



**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 10/01/2018 - 31/01/2018**

**Objective :**

This questionnaire is a complement to the questions already existing in the CEPEJ evaluation scheme on gender equality in judicial systems (questions 46, 47, 52, 55, 56, 110-1, 112-1, 117-1 and 119-1).

All the information (answers to the questions but also comments under the questions) will allow the CEPEJ to deepen its knowledge of this subject.

**Instruction :**

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## Different professions by gender

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### 1

#### **Question 01. Number of males – females within the different professions in 2016 (see also existing questions 46 and 55)**

Comments : With respect to the number of lawyers, divided by gender, the Bar Association of Serbia was able to provide data from 31.12.2017, namely: a total of 9 661 lawyers among who 6 183 men and 3 478 women. The majority (64%) of lawyers are male. For 2016, only the total is available (9 053). However, an estimation can be carried out based on 2017 data per gender and the total for 2016. Accordingly and akin to 2017, in 2016 there were 64% of male lawyers.

General comments : The Constitution and legislation guarantee equality before law, equal protection of rights before the courts and other state bodies and bodies of AP Vojvodina and LSGs. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), please see unofficial English translation:

<http://www.legislationline.org/documents/action/popup/id/16015> and in Serbian:

[https://www.paragraf.rs/propisi/zakon\\_o\\_ravnopravnosti\\_polova.html](https://www.paragraf.rs/propisi/zakon_o_ravnopravnosti_polova.html)) additionally stress equality before law of both women and men; that all people are equal and enjoy the same status and equal legal protection regardless of their personal properties. Everyone has equal access and equal protection of rights before courts and public authorities. Discriminatory treatment by an official, namely by a responsible person of public authority is considered severe violation of work duty pursuant to law. (for more information please see: [http://europa.rs/files//Gender\\_Equality/Gender-Analysis-Serbia-dec-2016.pdf](http://europa.rs/files//Gender_Equality/Gender-Analysis-Serbia-dec-2016.pdf), IPA – PRE-ACCESSION INSTRUMENT (NEAR) GENDER ANALYSIS FOR SERBIA Letter of Contract N°2016/377481, FINAL REPORT, Prepared by Mirjana Dokmanovic December 2016, IBF International Consulting).

Wage compensation to employed pregnant women has been to a great extent enhanced upon enacting of the new Law on Financial

Support to Families with Children (“Official Gazette of RS no. 113/2017) in December 2017, which is applicable from 1 July 2018 (please see:

<http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2017/3743-17%20lat.pdf>). The law is based on several previously conducted analyses, and to a great extent improves the financial position of employed parents (please see:

[https://www.unicef.org/serbia/novcana\\_davanja\\_za\\_decu\\_i\\_porodice\\_sa\\_decom\\_u\\_rs.pdf](https://www.unicef.org/serbia/novcana_davanja_za_decu_i_porodice_sa_decom_u_rs.pdf); <http://www.oknis.org.rs/wp-content/uploads/2013/03/Financial-Assistance-to-Families-with-Children.pdf>).

It would be useful to note that the statistics of gender equity in employment in Serbian judiciary is considered generally appropriate, as the „Serbia Judicial Functional Review” , published in 2014, states. The Functional Review stresses that figures for 2012 submitted to the CEPEJ by Serbia show more female than male professional judges in courts at all levels. The report states: “Of the 2916 total professional judges, in 2013 were 896 males and 2020 females (69 percent). Among Court Presidents at first instance courts, the proportion of women is greater than men. This is reflected in the proportion of candidates for presidency of courts that are women. However, among Court Presidents at the second instance, men far outnumber women. Of the total 129 court presidents in 2013. were 58 males and 71 females (55 percent). The vast majority of non-judge staff in the courts are women. Of the 11,634 total non-judge staff in 2012, 10,345 (89 percent) were women according to the 2012 data submitted to the CEPEJ by Serbia”.

With respect to public prosecutors, the 2014 Serbia Judicial Functional Review states: “Of the total number of prosecutors, 55 percent are women. While the proportion of women is higher in basic than higher level PPOs, women represent close to 50 percent of all prosecutors at all levels other than the Office of Organized Crime. Of the 659 total deputy prosecutors, in 2013. were 294 males and 365 females (55 percent). In contrast, of the eight deputies of the Prosecutor's Office for War Crimes, seven were male and one was female. Assignment to the Office for War Crimes carries significant prestige, and the salary of deputies there is approximately three times that of a regular prosecutor. The pattern of higher status and pay by prosecutor positions filled by males can be seen in gender of heads of PPOs. Of the total 66 heads of PPOs in 2013. were 46 males and 21 females (31 percent).” In the meantime, a female War Crimes Prosecutor was elected, but there are no female deputy prosecutors in this prosecutor’s office.

In 2017, the State Prosecutorial Council has made an analysis of the number of female deputy prosecutors at various levels, based on data from 2016, which was submitted to the CEPEJ. The percentage of female deputy prosecutors is as follows: Basic PO: 58%; Higher PO: 53%; Appellate PO: 48%; Special PO’s: 19%; Supreme (State) PO: 42%. In total, in 2016, out of 617 deputy prosecutors in public prosecutor’s office of Serbia, 338 were female (55%) and 279 were male (45%). The percentage of female heads of offices is: in Basic PO: 41%; Higher PO: 32%; Appellate PO: 25 %; Special PO: 50%; and Supreme (State) PO: 100%. In total, in 2016, out of 90 heads of prosecutor’s offices, 55 were male (61 %) and 35 were female (39 %). Thus, for the public prosecutor’s office, it can be noticed that the female participation in the number of deputy prosecutors in 2016 remained the same as in 2013 – 55%, while their participation in the number of heads of public prosecutor’s offices increased from 31% in 2013 to 39% in 2016. Further, female court presidents (professional judges) in 2016 have represented the majority of the court presidents (professional judges) -In total: 54%; First instance: 54%; Second instance: 50%; Supreme court of Cassation: 0%.

Moreover, the overwhelming majority of professional judges sitting in courts are female: -In total: 70%; -First instance: 70%; -Second instance: 75%; and even at supreme court level: 58%. Therefore, the conclusions on gender representation made in 2014 by the MDTF Serbia Judicial Functional Review likewise stand today, although female second instance court presidents have become significantly more represented.

**2**

## **Question 02. In 2016, are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting : (If the situation changed since 2016, please specify in the comments)**

Comments : Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.

General comments : The Constitution and legislation guarantee equality before law, equal protection of rights before the courts and other state bodies and bodies of AP Vojvodina and LSGs. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and

compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), please see unofficial English translation:

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**3**

**Question 03. In 2016, are there specific provisions for facilitating gender equality within the framework of the procedures for promoting:(If the situation changed since 2016, please specify in the comments)**

Comments :

General comments :

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**At national level**

**4**

**Question 04. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning: (If the situation changed since 2016, please specify in the comments)**

Comments : In April 2017, there were 97 female and 68 male notaries, pursuant to the "Report on the Implementation of the Notariat in the Republic of Serbia" (OSCE, Dejan urevi, Ph.D., Natalija Adži, notary). On 31 December 2017 there were 58% female notaries (94 female and 69 male) with additional 6 notaries appointed (2 male + 4 female) who will begin work in 2018.

It would be useful to note that the statistics of gender equity in employment in Serbian judiciary is considered generally appropriate, as the „Serbia Judicial Functional Review" (Multi-Donor Trust Fund for Justice Sector Support in Serbia, October 2014, p. 309, <http://www.mdtfjss.org.rs/archive/file/Serbia%20Judicial%20Functional%20Review-Full%20Report.pdf> , accessed on 15 January 2018), published in 2014, states. The Functional Review stresses that figures for 2012 submitted to the CEPEJ by Serbia show more female than male professional judges in courts at all levels. A new Functional Review is to be undertaken in 2018.

In 2017, the State Prosecutorial Council has made an analysis of the number of female deputy prosecutors at various levels, based on data from 2016, which was submitted to the CEPEJ. The percentage of female deputy prosecutors is as follows: Basic PO: 58%; Higher PO: 53%; Appellate PO: 48%; Special PO's: 19%; Supreme (State) PO: 42%. In total, in 2016, out of 617 deputy prosecutors in public prosecutor's office of Serbia, 338 were female (55%) and 279 were male (45%). The percentage of female heads of offices is: in Basic PO: 41%; Higher PO: 32%; Appellate PO: 25 %; Special PO: 50%; and Supreme (State) PO: 100%. In total, in 2016, out of 90 heads of prosecutor's offices, 55 were male (61 %) and 35 were female (39 %). Thus, for the public prosecutor's office, it can be noticed that the female participation in the number of deputy prosecutors in 2016 remained the same as in 2013 – 55%, while their participation in the

number of heads of public prosecutor's offices increased from 31% in 2013 to 39% in 2016. Further, female court presidents (professional judges) in 2016 have represented the majority of the court presidents (professional judges) -In total: 54%; First instance: 54%; Second instance: 50%; Supreme court of Cassation: 0%.

Moreover, the overwhelming majority of professional judges sitting in courts are female: -In total: 70%; -First instance: 70%; -Second instance: 75%; and even at supreme court level: 58%. Therefore, the conclusions on gender representation made in 2014 by the MDTF Serbia Judicial Functional Review likewise stand today, although female second instance court presidents have become significantly more represented. Further, with respect to staff in the judiciary in 2016, out of the total number of staff (non-public prosecutors) attached to the public prosecution service (1246 employees – Q60), 301 were male and 945 were female. Out of the total non-judge staff working in courts (9,344 employees – Q52) 6,555 were male and 2,789 were female.

General comments : The 2014 Serbia Judicial Functional Review states: “Of the 2916 total professional judges, in 2013 were 896 males and 2020 females (69 percent). Among Court Presidents at first instance courts, the proportion of women is greater than men. This is reflected in the proportion of candidates for presidency of courts that are women. However, among Court Presidents at the second instance, men far outnumber women. Of the total 129 court presidents in 2013, were 58 males and 71 females (55 percent). The vast majority of non-judge staff in the courts are women. Of the 11,634 total non-judge staff in 2012, 10,345 (89 percent) were women according to the 2012 data submitted to the CEPEJ by Serbia”.

With respect to public prosecutors, the 2014 Serbia Judicial Functional Review states: “Of the total number of prosecutors, 55 percent are women. While the proportion of women is higher in basic than higher level PPOs, women represent close to 50 percent of all prosecutors at all levels other than the Office of Organized Crime. Of the 659 total deputy prosecutors, in 2013, were 294 males and 365 females (55 percent). In contrast, of the eight deputies of the Prosecutor's Office for War Crimes, seven were male and one was female. Assignment to the Office for War Crimes carries significant prestige, and the salary of deputies there is approximately three times that of a regular prosecutor. The pattern of higher status and pay by prosecutor positions filled by males can be seen in gender of heads of PPOs. Of the total 66 heads of PPOs in 2013, were 46 males and 21 females (31 percent).” In the meantime, a female War Crimes Prosecutor was elected, but there are no female deputy prosecutors in this prosecutor's office.

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**Question 05. Is there a national programme or an orientation document to promote males/females equality within the judicial system? (If the situation changed since 2016, please specify in the comments)**

Comments :

General comments :

6

**Question 06. At national level, is there any specific person (eg an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:(If the situation changed since 2016, please specify in the comments)**

Comments : In 2016, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff. On April 20, 2016 the Commissioner for Protection of Equality in Serbia issued a recommendation on following an application filed by S.V. and A.M.M. from Kragujevac against the Basic Court in Kragujevac since they were denied promotion under same conditions as other employees due to maternity leave and childcare parental leave. The applicants stated in their complaints that during 2012 and 2013 they received maximum job performance marks but that in 2015 they failed to be promoted as they were not given a job performance mark in 2014 since they were on maternity and childcare parental leave respectively. The Basic Court in Kragujevac stated in its justification that applicants were not eligible for promotion as they had not received the highest job performance mark for the second year in the row since they were not assessed in 2014. The Commissioner for the Protection of Equality has issued a recommendation to the Basic Court in Kragujevac instructing them to implement the regulations governing the promotion of civil servants correctly and in such a way as to prevent putting them in a disadvantaged position due to a protected characteristics, that is,

the Court is advised to consider the possibilities for their promotion by taking into account the job performance marks they have already been awarded i.e. to disregard the year in which they have not received a job performance mark due to maternity and childcare parental leaves (please see: <http://ravnopravnost.gov.rs/en/complaint-filed-by-s-v-and-a-m-m-against-basic-court-in-kragujevac-for-discrimination-on-grounds-of-family-status-in-area-of-work-and-employment/>).

General comments :

**Question 06-1. Please specify the text which institutes this person/institution (title, date, nature of the text):**

Comments :

General comments :

**Question 06-2. Please specify the status of this person/institution (eg independent, attached to the Ministry of Justice, to a council of justice or equivalent or to an interministerial institution specifically dedicated to gender equality):**

Comments :

General comments :

**Question 06-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences (eg block a decision or allow an appeal):**

Comments :

General comments :

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**At court/public prosecution service level**

7

**Question 07. At the court or public prosecution service level, is there a person (eg an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:(If the situation changed since 2016, please specify in the comments)**

Comments :

General comments :

8

**Question 08. Does the feminisation of certain functions, if it exists in your country, within courts or prosecution services, lead to concrete changes in the organisation of the judicial work in the following areas:(If the situation changed since 2016, please specify in the comments)**

Comments :

General comments :

9

**Question 09. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to higher responsibility, what are the measures, in your country, which:**

Comments :

General comments :

10

**Question 10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:**

Comments :

General comments :

11

**Question 11. In your courts, is there particular attention given to gender issues as regards the public and users of justice, in particular: (If the situation changed since 2016, please specify in the comments)**

Comments : In addition to the publication, „Women and Man in the Republic of Serbia“ of the Statistical Office of the Republic of Serbia see also the Statistical Yearbook of the Republic of Serbia, Statistical Office of the Republic of Serbia, ISSN 0354-4206, 2017, <http://publikacije.stat.gov.rs/G2017/Pdf/G20172022.pdf>, pg. 441-458 and <http://beta.stat.gov.rs/en-US/oblasti/pravosudje>.

General comments :