

COMPLAINT

IMPORTANT NOTICE: The complaint will be copied and sent to the natural and/or legal entity or authority against which the complaint is being filed.

PERSONAL DATA ON THE COMPLAINANT

1. FIRST NAME _____
2. LAST NAME _____
3. NAME _____
(if the complainant is a legal entity)
4. ARE YOU SUBMITTING THE COMPLAINT ON BEHALF OF ANOTHER PERSON? _____ (answer YES or NO)
5. IF THE ANSWER TO PREVIOUS QUESTION IS "YES", STATE ON WHOSE BEHALF YOU ARE SUBMITTING THE COMPLAINT _____
6. DO YOU HAVE AUTHORISATION OF THE PERSON ON WHOSE BEHALF YOU ARE SUBMITTING THE COMPLAINT _____
(answer YES or NO and please submit the authorization, if you have it)
7. ADDRESS/SEAT _____
8. PHONE _____
9. E-mail _____
10. DATE OF BIRTH _____
(not compulsory)

INFORMATION ABOUT THE LEGAL AND/OR NATURAL ENTITY, OR THE AUTHORITY THAT YOU ARE SUBMITTING THE COMPLAINT AGAINST

A) IF A COMPLAINT IS AGAINST LEGAL ENTITY/ AUTHORITY, STATE

1. THE NAME OF THE LEGAL ENTITY/AUTHORITY _____
 2. SEAT AND ADDRESS _____
 3. PHONE _____
 4. ARE YOU EMPLOYED THERE? _____ Yes/No
- #### B) IF THE COMPLAINT IS AGAINST NATURAL ENTITY, STATE
1. FIRST AND LAST NAME _____
 2. ADDRESS _____
 3. PHONE _____

4. HAS THE PERSON YOU CLAIM DISCRIMINATED YOU COMMITTED THE ACT AT THE WORK PLACE/ WHILE YOU WERE FULFILLING YOUR DUTIES _____ yes/no
 5. IF THE ANSWER TO THE PREVIOUS QUESTION IS "YES", STATE WHERE THE PERSON IS EMPLOYED _____

- (name of the company/institutions/organisation; address, phone number, position/working position of the person)

NOTICE: If there are more than one legal entities and/or natural entities, or authorities against which the complaint is submitted, please, use separate complaint application for each.

GROUND FOR DISCRIMINATION

Circle one or more grounds for (personal qualities) that you think are grounds for discrimination.

1. Race
2. Skin colour
3. Ancestors
4. Citizenship
5. National affiliation or ethnic origin
6. Language
7. Religious or political beliefs
8. Gender
9. Gender identity
10. Sexual orientation
11. Property status
12. Birth
13. Genetic features
14. Health status
15. Disability
16. Marital and family status
17. Prior criminal convictions
18. Age
19. Appearance
20. Membership in political, Trade union or other organisations

How to contact the Commissioner for the Protection of Equality?

Anyone who considers to be discriminated may submit a complaint to the Commissioner for the Protection of Equality.

The complaint is submitted in writing in the attached form that you can download from the website: www.ravnopravnost.gov.rs.

The complaint should contain information on who is the victim of discrimination, a discriminator, a description of the discriminatory act, as well as evidence of the discriminatory act discrimination (documents, witnesses, etc.)

Complaints must be signed. The Commissioner does not act on an anonymous complaint. The procedure before the Commissioner for the Protection of Equality is **free of charge** and lasts for 90 days.

The Commissioner cannot punish discriminators if they fail to comply with their recommendations, but they can persuade them to do so by the authority of the institution, by the power of arguments and pressure of the public.



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Who is the Commissioner for the Protection of Equality?

The Commissioner for the Protection of Equality is an independent state authority. Our **MISSION** is to suppress any discrimination and contribute to the building of a tolerant society in which everyone exercises equal rights and has equal opportunities. Our **VISION** is Serbia as a just, open and tolerant society of equal people with equal opportunities, in which diversity is observed.

What does the Commissioner for the Protection of Equality do?

The Commissioner acts upon complaints for discrimination, gives **OPINIONS** on whether there has been discrimination or not and if it finds it is the case, it gives **RECOMMENDATION** to a discriminator. If the discriminator does not act upon the recommendation, the Commissioner issues the **NOTICE**, and if they do not do that, it **INFORMS THE PUBLIC**.

The Commissioner may submit **CRIMINAL AND OFFENCE CHARGES** for violation of non-discrimination.

The Commissioner may file a **COMPLAINT** for violation of the prohibition of discrimination, on its own behalf with consent and for the account of the discriminated person, if no proceedings have already been instituted or final court proceedings have been instituted on the same matter.

What is discrimination?

Discrimination implies putting a person in a less favourable position compared to other people for some of their personal qualities.

EXAMPLE: In a job advertisement for English teachers for which every person who completed the Faculty of Philosophy/English language is eligible, they ask for somebody of up to 30 years of age, thus excluding all persons above 30 – this is the case of treating equals unequally.

Discrimination may occur if a person (or a group) is treated in the same manner as others although they are in a different position than others due to some personal qualities of theirs.

EXAMPLE: When a kindergarden provides the same food for all children although some of them have different requests for some medical reasons (e.g. allergies).

Discrimination may be grounded in different **PERSONAL QUALITIES** which are real or are just assumed to be present. A personal quality refers to some feature related to the personality of a person, which he/she shares with some other people to a greater or lesser extent. Personal qualities, for instance, include: race, skin colour, citizenship, national affiliation or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, disability, marital and family status, age, membership in political and other organisations etc.

Discrimination can be direct or indirect, intentional or made as a result of carelessness. Someone might commit an act of discrimination in complete ignorance.



What is not discrimination?

Not every case of making a difference is a case of discrimination. Sometimes in life, someone is really being treated wrongfully but it is not discrimination because it is not based on a personal quality. Education level or a profession does not represent personal qualities.

EXAMPLE: abuse, humiliation, harassment at work represent mobbing and not discrimination. Although it is the case of violation of rights, these two phenomena cannot be equalized. However, discrimination at work is evident if one has been transferred to a lower work position upon returning to work after the maternity leave.

Who can be a discriminator?

Everyone can be a discriminator: the company, the owner of a restaurant, the minister, a bus driver, a female director, local self-government, school, a desk clerk.

Who can be discriminated?

Everyone can be discriminated: the owner of a shoe shop, a teacher, a member of a trade union, a doctor, a journalist, association, a university student...



Being different does not mean one is a lesser person. Each and every one of us can and should build better and more tolerant Serbia every day, rich in diversity which are being respected and observed.

Brankica Janković
Commissioner for the Protection of Equality

Examples of discrimination

If in a job advertisement for the position of an engineer they ask exclusively for a man. When a director of a kindergarden does not want to employ a male teacher in the job competition since it is not typical to have a man looking after children.

When a dentist refuses to treat a tooth of a patient with HIV.

When a bank does not approve overdraft if you are over 65 years of age.

When a club security guy does not let a Roma person inside claiming they need a reservation while letting all the other get inside without reservation.

When at the entrance of a municipality building there is no ramp/access for wheelchairs of persons with disability.

When a group of hooligans harasses the owner of a candy shop because they think he is Albanian.

When a professor throws a student out of the classroom because he wears jewellery, adding a comment that he may attend the class only after "he comes dressed up like a man as it suits him".

Based on gender: A woman and man working on the same jobs in the same company, having the same number of years of work experience but a man's salary is higher than a woman's by one third.

Based on national affiliation: Two female schoolmates one of whom is Roma, went for practical classes to a bakery. The owner of the bakery refused to accept the Roma girl saying that he would lose some of his customers if they saw that a Roma girl was selling bread.

Based on age: The employer tells the employee that they will not send them to the training to learn how to work on a new machine because they are too old to learn new skills.



What are special (affirmative) measures?

All people are equal and have the same rights. However, some people or groups of people are in unfavourable position compared to others and their position is unequal in terms of opportunities to educate themselves, to find employment, to advance to some more influential positions etc. in order to provide equality for them, special measures also known as affirmative measures are being introduced. Their purpose is to abolish inequality (towards women, Roma population, people with disabilities etc.).

EXAMPLE: Marked parking places for people with disabilities.

EXAMPLE: Reliefs for female and male Roma students.

EXAMPLE: An employer is obliged to prolong employment until the expiration maternity leave of a temporarily employed woman who gets pregnant.

21. Something else _____
(please, state)
Please, briefly explain the reason why you believe that the personal quality that you circled above was the grounds for discrimination.

IMPORTANT: If you need additional space for statement, use supplementary sheet.
PROOFS: Please, list the evidence you are submitting together with the complaint.

1. _____
2. _____
3. _____

1. HAVE YOU INITIATED A COURT PROCEEDING
_____ YES/NO

2. IF THE ANSWER TO THE PREVIOUS QUESTION IS "YES", STATE WHICH COURT AND WHAT DATE

(please, submit a photocopy of the court complaint)

DATE _____ Signature _____

NOTICE: If you are filing a complaint electronically, it is necessary to sign it personally first and then scan it.

Commissioner for Protection of Equality
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Republic of Serbia
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THE DESCRIPTION OF THE EVENT
Please, describe in detail the event for which you are submitting the complaint, including information about the time, place, witnesses etc.