



UNEQUAL POSITION AND DISCRIMINATION OF WOMEN IN THE MODERN WORLD - GLOBAL ASPECT

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Abstract

During the entire historical development, the position of women in relation to men was unequal, based on the violation of their basic human rights and the inability to fully express their own freedom, but also their own abilities and opportunities (physical, emotional, intellectual, artistic, creative...). They were oppressed as an individual, within the family, but also on a broader social level. During the past centuries, ownership, political, and social relations have changed, but the position of women has changed very slowly and very little. In some European countries with a democratic legal system, only a little more than a hundred years ago, women were recognized with basic political, and thus basic human rights. This kind of change and progress in rights was achieved after protests, strikes, women's marches, after clashes on the streets with representatives of the then authorities, arrests and imprisonment... The struggle of women is permanent and continues to this day; the continuity of women's struggle for their rights confirms the existence of inequality in the modern world as well. Although it may take place through some more sophisticated ways and forms, the unequal position of women in relation to men is still reflected in the legal, economic, political and social framework.

Key words: *Women, human rights, discrimination/inequality; international and national legislation.*

Introduction

A clear determination and declaration for the protection of human rights by the constitution and laws against any arbitrariness are the first steps in the formation of a legal state. The legal order of every country inevitably stems from democracy and the system of human freedoms and rights. No one is above and beyond the rights that the constitution and laws of a country prescribe.

Considering the importance and universality of the issue of human rights and the protection of individual rights, in the modern world the wider aspect of these issues is often discussed; for example on gender equality, or generally on the protection of equality. However, within each of these concepts, the area of women's rights can be

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highlighted as particularly significant. Unfortunately, throughout history and up to the present day, women have often been discriminated against. Discrimination is, for the most part, based on belonging to the female sex, but it is combined with at least one other, and often more bases (eg belonging to an ethnic group, disability, skin color, gender, age, etc.). So that women who make up half of humanity and half of the population of almost every modern state, according to the criteria of protection and realization of human rights, actually represent what is called a "minority" or a "vulnerable group" in the theory of human rights. The universality of the issue of realizing and protecting people's rights, including women's rights, requires continuous activity in terms of innovating regulations, mechanisms for ensuring implementation and monitoring results at the global and local level [1, 2, 3, 4, 5, 6]. We should also mention the fact that the traditional concept of human rights suffers criticism from feminists because it does not sufficiently reflect the essential equality of women and men and gender sensitivity. That is why, in the last decades, more and more people are talking about gender equality. The term "**sex**" generally refers to the biological **sex** of an organism, while "**gender**" usually refers to either social roles based on a person's gender (gender role) or personal identification of one's own gender based on inner awareness (gender identity).

The World Conference on Women and the UN Convention on the Elimination of All Forms of Discrimination against Women significantly contributed, among other things, to a gender-sensitive approach to women's human rights, which is also reflected in *the UN Declaration on Violence against Women*, the *draft Rulebook on Women's Rights* and the *African Charter on human rights and people's rights*. It is very important to note that human rights instruments represent a new political and social concept by legally affirming women as complete and equal human beings.

"The advancement of women and the achievement of equality between women and men are an integral part of human rights and a condition for social justice and should not be singled out as a women's issue" Convention on Women's Rights - Beijing +5, 2000 [7].

In general, women are more exposed to discrimination than men in the modern world. When analyzing some specific situations or grounds/areas within which women are discriminated against, the conclusion is reached that the position of women today still depends on certain traditional understandings and stereotypes about their place (position) and role in the family and society, i.e. it is based on their biological function/role and difference compared to men. So women still represent a group that is still in the phase of conquering/fighting/acquiring some basic human rights. This is supported by the fact that even in countries with recognized and centuries-old democratic traditions (such as Switzerland) it has not yet been a century since the recognition of the "general" right to vote for women.

The term discrimination, at least when it comes to everyday terminology, seems like something that is clear and self-evident. It should be noted that the meaning of this term, in international and national documents, often goes through various changes, additions and modifications. Also, in various documents, the concept of discrimination is more or less specified. Perhaps it is good to remember that in some



universal documents, which are the foundations for the organization and functioning of the modern world, the concept of discrimination is not mentioned at all (eg: the *UN Universal Declaration of Human Rights* from 1948). But it is implied from other expressions used; for example "...respect for human rights and fundamental freedoms for all without distinction based on race, gender, language or religion...". Since general documents do not operationalize the concept of discrimination to the extent necessary for its suppression in everyday life, it was necessary to prepare more specific sets of international and national documents that provide more specific definitions, standards and appropriate instruments for monitoring the achieved results.

Thus, *the Law on Prohibition of Discrimination*, in Article 2, defines discrimination as follows: "The terms "discrimination" and "discriminatory treatment" mean any unjustified distinction or unequal treatment, i.e. omission (exclusion, restriction or priority), in relation to persons or groups as well as members of their families, or persons close to them, in an open or covert manner, based on race, color, ancestry, citizenship, national or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, property status, birth, genetic characteristics, health status, disability, marital and family status, convictions, age, appearance, membership in political, trade union and other organizations and other real or assumed personal characteristics (hereinafter: personal characteristics)"

Review of the most important international and national documents

Today, there are numerous international documents related to gender equality and, indirectly, to the prevention of discrimination against women, as well as to the improvement of their position and rights in the modern world. These documents establish appropriate standards, but also certain international mechanisms for monitoring the implementation of those agreements and established standards in countries that have ratified these specific international agreements.

The most important international documents related to the protection of human rights and the prevention of discrimination against women are available on the website of the Coordinating Body for Gender Equality of the Government of the Republic of Serbia (<https://www.rodnaravnopravnost.gov.rs/sr>), Commissioner for Equality of the Republic of Serbia (<https://ravnopravnost.gov.rs>) and the Institute for Gender Equality (<https://ravnopravnost.org.rs>) [8, 9, 10]. Only one part of the data is presented:

- *Universal Declaration of Human Rights* (United Nations General Assembly 217 (III) December 10, 1948)
- *Convention on the Elimination of All Forms of Racial Discrimination* (UN General Assembly, December 21, 1965)
- *International Covenant on Civil and Political Rights* (UN General Assembly, December 16, 1966)
- *International Covenant on Economic, Social and Cultural Rights* (UN General Assembly, December 16, 1966)
- *Convention on the Political Rights of Women* (UN General Assembly, March 31, 1953)



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- *Convention on the Elimination of All Forms of Discrimination against Women* (UN General Assembly December 18, 1979)
- Beijing Declaration and Platform for Action (Fourth World Conference on Women, September 15, 1995, Beijing)
- *European Convention for the Protection of Human Rights and Fundamental Freedoms* (Council of Europe, November 4, 1950, Rome)
- Directive 2006/54/EC on the implementation of the principle of equality and equal opportunities for men and women in matters of employment and occupation (European Parliament and Council, July 5, 2006)
- Istanbul Convention - *Convention on the prevention of violence against women and domestic violence* (Council of Europe; May 11, 2011, Istanbul)
- *European Charter for Equality of Women and Men in Local Life* (Council of European Municipalities and Regions, 2006) Concluding comments of the CEDAW Committee (Committee on the Elimination of Discrimination against Women - thirty-eighth session May 14 - June 1, 2007).

As the most important international document, we should single out the "*Convention on the Elimination of All Forms of Discrimination against Women*" (CEDAW), which was adopted by the General Assembly of the United Nations (hereinafter referred to as the UN) in 1979, and entered into force on September 3, 1981 (hereinafter referred to as the Convention). The countries that are signatories to this Convention have confirmed their determination that the traditional role of men and women in society should be changed, in order to achieve full gender equality, bearing in mind the great contribution of women to the well-being of the family and the development of society. However, we are witnessing that even today these goals have not been fully met.

The convention expresses the general belief that the full and all-round development of countries, well-being and peace in the world, requires the active and full participation of women, on an equal footing with men, in all spheres of life. The member states of this Convention undertook to undertake all necessary measures, including legislative ones, especially in the political, social, economic and cultural fields, to ensure the presence and involvement of women in everyday life and their complete freedom and equality.

Along with the set of international documents, we should also add the *Declaration against violence against women* (abbreviated DEWAW), which was adopted without a vote at the UN General Assembly by decision 48/104 of December 20, 1993. It is considered a supplement to the Convention, as it deals in more detail with problems of violence against women that are not mentioned in the Convention and are very present in everyday life. The Council of Europe later adopted an expanded and amended *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Council of Europe; May 11, 2011) in Istanbul.

However, despite all the conventions, resolutions, declarations and recommendations adopted by the UN and specialized agencies related to gender equality, there is still widespread discrimination against women. By violating the principle of equality and disrespecting dignity, the participation of women in the political, social, economic and



cultural life of their countries is prevented and their contribution to the development of the family and society as a whole is prevented.

In order to monitor the implementation of the Convention and the progress it should bring, the Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) was established. When the Convention entered into force in 1981, the Committee had 18 members, and after the ratification and accession of 35 member states, the Committee was expanded to 23 members. The members are experts in the field to which the Convention refers, with high moral qualities. This Committee works on the basis of reports submitted annually or periodically by member states on legislative, judicial, administrative and other measures adopted at the national level, analyzes and evaluates the level of achieved standards proclaimed by the Convention and their impact on the development of individual societies and countries.

Today, most countries in the world have ratified international declarations and conventions and adopted national regulations that ensure equal status and rights for women. Nevertheless, the issue of applying standards and legal norms in practice is still the most important and essential issue today.

In addition to international documents and the Constitution of the Republic of Serbia, among the principle provisions on human and minority rights, it also systematizes the general constitutional norm on the prohibition of discrimination, the purpose of which is to ensure the basic constitutional provisions that all human rights guaranteed by the Constitution are realized under equal conditions. This is the basis that, from the aspect of the complete legislation of the Republic of Serbia, it can be pointed out that one of the basic and certainly the most important goals in the fight for a developed democratic society is the prevention of any form of discrimination on any basis (racial, religious, national, sexual, gender ...). Also, it is important to point out that in the period from 2000 until today, institutional mechanisms for gender equality were established at different levels of the state organization [4].

This activity was started by organizing the working bodies of the National Assembly of the Republic of Serbia (currently: Committee for Human and Minority Rights and Gender Equality); Assembly of AP Vojvodina (Committee for Gender Equality; Provincial Institute for Gender Equality; Council for Gender Equality); Governments of the Republic of Serbia (Coordinating Body for Gender Equality; Commissioner for the Protection of Equality; Council for Gender Equality) and the like. It continued with the adoption of appropriate strategies with implementation plans, modern legal regulations and by-laws.

And when it comes to the review of national documents relevant to the status and position of women in the Republic of Serbia, a selection of data from the website of the Commissioner for Equality of the Republic of Serbia (<https://ravnopravnost.gov.rs>) and the website of the Institute for Gender Equality (<https://ravnopravnost.org.rs>) [8, 10]. Only one part of the data on national documents is presented :

- Law on Gender Equality ("Official Gazette of RS", No. 51/2021)



- Law on Local Self-Government ("Official Gazette of RS", No. 129/2007, 83/2014 - other laws, 101/2016 - other laws, 47/2018 and 111/2021 - other laws)
- Law on Prohibition of Discrimination ("Official Gazette of the RS", No. 22/2009)
- Law on Amendments to the Law on Prohibition of Discrimination ("Official Gazette of RS", No. 51/2021)
- Law on Prevention of Domestic Violence ("Official Gazette of RS", No. 94/2016)
- National strategy for gender equality for the period from 2021 to 2030
National strategy for prevention and protection against discrimination for the period 2022-2030
- Strategy for the prevention and fight against gender-based violence against women and domestic violence for the period 2021-2025
- Program for the protection of women from domestic and partner violence and other forms of gender-based violence in AP Vojvodina for the period from 2023 to 2026
- Decision on gender equality of AP Vojvodina ("Official Gazette of AP Vojvodina", number 14/2004)

Records and current areas of discrimination of women in the modern World

As already mentioned, various forms of discrimination against women are still present in the world. It is often about far more complex and complicated forms of discriminatory behavior. Even in the 21st century, women are a part of the population that is the majority of victims of illegal and immoral actions on a global level. This refers to sexual harassment, human trafficking, domestic violence and abuse, neglect of the elderly, etc. The Convention promotes the protection of women in all these situations (in the family, at the workplace, in other areas of social life), relying primarily on national legislation.

In addition to specific activities, it is necessary to take into account the fact that statistical data are absolutely necessary in order to understand the true position of women in each member state of the international community. It is necessary to organize, first of all, that the national statistical services responsible for the population census, as well as for the collection and processing of other social and economic data and statistics, formulate questionnaires in a way that enables the processing of data according to sex/gender, both in terms of absolute numbers and in terms of percentages. The Republic Statistical Office of Serbia applied all these provisions [11]. Based on the collected data, this institution has been publishing the publication "Women and Men in the Republic of Serbia" since 2005. The data in this publication are classified into several areas: population, health, social protection, education and science, information and communication technologies, employment, wages and pensions, living standards, time use, justice, decision-making, international indices. As stated in the introductory part, the publication was prepared "...in accordance with the needs of the users to monitor the state of society and gender relations through statistical data, as well as with the intention of using statistical data to create and



implement policies aimed at eliminating inequalities between the sexes and promote equality between them." [12].

As already stated, the member states of the Convention are obliged to send periodic reports to the Committee on their results, statistical data and the situation related to the state of human rights, gender equality and cases of discrimination. In addition, the UN, through various agencies and/or projects, monitors the situation in the field of equality (on various grounds) in certain countries, regions or in general in the world [6].

Other organizations from the non-governmental sector or academic institutions collect and analyze data from the field of equality and discrimination against women. An analysis prepared by the Georgetown Institute for Women, Peace and Security was recently published; University of Georgetown, USA (<https://giwps.georgetown.edu>). The report was made in cooperation with the PRIO Center on Gender, Peace and Security, Norway. 2023/2024 edition of the Women's Global Peace and Security Index (WPS Index) scores and ranks 177 countries in three areas: inclusion, justice and women's security. No country has a perfect performance on the WPS index, and the results reveal large differences between countries, regions and indicators. The WPS Index offers a tool for identifying where resources and accountability are most needed to advance the status of women – to the benefit of us all. Based on this analysis, Denmark provides the best living and working conditions for women, followed by Switzerland, Sweden, Finland, Iceland and Luxembourg. On the other hand, the WPS index is the lowest in South Africa, Yemen and Afghanistan. In this report, Serbia is in the 32nd place, together with Hungary, while Italy is in the 34th place, Slovenia is in the 36th place, and Croatia is in the 25th place. This analysis was made based on the monitoring of certain parameters. WPS index includes 13 indicators of women's status classified in three dimensions and areas: involvement/inclusion (economic, social, political), justice (formal and informal discrimination) and security (individual, general, social). The most important sources of this data are the UN agencies, the World Bank, the Gallup World Poll and many others. And as the institutions that prepared the report state, the situation in the world and in certain regions can affect the amount of data, accuracy, and thus the final results for certain countries and regions [13].

It is noted with extreme concern that in certain parts of the world there are still traditional, cultural and economic pressures that allow the continuation of harmful practices that affect the health and well-being of women, but also children (e.g. the prohibition of abortion even when there is a medical justification; illegal abortion; traditional procedures of female circumcision without the application of appropriate medical treatments...). The Convention and the Committee require member countries to include in their programs and appropriate strategies for solving such problems, within the framework of concern for the health of the population. Such measures could also include informing the academic community, medical associations, national women's associations and the general public about the problems and finding appropriate solutions that would enable appropriate medical treatment and women's safety. These are very sensitive issues that require active, realistic participation,



engagement, observation and assessment of all participants in the social life of a country or region (politicians, professionals of various profiles, religious leaders and leaders of other communities at all levels, educational institutions, media, artists, etc.). The complexity of such activities generally requires the coordination of national and international organizations, most often UN agencies.

Today, discrimination and violation of the principles of gender equality are most often observed in the labor-legal, family and political fields. It is the same in other countries, and a similar situation exists in the Republic of Serbia.

In the labor and legal field, inequality is often observed in employment, working conditions, mobbing, sexist outbursts, but also through the realization of financial compensation for the work done.

In the field of family relations, violence against women, women and children, unequal share of parents in the care and upbringing of children, as well as in decisions about entrusting children, etc., occurs very often.

When it comes to the sphere of politics, the participation of women in political life is not proportional to the participation of men. Their representation in government structures is inversely proportional to their participation in the total number of inhabitants. Women are significantly less represented in political bodies that are decision-makers at all levels of executive power (Figure 1). Their share in management positions in state institutions and public enterprises is smaller. In the last two decades, the situation in the Republic of Serbia has been relatively improving, especially since 2020. The number of women has increased in several previous convocations of Serbian governments, as well as the number of women who participate as deputies in the work of the National Assembly. When it comes to the executive power at the local level, the situation in Serbia is not harmonized with the level of the state and AP Vojvodina. The Commissioner for Equality has repeatedly pointed out this problem in her annual reports, and in 2017 she also issued a Special Instruction for reducing discrimination against women at the local community level [8].

Women, on average, have achieved a lower level of qualifications compared to men. Especially when it comes to smaller communities, villages and rural areas. It certainly affects their financial situation. More than 15% of women over the age of 15 do not have a regular personal income, and employed women earn less than men for jobs with the same level of complexity. A small percentage of women are the owners of immovable and movable property, and the vast majority of them are burdened with unrecognized, for now unpaid work at home. This problem appears more and more often as the basis of inequality in the world, and in Serbia as an increasing number of complaints to the Commissioner for Equality. That is why in 2015 *the Special Report of the Commissioner for the Protection of Equality on Discrimination against Women was prepared* (<https://ravnopravnost.gov.rs/posebni-izvestaji>), also in 2017 the document *Recommendation of Measures for Equality* (for the city/municipality) was prepared, and regarding the significantly lower representation of women in local self-government bodies and bodies compared to the Republic (<https://ravnopravnost.gov.rs/rs/preporuka-mera-za-ostvarivanje-ravnopravnosti>). [5, 8, 11, 12]



The Government of the Republic of Serbia, the Commissioner for the Protection of Equality, the Coordinating Body for Gender Equality, the Institute for Gender Equality, UN - Women, UNDP, the EU Delegation to Serbia, the OSCE Mission to Serbia, the Chamber of Commerce of Serbia and many other organizations and bodies are working to improve national legislation in the field of equality and equitability, reduction of violence against women and other minority and vulnerable groups. But they also have many projects and activities through which practical help is provided to the Republic of Serbia to speed up the implementation of all adopted documents. These projects provide support and strengthen the capacity of institutions, at all levels, for the development of gender-sensitive policies. Also, the participation and activity of women in various groups to promote gender equality, as well as participation in politics, is encouraged. It promotes gender equality in the field of economic activities, strengthening the family, personal protection and safety of women, encouraging education, etc. (8, 9, 10, 14). All activities are in accordance with *the General Recommendations of the Committee for the Elimination of Discrimination against Women* (15) and *Recommendations of the Committee of Ministers to member states on preventing and combating sexism* [16]

Display of data on the participation of women in the bodies and organs of the Republic of Serbia (Republican Institute of Statistics, Ministry of Public Administration and Local Self-Government) is given below:

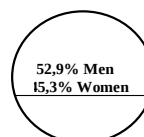
Number of inhabitants

Total	6647003
Man	3231198 (48.6%)
Women	3415025 (51.4%)



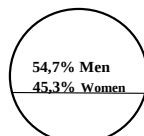
Employment

Total	2360588
Men	1247644 (52.9%)
Women	1112944 (47.1 %)



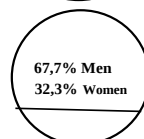
Not employment

Total	402831
Men	220451 (54.7%)
Women	182380 (45.3%)



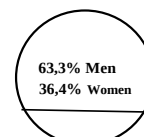
Members of the government

Total	31
Men	21 (67.7%)
Women	10 (32.3%)



Deputies in the National Assembly

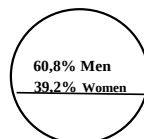
Total	250
Men	159 (63.3%)
Women	91 (36.4%)





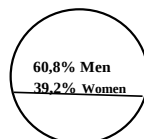
Deputies in the Assembly AP Vojvodina

Total	120
Men	60.8%
Women	39.2 %



Deputies in the Assembly of Belgrade

Total	250
Men	155 (60.8%)
Women	95 (39.2%)



Presidents of municipalities/mayors

Total	169
Men	160 (94.7%)
Women	9 (5.3%)

Deputies in the assemblies of municipalities/cities

Total	6174
Men	3875 (62.8%)
Women	2299 (37.2%)

Final considerations

It is a fact that in countries at different levels of development, to a greater or lesser extent, it is shown that there are stereotypical representations of women, thanks to socio-cultural factors based on the sex/gender difference. Therefore, it is necessary for all member states of the Convention to adopt and implement effective programs of education, public information, as well as various activities for the empowerment of women, as well as other groups exposed to discriminatory behavior. Only broad action and constant activity will make it possible to eradicate prejudices and established practices that prevent the full operation and application of the principle of social equality of women. Although significant progress has been made in terms of amending and implementing various discriminatory laws, there is still a need to take radical measures and major steps in order to fully implement the Convention in all countries of the world, by introducing measures that will *de facto* promote women and men equality.

It is still necessary, through various activities and projects, to work on empowering the population, women as well as men, to overcome traditional understandings of the differences between the sexes/genders, to use their own freedoms and their own potentials equally with mutual respect and tolerance, to use the advantages and opportunities provided by the progress of society and new technology. This kind of thinking applies to the Republic of Serbia, but also to other countries in the world. Especially since new challenges and opportunities for new forms of violence and inequality arise every day. This is indicated by recent resolutions adopted by the UN;



for example *Security Council Resolution 1325 on women, peace and security* (2000) and *Resolution on intensification of efforts to prevent and eliminate all forms of violence against women and girls* (2020).

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- [16] Recommendation CM/Rec (2019) 1 of the Committee of Ministers to member states on preventing and combating sexism¹ (adopted on March 27, 2019)