a prerequisite for the democratization and the sustainable development. The document defines the equal opportunity policies, sets goals and measures and outlines the activity plan for the period between 2007 and 2010. The document identifies key problems in the establishment, protection and advancement of the women's rights, sets priorities for activities in the key areas of concern⁶⁶, appoints implementers, and defines the timeframe for the implementation.

The National Plan was presented to the Government by the end of 2006. Adoption of this plan will be a turning point for the state policy towards women, the plan being the key instrument for mobilization of all social resources for achievement of gender equality.

CALL FOR EUROPEAN PROSPECT OF SERBIA - PARLIAMENTARY ELECTIONS 2007.

The recent parliamentary elections⁶⁷ in Serbia are especially interesting when seen from the women's point of view. What makes them so important?

There are several indicators showing how much have the past elections differed from all the previous elections held in the country.

Political parties have succeeded in recognition of women voters. For the first time after the first multiparty elections⁶⁸ the participants – political parties, coalitions and citizen

⁶¹ Article 100 Constitution of the Republic of Serbia.

⁶² Article 57 Constitution of the Republic of Serbia.

⁶³ The law was prepared in 2005 by an expert team lead by the author of this report. See: *Law on Gender Equality*, Regional Institute for Gender Equality, Novi Sad, 2006. godine.

⁶⁴ See: *Towards the Law on Gender Equality - Serbia's European Future (javno zagovaranje Zakona o ravnopravnosti polova)*, Freedom house, Beograd, 2006.

⁶⁵ The author was on the team which drafted the final version of the document, with Marina Blagojević and Nevena Petrušić.

⁶⁶ The areas of concern are stated as following: women in politics, economic position of women, education, health protection, family violence and the media.

⁶⁷ The elections were held on January 21, 2007.

groups forming election lists have reached out to the women voters. The wish to win the votes of abstainers, the majority of whom are women, forced the contesters to introduce a set of clear messages⁶⁹ directed towards a specific group of women identified by the party as potential voters.

Focus on the women voters was visible from the very opening of the election campaign. The election lists competed in appointing women for prime minister candidates.⁷⁰ For the first time, the public accepted the possibility of appointing a woman head of the Government. However, it should be added that this was preceded with a month-long activity (undertaken in July and August) of choosing ministers of the Women's Government⁷¹.

Special party campaigns aimed at women were launched by several political parties, especially by women, members of political parties, women's forums and women candidates on the party lists. Separate campaigns for women were mostly developed by two political groups: coalition of the Liberal Democratic Party, Citizen's Alliance of Serbia, Social Democratic Union and Vojvodina League of Social Democrats, and the Democratic Party. Women forums of the coalition of the Liberal Democratic Party, Citizen's Alliance of Serbia, Social Democratic Union, and Vojvodina League of Social Democrats conducted a separate campaign for women voters through specific activities, one of which was a women's convention which gathered party leaders and served to present the women candidates to the public, while the president of the Democratic Party sent a letter to every female voter, presenting his women-oriented platform and inviting them to go to the polls.

The campaign aimed at increasing the turnout of women voters was also launched by the **NGOs, the civil sector and the women's movement**. Dedicated to European prospects and knowing that women's votes will decide on the democratic course of the country's development, actors from the civil sector have launched a campaign encouraging women to go to the polls. Very quickly, and with minimal budget, drawing mostly on human resources and some support from the media⁷², numerous activities have been launched, and it is worthwhile to mention some of them.

Women participating in the *Women Can Do It* program (trainers and participants) undertook numerous activities, among which were door-to-door visits to all of the program participants⁷³ inviting them to go to the polls, street actions in which numerous NGOs, under the slogans like "Your Vote Matters", "Women Can Do It" and "Let the Women Decide", handed out promotional materials encouraging women to go to the polls, and an open letter addressed to party leaders and women candidates, asking them to state the specific activities aimed at the advancement of the position of women, and whether the 30% of the mandates they win will be delegated to women.

Women's Government was promoting European values and expert potential of Serbian women under the slogan "Let the Women Decide", and conducted the campaign for women

⁶⁸ First multiparty elections were held in 1990.

⁶⁹ For example, «wife, not a servant», «women rule», «no VAT on products for children», «There's too many men in politics. Things should be changed, women should have an equal role in decision making», «medical examinations for the women from vulnerable groups will be payed for from the budget»....

⁷⁰ See Blic daily, November 19 issue with women - Prime Minister candidates on the front pages (2 and 3): Ružica Đinđić (DS), Sanda Rašković Ivić (DSS), Ivana Dulić – Marković (G17+), Dubravka Filipovski (NS), Sanja Čeković (SPO), Lidija Vukićević (SRS).

⁷¹ Electing the Women's Government was a project launched by Serbian European Movement and supported by OSCE and the daily Blic, in the firm belief that women can change the face of Serbia. There were 8 nominees for each ministerial position, and 4 for the presidential and vicepresidential position. The readers of Blic, over 30 000 of them, elected the government through SMS voting. Today, the Women's Government is an NGO aimed at promoting of the expert potential of the Serbian women.

⁷² Mostly the local media, and the press, especially Blic. among the electronic media, the worst coverage was that of the public TV, RTS.

⁷³ More than 4500 Serbian women have participated in the program so far.

voters, also aimed at supporting women candidates on the election lists. In several major Serbian towns⁷⁴ public meetings and rallies were held, gathering members of the women's government, election candidates and citizens, and the closing convention was held in Belgrade. All the rallies received significant media attention. During the campaign, the Sunday Blic introduced a weekly column "From the angle of the Women's Government", in which the ministers regularly addressed the key election issues⁷⁵ and the advancement of the women's position.⁷⁶

Centre for Modern Skills also conducted a campaign for women voters, organizing public discussions on election platforms aimed at women, in several Serbian towns. Among the participants were women candidates, NGO activists, experts etc. The media coverage was very good, especially as far as the local media are concerned.

Local Women NGOs, including, for example, *ŽAR* from Kikinda and *HORA* from Valjevo, have also launched campaigns for women voters in their local communities.

As an example of good practice, we should mention here *the round table on women's political activism* and the advancement of the position of women, held before the elections in the Novi Sad Journalist School. The participants were women, election candidates, representing as much as 12 out of 20 election lists. The participants jointly addressed the public, stating the necessity of adoption of the Law on Gender Equality and the National Activity Plan for Advancement of the Position of Women, inviting the women voters to go to the polls, and calling up on party leaders to reserve at least 30% of the legislative seats for the underrepresented gender in the National Assembly.

On the whole, the mentioned activities resulted in increased voter turnout (60.5%), the highest turnout in Serbia since the 1993 elections.

Demanding at least 30% of seats for the underrepresented gender. The campaign demanding at least 30% of legislative seats and the campaign for women voters were conducted concurrently. Since the law failed to provide for quotas, campaign was the only solution available.

Several parties,⁷⁷ on the request of women forums, signed an agreement on delegating 30% of the mandates to the underrepresented gender. The campaign for the implementation of the 30% quota was also conducted by the above mentioned NGOs, with the support of the SP GTF which sent an open letter to the party leaders.

After the election lists were submitted to the Central Election Committee and after the mandates in the National Assembly were verified, the effects of the campaign for 30% of women in the Parliament can be assessed.

Out of 250 deputies, 51 seats were won by women. Since 1990 and the first multiparty election, this is the highest number of women in the Serbian National Assembly. The number of women was doubled since the last parliamentary term. From 10.8% in the last session, the number of women deputies was increased to 20.4% in the present parliamentary session. This achievement is a result of persistent and continued activities of a number of women (politicians, feminist activists, NGO activists, unionists and other women), who succeeded in opening the public debate on the underrepresentation of women, in clear formulation of their demand for equal participation in the government and equal political power, thus expressing their readiness to bear their share of responsibility for the Serbia's future.

Parliamentary statistics show a significant misbalance among parties when the number of women deputies is concerned. Two political parties gave 30% of their parliamentary seats

⁷⁴ Novi Pazar, Kragujevac, Niš, Zrenjanin, Novi Sad, Belgrade.

⁷⁵ For example, quotas for party lists, funding campaigns, women's participation in the elections .

⁷⁶ For example, improving women's health, vaccine for cervix cancer.

⁷⁷ The agreement was signed only by the leaders of the coalition around the Liberal Democratic Party (Citizen's Alliance of Serbia, Socialdemocratic Union and Vojvodina League of Socialdemocrats).

to women: G 17+ with 36.48% (7 out of 19 seats) and the Union of Vojvodina Hungarians with 33.33% (1 out of 3 seats). The following parties delegated women candidates with more than 20% of their seats, which is still above average: coalition⁷⁸ of the Liberal Democratic Party, Citizen's Alliance of Serbia, Social Democratic Union and Vojvodina League of Social Democrats with 26.66% mandates delegated to women (4 out of 15) and the Democratic Party with 23.43% women deputies (15 out of 64). Below the 20.4% average are: Coalition of the Serbian Democratic Party, New Serbia, United Serbia and the Serbian Democratic Movement with 19.4% women deputies (9 out of 47 seats), Serbian Radical Party with 16.04% deputies (13 out of 81 seats). Those political parties that won only one (Union of Serbian Roma, Roma Party and Coalition of the Albanians of the Preševo Valley) or two seats (Coalition List for Sandžak) gave them to male candidates.

For the first time in the past 17 years of Serbian political history, the above mentioned results provoked reaction from the public, especially the media, the NGOs⁷⁹ involved in the 30% campaign, and others.⁸⁰ It should be mentioned that the women from political parties failed to publicly criticize the results.

The results achieved have been rated as a step forward, and the effort of women participating in the campaign have been highly commended. But, it was also clearly stated why women in Serbia cannot be satisfied with the election results. The objections go as following: parties centring their campaigns around European values and encouraging women to go to the polls have failed to implement European standards of representation of women in the Parliament; Serbian Constitution, adopted unanimously, includes legal provisions for gender equality, legally binds the state to develop equal opportunities⁸¹ policy, and explicitly stipulates the equal representation of women in the parliament.⁸² These provisions are legally binding for all the participants of the election process. Faced with reactions from the public, the parties tried to respond by avoiding responsibility and find excuses for not giving the 30% of mandates to women candidates.

The debate on the issues still goes on, especially in the media. After the elections, when the forming of a new government is in the centre of public attention, this is, beyond doubt, an obvious sign that women have managed, in spite of everything, to obtain some political power, and that they will persist in retaining the positions they won, and in widening the scope of their activities. The author of these lines will be an active participant in that process.

⁷⁸ The only coalition that signed the agreement on the implementation of the 30% quota.

⁷⁹ For example, Center for Modern Skills, Women's Government.

⁸⁰ For example, president of the Government Council for Gender Equality, Dragana Petrović, and the author.

⁸¹ See Article 15 of the Serbian Constitution.

⁸² See Article 100 of the Serbian Constitution.