

## Additional CEPEJ Questionnaire regarding Gender equality in judicial systems



Serbia

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**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 :

## Different professions by gender

1

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

	Total	Males	Females
<b>Total number of lawyers (in the first column, total number as indicated in question 146)</b>	9661 [ ] NA	6183 [ ] NA	3478 [ ] NA
<b>Total number of notaries (in the first column, total number as indicated in question 192)</b>	153 [ ] NA	66 [ ] NA	87 [ ] NA
<b>Total number of enforcement agents (in the first column, total number as indicated in question 170)</b>	232 [ ] NA	139 [ ] NA	93 [ ] NA

Comment 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.

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)

	Yes, please specify	No
non-judge staff ?	( )	( X )
lawyers?	( )	( X )
notaries ?	( )	( X )
enforcement agents ?	( )	( X )

[ ] NA

Comments - if you have additional comments please specify 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.

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)**

	Yes, please specify	No
non-judge staff ?	( )	( X )
lawyers?	( )	( X )
notaries ?	( )	( X )
enforcement agents ?	( )	( X )

[ ] NA

Comments - if you have additional comments please specify

**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)**

Yes	No

judges?	( X )	( )
prosecutors?	( X )	( )
non-judge staff ?	( X )	( )
lawyers?	( )	( X )
notaries ?	( X )	( )
enforcement agents ?	( )	( X )

#### Attachments

REPORT ON NOTARIES OSCE FINAL.PDF

NA

Comments - Could you specify the reference or internet link of this/these document(s) or sent it/them to us? 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.

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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)**

( ) Yes

( X ) No

NA



**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)**

	Yes, please specify	No
the recruitment of judges ?	( )	( X )
the promotion of judges ?	( )	( X )
the recruitment of prosecutors?	( )	( X )
the promotion of prosecutors ?	( )	( X )
the recruitment of non-judge staff ?	( )	( X )
the promotion of non-judge staff ?	( X )	( )
if other than recruitment and/or promotion	( )	( X )

[ ] NA

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/>).

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

. The competence of the Commissioner for Protection of Equality is regulated by the Law on the Prohibition of Discrimination ("Official Gazette of the Republic of Serbia", No. 22/2009).

[ ] NA

**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):**

. The Commissioner for Protection of Equality in Serbia is an independent, autonomous and specialized state authority established on the basis of the Law on Prohibition of Discrimination from 2009. The task of this state authority is to prevent all forms, types and cases of discrimination, to protect the equality of natural persons and legal entities in all spheres of social relations, to oversee the enforcement of antidiscrimination regulations, and to improve realization and protection of equality. In line with the Law on Prohibition of Discrimination, the Commissioner has the Professional Service which helps them to perform their duties. The Professional Service is established on the basis of the Act on Internal Organization and Job Systematization, which was approved by the National Assembly. The Professional Service consists of sectors, as the basic organizational units, the Commissioner's Office as a separate internal unit, departments and groups.

For activities of the Commissioner for Protection of Equality regarding gender equality please see:

<http://ravnopravnost.gov.rs/en/gender-equality-in-serbia-and-prevention-of-discrimination-against-women/>.

Likewise, a Coordination Body for Gender Equality exists on the national level, established on 30 October 2014, of which the Minister of Justice is a member. Please see: <https://www.rodnaravnopravnost.gov.rs/>.

[ ] NA

**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):**

. The Commissioner gives his/her opinion on whether there has been a violation of the provisions of the Law on Prohibition of Discrimination within 90 days of the day of receiving a complaint, of which he/she shall inform the person who submitted the complaint and the person against whom the complaint was submitted. If he/she decides that there has been a violation of the provisions of this Law, the Commissioner issues a recommendation to the person against whom the complaint was submitted, suggesting a way of redressing the violation in question. The person to whom the recommendation is addressed is obligated to act upon it and to redress the violation in question within 30 days of the day of receiving it and to inform the Commissioner of it. If the person to whom a recommendation is addressed fails to act upon it, that is, if he/she fails to redress the violation in question, the Commissioner shall caution him/her. Should this person fail to redress the violation in question within 30 days of having been cautioned, the Commissioner may inform the public about it.

[ ] NA

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**At court/public prosecution service level**



**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)**

	Yes	No
in courts (judges)	( )	( X )
in Public Prosecution services (prosecutors)	( )	( X )
for courts' non-judge staff	( )	( X )

[ ] NA

Comments - If yes, please specify their titles and tasks:

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**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)**

	Yes	No
Assignment in different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( )	( X )
Modalities of teleworking and presence in the work space	( )	( X )
Replacement of absent persons	( X )	( )
Organisation of the hearings	( )	( X )
Other	( )	( X )

[ ] NA

Comments - If "Other" please specify. Please also indicate concrete examples referring to the various possibilities mentioned?

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**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:**

have been implemented:

(If the situation changed since 2016, please also specify)

NA

**are planned:**

(If the situation changed since 2016, please also specify)

NA

**should be taken:**

(If the situation changed since 2016, please also specify)

NA

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

**recruitment procedures:**

(If the situation changed since 2016, please also specify)

NA

**promotion procedures and access to the functions of responsibility:**

(If the situation changed since 2016, please also specify):

NA

**Please specify also the reference documents:**

(If the situation changed since 2016, please also specify):

NA

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**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)

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	( )	( X )
the composition of hearings with several judges is always mixed	( )	( X )
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	( X ) In its publication, „Women and Man in the Republic of Serbia“, the Statistical Office of the Republic of Serbia states that „In 2016 that For the most serious crimes, murder and serious murder, 10 women and 156 men were sentenced. In the same year, 100 women and 1965 men were convicted of the criminal offense of domestic violence. For the same offence, 71% of women and 63% of men were sentenced to imprisonment. The victims of domestic violence are mainly women (77%), while men make 23% of domestic violence victims”.(“Women and Man in the Republic of Serbia“, Statistical Office of the Republic of Serbia, November 2017, p.222, <a href="http://www.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/Women%20and%20Men%20in%20the%20Republic%20of%20Serbia_web_2017.pdf">http://www.stat.gov.rs/WebSite/userFiles/file/Aktuelnosti/Women%20and%20Men%20in%20the%20Republic%20of%20Serbia_web_2017.pdf</a> , accessed on 15 January 2018);	( )

[ ] NA

Comments - if you have additional comments please specify 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>.