

Regular Annual Report

of the Commissioner for Protection of Equality for 2021

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FOREWORD

Dear members of parliament,

Dear readers,

Before you is the twelfth Regular Annual Report of the Commissioner for Protection of Equality of the Republic of Serbia. This year, just like the previous one, has been marked by the still ongoing health crisis caused by the COVID-19 pandemic, which has further highlighted the existence of certain issues that arose in the first year of the crisis, as evident also from the number of complaints filed with the Commissioner pertaining to health status and other grounds for discrimination.

In the words of Mahatma Gandhi, *“Our ability to reach unity in diversity will be the beauty and the test of our civilization”*. It is exactly because of this lasting crisis, as well as new global tendencies that may pose additional social, economic and security risks, that intensive work and active efforts to prevent and protect from discrimination emerge as key prerequisites for strengthening society’s resilience and social cohesion, an issue to which the Commissioner remained fully committed throughout the reporting period.

Apart from the health crisis, violence against women and domestic violence also drew public attention. The reports of violence and the publicity garnered by different cases, including instances of violence that had taken place in earlier years, bear witness to the empowerment of women themselves and of civil society organisations to openly discuss these issues, which helps shed light on individual cases, while also contributing to prevention, more active involvement of institutions and a more complete response from the state. Also, the public and media spheres, and social networks in particular, were awash with discriminatory, misogynistic and sexist comments and hate speech using various insults, as we have pointed out throughout the year, all of which can be attributed to the increasing amount of time spent in the digital space.

A key part of the Report presents examples from the Commissioner's practice, which provide basis for the general recommendations on how to improve equality and protect from discrimination, taking into consideration the key recommendations made in numerous reports and analysis at the levels of the European Union, international organisations and treaty bodies, as well as Serbian authorities and civil society organisations, and reviews of the state of play.

In the course of 2021, the Commissioner was contacted by more than 3200 citizens by various means. The Commissioner responded in accordance with her powers, usually by issuing opinions, recommendations of measures to achieve equality, initiatives, warnings, public announcements, as well as directly by telephone, providing advice and information. The trend of increasing compliance with the recommendations has continued, with a compliance rate of almost 89%. The cases where the issued recommendations were not implemented usually involved instances of discriminatory speech, in the public sphere or on social networks, on the grounds of sex, sexual orientation, gender identity and political beliefs, which is indicative of the fact that this kind of speech is still largely tolerated.

As regards immunisation, which has also been a defining issue of the reporting year, it should be noted that the population of the Republic of Serbia had access to a sufficient number of vaccines under equal conditions, and they also had a free choice of vaccines made by different manufacturers. The immunisation process was well organised. Vaccination was also available to citizens of neighbouring countries, as well as foreigners, while certain vaccine batches were sent to other countries of the region as assistance, which is indicative of a high level of awareness of the importance of mutual cooperation and assistance.

A certain number of citizens who opposed the introduction of Covid passes raised questions with the Commissioner regarding possible discrimination. Those citizens were advised that the introduction of Covid passes in itself was not an act of discrimination. The proportionality test of a legitimate measure must always be weighed on a case-by-case basis, taking into account the current circumstances and the choice of the least restrictive measure. Namely, apart from completed vaccination, to access services and facilities citizens could also present proof of recovery from COVID-19, a negative test result or a certificate of the presence of antibodies. However, the citizens were always advised to file complaints, so that it could be assessed in each individual case whether a breach of anti-discriminatory legislation had occurred.

A majority of the citizens' complaints concerned discrimination on the grounds of health status and sex, as well as personal characteristics, followed by age, national affiliation or ethnic origin, disability and marital and family status, while far fewer complaints concerned discrimination on the grounds of other personal characteristics specified in the Law on Prohibition of Discrimination. As regards specific

fields, the highest share of the complaints concerned discrimination in the employment procedure or at work, in proceedings before public authorities, followed by discrimination in the public sphere/general public, in the provision of public services or in the use of facilities and areas, in the fields of health care, education and training, social protection etc. There has been a significant increase in the number of complaints against discriminatory speech in the public sphere/general public, both on social networks and in the public space.

In the course of 2021, we presented two special reports to the National Assembly: the Special Report on Discrimination of the Older persons and the Special Report on Discrimination of Children. These reports, together with the Commissioner's 2019 Special Report on Discrimination in the Field of Labour and Employment, provide a mostly complete overview of the state of equality across all generations of the population on different grounds of discrimination. We decided to compile these reports because it is our belief that the Commissioner is not and cannot be a mere observer in this day and age. The role of a human rights institution is twofold: to act in specific cases where citizens request protection from discrimination, as well as to act preventively, i.e. proactively, by highlighting the issues, challenges, gaps in the system and any concerns the citizens may have that do not necessarily constitute breaches of rights. Defending and promoting fundamental human rights, including the right to equality as a condition for exercising all other rights, involves continual work and making use of all mechanisms available under the law.

Behind us is another year of major challenges which we faced both individually and as a society, but which we successfully faced. I believe our intensive efforts will continue to be reflected in effective protection from discrimination and further improvement of equality of each citizen. Only by doing so will we be able to pave the way for new generations to achieve an open society of genuine equality in which the diversity of human identities is respected and acknowledged for the common wellbeing and all individuals are afforded equal opportunity to live up to their potential and to equally, actively and productively contribute to all segments of social life, thus making their full contribution to society's development.



Brankica Janković
Commissioner for Protection of Equality

SUMMARY

This Report examines the situation in the field of equality protection in the Republic of Serbia in 2021 primarily on the basis of handling of complaints and other public announcements filed with the Commissioner as the authority specialised for protecting citizens from discrimination and promoting equality. However, bearing in mind that the number of complaints filed with the Commissioner is not an absolute indicator of prevalence and frequency of discrimination in the society, for a complete overview of the current situation, this report is also informed by other available sources, reports and other acts of the EU, international organisations and treaty bodies, as well as reports and surveys by Serbian institutions and organisations. Furthermore, the Commissioner undertakes surveys, compiles reports and analyses phenomena on a regular basis, aiming to highlight possible ways of advancing the exercise and protection of the right to equality. This approach ensures a more complete overview of the state of play on an annual basis regarding the exercise of equality by citizens, the challenges they have faced, as well as the progress that has been achieved during the year, while also providing recommendations for further improving the situation, in particular, of those social groups that are at a higher risk of discrimination.

This year, just like the previous one, has been marked by the still ongoing health crisis caused by the COVID-19 pandemic, which made the Commissioner's proactive efforts to prevent and protect from discrimination in all fields particularly important. Over the course of the year, certain challenges that had emerged during the first year of the health crisis were overcome, some were confirmed, while some new challenges also emerged, in particular those concerning immunisation/vaccination of the population; another defining issue was the large number of reports of violence against women and domestic violence. The reports of violence and the publicity garnered by different cases, including instances of violence that had taken place in earlier years, bear witness to the empowerment of women themselves and of civil society organisations to openly discuss these issues, as well as the major improvements in the system of protection, coupled with constant appeals by the officials to report any violence.

During the year, the Commissioner was contacted by more than 3200 citizens who sought assistance and support in the exercise of various rights and/or services, either by filing complaints against discrimination on the grounds of different personal characteristics and in different areas or by other means, including by telephone, electronically or by directly contacting the staff of the Professional Service, which shows that citizens have been making use of the human rights protection mechanisms. The number of citizens who sought information by telephone or e-mail increased this year, as was to be expected given the still ongoing COVID-19 pandemic.

As regards protection from discrimination, the Commissioner processed 1372 cases, including 686 complaints. Commissioner responded in accordance with her powers, usually by issuing opinions, recommendations of measures to achieve equality, initiatives, warnings and public announcements. Public authorities and other persons and entities were issued with 312 recommendations of measures to achieve equality and 11 initiatives to amend legislation, 53 opinions on draft laws and other general legal documents; a strategic lawsuit was initiated and a petition for initiation of infringement proceedings was filed; there were 18 public warnings issued and 295 certificates of no pending proceedings/no identified instances of discrimination in proceedings before the Commissioner. In addition, the Commissioner also issued 59 public announcements.

A majority of complaints against discrimination on the grounds of health status (113), sex (99), age (98), national affiliation or ethnic origin (96), disability (86) and marital and family status (53), followed by personal characteristics, which were quoted as the grounds in far fewer complaints; these included other personal characteristics, membership in political, trade union and other organisations, property status, religious or political belief, sexual orientation etc.

The number of complaints filed with the Commissioner was slightly higher than in the previous year. Most of the complaints were filed by natural persons (595 complaints). As in previous years, men filed complaints more frequently than women (311 complaints filed by men vs. 284 by women). Civil society organisations filed 61 complaints, which, while it was a mild increase relative from the previous year, was nearly twice lower than in 2019.

As regards grounds for discrimination, the situation has generally remained the same as in the previous year. It should be noted that, although health status was the most common individual cause for complaints, the cumulative number of complaints on the grounds of sex and marital and family status was actually higher. Sex and marital and family status as grounds for discrimination occur together in most cases, usually in the field of labour and employment, primarily because of the status of women with regard to pregnancy, childbirth and child care.

With regard to social relations, most of the complaints referred to discrimination in the employment process or in the workplace, closely followed by complaints in proceedings before public authorities, while the remaining complaints referred to discrimination in the public sphere, in the provision of public services or in the use of public facilities and areas, in the field of health care, education and training, social protection, in the fields of culture, arts, sports, public information and the media and other fields, to which far fewer complaints referred. There was a noticeable increase in the number of complaints filed in the field of public sphere/general public for discriminatory speech, both on social networks and in the public space (sports and other public events), as well as in the fields of public information and the media.

Just like in previous years, the highest number of complaints was, rather expectedly, that filed against public authorities, followed by complaints against legal entities (usually employers), natural persons and authorities/institutions. As citizens exercise their rights before public authorities, the number of breaches or reported breaches in this field is logically the highest. As regards regional distribution, it was far more even across the regions, with the exception of the region of Kosovo and Metohija, although it should be noted that the number of complaints filed in the Belgrade region was slightly lower.

This year, just like in the previous years, the Commissioner monitored the situation in the field of equality protection and issued recommendations of measures and initiatives to the Government and the line ministries, in which she highlighted various issues faced by the most vulnerable groups of the population and proposed concrete solutions to address them in practice. Since 2020 saw the implementation of measures to manage the health crisis and alleviate its consequences, there were fewer recommendations of measures to improve equality issued to public authorities and other persons and entities, while most of the recommendations urged local self-government units to undertake measures within their purview. Thus, all local self-governments were issued with a recommendation to establish and provide personal aide services to those children who need them, as well as a recommendation regarding proper application of regulations in the procedure for changing the sex designation in the civil register of births and changing the first name to match the person's sex or gender identity in accordance with the law. Also, a certain number of recommendations concerned improving gender equality, the status of the Roma minority, the content of primary school textbooks etc.

The number of opinions passed in the complaint cases in 2021 was increased, due primarily to the fact that this institution did not have an incumbent for several months in 2020, so the conduct of the proceedings was delayed until the Commissioner's appointment, which resulted in a number of cases being carried forward to the current year. There were 82 opinions passed in the complaint proceedings, including 58 opinions that found breaches of the Law on Prohibition of Discrimination and gave recommendations of measures and 23 opinions that found no breaches, although in one case there were no breaches of the Law on Prohibition of Discrimination found, but the opinion included a recommendation of measures to achieve equality and protect from discrimination in order to improve the situation of the social group to which the recommendation pertained.

The recommendations given in the opinions were complied with in 81.6% of the cases, in 18.4% of the cases they were not complied with, while in eight cases the period left for complying with the recommendation did not expire in 2021. As regards compliance with the recommendations of measures to improve equality issued to public authorities and other persons and entities, the compliance rate is 95.2% of all cases, which gives an average compliance rate of 88.4% cumulatively

with the recommendations issued together with opinions. Thus, the trend of increasing compliance with the recommendations, observed in previous years, has continued. The cases where the issued recommendations were not implemented usually involved instances of discriminatory speech, whether in the public sphere or on social networks, on the grounds of sex, sexual orientation, gender identity and political beliefs as personal characteristics, which is indicative of the fact that this kind of speech is still largely tolerated, a lack of awareness of the fact that such speech is not allowed and, of course, deliberate violation of the prohibition of discrimination.

This year saw an increased number of situation tests, which is understandable, as such tests were impossible to carry out last year due to the state of emergency and the measures which were in place.

In the process of enactment of laws and other regulations, the Commissioner was mainly asked for opinions by line ministries, in accordance with their statutory obligation, resulting in a higher number of opinions on legislation than in previous years, and in particular more than in 2020.

Apart from handling complaints and performing other duties pertaining to protection from discrimination, the Commissioner has also undertaken a number of activities aimed at improving equality. The *2020 Regular Annual Report of the Commissioner for Protection of Equality* was submitted to the National Assembly in March 2021. The Report was reviewed at a meeting of the Committee on Human and Minority Rights and Gender Equality, as well as at the plenary session of the National Assembly held on 29 December 2021, when the parliament passed a Resolution concerning its review of the Report.

In May 2021, the Commissioner presented to the National Assembly the *Special Report on Discrimination of the Older persons*, in December she presented the *Special Report on Discrimination of Children*, while in 2019 she submitted to the National Assembly the *Commissioner's Report on Discrimination in the Field of Labour and Employment*, in view of the fact that this is the area in which the Commissioner has received the highest number of complaints since the establishment of this institutions. These reports provide a complete overview of the state of equality across all generations of the population on different grounds of discrimination.

In view of the fact that the Commissioner was the first institution to produce a comprehensive report on discrimination of the older persons, thereby putting the protection and advancement of human rights of the older persons high on the political and social agenda and becoming a leader in this area in the region and beyond (as stated by the UNFPA Regional Director Ms. Alanna Armitage), the Republic of Serbia was chosen to send, together with other relevant authorities and civil society organisations, a global call for action to stop discrimination against the older persons. Thus, at the National Conference on Aging and Agism, which was held in September in Belgrade in parallel with the regional conference, the

Commissioner issued the *“Call for Action” to Stop Discrimination against the older persons - for Full Inclusion and Exercise of Human Rights of the Older persons*. The Call for Action contains guidelines for the preparation of practical tools on how to improve, through joint action, the position of the older persons and to ensure their inclusion in social developments, and the activities were organised with the participation and involvement of local communities and local stakeholders in Smederevo, Čačak and Negotin.

In the course of 2021, the Commissioner also conducted the survey entitled *Gender Equality and Work-Life Balance*, which the aim of examining the factors that have an impact on the (im)balance between personal life and work, including a possibility for advancement in the professional life for women and men, as part of the European project WoBaCa, in which the Commissioner partnered with the Estonian Gender Equality and Equal Treatment Commissioner and the city of Heidelberg. Furthermore, the Commissioner was among the partners of the Council of Europe in the compiling of the *Report on the Use of Hate Speech in the Media in Serbia*, which contains a qualitative and a quantitative analysis of the frequency of hate speech and forms in which it appears in domestic offline and online media. The Report is focused on two most vulnerable groups as regards hate speech in Serbia: LGBT+ persons and the Roma, but it also includes hate speech against other groups, such as women, migrants and national/ethnic minorities. This institution also conducted the *Analysis of Women’s Participation in Public and Political Life*, which aims to provide a regular annual review of the number of women holding public offices and of the exercise of gender equality. The Republic of Serbia scores very highly in terms of the share of women holding high political positions. Thus, Serbia is one of only 13 countries worldwide to have a female prime minister, while the country ranks 14th among European countries in terms of women’s participation in the legislative arm of government. The abovementioned Report and the Survey are summarized in the present Report, while the Analysis is quoted in full.

This year, the Commissioner once again held a number of trainings and workshops on identifying and responding to discrimination, as well as on implementing anti-discriminatory regulations. Because of the epidemic situation and the limited possibilities for holding meetings, two online trainings were also recorded, which are available on the Commissioner’s official website and at the Judicial Academy (as compulsory training material for the next generations of lawyers). During the year, the Commissioner held trainings for pupils, students and student associates, representatives of youth organisations, the Youth Panel and other young activists, the staff of the National Employment Service, police officers, tourism workers, members of the media, organisations of persons with disabilities, activists of Roma organisations, trainees at the Judicial Academy and numerous other participants.

The Commissioner participated, directly or in online formats, in numerous national and international conferences and expert meetings dedicated to improving

the human rights of specific social groups, including the empowerment of women, improving the situation of the youth, national minorities, persons with disabilities, the older persons etc., as well as in debates and working meetings convened to take stock of the state of play in specific areas, including labour and employment, social protection and health care etc. There were also numerous meetings and events aimed at introducing the attendees to specific issues and exchanging experiences and good practice examples with members of local self-governments, public authorities, trade unions, employers and civil society organisations.

The Commissioner has continued the successful cooperation with the European Network of Equality Bodies (EQUINET), through regular participation of the institution's representatives in the work of all working groups, clusters, seminars and trainings arranged by this network. The Commissioner took part in the drafting of Equinet's *Stepping Up our Engagement with Youth Handbook for Equality Bodies*. In this way, the Republic of Serbia and its human rights institutions keep abreast of international standards, thereby contributing to Serbia's progress and better positioning internationally, as well as within specific institutions and bodies, including the Council of Europe, OSCE and the UN.

During the year, the sixth *Moot Court on Protection from Discrimination* was held and the assignment concerned discrimination on the grounds of property status in the field of education during the pandemic. By choosing this case, the Commissioner wanted to draw the attention of future defenders of justice and human rights to the situation of our most financially vulnerable fellow citizens. The 1st place award went to the Faculty of Law of the University of Belgrade, the 2nd place was awarded to the Department of Legal Sciences of the State University in Novi Pazar, while the award for the best written submission was given to the Faculty of Law of the University of Niš.

Furthermore, during the year the Commissioner held six *Live Libraries* (in Niš, Čičevac, Sremski Karlovci and Šabac) and three trainings for the organisers of the Live Libraries. The "books" in these libraries are members of vulnerable groups, who share through interaction their experiences and problems caused by discrimination in their daily lives, with the aim of promoting equality and tolerance and overcoming negative prejudice and stereotypes.

To mark the occasion of the 1st of October, the International Day of Older persons, this year the Commissioner once again held a competition for the best literary work, the best visual art work and the best photography on the subject of "*Bridge of Understanding – Intergenerational Solidarity*". This year's competition had more than 550 entries, which were on display in the Hall of the National Assembly Building, while some of the entered works have also been used as illustrations in this Report.

Based on the practice of this institution over the course the year, coupled with a review of various available sources, reports and other acts of the EU, international organisations and treaty bodies, as well as reports and surveys by Serbian institutions and organisations, we have identified certain issues that were dominant throughout 2021.

In view of the ongoing health crisis caused by the COVID-19 pandemic, during the year it became evident there was a need for fully available and stronger health care which would be provided continually, as well as for full and comprehensive exercise of other rights that are vital to citizens, especially during different crises, such as rights in the fields of social protection, education etc. It is essential to maintain and increase human resource capacities in these vital sectors for the citizens, both quantitatively and qualitatively, coupled with continual monitoring, not only of the number of employed expert staff, but also of their proper qualifications for the work. A particular challenge is posed by the fact that women make up a majority of staff in these systems, and they have taken the brunt of the health crisis because the system was overwhelmed. In the past period, some evident improvements were made in this area; however, they were insufficient, as a certain number of expert staff is still lacking. The Government's efforts to improve the medical system infrastructure, which will be discussed in detail below, are of particular importance.

The Commissioner's practice has shown that control of compliance with and application of all legislation is hugely important for the full exercise of citizens' rights and for the equality of citizens before the law. This highlights the role of inspection authorities and the need to build their capacities, both in terms of their numbers and in terms of their coverage with various trainings and education events. Such education events should also include other stakeholders, for example members of local self-government units, since it has been observed that lack of understanding of strategic directions in certain fields tends to result in failure to establish relevant bodies, failure to design measures tailored to the effects in the specific area or failure to systemically address at the local level the problems faced by certain social groups, which shows that local self-governments are in need of various types of support.

A number of regulations and strategic documents relevant for specific social groups at greater risk of discrimination were adopted during the year, which should help improve their situation. However, in some instances the Commissioner's opinion was requested in a far shorter period than the one provided for by the law. Thus, for example, the period for providing an opinion on the Draft Strategy for Prevention of and Protection against Discrimination 2022-2030 was short. Furthermore, in early February 2022 the Government of the Republic of Serbia adopted the Strategy for Social Inclusion of Male and Female Roma in the Republic of Serbia for the period 2022 – 2030, and the text of the Strategy had not been previously submitted

for an opinion to the Commissioner, as a key authority for the protection of this social group that is the most frequently exposed to discrimination. Certain authorities have reverted to the practice of drafting and adopting regulations either in an urgent procedure or without leaving sufficient time to adopt a properly analysed regulation that would be applicable in practice, although this practice was abolished several years ago. On more than one occasion, the Commissioner pointed out in her recommendations contained in regular annual reports to the need for observing the regular procedure when drafting and adopting regulations, and this was also one of the comments made in the 2019 Report of the European Commission. This practice must be completely abolished, save in those cases, as provided for by the law that require urgency.

The Law amending and supplementing the Law on Prohibition of Discrimination was also enacted, which harmonised the provisions of this act with *acquis communautaire* and fulfilled the commitment under the Action Plan on Chapter 23. The amendments concern *inter alia* the Commissioner's mandate, the complaint handling procedure and keeping of records on protection against discrimination. Under this Law, the Commissioner also maintains records of final and enforceable judicial decisions passed in infringement, criminal and civil proceedings for violations of the provisions prohibiting discrimination. The Ministry of Justice has not passed secondary legislation on the manner of keeping of court records and the manner of their submission to the Commissioner, although the time limit for doing so expired, to which the Commissioner timely alerted this Ministry. It should be noted that this Ministry had focused on constitutional amendments during the said period, so the delay in passing subordinate regulations and prioritising the country's supreme legal instrument is understandable given the importance of this process. Namely, 2021 was also the year in which the process of amending the Constitution of the Republic of Serbia was carried out to improve the independence of the judiciary. This broadly consultative and well-organised process involved members of the academic community, professional associations, courts, public prosecutors' offices, the civil society and other stakeholders.

It should be noted that the electronic record-keeping and the expanded powers of the Commissioner will require additional funding and building of the Commissioner's human resource and technical capacities, as recognised in the recently adopted *Strategy for Prevention of and Protection against Discrimination 2022-2030*.

Regarding gender equality, 2021 saw a major step forward and creation of preconditions for addressing gender inequality with the enactment of the Law on Gender Equality and the adoption of the *Gender Equality Strategy 2021-2030* and the *Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence 2021-2025*. The primary goal of these legal documents is to address the gender gap and achieve gender equality, promote the fight against violence and a precondition for the development of the society and improve the

daily lives of women and men and girls and boys. These strategies not only identify challenges, but also provide for appropriate measures and activities that could have relevant effects in terms of achieving greater gender equality, coupled with institutional capacity building, improved coordination among stakeholders and raising public awareness on these issues, thus implementing nearly all of the Commissioner's recommendations made in this field in previous years.

Nevertheless, adoption of the *Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence* was noticeably delayed. Namely, the period covered by the previous *National Strategy for the Prevention and Elimination of Domestic Violence and Intimate Partner Violence against Women (2011–2015)* expired six years ago.

For several years, the Commissioner has been recommending that public authorities should develop new strategic documents and action plans to replace the expired ones, a point which was reaffirmed by the National Assembly in its Resolution concerning its review of the Commissioner's Regular Annual Report for 2020, which calls on the Government to continually undertake measures and activities in this context. Timely adoption of strategic documents is a prerequisite for more effective implementation of measures and activities that could prevent issues and improve the situation of vulnerable population groups.

This recommendation remains valid, since the legal framework has not been completed with regard to improving the situation of certain social groups. Specifically, it is necessary to amend the regulations governing deprivation of the ability to contract and social protection, adopt strategic frameworks to govern the position of the older persons, rights of the child etc.

Impoverished citizens are at a particular risk of social exclusion and discrimination. According to the Survey on Income and Living Conditions (SILC), the poverty risk rate was reduced in 2020 to 21.7% (from 23.2% in 2019), while income inequality stood at 33.3% of the Gini coefficient. The results of various surveys reveal that, compared with EU Member States, a significant share of Serbia's population suffers long-term poverty. One factor that must be taken into consideration in this context is the demographic situation, which is characterised by demographic ageing and a high average age of the population, a declining fertility rate and a high mortality rate, coupled with continuing economic migration. According to the data of the Statistical Office of the Republic of Serbia, young persons aged 16-24 in Serbia are at a greater risk of poverty and social exclusion than the general population.

Inequalities in living conditions and income stem from inequalities in the labour market, the scope and targeting of social policy measures, gender inequalities and inequality in education. This issue became even more prominent during the previous year, due to the consequences of the pandemic and the resulting ability to earn, reduced volume of work or possible loss of employment etc. The

fact is that the state provided assistance to both citizens and businesses during the health crisis. Thus, for example, in the first year of the health crisis alone, assistance was provided to the private business sector (more than four minimum wages per employee) and financial assistance of 100 euros was distributed to all citizens of age. This assistance alleviated the economic and social effects of the pandemic and provided not only financial, but also psychological support, protecting mainly those without any income or in the lowest income bracket, which prevented the spread of poverty in 2020. Also, the support was similar to the average level of assistance in the EU and twice as high as in other Western Balkan countries. A third package of assistance was provided in 2021 (RSD 249.4 billion), which, together with the assistance previously distributed, brought the amount paid to citizens and businesses to RSD 953 billion, or approx. 8 billion euros.

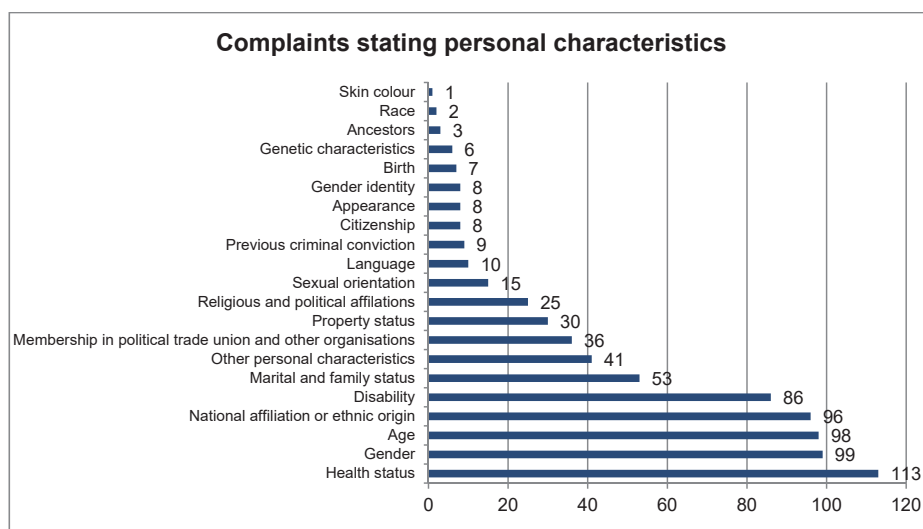
In her opinions and recommendations of measures to improve equality, the Commissioner also highlighted the need for and possible ways of addressing specific issues concerning impoverished citizens. Thus, for example, the Government was issued with a recommendation which pointed out that economic measures designed to alleviate the negative effects of the pandemic should be targeted at the most frequently discriminated groups and those who are at the highest risk of social exclusion and poverty, singling out children, multi-member families, women, persons in informal employment and the unemployed, as well as the Roma.

On the other hand, as a result of general trends, compounded by the health crisis, the position of workers has deteriorated further, their burden has increased, especially in certain sectors (in particular health care and social protection), and there has even been an increase in violations of certain labour rights, increased use of available legal concepts under the labour law, such as working from home, and a loss of jobs or a reduced volume of work in certain industries, resulting in lower income (tourism, the hospitality industry etc.). A particular issue is the employment of the youth and their position in the initial years of employment, when they are often exploited by employers as replacements for indefinitely employed workers, whether in the form of internship or through multi-annual engagement under temporary and occasional work contracts. The Commissioner drew attention to this situation in her opinions on the draft laws on engagement in seasonal and other occasional jobs, work placement etc. In parallel with these efforts, activities are being undertaken to increase youth employability and employment by implementing a range of active employment policy measures, for example the “First Chance” programme, which gives young persons an opportunity to gain their first workplace experiences and professional knowledge.

Adaptation of the labour legislation, in particular in terms of governing more clearly the rights of workers and certain labour law concepts, has been identified as necessary, coupled with continued development and implementation of effective measures and activities aimed at reducing social exclusion and poverty, improving

the effectiveness of financial support to individuals and families, with better targeting of beneficiaries, promoting rural development, availability of education opportunities, availability of active employment policy mechanisms, especially for unemployed persons having difficulties finding a job, retention and greater inclusion of the young, taking into account their expertise, qualifications and abilities, improving family support measures and population policy measures (such as measures to balance work and parenting, providing a sufficient number and availability of child care institutions etc.), as well as achieving full equality of all citizens. To achieve these appropriate results and to contribute to an improved situation, not only of individuals, but also of the entire community, it will be necessary to enlist cross-departmental cooperation, especially at the local community level, across all areas, including the local community, employment, housing, education, health care and the civil sector.

In addition to these general issues, which are examined on the basis of the Commissioner's practice and other relevant sources, this Report also presents issues affecting specific social groups, such as women, the older persons, children, Roma, persons with disabilities etc.



* In 140 complaints, several personal characteristics were indicated as the basis of discrimination

Just like last year, health status was the most frequently cited grounds for discrimination in the complaints filed with the Commissioner, accounting for 15% of the total number of complaints, across different fields. The complainants highlighted different issues, including access to health care and social protection, education, residential placement, labour and employment etc. Even with the

experience and greater knowledge and information about the virus, errors and shortcomings in the management of the health crisis have been repeated, in particular with regard to timely implementation of measures, a non-selective approach to designing economic measures for the poorest citizens and those most affected, different interpretations of regulations and guidance documents, such as safeguard instructions, inadequate communication among public authorities and with the public, availability of rights and services, violations of certain labour rights and difficult situation of workers in some industries etc.

As regards immunisation, i.e. vaccination of the population against COVID-19, it should be noted that the population of the Republic of Serbia had access to a sufficient number of vaccines under equal conditions from the beginning of the year, and they also had a free choice of vaccines made by different manufacturers. The immunisation process was well organised. A national vaccination promotion campaign entitled “Bring back Hugs” was organised in parallel, with the aim of informing the public on the safety of vaccines and motivating them to take the vaccine. Vaccination was also available to citizens of neighbouring countries, as well as foreigners, while certain vaccine batches were sent to other countries of the region as assistance, which is indicative of a high level of awareness of the importance of mutual cooperation and assistance among the countries of the region, to which the Republic of Serbia is committed.

The Commissioner was contacted by citizens both in connection with immunisation and in connection with Covid certificates, including in particular persons with disabilities, the older persons, persons with chronic diseases, oncology patients, persons with rare diseases, persons living with HIV/AIDS, children with autism, transgender persons and others. Some citizens opposed the immunisation, which they expressed in various ways, including by spreading rumours and quoting the adverse effects of the vaccines, protests and insults directed at members of the Crisis Response Team, which exacerbated the already widespread confusion and dilemmas among citizens. On the other hand, proponents of vaccination also voiced their opinions in a similar fashion. The Commissioner advised citizens in connection with the Covid passes that their introduction in itself was not an act of discrimination. The proportionality test of a legitimate measure must always be weighed on a case-by-case basis, taking into account the current circumstances and the choice of the least restrictive measure. Namely, apart from completed vaccination, to access services and facilities citizens could also present proof of recovery from COVID-19, a negative test result or a certificate of the presence of antibodies. However, the citizens were always advised to file complaints, so that it could be assessed in each individual case whether a breach of anti-discriminatory legislation had occurred. The Commissioner persistently underscored that care must be taken of those citizens who could not be vaccinated for medical reasons. This position was also taken at the regional conference of Southeast Europe equality bodies held in Ljubljana, which addressed this highly pertinent issue.

Health care should be accessible to every citizen, regardless of their place of residence, diagnosis, age and other characteristics. Accessibility of health care includes also the availability of accurate and comprehensive information on the manner of exercising the right to health care, the possibilities and the consequences that may arise from belated or inadequate action. Steps have already been taken to improve this system, including the praiseworthy decision to employ a greater number of young physicians and other medical staff, as well as the bonuses paid for difficult working conditions and other forms of assistance. Also, new medical facilities have been built and existing ones have been renovated, including hospitals and other medical institutions in Novi Sad, Batajnica, Niš, Kruševac and elsewhere, coupled with the procurement of relevant state-of-the-art equipment for various purposes. While all of this certainly helped the system respond better to citizens' needs, the COVID-19 pandemic created an increased demand of citizens for health care, as well as for services and entitlements available under social protection and in other areas. The specific aspects of needs of various social groups which are at an increased risk during crises require sound organisation, a timely response from all institutions in the system and their cross-sectoral approach, coupled with indispensable mutual cooperation. Accessibility, availability and continuity of exercise of rights in these systems should be ensured regardless of any crisis events.

Based on the Commissioner's practice, discrimination on the grounds of health status most frequently occurs in the field of labour and employment (when an employee is reassigned to a different job after a capacity assessment, in cases of employment termination, preventing career advancement or professional development, payment of jubilee awards of incentives because of sick leave etc.). For this reason, the Commissioner filed and, in 2021, won a strategic lawsuit in which the court ruled that a female employee whose employment had been terminated because of illness had been discriminated against. As the case went through all instances up to the Supreme Court of Cassation, this was an invaluable contribution to the case law and it sent a clear message to employers that such actions are prohibited.

Citizens also often contact the Commissioner in connection with ensuring access to effective treatment, medicines, materials and latest aids which should be covered by the National Health Insurance Fund, especially in cases of persons with rare diseases, persons with chronic diseases etc. Some of these have been added to the expanded list of medicines, materials and aids of the National Health Insurance Fund.

Social and health care services for beneficiaries who require both social care and constant medical attention or supervision because of their health remain underdeveloped. Furthermore, in order to improve the quality of patients' lives and maintain their dignity in the last days of their lives, there is a need for greater availability of palliative care across the entire territory of the Republic of Serbia.

On the other hand, sexual and reproductive health, both in normal circumstances and in crisis situations, i.e. provision of family planning, pregnancy maintenance and other health care services in this field, are crucial for the society as a whole, while safe pregnancies and childbirths depend on functional health care systems and strict observance of recommended infection protection measures. Equally important are regular population screenings, while programmes relating to early development of children and their availability across the entire territory of Serbia are essential with regard to the younger generations.

Gender has for years one of the most frequently cited grounds for discrimination, often together with marital and family status, which are covered together in this Report, as the instances usually involve discrimination against women on both grounds. Both the Commissioner's practice and other relevant sources confirm that women remain disadvantaged in relation to men in many spheres of social life. Discrimination against women is particularly common in the labour market and in the economic sphere, in participation in decision-making, in job distribution, wages etc., as well as in other areas, such as education, culture, sports, the media etc., and Serbia is not unique in this regard.

Violence against women and domestic violence has been a huge issue, one that, together with the health crisis, was a defining feature of 2021. This situation is global in its nature, as evidenced by numerous reports and publications. In Serbia it began with a report of many years of sexual violence by an act in teacher, and ended with thousands of support posts and confessions of young and adult women on social networks under the hashtag "I did not report it". Violence against women is a reflection of the historically unequal relations between women and men, and the increasing number of reports, as well as public campaigns with calls for actions, coupled with the effects created by certain cases, not only helps shed light on the issue, but also contributes to prevention efforts, more active involvement of institutions and a more complete response by the state to this negative social phenomenon. This fact was highlighted after the confessions posted on social networks under the hashtag "I did not report it". The persons closest to victims of violence, as well as persons who work at institutions from which women seek help in cases of violence, have a key role and can further aggravate the situation by being insensitive and prejudiced, thus imposing a sense of guilt on the violence survivor. Different types of education and trainings are continually provided to counter this. In addition to efforts to improve the legal framework by passing laws and strategic documents, as discussed above, all institutions continually make efforts to address this issue. Thus, victim helplines provide support to victims and facilitate the reporting of violence, while the ministry of the Interior has, in addition to the usual police number 192, also provided a toll-free line for reporting violence, 0800/100-600, which is available 24/7. The Commissioner has promoted this number, together with Red Cross Serbia and the Post of Serbia. A video has also been made on the

subject of violence against the older persons, which has been played in the desk rooms of all post offices, with the aim of raising awareness and including the entire population in the prevention of violence against the older persons. Furthermore, according to the data of the Ministry of Justice, in 2021 there were 2,351 convictions for the crime domestic violence, as well as numerous injunctions throughout the year (involuntary psychiatric treatment and confinement to a medical institution, compulsory alcohol rehabilitation, seizure of items, restriction orders etc.).

The media have also reported on the issue of violence against women and domestic violence, often even in an inappropriate manner. The public media space, and social networks in particular, contained much more discriminatory and sexist comments than in previous years – an issue to which the Commissioner drew attention, warning that such statements and messages were not allowed and condemning them. This is a clear indication that more efficient and effective efforts should be made towards prevention, elimination of violence, breaking of prejudice and stereotypical gender roles, coupled with timely and appropriate reaction of and cooperation between all institutions of the system, support to victims and consistent implementation of the penal policy. In particular, further steps should be made to promote equality and empower women, close the gender gap in the labour market, achieve equal gender distribution in different sectors and decision-making processes, reduce gender imbalance in the education system, in culture and in the media, and other measures should be taken that would enable the achievement of relevant results in terms of gender equality. To protect against all forms of gender-based violence and workplace harassment, with a view to providing comprehensive protection from violence to all workers and other persons in the world of work (persons who work, regardless of their contractual status, trainees, volunteers, job seekers, holders of powers etc.), Serbia should also ratify International Labour Organisation's Convention No. 190 concerning the elimination of violence and harassment in the world of work.

While discrimination against women on the grounds of sex is prevalent in nearly all areas, the area of labour and employment stands out both in terms of the number of complaints filed with the Commissioner and in terms of consequences of discrimination in this area. In many instances, women's physical appearance and family status are taken into consideration in addition to their qualifications and work experience when they are assessed for employment, continued employment or career advancement, while their work is often made conditional upon postponing pregnancy and creating their own family, as it is assumed that work cannot be successfully balanced with parenthood. Furthermore, caring for children and other family members and performing household chores are still seen as women's main responsibilities, and women tend to devote much more time than men to these activities. The burden of household chores, caring for the family and informal care are also still reflected in women's position in the labour market, even with the

existing measures aimed at balancing work and parenting and the support measures for families with children.

In view of the foregoing, during the year the Commissioner launched a number of initiatives, including an initiative to design special active employment policy measures targeted at unemployed women who have difficulties finding a job and an initiative to amend the Law on Financial Support to Families with Children and make the status of female sole traders equivalent to that of other employed women during pregnancy and after childbirth.

Regarding discrimination on the grounds of age, as the third most common grounds for discrimination cited in complaints, we note that it has been covered in detail in the Commissioner's special reports, which contain various recommendations for improving the situation of different age categories of the population. In the course of 2021, most of the complaints filed on these grounds referred to discrimination against children and persons over 65 years of age, while fewer complaints referred to discrimination of persons aged between 18 and 65. As regards the situation of the so-called "middle" generation, most of the complaints concern the area of labour and employment, which is the most common reason for citizens' complaints to the Commissioner. The young entering the employment process and older workers face various challenges, the latter in particular with regard to keeping their job and retraining.

As regards discrimination of persons over 65 years of age, the Commissioner's practice has shown that citizens at this age primarily need various forms of support, especially those who live alone, in remote rural areas, on minimum income, those who are older than 80, older women or those who suffer some form of violence, abuse or neglect. These circumstances pose challenges primarily for the pension and disability insurance systems, as well as for the social protection and health care systems. There is an evident need for the society to adapt to the aging population, longer working life and overall population decline, as well as a need for an appropriate response to citizens' needs. To find the best ways to address these challenges, it is also necessary to ensure greater social participation of older citizens and their inclusion in both decision-making processes and implementation of specific activities.

Age discrimination also affects the situation of children, especially children with disabilities or developmental difficulties, in the fields of education, health care and social protection, and in the use of various support services (personal aide services, educational aide services, daily care services etc.). In their addresses to the Commissioner, citizens have complained about the consequences of online teaching, as children have lost their work habits; instead of attending school, their "click" to register their attendance, and then slip away from watching the classes or spend time outside or gaming on their computers. A particular issue identified

in this regard is that of eighth form pupils in primary schools, whose school year ends earlier and who have to take a final examination. On the other hand, violence against children and peer violence, especially online, requires special attention and continued intensive prevention efforts.

Providing the necessary social protection services is a challenge across all population age groups. These services are not provided continually or to a sufficient extent, especially in the case of underdeveloped local self-government units. The Commissioner's practice has shown that, notwithstanding the obvious improvements, there are issues regarding the provision of services to both the older persons and children for example personal aide services for children with disabilities, for whom such support is indispensable. For this reason, the Commissioner once again issued a recommendation to local self-government units to undertake all necessary measures and activities to ensure the establishment and provision of personal aide services (the Commissioner's previous such recommendation had been issued in 2019), noting that merely providing for such service by an enactment of the local self-government was not sufficient and it had to be continually provided in practice. In December 2021, the Commissioner also filed a strategic lawsuit against one local self-government and a centre for social work, to draw attention to the duty to provide this service.

For years now, the top five grounds for discrimination according to the frequency of complaints include discrimination on the grounds of national affiliation or ethnic origin, which in most cases involves discrimination against members of the Roma national minority. This social group is more likely to live in poverty, facing various problems across different areas of social life, education, health care and social protection, housing and employment. During the year, the Commissioner received multiple grievances concerning specific problems faced by the inhabitants of non-standard settlements, which are evident from the accident that occurred in the Roma settlement in Čukarica in March 2021, when seven children were injured and one subsequently passed away. The Roma are also disadvantaged in terms of their educational status. A large percentage of Roma children still drop out of education, and the rate of transition between primary and secondary education is low, as is the rate of their inclusion in early education programmes and pre-school education. Early dropout rates cause multiple problems, ranging from lower employability to increased burden on the social welfare system to difficulties in finding safe or satisfactory employment to early or child marriages to social exclusion.

The Commissioner's practice has shown that negative attitudes and prejudice against the Roma are commonly perpetuated, in the form of graffiti in several local communities, as well as on social networks. In some cases, discriminatory attitudes were also directed towards members of other national minorities (Jewish, Bosniak, Croatian). Two national councils of national minorities complained to

the Commissioner about the content of the Serbian language textbook for eighth form primary school pupils, because it allegedly discriminated against and negated the existence of the languages of these national minorities.

Disability is next among the most common grounds of discrimination based on the number of received complaints. Persons with disabilities face numerous and diverse problems across various areas of social life. Children with disabilities face problems in the field of education and problems when fulfilling their needs for health care and social protection services, adults face difficulties when trying to find employment, many persons with disabilities live in poverty or at a risk of poverty etc. The health crisis has had a particularly adverse impact on persons with disabilities living in residential institutions, children, victims of violence etc. The situation and exercise of rights of persons in residential care have been examined in multiple reports, which highlight specific issues, in particular the need for community-based services and for placing as many persons as possible in a family environment.

Notwithstanding the progress that has been made, accessibility remains an issue, one that equally affects persons with disabilities, the older persons and all others for whom unobstructed access to buildings, services, transport etc. is a precondition for exercising their rights. Compliance with the universal design principle enables unobstructed movement and access to all facilities, transport routes, public areas etc. For this reason, the Commissioner has continually reminded of the need for implementing the universal design principle, while acknowledging that full accessibility of all facilities and areas is not easy to achieve, but must remain a top priority, and buildings used by the public must be made accessible as soon as possible, especially the buildings of medical institutions, schools, centres for social work, courts, banks, public enterprises.

As part of her insistence on ensuring accessibility in the field of education, in her opinion on the amendments and supplements to the Law on Secondary Education the Commissioner noted it was necessary to regulate the accessibility of adapted textbooks (with accessible electronic formats, audio formats, in Braille, in an enlarged format etc.) for children with developmental disorders and children with disabilities and to enable them to attend secondary school on an equal basis with other pupils, primarily through adapted content.

On the other hand, the issue of deprivation of persons with disabilities of capacity to contract and issues concerning the ability and capacity assessment of each individual are essential for the full exercise of all rights and for active participation in community life. According to 2019 data, 10,442 persons in Serbia were fully deprived of capacity to contract, 928 were partially deprived of capacity to contract, while 629 persons were subject to extended parenting rights. One of the main reasons for full deprivation of capacity to contract is disability, which is

contrary to the Convention on the Rights of Persons with Disabilities. Reforming this system will involve amending the Family Law and the Law on Non-Contentious Proceedings, as well as designing, developing and designing a system of support services for persons with disabilities, in accordance with the needs, as the Commissioner has continually reiterated.

In addition to discrimination on the grounds of personal characteristics, which are covered individually in this Report, in her practice in 2021 the Commissioner frequently encountered claims of discriminatory behaviour based on membership in political, trade union and other organisations, property status, religious or political beliefs, sexual orientation or gender identity. The situation of impoverished citizens and complaints on the grounds of property status has already been discussed in this summary. Apart from this, in 2021 the Commissioner received multiple claims of hiring based on party-political membership, nepotism, different treatment based on political beliefs and party-political or trade union affiliation. Citizens complained they were not members of the political parties which were perceived to have an influence in the employment process, especially at public authorities, and also that employers gave preferential treatment only to certain trade union members or certain trade unions favoured by those employers.

In her practice, the Commissioner has observed a slight decline in the number of discriminatory statements against the LGBTI population in the media, although stigmatising and discriminatory speech on social networks and in the public space still persist, while members of this population are still exposed to attacks and incidents motivated by homophobia and transphobia. Furthermore, transgender persons have complained of problems they faced when registering the change of first name or sex designation in various documents and certificates, which prompted the Commissioner to issue a recommendation of measures to all local self-government units.

This Report also addresses problems faced by other social groups, including persons sentenced to imprisonment or persons serving prison sentences, internally displaced persons, migrants and refugees and others.

Taking into account the overview of the current situation and the key issues for the attainment of equality and protection from discrimination, the submitted reports and the fact that the recommendations made in previous years were of a general nature and in certain cases will take some time to implement, some of the recommendations made in previous reports are repeated in this one.

Upon examining all relevant available information concerning the achievement of equality, having considered the key issues identified in 2021 and in the order in which individual areas are presented in this Report, the Commissioner makes the following recommendations:

General recommendations:

- Continually improve quantitative and qualitative capacities of the systems, including in particular health care and social protection, as well as other public services in the fields of education, social care for children, inspection etc., so they could respond to citizens' needs in all situations, including crisis ones, and ensure continual and full exercise of these rights;
- Amend and supplement or pass specific regulations, harmonised with international standards in the respective fields (including regulations on social protection, financial support to families with children, regulations pertaining to capacity to contract etc.), to improve the situation and achieve equality of all social groups;
- Adopt a secondary legislation document to govern the manner of keeping court records of final and enforceable judgments and decisions passed in infringement, criminal and civil proceedings for violations of anti-discrimination provisions and the manner of providing these records to the Commissioner, while providing funding for the establishment and maintenance of such records;
- Adapt labour legislation to regulate in more detail work from home, flexible working hours and other provisions in order to improve the situation of workers, strike a balance between work and parenthood etc. Take action to ratify International Labour Organisation's Convention No. 190 concerning the elimination of violence and harassment in the world of work;
- Develop strategic documents and action plans to replace the ones that have expired or are about to expire (including strategies on adult education development, corporate social responsibility and aging, the action plan on implementation of UNSCR 1325 on Women, Peace and Security etc.), to ensure continuity in the implementation of measures and activities;
- Continually strengthen the capacities of local self-governments, with additional training of local-level employees on adopted regulations and strategic documents, their objectives and ways of implementing the envisaged activities, in order to achieve the best possible outcome taking into account the specificities of each local self-government;
- Continue implementing measures and activities aimed at reducing social exclusion and poverty, especially of social groups at increased risk, and reducing the gap between urban and rural environments, coupled with the creation of infrastructural prerequisites (transport infrastructure, water supply, electricity etc.);

- Design new active employment policy measures and mechanisms to achieve optimum effects for the employment of unemployed persons having difficulties finding a job, especially in local labour markets, taking into account in particular the sex, age, health and social status and other characteristics of the unemployed persons;
- Increase effectiveness of financial support to individuals and families to overcome social and living difficulties, with better targeting of beneficiaries, focusing on services, measures aimed at balancing work and parenting and support measures families with children. Relax the means-testing requirement for the entitlement to financial welfare benefits for the older persons;
- Implement programmes and encourage topics in the public and media space which promote the culture of mutual respect and non-discrimination, tolerance, understanding and acceptance of diversity, gender equality and inter-generational solidarity;
- Continually implement education programmes teaching discrimination recognition and response for all stakeholders, including employees in public authorities and all spheres of social life. Work towards including all social stakeholders in the recognition and prevention of hate speech, sexism, homophobia, transphobia etc., harassment and degrading treatment in the public sphere on any grounds, as well as their proper and timely sanctioning;
- Continually improve coordinated and effective efforts of all institutions of the system to provide protection from violence, coupled with further development of support services for victims and children who witnessed violence, provision of free legal aid and public awareness raising on how to recognise and report violence.

Recommendations based on specific personal characteristics:

1. *Health status:*

- Improve accessibility and availability of health care services in the entire country for all uses, regardless of their age, place of residence, diagnosis, disability etc. Based on experiences, improve the organisation of effective health care in crisis situations (with appropriate scope, substance and quality);
- Continue efforts to provide more effective treatments, medicines, materials and latest aids covered by the National Health Insurance Fund;
- Ensure conditions for simultaneous and combined provision of cross-departmental health care and social protection services. Improve capacities for the provision of palliative care;
- Increase the level of citizens' awareness and knowledge on health care rights and services, preventive examinations and screenings, with simplified procedures for their exercise;

- Establish a centre for early development and inclusion of the child, while ensuring its availability to children in the entire territory of the Republic of Serbia. Continue providing and strengthening field medical services.

2. Sex and marital and family status:

- Continually undertake activities aimed at deconstructing stereotypical gender roles and achieving gender equality across all areas, especially in the public space; strengthen control mechanisms and increase the number of information campaigns, events and content materials;
- Through continual trainings, improve synchronised and coordinated action by all stakeholders to prevent violence against women and domestic violence and timely penalise perpetrators. Through regular monitoring and analysis of the incidence of violence and femicide, act to address the root causes of these phenomena. Reform the health care system to incorporate the definition of sexual violence based on the concept of lack of consent;
- Implement effective active measures to encourage employment of women and development of female entrepreneurship, achievement of equality in access to jobs, equal salaries and equal conditions for promotion. Analyse the effects of the measures undertaken at local community level and improve them based on the achieved results;
- Continue with intensive inspections in labour and employment processes concerning violation of equal opportunities for employment or enjoyment under equal terms of all labour rights, in particular with regard to preventing informal employment and payment of unreported wage money in cash, as well as preventing sexual harassment;
- Control compliance of media reports with the applicable regulations regarding the prohibition of hate speech, sexism, misogyny, discriminatory attitudes and offensive reporting.

3. Age:

- All national provincial and local authorities should promote activities and projects that equally and in a planned manner include the older persons in various areas of social life and cultural, sports and other activities. Ensure active cooperation with civil society organisations and active participation of the older persons in efforts to prevent the risk of social exclusion and promote various forms of self-organisation and intergenerational solidarity, coupled with efforts to raise awareness of personal responsibility for dignified, active and healthy aging;

- Increase availability of all necessary services (domestic help, field visiting services, helplines, tele assistance, occasional and temporary placement services etc.). Relax the licencing requirements for service providers and provide appropriate relief and incentives to stimulate capacity building. Develop cross-departmental services and promote volunteering and volunteer work;
- Actively work towards improving the status and developing the capacities of informal caregivers (flexible working hours, work from home, paid leave, break accommodation, mutual assistance groups, education events etc.);
- Strengthen control and supervision mechanisms, with regular quality monitoring of all provided services;
- Improve the legislative framework for the protection of the rights of the child by harmonising it with the Convention on the Rights of the Child, coupled with harmonisation of the General Protocol on the Protection of Children Against Abuse and Neglect;
- Improve family support measures, develop services for early development of children, implement preventive activities to enable the child to live in the family, in parallel with developing support services and increasing the coverage of children with such services;
- Improve accessibility of education, including higher education, for those groups of children that commonly face discrimination, focusing on the organisation of the teaching process in crisis situations. Undertake measures to provide sound and continual support to children with disabilities and developmental disorders, Roma children, “street children” and other children in need of support by improving inclusive education and providing the necessary scope of personal aide and educational aide services;
- Introduce subjects and increase the scope of sexual and reproductive health curricula, educate children on prevention and response in cases of violence, especially sexual, peer and digital violence, promote a culture of mutual respect and non-discrimination, tolerance, understanding and acceptance of diversity and intergenerational solidarity;
- Implement public policies regarding the youth with their participation, in order to achieve greater inclusion and improve their status, while also encouraging them to continue their life and career in Serbia.

4. National affiliation and ethnic origin:

- Promote national, ethnic, religious, cultural and other diversity and cross-cultural dialogue, mutual respect, mutual understanding and cooperation;
- Ensure continuity in the work of health mediators and educational aides;

- Actively work towards improving the situation of the Roma population, in particular Roma women and children, through capacity building, primarily at the local level, coupled with cross-departmental cooperation between different stakeholders and establishment of integrated services for the obtaining of identity documents, access to adequate housing, health care, education and social protection services and employment;
- Implement incentives to increase participation of Roma children in pre-school, secondary and higher education, reduce dropout rates and prevent segregation in the education process;
- Through promotion of good practice examples and education, work towards reducing the social distance from members of different nationalities.

5. *Persons with disabilities:*

- Intensify efforts to implement universal design across all areas to enable unobstructed access to public facilities and areas, public transportation, information, communication and services for all citizens, coupled with continued efforts to increase accessible media content, accessible polling stations and election material, equal opportunities for accessing emergency services, helplines etc.;
- Ensure continual development of necessary services at the local level and continue the deinstitutionalisation process, coupled with simultaneous development of community-based services; promote and encourage the use of state-of-the-art assistive technologies;
- Further develop inclusive education and effective incentives for the employment of persons with disabilities;
- Bring about to a change in the medical approach in the capacity assessment of persons with disabilities, improve the legislation governing matters of deprivation of capacity to contract and guardianship of adults, while enabling independent decision-making and promoting the abilities of persons with disabilities.

ABOUT THE COMMISSIONER FOR THE PROTECTION OF EQUALITY

The Commissioner is an individual state authority, established by the Law on Prohibition of Discrimination¹, autonomous and independent in performance of tasks set by the law. The Commissioner has a wide range of legal powers, which make him/her a central national authority specialised for the protection of citizens against discrimination and the promotion of equality. The independence and autonomy of the institution of the Commissioner are the basic postulates and the key prerequisites for the successful exercise of statutory competences.

Under the Law on Prohibition of Discrimination, the Commissioner has the Professional Service. Since it was established, the Commissioner's Professional Service has been constantly strengthening the qualitative capacities. However, it faces insufficient human resource capacities because the number of employees has not been increased for years, in spite of conclusions of the National Assembly of the Republic of Serbia.



A part of the Commissioner's Professional Service at the ceremony to celebrate the International Day of Tolerance in 2021

Under the Bylaw on Internal Organisation and Job Classification in the Commissioner's Professional Service, a total of 60 civil servants and public employees were systematised (excluding the person elected by the National Assembly, namely the Commissioner). The Commissioner's Human Resources Plan for 2021 envis-

1 *Official Gazette of the Republic of Serbia* No. 22/09 and 52/21

aged employment of a total of 50 civil servants and public employees in the Commissioner's Professional Service (excluding the person elected by the National Assembly, namely the Commissioner). However, due to limited funds, the capacities have not been staffed, i.e. in 2021 there were no takeovers of civil servant job positions and no public calls were announced.

In 2021, the occupancy of systematised jobs in the Commissioner's Professional Office was 63%, or a total of 38 employees for an indefinite period, of whom two were employed in the Commissioner's Office in Novi Pazar. To ensure additional strengthening of human resource capacities, it is necessary to fill the vacancies faster, in a planned and continual manner.

During the course of 2021, employees in the Commissioner's Professional Service attended online trainings organised by the National Academy of Public Administration on various topics: *Protection against Discrimination; Human*



Commissioner's Office in Novi Pazar

Rights Protection; Rights of Members of National Minorities – Official Use of Languages and Scripts of National Minorities; Innovation in Public Administration – a Matter of Choice; Decision-Making Process in the EU; Project Cycle Management; Personal Data Protection; Ethics and Integrity; Antistress Workshop; How to Communicate Assertively; Discover Your Best Self; How to Prepare and Implement a Successful Webinar; Exemption from

VAT and Customs Duties in Decentralised/Indirect Management; Work Performance Evaluation; Spreadsheet Calculations; Advanced Spreadsheet Calculations; How to use Pivot Tables in Excel; Use of Databases; Advanced PowerPoint Presentations; Public Procurements – Plan Development.

All employees at the Commissioner underwent online Training in the first cycle, in the field of prevention of corruption and strengthening of integrity, entitled *Ethics and Integrity*.

In addition, employees attended other trainings, such as: *Inter-sectoral Solutions for Elimination of Violence against Roma Women and Girls*, as a series of international webinars aimed at prevention and response to violence against women and girls through the inter-sectoral approach, organised by the European Union, the Council of Europe and the UN Women Europe and Central Asia Regional Office; 22nd Summer Seminar for Public Policies Professionals from South-East Europe and Black Sea Region, organised by the Public :Policy Institute – Bulgaria; Annual

Seminar of the Belgrade Fund for Political Excellence organised by the Belgrade Fund for Political Excellence; a capacity-building workshop in the field “Women, Peace, Safety” organised by OSCE; a business conversation course in the English language for employees at the Commissioner, organised by the Institute for Foreign Languages in Belgrade.

Owing to full membership in the European Network of Equality Bodies (EQUINET), employees are actively involved in the work of all working groups of this network, which ensures exchange of experiences and learning about anti-discrimination practice and work standards of other equality institutions in Europe.

The achieved level of knowledge, expertise and experience of employees in the Commissioner’s Professional Service ensured the full capacity for organization of courses and trainings in the field of anti-discrimination law, understanding and the importance of respecting diversity for different professional groups and the general public.

COMMISSIONER'S WORK IN 2021 IN NUMBERS



The Commissioner's acting is available at the official website: www.poverenik@ravnopravnost.gov.rs (равноправност.упр.срб).

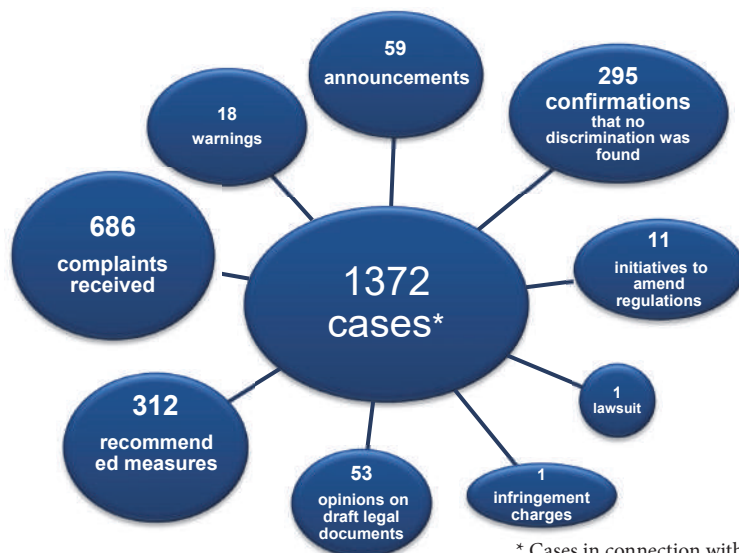
Commissioner's Actions Related to Protection Against Discrimination in 2021

The past year was marked by several events that also directly affected citizens' addressing the Commissioner, primarily the situation caused by the coronavirus epidemic in terms of the need for as available as possible and strengthened health care, as well as rights and services in the field of social protection. In addition, citizens pointed to discriminatory acting of employers, mainly because of health status, childbirth or maternity leave or leave in connection with parenthood. The number of complaints against discriminatory speech in public (sport and other events or by public figures) on social networks and in the media also increased. Violence against women and domestic violence also marked 2021. Poor citizens, persons with disabilities, the older persons, members of national minorities, LGBTI population and members of other social groups at higher risk of discrimination primarily pointed to similar problems they faced in previous years.



More than 3200 citizens addressed the Commissioner asking for support, assistance or information regarding the exercise of various rights and/or services, who received the requested information. The Commissioner's practice shows that citizens need to be further informed about the concept of discrimination because discrimination is often identified with various types of injustice or violations of other rights, as well as that every unequal treatment is regarded as discrimination, which is particularly noticeable in the field of labour and employment.

Commissioner's acting in 2021



As regards protection against discrimination, the Commissioner acted in 1372 cases in connection with complaints, of which in 686 complaints, 312 recommended measures were issued to public authorities and other persons for the exercise of equality, several initiatives for amendments to regulations, opinions were provided on draft laws and other general legal documents, a strategic litigation and a motion for initiation of the infringement procedure were initiated, several warnings to the public and announcements were issued. In addition, 295 certificates were issued to persons who applied for employment in institutions in accordance with the Law on Basic Elements of Education System, stating that they did not act in a discriminatory manner within the meaning of the Law on Prohibition of Discrimination.

In a number of cases, the procedure was suspended due to statutory reasons: it was obvious that there was no violation of rights, the Commissioner has already acted on a case and no new evidence was provided, or it was concluded that due to the time passed it was impossible to achieve the purpose of acting, or legal proceedings were initiated or completed, or a person withdrew a complaint. In a number of cases the procedures are underway.

In the procedure pursuant to complaints, 82 opinions were passed, opinions were passed pursuant to 58 complaints identifying violations of provisions of the Law on Prohibition of Discrimination and providing recommended measures, while in 23 cases no violations were identified, of which in one case no violations of provisions of the Law were identified, but recommended measures were provided for exercise of equality. The Commissioner's recommendations provided in opinions were complied with in 81.6% cases, while in 18.4% cases they were not complied with, and in eight cases the deadline for compliance with recommendations in 2021 has not expired.

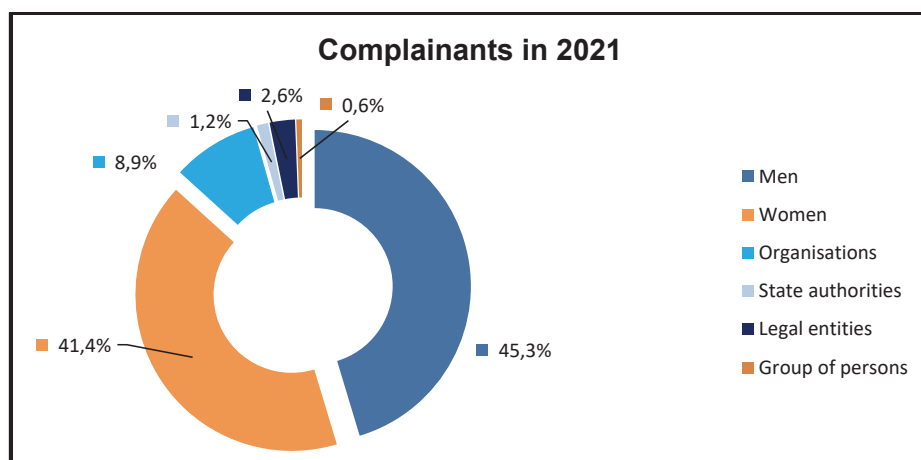
As regards compliance with recommended measures to improve equality issued by the Commissioner to public authorities and other persons, they were complied with in 95.2% cases, which constitutes an average of 88.4% together with compliance with recommendations provided with opinions. Thus, the trend of complying with the Commissioner's recommendations continued. The cases where recommendations were not complied with mainly included discriminatory speech in public or on social networks based on sex, sexual orientation, gender identity and political affiliations as personal characteristics, which shows high tolerance to this kind of speech.

The total number of Commissioner's cases and the number of complaints received annually also depends on a number of other factors, such as passing or amending of certain regulations which directly affect the position of individuals, media coverage of certain current topics, activities of organisations engaged in the protection of human rights, implementation situation testing etc.

In 2021, civil society organisations reported to the Commissioner several situation testing regarding the provision of banking services, insurance services, housing and employment, which will be addressed in more detail later in the Report.

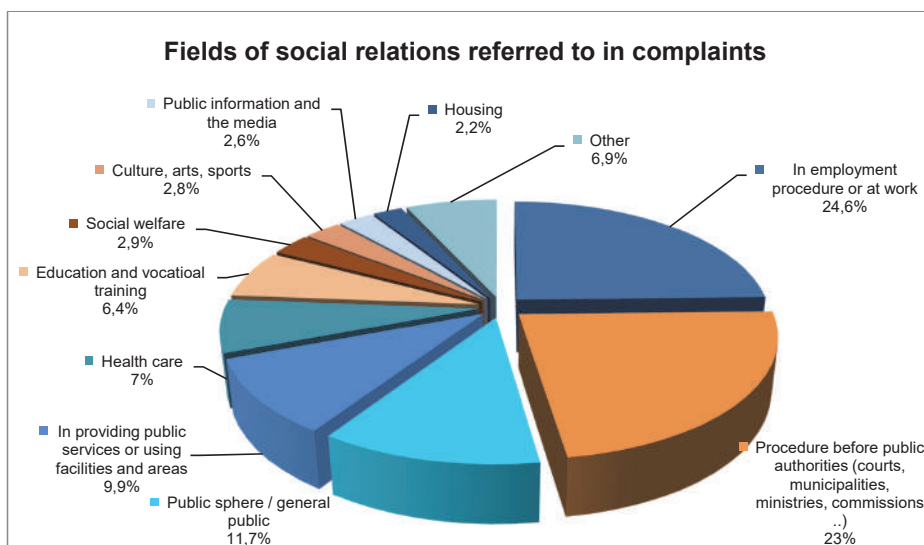
Citizens' Complaints

Out of the total of 686 complaints, natural persons filed 595 complaints, which is a slight increase compared with the last year. As in previous years, men addressed the Commissioner more than women, mostly on all grounds except on the grounds of gender and marital and family status as personal characteristics. During the course of 2021, civil society organisations filed 61 complaints, which is also slightly higher than in 2020, when they filed 56 complaints; however, this is almost twice lower than in 2019, namely the year before the Covid-19 outbreak.



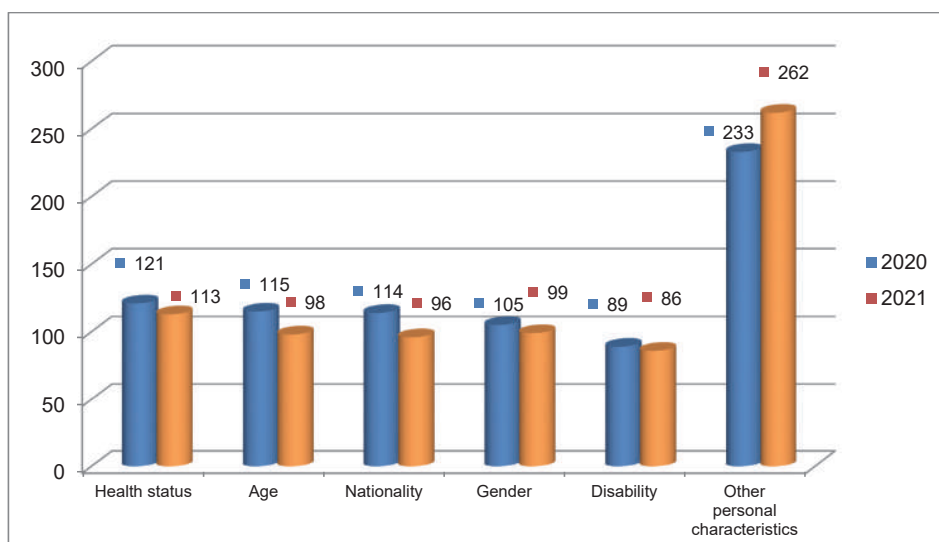
As regards social relations, the majority of complaints in 2021 were filed due to discrimination in the employment process or at work, slightly less due to discrimination in the procedure before public authorities, followed by the public sphere/general public, provision of public services or use of facilities or areas, the fields of health care, education and vocational training, social welfare, the fields of culture, arts, sports, public information and the media and other fields in lower percentages.

It can be observed that in 2021 the number of complaints filed in the field of public sphere/general public against discriminatory speech both on social networks and in public (sport and other public events, by public figures), as well as in the field of public information and the media, significantly increased.

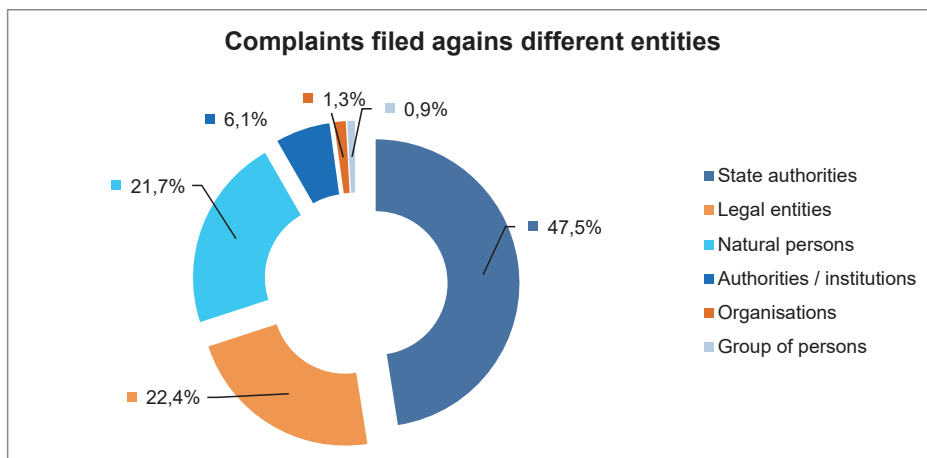


The ground for discrimination stated in complaints in 2021 are by their frequency approximately the same as in complaints filed in 2020, which is understandable having in mind that the Covid-19 pandemic is still ongoing.

The majority of complaints were filed against discrimination on the grounds of health status, gender, age, national affiliation or ethnic origin, disability, marital and family status, followed by personal characteristics less frequently stated as the grounds for discrimination in complaints – other personal characteristics,



The most frequent grounds for discrimination filed in 2021 compared to 2020

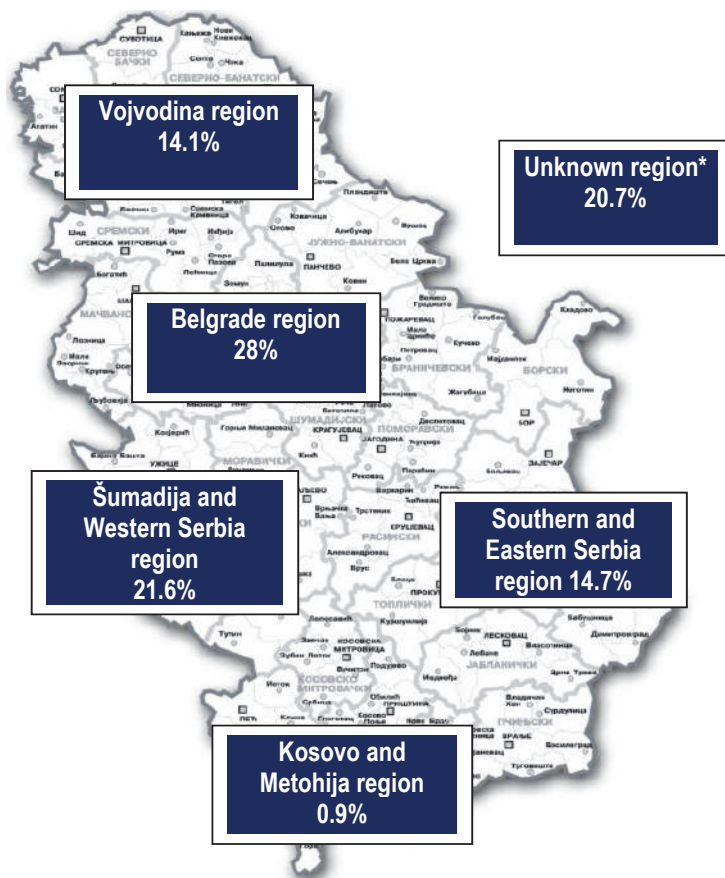


membership in political, trade union and other organisations, property status, religious or political affiliations, sexual orientation etc.

Although the highest number of complaints was individually filed against discrimination on the grounds of health status, complaints filed against discrimination on the grounds of gender and marital and family status together exceed this ground. Gender and marital and family status as grounds for discrimination appear together in the majority of cases, mainly in the field of labour and employment, in connection with pregnancy and maternity.

As in previous years, the majority of complaints were filed against state authorities, followed by complaints against legal entities (most frequently employers), natural persons, authorities/institutions, organisations and groups of persons.

Number of Complaints by Regions



*Region is unknown when a complaint is filed by e-mail and when the complainant does not specify the municipality of his/her residence

As regards the number of complaints by regions, it can be concluded that in 2021 it was far more even across the regions, with the exception of the region of Kosovo and Metohija region where slightly more complaints were filed, while in Belgrade region the number of filed complaints was slightly lower.



In order to bring protection against discrimination closer to all our citizens, complaints are also printed in different languages of national minorities, in a child-friendly format, as well as in electronic format, while the Commissioner's official website is available in the Cyrillic and Latin scripts, as well as in the English language.

The Commissioner provides to all citizens who contact her information on the manner and the procedure for the exercise of rights, the possibility to initiate court proceedings or other protection procedure, regardless of whether discrimination was identified in a specific case or other right outside the Commissioner's sphere of competences was violated, so that citizens could in practice experience a sense of dignity, justice and responsible work of state authorities, the ultimate objective of which is functioning of the rule of law in practice.

Recommended measures

During the course of 2021, the Commissioner issued a total of 312 recommended measures for the exercise of equality and protection against discrimination. Few recommendations measures for the promotion of equality were issued to public authorities and other entities which pointed to the need to undertake specific activities to mitigate consequences of the epidemic, which is understandable taking into account that the Covid-9 epidemic has been ongoing for almost two years, and certain measures have already been undertaken in 2020.

During this year, a number of recommendations were issued to local self-government units and municipal and city administrations, recommending them to:

- ❖ Undertake all necessary measures and activities to ensure establishing and provision of personal assistant services to children who need this service;
- ❖ Take into account, when applying regulations in the procedure of changing the sex designation in the register of births, that the right to change the sex designation in accordance with the law can be exercised by both persons who changed sex by sex reassignment surgery and by persons who have certificates issued on performed hormone therapy for a minimum duration of one year, with indicated examination by psychiatry and endocrinology specialists, and that it is necessary to enable personal name change to transgender and transsexual persons without additional requirements and limitations.

In addition, recommended measures were issued to improve the position and protection of certain population groups at higher risk of discrimination, and they will be addressed in more detail in the part of this Report on discrimination on the grounds of certain personal characteristics.

Opinion on Draft Laws and Other Legal Documents and Submitted Initiatives

In 2021, the Commissioner provided 53 opinions on draft laws and other legal documents and issued 11 initiatives for passing of or amendments to regulations. In opinions on draft laws and other legal documents the Commissioner also emphasised the necessity to amend certain provisions of applicable regulations not included in the proposed amendments, with the aim of harmonizing them with provisions of the Law on Prohibition of Discrimination or other laws. In her opinions, the Commissioner also took into account the need to harmonise regulations of the Republic of Serbia with *acquis communautaire* in the European integration process.

As an example, during the course of 2021 opinions were provided on the following: *the Draft Law amending the Law on Electronic Documents, Electronic Identification and Trust Services in Electronic Transactions; the Draft Law amending the Law on Secondary Education; the Draft Law amending the Law on Prohibition of Discrimination; the Draft Law on Same-Sex Civil Unions; the Draft Law on Gender Equality; the Proposal of the Strategy for Prevention and Fight against Gender-Based Violence against Women and Domestic Violence for the period from 2021 to 2025; the Draft Law on Student Organisation; the Draft Law amending the Law on Financial Support to Families with Children; the Draft Law amending the Law on Higher Education; the Draft Law Protection of Users of Temporary Accommodation Services in Social Welfare; the Draft Law amending the Law on Free Access to Information of Public Importance; the Draft Law on the Protector of Citizens; the Draft Law amending the Law on Education Inspection; the Draft Law on Hiring on Seasonal and Other Temporary Jobs in Certain Activities; the Proposal of the Strategy for Prevention of and Protection against Discrimination for the period from 2021 to 2030; the Proposal of the Regulation on Determination of Competencies for Work of Civil Servants etc.*

In 2021, the Commissioner also issued the following: *the Initiative to Amend the Bylaw on Medical and Technical Aids Provided from Compulsory Health Insurance Funds; the Initiative to Amend and Supplement the Law on Financial Support to Families with Children; the Initiative to Design and Implement Active Employment Policy Measures Aimed Exclusively at Certain Categories of Women Who Have Difficulties in Finding a Job; the Initiative to Amend Article 12 paragraph 7 of the Regulation on the Requirements for Acquiring and Disposal of Immovable Property through Bargaining and Letting of Publicly Owned Assets and Acquiring and Granting the Use of Other Property Rights, as well as the Procedures of Public Competition and Collecting of Written Offers; the Initiative to Amend the Criminal Code etc.*

In 2021, amendments were adopted to the Law on Prohibition of Discrimination, to ensure harmonization with *acquis communautaire* and to define certain

concepts in more detail the course of the procedure and the Commissioner's sphere of competences. These amendments also established a new competence of the Commissioner relating to keeping of records on the protection against discrimination, which, in addition to the records of cases created in the Commissioner's work, also includes records of final and enforceable judgments and decisions passed in infringement, criminal and civil proceedings against violations of the provisions prohibiting discrimination. This competence can be exercised after the Ministry of Justice passes secondary legislation which will regulate these issues.

Numerous comments were made in connection with certain draft legal documents, which pointed to the potential risk, particularly from indirect and other forms of discrimination.

However, certain legal documents were not submitted to the Commissioner at all to provide her opinion, while in certain cases opinions were requested within much shorter deadline than those provided for by the law. Thus, for example, in early February 2022 the Government of the Republic of Serbia adopted the Strategy for Social Inclusion of Male and Female Roma in the Republic of Serbia for the period 2022 – 2030, and the text of the Strategy had not been previously submitted to the Commissioner to provide her opinion. An inappropriately short deadline was given for provision of the opinion on the Draft Strategy for Prevention of and Protection against Discrimination for 2022-2030. Certain authorities have reverted to the practice of drafting and adopting regulations either in an urgent procedure or without leaving sufficient time to adopt a properly analysed regulation that would be applicable in practice. This practice was abolished several years ago, which was one of the main remarks in the European Commission report for 2019.

As regards legal documents submitted for opinions, the Commissioner pointed to the problems which may arise by application of certain provisions. Thus, for example, in the opinion provided on the Draft Law on Hiring on Seasonal and Other Temporary Jobs in Certain Activities, the Commissioner gave general remarks, stating that such form of hiring must be regulated by the Labour Law as the umbrella law, i.e. by the systemic law which *inter alia* regulates work outside employment in terms of statutory labour law protection and harmonization of provisions of this Draft Law with the Labour Law. Certain opinions and initiatives will be addressed in detail in parts of this Report relating to various grounds of discrimination, having in mind that they point to possible manners to overcome the issues observed in practice and improvement of the position of specific social groups.

Other Outcomes of Proceedings

Under the Law on Prohibition of Discrimination, the Commissioner does not act on complaints when the proceeding was initiated before the court for the same

matter or when the proceeding before the court was adjudicated by a final and enforceable judgment; when it is obvious that there is no discrimination to which the complainant is pointing; when the Commissioner already acted on the same matter, and no new evidence was provided, as well as when it is impossible to achieve the purpose of acting due to the time passed since the violation of rights. During the course of 2021, the Commissioner did not act on 45 submitted complaints because she is not competent for that since those were violations of other rights outside of the Commissioner's sphere of competences. In such cases, complainants are informed in detail about the reasons for rejection of complaints and are provided with information about which authority is competent for the specific case. During the year, the Commissioner also received 247 incomplete complaints, and complainants were informed why their complaints were incomplete, as well as what data they must submit and/or what they must enclose to their complaints, with the deadline to supplement their complaints; however, complaints were not supplemented. In 155 complaints it was obvious that there is no violation of rights to which complainants pointed, in 20 cases the procedure was terminated because the court proceedings were initiated on the same matter, in one case no action was taken due to the passage of time, because it was impossible to achieve the purpose of acting, in 19 cases the complaint procedure has already been conducted and no new evidence was provided, while in 11 cases complaints were withdrawn.

Court Proceedings

Civil Proceedings

During the course of 2021, three judgements and two decisions were passed in non-contentious proceedings initiated by the Commissioner in previous years, while the Commissioner initiated a new strategic litigation.

In February 2021, the Supreme Court of Cassation passed a judgement fully accepting the Commissioner's claim. It was the Commissioner's strategic litigation from 2017 against an employer because of termination of an employment contract for an employee due to her health status and disability. By its decision, the Supreme Court of Cassation adopted the Commissioner's revision, reversed the judgement of the Court of Appeal in Belgrade and upheld the judgment of the High Court in Belgrade of February 2020, which initially adopted the Commissioner's claim. In her claim, the Commissioner *inter alia* requested that the defendant publishes the judgement at his expense in a daily newspaper with national coverage. The defendant published the operative part of the judgement in "Politika" daily.

The Court of Appeal in Kragujevac passed a judgement in April 2021 rejecting the Commissioner's claim in litigation against discrimination on the grounds of the Roma nationality. Namely, in 2017 the Commissioner initiated the procedure



Strategic litigation - lawsuit against the Municipality of Novi Kneževac and the Centre for Social Work

A mother addressed the Commissioner because of discrimination against her underage child on the grounds of disability and health status, after which the Commissioner initiated civil proceedings for the protection against discrimination against the Municipality and the Centre for Social Work in Novi Kneževac. Namely, the defendant denied the minor the right to personal assistance service in accordance with the Law on Social Welfare, by which they made difficult the exercise of the right to education and full inclusion in the education system and committed a serious form of direct discrimination.

This strategic litigation was initiated in the public interest, to emphasize also by the case law the importance of a personal assistant as a support for children with disabilities and developmental difficulties, with the aim of their inclusion in regular schooling, community activities and ensuring as high level of their independence as possible.

against four defendants because in 2016 a concrete wall, parallel with the street, was built directly along a Roma settlement, so that the Roma settlement was actually fenced from the rest of the city. The Court of Appeal in Kragujevac rejected the Commissioner's appeal as unfounded and upheld the judgement of the first-instance court of October 2020 rejecting the Commissioner's claim. The judgment is final and enforceable.

In 2020, the Supreme Court of Cassation rejected the Commissioner's revision in the proceedings against a fast-food restaurant (of 2012), because a security employee of this restaurant did not allow Roma children to come into this restaurant with a woman who wanted to buy them food, but this decision was submitted to the Commissioner as late as in July 2021. It should be noted that the High Court in Belgrade adopted the Commissioner's claim. Deciding on the defendant's appeal, the Court of Appeal in Belgrade revoked the judgement of the High Court in Belgrade by a decision and returned the case for a retrial, after which the High Court passed a judgement rejecting the claim. The Commissioner requested a revision against the judgement of the Court of Appeals upholding the judgement of the High Court.

In 2019, the Commissioner initiated the procedure against an employer because of discrimination in the field of labour on the grounds of sex and family status and for demanding liability, i.e. victimisation as a special form of discrimination.

The Court of Appeal in Belgrade passed a judgment in December 2021 upholding the part of the judgment of the High Court in Belgrade of April 2021 which adopts the Commissioner's claim, determining that the defendant committed discrimination

on the grounds of sex and family status in the field of labour and employment by placing the employee in an unjustifiably disadvantaged position, because during pregnancy, maternity leave and child care leave he forced the employee to sign a blank agreement on termination of employment, requested her to ensure funds for contributions herself and made the exercise of the right to health care and sick leave difficult by irregular and partial payment of contributions. Also, the Court of Appeal upheld the part of the judgement of the High Court identifying victimisation of the employee committed through putting into effect a blank agreement on termination of employment and cancelling of her insurance at the Pension and Disability Insurance Fund, after she reported this to the Labour Inspectorate. The Court of Appeal reversed the judgment of the High Court and rejected the part of the Commissioner's claim requesting to determine that the defendant denied the employee the right to paid leave while visiting a physician during her pregnancy. The judgment is final and enforceable.

In June 2020, in the period when this authority did not have the Commissioner, the High Court in Belgrade passed a decision stating that an appeal against a professor at the Faculty of Medicine because of discrimination against the LGBT population is considered withdrawn because the prosecutor did not attend the main hearing. The Commissioner timely submitted a proposal for reinstatement, which was rejected by the Court in August 2020. After an appeal was submitted against this decision, the Court of Appeal in Belgrade passed a decision in October 2021 revoking the decision of the High Court in Belgrade and returning the case for a retrial. After that, the High Court in Belgrade passed a decision in December 2021 allowing reinstatement. It should be noted that in this appeal the Commissioner requested the court to determine that in his interview the defendant presented views that constitute harassment and violation of the dignity of members of the LGBT population and to prohibit the defendant to express in the future in public media and other publications views that belittle members of the LGBT population and support prejudices against this social group. Also, the Commissioner requested in the claim that the defendant publish the judgement in a daily newspaper with national coverage at his own expense.

Infringement Proceedings

During the course of 2021, the Commissioner filed a motion for institution of infringement proceedings against the owner of a hostel in Belgrade because of rejection to provide accommodation services to asylees/asylum seekers due to their personal characteristics. Namely, in the specific case, a sign/notification was placed on the entrance door of the hostel stating in the Serbian and the English languages that it does not provide accommodation services to asylees and asylum seekers. Proceedings before a magistrates' court are underway.

The Magistrates' Court in Belgrade passed in July 2021 a decision suspending the infringement proceedings against the accused legal entity, due to the expiry of statute of limitations for infringement proceedings. In 2019, the Commissioner filed a motion for initiation of infringement proceedings against a legal entity headquartered in Belgrade, because pension and disability insurance contributions were not paid for a pregnant employee who concluded an employment contract for a definite term, which placed her in an unfavourable position and denied her employment rights based on marital and family status.

Department of the Misdemeanour Appellate Court in Niš passed in May 2021 a judgment rejecting the Commissioner's appeal as unfounded and upholding the judgment of the Magistrates' Court in Niš of December 2020. In 2019, the Commissioner filed a motion for initiation of infringement proceedings because of rejection to provide taxi transport services to a Roma. After hearing of all proposed witnesses, the Magistrates' Court in Niš passed the judgement exonerating the defendants due to lack of evidence.

Situation Testing

The Law on Prohibition of Discrimination established a special method of voluntary discrimination testing (situation testing), which is one of the manners of fight against discrimination, primarily proving the existence of discrimination, in almost all European Union Member States. In 2021, several situation testing were performed by three civil society organisations in various fields.

Thus, in 2021, several situation testing were performed in the municipality of Vračar in Belgrade in cases of renting of residential space by the Roma. According to the submitted report, no cases of discrimination were recorded.

The same organization also performed situation testing in connection with employment of the Roma in economic operators performing service provision activities. According to the submitted report, no cases of discrimination were recorded.

Situation testing was also performed in the field of provision of travel health insurance services to test discrimination on the grounds of age against the older persons. According to the submitted report, it was observed that insurance companies have an age limit for travel insurance. After situation testing, three complaints were filed to the Commissioner in the field of provision of public services based on age, and proceedings are underway in 2022.



Situation testing was also performed for provision of banking services to test discrimination on the grounds of age against the older persons. According to the report on testing, it was observed that bank have an age limit for cash loans, which is why two complaints were filed to the Commissioner, and the proceedings pursuant to these complaints are underway.

Situation testing was also performed in the field of provision of banking services to migrants, asylum seekers and refugees. Two complaints were filed to the Commissioner, in one case an opinion was issued that rights were violated, while in the other case the procedure was suspended.

Situation testing regarding accessibility of banks and banking services to persons with disabilities was also reported to the Commissioner. The report on this situation testing was not submitted until the end of the year.

Motions for Review of Constitutionality and Legality

During the course of 2021, pursuant to the Commissioner's motion for the review of constitutionality and legality of 2018, the Constitutional Court passed a decision determining that the provisions of Article 12 paragraph 7 of the Law on Financial Support to Families with Children are unconstitutional. Namely, the Decision IUz-266/2017 of 21 May 2021 of the Constitutional Court determined that the said provisions are unconstitutional, which excluded the right to salary compensation for parents during leave for special child care in case the right to assisted living allowance has already been exercised.



In its decisions number IUz-216/2018, IUz-247/2018 and IUz-266/2018, the Constitutional Court determined that the provisions of Article 12 paragraph 7, Article 14 paragraph 8, Article 17 paragraph 2 and Article 18 paragraphs 2, 4 and 6 of the Law on Financial Support to Families with Children are not compliant with the Constitution.

The disputed provisions of the Law on Financial Support to Families with Children, in accordance with decisions of the Constitutional Court, will be repealed on the date of publication of decisions in the *Official Gazette of the Republic of Serbia*.

In the meantime, the Law amending the Law on financial Support to families with Children (*Official Gazette of the Republic of Serbia* No. 66/21) was passed, by which initiatives were accepted relating to ensuring the exercise of the right to other allowances based on childbirth, care and special care for children for female farmers, as well as equal treatment of female farmers and other insured women in terms of equal duration of insurance in the period of 18 months before childbirth. Amendments also relate to the provision according to which

the full amount of monthly salary compensation for women who gave birth, or salary during maternity leave, cannot be lower than the minimum wage determined on the date when the exercise of that right began.

Amendments to the Law also improved support to parents who have a sick child, so the provision was deleted which banned simultaneous exercise the right salary compensation during leave for special child care and assisted living allowance to which a child is entitled based on disability. Amendments were also made for the manner of determining and increasing the upper limit of salary compensation to five average wages in the Republic of Serbia for rights exercised as of 1 January 2022.

After decisions of the Constitutional Court were passed, civil society organisations addressed the Commissioner pointing that the Ministry of Family Welfare and Demography and the Ministry of Labour, Employment, Veteran and Social Affairs passed in August 2021 the Instructions on Acting of Municipal and City Administrations and Centres for Social Work in Application and Implementation of Decisions of the Constitutional Court of the Republic of Serbia. These Instructions provided wrong instructions to competent city/municipal administrations and centres for social work that parties can submit requests for amendments to individual legal documents (decisions) which are final and enforceable, if they have been final and enforceable for more than two years, which would mean that all decisions relating to unconstitutional provisions of the Law which were passed before the decisions of the Constitutional Court of the Republic of Serbia entered into force cannot be amended. The disputable regulation entered into force on 1 July 2018, and associations and the Commissioner addressed the Constitutional Court within the statutory deadline for the review of constitutionality and legality of several provisions of this Law.



After the organisation “Moms rule!” addressed the Commissioner and after the Instructions were analysed, the Commissioner issued recommended measures for the exercise of equality and protection against discrimination to competent ministries to **specify the part of the Instructions relating to submission of requests for amendments to individual legal documents (decisions) which are final and enforceable in accordance with the provision of Article 61 of the Law on Constitutional Court, to avoid irregularities when it is reviewed whether individual requests are founded.**

The Ministries soon notified the Commissioner that they complied with the recommended measures by submitting new instructions to competent services stating that requests for amendments to individual legal documents, within the statutory deadline of six months of the date of publishing of decisions of the Constitutional Court, **can be submitted by all users who exercised the right, i.e. whose requests were subject to deciding, since the Law took effect, namely since 1 July 2018.**

Commissioner's Actions in 2021 Concerning the Promotion of Equality

In addition to acting on complaints and performing other tasks in connection with the protection against discrimination, the Commissioner's actions also contribute to and improve the exercise of the right to equality in various segments of social life. In that regard, the Commissioner has a significant role in the review and analysis of the situation for the purpose of improving the position of certain social groups and taking preventive actions to prevent discrimination. The Commissioner: organises and conducts researches on the situation in the field of human rights; prepares publications, brochures, collections and other materials; prepares and conducts training programmes for recognising and responding to the cases of discrimination and promoting equality; creates and implements projects and participates in the creation and implementation of partnership projects; establishes various forms of cooperation (working meetings, round tables, conferences, professional seminars, debates, joint projects etc.) with public authorities, international and domestic organisations and institutions, the media, the European Network of Equality Bodies (Equinet) and all other relevant entities; prepares analyses and reports, as well as Commissioner's annual and special reports for the National Assembly etc. Below is provided a summary of the above activities in 2021.



A part of the Commissioner's Professional Service attending the training entitled "Evaluation of Civil Servant's Performance and Competencies", 2021.

Reports, Surveys and Other Publications

In accordance with the Law on Prohibition of Discrimination, the Commissioner submits to the National Assembly annual reports on the situation in the field of equality protection, which contain an overview of the work of public authorities, service providers and other persons, identified omissions and recommendations for their elimination. Thus, in March 2021, the **Regular Annual Report of the Commissioner for Protection of Equality for 2020** was submitted to the National Assembly, which was discussed at the session of the Committee on Human and Minority Rights and Gender Equality, and on the plenary session of the National Assembly held on 29 December 2021, when the Resolution was passed relating to the review of the Regular Annual Report of the Commissioner for the Protection of Equality for 2020.

Members of parliament commended the Commissioner's report, pointing to a good methodological approach, statistical overview and the existence of literature. Members of parliament singled out certain issues as dominant, such as gender equality, problems faced by the Roma, the Older persons and persons with disabilities, and also emphasised the need to design and implement various services at the local level, stating that the National Assembly should support the work of independent authorities through monitoring of their recommendations.

Important!

At its 9th Special Session in the 12th Convocation, the National Assembly of the Republic of Serbia adopted the Resolution number 100 of 29 December 2021 stating that in this Report the Commissioner for the Protection of Equality comprehensively presented activities in the field of protection against discrimination and pointed to the need for further continued activities on harmonization of regulations with international standards to improve the position and the exercise of equality of all social groups, and for adoption of strategic documents that are no longer in force.

The National Assembly emphasised the need to include experts in various fields, as well as representatives of vulnerable groups, and their organisations and institutions for human rights protection in the process of development of procedures for acting in emergencies, with measures aimed at promoting volunteer work and social responsibility. To ensure the exercise of equality and the protection against discrimination, it is necessary to promote national, ethnic, religious, cultural and other diversity and intercultural dialogue, mutual respect and cooperation.

With the aim of improving the position of the Roma, particularly female Roma and Roma children, the need was emphasised to build capacities, primarily at the local level, to establish inter-sectoral cooperation between various actors and to introduce integrated services for provision of personal documents, access to appropriate housing, health, education and social welfare services, as well as employment. To protect persons with disabilities, the National Assembly urged to intensify the work on the improvement of architectural and information accessibility, i.e. to apply a universal design in all fields, with the aim of ensuring unobstructed access to public facilities and areas, transport, information, communications and services for persons with disabilities, persons who have difficulty moving, the older persons and children.

The National Assembly's Resolution is available at: <http://ravnopravnost.gov.rs/izvestaji/>

If there are particularly important reasons, the Commissioner may, in accordance with the law, on her own initiative or at the request of the National Assembly, submit a special report to the National Assembly. To perform these tasks, as well as regular annual review of the situation regarding the exercise of equality, continuous collection, systematisation and analysis of all information on the situation in the field of human rights is conducted during the year (domestic and foreign publications on the exercise of equality, reports and other acts of the European Union, international and domestic organisations and contracting bodies, adopted regulations, conferences and expert meetings, surveys, submitted complaints, situation testing, review of the situation regarding the prohibition of discrimination in practice, etc.) on the basis of which the Commissioner's regular annual reports are prepared and, if necessary, special reports.

In 2021, the Commissioner also submitted to the National Assembly two special reports, including: in May 2021 the ***Special Report on Discrimination against the Older persons*** and in December 2021 the ***Special Report on Discrimination against Children***. Analysing the Commissioner's practice through complaints and other acting, and also evaluating the situation regarding the exercise of equality by all citizens through numerous reports and surveys of domestic and international bodies and organisations, it was concluded that discrimination on the grounds of age is present in modern society and is caused by numerous factors that should be identified to find the ways to overcome the existing problems. Having in mind that complaints filed against this ground for discrimination have been among the most numerous complaints for years, the Commissioner undertook the comprehensive overview of the situation regarding the position of the older persons, and after that also of children, with the aim of improving the situation and enhancing the position of all generations of citizens.



Presentation of the Commissioner's special reports on older persons and discrimination against children at the House of the National Assembly, April and December 2021

In addition, in 2021 the Commissioner conducted the survey entitled *Gender Equality and Work-Life Balance*, prepared the *Report on Hate Speech in the Media* and performed the *Analysis of Women's Participation in Public and Political Life* and published the publication "Call for Action" to stop discrimination against the older persons and brochures on the rights of the older persons and the manner of protection against discrimination at the local and national levels, promotion of equality, intergenerational cooperation and exchange of knowledge, experience and skills between the youth and the older persons.

Special Report on Discrimination against Older persons

The *Special Report on Discrimination against the Older persons*² provides an overview of the position of older persons, primarily through the Commissioner's practice and acting having in mind that age is one of the most frequently stated grounds for discrimination in complaints present in almost all fields of social life. The term used for discrimination against the older persons is ageism. Old age brings some negative connotations, and the older persons are often regarded as less valuable for the society. Ageism often tends to become "normal" and accepted by the older persons themselves, which certainly results in rare addressing the competent authorities for protection by the older persons. Multiple discrimination is also frequent against older persons on the grounds of age and sex, disability, health status etc.

The older persons are not a homogenous group with equal needs and possibilities – differences are noticeable between those living in urban and in rural areas, between the "older" persons, i.e. those over 80 years of



2 Available at: <http://ravnopravnost.gov.rs/posebni-izvestaji/>

age, and younger, those placed in institutions and those living alone etc. The approach to the improvement of the position of the older persons must thus be multisectoral and comprehensive, with a wide consultative process with all relevant actors.

Description of the situation is provided through an overview of the demographic situation which shows that Serbia is among countries with old population, with tendency of further population ageing. Some of demographic characteristics of Serbia include birth rate decline, high mortality, negative population growth, negative migration balance, low fertility, depopulation and intensive population ageing. Projection of population trends, regardless of variations, show further continuation of the demographic ageing process, i.e. further increase of the number of older persons and decline of the youth's share, with rural depopulation and increase of the number of citizens over 80 years of age. It was observed that the number of women almost doubled in this age group. Such situation inevitably results in multiplying of challenges for economy and systems, primarily health care and social welfare systems, as well as pension and disability insurance.

A special focus in this report is on the crisis period caused by the coronavirus pandemic, both from the aspect of international bodies and organisations and the domestic ones. During the state of emergency, the Commissioner intensified the monitoring of the situation in the field of protection of equality, and pointed to various problems of the most vulnerable population groups through recommended measures and initiatives submitted to the Government and line ministries and proposed specific solutions to overcome these problems in practice.

This report emphasised that inaccessibility of public facilities and areas, and also services, information and communications, is the obstruction for equal inclusion of older persons and persons who have difficulty moving. Fast development of technology, primarily digitalization and robotics, which are a large civilization progress, also pose challenges regarding equal inclusion of older persons for whom new communication channels are often inaccessible, which leaves them without timely and full information on all social trends. Inaccessibility also includes lack of skills for advanced use of information technologies. The Older persons often also face violence, abuse and neglect, and they are particularly vulnerable to these risks due to loneliness, health status or dependence on assistance from other persons.

Surveys conducted by the Commissioner, with the main findings, conclusions and recommendations, are addressed in a separate part of this Report. These surveys are very important because they provide insight into overall position of the older persons and the level of frequency of discrimination on these grounds.

The survey entitled *Position of the older persons in Serbia - Social Context, Data Overview and Survey Results* was implemented with support from the United Nations Population Fund and is an integral part of this Special Report, where it is quoted in its entirety.

Among the findings of this survey are the following:

- 83% of interviewees does not use assistance and support services. They stated the following services as the services they need the most: assistance at home, supply of food and medicines, mobile teams, volunteers, financial assistance and more social events;
- Health care is fully available for 50% interviewees (39% in rural areas), for 12% it is available with large difficulties, and it is unavailable for 4% of interviewees.



“Bridge of Understanding
– Intergenerational Solidarity 2021”
author Dijana Pudelka VII1, Pivnice

The interviewees stated as the main problems long waiting for specialist medical examinations, lack of medical specialists and remote health care facilities. Almost 60% of interviewees think that the older persons are not equal with other citizens, and that such treatment can be improved through the educational process.

*“There are neighbouring villages near Kragujevac that do not have out-patient clinics, people do not even have a landline phone, and electricity supply is very poor.
One does not have to pay for every support – a nice gesture or conversation is sometimes enough.
They say: services are expensive, but we do not have them even for those who can pay.”*

Quotations from focus groups within the research *Position of the older persons in Serbia - Social Context, Data Overview and Survey Results*

Based on the overall analysed situation and findings of the survey, key problems and recommendations for the improvement of the situation were identified within the Special Report, which were provided instead of conclusions at the end of the report.

Important!

Recommendations of the *Special Report on Discrimination against the Older persons* relate to:

- ✓ Social security of the older persons (design and implementation of measures to reduce poverty, develop support systems in local communities, reform pension and social welfare systems etc.);
- ✓ Amendments to regulations and passing of strategic documents of relevance for the position of the older persons (primarily the development of a strategic document on the issues of ageing and improvement of the

quality of life of the older persons, and also development of social welfare, health care and palliative care, lifelong education etc.);

- ✓ Acting in emergencies (to establish clear, precise and applicable procedures for acting in all stages of emergencies, promotion of volunteering and stimulation of volunteer work of all generations etc.);
- ✓ Social welfare system (strengthening the quantitative and qualitative capacities of social welfare institutions, improved linking of welfare benefits to services, even increase of the coverage and continuity in the provision of support services, capacity and quality of residential care services etc.);
- ✓ Health care system (improvement of the system and intensified work on increase of availability, development of mobile and innovative services, psychological support and mental health protection, palliative care etc.);
- ✓ Prevention of discrimination and violence (coordinated and efficient acting of institutions in provision of protection, development of support services, trainings for recognition and response in cases of violence and discrimination etc.);
- ✓ Social inclusion of the older persons (improvement of architectural and information accessibility, infrastructure and public transportation, lifelong learning and development of digital skills etc.).

Special Report on Discrimination against Children

The *Special Report on Discrimination against Children*³ states that it can be concluded that a lot has been achieved in improvement of the position of children in the Republic of Serbia, but discrimination against children is still present in the society today.

Description of the situation is first provided though an overview of the demographic situation and projections of population trends, as well as through a number of indicators in various fields. Population policy measures were also presented, both in the Republic of Serbia and in certain countries which achieved certain results. The focus was in particular



РЕПУБЛИКА
СРБИЈА



ПОВЕРЛИК ЗА
ЗАШТИТУ
РАВНОПРАВНОСТИ

ПОСЕБАН ИЗВЕШТАЈ
О ДИСКРИМИНАЦИЈИ ДЕЦЕ



Београд, децембар 2021.

3 Available at: <http://ravnopravnost.gov.rs/posebni-izvestaji/>

on the period of crisis caused by the coronavirus epidemic. Particular emphasis was placed on the United Nations *Convention on the Rights of the Child* and the *Concluding Observations on the Second and Third Periodic Report of the Republic of Serbia on Implementation of the Convention on the Rights of the Child of the Committee on the Rights of the Child*, which permeates the entire Report.

The Report also pointed to the issues which should be addressed in order to find efficient manners for further improvement of the situation. Thus, there is no single, comprehensive law on children, although child rights are indicated in numerous regulations. The National Plan of Action for Children expired on 2015 and no new document of strategic importance has been passed in this field. As regards capacities of certain systems, the need is evident to improve the quantitative and qualitative capacities of social welfare institutions, but capacities of other public services should also be built, which was particularly noticeable during the health crisis, primarily in the fields of health care, education, community care for children, inspection tasks etc., with the aim of ensuring the exercise of all rights continually, fully and within the reasonable deadline.

The Report states that specific problems can be observed in certain fields. Thus, a number of children are still not included in preschool education, the early school leaving rate is still considerable, particularly for the Roma children, there are problems in practice regarding inclusive education, mechanisms for provision of additional support in the education process are insufficient for the needs, particularly in rural and less developed areas, and there are still cases of segregation. Access to health care is limited, particularly for children living in informal or remote settlements, health mediators are not a formalised institution within the health care system, services in connection with early child development are insufficient, and these are only some of the issues in the field of health care. A large number of children are still placed in social welfare institutions, continual community services as support to families and children are missing, no strategic social welfare development document was adopted, a large number of children are at risk of poverty regardless of the existing welfare benefits and financial support system, cooperation between the health care and social welfare systems, education and local self-government has not been fully established. Violence, abuse and child neglecting are also present, and peer violence has various forms – from ridiculing, provoking, spreading rumours and gossips, belittlement and rejection, to fight and physical insults. Child, early and forced marriage, as well as child labour are extreme forms of violence, which require special acting.

Having in mind the importance of participation of children and the youth in all activities concerning them, the Commissioner prepared the *Analysis of the Questionnaire entitled Youth Perception of Discrimination in Serbia*, which constitutes an integral part of this Special Report. This ensures analysis of the position of members of the Youth Panel on important issues of the development of society of equality and tolerance and safety of environment.



Children of “Svitac” (Firefly) choir at commendation of the International Human Rights Day in 2021

The Annex of the Special report includes the *General Comment No. 25 on Children’s Rights in Relation to the Digital Environment* adopted by the Committee on the Rights of the Child in March 2021.

Based on the overall analysed situation, key problems and recommendations for the improvement of the situation were identified, which were provided instead of conclusions at the end of the report.

Survey “Gender Equality and Work-Life Balance”

In 2021, as part of the project WoBaCa entitled Towards Gender Equality through Increased Capabilities for Work-Life Balance, the Commissioner, as a partner with the Estonian Gender Equality and Equal Treatment Commissioner and the city of Heidelberg, conducted the survey entitled *Gender Equality and Work-Life Balance*⁴. The objective of this survey was analysis



4 Available at: <http://ravnopravnost.gov.rs/izvestaji-i-publikacije/publikacije/>

Important!

Recommendations of the *Special Report on Discrimination against Children* relate to:

- ✓ The legal and institutional frameworks and their implementation (to adopt a strategy for improvement of the position of children, to pass a law on child rights, to strengthen the role of the Government's Council for Child Rights, to consider the possibility of increasing the coverage and the amount of child allowance etc.);
- ✓ Emergencies (to establish clear procedures for acting in emergencies, make available to children information on emergencies, the manners of acting and overcoming such situations in child-friendly manner and using child-friendly tools etc.);
- ✓ Protection against discrimination (to improve competencies of professional employees working with children and decision makers for implementation of preventative measures and acting in cases of discrimination, violence, abuse, neglect of children etc.);
- ✓ Health care (to establish an integrated system of field work, screening and timely referral of children to appropriate medical examinations, to ensure the work of health mediators in the Roma communities, to improve availability and accessibility of health services, particularly for children in rural areas and children living in poverty, to design new services in accordance with the needs, to implement sexual and reproductive health programmes etc.);
- ✓ The field of education (to improve availability of the education system, particularly for children with disabilities, children with developmental difficulties and children placed in institutions, to establish continual cooperation and efficient coordination between the education system and the health care and social welfare systems, to work on digitalization in education and ensuring the availability of ICT to all pupils etc.);
- ✓ The field of social welfare and family law protection (to define by the law the term and all rights of the child in accordance with the provisions of the Convention on the Rights of the Child, to work on deinstitutionalisation of children, to ensure all necessary community services, to strengthen control and supervisory mechanisms, to monitor regularly the quality of social welfare and family law protection services etc.);
- ✓ Protection against violence (to increase the content and the volume of preventative activities and public sensitization for recognition, responding to and the duty to report violence, abuse and neglect of children, to implement regularly trainings for all actors in the system for the protection against violence, to improve programmes to address violence in schools, particularly peer violence etc.).

of factors that have an impact on the (im)balance between personal life and work, including a possibility for advancement in the professional life for women and men.

Data in the survey show dynamics of gender roles of men and women in Serbia in the context of imbalance between personal and professional life, and also possibilities for achievement of balance, with analysis of specific regional characteristics. In addition, data are largely complemented by findings and recommendations in the Commissioner's *Special Report on Discrimination in the field of Labour and Employment*.

The Commissioner's practice shows that women are still in a less favourable position compared with men in all fields of social life, and discrimination against women is particularly noticeable in the labour market, in the economic sphere, education and participation in decision-making. Reasons for slower advancement of women in professional life and reasons why there are significantly less women on managerial positions than men can, in addition to discriminatory behaviours, result from various sociologic and culture phenomena, including unpaid work, care work, gender imbalance in the field of education, segregation in the field of work, the degree of flexibility of jobs, as well as still noticeable patriarchal social patterns.

In recent years, the issue of work-life balance has taken centre stage, especially during the Covid-19 pandemic which showed the depth of structural gender differences and had a disproportionately higher impact on women, with Belgrade and, to some extent, Vojvodina providing the only exceptions. The survey *inter alia* referred to the practice of asking questions about marital or family status in the process of employment or advancement at work. Women were asked some of the following questions: Do you plan to have children and when? Do you have someone to take care of your child in case he/she gets sick? Do you have and do you plan to have children? How old are your children and will you be able to perform the work? Do you plan to have more children? Are you married and for how long? Men were asked the following questions in the employment process or advancement at work: Do you have a wife and children? Do you plan to have children? Are you married? Who do you live with and how do you get along with your parents?

Data obtained in the survey show certain positive trends in the business culture, and that it is necessary to ensure equal use of flexible employment arrangements for men and women, in order to provide conditions for equal participation in care for children and to introduce business patterns that support fathers in care for children.

However, absence from work to care for children is still predominantly used by women. The majority of interviewed women (82%) exercised this right, while only 14% of men answered this question in the affirmative. Certain positive trends are observed in terms of higher participation of men; however, a dominant impression is that the society still has stereotypes about roles of parents in the exercise of

this right. It is thus necessary to implement continual promotional campaigns in order to increase the number of men who exercise this right, through changing of stereotypes in the society about the roles of mothers and fathers in care for children, particularly at the earliest age, which would ensure more equal distribution of duties.

As regards time the interviewees spend weekly caring for children, data show that women spend significantly more time weekly caring for children than men, and grandparents help them the most with care for children. Women indicate the highest level of work-life balance in cases where there is a high degree of inter-generational exchange in families, and promotion and development of various intergenerational exchange and solidarity modalities in family and in the society are thus of the key importance.

According to the results of this survey, the possibility for advancement at work is closely connected to the availability of preschool institutions and other options for assistance in caring for children, which shows the need to provide a comprehensive approach to preschool institutions and other child care services.

In the part of the survey on consequences on the professional life of interviewees, the analysis shows that a significantly higher number of women had to cancel business travel or to withdraw from professional development than men (30% women, as opposed to 15% of men) and that a slightly higher number of women received a lower salary because they were unable to perform their professional duties (20% vs. 15%).

As many as 33% of interviewed women aged between 18 and 24 indicated termination of employment as a consequence of care for children. Obtained results show that women in this age category are exposed to the most serious forms of discrimination, if it is not the case of employment for a definite term which is terminated after maternity leave and other forms of non-standard employment arrangements. Both sexes have almost unique opinion on the question “Do you think that women more often face negative consequences for professional life due to inability to balance personal and professional life” – more than 85% of women and men agree with this statement.

One of important segments of the survey is evaluation of time women spend doing housework. Findings show that almost one half of women (48%) daily spend two to three hours doing everyday housework. The same question provided data that almost one half of men in a sample spend up to one hour daily doing housework, while 27% spend one hour.

As regards evaluation of the level of professional duties burden, equal work tasks burden is observed, and about one half of interviewed women and men agree to a certain extent with a statement that a week is too short to do everything what

they want to do. The majority of interviewed women said they had not faced questions about marital or family status in the process of employment or advancement at work – 80%, while 20% experienced such questions, which shows that such discriminatory practice is widely used.

Report on Hate Speech in the Media

As a partner in the implementation of the Council of Europe Project “Promotion of Diversity and Equality in Serbia”, which is a part of the Programme “Horizontal Facility for the Western Balkans and Turkey 2019-2022”, the Commissioner was a part of a survey on hate speech in the media based on which the report was prepared and an analysis was presented of international and European standards relating to the prohibition of hate speech, domestic legislative framework, as well as proposals for improvement of the protection against hate speech in practice.



*The Report on the Use of Hate Speech in the Media in Serbia*⁵ contains a qualitative and a quantitative analysis of the frequency of hate speech and forms in which it appears in domestic offline and online media. The Report is focused on two most vulnerable groups as regards hate speech in Serbia: LGBT+ persons and the Roma, but it also includes hate speech against other groups, such as women, migrants and national/ethnic minorities.

The report concluded that Serbia has a sound legal basis for the fight against hate speech, which is mostly harmonised with relevant international standards. The analysis of the frequency of hate speech and forms in which it appears in domestic offline and online media showed few text that can be considered hate speech were identified in Serbia in the reporting period. Thus, although the media still insufficiently promote diversity and tolerance in the society and there is almost complete lack of positive texts on minority groups (LGBT +, persons with disabilities, migrants etc.), there were not many texts that can be considered hate speech.

In addition, many texts, photos and TV reports are offensive and humiliating for women, who are presented negatively, as starlets, prostitutes and less valuable beings. Although positive news is also published or the media advocate prevention of domestic violence, such text can be considered to be “pretending to care for women’s rights” because negative presentation of women is predominant.

5 Available at: <http://ravnopravnost.gov.rs/wp-content/uploads/2022/01/HF25-hate-speech-Serbian-media-SRP.pdf>

Many texts were also published that lead to the increase of social distancing and arouse negative emotions towards Croats, Albanians, Bosnians and Montenegrins, while there were no negative texts about the Roma. A large number of texts use aggressive terminology with dominant terms such as “disturbing, brutal, dreadful, hell, horrible, scandal, shock”. Headlines are particularly disturbing for readers and can cause negative reactions although they often do not reflect the essence of the text itself.

The conclusion states that Serbia should have a media space in which citizens would be better informed about the issues of public interest, where texts will give arguments for and against and where there will be more media professionalism. Although it is important to include freedom of expression as a topic in the education system at all levels, it is also important to introduce or continue trainings for legal practitioners and media professionals on the Code of Ethics, freedom of expression and the fight against hate speech. However, trainings on the fight against hate speech should be well-designed and should include topics such as the impact of stereotypes and prejudices, definitions and elements of hate speech, protection mechanisms and examples from practice.

Analysis of Women's Participation in Public and Political Life

Women's participation in public and political life in Serbia in 2021 was reviewed in a short analysis prepared by the Commissioner based on available data on official websites of public authorities. Having in mind that presidential, snap parliamentary and local elections in certain cities/towns should be held in April 2022, the Commissioner will perform a detailed analysis and a new review of the current situation during the course of 2022.

Women occupy the highest positions in the government in only 22 countries in the world, including nine as presidents and 13 as prime ministers.⁶ A slight increase of the number of women on ministerial positions in the world is observed compared with the situation in Y 2020, from 21.3% to 21.9% in 2021. Also, the number of states increased where there are no women in the government and all ministerial functions are performed by men, while, observing all legislative bodies in the world, only 25.9% of elected national members of parliament are women.⁷

In terms of women's participation in the legislative arm of government, the Republic of Serbia ranks 28th globally (25th in 2020), while if we observe the average

6 *Women in Politics: 2021, Situation on 1 January 2021*, Inter-Parliamentary Union and UN Women – available at: <https://www.ipu.org/women-in-politics-2021>

7 *Global and regional averages of women in national parliaments*, Parline, 1 January 2022 - available at: https://data.ipu.org/women-averages?month=1&year=2022&op=Show+averages&form_build_id=form-knwd-MrSuSPxIBMLzDvVIK1_BMBi73-95ffl-BWHR63M&form_id=ipu__women_averages_filter_form

among the European countries, it ranks 14th (12th in 2020).⁸ The current convocation of the National Assembly includes 99 female members of parliament (39.76%) and 150 male members of parliament (60.24%). The National Assembly is led by the Speaker. The National Assembly has 20 committees, of which five are chaired by women and 14 are chaired by men. Deputy chairpersons of committees include 10 women and 9 men, while secretaries of committees include as many as 15 women.⁹

There were no significant changes in the structure of working bodies of the National Assembly compared with the previous year. Female members of parliament are still the majority in committees engaged in topics that are linked with women as stereotypes (e.g. the Child Rights Committee, the Health and Family Committee, the Committee for Labour, Social Affairs, Social Inclusion and Reduction of Poverty etc.), while, on the other hand, in certain committees they are very much in the minority and account for one fifth of members (e.g. the Committee for Kosovo and Metohija, the Committee for Diaspora and Serbs in the Region, the Committee for Defence and Internal Affairs etc.). In certain bodies, such as the Committee for Security Services Control, all members are men.¹⁰

As regards the executive arm of government, Serbia ranks 19th in the world and 10th in Europe in terms of representation of women in ministerial positions.¹¹ The Serbian Government is headed by female Prime Minister, and out of five Deputy Prime Ministers two are women (40%). Out of the total of 23 portfolios, 10 are held by women ministers (43.4%). Compared with the previous year, a slight progress can be observed in the function of state secretaries, where out of total of 65 state secretaries, 20 are female secretaries (30.8%).¹² As a comparison, in 2020 women's share was 28.8%, and in 2018 it was 23.8%.

In six ministries (the Ministry of Defence, the Ministry of Trade, Tourism and Telecommunications, the Ministry of Health, the Ministry of Foreign Affairs and the Ministry of Youth and Sport) only men are appointed as state secretaries. Women make up the majority in the Ministry of Construction, Transport and

8 *Monthly ranking of women in national parliaments*, Parline, 1 January 2022 - available at: <https://data.ipu.org/women-ranking?month=1&year=2022>

9 Source: official website of the National Assembly of the Republic of Serbia, <http://www.parlament.gov.rs/narodna-skupstina-/organizacija-i-strucna-sluzba/radna-tela-narodne-skupstine.2871.html> - Accessed on: 8 February 2022.

10 Source: official website of the National Assembly of the Republic of Serbia, available at: <http://www.parlament.gov.rs/narodna-skupstina-/sastav/radna-tela/odbori.895.html> - Accessed on: 8 February 2022.

11 *Women in Politics: 2021, Situation on 1 January 2021*, Inter-Parliamentary Union and UN Women – available at: <https://www.ipu.org/women-in-politics-2021>

12 Source: official websites of individual ministries of the Government of the Republic of Serbia on appointed male and female State Secretaries, accessed on: 8 February 2022. Data are available for 17 out of 21 ministries)

Infrastructure, where out of six state secretaries five are women, as well as in the Ministry of Justice and the Ministry of Family Welfare and Demography.

On the other hand, there is a balanced structure in terms of male and female Assistant Ministers (50%-50%). Data on appointment of secretaries of ministries are available for 18 ministries, and this function is mainly performed by women – 83.3% (15 women and three men).

Compared with the situation in 2020, the number of women on the highest positions in local self-government increased. 23 local self-governments¹³ and two city municipalities (the municipality of Voždovac in Belgrade and the municipality of Pantelej in Niš) are headed by women. Women's share on the highest positions in LSGUs is now 15.09%, while their share in 2020 was 13.02% and in 2017 only 7.1%.

Also, city councils/municipal assemblies are chaired by 29 women, and out of 145 local self-government units, 73 have female heads of city/municipal administrations, which accounts for 50% of women on this position in local self-governments (this number does not include municipalities in the Autonomous Province of Kosovo and Metohija - 29). Out of 24 administrative districts in the Republic of Serbia, only five have female heads, including: Srednjobanatski administrative district, Južnobanatski administrative district, Podunavski administrative district, Pirotski administrative district and Šumadijski administrative district.¹⁴

Women's share in functions in LSGUs in 2017 and 2021

	2017	2021
Female president of municipality	7.1%	15.9%
Female deputy president of municipality	17.1%	21.8%
Female president of council/assembly	14%	21.1%
Female deputy president of council/assembly	24%	26.4%
Female secretary of council/assembly	57.7%	61.8%

According to the data held by the Office for Kosovo and Metohija, in 29 local self-governments, two women are presidents of Provisional Institutions (Kosovska Kamenica and Klina). There are a total of 16 women in municipal councils in 29 local self-governments, while 45 women are on managerial positions in public enterprises in Kosovo and Metohija.¹⁵

13 Alibunar, Apatin, Bajina Bašta, Babušnica, Bački Petrovac, Bela Crkva, Brus, Beočin, Vršac, Varvarin, Kovin, Kruševac, Novi Kneževac, Niš, Preševo, Ruma, Sremska Mitrovica, Surdulica, Trgovište, Trstenik, Čičevac, Užice, Čoka.

14 *Register of Administrative*, Ministry of Public Administration and Local Self-Government, available at: <http://mduls.gov.rs/wp-content/uploads/Upravni-okruzi-19102020.pdf?script=lat> Accessed on: 8 February 2022.

15 Data obtained from the Office for Kosovo and Metohija, letter number 021-01-13/2021-07 of 13 August 2021 submitted to the Commissioner for the Protection of Equality.

The National Bank of Serbia has a female governor. Women's share in other decision-making positions includes the functions of vice-governors with 66.7% (two women, one man), while only men are appointed in the Council of the Governor.¹⁶

Women are presidents in five out of the total of 23 National Councils of National Minorities (21.7%).¹⁷

The structure slightly changed compared with the previous years in terms of women's share in international cooperation, i.e. their share in diplomatic service, delegations that participate in the work of international bodies or institutions engaged in the preservation of security and peace at the global and regional levels. Women's share in the total number of employees in the Ministry of Foreign Affairs with diplomatic profession is 56.53%. Out of the total 71 heads of diplomatic missions and consular posts (embassies, missions at international organisations and consulates general), 22 are women, which accounts for 30.98% (out of the total of 50 ambassadors, 12 are women; out of the total seven heads of missions at international institutions, four are women; out of the total of 14 consuls general, six are women). In addition to heads of diplomatic missions and consular posts, who are appointed officials, among diplomats who temporarily manage diplomatic missions and consular posts until a new head is appointed, out of the total of 19 Charge d'Affaires— five, or 26.31% are women, while out of the total of nine *consul- gérants*, seven, or 77.77%, are women.¹⁸

Publications

With the aim of improving and ensuring better information to the public, the Commissioner prepares publications, brochures and other appropriate material that promote equality and tolerance and point to prohibition and harmful consequences of all forms of discrimination. During the course of 2021, the focus was on our older persons citizens, and the following publications were prepared:

- Brochure *“Call for Action” to stop discrimination against the older persons – for full inclusion and exercise of human rights of the older persons*, which contains guidelines for the preparation of practical tools on how to improve, through joint action, the position of the older persons and to ensure their inclusion in social developments, the fight against discrimination and vio-

16 Source: official website of the National Bank of Serbia https://nbs.rs/sr_RS/o_nbs/savet-guvernera/ - Accessed on: 8 February 2022.

17 *Register of National Councils of National Minorities*, Ministry of Public Administration and Local Self-Government, available at: <http://mduls.gov.rs/wp-content/uploads/Izvod-iz-Registra-nacionalnih-save-ta-2492020.pdf?script=lat> – Accessed on: 8 February 2022.

18 *Gender Equality Strategy for the period from 2021 to 2030*, Official Gazette of the Republic of Serbia No. 103/21



lence, to improve accessibility and safety, infrastructure and transport, acting in emergencies and other issues of relevance for the older persons, with specific activities at the local and national levels, as well as activities aimed at sensitizing the media for the issues of the position of the older persons. *Call for Action* to stop ageism was officially released in September this year at the National Conference on Ageing and Ageism in Belgrade;

- ***Brochures on the rights of the older persons and the manner of protection against discrimination*** at the local and national levels, promotion of equality, intergenerational cooperation and exchange of knowledge, experience and skills between the youth and the older persons. Brochures also contain the specific guidelines for inclusion and participation in all life processes of the older members of society, as well as information on lifelong learning and the importance of information and volunteer activism. They are intended for persons of all ages and generations, including old and young, representatives of local and national authorities, the civil and the private sectors and other interested parties.

Trainings and Expert Meetings

Trainings

One of the Commissioner's important activities, having in mind that identification of discrimination and knowledge of the protection mechanisms ensure the exercise of equality, is implementation of training programmes for identification, understanding and protection in cases of discrimination for all social actors. Evaluations performed on held trainings show that the level of identification of discrimination and knowledge of protection mechanisms was significantly increased among all participants and that there is a constant high interest in this kind of trainings.

Trainings implemented with the youth, within education institutions and in other manners, are particularly important to ensure the culture of human rights, tolerance and respect of others and of different becomes an inherent value of our cultural identity. The Commissioner signed the Memorandum of Cooperation in provision of public administration support to higher education institutions in the education process, in order to establish continual cooperation in all processes to direct higher education towards a new system for education of human resources



Expert meeting with the media on elimination of discrimination and hate speech, 2021

for public administration. The Memorandum was signed by more than ten state and other authorities and universities. In early May, a debate was held for a large number of interested students, in cooperation with the Student Organisation for International Cooperation of the Faculty of Law in Belgrade (SAMS). On that occasion, the Commissioner's role and competences and relevant domestic and international legal anti-discrimination framework were presented, and a practical exercise was performed with examples from the Commissioner's practice.

Also, the Commissioner held an online webinar for trainees of the Petnica Science Centre programmes, secondary school pupils and students who are assistants on educational programmes of the Petnica Research Centre, on the topic *Protection against Discrimination in the Education Process* and introduced them to the Commissioner's work and role, the concept of discrimination and protection mechanisms.

In cooperation with the Youth Club of the association „Novi Sad European Youth Capital– OPENS”, lectures were held for about 20 representatives of youth organisations, the Youth Panel and other youth activists, on the topics of discrimination against children and youth and balance between personal and professional life.

On a lecture within the three-day School of Human Rights organised by the Provincial Ombudsman, the Commissioner's role and competences were presented and young attendees of the School had an opportunity to learn about the most frequent forms of discrimination, how to recognize discrimination on time, as well as which groups are more often at risk of discrimination. Training on human rights, diversity and equality in rights was also organised for pupils of primary schools and pupils of general secondary schools.

A visit to Užice was organised as part of the programme *Share Your Knowledge*, where organisers talked to participants of the 11th generation of female mentors and



Lectures for youth in cooperation with OPENS, December 2021

mentees about building of mutual support between women through knowledge sharing, networking and strengthening of solidarity.

Trainings on implementation of anti-discrimination regulations also included over 60 employees in the National Employment Service, within training programmes for police officers over 50 employees in various police administrations of the Ministry of the Interior, over 30 employees in the tourism sector, as well as over 20 representatives of the media for whom a special attention was paid to hate speech, with a focus on the LGBTI community. Training on the concept and forms of discrimination, as well as protection mechanism was also held for 30 activists of the Roma organisations, for representatives of organisations of persons with disabilities and for employees in the Morava CEM cement plant in Popovac.

A lecture on the Istanbul Convention, its implementation in the Republic of Serbia and further perspectives in the field of prevention of violence against women was held on the debate “Istanbul Convention – What will happen now?” organised in Tirana.

A comprehensive online course on the protection against discrimination before the Commissioner and competent courts was recorded for students at the Judicial Academy, judges and public prosecutors, with support of the OSCE Mission in Belgrade, which will be available on the platform of the Judicial Academy. As part of presentation of the publication “Analysis of Strategic Litigation” published with support from OSCE, the Commissioner presented to judges the most important strategic litigation from the Commissioner’s practice.

Also, with support from GIZ, online training on anti-discrimination, gender-based violence and strategic litigation was prepared for students at the Judicial Academy, which will become compulsory part of the curricula for future generations. This training is also available at the Commissioner’s official website.

Expert Meetings

The Commissioner's regular activities include organization of expert meetings and participation in various events (conferences, round tables, workshops, debates, working groups etc.) organised by other authorities and organisations, both in the country and abroad. Below are presented expert meetings organised by the Commissioner, followed by meetings where the Commissioner participated and gave full contribution in terms of providing information on the concept and negative effects of discrimination in general or the improvement of equality of social groups at higher risk of discrimination.

Every year, the Commissioner celebrates the International Women's Day, the International Day of Older persons, the International Children's Day and other important dates, and in 2018 the annual award "*Municipality/City of Equal Opportunities*" was established, the presentation of which was not organised in 2021 for objective reasons due to the epidemiological situation.



The Commissioner's Annual Conference to celebrate the International Day for Tolerance, November 2021

The Commissioner's Annual Conference dedicated to the exercise of equality in the Republic of Serbia is held regularly at the highest level every year to celebrate the International Day for Tolerance on 16 November. At the Annual Conference in 2021, organised in cooperation with the OSCE Mission, emphasised that the previous two years were different from previous ones, that we are living in times of higher challenges and more difficult circumstances, primarily because of the Covid-19 pandemic, in which, for these reasons, tolerance must not be jeopardised or pushed into the background. The most vulnerable members of society experience difficulties during the crisis, which can be seen from the complaints filed to the Commissioner. Although consequences of the epidemic affected the entire society, the highest burden of the

health crisis was on women, which was discussed at the panel discussion “Did Covid Make Us More Tolerant or Are We at a Breaking Point”, where personal and professional experiences were presented by women – Dr. Olivera Ostojić, Head of the Children’s Clinic, Ms Nataša Bogunović, head nurse at the Clinic-Hospital Centre “Dr.



Dragiša Mišović”, Ms Natalija Ćurčić, an employee in a retail shop, Ms. Ksenija Muhamedbegović, a teacher in the primary school „Branislav Nušić”, and Ms Dragijana Radonjić Petrović, founder of a consulting company. After the panel discussion, the abovementioned survey *Gender Equality and Work-Life Balance* was presented. The Annual Media Awards of the Commissioner and the OSCE Mission to Serbia were traditionally presented, for the sixth year, to journalists who reported on these issues and contributed to the fight against discrimination and promotion of tolerance and equality. This year’s award winners are Ms Dragana Savić (Euro news), Ms Ivana Predić (Panpress), Mr. Petar Paunović (Startit), Ms Dragana Nikoletić (NIN), Ms Vanja Đurić (TV N1), Ms Jelena Ostojić (Telegraf), Ms Tijana Sibinović (Radio Beograd), Ms Jelena Jovanović (Espresso) and Ljubinka Ljujić (Forum Prijepolje). The Conference was broadcasted live by public broadcaster Radio Television of Serbia.

The Commissioner’s special reports were presented on a ceremonial meeting at the National Assembly. Thus, a public hearing in connection with presentation of the *Special Report on Discrimination against the older persons* was held at the National Assembly, with a support message from the Serbian President. This report was prepared with support from the United Nations Population Fund (UNFPA). As part of the report, results were presented of a survey on the position of the older persons in Serbia, two panel discussions were held dedicated to inter-sectoral cooperation between state authorities and the role of the civil sector in the improvement of the position of the older persons, good practice for the future was presented and the campaign of the UNFPA and the Commissioner entitled “A Look into the Future” was launched. Ms Alanna Armitage, Director of UNFPA’s Regional Office for Eastern Europe and Central Asia, commended on this occasion in her video message the successful report dedicated to the status and rights of the older persons and said this report was a significant turning point and a vision of the country, as well as that for UNFPA Serbia became a leader in dealing with demographic changes, including population ageing. Mr. John Mosoti, UNFPA Country Director for Serbia, said that the Special Report provided appropriate guidelines for facing the increase of the share of the older persons in the society and the use of their potential, as well as that UNFPA was willing to support the Government’s efforts in promotion of healthy ageing and creation of the society for all generations.



Opening of exhibition of artworks from the competition “*Bridge of Understanding – Intergenerational Solidarity*”, lobby of the House of the National Assembly, 2021

The *Special Report on Discrimination against Children* was also presented at the National Assembly, and its presentation was attended by the Speaker and the president of the parliamentary Committee on the Rights of the Child, line ministers, UNICEF Serbia Representative Ms. Deyana Kostadinova, child rights expert Ms. Nevena Šahović, numerous representatives of civil society organisations for protection of the rights of the child, members of parliament, representatives of diplomatic corps, Ms Tamara Vučić. On the same occasion, an exhibition was opened in the lobby of the House of the National Assembly and awards were presented for children’s artworks at the Commissioner’s traditional competition *Bridge of Understanding – Intergenerational Solidarity*.

To celebrate the International Women’s Day, 8 March, the Commissioner organised the traditional visit to municipalities in Serbia, this year to the municipality of Priboj. Ms Ruth Stewart, Australian Ambassador to Serbia, and Ms Rebecca Fabrizi, U.K. Deputy Head of Mission in Belgrade, visited Priboj together with the Commissioner. A meeting was held with members of the Working Group for preparation of the local action plan for gender equality in the municipality of Priboj



for 2021-2024 at the Regional Innovation Startup Centre. The meeting was also attended by Mr. Lazar Rvović, the president of the municipality of Priboj, and Ms Malina Stanojević, president of women’s association “Preserve our Villages”, which organises, connects and helps female entrepreneurs in Priboj region, as well as number of female entrepreneurs.

In addition, The Commissioner opened in August in Priboj the traditional event “Three Border Area without Borders”, where musical ensembles compete in the performance of original folklore songs, which include young people who preserve the tradition from Serbia, Montenegro and Bosnia and Herzegovina.

In addition to events organised by the Commissioner, below are presented, as an illustration, some of the expert meetings and other events attended by the Commissioner.

A frequent topic of meetings was the issue of gender equality, the position of women and still present violence. Thus, at a debate on the new Law on Gender Equality in the context of economic empowerment of women, organised by the Centre for Democracy Foundation, the need was emphasised for continual empowerment of women and undertaking of various measures for the exercise of equality, including strengthening of control and inspection authorities, development of the possibility to use flexible working hours and regulation of hiring in emergencies. The debate addressed challenges of balance between work and parenthood, unjustified inclusion of questions on marital and family status in job vacancy calls and employment interviews, poor availability of managerial jobs and jobs with the highest salaries, and reviewed possible solutions to this situation.

The online General Assembly of We4DRR (*Women Exchange for Disaster Risk Reduction*) also emphasised that the highest burden of the pandemic was on professions performed mainly by women, including health care (79%) social welfare (93%), retail sale, education (73%), the media etc.

The Commissioner participated in the national conference entitled *Position of Women in Trade Unions in Serbia*, organised by the OSCE Mission in Serbia in cooperation with the women’s rights organization FemPlatz. Having in mind that the Commissioner’s experience shows that the most cases of discrimination reported by women is in the field of labour and employment, women’s trade union acting is very important for the improvement of their position in the labour market. It was concluded that it is necessary to provide additional support in strengthening of the role of trade union female activists. Results of a survey on the position of women in trade unions in Serbia were also presented at the conference.

The right to sexual and reproductive health is a fundamental human right. It is frequently violated because of deeply rooted social positions relating to female sexuality and consequences of the patriarchal concept of women’s role in the family, emphasised the panel discussion entitled “Consent, Body Autonomy and the Right to Reproductive Health”. The panel discussion was dedicated to the right to body autonomy, with a special focus on information on health risks and reproductive health. The panel discussion was organised by UNFPA with the French Embassy and NGO Association for Sexual and Reproductive Health of Serbia.



A meeting on the social welfare system, June 2021

The event “Ring the Bell for Gender Equality”, organised by the Belgrade Stock Exchange and the Global Compact Network Serbia, was held for the third time with the aim of emphasizing the importance of tasks performed by women in the business sphere.

A ceremonial session of the Female Entrepreneurship Section of the Chamber of Commerce and Industry of Serbia to commend the International Women’s Entrepreneurship Day. The Commissioner’s representative presented an initiative to amend regulations and to achieve equality between female entrepreneurs and women employed by employers in terms of rights during maternity leave.

To commend the International Day for the Elimination of Violence Against Women a meeting was held entitled “Technology and Innovation serving the Society – Prevention of Violence against Women” in cooperation with the Embassy of Israel and the Science and Technology Park in Belgrade. Participants in the conference concluded that the development of modern technologies should be used to prevent and to support progress and safety for all citizens, and this requires involvement of all relevant social factors, including the ICT sector and innovation.

A regional conference entitled “Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence” was held as part of the project “Raising BIH Institutional Capacity to Prevent and Combat Violence against Women and Domestic Violence”. In addition to the Commissioner, the conference was also attended by Ms Samra Filipović-Hadžiabdić, Director of the Agency for Gender Equality of Bosnia and Herzegovina, and Ms Višnja Ljubičić, Ombudsperson for Gender Equality of the Republic of Croatia.

The Commissioner participated in a public debate dedicated to gender equality in the context of the Law on Gender Equality and the United Nations 2030 Agenda.

Continual work on the change of patriarchal patterns which support inequality is of key importance for implementation of the 2030 Agenda, and it is necessary to ensure inclusion of the weakest members of the society, in accordance with the principles of the 2030 Agenda. In addition to the Commissioner, the Special Advisor of the Ministry of Human and Minority Rights Ms Katarina Štrbac, Professor Marijana Pajvančić, President of Association of Business Women in Serbia Ms Sanja Popović Pantić addressed the meeting organised by the Centre for Democracy, Divac Foundation and German organisation GIZ.

A meeting entitled “Gender Equality Action Plans: Challenges and Possibilities for University”, organised by the University in Novi Sad with support from OSCE, was dedicated to gender equality issues in higher education institutions and ensuring environment where men and women would choose their professions in accordance with their affinities, without limitations set by patriarchal stereotypes and prejudices. Participants in the meeting concluded that the percentage of female students at colleges and universities often exceeds the percentage of male students, but this ratio diminishes at higher levels of education, with a lower percentage of women in undergraduate studies, and fewer women advancing further academic careers. The University in Belgrade also organised a meeting entitled “Bylaw on Prevention on Sexual Harassment – from Regulations to Implementation”.

Participants in a special event to launch the OSCE Networking Platform on Women Leaders including Peacebuilders and Mediators emphasised that the issues of genders and safety, as well as networking of women, are among preconditions for gender empowerment. The new OSCE Platform will provide large possibilities for mutual support and exchange of good practices. The Platform was launched by OSCE Secretary General Helga Schmid, and in addition to the Commissioner, the meeting was attended by Special Representative for the South Caucasus, Ambassador Annika Söder, a representative of the Mediterranean Women Mediators Network Betül Çelik, Director of the Programme at the Global Network of Women Peacebuilders Agnieszka-Fal Dutra Santos and others. The Commissioner became a member of female mediators and peacebuilders and on that occasion, talking about Serbia’s experiences, she emphasised that 67% of local self-governments in Serbia formed local safety councils where women account for one third on the average, which was still insufficient. The role of women in emergencies was particularly important during the pandemic, which showed that a new security paradigm should also include the gender perspective in the review of various security challenges.



The Commissioner at the meeting with OSCE Secretary General Helga Schmid, 2021

The two-day Concluding Meeting of the OSCE Economic and Environmental Forum dedicated to “Promoting Comprehensive Security, Stability and Sustainable Development in the OSCE Area through Women’s Economic Empowerment” was held in Prague. On the margins of the meeting the Commissioner talked to OSCE Chairperson-in-Office Ann Linde, Swedish Minister of Foreign Affairs, Chairperson of the OSCE Permanent Council Ms Ulrika Funered, President of the Malta Chamber of Commerce Ms Marisa Xuereb and OSCE High Commissioner on National Minorities Kairat Abdrakhmanov. State secretaries and other representatives of the EU Member States and USA, the United Kingdom, Turkey, Albania, Azerbaijan, Ukraine, Belarus and others addressed the Meeting. On this occasion, the Commissioner said that Serbia was working and achieving results, but more measures were needed to achieve full equality between women and men. Also, the Commissioner emphasised that we would work on that even more efficiently, because women should achieve their goals in all spheres of life, and everything that is done to improve women’s position is beneficial to the entire society, its safety, stability and sustainable development.

To celebrate its 30th anniversary, the OSCE Office for Democratic Institutions and Human (ODIHR) organised a two-day conference entitled “Three Decades and Ready for the Future – Democracy, Human Rights and Security“. Participants in the conference emphasised that the unique mandate of the ODIHR resulted from the duties assumed from each OSCE participating state. Swedish Minister of Foreign Affairs and OSCE Chairperson-in-Office emphasised as one of the burning issues threats still faced by human rights defenders and journalists reporting on these issues, and that ODIHR must provide them support in their work.

The Commissioner attended an online presentation of the draft analysis “Participation in Public and Political Life - Article 29 of the Convention on the Rights of Persons with Disabilities”, which was presented as part of the regional project “Movement of Persons with Disabilities in the Western Balkans for European Integration”. This document included the analysis of laws, policies, strategies, reports and surveys, as well as interviews with persons with disabilities who have political experience. Lack of support services, inaccessibility of institutions, services and products and deprivation of legal capacity were indicated as the main obstacles.

Participants in the presentation of the report “Roma in the Republic of Serbia: Discrimination Challenges“ of the non-governmental organization Praxis emphasised that the Roma are still marginalised and face large difficulties in all segment of life, and one of the main problems is a high poverty rate. The Roma are often exposed to open hate speech, and discrimination against the Roma is the most noticeable in the field of education, employment, health care and housing. The Commissioner also attended the commemoration of the European Holocaust Memorial Day for Sinti and Roma, organised by the Romag Association.

At the high-level meeting of the OSCE Human Dimension Committee entitled “Promoting Tolerance and Non-Discrimination: The Role of States and Civil Society in Promoting Inclusive and Cohesive Societies in the OSCE Region”, attended by 85 representatives from all OSCE participating states, the Commissioner made an address during the introductory part as one of three main female speakers, where she presented experiences and examples of good practice and cooperation with state authorities and civil society organisations.

The Commissioner participated in the Third Moscow International Conference on Combating Xenophobia, Antisemitism and Racism entitled “Protecting the Future”, which was organised by the Russian Jewish Congress with support from the Ministry of Foreign Affairs of the Russian Federation, where she said that there were high risks from the increasing antisemitism and racism and also presented positive experiences in Serbia, which does not share the global trend of increasing antisemitism. Addresses at the Conference were also made by Deputy Minister of Foreign Affairs of the Russian Federation Sergey Vershinin, OSCE High Commissioner on National Minorities Kairat Abdrakhmanov, Vice President of the European Commission for Values and Transparency Věra Jourová, Chairperson of the Committee on Equality and Non-Discrimination of the European Parliament Petra Bayr and others.

One year after the outbreak of COVID -19, it is evident that consequences caused by this crisis particularly affected members of minority and marginalised groups. In that regard, international organisations and the European Union, including the European Commission Directorate-General for Neighbourhood and Enlargement Negotiations, the Council of Europe, the World Bank, UNDP, the Roma Entrepreneurship Development Initiative (REDI) and the organization Roma Active Albania (RAA), organised a high-level dialogue on the social and economic impact of the pandemic to the Roma community in the Western Balkans and in Turkey. Participants in the meeting reviewed the preceding period and analysed the results of measures applied during the pandemic, with the aim of minimizing its consequences and ensuring inclusive recovery, primarily in the field of labour and employment. Conclusions of the dialogue were summarised by Mr. Miloš Lučić, Minister of Human Rights and Refugees of Bosnia and Herzegovina, and Ms Katarina Mathernova, Deputy Director-General of the Directorate-General for Neighbourhood and Enlargement Negotiations.

Climate change and preservation of the environment were the main topics of this year’s World Forum for Democracy



in Strasbourg entitled “Can Democracy Save the Environment”. The conference was opened by Mr. Rick Daems, President of the Parliamentary Assembly of the Council of Europe, and participants included Ms Marija Pejčinović Burić, Secretary General of the Council of Europe, Ms Dunja Mijatović, Council of Europe Commissioner for Human Rights and many others. The Commissioner talked about the role of the youth and the older persons, primarily in the intergenerational justice, solidarity and the need for better understanding, emphasizing the importance of participation of the youth in the process of decision-making and awareness rising of the importance of protection of the environment. Consequences of climate change affect the older persons to a larger extent, which is evident from studies performed by the UN Human Rights Council, as well as data in more developed countries. The role of the older persons regarding this topic is also addressed in the Special Report on Discrimination against the older persons presented this year by the Commissioner to the National Assembly of the Republic of Serbia.

At the Ministerial Conference on Demographic Resilience “Shaping Europe’s Demographic Future, Pathways for Societies to Thrive in a World of Rapid Demographic Change” held in Sofia, Bulgaria, the Commissioner presented examples of good practice in the Republic of Serbia and emphasised that Serbia was the first country that prepared the *Special Report on Discrimination against the older persons*, fully aware and willing to focus on the protection of human rights of the older persons and to be the leader in this field in the region. On margins of the conference, a meeting was held with the Deputy Minister of Labour and Social Policy Mr. Ivan Krastev, the Minister of Labour and Social Policy of North Macedonia Ms Jagoda Shahpaska and the UN Under-Secretary-General and the Executive Director of UNFPA Ms Natalia Kanem.

The aim of the meeting entitled “Learning for 21st Century” of the SEE ICT association was to inform communities, the media and interested parties on the



Ministerial Conference on Demographic Resilience, Bulgaria, December 2021

importance of acquiring and developing digital skills for children. Participants particularly emphasised the importance of engaging girls in learning digital skills in STEM fields at early age to achieve economic equality. The meeting was opened by the Minister of Trade, Tourism and Telecommunications Ms Tatjana Matić and UNICEF Serbia Representative Ms. Deyana Kostadinova, while the panel discussion was attended, in addition to the Commissioner, by Ms Dobrinka Kuzmanović of the Institute of Psychology, Ms Stanislava Vučković, UNICEF, Mr. Ranko Trifković, Educator, and Mr. Branko Krsmanović of the Science and Technology Park Niš.

Talks with representatives of the Youth Theatre in Novi Sad included the development of education on hazards to which children living in the streets are exposed, such as trafficking, violence, discrimination and abuse of psychoactive substances. Representatives of the Youth Theatre and co-producers emphasised that support was important for such form of engaged art, which points to the difficulties of children living in the streets. Other activities were also reviewed, such as debates intended for experts in the non-governmental, education and social welfare sector and others working with children on the position of children on the move, trafficking, the importance of preventative actions.

The Friedrich Ebert Foundation, in cooperation with the Business Info Group, organised a panel discussion “How to Make Young People Independent”, having in mind data of the most recent Eurostat surveys which show that more than on half of young people aged between 25 and 34 live with their parents. The panel discussion was organised with the aim of reviewing perspectives of this social group, expected trends and results of previous policies, as well as perspectives of becoming independent and independent from parents during the pandemic.

The meeting “Comfort of Togetherness” organised by the Belgrade Centre for Human Rights and the United Nations Population Fund (UNFPA) was aimed at exchange of knowledge and experiences between actors in the field of work with the youth and the older persons in order to introduce a new model of intergenerational cooperation and to promote solidarity in the community from various perspectives. It was concluded that knowledge transfer between generations is of key importance for mental and emotional stability of an individual, that it stimulates mutual understanding and strengthens a sense of togetherness.

A media conference “Neglected Human Rights of the Older persons during the Pandemic” was organised by the Citizens’ Association “Strength of Friendship” – Amity to commend the International World Elder Abuse Awareness Day. Participants in the event talked about violence against the older persons and lack of social responsibility for violence. At a conference on the same topic which was organised by the Ministry of Human and Minority Rights and Social Dialogue and the UN Population Fund (UNFPA), in addition to the Commissioner, addresses were made by Ministers Ms Gordana Čomić and Ms Darija Kisić Tepavčević, the

UN Resident Coordinator in Serbia Ms Francoise Jacob and the UNDP Resident Representative in Serbia Ms Francine Pickup.

Participants in the closing conference of the two-year project dedicated to empowerment of the older persons women and prevention of violence, implemented by the Red Cross of Serbia since 2019 in partnership with the Austrian Red Cross and with support from the Commissioner, talked about exposure to violence, abuse neglect and discrimination of the older persons. It was concluded that timely and comprehensive cooperation of all competent entities in the system for protection against violence can produce results.

At the opening of an exhibition of artworks by young LGBT artists, as part of the project “Horizontal Facility” organised by the EU and the Council of Europe to commend the International Day Against Homophobia, Biphobia and Transphobia (IDAHOT), participants reviewed diversities that provide opportunities for further progress and development of a society. Participants in the event agreed that art eliminates prejudices and promotion of LGBT culture and art contributes to reduction of social distance towards this community.

Belgrade Centre for Human Rights organised the presentation of the report “Investigations of Cases of Police Abuse on Civil Protests in July 2020”, which addressed the current state of the legal proceedings against police officers before public prosecutor’s offices and the Protector of Citizens.

The European Policy Centre and the Delegation of the European Union to Serbia organised a panel discussion entitled “From Portugal to Slovenia: Towards the Post-Pandemic Future of Europe” to review the key achievements of Portuguese Presidency of the EU Council. Participants addressed the key topic for the Western Balkans during the forthcoming Slovenian Presidency of the EU Council, having in mind priorities and the geographical vicinity of Slovenia.

The Commissioner attended the 11th session of the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanism, where information was presented of relevance for the work of the Council and where participants discussed comments on the Plan for Monitoring the Implementation of UN Recommendations.

Dialogue is the most important segment of political culture, and the level of development of political culture is measured by the quality of dialogue, concluded participants in the thematic social dialogue entitled “Culture of Dialogue – Civil Society and the Media”. Another topic in this meeting, which was addressed by the Commissioner, was the necessity of improved communication and hearing each other with the aim of improving the quality of dialogue and compliance with outcomes of passed conclusions.

The Commissioner participated with her employees in the Women's Race, an event that includes athletic running around the lake in Ada Ciganlija, dedicated exclusively to the fairer sex. This race also included promotional activities and activities relating to socially responsible business, with a focus on promotion of the importance of physical activity, in particular running and walking, for health of the female population, as primary prevention against many diseases. Support to these activities was also provided by the Medical Team of the Belgrade Marathon.



In addition to the above, numerous other meetings were attended and cooperation was established with a number of civil society organisations and representatives of various social groups, primarily in connection with the manners to improve the position and enhance the situation and the exercise of equality.

Other Activities

Some of the activities that are important because they address a broader perspective regarding the exercise of equality and provide messages to those who are directly interested for detailed studying or dealing with human rights and for the general public, and have been implemented continually for a long period of time, include *Moot Court in the field of Prevention against Discrimination*, *Don't Judge a Book by Its Covers – Live Library in Serbia*, *Bridge of Understanding – Intergenerational Solidarity* and *Equally to the Finish Line*.

The Commissioner traditionally organises the project *Moot Court in the field of Prevention against Discrimination* with support from the Open Society Foundation, with the aim of building capacities of future lawyers, students at faculties of law in the Republic of Serbia, for protection against discrimination, through learning about legal mechanisms and acquiring skills to present legal arguments by participation in moot court in the field of protection against discrimination. The general objective of the project is to raise awareness of the society on the need to eliminate all forms discrimination as negative, illegal social phenomenon. The competition includes the preparation of a lawsuit and a statement of defence, as well as a simulated hearing, based on the assigned case of discrimination.

The seventh competition was initiated in January 2020, but all planned activities were not fully implemented due to the coronavirus pandemic and introduction of the state of emergency. Winners of the competition were declared in accordance

with the results of the written part of the competition, while the ceremonial presentation of awards was organised in June 2021 and was attended by competitors, *mentors and representatives of faculties*.

In 2021, the case related to discrimination on the grounds of property status in the field of education during the pandemic. 15 teams applied for the competition. The court chamber consisted of the President of the Supreme Court of Cassation Ms Jasmina Vasović, a judge at the Constitutional Court Ms Gordana Ajnšpiler Popović, a former president of the Constitutional Court Ms Bosa Nenadić, a judge at the High Court Mr. Nebojša Đuričić and Deputy Public Prosecutor at the Court of Appeal Mr. Dragan Tešić. The following participants won prizes: 1st place - the Faculty of Law in Belgrade; 2nd place - the Legal Sciences Department of the State University in Novi Pazar; and the best written submission - the Faculty of Law at the University of Niš.



Moot court competition, 2021

To mark the International Day of Older persons, 1 October, this year again the Commissioner announced a competition for the best literary work, artwork and photography on the topic *Bridge of Understanding – Intergenerational Solidarity*. More than 550 works in all categories were received on this year's prize-winning competition, from various cities and villages in the Republic of Serbia. An exhibition was opened in the hall of the House of the National Assembly and awards for best works were ceremonially presented.

Despite the current epidemic situation, but respecting all epidemiological measures, six Live Libraries in Niš, Čičevac, Sremski Karlovci and Šabac, as well as three trainings for organisers of Live Libraries were held as part the project *Don't Judge a Book by Its Covers – Live Library in Serbia*, which has been implemented by the Commissioner since 2012 with support from the Council of Europe. "Books" in this library are people from vulnerable groups, who through direct interaction with the "reader" present their experiences and problems caused by discrimination in everyday life with the aim of promoting equality and tolerance and overcoming negative prejudices and stereotypes.

The traditional Commissioner's action in cooperation with the Sports Association of Persons with Disabilities of Belgrade entitled *Equally to the Finish Line* was held for the ninth time, as part of the 34th Belgrade marathon, with the aim of providing support to persons with disabilities to participate in this sports event. At the Commissioner's stand, citizens had an opportunity learn about specific obstacles



Action “Equally to the Finish Line”, Belgrade marathon, 2021

that persons with disabilities face by spending time with athletes with disabilities, and to find out more about the harmfulness of discrimination and the protection mechanisms through talks with the Commissioner. In addition to numerous participants in the action *Equally to the Finish Line* under the slogan *One for All, All for Equality*, special guests this year were female fencers of the Fencing Club “Silni”, as well basketball players, shooters and famous para-athlete Draženko Mitrović. The “Fun Run” was also traditionally held, where athletes with disabilities participated with support from citizens.

International Cooperation and Projects

During the course of 2021, the Commissioner continued cooperation with international partners in the country and abroad, with international governmental and non-governmental organisations, European and regional equality bodies, through bilateral meetings and active participation in the work of the European Network of Equality Bodies (EQUINET). The Commissioner’s competence relating to the design and implementation of individual projects or participation in the design and implementation of partner projects is exercised within the framework of this cooperation.

As part of the European Union programme REC (Rights, Equality and Citizenship Programme 2014-2020), in March 2020 the project entitled “Towards Gender Equality through Increased Capabilities for Work-Life Balance – WoBaCa” was approved. Partners on the project are the Estonian Gender Equality and Equal Treatment Commissioner, German city of Heidelberg, the Estonian Business School and the Commissioner. The objective of the project is to contribute to the improvement of life and work of men and women through the development of interactive and innovative tools. Their purpose is to increase equality also through the modification of everyday skills and social norms reflected in attitudes and stereotypes, particularly in terms of care for children and sharing of that responsibility. A survey entitled “Gender Equality and Work-Life Balance” was implemented, aimed at providing insight into the current situation with the possibility to ensure balance

between professional and private life of women and men in Serbia, with the focus on the “glass ceiling” and “sticky floor” effect, having in mind age, regional and educational level differences, the results of which are explained in detail in the part of this Report on the Commissioner’s acting on the improvement of equality. With the aim of promoting the Commissioner’s activities, a round table was organised as part of the project with representatives of female entrepreneurs, where opinions and experiences were exchanged on the current situation and possibilities for the improvement of balance between private and professional life, project activities were presented and possibilities for further cooperation were considered. The Conference “Youth and Gender Equality – Balance between Professional and Private Life” was also held in cooperation with the Youth Club of the association “Novi Sad European Youth Capital – OPENS”.

The Commissioner implements a project within the initiative “Improvement of Women’s Safety in Serbia”, implemented by the United Nations Gender Equality and Women’s Empowerment Agency (UN Women) in cooperation with the Ministry of the Interior and with support from the Embassy of the Kingdom of Norway in Belgrade. The objective of the project is to improve prevention of violence against women in rural areas through provision of information and additional strengthening of capacities of women and local organisations engaged in the improvement of the position of women and girls. Contracts on implementation of projects in the total value of 27 million RSD were presented to women’s non-governmental organisations (five NGOs) and to the Commissioner, which will be addressed in more detail below.

As part of the project, a conference was held in Novi Sad to commend the International Day of Rural Women, 15 October, which was jointly organised by the Commissioner and the Provincial Ombudsman. One of the topics was support and direct assistance to women who wish to start their own business in agriculture, having in mind that economic independence is a precondition for the improvement of the quality of life of women and ending of a violent relationship. Participants in the work meeting with Ms Blerta Cela, Deputy Regional Director of UN Women, talked about the achieved standards in the field of protection of human rights and gender equality, as well as joint projects implemented in the preceding period by the Commissioner and UN Women.

During the course of 2021, cooperation was continued with the UNICEF Office in Serbia. As part of the Country Programme of Cooperation between the Republic of Serbia and UNICEF for the period 2021-2025, and through the Joint Work Plan for 2021-2022 between UNICEF and the Ministry of Human and Minority Rights and Social Dialogue, the Statistical Office, the Protector of Citizens, the Commissioner and the Team for Social Inclusion and Reduction of Poverty, preparation of the Commissioner’s Special Report on Discrimination against Children in Serbia was supported. The Commissioner talked to Ms Deyana Kostadinova, UNICEF



A conference to commend the International Day of Rural Women, 15 October, Novi Sad

Serbia Representative, about the continuation of cooperation in the field of protection of the rights of the child, about problems faced by children and the youth in online schooling, as well as about digital exclusion of children who do not have appropriate conditions for distance learning. Participants emphasised the importance of education, systematic work through the school system with implementation of joint curricula, as well as the Special Report on Discrimination against Children.

The Commissioner is a partner of the regional project “Promotion of Diversity and Equality in Serbia”, implemented by the Council of Europe with financial support of the European Union. The objective of the project is to strengthen the capacities of interested parties for protection and improvement of the position of national minorities, protection of the rights of LGBTI persons and the fight against hate speech. The *Survey on Hate Speech in the Media* was implemented as part of the project, which presented not only an analysis of international and European standards relating to the prohibition of hate speech and domestic legislative framework, but also proposals for the improvement of protection against hate speech in practice. This report contains both qualitative and quantitative analysis of the frequency of hate speech and forms in which it appears in domestic offline and online media. As one of the project activities, in early 2021 a two-day training was held for representatives of the media. In early 2021, a meeting was held with Head of the Belgrade Office of the Council of Europe Mr. Tobias Flessenkemper, continuation of cooperation and planned activities in the coming period were agreed and the Commissioner’s role was emphasised in the process of the improvement of equality and protection of human rights. Celebration of the 20th anniversary of the Council of Europe Belgrade Office entitled “Promotion of Diversity and Equality in Serbia” was organised jointly by the Council of Europe Office and the Ministry of Human and Minority Rights and Social Dialogue, with support from the National Assembly of the Republic of Serbia and the Embassy of the Republic of

Germany. This event also marked the end of German Presidency of the Committee of Ministers.

The Council of Europe Belgrade Office, the Anti-Discrimination Department of the Council of Europe and the Advisory Committee on the Framework Convention for the Protection of National Minorities, in cooperation with the Ministry of Human and Minority Rights and Social Dialogue of the Republic of Ser-



bia, jointly organised a seminar on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities in Serbia, based on the evaluation and recommendations of the Advisory Committee on the Framework Convention contained in the Fourth Opinion on Serbia. The Seminar was organised as part of the project “Promotion of Diversity and Equality in Serbia”, which is a part of the joint programme of the European Union and the Council of Europe „Horizontal Facility for the Western Balkans and Turkey 2019-2022“, with the aim of providing a platform for dialogue between the Advisory Committee, representatives of the Serbian Government and national minorities and other interested parties in the Republic of Serbia to talk about recommendations and to identify the most efficient manners for their practical implementation.

The Commissioner had a meeting with the Ambassador of Canada to Serbia Mr. Giles Norman, with whom she talked about the importance of the respect of human rights and protection mechanisms against discrimination, as well as about continuation of cooperation on the active promotion of gender equality through female entrepreneurship, and presented the most important activities undertaken by the institution in the field of the protection and improvement of equality. The Ambassador said he expected that the implementation of joint activities aimed at the improvement of equality, rule of law, tolerance and creation of an inclusive society for all citizens would remain a priority in the future.

The Commissioner and the Deputy President and the delegation of members of the Parliament of the Kingdom of Sweden talked at a meeting about achieved standards in the field of the protection of human rights and importance of participation of women in political, social and public life. They exchanged experiences on gender equality and protection mechanisms and concluded that in the coming period activities should be directed at economic empowerment of women and more equal distribution of unpaid work between men and women as a precondition for achievement of full equality in the society.

Participants in a meeting with OSCE Secretary General Helga Schmid talked about the importance of equality as the basis of every democratic society, particularly

on gender equality in the field of security, with a focus on human dimension and the role of women in the current health situation. The Commissioner emphasized the importance of OSCE support and pointed to the activities the institution is undertaking in the field of the protection and promotion of equality, including regional cooperation between equality bodies in Southeast Europe, numerous trainings and seminars with police officers, judges and journalists, as well as the Annual Media Award for tolerance presented jointly by the Commissioner and OSCE. Secretary General Schmid emphasized very good cooperation with the institution of the Commissioner which provides a large contribution to further building of a society based on the respect of human rights and the equality principle.

The fifth Regional Conference of Equality Bodies in Southeast Europe was held in Ljubljana, with representatives of Croatia, Bosnia and Herzegovina, North Macedonia, Slovenia, Montenegro and Albania. The Conference mainly addressed the role of equality institutions during the pandemic, and participants particularly discussed vaccination, different treatment of vaccinated and unvaccinated persons, as well as the purposefulness of measures introduced by states from the aspect of the protection of human rights. Among others, Ms Helena Dalli, European Commissioner for Equality, addressed the participants. A reception with ensemble performances hosted by President of Slovenia Borut Pahor was organised for representatives of regional equality bodies from Southeast Europe. Regional cooperation between equality bodies in Southeast Europe was initiated in 2016 in Belgrade, on the initiative of the Commissioner for the Protection of Equality of the Republic of Serbia.



Representatives of regional equality bodies on the reception hosted by President of Slovenia Borut Pahor, October 2021

The Commissioner had a meeting with one of three Ombudsmen of Bosnia and Herzegovina, Mr. Ljubinko Mitrović, with whom she talked about experiences in the work of these two institutions, particularly during the Covid-19 pandemic. The focus of talks was also on the case of reporting sexual violence against women which caused outrage in the entire region and opened a number of questions on this extremely important topic. They agreed that appropriate responses from all relevant actors can encourage victims to speak up and concluded that it was important to invest additional efforts to maintain the achieved effect, and that victims could still be encouraged to speak up without fear of being condemned. The Commissioner and the Ombudsman of Bosnia and Herzegovina have established years-long and successful cooperation in the field of protection of human rights.

A conference “Ensuring Culture of Non-Violence through Prevention” was organised in the Republic of Croatia by the Ombudsperson for Gender Equality, the Education Institute for Public Health of the Primorje-Gorski Kotar County and the Centre for Missing and Exploited Children, which addressed protection of children and the youth in online environment. On the margins of the conference, the Commissioner held a meeting with Ms Višnja Ljubičić, Ombudsperson for Gender Equality of the Republic of Croatia, where a new international project entitled Ensuring Equality through Cooperation – Human Rights Closer to Citizens was presented, which will be implemented by these two institutions as partners. After the meeting, a debate was held on various components of cooperation in the field of ensuring balance between private and professional life, implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and implementation of the UN Security Council Resolution 1325 - Women, Peace, and Security.

The regional conference “The Basis of Human Rights: Efficient Institutions for Protection of Human Rights in the Western Balkans” addressed the role of independent institutions and their role in the process of improvement of the situation in the field of equality, which requires additional efforts for consistent implementation of recommended measures issued to public authorities and multi-sectoral approach to the fight against discrimination. Participants concluded that equality bodies face numerous challenges, particularly in terms of appropriate resources and functional independence which should be ensured in practice. In addition to the Commissioner Janković, addresses at the conference were made by Mr. Siniša Bjeković, Protector of Human Rights and Freedoms of Montenegro, Dr. Jasminka Džumhur, Ombudsman Bosnia and Herzegovina, Mr. Robert Gajda, the Commissioner Protection from Discrimination, Dr. Ivana Krstić, PhD, as well as representatives of organisations in the region Civil Rights Defenders and the European Institute for Politics.

Cooperation with European Network of Equality Bodies (EQUINET)



During the course of 2021, the Commissioner continued cooperation within the European Network of Equality Bodies (EQUINET) through regular participation of representatives of the institution in the work of working groups (for communication strategies and practices, making of practical policies, gender equality, anti-discrimination law and research and data collection), as well as in the project “Equality Body Standards”. In addition, the Equinet cluster for the promotion of equality was initiated in 2021, with the aim of gathering in one place all experiences of equality institutions in the promotion of equality, which can help decision-makers in policy-making. The Commissioner participated in the work of this cluster.

All meetings, conferences, round tables and workshops organised by EQUINET were organised online, and the work of the network and its members is still marked by the perspective of the impact of Covid-19 on equality.

EQUINET organised two forums entitled “Covid-19 Vaccination Stage”, under the Chatham House Rules, under which participants in the forum are free to use the information presented on the forum, but the identity of the participant who provided the information may not be revealed. The first forum, held in March 2021, addressed mainly the availability of vaccines because there were not enough vaccines in many European countries, which led to discrimination of certain social groups. On the other hand, complaints also related to pressure on employees in certain sectors (education and health care) to vaccinate. The second forum, held at the end of the year, was marked by engaging equality bodies in determination whether certain measures introduced by states to eliminate the pandemic are discriminatory or not. Many equality institutions, acting on complaints against introduction of the “Covid passports”, developed studies to determine whether a requirement to hold such certificate to access goods and services is discriminatory or not. All these studies concluded that introduction of the Covid passport is not discriminatory, because there are alternatives – holding a relevant test result. When the second forum was held, some states introduced vaccine mandates for employees in certain sectors, which arouse many issues and procedures, both before equality institutions and competent courts.

The Equinet Annual Assembly was held online in two parts, the first in early autumn and the second in November. The work plan for the next year was adopted at the first session, while the new Executive Board was elected in November.

In 2021, the *Stepping Up our Engagement with Youth Handbook for Equality Bodies*¹⁹ was published, which was prepared by the working group for communication strategies and practices. The Commissioner participated in preparation of this document. Data in the handbook show that one in four young persons aged between 15 and 24 felt he/she was discriminated or experienced some form harassment on the grounds of one or more personal characteristics in the previous 12 months. The following was indicated as an example of good practice of establishing communication with the youth: signing of the memorandum on cooperation between the Commissioner and the European Youth Capital 2019 (OPENS), a survey conducted by the Commissioner on participation of the youth in public authorities and the moot court competition.

As one of the responses to challenges of the pandemic, Equinet collected, in a special database, information on initiatives and acting of members of the network on the issues in connection with the pandemic²⁰. Based on the collected data, which was also regularly submitted by the Commissioner, a publication titled “Equinet Perspective: Equality in the Time of Covid-19: Learning from Equality Body Initiatives” was published²¹.

The Commissioner participated, through Equinet, in an online regional conference “Combating Antigypsyism as a Precondition to Achieve Equality for the Roma – the Role of Ombudsmen and Equality Institutions”, organised by the Central Council of German Sinti and Roma, the Roma Active Albania and the ERGO Network. The key results of the Commissioner’s survey “Perception of the Roma Community on Discrimination” were presented at the conference.

19 *Stepping Up our Engagement with Youth Handbook for Equality Bodies*, Equinet, 2021, available at: https://equineteurope.org/wp-content/uploads/2021/09/equinet_youth-handbook_web_01.pdf

20 Available at: [Equinet’s response to COVID-19 – Equinet \(equineteurope.org\)](https://equineteurope.org/equinet-response-to-covid-19)

21 Available at: [Equality in the Time of Covid-19: Learning from Equality Body Initiatives – Equinet \(equineteurope.org\)](https://equineteurope.org/equality-in-the-time-of-covid-19)



DESCRIPTION OF THE SITUATION AND KEY ISSUES IN THE PROTECTION OF EQUALITY

With the aim of providing a comprehensive overview of the situation in the exercise of equality and protection against discrimination, the prevalence of discrimination, its characteristics and forms, the most frequent victims, perpetrators and fields where it is most frequent, this Report first presents in detail certain reports and other legal documents prepared at the level of the European Union, international organisations and contracting bodies relating to the situation in the Republic of Serbia, which present overview of the situation and recommendations on methods for improving the position of certain social groups. This is followed by the reports and surveys of individual domestic institutions and organisations published during 2021, in order to provide a more detailed overview of the situation in terms of the exercise and protection of equality from the aspect of numerous authorities and organisations, review the main problems indicated in these reports and present the main conclusions made (a list of all reviewed reports and surveys is provided in Annex 3 of this Report).

This is followed by the key issues in achieving equality and protection against discrimination and general recommendations for overcoming the identified issues. This Report further provides an overview of the observed issues by certain personal characteristics as the grounds for discrimination, based on acting on complaints and from other sources available to the Commissioner, with recommendations for overcoming these issues.

Reports and Other Legal documents of the EU, International Organisations and Contracting Bodies

Numerous international organisations and contracting bodies review the situation in the exercise and protection of equality of various social groups, which is also performed at the EU level. Based on these publications, a more detailed overview can also be obtained on the application of the equality principle, both at the global level and in the EU and our country, with examples of good practice at the international level, an analysis of various manners to exercise certain rights, as well as future directions of acting through the existing legal documents or recommended measures and activities. This is why a brief overview of certain reports and publications is provided below, while some are indicated as sources for certain topics addressed in more detail in the Report.

As every year within the Commissioner's regular annual reports, a brief overview is first provided and evaluation of the situation in all fields in the Republic of Serbia through the progress report, prepared by the European Commission. In the most recent **Serbia Report 2021**²², the European Union indicated in the field of prohibition of discrimination that amendments to the Law on Prohibition of Discrimination were adopted in May 2021, but also that further work will be necessary on full harmonisation of this Law with *acquis communautaire*, in particular with Directive 2000/78/EC Establishing a General Framework for Equal Treatment in Employment and Occupation, as well as with European standards. This Report also states that after the previous anti-discrimination strategy expired in 2018, the Government is late with adoption of a new strategy. In addition, this Report also states that the Commissioner for the Protection of Equality was re-elected under the expedited procedure in November 2020, after her term of office expired in May in the same year. No progress was made in harmonisation of amendments of the Criminal Code of 2016 in connection with prohibition and imposition of sanctions for gender-based crimes with *acquis Communautaire*. Hate speech, threats and violence are still directed at human rights defenders and LGBTI persons. The Report states that during the crisis caused by the Covid-19 pandemic, the Commissioner provided to the Government several recommendations relating to restriction of movement of the older persons, persons with disabilities and lack of services for vulnerable groups. Female Roma, older women, poor women, women with disabilities, female refugees and internally displaced women still experience various forms of discrimination, which was additionally aggravated by the health crisis.

In spite of significant efforts made to support freedom of expression, Serbia should implement recommendations from the Report for 2020, as this Report states,

22 Serbia Report 2021, European Commission, available at: <https://www.mei.gov.rs/srp/dokumenta/eu-dokumenta/godisnji-izvestaji-ek>

in particular to: strengthen human rights institutions, including allocation of necessary financial means and human resources; adopt and start implementing a new anti-discrimination strategy; actively investigate and pass judgements for hate crimes; demonstrate, through improved data collecting, specific improvement in the entire country in effective exercise of the rights of members of national minorities, and as regards the Roma, to demonstrate improvement of the implementation of objectives set by the Poznan Declaration.

The European Commission report states that in the period from June 2020 to June 2021, the European Court of Human Rights passed ten judgements relating to Serbia and found that Serbia violated the European Convention on Human Rights in seven cases, primarily in connection with the protection of property (four cases), three cases in connection with the right to a fair trial and two cases in connection with prohibition of torture.



As regards violence against women and domestic violence, which largely marked this year, the European Commission report states that in April 2021 a new strategy was adopted and that adoption a new action plan for implementation of the UN Security Council Resolution 1325 on women, peace and security is expected.

In 2021, a former president of a municipality was sentenced to three years of imprisonment because of “sexual offences” against one of his associates. Although the case was not qualified as “sexual harassment”, this was the first case where an appointed public official was sentenced to imprisonment for this type of offence, states the European Commission report, as well as that it is necessary to improve implementation of the law on prevention of domestic violence. An integrated system for collection and monitoring of cases of violence classified by the type of violence and relationship between the perpetrator and the victim still does not exist, the definition of rape should be changed in the Criminal Code to be harmonised with the Istanbul Convention, and the adoption of the Action Plan for the National Programme for Preservation and Improvement of Sexual and Reproductive Health pending. Additional financing is also necessary to ensure its implementation in terms of the improvement of access to high-quality services in this field.

The European Commission Report states that the Law on Social Card in February 2021, the aim of which is more equal distribution of social welfare and reduction of abuse through introduction of a single register of social cards. However, the new Social Welfare Strategy for the period 2019-2025 and amendments to the Law on Social Welfare are still pending. The European Commission also stated that the Constitutional Court determined in 2020, only two and a half years since the Law on Financial Support to Families with Children took effect, that certain

provisions of this Law are not compliant with the Constitution. Also, the EC stated in its Report that the coverage and appropriateness of financial benefits to cover the basic necessities are insufficient, as well as that it is necessary to improve the quality and coverage of services, while supervisory and regulatory mechanisms, monitoring and evaluation should be strengthened. The Report also states that no progress was made in social welfare services at the local level, nor in the deinstitutionalisation process, and that the dedicated transfer system introduced in 2016 by the Law on Social Welfare is still not implemented systematically and transparently. Budget allocations are available only on the annual level, but without multi-annual obligations which would ensure continuity in provision of services at the local level and the evidence-based system of prioritisation and monitoring of results based.

As regards the field of education, this Report *inter alia* states that the Covid-19 pandemic disrupted organisation and the quality of teaching at all education levels. The majority of recommendations from the Report for 2020 remain applicable, and it is recommended to undertake further measures in the next year to increase the participation in education and care in early childhood, particularly for children in unfavourable positions, to consolidate the National Qualifications Framework with a focus on the quality and volume of nonformal education, to ensure full harmonisation between the policy and the institutional framework for quality assurance in higher education.

In March 2021, the European Union passed the ***EU Strategy on the Rights of the Child***²³. The general objective of this Strategy is building of life as good as possible for children in the European Union and worldwide. The rights of the Child are an integral part of human rights, and thus the protection and improvement of the rights of the child are among main priorities of the European Union, both at the local and at the global level. Children in the EU have never had this level of protection before, but the achieved progress must be constantly improved, states the text of the Strategy. The Covid-19 pandemic aggravated the situation and exposed the existing problems and inequalities, but at the same time, it resulted in opening of new problems and new challenges. By adopting this Strategy on the Rights of the Child, the European Commission undertook to set the protection of the rights of the child as a priority, and to that end, a set of targeted activities were designed in six thematic fields. One priority of actions for the coming period was defined in each thematic field, taking into account special needs of certain groups of children, including children in social groups at higher risk of multiple discrimination.

The European Commission ***Strategy for the Rights of Persons with Disabilities for the period 2021-2030***²⁴ of 2021 sets key initiatives around three main topics:

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- 23 *EU Strategy on the Rights of the child*, European Commission, 2021, available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en
- 24 *Strategy for the Rights of Persons with Disabilities 2021-2030*, European Commission, 2021, available: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_810

- ❖ Persons with disabilities should enjoy all rights on an equal basis with others, and The Commission will propose creating a European Disability Card by end of 2023 with a view to be recognised in all Member States, thus helping persons with disabilities to enjoy their right to free movement. The Commission will also cooperate closely with Member States to ensure participation of persons with disabilities in the electoral process in 2023.
- ❖ Persons with disabilities have the right to live independently and to choose where and with whom they want to live. To support independent living and inclusion in the community, the Commission will develop guidelines and launch an initiative for introduction of social services for persons with disabilities.
- ❖ Non-discrimination and equal access - the objective of the Strategy is to protect persons with disabilities from any form of discrimination and violence and to ensure equal opportunities in and access to justice, education, culture, sport and tourism, all health care services and employment.

The European Commission presented in March 2021 the **European Pillar of Social Rights Action Plan**²⁵ which provides an overview of certain policy measures, set objectives and frameworks to deliver its 20 principles²⁶. Having in mind the consequences of the pandemic, this analysis stated that setting a more modest objective than the one set in 2010 is not good, and Member States are called upon to set more ambitious objectives at the national level. It further states that Member States should strengthen monitoring and implementation of the Action Plan by introducing more desegregated indicators targeted at social groups at highest risk of discrimination. The Action Plan is a contribution to the achievement of the Union of equality and elimination of discrimination on the grounds of gender, racial or ethnic origin, religious affiliation or beliefs, disability, age or sexual discrimination, states this analysis, with support to financing of initiatives aimed at the fight against stereotypes and discrimination in the field of employment, trainings and education, social welfare, housing and health care.

Problems of older persons in the exercise of the right to health care are addressed in the European Commission report **Health and Long-Term Care Workforce - Demographic Challenges and the Potential Contribution of Migration and Digital Technology**²⁷. As a consequence of demographic changes, health and long-term

25 *The European Pillar of Social Rights Action Plan*, European Commission, 4 March 2021, available at: <https://op.europa.eu/webpub/emp/european-pillar-of-social-rights/en/>

26 *European Pillar of Social Rights*, European Commission, 16 November 2017, available at: https://ec.europa.eu/info/strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights/european-pillar-social-rights-20-principles_en

27 *Health and long-term care workforce - demographic challenges and the potential contribution of migration and digital technology*, European Commission, Luxembourg, 2021, available at: https://ec.europa.eu/jrc/sites/jrcsh/files/23-02-2021_health_and_longterm_care_workforce_online.pdf

care systems in the EU face the challenge of progressive population ageing, which increases the need for health and long-term care services, resulting in difficulties in providing sufficient appropriately qualified workforce. On the average, the older persons have an average remaining life expectancy of 20 years, and they spend half of that time in poor health status and with chronic diseases. The report states that there are disparities in the health status between sexes and different territories. Women live longer, but in poorer health status. In addition, there is a large concentration of women employed in health and long-term care sector. Almost three quarters of health professionals and paramedics are women, while women account for almost 90% of long-term care workforce²⁸. With the aim of improving care cost-efficiently, health care systems of EU Member States underwent a complex transformation process which includes redirection of activities from hospitals to primary health care institutions, residential care facilities and long-term care institutions. One of conclusions in this report is that digital technologies, such as telemedicine, have a large potential for improvement of access to health and long-term care.

Numerous reports and surveys at the international level, both in the EU and at the level of the United Nations, relate to the position of women, for several reasons. As stated in the European Commission **2021 Report on Gender Equality in the EU**²⁹, gender equality and empowerment of women have never been so high on the EU policy agenda, but the previous year was particularly challenging for this topic. This is the first report after adoption of the new Gender Equality Strategy 2020-2025 in the EU, which states that the Covid-19 pandemic disproportionately affected women's lives, and the achievements of previous years were "annulled" by the pandemic. Gender equality is at increasing risk in some Member States, with a tendency of limitation of or even decrease in women's rights, which shows that progress on women's rights is hard won but easily lost. As this report shows, most indicators on gender equality have levelled out for several years and where progress is made, it has been quite slow. Gender gaps in employment, in unpaid care work and in remuneration stubbornly persist, the progress in decision-making has stalled and there is still a long way to go to end gender-based violence. The Action Plan to implement the European Pillar of Social Rights is a further milestone to advance gender equality, and the Commission will ensure that a gender equality is mainstreamed into all EU policies, because it is necessary for development, inclusive post-pandemic recovery and for prosperous, resilient and fair societies.

The Council of Europe provided in the **Second General Report on GREVIO'S Activities**³⁰ an overview of trends and challenges in implementation of the Istanbul

28 Idem, p. 78

29 *2021 report on gender equality in the EU*, European Commission, 2021, available at: https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/annual_report_ge_2021_en.pdf

30 *Second General Report on GREVIO'S Activities*, Council of Europe, April 2021, available at: <https://rm.coe.int/grevio-s-second-activity-report-2021/1680a2165c>



The Council of Europe adopted the ***Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions***³¹, which points to the development and strengthening of

efficient, pluralist and independent national human rights institutions. This replaces Recommendation (97)14, and Member States are recommended to provide a firm legal basis which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels. Member States should ensure that these institutions *inter alia*: can fully dedicate to violation of human rights by administrative authorities and other relevant state-owned and private entities; monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities, and present an annual report to the relevant authorities, including before parliament, for its consideration; freely address public opinion, raise public awareness on human rights and carry out education and training programmes; contribute to an effective justice system; have unfettered access to information and policy-makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies; ensure that state authorities implement the recommendations of these institutions and are encouraged to make it a legal obligation; have access to sufficient resources to successfully fulfil their mandate, including relevant qualified and trained staff; ensure these institutions are consulted timely on draft laws and policies that affect their mandate, independence and work; Member States should undertake all necessary measures to protect and support national human rights institutions from treats and harassment and any other forms of intimidation, including through ensuring functional immunity.

an overview of trends and challenges in implementation of the Istanbul Convention. GREVIO is one of the internationally recognised and authoritative global and regional bodies for monitoring women's rights and prevention and fight against women and domestic violence. This body provides very useful guidelines on the manner of the improvement of prevention, prosecution and integrated policies in this field. GREVIO expressed concern because of the regress in the field of women's rights at the global level, as well as wrong interpretations of the objectives and the purpose of Istanbul Convention, the relevance of which was additionally emphasized by the Covid-19 pandemic. The shortcomings in preventing and combating violence against women exposed by the pandemic fully reflect the weaknesses

31 *Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights*, Council of Europe - Committee of Ministers, 31 March 2021, available at: <https://rm.coe.int/2020-cm-annual-report-eng/1680a1f4e8>



consistently identified by GREVIO through its pre-Covid-19 monitoring work. This report underscores that countries must ensure equally effective prevention and fight against violence against women both in “normal times” and during adverse events.

This report also states that specialist support services play a key role in securing the protection of victims from further violence, supporting and assisting them in overcoming the multiple consequences of such violence and rebuilding their lives. These tasks are particularly complex when it comes to women who experience mul-

multiple discrimination and/or women in rural areas. The approach of these services, therefore, must always be victim-centred and based on a gendered understanding of violence against women.

In the *Global Gender Gap Report 2021*³² which includes data on gender gap in 156 countries, the Republic of Serbia was one of the most-improved countries in the overall index and that have improved their score by at least 4.4 percentage points. Serbia ranks 19th globally and 2nd in the region of Eastern Europe and Central Asia by the overall index. Observed by individual fields in countries where situation was reviewed, in terms of economic participation Serbia ranks 54th, it ranks 52nd in the field of education, 89th in the field of health, and 21st in terms of political empowerment.

The *Fundamental Rights Report for 2021*³³ of the European Union Agency for Fundamental Rights (FRA) states that equality bodies still face challenges affecting their efficiency and independence in work. In addition, the Report also states that the Covid-19 pandemic had an important impact on equality bodies, shifting a large portion of focus and acting to issues relating to structural inequalities and discrimination. The part of the Report on access to justice, particularly as regards victims of violence, states that the Republic of Serbia adopted the National Strategy for the Exercise of Rights of Victims and Witnesses of Crimes in the Republic of Serbia for the period 2020-2025, which envisages formation of the National Service for Assisting and Supporting Victims of Crime at all high courts in Serbia and the National Network of Victim and Witness Support Services. However, the report indicates data of the Autonomous Women’s Centre that several women who

32 *Global Gender Gap Report 2021*, World Economic Forum, 2021, available at: http://www3.weforum.org/docs/WEF_GGGR_2021.pdf

33 *Fundamental rights report – 2021*, FRA, 2021, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf

were victims of violence were fined for breaching the curfew while attempting to report their abusers, although the police had committed not to punish them. It is also stated that the Commissioner for the Protection of Equality suggested to the government that women who are victims of violence should be exempt from obligatory curfews, no formal instructions to that effect were issued.³⁴

A call for a radical shift in how situations of crisis are identified and addressed was also made by the Human Rights Council in the Report of the Working Group on discrimination against women and girls *Women's and Girls' Sexual and Reproductive Health rights in Crisis*³⁵, by drawing attention to the non-enjoyment by women and girls of their basic sexual and reproductive health rights as a significant impediment to gender equality. The Report examines a number of threats and risks posed to the sexual and reproductive health and autonomy of women and girls, who highlighted that for them “the crisis already existed”. The Working Group concludes that no country in the world has successfully eliminated discrimination against women and girls or achieved full gender equality.

The current non-enjoyment of sexual and reproductive health rights by women and girls reveals deep inequities between men and women. The following groups of women are at increased risk of violations of their sexual and reproductive health rights: adolescent girls (at increased risk of sexual violence, early and unplanned pregnancy, coerced sex etc., which is driven by lack of access to information, goods and services); rural women (long distances from health centres, cost, lack of trained providers, long wait times, lack of information, the constraints of a heavy workload, isolation); women and girls with disabilities, migrant, refugee and internally displaced women and girls; Women and girls in a “persistent state of crisis”, i.e. those living in patriarchal communities; and in particular female Roma.

The World Health Organisation *European Regional Status Report on Preventing Violence against Children 2020*³⁶ states that one in three children, or at least 55 million children in Europe, experience some form of violence during their childhood. Reasons for violence against children are



34 *Fundamental rights report – 2021*, p. 250

35 “Women's and girls' sexual and reproductive health rights in crisis, Report of the Working Group on discrimination against women and girls, United Nations Human Rights Council, 21 June–9 July 2021, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_47_38_E.pdf

36 *European Regional Status Report on Preventing Violence against Children 2020*, World Health Organization, 2021, available at: <https://www.euro.who.int/en/health-topics/disease-prevention/violence-and-injuries/publications/2021/european-regional-status-report-on-preventing-violence-against-children-2020>

various, and some of the most frequent include gender inequality, harmful use of alcohol and undermining of children's rights. Violence against children is a leading public health problem with devastating consequences for the victims and their families. This Report states that the total annual cost to the health systems of the Region of not preventing adverse childhood experiences, including violence, amounts to US\$ 581 billion.

During the Covid-19 pandemic, increase in violence against children was reported. Closing of schools, physical distancing and linked consequences for mental health for families led to higher exposure of children to the risk of violence, at the moment when protection mechanisms and possibilities to ask for help became more limited.

The report of the United Nations Economic Commission for Europe (UNECE) *Guidelines for Mainstreaming Ageing*³⁷ states that in the UNECE region, there are currently about one in six persons over the age of 65, this will be the case for one in five persons by 2030, and for about one in four persons by 2050. Population ageing impacts all spheres of society and is taking place in the context of climate change and fast-speed digitalisation. These complex and interlinked developments call for innovative solutions in line with the United Nations 2030 Agenda for Sustainable Development. Societies need to anticipate and adapt to the social and economic implications of both population ageing and individual longevity to seize the opportunities and mitigate the challenges of this demographic transformation, which include fiscal pressures on social security and protection systems, changing labour market dynamics and family and intergenerational relations. In designing policy responses, it is important to ensure that everyone can realise their full potential across the life course and age equitably, in security and with dignity, leaving no one behind. The Report emphasizes the importance of introduction of mainstreaming ageing, which is a “is a strategy, process and multi-dimensional effort of integrating ageing issues into all policy fields and all policy levels”³⁸.



During the course of 2021, as in previous years, the Commissioner kept up with the case law of the European Court of Human Rights in the field of discrimination and violation of Article 14 of the European Convention on Human Rights. Links to certain judgements of the European Court of Human Rights passed in 2021 relating to the violation of Article 14 European Convention on

37 *Guidelines For Mainstreaming Ageing*, United Nations Economic Commission for Europe (UNECE), Geneva, 2021, available at: https://unece.org/sites/default/files/2021-03/ECE-WG.1-37_Guidelines_for_Mainstreaming_Ageing_1.pdf

38 *Guidelines For Mainstreaming Ageing*, p. 7

Human Rights are provided in footnotes³⁹. Examples of some judgements are presented below.

The European Court of Human Rights made a judgement in a case of blind chess players - **Negovanović and Others v. Serbia** - 29907/16, 30022/16, 30322/16 et al. - Judgment 25.1.2022, that our country discriminated them by denying them financial awards granted to sighted players as national sporting recognition for winning similar international accolades, and ordered our country to pay to them EUR 4,500 each in respect of non-pecuniary damage. As to pecuniary damage, the Court concluded that the Government must pay each applicant the accrued and any future financial benefits and/or awards to which he would have been entitled had he been a sighted chess player who had won a relevant medal at the Chess Olympiad for sighted chess players.

The four blind chess players from Novi Sad filed a lawsuit against Serbia after the Constitutional Court of Serbia in 2015 rejected their complaint, determining that no discrimination occurred because their medals were not won on competitions listed in the Recognition for Sports Achievements and the Regulation on Awards. They filed a lawsuit for discrimination against blind chess players, because they won medals on important international competitions, in particular the Blind Chess Olympiad.

Unlike other athletes with disabilities and the leading chess players who achieved the same or similar results, the applicants were denied certain financial a sporting recognition awards, as well as formal recognition through an honourable diploma, all of which had a negative impact on their reputation. The European Court of Human Rights determined that, while it had been obviously legitimate for the Serbian authorities to focus on the highest sporting achievements and the most important competitions, it had not been shown why the applicants should be treated differently on the grounds of their disability.

See more at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-13542%22%7D%7B%22tabview%22:%5B%22document%22%7D%7B%22itemid%22:%5B%22001-210878%22%2C%22001-210864%22%2C%22001-210854%22%2C%22001-211799%22%2C%22001-212688%22%2C%22002-13451%22%2C%22001-212693%22%2C%22001-212692%22%2C%22001-213203%22%2C%22001-213371%22%2C%22001-213896%22%2C%22001-213869%22%7D%7D>

In the case **Jurčić v. Croatia**, application No. 54711/15, the applicant entered into an employment contract ten days after she had undergone *in vitro* fertilisation.

- 39 <https://hudoc.echr.coe.int/eng#%7B%22tabview%22:%5B%22document%22%7D%7B%22itemid%22:%5B%22001-210878%22%2C%22001-210864%22%2C%22001-210854%22%2C%22001-211799%22%2C%22001-212688%22%2C%22002-13451%22%2C%22001-212693%22%2C%22001-212692%22%2C%22001-213203%22%2C%22001-213371%22%2C%22001-213896%22%2C%22001-213869%22%7D%7D>
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When she subsequently went on sick leave on account of pregnancy-related complications, the relevant administrative authority re-examined her health insurance status and rejected her application for insurance as an employed person, concluding that her employment was fictitious and aimed solely at obtaining pecuniary advantages related to the status of employed persons. Her request to be registered as an insured person was consequently rejected. The European Court of Human Rights determined that in the specific case the right to peaceful enjoyment of one's possession was violated (Article 1 of the Protocol 1 to the Convention) and that the applicant was discriminated in connection with that right. The Court pointed out that decisions of national authorities differ in treatment of a pregnant woman who concluded a (fictitious) employment contract compared with other persons who also concluded (fictitious) employment contracts to exercise the insurance rights. In the Court's opinion, it is obvious that different treatment of pregnant women constitutes discrimination on the grounds of gender.

See more at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-207633%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-207633%22]})

Case *Tkheldize v. Georgia*, No. 33056/17 of 8 July 2021. The applicant's daughter was abused and threatened by her partner for several months, and in the end killed her, and killed himself. After that, the applicant filed several criminal complaints with the district public prosecutor's office, requesting that an investigation be opened against the police officers dealing with her daughter's domestic violence allegations case for negligence; however, his complaints were rejected. Although the national legislative framework provides for various temporary restrictive measures against the perpetrator of violence, competent national authorities did not implement them. The Court found that law-enforcement authorities demonstrated a persistent failure to take steps that could have had a real prospect of altering the tragic outcome, while that the police inaction in this case could be considered a systemic failure. The Court found that Article 2 read in conjunction with Article 14 of the Convention was breached.

See more at: <https://hudoc.echr.coe.int/eng#{„tabview”:„document”;”itemid”:„001-210854”}>

An application was filed against failure of national courts to enforce the duty to pay non-pecuniary damage to Jews and the Roma for discriminatory statements made by politicians (*Behar and Gutman v. Bulgaria*, No. 29335/13). Applicants of the Roma and Jewish ethnic origin initiated the proceedings against a leader of a political party because of his statements given in books, TV shows, interviews and speeches. In applicants' opinion, these statements constituted harassment of, and an incitement to discrimination against, Jews and the Roma. National courts rejected their appeal. The European Court of Human Rights pointed out that both groups to which statements related can be

seen as vulnerable minorities, that statements sought to portray the Roma as exceptionally prone to crime and depravity, and that statements on Jews were anti-Semitic and Holocaust-denial narratives. The Court found that Bulgarian courts undermined the effect of disputable statements to stigmatize both groups and arouse hatred and prejudices against them. Although they in effect ascribed considerable weight to freedom of expression, they failed to carry out the requisite balancing exercise between the politician's freedom of expression and the applicants' right to respect of their private life in accordance with the case law. The Court found that Article 8 of the Convention read in conjunction with Article 14 was breached by failure of national courts to provide appropriate legal protection to applicants against politicians' discriminating public statements.

See more at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-208879%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-208879%22]})

The *Annual Report 2021 of the European Court of Human Rights*⁴⁰ states that Serbia is among five countries with the highest number of new applications allocated to this Court in proportion to the population size. With 2.9 applications per 10,000 citizens, which is more than five times higher than the European average, Serbia ranks second among states with the highest number of new applications. Montenegro ranks first with 6.14 applications on 10,000 citizens, and Serbia is followed by Bosnia and Herzegovina (2.39), North Macedonia (1.90) and Croatia (1.73).⁴¹ In 2021, the Court passed 11 judgments for Serbia pursuant to 29 applications (some applications were joined and covered by one judgement), in eight judgments at least one violation was identified, while in three judgments no violations were identified. From 1959 to 2021, 232 judgments were passed for Serbia, of which in 207 at least one violation of rights was identified. Rights that were violated more frequently include the right to protection of property (82 judgments), non-compliance with judgments (75) and duration of the proceedings (54 judgments). In the said period, two judgments were passed due to violation of Article 14 (prohibition of discrimination).⁴²

Reports and Surveys by National Institutions and Organisations

Reports and surveys by national institutions and organisations are indispensable when reviewing the achieved level of equality in the Serbian society and gaining the fullest possible insight into the current state of equality protection, in particular

40 *Annual Report 2021*, Council of Europe – European Court of Human Rights, January 2022, available at: https://www.echr.coe.int/Documents/Annual_report_2021_ENG.pdf

41 *Idem*, p. 185

42 *Idem*, p. 187-189

given that complaints filed with the Commissioner are certainly one – but not the only – indicator of existence of discrimination and the level of adherence to the principle of equality in the society. The current situation regarding the prevalence of discrimination in a society is influenced by a range of different factors, including the social and cultural context, societal attitudes towards discrimination, citizens' awareness of the fact that compliance with the regulations is necessary and important, willingness to report breaches of regulations, the level of tolerance of diversity, trust in the work of institutions, knowledge of the concept of discrimination, activities of the civil society regarding human rights protection etc. Upon consulting as many reports and surveys as possible, a more complete insight into the achievement and protection of equality can be gained, since all those sources reflect to a certain extent how citizens and other persons understand the phenomenon of discrimination, which issues in the exercise of equality they recognise, how they perceive the situation regarding protection from discrimination in Serbia, which groups are the most exposed to discrimination and which area has the highest incidence of discrimination. Below is a summary of some of the reports and surveys, while a list of all used and available publications is provided in Annex 3 of this Report.

Many national sources, reports and surveys, just as in the case of reports and surveys at the levels of the EU, international organisations and treaty bodies, address the situation of women in general, and in particular from the viewpoint of consequences of the COVID-19 crisis, as well as the growing issue of gender-based violence. This fact shows that nearly all countries face identical challenges, while violence against women is a global problem and more radical steps must be taken to address it.

The third Gender Equality Index for the Republic of Serbia⁴³, published in October 2021, is based on data from 2018, amounts to 58.0 points, and indicates continuous, albeit slow progress in improving gender equality. An increase of 5.6 points has been registered compared to 2014. If progress continues at this pace, it will take 59 years to achieve full gender equality at a high level of achievement in the domains covered by the Index.⁴⁴ The greatest progress was made in the domain of power, still recording the lowest value in relation to other domains in 2018 – 46.5 points. However, compared to the 2014 baseline, this domain has registered an increase of 18.5 points. This improvement is not only the result of progress in the sub-domain of political power, based on legally denied quotas for the share of women as the underrepresented gender in legislature at all levels, but also con-

43 *Gender Equality Index for the Republic of Serbia in 2021 - Digitalisation, the World of Work and Gender Equality*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, October 2021, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/10/Indeks_rodne_ravnopravnosti_u_RS_2021.pdf

44 *Gender Equality Index for the Republic of Serbia in 2021 - Digitalisation, the World of Work and Gender Equality*, p. 10

siderable progress in the sub-domain of social power, where the previous report noted a very unfavourable situation. The domain of work is the second domain registering a continuous, although considerably more moderate progress of 2.1 points compared to 2014, with a value of 69.4 points in 2018. With the current pace of change, it would take 58 years to achieve full gender equality at a high level of achievement. The report states that the domain of knowledge is the greatest cause for concern, because in addition to the fact that tendencies are inconsistent, they have a negative outcome in the overall score, i.e. decrease in the index value of 0.9 points compared to the baseline year. The share of persons participating in formal or non-formal education has decreased, both among women and men, and the gender gap has increased.

The publication *prEUgovor alarm: Report on Progress of Serbia in Chapters 23 and 24*⁴⁵ states, among other things, that Recommendations from the report of the GREVIO expert group did not affect the content of the Revised AP for Chapter 23, because there are no indicators that the indicator relating to publicly available quarterly reports on the implementation of the Law on Prevention of Domestic Violence is being monitored. The report further states that the new proposal of the National Strategy for the Prevention of Violence against Women and Domestic Violence for the period 2021-2025 is only partially harmonised with the Istanbul Convention. It is still not possible to find out the exact number, nor has a specialised body for monitoring femicide been established, regardless of the fact that the annual number of murders of women has not changed since 2010.⁴⁶

The report summarises that, since the beginning of 2021, the public in Serbia has been faced with four scandals of sexual abuse of girls and young women, which took place years ago. First, a group of actresses, including a minor, reported the teacher-owner of the most famous acting school, then two actresses revealed the rape survived by a popular actor, former Minister of Culture, and then the “Telegram” platform was discovered, where at least 36,000 men exchanged explicit photography of girls and women without their consent (so-called “revenge pornography”), including child pornography. All three cases were marked by an appropriate initial response from police and prosecutors. However, the revelation of suspicions of organized decades-long pimping and sexual exploitation of girls and women by the MP and the undisputed “owner” of the City of Jagodina, one of the coalition partners of the ruling Serbian Progressive Party, although seriously disturbed the public, met with inappropriate or no reactions from key officials. Under public pressure, the investigation was transferred to the jurisdiction of another higher public prosecutor’s office, and the identity of the seven alleged victims and witnesses

45 *prEUgovor alarm: Report on Progress of Serbia in Chapters 23 and 24*, Coalition prEUgovor, May 2021, available at: <https://preugovor.org/Alarm-izvestaji/1641/Izvestaj-koalicije-prEUgovor-o-napretku-Srbije-u.shtml>

46 *prEUgovor alarm: Report on Progress of Serbia in Chapters 23 and 24*, p. 69

is still unknown, due to the protection of their safety and distrust in institutions. At the same time, the suspect uses all resources, including the National Assembly and two private televisions with a national frequency for his defence and attacks on opposition representatives who disclosed the case.⁴⁷

A specific form of violence is dealt with in greater detail in the report *Child, Early and Forced Marriages in Serbia - Regulations, Response and Prevention*⁴⁸. This report presents the results of the practical implementation of the Instruction on the Manner of Work of Social Welfare Centres - Guardianship Authorities in the Protection of Children against Child Marriages, based on the responses received from the social welfare centres in the Republic of Serbia. According to the results, less than half of the social welfare centres keep separate records on child marriages (43%), i.e. more than half of them do not know how, lack technical conditions or do not want to practically apply the Instruction of the competent ministry. The centres detected only 313 cases of risk of child marriage, and they immediately intervened in only 29% of these cases, i.e. assessed that in less than a third of cases there was a threat to the life, health and development of a child in need of protection, although the children were married or at risk of child marriage. Moreover, in order to end child marriage, the centres usually performed the activity of information and counselling, although it should have been done long before the marriage took place; only 19% of the centres took preventive measures and provided preventive services within their purview, while only 13% of the centres organised general preventive activities. The centres did not have an answer about the evaluation of undertaken measures and provided services for more than a third of the cases, and they managed to return only 21% of the children to their primary families by applying the available measures and services. The passive approach of the social welfare centres, both in prevention and in response to the cases of child marriage, is disconcerting, and the police and judiciary rarely respond to crime reports. The report also states that the centres make difference between children and minors, which is completely unjustified despite the lack of definition of a child in the regulatory framework. In addition, it is obvious that the centres easily give a favourable opinion on the marriage of minors older than 16.⁴⁹

In only a third of the detected cases, the child's parents or guardians were reported for criminal offences, which are committed in almost every child marriage. The fact that parents are not aware that arranging a marriage for their child constitutes a criminal offence shows that it is necessary to carry out numerous promotional and informative activities for greater visibility of this issue, with the

47 Idem, p. 73

48 *Child, Early and Forced Marriages in Serbia - Regulations, Response and Prevention*, Praxis, January 2021, available at: http://www.praxis.org.rs/images/praxis_downloads/Decji%20rani%20i%20prinudni%20bra-kovi%20u%20Srbiji%20-%20propisi%20reakcija%20i%20prevencija.pdf

49 *Child, Early and Forced Marriages in Serbia - Regulations, Response and Prevention*, p. 17

first step being the application of penal regulations. Equally important role in pointing out the indicators of the risk of child marriage, but also all the health risks of child marriage and early pregnancies, must be taken by health care professionals, whose role in the prevention child marriages becomes even more important when we take into account that as many as 30.8% of Roma girls aged 15-19 gave birth to a live-born child or are pregnant with their first child.⁵⁰

The report highlights the particularly important role of the competent authorities in the cases of underage mothers who are legally invisible or stateless, and therefore do not have personal documents, due to which they cannot determine personal names for their children after birth. After the expiration of the period of 30 days from the child's birth, personal name should be determined by the social welfare centre, but the competent authorities almost never initiate procedures for determining the personal name ex officio. This leads to the situations where the mother's unregulated civil status and the inaction of the competent authorities perpetuate the legal invisibility or statelessness of new generations.

The report makes the following recommendations:

- ❖ Urgently introduce a legal definition of the term "child" in the legislation of the Republic of Serbia in accordance with the Convention on the Rights of the Child;
- ❖ Amend the Law on Family by deleting the provision on the issuance of judicial consent for an "early marriage";
- ❖ Supplement the Instruction on the Manner of Work of Social Welfare Centres - Guardianship Authorities in the Protection of Children against Child Marriages with the description of criminal offences: domestic violence, forced marriage, copulation with a child and trafficking in minors for adoption.

The publication ***Guide to Digital Youth Security - Privacy and Prevention of Digital Violence***⁵¹ states *inter alia* that one aspect to bear in mind is that girls and women who express their opinions online (members of the academic community, female politicians, women holding highest offices, advocates of gender equality and women's rights) are particularly exposed to digital violence. Research shows that violence in the digital space indicates that it taking on great proportions, becoming more brutal and that by behaving online, young people are increasingly at risk. Thus, one in three pupils included in the sample had an unpleasant experience online in the past year, one third of the respondents both suffered and perpetrated digital violence, while the behaviour of one third of secondary school pupils is such that they expose both themselves and persons around them to online risks.

50 Idem, p. 18

51 *Guide to Digital Youth Security - Privacy and Prevention of Digital Violence*, Belgrade Open School, Belgrade, 2021, available at: <https://www.bos.rs/ei/uploaded/%20Vodi%C4%8D%20za%20digitalnu%20bezbednost%20mladih.pdf>

Warnings that aggressive communication, hate speech and sensationalist narratives in the media have become one of the biggest problems in the field of public communication have become more and more justified, but this topic is still not given much importance and there is very little research to this problem. Sanctions are mild and inappropriate, while hate and aggressive speech is very much present in everyday life of citizens, states the *Report on the Use of Hate Speech in Serbian Media*⁵², which is covered in a previous section of this Report.

The annual report *Human Rights in Serbia 2021*⁵³, published by the Belgrade Centre for Human Rights, points, among other things, to widespread hate speech in the media, as well as a strongly antagonistic view of civil society organisations. It is stated that the 2020 reports of independent bodies finally made the agenda of the National Assembly of the Republic of Serbia at the very end of 2021, although the very fact that they were reviewed at all was an improvement from previous years. In addition, it also draws attention to misogynous tendencies and widespread gender-based violence. It is also stated that the situation of Roma remained precarious in nearly all areas of social life.

The *Analysis of Long-term Poverty in the Republic of Serbia*⁵⁴ of the Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia specifies that the term long-term poverty means living on disposable income that is below the poverty threshold both in the analysed year and in the previous two to three years. In the three years covered by the surveys, long-term poverty rate increased from 16.7% in 2016 to 19.6% in 2018. Serbia, together with Romania and North Macedonia, has the highest long-term poverty rates among European countries. According to the 2018 population data, the estimated number of the long-term poor in Serbia is 1,368,590. The share of the long-term poor in Serbia is twice the EU average, which poses a challenge, as this figure continues to increase.⁵⁵ Long-term poverty affects educational achievement, the level of crime and future income, while the probability that children who grow up in poor families will become poor adults is higher than in the general population and increases the longer a person is exposed to poverty. It is therefore crucial to undertake measures to reduce poverty, which could include several major directions for action which would aim to increase social inclusion of persons living in long-term poverty.

52 *Report on the Use of Hate Speech in Serbian Media*, Prof. Ivana Krstic, PhD, Council of Europe, Commissioner for Protection of Equality, December 2020, p. 60-61 – available at: <https://rm.coe.int/hf25-hate-speech-serbian-media-srp/1680a2278f>

53 *Human Rights in Serbia 2021*, Belgrade Centre for Human Rights, Belgrade, 2022, available at: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2022/03/Ljudska-prava-u-Srbiji-2021.pdf>

54 *Analysis of Long-term Poverty in the Republic of Serbia*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, October 2021, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/11/Analiza_dugotrajnog_siromastva_u_Republici_Srbiji.pdf

55 *Analysis of Long-term Poverty in the Republic of Serbia*, p. 3



The analysis of the Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia highlights three main directions of action to reduce poverty, namely:

- ❖ **Increased and facilitated access to the labour market**, including: free trainings for professions in short supply, a compensation mechanism that includes compulsory additional training and retraining through the National Employment Service (e.g. using the newly-introduced social cards) and tailored information (including maintaining autonomy in decision-making to keep the long-term poor person's motivation and self-esteem), as well as tailored career guidance, leading to permanent decisions and appropriate choices by the long-term poor;
- ❖ Measures relating to the **education system**: application of developed models to prevent school system attrition, strengthening the transition from primary to secondary education, development of career guidance and tailored professional orientation for pupils at risk. These measures would include the introduction of **compulsory secondary education**, with developed support mechanisms which should provide additional funding (e.g. cost of transport, scholarships for the most vulnerable etc.);
- ❖ **Better targeting of social transfers**, including: data integration through social cards, development of predictive models based on big data which differentiate between different groups of beneficiaries, flag highest discrepancies and are sensitive to household types (e.g. higher income or no income, low job quality, in agriculture, with many children).

The *Book of Recommendations of the National Convention on the European Union 2020*⁵⁶ states that acts of the Government of the Republic of Serbia passed during the state of emergency contributed to further deterioration of labour rights, because they were not passed on time and were not compliant with the constitutionally guaranteed prohibition of discrimination, while the way in which acts passed by line ministries were subsequently interpreted created legal uncertainty. The World Bank estimates that Serbia is facing a poverty epidemic triggered by the “economic shock” caused by the COVID-19 pandemic, as the number of the poor could increase by 125 to 327 thousand. The self-employed, informal workers and workers in occasional work or hired under fixed-term contracts are at greatest risk. A large share of the non-poor population is at risk of becoming poor, with the highest risk faced by informal employees in urban areas who do not have access to the safeguards available to those in formal jobs.⁵⁷

56 *Book of Recommendations of the National Convention on the European Union 2020*, National Convention on the European Union, July 2021, p. 35 – available at: <http://www.centaronline.org/userfiles/files/publikacije/nkeu-knjiga-preporuka-nacionalnog-konventa-o-eu-2020.pdf>

57 *Idem*, p. 36

The report *Youth Rights in Serbia 2020*⁵⁸ by the Belgrade Centre for Human Rights states *inter alia* that only half of young people aged 20-29 are employed in Serbia against nearly two thirds of their peers in EU countries, while the unemployment rate of this age group in Serbia is twice as high, with every fifth active young person unemployed. Data on the effectiveness of existing active employment policy (ALM) measures, including those aimed at young people, are not available. This makes it impossible to analyse existing programs, which limits not only the evaluation of existing measures, but also the planning and design of new ones. In examining inactivity as the dominant category amongst the general population of young people in the labour market, the lack of equal employment opportunities in relation to the adult population becomes immediately apparent, especially considering that the percentage of inactive youth is three times higher than the percentage of inactive adults overall. The great inactivity of young people in the labour market can be explained primarily by the increase of precarious among young people. Here, it must also be highlight that the number of young people engaged through non-employment contracts has doubled every two years.

As regards education, the report states that the measure of closing schools and educational institutions has had the most negative impact on: poor young people and those from rural areas without access to electricity, internet, computers, and other means necessary for communication, information, and distance learning; pupils and students accommodated in dormitories, due to the closure of dormitories; and young persons with disabilities who are not self-employed, due to restrictive measures that included staying at home during the ban. Many LGBTI young people also found themselves in a hostile family environment. Another problem was the non-involvement of students in the process of selecting learning platforms and ways of implementing educational activities. Thus, 73% of the students surveyed expressed that the process of distance learning was very burdensome due to not having a fixed schedule of classes for each week, as they would normally have, with teachers instead reporting the time for each class separately. Furthermore, 45% stated their belief that the tools used by teachers should be standardized, or at least teachers should be obliged to consult students on what is most suitable for their work.⁵⁹

Primary health care was indicated as available to 67.9% of young people. A particularly affected group of young people during a pandemic are those with disabilities who are not independent and live with parents over the age of 65, and those infected with HIV, or suffering from another chronic or systemic disease.

58 *Youth Rights in Serbia 2020*, Belgrade Centre for Human Rights, Belgrade, 2021, available at: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2014/01/Izvestaj-o-ljudskim-pravima-mladih-2020-15-04-compressed-compressed.pdf>

59 *Youth Rights in Serbia 2020*, p. 36

The report underscores that young people in the Republic of Serbia continue to be one of the most vulnerable categories in terms of access to the right to adequate housing. This is especially manifested in the lack of sustainable support programs for establishing their independence from parents and for starting their own households, especially young people who leave social care institutions and those belonging to vulnerable categories. According to the available data, about 66% of young people live in a family apartment, while 63.3% have no income. An additional barrier is that many young people in Serbia are employed under fixed-term contracts, temporary and occasional jobs or part-time contracts, aggravating the circumstances for accessing subsidized housing loans.

The National Youth Council of Serbia published the *Alternative Report on the Position and Needs of Youth in the Republic of Serbia 2021*⁶⁰, which states that young people make up 16.47% of the population in Serbia or almost exactly 1/6 of the population, while in the current convocation of the National Assembly of the Republic of Serbia, at the time of its constitution, there were 28 MPs under the age of 30. There are currently 22 young MPs in the National Assembly, which is 8.8% of the total number of MPs. In the Government of the Republic of Serbia, no minister or member of the Government is in the category of young people; within the highest functions in local self-government units, only the chairman of a municipal council falls into the category of young people, while no mayor in Serbia is in the category of young people. A total of 21 local self-government units do not have young members of the council, while 39 local self-government units have 10% or more young members of the council.⁶¹ The trend of young people not having trust in any institution has continued, with nearly every institution scoring lower than the previous year. Young persons have the least distrust in the church and the armed forces, while in terms of their trust in individuals holding the highest national offices and social positions, the only one with a slightly higher average score was Patriarch Porfirije.⁶²

Young women agree more with the claim that their position is unequal or discriminatory, while the youngest respondents agree more with the claim that quotas help improve the position of women, but agree less with the claim that there are male and female occupations, the research states. The level of homophobia is seen as high, due to the relatively high level of opposition to the Law on Same-Sex Civil Unions, marriage and child adoption by same-sex couples.⁶³

60 *Alternative Report on the Position and Needs of Youth in the Republic of Serbia 2021*, National Youth Council of Serbia, 2021, available at: <https://koms.rs/wp-content/uploads/2021/08/Alternativni-izvestaj-o-polozaju-mladih-2021-4.pdf>

61 *Alternative Report on the Position and Needs of Youth in the Republic of Serbia 2021*, p. 99-102

62 *Idem*, p. 125-123

63 *Idem*, p. 153

The survey presented in the publication *Intergenerational Solidarity for All Generations*⁶⁴ aimed to examine the values and opinions held by members of different generations about other generations, as well as the opinions on intergenerational solidarity during the COVID-19, and to use the results to inform recommendations on the development of public policies that would bring about to greater intergenerational solidarity and intergenerational responsibility, as well as social cohesion, including in crisis situations. According to the data provided by this survey, 84.2% of respondents believe that “young persons have something to say and their opinion matters”. There is a positive opinion of the young and their opinions, and this positive opinion is particularly common among the older respondents, with as many as 90% of them believing that “young persons have something to say and their opinion matters”. On the other hand, 67.5% of respondents believe that the older persons also have precious experience and knowledge and that the young should seek their advice more frequently. The traditional, patriarchal value system influences to an extent the opinions of all generations. A majority of respondents (78.10%) disagree with the statement “the older persons are obliged to support their children and grandchildren until the end of their lives, while 79% of respondents agree with the statement “young persons should be financially independent”. These results suggest that all generations are aware that, for every generation, a decent living requires financial security and everyone should live off their work, while the society should provide an appropriate supporting environment to enable them to do so. The statement “the older persons are a burden to the society and their country’s economy” is opposed by 76.30% of respondents. As is to be expected, the highest share of disagreement with this statement is among the older persons – 90%, however, 74.3% of middle-aged respondents and 76.5% of young respondents also disagree with this claim.

The publication also states that not a single older person included in the sample agreed fully with the statement “The older persons belong in a residential home, where they will not be a burden on their family”, which should be taken into account in relation to the fact that placement in a residential home should be a matter of freely expressed will. The statement that the young and the older persons can spend quality time together involved in various activities received a high share of agreement, ranging from 90% among the older persons, through 88.5% among the middle-aged to 85.3% among the young respondents, which suggest there is a sound potential for intergenerational cooperation on numerous grounds.⁶⁵

A similar description of the current situation is also presented in the publication entitled *Impact of Covid-19 Crisis on Employment: Focus on Vulnerable*

64 *Intergenerational Solidarity for All Generations*, Centre for Support and Inclusion Help Net, May 2021, available at: <http://helpnet.rs/wp-content/uploads/2021/05/MEDJUGENERACIJSKA-SOLIDARNOST-1.pdf>

65 *Idem*, p. 47

Categories⁶⁶ of the Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, which singles out two particularly vulnerable age groups in Serbia in terms of their position in the labour market: young persons (aged 15-29) and the older persons (aged 50-64), while employed persons over 65 years of age can also be singled out in the context of the crisis and measures introduced during the state of emergency. Young persons are a particularly vulnerable group and often face numerous challenges when seeking quality jobs, and it has been demonstrated that the labour market situation at the time when a person completes education has a decisive influence on his or her career. The young have a low activity rate and a high unemployment rate (27.5%), the highest of all age groups in Serbia. It is essential to take into consideration the NEET (Not in Education, Employment, or Training) rate, i.e. the share of the young who are not in education or employment in the total population. A high share of young NEET persons in the total population is a global challenge and is one of the priorities identified by the International Labour Organisations. In Serbia, this rate was 15.3% in 2019. Furthermore, the data show the NEET rate increased during the crisis from 17.5% to 20.1%.

On the other hand, older workers (50-64 years) are also considered a vulnerable age group. The older persons increasingly face loss of employment and jobs of a temporary or seasonal nature. In Serbia, 43% of employees fall into vulnerable social groups (excluding agriculture).⁶⁷ Both young and older workers account for approximately one fifth of the labour force. Also, the vulnerable age groups are more likely to be informally hired than formally employed.

Finding decent work is often a major challenge for women, who account for a smaller share of the labour force – globally, the share of women in the labour force is 26 percentage points lower than that of men. In Serbia, the labour force participation of women is 61%, while the corresponding rate for men is higher at 75%; female unemployment rate is 54%, while male unemployment rate is 67%.⁶⁸ If they are active in the labour market, it is harder for women to find quality work and they are more likely to be unemployed. A majority of women aged above 45 in Serbia are employed in other manufacturing (56,000), 32,000 of women are employed in food retail while 28,000 of women are employed in the professional services sector. However, a significant number of them also work in the highly affected hotel and hospitality industry (16,000) and in the personal services sector (7,000). Sectors with the most favourable educational structure, such as ICT or education and creative industries, have lower shares of older women in the labour force.

66 *Impact of Covid-19 Crisis on Employment: Focus on Vulnerable Categories*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, January 2021, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/01/Uticaj_COVID-19_krizе_na_zaposlenost.pdf

67 *Impact of Covid-19 Crisis on Employment: Focus on Vulnerable Categories*, p. 47

68 *Idem*, p. 48

Compliance of National Authorities with the Commissioner's Recommendations

Based on an overall evaluation of the state of play from available data and the institution's practice during the relevant year, in the regular annual reports the Commissioner issues recommendations to eliminate the identified issues. In 2021, some of the recommendations made by the Commissioner in her 2020 annual report were fully complied with, while others were complied with only to a certain extent. The level of compliance with the recommendations can also be seen from the information presented in the reports submitted to the Commissioner by national authorities in connection with the implementation of National Assembly Resolution No. 100 of 29 December 2021 in connection with the discussion of the 2020 Regular Annual Report of the Commissioner for Protection of Equality.

The following submitted information on implemented activities to the Commissioner: the Ministry of Public Administration and Local Self-Government, the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Trade, Tourism and Telecommunications, the Ministry of Rural Welfare, the Ministry of Education, Science and Technological Development, the Cabinet of the Minister of Innovation and Technological Development, the Ministry of Youth and Sport, the Ministry of Health, the Ministry of Construction, Transport and Infrastructure and the Ministry of Family Welfare and Demography. The Ministry of Culture and Media and the Ministry of Human and Minority Rights and Social Dialogue did not provide information.

Given the volume of the implemented activities, below is a summary of all reports that were submitted.

The Ministry of Public Administration and Local Self-Government (MPALSG) provided information on the implementation of two inter-municipal cooperation projects concerning the establishment of support for blind persons, which included the provision of service information available as an audio recording and in sign language through the mobile phone application "Info for all". Regarding improving the rights of the Roma in the exercise of the right to registration in the civil register of births, the Ministry implemented activities in accordance with the Memorandum of Understanding between the Protector of Citizens and the UNHCR Representation in Serbia, under which it passed the Instructions on the Course of Action in the case of birth of a child whose parents do not have identity documents to enable their registration with the civil register of births. The MPALSG stated that the Sector-specific Training Programmes for Registrars in 2021 had been fully implemented and the Sector-specific Training Programmes for Registrars in 2022 had been adopted, covering subjects concerning improvement of registrars'

knowledge and skills regarding the exercise of the right to registration of sex change information in the civil register of births, as well as the rights of members of the Roma national minority in the field of civil registers.



It would appear from the report submitted by this Ministry that activities were undertaken to improve the situation of persons with disabilities, including in particular those recommendations of the Commissioner that pertain to access of persons with disabilities to emergency services, emergency helplines etc. The report also states that measures were undertaken to improve the situation of members of the Roma national minority and other citizens by enabling their registration with the civil register of births, which implemented the Commissioner's recommendation on improving the situation of the Roma with regard to obtaining identity documents, an issue which also concerns the improvement of registrars' skills. Also relevant is the training of registrars on registration of sex change information in the civil register of births is also relevant, regarding which the Commissioner reacted by issuing a recommendation of measures in 2021.

The Ministry of Education, Science and Technological Development (MESTD) stated it had collaborated with partners to develop the manual "Psychological Crisis Situations in Education Institutions", which contains specific recommendations on the handling of crisis situations by employees at education institutions, including illness, death, murder or suicide of pupils or staff. The MESTD takes part in the implementation of the project "Improved Equal Access and Completion of Pre-university Education for Children who need Additional Educational Support", which seeks to establish additional support mechanisms for inclusive education. Application of support measures for children of Roma ethnicity was continued, and the main effects of support measures already put in place include increased participation of Roma children in the education system, reduced dropout rate and prevention of early school leaving. The National Platform "I'm watching over you", the first national platform for the prevention of and protection from violence in schools, has been operational since March 2021, under the auspices of the Government of the Republic of Serbia and the MESTD.



Based on the information provided, it would appear that activities have been undertaken to improve the situation of Roma children in the field of education, in accordance with the Commissioner's recommendation pertaining to the implementation of incentives for this social group, as participation of Roma children has been increased and the dropout rate has been reduced. In addition, the Government and the line ministry have undertaken activities to improve equality and prevent violence in accordance with the Commissioner's recommendations pertaining to prevention of violence and improvement of coordinated and effective acting of all institutions of the system in providing protection from violence, coupled with continued development of support services

for victims and for children who have witnessed violence. A particularly notable development is the establishment of the first national platform for the prevention of and protection from violence in schools.

The Ministry of Labour, Employment, Veteran and Social Affairs (MLEVSA) reported it had adopted the Employment Strategy of the Republic of Serbia 2021-2026 and the Action Plan on Implementation of the Strategy in 2021-2023, focusing on improving the labour market position of unemployed women, the youth, persons with disabilities, welfare beneficiaries and members of the Roma national minority. Regarding protection of persons with disabilities, it prepared the Action Plan (adopted on 8 April 2021) on implementation of the Strategy for Improving the Position of Persons with Disabilities 2020-2024 from 2021 to 2022. In addition, pursuant to the Decision of the Government of the Republic of Serbia of 9 September 2021, it established a Cross-departmental Working Group tasked with developing and implementing an operative plan on accessibility in the period from 2020 to 2024. The Law on Social Cards was enacted in April 2021, as a precondition for the establishment of the Register of Social Cards in Serbia, and it will take effect on 1 March 2022. Also, late 2021 saw the enactment of the Law on the Rights of Users of Temporary Residential Services under Social Protection, which provides for the principle of non-discrimination of users in Part II: Principles, Article 5. The Strategy for Deinstitutionalisation and Development of Community-based Social Protection Services 2022-2026 was also adopted, specifying future development directions in this area and preventing further pressure on residential care in social protection institutions. The MLEVSA implements numerous projects pertaining to improving the situation of the Roma, employment of marginalised groups and groups having difficulties finding a job, increasing youth employment, youth activity, work placement and entrepreneurial practice among the young, active inclusion measures etc.



The line ministry has undertaken a number of activities to improve the normative and strategic framework in accordance with the Commissioner's recommendations pertaining to the need for adopting or amending/supplementing certain legislation harmonised with the international standards in the relevant fields (employment, improving the situation of persons with disabilities), as well as for developing strategic plans and action plans to replace the expired ones, to ensure continuity in the implementation of measures and activities in order to improve the situation and achieve equality of all social groups. Of particular importance is the implementation of a recommendation the Commissioner has been repeating for years, which concerns the provision of architectural, information and communication accessibility, i.e. application of the universal design principle. Namely, the Interdepartmental Working Group tasked with developing and implementing an operational plan on accessibility by 2024 was formed. Furthermore, enactment of the Law on Social Cards created assumptions for implementing the Commissioner's recommendations pertaining

to better targeting of financial assistance, deinstitutionalisation and development of community-based services. Crucial for implementation of these recommendations is the adoption of the Strategy for Deinstitutionalisation and Development of Community-based Services.

The Ministry of Trade, Tourism and Telecommunications (MTTT) stated that the Digital Skills Development Strategy of the Republic of Serbia 2020-2024 had been adopted. Building on the Digital Agenda for Serbia, this Strategy comprehensively governs the development of digital skills in the population. While the Information Society and Information Security Development Strategy of the Republic of Serbia 2021-2026, which has also been adopted, pertains to the development of the information society and information security. Programmes aimed at improving digital literacy and digital competences of rural women have been implemented and the National Contact Centre for Online Safety of Children has become operational, holding 66 presentations of prevention programmes for secure and safe use of ICT for 1470 pupils and 130 parents in total. The annual campaign entitled “The older persons should not fear the net”, implemented jointly with the public service broadcaster Radio Television of Serbia, this year addressed the topic of intergenerational cooperation, and support activities for persons with disabilities have also been provided. Also, two capital projects are underway for the development of ICT infrastructure in education, science and culture institutions and joint deployment of broadband infrastructure in rural areas of Serbia.



In addition to improving the normative and strategic framework, the line ministry has also implemented activities in accordance with the Commissioner’s recommendation pertaining to implementation of programmes and encouraging the inclusion of topics in the public and media space (including social networks) promote the culture of mutual respect and non-discrimination, tolerance, understanding and acceptance of diversity, gender equality and intergenerational solidarity. The Commissioner’s recommendations presented in the Special Reports (on discrimination against the older persons and discrimination against children) pertaining to the development of citizens’ digital skills have been partly implemented through the adoption of the Information Society and Information Security Development Strategy of the Republic of Serbia 2021-2026, as well as through implementation of digital literacy and digital competence improvement programmes aimed at different categories of the population, including children in particular, coupled with the development of digital skills relevant for safety in the digital environment. The caravans and activities of the National Contact Centre for Online Safety of Children promote not only online safety, but also greater inclusion of girls and women in those professions that have traditionally been considered “male”, such as engineering and programming. As regards older citizens, the campaign implemented jointly with the public service broadcaster Radio Television of Serbia implements the Commissioner’s

recommendations pertaining to closing the digital divide and enabling the older persons to use ICT devices to ensure their greater inclusion and higher level of information.

The Ministry of Rural Welfare reported it had successfully implemented four programmes aimed at improving living and working conditions in rural areas in the first year of its existence. One of those programmes was a grant scheme for home purchase, designed to motivate the population to remain in villages and attract youth to return to rural areas by providing them with residential space. Under this programme, funds for home purchase were also granted to more than 100 of members of the Roma national minority.



The financial support measures implemented by the line ministry in 2021 were in line with the Commissioner's recommendations pertaining to the need for measures and activities aimed at reducing social exclusion and poverty, especially of social groups at increased risk, and reducing the gap between urban and rural environments and improving the equality of citizens, in particular vulnerable social groups, as well as increasing the effectiveness of financial support to individuals and families to overcome social and living difficulties, with better targeting of beneficiaries. Also relevant is the implementation of the recommendations to improve the situation of Roma men and women, in this particular case by resolving the housing issues they face.

The Cabinet of the Minister of Innovation and Technological Development provided information on implementation of the Programme of Support for the Development and Promotion of Female Innovative Entrepreneurship, the goal of which was to improve female innovative entrepreneurship at national and local levels. In 2021, 16 projects were approved for implementation under the Programme, and their effects will be assessed once all beneficiaries of the funds have presented their final implementation reports.



In line with the Commissioner's recommendation pertaining to active measures to encourage employment of women and development of female entrepreneurship, during the year the Ministry implemented relevant support programmes. This is one way to implement the Commissioner's recommendations pertaining to closing the gender gap in the labour market and incentivising female innovative entrepreneurship, leading to improved gender equality and an improved position of women.

The Ministry of Youth and Sport provided information on the implementation of 10 projects in 2021, focusing on the empowerment of youth through peer education, educational workshops, awareness raising on gender-based violence, encouraging youth volunteerism and activism and improving the situation of young

persons with disabilities. The project entitled “IT Academy for Young Unemployed Women”, implemented in cooperation with Women’s Initiative of Novi Sad, aimed to contribute to increasing young women’s professional competences and enabling their economic empowerment by providing internet programming education. In cooperation with the Roma Association Beočin, the Ministry implemented the project entitled “Promoting the Employment of Young Roma through Self-employment and Entrepreneurship”, which aimed to improve the situation of young male and female Roma by designing special self-employment and entrepreneurship programmes. The Ministry has highlighted the importance of achieving the objectives of the Action Plan on Implementation of the Strategy for Improving the Position of Persons with Disabilities in the Republic of Serbia 2020-2024. The Ministry reported it had begun drafting a Bylaw on Detailed Conditions for and Ways of Recognising Forms of Abuse, Mistreatment, Discrimination and Violence against Children in Sports. The MYS underscored it had implemented anti-discriminatory measures in its policies, strategic documents and action plans, while representatives of the Paralympic Committee of Serbia are included in all bodies of the Ministry of Youth and Sport.



Apart from improving the strategic framework, the line ministry has undertaken various activities in accordance with the Commissioner’s recommendation pertaining to designing public policies regarding the youth with their participation, in order to achieve greater inclusion and improve their situation. In addition, measures have been undertaken to improve the situation of the Roma by increasing their capacities and providing them with access to employment and other services, in line with the Commissioner recommendations on improving equality presented in the 2020 report. Of particular importance are also activities undertaken to educate the young, empower them through peer education and raise their awareness of gender-based violence and encourage youth volunteerism and activism, all of which are recommendations made by the Commissioner in the Special Report on Discrimination against Children. Another significant development is the encouragement of children to participate in sports activities, coupled with the development of legal documents to recognise abuse, mistreatment, discrimination and violence against children in sports, all of which was also highlighted in the Commissioner’s Special Report.

The Ministry of Health reported that their representatives participated in the work of multisector Working Groups tasked with developing strategic documents. This ministry underscored it had developed the Emergency Protection and Rescue Programme. They also referred to the updated “Report on Reported Cases of Gender-based Violence in Medical Institutions in the Republic of Serbia”, compiled by the Institute for Public Health of Serbia “Dr Milan Jovanović Batut”, which is also covered in this Report.



In line with the Commissioner's recommendation on the need to put in place clear, precise and applicable procedures for the course of action in all stages of crisis events, the Ministry reported it had developed the relevant Emergency Protection and Rescue Programme. In addition, the Ministry also undertook activities pursuant to the recommendation on the compiling of gender-sensitive statistical reports concerning reports of violence and processed cases, with emphasis on particularly vulnerable groups, such as girls, older women, women with disabilities, Roma men and women, LGBTI persons and others.

The Ministry of Construction, Transport and Infrastructure reported that the Law amending and Supplementing the Law on Railway Transport Contracts had been enacted, which continued the process of harmonisation with *acquis communautaire* regarding the rights and obligations of passengers in railway transport, as well as the rights of persons with disabilities and persons with reduced mobility who use railway transport services. The Draft Law amending the Law on Railways has been adopted, which will transpose some of the provisions of Regulation 1371/2007 pertaining to improving the rail travel of persons with disabilities and reduced mobility. As part of the IPA 2014 project "Improving the Socio-economic Living Conditions of the Roma Population", housing designs were prepared for more than 340 Roma families, while funding for future social housing construction was secured for more than 120 Roma families. As part of the project "Increasing the Accessibility of Public Buildings to Persons with Disabilities and Reduced Mobility", construction works are underway to reconstruct and adapt public buildings across Serbia, while under the project "EU Support to Roma Inclusion – Empowering Local Communities for Roma Inclusion" the development of 12 sets of technical documents for the construction of municipal infrastructure in the municipalities of Sombor, Pećinci, Mladenovac, Veliko Gradište, Kučevo, Aleksinac, Leskovac, Surdulica, Vranjska Banja, Lebane, Bela Palanka and Bojnik is nearly finished. Legal support has been provided to inhabitants of substandard Roma settlements for the purposes of legalising their structures. In total, 610 citizens have been trained on ways to resolve property-related issues for legalisation purposes. In addition, within the framework of the project "EU Support to Social Housing and Active Inclusion", grant agreements for the construction of social housing units have been signed with 19 municipalities/cities.



The line ministry has undertaken a number of activities in connection with the Commissioner's recommendations, both those pertaining to improvement of the normative framework and those calling for more intensive efforts to improve architectural accessibility to enable unobstructed access to public facilities and areas, transport and services for persons with disabilities, persons with reduced mobility, the older persons and children. The Ministry also reported on its activities pursuant to the recommendations

to implement measures to reduce social exclusion and poverty and improve the situation of the Roma community, in particular by providing access to adequate housing. As a result of these activities, hundreds of Roma will have access to housing, whether through home construction loans or through legalisation of existing structures. Recommendations of the Commissioner pertaining to empowerment of local self-governments regarding access to vulnerable groups are being implemented through relevant projects, for example “EU Support to Roma Inclusion – Empowering Local Communities for Roma Inclusion”.

The Ministry of Family Welfare and Demography reported to the Commissioner that the process of drafting the Family Law had been conducted in 2021. The Working Group on preparing the Draft Law amending and Supplementing the Family Law produced a preliminary draft. In addition, 2021 marked the beginning of the process of adopting a new General Protocol on the Protection of Children against Violence (passed by the Government’s Resolution 05-number: 560-826/2022-2 of 10 February 2022), as well as the process of adopting a new Bylaw on Foster Care, the provisions of which should result in an improved position for children in alternative care, especially children with developmental disorders (specialised foster care).



In compliance with the Commissioner’s recommendation, the line ministry undertook activities to improve the normative and strategic framework. A particularly notable development is that, according to the information provided by the ministry, the Working Group on preparing the Draft Law amending and Supplementing the Family Law accepted the amendments and supplements relevant for equality protection, namely: prohibition of corporeal punishment of children as a means of education, outlawing underage marriages, abolishing full deprivation of capacity to contract, introducing new forms and measures of family protection, change of first name of persons who had a sex change etc. In addition, in accordance with the Commissioner’s recommendation, adoption of the new General Protocol on the Protection of Children against Violence will contribute to an improvement in coordinated and effective action of institutions of the system to provide protection against violence.

KEY ISSUES IN EQUALITY PROTECTION

This Report examines the situation in the field of equality protection in the Republic of Serbia primarily on the basis of handling of complaints and other communications filed with the Commissioner as the central national authority specialised for protecting citizens from discrimination and promoting equality. However, bearing in mind that the number of complaints filed with the Commissioner is not an absolute indicator of prevalence and frequency of discrimination in the society, for a complete overview of the current situation, this report is also informed by other available sources, reports and other acts of the EU, international organisations and treaty bodies, as well as reports and surveys by Serbian institutions and organisations. Furthermore, the Commissioner undertakes surveys, compiles reports and analyses phenomena on a regular basis, aiming to highlight possible ways of advancing the exercise and protection of human rights. This approach ensures a more complete overview of the state of play on an annual basis regarding the exercise of equality by citizens, the challenges they have faced, as well as the progress that has been achieved during the year, while also providing recommendations for further improving the situation, in particular, of those social groups that are at a higher risk of discrimination.

Understanding the concept and substance of human rights is essential for social economic development and an improved quality of life, coupled with a high level of public information and awareness and development of a cultural model and social discourse that will condemn discrimination and cherish and foster equality. It will also be necessary to ensure full application of the anti-discrimination legal framework by all public authorities, keep abreast of international and national practice and policies and ensure effective functioning of all anti-discrimination mechanisms, including both the Commissioner and courts. The rule of law, full protection of human rights and effective institutions should be coupled with investment in infrastructure, increased volume of investment, economic development, wage growth and new employment, so we could successfully continue with successful overall development of every aspect of our society.

Based on the review of the state of play regarding the achievement of equality during the year, certain key issues have been identified in a number of different areas, affecting multiple social groups, especially those at a higher risk of discrimination. These issues are presented below, while certain issues related specifically to certain social groups are covered in the relevant sections of this chapter pertaining to discrimination on the grounds of various personal characteristics, including health status, gender, marital and family status, national affiliation, disability or other personal characteristics. Recommendations for addressing the identified issues and improving the situation are provided after each section in this chapter

and after the review of key issues, as well as after the assessment of the current situation for each social group.

The fact that health status was the most commonly cited grounds for discrimination in the complaints filed with the Commissioner during the year confirms that citizens have continued to face certain issues due to the ongoing health crisis caused by the COVID-19 pandemic and its consequences. As 2021 was the second year of the struggle to contain the COVID-19 pandemic, certain challenges that had emerged during the first year of the health crisis were definitely overcome, some were confirmed, while some new challenges also emerged. Even with the experience and greater knowledge and information about the virus, errors and shortcomings in the management of the health crisis have been repeated, both regarding accessibility of health care and regarding access to and targeting of economic measures, different interpretations of regulations, unclarity regarding immunisation of the population, inadequate communication among public authorities and with the population, accessibility of rights and services, violation of certain labour rights and deteriorating situation of workers, overburdening of workers, especially in the health care and social protection systems etc.

In particular, the events have highlighted the need for robust health care that would be as accessible as possible and continually provided. Exercising the right to health care should not be a problem for any citizen, regardless of their place of residence, diagnosis, age or other characteristics. The need for full and comprehensive exercise of other rights that are vital for citizens during crisis situations, for example the rights in the fields of social protection and education, has also been reaffirmed. The fact that the crisis caused by the COVID-19 pandemic has revealed shortcomings of the existing social protection systems in terms of their adequacy and coverage has also been underscored in the already discussed *World Social Protection Report 2020–22: Regional Companion Report for Central and Eastern Europe and Central Asia*⁶⁹, which urges countries to improve social protection provision by extending coverage to workers in all types of employment; to expand fiscal space and allocate sufficient resources to finance it; to strengthen the capacity of those agencies that oversee its administration; and to an integrated response from social protection systems and employment services to citizens' needs.

The ban on new employment under the Law on Determination of the Maximum Number of Employees in the Public Sector, which has been in force for years, has emerged as a major issue at a time when the health care and social protection system were expected to pull the greatest share of the burden during efforts to contain the coronavirus pandemic. It is essential to maintain and increase human resource

69 *World Social Protection Report 2020–22: Regional Companion Report for Central and Eastern Europe and Central Asia*, International Labour Organisation, 2021, available at: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_831504.pdf

capacities in these vital sectors for the citizens, both quantitatively and qualitatively, coupled with continual monitoring, not only of the number of employed expert staff, but also of their proper qualifications for the work. Essential for the normal functioning of the social protection and health care system is staff education, i.e. improving their knowledge and skills to respond to accidents and various types of crisis situations, such as this epidemic.

A particular challenge is posed by the fact that women make up a majority of staff in these systems, and they have taken the brunt of the health crisis because the system was overwhelmed.

Important!

Note that the Commissioner's previous reports highlighted the issue of *insufficient number of employees in public services* (in the fields of health, education, social care for children, inspection etc.), underscoring that such treatment renders these vital systems incapable of handling their scope of work without affecting their employees' rights and without hindering the exercise of beneficiaries' rights.

In a previously submitted initiative to repeal the Law on Determination of the Maximum Number of Employees in the Public Sector, the Commissioner noted that the structure of employees in the public sector was affected and there was a severe shortage of employees in key areas, such as social protection and health care. As women make up the majority of the workforce in these sectors, this Law has been disadvantageous both to women and to youth employment. While the Law has been repealed, employment at budget spending units is still subject to controls, which also curtails the responsibility of those who manage the institutions.

In the past period, some major improvements were made in this area: a greater number of young physicians and other medical staff were employed, bonuses were paid for difficult working conditions and other forms of assistance were provided. New medical facilities have been built and existing ones have been renovated, including hospitals and other medical institutions in Novi Sad, Batajnica, Niš, Kruševac and elsewhere, coupled with the procurement of relevant state-of-the-art equipment for various purposes. While investment in health care infrastructure undoubtedly helped the system respond better to citizens' needs, the COVID-19 pandemic created an increased demand of citizens for both health care and other services, while the health care and social protection sectors are still lack sufficient qualified staff.

The specific aspects of needs of various social groups which are at an increased risk during crises require sound organisation, a timely response from all institu-

tions in the system, which requires a sufficient number and sufficient capacities of qualified staff, coupled with a cross-sectoral approach, indispensable mutual cooperation and inclusion of as many members of vulnerable groups as possible in the development of appropriate responses to crisis situations and tackling specific issues.

In addition, the issues identified during the health crisis have highlighted an issue to which the Commissioner has been drawing attention for years, concerning the availability of social protection services to match public demand across the entire territory of Serbia. The fact that few services that are essential for vulnerable groups are financed in the field of social protection is also confirmed by the findings of the *Analysis of Impact of European Integration on Local Self-government in Serbia – the Field of Protection of Fundamental Rights*⁷⁰. Some services are not provided at all, others are only available over a certain number of months every year, while some are implemented as project activities and end once the project has been closed. There is also a need for social and health care services for beneficiaries who require both social care and constant medical attention or supervision because of their health. These services are essential in particular for persons in residential care, as well as for persons who do not need to be institutionalised, for example the older persons who live alone and in inaccessible and remote areas. In order to improve the quality of patients' lives and maintain their dignity in the last days of their lives, there is a need for greater availability of palliative care across the entire territory of the Republic of Serbia.

The Commissioner's practice has revealed that some of the procedures for the exercise of rights are overly complicated and failure to understand such procedures makes citizens feel excluded, discriminated against and wronged. In the previous year, some of these procedures were simplified through the expansion of services available via the e-Government portal; however, the problem still remains for those citizens who do not have appropriate devices to access them or lack the required computer skills (including some impoverished citizens, the older persons etc.).

Control of compliance with and application of all regulations is imperative for the exercise of the full extent of all citizens' rights and for the equality of citizens before the law, as can be seen from the complaints filed with the Commissioner, especially in the field of labour and employment. This highlights the role of inspection authorities and the need to build their capacities, both in terms of their numbers and in terms of their coverage with various trainings and education events. Such education events should also include other stakeholders, for example members of local self-government units, since it has been observed that lack of

70 *Analysis of Impact of European Integration on Local Self-government in Serbia – the Field of Protection of Fundamental Rights*, Standing Conference of Towns and Municipalities, 2020, available at: <http://www.sk-go.org/publications/download/506>

understanding of strategic directions in certain fields tends to result in failure to establish relevant bodies, failure to design measures tailored to the effects in the specific area or failure to systemically address at the local level the problems faced by certain social groups.

Violence against women and domestic violence has been a huge issue, one that, together with the health crisis, was a defining feature of 2021. This situation is global in its nature, as evidenced by numerous reports and publications. The media covered extensively the cases of two brave young actresses, Milena Radulović and Iva Ilinčić, who decided to report sexual violence to which they had been subjected for years by acting teacher Miroslav Aleksić. Towards the end of the year, we saw thousands of support posts and confessions of young and adult women on social networks under the hashtag “I did not report it”. It was also announced that Milutin Jeličić Jutka, former president of the municipality of Brus, was sentenced to three months in prison for unlawful sexual acts with a female employee, and the media also covered other reports of sexual violence, including the report against a famous actor, the case that occurred at the Petnica Research Centre etc. Some of these cases are pending, while others have been closed. All of this shows that we are witnessing a tide of social change and that women are more willing to report violence, which can also be attributed to the fact that this issue has been discussed more openly in recent years and victims were encouraged to report cases of violence, in parallel with the development of support and protection systems.



According to United Nations' documents, ***violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women.***

Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. Violence against women is an obstacle to the achievement of equality, development and peace.⁷¹

The media also reported on the issue of violence, often even in an inappropriate manner, in breach of the code of ethics.

The public media space, and social networks in particular, contained discriminatory and sexist comments – an issue to which the Commissioner drew attention in her warnings and media appearances, warning that such statements and messages were not allowed and condemning them. There is an evident need for continual education of members of the media in connection with the manner of reporting

⁷¹ Declaration on the Elimination of Violence against Women, UNSCR 48/104 of 20 December 1993, Beijing Declaration – Platform for Action, Beijing, 1995, UNSCR 54/134, 1999.



on these issues, as well as for further strengthening of the victim support system and the institutions in charge of providing such support. Further steps should be taken to break gender stereotypes and sexism, prevent violence through promotion of equality, close the gender gap in the labour market, empower women, achieve equal gender distribution in different sectors and decision-making processes, reduce gender imbalance in the education system, in culture and in the media and ensure cooperation between all institutions of the system on this issue. Thus, the Council on Elimination of Domestic Violence, chaired by the Minister of Justice, has been formed to oversee the implementation of the Law on Prevention of Domestic Violence and improve coordination among responsible national authorities, institutions and other entities and the effectiveness of protection against domestic violence. At its first meeting, the Council highlighted the need for further continual education and training of members of all institutions, including public prosecutors, police officers, staff of centres for social work, medical and educational professionals, as well as for promoting cross-departmental, with the involvement of the media and with awareness-raising campaigns targeted both at victims and at the expert community and the general public, to ensure domestic violence is reported.

Several regulations and strategic documents relevant for specific social groups at greater risk of discrimination were passed during the year, which is a prerequisite for improving their situation. These included the *Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence 2021-2025*⁷², for which the Commissioner called for years in her recommendations. The Strategy identifies combating violence against women and domestic violence as a priority goal of the Government and acknowledges that violence against women is still not perceived as a manifestation of historically unequal power relations between men and women. Victims of violence are predominantly women, and there has been no significant reduction in the number of femicides. Women from vulnerable social groups are at a particularly high risk of gender-based violence, including Roma women, women with disabilities, rural women, single mothers, female asylum seekers/migrants, women with a different sexual orientation and gender identity etc. Challenges identified in this area include:

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- ❖ Traditional cultural norms and widespread gender stereotypes and prejudice, which largely tolerate and justify violence against women;
- ❖ A large “dark figure” of violence that often remains unreported for fear of stigmatisation, shame, lack of support and understanding in the community, economic dependence on and fear from the perpetrator, as well as due to a lack of confidence in an effective response from the institutions of the system;
- ❖ The legal framework for the prevention of and protection from gender-based violence against women, including its criminalisation and indemnification of victims, which is not fully harmonised with international standards, while implementation of existing policies and measures as part of a comprehensive and coordinated response from competent institutions is not sufficiently efficient and effective;
- ❖ Institutional processes, standards and procedures that still fail to ensure a satisfactory level of safety for women and children, while the existing assistance and support services do not fully meet their needs;
- ❖ Lack of transparent, stable and sustainable financing for policies, measures and specialised services to support the victims.

The Law on Gender Equality and the adoption of the *Gender Equality Strategy 2021-2030*⁷³ and the *Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence 2021-2025* were also adopted in 2021. The primary goal of these legal documents is to address the gender gap and achieve gender equality, promote the fight against violence and a precondition for the development of the society and improve the daily lives of women and men and girls and boys. The vision pursued by the Strategy is a gender-equal Republic of Serbia, in which women and men, girls and boys, as well as persons with different gender identities, are equal, have equal rights and opportunities for personal development, contribute equally to society’s development and assume equal responsibility for the future.

The adoption of these strategies implements the Commissioner’s recommendations made in previous annual reports. The strategic framework is also crucial for institutional capacity building, improved coordination among stakeholders and raising public awareness on these issues.

This recommendation remains valid, since the legal framework has not been completed with regard to improving the situation of certain social groups. Specifically, it is necessary to amend the regulations governing deprivation of the ability to contract and social protection, adopt strategic frameworks to govern the position of the older persons, rights of the child etc. As regards workplace harassment and violence in the world of work, as a key sphere of life of every individual, it is necessary to ensure the respect for, promotion of an exercise of the main labour

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For several years, the Commissioner has been recommending that public authorities should develop new strategic documents and action plans to replace the expired ones, while new strategic directions are sometimes not set for years, which results in failure to undertake measures and activities that could have been undertaken to improve the situation of vulnerable population groups. Thus, **the period covered by the previous National Strategy for the Prevention and Elimination of Domestic Violence and Intimate Partner Violence against Women (2011–2015) expired six years ago.**

The National Assembly reaffirmed this point in its Resolution concerning its review of the Commissioner's Regular Annual Report for 2020, which *inter alia* calls on the Government to adopt new strategic documents to replace the expired ones.

principles and rights, prohibition of discrimination in employment and at the workplace, abolishment of all forms of forced, involuntary and child labour, protection of specific categories of workers, the dignity of labour etc. To achieve these goals, i.e. to protect all workers and other persons in the world of work (persons who work, regardless of their contractual status, trainees, volunteers, job seekers, holders of powers etc.), Serbia should also ratify International Labour Organisation's Convention No. 190 concerning the elimination of violence and harassment in the world of work.

During the year, the Commissioner submitted a number of initiatives to amend and/or supplement certain regulations, in accordance with her statutory powers, including: *the Law on Financial Support to Families with Children; the Criminal Code; the Bylaw on Technical Medical Aids covered by Compulsory Health Insurance; the Schedule of Active Employment Policy Measures targeted exclusively at certain categories of women who are not readily employable*, as well as numerous other regulations, which are covered in detail in the relevant sections of this Report. The Special Report on Discrimination against the Older persons contains recommendations to develop *a comprehensive strategic document on issues of aging and improving the quality of life for the older persons and the Action Plan on Implementation of the Digital Skills Development Strategy of the Republic of Serbia*, while the Special Report on Discrimination against Children contains recommendations concerning the *adoption of a strategy and operationalisation of measures and activities regarding the exercise of rights, social inclusion, poverty reduction, coordinated action and other issues relating to improving the situation of children and adopting regulations to govern all rights of the child.*

In the course of 2021, the texts of laws and other regulations were generally presented to the Commissioner for an opinion in the legislative process. However, in some instances the Commissioner's opinion was requested in a far shorter period

than the one provided for by the law. Thus, for example, opinions on the Draft Gender Equality Strategy and the Draft Strategy for Prevention of and Protection against Discrimination were requested as a matter of urgency and the period left for providing the opinions was unacceptably short. In this context, the Commissioner underscored that the practice of leaving short periods for the provision of opinions should be abolished, while the adoption of strategic documents which address complex and highly relevant issues should be based on a process that thoroughly reviews all problems and envisages measures that would realistically contribute to the attainment of the specified objectives, while all stakeholders should be given an opportunity to systematically and comprehensively analyse the current situation and the proposed measures. On the other hand, in early February 2022 the Government of the Republic of Serbia adopted the Strategy for Social Inclusion of Male and Female Roma in the Republic of Serbia for the period 2022 – 2030, and the text of the Strategy had not been previously submitted for an opinion to the Commissioner, as a key authority for the protection of this social group that is the most frequently exposed to discrimination.



Certain authorities have reverted to the practice of drafting and adopting regulations either in an urgent procedure or without leaving sufficient time to adopt a properly analysed regulation that would be applicable in practice. This practice had been abolished several years earlier; indeed, it had been one of the recommendations made by the Commissioner in her previous annual reports, as well as one of the main comments made in the 2019 Report of the European Commission. This practice must be completely abolished, save in those cases, as provided for by the law, that require urgency.

The Law amending and supplementing the Law on Prohibition of Discrimination was also enacted, which harmonised the provisions of this act with *acquis communautaire* and fulfilled the commitment under the Action Plan on Chapter 23. The amendments concern *inter alia* the Commissioner's mandate, the complaint handling procedure and keeping of records on protection against discrimination. Under this Law, in addition to the records created in the course of her work, the Commissioner also maintains records of final and enforceable judicial decisions passed in infringement, criminal and civil proceedings for violations of the provisions prohibiting discrimination. Courts are required to submit anonymised court decisions in this field to the Commissioner by the 31st of March of the current year in respect of the preceding year. Under the Law, the minister responsible for the judiciary is authorised to pass, within six months of the effective date of the amendment and supplements to the Law on Prohibition of Discrimination, a secondary legislation document to lay down the manner of keeping the court records and the manner of their submission to the Commissioner. This secondary legislation document has not been passed, although the time limit for doing so expired, to

which the Commissioner timely alerted the Ministry of Justice. It should be noted, however, that this Ministry had focused on constitutional amendments during the said period, so the delay in passing subordinate regulations and prioritising the country's supreme legal instrument is understandable given the importance of this process. The electronic record-keeping and the expanded powers of the Commissioner will also require additional funding and building of the Commissioner's human resource and technical capacities, as recognised in the recently adopted *Strategy for Prevention of and Protection against Discrimination 2022-2030*.

The planned harmonisation of the legal framework also affects the implementation of priorities under Chapter 23 at the local level, in particular on the planning, development and implementation of local policies. Strategic management capacities of local self-government units are often weak, many local self-governments do not have local cross-departmental advisory bodies in place that would systemically address the inclusion of the older persons and persons with disabilities, as well as the youth. Measures to ensure accessibility of official facilities and areas and public areas are not implemented continually and building inspectors who should supervise compliance with accessibility standards are not continually trained.⁷⁴

To improve performance in this context, it is necessary to include as many members of local self-government units as possible in different trainings and education events, both regarding the application of various regulations and measures and regarding the prohibition of discrimination. In addition, it is also important to raise awareness and improve knowledge on the prohibition of discrimination and efforts to improve equality among decision-makers, the non-governmental sector, the media, employees at public authorities and members of bodies and organisations with which citizens raise their grievances, as this will directly influence the exercise of citizens' rights and the use of services available to them. Aware of the importance of education for all stakeholders, the Commissioner constantly improves the trainings which this institution provides on an ongoing basis.

Thus, in addition to trainings held in the traditional format, taking into account the epidemic situation, the Commissioner also recorded two online trainings on the concept and forms of discrimination, as well as on protection mechanisms. Education of various stakeholders in the system



74 Analysis of Impact of European Integration on Local Self-government in Serbia – the Field of Protection of Fundamental Rights, Standing Conference of Towns and Municipalities, 2020, p. 121, available at: <http://www.skgo.org/publications/download/506>

should remain a priority, both in the field of protection from discrimination and in the field of protection of violence, as well as in other areas.

The risk of social exclusion and discrimination, which particularly affects impoverished citizens, has been identified as a key issue. According to the Survey on Income and Living Conditions (SILC), the poverty risk rate in 2019 was 23.2% (EU: 27 16.5%), while the rate of poverty or social exclusion risk was 31.1% (EU: 27 21.1%), as stated in the abovementioned *Serbia Report 2021*. According to the data of the Statistical Office of the Republic of Serbia, the poverty risk rate was reduced in 2020 to 21.7%. The European Commission report states that, as in previous years, poverty is more prevalent in rural areas than in urban ones. One in ten employees (9.2%) are at risk of poverty, which means they cannot provide for the basic necessities in spite of being employed. About 47.7% of the population is subjectively poor (which is a progress from 58.4% in 2018), i.e. their answer to the question regarding their household's ability to make ends meet is that they face "difficulties" or "great difficulties" in doing so, which puts Serbia at the bottom of the ladder among the European countries in which SILCs are conducted. Income inequality was high, at 33.3% of the Gini coefficient based on income in 2019 (35.6% in 2018), which was higher than the Gini coefficient in EU-27 (30.2%). The income quintile share ratio was 6.5 in 2019 (8.58 in 2018). This means that the income of the richest 20% of the population was 6.5 times higher than that of the poorest 20%. In the same period, the income quintile share ratio in EU-27 was 4.99. The effects of the COVID-19 pandemic on vulnerable individuals should be closely monitored, as there are no measures designed specifically to protect the most vulnerable categories. At 18.02% in 2019, the effect of social transfers on poverty reduction in Serbia was far below the EU-27 average of 32.38%.

These inequalities largely stem from inequalities in the labour market, incomplete reach of the most vulnerable sections of the society, i.e. incomplete scope and targeting of social policy measures, gender inequalities and inequality in education. A significant share of the population lives in long-term poverty, which increases year after year, according to the analysis of the Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia⁷⁵. Long-term poverty affects educational achievement, the level of crime and future income, while the probability that children who grow up in poor families will become poor adults is higher than in the general population and increases the longer a person is exposed to poverty. It is therefore crucial to undertake measures to reduce poverty, which should include access to education, access to the labour market and better targeting of social transfers.

75 *Analysis of Long-Term Poverty in the Republic of Serbia* Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, October 2021, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/11/Analiza_dugotrajnog_siromastva_u_Republici_Srbiji.pdf

In addition to these figures, one factor that must be taken into consideration in this context is the demographic situation, which is characterised by demographic ageing and a high average age of the population, a declining fertility rate and a high mortality rate, coupled with continuing migration and leaving of young persons. According to the data of the Statistical Office of the Republic of Serbia, young persons aged 16-24 in Serbia are at a greater risk of poverty and social exclusion than the general population. The publication entitled *Leave no one behind! Progress in achieving Sustainable Development Goals among Youth in Serbia*⁷⁶ states that 20% of young persons aged 15-29 are neither in education nor in the labour market. The publication states that young persons are not only less likely to find employment, but are also less likely to find formal employment and thus earn labour rights, such as pension and disability insurance, health insurance, unemployment insurance and other rights.

Welfare beneficiaries claim the amount is low and does not even cover the bare necessities. The law provides that the amount of welfare benefits is adjusted to the consumer price index in the past six months, on the basis of statistics, twice every year. The most recent decision on nominal amounts of financial welfare benefits was passed in October 2021⁷⁷, setting the nominal amount to RSD 9,115 for individuals, RSD 4,558 for each additional adult and RSD 2,735 for a child under 18 years of age.

Concrete effects in terms of reduction of social exclusion and poverty are difficult to achieve without effective financial support to individuals and families to overcome social and living issues, proper targeting of social policy measures, addressing inequality in the labour market, availability of education opportunities, gender equality, improved measures of support to families with children and population policy measures, in particular concerning measures to balance work and parenting and providing sufficient number of child care institutions and their availability.

Poverty issues were exacerbated during the previous year, due to the consequences of the pandemic and the resulting ability to earn, reduced volume of work or possible loss of employment etc. The fact is that the state provided assistance to both citizens and businesses during the health crisis. Thus, for example, in the first year of the health crisis alone, assistance was provided to the private business sector (more than four minimum wages per employee) and financial assistance of 100 euros was distributed to all citizens of age. This assistance alleviated the economic and social effects of the pandemic and provided not only financial, but

76 *Leave no one behind! Progress in achieving Sustainable Development Goals among Youth in Serbia*, Statistical Office of the Republic of Serbia, Belgrade, 2021, available at: <http://www.centaronline.org/userfiles/files/publikacije/giz-rzs-ne-izostaviti-nikoga-iz-razvoja-mladi.pdf>

77 *Official Gazette of the Republic of Serbia* No. 99/21

also psychological support, protecting mainly those without any income or in the lowest income bracket, which prevented the spread of poverty in 2020. Also, the support was similar to the average level of assistance in the EU and twice as high as in other Western Balkan countries. A third package of assistance was provided in 2021 (RSD 249.4 billion), which, together with the assistance previously distributed, brought the amount paid to citizens and businesses to RSD 953 billion, or approx. 8 billion euros.⁷⁸

The Commissioner focuses her efforts in particular on equal social inclusion of impoverished citizens and, in her opinions and especially in her recommendations of measures, highlights the need for and possible ways of addressing specific issues (specific examples are explained in detail below).



The Commissioner issued the Government of the Republic of Serbia with a recommendation of measures, in which she pointed out that the regulations providing for economic measures designed to alleviate the negative effects of the coronavirus pandemic, which the Republic of Serbia had adopted, did not have equal effects in terms of alleviating negative effects of the pandemic for the most frequently discriminated groups and those who are at the highest risk of social exclusion and poverty, singling out children, multi-member families, women, persons in informal employment and the unemployed, as well as the Roma.

For more information, visit: <http://ravnopravnost.gov.rs/preporuka-mera-vladi-povodom-programa-ekonomskih-mera-2/>

One observed consequence of the health crisis and other developments is that the position of workers has deteriorated further, their burden has increased, especially in certain sectors (including social protection, health care, retail, education etc.), increased use of available legal concepts under the labour law which had previously not been used or had been used to a lesser extent, such as working from home, which continued throughout 2021, as well as loss of jobs or a reduced volume of work in certain industries, resulting in lower income (tourism, the hospitality industry etc.). Labour legislation should be adapted, in particular in terms of more precise regulation of workers' rights, as well as in terms of strengthening inspection activities and inspectorates, which is an issue the Commissioner had also highlighted the previous year. A particular issue is the employment of the youth and their position in the initial years of employment, when they are often exploited by employers as replacements for indefinitely employed workers, whether in the form of internship or through multi-annual engagement under temporary

78 List of Economic Measures to Support Business and Citizens in Alleviating the Consequences of the COVID-19 Pandemic caused by the SARS-CoV-2 Virus, Ministry of Finance, available at: <https://mfin.gov.rs/aktivnosti/ekonomske-mere-za-pomoc-privredi-i-gradjanima>

and occasional work contracts. The Commissioner drew attention to this situation in her opinions on the draft laws on engagement in seasonal and other occasional jobs, work placement etc.

On the other hand, there is a huge body of research supporting the position that effects in terms of greater employment and utilisation of workers' full potential are impossible to achieve without first achieving gender equality in the labour market through greater participation of women (as the largest group of unemployed persons who have difficulties finding a job). According to the results of the already mentioned survey of the Commissioner *Gender Equality and Balance between Work and Private Life*, unpaid work is mainly "women's work": data show that women spend far more time caring for children every week than men, while grandparents are the most valuable helpers. As many as 33% of female respondents (aged between 18 and 24) stated they had to leave their job to be able to care for their children. In this context, it is essential to promote equal sharing of household duties and caring for children and other members of the family, in particular the older persons. That these measures can be implemented is confirmed by the results of the survey *Balancing Work and Parenting (Employers and Employed Parents)*⁷⁹, according to which one in three employers (33.3%) provide one-off financial assistance for the birth of a child, while many of those employers that do not implement this measure (approx. 90%) would be willing to provide it with additional tax relief. In addition, 72% of employers would be willing to make additional efforts in the future and provide financial assistance to parents when their children start school if the state provided tax policy incentives. A majority of employers (66.7%) stated they implemented activities and measures to address issues faced by employed parents when balancing work and family responsibilities.

When designing active employment policy measures and mechanisms, especially in the local labour market, the effects of such measures and retaining employment should be taken into consideration, taking into account in particular unemployed persons who have difficulties finding a job. Furthermore, comparative advantages of specific communities should be harnessed to design measures that will promote development, use the comparative advantages of the local community and acknowledge the needs of the local labour market.

Sound long-term effects in terms of greater employment, as well as in terms of improved situation of employees, also entail more active involvement of employers in these processes. Thus, according to the result of a survey on the most desirable employer in 2020, 10,000 respondents chose as the most desirable a company that had adopted flexible work models allowing employees to work from home,

79 *Balancing Work and Parenting (Employers and Employed Parents)*, Ministry of Family Welfare and Demography, 2021, p. 15 - available at: https://www.divac.com/upload/document/uskladjivanje_rada_i_roditeljstva_poslodavci.pdf

a gradual return from maternal leave, collecting and using overtime hours in an “hours bank” arrangement, working at the employer’s offices at the employer’s place of residence if the job is in another city, while also signing employment contracts with more than 95% persons who had previously been hired through employment agencies etc. These data point to some of the measures that are necessary and important in modern circumstances and which may have even greater effects in the long term.

General Recommendations

This part of the Report covers recommendations that pertain to improvement of equality in all areas, regardless of any specific personal characteristic of a person or groups of persons, followed by recommendations for improving the situation of specific social groups on specific grounds of discrimination, based on the frequency of their complaints filed with the Commissioner.

The following general recommendations are made on the basis of an analysis of the Commissioner’s practice and an assessment of the state of play regarding the achievement of equality, as presented in various reports and other acts of the EU, international organisations and treaty bodies, as well as reports and surveys by the Commissioner and national institutions and organisations, on all grounds and areas of discrimination.

General recommendations:

- Continually improve quantitative and qualitative capacities of the systems, including in particular health care and social protection, as well as other public services in the fields of education, social care for children, inspection etc., so they could respond to citizens’ needs in all situations, including crisis ones, and ensure continual and full exercise of these rights;
- Amend and supplement or pass specific regulations, harmonised with international standards in the respective fields (including regulations on social protection, financial support to families with children, regulations pertaining to capacity to contract etc.), to improve the situation and achieve equality of all social groups;
- Adopt a secondary legislation document to govern the manner of keeping court records of final and enforceable judgments and decisions passed in infringement, criminal and civil proceedings for violations of anti-discrimination provisions and the manner of providing these records to the Commissioner, while providing funding for the establishment and maintenance of such records;

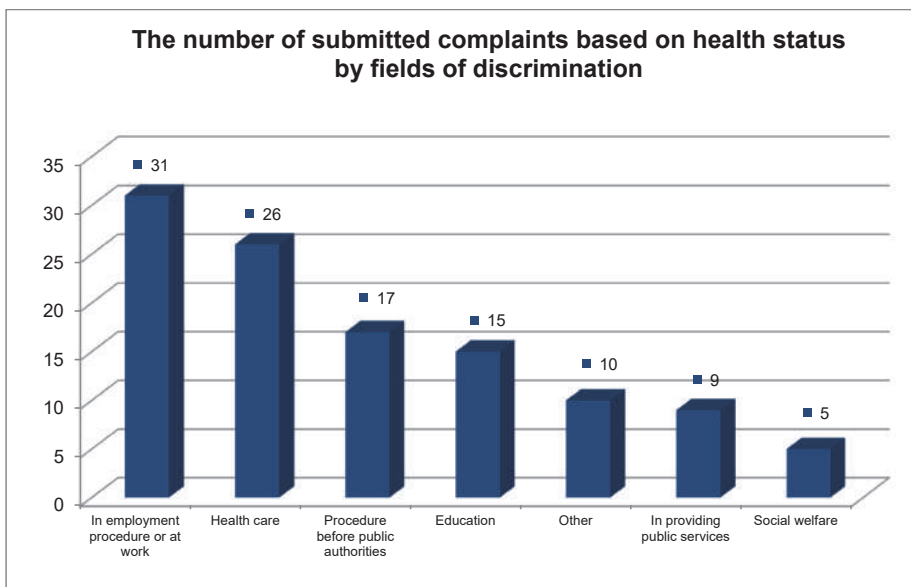
- Adapt labour legislation to regulate in more detail work from home, flexible working hours and other provisions in order to improve the situation of workers, strike a balance between work and parenthood etc. Take action to ratify International Labour Organisation's Convention No. 190 concerning the elimination of violence and harassment in the world of work;
- Develop strategic documents and action plans to replace the ones that have expired or are about to expire (including strategies on adult education development, corporate social responsibility and aging, the action plan on implementation of UNSCR 1325 on Women, Peace and Security etc.), to ensure continuity in the implementation of measures and activities;
- Continually strengthen the capacities of local self-governments, with additional training of local-level employees on adopted regulations and strategic documents, their objectives and ways of implementing the envisaged activities, in order to achieve the best possible outcome taking into account the specificities of each local self-government;
- Continue implementing measures and activities aimed at reducing social exclusion and poverty, especially of social groups at increased risk, and reducing the gap between urban and rural environments, coupled with the creation of infrastructural prerequisites (transport infrastructure, water supply, electricity etc.);
- Design new active employment policy measures and mechanisms to achieve optimum effects for the employment of persons who are not readily employable, especially in local labour markets, taking into account in particular the sex, age, health and social status and other characteristics of the unemployed persons;
- Increase effectiveness of financial support to individuals and families to overcome social and living difficulties, with better targeting of beneficiaries, focusing on services, measures aimed at balancing work and parenting and support measures families with children. Relax the means-testing requirement for the entitlement to financial welfare benefits for the older persons;
- Implement programmes and encourage topics in the public and media space which promote the culture of mutual respect and non-discrimination, tolerance, understanding and acceptance of diversity, gender equality and inter-generational solidarity;
- Continually implement education programmes teaching discrimination recognition and response for all stakeholders, including employees in public authorities and all spheres of social life. Work towards including all social stakeholders in the recognition and prevention of hate speech, sexism, homophobia, transphobia etc., harassment and degrading treatment in the public sphere on any grounds, as well as their proper and timely sanctioning;

- Continually improve coordinated and effective efforts of all institutions of the system to provide protection from violence, coupled with further development of support services for victims and children who witnessed violence, provision of free legal aid and public awareness raising on how to recognise and report violence.

Discrimination on the Grounds of Health Status

For the past two years, the health status as a basis for discrimination in the Commissioner's practice has been the most common basis cited by citizens in their complaints, what is expected given the health crisis caused by the coronavirus. Thus, during 2021, 113 complaints were submitted on this basis, which ranks it in the first place in terms of the frequency of occurrence of complaints with 15% of the total number of complaints. Health status is often cited as a basis for discrimination in combination with other personal characteristics, most often with disability and age.

As in previous years, most complaints were submitted in the field of labour and employment, as well as in the field of health care and the conduct of public authorities, what is expected, especially having in mind the still present Covid-19 pandemic.



During 2021, the Covid-19 pandemic also affected the difficult access to health care of all citizens, with the exception of non-Covid patients, but also their difficult

access during periods of major waves of illness. These include persons with disabilities, the older persons, the chronically ill, cancer patients, persons on dialysis, persons with rare diseases, persons who are living with HIV / AIDS, children, transgender persons and others. Providing the access to regular health services and therapies, examinations and psychological support during crises, including available health facilities, as well as clear and effective procedures for providing services in the field of health care in crises, are just some of the challenges arising from the Covid-19 epidemic. *The Annual Report on The Activities*⁸⁰ of the Council of Europe's Human Rights Commissioner assessed, among other things, that the current crisis caused by the Covid-19 pandemic serves as a magnifying glass for all existing inequalities across Europe, and that these inequalities particularly affect the older persons, women, LGBTI persons and ethnic minorities.

The negative effects of the health crisis are visible especially when it comes to the spatial availability of primary and preventive health care, but this problem has also been present before. Thus, in the report *Connecting the Dots*⁸¹ is stated, among other things, that since the decision to ban the employment in the public sector, the number of inhabitants per a doctor has increased. In the period 2011-2017, the number of doctors employed in the public sector decreased by 5% (general practitioners by 18.2%, and specialist doctors and doctors in specialization by 2.5%), while in the same period the number of dentists decreased by more than a quarter. Observed by regions, the decrease in the number of doctors is very uneven, and the region of Southern and Eastern Serbia, which has the weakest indicators of development, is the most affected. More than half of the participation of municipalities in which the number of inhabitants in relation to one doctor is twice higher than the national average indicates low availability of doctors, especially for a large number of inhabitants in rural settlements far from the municipal centre, where the health centres are located. The citizens in rural settlements, with poor traffic connections and poor local roads to municipal centres, are particularly vulnerable and deprived of medical assistance. These people are deprived of both preventive and primary and specialized health care.⁸²

Having in mind this situation and the necessity of providing available health care for all groups of the population, the Commissioner reacted urgently by recommending the measures when the eventual abolition of the Institute for Student Health Care in Serbia was announced.

80 „Annual activity report 202“, Dunja Mijatović, Commissioner for Human Rights of the Council of Europe, Strasbourg, 21 April 2021, <https://rm.coe.int/0900001680a2150d>

81 *Connecting the Dots*, the Centre for Democracy Foundation, 2021, page 123, available at: <http://www.cen-taronline.org/userfiles/files/publikacije/fcd-cod-publikacija.pdf>

82 *Connecting the Dots*, page 168



The Commissioner **issued to the Ministry of Health a recommendation of measures for achieving equality** in order to reconsider, analyse all the effects of the possible abolition of the Institute for Student Health Care in Serbia, which is envisaged by the Draft Plan for Optimizing the Network of Health Care Institutions - the Masterplan, to consider the consequences of such a decision and in cooperation with relevant actors, primarily students, arrange a network of health care institutions in accordance with the needs of users.

Having in mind numerous international and domestic strategic documents dealing with finding the most efficient ways and models in order to provide better health care to young people, by the Draft Optimization Plan for Networks of Health Care Institutions (the Masterplan) which envisages mergers or horizontal integration of the Institute for Health Care of Students with Health Care Centres, systemically organized health care for the needs of a large student population is lost. This recommendation has been realized.

For more information, visit: <http://ravnopravnost.gov.rs/preporuka-mera-ministarstvu-zdravlja-povodom-ukidanja-zavoda-za-zdravstvenu-zastitu-studenata/>

*The Survey on Citizens' Perception of the Position of Medical Staff during the Covid-19 Pandemic and the Satisfaction with the Provided Medical Treatment Service*⁸³, among other things, stated that during the duration of the Covid-19 epidemic, health care services were provided in public health facilities outside of those related to Covid for 44.2% of respondents - some services were not available or their implementation was significantly hampered.⁸⁴ Respondents who were denied health services generally stated that those were preventive examinations, examinations due to mild chronic diseases or examinations due to mild acute illnesses, while about 13% of those surveyed said they were denied examinations due to severe chronic illness.⁸⁵ Just over half (55.4%) of those denied health services in public institutions achieved these services in private institutions, while the rest (44.6%) did not.⁸⁶

Thus, for example, a military pension beneficiary addressed the Commissioner and stated that military pension beneficiaries cannot exercise the right to vaccination against seasonal flu in civilian health centres due to the closure of military medical clinics in the territories of their residences, and where they have been vaccinated regularly so far. On this occasion, the Commissioner addressed

83 *Survey on Citizens' Perception of the Position of Medical Staff during the Covid-19 pandemic and the satisfaction provided by the medical treatment service, Belgrade Centre for Human Rights, 2021, available at: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2021/12/Beogradski-Centar-za-ljudska-prava-COV-ID-2.pdf>*

84 *Idem*, pp. 20-21

85 *Idem*, p. 22

86 *Idem*, p. 23

the Ministry of Health and the SOVO (Social Insurance Fund for Military Insured Persons) Fund to consider the possibility of taking measures so that all military pension beneficiaries, who moved their health records to the civilian health centres, can exercise the right to vaccination against seasonal flu in these health centres.

And the findings from the publication *Accessibility of Health and Social Care Services to the Older persons during the Covid-19 Pandemic*⁸⁷ and mini survey research on the topic “How accessible the institutions of the state health and social care system are to the older persons at the time of the Covid-19 pandemic” point to a lack of health care availability for the older persons. More than 87% of respondents testified that Covid-19 made it much harder to access health care services for older persons non-Covid patients, and that they could most easily access their chosen doctor, while the access to other services were difficult or practically impossible. According to the results of the same survey, it is equally difficult to gain access to nursing home help service and accommodation service in the state nursing home. For years, the Commissioner has pointed out that continuity in the realization of social protection services is important especially in crisis situations, and that it is necessary to strengthen all (quantitative and qualitative) capacities of social work centres and other social protection institutions, in order to be able to respond in a timely manner to all tasks in the field of social and family law protection and to provide quality mapping of needs, recognition of social exclusion and timely activation of all forms of support and assistance.

The issue of the availability of health care in the conditions of the Covid-19 crisis includes the organization of health care for both Covid and non-Covid patients. We have already discussed the problems of non-Covid patients, especially those with long-term therapies, those who need some surgical or other intervention, with rare or chronic diseases. Another problem is the conversion of some outpatient clinics into Covid units, which is why persons with disabilities have also had accessibility problems with regular check-ups. As regards the so-called Covid patients, there have been occasional issues at the designated Covid outpatient clinics, because the queues are sometimes endless, especially during the so-called “peaks” of the epidemic, and patients with various ailments have been forced to wait for hours. Patients file in a single queue in front of these outpatient clinics, whatever the purpose of their visit, and as a result many have to go to the back of the line again and wait in the same queue. Thus, one waits for several hours for the first examination, then for the test results, then the control examination or in case of worsening of the condition. People are also waiting for the opening and / or closing of the sick leave. At the same time, patients have fever, feel weak, some have pneumonia, difficulty breathing, etc., and among them there are those who

87 *Accessibility of Health and Social Care Services to the Elderly during the Covid -19 Pandemic*, Amity, 2021, page 2



The queue in front of Covid out-patient clinic, 2021.

are already in poor health, and waiting usually takes place in front of facilities in conditions of even high or low temperatures, in the rain or snow. The medical staff is extremely busy and the whole system is overstressed, but it must be borne in mind that the position of the patients is also unenviable.

On the other hand, a lot has been achieved in a short period of time. Thus, an employment relationship was established with a large number of young doctors, bonuses were paid due to difficult working conditions and other types of assistance, health care institutions were built or renovated, equipment was procured, etc., thus improving the health care system during the health crisis. Further improvement of the system can be achieved through a more efficient organization, without additional funds.

During the year, we also witnessed drastic examples when the media repeatedly reported cases of death of patients in front of the ambulance or in health care institutions. These patients did not reach the doctor at all or the medical staff refused to examine them by referring them to another institution due to the organization of work during the health crisis. Citizens also addressed the Commissioner, usually by phone, pointing out the impossibility or refusal of treatment. This situation certainly indicates the need to pay special attention to the organization of health care, especially during health crisis situations, but also in regular circumstances, for all citizens, regardless of what health problem it is.

The availability of health care is also extremely important for persons suffering from rare diseases, as well as for persons who are living with HIV / AIDS, and in previous year have been particularly challenging. For example, the Commissioner was addressed by patients suffering from cystic fibrosis and parents of children suffering from this disease, who pointed out several problems, such as restrictive prescribing of the innovative medicine Trikafta/Kaftrio, as well as the lack of conditions and / or non-compliance with standards for treatment of the sick - especially

spatial solution in stationary conditions, small number and adequate training of health staff, etc. A number of complaints also pointed to the treatment of health care staff towards the sick and the inability to access information.

That persons who are living with HIV/AIDS are not provided with continuous access to doctors, tests and treatment, as well as the orientation of the entire health system to the response to the Covid-19 epidemic, is also stated in the publication “Position of vulnerable groups in the process of accession of the Republic of Serbia to the European Union” published by the Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia. In addition, in this period, the lack of appropriate medical and pharmacological therapy was noticeable.⁸⁸

Important!

We remind that for years, the Commissioner, in her regular annual reports, has been recommending the provision of more efficient therapies, medicines, materials and aids of the new generation at the expense of the Republic Health Insurance Fund, especially for persons with disabilities, the older persons, persons undergoing dialysis, who suffer from rare or systemic diseases, hepatitis, melanoma, persons who are living with HIV / AIDS, etc., as well as that preventive care measures, screening examinations measures should be taken, and pay special attention to raising awareness and information about health risks and reproductive health, while ensuring greater availability of psychological support.

The practice of the Commissioner also indicates the existence of stigmatization and discrimination of persons with diagnosed diseases that are transmitted through sexual contact in society. Such situations happen even when it comes to medical workers. Thus, during the year, the Commissioner was addressed by a person stating that he went to the Clinic for Oral Surgery of the Faculty of Dentistry in Belgrade, in order to extract a tooth because of which he suffered great pain for days. After informing the medical staff of his HIV status, they refused to provide him with the service, explaining that they did not have the instruments and other necessary conditions, and recommended that he come tomorrow. During giving his opinion that anti-discrimination regulations have been violated, the Commissioner had in mind that the Faculty of Dentistry of the University of Belgrade is a reference institution in the field of dental health care, which also provides outpatient care and treats the most complicated oral and dental pathology and that

88 *Position of vulnerable groups in the process of accession of the Republic of Serbia to the European Union*, Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia, 2021, pages 219-202 – available on the website: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/12/Polozaj_osetljivih_grupa_u_procesu_pristupanja_Republike_Srbije_Evropskoj_uniji.pdf

within the framework of performing activities within its jurisdiction it must not violate the regulations on the prohibition of discrimination.

This situation also indicates the need for continuous cooperation with the media representatives and medical experts in order to timely inform and educate the population about infectious diseases, especially young people, as well as continuous work to reduce stigmatization and discrimination of certain forms of behaviour towards persons who are living with HIV/AIDS, in different social sectors, including health care. Almost the same problems are observed when it comes to other vulnerable groups, such as LGBTI and transgender persons, who are also exposed to stigmatisation and discrimination.

Particular attention, both in regular circumstances and during crisis situations, needs to be paid to sexual and reproductive health and rights in this field. Providing family planning services, pregnancy maintenance and other health care services in the area of sexual and reproductive health are crucial for the whole society, and safe pregnancies and births depend on functional health systems and strict adherence to recommended infection protection measures. Equally important is the early development of children, to which special attention needs to be paid.

WARNING:

The yellow armbands worn on the sleeves by citizens who oppose vaccination against Covid-19, are an insult and belittlement of Holocaust victims, the Commissioner warned. It is extremely inappropriate to associate one of the greatest tragedies of the past and the millions of killed Jews, as well as persons of other ethnic origin during the Second World War, with the opposition to vaccination. This shows not only a lack of any respect for the victims of fascism, but also a complete lack of awareness of what such a message means.

Also, the protests in front of the doctors' apartments because of the views they had expressed as experts or members of the Crisis Response Team are worrying, because in that way their safety is endangered. The death threats directed at virologist Milanko Šekler and the inadmissible insults at the expense of epidemiologists Predrag Kon and Branislav Todorović are especially condemned, the warning stated.

This year was also marked by the immunization of the population, i.e. the process of vaccination against Covid-19, which was marked from the beginning by contradictory attitudes about the efficacy and need for vaccinations. Different vaccines have been available to citizens practically since the beginning of the year, and at the same time a national vaccination promotion campaign was underway under the slogan "Bring Back Hugs", with the aim of informing the population about the safety and effectiveness of vaccines and motivating them to vaccinate.

However, some citizens opposed the immunisation, which they expressed in various ways, including by spreading rumours and quoting the adverse effects of the vaccines, protests and insults directed at members of the Crisis Response Team, which exacerbated the already widespread confusion and dilemmas among citizens. On the other hand, proponents of vaccination also voiced their opinions in a similar fashion. The Commissioner reacted to such negative phenomena in some typical or difficult cases.

The Commissioner met with the Ombudsman of Bosnia and Herzegovina, prof. Dr. Ljubinko Mitrović, who pointed out the problems faced by residents of Bosnia and Herzegovina who also have the citizenship of the Republic of Serbia in the process of vaccination of the population. Namely, medical staff employed in health centres in the border areas of our country, despite the proper application for vaccination they had, refused to vaccinate a number of citizens of the Republic of Serbia due to the fact that they do not have a valid ID card or residence in the Republic of Serbia. Also, foreign citizens with the residence on the territory of the Republic of Serbia addressed the Commissioner, pointing out the same problem. After a duly submitted request for vaccination at the vaccination point at the Belgrade Fair, they were informed that they could not receive the vaccine because they were not citizens of the Republic of Serbia, and that they would be able to be vaccinated only after all citizens were vaccinated. These are citizens who have a residence in the Republic of Serbia, who are taxpayers in our country, exercise the right to health care, but also belong to the categories of residents who are at increased risk of infection (belong to a certain age group, work in educational institutions and the like), and accordingly meet the prescribed conditions relating to the priority groups of the population envisaged for the vaccination. These problems were fixed quickly.

The Commissioner is also addressed by the parents of children with rare diseases and the parents of children who have other health problems in connection with the exercise of rights in various fields. For example, the father of a child with autism addressed because of discrimination based on health status and disability. In the complaint, he stated that the child attends a school for “special education” which does not have an organized stay for children during the holidays, and that he was rejected in the second day care because for a child with autism “that day care is not an appropriate environment” and because they only accept children who use wheelchairs. The complainant addressed the city several times to point out the problem that children with autism have, stating that “it is necessary to provide them with adequate support so that their parents can work and earn a living”, but he did not receive a reply to any of the letters sent. The Commissioner gave the opinion that by failing to provide the day care service, the city violated the provisions of the Law on Prohibition of Discrimination and recommended that it provide the day care service to all children who need this service, as well as not to violate anti-discrimination regulations in the future.



The Commissioner welcomed the activities undertaken in order to enable the vaccination of as many residents as possible, as well as the fact that the vaccination process (easy way of application, a list of priority categories of inhabitants determined by international standards, etc.) is carried out in accordance with all adopted international principles and goals without discrimination on any grounds.

Considering that it is necessary to eliminate irregularities that occur in practice, at the vaccination points themselves, and enable the smooth vaccination of citizens of the Republic of Serbia who have dual citizenship, but also foreign citizens who have the residence in our country, work in our country, are taxpayers and the like, the Commissioner recommended that the Government and the relevant Ministry consider the possibility of adopting a special instruction which will clearly stipulate, that the listed categories of residents also have the right to vaccination under the conditions set out in the Recommendations for Vaccination against Covid-19, under the same conditions as citizens of Serbia. This recommendation has been realized.

For more information, visit: <http://ravnopravnost.gov.rs/preporuka-mera-vladipovodom-vakcinacije-protiv-kovid-19/>

During the year, the report “*Forgotten Children of Serbia*”⁸⁹ attracted public attention, which considered the question of exercising the right to health care of persons in residential care and which, among other things, stated that investigators in institutions saw children deprived of necessary medical treatment, and that they received information from the staff that the “doctors’ council” is deciding whether to keep the child in treatment (which may include possible surgery). In some cases, the council estimated that there is a “high risk” among these children - and it is known that without medical intervention, children will surely die. Also, the findings of this report indicate that the institutions are primarily focused on meeting the basic needs without the necessary rehabilitation and stimulation, which leads to worsening of the condition among children and has negative consequences for their health and life. This report states, among other things, that the examiners, based on observations during visits to institutions in Serbia (both large homes and small home communities), came to the conclusion that



89 *Forgotten Children of Serbia*, Initiative for the Rights of Persons with Disabilities, June 2021, available at: <https://www.driadvocacy.org/wp-content/uploads/Serbia-2021-web-SRB-1.pdf>

accommodation in residential institutions is inadequate for the child's mental and physical health and leads to aggravation of difficulties in development, dehumanization, social isolation and does not contribute to rehabilitation and development of skills that contribute to inclusion in society. The treatment in these institutions, as stated in the report, or lack of care, leads to worsening of difficulties and endangers the health and life of the child that is the reason why a number of recommendations were made regarding deinstitutionalization and family support, in order to keep all children in the least restrictive environment. The Commissioner reacted immediately with a public announcement, and a meeting was organized with the representatives of the Initiative for the Rights of Persons with Disabilities, in which it was agreed the parties would cooperate in their response to cases of discrimination.

The variety of complaints on these grounds illustrates the example of a complaint about the inability to enrol in secondary medical school.



A complaint was submitted to the Commissioner against the Occupational Medicine Service. The applicant stated, inter alia, that for the purpose of enrolling in secondary medical school, the nurse – paramedic department, she needed a medical certificate, that she has diabetes mellitus “type 1” and that for reasons related to her health status, she was issued a medical certificate stating that “she is ready to enrol in secondary school, except medical school”. After the conducted procedure and presented evidence, it was determined that under the Decision on Enrolment of Students in Secondary Schools for the School Year 2020/2021, the conditions for enrolment of students in secondary schools are prescribed by departments, not by schools, and that in this case the diagnosis of diabetes “mellitus type1” does not jeopardize the fulfilment of prescribed health status for the nurse-paramedic department. The Commissioner gave the opinion that the provisions of the Law on Prohibition of Discrimination were violated, the Head of the Service was recommended to inform all members of the team who issue medical certificates in that health institution, to send a written apology to the complainant and no longer violate anti-discrimination regulations. This recommendation has been realized. For more information, visit: <http://ravnopravnost.gov.rs/974-20-prituzba-protiv-doma-zdravlja-zbog-diskriminacije-na-osnovu-zdravstvenog-stanja/>

Discrimination based on health status often occurs in the field of labour and employment. In some cases, there is a problem of assignment to an appropriate job after the assessment of the working ability of the employee. It is not uncommon for the employer to ignore the decision of the competent body on the assessment of working ability or to assign the employee to an inappropriate job, declare him redundant, terminate the employment relationship and the like. There are also

cases when, due to the health status, career advancement or other employment rights are prevented, or the employee is not provided with professional training due to illness.



In the complaint, the complainant stated, among other things, that in the status of a professional member of the army - a non-commissioned officer, he was diagnosed with melanoma, that after the surgery he was cured, and that by the Consular Opinion of the Clinic for Skin and Venereal Diseases, he was declared capable of performing professional military service in his branch. He further stated that he applied for admission to professional military service as an officer, in the same branch in which he serves as a non-commissioned officer, and that by the Finding, Evaluation and Opinion of the Higher Medical Commission determined that he was capable for performing professional military service, but not meets the health criteria for admission to professional military service as an officer due to the diagnosis stated in the finding, thus denying him the opportunity to advance. In the complaint, the complainant pointed out that his current job requires much greater health ability than the job he applied for, that his diagnosis was not directly related to the conditions of the job and the work performed at it, and that his health status was "crucial" reason why he was not admitted to professional military service as an officer, i.e. to a higher rank.

After the conducted procedure, the Commissioner gave an opinion that the provisions of the Law on Prohibition of Discrimination were violated, and gave the recommendation to the Ministry of Defence - Military Health Administration for the following competitions, to assess the health ability of professional military persons according to the applicable List of Diseases, Injuries, Bodily Defects, Conditions and Deficiencies that evaluate the health capacity for military service, given that these persons have already been declared capable for professional military service, as well as to eliminate the consequences of discriminatory treatment. This recommendation has been realized.

For more information, visit: <http://ravnopravnost.gov.rs/914-20-misljenje-povodom-prituzbe-aa-protiv-ministarstva-odbrane-zbog-diskriminacije-na-osnovu-zdravstvenog-stanja/>

The employees also addressed the Commissioner regarding the payment of the jubilee award or incentives that are not paid at all or are not paid in full due to absence from work, i.e. sick leave for a period longer than 30 working days. In the specific case, it was determined that by setting the exclusive condition for the payment of the jubilee award in full, i.e. the payment of the reduced amount of the jubilee award, there has been an unjustified distinction based on health status, as there is no objective and reasonable justification for this. Also, employees are unjustifiably placed in an unequal position when paying incentives based on the criteria

which reads: “that employees in the business year were not absent from work due to temporary disability in terms of health insurance regulations for a period longer than 40 working days.” The Commissioner gave the opinion that the provisions of the Law on Prohibition of Discrimination were violated, and recommended to the employer to harmonize the provisions of the Collective Agreement with the employer and the criteria for granting the incentives with anti-discrimination regulations, as well as to eliminate the consequences of discriminatory treatment.

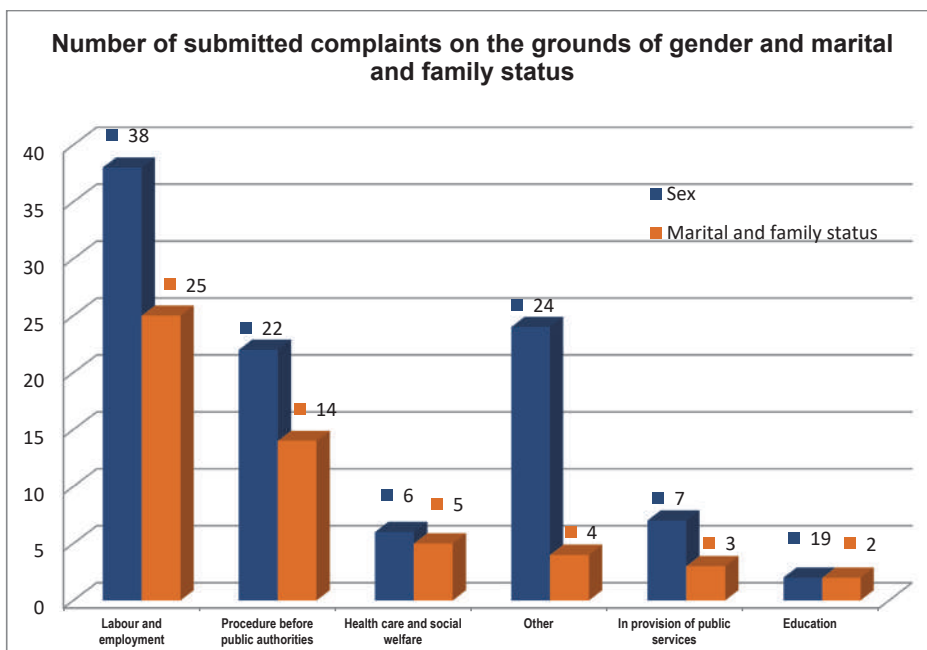
Based on the review of the situation and the perceived problems due to discrimination on the basis of health status, appropriate recommendations were given.

Recommendations:

- Improve the availability and accessibility of health care services throughout the territory to all users, regardless of age, residence, diagnosis, disability, etc. Based on experience, improve the organization of more efficient health care in crisis situations (appropriate scope, content and quality);
- Continue the work on providing more efficient therapies, medicines, materials and aids of newer generation at the expense of the Republic Health Insurance Fund;
- Provide the conditions for simultaneous and combined provision of inter-sectoral health and social care services. Improve capacities for providing palliative care;
- Improve the level of informing and knowledge of citizens on health care rights and services, preventive and screening examinations while simplifying procedures for achieving for their realization;
- Establish a centre for early child development and inclusion, taking into account the accessibility of children throughout the Republic of Serbia. Continue to provide and strengthen patronage health services.

Discrimination on the Grounds of Sex and Marital and Family Status

During 2021, the trends from previous years continued in terms of the frequency of complaints and addresses of citizens in which the sex was cited as a personal characteristic. As the largest number of addresses related to the discrimination against women in connection with childbirth, motherhood and child care, these complaints, in addition to gender, also dealt with discrimination on the grounds of marital and family status. Therefore, in this part of the text, these two grounds of discrimination will be treated together. 99 complaints based on sex as a personal characteristic were submitted to the Commissioner. The largest number of



complaints was submitted by natural persons, 57 women and 29 men. During the year, 53 complaints were submitted to the Commissioner on the basis of marital and family status as a personal characteristic.

The most common areas in which complaints are based on sex, as well as marital and family status are in the area of work and employment, followed by the area related to the conduct of public authorities. When it comes to sex as a ground for discrimination, in addition to the mentioned areas based on the number of complaints, the area of public sphere and information stands out due to misogynistic, sexist statements and comments, mostly on social networks. In 2021, a number of complaints related to discrimination against sportswomen and “women’s” clubs.



The fact is that women in Serbia are still at a disadvantage compared to men in all areas of social life, what is evidenced by numerous examples from the practice of the Commissioner and from other sources. Discrimination against women is especially pronounced on the labour market, in the economic sphere and education, in participa-

tion in decision-making, in jobs sharing, salaries, etc., which is not a characteristic only for our country.

That 2021 was largely marked by violence against women and domestic violence is already stated in several places in this report. Not a small number of children were left without a mother, and children were also exposed to violence. In addition to terrible individual cases, over the years we have witnessed several cases of reports of long-term sexual violence, and at the end of the year, a large number of confessions of girls and women who did not report the violence for different reasons, appeared on social networks.

The causes of violence against women are very complex. One of the key causes of gender discrimination is firmly rooted, traditional, patriarchal stereotypes about gender roles in the family and the wider community. Supporting stereotypes and prejudice encourages discrimination and has a negative impact on the situation in a society in which, for years now, a large number of cases of reported gender-based violence and femicide have been reported as its most severe form.

The efforts to raise public awareness of the problem of violence against women and to ensure the adequate prevention and protection are often hampered in societies where the subordinate position of women is socially accepted, violence is justified, and access to counselling or information materials is limited, including information about support and protection services.

Regarding various cases of discriminatory attitudes and violence against women, the Commissioner reacted both with warnings and announcements, especially pointing out that public figures are especially responsible for the attitudes they express.

WARNING:

The Commissioner strongly condemned the rhetoric and behaviour of Serbian Right Party President, Miša Vacić, who insulted ministers Darija Kisić Tepavčević and Gordana Čomić in an extremely inadmissible, discriminatory and disparaging way while visiting agricultural farms in Pirot villages.

Such a Vacić's performance and public promotion of such behaviour via social networks is another confirmation that sexism, misogyny and insulting women in public office are widespread and are part of a pattern of behaviour that often exceeds all boundaries of decency. Participants in public and political life must be additionally responsible for every word spoken, which is why such a speech deserves every condemnation.

The presence of sexism, misogyny and discriminatory attitudes marked the year, which is confirmed by the practice of the Commissioner, in most cases. Sexism is almost domesticated in everyday communication, accepted as an integral

part of mentality and cultural pattern, funny in jokes about women, on social networks, in cafes, in songs, on TV screens, what is especially dangerous because it forms public opinion and encourages stereotypes and prejudices. Discriminatory attitudes and disparaging depictions of women especially in public space and/or by public figures greatly encourage stereotypes and prejudices, entrench gender roles and constitute humiliation and disparagement of women with profound consequences. The Commissioner's practice also confirms that certain groups of women are exposed to multiple discrimination, which primarily refers to older persons or young women, women with disabilities, Roma women, women in rural areas, migrants, women living with HIV / AIDS, journalists and others.



A complaint was submitted to the Commissioner stating that a text entitled "Petition to Revoke the Law: Letter of the Famous Serbian Linguist Professor Dragoljub Petrović to the President of Serbia" was published, in which it is presented a series of discriminatory attitudes towards women. The text and the statement stated, among other things: "A woman gives, gives birth, (brings) life and she is not "given" to kill life and only a healthy, normal woman can be a poet, and only incomplete - a soldier; only a healthy, normal woman can "give birth to sixteen pieces", and only the unhappy and incomplete can perform sixteen abortions; the former may be an academic, while for the latter, to be an academic, is too much; the former feels quite comfortable as an ophthalmologist, sociologist, philologist, while the latter is much more comfortable with winking and / or running away; the title of professor emeritus fits the first one quite nicely, and the one who wants to be professor emeritus only confirms that she even did not deserve the first title, let alone the second one. The law that prescribes all this was prepared by some unfinished women and our female breed (let's just dwell on it) who realized that it is much more profitable for it to be among feminists, trilateralists, Bilderbergs and similar girls of "freer" behaviour, than among women and yes, from these new positions, they support the destruction of all those values on which Serbian history, tradition, culture, ethos are based." The Commissioner gave the opinion that there was a violation of the Law on Prohibition of Discrimination and pointed out that Dragoljub Petrović has the right to express his views and opinions, criticize and comment on the law, but not in a way that encourages the discrimination against women or publicly advocates stereotypical gender roles. Bearing in mind that he is a professor who can influence the public with his attitudes and authority, he has the additional responsibility not to encourage discrimination and insult the dignity of a person or group of persons on the basis of their personal characteristics. The opinion was accompanied by a recommendation, which was not realized, about what the public has been notified, in accordance with the law.

For more information, visit: <http://ravnopravnost.gov.rs/483-21-misljenje-povodom-pri-tuzbe-udruzenja-aa-protiv-dragoljuba-petrovica-zbog-diskriminacije-na-osnovu-pola-roda/>

Regarding the violence on social networks, the Commissioner was addressed by a citizen who stated that she was subjected to torture through social networks and provided evidence indicating the existence of behaviour aimed at violating the dignity of person in the sphere of sexual life and which caused fear as well as hostile, humiliating or insulting environment. Having in mind the content and seriousness of the quotation, as well as the fact that the disputed content was published on social networks in a group with a large number of members and which provoked a large number of comments, the Commissioner addressed the Higher Public Prosecutor's Office, Special Department for Combating High-Tech Crime.

Danilo Lukić, the lawyer and holder of the list of the Group of Citizens - For a Better Municipality of Plandište, also expressed insulting views, who included in his pre-election program before the previous elections *inter alia* "import of women" from Belarus and Kazakhstan for unmarried fellow citizens of the municipality of Plandište. He also gave a statement for the Nova.rs portal, where he stated: "I am a lawyer, so all the guys come to me and complain that there are no girls. I tell them that if they can't get married, we will take one or two buses and bring at least a hundred women from Belarus. And, here, in seven years, we will have three school classes." After the conducted procedure and presented evidence, it was determined that the stated statement represents humiliation and belittling of women and support of gender stereotypes, especially having in mind that it is a list holder who should take special care not to insult the dignity of a person or group of persons on the grounds of their personal characteristics. This recommendation was not implemented.⁹⁰

The Commissioner also had in mind the prohibition of public advocacy, support and acting in accordance with prejudices, customs and other social patterns of behaviour based on the idea of gender subordination or superiority, i.e. stereotypical gender roles according to which a woman has a subordinate role in society when deciding on complaints against Gerasim Atanasković, the President of the Municipal Assembly of Trstenik. The complaint states that at the session of the Municipal Assembly of Trstenik, in September 2021, Gerasim Atanasković behind the assembly platform stated: "A man can beat a woman when she puts salt on the table and a man can beat a woman when she doesn't put salt on the table." In his opinion, the Commissioner emphasized that in addition to indirectly sending a message that the inferiority of women in relation to men is what is "natural", stereotyping and promoting prejudices against women in this way can be very dangerous, especially if there is bearing in mind that violence against women is based on outdated and patriarchal social norms and patterns of behaviour according to which a woman is "owned" by a man.

90 For more information, visit: <http://ravnopravnost.gov.rs/obavestenje-za-javnost-2/>



The complaint was submitted because on a television with a national frequency, in the show “Better Country”, was broadcast an article in which the show host, among other things, stated the following: “Maybe doctors of human medicine and gynaecologists could take a nice course at the Faculty of Veterinary Medicine, that would raise our birth rate, and it would be cheaper. The whole procedure of treating sterility using PRID device costs less than one hundred euros, and the spiral for cows costs 1,800 dinars. But hormones also cost money, etc. Since cows are given doses for cattle, it could certainly be cheaper for women than that. In any case, less than thousands and thousands of euros paid by our women, and even the state in private clinics.” On this occasion, REM (the Regulatory Body for Electronic Media) also passed a decision by which it imposed a temporary ban on broadcasting program content for this media service provider for a period of 15 days, which was implemented in accordance with the decision.

Due to the responsibility for expressing discriminatory views on women, the Commissioner recommended to this television, editor and host, to remove part of the show “Better Country” from the YouTube channel or to publish an apology for the stated discriminatory attitudes below the mentioned show, as well as not to violate the provisions of the Law on Prohibition of Discrimination in the future.

For more information, visit: <http://ravnopravnost.gov.rs/983-2020-prituzba-udruzenje-protiv-televizije-bb-voditelja-emisije-vv-glavnog-i-odgovornog-urednika-dd-i-direktorke-televizije/>

The Commissioner also noted that public office brings with it greater responsibility for the publicly spoken word, as well as the obligation not to support and encourage stereotypes and prejudices about women with own statements and attitudes. This recommendation has been implemented.⁹¹

A special problem is the immediate environment of the victim of violence, but also people who work in institutions to which a woman addresses because of violence. This fact came to prominence in particular after the confession on the social networks: “I did not report”. The representatives of institutions can further aggravate the situation with their insensitivity and prejudices and thus impose a sense of guilt on the person who survived the violence. You do not even have to use explicit messages, small gestures and sentences like “Why did you go to him at all?”, “Why didn’t you defend yourself?”, “What were you wearing?”, are enough, instead of directing the responsibility for the committed act exclusively to the

91 For more information, visit: <http://ravnopravnost.gov.rs/653-21-misljenje-u-postupku-po-prituzbi-aa-protiv-predsednika-skupstine-opstine/>

one who committed it. This normalizes the violence, treats it as something that is assumed to be possible to happen, and the task of preventing that from happening and guilt if it happens is transferred to the victim. It is re-victimization; the victim was made a victim again and she was inflicted additional trauma.

WARNING:

The advertising campaign of the Serbian Chamber of Commerce, which promotes domestic products, is offensive and sexist, and “originality and creativity” reduce women to an object that can in no way be associated with the products shown, but are also an insult to the dignity of all women, the Commissioner warned and called on all companies and marketing agencies to respect the regulations and refrain from creating the contents that encourage and deepen the stereotypes. Very creative advertisements can be made that promote exceptional products of our country, but without showing woman as an eroticized object, but with respect for equality and showing the great role of women in the production of domestic products.

No woman is responsible for experiencing sexual violence, no matter what she said or dressed, how she behaved or where she was!

The Coalition of Women’s Non-Governmental Organizations in the Shadow Report “*Dark Clouds Over Serbia*”⁹² regarding the prosecution of perpetrators of violence, believes that the situation has worsened, as more than two-thirds of criminal charges are dismissed; strategic measures and laws in protecting women from violence are not effective, comprehensive and co-ordinated; financial resources and human resources engaged in the implementation of integrated policies and measures are insufficient.

Timely reporting of violence and adequate social intervention are necessary for the protection of victims, as stated in *the Report on Reported Cases of Gender-Based Violence in Health Care Institutions of the Republic of Serbia 2020*⁹³, which was published in 2021. This report, among other things, indicates that the number of reported cases of violence against women in the health care system in 2020 due to specific conditions during the Covid-19 pandemic is lower by one fifth compared

92 *Attempted Femicide and Femicide in Serbia: Prevention and Prosecution*, Association of Citizens FemPlatz, 2021, page 6

93 *Report on reported cases of gender-based violence in health care institutions of the Republic of Serbia 2020*, Institute of Public Health of Serbia “Dr Milan Jovanović Batut”, 2021, available at: <https://www.batut.org.rs/download/izvestaji/Godisnji%20izvestaj%20rodno%20nasilje%202020.pdf>

to the previous year. The police were informed about 86.4% of all registered cases, the prosecutor's office was informed about 16% of cases, and to the Centre for Social Work was reported 43.2% of the registered number of cases. Every tenth woman belonged to one of the particularly vulnerable groups, and half of the women from the vulnerable groups were Roma women. The doctors and other health professionals have a very important role in this process, based on their ethical duties and professional obligations to the patient who experiences domestic violence.



A part of the conclusions and recommendations in this report relate to the fact that prevention is extremely important in protecting women from domestic violence, and timely detection of violence and adequate social intervention are necessary to protect victims. Therefore, it is necessary that:

- ❖ Medical service providers at all stages provide confidential, available, appropriate health care for all persons with experience of gender-based violence, provide them with information on medical procedures and ensure that services are available to all users;
- ❖ Public health institutions are more involved in campaigns in local communities on recognizing and reporting violence, with education of health workers, because gender-based violence is one of the leading public health problems;
- ❖ Establish inter-sectoral cooperation between various institutions, primarily centres for social work, police, health institutions, judiciary and non-governmental organizations.

Other institutions and their employees have the same importance and role, primarily the Ministry of the Interior, the Prosecutor's Office, the Centre for Social Work, local self-government, but also all other social actors. Creating an environment in which it is clear that any discriminatory and sexist attitudes against women are prohibited and that any sexual harassment and violence will be prosecuted requires continuous and determined commitment of the whole society. None of the victims should be exposed to condemnation, humiliation and shame, because public condemnation, shame and fear should be felt by those who committed illegal acts and actions, and not the victims. The media also have a significant role and responsibility in this process. The media should comprehensively deal with the public's attitudes towards groups that are discriminated in society, not only by refraining from hate speech, but also by promoting the values in order to break stereotypes and prejudices about certain social group.

It is important to speak publicly about sexual violence against women and to act in the public sphere, because only in that way does the awareness of the necessity of reporting violence develop. This is the obligation of all institutions,

bodies and organizations dealing with the position of women in society, as well as the role of the media and the way they report has immeasurable significance, said the Commissioner Brankica Janković at the conference “Combating Sexual Violence against



Women - Improving the Legal Framework and Procedures”, which was organized by the UN Agency for Gender Equality and Women’s Empowerment in Serbia (UN Women) on the occasion of the World Population Day, where the sexual and reproductive health was singled out as one of the most important topics in population policy. Participants also discussed the improvement of the legal protection of women with better inter-sectoral co-operation, the fight against discrimination and unequal power relations between women and men as the basis of sexual violence against women, and the Commissioner emphasised each woman’s irrefutable and indisputable right to decide about her body, sexual and reproductive rights.

In addition to improving the legal framework, efforts are constantly being made in various areas to prevent violence and act in a timely manner. SOS hot-lines, which are an important source of information and telephone consultations for both victims and witnesses of violence, also help victims and facilitate the possibility of reporting violence. By calling the SOS hotline, the victim or witness has the opportunity to report violence, but also to receive basic counselling support and basic information free of charge, respecting confidentiality and possibly anonymity. Thus, the Ministry of the Interior, in addition to calling the police on number 192, enabled the reporting of violence via the free telephone line 0800 / 100-600 every day for 24 hours.⁹⁴

It is also important to mention the fact that in 2020, the National Strategy for the Realization of the Rights of Victims and Witnesses of Criminal Offenses was adopted, which set three main goals related to establishing a national network of support services, improving the protection of victims and witnesses of criminal offenses and active work on raising awareness of the rights of victims and witnesses. According to the Ministry of Justice, in 2021, 2,351 convictions were issued for the crime of domestic violence (of which almost 45% were convictions and about 55% were suspended sentences), and 85 convictions were issued for the crime of sexual harassment, and for the crime of persecution were issued 115 convictions. Also, during the year, 102 measures of obligatory psychiatric treatment and keeping

94 For more information, visit: http://www.mup.gov.rs/wps/portal/sr/gradjani/saveti/!ut/p/z1/fy3LCoM-wEEV_RSiuJ9pW7NJVoA8KdVGbTZjGIGPDJGqUfn7zBV1dDhzOBQUdKMaNBzkGY3il6r0_XS-rCinKS30QhWiQrtbiWJey2EO7zPrR6t0VI8MZ1H875WicJtWAMp6j_Ubowvp2ZLRL15yL4I2N-jLkYZuxHZMrFgPuNaRkXcqPN1iz42fdkCMJHPn8jiaYB/

in a health institution, 80 measures of obligatory psychiatric treatment at liberty, 341 measures of obligatory treatment of alcoholics and 73 security measures of confiscation of items were issued.



When looking at the media, the mapping of media narratives shows that the practices of representing women who are exposed to different forms of discrimination and violence are part of a patriarchal culture in our society, which understands and justifies the same violence against women, is stated in the publication *Media Misogyny Guide: A Short Guide to Resistance Strategies 2.0*.⁹⁵ There are only 21% of the texts in which the woman is the main protagonist of the text, the subject of information and active interlocutor. Women are nearly three times less represented in photos than men and compared to the total number of women. The topic of gender equality is almost non-existent in media articles, except within the topics of violence against women and popular politics, it is stated in this publication.⁹⁶

WARNING:

The TV Happy show, in which astrologers, numerologists and graphologists interpreted the natal charts and fateful numbers of Milena Radulović and Miroslav Aleksić in connection with a reported case of sexual violence, constitutes the inadmissible humiliation and ridicule of the woman who reported violence and mockery of this topic, the Commissioner warned, stressing that it is unacceptable to trivialise the whole event in this way, reconsider the structure of personality by analysing horoscopes, handwritings, etc., and even reconsider the truthfulness of reports, because judicial bodies are the only ones competent and called to establish the facts in a particular case.

The topic of sexual violence is extremely sensitive, and therefore requires a careful approach in processing and adequate choice of interlocutors. One television with a national frequency should not allow such content to be broadcast, and journalists, presenters and editors must have awareness and responsibility in processing such important and sensitive topics.

The Commissioner also reacted to such approaches and media announcements, and on the occasion of the International Day for the Elimination of

95 *Media Misogyny Guide: Short Guide to Resistance Strategies 2.0*, Befem, March 2021, page 4 - available at: https://drive.google.com/file/d/1_IaAhM9qhGZ4STntg39vAXpKqAH_nD0/view

96 Idem, pages 9-10

Violence against Women, when opening the meeting “Technology and Innovation in the Service of Society - Prevention of Violence against Women” organized by the Embassy of Israel and Science and Technology Park in Belgrade, the Commissioner emphasized that technology, the Internet and social networks can be powerful tools in the fight against gender-based violence, and numerous applications and algorithms that are already used for prevention around the world, also confirm that. The development of modern technologies and ways of communication, in addition to faster and better informing, has become a source of negative phenomena such as cyber misogyny and abuse, hate speech, “revenge pornography” and other forms of violence, pointed out the founder and director of the organization “Michal Sela Forum” from Israel.

One of the most drastic cases of relativization of violence against women and making the fight of the whole society meaningless happened on TV Happy, and in that regard the Commissioner issued a warning.

On the other hand, *the Survey on the Place and Role of Women in Local Media*⁹⁷ showed that women make up 57% of the total number of employees in the newsrooms that participated in this survey, which is an increase compared to 2016 when 43% of women were engaged in professional local media. Media workers are in an unenviable position compared to their colleagues, mainly because their decisions and work are evaluated from gender positions, they are exposed to sexist and misogynistic comments, online violence and hate speech, and the support of relevant institutions (national and local) and existing mechanisms for the protection of women, media freedoms and rights most often fails, stated in this report. The reasons for this situation can be found in the fact that out of 56 respondents from 53 local media, as many as 20 receive a minimum monthly salary of 32 thousand dinars (9 editors and 11 journalists), and 14 of them receive up to 40 thousand dinars (2 directors, 4 editors and 8 journalists). Such a low value of their work is further devalued when we keep in mind that most of them report for all sections and all formats of the media in which they work. Long-term exposure to violence and pressure, the presence of stereotypes, inaction or insufficient action of state bodies, lack of empathy and solidarity, low wages, fear of losing their jobs and unregulated working hours make local journalists the most endangered category of media workers, this is the conclusion from this research.

In terms of gender equality, important progress was made in 2021, and pre-conditions were created for resolving gender inequalities by adopting *the Law on Gender Equality*⁹⁸, *the Strategy for Gender Equality for the period from 2021 to 2030*,

97 *Survey on the Place and Role of Women in Local Media*, 2021, PU “Local Press”, available at: <https://local-press.org.rs/wp-content/uploads/2022/01/ISTRA%C5%BDIVANJE-O-ULOZI-I-POLO%C5%BDAJU-%C5%BDENA-U-LOKALNIM-MEDIJIMA.pdf>

98 *Official Gazette of RS*, No. 52/21

as well as the Strategy for Preventing and Combating Gender-Based Violence towards Women and Domestic Violence for the Period 2021-2025, which have already been discussed. The efforts are also being made in certain

areas, so, for example, the *Rulebook on Prevention and Protection from Sexual Harassment* was adopted at the University of Belgrade.



Having in mind the current situation, and with the aim of improving the Criminal Code and its harmonization with ratified conventions (primarily the Convention on Preventing and Combating Violence against Women and Domestic Violence - Istanbul Convention), anti-discrimination regulations and international standards, starting from the legally prescribed jurisdiction, the Commissioner submitted to the Ministry of Justice an initiative for amendments to the Criminal Code (which is also planned according to the Government's Work Program for December 2021). The initiative refers to the amendments to Article 120, which prescribes the criminal offense of *Illegal Termination of Pregnancy*, Article 178, which prescribes the criminal offense of *Rape*, Article 179, which prescribes the criminal offense of *Adultery over a Powerless Person*, and Article 250, which prescribes the criminal offense *Transmission of HIV Infection*.⁹⁹

The Commissioner signed an agreement with the Ambassador of the Kingdom of Norway Jern Gjelstad and the Director of the United Nations Agency for Gender Equality and Women's Empowerment in Serbia (UN Women), and on that occasion were concluded the contracts on the implementation of projects for the prevention and stopping of violence against women in rural areas for five women's NGOs (Amity Citizens' Association, Oasis of Security, Pešćanik Women's Association, Prijepolje Women's Forum and Užice Women's Centre). The idea of the project is to work in the coming period to increase providing information and accessibility of services to women in the situation of violence in rural areas throughout Serbia. On this occasion, the Commissioner pointed out the need to strengthen the individual capacities of women and girls in rural areas through trainings that will improve access to justice and capacities for protection against gender-based violence and discrimination, and that it is especially important that women in the countryside will be provided with economic support through the project in order to ensure financial security, which is one of the most important factors for reducing violence and gender-based discrimination.

99 More about this initiative at: <http://ravnopravnost.gov.rs/inicijativa-za-izmenu-krivicnog-zakonika-2/>

Given that economic independence is a prerequisite for improving the quality of life of women and overcoming violent relationships, the Commissioner's project provides direct assistance to women who want to start or improve their business in the field of agriculture. Based on the defined criteria, were selected two non-governmental organizations that have many years of experience and necessary knowledge about topics related to the situation of women and girls who are living in rural areas, which task is to provide necessary support to underdeveloped women's NGOs and women from rural areas. Namely, one organization was chosen as a partner for strengthening the capacities of less developed NGOs working to improve the position of women and girls in rural areas - the purchase of computer equipment (computers, printers, office furniture, etc.), while another NGO was selected to strengthen women's capacities who are living in the countryside - purchasing equipment, such as different machines, greenhouses, etc., which will encourage women to start their own business and thus improve their economic position.

In addition to violence, discrimination against women is present in almost all areas, among which the area of labour and employment stands out in terms of the number of complaints submitted to the Commissioner and the consequences of discrimination in this area. In addition to professional qualifications and work experience, women's physical appearance and family status are considered when hiring, maintaining employment or career advancement, and work is conditioned by postponing pregnancy and starting a family due to the presumption of inability to harmonize work and parenthood. This situation is illustrated by examples from the Commissioner's practice. In one case, when employing in a public company, only male candidates were sought because "working hours are too long for future mothers, and women are not emotionally stable enough to make decisions in stressful situations." Some employers set special conditions in terms of appearance, in accordance with their perception of women.

The publication *Employment and Social Policy Reform Program*¹⁰⁰ emphasized, among other things, that special measures for the employment of women were not designed, as well as special services for single mothers. For several years now, in addition to young people, redundancies, the Roma, Persons with Disabilities, women also have been given priority for inclusion in employment subsidies provided by the employment service. The priority inclusion of women in active employment policy measures resulted in the increase of women granted self-employment funds from 53.5% in 2017 to 50.7% in 2019 compared to the total number of unemployed women. 0.54% of them received a subsidy for self-employment, what means that the said program has no impact on the employment of the majority of the unemployed

100 *Employment and Social Policy Reform Program*, Centre for Democracy Foundation, February 2021, page 8 - available at: <http://www.centaronline.org/sr/publikacija/1831/alternativni-izvestaj-o-sprovodjenju-programa-reforme-politike-zaposljavanja-i-socijalne-politike-za-period-2016-2020-godine>

on the records of the National Employment Service¹⁰¹. Also, according to the results of another survey¹⁰², about 19% of employers do not employ persons with disabilities, single mothers and Roma women.



The complaint stated that the complainant is employed as a retail saleswoman, that her salary according to the employment contract is 33,000 dinars, for which amount she was registered, but that the agreement with the employer was that the total salary is 50,000 dinars, while the difference would be paid “on hand”. However, after informing the employer that she is pregnant and that she has to open sick leave, the employer did not pay her the amount of 17,000 dinars. Also, the complainant believes that the employer committed discrimination on the basis of gender because there is a provision in the annex to the employment contract that prescribes dress codes and the appearance of employed women. In the procedure, the Commissioner determined that the annex to the employment contract stipulates, among other things: “Neatly tied hair in a ponytail or loose hair (styled or ironed), no type of bun is allowed; make-up: neatly made up, with obligatory red lipstick, shirt neatly ironed and clean, without traces of powder on it, as far as footwear is concerned, necessarily ballet flats or high-heeled shoes. Sneakers are not allowed; fingernails always neat”.

The Commissioner determined that there was a violation of the provisions of the Law on Prohibition of Discrimination. The provision on dress code reflects the fact that in our society women are reminded every day that the myth of women’s power is related to her beauty, charm and femininity, and actions that promote women’s inferiority, their objectification and stereotypes, exclusively and solely for reasons related to with their gender, are in conflict with anti-discrimination regulations. This recommendation has been realized.

For more information, visit: <http://ravnopravnost.gov.rs/1123-20-prituzba-protiv-poslodavca-zbog-diskriminacije-na-osnovu-pola-i-zdravstvenog-stanja/>

During 2021, given the position of women in the labour market and the fact that they are harder to employ, easier to lay off and in some sectors have lower salaries than men, although they are more numerous and more educated, the Commissioner, by using her legal powers from Article 33, paragraph 1. item 7 of the Law on Prohibition of Discrimination, issued several initiatives to authorized proposers. Thus, the Ministry of Labour, Employment, Veterans and Social Affairs and the National Employment Service were sent the initiatives to create the special

101 Idem, page 9

102 *Harmonization of Work and Parenthood (Employers and Employed Parents)*, Ministry of Family Care and Demography, 2021, available at: https://www.divac.com/upload/document/uskladjivanje_rada_i_roditeljstva_poslodavci.pdf

measures of active employment policy aimed at hard-to-employ women.¹⁰³ The initiative stated that, among other measures of active employment policy, in addition to the advantages that women have in joining certain measures, also could be created the specific measures that are exclusively aimed at women, primarily those who are living in underdeveloped areas, rural areas, who are less educated, long-term unemployed, etc. This could encourage self-employment and employment of women engaged in old crafts (such as embroidery, crocheting, weaving, sewing, but also cooking traditional dishes, preparing homemade winter food, founding rural households, etc.), and thus, in addition to encourage women's employment, it will also influence the preservation of the tradition of our people.

The Ministry informed the Commissioner that priority will be given to women who face several factors of difficult employment and to long-term unemployed women, as well as to other women who need additional support. It is planned that this will be realized through the activities envisaged by the Action Plan for the implementation of the Employment Strategy in the Republic of Serbia for the period from 2021 to 2026.¹⁰⁴ It was also stated that the by Decision on participation in financing active employment policy measures envisaged by local planning documents in the field of employment in 2021, it is approved participation in financing active employment policy measures for 94 local self-government units. In addition to the modalities of co-financing, local self-government units can also independently finance the implementation of active employment policy measures, while determining the categories of persons who will have the priority for inclusion. In order to encourage the innovation of local self-governments in creating such measures, the Action Plan envisages the piloting of innovative solutions for the development of local employment policy. The Ministry stated that the proposals of the Commissioner will be taken when creating innovative measures in order to activate and encourage the employment of women.

The development of women's entrepreneurship is recognized as a great potential in society, as evidenced by the adoption of the Program for Encouraging Entrepreneurship Development through Financial Support for Women Entrepreneurs and Youth in 2022¹⁰⁵ and the Decree on Establishing a Program to Support Development and on Promotion of Women's Innovative Entrepreneurship for 2022.¹⁰⁶

Population policy in the Republic of Serbia is mostly focused on financial incentives and women, while incentives aimed at men/fathers and equal distribution of responsibilities between the genders when it comes to child care are almost reduced to the possibility provided by the provisions of the Labour Law, according to which

103 Link: <http://ravnopravnost.gov.rs/inicijativa-za-kreiranje-mera-aktivne-politike-zaposljavanja-usmerenih-iskljucivo-ka-pojedininim-kategorijama-teze-zaposljivih-zena-minrzs/>

104 *Official Gazette of RS*, No. 30/21

105 *Official Gazette of RS*, No. 4/22

106 *Official Gazette of RS*, No. 9/22

the right to leave from work for the purpose of child care can also be used by the child's father, and it can also be used in the case when the mother is not employed. The topic of work-life balance and its impact on families has been very common in recent years in numerous analyses, at the political and general social level, especially in the conditions of the Covid-19 pandemic, which revealed the depth of structural gender differences and affected women disproportionately. With the aim to consider the possibilities for establishing a balance between business and private life, the Commissioner conducted a survey on *Gender Equality and Work-Life Balance*¹⁰⁷, which is presented in more detail in the part of the text related to reports, surveys and other publications of the Commissioner. According to the results of this research, parental leave is still predominantly used by women. The majority of surveyed citizens (82%) exercised this right, while only 14% of men surveyed responded affirmatively.



With the aim of improving the position of self-employed women (who perform their own activities), who due to the lack of adequate financial support during pregnancy and maternity leave must choose between business and family life by postponing pregnancy or opting for pregnancy but leaving work or shutting down entrepreneurial activity (hairdressing, beauty, tailoring salon, etc.), the Commissioner sent an initiative to the Ministry of Family Care and Demography **to amend the Law on Financial Support to Families with Children and pointed out that it is necessary to anticipate for entrepreneurs to be reimbursed with all corresponding contributions as well as other working women during pregnancy and after childbirth.**

Namely, in accordance with the positive regulations, an entrepreneur can temporarily close her shop while she is on pregnancy or maternity leave, i.e. to deregister the activity in Business Registers Agency, in which case she has an interruption in insurance and receives only compensation in accordance with Article 17 of the Law on Financial Support to Families with Children, and from the received compensation she pays contributions for obligatory social insurance, instead, like other employed women, she uses this allowance to care for children and family. Another option that women entrepreneurs have is to appoint a manager who can be a family member (and does not have to be employed) or an employed person. In that case, the entrepreneurial shop continues with the business and the entrepreneur is obliged to pay contributions for the employees and herself for the obligatory social insurance. This situation leads to the unequal position of women who are in the same situation, i.e. to the unequal position of women entrepreneurs in relation to other employed women.

For more information, visit: <http://ravnopravnost.gov.rs/inicijativa-za-izmenu-zakona-o-finansijskoj-podrsci-porodici-sa-decom-3/>

107 Within the WoBaCa project - Towards Gender Equality through Increased Opportunities for Work-Life Balance

However, it is noticed that there are certain positive trends in terms of greater participation of men, this right is still rarely used by fathers, due to established social norms and stereotypical gender roles. For several years now, the Commissioner has been pointing out in his regular annual reports, as well as in special reports, the need to promote the use of parental leave for fathers. The results of the research show that the availability of preschool institutions and other options to help take care of children is one of the preconditions for establishing a balance between private and business life, as well as opportunities for advancement at work.

How much are present gender stereotypes is also shown by the fact that sometimes the human rights institutions are also under their influence, so the Commissioner recommended the measures to the Protector of Citizens to amend his Decision No. 363-401 / 21 of June 9, 2021, by which mothers of children of age up to two years allows work outside business premises. Since fathers were left out by this decision, the Commissioner recommended the change of the decision so that the term “parent” would be used instead of the word “mother” and thus includes all employees who have children under the age of two, regardless of the employee’s gender. The Protector of Citizens informed the Commissioner that, as soon as possible, he would amend this Decision and harmonize it with the Instruction on Measures and Activities for Preventing the Spread of the Covid-19 Infectious Disease.¹⁰⁸

The example from the Commissioner’s practice shows that the care of children is viewed mostly as a predominantly obligation of women. The complaint was submitted against the primary school attended by the applicant’s underage daughter, who was entrusted to her mother to independently exercise parental rights after the divorce. The school did not allow the complainant to follow the progress of her daughter’s education and progress on the “E-diary”. During the procedure, it was determined that the school was able to open an authorized electronic order for access to the E - diary at the written request of the complainant, under the same conditions as the mother of the child, what she did at the end, but only after submitting the complaint. It was determined that the school conditioned the opening of an order on the E - diary by giving the consent of the mother, what put the complainant in an unjustifiably worse position only because the child’s mother independently exercises parental right, thus the school violated anti-discrimination regulations.¹⁰⁹

In addition to care for children, the care for other household members and housework are perceived as the dominant responsibility of women. Women spend much more time, compared to men, on activities of caring for children, other members of the household and doing housework, such as cleaning and cooking, while they have less time for paid activities, professional training, social activities and rest.

108 For more information, visit: <http://ravnopravnost.gov.rs/preporuka-mera-zastitniku-gradjana/>

109 For more information, visit: <http://ravnopravnost.gov.rs/91-21-prituzba-protiv-osnovne-skole-zbog-diskriminacije-na-osnovu-bracnog-i-porodicnog-statusa/>

The burden of housework and family care is also reflected in the position of women in the labour market - in an attempt to harmonize family and business life, they often do not reach their full potential, retreat into inactivity or work in the informal economy and on lower paid positions. Insufficiently developed, inaccessible or inadequate services related to the care of children, the older persons and persons with disabilities additionally contribute to the unfavourable situation, what is the reason why women often take on the task of taking care of all members of the household.

These inequalities were particularly pronounced during the Covid-19 pandemic, during which women carried the greatest burden, since they are more represented in the health, social care or trade sectors, and to a greater extent perform unpaid work in the field of care – which have increased quantitatively, it is stated in the publication *Gender Responsible Management - The Redistribution of Unpaid Work - Personal Stories and Portraits*.¹¹⁰ At the annual level, women in Serbia, working on unpaid jobs within the household, on average fail to earn a net of 6,560 EUR (gross EUR 9,053).¹¹¹

Addressing the Commissioner regarding the jurying process and the selection for the NIN Award also speaks about the social attitude and relation towards women. These addresses to the Commissioner repeatedly pointed out the indirect marginalization of women's literature by the fact that there was no possibility for any writer to receive this award because there were no women among the finalists for the prestigious award for best novel of the year, with recalling that only five women writers have received this recognition since the award was established. Also, a question was asked regarding the composition of the jury, considering that this year only one woman was a member, while the rest were men. In this regard, without entering into the criteria for selecting members of the jury, nor the criteria for selecting a novel for the award, the Commissioner recommended to NIN that, during the next selection of the jury for the NIN award, within its powers take the appropriate measures in order to achieve the principle of gender equality, bearing in mind the overall female contribution to the literature in Serbia and the important messages that literature itself and the promotion of women's authorities in this field have in establishing new gender discourses.¹¹² In 2022, the writer Milena Marković is the winner of the NIN Award for the novel "Children".

Based on the review of the situation and problems in achieving equality and protection against discrimination on the basis of gender and marital and family status, arise the appropriate recommendations.

110 *Gender Responsible Governance - Redistribution of Unpaid Work - Personal Stories and Portraits*, UN Women Serbia, March 2021, page 11 - available at: http://www.amity-yu.org/wp-content/uploads/2021/03/Rodno-Odgovorno-Upravljanje-Preraspodela-neplacenog-rada-Licne-price-i-portreti-SRB_10032021.pdf

111 Idem, page 63

112 For more information, visit: <http://ravnopravnost.gov.rs/preporuka-mera-nin-u/>

Recommendations:

- Continuously undertake activities aimed at deconstructing stereotypical gender roles and achieving gender equality in all areas, especially in public space, strengthen control mechanisms, increase the number of information campaigns, events and contents;
- Through continuous trainings improve the synchronized and coordinated action of all actors in the prevention of violence against women and domestic violence, timely sanction perpetrators. By conducting regular monitoring and analysis of the occurrence of violence and femicide, act on the causes of these occurrences. Conduct the legislative reform regarding the definition of sexual violence based on the concept of non-consent;
- Through effective active measures encourage the employment of women and the development of women's entrepreneurship, achieving equality in access to workplaces, equal salaries, as well as the conditions for advancement. Analyse the effects of measures taken at the local community level and improve them in relation to the achieved results;
- Continue intensive inspection supervision in the labour and employment process with regard to the violation of equal opportunities for employment or the enjoyment of all rights in the field of work under equal conditions, especially with regard to disabling undeclared work and paying part of the salary "on hand", as well as sexual harassment;
- Control compliance with media content regulations regarding the prohibition of hate speech, sexism, misogyny, discriminatory attitudes and offensive reporting.

Discrimination on the Grounds of Age

Since formation of this institution, the Commissioner has received a large number of complaints of discrimination on the grounds of age, and these grounds of discrimination have been among the top five grounds by the frequency of complaints since the beginning of the institution's work. Discrimination on the grounds of age in accordance with the law covers all age categories and includes discrimination against children and youth, discrimination against persons belonging to the so-called middle generation, but also discrimination against persons over 65 years of age. It is for these reasons that during 2021, the Commissioner prepared and submitted to the National Assembly two special reports - *the Special Report on Discrimination against the Older persons* and *the Special Report on Discrimination against Children*, while before that, at the end of 2019, *the Special Report on Discrimination in the field of Labour and Employment* has been compiled, as an area

that is most prevalent in citizens' complaints and at the same time mostly affects middle-aged citizens.

The Commissioner's Special Reports drew public attention, especially given that the *Global Report on Ageism*¹¹³, drafted in co-operation between the World Health Organization, the Office of the High Commissioner for Human Rights, the UN Department of Economic and Social Affairs and the United Nations Population Fund, was presented after a Special Report by the Commissioner on Discrimination against the Older persons. The Global Report on Ageism, in addition to considering the nature of ageism, summarizes data on the extent, effects and determinants of age discrimination, as well as the most effective strategies for reducing it. The report provides global recommendations for action that emphasize:

- ❖ the importance of investing in data-based strategies for preventing and suppressing discrimination on the basis of age;
- ❖ improving data and researches in order to better understand this phenomenon;
- ❖ forming a movement in the form of a broad coalition to change the dominant narrative and negative image in societies related to aging.

This report was presented in Serbia at the regional conference in September 2021 in Belgrade, when the National Dialogue on Aging and Ageism was also held, where the main topic was considering the situation and recommendations from the Special Report on Discrimination against the Older persons. Serbia is the first country to do such a report with full awareness and willingness to put a focus on protecting the human rights of the older persons, making it a leader in this field in the region. On that occasion, in 2021, in Belgrade, organized by UNFPA (the United Nations Fund for Population Activities), a regional presentation of the UN Global Report on Age Discrimination was held and the National Dialogue on Aging and Ageism was launched.

The conference also issued the *Call for Action to Stop Discrimination against the Older persons in Serbia*, which is presented in more detail in the earlier part of this report. Within the Call for Action, round tables were held at the level of local communities in Smederevo, Čačak and Negotin. In addition to representatives of local self-government, the representatives of the Centre for Social Work and other social protection institutions, the Red Cross, civil society organizations, the older persons themselves and others were present at these round tables. These activities will be continued throughout our country, in order to reach as many actors as possible at the local level and show by examples what can be done and how. The partner in the realization of these activities is also the Post Office of Serbia, which provides support, especially in terms of spreading information to those who are difficult to reach.

113 *The Global Report on Ageism*, World Health Organization, March 2021 – available on the Internet presentation: <https://www.who.int/publications/i/item/9789240016866>



National Dialogue on Aging and Ageism, Belgrade, 2021

When it comes to discrimination against children, the Special Report of the Commissioner, in addition to its presentation in the National Assembly, was also presented at the session of the Council for the Rights of the Child of the Government of the Republic of Serbia.

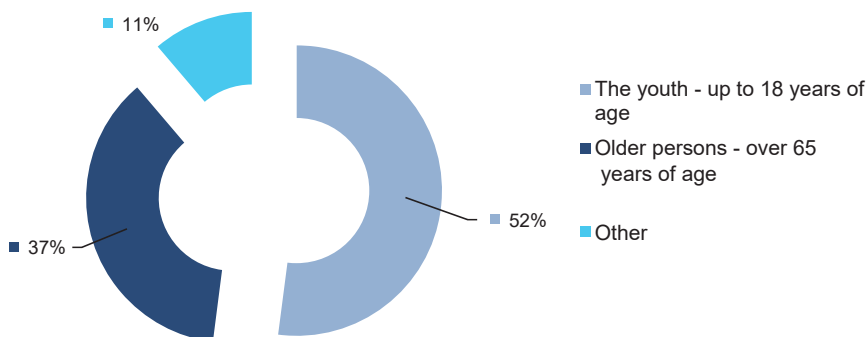
Bearing in mind that age discrimination is presented in great detail through special reports, and that numerous recommendations are given for improving the position of citizens, this part of the text will provide only the latest data and some examples that confirm the findings given in special reports.

The trend from previous years in terms of the number of complaints based on age also continued during 2021, when a total of 98 complaints were received. The largest number of complaints was submitted due to discrimination against children and persons over 65 years of age, while a slightly smaller number of complaints related to discrimination against persons between 18 and 65 years of age.

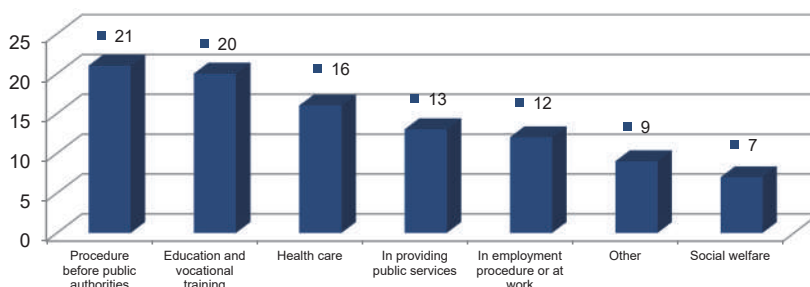
"LET'S STOP DISCRIMINATION AGAINST THE OLDER PERSONS"



Complainants against discrimination on the grounds of age



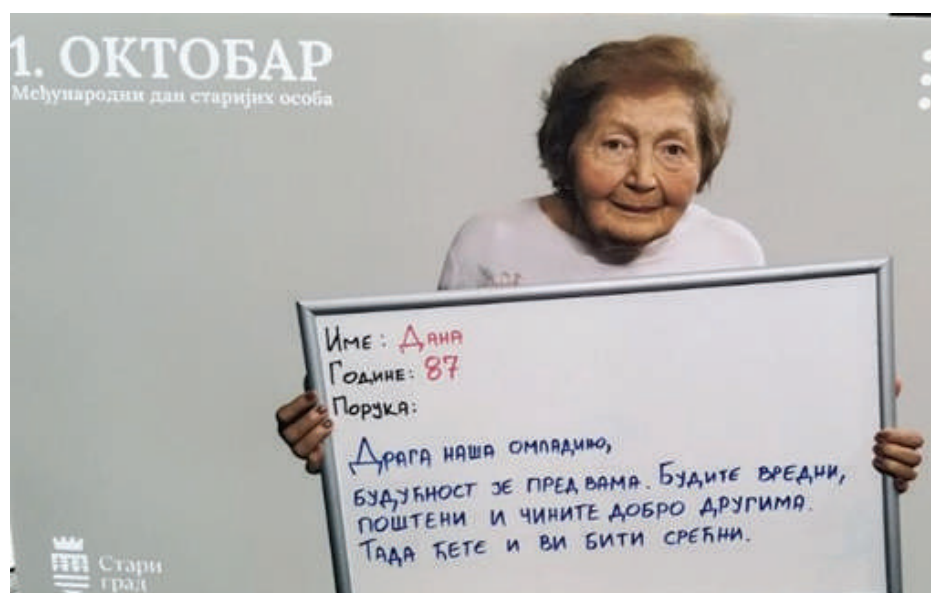
Number of submitted complaints on the grounds of age by areas of discrimination



The largest number of complaints due to age discrimination related to the conduct of public authorities. However, due to their age, different areas were the reason for the address. Thus, when it comes to the older persons, most complaints were related to the conducts of public authorities, provision of services or use of facilities and areas, the area of social and health care, while when it comes to children, the most common area mentioned in the complaints is education and the conduct of public authorities. As for the citizens between the ages of 18 and 65, almost all the complaints were related to the field of work and employment.

When it comes to the older persons, quantitative and qualitative indicators in various areas point to the need for the society to adapt to an ageing population, longer life expectancy and a trend of decrease of the overall population. The reso-

lution of the European Parliament *Ageing the Old Continent - the possibilities and challenges associated with the post-2020 ageing policy*¹¹⁴, states that the EU population is decreasing, that in 1960 the EU population accounted for 13.5% of the world's population, while in 2018, that figure was 6.9%, and by 2070 it is expected to be around 4%, while the number of the older persons is increasing at the same time. The resolution emphasized that respect for the older persons and prevention of discrimination against them can only be achieved through policies of social, cultural and economic inclusion, with an emphasis on providing fair pensions that enable a good quality of life. It also stressed the importance of public social welfare systems that are distributed and are based on intergenerational solidarity and that enable everyone to live a dignified life without poverty and social exclusion, regardless of their own contributions.



From the exhibition on the occasion of the International Day of Older persons, 2021

Regarding the discrimination over the age of 65, the Commissioner's practice indicates that in this age group stand out the needs for different support, especially among those older citizens who live alone, in rural areas, with minimal incomes, the so-called the older persons, who suffer some form of violence, abuse or neglect. These circumstances represent challenges primarily for the pension and disability insurance systems, as well as social and health care systems, which need to adapt to the new conditions and adequately respond to the needs of a growing number

114 European Parliament resolution of 7 July 2021 on an old continent growing older – possibilities and challenges related to ageing policy post-2020 (2020/2008(INI)), Strasbourg, 7 July 2021, available at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0347_HR.pdf

of the older persons. In order to find the best ways to solve these challenges, it is also necessary to ensure greater social participation of the older persons and their involvement in decision-making processes concerning the older persons, but also all members of society, and the implementation of specific activities. The special attention is need to be paid to the growing number of single Older persons households, the worsening of economic situation of older women, older persons in rural areas, "the older persons" or those over 80 years of age, with disabilities and others who need more support, bearing in mind that they face a number of obstacles in everyday life. Challenges also arise in other areas and require effective action in terms of greater involvement in various activities, especially at the local community level in order to prevent loneliness and isolation of the older persons, but also to use the capacities they have, especially in terms of knowledge and experience they have. Among the key problems of the older persons are discrimination, stereotypes and prejudices about inferiority in old age, but also violence, abuse and neglect to which they are often exposed, which causes the need to carry out a range of activities at the broadest social level in terms of preventing such phenomena and the development of intergenerational dialogue, understanding and tolerance.

WARNING:

Regarding the text "When the apartment has the bad breath of old age" published on the portal zena.blic.rs, the Commissioner issued a warning that this text rudely belittles the older persons and insults their dignity, and condemned this discriminatory way of portraying the older persons.

In an unacceptable and extremely insulting way, the hygiene, clothing, nutrition and lifestyle of the older persons are problematized and also give the recommendations on how to get rid of the "bad breath of old age" in apartments. All these stereotypes are not only discriminatory, but additionally marginalize, stigmatize and create intolerance towards the older persons. The Commissioner pointed out that the media are obliged to report responsibly and professionally, that they must respect journalistic ethics, must not cross borders that endanger human dignity and human rights, and reminded that precisely because of the frequent exposure of the older persons to discrimination, the Commissioner published a Special Report, in which these problems are pointed out, but also the fact that we as a society have the advantage and potential, according to our cultural identity, to improve respect for the older persons, intergenerational solidarity and mutual understanding. The text was withdrawn immediately after the warning.

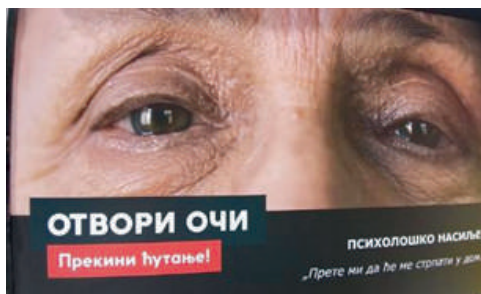


The crisis caused by the Covid-19 pandemic had a great impact on the position of citizens. At the beginning of this crisis, the older persons addressed the Commissioner, stating that due to the measure of movement ban, they found it increasingly difficult to tolerate isolation that they needed help at home, that they had no one to turn to, that they felt neglected, etc. However, even after a long period of crisis, the older persons living in social care institutions for the older persons are facing a big problem, which was pointed out to the Commissioner by the citizens and the Association of Citizens “The Power of Friendship – AMITY”. On the eve of the declaration of the state of emergency, the Order on the prohibition of visits and restriction of movement in facilities for the accommodation of the older persons¹¹⁵ was issued, prohibiting visits and leaving institutions by users. This order has been changed several times, some restrictions have been eased, but in 2021, the ban on leaving the institutions was still in force. The addresses to the Commissioner underlined the existence of awareness of the high risk among older persons and understanding of epidemiological measures which were taken, but at the same time highlighted major health risks, such as increased depression, anxiety and cognitive impairment/dementia caused by long-term isolation and loneliness among the older persons.

Therefore, the Commissioner recommended to the Ministry of Health and the Ministry of Labour, Employment, Veterans and Social Affairs that in joint cooperation and cooperation with experts / professionals from relevant fields consider the situation and consequences that may arise, and in accordance with the appropriate measures against Covid -19 virus in the circumstances of mass immunization, consider changing the regime of prohibition of visits and restrictions on movement in the institutions for the older persons. This recommendation has been realized.

For more information, visit: <http://ravnopravnost.gov.rs/preporuka-mera-mini-starstvu-za-rad-zaposljavanje-boracka-i-socijalna-pitanja-povodom-zabrane-poseta-i-ogranicenja-kretanja-u-ustanovama-za-smestaj-starijih-lica/>

Other citizens addressed the Commissioner on a similar occasion, stressing that all the older persons are not in the same position, have different possibilities and capacities, which is necessary to take into account in each specific case. Thus, the son and daughter of a woman who is a user of



115 Official Gazette of RS, Nos. 28/20, 66/20, 87/20 and 7/21

the Gerontology Centre in Belgrade, blind, immobile and ill with Alzheimer's disease, addressed the Commissioner. Due to the prescribed epidemiological measures, they did not see their mother for a year, but they only contacted her by phone due to the established regime of visits and having in mind the degree and type of disability of their mother. The competent Ministry of Labour, Employment, Veterans and Social Affairs informed the Commissioner that it had issued an Instruction on the manner of operation of social protection institutions for accommodation of beneficiaries and organization of visits to beneficiaries and provided a Recommendation on the manner of conduct of social protection institutions protection for the provision of (Nursing) Home accommodation services during the visit. In accordance with these acts, hugging with users is, for example, allowed with special, additional protection measures, i.e. the visitor must wear a full-body suit during the visit, put on disposable gloves and wear a visor next to the face mask. The Commissioner pointed out that the older persons in the situation of the Covid-19 pandemic were recognized as one of the most endangered groups of citizens according to whom restrictive measures and restricted or prohibited movement were implemented due to vulnerability and susceptibility to infection, what is especially long-lasting and pronounced when it comes to users of social protection institutions. Restricting movement over a long period of time carries major health risks for the older persons, such as increased depression, anxiety, and cognitive impairment / dementia.

In her recommendation of measures to the social care institution, the Commissioner pointed out the risks that long-term disabling of seeing loved ones carries, stressing that for people who are blind, the sense of touch is an extremely important part of perception. Disabling the use of this sense often means greater dependence on others and affects their mental health and quality of life, and therefore affects the quality of life of users in home accommodation. In addition, in the specific case it is an immovable person for whom direct contact with relatives is of even greater importance. Given all the circumstances, as well as the fact that relatives were vaccinated and the woman was placed in a single room, the Commissioner recommended that in accordance with epidemiological measures against the spread of the infectious disease caused by the Covid-19 virus and the Ministry's recommendation, they would allow the visit in a manner that would be most appropriate in the specific case.¹¹⁶

The Commissioner opened the three-day Mixer Festival, held under the symbolic slogan "Embrace", which brought together experts in various fields, creatives, activists, decision makers, media, representatives of the private sector and international organizations, on a common task - how to design and accelerate the global recovery after a pandemic. The Commissioner participated in the panel "Best Years", pointing out the importance of the digitalization process, but also the

116 For more information, visit: <http://ravNOPravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravNOPravnosti-gerontoloskom-centru-u-beogradu-domu-bezanijiska-kosa/>



denial of Internet access and low level of digital skills among the older persons. The digital gap has been identified, and will indeed continue to be identified, as a risk factor for discrimination, if the process of digital literacy of the older persons is not taken seriously.

The findings of numerous reports and researches confirm that older women are at a disadvantage compared to older men, as well as compared to women and men from other age groups. Older women do not participate enough in community activities, especially in rural communities, they are poorer, live longer on average, so they face greater needs for support, live more often alone, are exposed to neglect, abuse and violence. The difficult position and insufficient involvement in the public and political life of older women are also shown by the data from the research according to which, when it comes to the position of older women, four basic problems stand out: poor financial situation, disrespect even in their families, lack of services and loss of self-confidence.¹¹⁷ Older Roma persons, particularly Roma women are almost completely invisible in society, both as a multiple vulnerable group of the older persons and as part of the Roma minority. We are often faced with a situation of lack of data on violence against older women in researches on violence against women, and domestic violence is considered a problem of younger people. Most campaigns focus on issues that affect younger women - so younger models are often used to raise awareness of domestic violence. However, researches show that violence against women does not stop as they become older, but simply becomes less visible. Although reporting violence to the police or contacting support services is extremely low among women of all ages, it is noticeable that older women report almost no violence at all.¹¹⁸

117 *The Position and Participation of Elderly Women in Political and Public Life in Serbia*, Amity, FemPlatz, 2020, available at: http://www.amity-yu.org/wp-content/uploads/2020/12/Zene_u_politickom_i_javnom_zivotu_Srbije_Amity_2020.pdf

118 *In No Man's Land - Gender-Based Violence Against Elderly Women (65+) in the Republic of Serbia*, Serbian Red Cross, 2021, available at: <https://www.redcross.org.rs/media/7139/na-nicijoj-zemlji-web-low-res.pdf>



From the competition *Bridge of Understanding - Intergenerational Solidarity 2021*, the author Ivan Purković VIII, Varda

This situation imposes the need for greater involvement of local communities in solving specific problems and greater social inclusion, with the coordination of all actors, which is why the Commissioner and the UNFPA (the United Nations Fund for Population Activities), *inter alia*, in the Call to Action emphasized the importance of local communities in improving the position of the older persons in general and directed activities to the local community.

It is also necessary to educate women of all ages on recognizing violence and its various forms, risk factors, as well as the ways in which all parts of the system need to act when reporting violence, but taking into account the characteristics of women belonging to different age groups. Continuous training is also needed for professionals, and a special part should relate to the specific characteristics of violence against older persons or young women, taking into account the specific characteristics of psychological and social support services.

Discrimination on the grounds of age when it comes to the younger population indicates the disadvantage of children (mainly children with disabilities or developmental difficulties), especially in the field of education and the use of various support services. The subject of some complaints concerned the accessibility of facilities used by children, such as dormitories, health centres, etc., but also the issue of difficult communication and understanding encountered by persons with hearing impairments who read from the lips, due to preventive measures applied due to the Covid-19 pandemic and the obligation to wear face masks.



The Commissioner issued an opinion in the procedure regarding the complaint submitted due to discrimination against a girl on the basis of developmental difficulties and a disability, against the school for primary and secondary music education. The complaint states, among other things, that the girl has Down syndrome and that she completed regular primary school and lower music education according to IEP 2 (Individualized Education Program 2), and that immediately before taking the entrance exam for music secondary school she was told that she would take a test of the same content as other candidates and not adapted to her previous education according to IEP 2. During the procedure, it was determined that the music school undertook all activities in accordance with the Professional Instruction for conducting enrolment of students in secondary school, and that the provisions of Article 6 of the Rulebook on Enrolment of Students in Secondary Schools stipulate that the candidates with developmental difficulties and disabilities take the entrance exam for testing special abilities in accordance with their motor and sensory abilities, or conditions required by their type of disability or in accordance with the needs for support in relation to the manner of conducting the exam, and that this Article does not provide support for taking the entrance exam in relation to the content of the exam. Considering that the complaint was submitted against the music school, as well as that the school is obliged to adhere to the positive regulations, the Commissioner gave the opinion that, in this particular case, the school did not violate the provisions of the Law on Prohibition of Discrimination.

On the other hand, as the complaint was not submitted against the Ministry of Education, Science and Technological Development, which is the issuer of the mentioned Rulebook and Instructions, the Commissioner **recommended measures to the Ministry to amend the Rulebook on enrolment in secondary school and the Professional Instruction on enrolment in secondary school for the school year 2021/2022, and to harmonize them with anti-discrimination regulations**, as well as to, in cooperation with the school for primary and secondary music education, enable the student to retake the entrance exam according to the adjusted content.

For more information, visit: <http://ravnopravnost.gov.rs/224-21-misljenje-povodom-prituzbe-a-a-protiv-srednje-muzicke-skole-v-v-zbog-diskriminacije-na-osnovu-smetnji-u-razvoju-i-invaliditeta/>

During the year, the Commissioner was addressed by civil society organizations and parents, citing various problems and difficulties faced by children, especially from groups at higher risk of discrimination. Thus, the parents of children with disabilities stated that in the situation when day care centres for children with autism do not work, there have been changes in the established habits of children

for whom this routine is of great importance. Concerns were expressed that online classes are insufficient, that children have lost their work habits, as well as that they do not attend classes but register to be present by “clicking”, and then do not attend classes or spend time away from home or play games. The problems of eighth grade students who go to holiday earlier and have a final exam were especially pointed out.

Civil society organizations pointed out that one of the most significant obstacles is insufficient training of teachers to use online platforms and learning tools, as well as that intertwined shortened online and regular classes in some cases create discontinuity in education and affect the fulfilment of planned plans and programs.



Recommendation of measures to the Ministry of Education, Science and Technological Development

to consider, in cooperation with the competent institute and the Institute of Public Health, the possibility of holding classes in schools in accordance with appropriate protection

measures against the spread of infectious disease Covid-19, to provide every child with equal opportunities to exercise the right to quality education, especially in view of the situation of children with disabilities, Roma children, children from informal settlements, socially disadvantaged children, children who do not have access to the Internet and / or technical means for realization of classes, children placed in institutions, as well as other children from vulnerable groups.

The recommendation, among other things, also pointed out the fact that the changed conditions during the epidemic also led to changed working conditions for both children and parents, which led to an increase in the burden of caring for children on the parents' side. This is additionally multiplied in those families who face a lack of living space, as well as when parents, understandably, do not have enough time and / or knowledge and capacity to help children to master the school materials. The Ministry informed the Commissioner that it would take all necessary actions to act according to the recommendation.

See more at: <http://ravnopravnost.gov.rs/189-21-preporuka-mera-ministarstvu-prosvete-nauke-i-tehnoloskog-razvoja-povodom-odrzavanja-nastave-u-skolama/>

The materials and other school obligations remained insufficiently harmonized, the students do not receive adequate materials and support in mastering the materials, and the teachers are overburdened with repeating the materials and extracurricular communication with students and parents. Children who are living in informal settlements are often unable to attend classes because they do not have electricity or Internet access. The data show that only 64.4% of households in Serbia have a computer or tablet, while 25% of Roma households do not have Internet access, and only 26.4% of Roma households have a computer or a tablet. The classes for children with disabilities were not organized in all schools during

the state of emergency, while every seventh student could not attend classes according to an individual educational plan during the state of emergency.

Having in mind the effects of the crisis caused by the Covid-19 pandemic and the particularly negative consequences that it had on the organization of the educational process, the Commissioner recommended the measures to the Ministry of Education, Science and Technological Development, especially having in mind the position of children with disabilities, Roma children, children from informal settlements, socially vulnerable children, children who do not have access or difficulty access to the Internet, children placed in institutions, as well as other children from vulnerable groups.

The Commissioner also worked on solving a specific problem of the “SOS Children’s Villages of Serbia” Foundation. This Foundation pointed out the problems in the work they are facing because they are not recognized in the normative framework and standards of social protection, and even after 17 years of child care, no sustainable, systemic and legal solution has been found for this specific program and concept of foster care for children. The Commissioner requested the competent ministries to issue a statement and undertake activities. The Ministry for Family Care and Demography informed the Commissioner that it had already given an opinion that it was necessary to find an adequate solution which would ultimately result in children remaining in current foster families within this service provider. For that cause, the Ministry proposed specific activities, that the Centre for Family Accommodation and Adoption Kragujevac, working unit Kraljevo, takes over the monitoring of foster care and children placed in the “SOS Children’s Villages of Serbia”, continues conducting the review of general eligibility for foster care, that the foster carers who have income independent of the salary they received, provide proof of this when reviewing general eligibility for foster care, and that for foster carers who do not have income outside of foster care compensation find another adequate solution, that the number of children in one foster family is accompanied by the provisions of the Rulebook on Foster Care flexibly, because according to the data on foster care accommodation there are a large number of siblings, and, if possible, consider integrating “SOS Children’s Villages of Serbia” into a network of social protection institutions, in accordance with the law. This ministry subsequently submitted a notice that the process of extraordinary eligibility check had been completed on the basis of which the foster mothers received certificates, as well as that the conditions for signing the accommodation contracts had been met and that foster mothers may be entitled to compensation.

In its response, the Ministry of Labour, Employment, Veterans and Social Affairs stated, among other things, that the offered concept of “SOS Children’s Villages of Serbia” essentially does not have the complete characteristics of institutional care for children, nor the centre for family accommodation of children, that in the specific case it is not a complete family in which both parent figures are

present - mother and father, but the parental role is reduced to SOS mother who is previously trained for caring for children and caring for a large number of children (7-10) of different ages. Having in mind the current status of the mentioned foster mothers and certain deviations from the valid regulations, the possibility of SOS parents / foster parents to keep the status of foster parents was considered, and the procedure of examining or re-examining foster parents from “SOS Children’s Villages of Serbia”, in order to determine their general suitability for foster care, is underway.

Violence against children and peer violence deserve special attention. The ten-year trend shows a constant increase in reports of violence, according to a report by the Republic Institute for Social Protection.¹¹⁹ The number of reports of domestic violence against children registered by the centres for social work in 2020 amounted to 8,365, and compared to 2011, the number of reports of violence against children increased by 140.6%. In 2020, compared to 2011, the number of reports due to emotional violence increased by 221.1%, sexual violence by 121.8%, physical violence by 152.2% and neglect by 89.4%. According to the results of the survey *Recognize Violence, Say No!*¹²⁰, the percentage of girls who stated that they experienced violence between the ages of 15 and 18 is growing noticeably, where, on average, every third respondent reported experiencing some form of sexual violence, while among respondents in the 19-year age group, as many as 54.17% stated that they had experienced some form of sexual violence. The girls who experienced some form of sexual violence most often turned for help to members of their immediate or extended family (11.24%), followed by friends (8.4%), school (4.12%), while less than 3% addressed the competent official institutions, what indicates the degree of trust that young girls have in institutions and the need to work intensively on it. Also, over 90% of respondents have a great need to discuss these topics at school, which indicates the need for greater education on the topic of sexual violence through preventive workshops, empowerment and informing on the prevention of violence.

The European Commission, in its report in the field of child’s rights, also stated, among other things, that the Council for the Rights of the Child, the Coordinating Body in charge of monitoring the New Strategy for Prevention and Protection of Children from Violence, was re-established in April 2021. Also, this report states that the Government is late with the adoption of amendments to the Law on Juvenile Delinquents and Criminal Protection of Juveniles, and that no progress has been made towards the adoption of the new National Action Plan for the Rights of the Child, which expired in 2015. It was also pointed out that statistics on social

119 *Children in the social Welfare System*, National Institute for Social Protection, Belgrade, July 2020, available at: <http://www.zavodsz.gov.rs/media/2158/deca-u-sistemu-socijalne-zastite-2020.pdf>

120 *Recognize Violence, Say No, Mothers Rule Association and the Education Pathways Association*, 2021, available at: <https://drive.google.com/file/d/1BQA93lh9lBgCHF3L38mWhpwWWLFrJATe/view>

groups at higher risk of discrimination, including Roma children and children with disabilities, have not yet been parsed, and that although a relatively small number of children are placed in social care institutions, violations of the rights of children in large institutions for children with developmental disabilities remain a cause for concern, which was further exacerbated at the time of the Covid-19 pandemic, as a result of the introduction of measures to prevent the spread of the virus.

When looking at the position of young people, the main problems are unemployment, the value system and the education system, as stated in the already mentioned *Alternative Report on the Position and Needs of Youth in the Republic of Serbia 2021*¹²¹. In April 2021, the number of young people who are unemployed was 115,533, which represents a total of 21.04% of the total number of unemployed. Compared to the previous year youth unemployment increased by slightly more than 10,000. Among the unemployed young people, there is a large number of those who have been unemployed for more than a year, and the problem is especially great in the group of young women. As in previous years, they still believe that for employment it is much more important to have personal and family acquaintances or membership and activism in a political party, than to have formal and non-formal education. Only 27% of young people who are employed, are employed in the jobs for which they were educated. The answers to the questions related to the departure of young people from the country are quite devastating for the whole society, because a quarter of young people plan to move out, a quarter plan but are not yet in that process, while 2/5 of them do not plan now but do not write off that possibility. The reasons for emigrating are a more dignified life and a higher standard.¹²² Also, young people are significantly exposed to verbal and even digital violence, over a fifth of young women were victims of sexual violence, and almost two thirds were victims of discrimination, which speaks of an insecure environment for young people. Young people see the situation in the family, the situation in society and inefficient penal policy as the causes of this situation.

Today, young people do not learn enough about gender-based violence and non-violent communication through formal education, and very few of them are involved in non-formal education programs related to this topic, what is the reason why many young people are not aware that they have experienced or continue to experience some form of violence.¹²³ Contents that are placed in the media, as well as on social networks, often send completely opposite messages. A dramatic result

121 *Alternative Report on the Position and Needs of the Youth in the Republic of Serbia 2021*, Umbrella Organization of Serbian Youth, 2021, available at: <https://koms.rs/wp-content/uploads/2021/08/Alternativni-izvestaj-o-polozaju-mladih-2021-4.pdf>

122 Idem, page 193

123 *Survey of Youth Attitudes about Gender-Based Violence*, Umbrella Organization of Serbian Youth, Belgrade, 2021, page 6 - available at: <https://koms.rs/wp-content/uploads/2021/04/Rodno-zasnovano-nasilje-medju-mladima-v3-3.pdf>

from the KOMS (National Youth Council of Serbia) survey is that about 70% of young people stated that they had been exposed to some kind of gender-based violence during their lifetime.¹²⁴

During the year, the Commissioner conducted a series of activities related to the inclusion of youth, as well as more trainings related to discrimination and protection mechanisms, which was discussed in the earlier text of the report. Thus, for example, a conference entitled “Youth and Gender Equality: Balance between Private and Business Life” was held in Novi Sad, in cooperation with the Youth Union of the Association “Novi Sad Youth Capital of Europe - OPENS”, within *the Panel of Youth-Expellers of Discrimination*. The conference presented the activities of the Commissioner’s project “Towards gender equality through increased opportunities for work-life balance”, which include conducting researches, developing the social game “Tower of Life” and short films aimed at combating gender stereotypes in the field of labour and labour relations.



The panel of young advisors of the Commissioner - “Expellers of Discrimination” was formed almost 10 years ago with the aim of working closely with the institution of the Commissioner and advising on topics related to combating and protecting against discrimination against children and youth. The basic idea of establishing the Panel is to gain knowledge about the phenomenon of discrimination and protection mechanisms, to express own opinion on the phenomenon and causes of discrimination and other challenges during growing up and schooling, to propose preventive programs and activities that they believe would have the most effect in young people, as well as to pass on acquired knowledge to their peers.

In early April, the Commissioner and the Umbrella organization of Serbian youth - KOMS/National Youth Council of Serbia (Association of 109 Youth Associations in Serbia) signed a Memorandum of Cooperation, in order to improve equality and position of young people and prevent discrimination against young people and agreed the ways of co-operation and defining activities in the following period.

At the same time, negative media coverage of youth during the pandemic was discussed. As part of this co-operation, during the autumn, a Youth Dialogue was organized with the Commissioner on issues of equal access to education and health services, and the position of young members of vulnerable social groups was also discussed.

124 Idem, page 38,39

Also, the Commissioner signed *the Agreement on Cooperation in Providing Public Administration Support to Higher Education Institutions in the Education Process*, in order to establish continuous cooperation in all processes of orientation of higher education towards the new system of education of public administration personnel. The agreement was signed by more than ten state and other bodies and universities.

When it comes to the position of the so-called “middle” generation, the largest number of complaints refers to the area of labour and employment, the area that is at the top in terms of the number of submitted complaints, i.e. the most common reason for addressing citizens to the Commissioner. Therefore, at the end of 2019, a *Special Report on Discrimination in the Field of Labour and Employment* was submitted to the National Assembly. Also in this area, discrimination against women is particularly pronounced, both on the basis of gender and marital and family status, and the situation was further aggravated during the crisis caused by Covid-19. Not everyone has equal opportunities for employment, and the submitted complaints signal that in the field of work, and especially when looking for a job, otherwise vulnerable groups become even more vulnerable and susceptible to discrimination. The practice of some employers to unjustifiably include issues of family and marital status in job applications, competitions and interviews is still present, and to automatically exclude younger or older workers due to age or women due to the presumption of inability to balance between private and business obligations. This situation is also illustrated by the practice of the Commissioner.

Since the outbreak of the Covid-19 pandemic, the most vulnerable are those women workers who belong to risk groups due to their age, health status or disease, women workers who are in contact with infected or the general population, as well as with each other, and women workers in professions where the so-called social distancing cannot be practiced. These women workers are also called essential women workers or women workers on the front line, it is stated in the publication *The position of women workers in retail during the Covid-19 pandemic*.¹²⁵ The A11 initiative conducted research involving women workers in these activities and came to the conclusion that during the pandemic, the most exposed professions to the changes in the factual organization of work and an increased risk of the spread of infection, are those in which women with lower professional qualifications working in lower-paid jobs account for the largest share of the workforce. The research showed that the female employees in retail shops have low expectations and low motivation to turn to the competent inspections, and they expect that every problem they point out will be solved to their detriment. All participants in the research receive a minimum wage plus one dinar, and a special problem is that they are not

125 *Position of Female Employees in Retail Shops During the Covid-19 Pandemic*, A 11 - Initiative for Economic and Social Rights, 2021, available at

even fully informed about their employment rights. The participants in the research also stated that, although none of them used sick leave during the state of emergency, there are problems with exercising this right during the regular state. This is sometimes the case because they believe that they are “easily replaceable” due to the signed blank agreement terminations of employment contracts.¹²⁶ Despite all the above, it was pointed out in this research, labour inspections from the largest number of municipalities answered that no reports of discrimination at work were submitted in the requested period, i.e. that the procedure for determining discrimination at work was not initiated or completed, except inspections in Novi Sad, Čačak and Vranje.¹²⁷



The Commissioner issued an opinion in the procedure regarding the complaint of the Association of Citizens “Radnik” against the Student Youth Cooperative “Nefertiti” due to discrimination based on age. The Youth Cooperative published a job advertisement: “Support associate (students) for WOLT” while the subtitle reads: (students - up to 26 years). During the proceeding, it was determined that the Youth Cooperative failed to provide proof that the prescribed years of life were a real and decisive condition, given the nature and peculiarity of the job or that it was an affirmative measure towards hard-to-employ categories. By the analysis of job advertisements, it was concluded that the age of the candidate is not of decisive importance for a specific job, i.e. that persons over 26 years of age also can responsibly and competently perform a specific job, so the setting of this condition is an immediate discrimination against the over-26s and directly eliminates them from competition for the job. Freedom of advertising and freedom of choice of employees is not and cannot be an excuse for violating anti-discrimination regulations and excluding persons on the basis of their personal characteristics. The Commissioner gave the opinion that the provisions of the Law on Prohibition of Discrimination were violated and recommended to the Youth Cooperative to remove the discriminatory advertisement, as well as not to publish job advertisements that contain discriminatory conditions for employment in the future. This recommendation has been realized.

For more information, visit: <http://ravnopravnost.gov.rs/694-20-diskriminacija-na-osnovu-starosnog-doba-u-oblasti-zaposljavanja/>

*The European Commission's report*¹²⁸ also states that, after the reduction in 2020, budget allocations for active labour market policies were further reduced in 2021.

126 Idem, pages 18-19

127 Idem, pages 28-29

128 *Serbia Report 2021*, European Commission, available at: <https://www.mei.gov.rs/srp/dokumenta/eu-dokumenta/godisnji-izvestaji-ek>

In the forthcoming period, Serbia should in particular provide adequate financial and institutional resources for employment and social policy, which would be more systematically targeted at young people, women and the long-term unemployed, and improve the adequacy of social benefits for people below the poverty line. In the area of equal opportunities for women and men in employment and social policy, this report states that Serbia adopted a new Law on Gender Equality in May 2021. The employment rate for men (aged 20 to 64) is 14 percentage points higher, and the activity rate is 13.8 percentage points higher than for women. Women have played a dominant role since the outbreak of the COVID-19 pandemic, as workers in health care, shops and pharmacies. As a result of the crisis, 7% of employed women lost their jobs, or were forced to take leave, compared to 4% of employed men.

The Commissioner sent initiatives to the Ministry of Labour, Employment, Veterans and Social Affairs and the National Employment Service to create the special measures of active employment policy aimed at hard-to-employ women, which is presented in more detail in the part of this report related to gender discrimination. On this initiative we received a positive response and the expressed readiness to react in the direction of creating active employment policy measures aimed at hard-to-employ women.

Based on the review of the situation and problems in achieving equality and protection against discrimination on the basis of age, the appropriate recommendations arise.

Recommendations:

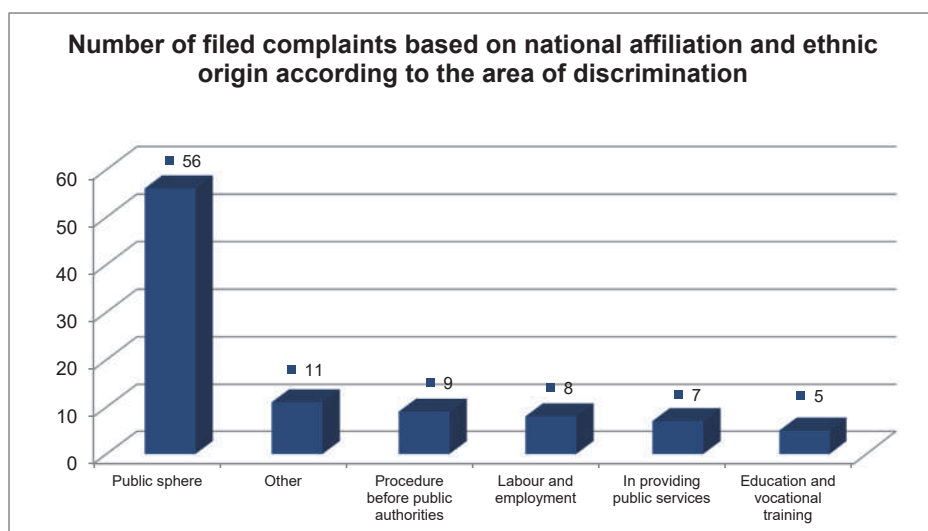
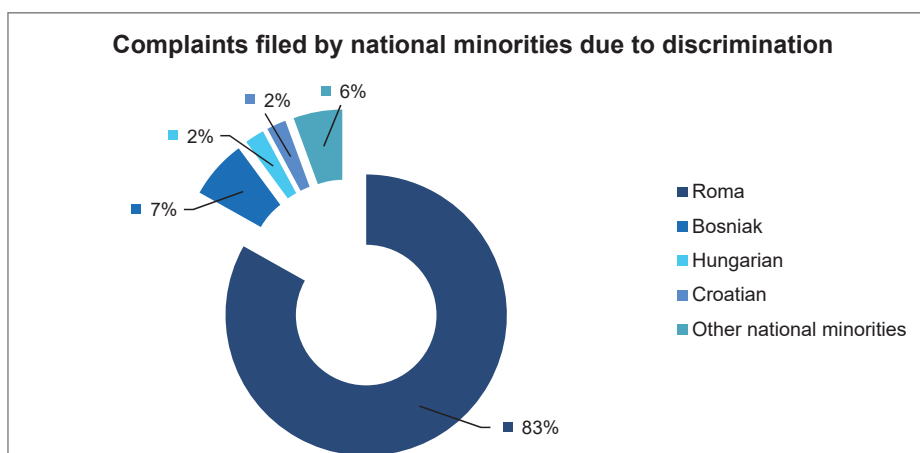
- All bodies at the national, provincial and local level to encourage activities and projects in which the inclusion of the older persons in various areas of social life, cultural, sports and other activities is carried out equally and in a planned manner. Ensure active cooperation with civil society organizations and active participation of the older persons in preventing the risk of social exclusion, encourage various forms of self-organization and intergenerational solidarity, while raising awareness of personal responsibility for dignified, active and healthy aging;
- Increase the availability of all necessary services (home help, patronage services, telephone counselling, tele-assistance, occasional and temporary accommodation services, etc.). Relax the conditions for licensing of service providers, provide appropriate reliefs and incentives in order to stimulate capacity development. Develop inter-sectoral services, encourage volunteerism and volunteer work;
- Actively work on improving the position and strengthening the capacity of informal caregivers (flexible working hours, work from home, paid leave, respite accommodation, mutual aid groups, educations, etc.);

- Strengthen control and supervisory mechanisms with regular monitoring of the quality of all services;
- Improve the normative framework for the protection of the rights of the child by harmonizing it with the Convention on the Rights of the Child, with the harmonization of the General Protocol for the Protection of Children from Abuse and Neglect;
- Improve the measures to support families, develop early childhood development services, implement preventive activities in order to enable the child's life in the family, while developing support services and increasing the coverage of children with these services;
- Improve the accessibility of education, including higher education, for groups of children who are more often exposed to discrimination, with a special focus on organizing classes in crisis situations. Take the measures to provide quality and continuous support to children with disabilities, Roma children, "street children" and other children who need the support, through the promotion of inclusive education, providing personal companion and pedagogical assistant services and other services on a necessary scale;
- Introduce the topics, i.e. increase the content of educational programs on sexual and reproductive health, educate children about prevention and response in cases of violence, especially sexual, peer and digital, promote a culture of mutual respect and non-discrimination, tolerance, understanding and respect for diversity, gender equality, intergenerational solidarity;
- Implement public policies for young people with their participation, in order to achieve greater involvement and improvement of the position with incentives to continue their lives and careers in the country.

Discrimination on the Grounds of National Affiliation and Ethnic Origin

During 2021 a total of 96 complaints were filed due to discrimination based on national affiliation and ethnic origin.

The majority of complaints, as in previous years, was filed due to discrimination of members of the Roma national minority, 74, making 77.1% of all complaints that were filed for this reason. Regarding the frequency of submission, complaints from the Bosnian national minority follow (6), Hungarian (2), Croatian (2), one complaint from the Slovakian, Romanian, Macedonian, German and Montenegrin national minority, while national affiliation was not mentioned in seven cases.



Commissioner was approached by natural persons in largest number of cases, which is identical to the situation from last year.

According to Census of Population, Households and Apartments of 2011, on the territory of the Republic of Serbia, population of 147,604 (2.1%) stated their nationality as Roma. Roma population is considered the youngest, average age is 28.3, with more than 50% of Roma men and women are younger under 25. Mortality rate with Roma population is higher compared to other national minorities. Average life span of Roma in Serbian is under the average of the population, average duration of life is 12 years shorter than average.

Educational status of Roma is also unfavourable. According to data from the last Census only 33.33% of Roma population completed elementary school, 11.54%

completed high school, while higher education can be linked to 1% of Roma. Still, large percentage of Roma children drop out of school, the rate of transition between elementary and high school is low, as well as inclusion of children in programs of early education and the system of pre-school education. Data from research *Serbia MICS 2019* and *Serbia – Roma Settlements MICS 2019*¹²⁹ show that only 7% of Roma children age between 36 – 59 months is enrolled in any pre-school programs compared to 61% of children of general population. 76% of Roma children is enrolled in the mandatory preparatory pre-school program compared to 97% of children from general population. Coverage of the mandatory elementary education is also not complete, 92% of Roma children get enrolled to elementary school, compared to 99% of children from general population, with 64% of children completing elementary school which is significantly lower than the rate of completion of elementary school with children from general population (100%). Even though there is certain progress compared to previous years, difference in coverage of Roma children and children from general population with high school education is very high – only 28% of children from Roma population enrolls to high school, with 61% of children completing it, while 94% of children from general population enrolls to high school and the completion rate is 98%.

Problems occurring due to early departure from education are multiple. On the macro level, from the aspect of the society, reduction of human capital reduces working potential, thus, the potential GDP. Early departure from education also additionally burdens the system of social welfare, since it is more probable that these persons would become users of material benefits. On the micro level, from the aspect of person leaving education early, there is a problem in the form of difficulties finding secure or satisfying employment, since these persons are characterized by limited level of education. Therefore, persons leaving education early become inactive or unemployed to larger extent which questions their existence and increases risk from social exclusion¹³⁰.

Registered unemployment of Roma showed a trend on moderate growth during past years, where it grew from 22,000 in 2013 to approximately 26,000 persons at the end of 2019. National Employment Service implemented activities focusing on activation and application of Roma to be registered, as one of the goals of the Strategy of Employment and Strategy for Social Inclusion of Roma. According to data from the aforementioned study *MICS 2019*, five out of six Roma households live in conditions of extreme material deprivation. 583 Roma settlements are registered in Serbia.

129 *Serbia MICS 2019 and Serbia – Roma Settlements MICS 2019*, Statistical Office of the Republic of Serbia, October 2020, available at: https://www.stat.gov.rs/media/5611/mics6_izvestaj_srbija.pdf

130 *Inactivity on the Labour Market in the Republic of Serbia*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, August 2021, available at: https://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/08/Neaktivnost_na_trzistu_rada_u_Republici_Srbiji.pdf

*Study Position of Sensitive Groups in the Process of Accession of the Republic of Serbia to the European Union*¹³¹, among others, states that the European Commission, in 2020, adopted a Strategic Framework for Integration of Roma by 2030, as the direct contribution to the implementation of EU Action Plan Against Racism for the period 2020 – 2025, European pillar of social rights, accomplishment of UN Agenda 2030 and Goals of Sustainable Development. European Commission set seven goals for the period until 2030. Three goals are horizontal and refer to improvement of equality, inclusion, and participation, while four goals are sectorial and refer to the improvement of position of Roma in the area of education, employment, housing and healthcare. Equality and inclusion are regular parts of agenda in the area of human rights and other political dialogue with non-EU countries especially the countries in Western Balkans. Prime Ministers of Western Balkans, in July 2019, adopted the *Roma Integration Declaration*, committing to concrete improvement of situation in the area of education, employment, healthcare, housing, registration and reduction of discrimination.

It is obvious from the Commissioner's practice for years the Roma are an extremely vulnerable social group exposed to discrimination in almost all areas of social life and that negative attitudes and prejudice towards the Roma often repeat.



Opinion adopted in the proceedings related to the complaint filed against Pink International Company d.o.o. due to discrimination based on national affiliation. In the article published on the website, named: "Pink at the spot! This is where the boy suspect (15) raped the girl (10)! Horror at Ada Huja shook the entire Serbia!", the article stated: "Yesterday, around 18 hours, three members of the Roma national minority and one Roma girl attacked two minor girls and took their mobile phone and Bluetooth speakers."

In the opinion, the Commissioner pointed out that in this specific case national affiliation of suspects wasn't connected to the act committed, and publishing of this information did not contribute to better understanding of the event, thus, there was no reason to state such facts. Fully supporting the freedom of media and their duty to inform the public on all events, that is, to provide information and decide on headlines and content of articles in line with its editorial policy, the Commissioner stipulated that this freedom is not unlimited, but it must be within Constitution and regulations. By identifying national affiliation of the suspects, in this specific case, attention is directed to the members of the national minority, they are labelled as persons prone to criminal acts,

131 *Position of Vulnerable Groups in Serbia's Accession to the European Union*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, August 2021, available at: http://socijal-noukljucivanje.gov.rs/wp-content/uploads/2021/12/Polozaj_osetljivih_grupa_u_procesu_pristupanja_Republike_Srbije_Evropskoj_uniji.pdf

which results in strengthening the stereotypes and discriminatory relationship towards Roma. Commissioner provided opinion that the Law on Prohibition of Discrimination has been violated and recommended the Pink International Company d.o.o. to include a topic related to issues of protection and position of Roma national minority within its broadcasting options and editorial policy, and to restrain from publishing such content in the future. The recommendation was adopted and acted upon.

More at: <http://ravnopravnost.gov.rs/68-21-misljenje-povodom-prituzbe-udruzenja-aa-protiv-medija-bb/>

One of the drastic examples is the complaint against John Doe who has a YouTube channel that includes a video where a Roma boy is treated in a way that is not suitable, only to end the video with words: *“All mouths do not deserve to eat; we should kill them all”*. Commissioner approached competent public prosecutor’s office related to this case to identify John Doe and to continue the proceedings.



Regarding complaints of natural persons against a foundation due to posts on the official Facebook page, the Commissioner provided opinion that provisions of the Law on Prohibition of Discrimination have been violated and that these posts promoted discrimination and hatred to Roma people, and that lack of comments calling for violence creates fear, hostility, humiliating and offensive environment for the members of the Roma national minority.

This is the reason why the foundation was recommended to remove posts, content, and comments, to secure efficient control system so that their Facebook page would no longer include such comments, and to restrain from violating regulations on discrimination prohibition in the future, within its activities. The recommendation was adopted and acted upon.

More at: <http://ravnopravnost.gov.rs/1091-20-misljenje-povodom-osam-pri-tuzbi-zbog-diskriminacije-po-osnovu-nacionalne-pripadnosti/>

The fact that these cases are not rare, and that social distance is applied to members of certain national minorities by the majority of population is also confirmed by the proceedings related to complaints against the city of Subotica, due to discriminatory graffiti on public area. Through the insight into the photo submitted in the attachment of the complaint it has been determined that on the side carrier of the canopy of the city bus stop a graffiti was written with large black letters: *“Gypsies to the grave”*. Graffiti cause a revolt of the citizens which was proven by the fact that part of the graffiti was covered with white paper stating: *“Roma are equal members of the society of Subotica. Roma persons are our neighbours. A Roma a mi barataink.”* Commissioner provided an opinion that by omitting



Photographic evidence with complaint filed to Commissioner, 2021

to take measures for removal of graffiti representing hate crime, the city violated provisions of the Law on Prohibition of Discrimination and recommended the graffiti to be removed.

Attitude towards members of the Roma national minority is seen in an example of addressing the Commissioner because the saleswoman *“slapped a girl twice with words you Gypsy asshole you steal and you ask what you did”*, and that mother of this girl was not served in the same shop since this was the *“order”* of the colleague.

Discriminatory attitudes were expressed towards members of other national minorities, and the Commissioner reacted with warnings and appearances in the media.

WARNING:

The statement Dragoslav Bokan gave on Marinika Tepić drew a lot of attention, which caused the issuance of warning that the law prohibits hate speech, expressing discriminatory attitude, insulting, and belittling based on national affiliation, ethnic origin, ancestors or any other real or presumed personal property. Linking anyone's national affiliation or ethnic origin with the job they perform, including involvement in politics is utterly inappropriate and unacceptable. All the parties, the ruling party also, include national minorities that participate in creating decisions by which Serbia shows respect of principle of equality and applies responsible policy regarding national minorities which is the reason we cannot be tolerant to such attitudes damaging the entire society.

WARNING:

The Commissioner severely condemned offensive comment the Director of PC Stara Planina Goran Karadžić said regarding Naim Leo Beširi on TV Pink and pointed out that it cannot be tolerated and that it is prohibited by law to declare discriminatory attitude based on any actual or presumed personal property, including national affiliation or ethnic origin. Criticism, different positions, and opinions are desirable and useful, but they cannot be expressed by insult and by causing intolerance towards any individual due to their national affiliation. The warning stipulated that it is good that the host of TV Pink reacted to insults stated in the program, by warning the guest on this occasion, since it is the obligation of all media to respect professional and ethical standards of public information sharing, as well as the laws and the Constitution of the Republic of Serbia, and the obligation of competent authorities is to act in line with its competences.

Presence of segregation in the area of education is confirmed by the complaint filed to the Commissioner by a civil association against an elementary school in Bujanovac due to segregation of Roma children. The complaint stated that this school organized preparatory pre-school program attended by 105 children of Roma nationality, that were separated in five groups of 21 child, where it can be concluded that Roma children were separated from other children, that is, groups were organized only with children of Roma nationality. After the procedure implemented, the Commissioner provided opinion that by omitting to take measures and activities regulated by the rulebook on actions of the institution in case of suspected or determined discriminatory behaviour and insulting reputation, honour or dignity of a person, the school violated provisions of the Law on Prohibition of Discrimination and recommended the school to prepare detailed and comprehensive plan of desegregation and take interventions and activities, and to address, in writing, competent school administration, Ministry of Education Science and Technological Development and Municipal Administration of Bujanovac and ask for their inclusion in the process of desegregation.

In addition to aforementioned, representatives of different associations often address the Commissioner with specific problems facing inhabitants of non-standard settlements. Thus, civil organization representing 50 citizens of the settlement Veliki Rit in Novi Sad, in their complaint to the Commissioner stated that Roma living in this non-standard settlement are endangered and discriminated when registering temporary or permanent residence, due to inability to register the address they live in considering the fact the whole settlement is illegally constructed, never legalized, thus, the buildings in it do not have an address. Due to their poverty, these citizens are usually unable to rent an apartment, with especially difficult position of persons born on the territory of Kosovo and Metohija regardless of whether they

have received a status of internally displaced person or not, since they have valid IDs with residence on the territory of Kosovo and Metohija. This situation is the reason they are unable to exercise a number of rights, such as rights to healthcare, education, etc. Permanent residence was, for example, one of the conditions to exercise rights to monetary aid from the Law on Interim Register of Adult Citizens of the Republic of Serbia prescribing payment of monetary aid to mitigate consequences of Covid-19 pandemic. The Commissioner reacted on these cases.



Commissioner recommended the city of Novi Sad and the Ministry of Interior to mutually cooperate and perform analysis and **take measures and activities for the purpose of resolving issues of temporary/permanent residence of citizens of the Republic of Serbia** that are inhabitants of sub-standard settlement Veliki Rit in Novi Sad, that were unable to register residence/permanent residence so far, and to take measures and activities from the competence that are planned within Strategy for Social Inclusion of Roma in the Republic of Serbia for the period 2016 to 2025 as measures taken by the local government for accomplishing operating goals of the Special Goal 2, for the area of Housing. Procedure is ongoing.

More at: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-gradu-novom-sadu-i-ministarstvu-unutrasnjih-poslova/>

Ministry of Finance was issued by a **recommendation to consider the option of enabling persons that cannot register residence for objective reasons, thus non owning an ID card, exercise the right to aid for mitigating consequences of Covid-19 pandemic** (for example, based on citizenship, birth certificate, statement of two witnesses) since conditioning the exercise of rights to this monetary aid, among others, mostly affected the members of the Roma national minority facing housing issues, that are not owners or lessees of housing units, and face obstacles when registering temporary/permanent residence. Procedure is ongoing.

More at: <http://ravnopravnost.gov.rs/preporuka-mera-ministarstvu-finansija-2/>

Problems that were related to national minorities, especially the most vulnerable layers of society – population in substandard Roma settlements, as well as deepening the problems related to Roma population in Serbia due to lack of access to water, power and sewerage during the Covid-19 pandemic were emphasized in the publication *Position of National Minorities in the Republic of Serbia during Covid-19 pandemic*¹³². These problems in the area of housing are illustrated by the accident that happened in the Roma settlement in Čukarica, in March 2021, when

132 *Position of National Minorities in the Republic of Serbia during the Covid-19 Pandemic*, Yucom, 2021 available at: <https://www.yucom.org.rs/polozej-nacionalnih-manjina-u-republici-srbiji-tokom-epidemije-covid-19/>

seven children were injured, and one of them deceased. Representatives of the Movement Opre Roma Serbia, on this occasion, during the meeting with the Commissioner, presented poor living conditions in this settlement, that is accident was one of the most severe ones, that there is an issue of creating a unsanitary landfill for construction material in this informal settlement and disposal of construction rubble next to the power lines which endangers passers-by, which is, according to their opinion, the cause of electric shock that caused the accident. Commissioner recommended the city municipality of Čukarica in the City of Belgrade to urgently take measures within its competence **to remove unsanitary landfill of construction material in the Roma settlement Čukarica and secure safe conditions for living and housing** in this settlement, until the accomplishment of adequate solution for housing in line with international standards. Acting upon recommendations of measures for establishment of equality, city municipality of Čukarica and the City of Belgrade notified the Commissioner that they have implemented extraordinary inspection supervision and urgent measures were taken to organize the lot, and electric energy inspection was also contacted to implement additional technical protection of buildings. City headquarters for emergencies issued an order for urgent rehabilitation of the terrain including unsanitary landfill of construction material, and criminal charges were filed against John Doe for the criminal offense of environment damaging through organization of illegal landfill. Measures were taken to help families suffering damage and certain forms of aid were organized for families whose members suffered injuries in this incident. The City allocated funds in the amount of RSD 1,430,000.00 from the budget for treatment of the child suffering most severe injuries during the incident in the form of covering costs of skin transplant¹³³.

Similar problems are faced by inhabitants of informal settlements in other cities. Due to very difficult position of the population of settlement Torovi in Topola, initiative was sent for additional engagement of capacities of the municipality and centre for social care and taking adequate measures from the competence of the municipality to help Roma families in this settlement.

Having all aforementioned in mind, as well as legal competences, building capacities of local government, with additional education in



133 More at: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-gradskoj-opstini-cukarica/>

all systems on local level, establishment of integrated services of social and health care, education related to all other services, through cooperation and contacts with civil society organizations that are involved with improvement of position of certain social groups, may be the path to improve primarily the position of members of Roma community and other national minorities or ethnic groups, as well as other vulnerable groups.

Commissioner was also contacted by members of other national minorities related to problems they are facing.

Social distance and hostility are, in addition to the Roma, in certain cases, expressed towards members of other national minorities, due to which the Commissioner, in addition to providing opinion and initiation of court proceedings, issues warnings and statements, as was the case with posters with antisemitic content in Belgrade.

WARNING:

The Commissioner severely condemned putting up posters with swastika and anti-Semitic content in the 27 marta Street in Belgrade, stating that this action is not in line with our laws and standards of behaviour and do not represent general attitude of the society. Our people have never been anti-Semitic, and these individual actions damage democratic society, where it is very important to remove such posters, and always to condemn such actions.



Commissioner with Prime Minister of Sweden Stefan Lofven, World Jewish Congress, Malmö 2021

At the international meeting of special envoys and coordinators for combatting antisemitism in Malmö, attended by representatives of institutions with competence of combatting all forms of discrimination including antisemitism, also attended by the Commissioner, EU Strategy for Combatting Antisemitism has been presented, in light of globally growing antisemitism, racism and xenophobia. Participants exchanged opinions and experiences on most efficient manner of opposing radical phenomena, primarily through modern communication channels, with conclusion that spilling of threats from online into the real world is more expressed, and that one of the ways to combat antisemitism is developing culture of remembering holocaust and educating the youth since living witnesses of that time are scarce.

WARNING:

The Commissioner severely condemned the incident that happened when unknown persons used stones to break glass on the building of the Jewish cemetery in Ruzveltova Street and threw an axe in the building, with special concern related to the fact that this was grave desecration. This vandalism does not show the real face of Serbia and cannot be allowed in the country that builds democratic society and promotes zero tolerance towards antisemitism. The response of competent authorities must be efficient, and perpetrators must be severely punished.

The Commissioner was addressed by the President of the Democratic Fellowship of Vojvodina Hungarians due to violation of regulations on official use of Hungarian language and script when replacing old and setting new traffic signs in the territory of municipalities where Hungarian language and alphabet are in official use. At the request of the Commissioner, the competent ministries submitted data that Hungarian language and script are in official use in 28 units of local government on the territory of AP Vojvodina. The Commissioner addressed these units of local government for determination of facts. The responses were delivered by 23 units of local government, where installation of traffic signs was ongoing in eight of them while remaining 15 of submitted evidence that traffic signs were written in proper manner. Procedure for determination of facts in remaining five units of local government is ongoing.

During the year, the Commissioner was addressed by the National Council of Croatian National Minority and National Council of Bosnian National Minority pointing out the content of certain textbooks for students of elementary schools since their content states that south Slavic languages shall include Bulgarian, Macedonian, Slovenian and Serbian language and that with Serbian language note should be added that Croatians, Bosnians and some Montenegrins call this language Croatian, Bosnian and Montenegrin. On this occasion the Commissioner addressed the Ministry of Education Science and Technological Development and recommended measures to achieve equality.



The Commissioner recommended to the Ministry of Education Science and Technological Development measures and activities from its area of competence for the purpose of **checking approved textbooks for Serbian language for the 8th grade of elementary school regarding content referring to languages** and to remove content that is contrary to anti-discriminatory regulations and ratified European Charter on Regional or Minority Languages. Procedure is ongoing.

More at: <http://ravnopravnost.gov.rs/preporuka-mera-ministarstvu-prosvete-nauke-i-tehnoloskog-razvoja/>

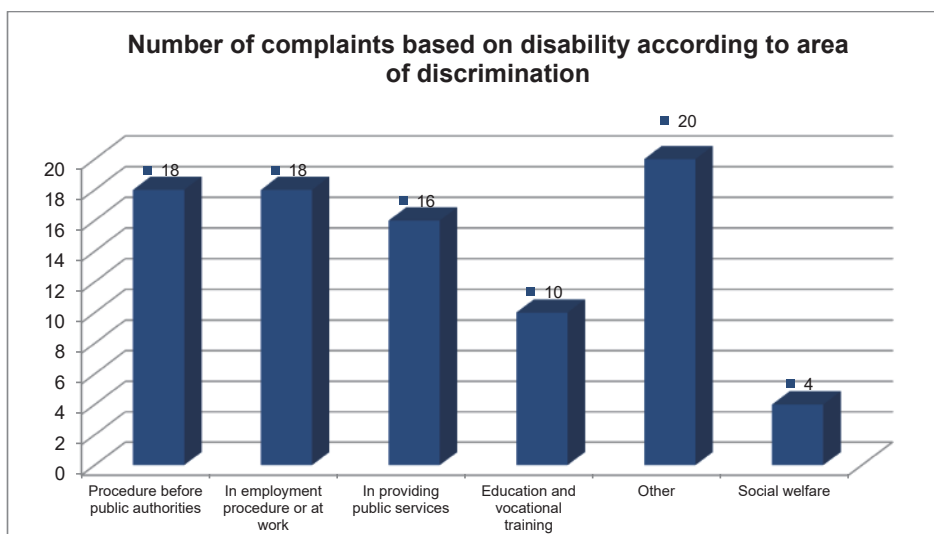
Based on the review of the status and issues in accomplishing equality and protection from discrimination based on national affiliation and ethnic origin, appropriate recommendations arise:

Recommendations:

- Promote national, ethnic, religious, cultural, and other diversity and multi-cultural dialogue, mutual respect, mutual understanding, and cooperation,
- Secure continuity of work of health mediators and pedagogical assistants,
- Actively work on improvement of position of Roma, especially Roma women and children, by strengthening capacities primarily on local level, with accomplishment of intersectoral cooperation of different actors and establishment of integrated services regarding securing personal documents, access to adequate housing, healthcare, educational and services of social security, as well as employment,
- Use promotions to increase the scope of Roma children in pre-school, high school, and higher education, reduce the number of cases of abandoning education, and prevent segregation in the educational process,
- Promote examples of good practice and use education to impact reduction of social distance towards members of different nationalities

Discrimination on the Grounds of Disability

As the case was in previous year, during 2021 the Commissioner received a lower number of complaints compared to previous years, when the organizations of civil society addressed the Commissioner to larger extent mostly pointing out the issues of accessibility of buildings that were intensively inspected through their activities and projects. It was completely natural that in the situation of Covid crisis the persons with disabilities were more focused on resolving key health issues, not on removing physical and other barriers as the case would be in “regular



circumstances” when the civil sector is focused and very active on improving the status of persons with disabilities.

Most complaints related to discrimination based on disability during 2021 was filed in the procedure in front of public authorities and in the area of employment and labour (18 respectively), in providing public services or use of public facilities and areas (16), followed by education and professional training, health and social care and other areas. In 75 cases complaints were filed by natural persons, almost equally by men and women (women 39, men 36).

Persons with disabilities face a number of different issues, on daily basis, in all periods of their lives, and in different areas of social life. For example, children with disabilities face issues in the area of education, meeting the needs for services of health and social protection which are lacking, grownups have difficulties in finding jobs, most of them are poor and/or at risk of being poor, etc.

The European Commission, in its latest *Progress Report for the Republic of Serbia for 2021*¹³⁴, stipulates that the position of persons with disabilities is very complex, stating, among others, that in April 2021 Action Plan was adopted for the Strategy of Improvement of Status of Persons with Disabilities in the Republic of Serbia from March 2020, while the adoption of strategy on deinstitutionalization is delayed, as well as adoption of the Law on Protection of Persons with Mental Disability and Institutions on Social Protection (deadline in the Action Plan: Q4 2020). Financing and development of services in the community and support to

¹³⁴ Serbia 2021 Report, European Commission, available at: <https://www.mei.gov.rs/srp/dokumenta/eu-dokumenta/godisnji-izvestaji-ek>

licensed service providers is still insufficient. Women with disabilities in residential institutions still face gender specific forms of violence.

Recent years have seen progress in many areas, primarily in promoting and improving rights of persons with disabilities, however there are many obstacles still visible when it comes to access to healthcare, education, employment, services of social security, participation in political life. European Commission recognized importance of further continuous action and in March 2021 a new *Strategy on Rights of Persons with Disabilities for the Period 2021-2030*¹³⁵ was adopted.

The Covid-19 pandemic had negative consequences for persons with disabilities, especially the ones living in residential institutions, victims violence, etc. The status and exercise of rights of persons in residential institutional housing was reviewed in many reports, and the aforementioned report *Forgotten Children of Serbia*¹³⁶, among others, states that institutions are primarily focused on meeting basic needs without necessary rehabilitation and stimulation which leads to the worsening of conditions with children and has negative consequences for their lives and health. Institutions of social protection, psychiatric institutions, and homes, where persons with disabilities usually dwell, became contagion and spreading hotspots of the Covid-19 epidemics, as stated in the report *Covid-19 measures and social and economic rights of women with disability in Serbia – report*¹³⁷. These persons are at higher risk of contagion and have a higher mortality rate considering they have actual barriers in maintaining hygiene, physical distance and have limited access to information on virus, testing, and health protection. Additional concern was caused by measures of closing institutions of social protection in which women with disabilities are in higher risk from different forms and manifestations of violence, deprivation, and denial of access to reproductive and sexual rights¹³⁸.

Findings in the publication *Protection of Sexual and Reproductive Rights of Women with Mental Disability and Protection from Violence*¹³⁹ present forms of

135 *Position of Vulnerable Groups in Serbia's Accession to the European Union*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, 2021, page 27 – available at: http://socijal-noukljucivanje.gov.rs/wp-content/uploads/2021/12/Polozaj_osetljivih_grupa_u_procesu_pristupanja_Republike_Srbije_Evropskoj_uniji.pdf

136 *Forgotten Children of Serbia*, Mental Disability Rights Initiative, June 2021, available at: <https://www.dri-advocacy.org/wp-content/uploads/Serbia-2021-web-SRB-1.pdf>

137 *Covid-19 Measures and Social and Economic Rights of Women with Disabilities in Serbia – Report*, Association of Female Citizens FemPlatz, Belgrade, page 4 – available at: http://femplatz.org/library/reports/2021-02-16_Kovid-19_i_zene_sa_invaliditetom.pdf

138 Idem, page 4

139 *Protection of Sexual and Reproductive Rights of Women with Mental Disabilities and Protection against Violence*, Biljana Janjić, Kosana Beker, Valentina Lepojević, Mental Disability Rights Initiative of Serbia MDRI-S, 2002, page 3 – available at: https://www.mdri-s.org/wp-content/uploads/2021/04/Policy-brief_zastita-seksualnih-i-reproduktivnih-prava-zena-sa-mentalnim-invaliditetom-i-zas%CC%8Ctita-od-nasilja.pdf

violence in residential institutions. Women with disabilities are exposed to horizontal (peer) and vertical (employees of the institution) violence, and their status and exposure to violence in institutions is not visible enough since the perpetrators are aware of low risk from detection and punishment, since these women find it difficult or unable to access support services¹⁴⁰.

Regarding providing appropriate services for women with disabilities victims of violence, the publication *Safe Houses*¹⁴¹ pointed out challenges regarding: available capacities especially for women living in distant and rural areas; availability of safe houses; lack of adequate programs for different groups of women; lack of conditions for reception of children; inadequate and unsustainable financing and finally, access to safe and affordable housing upon leaving the safe house which is not a permanent solution. Unavailability of services is illustrated by the statement of this woman with disability, stated in the survey¹⁴²:

I wanted to join a support group, but the meetings were held on the second floor and there was no elevator.

Women with disabilities are in a more difficult situation regarding the possibility to report violence, as well as other members of multiply discriminated groups of women (the Roma, the older persons, women living in rural areas, etc.). Persons with disabilities are often deprived of capacity to work, with very serious, complex, and long-term consequences. Person deprived of capacity to work cannot make its own decisions, no possibility to choose where to live and with who, cannot manage its property, cannot get married, decide on giving birth, does not have the right to vote. In most cases, disability, in the form of medical diagnosis, represents a reason to deprive a person from capacity to work, even though this is contrary to national anti-discriminatory legislation. Practice of total deprivation of capacity to work mostly affects persons with intellectual and psycho-social disabilities, as much as 76.2% of adult women and men in institutions of social protection have been deprived of capacity to work¹⁴³. This situation may lead to suspicion in credibility of all statements and rejection of their reporting of violence, which further leads to lack of punishment and lack of visibility of the problem.

140 *Protection of Sexual and Reproductive Rights of Women with Mental Disabilities and Protection against Violence*, page 7

141 *Shelters, Capacities for Provision of Accessible and Available Services to Women with Disabilities – Situation in Serbia, Baseline Analysis*, MDRI and FemPlatz, Belgrade, 2020, available at: https://www.femplatz.org/library/publications/2021-02_Sigurne_kuce.pdf

142 *Shelters*, page 51

143 *Protection of Sexual and Reproductive Rights of Women with Mental Disabilities and Protection against Violence*, page 3

Deprivation of capacity to work is still widespread and the existence of disability (medical diagnosis) is one of the main reasons of deprivation of capacity to work, which is not in line with the Convention on Rights of Persons with Disabilities. According to data from 2019, in Serbia, 10,442 persons are fully deprived of capacity to work, 928 partially, while 629 persons exercise parent right¹⁴⁴. Returning of capacity to work rarely happens since such capacity may be returned only when reasons for deprivation cease. Since the only reason for deprivation of capacity to work is often the mere existence of disability, it is less probable that this reason will cease or disappear, which is why the reason to return capacity to work cannot be met. During 2019, the reason to cease permanent custody over adults in 96.6% of cases was death of the user, while capacity to work was returned only in 27 cases (3.4%)¹⁴⁵.

The issue of capacity to work of persons with disabilities is of essence for the exercise of their rights and active participation in the life of the community, and in order to secure this it is necessary to reform the system of custody and cancel the possibility of deprivation of capacity to work, which entails amendments to the Law on Family and Law on Out-of-Court Proceedings, as well as envisaging, development, and establishment of the support service system for persons with disabilities, in line with their requirements, which is continuously emphasized by the Commissioner.

The survey¹⁴⁶, performed with the purpose of improving regulations in the area of emergencies, in light of the fact that persons with disabilities, as one of the most vulnerable groups during the pandemic and state of emergency, should be included in all response and recovery measures after the crisis, stated that, among others, persons with disabilities in the Republic of Serbia are not exposed, to large extent, to the risk of losing a job, but the option of remote work was not used to full extent – work from home, in order to significantly reduce the risk from contagion of this endangered group. Regarding health protection, this report concludes that during the pandemic the system of health protection, which is insufficiently available in general, became even more unavailable for persons with disabilities.



144 *Reform of the Adult Guardianship System (Legal Capacity)*, Dr. Kosana Beker, Valentina Lepojević, Mental Disability Rights Initiative of Serbia MDRI-S, August 2021, page 3 – available at: <https://www.mdri-s.org/wp-content/uploads/2021/09/Policy-brief-Reforma-sistema.pdf>

145 *Idem*, page 4

146 *Towards an Inclusive Response to the Pandemic*, National Organization of Persons with Disabilities of Serbia (NOOIS), 2021, page 5

Accessibility is a particular problem pointed out by the Commissioner for years, since disabling movement or access to areas, as well as information and communication, practically disables exercise of all other rights and it is not important only for persons with disabilities, but all citizens alike.

Following principles of universal design enables persons with disabilities, and even the older persons, children, pregnant women, persons with difficulties in mobility, sick or injured persons..., so, all citizens, uninterrupted movement and access to all buildings, roads, public areas, etc. For this reason the Commissioner continuously warns and reminds in different ways on necessity to accomplish the principle of universal design, with understanding the fact that full accessibility of all areas cannot be easily achieved but it is necessary for it to be a top priority and that all facilities in public use must be accessible as soon as possible, especially community health centres, schools, social work centres, courts, banks, public companies... Necessity to improve current status is confirmed by examples from the practice of the Commissioner.



The Commissioner adopted an opinion in procedure related to complaints submitted against the Public Company “7. juli” Batočina, Public Company “Lepenica” Batočina and municipality of Batočina due to discrimination on the grounds of disability since the buildings used by these public companies are inaccessible to persons with disabilities.

During the procedure it has been determined that there were efforts of the municipality and public companies to make such buildings accessible to persons with disabilities, however, there is still a step at the entrance, currently there is no ramp for overcoming height obstacles or marked parking spot for persons with disabilities, and for these and other reasons, the buildings are not accessible which lead, in this case, to the violation of provisions of the Law on Prohibition of Discrimination, related to provisions of the Law on Preventing Discrimination of Persons with Disabilities.

The Commissioner recommended to the municipality of Batočina, as the owner of the building and Public Company “Lepenica” Batočina, as the user of the building, to take all necessary measures for the purpose of providing accessibility of services of this company. This recommendation was followed.

More at: <http://ravnopravnost.gov.rs/40-21-utvrđeno-diskriminatorno-postupanje-po-osnovu-invaliditeta/>

In addition to accessibility of buildings, securing accessible public transportation is equally important, as well as availability of information and communication.



The Commissioner adopted an opinion in procedure related to complaints submitted against TC “Lasta” a.d. Belgrade, due to discrimination based on disability. The complaint stated that during travel by bus of the transport company Lasta between Belgrade and Novi Sad, the first door of the bus was closed due to disinfection measures, while the second door had high steps.

During the procedure it has been determined that the complaining party, due to her disability, needed to enter the bus through the first door that is accessible, but this was not allowed, thus the Commissioner issued an opinion that provisions of the Law on Prohibition of Discrimination were violated and recommended this company to send a written apology to the complaining party due to discriminatory actions, and to uphold the regulations on prohibition of discrimination in the future. This recommendation was followed.

More at: <http://ravnopravnost.gov.rs/987-20-prituzba-protiv-saobracajnog-preduzeca-zbog-diskriminacije-na-osnovu-invaliditeta/>

During 2021, a large number of complaints referred to discrimination of children with disabilities, as well as children with difficulties in development. Subject of individual complaints addressed accessibility of buildings used by the children, such as student's home, community health centre, etc. and issues of hindered communication facing children and adults with hearing problems that read lips, due to preventive measures applied during Covid-19 pandemic and the obligation to wear face masks. Special issue for the children is timely and adequate overview of their needs and the possibility to adjust education and secure support services in required scope.



The Commissioner adopted an opinion in procedure related to complaints submitted against the First Elementary School of Obrenovac in Obrenovac, since the school did not build IOP for the student with difficulties in development, that is developing more slowly compared to her peers, has difficulties adopting curriculum and requires additional support in teaching.

Based on determined facts, findings of inspection supervision of the educational inspection and report of the School Administration, the Commissioner determined that this school placed the student in unfavourable positions by taking support measures that were periodic and insufficient, while activities of the educational plan were not specified. Regarding this, the Commissioner issued opinion that the school violated provisions of the Law on Prohibition of Discrimination in the period prior to inspection supervision, hence issuing recommendation to provide required additional support to the student in a timely manner in the future and follow anti-discriminatory regulations during performance of their tasks. This recommendation was followed.

More at: <http://ravnopravnost.gov.rs/531-21-diskriminacija-deteta-po-osnovu-zdravstvenog-stanja-u-oblasti-obrazovanja/>

Pointing out the necessity to secure accessibility in the area of education, the Commissioner, in her opinion related to the amendments of the Law on Secondary School Education, pointed out that it is necessary to regulate accessibility of adjusted textbooks (with available formats electronic, audio, Braille, with increased format, etc.) for children with difficulties in development and children with disabilities and enable them equal enrolment in secondary schools with other students. Namely, the procedure for securing textbooks between the school, publishers, competent ministry, has been determined for adjusting textbooks for elementary school, while children in secondary schools are not included in these rules even though the Law on Basic Elements of Education System¹⁴⁷ proclaims general principle of education based on which this system must secure, for all children, students and adults, equality and availability of rights to education based on social justice and principle of equal opportunity without discrimination.

Educational structure of persons with disabilities is significantly less favourable compared to general population. Even though we see a trend of reduction of number of students in segregated environment, educational system of the Republic of Serbia still includes elementary and secondary schools and special classes for educating students with difficulties in development and disability. While the number of “special” classes in regular schools is reduced, there are 48 schools in Serbia for educating students with disabilities and difficulties in development¹⁴⁸. Educational and age structure of unemployed persons with disabilities, as well as high share in long-term unemployment is an aggravating circumstance for employment and inclusion of these persons into active employment measures. During 2020, 38.8% of unemployed persons with disabilities was without secondary education, 54.7% of persons had high school diplomas while 6% of persons was with high education, which shows the need to focus activities to improvement of inclusive education. Regarding age structure, only 11.6% of persons are under 30, while 46.7% of unemployed persons with disabilities are over 50, which shows the need to act proactively related to employment¹⁴⁹. *Employment Strategy in the Republic of Serbia for the period 2021 to 2026*¹⁵⁰ recognizes persons with disabilities as category that has serious difficulties finding work. The strategy envisages implementation of measures of active employment policies, improvement of their implementation, creating new, improvement of status monitoring and movements on the labour market and outcome and impact of such measures. Special measures including improvement of status of persons with disabilities focus on promotion of employment on open labour market, raising efficiency in work and education with combining different procedures through inclusive learning and different measures of support

147 *Official Gazette of the Republic of Serbia*, Nos. 88/17, 27/18 – corrigendum, 10/19 and 6/20

148 *Position of Vulnerable Groups in Serbia's Accession to the European Union*, page 30

149 *Idem*, page 29

150 *Official Gazette of the Republic of Serbia*, Nos. 18/21 and 36/21

and assistance, establishing mechanism of preparation and support on the job, especially for persons with disabilities that are employed under special conditions.

Special challenge represents securing required services of social protection, as well as exercise of certain rights from social protection. The practice of the Commissioner showed, as it did in previous years, that certain services are not secured continuously, nor in sufficient volume, especially in underdeveloped units of local government. For example, in 2019, the Commissioner, after receiving data from the Republic Fund for Social Protection related to securing service of personal escort in units of local government, recommended taking all necessary measures and activities that will secure establishment and provision of this service to children in need, to local governments that do not have this service established. Considering the proclaimed pandemic caused by Corona virus the Commissioner did not conduct survey on recommendation implementation, but in the following period the citizens continued addressing the Commissioner pointing out that units of local government in which they live do not offer this service – personal escort of the child, or, if they include the service in their decisions, it is not implemented or secured sufficiently, that is, not provided to children in need. Considering all aforementioned, as well as the importance of providing this service, Commissioner reissued this recommendation in 2021 to all units of local government pointing out that it is not sufficient to regulate this service by acts of local government, it is necessary to provide it in continuity. In December 2021, the Commissioner, to point out the obligation of service provision, initiated strategic litigation against units of local government and centres for social work for omitting to provide this service to children with disabilities.



The Commissioner **recommended to the units of local governments to take all necessary measures and activities to secure establishment and provision of services of personal assistants supporting children** requiring this service.

According to data from the report of the Republic Fund for Social Protection *Children in the Social Welfare System in 2020*¹⁵¹, during 2020, records of the centres for social work included 11,205 children with difficulties in development, and the service of personal assistants was used by a total of 1,932 children. Number of children using this service rose by 473.3% in the last five years, which implies the demand for the service. Children users of the service are mostly in elementary schools 77%.

Even though the number of units of local government that provide the service of personal assistants supporting children increases year to year, certain number

151 Available at: <http://www.zavodsz.gov.rs/media/2158/deca-u-sistemu-socijalne-zastite-2020.pdf>

of units did not establish the provision of this service. The majority of local government units that did not establish the service of personal assistants supporting children are in the region of South and East Serbia. Also, the service is provided by a number of non-licensed organizations in certain number of units of local government, which creates risk that personal escorts did not pass required accredited training programs, which questions quality of provision of this service. Timely adoption of opinion of inter-sectoral commission and better coordination with local government units contributed to the more efficient development of this service. Since the recommendation was sent at the end of the year, analysis of actions will be presented in the next report.

More at: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-jedinicima-lokalne-samouprave-za-uspostavljanje-i-pruzanje-usluge-licnog-pratioca-deci/>

Additionally, the National Health Insurance Fund received an Initiative for the amendment of the Rulebook on Medical and Technical Aids secured from the funds of the mandatory health insurance having in mind that there is still a limitation regarding the possibility of securing hearing aid provided if the person, in addition to medical criteria, meets the criteria of necessity of the device for performing jobs based on which the person is insured.

The Commissioner has a long-term cooperation with a large number of organizations of persons with disabilities and the National Organization of Persons with Disabilities (NOOIS). This cooperation, through joint action, provides review and resolution of certain issues related to persons with disabilities in everyday life. Thus, for example, the Commissioner was addressed by NOOIS with the request to provide support to initiative for the amendment of Article 12 paragraph 7 of the Regulation on conditions for acquisition and disposal of immovable by direct settlement and leasing items in public property, that is, acquisition and assignment of use of other property rights, as well as procedures of public tendering and collecting bids in writing. Namely, strict application of this regulation is very difficult for limited resources of hundreds of local organizations of persons with disabilities and may lead to their termination, since these organizations, as a rule, are not able to pay lease in regulated amounts.

The Commissioner supported this initiative, especially having in mind that the pandemic period



is not over yet, that it had an impact on functioning and financing of organizations of persons with disabilities, and that these associations provide different support services to persons with disabilities (advisory psychological support, training for independent living, educational workshops, job, occupational and creative workshops, social services, physical therapy and rehabilitation, sports and recreational activities, etc.), thus, possibility of beneficial lease of premises could be considered.

The Commissioner is an associate partner of the project “Law and Gender” (LAWGEM) aiming at creating master study program with the same name with the formation of Legal Clinic for Gender Equality. Four universities from EU countries participate in this project: Orebro University from Sweden, Saarland University from Germany, Cadiz University from Spain and LUMSA University from Italy. A conference “Gender (In)Equality of Persons with disabilities” was held within this project at the Faculty of Law of the University of Belgrade, including distinguished experts, representatives of the civil sector, Dean of the Faculty of Law as well as Vice-President of the UN CEDAW Committee Ana Pelaez Narvaez. The Commissioner presented a couple of key cases of discrimination of persons with disabilities resolved by the Commissioner in procedure related to complaints.

One of the activities taken in the direction of improving the status of persons with disabilities, and the use of modern technical and technological achievements for educational purposes is the donation of didactical equipment to the School for Children with Impaired Vision “Veljko Ramadanović”. Didactical equipment was donated to this school within the official Israeli program of international developmental cooperation MASHAV aiming at sharing knowledge and innovative technologies with other countries, which is the continuation of cooperation with the Commissioner on this project. The school received a Braille printer of new generation printing relief drawings, digital interactive desk for visual and sound



In the School for Children with Impaired Vision “Veljko Ramadanović”, 2021

stimulation and eye-hand coordination exercises, two Braille typing machines and mono mouse with USB connection adjusting the image on the screen and facilitating computer work for students with impaired vision.

Based on review of status and issues in exercising equality and protection from discrimination based on disability, appropriate recommendations have been issued.

Recommendations:

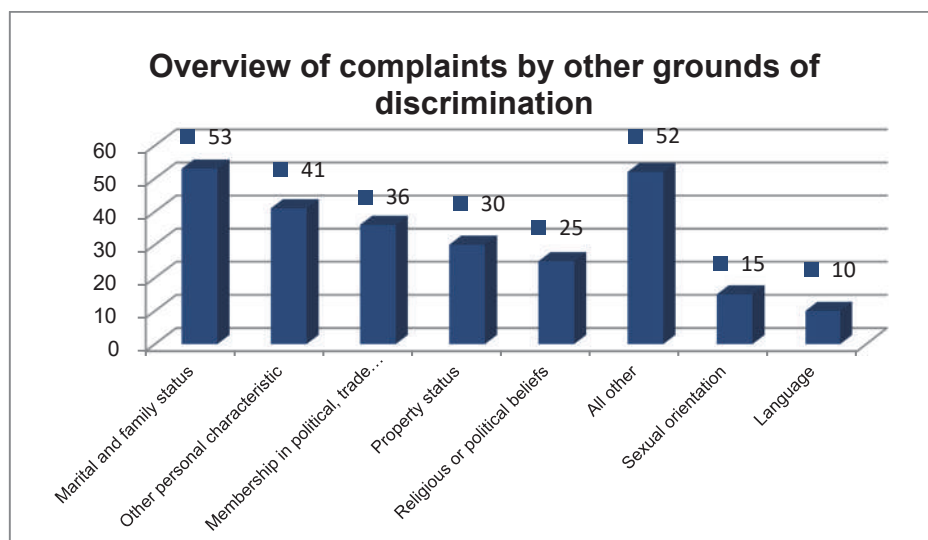
- Intensify work on the application of universal design in all areas with the purpose of enabling uninterrupted access to public areas, public transport, information, communication, and services for all citizens, with further work on increasing the number of available media content, accessible voting locations and electoral material, equal possibilities for access emergency services, SOS lines, etc.
- Secure development of required services in continuity on local level, create a process of deinstitutionalization with simultaneous development of services in the community, promote and encourage application of modern assistive technologies,
- Further develop inclusive education and efficient measures of incentives for employment of persons with disabilities,
- Work on the change of medical approach in reviewing capacities of persons with disabilities; improve processes regulating the issue of deprivation of capacity to work and custody over adult person enabling independent decision making and promotion of capacities of persons with disabilities.

Other Personal Characteristics in Complaints

In addition to personal characteristics that were separately presented in this report the Commissioner received 41 complaints based on **some other personal characteristics**. This basis for discrimination includes personal characteristics that were not explicitly stated in the Law on Prohibition of Discrimination. Thus, for example, this group includes complaints due to discrimination with basis including residence or affiliation to groups such as migrants, asylum seekers, internally displaced individuals, etc.

Also, regarding frequency of representation, these are followed by complaints related to membership in political, trade union, or other organizations, property status, religious or political beliefs, sexual orientation, language, and to lower extent complaints based on criminal record, gender identity, appearance, citizenship, birth, genetic properties, ancestors, race, and colour of skin, as presented in graph below.

Individual illustrative examples from the Commissioner's practice for these personal characteristics shall be presented below.



Refugees, internally displaced persons, migrants, and asylum seekers are a sensitive group of people, frequently exposed to different forms of discrimination, harassing or humiliating treatment, hate speech, work exploitation especially having in mind that the migrant-refugee crisis has been present on a global level for several years with higher or lower periodical intensity. This crisis results in application of international standards in the area of protection of human rights, which is why it is very important to familiarize the persons from these groups with their rights and available possibilities. It is clear there is a need for education of local population, employees of different sectors and responsible approach of media towards the issue of migrants. Having in mind the position of these persons certain organizations of civil society implemented situational testing and afterwards, with test reports, filed complaints to the Commissioner.

Similar situation occurred in the procedure related to complaint of the Belgrade Human Rights Centre against another bank, due to discrimination of refugees, asylum seekers, persons with approved right to refuge and persons with subsidiary protection of citizens of Iran, Iraq, and Afghanistan, based on national affiliation and ethnic origin, as well as citizenship. Namely, employees of this bank also refused to establish a business relationship and open foreign currency accounts to refugees and asylum seekers in the Republic of Serbia, due to their origin.



Belgrade Human Rights Centre and A11 – Initiative for Economic and Social Rights implemented **situational testing for checking the possibility of use of banking services for persons with approved right to refuge.**

Tester, that is, the person with approved asylum and ID card issued by the Ministry of Interior of Republic of Serbia, tried to open a bank account.

When the tester handed over the ID card, the bank clerk informed him that he is unable to open the account using that ID card since there is a problem with the system related to personal ID number, that is, FRN (foreigner registration number). Tomorrow, a control tester, with citizenship of RS, came to the same bank branch with the request to open a bank account, in which she succeeded. Statement of the bank, among others, stipulated that there is no document that would fully prohibit business cooperation with clients from Iran, and that the bank is free to decide on the selection of clients, and that in certain cases it is unable to provide banking service. During the procedure it has been determined that regulations in this area foresee that business relationship may not be established only if the bank assesses high risk in establishing business relationship and was unable to apply higher level of actions and measures.

The Commissioner issued an opinion that the bank, by rejecting to establish a business relationship and open the account for the person with approved refuge in the Republic of Serbia and has Iranian origin without considering fulfilment of conditions in specific case, violated the provisions of the Law on Prohibition of Discrimination. Recommendation was issued to the bank to estimate, in each individual case, fulfilment of legal conditions for the establishment of business relationship without negative generalization on persons based on any personal trait. This recommendation was acted upon.

More at: <http://ravnopravnost.gov.rs/522-21-misljenje-u-postupku-povodom-prituzbe-koju-su-podeli-aa-i-bb-protiv-banke-vv-zbog-diskriminacije-lica-koja-su-poreklom-iz-irana-i-imaju-odobreno-utociste-u-republici-srbiji/>

Athens, civil society organization, also addressed the Commissioner, reporting, in March 2021, in the morning, in the bus on the city line number 96, posters with content “STOP SETTLEMENT OF MIGRANTS IN SERBIA” expressing hate and hostility towards migrants. On this occasion, the Commissioner issued recommendation to the PUC City Transport Company “Belgrade” to remove posters from vehicles that express hate and hostility towards migrants, and to inspect vehicles on daily level for the purpose of removing any discriminatory content.

Residence is also stated as one of personal traits in complaints of citizens. Having in mind that this is **multiple discrimination** based on disability and residence in Kosovo and Metohija the example from practice of the Commissioner is illustrative for enabling exercise of rights on the level of local government unit.



Opinion has been adopted in the procedure related to complaint against the Assembly of the City of Čačak, since the applicant submitted the request to the PUC “Parking Service” to exercise right to free parking ticket for persons with disabilities, but the applicant was rejected with argument that the applicant has no residence on the territory of Čačak and that the vehicle is not registered in Čačak, and that this condition is regulated by Regulation on Communal Activity of Public Parking Management.

During the procedure it has been determined that seemingly neutral condition of having residence on the territory of the city of Čačak that is mentioned in the Regulation, it excludes persons with disabilities **that have a status of internally displaced persons** that cannot meet the condition of residence due to their status. The Commissioner provided opinion that by regulating the condition of residence for exercise of rights to free parking for persons with disabilities the city excluded internally displaced persons with residence on the territory of the city of Čačak and violated provisions of the Law on Prohibition of Discrimination, which is why recommendation has been provided to the Assembly of the city of Čačak to take all measures from its area of competence so that the stated decision would be applicable to persons with disabilities internally displaced persons with residence on the territory of the city of Čačak. This recommendation was acted upon.

More at: <http://ravnopravnost.gov.rs/490-21-misljenje-povodom-prituzbe-aa-protiv-bb-zbog-diskriminacije-na-osnovu-invaliditeta-i-prebivalista-na-kosovu-i-metohiji/>

It is necessary to stipulate that multiple or cross discrimination (when person is subjected to discrimination based on two or more personal traits) is classified as severe form of discrimination, since its negative consequences are higher related to the victim. Practice of the Commissioner shows that applicants state several personal traits, especially in situations when they are not sure which personal trait was the reason for discrimination. Sex and marital and family status are usually stated, as well as age and disability, health status, national affiliation, etc.

Also, in the last couple of years, often we see addressing the Commissioner for discrimination based on **membership in political, union, and other organizations**, mostly in the area of labour and employment as areas with most complaints, but other areas are represented as well. Thus, for example, complaint has been filed against union organization and the Association of Independent Unions of the city of Novi Sad due to discrimination based on non-membership in the union organization. After implemented procedure the Commissioner adopted the opinion that union organization and the union discriminated the applicant since they did not enable the applicant to be a candidate in the procedure of proposing members of the board or directors and the supervisory board from the ranks of employees due

to the fact, she was not a member of a union organization. Additionally, a number of complaints referred to discrimination due to political or religious beliefs.



The Commissioner was addressed by a president of a municipality stating that in the previous period continuous discrimination is ongoing related to political affiliation through social network Facebook from several profiles whose owners cannot be accurately determined, posting false and offensive comments on the leadership of the municipality due to membership in the Serbian Progressive Party, thus hurting the image of officials and the municipality and causing direct damage to the functioning of the municipality. Since filings pointed out the existence of certain criminal offenses, and that it is not known who is behind Facebook profiles stated, the Commissioner addressed the Public Prosecutor's Office on Republic level, High-Technology Crime Department, that notified the Commissioner that the filing has been delivered to the Higher Public Prosecutor's Office in Belgrade – Special Prosecutor's Office for High-Technology Crime.

In this report, in previous section of the text, part of the population exposed to risk from poverty or social exclusion has been pointed out, and that part of the population lives under the limit of absolute poverty. **Poor citizens** are one of the groups that are prone to discrimination, but still, number of complaints filed to the Commissioner based on property status is neglectable (30). The practice, as the case is with previous years, showed that complaints are mostly filed by natural persons in the area of social protection or in proceedings in front of public authority bodies, while organizations of civil society appear as applicants in neglectable quantities. Citizens addressed the Commissioner for exercising rights to one-time aid, social giving, or termination of supply of power, reprogram of utility debt, etc. Effort related to social inclusion of the poor requires good connectivity of all systems of protection, and joint effort on implementation of different measures especially on the level of local government, in order to resolve this issue. Problems of poverty and status of poor citizens have been detailed in part of the report dealing with key issues.

Discrimination on the grounds of **sexual orientation** is also present, and homophobia and transphobia are deeply rooted in the society. LGBTI persons face hate speech, threats, and violence, often not reported, with hostile attitude present in public space. There were several examples during the year on which the Commissioner adopted opinions.



In the complaint of the association “DA SE ZNA”, filed against a reporter of RTV Belle Amie from Nis, expressed positions insulting dignity of LGBT persons create hostile, humiliating and offensive environment. The column and the article, among others, state: “All of us, watching reality shows, with fake photo on Facebook as largest achievement in life, all of us that are women but become fathers to our children (got knows how they came to this Earth), all of us screaming and jumping on gay Pride promoting abnormal as normal...”

After procedure implemented the Commissioner pointed out that this attitude places LGBT persons in context of abnormality and disease, that such attitude and ideas encourage discrimination and stigmatization of members of LGBT population and feeling of isolation due to different sexual orientation. This recommendation was acted upon.

More at: <http://ravnopravnost.gov.rs/misljenje-je-doneto-u-postupku-povodom-prituzbe-udruzenja-aa-podnete-protiv-bb-novinarke-televizije-vv-iz-nisa/>

Similar hostile attitudes and ideas promote discrimination and stigmatization of members of the LGBT population are expressed on portals, in different posts online and on social networks and on other means available to large number of citizens, even though highlighting sexual orientation is often completely irrelevant to the topic of the article. Example of discriminatory attitude is the statement of Dr. Vojislav Šešelj, in the TV show “New Morning” on RTV Pink, who said, among others: “Natural is only the thing that leads to childbirth. Homosexuality is a deviation of sexual behaviour, disorder of sexual behaviour, we must call it disease.” In addition to providing opinions in specific situations, the Commissioner reacts also by issuing warnings.

WARNING:

The Commissioner condemns unacceptable speech of former football player Dušan Savić who offended LGBT population during his appearance on TV Happy by commenting the wording of the Law on Same-Sex Partnerships and stated a series of discriminatory positions through additional promotion of hostility towards this social group.

It is allowed to criticize program content on the media with national frequency, but it is unacceptable to do this in a manner that would belittle any person, to insult dignity and humiliate a person based on personal trait, in this case sexual orientation, as prohibited, among others, by the Law on Prohibition of Discrimination, concluded the Commissioner.

Generally accepted attitude towards the LGBTI community and their status is proven by withdrawing the Law on Registration of Same-Sex Unions that caused debate in the public mid-year. Support to adoption of the presented Law on Same-Sex Unions is quite low and does not pass 11%, where one of the key reasons for this is lack of knowledge on the legal solution, as stated in publication *Towards Better Understanding of Rights of LGBTI Persons and Their Social Status*¹⁵². As much as 61% respondents from this survey are not at all familiar with the regulation on same-sex unions and do not support its adoption. Position that Serbia should not regulate the area of sex change and gender identity was stated by a total of 41% of respondents. High percentage of respondents cannot assess their response to this question – 28% while the remaining respondents, 31% of them, stated that Serbia should regulate the area of sex change and gender identity. Still, half of respondents that consider this issue should be regulated stated that sex change should be prohibited in Serbia¹⁵³. The Commissioner, through recommendations for improvement of equality in its Annual Reports, pointed out, several times, that it is necessary to adopt regulations enabling registration of same-sex couples and regulate effect, legal consequences, and manner of cessation of registered partnerships, in line with recommendations of the Council of Europe, and that it is necessary to take measures focusing on eliminating discrimination and stigmatization of LGBT persons.

Also, practice of the Commissioner showed that many registrar offices were not familiar with normative changes that enable trans persons to change the mark of sex before surgical modification of their sex. This is why the Commissioner directed recommendation of measures to all city/municipal administrations with the goal of enabling transgender persons full legal recognition of gender including change of data in personal documents, in a manner responding to gender identity of the person, regarding name and sex mark.

The Commissioner, among others, at the international conference “Effective Inclusion of LGBTIQ persons” held with Belgrade Pride Week, stipulated that we should continuously work on suppressing discrimination and improvement of status of LGBTI persons and stated that this population still faces discrimination at workplace, in front of governmental bodies, healthcare and other areas. This year, as the case was in previous years, employees of the Commission together with the Commissioner, participated at Pride parade mid-September.

Persons in prisons can also be discriminated, with consequences for their family members. Persons addressing the Commissioner are in most cases adults, however, in line with the law, children can also address the Commissioner, that is, persons under the age of 18. Hence, during the year, a letter was sent to the Com-

152 *Towards Improved Understanding of Rights of LGBTI Persons and Their Position in Society*, CESID 2021, available at: http://www.cesid.rs/wp-content/uploads/2021/09/CeSID_Srpski.pdf

153 *Idem*, page 13



Belgrade Pride, September 2021

missioner by a minor, a girl (12 years) asking for help because her mother, as ordered by the court, must report to serve a sentence of jail within 60 days. Mother got this sentence after the engagement of the centre for social work and prior serving of pecuniary fines, since the valid verdict of the court set a model of visiting for the father, which the mother prevented. The Commissioner determined that a valid court decision was in question based on valid verdict and that it was obvious that there is no violation of rights from the Law on Prohibition of Discrimination, but for the purpose of protection of best interest of the child, Provincial Secretariat for Social Policy, Demographics and Gender Equality and Ministry of Justice were informed without delay. According to reports of these bodies, the mother enabled visits of the father which is why the sentence of imprisonment was not executed.

Initiative of Correctional Facilities in Belgrade regarding enabling organization of visits of family members – children with disabilities

The Commissioner has been addressed by the convict serving a sentence of jail and a father of two minor boys with autism who is trying to have as many visits with them as possible during his time in prison, with help from all employees of the correctional facility. The problem occurred when the Administration for Execution of Criminal Sanctions was ordered that all the visitors must have a negative PCR test which requires certain funds and from that moment on the person could not have been in close contact with children, without a mask, shield, physical distance, causing mental suffering for the children.

Having in mind the fact that the convict receives visits from the family members that include children with disabilities (autism), which is a different situation compared to other inmates that receive visits from families without persons with disabilities, the Commissioner sent an initiative to Correctional Facilities to, when organizing visits and exercising rights of prisoners in circumstances of current epidemiological situation, consider specifics of the situation of certain inmates due to personal traits of their family members, and, in this specific case, enable visits of children with autism.

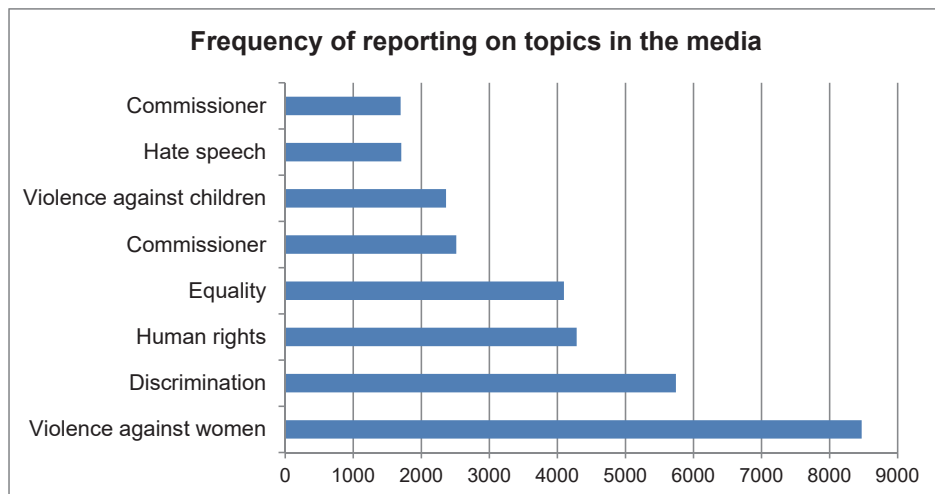
Recommendations referring to improvement of status of social groups from this part of the report are general recommendations referring to improvement of status of all sensitive social groups.

MEDIA COVERAGE

The health crisis was once again the main focus of the media last year, with the immunisations process and the debates about Covid passes, the need for vaccination and epidemiological protective measures being the most common topics of media reports. Given this state of affairs, members of the media mostly sought the opinion of the institution of the Commissioner with regard to justifiability of introducing certain measures and their compliance with the law.

The media regularly and frequently reported on topics in the field of protection against discrimination, protection of human rights and equality, and in 2021 these issues were covered in almost 25,000 media texts, articles and reports. The institution of the Commissioner, and in particular the Commissioner herself, raised the profile of the topics of discrimination and the exercise of equality in the public sphere through various forms of media appearances. Many politicians and social stakeholders have begun to address with this topic and have placed it high on their agendas. A majority of media publications in the previous year addressed the position of women, discrimination on various grounds, and also violence against children and peer violence. The topic of discrimination was often used and abused in individual cases for daily political and other purposes.

While the media reported frequently on the position of women and gender equality, a significant number of reports covered violence against women. That topic was especially in the focus of the media in January, April and December, which corresponds to the period when women appeared in the media and spoke publicly about violence they had experienced. The year began with testimonies by actresses about violence they had experienced in drama schools, while the end of the year



was marked by the campaign *#IDidNotReportIt*, where thousands of women came out with their experiences on social media. The constant coverage of this topic in the media is encouraging and marks a significant progress, because it shows that the general population is less and less willing to perceive domestic and intimate partner violence as a private matter, a point that was repeatedly underscored by the Commissioner in her public appearances, where she called on the competent authorities to provide necessary protection for victims through appropriate action, in compliance with their legal duties.

The media also reported extensively on the case of Dragica Gašić from Đakovica, who returned to her hometown after 22 years and experienced a lot of unpleasant situations and harassment intended to discourage her from returning.

Last year, the Commissioner also presented two special reports: the *Special Report on Discrimination against the Older persons* and the *Special Report on Discrimination against Children*. The findings of the reports and the light they shed on the position and problems of these two vulnerable social groups garnered attention from the media and the public. In the context of the health crisis, in her media appearances the Commissioner also highlighted the issues of insufficient availability of health care or social support services necessary for the older persons, as well as problems faced by parents when organising children's school activities (balancing between parents' work and various models of teaching arrangements, insufficient technical equipment for online teaching etc). Cases of peer violence are frequent, with children not only committing these acts, but also recording and posting them on social networks, while aggressive communication and discriminatory relations are becoming an acceptable behaviour pattern for many children and young persons. Parents and schools have a key role to play in the fight against these phenomena, together with all institutions, organisations, the media and individuals, who did not receive the attention they deserved in the previous year.

In 2021, the media also reported on the position of children with developmental difficulties placed in social welfare institutions, after NGO reports were published highlighting the deplorable situation in those institutions and the appalling circumstances of the children. The Commissioner also addressed this issue, with the *Special Report on Discrimination against Children* containing general recommendations urging competent authorities to increase the number of employees in social welfare institutions, ensure a more efficient deinstitutionalisation process and continue reducing the number of children placed in the institutions.

Although members of the Roma national minority, particularly those living in informal and insanitary settlements, were even more exposed to health and other risks due to the health crisis, because their settlements are not connected to drinking water supply system and other utility infrastructure, the media did not report on the problems faced by the Roma, with a few publications being notable

exceptions. The issues of the position and protection of the rights of LGBTI+ population were also not extensively covered by the media. The topic that attracted the most media coverage was the Law on Same-Sex Civil Unions, which, although announced, was not adopted in 2021.

In the previous year, the media sphere in Serbia was again marked by often inappropriate and discriminatory speech in the public space; however, the media insufficiently dealt with hate speech itself as a phenomenon. The Commissioner reacted on a number of occasions to the spread of hatred, intolerance, sexism, misogyny, belittling and other negative phenomena in public speech by issuing warnings and announcements, while in her media appearances she pointed to the consequences of such speech, which is increasingly shifting from TV screens and newspaper to social media and is becoming a part of everyday communication. The Commissioner also reacted to frequent, almost everyday abuse of the concept of fascism with the aim of discrediting persons who hold different views, as well as to the use of fascist symbols under the pretext of artistic and other freedoms. During the previous year, the Commissioner also responded to individual anti-Semitic incidents and belittlement and insulting of Holocaust victims. All these announcements and warnings were covered by the media, mostly online news portals.

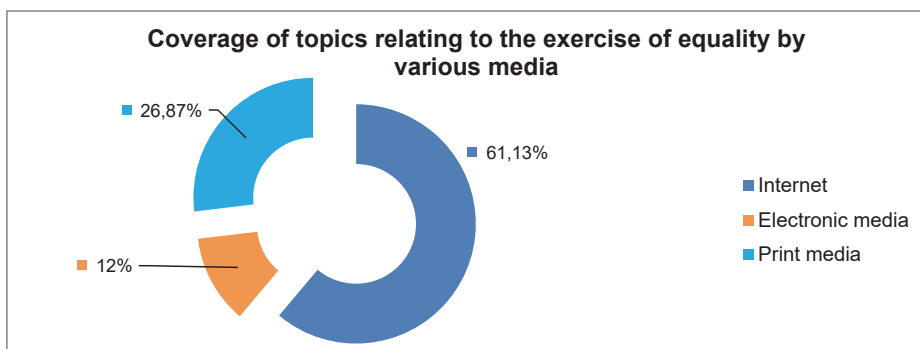
The Commissioner also drew attention to sexist statements in the public sphere, as well as to inappropriate and unprofessional work of the media, especially when reporting on violence against women. She also signed the Appeal of the Initiative dealing with mental health for professional reporting on suicide cases, which calls for reporting in compliance with the code of ethics and legal duties and with respect for the privacy and dignity of victims and their families.

Since the vaccination process aroused numerous controversies in the society and made confusion through different reporting of the media, in her public appearances and through participation in various meetings the Commissioner highlighted the importance of vaccination as a civilizational achievement in the interest of protection of human health, and underscored that the state had the right to introduce measures to protect public health, including different actions or treatment, and as long as they were proportional to a legitimate objective and necessary they did not constitute discrimination. Protection of public health is a legitimate objective, and vaccination is the most important protective measure. This position was welcomed and acknowledged.

Also, in the previous year the media sphere was marked by exchanges of opinions on various political and social issues, which were full of mutual insults, humiliation and vulgar and aggressive statements, threatening to a certain extent blur the boundary between normal and hate speech. Almost everyone was targeted – from politicians and journalists to non-governmental organisations and public figures to the most successful athletes. This atmosphere in the public space engenders

various forms of violence, and we should all be aware that verbal threats and conflicts and hate speech can escalate in an instant into open physical violence, the Commissioner warned.

An analysis of the frequency of reporting on topics concerning the exercise of equality by various media outlets shows that the coverage is more extensive online – more than 60%, followed by 27% in printed media and only 12% in the electronic media.



PERFORMANCE OF DUTIES UNDER THE LAW ON FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE

The Commissioner ensures free access to information by acting on requests for free access to information of public importance, publishing the Information Booklet and other information, reporting to the National Assembly, informing the public through announcements, publications, press conferences etc.

In 2021, the Commissioner received 8 requests for free access to information of public importance, to which the Commissioner responded within the statutory time limit.

Table overview of submitted requests by categories

No.	Information seeker	Number of submitted requests	Number of adopted / Partially adopted requests	Number of pending requests	Number of denied requests	Number of rejected requests
1.	Citizens					
2.	Media	1	1			
3.	Non-governmental organisations and other citizens' associations	5	4			1
4.	Political parties					
5.	Public authorities					
6.	Other	2	2			
7.	Total	8	7			1

When providing information, special attention is paid to the protection of personal data, in accordance with the Law on Personal Data Protection. The client in the procedure before the Commissioner has the right to the confidentiality of all private data that are in the case file and which the client provides to the Commissioner or another authorised person.

The Commissioner's Information Booklet is available at the Commissioner's official website (www.ravnopravnost.gov.rs). To facilitate the exercise of the right to free access to information of public importance, citizens can download forms with examples for submission of requests for free access to information at the Commissioner's official website. Requests can be submitted in writing, without using the form. It is important that the request clearly states what information is requested and/or what it specifically refers to, i.e. the most accurate description of the requested information. The request may or may not contain the reasons for submitting the request, as well as other information that makes it easier to find the requested information.

The Law on Free Access on Information of Public Importance provides for a fee for making copies of documents which contain requested information, as well as costs of sending, if any. Costs of the fee are calculated in accordance with the Regulation on the Amount of Compensation of Necessary Costs. Access to the documents containing the requested information is free of charge. Requests for access to information of public importance relating to or resulting from the Commissioner's work can be submitted in writing to the following address: Bulevar kralja Aleksandra 84, 11000 Belgrade, or by e-mail at: poverenik@ravnopravnost.gov.rs.

REPORT ON EXECUTION OF THE FINANCIAL PLAN

Under the Law on Budget of the Republic of Serbia for 2021¹⁵⁴, funds were allocated to the Commissioner for the Programme - Promotion and Protection of Human and Minority Rights and Freedoms, in the amount of RSD 113,177,000, with the following structure of funds according to the sources of financing

- Source 01 94.21%
- Source 06, 08, 15 5.79%

By inclusion of the donation funds received in November 2021, available funds in the budget for the Programme increased to RSD 114,007,290, and the share of project funds increased to 6.47%.

In 2021, the Commissioner participated in implementation of projects financed from donations, including:

- WOBACA Project - Towards Gender Equality through Increased Capabilities for Work-Life Balance;
- UN WOMEN Project – Improvement of the Situation of Women and Girls in Rural Areas;
- Project UNICEF Support in Preparation of the Special Report on Discrimination against Children,
- Continuation of the MOOT COURT project which is implemented every year.

Also, the project Strengthening Local Anti-Discrimination Capacities and Institutional Capacities of the Commissioner was completed, which was financed from donations of the Kingdom of Norway, and was implemented from 2017.

EXECUTION OF FUNDS

Source 01 – general revenues and budget revenues, financed the following:

- Programme activity 0012 - Effective Suppression and Protection against Discrimination

The funds were used to finance the regular activities and functioning of the Commissioner's Professional Service, in accordance with the Financial Plan and the Procurement Plan. The total execution was RSD 87,901,654 or 83.60% of available funds. In the structure of funds spent, expenditures for employees accounted for

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84.54%, use of services and goods for 13.11% (where the majority of costs relate to translation services, information services, other expert services, administrative material and expert literature for employees' regular work) and costs of non-financial assets for 2.35%.

– Project 4005- Equally to the Finish Line

Execution of available funds of this project was 93.53%.

– Project 4006 - Don't Judge a Book by Its Covers – Live Library in Serbia

The total execution in connection with this project was RSD 259,404 or 54.04% of available funds.

– Project 4009 – Youth Panel

Planned funds for services under the contract in the amount of RSD 300,000 were fully used.

Other sources 06,08,15 - (donations from international organisations, voluntary transfers from individuals and legal entities, unspent donation funds from previous years) financed the following:

– Project 4003 - MOOT COURT in the field of protection against discrimination

Multiannual cooperation with the Open Society Fund continued in 2021, by conclusion of the contract No. 21086/23.2. The project of total value of RSD 1,187,660 is planned to be implemented in the period from 1 August 2021 to 31 July 2022.

Funds were received in two tranches. The first was RSD 600,000 and the second was RSD 587,660. Of this amount, RSD 703,458 or 59.23% was executed in 2021, while the remaining funds will be spent in 2022, according to the schedule of activities implemented from the project budget.

– Project 4008 - Strengthening Local Anti-Discrimination Capacities and Institutional

Capacities of the Commissioner for the Protection of Equality

This project, implemented in cooperation with the Ministry of Foreign Affairs of the Kingdom of Norway, was completed in 2021.

– Project 4010 – WOBACA - Towards Gender Equality through Increased Capabilities for Work-Life Balance

The project is financed from donations of Estonian Gender Equality and Equal Treatment Commissioner and so far, funds were received in two tranches.

The first was RSD 2,500,628.85, donated in December 2020. Due to the late inflow, total funds were transferred to 2021, when the implementation of project activities and spending of funds began. Of the above amount, RSD 2,433,793.59 or 97.33 % was executed. The second tranche in the amount of RSD 832,663.38 was received in November 2021 and of these funds, RSD 246,663.05 or 29.62% was executed in 2021. The total project funds should be executed until 17 February 2022.

- Project 4011 – UN WOMEN Improvement of the Situation of Women and Girls in Rural Areas

This project is implemented from donations of the United Nations Gender Equality and Women's Empowerment Agency – UN Women.

The project should be implemented in the period from 1 March 2021 to 31 December 2022, with the total funds of RSD 17,427,564. The first tranche of funds has been used since 21. May 2021 and amounts to RSD 1,782,557. RSD 1,733,947 or 97.27% of available funds were executed.

- Project 4012 – UNICEF - UNICEF Support in Preparation of the Special Report on Discrimination against Children

The planned budget of RSD 1,000,000 was executed through two tranches in 2021.

The first tranche of RSD 750,000 has been available since 14 July 2021, and the second in the amount of RSD 250,000 has been available since 6 October 2021. The total spent funds amount to RSD 996,757.70 or 99.68%.

The structure of budget execution for 2021, both by sources of financing and by programmes, programme activities and projects, is provided in table overviews presented in Annex 2 of this Report.

ANNEX 1: STATISTICAL OVERVIEW OF COMMISSIONER'S CASES IN 2021

CASES	2021
Complaints	686
Recommended measures	312
Opinions on draft legal documents	53
Criminal charges	1
Lawsuit	1
Initiatives for amendments to regulations	11
Warnings	18
Confirmations that no discriminatory acting was identified	295
TOTAL number of cases*	1372

* Announcements, advising and information provided to citizens are not presented in the total number of cases

Complainants

Natural persons	Number	%
Men	311	52.2
Women	284	47.8
Total	595	100
Other complainants	Number	%
Natural persons	595	86.7
Organisations	61	8.9
Legal entities	18	2.6
State authorities	8	1.2
Groups of persons	4	0.6
Total number of complainants	686	100

Grounds of discrimination (personal characteristic)

Complaints based on discrimination	Number	%
Complaints stating a personal characteristic	563	82.1
Complaints not stating a personal characteristic	123	17.9
Total number of complaints	686	100

Grounds of discrimination (personal characteristic)

Complaints based on discrimination	Number	%
Complaints stating one personal characteristic	423	75.1
Complaints stating more personal characteristics	140	24.9
Total number of complaints	563	100

Complaints stating a personal characteristic	Number	%
Health status	113	15.0
Sex	99	13.1
Age	98	13
National affiliation or ethnic origin	96	12.7
Disability	86	11.4
Marital and family status	53	7.0
Other personal characteristic	41	5.4
Membership in political, trade union and other organisations	36	4.8
Property status	30	4.0
Religious and political beliefs	25	3.3
Sexual orientation	15	2.0
Language	10	1.3
Previous criminal conviction	9	1.2
Gender identity	8	1.1
Appearance	8	1.1
National affiliation	8	1.1
Birth	7	0.9

Genetic characteristics	6	0.8
Ancestors	3	0.4
Race	2	0.3
Skin colour	1	0.1
Total	754	100

* In 140 complaints, several personal characteristics were stated as the grounds of discrimination.

Areas of social relations to which complaints relate

Complaints by discrimination fields	Number	%
In employment procedure or at work	169	24.6
Procedure before public authorities (courts, municipalities, ministries, commissions ..)	158	23.0
Public sphere/General public	80	11.7
In providing public services or using facilities and areas	68	9.9
Health care	48	7.0
Education and vocational training	44	6.4
Social welfare	20	2.9
Culture, arts, sports	19	2.8
Public information and the media	18	2.6
Housing	15	2.2
Other	13	1.9
Private relations	10	1.5
Judiciary	7	1.0
Pension and disability insurance	7	1.0
Exercise of collective minority rights	4	0.6
Property rights and relations	3	0.4
Actions/Activities in trade unions, political parties, NGOs and other organisations	2	0.3
Exercise of religious rights	1	0.1
Total number of complaints	686	100

Fields of discrimination by complainants

Fields of discrimination by complainants	Natural persons		CSO	Authorities/ institutions	Groups of persons	Legal entities	TOTAL	
	M	F					Number	%
In employment procedure or at work	65	89	4	2	1	8	169	24.6
Procedure before public authorities (courts, municipalities, ministries, commissions ..)	98	46	7	2	0	5	158	23.0
Public sphere / General public	39	34	6	0	0	1	80	11.7
In providing public services or using facilities and areas	26	29	9	2	1	1	68	9.9
Health care	18	28	2	0	0	0	48	7.0
Education and vocational training	18	16	6	1	1	2	44	6.4
Social welfare	9	9	1	1	0	0	20	2.92
Culture, arts, sports	4	7	8	0	0	0	19	2.77
Public information and the media	5	5	8	0	0	0	18	2.6
Other	6	4	2	0	1	0	13	1.9
Housing	9	5	1	0	0	0	15	2.2
Private relations	5	5	0	0	0	0	10	1.5
Judiciary	3	3	1	0	0	0	7	1.0
Pension and disability insurance	4	3	0	0	0	0	7	1.0
Exercise of collective minority rights	0	0	4	0	0	0	4	0.6
Property rights and relations	1	1	0	0	0	1	3	0.4
Actions/Activities in trade unions, political parties, NGOs and other organisations	1	0	1	0	0	0	2	0.3
Exercise of religious rights	0	0	1	0	0	0	1	0.1
Total number of complaints							686	100

In employment procedure or at work

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Personal characteristics in complaints in the field of labour and employment	Natural persons		CSO	Authorities/ institutions	Groups of persons	Legal entities	TOTAL	
	M	F					Number	%
Sex	8	27	0	0	1	2	38	19.9
Health status	14	15	0	1	0	1	31	16.2
Martial and family status	5	19	0	0	0	1	25	13.1
Membership in political, trade union and other organisations	6	11	2	0	0	1	20	10.5
Disability	9	8	0	0	0	1	18	9.4
Age	4	7	0	0	0	1	12	6.3
Religious and political beliefs	0	9	0	0	0	0	9	4.7
National affiliation or ethnic origin	4	4	0	0	0	0	8	4.2
Property status	5	3	0	0	0	0	8	4.2
Other personal characteristic	4	1	0	0	0	0	5	2.6
Previous criminal conviction	3	0	1	0	0	0	4	2.1
Appearance	3	1	0	0	0	0	4	2.1
Genetic characteristics	2	2	0	0	0	0	4	2.1
Sexual orientation	1	1	0	0	0	0	2	1.0
Ancestors	1	0	0	0	0	0	1	0.5
Birth	0	1	0	0	0	0	1	0.5
Language	0	0	0	1	0	0	1	0.5
Total							191	100

Procedure before public authorities (courts, municipalities, ministries, commissions ...)

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Complainants in the field acting of public authorities	Natural persons		CSO	Authorities/ institutions	Groups of persons	Legal entities	TOTAL	
	M	F					Number	%
No grounds	29	8	0	0	0	1	38	19.6
Sex	13	8	0	0	0	1	22	11.3
Age	15	5	1	0	0	0	21	10.8
Disability	8	8	1	1	0	0	18	9.3
Health status	10	7	0	0	0	0	17	8.8
Marital and family status	4	10	0	0	0	0	14	7.2
Other personal characteristic	6	5	2	0	0	1	14	7.2
Property status	7	2	0	0	0	0	9	4.6
National affiliation	6	1	1	1	0	0	9	4.6
Religious and political beliefs	2	2	0	0	0	2	6	3.1
Membership in political, trade union and other organisations	2	1	1	0	0	2	6	3.1
National affiliation	2	2	1	0	0	0	5	2.6
Previous criminal conviction	3	0	0	0	0	1	4	1
Gender identity	2	0	0	0	0	0	2	1
Sexual orientation	2	0	0	0	0	0	2	1
Birth	2	0	0	0	0	0	2	1
Genetic characteristics	2	0	0	0	0	0	2	1
Language	2	0	0	0	0	0	2	1
Ancestors	0	1	0	0	0	0	1	0.5
Appearance	1	0	0	0	0	0	1	0.5
Total							194	100

Public sphere / General public

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Complainants in the field of public sphere and acting of the general public	Natural persons		CSO	Authorities/ institutions	Groups of persons	Legal entities	TOTAL	
	M	F					Number	%
National affiliation or ethnic origin	26	28	1	0	1	0	56	69.1
Sex	3	4	1	0	0	0	8	9.9
Sexual orientation	2	2	1	0	0	0	5	6.2
Health status	1	1	1	0	0	0	3	3.7
Religious and political beliefs	1	2	0	0	0	0	3	3.7
Membership in political, trade union and other organisations	2	0	0	0	0	0	2	2.5
Gender identity	0	0	1	0	0	0	1	1.2
Race	1	0	0	0	0	0	1	1.2
Disability	0	1	0	0	0	0	1	1.2
Appearance	0	1	0	0	0	0	1	1.2
Total							81	100

In providing public services or using facilities and areas

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Complainants in the field of provision of services and/or use of areas or facilities	Natural persons		CSO	Authorities/ institutions	Groups of persons	TOTAL	
	M	F				Number	%
Disability	4	12	0	0	0	16	20.2
Age	5	2	5	0	1	13	16.5
Health status	4	5	0	0	0	9	11.4
Other personal characteristic	4	2	2	0	0	8	10.1
Sex	2	4	1	0	0	7	8.9
National affiliation/ ethnic origin	3	2	1	1	0	7	8.9
Property status	2	3	0	0	0	5	6.3
Marital and family status	0	3	0	0	0	3	3.8
Language	1	0	1	0	0	2	2.5
Appearance	1	1	0	0	0	2	2.5
Sexual orientation	2	0	0	0	0	2	2.5
Race	1	0	0	0	0	1	1.3
Gender identity	0	1	0	0	0	1	1.3
Skin colour	0	1	0	0	0	1	1.3
National affiliation	1	0	0	0	0	1	1.3
Religious and political beliefs	1	0	0	0	0	1	1.3
Total						79	100

Health care

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Complainants in the field of health care	Natural persons		CSO	Authorities/ institutions	TOTAL	
	M	F			Number	%
Health status	10	16	0	0	26	40.6
Age	3	13	0	0	16	25
Disability	2	4	1	0	7	10.9
Sex	1	4	0	0	5	7.8
Martial and family status	2	2	0	0	4	6.3
Other personal characteristic	2	0	0	0	2	3.1
Membership in political, trade union and other organisations	0	0	1	0	1	1.6
Birth	1	0	0	0	1	1.6
Gender identity	0	1	0	0	1	1.6
Ancestors	1	0	0	0	1	1.6
Total					64	100

Complainants in the field of education and vocational training

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Complainants in the field of education and vocational training	Natural persons		CSO	Authorities/ institutions	Groups of persons	Legal entities	TOTAL	
	M	F					Number	%
Age	9	8	0	1	1	1	20	31.3
Health status	8	6	0	0	0	1	15	23.4
Disability	7	2	1	0	0	0	10	15.6
National affiliation or ethnic origin	1	1	3	0	0	0	5	7.8
Other personal characteristic	2	0	1	0	0	0	3	4.7
Gender identity	1	1	0	0	0	0	2	3.1
Sex	0	2	0	0	0	0	2	3.1
Language	0	0	2	0	0	0	2	3.1
Marital and family status	1	1	0	0	0	0	2	3.1
Birth	1	0	0	0	0	0	1	1.6
Property status	0	1	0	0	0	0	1	1.6
Religious and political beliefs	0	1	0	0	0	0	1	1.6
Total							64	100

Social welfare

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Complainants in the field of social welfare	Natural persons		CSO	Authorities/ institutions	TOTAL	
	M	F			Number	%
Age	2	3	1	1	7	29.2
Health status	1	2	1	1	5	20.8
Disability	1	2	0	1	4	16.7
Property status	1	3	0	0	4	16.7
Other personal characteristic	1	1	0	0	2	8.3
Sex	1	0	0	0	1	4.2
Marital and family status	1	0	0	0	1	4.2
Total					24	100

Complainants in the field of public information and the media

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Complainants in the field of public information and the media	Natural persons		CSO	TOTAL	
	M	F		Number	%
Sex	0	2	2	4	21.5
Other personal characteristic	2	2	0	4	21.5
National affiliation	0	0	3	3	15.8
Age	1	1	0	2	10.5
Religious and political beliefs	1	0	1	2	10.5
Sexual orientation	1	0	1	2	10.5
Disability	0	0	1	1	5.3
Marital and family status	1	0	0	1	5.3
Total				19	100

A statistical overview was not provided for other fields of social life because the number of filed complaints is below 2.5%.

Complaints filed against

Complaints filed against	Number	%
State authorities	326	47.5
Legal entities	154	22.5
Natural persons	149	21.7
Authorities / Institutions	42	6.1
Organisations	9	1.3
Groups of Persons	6	0.9
Total	686	100

Number of complaints by regions

Number of complaints by regions	Number	%
Belgrade region	192	27.99
Šumadija and Western Serbia region	148	21.57
Unknown region	142	20.73
Southern and Eastern Serbia region	101	14.72
Vojvodina region	97	14.14
Kosovo and Metohija region	6	0.87
Total number of complaints by regions	686	100

* The region is unknown when the complaint is filed by e-mail and when the complainant does not indicate the municipality of residence.

Outcomes of proceedings

Outcomes of acting on complaints	2021
Complaints where opinions were issued	82
– opinions where violation of rights was identified and recommendations were provided	58
– opinions where no violation of rights was identified and measures were recommended to achieve equality	1
– opinions where no violation of rights was identified	23
Infringement charges	1
Lawsuit	1
Outside the scope of jurisdiction	45
Incompleteness (shortcomings)	247
No violation of rights	155
Court proceedings are being conducted or terminated	20
The Commissioner already acted on a case and no new evidence was provided	19
Due to the time passed it was impossible to achieve the purpose of acting	1
Complaints withdrawn	11
Pending: submitted for a statement and supplement requested	104

Compliance with recommendations

Compliance with recommendations in acting on complaints	Number	%
Recommendations complied with	40	81.6
Recommendations not complied with	9	18.4
Total	49	100

*In 8 cases the deadline for compliance with recommendations has not expired.

Compliance with recommended measures	Number	%
Recommendations complied with	157	95.2
Recommendations not complied with	7	4.8
Total	164	100

*In 148 cases the deadline for compliance with recommendations has not expired.

Percentage of compliance with the Commissioner's recommendations	%
Recommendations complied with	88,4
Recommendations not complied with	11,6
Total	100

ANNEX 2: BUDGET EXECUTION FOR 2021

Source of fi- nancing	Pro-gra- mme	Progra- mme activity/ project	Ec. class	DESCRIPTION	*Initial appro- priation	**Current appro- priation	Budget execution	% of execution (8:7)
1	2	3	4	5	6	7	8	9
01 - 15	1001		I-VII	TOTAL BUDGET FOR 2021	103,612,000	114,007,290	95,116,419	83.43
01	1001		I-IV	TOTAL REVENUES - SOURCE 01	102,774,000	106,626,000	88,924,018	83.40
01	1001	0012	I	TOTAL - PROGRAMME ACTIVITY	101,299,000	105,151,000	87,901,654	83.60
01	1001	0012	411	Salaries, allowances and employee benefits	54,929,000	61,712,000	61,020,012	98.88
01	1001	0012	412	Social. contributions at the expense of the employer	9,207,000	10,276,000	10,159,832	98.87
01	1001	0012	413	Compensations in kind	100,000	100,000	63,000	63.00
01	1001	0012	414	Social benefits to employees	1,800,000	1,800,000	378,335	21.02
01	1001	0012	415	Employee benefits	3,000,000	2,950,000	2,258,625	76.56
01	1001	0012	416	Rewards to employees	400,000	450,000	434,224	96.49
01	1001	0012	421	Fixed costs	2,815,000	3,315,000	1,675,968	50.56
01	1001	0012	422	Travel expenses	1,630,000	1,330,000	512,829	38.56
01	1001	0012	423	Contracted services	13,468,000	12,568,000	5,783,787	46.02
01	1001	0012	424	Specialised services	876,000	376,000	274,680	73.05
01	1001	0012	425	Current repairs and maintenance	2,440,000	1,640,000	374,744	22.85
01	1001	0012	426	Material	6,584,000	4,554,000	2,619,476	57.52
01	1001	0012	462	Grants to international organisations	150,000	150,000	141,513	94.34
01	1001	0012	482	Taxes, mandatory fees, fines, penalties and interest	200,000	200,000	14,989	7.49
01	1001	0012	483	Fines and penalties under court decisions	100,000	130,000	124,500	95.77
01	1001	0012	512	Machinery and equipment	2,400,000	2,400,000	2,065,140	86.05
01	1001	0012	515	Intangible assets	1,200,000	1,200,000	0	0.00
01	1001	4005	II	TOTAL - PROJECT <i>Equally to the Finish Line</i>	495,000	495,000	462,960	93.53

01	1001	4005	423	Contracted services	495,000	495,000	462,960	93.53
01	1001	4006	III	TOTAL - PROJECT <i>Don't Judge a Book by Its Covers – Live Library</i>	480,000	480,000	259,404	54.04
01	1001	4006	423	Contracted services	480,000	480,000	259,404	54.04
01	1001	4009	IV	TOTAL - PROJECT <i>Youth Panel</i>	500,000	500,000	300,000	60.00
01	1001	4009	422	Travel expenses	200,000	200,000	0	0.00
01	1001	4009	423	Contracted services	300,000	300,000	300,000	100.00
06 - 15	1001		V-VII	TOTAL REVENUES - OTHER SOURCES	838,000	7,381,290	6,192,400	83.89
15	1001	4008	V	DONATIONS FROM FOREIGN COUNTRIES	0	77,781	77,781	100.00
15	1001	4008		TOTAL - NORWEGIAN PROJECT - Source 15 <i>Strengthening Local Anti-Discrimination Capacities and Institutional Capacities of the Commissioner for the Protection of Equality</i>	0	77,781	77,781	100.00
15	1001	4008	465	Other grants and transfers	0	77,781	77,781	100.00
06 - 15	1001	4010-4012	VI	DONATIONS FROM INTERNATIONAL ORGANISATIONS	836,000	6,115,849	5,411,161	88.48
06	1001	4010		TOTAL - PROJECT WOBACA - source 06 <i>Towards Gender Equality through Increased Capabilities for Work-Life Balance</i>	836,000	832,663	246,663	29.62
06	1001	4010	422	Travel expenses	191,000	410,000	0	0.00
06	1001	4010	423	Contracted services	645,000	205,167	29,167	14.22
06	1001	4010	426	Material	0	217,496	217,496	100.00
15	1001	4010		TOTAL - PROJECT WOBACA - source 15 <i>Towards Gender Equality through Increased Capabilities for Work-Life Balance</i>	0	2,500,629	2,433,794	97.33
15	1001	4010	423	Contracted services	0	2,377,508	2,310,673	97.19
15	1001	4010	426	Material	0	123,121	123,121	100.00
06	1001	4011		TOTAL - PROJECT UN WOMEN - source 06 <i>Improvement of the Situation of Women and Girls in Rural Areas</i>	0	1,782,557	1,733,947	97.27
06	1001	4011	423	Contracted services	0	665,957	617,347	92.70
06	1001	4011	481	Grants to non-governmental organisations	0	1,116,600	1,116,600	100.00
06	1001	4012		TOTAL - PROJECT UNICEF - source 06 <i>UNICEF Support in Preparation of the Special Report on Discrimination against Children</i>	0	1,000,000	996,758	99.68
06	1001	4012	423	Contracted services	0	1,000,000	996,758	99.68
08	1001	4003	VII	DONATIONS FROM NON-GOVERNMENTAL ORGANISATIONS	2,000	1,187,660	703,458	59.23
08	1001	4003		TOTAL - PROJECT - MOOT COURT - source 08 <i>Moot Court</i>	2,000	1,187,660	703,458	59.23
08	1001	4003	422	Travel expenses	1,000	310,700	216,234	69.60
08	1001	4003	423	Contracted services	1,000	605,960	263,651	43.51
08	1001	4003	512	Machinery and equipment	0	271,000	223,573	82.50

Note* - The initial appropriation was approved by the Law on Budget of the Republic of Serbia for 2021.

Note** - The current appropriation is the initial appropriation adjusted in accordance with the Law on Budget of the Republic of Serbia based on donations received in November 2021.

BUDGET STRUCTURE BY SOURCES OF FINANCING

BUDGET STRUCTURE BY PROGRAMMES, PROGRAMME ACTIVITIES AND PROJECTS

Source of financing	Programme	Programme activity/project	DESCRIPTION	*Initial appropriation	**Current appropriation	Budget execution	% of execution (8:7)
1	2	3	5	6	7	8	9
01 - 15	1001		PROGRAMME: <i>Promotion and Protection of Human and Minority Rights and Freedoms</i>	103,612,000	114,007,290	95,116,419	83.43
01		0012	PROGRAMME ACTIVITY: <i>Effective Suppression and Protection against Discrimination</i>	101,299,000	105,151,000	87,901,654	83.60
08		4003	PROJECT: MOOT COURT - <i>Moot Court in the field of Protection against Discrimination</i>	2,000	1,187,660	703,458	59.23
01		4005	PROJECT: EQUALLY TO THE FINISH LINE	495,000	495,000	462,960	93.53
01		4006	PROJECT: <i>Don't Judge a Book by Its Covers</i> LIVE LIBRARY	480,000	480,000	259,404	54.04
15		4008	PROJECT: NORWEGIAN PROJECT - <i>Strengthening Local Anti-Discrimination Capacities and Institutional Capacities of the Commissioner for the Protection of Equality</i>	0	77,781	77,781	100.00
01		4009	PROJECT: YOUTH PANEL	500,000	500,000	300,000	60.00
06,15		4010	PROJECT: WOBACA <i>Towards Gender Equality through Increased Capabilities for Work-Life Balance</i>	836,000	3,333,292	2,680,457	80.41
06		4011	PROJECT: UN WOMEN <i>Improvement of the Situation of Women and Girls in Rural Areas</i>	0	1,782,557	1,733,947	97.27
06		4012	PROJECT: UNICEF <i>UNICEF Support in Preparation of the Special Report on Discrimination against Children</i>	0	1,000,000	996,758	99.68

Note* - The initial appropriation was approved by the Law on Budget of the Republic of Serbia for 2021.

Note** - The current appropriation is the initial appropriation adjusted in accordance with amendments to the Law on Budget of the Republic of Serbia and the amount of donations received in November 2021.

ANNEX 3: REFERENCES

International Sources

- 1) *2021 Long-Term Care Report Trends, challenges and opportunities in an ageing society - Volume I*, Joint Report prepared by the Social Protection Committee (SPC) and the European Commission (DG EMPL), 2021, <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8396>
- 2) *2021 report on gender equality in the EU*, European Commission, March 2021, https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/annual_report_ge_2021_en.pdf
- 3) *Activities and measures at the national level contributing to the achievement of the objectives of the Council of Europe Gender Equality Strategy 2018-2023*, Council of Europe, April 2021, <https://rm.coe.int/0900001680a1bfce>
- 4) *Against Ageism and Towards Active Social Citizenship for Older persons The Current Use and Future Potential of the European Social Charter*, Council of Europe - Study by Gerard Quinn and Israel (Issi) Doron, August 2021, <https://rm.coe.int/against-ageism-and-towards-active-social-citizenship-for-older-persons/1680a3f5da>
- 5) *Amnesty International Report 2020/21 - the state of the worlds human rights*, Amnesty International, 2021, <https://www.amnesty.org/download/Documents/PO-L1032022021ENGLISH.PDF>
- 6) *Annual activity report 2020*, Commissioner for Human Rights of the Council of Europe Dunja Mijatović, April 2021, <https://rm.coe.int/0900001680a2150d>
- 7) *Annual Report 2021*, Council of Europe – European Court of Human Rights, January 2022, https://www.echr.coe.int/Documents/Annual_report_2021_ENG.pdf
- 8) *Annual report on ECRI's activities - covering the period from 1 January to 31 December 2020*, The European Commission against Racism and Intolerance (ECRI), March 2021, <https://rm.coe.int/annual-report-on-ecri-s-activities-for-2020/1680a1cd59>
- 9) *Balkan public barometer 2021*, Regional Cooperation Council, June 2021, <https://www.rcc.int/balkanbarometer/home>
- 10) *Budget Choices in a Time of Pandemic: Advancing Gender Equality or Holding It Back?*, UN Women Regional Office for Europe and Central Asia, January 2021, https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2021/5/2-budget%20choices%20in%20a%20time%20of%20pandemic_no%20kosovo%20footnote-min.pdf?la=en&vs=2324
- 11) *Economic Benefits of Gender Equality and Women Empowerment in the Western Balkans Six*, Regional Cooperation Council, February 2021, <https://www.rcc.int/pubs/114/economic-benefits-of-gender-equality-and-women-empowerment-in-the-western-balkans-six>
- 12) *Equinets response to Covid*, Equinet, 2021, <https://equineteurope.org/covid-19-response/>
- 13) *EU Strategy on the rights of the child*, European Commission, 2021, https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en
- 14) *European regional status report on preventing violence against children 2020*, WHO, 2020, <https://www.euro.who.int/en/health-topics/disease-prevention/violence-and-injuries/publications/2021/european-regional-status-report-on-preventing-violence-against-children-2020>

- 15) *Freedom on the Net 2021 – The Global Drive to Control Big Tech*, Freedom House, September 2021, https://freedomhouse.org/sites/default/files/2021-09/FOTN_2021_Complete_Booklet_09162021_FINAL_UPDATED.pdf
- 16) *Fundamental rights report – 2021*, FRA, 2021, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf
- 17) *Gender equality and socio-economic impact of COVID-19*, EIGE, 2021
- 18) *Girls on the move in the Balkans*, Save the Children, 2021, https://resourcecentre.savethechildren.net/node/18292/pdf/girls_on_the_move_balkan.pdf
- 19) *Global Gender Gap Report 2021*, World Economic Forum, March 2021, https://www3.weforum.org/docs/WEF_GGGR_2021.pdf
- 20) *Global report on ageism*, World Health Organization, 2021, <https://www.who.int/publications/i/item/9789240020504>
- 21) *Guardianship systems for unaccompanied children in the European Union*, FRA, February 2022, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-guardianship-systems-developments-embargoed.pdf
- 22) *Guidelines For Mainstreaming Ageing*, United Nations Economic Commission for Europe (UNECE), 2021, https://unece.org/sites/default/files/2021-03/ECE-WG.1-37_Guidelines_for_Mainstreaming_Ageing.pdf
- 23) *Health and long-term care workforce - demographic challenges and the potential contribution of migration and digital technology*, European Commission, 2021, https://ec.europa.eu/jrc/sites/default/files/23-02-2021_health_and_longterm_care_workforce_online.pdf
- 24) *Human rights of older persons women: the intersection between ageing and gender*, United Nations General Assembly, July 2021, <https://undocs.org/A/76/157>
- 25) *My body is my own - Claiming the right to autonomy and self-determination*, UNFPA, 2021, https://www.unfpa.org/sites/default/files/pub-pdf/SoWP2021_Report_-_EN_web.3.21_0.pdf
- 26) *ONE YEAR OF COVID-19: A Gender Analysis of Emergency COVID-19 Socio-Economic Policy Responses Adopted in Europe and Central Asia*, UN Women, July 2021, <https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2021/11/1%20study%20%20one%20year%20of%20covid19min.pdf?la=en&vs=1259>
- 27) *OUR COMMON AGENDA Report of the Secretary-General*, The United Nations, 2021, https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf
- 28) *Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions*, Council of Europe - Committee of Ministers, March 2021, <https://rm.coe.int/0900001680a1f4da>
- 29) *Report of the Independent Expert on the enjoyment of all human rights by older persons*, Claudia Mahler, United Nations General Assembly, 4 August 2021, <https://undocs.org/A/HRC/48/53>
- 30) *Second General Report On GREVIO'S Activities*, Council of Europe, April 2021, <https://rm.coe.int/grevio-s-second-activity-report-2021/1680a2165c>
- 31) *Serbia 2021 Report*, European Commission, October 2021, https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/serbia_report_2021.pdf
- 32) *Stepping Up our Engagement with Youth Handbook for Equality Bodies*, Equinet, 2021, https://equineteurope.org/wp-content/uploads/2021/09/equinet_youth-handbook_web_01.pdf

- 33) *Strategy for the Rights of Persons with Disabilities 2021-2030*, European Commission, 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_21_810
- 34) *Supervision of the execution of judgments and decisions of the European Court of Human Rights*, Council of Europe - Committee of Ministers, March 2021, <https://rm.coe.int/2020-cm-annual-report-eng/1680a1f4e8>
- 35) *Sustainable development report 2021*, Teams of independent experts at the Sustainable Development Solutions Network (SDSN) and the Bertelsmann Stiftung, 2021, <https://s3.amazonaws.com/sustainabledevelopment.report/2021/2021-sustainable-development-report.pdf>
- 36) *The 2021 Ageing Report: Economic and Budgetary Projections for the EU Member States (2019-2070)*, European Commission Directorate-General for Economic and Financial Affairs, May 2021, https://ec.europa.eu/info/publications/2021-ageing-report-economic-and-budgetary-projections-eu-member-states-2019-2070_en
- 37) *The European Pillar of Social Rights Action Plan*, European Commission, 2021, <https://op.europa.eu/webpub/empl/european-pillar-of-social-rights/downloads/KE0921008ENN.pdf>
- 38) *The resolution “Old continent growing older – possibilities and challenges related to ageing policy post-2020”*, European Commission, July 2021, https://www.europarl.europa.eu/doceo/document/TA-9-2021-0347_HR.pdf
- 39) *The State of the World's Children 2021 ON MY MIND Promoting, protecting and caring for children's mental health*, UNICEF, October 2021, <https://www.unicef.org/media/108161/file/SOWC-2021-full-report-English.pdf>
- 40) *Trafficking in Persons Report: Serbia*, State Department, July 2021, https://drive.google.com/file/d/1DA5kiap8Vc_8zbySjV41asMWtknVWfFB/view
- 41) *Turning the Tide? The COVID-19 pandemic has created unexpected opportunities for the depopulating countries of South-East Europe – even in rural areas*, UNFPA's Regional Office for Eastern Europe and Central Asia, March 2021, https://eeca.unfpa.org/sites/default/files/pub-pdf/140_return_migration_brief_r9.pdf
- 42) *Women at work: a global outlook*, Deloitte, 2021, <https://www2.deloitte.com/content/dam/Deloitte/global/Documents/About-Deloitte/gx-women-at-work-global-outlook-report.pdf>
- 43) *Women in politics in the EU*, European Parliamentary Research Service, March 2021, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689345/EPRS_BRI\(2021\)689345_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689345/EPRS_BRI(2021)689345_EN.pdf)
- 44) *Women, Business and the Law 2021*, World Bank, February 2021, <https://openknowledge.worldbank.org/handle/10986/35094>
- 45) *Women's and girls' sexual and reproductive health rights in crisis*, Report of the Working Group on discrimination against women and girls - UN Human Rights Council, April 2021, https://undocs.org/A/HRC/47/38?fbclid=IwAR0wOHR8NMqgPvcJ8aL_aDn_Yk-5SCn79vPIj3x7K9i8x7U-5vkY85_xSeh8
- 46) *Women's Power Index*, Council on Foreign Relations, March 2021, <https://www.cfr.org/article/womens-power-index>
- 47) *World Social Protection Report 2020–22: Social protection at the crossroads – in pursuit of a better future*, ILO, July 2021, https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_817572.pdf
- 48) *World Social Protection Report 2020–22: Regional Companion Report for Central and Eastern Europe and Central Asia*, World Health Organisation, 13 July 2021, <https://www.who.int/publications-detail/9789240019111>

ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_831504.pdf

- 49) *Supporting Male Refugees and Migrants who Survive or are at Risk of Sexual Violence: Handbook for Filed Work in Europe*, UNICEF, 2021, <https://www.unicef.org/serbia/media/18311/file/Podr%C5%A1ka%20de%C4%8Dacima%20i%20mladi%C4%87ima%20izbeglicama%20i%20migrantima%20koji%20su%20pre%C5%BEiveli%20seksualno%20nasilje%20ili%20su%20u%20riziku%20od%20njega%20-%20Priru%C4%8Dnik%20za%20rad%20n>

National Sources

- 1) *Alternative Report on the Situation and Needs of the Youth in Serbia 2021*, Umbrella Youth Organisation of Serbia, August 2021, <https://koms.rs/wp-content/uploads/2021/08/Alternativni-izvestaj-o-polozaju-mladih-2021-4.pdf>
- 2) *Analysis of Long-Term Poverty in the Republic of Serbia*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, October 2021, http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/11/Analiza_dugotrajnog_siromastva_u_Republici_Srbiji.pdf
- 3) *Analysis of Climate Situation and Its Impact on Children in Serbia*, UNICEF Serbia, September 2021, <https://www.unicef.org/serbia/media/18356/file/CLAC%20izvestaj.pdf>
- 4) *Analysis of the Impact of European integration on Local Self-Government in Serbia – the Field of Protection of Fundamental Rights*, Standing Conference of Towns and Municipalities, 2020, <http://www.skgo.org/publications/download/506>
- 5) *Guide for Digital Security of the Youth – Protection of Privacy and Prevention of Digital Violence*, Belgrade Open School, 2021, <https://www.bos.rs/ei/uploaded/%20Vodi%C4%8D%20za%20digitalnu%20bezbednost%20mladih.pdf>
- 6) *Guide for Urgent Fostering*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, April 2021, https://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/05/Vodic_za_urgentno_hraniteljstvo_starijih_osoba.pdf
- 7) *Guide of Media Misogyny: A Short Guide of Resistance Strategy 2.0*, Befem, March 2021, https://drive.google.com/file/d/1_laAhM9qhGZ4STntg39vAXpKqAH_nD0/_view
- 8) *Peer Survey on Leaving Alternative Care*, SOS Children's Villages Serbia, November 2021, https://sos-decijasela.rs/wp-content/uploads/2021/11/Vrsnjacko-istrazivanje-onapustanju-AS_SRB.pdf
- 9) *World Social Protection Report 2020–22: Regional Companion Report for Central and Eastern Europe and Central Asia*, World Health Organisation, 2021, https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_831504.pdf
- 10) *Deinstitutionalization of Women with Mental Disabilities*, Mental Disability Rights Initiative of Serbia MDRI-S, August 2021, <https://www.mdri-s.org/wp-content/uploads/2021/09/Policy-brief-Deinstitucionalizacija.pdf>
- 11) *Situation and participation of Older persons Women in Political and Public Life in Serbia*, Amity, FemPlatz, 2020, http://www.amity-yu.org/wp-content/uploads/2020/12/Zene_u_politickom_i_javnom_zivotu_Srbije_Amity_2020.pdf
- 12) *Children in Social Welfare System*, National Social Welfare Institute, July 2020, <http://www.zavodsz.gov.rs/media/2158/deca-u-sistemu-socijalne-zastite-2020.pdf>
- 13) *Child, Early and Forced Marriages in Serbia- Regulations, Response and Prevention*, Praxis, January 2021, http://www.praxis.org.rs/images/praxis_downloads/Decji%20rani%20

i%20prinudni%20brakovi%20u%20Srbiji%20-%20propisi%20reakcija%20i%20preven-
cija.pdf

- 14) *Protection of Sexual and Reproductive Rights of Women with Mental Disabilities and Protection against Violence*, Mental Disability Rights Initiative of Serbia MDRI-S, 2020, https://www.mdri-s.org/wp-content/uploads/2021/04/Policy-brief_zastita-seksualnih-i-reproduktivnih-prava-zena-sa-mentalnim-invaliditetom-i-zas%CC%8Ctita-od-nasilja.pdf
- 15) *Forgotten Children of Serbia*, Mental Disability Rights Initiative, 2021, <https://www.dri-advocacy.org/wp-content/uploads/Serbia-2021-web-SRB-1.pdf>
- 16) *Report on Human Rights of the Youth in the Republic of Serbia in 2020*, Belgrade Centre for Human Rights, April 2021, http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2014/01/Izvestaj-o-ljudskim-pravima-mladih-2020-15-04_compressed-compressed.pdf
- 17) *Report on Women's Rights and Gender Equality in Serbia for 2020*, Association of Female Citizens FemPlatz, September 2021, https://www.femplatz.org/library/reports/2021-10-18_PreneraZena_2020_SR.pdf
- 18) *Report on Reported Cases of Gender-Based Violence in Health Care Institutions of the Republic of Serbia 2020*, Institute for Public Health of Serbia "Dr. Milan Jovanović Batut", 2021, <https://www.batut.org.rs/download/izvestaji/Godisnji%20izvestaj%20rodno%20nasilje%202020.pdf>
- 19) *Report on Use of Hate Speech in the Media in Serbia*, Council of Europe - author Dr. Ivana Krstić, PhD, December 2020, published in April 2021, <https://rm.coe.int/hf25-hate-speech-serbian-media-srp/1680a2278f>
- 20) *Gender Equality Index in the Republic of Serbia 2021 - Digitalization, Future of Work and Gender Equality*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, October 2021, http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/10/Indeks_rodne_ravnopravnosti_u_RS_2021.pdf
- 21) *Survey of Positions of the Youth on Gender-Based Violence*, Umbrella Youth Organisation of Serbia, 2021, <https://koms.rs/wp-content/uploads/2021/04/Rodno-zasnovano-nasilje-medju-mladima-v3-3.pdf>
- 22) *Survey on the Position and Role of Women in Local Media*, Business Association "Lokal Pres", 2021, <https://localpress.org.rs/wp-content/uploads/2022/01/ISTRA%C5%BDIVANJE-O-ULOZI-I-POLO%C5%BDAJU-%C5%BDENA-U-LOKALNIM-MEDIJIMA.pdf>
- 23) *Survey on Citizens' Perception of the Position of Health Professionals during the COVID-19 Pandemic and Satisfaction with Medical Treatment Services Provided*, Belgrade Centre for Human Rights, 2021, <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2021/12/Beogradski-Centar-za-ljudska-prava-COVID-2.pdf>
- 24) *Local Self-Governments and Work-Life Balance*, Office of the Minister without Portfolio for Demography and Population Policy, November 2020, [https://www.jednaki.com/Jedinice%20lokalne%20samouprave%20i%20uskla%C4%91ivanje%20rada%20i%20roditeljstva%20\(predfinalna%20verzija\).pdf](https://www.jednaki.com/Jedinice%20lokalne%20samouprave%20i%20uskla%C4%91ivanje%20rada%20i%20roditeljstva%20(predfinalna%20verzija).pdf)
- 25) *Towards Improved Understanding of Rights of LGBTI Persons and Their Position in Society*, CESID, 2021, http://www.cesid.rs/wp-content/uploads/2021/09/CeSID_Srpski.pdf
- 26) *Towards an Inclusive Response to the Pandemic: The Impact of the COVID-19 Pandemic to the Position of Persons with Disabilities in Serbia and Recommendations for Exercise and Protection of Their Rights in Situations with Epidemiological Risks*, National Organization of Persons with Disabilities of Serbia (NOOIS), 2021, <https://www.osce.org/files/f/documents/d/1/482981.pdf>

- 27) *Position of National Minorities in the Republic of Serbia during the Covid-19 Pandemic*, Yucom, 2021, <https://www.yucom.org.rs/polozaj-nacionalnih-manjina-u-republici-srbiji-tokom-epidemije-covid-19/>
- 28) *Book of Recommendations of the National Convention on the European Union 2020*, National Convention on the European Union, July 2021, <http://www.centaronline.org/userfiles/files/publikacije/nkeu-knjiga-preporuka-nacionalnog-konventa-o-eu-2020.pdf>
- 29) *Covid-19 Measures and Social and Economic Rights of Women with Disabilities in Serbia*, Association of Female Citizens FemPlatz and Out of Circle Belgrade, January 2021, http://femplatz.org/library/reports/2021-02-16_Kovid-19_i_zene_sa_invaliditetom.pdf
- 30) *Persons at Risk of Statelessness - Overview of the Current Situation and Recommendations for the Future*, CESID, 2020/2021, http://www.cesid.rs/wp-content/uploads/2021/07/Lica-u-riziku-od-apatridije-u-Srbiji_CeSID_UNHCR.pdf
- 31) *Human Rights in Serbia 2021*, Belgrade Centre for Human Rights, Belgrade, 2022: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2022/03/Ljudska-prava-u-Srbiji-2021.pdf>
- 32) *Local Youth Policy in the Republic of Serbia: Advice for the Youth in Local Self-Government Units*, Umbrella Youth Organisation of Serbia, 2021, <https://koms.rs/wp-content/uploads/2021/08/Lokalna-omladinska-politika-u-RS-FINAL-1.pdf>
- 33) *Intergenerational Solidarity for All Generations*, Centre for Support and Inclusion Help Net, May 2021, <http://helpnet.rs/wp-content/uploads/2021/05/MEDJUGENERACIJSKA-SOLIDARNOST-1.pdf>
- 34) *Intergenerational Solidarity in Practice*, CESID and Pension and Disability Insurance Fund, October 2021,
- 35) *Technical Election Assessment Mission (TEAM) in Serbia*, IFES, 2021
- 36) *On No Man's Land - Gender-Based Violence against Older persons Women (65+) in the Republic of Serbia*, Red Cross of Serbia, 2021, <https://www.redcross.org.rs/media/7139/na-nicijoj-zemlji-web-low-res.pdf>
- 37) *Leave no one behind! Progress in achieving Sustainable Development Goals among Youth in Serbia*, Statistical Office of the Republic of Serbia, September 2021, <http://www.centaronline.org/userfiles/files/publikacije/giz-rzs-ne-izostaviti-nikoga-iz-razvoja-mladi.pdf>
- 38) *Inactivity on the Labour Market in the Republic of Serbia*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, August 2021, http://socialnoukljucivanje.gov.rs/wp-content/uploads/2021/08/Neaktivnost_na_trzistu_rada_u-Republici_Srbiji.pdf
- 39) *Connecting Dots*, Centre for Democracy Foundation, 2021, <http://www.centaronline.org/userfiles/files/publikacije/fcd-cod-publikacija.pdf>
- 40) *In Focus: Youth in Rural Areas*, NAPOR, December 2020, http://www.napor.net/sajt/images/Dokumenta/Pod_Lupom_Mladi_na_selu_final.pdf
- 41) *Attempted Femicide and Femicide in Serbia: Prevention and Prosecution*, Association of Female Citizens FemPlatz, 2021, https://www.femplatz.org/library/publications/2021-04_Femicid_-_Pokusaj_femicida_i_femicid_u_Srbiji.pdf
- 42) *Position of Women in Trade Unions in Serbia*, Association of Female Citizens FemPlatz with support from the OSCE Mission to Serbia, 2021, https://www.femplatz.org/library/publications/2021-09_Polozaj_zena_u_sindikatu.pdf
- 43) *Position of Vulnerable Groups in Serbia's Accession to the European Union*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, 2021,

https://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/12/Polozaj_osestljivih_grupa_u_procesu_pristupanja_Republike_Srbije_Evropskoj_uniji.pdf

- 44) *Position of Female Workers in Retail Shops during the Covid-19 Pandemic*, A11 – Initiative for Social and Economic Rights, 2021, https://www.a11initiative.org/wp-content/uploads/2021/04/Polozaj-radnica-u-trgovinskim-radnjama_SRP.pdf
- 45) *The first Decade of the Law on the Youth – Report with Recommendations*, K Umbrella Youth Organisation of Serbia, February 2021, https://koms.rs/wp-content/uploads/2021/06/1-FINAL_PRVA-DECENIJA-ZOM-izvestaj-sa-preporukama.pdf
- 46) *Recognise Violence, Say Noe*, Moms Rule Association and Paths of Education Association, 2021, <https://drive.google.com/file/d/1BQA93lh9lBgCHF3L38mWhpwWWLFrJATe/view>
- 47) *prEugovor alarm: Report on Progress of Serbia in Chapters 23 and 24*, Coalition prEugovor, May 2021, <https://preugovor.org/Alarm-izvestaji/1641/Izvestaj-koalicije-prEugovor-o-napretku-Srbije-u.shtml>
- 48) *Accessibility of Health Care and Social Welfare for the Older persons during the Covid-19 Pandemic*, “Strength of Friendship - Amity” Associations, May 2021, <http://www.amity-yu.org/wp-content/uploads/2021/05/03-Istra%C5%BEivanje-o-pristupa%C4%8Dnosti-usluga-zdravstvene-i-socijalne-za%C5%A1tite-starijima-tokom-pandemije.pdf>
- 49) *Employment and Social Policy Reform Programme*, Centre for Democracy Foundation, February 2021, <http://www.centaronline.org/sr/publikacija/1831/alternativni-izvestaj-o-sprovođenju-programa-reforme-politike-zaposljavanja-i-socijalne-politike-za-period-2016-2020-godine>
- 50) *Reform of the Adult Guardianship System (Legal Capacity)*, Mental Disability Rights Initiative of Serbia MDRI-S, August 2021, <https://www.mdri-s.org/wp-content/uploads/2021/09/Policy-brief-Reforma-sistema.pdf>
- 51) *Gender Analysis of Budgeting of the Response to Covid-19 in the Republic of Serbia*, authors: Višnja Bačanović, Dr. Marija Vlahović, Dr. Tatjana Đurić Kuzmanović, Dušica Stojadinović, May 2021
- 52) *Gender Analysis of Legal Norms in the Field of Care Economy in the Republic of Serbia*, UN Women Serbia, January 2021
- 53) *Gender Analysis and Budgeting during the Pandemic: Slowing Down the Progress or Closing of the Gap? Report for the Republic of Serbia*, UN Women, February 2021, https://serbia.un.org/sites/default/files/2021-06/RR%20i%20budzetiranje%20u%20doba%20pandemije_SRB.pdf
- 54) *Gender-Responsible Management – Redistribution of Unpaid Work - Personal Stories and Portraits*, UN Women Serbia, February 2021
- 55) *Shelters, Capacities for Provision of Accessible and Available Services to Women with Disabilities – Situation in Serbia, Baseline Analysis*, MDRI and FemPlatz, 2020, https://www.femplatz.org/library/publications/2021-02_Sigurne_kuce.pdf
- 56) *Guidelines on Implementation of Open Learning and Distance Learning for Pupils with Developmental Difficulties and Disabilities while Schools Were Closed: Improvement of Inclusive Learning during the Covid-19 Pandemic*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, March 2021, http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2020/12/Smernice_o_realizaciji_otvorenog_ucenja_i_ucenja_na_daljinu_za_ucenike_sa_smetnjama_u_razvoju_i_invaliditetom_COVID-19.pdf
- 57) *Serbia MICS 2019 and Serbia – Roma Settlements MICS 2019*, Statistical Office of the Re-

public of Serbia, October 2020, https://www.stat.gov.rs/media/5611/mics6_izvestaj_srbija.pdf

- 58) *Position of Health Professionals on Possible Violation of Their Human Rights during the COVID-19 Pandemic*, Trade Union of Physicians and Pharmacists of Serbia and Belgrade Centre for Human Rights, 2021
- 59) *Serbian Citizens' Positions on Participation in Democratic Processes 2020*, Centre for Research, Transparency and Accountability – CRTA, 18 March 2021, <https://cрта.rs/istra-zivanje-stavovi-gradjana-srbije-o-ucescu-u-demokratskim-procesima-2020-godine/>
- 60) *Usually Poor in Unusual Times – Media Coverage of Violence against Women and Girls during the State of Emergency in Serbia Resulting from the Covid-19 Pandemic*, BeFem and UN Women Serbia, 2021, <https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2021/8/standardno%20lose%20u%20nestandardno%20doba-min.pdf?la=en&vs=5946>
- 61) *Old Male and Female Roma - between Transition and Social Justice*, Forum Roma Serbia, 2021, http://www.frs.org.rs/wp-content/uploads/2021/04/Stari-Romi-i-Romkinje_SRP-web.pdf
- 62) *Old Age and Gender in Time and Space - What Older persons Women Can(not) Do in Serbia Today?*, Female Studies and Surveys, May 2021, http://www.zenskestudije.org.rs/pdf/knjige/starost_i_rod_u_vremenu_i_prostoru.pdf
- 63) *Three Years of the Adoption of the Programme -Without Expected Results*, Autonomous Women's Centre, 2021, https://www.womenngo.org.rs/images/publikacije-dp/2021/TRL_GODINE_OD_USVAJANJA_PROGRAMA_Analiza_primene_Nacionalnog_programa_ocuvanja_i_unapredjenja_seksualnog_i_reproduktivnog_zdravlja_gradjana.pdf
- 64) *Loneliness and Social Isolation in the Older persons in Easter Europe and Central Asia*, UNFPA, January 2022, <https://serbia.unfpa.org/sr/publications/usamljenost-i-dru%C5%A1tvena-izolacija-kod-starijih-osoba-u-isto%C4%8Dnoj-evropi-i-centralnoj>
- 65) *Balancing Work and Parenting (Employers and Employed Parents)*, Ministry of Family Welfare and Demography, 2021, [https://www.jednaki.com/Uskladjivanje%20rada%20i%20roditeljstva%20Poslodavci%20\(predfinalna%20verzija\).pdf](https://www.jednaki.com/Uskladjivanje%20rada%20i%20roditeljstva%20Poslodavci%20(predfinalna%20verzija).pdf)
- 66) *Impact of the Covid-19 Crisis on Employment: Focus on Vulnerable Categories*, Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, 2021, http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/01/Uticaj_COVID-19_krize_na_zaposlenost.pdf

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