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All terms used in this Report in masculine grammatical gender encompass both masculine and feminine gender of the persons they refer to

INTRODUCTION

Respected representatives of the people,

Respected readers,

You are looking at the fourth Regular Annual Report on the work of the Commissioner for Protection of Equality. The Report covers the period from January 1st to December 31st 2013. The concept of this year's Report is significantly different from the three previous ones. These changes result from our attempt to make the Report comprehensible, systematic, concise and easily readable so that everybody involved in the implementation of the antidiscrimination policy could make the best possible use of it.

You will be able to learn from the Report to what extent citizens and the representatives of public authorities are familiar with discrimination and the anti-discrimination regulations, what is the level of ethnic and social distance in social relations, how widespread are prejudices, negative stereotypes and discriminatory attitudes, what social groups are most at risk of discrimination and many other facts that give insight into the current social context.

The Report will allow you to become familiar with the results the Commissioner achieved last year by acting upon discrimination complaints and using her other legal prerogatives. We have collected, processed and appropriately presented the data on discrimination cases on which we have worked. From this data, you can learn who was most often discriminated against and on the basis of what personal characteristics; who are the discriminators; and in what areas was discrimination most frequently recorded.

We have also presented our proactive approach in the area of combating discrimination and promoting equality. The Report contains data on our endeavours and projects we have implemented in cooperation with public authorities and civil society organizations, with the support of European funds and international organizations, with a view of raising public awareness on the problem of discrimination, monitoring the phenomenon of discrimination, developing the culture of human rights, equality and tolerance, and increasing the effectiveness and efficiency of legal protection against discrimination. We have also presented our activities on increasing the visibility and accessibility of the institution of the Commissioner and informing citizens about her sphere of competence and the manner of work. We have pointed out the key problems and challenges we are faced with in fulfilling our legal duties and accomplishing the role entrusted to the Commissioner.

Finally, in this Report you can find our recommendations made to public authorities and other social actors. Implementation of these recommendations can contribute to the elimination of the causes of discrimination, speed up the process of achieving full equality and the development of a stable, open, inclusive and tolerant society which respects differences and offers equal rights and equal opportunities to all.

This Report is our call to join forces and act even more determinedly to combat discrimination and ensure that every person has equal access to all resources in society. Let the following thoughts be our inspiration on the path of achieving this goal: "In our society, there are people like you and me who face injustice every day just because they differ from the majority. They are different because they have a different skin colour, because they are women, because they believe in some other god or because of a different sexual orientation. To break free from such injustice and inequality is the essence of the story of equal opportunities".

Nevena Petrušić, PhD Commissioner for Protection of Equality

SUMMARY

Pursuant to her legal authority and to the Strategic Plan for the Development of the Commissioner, and the Communication Strategy for the Period 2012–2014 as the most important internal documents, during the course of 2013 the Commissioner for Protection of Equality continued her work on combating discrimination and promoting equality.

In the course of 2013 the Commissioner worked on 763 cases, which is 161 (26.75%) more compared to 2012. The Commissioner's activities in the area of informing citizens about discrimination and how to protect their right to non-discrimination, the growing visibility of the institution of the Commissioner as well as increased trust in the work of the Commissioner contributed to this result. Acting upon the complaints, the Commissioner issued 108 opinions with a recommendation and 32 opinions. In addition, the Commissioner issued 24 recommendations for undertaking measures for improving equality and more effective protection against discrimination. She issued 6 expert opinions on the draft laws and regulations, initiated 3 strategic litigations for protection against discrimination, submitted 2 notices for initiating misdemeanour proceedings, 2 proposals to assess constitutionality and legality and 10 public warnings regarding frequent and severe cases of discrimination.

Most of the submitted complaints pertained to discrimination on the grounds of health condition, national affiliation/ethnic origin, age, disability, marital and family status and gender. The majority of complaints pertained to discrimination in the area of labour and employment, proceedings before public authorities, education and professional training, the provision of health care and other public services, the use of buildings and public areas, etc. There is still a number of complaints submitted pertaining to the violation of laws for which the Commissioner is not authorized to intervene. This indicates that many citizens still do not distinguish between discrimination and other unlawful acts, and that they are not fully familiar with the Commissioner's sphere of competence.

In the course of 2013, the Commissioner submitted two special reports to the National Assembly of the Republic of Serbia: the Report on Discrimination against Persons with Disabilities and the Report on Discrimination against Children. Two public hearings at the National Assembly were organized with regard to these reports, bringing together numerous interested parties. The Report on Discrimination against Children was presented by the members of the Youth Panel "Discrimination Busters" which is a permanent advisory body of the Commissioner.

In the course of last year, the Commissioner continued intensive work on promoting the principle of equality and non-discrimination and on education of citizens and legal professionals on anti-discrimination law by means of lectures and presentations, promotional events, participation in conferences, educational seminars and other expert gatherings. To achieve this goal, with the support of IPA funds and other donations, more than 30 books, handbooks and brochures were published in the Serbian language and the languages of national minorities. Some publications were also published in Braille and in the form of audio books.

The staff of the Professional Service improved their knowledge and professional competences; internal procedures were improved as well. The very institution of the Commissioner became more visible, accessible and available to the citizens. The activities were initiated to implement the Conclusion of the National Assembly on establishing a special office of the Commissioner in Novi Pazar, with support of the European Commission and UN Women.

Cooperation was established and deepened with the state and other public authorities, with similar institutions abroad, international organizations (UNDP, UNICEF, UN Women, Council of Europe, OSCE), as well as with numerous civil society organizations in the country and abroad.

The Commissioner made full use of the benefits afforded by membership in the European Network of Equality Bodies (EQUINET), fully contributing to its development. Appreciating this contribution and expressing full support to the work of the Commissioner, the General Assembly of EQUINET has decided that the autumn session of the EQUINET Executive Board in 2014 shall be held in Belgrade, when the seminar of the European equality bodies dedicated to the discussion of affirmative measures will also be organized.

The Commissioner was actively involved in the ongoing process of European integration through her independent reports and by means of giving expert answers, assessments and information pertaining to the issues within the sphere of her competence.

At the end of 2013, the Commissioner, in cooperation with UNDP, conducted two surveys: "Attitude of Public Administration Representatives towards Discrimination in Serbia" and "Citizens' Attitudes on Discrimination in Serbia". The surveys provided insight to the extent citizens and the representatives of legislative, executive and judicial authorities at the national, provincial and local level are familiar with discrimination, what are their attitudes towards discrimination, what social groups they recognize as the most discriminated, the extent of ethnic and social distance towards specific groups, how willing they are to support measures introduced for the purpose of improving the position, protection and progress of deprived and marginalized social groups, how familiar they are with anti-discrimination regulations and mechanisms of protection against discrimination, etc.

Cases of discrimination and intolerance were relatively often the topics of media reports, discrimination against LGBT persons, Roma, women and persons with disabilities being the most common. The media were covering and reporting on the work of the Commissioner and published her statements, views and opinions.

In 2013, the Commissioner for Protection of Equality was allocated the amount of RSD 89.348.000,00. The Law on the Budget for 2014 provides the amount of RSD 68.955.000,00 for the work of the Commissioner.

In order to effectively combat discrimination and establish full equality the following steps should be taken:

1. Complete the work on the Action Plan for the Implementation of the Strategy for Prevention and Protection against Discrimination, and ensure sufficient financial resources for all planned measures. The Action Plan should set measures for the establishment of a uniform system for the collection of data on discrimination and the effects of the implementation of mechanisms for protection against discrimination.

2. Timely start the preparation of strategic documents expiring in 2015, such as the National Strategy for Improving the Position of Women and Promoting Gender Equality

(2009–2015), the National Action Plan for Children (2004–2015), the National Strategy for Improvement of the Position of Roma, Roma Decade 2005–2015, the Strategy on Aging (2009–2015), the Action Plan for the Implementation of the Strategy for Improving the Position of Persons with Disabilities (2013–2015), etc.

3. Intensify the work on implementing measures established under national, provincial and local strategic documents and action plans designed to enable the achievement of full equality of deprived, vulnerable and marginalized social groups: Roma, persons with disabilities, the elderly, refugees and internally displaced persons, the poor and other socially disadvantaged persons, including children and women who belong to these groups. These measures should be implemented in order to create conditions for these populations to effectively enjoy all guaranteed rights without any form of direct or indirect discrimination. Include representatives of vulnerable social groups in these activities.

4. Continue work on the training of judges, public prosecutors, police officers and public servants in the area of anti-discrimination law.

5. Continue work on gender mainstreaming at the national, provincial and local level. Ensure consistent enforcement of the rule on gender analysis of draft laws and regulations and the analysis of their impact on women and men.

6. Undertake all necessary measures to ensure that the composition of state authorities, local self-government authorities and other public authorities corresponds to the national structure of the population on their respective territories by increasing the number of employed members of national minorities and their education and training in this regard.

7. Harmonize legal regulations, which specify conditions and procedure for registering non-traditional religious communities, with national and international standards on the equality of churches and religious communities in order to prevent indirect discrimination against such religious communities and believers.

8. Adopt, without delay, the Rulebook on more precise criteria for recognizing the forms of discrimination in educational institutions by an employee, a pupil and a third party, and ensure all conditions for its implementation.

9. Create and implement educational programmes intended for teachers, educators and other persons employed at schools in order to train them to recognize and prevent discrimination, promote equality among pupils, actively combat all types of discrimination and implement inclusive education.

10. Undertake measures for integrating into the school curricula and teaching materials topics that develop the culture of peace, tolerance, understanding and respect for differences, gender equality and non-discrimination. Remove from teaching materials discriminatory contents and contents which support stereotypes and prejudices.

11. Provide equal opportunities for access to higher education to young people from underrepresented groups, including persons with disabilities, by introducing special measures and supplementing standards for the accreditation of higher education institutions with regard to the accessibility of premises, ensuring assistive technologies and adequate student support services. Initiate the adoption of internal rules on handling cases of discrimination in higher education institutions. 12. Create and implement educational programmes for health workers and other staff employed in health institutions with the aim of increasing the level of their knowledge about and understanding of discrimination and complying with the regulations that prohibit it. Include into similar educational programmes counsellors for the protection of patients' rights and members of local health councils, as well as the employees of the Republic Health Insurance Fund and its branch offices.

13. Legally regulate the field of public information in accordance with anti-discrimination regulations and ensure appropriate education of journalists in the area of anti-discrimination law. Ensure that the public broadcasting service produces and broadcasts programmes that, through their contents, make possible the expression of the cultural identity of national minorities and ethnic groups, including the creation of conditions for them to follow these programmes in their own language and script. Ensure the broadcasting of the programmes in formats adjusted to persons with disabilities.

14. Equate the Republic of Serbia as the employer for direct and indirect budgetary users with other employers in regards to the manner of complying with the obligation of employing persons with disabilities.

15. Remove from legal regulations all inadequate and stigmatizing terms used to designate persons with disabilities ("blind", deaf", "mute", "handicapped person", "person with special needs" etc.) and replace them with uniform and correct terms. In this respect, supplement the Common Methodology Rules for Drafting Regulations ("Official Gazette of RS", no. 21/10).

16. Reform regulations on the removal of legal capacity in accordance with the contemporary social model of disability and international standards in this area in order to ensure that persons with disabilities, with appropriate support, enjoy all their guaranteed rights on an equal footing.

17. Revise the Strategy on the Development and Promotion of Corporate Social Responsibility (2010–2015) by introducing special measures that contribute to the elimination of social exclusion and discrimination against members of vulnerable groups. Introduce special measures to ensure that employers implement the principle of equal opportunities and non-discrimination in the field of work and employment.

18. Adopt the Law on Free Legal Aid that would ensure effective access to justice without discrimination on any grounds, including access to justice for victims of discrimination.

19. Undertake all necessary measures aimed at eliminating security threats and creating conditions for the 2014 Pride Parade to take place unhindered. Adopt regulations that would enable the registration of same-sex couples and regulate the effects, legal consequences and modalities of dissolving registered partnerships in accordance with the recommendations of the Council of Europe.

20. Provide appropriate premises for the work of the Professional Service of the Commissioner for Protection of Equality.

1.1 Legal Status, Role and Authority

The Commissioner for Protection of Equality is an autonomous and independent state authority established on the basis of the Law on the Prohibition of Discrimination¹ with a broad scope of authority, by which it is the central national institution specialized for preventing and combating all forms and types of discrimination. The authority of the Commissioner is broadly defined in accordance with international standards in order to enable this body to efficiently and effectively prevent discrimination and provide protection against it, and contribute to achieving and improving equality.

According to Article 33 of the Law on the Prohibition of Discrimination, the Commissioner shall receive and review complaints pertaining to discrimination, provide opinions and recommendations on the manners to eliminate violations of the rights and pass measures established by the law in case of failing to implement the recommendations. In addition, the Commissioner shall initiate strategic misdemeanour proceedings of public interest to protect from discrimination. The Commissioner is expected, with regard to these misdemeanour litigations, to select cases of frequent and widespread discrimination, in particular discrimination which causes especially severe consequences with regard to members of vulnerable, threatened and marginalized social groups which rarely have court epilogue in legal practice and of which there are good chances for success and a potential for achieving the goals of strategic litigation. The Commissioner also has the authority to submit misdemeanour and criminal charges as well as proposals to assess constitutionality and legality. It is the Commissioner's legal duty to provide information to the person lodging a complaint concerning his/ her rights and the possibility of initiating court proceedings or some other proceedings for the purpose of protection; the Commissioner is also authorized to recommend mediation if she assesses that mediation is applicable.

When performing her preventive role, the Commissioner is authorized and obliged to warn the public of the most frequent, typical and severe cases of discrimination, which is done on the basis of insights acquired from the lodged complaints, information from the media and from other sources. In addition, for the purpose of achieving and improving equality and combating discrimination, the Commissioner recommends measures to public administration authorities and other persons, monitors the implementation of laws and other regulations in the area of protection of equality and prohibition of discrimination, provides opinions on draft laws and other regulations and initiates the passing of new laws and other regulations as well as adopting amendments of the existing ones.

The Commissioner submits a regular annual report to the National Assembly about the situation concerning the protection of equality. At her own initiative or upon the request of the National Assembly, the Commissioner may submit a special report as well. In performing her duties, the Commissioner shall establish and maintain cooperation with the authorities responsible for ensuring equality and the protection of human rights in the territory of the autonomous province and local self-government.

^{1 &}quot;Official Gazette of RS", no. 22/09.

Autonomy and independence of the institution of the Commissioner represent basic postulates and key prerequisites for the successful realization of her social role and mission. For this reason, any attempt to influence the work of this institution represents an act of violation of her independence regardless of whether it comes from public authorities, civil society organizations or the private sector.

In interpreting and applying anti-discrimination regulations, the Commissioner follows international standards and the practice of European judicial institutions – the European Court for Human Rights and the Court of Justice of the European Union.

1.2 Professional Service

For the purpose of performing expert and administrative tasks from the framework of the Commissioner's scope of work, the Professional Service has been established to help the Commissioner exercise her authority.

The Professional Service is organized in accordance with the Rules of Internal Organization and Systematization of Posts within the Professional Service of the Commissioner for Protection of Equality² and the Decision amending the Decision on the Establishment and Work of the Professional Service of the Commissioner for Protection of Equality. Basic internal units are composed of three sectors: the Sector for the Protection of Equality, the Sector for Improving Equality and the Sector for General Affairs. Special internal units are the Cabinet of the Commissioner and the Group for Information. Based on the Rules, a total of 60 staff members have been envisaged – four civil servants occupying positions of seniority, 53 civil servants occupying positions that entail performing tasks and three lower-rank employees. Of the number envisaged, a total of 19 posts have been filled so far, including that of the Commissioner for Protection of Equality.

Constant growth in workload leads to increasing additional engagement of the existing number of employees and part-time experts, which is not sustainable. In order to overcome this problem, the Commissioner had planned, in the 2013 Personnel Plan, to employ 12 new staff members. However, due to limitations imposed by the fact that the Commissioner uses temporary premises at 70, Beogradska Street, she was not able to realize this plan until the end of the year. This directly aggravates the fulfilment of the legal role and responsibilities that the Commissioner has in the domain of combating discrimination and protection against it.

In the course of 2013, the Commissioner started preparations for changing the systematization of the posts aimed at establishing an appropriate framework for future regional offices. The establishment of regional offices was supported by the National Assembly through the Conclusion issued on the occasion of reviewing the Regular 2012 Annual Report of the Commissioner for Protection of Equality³.

In the course of 2013, activities aimed at increasing the level of general and specific knowledge and professional competences of the staff of the Commissioner's Professional Service continued through various trainings, seminars and workshops.

^{2 &}quot;Official Gazette of RS", no. 111/2012.

^{3 &}quot;Official Gazette of RS", no. 45/2013.

1.3 Work Space and Technical Conditions for Work

In September 2010, the Commissioner for Protection of Equality was provided with business premises on the first floor in the block of apartments at 70, Beogradska Street as a temporary solution. The premises occupy a space of 248 m2. The Professional Service moved to the premises in June 2011, after thorough reconstruction and ensuring accessibility for persons with disabilities. Since the premises in which the staff of the Professional Service are located was inappropriate in terms of space and security for the work of the Reception Office, in late 2011 the Commissioner was, on a temporary basis, provided with one office in the building of the Administration for Joint Services of the Republic Bodies at 22–26, Nemanjina Street. The Reception Office started receiving clients there in June 2012. Such arrangement makes the work and internal communication of the Service staff more difficult, imposing additional pressure on an already scarce number of employees who are forced to work in two locations.

The business premises have been made accessible for persons with disabilities who move by using a wheelchair by installing ramps and modern platform lifts for persons with disabilities. Sound enhancing equipment has been installed in the office which alleviates communication with hearing challenged persons, as well as an audio induction loop system for the amplification of speech, which facilitates persons who wear a hearing aid to clearly hear the interlocutor, i.e. to hear sounds around them without disturbance.

The entire work premises of the Commissioner are equipped with tactile panels containing the name of the institution in Braille script, which facilitates accessibility and stay on the premises to persons with impaired sight.

The Professional Service of the Commissioner has all the technical equipment for work which has been provided from the Commissioner's own funds and from donations. At the end of 2012, the Commissioner received, by way of donation from an IPA, a large number of technical devices, professional quality printers, computers, etc. However, due to a lack of space, they cannot all be used, making the work environment unsafe. Additional difficulty in work is the lack of conditions for parking in front or in the vicinity of premises and difficult access for clients with disabilities and persons coming to meetings organized by the Commissioner.

Although more than three years passed since the establishment of the institution of the Commissioner and regardless of the fact that not only the Commissioner has been pointing out to the problems with regard to the workspace several times, but international organizations did it too by giving recommendations that better conditions for the work of the Commissioner needed to be provided, the lack of office space still makes the work and development of the Professional Service difficult, representing the major limitation in the work of the Commissioner. It should be kept in mind that the volume of the Commissioner's work has been constantly increasing and that more than 1900 cases have been processed since the day of the establishment to date, while the number of direct requests for legal advice and assistance exceeds 3000. If such a trend continues and the problem of workspace is not solved, the efficient and effective fulfilment of the Commissioner's mission in the area of combating and preventing discrimination will be compromised.

1.4 Improving the Methodology and Manner of Work

In order to increase the efficiency and quality of work, the improvement of internal procedures and instructions intended for the staff of the Professional Service continued in 2013 with the full participation of employees. The instructions contain guidelines on the content, structure and manner of argumentation, language and style of the acts of the Commissioner. The aim of such guidelines is to make these acts simple, clear and understandable to everyone. This implies avoiding administrative style and the use of complicated legal terminology unknown to laypersons in the area of law. Such an approach is imposed by the very purpose of individual legal acts which the Commissioner adopts, which aim not only at the elimination of a specific violation of the right to non-discrimination, but also at the prevention of discrimination through public awareness raising and increasing the level of knowledge, information and understanding of the legal concept of discrimination, mechanisms for legal protection against discrimination, etc.

At the end of 2013, preparations were started for introducing innovations in the Rules of Procedure⁴ that the Commissioner adopted in 2010 within 45 days from the day of her appointment pursuant to Article 62 of the Law on Prohibition of Discrimination, when the work of the institution had not started yet. The implementation of rules contained in this document over the period of three years has shown that some rules on the manner of proceeding are not verified in practice and that some of them are inadequate, irrational or inexpedient from the point of view of the standards of fair treatment and conducting the procedure efficiently.

During the last year, legal positions were taken with regard to many disputable procedural issues which arose out of the fact that anti-discrimination regulations were imprecise, incomplete or non-harmonized as well as due to the legal gaps resulting from the legislator's failure to explicitly regulate the manner of proceeding. With regard to the most significant legal issues, for the purpose of proper interpretation and application of regulations, the Commissioner held several consecutive consultative meetings with reputable legal specialists. Experience in the application of regulations thus far enabled a list of all disputable procedural issues to be made as some sort of preparation for a professional gathering that would bring together representatives from the Commissioner's Professional Service and judicial authorities as well as legal specialists from civil society organizations to discuss these issues together. This event is planned to take place in 2014.

1.5 Preparations for Opening a Regional Office in Novi Pazar

The work of the institution of the Commissioner so far has shown that proactive approach to combating discrimination requires more intensive presence in the field. Although in the previous period the staff of the Commissioner's Professional Service and the Commissioner herself visited many municipalities and towns, having direct contact with numerous citizens, representatives of public authorities, local media and civil society organizations, experience has shown that it is necessary to act continually in local communities, and to increase accessibility and visibility of the Commissioner, which is also very important. This is also indicated by the data on the number of complaints from certain parts of Serbia that are shown in Table 9.6. As an illustration, in 2013, 39.9% of complaints were received from the

^{4 &}quot;Official Gazette of RS", no. 34/2011.

region of Belgrade, but only 14.8% from the region of Šumadija and Western Serbia. On the basis of a comprehensive consideration of possible ways to overcome such an unfavourable situation, we have concluded that we should start working on setting up regional offices of the Commissioner. This was supported by the National Assembly of the Republic of Serbia in its Conclusion on the occasion of reviewing the Regular 2012 Annual Report of the Commissioner for Protection of Equality.

Having in mind the willingness of the UNOPS – EU Progress Project that is implemented in 25 municipalities in southern and south eastern Serbia, and UN Women to support the establishment of the regional office in Novi Pazar, activities toward achieving this goal were started in 2013. This idea was supported by the governing structures in Novi Pazar. By the decision of the Novi Pazar Municipal Assembly the Commissioner for Protection of Equality has been provided with work premises free of charge for the period of five years. An office granted for temporary use is located in Kosančićeva Street and occupies a space of 28.83 m2, whereby it has been agreed that appropriate premises should be provided as soon as possible. Office furniture and equipment have been provided thanks to the funds from the UNOPS – EU Progress project. Training for employees will be also financed from these funds as well as the costs of supervision of their work by the staff of the Commissioner's Professional Service during the initial period. At the end of 2013, two job openings were announced and the activities on the selection of candidates were started. It is planned that the officers of the Novi Pazar office act in Raška, Sjenica and Tutin.

Three more regional offices are envisaged to be set up in the upcoming period through the support of the IPA funds within the 2013 sector programming.

2 ANTI-DISCRIMINATION REGULATIONS

In the past years, the Republic of Serbia has built a solid anti-discrimination legal framework. Moreover, the most important universal and regional treaties in the area of human rights have been adopted and incorporated into domestic legislation and activities have been carried out towards adopting and implementing optional protocols that accompany these treaties.

The Constitution of the Republic of Serbia⁵ prohibits any kind of discrimination, direct or indirect, on any grounds, in particular on the grounds of race, gender, nationality, social origin, birth, religion, political or other beliefs, financial position, culture, language, age and psychological or physical disability (Article 21). General and specific anti-discrimination laws have been adopted: the Law on the Prohibition of Discrimination (2009)⁶, the Law on the Protection of Rights and Freedoms of National Minorities (2002)⁷, the Law on Prevention of Discrimination against Persons with Disabilities (2006)⁸ and the Law on Gender Equality (2009)⁹. Prohibition of discrimination is contained in many laws which regulate specific areas of social relations: the Labour Law (2005)¹⁰, the Law on Professional Rehabilitation and Employment of Persons with Disabilities (2009)¹¹, the Law on Health Care (2005)¹², the Law on the Foundations of the Education System (2009)¹³, the Law on Churches and Religious Communities (2006)¹⁴. Criminal law protection against discrimination is regulated by the Criminal Code of the Republic of Serbia¹⁵, which provides for several criminal offences in connection to the prohibition of discrimination, such as the violation of freedom of expression of national or ethnic affiliation, professing one's faith and conducting religious rites, promotion of hatred and incitement of hatred, violence against a person or a group of persons on the basis of certain personal characteristics, etc.

A comprehensive and coherent system for legal protection against discrimination has been established. This system includes the mechanisms of civil law, criminal law and misdemeanour legal protection, in which the Commissioner for Protection of Equality has an important place.

The general assessment is that the existing legislation provides a solid legal framework and appropriate instruments for protection against discrimination, its prevention and elimination in accordance with international and European standards. Still, the reports of international organizations and the European Commission point to the need to improve some legislative solutions.

^{5 &}quot;Official Gazette of RS", no. 98/06.

^{6 &}quot;Official Gazette of RS", no.22/09.

^{7 &}quot;Official Journal of FRY", no. 11/02, "Official Journal of SCG", no. 1/03 –Constitutional Charter and "Official Gazette of RS", no. 72/09 –other law.

^{8 &}quot;Official Gazette of RS", no.33/06.

^{9 &}quot;Official Gazette of RS", no.104/09 (hereinafter LGE).

^{10 &}quot;Official Gazette of RS", no. 24/05, 61/05 and 54/09.

^{11 &}quot;Official Gazette of RS", no. 36/09.

^{12 &}quot;Official Gazette of RS", no 107/05 and 72/09 -other law.

^{13 &}quot;Official Gazette of RS", no. 73/09.

^{14 &}quot;Official Gazette of RS", no. 36/06.

^{15 &}quot;Official Gazette of RS", no. 85/05, 88/05 - correction, 107/05 - correction, 72/09 and 111/09.

Thus, already in 2011, the European Commission against Racism and Intolerance (ECRI), in its Report on Serbia¹⁶ released after the fourth monitoring cycle gave the following recommendations to local authorities: 1) to amend the Law on Churches and Religious communities in order to eliminate any difference in treatment between various churches and religious communities living in Serbia (p. 12); 2) to amend the Law on Restitution of Property to Churches and Religious Communities which provides for restitution only for property confiscated in 1945 or later with appropriate changes to the Law to prescribe the return of property confiscated from churches and religious communities before 1945, to both registered and non-registered religious communities (p. 13); 3) to amend the Law on the Prohibition of Discrimination to ensure the prohibition of discrimination in the areas of health care, housing and social protection (p. 15).

In the Serbia 2013 Progress Report¹⁷, the European Commission states: "Some provisions of the Anti-Discrimination Law have yet to be aligned with the *acquis*. This includes the scope of exceptions from the principle of equal treatment, the definition of indirect discrimination and the obligation to provide reasonable accommodation for disabled employees" (page 36). Such an attitude is repeated in Chapter 23: Judiciary and fundamental rights, where it is stressed that "certain aspects of the anti-discrimination legislation have yet to be aligned with the *acquis*, notably the scope of exception from the principle of equal treatment, the definition of indirect discrimination and the obligation to make reasonable accommodation for disabled employees" (page 45).

The anti-discrimination laws were not changed in the previous year. However, some laws important for protection against discrimination and improving equality in specific areas were adopted. Some laws were subject to public debate in which the Commissioner took part. Upon the request of the proposer of the legislation or at her own initiative, the Commissioner gave elaborated opinions on specific draft laws which are presented in corresponding parts of this Report.

Below is an overview of relevant legislative amendments in the course of 2013.

The *Law amending and supplementing the Law on Professional Rehabilitation and Employment of Persons with Disabilities* was adopted in <u>April 2013</u> ("Official Gazette of RS", no 32/13). According to this Law, an employer who fails to employ persons with disabilities in line with the obligation to employ a certain number of persons with disabilities shall pay an amount of 50% of an average wage per employee in Serbia for every person with a disability it failed to employ. The previous provision on the payment of penalties ceased to exist. Also, pursuant to this Law, the employer is entitled to a subsidized salary in the period of 12 months for a person with disability without working experience who the employer hires on a permanent contract. The subsidy amounts to 75% of the total costs of wages with accompanying social insurance contributions but it shall not exceed the amount of the minimum wage.

The <u>Law amending and supplementing the Labour Law</u> was passed in <u>April 2013</u> ("Official Gazette of RS", no. 32/13). These amendments and supplements have improved the segment of the Labour Law that regulates the protection of maternity. Pursuant to the new article of this Law, "The employer shall provide that employed women, upon returning to work prior

¹⁶ http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/serbia/SRB-CbC-IV-2011-021-SRB.pdf

 $^{17\} http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/izvestaj_ek_2013.pdf$

to the expiry of the first year after giving birth to a child, enjoys the right to one or more breaks during working hours for a total duration of 90 minutes or the right to reduce daily working hours for 90 minutes in order to be able to breast-feed her child if the daily working hours of the employed woman equal to six or more hours". Further, it is regulated that the employment contract of the employed woman who is using her right to maternity leave or the employed man for that matter who is using his right to leave to nurse a child shall be prolonged until the expiry of the use of the right to the said leaves.

<u>The Law on the Protection of Persons with Mental Disabilities</u> was adopted in <u>May 2013</u> ("Official Gazette RS", no. 45/13). This Law regulates, in a systemic manner, the area of the protection of mental health. The adoption of this Law has been envisaged by the Strategy of Development of Mental Health Protection ("Official Gazette of RS", no. 8/07). Article 45, Paragraph 1 of this Law, under the title "Prohibition of Discrimination" reads: "The protection of persons with mental disabilities shall be provided without discrimination on the grounds of race, gender, birth, language, citizenship, national affiliation, religion, political or other belief, education, legal or social status, financial position, age, disability or any other personal characteristic." In Paragraph 2, discrimination on the grounds of a mental disability is explicitly prohibited.

<u>The Law on Patients' Rights</u> was adopted in <u>May 2013</u> ("Official Gazette of RS", no. 45/13). Article 6 of this Law provides that in the process of the realization of health care "a patient shall have the right to equal access to health service, without discrimination with regard to financial possibilities, place of residence, type of illness, time of access to the health service or any other difference which may be the cause of discrimination". The manner of protecting patients' rights has been changed by prescribing that local self-government shall provide such protection by appointing a person who acts as a counsellor for the protection of patients' rights and establishing the Health Council (Article 38).

A set of laws in the area of education was passed in June 2013: the Law amending and supplementing the Law on the Foundations of the Education System, the Law on Primary Education, the Law on Secondary Education and the Law on the Education of Adults ("Official Gazette of RS", no. 55/13).

The Law amending and supplementing the Law on the Foundations of the Education System has amended and supplemented the provisions of Article 3 of this Law that lists general principles of education and pedagogy. It is explicitly stated in this article that in achieving the general principles of education and pedagogy particular attention should be attached to "opportunities for children, students and adults with developmental impairments and disabilities, regardless of their financial position, to gain access to all levels of education in institutions and for persons living in social welfare institutions, sick children, students and adults to exercise their right to education while in an institution, hospital or receiving treatment at home". Further, particular attention should be paid to "the reduction of the dropout rate from the education system, in particular of persons from socially disadvantaged categories of the population and underdeveloped regions, persons with developmental impairment or disabilities and other persons with specific learning difficulties and support to their return to the system in accordance with the principles of inclusive education". Article 4 of this Law has also been changed to include as one of the education objectives "the acquisition of high quality knowledge, skills and opinions which every person needs for personal realization and development, inclusion and employment and the acquisition and development of basic competences with regard to communication in one's mother tongue, communication in foreign languages, mathematical literacy and basic competences in science and technology, digital competences, competence of learning how to study, inter-personal and civil competences and cultural expression." Also, in Article 14, regulating the authority of the National Education Council, it has been added, as a new competence of this body "to monitor, analyse and make recommendations for the reduction of the dropout of children and students from the education system and to establish proposals of measures for return to education of persons who dropped out from the system". This competence also belongs to the Council for Vocational Education and Education of Adults, which shall be responsible, according to new regulations, "to monitor, analyse and make recommendations for the reduction of the dropout of children and students from the education system and to establish the proposals of measures for return to education of persons who dropped out from the system".

In order to create better conditions for the implementation of inclusive education, the content of an individual education plan (IEP) has been regulated in detail. IEP shall be adopted for a child and student in need of additional educational and pedagogical support due to social deprivation, developmental impairment, disability or other reasons. The school shall be obliged to eliminate physical and communication obstacles and adopt an individual education plan. In the amended Article 77, the objective of IEP is defined as "optimal development of a child and student, inclusion in his/her peer group and the achievement of general and specific educational and pedagogical outcomes, i.e. the fulfilment of educational and pedagogical needs of a child and student". The manner and procedure for creating IEP are regulated in detail, as well as for its evaluation, whereby it is prescribed that detailed instruction for the implementation of IEP, its delivery and evaluation shall be adopted by the Minister (Article 77, Paragraph 14). Thanks to these changes, there are legal conditions for more effective combating of indirect discrimination against children who, due to social deprivation, developmental impairment, disabilities or for other reasons, need additional educational and pedagogical support in the area of education.

On the basis of the Law on the Foundations of the Education System, the Minister of Education, Science and Technological Development has adopted the *Rules on Professional Development and the Acquisition of a Title of Teachers, Educators and Professional Associates,* which came into force in September 2013 ("Official Gazette of RS", no. 85/2013). The Rules envisage priority areas of professional development of importance for the development of education and pedagogy (Article 8). This includes, *inter alia,* prevention of discrimination and inclusion of children and students with developmental impairment and those coming from socially marginalized groups.

<u>The Law on Primary Education</u>, adopted in June 2013, explicitly specifies in Article 8 that the main task of a school is to provide "high quality education and pedagogy for every child and student, under equal conditions, regardless of where the school is located, i.e. where education and pedagogy take place". In addition, "persons performing educational and pedagogical work and other persons employed in school shall particularly promote equality among all students and actively fight any form of discrimination and violence".

Article 10 regulates the rights of students with developmental impairments or disabilities, that is, every child with intellectual, sensory or motor developmental disorders. As a basis and support for inclusive education, it is prescribed that a child with developmental impairment shall, as a rule, acquire education at school, together with other children. When it is in the best interest of a child, the child shall acquire education at school for children with developmental impairments in accordance with the law. A student with a developmental impairment or disability shall have the right to an individual education plan.

In Article 12, which regulates the language of performing educational and pedagogical work, it is prescribed that the educational and pedagogical work is carried out in the Serbian language. Paragraph 2 of the same Article provides that the educational and pedagogical work for the members of national minorities shall be carried out in the language and script of the national minority, i.e. bilingually, if at the time of enrolment in the first grade at least 15 pupils opt for it. The school has the right to organize educational and pedagogical work in the language and script of the national minority, i.e. bilingually, for less than 15 pupils enrolled in the first grade with the approval of the ministry responsible for education. The ministry shall give such an approval upon obtaining an opinion from the corresponding national council of the national minority in accordance with the law, which regulates the jurisdiction of the national councils of national minorities. It is explicitly prescribed that the opinion is considered to be given if the national council of the national minority fails to issue an opinion within 15 days from the day of receiving the request. Further, the school has a legal duty to organize the Serbian language as a subject for pupils if the educational and pedagogical work is organized in the language and script of the national minority, as well as to organize the course of the language of the national minority with elements of national culture as an optional subject if the educational and pedagogical work is organized in the Serbian language. The Law provides for a possibility to organize educational and pedagogical work in a foreign language, i.e. bilingually, with approval of the Ministry, whereby a course of the Serbian language shall be organized if the educational and pedagogical work is carried out in a foreign language. As far as for educational and pedagogical work for pupils who use sign language, i.e. special script or other technical solution is concerned, it is provided that such work shall be organized in accordance with the law, without specifying what law it is.

The Law does not abolish schools for the education of students with developmental impairments, but Article 18 prescribes that children, regardless of the type of impairment, shall attend such schools. It is also prescribed that in order to improve inclusive education and pedagogy, the school for the education of children with developmental impairments shall give support to the school in the regular education system. It is made possible for schools in the regular education to hire a pedagogue, teacher or professional associate employed at a school for the education of students with developmental impairments, whereby such engagement shall be organized on the basis of an opinion of the interdepartmental commission for the assessment of needs for additional educational, health or social support to the student.

It is important to underline that the objectives of primary education and pedagogy include, *inter alia*, "full and balanced intellectual, emotional, social, moral and physical development of every child and student, in accordance with his/her age, developmental needs and interests", "the development of abilities for the role of a responsible citizen, for life in a democratic and humane society based on respect for human and civil rights as well as the basic values of justice, truth, freedom, honesty and personal responsibility; formation of opinions, attitudes and value systems, the development of personal and national identity, the development of conscience and sense of belonging to the Republic of Serbia, respect for and nurturing of one's mother tongue and of the tradition and culture of the Serbian people, national minorities and ethnic communities, other nations, the development of multiculturalism, respect for and preservation of national and world cultural heritage", "the development and respect for racial, national, cultural, linguistic, religious, gender and age equality and tolerance".

<u>The Law on Secondary Education</u>, adopted in June 2013, prescribes, as one of the objectives of secondary education, respect for racial, national, cultural, linguistic, religious, gender, sexual and age equality, tolerance and respect for differences (Article 2). The Law does not abolish schools for pupils with developmental impairments, but it is prescribed that in these schools education for appropriate professions should be organized for pupils who attend such schools based on the opinion of the interdepartmental commission for the assessment of additional educational, health and social support to the student with parents' consent (Article 4).

Provisions that regulate the use of language in secondary education are identical to those regulating the organization of educational and pedagogical work in primary schools.

With regard to religious education, it is provided that the school programme for religious education shall be adopted by the Minister based on the proposal agreed by traditional churches and religious communities upon the opinion obtained from the authority responsible for relations with churches and religious communities (Article 7). According to Article 8, the Commission shall monitor the organization and delivery of religious instruction for Religious Education at School formed by the Government for the period of six years. It is important to underline that the Law regulates the manner of providing additional support in education and pedagogy, thus creating legal conditions for the implementation of inclusive secondary education. Article 12 provides that the school shall ensure the removal of physical and communication obstacles for a student and adult who, due to developmental impairments or disabilities, specific learning difficulties, social deprivation or for other reasons, need additional support in education; for such students and adults, the school, depending on the needs, may adopt an individual education plan in accordance with the Law. Additional support in education and pedagogy aims at achieving optimal inclusion of students and adults into regular educational work, gaining independence in their peer group and development in education and preparation for the labour market. For achieving additional support in education and pedagogy, the school director, teacher, professional associate, pedagogue, pedagogical or adult education assistant and parent, i.e. guardian, may obtain special professional assistance with regard to the implementation of inclusive education. It is prescribed that for the purpose of achieving additional support in education, the school shall cooperate with local self-government bodies, as well as with other organizations, institutions and agencies at the local and broader level. Moreover, persons who have competences in the area of inclusive education and pedagogy, and schools that have become example of good practice in the implementation of inclusive education and pedagogy may provide special professional assistance.

Candidates for enrolment have the right to take the entry exam in the language in which they completed primary education if they enrol in a school that requires an entry exam for assessing special affinities and abilities (Article 38). With regard to the conditions for the enrolment in secondary school and the ranking of candidates, the law does not provide for a possibility of introducing special measures for students from deprived and marginalized social groups. <u>The Law on Education of Adults</u>, adopted in June 2013, prescribes equal opportunities as one of the principles of this type of education. In Article 3, the principle of equal opportunities is defined as the inclusion and acquiring of education regardless of age, gender, developmental difficulties and impairments, disabilities, racial, national, social, cultural, ethnic and religious affiliation, language, sexual orientation, place of residence, financial position or health condition and other personal characteristics. Among the objectives of adult education, there are also the development of democracy, interculturalism and tolerance (Article 4). With regard to the use of language, the Law prescribes that the education of adults shall be organized in the Serbian language; for members of national minorities, adult education can be organised in their mother tongue, i.e. bilingually, if at the moment of enrolment at least of 50% of students or candidates opt for this. Members of national minorities have the right, when entering into the procedure of acknowledging his/her previous education, to choose whether the procedure will be conducted in his/her mother tongue or in Serbian. It is prescribed that the education of candidates and pupils who use sign language, i.e. special script or other technical solutions, shall be organized in accordance with the law, without specifying what law it is.

<u>The Law amending and supplementing the Law on the Organization of Courts</u>, adopted in November 2013 ("Official Gazette of RS", no. 101/13), changed the subject-matter jurisdiction of courts in litigations for protection against discrimination. Instead of a basic court, the new Law provides for the jurisdiction of a higher court. Because of this change, it will be necessary to train higher court judges who do not have experience in deciding in litigations for protection against discrimination.

In October 2013, the National Assembly ratified two international conventions which have become an integral part of the internal legal system of the Republic of Serbia: *Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence* and *Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption* ("Official Gazette of RS – International Agreements", no. 12/13).

Having in mind the need for improving the legislative process in Serbia, in June 2013 the National Assembly of the Republic of Serbia adopted the *National Assembly's Resolution on Legislative Policy* ("Official Gazette of RS', no 55/2013). With this document, the Republic of Serbia expressed full willingness to achieve legislative policy objectives, such as, *inter alia*, the strengthening of the rule of law and provision of full legal security and protection of human and minority rights and fundamental freedoms. The Resolution, *inter alia*, underlines a need for building and adopting legislative solutions which are the basis for a faster, more efficient and more coordinated development of society in accordance with the system of social values "with respect for the principle of gender equality and taking into account the effects of laws and other regulations on women and men".

3 DISCRIMINATION FROM THE CITIZENS' AND PUBLIC AUTHORITY REPRESENTATIVES' POINTS OF VIEW: AWARENESS, ATTITUDES AND PERCEPTION OF THE SITUATION IN SERBIA

The Republic of Serbia has not vet established a unified and centralized system for collecting data relevant to the monitoring of discrimination and functioning of the system of legal protection against discrimination, even though the Commissioner for Protection of Equality made a recommendation for the establishment of such a system in her 2011 Annual Report. Therefore, insight into the real situation and consequently the planning of appropriate measures for the elimination of discrimination are hampered. This is also not possible without accurate data on the prevalence of discrimination, its features and forms, the most common victims and perpetrators, the areas in which discrimination is most common, as well as without data on the implementation of mechanisms for protection against discrimination and its effects. We expect that the future Action Plan for the implementation of the Strategy for Prevention and Protection against Discrimination, adopted in June 2013, would determine the manner of collection and distribution of data to all social actors as per recommendation of the Commissioner for Protection of Equality. In this way, it would provide insight into the current data on the prevalence and incidence of discrimination in Serbia and the effects of implementation mechanisms for its prevention and elimination, including information on civil law, criminal law and misdemeanour legal protection against discrimination.

However, although there are no joint data on discrimination, it is clear that discrimination is still very widespread in all areas of social life, despite having established a solid legal framework for its elimination. This is confirmed by the reports of independent public authorities, civil society organizations, international organizations and the European Commission's report on Serbia's progress in European integration.

In an effort to contribute to gaining insights into the current state of the implementation and protection of equality in this section of the Annual Report we have presented the results of the "Public Opinion Survey on Discrimination in Serbia", conducted by CeSID for the purposes of the Commissioner for Protection of Equality at the end of 2013, as well as basic research findings of the survey "Attitude of Public Administration Representatives towards Discrimination in Serbia", the first of its kind in Serbia, in October 2013, conducted by IPSOS Strategic Marketing. Data gathered in this survey provide an image of the social context of the phenomenon of discrimination and the construction of antidiscrimination jurisprudence.

3.1 Citizens' Attitudes on Discrimination in Serbia

Following the request of the institution of the Commissioner for Protection of Equality and with the support and assistance of the United Nations Development Programme (UNDP), CeSID conducted a public opinion survey at the end of 2013 titled "Citizens' Attitudes on Discrimination in Serbia". It is the fourth survey of its kind, since the same methodology was already implemented for the past three (in 2009, 2010 and 2012), which made it possible to detect trends and changes in the attitudes of citizens and their perceptions. There is a great need for this type of research because it allows identification of the attitudes and perceptions of the citizens in the current social context and their relationship to members of certain social groups, which is one of the main preconditions for the planning and successful implementation of measures and activities intended for the prevention and elimination of discrimination. Due to the unique methodology applied in all surveys, some changes and trends in relation to the results of previous surveys may be noticed and key areas of action and priorities in the work on the elimination of discrimination could be identified.

In interpreting the survey findings, it should be kept in mind that in the course of data collection two parallel events took place. One is the campaign to end violence against women "Don't turn your back on violence, report it", launched by the Ministry of Labour and Social Policy, and in the framework of that campaign, the video that outlines alarming data was broadcast for 16 days. During 2013, 6,000 families reported violence in their families and 27 of the 46 killed women were direct victims of domestic violence. The second event was the protests of the inhabitants of the village Ušće, near Obrenovac, who blocked the intersection near the thermal power plant Nikola Tesla B protesting against the decision of the Government to provide housing for eighty asylum seekers near the thermal power plant. The barrack for the accommodation of asylum seekers was set on fire. The local authorities in Obrenovac indirectly supported the protesters. Undoubtedly, both events as well as their large media publicity influenced public opinion so that the citizens perceived women and asylum seekers/ migrants as vulnerable and discriminated groups to a greater extent than in previous years. This data is, at the same time, an important indicator of the extent to which the media can influence a change in the perception of discrimination and the perception of discriminated groups.

3.1.1 Perception of the Phenomenon of Discrimination

The results of the survey show that citizens perceive discrimination as a negative phenomenon. As many as four fifths of the citizens clearly distinguish acts of discrimination as unreasonable, in the terms that one's rights cannot be denied only on the basis of a personal characteristic. However, the same as last year, there are as many as 16% of those who say that this is "mostly unjustified", but also that "there are circumstances that could conceivably justify such behaviour".

The majority of citizens believe that the society we live in is discriminatory. Citizens believe that discrimination is present in our country to a great or a very great extent. The number of those who report more discrimination now than three years ago has increased by almost a third (an increase from 36% in 2012 to 46% in 2013), which indicates that citizens are increasingly recognizing this negative phenomenon.

As in 2012, 16% of citizens had personal experiences with discrimination, mainly in their workplaces. Compared to the period to three or four years ago, when 24% and 22%, respectively, had been discriminated against, there is a reduction in the number of those who have personally experienced discrimination.

The comparison of data, collected by new and previous surveys, shows that there is a steady decline in the number of people who believe that discrimination is a significant problem and must be ranked among the priorities: in 2010 that was the opinion of 41% of respondents, 37% in 2012, and in 2013 only 35% of respondents had that opinion. At the same time, there is a growth in the number of people who believe that discrimination is a significant problem, but that there are bigger problems that our citizens are facing – from 34% in 2010, then 45% in 2012, to half of the population by the middle of this year. The majority of citizens believe that the media pay little attention to the problem of discrimination (56%, a 3% increase compared to 2010 and 2012).

A large number of respondents believe that society should devote attention to the poor (76%), persons with disabilities (72%), violence against women (71%), the elderly (68%) and gender equality (53%). Among the respondents, 24% believe that society should not devote attention to people of different sexual orientation, and 18% believe that society does not need to devote attention to religious minorities. LGBT persons are in the worst position in relation to other social groups: respondents do not talk about them with their friends (42%), 39% think that LGBT persons are very exposed in the media, and a quarter of respondents believe that society should not deal with their problems.

3.1.2 Attitudes on the Most Discriminated Social Groups

In comparison to previous surveys and the responses to the question: "Which groups face the most discrimination in Serbia?" a certain difference can be noticed. Namely, according to the respondents, women are now primarily exposed to discrimination (42% of respondents), Roma are ranked second (41.5%), while in all previous surveys Roma had topped the list. Right after Roma, there are persons with disabilities (28.4%), poor persons (27%) and the elderly (24.5%). Also ranked high on the list are children (18.6%) and sexual minorities (16.4%).

3.1.3 Attitudes on Areas of Social Relations in which Discrimination is the Most Common

According to citizens, work and employment are areas in which discrimination most commonly occurs. More than a third of respondents hold this attitude. This data coincides with the data from the practice of the Commissioner for Protection of Equality: the largest number of complaints submitted to the Commissioner in 2013 refers precisely to discrimination in work and employment.

3.1.4 Likelihood of Discrimination: Discrimination Index

The extent to which respondents are truly prepared to discriminate against others is primarily found out through their attitudes towards certain groups of persons. This is one of the most important quantitative indicators, which showed that there is substantial likelihood of discrimination against LGBT people, members of certain ethnic groups and members of minority religious communities. In other words, citizens are highly homophobic, religiously intolerant and xenophobic.

In comparison to the last year, there has been a drop in the numbers of those who are ready to discriminate against others, but the number of those who do not discriminate against others is reduced too, i.e. those who are willing to oppose discrimination. The number of both is now 3% less than it was a year ago, while the number of those who are defined as neutral rose from 50% to 56% of the total respondents.

It can be noticed that there is a difference between the perceptions of citizens related to groups they consider exposed to discrimination and the results concerning their attitudes, and this difference shows the existence of the potential for discrimination. This difference is evident in terms of discrimination against smaller religious communities and the LGBT community, as well as persons living with HIV, while in comparison of these results total match is found only on the issue of discrimination against Roma. Analysis of the attitudes of the respondents indicate that they are ready to discriminate precisely against these groups, but at the same time these groups (except Roma) are not recognized as discriminated against. In the case of Roma, citizens perceive them as a discriminated group; but they also have high levels of prejudice and negative stereotypes towards them.

3.1.5 Prejudice and Tolerance: Ethnic and Social Distance

Social and ethnic distance, i.e. the degree of closeness/distance of the individuals in relation to specific social or ethnic groups depends on the affective component of attitudes, as well as on the level of negative stereotypes and prejudices accepted in society. Greater social or ethnic distance exists towards certain social groups, indicating a low level of social/ethnic communication and interaction, and therefore represents the potential for discrimination against members of these groups. It should be kept in mind that the social/ethnic distance is variable and it could be influenced, mostly by the media.

The findings show that the largest ethnic distance exists towards Albanians, while towards the Croats and Bosniaks it is slightly lower in comparison to the previous period. 57% of respondents do not want Albanians and Roma as their family members, almost half of respondents do not want Albanians as their children's teachers, and 27% of respondents find it unacceptable to have Roma as their children's teachers. 40% of respondents do not want Croats for government officials, half of them also do not want Albanians, and nearly 30% do not want Roma and Bosniaks as government officials.

The attitude that Serbia should be the state of the Serbian people is only supported by 23% of respondents, while 18% of respondents are undecided. A little more than the majority of respondents do not agree with this statement, but 46% of respondents support the statement that one should be cautious with other peoples even when they appear friendly. As many as 39% of respondents said that "they hold nothing against Roma", but that they "still like to steal". 41.5% of respondents consider that the Roma are the group most discriminated against in Serbia. In the opinion of about 2-3% of the respondents, Albanians, Croats, Bosniaks/Muslims are exposed to discrimination. When the question is posed in the way if national minorities are discriminated against in Serbia, only 8% of respondents give an affirmative answer.

The most social distance is shown towards the LGBT population and persons living with HIV, even though it could be noticed that in comparison to last year the distance towards LGBT persons, at the larger number of social interaction levels, actually decreased.

Half of the respondents believe that homosexuality is a disease that should be treated and as many as 74% of respondents support the attitude of "I have got nothing against homosexuals, but they should do that at home". LGBT persons are in the worst position in comparison to other groups: 42% of respondents do not talk about them with friends, 39% feel they receive a great deal of media coverage, and one quarter believe that society should not address their problems. Four fifths of the respondents do not want LGBT persons in their families, and half of them do not want LGBT persons as friends.

In terms of attitudes towards persons with disabilities, 28.4% of respondents believe that persons with disabilities are the group most discriminated against in Serbia, particularly those with mental and physical disabilities. It is disturbing that 13% of respondents believe that children with developmental disabilities "should not be allowed to mix with other children". 72% of respondents believe that society as a whole has the responsibility to reduce discrimination against persons with disabilities, and as many as 96% of respondents believe that unrestricted access to all public buildings should be provided for persons with disabilities, "even if this entails added government expenditure".

The distance towards refugees and migrants/asylum seekers has increased in comparison to the previous period, while the distance towards religious minorities decreased.

Surveys conducted so far have shown that the degree of social and ethnic distance has not significantly changed, which is understandable, considering that the distances are parts of the prejudices and attitudes that are formed in the period of socialization of young people, and those prejudices and attitudes do not change significantly later on. Certain situations and circumstances can increase or reduce the distance felt towards various groups, but trends remain constant and represent variable categories only in the long term. This data is very important because it indicates the importance of activities for the promotion of equality in the period of the socialization of young people, which must be methodologically adapted and continuous along the entire period of socialization.

3.1.6 Providing Support by Using Special (Affirmative) Measures

The extent to which citizens understand the position of the groups that are most commonly discriminated against indicates to what extent they are willing to support special (affirmative) measures to improve the position of minorities. Citizens are more willing to support measures in the area of employment than those aimed at university enrolment (78% vs. 73%). Citizens have the most understanding for education in the mother tongue: 41% of respondents agree that minorities should have education in their native language, "even if this entails added government expenditure". Also, nearly half of the respondents disagreed with the statement that the state is obligated to fund minority media, while 49% are against the statement that members of national minorities should always be allowed to communicate with state institutions in their own language if doing so would "entail added government expenditure". Those who live in Belgrade, show above-average disagreement with providing government funding to minority media or allowing members of national minorities to communicate with institutions in their own language if "this would entail added government expenditure". Both measures are, more than the average, supported by members of national minorities.

3.1.7 Perceptions of Responsibility and the Role of Institutions in Eliminating Discrimination

Citizens believe that the government is the most discriminating institution, but also that this institution needs to be the most assisting institution in this area. The police are considered to be less responsible for the occurrence of discrimination in comparison to the last year. The police are, in comparison to 2012, considered less responsible for the presence of discrimination and for its elimination. The Commissioner for Protection of Equality is not perceived as an institution that engages in discrimination. On the other hand, the respondents believe that this institution is not responsible for the prevention of discrimination.

According to the respondents, political parties, the government, parliament and judiciary are the institutions that are most discriminatory against citizens. High on the list are the media and citizens.

It is encouraging that, since 2010, the number of those who know that the institution of the Commissioner for Protection of Equality exists in Serbia is growing (in 2010, 21% knew this; in 2012, 31%; while this year, one third of the population knows it).

3.1.8 The Willingness of Citizens to Seek Protection against Discrimination from the Institutions

The number of those who, in the event of discrimination, would address a state institution slightly increased in comparison to the previous period, which is an encouraging indicator. Those who would turn to an institution if they encountered discrimination favour the following: the police (10%), the Ombudsman (4%), and the judiciary (3%). 2.3% of respondents would address the Commissioner for Protection of Equality in the case of discrimination, which is the same as last year. In comparison to 2012, the number of those who do not know who to report discrimination to has decreased (from 61% to 44%), although it remains high. In comparison to 2010 and 2012, the number of those who have no confidence in institutions has grown (from one fifth of the population to 29% of respondents in 2013). At the same time, in comparison to the previous year, the number of those who say that the procedures are excessively complicated has also increased (from 8% to 11%). The number of those who say that there is no relevant institution they could report discrimination to in the area where they live has slightly increased.

3.2 Attitudes of Public Administration Representatives towards Discrimination

The survey "Attitude of Public Administration Representatives towards Discrimination in Serbia" was conducted in October 2013, and represents the first survey of its kind in Serbia. The survey included representatives of legislative, executive and judicial authorities at the national, provincial and local level, from ten different institutions: the National Assembly of the Republic of Serbia, Assembly of the Autonomous Province of Vojvodina, city assemblies, municipal assemblies, the Government of the Republic of Serbia, the Provincial Government, city administrations, municipal administrations, courts and prosecutor's offices.

3.2.1 The Perception of Discrimination

The survey findings show that, like the citizens, most of the representatives of the public authorities perceived discrimination as a negative phenomenon. In their opinion, discrimination is, above all, endangering or denying rights, disregard of diversities, placing persons and groups in an unequal position, belittling and humiliation. In accordance with the understanding of discrimination as a negative phenomenon, 96% of the representatives of public authorities expressed agreement with the claim that discrimination hurts others. The majority of the representatives of public authorities (74%) believe that discrimination exists; every fifth representative (21%) believes that discrimination is very frequent, and every second one (53%) believes that discrimination is generally frequent. It is striking that as many as 29% of the representatives of public authorities stated that they had been personally exposed to discrimination and that their personal experience had a significant impact on the assessment of the degree of prevalence of discrimination: 87% of those who believe they were discriminated against estimates that discrimination is present in Serbia, and 69% of those who rated that they were not personally discriminated believes the same.

3.2.2 Understanding and Recognizing Discrimination

Representatives of public administration do not differ much from citizens when it comes to recognizing discrimination. Although a basic understanding of discrimination exists, personal understanding of the notion of discrimination of the representatives of public administration differs from the legal concept of discrimination. First of all, identification of direct discrimination is not always consistent. Discrimination is recognized in obvious cases of overt discriminatory behaviour, as discrimination against those groups which there is already a consensus that they are discriminated against. Representatives of public administration easily recognize discrimination (over 88%) when it comes to direct discrimination against pregnant women, Roma and persons living with HIV/AIDS, particularly in the area of employment. However, when it comes to hate speech against the LGBT population and discrimination against foreigners, the percentage of public administration representatives that identify these types of discrimination is lower (70%).

Also, a considerable number of public administration representatives do not distinguish between discrimination and prejudice – almost one third of public administration representatives (32%) do not recognize the important elements that delimit discrimination and prejudice – the fact that discriminatory behaviour is a necessary element of discrimination, which is reflected in action (including verbal statement) or omission. Public administration representatives do not make a clear distinction between the various forms of illicit behaviour – such as mobbing or harassment at workplace and discrimination – four out of five representatives did not observe that the existence of personal characteristics as a basis for unequal treatment is necessary in order to qualify as an act of discrimination.

41% of the public administration representatives fail to identify indirect discrimination. There were no differences noticed in identifying discriminatory behaviour between representatives of the three branches of power (executive, legislative and judicial), or in relation to whether they are coming from the government or the opposition. However, regional differences were observed: the representatives of Vojvodina, western Serbia and Belgrade recognize discriminatory behaviour more often, and the representatives from southern and eastern Serbia to a lesser extent. Also, it was noticed that representatives of the Government of AP Vojvodina recognize discriminatory behaviour more often than the representatives of other public administration authorities.

The representatives of public administration perceive the occurrence of hate speech as negative, and their first thoughts and personal understanding are mostly related to insults, or publicly expressed insulting remarks, as well as the belittling and the humiliation of other groups. However, in line with the findings related to identifying discrimination in general, representatives of public authorities are not sufficiently informed: one third of legislative and executive representatives do not know or do not believe that hate speech is prohibited by the law. Hate speech is identified in relation to the particular group and situation, although sensitivity is the least towards asylum seekers and the LGBT population. The representatives of public administration are generally sensitive to different forms of hate speech in the given examples. However, sensitivity varies depending on the topic, and it could be noticed that the lowest sensitivity exists towards asylum seekers. 30% of the representatives of public administration do not recognize hate speech against LGBT persons in a particular case, and in addition, there are 8% of those who are not sure about it.

There is no difference in the recognition of hate speech among the representatives of the legislative, executive and judicial authorities. Differences were not found among the representatives of different institutions, except between the Government of Vojvodina and other institutions. Also, the findings showed no differences in relation to participation in the government (whether representatives belong to the government or the opposition). However, regional differences were observed: hate speech is increasingly identified by the representatives of western Serbia, Belgrade and Vojvodina, while it is lower in southern and eastern Serbia. More than one third of respondents (37%) believe that overly severe punishment of hate speech threatens freedom of speech. The representatives of the Government of AP Vojvodina expressed, more often than representatives of other institutions, the view that "jeopardizing freedom of speech is just an excuse to get hate speech to be tolerated". Differences in sensitivity to what constitutes hate speech and what does not are observed, and as expected, they are proportional to the index of knowledge about discrimination. People who have a higher index of knowledge about discrimination. People who have a higher index of knowledge about discrimination.

3.2.3 Attitudes about the Areas in which Discrimination is the Most Frequent

The majority of representatives of public authorities (61%) consider that there is the highest rate of discrimination in the area of employment, and citizens share this opinion.

3.2.4 Attitudes about the Most Discriminated Groups

The representatives of public authorities consider that the most discriminated persons are the poor (74%), Roma (70%), persons with mental disabilities (74%), persons with physical disabilities (69%) and sexual minorities (61%).

Half of the representatives of public authorities believe that women and the elderly are treated unequally or discriminated against (50%), while the other half does not share this opinion (49%). Women are more sensitive to discrimination against women, since 60% of female representatives of public administration believe that this kind of discrimination is present. The representatives of the National Assembly show a high sensitivity for discrimination against women, and as many as 71% of them believe that women are not equally treated in society.

According to the attitudes of the representatives of public authorities, all ethnic and religious minorities, except Roma, enjoy the same treatment as the other citizens in Serbia. Representatives of public authorities do not identify them as groups that are discriminated against. The vast majority of public administration representatives (over 80%) do not consider that Jews, Hungarians, Croats, Bosniaks/Muslims are minority communities that are discriminated against, and about 25% of respondents believe that Albanians face discrimination in Serbia.

A large number of representatives of public authorities (44%) believe that people who have different political beliefs than their surroundings are exposed to discrimination because of this. Respondents who were exposed to some form of discrimination (61%) believe that discrimination on political grounds is more often present compared to the average. The results show that the representatives of municipal assemblies (51%) are more sensitive to this kind of discrimination, and this could be explained by the fact that among the representatives of municipal assemblies who claim to have been exposed to discrimination, the majority believes that their political affiliation was the basis of discrimination.

3.2.5 Knowledge of Anti-Discrimination Regulations

The representatives of the executive and the legislative authorities are only partially familiar with the statutory anti-discrimination regulations. As many as 22% of executive and legislative representatives did not know that in Serbia discrimination is prohibited by the law. At the same time, only 64% of those who responded that discrimination is prohibited in Serbia could specify the exact law. Knowledge of other anti-discrimination laws is also rather poor: half of the respondents (49%) are not aware of any other law that prohibits discrimination.

Representatives of the judiciary were not asked about issues concerning knowledge of legal regulations.

The understanding of discrimination among the respondents is at a basic level and the meaning of discrimination is not always the same as the meaning of the legal definition of discrimination. Representatives of the executive and the legislative authorities recognize discrimination at the level of clear cases of direct discriminatory behaviour, but only as discrimination against the groups for which there is already a consent that these groups are discriminated against. When it comes to other forms of discrimination, such as hate speech against the LGBT population, some forms of discrimination against foreigners and similar, the percentage of representatives of public administration that recognize these forms of discrimination is lower. More than one third, more precisely 41% of the public administration representatives do not recognize indirect discrimination.

3.2.6 The Prevalence of Prejudices

According to the public administration representatives themselves, their colleagues do have prejudice against certain groups, especially towards persons of homosexual orientation and members of small religious communities, as well as towards persons living with HIV, Roma and children with developmental disabilities.

As many as 40% of the representatives of public authorities think that the majority of people from their working environment would agree with the claim that homosexuality is a disease, and this opinion is especially strong among the representatives of the municipal administration and representatives with poorer knowledge on discrimination. An even higher 65 percent of the representatives indicated the existence of a "slightly milder" negative attitude toward homosexuals, noting that most of their colleagues "have nothing against those

persons, but let them be like that at home, not in public", while only 13% of public administration representatives assessed that the majority of employees in their institution does not share that opinion. The assessment of the representatives of the public authorities indicates that, in their opinion, prejudice towards small religious communities, such as Adventists and Jehovah's Witnesses, exists among their colleagues, and they believe that half of the representatives of public administration believe that most people in their institution (53%) would express compliance with the claim that these communities "often misuse the naivety and trust of young people". Considering the significance of the existence of prejudice for the occurrence of discrimination, and the previous finding that almost two thirds of the representatives of public administration authorities do not consider small religious communities as a group which is discriminated against, it can be concluded that there is a large potential for discrimination against this group in society.

The attitudes on persons living with HIV, Roma and children with developmental disabilities are polarized. Namely, there is nearly the same percentage of representatives who claim that the majority of persons in their institution have prejudices towards these groups and the percentage of representatives who claim that most people in their working environments do not have such prejudices. 38% of the representatives of public authorities consider that in the institution in which they work the view "that persons living with HIV/AIDS are to blame for their disease" prevails, while 35% believe that among their colleagues there are prejudices towards Roma, who "do like to steal". 32% of respondents estimate that among their colleagues there are prejudices towards children with developmental disabilities who "cannot fit in with the other children", while prejudices towards other nationalities and gender stereotypes are least represented.

According to the estimates of the respondents, members of municipal and city assemblies have the most prejudices, while the representatives of the provincial and the national governments have the least. Also, regional differences are noticed, and they suggest that prejudices among representatives of the public authorities are most widespread in southern and eastern Serbia, and the least in Vojvodina and Belgrade.

3.2.7 Attitudes about the Prevalence of Discrimination in Public Administration

The majority of public administration representatives believe that discrimination in public administration authorities is not present, but as many as a third of them considers that certain public authorities do not treat all citizens equally and irrespective of their nationality, religion, sexual orientation, gender, age, political affiliation or any other personal characteristic. More than two thirds of public administration representatives estimate that there is no discrimination on any grounds in the institutions of the three branches of power. 73% of respondents believe that the National Assembly and the Government of the Republic of Serbia treat all citizens equally, and 69% of the respondents have the same positive attitude with regard to the treatment of municipal and city assemblies and provincial authorities. On the other hand, almost one third of the surveyed representatives of public authorities negatively assessed the attitude of the courts (29%) and the prosecutor's offices (30%) toward citizens. They believe that these institutions do not treat all individuals the same way. Negative assessments were recorded in relation to the treatment of citizens by the municipal and city administrations (26%), municipal assemblies (24%), city assemblies (22%), the National Assembly (22%) and the Government of the Republic of Serbia (22%). Representatives of judicial authorities generally assess more positively the manner in which the public authorities treat citizens, while a higher percentage of representatives of the legislative branch, the representatives who were personally exposed to discrimination and male representatives believe that discrimination in public authorities exists.

It was observed that most of the public administration authorities are significantly more positively assessed by their own representatives than by the representatives of other public administration authorities. Namely, if the opinions of representatives of certain public administration authorities about the extent to which certain institutions treat all citizens equally is compared with the opinions of all other representatives, significant differences can be observed. Representatives of the judicial and the executive authorities at the national and provincial level and representatives of the National Assembly assessed more positively their own institutions then other representatives did. Also, representatives of the executive authorities at the local level, as well as representatives of the Assembly of Vojvodina more positively assess their institutions than others do, although the difference is somewhat smaller. Representatives of the municipal assemblies are the only ones to perceive discrimination in this public authority to a greater extent than the others do, but no difference was observed among city assemblies.

3.2.8 Attitudes towards Responding to Discrimination

The vast majority of representatives of public authorities believe that discriminatory behaviour of civil servants must not be tolerated. According to the respondents, discriminatory behaviour or statements of civil servants carry more weight and should be sanctioned more severely than discriminatory behaviour of other citizens: even 88% of the representatives of the public authorities agree that "public officials and representatives of the authorities should bear a greater responsibility than ordinary citizens, and should be punished more strictly for discriminatory behaviour or statements", while only 12% disagree.

However, more than half of public administration representatives believe that, in the institutions in which they work, their colleagues held discriminatory attitudes (63%), that is, they have acted in a discriminatory manner (50%). Such behaviour is generally condemned (50%), but a third of the representatives in whose institutions discrimination or expression of discriminatory attitudes existed stated that this kind of behaviour is tolerated in their institutions. The data obtained lead to the conclusion that discriminatory attitudes and behaviours occur more often in environments in which such kinds of attitudes and behaviours are tolerated. Only 64% of the representatives of public authorities who had witnessed discriminatory behaviour and 57% of those who witnessed expression of discriminatory attitudes were ready to oppose it openly but less than 5% of public administration representatives reported discriminatory attitudes or actions to the competent persons or authorities.

Discriminatory behaviour in the public administration authorities is somewhat less present than discriminatory attitudes, but it can be noted that there is a high degree of correlation between discriminatory attitudes and discriminatory behaviour. Thus, 73% of public administration representatives who noticed that, in the institution where they work, expressions of statements or opinions that belittle or insult some groups do exist, but they also observed discriminatory behaviour of their colleagues.

3.2.9 Attitudes towards Special (Affirmative) Measures

The attitude towards special (affirmative) measures aimed at the reduction of discrimination towards certain minority groups is declaratively positive: 85% of representatives stated that they would support such measures. However, 50% of public administration representatives believe that "tolerance for diversity went to the other extreme and now members of minorities (ethnic, sexual...) have more rights than the majority population". This attitude suggests that declarative agreement with special measures does not represent a coherent set of attitudes but it rather coexists with a negative attitude towards the realization of the rights of members of minorities.

3.2.10 Attitudes towards Responsibility and the Role of Institutions in Combating Discrimination

Representatives of the public authorities consider that the state does not deal sufficiently with the problem of discrimination (73% expressed this attitude).

According to the opinions of the representatives of public authorities, responsibility for combating discrimination lies both with the state and citizens (53% consider that the state is more responsible, 39% consider that citizens are more responsible). Nevertheless, the attitude that the discriminated groups themselves are responsible for their own position is expressed in a large percentage (48%), which relativises the responsibility of the state and society.

National institutions of all three branches of power (the executive, the legislative and the judicial) are perceived as responsible for combating discrimination, but are nevertheless not perceived as institutions that contribute to combating discrimination to a great extent. On the contrary, families, schools and the media are perceived as responsible ones, but also as the factors that contribute to combating discrimination. On the other hand, the Commissioner for Protection of Equality and the Ombudsman are not perceived as institutions that are responsible, but are perceived as institutions that do contribute to combating discrimination. In addition, the work of the Commissioner for Protection of Equality is positively assessed by representatives of public authorities (48% gave positive assessments, while only 11% gave negative assessments).
4 THE COMMISSIONER'S ACTIONS IN COMBATING DISCRIMINATION AND PROMOTION OF EQUALITY

This part of the Report will present the actions of the Commissioner for Protection of Equality during 2013. First, we will briefly present the legal instruments used by the Commissioner for the purpose of combating discrimination and promoting equality, stating the summary data on implemented procedures. In the second section, we will present the Commissioner's work regarding actual cases of discrimination. This part of the report is divided in sections pertaining to personal characteristics as grounds for discrimination, and presented following the order of the number under which the complaints on the basis of certain personal characteristics were filed. With the purpose of providing a more complete picture on the response to discrimination cases, this review also includes parts related to media reporting – the way the media were reporting on discrimination on the basis of specific personal characteristics, and describing the interest of the media for the discrimination cases in which the Commissioner had acted upon the complaints.

The detailed statistical data on the work of the Commissioner for Protection of Equality can be found in the Annex to this Report, under the title "Statistical Overview of the Commissioner's Work in 2013". In addition, all opinions, recommendations, warnings, announcements as well as all other documents issued by the Commissioner are published in their integral form on the website of the Commissioner, and are available to all interested readers.

Acting upon complaints. The procedure before the Commissioner is initiated by lodging a complaint. Any physical and legal person, as well as any organization dealing with the protection of human rights may present a complaint.

There is no prescribed form of a complaint. However, the Commissioner for Protection of Equality created a complaint form, which is available in printed version on the premises of the Commissioner in Serbian and in languages of national minorities, and in electronic version of the Internet presentation of the Commissioner: www.ravnopravnost.org. The Commissioner for Protection of Equality does not act upon anonymous complaints. A complaint must be signed but it is also acceptable to submit a scanned copy of a signed complaint electronically. More detailed instructions on filing a complaint and the necessary data are available on the Internet presentation of the Commissioner.¹⁸

The procedure before the Commissioner is simple and devoid of excessive formality, which contributes to its efficiency. Upon receiving the complaint, it is first investigated whether the Commissioner for Protection of Equality is competent to decide on the violation of rights pointed out in the complaint. If the Commissioner determines not to be competent to act upon it, the complaint is dismissed and the complainant is notified as to whom to turn, i.e. institution competent for the specific case. Further, it is verified whether the complaint contains all the necessary elements for acting upon it. If the complaint is incomplete, incomprehensible or contains other deficiencies that prevent acting upon it (e.g. it is not signed), the complainant is sent a request to eliminate the shortcomings within a 15-day deadline, and is provided with

¹⁸ http://www.ravnopravnost.gov.rs/rs/дискриминација/поднеси-притужбу

instructions on what are the said shortcomings and how to eliminate them. If the deficiencies are not eliminated within the prescribed deadline, a decision is made to reject the complaint. After this, another verification is performed – investigation on whether or not there are legal obstacles for initiating the procedure, taking into consideration that the Law on the Prohibition of Discrimination stipulates that the Commissioner shall not act upon a complaint in the following cases: 1) if proceedings pertaining to the matter in question have been initiated before a court of law or an enforceable decision has been passed; 2) if it is evident that no violation of rights pointed to by the person having lodged the complaint has actually occurred; 3) if he/she has already taken steps concerning the same matter and no new evidence has been provided; and 4) if he/she establishes that, in view of the time elapsed since the violation of rights in question, no useful purpose will be served by acting upon the complaint. Even though the Law on the Prohibition of Discrimination uses the expression "The Commissioner shall not take steps concerning a complaint [...]", it is necessary to note that in these cases the Commissioner actually takes steps concerning the complaint by issuing a document by which it informs the complainant on the reasons why the Commissioner shall not act further upon the complaint. The cases of suspended proceeding before the Commissioner will be further explained in this Report in the section "Outcomes of the Complaints". The data on the number of cases in which the proceedings have been suspended are presented in the Annex to this Report.

If the preconditions for initiating the procedure are fulfilled, the Commissioner may propose a *mediation procedure*. If both parties accept mediation, the complaint procedure is suspended until the end of the mediation procedure. If the parties reach an agreement, the procedure is completed, whereas if there has been no agreement reached through the mediation procedure, the complaint procedure before the Commissioner is continued.

Cases in which mediation was offered

The complainant was employed as a primary school teacher on a fixed-term contract, which was not extended after the time stipulated by the expiration of the contract. The complainant stated that the school principal attempted to induce her to end the working relationship; that she constantly showed intolerance and hostility, as well as that she prevented her in realizing certain labour rights. The complainant believes to be discriminated against on the grounds of belonging to the Croatian national minority – a fact the school principle discovered by reviewing her documents where her father's name was stated. The mediation procedure has been proposed and initially accepted by both parties. After the preparatory work was carried out, the complainant renounced the mediation and the complaint procedure before the Commissioner was continued.

Another two mediation procedures were proposed in the case of the complaints of the president of a trade union, who believed that her employer discriminated against her on the basis of her membership in a trade union. The employer reassigned the complainant to another place of work, outside of the company building, after she pointed out certain illegalities at work and the need to revise certain general documents of the employer and after submitting a request for initiating negotiations regarding the conclusion of a collective agreement. The complainant also filed a complaint against her work coordinator. In the complaint she stated that the work coordinator exercised various forms of pressure in order to thwart the work of the trade union and provoke the replacement of the complainant from her position in the trade union. She stated that the discriminatory behaviour was reflected in specific work assignments the complainant was asked to perform, which were not included in the complainant's job description.

The mediation was not accepted in either of the two cases and the procedures before the Commissioner were continued.

If there are no conditions for mediation, the complaint procedure is continued by forwarding the complaint to the person against whom it was filed within 15 days. The person against whom the complaint has been filed may give a statement on the allegations of the complaint within 15 days, and the Commissioner continues the procedure even if that person does not provide a statement. In order to establish the facts, the Commissioner may also request statements from other persons (e.g. witnesses). The procedure before the Commissioner has a duration of 90 days.

In the complaint procedures the Commissioner is issuing an opinion stating whether or not an act of discrimination was committed. If the Commissioner establishes that an act of discrimination was committed, a recommendation on the modalities of redressing violation of rights is issued together with the opinion.

During 2013, the Commissioner issued 140 opinions – discrimination has been established and discriminators were issued recommendations in 108 cases, and in 32 cases discrimination has not been established.

The Commissioner does not have coercive powers. If the discriminator does not act upon the recommendation within the 30-day deadline, the Commissioner then issues a measure of warning and sets a new deadline of 30 days for acting upon the recommendation. However, if the discriminator does not act upon the recommendation even after the warning has been issued, the Commissioner can notify the public through her Internet presentation, by issuing a notice in daily national newspapers, within a report or in other appropriate ways. The Commissioner is not authorised to punish discriminators if they do not respect the recommendations but she can persuade them to do so by using the authority of the institution she represents, by using the force of argumentation and public pressure.

Anti-discrimination litigation. The Commissioner is authorised to initiate anti-discrimination litigation, whereby she independently assesses the need for a lawsuit. If an individual is a victim of discrimination, it is necessary to obtain her/his consent, while consent of the discriminated group of people is not necessary in cases of discrimination against a group of persons sharing a common personal characteristic. The Commissioner always initiates a lawsuit in her own name and in the public interest, and may file all legal redress claims except the claim for compensation of pecuniary and non-pecuniary damages. Litigation enables the improvement of judicial practice, sensitization of the public for the problem of discrimination and influencing public opinion. For conducting a strategic litigation, typical cases of widespread discrimination are selected, regarding which there are good prospects for success. Filing lawsuits is neither a mechanism to ensure the implementation of the recommendations of the Commissioner nor is it a part of the complaint procedure. In each case it is examined whether or not it represents a subject of strategic significance, and only after the evaluation confirming the need to conduct a so-called "strategic litigation", a lawsuit is filed with the competent court. In 2013 three lawsuits were filed and will be presented in this Report.

Misdemeanour proceedings. The Commissioner is authorised to file misdemeanour charges for violation of the rights protected by anti-discrimination legislation. In 2013, two misdemeanour charges were filed.

Recommendations on measures for ensuring equality. The Commissioner is authorised to recommend to the public authorities and other persons the measures for ensuring equality. Recommendations may relate to public authorities taking measures to prevent and eliminate institutional discrimination and improve the work of state institutions to combat discrimination. Recommendations also call attention to the need to take special measures (affirmative action) in order to ensure full equality, protection and advancement of persons or groups who find themselves in an unequal position compared to other citizens. In 2013, 24 recommendations on measures were issued. They will be presented in the section of this Report pertaining to the specific grounds of discrimination.

Legislative initiatives and opinions on regulations. The Commissioner is authorised to monitor the implementation of laws and regulations, to initiate adoption or amendment of regulations in order to improve protection against discrimination. The Commissioner is also authorised to issue opinions on provisions of draft laws and other regulations pertaining to the prohibition of discrimination. In 2013, the Commissioner issued 6 opinions related to draft laws and other documents, and submitted 2 proposals for the assessment of constitutionality and legality of general legal acts to the Constitutional Court of Serbia.

Warnings and public announcements. The Commissioner is authorised to warn the public of the most common, typical and severe cases of discrimination. The Commissioner does this on the basis of information and knowledge obtained from the filed complaints, the media and other sources. When alerting the public by issuing warnings, the Commissioner indicates discriminators, the manner of discrimination, individuals and groups subjected to the most common, typical and severe forms of discrimination, as well as the consequences of discrimination. In 2013, the Commissioner issued 25 warnings and public announcements, which were published in the media and on the Internet presentation of the Commissioner. Warnings and recommendations will be presented in the section of this Report pertaining to individual grounds of discrimination.

4.1 Discrimination Based on National Affiliation and Ethnic Origin

The results of the public opinion survey show that the highest degree of ethnic distance exists towards Albanians. The degree of distance towards Croatians and Bosniaks is somewhat lower when compared to earlier surveys, while it is pronouncedly increased towards the Roma when it comes to marriage with members of this minority group. The distance towards religious minorities is lower but there is an increased level of distance towards refugees, migrants and asylum seekers. Most of the citizens do not perceive that ethnic groups, except the Roma, are exposed to discrimination in our community. Based on the data, it can be concluded that there are significant predispositions that discrimination is also committed against members of other ethnic communities. Over the past few years, there were no significant changes in distances towards different ethnic and social groups.

During 2013, 81 complaints were filed (12.1%) against discrimination on the basis of national affiliation or ethnic origin. This is the second most numerous ground of discrimination in terms of complaints filed, immediately after discrimination on the basis of health condition (109 complaints, that is, 16%). However, it is necessary to point out that the increased number of complaints on the basis of health condition is a result of the situation testing of

discrimination conducted in dental clinics in Belgrade. Thus, the complaints on the grounds of national affiliation and ethnic origin shall be presented first. The number of complaints sent to the Commissioner on the basis of national affiliation and ethnic origin has increased, although it is lower by percentage compared to the data from the previous years, because of the considerable increase of the total number of complaints received in 2013 (713 complaints in comparison with 465 in 2012, and 346 in 2011).

Out of the total number of complaints on these grounds, 22 complaints (14%) were related to treatment before public authorities. These complaints were filed against local selfgovernment units, ministries, health care institutions and other public authorities. However, in the majority of these cases discrimination was not established. In the field of labour and employment 19 complaints were received against discrimination on the basis of national affiliation, because members of national minorities believed they were treated unequally both at work and in employment procedures, i.e. in situations when they were not employed. There were 7 complaints pertaining to discrimination on the basis of national affiliation in the area of education and professional training, and in most of these cases discrimination was established, while in one case the Commissioner initiated an anti-discrimination lawsuit. In the field of public information and media, 6 complaints were filed, and 4 complaints were filed pertaining to the field of provision of services and use of facilities, on the basis of which the Commissioner initiated two lawsuits for protection against discrimination. The highest number of complaints on the basis of national affiliation or ethnic origin was filed by physical persons – 59, of which 45 were men and 13 were women, and in one case the complaint was filed electronically without a statement on the complainant's sex.

Most complaints against discrimination were filed on the basis of belonging to the Roma national minority (34), and a significantly lower number was filed on the basis of belonging to other national minorities – Bosniak (10), Croatian (8), Bulgarian (6), German (3), Albanian (3), Vlach (2), Romanian (2), Hungarian (2), Macedonian (1) and other national minorities (10).

Considering that this year, as well as the year before, the highest number of complaints was filed because of discrimination on the basis of belonging to the Roma national minority, it is evident that the Roma community was exposed to discrimination in almost all areas of social life. Taking into consideration all the areas of social relations in which discrimination is committed, the most worrying issue in procedures upon complaints conducted by the Commissioner is the status of members of the Roma community in the field of education. Namely, despite the fact that the legal framework offers the possibility for inclusive education and prescribes the implementation of special measures (i.e. affirmative action) numerous problems are met in practice. This is indicated by the number of complaints submitted to the Commissioner for Protection of Equality. Namely, segregation of Roma children is still present in certain schools; there are schools attended by a large percent of Roma children, which also leads to segregation; and there are frequent problems related to the attitudes of the teaching staff and the community towards Roma pupils. The problem of housing for Roma people is also a complex one, considering the fact that inadequate housing conditions and life in informal settlements significantly hinder access to other economic and social rights, which has been pointed out in the recommendation on measures for achieving equality issued to the City of Belgrade. Certain cases where the Commissioner established discrimination and issued

recommendations show that the attitude of public authorities towards the Roma is still not satisfactory, i.e. in some cases multiple discrimination as well as harassment and degrading treatment were established.

4.1.1 Opinions and Recommendations

Discrimination against Roma children in a separate classroom of one primary school

An organization dealing with the protection of the rights of the Roma national minority stated that in one primary school Roma children have been physically separated from other children during classes. They sit in the back rows of the classroom; they are the only pupils who do not have the right to free textbook sets which are distributed to all children from grades I to IV; teachers tell them that they can leave the class and that they do not have to attend school if they do not want to; and that they are not allowed to sit in English language classes because it is hard for them to achieve results in that subject.

The school stated that all pupils are treated equally, regardless of their nationality; that Roma children were offered the free textbook sets but that they do not use the books at home because their parents did not accept the responsibility that their children would return the textbooks undamaged at the end of the year. The school also stated that it is not that Roma pupils are the only ones to sit in the back rows but that the seating is assigned in a way so as to provide the front rows to pupils who have vision impairments, followed by smaller pupils. In addition, the school stated that the children come from very poor families and do not attend instruction regularly; that the parents are not motivated to send their children to school; that the children are often late for classes and that they are insufficiently dressed. In the course of the procedure it has been established that the school had a separate classroom where instruction is held for the first four grades of primary school; that there were 90 pupils enrolled - of which 47 Roma children; that only 12 pupils (25%) were regularly present in classes, while the remaining 35 were attending school from time to time or were not attending at all. It was also established that only 3 Roma children in the school had the textbook set, while 44 Roma children did not have elementary conditions for living, clothes and shoes; that some children did not attend the classes because they had to work with their parents at seasonal jobs; that they do not have their parents' support to develop work habits and positive attitude towards school duties.

In such a social-economic environment Roma children cannot have the "same treatment" in school, not because of their nationality but because of the environment which does not support them to go to school, because of their weak starting position of entering the school system and following instruction without sufficient knowledge of the Serbian language. In such conditions, the school and the teachers must have a prominent role to offer equal opportunities to the schooling of Roma children, and since this was not provided in this case, the Commissioner issued the opinion that the primary school, i.e. the separate classroom for grades I–IV and the school principal, did not take measures in a timely manner to prevent the indirect discrimination against Roma children in the realization of their right to education. The recommendation was issued to the school and to the school principal to organize professional training of the school staff for individualized educational work, specifically directed to combating stereotypes, prejudices and discrimination, as well as to take pedagogical measures for motivating Roma children to attend school and classes in order to ensure the realization of the right to equal and quality education without discrimination.

This recommendation has been implemented.

School attended only by Roma children

The Commissioner for Protection of Equality was approached by a civil society organization stating that there was one primary school where only Roma children were enrolled, i.e. that there was segregation (singling out) of Roma children in this school. The school is situated near a Roma settlement and during the implementation of the rule that the parents were obliged to enrol their children in schools at the territory of the settlement where they live the school was attended by both Serbian and Roma children. However, since parents can now enrol children in any school they want to, only Roma children attend this school. In the complaint it was stated that the Ministry of Education and other competent authorities were informed about this problem but that they did not take measures in order to ensure that the school is not attended only by Roma children. The City administration stated that the parents are free to enrol their children in any school of their choice and that the City assembly knew about this issue and had decided to analyse and deal with this problem during the creation of the Strategy for the promotion of inclusive education for Roma children in this city. The school principal said that the school had been trying every year to attract the enrolment of non-Roma children, to organize presentations and promotion in the media but the parents of Serbian children were only interested in the number of Roma children in the classes. The school principal pointed out that the school did not have possibilities to solve this problem and that they were seeking the assistance of competent institutions.

In this case it has been established that the school was aware of the problem of singling out of Roma children; that the school asked for assistance from the school board of the city, City administration and the Council for interethnic relations. In addition, the school held meetings with parents of future first-grade pupils, presented its work in the media, organized round tables, but with no results. The City assembly adopted the decision to analyse all the facts in relation to singling out Roma children in this school on the occasion of adopting the Strategy for promotion of inclusive education for Roma children. The Commissioner for Protection of Equality issued the opinion that the school, City administration and Ministry of Education did not commit discrimination in their conduct and activities. However, these institutions were recommended to take all measures and activities by working together and in cooperation with the civil society organizations in order to solve the problem of singling out, that is, of too many Roma children compared to other children attending this school.

This recommendation has been implemented. Meetings were organized in accordance with the recommendation but the problem of singling out Roma children has not yet been solved.

Peer violence against a Roma pupil

A citizen association stated that one primary school constantly discriminates against a Roma pupil, who was a victim of physical and verbal peer violence, by being hit, stabbed with pencils, hit with objects and insulted on the basis of his nationality. In September 2012 this boy was hit in the head while on the school premises; the boy's parents informed the teacher, the school principle and the school service several times about the bullying of their son but since nothing was done following these complaints, the bullying continued. In her statement the school principal stated that it was not true that the school did not take any steps because they knew about the problem and they reacted and talked to pupils and their parents on several occasions. After the incident in which the boy was injured, the meeting of the team for protection of pupils against violence, abuse and neglect was held. The school principal also stated that she believed that the school was more than tolerant towards Roma pupils because the teachers often justify their classes only on the basis of what their parents say. It has been established that the school did take certain measures in the case of peer violence among pupils but also that it did not implement activities to prevent discrimination against pupils. Although the complaint and the evidence could not provide the ground for a conclusion that the violence was caused on the basis of the pupil's nationality, the school did not deny these allegations. In addition, since the present case pertains to the maltreatment of a Roma child, the school authorities had a duty to make an additional effort to protect the child's best interest. However, the school management and the expert service did not take all measures at their disposal in order to provide and ensure a friendly environment, understanding and appreciating the pupil's needs in the school.

Since the organization that filed the complaint in this case proved the likelihood that the school and the school principal discriminated against the pupil on the basis of his nationality by not protecting him from verbal and physical bullying of his peers, and the school did not offer evidence to confirm that they took adequate measures to prevent discrimination and provide for the Roma child to feel safe, the Commissioner for Protection of Equality issued the opinion that the school and the principal committed discrimination against the pupil on the basis of his belonging to the Roma national minority. The school was recommended to organize and implement educational programs/workshops for all pupils for the purpose of developing the spirit of tolerance, as well as to organize professional training for their teachers, and to implement education and monitoring of future events in the class that this Roma pupil attended.

This recommendation has been implemented.

The school subject "Roma Language with Elements of Roma National Culture" abolished

An organization dealing with the protection of the rights of the Roma national minority filed a complaint against one primary school, stating that Roma pupils who attend this school are discriminated against on the basis of their nationality, since in the 2012/2013 school year the subject "Roma Language with Elements of Culture", which is taught as an elective since 2005/2006, was abolished. At the end of the 2012 school year the teacher of Roma Language with Elements of Culture conducted a survey among the parents of Roma children with an aim to establish if there was interest for this subject. The parents of 19 children said that they were interested in their children following the classes of Roma Language with Elements of Culture. However, in September 2012 the school conducted a survey among the parents of Roma children but the subject Roma Language with Elements of Culture was not offered as an elective – instead, the survey offered Hungarian Language with Elements of National Culture. The school stated that the Roma Language with Elements of National Culture has been offered as an elective course since September 2006; that the number of pupils who wanted to take this subject at the beginning of the school year was less than 15 (which is the prescribed minimum); that during the meeting of the Teachers' Council held in August 2012 a suggestion was made to introduce Hungarian Language with Elements of National Culture as an elective in 2013/2014 because during the previous school year there were over 50 pupils interested to take this elective; and that everything that the school had done speaks in favour of the claim that the school's conduct was not discriminatory.

In the course of the procedure it has been established that the school did not conduct a survey among the pupils, that is, it did not verify how many pupils were interested in taking the subject Roma Language with Elements of Culture. By adopting the decision on electives, among which there was also Roma Language with Elements of National Culture, which would be taught in the 2012/2013 school year, without having conducted the survey, the school denied pupils any chance to choose this subject, which affected in particular those who were taking this elective during the previous years. The school had a duty to examine the interest of the pupils, and in case of the number being less than 15 to address the Ministry of Education with the request for approval to organize the course, as they had done during the previous years, but failed to do in the 2012/2013 school year. Therefore, the Commissioner issued the opinion that by failing to carry out these activities and denying pupils the chance to study Roma Language with Elements of National Culture, the school and the principal committed indirect discrimination against Roma pupils. This school was recommended to carry out the survey among pupils interested in studying Roma Language with Elements of National Culture, to organize instruction of this subject if according to the survey there is a sufficient number of interested children, as well as to take all measures in order to ensure that all pupils belonging to all national minorities have the right to education in their own language.

This recommendation has been implemented, and the subject Roma Language with Elements of National Culture has been reintroduced in the 2013/2014 school year.

Discriminatory reporting of regional newspapers on citizens' abuse regarding the claims for compensation for stray dog bites

Two organizations dealing with the protection of the rights of Roma filed a complaint against a regional weekly regarding the article "A Bite in the Roma Way". In the complaint it was stated that this article expressed ideas, information and opinions instigating discrimination, hatred and violence against Roma. In relation to the statements contained in the complaint, the editor of this weekly said that a large part of the article (almost 90%) points at the problem of the packs of stray dogs in the centre of the city and beyond that the citizens are facing every day, as well as that the weekly dealt with this topic only because they had a large number of citizens asking them to dedicate adequate attention to this problem; that only one small part of the article speaks about the abuse related to obtaining the compensation for stray dog bites; that this kind of abuse is well known and a kind of "public secret" in town; that abuses were reported by a source, who is an inhabitant of the settlement where members of the Roma national minority live, and whose wish to remain anonymous had to be respected by the weekly.

In the course of the procedure it has been established that the topic of this article pertained to a problem that the citizens had with the attacks of stray dogs as well as with the expenditures in the city budget that emerged under the large number of paid claims for compensation for stray dog bites. In one part of the article it was written that there were frequent cases of abuse and that the citizens were falsely reporting the injuries caused by stray dog bites and seeking compensation from the city, as well as that the abuse was committed largely by the inhabitants of the Roma settlement. The ground for this was a statement of an inhabitant of the Roma settlement who wanted to remain anonymous, as written in the article. By this statement all false reporting of stray dog bites were linked to Roma people, despite the data of the City Public Prosecutor, which contains the review of the compensation claims, on the basis of which it can be concluded that around 10% of the total number of reported cases of stray dog bites was submitted by citizens who live in the Roma settlement.

The Commissioner for Protection of Equality issued the opinion that by publishing this article, which expresses harassing and degrading attitudes and ideas, the regional weekly injured the dignity of members of Roma national minority. For this reason the weekly was recommended to send a public apology to the Roma national minority regarding the allegations of the article "A Bite in the Roma Way", to invite the members of Roma organizations who filed the complaint to a meeting in order to directly find out more about the problems that the Roma community is facing in everyday life and the effect that an article of such a content had on them, as well as to not publish articles in the future which injure the dignity Roma members or any other national minority and support prejudices on national minorities.

This recommendation has been implemented.

Power utility company discriminated against the Roma

A citizens' association dealing with the protection of the rights of Roma filed a complaint against the local electric power utility company regarding discrimination on the basis of national affiliation. Namely, in the complaint it was stated that the local electric power utility company relocated meters from 30 Roma households to a substation, and the meters of other households situated in the Roma settlement were relocated to columns. Thus, consumers from 30 Roma households were left without the possibility to access and verify their own consumption, while the consumers whose meters were relocated to the columns were able to do so at any time. In the statement of the electric power utility company it was stated that the goal of this measure was protection and prevention of electric power theft and prevention of possible damage to the meters. The Commissioner concluded that the theft of electric power and damage to the meters represent illegal acts committed by individuals and that according to the law measures can be initiated against them. Thus, the Commissioner for Protection of Equality issued the opinion that by relocating the meters from 30 Roma households to the substations the electric power utility company discriminated against consumers of Roma nationality. The electric power utility company was recommended to take all necessary measures in order to place the meters of Roma households from the substation to a position where they can verify their consumption at any time, like other households can.

This recommendation has been implemented.

A client insulted a bank clerk on the basis of the assumption that she was not Serbian

The complaint was filed by an employee of a business bank against a client of that bank because of insult on the basis of an assumed personal characteristic – non-belonging

to the majority people. The client of the bank which in its name contains the word "Serbian", in a telephone conversation with the clerk who is employed in that bank, pronounced insults related to the clerk's name, which is not a usual Serbian name, linking it with the fact that the clerk worked in the bank which in it's name contains the word "Serbian". The client repeated these insulting statements while speaking with another clerk in the same bank. In her statement, the client of the bank did not deny that she had said that but she claimed that her statements were related to the unprofessional work of the bank clerk. The Commissioner for Protection of Equality concluded that by the statements related to the name and surname of the bank clerk the client of the bank injured the dignity of the clerk on the basis of the assumed personal characteristic - national affiliation. In relation to the claims of the client of the bank that her statements were not related to the name and surname of the bank clerk but rather to her unprofessional work, during the procedure it was concluded that these claims are unacceptable because the discriminatory statements which represent harassment and degrading treatment of the person on the basis of his/her real or assumed personal characteristics cannot be justified by claiming that there was no intention to do so. The Commissioner for Protection of Equality issued the opinion that in the telephone conversation with the bank clerk the client of the bank injured the clerk's dignity on the basis of an assumed personal characteristic – national affiliation, that is, non-belonging to the majority people. The bank client was recommended to send a written apology to the bank clerk because of the discriminatory statement on the basis of the assumption that the bank clerk was not Serbian and to abstain in the future from harassing and degrading statements by which the dignity of the bank clerk is injured on the basis of her real or assumed personal characteristics.

This recommendation was not implemented even after a warning was issued.

Cancelling a restaurant musical performance of the members of the Roma community

Three members of the Roma national minority filed a complaint against discrimination on the basis of national affiliation. They stated that they had scheduled a music performance in a restaurant/bar facility but as soon as they came there at the time previously agreed upon, and the employees of the restaurant saw that they were Roma, the staff contacted the owner and the manager and they were sent away. The employees told them that they had to leave because the owner does not allow Roma people to enter the restaurant. In her statement, the owner of the restaurant denied that the music performance was cancelled because of the national affiliation of the complainants; that the performance in her facility was not agreed by her but by another company; and that the manager of the facility cancelled the performance because they did not come previously in order to make an agreement on the repertoire and to see the manager and the facility where they were supposed to play. According to the rules pertaining to the burden of providing evidence in procedures against discrimination, the complainant proved the likelihood of an act of discrimination and thus the burden of providing evidence that no violation of the principle of equality occurred shall fall on the owners of the facility. However, except the claim of the owner that the music performance of the complainants was cancelled because none of the members of the band had come previously to the facility to agree on the details of the performance, during the procedure there were no evidence offered to support these claims, although the owner had a duty to do so in order to show that there were justifiable and objective reasons for cancelling the music performance, i.e. that the basis of such a treatment was not national affiliation of the complainants. Bearing in mind the established facts and the application of the rule on distribution of the burden of proof in discrimination procedures, the Commissioner for Protection of Equality issued the opinion that cancelling the agreed music performance in this restaurant was based on personal characteristic of the complainants – belonging to the Roma national minority, by which the act of direct discrimination on the basis of national affiliation was committed. Together with the opinion, a recommendation has been issued to the owner of the facility to send a written apology to the complainants because of the discriminatory treatment; to place the opinion and recommendation of the Commissioner for Protection of Equality together with the owner's written apology on the notice board or in another visible place in the space of her facility and to abstain in the future from violating anti-discrimination regulations within the framework of her activities.

Since this recommendation has not been implemented, a warning measure was issued accordingly.

Registration of the first name of a child in the national minority language

The complaint was filed by a father, a member of the Romanian national minority, since the competent civil registry refused to make an entry of the personal name of his newborn child in the birth register first in the Romanian language and in Latin script, and subsequently in Serbian, in Cyrillic script. In their statement the City Administration stated that the registrar explained to the parents that the personal name of the child who is a member of a national minority was firstly to be registered in the Serbian language and in the Cyrillic script, and then in the language and script of the national minority. They also stated that the decision of the Centre for Social Work ordered the registration of the child's name first in Romanian and in Latin script and then in Serbian Cyrillic but that the City Administration believed that this decision was not in accordance with the law, which is why they requested the opinion of the competent ministry.

During the course of this procedure it was established that the civil registry did not register the name of the child in the birth register in the way the parents requested or in the way prescribed by the decision of the Centre for Social Work. The Commissioner concluded that members of a national minority have the right guaranteed by the Constitution of the Republic of Serbia and relevant laws to have their names registered according to their language and orthography. The Commissioner pointed out that it was unacceptable that the child had no name registered in the birth register months after he/she was born since the child was denied various rights (the right to a personal name, health care, social protection, passport, etc.). The opinion was issued that by refusing to register the name of the child in the birth register in the Romanian language and in Latin script, the civil registry discriminated against the child on the basis of national affiliation of the child's parents, while the competent authority was recommended not to violate anti-discrimination regulations in the process of name registration in the birth registry.

This recommendation was not implemented within the specified deadline.

Insults to an Albanian neighbour

The complaint was filed by a citizen belonging to the Albanian national minority against her neighbour, for discrimination on the basis of belonging to the Albanian national

minority. The complainant stated that her neighbour insulted her on the basis of national affiliation; that she has also been putting other persons against her and her family because of their belonging to the Albanian national minority; that the neighbour was addressing her with the words: "You are [...] a lousy 'Shiptar' and a wretch; I will not allow you to expand here; if you were worth anything you wouldn't live in a barrack". The complainant stated that her neighbour discriminated against her in this way on the basis of her personal characteristic – belonging to the Albanian national minority. The witnesses confirmed that they were present on several occasions when the neighbour insulted the complainant on the basis of her national affiliation. Following the procedure upon the complaint, the Commissioner for Protection of Equality established that the statements that the neighbour said to the complainant on several occasions represent the injury of the complainant's dignity on the basis of belonging to the Albanian national minority. The Commissioner for Protection of Equality issued a recommendation to the neighbour to apologize to the complainant in the presence of her family; to refrain in the future from such behaviour and statements which aim to injure the dignity of the complainant on the basis of her national affiliation or any other personal characteristic.

This recommendation was not implemented even after the issuance of a warning.

4.1.2 Anti-Discrimination Litigation

Lawsuit against the owner of the restaurant/bar facility who did not allow a Roma student to take her internship period in her facility

The lawsuit was filed against the owner of a restaurant/bar facility for discrimination against a Roma student who was not allowed to perform her internship in this facility. Namely, the secondary school that the girl is attending had a contract with the owner of the facility, who committed to allow the students to attend practical training in her facility. However, when a Roma student came to the facility with her friend, the owner started insulting them, saying that "they stink; they are 'Ciganke'; that they should go home and wash themselves; that they were not allowed to come to the facility because the owner is losing customers". By filing the claim, the Commissioner requested the court of law to establish that the owner of this facility committed direct discrimination on the ground of national affiliation by preventing the girl to perform the internship in her facility, as well as by insulting and degrading the students; that the owner of the facility should be prohibited to make statements in the future which have the aim to injure the dignity of the student on the basis of her national affiliation or any other personal characteristic for that matter; and that the owner should send a written apology to the student because of her discriminatory behaviour. In the course of the proceedings the defendant admitted the claim and the court rendered a decision on the basis of the admission.

The proceedings have been completed and the decision is final.

Lawsuit against a real estate rental agency that refused to provide services to a member of the Roma national minority

The lawsuit was filed against the company whose business is renting real estate (real estate agency) after the situation testing of discrimination has been carried out by a non-governmental organization dealing with the protection of the rights of the Roma national

minority. On the basis of the report on situation testing it has been established that the agency refused to provide services and offer an apartment to a volunteer discrimination tester who is a member of the Roma national minority and who wanted to rent an apartment. He has been denied the service with the explanation that the agency "had no apartments matching his request". One hour later, the controller of situational testing – a young man who is not a member of the Roma national minority – went to the agency and said he wanted to rent an apartment under the same conditions as the volunteer discrimination tester. He was provided the service, i.e. the agency offered him two apartments they had for rent, in line with his requests. The claim that the Commissioner for Protection of Equality filed requested the court to establish that the agency committed an act of direct discrimination on the ground of national affiliation by refusing to provide the service and offer an apartment for rent to the volunteer discrimination tester; to prohibit the agency to repeat the act of discrimination in the future in the area of their work; and to order the agency to publish the court decision in the daily national newspaper.

The proceedings are ongoing before the court of law in the first degree.

Lawsuit against a bank for refusing to open a bank account to a Roma client

The lawsuit was filed against a bank after a situation testing of discrimination carried out by a non-governmental organization dealing with protection of the rights of the Roma national minority. On the basis of the report on situation testing it has been established that the bank refused to open a bank account to the volunteer discrimination tester who is a member of the Roma national minority, and who wanted to open a bank account in a branch office of this bank. Namely, the volunteer discrimination tester went to the bank and said she needed a bank account since she was supposed to receive a one-time instalment. The bank clerk refused to open a bank account saying that she could not open an account for a one-time instalment. Two hours later, the controller of the situation testing, who is not a member of the Roma national minority, went to the bank with the same request and the same bank clerk opened an account for her. The claim that the Commissioner filed was a request to the court to establish that the bank committed direct discrimination on the grounds of national affiliation of the volunteer discrimination tester by refusing to provide the service and open a bank account; to prohibit the bank to repeat the act of discrimination in the future in the area of their work; and to order the bank to publish the court decision in the daily national newspaper.

The proceedings are ongoing before a court of law in the first degree.

4.1.3 Recommendations to the Public Authorities and Other Persons

Recommendation to the City of Belgrade in relation to providing locations for the building of social apartments

This recommendation has been issued to the City of Belgrade on the basis of the information obtained by the Commissioner after the meeting with representatives of several civil society organizations regarding providing locations for the purpose of building social apartments, where beside vulnerable social groups, members of Roma national minority from temporary container settlements would be also accommodated.

The Commissioner, inter alia, pointed out that during the selection of a location there was the need to take care to provide enough adequate locations, bearing in mind international standards and regulations governing this field, taking into account that future beneficiaries are included in decision making, as well as avoiding the creation of segregated settlements. The Commissioner pointed out that a lasting housing solution for members of the Roma national minority must not lead to further social exclusion of these persons. The Republic of Serbia as well as the City of Belgrade are obliged by international conventions and national legislation to take this measure. It was also pointed out that the procedure of resettlement of Roma must be carried out in conformity with international standards, which entail implementation of measures and respect of the criteria to be fulfilled before, during and after resettlement. Before the resettlement it is necessary to hold a public discussion about all aspects of this process, to fully enable the Roma people to express their interests, attitudes and opinions, which must be carefully considered and taken into consideration in the process of decision making, and to inform them in a timely manner about their rights and obligations. During the resettlement it is necessary that the officials involved in the process of resettlement explain and present a formal permission for carrying out the procedure of resettlement, as well as to provide the presence of neutral observers in order to guarantee the transparency of the entire process, fulfilling thereby international human rights principles; the very act of resettlement must be carried out in a way which does not violate the dignity and the right to life of these persons, whereas any legitimate use of force must respect the principles of necessity and proportionality. After the resettlement it is necessary to provide an adequate living space, ensure access to basic provisions, drinking water, sanitation, clothes, medical and education facilities as well as sources of livelihood.

This recommendation has not been implemented.

4.1.4 Proposals for Assessment of Constitutionality and Legality

Proposal for assessment of constitutionality and legality of point 15a of the Instruction on keeping registry books and the forms of registry books ("Official Gazette of the Republic of Serbia", no. 109/2009, 4/2010 – correction, 10/25/2011 and 5/2013)

The proposal for assessment of the constitutionality and legality of point 15a of the Instruction on keeping registry books and the forms of registry books was submitted since point 15a of the Instruction prescribes that the name of the child, parent, spouse and the deceased members of national minorities shall be registered in the national minority language and script, after and below the Serbian Cyrillic script, and in the same font and size. The Commissioner is of the opinion that this point of the instruction on the keeping the registry books is inconsistent with several provisions of the Constitution of the Republic of Serbia, i.e. with the provision which prohibits any discrimination on any ground, as well as with the provision that every person is guaranteed free choice and use of their personal name and names of their children, and the provision of the Constitution providing that members of national minorities have the right to use their name and family name in their language. Point 15a of this instruction is also in contradiction with the Law on the Prohibition of Discrimination, the Family Law, the Law on Protection of Rights and Freedoms of National Minorities, the Law on Official Use of Language and Script, and the Law on Registry Books. Namely, by the provisions of the Constitution of the Republic of Serbia and the aforementioned Laws, members of national minorities in the Republic of Serbia are explicitly guaranteed the right to

have their names registered in accordance with the rules and spelling of the language of members of national minorities. The Commissioner points out that it is not disputed that the legislation provides that the registration of the name in the language of the national minority does not exclude a parallel entry according to the Serbian language rules and script. However, the provision of point 15a exclusively requires the name of the member of the national minority to be registered in the language and script of the national minority below the name in the Serbian language and Cyrillic script. In this way, the right of the members of national minorities guaranteed by the Constitution of the Republic of Serbia and relevant laws has been limited by a bylaw adopted by the executive. This is why it has been proposed to the Constitutional Court to conduct the procedure and adopt a decision establishing that the provision of point 15a of the instruction on keeping registry books and the forms of registry books is not in conformity with the Constitution of the Republic of Serbia or other relevant laws regulating this area of the prohibition of discrimination, national minority rights and the right to a choice, expression and registration and use of a personal name in any language and script.

The procedure for assessment of constitutionality and legality is still ongoing.

4.1.5 Warnings and Public Announcements

Warning regarding anti-Semitic posters in Belgrade

This warning strongly condemns the appearance of anti-Semitic posters in downtown Belgrade, while the competent authorities were requested to thoroughly investigate the case and punish the perpetrators with the most severe penalties. The Commissioner warned that hate speech and expressing fascist ideas and attitudes represent a direct threat to peace and security for each one of us. Open intolerance, xenophobia and racism in Serbia are becoming common but such cases are generally not prosecuted or punished, and do not meet widespread public condemnation.

Warning regarding the incident in Zemun Polje

The Commissioner for Protection of Equality condemned the incident in Zemun Polje that lasted several days and requested the competent authorities to urgently react. Taking into consideration the announcement of a new protest, the Commissioner warned that the situation could escalate even more and issued a reminder of previous similar cases where violence, calls for lynching, expressing hatred and intolerance toward the Roma population had serious consequences.

Warning regarding the statements of the leader of Obrenovac Municipality

This warning condemned the xenophobic statements of the leader of the Municipality of Obrenovac regarding his opposition to the relocation of asylum seekers and migrants from the Banja Koviljača Centre. The statement on how the relocation of these people would affect the power plants and energy system of Serbia is very dangerous because it encourages the creation of a hostile environment. Such attitudes are degrading and they injure the dignity of asylum seekers and migrants, taking into consideration the message of the statements that these people are prone to crime and illegal activities. Open expression of xenophobic attitudes in Serbia is unfortunately not uncommon and it is worrying that they do not meet any widespread public condemnation, which is why the Commissioner urged all authorities to urgently take all measures to ensure that asylum seekers and migrants are provided with adequate accommodation and stay in Serbia.

Warning regarding incidents against the Roma in Resnik

The Commissioner for Protection of Equality warned the public regarding the incidents against the Roma living in the container settlement in Resnik. Such cases represent a serious threat to building an open, tolerant and democratic society based on human rights and the rule of law. It is the obligation of all competent authorities to take all measures without delay in order to ensure a peaceful life for all citizens and prevent violence, threats, instigating hatred and intolerance against national, religious and other minorities. Serbia needs to be a country where the rights of all persons who live in it are respected, regardless of their nationality, ethnic origin or any other personal characteristic. Combating racism and xenophobia entails an efficient reaction and punishing of perpetrators as well as anyone spreading racial hatred and intolerance.

Public announcement regarding the attack on the Roma settlement in Niš

The announcement regarding the attack on a Roma settlement in Niš strongly condemned the incidents in Niš – a fight in the schoolyard, where one person suffered a broken arm, and the incident in a "Beograd Mala" Roma settlement in Niš, where a group of young men were insulting the Roma and shooting from firearms. The state authorities were requested to establish the connection between these incidents and to identify and bring to justice all perpetrators of these acts. Such cases represent a serious threat to building an open, tolerant and democratic society and it is therefore necessary to use all available means to prevent nationally and racially motivated conflicts.

Public announcement on the occasion of International Day for the Elimination of Racial Discrimination

On the occasion of International Day for the Elimination of Racial Discrimination, the Commissioner warned that this form of discrimination in Serbia is still prevalent, which is confirmed by attacks motivated by racism, segregation, hate speech and open and public expressions of intolerance against Roma as well as against asylum seekers from the continent of Africa and other countries during the recent years. Despite the fact that such cases are occurring almost on a daily basis, they are not prosecuted or punished and they do not meet broader public condemnation. Widespread racial prejudices towards Roma are still present. They are still treated as second-class citizens, ethnic distance towards them is still very high, and they are discriminated against in almost all areas, especially in the field of employment, education, health care and housing. Racism cannot be justified in any way; it cannot be tolerated as something happening elsewhere; and it will not disappear by itself – everybody must contribute to its eradication.

Public announcement on the occasion of International Roma Day

The Commissioner expressed her best wishes to all Roma people on the occasion of International Roma Day and invited all public authorities and social actors to work more intensively on the prevention of all forms of direct and indirect discrimination to which the members of the Roma community are exposed. Even though much has been done during the previous years regarding the improvement of the Roma community position, they still represent the most discriminated group in Serbia. Discrimination is most present in the field of employment, education, health protection and housing. Ethnic distance towards the Roma community is still very high, and particularly worrying are the issues of open and widespread hate speech, threats and violence against the members of this community, which are inefficiently prosecuted and punished. The Commissioner invited citizens to be tolerant, to appreciate and respect diversity and to contribute to considerably improving the appalling statistics about the position of the Roma community in all spheres of life.

4.1.6 From the Media

The highest media attention has been directed towards the Roma regarding assaults, calls for intolerance and various incidents. A third of the media reports in electronic media (31%) and a fifth in printed media (19%) were dedicated to the discrimination against Roma. A detailed statistical review of the media coverage can be found in the Annex to this Report.

Protests in Zemun Polje, which lasted for several days, where the local Roma were blamed for the appearance of the skin rash in that neighbourhood, were the reason for many journalists to ask the Commissioner to give a statement. The Commissioner issued a warning on that occasion. The media reported differently about this event: the context was in most cases neutral with some of the media taking sides of the inhabitants by promoting prejudices, while other media reminded about the difficult position of the Roma, and the discrimination and racism this population is still facing. Although the media mainly reported on the Roma regarding the incidents the members of this minority were involved in, it is noticeable that there were also a few articles written in an affirmative manner, primarily regarding the efforts aimed at the improvement of the position of Roma women. A large number of articles were also about the difficult position of Roma children, the lack of possibilities related to education, health care, etc.

The media also reported about members of the Bosniak national minority, while there was considerably less reporting on Hungarians, Albanians, Russinians and Bulgarians, mostly on the occasions of ethnically motivated incidents.

The incidents which marked the relocation of asylum seekers and migrants from the Bogovodja Centre near Bajina Bašta to Obrenovac, were a topic that all the media were reporting about for days; the reaction and the warning that the Commissioner issued regarding this case were published in all media. This topic was presented in different ways, and depending on the attitudes of the journalists and editors, the media were either writing about intolerance, bigotry and xenophobia of the citizens of Obrenovac or showed understanding for such attitudes. Unfortunately, the number of the media that expressed their understanding for the protests of the citizens of Obrenovac was much higher than those that tried to use the influence of the media to explain to the general public who the asylum seekers are and what are the conditions of their stay in Serbia. In relation to this, however, the Commissioner made her appearance on two TV shows where she spoke about xenophobia in Serbia.

More significant attention by the media was obtained with the round table "Openly about Sandzak", organized by the non-governmental organization Centre for Foreign Policy

(Centar za spoljnu politiku). The Commissioner spoke about the complaints stating national affiliation as a basis for discrimination, and pointed out in particular the results of an opinion survey that speak about the ethnic distance between the Serbs and the Bosniaks.

Regarding discrimination against the ethnic Serbs, there were certain articles about hate graffiti against the Serbs in Subotica, as well as about the use of the Cyrillic script in Croatia.

All the media reported on the results of the opinion survey conducted at the end of 2012 by the Commissioner for Protection of Equality and CeSID about discrimination in Serbia but not many media went further from publishing the statistical overview. Namely, after publishing the survey findings that the ethnic distance is the largest towards the Albanians and Croats, and that the Roma are seen as the group most discriminated against, the information was almost nowhere followed by an affirmative article/report or any analytical elaboration of the topic regarding the causes of such attitudes and the ways they could be changed.

4.2 Discrimination Based on Disability

Results of the opinion survey showed that 28.4% of citizens believe that persons with disabilities are a group that suffers most discrimination in Serbia. Citizens recognize the problems of persons with mental and physical disabilities but 72% of the respondents believe that the responsibility for resolving these problems lies with the society as a whole. An extremely large percentage of the citizens (96%) agree with the proposed measures that persons with disabilities should be provided with undisturbed access to all public buildings, even if this entails added government expenditure.

In 2013 disability was stated as the basis of discrimination in 66 complaints (9.9%) submitted to the Commissioner for Protection of Equality, representing a fourth ground of discrimination by the number of complaints.

By comparing the number of discrimination complaints on the ground of disability submitted in 2012 it could be concluded that in 2013 significantly less complaints were submitted against discrimination on the ground of disability. Namely, last year complaints on the basis of disability amounted to 19.2% of the total number of complaints, while this year they are only 9.9%.

Most of the complaints on the basis of disability were filed in the area of proceedings before public authorities - 19, labour and employment – 17, provision of public services and/ or use of public facilities and areas – 12, social protection – 6, education and professional training – 5, while a smaller number of complaints were related to the areas of public information and media, and membership in political, trade union and other organizations.

Taking into consideration that discrimination against persons with disabilities is still present in Serbia, it can be concluded that the number of complaints filed against discrimination on the basis of disability does not correspond to the factual position of persons with disabilities. On the other hand, it cannot be concluded with certainty what is the reason for the decrease of the number of complaints on the basis of disability, except that in the previous years civil society organizations dealing with the protection of rights of persons with disabilities were more active regarding filing complaints. Analysis of the received complaints against discrimination on the basis of disability shows that discrimination against persons with disabilities is most frequent in the field of labour and employment, inaccessibility of public facilities and areas but also regarding the procedures before public authorities in which persons with disabilities are involved. It is important to note that 9.3% of complaints in the field of education and professional training were submitted against discrimination on the basis of disability, representing the third most frequent ground for filing complaints in this field.

4.2.1 Opinions and Recommendations

Primary school discriminated against a boy on the basis of developmental disabilities

The mother of a boy with developmental disabilities filed a complaint against a primary school for discrimination against her son on the basis of developmental disabilities. In the course of the procedure it has been established that the boy suffers developmental impairments and that he attends instruction following an individual education plan. He completed the fifth grade of primary school in the 2012/2013 school year, but he had received marks only in four subjects, while he had no evaluations for the rest of the subjects and he had no GPA stating the overall success at the end of the fifth grade. An individual education plan for this boy was created for the four courses for which he was evaluated at the end of the year, and he had not been attending the classes for other subjects. For this reason, the competent school administration recommended the school to observe regulations on the creation of an individual education plan, to create an individual education plan for all subjects and to create conditions which would enable the inclusion of the boy in classes for all subjects, to the extent optimal for the boy. However, the school did not create conditions to enable assessment for all the subjects in the 2012/2013 school year, thus placing the boy in a less favourable position compared to other pupils on the basis of his personal characteristic – developmental disabilities. The Commissioner issued the opinion that the school violated the provisions of the Law on the Prohibition of Discrimination because it failed to create conditions that would enable the boy to be assessed in all school subjects in the 2012/13 school year. The school was recommended to take all necessary actions and measures to create the conditions for assessment of the boy in all subjects in the 2013/14 school year; to organize trainings and education for the school employees on the topic of discrimination in education, especially in relation to pupils who need additional support in education because of social deprivation, developmental impairments, disability, learning difficulties and other reasons; as well as to take care in the future to not violate regulations on the prohibition of discrimination in the framework of their regular duties and activities.

This recommendation has been implemented.

A certain number of children in primary school left their class attended by a pupil with developmental disabilities

The mother of a boy with developmental disabilities filed a complaint after the events which led to a certain number of children leaving her son's class, related to the statements of the primary school principal. She stated that the statements of the principal were unfair towards persons with disabilities, i.e. that the attitudes of the school principal that "it is the fault of the law that children with severe disabilities attend regular schools", that for children with disabilities "it is best to attend special classes" and that for children with developmental disabilities should periodically socialize with children without disabilities in music or art workshops. The school principal stated that the teachers began adapting their work immediately after the enrolment of the boy with developmental disabilities, and that they had sent a request to the competent commission asking their opinion on the kind of support which should be provided for this pupil. He stated that pupils, teachers and parents were informed about the enrolment of the pupil with developmental disabilities in their class, but that after some time problems arose because of the inappropriate behaviour of the pupil with developmental disabilities towards other pupils and teachers, which caused the reaction of the pupils. The principal stated that the school held several meetings with parents in order to encourage the parents and ensure their cooperation but the parents of 12 pupils of this class decided to transfer their children to another school. He pointed out that he stood for his previous statements for the media, i.e. he still believed that the inclusion of children with developmental disabilities in the regular education system (inclusive education) required better training of the school staff as well as that the school had submitted the requests to the competent authorities in order to provide the pupil with developmental disabilities with teaching assistant and a personal chaperone.

In the course of the procedure it has been established that regarding these events, the school principal gave several statements in the media, where he first of all expressed his regret for the pupils who had left the class attended by the boy with developmental disabilities and stated that the big problem for the school was that it was unable to collect financial means to provide the presence of a teaching assistant and personal chaperone for this pupil. The Commissioner for Protection of Equality considers that the school has taken a series of very important measures in order to include the boy with developmental disabilities in the regular education system. However, in the school there is still intolerance and misunderstanding among pupils and teachers, which led some pupils to leave the class attended by the pupil with developmental disabilities. In addition, although the school principal showed resistance and lack of understanding of the importance of inclusive education, the Commissioner for Protection of Equality is of the opinion that in his statements the principal did not insult or degrade the boy with developmental disabilities or denied him the possibility to attend this school. Inclusive education is exceptionally important because it provides that children with developmental disabilities attend "regular" and not "special" schools, which enables them to socialize and to be accepted by their peers; it makes their parents feel that their children are accepted in the community; and it offers the opportunity to teachers and professors to improve their knowledge and skills in conducting classes.

Even though in this case it has not been established that the school and the principal discriminated against the boy with developmental disabilities, the school principal was issued a recommendation to provide that all teachers attend trainings on the topic of prohibition of discrimination and importance of inclusive education, as well as that the school, through education and training, develops the spirit of tolerance, acceptance of diversities and non-discrimination behaviour among the pupils.

This recommendation has been implemented.

Discriminatory reporting on inclusive education

The mother of a boy with developmental disabilities filed a complaint regarding the article "Children's Safety Endangered?" published in a regional weekly. The topic of the article concerned the problems in a primary school caused by the alleged actions of a boy with developmental disabilities. The mother of this boy stated that the article was degrading persons with disabilities and pointing out that inclusive education has its downside; that in the separated part of this article (text box) with the title "Absent Assistants" the journalist who wrote the article gave her point of view of the events, thus belittling with its content the advantages of inclusive education and sending the message to readers that "disability" is a problem. The editor of the regional weekly stated that the disputed article did not discriminate against the boy with developmental disabilities and that this weekly was following inclusion in education with a series of articles. With the role of agents of public information they have an obligation to also point out the problems of the implementation of inclusion in practice, and that it is obvious that in the mentioned primary school an unusual situation occurred and that they informed the public about it in the article "Children's Safety Endangered?". The editor has expressed the view that the mother of the boy bypassed the parts of the article related to responsibility of the family and society, as well as the message at the end of the article stating that all children have the right to a carefree childhood. The journalist who wrote the article stated that the purpose of the article was to prevent very unpleasant situations that had occurred in that primary school and that the article included statements of all participants in the event, except for the mother of the boy, who did not want to comment.

Following the analysis of this article it has been found that it was written in an objective manner, and that the author of the text did not express her personal views about the event. Instead, she quoted the statements of the participants of the event in this school and of the school principal. However, in a separate part of the article "Absent Assistants" the message was launched to readers that inclusion in education is not a good enough solution in schools and that children with developmental disabilities should attend the so-called "special schools"; that the teachers who work in regular schools are not trained for work with children with disabilities; and that the disability is a problem which affects the behaviour of children with developmental disabilities, which is why negative consequences may occur. This weekly was recommended to stop publishing articles which belittle the importance of inclusive education and not to support prejudices towards children with developmental disabilities but to give their contribution instead to help change the practice which conditions the stereotypes, prejudice and discrimination against children with developmental disabilities and their exclusion from mainstream social life.

Members of the association of persons with disabilities with visual impairment do not have access to information and documents

The complaint was submitted by an association of persons with disabilities against a national sports organization of persons with disabilities for prevention of access to information and documents in adequate electronic form, accessible for persons with visual impairment. In the course of the procedure it has been established that the national organization of persons with disabilities was informing all the members of the association of persons with disabilities about its activities and work provided information electronically in the same modality, without taking into consideration specific requirements and different categories of persons with disabilities. Acting in this way, applying the same rule for all, generates extremely negative consequences for the members of this association, whose members are also persons with visual impairment, as well as for all members of the alliance which find themselves in the same or similar situation. Namely, equal treatment of persons who find themselves in an unequal position is not allowed, except when this is justified with a lawful objective and the means of achieving that objective are appropriate and necessary. During the procedure it has been established that there were no justified reasons for not delivering information in accordance with specific requirements to persons with visual impairment, who cannot receive information in usual form because of their disability. The Commissioner particularly pointed to the fact that, bearing in mind its goals and status, the national sports organization of persons with disabilities was obliged to take care and consider the position of different categories of persons with disabilities. As it did not do this in the present case, the opinion was issued that the national sports organization of persons with disabilities violated provisions of Law on the Prohibition of Discrimination since it did not provide access to information and documents to the association of persons with disabilities in an adequate electronic form, which is accessible to persons with visual impairment. The recommendation was issued to the national sports organization of persons with disabilities to undertake all necessary measures in order to enable access to information and documents in electronic form, accessible to persons with visual impairment, to this association as well as to all other members of the association of persons with disabilities.

This recommendation has been implemented.

Sports-concert hall provides free access to certain manifestations to persons who use a wheelchair

A sports-concert hall contacted the Commissioner for Protection of Equality and asked for the opinion about their decision to provide to persons who use a wheelchair to have a possibility to attend programmes taking place in the facilities of this hall for four times a year. Namely, the sports-concert hall was concerned if such a decision was in accordance with anti-discrimination regulations, i.e. if such a decision discriminates against persons with disabilities that do not use a wheelchair.

In the opinion the Commissioner for Protection of Equality pointed out that not every differentiation represents discriminatory treatment. In this case, the sports-concert hall can, in proportion to its possibilities, offer certain benefits to certain groups of users who find themselves in an unequal position compared to other citizens, i.e. to establish special (affirmative) measures for those groups of users. In this way, the message was sent to all citizens that this category of persons with disabilities finds itself in a particularly unequal position and that the sports-concerts hall wishes to offer special support for the purpose of achieving full equality. Thus, the decision of the sports-concert hall to provide privileged places for persons with disabilities who use a wheelchair represents a special (affirmative) measure, which cannot be considered discrimination.

4.2.2 Recommendations to Public Authorities and Other Persons

Recommendation to the Ministry of Health for achieving equality within the work of medical commissions

This recommendation has been issued in the procedure conducted on the basis of the obtained information that the medical commissions responsible for issuing medical certificates on physical and mental ability to drive a motor vehicle do not have a uniform practice and procedures for issuing medical certificates to persons with disabilities. The Ministry of Health has been recommended to take all necessary measures within its competence in order to ensure that medical commissions: 1) standardize the practice of issuing medical certificates on physical and mental fitness to drive a motor vehicle to persons with disabilities; 2) to bear in mind in the course of issuing medical certificates the present stage of development of assistive technologies, especially those related to the possibilities of adaptation of vehicles to persons with disabilities; 3) to inspect the adapted vehicle, in addition to the examination of the person with a disability and the review of his/her medical record, in order to ensure that the technical characteristics of the adapted vehicles allow persons with disabilities to safely participate in traffic; 4) and to be guided by the principle of full social inclusion of persons with disabilities, while deciding on the issuance of medical certificates.

The Ministry of Health did not inform the Commissioner whether or not this recommendation has been implemented.

Recommendation of measures to GSP Beograd and to the Secretariat for Traffic to enable persons with disabilities to use public transportation

The recommendation of measures has been issued in the procedure conducted on the basis of the information that in the city transportation company GSP "Beograd" there is a certain number of vehicles which are adapted for persons with disabilities but that despite this, persons with disabilities are not enabled to use them.

GSP "Beograd" was issued a recommendation to take all necessary measures without delay in order to enable persons with disabilities to use all the company's adapted vehicles at all city transportation stops, including those vehicles that have a "mechanical" ramp at the middle door. The Directorate for Public Transportation of the Secretariat for Traffic was recommended to carry out safety tests and adaptations of public transportation stops, which are necessary in order to enable persons with disabilities to use the services of public city transportation as easily and as safely as possible.

This recommendation has not been implemented. GSP Beograd and Secretariat for Traffic informed the Commissioner that certain conditions must be in place before they could act upon the recommendation – purchase of new buses with automatic access ramps, adaptation and labelling of stops.

Recommendation of measures to the Ministry of Justice and Public Administration regarding hiring sworn-in court interpreters for sign language

The recommendation was issued on the basis of the information from the media that the Civil Registry Office of the Municipality of Obrenovac conditioned the conclusion of the

marriage between two persons with hearing impairments by hiring a sworn-in-court interpreter for sign language, whose services they were supposed to pay by themselves. The Commissioner considers such conduct of the Civil Registry unacceptable since the persons with hearing impairment were placed in an unequal position taking into consideration that they were posed conditions that are not posed to other citizens in the same situation. Citizens who do not have a hearing impairment and who wish to conclude a marriage before a registrar of the Municipality of Obrenovac pay a service tax in the amount of RSD 280 while persons with a hearing impairment were asked to pay for the sworn-in interpreter too in the amount of RSD 10.000. The Ministry of Justice and Public Administration was issued a recommendation with the expectation to provide that persons with a hearing impairment have at their disposal services of the sworn-in interpreter for sign language in all proceedings before public authorities to which they are parties in order to prevent further discrimination against persons with a hearing impairment in proceedings before public authorities.

This recommendation has not been acted upon and the Ministry of Justice and State Administration informed the Commissioner that the implementation of this recommendation is not in the competence of this Ministry.

4.2.3 Special Report on Discrimination against Persons with Disabilities

In May 2013 the Commissioner for Protection of Equality presented to the National Assembly the Special Report on Discrimination against Persons with Disabilities. By submitting the special report on discrimination against persons with disabilities the Commissioner wished to draw attention of the public authorities, expert and wider public to the unequal position of persons with disabilities regarding the obstacles and difficulties which they face in exercising their rights, as well as on the necessity of implementing the policy of equal opportunities as a precondition for full social inclusion and respect for human rights of persons with disabilities.

In the Report it has been pointed out that Serbia has a solid normative and institutional legal framework for combating discrimination on the basis of disability; that in the framework of the state anti-discrimination policy a set of measures based on a social model of disability has been created and implemented and that implementation of these measures is progressively eliminating the consequences of structural discrimination against persons with disability and creating conditions for their full social inclusion. It has been assessed that despite implemented measures the discrimination against persons with disabilities is still very widespread in all areas of social life. Many children and youth with disabilities are still out of the regular education system and there are many obstacles regarding access to higher education. Special measures for employment of persons with disabilities produced certain positive effects but the structural and indirect discrimination against persons with disabilities in this area is still pronounced, contributed by the worsening economic situation of the society. The legislative measure of protection of persons with disabilities which entails removing or limiting legal capacity is not in conformity with contemporary international standards in this field, while in the area of access to justice persons with disabilities face a range of obstacles regarding both inaccessibility of the facilities where the work of judiciary and other authorities to which persons with disabilities wish to address is taking place, and the lack of adequate rules and assistive technology which would provide that the proceedings in which persons with

disabilities are parties are implemented in the modalities fulfilling the standards of fairness. The process of deinstitutionalization and establishing services necessary for a life in a community is slow, with the consequence of a large number of children and adult persons with disabilities still living in institutions. Most of the public buildings and areas are still inaccessible owing to the slow process of removing architectural barriers, while building and equipping new buildings and areas sometimes does not respect accessibility standards. Women with disabilities experience double discrimination and face many barriers in exercising their rights as well as various forms of gender-based violence. The media are still not providing conditions for persons with disabilities to exercise their right to information since media reports in the format accessible to persons with disabilities are few. Reporting on the position of persons as *impotent, victims and passive beneficiaries* of social or humanitarian assistance, and the terminology used thereby is insulting and stigmatizing. The Report recommended taking a range of measures with the aim of removing consequences of structural discrimination and equating the position of persons with disabilities to their full social integration.

The Report is available on the Internet presentation of the Commissioner: http://www.ravnopravnost.gov.rs/rs/извештаји/извештаји.

4.2.4 Warnings and Public Announcements

Announcement on the occasion of International Day of Persons with Disabilities

On the occasion of International Day of Persons with Disabilities, the Commissioner warned that discrimination against persons with disabilities is widespread, especially in the field of education, work and employment, life in community, equality before the law, access to services and information. It is necessary to provide for persons with disabilities the equal enjoyment of human rights and equal participation in social life since this is one of the ways to raise awareness on the importance of the inclusion of persons with disabilities in all aspects of political, social, economic and cultural life.

4.2.5 From the Media

The Special Report of the Commissioner for Protection of Equality dedicated to discrimination against persons with disabilities was up to an extent the impetus for the media to speak more in the course of 2013 than in the past about the problems of persons with disabilities, although the cause were specific cases, but less than before. The publishing of the parts of the Special Report and citing specific examples of complaints indicates that the journalists were interested to inform the public of a variety of problems members of this marginalized group are facing. In the printed media 15% of published articles referred to discrimination against persons with disabilities, while in electronic media the number was double – one third of the reports (32%).

A significant place in the media has been dedicated to discrimination against a group of children with hearing impairment who were denied the right to use the services of one restaurant because of which an anti-discrimination litigation has been initiated. This case motivated the journalists to research and the public was informed about similar stories from other towns in Serbia. Also, attention was drawn to the case of two national sports representatives with disabilities who filed complaints for unequal treatment of the commissions for evaluation of the ability to drive a motor vehicle and their story was published in several printed media, along with the explanation of the recommendation issued to the Ministry of Health for harmonizing practices of medical commissions.

Certain media went a step further and, based on the Commissioner's research on accessibility of buildings with headquarters of state institutions in Belgrade, published reports and produced coverage on how large is the number of inaccessible buildings and areas by showing a journalist who pretended to be a person with a disability and used a wheelchair.

The majority of the media were interested in reporting on the Commissioner's visit to the Home in Bežanijska Kosa on the occasion of International Day of Persons with Disabilities, where instead of sharing information at a conference, the Commissioner spoke to the residents in person. The media were reporting on the announcement of the closing of the library for persons with visual impairment and removal of the funds for printing publications in Braille, citing thereby the position of the Commissioner that such a decision was shameful and that the state has a duty to provide funds for their work.

The largest number of articles and reports were related to the field of employment. Affirmative articles on employment of persons with disabilities were published periodically in the magazine "Poslovi".

4.3 Discrimination Based on Marital and Family Status

Marital and family status was stated as a ground of discrimination in 60 complaints (9%) and is the fifth ground of discrimination in the total number of complaints in 2013.

From the total number of complaints filed against discrimination on this ground, 33 complaints were filed in the area of work and employment, 16 in the proceedings before public authorities, and four in the area of education and professional education and training. A total of 7 complaints were filed in the areas of social protection, health care, in relation to provision of public services, and property relations.

The number of complaints on this ground of discrimination is three times higher in 2013 compared to the previous years. The general economic situation in the country and the increased number of dismissals, especially of employed women, among which are pregnant women and nursing mothers, contributed to the increase in the number of complaints on this ground. In addition to this, an increase in the visibility of the institution probably contributed to a larger number of complaints as well, since the Commissioner had several remarkable media appearances regarding the protection of rights of working pregnant women and nursing mothers.

The complaints against discrimination on the basis of marital and family status were more often filed by women (59%) than men (41%), and this ground of discrimination appears in most cases as one of the grounds that is stated in the complaints against multiple discrimination.

4.3.1 Opinions and Recommendations

Discrimination against women farmers on the basis of marital status

The opinion was issued in the procedure upon a complaint filed by three organizations dealing with the protection of women's rights and the status of women living in rural areas against the Ministry of Agriculture, Forestry and Water Management, due to a discriminatory provision contained in the Rulebook on registration in the Register of agricultural households and renewal of registrations, as well as the conditions for the passive status of the agricultural household ("Official Gazette of RS", no. 17/2003), which prescribe that "spouses may be registered in one single family agricultural household".

In their statement, the Ministry of Agriculture, Forestry and Water Management stated that by registering two agricultural family households the spouses were paid the double amount of premiums and incentives, thus abusing the regulations in the part that pertains to the maximum areas for which the subsidies for crop production were paid. Upon the analysis of the provisions of the Law on Incentives in Agriculture and Rural Development pertaining to the basic incentives for crop production, it has been established that the incentives are the funds allocated to agricultural households for crop production at the registered and plated areas of arable land while the content of the impugned provision is not in function of preventing the realization of double incentives. Therefore, it is not possible to achieve "double amount of incentives" for the same agricultural land because the incentives are funds achieved for the registered agricultural land and are allocated in relation to the land and not to the registered person or members of the agricultural household. After the completion of the procedure, it has been established that there are no objective reasons for prescribing the impugned provision which applies only to spouses and not to other relatives who live in the joint household, and there is no commensurability between the measure taken and objectives which were to be achieved through that measure, since the objectives cannot be achieved with this measure, i.e. they could be achieved with implementation of less restrictive measures. The opinion was issued that the provision of this Rulebook, which prescribed that "spouses can be registered in one single family agricultural household", violated the principle of equality, by which the discrimination against the married farmers was committed. The Ministry of Agriculture, Forestry and Water Management was recommended to remove the discriminatory provision; to take into account in the future and to observe the principle of equality and prohibition of discrimination when undertaking measures from its competence, ensuring that the objective and the consequence of the measures undertaken must be justified and that there must be proportionality among the measures taken and the objectives to be realized.

The Ministry of Agriculture, Forestry and Water Management did not act upon this recommendation even after the warning was issued.

Proving membership in the category of a single parent family in the process of applying for student scholarships

The call for applications for awarding the student scholarships for the Academic Year 2012/2013 prescribed that candidates from vulnerable social groups could apply. This catego-

ry, among others, includes single-parent families. In addition to the rest of the required documents, to apply to this category it is necessary to submit a death certificate for the deceased parent, issued by the Registry of Deaths. A student who filed the complaint stated that he was from a single-parent family and that his other parent was not deceased but not registered in the Registry of Births, and that he therefore could not submit the certificate from the Registry of Deaths. Taking into consideration that he was not ranked in the special category because he did not have all the documents required, he believes to be discriminated against on the basis of his family status. In its statement, the Ministry of Education, which published the call for applications, stated that as a proof of belonging to a single parent family the death certificate of one of the parents is required but that the certificate from the Registry of Births in which the name of one parent is not registered is also acceptable.

In the course of the procedure it has been established that by determining this kind of proof, which is allowed only to students who have one deceased parent, students who do not have the name of their father stated in the birth certificate are excluded for no reason at all, regardless of the fact that they belong to a single parent family. Students who do not have information on their father registered into the Birth Registry are thus placed in an unequal position compared to students whose one parent is deceased, since they are denied the possibility to apply for the student scholarship in the category of a single parent family. Taking into consideration the objective of prescribing the separate rank lists for the student scholarships for vulnerable social groups and the category of a single parent family, there is no objective or valid reason not to state in the call for applications that fact of belonging to a single parent family can be proved by the certificate from the Death Registry or the certificate from the Birth Registry.

The Commissioner issued the opinion that the Ministry of Education placed in unequal position candidates from single parent families in which the father is not registered in the Birth Registry. Therefore, the Ministry of Education was issued a recommendation to modify the rules according to which the students prove their belonging to the category of a single parent family, as well as not to violate provisions of the Law on the Prohibition of Discrimination in the future when defining conditions for awarding student scholarships.

This recommendation has been implemented.

4.3.2 From the Media

The media did not show a particular interest in discrimination cases on the basis of marital and family status. Only the case of discrimination against women farmers had media coverage. Both before issuing the opinion of the Commissioner and after the recommendation was issued, certain media published the story on the new rulebook by which the subventions are defined in agriculture so as to permit the spouses to register only one household. The articles and reports mostly presented farmers who were affected by such a solution. Certain articles dealt with the gender aspect as well, stating that this affected mostly women since men will not relinquish their right to property in accordance with the patriarchal attitudes which are still dominant in Serbia.

4.4 Gender Based Discrimination

The analysis of the public opinion survey conducted in 2013 showed that women are on the top of the list regarding exposure to discrimination – this was stated by 42% of the respondents. This number is two and a half times higher compared to the results of the 2012 survey. Although 71% of the respondents agree that society needs to pay much more attention to violence against women, it turned out that 10% of the respondents actually accuse women for violence.

48 complaints (7.2%) against discrimination were filed on the basis of gender. Most of these complaints were filed by physical persons, out of which 28 were women and 12 were men. Half of the complaints against gender-based discrimination pertain to discrimination in the process of the recruitment and employment process or at work. In addition, 12% of the complaints were lodged against discrimination in the field of public information and media, and 8% against discrimination in the field of education and professional training. The number of complaints and the fields in which discrimination is committed on the basis of gender did not significantly change compared to previous years.

The practice of the Commissioner shows that women are more discriminated against on the basis of gender in the field of employment or at work. Based on the analysis of the submitted complaints it can be concluded that discrimination on the basis of gender is most often manifested: 1) during the search for employment, when the employer is looking for a specific gender of the candidates, and 2) at work, by reassignment of women to lower and less paid job positions upon their return from maternity leave. Some complaints were related to discrimination against women and girls in the process of enrolment in certain educational institutions. Although the number of these complaints is small, the recommendations issued are very important considering the number of women to which they refer. In accordance with this, in the following period it can be expected that this form of discrimination will not be present any more, i.e. that the educational institutions will not limit the conditions in relation to the candidate's gender. These cases show that despite the large number of binding international instruments and national regulations that explicitly prescribe that everyone has the right to education under equal conditions and that gender equality is guaranteed, in practice there are still situations in which women and girls are discriminated against.

At the beginning of the year, there was an increased number of complaints of pregnant women who were employed on the basis of fix-term contracts that were not extended once they told their employer that they were pregnant. Although it was evident that the pregnancy was the reason for not extending employment in all these situations, the provisions of the Labour Law which was valid at that time prescribed that the employer did not have an obligation to extend an employment contract to a pregnant woman. The increased number of complaints indicated, among other things, that the discriminatory practice had developed with some of the employers not extending the employment contract to their female employees if they became pregnant. The Commissioner for Protection of Equality warned about this phenomenon and supported initiatives for amending the Labour Law, which was amended later during the year. The employers are now obliged to extend the employment contract to the women employed on the basis of a fixed-term contract in case they become pregnant until the end of the maternity leave. It should be kept in mind that gender is often one of the grounds of discrimination stated in complaints filed against multiple discrimination.

4.4.1 Opinions and Recommendations

Girls cannot attend Military High School

The opinion was issued in the procedure upon the complaint field against the Military High School in Belgrade regarding the call for applications of civilian candidates for enrolment in the Military High School in the school year 2013/2014, which contains a discriminatory condition. In the call for applications for admittance of the civilian candidates to the Military High School in the school year 2013/2014 the condition was set that the candidates had to be male. It is evident that by posing this condition girls were denied the possibility to enrol at the Military High School. The Commissioner for Protection of Equality is of the opinion that setting this condition represents an act of direct discrimination against girls. Because of this, the Commissioner issued the opinion that by prescribing this condition related to the gender of civilian candidates in the Military High School for the school year 2013/2014, the Ministry of Defence of the Republic of Serbia, Department for human resources and management staff violated provisions of the Law on the Prohibition of Discrimination and of the Law on Gender Equality. The Ministry of Defence of the Republic of Serbia has been recommended to harmonize the text of the application announcement for the next year with antidiscrimination regulations by removing the condition which prevents girls to apply to the Military High School, and to keep into account in the future not to violate regulations of the Law on the Prohibition of Discrimination and other anti-discrimination regulations when prescribing conditions for application for enrolment to military education institutions.

This recommendation has been implemented.

Pregnancy and parenthood as an obstacle to be a referee at volleyball matches

An association of volleyball referees filed a complaint against the Association of Volleyball Referees of Serbia for adoption and implementation of the act by which female referees are denied the right to be referees of matches during certain periods because of pregnancy and parenthood, which has been put in a document titled "Agreement from the Seminar of the Association of Volleyball Referees of Serbia Before the Competition Season 2012/2013". This document prescribes that the referees are obliged to declare their pregnancy and cancel all matches after entering their fourth month of pregnancy; that after childbirth a minimum of six months need to pass in order to continue to be a referee; as well as that in case if the season started they could not subsequently start working but that they had to wait for the beginning of a new season. In the procedure conducted upon this complaint it has been established that the Association of Volleyball Referees of Serbia began the practice, obligatory for all referees and controllers of trials of the Super League, First and Second League on the territory of the Republic of Serbia, by which female volleyball referees were denied the right to be referees for a certain period during their pregnancy and after childbirth, i.e. that the Association discriminated against female volleyball referees on the basis of their gender. During the procedure the Association of Volleyball Referees of Serbia stated that such obligations related to female referees are the result of decades of practice which is applied at the

highest volleyball leagues in the country, while the reasons which led to such a position are "humanitarian and socially responsible", based on the belief that pregnancy and the first year after childbirth represent the most delicate period for the mother and child in terms of physical and mental health. These arguments, however, are entirely unacceptable and are based on ungrounded and stereotypical attitudes, some of which are insulting towards women. The Commissioner issued the opinion that by denying women the right to be referees at matches at a certain period during pregnancy and parenthood, according to the rules prescribed in the document no. 66/12 dated 18 October 2012, the Association of Volleyball Referees of Serbia violated provisions of the Law on the Prohibition of Discrimination. Prescribing this rule represents a conduct in accordance with prejudices, customs and other social patterns of behaviour based on stereotypical attitudes in relation to gender roles, i.e. discrimination based on gender. Along with the opinion the measures were recommended with the aim of eliminating the consequences of the discriminatory decision. The Association of Volleyball Referees of Serbia was recommended, inter alia, to undertake measures in order to remove the provisions prescribed in point 13 of the document as well as to not violate provisions of the Law on the Prohibition of Discrimination when deciding on the right of women to be volleyball referees at certain periods during pregnancy and after childbirth.

The Association of Volleyball Referees of Serbia did not implement this recommendation.

College of vocational studies limits the number of female candidates to enrol in education funded from the state budget

The opinion was issued in the procedure upon the complaint filed by a civil society organization against a higher education institution of vocational studies regarding the call for applications for enrolment of students to the first year of undergraduate studies in the academic year 2013/2014, which contains discriminatory conditions. The general conditions of the call for applications for admittance to this school, *inter alia*, prescribe that out of 60 budget-financed students at the undergraduate level, 15 female students would be accepted. In his statement the dean of this institution stated that the Ministry of Interior anticipated the enrolment of up to 15 women for each study programme within the number of the budget-financed students, according to the projection of the employment needs for the upcoming period; that each study programme enrols 150 self-financed students, wherein the number of female students is not limited, which is why he considers that there is no discrimination based on gender.

Upon the analysis of the call for applications and enrolment conditions it has been established that there are no gender related limitations in defining the number of students who finance the costs of their studies on their own, i.e. there is no limitation regarding gender – the maximum number of female students is not prescribed. However, it is evident that the upper limit (maximum number) for admittance of budget-financed female candidates is prescribed, which leads only up to a certain number of women allowed to be accepted to budget-financed studies. When the prescribed number is reached, female candidates will not be able to enrol regardless of fulfilment of the conditions and achieved results, which means that they will be denied enrolment at the higher education institution on the basis of their gender.

The opinion was issued that the provisions of the Law on the Prohibition of Discrimination and of the Law on Gender Equality have been violated by prescribing conditions in the call for applications of students to the first year of undergraduate studies in the academic year 2013/2014 at the higher education vocational institution, which define the maximum number of female students financed from the state budget at undergraduate academic studies. This institution was thus recommended to harmonize the text of the call for applications with anti-discrimination regulations by removing the condition which prescribes the maximum number of budget-financed female students, and to take care in the future to not violate anti-discrimination regulations by prescribing conditions for enrolment at undergraduate academic studies.

This recommendation has been implemented.

The status of pregnant women and nursing mothers employed in the Development Bank of Vojvodina which stopped working

The procedure was conducted upon the information that the Development Bank of Vojvodina (Razvojna banka Vojvodine) adopted the Draft Redundancy Programme and that female employees who were pregnant, on maternity leave and in child care leave were offered to give their written consent for the termination of employment in this bank. A certain number of employees of the Development Bank of Vojvodina were to be taken over by the newly founded Development Fund of Vojvodina (Razvojni fond Vojvodine) and the Postal Savings Bank (Banka Poštanska štedionica). Other employees were to remain employed in the Development Bank of Vojvodina, which was in bankruptcy, while the rest of the employees' employment contracts were to be terminated upon the closing of the bank.

In the course of the procedure it has been established that the Development Bank of Vojvodina as an employer cannot influence decisions of the Postal Savings Bank or the Development Fund of Vojvodina, considering the fact that these two legal persons, as future employers, will independently decide with whom of the employees of the Development Bank of Vojvodina would they conclude employment contracts. Taking this fact into consideration, a recommendation has been issued to the Development Fund of AP Vojvodina and to the Postal Savings Bank to take all necessary measures, in accordance with their competences and possibilities, with the aim of employing pregnant women and persons on maternity leave and on child care leave including special child care leave, who are employed in the Development Bank of Vojvodina.

These recommendations have not been implemented.

Employed women declared redundant during childcare leave

A women employed in a state institution stated that she was declared redundant during her maternity leave and that she was informed that the termination of her employment contract would be issued to her upon her return from child care leave. She stated that the criterion for establishing the redundancy was based on an evaluation and that she was evaluated while on maternity leave; that she was not evaluated by her immediate superiors and that she received a "put-up evaluation" despite being awarded and commended for her work on more than one occasion, and that the part containing a general conclusion in her evaluation questionnaire has not been filled in, thus her evaluation remained unfinished. In the statement of the employer it was stated that the state institution carried out an evaluation of the quality of the work of their employees in the way that the immediate managers and superiors were assessing whether the employees achieved the results of their work and whether they had the necessary knowledge to perform their work. It has been stated that the complainant was evaluated by her immediate superior; that the evaluation of her work was given for the period while she was working, while a test of her cognitive skills and a personality test, as well as an evaluation with the immediate superior were not implemented because at the moment of evaluation the complainant was on maternity leave. The employer also stated that the immediate superior of the complainant evaluated that she generally achieved the results of work and that she generally had basic knowledge and skills for her job; however, she had a poorer evaluation compared to the other employees occupying the same job title, which is why she was declared redundant.

In the course of the procedure it has been established that the employer, on the basis of the regulation defining the maximum number of employees in a state institution and in public administration, had an obligation to the reduce number of employees. On the basis of the analysis of the evaluation procedure, it is evident that the complainant who was absent from work for childbirth and childcare was not provided with the same conditions as other employees. Taking into consideration that the evaluation procedure was planned and carried out during the complainant's leave, the Commissioner considers that there was no reasonable justification to not include the complainant in the evaluation procedure, especially in view of the importance of the evaluation for the complainant's employment status. The employer could have contacted the complainant regardless of the fact that she was absent from work and could have offered her a possibility to take the cognitive skills test and personality test like other employees, which would enable her to receive a complete evaluation of skills. In this way, she would have been able to be informed on the evaluation process and to actively participate in verifying of the quality of her work, like other employees.

The Commissioner for Protection of Equality issued the opinion that by declaring the complainant redundant while she was on maternity leave and child care leave, which is why her work was not comprehensively assessed nor other criteria were taken into consideration for establishing redundancy, the employer violated provisions of the Law on the Prohibition of Discrimination and of the Law on Gender Equality. Thus, the employer was issued the recommendation to review the decision of declaring the complainant redundant by applying all the criteria prescribed in the Redundancy Programme and by a repeated comprehensive evaluation of the complainant; and to not violate anti-discrimination regulations in its decisions in the future.

This recommendation has been implemented.

City Administration of Pančevo did not respect the Decision on gender equality of the City of Pančevo

The complaint was filed by a city board against the City Administration of Pančevo for non-compliance with the Decision on gender equality. It was stated that during one meeting the directors of public and public utility companies, as well as members of managing boards (MB) and supervisory boards (SB) were dismissed. In the process of proposing the candidates for the new assemblies of MBs and SBs, the Personnel Commission of the City Assembly violated the Decision on gender equality of the City of Pančevo, and in adopting the new list of candidates for the future directors and members of MBs and SBs the Decision was violated also by the president of the City Council and aldermen. The Decision prescribes that in proposing and appointing candidates to the public authorities the authorised person shall propose at least 30% of the representatives of the underrepresented gender. In this case, for the service of the member of the City Council there were no women appointed; out of 11 newly elected directors only two women were elected; in the appointment of 19 members of MBs and SBs four of them did not have any women; while during the appointment of members of the 9 MBs and SBs the equality of men and women was not provided since less than 30% of the underrepresented gender were elected. In the procedure it has been established that the Commission for Personnel, Administrative Issues and Labour Relations adopted conclusions by which it proposes to the Assembly of Pančevo the adoption of the decision on the dismissal and appointment of acting directors of public and public utility companies, cultural institutions, institutions of social protection and health care until the appointment of the directors for up to one year. In the statement it was said that the vice presidents and members of MBs and SBs in two public utility companies were men but that in other three SBs all three members were women, while in the remaining MBs and SBs the Decision on gender equality has been fully implemented.

Upon the conducted procedure, the opinion was issued that by the conclusions which proposed the appointment of acting directors, members of managing and supervisory boards of the public companies, public utility companies, cultural institutions and institutions of social protection and health care of Pančevo, the Commission for Personnel, Administrative Issues and Labour Relations, Assembly of Pančevo did not propose at least 30% of underrepresented gender, i.e. the Commission did not act in compliance with the Law on the Prohibition of Discrimination, the Law on Gender Equality, and the Decision on gender equality of the City of Pančevo. Therefore, the Commission for Personnel, Administrative Issues and Labour Relations, Assembly of the City of Pančevo, was recommended to undertake necessary actions in order to harmonize the composition of elected members of managing and supervisory boards with anti-discrimination regulations and the Decision on gender equality adopted by the City of Pančevo.

This recommendation has been implemented.

Commission for gender equality abolished

The opinion was issued in the procedure upon the complaint filed against the Municipality of Stara Pazova for adoption of the decision on amendments and supplements of the municipality Statute, by which the Commission for gender equality was abolished. The provisions of the Law on Gender Equality provide that local self-governments shall consider measures and activities that contribute to gender equality and to achieving equal opportunities; organize a permanent working body or appoint an employee for gender equality and performance of tasks in the realization of equal opportunities; and that local self-government independently decides on the modalities to fulfil this legal obligation. In this regard, the decision of the Municipal Assembly by which the municipal Statute has been changed and the Commission for Gender Equality abolished, is not contrary to the Law on Gender Equality. In the explanation of the decision to abolish the Commission it was stated that ensuring gender equality and the realization of equal opportunities would be arranged by determining an employee who will perform these tasks. On the basis of the above it can be concluded that the Municipal Assembly opted for one of the two legal options for ensuring gender equality and policy of equal opportunities at the local level. Therefore, the opinion was issued that the Municipal Assembly did not violate provisions of the Law on the Prohibition of Discrimination by adopting the decision that abolished the Commission on Gender Equality as a separate working body.

4.4.2 Opinions on the Drafts of the General Legal Acts

Opinion on the provisions of the Draft Law on amendments and supplements to the Labour Law

On 22 March 2013, the Commissioner issued the opinion on the provisions of the Draft Law on amendments and supplements to the Labour Law, which stated that by adopting the proposed amendments and supplements to the Labour Law, national legislation will be harmonized with the ILO Convention no. 183 on maternity protection, as well as with other relevant international regulations. The Commissioner also pointed out the need to reformulate and additionally clarify certain provisions, as well as to add new provisions that would contribute to the prevention of discrimination against employees on the basis of gender and parenthood.

This opinion indicated that the provision in relation to the right of mothers to take pauses to nurse during working hours need to be reformulated in such a way to make clear that this is the right of the employed mother to have a daily nursing break and that mothers exercise this right upon personal request, deciding thereby how many breaks will they take for a total duration of 90 minutes per day. Indeed, the Commissioner is of the opinion that the working mother needs to choose on her own on the reduction of working hours for 90 minutes and that the employer is obliged to respect such a request. Also, the employer should prescribe special rules related to the right of mothers to daily breaks for nursing so that the employed mother who works less than 6 hours a day has the right to one daily break for nursing for a total duration of 45 minutes; a mother of twins or more children, and a mother of a prematurely born child has the right to one or more daily breaks for nursing for a total duration of 120 minutes. Finally, it was proposed that the parent of the adopted child also has the right to feed the child under the same conditions given to a mother for a daily nursing break.

The Commissioner for Protection of Equality welcomed the introduction of new provisions that also protect a fixed-term contract against the termination of employment for employees during pregnancy, maternity leave and child care leave, as well as during special child care leave. However, the opinion also indicated certain dangers and negative effects these solutions may have in practice. Namely, during the pregnancy and before starting to use the right to maternity leave, an employed women does not have the right to a salary on the basis of pregnancy because she works for the employer, that is, she is not absent from work. In the case of an employed women who works under a fixed-term contract, and according to the new legal solution she cannot be dismissed before the expiration of the right to leave. The question is who will pay the salary to the pregnant women during her pregnancy. If the employer would pay the salary, such a situation may lead to the trend that employers would avoid to employ young women, while the solution to pay for the salary of a pregnant employed women from the state budget may lead to privileging employers who would unwarrantedly profit in
practice, on the account of the work of employed pregnant women. Also, it is often the case in practice that the employees are allocated a lower pay and inadequate job positions upon return from maternity leave and child care leave. As such a conduct of the employers represents indirect discrimination the law should explicitly prescribe the right of the employee upon return from leave to be assigned to the tasks and position she/he occupied before the leave, and if there is no need for performing these tasks the employer should be required to offer jobs on conditions that must not be less favourable than the work performed before the leave began. The Commissioner proposed to prescribe by the law the right of the employee to be able to attend additional professional development provided by the employer in situations where the employee returns from leave and in the meantime there were changes in the work process or the employer introduced new modalities of work. The Law on Amendments and Supplements to the Labour Law came into force on 16 April 2013. However, the proposals of the Commissioner for Protection of Equality were not included in the new text of the Law.

Opinion on the Draft Decision on the principle of gender equality

The Draft Decision regulates the principle of gender equality in the local self-government bodies and community self-government bodies in the City of Užice, and prescribes that the principle of gender equality applies to the election, appointment and constituting of the City Assembly and its working bodies, City Council and its working bodies, working bodies and commissions formed by the mayor, city administrations, bodies, managing bodies of public companies, institutions and organizations founded by City of Užice and councils of local communities and its working bodies at the territory of the City of Užice. In the election of the members of bodies and working bodies and in appointing managers, participation of at least 30% of the underrepresented gender is ensured. The Commissioner for Protection of Equality issued the opinion that the draft of this decision is in conformity with anti-discrimination regulations.

4.4.3 Recommendations to Public Authorities and Other Persons

Recommendation to the Government of the Republic of Serbia to ensure equal representation of women

The recommendation was issued in August 2013 on the occasion of the process of the reconstruction of the Government of the Republic of Serbia. It indicated the need to take into account equal representation of genders in appointing new ministers since equal participation of men and women in decision making represents one of the fundamental European values and foundations of democracy, promotes transparency in decision making, increases the level of accountability and ensures a more equitable distribution of influence in society, thereby accelerating the process of modernization and democratization of society and overall social development. In the earlier composition of the Government of the Republic of Serbia women accounted for 26%, which is the highest percentage of female participation compared to all previous governments. Although the regulations in force have not established a quota for the underrepresented gender in the highest body of the executive, the recommendation expressed the expectation that the reconstructed Government will have a sufficient number of women in accordance with the principle of gender equality.

This recommendation has not been implemented.

4.4.4 Warnings and Public Announcements

Warning regarding the dismissal of pregnant women

Regarding the more frequent news in the media about the dismissal of pregnant women in different companies in Serbia, the Commissioner has appealed to employers to try to find a solution to prevent such situations. Despite the economic crisis and unemployment, employers have to be socially responsible and the legal regulation must not become an excuse for discrimination. Due to the unfavourable situation on the labour market, many women are anyhow forced to work irregularly, while there are many others who are dismissed on a daily basis. It has also been noted that women are reassigned to lower and less paid job positions upon their return from maternity leave. The fact that during the employment recruitment many employers ask women to declare whether or not they intend to have children and even request them to sign blank termination of contract in case they become pregnant, is worrying. These are all drastic examples of discrimination against women, although in Serbia discrimination based on gender is prohibited.

Announcement regarding the amendments to the Labour Law in relation to pregnant women and nursing mothers

The announced amendments to the Labour Law will enable better protection of pregnant women and nursing mothers and the creation of better conditions for harmonizing professional and family obligations. Discrimination against pregnant women and nursing mothers in our country is almost a daily phenomenon, and the proposed amendment according to which the employment contract of pregnant women and nursing mothers will be extended by the end of the use of the right to leave, will create conditions for the elimination of this discriminatory practice. The proposal related to the break time for nursing represents a standard that exists for a long time in the countries of the European Union. Thus, these amendments will contribute in an explicit way not only to the increase in the birth rate, which is a topic that is being discussed in Serbia for years, but also to the improvement of the position of women and the promotion of gender equality and policy of equal opportunities for all.

Announcement about discrimination against women on the occasion of International Women's Day

On the occasion of International Women's Day, the Commissioner stated that there is a lot of work done on the improvement of the position of women in Serbia but that the situation in our society is far from satisfactory. Women are still exposed to different forms of discrimination and traditional, patriarchal stereotypes on the social role of women and men still prevail. The position of women from groups experiencing multiple discrimination – Roma women, women from rural areas, single mothers, women with disabilities – is particularly difficult, and special effort must be made for the economic empowerment of women. Economic development and progress of a country is directly dependent on the extent of the realization of gender equality, and everyone holding a constitutional duty to implement a policy of equal opportunities must be aware of this.

Announcement on the occasion of International Day for the Elimination of Violence against Women

On the occasion of International Day for the Elimination of Violence against Women, the Commissioner pointed out that violence against women is one of the most severe forms of violation of human rights and it represents discrimination. For combating violence it is not enough to hand out punishments and measures of protection for victims, but it is also necessary to eliminate causes and change the awareness and attitude of institutions and the public regarding this phenomenon. Every successfully solved case of discrimination against women, regardless of the sphere in which it takes place, represents a contribution to building a society in which violence against women is understood in the only possible way – as one of the most severe forms of violation of human rights of women, and as a phenomenon which is not to be tolerated but successfully prevented and punished, while providing all necessary socio-economic assistance to the victims of violence in order to make possible their exit from the vicious circle of violence. Responsibility lies with the state and its institutions to establish an effective and efficient system to prevent, combat and protect victims of domestic violence.

4.4.5 From the Media

Individual cases of the dismissal of pregnant women in various parts of Serbia which were published every week during the first six months of 2013 resulted in amendments of the Labour Law and showed how important it is that the media are aware of their role and sensitized at the same time on the topic of discrimination against women in all fields, especially in the field of employment where this phenomenon is most present. The Commissioner often reacted in these cases appealing to employers and calling on pregnant women to file a complaint, and the media were very interested in the outcomes of the procedures the Commissioner initiated against certain employers. By joining the campaign of the National Assembly of the Republic of Serbia, initiated by the National Assembly Speaker together with urgent amendments to the Labour Law, the institution of the Commissioner contributed to solving one of the sizeable problems pregnant women and nursing mothers were facing in Serbia. Despite the fact that not every case of dismissal of pregnant women was an act of discrimination, the Commissioner for Protection of Equality was often recognized in the media as one of the state authorities that provides protection for pregnant women and nursing mothers.

One more topic was present in the media from the domain of gender equality – women in politics, and during the year the journalists were continuously reporting on the number of women in the legislative and executive branches, publishing reports in which they reminded that the legal provisions on the representation of women are not respected in assembly committees as well as in certain local self-governments, often citing the example of Pančevo. It can be said that the main reason and motive for such media interest was the reconstruction of the Government of the Republic of Serbia, where there were no women among the 11 newly appointed ministers. The recommendation issued to the Government of the Republic of Serbia and the Prime Minister to ensure the equal representation of women in the reconstructed government was reported by all the media. After the reconstruction of the Serbian government, a certain number of media continued to report on topics related to gender equality since no women entered the government. The case of the discrimination against female football players has raised the interest in some media on this topic and almost all have reported about the court decision which determined that the Football Association of Serbia discriminated against women's football clubs by the provision of a Rulebook prescribing that in the event of the transfer of female football players in a club of a higher league, the fee amounts to 15% of the fee for male football players. Regarding this case the Commissioner took part in information programmes on some TV stations and gave interviews and statements to the printed media. The Football Association of Serbia has removed the impugned provision in the meantime but the general impression is that, besides presenting the case, journalists did not take a step further to inquire about the situation in other sports that have male and female associations.

International Women's Day was the reason for a large number of media to approach the Commissioner in relation to the case of Public Company "Medijana" from Niš, which granted to their female managers the double of the worth of gift cards.

In an attempt to affirm gender equality some media were unknowingly and unintentionally promoting prejudices and stereotypes. For example, in the reports on discrimination based on appearance and how it must not be a requirement for a job, advantage was often given to explanations such as "beauty is an advantage" and "beautiful people communicate more easily". By such statements women were devaluated and represented mainly through their physical appearance without critical reflection and without representation of their educational qualifications and professional competences. In relation to this topic, some media found interesting the statement of a businessman Filip Cepter that he "does not hire fat people". In this regard, the Commissioner explained that direct and indirect discrimination based on physical appearance is prohibited. Also, despite the fact that in most articles the need for improvement of the position of women was almost always emphasized, there was a dominant terminology such as "gentler sex", "weaker sex" and "fairer sex".

Certain printed media were writing about the recommendations of the joint expert task force of the Commissioner for Protection of Equality and the Protector of Citizens for amendments to regulations relevant for the legal status of transgender persons, with an analysis of the present situation. Although the interest of the media was stimulated by the proposal of the task force, the thematic articles show that certain journalists are aware of the importance and significance of publishing such articles and the influence they can have on the improvement of the position of transgender persons. At the same time, certain journalists were dealing with topics of persons who underwent a sex change and the recommendation issued to a higher education institution to enable the change of the diploma to the person who had a sex, i.e. to issue a new diploma to this person.

The general assessment, and also the additional recommendation and suggestion to all the media in Serbia pertains to the necessity of the use of gender-sensitive language, which now occurs sporadically in certain media and generally only when it comes to usual expressions in the female gender.

4.5 Discrimination Based on Financial situation

Results of the public opinion survey show that 27% of citizens believe that poor people are the most discriminated against in Serbia. Taking into consideration the effects of the economic crisis and consequences of self-identification of the respondents, the perception of the citizens who recognize poor people as the most discriminated against is not surprising. Also, 76% of the respondents believe that society as a whole should take responsibility and dedicate much attention to the poor, and 28% say that the poor are a frequent topic of their conversations with friends.

In 2013, 45 complaints were filed on the basis of financial situation, which is 6.7% of the total number of the complaints filed, and is in seventh place. The number of complaints on this ground doubled compared to last year, when 22 complaints were filed against discrimination on the basis of financial situation. The largest number of complaints on this ground was filed in the field of treatment before public authorities, social protection and in recruitment procedures for employment or at work. Financial situation was often stated with other basis of discrimination, and some complaints were also filed because of the very fact that citizens find themselves in a difficult financial situation and believe that they are not able to exercise their rights because of their difficult financial situation.

4.5.1 Opinions and Recommendations

Placing the so-called "socio-economically vulnerable" children in foster families

A civil society organization filed 15 complaints related to the decisions of the Centres for Social Work to relocate a number of children from families of origin and provide them with accommodation in foster families on the basis of the criteria of "socio-economic vulnerability". The civil society organization considered that these children were placed in foster families because their parents were poor.

In the course of the procedure it has been established that the poor financial situation of children and their parents was not the only criterion for the relocation of these children from their families of origin to foster care. In addition to the obvious poor financial situation, in most of the families there were other problems that could have contributed to the decision to place their child/children in foster families.

However, in their statements the Centres for Social Work did not provide a detailed explanation for their decisions to place children in foster families. They only stated their professional qualifications, so that in certain cases the criteria for adopting the decisions to place "socio-economically vulnerable children" in foster families are not entirely clear. In the statements of certain Centres, gender stereotypes and prejudices in relation to women, i.e. mothers, were noted in relation to the CSWs' attitude on the women's parental competences. Although it has not been established that they had discriminated against "socio-economically vulnerable" children, the recommendation was issued to the Centres for Social Work that in the decision making regarding relocation of children from their families of origin, their financial situation, that is, financial vulnerability of the family must not be the only criterion for placing children in foster care, and that the decisions and opinions on parental competences

of mothers cannot be founded on the stereotypical "model" of behaviour of women as wives and mothers. The Centres were also recommended to review decisions regarding children from the group of "socio-economically vulnerable children" who are still in foster families by submitting a detailed explanation for each decision on placement of each such child in a foster family and on the grounds the decisions were based on as well as by submitting information on measures of support and assistance the CSWs had undertaken before adopting the decision on placement of children in foster families.

4.5.2 From the Media

During 2013, discrimination on the basis of financial situation was almost not present as a topic on which the media reported. Articles were published mostly in the printed media and more rarely than in previous years, most of them about the position of the poor in Serbia as well as about the closing of soup kitchens. TV stations were mostly reporting on individual stories of families who survive on the limits of elementary existence, without income or basic living conditions. There is still no awareness, in the media and beyond, of a direct or indirect causal link between discrimination and poverty.

4.6 Discrimination Based on Age

Almost one fourth of citizens recognize elderly persons as the most discriminated against in Serbia. However, there is not much visible progress in understanding the status of the elderly in practice. In recruitment for employment a certain age is set as a requirement, although discrimination on the basis of age is prohibited.

The number of complaints on the basis of age doubled in 2013 as there were 68 complaints, compared to 31 filed last year. Discrimination on the basis of age affects also children and the elderly, and there are many complaints in which citizens believe to be discriminated against since they are at a certain age, which is especially pronounced in recruitment for employment or at work.

Out of 68 complaints filed on the basis of age, 41 were related to children, 2 to persons older than 65, and 25 complaints were related to a certain age. The largest number of complaints was filed in the field of social protection (21) as well as in the field of employment and work (20). The largest number of complaints related to children was also lodged in the field of social protection, followed by the field of education and professional training.

4.6.1 Opinions and Recommendations

Unjustified criterion for admission to specialization – age

The complaint was filed by a doctor of dentistry against her employer, in relation to the competition for admission to specialization and sub-specialization, since she believed that she was discriminated against by the conditions of the competition on the basis of her age. In the procedure it has been established that the Rulebook on professional training prescribes the criteria for referral to specialization and sub-specialization, which entail requirements regarding age, among other things. This is the only criterion not pertaining to professional skills and

success of the candidates and considering the modality of scoring it evidently places persons older than 40 in an unequal position compared to younger candidates. The opinion is issued that setting criteria related to the age of the candidate is not justified since the age is neither a real nor a decisive condition for admittance to a specialization, taking into consideration the nature and characteristics of specialist training, and conditions of its acquiring. The health centre was recommended to remove the criterion for referral to specialization related to candidates' age, and to place the opinion and recommendation of the Commissioner for Protection of Equality on their notice board or in another visible place in the health centre facilities.

The health centre sent the Commissioner the information on preparations for amending the Rulebook with the aim of eliminating the discriminatory requirement.

Students over 30 do not have the right to preferential treatment in public transportation – there is no discrimination on the basis of age

A man from Belgrade filed a complaint against the City Administration of Belgrade in relation to the provision of the Rulebook on the public transport system on the territory of the City of Belgrade. The Rulebook prescribes that the right to a transportation service at a discount (privileged categories of users) is given to students of higher education institutions who are not older than 30. The analysis of the Rulebook showed that two categories of persons were placed in an unequal position: students of higher education institutions who have not reached 30 years of age compared to students of higher education institutions who have reached 30 years of age. In order to assess whether the Rulebook violated the principle of equal rights and duties, it has been analysed whether there is an objective and reasonable justification to deny the right to public transportation services at a discount to certain categories of students of higher education institutions. By the analysis of regulations it has been established that the City of Belgrade prescribed a special measure of support to young people attending education; that the majority of undergraduate students graduate until they reach 30 years of age; that students older than 30 who are enrolled in postgraduate studies have more possibilities to find employment or exercise the right to use public transportation services at a discount as unemployed persons. Therefore, the opinion was issued that the provisions of the Rulebook on the public transport system on the territory of the City of Belgrade are not in conflict with anti-discrimination regulations.

Setting an age limit for application to a competition in the framework of a support program for the students of the City Municipality Vračar is not discrimination

The complainant was filed by a woman who believed to be discriminated against on the basis of age, since the City Municipality Vračar called young people who had just graduated and who wished to cooperate with this municipality to apply for the competition published in the framework of the programme of support to students – "A Search for the Capable Ones". The Programme entails support to youth, not with the aim of employment in the Municipality Vračar but offering assistance to young, educated and talented people who recently graduated to find employment. The following requirements were prescribed: University Degree in Law, Economics or Architecture, with GPA above 8.00/10.00; active knowledge of a major foreign language; computer literacy; ability and desire to work on a team; born in 1984 or after. The complainant applied for the competition but she was soon informed that she did not fulfil all the requirements. Considering the fact that she fulfilled the conditions related to the studies, skills and competences, she concluded that the only requirement she did not fulfil was age.

It has been established that the reason for setting an age limit was of an affirmative nature, which cannot be considered discrimination and that it was aimed at improving the position of young persons without work experience in the labour market.

4.6.2 Warnings and Public Announcements

Warning in relation to statements regarding medical treatment of children abroad

In relation to the statements from the round table dedicated to the announced amendments of the Rulebook on medical treatment abroad, the Commissioner pointed out that it was not true that regulations on the prohibition of discrimination on the basis of age represent an obstacle for amending the Rulebook, which would enable medical treatment abroad to seriously ill children at the expense of the state budget. The public has been misled by such incorrect statements, which are evidently a result of a wrong interpretation of the regulations on the prohibition of discrimination and a misunderstanding of the very notion of discrimination. Regulations on the prohibition of discrimination on the basis of age do not exclude the possibility to privilege ill children who require medical treatment abroad compared to adults, especially considering interventions which need to be done timely. Notwithstanding the fact that life of every human being is equally valuable, in conditions of limited financial means dedicated to citizens' medical treatment abroad, children can and must be given precedence, which follows from the Constitution of the Republic of Serbia which provides that children enjoy special protection. The Commissioner expressed an expectation that the problems in relation to the medical treatment abroad of seriously ill children will be urgently and adequately solved.

Announcement on the occasion of International Day of Older Persons

On the occasion of International Day of Older Persons, the Commissioner reminded that Serbia is one of the countries with the highest number of older citizens and that their position is very difficult. Senior citizens face poverty, neglect, violence and discrimination in all areas. Considering that the humanity of a society is measured by its treatment of elderly people, an appeal was sent to public authorities to systemically approach the problems faced by elderly persons.

Announcement on the occasion of International Children's Day

On the occasion of International Children's Day, the Commissioner warned about the fact that discrimination against children in Serbia is very widespread. In this regard the Commissioner submitted a Special Report on the Discrimination against Children. The data from the Report show that children with developmental disabilities, children with disabilities, and Roma children are most discriminated against and that discrimination is most often committed in the field of education. The fact that discriminatory attitudes, stereotypes and prejudices are extremely widespread among children is upsetting. So far, the Commissioner for Protection of Equality issued 20 recommendations in relation to children, the first one being issued more than two years ago to the Ministry of Education in relation to the necessity of the

removal of discriminatory and stereotypical content from the textbooks – the Ministry has not yet acted upon this recommendation.

4.6.3 From the Media

Considerable media attention arose as a result of statements of the representative of the Republic Health Insurance Fund that children could not receive budget-funded medical treatment abroad since this would represent discrimination on the basis of age. After the statement, the Commissioner warned that this was an incorrect interpretation of the provisions of the Law on the Prohibition of Discrimination. This warning caused a kind of media pressure and resulted in amending the Rulebook of the Republic Health Insurance Fund. This is a good example illustrating the real power of the media, since it was the pressure of the media that led to a situation where an ill child was able to receive medical treatment abroad funded by the government.

A large number of articles were related to violence against elderly persons as well as to the employment of persons aged 50 years and older. It is commendable that the media company B92 initiated the campaign titled "Old People Are Not Things", aimed at improving the position and living conditions of elderly citizens in Serbia and offering the maximum effort to provide them with dignified and safe living.

Significant media reporting was related to the Special Report of the Commissioner dedicated to the discrimination against children. The data from the Report as well as statements of the Commissioner Nevena Petrušić, President of the National Assembly Committee on the Rights of the Child Nebojša Stefanovič, and UNICEF Representative in the Republic of Serbia Michel Saint-Lot were reported in articles and other media reports. Most of the journalists reported on stories and examples about which the members of the Panel of Young Commissioners for Protection of Equality "Discrimination Busters" spoke.

4.7 Discrimination Based on Sexual Orientation

The analysis of the public opinion survey findings indicates that members of sexual minorities (16.4%) are high on the list of the most discriminated against, LGBT persons being significantly susceptible to discrimination. The worrying fact is that 49% of interviewed citizens agree with the statement that homosexuality is a disease that should be treated, while 82% do not want LGBT persons as family members. The highest level of social distance exists towards the LGBT population and persons living with HIV. 39% of the respondents are of the opinion that LGBT persons are very much present in the media, and one fourth believe that society should not deal with their problems.

During 2013, a total of 25 (3.7%) complaints were filed against discrimination based on sexual orientation, and this number is significantly higher compared to last year, when there were only 8 complaints. However, the number of complaints is still small and discrimination cases are not reported in sufficient measure. This year, again, there was no Pride Parade, announced for September 2013. However, in that period of the year increased the visibility of the problems that members of the LGBT community face, as well as the visibility of negative social attitudes towards them, homophobia, intolerance, discrimination and violence to which these persons are exposed on a daily basis. Most of the complaints were filed by the organizations working in the field of the protection of human rights of LGBT persons, while individuals filed 8 complaints. The negative social attitude towards LGBT persons is visible in the complaints, since nine complaints were filed on the grounds of discrimination in the field of public information and media, and nine in the procedures before the public authorities. Out of the total number of complaints against discrimination based on sexual orientation, discrimination was established in seven cases and three procedures are still ongoing.

4.7.1 Opinions and Recommendations

Discrimination against a pupil in a high school based on sexual orientation

A pupil in one high school publicly declared his homosexuality and because of this pupils in the school abused him. This situation forced him to abandon regular schooling and to continue his education as a part-time student. When he came to school to take his exams, a dozen pupils followed him, shouting, "Kill, kill the faggot" and "Kill, slaughter, the faggot should not live". After being attacked in school, he sought medical help and reported the assault to the police. Prior to the scheduled exam he had sent a letter to the school principal asking her to ensure the presence of the school police officer in the hall during the exam, but that was not done. In its statement on the case, the school said that the school police officer was present but that the pupil did not report the violence to the principal and school police officer, as well as that the principal was informed about the incident the following day, when the charges were filed in the police station and she read about it in the media. As she suspected that violence was committed, she collected statements from the professors, technical staff and pupils in the school. However, based on the collected statements and conversations, she could not determine that physical violence had occurred. She confirmed that the comments directed to the pupil were based on his sexual orientation. Particularly aggravating is the fact that this incident took place in the school. Although in this case discrimination was committed by the pupils, there is no doubt that the school is responsible too, particularly considering the fact that the pupil publicly declared his sexual orientation, as well as his claim that he had abandoned regular education because of abuse by his peers. The school should have begun much earlier with the implementation of intensive and continuous activities aimed at increasing the degree of tolerance and acceptance of diversities.

The opinion issued in this case was that the school did not undertake adequate measures in order to overcome discriminatory attitude of the pupils towards the LGBT population in a timely manner and prevent discrimination against the pupil based on his sexual orientation, which resulted in verbal offensive and disturbing comments by which he was discriminated against by other pupils. This is why the school was recommended to urgently undertake actions and measures to provide professional training on the topic of non-discrimination for all school employees, as well as necessary measures that would, through adequate programs, trainings and education, develop the spirit of tolerance, acceptance of diversity and non-discriminatory behaviour among pupils.

These recommendations have been implemented.

Discriminatory treatment performed by the public authorities towards homosexually oriented persons

The organization for lesbian human rights from Belgrade conducted a situation testing of discrimination in Belgrade municipalities from March to December 2012, with the aim to immediately test the implementation of the non-discrimination rule. The testing was conducted in order to establish whether the competent municipality authorities issue a certificate on free marital status to homosexually oriented persons who want to enter marriage/partnership outside Serbia, in the countries that provide such an opportunity.

After the situation testing was conducted, the complaints against four city municipalities were filed, since on the basis of the report on the conducted situation testing it was established that the competent services of these municipalities - departments for Vital records of citizens, within the Secretariat for Administration of the City Administration of City of Belgrade, do not treat homosexually oriented persons equally in terms of the issuance of the certificate on free marital status. In the complaints it was stated that registrars in these municipalities refused to issue the certificate on free marital status to homosexually oriented persons who wanted to conclude a marriage abroad, and as a reason they stated that such a certificate was not in accordance with the Constitution and that it was impossible to conclude a same-sex marriage in Serbia. In these procedures it was firstly established that registrars refused to issue the certificate on free marital status to persons of homosexual orientation as a result of their own opinion that the issuance of the certificate of free marital status required the fulfilment of all conditions stipulated by domestic regulations to conclude a marriage. This was confirmed by the fact that the Internet presentations of certain municipalities of the City of Belgrade contain information on the documents required for the certificate issuance, including a special note that the certificate is issued "with a verified statement that there are no obstacles for concluding a marriage".

The Commissioner issued the opinion that such acting by the registrars is discriminatory against persons who want to conclude a same-sex marriage or registered partnership in states that recognize this form of union, compared to persons who want to conclude a heterosexual marriage abroad, based on their personal characteristics - sexual orientation. Although, according to the Republic of Serbia regulations, it is forbidden to conclude a same-sex marriage before the competent domestic authorities, these regulations do not forbid domestic citizens to enter a same-sex marriage abroad. Thus, there is no objective justification for competent state authorities to refuse to issue a certificate on free marriage status to a person who wants to conclude a same-sex marriage or any other form of registered same-sex partnership abroad, in accordance with the regulations valid in a certain foreign country, regardless of the fact that according to the domestic legislation there are (still) no conditions for the recognition of same-sex marriage, i.e. registered same-sex partnership in the Republic of Serbia. The opinion also included the recommendations to the competent municipality bodies to undertake all necessary measures that would ensure the issuance of the certificate on free marriage status to people who request such a certificate and who fulfil conditions to be issued such a certificate, regardless of the reason for which the certificate was requested; to remove from their Internet presentations information that the issuance of the certificate on free marital status required a copy of the future spouse's passport or birth certificate in international form, as well as a note stating that it was necessary to enclose verified statement that there were no obstacles for concluding a marriage; and to act in accordance with the non-discrimination regulations in the future while performing the activities in their competence.

These recommendations have been implemented.

The recommendation made by the City Assembly of the City of Čačak addressed to RBA offended the dignity of homosexually oriented citizens

An organization for lesbian human rights submitted a complaint against the City Assembly of the City of Čačak, due to the content of the Recommendation in relation to the program broadcasted on televisions with national frequency that offend moral and disturb human dignity, which the Assembly sent to the Republic Broadcasting Agency (RBA). The complaint stated that "propagation of homosexuality" was mentioned as one of the reasons for the adoption of the Recommendation, as well as that homosexually oriented persons were compared to paedophiles. In the course of the procedure it was established that the City Assembly of the City of Čačak had sent the Recommendation to the RBA in relation to the program content broadcast on national television stations that offended morals and disturbed human dignity. The Recommendation stated that "deputies of the City Assembly of Čačak, aware of the threat coming from the systematic insistence on the program contents which most directly influence the collective spirit among citizens, wished to strongly protest with the Republic Broadcasting Agency against all program contents broadcast on national TV stations that offend morals, promote paedophilia, homosexuality, disturb the dignity of the Serbian Orthodox Church and other traditional religious communities, and have a negative influence on the creation of the value attitudes among young generations". The adoption of the Recommendation, which puts homosexually oriented persons in the same context with extremely negative and forbidden social phenomena, contributes to the creation of a degrading and offensive environment and offends the dignity of this sexual minority. The City Assembly of Čačak was recommended to remove the parts of the Recommendation where "propagation of homosexuality" is mentioned along with the negative and forbidden social phenomena; to deliver a public apology to homosexually oriented citizens of Serbia for the content of the Recommendation that referred to them; and to take into account in the future to observe the principle of equality and non-discrimination when taking measures within its competence.

These recommendations were not implemented within the prescribed deadline, and a warning with a new deadline was issued. At the time of the writing of this Report the deadline has not yet expired.

4.7.2 Recommendations to the Public Authorities and Other Persons

The recommendation of the measures to the Belgrade City Administration regarding the issuance of the certificate on free marital status to homosexually oriented persons

After having established that discrimination was committed against homosexually oriented persons in the procedure upon complaints in relation to the issuance of the certificate of free marital status, and after issuing four recommendations to the Belgrade municipalities, the Belgrade City Administration was issued a recommendation on measures for achieving equality. The Belgrade City Administration was recommended to ensure that the competent services in the Belgrade municipalities (Department for the Civil Status of Citizens) would issue certificates of free marital status to persons who might request such a certificate and who fulfil conditions to be issued the certificate, regardless of the reason for which the certificate is requested, as well as to act in accordance with anti-discrimination regulations when they perform the operations in their competence.

4.7.3 Warnings and Public Announcements

Warning in relation to the assault on a professor in Novi Sad

The Commissioner severely condemned the assault on a professor of Mathematics from Novi Sad committed by a group of juveniles, and warned that this was an attack motivated by hatred, which was a certain indicator of the extent to which the educational institutions, parents and society as a whole failed in their work with children and the young in the field of tolerance and respect for human rights. The cause of such a situation are authoritarian and patriarchal system of values in which there is no space for others and for those who are different; discriminatory contents in schoolbooks; and overall negligence by educational institutions and the entire society in the promotion of human rights, non-discrimination and non-violence. At the same time, it is necessary that the competent authorities react adequately and send a clear message not only to the children who participated in the attack, but also to all other children that their behaviour is illegal and unacceptable.

Warning in relation to the interview given by Bora Djordjević in the magazine of the Forum of Belgrade High Schools

Due to discriminatory attitudes expressed by Bora Djordjević, a musician, in the interview published in the magazine Forum of Belgrade High Schools, the Commissioner warned that it was unacceptable to publish such statements in the magazine intended for professors, whose duty is to promote the culture of human rights, non-violence and tolerance. It is additionally worrying that the president of the Forum of Belgrade High Schools did not condemn such attitudes but justified them instead.

Warning in relation to the assault on Boban Stojanović, an LGBT activist

Regarding the burglary in the apartment of Boban Stojanović, an LGBT activist, and threatening graffiti and hate messages sent to him, the Commissioner requested from the competent authorities to urgently act, identify and prosecute the perpetrators. This one and similar hate crimes require urgent actions by the competent authorities as well as severe punishments. In a democratic society, such as Serbia tries to be, the human rights and freedoms of every individual must be guaranteed and protected.

Announcement in relation to the Serbian Prime Minister's statements on LGBT persons

In the announcement regarding the statement of the Prime Minister of Serbia Ivica Dačić about LGBT persons, it was stated that such discriminatory statements are not contributing to the development of tolerance, but deepen the non-tolerance and hate towards LGBT persons instead. Holders of public office have greater responsibility when they publicly express their attitudes as they have influence on public opinion. The Commissioner expects everybody to refrain from such statements and to contribute so that all activities undertaken by the LGBT population, including the announced Pride Parade, are carried out in a peaceful atmosphere.

Announcement on the occasion of International Pride Day

In a statement on the occasion of International Pride Day, the Commissioner reminded that it was celebrated around the world as a memory to 1969, when LGBT persons began the modern struggle for their human rights following the riots against police raids, harassment and arrests. In Serbia, more than four decades later, LGBT persons are still exposed to everyday discrimination, attacks, offences and hate speech and they are the only social group denied the right to peaceful gathering. The degree of homophobia and transphobia is evident in the fact that 80% of citizens do not want to have LGBT persons in their family, every second citizen does not want to be friends with them, and every third citizen does not want to be their neighbour. It is therefore important to intensify the work on combating prejudices related to LGBT persons and promote human rights and tolerance through a general modernization of society and with joint activities of public authorities, non-government organizations and the media in order to change the attitude towards those who are different, and respect for and acceptance of sexual and gender diversity.

4.7.4 From the Media

Media have reported on discrimination and position of LGBT persons in Serbia more than in previous years. It can be noted that in the past year this social group was not the cause for informing the public only prior to the decision on Pride parade, and that there have been more affirmative articles on the members of sexual minorities, which condemned violent threats and discrimination against LGBT persons. Two thirds (66%) of the total number of articles published in printed media and one third (37%) in electronic media were related to discrimination based on sexual orientation.

Shortly before the decision to ban Pride Parade, and after it was decided that such a manifestation would not be held due to security reasons, the Commissioner had several interviews and was hosted in informative programs. All the media reported on the joint statement of the Ombudsman and the Commissioner for Protection of Equality on the importance of holding the Pride Parade. Also, the Commissioner issued an announcement regarding the statement on LGBT persons made by Ivica Dačić, the Prime Minister of Serbia, stating that discriminatory statements do not contribute to the development of tolerance but they deepen intolerance and hated instead. The media used the results of the opinion survey conducted by the Commissioner for Protection of Equality according to which social distance in Serbia was highest towards LGBT persons, while along with the announcements and statements made by the Commissioner on the occasion of International Pride Day and International Day against Homophobia, specific examples of discrimination, intolerance and hate speech were pointed out.

The media requested a comment on homophobic statements and hate speech towards LGBT persons that the Mayor of Niš posted on his Facebook page. The Commissioner pointed out that such behaviour by a public official was not acceptable and that the freedom of

speech guaranteed by the Constitution does not imply in any way that defamation, humiliation or offending dignity was allowed.

Most of the printed media reported the information that a proceeding was initiated against the City Council of Čačak because it passed the recommendation where paedophilia and homosexuality were put in the same context. The current topic was the model of the Law on same-sex unions, but half of these articles had a negative tone or connotation, while a certain number of the media had a neutral standpoint in their reports.

The first final verdict regarding discrimination in the workplace based on sexual orientation (adopted by the Appellate Court in Novi Sad delivered in January 2013) was the reason for the media to comment on it. The media reminded of the complaints of LGBT persons submitted to the Commissioner for Protection of Equality, listing all the warnings and public announcements issued by the Commissioner pertaining to discrimination, intolerance, hate speech and violence against this minority group.

An example of good practice in reporting was the case of discrimination against a transgender person participating in the reality program "X faktor", which was reported in several articles, the majority of them condemning the discriminatory behaviour.

Compared to the reporting in previous years, it is noticeable that there are less sensationalist articles and headlines, inadequate terminology, and that the media have been more engaged in raising awareness of the citizens on the importance of respect for diversity of sexual orientation. Also, the media have significantly pointed out the ineffective work of state institutions in regard to prosecuting and punishing the perpetrators of violence against LGBT persons.

4.8 Discrimination Based on Membership in Political, Trade Union or Other Organizations

During 2013, 22 complaints were filed against discrimination on the grounds of membership in political, trade union and other organizations. The largest number of these complaints (14) pertained to discrimination in employment procedures or at work.

This ground of discrimination actually entails three different grounds. Complaints against discrimination based on membership in trade unions are mostly filed against employers, and representatives of trade unions mostly appear as those who are discriminated against.

The complaints submitted against discrimination based on membership in an association are few and they mostly refer to unequal treatment of associations at the national level compared to regional and local associations, as well as the cases where certain associations considered to be discriminated against because they did not receive the same financial funds on competitions compared to other associations.

The complaints against discrimination based on membership in political organizations are the fewest, and an additional problem in these cases is evidence. Complainants mostly state that they have heard certain information and state facts that are not supported by any evidence.

4.8.1 Opinions and Recommendations

Union of the Blind of Serbia denied fare reduction to the Association of Persons with Visual Impairment

An association of persons with disabilities (persons with visual impairment) filed a complaint against the Union of the Blind of Serbia on the grounds of non-issuance of fare reduction for passenger public transportation to their members. It was stated that this association is not a member of the national union of the blind and that this was the reason why those members did not receive fare reduction, which was a part of the benefits in passenger transportation financed by the Ministry of Labour, Employment and Social Policy, and which were issued by the national union of the blind. In the course of the procedure it was established that the reason for refusing the association's request was that it explicitly stated that the association was not a member of the national union of the blind. Besides, the national union did not offer any other reason for refusing to issue fare reductions to members of the association of persons with disabilities, which would lead to a conclusion that there was no objective or reasonable justification to refuse the issuance of the fare reduction. Thus, by refusing to issue fare reduction to members of the association on the basis of the association on the basis of their members of the association on the basis of their members of the association.

The national union of the blind was recommended to inform the association of persons with disabilities in writing about its competence, i.e. fiduciary services, as well as about the procedure for obtaining fare reduction booklets and announcements on fare reduction; to take all necessary measures to prevent violation of the provisions stipulated in the Law on the Prohibition of Discrimination, that is, to enable all members of the association of persons with disabilities, as well as all other persons who fulfil the conditions for fare reduction for passenger transportation to be granted fare reduction booklets, regardless of their membership in the organization or any other personal characteristic.

These recommendations have not been implemented.

A bank transferred a trade union trustee to another working post

A bank clerk filed a complaint against his employer for discrimination based on membership in a trade union, where he stated that the branch office he used to work in was closed; that all other employees were reassigned to work in other business units in town, while he was the only one who was transferred to a business unit that was located in another area out of town. He believed he was discriminated against on the basis of his engagement in the trade union, because as soon as he informed the employer that he had organized a trade union and that he was the trade union trustee, he was transferred to a branch unit located out of town. After that he received a warning stating the reasons to cancel his employment contract. In their statement the bank said that he was transferred to another work post because he was absent from work for a long time due to illness, and that the decision on his transfer was not made at the same time as for other employees, while the warning on the reasons for cancellation of the employment contract was handed to him because he had breached the bank's rules and regulations. During the course of the procedure it was established that the bank had transferred all employees (32 persons) from the closed branch into a different organizational unit in the same town, and that only the complainant was transferred to the organizational unit in another area. The opinion was issued that discrimination based on membership in trade union was committed, and the bank was recommended to make public the opinion and recommendation issued by the Commissioner for Protection of Equality on the notice board or on any other visible place on the premises of the Central bank and to send it in electronic form to all bank employees in all branch offices in the Republic of Serbia.

At the moment of writing this Report, the extended deadline to act upon the recommendations has not yet expired.

Employer's discriminatory behaviour against an employee based on his activity in a trade union

An employee filed a complaint against his employer for discrimination based on membership in a trade union and stated that after the trade union had been formed in this company, the employer dismissed seven employees – members of the trade union board by "activating" a pre-signed mutual-agreement termination of the employment contract. After the completion of the court proceedings that had established his dismissal unlawful and the employer was ordered to have the employee return to work, the employer did not allow the complainant to work, but continually issued him certificates (orders) by which he was sent home. After several weeks out of his work post, he was reassigned to another employer. In the course of the procedure it was established that the complainant was a member of the trade union; that he had initiated two court proceedings against the employer; that all members of the trade union were dismissed, as well as that the court had, in six cases, established that the employment had been terminated illegally. It was established that the complainant, after being returned to work by the court, was employed by this employer during three periods, but that he spent all his time away from his work post upon orders issued by the employer.

The opinion was issued that the employer prevented the employee to work at his work post and to perform his work as he was constantly sent home for a longer period of time, and that the employer's behaviour is the consequence of the employee's activity in a trade union. Thus, the employer was recommended to undertake, without delay, all necessary measures that would enable the complainant to perform his work at his work post under the same conditions valid for other employees, as well as to take care in the future to not violate the provisions of the Law on the Prohibition of Discrimination.

This recommendation was not implemented.

Only female employees who are not members of a trade union received a gift card on the occasion of Women's Day

A trade union lodged a complaint against the General Hospital stating that the hospital director had, on the occasion of International Women's Day in the last three years, granted gift cards to female employees who were not members of a trade union. In his statement, the Director of the hospital said that it was not right that some female employees receive gifts on two grounds, while neglecting female employees who were not members of a trade union. In the course of the procedure it was established that the director of the General Hospital gave the gift cards on International Women's Day only to female employees who were not members of a trade union. In the issued opinion it was stated that the employer has the option, but not the obligation to provide additional income to the employees. However, if the employer makes a decision to provide additional income for the employees on any ground, such funds must be equally available to all to whom they refer. Thus, in this case it is irrelevant whether the trade union provided a gift card for the female employees who are members of the union.

The Commissioner issued her opinion that by acting in this way the General Hospital committed an act of discrimination based on membership in a trade union, and the General Hospital has been recommended to make public on its notice board a public apology to the female members of the trade union for the discriminatory treatment towards them.

This recommendation was not implemented.

4.8.2 From the Media

In 2013 only a few articles were published on discrimination in political, trade union and other organizations. A case of a nurse who stated that she was discriminated against on the grounds of membership in a political party by the director of a medical institution where she was employed attracted the most media attention. The reports on this case were published in several daily newspapers.

4.9 Discrimination Based on Health Condition

The public opinion survey showed that the highest social distance exists towards LGBT persons and persons living with HIV. The increase of social distance has been noticed towards HIV positive persons, particularly in terms of marriage and family – 85% of the respondents show distance. What is particularly worrying is that 28% of citizens believe that persons living with HIV are to blame for their disease.

In 2013, 109 complaints were filed on the basis of health condition, which is 16.3% of the total number of complaints and represents the highest number of complaints. Most complaints against discrimination based on health condition were filed in the field of health care, in the proceedings before public authorities, and employment procedures or at work.

The number of discrimination complaints based on health condition is ten times larger than in 2012, when 18 complaints were submitted on this ground. The reason for such a drastic increase of complaints is the fact that one non-governmental organization filed 64 complaints against dental clinics, as the result of a situation test of discrimination. In 63 cases it was established that dental clinics refused to make an appointment to a volunteer discrimination tester because of his/her HIV status.

Also, it should be kept in mind that health condition has often been stated in addition to some other grounds of discrimination, mostly disability. The citizens in their complaints stated this ground of discrimination as they believed to be discriminated against due to their bad health condition and because they believed that they were not able to exercise their rights because of their health condition.

4.9.1 Opinions and Recommendations

Discrimination against children in a kindergarten based on health condition

A father of two boys filed a complaint against a kindergarten attended by his sons, considering that his sons were discriminated against as they had special needs related to nutrition. The boys were diagnosed with allergies to milk, dairy products and eggs, and parents informed the kindergarten of this when the children enrolled. They were informed that the kindergarten did not have the possibility to provide special food for the boys, but that the parents could bring food from home when the boys could not eat the meals served in the kindergarten. Soon it turned out that about 80% of the meals served in the kindergarten contained ingredients that the boys could not consume, i.e. most of the meals for the boys had to be brought from home. After some time, the parents asked the kindergarten again to provide special or replacement meals for the boys, but they received the same answer. The parents then addressed the Secretariat for Education and Children's Protection, where they were assured that the kindergarten would be provided with the food the boys could eat. However, again there were no results, because the variety of foods was insufficient, and the boys consumed the same food for several days in a row. In their statement the kindergarten said that they did not have the possibility to provide the replacement for the meals that contain ingredients to which the boys are allergic, and that the choice of food in kindergarten was stipulated by a rulebook that defined the quantity of proteins the children need to consume on a daily basis. The central kitchen of the institution was intended for twice less the number of children, the number of the employees in the kitchen was insufficient, while the procurement of the food is in the competence of the Secretariat for Education and Children's Protection. On the other hand, the Secretariat stated that the kindergartens prepare meals for children by themselves and that their nutritionists make the diet plans and menus.

Since the boys could not consume all kinds of foods, during their stay in the kindergarten they could not consume meals that were prepared for all children in this institution, which indicated that they were in a significantly different situation compared to other children who did not have special needs regarding food. As the meals in the kindergarten are organized to suit the children of a wide population and are the same for all children, the implementation of this rule, equal for all, had particularly negative consequences for the two boys, but also for all other children who find themselves in a same or similar situation. The diet adjusted to the children with special requirements in relation to food could be organized, and preschool institutions are obliged to take into consideration diversity among the children. The issued opinion pointed out the fact that a preschool institution had its nutritionists who could prepare the menu for the two boys, and that it was unacceptable to serve them the same meals as those served to the children who did not have special requirements for food.

Bearing in mind that the preschool institution did not provide nourishment for the two boys in accordance with their medical condition, the institution indirectly discriminated against the boys, because it had provided regular food for all children, without considering the particular situation of the boys. Because of this, the preschool institution was recommended to take all measures to provide food for these boys and to all other children in accordance with their health condition.

This recommendation was implemented.

Dental offices refuse to provide service to persons living with HIV

Organizations dealing with the protection of human rights of persons living with HIV conducted a situation testing of discrimination in Belgrade dental clinics in the period from April to June 2013, with the aim to directly verify the implementation of the rule on the prohibition of discrimination in the provision of dental services.

The testing was conducted in 420 dental clinics; subsequently, 64 complaints were submitted against dental clinics in Belgrade. On the basis of the report on situation testing it was established that clinics against which the complaint was filed did not treat equally patients who were HIV positive in regards to provision of dental services. 63 opinions with recommendations were issued upon these complaints, and one procedure was suspended.

Considering the fact that the complaints were filed on the basis of a situation testing of discrimination, it is necessary to explain in more detail the meaning of situation testing as well as provisions that regulate it. The Law on the Prohibition of Discrimination introduces into the legal system of the Republic of Serbia the institute of volunteer examinee of discrimination (tester). This is a person consciously exposed to discriminatory treatment with the intention to directly test the application of the rule of prohibition of discrimination. As standard evidence devices often do not give satisfactory results in the court and other proceedings of proving discrimination, a special method of volunteer discrimination testing (situation testing) has been established by law, and it makes proving discrimination easier. Situation testing is used with an aim to determine discrimination "on the spot", in order to prove unequal (unfavourable) treatment of the individuals or group of individuals based on personal characteristics, i.e. to make discriminatory practice visible. This method/mechanism enables revealing discrimination that is often "hidden" and justified with a variety of excuses. Situation testing is a special mechanism that implies creating a situation in which a person (potential discriminator) is brought into a position to act/behave in a discriminatory manner without fear that someone is watching him/her, and testers are those who are exposed to the treatment of the potential discriminator and they verify whether or not he/she acts in a discriminatory manner in the given situation. Situation testing has a great potential to reinforce the evidence of discriminatory behaviour in individual cases, and is used to increase public awareness and for the development of public policies.

In all these cases where the complaints were filed against dental clinics, the tester first made an appointment for a dental intervention, and then informed a person in the dental clinic that he/she was HIV positive. After that, he/she was refused the already appointed intervention, under the excuses such as lack of adequate equipment and sterilizers, inadequate professional training of the staff, and in most cases he/she was advised to do the intervention at the Faculty of Dental Medicine. There were also situations in which the tester was told to wait for a few days in order to acquire adequate equipment or that a consultation with a colleague and/or a doctor of dental medicine was necessary. In most of these cases the dental clinics did not contact the tester again.

As a reason for the refusal of service, dental clinics mostly stated that the staff was not adequately trained, that they did not have sufficient personnel, that the Faculty of Dental Medicine was the most professional institution for that type of procedure or that a doctor of dental medicine was not in the right psychical condition to perform the high risk intervention. In their statements, many of them referred to the Code of Ethics of doctors of dental medicine, according to which a doctor of dental medicine was entitled to refuse to treat a patient if he/she assessed that, because of his/her psychical, professional or organizational situation, he/she was not capable to provide an adequate level of dental service. There were several situations in which doctors of dental medicine denied the tester's call or denied the accuracy of the statements from the report.

In these procedures it was established that the tester was unequally treated on the grounds of his/her health condition, because persons who were not HIV positive had an opportunity to make an appointment or intervention in those dental clinics without any difficulty, as well as to be provided with dental services, while persons living with HIV could not even make an appointment.

The Commissioner issued the opinion that the dental clinics had committed direct discrimination based on health condition, since they had unduly refused to provide dental service to a person living with HIV who wanted to make an appointment for a dental intervention in those clinics. Because of this the dental clinics were recommended to ensure medical services to HIV positive persons and to refrain in the future from unjustified refusal to provide medical services or imposing special conditions that are not justified by medical reasons to persons living with HIV.

4.9.2 Opinions on the Drafts of General Legal Acts

Opinion on the provisions of the Draft Law on Patients' Rights

The Commissioner issued the opinion on the provision of the Draft Law on Patients' Rights which stipulate that "a patient shall have the right to equal access to health services without discrimination with respect to financial capacity, place of residence, type of illness or time of access to health service", which is at the same time the only provision where the term "discrimination" is mentioned. Should this provision not be modified it may lead to immense consequences from the aspect of the realization of the patients' right to freedom from discrimination, taking into consideration the very restrictively set list of personal characteristics to which the prohibition of discrimination applies. The Law on the Prohibition of Discrimination prescribes that discrimination and discriminatory behaviour refers to any unwarranted discrimination or unequal treatment, that is to say, omission in relation to individuals or groups, as well as members of their families or persons close to them, be it overt or covert, on the grounds of race, skin colour, ancestors, citizenship, national affiliation or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, financial position, birth, genetic characteristics, health, disability, marital and family status, previous convictions, age, appearance, membership in political, trade union or other organizations and other real or presumed personal characteristics.

No law can limit the list of prescribed personal characteristics, and in this case it must not prevent patients to exercise their right on the freedom of discrimination guaranteed by the Constitution and law on any grounds, i.e. personal characteristics. The Commissioner also pointed out that "time of access to health service" in the proposed provision of the Draft Law on Patients' Rights prescribed as a ground of discrimination, actually did not represent patients' personal characteristics, but only a moment when medical protection is realized. Thus, the provision should be modified so that it stipulates the patient's right to equal access to medical service without differentiations based on financial abilities, the type of disease/illness or the time of access to health service, and that besides this provision, a general legal provision on the prohibition of discrimination, which would protect patients' right to freedom from discrimination in exercising all patients' rights should be inserted in the text of the Law on Patients' Rights.

The Law on Patients' Rights was passed on 22 May 2013. The provision of the Law, to which the opinion issued by the Commissioner for Protection of Equality referred, was partially modified, but not in the way as it had been recommended. In the text of the adopted law, this provision prescribes that a patient shall have the right to equal access to health services without discrimination with respect to financial capacity, place of residence, type of illness or time of access to health service or in relation to any other differentiation that may be a cause of discrimination. It is evident that in this manner the legislator attempted not to limit the list of grounds for discrimination. However, the time of access to health service is still prescribed as a basis of discrimination, while the Law still lacks a general provision on the prohibition of discrimination.

4.9.3 Warnings and Public Announcements

Announcement on the occasion of World AIDS Day

On the occasion of World AIDS Day, the Commissioner warned that discrimination against persons living with HIV/AIDS is still widespread in Serbia. World AIDS day has been observed since 1988 and it represents an opportunity to raise awareness of the global impact of this disease, commemorate those who have passed away from the consequences of AIDS, as well as to celebrate the successes achieved in availability of HIV treatment in the world.

4.9.4 From the Media

In 2013 the greatest attention of the media was caused by the complaints filed against more than 60 dental clinics from Belgrade, which refused to provide service to persons living with HIV. The media interest in these cases has shown that journalists are becoming more aware of the importance to inform the public on the discrimination and stigmatization that members of marginalized groups in Serbia are facing. Generally, the media today recognize more than before the importance of monitoring and reporting on such cases, because citizens of Serbia show a high degree of intolerance towards persons living with HIV.

4.10 Multiple Discrimination

Some forms and cases of discrimination are particularly dangerous, taking into consideration who commits discrimination, where it is committed and what consequences it may cause. Usually such cases are separated and classified as severe forms of discrimination.

Multiple discrimination is a severe form of discrimination because its negative consequences are much greater. Multiple discrimination exists when a person is discriminated against on the basis of several personal characteristics. For example, a Roma woman with a disability may be discriminated on the grounds of gender, national affiliation and disability.

During 2013, 116 complaints were filed in which several personal characteristics were stated, which may suggest an increased level of awareness of citizens that discrimination is based on several grounds in some situations. During 2012, 32 complaints were filed in which

several personal characteristics were stated, and this year the number of complaints was 116, which represents a significant increase. In most cases discrimination was based on gender, on one or more grounds. The available data indicate a concerning fact that women are most often victims of multiple discrimination, being discriminated not only on the ground of gender but also on additional grounds.

4.10.1 Opinions and Recommendations

A social worker behaved in a discriminatory manner towards the beneficiaries because they were Roma

An organization dealing with the protection of the rights of the Roma filed a complaint on behalf of five women, inhabitants of an informal Roma settlement, because of nonprofessional and discriminatory behaviour of a Centre for Social Work employee, and stated that they were threatened, offended, sexually harassed and physically attacked by the social worker. The social worker denied all the statements in the complaint, saying that he did not know some of the women who filed the complaint. However, he did not offer any evidence to support his statement on the case, and the analysis of the statements made by the complainants showed that they all referred to the same or similar behaviour of the social worker, in situations when they addressed him with a request to exercise certain rights from the field of social protection, and the events occurred over a period of several months. There are also evident similarities in his statements referred to the women, in terms of complainants' gender - statements he would not have said if a male had been in their place (invitation for a coffee, inappropriate comments on their physical appearance with sexual connotations), and referring to their Roma national affiliation. By implementing the rule of the predisposition of the burden of proof, in the course of the procedure it was established that the social worker did not provide any evidence that would confute the statements of the complaint.

The opinion was issued that the social worker committed an act of discrimination – harassment and degrading treatment, by behaving inappropriately and by statements directed to his fellow citizens on the grounds of their national affiliation and gender. He was recommended to send an apology in writing to the discriminated persons for discriminatory treatment based on their Roma national affiliation and female gender, as well as to abstain from harassment and degrading behaviour in the future and to abstain from statements that offend the dignity of members of national minorities and create a hostile, degrading and offensive environment. In addition, the director of the Centre for Social work was recommended to make public on the notice board or some other visible place on the premises of the Centre for Social Work the opinion and recommendation issued by the Commissioner for Protection of Equality together with the social worker's apology in writing.

These recommendations were implemented.

Discriminatory questions in the employment questionnaire

A non-governmental organization filed a complaint against a company due to an employment questionnaire posted on the company's Internet presentation, since certain questions in this questionnaire required particularly sensitive information and personal characteristics from the candidates who wanted to apply for the job with this employer. Particularly sensitive questions were: a) father's name, b) marital status, c) children and d) military service. It was established that questions contained in the employment questionnaire violated the imperative regulations on the prohibition of discrimination and that personal characteristics of the candidates who applied for the job did not, in any way, represent a real and crucial condition for performing the job, considering the nature and peculiarity of the company's business and activity. Also, it was established that the company, after delivering the statement on the case, removed the questionnaire from its Internet presentation.

The opinion was issued that this company committed an act of discrimination based on gender, marital and family status in the field of employment and work by posting the employment questionnaire where applicants were required to provide information concerning their personal characteristics as follows: a) father's name; b) marital status; and c) children. Since this questionnaire was removed from the website during the procedure, the company was recommended not to repeat the discrimination act in the future when publishing job advertisements and interviewing candidates by asking inappropriate questions concerning their personal characteristics.

Declaring personal characteristics (nationality, membership in a political party, religious beliefs, marital status and previous convictions) in job applications

A non-governmental organization filed a complaint against a company due to the employment questionnaire posted on the Internet presentation, which included questions related to personal characteristics of the applicants who applied for the job with this employer. Particularly sensitive questions were: a) marital status (children, plans, abroad), b) nationality; c) do you believe in God; religious affiliation (do you celebrate Saint Patron Day); d) membership in a political party; and e) previous convictions. It was established that the questions violated the imperative regulations on the prohibition of discrimination and that personal characteristics of the persons who applied for the job did not represent real and crucial conditions to perform the job, considering the nature and characteristics of the job and the company's activity. Also, it was established that the company, after it had made the statement on the case, removed the questionnaire from its Internet presentation.

The opinion was issued that this company committed an act of discrimination in the field of employment and work, based on marital and family status, national affiliation, religious beliefs, political beliefs and previous convictions by posting an employment questionnaire on their Internet presentation in which candidates who applied for the job were required to provide information concerning their personal characteristics as follows: a) marital status (children, plans, abroad); b) nationality; c) do you believe in God, religious affiliation (Saint Patron Day); d) membership in a political party; and e) previous convictions. Since the questionnaire was removed from the website during the procedure, the company was recommended not to repeat acts of discrimination in future job advertisements and job interviews with candidates by asking inappropriate questions concerning their personal characteristics.

Discriminatory conditions in the announcement for enrolment in higher education military institutions by the Ministry of Defence

The Ministry of Defence of the Republic of Serbia and the University of Defence in Belgrade announced the call for applications for the enrolment of civil candidates at the Military Academy and the Faculty of Medicine at the Military Medical Academy (MMA) of the University of Defence in Belgrade for the Academic year 2013/2014. The general conditions for enrolment in the Military Academy and Faculty of Medicine at the Military Medical Academy prescribe, *inter alia*, that candidates are not married or living in unmarried cohabitation, and that this fact was to be proved by submitting the statement that he/she was not married, that is, that he/she did not live in unmarried cohabitation, and that he/she did not have children. In addition to this, it has been decided that according to the defence system needs, the Military Academy would enrol up to 15% of female candidates in 2013. An organization dealing with the protection of human rights filed the complaint against the Ministry of Defence of the Republic of Serbia, University of Defence and Military Academy for discrimination against candidates based on gender, marital and family status.

In their statements on the case, the Ministry of Defence, University of Defence and Military Academy said that one of the factors that determined the number of admitted female candidates was the standpoint of the Military Health Care Administration of the Ministry of Defence, which, for humane reasons, pointed to the limiting health factors of the admittance of female cadets for certain services. Thus, when deciding about the education of female cadets for the performance of officer duties, physical, physiological and psychological specificities of the female body are taken into consideration, as they largely influence work capacity and the possibility to fulfil requirements of the aforementioned educational forms (less physical strength and body endurance, hormone structure, etc.) as military vocation is specific and there are possible medical limitations with women. Also, it was stated that in the case of the admittance of candidates who are married or live together but are not married (factual marriage), it would not be possible to ensure all rights they were entitled to in a marriage, such as child birth; and that education, boarding accommodation and special forms of training have their own particularities compared to other faculties, which may represent a big obstacle to preserving marriage or unmarried cohabitation and conceiving a family.

It is evident that by setting the upper limit (maximum number) for admittance of female candidates lead to women being enabled to enrol only up to a certain number and when that number is achieved, female candidates will not be able to enrol regardless if they fulfil the conditions and achieve results, which means that they will be denied enrolment in a higher education institution on the grounds of their gender. Also, setting the conditions in relation to marital and family status prevent all those who are married or live in an unmarried cohabitation and have children to be admitted at the Military Academy and MMA Faculty of Medicine. This means that candidates who are married or those who live together but are not married and have children are eliminated in advance, thus being deprived from the possibility to have their professional knowledge, physical readiness and professional competences evaluated under the same conditions with other candidates in the selection process.

The opinion was issued that the provisions of the Law on the Prohibition of Discrimination and the Law on Gender Equality have been violated by prescribing the conditions in the announcement for the enrolment of the civil candidates in the Military Academy and the Faculty of Medicine at the Military Medical Academy, University of Defence in Belgrade for the Academic Year 2013/2014, as follows: the condition that establishes the upper limit (maximum number) of 15% for admittance of female candidates at the Military Academy, as well as the condition that candidates are not married or do not live in unmarried cohabitation and do not have children. Thus, the Ministry of Defence and University of Defence in Belgrade were recommended to remove from the enrolment announcement the conditions referring to marital and family status of the candidates and enrolment quota prescribing the upper limit (maximum number) of 15% for the enrolment of female candidates, and to take care in the future not to breach anti-discrimination regulations by prescribing the eligibility conditions for enrolment in military higher education institutions.

This recommendation was implemented.

A pregnant woman foreign citizen, denied health insurance as a member of her husband's family

A pregnant Albanian woman filed a complaint. She is a spouse of a citizen of the Republic of Serbia and has not yet acquired the right to be granted citizenship of Republic of Serbia. When she tried to obtain health insurance as a member of her husband's family, the Republic Health Insurance Fund (RHIF) decided that the complainant was obliged to pay a certain amount of money each month, as her husband was unemployed and she could not be insured as a member of his immediate family. In their statement the RHIF said that according to the opinion of the Ministry of Health, a foreign citizen who is a spouse or cohabiting partner of an unemployed person could not be granted health insurance as a member of an unemployed person's family, but he/she could obtain health protection in accordance with a bilateral agreement on social insurance, if such an agreement exists, and on the basis of certain provisions of the Law on Health Insurance and by inclusion into compulsory health insurance. Since there is no bilateral agreement on social insurance only if she joined compulsory health insurance, that is, if she pays the prescribed amount of money each month.

In the present case the Republic Health Insurance Fund was guided by the opinion issued by the Ministry of Health, which stated that a foreign citizen, spouse or cohabitation partner of a person who had health insurance as an unemployed person, could not exercise the right to obligatory health insurance paid from budget funds. In the course of the procedure it was established that the complainant was treated differently in relation to: 1) a female citizen of the Republic of Serbia married to a national who is insured as an unemployed person, since the female citizen of the Republic of Serbia would have had health insurance as a member of her husband's family, regardless of pregnancy; 2) a female citizen of the Republic of Serbia, regardless of the fact if she was married or not to a national who is insured as an unemployed person, since a citizen of the Republic of Serbia has health insurance only on the grounds of being pregnant, taking into consideration that pregnant women in the Republic of Serbia enjoy special protection on the grounds of relevant regulations, above all Constitution of the Republic of Serbia and the Law on Health Insurance; and 3) a female citizen of the Republic of Serbia or a foreign citizen, regardless of her pregnancy, who is married to an insured person, who has health insurance on any other grounds (employed, retired, entrepreneur). The Commissioner for Protection of Equality considers that there is no objective and reasonable justification to treat the complainant differently compared to other groups of women in the same situation. In addition, the provision of the Law on Health Insurance prescribing the right of the family member to be insured through an insured person - unemployed person, does not make any difference on the grounds of citizenship, that is, there is no provision that would refer to the exclusion of foreign citizens as members of an insured person's family. The opinion by the Ministry of Health, which was the guideline for the acting of the RHIF, is not a legally binding administrative act, and the RHIF is obliged to respect relevant international and domestic regulations in the process of adopting a decision, while the opinions of the competent ministries may be helpful and may provide guidance, but not legal grounds for deciding upon individual requests.

The opinion was issued that the Republic Health Insurance Fund violated provisions of the Law on the Prohibition of Discrimination by denying to the citizen of the Republic of Albania, who is married to a domestic citizen who has health insurance as an unemployed person, the right to compulsory health insurance as a member of her husband's immediate family. Therefore, the Republic Health Insurance Fund was recommended to undertake all necessary actions and measures in its competence to enable the complainant to obtain health insurance as a member of her husband's immediate family and not to violate the Law on the Prohibition of Discrimination in the future when deciding upon the requests on health insurance.

Employer looking for female employees 20 to 40 years old

An association of female citizens filed a complaint against an entrepreneur, the owner of a catering-trade shop, as he announced vacancies as follows: "female worker, age 20–40, required for work in a restaurant". This job announcement set conditions regarding the gender and age of a candidate. Considering the nature and characteristics of the work in a restaurant, that is, bearing in mind the real and crucial conditions required to perform this job, it is obvious that it is unjustified to impose such conditions and that there were no objective reasons to eliminate a candidate on the grounds of gender and age. Thus, the opinion was issued that the owner of the restaurant, by requiring a specific gender and age of a candidate in the employment conditions, violated provisions of the Law on the Prohibition of Discrimination, the Law on Gender Equality and the Labour Law. Thus, the employer was recommended not to make job announcements that include discriminatory job conditions in the future, particularly those that refer to gender and age of a candidate, as well as to place the opinion and recommendation issued by the Commissioner for Protection of Equality on the notice board or in other visible place in the area of his restaurant.

4.10.2 Misdemeanour Proceedings

Employer looking for assistants and hostesses with nice appearance age 20-40

Misdemeanour charges were filed against a company and its director, as a responsible person, for publishing an announcement on job vacancies with discriminatory conditions for the job position of assistant and hostess. Candidates who wanted to apply for the job in this company for the job of assistant, besides the conditions referring to professionalism and competence, had to fulfil conditions that referred to their personal characteristics – age and appearance. In this job announcement it was stated that a candidate had to be between 20 and 40 years old, possess a high school diploma or college or university degree in social sciences, advanced computer skills, active knowledge of business English (...). Also, the employer stated in the announcement that a male/female candidate had to have a nice appearance. A similar situation was found in the case of a job position for hostess, where candidates who

wanted to apply for the job in this company, beside the conditions referring to professionalism and competence, had to also fulfil the conditions concerning their personal characteristics – gender, age and appearance. Namely, in the announcement regarding the job position of a hostess, it was stated that a person who applied had to be 20 to 40 years old and should have a nice appearance. Although the employer did not explicitly state in the announcement the condition referring to a candidate's gender, the formulation of the post title – "hostess", clearly referred to female.

The misdemeanour proceeding is still ongoing.

The employment questionnaire contains a set of questions on personal characteristics

A request for initiation of a misdemeanour proceeding was filed against a company and its director, as a responsible person, for posting an employment questionnaire on the Internet presentation of this company. The questionnaire contains discriminatory conditions for candidates who want to establish an employment relation with this employer, requiring them to answer the questions related to their personal characteristics: marital status, national affiliation, religious beliefs (Saint Patron Day), whether they believe in God, membership in a political organization and conviction status.

The misdemeanour proceeding is still ongoing.

4.10.3 Recommendations to Public Authorities and Other Persons

Recommendation of measures to the Ministry of Defence for achieving equality on the establishment of special criteria for jobs in military representation of the Republic of Serbia

The recommendation was issued in the procedure initiated on the grounds of information that an internal vacancy for the fulfilment of the formation posts in military representations abroad was announced by the Administration for International Military Cooperation, Sector for Defence Policy of the Ministry of Defence of the Republic of Serbia. Among the special conditions it was defined that a candidates had to be married and take their spouses with them abroad, as well as that the candidates should not be older than 50 in the year in which they applied for this position.

The Ministry of Defence of the Republic of Serbia was issued a recommendation of measures for achieving equality, which underlined that it was necessary to harmonize the Decision on the special criteria for admission to work in Military Representations of the Republic of Serbia no. 95, dated July 19, 2010, with anti-discrimination regulations by removing all special criteria referring to both candidates' marital status and age. Also, the Republic of Serbia was recommended to pay attention not to violate provisions of the Law on the Prohibition of Discrimination and other anti-discrimination regulations in the future, by its decisions and by publishing internal and public calls for job applications.

This recommendation was implemented.

4.10.4 Proposals for Evaluation of Constitutionality and Legality

Proposal for evaluation of constitutionality and legality of Article 14, Paragraph 1 of the Law on Financial Support to Families with Children ("Official Gazette RS number – 16/2002, 115/2005 and 107/2009)

A proposal for evaluation of the constitutionality and legality of the Article 14, Paragraph 1 of the Law on Financial Support to Families with Children, prescribing that a mother is eligible for a parents' allowance for the first, second, third and fourth child, provided that she is a citizen of the Republic of Serbia, with residence in the Republic of Serbia, and that a mother exercises the right to health care through the Republic Health Insurance Fund, was submitted to the Constitutional Court. The Commissioner is of the opinion that this provision is not in accordance with the Constitution of the Republic of Serbia, i.e. with the provision that prohibits any kind of discrimination on any grounds, or with the provision prescribing that a child shall enjoy human rights suitable to their age and mental maturity. Also, the provision of Article 14, Paragraph 1 of the Law on Financial Support to Families with Children is contrary to the Law on the Prohibition of Discrimination. The analysis showed that parents' allowance does not represent financial support to the mother or support to parent/ parents, but the issue is the support directed to a child who should benefit from such kind of financial support. However, even though the child is the end user of the parents' allowance, because of the conditions set in Article 14, Para. 1 of the Law on Financial Support to Families with Children, the children whose mother is a foreign citizen would be discriminated against compared to the children whose mothers are citizens of the Republic of Serbia. The Commissioner considers that there is no objective or reasonable justification to deny those children whose mothers are foreign citizens the right to this kind of financial assistance; although they find themselves in the same situation as the children whose mothers are citizens of the Republic of Serbia. Thus, the Constitutional Court was proposed to adopt a decision that would establish that the provision of Article 14 of the Law on Financial Support to Families with Children is not in accordance with the Republic of Serbia Constitution and the Law on the Prohibition of Discrimination.

The proceedings on evaluation of constitutionality and legality are still in progress.

4.11 Discrimination Based on Other Personal Characteristics

In addition to the aforementioned personal characteristics, which have been separately analyzed, 52 complaints against discrimination on other grounds were filed. For each of those characteristics the number of filed complaints is below 2% of the total number of complaints. There were 11 complaints filed against discrimination based on appearance, 10 on genetic characteristics, 9 on citizenship, 5 on race, 5 on the grounds of ancestry and 12 based on skin colour, language and birth. In addition to this, in 45 complaints some of the personal characteristics that are not explicitly prescribed by the law (residence, status of internally displaced person, managerial position in the company) were also stated as grounds of discrimination.

4.11.1 Opinions and Recommendations

Double amount of Gift cards on the occasion of 8th March for female employees in managerial positions

A civil society organization filed a complaint against the decision of a public company to grant money awards to female employees on the occasion of International Women's day in the following amounts: gift cards for female managers in the amount of RSD 6.000,00, and gift cards for the women who were not in managerial positions in the amount of RSD 3.000,00. In his statement on the case the director of the company said that the difference in the amount of the gifts occurred on the basis of the differences in salaries of the female employees since the gift vouchers were based on income. In the procedure it was established that the company granted female employees gift vouchers with different amounts, depending on their job position, i.e. managerial position: women occupying managerial posts received gift vouchers in the amount of RSD 6.000,00, while the women in other posts in this company were given gift vouchers in the amount of RSD 3.000,00. Since the difference of the gift value granted on the occasion of International Women's Day was based on whether or not the female employees occupied *managerial positions*, in this case the difference in the gift value was based on the post, that is, the position which the female employees were occupying in this company, which can represent a personal characteristic, considering that the list of discrimination grounds is not closed in the Law on the Prohibition of Discrimination.

The decision adopted by the public company to classify female employees according to their position and to grant them different amounts on the occasion of granting gift vouchers does not have an objective and reasonable justification and represents unwarranted discrimination between two categories of female employees based on the position/post they have with the employer. Namely, the cause, character and purpose of awarding this gift was to celebrate the holiday and show respect for all female employees by the employer, and not to reward them for the complexity and responsibility regarding their jobs and duties. Therefore, should the employer want to reward the employees on the grounds of the complexity and responsibility regarding their work, he/she has an opportunity to do so through other components of the salary. However, in case the employer decides to present a gift on the occasion of International Woman's Day, the amount of the gift must be equal for all female employees, regardless of their personal characteristics.

The public company was recommended to announce on its notice board the opinion and recommendation issued by the Commissioner for Protection of Equality, along with an apology in writing to the female employees who are not in managerial positions for discriminatory behaviour on the occasion of granting the gift vouchers on International Women's Day, and to not violate provisions of the Law on the Prohibition of Discrimination in the future.

These recommendations were implemented.

A candidate cannot get a job because she is from another town

In the framework of a project of a Bureau for the Protection of Monuments, a female complainant was a member of the expert team engaged in conservation and restoration works. When the engagement was to be extended, the manager of the works informed the complainant that she could not continue her engagement since she did not live in the town where the conservation and restoration works were carried out. The director of the bureau made the decision on non-engagement; the director informed the manager of the works about the decision in person and the manager made an official note about the information. Upon the complaint, it was established in the procedure that the complainant was not further engaged in the conservation and restoration works only because of the fact that she was not from the town where the works were performed, even though she fulfilled the conditions in terms of education and professional standards, and her participation in the works was necessary according to the evaluation of the manager. Imposing conditions related to residence was not allowed and unjustified in the present case.

The Commissioner issued the opinion that the Bureau for Protection of Monuments committed an act of direct discrimination based on residence since it did not enable the engagement of the complainant on the project of conservation and restoration works because she did not have residence in the town where the works were performed. The Bureau was recommended to respect imperative legal regulations according to which any personal characteristic must represent a real and crucial condition, considering the nature and characteristics of the work and conditions in which it is performed during candidate selection for any kind of engagement; and to announce on their notice board or any other visible place on their premises the opinion and recommendation issued by the Commissioner for Protection of Equality.

These recommendations were implemented.

Dental protection covered by compulsory health insurance denied to an internally displaced person

The complainant stated that he was an internally displaced person; that he was unemployed and registered with the National Employment Service; and that he had health insurance as a displaced person from Kosovo and Metohija. The branch office of the National Health Insurance Fund passed a decision that refused the complainant's request to be issued a certificate in order to exercise the right to dental health protection covered by the compulsory health insurance. The reasons the issuance of the certificate was refused were that the complainant was not insured as an unemployed person (Article 22 of the Law on Health Care) but as an internally displaced person from Kosovo and Metohija.

The analysis showed that the provisions of the Law on Health Care stipulated that certain groups of persons, *inter alia*, those belonging to the category of socially vulnerable persons, can exercise the right to have a medical examination for diseases of the mouth and teeth covered by the compulsory health insurance, and that the complainant's situation was comparable to the situation of unemployed persons possessing health insurance as well as persons possessing health insurance and belonging to other categories of socially vulnerable groups, who are not internally displaced persons, and who can exercise the right to dental health protection covered by the compulsory health insurance. It is unclear what were the reasons for which the competent branch of the Republic Health Insurance Fund did not issue this certificate to the complainant, particularly considering that the Law on Health Care does not contain any special provisions that regulate health insurance of internally displaced persons, but it is evident that they are included in the category of socially vulnerable groups, as well as that they have the status of an insured person regulated by a bylaw and that they are issued health cards. Any internally displaced person should have the right to a medical examination and treatment of mouth and tooth diseases covered by the compulsory health insurance, provided that he/she fulfils conditions which

apply to insured persons who do not have this status. Considering the fact that any citizen of Serbia who is unemployed and whose income is below the established census could exercise this right, there is no reason to deny the complainant this right on the grounds of his/her status of an internally displaced person, ignoring the fact that he is also a citizen of the Republic of Serbia who is unemployed and whose income is below the established census.

Thus, the opinion was issued that the complainant was denied the right to dental care covered by the compulsory health insurance on the grounds of his personal characteristic, that is, because of the fact that he is an internally displaced person from Kosovo and Metohija. The branch of the Republic Health Insurance Fund was recommended to undertake all necessary measures from its competence and issue the certificate on the exercise of the right to dental care covered by the compulsory health insurance to the complainant, as well as to all other internally displaced persons from the territory of the Autonomous Province of Kosovo and Metohija.

These recommendations were not implemented even in the subsequent period in which a specific warning was issued.

4.11.2 Opinions on the Drafts of the General Legal Acts

The opinions on the drafts of the general legal acts in relation to discrimination based on personal characteristics classified in the category "other personal characteristics" will be presented in this part, as well as the opinions on the drafts of the general legal acts issued by the Commissioner for Protection of Equality in the course of 2013, which are significant for the promotion of equality and which are not presented within the parts dealing with specific grounds of discrimination.

Opinion on certain provisions of the Working draft version of the Law on Mediation in the Settlement of Disputes

The opinion was issued on certain provisions of the Draft version of the Law on Mediation in the Settlement of Disputes, since the Commissioner for Protection of Equality, as a central national body for combating discrimination, was also particularly interested in the creation of the legal framework of the mediation in a manner that would ensure the implementation of mediation in discrimination cases.

In one of the provisions of the Draft version of the Law it is stipulated that, in the mediation process, the mediator is obliged to ensure equal rights to both sides without any discrimina*tion.* This rule represents the concretization of the equality principle in the proceedings, that is, the universal procedural rule applied in court and other proceedings, which, although very important, has a completely different meaning from the principle of the prohibition of discrimination. Actually, the principle of equality of the parties in the proceeding should ensure that both participating parties in mediation use any authorization they are entitled to under equal conditions, and that the mediator should be neutral and treat both parties equally, and ensure equal positions and equal opportunities for them. On the other hand, the principle of prohibition of discrimination forbids unequal treatment of the parties in the mediation process on the grounds of any of their personal characteristics. Thus, the text on the Law on Mediation in the Settlement of Disputes should separate the principle of equality of the parties in dispute from the principle of the prohibition of discrimination, i.e. these two principles should be regulated by separate provisions.

Also, the draft version of the Law contains a provision stipulating that a party with no legal capacity or with restricted legal capacity should be represented by a legal representative in the mediation procedure. This provision narrows the space for implementation of special kinds of mediation such as mediation in cases of discrimination, school/peer mediation, mediation in the field of social protection, etc. Namely, these mediation models require direct participation of both parties in the proceedings, including cases when they, because of their intellectual or mental impairments, require additional assistance and support in the mediation process. Relevant international regulations, such as the Convention on the Rights of Persons with Disabilities ratified by the Republic of Serbia, explicitly stipulate that all persons with physical or mental disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

It was recommended to revise the rule stipulated by the Draft version of this law that the agreement on dispute settlement through mediation has the effect of writ of execution, and pointed out that such a settlement may jeopardize the implementation of mediation the Commissioner for the Protection of Equality may propose to the parties in the procedure prior to other actions undertaken upon the filed complaint. The mediation procedure proposed by the Commissioner represents an alternative to the regular procedures upon the complaints, and not the alternative to court proceedings for protection against discrimination. Citizens address the Commissioner for Protection of Equality for her opinion and recommendations in discrimination cases, which does not prevent them to seek protection against discrimination in civil proceedings before the competent court. Thus, the goal of mediation carried out within the service of the Commissioner for Protection of Equality is that the parties in the procedure may exchange opinions and feelings about a certain event, and the mediation result should be an emotional relief and mutual understanding of both parties in the procedure. Therefore, parties would be additionally deterred from mediation should the provision of the Draft version of the Law on Mediation in the Settlement of Disputes remain unchanged, i.e. if the agreement on dispute settlement through mediation would have the effect of a writ of execution.

The opinion was also issued in relation to the provision stipulating that the mediator had to have a university degree. This is unnecessary and restrictive. A university degree does not guarantee that a person will be a successful mediator, and setting such a condition prevents the engagement of mediators from minority groups that have difficulties of access to higher education, such as members of the Roma community, persons with disabilities, etc. Considering the characteristics and standards of the mediation practice in discrimination cases, the Commissioner stated that the members of certain marginalized social groups were well acquainted with the problems and position of the group to which they belonged, and their exclusion as mediators would deny the right of a party in the mediation procedure to choose a mediator form his/her minority group.

The Law on Mediation in the Settlement of Disputes is still in the form of a draft version.

The opinion on the Draft Law on General Administrative Procedure

In the opinion issued on the Draft Law on General Administrative Procedure, the Commissioner indicated that it was necessary to provide an adequate and detailed regulation of the child's right to freely express his/her opinion in an administrative procedure deciding on his/her rights and interests; the child's right to an independent representative; as well as the modality of conducting hearings in an administrative procedure in which a child is a witness and a party.

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Namely, pursuant to the provisions of the Family Law a child who is capable to form his/her own opinion has the right to freely express it, as well as the right to be provided with all information necessary for forming an opinion. In terms of the child's right to an independent representative, Family Law also contains provisions that refer to the child's right to seek from the guardianship authority to appoint a collision guardian, and the provisions on collision guardianship are implemented in other proceedings with other authorities, provided that these proceedings pertain to the child's rights. As far as a child's hearing as a party and witness in the proceedings is concerned, the experience shows that general rules on a child's hearings are not adequate and it is necessary to prescribe special rules so as to avoid adverse consequences on the child's personality and development. In addition, from the aspect of the protection against discrimination it is also important to regulate in detail the rules on the exercise of the child's rights in administrative proceedings, particularly bearing in mind that in the procedures before the Commissioner for the Protection of Equality the provisions of the Law on Administrative Procedure is accordingly applied.

The proposed Law on General Administrative Procedure has been in process before the National Assembly of the Republic of Serbia since 18 December 2013 and has not yet been adopted. In the text of the Law there are no provisions prescribing special rules on the exercise of a child's rights in administrative procedures, in terms of recommendations contained in the opinion issued by the Commissioner for Protection of Equality.

The opinion on certain provisions of the Draft Law on Free Legal Aid

The opinion indicated that the conditions required to be fulfilled by citizens in order to become beneficiaries of free legal aid were set very restrictively and that in this way the right to free legal assistance could be denied to those who, on the account of certain personal characteristics, have a special status and for certain reasons cannot fulfil conditions to exercise the right to free legal assistance, i.e. are not the beneficiaries of social protection services.

The Draft version of the Law on Free Legal Aid stipulates that only physical persons, regardless of their citizenship, have the right to free legal aid, under the condition that they are beneficiaries of social protection services and exercise the right to material support or that they are beneficiaries of the right to child allowance. With such a legal solution, free legal aid would be denied to persons who find themselves in particularly difficult or vulnerable life and legal situations, such as women in situations of domestic violence, victims of torture, discrimination and human trafficking, asylum seekers, persons with mental impairments, etc. The Commissioner also indicated that the Law on Free Legal Aid should stipulate special rules that would apply to persons who do not have a factual possibility to compose and/or submit the request for free legal aid (illiterate persons, persons with physical or mental disabilities, etc). Also, it is necessary to prescribe special rules for the submission of the request for free legal aid is in a medical or social institution. Finally, the Draft Law uses expressions exclusively in the male gender, thus violating the principle of gender equality. It was therefore pointed out that the provisions of the future Law on free legal aid should be written in gender-differentiated language.

The Law on Free Legal Aid is still in the draft version, and public discussion is completed.

4.11.3 Warnings and Public Announcements

Warning regarding the posters against certain NGOs and RTV B92

The Commissioner condemned the repeated putting up of posters throughout Serbia by the organization SNP Naši against the heads of certain non-governmental organizations and the media company B92, and requested an immediate response from the competent state authorities. In the warning it was stated that such phenomena are extremely dangerous as they put at risk the foundations of constitutional order and basic human rights of human rights defenders. The duty of the state authorities is to protect the freedom of each individual, and urgently and decisively stand in the way of hate speech, xenophobia, and all forms of discrimination.

4.12 Outcomes of the Procedures

The fact that an increasing number of physical and legal persons address the Commissioner for Protection of Equality is encouraging. The activities of the Commissioner aimed at the elimination and prevention of discrimination, that is, the improvement of equality, have resulted in an increase of knowledge of the general public on the phenomenon of discrimination, as well as increased confidence in the institution of the Commissioner for Protection of Equality. Although citizens still often turn to the Commissioner for a variety of events, acts and behaviours that do not represent discrimination, it is of great importance that communication and cooperation between citizens and the Commissioner is being improved and strengthened.

This part of the Report will present the outcomes of the procedures upon complaints before the Commissioner for Protection of Equality in the course of 2013. Also, it will present examples from the complaints sent to the Commissioner, where the procedures were suspended as it was obvious that there was no violation of the rights stipulated in anti-discrimination regulations, because there were no personal characteristics or a causal link between personal characteristics and the committed act. In such situations the complainant was informed of the reasons for which there was no further act upon the complaint, but at the same time he/she was provided the information on who should he/she address and in what way he/she could protect his/her rights.

In 2013 the Commissioner received 716 complaints. In 108 cases discrimination was established and an opinion with adequate recommendations was issued. In 32 cases the issued opinion was that there was no discrimination. The Commissioner's opinions and recommendations, in which discrimination was established, as well as certain opinions in which discrimination was not established, are presented in the parts of this Report pertaining to specific grounds of discrimination.

It has already been mentioned that the Law on the Prohibition of Discrimination stipulates that the Commissioner does not act on a complaint in case the proceedings pertaining to the matter in question have been initiated before a court of law or an enforceable decision has been passed; it is evident that no discrimination pointed to by the person who lodged the complaint has actually occurred, if he/she has already taken steps concerning the same matter and no new evidence has been provided, and if he/she establishes that, in view of the time elapsed since the violation of the rights in question, no useful purpose will be served by acting upon the complaint.

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In 212 cases the complaints were dismissed, out of which 29 were rejected on the grounds of the incompetence of the Commissioner for Protection of Equality, and 183 because the complaints were incomplete and for other reasons that prevented acting upon the complaint.

Acting upon the complaint was suspended in 339 cases. In 256 the proceedings were suspended as it was evident from the complaints that no violation of the rights pointed to by the complainant has actually occurred; in 62 cases because of initiated or completed court proceedings on the same issue; in 17 cases because for the time elapsed no useful purpose would have been served by acting upon the complaint; and in 4 cases the complaints were withdrawn.

We shall present several cases in which, in accordance with the law, the proceedings were suspended as it was evident that no violation of the right to equality pointed to in the complaint actually occurred.

Retirement conditions for teachers

Several citizens addressed the Commissioner regarding the provisions of the Law on the Amendments and Supplements to the Law on the Foundations of the Education System, which set the conditions for retirement. They find that teachers were placed in an unequal position as they had to retire when one of the retirement conditions is met, for example completion of 40 years of service, even though they were not yet 65 years old, while in all other professions citizens are entitled to work by the age of 65. Evidently, the issue of the fulfilment of retirement conditions for teachers is differently regulated compared to the conditions stipulated in the Law on Pension and Disability Insurance. However, not every differentiation represents discrimination. The differentiation, i.e. unequal treatment has to be unjustified. If there is an objective and reasonable justification for unequal treatment, such treatment will not be discriminatory. In this case, it can be concluded that the purpose of prescribing different retirement conditions for teachers was to provide the protection for teachers considering the kind of the work they perform, bearing in mind that this job carries particular responsibilities. In addition, the fact is that being employed in the education system (teacher) does not represent a personal characteristic (basis of discrimination), but rather the legal employment status of the teacher, to which particular rules on retirement are applied.

Contribution payment for pension insurance

A complainant believed to be discriminated against as an insured person who paid his own contributions, as his pension amount was suspended for unpaid contributions. He stated that the employees who did not pay contributions on their own had obtained the right to a pension, even though all contributions were not paid for them, and their pension amounts were not suspended for unpaid contributions. It is evident that the complainant was differently treated compared to the category of employees who obtained their right to a pension, but unequal treatment is not conditioned by any of his personal characteristics. The fact that the complainant is an insured person who pays contributions on his own does not represent a ground for discrimination (personal characteristic), but rather the status of the insured person resulting from the kind of legal employment relation, which is why such treatment cannot be characterized as discriminatory.
Assistance to displaced persons

A person displaced during the hostilities in 1999 considered himself discriminated against by the Commissariat for Refugees and Migration, as all financial funds had been spent for assistance to persons displaced in the hostilities from 1991 to 1995, and no funds remained after that. Such conduct cannot be considered discrimination since there is no unequal treatment based on any personal characteristics of the complainant.

Reduction of the coefficient for calculation of salary

By amending the systematization act, the employer reduced the coefficient for calculation of salary. On the basis of the coefficient reduction, the salary was reduced to all employees. The reduction of the coefficient was larger for the shift posts and thus the salary reduction was bigger in case of shift workers. The complainant believed that the employer committed an act of discrimination against the employees who worked in shifts. The status of the employees who work in shifts is not their personal characteristic, but the issue of legal employment status. Thus the employer's act cannot be classified as discriminatory, since there is no basis of discrimination (personal characteristic).

Ranking of the school teams in the knowledge quiz

A complaint was filed by high school students who participated in a school competition. At the end of the competition (knowledge quiz) no rank list was featured, and two teams from other schools with a fewer number of points entered the finals. They believed that they were placed in an unequal position at the competition compared to other teams who participated in the quiz semi-finals. However, in this case there is no mutual personal characteristic that would be particular for the students of this high school compared to the students from other schools who participated in this competition. Possible irregularities, if any, during the competition can be established before other competent bodies but they cannot qualify as discrimination, because the students of this high school were not treated unequally on the basis of any of their personal characteristics.

Awarding jubilee rewards to employees

The complainant considered that, on the occasion of jubilee rewards in her company, unequal treatment occurred because the jubilee rewards were awarded only to the employees favoured by the director. She stated that she was not granted the reward, even though she fulfilled all the conditions. In this case, unequal treatment is not based on any personal characteristics of the complainant, and therefore it does not represent an act of discrimination. Denying the jubilee reward, that is, awarding the jubilee reward to certain employees would represent a violation of the rights of labour relations, for which a different protection is stipulated.

Placement of an employee to an adequate job position after graduation

The complainant is employed at a job that requires a third level of educational attainment. In the meantime he had acquired the title of a graduate economist and he believes that the employer did not offer him an opportunity to work in a position that suits his education level, although there were appropriate posts available. He believes that he is discriminated against at work on the basis of education. The provisions of the Labour Law stipulate that the employer may offer to the employee a modification of the agreed employment conditions, which means that an employer has a possibility, but not a legal obligation, to offer an employee another adequate job position. Also, the employee's education level cannot be considered a personal characteristic (discrimination basis) and thus the employer's behaviour in this case cannot be qualified as discriminatory.

Parking service practice for unpaid parking service

The complainant is the owner of a vehicle registered in the place of his residence, and the parking service in another town towed away his vehicle for unpaid parking service. He considered that he was discriminated against because the parking service did not tow away vehicles for unpaid parking service if vehicles were registered in that town, but only if the vehicles were registered in other towns. Such a practice cannot be qualified as discriminatory because it is not based on personal characteristics of the complainant, as the place of the registration of the vehicle is not considered a complainant's personal characteristic.

Judge's treatment of a lawyer

The complaint was filed against a judge in a basic court, and the complainant considered that a judge discriminated against him because he is a lawyer, a well-known human rights defender and a critic of the poor work of the judiciary. Stated characteristics, as well as the fact that the complainant is a lawyer, in this case, cannot be considered as personal characteristics.

Being prevented to make an oral statement in the case of a civil procedure

An acting judge in a civil procedure did not allow the complainant to make an oral statement but told him to submit it in writing, while the other party in the procedure was allowed to give an oral statement. However, pursuant to legal regulations, the acting judge manages the discussion in the course of the proceedings. Therefore, as in this case this treatment was not based on the complainant's personal characteristic, it cannot be considered discrimination. Such treatment would possibly exist in a situation when it is evident that the judge put one of the parties in dispute in an unequal position on the grounds of, for example, gender, nationality, sexual orientation and the like.

Harassment at work

The complainant stated the she was harassed at work by her managers by ordering her to do the work of other colleagues, and that at one moment she was compelled to remove the whole archives from the office and take it home, while the remaining part was thrown away by the cleaning women. Harassment at work is any active or passive behaviour towards an employee or a group of employees that is repeated, where the goal or result is violation of dignity, reputation, personal and professional integrity, health, employee's position causing fear or creating antagonistic, humiliating or offensive environment, worsening work conditions or leading to the employee's isolation or inducing him/her to terminate employment on his/ her own initiative or to cancel the employment agreement or any other agreement. Harassment at work in certain cases can also represent discrimination but only when it is based on a personal characteristic of the employee. In this case it was not established that such treatment of the employer was based on any of the complainant's personal characteristics, which is why there is no violation of the law in terms of the Law on the Prohibition of Discrimination, and the protection against harassment is accomplished in different prescribed proceedings.

Termination of work engagement

Several employees of a health centre filed a complaint stating that they were pronounced "*non-contractual workers*" after many years of work with the employer, although they were signatories to the same collective contract as the so-called "*contractual workers*". They believe that they were discriminated against and that they were denied the right to a salary. The difference (unequal position) in this case is reflected in the fact that the complainants' salary depends on the quantity of work they carry out in the course of one month, while other employees have a fixed guaranteed monthly salary. However, in this case it is evident that there is no personal characteristic that connects this group of employees. They are not of the same sex, nor of the same age, they are not members of any trade union organization and the like. Thus, it is evident that there is no violation of rights in terms of the Law on the Prohibition of Discrimination.

Selection of candidates who applied to a job announcement

A woman with disability applied for a job and was not accepted. She filed a complaint as she considered that the employer was obliged to employ her pursuant to the Law on Professional Rehabilitation and Employment of Persons with Disabilities, since she was the only candidate with a disability. The Law on Professional Rehabilitation and Employment of Persons with Disabilities stipulates the employer's obligation to employ a certain number of persons with a disability in proportion to the total number of employees but this Law does not stipulate the employer's obligation to give priority to persons with a disability in the recruitment. Therefore, the fact that the complainant is a person with a disability does not represent the employer's obligation to employ her. Discriminatory conduct would have existed if the complainant, on the occasion of applying for the job, had presented the best results for a certain job position, and the employer had refused to employ her solely on the grounds of her disability.

Presence and religious ritual of the Orthodox priest on the occasion of the celebration of Liberation Day

A non-governmental organization filed a complaint due to the presence of an Orthodox priest and orthodox ritual performed on Liberation day celebration in Novi Sad, as it considered that there was unwarranted discrimination among the citizens on the basis of their religious beliefs, and that Orthodox believers were prioritized compared to all other persons and groups. It is within the competence of the Commissioner to determine whether an act, action or omission represent discrimination, while the issue of respect of the principle of secularism is not within the sphere of her competence. In this case there is no privilege given to the Orthodox confession compared to other citizens who do not share these religious beliefs, as participation of the orthodox priests in the ceremony of the city liberation day celebration did not result in the denial or limiting the rights of persons who do not belong to the Orthodox religion.

Access denied in the building of a state institution for inappropriate clothing

A trade union representative was denied access to a building of a state institution where he worked because he wore sports clothes (trainer shoes, sports apparel), and he considers that he is discriminated against on the grounds of appearance and membership in a trade union. However, in this case, membership in a trade union was not the reason he was denied access to the building he worked, i.e. there is no casual connection between personal characteristic and the committed act. It is not forbidden to prescribe a dress code and establish what is considered (in)appropriate clothing. Any institution has the right to prescribe a dress code, which applies equally to all. The fact that the complainant was denied access to the building for informal attire, in sports apparel, does not represent unjustified differentiation based on appearance, since the type of the clothes the person is wearing does not represent a personal characteristic.

Changing conditions for the job position of director

Upon adoption of a new rulebook on systematization of the posts in one theatre, conditions for the job position of technical director were changed in terms of level and type of education. Because of this change, the complainant no longer fulfilled conditions for the job position of technical director and believes he was discriminated against because he was not a member of a trade union. In accordance with the Labour Law, the employer has the right and option to prescribe conditions necessary for certain job positions. The fact is that the complainant does not fulfil the conditions for the position of director in the theatre because he does not have the level of education prescribed for this job position. Therefore, his nonbelonging to a trade union is not a circumstance that led to a situation where he was no longer in the position of technical director, i.e. there is no causal link between his personal characteristic and a change of the systematization of the posts.

Disregarding the conclusions of the trade union board

A trade union chairman filed a complaint stating that the City Secretariat did not accept conclusions made by the trade union board and documentation sent by the trade union, while it accepted conclusions made by unauthorized and irregularly elected workers' representatives. He believes that discriminatory behaviour was demonstrated in the Secretariat's refusal to communicate with the trade union in electronic form, while this type of communication was used in communication between the Secretariat and unauthorized representatives. Taking into consideration that in this case the trade union complains against discrimination because of membership in a trade union, it is necessary to underline that discrimination due to membership in a trade union can only be committed against a person or group of persons connected by the very fact that they belong or do not belong to a trade union, to any or to a specific trade union organization. Accordingly, a trade union, as a legal person, cannot be exposed to discrimination on the ground of membership in a trade union.

Presentation of dismissal notice without a legal remedy note

The complainant stated that he was discriminated against since the employer specified the irregularities in the report on the complainant's work, and because of the circumstance that the employer presented a notice on the employment contract termination without a legal remedy note, while the other employee, who is a Serbian national, was presented the same notice with the legal remedy note. The circumstance that the employer, in the decision on the employment contract termination, did not include the explanation and the note on legal remedy represents a possible violation of the provisions in the Labour Law and thus the audit of legality and regularity of this act is not within the competence of the Commissioner. The protection of the complainant's right on the conduct of the employer cannot be accomplished with the means which provide protection against discrimination, as the employer's behaviour towards the complainant is not based on any of the complainant's personal characteristics.

Failure to employ female Roma after professional practice

A Roma woman filed a complaint because she was not employed with an institution where she did her professional practice. She considered that the employer should have employed her in that profession there were no Roma staff, and this nationality constituted the majority population in that area. The Labour Law prescribes that the employer is fully entitled to freely and independently decide, in accordance with valid regulations and on the grounds of objective criteria, the selection of persons who will be employed or hired, evaluating their professional knowledge, competence and abilities, but it does not prescribe an employer's obligation to employ any person upon completed professional practice.

Knowledge of Hungarian language as a condition for the position of director

A school announced a job vacancy for a director where one of the conditions prescribed was the knowledge of the Hungarian language. The complainant believed that by prescribing that criterion the school discriminated against members of other minority communities and the majority because they do not speak Hungarian. It was established that the classes in this school were both in the Serbian and Hungarian languages. The Law on the Foundations of Education System stipulates the condition that in order to be employed in an institution where educational work is conducted in the minority language, a candidate must also possess proof of knowledge of that minority language. Therefore, the condition related to the knowledge of Hungarian language prescribed by the Law, considering bilingual education in this school, is valid for any person who wishes to apply for a job, regardless of his/ her nationality or any other personal characteristic. The essence of prescribing the condition regarding knowledge of the minority language in which classes are delivered is a need so that the teaching staff and school managers communicate with pupils and their parents in their mother tongue, and accordingly, the knowledge of Hungarian language is interpreted as a skill required for to work in the school where education is delivered in two languages and is not a discriminatory condition.

Absence of cable television special service package for persons with disabilities

A person with a disability stated that a company that provides Internet and telecommunication services had a special package for persons with disabilities who use cable television services. However, such a package does not exist for satellite televisions service, and the complainant considered to be discriminated against on basis of disability. The company which provides Internet and telecommunication services, in accordance with its financial possibilities and business policy, defines the categories of users to whom it can provide certain benefits, i.e. to whom special measures are applied. The company has recognized persons with disabilities as a socially vulnerable category and adopted a decision to introduce a special package for cable television service that also entails certain financial benefits. Therefore, the company is not obliged to introduce special packages for satellite television service for persons with disabilities. Such a conduct of the company cannot be characterized as discriminatory, since the Constitution and the Law on the Prohibition of Discrimination prescribe that special (affirmative) measures introduced for the purpose of achieving full equality of the group of persons who are in an unequal position are not considered as discriminatory.

Discount for public transportation based on the identity card of a blind person

A man with sight impairment who does not have residence in Belgrade stated that he experienced discomfort with the BusPlus controllers during a ride in a GSP bus in Belgrade. Controllers wanted to remove him from the bus because his blind person ID was not valid in Belgrade, which meant that he, like other passengers, had to have a valid BusPlus card for transportation. This statement was confirmed at the place where BusPlus cards were sold, and the complainant was informed that a discounted or free of charge transportation service was foreseen for different categories of passengers but that he could not exercise the right to free of charge transportation in Belgrade, since he did not have residence in Belgrade. In this case, the City of Belgrade, in accordance with its possibilities and authorizations, can define the conditions and the categories of users to whom certain benefits are provided, i.e. to whom special measures are applied. Considering the fact that this is a local self-government issue, the issuance of beneficiaries to the persons who have residence on the territory of local self-government is not discriminatory.

5 COOPERATION OF THE COMMISSIONER

In the course of 2013, the institution of the Commissioner for Protection of Equality improved and deepened cooperation with its existing partners and established cooperation with new ones with a view of working together on combating discrimination and improving equality.

With the aim to better inform citizens about anti-discrimination regulations, raise public awareness regarding the problem of discrimination and damaging effects it causes, as well as to improve the visibility of the institution, the Commissioner for Protection of Equality and the staff of the Professional Service have held a series of lectures, workshops, educational seminars, thematic meeting, etc.

The Commissioner had a particularly good cooperation with other independent state bodies and civil society organizations in the area of the protection of the right to equality.

Cooperation with partners at the local level is very important for strengthening mechanisms for protection against discrimination, especially having in mind that the Commissioner does not have regional offices. Providing support for expert gatherings, making Commissioner's expert publications available, contacts with the representatives of local self-government bodies and with OCDs, which work in towns and municipalities of the Republic of Serbia are all indicators of improved awareness of the need to sanction discriminatory behaviour. This is also a good signal of strengthening and the importance of the institution of the Commissioner, which is recognized as a partner in solving these problems.

In accordance with unquestionable needs, as well as in line with the Conclusion which the National Assembly of Serbia issued with regard to the consideration of the Regular 2012 Annual Report of the Commissioner for Protection of Equality ("Official Gazette of RS", no. 57/13), stating its support to the establishment of regional offices of the Commissioner, a procedure for opening the first regional office of the Commissioner for Protection of Equality in Novi Pazar has been initiated.

Cooperation with regional and international organizations and institutions has been additionally strengthened. Representatives of the Commissioner actively participated in the pre-accession process of cooperation with the EU through Advanced Standing Dialogue of the Republic of Serbia and the European Commission, participation in the preparation of the explanatory screening, i.e. analytical overview and the assessment of alignment of the regulations of the Republic of Serbia with the EU *acquis*.

The Commissioner and representatives of the Commissioner's Professional Service had several meetings with the representatives of international organizations and diplomatic missions to Serbia: new head of the Delegation of the European Union in Serbia, UN High Commissioner for Human Rights, Deputy Ambassador of Great Britain, Director of the European Centre for Roma Rights, Programme Director of the Sigrid Rausing Trust foundation, Dutch Minister for Human Rights and others.

For the purpose of closer cooperation with key partners, as well as to increase accessibility to citizens, the Commissioner has prepared a number of educational publications in the languages of national minorities and in Braille.

5.1 Cooperation with Civil Society Organizations

In view of the fact that civil society organizations are significant actors in combating discrimination and that they are strategic partners of the Commissioner for Protection of Equality, successful cooperation continued in 2013.

In cooperation with organizations Praxis and the Regional Centre for Minorities, activities continued on the implementation of the project "Equal Opportunities for Better Possibilities: the Empowerment of Roma in the Fight against Discrimination" financed by the Kingdom of the Netherlands. The main goals of this project are the improvement of the level of information of Roma people on the existence and mandate of the institution of the Commissioner for Protection of Equality and on available institutional mechanisms for combating discrimination. Within the project a series of informative round table discussions were organized with the representatives of the Roma community across Serbia – in Belgrade, Zrenjanin, Vranje, Niš, Bujanovac, Požega, Kragujevac, Novi Bečej, Subotica, Surdulica, Pirot, Bor and Novi Sad. At the gatherings, which attracted a vast audience, the jurisdiction of the Commissioner was presented as well as specific cases of discriminatory behaviour towards Roma. Representatives of the Roma minority and non-governmental organizations dealing with the protection of their rights have been encouraged to submit a complaint to the Commissioner in cases of discrimination.

In March 2013, a meeting with the delegation of Trade Union Women Network of the Confederation of Free Trade Unions was held. Topics discussed at the meeting include the activities of the Trade Union Women Network, whose representative expressed a wish to cooperate with the institution of the Commissioner and to learn more about the widespread discrimination against women. They also talked about the improvement of the position of women and their labour rights and the promotion of gender equality.

Organized by the Commissioner and TACSO office in Belgrade, a meeting was held on April 2013 about the challenges and further plans in the implementation of the voluntary investigation of discrimination, i.e. situation testing of discrimination that is conducted in order to verify whether or not discrimination occurs in a given situation. Challenges and problems faced by civil society organizations in the implementation of situational testing were also discussed. On that occasion, a range of perplexities was resolved with regard to testing procedure. The participants at the meeting also talked about the ways in which networking organizations conducted tests. The Commissioner had initiated the establishment of an initial mechanism for the situation testing proving discrimination on the territory of Serbia in 2012. Contracts were signed with 22 civil society organizations. The organizations were obliged to conduct at least three situation tests within the period of six months and to submit a report on each testing. If, in the course of testing, they established that an act of discrimination had occurred, the organizations were obliged to submit a complaint to the Commissioner for Protection of Equality. By the end of 2013, 67 complaints had been submitted to the Commissioner as a result of situation testing.

The staff of the Commissioner's Professional Service took part at the Fifth Fair of Civil Society Organizations in Belgrade, at the event organized by AS – Centre for the Empowerment of Young People Living with HIV and AIDS. On this occasion, institutional support was given to the presented Initiative for establishing a national day dedicated to persons living with HIV and AIDS. The Commissioner has closely cooperated with civil society organizations that deal with the rights of persons with disabilities. In partnership with the Mental Disability Rights Initiative MDRI-S, Disability Rights International and OHCHR, in May 2013 the Commissioner organized an international conference "Legal Capacity and Life in the Community: Protection of Rights of Persons with Disabilities". The conference brought together international and local experts, representatives of relevant institutions, practitioners and civil society organizations. It was particularly focused on discussing the issue of the legal capacity and the deinstitutionalization of persons with intellectual, cognitive and psychosocial difficulties.

In October 2013, after completing the call for the selection of a partner organization, the Commissioner for Protection of Equality and the Union of Associations "Human Rights and Democracy House" concluded a Contract on Mutual Rights, Obligations and Responsibilities of Partners on the implementation of the project "Let Equality Become Reality". The project, co-funded by the Kingdom of Norway, is aimed at combating discrimination and improving representation through the implementation of activities at a local level in cooperation with civil society organizations, national councils of national minorities and young people form the whole territory of Serbia.

The institution of the Commissioner has continued good cooperation with organizations dealing with the protection of the rights of LGBT persons. The Commissioner spoke at the presentation of annual reports of the organizations Gay Straight Alliance and Labris. Institutional support was given to the organization of the 2013 Pride Parade and assessed that LGBT organizations provided invaluable contribution to the building of an open and tolerant society through their activities, where the diversity of people's identities is respected and appreciated. In addition, the Commissioner was a guest at the meeting of the members of Gay Straight Alliance dedicated to December 10th – International Human Rights Day. One of the topics of the meeting was the specific problems LGBT persons face and future activities and cooperation of the Commissioner and Gay Straight Alliance.

At the fourth annual conference of the Victimology Society of Serbia held in November 2013 under the title "Victims and Modern Responses to Crime: Between Protection and Abuse", at the session dedicated to the possibilities of improvement of anti-discrimination policies and prevention of discrimination in Serbia, the role of the Commissioner for Protection of Equality in combating discrimination was presented.

The Commissioner for Protection of Equality supported the campaign for combating violence against women and domestic violence, organized in 2013 by the Autonomous Women's Centre in Belgrade, as well as regional campaigns. The goal of the action was support to the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence adopted by the Council of Europe in 2011 and recently ratified by the National Assembly of the Republic of Serbia.

For the purpose of improving accessibility to citizens with visual impairments, the Commissioner has prepared several publications in Braille and distributed them to all organization members of the Association of the Blind of Serbia, organizations that are not members of the Association, institutions for visually challenged persons in Serbia as well as to the Library for Visually Impaired Persons at the National Library of Serbia. With support of the IPA 2011 project, the Law on the Prohibition of Discrimination, an information brochure on the mandate of the Commissioner and how to file a complaint, and the Abridged Report of the Commissioner for 2012 were published in Braille. Further, the Abridged Report of the Commissioner was published in the form of an audio book, as well as the Practicum for Protection from Discrimination.

Representative of the Commissioner for Protection of Equality was a member of the expert jury at the competition "The Position and Role of a Woman in the Security Sector in Serbia", organized by the Belgrade Centre for Security Policy. The aim of this award is to support media reporting on women who have an active role in supporting peace building, and to reward the creativity of journalists and their contribution in making the image of women in the security sector clearer, as well as reflecting their full potentials. On the occasion of presenting this award to journalist of RTS Biljana Jovičić, the Jury said that the visibility of the success of women in creating and implementing democratic public policies and practices was essential for the promotion of gender equality and equal opportunities in Serbia.

5.2 Cooperation with Public Authorities

5.2.1 Cooperation with the National Assembly of the Republic of Serbia

The Commissioner for Protection of Equality cooperates with the National Assembly of Serbia and is obliged to submit a report on the situation with regard to the protection of equality once a year, which contains the assessment of work of public authorities, services providers and other persons, observed failures and recommendations for their removal. At the sitting of the Seventh Extraordinary Session in 2013, which took place on July 1st, the National Assembly adopted the Conclusion with regard to the consideration of the 2012 Regular Annual Report of the Commissioner for Protection of Equality. The National Assembly found in this Conclusion that in her Report the Commissioner comprehensively presented activities in the implementation of her legal authority in combating and protecting against discrimination, and in achieving and advancing equality. The Conclusion particularly stressed that the National Assembly, performing its legislative and controlling function, would contribute to achieving and protecting equality and preventing discrimination and that it would respect the Commissioner's recommendations. In addition to this, it would take measures aimed at providing equal representation of the underrepresented gender in the composition of all delegations of the National Assembly in international parliamentary institutions and of all committees of the National Assembly. Also, the National Assembly pointed out that it was necessary that the Government and other state authorities advance cooperation with the Commissioner in the procedure of preparing draft laws and other regulations with regard to the prohibition of discrimination.

In the course of 2013, the Commissioner also submitted two special reports to the National Assembly. The first Special Report dedicated to the position of persons with disabilities, which was presented on May 13th, points to the most frequent and most severe forms of discrimination encountered by this marginalized and vulnerable social group. The Report contains recommendations for improving the situation in this area. On the eve of International Children's Day, the Commissioner presented the Special Report on discrimination against children at the public hearing at the National Assembly on 19 November. This Report provides insight in the prevalence of discrimination against children, as well as data on the prevalence of stereotypes, prejudices and discriminatory attitudes among young people.

In April 2013, a round table discussion was held under the title "Efficient Cooperation of the National Assembly and the Commissioner for Protection of Equality". The participants were presidents and members of parliamentary committees. The aim of the gathering, supported by USAID within the Judicial Reform and Government Accountability project, was to deepen cooperation between the National Assembly and the Commissioner through exchange of information, as well as to support the further work of the institution. The Commissioner pointed out that the annual reports of this independent body could be better used for recognizing priority areas for action in the area of combating discrimination. She called on members of the National Assembly to become more involved and give greater contribution to the implementation of recommendations, which the Commissioner issued to public administration authorities. In September, at the House of the National Assembly, another round table discussion was organized – it focused on efficient cooperation between the National Assembly and independent state authorities and bodies.

Particularly sound cooperation has been established with the Committee for the Rights of the Child and the Committee for Human and Minority Rights and Gender Equality. Representatives of the Commissioner attended the session of the Committee for Human and Minority Rights and Gender Equality dedicated to the issues of improvement of the position of persons with disabilities and presentation of the "Common European Guidelines on the Transition from Institutional to Community-based Care". Further, the Commissioner for Protection of Equality took part at the seminar "Role and Activities of the Committee for Human and Minority Rights and Gender Equality of the National Assembly of Serbia" at the conference dedicated to the achievements and challenges in the implementation of the National Action Plan for UN Resolution 1325 as well as at the national conference of the Women's Parliamentary Network.

The Commissioner for Protection of Equality supported announced amendments to the Labour Law and in March 2013 issued the *Opinion on the provisions of the proposed Law on amendments and supplements to the Labour Law*. In this Opinion, the Commissioner stressed that the proposed solutions would enable better maternity protection, better job security for pregnant women and parents, reduction of differences in labour activity of women with children and women without children and more efficient prevention and combating of discrimination at work on the grounds of pregnancy and parenthood.

5.2.2 Cooperation with the Ministry of the Interior

The seminar "Ministry of the Interior in Prevention and Combating Discrimination" was held in June 2013, where the Commissioner for Protection of Equality spoke about the concept and mechanisms for protection against discrimination. Officers of the Ministry of the Interior who hold leadership positions had an opportunity to learn more about the scope of work of the Commissioner for Protection of Equality, the ways of realizing protection against discrimination and the legal framework that regulates the prohibition of discrimination. The Commissioner presented to the participants complaints lodged against the Ministry of the Interior and reminded them of the recommendations she issued to this Ministry. Also, the Commissioner took this opportunity to point to the importance of ensuring full accessibility of police stations for persons with disabilities.

In July, a meeting with the head of the Basic Police Training Centre and the representatives of the Department for Professional Education Training of the Interior Ministry was held. The discussion pertained to the integration of topics in the area of anti-discrimination into the curriculum of the Basic Police Training Centre. As a result of this cooperation, a two-day advanced training for the representatives of the Ministry of Interior was held in Sremska Kamenica in October, and was aimed at developing professional competences for working with vulnerable social groups in cases of discrimination.

5.2.3 Cooperation with Local Self-Governments

The Commissioner for Protection of Equality has continued successful cooperation with selected gender equality mechanisms and free legal aid offices at the local level. In the course of 2013, representatives of the Commissioner's Professional Service visited Vladičin Han, Leskovac, Medijana municipality in Niš, Ćuprija, Paraćin, Kragujevac and Bački Petrovac. Topics discussed at working meetings with the representatives of local self-governments, free legal aid offices and gender equality mechanisms included the authority and role of the Commissioner for Protection of Equality in combating gender-based discrimination and the model of future cooperation with local gender equality mechanisms. In addition, the Gender Equality Council of the Town of Užice organized a lecture about the role of the Commissioner for Protection of Equality in combating discrimination and achieving equality. On that occasion, the Commissioner for Protection of Equality presented experiences to date in this area and made recommendations for future action of local self-governments, institutions and non-governmental organizations in combating discrimination. The implementation of gender equality at the local level was discussed at the conference "Meeting with the Presidents of Municipalities and Towns aimed at Monitoring the Situation in the Area of Gender Equality at the Local Level" which was held in Belgrade in December. At the conference, the Commissioner presented the activities of the Commissioner on advancing gender equality and the possibilities for the implementation of the Law on the Prohibition of Discrimination and the Law on Gender Equality at the local level.

With support of the IPA 2011 Project "Implementation of Anti-Discrimination Policies in Serbia", a Protocol on Cooperation was signed on October 29th 2013 between the Commissioner for Protection of Equality, the Office for Human and Minority Rights, Standing Conference of Towns and Municipalities and eleven local self-government units. In the following two years, there were plans to carry out several activities, which would include the representatives from selected self-governments from Bor, Ivanjica, Jagodina, Kosjerić, Leskovac, Loznica, Novi Pazar, Odžaci, Prijepolje, Vranje and Žitiste. One of the first activities was the seminar titled "How to Prevent Discrimination in the Process of Creation of Local Regulations", which was attended by two representatives – legal specialists – from each local self-government unit included in the project. The target group for this activity was the staff of local administration whose daily work includes the preparation of regulations to be passed by local self-government authorities. The most efficient modalities to combat discrimination that have been achieved through the work with this target group pertain to preventing the adoption of legal acts which contain discriminatory provisions and harmonizing local regulations with anti-discrimination legislation of the Republic of Serbia. At the same time, one of the efficient models of work has been specified, and the Commissioner will apply it in the future for the purpose of the prevention of discrimination.

Further project activities envisage the organization of 11 informative sessions dedicated to the strengthening of cooperation with local self-government units. At the end of December 2013,, two roundtables were organized in the municipality of Žitiste, where the mandate of the Commissioner for Protection of Equality was presented, as well as the mechanism for protection against discrimination and the Commissioner's work on the advancement of equality. Another topic discussed on this occasion is hate speech; the discussion sought to inform local actors about the topic of graffiti used for the spread of hate speech as one of the significant indicators of social relations and discriminatory behaviours towards different groups and the ways and methods to combat such public expression of intolerance. Participants at these events were representatives of municipal authorities, the Commission for Gender Equality, social welfare centre, the National Employment Council, non-governmental organizations, trade unions, educational institutions, police, judiciary and media. It is planned to hold informative sessions in the remaining local self-government units by June 2014.

For the purpose of improving accessibility for citizens in local self-government units, the Commissioner has prepared several publications in the languages of national minorities. The Commissioner's Abridged Report for 2012 was published in Albanian, Hungarian, Slovak, Romanian and Roma. Moreover, the information brochure "Equality – Our Right and Our Responsibility" and a complaint form for initiating a procedure before the Commissioner have been translated into Albanian, Bulgarian, Czech, Hungarian, Macedonian, Slovak, Ruthenian, Romanian and Roma.

5.2.4 International Cooperation

Cooperation with regional and international organizations and institutions was intensified in the course of 2013. In addition to cooperation with missions and offices of international organizations in Serbia that had already been established, as well as regular activities within the membership in the European Network of Equity Bodies (EQUINET), the institution of the Commissioner has also established cooperation and developed partnerships with other organizations. Study visits and working meetings with foreign partners have contributed to the exchange of experiences and the implementation of activities on combating discrimination and increasing the capacities of the institution of the Commissioner.

New partnerships have been established with independent bodies from foreign countries. Following the invitation of the Ombudsman of the Republic of Macedonia, in September 2013 the Commissioner and her assistants took part at the Regional Conference "Particular Challenges in Dealing with Discrimination Complaints on Grounds of Ethnicity – A Regional Practitioners' Exchange" organized jointly by the project "Best Practice for Roma Integration" and the Ombudsman of the Republic of Macedonia. The Commissioner moderated a session titled "Typology of Discrimination Cases on the Ground of Ethnicity" during which the representatives of independent bodies of different countries presented to other participants at the conference the diversity of complaints they received pertaining to discrimination on the ground of ethnicity and possible typology of such cases.

With support of the British Foreign Affairs and Commonwealth Office and in cooperation with the AIRE Centre, in June 2013 the first seminar aimed at strengthening capacities of the Commissioner's Professional Service for conducting strategic litigations in discrimination cases was held. Special emphasis in work with experts from the AIRE Centre was placed to the indicators for the selection of strategic cases.

5.2.5 Cooperation with the United Nations Development Programme (UNDP)

In the course of 2013, several meetings were held with the representatives of the United Nations Development Programme (UNDP) on further support, which this international organization has been continuously providing for the institution of the Commissioner since its establishment. At working meetings, activities with regard to strategic priorities of the Commissioner were agreed upon as well as further increasing visibility and improving the efficiency of the institution's work.

In partnership with the Judicial Academy and with UNDP support, the Commissioner organized the first national moot court competition in the area of protection against discrimination in the period from June to December 2013. At the competition held on December 20–21, 22 teams from all nine accredited law schools from the whole Serbia took part, as well as a team of one non-governmental organization. Judges at the moot court competition were the judges of the Supreme Court of Serbia, Appellate Court in Niš, lawyers and other reputable legal professionals.

Thanks to UNDP support, in late 2013 the Commissioner organized two surveys on discrimination to be conducted, the "Attitude of Public Administration Representatives to-wards Discrimination in Serbia" and "Citizens' Attitudes on Discrimination in Serbia".

5.2.6 Cooperation with UN WOMEN – United Nations Entity for Gender Equality and the Empowerment of Women

In November and December 2013, within cooperation with the UN Entity for Gender Equality and the Empowerment of Women (UN Women) through the European Partnership with Municipalities Programme (EU PROGRESS), visits to towns and municipalities in Southern Serbia were organized to present the mechanisms of protection against discrimination. The Commissioner and the staff of the Commissioner's Professional Service had a number of meetings with the representatives of local authorities and the non-governmental sector in Vranje, Bujanovac, Leskovac and Vlasotince. In addition to presenting the mandate and activities of the institution, one of the main topics of the meetings was discrimination against women. In addition to meetings with the representatives of local self-governments and direct communication with citizens who had an opportunity to get informed about how to file a complaint, the inhabitants of the village of Ladovica also expressed great interest in the work of the Commissioner during the meeting with the members of associations dealing with the promotion of equality of women in rural areas.

In accordance with the National Action Plan for the Implementation of the UN SC Resolution 1325 – Women, Peace and Security in the security sector of the Republic of Serbia, the UN Women and the Multi-sector Coordination Body of the Government of Serbia organized in March 2013 a training, which lasted for several days, for future educators of "persons of trust" – persons who would be dealing with issues of gender equality and discrimination in institutions they worked. The staff of the Commissioner's Professional Service took part in the training in order to train the educators how to recognize cases of discrimination. They also participated in writing instructions for the "persons of trust". For the purpose of sustainability and further advancement of this mechanism, the Ministry of Defence organized another seminar with support of UN Women and the Commissioner for Protection of Equality

in December 2013. The seminar was attended by the appointed "persons of trust" from the Ministry of Defence and the Serbian Army, the Department for Execution of Criminal Sanctions of the Ministry of Justice and Public Administration, the Security Information Agency and by the appointed counsellors for gender equality at ministries, departments and agencies responsible for the implementation of the National Action Plan, the president of the Committee for Monitoring the Implementation of the National Action Plan of the National Assembly of Serbia and others.

In cooperation with UN Women, there is a plan to publish educational materials in the Albanian and Roma languages, specifically the Practicum for the Protection against Discrimination and the brochure on gender equality and gender-based discrimination. This fruitful cooperation will continue in 2014 in the form of visits to local self-governments in Prijepolje, Novi Pazar and Prokuplje.

5.2.7 Cooperation with UNICEF

The Commissioner for Protection of Equality has continued successful cooperation with UNICEF Office in Serbia based on the agreement of long-term cooperation on prevention of all forms of discrimination against children. The second consecutive seminar intended for children and youth titled "Discrimination in Education" was held In August 2013. The seminar sought to teach the participants to recognize discrimination, not to discriminate against, as well as to use mechanisms for protection against discrimination Busters", aged 15 to 18, from Serbia. Young panellists prepared reports on the level of accessibility of their schools for children with developmental impairments and children with disabilities, which constitute an integral part of the Commissioner's Special Report on Discrimination against Children and Youth in Serbia. Within the seminar, special workshops were held on the topic "Developmentally Challenged Children and Children with Disabilities". In November 2013 a seminar for the members of Youth Parliament was held to prepare them to present the Special Report on Discrimination against Children at the National Assembly.

In cooperation with UNICEF Serbia Office, the Special Report on Discrimination against Children in Serbia was prepared. The Report was presented on November 19th 2013 at the public hearing at the National Assembly organized by the National Assembly's Committee on the Rights of the Child. Key findings of the Report were presented by the members of the Youth Panel of the Commissioner for Protection of Equality. President of the Committee on the Rights of the Child Nebojša Stefanović, UNICEF Serbia representative Michel Saint-Lot and the Commissioner spoke at the presentation.

With UNICEF's support, the second edition of the publication "We Are All Equal and We Can Live Together" was published. This publication is intended for children, and through a creative game enables them to acquire knowledge on the importance of tolerance and respect for differences.

5.2.8 Cooperation with the Council of Europe

Cooperation with the office of the Council of Europe in Belgrade has continued through the project "A Living Library". In 2013, "Living Libraries" were held in Novi Pazar,

Smederevo and Belgrade, where the readers had an opportunity to "take and read" some of the "living books", i.e. to talk to persons who belong to social groups towards which there is the highest level of prejudices and discriminatory attitudes. In April 2013, at the gathering at the National Library of Serbia, a film on the project titled "Don't Judge a Book by its Covers" was presented as well as the publication "A Guide for the Organizers of a Living Library". The Living Library was organized at the Book Fair for the second time, where more than 700 readers of this unique library had an opportunity to talk to the members of stigmatized social groups: Roma, homosexuals, transgender persons, persons living with HIV, persons with disabilities and others. The project has attracted significant media attention and coverage.

In May 2013, the delegation of the Advisory Committee of the Council of Europe's Framework Convention for the Protection of National Minorities talked with the staff of the Professional Service of the Commissioner for Protection of Equality during their visit to Serbia. The aim of the meeting was to obtain complete information about the fulfilment of obligations arising from the Convention. Members of the delegation wanted to learn more about the complaints pertaining to national minorities and the Commissioner's activity on their protection and the improvement of equality. Special emphasis was put on the position of Roma.

The Commissioner for Protection of Equality met in November 2013 with the members of the delegation of the Monitoring Committee of the Council of Europe Parliamentary Assembly. They discussed cooperation of the institution of the Commissioner for Protection of Equality with legislative and executive authorities, in particular with the Serbian National Assembly, but also with the Ombudsman and civil society. Representatives of this European body were particularly interested in the implementation of the Council of Europe's Resolution 1858, which pertains to Serbia's progress in the key areas of EU integration. It has been concluded that there is extensive work ahead of Serbia regarding the implementation of the national Strategy for Prevention and Protection against Discrimination.

In the framework of the Council of Europe's project "Combating Discrimination on the Grounds of Sexual Orientation and Gender identity", a seminar on collecting data and conducting research on the position of LGBT persons was held in Riga in April 2013. Participants at the seminar were the representatives from all partner countries in the project – Albania, Montenegro, Italy, Poland, Latvia, as well as the representatives of the Commissioner for Protection of Equality.

5.2.9 Cooperation with OSCE Mission to Serbia

At the beginning of 2013, the Commissioner for Protection of Equality had a meeting with the new Head of the OSCE Mission to discuss the continuation and deepening of cooperation and specific plans for 2013. In April, the Commissioner met with the members of the Delegation of OSCE High Commissioner on National Minorities. Members of the delegation were particularly interested in the Commissioner's work on combating discrimination on the ground of national affiliation and ethnic origin. Readiness has been expressed for OSCE to support the development of the Commissioner's cooperation with the national councils of national minorities.

The Commissioner for Protection of Equality and the Judicial Academy, with support of the EU PROGRES Programme and OSCE Mission to Serbia, promoted the manual "Court Civil

Protection from Discrimination". The Manual, prepared by 13 authors, presents educational material intended for judges and other legal professionals and it should help them understand and properly interpret regulations on civil law protection against discrimination in court and thus contribute to the improvement of efficiency of protection against discrimination and more successful combating of this negative social phenomenon. The Manual was used as a teaching material for the training of judges, which continued into 2013 with support of the OSCE Mission.

Organized by the OSCE and ZFD Forum, an international conference on peer mediation took place in Ohrid in October 2013. Within the panel on strategies to prevent violence in schools, a special mediation model in cases of discrimination that is implemented within the service of the Commissioner for Protection of Equality in Serbia was presented.

In November 2013, with OSCE's support, the Commissioner for Protection of Equality and legal specialists from the Commissioner's Professional Service visited the Hungarian Equal Treatment Authority, as well as the international organizations European Roma Rights Centre and Mental Disability Advocacy Centre. During the study visits, activities and experiences of these organizations were presented with regard to strategic litigations before the European Court of Human Rights in Strasbourg.

5.3 Cooperation with the European Network of Equality Bodies (EQUINET)

The Commissioner for Protection of Equality continued her regular activities within the membership in the European Network of Equity Bodies (EQUINET).

Several working meetings of the EQUINET were held in the course of the year, where the representatives of the Commissioner took an active part. Topics discussed at the meetings of the working group *Communication Strategies and Practices* included media strategies, harmonization of work of legal departments with the work of public relations departments, challenges and problems faced by communication departments in different European equality bodies and possible ways for solving them. Two meetings of the working group *Policy Formation* were held during this period as well as training on cooperation and work with bodies responsible for respecting the principle of equality and gender equality training on equal pay.

The Commissioner for Protection of Equality participated in the work of the EQUI-NET General Annual Meeting.

The Commissioner was making full use of the benefits afforded by membership in EQUINET, giving her full contribution to its development. Appreciating this contribution and giving full support to the work of the Commissioner, the General Assembly of EQUINET decided that the autumn session of the EQUINET Executive Board in 2014 shall be held in Belgrade, when the seminar of European equality bodies dedicated to the discussion of affirmative measures will be organized.

5.4 Other forms of cooperation

The Commissioner for Protection of Equality and the Office for Human and Minority Rights jointly implement the activities aimed at awareness raising of the citizens of Serbia in fighting discrimination within the project "Implementation of Anti-Discrimination Policy in Serbia" (IPA 2011). Within her project activities, in March 2013 the Commissioner organized a specialized training "Mediation in Discrimination Cases". The training was implemented with the aim of developing mediation as a way for acting upon complaints of discrimination. Fourteen participants from ten towns in Serbia acquired knowledge and skills for successful usage of this model. The most successful participants were proposed to be included into the uniform List of Mediators of the Commissioner for Protection of Equality who will take part in the peace-ful settlement of discrimination cases.

The institution of the Commissioner for Protection of Equality supported persons and social groups discriminated against in the field of sports at the 26th Belgrade Marathon with the motto "To the Finish Line on an Equal Footing". In addition to receiving gifts, the participants had an opportunity to learn more about the work of the Commissioner for Protection of Equality and test their knowledge in the area of discrimination. The action "To the Finish Line on an Equal Footing" has brought together a great number of visitors, especially children, which represents a sort of incentive for continuously working on the improvement of the conditions of the members of vulnerable social groups in sports and recreational activities.

In 2013, the Commissioner for Protection of Equality participated again as a lecturer at the School of Human Rights which was organized, for the 19th time in a row, by the Belgrade Centre for Human Rights. The Commissioner also participated at a panel discussion on gender equality and social inclusion at the Faculty of Political Science, as well as at the conference "Balkan Countries and EU: on the Path to EU Membership", where she gave a lecture to foreign students on the role and authority of the Commissioner. Within the project "Internship Programme for Minority Youth in State Institutions in Serbia", implemented by the Office for Human and Minority Rights in cooperation with the Embassy of the United Kingdom and the Royal Dutch Embassy, 15 interns and members of the Albanian, Bosniak and Roma minority visited the institution of the Commissioner for Protection of Equality. Students with disabilities from Moldova also visited the Commissioner in October. This was part of a study visit organized by the Centre for Social Orientation. The students had an opportunity to learn more about the work of the Commissioner, with special emphasis being put on the Special Report on Discrimination against Persons with Disabilities and complaints filed to the institution of the Commissioner by individuals and organizations dealing with the position of this marginalized and vulnerable social group.

On the occasion of International Day of Persons with Disabilities – December 3rd, the Commissioner for Protection of Equality visited the residents of the Home for Persons with Disabilities, an institution for residential care for persons with physical disabilities. There, she talked with the residents about the problems they face in their daily lives.

The Commissioner for Protection of Equality provides free access to general acts from its jurisdiction, information of public interest and other information, which make citizens more familiar with the work of the Commissioner.

The Commissioner provides free access to information by acting upon requests for free access to information of public interest, publishing an information booklet about its work and other information on the website, reporting to the National Assembly, informing the public via communications, publications, press conferences and in other appropriate ways.

The information booklet about the work of the Commissioner for Protection of Equality was first published on December 29, 2010. It has been updated and improved on a regular basis ever since.

Since 31January 2013 the Commissioner for Protection of Equality received 16 requests for free access to information of public interest. Eleven requests were submitted by citizens and four by the media. One request for access to information was submitted by a civil society organization.

No.	Requests by	No. of submitted requests	No. of accepted requests	No. of dismissed requests	No. of rejected requests
1	Citizens	11	11	_	_
2	Media	4	4	-	-
3	Non-governmental and other civil society organizations	1	1	_	_
4	Political parties	-	-	-	-
5	Public administration	-	-	-	-
6	Others	_	_	_	-
7	Total	16	16	_	_

Overview of submitted requests by category:

COMMISSIONER FOR PROTECTION OF EQUALITY • Address: Beogradska 70, 11000 Belgrade • Phone: +381 11 243 64 64 www.ravnopravnost.gov.rs • e-mail: poverenik@ravnopravnost.gov.rs In providing information, the Professional Service of the Commissioner for Protection of Equality pays special attention to the protection of personal data in accordance with the Law on the Protection of Personal Data¹⁹.

The Commissioner for Protection of Equality has registered nine collections of personal data into the Central Register. The Register is available on the website of the Commissioner for Information of Public Interest and Protection of Personal Data http://www.poverenik.rs.

The Chief of the office of the Commissioner for Protection of Equality takes care of cooperation with the media in accordance with the Rules of Internal Organization and Systematization of Posts within the Professional Service of the Commissioner for Protection of Equality²⁰.

An employee who has been appointed in accordance with the Decision on the Appointment of an Authorized Person for Acting upon Requests for Free Access to Information of Public Interest takes care of free access to information of public interest.

For the purpose of easier access to the right to free access to information of public interest, citizens have the possibility to see and download from the Commissioner's website forms with examples for submitting requests and complaints for free access to information. The request can be filed in writing without using such a form. It is important to state clearly in the request the information requested and what it refers to, i.e. as precise as possible a description of the information. The request may, but does not have to, contain reasons for asking for information and other data which make searching for the information easier.

Insight into the document that contains required information is free of charge in accordance with the Law on Free Access to Information of Public Interest.²¹

The request to access information of public interest which pertain to the work of the Commissioner for Protection of Equality may be submitted in writing by any interested person or organization and sent to: Poverenik za zaštitu ravnopravnosti, Beogradska 70, Beograd or by email: poverenik@ravnopravnost.gov.rs.

^{19 &}quot;Official Gazette of RS", no. 97/08.

²⁰ Rules of Internal Organization and Systematization of Posts within the Professional Service available at www.ravnopravnost.gov.rs

^{21 &}quot;Official gazette of RS", no. 120/04, 54/07, 104/09 and 36/10.

7 REPORT ON IMPLEMENTATION OF THE FINANCIAL PLAN

In 2013, the Commissioner for Protection of Equality was allocated funds in the total amount of RSD 89,346,000 pursuant to the Law on the Budget of the Republic of Serbia.

In the structure of planned expenditures, expenditures for salaries and wages accounted for 46%. These were the costs of salaries and wages not only of current employees, but also of the persons that were yet to be employed given the needs of the Commissioner.

According to the Law amending and supplementing the Law on the Budget of the Republic of Serbia ("Official Gazette of RS", no. 59/13), the total amount of funds was reduced by 15% to the level of RSD 76,141,000. Thanks to reasonable execution of the allocated budgetary funds, a total of RSD 52,301,029.52 was spent, i.e. 73% of available funds.

The funds envisaged by the budget were used for financing regular activity of the Commissioner for Protection of Equality in accordance with the Commissioner's financial Plan for 2013.

Besides budgetary funds, the Commissioner for Protection of Equality also used the funds from donations in the total amount of RSD 7,774,233.55. The structure of these funds was as follows:

 Donations from foreign countries 	RSD 6,920,391.55 (89%)
European Commission – project Progress	
Kingdom of the Netherlands – project <i>Equal chance</i> for better prospects – Strengthening Roma people in combating discrimination	
Kingdom of Norway – project <i>Making equality a reality</i>	
 Donations from international organizations UNICEF 	RSD 169,752.00 (2%)
- Unspent donations from the previous period	RSD 684,090.00 (9%)

8 RECOMMENDATIONS FOR COMBATING DISCRIMINATION AND ACHIEVING EQUALITY

The Regular 2012 Annual Report stated 15 recommendations to be implemented for the purpose of more efficient and effective prevention and combating discrimination. Most of these recommendations were contained it the Report for 2011. In the Conclusions on the 2012 Regular Annual Report of the Commissioner for Protection of Equality²² adopted on 1st of July 2013, the National Assembly concluded that the duty of all state and public authorities was to comply with the recommendations of the Commissioner and to contribute to prevention of all forms and kinds of discrimination. The Conclusion pointed out that there is a need that the Government and other state authorities improve cooperation with the Commissioner in the procedures of preparation of draft laws and other regulations pertaining to the prohibition of discrimination.

During the last year, the Commissioner's recommendations related to specific cases of discrimination were mostly implemented. However, similar as in previous years, the recommendations made in the Regular Annual Report for 2012, as well as general recommendations pertaining to taking measures for combating discrimination and achievement of equality were only partially implemented.

Recommendation of the Commissioner pertaining to adoption of a national strategy for combating discrimination was partially implemented. Namely, in June 2013 the Strategy for Prevention and Protection against Discrimination has been adopted and it defined a comprehensive and harmonized anti-discrimination policy of the state with the purpose of integrating the principles of equality and non-discrimination into all areas of the institutional system. However, an Action plan for implementation of the Strategy has not yet been adopted, even though the Commissioner recommended in 2011 that these two documents should be adopted at the same time, which delayed the implementation of the Strategy.

Certain progress is visible in the area of training of the judiciary and other public authorities. Numerous trainings and educations organized by the Judicial Academy, Criminalistic and Police Academy and the Ministry of Interior, enabled improvement of knowledge and understanding of the phenomenon of discrimination and anti-discrimination regulations of judges, public prosecutors and police officers. Educational programmes were implemented in the framework of the Government Human Resource Management Service. However, this practice is still occasional and sporadic.

During the last year, the area of education has been reformed by adoption of a set of laws which set the legal framework for the development of inclusive education and achieving equality in access to education. In addition to creating conditions for equal access to education, the laws also provide for the development and respect for racial, national, cultural, linguistic, religious, gender and age equality and tolerance as one of the goals of education, prescribing the duty of the teachers and other persons employed in schools to promote equality among all pupils and to actively confront and resist all kinds of discrimination and violence. It is expected to take measures and activities that would provide implementation of legal regulations.

22 "Official Gazette RS", no. 57/13.

In the area of health care, laws which regulate patients' rights and accommodation and keeping persons with mental impairments in psychiatric institutions in a new way have been also adopted. These laws explicitly prescribe the principle of non-discrimination.

Laws which need to reform the area of public information have not been adopted yet. Despite relatively frequent cases of hate speech spreading via media, there is still no adequate and timely response of the regulatory bodies.

The Law on Free Legal Aid has not been adopted yet, while the offered solutions are not satisfactory from the aspect of achieving equal opportunities in access to justice, which adversely affects in particular persons from the vulnerable and marginalized social groups, who are often exposed to discrimination.

Taking into consideration earlier recommendations, most of them being still valid, bearing in mind the need to ensure conditions for implementation of the new laws, on the basis of the information acquired in the complaint procedures, and insight in key problems regarding achieving and protection of equality, we are hereby issuing the following recommendations:

1. Complete the work on the Action Plan for the Implementation of the Strategy for Prevention and Protection against Discrimination, and ensure sufficient financial resources for all planned measures. The Action Plan should set measures for the establishment of a uniform system for the collection of data on discrimination and the effects of the implementation of mechanisms for protection against discrimination.

2. Timely start the preparation of strategic documents expiring in 2015, such as the National Strategy for Improving the Position of Women and Promoting Gender Equality (2009–2015), the National Action Plan for Children (2004–2015), the National Strategy for Improvement of the Position of Roma, Roma Decade 2005–2015, the Strategy on Aging (2009–2015), the Action Plan for the Implementation of the Strategy for Improving the Position of Persons with Disabilities (2013–2015), etc.

3. Intensify the work on implementing measures established under national, provincial and local strategic documents and action plans designed to enable the achievement of full equality of deprived, vulnerable and marginalized social groups: Roma, persons with disabilities, the elderly, refugees and internally displaced persons, the poor and other socially disadvantaged persons, including children and women who belong to these groups. These measures should be implemented in order to create conditions for these populations to effectively enjoy all guaranteed rights without any form of direct or indirect discrimination. Include representatives of vulnerable social groups in these activities.

4. Continue work on the training of judges, public prosecutors, police officers and public servants in the area of anti-discrimination law.

5. Continue work on gender mainstreaming at the national, provincial and local level. Ensure consistent enforcement of the rule on gender analysis of draft laws and regulations and the analysis of their impact on women and men.

6. Undertake all necessary measures to ensure that the composition of state authorities, local self-government authorities and other public authorities corresponds to the national structure of the population on their respective territories by increasing the number of employed members of national minorities and their education and training in this regard.

7. Harmonize legal regulations, which specify conditions and procedure for registering non-traditional religious communities, with national and international standards on the equality of churches and religious communities in order to prevent indirect discrimination against such religious communities and believers.

8. Adopt, without delay, the Rulebook on more precise criteria for recognizing the forms of discrimination in educational institutions by an employee, a pupil and a third party, and ensure all conditions for its implementation.

9. Create and implement educational programmes intended for teachers, educators and other persons employed at schools in order to train them to recognize and prevent discrimination, promote equality among pupils, actively combat all types of discrimination and implement inclusive education.

10. Undertake measures for integrating into the school curricula and teaching materials topics that develop the culture of peace, tolerance, understanding and respect for differences, gender equality and non-discrimination. Remove from teaching materials discriminatory contents and contents which support stereotypes and prejudices.

11. Provide equal opportunities for access to higher education to young people from underrepresented groups, including persons with disabilities, by introducing special measures and supplementing standards for the accreditation of higher education institutions with regard to the accessibility of premises, ensuring assistive technologies and adequate student support services. Initiate the adoption of internal rules on handling cases of discrimination in higher education institutions.

12. Create and implement educational programmes for health workers and other staff employed in health institutions with the aim of increasing the level of their knowledge about and understanding of discrimination and complying with the regulations that prohibit it. Include into similar educational programmes counsellors for the protection of patients' rights and members of local health councils, as well as the employees of the Republic Health Insurance Fund and its branch offices.

13. Legally regulate the field of public information in accordance with anti-discrimination regulations and ensure appropriate education of journalists in the area of anti-discrimination law. Ensure that the public broadcasting service produces and broadcasts programmes that, through their contents, make possible the expression of the cultural identity of national minorities and ethnic groups, including the creation of conditions for them to follow these programmes in their own language and script. Ensure the broadcasting of the programmes in formats adjusted to persons with disabilities.

14. Equate the Republic of Serbia as the employer for direct and indirect budgetary users with other employers in regards to the manner of complying with the obligation of employing persons with disabilities.

15. Remove from legal regulations all inadequate and stigmatizing terms used to designate persons with disabilities ("blind", deaf", "mute", "handicapped person", "person with special needs" etc.) and replace them with uniform and correct terms. In this respect, supplement the Common Methodology Rules for Drafting Regulations ("Official Gazette of RS", no. 21/10).

16. Reform regulations on the removal of legal capacity in accordance with the contemporary social model of disability and international standards in this area in order to ensure that persons with disabilities, with appropriate support, enjoy all their guaranteed rights on an equal footing.

17. Revise the Strategy on the Development and Promotion of Corporate Social Responsibility (2010–2015) by introducing special measures that contribute to the elimination of social exclusion and discrimination against members of vulnerable groups. Introduce special measures to ensure that employers implement the principle of equal opportunities and non-discrimination in the field of work and employment.

18. Adopt the Law on Free Legal Aid that would ensure effective access to justice without discrimination on any grounds, including access to justice for victims of discrimination.

19. Undertake all necessary measures aimed at eliminating security threats and creating conditions for the 2014 Pride Parade to take place unhindered. Adopt regulations that would enable the registration of same-sex couples and regulate the effects, legal consequences and modalities of dissolving registered partnerships in accordance with the recommendations of the Council of Europe.

20. Provide appropriate premises for the work of the Professional Service of the Commissioner for Protection of Equality.

9 ANNEX: STATISTICAL OVERVIEW OF THE COMMISSIONER'S WORK IN 2013

Number of cases by years

Cases	2010	2011	2012	2013
Complaints	124	346	465	716
Recommendations for taking measures	2	22	117	24
Lawsuits		3	5	3
Opinions on draft laws and regulations		2	3	6
Misdemeanour charges		2	6	2
Proposals to the Constitutional Court			1	2
Legislative initiatives		2	1	
Warnings	1	8	2	10
Public announcements*	4	22	17	15
Total number of cases*	127	385	600	763

* Public announcements are not counted in the Total number of cases.

Number of cases in 2013

Cases	2013
Complaints	716
Recommendations for taking measures	24
Public announcements*	15
Warnings	10
Opinions on draft laws and regulations	6
Lawsuits	3
Misdemeanour charges	2
Proposals to the Constitutional Court	2
Legislation initiatives	
Total number of cases*	763

* Public announcements are not counted in the Total number of cases.

Complainants

Physical persons

Physical persons as complainants	2013	%
Men	336	60,9
Women	214	38,8
Unknown	2	0,3
Total	552	100,0

Other complainants

Complainants	2013	%
Physical persons	552	77,1
Organizations	142	19,8
State authorities	10	1,4
Legal persons	9	1,3
Groups of persons	3	0,4
Total number of complainants	716	100,0

Basis for discrimination (personal characteristic)

Discrimination complaints	Number	%
Complaints in which personal characteristic is stated	474	66,2
Complaints in which personal characteristic is not stated	242	33,8
Total number of complaints	716	100,0

Complaints in which personal characteristic is stated	Number	%
Health condition	109	16,5
National affiliation or ethnic origin	81	12,2
Age	68	10,3
Disability	66	10,0
Marital and family status	60	9,1
Gender	48	7,3
Financial situation	45	6,8
Other personal characteristic	45	6,8
Sexual orientation	25	3,8
Religious belief or political opinion	22	3,3
Membership in political, trade union or other organizations	22	3,3
Conviction status	15	2,3
Appearance	11	1,7
Genetic characteristics	10	1,5
Citizenship	9	1,4
Ancestors	5	0,8
Race	5	0,8
Skin colour	4	0,6
Language	4	0,6
Gender identity	4	0,6
Birth	4	0,6
Total number of stated personal characteristics*	662	100,0

* In certain complaints more than one personal characteristic is stated as ground for discrimination.

Complaints in which the personal characteristic is stated by complainant	Number	%
Health condition	109	16,5
Organizations	66	
Legal persons	2	
Physical persons	41	
Men	37	
Women	4	
National affiliation or ethnic origin	81	12,2
Organizations	17	
Legal persons	1	
State authority	4	
Physical persons	59	
Men	45	
Women	13	
Unknown persons	1	
Age	68	10,3
Organizations	21	
State authority	1	
Physical persons	46	
Men	26	
Women	20	
Disability	66	10,0
Organizations	2	
State authority	1	
Physical persons	63	
Men	52	
Women	11	

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Marital and family status	60	9,1
Organizations	5	
Legal persons	1	
State authority	1	
Physical persons	53	
Men	20	
Women	33	
Gender and gender identity	52	7,9
Organizations	6	
Legal persons	1	
State authority	1	
Physical persons	44	
Men	12	
Women	32	
Financial situation	45	6,8
Organizations	15	
Physical persons	30	
Men	22	
Women	8	
Sexual orientation	25	3,8
Organizations	17	
Physical persons	8	
Men	8	
Religious belief or political opinion	22	3,3
Organizations	4	
Groups of persons	1	
State authority	1	

Total number of stated personal characteristics*	662	100,0
Women	26	
Men	64	
Physical persons	90	
Legal persons	1	
Organizations	6	
Other personal characteristics	97	14,7
Men	15	
Physical persons	15	
Conviction status	15	2,3
Women	2	
Men	13	
Physical persons	15	
Organizations	7	
Membership in political, trade union or other organizations	22	3,3
Women	3	
Men	13	
Physical persons	16	

* In certain complaints more than one personal characteristic is stated as ground for discrimination.

Basis for discrimination by number (one/more personal characteristics)

Complaints in which personal characteristic is not stated	242
Complaints in which one personal characteristic is stated	365
Complaints in which more than one personal characteristic is stated	109
Total number of complaints	716

Other basis

The table below shows other personal characteristics. Percentage values presented in the table are calculated in comparison to the total number of complaints in which personal characteristic is stated.

Other personal characteristics by complainant	Number	%
Other personal characteristic	45	6,8
Legal persons	1	
Organizations	4	
Physical persons	40	
Men	25	
Women	15	
Appearance	11	1,7
Organizations	2	
Physical persons	9	
Men	5	
Women	4	
Genetic characteristics	10	1,5
Physical persons	10	
Men	10	
Citizenship	9	1,4
Physical persons	9	
Men	6	
Women	3	
Ancestors	5	0,8
Physical persons	5	
Men	4	
Women	1	

TOTAL – other personal characteristics		97	14,7
Women	1		
Men	3		
Physical persons		4	
Birth		4	0,6
Women	1		
Men	3		
Physical persons		4	
Language		4	0,6
Men	4		
Physical persons		4	
Skin colour		4	0,6
Women	1		
Men	4		
Physical persons		5	
Race		5	0,8

Areas of social relations the complaints pertain to

Complaints by discrimination area	Number	%
In the procedure of employment or at work	245	34,2
Procedures before public authorities	147	20,5
Health protection	75	10,5
Education and professional training	61	8,5
Provision of public services or use of facilities and areas	40	5,6
Social protection	38	5,3
Other	35	4,9
Public information and media	27	3,8

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Housing	13	1,8
Private relations	12	1,7
Culture, arts, sports	6	0,8
Activities in political parties, NGOs and other organizations	5	0,7
Property rights and relations	4	0,6
Pension and disability insurance	4	0,6
Realization of religious rights	3	0,4
Judiciary	1	0,1
Total number of complaints	716	100,0

Discrimination areas by complainants	Number	%
In the procedure of employment or at work	245	34,2
Legal persons	4	
Organizations	16	
Groups of persons	1	
State authority	6	
Physical persons	218	
Men	107	
Women	110	
Unknown persons	1	
Procedures before public authorities	147	20,5
Legal persons	2	
Organizations	9	
State authority	2	
Physical persons	134	
Men	109	
Women	25	

Health care	75	10,5
Organizations	67	
Physical persons	8	
Men	5	
Women	3	
Education and professional training	61	8,5
Organizations	4	
Groups of persons	1	
Physical persons	56	
Men	19	
Women	37	
Provision of public services or use of facilities and areas	40	5,6
Legal persons	1	
Organizations	5	
Physical persons	34	
Men	28	
Women	6	
Social protection	38	5,3
Organizations	16	
State authority	1	
Physical persons	21	
Men	16	
Women	5	
Other	35	4,9
Organizations	4	
State authority	1	
Physical persons	30	

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Men	19	
Women	11	
Public information and media	27	3,8
Organizations	10	
Groups of persons	1	
Physical persons	16	
Men	13	
Women	2	
Unknown persons	1	
Housing	13	1,8
Organizations	2	
Physical persons	11	
Men	7	
Women	4	
Private relations	12	1,7
Physical persons	12	
Men	5	
Women	7	
Culture, arts, sports	6	0,8
Legal persons	2	
Organizations	1	
Physical persons	3	
Men	3	
Activities in trade unions, political parties, NGOs and other organizations	5	0,7
Organizations	4	
Physical persons	1	
Women	1	
Total number of complaints	716	100,0
----------------------------------	-----	-------
Men	1	
Physical persons	1	
Judiciary	1	0,1
Organizations	3	
Realization of religious rights	3	0,4
Women	2	
Men	2	
Physical persons	4	
Pension and disability insurance	4	0,6
Women	1	
Men	2	
Physical persons	3	
Organizations	1	
Property rights and relations	4	0,6

Work and employment

Personal characteristics in the area of work and employment	Number	%
Complaints in which personal characteristic is not stated	108	37,0
Complaints in which personal characteristic is stated	184	63,0
Marital and family status	33	17,9
Legal persons	1	
Organizations	2	
State authority	1	

Physical persons	29	
Men	2	
Women	27	
Gender	24	13,0
Legal persons	1	
Organizations	1	
State authority	1	
Physical persons	21	
Men	4	
Women	17	
Age	20	10,9
Organizations	2	•
Physical persons	18	•
Men	8	•
Women	10	•
National affiliation or ethnic origin	19	10,3
Legal persons	1	
Organizations	2	
State authority	3	
Physical persons	13	
Men	10	
Women	3	
Disability	17	9,2
State authority	1	
Physical persons	16	
Men	12	
Women	4	

Health condition	15	8,2
Legal persons	2	
Physical persons	13	
Men	11	
Women	2	
Membership in political, trade union or other organizations	14	7,6
Organizations	4	
Physical persons	10	
Men	9	
Women	1	
Other personal characteristic	42	22,8
otal number of personal characteristics in the area of work nd employment	292	100,0

Treatment before public authorities

Personal characteristics in complaints in the area of treatment before public authorities	Number	%
Complaints in which personal characteristic is not stated	53	25,2
Complaints in which personal characteristic is stated	157	74,8
National affiliation or ethnic origin	22	14,0
Organizations	1	
Physical persons	21	
Men	19	
Women	2	

number of personal characteristics in the area of nent before public authorities	210	
Other personal characteristic	32	20,4
Men	2	
Physical persons	2	
Organizations	7	
Sexual orientation	9	5,2
Men	9	
Physical persons	9	
Genetic characteristics	9	5,2
Men	15	
Physical persons	15	••••••
Conviction status	15	9,0
Women	3	••••••
Men	13	
<i>Physical persons</i>	16	
Marital and family status	16	10,2
Men	16	
<i>Physical persons</i>	16	••••••
Organizations	1	
Health condition	17	10,8
Women	2	••••••
Men	16	
Physical persons	18	
<i>Financial situation</i>	18	11,5
Women	1	•••••••
Men	18	••••••
Disability Physical persons	19 19	12,

Provision of services and/or use of public facilities and spaces

Personal characteristics in the complaints in the area of provision of services and/or use of public facilities and spaces	Number	%
Complaints in which personal characteristic is not stated	9	22,5
Complaints in which personal characteristic is stated	31	77,5
Disability	12	38,7
Physical persons	12	
Men	11	
Women	1	
Gender	4	12,9
Physical persons	4	
Men	3	
Women	1	
National affiliation or ethnic origin	4	12,9
Organizations	3	
Physical persons	1	
Men	1	
Age	3	9,7
Physical persons	3	
Men	2	
Women	1	
Other personal characteristic	8	25,8
Total number of personal characteristics in the area of provision of services and/or use of public facilities and spaces	40	

Public information and media

Personal characteristics in the complaints in the area of public information and media	Number	%
Complaints in which personal characteristic is not stated	2	6,3
Complaints in which personal characteristic is stated	30	93,7
Sexual orientation	9	30,0
Organizations	6	
Physical persons	3	
Men	3	
Gender and gender identity	7	23,3
Organizations	2	
Physical persons	5	
Men	2	
Women	3	
National affiliation or ethnic origin	6	20,0
Organizations	3	
Physical persons	3	
Men	2	
Unknown persons	1	
Other personal characteristic	8	26,7
Total number of personal characteristics in the area of public information and media	32	

Education and professional training

Personal characteristics in the complaints in the area of education and professional training	Number	%
Complaints in which personal characteristic is not stated	30	35,7
Complaints in which personal characteristic is stated	54	64,3
Age	17	31,5
Organizations	2	
Physical persons	15	
Men	7	
Women	8	
National affiliation or ethnic origin	7	13,0
Organizations	2	
Physical persons	5	
Men	3	
Women	2	
Disability	5	9,3
Physical persons	5	
Men	1	
Women	4	
Health condition	5	9,3
Physical persons	5	
Men	3	
Women	2	
Marital and family status	4	7,4
Organizations	2	
Physical persons	2	
Men	2	

Gender		4	7,4
Organizations		2	
Physical persons		2	
Men	1		
Women	1		
Other personal characteristic		12	22,2
tal number of personal characteristics in the area education and professional training		84	

Other areas

Note: The table shows the data for the number of complaints by the following personal characteristics which are not stated in the previous chapters:

- Realization of religious rights
- Health care
- Social protection
- Judiciary
- Private relations
- Pension and disability insurance
- Culture, arts, sports
- Housing
- Activities in trade unions, political parties, NGOs and other organizations
- Other

Personal characteristics in the complaints in other areas	Number	%
Complaints in which personal characteristic is not stated	40	16,3
Complaints in which personal characteristic is stated	206	83,7
Health condition	72	35,0
Age	24	11,7
National affiliation or ethnic origin	23	11,2
Financial situation	20	9,7
Disability	11	5,3
Gender	7	3,4
Marital and family status	6	2,9
Other personal characteristic	43	20,9
Total number of personal characteristics in other areas	246	

Against whom were the complaints filed

Against whom were the complaints filed	2013	%
Public authorities	307	40,9
Legal persons	264	35,2
Physical persons	157	20,9
Group of persons	12	1,6
Organizations	10	1,4
Total number of persons against whom the complaint were filed*	750	100,0

 $^{\ast}\,$ In 27 complaints more than one person was stated to have committed discrimination.

Number of cases with one discriminator	689
Number of cases with more than one discriminator	27
Total number of complaints	716

Number of complaints by regions

Number of complaints by regions	2013	%
Belgrade	286	39,9
Southern and Eastern Serbia	121	16,9
Unknown region*	114	15,9
Šumadija and Western Serbia	106	14,8
Vojvodina	82	11,5
Kosovo and Metohija	5	0,7
Foreign countries	2	0,3
Total number of complaints	716	100,0

* The region is unknown when a complaint is sent electronically and the complainant does not indicate the municipality of residence.

Outcomes of the procedure

2013
108
32
29
183
256
62
17
4

NOTE: A total of 23 cases initiated in 2012 were concluded in 2013. A certain number of cases from 2013 were not concluded by the end of the year.

Mediation

	2013
Referred to mediation	3

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