



REPUBLIC OF
SERBIA



COMMISSIONER
FOR PROTECTION
OF EQUALITY

ABRIDGED VERSION OF 2019 REGULAR ANNUAL REPORT OF THE COMMISSIONER FOR PROTECTION OF EQUALITY

2019

Belgrade,
May 2020.

Abridged Version of 2019 Regular Annual Report

by the Commissioner for Protection of Equality

Belgrade, April 2020

Editor

Brankica Janković

Publisher

Commissioner for Protection of Equality

For Publisher

Brankica Janković

Prepress

Jelena Panić

Printed by

JP „Službeni glasnik“

Amount

100

All terms used in the masculine gender include the masculine
and feminine genders of the persons concerned

TABLE OF CONTENTS

FOREWORD	7
1. DESCRIPTION OF THE SITUATION CONCERNING THE ACHIEVEMENT AND PROTECTION OF EQUALITY.....	9
1.1 Discrimination on the grounds of disability	23
1.2 Discrimination on the grounds of gender	30
1.3 Discrimination on the grounds of health	37
1.4 Discrimination on the grounds of age	41
1.5 Discrimination on the grounds of membership in political, trade union and other organisations	46
1.6 Discrimination on the grounds of another personal characteristic .	52
1.7 Discrimination on the grounds of marital and family status.....	55
1.8 Discrimination on the grounds of national affiliation and ethnic origin	60
1.9 Discrimination on the grounds of sexual orientation.....	64
1.10 Discrimination on the grounds of other personal characteristics .	70
1.11 Multiple discrimination	73
1.12 Court proceedings	78
1.13. Other outcomes of proceedings	79
2. COMMISSIONER'S COOPERATION	81
3. MEDIA REPORTING	85
4. EXECUTION OF BUDGET FOR 2019	88

5. RECOMMENDATIONS ON ANTI-DISCRIMINATION AND IMPROVEMENT OF EQUALITY	89
6. SUMMARY OF THE STATISTICAL OVERVIEW OF COMMISSIONER'S WORK IN 2019	96
7. ATTACHMENTS	101
Attachment 1 List of reviewed reports and surveys	101
Attachment 2 Review of European Court of Human Rights case law in the field of protection against discrimination.....	111

FOREWORD

Dear Members of Parliament,

Dear Readers,

The Tenth Regular Report by the Commissioner for Protection of Equality of the Republic of Serbia is before you. We have behind us another year of intense work and active participation in the prevention and protection against discrimination, as well as promotion of equality in all fields and in all areas, in accordance with the mandate and competencies entrusted to us by the Law on the Prohibition of Discrimination.

During 2019, the Commissioner handled 1,479 cases. In addition to opinions on the complaints in individual cases, the Commissioner made 686 recommendations for measures ensuring equality, sent 16 initiatives for amending regulations, 31 opinions on draft laws and other general acts, filed six criminal charges and three petitions for misdemeanour proceedings. In one case, it was proposed to initiate mediation (conciliation) proceedings, one complaint was filed for protection against discrimination and one motion to the Constitutional Court for review of constitutionality.

Most complaints were filed for discrimination on the grounds of disability, then on the grounds of gender, health status, while the same number of complaints were filed on the grounds of age and membership in political, trade union and other organisations. Then, there are complaints on the grounds of marital and family status, national affiliation and ethnic origin, financial position and sexual orientation, followed by other grounds of discrimination with fewer complaints.

As regards the area of discrimination, the area of labour and employment remains in the first place, with a third of the total number of complaints filed. Procedures before the public authorities are in the second place, to which a fifth of the complaints relate, followed by other areas such as the area of education, provision of public services or use of premises and spaces, social welfare and health care, public sphere/general public, etc.

The trend of complying with the Commissioner's recommendations continued - when it comes to recommendations of measures ensuring equality addressed to public authorities and other persons, almost 90% of cases were handled, which in total is 88.9% on the average including complying with recommendations given in individual cases of discrimination. There is an evident increase in the complying with the Commissioner's recommendations, in comparison with the previous and all previous years.

In accordance with the statutory powers, the Commissioner submitted to the National Assembly *Special Report of the Commissioner for Protection of Equality on Discrimination in the Field of Labour and Employment*, bearing in mind that since the establishment of the institution, the field of labour and employment has been at the top in the number of complaints filed by citizens.

Also, as in previous years, the Commissioner continued the practice of conducting various surveys with the aim of providing comprehensive situational awareness of achieving and protecting equality, and this year the following surveys have been conducted: *Citizens' Attitudes towards Discrimination in Serbia and Discrimination on the Labour Market*. In order to determine the level of involvement of young people under 30 in decision-making processes in their communities and the recognition of young people as a specific target group whose position should be improved, the Commissioner, in 2019, sent a *Questionnaire on the Youth Participation in Local Self-Government Units* to all municipalities and cities.

As in previous years, the Commissioner continued the practice of holding training sessions and lectures in the field of recognition and response to discrimination, as well as the implementation of anti-discrimination regulations, which included police officers, representatives of local self-government units, employers, civil society organisations, advisers to the National Employment Service, tourism workers, local social welfare employees, etc. In addition, the Commissioner participated in numerous national and international conferences and roundtables on the promotion of the human rights of marginalized social groups, as well as in panels, working meetings and workshops dedicated to reviewing the situation in certain areas and improving the position of different social groups.

Finally, summarizing the numerous activities undertaken in 2019, we continue with a proactive approach, believing that in this way we contribute to the further building of society on the grounds of respect for human rights, tolerance and respect for diversity. We believe that this report provides a review of the positive developments identified, the problems and challenges regarding achievement of equality and protection against discrimination, and possible ways of overcoming them, and that it will provide MPs with good and useful tools in working together to build the society we pursue.

Brankica Janković
Commissioner for Protection of Equality

1. Description of the situation concerning the achievement and protection of equality

The Commissioner for Protection of Equality is an individual state body, established by the Law on the Prohibition of Discrimination¹, autonomous and independent in performing the tasks set by the Law. The Commissioner has a wide range of legal powers, which make him/her a central national body specialised in protecting citizens against discrimination and promoting equality. One of the basic responsibilities of the Commissioner is to deal with complaints regarding discrimination. In addition to acting on complaints, the Commissioner provides information to a complainant on how to protect his/her rights, is empowered to recommend mediation, initiates anti-discrimination lawsuit (strategic lawsuit) in the public interest, files petitions for misdemeanor proceedings, criminal charges, alerts the public to the most common, typical and severe cases of discrimination and recommends that public authorities and other persons take measures to achieve equality. In addition, the Commissioner monitors the implementation of laws and other regulations in the area of protection of equality and prohibition of discrimination, gives opinions on draft laws and other regulations, and initiates the adoption of new regulations or amendments to regulations from the aspect of his/her competence.

The Commissioner submits to the National Assembly of the Republic of Serbia an annual report on the situation in the field of equality protection, and 2019 Regular Annual Report was submitted on 13 March 2020.

During 2019, the Commissioner handled 1,479 cases. 711 complaints were submitted to the Commissioner, and in addition, in accordance with legal powers, the Commissioner gave 686 recommendations of measures for achieving equality, in one case it was proposed to initiate mediation (conciliation) procedure, one complaint was filed for protection against discrimination, one motion to the Constitutional Court for review of constitutionality, six criminal charges and three petitions for misdemeanour proceedings. During 2019, 16 initiatives for amending regulations were sent, as well as 31 opinions on draft laws and other general acts. Also, 23 public warnings and 34 press releases were issued. Opinions were issued in 70 complaints, out of which in 52 complaints opinions were issued establishing violation of the provisions of the Law on the Prohibition of Discrimination and recommended measures, and in 14 cases no violation of the Law on the Prohibition of Discrimination was found. The Commissioner's recommendations were followed in 35 cases (87.5%), while in five cases they were not followed (12.5%), and in 12 cases the deadline for acting on the recommendation has not expired yet. In 24 cases, an opinion was issued establishing discrimination against a group

1 Official Gazette of the RS, number 22/09

of persons (persons with disabilities, the elderly, children, persons with health disabilities, women, members of the Roma national minority and LGBT), while in other cases it was discrimination against individuals. The trend of following the Commissioner's recommendations continued, which may lead to the conclusion that discriminatory treatment is rarely a product of intent, although the intent in the anti-discrimination proceeding is irrelevant. According to the recommendations of measures for achieving equality to public authorities and other persons, 90.3% were acted upon, which in total is 88.9% on the average including complying with recommendations given in individual cases of discrimination.

Natural persons filed 579 complaints to the Commissioner regarding discrimination, which represents 81.4% of the total number of complaints filed. Men addressed slightly more often than women, so they filed 51.1% of all complaints filed by natural persons, and women 48.9%. During 2019, civil society organisations filed 110 complaints (15.5% of the total).

During 2019, the Commissioner received a large number of citizens at the headquarters of the body in Belgrade and the Office in Novi Pazar, and the number of citizens requesting information by telephone or e-mail increased. The reasons for this are, first and foremost, the needs of citizens seeking protection from various violations of rights, their need for various information, and in part greater identification of discrimination, problems in the implementation of numerous laws and, lastly, the activities undertaken by the Commissioner, consistency and work to increase accessibility for citizens.

In accordance with the statutory powers, at the end of 2019 the Commissioner submitted to the National Assembly *Special Report of the Commissioner for Protection of Equality on Discrimination in the Field of Labour and Employment*², and during 2019 the following surveys were conducted: *Citizens' Attitudes towards Discrimination in Serbia*³ and *Discrimination on the Labour Market*⁴. Also, the Commissioner sent a *Questionnaire on the Youth Participation in Local Self-Government Units* to local self-government units, with the aim of determining the level of their involvement in the decision-making processes, on the basis of which the analysis was conducted.

The main reason for submitting the *Special Report of the Commissioner for Protection of Equality on Discrimination in the Field of Labour and Employment*

2 *Special Report on Discrimination in the Field of Labour and Employment*, Commissioner for Protection of Equality, 2019, available at website: <http://ravnopravnost.gov.rs/izvestaji/>

3 Survey *Citizens' Attitudes towards Discrimination in Serbia*, Commissioner for Protection of Equality, 2019, available at website: <http://ravnopravnost.gov.rs/izv%0Ad0%b5st%0Ab0%0Ad1%98-%0Aber-istr%0Ab0ziv%0Ab0nju-%0Ad1%98%0Ab0vn%0Abeg-mnj%0Ab0%b5nj%0Ab0-%0Abedn%0Abes-gr%0Ab0d%0Ab0n%0Ab0-i-gr%0Ab0d%0Ab0nki-pr%0Ab5m%0Ab0-diskrimin%0Ab0ci-cir/>

4 Survey *Discrimination on the Labour Market*, Commissioner for Protection of Equality, 2019, available at website: <http://ravnopravnost-5bcf.kxcdn.com/wp-content/uploads/2020/01/diskriminacija-na-trzistu-rada-FINAL.pdf>

to the members of the highest legislative body of the Republic of Serbia is that for the tenth year in a row, since the establishment of the Commissioner's Institution, the field of labour and employment has been at the top in the number of complaints filed by citizens. The aim of this survey was to indicate the positive developments in this area, which were undoubtedly present, to MPs, as well as to other professional groups and stakeholders. But more importantly, the aim was to indicate the shortcomings and challenges identified in terms of achieving equality and protection against discrimination on the labour market. The problems identified relate to discrimination where, for example, employers in applications, during competition for job vacancies and job interviews unjustifiably include questions about family and marital status, and women are transferred to lower job positions after returning from maternity or parental leave, do not advance or get fired, as well as in cases of employment preference for members of political parties. The problem remains regarding inaccessible premises, workplaces and jobs for people with disabilities, as well as the particularly difficult position of women with disabilities. "Older" workers find it difficult to get re-employed, and the youth unemployment rate is among the highest in Europe. The challenge is also seen in the importance of addressing the situation of Roma whose unemployment, according to some 2018 data, is 36%, while that of Roma women is as high as 45%, which is far higher than general unemployment. One of the goals is also to make as many market participants as possible aware of the phenomenon of discrimination, its forms and mechanisms of protection, in order to identify and respond to it in their daily work, and especially to prevent it by contributing to the affirmation of true values and equality in their collective and society as a whole. Complaints submitted to the Commissioner indicate that in the area of labour, and in particular employment, otherwise vulnerable groups are becoming even more vulnerable and subject to discrimination. Thus, women are more disadvantaged in the labour market than men, and all persons from vulnerable social groups, especially persons with disabilities, young people and the elderly, Roma men and women, members of the LGBTI population, are at high risk of discrimination. In addition, citizens often state multiple personal characteristics in their complaints as a basis for discrimination, which is most often the case with discrimination against women on the grounds of gender and marital and family status, but also against persons with disabilities or the so-called older workers due to their age and health status. The Special Report also provides a number of recommendations for combating discrimination and promoting equality in the area of labour and employment.

The survey *Discrimination on the Labour Market* was prepared and implemented as part of the German Development Cooperation project "Inclusion of Roma and Other Marginalized Groups in Serbia" by the German international cooperation organisation, GIZ. The survey provides the results of examining the perceptions, attitudes and knowledge of employers, employees and unemployed

people about discrimination at all stages of employment. As regards perceptions of the prevalence of discrimination, the interviewed labour market participants agree that discrimination is present in Serbia, but when it comes to personal experience, the results of the survey show that about two thirds of those respondents have no personal experience of discrimination. According to the respondents who have this experience, the dominant area of discrimination is the labour process, ie determination of wages, opportunities for professional development, promotion, adjustment of working conditions, exercise of employment rights, etc., while for the unemployed it is to get employed. An interesting finding of the survey is that for all interviewed labour market participants, the most represented personal characteristic in the personal experience of discrimination is membership in political organisations (58% of employers, 57% of unemployed and 50% of employees). Concerning the identification of discrimination against certain social groups, all respondents agree that the most discriminated groups on the labour market are persons with disabilities, elderly workers, persons of different political beliefs and Roma. People living with HIV/AIDS, migrants, the poor and the LGBT population are also discriminated against.

Survey Citizens' Attitudes towards Discrimination is the sixth survey on this topic in the last ten years. It is particularly important to point out that the last two surveys (2016 and 2019) are based on the same methodology of the sample in order to gain a better situational awareness of the changes in the citizens' attitudes towards discrimination over the past three years, ie about the social distance that exists towards members of different groups. The survey was prepared and implemented as part of the German Development Cooperation project "Inclusion of Roma and Other Marginalized Groups in Serbia" by the German international cooperation organisation, GIZ. The citizens' perception about the role of different stakeholders in fostering and combating discrimination is valuable for the work of the Commissioner, and the results obtained show, among other things, that citizens more recognise than in 2016 the importance of the problem of discrimination in society, and that there is a slight increase in the number of persons who believe that discrimination is prohibited by law. Four-fifths of respondents believe that discrimination should not exist regardless of which group of citizens it concerns, and more than before, citizens support the introduction of special (affirmative) measures. The results show that work is still needed to develop and implement anti-discrimination measures within state institutions, and measures and activities should be specifically targeted at combating discrimination in the area of labour and employment, which is again perceived as the area where discrimination is most common.

The Commissioner, wishing to get an overview of the situation in the field of youth participation in the decision-making process at the local level, sent to all local self-government units a *Questionnaire on the Youth Participation*

in Local Self-Government Units. The main goal of this questionnaire was to determine the level of involvement of young people under 30 in decision-making processes in their communities and the recognition of young people as a specific target group whose position should be improved through activities identified in strategic documents that relate to them. The results of the analysis of the completed and submitted questionnaires showed that the participation of young people in the decision-making process in the local self-government units was at a very low level, starting with the leading positions, until the municipal assembly, that is, the city. Of particular interest are the data regarding the representation of young women in relation to the total number of women in decision-making positions at the local level. Namely, of the total number of alderwomen (1,371), young women make up only 9% (or 102 alderwomen), while this percentage is slightly higher among female members of municipal/city councils and is 14%. When it comes to mechanisms for youth at the local level, that is, advisory bodies set up in accordance with the Law on Youth, the results showed that the Youth Office was established in 75.2% and the Youth Council in 60.5% of local self-government units. Particularly worrying is the fact that in 10% of local self-government units there is neither a Youth Office nor a Youth Council.

The society still faces many challenges in terms of promoting equality. The existing anti-discrimination legislation in Serbia has laid the basis for the promotion of equality and the fight against discrimination, but this legal framework needs to be improved and aligned with the *acquis* and international standards. In this report, as in previous annual reports, the Commissioner has recommended, among other things, that it is necessary to establish and operationalise a standardised system for collecting data related to this area. In this regard, the Republic of Serbia, in the process of accession to the European Union, in the Action Plan for Chapters 23 and 24, considered the need for amendments to the Law on Prohibition of Discrimination, in order to fully harmonize with the *acquis* and international standards in this field. By amendments to the Law on the Prohibition of Discrimination it is also required to establish a system for monitoring the occurrence of discrimination and ways of functioning of the system of legal protection against discrimination.

In addition to the amendments to the Law on Prohibition of Discrimination, it is necessary to enact new or improve existing regulations that may have an impact on the achievement of equality and improvement of the position of certain groups of population (for example, it is necessary to amend or adopt certain regulations such as: Law on Non-Contentious Procedure, Family Law, Law on Social Welfare, Law on Financial Support to Families with Children, Criminal Code, Law on Prevention of Domestic Violence, Law on Protection of Persons with Mental Disabilities, Law on Gender Equality, etc.).

Also, it has been observed that the prescribed procedure regarding obtaining the opinion of all competent authorities and public participation in the process of establishing regulations is not consistently implemented, which later leads to adoption of regulations that are not harmonized or not harmonized with the Constitution, as well as to problems in implementation.

In addition to the Commissioner as the central state body for protection against discrimination and promotion of equality, courts play an extremely important role. A major challenge in anti-discrimination proceedings continues to be compliance with the legal norm that prescribes the urgency of proceedings before the courts and the appearance of absolute statute of limitations for conducting misdemeanor proceedings, which diminishes the efficiency and makes senseless misdemeanor legal protection.

During the year the Commissioner also held a series of training sessions and workshops for identifying and responding to discrimination, as well as the implementation of anti-discrimination regulations, which included police officers, representatives of local government units, employers, civil society organisations, advisers to the National Employment Service, tourism workers, providers of social welfare services at the local level, and a seminar was held on the protection of human and minority rights and local planning in relation to Roma inclusion. In cooperation with the National Academy for Public Administration, training sessions on discrimination are continuously held for civil servants, and a seminar was held for women at medium and senior managerial levels. Also, the Commissioner participated in counselling the judges of appellate courts, case-law departments, on the topic of resolving disputes in order to harmonize case law in cases in the field of discrimination, and a seminar was held for attendees of the 9th generation of the initial training of the Judicial Academy, as well as two counselling sessions for lawyers. During 2019, meetings were also held with representatives of certain companies who approached the Commissioner for assistance in drafting the Equality Code of Practice.

During the year most complaints were filed due to discrimination on the grounds of disability, (16.2%), gender (13.2%), health status (11.8%), age (9.9%), membership in political, trade union and other organisations (9.9%), followed by complaints due to discrimination on the grounds of another personal characteristic (8.9%), marital and family status (7.9%), national affiliation and ethnic origin (6.8%), financial position (4.5%), sexual orientation (2.5%), while other grounds of discrimination were stated to a lesser extent.

Regarding the areas of social relations in which complaints are most frequently filed, the area of labour and employment with 32.2% was in the first place during the year. Procedures before public authorities (21.8%) took the second place. Another area where citizens most often file complaints due to discrimination is education and vocational training (14.3%), followed by the provision of public

services or use of premises and spaces with a share of 7.5%, social welfare (5.8%), health care (3.8%), public sphere (3.4%), while the number of complaints in other areas of social relations is slightly lower, below 3%.

As in previous years, the largest number of complaints were filed against state or public authorities (43.2%), followed by natural persons (20.5%) and legal entities (19.3%). The rest consists of groups of persons, organisations and institutions, in a much smaller percentage.

The largest number of complaints was received from the Belgrade region (36.7%), followed by the Šumadija and Western Serbia regions (20.1%), the South and East Serbia region (14.2%), the Vojvodina region (13.2%), Kosovo and Metohija region (0.3%) and unknown region (15.5% - the region is unknown when a complaint is filed by email and an applicant does not provide an address). In 2019, it can be concluded that there was a greater uniformity of the regions in the number of complaints filed, unlike the previous year when over 50% of complaints were filed from the Belgrade region. However, as the largest number of complaints is still from the Belgrade region, this indicates the need for further work to inform citizens about the existing protection mechanisms.

Complaints to the Commissioner are certainly one of the indicators of the presence of discrimination and the level of respect for the principle of equality in society, but not the only one. With a view to providing comprehensive situational awareness of achieving and protecting equality in the Republic of Serbia, the prevalence of discrimination, its characteristics and forms, most frequent victims, perpetrators and areas where it is most common, in the preparation of the Regular Annual Report, in addition to the Commissioner's practice and results of the survey conducted by the Commissione during 2019, reports were also reviewed prepared by the European Union, international organisations and contracting bodies, reports and surveys by domestic institutions and organisations, the case law of the European Court of Human Rights, and other sources and information of importance for considering the situation in the field of equality. The list of reports and surveys reviewed is attached to this report⁵. Specifically, the situation regarding representation of discrimination in society is influenced by other factors, including the social and cultural context in which we live, the society's attitude to discrimination, citizens' awareness of the necessity and importance of compliance with regulations, their willingness to report violations, the degree of tolerance for diversity, trust in the work of institutions, knowledge of the grounds and forms of discrimination, as well as civil society activities in the protection of human rights.

With regard to key issues related to the achievement of equality of certain social groups, when it comes to *persons with disabilities*, as well as other population groups such as the elderly, children and other mobility-impaired persons,

5 The list of reviewed reports and surveys is given in Attachment 1, and review of the European Court of Human Rights case law is given in Attachment 2 to this report.

the problem of accessibility to premises, spaces, services and information stands out as a prerequisite for achieving equality in all areas. The inability to access the premises or to understand the various contents is at the same time an inability to exercise rights and inequality. Also, public services still have an extremely underrepresented programmes accessible to persons with disabilities, of which the programme adapted for the deaf and hard of hearing through subtitling and sign language is represented to a limited extent, while there is hardly any audio descriptive content for the blind.

In addition to accessibility, there are challenges regarding the employment and maintenance of employment of persons with disabilities, reasonable adjustment of workplaces and jobs, their access to education and vocational training, the number and coverage of health care and social welfare services, disabling their own decision-making by depriving them of legal capacity, etc. Bearing in mind the need to improve the accessibility of the electoral process, analyzing the practices of countries in Europe and the region, in 2019 the Commissioner also pointed out the need for equal participation of persons with disabilities in this process, recommending measures for achieving equality to the Republic Electoral Commission, which the Commission accepted and took measures for its implementation. In particular, the need to ensure full accessibility of all polling stations, as well as to improve the accessibility of election materials, was pointed out. Persons with disabilities are often exposed to multiple discrimination, on the grounds of multiple personal characteristics such as, in addition to disability, health status, age, gender, etc. Particularly difficult is the situation of women with disabilities, who are particularly difficult to exercise certain rights, and insufficient attention is paid to reproductive health and the right to parenthood and family. It is also necessary to amend Article 179 of the Criminal Code, which deals with the criminal offense of sexual intercourse with a helpless person, both in respect of discriminatory terminology and in respect of qualification of the act. Namely, in 2016, the Commissioner filed an initiative to amend this article with regard to the amount of the sentence imposed and its compliance with Article 178 of the Criminal Code, as well as with regard to consideration of the act qualification. In this regard, the Criminal Code has been amended in terms of sentence, but has not been modified in terms of inadequate terminology and qualification of this part as a serious form of criminal act of rape.

Children with disabilities continue to face problems particularly related to the field of education, where accessibility of schools and other educational institutions is not satisfactory, and are exposed to prejudice regarding the capacities they have and the problems of community acceptance. Consideration should also be given to the effects of the implementation of the Dual Education Law, in particular its application to vulnerable groups of children, such as children with disabilities, and their full training for future employment in line with labour market needs.

Also, as the improvement of community services is one of the key assumptions for inclusion in all social currents, the Commissioner sent to all local government units that do not have organised support for children with disabilities and developmental disorders the recommendation of measures for achieving equality in order to provide the service of a personal escort, ie to provide the service to an appropriate extent.

In 2019, as in the previous year, the Law on Financial Support for Families with Children, primarily with regard to families with children with disabilities, did not achieve the necessary effects, but on the contrary, it affected reduction of the scope of the rights attained. The Commissioner took several initiatives during 2018, as well as proposals to review the constitutionality of this law. However, this law has not yet been amended, nor has the Constitutional Court ruled.

Also, the regulations governing the deprivation of legal capacity are a limitation of human rights, which is why it is necessary to harmonize the current regulations with Article 12 of the Convention on the Rights of Persons with Disabilities. According to surveys, persons with disabilities belong to the group of persons at higher risk of violence, and special attention should be paid to their protection. Also, it is necessary to provide an accessible and efficient system of reporting to emergency services such as emergency medical service, police and fire service, support services, SOS telephones, etc. Institutionalization of persons with disabilities leads to their stigmatization and social marginalization and is a violation of the right to independent living in the community, and control and supervision of the work of institutions need to be strengthened. The deinstitutionalization strategy has not yet been adopted, as well as strategies for the development of social welfare, etc.

Gender, as the ground of discrimination, this year as in the previous year, has been at the top of the grounds of discrimination. Noting that there was a practice that women were discriminated against during work and in the recruitment process due to the fact that they were absent from work due to pregnancy leave, maternity or childcare leave, the Commissioner initiated one strategic lawsuit and filed two misdemeanor claims on those grounds. In addition, one of the key problems remains the need for reconciling work and parenting, under-utilization of flexible working hours, strengthening paternity and encouraging fathers to use childcare leave, the need to open preschools and reconciling the working hours of these institutions with working hours of parents, creating different types of financial support, etc. Attention should also be paid to eliminating causes that lead to gender subordination or superiority, that is, gender stereotyping roles. That the inequality of women is deeply rooted in all spheres of public and private life, and discrimination against women is present and socially acceptable and inextricably linked to other factors affecting their lives, of which the most significant is economic dependence on male family members, is indicated by survey conducted in

2019, and particularly worrying fact concerns a high number of cases of domestic violence and partner violence. It is evident that there is still a high gender imbalance in the number of women and men in managerial positions and that gender equality is difficult to achieve without the proportionate and direct participation of women in decision-making in all areas of public life and at all levels.

Based on the complaints submitted to the Commissioner during 2019, it can be concluded that citizens are increasingly complaining that they have been discriminated against on the grounds of their *health*. An analysis of the Commissioner's practice revealed that the health status most often occurs with multiple discrimination, mainly along with age, disability or gender, genetic characteristics, etc. What is noticeable is that no significant progress has been made regarding palliative care. Social-health care institutions have not yet been developed, that is, standards for providing social-health care services have not been adopted. Treating patients, especially children, who suffer from rare diseases or other health problems is a long-standing problem, since the healthcare system does not have sufficient resources, innovative methods and medicines for such diseases. During 2019, a number of complaints also related to the problems encountered by people undergoing dialysis, as well as complaints related to the availability of aids and medicines for particular diseases. One of the problems continues to be the need for more information for citizens, as well as greater coverage of preventive and screening check-ups for both at-risk groups and all age population categories. During 2019, the Commissioner took a number of initiatives for amending certain by-laws, which will be discussed further in this report. An analysis of the Commissioner's practice so far and following the recommendations of the measures show that the National Health Insurance Fund showed a great deal of enterprise in acting on the given recommendations, which is commendable, given that the Fund's resources are limited and it is not easy to set priorities when it comes to health care of all citizens of the Republic of Serbia. Also, the reports of international and human rights organisations point to the need to improve the situation in this area, especially when it comes to combating the stigmatization of people living with HIV/AIDS. One of the main problems faced by this vulnerable group is perceived stigma and discrimination, not only here but in the world, and the aggravating circumstance is that victims of discrimination are often reluctant to enter the process of proving discrimination, especially because of the risk that their status will become known to the wider community, thereby increasing the risk of being exposed to victimization. These are the reasons why the Commissioner, in 2019, made recommendations on measures to achieve equality to health care institutions regarding the entry of information on the HIV status of patients.

An analysis of the situation, the results of the Commissioner's survey and practice shows that discrimination on the grounds of *age* is still present. Specific actions need to be taken to improve all forms of support especially for children

with disabilities and intellectual development disorders, inclusion and equal inclusion of children in the education process, involvement of experts and the general public for the experiences and rights of children living and working on the street, prevention and protection of children from all forms of violence, including child labour, child marriage and other types of exploitation and social exclusion, as well as the prohibition of corporal punishment. Particular attention should be paid to accessibility of all levels of education, prevention of early school leaving, support for children and young people in rural areas, employment in appropriate jobs. Particular work needs to be done to implement population policy measures, but also to support youth in order to influence migration management and youth retention in the country. On the other hand, it is important to pay attention to the position of employees between the ages of 50 and 65, since, according to the Commissioner's survey and practice, there is unjustifiably unequal treatment of these persons in the area of employment and labour. Therefore, the creation and availability of appropriate training programmes, as well as the need to use the capacities and experiences of these persons, should be worked on. Regarding the position of the elderly, the large number of physical, social and economic barriers, pervasive prejudices and stereotypes, as well as the lack of inclusive public policies that involve representatives of all ages and groups in settlement planning and development, make it difficult for the elderly to fully enjoy their rights. Although the survey findings show that the elderly face a number of problems, they rarely report to the competent authorities. Extended life span and an increased share of the elderly in the population should be accompanied by significant changes in understanding the aging process, the opportunities and needs of the elderly, as well as programmes that support quality life in the older life stages. In addition, it should be borne in mind that the number of elderly women is higher than the number of elderly men, that many elderly women are widowed and economically disadvantaged due to low income. That is why it is very important that the gender perspective is taken into account when designing public policies in an inevitably aging society.

According to the number of complaints filed in 2019, it is increasingly often for the individuals to address the Commissioner, but also for trade union organisations, due to position of the organisation or the exercise of the rights of their members due to discrimination on the grounds of *membership in political, trade union and other organisations*, most often in the field of labour and employment. According to the International Trade Union Confederation's *Global Rights Index*⁶, Serbia, as in the previous year, ranks in Index 4, which brings together countries where trade union rights are systematically violated, while according to the same index from 2014, Serbia ranked in Index 2, which implies that the violation of rights is repeated. Discrimination on the grounds of membership in political, trade union and other organisations is also reflected in the results of the surveys

6 ITUC *Global Rights Index 2019*, presented in June 2019 in Geneva, in English available at website: <https://www.ituc-csi.org/RI19>

Discrimination on the Labour Market conducted by the Commissioner in 2019. For all labour market participants, the most represented personal characteristic in the personal experience of discrimination is membership in political, trade union and other organisations (58% of employers, 57% of unemployed and 50% of employees). This is the dominant basis for discrimination on the labour market, both in measuring perceptions and in examining respondents' personal experiences of discrimination, but to a lesser extent. The high degree of agreement of the respondents was also shown by the statement that only members of the ruling political parties are advancing in business. An analysis of the Commissioner's practice revealed that, when it comes to discrimination on the grounds of membership in political, trade union and other organisations in the field of labour and employment, when presenting evidence in certain complaints procedures, complainants or witnesses state that they feel afraid of the consequences of reporting, because of which they do not file complaints or they give up continuing the procedure, or the proposed witnesses refuse to give evidence.

Discrimination on the grounds of *another personal characteristic* includes personal characteristics that are not explicitly listed in the Law on the Prohibition of Discrimination. Thus, for example, this group includes complaints about discrimination in which residence or affiliation with groups such as migrants, asylum seekers, internally displaced persons and the like are stated as grounds. During 2019, several complaints were filed with the Commissioner stating that citizens believed that they were discriminated against on the grounds of residence as a personal characteristic, and there were fewer complaints filed than in previous years due to discrimination against refugees, internally displaced persons, migrants and asylum seekers. The analysis of the practice shows that it is necessary to work for a balanced regional development and economic equalization, that is, the development of local self-government units, so that all citizens have the same level of rights, regardless of the level of development of a local self-government unit.

Marital and family status as personal characteristic is the next ground for the number of complaints filed with the Commissioner during 2019. Discrimination on the grounds of marital and family status is caused by a number of factors in most cases related to the traditional division of gender roles. Women, especially in the area of labour and employment, are more often exposed to unequal treatment on the grounds of marital and family status, as evidenced by numerous reports and surveys conducted both domestically and abroad. It is evident that several years ago the largest number of complaints on those grounds were filed in the field of labour and employment, and a large number of complaints on those grounds were filed also due to the procedures before the public authorities. From the published surveys, it can be concluded that, as in the European Union, the problem of aligning parenthood with the obligations arising from labour and employment is still present, as already discussed.

As in previous years, the largest number of complaints about discrimination on the grounds of *national affiliation* concerned discrimination against Roma women. Numerous surveys indicate that Roma women are particularly at risk, that a small number of Roma children, especially girls, finish primary and secondary schools, that the problem of early marriages is still present, and that the number of Roma without identity documents is significantly reduced but still exists, and therefore work should be done on Roma employment, as well as on improving housing and social welfare. In addition, the surveys state that affirmative actions have contributed to the increased representation of Roma children in the education system, and that the number of children enrolled in pre-school programmes has increased, but that work on preventing their segregation remains to be done. During 2019, the Commissioner also filed a criminal complaint for scrawling graffiti of neo-Nazi content that incited hatred against the Roma.

Poor citizens are perceived as one of the three most discriminated social groups in the surveys, however, the number of complaints on the grounds of their financial position is still low and is mainly submitted by natural persons. Working on the social inclusion of the poor requires good integration of all protection systems, starting from the social welfare to health care and education systems, with harmonization of the republic and local levels, and more intensive cooperation of state institutions and the civil sector with a better connection of support services, developing solidarity and tolerance especially from the early youth.

In a public opinion poll conducted in 2019, citizens stated that members of the LGBT population were the third most vulnerable group in society. The social distance of citizens towards LGBT persons, according to the findings of this poll is still strongly expressed. This group of citizens is the second group to which the highest social distance (2.57) is expressed, with 17% of respondents not wanting LGBT people in their country, 23% of them would not want LGBT people for neighbours or for work associates (22%), and as many as half of those surveyed do not want an LGBT person to educate their children.

Also, according to reports and surveys, examples of discriminatory incidents and crimes motivated by homophobia and transphobia are still present, which is why it is required to continue training of police, prosecutors and judges in order to consistently implement legislation related to hate crimes, including the crimes committed because of sexual orientation. Bearing in mind that content that is offensive and degrading to members of the LGBT population is still occasionally present in the media, it is necessary to continue training journalists and other media workers in order to prevent the creation of a bad media image of this social group. The position of transgender persons has been somewhat improved by changes in the regulations regarding the registration of the fact of gender change, however, there are still problems in issuing certain certificates,

such as a certificate of graduation, about the completion of a certain degree of education that a person acquired prior to gender change, and other problems caused by transphobia and stigmatization.

In addition to these grounds of discrimination, the Law on the Prohibition of Discrimination identifies other personal characteristics, such as religious or political beliefs, gender identity, birth, previous convictions, appearance, language, citizenship, genetic characteristics, ancestors, race, skin colour, and other real or presumed personal characteristics.

The Commissioner is approached by both male and female citizens, believing that they have been discriminated against on the grounds of previous convictions, stating that they have problems after leaving prison, cannot get financial assistance, employment, etc. Citizens also state in their complaints that due to religious or political beliefs, they have certain problems both in interpersonal relations and in the exercise of, for example, the right to work. Appearance also stands out as a personal characteristic that may discriminate against particularly job seekers. The most common reasons for discrimination on this ground are obesity, certain body mass index, tattoo, scarring, hair length, etc. It is not uncommon to ask for candidates' pictures together with CVs during recruitment, or to state in job ads that it is required for a candidate to meet certain physical appearance standards. This personal characteristic was dealt with in the past years in addition to other personal characteristics, but in 2019 the number of complaints on those grounds increased.

In order to promote tolerance and equality, in 2019 the Commissioner continued with the *Municipality/City of Equal Opportunities Award*, and on the occasion of International Tolerance Day on 16 November and 10 years after the adoption of the Law on Prohibition of Discrimination, the Commissioner held a regular annual conference at which the Annual Journalism Awards for Tolerance were given for the fifth time.

Below is a brief overview of the grounds of discrimination through the practice and actions of the Commissioner in combating discrimination and promoting equality. For the sake of approaching the problem of discrimination and better consideration of the situation, examples were given regarding certain opinions, recommendations of measures, recommendations for combating discrimination and promotion of equality, as well as motions for review of constitutionality, initiatives for amending the law, court proceedings (lawsuit, misdemeanor, criminal) and other outcomes of proceedings. More detailed statistics on the work of the Commissioner are given at the end of this report, entitled *The Statistical Review of the Work of the Commissioner in 2019*. The opinions, recommendations, warnings, communications and other acts of the Commissioner are available on the official website of the body.

1.1 Discrimination on the Grounds of Disability

Persons with disabilities are one of the most vulnerable population groups in all aspects of social life, given the abundance and diversity of problems faced by persons with disabilities on a daily basis, among which accessibility is a particular challenge. Disabling the movement or access to premises and spaces, as well as information and communications, practically prevents the exercise of other rights by persons with disabilities, to which the Commissioner has been warning through regular annual reports for many years. A large number of people with disabilities are poor or at risk of poverty, difficult to find employment, lacking adequate education or in need of community services that are not organised and implemented consistently.

According to the surveys conducted by the Commissioner in 2019, people with disabilities are one of the most discriminated social groups in Serbia. Thus, in the survey *Citizens' Attitudes towards Discrimination*, as many as 96% of our citizens believe that public institutions must be accessible to all persons with disabilities. At the same time, according to free associations of citizens, the third group most exposed to discrimination, after Roma and women, are persons with intellectual disabilities and mental disorders (33%), with members of the LGBT population (33%). On the other hand, all respondents in the Commissioner's survey *Discrimination on the Labour Market* agree that the most discriminated groups on the labour market are persons with disabilities (over 70% on average of employees, unemployed and employers), older workers, persons of different political beliefs and Roma.

In 2019, disability was stated as discrimination ground in 118 complaints, representing 16.2% of the total number of grounds listed in all complaints. Disability as discrimination ground has been at the top of the list of complaints filed for years. The largest number of complaints about discrimination on the grounds of disability in 2019 were filed due to discrimination in procedures before public authorities - 21.9%, followed by the field of social welfare with 37.7% of complaints, the field of public services or the use of premises and spaces - 32.5% of complaints filed. In the recruitment and work process, 6.9% of complaints were filed, while in the field of education and vocational training, 11.9% of complaints were filed. In addition, fields of health care, culture, art, sports, housing and other fields with fewer complaints follow. Also, complaints were mostly filed by natural persons in relation to civil society organisations, having in mind the aforementioned reasons.

In order to ensure accessibility, in 2019 the Commissioner, acting on the complaints of citizens, issued several opinions in which she found discrimination against persons with disabilities due to the existence of physical barriers that prevented independent access to the facility and services, and it is worrying that

medical access to disability is still not abandoned in practice and that persons with disabilities are still largely viewed through disability assuming incapacity. It is not uncommon practice to initiate proceedings for the total deprivation of a person's legal capacity or the extension of the exercise of parental rights. In addition to acting upon citizens' complaints, the Commissioner made a total of 192 recommendations for equality measures to public authorities and other persons on these grounds of discrimination during 2019, 70 of which were addressed to certain educational, health and rehabilitation institutions, cultural institutions and other institutions regarding accessibility of premises and services for persons with disabilities.

The problems faced by children with disabilities in the field of education, especially with regard to their inclusion and provision of appropriate support, are still present. Thus, in 2019, a number of complaints related to the fact that, for example, children with disabilities were not provided with transportation or the services of a personal escort. The Commissioner approached the Republic Institute for Social Protection and asked for information regarding which local self-government units provided the service of personal escort and which local self-government units did not provide the service, the number of licensed providers of such service and the number of applications for a license, as well as the number of children who were entitled to the service and, if available, for how many children the applications for such service were submitted, but the service was not provided. Upon receiving the Institute's response and analysis conducted, the Commissioner sent 119 recommendations of measures for equality to local self-government units, which she recommended to take measures and activities to ensure the establishment and provision of a personal escort service to children in need of this service.

Then, a recommendation was sent to the National Health Insurance Fund to adequately regulate the exercise of the right to hearing aids from the List of Aids which is an integral part of the Rulebook on Medical and Technical Aids provided from the compulsory health insurance funds, to the Ministry of Education, Science and Technological Development in order to consider the problems identified so far, as well as the most efficient way of typhlotechnical and typhlodidactic adaptation and timely provision of adapted textbooks for students with developmental disorders and disabilities, as well as to the Republic Electoral Commission to take all necessary measures and activities within its competence in order to provide accessible polling stations while providing communications and information, in order to enable all persons with disabilities, as well as other persons with mobility impairment, hearing impairment or vision impairment independent and equal participation in elections.

In addition to acting upon citizens' complaints, the Commissioner gave multiple opinions on draft laws and other acts during 2019 and addressed several initiatives for amending regulations, such as the Initiative to submit amendments to Article 65, item 7 of the Health Care Bill with regard to amendments and specifying

the said Article, in order to prevent discrimination against children, the elderly, persons with impaired health and persons with physical and mental disabilities, and the Initiative was submitted to the Senate of the University of Belgrade for amending the Rulebook on Establishing the Right to Enrolment of Persons with Disabilities. In addition, in the field of social welfare, in 2019 the largest number of complaints about discrimination on the grounds of disability were filed by parents of children with disabilities and developmental disorders who, by virtue of Article 12 (7) of the Law on Financial Support for Families with Children, lost right to compensation of salary, ie compensation of salary during absence from work for special care of the child in the case when the child exercises the right to the allowance for assistance and care of another person. At the initiative of civil society organisations and the Commissioner, in 2018 the Constitutional Court initiated proceedings to review the constitutionality and legality of this article of the Law. The Commissioner also addressed an initiative for amending the said article to the Ministry of Labour, Employment, Veteran and Social Affairs and pointed out the need to amend and harmonize Article 12 (7) of the Law on Financial Support for Families with Children with anti-discrimination regulations as soon as possible. However, this law has not been amended yet, nor has the Constitutional Court ruled.

During 2019, one criminal complaint was filed due to discrimination on the grounds of disability, specifically hate speech against a person who posted inadmissible comments on Facebook.

Opinions and recommendations

The building used by the Tax Administration is not accessible to persons with disabilities

The complaint was filed by civil society organisations against the Tax Administration, due to the inaccessibility of the branch. In response to the complaint it was stated, inter alia, that the company with a contract for the routine maintenance of the Tax Administration premises had been requested to urgently intervene at a business building used by this branch, in order to report the works in accordance with planning and construction regulations and make the prefabricated ramp, that the said works could not be performed from the positions of routine maintenance, and that after adoption of the public procurement plan for 2019, the Tax Administration would initiate a public procurement process for project planning and then for the execution of works on removing architectural barriers to the movement of persons with disabilities, by designing and installing ramps. During the procedure it was determined that the Branch of the Tax Administration was inaccessible to persons with disabilities, which violated the provisions of the Law on Prohibition

of Discrimination, and for that reason the Tax Administration was recommended to take all necessary measures and activities in order to ensure the accessibility of the branch, and in the future not to violate anti-discrimination regulations.

The Tax Administration informed the Commissioner that a public procurement procedure had been carried out to facilitate the smooth movement of persons with disabilities, however, no offers were received. For this reason, a negotiated procedure was launched in December 2019 without the publication of a call for proposals to act on the recommendation of the Commissioner.

A cultural institution inaccessible to persons with disabilities

The complaint was filed by two civil society organisations against the museum, for discrimination against persons with disabilities. The complaint states, among other things, that people with disabilities moving with the aid of wheelchairs are not provided with unhindered access to the building housing the museum exhibits, that is, the museum building can only be accessed by stairs that constitute a “permanent insurmountable architectural barrier” for visitors to the museum who move with the aid of a wheelchair. The complaint also states that the museum is obliged to provide all people with disabilities moving with the aid of wheelchairs with unhindered access to the facility housing the museum exhibits and the museum’s official premises. During the procedure, it was found that the museum, as a legal entity that used and managed the cultural property, had not ensured accessibility of the cultural property to persons with disabilities, thereby violating the provisions of the Law on the Prohibition of Discrimination. Therefore, the museum was recommended to take measures to ensure accessibility of the museum to persons with disabilities and not to violate anti-discrimination regulations in the future.

The Museum informed the Commissioner that a project was foreseen, which included, among other things, the reconstruction of the hall and the “functional reorganisation” of the entrance area, including the installation of a ramp for persons with disabilities, that the implementation of the project would take place in the following two years, and that installation of a ramp with a fence was planned for 2020.

Recommendations of measures for achieving equality

Recommendation of measures for achieving equality to the Republic Electoral Commission

Acting upon the citizens’ complaints, it was noted that in the previous election procedures, there were polling stations that were not accessible to persons with disabilities and other persons with mobility impairment on election day. Namely,

the polling stations were located in facilities with physical barriers (upstairs without elevators, with heavy entrance doors, stairs, etc.) as well as in facilities to which the access is inaccessible (eg the approach is extremely steep, high thresholds, narrow passages, there is no secured parking space for people with disabilities, etc.). Also, some polling stations were not adapted for persons with sensory disabilities in terms that there was no communication and information with voters with sensory disabilities. In addition, the elections so far did not ensure the accessibility of election materials, or ballots for the blind and visually impaired. In practice, it has been shown that a number of publicly accessible premises remain inaccessible to persons with disabilities. In accordance with the law, the Republic Electoral Commission determines polling stations at the proposal of local self-government units and is competent to prescribe detailed rules on the work of the electoral board, as well as detailed rules regarding polling stations. Given that the Republic Electoral Commission has no situational awareness of facilities proposed for polling stations, and that polling stations are most commonly proposed facilities in public use that could be assumed to be accessible to persons with disabilities, there is a risk that a polling station will be located at a facility not accessible to persons with disabilities.

Therefore, the Commissioner recommended to the Republic Electoral Commission, when issuing instructions for conducting elections, in particular to point out the need to propose polling stations that are accessible for persons with disabilities and that local self-government units are especially obliged to propose facilities that meet accessibility standards. Local self-government units should be advised that for facilities where polling stations will be located, it is necessary to propose facilities whose entrance is primarily accessible, doors wide enough for wheelchairs, with a marked parking space for persons with disabilities and accessible approach to the facility, and that if a facility has an accessible ground floor, voting will be organised in these parts of the facility. Special instruction should also be given to electoral boards that communication and information barriers must be removed at polling stations and encouraged to cooperate with local associations of persons with disabilities in overcoming barriers at polling stations. In addition, the Commissioner pointed out that it would be good to consider in the coming period good practices from the countries that introduced accessibility of the ballots for the blind and visually impaired, in order to allow all citizens to vote independently at the elections. One way is to print ballots on Braille, or by enabling the use of templates, ie. special forms corresponding to the ballots and having openings in places corresponding to the places of ordinal numbers in front of the names of candidates on the ballots.

Acting on the recommendation of the measures, the Republic Electoral Commission undertook a number of measures and activities aimed at improving the accessibility of the electoral process to persons with disabilities and informed the

Commissioner that, among other things, it adopted a Decision on the assessment of the accessibility of polling stations in the Republic of Serbia, which regulates the manner of assessing the accessibility of polling stations, which includes collecting data on accessibility of polling station premises, analysing the data collected, and identifying or proposing improvement measures. Also, the Republic Electoral Commission informed the Commissioner that with the civil society organisation dealing with the protection of persons with disabilities, which in 2018 implemented a project of analysing the accessibility of polling stations, signed a Protocol on cooperation, which agreed to work together to improve the legal framework and electoral practices, which includes improving the physical and communication accessibility of polling stations, improving voting procedures outside polling stations, improving voting methods and finding the most effective tools to enable the secrecy of voting for the blind and visually impaired, raising awareness of the need to include people with disabilities in the work of electoral bodies, etc.

Recommendation of measures for achieving equality with local self-government units regarding the establishment and provision of personal escort services

During this and the previous year, the Commissioner was addressed by citizens, indicating that certain local self-government units did not have an established service - personal escort of a child. In this regard, in order to collect the necessary information regarding the engagement of personal escorts for children with disabilities, the Commissioner requested from the Republic Institute for Social Protection information regarding which local self-government units provided the service of personal escort, the number of licensed providers of such service and the number of applications for a license, as well as the number of children who were entitled to the service and, if available, for how many children the applications for such service were submitted, but the service was not provided.

The submitted data indicated that a large number of local self-government units did not have a personal escort service established, which is why the Commissioner recommended to each of them to take all necessary measures and activities to ensure the establishment and provision of a personal escort service to children in need of this service.

The Commissioner pointed out the need to establish this important service for children with disabilities, bearing in mind the importance of this type of practical support for their inclusion in regular education and community activities, as well as establishing as much independence as possible. Support by a personal escort is not a service a child can wait for, as failures to provide it may make it difficult for children with disabilities and developmental disorders to integrate into the regular school system. Considering that this additional form of child support is

a social protection service, the provision of which, in accordance with the Law on Social Welfare, is taken care of by local self-government unit, for this reason it is the obligation of a local self-government unit to establish and provide this service to all children who need this service.

The deadline for acting upon these measures for achieving equality is ongoing.

Initiatives for amending regulations

Initiative for amending the Rulebook on Establishing the Right to Enrolment of Persons with Disabilities

The Commissioner was addressed by the civil society organisation, pointing to the provisions of the Rulebook on Establishing the Right to Enrolment of Persons with Disabilities, adopted by the Senate of the University of Belgrade at the session held on 17 April 2019. In its address, the Association of Students with Disabilities stated that the Rulebook was dominated by “the medical model of disability, neglecting the social aspect and the impact of different barriers on a person’s social position, which is contrary to the sense of social inclusion and the desired effects of student enrolment by affirmative actions, as indicated by provisions stipulating the composition of the Commission for Establishing the Right to Enrolment of Persons with Disabilities, and that the deadlines provided for in this Rulebook prevent all students with disabilities from achieving the legally foreseen rights.” Following the analysis, the Commissioner sent an initiative for amending the Rulebook. The Law on Higher Education, as stated, stipulates that accredited study programmes organised by a higher education institution may be enrolled by candidates under the conditions and in the manner regulated by that law and by a general act of an independent higher education institution, as well as professional instruction on enrolment of candidates in higher education institutions, enrolment by affirmative actions and other matters of importance for enrolment in a higher education institution founded by the Republic shall be passed by the Minister. The right to enrolment of candidates belonging to vulnerable social groups, including persons with disabilities, is determined by law and professional instruction, while this Rulebook regulates it in a different way, thus changing the character and scope of the affirmative action envisaged. In this regard, the Commissioner pointed out that it was necessary to amend the Rulebook so that the manner and procedure of enrolment of persons with disabilities was not determined by a decision by an expert commission consisting primarily of members of the medical profession. In this respect, it was also pointed out that defining disability as a health condition that limits equal participation in higher education and affects learning outcomes and daily functioning does not meet the generally accepted definition prescribed by the Convention on the Rights of Persons with Disabilities and numerous other international and domestic regulations. Thus, even when assessing, needs and

appropriate support measures should be considered, not disability status, that is, the type and extent of impairment and limitations in the function of “recognition of rights”. On the other hand, the Commissioner pointed out that, given that disability is defined by numerous regulations of domestic legislation, and that the Law on Higher Education introduces enrolment of students with disabilities as an affirmative action, there is no need to provide a definition of disability by a rulebook by which the affirmative action elaborates and determines the manner and procedure of exercising the right to enrolment of these persons. The Commissioner pointed out the need to harmonize the circle of persons who can enroll in studies by applying this affirmative action with the circle of persons listed in the Professional Instruction for Enrolment in the first year of study programmes of undergraduate and integrated studies at higher education institutions founded by the Republic of Serbia for the 2019/2020 school year, bearing in mind that this Instruction is in accordance with Article 100 of the Law on Higher Education, it is obligatory for admission to higher education institutions founded by the Republic. The Commissioner also pointed out the need to harmonize the enrolment in the following school years of undergraduate and integrated studies. Namely, the Affirmative Action Programme for Enrolment of the Persons with Disabilities stipulates that when enrolling for several years of study, students enrolled under this programme in the status of budget-funded students do not rank with other students, but retain budget status if they achieve 36 ECTS. For this reason, the Commissioner pointed out that it was necessary to reconsider the provision of the Rulebook on establishing the right to enrolment of persons with disabilities, which stipulates the deadline for applying for enrolment in the next school year, bearing in mind that the requirements regarding the appropriate number of ECTS or disability may also be acquired by students after due date (1 September of the current school year).

1.2 Discrimination on the Grounds of Gender

The Special Report of the Commissioner for Protection of Equality on Discrimination in the Field of Labour and Employment states, inter alia, that for ten years from establishment of the institution the most complaints have been made to the Commissioner in the field of labour and employment, on the grounds of almost all personal characteristics, and most complaints were filed due to gender discrimination, in predominant number of cases due to discrimination against women on the labour market, followed by marital and family status as a personal characteristic in approximately a similar number of cases. The practice of the Commissioner also shows that as grounds of discrimination, those two personal characteristics often appear in combination. Traditional division of gender roles, the burden on women of domestic work and caring for a family

consequently affect their position on the labour market, and causes that lead to gender subordination or superiority, that is, gender stereotypes continue to produce inequalities in daily life.

That women are among the most vulnerable groups is confirmed by the results of public opinion polls conducted by the Commissioner in 2019 *Citizens' Attitudes towards Discrimination*, where according to the respondents' attitudes the women are the second most vulnerable group, and even 42% of citizens believe that women are the most discriminated against, according to their free association.

Gender as the grounds of discrimination this year has ranked second in number of complaints and with 96 complaints makes up a share of 13.2% of the total number of complaints on all grounds of discrimination. In 2019, as in the previous year, more women (54) than men (29) addressed their complaints to the Commissioner stating gender as discrimination grounds. Although women continue to file complaints of gender discrimination on a larger scale, it is noticeable that more and more men are doing so. For example, analysing the complaints, it was found that all complainants due to gender discrimination in the field of health care were men.

According to the areas in which gender is listed as a personal characteristic, in 2019 as in previous years, the largest number of complaints related to the area of labour and employment, which in terms of frequency of grounds in this area represents 20.3%. Also, the analysis showed that the practice from the previous years continued, so in 2019 women mainly addressed due to discrimination in the field of labour and employment. Namely, more than two-thirds of complaints in this area were filed by women (32), followed by men (5), organisations (3) and legal entities (1). In 2019, women made the most of their complaints about the worsening of their position at work during pregnancy and after returning from maternity leave and childcare leave, which was the decisive reason for initiating the Commissioner's strategic lawsuit. Also, during and especially towards the end of 2019, the Commissioner received a number of complaints related to discriminatory job vacancies and advertisements.

After the area of labour and employment, complaints in the area related to the actions of public authorities follow (with a share of 11.6% of the total number of complaints in this area). There was a slight decrease in the number of complaints in this area on gender grounds as a personal characteristic compared to the previous year, but this year, unlike earlier, most have been submitted by men mainly because of dissatisfaction with the work of social welfare centers when giving opinions at the request of the courts in divorce and child custody proceedings. Then, the area of public sphere/general public, area of education and vocational training, area of providing services and/or use of public spaces and premises follow, while in other areas a smaller number of complaints were filed.

During 2019, the Commissioner also gave several opinions on the draft acts, and several initiatives were addressed, of which the Initiative for amending or repealing the Law on the Method of Determining the Maximum Number of the Public Sector Employees, followed by the Initiative for determining names and marking streets, squares and buildings addressed to the City of Belgrade, where it was suggested to the Commission for Monuments and Names of Squares and Streets of the Assembly of the City of Belgrade that when proposing the names of streets, squares and other parts of populated places in the area of city municipalities they propose names after famous women who contributed to the construction and development of our society.

During 2019 a number of complaints were also filed for humiliating and insulting allegations by individuals or in texts on certain media or social networks, and women were a frequent target of this speech. In this regard the Commissioner issued several warnings, and a recommendation was made on measures to achieve equality regarding the modification of the text of the call and the announcement of a seminar programme related to the management of women's teams in the work environment, so that the call and announcement of the programme should not encourage the idea of gender subordination or superiority, or stereotyped gender roles. In addition, the Commissioner also addressed a recommendation on equality measures to the Ministry of Labour, Employment, Veteran and Social Affairs to amend the Rules on Licensing of Professionals in Social Welfare. In 2019, the Commissioner also received a number of complaints concerning the implementation of certain provisions of the Law on Financial Support for Families with Children.

In the reporting period, the Commissioner also submitted to the Constitutional Court a Motion for the Review of Constitutionality of the Provision of the Law on Pension and Disability Insurance, which directly discriminates against widowers in the process of exercising the right to family pension on the grounds of sex. In 2019, one strategic lawsuit, that is, a lawsuit for protection against discrimination in the field of labour was initiated, on the grounds of gender, family status and responsibility - victimization as a special form of discrimination, and two criminal charges were filed, one because of illicit sex acts and one because of violence at a sports event. In 2019, three motions for initiating misdemeanor proceedings were also filed, two of which were related to labour offenses, due to discrimination on the grounds of gender and family status.

Opinions and recommendations

In a humiliating allegation, the director of the tourism organisation offended female members of Hungarian nationality

The opinion was issued in the course of a complaint filed by the association against the director of the tourism organisation for discrimination on the

grounds of sex. In the complaint, the complainants alleged that the director of the tourist organisation, during a live television broadcast, showed a worrying and unacceptable level of stereotype regarding women, stating that “the Hungarian language is best learned by sleeping with a Hungarian” and that this offended all women and mostly female members of the Hungarian nationality. In his response to the complaint, the director of the tourist organisation stated that he did not make the disputed statement as a director but as an amateur actor, and that by using the verb “to sleep” in that allegation he did not allude to a “sexual act”, nor did he reduce the female members of Hungarian nationality to sexual object, has already been used by the aforementioned verb in a broader context which implies “living with a Hungarian woman”. Following the procedure, it was determined that the disputed statement, which was transmitted by almost all media in Serbia, constituted humiliation and degradation of women, especially female members of Hungarian nationality, which is in contravention of the Law on Prevention of Discrimination. Therefore, the director of the tourism organisation was recommended to give in the electronic or print media with national coverage a public apology to all women, especially female members of Hungarian nationality.

The director of the tourism organisation informed the Commissioner that he had acted on the recommendation by giving a public apology in the daily newspaper *Politika* to all women, especially female members of the Hungarian national minority, about which he provided evidence.

Sexist portrayal of a woman in a used car advertisement

The opinion was issued in the procedure regarding a complaint against a car dealer over discriminatory used car advertisement. The complainant alleged in the complaint that the advertised woman was portrayed as a “sexual object and object of desirability” and that the advertisement contained gender stereotypes according to which the number of a woman’s partners constituted a “guideline” for determining her value. The complaint stated that by “drawing a parallel” between the number of car owners and the number of a woman’s partners, thus representing a woman as “used goods”, indicated her diminished value. As the car dealer the complaint was submitted against did not submit its response before the deadline set by law, the Commissioner, in accordance with the rule on shifting the burden of proof prescribed by the Law on Prohibition of Discrimination, took into account the allegations and evidence provided by the complainant when deciding. Following the proceedings and proof deduced, it was determined that a used car advertisement, whose message text read “Was it important that you were not the first?”, promoted sexism and stereotypical and traditional gender roles according to which a woman belongs to a subordinate role in society, and that the eroticized highlighting of certain parts of the female

body, which was clearly aimed at attracting the attention of customers, primarily the male sex, referred to the generally stereotypical attitude of society about female beauty as a prevailing measure of value and a powerful means of sale. The analysis also found that, the advertiser, through the tattoo of two male names on the woman's hand, one of which was crossed out, as well as the ambiguous text of the advertisement message, symbolically identified a woman who had more than one partner with a used car. Drawing such "parallels" is offensive to women, since it implies that women's partners are their "owners" on the basis of which they are "valued", and that stereotyping and promoting prejudice against women in this way can be very dangerous, especially if it is borne in mind that violence against women rests on patterns of behavior according to which a woman is "owned" by a man. The Commissioner considered that the company had violated the provisions of the Law on the Prohibition of Discrimination and recommended that it remove the controversial advertisement from all the billboards on which it was advertised, to adopt the Code of Equality in order to raise awareness of the harmful consequences of discrimination and to promote equality in its working environment, and in the future, within the framework of its regular business operations and activities, comply with the anti-discrimination regulations.

The company informed the Commissioner that it had acted on the recommendation. The Code of Equality submitted and drafted is attached herewith.

Recommendations of measures for achieving equality

Recommendation of measures to marketing agencies regarding advertising content

In the course of the citizens' complaints procedure, the Commissioner observed that certain marketing agencies, when providing services for creating and producing advertising content for customers, produced content that supported prejudices and stereotypes or which offended the dignity of a group of persons on the grounds of some of their personal characteristics. The practice of the Commissioner has shown, among other things, that certain advertisements have supported behaviors based on the idea of gender subordination or superiority, that is, gender stereotyped roles, and that it is not uncommon to have advertisements in which the elderly are mostly portrayed as powerless, sad, ill and with no capacity for quality and meaningful living. The Commissioner has pointed out that advertisements are one of the most widespread forms of media products, to which most citizens are consciously or unconsciously exposed. It is undisputed that the primary goal of any advertisement or advertising campaign is to present a product in a way that will interest and attract a buyer for the particular product that is the subject of the advertisement. A large number of surveys indicates

that the effect of advertising on attitudes, behaviors and emotions is very strong, especially when it comes to children and young people. Advertisements shape the behavior of societies and individuals and inevitably influence the behavior of a buyer/consumer. It can be observed that there is a trend in which advertisements are increasingly imposing certain lifestyles that people adopt as part of their identities and patterns of behavior, which is primarily related to gender stereotypes and unrealistic portrayals of women's and men's bodies as major components of advertising. In this regard, the way in which advertisements portray a person is not without significance, because this creates a picture of what is socially acceptable. It is not uncommon for women to be portrayed in some commercials most often as housewives, or as a parent who only knows how to replace a diaper, iron clothes, cook lunch or scantily clad with lascivious messages and ambiguous texts that contain sexual connotation. If they are portrayed in another role, such as the scientist conducting the research, the aim of the survey is usually to test the effectiveness of a product for maintaining home hygiene, clothing, baby and child food, and other similar products. On the other hand, men are generally portrayed as successful businessmen, athletes, car owners, etc. In this way, the messages that are sent are different for women and men, thus creating mostly stereotyped images of women and men. The messages that are sent influence the awareness of which roles are meant for women and which are for men, thus supporting stereotypes and traditional beliefs about the roles that women and men play in society. In this way, instead of affecting disintegration of stereotypes, some advertisements support them and encourage to act on prejudices, customs and social behaviors based on the idea of gender subordination or superiority, or stereotypical gender roles. Thanks to socially responsible marketing agencies in the public space, there are already a number of advertisements promoting equality and their messages do not support stereotypes, which indirectly influence the formation of citizens' awareness and the creation of an environment in which all members of society can develop and realise their potential. Considering all the circumstances, the Commissioner has recommended that measures for achieving equality be taken by marketing agencies and when creating and producing advertising content the agencies should take into account that such content does not uphold prejudices and stereotypes or offend the dignity of a person or group of persons on the grounds of their personal characteristic.

Initiatives for amending regulations

Initiative for naming and marking streets, squares and buildings on the territory of the City of Belgrade

The City of Belgrade was notified of the Initiative for naming and marking streets, squares and buildings. Decision on naming and marking streets, squares

and buildings on the territory of the City of Belgrade⁷ regulated the issues related to the identification of the names of streets, squares, town districts, hamlets and other parts of populated places on the territory of the City of Belgrade. The names of streets and squares are determined according to universal values and meanings - after the names of famous figures, significant historical, political, geographical, ethnological and other characteristics. Determination of the names of streets and squares, among other things, starts with the names of the persons whose descendants owe them for their selfless sacrifice, heroism, loyalty, faith, charity, literacy development, science, profession, artistic creation - with persons who were the founders, managers, rulers, builders, etc. nationally and globally⁸. In order to undertake activities to promote gender equality, the Commissioner conducted an analysis on the representation, that is, the frequency of naming streets after women, who are owed by our society for selfless sacrifice, heroism, loyalty, charity, literacy development, science, profession, artistic creation. The analysis found that out of the total number of streets in the territory of the City of Belgrade, only 4.48% were named after women, while the number of streets named after men was 50.19%. In addition, the municipalities of Zvezdara, Voždovac and Lazarevac have the fewest streets named after famous women. In order to realise equal participation of women and men in practice, it is necessary to build a social, political and normative environment in which this will be possible. It is for this reason that equal opportunity policy is important, as it presupposes the undertaking of activities, especially by state bodies, local self-government unit bodies and other entities that are directed and serve to create such an environment in which both women and men can effectively exercise their rights. As the marginalization of women in public space can be an indicator of the marginalization of women in society, the Commission for Monuments and Names of Squares and Streets of the City of Belgrade Assembly was proposed to accept this initiative and when proposing names of streets, squares, city districts, hamlets and other parts of populated areas in the territories of city municipalities, quays, river banks, bridges, parks, underground and other aisles, craft and shopping centers, etc. to propose names after famous women who contributed to the construction and development of our society. By accepting this initiative, the City of Belgrade would be an example of good practice in implementing a gender perspective and ensuring greater visibility of deserving and prominent women in the public space. At the same time, this would be an adequate way of affirming the women's contribution, creativity and overall heritage that has shaped our society.

7 Official Gazette of the City of Belgrade, No. 7/94, 16/98, 3/00, 3/01 and 12/04

8 Article 7 of the Decision on naming and marking the streets, squares and buildings on the territory of the City of Belgrade

1.3 Discrimination on the Grounds of Health

According to the Commissioner's practice, health, as ground of discrimination, has been one of the five most common grounds stated by citizens in complaints over the past four years. This trend continued in 2019, in which 86 complaints were filed on those grounds, which places it in the third place by frequency of occurrence. Namely, in 11.8% of all complaints, health was stated as ground of discrimination, either alone or in combination with some other personal characteristic, most commonly, disability, genetic characteristics, age, etc. Compared to 2018, there was a noticeable increase in the number of complaints on those grounds, given that 61 complaints were filed last year, which represented 6.1% in terms of frequency of occurrence.

Regarding the areas, the largest number of complaints were filed in the area of labour and employment, followed by the area related to procedures before public authorities, health care, education and vocational training, provision of services and/or use of public spaces and premises, social protection, etc. Also, the Commissioner's practice shows that, as last year, the largest number of complaints (68) were filed by natural persons, 33 men and 35 women, while human rights organisations filed seven complaints and one complaint was filed by a group of persons.

In 2019, on several occasions, the reason for citizens' addressing was that healthcare institutions indicate the HIV status of patients in such a way that they recorded HIV status inappropriately, in red or in capital letters, outside the box in the medical records. In this regard, the Commissioner made recommendations for equality measures to health care institutions (230) to take measures within their jurisdiction to ensure that information on the HIV status of patients is recorded by healthcare workers in the heading in the medical records intended for the entry of diagnoses (or other diagnoses), the same size and colour of the letters that would normally enter diagnoses and conditions relevant to the medical procedure, using the Latin name and disease code according to the International Classification of Diseases, Injuries and Causes of Death. The Commissioner did not receive notification from 23 health institutions regarding compliance with the recommendation. In addition to this recommendation of measures, the Commissioner also sent a recommendation of measures for achieving equality to the Special Hospital for Rehabilitation "Rusanda", with a view to improving the position of persons living with HIV in the rehabilitation procedure.

Also, during 2019, several initiatives were sent, of which we especially highlight the initiative sent to the National Health Insurance Fund for the amendment to the Rulebook on Medical and Technical Aids provided by means of compulsory health insurance in order to improve the position of the blind and visually impaired, Initiative to the Ministry of Health for Amending the Regulation on the

Plan of Networks of Health Care Institutions regarding the improvement of the position of persons who are on dialysis treatment and the Initiative for Amending the Rulebook on Conditions and Method of Treatment of the Remains of a Deceased Person, which relates to the treatment of the remains of people who had suffered from or died of HIV. A number of recommendations regarding health as grounds of discrimination are given in more detail in the part of the report that deals with discrimination on the grounds of disability as a personal characteristic.

During the year, complaints also related to the position of people suffering from rare diseases, as well as other diseases requiring treatment with new generation drugs, as well as the position of children with developmental disorders and disabilities. In this regard, the Law on Financial Support for Families with Children has not yet been amended, despite several initiatives by the Commissioner, motions for review of constitutionality and civil society organisations' address in this respect. Particular emphasis was also placed on stigma and prejudice against people with autism, especially children with autism.

The strategic lawsuit initiated in 2017 concerning discrimination on the grounds of health in the field of labour and employment has not yet been finalised, and it concerns a woman with leukemia who subsequently lost her job.

Opinions and recommendations

Discrimination of pupils on the grounds of health

The opinion was issued in the course of a complaint lodged by a mother on behalf of her minor son against the Municipal Administration for discrimination on the grounds of health. The complaint stated that her son was a pupil at the Primary and Secondary Education School, had autism, and that he had the support of a personal escort in the eighth grade of primary school and the first two weeks of secondary school. She further stated that major changes had taken place in the family that adversely affected her child, bearing in mind that he was a person with autism who had well-established habits and that he needed the support of a personal escort. At the beginning of the school year she submitted a request for an assessment of the need for support with the proposal of the school on the need to hire a personal escort and during class, however, the Inter-Departmental Committee did not consider the request, that is, they informed the mother that they would not decide on the new request by the end of the school year. The Municipal Administration - Department for Social Affairs responded, among other things, that the local government unit provided a mini-bus for transport of thirteen children to the Primary and Secondary Education School, including the complainant's son, to travel with three personal escorts who had an obligation to

take care of their safety on the road, that the new request for assessment of the need for support was submitted before the beginning of the school year, that no specific problems and difficulties were mentioned the pupil faced at school for which he would need the support of the personal escort during the class, and that extending the service of support of the personal escort to the classes would not contribute to the pupil's progress and independence. During the procedure it was determined that changed circumstances occurred in the child's life, that the school made a proposal on the need to hire a personal escort, and that the Committee did not comply with the Rulebook on Additional Educational, Health and Social Support for Children and consider the request for an assessment of the child's need for additional support within the prescribed time limit from the receipt of the request. The Commissioner was of the opinion that by failing to consider the new request for assessment of the child's need for additional support, the Municipal Administration - Department for Social Affairs violated the provisions of the Law on Prohibition of Discrimination. The Municipal Administration was recommended to consider the request for an assessment of the child's need for additional support, taking into account all previous and newly established circumstances in the pupil's family and life, and to inform the complainant about the opinion of the Inter-Departmental Committee and not to violate the Law on the Prohibition of Discrimination in the future.

The Municipal Administration informed the Commissioner that the Inter-Departmental Committee had adopted a common opinion granting the pupil a personal escort service as part of the individual support plan during transportation and school attendance.

Recommendations of measures for achieving equality

Recommendation of measures to the Special Hospital for Rehabilitation "Rusanda"

The letter was addressed to the Commissioner by the Union of Organisations of Serbia dealing with the protection of persons living with HIV/AIDS. The letter outlined the position and rights of the patient living with HIV in the Special Rehabilitation Hospital and stated that upon arrival of the patient in the Special Hospital, the documentation showed that it was a person living with HIV and had been accommodated to the infectious ward or isolation room, although this person did not come to the hospital because of HIV but because of the need for rehabilitation due to the experienced stroke. According to the letter, the patient was not infectious for a long time and was regularly taking antiretroviral therapy (the virus was undetectable). In order to improve the position of persons living with HIV, the Commissioner recommended to the Special Hospital to take all

measures within its jurisdiction to provide health services to persons living with HIV/AIDS without prejudice and setting special conditions for the provision of health services unjustified by medical reasons. It was acted upon the recommendation of the Commissioner.

Initiatives for amending regulations

Initiative for amending the Rulebook on Medical and Technical Aids Provided from Compulsory Health Insurance Funds

The Commissioner submitted to the National Health Insurance Fund an initiative to amend the Rulebook on Medical and Technical Aids Provided from Compulsory Health Insurance Funds⁹ by extending the types of medical and technical aids provided to insured persons by compulsory health insurance funds, ie increasing the number and types of eye aids listed in the List of Aids. Article 2 of this Rulebook prescribes the types of aids provided to insured persons by the National Health Insurance Fund (with or without participation), including eye aids. An integral part of this Rulebook is the List of Aids, which contains types of aids, indications for prescribing, participants in the prescribing process, expiration dates of aids as well as parts of aids with shorter expiry dates. Article 55 of this Rulebook stipulates that eye aids, among other things, are teflotechnical aids: Braille typewriter; player, Braille watch for the blind (wrist or pocket watch); dark glasses; white cane for the blind; an ultrasonic cane for the blind; speech software for Serbian language. Allowing the use of newer and more up-to-date medical and technical aids could contribute to the inclusion and utilisation of the full potential of blind and partially sighted persons as equal members of society. For example, the Commissioner had the opportunity to attend the presentation of an aid for the blind, which is mounted on glasses and enables reading of text in a very short period of time, recognizes faces, identifies products, colours, banknotes, etc., thus enabling to a great extent the independence of the persons who use it. Also, the public is familiar with the smart glove for the blind and partially sighted persons, which is intended to assist in orienting in the space, recognizing and articulating colours, tracking the movements of blind people, but can also help in other areas. The glove was tested by the Union of the Blind of Serbia, which participated in the creation of the content it can provide, according to the needs of the blind and visually impaired. In this regard, starting from Article 70 of the Law on Health Insurance¹⁰ and the jurisdiction of the National Health Insurance Fund, the Commissioner took the initiative for amending the Rulebook in order to consider the

9 Official Gazette of RS, No. 52/12, 62/12-corr., 1/13-ed, 112/14, 114/14-corr., 18/15, 19/17, 29/17-corr., 2/19 and 16/19

10 Official Gazette of RS, No. 25/19

possibility of listing as many and modern medical and technical aids in the List of Aids provided by the compulsory health insurance funds. An increase in the number and type of aids provided by compulsory health insurance funds would once again show our country's full commitment and orientation to continuously improving the position of persons with disabilities and, in this particular case, would greatly influence the easier and faster inclusion of the blind and partially sighted citizens in all social currents.

1.4 Discrimination on the Grounds of Age

The practice of the Commissioner showed that age was the ground of discrimination in 2019 in 72 complaints, which was 9.9% according to the frequency of this discrimination and was the fourth discrimination ground based on the number of grounds in that year. The number of complaints addressed to the Commissioner for age discrimination in 2019 was less than the number of complaints filed in 2018. The increase in the number of complaints in the previous year was influenced by the large number of complaints filed due to the implementation of the provisions of the Law on Financial Support for Families with Children, when 109 complaints were filed in the field of social and family protection in which this ground of discrimination was listed as a personal characteristic.

In 2019, the largest number of complaints (43%) concerned discrimination against persons over the age of 65, 18% of complaints were filed for discrimination against persons under the age of 18, and 39% of complaints were filed for discrimination against persons between the ages of 18 and 65. The largest number of complaints on those grounds were filed in the area of labour and employment (7.4% of the total number of complaints filed in this area). That was followed by the area of actions of public authorities, the area of provision of services and/or use of public spaces, the area of health care, the area of education and training, followed by other areas.

Based on the analysis of complaints, it can be concluded that age, as a ground of discrimination, often appears in combination with some other personal characteristics - disability, health status, etc. This is especially the case with discrimination against older people with disabilities in the provision of services and/or use of public spaces.

Complaints filed in the area of labour and employment are related to the exercise of individual rights in employment. Most often, the complainants stated that they were prevented from professional developing, being promoted, or they were transferred to lower job positions due to their age. It is not uncommon that, due to age, they do not succeed in getting job, although they have extensive work

experience. Also, young people find it difficult to get their first job, often working in informal and short-term forms of labour. In addition, it should be borne in mind that the number of elderly women is higher than the number of elderly men, that many elderly women are widowed and economically disadvantaged due to low income. Some employers understand the importance of implementing the principle of equal opportunities in the employment and work process, as evidenced by the interest shown by companies in the training sessions that the Commissioner implements to adopt their own Equality Code.

Elderly citizens continue addressing the Commissioner mostly in person, while rare complaints are from civil society organisations on their behalf. The complaints mainly emphasize that the inaccessibility of public premises and spaces, as well as services, is a major obstacle to equal inclusion in all social movements of persons over 65 years of age and persons with mobility impairment, as well as persons with disabilities.

In addition to her numerous opinions on the draft laws and other acts she gave during 2019, the Commissioner also made a number of recommendations for equality measures on this basis. Thus, 169 recommendations were sent to the social welfare centers, and the reason for these recommendations was to increase the number of initiated proceedings for deprivation of legal capacity. In addition to this recommendation, a recommendation was made on measures due to the inaccessibility of public premises and spaces, which further complicates the lives of both disabled persons and elderly people with mobility impairment, mothers with children and the like.

During 2019, the Commissioner also sent several initiatives for amending the regulations: Initiative for repealing the Law on the Method of Determining the Maximum Number of the Public Sector Employees, Initiative for supplementing the Law on Trade, Initiative for PUC City Public Transport Company, Belgrade, Initiative to submit amendments to Article 65, item 7 of the Health Insurance Bill. The Commissioner also supported the Initiative of the New Social Protection Union of Serbia in the context of amendments to the Budget Bill for 2020.

Opinions and recommendations

Discrimination in the field of the provision of public travel insurance services

The opinion was issued in the procedure regarding a complaint against an insurance company based on discrimination on the grounds of age. The complainant alleged that this insurance company refused to provide her with a travel

insurance service because of her years of life. The complaint stated that insurance companies had not only the right but also the legal obligation to identify, measure and evaluate the risks they were exposed to in their business and to manage these risks by applying a qualitative and quantitative management method, and to establish procedures for risk identification, assessment and measurement, in accordance with the regulations, standards and rules of the insurance profession, and that Article 2 of the General Conditions for Insurance of Persons during Travel and Stay Abroad stipulated the ability to insure and set health status and age limit (0-80 years of age). In this connection, the Commissioner pointed out that it was indisputable that the insurance company, like all other insurance companies, was authorised to determine the insurance conditions governing its business, but that all acts of insurance companies had to comply with the Constitution and legal regulations, both with those in the field of insurance activity and with other regulations of the Republic of Serbia, including regulations prohibiting discrimination. The Commissioner pointed out that according to Article 6 of the Law on Prohibition of Discrimination, direct discrimination occurs when an individual or a group of persons are put at a disadvantage due to their personal characteristic compared to an individual or group who are in the same or similar situation and who do not have that personal characteristic. In this particular case, it is obvious that persons over 80 who wish to be insured during travel and stay abroad are prevented from doing so, since this insurance company does not provide insurance during travel and stay abroad for persons over 80 years of age. Due to all of the above, the Commissioner considered that by refusing to provide the complainant with an insurance service during travel and stay abroad, this insurance company violated the provisions of the Law on the Prohibition of Discrimination. The Insurance Company was recommended to harmonize the General Conditions for Insurance of Persons during Travel and Stay Abroad with the anti-discrimination regulations, by prescribing the possibility of insurance for persons over 80 years of age.

The Insurance Company informed the Commissioner that it had acted on the recommendation and amended the General Conditions for Insurance of Persons during Travel and Stay Abroad.

Recommendations of measures for achieving equality

Recommendation of measures for achieving equality for social welfare centers

The Commissioner recommended that measures be taken to ensure equality for all social welfare centers, recommending that, when drawing up a plan for the provision of social services for elderly beneficiaries, and in particular

when assessing the need to appoint a temporary guardian and initiate proceedings depriving those persons of their legal capacity, they should not base their decisions on prejudice and stereotypes about their opportunities and ability to protect and represent their rights and interests, given their age and health status, but in a directed, balanced and impartial assessment of the circumstances of the particular case and the full application of the principles of the least restrictive intervention and environment, as well as respect for the personality and dignity of elderly beneficiaries in order to achieve or maintain their optimal level of psychophysical and social functioning. In addition, the centers were recommended to familiarise all employees with this recommendation of measures made by the Commissioner. The recommendation states that although a decision and the mere submission of a motion to a court for the deprivation of a person's legal capacity does not mean that the person will be completely or partially deprived of legal capacity, since the decision is taken by a court, the centers must bear in mind that this is the first step that can produce serious violations of the entire human rights corpus of a person, including the danger that a person deprived of legal capacity, contrary to such person's will, may be imprisoned, subjected to involuntary treatment and excluded from the opportunity to make decisions that affect his/her life. According to the latest available report of the Republic Institute for Social Protection¹¹, the total number of adult beneficiaries under guardianship was 13,075. According to the chart given in the report, the number of persons deprived of legal capacity is constantly increasing, which is contrary to the standards of treatment and the social model, instead of the medical model. The Republic Institute's report, which was prepared based on the reports of the social welfare centers, in this category is still dominated by beneficiaries completely deprived of legal capacity, while the number of persons partially deprived of legal capacity is insignificant. When reviewing the cases in the category of beneficiaries completely deprived of legal capacity, 71% are adults. The Republic Institute's report further states that out of the total number of guardians for adults, in 31% of cases it is direct guardianship of a social welfare center, which raises questions about the workload of skilled workers and the quality of support provided to dependants. Such data on the practice of the centers is worrying, given that the consequences of deprivation of legal capacity are incomprehensible, since a person is deprived of the right to make decisions independently in any segment of his/her life. Quantitative data on the number of adults under guardianship shows that this practice is still widespread in Serbia, which, among other things, speaks of underdeveloped decision-making models with support, as an alternative to the restrictive guardianship regime. Bearing in mind the importance that the legal capacity produces in the life of every person, it is clear that by its total or partial deprivation, the person is deprived or limited in the scope of the right he/she

11 Report on the Work of the Republic Institute for Social Protection for 2017 ", Republic Institute for Social Protection, pages 10 and 11

enjoys. A total deprivation of legal capacity deprives a person of the opportunity to dispose of his/her property as well as not to possess it, since the legal capacity of these persons is equal to that of young minors. Also, persons deprived of legal capacity are deprived of their right to vote. Thus, the spectrum of rights that persons exercise on the basis of their legal capacity clearly indicates that it is the key to full participation of all persons in the legal system.

Three social welfare centers (Kovin, Tutin and Valjevo) did not inform the Commissioner about acting on the recommendation, while other centers took action.

Initiatives for amending regulations

Initiative for proposing amendments to Article 65, item 7 of the Health Care Bill addressed to the National Assembly, the Health and Family Committee

The Commissioner supported the Initiative for proposing amendments to Article 65, item 7) of the Health Care Bill, which the New Social Protection Union referred to the National Assembly (to all parliamentary groups and to the Health and Family Committee). The letter stated that it was necessary to specify the provision prescribed by Article 65 of the Bill, because in item 7 of this Article the exception for persons accommodated in social protection institutions in respect of the scope of primary health care is prescribed, or the prescribed provision reduced the volume of primary health care protection for persons accommodated in the institution. Pursuant to the said letter, and based on the powers of the Committee prescribed by Article 161 (1) of the Rules of Procedure of the National Assembly, the Commissioner sent a letter to the Committee to consider the initiative for submitting amendments or supplements to the said Article of the Bill to prevent discrimination against one from the most vulnerable groups of citizens (children, the elderly, people in poor health and people with physical and mental disabilities). The Commissioner pointed out that the said provision was not written accurately and could lead to unequal treatment in practice and discrimination against persons accommodated in social protection institutions, and that she considered it necessary to amend the Article of the Bill in this regard. Bearing in mind that Article 51 of the Law on Social Welfare¹² stipulates that a social welfare home occupant shall be provided with accommodation and basic living needs, as well as health care, the Commissioner also raised the issue of its compliance with this law, that is, indicated a possible conflict of two laws. It was also noted that the Commissioner was not provided with the draft Law on Health Care for opinion, and that she did not have the opportunity to point to this problem earlier.

12 Official Gazette of the RS, No. 24/11

1.5 Discrimination on the Grounds of Membership in Political, Trade Union and other Organisations

It is increasingly often for the individuals to address the Commissioner, but also for trade union organisations, due to position of the organisation or the exercise of the rights of their members due to discrimination on the grounds of membership in political, trade union and other organisations, most often in the field of labour and employment.

The Special Report of the Commissioner for Protection of Equality on Discrimination in the Field of Labour and Employment stated that based on the Commissioner's practice in the period 2010-2019 in the area of labour and employment, most complaints were filed on the grounds of gender discrimination, followed by marriage and family status, then membership in political, trade union and other organisations, as well as other personal characteristics.

Discrimination on the grounds of membership in political, trade union and other organisations is also reflected in the results of the survey *Discrimination on the Labor Market*. About two-thirds of the surveyed stakeholders (employers, employees and unemployed persons) had no personal experience of discrimination, but of those who believed that they had been discriminated against, 38% of employers and unemployed persons said that it was in the employment process, while 40% of employees stated that it was in the process of work/employment. For all labour market participants, the most represented personal characteristic in the personal experience of discrimination is membership in political, trade union and other organisations (58% of employers, 57% of unemployed and 50% of employees). This is the dominant basis for discrimination on the labour market, both in measuring perceptions and in examining respondents' personal experiences of discrimination, but to a lesser extent. The survey also outlines respondents' views on inequality and discrimination on the grounds of political beliefs, given that there is a very high representation of political beliefs and party membership in recognizing discrimination situations, while at the same time there is a high degree of indecision in assessing political beliefs and party membership as reasons for inequality and discrimination on the labour market. The high degree of agreement of the respondents was also confirmed by the statement that only members of the ruling political parties were advancing in business.

During 2019, 72 complaints were filed with the Commissioner stating membership of political, trade union and other organisations as grounds of discrimination. Most of the complaints were filed by organisations (51), while 21 complaints were filed by individuals, of which eight were women and 13 were men.

As regards areas of discrimination, the largest number of complaints were filed in the area of labour and employment (27.2% of the total number of complaints filed in this area). After the area of labour and employment, the area of actions of the public authorities follows, followed by the area - actions/activities in trade unions, political parties and other organisations.

An analysis of the Commissioner's practice has revealed that, when it comes to discrimination on the grounds of membership in political, trade union and other organisations in the field of labour and employment, when presenting evidence in certain complaints procedures, complainants or witnesses highlight the problem of party employment, ie giving priority to recruitment process to members of the ruling political parties, stating that they feel afraid of the consequences of reporting, because of which they do not file complaints or they give up continuing the procedure, or the proposed witnesses refuse to give evidence. This practice is confirmed by numerous surveys, as well as by participants in conferences and other events related to employment and the labour market and migration, especially the youth.

In addition to complaints, in 2019, as in the previous year, the Commissioner was approached by unions, pointing to insufficient number of employees, further weakening of the capacities of institutions, as well as the inability to improve their work, primarily due to the implementation of the Law on the Method of Determining the Maximum Number of the Public Sector Employees. Trade union letters stated that the number of employees was below each minimum, that such situation had over time led to burdens and "burn-in" of employees, and that the health care and social welfare system was further threatened due to the increase in the number of beneficiaries from year to year, and that the law particularly affected certain social groups, such as women and young people. On that occasion, it was especially emphasized that the functioning of the services in addition to the ban on employment, was also influenced by the extension of the scope of work of institutions. Also in some cases, union representatives approached the Commissioner in order to obtain information on the manner and procedure for filing complaints, and in 2019 the Commissioner also held meetings with trade union representatives. In addition, in 2019 the Commissioner, after receiving a letter from the New Social Protection Union of Serbia, addressed the Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction, as well as the Government, which proposed the Law on the Budget of the Republic of Serbia for 2020, with a proposal to consider the initiative of this union in order to ensure the rights of citizens in the field of social welfare, that is, to maintain the existing level of rights established by law, the scope and quality of services, as well as to exercise the rights of employees related to safe and healthy working conditions.

Decision of the Constitutional Court regarding direct implementation of the provisions of the Labour Law

In March 2019, the Constitutional Court of the Republic of Serbia, on the Commissioner's motion for review of the constitutionality and legality of the provision of the Collective Agreement for the Public Enterprise "Post of Serbia", issued a decision No. IUo-132/2018, which states, inter alia, that Article 1, Article 3 (1) and Article 247 of the Labour Law stipulate that the rights, obligations and responsibilities arising from employment are governed by this law and a separate law and by a collective agreement. For public enterprises, a collective agreement is concluded with the employer, which, in accordance with the Law, regulates, on the one hand, the rights, obligations and responsibilities arising from the employment of employees, and, on the other hand, the mutual relations of the participants in that collective agreement, and accordingly, a collective agreement with the employer contains two types of legal provisions - normative which regulate the rights, obligations and responsibilities of all employees of that employer and obligatory which regulate the rights, obligations and responsibilities of participants in the collective agreement, or representative trade unions and employer. Position of trade unions without representativeness is not, therefore, subject to a collective agreement with the employer, and from that it is deduced that these trade union organisations exercise certain rights on the basis of certain provisions of the Labour Law and in accordance with agreements they conclude with the employer (Articles 209 to 214 of the Labour Law). Further, in the explanation of the decision it is stated that the collective agreement with the employer must be in accordance with the law, but under Article 8 (2) of the Labour Law, a collective agreement may establish greater rights and more favourable working conditions than rights and conditions established by law, unless otherwise provided by law, which means that a collective agreement is in compliance with the law if it is as favorable to employees as the law or if it is more favourable than the law.

The Constitutional Court rejected the motion for a declaration of unconstitutionality and illegality, but found that the contested Collective Agreement did not contain provisions on many issues and rights regulated by the Labour Law, since the purpose of a collective agreement is to autonomously regulate those rights, obligations and the responsibilities of employees for whom it is permitted by law, directly applying legal solutions in respect of which there is no possibility of other regulation. In explanation of the decision it is also stated that, in the specific case, the rights referred to in Article 13 (1) of the Labour Law and the protection of those rights are exercised by each employee directly on the basis of the provisions of the Labour Law, as well as all other rights established by that

law, nevertheless they are not contained in the collective agreement, and that, according to the Constitutional Court's understanding, directly on the basis of the Law, regardless of the contested provision of the collective agreement, the said rights shall also be exercised by an employee who is a representative of a part of employees, united in a trade union organisation, without representativeness. The Constitutional Court based such an understanding on two facts. First, the contested provision is systematised in the part of the collective agreement which regulates the mutual relations of the participants of that collective agreement, which implies that the said provisions are applied *inter partes* and not *erga omnes*. Also, the position of trade unions without representativeness is not the subject of a collective agreement with the employer, so the participants in the collective agreement are not obliged to regulate the issues that concern the trade unions without the representativeness.

Although the Constitutional Court denied the motion, this decision is important because it emphasizes that the fact that the contested Article 136 (2) of the collective agreement provides for protection against liability or disadvantage, during the term of office and after the expiry of the term, only for representatives of the representative trade unions does not in itself mean that it denies protection to trade union representatives who do not have representativeness, and that they exercise these rights directly on the basis of the provisions of the Labour Law, as well as other employees with the employer.

The Constitutional Court further pointed out that, although the contested provision of the collective agreement provided protection for representatives of representative unions during their term of office and upon termination of their term of office, while the legal provisions did not contain a period of such protection, there was essentially no difference between the scope of protection provided by the Law and that provision, since in both cases it was a matter of protection against liability for the actions taken.

Recommendations of measures for achieving equality

Recommendation of measures to the bank regarding the creditworthiness of employees of citizens' associations

The Commissioner was addressed by a citizen stating that the bank did not consider the creditworthiness of the client who had applied for a loan because it was a person employed by a citizen association as a form of organising. Namely, according to the available information the Commissioner provided, the bank by an electronic mail informed the client that it was not possible to finance the employees of the associations because the creditworthiness of the

association could not be assessed, and then, in the case of employment with another employer, she could check with her personal banker possibility of application. In this way, financial position of a client is assumed without previous checking the creditworthiness of an association, ie member of the association. On the assumption of the bank that the citizens' associations (and thus the persons employed in the citizens' associations) were practically insolvent, the Commissioner pointed out that the citizens' associations, in fact, might have better financial position and creditworthiness than many legal persons that were not registered as citizens' associations. Namely, the fact that a certain person is organised as a citizens' association does not in itself mean that this legal person has unstable income. In view of the above, the Commissioner addressed to the bank a recommendation of measures for achieving equality to undertake all necessary actions and measures in order to enable the citizens' associations, as well as members of the associations, employed with the associations to use the banking services offered by the bank on an equal basis with other legal and natural persons, including loans, that is, in accordance with the law, to make an assessment of creditworthiness and credit risk based on quantitative and qualitative criteria, with respect to each individual client, in order to determine on the basis of objective criteria the characteristics of a particular potential future borrower and make a decision on possible lending that is not based on any real or presumed personal characteristic.

It was acted upon the recommendation.

Initiatives for amending regulations

Initiative to the Ministry of Health and Clinical Hospital Center

The Commissioner received 41 complaints from persons, trade union members, filed on their behalf and with their consent by the union against the Clinical Center, stating that individual decisions were issued to render invalid the decisions granting these persons paid leaves of absence of up to 32 hours during one month, for the purpose of performing a function in the union and compensation of salary for the approved hours of paid leave, which they considered to be an act of discrimination. The complaints stated that the initiative to review constitutionality and legality had been initiated in connection with the disputed provisions of the contract, and that a judicial proceeding was instituted to protect against discrimination before a competent court. Considering that the procedure for protection against discrimination was conducted on the same legal matter, the Commissioner, in accordance with the law, could not continue the complaint procedure further. The Commissioner pointed out to the Clinical

Center and the Ministry that lawsuit need not be the only solution and pointed out that in this legal matter it was necessary to take into account the decisions of the Constitutional Court from the previous period, which concerned representative and unrepresentative unions, such as decisions IUo-18/2010, IU-89/2007, IUo-163/2018. In these decisions, the Constitutional Court emphasized that, under the provisions of the Constitution and the Labour Law, unions were employees' associations which they joined on a voluntary basis, and their primary role was to protect individual and collective rights and interests of employees. Further, Article 211 (1) of the Labour Law stipulates that a collective agreement or agreement between an employer and a trade union with an employer may determine the right to paid leave of absence for a trade union representative to perform a trade union function in proportion to the number of trade union members. Therefore, according to the Constitutional Court, "all authorised representatives of trade union organisations are guaranteed by law the right to paid leave of absence for the exercise of trade union function, and as such cannot be denied in the manner provided for by the contested provision of the Collective Agreement. The signatories of the collective agreement are only authorised to determine the number of paid hours for representatives of all trade union organisations for the purpose of performing union activities depending on the number of members of the trade union organisation, as required by Article 211 (1) of the Labour Law." By decision of the Constitutional Court made on the motion submitted by the Commissioner, in a similar legal situation IUo-163/2018 of 21 Nov. 2018, according to the Constitutional Court estimation, the general act of the employer cannot determine the basic salary for performing a trade union function, regardless of whether it is a function in a representative trade union or one that has no representativeness. For the purpose of performing a trade union function, in accordance with the provisions of the Labour Law, a collective agreement or an agreement between an employer and a trade union, the right to paid leave of absence for a trade union representative, in proportion to the number of trade union members, may be established for the period of entitlement.

Initiative for ensuring equality in the field of social welfare

The Commissioner, after receiving a letter from the New Union of Social Protection of Serbia, addressed the Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction, as well as the Government who proposed the Law on the Budget of the Republic of Serbia for 2020, with the proposal that in order to secure the rights of citizens in the field of social welfare, that is, maintaining the existing level of rights established by law, the scope and quality of social welfare services, as well as exercising the rights of employees in social welfare related to safe and healthy working conditions, consider the initiative by the New Trade Union of Social Protection, primarily bearing in

mind that Article 1, paragraph 1, item 4 and Article 8 of the Budget Bill of the Republic of Serbia for 2020 have a very unfavourable impact on the efficiency and effectiveness of the work of institutions in securing the rights of citizens in the field of social protection, that is, maintaining the existing level of rights set by law, the scope and quality of social protection services, as well as the exercise of the rights of employees in social protection related to safe and healthy working conditions. In her letter to the responsible committee, the Commissioner noted that in her 2018 Regular Annual Report, through recommendations for combating discrimination and promoting equality, she pointed out that it was necessary to improve the system of social protection and financial support for families with children in order to improve the efficiency and quality of assistance to overcome social and life difficulties, creating conditions for meeting the minimum substance requirements of an individual and the family, as well as measures to protect the family with children and support birth, and pay particular attention, among other things, to improving the availability and diversity of support services (day-to-day community services, support services for independent living, intensive crisis support services for families, counselling and parental support, support for a family caring for their child or adult family member with developmental disabilities, etc.), as well as other social welfare services. In her recommendations, the Commissioner emphasized that it was necessary to strengthen all (quantitative and qualitative) capacities of social welfare centers in order to be able to respond in a timely manner to all jobs in the field of social and family legal protection and to provide quality mapping of needs, recognition of social exclusion and timely activating all forms of support and assistance. The Commissioner also stated in her letter that the National Assembly of the Republic of Serbia adopted the Conclusion regarding consideration of the 2018 Regular Annual Report of the Commissioner for Protection of Equality, which stipulates, among other things, in item 10 of the Conclusion, that the Government is called on to provide continuous reporting on the implementation of this Conclusion.

1.6 Discrimination on the Grounds of Another Personal Characteristic

Discrimination on the grounds of another personal characteristic includes personal characteristics not explicitly listed in the Law on the Prohibition of Discrimination, so this group includes complaints about discrimination in which residence or affiliation with groups such as migrants, asylum seekers, internally displaced persons and the like are stated as grounds.

According to the Commissioner's survey *Citizens' Attitudes towards Discrimination in Serbia*, citizens show the greatest social distance to migrants and

asylum seekers (3.2), as many as a third of respondents would not prefer migrants living in the same country as them (37%) as well as having migrants for neighbors (38%) or co-workers at work (33%). Comparing the results with those of 2016, it can be seen that there were changes in social distance for certain groups, so in 2016 the largest distance existed for the LGBT population, while now it is the largest for migrants.

Regarding the practice of the Commissioner during 2019, 65 complaints were filed with the Commissioner, stating as grounds of discrimination a personal characteristic which was not explicitly stated in the Law, and in most cases it referred to residence. The number of these complaints was increased because in 2019, 44 complaints were filed with the Commissioner by parents on behalf of their children/pupils against one secondary school. The complaints alleged that the school principal refused to enroll their children, who were from Osečina, in the following school year, which made them believe that the children were discriminated against in relation to other pupils of the school, on the grounds of their place of residence. In response to the complaint it was stated that in the school year 2019/2020 pupils from Osečina were not enrolled in the school due to the decision to shut down activities outside the headquarters of this school, and that the Government's Decision amending the Decision on the Public Secondary Schools Network, Osečina Municipality was allowed to form separate educational institution. During the procedure it was established that the Government had adopted the Decision on establishing the Education and Upbringing Center in Osečina, starting on 1 Sept. 2019, in which the secondary education programme would be implemented, then that the pupils would continue their education in a separate educational institution according to the same plans and programmes that were in the separated class which was shut down, as well as that the rights of the pupils were not violated in any way, and that quality and continuity of education were not impaired. In view of the above, the Commissioner terminated the procedure on these complaints, as it was obvious that there was no violation of rights.

During 2019, four complaints were filed with the Commissioner for discrimination against refugees, internally displaced persons, migrants and asylum seekers, out of which three were filed by natural persons and one by a company. Two complaints concerned migrants, one in the area of housing and the other in the area of labour and employment. The other two complaints related to refugees from the former Yugoslavia and were filed by natural persons, one in the area of housing and the other in the area of labour and employment. In all cases the proceedings were discontinued, as there was no violation of rights, that is, complainants did not supplement the complaints.

The bank did not want to open a current account to a client because of her place of residence in AP Kosovo and Metohija

The complainant filed a complaint with the Commissioner, against the bank, for refusing to open a current account with the bank because she resides in AP Kosovo and Metohija. In her complaint, she alleged, among other things, that she had tried to open a current account with the bank, but that the bank employee, having learned that her address of residence was in Zvečan, called her manager, who, on the grounds that she needed a certificate of residence in the territory of Serbia, refused to open her account. In response to the complaint it was stated, inter alia, that the bank opened payment accounts to domestic and foreign natural persons, residents and non-residents, regardless of the nationality of the person to whom the bank opened the account, and that, in accordance with the regulations, it was obliged to identify the person with whom it established business cooperation (opening a current account) and in that process collected the data prescribed by law. It was pointed out that, due to the increased risk, written communication could not be made with persons residing in the territory of the AP of Kosovo and Metohija, the bank envisaged, by internal procedure, that an address in the central territory of the Republic of Serbia be obtained from a client as a contact address, obliging a client to enclose a certificate of registered residence issued by the Ministry of Interior of the Republic of Serbia. In the course of the proceedings, the Commissioner, by applying the rules on shifting the burden of proof, found that the bank did not provide facts or provide proof on the basis of which it could be concluded that there were reasonable grounds for unequal treatment of the complainant in relation to other persons, but it was established that the bank's procedure toward the complainant was based solely on the fact that she was domiciled in the territory of AP Kosovo and Metohija. In this way, a distinction was made unjustifiably on the grounds of the complainant's personal characteristic - residence. Therefore, the Commissioner considered that the bank had violated the provisions of the Law on Prohibition of Discrimination in its treatment of the complainant. Bearing in mind that the bank informed the Commissioner that, starting March 2019, it would open current accounts without its clients' obligation to submit a certificate of registered residence for residents of the territory of AP Kosovo and Metohija, the bank was recommended to send a written apology to the complainant.

The Bank informed the Commissioner that it had acted on the recommendation and attached an apology to the client, at the same time notifying her that she could apply at any time to open a current account with the bank.

1.7 Discrimination on the Grounds of Marital and Family Status

The seventh most frequent ground for stating discrimination is marital and family status. Namely, 58 complaints stated this ground of discrimination, accounting for 7.9% of the total number of grounds. Given that 48 complaints were filed in the previous year, there was a slight increase in the number of complaints filed on this ground during 2019. As in the previous year, the largest number of complaints were filed by natural persons (56), of which it was noticeable that women (44) filed more complaints than men (12). This year, the largest number of complaints on this ground have been filed in the area of labour and employment, with almost all complaints in this area filed by natural persons, namely women, except in one case. This fact points to the continued difficult position of women on the labour market, especially after returning from pregnancy leave, maternity and childcare leave. This is followed by areas of social welfare, proceedings before public authorities, education and vocational training, housing, while in other areas a small number of complaints have been filed. Discrimination on the grounds of marital and family status is caused by a number of factors in most cases related to the traditional division of gender roles. Women, especially in the area of labour and employment, are more often exposed to unequal treatment on the grounds of marital and family status, as evidenced by the Commissioner's practice, but also by numerous reports and surveys conducted both domestically and abroad.

The practice of the Commissioner shows that marital and family status as ground of discrimination is less frequently seen in complaints as the sole ground of discrimination, but most often in combination with some other personal characteristic, e.g. gender. Thus, it is not uncommon for women to file complaints about labour and employment after returning from pregnancy, maternity leave or childcare leave. In this regard, during 2019, as already stated, the Commissioner initiated a strategic lawsuit in the field of labour, on the grounds of gender, family status and responsibility - victimization as a special form of discrimination. In addition, two motions for initiating misdemeanor proceedings related to labour offenses were filed, due to discrimination on the grounds of gender and family status.

In the Commissioner's survey *Discrimination on the Labour Market*, according to respondents' perceptions of discriminatory behaviour, observing data on the experience of discrimination in the field of labour and employment, high representation has a marital and family status as a personal characteristic. In the opinion of the surveyed labour market participants, the most widespread discrimination in the employment process is due to membership in political, trade union and other organisations, followed by marital and family status and disability. According to personal experience, women are most often discriminated against on the

grounds of gender (45%), age (44%), but also marital and family status (37%). There are also examples of multiple discrimination in this area, most often on the grounds of gender and marital or family status. Namely, respondents believe that it is widespread practice to ask questions about marital and family status or the issue of birth, children and family planning at the job interview, or that women are not employed on suspicion that they would not be able to reconcile their labour and family obligations.

During 2019, the Commissioner gave several opinions on draft regulations, made recommendations of measures for achieving equality, of which the recommendation addressed to the Ministry of Labour, Employment, Veteran and Social Affairs was singled out regarding the licensing of professional workers in social protection, as well as recommendation of measures to amend the Decision on financing the procurement of textbooks by the budget funds of the Republic of Serbia. Also, there were several initiatives for amending the regulations, of which we highlight the Initiative for Amendments to Art. 28 and 34 of the Law on Pension and Disability Insurance with regard to the equalization of spouses and extra-marital partners in exercising their right to a family pension.

Opinions and recommendations

The provisions of the Labour Law on the maximum duration of employment relationship established for a definite period of time and the Law on the Method of Determining the Maximum Number of the Public Sector Employees affected the employee in a way that her employment contract was not extended even though there was a need for her work

The opinion was issued in the proceedings concerning a complaint against the health center for discrimination on the grounds of family status in the area of labour and employment. The complaint stated that the complainant had been employed for a definite period of time in a health center as a substitute for female colleagues until their return to work and due to increased workload, and that during her work she started to use maternity leave, and after maternity leave had expired she asked the employer to “extend childcare leave based on the pediatrician’s findings, which was not accepted”. However, the complainant stated that upon termination of her employment, she was called to work in the same health center, but on the same day she was informed by a lawyer that she could not resume her employment as it exceeded the 24 month statutory period. In response by the health center it was stated that the complainant had been employed for a definite period of time in the health center due to increased workload for a total of 24 months, and that, having regard to the provisions of the Labour Law, employment relationship for a definite period of time due to temporary increase in the workload, may be established with the same employee in the same or different

jobs for a term of up to 24 months, with or without interruptions. It was further stated that the complainant could only establish an employment relationship for indefinite period of time with the approval of the Commission for consenting new employment and additional work engagement with the beneficiaries of public funds, to whom the health center repeatedly approached requesting approval of new employment relationship establishment, but neither of the requests were answered. The Commissioner approached the Commission for consenting new employment and additional work engagement with the beneficiaries of public funds, which confirmed the allegations of the health center. As it was established during the proceedings that the reason why the employment contract for definite period of time was not extended to the complainant, or why she was not employed for indefinite period of time in the health center, was not related to the use of childcare leave or her family status, but to the fact that the employer could not conclude a new employment contract for indefinite period of time with her was in accordance with the provisions of the Labour Law, and that the health center was not even entitled to employ the complainant for indefinite period of time without consent for the employment of new persons by the competent commission, the Commissioner held that the provisions of the Law on Prohibition of Discrimination were not violated.

Recommendations of measures for achieving equality

Recommendation to the Ministry of Labour, Employment, Veteran and Social Affairs regarding licensing of professionals in social welfare

The Commissioner was approached by the Serbian Social Protection Chamber with a request for “making recommendations for achieving equality by the employees in social protection regarding the fulfillment of the conditions for renewal of licenses”, because the current laws and regulations in the field of social protection “discriminate against women in the field of labour”. The letter stated that the existing laws and by-laws, above all the Law on Social Welfare and the Rulebook on Licensing of Professionals in Social Welfare, did not unambiguously prescribe the possibility of extending validity period of the licenses, that is, the deadline for fulfilling the conditions for renewal of the licenses for the period in which women were absent from work due to pregnancy, maternity or childcare leave, as well as to the employees who had been absent from work due to serious health problems for a long period of time. Analyzing all the relevant regulations pertaining to this matter, the Commissioner concluded that the loss of a license solely because of gender, ie marital and family status, as well as due to health status, as grounds of discrimination, would constitute discrimination in respect of several regulations. It should be borne in mind that both women and men

could be discriminated against because of the use of childcare leave and special childcare on the grounds of marital and family status, as grounds of discrimination if they were prevented from renewing their license only because during the period of that leave they did not meet the requirements regarding the number of points in accordance with the Scoring List. Due to the above, the Commissioner recommended to the Ministry that in accordance with the anti-discrimination regulations, make amendments to the Rulebook and prescribe unambiguously that the absence from work due to pregnancy, maternity leave, childcare leave, special child care or longer sick leave during the validity period of license, should not interfere with the validity of the license, the fulfillment of the conditions for its renewal, that is, the extension of the validity period of the license for the period of time in which the social workers were absent from work.

The Ministry of Labour, Veteran and Social Affairs informed the Commissioner that through the process of amending the Law on Social Welfare, it would consider the ways to fully implement the recommendation. The Rulebook has not yet been amended.

Initiatives for amending regulations

Initiative for amending Art. 28 and 34 of the Law on Pension and Disability Insurance

The Commissioner was approached by a citizen whose parents were living in an extramarital community between 20 May 1979 and 24 December 2018, when her father passed away. She stated that her mother had applied for the right to a family pension but that she had been rejected because she was not married. She further stated that her mother was not earning income and that her existence was in jeopardy, and that exercising her right to a family pension would mean a lot to her.

Analyzing the legal regulations pertaining to the position of extramarital partners in relation to spouses, or extramarital communities in relation to spouses, the Commissioner pointed out that according to Article 62 of the Constitution of the Republic of Serbia, everyone shall have the right to decide freely on entering or dissolving marriage, and that an extramarital community shall be equal with marriage, in accordance with the law. Article 64 (4) of the Constitution stipulates that a child born out of wedlock shall have the same rights as a child born in wedlock. The initiative also indicated that Article 4 (1) of the Family Law¹³ defines an extramarital community as a more permanent cohabitation of a woman and a man, between whom there are no marriage obstacles. The paragraph 2 of the same article stipulates that extra-marital partners shall have the rights and duties

13 Official Gazette of the RS, No. 18/05, 72/11 and 6/15

of spouses under the conditions provided for in this Law. This provision implies a clear intention of the legislator, who, in an effort to equalize the position of the spouses and extramarital communities, granted the partners the rights belonging to the spouses. These rights include, inter alia, the right to adoption (Article 101 (1) of the Family Law), the right to support (Article 152 of the Family Law), the right to joint property under which the Law means property acquired by extramarital partners during the term extramarital community (Article 191 (1) of the Family Law). Analyzing the regulations pertaining to the inheritance status of extramarital partners, primarily the Law on Inheritance¹⁴ and the Law on Pension and Disability Insurance, the Commissioner notes that with respect to the right to inherit property, there is a possibility for extramarital partners to appear in the role of heir, while in terms of inheriting family pensions that right is denied in full. The Commissioner pointed out that an unjustified distinction was made between extramarital partners in relation to spouses, and on the grounds of their personal characteristics - marital status. The Constitution of the Republic of Serbia and the Family Law seek to equalize the marital and extramarital communities, and thus the marital and extramarital partners through the institute of joint property and right to support. This naturally leads to the conclusion that, if extramarital partners are enabled to acquire and dispose of property in the same way for life, then even in the case of family pension, no restrictions should be imposed. In this initiative the Commissioner also pointed to the Decision of the Constitutional Court IUz-90/2008, which, rejecting the initiatives for reviewing the constitutionality of Art. 28, 29, 30 and 34 of the Law on Pension and Disability Insurance¹⁵, in the explanation of its decision, inter alia, stated that the Constitution of the Republic of Serbia establishes that the extramarital community was equal to the marriage, in accordance with the law, and that the family, mother, single parent and a child in the Republic of Serbia enjoy special protection, in accordance with the law, whereby both spouses and extramarital communities are not only recognised communities by the Constitution, but are equal as such. The Constitutional Court also stated that the Constitution guarantees special protection to the family, whereby, when it comes to family (family unit), the Constitution does not distinguish between marital and extramarital communities (family units). Considering the legal nature and purpose of the family pension institute, the Constitutional Court decided to send a letter to the National Assembly stating the need, "to regulate the right to extramarital partner, ie widow and widower by disputed Art. 28, 29, 30 and 34 of the Law on Pension and Disability Insurance, which govern the right to a family pension recognised by said articles to a spouse of the insured person or beneficiary, in accordance with Constitution and recognized international instruments."

At the end of 2019, the Law on Pension and Disability Insurance was amended in this section.

14 Official Gazette of the RS, No. 46/95, 101/03 – CC Decision and 6/15

15 Official Gazette of the RS, No. 34/03, 64/04, 84/05 and 63/06

1.8 Discrimination on the Grounds of National Affiliation and Ethnic Origin

Discrimination on the grounds of national affiliation and ethnic origin is the eighth ground in terms of the frequency of complaints filed with the Commissioner during 2019, with 50 complaints, accounting for 6.8% of the total number of complaints on various grounds of discrimination. The majority of complaints, as in the previous year, were filed for discrimination against members of the Roma national minority (32), accounting for 64% of all complaints filed for discrimination on this ground. There is a good legislative and institutional framework for the protection of minority rights in the Republic of Serbia, but the practice of the Commissioner shows that in certain areas of social life there are still problems when it comes to members of the Roma national minority. Bearing in mind that the elections for the councils of national minorities were conducted relatively soon, the Commissioner established cooperation with these councils, and training sessions on the concept and forms of discrimination and protection mechanisms were planned. In terms of frequency and number of complaints filed, complaints related to affiliation to the Roma national minority are followed by complaints specifying the national minority concerned (5), followed by complaints about affiliation to the Slovak national minority (2), Vlach (2), Bosniak (2), Albanian (2), Montenegrin (2) and one complaint each from members of the Croatian, Greek, and Bulgarian national minorities. Regarding the area of social relations, most complaints were filed in the area of labour and employment, in the area of procedure before public authorities, public information and media, provision of services or use of public spaces and premises, public sphere/general public, followed by other areas with a small number of complaints.

When it comes to complainants stating national affiliation and ethnic origin as the grounds, the largest number of complaints were filed by natural persons (34), of which 26 were men and 8 were women. Compared to the previous year, when the number of complaints filed was almost equal, in 2019 men filed almost 3 times the number of complaints compared to women. In 2019, in 12 cases complaints were filed by civil society organisations, while in 2 cases the complainants on this ground were state bodies (for example, the Provincial Secretariat, the Inspectorate, etc.), which is certainly commendable given that this trend did not exist before or was extremely rare.

In the survey of public opinion on 2019 *Citizens' Attitudes towards Discrimination in Serbia*, according to the Free Association of Citizens who were to list three most discriminated groups in Serbia, Roma took the first place as the most vulnerable group, perceived by as many as half of the citizens as the most exposed group to discrimination. As far as social distance is concerned, according to this survey, one fifth of citizens surveyed would not like Roma to be their neighbours, and social distance was very distinct towards Albanians as well. Migrants and asylum

seekers (3.2), followed by Albanian nationals (2.57) and LGBT population (2.57), were among the groups with the greatest social distance. As many as a quarter of surveyed citizens in the survey did not want Albanians in their country (25%), after migrants the least preferred group for neighbours was Albanians (27%), and 23% of interviewed citizens would not like to be associates with Albanians at work.

From addressing the Commissioner it can be concluded that there are still problems and inadequate living conditions in informal Roma settlements. In this regard, representatives of the Commissioner visited Roma families living in the settlement in Makiš after learning of the intention of the Secretariat for Social Welfare to forcibly evict Roma families who did not have contracts on the use of housing units, and on that occasion they emphasized that the process of their care and integration had to be implemented in cooperation and with the active participation of residents, respecting their needs and the right to participate in decision-making, in accordance with international standards and guidelines for the displacement of citizens from informal settlements, especially bearing in mind that there are single mothers, children, pregnant women and one person with health problems.

Also, in 2019, the Commissioner filed one criminal complaint for the offense of causing racial, national and religious hatred and intolerance. One misdemeanor proceeding was also initiated for discrimination against the Roma national minority. Lawsuit initiated in 2017 for discrimination against the Roma national minority was not completed by the end of 2018. In a second proceeding instituted in 2012 also for discrimination against the Roma national minority, which was discriminated against before the High Court, the judgment of the Appellate Court in 2018 repealed the judgment of the High Court and remanded the case for retrial.

During 2019, civil society organisations also conducted three situation tests. A human rights organisation informed the Commissioner that it intended to carry out situation testing in the field of providing taxi services to Roma persons, and the reason for it was the alleged rulebook of a taxi association in Niš, which prohibited the transportation of Roma. According to the report on situation testing, cases of discrimination in the provision of taxi services to Roma persons were recorded. Other testing was also carried out by the said organisation in Niš, in the field of employment of Roma persons in economic entities engaged in trade and service activities. According to the report on the situation testing conducted in the area of employment of Roma persons, no discrimination cases were reported. A third situation testing was announced by the human rights organisation in the field of renting hall services, regarding discrimination against five selected national minorities (Bosniak, Albanian, Hungarian, Jewish and Slovak). On that occasion, testing in the field of employment was also announced for six selected national minorities (Bosniak, Albanian, Croatian, Roma, Bulgarian and Romanian). On 1 November 2019, implementation of situation testing was announced to be continued in the period from 1 November to 31 December 2019.

Situation testing

The human rights organisation informed the Commissioner that it intended to conduct situation testing in the field of taxi services to persons of Roma nationality. The reason for conducting situation testing was the alleged rulebook of a taxi association in Niš, which prohibited transportation of Roma. According to the report on situation testing, cases of discrimination in the provision of taxi services to Roma persons were recorded.

Another testing was also carried out by the said organisation in Niš, in the field of employment of Roma persons in economic entities engaged in trade and service activities. According to the report on the situation testing conducted in the area of employment of Roma persons, no discrimination cases were reported.

The third situation testing was announced by a human rights organisation in the field of renting hall services, regarding discrimination against five selected national minorities (Bosniak, Albanian, Hungarian, Jewish and Slovak). On that occasion, testing in the field of employment was also announced for six selected national minorities (Bosniak, Albanian, Croatian, Roma, Bulgarian and Romanian). On 1 November 2019, implementation of situation testing was announced to be continued in the period from 1 November to 31 December 2019.

Opinions and recommendations

A social welfare center discriminated against a group of Roma people who were internally displaced

The opinion was issued in a proceeding following a complaint by a civil society organisation against the social welfare center for discriminating against a group of Roma persons who were internally displaced. The complaint stated that the social welfare center refused to receive requests for social assistance from three internally displaced persons of Roma nationality, of which evidence was presented in the form of testimony of these persons. In response, the social welfare center denied the allegations from the complaint, and the minutes of the hearing of the persons proposed by the complainant as witnesses were submitted as evidence. The complainant stated that it was an act of victimization of a witness. In the analysis of the facts, it was found that the witnesses proposed by the complainant were heard before the social welfare center at the request of the center and after the fact that they were proposed as witnesses or as persons who requested protection and offered evidence in this regard. Having access to the minutes, it was undisputed that the statements of these persons were not taken during the administrative procedure authorised by the social welfare center, but the statements

were taken after the Commissioner's request for the centre's response in the anti-discrimination procedure. Following the procedure and the evidence presented, the Commissioner made an opinion that the center had violated the provisions of the Law on the Prohibition of Discrimination, in respect of - the prohibition of calling to account, by summoning and hearing three persons proposed by the complainant as witnesses in the procedure for protection against discrimination. The center was recommended not to call to account in the future the persons who offered or intended to offer evidence of discriminatory treatment or who sought protection from discrimination, to make written apologies to witnesses they heard and to train employees on identification of discrimination with special reference to discrimination against members of the Roma national minority who were internally displaced.

At the meeting of the expert panel, the center informed all experts on the recommendation of the Commissioner and issued guidelines for not calling to account in future the persons who offered or intended to offer evidence of discriminatory treatment or who requested protection from discrimination. In addition, employee training was organised. Also, the center sent a written apology to persons of Roma nationality.

An employee was discriminated against because of her nationality in a preschool

The opinion was issued in the procedure on the complaint of a natural person against the headmistress of the preschool institution. The complaint stated that during the visit of the President of the Republic to the preschool institution in which the complainant was employed as a schoolteacher, several photographs were taken of the entire staff of the institution. The complaint stated that in the photograph, the complainant was standing in the immediate vicinity of the President. Namely, in the Viber group of the institution collective, the photo was posted the same evening, and below it was a message from the headmistress with the content: "Oh, my ... let the gypsy woman push her way to him." In response to the complaint, the headmistress questioned whether she, as a "legal entity", had committed "mischief" in the workplace, as stated if she used her mobile phone at her home. It was also stated that the contested message did not refer to the complainant and that her name was not mentioned anywhere. It was also stated that the headmistress never came into any conflicts and discussions with her colleagues at work, not even with the complainant, and that everything represented only her personal opinion with which she and other employees of the institution disagreed. Attached to the response there was no evidence to explain to whom the message was specifically addressed. After the proceedings had been conducted and the evidence was presented, the Commissioner expressed the opinion that the headmistress, sending a message to the Viber group of the preschool's collective: "Oh, my ... let the gypsy woman push her way to him..." harassed and violated

the dignity of the complainant on the grounds of her personal characteristic of affiliation to a Roma national minority, thereby violating the provisions of the Law on the Prohibition of Discrimination. Due to all of the above, the headmistress of the institution was recommended to send a written apology to the complainant and to ensure in the future that she did not violate the anti-discrimination legal regulations in her statements and actions. The headmistress informed the Commissioner of acting upon the recommendation and attached an apology addressed to the employee.

1.9 Discrimination on the Grounds of Sexual Orientation

Discrimination on the grounds of sexual orientation was the eighth ground in terms of the frequency of complaints filed with the Commissioner, with 18 complaints, accounting for 2.5% of the total number of complaints on various grounds of discrimination. In 2019, as in previous years, the largest number of complaints was filed by civil society organisations (11), while 7 complaints were filed by natural persons, out of which three complaints were filed by men and four by women. Compared to 2018, the percentage of acting upon the Commissioner's recommendations on this ground increased.

In addition, a total of 12 complaints on gender grounds were filed during 2019, representing 1.6% of the total number of complaints filed. In 2019, the largest number of complaints were filed by natural persons (6), of which five were men and one woman. Civil society organisations filed 5 complaints, while one complaint was filed by a state body. During 2019, three complaints were filed to the Commissioner on this ground in the field of education and training and in the area related to the procedure before public authorities, then two complaints in the field of public information and media and the area related to public sphere/general public and finally one complaint in the area of labour and employment and in the provision of public services or in the use of premises and spaces. During 2019, the Commissioner was approached by the City Administration of the City of Belgrade - Department for Personal Status of Citizens, Keeping Registers and Electoral Rights of New Belgrade, requesting an opinion on changing the name of the party for reasons of gender change. The Commissioner also gave opinions on the draft regulations, among others, on the draft Law on Gender Equality, the draft Law on Social Cards, as well as other opinions.

In 2018, the Commissioner filed one lawsuit for protection against discrimination on the grounds of sexual orientation, but the proceedings have not yet been completed before the court. On the basis of a lawsuit that began in 2017 on the grounds of sex and sexual orientation, the first instance judgement was passed ensuring the Commissioner's claim to be accepted in its entirety, but in the second

instance procedure the Court of Appeal modified the first instance judgement and ruled in favour of the defendant. A review procedure is currently underway. The actions were brought primarily to encourage and foster victims of discrimination to initiate anti-discrimination lawsuit, as well as to make the public aware of the problem of discrimination and to understand more closely that it was an unlawful social phenomenon. In 2019, two criminal charges were filed on this ground.

In a public opinion poll conducted by the Commissioner in 2019, the free association of citizens stated that members of the LGBT population were the third most vulnerable group in society (after Roma and women), and that attitude was taken by 33% of the polled citizens. When asked directly about which group of citizens they saw as the most vulnerable, respondents most often said that they were Roma (17%) and members of the LGBT population (13%). Also, the social distance of citizens towards LGBT people was very distinct. This group of citizens was the second group to which the highest social distance (2.57) was expressed, with 17% of respondents not wanting LGBT people in their country, 23% of them would not want LGBT people for neighbours or for work associates (22%), and as many as half of those surveyed did not want an LGBT person to educate their children. Comparing the results with those of 2016, it could be seen that there were changes in social distance to certain groups. Thus, for example, in 2016, the largest distance existed against the LGBT population, while it is now the largest against migrant population. Social distance to members of the LGBT population decreased from 2.7 to 2.57.

Opinions and recommendations

Hate speech on a media portal addressed to LGBT population

The opinion was issued in a procedure of a complaint filed by a citizens' association against a media portal for discrimination on the grounds of sexual orientation. In their complaint it was stated that the media portal published multiple comments during the news containing hate speech against LGBT population. In response to the complaint the media portal did not contest that said comments were published, but it was stated that the company apologized sincerely for the situation, that it absolutely did not support any form of discrimination and that it was against provoking, inciting or calling for violence and opposed any harassment and degrading treatment aimed at violating the dignity of a person or group of persons on the grounds of any personal characteristic, as well as it supported the struggle of the LGBT population to protect and promote the rights and empowerment of LGBT persons, and that the opinions in the comments below the news were private opinions of the author and did not

represent the views of the editorial board of the media portal. In the response they pointed out that in this case there was an unintentional mistake, because a member of the editorial staff employed in the technical service that controlled the comments was absent from health reasons, and because of the large volume of work, other employees temporarily took over part of the work of absent colleagues, thus the omission was made, as well as all inappropriate comments were removed immediately after pointing out to them and all measures were taken to prevent the situation from repeating. During the proceedings, it was determined that the comments published on this media portal insulted the dignity of LGBT persons, as well as those which encouraged discrimination, hatred or violence against persons of different sexual orientation. Therefore, the Commissioner for Protection of Equality considered that by publishing these comments the media portal violated the provisions of the Law on the Prohibition of Discrimination and recommended that the media portal take action to improve the system of moderating comments on the portal and prevent the publication of content that is contrary to anti-discrimination regulations.

The portal informed the Commissioner that they had trained all editorial staff to control the comments that readers would like to post on the portal so that no omissions would occur. It was further stated that employees' attention was again drawn to the Portal Instruction, and that comments containing cursing, abusive, threatening, racist and chauvinistic messages, insults, racial and national hatred as well as intolerance of any kind would not be published. Also, employees were instructed that any act contrary to the said Instruction would be subject to disciplinary sanctions. It was pointed out that the employees were taught again that the applicable regulations prohibited discrimination, hatred or violence on the grounds of any personal characteristic. The notification further stated that the necessary measures were taken to significantly improve the system of moderation of comments on the portal and the employees were informed about the results of the Commissioner's survey "Media Attitudes towards Discrimination in Serbia". Finally, it was stated that the portal also sent an apology.

Discriminatory provisions of the Rulebook on Detailed Conditions, Criteria and Methods for the Selection, Testing and Evaluation of Reproductive Cell and Embryo Donors

The opinion was issued in the procedure regarding a complaint filed by two civil society organisations against the Ministry of Health over the provisions of the Rulebook on Detailed Conditions, Criteria and Methods for the Selection, Testing and Evaluation of Reproductive Cell and Embryo Donors. The complaints stated that Article 4 (2) of this Rulebook prescribed the reasons why a person could not be a donor of reproductive cells and embryos, while Article 3 stipulates that

a donor could not be a person with a medical history of homosexual intercourse for the last five years. The complainants stated that the term “medical history of homosexual intercourse” implied that homosexuality was a disease. In addition, they pointed out that Article 2 of the Rulebook defined basic criteria for the selection of reproductive cells and embryos, and stated, among other things, that it was also necessary the person who was a potential donor should not have anal intercourse. The Commissioner has found that the medical history (anamnesis) is defined as the procedure for gathering information relevant for formulating a diagnosis and determining the nature of a disease - by the method of asking questions or it is part of the procedure for determining a disease. It has been also found that the said provision is in the part which in other items (1, 2, 4 and 5) of this Article prescribes diseases/diagnoses that exclude the possibility of a person to be a potential donor if he/she has these diseases/diagnoses. Given the above, it appears that homosexual intercourse has been placed in the context of the disease, although the World Health Organisation in 1990 revised the International Classification of Diseases and Related Health Problems (ICD-10) and removed homosexuality from the list of diseases. In addition, since medical history involves talking through asking questions to gather relevant information from a patient, and in order to make a proper diagnosis, it is undisputed that in specific case, the health care provider will ask potential reproductive cell or embryo donors whether they had homosexual intercourse for the last five years, how indirectly they will be called upon to declare their sexual orientation, which is contrary to the Law on the Prohibition of Discrimination. On the other hand, in a situation where persons/potential donors of reproductive cells or embryos, declare that they have homosexual intercourse when answering a health care provider’s questions, they will be denied the right to be reproductive cell or embryo donors, according to the article of this Rulebook. In this way, the Rulebook denies the right to donate reproductive cells or embryos to an entire group of persons, rather than possibly exclusionary conditions refer to certain risky behaviors. In this regard, prescribing the aforementioned condition from Article 4, paragraph 2, item 3 of the Rulebook violates the Law on the Prohibition of Discrimination. In addition, the Commissioner appreciated the provision of Article 4 para. 2 item 3 in conjunction with Article 2, paragraph 2, item 4 of the Rulebook. Namely, Article 2, paragraph 2 stipulates that the basic criterion for the selection of reproductive cells and embryos is that the potential donor of the reproductive cells, or both partners whose reproductive cells the embryo was created from, meet all the criteria for medical history information and complete clinical examination, including psychological assessment, which information is collected through a questionnaire and interview conducted by a qualified and professionally trained health care professional, while item 4 stipulates that a person does not have anal intercourse. Considering this condition, it can be assumed that the aim of prescribing this provision is that from the aspect of medical profession, anal intercourse can be considered as a risk for sexually transmitted diseases. However, if the purpose of prescribing this provision

is to exclude any form of risky behavior, then any unprotected sexual intercourse is risky. On the other hand, if, from the aspect of the medical profession, anal intercourse is more risky, it is necessary to amend the provision so that it does not exclude a group of persons, indirectly, because of their personal characteristics, but because of risky behavior, such as unprotected anal intercourse. In analysing these provisions, the Commissioner also took into account EU-level legislation and comparative practices of countries in the region and EU Member States, whose regulations do not exclude certain categories of persons who may be potential donors but certain medical conditions/diseases may require additional assessments when deciding whether a person can be a potential donor. Therefore, the Commissioner gave the opinion that by stipulating the conditions referred to in Article 2, paragraph 2, item 4, and Article 4, paragraph 2, item 3 in the Rulebook, the Ministry of Health violated the provisions of the Law on the Prohibition of Discrimination. The Ministry was recommended to amend the provisions of the Rulebook and bring them into line with anti-discrimination provisions.

The Ministry of Health informed the Commissioner that they had accepted the recommendation and were accordingly prepared to amend the provisions of Article 2, paragraph 2, item 4 of the Rulebook to read: There are no unprotected sex and genital and perianal condyles,” instead the controversial text so far. Also within the meaning of the amendment to Article 4, paragraph 2, item 3, they proposed that the text read: “who provided information that they had had unprotected homo or heterosexual intercourse for the last five years” instead of the disputed text which read: “with a medical history of homosexual intercourse for the last five years”. With the above letter, they asked the Commissioner if the proposed changes were appropriate. The Commissioner replied to the Ministry to reconsider the period of five years. By the end of 2019, the provisions of this Rulebook had not been amended, which is why the Commissioner addressed the Ministry before the end of the year with a request for notification when the amendments would be adopted.

Opinion concerning implementation of regulations

Department for Personal Status of Citizens, Keeping Registers and Electoral Rights requested an opinion on changing the name of the party for reasons of gender change

The Commissioner was approached by the City Administration of the City of Belgrade - Department for Personal Status of Citizens, Keeping Registers and Electoral Rights of New Belgrade, requesting an opinion on changing the name of the party for reasons of gender change. Namely, in determining the fulfillment of the legal requirements, this body, in accordance with the law, obtained a report

from the criminal record and determined that the party had a suspended sentence. In their letter, they indicated that Article 347, paragraph 1, item 2 of the Family Law stipulates that the right to change his/her personal name does not have a person convicted for a criminal offense prosecuted ex officio, until the sentence has been executed or while the legal consequences of the conviction still last. Considering the fact that the party filed a request for the harmonization of personal data, this body approached the Ministry of Labour, Employment, Veteran and Social Affairs, which informed them that, if a person was in the criminal record, it constituted an impediment to changing his/her personal name. The City Administration pointed out that the party had great problems in performing daily activities, because her altered physical appearance was different from other personal data. In her reply, the Commissioner pointed out that the Law on the Prohibition of Discrimination prohibits discrimination on the grounds of gender identity or sex, and that Article 20 of this Law explicitly stipulates that the denial of rights due to gender change is forbidden. In addition, Article 7 of the Law on the Prohibition of Discrimination, which was later adopted in relation to the Family Law, defines the concept of indirect discrimination. Under the law, indirect discrimination shall constitute equal treatment for persons who are not substantially in the same situation, so a seemingly neutral rule disproportionately affects them. A person who changes his/her name due to gender change is not in the same situation as a person who wants to change his/her name for some other reason, given that the person who changed his/her gender has a name that is not in line with his/her gender identity. Such a mismatch brings with it more problems that a person faces in his/her daily functioning. Thus, a seemingly neutral rule disproportionately affects persons who changed sex or are in the process of transition, compared to persons in the same situation whose gender identity is consistent with their sex. The Commissioner further pointed out that the next question that arose was whether the prohibition of a name change in a particular case had a lawful objective, and whether the means to achieve that objective were appropriate and necessary, or whether the objective could be achieved in a lesser repressive way to the person who changed gender. Examining the legality of the seemingly neutral rule, we could conclude that the norm had a lawful objective, which was to prevent any possible abuse or impede the execution of a sentence. However, it is necessary to examine whether, and in what way, the identity of a person can be provided in the relevant records (criminal or otherwise), otherwise or via a parameter other than by retaining his/her personal name. That is, it is necessary to examine whether there is any other means of achieving a lawful objective, which would have less harmful consequences for the human rights of persons who find themselves in that situation. It is also important in this case to point out that the Family Law, Article 347, item 2 stipulates that the right to change his/her personal name does not have a person convicted for a criminal offense prosecuted ex officio, until the sentence has been executed or while the legal consequences of the conviction still last. In this connection, the Commissioner pointed out that Article 43 of the

Criminal Code stipulates that the sentences are: life imprisonment, imprisonment, fine, community service and revocation of a driver's license, while Article 64 of the Criminal Code stipulates that cautionary measures are: suspended sentence and judicial admonition. Accordingly, a suspended sentence is not a sentence but a cautionary measure. Also, Article 94 (2) of the Criminal Code stipulates that the legal consequences of a conviction may not ensue when a fine has been ordered to the offender for a criminal offence, a suspended sentence - unless revoked, judicial caution or when punishment of the offender is remitted. Considering that the person who applied for the change of personal name was not sentenced to punishment but was given a suspended sentence as a cautionary measure and that the legal consequences of the conviction did not arise, the question arises whether there is any room for the application of Article 347 item 2 of the Family Law, in the case where the person has not been sentenced to punishment. In her letter, the Commissioner also referred to the case law of the European Court of Human Rights in this regard.

1.10 Discrimination on the Grounds of Other Personal Characteristics

In addition to the grounds of discrimination described above, in 2019, a number of complaints were filed regarding financial position (33), religious or political beliefs (14), birth (7), previous convictions (6), appearance (6), language (6), citizenship (4), genetic characteristics (3), ancestors (2) and race (2).

It should be emphasized that poor citizens are perceived as one of the most discriminated social groups in surveys, however, considering the practice of the Commissioner, it has been concluded that the number of complaints about their financial position is negligible and that they are mostly submitted by natural persons, while civil society organisations addressing on this ground is negligible. Working on the social inclusion of the poor requires good integration of all protection systems, harmonization of the republic and local levels, and more intensive cooperation of state institutions and the civil sector with a better connection of support services, developing solidarity and tolerance.

The Commissioner is approached by both male and female citizens, believing that they have been discriminated against on the grounds of previous convictions, stating that they have problems after leaving prison, not providing financial assistance, employment, etc. Citizens also state in their complaints that due to religious or political beliefs, they have certain problems both in interpersonal relations and in the exercise of some right. Appearance also stands out as a personal characteristic that may discriminate against particularly job seekers. The most common reasons for discrimination on these grounds are obesity, certain

body mass index, tattoo, scarring, hair length, etc. It is not uncommon to ask for candidates' pictures together with CVs during recruitment, or to state in job ads that it is required for a candidate to meet certain physical appearance standards. The Law on the Prohibition of Discrimination prescribes that different treatment, exclusion or giving priority on account of the specific character of a job, for which an individual's personal characteristic constitutes a genuine and decisive precondition for performing the said job, if the objective to be achieved is justified, shall not be considered to constitute discrimination, nor shall undertaking protective measures towards certain categories of persons such as women, pregnant women, women who have recently given birth, parents, underage persons, disabled persons and the like. However, the fact that a particular appearance can be a genuine and decisive precondition for performing the job and that the objective is justified are extremely rare, almost nonexistent in practice.

Opinions and recommendations

Teacher insulted a schoolgirl for her physical appearance

A complaint was lodged by a mother, on behalf of the minor daughter, against the teacher of technical and IT education, for discrimination on grounds of appearance. The complaint stated, among other things, that the teacher dictated a lesson during general and technical education and went to the schoolgirl and told her "Where are you fat?", and the pupil answered "I am not fat, I lost weight", and then the teacher said "It can't be seen, you can give a kilo to this little one ... and to that skinny one..." According to allegations in the complaint, the aforementioned comments provoked laughter from the children in the class, and commenting on the physical appearance of the pupil continued in the peer group after the classes (WhatsApp), which caused the schoolgirl to feel humiliated and offended. With regard to said events, the parents of the schoolgirl had an interview with a school psychologist, and the class was attended by a class teacher, too. During the course of the procedure, it was established that it was undisputed that the teacher addressed the schoolgirl during their technical and IT education class, commenting on her physical appearance. The aforementioned comments caused children's laughter in the class, and commenting on the physical appearance of the schoolgirl and laughing at the teacher's comment continued after the class in a peer group on the social network. It was also found that the allegation of the teacher commenting on the appearance of the schoolgirl was offensive and insulting to her dignity. With this allegation, the schoolgirl was exposed to ridicule, and she and other children in the class were sent a message saying that they were allowed to comment on one's physical appearance in a negative context. The Commissioner pointed out that teachers and professors had a greater responsibility for the spoken word, since

their work and professional authority influenced the formation of young people's attitudes, providing them with knowledge as well as models of behaviour. Due to their particularly important social role, their obligation not to manifest or promote discriminatory behaviour was even more emphasized. Therefore, the Commissioner gave the opinion that by commenting on the appearance of the schoolgirl in class, the teacher violated the provisions of the Law on the Prohibition of Discrimination. The teacher was recommended to send a written apology to the schoolgirl, and to ensure in the future that he did not violate the anti-discrimination legal regulations in his allegations. It was acted upon the recommendation.

Initiatives for amending regulations

Initiative on amending the tariff of the public enforcement officers

While working on the latest amendments, the Ministry of Justice announced the Law on Enforcement and Security Interest¹⁶, which was adopted in July 2019, whose implementation has begun on 1 January 2020, announced that amendments to this law would be followed by amendments to the Tariff of the Public Enforcement Officers. In this regard, it was announced that the position of the enforcement debtors would be more favourable. *The European Commission's 2018 Report*¹⁷ on social inclusion and social protection states that half a million people cannot meet their minimum substantive requirements, that in Serbia at-risk-of-poverty and social exclusion rate is the highest in Europe. Despite the fact that 7.9% of the population is in absolute poverty, financial assistance is only 3.7%. Also, according to data from the Ministry of Labour, Employment, Veteran and Social Affairs, 70% of people with disabilities in Serbia are poor and more than half live from various social benefits¹⁸. According to a survey conducted by the Commissioner in 2019 *Citizens' Attitudes towards Discrimination in Serbia*, the data show that the three most discriminated social groups were recognized as poor citizens, persons with intellectual disabilities and mental disorders and Roma. In their addressing to the Commissioner, citizens indicated that they had become enforcement debtors because of the fact that they could not meet their obligations, because they were already on the verge of existence, and that, for

16 "Official Gazette of RS", No. 106/15, 106/16 - authentic interpretation, 113/17 - authentic interpretation and 54/19)

17 European Commission Report for 2018, available at: [http://www.mei.gov.rs/upload/documents/eu_dokumentacija/godisnji_izvestaji_ek_o_napretku/izvestaji_ek_o_srbiji\(1\).pdf](http://www.mei.gov.rs/upload/documents/eu_dokumentacija/godisnji_izvestaji_ek_o_napretku/izvestaji_ek_o_srbiji(1).pdf)

18 *Human Rights in Serbia 2016 - Law, Practice and International Human Rights Standards*, Belgrade Center for Human Rights, Belgrade 2017 - available at: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2013/04/Human-Rights-In-Serbia-2016.pdf>

example, the forced eviction endangered their health and safety, endangered the conditions for minimum substantive requirements, thus violating the principles of humanity, social justice and respect for human dignity. It is indisputable that in many cases the rewards and remunerations to which the enforcement officers are entitled exceed the basic debt, and in this way the already difficult financial situation of a enforcement debtor is further aggravated, endangering his or her existence as well as the existence of his/her family members. In this regard, the Commissioner pointed out that it was necessary to consider in detail all the effects of the implementation of the Public Enforcement Officers' Tariff so far, and especially to bear in mind the consequences it produced when it came to economically disadvantaged categories of the population.

The Ministry of Justice informed the Commissioner that the Public Enforcement Officers' Tariff, which was adopted and began to apply on 1 January 2020, envisaged a series of novelties that took into account all the circumstances that the Commissioner pointed out in her initiative, which primarily relate to the protection of the rights of the most disadvantaged categories of enforcement debtors. Namely, the Ministry pointed to the novelties related to the ban on the sale of sole real estate of a natural person in order to settle claims of less than EUR 5,000 in dinar equivalent, then to amending the rules on exemption from enforcement and restrictions on enforcement by significantly increasing the thresholds of wages, salaries as well as pensions, or amounts that were protected against enforcement, also to the fact that women who had recently given birth and children were protected for the first time in the sense of exemption from enforcement of all benefits under the law governing financial support for families with children, and that new rules were introduced whereby the multiplication of costs in the enforcement process was prevented, as well as a number of updated rules regarding the amount of remuneration for the work of public enforcement officers. In this way, the possibility of an unjustified increase in the costs of enforcement proceedings at the expense of the enforcement debtor was significantly reduced. The Ministry stated that the adoption of the Law on Free Legal Aid established an efficient system of free legal aid based on equal access to free legal aid without discrimination against providers, claimants and users.

1.11 Multiple Discrimination

It was noticed that a smaller number of complaints of multiple discrimination were filed to the Commissioner in 2019. A total of 116 complaints were filed in 2019, listing several personal characteristics, whereas a total of 188 complaints of multiple discrimination were filed in 2018 as a result of amendments to the Law on Financial Support for Families with Children. In most of the complaints filed in 2019, some of the grounds of discrimination were age, disability, health status,

gender, marital and family status. It was noticed that most of the complaints filed to the Commissioner were of multiple discrimination in the field of the provision of public services and also in the field of labour and employment. In the field of the provision of public services, the largest number of complaints were filed on the grounds of health status, disability and age, whereas in the field of labour and employment, complaints were mostly filed on the grounds of gender, marital and family status, the same as in previous years. It was noticed that complaints were mostly filed due to multiple discrimination on various grounds in proceedings before public authorities. This number of complaints does not mean that multiple discrimination actually took place in all the cases, considering that complainants sometimes listed several personal characteristics, especially in situations when complainants were not sure which of their personal characteristics was the ground of discrimination.

Opinions and recommendations

Discriminatory conditions of the competition for the award of funds for the purchase of rural houses with a garden

The complaint was filed by the association of female citizens against the Institute due to the conditions of the competition for the award of grants to married couples on the territory of AP Vojvodina for the purchase of rural houses with a garden. According to the conditions of the competition, it was necessary, *inter alia*, that one of the spouses/extra-marital partners was not more than 40 years old at the moment of submission of the application for the competition, that is, that competition participants had not been sentenced to imprisonment for a period of minimum six months. The complaint stated that the goals of the competition were aimed at encouraging the development of rural areas and increasing the number of women owners of real estate, as well as that it was “evident” that the conditions could be met even in cases when both spouses/extra-marital partners were over 40, that is, when one of them, or both of them, were sentenced “for a period exceeding six months”. In the proceedings was determined that the conditions of the competition for the award of funds were taken from the Rulebook adopted on 31 January 2019. In this regard, the Commissioner conducted an analysis of the contested competition conditions prescribed by the Rulebook concerning anti-discrimination regulations. In assessing the reasonableness of the set conditions in terms of the upper age limit of 40 for one spouse/extra-marital partner, the Commissioner took into account relevant strategic documents of the Republic of Serbia, primarily the Strategy of Agriculture and Rural Development for the period 2014-2024, the Birth Incentive Strategy, the National Rural Development Programme 2018-2020, as well as the Vojvodina Development Programme 2014-

2020, which stipulate that less and less young people live in the rural area and that, in order to create a policy of more balanced regional development of the Republic of Serbia, it is necessary to create favourable living and working conditions for young people in rural areas and to motivate them to stay in the country and create families there. The Commissioner also took into consideration that the restriction in terms of age of one spouse/extra-marital partner does not interfere with the achievement of the second objective of the competition – increasing the number of women owners of real estate, considering that both, women under 40 and women over 40, will be registered in the real estate cadastre under the same conditions, if they meet the remaining conditions under the competition. In assessing reasons for prescribing conditions which require from participants not to be sentenced to imprisonment for a period of minimum 6 months, the Commissioner indicated that there is no guarantee that spouses/extra-marital partners who met the relevant condition will not “mortgage the relevant real state, sell it on public sale due to unsettled liabilities towards creditors, or use the funds awarded in the competition for illegal purposes”. The stated condition prescribed by the Rulebook represents tightening of conditions and puts, or could unjustifiably put in an unfavourable position, a person/group of persons due to their personal characteristic – previous conviction. For this reason, the Commissioner is of an opinion that by prescribing conditions from the Rulebook that one of spouses/extra-marital partners may not be older than 40 at the moment of submission of an application for the competition, the provisions of the Law on the Prohibition of Discrimination are not violated, and that by prescribing conditions from this Rulebook that competition participants may not been sentenced to imprisonment for a period of minimum six months, the provisions of the Law on the Prohibition of Discrimination are violated. The Institute was recommended to harmonise the discriminatory provision of the Rulebook with anti-discrimination regulations.

The Institute notified the Commissioner that the Management Board of the Institute adopted a decision approving adoption of the new Rulebook which repealed the previous Rulebook. The new Rulebook does not contain the disputed condition.

Recommendation of measures for achieving equality

Recommendation of measures to the Ministry of Labour, Employment, Veteran and Social Affairs

Civil society organisation referred to the Commissioner expressing concern about a directive the Ministry of Labour, Employment, Veteran and Social Affairs sent to all centers for social work in the Republic of Serbia. In order to improve their work and achieve a greater degree of efficiency in organising protection, assistance

and support to the victims of violence, abuse and misuse (“street children”), centers for social work were ordered by the directive to undertake the following activities: 1) within 15 days from the day of acceptance of the order, to organise a meeting with the city police directorate, or with a police station in local self-government on the territory of its jurisdiction, and with the municipal police, if it exists in the local community, with the purpose of establishing a structured, comprehensive and continuous cooperation in detecting cases of violence against children, abuse and misuse of children who “live and work on the street” and beg, wash windshields, collect secondary raw materials from waste disposal containers, sell flowers late at night, etc. particularly by organising joint continuous and periodic actions, visits to the usual places where children are abused and misused; 2) in any detected case, urgently, in accordance with the Family Law, take a child away from its parent or guardian, or from a person with whom the child was found; 3) in accordance with the assessments made by the experts of guardianship authorities, take the following civil and legal or criminal and legal liability measures against the parent or guardian of the child, or a person with whom the child was found: 1. initiate civil proceedings for the purpose of parental right deprivation; 2. initiate proceedings for the purpose of child’s rights protection, that is, for the prohibition of maintenance of a personal relationship with the child; 3. initiate civil proceedings for the purpose of imposing protection measures against domestic violence; 4. submit a criminal charge for a possible criminal offense of neglecting and abusing a minor child, or domestic violence; 4) take urgent measures for the urgent protection of the child and ensure: safety, health care, existential conditions, psycho-social support, child representation (the child is granted a guardian), and other conditions for exercising the child’s right to education. The Commissioner pointed out to the opinion of the United Nations Committee on the Rights of the Child that states should not separate children from their family solely because the family is working or living in the street, that is, financial or material poverty, or conditions that may be directly and exclusively assigned to poverty, should never be the sole justification for taking the child away from its parents. It should be treated as a signal of a need to provide appropriate support to the family (General Comment No. 21 on children in street situations). The fact that the order for centers for social work does not specify relevant provisions of the regulation on the basis of which it is necessary to take measures to support families at risk of displacement of children before organising alternative care, leaves space for the centers to interpret the Ministry’s order in a way that children may be taken away urgently, without taking previous measures in accordance with the law. The Commissioner recommended to the Ministry to withdraw its memo and to point out to centers for social work to the obligations arising from the Constitution, ratified international documents and laws referring to the necessity to take all measures under their competence to support families at risk of displacement of the child from the family, and alternatively, to organise childcare in centers for

social work only when all previous efforts to prevent family separation have failed, or when separation is evidently in the best interest of the child's health, wellbeing, development and/or safety. Also, the Commissioner recommended taking other measures under their competence to improve social welfare services and create new services that are necessary for enabling child's life in the family environment.

Initiatives for amending regulations

Initiative to amend the Regulation on Conditions and Manner of Awarding Funds for Encouraging the Growth of Domestic Tourist Traffic on the territory of the Republic of Serbia

A female citizen addressed the Commissioner and stated that the Ministry of Trade, Tourism and Telecommunications granted certain categories of persons the right to the subsidized use of accommodation services in tourist facilities and listed the categories of persons who could use vouchers for the subsidized use of accommodation services in tourist facilities on the territory of the Republic of Serbia, outside the place of residence of voucher beneficiaries. Furthermore, she stated that her mother who, due to the inadequate division of gender roles in the past, primarily conducted household activities and cannot be the beneficiary of the voucher for the subsidized use of accommodation services, which she believes is not in compliance with anti-discrimination regulations. The complaint further states that there is a large number of women today in the Republic of Serbia who conducted household activities and looked after the family, and were unable to find employment, or exercise the right to the old-age pension, while, in fact, they conducted the type of activities which are, unfortunately, invisible. The initiative states that the survey conducted by the Statistical Office of the Republic of Serbia showed that women on average do unpaid housework for more than 4 hours a day, whereas on weekends, women spend more time doing unpaid work than men in total. Consequently, women spend almost 20% less time doing leisure activities than men.¹⁹ Gender inequalities are most evident in the private area, which significantly reflects on the position of women on the labour market and on the opportunities to change the subordinate position in the family.²⁰ In section *Discrimination on the Grounds of Gender* of the Regular Annual Report of the Commissioner for Protection of Equality for 2018²¹, the Commissioner stated that various data

19 Women and men in the Republic of Serbia, Republic of Serbia, Statistical Office of the Republic of Serbia, Belgrade 2014

20 Gender Barometer in Serbia – Development and Daily Life“, Marina Blagojević Huston, United Nations Development Program, Belgrade 2013

21 <http://ravnopravnost-5bcf.kxcdn.com/wp-content/uploads/2019/03/Redovan-godi%C5%A1nji-izve%C5%A1taj-Poverenika-za-za%C5%A1titu-ravnopravnosti-za-2018.-pdf.pdf>

from the report and survey collected in 2018 indicate that women are still in a more disadvantaged position than men. Also, section “Description of Gender Equality in the Republic of Serbia” of the National Gender Equality Strategy for period 2016-2020²² states that indicators show that the women’s overall social and economic status is significantly worse than men’s, and that there is a big gap between proclaimed principles and actual practice. In view of the above stated, the Commissioner sent an initiative to the Ministry, as an authorised proponent of the Regulation, starting from the fact that the aim of the regulation was to support the most vulnerable categories of population, including older women who did not qualify for the old-age pension, and to extend the scope of persons who may be beneficiaries of the voucher for the subsidised use of accommodation services in tourist facilities on the territory of the Republic of Serbia, outside the place of residence of voucher beneficiaries, and include women who did not obtain the right to the old-age pension.

1.12 Court Proceedings

In addition to the protection of citizens against discrimination in the complaints handling procedure before the Commissioner, there is also judicial protection against discrimination. Depending on the legal nature of the violation resulting from a discrimination act and from the extent of social danger, there is civil and legal, misdemeanour and legal and criminal and legal protection against discrimination.

The Commissioner is authorised to bring an action before the court due to the violation of anti-discrimination regulations, on his/her own behalf, with the consent and for the account of the discriminated person. The Commissioner initiates anti-discrimination lawsuits of general interest and assesses when and in what cases he/she will bring an anti-discrimination action, considering that the objective and purpose of the initiated lawsuit go beyond the significance it has for the protection of rights of discriminated persons, that is, a group of persons. This concerns so called *strategic lawsuits* which the Commissioner conducts in public interest with the aim of contributing to the consistent application of regulations and improvement of legal practice, to the further encouragement of victims of discrimination to initiate anti-discrimination lawsuits, and to education in legal matters and raise public awareness of discrimination issues.

So far, the Commissioner initiated a total of 18 anti-discrimination lawsuits, seven of which have been validly terminated in favour of the Commissioner in a way that the court fully adopted Commissioner’s claims. In two cases, the Commissioner withdrew the action, since in one of the cases the defendant terminated

22 “Official Gazette of the RS”, No. 4/16

the relevant decision, and in another case the rulebook was changed, which gave rise to the action. One proceeding was terminated because the defendant was deleted from the companies register. Two proceedings were validly terminated by the rejection of the Commissioner's claim. Six proceedings are still underway. In three of the proceedings judgements were rendered in 2019, to which legal remedies were applied, and based on which proceedings are underway.

The Commissioner brought an action against discrimination in 2019 on the grounds of gender, marital and family status and calling to account. The Commissioner was approached by a female employee with a complaint against her employer due to discrimination in the field of work, on the grounds of gender, family status and calling to account – victimisation as a special form of discrimination. After this, and with her consent, the Commissioner initiated civil proceedings for protection against discrimination. The action was filed on the grounds that the employer discriminated the female employee during her pregnancy, maternity leave and childcare leave. This strategic lawsuit was initiated in public interest, to show with case law that such employers' conduct is unacceptable. The first hearing related to this legal matter was not scheduled until the end of 2019.

The Commissioner for Protection of Equality is authorised to submit criminal charges when he/she becomes aware of a crime or a perpetrator. Thus, the Commissioner submitted six criminal charges to competent prosecutor's offices - two due to discrimination on the grounds of sexual orientation, one contains elements of discrimination on the grounds of disability, one was filed due to the incitement of national and racial hatred, one for unlawful sexual acts, and one for violence at a sporting event.

Three requests for the initiation of misdemeanour proceedings were filed in 2019, two of which were filed due to violation in the field of work, and refer to discrimination on the grounds of gender and family status, and one due to refusal to provide a service to a person because they belonged to the Roma national minority.

1.13. Other Outcomes of the Proceedings

The Law on the Prohibition of Discrimination prescribes that the Commissioner does act on the basis of a complaint when proceedings are initiated before the court for the same matter, or when proceedings before the court are validly terminated; when clearly there is no discrimination to which the complainant is pointing; when the Commissioner already acted on the same matter and no new evidence has been provided, as well as when it is impossible to achieve the purpose of the act due to the passage of time since the violation of the right. The Commissioner did not act in case of 69 complaints in 2019 due to non-competence.

In these cases, the Commissioner informs complainants about the reasons for rejecting a complaint and provides them with information on which authority is competent for a specific case. In case of incomplete complaints, that is, a total of 244 in 2019, the complainant is informed about the reasons why the complaint is incomplete, what information should be provided, and about the time limit for completing the complaint. If the complainant does not remedy the deficiencies within the defined time limit, the Commissioner will not proceed with taking actions concerning the complaint. In case of 194 complaints, it was obvious that there was no violation of the rights indicated by the complainant, in 58 cases court proceedings were initiated or terminated for the same matter, in four cases no proceedings were initiated due to the lapse of time, and for this reason it was not possible to achieve the purpose of proceedings, in five cases, actions were already taken, but no new evidence was provided, and in 14 cases the complaint was withdrawn.

2. Commissioner's cooperation

in 2019, the Commissioner continued working on the increase of accessibility and visibility of the institution and on the promotion of the principle of equality and prohibition of discrimination through numerous trainings, lectures, by organising and participating in conferences and professional meetings, by publishing publications, etc. Cooperation with public authorities, civil society organisations, international organisations, other institutions and the media has improved.

On 15 March 2019, the Commissioner submitted to the National Assembly of the Republic of Serbia the Regular Annual Report on the situation in terms of protection of equality for 2018, which was presented to the Committee on Human and Minority Rights and Gender Equality on 10 September, and to all the members of the National Assembly of the Republic of Serbia on a plenary session, on 2 October.

Also, a meeting of the Committee on Equality and Anti-Discrimination of the Parliamentary Assembly of the Council of Europe was organised in Belgrade, under the auspices of the National Assembly of the Republic of Serbia, where the Commissioner spoke as an introductory speaker and presented the work of the institution, challenges in achieving equality and priorities in the coming period, while pointing out that the hate speech has been a challenge for all the countries in the region and Europe.

For the purpose of organising a debate on equality at the 141st session of the Inter/Parliamentary Union Assembly held in Belgrade, data on sexism, harassment and violence against female members of Parliament were provided at the request of the National Assembly. In addition, the session of the Committee on Human and Minority Rights and Gender Equality was marked with "16 days of activism" and public hearing was organised on topic "Preventing Violence Against Women", where an emphasis was placed on the role of the media in preventing and combating violence against women, as well as on the importance of early education on gender equality and promotion of a coordinated and efficient action of all the institutions in the system in providing protection against violence.

Together with the National Academy of Public Administration and the Embassy of the Republic of France, the Commissioner organised seminar "Women's Leadership", aimed at women at middle- and upper-management level. Good cooperation and mutual understanding with the representatives of executive authorities is extremely important for combating discrimination and achieving equality, so this trend continued in 2019. However, the general conclusion is that there is room for the improvement of cooperation, especially with state authorities in charge of the public services of vital importance for the citizens such as health and social protection.

The practice of cooperation with the representatives of the case law continued in 2019, and the Commissioner took part in the counselling of the judges of appellate courts and case law division, which was organised by the Judicial Academy and concerned resolution of disputed issues for the purpose of harmonising case law in discrimination-based cases. In addition, Commissioner's work was presented at a seminar on non-discrimination with 30 participants of the ninth generation of the Judicial Academy initial training.

Trainings were held for the representatives of eight local self-governments in Serbia as part of "Strengthening Local Anti-Discrimination and Institutional Capacities" project, which the Commissioner implements with the support of the Kingdom of Norway for the purpose of building human resource capacities in local self-governments for recognising and responding to discrimination. A total of 300 representatives of 15 local self-governments were trained during the implementation of the project, which significantly expanded the network of Commissioner's associates at the local level.

In addition, local level training in the application of anti-discrimination regulations was organised for social service providers within "Social Services for Vulnerable Groups" project financed by the German Development Cooperation (GIZ). Meetings on „Business and Human Rights“ topic were also organised within the same project where the Commissioner's Equality Code was presented, as well as training in anti-discrimination regulations and mechanisms for the representatives of local self-governments, employers and civil society organisations.

The Commissioner continues to conduct Moot Court competitions called "Condemn Discrimination", which have been organised for the past 8 years with support of the Open Society Foundation. Also, together with the Belgrade Sports Association of Persons with Disabilities, with "Ravnopravno do cilja (Let's Reach the Finish Line on Equal Grounds)" campaign, organised as part of 32nd Belgrade Marathon, the Commissioner provided support to the persons with disabilities in participating in this sports event for the eighth time. The Commissioner and the Youth Capital of Europe OPENS 2019 organised a conference dedicated to the participation of young people in making decisions "Respect Us, We are Here..". Also, the Memorandum of Cooperation was concluded with the Youth Capital of Europe OPENS as part of joint activities aimed at improving the position of young people.

In 2019, the Commissioner continued cooperation with international partners in the country and abroad, with governmental and non-governmental organisations, as well as with European and equality bodies from the countries in the region, through bilateral meetings and active participation in the work of the European Network of Equality Bodies (EQUINET).

At the invitation of Romania's Prime Minister Viorica Dancila and the World Jewish Congress, the Commissioner participated in a two-day gathering "Perspective of the Future Strategy for Preventing and Combating Anti-Semitism, Racism, Xenophobia, Radicalization and Hate Speech" held in Bucharest, on which occasion Serbia was presented as a good example of a country that recorded no rise in anti-Semitism and discrimination against Jews.

A conference of the top representatives of European institutions for equality was organised on the occasion of the 25th anniversary of the European Commission against Racism and Intolerance of the Council of Europe (ECRI) and the 70th anniversary of the creation of the Council of Europe. Also, a meeting was organised with Council of Europe Commissioner for Human Rights Dunja Mijatović to discuss about human rights and protection against discrimination situation in Serbia. A total of 23 "Live Libraries" and one training for organisers have been held within "Don't Judge a Book by Its Cover – Live Library in Serbia" project, which has been implemented by the Commissioner since 2012 with the support of the Council of Europe.

The OSCE Mission to Serbia had continued supporting regional cooperation of equality bodies which resulted in the Fourth Regional Conference in Podgorica, organised by the Protector of Human Rights and Freedoms of Montenegro. In the final part of the conference was agreed that the next Regional Conference would be held in Belgrade.

The Commissioner supported implementation of "Autonomy, Voice and Participation of Persons with Disabilities" project, executed by the UN Team in Serbia and its partners. Also, cooperation was established with the UN Office for Project Services (UNOPS) as part of "Enhancing Good Governance and Social Inclusion at the Local Level in Serbia" programme (Swiss Pro).

In cooperation with the UN Agency for Gender Equality and Women's Empowerment in Serbia (UNWomen), the Commissioner organised a one-day creative workshop for the members of the Youth Panel, aimed at panellists acquiring specific knowledge of rural women's rights, and designing ways in which young people can contribute to the improvement of their position.

World Population Day, celebrated on 11 July, as well as the 25th anniversary of the International Conference on Population and Development, was marked by organising a join event with UNFPA in Serbia and the Cabinet of Ministers without portfolio responsible for demography and population policy. The event was dedicated to raising awareness of reproductive rights and breaking stereotypes and prejudices.

A total of nine members of the Management Board were appointed at the EQUINET Annual General Meeting, whereas, regardless of the written opposition

sent to all the members, it was decided by voting and an oral explanation of the Commissioner's representatives at the meeting, that the Ombudsperson Institution of Kosovo was admitted to membership in this organisation. Also, the Commissioner participated in the development of a publication titled "Combating Violence Against Woman and Gender-Based Violence", which addresses this topic and actions of the equality body in case of violence against women and gender-based violence.

The Commissioner received an award in the category of national bodies, which was awarded on the occasion of celebration of International Right to Know Day, on 28 September. The Commissioner for Information of Public Importance and Personal Data Protection Milan Marinović presented the award to the Commissioner.

On the occasion of celebration of International Day of Tolerance, on 16 November, and 10 years from the adoption of the Law on the Prohibition of Discrimination, the Commissioner held a regular annual conference, with the support of the OSCE Mission to Serbia and the Embassy of the Kingdom of Norway. Apart from the Commissioner, Chairperson of the Committee on Human and Minority Rights and Gender Equality Jasna Karanac spoke at the opening of the conference, as well as Head of the OSCE Mission to Serbia Adrea Oricio, and Deputy Head of the Norwegian Embassy Janne Marit Knutrud, emphasising the importance and role of the Commissioner in promoting equality and creating a tolerant society.

The Annual Journalism Awards for Tolerance were for the fifth time jointly awarded by the Commissioner and OSCE Mission to Serbia. The awarded persons were Aljoša Mudri (vugl.rs), Bojana Milovanović (Novi Magazin), Jelena Diković (Danas), Suzana Trajković (Espresso), Aleksandar Minić (TV Forum Prijepolje), Biljana Jovičić Radulović (RTS), Bratislav Ilic (Prva). Milica Batričević and Jovana Netković (vugl.rs and Befem produkcija).

Municipality/City of Equal Opportunities awards were for the second time this year presented at the conference, with the support of the Royal Norwegian Embassy. The award winners are the municipalities of Medveđa (first place), Priboj (second place) and Arandjelovac (third place).

3. Media reporting

Equality, tolerance, cases of discrimination and protection of human rights have gotten more and more media coverage over the years. There is an impression that these topics have never been more written and reported about. On the other hand, the fact is that different types of insults peaked in 2019, ranging from discriminatory opinions and contempt, to hate speech and threats, as well as utterly unacceptable and inappropriate speech mostly directed against women.

The occurrence of this type of speech reached its peak on social networks, first of all, on Twitter. This became a platform for exchanging opinions, primarily political, with those who think differently. Journalists and public figures have often been targeted, and threats were also made to the children of the President of the Republic of Serbia and civil society organisations. The previous year was also marked with peer violence, which in some cases indicated to the ferocity of the physical and psychological abuse among children, and violence against women, which became more and more brutal, and some media opened the door for bullies or justified crime with their way of reporting.

The year 2019 was undoubtedly dominated by *discrimination against women*, as it was by with misogyny and sexist statements, hate speech, insults directed against the Prime Minister, members of Parliament, journalists, threats, pressures and insults at the expense of a woman who initiated court proceedings against the mayor for sexual harassment, then insulting the wife of murdered Oliver Ivanović, inappropriate reporting about certain women from public life, etc.

Reports were made on the Commissioner's initiative to terminate the ban on public sector employment, as the affected by this decision were women. Much attention was drawn to the initiative for the assessment of the constitutionality and legality of the Law on Financial Support for Families with Children, submitted to the Constitutional Court. The Initiative to give the streets in Belgrade names of important, but publicly unknown women in Serbia attracted big media attention, as well as a recommendation to marketing agencies to stop supporting gender and age prejudices and stereotypes when creating advertisements.

Lots of media were for days very interested in the case of a women who just had recently given birth, who paid an amount exceeding her salary to the employer to stay registered. A strategic lawsuit was initiated against this, and during the year, more than ever before, the media reported about the position of women on the labour market. Also, the media wrote about the position of women in rural areas and reported about all the visits the Commissioner paid to the municipalities in Serbia on which occasion they talked about women in rural areas and women's entrepreneurship, which was also a particular focus of local media.

In 2019, *national affiliation, race and ethnic origin* were topics in the media mostly in incidental cases such as an assault on footballers of African origin in Kruševac, an assault of the members of the neo-Nazi organisation during the anti-fascist protest in Niš, as well as the writing out of hooked crosses on the Hungarian Embassy and graffiti against the persons of Albanian nationality in Zrenjanin. The Commissioner responded with condemnation in all the cases. (Anti)fascism is a topic the media covered more than usual during that year, and all the Commissioner's statements and copyrighted texts that pointed to the ease of use and misuse of term fascism were published.

After detecting discrimination in the primary school in Bujanovac, due to the creation of separate classes for Serbian and Roma children, the media expressed interest in this case. A rulebook of a taxi association from Niš also caught the attention of the media, as it specified that Roma were not allowed to be driven. There was less reporting about the Roma national minority in 2019 than in previous years.

The media reported about *the status of the elderly and age-based discrimination*. During the year, the media reported about the issues of aging, depopulation and the need to harmonise demographic policies. They also reported about the Commissioner's initiative for the assessment of the constitutionality of the provision of the Law on Pension and Disability Insurance, which envisaged that the right to the family pension of the deceased, who at the time of marriage conclusion was 65, may be inherited by his/her spouse, provided that they have a child together, or that the marriage lasted minimum two years, which was found not to be in conformity with the Constitution.

There are two cases in which certain media decided to report about the status of older women. The Commissioner also took actions in these cases. One case concerned a woman from an old people's home in Belgrade, who was deprived of the opportunity to own her own apartment, and the other case concerned an old woman from the Bujanovac area, who lived in difficult living conditions.

The *status of persons with disabilities* was less covered by the media than in previous years. Newspapers mostly wrote about the unemployment of persons with disabilities and analysed the role of the state, and about the issue of accessibility of primarily health care institutions and spa facilities. Traditional participation of the Commissioner for Protection of Equality in Belgrade marathon and "Ravnopravno do cilja (Let's Reach the Finish Line on Equal Grounds)" campaign, which promotes the equality of persons with disabilities, was a topic that most media reported about.

The topic that was less reported about by the media than in previous years, is the *status of LGBT persons*. This topic was mostly reported about on the occasion of celebration of International Pride Day and Pride Parade, primarily

through the issue of legalisation of same-sex unions. An event that stirred the public and caused Commissioner's response was an assault on a young man in Belgrade downtown, who wore a pink bag, which made the attackers think that he was an LGBT person. The media also reported about the LGBT community when the first Drop in Center opened and when the textbooks that contained discriminatory opinions about the LGBT population were changed, at Commissioner's recommendation. The media were also interested in the case in which the Ministry of Health discriminated the LGBT community by not allowing them to be reproductive cell donors.

In terms of *health care*, the media reported about a patient whose medical record contained HIV written in red letters, which the Commissioner condemned and recalled of a recommendation that such discrimination and stigmatisation of persons living with HIV/AIDS is unacceptable. The media also reported about a visit to the first Bellhospice in Belgrade.

The media reported about the Commissioner's meeting with President of the Republic of Serbia Aleksandar Vučić, with whom she discussed about the human rights situation and position of national minorities. Presentation of the Regular Annual Report on the Work of the Commissioner for Protection of Equality in the National Assembly of the Republic of Serbia was also covered by the media. Traditionally, the annual conference of our institution on International Day of Tolerance, which was used for presenting a survey on discrimination in Serbia and granting awards to the media for media coverage and to the municipalities for granting equal opportunities, was a reason for the media to address discrimination through various examples and from different aspects. At the end of the year, the media paid attention to Commissioner's incentive sent to the competent ministry for banning the operation of stores on Sundays.

4. Execution of budget for 2019

according to the Law on the Budget of the Republic of Serbia for 2019, the Commissioner received funds for “Improvement and Protection of Human Rights and National Minority Rights and Freedoms” programme in the amount of RSD 96,911,000. By including unspent funds from the previous year and donations from 2019, available budget funds for this programme, that is, the amount of current appropriations, reached a total of RSD 114,081,102. Total spent funds at the end of 2018 amounted to RSD 89,155,989.

5. Recommendations on anti-discrimination and improvement of equality

Certain recommendations, which the Commissioner provided in the Annual Report for 2018, were fully implemented in 2019, and certain recommendations were partially implemented. Considering that the recommendations provided in previous years had general property, and that certain recommendations required a longer time to be executed, certain recommendations stated in the annual report for 2018 have been repeated in this report.

In this regard, the following documents were adopted in the reporting period: *Programme for the Protection of Mental Health in the Republic of Serbia for the period 2019-2026*, *Programme for Rare Diseases in the Republic of Serbia for the period 2020-2022*, *Programme for Empowerment of Women in Information and Communication Technologies for the period 2019-2020*, *Action Plan for the Implementation of the Strategy for Prevention and Suppression of Trafficking in Persons, Especially Women and Children and Protection of Victims for 2019 and 2020*, *Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the period 2020-2025*, *Consumer Protection Strategy for the period 2019-2024*. In 2019, new laws or amendments to applicable laws were made, such as the *Law on Student Standards*, *Law on Central Population Register*, *Law on Health Care*, *Law on Health Insurance*, *Law on Amendments to the Law on Planning and Construction*, *Law on Amendments to the Criminal Code*, *Law on Amendments to the Law on Preschool Education*, *Law on Amendments to the Law on Elementary Education*, *Law on the Dual Model of Studies in Higher Education*, *Law on Amendments to the Law on Higher Education*, *Law on Amendments to the Law on Copyright and Related Rights*, *Law on Amendments to the Law on Pension and Disability Insurance*, *Law on Science and Research*, etc. as well as the *Rulebook on Amendments to the Rulebook on the Method of Exercising the Right to Special Reading and Writing Aids Provided from the Funds of the Republican Pension and Disability Insurance Fund*, *Rulebook on Good Practice Guidelines for Exercising Public Participation in the Drafting of Laws and Other Regulations and Acts*, *Rulebook amending the Rulebook on the Organisation, Norms and Standards of Operation of Centers for Social Work*, as well as a number of other rulebooks, such as the rulebooks relating to subsidies in agriculture and development of rural areas, etc.

Based in the insights gained in proceedings concerning complaints in 2019, as well as based on other relevant data on equality-related issues, the Commissioner provided the following recommendations:

1. Initiate drafting of that strategic documents and action plans that expired in the previous period, or expire in 2020. This primarily refers to the adoption of a strategy for the prevention and protection against discrimination, development

of social protection, prevention and protection of children against violence, development of adult education, socially responsible business operation, and the aging strategy. New strategic documents should be based on the evaluation of previous valid strategies, taking into account the current status and needs of relevant social groups. During the preparation of all strategic documents, goals and activities should be realistically defined, funding sources ensured, and a broad-based consultation process conducted with all relevant stakeholders.

2. Envisage the implementation of measures and activities at the national, provincial and local level, for the purpose of reducing poverty, encouraging rural development, retaining and increasing involvement of young people, ensuring greater equality in employment without giving advantage on any grounds, and achieving full equality of male and female citizens, especially vulnerable and marginalised social groups, including children and women who belong to these groups. During the creation of regulations and measures, special attention should be paid to the statistical indicators and data from relevant surveys in particular fields, taking into account long-term effects of implementation in practice and real effects on citizens and local communities.

3. Improve the system for social protection and financial support to families with children in order to improve the efficiency and quality of assistance to overcome social and life difficulties, create conditions for satisfying basic life needs of individuals and families, as well as measures for the protection of families with children and birth support. Particular attention should be paid to the strengthening of material support to vulnerable and poor groups of citizens, improving the availability and diversity of support services (daily services in the community, independent living support services, intensive family crisis support services, counselling and support for parents, support to a family taking care of a child or an adult family member with disabilities, etc.), as well as other forms of social welfare services. Build control mechanisms and introduce monitoring and evaluation of the quality of social welfare services.

4. It is necessary to build all (qualitative and quantitative) capacities of centers for social work, as well as of other social welfare institutions to be able to respond timely to all activities in the field of social and family and legal protection, ensure good quality mapping of needs, detect social exclusion and timely activate of all forms of support and assistance.

5. Improve the functioning of public services in the field of health, education, social protection, social care for children, science, culture, inspection affairs, etc. In terms of the number of employees, take actions to return responsibility to the heads of public services in managing and operation of these services to ensure exercising of all citizens' rights to the fullest extent and within a reasonable time.

6. Intensify work related to the improvement of architectural and information accessibility and implementation of a universal design in all the fields with the aim of providing unimpeded access to public facilities and surfaces, transport, information, communication and services for persons with disabilities, persons with limited movement, elderly citizens and children. Ensure that information on the work of all public authorities is made available in appropriate formats, including the content of web sites. Increase the amount of media content translated into the sign language and media content adapted to blind persons, as well as communication through sign language interpreters. Provide equal opportunities for access to emergency and intervention services, information services, SOS lines, etc.

7. Improve exercising of the right of persons with disabilities to access a polling station and election material. Improve regulations regulating the issue of deprivation of work ability and guardianship over the persons coming of age. To enable independent decision-making and improve abilities of persons with disabilities, adopt regulations referring to the engagement of persons with disabilities, simple technical conditions, professional qualification of employees, and other conditions for the operation of a work center.

8. Support persons with disabilities in independent living in the least restrictive environment, provide them unhindered access to health care and preventive examinations, prevent forced placement or non-consenting placement of persons in health and social welfare institutions. Continue the process of deinstitutionalisation of beneficiaries housed in institutions, while ensuring adequate support and development of services at the local level, and continuous development of cooperation between social and health care systems, education and employment.

9. Continue implementation of active employment policy measures and compare them to the perceived effects of the measures and activities taken so far. Create new active employment policy measures and mechanisms that have the best effects on the employment of hard-to-employ persons on the labour market, particularly considering gender, age, health and social status and other properties of unemployed persons. Reduce the share of non-standard forms of work to reduce uncertainty and leaving of young people. Strengthen local self-government institutions to create measure and implement active employment policy, while complying with the characteristics of the local labour market.

10. Continually take measures to encourage employment of women and development of women's entrepreneurship, to protect women from discrimination on the labour market, paying particular attention to achieving equality in accessing jobs, equal opportunities for promotion and equal salary. Take actions to balance work and parenting, reduce gender disproportion and impact of patriarchal patterns in raising children, taking care of other family members, and fulfilling family responsibilities, promoting equal sharing of responsibilities in

terms of health, economic and professional responsibilities. In order to achieve an equal share of women in labour force and equal share of men in unpaid care, work on defining and implementing legal provisions on flexible working hours, promoting and encouraging fathers to take the leave from work to care for their child, innovating and increasing the amount of teaching content covering the topics of equal dealing with family responsibilities, etc.

11. Prescribe by law and ensure inclusion and encouragement of the equal representation of women and men in all the areas of social life, particularly in decision-making and executing public functions at all levels. Conduct gender-balanced personnel policy and keep gender-sensitive statistics, in accordance with international standards and the Law on the Prohibition of Discrimination.

12. Intensify the process of implementation of the Action Plan for the Implementation of UN Security Council Resolution 1325 - Women, Peace and Security in the Republic of Serbia (2017-2020), with a special emphasis on activities in local communities.

13. Work on the improvement of coordinated and efficient operation of all institutions of the system in providing protection against domestic violence and other forms of gender-based violence. Develop the support service for the victims of violence and children witnessing violence. Continue activities on raising awareness on recognising violence and on the obligation to report violence, particularly among the employees in the health and social care system. Introduce an obligation to keep gender-sensitive statistics on reports of violence and prosecuted cases, with a particular emphasis on vulnerable groups such as girls, older women, women with disabilities, Roma women, etc.

14. Take measures and activities to provide conditions for the provision of services to the beneficiaries who, due to their specific social and health status, need to have both social care and permanent health care by prescribing standards for the provision of these services. Raise awareness on these rights and services, particularly on palliative care, simplify procedures for their execution, improve the use of information technology in providing assistance, ensure accessible access to palliative care for the elderly and other persons in such a need, as part of the right to health care, without discrimination. Work on the improvement of the status of informal caregivers by improving the system for formal support to those who need help, by considering the needs of informal caregivers, by introducing different forms of support services, etc.

15. Continue with work on providing more efficient therapies, medicines, materials and supplies of the newer generation at the expense of the Republic Health Insurance Fund, especially for persons with disabilities, the elderly, dialysis persons, suffering from rare disease, hepatitis, melanoma, persons living with

HIV/AIDS, etc. Take measure of preventive protection and screening and pay special attention to raising awareness on health risks and reproductive health, especially for children and young people, as well as the elderly. Ensure greater availability of psychological support.

16. Improve the normative framework for the protection of the rights of the child by complying with the Convention on the Rights of the Child, particularly in view of defining terms and prohibition of physical punishment. Adopt the new General Protocol to protect children from abuse and neglect.

17. Improve accessibility of primary and secondary education to children from vulnerable social groups by taking affirmative actions particularly aimed at children with disabilities and development disability, Roma children and “street children” in order to provide better support and improve inclusive education and to take measures to ensure timely provision of textbooks in adjusted formats, to increase the number of enrolled children and to reduce dropout from the educational system. Take all necessary actions and measures to ensure the engagement of a personal companion, pedagogical assistant for children and students who need additional support in education, and continue work on the development of inclusive education, in accordance with the principles of equality and accessibility in education at all levels.

18. Conduct activities aimed at including adults from vulnerable groups in the educational system. Work on ensuring equal opportunities in access to higher education for young people from marginalised social groups, by introducing special measures and amending standards for the accreditation of higher-educational institutions, particularly by providing accessibility of space, assistive technologies and appropriate student support services.

19. Implement children programmes to foster values that promote the culture of tolerance, understanding and respect for diversity, gender equality, intergenerational solidarity and non-discrimination. School programmes should include education about reproductive and sexual health and, through civil education encourage the adoption of equality and tolerance values through the elimination of numerous adopted stereotypes and prejudices about different social groups and social phenomena.

20. Intensify work on the improvement of the status of the elderly, particularly in rural and inaccessible areas. It is necessary to increase the availability of health and social welfare services for the elderly (home care, strengthening home care services for the elderly, counselling by phone, etc., as well as introducing mobile and innovative services that respond to the specific needs of the elderly, such as tele-assistance, informal caregivers, services of occasional and temporary accommodation, etc.). It is necessary to better connect cash benefits and services,

as well as to improve transport services, which is a requirement for better access to services and prevention of social exclusion.

21. Improve labour regulations in terms of promotion of dignified work, reduction of uncertainties at work and ensurance of flexible working hours in order to improve the status of employees, by introducing more efficient mechanisms for control of regular payment of contributions for compulsory social insurance by employers, as payers, in order to avoid consequences in cases of termination of work of the employer. Continually implement educational programmes aimed at public authorities, inspection bodies, judges, employers and trade union organisations, employees and unemployed persons in the records of the National Employment Service, in order to receive training in recognising and adequately responding to discrimination in the field of labour and employment.

22. Encourage a social dialogue by strengthening capacities of state institutions and social partners to respond to labour market offer and demand, encourage sectoral policy dialogue based on good information and participation of all actors, provide support to the collective negotiation, including negotiation at the company level, to ensure consistent application of all regulations and compliance with modern principles and recommendations of international bodies.

23. Take all necessary measures to ensure that the composition of state authorities, local self-government authorities and other public authorities match the national composition of the population in their area by increasing the number of employed persons belonging to national minorities and by educating them and training in jobs. Take measures for managing national, ethnic, religious, linguistic and other diversity.

24. Actively work on the improvement of the status of Roma, especially Roma women by providing them identity documents, access to adequate housing, health, educational and social protection services and employment, and achieve inter-ministerial cooperation of all actors in the system for the protection and exercise of individual rights at all levels. Implement activities and measures envisaged by the Action Plan for the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for the period 2016-2025, with regular measurement of results.

25. Adopt regulations that ensure registration of same-sex couples and regulate the effects, legal consequences and manner of termination of registered partnerships, in accordance with Council of Europe recommendations, and take measures aimed at elimination of discrimination and stigmatisation of LGBT persons.

26. Particular attention should be paid to responsible reporting, which should not be characterised by hate speech, sensationalism, sexism, misogyny, discriminatory opinions and offensive reporting that is most often directed against

women and persons belonging to the LGBT community. Encourage integration of topics that develop the culture of tolerance, understanding and appreciation of diversity, inter-generational solidarity, mutual respect, gender equality and non-discrimination in the media and on social networks.

27. Work on the inclusion of all social actors in recognising and preventing hate speech in public space, with a particular emphasis on its timely and adequate sanctioning.

28. Continuously work on the education of employees in state administration and local self-government, employees in the system for education, employment, health care and social welfare, holders of judicial functions, police officers, employees in inspection services, journalists, etc. to familiarise them with the term, forms and mechanisms of protection against discrimination.

29. To achieve full compliance with EU *acquis communautaire* and to overcome the problems identified in the application of laws so far, amend the Law on the Prohibition of Discrimination and prescribe adequate solutions for establishing and putting into operation a single, centralised and standardised system for the collection and analysis of relevant data used for monitoring discrimination and efficiency of the system for protection against discrimination, by envisaging required budgetary funds for its implementation.

6. Summary of the statistical overview of commissioner's work in 2019

Number of cases in 2019

CASES	2019.
Complaints	711
Recommendation of measures	686
Actions	1
Mediation	1
Opinion about draft acts	31
Motion to the Constitutional Court	1
Criminal charges	6
Misdemeanour charges	3
Initiatives for amending regulations	16
Warnings	23
Announcements*	34
TOTAL number of cases*	1479

* Announcements are not included in the total number of cases

Complainants

Complainants that are natural persons	No.	%
Men	296	51.1
Women	283	48.9
Total number	579	100.0
Other complainants	No.	%
Natural persons	579	81.4
Organisations	110	15.5
State authorities	10	1.4
Legal persons	8	1.1
Groups of persons	3	0.4
Authority/institution	1	0.1
Total number of complainants	711	100.0

Complaints on the grounds discrimination	No.	%
Complaints stating personal characteristics	578	81.3
Complaints not stating personal characteristics	133	18.7
Total number of complaints	711	100.0

Притужбе по основу дискриминације	No.	%
Complaints stating one personal characteristic	462	79.9
Complaints stating several personal characteristics	116	20.1
Total number of complaints	578	100.0

Complaints stating personal characteristics	No.	%
Disabilities	118	16.2
Gender	96	13.2
Health status	86	11.8
Age	72	9.9
Members of political, trade union and other organisations	72	9.9
Other personal characteristic	65	8.9
Marital and family status	58	7.9
National affiliation or ethnic origin	50	6.8
Financial position	33	4.5
Sexual orientation	18	2.5
Religious or political belief	14	1.9
Gender identity	12	1.6
Birth	7	1.0
Previous conviction	6	0.8
Appearance	6	0.8
Language	6	0.8
Citizenship	4	0.5
Genetic characteristics	3	0.4
Ancestors	2	0.3
Race	2	0.3
Total*	730	100.0

* Out of 116 complaints, several personal characteristics were stated as the grounds for discrimination.

Social relation areas referred to in complaints

Complaints per type of discrimination	No.	%
In the employment process or at work	229	32.2
Proceedings before public authority bodies (court, municipality, ministry, commissions ...)	155	21.8
Education and vocational training	102	14.3
When providing public services or when using premises and surfaces	53	7.5
Social welfare	41	5.8
Health care	27	3.8
Public sphere/general public	24	3.4
Public information and the media	18	2.5
Private relations	17	2.4
Other	15	2.1
Housing	11	1.5
Culture, art, sports	11	1.5
Actions/activities in trade unions, political parties, NGOs and other organisations	6	0.8
Pension and disability insurance	2	0.3
Total number of complaints	711	100.0

Complaints filed against different entities

Complaints were filed against	No.	%
State authority	320	43.2
Natural persons	152	20.5
Legal persons	143	19.3
Authority/institution	106	14.3
Organisations	13	1.8
Group of persons	7	0.9
Total	741	100.00

Number of cases with one discriminator	575
Number of cases with several discriminators	166
Total	741

Number of complaints per regions

Number of complaints per regions	No.	%
Belgrade region	261	36.7
Šumadija and Western Serbia region	143	20.1
Vojvodina region	94	13.2
Southern and Eastern Serbia region	101	14.2
Kosovo and Metohija region	2	0.3
Unknown region*	110	15.5
Total number of complaints per regions	711	100.00

*A region is unknown when a complaint was sent via e-mail and the complainant did not specify their address.

Outcomes of proceedings

Outcomes of proceedings per complaints	2018.
Motion submitted to the Constitutional Court	1
Misdemeanour proceedings initiated	3
Criminal charge filed	6
Action brought before the court	1
Complaints with adopted opinion	70
– opinion determining violation of the right and providing recommendation	52
– opinion not determining violation of the right or providing recommendation for achieving equality	4
– opinion not determining violation of the right	14
Mediation*	1
Non-competence	69

Incompleteness (deficiencies)	244
No violation of the right	194
Court proceedings are underway or completed	58
Actions were taken, no new evidence provided	5
Due to the passage of time, it was not possible to achieve the purpose of taking actions	4
Complaint withdrawn	14
Underway: submitted for observation and amendments required	41

* Mediation procedure initiated in 2019

Acting on recommendations

Acting on recommendations	No.	%
Acting on recommendations	35	87.5
Not acting on recommendations	5	12.5
Total number	40	100.0

*In 12 cases, the time limit for acting on recommendation has not expired yet

Acting on recommendations of measures	No.	%
Acting on recommendations	512	90.3
Not acting on recommendations	55	9.7
Total number	567	100.0

*119 recommendations were referred at the end of December 2019

7. Attachments

Attachment 1 List of Reviewed Reports and Surveys

1. Commission's working document, *European Commission 2019 Report for the Republic of Serbia Report*, available at: http://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/20190529-serbia-report_SR_-_REVIDIRANO.pdf
2. *Non-paper on the State of Play Regarding Chapters 23 and 24 for Serbia*, November 2019, available at: http://www.mei.gov.rs/upload/documents/eu_dokumenta/non_paper_23_24/non_paper_pg_23_24_19_sr.pdf
3. *Special Eurobarometer - Discrimination in the European Union*, European Commission, 2019, available at: <https://ec.europa.eu/commfrontoffice/publicopinionmobile/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2251>
4. *Fundamental Rights Report 2019*, European Union Agency for Fundamental Rights (FRA), available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf
5. *Annual Report on ECRI's Activities*, the European Commission against Racism and Intolerance (ECRI), Strasbourg 2020, available at: <https://rm.coe.int/ecri-annual-report-2019/16809ca3e1>
6. *GREVIO Baseline Evaluation Report Serbia*, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Strasbourg 2019(20), available at: <https://rm.coe.int/grevio-report-on-serbia/16809987e3>
7. *Declaration on the Role of Equality Bodies – 2030 Agenda for Sustainable Development*, European Network of Equality Bodies, 2019, available at: <http://equineteurope.org/2019/07/09/declaration-on-the-role-of-equality-bodies-2030-agenda-for-sustainable-development/>
8. *Quality of Life – Life and society in the EU candidate countries*, Eurofound, Tadas Leončikas, Kristina Doda, Sevinç Rende, Žarko Šunderić, Ivana Vujović and Merita Xhumari, Luxemburg 2019, available at: https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef18032en.pdf
9. *Human Development Report 2019*, United Nations Development Programme - UNDP, New York 2019, available at: <http://hdr.undp.org/sites/default/files/hdr2019.pdf>
10. *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Human Rights Council, 2019, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/019/18/PDF/G1901918.pdf?OpenElement>
11. *Concluding Observations on the Fourth Periodic Report of Serbia, Committee on the Elimination of Discrimination against Women*, 2019, available at: <https://tbinternet.>

ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSRB%2fCO%2f4&Lang=en

12. *2019 Trafficking in Persons Report: Serbia*, United States Department of State Publication Office of the under Secretary for civilian security, democracy and human rights, June 2019, available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report/serbia/>
13. *World Report 2020 - Events of 2019*, Human Rights Watch, New York 2020 - available at: <https://www.hrw.org/world-report/2020>
14. *Demographic Headwinds in Central and Eastern Europe*, International Monetary Fund, Cristina Batog, Ernesto Crivelli, Anna Ilyina, Zoltan Jakab, Jaewoo Lee, Anvar Musayev, Iva Petrova, Alasdair Scott, Anna Shabunina, Andreas Tudyka, Xin Cindy Xu, Ruifeng Zhang, Washington 2019, available at: <https://www.imf.org/en/Publications/Departmental-Papers-Policy-Papers/Issues/2019/07/11/Demographic-Headwinds-in-Central-and-Eastern-Europe-46992>
15. *Surveillance Giants: How the Business Model of Google and Facebook Threatens Human Rights*, Amnesty International, London 2019, available at: <https://www.amnesty.org/download/Documents/POL3014042019ENGLISH.PDF>
16. *Global Gender Gap Report 2020*, World Economic Forum, Geneva 2019, available at: http://www3.weforum.org/docs/WEF_GGGR_2020.pdf
17. *Women, Peace and Security Index: 2019/20: Tracking Sustainable Peace through Inclusion, Justice, and Security for Women*, Georgetown University, Peace Research Institute Oslo (PRIO), Washington 2019, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/WPS-Index-2019-Report.pdf>
18. *Gender Equality Index 2019 in Brief: Still Far from the Finish Line*, European Institute for Gender Equality (EIGE), 2019, available at: <https://eige.europa.eu/publications/gender-equality-index-2019-brief-still-far-finish-line>
19. *Gender Equality Index for the Republic of Serbia*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, available at: http://socijalnoukljuccivanje.gov.rs/wpcontent/uploads/2018/12/Indeks_rodne_ravnopravnosti_u_Republici_Srbiji_2018.pdf
20. *Gender Equality Index 2019 - Work-life Balance*, European Institute for Gender Equality (EIGE), 2019, available at: <https://eige.europa.eu/publications/gender-equality-index-2019-work-life-balance>
21. *Women in Foreign Affairs and International Security - Contours of a Timely Debate*, European Parliamentary Research Service, Elena Lazarou with Francesca Braden, 2019, available at: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/640159/EPRS_BRI\(2019\)640159_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/640159/EPRS_BRI(2019)640159_EN.pdf)
22. *Welfare and Security of Women - Basic Report Serbia*, Organization for Security and Co-operation in Europe, 2019, available at: <https://www.osce.org/sr/secretariat/419756?download=true>

23. *Well-Being and Safety of Women - Led Survey on Violence against Women: Mainreport*, OSCE, 2019, available at: <https://www.osce.org/secretariat/413237?download=true>
24. *Implementing the Women, Peace and Security Agenda in the OSCE Region*, OSCE, Centre for Woman, Peace and Security, Henri Myrntinen, Laura J Shepherd and Hannah Wright, 2020, available at: <https://www.osce.org/secretariat/444577?download=true>
25. *Gender, Diversity and Justice - Overview and Recommendations*, Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, 2019, available at: <https://www.osce.org/odihr/419840?download=true>
26. *Guidelines on Promoting the Political Participation of Persons with Disabilities*, OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw 2019, available at: <https://www.osce.org/odihr/414344?download=true>
27. *Ageing Europe – Looking at the Lives of Older People in EU*, Eurostat, 2019, available at: <https://ec.europa.eu/eurostat/documents/3217494/10166544/KS-02-19%E2%80%91EN-N.pdf/c701972f-6b4e-b432-57d2-91898ca94893>
28. *2019 Global Childhood Report*, Save the Children, 2019, available at: https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/report/global_childhood_report_2019_ENGLISH.pdf
29. *Communities at the Centre*, UNAIDS, Geneva 2019, available at: https://www.unaids.org/sites/default/files/media_asset/2019-global-AIDS-update_en.pdf
30. *Protecting Intersex People in Europe: A Toolkit for Law and Policy Makers*, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 2019, available at: https://oieurope.org/wp-content/uploads/2019/05/Protecting_intersex_in_Europe_toolkit.pdf
31. *Second European Union Minorities and Discrimination Survey - Migrant women - selected findings*, FRA's second EU Minorities and Discrimination survey (EU-MIDIS II), available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-midis-ii-migrant-women_en.pdf
32. *Third Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, available at: <https://ljudskaprava.gov.rs/sr/node/142>
33. *Voluntary National Report of the Republic of Serbia on the Implementation of 2030 Agenda for Sustainable Development*, Government of the Republic of Serbia, 2019, available at: <http://www.civilnodrustvo.gov.rs/upload/DNI,%20srp.pdf>
34. *Human Rights in the Eyes of Serbian Citizens*, Belgrade Center for Human Rights, December 2019, available at: http://www.bgcentar.org.rs/bgcentar/wpcontent/uploads/2019/12/BGCLJP_2019_FINAL.pdf
35. *Human Rights in Serbia 2019 - Law, Practice and International Human Rights Standards*, Belgrade Center for Human Rights, Belgrade, 2020, available at: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2014/01/Ljudska-prava-u-Srbiji-2019.pdf>

36. *Analysis of Economic and Social Rights - Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, Center for Dignified Work, Belgrade 2019, available at: <https://pescanik.net/wp-content/uploads/2019/07/ceo-izvestaj-CDR.pdf>
37. *Istanbul Convention in Serbia - Gender Equality Practices and Challenges*, Lawyers' Committee for Human Rights – YUCOM, available at: <http://www.yucom.org.rs/wp-content/uploads/2019/03/Istambulska-konvencija-u-Srbiji-praksa-i-izazovi.pdf>
38. *Second Order Rights - Social Rights in Light of Austerity Measures Serbia (2012-2020)*; Initiative for Economic and Social Rights A11, Belgrade, Milijana Trifković, Danilo Čurčić, Milica Marinković, Marko Vasiljević, available at: <https://www.a11initiative.org/wp-content/uploads/2020/02/Izvestaj-inicijativa-w.pdf>
39. *Study on Compatibility of the Law of the Republic of Serbia with EU Acquis Communautaire in the Area of Combating Trafficking in Human Beings*, ASTRA – Anti-Trafficking Action, Violeta Baširević, Belgrade 2019, available at: <https://drive.google.com/file/d/146MUQJp3K7ZxXrZ4pQZvgYG5XjjBmYfA/view>
40. *Alarm: Report on Progress of Serbia in Chapters 23 and 24*, Coalition prEUGovor, Belgrade, March 2019, available at: <http://preugovor.org/Alarm-izvestaji/1527/Izvestaj-koalicije-prEUGovor-o-napretku-Srbije-u.shtml>
41. *Downfall of Labour Rights and Attempts to Protect Them - Precarization of Workers in the First Decades of the 21st Century*, Center for the Development of Trade Unionism and Dan Graf, Belgrade 2019
42. *Labour Rights are Our Rights*, Center for Democracy Foundation, Sarita Bradaš, Ivan Sekulović, Ksenija Petovar, Natasa Vučković and Ivan Vejvoda, Belgrade 2019
43. *Shadow Report on Progress towards Implementation of Sustainable Development goals (SDGs)*, Serbian Association for Sexual and Reproductive Health and Rights, Belgrade 2019, available at: <http://ljudskaprava.org/images/pdf/ASRZS-ShadowReport-2019.pdf>
44. *Sustainable Development Goals in Serbia - Findings of Public Opinion Survey*, Serbian Association for Sexual and Reproductive Health and Rights, 2019, available at: <http://ljudskaprava.org/images/pdf/SDGs-citizens-generated-data.pdf>
45. *Communicative Aggression in Serbia in 2019*, Center for Media Professionalization and Media Literacy; available at: <https://www.ceprom.rs/wp-content/uploads/2019/12/CEPROM-Rezultati-istra%C5%BEivanja-Komunikativna-agresija-u-Srbiji-2019..pdf>
46. *Submission of follow-up document to the United Nations Human Rights Committee in relation to the concluding observations on the third periodic report of Serbia*, CCPR/C/SRB/CO/3, 13 March 2019, available at: <http://www.a11initiative.org/en/a-11-initiative-has-submitted-comments-regarding-follow-up-document-that-serbia-has-submitted-to-the-un-human-rights-committee-in-relation-to-the-concluding-observations-on-the-third-periodic-report/>

47. *Gender Discrimination in the Field of Labour and Employment in Serbia*, Kvinna till Kvinna Foundation, available at: https://kvinnatillkvinna.org/wp-content/uploads/2019/04/EU_Final_GenderLabourSerbia_srb.pdf
48. *Alternative Report on the Position and Needs of Young People in the Republic of Serbia in 2019*, Serbian Youth Umbrella Organization - KOMS, Boban Stojanović, Belgrade 2019, available at: <https://koms.rs/wp-content/uploads/2019/09/Alternativni-izves%CC%8Ctaj-o-polo%CC%8Caju-i-potrebama-mladih-2019-1.pdf>
49. *Evaluation of the Subject Civic Education - 10 Years Later*, Civic initiatives, 2019, available at: <https://www.gradjanske.org/wp-content/uploads/2019/04/GV-GLAVNI-NALAZI-1.pdf>
50. *General Comments of the Committee on the Rights of Persons with Disabilities: No. 6 on equality and non-discrimination No. 7 on participation of persons with disabilities, including children with disabilities, through their representative organisations, in the implementation and monitoring of the Convention*, National Organization of Persons with Disabilities of Serbia, Belgrade 2019, available at: http://noois.rs/images/Opsti_komentari.pdf
51. *Programme Accessible to Persons with Disabilities*, Monitoring and Analysis Service, Regulatory Authority of Electronic Media, Belgrade 2019, available at: <http://www.rem.rs/uploads/files/Izvestaj%20sluzbe%20za%20nadzor%20i%20analizu/Izve%C5%A1taj%20o%20pristupacnosti%20programa%20osobama%20sa%20invaliditetom%202019.pdf>
52. *Analysis of the Implementation of the Law on the Use of Sign Language*, City Organization of the Deaf Persons of Belgrade in cooperation with the Association of Serbian Sign Language Interpreters, Desanka Žižić i Mihajlo Gordić, May 2019, available at: http://gogb.org.rs/wp-content/uploads/2019/07/Analiza-primene-Zakona-o-upotrebi-znakovnog-jezika.pdf?fbclid=IwAR3NzELHUg9_Kzy_fAKTa-97KSkOdU_43abJpHH67YsA7ux2J6stMo68_Iw
53. *Sexual and Reproductive Health of Women and Adolescent Girls with Disabilities*, United Nations Population Fund (UNFPA), Belgrade, December 2018, available at: <https://serbia.unfpa.org/en/publications>
54. *White Book – Proposals for Improvement of the Business Environment in Serbia*, Foreign Investors Council, Belgrade 2019, available at: <http://www.fic.org.rs/projects/white-book/white-book-publication.html>
55. *Gender Awareness Raising*, Swedish Association of the Visually Impaired and European Blind Union, 2019, available at: <http://www.savezslepih.org.rs/2019/06/13/izvestaj-ebu-o-rodnoj-ravnopravnosti/>
56. *A Quantum Leap for Gender Equality: For a Better Future of Work for All*, International Labour Office (ILO), Geneva, 2019, available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_674831.pdf

57. *Republic of Serbia: Staff Report for the 2019 Article IV Consultation and Second Review under the Policy Coordination Instrument-Press Release; Staff Report; Information Annex; Staff Statement; and Statement by the Executive Director for Republic of Serbia*, available at: <https://www.imf.org/en/Publications/CR/Issues/2019/07/22/Republic-of-Serbia-Staff-Report-for-the-2019-Article-IV-Consultation-and-Second-Review-under-48511>
58. *Final Report on the Evaluation of the Action Plan for the Implementation of the National Gender Equality Strategy of the Republic of Serbia*, within “Key Steps to Gender Equality” project, implemented by the United Nations Agency for Gender Equality and Women’s Empowerment and the Coordination Body for Gender Equality, with financial support from the European Union, available at: http://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2019/evaluation%20nap%20for%20ge/evaluacija%20nap%20za%20rr%202016-2018%20serbian_compressed.pdf?la=en&vs=4138
59. *Our Destroyed Rights*, Friedrich Ebert Foundation, Prof. Dr. Marijana Pajvančić, Prof. Dr. Dubravka Valić Nedeljković, Sofija Mandić, 2019, available at: <http://library.fes.de/pdf-files/bueros/belgrad/15439.pdf>
60. *The Effects of Austerity Measures on Gender Gaps in Labour Market Outcomes*, Partnership for Economic Policy, 2019, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3344578
61. *Closing the Circle: Women in Serbia at the Beginning and End of Their Working Careers*, Association “Žene na Prekretnici”, Marija Babović, available at: http://www.zenenaprekretnici.org/wp-content/uploads/2019/11/Polozaj-zena-na-trzistu-rada_FINAL-1.pdf
62. *Dark Clouds over Serbia: Shadow Report for the Fourth Periodic Report of the Republic of Serbia, for the 72nd CEDAW Committee Session*, Autonomous Women’s Center, ASTRA – Anti-Trafficking Action, Women in Black, Belgrade, January 2019, available at: https://www.womenngo.org.rs/images/CEDAW/CEDAW_Tamni_oblaci_nad_Srbijom.pdf
63. *Fourth Progress Report on the Introduction of Gender Responsible Budgeting into the Public Finance Planning System in the Republic of Serbia in 2018*, UN WOMEN, Sanja Nikolin and Aleksandra Vladislavljević, Belgrade 2018, <https://serbia.un.org/sites/default/files/2019-08/IV%20ROB%20izvestaj%20o%20napretku%202018%20za%20budzet%202019.pdf>
64. *Improved Legislation, Failed Protection – Independent Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Autonomous Women’s Center, Tanja Ignjatović and Vanja Macanović, Belgrade 2018, available at: https://www.womenngo.org.rs/images/GREVIO/GREVIO_Izvestaj_SRP.pdf
65. *Report on Reported Cases of Gender-Based Violence in Health Care Institutions in the Republic of Serbia in 2018*, Institute for Public Health of Serbia “Dr. Milan Jovanović Batul”, Vesna Horozović MMed, Dr. Mirjana Živković Šulović, Dr. Maja Dobraš,

Snežana Dimitrijević PhDMed, 2019, available at: <http://www.batut.org.rs/download/izvestaji/Godisnji%20izvestaj%20rodno%20nasilje%202018.pdf>

66. *Analysis of Media Reports on Violence against Women – RTS and TV Prva*, Regulatory Body for Electronic Media, Belgrade 2019, available at: <http://www.rem.rs/uploads/files/Izvestaj%20sluzbe%20za%20nadzor%20i%20analizu/Analiza%20izve%C5%A1tavanja%20o%20nasilju%20nad%20%C5%BEenama.pdf>
67. *Analysis of Press Releases on the Problem of Violence against Women*, group Journalist against Violence against Women, 2019, available at: <http://www.undp.org.rs/download/tmp/Analiza%20medijskog%20izvestavanja%20o%20nasilju%20prema%20zenama.pdf>
68. *Guidelines for Media Reporting on Violence against Women*, Journalist against Violence, as part of the joint project “Integrated Response to Violence against Women and Girls in Serbia”, implemented by UNICEF, UN Women, UNFPA and UNDP, in partnership with the Government of the Republic of Serbia, and support of the Swedish Government, led by the Coordination Body for Gender Equality, available at: https://www.rs.undp.org/content/dam/serbia/Publications%20and%20reports/Serbian/UNDP_RS_Novinarke_protiv_nasilja-smernice.pdf
69. *Experiences of implementation of NAP 1325 in the municipalities of Vršac, Kragujevac, Niš, Kikinda and Svrlijig: How to identify success and open space for coordinated local action*, Public Policy Research Center, Belgrade 2019, available at: <http://publicpolicy.rs/publikacije/8dedd2565ce3bff4cd8f7021035091b7d22bae50.pdf>
70. *Gender Thread of Digital Entrepreneurship: Guidelines for the Economic Empowerment of Women in Knowledge-Based Economy*, Public Policy Research Center, Branka Anđelković, Tanja Jakobi, Maja Kovač, Belgrade 2019, available at: <https://www.publicpolicy.rs/publikacije/510aabc124b560434e2a433e81ca2eaa4ff6013b.pdf>
71. *Report on Communicable Diseases in the Republic of Serbia for 2018*, Institute for Public Health of Serbia “Dr. Milan Jovanović Batut”, 2019, available at: <http://www.batut.org.rs/download/izvestaji/GodisnjiIzvestajOZaraznimBolestima2018.pdf>
72. *Methodology Development and Participation in Monitoring Rare Diseases, Analysis of Needs and Development of a Rare Diseases Management Plan*, Institute for Public Health of Serbia “Dr. Milan Jovanović Batut”, Dr. Spec. Nataša Ločkić, Dr. Spec. Snežana Plavšić, Dr. Spec. Jelena Brcanski, Dr. Spec. Mirjana Živković Šulović, Belgrade, available at: <http://www.batut.org.rs/download/izvestaji/Retke%20bolesti%202018.pdf>
73. *Zero Report on Youth Human Rights in the Republic of Serbia 2019*, Belgrade Center for Human Rights, Belgrade 2019
74. *Monitoring implementation of the Dublin Declaration on partnership to fight HIV/AIDS in Europe and Central Asia: 2018 progress report*, European Center for Disease Prevention and Control, Stockholm 2019, available at: <https://www.ecdc.europa.eu/sites/default/files/documents/HIV-testing-dublin-declaration-monitoring-2018.pdf>

75. *Sustainable Development Goals in Serbia – Findings of Public Opinion Survey*, Serbian Association for Sexual and Reproductive Health and Rights, 2019, available at: <http://ljudskaprava.org/images/pdf/SDGs-citizens-generated-data.pdf>
76. *Development of Human Rights through the Advancement of Palliative Care Services*, Association of Lawyers for Medical and Health Care Law of Serbia – SUPRAM, Belgrade 2019, available at: <http://www.supram.org.rs/wp-content/uploads/2019/12/CD-izdanje.pdf>
77. *Initiative for the Social Inclusion of Older People – Successes and Lessons Learned*, Red Cross of Serbia, 2019, available at: <https://www.redcross.org.rs/media/5817/socijalna-inkluzija-srb.pdf>
78. *Intergenerational Exchange in the Republic of Serbia*, Red Cross of Serbia, Belgrade 2019, available at: <http://www.mdpp.gov.rs/doc/Medjugeneracijska-razmena-u-Republici-SrbijiB5-knjizni%20blok.pdf>
79. *Improvement of the Position of Informal Caregivers in the Republic of Serbia – Investigating Comprehensive Needs to Create Public Policy Recommendations*, Center for Support and Inclusion HELPNET, Belgrade 2019, available at: <http://helpnet.rs/wp-content/uploads/2020/02/Unapredjenje-polozaja-neformalnih-negovatelja-istrazivanje.pdf>
80. *Elderly-Friendly City – a Guide for Active Aging in the City of Belgrade*, Public Policy Institute and PALGO smart, 2019, available at: <https://indd.adobe.com/view/42bbea10ffe3-43e3-8514-e71e27e5dc3a>
81. *Aging and Digital Inclusion*, Red Cross of Serbia and Institute of Social Sciences, Nataša Todorović, Milutin Vračević, Goran Bašić, Nataša Miljković, Branka Matijević, Belgrade 2019, available at: <https://www.redcross.org.rs/media/6183/starenje-i-digitalna-ukljucenost-web.pdf>
82. *Young People in Serbia 2018-2019*, Friedrich Ebert Foundation, 2019, available at: <http://library.fes.de/pdf-files/bueros/belgrad/15295-20190411.pdf>
83. *Adverse Childhood Experiences Research*, UNICEF, Belgrade 2019, available at: https://www.unicef.org/serbia/media/10711/file/Studija_negativnih_iskustava_u_detinjstvu_ACE.pdf
84. *Recommendations of the Committee on the Rights of the Child – Halfway through, what has been done so far and what lies ahead; Proposals of the Coalition for Monitoring Child Rights in the Republic of Serbia*, Child Rights Center, Užice Child Rights Center, Belgrade Center for Human Rights, ASTRA, Center for Social Policy, Belgrade 2019, available at: <http://cpd.org.rs/wp-content/uploads/2019/11/Preporuke-Komiteta-za-prava-deteta-Na-pola-puta-%C5%A0ta-je-do-sada-ura%C4%91eno-i-%C5%A1ta-nam-predstoji.pdf>
85. *Results of the Health Behaviour Survey in School-Aged Children in the Republic of Serbia in 2018*, Institute for Public Health of Serbia “Dr. Milan Jovanović Batul”, Dr.

Jelena Gudelj Rakić, Assist. Dr. Verica Jovanović, Prim. Dr. Biljana Kilibarda, Dr. Milena Vasić, Dr. Mirjana Tošić, Prof. Dr. Darija Kisić Tepavčević, Belgrade 2019, available at: <http://www.batut.org.rs/download/novosti/RezultatiIstrazivanjaPonasan-jaDeceSkolskogUzrasta.pdf>

86. *Analysis of the Status of Young People Leaving the Alternative Care System*, SOS Children's Villages Serbia, Belgrade 2019, available at: <https://sos-decijasela.rs/wp-content/uploads/2019/12/ANALIZA-POLO%C5%BDAJA-MLADIH-KOJI-NAPU%C5%A0TAJU-SISTEM-AS.pdf>
87. *Internet and Digital Technology Use among Children and Youth in Serbia – EU Kids Online Survey Results*, Institute of Psychology, Faculty of Philosophy in Belgrade, 2019, available at: https://www.unicef.org/serbia/media/12511/file/koriscenje_interneta_i_digitalne_tehnologije_kod_dece_i_mladih_u_Srbiji.pdf
88. *Youth in the Media Mirror 2019*, Serbian Youth Umbrella Organization – KOMS, Stefan Janjić, 2019, available at: <https://koms.rs/wp-content/uploads/2020/01/Mladi-u-medijskom-ogledalu-FINAL-1.pdf>
89. *Corruption Perception Index (CPI) 2019*, Transparency International, 2020, available at: https://www.transparency.org/files/content/pages/2019_CPI_Report_EN.pdf
90. *ITUC Global Rights Index 2019*, presented in June 2019 in Geneva, in English available at: <https://www.ituc-csi.org/RI19>
91. *Can Workers' Rights be Maintained in Serbia?*, Center for the Development of Trade Unionism, Srećko Mihailović, Mario Reljanović, Zoran Stojiljković, Marija Martinić, Dušan Torbica and Gradimir Zajić, December 2018, available at: http://www.mc.rs/upload/events/2018/decembar/Predlozi_Radnicka_prava.pdf
92. *Where are Trade Unions in Serbia Today*, Prof. Dr. Zoran Stojiljković, available at United Branch Unions "Nezavisnost": <https://nezavisnost.org/?s=gde+su+danas+sindikati>
93. *People Power Under Attack 2019*, CIVICUS, 2019, available at: <https://monitor.civicus.org/PeoplePowerUnderAttack2019/>
94. *Third Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, Office for Human and Minority Rights, Belgrade 2019, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSRB%2f3&Lang=en
95. *Mental Health of Refugees and Migrants*, Red Cross of Serbia, 2019, available at: <https://www.redcross.org.rs/media/5372/mentalno-zdravlje-izbeglica-i-migranata-web.pdf>
96. *Reconciliation of Work and Family Life – Statistics*, Eurostat, 2019, available at <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/80588.pdf>
97. *Progress of the World's Women 2019-2020: Families in a Changing World*, United Nations Entity for Gender Equality and the Empowerment of Women - UN Women,

2019, available at: <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/progress-of-the-worlds-women-2019-2020-en.pdf?la=en&vs=3512>

98. *State of the World Father's Report, Men's Care*, available at: https://men-care.org/wp-content/uploads/sites/3/2019/06/SOWF_REPORT_015_WEB.pdf
99. *Final Research Report – Strengthening the Protection of National Minorities with a Focus on the Use of Minority Languages*, prepared by Demonstrat Research and Publication Center, as part of “Horizontal Facility for Western Balkans and Turkey” project, 2019
100. *Guidelines for the Appropriate Presentation of National Minorities in Curricula and Textbooks in the Republic of Serbia*, Horizontal Facility for the Western Balkans and Turkey, 2019, available at: <http://www.mpn.gov.rs/wp-content/uploads/2019/04/HF-33-Smernice-SRB-FINAL.pdf>
101. *Right to Education and Prohibition of Discrimination – Legal and Strategic Framework and Challenges in the Process of Integration of Roma Returnees into the Educational System of Primary and Secondary Schools*, Roma Education Fund, available at: <https://romi-obrazovanjem-do-posla.org.rs/wp-content/uploads/2019/07/REF-2-Pravo-na-obrazovanje-i-zabrana-diskriminacije.pdf>
102. *Rights of Importance for the Improvement of Social Inclusion of Roma/Roma Returnees*, Roma Education Fund, 2019, available at: <https://romi-obrazovanjem-do-posla.org.rs/wp-content/uploads/2019/07/REF-3-Prava-od-zna%C4%8Daja-za-unapre%C4%91ivanje-socijalne-uklju%C4%8Denosti-Roma-povratnika.pdf>
103. *Legal and Social Position and Vulnerability of Families and Children Living in Informal Settlements in Belgrade*, Center for Youth Integration, 2019, available at: <http://cim.org.rs/wp-content/uploads/2019/04/srpski-istrazivanje.pdf>
104. *Gender-Based Violence against Roma Women and Availability of Support Service*, Roma Center for Women and Children Daje, Jelena Marinković, Nada Čuričković, Amela Bilić, Belgrade, 2019, available at: http://romadaje.org/images/1576231681_RBN%2Bnad%2BRomkinjama%2Bi%2Buslu%C4%8Dje%2Bpodr%25C5%25A1ke.pdf
105. *Analysis of actions of the Commissioner for Protection of Equality on the basis of complaints of discrimination on the grounds of national affiliation*, Belgrade, December 2019; Dr. Mario Reljanović; as part of project “Contribution to combating discrimination of persons belonging to national minorities in Serbia” implemented by association “Jednakost” and supported by the Open Society Foundation
106. *Eurobarometer on the social acceptance of LGBTI people in the EU - 2019*, European Commission, 2019, available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/eurobarometer-social-acceptance-lgbti-people-eu-2019_en
107. *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex Persons in Serbia for the period January – December 2018*, ILGA EUROPE, available at: <https://www.ilga-europe.org/sites/default/files/serbia.pdf>

108. *State-Sponsored Homophobia 2019*, ILGA, 2019, available at: https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf
109. *Intersex – towards creating an intersectional platform*, Gaiten – LGBT, Belgrade 2019, available at: <http://www.transserbia.org/images/2019/dokumenta/Interseks.pdf>
110. *Podaci, a ne zvona i praporci 2*, Da se zna!, 2019, available at: <https://dasezna.lgbt/attachments/Podaci-a-ne-zvona-i-praporci2.pdf>
111. *Monitoring and analysis of LGBT content in Serbian media for 2018*, Gay Lesbian Info Center, available at: <http://gayecho.com/news/srpski-mediji-sve-manje-izvestavaju-o-lgbt-populaciji/>
112. *Why Citizenships Relevant to Sustainable Development: Considerations for the 2019 High Level Political Forum*, European Network on Statelessness, The Open University, London School of Economics and Political Science and Fundación CEPAIM, Khadija Badri, Tendayi Bloom, Bronwen Manby, 2019, available at: https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS-Citizenship-SDGs-High_Level_Political_Forum_2019-briefing.pdf
113. *Report on Serbia to the Committee on Economic, Social and Cultural Rights*, Praxis, 2019, available at: https://www.praxis.org.rs/images/praxis_downloads/Praxis_submission_to_CESCR_for_the_65_PSWG.pdf
114. *Room for Women and Girls: Female Voices from Refugee and Migrants in Serbia*, ADRA, Mila Kisić, Anda Petrović, Belgrade 2019, available at: <https://adra.org.rs/2019/06/20/devojice-i-zene-iz-izbeglice-i-migrantske-populacije-dele-svoja-iskustva-u-adrinoj-novoj-publikaciji/>

Attachment 2 Review of European Court of Human Rights Case Law in the Field of Protection against Discrimination

1. *Ēcis v. Latvia*, application No. 12879/09 of 10 January 2019,
2. *Belyayev and others v. Ukraine*, applications No. 34345/10, 50687/10 and 70492/13, judgement dated 6 June 2019,
3. *Deaconu v. Romania*, application No. 66299/12, judgement dated 29 January 2019,
4. *Zhdanov and others v. Russia*, applications No. 12200/08, 35949/11 и 58282/12, judgement dated 16 July 2019,
5. *Lingurar v. Romania*, application No. 48474/14, judgement dated 16 April 2019,
6. *Volodina v. Russia*, application No. 41261/17, judgement dated 9 July 2019,
7. *Stoian v. Romania*, application No. 289/14, judgement dated 25 June 2019,
8. *Aleksić v. Slovenia*, application No. 57123/10, judgement dated 19 February 2019,
9. *J.D. and A v. the United Kingdom*, applications No. 32949/17 и 34614/17, judgement dated 24 October 2019.

CIP – Каталогизација у публикацији
Народна библиотека Србије, Београд

342.722

РЕДОВАН годишњи извештај Повереника за
заштиту равноправности за ... годину / уредница
Бранкица Јанковић. – 2010– . - Београд :
Повереник за заштиту равноправности, 2011–
(Београд : Службени гласник). – 25 cm

Годишње. – Има издање на другом језику: Regular
Annual Report (Commissioner for Protection of
Equality) = ISSN 2217-7302

ISSN 2217-6527 = Редован годишњи извештај
Повереника за заштиту равноправности

COBISS.SR-ID 185798924

