



REPUBLIC
OF SERBIA



COMMISSIONER
FOR PROTECTION
OF EQUALITY

REGULAR ANNUAL REPORT OF THE COMMISSIONER FOR PROTECTION OF EQUALITY FOR 2022

All terms used in the masculine grammatical gender denote both the masculine and the feminine genders of the respective persons

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FOREWORD



Dear members of parliament,
Dear readers,

This is the thirteenth Regular Annual Report of the Commissioner for Protection of Equality of the Republic of Serbia, for the year 2022. The Report presents the activities carried out by the institution of the Commissioner for Protection of Equality, analyses the state of play regarding equality and protection against discrimination in the Republic of Serbia and summarises the recommendations made to public authorities.

The year behind us was a challenging one. The world has been facing war devastation, natural disasters and economic and energy crises, at a time when consequences of the coronavirus pandemic are still largely felt. Global disturbances and dynamic changes have had far-reaching consequences for the social and economic situation of millions of people, while numerous events and tendencies have already cast a long shadow over the respect for and exercise of fundamental human rights.

Serbia is not an isolated island, and consequences of the global crisis have also been felt in our part of the world. Challenges at the national level which marked the past year include tensions in Kosovo and Metohija and endangerment of fundamental human rights of Serbian and other non-Albanian communities, without recourse to adequate protection, violence against women and femicide and increased social tensions surrounding the EuroPride event. Clearly, we have our work cut out.

In the year behind us, it would be difficult to single out particular events and social groups that were at an increased risk of discrimination and suffered other violations of rights due to the factors noted above. Nevertheless, it could be said that these included women, the elderly, persons with disabilities, the poor, members of the Roma national minority and LGBTI persons. However, issues of which we should be particularly mindful as a society include violence and violations of fundamental human rights. Violence against women and girls is globally one of the most widespread forms of violation of women's rights, with femicide as its

most extreme form. Establishment of a femicide monitoring authority is provided for in the Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence (2021-2025); however, thus far the mechanism has not been established. It is expected that this independent authority would provide important information and analyses required to better examine all femicide cases and failures of protection, as well as to improve the work undertaken by state authorities to prevent violence against women.

As violence has become increasingly prevalent in the digital sphere, the Commissioner has launched a bodyright campaign in cooperation with the UNFPA, aimed at awareness raising and improving the normative framework governing human rights in the online realm. One of the activities undertaken by the Commissioner in this regard was the initiative to amend the Criminal Code to recognise “revenge porn” as a distinct criminal offence.

Regarding protection of fundamental minority rights, the past year was also marked by events surrounding EuroPride 2022. While numerous activities successfully took place during this event, which was held outside of the European Union for the first time, it was nevertheless tainted by protests, formal banning of the gathering and a public discourse rife with hostile attitudes and ideas condoning discrimination and stigmatisation of members of the LGBTI+ community, although the insistence on sexual orientation was often completely irrelevant with regard to the subject matter. This event unnecessarily shifted the focus of the issue of human rights of LGBTI+ persons to the domain of daily politics, indeed even geopolitics, and the opportunity to demonstrate progress regarding respect for human rights of LGBTI+ persons and the right to equality was thus missed. These events prompted the Commissioner to file a strategic lawsuit for discrimination against persons of different sexual orientation.

Over the course of last year, some 3,300 citizens sought support, assistance or information concerning the exercise of various rights and/or services from the Commissioner, and the Commissioner acted in nearly 1,900 cases pursuant to complaints filed by citizens, who presented claims of discrimination in various social spheres. The highest share of the complaints pertained to discrimination on the grounds of national affiliation or ethnic origin, age, health status, disability, sex and marital and family status. Compared with previous years, there has also been an increase in the number of complaints about discriminatory speech in the public arena (at sports and other events or by public figures), on social networks and in the media.

Of the complaints about discrimination on the grounds of national affiliation, the largest number related to discrimination against the Roma national minority (87.7%), although there were instances of multiple complaints relating to the same event. The large number of complaints concerning affiliation with the Roma national minority is clearly indicative of the prevailing attitudes, social distance, stereotypes and prejudice faced by Roma men and women. The Roma face discrimination in their daily interactions with neighbours and colleagues at work and while performing routine social activities; they are often insulted or belittled without cause and they face aggression or hate speech.

Poverty most commonly features in cases of multiple or intersectional discrimination because, when in correlation with any other personal characteristic, such as gender, disability, national affiliation, it significantly increases the risk of discrimination and further exacerbates the already difficult position of marginalised groups. Appropriate tax and social policy measures, in particular in the sphere of social welfare services, can significantly improve the status of the

most vulnerable citizens, as stated in the proposals and initiatives made by the Commissioner in this Report.

The Commissioner's practice has shown that, in 2022, women remained in a more difficult situation than men in the sphere of labour and employment, with frequent instances of discrimination against pregnant women and nursing mothers, women nearing the retirement age, persons with disabilities and Roma women. For this reason, empowerment of women has been a crucial issue. The Commissioner successfully implemented a project to improve the status of women and girls in rural areas, with visible results for dozens of female entrepreneurs, who received fruit and vegetable processing equipment and completed training in business planning, computer literacy, marketing and communications. The Commissioner's annual conference "A Look into the Future", held to celebrate the International Tolerance Day, 16 November, was also dedicated to them, along with two more conferences dedicated to breaking gender stereotypes and empowering women, primarily in political life.

Given the importance of implementing gender-balanced public policies and the fact that promoting and strengthening gender equality across all areas contributes to the advancement of democratic values and development of all segments of our society, we issued a recommendation for a more balanced gender representation to the mandatary for the new Government, which was accepted only by the ruling party.

In addition to the regular annual report, in 2022 the Commissioner also produced the Report on Monitoring the National Action Plan on Implementation of UNSC Resolution 1325 on Women, Peace and Security in the Republic of Serbia (2017-2020) and issued the publications *Position of Women and Girls in the Rural Areas of Zlatiborski, Moravički and Raški District*, *Authentic Stories from the Lives of Rural Women*, the brochure *Discrimination of LGBTI+ Persons in the Labour Market* and the *Analysis of Women's Participation in Public and Political Life*.

The rate of compliance with the Commissioner's recommendations remained high in 2022, as will be shown in this Report. In addition, this Report also summarises some of the activities, although not necessarily key ones, of the Commissioner for Protection of Equality, together with the most significant opinions passed in individual cases, while also identifying key challenges and progress made towards creating an equal opportunity society.

We have learned from experience that, in difficult times, one must always do one's best. Those of us who have been fighting for human rights and equal society for years are well aware that difficult times are always and everywhere, that an already achieved level of rights could easily be threatened and that it is only through our action that we can bring about fundamental changes. In this regard, the Commissioner has a twofold role: we react in individual cases pursuant to citizens' request for protection against discrimination, using all legally available mechanisms, and we also act preventatively, by analysing, highlighting and warning about issues that have arisen in the system as a result of new circumstances and trends across all social areas of life.

We see members of parliament as our key allies in the fight for a better and more tolerant society, one with strong institutions and rule of law in all its segments.



Brankica Janković
Commissioner for Protection of Equality

SUMMARY

The present Report, as well as earlier annual reports of the Commissioner for the Protection of Equality (hereinafter referred to as the “Commissioner”), examines the situation regarding equality protection in the Republic of Serbia in 2022 primarily on the basis of acting pursuant to complaints and other submissions filed by citizens with the Commissioner as the authority specialised in protecting citizens against discrimination and advancing equality, as well as through other activities undertaken by this authority on a regular basis. Since the number of complaints filed with the Commissioner and other activities of this institution are not and cannot be an absolute indicator of the actual state of affairs, the Report is also informed by other available sources to provide as complete an insight into the state of play as possible (reports and acts of the EU, international organisations and treaty bodies, reports and surveys by national institutions and organisation, relevant decisions of the European Court of Human Rights, as well as findings from specific expert meetings and other events that discussed matters concerning ways of improving the status of social groups which are at a higher risk of discrimination). This mode of reporting also ensured compliance with the Commissioner’s legal obligation to submit annual reports on the state of play in the field of equality protection to the National Assembly.

The year behind us was marked by a still high number of reported cases of violence against women and domestic violence. According to media reports, as many as 26 women lost their lives during the year as a result of violence. Instances of gross violation of privacy and neglect of women during childbirth, both internationally and in Serbia, also highlighted the issue of obstetric violence. The not insignificant number of cases of peer violence, both in the real world and in the digital space, attracted increasing attention. To draw attention as effectively as possible to the increasingly common, yet relatively new forms of violence in the digital world, the right to bodily autonomy, sexual and reproductive rights, the Commissioner has cooperated with the UNFPA to launch the major national bodyright campaign entitled “Your Body is Yours! Both on the Internet and in the Real World!”, which aims to raise awareness on gender-based violence committed using technology and the need for a strong response to such violence.

There were also cases of different forms of insults, discriminatory opinions, disparagement and inappropriate speech in the public sphere, usually targeting women, persons of different sexual orientation and the Roma. The Commissioner highlighted the unlawfulness of such behaviour in particular through public warnings.

During the year, the Commissioner was contacted by approximately 3,300 citizens seeking assistance and support in the exercise of various rights and/or services, whether by filing complaints of discrimination based on various personal characteristics and in various areas or by other means, including by telephone, electronically or directly by communicating with Professional Service staff, which shows that citizens are increasingly making use of the human rights protection mechanism, taking into account the upward trend in the number of citizens who contacted this institution in this year and in previous years.

As regards protection against discrimination, the Commissioner acted in 1,879 cases concerning complaints; of those, the Commissioner pursuant to 681 complaints in accordance with her powers, usually by issuing opinions, recommended measures for achieving equality, initiatives, warnings and public announcements. Public authorities and other entities were

issued with 412 recommended measures for achieving equality and 21 initiatives to amend regulations, 27 opinions on draft laws and other legal documents, two proposals for review of constitutionality and legality were filed with the Constitutional Court, two strategic lawsuits were filed (for discrimination on the grounds of disability and sexual orientation) and one request to participate as an intervenor in a lawsuit filed by another person (for discrimination against a child with disabilities), misdemeanour charges and criminal charges were filed in one case each, and there were 11 public warnings issued and 719 certificates of no pending proceedings/no discrimination found in proceedings conducted by the Commissioner. Furthermore, this institution issued 58 public announcements, independently organised eight conferences and expert meetings, actively participated in more than 650 events and delivered 40 one- or two-day seminars/lecturers with more than 700 participants.

Some of the activities were born out of joint efforts by the Commissioner and civil society organisations (such as Autonomous Women's Centre, AMITY, A11 Initiative, Atina, FemPlatza, Female Entrepreneurship Academy, NORBS, Praxis, "Da se zna", Geten, Vojvodina Roma Centre, Opre Roma, YUCOM, Belgrade Human Rights Centre, Moms Rule!, Association of Students with Disabilities and numerous others).

The highest numbers of complaints were filed because of discrimination on the grounds of national affiliation or ethnic origin (163), age (150), health status (148), disability (117), sex and marital and family status (128), followed by personal characteristics, which featured in fewer complaints, including other personal characteristics, membership in political, trade union and other organisations, religious or political beliefs, sexual orientation, property status, appearance etc. Sex and marital and family status as grounds for discrimination in most cases occur together, as multiple and/or intersectional discrimination, most commonly in the field of labour and employment, which can be attributed primarily to the situation of women with regard to pregnancy, childbirth and child care; for this reason, these grounds are addressed together in this Report.

In terms of frequency of specific grounds for discrimination alleged in citizens' complaints in 2022, they remained approximately the same as in 2021, although there were fewer complaints alleging discrimination on the grounds of health status, which is understandable given the gradual easing of the Covid-19 pandemic, while the number of complaints alleging harassment or degrading treatment aiming to hurt or hurting the dignity of a person or a group of persons on the basis of their personal characteristics (Article 12 of the Law on Prohibition of Discrimination) has increased, with most of these complaints alleging discrimination on the grounds of Roma national affiliation, gender and sexual orientation.

As regards social relations, complaints filed in procedures before public authorities accounted for the highest share of complaints in 2022, followed by complaints filed in the employment process or at work, followed by the field of providing public services or using facilities and areas, the public sphere/general public, education and vocational training, health care, public information and media, private relations, social welfare, the judiciary, culture, art, sports and other fields to a lesser extent.

As had been the case in previous years, the largest number of complaints was filed against public authorities, followed by complaints against legal entities (usually employers), natural persons, authorities/institutions, groups of persons and organisations. Since citizens exercise their rights before public authorities, it is to be expected that the number of breaches or reports

of breaches of rights would be highest in this field. In terms of numbers of complaints by regions, it would appear the distribution remained equal in 2022, with the exception of the region of Kosovo and Metohija, while the Belgrade region still leading as the region with the largest number of complaints.

In the course of 2022, 111 opinions were passed in cases pursuant to complaints, which constituted an increase of 35% from 2021. Pursuant to 94 complaints this institution passed opinions which found breaches of the Law on Prohibition of Discrimination and recommended measures, in two cases no breaches were found, but recommended measures for achieving equality were passed, while 15 opinions found no breaches of rights. In cases pursuant to 59 complaints, the complainants agreed that the consequences of discriminatory behaviour had been eliminated in accordance with the Law on Prohibition of Discrimination and the procedures were terminated. Multiple instances of these complaints pertained to the same event and concerned a piece of graffiti, which had since been removed.

This year, just like in previous years, the Commissioner monitored the situation in the field of equality protection and highlighted various issues faced by vulnerable groups of citizens and suggested solutions to overcome them in practice in the recommended measures and initiatives submitted to the Government and line ministries. Thus, in the course of 2022 the Commissioner issued 412 recommended measures for achieving equality and protecting against discrimination. Many of the recommended measures were addressed to local self-government units, ministries and special organisations, which were advised to prepare a regulation or policy impact assessment for socioeconomically vulnerable persons or groups of persons and their compliance with the principle of equality when drafting new regulations or public policies relevant for the exercise of rights of those persons and groups. Local self-government units were also advised that, when making granting student and pupil scholarships, they, within their means, introduce special criteria (affirmative action) applicable to pupils and students with disabilities, in line with the development of inclusive policies in the field of education. Furthermore, recommended measures were also issued to the Ministry of the Interior, to the Ministry of Human and Minority Rights and Social Dialogue, the Prime Minister and the City of Belgrade in connection with EuroPride, which advised the said authorities to undertake measures within their mandate, in cooperation with the organisers of the event, to ensure the event can take place safely and in the spirit of tolerance, promotion of diversity and equality. All school administrations were given recommendations to advise schools of their duty to allow the parent who does not exercise parenting rights over his/her children to access the e-school registry, regardless of the fact that the other parent already has access to this registry.

The Commissioner issued a recommendation of measures to all insurance companies advising them to allow persons to conclude international travel insurance contracts regardless of their age, i.e. not to exclude the provision of this insurance service on the grounds of age, and to ensure equal treatment of women and men when determining insurance premiums and compensations so that gender is not a differentiating factor for individual insurance premiums and compensations. Media outlets were advised in a recommendation to take care when reporting and publishing texts and reports on the Slovak national minority not to advocate or condone prejudice and other social patterns based on stereotypes, and in particular to refrain from using expressions and phrases that insult the dignity of Slovak men and women, such as the word "Zuska".

Other recommended measures were also issued to individual public authorities and other persons to improve the situation and protect specific population groups which are at an increased risk of discrimination, including for example: recommendations to the mandatary for the new Government regarding gender balance, both in terms of composition of the Government and in terms of distribution of the departments; ensuring accessibility of certain health care institutions and greater representation of women in the Serbian Arts and Sciences Academy; modifying the content of specific textbooks with regard to national minority languages; recommendations issued to the Municipalities of Bela Crkva, Žitište and Sečanj with regard to replacement of old multilingual boards/traffic signs and placement of new ones containing wording in national minority languages etc.

The recommendations given in the opinions were complied with in 89% of the cases, in 11% of the cases they were not complied with, while in three cases the time limit for compliance has not yet complied. As regards compliance with the recommended measures to improve equality issued to public authorities and other persons, the rate of compliance is 87.8%, which together with compliance with the recommendations given in the opinions makes up an average compliance rate of 88.4%. The trend of increasing compliance with the Commissioner's recommendations observed in previous years has continued. The instances of non-compliance with the recommendations were primarily those of discriminatory speech in public on the grounds of gender, sexual orientation, gender identity and political beliefs as personal characteristics, which is indicative of a high level of tolerance to this kind of speech, lack of awareness of the fact that such speech is prohibited and, of course, deliberate violation of the prohibition of discrimination.

In 2022, multiple situation tests were carried out by several civil society organisations including: cases of apartment rentals to LGBT+ persons, which resulted in the filing of one complaint with the Commissioner; cases of house rental by members of the Roma population, where no instances of discrimination were identified; in the field of providing public services, specifically taxi transportation, where testing of discrimination on the grounds of disability was carried out, resulting in the filing of 45 complaints with the Commissioner, which are still pending; situation testing of joining a youth cooperative for persons granted shelter or subsidiary protection, which resulted in the filing of one complaint.

The Commissioner has been highlighting the inconsistencies in the Law on Financial Support to Families with Children since 2017. Proceedings for reviews of constitutionality and legality of specific provisions of this Law have been launched on several occasions and initiatives have been submitted to the line ministries to amend some of its articles. In the course of 2022, we submitted two proposals for a review of constitutionality and legality to the Constitutional Court, most notably the proposal for a review of constitutionality and legality of Article 17 paragraphs 4, 5 and 7 of the Law on Financial Support to Families with Children, pursuant to which the Constitutional Court passed its decision IUz-299/2018 on 22 December 2022 by which it found the provision of Article 17 paragraph 4 of this Law to be unconstitutional, while dismissing the proposal to find paragraphs 5 and 7 of the same provision unconstitutional, which concerned equalling the status of fathers whose wives are entrepreneurs, farmers or independent professionals with that of fathers whose wives are employed by employers with regard to exercising the right to child care and special child care.

In the process of passing of laws and other regulations, the Commissioner has been asked for opinions by line ministers. This authority has issued 27 opinions, and yet certain ministries

continue refusing to submit draft laws and other regulations for an opinion, in contravention of the law, which often leads to unnecessary problems in practice. In the course of 2022, this authority submitted 21 initiatives to amend, supplement or pass regulations.

The Regular Annual Report of the Commissioner for the Protection of Equality for 2021 was submitted to the National Assembly in March 2022. The Report was reviewed at a session of the Committee on Human and Minority Rights and Gender Equality, and also at the plenary session of the National Assembly held on 27 February 2023, on which occasion the Resolution concerning the review of the said Report was passed. The Resolution notes *inter alia* that it is necessary to continue efforts towards improving the regulatory legislative and strategic framework for achieving equality of all social groups and building the capacities of institutions responsible for the exercise of citizens' rights. To monitor the situation in the field of protection from discrimination, the National Assembly has highlighted the need for passing a piece of secondary legislation that would govern record keeping by courts of final and enforceable judgments and decisions passed in proceedings for breaches of anti-discrimination provisions, while also providing the Commissioner with the resources required to establish and keep records (human resources and database).

In addition to the regular annual report, in 2022 the Commissioner also produced the Report on Monitoring the National Action Plan on Implementation of UNSC Resolution 1325 on Women, Peace and Security in the Republic of Serbia (2017-2020) and issued the publications *Position of Women and Girls in the Rural Areas of Zlatiborski, Moravički and Raški District*, *Authentic Stories from the Lives of Rural Women*, as part of the project "Improved Safety of Women in Serbia", which we have been implemented with the support of UN Women and the Norwegian Embassy in Belgrade, the brochure *Discrimination of LGBTI+ Persons in the Labour Market* and the publication *A Bridge of Understanding – Intergenerational Solidarity* (a collection of winning photographs, literary and visual art works selected in a competition the Commissioner has been holding since 2017 to mark the 1st of October, the International Day of Older Persons).

Continuing the practice established in previous years, in 2022 we compiled the *Analysis of Women's Participation in Public and Political Life*, as a regular stock-taking exercise to review the situation of women in public and political life in Serbia and to continually monitor progress in this field. In terms of participation of women in legislature, the Republic of Serbia ranks 32nd in the world (28th in 2021), while among European countries we rank 18th (14th in 2021).

In addition to acting pursuant to complaints and performing other duties related to protection against discrimination, the Commissioner has also undertaken numerous activities to improve equality.

The Commissioner has held a number of trainings and workshops on recognising and responding to discrimination, as well as on applying the anti-discrimination regulations. In the course of 2022, the Commissioner held 40 one- or two-day seminars, lectures and workshops with more than 700 participants.

The Commissioner took part in person or in online formats in numerous national and international conferences and expert meetings aimed at advancing the human rights of specific social groups, including empowerment of women, improving the situation of the youth, national minorities, persons with disabilities, of the elderly etc., as well as debates and working

meetings dedicated to stocktaking in specific areas, such as labour and employment, social welfare and health care etc. Numerous meetings and events were also held to learn about specific issues and exchange experiences and good practice examples with members of local self-governments, public authorities, trade unions, employers and civil society organisations.

The Commissioner's annual conference "A Look into the Future", held to celebrate the International Tolerance Day, 16 November, was dedicated to economic empowerment of women and girls in rural areas, as the finish to the two-year project *Improving the Position of Women and Girls in Rural Areas*, which the Commissioner implemented with support from the United Nations Entity for Gender Equality and the Empowerment of Women in Serbia (UN Women) and the Norwegian Embassy in Belgrade. In parallel, the traditional Annual Media Awards of the Commissioner and the OSCE Mission to Serbia were presented for best media reports on combating discrimination and promoting equality and tolerance, as well as the "Equal Opportunities Municipality/City" awards, which were presented to the City of Kragujevac, the Municipality of Ruma and the City of Vranje for their achievements in advancing equality at the level of local self-governments.

To mark the International Women's Day, the 8th of March, the Commissioner organised a conference entitled *Empowered Women: Changing our Communities!* Dedicated to breaking gender stereotypes and prejudice and empowering women to fight for equality across all segments of life, at which the Commissioner presented the Analysis of Representation of Women at the Local Level. In December 2022, with support from the OSCE Mission to Serbia, the Commissioner organised the conference *Women, Peace, Security: Planned (Lack of) Acting – Third Time's a Charm*, at which this authority presented the key findings of the Report on Monitoring the National Action Plan (NAP) on Implementation of UNSC Resolution 1325. The third National Action Plan could be crucial for implementing the principles set forth in UNSC Resolution 1325 and, in this context, it is necessary to involve all social stakeholders in the process of development and future implementation. Furthermore, particular attention must be paid to application of the NAP at the local level, where the Ministry of the Interior has the greatest potential and capacity to guide the activities, given its capacities and its past activities concerning community policing. This is supported by reports from local self-governments, which often state that most of the activities regarding community safety were implemented in cooperation with the police.

Without understanding, cooperation and synergy with the youth, it would be difficult to improve equality and combat discrimination, which is why the Commissioner organised an event entitled *Deconference – Youth for Equality* within the framework of the Youth Panel, which featured discussions with representatives of primary and secondary schools and university students on an equal basis to highlight the issues faced by young persons and their opinions on the ways to address those issues. To mark the 1st of October, the International Day of Older Persons, in 2022 the Commissioner once again cooperated with the Ministry of Education to hold 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"*, with presentation of the awards held at the National Assembly of the Republic of Serbia. The ninth *Moot Court in the field of protection against discrimination* was also held during the year, aimed at capacity building of future lawyers, students at university schools of law in Serbia. This year's case concerned discrimination on the grounds of national affiliation in the digital sphere. As part of the programme *Don't judge a Book by its Cover – Living Library in Serbia*, nine Living Libraries were held across the country in 2022, allowing persons at increased risk of discrimination to

share their experiences and problems caused by discrimination in their daily lives through direct interaction with “readers”.

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 jubilee tenth time, as part of the 35th Belgrade marathon, with the aim of providing support to persons with disabilities to participate in this sports event. Since the marathon took place on the International Day of Families, the motto of this action was “Equally to the finish line – start at the family”.

In addition to those listed above, the Commissioner was also among the organisers of several other events. Thus, in cooperation with the museum House of Jevrem Grujić and with support from the Ministry of Culture and the Media and the Secretariat for Culture of the City of Belgrade, the Commissioner sponsored the exhibition *The Great Women of Serbian Culture*, dedicated to the illustrious female figures in Serbian history, culture, science and arts. As part of the campaign “Roma against Racism”, in cooperation with the European Roma Rights Centre and the Vojvodina Roma Centre, the conference entitled *Prevention and Protection of Roma Men and Women from Discrimination* was held, which was dedicated to reducing social distance and eliminating discrimination against the Roma across all segments of social life.

Successful cooperation with the European Network of Equality Bodies EQUINET has continued through regular participation of this institution’s representatives in the work of all working groups and clusters organised by the network. The Commissioner attended the EQUINET Annual General Assembly held in Brussels in early October as a full member. The Commissioner took part in the development of the EQUINET publication *Exploring Positive Action as a Means to fight Structural Discrimination in Europe*.

Compliance with the Commissioner’s recommendations has resulted in improved equality for the social groups and individuals concerned. Thus, for example, recommendations have enabled elderly citizens to take out loans, renew their payment cards and buy travel insurance, while women have been able to pay lower insurance premiums for non-life insurance contracts. Students with disabilities have also seen improved equality in terms of access to scholarships through affirmative measures, parents who do not exercise parental rights are able to access their child’s grades and school performance, accessibility of certain buildings used by public institutions has been improved and public notaries have improved their practice regarding the use of signature facsimiles by persons with disabilities. Broadcasting of programmes in sign language on television channels with national concession has continued, children have been assigned personal assistants (in concrete cases where discrimination was established), certain graffiti containing hate speech have been improved, acting by civil registry services in the process of issuing civil registry certificates and personal documents containing changed first name and gender designation has been improved, providers of social welfare services have been granted equal treatment with regard to VAT exemption etc.

Crucial for social and economic development and improved quality of life for all citizens is to understand the concept and substance of human rights and the mechanisms for their protection, along with a high level of information and awareness among citizens and creation of a cultural pattern and social discourse that condemns discrimination and respects and upholds equality. It is also paramount that all public authorities fully apply the anti-discrimination legislative framework, coupled with compliance with international and national

practices and policies and effective functioning of all anti-discrimination mechanisms, including both the Commissioner and courts. These are just some of the reasons why measures should be undertaken to improve the capacities of those public services whose work is aimed at improving the situation of citizens (employees at health care and social work services, education, inspection authorities etc.). With regard to prevention of discrimination, it is essential in particular to enable capacity building of the Commissioner's Professional Service.

Taking into account the Commissioner's limited human resources and the fact that the number of employees has not changed for years, coupled with the exceptionally high interest in and demand among virtually all stakeholders (from public authorities at all levels to citizens' associations) for exercising the principle of prohibition of discrimination in all aspects of social life and building the capacities of different actors in this context, it may not be possible to exercise all of the Commissioner's powers to the required extent in the future.

A key issue is the fact that the Commissioner has not received approval from the Ministry of Finance since 2018 for its Draft Human Resources and Financial Plan which provides for an increase in the number of employees and an increased limit for employees' salaries. Since the Ministry of Finance has not approved the Commissioner's proposals, this institution has remained completely excluded and has absolutely no influence over its own human resource policy, which thus effectively becomes the responsibility of the Ministry of Finance. These are the reasons why the number of employees at the Commissioner's Professional Service has not changed in years.

Another issue to be taken into consideration is that the Commissioner now also performs duties associated with a completely new competence provided for by the Law on Amendments to the Law on Prohibition of Discrimination of 2021, which concerns the establishment and keeping of records of protection against discrimination. Apart from more staff, funds need to be secured for the electronic database to ensure compliance with this legal duty.

Capacity building of the Commissioner's institution is foreseen as an activity under the Action Plan on Chapter 23 and is one of the objectives of the Strategy for Prevention and Protection Against Discrimination. In addition, when reviewing the Commissioner's Regular Annual Report for 2021, on 27 February 2023 the National Assembly passed the Resolution which stated *inter alia* that, in order to monitor the situation in the field of protection against discrimination, it would be necessary to pass a piece of secondary legislation that would govern the manner of keeping court records of final and enforceable judgments and decisions passed in proceedings for breaches of anti-discrimination regulations, while also ensuring resources for the establishment and keeping of these records in terms of human resources and the database software.

A new competence of the Commissioner provided for by the Law on Amendments to the Law on Prohibition of Discrimination¹ involves a duty imposed on courts to submit to the Commissioner anonymised judgments in the field of antidiscrimination by the 31st of March of the current year in respect of the preceding year, while the minister in charge of the judiciary is authorised to pass a piece of secondary legislation within six months of entry of this Law

¹Official Gazette of the Republic of Serbia No. 52/21

into force to lay down the manner of record-keeping by courts and the manner of their submission to the Commissioner. This piece of secondary legislation has not yet been passed, although the time limit has expired, to which the Commissioner drew the attention of the Ministry of Justice. In recent months, the said Ministry has been focusing on constitutional amendments, followed by drafting a set of judiciary laws; in addition, 2022 was also an election year, which meant the Government operated in a technical capacity. Given all these reasons, it could perhaps be understood why the passing of this piece of secondary legislation had been delayed; however, once all these processes were completed, there could be no reasonable justification for any further delay, because it makes record-keeping and stock-taking in the full sense impossible.

The same Law (amendments to the Law on Prohibition of Discrimination) imposes an obligation on public authorities, when drafting a new regulation or public policy relevant for the exercise of rights of socioeconomically disadvantaged persons or groups, conduct an impact assessment of such regulation or policy in terms of its compliance with the equality principle. This impact assessment should contribute to the enactment of sounder regulations, which take into consideration their impact on the most vulnerable persons and groups, both in terms of scope and in terms of contributing to the advancement of their situation. The Commissioner has issued a recommendation of measures to local self-government units, ministries and the Republic Secretariat for Legislation in which she highlighted this legal obligation, which must be complied with efficiently and effectively, based on a review of the current state of play and concrete statements regarding how the regulation or policies would impact the situation of persons and what risks it would pose for the exercise of the rights, obligations and interests of those persons or groups under the law. During the year, the Commissioner delivered a number of trainings for local self-government units on this issue, in the belief that it was paramount for all stakeholders to fully understand the importance and effects of regulatory impact assessment. This activity will be continued, in the hope that the training and the application of this legal provision would gradually bring about improvements in the status of those social groups that are at an increased risk of discrimination or those that need special social support in their daily lives.

Multiple regulations and strategic documents were passed during the year, including the Strategy for Prevention and Protection Against Discrimination for 2022-2030 with the accompanying action plan, the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for 2022-2030 with the action plan, Strategy for Deinstitutionalization and Development of Community Based Services for 2022-2026, the Action Plan for 2022-2023 for Implementing the Strategy for Gender Equality for 2021-2030 etc. However, contrary to the recommendations made by of the Commissioner in the previous report and those of earlier years, certain legislative and strategic documents have not yet been passed, including strategic documents and action plans that should govern, among other things, the direction of development of adult education, corporate social responsibility, ageing/the elderly, the Action Plan on Implementation of UNSC Resolution 1325 on Women, Peace and Security in the Republic of Serbia, the action plan to improve the situation of national minorities, the action plan to implement the Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence etc. Passing of these strategic documents and action plans is necessary in order to establish the framework and set forth the principles of action or to ensure continuity in the implementation of concrete measures and activities.

It is also necessary to pass certain new regulations or amend the existing ones. The Commissioner has submitted a number of initiatives to the competent authorities, including those pertaining to amendments to the Criminal Code, of the Law on Public Order and Peace, of the Law on Financial Support to Families with Children, amendments to regulations pertaining to capacity to contract, passing of regulations on the rights of the child, amendment of the standards of accreditation and quality assurance of higher education institutions in order to improve the situation of persons with disabilities, amendments to the Bylaw on the List of Prescription Medicines Covered by the Compulsory Health Insurance Fund etc. The Commissioner's practice regarding the response of the competent authorities to such initiatives shows that some executive government authorities immediately take action, while others fail to understand the legal nature of an independent institution and its corrective role and fail to respond to such initiatives or refuse to amend regulations for extended periods, which is why one of the recommendations given in this Report concerns compliance with the Commissioner's initiatives and recommendations about completing the legal framework to improve the situation of specific social groups.

Furthermore, the Commissioner's practice has shown that some of the procedures for the exercise of rights are complicated and, when faced with procedures they are unable to understand, citizens feel a sense of exclusion, rejection, frustration, discrimination and injustice, which ultimately leads to loss of trust in the state and its representatives. Citizens also contact the Commissioner when certain authorities refuse to provide services to them, including public notaries and in particular institutions in health care or social welfare, education, public utilities etc. Citizens have complained in particular that the Real Estate Cadastre Service of the Republic Geodetic Authority is impossible to contact, that they never answer the phone, that they do not reply to objections sent by e-mail and that cases remain unresolved for years.

These are just some of the reasons why continual efforts are required to simplify the procedures for the exercise of certain rights (by reducing the number of required documents, expediting the procedures, clarifying the methods etc.), coupled with regular supervision of compliance with and application of all regulations, strengthening of inspection bodies and their capacities and in particular quantitative and/or qualitative capacity building of certain authorities, including social welfare, health care, child care and education, free legal aid, police and others, so they could timely and appropriately respond to citizens' needs.

In terms of how well citizens' needs are satisfied, there is an evident deficiency in terms of the scope and types of social welfare services, their availability and continuity of their provision. An analysis of the existing number of services available at certain municipalities has revealed these services are poorly diversified; thus, according to the available data, in 2020 half of all local self-governments provided beneficiaries with only one service, while just 14.9% of all municipalities in Serbia provided more than one service. The current state of affairs show there is a distinct need for more licensed providers of all services for which minimum standards are set forth by the law, while particular attention should be paid to the development of services that are not commonly provided and to ensuring continuity of support to meet the needs of specific social groups, including in particular children, the elderly and persons with disabilities. This state of affairs is also reflected in the fact that many services are primarily provided by informal caregivers, usually women, which results in their complex situation, their inability to participate in the labour market and their economic dependence, with a poor outlook for the future. In this context, more efforts should be made to ensure all necessary social welfare

services in accordance with the needs of the population, to standardise new services and develop innovative services and to promote interdepartmental cooperation between different systems, which is a duty of local self-governments under the law.

Another issue that needs to be highlighted is the continued absence of simultaneous provision of social welfare and health care services (Article 58 of the Law on Social Welfare), as well as interdepartmental acting of various systems, in particular social welfare and health care, as well as education institutions, employment services, the police, judicial and other state authorities, local self-government authorities and civil society organisations. Only through joint efforts and interdepartmental cooperation will it be possible to achieve optimum results in terms of improving the situation of social groups that face an increased risk of discrimination.

The statistics collected and published by the Statistical Office of the Republic of Serbia are essential for examining the status and situation of the population, as well as for planning and development of data-based policies. The *2022 Census of Population, Households and Apartments* was conducted in 2022. According to the preliminary census results, the Republic of Serbia has 6,690,887 inhabitants, which is 6.9% less than in 2011, when the previous census took place. Population has been recorded in all regions (by approx. 10%), except in the Belgrade region, where the population has increased by approx. 1.6%. The population decline is even more obvious from a comparison between labour force data for the third quarter of 2022 and the third quarter of 2021. According to these figures, total population aged 15 and older has declined by 63,900, with the inactive population declining by 28,800 and the active population declining by 35,100². The effects of depopulation are numerous, while the economic effects of such situation exceed the negative effects of population ageing, because they adversely affect the labour market and result in lower GDP and lower aggregate growth of the entire country, especially those regions that are particularly affected by depopulation. This demographic structure undoubtedly requires different types of intervention across multiple areas. The problem is particularly evident with the elderly and rapidly ageing population, children and their rights, persons with disabilities, chronically ill persons and persons with rare diseases, Roma men and women, persons living in remote or rural areas and others. Depopulation leaves these persons in a situation where they are unable to exercise their rights to certain social welfare and health care services, education and preschool accommodation or teaching for a declining number of pupils in certain settlements, or for an increasing number of them in the cities.

While population policy measures receive significant funding, far lower amounts are allocated to fund the necessary services. In this regard, the Commissioner has issued a general recommendation to the City of Belgrade to undertake all necessary measures and activities within its remit to balance out the position of children who attend preschool facilities and those who are forced to attend private preschool education due to the insufficient capacity of the facilities founded by the City of Belgrade, with regard to the disproportionately high economic burden for the periods of children's absence due to illness and subsidising the stay of a third child at a preschool facility in cases where such children are unable to enrol in preschool facilities founded by the City of Belgrade because there were no places available.

²Labour Force Survey for Q3 2022, Statistical Office of the Republic of Serbia, available at: <http://publikacije.stat.gov.rs/G2022/Xls/G20221323.xlsx>

There is also the issue of adequacy of the amounts paid as support to childbearing and raising children. The amounts allocated for birth support and population policy measures, are rather significant and correspond to the needs of families, yet the amounts of child allowances provided as support to vulnerable families are extremely low (ranging from 3,829 to maximum 6,893 dinars a month). Greater effects of support in the early years of a child's life could certainly be expected with more reasonable amounts of child allowances, especially as the families who receive them are already vulnerable, and official data suggest that children are at the highest risk of poverty.

Population policy and birth support measures should, apart from financial support, target also the attainment of gender equality in the full sense of the word and enabling equal care of the children by both parents, with a "paternal leave", i.e. a mandatory period of leave from work for child care by fathers, and enabling flexible work arrangements in certain cases of extended parental leave while raising a child, enabling workplace promotion upon return from such leave on equal terms, providing a sufficient number of preschool facilities with sufficient capacity etc. Equal distribution of household duties, care of children and the elderly and gender equality in the full sense of the word are key for improving the demographic situation and implementing an effective population policy. Furthermore, for years the Commissioner has highlighted in her regular annual reports and special reports the need to promote the use of parental leave by fathers. Survey results have shown that availability of preschool facilities and other forms of support to child care is a prerequisite for creating a work-life balance, as well as for professional advancement. In the process of harmonisation of legislation with *acquis communautaire*, it is necessary to transpose the provisions of the EU Directive on work-life balance for parents and carers, adopted in 2019, in particular those that concern mandatory parental leave for fathers. The Directive provides that such leave should last minimum ten days.

The situation of all social groups is greatly influenced by their property status, specifically poverty, which is one of the main reasons for inequality and social exclusion. According to data of the Statistical Office of the Republic of Serbia presented in the 2021 SILC survey³, poverty risk rate in Serbia was 21.2% and was 0.5 percentage points lower than in 2020, while the rate of risk of poverty or social exclusion was 28.5%, which was 1.3 percentage points lower than in 2020. However, according to Eurostat data⁴, in 2021 Serbia was the fourth poorest country in Europe. These figures stem from inequality in the labour market, inadequate coverage and targeting of social policy measures, gender inequalities, inequality in education etc. According to multiple surveys and analyses, including surveys conducted by the Commissioner over the years⁵, poverty, i.e. property status, is seen as one of the main reasons for discrimination, notwithstanding the efforts that have been made in different areas.

It is for these reasons that the Commissioner focuses in particular on equal social inclusion of all citizens, especially the poor, and her opinions and especially recommended measures have highlighted the need for and possible ways of overcoming concrete problems, while her regular reports have highlighted that concrete effects in terms of reduced social exclusion and poverty would be difficult to achieve without effective financial support to individuals and families to tackle social and life difficulties, sound targeting of social policy measures, overcoming

³*Poverty and Social Exclusion Report*, Statistical Office of the Republic of Serbia, октобар 2022, available at: <https://www.stat.gov.rs/sr-latn/vesti/statisticalrelease/?p=8870&a=01&s=0102?s=0102>

⁴Eurostat, 2022, available at: <https://ec.europa.eu/eurostat/web/main/data/statistical-themes>

⁵*Perception of discrimination by the Roma community, Attitude of citizens towards discrimination*

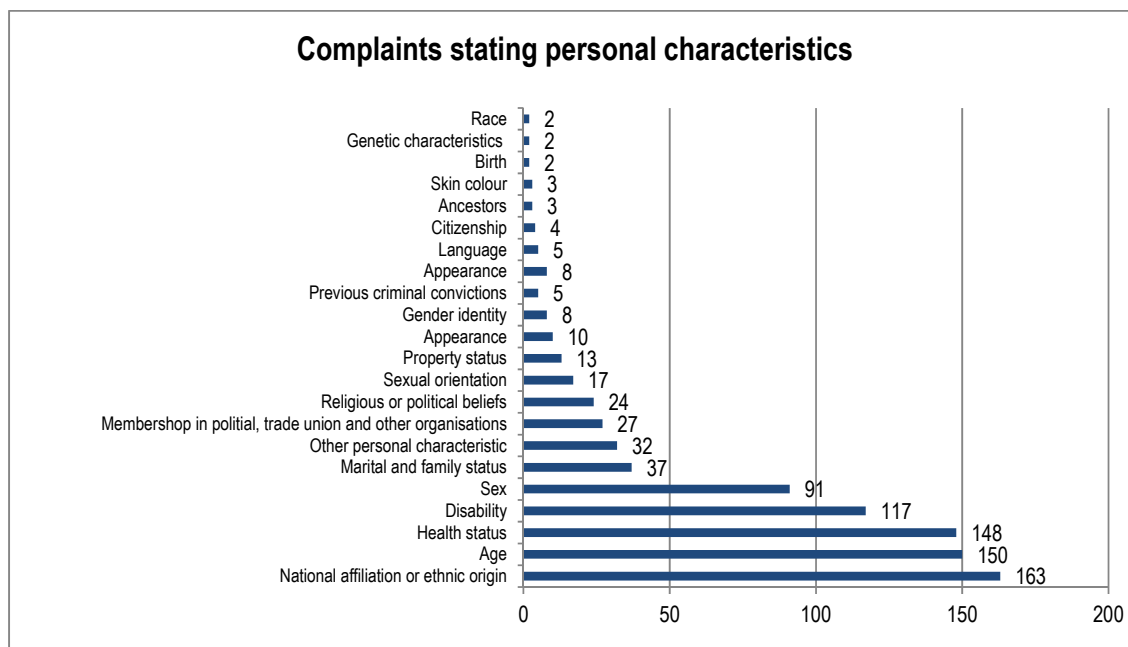
inequality in the labour market, availability of education opportunities and gender equality. For this reason it is necessary to lower the means test threshold for the exercise of the right to financial family assistance and examine possibilities for introducing some sort of social allowance for the elderly who have never worked and have not earned the right to old-age pension, but are socially vulnerable.

The overall situation of citizens is also influenced by their status and position in the labour market, i.e. The level of exercise of their labour rights. The field of labour and employment this year remained near the top in terms of the number of complaints filed with the Commissioner. According to the results of the *Labour Force Survey for 2021*, the rate of employment for women in 2021 was 41.3% and was 15.2 p.p. lower than the rate of employment for men, while the difference in the unemployment rate between women and men was 1.9 p.p. in favour of men. Apart from unequal employment of men and women, a particular issue is the fact that the youth contingent, the 15–24 age group, has continued declining – by 10,500 in 2021, which was 1.5% lower than in 2020. increase in gross and net salaries between January and September 2022 year-on-year was 13.9% in nominal terms and 2.7% in real terms. However, median net monthly salary for September 2022 was 57,392 dinars, which means that 50% of all employees earned a salary up to that amount.⁶

The largest number of complaints and other communications by citizens in the field of labour and employment concerned the position of women in the labour market and the ability to exercise rights during and after pregnancy and maternity leave or child care leave. A particular issue is youth employment and their position in the initial years of their work, as employers commonly use young persons as substitutes for indefinitely employed workers, whether through internships or through multiannual hiring under temporary and occasional work contracts. Young persons earn lower salaries in certain sectors or are officially registered as receiving minimum wage, work on online platforms, have no health insurance etc. Based on the Commissioner's practice, it will be necessary to adapt labour legislation, especially in terms of precise governing of rights of workers who work without an employment relationship, as well as to strengthen inspectorates and inspection bodies in connection with various workers' rights, as pointed out by the Commissioner in previous years. When designing active employment policy measures and mechanisms, especially in the local labour market, the effects of such measures on employment and keeping jobs for persons who face difficulties finding employment must be taken into consideration, while utilising comparative advantages of certain communities, promoting development and acknowledging the needs of the local labour market.

In addition to these general problems, which are examined through the Commissioner's practice and other relevant sources, this Report also examines problems affecting specific social groups, such as women, the elderly, children, Roma, persons with disabilities etc.

⁶*Report on the State of Labour Rights in the Republic of Serbia for 2022*, Centre for Democracy Foundation, available at: <http://www.centaronline.org/userfiles/files/publikacije/FCD-Izvestaj-o-stanju-radnih-prava-u-Republici-Srbiji-2022.pdf>



*** In 196 complaints, several personal characteristics were indicated as the basis of discrimination**

As can be seen in the graph above, in terms of individual personal characteristics as grounds for discrimination, in 2022 the largest number of complaints to the Commissioner was filed for discrimination on the grounds of national affiliation or ethnic origin. The most complaints were filed by members of the Roma national minority (87.7%), although there were multiple cases pertaining to the same event, with members of Slovak, Bosniak, Croatian and Albanian national minorities also filing complaints. The large number of complaints concerning affiliation with the Roma national minority is clearly indicative of the prevailing attitudes, social distance, stereotypes and prejudice faced by Roma men and women. The Roma face discrimination in their daily contacts with neighbours and work colleagues and when performing routine activities in life. They are insulted or belittled without reason and face aggression or hate speech. The Commissioner conducted a number of procedures during the year which involved cases of openly promoting stereotypes about the Roma on certain TV programmes or in newspapers and noted in her opinions that such speech in the public sphere had numerous consequences and created a hostile and offensive environment in daily life for members of the Roma community. Complaints also often concerned graffiti in public places, which were removed in most cases after the complaints had been filed with the Commissioner.

Inclusion of the Roma in education has in some cases resulted in the creation of segregated classes and schools, especially where schools are close to Roma settlements, and discrimination against the Roma is also not uncommon in the sphere of employment, which exacerbates their already disadvantaged economic position. Submissions filed with the Commissioner also concerned specific problems faced by inhabitants of substandard settlements. Thus, for example, the Commissioner issued a recommendation to the Ministry of Mining and Energy to urgently respond and provide temporary electricity supply to the inhabitants of a substandard settlement in Niš to avert a humanitarian disaster, because they had been disconnected from the electricity grid during the winter, and many of the inhabitants are children, as well as elderly and ill persons.

As regards members of other national minorities, the Commissioner was contacted by the National Council of the Bosniak National Minority because of the content of a primary school textbook in Serbian language, pursuant to which the Commissioner issued a recommendation of measures to the Ministry of Education, Science and Technological Development, after which the disputed content was changed. In cases where social distance and hostility are displayed towards members of national minorities, the Commissioner, apart from issuing opinions and recommendations and initiating legal proceedings, also issues warnings and public announcements, as was the case with the demolition of a memorial marking the spot where a synagogue stood 80 years ago in Sremska Mitrovica. Furthermore, in connection with texts published in printed and online media, the Commissioner issued a recommendation of measures to all media outlets, as already explained above.

Promotion and acting to manage national, ethnic, religious, cultural and other diversity, coupled with the development of intercultural dialogue, mutual respect, understanding and cooperation, paves the way to full equality of all citizens and a tolerant and inclusive society. Capacity building of local self-governments, along with additional staff education in all systems, establishment of integrated services of social welfare and health care, education etc., and with provision of adequate housing conditions, through multisectoral cooperation and contacts with civil society organisations, is certainly the way to improve the situation of Roma in particular, as well as other national minorities or ethnic communities.

Discrimination on the grounds of age, as the second most common ground in terms of frequency of complaints, usually concerns discrimination against persons older than 65, mainly due to inaccessibility of facilities and areas, as well as inability to use various services, in particular social welfare and health care. The next most common type of complaints concerns the situation of children, usually in the field of education and exercise of entitlements to relevant support, while fewer complaints concerned discrimination against persons aged between 18 and 65, and those that did were mainly in the field of labour and employment.

In 2022, a significant number of complaints concerned discrimination against persons on the grounds of age in connection with availability of loans with various banks and travel insurance services; these complaints were filed on the basis of situation tests conducted by civil society organisations. In this regard, the Commissioner issued a recommendation of measures to insurance companies, as already explained in detail in this Report. All insurance companies have complied with the Commissioner's recommendation. Furthermore, in cases where elderly citizens were prevented from using specific bank services, in particular loans, the Commissioner issued opinions concerning breaches of the Law on Prohibition of Discrimination and the banks addressed in those recommendations have changed their business practices. In connection with the exercise of the entitlement to a free voucher for a subsidised holiday in Serbia for persons older than 65 years who are not entitled to receive old-age pension, the Commissioner submitted an initiative to amend the applicable Decree to the Ministry of Trade, Tourism and Telecommunications, pursuant to which a new Decree was passed, allowing citizens older than 65 years who are not entitled to receive old-age pension to apply for the first time for such vouchers in 2023.

With regard to the position of elderly women in Serbia, the Commissioner has been drawing attention for years to their worse position and more difficult situation, especially economic situation, compared with elderly men, their lower involvement in the making of decisions that concern their lives and the need for support measures, as well as the violence they have

suffered. Elderly women living alone, elderly women with disabilities and elderly rural women face an even more difficult situation. In the field of labour and employment, women are often considered to be older workers even if they are far younger than 65, are still employed and are still years away from reaching the statutory retirement threshold; even if they are not in an employment relationship, i.e. if they are unemployed, they face more difficulties finding employment because of their age.

A particular challenge regarding elderly citizens is the inadequate number, type and coverage of various social welfare services. Other age groups have also raised similar concerns with the Commissioner, often times parents of children with developmental disorders and disabilities. Although the Commissioner has repeatedly recommended measures to local self-government regarding the provision of a sufficient number of personal assistants, this problem still persists. Issues also arise due to the lack of sufficient preschool facilities and child day care services in some cities, which has prompted the Commissioner to react.

Peer violence is a social challenge and a frequent topic, with the media reporting on a not insignificant number of cases where children suffered physical and/or digital violence from their peers. To draw attention as effectively as possible to the increasingly common, yet relatively new forms of violence in the digital world, the right to bodily autonomy, sexual and reproductive rights, the Commissioner has cooperated with the UNFPA to launch the major national bodyright campaign entitled “Your Body is Yours! Both on the Internet and in the Real World!”, which aims to raise awareness on gender-based violence committed using technology and the need for a strong response to such violence.

As the coronavirus health crisis began to subside in 2022, this personal characteristic became less frequent in the complaints filed with the Commissioner compared with the previous years. Health status is often stated as the grounds for discrimination combined with another personal characteristic, usually disability or age. Demand for health care has undoubtedly increased, and the existing capacities have become insufficient. Persons with disabilities, the elderly, persons with chronic diseases, oncology patients, dialysis patients, persons with rare diseases, persons living with HIV/AIDS, children, transgendered persons and others have all alleged they have faced problems when exercising the right to health care. For example, a complainant contacted the Commissioner on behalf of her female friend and her daughter, whose condition was critical and required urgent medical attention, which several health care institutions refused to provide to her, although the patient had been in a waiting room since the night before. After the Commissioner’s urgent intervention and contacting the city’s social work centre and the clinic in question, the patient was finally admitted to emergency care, because she was in vital danger, and the case was reported to the Ministry of Health.

Citizens have also complained about the lack of sensitisation among medical staff working with certain groups of patients (in particular those living with HIV and persons with disabilities or rare diseases), as well as about inaccessibility of health care facilities. Obstetric violence was a common issue at gynaecology and obstetrics institutions. In connection with the cases of obstetric violence, the Commissioner issued recommendations of measures to gynaecology and obstetric clinics, advising them to undertake the necessary measures within their remit to ensure that women treated at such institutions during pregnancy and childbirth receive the highest possible standard of health care and humane treatment in accordance with the regulations and the established professional standards.

Persons with disabilities in the Republic of Serbia, similarly as in other European countries, are one of the most vulnerable groups in all areas of social life, considering the number and variety of problems they face on a daily basis, the prevalence of stereotypes and prejudice, as well as their social and economic situation. Persons with disabilities are often exposed to multiple and intersectional discrimination. In the course of 2022, the Commissioner received a number of complaints concerning inaccessibility of various facilities (60% of the total number of complaints filed on these grounds), as accessibility, both architectural and information and communication accessibility, is a key precondition for equal participation of persons with disabilities in all areas of social life. These complaints pertain to the inaccessibility of medical centres, health care services, cinemas and schools. The Commissioner has been pointing out for years it is necessary to 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. In connection with the general election held in 2022, the Commissioner issued recommendations of measures to the public broadcasting institutions (Serbian Broadcasting Corporation and Radio Television of Vojvodina) to make information on the elections and the campaign programmes accessible to hearing-impaired viewers using subtitles and sign language, to ensure these persons receive full and timely information so they could participate in the election on an equal basis.

Persons with intellectual and psychosocial difficulties still face the risk of being declared incompetent, and the situation of persons with mental and intellectual disorders at residential social welfare institutions is particularly worrying, as witnessed by the data provided by civil society organisations.

Accessibility of appropriate social welfare services and continuity of their provision are paramount for the exercise of the right to inclusive education and social inclusion of children with disabilities. Considering the importance of personal aide services, the Commissioner issued recommendations of measures to local self-government units in 2019 and 2021, 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. However, as citizens have continued contacting the Commissioner in connection with this issue, we have also filed a strategic lawsuit against a municipality and social work centres that denied a minor the right to the services of a personal aide; the proceeding pursuant to this lawsuit is pending.

Furthermore, to ensure accessibility and equal conditions for acquiring higher education for students, the Commissioner submitted to the National Entity for Accreditation and Quality Assurance in Higher Education and the National Council for Higher Education the *Initiative to amend the Standards of Accreditation and Quality Assurance of Higher Education Institutions*. The Commissioner also filed the *Initiative to amend the Bylaw on the Manner of Determining the Status of Candidates and Students with Disabilities* to the Senate of the University of Belgrade, since the current wording of the Bylaw contains provisions concerning students' marital status, which is irrelevant for exercising the status of a student with disabilities. Furthermore, in 2022 the Commissioner issued a recommendation of measures to local self-government units to provide for special criteria (affirmative action) for pupils and students with disabilities when awarding scholarships to pupils and students, in line with the development of inclusive policies in the field of education and within their means.

Given that the Commissioner continued receiving complaints from citizens in 2022 concerning the exercise of the entitlement to the disability allowance for certain categories of retirees, the

Commissioner once again addressed the Ministry of Labour, Employment, Veteran and Social Affairs and submitted the *Initiative to amend the Law on the Rights of Veterans, Disabled Veterans, Disabled Civilians Disabled by War and Family Members*, so that disabled veterans under the age of 65 who receive pension could also be entitled to the disability allowance. In its reply to the Commissioner, the said Ministry stated the legislators had originally intended to grant this new entitlement in order to provide increased protection to the most severely disabled and oldest disabled veterans, i.e. to avoid significant reductions in their income and keep it at approximately the same level they received before they turned 65, and noted it would consider the possibility, when funds become available in the national budget, of expanding the body of rights available to other beneficiaries of entitlements under the protection afforded to disabled veterans and civilians disabled by war.

Analysis of the legal framework is an essential element of the Commissioner's work, because by reviewing provisions from the antidiscrimination viewpoint and by issuing initiatives and/or recommendations, it is often possible to significantly improve the situation of entire groups of the population, including persons with disabilities, the elderly etc.

Given the frequency of issues concerning meeting the demand for relevant social welfare services and ensuring continuity in the provision of those services, the Commissioner submitted to the Ministry of Labour, Employment, Veteran and Social Affairs the *Initiative to amend the Bylaw on Detailed Conditions and Standards for the Provision of Social Welfare Services* in order to expand the entitlement to personal assistance services to all persons with disabilities who need such service in order to satisfy the needs of their daily life and in order to enjoy equal opportunities as other members of the society, even if they do not exercise the entitlement to increased assisted living allowance.

In addition to the foregoing, during the year the Commissioner also won a strategic lawsuit filed in the public interest against a public notary for not allowing a person with disabilities to use a facsimile signature when notarising a statement.

The trends observed in previous years in terms of frequency of complaints and submissions by citizens stating sex as the personal characteristic constituting grounds for discrimination have continued in 2022. Complaints have also been filed on the grounds of marital and family status as the personal characteristic, usually by women, so that these are mostly instances of multiple discrimination based on both personal characteristics – sex and marital and family status, occurring in the field of labour and employment, in the public sphere and in the field of health care. A number of complaints concerned problems in the exercise of the parental right, gender-based disparagement and insults and offensive and sexist content in the public space and the media. Women who are exposed to multiple discrimination, usually on the grounds of sex and marital and family status, as already stated above, and also on the grounds of gender and disability, national affiliation, especially Roma, age, sexual orientation or health status, are in a particularly complex and difficult position, as are women in rural or remote areas.

Although multiple regulations have recently been passed, including the Law on Gender Equality, the Strategy for Gender Equality for 2021-2030 and the Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence for 2021-2025, women in Serbia remain disadvantaged compared to men in all areas of social life. According to the 2022 World Economic Forum report, relative to the 2021 report, Serbia dropped from

ranking 19th to 23rd, with the highest score recorded with regard to participation of women in the political life, where our country ranked 21st.

Unequal position of women is more pronounced in the field of labour and employment, especially because of the expected childbirth or parenting, as women struggle more to balance work and household duties, and they also face the prospect of fewer opportunities for career advancement. Gender stereotypes persist, reflecting and perpetuating the historical relationships of male domination over women, and often result in arbitrarily assigned characteristics, including the perception of women as caring, passive, loyal and sensitive, while men are perceived as more dominant, more independent etc., all of which imposes gender roles which prevent women from exploring their full personal potential and restrict them to their assigned position in society. These trends also normalise the fact that women assume the bulk of household duties and lead to perceptions of unpaid domestic work as almost exclusively the duty of women. Gender stereotypes and family obligations also influence the choice of occupation and career decisions. The best paying occupations in Serbia in 2022 were those in the fields of computer programming and engineering, whereas women tend to work in less paying sectors and jobs.

Taking into account the importance and the social role of the Serbian Academy of Science and Arts, and the fact that not a single women was elected to join it in the recent election, in 2022 the Commissioner issued a recommendation of measures to the Serbian Academy of Science and Arts, advising it to undertake appropriate measures when holding the next election of new members in order to exercise the principle of gender equality, and to make additional efforts to promote female contribution to science and arts, so that the composition of the Serbian Academy of Science and Arts could reflect the actual state of affairs in the society, where women have made a significant contribution to science, culture and arts, proof of which can be found everywhere around us.

Since economic independence is a precondition for improved quality of life of women, through the project *Improved Safety of Women in Serbia* the Commissioner has provided direct assistance to women who wish to start or improve their own business in the field of agriculture, by purchasing equipment to improve an existing business in the field of agricultural production or start a new one. The Commissioner's annual conference *Look into the Future* was also dedicated to economic empowerment of women and girls in rural areas.

Women are exposed to gender-based violence, which has also marked the year 2022, continuing the trend observed in the previous year. According to media reports, 26 women were killed in 2022, although the actual number is believed to be even higher. There is still no register of femicide victims, although it is foreseen in the official Strategy for Combating Violence against Women. The Commissioner has support the initiative, submitted to the National Assembly, to establish a national control mechanism to monitor femicide cases in the Republic of Serbia, noting that such a mechanism would help all entities coordinate their existing activities and work effectively on preventing and combating this most extreme manifestation of violence.

Furthermore, the Commissioner submitted several *initiatives*, including for the Ministry of Justice to amend the *Criminal Code* and *the Law on Enforcement of Criminal Sanctions* and for the Ministry of the Interior to amend *the Law on Public Order and Peace*. Thus, the Commissioner initiated the amendments of several Articles of the Criminal Code, which define

the following criminal offences: Illegal Termination of Pregnancy (Article 120), Rape (Article 178) and Sexual Intercourse with a Helpless Person (Article 179), in order to harmonise them with the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on the Rights of Persons with Disabilities. As the Criminal Code has not yet been amended, in addition to the initiatives referred to above, an initiative was also submitted to the Ministry of Justice as the authorised proposer to amend Chapter 14 of the Criminal Code, *Criminal Offences against Freedoms and Rights of Man and Citizen* by providing for a separate criminal offence concerning abuse and publishing of sexually explicit recordings. Amendments to the Law on Enforcement of Criminal Sanctions (Article 181) were also initiated, by proposing that the Article should impose a duty on the competent authorities to always notify the victim of the release of the convicted person or his escape from prison in cases of gender based and domestic violence, regardless of the risk assessment made by the correctional facility. In the initiative submitted to the Ministry of the Interior, the Commissioner highlighted the need to consider amending Article 3 paragraph 1 item 15 of the Law on Public Order and Peace, which defines the term “prostitution”, as well as Article 16 of the same Law, which defines prostitution as an offence against public order and peace and imposes the same penalty on those who engage in prostitution and those who use such services. Sexual exploitation, as one of the cruellest forms of human rights violations, is directly associated with gender inequality, and women are usually the victims. For this reason, such apportionment of liability between unequal parties in itself calls for amendments to this Law.

In connection with various cases of discriminatory attitudes, of stereotypes and prejudice and violence against women, the Commissioner also reacted by issuing warnings and public announcements, underscoring that public figures bear particular responsibility for the opinions they promote, in view of the fact that 2022 was another year marked by sexism, misogyny and discriminatory attitudes.

Attainment of gender equality is also greatly influenced by the level of women’s political participation. Although our country has made significant progress in this regard, especially after the introduction of quotas for the election of members of parliament to the highest representative body, women still do not fully participate in public and political life, as evident from the data compiled in the annual *Analysis of Women’s Participation in Public and Political Life* prepared by the Commissioner. In view of the fact that the previous Government had ranked 10th in Europe in terms of representation of women and also achieved the highest level of women’s participation of all previous Governments of the Republic of Serbia, after the completion of the 2022 election cycle the Commissioner issued a recommendation of measures to the mandatory for the new Government, Ana Brnabić, advising her to use her powers in the formation of the new Government in order to achieve gender balance, both in terms of the Government’s composition and in terms of the allocated departments. In the current Government, women head only nine of the 28 departments in total, while at the local level women lead only 22 cities and municipalities.

The year behind us was also marked by events surrounding the organisation of EuroPride 2022 in Belgrade, which is discussed in detail in the section of this Report dealing with discrimination on the grounds of sexual orientation and gender identity. Unfortunately, the event was banned by the Ministry of the Interior on the basis of a security risk assessment. The ban was upheld in the appellate procedure conducted pursuant to the organiser’s complaint filed with the Administrative Court. A walk was nevertheless held as a protest, taking a different route from the one originally planned.

The Commissioner has continually underscored the need to improve the position of this group of citizens in all areas. For example, the International Human Rights Conference held during the Pride Week included a dedicated panel discussion on the topic “Regional Experiences concerning the Position of LGBTI Persons”, which, in addition to the Serbian Commissioner, was also attended by the equality commissioners of Albania, Montenegro and Slovenia.

To draw public’s attention to the position of LGBTI persons, the Commissioner filed a strategic lawsuit over a discriminatory statement made during a television appearance on a programme discussing the announced hosting of the EuroPride event. In addition, in 2022 the Higher Court of Belgrade passed a ruling in a strategic lawsuit filed by the Commissioner by which it terminated the proceeding against a professor at the University School of Medicine for discrimination against LGBTI persons, because the defendant had passed away. Criminal charges were also filed against two police officers on the grounds of reasonable suspicion that they had physically and mentally tortured a person because of his sexual orientation.

Transsexual and transgendered persons face a range of problems, including rejection, violence, discrimination and lack of clear procedures regarding issuance of identity documents. In late 2021, the Commissioner issued a recommendation of measures to all civil registry services of local self-governments, advising them that, when applying regulations in the procedure of changing the sex designation in the register of births, they should take into account 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. Since this issue garnered significant interest among local self-governments, as well as civil society organisations, the Commissioner held a training for the staff of civil registry services, which we intend to continue in 2023, in cooperation with the Geten organisation.

One of the largest global and regional crises, both internationally and in Europe, in recent years is the migrant and refugee crisis, both because of its scope and the associate challenges and because of its implications on the application of international standards in the field of human rights protection. Year after year, a not insignificant number of persons are forced to leave their homes due to various reasons, be it because of wars, violence, persecution, violation of human rights or other hardships. Taking into account the events in Ukraine, at the beginning of the year the Government of the Republic of Serbia passed a decision to facilitate access to its territory and afford temporary protection to all persons arriving from Ukraine, which was why the largest number of temporary protections in 2022 was granted to Ukrainian nationals. It is also necessary to ensure the local population and employees in various sectors are well informed, and the media must adopt a responsible approach to the issues faced by migrants, which should be covered without sensationalism and fearmongering, but with a serious examination of security risks, which are certainly an unavoidable aspect of this global issue, which has not bypassed Serbia.

In recent years, the Commissioner has been receiving an increasing number of complaints about discrimination on the grounds of membership in political, trade union and other organisations, mostly in the field of labour and employment, as the area with the largest number of such complaints. The problems stated by complainants include assignment of jobs

on the basis of political affiliation or trade union membership, employment of party-political members, inability to exercise certain labour rights etc. The fact that granting preferential treatment or withdrawing a right on the grounds of membership in political, trade union or other organisation is prohibited is underscored by a case from the Commissioner's practice, which also garnered public attention and was extensively reported by the media in 2022 and which concerned refusal to enrol children in a preschool facility because of the political affiliation of their parents or close persons.

The Commissioner's practice has also revealed other grounds of discrimination, including discrimination based on the place of birth as a personal characteristic, citizenship, appearance, language, previous criminal convictions etc. However, the number of complaints pertaining to these personal characteristics is relatively small, which does not mean the challenges involved are small, as they make daily life more difficult for a certain number of citizens. For example, if citizens are unable to find work because of previous criminal convictions, their situation will only worsen over time, and this might induce them to reoffend, which has multiple negative effects both for the society and the person concerned, as witnessed by the number of reoffenders. Furthermore, if a person is unable to exercise his or her right to work because his or her appearance does not match someone's expectations (e.g. "attractiveness"), this constitutes a major loss for the entire community.

A key problem in 2022 was the still prevalent discriminatory speech in the public sphere, as evident from more than 60 opinions of the Commissioner, most of which were issued in connection with breaches of Article 12 of the Law on Prohibition of Discrimination, which pertains to harassment, humiliating treatment and sexual and gender harassment. These were most frequently cases of illegal speech concerning the Roma, the LGBTI population, women or national minorities. This is one of the reasons why it is necessary to provide as much education and training as possible to drive home the message that discrimination is not permitted behaviour, work towards involving various stakeholders in the recognition and prevention of hate speech, sexism, homophobia, transphobia etc., while also implementing programmes in the public sphere and the media and encouraging topics that promote a culture of mutual respect and non-discrimination, tolerance, understanding of and respect for differences, gender equality and intergenerational solidarity. A particular threat is posed by discriminatory attitudes and harassment and humiliating treatment by public figures, especially politicians, whose attitudes have a greater impact on public opinion, promote stereotypes and prejudice and have more far-reaching consequences, in this context, broader social dialogue is needed to find a solution that would change the narrative about the minority social groups that are commonly discriminated against.

The following recommendations have been given on the basis of an analysis of the Commissioner's practice and the applicable regulations, as well as on the basis of the identified state of play with regard to attainment of equality based on various reports and other acts of the European Union, international organisations and treaty bodies, as well as reports and surveys by the Commissioner and national institutions and organisations, for all grounds for and areas of discrimination. Some of the recommendations can be implemented in the following year, while others will require continual future efforts.

Recommendations to advance equality and eliminate discrimination

General recommendations:

- Strengthen the Commissioner's capacities, both in terms of the number of employees and in terms of financial resources required to establish records and perform all duties in accordance with the law and strategic documents (Ministry of Finance, National Assembly);
- 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 (Ministry of Justice);
- When adopting regulations or policies, public authorities need to conduct efficient and effective regulatory impact assessments to determine the impact of regulations or policies on socioeconomically vulnerable persons or groups and to assess their compliance with the equality principle (Government, ministries, local self-government and territorial autonomy units passing regulations);
- On the basis of the Commissioner's initiatives, timely amend and supplement regulations or pass new ones, compliant with the antidiscrimination regulations (amendments to the Criminal Code, the Law on Public Order and Peace, the Law on Enforcement of Criminal Sanctions, regulations governing social welfare and family and child protection, regulations governing capacity to contract etc.), in order to improve the position and achieve equality for specific social groups (Ministry of Justice, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of the Interior, Ministry of Family Welfare and Demography);
- Pass a law to govern same-sex partnerships (Ministry of Human and Minority Rights and Social Dialogue);
- Develop strategic documents and actions plans that have expired or are about to expire (such as the strategies for the development of adult education, corporate social responsibility, ageing, the Action Plan on Implementation of UNSC Resolution 1325 on Women, Peace and Security, the action plan to improve the situation of national minorities etc.), to ensure continuity in the implementation of measures and activities (line ministries as proposers and the Government);
- Continually work towards simplifying the procedures for the exercise of certain rights (by reducing the number of required documents, expediting the procedures, clarifying the methods etc.) (public authorities within their respective remits, Ministry of Public Administration and Local Self-government, Office for Information Technologies and e-Government);
- Strengthen inspection bodies and their capacities and increase the number of inspections, particularly in the field of labour (line ministries, in particular the Ministry of Finance);

- Build quantitative and qualitative capacities of certain authorities, including social welfare, health care, child care, free legal aid and other services designed to protect socioeconomically vulnerable groups and groups at a greater risk of discrimination (Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health, Ministry of Family Welfare and Demography, Ministry of Finance, of local self-government units);
- Increase the scope, type and availability of social welfare services and provide all necessary services to meet the needs of the population (Ministry of Labour, Employment, Veteran and Social Affairs, local self-government and territorial autonomy units);
- Reform tax policy to increase the income of workers with lowest wages and/or dependent family members in order to reduce inequality among citizens;
- 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. Adopt relevant normative amendments to ensure full compliance with Article 102 of the Criminal Code, which provides that no one shall be entitled to request a citizen to submit any evidence on his prior convictions or non-existence of such convictions (Ministry of Justice, Ministry of Labour, Employment, Veteran and Social Affairs);
- Design and effectively implement birth support measures and measures of support to families with children, focusing on gender equality and support services, balancing work and parenthood, providing a sufficient number of child care facilities and ensuring their availability, employment and motivating young persons to remain in the country (Ministry of Family Welfare and Demography, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Human and Minority Rights and Social Dialogue, local self-government units);
- Implement programmes in the public sphere and the media and encouraging topics that promote a culture of mutual respect and non-discrimination, tolerance, understanding of and respect for differences, gender equality and intergenerational solidarity. React appropriately and timely and penalise hate speech and other forms of harassing or degrading treatment in the public sphere (Ministry of the Interior, public prosecutors' offices, courts, Regulatory Authority for Electronic Media, Ministry of Culture, Ministry of Information and Telecommunications);
- Continually implement education programmes to recognise discrimination and discriminatory attitudes, hate speech, sexism, homophobia, transphobia and misogyny and introduce the audience to legal mechanisms for the protection against discrimination. Provide education programmes to employees at public authorities and stakeholders in all areas of social life, in particular in the public sphere (National Academy of Public Administration, Judicial Academy, Ministry of Culture, Ministry of Information and Telecommunications, Ministry of Education etc.).

Recommendations by specific personal characteristics:

National affiliation and ethnic origin:

- Promote and undertake measures to encourage national, ethnic, religious, cultural and other diversity and cross-cultural dialogue, mutual respect, mutual understanding and cooperation. Undertake necessary measures to ensure the composition of state authorities, local self-government authorities and other public authorities reflects the national composition of the population in their territory by increasing the number of employed members of national minorities and their education and training for such jobs (Ministry of Human and Minority Rights and Social Dialogue, Ministry of Public Administration and Local Self-government etc.);
- Ensure continuity in the work of health mediators and pedagogical assistants and increase their numbers (Ministry of Health, Ministry of Education);
- 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 interdepartmental cooperation between different stakeholders and establishment of integrated services for the obtaining of identity documents, access to adequate housing, health care, education and social welfare services and employment (local self-government units, Ministry of Human and Minority Rights and Social Dialogue, Ministry of the Interior, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Construction, Transport and Infrastructure etc.);
- 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 (Ministry of Education, local self-government units, social welfare institutions);
- Through an Action Plan to improve the position of national minorities, provide for appropriate activities to prevent hate speech and harassing and degrading treatment which aims to offend or offends the dignity of these persons or groups of persons. Through such Action Plan or a separate strategy compliant with the EU Strategy on Combating Antisemitism, provide for appropriate activities that also include combating antisemitism (Ministry of Human and Minority Rights and Social Dialogue);

Age:

- Promote activities and projects that equally and in a planned manner include the elderly in various areas of social life, actively promote participation in the prevention of risk of social exclusion, encourage intergenerational solidarity, cooperation with civil society organisations, volunteerism and volunteer work, coupled with efforts to raise awareness of personal responsibility for dignified, active and healthy ageing (Ministry of Labour, Employment, Veteran and Social Affairs, social welfare institutions, local self-government units);
- Increase availability of the necessary services (domestic help, field visiting services, helplines, teleassistance, occasional and temporary placement services etc.), palliative care services, services targeting the elderly with mental difficulties etc., coupled with an increase in the number of medical professionals specialised in working with the elderly, as well as interdepartmental services provided by the social welfare and health care

systems. Develop new innovative services, integrate long-term care services in the system and ensure greater scope and continuity in the provision of services. Relax the licencing requirements for service providers and provide appropriate relief and incentives to stimulate capacity building (Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health, local self-government units, social welfare institutions and other service providers);

- 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.) (Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Family Welfare and Demography, local self-government units);

- Lower the means test threshold for the exercise of the right to financial family assistance, examine possibilities for increasing the coverage of social welfare programmes and increasing the amounts of benefits, consider the possibility of introducing some sort of social allowance for the elderly who have never worked and have not earned the right to old-age pension, but are socially vulnerable (Ministry of Labour, Employment, Veteran and Social Affairs, local self-government units);

- 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. Adopt a protocol of action in cases of child marriages and design procedures to prevent such marriages (Ministry of Family Welfare and Demography, Ministry of Labour, Employment, Veteran and Social Affairs);

- Continually improve coordinated and effective action of all institutions within the system to protect against violence, coupled with further development of support services for victims and children who witnessed violence. Raise public awareness to ensure violence is recognised and reported. Educate children on prevention and response in cases of violence, especially sexual, peer and digital violence. Penalise by law offences which are currently not treated as such (prohibited content on the Internet and other social networks), increase penalties and introduce restraining orders (Ministry of the Interior, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Justice, Ministry of Education, local self-government units);

- 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 (Ministry of Family Welfare and Demography, other competent authorities);

- Through affirmative action, improve availability of all levels of education, provide sound and continual support to children with disabilities and developmental disorders, Roma children, children in street situations and other children in need of support by improving inclusive education and providing the necessary scope of personal aide and educational aide services (Ministry of Education, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Tourism and Youth);

- Introduce subjects and increase the scope of sexual and reproductive health curricula, with active inclusion of the health care system. Provide a sufficient number of accessible sport amenities in schools (Ministry of Education, Ministry of Health);
- In educational programmes on public broadcasting services and in education institutions, promote a culture of mutual respect and non-discrimination, tolerance, understanding and acceptance of diversity and intergenerational solidarity (Ministry of Culture, Ministry of Information and Telecommunications, Ministry of Education);
- Implement public policies targeting youth with their participation, to achieve greater inclusion and improve their position, while also encouraging them to continue their life and career in the country (ministries and local self-government and territorial autonomy units).

Health status:

- Improve accessibility and availability of health care services in the entire country for all users by providing appropriate capacities, both in terms of facilities and in terms of equipment and medical staff, by forming regional centres and smaller medical outposts, mobile teams etc. (Ministry of Health, Republic Health Insurance Fund, local self-government and territorial autonomy units);
- Simplify procedures for the exercise of rights, organise regular preventative examinations and screenings, raise the level of citizens' awareness and knowledge of health care rights and services and the protection of patients' rights, provide necessary regular education to medical staff about antidiscrimination regulations and advancing equality in the provision of health care services. (Ministry of Health, Republic Health Insurance Fund, local self-government and territorial autonomy units);
- Continue efforts to provide more effective treatments, medicines, materials and latest aids covered by the National Health Insurance Fund, while also ensuring continuity in the procurement of medicines (National Health Insurance Fund);
- Ensure conditions for simultaneous and combined provision of cross-departmental health care and social welfare services. Improve capacities for the provision of palliative care (Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health);
- Implement educational programmes for employers to prevent discrimination, especially on the grounds of health status and disability (Ministry of Labour, Employment, Veteran and Social Affairs, National Employment Service);
- 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 (Ministry of Health, Ministry for Public Investment).

Disability:

- Develop a long-term plan at the national level to eliminate architectural barriers and improve accessibility in all facilities in public use and public areas (Ministry of

Construction, Transport and Infrastructure, Ministry of Labour, Employment, Veteran and Social Affairs etc.);

- Intensify efforts to implement universal design across all areas to enable unobstructed access to services, including public transportation, information, communication, media content, accessible polling stations and election material, equal opportunities for accessing emergency services, helplines (Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health, Ministry of Construction, Transport and Infrastructure, Ministry of the Interior, Republic Electoral Commission, city electoral commissions, local self-government and territorial autonomy units);

- Ensure continuity in the provision of services, with continued deinstitutionalisation and more community-based services (Ministry of Labour, Employment, Veteran and Social Affairs, local self-government and territorial autonomy units);

- Continually provide personal aide services to children who are found to be in need of such service in the education process (local self-government units);

- Conduct an analysis of professional rehabilitation and active employment policy measures for persons with disabilities and continue applying effective measures to achieve improved effects in employment. Increase employment of persons with disabilities, especially in the public sector, through real employment, rather than through granting exemptions from this obligation to entities that make payments to the budget (National Employment Service, public authorities);

- Abolish 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 (Ministry of Labour, Employment, Veteran and Social Affairs, Republic Health Insurance Fund, Ministry of Family Welfare and Demography, Ministry of Justice).

Sex and marital and family status:

- Establish gender equality bodies at the level of local self-governments, continually undertake activities to deconstruct stereotypical gender roles, especially in the public sphere, strengthen control mechanisms, increase the number of information campaigns, events and content on gender equality, use gender-sensitive language (local self-government and territorial autonomy units, Ministry of Human and Minority Rights and Social Dialogue etc.);

- Target population policy measures at achieving gender equality and equal participation of men in the care and upbringing of children, household duties and use of child care parental leave. Amend the Law on Financial Support to Families with Children to equate the status of fathers whose wives are independent professionals with the fathers whose wives are employed with employers. In the process of harmonisation of legislation with *acquis communautaire*, transpose the provisions of the EU Directive on work-life balance for parents and carers (Ministry of Family Welfare and Demography etc.);

- Enable the exercise of the right to health care on the basis of unpaid work, in accordance with the Law on Gender Equality (Ministry of Human and Minority Rights and Social Dialogue, Ministry of Health);
- Adopt an action plan to implement the Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence in the coming period, improve synchronised and coordinated action by all stakeholders to prevent violence against women and domestic violence and timely penalise offenders. Establish an actional control mechanism to monitor femicide cases in the Republic of Serbia, based on regular monitoring and analysis of incidence of violence and femicides (Ministry of Human and Minority Rights and Social Dialogue, Ministry of Family Welfare and Demography, Ministry of Justice, Ministry of the Interior, Ministry of Labour, Employment, Veteran and Social Affairs);
- Organise regular meetings of the Council on Elimination of Domestic Violence (Ministry of Justice);
- Proceed to reform criminal legislation by amending the Criminal Code to define sexual violence on the basis of the concept of absence of consent and by penalising as a criminal offence the abuse and publishing of sexually explicit recordings without consent. Amend the Law on Enforcement of Criminal Sanctions by imposing a duty on the competent authorities to always notify the victim of the release of the convicted person or his escape from prison in cases of gender based and domestic violence, regardless of the risk assessment made by the correctional facility in the specific case, with a supplement containing a reference to the provisions of the Law on Prevention of Domestic Violence which penalise criminal offences to which the said Law applies (Ministry of Justice);
- Amend the Law on Public Order and Peace to decriminalise the provision of prostitution services and penalise the users of such services. Develop systemic support and services for women who have left and/or wish to leave prostitution and women who are victims of human trafficking (Ministry of the Interior, Ministry of Justice, Ministry of Labour, Employment, Veteran and Social Affairs, local self-government units, Centre for the Protection of Human Trafficking Victims, civil society organisations);
- Through active measures and subsidies, promote the employment of women, development of female entrepreneurship and agricultural holdings, attainment of equality in access to jobs, equal pay and equal conditions for promotion. Analyse the effects of measures undertaken at local community level and improve them based on the results achieved (Ministry of Economy, Ministry of Agriculture, Forestry and Water Management, Ministry of Rural Welfare, National Employment Service, local self-government and territorial autonomy units);
- Increase inspection in labour and employment procedures concerning breaches of equal opportunities for employment or enjoyment of all labour rights under equal conditions, in particular by preventing informal work and payment of unregistered cash portions of salary, as well as concerning sexual harassment. (Labour Inspectorate).

Note: Each recommendation indicates the authorities whose mandate predominantly covers the relevant area addressed by the recommendation, taking into account their status as proposers of legal documents and their

implementation of policies, as these authorities are the drivers of the processes which need to be implemented. It is understood that the Government is, within its remit, the ultimate authority responsible for passing certain legal documents, while the National Assembly is the supreme legislative authority. With regard to compliance with the issued recommendations, the Commissioner will continue undertaking measures and activities within this institution's remit, with active involvement aimed at advancing equality and protecting citizens against discrimination, which is why this institution is not specifically listed among the authorities responsible for implementing specific recommendations.

ABOUT THE COMMISSIONER FOR THE PROTECTION OF EQUALITY

The Commissioner is an individual state authority, established by the Law on Prohibition of Discrimination⁷, 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 its establishment, the Commissioner's Professional Service has been constantly strengthening the qualitative capacities. However, it faces serious challenges in its work due to 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 education of employees in Arandelovac, 2022.

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 National Assembly of the Republic of Serbia endorsed this Bylaw twice. As at 1 January 2022, the Commissioner's Professional Service had 38 civil servants and public employees employed for an indefinite period, while at the end of 2022 it had 36 civil servants and public employees employed for an indefinite period and three employees for a definite period. Thus, the occupancy of systematised jobs in the Commissioner's Professional Office in 2022 was only 65%, of whom two were employed in the Commissioner's Office in Novi Pazar. Since the human resources capacity of the Professional Service is insufficient, the Commissioner has

⁷ Official Gazette of the Republic of Serbia Nos. 22/09 and 52/21

emphasised on several occasions in the past years the urgent need to increase the number of employees and to continually fill the vacancies, which was supported by conclusions of the National Assembly, the Action Plan for Chapter 23 and other relevant documents.

During the course of 2022, employees in the Commissioner's Professional Service attended online trainings organised by the National Academy of Public Administration on various topics: Improvement of Personal Skills; Leadership Skills for New Age; EU Membership; Honeycomb – Strengthening Professional Capacities of Appointed Civil Servants; Performance Appraisal; IT Security Management System; How Does the Future Look Like and How Did It Come So Soon? The Fourth Industrial Revolution – New Technologies; Information Security, ICT Systems of Particular Importance. The following trainings organised by the Ministry of Finance were successfully completed in 2022: ISKRA Production System; Electronic Invoicing System; Invoice Management System, SPIRI System.

The Institute for Foreign Languages Belgrade organised a training in the English language for the Commissioner's employees, including B2 level for four employees and C1 level for four employees.

In 2022, the Commissioner again participated in the Fair "Student Professional Practice in Public Administration 2022/2023". The Fair was organised as a hybrid event and on that occasion the Agreement amending the Agreement on Cooperation and Provision of Public Administration Support to Higher Education Institutions in Education Process 2022/2023 was concluded. Organisation and holding of the Fair was supported by the EU project PAR Communication and Visibility. As part of the implementation of the Agreement on Cooperation and Provision of Public Administration Support to Higher Education Institutions in Education Process 2021/2022, three students were in work placement arrangements at the institution.

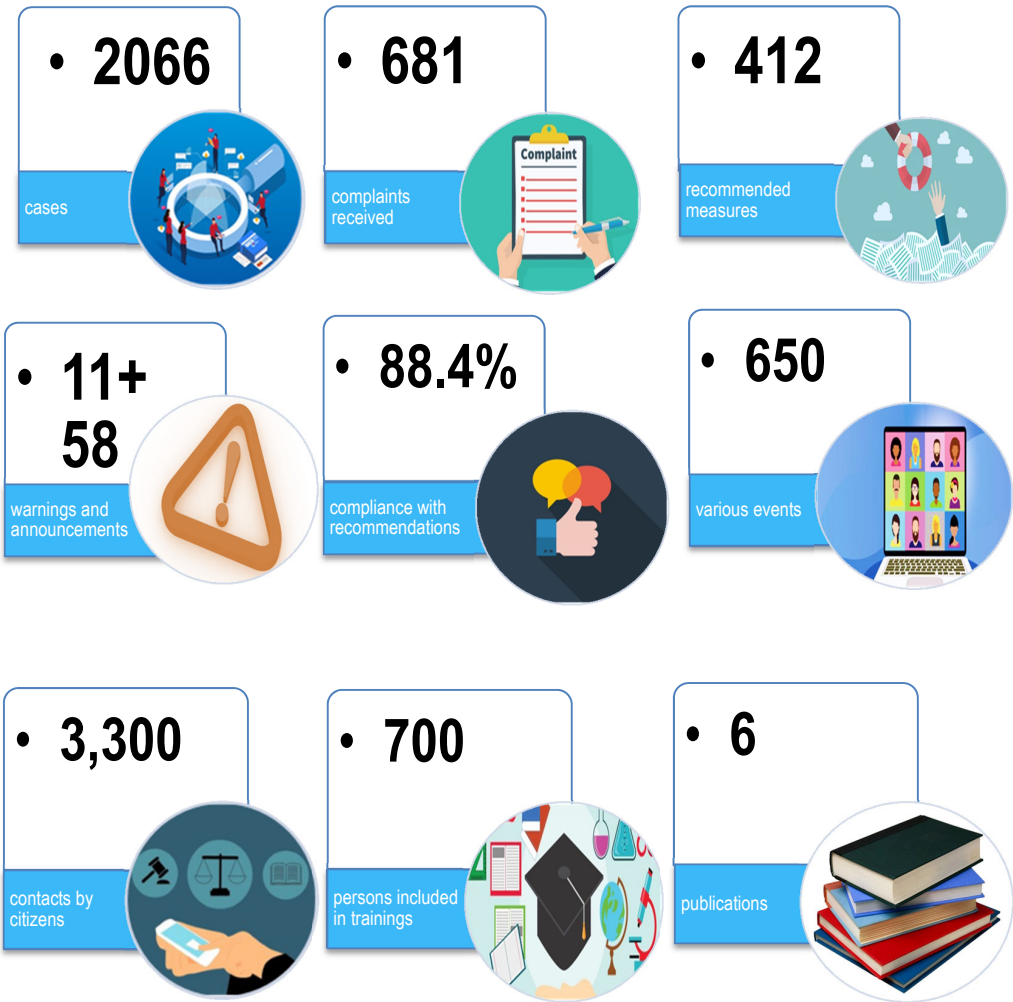
In view of the importance of professional advancement of employees, as well as inter-sectoral exchange of experiences, the Commissioner's employees participated in a seminar held in Arandelovac entitled "Horizontal Facility for Western Balkans and Turkey 2019-2022", as part of the initiative launched by the European Union and the Council of Europe to promote diversity and equality in Serbia. The programme included presentation of Recommendations of the Council of Ministers to Council of Europe Member States for measures to combat discrimination on the grounds of sexual orientation and gender identity, followed by a screening and discussion of a film about women and girls in rural areas, recorded as part of the project entitled "Improving the Position of Women and Girls in Rural Areas". Results of a survey of hate speech in the Serbian media included in the *Report on the Use of Hate Speech in the Media in Serbia* were also presented, as well as the results of two two-day trainings held for 50 representatives of the media in Divčibare and Sokobanja.

During the course of 2022, as part of work placement arrangements for youth programme implemented by the OSCE Mission to Serbia, two persons worked as interns at the Commissioner's institution, while one person worked as intern at the Commissioner's institution as part of cooperation with the European Roma Rights Centre.

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 practices and work standards of other equality institutions in Europe.

The level of knowledge, expertise and experience reached by some of the Commissioner’s Professional Service staff provided this institution with the full capacity to organise courses and trainings in the field of anti-discrimination law, while also ensuring understanding and conveying the message about the importance of respecting diversity, for different professional groups and the general public.

COMMISSIONER’S WORK IN 2022 IN NUMBERS





ACTED UPON
recommendations
88.4%



NOT ACTED UPON
recommendations
11.6%

Commissioner's Actions Related to Protection Against Discrimination in 2022

During the course of 2022, the Commissioner acted in 1,879 cases pursuant to complaints and other contacts by citizens, who pointed to discrimination in various fields, discriminatory acting of employers, mainly because of health status, childbirth or maternity leave or leave in connection with parenthood, and also violation of rights, the need for as available as possible and strengthened health care or social welfare rights and services. The number of complaints against discriminatory speech in public (at sport and other events or by public figures) on social networks and in the media also increased. The year was also marked by violence against women and domestic violence, as had been the case in 2021. Impoverished citizens, persons with disabilities, the elderly, members of national minorities and members of other social groups at higher risk of discrimination reported mostly problems similar to those they had faced in previous years. EuroPride 2022 was organised and held in Belgrade in spite of pressure of the public, who opposed this event, but the entire event took on a negative connotation and the focus shifted from the domain of human rights to geopolitical issues.



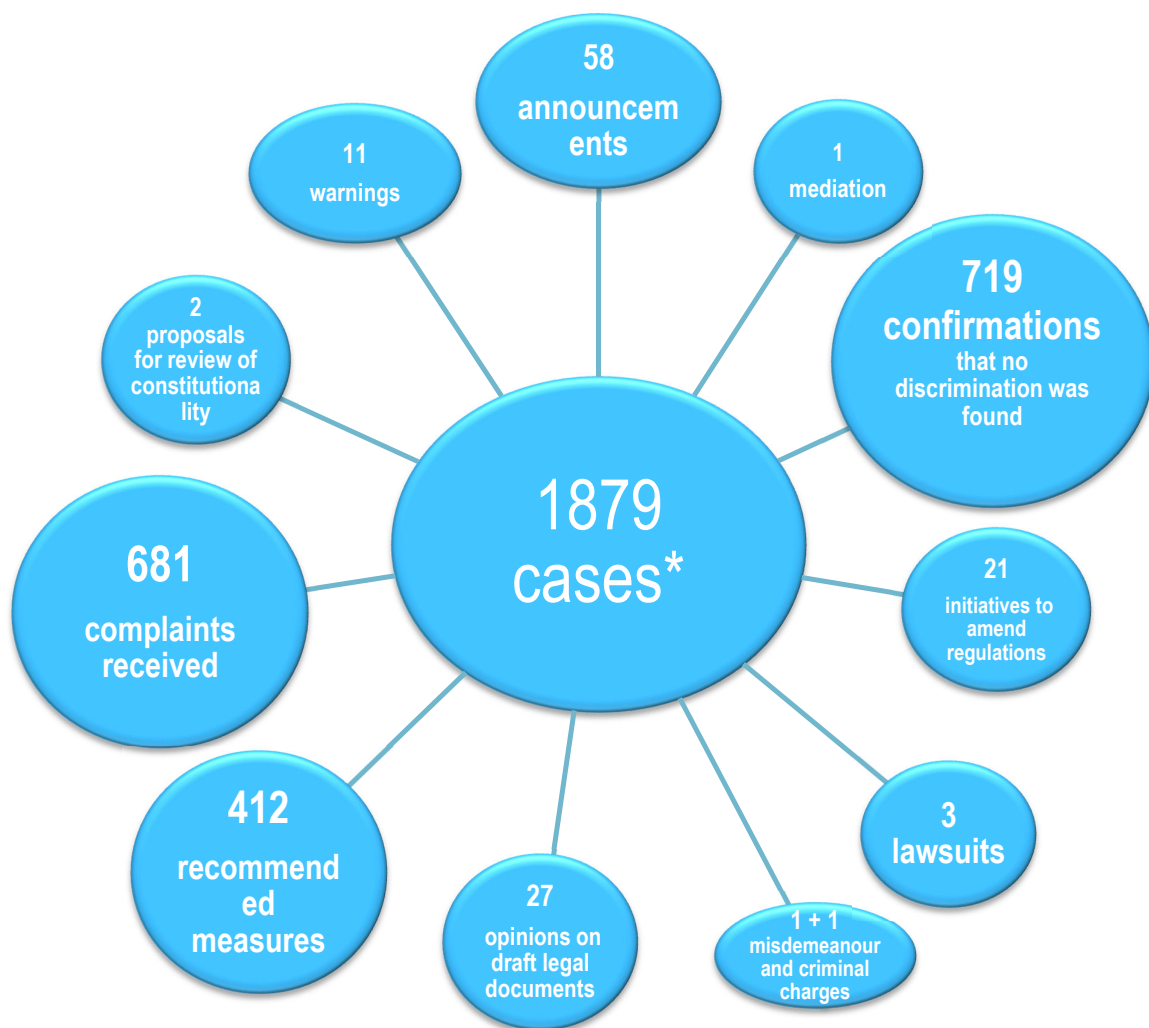
As in previous years, about 3,300 citizens contacted the Commissioner asking for support, assistance or information regarding the exercise of various rights and/or services. The Commissioner provides all citizens who contact this institution with detailed information about the manner and procedure for exercising rights and information whether it is possible to initiate a procedure before the Commissioner, or a court proceeding or another protection procedure, to ensure citizens are fully informed about the possibilities for exercising and protecting their rights.

The Commissioner's practice shows that citizens need more information about the concept of discrimination, because discrimination is often conflated with various types of injustice or

violations of other rights, and there is also a tendency to perceive any unequal treatment as discrimination, which is particularly noticeable in the field of labour and employment.

In order to make all our citizens more aware of protection against discrimination and, given that the procedure before the Commissioner is free from formalities and free of charge, in order to facilitate the filling of complaints, the Commissioner prepared a non-mandatory complaint form comprising all required elements. The complaint form is also available in different languages of national minorities, in a child-friendly format and electronically, while the Commissioner's official website is available in the Cyrillic and Latin scripts and in the English language.

Commissioner's acting in 2022



*Cases in connection with complaints

As regards protection against discrimination, the Commissioner acted on 681 complaints, with 412 recommended measures issued to public authorities and other persons for achieving equality, 21 initiatives issued for amendments to regulations, 27 opinions provided on draft

laws and other general legal documents, two proposals for review of constitutionality and legality, two strategic litigations initiated and one petition to the court for the Commissioner's participation in the proceeding in the capacity of an intervenor pursuant to a lawsuit for protection against discrimination initiated by another person, one misdemeanour procedure initiated and one criminal charge filed, one mediation procedure successfully completed and 11 warnings to the public and 58 announcements issued. In addition, 719 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 terminated for reasons provided for in the law: it was obvious that there had been no violation of rights, the Commissioner had already acted in the case and no new evidence was presented, or it was found that, with the passage of time, it would be impossible to achieve the purpose of acting, or legal proceedings had been initiated or completed, or the complainant had withdrawn the complaint. In addition, in accordance with the amendments to the Law on Prohibition of Discrimination, in a number of cases the complainants declined to pursue the matter further after the Commissioner's procedure and actions by these respondents because the consequences of discriminatory actions had been rectified. These cases show that discrimination is often not intentional; instead, discriminatory acting stems from a lack of awareness or understanding of regulations. The procedures are pending in a number of cases.

In the procedure pursuant to complaints, 111 opinions were passed in cases pursuant to complaints. Pursuant to 94 complaints this institution passed opinions which found breaches of the Law on Prohibition of Discrimination and recommended measures, 15 opinions found no breaches of rights, while in two cases no breaches were found, but recommended measures for achieving equality were passed. In 2022, mediation was successfully implemented in a procedure pursuant to a complaint by a civil society organisation filed against discrimination against LGBTI+ persons in a published scientific publication. In In cases pursuant to 59 complaints, the complainants agreed that the consequences of discriminatory behaviour had been eliminated in accordance with the Law on Prohibition of Discrimination and the procedures were terminated. Multiple instances of these complaints pertained to the same event and concerned a piece of graffiti, which had since been removed.

In the course of 2022, 63 opinions were issued concerning some form of prohibited speech in the public space, mainly due to breaches of Article 12 of the Law on Prohibition of Discrimination, which pertains to harassment, degrading treatment and sexual and gender harassment. It should be noted that, in a certain number of cases, the procedures were joined because they concerned the same event and the same facts (e.g. the case of a graffiti in a publicly available place) and it was in essence the same procedure. Also, procedures were terminated by resolutions because complainants had agreed that consequences of discriminatory acting were eliminated during the procedure for protection before the Commissioner.

The Commissioner's recommendations contained in the opinions were complied with in 89% cases, while in 11% cases they were not complied with, and in 108 cases the deadline for compliance with recommendations in 2022 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 87.8% cases, which constitutes an average of 88.4% together with compliance with recommendations issued together with opinions. Evidently, the trend of complying with the Commissioner's recommendations continued. The cases where recommendations were not complied with concerned mostly discriminatory speech in public or on social networks based on sex, sexual orientation, gender identity and political affiliation, which suggests there is a high level of tolerance of this kind of prohibited and inappropriate speech.

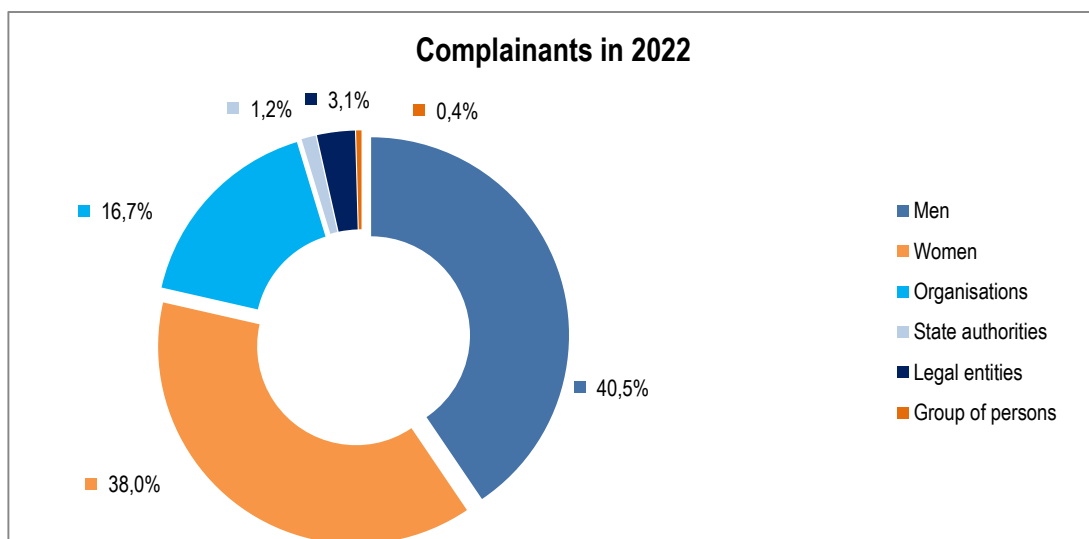
Initiated court proceedings before higher courts and magistrates' courts, petitions to the court to participate in the proceeding in the capacity of an intervenor, proposals for review of constitutionality and legality and criminal charges are presented in detail later in this Report.

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 amendment of certain regulations which directly affect the position of individuals, media coverage of certain current topics, activities of civil society organisations engaged in the protection of human rights, implementation situation testing etc.

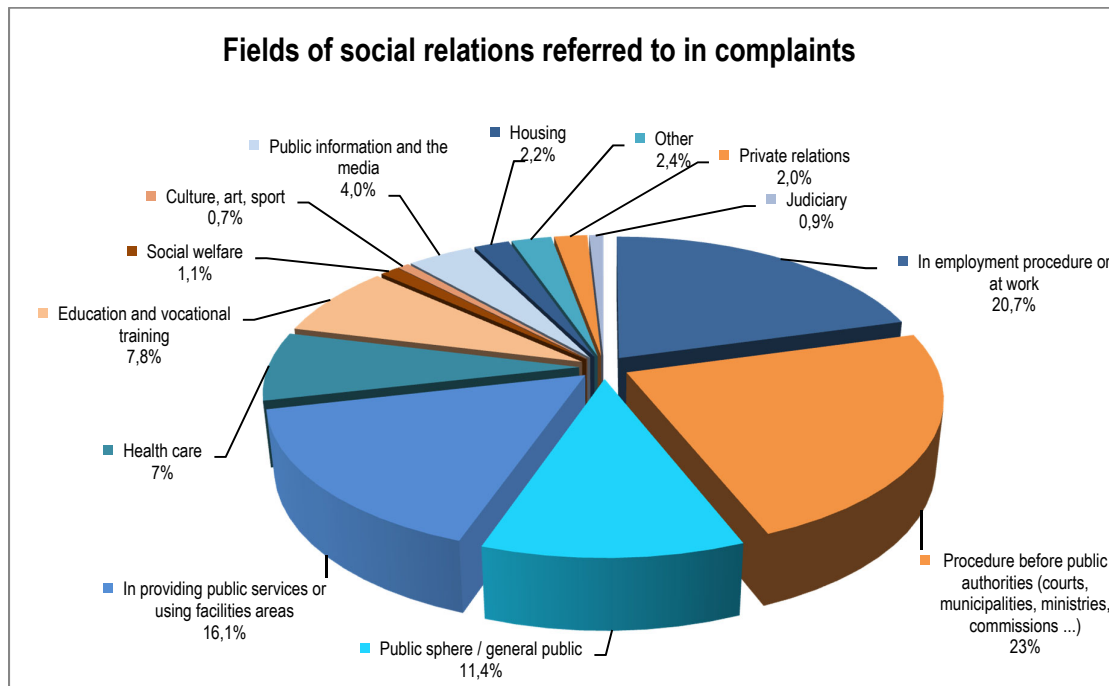
In 2022, civil society organisations notified the Commissioner they had conducted several situation tests regarding the provision of banking services, insurance services, housing and employment, which will be addressed in more detail later in the Report.

Citizens' Complaints

Out of the total of 681 complaints, natural persons filed 535 complaints. As in previous years, men contacted the Commissioner more frequently than women, on almost all grounds except on the grounds of gender and marital and family status as personal characteristics. In the course of 2022, civil society organisations filed 114 complaints, which was more than in 2021, when they filed 61 complaints, and more than in 2020, when they filed 56 complaints, which is expected given that those were the years of the health crisis following the declaration of the Covid-19 pandemic.

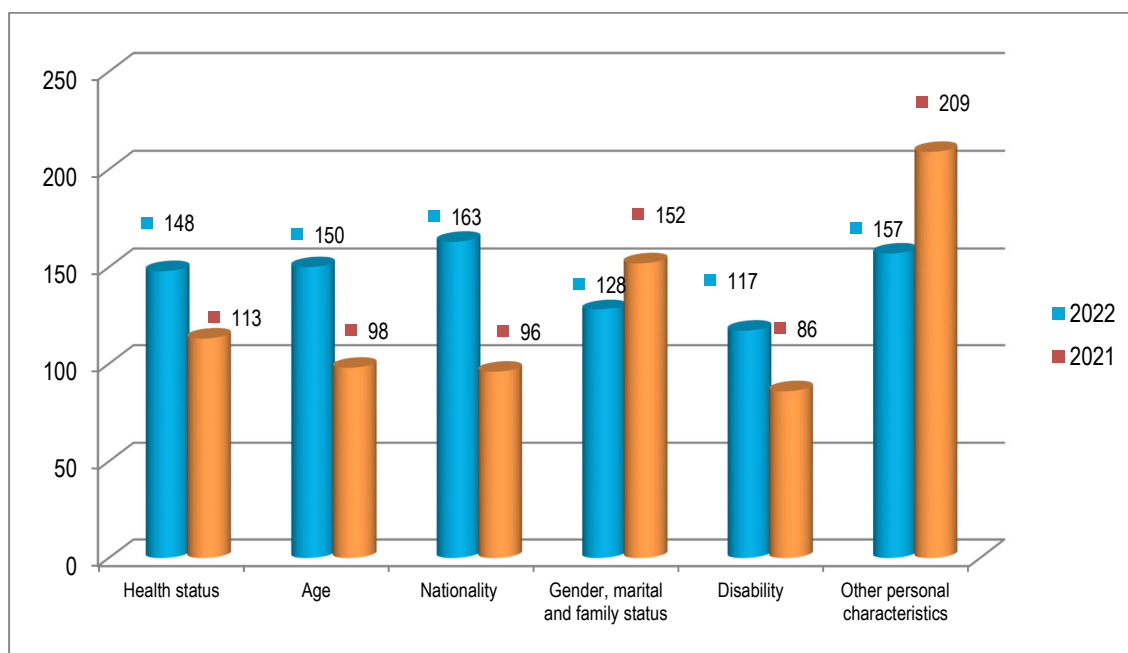


As regards social relations, the majority of complaints in 2022 concerned procedures before public authorities, followed by complaints concerning the employment process or work, provision of public services or use of facilities or areas, the public sphere/general public, education and vocational training, health care, public information and the media, private relations, social welfare, the judiciary, culture, arts, sports and other fields in lower percentages.



As can be seen from the figures above, 2022 saw an increase in the number of complaints filed in the fields of public information and the media and the public sphere/general public on the grounds of discriminatory speech, both on social networks and in public (sport and other events or by public figures).

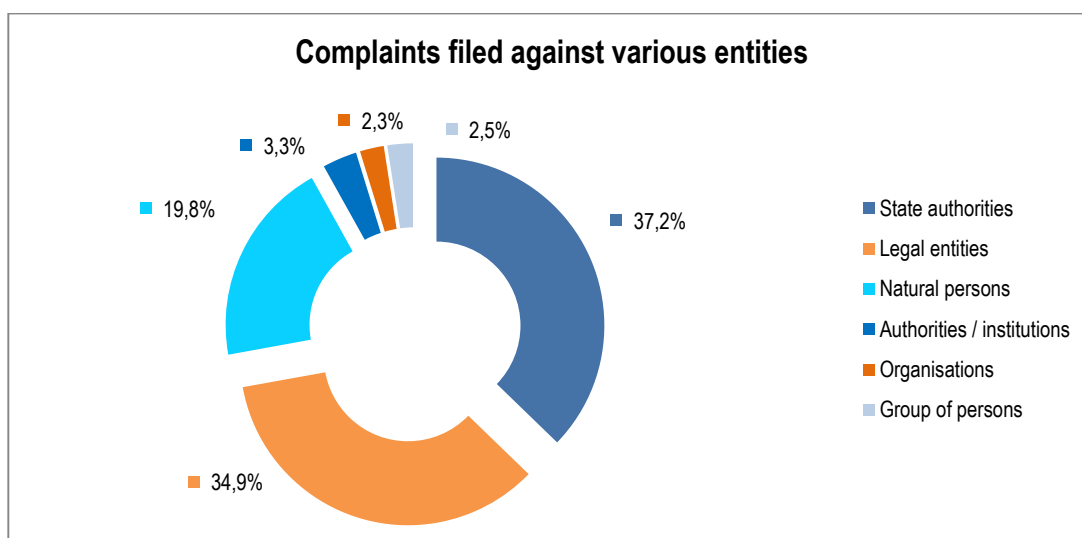
As regards the frequency of different grounds for discrimination alleged in citizens' complaints in 2022, it generally remained the same as in the complaints filed in 2021, although there were fewer complaints relating to health status, which is understandable as the Covid-19 pandemic gradually subsided. Also, more complaints were filed due to harassment or humiliating treatment intended to insult or insulting the dignity a person or group of persons based on their personal characteristics (Article 12 of the Law on Prohibition of Discrimination), mainly because of their Roma nationality, gender and sexual orientation.



The most frequent grounds for discrimination in complaints filed in 2022 compared with 2021

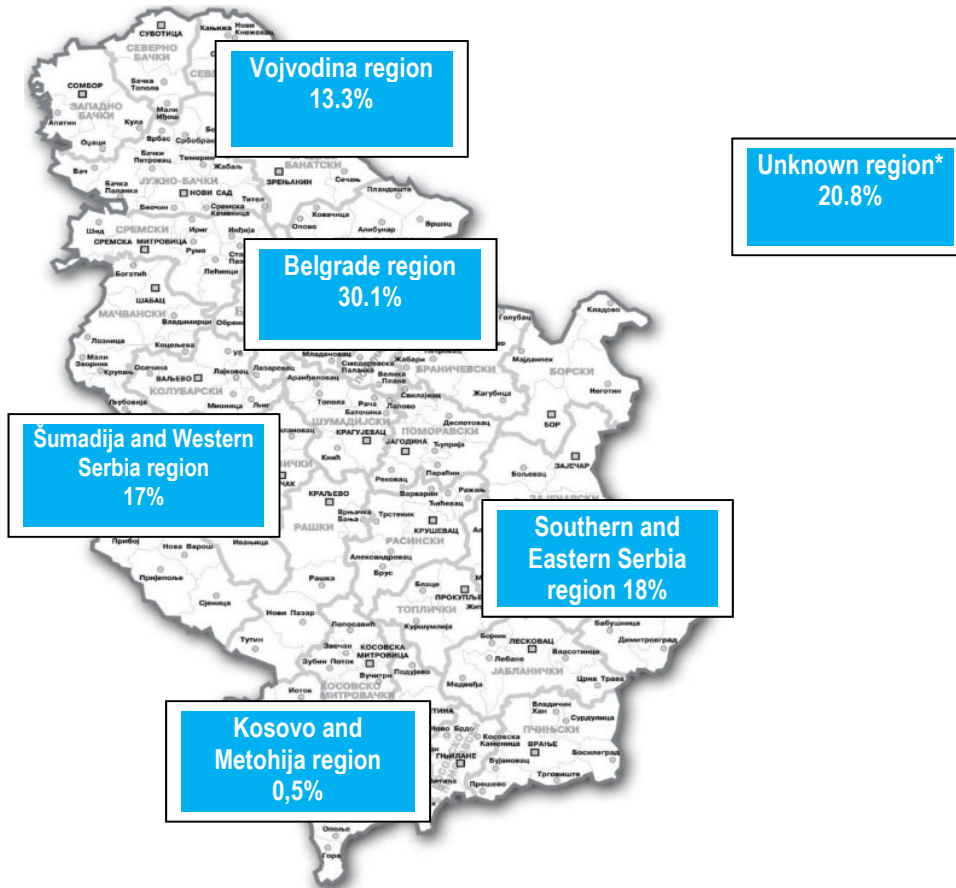
The largest number of complaints concerned discrimination on the grounds of national affiliation or ethnic origin, age, health status, disability, sex, marital and family status, followed by personal characteristics less frequently stated as the grounds for discrimination in complaints, including other personal characteristics, membership in political, trade union and other organisations, religious or political affiliation, sexual orientation, property status, appearance etc.

It should be noted that sex and marital and family status as grounds for discrimination appear together in the majority of cases, as multiple and/or intersectional discrimination, mainly in the field of labour and employment, in connection with pregnancy and maternity, and are thus addressed jointly below.



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

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 would appear that in 2022 regions were even, with the exception of the region of Kosovo and Metohija region, while Belgrade region remained the leader where the highest number of complaints were filed.

Recommended measures

During the course of 2022, the Commissioner issued a total of 412 recommended measures for the exercise of equality and protection against discrimination, which was significantly higher than in the previous year (312), especially given that some of the recommended measures were issued to multiple public authorities or other entities. Although recommended measures will be addressed in more detail in the part of this Report discussing discrimination against individual personal characteristics, here we will individually present only those issued to several entities. Thus, in the course of 2022, a number of recommended measures for improvement of equality and protection against discrimination were issued to local self-

government units, ministries and special organisations, recommending that they take the following actions:

- ❖ prepare a regulation or policy impact assessment for socioeconomically vulnerable persons or groups of persons and their compliance with the principle of equality when drafting new regulations or public policies relevant for the exercise of rights of those persons and groups;
- ❖ Local self-government units should, within their means, include special criteria (affirmative measures) for pupils and students with disabilities when issuing public calls for the award of student and pupil scholarships, in line with the development of inclusive policies in the field of education;

Recommended measures relating to the organisation of EuroPride were also issued to the Ministry of the Interior, Ministry of Human and Minority Rights and Social Dialogue, the Prime Minister and the City of Belgrade:

- ❖ To undertake measures within their mandate, in cooperation with the organisers of the event, to ensure the event can take place safely and in the spirit of tolerance, promotion of diversity and equality.

A number of recommended measures were also issued to school administrations, recommending them to:

- ❖ Advise schools of their duty to allow the parent who does not exercise parenting rights over his/her children to access the e-school registry, regardless of the fact that the other parent already has access to this registry.

The Commissioner issued the following recommended measure to all insurance companies:

- ❖ To allow persons to conclude international travel insurance contracts regardless of their age, i.e. not to exclude the provision of this insurance service on the grounds of age, and to ensure equal treatment of women and men when determining insurance premiums and compensations so that gender is not a differentiating factor for individual insurance premiums and compensations.

Media outlets were advised to:

- ❖ take care when reporting and publishing texts and reports on the Slovak national minority not to advocate or condone prejudice and other social patterns based on stereotypes, and in particular to refrain from using expressions and phrases that insult the dignity of Slovak men and women, such as the word “Zuska”.

Other recommendations of measures were also issued to individual public authorities and other persons to improve the situation and protect specific population groups which are at an increased risk of discrimination, including for example: recommendations to the mandatary for the new Government regarding gender balance, both in terms of composition of the Government and in terms of distribution of the departments; ensuring accessibility of certain health care institutions and greater representation of women in the Serbian Arts and Sciences Academy; modifying the content of specific textbooks with regard to national minority languages; recommendations issued to the Municipalities of Bela Crkva, Žitište and Sečanj with regard to replacement of old multilingual boards/traffic signs and placement of new ones

containing wording in national minority languages etc. These and other recommendations will be addressed in more detail in the part of this Report relating to discrimination on the grounds of individual personal characteristics.

Opinion on Draft Laws and Other Legal Documents and Submitted Initiatives

In 2022, the Commissioner provided 27 opinions on draft laws and other legal documents and issued 21 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 anti-discrimination legislation, both Serbian and international and EU regulations.

As an example, during the course of 2022 opinions were provided on the following: the Draft Law on Work Placement; the Proposal of the Action Plan for 2022-23 for implementation of the Strategy for Gender Equality for the period 2021-2030; the Proposal of the Action Plan for 2022 and 2023 for implementation of the Strategy for Prevention of and Protection against Discrimination for the period from 2022 to 2030; the Proposal of the Action Plan for 2022 and 2023 for implementation of the Strategy for Creating a Stimulating Environment for the Development of Civil Society for the period 2022-2023; the Proposal of the Action Plan for implementation of the Strategy for Digital Skills Development for the period from 2020 to 2024, in the period from 2023 to 2024; the Proposal of the Action Plan for implementation of the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period from 2022 to 2024; the Proposal of the Resolution and the Proposal of the General Protocol for Protection of Children against Violence; the Report on Implementation of the Revised European Social Charter in the Republic of Serbia for 2021 etc.

During the year, the Commissioner also issued a number of initiatives for passing of or amendments to regulations with the aim of improving equality and ensuring protection against discrimination, such as several initiatives for amendments to the Criminal Code, the Law on Execution of Criminal Sanctions, as well as the Law on Public Order and Peace indicating the need to harmonise these regulations with certain provisions of conventions ratified by the Republic of Serbia. Amendments to several articles of the Criminal Code providing for criminal offences were also initiated, including: Illegal Termination of Pregnancy (Article 120), Rape (Article 178) and Sexual Intercourse with a Helpless Person (Article 179) to harmonise them with the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on the Rights of Persons with Disabilities. As the Criminal Code has not been amended yet, in addition to the above initiatives, an initiative was also submitted to the Ministry of Justice as the authorised proposer to amend Chapter 14 of the Criminal Code, *Criminal Offences against Freedoms and Rights of Man and Citizen* by providing for a separate criminal offence concerning abuse and publishing of sexually explicit recordings. Since these initiatives mainly related to mechanisms for the protection against gender-based violence, we held it would be expedient to enact all these amendments together. Amendments to the Law on Execution of Criminal Sanctions (Article 181) were also initiated, by proposing that the Article should impose a duty on the competent authorities to always notify the victim of the release of the convicted person or his escape from prison in cases of gender based and domestic violence, regardless of the risk assessment made by the correctional facility.

Other notable initiatives included: the initiative to amend the Bylaw on the Manner of Determining of the Status of Candidates and Students with Disabilities; the initiative to amend the standards for accreditation and quality assessment of higher education institutions with the aim of improving the position of persons with disabilities; the initiative in connection with the provisions of Article 28 paragraph 4 of the Law on Gender Equality and ensuring the exercise of the right to health insurance based on unpaid domestic or farm work or on farms; the initiative to amend the Bylaw on the List of Prescription Covered by Compulsory Health Insurance Funds; the initiative to amend the Regulation on the Requirements and the Manner of Award and Use of Incentives for Improvement of Domestic Tourist Turnover; the initiative to amend Article 136 paragraph 1 of the Bylaw on Value Added Tax; the initiative to adopt a legal document on record-keeping of the cases formed in court proceedings relating to prohibition of discrimination; the initiative to amend Article 31 of the Decision on Public Passenger Transport of the City of Novi Sad; amendments to Article 3 paragraph 1 item 15 and Article 16 of the Law on Public Order and Peace; the initiative to amend Article 17 paragraphs 4, 5 and 7 of the Law on Financial Support to Families with Children etc.

Certain opinions and initiatives will be addressed in more detail in parts of this Report relating to various grounds of discrimination because they are indicative of the possible manners to overcome issues observed in practice and to improve the position of specific social groups. These initiatives and opinions are available in their entirety on the Commissioner's official website at: <https://ravnopravnost.gov.rs/misljenja-i-preporuke/zakonodavne-inicijative-i-misljenje-o-propisima/>

Other Outcomes of Proceedings

Under the Law on Prohibition of Discrimination, the Commissioner does not act on complaints when it is found after filing of a complaint that the Commissioner is not competent for the issue in question; if the complainant failed to rectify shortcomings in his/her complaint within the set time limit; 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; in case of death of the complainant or deletion from the register of legal entities; 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; if a settlement was successfully reached; if the complainant withdrew the complaint; and in other cases laid down by the law.

The detail statistical presentation of the Commissioner's acting is provided in Annex 1 of this Report.

Court Proceedings

Civil Proceedings

In the course of 2022, one judgement and two decisions were passed in civil proceedings initiated by the Commissioner in the reporting and previous years. In addition, the

Commissioner initiated two new strategic litigations and petitioned the court to participate in the proceeding in the capacity of an intervenor a civil lawsuit initiated by another person.



Strategic litigation – lawsuit against a notary public in Novi Sad

A person with disabilities, specifically with cerebral palsy, speech difficulties and without the use of her hands, complained to the Commissioner because a notary public in Novi Sad had not allowed her to certify a statement that she was living alone in her household by a facsimile made in accordance with regulations, for the purpose of exercising the right to a personal assistant. The Commissioner filed a lawsuit for the protection against discrimination in this case, and the Higher Court in Novi Sad passed a judgement for failure to act and found that the defendant had committed discrimination on the grounds of disability because he had not allowed the plaintiff to sign a document using an engraved signature in accordance with the Law on Prevention of Discrimination against Persons with Disabilities, in connection with the Law on Prohibition of Discrimination, thus committing a grave form of direct discrimination. The defendant was ordered not to repeat discriminatory actions in the future and was ordered to publish at his own expense the operative part of the judgement in a national daily newspaper.

The judgement is final and enforceable, and the defendant published the operative part of the judgement in the “Dnevnik” daily.

This strategic litigation was initiated in public interest, to make use of the case law to highlight the problem faced on a daily basis by persons with disabilities who are unable to sign documents in hand. Officers at the public authorities where persons with disabilities come to exercise a right or use a service often do not contact these persons directly; instead, they contact their personal assistants, require of persons with disabilities to mark a document with their fingerprint or to give the power of attorney to another person to sign a document on their behalf etc., which leads to unequal treatment and dehumanisation of persons with disabilities. Namely, in such cases persons with disabilities feel humiliated, their dignity is insulted because they are able to understand the situation, to talk directly or through an interpreter, to sign etc.



Strategic litigation – lawsuit against a physician

In October 2022, the Commissioner filed a lawsuit against discrimination on the grounds of sexual orientation, because the respondent physician had said in his appearance in a TV show which addresses the forthcoming EuroPride “that homosexuality was and is a disease and it can be treated”. The defendant had voiced his disagreement with the official scientific position, although he is a physician, which gives added weight to his words. The World Health Organisation removed homosexuality from the list of diseases as early as in 1990, while the Serbian Medical Society did the same in 2008. In this manner, while trying to make his opinion appear science-based, the defendant exposed members of the LGBT+ to additional stigma and discrimination. The defendant said this at a time of increased social tensions, when walks and protests against EuroPride were organised on the streets of Belgrade, thus contributing to deepening of the gap and intolerance against LGBT+ persons by a segment of the majority population and reinforcing deeply rooted prejudice in the society.

In this procedure, the defendant brought a counterclaim against the Commissioner because she had exercised her powers strictly as set forth in the Law on Prohibition of

Discrimination. Such lawsuits against the Commissioner, which contest the exercise of statutory powers and opinions given in a procedure, are absurd, inadmissible and constitute an abuse of rights, as well as a specific form of pressure on the work and an attempt to exhaust both the Commissioner and the court with the aim of stalling the procedure. Considering the opinions held by the court in similar cases with regard to inadmissibility of such lawsuits, apart from responding to the counterclaim, the Commissioner also raised the matter with the president of the Higher Court.

Just as a judge is independent in the exercise of his/her judicial function, with any influence on the judge in the exercise of his/her function prohibited, and therefore cannot be held liable for a passed judgement, so the Commissioner cannot be held liable for an opinion expressed or a procedure to protect against discrimination initiated in the exercise of his/her statutory powers.

This procedure is pending.

In the course of 2022, for the first time since the establishment of this institution, the Commissioner filed a petition to participate in the capacity of an intervenor in a civil lawsuit brought by another person.



Petition for intervenor – against a private preschool institution because of discrimination on the grounds of health status

A mother of a minor filed a complaint with the Commissioner against a private preschool institution because of discrimination on the grounds of health status. After finding legally relevant facts and circumstances and examining the presented evidence, the Commissioner found that the procedure for protection against discrimination of the minor had already been initiated before the Higher Court. Given the frequency of complaints received from parents who have children with health difficulties regarding both enrolment and stay of children in child day care centres, and also considering the fact that the case met all criteria for a strategic lawsuit, it was proposed to the court to allow the Commissioner's participation in this procedure in the capacity of an intervenor on the plaintiff's side.

The Commissioner petitioned for the first time to be granted the capacity of an intervenor for several reasons. As already stated, the lawsuit was preceded by a complaint filed with the Commissioner which complied with all the requirements for initiation of the procedure for protection against discrimination before the court, so the Commissioner would bring a lawsuit herself if the complainant had not done so already. In the initiated civil proceedings, it was found that the stated claim was in accordance with the requirements which can also be made by the Commissioner. As elimination of discrimination is a general (public) interest, and the Commissioner contributes by her procedural activities to the improvement of access to justice, consistent application of anti-discrimination regulations, as well as passing of favourable court judgements, which will pass a clear message to the public by the power of their enforceability and authority in the legal order that discrimination is prohibited illegal behaviour which is not tolerated, but sanctioned effectively, and having in mind the importance of inclusion of children with health difficulties in educational processes, the Commissioner underscored in her petition that there was a legal interest for the plaintiff's success in the civil proceedings.

This procedure is pending.

In addition to the above cases, in 2021 the Commissioner initiated civil proceedings for the protection against discrimination against the Municipality and the Centre for Social Work in Novi Kneževac, which had denied a minor the right to the personal assistance service in accordance with the Law on Social Welfare and the Decision on Social Welfare of the Municipality. This resulted in denial of the necessary service to a child with autism, which made difficult the exercise of the right to education and full inclusion in the education system. This procedure is still underway.

In May 2022, the First Basic Court in Belgrade passed an enforcement decision acting on the motion of the Commissioner as the enforcement creditor in the procedure against an employer, an enforcement debtor, for publishing of paragraph 1 of the part of the judgement by the Higher Court in Belgrade in a national daily paper and at the same time imposed a fine of 100,000 RSD for failure to comply with the duty. After that, the defendant published the operative part of the judgement in early 2023 in the "Informer" daily. As a reminder, during the course of 2019, the Commissioner initiated the procedure against the employer because of discrimination in the field of labour on the grounds of sex, family status and for demanding liability - victimisation as a special form of discrimination. The judgement is final and enforceable, and the defendant petitioned the Supreme Court of Cassation for a case revision. The revision procedure is pending.

The Higher Court in Belgrade passed in April 2022 a decision terminating the procedure against a professor at the University School of Medicine because of discrimination of LGBTI persons, due to the defendant's death. As a reminder, in this lawsuit the Commissioner petitioned the court to rule that the defendant had stated opinions in his interview which constitute harassment and violation of dignity of male and female members of LGBTI population and to prohibit to the defendant to present in the future in the public media and other publications positions that undermine members of LGBTI population and support prejudices against this social group, as well as to publish the judgement in a national daily paper.

Infringement Proceedings

During the course of 2002, the Commissioner filed a motion to institute infringement proceedings against a company and its responsible officer because of a vacancy announcement that contained a discriminatory requirement for candidates who wish to be employed. In addition to requirements relating to expertise and competence, candidates for the job also had to comply with a requirement regarding their personal characteristics – namely, they had to be female. Proceedings before a magistrates' court are underway.

The Magistrates' Court in Belgrade passed in July 2022 a judgement against the owner of a hostel in Belgrade in which it found the defendant guilty of discrimination for rejection to provide accommodation services to asylees/asylum seekers due to their personal characteristics. As a reminder, in 2021, the Commissioner filed a motion for institution of infringement proceedings, 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. The judgement is final and enforceable.

Criminal Proceedings

Just as other state authorities, the Commissioner is authorised to file criminal charges when she learns in her work about a criminal offence or the identity of a perpetrator. In 2022, after a complaint was submitted, one criminal charge was filed to the competent prosecutor's office because of justifiable suspicion that two police officers harassed a person in an underpass in Belgrade because of his sexual orientation while exercising their official powers. The First Basic Public Prosecutor's Office in Belgrade informed the Commissioner that it had undertaken all necessary evidence gathering procedures, as well as that it would forward police officers' names to the competent police station for hearing.

Situation Testing

During the course of 2022, a number of situation testing were performed several civil society organisations, in various fields.

Situation testing is used to identify discrimination "on the spot", in order to collect evidence of unequal (less favourable) treatment of a person or a group of persons on the grounds of a personal characteristic, or to make discriminatory practices visible. This mechanism ensures detection of discrimination which is often "hidden" and is justified by various excuses. Situation testing implies creating a situation where a person (a potential discriminator) is placed in a position where he/she can behave/act in a discriminatory manner without any fear that anyone is watching, while testers are those who expose themselves to acting of a potential discriminator and checks whether he/she acts in a discriminatory manner in the given situation.

Two civil society organisations performed several situation testing in Belgrade in cases of renting apartments to LGBT+ persons. After completion of situation testing, one complaint was filed to the Commissioner, on the grounds of gender identity, and the procedure is still underway.

One civil society organisation also performed situation testing in Niš in cases of renting of residential space by the Roma population. According to the submitted report, no case of discrimination was observed.

Situation testing was also performed in the field of provision of public services, namely taxi transportation, to check discrimination on the grounds of disability against persons who use wheelchair. According to the submitted report, there are no taxi vehicles adjusted to provide a taxi transportation service without folding a wheelchair. A particular problem is electric wheelchair. After completion of the situation testing, 45 complaints were filed to the Commissioner. Procedures pursuant to these complaints are underway.

Two civil society organisations reported to the Commissioner situation testing of becoming a member of a youth collective for persons who are granted shelter, or subsidiary protection. This situation testing was performed after the Commissioner issued an opinion in another similar situation where violation of rights by a youth collective was found and recommended measures were provided, which were complied with. According to the report submitted after completion of situation testing, a tester with approved subsidiary protection was not provided a service of becoming a member of a youth collective, while this service was provided to a tester who is a citizen of the Republic of Serbia. In view of the foregoing, one complaint was filed to the Commissioner, and the procedure pursuant to it is underway.

Proposals for Review of Constitutionality and Legality

During the course of 2022, the Commissioner filed two proposals for review of constitutionality and equality to the Constitutional Court.

In the proposal for the review of constitutionality of Article 17 paragraphs 4, 5 and 7 of the Law on Financial Support to Families with Children, the Commissioner emphasised that there is a difference in the duration of the right to allowance based on childbirth and care and special care for children in case of the third and each subsequent child depending on whether a woman is employed by an employer or is an independent professional or works outside an employment relationship (temporary and occasional jobs, copyright contracts, female farmers etc.), namely, the duration of the right is shorter for these women (one year instead of two). In addition to difference between women depending of their employment status, it was also emphasised that difference is made in the exercise of fathers' right to other allowances based on care for children. Namely, this right is limited for them and they can exercise it only if mothers of their children are deceased, if they abandoned their children or if they cannot directly care for children for objective reasons. In this manner, more strict requirements are unfairly set for these fathers for the exercise of the right to other allowances based on care for children compared with fathers whose wives are employed by employers, and who are, according to Article 12 paragraph 3 of this Law and Article 94 of the Labour Law, entitled to use leave from work to care for children without limitations regarding the fact whether mothers of their children are alive, whether they abandoned children or cannot use this right due to other objective reasons. The Commissioner pointed that that Law on Financial Support to Families with Children indisputably makes difference in the exercise of the right (the right to salary compensation and other allowances) for the same life event, namely childbirth. The proposal emphasised that the primary aim of this Law is financial support to families with children, improvement of the conditions for satisfying children's basic needs, making balance between work and parenthood, special incentives and support to parents to bear as many children as they want, as well as the improvement of the financial situation of families with children. The Commissioner emphasised that there was no objective and reasonable justification for difference between female users of the right in fully comparable conditions based on the fact whether they are self-employed, independent professionals or are employed by employers. Instead of making this measure an integral part of support measures undertaken by the state to develop female entrepreneurship and self-employment, in addition to the unequal position, such differences result in suppression of female entrepreneurship and self-employment, feeling on inferiority of both women and children and that their motherhood and parenthood is not supported equally by the society. Such unequal treatment favours only one form of employment, namely employment by an employer, compared with all other forms of employment (work outside an employment relationship, self-employment, entrepreneurship). This fact reaffirms that there is no rational justification for such differences between women, as well as the rights of fathers, in the current circumstances on the labour market.

In connection with this proposal, the Constitutional Court passed on 22 December 2022 the decision IUz-299/2018, under which it determined that the provision of Article 17 paragraph 4

of the Law on Financial Support to Families with Children is not compliant with the Constitution. The Court rejected the proposal to determine unconstitutionality of the provisions of Article 17 paragraphs 5 and 7 which related to the position of fathers whose wives are entrepreneurs, farmers or work under contract. The Constitutional Court delayed publication of the decision on the *Official Gazette of the Republic of Serbia* for six months of the date of its passing.⁸

In addition, after trade unions addressed the Commissioner, she filed a proposal to the Constitutional Court for review of constitutionality and legality of Article 25 paragraph 5, Article 27 paragraph 1 and Article 28 paragraph 2 of the Bylaw on the Code of Conduct and Personal Appearance of Police Officers and Other Employees at the Ministry of the Interior. Under the disputable provisions, employees at the Ministry of the Interior are not allowed to have tattoos on visible part of their bodies, and if they have any, they should be covered by clothes. Also, the Bylaw *inter alia* regulates wearing beard, moustache and earrings. Uniformed male police officers cannot wear earrings, while uniformed female police officers cannot wear more than one pair of earrings, of inconspicuous shape, colour and size. The Commissioner pointed out in the proposal that it is legitimate for the Ministry of Interior to regulate by its bylaw the code of conduct and appearance of employees in the Ministry in the manner that does not affect the reputation of the Ministry, i.e. in the manner that ensures appropriate presentation of members of the Ministry of the Interior in communication with male and female citizens in performance of their duties. The Commissioner stated that limitation imposed on all police officers and employees in the Ministry of the Interior should be proportionate to the legitimate objective to be achieved. Introduction of the said limitation would be justified, for example, if the content of a tattoo is racist, sexist, homophobic, violent or intimidating, i.e. if by its appearance it in effect results or may result in undermining of the reputation of the Ministry. Prohibiting male police officers to wear earrings, while female police officers are allowed to wear earrings with certain limitations is also contrary anti-discrimination regulations and the gender equality principle.

The procedure is pending.

Commissioner's Actions in 2022 Concerning the Promotion of Equality

In addition to other tasks in connection with the protection against discrimination in the widest sense, the Commissioner's powers, laid down by the Law on Prohibition of Discrimination, also include activities that improve the exercise of the right to equality, particularly of social groups at higher risk of discrimination, in various segments of social life. The Commissioner: submits annual and special reports on the situation in the protection of equality to the National Assembly; establishes and maintains cooperation with public authorities and organisations in the territory of the Republic of Serbia, regional and international and other bodies, authorities and organisations responsible for the exercise of equality and the protection against discrimination; cooperates with associations that have interest in participation in the fight against discrimination; organizes and conducts independent surveys in the field of improvement of equality and protection against discrimination and publishes expert publications, notifications and information in the field of improvement of equality and protection

⁸ See more at: <http://www.ustavni.sud.rs/page/view/149-102933/saopstenje-sa-16-sednice-ustavnog-suda-odrzane-22-decembra-2022-godine-kojom-je-predsedavala-snezana-markovic-predsednica-ustavnog-suda>

against discrimination and performs other tasks in accordance with the law. Below is provided a summary of the above activities in 2022, with a special focus on reports, surveys and other publications published by the Commissioner independently or in cooperation with partners, trainings and educations implemented, conferences and other meetings organised by the Commissioner, followed by a summary of certain events where the Commissioner actively participated.

Reports, Surveys and Other Publications

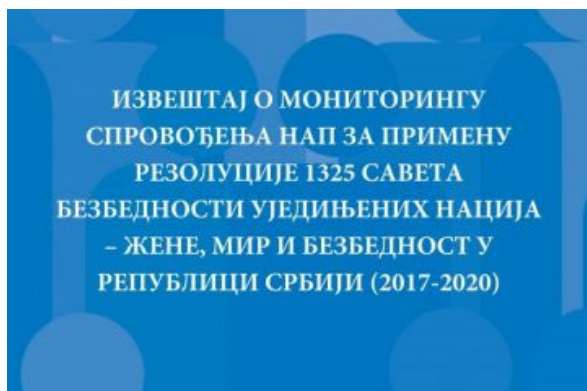
In accordance with the Law on Prohibition of Discrimination, the Commissioner submits regularly to the National Assembly annual reports on the situation in the field of equality protection, which contain an overview of the work of public authorities, service providers and other persons, identified omissions and recommendations for their elimination. Thus, in March 2022, the ***Regular Annual Report of the Commissioner for Protection of Equality for 2021*** was submitted to the National Assembly. Having in mind that 2021 was the second year of the health crisis caused by the coronavirus, recommendations in this Report particularly related to the need to strengthen the system of and to ensure improved availability of health care, particularly for the elderly, the youth and persons with disabilities, followed by the need for various support services to the elderly and families, with a special emphasis on services and measures for balancing work and parenthood, as well as measures to reduce social exclusion and poverty of vulnerable groups, to reduce differences between urban and rural areas and to create public policies that reduce job insecurity and ensure higher equality in employment. This Report was discussed at the session of the Committee on Human and Minority Rights and Gender Equality held on 22 December 2022 and on the plenary session of the National Assembly.

In addition to the Regular Annual Report, in 2022 the Commissioner prepared the *Report on Monitoring of the Implementation of the National Action Plan for Implementation of the UN Security Council Resolution 1325 – Women, Peace, and Security in the Republic of Serbia (2017-2020)*, issued publications the *Position of Women and Girls in Rural Areas of Zlatiborski, Moravički and Raški Districts, the Authentic Stories from Lives of Rural Women*, a brochure titled *Discrimination against LGBTI Persons on Labour Market*, as well as a brochure titled *Bridge of Understanding - Intergenerational Solidarity*.

In 2022, as in previous years, for the purpose of reviewing regularly the position of women in public and political life in the Republic of Serbia and continually monitoring the progress in this field, the *Analysis of Women's Participation in Public and Political Life* was prepared.

All publications, reports and surveys are available electronically at the Commissioner's official website and are available on the following link: <http://ravnopravnost.gov.rs/izvestaji-i-publikacije/publikacije/>

Report on Monitoring of the Implementation of the National Action Plan for Implementation of the UN Security Council Resolution 1325 – Women, Peace, and Security in the Republic of Serbia (2017-2020)



As regards participation in decision-making, women are less represented on the decision-making positions than men, and gender equality can hardly be achieved without proportional and direct women's participation in the decision-making process in all fields of public life and at all levels, states the *Report on Monitoring of the Implementation of the National Action Plan for Implementation of the UN Security Council Resolution 1325 – Women, Peace,*

*and Security in the Republic of Serbia (2017-2020)*⁹. In monitoring the situation regarding the achievement of gender equality on decision-making positions, the Commissioner issued on two occasions, in 2017 and in 2020, the recommended measure to all local self-government units relating to the increase of participation of women and the youth in the decision-making process, after which an analysis was made of gender equality on decision-making positions in local self-government units¹⁰. Results of this analysis showed that the largest difference in participation of women and man in 2017 was on the highest positions in municipalities/towns, particularly on the positions of presidents of municipalities, or mayors (out of 169 self-government units, only 12 had women as presidents of municipalities/mayors, while only 14% of women occupied the position of presidents of municipal councils/towns). During the course of 2021, after two important cycles were complete, namely, completion of the election cycle in the majority of local self-governments and expiration of the National Action Plan for Implementation of the UN Security Council Resolution 1325 "Women, Peace, and Security", a new analysis could be prepared to measure the achieved progress in representation of women on decision-making positions compared with 2017, the existence of local gender equality mechanisms and of the appropriate local strategic framework. As at late May 2021, 145 local self-government units responded to the Commissioner, based on which this *Report on Monitoring of the Implementation of the NAP for Implementation of the UN Security Council Resolution 1325* was prepared. The Report stated that 22.1% local self-governments have local action plans for gender equality in place, while in 5.7% preparation of this action plan is at various stages. Comparison between analyses of women's representation at the local level in 2017 and in 2021 shows an observable progress on the vast majority of decision-making positions at the local level. In 2021 there were 15.9% women on the position of presidents of municipalities or mayors, which was an increase of 8.8% compared with 2017. As regards deputy mayors or deputy presidents of municipalities, the progress was slightly less observable and increased from 4.7%, and 17.1% in 2017 to 21.8% in 2021. Under the Law on Local Elections¹¹, each list must contain 40% of underrepresented sex, which resulted in the

⁹The Report on Monitoring of the Implementation of the NAP for Implementation of the UN Security Council Resolution 1325 – Women, Peace, and Security in the Republic of Serbia (2017-2020), available at: <http://ravnopravnost.gov.rs/izvestaji-o-monitoringu-sprovodjenja-nap-za-primenu-rezolucije-1325-saveta-bezbednosti-ujedinjenih-nacija-zene-mir-i-bezbednost-u-republici-srbiji-2017-2020/>

¹⁰Gender Equality on Decision-Making Positions in Local Self-Government - Overview of the Situation in Compliance with a Recommendation Issued to Local Self-Government Units for Achievement of Gender Equality, available at: <http://ravnopravnost.gov.rs/izvestaji/>

¹¹ Official Gazette of the Republic of Serbia No. 14/22

increase of women's representation in local assemblies. The percentage of women, as the less represented sex in town assemblies and municipal councils, has not achieved the target level yet, but women's representation in local assemblies increased from 34.8% to 38.6%, in the period between 2017 and 2021, i.e. it increased by 3.8% percentage points. In addition, the increase of women's representation was also observed on positions of presidents of assemblies of local self-government units – from 14% to 21.1% and deputy presidents of assemblies – from 24% to 26.1%.

Position of Women and Girls in Rural Areas of Zlatiborski, Moravički and Raški Districts



The Commissioner's publication *Position of Women and Girls in Rural Areas of Zlatiborski, Moravički and Raški Districts*¹² was prepared as part of the project titled "Improved Safety of Women in Serbia", implemented by the UN Agency for Gender Equality and Women's Empowerment in Serbia (UN Women) with support from the Embassy of the Kingdom of Norway in Belgrade. This publication analysed the practice of local self-government units of Zlatiborski, Moravički and Raški districts in prevention of discrimination and gender-based violence against women and girls in rural areas, examples of good practice were presented, conclusions were made and recommendations provided, having in mind that women in rural areas still face obstacles and discrimination in access to

resources, services and financial opportunities, in spite of their large contribution to both farming and care for members of their households. Various activities were implemented within the project (trainings, study visits to Croatia, Austria and Slovenia, a survey) to ensure direct insight into the actual needs of women and girls in rural areas and record authentic stories from their lives.

The Analysis of Practices of Local Self-Government Units in Prevention of Discrimination and Gender-Based Violence against Women and Girls in Rural Areas was prepared as part of the publication to consider measures and activities implemented by local self-government units, as well as the improvement of the process of development of local action plans and achievement of gender equality Y.

All out of total 19 local self-government units of Zlatiborski, Moravički and Raški district filled a questionnaire sent to the except Gornji Milanovac. According to the results received, only 17.6% representatives of local self-government units is of opinion that discrimination is present, while 25% believes that gender-based violence is present, while the majority think that discrimination or gender-based violence are not or mainly are not present. Also, according to the replies received, a few of local self-governments (11%) developed special strategies or other planning documents to prevent gender-based violence and discrimination, but these plans do not include specific measures aimed at protection of women and girls in rural areas.

¹²*Position of Women and Girls in Rural Areas of Zlatiborski, Moravički and Raški Districts*, available at: <http://ravnopravnost.gov.rs/izvestaji-i-publikacije/publikacije/>

The majority of representatives of local self-government units think that employees do not have sufficient competences in the field of prevention of discrimination and gender-based violence (56% representatives of local self-government units think that employees mainly do not have necessary competences, while 6% believe they do not have them at all). In spite of such results, in the period 2019 – 2020 educations on the above topics were organised by only 17% local self-government units.

The following challenges are identified most frequently: wide-spread traditional, patriarchal beliefs (28%), financial dependence of rural women (28%) and low level of education (22%), low awareness of one's rights (22%) and difficult availability of community services, and poor infrastructure and public transport (28%).

The most frequently implemented measures include improved access to production resources (56%), provision of social welfare and education services, or provision of services aimed at reduction of informal work (67%), such as child day care centres, assistance at home, personal assistants and support services for rural women who suffered gender-based violence (50%). Support is the least frequently provided through additional education and retraining programmes (6%) and support to renovation of rural households to ensure appropriate living conditions (6%). These data show that a certain level of support to rural women is in place, however, it is fragmented and of disputable coverage.

With the aim of improving the position of rural women, the survey also included the perception of women in rural associations and challenges they face. They believe that discrimination and violence exist, but women are not ready to talk about it in public, and often think such behaviour is normal. They identified as challenges financial dependence, no property in their ownership, insufficient participation in decision-making about households, limited freedom of movement in the community, and also unpaid domestic work, insufficient visibility of challenges they face and poor public transport. Representatives of women's associations all stated that associations and cooperatives are of key importance for financial empowering of rural women, as well as educations relating to improvement of computer literacy and use of the Internet and other modern technologies, with educations that encourage self-confidence and support to financial independence.

Key recommendations of this analysis relate to support to development of public policies, measures and activities aimed at prevention of discrimination and gender-based violence, organisation of education on recognition of discrimination and gender-based violence, additional improvement of competencies of employees responsible for gender equality, as well as establishment of a network of the Commissioner's associates for improved equality and protection against discrimination.

Authentic Stories from Lives of Rural Women



Publication *Authentic Stories from Lives of Rural Women*¹³ contains 10 stories about 10 women, beneficiaries of projects in villages in three regions of Serbia (Moravički, Zlatiborski and Raški) included in the project titled “Improved Safety of Women in Serbia”. The publication is structured as a combination of biographical stories on modern women with historical references and comparisons with illustrious women in Serbia’s past, including women of various educational and national origin. A special focus was on authentic experiences of discrimination and violence against women, with the aim of raising awareness of the position of girls and women, particularly in rural areas, including presentation of good aspects of living in rural areas without discrimination and violence, to contribute to dissemination of examples of self-confident, financially independent rural women. Women talk about the strength of unity, associations, gathering on a patron/saint’s day, free time and what they like to do the most, such as working in gardens, in fields. They talk about their many duties, as well as raising children, their hobbies, music and books.

Personal stories provide vivid insight into the characteristics and potentials for entrepreneurial activities of rural women and the influence of such activities on shaping of social roles and positions. By examples of challenges faced by rural women who are farmers in specific conditions in their environments, women show through their authentic stories how they overcome the limitations of everyday life as something banal, unimportant and routine, and successfully connect positive examples of living in rural areas and entrepreneurship with lives of important women in Serbia’s history, science and culture. Publication also presents activities of members of associations “Keeping Villages Alive” and “Power of the Village”.

Discrimination against LGBTI Persons on Labour Market



Brochure *Discrimination against LGBTI Persons on Labour Market*¹⁴ contains explanation of the discrimination phenomenon – the concept and forms, with a special focus on discrimination on the grounds of sexual orientation, sex, gender and gender identity, explaining particularly discrimination in the field of labour and employment. It provides examples of indirect and direct discrimination, while the difference between mobbing and discrimination is also explained and presented through examples, as well as the violation of the equal rights and duties principle, barring access to mechanisms to demand liability, association to engage in discrimination, hate speech, harassment, degrading treatment, sex and gender harassment, segregation. The brochure also explains access to mechanisms for protection against discrimination with relevant examples from everyday life, and presents the complaint form, to facilitate the procedure of filing complaints to the Commissioner.

¹³*Authentic Stories from Lives of Rural Women*, available at: <http://ravnopravnost.gov.rs/izvestaji-i-publikacije/publikacije/>

¹⁴*Discrimination against LGBTI Persons on Labour Market*, available at: <http://ravnopravnost.gov.rs/izvestaji-i-publikacije/publikacije/>

Bridge of Understanding - Intergenerational Solidarity



Publication *Bridge of Understanding - Intergenerational Solidarity*¹⁵ is a collection of best photographs, literary works and visual art works from a prize-winning competition traditionally organised by the Commissioner since 2017 to mark the International Day of Elderly, 1 October. The competition is intended for pupils in 6th, 7th and 8th grade in primary schools in the Republic of Serbia, who express their attitude that one's age is no obstacle for dignified and life on the topic

of intergenerational cooperation, through visual art works, photographs and literary works. In this manner they contribute to the fight against discrimination of the elderly. Year after year, we receive a large number of works, which encourages us and shows the importance of preservation and improvement of intergenerational relations. It is however worrying that many works address the topic of violence against the elderly.

Analysis of Women's Participation in Public and Political Life

According to the UN Agency for Gender Equality and Women's Empowerment (UN Women), women occupy the highest positions in the government in only 28 countries in the world, including 13 as presidents and 15 as prime ministers. According to calculations of this Agency, at the current rate, gender equality in the highest positions of power will not be reached for another 130 years.¹⁶

The number of women on ministerial positions in the world is still only 21%, and in only 14 countries women account for 50% or more percentage. With the annual increase of only 0.52 pp, gender equality on ministerial positions will not be achieved before 2077. Female ministers most frequently manage portfolios engaged with the following issues: family/children/the youth/the elderly/persons with disabilities; the environment/natural resources/energy; gender equality, labour and employment.

In terms of women's participation in the legislative arm of government, the Republic of Serbia ranks 32nd globally (28th in 2021), while if we observe the average among the European countries, it ranks 18th (14th in 2021).¹⁷

The current convocation of the National Assembly includes 89 female members of parliament (35.6%) and 161 male members of parliament (64.4%), which is a slight decline having in mind that the previous convocation included 99 female members of parliament. The National Assembly is led by the Speaker. The National Assembly has 20 committees, of which four are

¹⁵ *Bridge of Understanding - Intergenerational Solidarity*, available at: <http://ravnopravnost.gov.rs/izvestaji-i-publikacije/publikacije/>

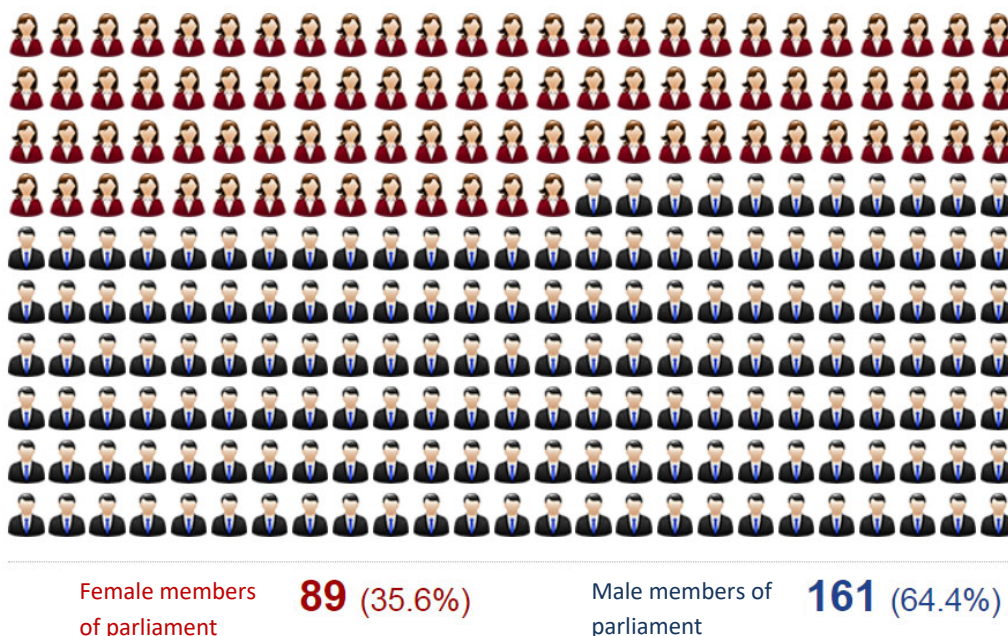
¹⁶ *Facts and figures: Women's leadership and political participation*, UN Women, situation as at 19 September 2022, available at: https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures#_edn3

¹⁷ *Monthly ranking of women in national parliaments*, Parline, 1 December 2022, available at: <https://data.ipu.org/women-ranking?month=12&year=2022>

chaired by women and 16 are chaired by men. Deputy chairpersons of committees include eight women and 12 men, while secretaries of committees include as many as 16 women.¹⁸

Women are the majority in six committees, mainly those engaged in topics that are linked with women as stereotypes: the Child Rights Committee (64.5%), the Committee for Human and Minority Rights and Gender Equality (58.8%), the Committee for Labour, Social Affairs, Social Inclusion and Reduction of Poverty (58.8%), the European Integration Committee (58.8%), Culture and Information Committee (56.3%), the Health and Family Committee (53%), while, on the other hand, in certain committees they are very much in the minority and account for about one fifth of members (e.g. the Committee for Defence and Internal Affairs, the Committee for Agriculture, Forestry and Water Management, the Committee for Economy, Regional Development, Trade, Tourism and Energy). Certain bodies, such as the Committee for Security Services Control, have only two female members of parliament, while the Environment Protection Committee has only one women.¹⁹ In view of the foregoing, in order to achieve gender balance, it is necessary to establish a more balanced representation of men and women in parliamentary committees, where it is necessary to increase the number of women in committees engaged in security and to increase the number of men in committees engaged in human and minority rights, child rights, culture and information.

Percentage of male and female members of parliament in the current 13th convocation of the National Assembly²⁰



The new Serbian Government is still headed by female Prime Minister. Out of the total of 28 portfolios, nine are held by women ministers (32.1%), which is a reduction compared with the previous Government where out of the total of 23 portfolios, 10 were led by female ministers

¹⁸Official website of the National Assembly of the Republic of Serbia, accessed on 28 December 2022, available at: <http://www.parlament.gov.rs/narodna-skupstina-organizacija-i-strucna-sluzba/radna-tela-narodne-skupstine.2871.html>

¹⁹Official website of the National Assembly of the Republic of Serbia, accessed on: 26 December 2022, available at: <http://www.parlament.gov.rs/narodna-skupstina-sastav/radna-tela/odbori.895.html>

²⁰Official website of the National Assembly of the Republic of Serbia, accessed at 28 December 2022, available at: <http://www.parlament.gov.rs/narodna-skupstina-narodna-skupstina-u-brojkama/polna-struktura.1739.html>

(43.4%), and out of five Deputy Prime Ministers two were women (40%). In the current convocation, four Deputy Prime Ministers were appointed, of which one woman (25%).

As regards the function of state secretaries (data are available for 16 out of 25 ministries), out of the total of 48 state secretaries, about one third are women (31.2%)²¹. In eight ministries (the Ministry of Defence, the Ministry of Economy, the Ministry of the Interior, the Ministry of Culture, the Ministry of Human and Minority Rights and Social Dialogue, the Ministry of Agriculture, Forestry and Water Management, the Ministry of Sport and the Ministry of Labour, Employment, Veteran and Social Affairs) only men are appointed as state secretaries.

The structure is more balanced in terms of male and female Assistant Ministers (data are available for 20 out of 25 ministries), where women account for 45.4%, i.e. they occupy 49 out of the total of 108 functions.

Data on appointment of state secretaries are available for 18 ministries, where women account for the majority with 61.2%. The Commissioner's analyses in previous years show that this function was almost exclusively performed by women (they accounted for up to 83.3%), while representation of genders is now more balanced.

A very large gender disbalance is obvious in public administration, which can make decision-making more difficult due to significantly more women on executive positions and much more men on decision-making positions. Achieving balanced representation of both sexes could contribute not only to gender equality, but also to passing gender-balanced decisions.

Compared to the situation in 2020, the number of women on the highest positions in local self-government units increased (LSGUs). 20 local self-governments²² and two city municipalities (the municipality of Voždovac in Belgrade and the municipality of Pantelejev in Niš) are headed by women. Women's share on the highest positions in LSGUs is now 13.8%, while their share in 2020 was 13% and in 2017 only 7.1%. The highest women's share on these functions was in 2021, when female mayors and presidents of municipalities headed 23 local self-governments and two city municipalities.

Based on the Questionnaire on Achievement of Gender Equality in Local Self-Government Units, 144 LSGUs submitted to the Commissioner data on women's participation in public and political life at the local level. Only the municipality of Preševo failed to submit the requested data.

An analysis of data showed that 25% of the positions of deputy presidents of municipalities/mayors are occupied by women. In addition, women account for about one fourth of the total number of presidents of municipal assemblies/city councils (23.6%), while 28.5% of deputy presidents of assemblies are performed by women.

The analysis also showed that women account for 38% of members of municipal/town councils in the Republic of Serbia, while they account for only 23% of members of municipal/city councils, meaning that mainly only one woman on four men can become a member of

²¹Official websites of individual ministries of the Serbian Government, accessed at: 2 February 2023

²² Alibunar, Apatin, Bajina Bašta, Babušnica, Bački Petrovac, Bela Crkva, Brus, Beočin, Vršac, Varvarin, Kovin, Kruševac, Niš, Ruma, Sremska Mitrovica, Surdulica, Trstenik, Čičevac, Užice and Čoka.

municipal/city councils. The structure is balanced in terms of the position of heads of municipal/city administrations, where both sexes account for 50%.

Public institutions of LSGUs are headed by 57% of women, however, there are three times less women (16%) on leading positions in public enterprises. The smallest representation of women is still in local communities - 10% of the positions of local community presidents are occupied by women, while they account for 20% in local community councils.

The National Bank of Serbia has a female governor. Women's share in other decision-making positions includes the functions of vice-governors with 50%²³, while only men are appointed as the president and members of the Council of the Governor.²⁴

In November 2022 elections were also held for the National Councils of National Minorities. Out of the total of 23 National Councils of National Minorities, 22 held inaugural sessions – and women were elected presidents in only four councils (18.2%).²⁵

The structure slightly changed compared with the previous year 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. In 2022, there were 18 female ambassadors and six female Charge d'Affaires in the total of 81 embassy, i.e. on these highest positions women accounted for 29.6%. In the total of 22 consulates general, there were six female consuls general and two female *consul- gérants*, which accounted for 36.4%.

One woman in one consulate occupied the position of consul/head of consulate, while the position of the director of the culture and information centre was occupied by two women in the total of three culture and information centre.²⁶

The analysis of the composition of delegations, consisting of parliamentary representatives, showed that only three out of the total of 11 these delegations are headed by women. Particularly worrying is the fact that the delegations in the NATO Parliamentary Assembly, the South-East European Cooperation Process Parliamentary Assembly and the Interparliamentary Assembly on Orthodoxy have no female member. Female members of parliament account for one fourth in three delegations, while four delegations have more women as their members (as many as from 40% to 71%).

As regards the judicial branch of government, the trend of a number of women on judicial positions continues. According to the data held by the Ministry of Justice, courts of general and special jurisdictions in the Republic of Serbia have a total of 2703 judges, of which 1941 (71.8%) are women.²⁷ The position of presidents of courts is occupied by 57.9% women, i.e. 92 women in the total of 159 courts of general and special jurisdictions. The position of the

²³Official website of the National Bank of Serbia, accessed at 23 January 2023, available at: https://www.nbs.rs/sr_RS/o_nbs/rukovodstvo/

²⁴Official website of the National Bank of Serbia, accessed at 23 January 2023, available at: https://nbs.rs/sr_RS/o_nbs/savet-guvernora/

²⁵Croatian, Slovak, Bunjevac and Bosniak national councils are headed by women

²⁶Data held by the Secretariat General of the Ministry of the Interior submitted to the Commissioner for the Protection of Equality by a communication No.2608-1/12 of 16 December 2022.

²⁷Data held by the Ministry of Justice, submitted to the Commissioner for the Protection of Equality on 14 December 2022.

president of the Supreme Court of Cassation is occupied by a woman, while courts of appeals have only one female president and three male presidents.

In addition, women are dominant in the total number of employees in courts (judge's assistants, secretaries of courts, court administrator, judicial interns and other employees) with 71.4% and in the total number of employees in public prosecutor's offices (assistant prosecutors, secretaries of public prosecutor's offices, secretaries of departments, advisors and other employees) with 76.5%.

Women account for 56.8% of public prosecutors, acting public prosecutors and deputy prosecutors. There are 56.4% of women among notaries public, while they account for 42% of public enforcement officers. The position of the State Attorney General is occupied by a woman, while women account for 73.9% of deputy state attorneys general, i.e. 17 women of the total of 22 deputies.

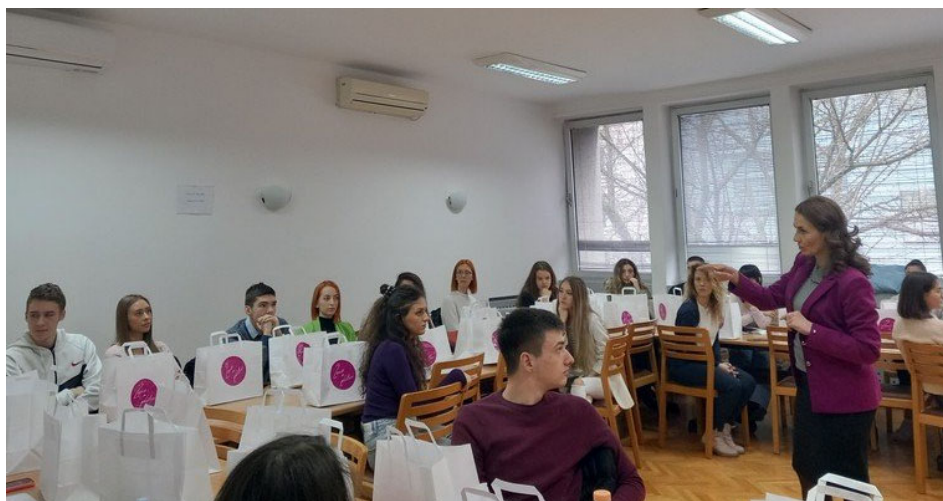
Compared with the previous years, a positive progress is observed in terms of more proportional representation of women on the highest positions in the judiciary. As an example, data in the Commissioner's analysis of 2018 show that women accounted for 53.8% on the position of presidents of courts in that year (an increase of four pp), while the Supreme Court of Cassation was headed by a man.

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 preparation and implementation of training programmes for identification, understanding and protection in cases of discrimination for public authorities and other legal entities and natural persons, as well as platforms where certain issues are discussed regarding the exercise of equality by certain social groups. Evaluations performed on held trainings showed 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 education.

During the course of 2022, the Commissioner's trainings were attended by more than 700 participants through 40 one-day or two-day seminars, lectures and workshops.



Seminar "Women in Politics – Is There Actual Gender Equality?" held at the Faculty of Political Sciences, 2022.

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 for public administration.



As part of the project titled „Empowering the LGBTI Workforce in the Serbian Labour Market” and with support from the U.K. Embassy in Belgrade and the Chevening Alumni Programme Fund, representatives of the Commissioner held in Belgrade, Niš and Novi Sad workshops on the topic “Discrimination against LGBTI persons on the Labour Market – Concept, Forms and Filling of Complaints to the Commissioner for

the Protection of Equality”. The work on improvement of the position of LGBTI persons in Serbia, the sphere of competences of the institution of the Commissioner and the manner to initiate the procedure for protection against discrimination were presented to participants in the workshops.

As part of the project “Minority Rights Defenders”, in partnership with the Institute for European Affairs, and with support from the U.S. Embassy, the Commissioner held a seminar for young male and female interns in prosecutor’s offices, courts and legal profession in the entire Serbia. In addition, students, who are members of the Social Relations Club of the Faculty of Law of the University in Belgrade, made a study visit to the Commissioner, during which they learned about the sphere of competences of the institution and the complaint filing procedure. As part of the preventative programme “I Can Say No”, the Commissioner trained peer female

educators in the Autonomous Women's Centre, young women aged between 15 and 25, on the protection against discrimination.

A representative of the Commissioner was one of female lecturers at the Labour, Human Rights and Gender Equality Academy of the Divac Foundation, with the aim of building new generations of human rights defenders who will be able to recognise and defend women's rights in the field of labour and employment. A lecture on the Commissioner's practice and the improvement of gender equality was also held for participants in the camp "Mediamocracy", as well as lecture on gender equality for the 11th generation of trainees at the Advanced Security and Defence Studies. In addition, the Commissioner held a lecture on training for the Commissioner for Equality of the University in Belgrade, who were appointed as part of the "University Gender Mainstreaming" programme. Lectures on the topic "Discrimination, Gender Equality and Protection Mechanisms" were also organised for pupils in certain primary and secondary schools.

To mark formation of the Equality Business Alliance, a lecture was held on discrimination and powers of the institution for employees in companies that will join the Alliance. As part of the project titled "Prevention of Violence and Discrimination against Female Roma Living in Rural Areas", the Commissioner organised training for the Roma health mediators, the Roma coordinators in local self-governments, female Roma activists and representatives of the National Employment Service and centres for social work. In cooperation with the Provincial Ombudsman, the Commissioner held a training for young male and female Roma as part of the "Human Rights School".

A set of trainings titled "Prevention of Discrimination and Gender-Based Violence" included female representatives of civil society organisations of rural women, as one of the activities under the project titled "Improvement of the Position of Women and Girls in Rural Environments".

The Commissioner implemented a two-day seminar for representatives of the Regulatory Authority for Electronic Media, Journalists' Association of Serbia, Independent Journalists' Association of Serbia, the Press Council and editors and journalists of print and electronic media, dedicated to the fight against discrimination and hate speech, with a special focus on the position and rights of LGBTI, through the Council of Europe project titled "Horizontal Facility for the Western Balkans and Turkey 2019-2022".

In cooperation with the A11 Initiative for Economic and Social Rights, representative of the Commissioner held trainings in Belgrade, Novi Sad, Niš and Kragujevac for local government authorities and local civil society organisations on the topic "Regulatory and Public Policy Impact Assessment on Vulnerable Social Groups".

OSCE organised as part of regional cooperation in the fight against discrimination, which gathered representatives of certain ombudsman authorities and institutions from Bosnia and Herzegovina, North Macedonia, Montenegro and Serbia, male and female judges in courts of appeals, higher courts in Serbia, basic courts in Bosnia and Herzegovina and basic courts in North Macedonia, lawyers, as well as representatives of OSCE, the Council of Europe and civil society organisations, an online round table to exchange knowledge and experiences on the topic of challenges regarding the duration of court proceedings, lack of temporary measures and the right to damage compensation in cases of discrimination.

A training titled “Situation Testing” was attended by members of the Association of Students with Disabilities, while a training on the Commissioner’s powers and organisation was held for students at the Online Professional Practice in Public Administration Fair 2022-2023. Refugees and asylum seekers were informed about the legislative and institutional frameworks for the protection against discrimination and the procedure before the Commissioner through a training organised in cooperation with the IDEAS civil society organisation.

Employees in registry offices in city and municipal administrations participated in a lecture titled “No More Registry Books Issues for Transgendered Persons -Together for Improvement of Registrars’ Services for Transgender Persons”.

In cooperation with the European Roma Rights Centre and the Vojvodina Roma Centre, the Commissioner held trainings in Kragujevac, Obrenovac, Kraljevo, Valjevo, Zaječar, Novi Sad, Niš, Vladičin Han, Kruševac and Bečej, as part of the programme titled “Roma against Racism”. About 250 male and female Roma learned through this training about the powers of the Commissioner and the manner of protection against discrimination, including male and female pupils in the Technical School in Bečej, who are also members of the pupils’ parliament.

In 2022, training programmes on implementation of anti-discrimination regulations continued for employees in the National Employment Service²⁸, police officers²⁹ and employees in tourism³⁰.



A seminar for male and female police officers, Belgrade, 2022

²⁸The total number of male and female police officers included in training programmes is 694, including trainings implemented in 2016, 2017, 2018, 2019 and 2021.

²⁹The total number of employees in the National Employment Service included in training programmes is 106, including trainings implemented in 2019 and 2021.

³⁰The total number of employees in tourism included in training programmes is 103, including trainings implemented in 2019 and 2021.

Expert Meetings, Conferences and Other Activities

The Commissioner's regular activities include organisation of expert meetings and other events and participation in expert meetings - conferences, round tables, workshops, debates, working groups etc. – organised by other state authorities, civil society organisations, regional and international organisations and their representatives.

In addition to conferences and expert meetings organised by the Commissioner, during the year representatives of the institution participated in over 650 various expert meetings, where they contributed to understanding and the exercise of human rights in various fields of social life by their active participation and by pointing to the issues regarding inequality of certain social groups at higher risk of discrimination, by explaining possible manners of protection, and by presenting examples of good practice and specific manners to improve the situation. Below are presented expert meetings and other activities organised by the Commissioner, followed by some of the meetings where the Commissioner participated.

Expert Meetings Organised by the Commissioner

Every year, the Commissioner celebrates the International Women's Day, the International Day of Elderly, the International Children's Day and other important dates. The Commissioner also regularly organizes the conference dedicated to the exercise of equality in the Republic of Serbia, held regularly at the highest level to celebrate the International Day for Tolerance on 16 November. Since 2015, at this conference annual media tolerance awards have been traditionally presented for the best media texts and reports on the fight against discrimination and promotion of equality and tolerance.

The Commissioner's annual conference titled ***A Look into the Future*** was dedicated to financial empowerment of women and girls in rural areas, taking into account that contribution of women in rural areas has not been sufficiently recognised, that about 90% of them are not owners of the land they cultivate, their years-long work and efforts are not recognised, they do not have health insurance and social security and reach old age without pensions. The conference was partially organised as the completion of the two-year project titled *Improvement of the Position of Women and Girls in Rural Areas* implemented by the Commissioner with support from the UN Agency for Gender Equality and Women's Empowerment (UN Women) and the Embassy of Norway in Belgrade.

At the annual conference, the annual media awards by the Commissioner and the OSCE Mission to Serbia were traditionally presented for the best media reports on the topic of the fight against discrimination and promotion of equality and tolerance. “Financially Empowered – Are They Safer?” was the topic of the panel discussion where speakers were Ms Malina Stanojević, president of Women’s Association “Preserving Priboj Village”, Ms Vesna Baur, president of Business Women’s Association “Nadežda Petrović”, Mr. Milan Ćulibrk, editor-in-chief of “NIN” weekly, Ms Radojka Nikolić, editor-in-chief of “Biznis magazin” and “Ekonometar” magazines and Mr. Filip Stojanović, lead researcher at the Public Policy Research Centre.



Plaques for the “Municipality/City of Equal Opportunities” were also presented at the annual conference, and selection of winners is traditionally organised by the Commissioner through the review of responses of local self-governments to the Questionnaire to Measure Equality. Based on the analysis of received responses, the city of Kragujevac had the best score this year, through the work on ensuring social welfare services, the improvement of education and employment, with implementation of

projects to improve the position of persons with disabilities, the project titled “Right to Equality between Men and Women as the Key to Social Success of the City of Kragujevac”, female entrepreneurship support programmes, provision of services for women who are victims of violence (helpline, marriage and family counselling). The Municipality of Ruma and the City of Vranje also distinguished themselves and deserved special awards. The Municipality of Ruma is one of the rare local self-governments where balanced representation of women and men was mainly achieved on four highest managerial positions, while City Administration of the City of Vranje has the Office for Exercise of Rights of Roma National Minority, as an important indicator of its dedication to the improvement of the position of the Roma. The Commissioner promotes award-winning cities and the municipality as examples of good practice in the country also through the EQUINET network.



To celebrate the International Women's Day, 8 March, the Commissioner organised a conference titled ***Empowered Women: Changing Our***

Communities! dedicated to breaking gender stereotypes and prejudices, as well as empowerment of women to secure equality in all segments of life, primarily in political life. The Commissioner's analysis was also presented on representation of women at the local level, which showed that twice more women occupy positions of presidents of municipalities

and mayors than in 2017. In her address at the beginning of the conference, secretary general of the Council of Europe Marija Pejčinović Burić welcomed activities undertaken by Serbia on implementation of the Istanbul Convention. Minister of Foreign Affairs Nikola Selaković said Serbia was among countries where gender equality is the dominant value and an attainable social objective. Serbia is at the top in the process of creating normative frameworks in protection of women and the country's response to violence against women is clear, said Minister of Justice Maja Popović. Representatives of the GREVIO committee of the Council of Europe, representatives of state authorities, local self-governments and non-governmental organisations talked about the results of ten years of implementation of the Istanbul Convention and participation of women in politics at the local level within two panel discussions titled "From Duty to Responsibility – A Decade of the Istanbul Convention" and "Gender Equality is born at the Local Level".

In December 2022, with support from the OSCE Mission to Serbia, a conference titled ***Women, Peace, Security: Planned (Lack of) Acting – Third Time's a Charm*** was held, where key findings were presented of the Report on Monitoring of Application of the Second National Action Plan (NAP) for Implementation of the UN Security Council Resolution 1325. Women should be more included in the policy making and implementation process in the security sector, said the Commissioner stating that the overview of submitted activities show slower dynamics of implementation of the second NAP compared with the first one, as well as that local self-governments were not ready to assume the responsibility delegated to them in its implementation. The next plan could be crucial for implementation of the principles contained in the UN Security Council Resolution 1325, while local self-governments often indicate in their reports that they implemented the majority of activities regarding community security together with the police, which shows that the Ministry of the Interior has the largest capacity to direct activities at the local level and contribute to localisation of the third NAP. Addresses at the conference were made by Head of the OSCE Mission to Serbia Jan Braathu, Minister of Justice Maja Popović and Assistant Director of the police Dragan Vasiljević, and a panel discussion was also held that addressed the topic of women's participation in public life and implementation of measures for the improvement of their position.



Deconference – Youth for Equality, 2022

Without understanding, cooperation and synergy with the youth, we can hardly improve equality and fight against discrimination, which is why the Commissioner organised the **Deconference – Youth for Equality** as part of the Youth Panel, where problems faced by the youth were pointed out and how they think these problems could be solved in talks on equal terms with representatives of primary and secondary schools and students. The Commissioner has been gathering for years a group of children and the youth from Serbia who participate through the Youth Panel in specially designed educational programmes, workshops and the Commissioner's activities in the fields relating to children and the youth. Through this Deconference, they pointed out how the Youth Panel should look like in the future to be able to present in the best possible manner the needs of their peers and to promote further dissemination of the ideas of tolerance and equality, creating a society free from stereotypes and prejudices.



To mark the International Day of Elderly, the Commissioner announced a competition **Bridge of Understanding – Intergenerational Solidarity** for the best literary work, artwork and photography. Awards were presented at the National Assembly of the Republic of Serbia. This year's competition was organised with support from the UN Population Fund, and prizes were provided by supporters of the event: Unicredit Bank and "Laguna" publishing company. In the category *Literary Work*, the first prize was won by Ana Milojević (Primary School "Kosta Abrašević", class VII2, Belgrade), the second prize was

won by Pavao Huska (Primary School "Ivan Milutinović", class VIc, Subotica), while the third prize was won by Ilija Hadži-Purić (Primary School "Branko Radičević", class VI4, Batajnica). In the category *Artwork*, the first prize was presented to Andrej Čvorović (Primary School "Milan Blagojević", class VII2, Lučani), the second prize was won by Milica Nikolić (Primary

School “Vuk Karadžić”, class VI3, Surdulica), and the third prize was won by Olga Bojović (Primary School “1300 kaplara”, class VIII2, Belgrade). In the category *Photography*, the first prize was won by Sofija Rakić (Primary School “Branko Radičević”, class VI1, Melnica – Petrovac na Mlavi), the second prize was won by Sara Lukić (Primary School “Nikolaj Velimirović”, class VIII5, Dobrić – Šabac), while the third prize was won by Ilija Petrović (Primary School “Ilija Milosavljević Kolarac”, class VI1, Kolari – Smederevo). On this occasion, the Commissioner emphasised that the duty of every democratic society was to improve the position of the elderly, as well as the responsibility of a society was measured by its treatment of its oldest and youngest members, as well as of all other minority and marginalised social groups. Intergenerational relations are an important and strong characteristic of our society which should be fostered, developed and enhanced.

Some of the activities of importance for achievement of equality directed at those who are directly interested in detailed researching of or dealing with human rights, which have been implemented continually for a longer period of time, include “Moot Court in the Field of Protection against Discrimination”, “Don’t Judge a Book by Its Covers – Live Library in Serbia” and “Equally to the Finish Line”.

The Commissioner implemented again in 2022 the programme “Moot Court in the Field of Protection against Discrimination”, to build capacities of future lawyers, male and female students at faculties of law in the Republic of Serbia, for protection against discrimination, through learning about legal mechanisms and acquiring skills of presenting legal arguments. This year, moot court was organised with support from the Serbian National Internet Domain Registry Foundation, while the case related to discrimination on the grounds of national affiliation in the digital sphere. The team named SAFO from the Faculty of Law of the University in Novi Sad was the winner of this year’s competition, while the second place was won by the team named HIPATIJA from the Faculty of Law of the University in Belgrade. Tijana Glišović of the same team won the award for the best speaker.



As part of the programme titled “Don’t Judge a Book by Its Covers – Live Library in Serbia”, implemented by the Commissioner since 2012 with support from the Council of Europe, nine Live Libraries were held during the course of 2022, including in Kraljevo (2), Tutin, Belgrade, Sombor, Bečej, Čajetina, Sremski Karlovci and Aleksinac. “Books” in this library are people from groups at higher risk of discrimination, 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” marked its tenth anniversary

as part of the 35th 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 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 and her employees. Since the marathon was held on the International Family Day, the slogan of this year's action was "Equally to the Finish Line – Start in the Family". Participants also included female fencers of the Fencing Club "Silni" and members of the Serbia's national fencing team, athletes, members of the board of the Association of International Marathons and Distance Races, representatives of the diplomatic corps, non-governmental sectors and celebrities.



In addition to the above, the Commissioner was one of the organisers of several other events. Thus, in cooperation with the House of Jevrem Grujić museum and with support of the Ministry of Culture and Information and the Secretariat for Culture of the city of Belgrade, the Commissioner was the patron of the exhibition "Great Women of Serbian

Culture" dedicated to famous women in our history, culture, science and art. Women to whom the exhibition was dedicated, namely, the first women with a doctor's degree, the first women writers and the first female members of the Serbian Academy of Science and Arts, were also pioneers in the fight for the improved position of women in the society when the patriarchal rules of men's domination were deeply rooted. During the exhibition, visitors could learn about the works and artefacts of great women, including a female writer Milica Stojadinović Srpkinja, female painters Mina Karadžić, Poleksija Todorović, Vidosava Kovačević, Beta Vukanović, Leposava St. Pavlović, Zora Petrović, Nadežda Petrović, Milena Pavlović Barili, Ljubica Cuca Sokić, a physician Draga Ljočić, a female writer and the first female member of the Serbian Academy of Science and Arts Isidora Sekulić, a female architect Jelisaveta Načić, the first female journalist Marija Maga Magazinović, a female philosopher and writer Anica Savić Rebac, a writer Desanka Maksimović, the first female composer Ljubica Marić and the first female movie director Soja Jovanović. Their life stories and achievements were told through presented works and personal items, and particularly important were special guided tours of the exhibition for children, where they could hear about women who first enrolled faculties, who were the first female writers, who were the first women with a doctor's degree.

With the aim of improving the position of the Roma, the Commissioner continually provides recommendations and implements various projects. One of her current activities is the campaign "Roma against Racism" implemented in



cooperation with the European Roma Rights Centre and the Vojvodina Roma Centre. A conference titled “Prevention of and Protection against Discrimination against Male and Female Roma” was held as part of this campaign, which was dedicated to elimination of discrimination against the Roma in all segments of social life and to reducing the social distancing against this group frequently exposed to discrimination. In addition to the Commissioner, addresses at the opening of the conference were made by Provincial Ombudsman Dr. Zoran Pavlović, PhD, director of the European Roma Rights Centre Mr. Đorđe Jovanović, a representative of the German Agency for International Cooperation (GIZ) in Serbia Ms Tanja Jovanović and Mr. Aleksandar Jovanović of the Vojvodina Roma Centre. The Commissioner said that the Roma were almost every day exposed to discrimination in all segments of social life, while at the same time the latest data showed that social distancing against them is increasing. The Roma are often mentioned in a negative context in the media and on social networks, while certain schools still have classes special formed only for children of the Roma nationality. Although 80% filed to the Commissioner in 2021 against discrimination on the grounds of national affiliation related to discrimination against the Roma, a large number of cases certainly still remain unreported, which requires joint work to encourage the Roma to report discrimination, said the Commissioner, as well as that at the same time, the work should be done on education of the majority population, primarily children and the youth, with a special focus on employees in public authorities, the government, judges, prosecutors, the police, journalists and all other actors in the society.

Expert Meetings Organised by Other Actors

The Commissioner actively participates in numerous dialogues, expert meetings, conferences etc. organised by various social actors to throw light on and point to numerous social phenomena and tendencies which can deepen the existing and create new inequalities. As an illustration, below are presented only a few of these meetings and other events where the Commissioner pointed to discrimination as a phenomenon, the manners to overcome certain problems and mechanisms to improve equality, primarily based on the practice of the institution, and also of other relevant sources.

Improving gender equality in the context of climate crisis is one of the major global challenges today, which is why “Gender Equality Today for Sustainable Tomorrow” was the topic of this year’s “Stock Exchange Bell for Gender Equality”, which was held in Serbia for the fourth time and which is a part of the global annual event. In the period from 4 March to the end of the month, stock exchange bells rang in more than 110 stock exchanges worldwide, pointing to the key role of the business sector and financial markets in financial empowerment of women and reduction of the existing gender gap. Knowledge, defined as the most powerful weapon by economists as early as in the 19th century, is the key factor of every development, including the inclusive growth we pursue which includes the concept that improves chances, opportunities and possibilities for all citizens and connects them with benefits for every part of the society, said the Commissioner on this occasion.

A round table titled “Prevention of Sexual Exploitation and Prostitution in Serbia” was held on the topic of the protection of women who are victims of sexual exploitation. It was dedicated to the improvement of the legislative framework, practice and acting and was organised as part of the project under the same title implemented jointly by NGO Atina and the Permanent Mission of France to the United Nations and the International Organisations in Vienna. In addition to the Commissioner, several dozens of experts from Serbia and France,

representatives of parliamentary political parties, civil society, the police, prosecutor's offices and courts participated in the meeting.

The presentation of the Survey of Positions on Gender Equality in Higher Education Institution carried out by the Singidunum University in cooperation with their colleagues from France of CY Cergy Paris University emphasised that women in Serbia are still in a less favourable position compared with men on the labour market, in participation in decision-making, distribution of tasks, salaries, in the financial sphere and in education. On this occasion, the Commissioner reminded participants that in 2018 she submitted an initiative to the National Council for Higher Education and proposed introduction of the gender perspective in the procedure for accreditation of higher education institutions. Although the initiative was supported, this practice is still not compulsory, and thus every effort by universities on their own initiative is important, whether through conducting surveys or adoption of documents on gender equality, as is done by the Singidunum University or the University in Belgrade.

Commissioners for equality were established at the University in Belgrade, tasked with advocating for women's rights and position, being internal protection mechanism against sexual harassment, contributing to inclusion of women in decision-making etc., by which the university community contributes to breaking of gender and patriarchal stereotypes and gives example to other actors in the society. These commissioners for equality at the University can, through improved connection with the institution of the Commissioner, contribute largely to the achievement of objectives for which they were established. Trainings for future commissioners for equality in higher education institutions were organised by the University in Belgrade and the Institute for Philosophy and Social Theory.

The Commissioner participated in the Female Leadership Summit, held for the third time under the title "Future is Now" on Fruška Gora, which gathered over 200 female leaders in the entire Western Balkans region. At the panel discussion titled "How to Eliminate Obstacles on the Road of Women's Empowerment" the topic was the necessity of mutual empowerment and mutual support between women and men, so that every individual could achieve his/her full potential and thus contribute to the prosperity of the society where one half are women.

At the traditional Mentor Walk in Čačak, held as part of the programme "Share Your Knowledge" implemented to ensure training and financial empowerment of women, exchange of knowledge and encouraging women's solidarity, the Commissioner participated in the dialogue "Female Political Leadership: the Role of Women in the Exercise of Rights". The Mentor Walk and the public discussion is implemented by the European Movement in Serbia,

as part of the programme "Share Your Knowledge", which has been held since 2008 in cities and towns across Serbia, with support from the U.S. Embassy and the OSCE Mission to Serbia.



The final conference of the project "Strong and Important Again" in Čačak was dedicated to employment of women who are in the less favourable position than men in the labour market and are often exposed to multiple

discrimination. Participant concluded that training, support in purchase of equipment to start business, networking of female farmers or entrepreneurs contribute to employment and self-employment of women.

As part of the project titled “100 for the Future”, the Commissioner held a lecture to encourage female Roma to be more engaged and included in public policy making, and the main topic was exchange of experiences to define necessary and efficient measures aimed at the improvement of the position of female Roma. It is planned for this training to be completed by 50 female Roma from the Autonomous Province of Vojvodina and Central Serbia each, through the Office for Roma Inclusion in cooperation with the Ministry of Human and Minority Rights and Social Dialogue, the Centre for Development of Roma Community “Amaro Drom” and the German Agency for International Cooperation (GIZ).

Increasing of employability of young male and female Roma was also addressed at the seminar organised as part of the project “Improving Employability of Young Roma”, implemented by the Roma Education Fund. During the project, several trainings, internship programmes and practices were organised for young male and female Roma, and acquiring new knowledge and skills helps young male and female Roma become more competitive on the labour market, which significantly increases possibilities for their employment.

Protection against discrimination and the improvement of the position of male and female Roma, through appropriate access to housing, education, work and sources of income was the central topic of the conference “Respecting Differences as a Foundation Stone for Integration of the Roma Through Employment – Cases of Slovenia and Serbia”, organised by the Institute of Social Sciences. Participants in the conference emphasised that data show that there is a noticeable social distancing and rigid stereotypes and prejudices against the Roma population and concluded that organisation of trainings, professional practices and internship programmes are an important and efficient manner for significant improvement of their employment.

Participants in presentation of the report on lessons learned “Building Trust in Equality: Improvement of Access to Justice for Roma in Hungary and Serbia”, prepared by the Praxis organisation and the Minority Rights Group Europe, pointed out to the improvement of the position of the Roma in the field of education owing to affirmative measures which significantly increased the number of the Roma with higher education, with completed secondary schools and those who complete primary education.

As regard discrimination on the grounds of age, attention was dedicated to both the elderly and the youth and children. Participants in the webinar “Discrimination against the Elderly and 2030 Agenda”, which addressed the issue of the position of the elderly contained in various sustainable development goals and principles, emphasised that discrimination on the grounds of age was among the most frequent reasons for which citizens address the Commissioner, which became particularly noticeable during the health crisis caused by the Covid-19 pandemic.

The Help Net Support and Inclusion Centre, with support from the International Višegrad Fund and the Commissioner as a partner, organised debates as part of the project “Strengthening Intergenerational Relationships”, where representatives of various generations discuss current topics, such as artificial intelligence, education and employment, as well as the impact of the media on intergenerational solidarity.

The improvement of the position and prevention of discrimination against the elderly is one of the priorities of the Commissioner, and also of the entire society, said the Commissioner at the opening of the 11th International Gerontology Congress in Belgrade. The Commissioner submitted to the National Assembly of the Republic of the first Special Report on Discrimination against the Elderly in 2021, which



presented in detail the situation in the field of equality of the elderly and pointed out to the possibilities to use the large potential of the elderly, social inclusion and intergenerational exchange of knowledge and experiences. The main topics of the congress included the issues of prevention and systematic approach to addressing the issue of violence against the elderly, particularly elderly women, organisation of long-term care for the elderly and geriatric patients, health and social support measures, as well as mental and physical welfare of the elderly. At the opening of the congress addresses were made by Ms Darija Kisić, Minister of Labour, Employment, Veteran and Social Affairs, Ms Klaudia Mahler, Independent Expert on the Human Rights of Older Persons, Mr. José R. Jauregui, President of the International Association of Gerontology and Geriatrics, with video addresses made by Mr. John Kennedy Mosoti, Country Representative at UNFPA Serbia, and Ms Susan Somers of the International Network for the Prevention of Elder Abuse. Award “Petar Manojlović” for the improvement of the position of the elderly in Serbia was presented posthumously to Ms Suzana Mišić, former Director of the Gerontology Centre Belgrade.

The conference titled “Recommendations for the Improvement of the Position of the Youth in Vulnerable Groups in Serbia” also addressed age as one of the grounds of discrimination most frequently stated in citizens’ addresses to the Commissioner. Participants in the conference concluded that it was necessary to also turn to the values system the youth state as important, primarily work, to ensure advancement based on performance, favourable working conditions, fair salary and equal compensation for work of the same value.

The dominant topic of the Mediamocracy camp, in addition to media literacy of the youth and content creating skills, was gender equality from the aspect of the development of modern technologies and manners of communication. The Mediamocracy camp gathered fifty young people from various regions of Serbia and from the neighbouring countries – Montenegro, Bosnia and Herzegovina and North Macedonia, active in civil society development practices. The camp was organised in cooperation between the National Youth Council of Serbia and Deutsche Welle Akademie and other media organisations. Negative stereotypes and prejudices are most easily formed, but also broken, at early age, and it is extremely important to teach continually children and the youth about the values of respecting human rights and equality,

said the Commissioner and pointed out that the development of modern technologies and manners of communication, in addition to faster and better provision of information, also became the source of negative phenomena, such as cyber misogyny and harassment, hate speech and revenge porn, and also that the Internet and social networks can be a powerful tool in the fight against gender-based violence, and many applications are already used for this purpose.

Participants in the dialogue on child rights “Serbia Tailored to Children”, namely representatives of competent institutions - the Child Rights Committee of the National Assembly, the Ministry of Human and Minority Rights and Social Dialogue, the Ministry of Care for Families and Demography, the Provincial Ombudsman, the Judicial Academy, the Protector of Citizens, the Commissioner and civil society organisations, members of the Coalition for Monitoring Child Rights and the Platform of Organisations for Cooperation with UN Human Rights Mechanisms, the Network of Organisations for Children of Serbia and other domestic and international organisations of UNICEF, OSCE, Save the Children and university professors, discussed with arguments on the Law on Child Rights and whether it is necessary to establish an independent institution for child rights protection.

Participants in presentation of the report “Wherever We Go, Someone Does Us Harm - Violence Against Refugee and Migrant Children Arriving in Europe Through the Balkans” pointed out that refugee and migrant children are particularly vulnerable and are at risk of multiple discrimination. The report is the result of a survey of the Centre for Interdisciplinary Studies of the University in Sarajevo and a research team of the Faculty of Political Sciences, in cooperation with the Save the Children organisation. The main findings of the report were presented, while the final part of the report contains recommendations for improved treatment and protection of migrant children.

The right to human dignity is sacrosanct, and the protection of physical and psychical integrity is essential for living and achieving of one's full potential, said the Commissioner at the discussion “Access to Justice for LGBTI+ Persons in the Republic of Serbia”, held at the Human Rights House and organised by ERA - LGBTI Equal Rights Association the ERA - LGBTI Equal Rights Association and “Da se Zna!” organisation with support from the Council of Europe. A platform “You Are Heard” was presented at the meeting, where members of LGBTI+ community can safely report hate incidents. Minister of Human and Minority Rights Ms Gordana Čomić, a representative of the Protector of Citizens MS Jelena Stojanović, representatives of organisations ERA, “Da se Zna!” and the OSCE Mission to Serbia also participated in the discussion, while Mr. Tobias Flessenkemper, Head of the Belgrade Office of the Council of Europe, made an address at the opening of the meeting.

The Commissioner is a partner in the project “Empowering the LGBTI Workforce in the Serbian Labour Market”, dedicated to inclusion of LGBTI persons on the labour market in the Republic of Serbia. The objective of the project is to educate and empower male and female citizens of the Republic of Serbia who are members of this minority group in terms of the protection of their labour and employment rights, as well as to promote examples of good practice of inclusive work environments in partnership with companies. As part of the, the Commissioner held in Belgrade, Niš and Novi Sad workshops on the topic “Discrimination against LGBTI Persons – Concept, Forms and Filing Complaints to the Commissioner for Protection of Equality”. Mandate of the institution, work on the improvement of the position LGBTI persons in Serbia and the manner of initiating the procedure for protection against discrimination before

the Commissioner were presented to participants in workshops. A brochure on discrimination against LGBTI persons on the labour market, which contains the complaint form, was also published as part of the project.

Business community, the economic sphere and the improvement of the protection of rights and equality in the field of employment are very important for the entire society, because social and economic rights exercised in that field are fundamental human rights, emphasised participants in the conference Game Changers – Platform for Dialogue on Economic and Social Justice. A progress was achieved in the previous period in establishing of equality in the work environment, while the Commissioner prepared as early as in 2017 the “Equality Code – Guidelines for Preparation of Employers’ Anti-Discrimination Policy Code”, and subsequently the institution established cooperation with numerous employers and helped them in preparation of anti-discrimination policy documents and signed the Equality Charter with numerous companies. However, the health crisis resulted again in the less favourable position of vulnerable categories, and swung the equality pendulum particularly to the detriment of women, because women are the majority of employees in the health and education system, which bore a high burden during this period. One of the topics at the conference was also artificial intelligence as a threat to the position of humans in the working process.

The ministry of Human and Minority Rights and Social Dialogue organised during the year a number of events and social dialogues, such as presentation of the instrument of the *leave no one behind* principle in legal and strategic documents of the Republic of Serbia, a social dialogue for youth integration, “Homelessness – Mapping and First Steps Towards Social Inclusion”, on the improvement of inclusive policies o – support to pupils and students with disabilities and other where the Commissioner’s representatives took active part.



The conference “Human Rights at Digital Age” organised by the Ministry of Human and Minority Rights and Social Dialogue in cooperation with Color Media Communications was dedicated to challenges for hierarchal structures – social, economic or political, and the existing power disbalance and systemic inequality, as

well as technological innovations, such as various Internet platforms and artificial intelligence systems, which are now also a part of the control mechanisms to eliminate hate speech from social networks and the Internet in general.

At the age when digital technologies take priority in all fields, we must ensure adequate protection of human rights, because a society is safe if its most vulnerable members are safe, said the Commissioner at the AFA Leadership Summit “TogetHER for a Better Tomorrow – The Power of Collaborative Leadership in an Unpredictable World”. There are good examples of how digital technologies enable important topics to reach the focus of many people, but their other side can be extremely harmful, particularly for the youth and women who are often

victims of abuse of their photographs posted on the Internet. Digital violence is real and it should be treated as such, although it occurs in a virtual space. Participants in this conference were managers of some of the largest companies in the field of banking, telecommunications, energy and information technologies, who exchanged experiences and ideas for socially responsible businesses through panel discussions.

Participants in the session of the Committee for Human and Minority Rights and Gender Equality held to mark the International Day of Commemoration in Memory of the Victims of the Holocaust emphasised that Serbia was not among countries where increase of antisemitism was observed, while sporadic incidents were always condemned by the institution of the Commissioner and competent authorities, which shows that Serbia consistently fosters the culture of commemoration of the joint suffering of the Jewish, Romany and Serbian people in the World War II. They emphasised that respect of human rights, prohibition of discrimination and fostering the culture of tolerance and dialogue were the best defence against all treats that could put at risk the highest civilisation values of every society. It was concluded that learning about tolerance and respect of differences should start at the earliest childhood, through the schooling system, with constant reminding about the Holocaust and sacrifices made during one of the darkest periods in the history.

To mark the International Human Rights Day, 10 December, a meeting titled “Leave No One Behind – in Anticipation of the 75th Anniversary of the Universal Declaration of Human Rights” was held at the National Assembly, which was organised by the Ministry of Human and Minority Rights and Social Dialogue in cooperation with the United Nations Team in Serbia and the OSCE Mission to Serbia. A representative of the institution of the Commissioner participated in a panel discussion dedicated to intergenerational solidarity with president of the Committee for Human and Minority Rights and Gender Equality Dr. Muamer Bačevac, Minister of Care for Family and Demography Ms Darija Kisić Tepavčević and representatives of associations of both the youth and the elderly. Participants in the panel discussion emphasised that the protection and improvement of human rights was a priority for the Republic of Serbia, which is supported by the fact that constitutional, legislative and institutional frameworks in the field of human rights protection were established which are compliant with international standards and a number of strategies and other normative documents were adopted that regulate the improvement and protection of human rights.

The Commissioner took part in a meeting held to mark the opening of the Privacy Week, dedicated to the International Data Protection Day, where the participants concluded that the pandemic period opened new issues in connection with balancing between protecting the public interest and public health and the need to preserve privacy. The Privacy Week in Serbia was organised by the Partners-Serbia, Share Foundation, A11 – Initiative for Economic and Social Rights, “Da se Zna!” organisation and the Belgrade Open School.

The protection of health, economic and technological development, reduction of unemployment through the increase of dignified work and



opening of new jobs, improved response of the education system on the present and future needs of the market and knowledge that facilitate changes in the market were the key topics of the panel discussion titled “Inequality and Public Policy Response: Contribution to Inclusive Growth” at the Kopaonik Business Forum. As the moderator of the panel discussion, the Commissioner emphasised that the improvement of the position and opportunities for all male and female citizens constituted welfare for all members of the community, which is why the work should be intensified on various measures directed at achievement of full equality of



various social groups, including social welfare mechanisms, labour market policies and equality in education. Director of Vekol DMC Ms Tanja Bogdanov, Executive Director of the Centre for Democracy Foundation Ms Nataša Vučković, professor at the Faculty of Economy Mr. Mihail Arandarenko and Assistant Minister of Labour, Employment, Veteran and Social Affairs Ms Sandra Grujičić talked at the panel discussion

about the overall sustainable and inclusive growth and development.

In mid-December 2022, the Centre for Democracy Foundation organised the traditional annual conference “Economic and Energy Crisis, Labour Market and Dignified Work in Serbia” which addressed the 2030 Agenda, the link between dignified work and economic growth, economic and social rights and workers’ rights, with a special focus on the impact of the economic and energy crisis on the world of work and economic and social rights, as well as the just transition strategy and its impact on economic and social rights. During the year, the Centre for Democracy Foundation also organised a number of debates and other events where the Commissioner participated actively, such as debates on civic activism, green jobs and tasks, jobs for the youth, subsidies, the energy crisis and the position of the poor, child poverty and poverty of the elderly, the education strategy and lifelong learning etc.

Representatives of public authorities must have skills and be sensitised to timely recognise and respond to discrimination, particularly in the work with vulnerable social groups, emphasised the participants at the opening of a workshop for state authorities titled “Regulatory and Public Policy Impact Assessment on Vulnerable Social Groups”, organised and implemented jointly by the Commissioner and the A11 Initiative for Economic and Social Rights. The objective of the workshop was to inform relevant actors in the public and civil sector about the duty to assess impact on certain social groups, as well as about amendments to the Law on Prohibition of Discrimination.

The United Nations Office for Project Services (UNOPS) organised a thematic consultative workshop for preparation of a new cycle of support in the improvement of good governance and social inclusion at the local level. The thematic workshop was organised as part of a wider consultative process and provided an opportunity to discuss with relevant national institutions about the planned activities, national priorities and ensuring compliance with the national and local needs in the field of social inclusion.

Several hundreds of experts from the entire Serbia participated in the national conference titled “Responsible Towards Citizens”, which was organised by the Social Welfare Lawyers’ Association “Argument”. The conference was dedicated to the manners and models of

functioning of the social welfare system. The participants emphasised the role of the media, particularly in reporting on sensitive topics, such as violence against children. A representative of the Commissioner presented the practice of the institution in achievement of equality in the field of social welfare, and one of the conclusions of the meeting was that social welfare has a large impact on both personal and family level and in a wider sense, because it strengthens social cohesion and solidarity, and as such it must be responsible.

As part of the project “Social Rights for Vulnerable Groups” (SoRI II, GIZ), a conference was organised where results of the social mapping were presented that was implemented as a pilot project in four municipalities in Serbia, with the aim of integrating all social groups in public policy making in accordance with the sustainable development principles and the 2030 Agenda.

The main topics of a two-day international conference titled “Democracy: Minimum Consensus”, organised by “CRTA” organisation, were the position of the parliament in modern democracies, the importance and quality of elections and the role of free media in preservation of democracy. The plenary part of the conference was opened by a panel discussion which addressed whether parliaments are still primary decision-making places in the circumstances where politics becomes a crisis management practice.

The Commissioner met with representatives of the Union of War Veterans of the National Liberation Wars, with whom he talked about their activities aimed at fostering anti-fascism and the possibilities for further cooperation. The President of the Union of War Veterans of the National Liberation of Serbia, General Vidosav Kovačević, presented to the Commissioner a certificate of appreciation for contribution in the development and preservation of the fight against fascism.

Organisations International Dialogue Centre and European Council of Religious Leaders, with support from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), organised an online workshop to present two researches on elimination of hate speech: “Education in the Fight Against Hate Speech Directed at Refugees and Migrants in Europe” and “Religious Actors and the Fight Against Hate Speech in Europe”. The workshop addressed the necessity of dialogue between the key actors in various fields of social life, including religious leaders, and the participants concluded that it is necessary to ensure a multi-sectoral approach and cooperation in all segments of the society, to impact on the reduction of hate speech.

Media reporting on refugees was the topic of a round table entitled “Ethical Reporting on Refugees” organised jointly by the IDEAS Centre for Research and Social Development, the Office of the United Nations High Commissioner for Refugees in Serbia and the Embassy of Switzerland. The objective of the round table was to improve the level of information of journalists and media professionals and to encourage cooperation with civil society organisations engaged in the rights of refugees and asylum seekers and other stakeholders, in order to achieve a higher objectivity in reporting and prevent publishing of discriminatory content in the media.

International Cooperation and Implemented Projects

During the course of 2022, 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.



The project “Improvement of the Position of Women and Girls in Rural Areas” implemented as part of the initiative “Improved Safety of Women Safety in Serbia”, implemented by the Commissioner in cooperation with the UN Agency for Gender Equality and Women's Empowerment and the Embassy of the Kingdom of Norway in Belgrade. A number of events were organised as part of the project on the

topic of the improvement of the position of rural women and girls and gender equality, as well as a two-day working visit of the Commissioner and a group of female farmers to Slovenia, Austria and Croatia. As part of this project, to mark the International Day of Rural Women, 15 October, a conference titled “Look into the Future” was organised in Čačak. Direct assistance was also provided to women who wish to start or improve agricultural business and purchase of agricultural equipment for female entrepreneurs and newly-formed non-governmental organisations engaged in provision of support to women and girls in rural areas in Zlatiborski, Moravički and Raški districts. Taking into account the importance of media support, special media awards were presented as part of the project to journalists who promoted tolerance and equality through their reports in 2022 and reported on women and girls in rural areas.



As part of the same project, namely the “Improved Safety of Women Safety in Serbia”, the Commissioner's study visit to Portugal was organised in early September to exchange experiences in the functioning and work on the improvement of financial position and safety of rural women, since the objective of the project is strengthening of individual capacities of women and girls in rural areas and the improvement of access to justice and capacities for the protection against gender-based violence and discrimination. Bearing in mind that the issue of violence against women has several dimensions, particularly as regards women in rural areas, one of the key aspects is improvement of cooperation between all relevant actors that can contribute to the improvement of the position of women in rural areas, and also exchange of experiences with other institutions and organisations, which was the purpose of the visit to Portugal.

Meetings were held with the State Secretary for Equality and Migration Isabel Rodrigues, the President of the National Human Rights Commission Sandra Ribeiro, representatives of the Commission for Equality in Labour and Employment, Planning, Policies and Administration Office of the Ministry of Agriculture and Food, the Commission for Citizenship and Gender

Equality, as well as with the Republican National Guard of the Ministry of Internal Administration which has special programmes for rural areas. A visit was also organised to the “Lisbon+Equality” space dedicated to victims of domestic and gender-based violence of the city municipality of Lisbon, to the Portuguese Association for the Support of Victims APAV and the Centre for Support to Victims of Domestic Violence in the Évora District.

The Commissioner participated in an online forum organised by the “Group of Ambassadors Friends of Gender Equality” in Stockholm, where she presented previous experiences in the improvement of gender equality from the aspect of the institution and emphasised that a significant progress was achieved in women’s participation in political life, prevention and protection against gender-based discrimination and introduction of gender-responsible budgeting and presented achievements and challenges in practice in the Republic of Serbia.

The Commissioner provides her full contribution to further building of the society based on the respect of human rights, emphasised the participants in a meeting with the Head of the EU Delegation to Serbia Mr. Emanuele Giaufret during his visit to the institution of the Commissioner. The meeting addressed the achieved standards in the field of human rights, the importance of equality and the need for further improvement of protection against discrimination.

Cooperation was also continued with the UN Women Regional Director for Europe and Central Asia Ms Alia El-Yassir, with whom the Commissioner talked about the improvement of equality and protection of women against discrimination, as well as planned activities of the institution in this field. A special topic of the meeting was years-long successful cooperation between the institution of the Commissioner and UN Women, including the ongoing project aimed at the improvement of the position of women and girls in rural areas. The meeting also addressed future project which will be aimed at provision of specific support to various categories of women.

The Commissioner established years-long successful cooperation with the United Nations Population Fund (UNFPA) in several fields, and in 2022 campaign “*Bodyright*” was of particular importance, which is implemented by the Commissioner and the UNFPA, modelled on the global campaign, under the slogan “Your Body is Yours! Both on the Internet and in the Real World!”. It was officially initiated by a conference held at the Yugoslav Film Archive, and was dedicated to prevention of gender-based violence committed by means of technology in online space. The aim of the bodyright campaign is to raise awareness of the society of widespread gender-based violence in the digital sphere and its consequences. Participants in the conference emphasised that it was necessary to improve the normative framework at the global level regarding regulation of human rights in



online space and invited technology companies to join in and give their contribution. The localised “Glossary of Gender-Based Violence Committed by Means of Technology” was also presented as part of the conference, which provides an overview of various forms of violence in the digital world and possible consequences of such violence. As part of the campaign, under the slogan “Confide in the Commissioner”, everyone was invited to report such cases to the Commissioner because a survey showed that over 74% of girls in Serbia stated that they have never been a part of a campaign to raise awareness of gender-based violence committed by means of technology. Participants in the conference emphasised that it was necessary to improve the normative framework at the global level regarding regulation of human rights in online space and invited technology companies to join in and give their contribution. The Head of the EU Delegation to Serbia Mr. Emanuele Giaufret also talked about the importance of this campaign and prevention of digital violence, while Mr. John Kennedy Mosoti, Country Representative at UNFPA Serbia, said that our bodies were less protected in online space than music, movies or even corporate logos.

A work meeting was held with Mr. Yakup Beris, UNDP Resident Representative in the Republic of Serbia, which addressed future joint projects and continuation of cooperation between the two institutions. A special focus in talks was on the development of digitalisation and artificial intelligence and their impact on human rights, while topics were the position of members of the Roma national minority and gender-based violence.

Women, the Roma, members of LGBT+ population and migrants are the most frequent targets of discriminatory and hate speech, emphasised the participants at a conference dedicated to the fight against hate speech held at OSCE head office in Vienna. The objective of the conference was exchange of experiences and good practice applicable in OSCE participating states. The conference was opened by Mr. Matteo Mecacci, Director of the OSCE Office for Democratic Institutions and Human Rights, Ms Teresa Ribeiro, OSCE Representative on Freedom of the Media, and Mr. Kairat Abdrakhmanov, OSCE High Commissioner on National Minorities. Participants in the conference also included representatives of OSCE participating states, representatives of the academia, civil society and the media. On this occasion, the Commissioner presented the example of Serbia, challenges in practice and the manner of protection against hate speech before the Commissioner.



At the regional conference titled “Challenges in Passing Judgements in Cases of Discrimination - Sanctions and Damage Compensation”, which was held in North Macedonia in October 2022 and which gathered representatives of certain Ombudsman authorities and institutions, male and female judges of courts of appeals,

higher courts in Serbia, basic courts in Bosnia and Herzegovina and basic courts in North Macedonia, as well as representatives of OSCE, the Council of Europe and civil society organisations addressed the following issues: the main challenges faced by courts in practice when imposing sanctions; cases most suitable to award damage compensation and the roles

of equality bodies; can intersectional discrimination lead to cumulative compensations; can discriminatory act be sanctioned twice; types of criteria in assessment of the amount to be awarded as damage compensation; how do courts act in passing judgements on various types of pecuniary and non-pecuniary damage compensations; as well as guidelines for calculation of the amount of damage compensation.

At the panel discussion titled “Western Balkans Compared with the EU: the Manner of Fight against Discrimination through Institutional Mechanisms”, held at the International Conference on Human Rights as part of EuroPride 2022, positions were presented of institutions of progressive European countries engaged in discrimination against LGBT persons in terms of legal and practical mechanisms used in these countries compared with the Western Balkans countries, and practical experiences in the protection of human rights were also exchanged. In addition to the Commissioner Mr. Siniša Bjeković, Protector of Human Rights and Freedoms of Montenegro, Mr. Robert Gajda, Commissioner for Protection from Discrimination, and Ms Neža Kogovšek Šalamon, ECRI member for Slovenia, also participated in the conference.

The meeting “Protecting the Rights of Trafficked Persons: Supplementary Human Dimension Meeting III” was held in mid-July in Vienna, where Serbia’s experience in the fight against trafficking, particularly in cyber space, was presented at the panel discussion “Fight against Trafficking in Cyber Space” and it was emphasised that the Republic of Serbia established the National Centre for Child Safety on the Internet as early as in 2017 as a mechanism for education, counselling and reporting of violence and other hazards or inappropriate speech to which children may be exposed.

Two international conferences on the Holocaust and the fight against antisemitism were held in Prague. The International Conference dedicated to the Terezin Declaration of 2009 is one of the events organised by the Czech Government during its presidency of the Council of the European Union. The aim of the Terezin Declaration is to right economic wrongs that accompanied the Holocaust against the Jews and other victims of Nazi persecution in Europe, as well as to preserve the memory of the Holocaust for future generations. Numerous high state officials and representative of international organisations took part in the conference, including Mr. Antony Blinken, U.S. Secretary of State, Ms Věra Jourová, Vice-President of the European Commission, and the Commissioner for the Protection of Equality of the Republic of Serbia. One day earlier, on 2 November, the international conference of the Special Envoys and Coordinators Combating Antisemitism (SECCA) was organised by the World Jewish Congress.

Regional cooperation, improvement of economic relations and freedom of movement of persons, goods and capital must also be accompanied by appropriate institutional protection of human rights and freedoms, primarily the right to equality, concluded the participants in a two-day visit to Albania, where the Commissioner met with Mr. Robert Gajda, Commissioner for Protection from Discrimination, Ms Erinda Ballanca, the Ombudswoman, and Ms Elisa Spiropali, Minister of State for Relations with Parliament in the Albanian Government. The objective of the study visit was to exchange knowledge and experiences and to create joint activities in the field of protection of human and minority rights and protection against discrimination, particularly because relations between the neighbouring countries is increasingly intense. The participants concluded that only cooperation and joint work can guarantee achievement of democratic processes and the rule of law. During the visit to Albania, the Commissioner also met with OSCE representative in Tirana. Albanian

Commissioner for Protection from Discrimination Mr. Robert Gajda returned the bilateral visit to the Commissioner, and on this meeting they talked about all issues in the protection and improvement of human and minority rights and freedoms, with a special focus on whether institutions of other European countries deal with the fight against discrimination differently than those in the Balkans, what are the differences regarding legal and practical mechanisms used by these countries, and practical experiences in the work of these two institutions were also exchanged. They concluded during the talks that the issues of human rights are extremely important and equally sensitive for the entire Western Balkans, which can be seen from tensions about the organisation of this year's EuroPride in Belgrade. The Commissioners agreed that the protection of rights of the LGBT community is not ideal even in developed democratic EU societies, however, progress is continually made in our region regarding this issue.



Practical experiences in the work of institutions and continuation of cooperation on the improvement of the protection of human rights were also agreed on a meeting with the Protector of Human Rights and Freedoms of Montenegro Mr. Siniša Bjeković. Participants in the talks emphasised that human rights are equally important and also sensitive issue for the entire Western Balkans, and it is thus very important to foster good cooperation between equality institutions in the region, particularly when economic and political relations between neighbouring countries are increasingly intense.

The Regional Conference of the Women Police Officers Network on the topic "Police Challenges in Post-Covid Conditions and Role of Women in Security Sector" was organised by the Women Police Officers Network of the Ministry of the Interior of the Republic of Serbia in cooperation with the OSCE Mission to Serbia to exchange experiences in the work of such networks at the regional and European levels and to overcome challenges in the roles and work processes caused by the Covid-19 pandemic and the role of women in the security sector. Addresses at the conference were also made by Mr. Bratislav Gašić, the Minister of the Interior, Ms Sarah Groen, Deputy Head of OSCE Mission in Belgrade, Ms Montserrat Pina Martínez, the president of the European Network of Policewomen, and Ms Tatjana Vetro, the President of the Women Police Officers Network of the Ministry of the Interior of the Republic of Serbia.

The Commissioner participated in the Regional Conference on Cyber Violence and Cyber Security, with a special focus on the youth and women, which was organised by the Ombudsperson for Gender Equality of the Republic of Croatia in mid-November. The Regional Conference was organised as part of international cooperation between civil society organisations, state authorities and independent equality bodies in Croatia, Bosnia and Herzegovina, Montenegro and Serbia on addressing the issue of cyber violence and its social consequences on the youth and women. Addresses at the conference were made by experts

in relevant state authorities and organisations, representatives of international organisations, researchers and experts in the field of cyber violence, as well as representatives of civil society organisations.

The Commissioner took part in the annual seminar with European equality bodies in Strasbourg organised by the European Commission against Racism and Intolerance (ECRI) on the topic of the topic of intersectional discrimination in protection of citizens against discrimination. The participants underscored that a detailed review of the broader situation and recognition of intersectional impacts of a person's several personal characteristics on his/her position, as well as knowledge



of culture and attitudes of the community where discrimination occurs, can help identify social subgroups exposed to multiple discrimination, which are often not sufficiently visible to institutions, while the Commissioner noted that intersectional and multiple discrimination was most frequently faced by the Roma, poor citizens and persons with disabilities. The concept of intersectional discrimination is successfully applied in Serbia, because we have a well-defined legal framework that recognizes these forms of discrimination, while the institution of the Commissioner continually educates employees at public authorities, the judiciary, the police, social welfare and health care institutions and other relevant institutions that decide on the protection of citizens' rights.

A representative of the Commissioner participated in the Conference titled *Challenges in Passing Judgements in Cases of Discrimination- Sanctions and Damage Compensation* organised by OSCE in Skopje, as part of the platform for regional cooperation on the issues of the fight against discrimination (established with OSCE Missions to Serbia and Bosnia and Herzegovina). The conference was the final event preceded by online workshops that addressed the role and importance of strategic lawsuits, the duration of the procedures for protection against discrimination, frequency and effects of temporary measures and adjudicated damage compensations. The conference gathered representatives of equality bodies, male and female judges in courts of appeals, higher courts in Serbia, basic courts in Bosnia and Herzegovina and basic courts in North Macedonia, as well as representatives of the OSCE, the Council of Europe and civil society organisations, with the aim of fostering efficient cooperation and coordination between relevant actors in the fight against discrimination, particularly representatives of the judiciary, equality bodies and civil society organisations, to contribute to exchange of experiences and good practice examples.

Cooperation with European Network of Equality Bodies (EQUINET)

During the course of 2022, 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”.

The Commissioner participated as a full in the EQUINET Annual General Assembly, which was held in Brussels in early October. At this year’s session, the Strategic Plan for the period 2023 – 2026 was adopted, as well as the Working Plan for 2023, where the adoption of the Directive on Standards for Equality Bodies is the key priority because the previous European Commission Recommendations on Directive on Standards for Equality Bodies failed to provide the expected results. Although the text of the future Directive was not available at the time when the Assembly was held, the participants discussed in detail on expectations that the future provisions on standards for equality bodies will guarantee independence, appropriate mandate, powers and resources, which should eventually contribute to the improved protection of everyone at risk of discrimination and unequal treatment. The Proposal of the Directive was published on 7 December 2022³¹.



EQUINET Annual Assembly, Brussels, 2022

Cooperation with EQUINET in 2002 took somewhat different form than the usual. Namely, since the Commissioner joined this network in 2013, attendance at events was financed for all member of the network from the EQUINET budget, i.e. from the funds of the European Commission programme “Rights, Equality and Citizenship”. During the course of 2020 there were no live meetings due to the coronavirus pandemic, and since 2021 financing of EQUINET was transferred to the European Commission Citizens, Equality, Rights and Values (CERV) Programme 2021-2027, under which costs of attendance to events are not financed for members that are not also EU Member States, which put eight members of the network in an unequal position. EQUINET management addressed the European Commission in that regard, pointing out that such approach is essentially contrary to the values of the network and equality bodies that are engaged on the implementation of laws on equal treatment in their countries, contributing to the access process through promoting equality rights and principles,

³¹Proposal for a Council Directive on Standards for Equality Bodies, European Commission, Brussels, 7 December 2022, available at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/tackling-discrimination/equality-bodies_en

inclusion and equal possibilities, which are also the key values of the European Union. This issue was also emphasised at the regional conference of equality bodies of Southeast Europe.

In view of the foregoing, representatives of the Commissioner attended several events, while other events were attended online, which ensured regular participation of representatives of the institution in the work of all working groups. In addition to clusters for the promotion of equality and for issues of disability, in 2022 EQUINET clusters for artificial intelligence, for economic and social rights, for same-sex families on the move and for age issues also began their operations. The Commissioner participated in the work of the cluster for age as one of the speakers at the EQUINET webinar entitled “The Potential of Equality Bodies for Inclusion of United Nations ageing Activities”. The key findings of the Special Report on Discrimination against the Elderly in the Republic of Serbia were also presented, as well as key recommendations for the use of the large potential of the elderly, the effects of intergenerational exchange of knowledge and experiences and the implementation of lifelong learning principles.

In addition to regular activities, the work of the network and its members in 2022 was marked by the impact of the war in Ukraine on the issue of equality. EQUINET organised two online meetings on this topic, under the Chatham House Rules, under which participants in the forum are free to use the information presented on the meeting, but the identity of the participant who provided the information may not be revealed. These meetings mainly addressed discrimination characteristic of Ukraine’s neighbouring countries which received the majority of refugees. A different treatment of and discrimination against the Roma from Ukraine was observed at borders, and in case of insufficient accommodation, and also other refugees for Ukraine refused to be in the same accommodation with them. Also, some equality bodies reported utterly different and racism-based treatment of refugees that are not coming from Ukraine, particularly against those coming from Africa. One of the major concerns was also discrimination against women and difficult access to sexual and reproductive health care, as well as the risk of trafficking. Issues were also registered with transgendered persons, whose documents were not in accordance with their gender identity. In the field of employment, cases of dismissal of Russian employees were reported, while discrimination against Russians was also observed in the field of education. Equality bodies notified EQUINET of cases indicative of widespread hate speech against Russians, boycott of Russian restaurants, shops, artists, denial of various and banking services to Russians, prohibition of their participation in sport and other events, their inability to rent apartments etc. Representatives of the Commissioner stated that such issues and cases of discrimination do not exist in the Republic of Serbia, as well as that refugees from Ukraine are treated humanely, with due care and in accordance with the highest international standards.

In 2022, EQUINET’s publication *Exploring Positive Action as a Means to Fight Structural Discrimination in Europe*³² was published, which was prepared by the working group for anti-discrimination law. The Commissioner also participated in its preparation. The publication also includes the case where the Commissioner acted on a complaint against discrimination in the field of labour and employment, when an employer showed, among other things, that he misunderstood the legal nature of a positive action³³.

³²*Exploring Positive Action as a Means to Fight Structural Discrimination in Europe*, Equinet, available at: [Exploring positive action as a means to fight structural discrimination in Europe. \(equineteurope.org\)](https://equineteurope.org/exploring-positive-action-as-a-means-to-fight-structural-discrimination-in-europe/)

³³*Exploring Positive Action as a Means to Fight Structural Discrimination in Europe*, p.69

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

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 instruments 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 2022, 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 Instruments 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 instruments 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 European Commission's most recent **Serbia Report 2022**³⁴. The Report states *inter alia* that Serbia has some level of preparation in applying the EU acquis and European standards in this area, and limited progress was made overall, which includes an improvement of the average grading of the sub-chapters compared to the previous reporting period. The legislative and institutional framework for upholding fundamental rights is broadly in place, but needs to

³⁴ *Serbia Report 2022*, European Commission, Brussels, 12 October 2022, available at: https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/Serbia_Report_2022_SR.%5B1%5D.pdf

be consistently and efficiently implemented. Serbia adopted new strategies on anti-discrimination and Roma inclusion, as well as action plans on gender equality and Roma inclusion. Serbia has ratified the main international human rights instruments but has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which it signed in 2004.

The Report also states that From June 2021 to June 2022, the European Court of Human Rights delivered 19 judgments concerning Serbia and found that it violated the European Convention on Human Rights in 9 cases. This notably included violations of the right to a fair trial, the protection of property, the right to respect for private and family life, the right to liberty and security, and the general prohibition on discrimination. Work is ongoing to implement the mechanism providing individual redress to parents in cases similar to *Zorica Jovanović v Serbia*. A key feature of this case is the continued failure by the Serbian authorities to provide the applicant with any information about the real fate of her missing baby who had been in the care of a state-run hospital. The Report also notes that Serbia extradited a Bahraini citizen in January 2022, despite the interim measure imposed January by the European Court of Human Rights to refrain from extradition until the completion of Court proceedings, which are still ongoing.

Annual reports by independent bodies were debated in the relevant committees and in plenary sessions of the National Assembly. However, the National Assembly failed to support the activities of independent bodies in a systemic manner by regularly monitoring implementation of their recommendations. The 2021 report of the Commissioner for Protection of Equality indicates an increase in the number of citizens' complaints (relative to 2020) and a fall in the number of recommendations issued by the Commissioner to public bodies. The percentage of Commissioner's recommendations that were implemented remained high but decreased (2020: 89 %; 2021: 82 %). Hate speech, threats and violence continued to target human rights defenders and lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons. The Commissioner for Protection of Equality reported cases of attacks and threats against migrants organised by extremist and far-right groups, as well as attacks based on hatred and ethnic identity, as noted in the Report.

The Report also notes the fact that, During 2021, the Commissioner for Protection of Equality reacted with statements and warnings on various cases of discriminatory attitudes and verbal violence against women, including by public figures. While the number and ratio of women in politics continued to increase, an external study published in 2021 and based on interviews of female politicians and media monitoring indicates that gender-based discrimination and verbal and other forms of gender-based violence remain in this area. Roma women, older women, poor women, women with disabilities, refugee and internally displaced women, continue to experience intersecting forms of discrimination, which was further exacerbated by the COVID - 19 crisis. In her special report on discrimination against older persons, the Commissioner for Protection of Equality underlined forms of discrimination faced by older women in particular.

Due to lack of trust in institutions, cases of violence and discrimination towards LGBTI+ persons are often unreported. Transgender persons are particularly vulnerable to violence, abuse and discrimination. Intersex persons remain invisible both socially and legally, and there were no developments regarding the draft law on same-sex partnerships.

As regards recommendations, the Report states *inter alia* that Serbia needs to address the recommendations of the 2021 report, and in particular needs to:

- strengthen human rights institutions by allocating the necessary financial and human resources and by putting in place procedures to ensure compliance with the European Court of Human Rights' measures, including interim measures;
- start implementing the strategies on anti-discrimination, gender equality, violence against women and de-institutionalisation;
- actively counter hate-motivated crimes and establish a track record of investigation and convictions;
- demonstrate, through better data collection, tangible improvements across the country in the effective exercise of the rights of individuals belonging to national minorities, including reference to the targets set by the Poznan Declaration on Roma inclusion and by the future new action plan relating to national minorities.

The **Concluding observations on the third periodic report of Serbia**³⁵ of the Committee on Economic, Social and Cultural Rights welcomes the legislative, institutional and policy measures taken to increase protection of economic, social and cultural rights, such as the adoption of the Law on Amendments to the Law on Prohibition of Discrimination in 2021, the Free Legal Aid Act in 2018, and the Law on Housing and Building Maintenance in 2016. Nevertheless, the Committee is concerned about the substantive discrimination faced by disadvantaged and marginalised individuals and groups, in accessing work, social protection, housing, health-care services and education. The Committee notes that the situation has further deteriorated due to growing hate speech, including through social media, and urges the State party to intensify its efforts to promote equality and combat discrimination against Roma and persons belonging to national minority groups, persons with disabilities, refugees, asylum seekers, internally displaced persons, and LGBTI persons.

With regard to achievement of equality, the Concluding Remarks recommend in particular that Serbia:

- Take the steps necessary to remove all discriminatory legal provisions and adopt the pending anti-discriminatory legislation without delay, and strengthen the enforcement of anti-discrimination legislation;
- Take measures necessary to ensure that public authorities conduct an equality test when preparing new regulations or policies that have impact on the enjoyment of economic, social and cultural rights by disadvantaged and marginalised individuals and groups, as provided for in the Law on Amendments to the Law on Prohibition of Discrimination;
- Enhance awareness and sensitization, including regarding online hate speech, among public officials and the public.

In light of the fact that the possession of identity documents is a prerequisite for accessing most social services, the Committee is deeply concerned about the large number of children whose birth cannot be registered and persons whose residence cannot be registered at the address of a social welfare centre as provided for in the Law on Permanent and Temporary Residence of Citizens and the consequent restrictions on their access to social services. For this reason, the Committee urges Serbia to take immediate steps to rectify this situation; expand the application of the Law on Permanent and Temporary Residence of Citizens to the

³⁵ *Concluding observations on the third periodic report of Serbia*, Committee on Economic, Social and Cultural Rights, 6 April 2022, available at: <https://digitallibrary.un.org/record/3969915?ln=en>

internally displaced persons living in informal settlements who have registered their permanent residence in Kosovo; review legislation relating to birth registration, including by-laws, with a view to ensuring that the birth of all children in Serbia is registered.

As regards persons with disabilities, the Committee is concerned that the denial of reasonable accommodation for persons with disabilities is not recognised as a form of discrimination and that public facilities and public transport are largely inaccessible by persons with disabilities. It is also concerned about the continuing institutionalization of persons with disabilities and the limited availability of community-based services. It is further concerned about the persistently low level of employment and social integration of persons with disabilities. In this regard, the Committee recommends that Serbia ensure that denial of reasonable accommodation is legally recognised as a form of discrimination, and ensure the provision of reasonable accommodation, particularly in the workplace and at school; improve accessibility to public facilities, including medical clinics and public transport; facilitate the deinstitutionalization of persons with disabilities and expand community-based services for them; improve the employment of persons with disabilities, including by establishing incentives and special measures, and integrate workers with disabilities in the mainstream labour market.

While noting the adoption of a new national strategy for gender equality for 2021–2030, the Committee is concerned about the insufficient impact of the national strategy for gender equality for 2016–2020, particularly in relation to women's participation in the labour force and employment. It is also concerned about the lack of protection and support provided for women to face the increased care responsibilities due to school closures and the heightened risk of domestic violence during the pandemic. The Committee therefore urges Serbia to fully implement the new strategy, identify root causes that hinder women from participating in the labour force and obtaining decent job opportunities, tailor the employment services and vocational education and training to address these, and provide social services for a better harmonization of work and family life; step up its efforts to prevent and punish sexual and gender-based violence.

While noting that the Family Act sets the age of marriage for both sexes at 18 years, the Committee is concerned about the continuing practice of child marriage, in particular of girls, and its serious impact on economic, social and cultural rights. The Committee therefore urges Serbia to ensure strict adherence to the legal provision that sets the minimum age for marriage at 18 and to take all measures to eliminate child marriage and to sensitize the public to the harmful effects of the practice.

The Committee is concerned about the continuing high incidence of poverty, particularly among Roma, persons belonging to national minority groups, persons with disabilities and internally displaced persons, despite some progress achieved. The Committee notes with regret the closure of the Social Inclusion and Poverty Reduction Unit, and it is concerned about the absence of concrete policy and an institutional framework on poverty reduction.

In its concluding remarks, the Committee also notes its concern about: the disproportionately high dropout rates at the primary and secondary education levels as well as the low attendance rates in preschool and secondary education among Roma children; the continuing segregation of children with disabilities in special schools and classes, despite the progress achieved; the disproportionate impact of COVID-19 on disadvantaged and marginalised children in access to education.

In the ***Sustainable Development Goals Report 2022***³⁶, the United Nations warn that “cascading and intersecting crises”, primarily COVID-19, climate change and conflict, have reversed years of progress in the eradication of poverty and hunger, improved health and education and provision of basic services and have put the aspirations set out in the 2030 Agenda for Sustainable Development in jeopardy. Some of the findings presented in the Report show that between 657 and 676 million people are anticipated to live in extreme poverty in 2022, whereas the projection before the pandemic had been 581 million; that approximately one in ten people suffer from hunger worldwide, with an additional 161 million people facing chronic hunger in 2020 alone; that the COVID-19 threatens decades of progress in global health, reducing global life expectancy and immunisation coverage, increasing the prevalence of anxiety and depression and deaths from tuberculosis and malaria; that 147 million children missing over half of in-person instruction in 2020-2021, while 24 million learners may never return to school; that women accounted for 39% of total employment in 2019, but also 45% of global employment loss in 2020, many of them bear higher burden of care work, while domestic violence intensifies; that Meeting drinking water, sanitation and hygiene targets by 2030 requires a 4x increase in the pace of progress; that progress in electrification has slowed and that approx. 679 million people will not have access to electricity in 2030, based on current trends; that one in ten children are engaged in child labour worldwide – 160 million in total in 2020; that the pandemic has caused the first rise in between-country income inequality in a generation, and that one in five people have experienced on at least one of the grounds prohibited under international human rights law; that, in 2021, more than 17 million metric tons of plastic entered the ocean and this figure is projected to double or triple by 2040; that 10 million hectares of forest are destroyed every year, with almost 90% of global deforestation due to agricultural expansion; that the global homicide rate declined by 5.2% between 2015 and 2020, and that a quarter of the global population lives in conflict-affected countries.

The section “Leaving no one behind” in this Report highlights the following issues: children account for an estimated 41% of people forcibly displaced worldwide; 25% of young persons suffer from anxiety and depression (2020), and that, by 2030, up to 110 million girls are likely to become child brides, 10 million more than the pre-pandemic projection.

In the Report, UN Secretary General António Guterres calls for “an urgent rescue effort for the SDGs” by creating a global economy that works for all and by ensuring greater investment in data infrastructure. Echoing this message, Under-Secretary-General for Economic and Social Affairs Liu Zhenmin presents a “roadmap to survival” in three steps: ending armed conflicts and embarking on a path of diplomacy and peace; adopting low-carbon, resilient and inclusive development pathways; and a comprehensive transformation of the international financial and debt architecture.

According to the results presented in the report ***Human Development in Response to Demographic Change***³⁷, that the total resident population of Serbia has been uniformly decreasing during the last three decades – about 300 thousand people per decade. . The rate of natural change turned negative for the first time in 1992 since when it has started to continuously decline reaching the annual average of –5.4 per thousand population in the

³⁶*The Sustainable Development Goals Report*, United Nations, 2022, available at: https://serbia.un.org/sites/default/files/2022-07/The-Sustainable-Development-Goals-Report-2022_0.pdf

³⁷*Human Development in Response to Demographic Change*, UNDP Serbia, 2022, available at: <https://serbia.un.org/sites/default/files/2022-07/National-Human-Development-Report-Serbia-2022.pdf>

2017–2019 period, with the peak of -8.0 in 2020 – the first COVID-19 year. Moreover, net emigration joined the negative natural change in reducing the total population size of the country. The migration contributed to this drop by at least 15% or at most 26% between the census years of 2002 and 2011.³⁸

According to the common indicators of population ageing, Serbia is about or slightly above the EU-27 average in 2019, with a median age of 43.4 years, ageing index¹³ of 1.11 and a share of people (65+) of 21.4% in total population. It is not among the demographically oldest countries in Europe due to the lower share of the older (65+) and particularly the oldest (80+) population than in countries of similarly low shares of the young (0-19), such as Germany or the Mediterranean states – Italy, Greece, Portugal and Spain. Expectedly, female population is older than male population due to the higher life expectancy particularly at older ages, which is typical for developed world regions. The decades-long phenomenon of sub-replacement fertility is the major cause of the shrinking and ageing population of Serbia.

Serbia's crude death rate of 14.7 is among the top three highest in Europe according to the 2017-2019. Despite the outstanding results achieved in the last sixty years, the current infant mortality rate of 4.8 deaths per 1,000 live births in Serbia implies slower socio-economic development than in many European countries and is far from the EU-27 average.

, Serbia ranks among European countries with the lowest share of population aged 15-64 with high education (20.6%), as only several of them scoring lower share. On the other hand, the shares of those with low (22.1%) and medium (57.3%) education are comparably way better, as the former puts Serbia in the middle of the European table, and the latter even in the upper half³⁹. Furthermore, according to current figures, Serbia is in the group of countries with very high human development, just above the threshold delimiting the two groups – the high and the very high human development.

The report provides recommendation for future development of human capital in Serbia, which may also be key in responding to demographic changes:

- Apply an effective pro-natalist policy and develop new migration management policies, including immigration policies;
- Maximise the potential of each individual in terms of ability to bear and raise children, education and active work, a healthier and longer life, taking into consideration in particular social and economic exclusion of the youth, women, Roma, lower socioeconomic groups and certain segments of the rural populations;
- Focus on specific parts of the country with regard to regional development, income, labour market and overall living conditions – Eastern, Southeastern and Western Serbia, as well as border regions, which are particularly affected by depopulation and migration;
- Continue with infrastructure development also in medium-sized cities, as the key to balanced demographic development; provide access to more administrative, health care and education services, comparable to those available to citizens in larger urban centres;
- Improve gender equality as a means to increase fertility rate and ensure greater participation of women in the labour market, which will also ensure better utilisation

³⁸ *Human Development in Response to Demographic Change*, p. 45.

³⁹ *Ibid*, p. 62

- of human resources in the community, coupled with an expansion of the existing fertility promotion measures;
- Adapt national and local policies to better reflect the needs of families and children (preschool facilities, balancing work and parenting, youth employment);
- Provide greater support to pupils from disadvantaged social backgrounds for longer education, improve quality and fairness of the education system (scholarships, greater inclusion of vulnerable groups, adaptability of the education system to migrants, adults and women in traditionally male occupations);
- Increase labour market participation rates, in particular for youth, Roma, women and older workers;
- Through various activities, ensure the elderly can become a social resource – active and healthy ageing, participation in economic activities;
- Develop preventive health care programmes specifically for the youth, not only through the health care system, but also through education and local self-government.

The ***Sustainable development report 2022 from Crisis to Sustainable Development: the SDGs as Roadmap to 2030 and Beyond***⁴⁰ states that the world is no longer making progress on the sustainable development goals, especially in the fields of health care, climate change, the state of biodiversity and geopolitical turmoil. From 2015 to 2019, the world was progressing on the SDGs at a rate of 0.5 points per year; however, since 2019 the pace has been slowing down. The document states that a global plan is needed to finance the SDGs and invest in infrastructure, renewable energy and digital technologies, as well as human capital, including health care and education. The report notes that rich countries generate negative international spillovers notably through unsustainable consumption. According to WWF data, the European Union's consumption of goods and services is responsible for 16 percent of the world's tropical deforestation, its imports of textile products are associated with 375 fatal and 21,000 non-fatal accidents at work, and its food demand contributes to 16 percent of the particulate matter emissions outside its borders.

Topping the 2022 SDG Index is Finland (with a score of 85.9), followed by three other Nordic countries – Denmark, Sweden and Norway. All the top 25 countries are European countries except Japan, which ranks 19th. According to the 2022 results, Slovenia ranked 15th with 80 index points, Croatia was 23rd, Serbia was 35th with 75.9 index points, North Macedonia was 57th, Bosnia and Herzegovina was 59th, while Montenegro was 86th as the lowest-ranking European country, with an SDG index of 68.2 points.⁴¹

According to the report's findings, Croatia and Albania progressed on SDG 7 at a rate sufficient to reach the goals by 2030. Slovenia, Bosnia and Herzegovina, Montenegro, Bulgaria, Greece, Cyprus and Turkey saw "moderate progress", which was nevertheless insufficient to achieve the SDGs, while North Macedonia, Romania and Serbia stagnated in 2022 in the fields of sustainable energy development. In the field of justice and strong institutions (SDG 16), in 2021 Serbia received a low index for system corruption (38) and freedom of the press (32). In the field of cooperation (SDG 17), Serbia's index score was just 8.7 for insufficient investment by the Serbian Government in health care and education. In the field of gender equality (SDG

⁴⁰*Sustainable development report 2022 From Crisis to Sustainable Development: the SDGs as Roadmap to 2030 and Beyond*, University of Cambridge, 2022, available at: <https://s3.amazonaws.com/sustainabledevelopmentreport/2022/2022-sustainable-development-report.pdf>

⁴¹*Sustainable development report 2022*, p. 14

5), Serbia faces significant challenges; thus, in 2019 it had the lowest index score (38.4) for modernisation of family planning (percentage of women aged 15-49). According to the survey conducted in 2020, Serbia had a high index of equal representation of women and men in the field of employment (75.1), while the unemployment index relative to the total number of unemployed persons was a commendable 10.6 in 2022. Based on the 2020 survey, the country also scored highly for the number of female members of parliament (38.8).⁴²

In World Economic Forum's **Global Gender Gap Report 2022**⁴³, which covers the state of gender equality in 146 countries, Serbia regressed on the gender equality index from the 2021 report, dropping from 19th to 23rd⁴⁴. Serbia ranks highest on participation of women in political life, remaining 21st, same as last year. However, in terms of economic participation and opportunity, Serbia fell from 54th to 77th in the world. Progress has also been observed in women's educational attainment in Serbia, with the country ranking 37th according to this criterion (up from 52nd in 2021), while in terms of health and survival Serbia ranks 71st in the world (89th in 2021)⁴⁵.

The Report notes that the coronavirus pandemic has reversed the progress in the field of gender equality by a whole generation, and at the present rate of progress towards gender parity, the overall global gender gap is projected to close in 132. The 2020 surveys showed that the gender gap could be finally closed in approximately 100 years.

The share of women in politics has increased in 2022 from 2006, when the World Economic Forum published its first Global Gender Gap Report. Thus, The global average share of women in ministerial positions nearly doubled between 2006 and 2022, increasing from 9.9% to 16.1%. Similarly, the global average share of women in parliament rose from 14.9% to 22.9%. Although no country has yet achieved full gender parity, the top 10 economies have closed at least 80% of their gender gaps. Iceland remains the only economy to have closed more than 90% of its gender gap, specifically 90.8%⁴⁶.

UNICEF's **Gender Equality Global Annual Results Report 2021**⁴⁷ explains the impact of socioeconomic upheaval caused by the COVID-19 pandemic continued to be felt profoundly by women and girls in many countries in 2021. At the heart of these challenges is heightened violence and discrimination against women and girls. Out of close to 5,000 policy measures in response to COVID-19 carried out, only 226 addressed unpaid care work, and although women have been at the forefront of fighting the pandemic – as educators, health workers and unpaid care providers – they have been sorely underrepresented in pandemic task-force decision-making. The Report highlights that UNICEF has continued investing in numerous gender equality policies, tailored to family and parenting, addressing the issue of gender-based discrimination and gender mainstreaming in social welfare programmes. A good practice example highlighted in the Report is the cooperation between UNICEF and the LEGO

⁴²Ibid, p. 383

⁴³*Global Gender Gap Report 2022*, World Economic Forum, 2022, available at: https://www3.weforum.org/docs/WEF_GGGR_2022.pdf

⁴⁴*Global Gender Gap Report 2022*, p. 10

⁴⁵Ibid, p. 15 and 16

⁴⁶Ibid, p. 9

⁴⁷*Gender Equality Global Annual Results Report 2021*, UNICEF, June 2022, available at: <https://reliefweb.int/report/world/global-annual-results-report-2021-gender-equality>

Foundation in Serbia, which launched a Caring for Caregivers training for 350 frontline workers, which reached 19,000 caregivers with information on gender-equitable parenting.⁴⁸

Some reports published by the European Commission, the United Nations, the European Union Fundamental Agency for Fundamental Rights (FRA), the European Commission against Racism and Intolerance (ECRI) of the Council of Europe and other bodies, while not directly concerned with the Republic of Serbia, are nevertheless presented in this Report so that decision-makers and policymakers could keep abreast of trends and global challenges that could also affect citizens' situation in our country.

Thus, in the ***Fundamental Rights Report 2022***⁴⁹, the European Union Agency for Fundamental Rights states, among other things, that this year activities at the EU level were focused on discrimination against LGBTI people and discrimination against EU citizens on the ground of their nationality. In 2021, some of the measures to tackle the coronavirus disease pandemic affected LGBTI people negatively, while EU citizens faced some problems when crossing EU borders, and in receiving or recording their vaccinations. There was also an increases in domestic violence, hate speech and hate crimes, and limited access to psychological assistance and healthcare. The Report states that EU citizens and their family members still experience discrimination on the ground of nationality in various fields, including taxation, the right to exercise a profession, and access to goods and services, including health services or social benefits. There are insufficient data about this form of discrimination, and there is no adequate awareness of when such discrimination occurs.

As regards challenges concerning the rights of the child, in March 2021, the European Commission adopted for the first time an EU Strategy on the Rights of the Child on six thematic areas, including: children's socio-economic inclusion, health and education; promoting children's participation; and combating violence against children.

As regards persons with disabilities, the Report calls for urgent de-institutionalisation, to ensure that people with disabilities can live independently and be included in the community.

Racist hate crimes and hate speech persisted across the EU in 2021. Migrants and ethnic minorities, including Roma, Jews, Muslims and Asians are particularly exposed to them. For this reason, Member States should fully and correctly transpose and apply the provisions of the Council Framework Decision on combating Racism and Xenophobia. This includes Member States taking measures to ensure that a racist or xenophobic motive is considered an aggravating circumstance, or, alternatively, the courts taking such a motive into consideration in determining the penalties. In 2021, the Council of the European Union adopted its recommendation on Roma equality, inclusion and participation, and Member States should adopt national Roma strategic frameworks and make every effort to achieve the objectives and targets of the new EU Roma strategic framework by 2030.

The European Commission against Racism and Intolerance (ECRI) of the Council of Europe stated in its ***Annual Report on ECRI'S activities covering the period from 1 January to 31 December 2021***⁵⁰ that the continuing Covid-19 pandemic has adversely affected

⁴⁸Gender Equality Global Annual Results Report 2021, p. 26.

⁴⁹Fundamental Rights Report 2022, The European Union Agency for Fundamental Rights, available at: https://fra.europa.eu/sites/default/files/fra_uploads/FRA-2022-Fundamental-Rights-Report-2022-opinions_en.pdf

⁵⁰Annual report on ECRI'S activities covering the period from 1 January to 31 December 2021, ECRI, 2022, available at: <https://rm.coe.int/ecri-2021-annual-report-24052021-en/1680a6a6d3>

vulnerable groups. The report also focuses on racism in policing and the virulent forms of public discourse against the LGBT community. The Report states that, of all groups disproportionately severely affected by the pandemic, the Roma suffered the worst deterioration of their situation, as they are often restricted to living in overcrowded neighbourhoods with limited access to utilities, while many Roma children have been excluded from schools because of the distance learning and their lack of access to the Internet (computer), and the lack of welfare benefits, which were conditional upon children's participation in distance learning in some countries, further aggravated their situation.

The Report further states that the situation of LGBTI persons and their respective communities continued to vary widely across the continent, and the COVID-19 adversely affected their situation. Young LGBTI persons, in particular those who had to return to their LGBTI-phobic families, suffered rejection and violence; calls to helplines and victim support centres increased, especially during curfews. The Council of Europe Commission is also concerned about the emergence of a climate of opposition to the human rights of LGBTI persons in certain European countries in 2020, associated with populist homophobic and transphobic rhetoric and the so-called anti-gender movement. New, restrictive legislation was adopted, reactions against the rights of LGBTI persons were manifested at the political level, and hate-motivated attacks occurred. Nevertheless, the ECRI observed certain progress: several countries banned cosmetic surgery on intersexual children without their consent, LGBTI persons have been appointed to high positions, and some countries have introduced laws on same-sex partnerships and marriage.

Part of the report deals with racism in policing, which remains an issue in a number of countries. Racism in policing ranges from racial profiling in stop-and-search activities to the use of racist language or similar derogatory comments and in some cases even excessive use of force against individuals, which was not limited to the individual victims but have wider negative effects in the relevant communities as a whole. Increasing diversity in the police force and appropriate training should be at the core of any government action aimed at addressing this issue. The Report also states that, as was the case in previous years, Jews in Europe still face antisemitic hate and violence, with threats coming especially from neo-Nazis and Islamists, while police response is insufficient.

Regarding gender equality, the **2022 Report on Gender Equality in the EU**⁵¹ states that The European Commission's Gender Equality Strategy 2020-2025⁵¹ sets the current framework for EU action to promote one of its fundamental values, equality between women and men and showcases some inspiring practices and innovative projects and presents key trends and the newest available data. In March 2022, the European Commission submitted a legislative proposal for a directive committing Member States to end violence against women and domestic violence. Due to the lack of competence of the EU, this proposal is mainly restricted to issues of criminal prosecution of cyber violence and legal definition of rape and sexual exploitation of women. Progress has also been achieved through the new EU Directive of 2021 which sets out binding measures concerning pay transparency. The European Parliament has called for concrete measures to reduce gender pay gap and combat women's poverty. In addition, the European Commission has drafted a proposal for a directive on quotas for women on companies' boards, as an incentive for further measures to increase the share

⁵¹ 2022 report on gender equality in the EU, The European Commission, 2022, available at: https://ec.europa.eu/info/sites/default/files/aid_development_cooperation_fundamental_rights/2022_report_on_gender_equality_in_the_eu_en.pdf

of women in top management positions and in public services (40% of non-executives or 33% of senior executives for the underrepresented gender). On financial institutions, the gender balance on the boards of national central banks in the EU is improving, but very slowly. Women now account for just over a quarter (26.4%) of key decision-makers (i.e. members of the highest decision-making bodies). They also hold 28.3% of deputy governor positions, but the governors of all EU national central banks are men. At this rate of change, it will take another 22.5 years to achieve at least 40% women in decision-making bodies of national central banks⁵².

The Parliament has underscored the importance of gender equality in politics on multiple occasions, promoting equal representation of women in decision-making processes at all levels. On average across the EU, the gender balance in national governments (senior ministers) has improved progressively since 2004 (from 20.9% to 32.2%); however, at this rate, it will take more than a decade to achieve a share of at least 40% of each gender in the national governments. Women also receive portfolios with lower political priority and account for a smaller share of ministers with foreign affairs, internal affairs, defence or justice portfolios, economy and infrastructure. However, they account for a significantly higher proportion of ministers with sociocultural portfolios, which suggests that the allocation of ministerial portfolios is not gender-neutral. Member states are also called upon to step up their efforts to achieve balanced representation of women and men in occupations associated with the design and application of artificial intelligence tools and in artificial intelligence research, which is why the European Commission presented in April 2021 a proposal for a Regulation on Artificial Intelligence. Furthermore, in 2021 the Parliament adopted a report calling on EU Member States to protect and advance women's sexual health, promoting universal access to safe and legal abortion, high-quality contraception and sex education in primary and secondary schools, with a VAT exemption on menstrual products.

UNICEF's report *Prospects for children in 2022 a global outlook*⁵³ considers the outlook for children in the third year of the pandemic depending on the way in which the crisis is managed and underscores that the consequences of school closures will increasingly be counted, in particular with regard to child labour and child marriage. Internationally, recorded learning losses have been by far the greatest among the poorest children in each country; and job losses have been disproportionately borne by women and youth. Women accounted for 38.9% of total employment before the pandemic but comprised 47.6% of employment losses in 2020. Youth represented 13% of total employment in 2019 but comprised 34.2% of the 2020 decline in employment.⁵⁴ In the education system, children have been directly or indirectly affected by cyberattacks on schools and educational institutions, which have risen 25% in Europe.

Children continue to be poorly covered by existing social protection instruments, as only 26.4% of the world's children were covered by a child or family benefit, with regions with the largest share of children in the population having some of the lowest coverage. Social welfare instruments also favour the elderly over the young: national expenditure on social protection for children is several times lower than the percent of GDP spent on pensions. Climate change and extreme weather events could easily trigger a refugee crisis in 2022, with severe

⁵² 2022 report on gender equality in the EU, p. 37

⁵³ *Prospects for children in 2022 a global outlook*, UNICEF, January 2022, available at: <https://www.unicef.org/globalinsight/media/2471/file/UNICEF-Global-Insight-Prospects-for-Children-Global-Outlook-2022.pdf>

⁵⁴ Ibid, p. 16

consequences for displaced children and young people. It is estimated that global renewable electricity capacity will rise more than 60% by 2026, eclipsing the current total global power capacity of fossil fuels and nuclear energy combined. This trend includes the rise of 'green jobs' which will require specialised technology-driven skills that children and young people can acquire more easily than older adults.

In March 2022, the EU Council adopted the ***Conclusion on combatting racism and antisemitism***⁵⁵, which endorses the EU Strategy on combating antisemitism (adopted in 2021 to eliminate all forms of antisemitism, protect and foster the Jewish way of life and promote research, education and memory of the Holocaust). The Conclusion invites member States to develop national action plans and/or strategies in line with the EU Strategy, and the Council ensures the alarming increase in racist and antisemitic incidents in the Member States as well as the exacerbation of racist and antisemitic hate crimes and hate speech, Holocaust denial and distortion, and conspiracy myths - both online and offline, noting that racism and antisemitism may lead to and have led to forms of violent extremism and terrorism.

The ***Annual Report 2022 of the European Court of Human Rights***⁵⁶ states that the European Court of Human Rights noted an 3% increase in the number of allocated applications, from 44,250 in 2021 to 45,500 in 2022. Out of the 1,163 judgments, 24 concerned violations of rights under Article 14, i.e. these were cases of protection against discrimination. The Court received 3,289 new applications from Serbia, which was a significant increase from 1,993 applications in 2021. In relation to Serbia's population, this means there were 4.84 applications filed with the Court per 10,000 inhabitants, up from 2.91 applications per 10,000 inhabitants in 2021. In 2022, the Court ruled on 31 applications from Serbia, dismissed 3,093 and returned 738 to the national courts. In the 31 resolved cases against Serbia, the Court passed 12 judgments, finding at least one offence concerning non-enforcement of judgments and protection of property in 10 of the cases, with no cases concerning protection against discrimination.

During the course of 2022, 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 relating to the violation of Article 14 European Convention on Human Rights are provided in footnotes. Examples of individual 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

⁵⁵*Conclusion on combatting racism and antisemitism*, Council of the European Union, Brussels, 2 March 2022, available at: <https://eucrim.eu/news/councils-conclusions-on-combating-racism-and-antisemitism/>

⁵⁶Annual report 2022, European Court of Human Rights, 2023, available at: https://www.echr.coe.int/Documents/Annual_report_2022_ENG.PDF

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 in 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.

For more information, see [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22002-13542%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-13542%22]})

After the judgment, the Commissioner received a communication which stated the national team of blind and visually impaired chess players had won a bronze medal in the Blind Chess Olympiad in October 2021, that an application for the sports recognition and reward had been filed within the required time limit, but the Ministry of Youth and Sports had not yet decided pursuant to the application. The communication claimed the case involved the same legal matter, i.e. the same facts on the basis of which the European Court of Human Rights had passed the said judgment, which confirmed the applicants had suffered discriminatory treatment.

In this regard, the Commissioner issued a recommendation of measures to the line Ministry, urging it to undertake all necessary measures and actions within its remit so that the blind and visually impaired chess players who had won medals in the Blind Chess Olympiad could be treated equally with other chess players who had won medals in the Chess Olympiad, in the process of recognising the right to a national sport recognition and/or award.

The Ministry of Sports notified the Commissioner it had passed a decision to proceed to prepare a Draft Law on Amendments to the Law on Sports, and that it had consulted all stakeholders. The notification further stated that relevant proposals had been received from, among others, the National Sports Association of the Blind and Visually Impaired and the Sports Association of the Hearing Impaired of Serbia, which had suggested amendments to certain Articles of the Law. The working party tasked with preparing the Draft Law also includes a representative of the Paralympic Committee of Serbia. In connection with the Judgment of the European Court of Human Rights, they had twice held consultations with members of the Department of Representation of the Republic of Serbia before the European Court of Human Rights of the Public Defender's Office, taking into account the complexity of this case, in order to devise the most effective way to comply with the judgment. In conclusion, the notification stated that preparation of the Draft Law should also be informed by an analysis of the current state of affairs and the proposals

submitted by all sport stakeholders, to determine the scope and need for legislative amendments in the field of sports, which would contribute to the adoption of improved regulations, and noted it was necessary to conduct an assessment of the financial effects of such legislative amendments on the national budget of the Republic of Serbia.

For more information, see <https://ravnopravnost.gov.rs/rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-ministarstvu-omladine-i-sporta/>

In the case **Milivojević v. Serbia** (application No. 11944/16), the applicant was a colonel in the Army of the Republic of Serbia for thirty years until 16 April 2005, when he retired due to his permanent inability to perform professional military service. At the time of termination of his service, he had a total of thirty years, nine months and four days of service. His disability pension was calculated on the basis of recognised benefitted (increased) years of service and amounted to thirty-eight years, nine months and twenty-eight days. According to the applicant, at the time of retiring, he was able to choose whether to start receiving an early old-age pension or a disability pension, and he chose the latter. On 16 April 2005 the applicant was appointed Deputy Public Prosecutor in the Republic Public Prosecutor's Office-Military Department, a position in which he stayed until 30 June 2010. During that time, he was paying compulsory contributions to the Pension and Disability Insurance Fund of the Republic of Serbia for a total of five years, two months and fifteen days. After termination of his public service, on 20 March 2012 the applicant requested the Fund to recalculate his pension taking into account his years of service as a Deputy Public Prosecutor. The Fund dismissed his request stating that, pursuant to section 121 of the Pension and Disability Insurance Act, only beneficiaries of an old age pension, but not a disability pension, had the right to request recalculation of their pension on account of subsequent employment, provided that they had been insured for at least one year. The applicant's appeal against the first-instance decision was dismissed on the same grounds. The Administrative Court dismissed the applicant's subsequent administrative action in 2013 on the same grounds, after which the applicant lodged a constitutional appeal in 2013, complaining that he had been discriminated against on the basis of his disability in comparison to old age pension beneficiaries. On 19 October 2015 the Constitutional Court dismissed his appeal.

The Court noted at the outset that the applicant belongs to a rather narrow group of persons who, despite qualifying for a disability pension, were entitled under Serbian law to subsequently take up new employment. As explained by the Government, only former military and police personnel were able to qualify for a disability pension without being fully unable to work and thus only they could take up new employment while at the same time keeping their entitlement to a disability pension.. The Court attached importance to the fact that, when retiring from military service in 2005, the applicant qualified both for an early old-age pension and for a disability pension. As he himself admitted, he was allowed to choose under which regime he wished to retire, and he chose the latter. Whatever the reasons behind his choice of the disability scheme at the material time, the applicant can hardly now compare, as he sought to do, his situation to that of another retired military officer with similar work experience, but who had chosen a different retirement scheme.

The Court notes that under Serbian law disability and old age pensions are not calculated in the same manner, and a disability pension is normally more favourable for the person

concerned as it already contains a more generous calculation of the benefit in question. Accordingly, the applicant already benefitted from such a favourable calculation.

Bearing in mind the foregoing, the Court considers that the purpose of the measure that makes the distinction between the old-age and disability pensioners in the present case is not to put one category in a less favourable position, or to discriminate a particular group of persons on the basis of their disability, but instead to reflect the different nature of the two pensions, and to contribute to the careful balancing of the amounts of benefits provided to the various groups of beneficiaries. The Court found that this complaint is manifestly ill-founded within the meaning of Article 35 paragraph 3 of the Convention.

For more information, see <https://hudoc.echr.coe.int/eng?i=001-219222>

In the case of *A and B v. Georgia* (application No. 73975/16), the first and second applicants are the mother and son of C, who was killed by her partner (D), a police officer at the time. C and her family had reported incidents of domestic violence committed by D. The applicants had complained to the competent authorities of omissions by the police and the public prosecutor's office for failing to protect C, because they had failed to properly respond to repeated reports of domestic violence. Concluding that the present case can be seen as yet another vivid example of how general and discriminatory passivity of the law-enforcement authorities in the face of allegations of domestic violence can create a climate conducive to a further proliferation of violence committed against victims merely because they are women, the Court found the respondent State had breached Article 2 (right to life) in conjunction with Article 14 (prohibition of discrimination) of the European Convention.

For more information, see <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-215716%22%7D>

In the case of *Zakharova and others v. Russia* (application No. 12736/10), the Court ruled against Russia for failing to fulfil its positive obligations to ensure effective and clear judicial protection against discrimination on the grounds of trade union membership. Notwithstanding the fact that the applicants had demonstrated a *prima facie* case of discrimination, the domestic (regional) court refrained from effectively shifting the burden of proof to the employer. In the present case, the Court found a breach of Article 14 (prohibition of discrimination) in conjunction with Article 11 (freedom of assembly and association) of the European Convention.

For more information, see <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-216157%22%7D>

The case of *Oganezova v. Armenia* (applications Nos. 71367/12 and 72961/12) dealt with an aggressive homophobic campaign against the applicant, an LGBT activist and bar owner, after an interview was broadcast in which she spoke of her participation in a pride march. The bar she managed was set on fire, homophobic graffiti were written on the walls and the guests were harassed. Two persons were sentenced to two years' imprisonment, but were later pardoned. Due to an inadequate response from the state to this situation, the Court found there had been a violation of Article 3 (prohibition of torture) in conjunction with Article 4 of the European Convention.

For more information, see <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-217250%22%7D>

In the case of *Stoyanova v. Bulgaria* (application No. 56070/18), the applicant's son was the victim of a homophobic murder in Sofia in September 2008. Three young men had

beaten and choked to death the applicant's son, in Borisova gradina park in Sofia. The Court found that, although Bulgarian courts had clearly determined that the attack had been motivated by the attackers' hatred of homosexuals, they failed to treat those homophobic motives as aggravating factors. This was due to the fact that the Bulgarian Criminal Code did not treat homophobic motives as a statutory aggravating factor in respect of murder. The Court found that Bulgaria must ensure that violent attacks motivated by "hatred and hostility" towards the victim's actual or presumed sexual orientation are treated as an aggravated criminal offence under the Criminal Code. The Court unanimously held that there had been a violation 14, taken together with Article 2 of the Convention.

For more information, see [https://hudoc.echr.coe.int/eng#{"tabview":"document"},"itemid":"001-217701"}\]](https://hudoc.echr.coe.int/eng#{)

In the case of *X and others v. Albania* (applications Nos. 73548/17 and 45521/19), it is noted that Roma and Egyptian children accounted for 89-100% of school pupils in an elementary school, although they are a minority population in the city in which they live. The proceeding before the Court concerned complaints lodged by the applications with the authorities because of this situation, as well as the order issued by the Commissioner for the Protection against Discrimination to the Ministry of Education and Sport to undertake measures to improve situation regarding the ratio of Roma/Egyptians and other school pupils attending this elementary school. As the situation was not resolved, the applicants complained to the Court under Article 1 of Protocol No. 12 (general prohibition of discrimination) to the Convention that they were discriminated against and segregated because of the over-representation of Roma pupils in this Albanian elementary school. The Court held there had been a violation of the said Article of the Convention, noting that the principle of non-discrimination did not prevent Member States from taking measures to promote full and effective equality, provided that such measures have a reasonable and objective justification.

For more information, see [https://hudoc.echr.coe.int/eng#{"%22itemid%22":\["%22001-217624%22"\]}\]](https://hudoc.echr.coe.int/eng#{)

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 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.

In 2022, the Statistical Office of the Republic of Serbia conducted the Census of Population, Households and Apartments which is essential for examining the status and situation of the population, as well as for planning and development of data-based policies. In terms of its scope and scale, this is the largest and most complex statistical survey, which nearly all countries globally conduct once every ten years. The preliminary results of this census are discussed in the relevant section of this Report. The Statistical Office of the Republic of Serbia has also published other regular surveys during the year, including the Labour Force Survey and other surveys, which can be of great assistance to policymakers. Thus, the ***Progress Report on the Implementation of Sustainable Development Goals by 2030 in the Republic of Serbia***⁵⁷, examines for the second time the level of attainment of the 17 Sustainable Development Goals and the findings presented for specific targets, only some of which are presented below as illustrative examples. As regards SDG 1: End poverty in all its form everywhere, the Report states Serbia achieved significant progress in reducing the at-risk-of-poverty and social exclusion in all age groups except the young and the elderly, wherein a significant movement away was observed.

On SDG 3: Ensure healthy lives and promote well-being for all at all ages, the Report states progress was achieved in terms of achieving universal health coverage, with the increased proportion of women who have their need for family planning satisfied with modern contraceptive methods and increased coverage of prenatal protection, while significant movement away from the target was registered in terms of density and distribution of health workers.

Regarding SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, moderate progress is present in terms of early child development. However, when it comes to the participation of children in pre-school education, a moderate movement away from the target is registered. An Inconsistent trend is registered in relation to ensuring equal access for all women and men to affordable and quality technical education at all levels, given that moderate progress is identified in youth (aged 15–24 years), and significant movement away from the target in adult population (aged 25–64 years). Movement away from the target is observed regarding the level of literacy in children in reading, science and mathematics.

As regards SDG 5: Achieve gender equality and empower all women and girls, the Report states that, according to the UN Women data, in Serbia the highest level of achievement was reached in the area of employment and economic benefit (100), followed by legal framework referring to marriage and family (72.7), while lowest achievement was identified in the area of violence against women (58.3).

On SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, the Report underscores significant progress in reducing

⁵⁷ *Progress Report on the Implementation of Sustainable Development Goals by 2030 in the Republic of Serbia*, Dr. Marija Babović, Vladica Janković, March 2022, available at: <https://sdgs4all.rs/documents/drugi-statisticki-izvestaj-o-napretku-u-ostvarivanju-ciljeva-odrzivog-razvoja/>

the unemployment rate of young people and the total working age population. However, the Data indicates that one in ten children are engaged in child labour. Boys are more exposed to the risks of child labour than girls, children in other settlements compared to urban ones, younger children (ages 5–11 years) in relation to older children, as well as children from poorer households.

Regarding SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, the Report states Significant progress has been made in developing effective, accountable and transparent institutions at all levels. Progress could not be monitored with regard to significantly reducing all forms of violence and related death rates everywhere and the proportion of women subjected to physical, psychological or sexual violence due to incomplete and obsolete data. Negative trends have also been recorded in relation to protecting children from violence. Lack of data also adversely affected the monitoring of progress in relation to reducing corruption and bribery. Significant movement away from the goal was registered in the promotion of the rule of law and ensuring equal access to justice for all, due to the increase in unsentenced detainees as a proportion of overall prison population.

The ***Report on Progress in achieving Sustainable Development Goals until 2030 in the Republic of Serbia compared to EU-27 and the Countries in the Region***⁵⁸ of the Statistical Office of the Republic of Serbia states the Report monitors the progress in achieving sustainable development goals in Serbia in a comparative perspective, in comparison to EU-27, whose membership Serbia aspires to and whose normative framework and development standards Serbia should comply with. The comparison was also conducted with the countries in the region, the candidate countries for EU membership: Albania, Montenegro and North Macedonia. This report was made on the basis of data from the Eurostat database, the situation at the end of April 2022. It is stated that, in comparison with EU-27, the Republic of Serbia shows lower scores in achieving sustainable development goals on most indicators. Out of 43 indicators, the Republic of Serbia records better results than the EU-27 only for seven indicators. Serbia has a smaller share of the population that is obese, a smaller gender pay gap, a more share of women in the national parliament, government and among company executives. The Republic of Serbia also consumes more energy from renewable sources (probably due to the larger share of the rural population that heats with wood, pellets, etc.). A smaller percentage of the population in Serbia than the EU-27 reports living in a noisy environment as well as in areas with crime, violence and vandalism. Serbia has a relatively high share of women in the highest positions in the national parliament and in the government, and in both aspects it ranks second compared to EU-27 and the countries of the region, depending on the indicator, while it is ranked second when it comes to the share of women in company boards and first when it comes to the share of women in managing executive positions. In all other respects, Serbia has yet to cross a significant path of reform and development to reach EU-27 averages, the Report states.

When compared to the countries in the region the Republic of Serbia shows numerous similarities. As for two indicators Serbia shows the best performance. It has the lowest risk of poverty or social exclusion rate in 2020, as well as the lowest proportion of children who show

⁵⁸ *Report on Progress in achieving Sustainable Development Goals until 2030 in the Republic of Serbia compared to EU-27 and the Countries in the Region*, Statistical Office of the Republic of Serbia, 2022, available at: https://sdgs4all.rs/wp-content/uploads/2022/06/SDG_Serbia_EU27_Region_08062022.pdf

insufficient achievement in reading, maths or science. On the other hand, when looked at the countries in the region, the Republic of Serbia shows a worse picture in terms of the share of the population that assesses their health as good or very good, has the lowest share of the population with higher education, the least recyclable municipal waste, the least trust in EU institutions and in terms of the perception of corruption that its population has it is only better than Albania.

Gender gap in employment in Serbia is higher than in EU-27 and Montenegro, but lower than in North Macedonia. The gender pay gap was higher in the EU-27 than in Serbia and Albania. In Serbia, as well as in other countries of the region, the percentage of persons who are inactive because they care for family members, but would be willing to take up employment, is higher than in EU-27.

In view of the results presented in the foregoing Report pointing to good results concerning participation of women in positions of power, another relevant document is the first **Report on Achievement of Gender Equality in the Republic of Serbia for 2021**⁵⁹ of the Ministry of Human and Minority Rights and Social Dialogue, compiled after the enactment of the Law on Gender Equality⁶⁰. The Report states *inter alia* it informed by an analysis of reports provided by just 13 territorial autonomy authorities, the Autonomous Province of Vojvodina and 56 local self-government units, which suggests the data thus collected are insufficient for consistent compliance with the provisions of all applicable regulations. Notwithstanding this fact, the Report notes *inter alia* that the largest gender gap is seen in the sphere of money; that it is necessary to educate and train gender equality officers, members of gender equality bodies, businesses, inspection authorities and other stakeholders to ensure effective application of the Law on Gender Equality; that the share of women among the recipients of entrepreneurship development subsidies across all industries remains low and measures should be designed in the coming period to ensure greater representation of women among subsidy and loan recipients, and in particular to ensure greater representation of women as owners of agricultural holdings; and that it is necessary to ensure effective functioning of the relevant institutions and continual care in the protection of sexual rights and reproductive health of all citizens of Serbia, raise public awareness on the harmfulness and unacceptability of child marriages and prevention of all forms of gender-based violence.

The data presented in the **National Report on Inclusive Education in the Republic of Serbia from 2019 to 2021**⁶¹ indicate certain negative trends regarding the coverage of children at all levels of pre-university education. It is stated that, although progress has been made with regard to inclusion of vulnerable children in education, children with disabilities, children of Roma nationality, children with lower socio-economic status and children living in rural or remote areas still face difficulties in terms of inclusion in regular, proper education. The key strategic goal in the field of education – increasing coverage of children and improving equity in the education – has been partly achieved through the coverage of children under the age of three with pre-school education programmes, which increased over the course of this

⁵⁹Report on Achievement of Gender Equality in the Republic of Serbia for 2021, Ministry of Human and Minority Rights and Social Dialogue, available at: [https://www.rodnaravnopravnost.gov.rs/sr/dokumenti/izvestaji/izvestaj-o-ostvarivanju-rodne-ravnopravnosti-u-republici-srbiji-za-2021-godinu](https://www.rodunaravnopravnost.gov.rs/sr/dokumenti/izvestaji/izvestaj-o-ostvarivanju-rodne-ravnopravnosti-u-republici-srbiji-za-2021-godinu)

⁶⁰Official Gazette of the Republic of Serbia No. 52/21

⁶¹National Report on Inclusive Education in the Republic of Serbia from 2019 to 2021, Ministry of Education of the Republic of Serbia, Belgrade, November 2022, available at: <https://www.unicef.org/serbia/media/22246/file/Nacionalni%20izve%C5%A1taj%20o%20Inkluzivnom%20obrazovanju%202019-2021.pdf>

period, exceeding 30% for the first time in the past decade in the school year 2020/2021. The coverage of children 3 to 5.5 years of age has shown a growing trend during recent years, at 66 per cent in 2019–2020, but in 2020–2021 the coverage of children in this age group decreased by approximately 3 percentage points. The Report also states that a similar trend has been recorded for the coverage of children by the mandatory preparatory preschool programme: the highest coverage of children was in 2017–2018, at 98 per cent, while in 2020–2021 the coverage was 96 per cent, which can be attributed to the coronavirus crisis and the epidemiological measures. Poor coverage with compulsory preparatory preschool programmes has been observed in children living in substandard settlements (76%), children from the poorest families (11%), as well as children living in rural areas (25%).

During the reporting period, the primary education coverage rate declined (95%), as did the primary school graduation rate, with 4% of pupils not graduating from or dropping out of primary education in 2021. the Report states that differences remain significant regarding children from the Roma population compared to children from the overall population. A total of 8 per cent of children of Roma nationality living in Roma settlements were not covered by mandatory primary education, while 64 per cent of children of Roma nationality completed primary school, significantly below the rate of primary school graduation for children from the overall population. On the other hand, affirmative action has yielded results, as 85.4% of children of Roma nationality are enrolled in primary education and 80.8% of those attending a preschool programme, which is a 15% increase. Education drop-out decreased by 7%.

The number of primary school age children attending classes for the education of children with disabilities in mainstream schools, and schools for the education of children with disabilities, has been decreasing during recent years, while the number and share of children in primary schools educated using the individual education plans IEP 1 and IEP 2 has been increasing. Thus, in the school year 2020/2021 4,204 primary-school age children and 2,320 secondary-school age children with disabilities and developmental disorders were enrolled in special school and special classes (with the number of pupils increasing by 327 from the school year 2018/2019). The Report states that the coverage of children by secondary education is under 90 per cent, and the net coverage rate shows a decrease of 2.5 percentage points in 2021 compared to 2019.

The Report notes that diverse systems of support and affirmative measures produced visible results, as confirmed by the statistics, which show that the secondary school transition rate for pupils of Roma nationality is 52,6%, while secondary school completion rate is 61% - a 20% increase. Currently, 27% of girls of Roma nationality are enrolled in secondary schools, which is a 12% increase. With affirmative measures for enrolment in secondary education, 1,894 students are enrolled in secondary schools in the school year 2020/2021. More than 65% of students enrolled through affirmative measures, who are beneficiaries of scholarships, have mentor's support, and complete secondary education more successfully. In total, 1,213 students receive scholarships in the school year 2020/2021, and mentoring support was provided by 150 mentors. In the last seven years, in total 6,533 scholarships were granted to students of Roma nationality, out of whom 65% are girls. Notwithstanding these results, there is an extremely high difference in the secondary school coverage of Roma children versus children from the general population, with only 28% of children from Roma settlements enrolling in secondary schools.

As regards quality of education, external school quality evaluation data indicate that the schools scored worst on inclusivity. International testing that Serbia is participating in, along with results of the final examination at the end of primary education, show that there is a significant correlation of student achievements with the social and economic characteristics of children and their families. The results of the final examination show that students who were educated based on IEP 1 have significantly lower results at the final examination than the national average, for all three tests, along with students enrolled in secondary schools based on affirmative action. A rather telling figure is that one third of fifteen year-olds fail to acquire even the basic level of competences in reading, mathematics and science literacy, while this figure increases to 50% for children of lower socioeconomic status.

The Report contains recommendations for improvements across various fields (network of child day care facilities, lack of places in child day care facilities, provision of transportation, costs associated with school attendance, parents' attitudes, quality of service and a shift to preschool programmes based on play and quality of relationships), reform of initial educator training, opening of community child day care facilities and improved communication with families, as well as planning of inclusive local preschool policies. It is also necessary to establish equitable public-private financing models, further improve normative arrangements and improve financing of support measures for children and families at both local and national levels, improve the concept of the final examination and the "matura" examination in secondary education in the context of inclusive education and promote further development of links between the education system and the labour market. The Report also stresses the need for additional surveys at education institutions concerning the incidence of discrimination, both among the staff and among pupils and parents, provide for additional gender-sensitive antidiscrimination measures for girls belonging to vulnerable groups and harmonise the regulations in the field of education with the Law on Gender Equality, further harmonise initiatives for primary and secondary legislation with European and international standards, and continue implementing standards which promote respect for diversity at the level of education institutions. The recommendations also include detailed analysis of the curricula and syllabuses to eliminate discriminatory attitudes from them, coupled with implementation of the concept of reasonable adaptation.

Conclusion of the analysis ***Women Integration through Digital Entrepreneurship***⁶² include: that digital skills of female entrepreneurs are a component that needs to be improved; that women still account for a minority of entrepreneurs, with the EU's population comprising more women than men (52% versus 48%), whereas women account for just 1/3 of self-employed persons (34.4%). The study has shown that women account for just 19.2% of ICT entrepreneurs. Access to finance is highlighted as a key issue for female entrepreneurship. Rural women in Serbia most often initiate and participate in activities related to life in local areas, rural tourism services, preservation of cultural heritage, and the organisation of events, exhibitions of handicrafts and local food. Activities need to be undertaken to promote female entrepreneurship in general, especially in those sectors where women are underrepresented, and develop knowledge and skills, in particular concerning the use of new technologies.

⁶² *Women Integration through Digital Entrepreneurship*, WIDE, available at: https://wideproject.eu/docs/WIDE_PR2_Final-report.pdf

Exercise of labour rights is examined in detail in the ***Report on the State of Labour Rights in the Republic of Serbia for 2022***⁶³ of the Centre for Democracy Foundation (CDF), which states, among other things, that the average gross monthly salary in September 2022 was 103,476 dinars, while the average monthly salary net of taxes and contributions was 74,981 dinars. Gross and net salary growth in the period January-September 2022 relative to the same period last year was 13.9% in nominal terms, or 2.7% in real terms. However, the medial net salary in September 2022 was 57,392 dinars, which means that 50% of all employees earned up to this figure.

The Report also provides an overview of the regulations that have been passed or should be passed, as well as a summary of the key events which marked the year 2022. It is noted that implementing regulations for the Law on Social Entrepreneurship have not been passed, while several regulations are at the draft stage, some of which have already been through a public hearing, including the Draft Law on Occupational Safety and Health, the passing of which has been delayed, and the Draft Law on Work Placement, which underwent public hearing in December 2021. The Draft Law on Volunteering has likewise not been passed. Issues highlighted in the Report include strikes by Fiat workers which spanned almost the entire year, the accident at the Soko mine and the death of miners due to high methane concentration, the judgment of the Supreme Court of Cassation which interprets the entitlement to a meal allowance as an integral part of the minimum wage in public services, the Decree on the Criteria on the Award of Subsidies to Employers hiring Persons who have recently been granted Residency in the Republic of Serbia, the lack of drivers, the position of employees and the state of buses of the Belgrade public transportation company, labour shortage, the position of workers on various platforms etc.

The report ***Distorted Image – Economic and Social Rights in Serbia 2021***⁶⁴ by A11 Initiative presents some of the key challenges in the exercise of economic and social rights in Serbia in the course of 2021 through five key areas (labour, health, social welfare, education and housing). The Report states that, notwithstanding gross domestic product growth, economic indicators and the predominant narrative, precious little reaches the most vulnerable population, who are increasingly marginalised and impoverished. The year 2021 was marked by the pandemic. The Report states that, in 2021, the Constitutional Court again failed to pass decisions in proceedings to review the constitutionality and legality of general legal documents relevant for the exercise of economic and social rights; thus, a decision concerning the introduction of forced labour for social welfare beneficiaries has been pending for more than seven years, while a decision on the constitutionality of certain provisions of the Law on Financial Support to Families with Children has been pending for more than three years. Furthermore, no cases of direct application of the provisions on the International Covenant on Economic, Social and Cultural Rights in proceedings before courts of general jurisdiction have been reported, which is potentially indicative of a low level of awareness of these rights, both among the citizens and among judiciary authorities, the Report states. As regards attempts to lower the attained levels of guaranteed rights, primarily in the field of labour relations, the Report highlights the intended expansion of the scope of “seasonal work” jobs, as well as the use of new technologies and digitalisation to implement stricter controls for welfare recipients

⁶³*Report on the State of Labour Rights in the Republic of Serbia for 2022*, Centre for Democracy Foundation, available at: <http://www.centaronline.org/userfiles/files/publikacije/FCD-Izvestaj-o-stanju-radnih-prava-u-Republici-Srbiji-2022.pdf>

⁶⁴*Distorted Image – Economic and Social Rights in Serbia 2021*, A11 Economic and Social Rights Initiative, available at: [https://www.a11initiative.org/wp-content/uploads/2022/05/Izves%CC%8Ctaj%20Iskrivljena%20Slika%20\(1\)~.pdf?_t=1663934511](https://www.a11initiative.org/wp-content/uploads/2022/05/Izves%CC%8Ctaj%20Iskrivljena%20Slika%20(1)~.pdf?_t=1663934511)

and automated decision-making on social welfare rights, established with the passing of the Law on Social Cards.

Positive developments highlighted in the Report include initiation of dialogue on the advancement of economic and social rights through the signing of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, improvement of the normative framework and amendments to the Law on Prohibition of Discrimination, as well as the imposition of the duty on public authorities to conduct a regulatory impact assessment when drafting a new regulation or a new public policy relevant for the exercise of rights by socioeconomically disadvantaged persons or groups of persons to assess their compliance with the equality principle.

The situation of human rights defenders is discussed in the **Report on the Attacks on Human Rights Defenders in Serbia for 2022**⁶⁵, which states 43 attacks were committed in Serbia last year, targeting both human rights activists and citizens who suffered consequences. However, As the team of the Lawyers' Committee for Human Rights assessed according to the obtained data, the number of citizens, either activists or bystanders, whose lives were affected by these attacks reaches at least 12,000⁶⁶. The most threatened rights included freedom of expression, freedom of association and freedom of assembly. The victims of the attacks were NGOs in 49% of the cases, individual activists in 18% of the cases and informal groups in 33% of the cases, with the most attacks in 2022 reported in Belgrade (72%) and Novi Sad (16%). In most cases the attackers were natural persons, who in many cases remained unidentified and unprosecuted. According to the Report, the most dangerous form of attacks are legal actions, i.e. numerous misdemeanour proceedings instituted by government authorities primarily against members of organisation Don't Let Belgrade D(r)own, the association "Da se zna", the "Kreni-promeni" initiative, "Women for Peace", "Women in Black" and environmental activists. Misdemeanour charges were brought against environmental activists under the Law on Road Traffic Safety in more than 50 municipalities for walking in traffic lanes. The recommendations set out in this Report concern conducting the proceedings in which human rights defenders are the victims, respecting the rights of injured parties, refraining from restricting the work of civil society organisations and refraining from any kind of discrimination.

The **YUCOM 2020-22 Annual Report**⁶⁷ examines events in the field of human rights and the judiciary from 2020 and 2022 and states that, in terms of endangered human rights, the highest number of requests filed with this organisation concerned: the right to housing (31.7%), the right to good administration (12.5%), the right to work (9.1%), followed by the rights of the child, the right to a fair trial, the right to social welfare and health care, while requests concerning other rights were less frequent. As for violation of the principle of non-discrimination, the most common were violations based on disability (43.33%), sexual orientation (13.33%) and ethnicity (10%); we recorded the same percentage for violations based on gender and other personal characteristics (6.66% each), followed by violations based on nationality, genetic characteristics, health condition, marital and family status, age

⁶⁵Report on the Attacks on Human Rights Defenders in Serbia for 2022, Lawyers' Committee for Human Rights, 2022, available at: <https://www.yucom.org.rs/wp-content/uploads/2022/12/Izvestaj-o-napadima-2022.pdf>

⁶⁶Report on the Attacks on Human Rights Defenders in Serbia for 2022, p. 5

⁶⁷YUCOM 2020-22 Annual Report, 2022, Lawyers' Committee for Human Rights, available at: <https://www.yucom.org.rs/wp-content/uploads/2022/10/YUCOM-Izvestaj-2020-22.pdf>

and affiliations to political, union and other organisations (3.33% each)⁶⁸. Persons with disabilities or persons of Roma nationality are most commonly the persons who also need to exercise their right to social protection, which indicates that there are still multiple threats to the rights of such persons, as well as the absence of a comprehensive system response related to the needs of these social groups, the Report states.

The publication *PrEUgovor Alarm: Report on the Progress of Serbia in Cluster 1*⁶⁹ notes that Serbia failed to open a single new chapter since 2019. Although significant initial impetus towards strengthening independence of the judiciary had been made with the constitutional amendments, the issue of compliance with the regulations remains a key obstacle in areas such as freedom of the media and fight against corruption and organised crime. No improvements have been observed in anticorruption legislation, the delay in implementation of the Revised Action Plan for Chapter 23 is already considerable and the situation has deteriorated further with regard to implementation of the existing laws on combating corruption, public procurement and management of state-owned enterprises, the publication states. A particular area of focus is the Russian attack on Ukraine, which influenced the election campaign and the formation of the ruling coalition, while also affecting the EU enlargement policy and Serbia's position. The publication notes that implementation of the plan to eliminate discrimination has been modest, uneven and severely delayed, while the situation has deteriorated to an extent with regard to gender equality and protection of women against violence. The publication highlights the lack of protection and support to women in facing an increased burden of obligations and care because of school closures and increased risk of domestic violence during the pandemic, insufficient efforts to help balance work and family life, the need for an expansion of social welfare services and prevention and punishment of sexual and gender-based violence against women. A recommendation given in the publication is to review all unimplemented activities under the revised Action Plan for Chapter 23 that relate to antidiscrimination and gender equality and ensure harmonisation of regulations with the applicable standards in these areas. The publication highlights the challenges of the new refugee wave and the rise in right-wing extremism, as well as the fact that the authorities are turning a blind eye on aspects of human trafficking involving Vietnamese workers in Zrenjanin.

The publication *Analysis of the Role of the National Assembly in Ensuring Compliance with Recommendations issued by Independent Institutions + Roadmap of CRTA's Recommendations for Improving the Work of Independent Institutions*⁷⁰ highlights financial autonomy as key for essential independence in the work of independent institutions, which is reflected in the sphere of labour relations and the ability of an institution to hire sufficient experts, since staff shortage is identified as the main reason for the case overload of these institutions, which sometimes results in them being less proactive and less likely to use certain powers they have at their disposal. As regards the quality of the reports and the recommendations and proposals they set out, they clearly provide vital information on the systemic issues faced by the authorities within their purview. The proposals and recommendations, with varying degrees of generalisation, give a clear idea of the measures

⁶⁸YUCOM 2020-22 Annual Report, p. 14.

⁶⁹PrEUgovor Alarm: Report on the Progress of Serbia in Cluster 1, prEUgovor Coalition, May 2022, available at: <https://preugovor.org/Alarm-izvestaji/1746/Izvestaj-koalicije-prEUgovor-o-napretku-Srbije-u.shtml>

⁷⁰Analysis of the Role of the National Assembly in Ensuring Compliance with Recommendations issued by Independent Institutions + Roadmap of CRTA's Recommendations for Improving the Work of Independent Institutions, CRTA, February 2022, available at: <https://cрта.rs/uloga-narodne-skupstine-u-obezbedjivanju-postovanja-preporuka-nezavisnih-institucija-2022/>

that should be undertaken and the institutions responsible for undertaking them. Some of the recommendations provided in this analysis in connection with more effective monitoring of the National Assembly and ensuring accountability of other government authorities call on the competent committees and the National Assembly to: **consider the reports of independent institutions in special sessions to be scheduled for each report separately (one report per session); further concretise and specify their recommendations, especially the bodies concerned, as well as the measures and activities to be taken, including reporting to the Assembly and independent institutions on what action they have undertaken;** authorise independent institutions to raise questions with the National Assembly and the Government regarding compliance with the recommendations set out in the reports; bind the National Assembly and the Government to periodically report on compliance with their recommendations; provide, under the Law on Ministries, the duty to comply with the recommendations given by the independent institutions etc.

Compliance of Government 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 particular those affecting social groups at an increased risk of discrimination. Some of the recommendations made by the Commissioner were fully complied with during the year and other activities with effects in terms of improving the position of the population were implemented, while other recommendations 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 government authorities.

The following submitted information on implemented activities to the Commissioner: the Ministry of Justice, the Ministry of Human and Minority Rights and Social Dialogue, the Ministry of Public Administration and Local Self-government, the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Tourism and Youth, the Ministry of Rural Welfare, the Ministry of Education, the Ministry of Science, Technological Development and Innovation, the Ministry of Environmental Protection, the Ministry of Economy, the Ministry of Construction, Transport and Infrastructure, the Ministry of Information and Telecommunications, the Ministry of Culture, the Ministry of Defence, the Ministry of the Interior, the Ministry of Sport and the Ministry of Agriculture, Forestry and Water Management.

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

The Ministry of Tourism and Youth notified the Commissioner that the new National Youth Strategy of the Republic of Serbia for 2023-2030 had been adopted in early 2023, and the process of drafting a Law on Amendments to the Law on Youth had also been initiated.

The Ministry of Rural Welfare has continued implementing programmes for local self-government units under which all structures of the population are eligible to apply on equal terms for grants, with an emphasis on female agricultural cooperatives and social

cooperatives, as well as purchases of rural homes with gardens for members of national minorities.

The Ministry of Economy is currently drafting a new strategy to support the development of small and medium-sized enterprises, entrepreneurship and competitiveness for the coming period (the previous one expired in 2020), which provides, among other things, for support measures for female entrepreneurship. To that end, in order to take stock of the progress made to date, a study of female entrepreneurship in Serbia has been commissioned, on the basis of which measures for implementation in the future will be proposed and necessary future conditions will be determined to ensure women engage in entrepreneurship in greater numbers and operate successfully. This Ministry has also notified this authority that, in 2022, it continued implementing its programme of financial support under favourable terms for business startup by unemployed women and youth, those who have recently started their own business, as well as employed women and youth who wished to start their own business. This programme supports a broad range of manufacturing and service activities. Female entrepreneurship is also supported through the development of training and mentoring services and other forms of professional support to female entrepreneurs, and women also have access to free non-financial support through the programme Standardised Set of Services for Micro, Small and Medium-Sized Enterprises and Entrepreneurs. Numerous activities have also been implemented in connection with media promotion of female entrepreneurship, showcasing examples of successful female entrepreneurs; the action “Women rule!” has been initiated and is intended to feature a variety of activities aimed at promoting female entrepreneurship; the Ministry has also provided institutional support for years to the project “Flower of Success for the Powerful Woman” organised by the Association of Business Women of Serbia.

They have also reported that the Roma Entrepreneurship Promotion Programme is currently being implemented, which aims to economically empower Roma men and women in Serbia through favourable loans to sole traders and legal entities owned and founded by members of the Roma national minority.

The Ministry of Information and Telecommunications has notified this authority is has prepared the Draft Action Plan on Implementation of the Strategy for Digital Skills Development in the Republic of Serbia 2020-2024 for the period from 2023 to 2024, which, *inter alia*, identifies activities building on the current projects to develop rural broadband networks to minimise vulnerability of the rural population to social exclusion; provides for strengthening of individual skills of children and underaged persons, their parents, guardians and teachers on safe internet use; provides for improvement of women’s digital competences, especially regarding their employability; and provides for the development of training programmes for the elderly and persons who are not in employment, education or training (NEET), marginalised underaged persons and persons affected by or at risk of poverty.

Furthermore, this Ministry has co-financed projects and awarded funding for: information society development programmes, which aim to improve digital literacy and digital competences of rural women; production of media content which enables members of national minorities to exercise the right to information in their own language; and production of media content for persons with disabilities. Among the priority themes for project co-financing are: prevention of discrimination through the media (a more detailed criterion is prevention of sensationalism, hate speech and aggressive communication); public information contributing

to raising citizens' awareness of gender equality, the position of women in the society, violence against women and girls, discrimination in different spheres of social life, stereotypes about the role of women in the family and the society etc.

The annual campaign organised in collaboration with the Public Broadcasting Service RTS this year involved videos on the topic "The elderly should not shy away from the net", as well as a series of 10 episodes of the Family Network, which aimed to empower children and youth as users who control and create the digital world and strengthen trust in older generations, parents and teachers, so they could resolve issues more freely, aware that older generations are not as versed in using digital technologies as they are. The website www.pametnoibezbedno.rs has provided technical support for reading since 2022 to visually-impaired children and their parents, in an effort to provide information to them and advise them to contact the staff of the National Helpline for Children's Online Safety by phone at 19833 if they recognise a problem with digital violence.

During the year, this Ministry organised the international conference entitled "Designed Society – Artificial Intelligence and Freedom of Expression", which discussed the importance of artificial intelligence for the development of tolerance and equality in the society and the impact of artificial intelligence on freedom of expression and freedom of the media.

The Ministry of Construction, Transport and Infrastructure provided scholarships to female doctoral students in scientific fields, branches or disciplines associated with railway traffic and transport, in order to create quality human resources in the railway sector and increase the number of female students enrolled in doctoral studies in this field.

The project "Increasing Accessibility of Public Facilities for Persons with Disabilities and Limited Mobility" involves construction works to reconstruct and adapt public facilities across Serbia. In the coming period, this project should see the reconstruction and adaptation of 19 selected public facilities in municipalities/cities. Within the framework of the project "EU Support to Roma Inclusion – Empowering Local Communities for Roma Inclusion", legal support was provided to inhabitants of substandard Roma settlements to help them legalise their buildings, with 610 citizens receiving legal advice on ways to address their property problems. The project "EU Support to Social Housing and Active Inclusion" includes small-scale interventions in municipal and social infrastructure, advancement and improvement of living conditions in substandard settlements and improved access to public services.

The Ministry of Science, Technological Development and Innovation has stated that gender equality in science and research is achieved through: the award of National Scholarships "For Women in Science"; the EU award for female innovators, which aims to raise awareness on the need for more female entrepreneurs and thus create powerful role models. In addition, the Ministry has also notified this authority that the Law on Science and Research (of 2019) enables women on maternity leave to be granted dormancy for their doctoral studies and dormancy for their occupational appointment process.

IN 2022, this Ministry awarded scholarships to a total of 407 recipient doctorands and young researcher pupils, of whom 64% are female, in an effort to keep young talented human resources in the country. According to the information available in the Register of Innovator Natural Persons, 24% of all persons listed in the Register are female. Apart from programmes primarily designed to motivate the young to embrace science, technology, technological

entrepreneurship and mindset, the science and technology parks in Belgrade, Čačak, Novi Sad and Niš have also designed other programmes to encourage greater youth participation in these fields, with all activities specifically targeting the promotion of women's employment and development of female entrepreneurship. In the programmes implemented by the Science Fund, women account for a majority of researchers working on the projects, as well as a majority of project managers. Out of the total of 1,852 researchers, 1,190 of those involved in the projects are women, accounting for 64% of the total number of researchers. Out of 298 projects in total, women manage 160 and thus account for 53.7% of the total number of managers in projects funded by the Science Fund. The Centre for the Promotion of Science has implemented its equality and non-discrimination policy through, among other things: a lecture and introduction to the terms associated with gender equality and a lecture on the history of gender (in)equality held for all interested employees and other persons hired at this Centre; school workshops, with at least one workshop every month addressing science topics concerning marginalised groups or greater equity in science; the Female Studies Centre also held a visiting school workshop for children in primary school grades 5 to 8, which discussed famous women from the Balkans and their achievements in the fields of history, biology, medicine, literature and fight for women's rights.

The Ministry of Environmental Protection initiated the drafting of certain public policy documents in 2022, including: the Environmental Protection Strategy with the accompanying action plan (a key document for implementation of the Green Agenda for the Western Balkans); the Strategy on Implementation of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters; the Climate Change Adaptation Programme, which will mainstream gender issues in the policy of adaptation to climate change. Within the framework of the project "Establishment of a Transparency Framework in the Republic of Serbia", the Framework for Monitoring Gender-sensitive Climate Change Data has been developed, providing guidelines on areas that need to mainstream gender perspective in environmental issues. Development of the Analysis of Socioeconomic Impact of a Circular Economy has also been initiated, to alleviate possible adverse socioeconomic impact on vulnerable social groups, such as informal collectors of secondary raw materials.

The Ministry of Public Administration and Local Self-government has notified this authority that a mechanism for cooperation with higher education was established in late 2021, which, among other things, enables students from five state-owned universities to acquire practical knowledge and skills through relevant work placement programmes in government authorities. The virtual community "Students' Work Placement in Public Administration" has been developed as an innovative platform and a hub for students, mentors and supervisors in work placement programmes, public authorities and universities and a space to exchange all relevant information on students' work placement in public administration.

Numerous trainings on human rights protection and data confidentiality for civil servants and employees at local self-government units have continued. The National Academy of Public Administration has programmed and implemented a set of multidisciplinary trainings for members of the Roma population with higher education degrees who are not public administration employees, in an effort to improve the situation of Roma men and women; a special training programme has been implemented for civil registrars regarding registration of the Roma in civil registries of births, registration of gender reassignment and registration of national affiliation and personal names of members of national minorities; civil registrars,

police officers, social work centre staff and providers of free legal aid have been trained on how to act in cases provided for in the Instructions on the Course of Action in the Case of Birth of a Child whose Parents do not have Identity Documents, to enable the registration of such children in civil registries of births.

The Ministry of Human and Minority Rights and Social Dialogue drafted two pieces of secondary legislation implementing the Law on Gender Equality during the year, namely: the Bylaw on Keeping Records and Reporting on the Achievement of Gender Equality and the Bylaw on Implementation of the Plan to Manage Risks of Violation of the Gender Equality Principle. During the year, the Ministry adopted the following: the Action Plan for 2022 and 2023 to implement the Strategy for Gender Equality 2021-2030; the Strategy for Prevention and Protection Against Discrimination 2022 to 2030 and the Action Plan to implement this Strategy in 2022 and 2023; the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia 2022-2030 and the accompanying Action Plan for its implementation from 2022 to 2024. In addition, a Memorandum of Understanding was signed with 20 local self-governments selected to participate in the programme “Promoting the Employment of Highly Educated Roma Men and Women” in local self-government units.

Furthermore, the first Civil Society Platform for Social Inclusion of Roma Men and Women, comprised of 37 organisations, has been formed as part of an ongoing dialogue that will take place between various stakeholders. As part of the project “Reducing Additional Vulnerability of Roma Men and Women and Other Marginalised Groups caused by the Covid-19 Pandemic in 18 Local Self-governments”, 18 Roma households have been connected to a newly constructed water supply network. In addition, 25 projects of civil society organisations have been implemented through the programme “Implementing Social Inclusion Policies for Roma Men and Women in the Republic of Serbia in 2021”.

In 2022, this Ministry also provided financial support for seven programmes implemented by different associations on the subject “Gender Equality Public Policies for the Development of the Republic of Serbia” and the implementation of 20 such programmes from 2021 was completed (out of the total number of supported programmes, nine addressed the empowerment of groups with multiple vulnerabilities, four aimed to improve the situation of persons with disabilities, while the youth, victims of domestic violence, rural women, persons undergoing rehabilitation from psychoactive substances, the Roma, members of the LGBT community and the elderly were each addressed by one programme).

The Ministry of Justice has regular contacts with the employees at local self-government units who decide on requests for free legal aid. These employees underwent a set of trainings, after which they received authorisation from the Minister to decide on requests for free legal aid. The Ministry has passed the Plan to Manage Risks of Violation of the Gender Equality Principle and, with regard to preventing and eliminating gender-based violence, it has revised and upgraded the website “Turn Off Violence”, which focuses on highly vulnerable groups of victims of gender-based violence, deaf and hearing-impaired persons and foreign women, with some pieces of information on the website translated into English and into sign language. The website also publishes monthly information on application of the Law on Prevention of Domestic Violence.

The Ministry of Education continued providing support measures to Roma children and pupils during the year, the effects of which included a further increase in the coverage of Roma

children in the education system, lower drop-out rates and prevention of early school leaving. Another notable measure is the provision of scholarships, with 1082 scholarships awarded to pupils in 2022. Furthermore, pedagogical assistants as a support measure are a recognisable good practice example, and expansion of this support network has continued, with 254 pedagogical assistants currently hired in this system. In addition, active and continual efforts are being made to improve accessibility and quality of education for members of other national minorities.

In cooperation with the Institute for the Advancement of Education, measures have been undertaken and corrections have been made pursuant to a recommendation by the Commissioner and the Protector of Citizens in several textbooks which the National Council of the Bosniak National Minority and the National Council of the Croatian National Minority found to be discriminatory.

In 2022, the National Report on Inclusive Education in 2019-2021 was published, with key recommendations from this Report incorporated in the Action Plan for 2023-2026 to implement the Strategy for the Development of Education in the Republic of Serbia by 2030. The Inclusive Education Monitoring Framework has been revised.

During the year, this Ministry: formed the Working Group on Prevention of Violence in the Education System, tasked with analysing the existing legislation in this area and proposing amendments to specific regulations; created the new Guide on Application of Revised Indicators for Preliminary Identification of Pupils who are Potential Victims of Human Trafficking; upgraded the knowledge and skills of 200 employees in the education system to apply the bylaw which governs identification and acting in situations of discrimination and discriminatory behaviour, bringing the total number of employees who underwent such training to date to 800.

As regards education of migrant, asylum seeker and refugee pupils, 97 such pupils have been enrolled in the current year and three bilingual brochures (Serbian/English) have been printed with good practice examples in the field of education of migrants. Mentoring activities have continued, with 12 education advisors and external associate advisors hired to serve as mentors and support the schools where migrant pupils are educated.

The Ministry of Culture organised numerous cultural activities addressing the position of women in 2022. The reconstructed building of the Museum of the City of Novi Sad hosted Serbia's first multimedia exhibition dedicated to Mileva Marić Einstein; the exhibition "Woman... Palestine Life" by Rawan Anani was opened at the Ethnographic Museum in Belgrade; the Library of the Serbian Academy of Arts and Sciences held a debate to promote the book "Life and Creative Work of Female Members of the Serbian Academic Society, the Serbian Royal Academy and the Serbian Academy of Arts and Sciences, Volume 2". In October 2022, results of the survey "Women's Identity in Contemporary Visual Art" were published, which dealt with the role and importance of women in shaping the cultural and social reality.

The practice of co-financing cultural projects through annual competitions has been continued, with priorities including projects that contribute to the position of women who are potential victims of multiple discrimination and projects for the cultural efforts of persons with disabilities, national minorities, LGBT persons and youth.

In late 2022, the publication *Culture 2021* was published. It provides information from the regular annual survey of museums, theatres, cinemas, art galleries, publishing and the media in Serbia. The information collected in this survey also concern the accessibility of theatres to persons with disabilities, with the results indicating that all cultural institutions are relatively accessible (78.4% of respondents said theatres were accessible, 54.9% of respondents said theatres had dedicated places for persons with disabilities in their halls, while answers to the question whether theatres had special screenings and equipment with inclusive functionalities was of greatest concern, with only 9.8% of the theatres replying in the affirmative). Information on the accessibility of museums and galleries in Serbia show that 53.7% of the museums and galleries have inaccessible content, while as many as 57.5% are physically inaccessible. They score particularly low on communication accessibility, as 75.6% of the institutions are inaccessible.

The Ministry of Defence has stated that an independent organisational unit, the Office for Gender Equality, has been established within its Human Resources Department, tasked primarily with affirming, promoting and implementing the principles of gender equality and equal opportunities for all. A trend of increasing participation of women has been observed across all categories of the Ministry's employees and members of the Serbian Armed Forces, with emphasis on the increase in the number of women engaged in multinational operations (up 5% from 2021). There has also been an increase in the number of women interested in completing the voluntary military service, with women accounting for more than 18% of all candidates in 2022. The percentage of women in the Military Academy education system has also been increasing – the criteria are identical for both sexes, except the physical ability tests, where the criteria are somewhat lower for women.

The Ministry of the Interior has reported that it has implemented a new, online method of promoting its internal documents in the fields of gender equality and antidiscrimination. To ensure all employees are familiar with these documents, they were presented in webinars attended by 4,251 employees. The Ministry recorded a video, which was aired on TV channels with a national concession, aimed at raising awareness on the issue of domestic violence, while toll-free helplines to report violence are constantly available.

As regards the activities of the Women Police Officers' Network, the first regional conference entitled "Policing Challenges in Post-Covid-19 Circumstances and the Role of Women in the Security Sector" was held and a Memorandum of Cooperation was signed between the Women Police Officers' Network and the police association "European Police Officers of National Minorities – Europe Police", aimed at implementing joint projects and activities, affirming the police occupation and promoting the equality principle.

The Ministry of Labour, Employment, Veteran and Social Affairs stated it had adopted the Strategy for Deinstitutionalization and Development of Community Based Services 2022-2026 in early 2022, which should enable a certain number of persons with disabilities to leave institutions and continue their lives in the community, with support from various assistance services, while also preventing further pressure on residential services provided by institutions of this type. Drafting of an action plan to implement this Strategy is underway. An analysis of compliance with standards by safe houses for women who have experienced gender-based violence has been conducted and a Draft Bylaw on Detailed Requirements and Functional Standards for the Provision and Use of Accommodation Services at Shelters for Women and Girls who have experienced Gender-based Violence has been prepared. Furthermore, a

gender impact assessment has been conducted of the existing the Law on Social Welfare and the Decree on Earmarked Transfers, which also sets out proposals of measures to eliminate any negative effects, which will be taken into consideration when these two documents are amended.

In 2021, licensed services were not provided in 14 Serbian municipalities. The number of municipalities where not a single service is available has been reduced between 2017 and 2021 by 75.9% (from 58 municipalities in 2017 to 14 in 2021). Coverage of elderly persons with residential care in Serbia is low, with approximately 1% of the elderly placed in residential care, nearly half of whom are placed in privately-owned homes for the elderly, whose capacities have seen an expansion in the past decade or so.

In the course of 2022, the National Employment Service provided active employment policy services and measures. The Ministry cooperated with the GIZ programme "Migration for Development III" to provide additional support to piloting of local solutions which promote partnership, cooperation and innovation; eight local self-government units have started implementing innovative solutions designed to respond to identified challenges in the local labour market and meet the demands of persons who face difficulties finding employment and other socially vulnerable groups, with a view to promoting employment and improving their socioeconomic situation. As part of the project "E2E – Education to Employment", implemented in cooperation with the Swiss Agency for Development and Cooperation (SDC) and NIRAS, trainings were once again held in 2022 to build their capacities for the provision of career guidance and counselling services (primarily aimed at youth) for staff of the Ministry, the National Employment Service, employment agencies and the civil sector.

KEY ISSUES IN EQUALITY PROTECTION

The Commissioner continually reviews the state of play regarding the attainment of equality on the basis of numerous factors, to enable members of parliament in particular, as well as other government authorities, civil society organisations and the general public to review the situation as fully as possible, as well as to act proactively and take action to advance equality for all citizens. The level of attainment of equality is analysed in this Report on the basis of the Commissioner's practice, 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, as well as other activities implemented by the Commissioner's institution, such as various surveys, reports, analyses, participation in events, conferences and other events addressing specific issues relevant for achieving progress in the exercise and protection of human rights. 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. 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.

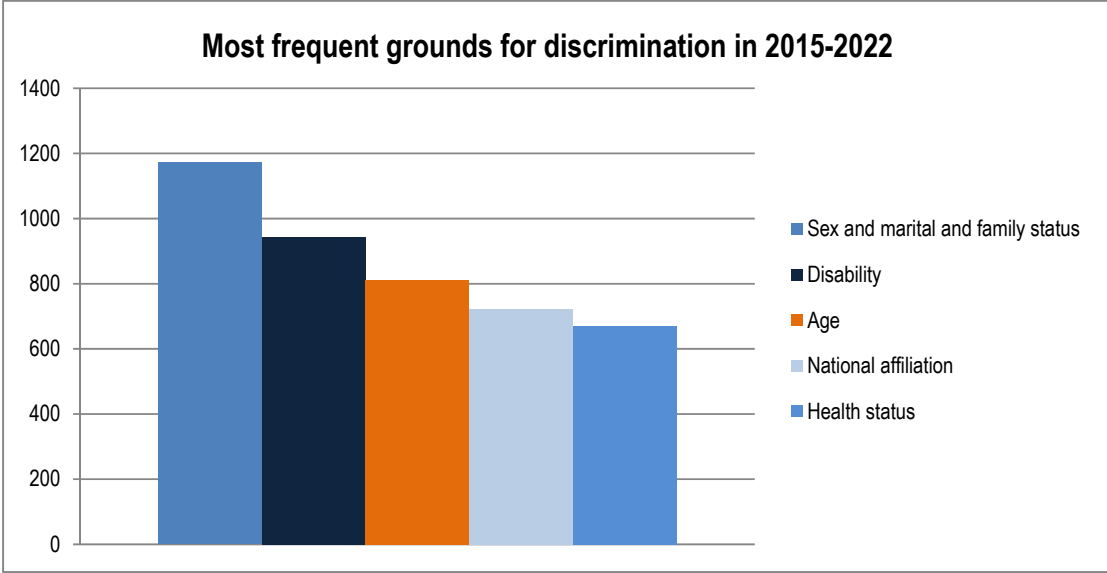
Based on the review of the state of play regarding the achievement of equality during the year, certain key issues have been identified in a number of different areas, affecting multiple social groups or a broader in their scope. These issues are presented below, while certain issues related specifically to certain social groups are covered in the relevant sections of this chapter pertaining to discrimination on the grounds of various personal characteristics. 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.

Social and economic development and improved quality of life for all citizens are essential for understanding the concept and essence of human rights and mechanisms of their protection, coupled with a high level of citizens' information and awareness and development of a cultural pattern and social discourse that condemn discrimination and respect and promote equality. It is also paramount that all public authorities fully apply the antidiscrimination legal framework, keeping abreast of international and national practices and policies, as well as effective functioning of all antidiscrimination 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 economic investment, economic development and salary and employment growth, so we could successfully continue with overall social development.

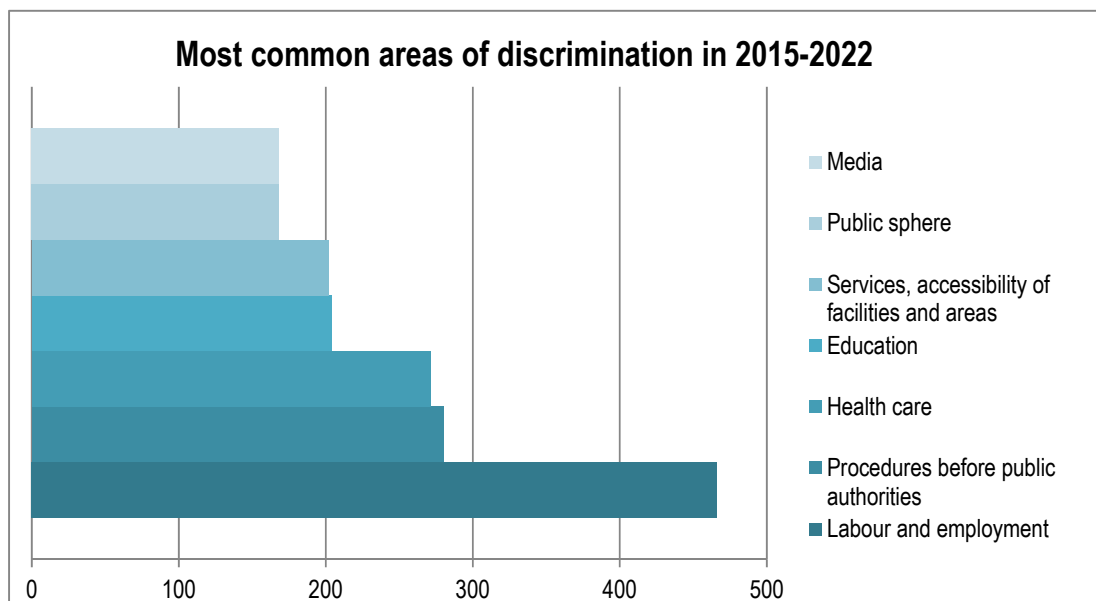
During 2022, 3,300 citizens sought support from the Commissioner and this authority acted in more than 2,000 cases, including 1,879 cases pursuant to citizens' complaints. Thus, the Commissioner acted pursuant to 681 complaints, held dozens of trainings attended by more than 700 persons, issued 719 confirmations to persons that they had not acted in a

discriminatory manner, issued 27 opinions 21 initiatives to amend regulations, issued 69 warnings and public announcements, actively took part in more than 650 different meetings, roundtables, conferences and other events, with the Commissioner herself organising six expert meetings and conferences.

To provide a better overview and insight into the state of those social groups that face increased risk of discrimination, below is a summary of the most common grounds for discrimination in the period 2015-2022 based on the frequency of complaints. Prevalence of discrimination in the society is influenced by a number of factors, including the social and cultural context in which we live, social attitudes towards discrimination, citizens' awareness of the necessity and importance of compliance with laws, as well as citizens; willingness to report any violations thereof, the degree of tolerance of differences, trust in the work of institutions, awareness of the phenomenon of discrimination, as well as civil society activities undertaken to defend human rights etc. The graph below shows that discrimination is faced in particular by women on the grounds of sex and/or marital and family status (although complaints filed by men have also alleged these grounds for discrimination), followed by persons with disabilities; the third most common form is discrimination on the grounds of age, followed by discrimination on the grounds of national affiliation and discrimination on the grounds of health status (which is largely attributable to the global health crisis).



As regards the sphere of social relations, the most common complaints in the same period concerned the field of labour and employment, followed by procedures before public authorities, health care, education, discrimination in the provision of public services or when using facilities and areas and, finally, other areas of social life.



Based on the Commissioner's practice, the largest number of complaints filed in 2022 pertained to discrimination on the grounds of national affiliation or ethnic origin, followed by discrimination on the grounds of age, health status, disability, gender, marital and family status, while other personal characteristics were less frequently alleged as grounds for discrimination. The Commissioner also received a number of complaints on the grounds of another personal characteristic, which includes personal characteristics not explicitly stated in the Law. This group includes complaints alleging discrimination on the grounds of residence or affiliation with groups such as migrants, persons granted asylum, asylum-seekers, internally displaced persons etc. Following these in terms of frequency are complaints alleging discrimination on the grounds of membership in political, trade union and other organisations, religious or political beliefs, sexual orientation, property status, appearance, gender identity, previous criminal convictions, language, citizenships, ancestors, race and skin colour, birth and genetic characteristics.

As can be seen in the graph above, in terms of individual personal characteristics as grounds for discrimination, in 2022 the largest number of complaints to the Commissioner was filed for discrimination on the grounds of national affiliation or ethnic origin. The most complaints were filed by members of the Roma national minority (87.7%), although there were multiple cases pertaining to the same event, with members of Slovak, Bosniak, Croatian and Albanian national minorities also filing complaints. The large number of complaints concerning affiliation with the Roma national minority is clearly indicative of the prevailing attitudes, social distance, stereotypes and prejudice faced by Roma men and women. Negative attitudes and prejudice towards the Roma are often perpetuated in various local communities, in graffiti sprayed on walls and on social networks, with complaints relating to insults and disparagement, refusal to provide certain services etc. Inclusion of the Roma in education has in some cases resulted in the creation of segregated classes and schools, especially where schools are close to Roma settlements, and discrimination against the Roma is also not uncommon in the sphere of employment, which exacerbates their already disadvantaged economic position. Submissions filed with the Commissioner also concerned specific problems faced by inhabitants of substandard settlements. Awareness raising of the Roma national minority, capacity building of local self-governments, along with additional staff education in all systems, establishment

of integrated services of social welfare and health care, education etc., and with provision of adequate housing conditions, through multisectoral cooperation and contacts with civil society organisations, is certainly the way to improve the situation of Roma in particular, as well as other national minorities or ethnic communities.

Discrimination on the grounds of age, as the second most common ground in terms of frequency of complaints, applies to all age categories under the law. The largest number of complaints concerned discrimination persons older than 65, mainly due to inaccessibility of facilities and areas, as well as inability to use various services, in particular social welfare and health care. The next most common type of complaints concerns the situation of children, usually in the field of education and exercise of entitlements to relevant support, while fewer complaints concerned discrimination against persons aged between 18 and 65, and those that did were mainly in the field of labour and employment.

Health status was the most commonly cited grounds for discrimination in the complaints filed with the Commissioner in previous years, as was to be expected given the health crisis caused by the coronavirus. As the coronavirus health crisis began to subside in 2022, this personal characteristic became less frequent in the complaints filed with the Commissioner compared with the previous years. Health status is often stated as the grounds for discrimination combined with another personal characteristic, usually disability or age. Demand for health care has undoubtedly increased; the beginning of the year was marked by issues concerning antigen tests and green tests, duration of certain measures, such as ban on entry into public facilities even after such restrictions were officially lifted, and in some cases citizens have also complained about the lack of sensitisation among medical staff working with certain groups of patients (in particular those living with HIV and persons with disabilities or rare diseases), as well as about inaccessibility of health care facilities. In addition, citizens have often complained to the Commissioner about employers' demands to present medical certificates as a requirement for employment, employers' failure to assign employees to a suitable post according to their capacity assessment and health status, termination of employment or demotion of employed women after their return from maternity leave or child care leave, while some complaints also concerned the treatment of nursing mothers at obstetric clinics.

Persons with disabilities in the Republic of Serbia, similarly as in other European countries, are one of the most vulnerable groups in all areas of social life. Considering the number and variety of problems they face on a daily basis, the prevalence of stereotypes and prejudice, as well as their social and economic situation, they are at a greater risk of discrimination, and often also face multiple and intersectional discrimination. In the course of 2022, the Commissioner received a number of complaints concerning inaccessibility of various facilities (60% of the total number of complaints filed on these grounds). Accessibility, both architectural and information and communication accessibility, is a key precondition for equal participation of persons with disabilities in all areas of social life. Complaints have also concerned inaccessible taxi transport and exercise of rights in the field of labour and employment, the right to education and use of personal aide services, as well as other services.

The trends observed in previous years in terms of frequency of complaints and submissions by citizens stating sex as the personal characteristic constituting grounds for discrimination have continued in 2022. Most of the complaints concerned discrimination against women in connection with childbirth, maternity and child care. Citizens have complained about problems

in the exercise of the parental right, gender-based disparagement and insults and offensive and sexist content in the public sphere and the media. Women who are exposed to multiple discrimination, usually on the grounds of sex and marital and family status, as already stated above, and also on the grounds of gender and disability, national affiliation, especially Roma, age, sexual orientation or health status, are in a particularly complex and difficult position, as are women in rural or remote areas. These categories of women are also often exposed to specific forms of violence and are nearly always disadvantaged not only in relation to men, but also in relation to women in the general population.

In 2022, the Commissioner received approximately the same number of complaints pertaining to sexual orientation and gender identity as in previous years. Complaints concerned discriminatory speech, violence, registration of name change and gender reassignment in civil records and identity documents, problems in the field of labour and employment etc. The year behind us was also marked by events surrounding the organisation of EuroPride 2022 in Belgrade, which was scheduled to take place from 12 to 18 September. In 2019 the Republic of Serbia applied and, with a letter of endorsement from the Serbian Prime Minister, was chosen to host the EuroPride event. This event could have been an opportunity to publicly demonstrate progress regarding respect for human rights of the LGBTI+ community and the right to equality in general. Unfortunately, this event unnecessarily shifted the focus of the issue of human rights of LGBTI+ persons to the domain of daily politics, indeed even geopolitics. Public discourse was rife with hostile attitudes and ideas condoning discrimination and stigmatisation of members of the LGBTI+ community on websites, online and on social networks, as well as on other platforms accessible to large numbers of citizens, although the insistence on sexual orientation was often completely irrelevant with regard to the subject matter.

One of the largest global and regional crises, both internationally and in Europe, in recent years is the migrant and refugee crisis, both because of its scope and the associated challenges and because of its implications on the application of international standards in the field of human rights protection. Year after year, a not insignificant number of persons are forced to leave their homes due to various reasons, be it because of wars, violence, persecution, violation of human rights or other hardships. Taking into account the events in Ukraine, at the beginning of the year the Government of the Republic of Serbia passed a decision to facilitate access to its territory and afford temporary protection to all persons arriving from Ukraine, which was why the largest number of temporary protections in 2022 was granted to Ukrainian nationals. It is also necessary to ensure the local population and employees in various sectors are well informed, and the media must adopt a responsible approach to the issues faced by migrants, which should be covered without sensationalism and fearmongering, but with a serious examination of security risks, which are certainly an unavoidable aspect of this global issue, which has not bypassed Serbia.

In recent years, the Commissioner has been receiving an increasing number of complaints about discrimination on the grounds of membership in political, trade union and other organisations, mostly in the field of labour and employment, as the area with the largest number of such complaints. The problems stated by complainants include assignment of jobs on the basis of political affiliation or trade union membership, employment of party-political members, inability to exercise certain labour rights etc. The fact that granting preferential treatment or withdrawing a right on the grounds of membership in political, trade union or other organisation is prohibited is underscored by a case from the Commissioner's practice, which

also garnered public attention and was extensively reported by the media in 2022 and which concerned refusal to enrol children in a preschool facility because of the political affiliation of their parents or close persons.

The number of complaints pertaining to property status remains low. However, it must be borne in mind that socioeconomically vulnerable persons are not a homogenous group; instead, this group is comprised of persons of different age, national or ethnic affiliation, different health and property status, different marital or family status, different religious and political beliefs etc., and they also file complaints with the Commissioner in connection with those grounds of discrimination, often identifying those as the main reasons why they believe they have been discriminated against. Similarly as in previous years, it has been observed in practice that complaints alleging discrimination on the grounds of property status tend to be filed by natural persons in the field of social welfare or in procedures before public authorities, e.g. for the exercise of the entitlement to one-off assistance and other welfare payments, or because of disconnected electricity, rescheduling of debt for unpaid utility bills etc. In a number of complaints, the allegedly breached rights were not subject to the Law on Prohibition of Discrimination.

The Commissioner's practice has also revealed other grounds of discrimination, including discrimination based on the place of birth as a personal characteristic, citizenship, appearance, language, previous criminal convictions etc. A detailed overview of discrimination on these grounds is provided below.

Notwithstanding the fact that the legislative framework governing the prohibition of discrimination has been completed, new strategic directions and affirmative measures are continually set out, and both the Commissioner and other authorities and organisations have been working towards achieving equality between citizens.

There is also a demonstrable need to both enact and consistently apply a legislative framework that would improve the position of certain social groups as much as possible, as well as an evident need and demand for additional education regarding the prohibition of discrimination and the protection mechanisms, as well as regarding consistent implementation of the regulations in certain fields. These are just some of the reasons to undertake measures to improve the capacities of those public services whose work is focused on improving citizens' situation (the staff of health care and social welfare services, education, inspection authorities etc.), and, with regard to prevention of discrimination, it is essential to improve the capacities of the Commissioner's Professional Service.

Important!

Taking into account the Commissioner's limited human resources and the fact that the number of employees has not changed for years, coupled with the exceptionally high interest in and demand among virtually all stakeholders (from public authorities at all levels to citizens' associations) for exercising the principle of prohibition of discrimination in all aspects of social life and building the capacities of different actors in this context, it may not be possible to exercise all of the Commissioner's powers to the required extent in the future.

Another issue to be taken into consideration is that the Commissioner now also performs duties associated with a completely new competence provided for by the Law on Amendments to the Law on Prohibition of Discrimination of 2021, which concerns the establishment and keeping of records of protection against discrimination. The competent authorities, in particular the Ministry of Finance, have been alerted on multiple occasions of the fact that the Commissioner's work is increasingly hampered by the staff shortage. They were also reminded of the fact that capacity building of the Commissioner's institution is foreseen as an activity under the Action Plan on Chapter 23 and is one of the objectives of the Strategy for Prevention and Protection Against Discrimination. Apart from more staff, funds need to be secured for the electronic database to ensure compliance with this legal duty.

A key issue is the fact that the Commissioner has not received approval from the Ministry of Finance since 2018 for its Draft Human Resources and Financial Plan which provides for an increase in the number of employees and an increased limit for employees' salaries. Since the Ministry of Finance has not approved the Commissioner's proposals, this institution has remained completely excluded and has absolutely no influence over its own human resource policy, which thus effectively becomes the responsibility of the Ministry of Finance. These are the reasons why the number of employees at the Commissioner's Professional Service has not changed in years, even with the increase in the cope of works and measures provided for by the relevant documents.

In addition, when reviewing the Commissioner's Regular Annual Report for 2021, the Committee on Human and Minority Rights and Gender Equality of the National Assembly of the Republic of Serbia passed a Draft Resolution (for the plenary session of the National Assembly) in its second meeting held on 22 December 2022, which stated *inter alia* that, in order to monitor the situation in the field of protection against discrimination, it would be necessary to pass a piece of secondary legislation that would govern the manner of keeping court records of final and enforceable judgments and decisions passed in proceedings for breaches of anti-discrimination regulations, while also ensuring resources for the establishment and keeping of these records in terms of human resources and the database software. The National Assembly reviewed the Commissioner's Regular Annual Report for 2021 in a plenary session in late February 2023. In a session of the Second Extraordinary Sitting of the Thirteenth Convocation, the National Assembly adopted the *Resolution concerning the Review of the Regular Annual Report of the Commissioner for the Protection of Equality for 2021*.

A new competence of the Commissioner provided for by the Law on Amendments to the Law on Prohibition of Discrimination⁷¹ involves a duty imposed on courts to submit to the Commissioner anonymised judgments in the field of antidiscrimination by the 31st of March of the current year in respect of the preceding year, while the minister in charge of the judiciary is authorised to pass a piece of secondary legislation within six months of entry of this Law into force to lay down the manner of record-keeping by courts and the manner of their submission to the Commissioner. This piece of secondary legislation has not yet been passed, although the time limit has expired, to which the Commissioner drew the attention of the Ministry of Justice. In recent months, the said Ministry has been focusing on constitutional amendments, followed by drafting a set of judiciary laws; in addition, 2022 was also an election year, which meant the Government operated in a technical capacity. Given all these reasons, it could perhaps be understood why the passing of this piece of secondary legislation had been delayed; however, once all these processes were completed, there could be no reasonable justification for any further delay.

Article 14 of the Law on Amendments to the Law on Prohibition of Discrimination imposes an obligation on public authorities, when drafting a new regulation or public policy relevant for the exercise of rights of socioeconomically disadvantaged persons or groups, conduct an impact assessment of such regulation or policy in terms of its compliance with the equality principle. This regulatory impact assessment should comprise in particular: a comprehensive review of the current state of play in the relevant area, focusing on socioeconomically vulnerable persons or groups of persons; an assessment of the necessity and proportionality of the intended legislative amendments in terms of compliance with the principle of equality and rights of socioeconomically vulnerable persons and groups of persons; as well as an assessment of risks to the rights, obligations and lawful interests of those persons and groups of persons.

The Commissioner has issued a recommendation of measures to local self-government units, ministries and the Republic Secretariat for Legislation in which she highlighted the statutory duty to conduct an impact assessment of such regulation or policy in terms of its compliance with the equality principle, which should contribute to the enactment of sounder regulations, which take into consideration their impact on the most vulnerable persons and groups, both in terms of scope and in terms of contributing to the advancement of their situation.

The recommendation of measures underscores that, when conducting a regulatory impact assessment, it must be borne in mind that socioeconomically vulnerable persons are not a homogenous group; instead, this group is comprised of persons of different age, national or ethnic affiliation, different health and property status, different marital or family status, different religious and political beliefs etc. The regulatory impact assessment of regulations or public policies should be efficient and effective, i.e. it should not be time-consuming for the proposers for the sake of mere formal compliance with this obligation, without any substance, which is why it should be based on a review of the current state of play and concrete statements regarding how the regulation or policies would impact the situation of persons and what risks it would pose for the exercise of the rights, obligations and interests of those persons or groups under the law.

⁷¹Official Gazette of the Republic of Serbia No. 52/21

For more information, see: <http://ravnopravnost.gov.rs/718-22-preporuka-mera-jls-procena-uticaja-propisa-na-socioekonomski-ugrozena-lica/>

Considering the importance of assessing the impact of regulations or policies on vulnerable persons or groups of persons, the Commissioner also delivered a number of trainings for local self-government units on this issue, in the belief that it was paramount for all stakeholders to fully understand the importance and effects of regulatory impact assessment. This activity will be continued, in the hope that the training and the application of this legal provision would gradually bring about improvements in the status of those social groups that are at an increased risk of discrimination or those that need special social support in their daily lives.

The period of electoral and post-electoral activity led to a standstill in the work of the legislative and executive branches of government in the Republic of Serbia, which was also reflected in the number of passed regulations and adopted strategic document. Laws passed in 2022 include the Law on Social Entrepreneurship, the Law on Financing of Political Activities, the Law on Local Elections, the Law on Election of the President of the Republic and the Law on Election of Members of Parliament. Amendments to certain laws have also been passed, including amendments to the Law on Civil Servants and the Law on Pension and Disability Insurance etc. In 2022 the Government adopted the Strategy for Prevention and Protection Against Discrimination for 2022-2030 with the accompanying action plan for 2022-2023, the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for 2022-2030 with the accompanying action plan for 2022-2024, the Strategy for Deinstitutionalization and Development of Community Based Services for 2022-2026, the Strategy for Development of the System for the Enforcement of Criminal Sanctions for 2022-2027, the Strategy for Creating an Enabling Environment for the Development of Civil Society for 2022-2030 and the accompanying action plan for 2022-2023, as well as the Action Plan for 2022-2023 for Implementing the Strategy for Gender Equality for 2021-2030.

However, although certain strategic documents expired in previous years, contrary to the recommendations made by of the Commissioner in the previous report and those of earlier years, certain legislative and strategic documents have not yet been passed, including strategic documents and action plans that should govern, among other things, the direction of development of adult education, corporate social responsibility, ageing/the elderly, the Action Plan on Implementation of UNSC Resolution 1325 on Women, Peace and Security in the Republic of Serbia, the action plan to improve the situation of national minorities etc. Passing of these strategic documents and action plans is necessary in order to establish the framework and set forth the principles of action or to ensure continuity in the implementation of concrete measures and activities.

Furthermore, as already discussed, the Commissioner submitted a number of initiatives to competent authorities to amend certain regulations, which, as explicitly explained in each of those initiatives, should improve the situation of certain social groups. Those initiatives include e.g. the initiative to amend the standards of accreditation and quality assurance of higher education institutions to improve the situation of persons with disabilities, the initiative to amend the Bylaw on the List of Prescription Medicines Covered by the Compulsory Health Insurance Fund to improve the situation of persons with rare diseases and the initiative to amend the Bylaw on Value Added Tax to advance the development of social welfare services etc. The Commissioner's practice regarding the response of the competent authorities to such

initiatives shows that some executive government authorities immediately take action, while others fail to understand the legal nature of an independent institution and its corrective role and fail to respond to such initiatives or refuse to amend regulations for extended periods.

Furthermore, the Commissioner's practice has shown that some of the procedures for the exercise of rights are complicated and, when faced with procedures they are unable to understand, citizens feel a sense of exclusion, rejection, frustration, discrimination and injustice, which ultimately leads to loss of trust in the state and its representatives. Some of these services were simplified last year when the services available on the e-Government portal were expanded, although some of these services are not available or are hard to access, even though they were touted as solutions to all of citizens' problems. Moreover, the issue of citizens who do not have access to appropriate devices or do not have adequate knowledge of information technology (the poor, the elderly etc.). in addition, Citizens also contact the Commissioner when certain authorities refuse to provide services to them, including public notaries and in particular institutions in health care or social welfare, education, public utilities etc. For example, citizens have complained in particular that the Real Estate Cadastre Service is impossible to contact, that they never answer the phone, that they do not reply to objections sent by e-mail and that cases remain unresolved for years.

For example, the Commissioner issued a recommendation of measures to the Ministry of Justice and the Public Notary Chamber of Serbia to undertake the necessary measures within their mandates:

- To set the amount of the notarial fee for the certification of signatures of persons without documents by hearing identity witnesses in a manner that acknowledges the fact that persons without documents are among the most vulnerable, and an identity document is a prerequisite for them to exercise all other rights, in particular those in the fields of health care, social welfare, education etc.;
- To ensure proper application of the Law on Verification of Signatures, Handwritings and Transcripts and the Notarial Rules of Procedure, under which public notaries are required to determine the identity of persons without identity documents by hearing two identity witnesses.

The Ministry of Justice notified the Commissioner it produced instructions in cooperation with the Public Notary Chamber, which it would send to all public notaries on the basis of this recommendation.

For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-ministarstvu-pravde-i-javnobeznickoj-komori-srbije/>

Imperative for the full exercise of rights enshrined in the law and equality of citizens before the law is control of compliance with and application of all regulations, as evident from the complaints filed with the Commissioner, notably in the field of labour and employment, as well as in other areas. In this context, inspection bodies and their capacities are essential, both in terms of their number and in terms of qualifications, i.e. it is necessary to build both quantitative and qualitative capacities of these bodies.

As regards local self-government, where citizens mostly exercise their rights, it is often the case that, due to a lack of understanding, and indeed lack of knowledge, of the strategic directions in specific fields, appropriate bodies are often not established, appropriate measures are not designed to reflect the demands and desired effects in the specific territory, relevant reports are not submitted or local authorities fail to systematically address the

problems faced by certain social groups. In this context, it is necessary to involve all stakeholders in various education efforts, in particular members of local self-government units, as well as members of social, health care and education services, employers, the police etc. Thus, for example, a meeting of the Committee on Health and Social Policy of the Standing Conference of Towns and Municipalities attended by the Commissioner addressed the issue of securing funding for the provision of social welfare services and changing the manner in which funds from the national budget are allocated to local self-governments through earmarked transfers. Members of local self-government underscored the need for continual education on application of the Law on Social Welfare, especially with regard to provision of services and earmarked transfers. In its report *Efficiency of Allocation and Use of Earmarked Transfers in Social Welfare* of December 2022, the State Audit Institution notes that the lack of substantial analysis of local self-government data and absence of minimum standards for certain services makes any assessment of the effectiveness of earmarked transfers difficult. The report recommends obtaining reliable data to ensure equal development of services within the mandate of local self-government units.⁷²

There are evident deficiencies in terms of scope and types of social welfare services, their availability and continuity in their provision. The ***Report on Social Welfare Services at the Local Level provided by Licenced Service Providers in 2016-2020***⁷³ stated, among other things, that the number of licenced providers of social welfare services within the remit of local self-governments has been increasing. From one licenced service in 2013, the number of licenced service providers increased to 269 in 2020; however, plurality of services remains at a basic level: in 2020, availability of services ranged from one provider of the service of respite and assisted living for victims of human trafficking to 117 providers of domestic help services. Furthermore, an analysis of the number of services available in individual municipalities has revealed a low level of service diversity, with half of the municipalities in 2020 offering only one service to beneficiaries. More than four services are available in just 14.9% municipalities in Serbia. According to the same report, the current state is indicative of a strong need for more licenced service providers for all services in respect of which minimum standards are set by law, with emphasis on the development of underrepresented services and ensuring continuity of support. The coronavirus pandemic highlighted the need for a full scope and continuity of services.

The ***Report on the Progress of Serbia in Cluster 1***⁷⁴ by prEUgovor Coalition notes, among other things, with regard to improving services for children and beneficiaries with disabilities and with regard to improving the welfare benefits system, that the successfully (or partially successfully) implemented activities were mainly those that involved adoption of documents or signing of cooperation agreements, while many activities in this area remained uncompleted, including the establishment of centres for children, youth and families, improving the fostering system, improving the resources of large and small residential institutions for children, capacity building of social welfare service providers in line with the

⁷²Cost-effectiveness Audit Report – Effectiveness of Allocation and Use of Earmarked Transfers in Social Welfare, State Audit Institution, December 2022, available at: <https://dri.rs/storage/newaudits/2022-3-SV%20Efikasnost%20raspodele%20i%20koriscenja%20namenskih%20transfera%20u%20socijalnoj%20zastiti.pdf>

⁷³Report on Social Welfare Services at the Local Level provided by Licenced Service Providers in 2016-2020, Republic Institute for Social Protection, Belgrade, March 2022, available at: <http://www.zavodsz.gov.rs/media/2270/izvestaj-lplu-2016-2020.pdf>

⁷⁴prEUgovor Alarm: Report on the Progress of Serbia in Cluster 1, prEUgovor Coalition, May 2022, available at: <https://preugovor.org/Alarm-izvestaji/1746/Izvestaj-koalicije-prEUgovor-o-napretku-Srbije-u.shtml>

deinstitutionalisation and decentralisation processes, as well as passing of legislative amendments and adoption of relevant secondary legislation.

Apart from highlighting the need to meet the needs of the population, build qualitative and quantitative capacities of service providers, provide resources and ensure other factors, based on a review of the state of play regarding the provision of social welfare services, the Commissioner submitted the ***Initiative to amend Article 136 paragraph 1 of the Bylaw on Value Added Tax*** (*Official Gazette of the Republic of Serbia* Nos. 37/21, 64/21, 127/21, 49/22 and 59/22) to the Ministry of Finance, aiming to obtain an exemption from value added tax for all licenced providers of social welfare services by harmonising the provisions of this Bylaw with Article 25 paragraph 2 item 11) of the Law on Value Added Tax, under which VAT is not charged on social welfare and protection services, child and youth protection services, services provided by social welfare institutions and any associated sales of goods and services by persons registered to perform those activities. The initiative underscores that such amendment would alleviate the burden both for the licenced service providers and for beneficiaries, while enabling the funds provided for these purposes from local self-government budgets or from the national budget to cover more beneficiaries, coupled with other incentives that could be made available to the service providers.⁷⁵ The Ministry shortly notified the Commissioner that the Bylaw had been amended, so that, as from 1 February 2023, tax exemption without the right to deduct input tax on turnover referred to in Article 25 paragraph 2 item 11) of the Law on Value Added Tax would be available, in addition to social welfare institutions – including social work centres, residential institutions, day care and domestic help institutions – also to all other entities (e.g. companies) providing social welfare and protection services and child and youth protection services, on the condition that the institutions and other entities providing such services are registered to perform such activities and have obtained authorisation from the competent authority to provide such services, in accordance with the regulations governing social welfare.

Apart from social welfare services, citizens' situation is also greatly influenced by availability of health care, which was made abundantly clear during the coronavirus health crisis. Although the brunt of the crisis had worn off by mid-2022, some issues have remained clearly visible, as evident from the fact that discrimination on the grounds of health status had been the dominant form of discrimination in the previous two years, while this year it was the third most common reason for complaints filed with the Commissioner. Another issue that needs to be highlighted is the continued absence of simultaneous provision of social welfare and health care services (Article 58 of the Law on Social Welfare), as well as interdepartmental acting of various systems, in particular social welfare and health care, as well as education institutions, employment services, the police, judicial and other state authorities, local self-government authorities and civil society organisations. Only through joint efforts and interdepartmental cooperation will it be possible to achieve optimum results in terms of improving the situation of social groups that face an increased risk of discrimination.

The statistics collected and published by the Statistical Office of the Republic of Serbia are essential for examining the status and situation of the population, as well as for planning and development of data-based policies. The ***2022 Census of Population, Households and***

⁷⁵For more information, see: <http://ravnopravnost.gov.rs/688-22-inicijativa-za-izmenu-clana-136-stav-1-pravilnika-o-porezu-na-dodatu-vrednost/>

Apartments⁷⁶ was conducted in 2022. In terms of its scope and scale, this is the largest and most complex statistical survey, which nearly all countries globally conduct once every ten years to collect data about the population, its age and sex structure, qualifications and marriage status, economic activity, structure of households and families and residential properties. For many years, Serbia's demographic situation has been characterised by demographic ageing and high average population age, as a result of major changes in the age structure which occurred in the 20th Century, caused primarily by a long-declining fertility rate, coupled with a high mortality rate, as well as migratory trends. According to the preliminary census results, the Republic of Serbia has 6,690,887 inhabitants, which is 6.9% less than in 2011, when the previous census took place. Population has been recorded in all regions (by approx. 10%), except in the Belgrade region, where the population has increased by approx. 1.6%. The sharpest population decline was observed in Crna Trava, Gadžin Han, Rekovac and Babušnica, while the highest population increase was recorded in Zvezdara, Voždovac, Novi Sad and Novi Pazar.

The extent of the population decline is even more obvious from a comparison between labour force data for the third quarter of 2022 and the third quarter of 2021. According to these figures, total population aged 15 and older has declined by 63,900, with the inactive population declining by 28,800 and the active population declining by 35,100⁷⁷. according to Eurostat's figures, working age population aged 15-65 accounted for 64.5% of Serbia's total population in 2021, the lowest of all candidate countries and potential candidate countries. On the other hand, the highest share of the young population among candidate countries was recorded in Turkey (22,8 %), while Serbia had the lowest share (14,3 %)⁷⁸.

The effects of depopulation are numerous, while the economic effects of such situation exceed the negative effects of population ageing, because they adversely affect the labour market and especially certain industries (e.g. construction, infrastructure), which results in a lower GDP and lower aggregate growth of the entire country, especially those regions that are particularly affected by depopulation⁷⁹, as evident from numerous global reports and surveys. These facts should be specifically taken into consideration with regard to the situation and rights of certain population groups which, based on the Commissioner's practice and global experiences, are at a greater risk of discrimination. The problem is particularly evident with the elderly and rapidly ageing population, children and their rights, persons with disabilities, chronically ill persons and persons with rare diseases, Roma men and women, persons living in remote or rural areas and others. Depopulation leaves these persons in a situation where they are unable to exercise their rights to certain social welfare and health care services, education and preschool accommodation or teaching for a declining number of pupils in certain settlements, or for an increasing number of them in the cities. While population policy measures receive significant funding, far lower amounts are allocated to fund the necessary services. Thus, almost all major cities suffer from a shortage of state-owned child day care facilities to cover the actual number of preschool children, and private child day care facilities make up for this shortage, although the conditions and the prices of the two types of facilities differ. In this regard, the Commissioner has issued a general recommendation to the City of

⁷⁶Census of Population, Households and Apartments 2022, Statistical Office of the Republic of Serbia, available at: <https://publikacije.stat.gov.rs/G2022/Html/G20221350.html>

⁷⁷Labour Force Survey for Q3 2022, Statistical Office of the Republic of Serbia, available at: <http://publikacije.stat.gov.rs/G2022/Xls/G20221323.xlsx>

⁷⁸ Eurostat, 2022, available at: <https://ec.europa.eu/eurostat/web/main/data/statistical-themes>

⁷⁹Human Development in Response to Demographic Change, UNDP, 2022, available at: <https://serbia.un.org/sites/default/files/2022-07/National-Human-Development-Report-Serbia-2022.pdf>

Belgrade to undertake all necessary measures and activities within its remit to balance out the position of children who attend preschool facilities and those who are forced to attend private preschool education due to the insufficient capacity of the facilities founded by the City of Belgrade, as discussed below.

This demographic structure undoubtedly requires different types of intervention across multiple areas. The Commissioner has been highlighting the inconsistencies in the Law on Financial Support to Families with Children since 2017. Proceedings for reviews of constitutionality and legality of specific provisions of this Law and the initiatives previously submitted to line ministries were addressed in previous annual reports. In the course of 2022, we submitted two proposals for a review of constitutionality and legality to the Constitutional Court, most notably the proposal for a review of constitutionality and legality of Article 17 paragraphs 4, 5 and 7 of the Law on Financial Support to Families with Children, which concerned the need to treat women who are independent professionals, women farmers and women working outside of an employment relationship equally with employed women in matters concerning pregnancy and childbirth. This initiative for a review of constitutionality and legality has already been discussed in detail in this Report. That financial and all other support to families with children and childbearing is necessary is unquestionable. It is, however, questionable whether the available amounts of birth incentives and parenting benefits are sufficient. While the amounts granted for the birth of a child correspond to the actual needs (more than 345,000 dinars as a one-off amount for the first child, 24 instalments of more than 12,700 dinars a month in for the second child and 120 instalments of more than 15,300 dinars a month for the third child), the situation differs substantially with the amounts of child allowance available as support to vulnerable families. Namely, in accordance with the law, in order to be eligible for the child allowance, the applicant (the parent or family members) must not have cash and other liquid assets and must not exceed the means test threshold (total monthly family income in the three months preceding the month of applying for this entitlement) of 11,489,58 dinars per family member (as from the beginning of 2022). The amount of child allowance in this case is 3,829.86 dinars a month. For single-parent families, the means test threshold is slightly higher at 14,936 dinars, while the amount of child allowance is 4,978 dinars. For children with developmental disorders, children with disabilities who have received an opinion of an interdepartmental committee and children who are entitled to assisted living allowance, but do not use residential services, the amount per month is 5,744 dinars. Child allowance for children who are eligible for increased allowance on multiple grounds is 6,893 dinars a month. These amounts of child allowances are far from sufficient as support to vulnerable families who meet the statutory requirements. Greater effects of support in the early years of a child's life could certainly be expected with more reasonable amounts of child allowances, especially as the families who receive them are already vulnerable, and official data suggest that children are at the highest risk of poverty.

It should be borne in mind that population policy and birth support measures should go beyond mere provision of financial resources and should be much broader in scope, encompassing the attainment of gender equality in the full sense of the world and enabling equal care of the children by both parents, with flexible work arrangements, a "paternal leave", i.e. a mandatory period of leave from work for child care by fathers, and enabling, in certain cases, extended parental leave while raising a child, enabling workplace promotion upon return from such leave on equal terms, providing a sufficient number of preschool facilities with sufficient capacity etc. Equal distribution of household duties, care of children and the elderly and gender equality in

the full sense of the word are key for improving the demographic situation and implementing an effective population policy. Examples of various population policy are numerous and the effects of specific measures in certain countries are well known, which could provide sound guidance for the design of new measures, especially considering the unfavourable demographic situation.

The situation of all social groups is greatly influenced by their property status, specifically poverty, which is one of the main reasons for inequality and social exclusion. According to data of the Statistical Office of the Republic of Serbia presented in the 2021 **SILC Survey**⁸⁰ poverty risk rate in Serbia was 21.2% and was 0.5 percentage points lower than in 2020, while the rate of risk of poverty or social exclusion was 28.5%, which was 1.3 percentage points lower than in 2020. However, according to **Eurostat data**⁸¹, in 2021 Serbia was the fourth poorest country in Europe measured by gross domestic product per capita and standardised individual consumption per capita. As regards GDP per capita, last year Serbia was 55% below the EU average, while the situation regarding individual spending per capita, which takes into account price differences between countries, was slightly better. Measured by this parameter, Serbia was 47% below the EU average. The only European countries poorer than Serbia last year were North Macedonia, Albania and Bosnia and Herzegovina.⁸²

According to the already mentioned **European Commission's Serbia Report 2022**, poverty is more prevalent in rural than in urban areas, as was the case in previous years. The at-risk-of-poverty rate shows that individuals up to 18 years of age were the most exposed to this risk (24.2 %), as well as individuals aged from 18 to 24 (23.6 %). For 2020, 46.1 % of the population self-identified as poor (a slight decrease compared to 47.7 % in 2019), positioning Serbia at the bottom of the list of European countries that conduct SILC surveys. Inequality in income distribution is high at 33.3 % of the Gini coefficient according to income in 2020, which is above the EU-27 average (30.0 %). The richest 20 % of the population had an income 6.1 times higher (6.5 in 2019) than the poorest 20 % (5.24 in EU-27).

These figures stem from inequality in the labour market, inadequate coverage and targeting of social policy measures, gender inequalities, inequality in education etc. According to multiple surveys and analyses, including surveys conducted by the Commissioner over the years⁸³, poverty, i.e. property status, is seen as one of the main reasons for discrimination, notwithstanding the efforts that have been made in different areas. It is for these reasons that the Commissioner focuses in particular on equal social inclusion of all citizens, especially the poor, and her opinions and especially recommendations of measures have highlighted the need for and possible ways of overcoming concrete problems, while her regular reports have highlighted that concrete effects in terms of reduced social exclusion and poverty would be difficult to achieve without effective financial support to individuals and families to tackle social and life difficulties, sound targeting of social policy measures, overcoming inequality in the labour market, availability of education opportunities, gender equality, improved measures of

⁸⁰*Poverty and Social Exclusion Report*, Statistical Office of the Republic of Serbia, октобар 2022, available at:

<https://www.stat.gov.rs/sr-latn/vesti/statisticalrelease/?p=8870&a=01&s=0102?s=0102>

⁸¹Eurostat, 2022, available at: <https://ec.europa.eu/eurostat/web/main/data/statistical-themes>

⁸²In 2021, Luxembourg and Ireland had the highest GDP per capita – 168% and 119% above the EU average respectively, while Bulgaria ranked lowest with a GDP per capita that was 43% below the average, and Greece was second-last, with a GDP that was 36% below the EU average. In terms of individual consumption per capita stated in purchase power parity, Luxembourg ranks highest, 44% above the EU average, followed by Germany, which was 20% above the average, Denmark, which was 19% above the average, Austria 17% and Belgium 16%, while Bulgaria with a consumption per capita 35% below the average, with Hungary and Slovakia ranking just above it at 30% below the average.

⁸³*Perception of discrimination by the Roma community, Attitude of citizens towards discrimination*

support to families with children and population policy measures, with a view in particular to balancing work and parenting and providing a sufficient number and ensuring the availability of child care facilities.

As regards poor citizens, i.e. persons who are unable to satisfy their basic daily needs, it should be noted that the Constitutional Court passed a decision in April 2022 declaring the provisions of Article 80 paragraphs 3 and 4 of the Law on Social Welfare unconstitutional. Under those provisions, a Social Work Centre can enter into an agreement with a welfare beneficiary to actively overcome his/her adverse situation, which sets out activities the beneficiary is required to complete and imposes obligations on him/her, while also allowing for a reduction in or termination of welfare payments if the beneficiary unjustifiably fails to perform the obligations set forth in such agreement (Article 80 paragraph 3). The Constitutional Court also found the social inclusion measures set forth by the Government (Article 80 paragraph 4) to be unconstitutional.

In the statement of reasons for its decision, the Constitutional Court stated it held that the legislator is required, when regulating the sphere of social life, to set forth in the law the conditions that are relevant for acquiring and exercising specific entitlements, as well conditions under which such entitlement could be reduced or forfeited. In this context, it cannot be left solely to the Government to set out social inclusion measures in secondary legislation. Instead, this must be governed by a law, while secondary legislation can only set out further details of such arrangements. The Constitutional Court also stated that the provision of Article 80 paragraph 3 of the Law on Social Welfare allows for a reduction in or forfeiture of the entitlement to welfare on the grounds of unjustified refusal to perform obligations, the existence of which is conditional solely upon the existence of an agreement that would provide for such obligations, which could undermine the principle of equality of all before the Constitution and the law, because agreements with some beneficiaries may contain a provision to reduce the entitlements in such cases, while agreements with other beneficiaries may contain no such provision.

For more information, see: <http://www.ustavni.sud.rs/page/predmet/sr-Cyrl-CS/19206/?NOLAYOUT=1>

In response to the poverty situation, the Fiscal Council has prepared the ***Proposal of Social and Tax Policy Measures to reduce Inequality and Risk of Poverty in the Republic of Serbia***⁸⁴, which states *inter alia* that the Covid-19 crisis exacerbated the underlying inequality issues in many countries, including Serbia, where inequality and poverty risk rates are significantly higher than the European average. This analysis by the Fiscal Council underscores the possibilities of and need for a systemic improvement of social and tax policy to ensure additional support to vulnerable households, especially after the massive food and energy price hikes.

The recommendations set out in the Fiscal Council's analysis include the following:

- Increase social welfare expenditure from 3.0% to approx. 3.3% of GDP to expand the scope of social welfare programmes and increase the amounts of benefits;

⁸⁴ *Proposal of Social and Tax Policy Measures to reduce Inequality and Risk of Poverty in the Republic of Serbia*, Fiscal Council, Belgrade, September 2022, available at: http://www.fiskalni.savet.rs/doc/analize-stavovi-predlozi/2022/FS_Predlog%20mera%20socijalne%20i%20poreske%20politike.pdf

- Through progressive taxation, increase the income of workers with the lowest earnings and/or dependent family members;
- Increase the amount of child allowance by a quarter (from 3,569.3 to 4,500 dinars) and the number of beneficiaries by two thirds, from 245,000 to 416,000 children;
- Through reform measures, reduce the child poverty rate to 19.1%, which would be lower than the general population average;
- Relax the means test threshold and increase the land ownership threshold from 1 to 10 hectares for elderly households;
- Use the social card system to effectively implement a reformed social welfare system;
- Abolish mandatory pension and disability contributions for farmer payees;
- Reform personal income tax and increase the progressive nature of salary tax by doubling the tax-exempt threshold from 19,300 to 40,000 dinars a month, by introducing a tax-exempt threshold of 20,000 dinars for each dependent family member and by increasing the rate of salary tax from 10% to 15% to avoid a decline in tax revenue, without undermining the competitiveness of the Serbian workforce.

The overall situation of citizens is also influenced by their status and position in the labour market, i.e. the level of exercise of their labour rights. The field of labour and employment this year remained near the top in terms of the number of complaints filed with the Commissioner. According to the results of the **Labour Force Survey for 2021**⁸⁵, the activity rate of the population aged 15 or older in 2021 at the level of the Republic of Serbia was 54.7%. The employment rate of the population aged 15 or older in the same year was 48.6%, while the unemployment rate was 11%. the rate of employment for women in 2021 was 41.3% and was 15.2 p.p. lower than the rate of employment for men, while the difference in the unemployment rate between women and men was 1.9 p.p. in favour of men. Apart from unequal employment of men and women, a particular issue is the fact that the youth contingent, the 15–24 age group, has continued declining – by 10,500 in 2021, which was 1.5% lower than in 2020. The youth unemployment rate in 2021 was 24.5%, which was 4,3 p.p. higher than in 2020. At 26.4%, the youth unemployment rate was 1.2 p.p. lower than last year. The percentage of economically inactive population was 5.3 p.p. lower in 2021, at 66.7%. As the 2022 figures have not yet been published, we will provide only some selected figures from the **Labour Force Survey for Q3 2022**⁸⁶, which shows that the employment rate of the population aged 15 or older was 50.8% (58.3% for men and 43.9% for women), while the unemployment rate was 8.9% (8.4% for men and 9.6% for women).

The increase in gross and net salaries between January and September 2022 year-on-year was 13.9% in nominal terms and 2.7% in real terms. However, median net monthly salary for September 2022 was 57,392 dinars, which means that 50% if all employees earned a salary up to that amount.⁸⁷

⁸⁵ *Labour Force Survey for 2021*, Statistical Office of the Republic of Serbia, available at: <https://publikacije.stat.gov.rs/G2022/Pdf/G20225682.pdf>

⁸⁶ *Labour Force Survey for Q3 2022*, Statistical Office of the Republic of Serbia, available at: <http://publikacije.stat.gov.rs/G2022/Xls/G20221323.xlsx>

⁸⁷ *Report on the State of Labour Rights in the Republic of Serbia for 2022*, Centre for Democracy Foundation, available at: <http://www.centaronline.org/userfiles/files/publikacije/FCD-Izvestaj-o-stanju-radnih-prava-u-Republici-Srbiji-2022.pdf>

According to the ninth edition of the Global Rights Index⁸⁸, the Republic of Serbia is assigned rating 4 (unchanged status from 2021), among countries with systematic violations of labour rights. The report highlights the strikes by Fiat's workers. The same rating is also assigned to 39 countries, including both some of the poorest in the world - Burkina Faso, Chad, Congo, Mali..., as well as some of the richest – United States of America and Australia, as well as Greece, Hungary and Romania among EU Member States. This suggests that restrictions or violations of labour rights are a global issue, which of course should not be any consolation or justification for the inaction of government authorities.

In addition, implementing regulations for the Law on Social Entrepreneurship were not passed during the year, while several regulations are at the draft stage, including the Draft Law on Occupational Safety and Health and the Draft Law on Work Placement. International Labour Organisation's Convention No. 190 concerning the elimination of violence and harassment in the world of work has not yet been ratified, although it was one of the recommendations given by the Commissioner also in the 2021 report. To ensure comprehensive regulation in the field of labour rights, the Centre for Dignified Work prepared the publication **Model Labour Law**⁸⁹, intended as "alternative" legislation compliant with international instruments and harmonised with *acquis communautaire*, which guarantees the right to dignified work to each citizen.

The largest number of complaints and other communications by citizens in the field of labour and employment concerned the position of women in the labour market and the ability to exercise rights during and after pregnancy and maternity leave or child care leave. The Commissioner has also received complaints from young persons concerning the specific issues they face when looking for or keeping employment. A particular issue is youth employment and their position in the initial years of their work, as employers commonly use young persons as substitutes for indefinitely employed workers, whether through internships or through multiannual hiring under temporary and occasional work contracts, to which the Commissioner has already drawn attention. Young persons earn lower salaries in certain sectors or are officially registered as receiving minimum wage, work on online platforms, have no health insurance etc. Reemployment of former convicts poses a particular challenge. Employers often demand proof of no prior convictions, although this is not allowed under the law. Namely, the Criminal Code provides that information contained in criminal records can only be provided to courts, public prosecutors and the police in connection with a criminal proceeding conducted against a person, to a penal and correctional facility or to an authority involved in the process of granting amnesty, rehabilitation or deciding on legal consequences of a conviction, as well as to guardianship authorities, when necessary for the exercise of duties within their purview. Information contained in criminal records may also be provided to other government authorities, enterprises, other organisations or sole traders, upon a reasoned request. If the legal consequences of the conviction or injunction are still in effect and if there is a justified interest based on the law. Furthermore, no one has the right to demand of citizens to present evidence of their past criminal convictions or absence thereof⁹⁰.

⁸⁸ *Global Rights Index*, International Trade Union Confederation, available at: https://files.mutualcdn.com/ituc/files/2022-ITUC-Rights-Index-Exec-Summ-EN_2022-08-10-062736.pdf

⁸⁹ *Labour Law (model)*, Centre for Dignified Work, available at: <http://cdsr Srbija.org/wp-content/uploads/2020/12/Model-ZoR-finalna-novembar-2020.pdf>

⁹⁰ Criminal Code (*Official Gazette of the Republic of Serbia* Nos. 85/2005, 88/2005 - corrigendum, 107/2005 - corrigendum, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019), Article 102.

Based on the Commissioner's practice, it will be necessary to adapt labour legislation, especially in terms of precise governing of rights of workers who work without an employment relationship, as well as to strengthen inspectorates and inspection bodies in connection with various workers' rights, as pointed out by the Commissioner in previous years. Numerous surveys have shown that it is impossible to achieve the effect of increased employment and utilisation of workers' capacities without achieving gender equality in the labour market, through increased participation of women as the largest category of persons who face difficulties finding employment. When designing active employment policy measures and mechanisms, especially in the local labour market, the effects of such measures on employment and keeping jobs for persons who face difficulties finding employment must be taken into consideration, while utilising comparative advantages of certain communities, promoting development and acknowledging the needs of the local labour market. To achieve sound long-term effects of increased employment and improved situation of employees, it is also necessary to involve employers in these processes.

A key problem in 2022 was the still prevalent discriminatory speech in the public space, as evident from the complaints filed with the Commissioner. In 59 complaints, the applicants agreed that the effects of discriminatory conduct had been eliminated in accordance with the Law on Prohibition of Discrimination and the procedures were consequently terminated; of these, 52 concerned graffiti which had been removed in the meantime. The Commissioner passed 63 opinions, mostly concerning breaches of Article 12 of the Law on Prohibition of Discrimination, which pertains to harassment, degrading treatment and sexual and gender harassment. It should be noted that 53 of these cases were joined because they concerned the same event. Nevertheless, the fact remains that these were most frequently cases of illegal speech concerning the Roma, the LGBTI population, women or national minorities.

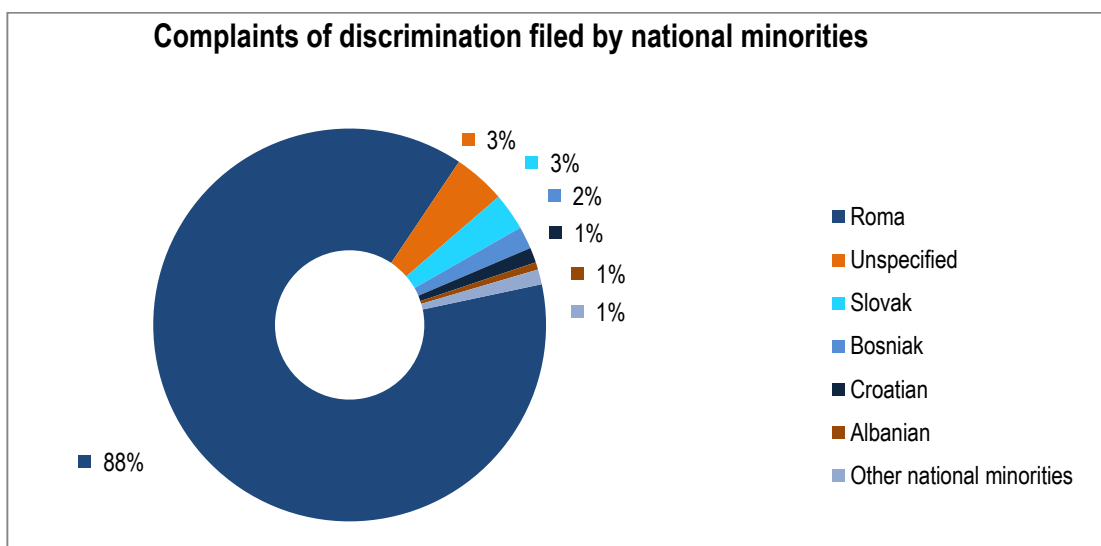
This is one of the reasons why it is necessary to provide as much education and training as possible to drive home the message that discrimination is not permitted behaviour, work towards involving various stakeholders in the recognition and prevention of hate speech, sexism, homophobia, transphobia etc., while also implementing programmes in the public sphere and the media and encouraging topics that promote a culture of mutual respect and non-discrimination, tolerance, understanding of and respect for differences, gender equality and intergenerational solidarity. A particular threat is posed by discriminatory attitudes and harassment and humiliating treatment by public figures, especially politicians, whose attitudes have a greater impact on public opinion, promote stereotypes and prejudice and have more far-reaching consequences.

The general recommendations have been given on the basis of an analysis of the Commissioner's practice, the applicable regulations and affirmative measures, as well as on the basis of the identified state of play with regard to attainment of equality based on various reports and other acts of the European Union, international organisations and treaty bodies, as well as reports and surveys by the Commissioner and national institutions and organisations, for all grounds for and areas of discrimination. These recommendations are presented in the summary of this Report.

Discrimination on the Grounds of National Affiliation and Ethnic Origin

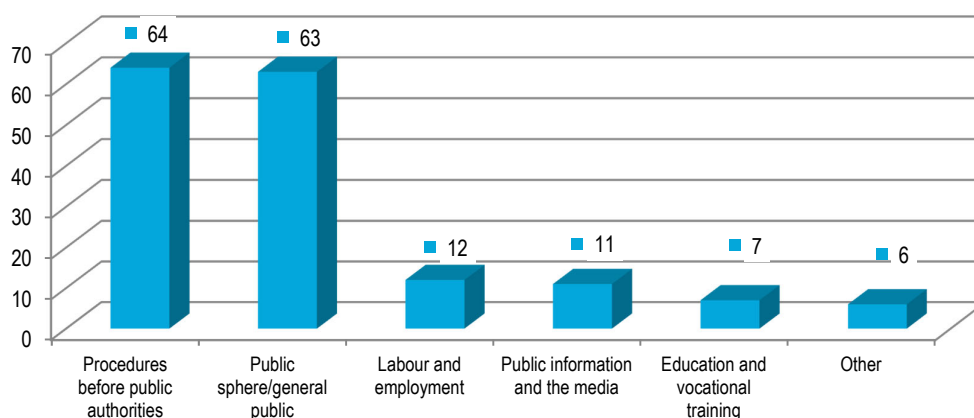
National affiliation and ethnic origin were the most common grounds of discrimination during the reporting year measured by the number of complaints filed (163 complaints in total). Most of these complaints concerned two events which involved discriminatory graffiti, which the Commissioner recommended to be removed. The trend of compliance with the recommendations issued in connection with discrimination on these grounds has continued.

Similarly as in previous years, the largest number of complaints concerned discrimination against members of the Roma national minority – 143 complaints, accounting for 87.7% of all complaints on these grounds. In terms of frequency of complaints, these are followed by complaints from the Slovak (5), Bosniak (3), Croatian (2) and Albanian (1) national minorities, while no national affiliation was specified in seven cases. Just like last year, most of the complaints received by the Commissioner were filed by natural persons.



As regards areas of discrimination, most of the complaints pertained to procedures before public authorities (64), the public sphere and general public (63), labour and employment (12), public information and media (11), education (7), followed by other areas, with fewer complaints. The public sphere encompasses social networks, various platforms and other places accessible to the public.

Number of filed complaints on the grounds of national affiliation and ethnic origin by areas of discrimination



Some of the observed instances of progress:

- The rate of compliance with issued recommendations remains exceptionally high;
- The legal framework for the protection of minorities is broadly defined and is generally observed, and regulatory impact assessment has been introduced to measure the impact of regulations on socioeconomically vulnerable persons;
- Continued implementation of programmes for local self-government units, under which citizens may apply for grants, with an emphasis on female agricultural cooperatives and social cooperatives, as well as purchases of rural homes with gardens for members of national minorities.
- Issuing of documents has been improved, as reflected in the number of legally invisible persons;
- A greater percentage of Roma children has been included in the education system and handling of instances of segregation has been improved, with the involvement of the Ministry of Education and school administrations;
- Significant support provided by Roma coordinators, pedagogical aides and health mediators;

Among the key issues are the following:

- Persisting stereotypes and prejudice and unacceptable speech, especially against the Roma, Albanians, as well as all other national minorities;
- Still insufficient use of affirmative measures in the process of employing members of national minorities in the public sector.
- Problems faced by inhabitants of substandard settlements (economic situation, access to water, electricity, employment);
- Insufficient number of integrated social welfare and health care services intended for socially vulnerable citizens;
- The need for additional education of public service staff to work with socioeconomically vulnerable groups;
- The status of Roma coordinators and health mediators has not been fully defined

The Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia 2022-2030 and the accompanying Action Plan for its implementation from 2022 to 2024 were

adopted in 2022⁹¹. The section of this Strategy which reviews and analyses the state of play defines three horizontal (cross-cutting) themes, including: *combating antigypsyism and discrimination, poverty and social exclusion* and *participation*. The Strategy emphasises increased social inclusion in all areas and at all levels in the Republic of Serbia, commitment to the fight against discrimination, including antigypsyism, and increased inclusion of the Roma in education, employment, health care and social welfare, as well as housing. The fight against discrimination is key and it should be an intersectoral priority in all areas, complementing the inclusive approach, together with participation. This shared focus should provide Roma men and women with effective access to the economy and social justice, as well as equal opportunities in all areas.

The Strategy clearly identifies discrimination as an all-pervasive reason and a key obstacle for improving the situation of members of the Roma national minority, which is also supported by the Commissioner's practice.



The situation of members of the Roma national minority is also the subject of numerous reports and surveys, which indicate that the Roma face discrimination, yet avoid seeking help from the competent authorities, accepting discrimination as a “normal part of life”. Negative attitudes and prejudice towards the Roma are often perpetuated and manifested in various local communities, in wall graffiti and on social networks.⁹²

Thus, a complaint against a TV host states that she said on a programme that “we even have a minority in Serbia that has the lowest infection rates... we have the Roma, we need to study their DNA, they were in the streets even during lockdowns, while we sprayed disinfectant on milk bottles, they ate and touched door handles, without even thinking of hand washing and face masks, there is something highly resistant in their DNA, we need to...”. The Commissioner found this to be a case of discrimination and noted that the fact it happened in the media was an aggravating factor and that statements such as these perpetuated stereotypes about the alleged poor personal hygiene of the Roma population, thus insulting the dignity of an entire minority group by an offensive generalisation.⁹³

⁹¹Official Gazette of the Republic of Serbia No. 105/22

⁹²Building Trust in Equality: Enhancing Access to Justice for Roma in Hungary and Serbia, Minority Rights Group Europe, 2022, available at: https://www.praxis.org.rs/images/praxis_downloads/MRG_Rep_REILA_SB_Sept22_pdf.pdf

⁹³For more information, see: <https://ravnopravnost.gov.rs/797-21-misljenje-sa-preporukom-udruzenje-aa-protiv-bb-i-voditeljke-vv/>

Furthermore, in a procedure pursuant to a complaint filed by a civil society organisation, it was alleged that a movement had posted a song to its YouTube channel which depicted the Roma as an “easily corruptible category” and blamed them for “someone’s lost election”; it was also alleged that the song “equated Roma children to dogs”. In the course of the procedure it was found that the offending video had been posted to the YouTube channel and subsequently taken down by YouTube due to numerous reports of offensive content, after which the said Movement posted the text of its apology. By analysing the song and the video, the Commissioner found that the lyrics contained offensive language, that it presented the Roma in a negative context and visually depicted them as easily corruptible, as people who live exclusively in informal settlements and engage in fortune-telling and trickery, collect secondary raw materials and are untidy and light-minded. This kind of depiction of Roma men and women, as well as of members of the Serbian nation, who, according to the lyrics, are “worth even less, being the worst”, incites inequality, hatred and hostility on the grounds of national, racial or religious affiliation. While we fully acknowledge the freedom of expression, and also the author’s freedom to use satire, hyperbole and caricature in his characteristic style, it is possible to draw attention to social issues without offending the dignity on the basis of any personal characteristics and without creating a hostile, degrading, belittling or offensive environment. It is inadmissible to use any form of public expression and dissemination of ideas and information to draw parallels between certain social phenomena the author sees as worthy of criticism and affiliation with any specific nation. It was recommended that the Movement meet with the complainants and learn about the problems and challenges faced by members of the Roma national minority, and at the same time discover the various achievements of this national minority, and to refrain from violating antidiscrimination legislation in the future. The recommendation was complied with.

For more information, see: <https://ravnopravnost.gov.rs/175-22-prituzba-zbog-diskriminacije-roma-u-muzickom-spotu/>

For the purposes of educating law students, this case was modified and adapted and used as a case of discrimination against members of the Roma national minority in this year’s Moot Court, a project the Commissioner has been implementing for years and which includes a competition between the teams of different university schools of law from across the country, as already explained in detail in this Report.

Among other things, the Commissioner issued an opinion pursuant to multiple complaints against a municipality over a piece of graffiti reading “Gypsies stink”, which was written at an intersection and had not been removed. The municipality concerned stated in its reply that it condemned and opposed such forms of discrimination, while also alleging that the graffiti referred pejoratively to the fans of Serbia’s most popular football club, rather than citizens of Roma nationality. In the course of the procedure, the municipality failed to present the Commissioner with evidence of what, if anything, it had done to remove the offending graffiti; it was noted that no symbols of any sports club had been written on the wall where the graffiti stood, and for this reason the Commissioner issued an opinion stating that relevant provisions of the law had been breached and recommending that the municipality undertake measures

to remove the offending graffiti.⁹⁴ The recommendation has been complied with and the graffiti has been removed.

The ever-present discrimination against the Roma is also evident from a case in which the Commissioner found discrimination had occurred, because the owner of a club banned a Roma woman and her son from entering, using expletives and slurs and yelling: “I forbid all black people, all Gypsies to come near my club”, “Get out of here, stinking Gypsies, before I beat you all up...”.⁹⁵

The fact that the Roma are one of the most commonly discriminated groups globally is also borne out by the data presented in the report *Roma in 10 European Countries – Main Results*⁹⁶ of the European Union Agency for Fundamental Rights, which examined the situation of the Roma in eight EU Member States (Croatia, Czechia, Greece, Hungary, Italy, Portugal, Romania, Spain) and in two candidate countries (Serbia and North Macedonia). According to this report, on average 80% of the Roma in all analysed countries are at a risk of poverty. Roma younger than 15 are more often at risk of poverty than the remaining Roma population in Croatia (90 %), Czechia (85 %) and Serbia (91 %). The rate of 20- to 24-year-old Roma who have attained at least upper secondary education is 27 % across all EU countries. It is highest in Serbia, Hungary, North Macedonia and Croatia (between 46 % and 39 %). The survey results show that segregation affects more than half of Roma children aged 6–15 across the EU countries; however, in Serbia, Italy and Portugal, the shares of children in segregated education are significantly lower – below 15%. A worrying proportion of Roma children (one in five) experienced hate-motivated bullying/harassment due to being Roma while in school in the past 12 months in the countries surveyed, according to their parents/guardians. In Italy, half of Roma children are affected; in Czechia, Portugal and Serbia, the share is almost a quarter. Compliance with the Commissioner’s recommendations to eliminate segregation in schools may have contributed to such position of the Roma in Serbia.

Significant efforts to improve the situation of the Roma in Serbia are also commended in the ***European Commission’s Serbia Report 2022***⁹⁷, which states that the legal framework for respect for and protection of minorities and cultural rights is broadly in place and generally upheld. A majority of the Roma in Serbia have personal documents. However, job descriptions for local Roma coordinators, pedagogical assistants, and health mediators have yet to be unified and become an integral part of local self-government services.

⁹⁴For more information, see: <https://ravnopravnost.gov.rs/982-21-49-prituzbi-protiv-opstine-pozega-zbog-diskriminacije-na-osnovu-nacionalne-pripadnosti/>

⁹⁵For more information, see: <https://ravnopravnost.gov.rs/781-22-utvrdjena-diskriminacija-na-osnovu-pripadnosti-romskoj-nacijini-u-oblasti-pruzanja-usluga/>

⁹⁶*Roma in 10 European Countries – Main Results*, European Union Agency for Fundamental Rights, 2022, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results_en.pdf

⁹⁷*Serbia Report 2022*, European Commission, Brussels, 12.10.2022, available at: https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/Serbia_Report_2022_SR.%5B1%5D.pdf



Education is a prerequisite for the exercise of many human rights; it is essential both for ending poverty and for greater social inclusion of the Roma. The issue of effectively segregated classes and schools calls for a more complex approach, especially when schools are close to Roma settlements. In such cases, segregation is exacerbated by the tendency of other parents to avoid having their children educated at “Roma schools”. This observation is

supported by the Commissioner’s practice, although instances of such segregation have become less common.



A complaint was filed because a school had a high percentage of children of Roma nationality, while parents of non-Roma children did not want their children to attend school together with Roma children. In the reply it was stated that the Team for Protection of Pupils against Violence, Abuse, Neglect and Discrimination had met and the Parent Committee had concluded there had been no discrimination, because the children had been enrolled in other schools for other reasons. In its reply, the school stated Roma accounted for 50% of inhabitants of the village, most of them families with multiple children, resulting in a majority of its pupils being of Roma ethnicity. As the school had failed to prepare a desegregation plan, the Commissioner’s opinion stated that a violation of rights under the Law on Prohibition of Discrimination had occurred, and the school was advised to prepare a detailed and comprehensive desegregation plan, to coordinate and monitor compliance with the desegregation plan through measures and activities suited to the specific aspects of segregation at that institution and to ensure it does not breach antidiscrimination legislation in the future.

The school notified the Commissioner it had begun preparing the plan and had sought the assistance and support of the Ministry of Education, the School Administration and local self-government authorities to draft and implement the desegregation plan.

For more information, see: <https://ravnopravnost.gov.rs/159-22-segregacija-ucenika-ca-romske-nacionalnosti-u-oblasti-obrazovanja/>

Education of the Roma is supported by significant affirmative measures for the enrolment of children in day care facilities and primary and secondary schools, as well as scholarships for pupils and students. Pedagogical assistants, who provide support to pupils of Roma nationality in need of additional educational support, are an invaluable asset. Expanding the network of pedagogical assistants and health mediators can greatly contribute to improving the situation of the Roma national minority and is ultimately the right way to end poverty.

Discrimination against the Roma is also common in the sphere of employment, which further aggravates the already disadvantaged economic situation of the Roma population.



The Commissioner was contacted by the association Praxis on behalf of Roma women who had been hired by an employer and who, after a change in the company’s management structure, received unjustified verbal complaints about their work, were issued with separate coffee mugs and were ultimately notified by phone their services were no longer needed, although another person, who is not of Roma nationality and had also been hired under a contract, remained in service. Upon conducting a procedure, the Commissioner issued an opinion

in which she stated the law had been breached and recommended that the employer rectify the consequences of the discriminatory behaviour by rehiring the workers concerned, by issuing them with a written apology and by providing training for all employees on the subject of prohibition of discrimination, focusing on the situation of the Roma population.

The employer issued a written apology, provided training for its employees and undertook activities to rehire the Roma women.

For more information, see: <https://ravnopravnost.gov.rs/166-168-22-prituza-zbog-diskriminacije-na-osnovu-nacionalne-pripadnosti-u-oblasti-rada/>

In addition, representatives of various associations frequently contact the Commissioner in connection with specific issues faced by inhabitants of substandard settlements. Thus, the inhabitants of a village filed a complaint against a water management company, alleging that the river had been regulated along the section where members of the majority population lived, while the section where the Roma population lived (50 Roma families) was left unregulated, which they believed to be a form of discrimination on the grounds of their national affiliation. The procedure for finding facts is currently underway in this case. The Commissioner also acted in other similar cases during the year to ensure electricity supply and prevent humanitarian disasters.⁹⁸

The Commissioner has been implementing a range of activities to empower the Roma to recognise and react to discrimination. Thus, as already stated, the conference entitled *Prevention and Protection of Roma Men and Women from Discrimination* was held as part of the project “Roma against Racism”, which was dedicated to reducing social distance and eliminating discrimination against the Roma across all segments of social life and reducing the social distance towards this group. The same project also featured 10 public debates (*Kraljevo, Valjevo, Zaječar, Novi Sad, Kruševac, Kragujevac, Obrenovac, Bečej, Niš, Vladičin Han*), in which representatives of the Commissioner talked to hundreds of Roma men and women and several coordinators for Roma affairs, informing them of the concept and forms of discrimination and introducing them to the Commissioner’s competences and the available protection. The same campaign also included a workshop at the Secondary Vocational School of Engineering in Bečej, which aimed to disperse with and deconstruct stereotypes and prejudice. These debates and workshops proved to be very useful and were followed by an increase in the number of complaints filed with the Commissioner. At the presentation of the Roma Platform in Zaječar and Kruševac, the Commissioner’s employees discussed protection against discrimination with members of the Roma national minority and representatives of public authorities. The Roma Platform is a project designed to actively collect and publish information on cases of human rights violations against members of the Roma community in Serbia. Protection against discrimination was also the main topic of the meeting held to present the Shadow Report prepared within the framework of the project “Roma Women – the Power of Change in the Western Balkans and Turkey”. At the conference “Empowering Young Roma in Employment: Meeting, Networking, Sharing Experiences”, more than 70 young Roma from across Serbia had an opportunity to discuss protection against discrimination, as well as employment challenges and opportunities.

⁹⁸ For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-ministarstvu-rudarstva-i-energetike/>



Training for pupils of the Secondary Vocational School of Engineering in Bečej

Taking into account the facts presented above, as well as the powers provided for in the law, further awareness raising of the Roma national minority, capacity building of local self-governments, along with additional staff education in all systems, establishment of integrated services of social welfare and health care, education etc., and with provision of adequate housing conditions, through cooperation with civil society organisations which work to improve the situation of specific social groups, is certainly the way to improve the situation of Roma in particular, as well as other vulnerable groups of citizens.

To draw as much attention as possible to the problems faced by Roma men and women, and to make sure that certain atrocious events are never forgotten, the Commissioner submitted an initiative to the Assembly of the City of Belgrade to rename a park.

The Commissioner submitted the **Initiative to rename the park “ Mitićeva rupa” to “Dušan Jovanović Park”** to the Commission on Monuments and Names of Streets and Squares of the Belgrade City Assembly.

Dušan Jovanović was a boy who was beaten to death 25 years ago in front of the building in which he lived, near Slavija Square. A final and enforceable court decision confirmed that the murder had been motivated by the fact that the boy was a Roma. Plaques with his name have stood on the spot where he was murdered for years, as reminders of the fact that his murder was a negation of the universal values of tolerance, respect for diversity and coexistence of persons of different nationalities. This would not only contribute to the creation of a society that upholds the values of solidarity, tolerance, justice and philanthropy, but also, by commemorating Dušan Jovanović, emphasise the negative consequences of racial hatred and hostility, while Belgrade would present itself as a responsible, open and tolerant city. The park has not been renamed to date.

For more information, see: <https://ravnopravnost.gov.rs/700-22-inicijativa-izmena-naziva-parka-komisija-za-spomenike-i-nazive-trgova-i-ulica/>

Elections for national councils of national minorities were held in November 2022, with no irregularities reported. Members of national councils of 19 national minorities were directly elected in these elections, including: Albanian, Ashkali, Bosniak, Bulgarian, Bunjevci, Vlach, Greek, Egyptian, Hungarian, German, Polish, Roma, Romanian, Russian, Ruthenian, Slovak, Slovenian, Ukrainian and Czech national minorities. Members of the national councils of Macedonian, Montenegrin, Gorani and Croatian national minorities were elected by electoral

assemblies.⁹⁹ Inaugural sessions of the newly elected national councils were also held in November, which marked the start of their four-year term of office, during which they will continue exercising their constitutional and legal powers in the fields of education, information, culture and official use of languages and scripts of national minorities. After the election of members of the National Council of Albanians, the elected parties failed to form a majority and elect a president before the expiry of the statutory time limit, and this national council will therefore be administrated by a temporary administrative body formed by the Ministry of Human and Minority Rights and Social Dialogue, over a period of 60 days, until the election is repeated.

During the year, the Commissioner also received a complaint from the National Council of the Bosniak National Minority. The complaint alleged that proposals put forward by the National Council of the Bosniak National Minority had not been taken into consideration when deciding on the appointment of members to the school board of a primary school and a general secondary school, although the school had been declared an institution of particular importance for the education of this national minority and a school where most classes were taught in the language of the Bosniak national. The Commissioner issued an opinion stating that a violation of rights under the Law on Prohibition of Discrimination had occurred.¹⁰⁰

After receiving complaints from the National Council of the Bosniak National Minority in connection with the content of certain Serbian language textbooks for primary schools in connection with national minority languages, the Commissioner issued a recommendation of measures to the Ministry of Education, Science and Technological Development to modify the content of the disputed textbooks. The Commissioner noted it was necessary to bring the content of those textbooks in compliance with the antidiscrimination legislation and the European Charter for Regional and Minority Languages, which the Republic of Serbia ratified. This recommendation came in the wake of the recommendation issued in October 2021 pursuant to a complaint filed by the National Council of the Croatian National Minority.

In this matter, the Ministry notified the Commissioner it had complied with the recommendation by issuing a request to the Institute for the Advancement of Education to modify part of the content of the disputed textbooks pertaining to the names of the South Slavic languages, while the publisher was asked to make corrections to all copies of the current edition that are still in the market by printing a corrected page and attaching it to the relevant current page of the textbook.

For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-ministarstvu-prosvete-nauke-i-tehnoloskog-razvoja/>
<https://ravnopravnost.gov.rs/rs/714-2021-prituzba-nsbnm-protiv-mpntr-zbog-diskriminacije-na-osnovu-jezika/>

No violation of antidiscrimination legislation was found in the procedure pursuant to the second complaint.



Complaints filed by the National Council of the Bosniak National Minority against the Ministry of the Interior alleged that the information system used by police administrations did not have an option to choose the Bosnian language and Latin script in the territories of those police administrations where this language and script are officially used. In its reply, the Ministry stated it also issued identity cards in the languages and scripts of national minorities, i.e. that, if requested by members of national minorities, the identity card form can be printed out in three languages, namely in the Serbian language and the Cyrillic script, in the English language and in the language and script of the national minority, and that the name and surname of members

⁹⁹*Elections of Members of National Councils of National Minorities*, Statistical Office of the Republic of Serbia, November 2022, available at: <https://www.stat.gov.rs/publikacije/publication/?p=14989>

¹⁰⁰For more information, see: <https://ravnopravnost.gov.rs/717-21-utvrdjena-diskriminacija-na-osnovu-pripadnosti-nac-manjini-u-obrazovanju/>

of national minorities are recorded in the identity card in their original form, the way they are registered in the birth certificate. They further stated that a person had applied to a Police Administration for an identity card, but subsequently withdrew the application, claiming he did not want to file an application that would designate his language and script as “Bosniak” rather than “Bosnian”. The Commissioner found a technical error had been made when naming the language in the Ministry’s internal application, which can only be accessed by staff, and citizens were not prevented from applying for an identity card in the language and script of a national minority. The Commissioner issued an opinion stating that the Ministry had not breached the Law on Prohibition of Discrimination.

For more information, see: <https://ravnopravnost.gov.rs/177-22-prituzba-saveza-nacionalne-manjine-zbog-diskriminacije-na-osnovu-jezika/>

In the course of 2021, the president of the Democratic Alliance of Vojvodina Hungarians complained to the Commissioner about a breach of the regulations governing the official use of the Hungarian language and script when old traffic signs were replaced with new ones in municipalities where national minority languages are officially used together with Serbian. Following a request by the Commissioner, the competent ministries replied that the Hungarian language and script were in official use in 33 municipalities/cities and settlements. Of that number, 25 replied they had posted multilingual traffic sign posts with names of settlements and other toponyms written in the language of the Hungarian national minority, four replied that sign post replacement had been provided for in the 2023 budget, while four failed to reply even after being repeatedly contacted.

The Commissioner issued a recommendation of measures to the municipalities of Bela Crkva, Žitište, Bečej and Sečanj, advising them to cooperate with the responsible entity entrusted with road management in their respective municipalities and undertake all measures to ensure that multilingual traffic sign posts are placed in their territory, with names of settlements and other toponyms written also in the language of the Hungarian national minority.

For more information, see: <https://ravnopravnost.gov.rs/945-22-preporuka-mera-za-ostvarivanje-ravnopravnosti-i-zastitu-od-diskriminacije/>

Complaints filed with the Commissioner by citizens and the National Council of the Slovak National Minority drew attention to articles in printed and online editions of media outlets with headings such as “Tales from Vojvodina: Kovačica – Totica Women have Hands of Gold”, “Hard-working Zuskas complement their Household Budget by Cleaning Flats in the Capital City” etc., which engender and perpetuate stereotypes associating Slovak women exclusively with domestic help work. In this context, the Commissioner issued a recommendation of measures advising media outlets to take care when reporting and publishing texts and reports on the Slovak national minority not to advocate or condone prejudice and other social patterns based on stereotypes, and in particular to refrain from using expressions and phrases that insult the dignity of Slovak men and women, such as the word “Zuska”.¹⁰¹

To promote equality, protection and advancement of disadvantaged groups of persons, special (affirmative) measures are applied. These measures exist in a number of areas, including in particular education and labour and employment, as areas with far-reaching impact on the situation of both individuals and whole communities. Affirmative measures are exempted from the equality principle set forth in the Constitution and laws and they must therefore be implemented in the manner and procedure provided for by the law. However, the

¹⁰¹For more information, see: <https://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-data-medijskim-kucama-1/>

application of certain measures still creates dilemmas, as witnessed by the following case pursuant to a complaint filed with the Commissioner.



The Commissioner received a complaint alleging that an organisation had issued a public call for a vacant post, for which the complainant had applied, but an equally qualified candidate had been given preference because she belonged to a specific national minority, although other candidate were not given the option to specify their nationality, nor had there been any mention that affirmative measures would apply in the employment process. The Commissioner noted in the course of the procedure that an individual's national affiliation cannot be arbitrarily construed or assumed and issued an opinion that relevant provisions of the law had been breached by granting preferential treatment to a candidate over another equally qualified one on the basis of her assumed personal characteristic, namely affiliation with a national minority, without conducting the requisite procedure in accordance with the law governing the application of special (affirmative) measures.

The Commissioner has been informed that a new general manager was appointed in the meantime and an apology was issued to the complainant; however, a new public call has not yet been issued, which is why the procedure pursuant to the decision on the warning is pending.

For more information, see: <https://ravnopravnost.gov.rs/35-22-prituzba-zbog-diskriminacije-po-osnovu-nacionalne-pripadnosti/>

In cases where social distance and hostility are displayed towards members of national minorities, the Commissioner, apart from issuing opinions and recommendations and initiating legal proceedings, also issues warnings and public announcements, as was the case with the demolition of a memorial marking the spot where a synagogue stood 80 years ago. The report of the European Union Agency for Fundamental Rights (FRA), *Antisemitism – Overview of Incidents recorded in the European Union 2010 – 2020*¹⁰², states, with regard to Serbia, that one antisemitic hate crime was reported in 2019 and three incidents were reported in 2020, all three of them involving antisemitic graffiti, and the Commissioner responded by issuing warnings in all those cases.

WARNING:

The Commissioner issued a warning condemning the demolition of a memorial marking the spot where a synagogue stood 80 years ago in Sremska Mitrovica. Desecration of monuments dedicated to the persecution of Jews in a country where numerous people gave their lives in the fight against fascism is a direct insult to all citizens and is indicative of a fundamental ignorance of history, as well as a lack of understanding of the dangers associated with oblivion. Noting that the Serbian people have never harboured antisemitic sentiments, the warning underscores that individual incidents cause harm to the democratic society, which is why it is essential to swiftly find and penalise the perpetrators.

For more information, see: <http://ravnopravnost.gov.rs/rs/upozorenje-povodom-rusenja-spomen-obelezja-u-sremskoj-mitrovici/>

Taking into account the history of this part of the world and the centuries of coexistence of members of different national, cultural and ethnic communities, and bearing in mind in particular the examples from the Commissioner's practice, the future strategic framework could include an Action Plan to improve the situation of national minorities or a separate strategy in line with the EU Strategy on Combating Antisemitism to provide for appropriate

¹⁰² *Antisemitism – overview of incidents recorded in the European Union 2010 – 2020*, FRA, 2021, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-antisemitism-overview-2010-2020_en.pdf

activities to combat antisemitism, as well as all other forms of hate speech against any citizen solely on the grounds of his or her affiliation with a particular people or nation.

WARNING:

The Commissioner condemned in the strongest possible terms the behaviour of a police officer in Priboj, who celebrated the birth of his child with his colleagues by signing songs that glorify the crimes and tragedy that took place in Vukovar and Srebrenica. The warning notes that appropriate sanctions are expected for this behaviour which must not be tolerated and the hate speech, which was also made publicly available on social networks, as it is imperative to show that such incidents that spread fear and engender a hostile environment will not be tolerated, regardless of who is responsible. As regards the incident which involved police officers at a private party, it is commendable that a public apology was immediately issued and the incident was condemned by the country's highest officials, the Commissioner said. Serbia is the country of all its citizens, regardless of their national or religious affiliation, and individual incidents should be condemned by all, instead of providing reason to deepen the existing tensions, because they are not representative of our society and do not reflect the relations that exist within it.

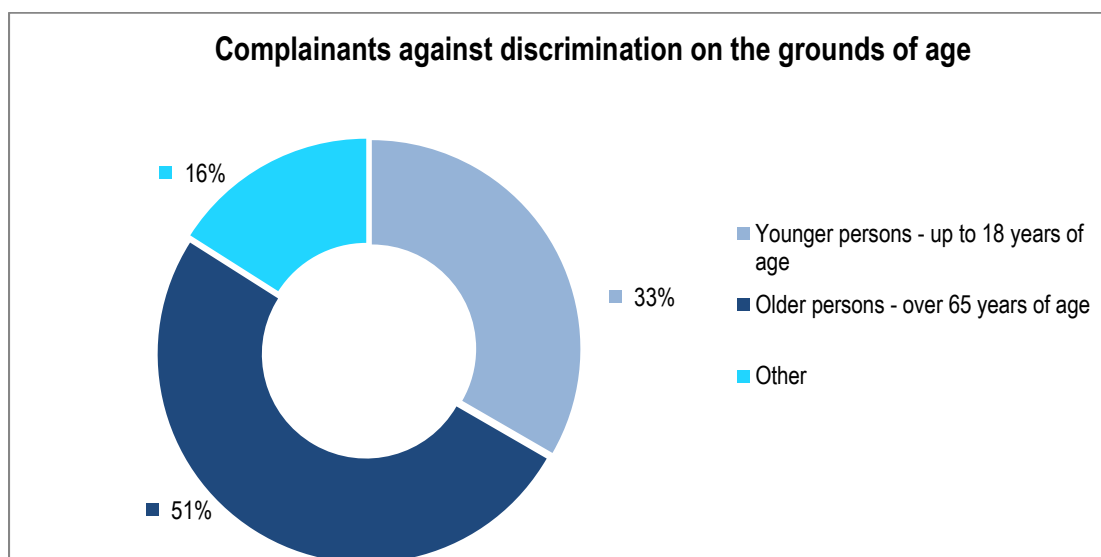
For more information, see: <https://ravnopravnost.gov.rs/poverenica-najostrije-osudila-govor-mrznje-u-priboju/>

To avoid these and other similar situations, the Commissioner has been continually providing training to various stakeholders, including members of the police force. Thus, for example, the trainings provided from 2016 to 2022 were attended by 694 male and female police officers.

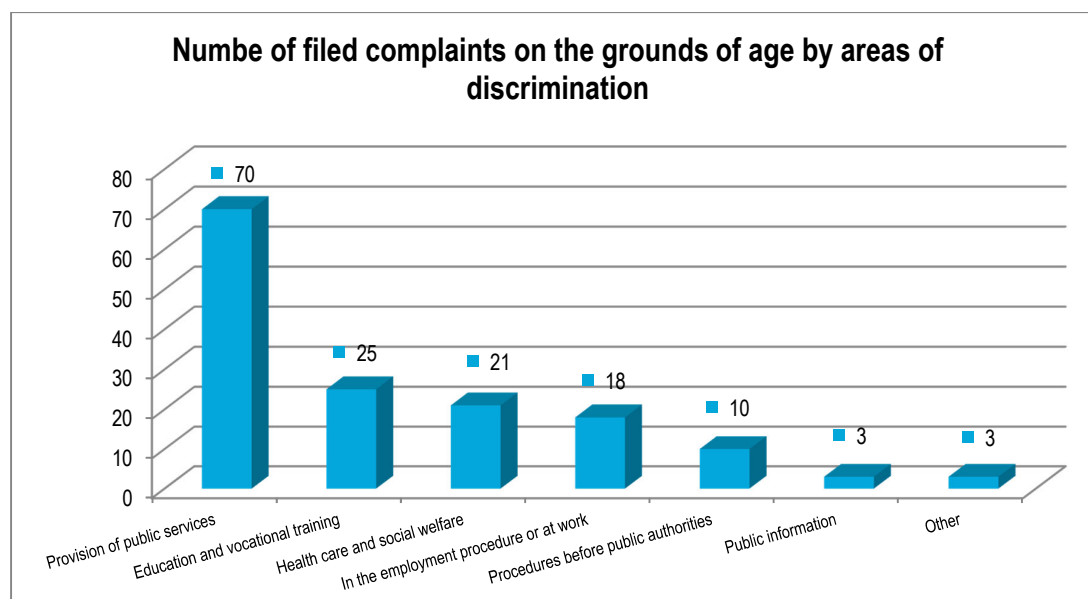
The review of the state of affairs and the issues faced in the exercise of equality and protection against discrimination on the grounds of national affiliation and ethnic origin informs the relevant recommendations presented in the summary of this Report.

Discrimination on the Grounds of Age

Discrimination on the grounds of age is among the most common grounds according to the frequency of complaints. According to the law, discrimination on the grounds of age applies to all age categories and includes discrimination against children and youth, discrimination against persons in the so-called middle-aged generation, as well as discrimination against persons older than 65. There were 150 complaints filed in 2022, which means complaints pertaining to discrimination on these grounds were the second most common group of complaints.



In 2022, the number of complaints on the grounds of age was must higher than the previous year, when 98 complaints had been filed. Most of the complaints were filed for discrimination against persons older than 65, mainly due to inaccessibility of facilities and areas, as well as inability to use various services, in particular social welfare and health care. The next most common type of complaints concerns the situation of children, while fewer complaints concerned discrimination against persons aged between 18 and 65.



As regards the area of social relations, the largest number of complaints concerned discrimination in the provision of public services, followed by discrimination in the employment process or at work, followed by health care and procedures before public authorities, while complaints in other areas were less frequent.

Some of the observed instances of progress:

- The percentage of compliance with the issued recommendations remains exceptionally high;

- The number of accessible facilities has been increased, especially in health care;
- There are fewer unemployed persons in the labour market, in particular women and youth, different active employment policy measures have been implemented and programmes of financial support under favourable terms for business startup by unemployed women and youth, those who have recently started their own business, as well as employed women and youth who wished to start their own business;
- The number of doctorands and young pupils/researchers receiving scholarships;
- Changed business practices of banks and insurance companies regarding loan approval, payment card renewal and taking out foreign travel insurance for persons older than 70/80;
- The entitlement to free vouchers for subsidised holidays in Serbia has been extended to include persons older than 65 who are not entitled to receive old-age pension;
- Various campaigns and activities have been launched to report peer violence and encourage victims to report violence;
- Greater availability of resources at schools, notably digital resources;
- Increased activity of civil society organisations with regard to situation testing and protection of the elderly against discrimination;

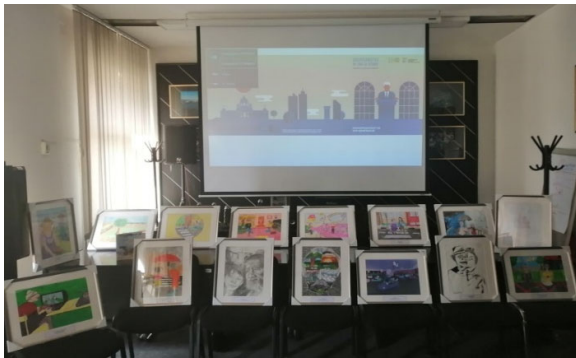
Among the key issues are the following:

- Accessibility of facilities and areas, in particular health care and social welfare institutions, remains a significant issue for equal participation;
- Insufficient inclusion of the elderly in different areas of social life;
- Vulnerability of the elderly with low pensions and/or dependent family members is not sufficiently recognised, especially in rural parts of the country, which is why it is necessary to lower the means test threshold for the entitlement to welfare benefits/introduce some sort of social allowance for the elderly who have never worked and have not earned the right to old-age pension, but are socially vulnerable;
- Uneven territorial distribution of the number and coverage of social welfare and health care services that does not match the population's needs, coupled with a complete lack of social health services (the City of Belgrade provides all social welfare services provided by the city free of charge, without any means testing, which raises the question of justifiability and effectiveness of such large benefits in the country's most developed/capital city, where citizens move for various reasons, while other local self-government units barely provide or do not provide the necessary services and other support measures to the population in their territories);
- Workload and insufficient support for informal caregivers;
- Still high share of young workers hired under fixed-term contract and their high share in occupations with lower qualification levels;
- Discrimination, in particular against "older" women, in the field of labour and employment;
- The situation of children in inclusive education and their access to appropriate support;
- Various manifestations of peer violence;
- Insufficient education programmes covering sexual and reproductive health, culture of mutual respect and non-discrimination, tolerance, understanding and acceptance of differences, gender equality and intergenerational solidarity;
- Still insufficient number of preschool facilities.

It was due to the need to highlight the specific aspects of discrimination against citizens of different age and point to possible ways of addressing concrete issues that the Commissioner prepared and submitted to the National Assembly in 2021 two special reports – the *Special Report on Discrimination against the Elderly* and the *Special Report on Discrimination against Children*. Previously, in late 2019, the Commissioner prepared the *Special Report on*

Discrimination in the Area of Labour and Employment, as the most common area for citizens' complaints and an issue that mainly affects "middle-aged" citizens.

The Commissioner's special reports garnered much public attention, not only in the year in which they were published, but also in 2022, when previously initiated activities were continued, especially at the local level. Thus, activities were continued to implement the *Call for Action to End Discrimination against the Elderly – for Full Inclusion and Exercise of Human Rights of Elderly Citizens*, which the Commissioner issued at the National Conference on ageing and Ageism in September 2021. In cooperation with the UNFPA, roundtables were held in Čačak, Kragujevac and Bačka Topola, which were attended by members of local self-governments, as well as members of social work centres and social welfare institutions, the Red Cross, civil society organisations, the elderly etc., to reach as many local stakeholders as possible and show through examples what could be done. These events were also accompanied by an exhibition of the works entered in the prize competition *A Bridge of Understanding – Intergenerational Solidarity*.



From the roundtables on ending discrimination against the elderly in Kragujevac and Bačka Topola, 2022

At the Conference on the Rights of Older Persons, organised by the Office of the UN High Commissioner for Human Rights in Geneva, pursuant to an initiative by the UN Human Rights Council to discuss at the highest level the normative standards and commitments concerning the promotion and protection of human rights of older persons, which was opened by the UN High Commissioner for Human Rights Michella Bachelet, it was noted that the Commissioner was the first institution in Southeast Europe to include the issue of promotion of human rights of the elderly on the agenda at a regional conference on the rights of older persons, both within the network of all equality institutions and on other international platforms, as the Republic of Serbia has the potential to give a major practice-based contribution to addressing this issue and to offer solutions, indeed even to become a leader in this regard. In her address, the Commissioner underscored the demographic situation was worrying both in Serbia and in all of Europe, with an intensive shift in the demographic structure becoming a reality that will require a number of changes in the functioning of pension systems and health care and social welfare systems. It is essential to build a society that perceives the elderly as equal citizens included in all segments of life, an invaluable repository of knowledge and experience, and in this regard we could harness the potential of our heritage based on our cultural identity and our tradition of respect for the elderly, because we must not allow ageism to become the dominant form of the 21st Century.

Earlier in this Report we have already highlighted Serbia's demographic characteristics, including population decline, demographic ageing and high average age of the population.

These trends, which have persisted for some time, and this demographic situation, should give rise to a particular focus on and commitment to ageing policies, especially in the field of health care and social welfare, in order to tackle the challenges and avoid increased discrimination and poverty of the elderly, coupled with institutional and all other forms of support.

Old-age pension is a crucial for financial wellbeing in old age and is a prerequisite for dignified living in the old age.¹⁰³ According to the data of the Statistical Office of the Republic of Serbia (Labour Force Survey), the employment rate for the population aged 65 and older was 11.8% in 2020. There were noticeable gender differences, as the rate was 16.8% for older men and 8% for older women. More than 9% of men and more than 3% of women aged 75 and older still worked, mainly in agriculture, which could also be an indication of the poorer financial situation of the elderly in rural areas and their need for additional income in their old age, although the need for and importance of an active life in the old age as a good lifestyle choice should not be underestimated. Funding allocated to social welfare decreases every year and, according to the 2020 data of the Republic Institute for Social Protection, 18% of beneficiaries registered with social work centres were older than 65, which was lower than their share in the total population (21.12%). The social welfare sector declined by as much as 6.6 p.p. (down from 36.6% to 30%) between 2015 and 2020, while the share of persons older than 65 among the recipients of welfare benefits was just 7.5%.



According to the data of the Statistical Office of the Republic of Serbia¹⁰⁴, in terms of age, persons aged 18-24 were at the highest risk of poverty in 2021 – 27.7%, while the poverty risk rate was also high for persons aged 65 and older – 22.7%. The lowest poverty risk rate was reported in the 25-54 age group (19.1%). In terms of household types, households with dependent children were at a higher risk of poverty (21.4%) than those without dependent children (20.9%). The highest poverty risk rate was reported for households comprised of two adults with three or more dependent children (38.8%), while the rate was lowest for households of three or more adults (14.3%).

The Commissioner's practice has shown that the elderly who work believe they are disadvantaged compared to other age categories of the. However, in certain cases those were not found to be violations of the rights protected by the Law on Prohibition of Discrimination. Thus, a complainant alleged in his complaint filed with the Commissioner that his employment at a science institute had been terminated by a decision, which stated *inter alia* that he "met all requirements for remaining in employment under the Law on Science and Research, but the Ministry would not continue funding his work after he had turned 65". It was found in the course of the procedure that the complainant had been left out of the list of researchers due to the fact that the institution had not secured funding from any other sources, as researchers are entitled to receive institutional funding until they reach the statutory retirement age. It was also found that the complainant's age had not been the reason for his exclusion from the list of researchers whose work would be funded by the Ministry, because the Director of the

¹⁰³ *Poverty of Older Persons in Serbia and Agenda 2030*, Sustainable Development for All Platform, 2022, available at: <https://sdgs4all.rs/?s=Siroma%C5%A1tvo+starijih+u+Srbiji++Agenda+2030>

¹⁰⁴ *Poverty and Social Exclusion Report*, Statistical Office of the Republic of Serbia, October 2022, available at: <https://www.stat.gov.rs/sr-latn/vesti/statisticalrelease/?p=8870&a=01&s=0102?s=0102>

Institute, who had the same personal characteristic as the complainant, was in a different situation (his work was funded by the Ministry). In another cases, councillors in two city municipalities complained to the Commissioner about the manner of calculation and the amount of their remuneration, believing they were discriminated against on the grounds of age. In the course of the procedure it was found that the calculation and payment of remuneration to councillors was based on individual decisions, which establish the labour law status of municipality councillors, i.e. whether they are in full-time employment or not, and set out the coefficient for salary calculation and disbursement. After conducting the procedure, the Commissioner found that the entitlement to salary/remuneration granted to councillors in city municipalities was not related to their age. The Commissioner advised the complainants about possible remedies at their disposal to review the correctness of calculation and the lawfulness of the passed decision.

On the other hand, in the field of labour and employment, women are often considered to be older workers even if they are far younger than 65, are still employed and are still years away from reaching the statutory retirement threshold; even if they are not in an employment relationship, i.e. if they are unemployed, they face more difficulties finding employment because of their age. "Older" female workers often contact the Commissioner, claiming their employers refused to include them in trainings available to their younger co-workers, that they do not receive the same salary increases as their younger co-workers and that they are passed over for promotion because of their age.



A complaint filed against a school stated that the complainant had applied for the post of a teacher, but was overlooked because of her age and another, younger candidate was employed instead. The statement of reasons for the Decision on Candidate Selection explained that the selection committee had taken into consideration the fact that the complainant had performed better in a test conducted at the National Employment Service, but that "a person who is closer in age to the pupils, namely a younger candidate, is better equipped to address pedagogical situations". In the course of the procedure it was found that, although age had not been listed as a condition for employment, it had actually been the determining factor for the selection, which was why the school was issued with a recommendation to rectify the consequences of such discriminatory action, annul the previous call for applications or issue a new one and to refrain from using age as a criterion in its candidate selection.

This recommendation has been complied with and a decision has been passed to cancel the call for applications.

For more information, see: <https://ravnopravnost.gov.rs/387-22-diskriminacija-na-osnovu-starosnog-doba-u-oblasti-rada-i-zaposljavanja/>

That situations such as these are not a rare occurrence is also witnessed by the fact that the number of unemployed persons registered with the National Employment Service fell by more than 52,000 between December 2021 and December 2022, while at the same time the number of unemployed women older than 55 was reduced by just some 3,500 persons.¹⁰⁵

With regard to the position of elderly women in Serbia, the Commissioner has been drawing attention for years to their worse position and more difficult situation, especially economic

¹⁰⁵ *Statistical Bulletin*, National Employment Service, available at: <https://www.nsz.gov.rs/sadrzaj/statisticki-bilteni-nsz/4111>

situation, compared with elderly men, their lower involvement in the making of decisions that concern their lives and the need for support measures, as well as the violence they have suffered. Elderly women living alone, elderly women with disabilities and elderly rural women face an even more difficult situation. Nearly a third of all women in Serbia are older (27.93%), and 14.37% of older women do not receive pension, versus 4.25% of older men, while 107,000 older women have no formal education, versus 12,000 older men¹⁰⁶.

In its analysis, the *Fiscal Council*¹⁰⁷ notes that the general public tends to exaggerate the number of older persons without pension income and their financial vulnerability, while the vulnerability of older persons with low pensions and/or with dependent family members is not sufficiently recognised, especially in rural parts of the country, which is why it is necessary to relax the overly stringent means test threshold for welfare benefits for elderly households, including raising the land ownership threshold from 1 to 10 hectares. The Commissioner already submitted a similar initiative to the Ministry of Labour, Employment, Veteran and Social Affairs in 2018, stating it was necessary to amend the Law on Social Welfare with regard to the threshold for land ownership as a condition for exercising the entitlement to welfare benefits for individuals of families, in order to protect the socially vulnerable rural population in elderly households, who were unable to exercise or faced difficulties in exercising the entitlement to welfare benefits due to the means test threshold for land ownership. As an additional form of support, the Fiscal Council proposed an abolishment of mandatory pension and disability contributions for agricultural households that own less than 10 hectares of land, noting that the established social card system enabled public administration to effectively implement an improved social welfare system for elderly households with modest additional costs of just several billion dinars a year.¹⁰⁸ In previous years, the Commissioner also additionally underscored it was necessary to take into account whether persons could actually earn income from the land they own, even if their land size exceeds the means test threshold set by the law, because, in modern farming, ownership of unproductive soil in remote areas cannot guarantee adequate income for a normal and dignified life in the old age.

Violence, abuse and neglect are particular issues for elderly women. Globally, one in six older persons suffers abuse with potentially severe physical, mental, medical, financial and other consequences, while the rates of abuse in institutional settings are even higher.¹⁰⁹ Older persons often choose not to report violence, and instead accept it, believing themselves to be a burden both on their family and the society. Educating women of all ages to recognise violence in its various forms, the associated risk factors and the workings of all parts of the system in response to reported violence, taking into account the different characteristics of women in different age groups, is certainly a good way to act and gradually address this issue. Practitioners also need continual training, focusing on the specific aspects of violence against older or young women, taking into consideration also the specific aspects of psychosocial support services depending on the victim's age.

¹⁰⁶ *For the Voice of Older Women* – Citizens' Association "Power of Friendship" – Amity and female citizens' association FemPlatz, February 2022, available at: https://www.femplatz.org/library/publications/2022-02_liflet_Za_glas_starijih_zena.pdf

¹⁰⁷ *Proposal of Social and Tax Policy Measures to reduce Inequality and Risk of Poverty in the Republic of Serbia*, Fiscal Council, Belgrade, September 2022, available at: http://www.fiskalnissavet.rs/doc/analize-stavovi-predlozi/2022/FS_Predlog%20mera%20socijalne%20i%20poreske%20politike.pdf

¹⁰⁸ *Proposal of Social and Tax Policy Measures to reduce Inequality and Risk of Poverty in the Republic of Serbia*,

¹⁰⁹ *Tackling abuse of older people: five priorities for the United Nations Decade of Healthy ageing (2021–2030)*, World Health Organisation, 2022, available at: <https://www.who.int/publications/i/item/9789240052550>

The report *Advancing Equality for Older People*¹¹⁰ examines legislative practices of certain countries relating to prohibition of discrimination, with a particular focus on discrimination on the grounds of age to promote equal participation of the elderly in all fields of life. The report emphasizes that of all countries in Europe that ratified the European Convention on Human Rights, Finland, the United Kingdom and Serbia ensured the best and the most efficient approaches to addressing the issue of discrimination, promoting equality and implementing legal frameworks relating to the elderly, because regulations in these countries provide the best basis for adoption of a number of various positive actions necessary to address essential inequalities faced by the elderly. Serbia's legislation is indicated as an example of good practice, because the anti-discrimination legal framework is implemented through various mechanisms, and the law introduced the institution of the Commissioner for the Protection of Equality as the national equality body that covers the functions of promoting, preventing, supporting and litigating, namely, it is authorised to receive and act on complaints and initiates court proceedings in connection with violation of regulations. Since the legislative framework in Serbia enables the measure of shifting the burden of proof (Article 45 of the Law on Prohibition of Discrimination), this piece of legislation, together with the U.K. law, also provides the basis for other countries to adopt a number of positive, proactive measures necessary for combating discrimination on the grounds of age and addressing essential inequalities faced by the elderly. The report also indicates as examples of good practice the work of independent institutions that support the implementation of regulations on prohibition of discrimination in the above countries.

According to the Commissioner's practice in 2022, a number of complaints were filed against discrimination on the grounds of age in the field of provision of loan services in various banks and in the field of provision of travel insurance services. Thus, the civic association "Strength of Friendship – Amity" implemented situation testing of such practice, namely, it tested approval of the above services for the elderly. A number of banks did not consider applications for cash loans in dinars for persons over 80 years of age, while certain banks did not apply this discriminatory requirement. In cases where the elderly were excluded from this type of services, the Commissioner issued opinions that provisions of the Law on Prohibition of Discrimination were violated.¹¹¹ All banks that received recommendations complied with them and changed their business practices.

The same civic association implemented situation testing of "potential discrimination of persons on the grounds of age, in the field of provision of travel health insurance services by insurance companies".

The Commissioner issued recommended measures to insurance companies to ensure conclusion of travel insurance contracts during travelling and staying abroad for persons regardless of their age, namely, not to deny provision of insurance services on this ground to a certain group of persons due to their age, as well as to ensure equal treatment for men and women when determining insurance premiums and compensations, so that gender does not result in differences in individual insurance premiums and compensations. The recommendation *inter alia* states that risk assessment, as well as the obligation of insurance companies to comply with their duties in a long-term period by responsible assumption of risk, can affect the requirements under which the conclusion of an insurance contract will be

¹¹⁰*Advancing Equality for Older People*, HelpAge International, 2022, available at: <https://www.age-platform.eu/sites/default/files/Age-Equality-Report%20%282%29.pdf>

¹¹¹For more information, see: <https://ravnopravnost.gov.rs/739-21-prituzba-zbog-diskriminacije-u-oblasti-pruzanja-usluga-na-osnovu-licnog-svojstva-starosno-doba/>

offered to a person, but can in no case be the factor to deny provision of insurance services to a certain group of persons.

As in case of loan approvals, in cases where one's age was set as an excluding requirement, or where differences were made in insurance premiums on the grounds of gender as a personal characteristic, the Commissioner identified violation of rights and issued recommended measures which were complied with by all insurance companies.

For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-osiguravajucim-drustvima/>

In addition to bank loans, the elderly also pointed to discriminatory practice of certain banks in the procedure of renewal of payment cards for persons over 70 years of age, however, since banks complied with of the Commissioner's recommended measures and changed their internal documents, the manner of provision of this banking service was also changed by making this service available to all citizens regardless of their age.

The use of various services is often a problem for the elderly, which is also evident from a complaint stating that the complainant filed a request for termination of a contract on provision of telecommunication services and on that occasion, he was requested to come in person in the company's office, without any regard to the fact that he is 94 years old. The Commissioner identified the violation of rights and recommended to the service provider to make their apologies to the complainant, as well as to take into account in the future the facts such as health status, disability or age of service users when terminating contract or returning received equipment and to adjust its rules accordingly.¹¹²

Problems faced by the elderly as regards various services and/or the exercise of rights can also be seen from an example in the Commissioner's practice. A person over 65 years of age addressed the Commissioner because he could not exercise the right to a free voucher to a subsidised vacation in Serbia, because he could not exercise the entitlement to pension for objective reasons, and could not register with the National Employment Service under the applicable regulations. The Commissioner issued the ***Initiative to Amend the Decree on the Requirements and the Manner of Awarding and Using Incentives for Improvement of Domestic Tourist Turnover in the Territory of the Republic of Serbia***¹¹³ to the Ministry of Trade, Tourism and Telecommunications, after which a new Regulation was passed¹¹⁴, based on which citizens over 65 years of age who did not exercise the right to pension could for the first time in 2023 apply for these vouchers.

A special challenge and problem for the elderly is an appropriate number, type and coverage by various social welfare services. Due to the abovementioned processes of demographic ageing, depopulation and the increase of the share of the "older" elderly population, as well as urbanisation, changes in the family structure and the manner of functioning of the society, the need for various social welfare services and long-term care are bound to increase in coming years. According to the results of the Serbian Population Health Survey, more than 4/5 of the elderly (85.7%) stated they had a long-term disease or a health difficulty, one in four elderly persons had serious walking difficulties, one in eleven had eyesight problems and one in seven had hearing problems, while the existing scope of services does not satisfy

¹¹²For more information, see: <https://ravnopravnost.gov.rs/27-22-utvrdjena-diskriminacija-na-osnovu-starosnog-doba/>

¹¹³For more information, see: <http://ravnopravnost.gov.rs/455-22-inicijativa-za-izmenu-uredbe-o-uslovima-i-nacinu-dodele-i-koriscenja-sredstava-za-podsticanje-unapredjenja-turistickog-prometa-domacih-turista-na-teritoriji-republike-srbije/>

¹¹⁴ The Regulation entered into force on 17 December 2022.

adequately all needs of the elderly, and services are not equally available, particularly in rural areas. It is estimated that between 70 and 95% of all long-term care needs are satisfied through services of informal caregivers, mainly family members, cousins, friends and neighbours, who do not have appropriate support.¹¹⁵ The Commissioner has been pointing out these challenges for several years, while on the World Alzheimer's Day, the Commissioner emphasised that in as many as 90% cases family members provided care to persons with this disease, which was often a huge psychical and financial burden for them, and thus it was necessary to expand the scope of services provided to these patients and their caregivers, as well as that these services should be included in the regular services system having in mind that the majority of persons with Alzheimer's disease are not included in any health care or social welfare form.

Adequate social welfare services are also necessary for other age categories of the population, primarily children, and parents often address the Commissioner due to the insufficient coverage by these services, primarily those who have children with developmental difficulties and disabilities.



Parents addressed the Commissioner, stating that they applied for the personal assistant service at the Centre for Social Work, but their child was registered at the waiting list because all capacities of service providers were full. It was found in the procedure that the decision on social welfare right and services laid down the personal assistant services, as well as that the inter-sectoral commission provided its opinion that the child needs this type of support. The Commissioner concluded that it was not sufficient to just lay down a form of support by a decision; instead, it was necessary to provide fund for its implementation, full coverage and continual provision. A recommendation was issued to ensure provision of this service without delay, as well as to require from the city to ensure funds for provision of this service for all children that meet the requirements.

The Commissioner was informed that the personal assistant service was provided to the child.

For more information, see: <http://ravnopravnost.gov.rs/106-202-prituzba-a-a-protiv-ssz-beograd-zbog-diskriminacije-u-oblasti-pruzanja-usluga/>

As regards specific services, GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence, the independent expert body for monitoring the respect of human rights, responsible for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence) also stated in its report¹¹⁶ that in Serbia shelters support child witnesses of domestic violence accompanying their mothers, but such services are not specialised and tailored to address their specific needs, nor does the legislation recognise the harmfulness for a child due to the fact that he/she witnessed domestic violence.

As regards children, citizens also addressed the Commissioner in connection with the exercise of the parental rights in case of a divorce and when the custody of children was given to one

¹¹⁵The Study for the Republic of Serbia on the Analysis of the Existing Structure and Legal Grounds for Mobile Home Care for the Elderly and Recognition of the Profession of Caregivers for the Elderly and Persons in Need on the Labour Market in the Republic of Serbia, Nataša Todorović, 2022

¹¹⁶3rd General Report on GREVIO's Activities (covering the period from January to December 2021), Council of Europe, June 2022, available at: <https://rm.coe.int/prems-055022-gbr-2574-rapportmultiannuelgrevio-texte-web-16x24/1680a6e183>

of ex-spouses. Disputable situations occur both during the divorce process itself and later in various fields of life.



Based on filed complaints, the most frequent case is when a school deny the right of a father who does not exercise parental responsibility independently to access e-school registry because a mother has already exercised this right. Both parents can indisputably use one authorised electronic account opened on one parent's name.

However, when parents are divorced, namely, when one parent exercises parental responsibility independently, there is no reasonable and legitimate justification of a school to reject other parent's request, particularly having in mind the provisions of the Family Law regarding the right and duties of both parents.

The Commissioner issued recommended measures to all school administrations to point to the duty to ensure access to e-school registry on request of a parent who does not exercise parental responsibility over his/her children, but complies with the statutory requirements, regardless of the fact that the parent who exercises parental responsibility already has access to e-school registry.

For more information, see: <http://ravnopravnost.gov.rs/208-224-22-preporuka-mera-skolskim-upravama-pristup-e-dnevniku/>

Disputable situations also occur due to the insufficient number of pre-school institutions and child day care centres in certain cities/towns. Thus, a number of parents in Belgrade addressed the Commissioner stating that their children attend private pre-school institutions due to insufficient capacities of institutions founded by the City of Belgrade, resulting in their payment of higher fees, particularly when their children are absent due to illness or another justified reasons, as well as in case of subsidies for child day care centres for the third child.

Recommended measures were issued to the City of Belgrade to undertake all necessary measures and activities within its powers to ensure equal position of children who attend pre-school institutions founded by the City of Belgrade and children who have to attend private pre-school institutions due to insufficient capacities of institutions founded by the City of Belgrade, including:

- In terms of unproportionate shifting of the financial burden for periods of absence due to illness for children who attend public pre-school institutions and those who have to attend private pre-school institutions due to insufficient capacities of institutions founded by the City of Belgrade, as well as in terms of control and supervision of the work of these institutions;
- Subsidizing stay of the third child in pre-school institutions in cases when children could not attend these institutions due to insufficient capacities of institutions founded by the City of Belgrade.

The recommendation *inter alia* stated that the City of Belgrade was free to find the most cost-effective and the most efficient model or the manner to include private pre-school institutions in the public education system for children to ensure their equal treatment, using also experiences of other local self-governments where the fact that a child is absent due to illness or another reason does not result in the increase of the part of the fee paid by parents. The Commissioner emphasised she was aware of the complexity of legal relations arising from this form of public-private partnership, taking into account that social care for children was not a sole responsibility of local self-governments and stated it was necessary to establish appropriate cooperation with competent ministries and other social actors to

overcome the existing problems and different positions of children in institutions founded by the city and those outside that system due to insufficient capacities.

For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-gradu-beogradu-radi-ujednacavanja-polozaja-dece-koja-pohadjaju-predskolsku-ustanovu/>

The consequences of the health crisis caused by Covid-19 for children and the youth are addressed in several reports and surveys dealing with global issues, particularly in the education system, that closing of schools shows negative effects, particularly in terms of phenomena such as child labour and child marriage, direct or indirect exposure to cyberattacks on schools (which increased by 25% in Europe), poor coverage by social welfare measures and others aspects¹¹⁷. The measure of schools and educational institutions closure had the highest negative impact on: the youth in minority groups, poor and those in rural areas without access to electricity, the Internet, computers and other necessary means of communication, provision of information and distance learning, while children and young people with disabilities living in institutions for children and youth with disabilities are especially at risk of exclusion from the education system, since many of children and young people of school age in these institutions (61.2%) are not included in education.¹¹⁸

The ***Report on the Work of Centres for Social Work – Guardianship Authorities in Protection of Children against Child Marriages***¹¹⁹ states that during the course of 2021 centres for social work identified 235 children who were victims of child marriages, including 16 boys and 219 girls (93.1%). Child marriages are present in the general population in Serbia, often in poor population and in rural areas, and they are very frequent in Roma communities, with as many as 130 Roma children out of the total number of children (55.5%). The fact that Roma girls most frequently enter into child marriages is also evident from the data showing that among young women (20-24 years of age) who entered into marriage when they were under 15 years of age, 16% are Roma girls, compared with 1% of girls in the general population, while 56% of Roma girls, compared with 16% of girls in the general population, entered into child marriage until 18 years of age¹²⁰. According to the results of a survey, the youngest female respondent who entered into marriage was only 11 years old, while the majority of female respondents gave birth to their first child aged between 15 and 16 (almost 50%).¹²¹ These girls see marriage as a solution to a problem, mainly poverty, and their decision to enter into marriage are also the result of a low education level, gender inequality (boys-to-girls ratio for entering into child marriages is 6 to 1), and such decision as a rule increases the degree of their marginalisation, exposure to discrimination and social deprivation. However, data show that 87% of female respondents in the survey on prevalence

¹¹⁷*Prospects for Children in 2022 a Global Outlook*, UNICEF, January 2022, available at:

[UNICEF-Global-Insight-Prospects-for-Children-Global-Outlook-2022.pdf](https://www.unicef.org/global-outlook-2022)

¹¹⁸*The Youth Specific Alternative Report submitted to the Committee on Economic, Social and Cultural Rights*, Belgrade Centre for Human Rights, Civic Initiatives, National Association of Practitioners of Youth Work, the Union of Secondary School Students of Serbia, Mental Disability Rights Initiative of Serbia, Association of Women FemPlatz, IMPACT-21, Za Tebe #VAŽNOJE, the Initiative of Roma Women Students, Organisation for the Promotion of Activism (Project Femix), and Youth with Disabilities Forum, The Belgrade Open School, January 2022, available at: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2022/02/Youth-Specific-Report.pdf>

¹¹⁹*The Report on the Work of Centres for Social Work – Guardianship Authorities in Protection of Children against Child Marriages*, National Social Welfare Institute, 2022, available at: <http://www.zavodsz.gov.rs/media/2292/3-izve%C5%A1taj-o-decijim-brakovima-2021.pdf>

¹²⁰*The Annual Report on Child Marriages in Serbia for 2021 with a Special Focus on Practice of Public Prosecutor's Offices*, Praxis, Belgrade, 2022, available at: https://praxis.org.rs/images/praxis_downloads/2021_Godisnji_izvestaj_o_decijim_brakovima_Praxis.pdf

¹²¹*Results of the Survey on Prevalence of Child Marriages in Serbia*, Roma Women's Network of the Republic of Serbia, 2022, available at: <https://act.org.rs/wp-content/uploads/2022/06/ROMSKA-MREZA-REZULTATI-ISTRAZIVANJA-O-RASPROSTRANJENOSTI-DECIJIH-BRAKOVA-U-SRBIJI.pdf>

of child marriages in Serbia are not employed, they are beneficiaries of social benefits, they have several children, they live in multi-person households, as many as 70% of them live in households with only one room. In this regard, the work with the family is necessary to change attitudes on child marriages, and it is also necessary to develop forms of preventative works in local communities to eliminate risks, instead of mitigating damage by subsequent interventions. These tasks are performed by the National Coalition against Child Marriages, and the Commissioner has been a member of this Coalition since its formation. In addition, at the scientific meeting titled *Underage Marriage and Challenges in Protection of Child Rights*, organised by the Faculty of Law of the Union University, the Commissioner particularly emphasised the unfavourable statistics and consequences of such marriages. The National Coalition against Child Marriages planned elimination of the legal possibility to conclude child marriages as one of the measures that should be undertaken, which is important for essential delegitimization of child marriages. However, the Commissioner emphasised that amendments to the legal norms alone would not essentially solve the problem, because statistics show that underage marriages in Serbia are mainly not formally concluded and there is no court control of the maturity of those who enter onto marriage. Prevention of informal underage marriages will remain a significant challenge in the future.

As regards the position of the youth, according to the data of the National Employment Service, in April 2021 young unemployed persons accounted for 21.04% of the total number of unemployed persons, the youth have 20% lower monthly salaries, one in three employed persons under 30 years of age has salary lower than 2/3 of average income, eight in ten young people earn salaries below the national average, while one in five young person earn less than minimum wage monthly, differences are observable in salaries of young women, where twice more young women than men receive lowest salaries, young workers account for a high percentage among employees for a definite period (55%), and a high percentage of young people are hired for professions of lower education levels.¹²² On the other hand, the National Youth Council of Serbia pointed out that Serbia allocates only 0.08% of the budget to care for the youth, as well as that only 19 of the first 169 posts on Instagram page of the Ministry of Youth and Sport in 2022 related to the youth, while 106 out of 145 local self-government units do not have Youth Local Action Plans.¹²³



As part of her activities, the Commissioner dedicates a lot of attention to children and the youth, and to bring protection against discrimination closer to them, a child and youth friendly complaint form is available for initiation of the procedure before the Commissioner. To facilitate communication and tasks relating to discrimination against children, employees underwent relevant trainings on working with children, and every opportunity is used to point to the issues in the exercise of equality of children and the youth in order to bring these issues to various actors. Participants in the conference titled “Responsibility in Protection of Child Rights” dedicated to the position of

¹²² *The Youth Specific Alternative Report submitted to the Committee on Economic, Social and Cultural Rights*

¹²³ *The Alternative Report on the Position and Needs of the Youth in the Republic of Serbia 2022*, National Youth Council of Serbia, 2022, available at: <https://koms.rs/wp-content/uploads/2022/08/Alternativni-izvestaj-o-polozaju-i-potrebama-mladih-u-Srbiji-2022.pdf>

children and the exercise of their rights, which was organised by the Provincial Ombudsman to mark the International Children's Day, pointed out that violence against children occurs frequently, that hostility and violence among children and the youth are becoming an acceptable behaviour pattern, and peer violence acquires new and more sophisticated forms in the digital world.

The analysis of the Institute for Public Health of Serbia "Dr. Milan Jovanović Batut"¹²⁴ on the work of expert teams for the protection of children against abuse and neglect in health care institutions in the Republic of Serbia *inter alia* states that during the course of 2021 a total of 31 health care institutions reported abuse and neglect of 482 children, of whom one half suffered physical violence, and slightly less than one third suffered emotional abuse, as well as that children mainly suffered abuse in the family environment, namely in 44% of cases. One in eleven children were victims of sexual abuse, while 6% witnessed domestic violence. For all types of abuse, the most frequent perpetrators are peers, parents or a person from a child's environment (a person familiar to a child), while health care facilities registered recurrence in one in five reports, i.e. some form of abuse and/or neglect was registered previously. Having in mind that not all health care institutions reported such cases, the data are very alarming. As regards this topic, numerous reports worldwide show that violence against children can be prevented, which requires a multi-sectoral approach, as well as that efficient approaches to prevention include support to parents and teaching positive parental skills, as well as improvement of laws prohibiting violent punishments.

WARNING:

The most recent homicide in Vršac, when a father murdered his two-years-old daughter, is one of the most shocking cases in too long history of domestic violence, which shows most brutally the extent of the issues we face, said the Commissioner and emphasised that we had reached the point where the "red alert" warns us it was high time for all competent actors in the system to take urgent action.

Since the girl's mother initiated all legal protection mechanisms, as stated in the media, but her violent husband murdered the child, it is necessary to analyse this case in detail and raise the issue of specific responsibility, particularly because this is not the first case with a fatal outcome, and we must all ask ourselves what failed and what can we do as a society to improve the situation and encourage women to report violence and bullies, and to be sure they are protected.

The Commissioner regularly points to the need to strengthen capacities of all competent services, particularly in the field of social and family law protection, so that they could provide appropriate support and assistance, particularly to those at risk of violence and/or who suffered a form of violence, and urges the media to refrain from tabloid approach and relativization of problems in this and all cases of domestic violence, as well as to respect professional and ethical standards in reporting.

In addition to the above, peer violence is a special problem, which was a frequent topic in 2022, while the media reported on a number of cases where children suffered physical and/or digital violence by peers, and were even admitted in health care institutions after that and had

¹²⁴ *The Analysis of the Work of Expert Teams for the Protection of Children against Abuse and Neglect in Health Care Institutions in the Republic of Serbia in 2021*, Institute for Public Health of Serbia "Dr. Milan Jovanović Batut", 2022, available at: <https://www.batut.org.rs/download/publikacije/Analiza%20zastite%20dece%20od%20zlostavljanja%202021.pdf>

both physical and psychical consequences. Violence among peers is also committed by a group of children, and this form of violence does not include only physical peer violence, it is much wider, and can be verbal psychological, social, cultural, sexual... Experts emphasised that it is aggression and destruction aimed at inflicting pain on another person, that there are no universal rules and instead every situation is unique, that violent behaviour can result from a "model" acquired within a child's family relations or social environment, but it can also be a consequence of suffered domestic violence or violence by a peer group. Having all this in mind, it is important to immediately recognise peer violence and respond timely to avoid various consequences, which are negative in any case.

To draw attention as efficiently as possible to increasingly frequent and relatively new forms of violence in the digital world, to the right to bodily autonomy, to sexual and reproductive rights, the Commissioner, together with UNFPA, initiated a large national bodyright campaign entitled "Your Body is Yours! Both on the Internet and in the Real World!". This campaign will be addressed in more detail further in this Report.



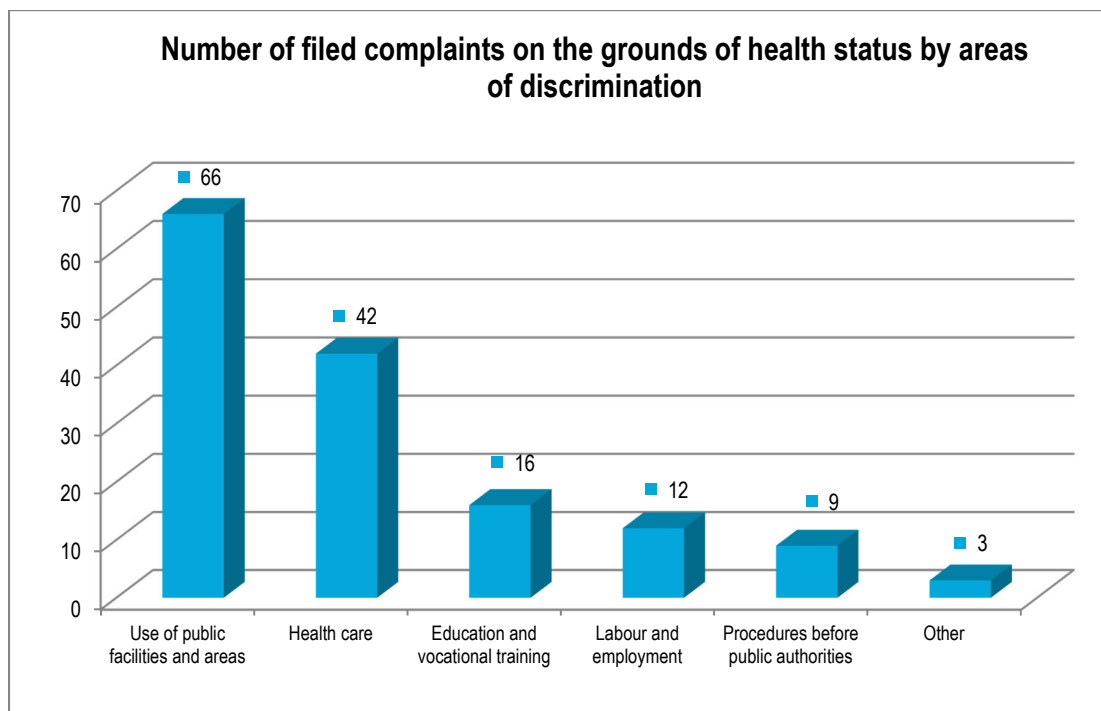
One of the activities constantly emphasised by the Commissioner for all age groups, particularly children and the youth, is engaging in sports and more comprehensive inclusion of as many persons as possible in sport activities. Thus, for example, in this regard, the Commissioner issued recommended measures to the manager of a sports hall in a local self-government which complies with the statutory requirements to consider a possibility, in cooperation with the municipality, to include more time slots for younger groups if this does not distract regular classes of pupils in the school, since the hall is mainly used by senior teams. The recommendation among other things states that, starting from the importance of engaging in sports for both adults and children, as well as the provisions of the Law on Sports which *inter alia* stipulates that every persons has the right to engage in sports, engaging in sports must be humane, free and voluntary, healthy and safe, in accordance with the natural and social environments, fair, tolerant, acceptable in ethical terms, responsible, free from abuse and objectives contrary to the idea of sportsmanship and available to all citizens under equal conditions, regardless of their age, the level of physical abilities, the degree of disability, gender and other personal characteristics.

Relevant recommendations are issued based on the overview of the situation and the issues in the exercise of equality and the protection against discrimination on the grounds of age as a personal characteristic, which are provided in the summary of this Report.

Discrimination on the Grounds of Health Status

Health status as the grounds for discrimination was the most common cause of citizens' complaints in the Commissioner's practice in 2020 and 2021, as was to be expected given the coronavirus health crisis. As the health crisis subsided in 2022 compared with the previous two years, this was in correlation with (but not necessarily linked to) fewer complaints filed by

citizens on these grounds than in the two preceding years. Namely, there were 148 such complaints in total in 2022, meaning that health status ranked third among the most common grounds of discrimination according to the number of filed complaints. Health status is frequently claimed as the grounds for discrimination in combination with another personal characteristic, most commonly disability or age.



In terms of specific areas of complaints, most of the complaints filed during the year concerned the provision of public services or the use of public facilities and areas, the field of health care, education and vocational training, the process of employment or at work, and finally procedures before public authorities.

Some of the observed instances of progress:

- The rate of compliance with issued recommendations is high;
- Increased availability of efficient treatments, medicinal products, materials and state-of-the-art aids covered by the National Health Insurance Fund;
- Vaccinations against diseases caused by human papilloma viruses (HPV) for the population of children of both sexes;
- Increased number of renovated and newly-build medical institutions;
- Increased number of women encouraged to report obstetric violence;
- Increased number of employers adopting their equality code.

Among the key issues are the following:

- Still common withdrawal of complaints and fear of consequences of reporting and/or disclosing one's health status to the employer and/or others (HIV STATUS, F diagnosis, infectious disease etc.);

- Failure to take employees' health into consideration and failure to assign employees to posts that match their level of ability by a certain number of employers;
- The issue of monitoring rare diseases and provision of supporting health care services through the health care system;
- Insufficient coverage with next generation of medicines;
- Unjustifiably low number of transplants, due to the lacking legal framework in cases of transplantation of human organs and tissues from cadavers;
- The number of completed preventive examinations and screenings, coupled with an insufficient number of employers that provide such examinations for their employees;
- Lack of intersectoral health care and social welfare services and insufficient capacities for the provision of palliative care services.

As regards discrimination on the grounds of health status, it should be noted the Commissioner's practice has shown that, when evidence is presented in certain cases, persons who seek protection fear victimisation over their complaints or suffering consequences for reporting discrimination, which is why some of them tend to withdraw their complaints or fail to supplement their complaints within the requested period, or the proposed witnesses refuse to make their statements. Such fear of or discouragement from reporting discrimination is most commonly observed in cases of discrimination on the grounds of the following personal characteristics: health status (because persons fear they will be unable to continue their treatment); збор потребе даље лечења; sexual orientation and gender identity (for fear of ostracization); and discrimination on the grounds of sex in the field of labour and employment (mostly against women). This results in fewer reported, detected and sanctioned breaches of rights, as supported by numerous public opinion surveys. As regards persons living with HIV/AIDS, stigma and discrimination are among the key issues faced by this vulnerable group, not only in Serbia, but also worldwide, and the situation is exacerbated by the fact that the victims are often unwilling to engage in the process of demonstrating that discrimination occurred, especially given the risk that their status would become known to the wider community, which in turn will increase the risk of their further victimisation.

It should be borne in mind that the Covid-19 crisis in the previous period had raised many issues and greatly impacted the already difficult access to health care for all citizens, and in particular those who need continual, more frequent or more intensive health care. These include persons with disabilities, the elderly, persons with chronic diseases, oncology patients, dialysis patients, persons with rare diseases, persons living with HIV/AIDS, children, transgendered persons and others. Numerous surveys covering the pandemic period have shown that these groups felt concern for their own future and that of their families during this period, that most of them had difficulties accessing regular treatment and faced limited scope of services, modified procedures for the functioning of support services, lack of information sources, additional expenses arising from the crisis situation and deteriorating trust.

The necessity of providing access to regular health care services and treatments, examinations and psychosocial support, both during crises and in non-crisis periods, was also discussed at the inaugural session of the Committee on Health and Social Policy of the Standing Conference of Towns and Municipalities, which noted that the



Commissioner had undertaken various measures and issued recommendations, opinions and initiatives, both during the state of emergency and afterwards, to draw attention of the competent authorities to the numerous issues and propose solutions which would ensure that vulnerable citizens receive the necessary support. The participants also underscored the importance and role of sharing experiences in order to improve the response to the needs of vulnerable population groups at the local level.

Numerous reports state that among the most vulnerable sections of the population with regard to access to health care during the pandemic were persons with chronic diseases, oncology patients, dialysis patients, persons with rare diseases, persons living with HIV/AIDS, children, transgendered persons and others. Thus, in the report ***Human rights and HIV/AIDS Report of the United Nations High Commissioner for Human Rights***¹²⁵, the UN High Commissioner for Human Rights recommended the actions which are necessary to attain the social objectives adopted by the General Assembly in its Political Declaration on HIV and AIDS, including: ending inequalities and getting on track to end AIDS by 2030; eliminating penal legal and political frameworks; reducing stigma and discrimination; and addressing gender inequalities and gender-based violence. Discrimination against persons living with HIV in medical institutions remains widespread, with between 1.7% and as many as 21% of persons living with HIV in 13 countries reporting they have been denied health care services at least once in the past 12 months. In at least 1/3 of the reporting countries, more than 10% of respondents in all key populations avoided seeking health care, including drug addicts in particular. A recent survey on intersectionality and sex work has shown that gender diverse communities face multiple and intersectional forms of discrimination on the grounds of sexual orientation, gender identity, sex, race, health status, drug abuse, involvement in sex work, socioeconomic status and other grounds, which impedes progress towards ending AIDS.

The kind of issues faced by persons living with HIV is witnessed by an example from the Commissioner's practice, when a HIV positive person who had served a prison sentence complained he had been left without antiviral therapy on three separate occasions during that period and had to purchase medicines on his own, even though convicted persons are entitled to health care.

It can also be seen from the issues raised by citizens with the Commissioner that there is a continuing increased demand for health care, even if the health crisis subsided in 2022, in particular due to the fact that capacities of the system during the health crisis were primarily employed in treating Covid patients, while the crisis itself resulted in deteriorating health for individuals. Citizens have also complained to the Commissioner about issues concerning the

¹²⁵ *Human rights and HIV/AIDS*, Report of the United Nations High Commissioner for Human Rights, 2022, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/337/67/PDF/G2233767.pdf?OpenElement>

results of rapid antigen tests which citizens had done at private laboratories, but their results did not show in the digital green certificates, or about the duration of certain measures, such as ban from entering public facilities, even after such restrictions were officially lifted. It has also been shown it is necessary to provide accessible health care facilities and medical equipment and put in place clear and efficient procedures for the provision of necessary health care services. In some cases, citizens have also drawn attention to the lack of sensitisation of medical staff for working with patients with certain diseases.

Thus, a complainant contacted the Commissioner on behalf of her female friend and her daughter, whose condition was critical and required urgent medical attention, which several health care institutions refused to provide to her, although the patient had been in a waiting room since the night before. It was also stated that medical documentation had not accompanied the patient; instead, the mother, as the accompanying family member, was expected to provide it and take the patient back for home treatment, because the hospital was “short on staff”. After the Commissioner’s urgent intervention and contacting the city’s social work centre and the clinic in question, the patient was finally admitted to emergency care, because she was in vital danger, and the case was reported to the Ministry of Health, so it could undertake all necessary measures and, if appropriate, conduct an inspection of the medical institutions. Such cases occasionally come up in the Commissioner’s practice and tend to be resolved exactly in this manner, without conducting a procedure, because there is an imminent risk to citizens’ health and conducting a procedure would be pointless and would not solve the problem. The work of human rights institutions should include, among other things, the provision of this type of support in urgent situations.



In the procedure pursuant to a complaint filed against a physiotherapy centre over discrimination on the grounds of health status and disability, the Commissioner ruled that refusal to provide a service because the complainant had autism constituted a breach of antidiscrimination provisions. The complaint stated the complainant, who had autism, had felt pain in his shoulder and was examined by an orthopaedist, who found he had an inflammation, prescribed therapy and recommended that a physiatrist should be included in the treatment. He called the physiotherapy centre to make an appointment, but when he said he was a person with autism, he was told that they “*do not work with such patients and he cannot make an appointment*”. The Commissioner found the complainant had been discriminated and issued a recommendation, which has been complied with.

For more information, see: <https://ravnopravnost.gov.rs/404-22-diskriminacija-na-osnovu-zdravstvenog-stanja-u-oblasti-pruzanja-usluge/>

Complainants have also указују and на повреду достојанства пацијената. Thus, for example, in the procedure pursuant to a complaint against a medical doctor it was found that she had unnecessarily mentioned in her statement in a procedure before a patients’ ombudsman that a patient had chronic diseases from the list of mental disorders and behavioural disorders, thus hurting the dignity of the complainant, which was why it was deemed to be a case of discrimination and a recommendation was issued, which has been complied with.¹²⁶

In recent years, women worldwide have raised their voices against obstetric violence at gynaecology and obstetrics institutions. In 2015, the World Health Organisation published a

¹²⁶For more information, see: <https://ravnopravnost.gov.rs/438-22-diskriminacija-na-osnovu-zdravstvenog-stanja-pri-pruzanju-usluge/>

report based on women's experiences at gynaecology and obstetrics institutions and found there had been numerous cases of disrespect and abuse during childbirth at such institutions, including direct physical abuse, humiliation and verbal abuse, forced medical procedures (including sterilisation), lack of confidentiality, violation of the right to informed consent and exposure to pain and suffering because women are denied pain medication. Prompted by instances of gross breaches of privacy, refusal of admission to medical institutions and neglect of women during childbirth which resulted in threat to life and avoidable complications и (more than 1/3 of deaths of mothers, 1/2 of stillborn children, 1/4 neonatal deaths), in 2020 the World Health Organisation published the Intrapartum Care Guideline.¹²⁷

This topic garnered public attention in Serbia in early 2022, when two women reported cases to the competent authorities, which then prompted other women to come forward with their own experiences. Obstetric violence was also a talking point on social networks, where women opened up on inhumane and degrading treatment by medical staff, abuse and restraint during childbirth, while patients who had a miscarriage reported particularly traumatic experiences and inhumane treatment. Since obstetric violence is also a form of gender-based discrimination, this issue was addressed in a meeting with the Healthy Law association, which is made up of four civil society organisations (Law Scanner, Hrabriša - Lil' Brave One, Romani Cikna and Dialogue), which discussed possible activities aimed at preventing cases of obstetric violence.

Based on the allegations made in the communications submitted to the Commissioner, as well as the available surveys of reports and information obtained from the media, in connection with the increasing number of complaints and objections by pregnant women and nursing mothers about inadequate treatment during pregnancy and childbirth, a recommendation of measures was issued to a gynaecology and obstetrics clinic.

The Commissioner issued a recommendation to the gynaecology and obstetrics clinic "Narodni Front", advising to undertake the necessary measures within its remit to ensure that women are afforded the highest standard of health care and humane treatment in the provision of health care services at that medical institution during pregnancy and childbirth, in accordance with the applicable regulations and the established professional standards.

The recommendation notes that, based on the communications received by this authority, available surveys in this fields and the media reports and information, there has been an increase lately in the number of complaints and objections by pregnant women and nursing mothers about inadequate treatment during pregnancy and childbirth. The recommendation also highlights the alarming results of the survey *Childbirth during the Pandemic*¹²⁸, which calls for an immediate response. The survey points to the importance of this medical institution and its vital role have been recognised both nationally and in the wider region, and calls for improved medical care and health of pregnant women and nursing mothers.

Also, the Commissioner received complaints from women who gave birth at the Clinical Hospital Centre "Dragiša Mišović", who claimed they had suffered mental abuse by a midwife during childbirth because she had been extremely aggressive and rude with them, that they had felt humiliated and traumatised, that they could not obtain information about

¹²⁷*Treatment of Women at Gynaecology and Obstetrics Institutions*, Marina Mijatović, Jelena Stanković and Ivana Soković Kršmanović, Belgrade, August 2022, available at: https://mimlegal.com/Izvestaj-Akusersko_nasilje.html

¹²⁸*Survey: Childbirth during the Pandemic*, Centre for Mothers, January 2022, available at: <http://centarzamame.rs/blog/2022/01/17/rezultati-istrazivanja-porodjaj-tokom-pandemije/>

the course of their childbirth and that, when a doctor leaned against the abdomen of one of them, the midwife said “I wish to God you would choke to death”. Since the communication was anonymous, the Commissioner asked the director of the clinic to find relevant facts and circumstances.

For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-ginekolosko-akuserskoj-klinici-narodni-front/>

According to the data in the Cancer Register of the Institute of Public Health of Serbia “Dr Milan Jovanović Batut”, in 2020 there were 1,087 newly registered cases of women with cervical cancer, while 453 women died from this malignant localisation. According to the most recent estimates of the European Information System for 2020, women in Serbia, with a morbidity rate of 26.3 per 100,000, rank fifth in Europe, after Montenegro, Romania, Estonia and Lithuania. The mortality rate of cervical cancer is high, at 9.1 per 100,000 women. In view of these figures, it is commendable that the Republic of Serbia is among the few countries that offer vaccination against diseases caused by the human papilloma virus (HPV) covered by the National Health Insurance Fund; vaccination has been available since mid-2022 for children of both sexes (both girls and boys). The vaccine has been distributed to medical centres for recommended vaccination through the network of public health institutes, and other examinations and tests have been provided as well. The key message of the Institute for Public Health to all women is that cervical cancer is a preventable malignant disease, which is also the slogan of the 17th European Cervical Cancer Prevention Week.¹²⁹

While welcoming these activities, following citizens’ communications, the Commissioner has been drawing the attention of the National Health Insurance Fund on a regular basis to the need for amending and supplementing the list of prescription medicinal products covered by compulsory health insurance, so that beneficiaries could have access to latest-generation medicines and more effective medical aids.

In 2022, the Commissioner submitted to the National Health Insurance Fund the Initiative to amend the Bylaw on the List of Prescription Covered by Compulsory Health Insurance Funds¹³⁰, to ensure that a certain number of contraceptives is included in the relevant list and covered by compulsory health insurance funds. For years the Commissioner has been highlighting the importance of sexual and reproductive health, which includes, among other things, the provision of family planning, pregnancy management and other health case services. As regards younger generations, essential points are programmes dedicated to early development of children and youth, sexual education and availability of means to maintain sexual health in the entire territory, where the use of contraceptives is low and there is a low level of knowledge of modern contraceptive methods.

In its reply, the National Health Insurance Fund stated the List of Prescription Medicinal Products included a variety of oral contraceptives covered by compulsory health insurance, that applications had been made to add *LEVOSERT (levonorgestrel)*, *intrauterine delivery system*, *blister*, to the List and the application was being considered. The National Health Insurance Fund also stated it would continue its efforts to ensure availability of medicinal products covered by compulsory health insurance.

The Commissioner sent another communication to the National Health Insurance Fund, noting it would be essential to ensure that contraceptives are moved from List A1 to List A, so that women

¹²⁹For more information, see: <https://www.batut.org.rs/index.php?content=2383>

¹³⁰Official Gazette of the Republic of Serbia No. 40/22

could have access to higher quality and greater diversity of contraceptives for a minimum participation fee of RSD 50, since the current participation fee is low (10-25%), while the medicines cost from several hundred to dinars to more than 1,000 dinars. While the importance of the participation fee should not be overlooked, it was noted that this does not make these contraceptives accessible, particularly for the poorer population groups.

For more information, see: <https://ravnopravnost.gov.rs/418-22-inicijativa-za-izmenu-i-dopunu-pravilnika-o-listi-lekova/>

As regards the positive list of prescription medicinal products and the problems faced by various patients, persons with rare diseases bear special mention. Namely, in connection with the International Rare Disease Day, the Institute of Public Health of Serbia “Dr Milan Jovanović Batut” stated it was estimated that some 300 million persons worldwide lived with a rare disease, while the European Commission estimated that approximately 6-8% of Serbia’s population (some 400,000 persons) lived with a rare disease diagnosis. Based on an analysis of data obtained from secondary and tertiary health care institutions in Serbia, in 2020 there were 14,913 persons with rare disease diagnoses admitted for hospital treatment. These diseases (more than 6,000 known ones) occur in fewer than five persons per 10,000 inhabitants and are characterised by a progressive course of the disease and often an early death. Persons with rare diseases and their families frequently encounter various difficulties, the natural course of many rare diseases is unknown, many are diagnosed too late or remain undiagnosed, which further complicates their identification and recording, and for these reasons many rare diseases remain “invisible”. Since the ethyology and pathogenesis of a majority of these diseases are unknown, very few medicines have been developed, with registered therapy available for just 5% of rare diseases. The medicines are usually very expensive and difficult to obtain, while patients with those diseases for which no therapy is available often have to resort to other forms of treatment (symptomatic therapy, vitamins, supplements, physical therapy, medical and technical aids, palliative care). One of the problems faced by persons with rare diseases is the lack of information about the disease itself, as well as the lack of information where to turn for medical, legal and psychosocial assistance. For these reasons, Orphanet codes will be introduced in the coming period in addition to the MKB-10 codes, which should improve the monitoring of rare diseases and the supporting health care services through the health care system, according to the Institute of Public Health.

The Commissioner received multiple complaints from citizens with cystic fibrosis because of delays in the application of the medicinal product Trikafta. Upon contacting the National Health Insurance Fund, the Commissioner was informed the Fund had conducted a restricted procurement procedure for the medical institutions included in the Network Plan and established a dynamic procurement plant for medicinal products for the treatment of rare diseases, which included the procurement of Kaftrio and Ivakaftor-Kalideko, both of which are medicinal products used in the treatment of cystic fibrosis. This provided medical institutions with the requested supply of these medicinal products. However, the admission of therapy was delayed in early November because the supplier did not have an import authorisation for the marketing of the medicinal product. The required quantities of this medicinal product were procured shortly thereafter.

Also, in 2022 the Commissioner received communications from citizens who drew attention to an issue concerning organ transplants, stating that only five organ transplants had been carried out 2021, whereas eight years prior, for example, there had been 46 organ transplants. The waiting list is long, which is why the petition *Donorship is Heroism* was launched. The citizens noted the primary issue was that certain provisions of the Law on Transplantation of Human Organs and the Law on Human Cells and Tissues had been declared unconstitutional, which was why “all organ transplants were put on hold” in late 2021, when the decision of the Constitutional Court was published; they claimed everyone on the waiting list felt discriminated against and rejected. In this context, the Commissioner called on the Ministry of Health to undertake measures within its mandate, taking into account the Decision of the Constitutional Court and the fact that the said Ministry was the authoriser proposer of the contested laws, which had not been amended.

Furthermore, citizens frequently complain to the Commissioner about discrimination on the grounds of health status in the field of labour and employment, asking questions about the rights and obligations of employers and employees. Some of those questions concern the employer’s right to demand a certificate of health as a condition for employment, sick leave notices, the right of women to return to their former post after maternity leave etc. Below are some illustrative examples.



An opinion was issued in the procedure pursuant to a complaint filed against an employer over discrimination on the grounds of health status, which alleged the complainant had been “punished” by not being paid a bonus, which had been paid “even to those employees who had been subject to disciplinary action”, just because he had been on a sick leave for 15 days. Upon analysing the employer’s decision, it was determined that only those employees who had been absent from work due to illness were excluded from the entitlement to receive a bonus, while others were not. The opinion stated that the employer had breached the provisions of the law and recommended that it should rectify the consequences of the discriminatory behaviour. A decision on a warning was issued and the procedure is underway.

For more information, see: <https://ravnopravnost.gov.rs/977-21-prituzba-protiv-poslodavca-zbog-diskriminacije-po-osnovu-zdravstvenog-stanja/>



In the procedure pursuant to a complaint filed against his employer on the grounds of health status, it was alleged that the employer had passed a decision to not allow the employee to continue working from home after the coronavirus pandemic ended. In the course of the procedure it was found that the employee’s file did not contain a single piece of evidence, such as a medical report, opinion or certificate, that would indicate his health status should be taken into consideration when determining the organisation of work. The Commissioner’s opinion stated that the employer had not discriminated against the complainant.

For more information, see: <https://ravnopravnost.gov.rs/631-21-prituzba-aa-protiv-bb-vrsiteljke-duznosti-direktora-os-c-c-mj-zbog-diskriminacije-na-osnovu-zdravstvenog-stanja/>

The complaint filed against a mine stated that the employee, after years of work for the same employer, had been transferred to an easier post following a workplace injury, but the new job was such that it could lead to further deterioration of his health, which was why he had raised the issue with the employer, both orally and in writing. Since there was no evidence enclosed with the complaint, in the form of medical reports of deteriorating health, and the employee’s health had not been reappraised, the facts pointed to the conclusion that the complainant

worked on a post that was suitable taking into account the restrictions stated in the decision, and the Commissioner's opinion therefore stated that there had been no breach of antidiscrimination provisions. However, the Commissioner advised the employer that an extensive body of research had shown that, notwithstanding the fact that work processes were becoming increasingly automated with the development of new technologies, the human being and his/her abilities, competences and potential were at the core of every successful corporation, and these could be fully exercised only if the relevant prerequisites are met in terms of job satisfaction, occupational safety and health, social security and adequate salary. Where it is possible to transfer an employee with limited ability to a different post that would make his work easier, such request should be taken into consideration. The Commissioner also underscored the employer had an obligation to assign the employee to an appropriate post if a new assessment of his/her ability would indicate a deterioration of health and new restrictions, in accordance with a decision issued by the competent authority.¹³¹



The complaint filed against an employer stated the employee had her employment terminated because she had been forced to go on a sick leave to care for her ill child. In accordance with the rule of shifting the burden of proof, the employer failed to demonstrate that objective reasons to terminate employment contract, unrelated to the fact that the complainant had gone on a sick leave to care for her ill child, pertained in this specific case, which was why the Commissioner stated in her opinion that the employer had breached the provisions of the Law on the Prohibition of Discrimination and advised the employer to rectify the consequences of the discriminatory termination of employment, inform the employees about the opinion and refrain from breaching antidiscrimination legislation in the future. The employer complied with the issued recommendations by annulling the decision on employment termination and informing all employees about the Commissioner's decision.

For more information, see: <https://ravnopravnost.gov.rs/730-21-misljenje-povodom-prituzbe-aa-protiv-poslodavca-zbog-diskriminacije-po-osnovu-bracnog-i-porodicnog-statusa/>

Taking into account numerous examples of discrimination on the grounds of health status in the field of labour and employment from the Commissioner practice, it would seem that, as noted by the Commissioner time and again, the situation calls for more effective inspections on the one hand, while on the other it would be also beneficial if more employers were included in the debates and trainings on labour legislation, occupational safety and health, prohibition of discrimination and the need to promote equality in the work environment. Compliance with the principle of prohibition of discrimination in the field of labour and employment is an essential segment of good business ethics, as well as a means to generate significant profits, through increased productivity and innovation. An equal working environment and prohibition of discrimination are inextricably linked to corporate social responsibility. Acceptance of diversity by the employer increases the capacity for innovation and improves its bottom line, because employee diversity creates the capacity to approach issues from different angles.

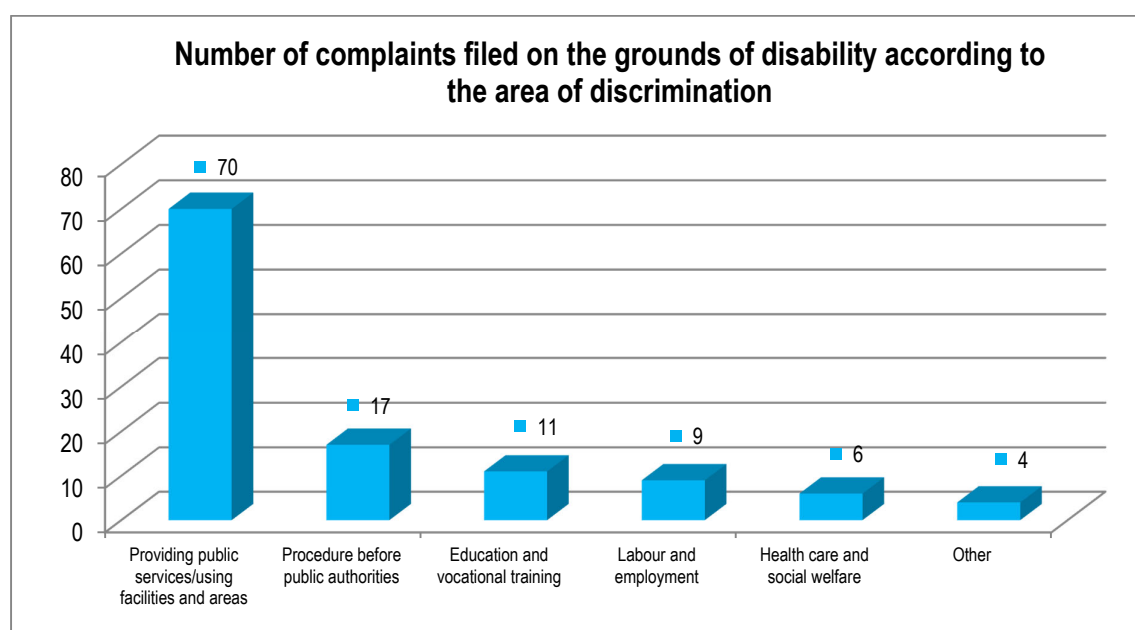
¹³¹For more information, see: <http://ravnopravnost.gov.rs/536-22-diskriminacija-na-osnovu-zdravstvenog-stanja-u-oblasti-rada-i-zaposljavanja/>

Relevant recommendations are issued based on the overview of the situation and the issues in the exercise of equality and the protection against discrimination on the grounds of health status, which are provided in the summary of this Report.

Discrimination on the Grounds of Disability

Persons with disabilities in the Republic of Serbia, similarly as in other European countries, are one of the most vulnerable groups in all areas of social life, considering the number and variety of problems they face on a daily basis, the prevalence of stereotypes and prejudice, as well as their social and economic situation. Persons with disabilities are often exposed to multiple and intersectional discrimination.

In 2022, the Commissioner received 117 complaints against discrimination on the grounds of disability, which was the fourth most frequent ground stated in complaints with 13.6%.



The majority of complaints were filed against discrimination in providing services or using public facilities and areas (70), followed by procedures before public authorities (17), education and vocational training (11), labour and employment (9), health care and social welfare (6) etc. Civil society organisations filed the highest number of complaints, about 50%, while as regards natural persons, approximately the same number of men and women addressed the Commissioner.

Some of the observed instances of progress:

- The percentage of compliance with the issued recommendation on these grounds has been increasing over the years;
- Accessibility of polling stations has been improved;
- The number of accessible facilities of public authorities has been increased, particularly in health care;
- More efficient treatment, medicines, materials and new-generation aids covered by the National Health Insurance Fund have been provided;

- The work of the Sign Language Interpretation Service for the Serbian Language at the Belgrade Deaf Service has been improved;
- Certain local self-government units introduced pupil and student scholarships under more favourable requirements for pupils and students with disabilities;
- The Strategy for Deinstitutionalization and Development of Community Social Welfare Services has been adopted; however, it will take some time until its effects can be seen;
- The National Employment Service issued several public calls to encourage the employment of persons with disabilities, including subsidised salaries, refunding of support costs, organisation of public works for which unemployed persons with disabilities were hired etc.

Among the key issues are the following:

- Complaints are mainly filed by civil society organisations, with few individuals or natural persons addressing the Commissioner;
- Persons with intellectual and psychosocial difficulties are still at a risk of being declared incapacitated, and the poor position of persons with mental and intellectual difficulties in residential social welfare institutions is particularly worrying;
- Insufficient employment of persons with disabilities, particularly in the public sector, because public authorities are allowed to avoid this obligation by making a payment to the budget;
- The process of inclusive education is more difficult due to inadequate/uneven ensuring of rights and services in the field of social welfare;
- Unequal exercise of social welfare services, depending on the level of development of local self-governments and the number of licenced service providers;
- Insufficient accessibility of higher education for students with disabilities;
- Insufficient number of sign language interpreters;
- Failure to review the needs of the entire social welfare and systematic regulation of this field, resulting in weaker capacities of institutions and “burning out” of employees.

Although the Census was carried out in 2022, new data on the number of persons with disabilities in Serbia were not available when this Report was prepared. According to the Census of 2011, 571,780 male and female citizens were identified as persons with disabilities, which accounted for about 8% of the overall population. However, it should be noted that the status of disability is unknown for 119,482 citizens, which accounted for an additional 1.66% of the overall population. Out of the total number of persons with disabilities, more than 58% are women, while men account for slightly less than 42%. The average age of persons with disabilities is 67.¹³²

The Commissioner's practice, and also numerous domestic and international reports, show the complexity of the issues faced by persons with disabilities – many public facilities and areas are not accessible to them, communication and access to information is difficult, they face difficulties in the exercise of their right to vote etc. Persons with intellectual difficulties are still exposed to the risk of being declared incompetent, and the poor position of persons with mental and intellectual difficulties in residential social welfare institutions is particularly worrying. This is reaffirmed by the data provided by civil society organisations. As an example, citizens mainly contacted the Lawyers' Committee for Human Rights YUCOM, that provides legal aid free of charge, in connection with prohibition of discrimination because of violation of rights on the grounds of disability (43.3%).

¹³² *Position of Persons with Disabilities in Serbia - Zero Report*, Initiative for the Rights of Persons with Mental Disabilities MDRI-S, Belgrade, October 2022, p. 13, available at: <https://www.mdri-s.org/public/documents/upload/Polozaj%20osoba%20sa%20invaliditetom%20u%20Srbiji.pdf>

Bearing in mind that accessibility, of both buildings and information and communications, is one of the main preconditions for equal participation of persons with disabilities in all fields of social life, the Commissioner continually underscores the need for implementing the universal design principles through her regular and special reports, through public announcements and warnings, and also through submitted initiatives and recommended measures for the achievement of equality. The Commissioner welcomes all activities undertaken by public authorities in this field, because efforts are continually made to eliminate obstacles.

It should be noted that the Commissioner received 70 complaints against inaccessibility in 2022, which accounted for 60% of the total number of complaints filed on this ground. Full accessibility of facilities and areas is not easy to achieve, but it must always be among the top priorities and public facilities must be made accessible as soon as possible, particularly health care and social welfare institutions, education institutions and courts. More developed countries in the region face similar issues, and a special report of the Slovenian equality body states that only 26% of all secondary school facilities in the country are adapted for use by persons with reduced mobility.¹³³



In a procedure pursuant to a complaint against a general hospital because of inaccessibility of its children's unit, the Commissioner identified the violation of rights and recommended the hospital to ensure shower wheelchairs for personal hygiene of patients with disabilities, as well as to organise its work and undertake all necessary measures to ensure accessibility of this unit, either by rearrangement within the facility or otherwise, until full accessibility is ensured.

The hospital notified the Commissioner that it undertook measures to ensure accessibility within its means and that it ensured shower wheelchairs.

For more information, see: <https://ravnopravnost.gov.rs/695-21-misljenje-po-pritužbi-protiv-opste-bolnice-zbog-diskriminacije-po-osnovu-invaliditeta/>

In another case, a recommended measure was issued to a medical centre¹³⁴ to rearrange doctors' offices or otherwise organise its work and undertake all necessary measures to ensure accessibility of all health care services. The recommendation *inter alia* states that, according to the regulations, health care institutions as public facilities of relevance for all citizens, including persons with disabilities, persons with reduced mobility or who cannot move independently without assistance of another person or an aid, the elderly, parents with small children etc., must be fully accessible, i.e. their work must be organised in such a manner to ensure that all services, particularly health care services, are accessible to all citizens, regardless of their disability, health status, age etc. The recommendation underscores that measures which users of public facilities and areas must undertake include in particular identifying and eliminating obstacles that restrict or hinder access to a facility. This measure shows that in some cases accessibility can be achieved, at least partially or temporarily, by rearranging working hours or different organisation of working space, and that social cohesion and improved position of citizens require constant good will and readiness to act proactively, instead of waiting for someone else to address the issues in the relevant authorities,

¹³³Special Report: Accessibility of Secondary Schools for Persons with Reduced Mobility, Advocate of the Principle of Equality Republic of Slovenia, 2022, p. 5, available at: <https://zagovornik.si/en/what-we-do/#special>

¹³⁴For more information, see: <https://ravnopravnost.gov.rs/preporuka-mera-domu-zdravlja-kaludjerica/>

institutions, local communities and the state or to refer the issue from an authority which is not competent to an authority that “might be” competent.

Equal access to all pieces of information and communication is also of relevance for the exercise of rights of persons with disabilities. In its Concluding Observations, the Committee on the Rights of Persons with Disabilities recommended that the Republic of Serbia should develop a comprehensive accessibility plan, and ensure efficient monitoring of that plan, and a roadmap that sets benchmarks for the removal of barriers; and that it promote universal design for all buildings, public services and public transport, and accessible information and social communication media, paying special attention to electronic media, in accordance with general comment No. 2. In that regard, the Committee *inter alia* recommended that the Republic of Serbia should increase the use of subtitling and sign language interpretation in the media, as well as and that it involves organizations of persons with disabilities in the process.

In 2022, the Commissioner issued recommended measures to the public media institution Serbian Broadcasting Corporation to continue broadcasting its programmes, as a national public service, in a manner accessible to persons with disabilities. As the Commissioner learned that the Serbian Broadcasting Corporation is considering a possibility to cancel the use of interpreters to translate its news programmes into the sign language, a recommended measure was issued which underscored that accessibility is the main precondition for full inclusion of persons with disabilities, which should not be personal matter and a problem to be addressed by persons with disabilities alone; instead, it should be a problem of the entire society.

For more information, see: <http://ravnopravnost.gov.rs/preporuka-mara-radio-televiziji-srbije/>

In addition, in connection with the general elections in 2022, the Commissioner issued recommended measures to public media institutions (Serbian Broadcasting Corporation and Radio Television of Vojvodina) to ensure broadcasting in accessible formats of the main information of the Republic Electoral Commission in connection with the forthcoming elections, i.e. to make information on elections and election campaign coverage accessible for the audience with impaired hearing by using subtitles and the sign language, to ensure full and timely information for these persons for the purpose of their equal participation in the elections.

For more information, see: <https://ravnopravnost.gov.rs/preporuka-mera-rtv-predizborni-program/> and <https://ravnopravnost.gov.rs/preporuka-mera-rtv-predizborni-program/>

These recommendations were complied with.

As regards achieving successful communication with deaf citizens and citizens with impaired hearing and their inclusion in the social life of the community, the fact that the work of the Sign Language Interpretation Service for the Serbian Language at the Belgrade Deaf Service (GOGB) was improved through the purchase of a video relay service available 24/7 to deaf users is particularly commendable.¹³⁵

In its *Concluding Observations on the Third Periodic Report of Serbia*¹³⁶, in addition to criticising the failure to recognise denial of reasonable accommodation for persons with

¹³⁵Position of Persons with Disabilities in Serbia - Zero Report, p. 112

¹³⁶Concluding Observations on the Third Periodic Report of Serbia, UN Committee on Economic, Social and Cultural Rights, 6 April 2022, available at: <https://digitallibrary.un.org/record/3969915?ln=en>

disabilities as a form of discrimination, inaccessibility of public facilities and public transport, limited availability of community-based services, the persistently low level of employment and social integration of persons with disabilities, the UN Committee on Economic, Social and Cultural Rights expressed a particular concern about continuing segregation of children with disabilities in special schools and classes, despite the progress achieved. In that regard, the Committee recommended to continue to expand inclusive education opportunities for all children.

The Commissioner's practice also shows the issues faced by children with disabilities in the education process, particularly in terms of their inclusion and ensuring appropriate support.



The Commissioner issued an opinion in the procedure pursuant to a complaint filed by the mother of a pupil, who has developmental difficulties and attends classes according to the Individual Educational Plan 2, against discrimination on the grounds of health status and disability by another pupil. At a parent-teacher conference, the mother of the pupil against whom the complaint was filed demanded from the school principal to transfer the boy with developmental issues to another school or a separate room, saying: "Why would you put a child like that in a normal school?" The Commissioner passed an opinion that rights were violated and issued a recommendation to the mother to give an apology in writing the complainant and her son. This recommendation was complied with.

For more information, see: <http://ravnopravnost.gov.rs/395-22-diskriminacija-na-osnovu-zdravstvenog-stanja-i-invaliditeta-u-oblasti-obrazovanja/>

Availability of appropriate social welfare services, as well as their continual provision, are crucial for the exercise of the right to inclusive education and inclusion of children with disabilities in social activities. However, notwithstanding the recommended measures issued by the Commissioner in 2019 and 2021 to all local self-governments in connection with personal assistants, there are still some cases where this service was not provided to children with disabilities who require it. The Commissioner notes it was not sufficient for this service to be provided for by legal documents passed by local self-government units; instead, its availability should be continually ensured in practice. The opinion and the recommendation, as well as the lodged strategic lawsuit in connection with the provision of the personal assistant service, have already been addressed in this Report. In addition, the Commissioner petitioned a court to be granted the capacity of an intervenor in a lawsuit that has already been initiated by another person, because a child had been removed from a pre-school facility and because of discrimination based on his health status and disability.

In 2022, the Commissioner submitted to the National Entity for Accreditation and Quality Assurance in Higher Education and the National Council for Higher Education the *Initiative to amend the Standards of Accreditation and Quality Assurance of Higher Education Institutions*¹³⁷, with the aim of ensuring accessibility and equal conditions to acquire higher education for students in certain social groups, particularly students with disabilities. Namely, in 2018, the Commissioner submitted to these authorities the Initiative to amend the then-applicable bylaws, however, the majority of proposals were not adopted. Since the new bylaws were passed in the meantime¹³⁸, the Commissioner reanalysed them and found that the

¹³⁷For more information, see the official website of the Commissioner for the Protection of Equality: <http://ravnopravnost.gov.rs/400-22-inicijativa-za-izmenu-standarda-za-akreditaciju-i-proveru-kvaliteta-visokoskolskih-ustanova-nacionalni-savet-za-visoko-obrazovanje/> and <http://ravnopravnost.gov.rs/419-22-inicijativa-za-izmenu-standarda-za-akreditaciju-i-proveru-kvaliteta-visokoskolskih-ustanova-nacionalno-akreditaciono-telo/>

¹³⁸ Bylaw on the Standards and the Procedure for Accreditation of Higher Education Institutions, the Bylaw on the Standards and the Procedure for Accreditation of Study Programmes, the Bylaw on the Standards for Initial Accreditation of Higher Education

standards for accreditation and quality assessment of higher education institutions had not improved, and accordingly submitted a new initiative. In addition to this initiative to improve the position of students with disabilities, the Commissioner also submitted the *Initiative to Amend Standards of Accreditation and Quality Assurance of Higher Education Institutions* in terms of the improvement of gender equality and eliminating gender-based violence.¹³⁹

The Centre for Students with Disabilities contacted the Commissioner during the year and requested her opinion on the compliance of the new Bylaw on the Manner of Determining the Status of Candidates and Students with Disabilities with recommendations the Commissioner issued to the Senate of the University of Belgrade in connection with the previous Bylaw that regulated the right to enrolment of persons with disabilities. After a comparative analysis, it was found that the new Bylaw is compliant with the previous recommendations issued by the Commissioner with regard to the terms and the definitions of legal concepts, as it ensures compliance in terms of the coverage of persons who are able to enrol studies through this affirmative action, as well as in terms of the time limits for submission of enrolment applications. However, since the current wording of the Bylaw contains provisions that pertain to students' marital status, which is irrelevant for exercising the status of a student with disabilities, the Commissioner also filed the *Initiative to amend the Bylaw on the Manner of Determining the Status of Candidates and Students with Disabilities* to the Senate of the University of Belgrade.

In 2022, the Commissioner issued a recommended measure to local self-government units to provide for special criteria (affirmative action) for pupils and students with disabilities when awarding scholarships to pupils and students, in line with the development of inclusive policies in the field of education and within their means. The recommendation stated that laying down the same requirements for all pupils and students in public calls for scholarship award would place pupils and students with disabilities at a disadvantage compared to other pupils and students, through the application of a seemingly neutral criterion (e.g. average grade or continual enrolment in school years). In terms of specific challenges faced by pupils and students with disabilities, public calls with less stringent criteria for these categories would constitute a special measure and would provide additional support aimed at the improvement of their position. To date, 47 local self-governments have submitted information on compliance.

For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-jls-za-stipendiranje-ucenika-i-studenata-sa-invaliditetom/>

A challenge faced by deaf persons at all levels of education is accessibility of education in their language. Teacher often do not understand and fail to appropriately or sufficiently adapt the teaching process to all pupils. The main issue is limited access to interpreters, insufficient number of these professionals, as well as limited accessibility of information compared to pupils, secondary school pupils or students who can hear. These issues were also highlighted in a report in another country in the region.¹⁴⁰

Institutions and Study Programmes, the Bylaw on the Standards for Self-Evaluation and Quality Assurance of Higher Education Institutions and Study Programmes and the Bylaw on the Standards and the Procedure for External Quality Assurance of Higher Education Institutions

¹³⁹For more information, see: <https://ravnopravnost.gov.rs/rs/426-22-inicijativa-za-izmenu-standarda-za-akreditaciju-i-proveru-kvaliteta-visokoskolskih-ustanova-nsvol> and <https://ravnopravnost.gov.rs/rs/425-22-inicijativa-za-izmenu-standarda-za-akreditaciju-i-proveru-kvaliteta-visokoskolskih-ustanova/>

¹⁴⁰*The Situation of the Deaf in the Educational System Special Report*, Advocate of the Principle of Equality Republic of Slovenia, 2022, available at:

Lower educational attainment level of persons with disabilities, as well as high percentage in long-term unemployment, are important factors contributing to their high unemployment rate and the risk of poverty and social exclusion. According to the available data at the EU level, only 6% of women with disabilities are in full-time employment, compared with 28.5% men with disabilities and 48.5% women without disabilities. Also, women with disabilities have lower income, they are less educated and have more health needs that are not satisfied compared with men with disabilities and women without disabilities. In addition, data show that only 2% women with disabilities have higher education, compared with 17.5% men with disabilities and 29.6% women without disabilities¹⁴¹

The Commissioner's practice shows similar findings in Serbia regarding the issues faced by persons with disabilities, both in terms of employment and in terms of keeping their jobs and their career advancement.



The Commissioner conducted the procedure pursuant to a complaint filed by a female employee against a retail chain and a manager at a retail store of that company. The complainant stated that, as a person with disabilities, she had provided a decision by the National Employment Service (NES) and agreed with the manager on the post to which she would be assigned. She stated that the agreement had initially been honoured, but she was subsequently transferred to another unit, where she fell ill and was on a sick leave. Upon returning from her sick leave, she was transferred to a more demanding post, and after that to another facility as help, all of which was done in full disregard of the fact she was a person with disabilities. The Commissioner issued an opinion that violations of the law had been violated and issued a recommendation to the employer to remedy the consequences of its discriminatory actions by apologising to the complainant and considering the possibility of rehiring her in compliance with the NES decision.

The employer informed the Commissioner he had apologised to the complainant and he would call her as soon as a post became vacant.

For more information, see: <https://ravnopravnost.gov.rs/791-21-prituzba-zbog-diskriminacije-na-osnovu-invaliditeta-u-oblasti-rada-i-zaposljavanja/>

Citizens also addressed the Commissioner stating that budget funds allocated for professional rehabilitation and employment of persons with disabilities were not spent at the annual level or were returned to the budget, that public authorities had not employed a sufficient percentage of persons with disabilities and that their employment was very difficult, notwithstanding the active employment policy measures put in place.

Since citizens continued addressing the Commissioner in 2022 in connection with the exercise of the entitlement to disability allowance for certain categories of pensioners, the Commissioner contacted the Ministry of Labour, Employment, Veteran and Social Affairs and submitted the *Initiative to amend the Law on Rights of Veterans, Disabled Veterans, Civilian Invalids of War and Members of Their Families*, so that military war invalids under 65 years of age, who are pension users, would also be entitled to disability allowance¹⁴².

<https://www.gov.si/en/search?q=+Polo%C5%BEaj+gluhih+v+izobra%C5%BEevalnem+sistemu+tuji+javnosti++-+Special+Report++The+Situation+of+the+deaf+in+the+Educational+System+&t=&start=10>

¹⁴¹Equality and Intersectional Discrimination Faced by Persons with Disabilities in the European Union, Joint Briefing for United Nations Committee on the Rights of Persons with Disabilities regarding the review of the implementation of the CRPD by the EU, Equinet, February 2022, p. 13, available at: <https://equineteurope.org/wp-content/uploads/2022/02/02-14-Joint-Briefing-CRPD-Equality-and-intersectional-issues-faced-by-persons-with-disabilities-in-the-European-Union.pdf>

¹⁴²For more information, see: <https://ravnopravnost.gov.rs/1033-22-inicijativa-za-izmenu-i-dopunu-zakona-o-pravima-boraca-vojnih-invalida-civilnih-invalida-rata-i-clanova-njihovih-porodica/>

In the course of 2022, the National Employment Service implemented several public calls to stimulate employment of persons with disabilities, such as subsidies to salaries, refunding support costs, organisation of public works where unemployed persons with disabilities are hired etc. In addition, the United States Agency for International Development (USAID) and the Youth with Disabilities Forum launched a four-year project “Job Fit: Economic Empowerment of Persons with Disabilities” that will work to create equal access to employment for persons with disabilities and to foster a more open and inclusive labour market. In addition, in terms of professional advancement, the “Leadership Academy for Women with Disabilities”, the first of that kind, which was completed by 22 women with disabilities in 16 Serbian cities in 2021, was marked as a positive practice aimed at strengthening personal and professional competences of women with disabilities in the report of the UN Country Team in Serbia¹⁴³.

Numerous reports by international and domestic organisations expressed particular concern about the situation of persons with disabilities, particularly children, in social welfare institutions. The Commissioner has continually been underscoring the need for continued deinstitutionalisation, coupled with simultaneous development of community-based social welfare services, to improve the situation of those population groups that are at an increased risk of discrimination and to enable them to live in the least restrictive environment by providing appropriate continual support at the local level, to avoid a situation where, under the guise of human rights, those who are unable to live an unassisted life are left without any support.

Although *the Strategy for Deinstitutionalization and Development of Community Based Services for 2022-2026* was adopted in 2022, the Commissioner expressed in her opinion that this strategic document did not include the development of the entire social welfare system. Among other things, measures planned for the achievement of special objectives do not provide for sufficient financial means for implementation of the deinstitutionalisation process, or for its sustainability. Also, the Strategy does not envisage activities to improve the status and build the capacities of informal caregivers, assess their needs, introduce support services, train them for their tasks and enable their networking. Failure to assess the needs of the entire social welfare system and to systematically regulate this field will result in further weakening of the capacities of institutions and additional burdening and “burnout” of employees, without possibilities for improved performance. Strengthening the quantitative and qualitative capacities in the social welfare system to ensure proper mapping of citizens’ needs, timely activation of all forms of support and assistance, coupled with efforts to strengthen control mechanisms and introduce monitoring and quality assessment of social welfare services, are therefore essential in order to improve the position of persons with disabilities, who largely rely and are dependent on these services provided by the system.

The *Serbia Report 2022* emphasizes that although a relatively small number of children are placed in institutional care, violations of child rights in large-scale institutions for children with disabilities remain a concern. Children with disabilities are overrepresented (70%) among children living in residential large-scale institutions.¹⁴⁴ Also, It is necessary to remove obstacles

¹⁴³ 2021 Results Report, The United Nations Country Team in Serbia, 2022, p. 11, available at: https://serbia.un.org/sites/default/files/2022-05/un-serbia-results-report-2021_0.pdf

¹⁴⁴ Serbia Report 2022, European Commission, p. 43

to the engagement of teaching assistants for children with disabilities as a new service in the education system.¹⁴⁵

The report of the EU Agency for Fundamental Rights (FRA)¹⁴⁶ *inter alia* reviews developments in the implementation of the Convention on the Rights of Persons with Disabilities, stating that the Covid-19 pandemic has underlined the urgent need for deinstitutionalisation, since people with disabilities face great risks to their mental well-being, especially when they are in institutionalised settings, because of their higher risk of social isolation.¹⁴⁷ Also, according to the data held by UNICEF, across Eastern Europe and Central Asia, children with disabilities are almost 17 times more likely than other children to be institutionalised, which additionally increases the risk of violence. Young people with disabilities more often face limited access to employment and social welfare, with difficult access to adequate health care, including mental, as well as sexual and reproductive health.¹⁴⁸

A special challenge is the provision of necessary social welfare services, as well as the exercise of certain rights in this field. As in previous years, the Commissioner's practice showed that certain services are not provided continually, or to a sufficient extent, particularly in case of underdeveloped and devastated local self-government units.



Commissioner's Viber stickers "Stop Discrimination"

Citizens often addressed the Commissioner in situations when various services were inaccessible or denied to them due to their disability. As an example, the Commissioner identified discriminatory acting on the grounds of disability and health status in case when health care was denied to a person with autism.¹⁴⁹ Also, in case when taxi service was denied to a person with disability with inappropriate comments, the Commissioner responded by a public warning, condemning sharply such behaviour¹⁵⁰.

As already stated, the Commissioner filed and won a strategic lawsuit against a notary public because he had not allowed a person with disability to use a facsimile to certify a statement. The operative part of the judgment is in accordance with the adopted Commissioner's claim and was published in a daily newspaper with national distribution.¹⁵¹

¹⁴⁵ *Serbia Report 2022, European Commission*, p. 111

¹⁴⁶ *Fundamental Rights Report 2022*, European Union Agency for Fundamental Rights, 2022, available at: https://fra.europa.eu/sites/default/files/fra_uploads/FRA-2022-Fundamental-Rights-Report-2022-opinions_en.pdf

¹⁴⁷ *Ibid.*, p. 26

¹⁴⁸ *Equality and Intersectional Discrimination Faced by Persons with Disabilities in the European Union*, p. 10

¹⁴⁹ For more information, see: <https://ravnopravnost.gov.rs/404-22-diskriminacija-na-osnovu-zdravstvenog-stanja-u-oblasti-pruzanja-usluge/>

¹⁵⁰ For more information, see: <https://ravnopravnost.gov.rs/reakcija-poverenice-jankovic/>

¹⁵¹ For more information, see: <https://ravnopravnost.gov.rs/presuda-potvrdila-diskriminaciju-osobe-sa-invaliditetom/>

The *Report on the Progress of Serbia in Cluster 1* by the PrEUgovor Coalition analysed to what extent competent authorities comply with their duties under the Action Plans for Chapters 23 and 24, as well as other related initiatives relevant for the rule of law. As regards the level of compliance with relevant recommendations, activities and respecting the timeframe in terms of the non-discrimination principle and the position of certain social groups, it was concluded that the implementation of the plan had been underwhelming, uneven and severely delayed, while an analysis of the results of activities concerning the status of persons with mental difficulties and disabilities revealed modest positive trends.¹⁵²

In her annual reports, the Commissioner continually underscores the need to establish and provide various services with such scope that would satisfy the needs and provide support for unassisted living for persons with disabilities in the least restrictive environment, which primarily requires a multi-sectoral approach. In this context, in 2022 the Commissioner issued several recommended measures to public authorities for the achievement of equality for persons with disabilities.

Bearing in mind the frequency of issues in terms of satisfying the needs of persons with disabilities and provision and continuous availability of social welfare services, the Commissioner submitted to the Ministry of Labour, Employment, Veteran and Social Affairs the *Initiative to amend the Bylaw on the Detailed Requirements and Standards for Provision of Social Welfare Services*, with the aim of extending the right to personal assistant services to all persons with disabilities who, in accordance with the law, need this service to satisfy their vital needs, even if they are not entitled to the increased assisted living allowance. Since the entitlement to the increased assisted living allowance is conditional upon the recipient having a physical impairment with 100% disability on one basis or permanent organ damage of a neurological or psychological nature or physical impairment with minimum 70% disability on two bases, numerous persons with disabilities are automatically excluded from using the personal assistant service, and thus face significant problems in satisfying their vital needs.

The Ministry has not informed the Commissioner of its acting.

For more information, see: <http://ravnopravnost.gov.rs/605-22-inicijativa-za-izmenu-pravilnika-o-blizim-uslovima-i-standardima-za-pruzanje-usluga-socijalne-zastite/>

In addition, the Commissioner also issued recommended measures to the Office for Information Technologies and e-Government aimed at adjustment of software module for issuing of registration stickers so that persons with disabilities could also complete the procedure to register their vehicles in authorised inspection shop in cases when they use the right to exemption from the tax on the use of motor vehicles.¹⁵³ These efforts, taken in cooperation with the Ministry of the Interior, would significantly facilitate the exercise of rights of persons with disabilities, who would not be required to go to police stations after completing having their vehicle inspected at authorised shops (where the service windows might be inaccessible to them, or there might be insufficient disabled parking spaces).

Also, the Commissioner issued recommended measures to the Ministry of Youth and Sport, urging it to undertake all necessary measures and actions within its remit so that the blind and visually impaired chess players who had won medals in the Blind Chess Olympiad could be

¹⁵²PrEUgovor Alarm: *Report on the Progress of Serbia in Cluster 1*, p. 86

¹⁵³For more information, see: <https://ravnopravnost.gov.rs/rs/preporuka-mera-kancelariji-za-informacione-tehnologije-i-elektronsku-upravu/>

treated equally with other chess players who had won medals in the Chess Olympiad, in the process of recognising the right to a national sport recognition and/or award. The Ministry of Sports notified the Commissioner it had passed a decision to proceed to prepare a Draft Law on Amendments to the Law on Sports, and that the working party tasked with preparing the Draft Law also included a representative of the Paralympic Committee of Serbia. The National Sports Association of the Blind and Visually Impaired and the Sports Association of the Hearing Impaired of Serbia also submitted their proposals for amendments.¹⁵⁴

Several civil society organisations providing social welfare services at the local level addressed the Commissioner during the year, considering that a provision of the Bylaw on Value Added Tax contravenes the spirit of the Law on Social Welfare and that service providers, specifically civil society organisations, were discriminated in this manner, which ultimately also affected the availability of services and users. The tax policy regulations provide for an exemption from VAT which is available solely to social welfare services provided by social work centres, residential institutions and day care and domestic help institutions, meaning that all other social welfare service providers are subject to VAT, which disadvantages not only those service providers that are not listed, but also users of those services, since different service providers charge different prices for their services. The organisations were of this opinion that this gives preference to the tax-exempt service providers and violated the main postulates of the social welfare system – decentralisation and deinstitutionalisation through the availability of multiple service providers, further development of services, increasing the coverage of users and satisfying the users' needs. Upon analysing the relevant regulations, in an effort to ensure equal availability of social welfare services to all users, the Commissioner submitted to the Ministry of Finance the *Initiative to amend Article 136 paragraph 1 of the Bylaw on Value Added Tax*, which was already addresses above in this Report. The Bylaw was amended in early 2023.

Needs for social services of both children and adults with disabilities are documented in several reports. Thus, for example, the coverage of services and rights in the social welfare system in the territory of the City of Novi Sad was increased by 8% in 2021 compared with 2020 in the category of children and youth with developmental difficulties and disabilities, while the number of users in the Adult and Elderly Welfare Service was reduced by 8% in the same period, and the increase of the number of users is also observed in the category of adults and the elderly with disabilities and other adults and the elderly by 3%.¹⁵⁵

According to the survey conducted in the city of Novi Sad, more than one half of respondents who were adults with disabilities felt neglected in their local communities, their children provided assistance to the majority of them (43.7%), 33.3% survived on disability pension, while 20% were employed. The majority of respondents (70%) had not done any paid work before they earned their entitlement to pension. More than one half of respondents stated that their monthly income did not even cover the bare necessities; as regards their main source of support, they identified first their family members, friends and neighbours, followed by institutions and other community stakeholders. Almost one half of the respondents (43.3%) stated they need assistance and care at home, while as many as 46.6% stated that the building/home where they lived did not have adequate access for users of wheelchairs and

¹⁵⁴For more information, see: <https://ravnopravnost.gov.rs/rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-ministarstvu-omladine-i-sporta/>

¹⁵⁵*Report on Social Mapping of Vulnerable Social Groups in the City of Novi Sad: Social Mapping to Identify the Needs of Children and Adults with Disabilities for Social Welfare Services in the City of Novi Sad*, Know How Centre, 2022, p. 31-32

other aids.¹⁵⁶ Challenges faced by parents who have children with developmental difficulties often vary depending on the type of developmental difficulties. Thus, parents who have children with intellectual disabilities stated they had no one with whom they could share their problems, they wished to talk and receive advice - they wanted someone to listen to them. Parents who have children with physical disabilities are mostly concerned about inaccessibility. Persons and children with disabilities are used to discrimination and often state no opinion in that regard, while parents are very concerned whether their children would be safe and whether they would receive appropriate care after the parents' death.¹⁵⁷

An analysis of the position of persons with disabilities shows that they are often exposed to multiple and intersectional discrimination. Thus, the document *"Equality and Intersectional Discrimination Faced by Persons with Disabilities in the European Union"*¹⁵⁸ states that women and girls with disabilities face multiple and intersectional discrimination in all areas of life, including, socio-economic disadvantages, social isolation, violence against women, forced sterilisation and abortion, lack of access to community services, low-quality housing, institutionalisation, inadequate healthcare, and denial of the opportunity to contribute and engage actively in society. There are over 60 million women and girls with disabilities living in the EU alone (60% of the population of persons with disabilities), whose status is not only worse than that of women without disabilities but also worse than that of their male peers. This is especially so in rural areas with fewer services and opportunities for this group than in urban environments.

Based on the review of the situation and the perceived problems in the achievement of equality and the protection against discrimination on the grounds of disability, appropriate recommendations were given, which are presented in the summary of this Report.

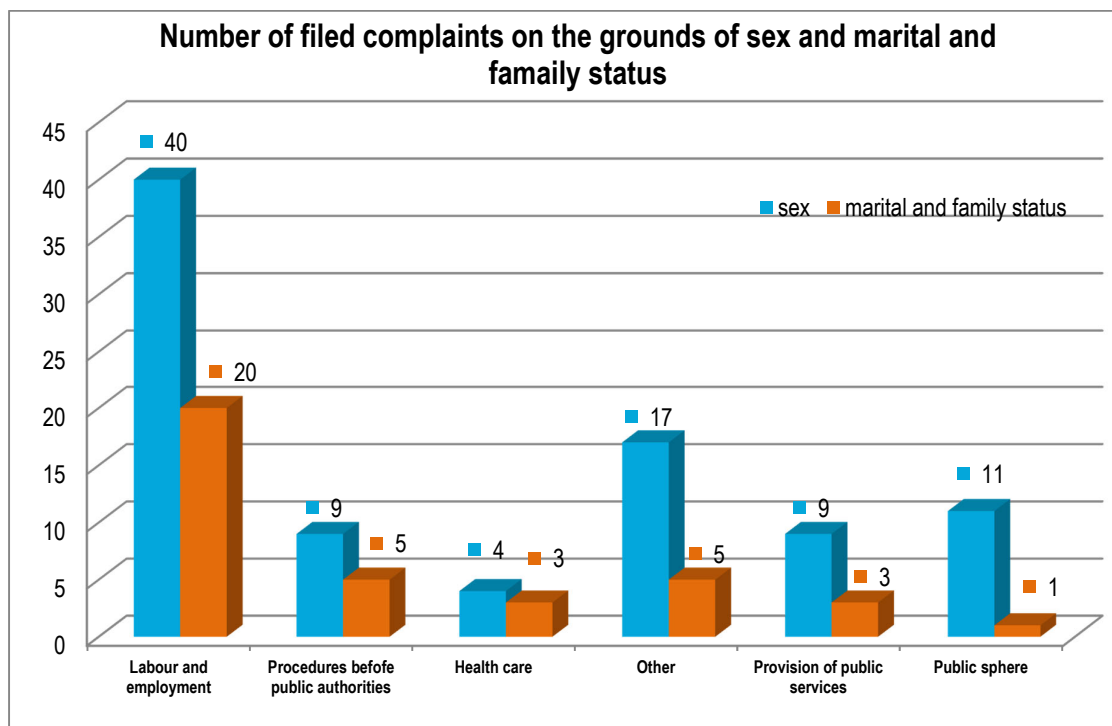
Discrimination on the Grounds of Sex and Marital and Family Status

The trends observed in previous years regarding frequency of complaints and citizens' communications claiming discrimination on the grounds of sex as the personal characteristic continued through 2022. The Commissioner received 91 complaints on the grounds of sex as a personal characteristic. Most of the complaints were filed by natural persons, including 58 women and 24 men. Same as the previous year, most of the communications concerned discrimination against women in connection with childbirth, maternity and child care. In the course of 2022, the Commissioner also received 37 complaints on the grounds of marital and family status as a personal characteristic. Bearing in mind that the complaints on the grounds of marital and family status were usually filed by women, and a large number of the cases involved discrimination on both personal characteristics, these two grounds for discrimination are covered jointly in this Report.

¹⁵⁶ Ibid, p. 46-48.

¹⁵⁷ Ibid, p. 56

¹⁵⁸ *Equality and Intersectional Discrimination Faced by Persons with Disabilities in the European Union*, - Joint Briefing for United Nations Committee on the Rights of Persons with Disabilities regarding the review of the implementation of the CRPD by the EU, Equinet, February 2022, <https://equineteurope.org/publications/joint-briefing-for-united-nations-committee-on-the-rights-of-persons-with-disabilities-equality-and-intersectional-discrimination-faced-by-persons-with-disabilities-in-the-eu/>



The areas to which complaints on these grounds mostly pertained included labour and employment, the public sphere and health care. In addition to these, another area that stands apart in terms of the number of complaints is the provision of public services or use of facilities and areas. A number of complaints concerned problems in the exercise of the parental right, gender-based disparagement and insults and offensive and sexist content in the public space and the media. Women who are exposed to multiple discrimination, usually on the grounds of sex and marital and family status, as already stated above, and also on the grounds of gender and disability, national affiliation, especially Roma, age, sexual orientation or health status, are in a particularly complex and difficult position, as are women in rural or remote areas. These categories of women are also often exposed to specific forms of violence and are nearly always disadvantaged not only in relation to men, but also in relation to women in the general population.

Some of the observed instances of progress:

- The Constitutional Court passed the Decision declaring Article 17 paragraph 4 of the Law on Financial Support to Families with Children unconstitutional;
- Programmes of financial support under favourable terms for business startup by unemployed women and youth, those who have recently started their own business, as well as employed women and youth who wished to start their own business;
- More subsidies for female entrepreneurship and active employment policy measures. Furthermore, female entrepreneurship is also supported through the development of training and mentoring services and other forms of professional support to female entrepreneurs, and women also have access to free non-financial support through the programme Standardised Set of Services for Micro, Small and Medium-Sized Enterprises and Entrepreneurs;
- Continued implementation of programmes for local self-government units, under which citizens may apply for grants, with an emphasis on female agricultural cooperatives and social cooperatives;

- Funding has been awarded for programmes which aim to improve digital literacy and digital competences of rural women;
- The number of women enrolled in the Military Academy has increased;
- national bodyright campaign entitled “Your Body is Yours! Both on the Internet and in the Real World!” launched, which aims to raise awareness on gender-based violence committed using technology and the need for a strong response to such violence, as well as other campaigns addressing this issue

Among the key issues are the following:

- Gender inequality and gender-based violence remain high;
- Gender gap in wages for work of equal value;
- Discriminatory speech, sexist and misogynous statements are present in public discourse, on social network and on different platforms;
- A National Control Mechanism to monitor cases of femicide in the Republic of Serbia has not been established. There is still no register of femicide victims, although it is part of the official Strategy for Preventing and Combating Gender-based Violence against Women;
- Fewer women holding high offices in polices and in business;
- Women who are independent professionals/sole traders or those working under contract are not treated equally with regard to payment of contributions during childbirth leave and child care leave with women who exercise this right while employed with an employer. This inequality favours only one form of work, namely that for an employer in an employment relationship, which disincentivises female entrepreneurship, while mothers are left to choose between their career and motherhood;
- Few fathers use the right to child care leave and fathers of children whose mothers are entrepreneurs or are employed under contract are not treated equally with fathers of children whose mothers are in an employment relationship;
- The provision of the Law on Gender Equality which provides for health insurance on the basis of unpaid work has not been made operational;
- There is an insufficient number of preschool facilities and other forms of support to balance work and parenting;
- The number of preventive examinations and screenings concerning reproductive health is insufficient, especially in rural areas. Education is lacking and few contraceptives are covered by the National Health Insurance Fund.

The Commissioner's practice is supported by indicators presented in various reports and surveys, which point to pronounced gender inequality across virtually all spheres of life, both in the field of private and family relationships and in public life and participation in decision-making. Although the Law on Gender Equality was passed in 2021, and the Strategy for Gender Equality for 2021-2030 and the Strategy for Preventing and Combating Gender-based Violence against Women and Domestic Violence for 2021-2025 were adopted the same year, women in Serbia remain disadvantaged compared to men in all areas of social life. In World Economic Forum's Global Gender Gap Report 2022, which measures the international gender equality index on the basis of participation in economic life, politics, access to education and health circumstances and life expectancy, Serbia regressed on the gender equality index from the 2021 report, dropping from 19th to 23rd, with the highest score recorded with regard to participation of women in the political life, where our country ranked 21st. Progress has been observed in women's access to education; however, in terms of economic participation and opportunity, Serbia fell from 54th to 77th in the world.¹⁵⁹

¹⁵⁹ *Global Gender Gap Report 2022*, World Economic Forum, 2022, available at: https://www3.weforum.org/docs/WEF_GGGR_2022.pdf

Inequality of women in the field of labour and employment is still present, and they are particularly discriminated against because of expected child-bearing or parenthood. Also, it is more difficult for women to strike a balance between work and household duties, they often do not inherit property on equal terms with men and remain unrepresented across all levels of decision-making.

Labour market indicators bear witness to the position of women in the field of labour and employment. The activity rate of the population aged 15 or older in the first quarter of 2022 was 55.2%, while the activity rates of men and women stood at 63.8% and 47.2% respectively. Out of the total number, 77,433 persons are covered by active employment policy measures within the category of “persons who face difficulties finding employment”, according to the report of the National Employment Service of June 2022, and 44,554 of them (58%) are women.¹⁶⁰ Women also have a consistently lower activity rate and a higher unemployment rate than men. Although they are more educated than men, women are paid less at work, they bear the burden of household duties and child care, they take care of elderly household members more than men and are less involved in decision-making. Gender stereotypes persist, reflecting and perpetuating the historical relationships of male domination over women, and often result in arbitrarily assigned characteristics, including the perception of women as caring, passive, loyal and sensitive, while men are perceived as more dominant, more independent etc., all of which imposes gender roles which prevent women from exploring their full personal potential and restrict them to their assigned position in society.



In job interviews, many women are still asked about their marital status and whether they intend to marry or bear children; they are promoted less frequently and are less paid than men, they are often unable to exercise their rights at all and they also fear victimisation if they report discrimination.¹⁶¹

Thus, the Commissioner received a complaint from a citizen who claimed she had been informed she would not be invited to attend a training provided by the employer because she would be absent for an extended period of time due to pregnancy, and a colleague of hers was sent to the training instead. The Commissioner found that the

provisions of the antidiscrimination legislation had been breached in this specific case and recommended that the employer rectify the effects of the discriminatory treatment and enable the complainant to attend the training upon her return to work, and to ensure it refrains from breaching the antidiscrimination legislation in the future within the scope of its regular business operations and activities. The recommendation has been complied with.¹⁶²

¹⁶⁰ *Economic (Dis)Empowerment of Women in the Labour Market in the Western Balkans*, Democracy for Development (D4D), Priština, November 2022, available at: https://d4d-ks.org/wp-content/uploads/2022/11/FINAL_Punimi_SRB_02.pdf

¹⁶¹ *Gender-based Discrimination and Labour in Serbia*, Kvinna till Kvinna Foundation, 2022, available at: https://kvinna.tillkvinna.org/wp-content/uploads/2022/02/KvinnatillKvinnaFoundationEU_Gender_Labour_2022_ENG.pdf

¹⁶² For more information, see: <https://ravnopravnost.gov.rs/748-21-utvrdjena-diskriminacija-na-osnovu-bracnog-i-porodicnog-statusa-u-oblasti-rada-i-zaposljavanja/>



The Commissioner received a complaint from a female employee who had had a fixed-term employment contract, which her general manager refused to renew upon learning she was pregnant. Taking into account the allegations made in the employer's reply, namely that the contract had been entered into for a fixed term and had expired, but no decision on termination of employment had been passed, the Commissioner noted that the provision of Article 187 paragraph 3 of the Labour Law applied not only to termination of the employment contract, but also to termination of an employment relationship, including instances where the term of the contract has expired. It is clear that, under the antidiscrimination legislation, the complainant's contract had to be renewed, since a woman enjoys special protection during pregnancy and childbirth and cannot be disadvantaged solely on the grounds of pregnancy or absence due to childbirth and child care. The Commissioner stated in her opinion that, by failing to renew the employment contract, the employer had breached the provisions of the law, which was also the finding of the Labour Inspectorate. Consequently, an employment contract was signed with the complainant.

For more information, see: <https://ravnopravnost.gov.rs/rs/583-21-poslodavac-diskriminisa-zaposlenu-trudnicu/>

Women also face the prospect of fewer opportunities for career advancement. The dynamics of gender roles assigned to men and women results in an imbalance between private and professional life. Thus, according to the results of a survey of factors contributing to the “glass ceiling” effect¹⁶³, 78% of women claim that women and men are not treated equally in the workplace, as many as 67% of respondents work on lower-ranking posts as employees, while just 4% of women in Serbia hold managerial positions or serve as presidents or members of steering committees. More than half of women in Serbia are only partially able to balance work and private life. According to the same survey, 54% of the respondents have a lower income than their partner, 56% have lower income than their male counterparts at identical or similar posts, while flexible work arrangements are impossible for nearly half of them.

Nevertheless, there have also been attempts to address these inequalities. In recent years, there has been growing corporate support to women's empowerment, as many companies begin to recognise the importance of gender equality; in this context, the support also extends to the fight against gender-based violence.¹⁶⁴

To achieve maximum gender equality in the labour market, it is necessary to make efforts to ensure job certainty, certainty of returning to the same post after childbirth, professional advancement and career development. In this context, it is also crucial to equally involve fathers in caring for all family members, which requires addressing the conflicting parenting roles, challenging the cultural norms regarding their assignment and providing appropriate and effective incentives, both by the government and by employers.

The stereotypical gender roles are illustrated by an example from the Commissioner's practice. Namely, the Commissioner filed an Initiative with the City of Novi Sad to amend the Decision on Public Transportation of Passengers, due to the fact that public transit buses had

¹⁶³ Report of the survey “Factors contributing to the ‘Glass Ceiling’ Effect for Women in Business, Faktor plus, 2022, available at <https://www.rodnaravnopravnost.gov.rs/sites/default/files/2022-02/Istra%C5%BEivanje%20o%20faktorima%20koji%20doprinosu%20efektu%20staklenog%20plafona%20za%20%C5%BEene%20u%20biznisu.pdf>

¹⁶⁴ Corporate Social Responsibility to empower Women in 2015-2021, Trag Foundation, 2022, available at: <https://trafondacija.org/wp-content/uploads/2022/12/Drustveno-odgovorno-poslovanje-u-sluzbi-osnazivanja-zena.pdf>

signs “Seats reserved for mothers with children and pregnant women”. Replacing those with signs “Seats reserved for persons with children” could bring about not only to greater equality in the use of public transportation, but also to a change in the deep-rooted traditional roles of women and men.¹⁶⁵



Another example of stereotypical gender roles is a complaint filed against a children’s food manufacturer, whose products were labelled “Serbia – Info Centre for Mothers”, with a telephone numbers. This label disadvantaged fathers, who were excluded or could be excluded as parents from using this service, and promoted gender stereotypes, according to which care for infants and small children is exclusively the role of women.

The respondent company replied that the label had been removed from the product package and the consumer info number was no longer operational.

For more information, see: <https://ravnopravnost.gov.rs/186-2022-prituzba-aa-protiv-privrednog-drustva-bb-zbog-diskriminacije-na-osnovu-pola/>

These trends also normalise the fact that women bear the bulk of the burden of household duties and perpetuate the perception of unpaid domestic work as the exclusive responsibility of women. According to the definition of the International Labour Organisation (ILO), unpaid work includes activities in the care economy, as well as other forms of unpaid work, such as work on family farm or in other types of family businesses. Unpaid work burdens rural women in particular, as they perform highly demanding work, but are nevertheless statistically registered as unemployed. Findings of different surveys show that activities such as household cleaning and attending to children’s school-related duties are mostly performed by women, while the gender gap is slightly smaller with regard to caring for the elderly and small children. The burden of unpaid work for women is expected to continue growing in the future, due to the economic recession and population ageing.

According to the Time Use Survey¹⁶⁶, women in Serbia on average spend twice as many time doing unpaid work as men every day: while men spend 2 hours and 40 minutes doing such work, women spend 4 hours and 27 minutes. However, women spend an hour and a half less than men on paid work.

To ensure effective implementation of the Law on Gender Equality and address the issue of unpaid domestic work, the Commissioner sent a communication to the Ministry of Human and Minority Rights and Social Dialogue, asking it for an interpretation of Article 28 paragraph 4 of that Law and information on the progress achieved in enabling the exercise of the right to health insurance (issuing of health insurance cards) based on unpaid household work, in accordance with the adopted provision.

The Ministry of Human and Minority Rights and Social Dialogue has provided multiple vaguely worded replies in connection with this case, while the Ministry of Health has informed the Commissioner they had drawn the attention of the said Ministry at the stage

¹⁶⁵For more information, see: <https://ravnopravnost.gov.rs/979-22-inicijativa-za-izmenu-clana-31-odluke-o-javnom-prevozu-putnika-grada-novog-sada/>

¹⁶⁶Data from the Time Use Survey (TUS) in the Republic of Serbia, Statistical Office of the Republic of Serbia, 2022, available at: <https://www.stat.gov.rs/vesti/statisticalrelease/?p=13924&a=18&s=1808>

of submission of opinions on the Draft Law that it would have to be harmonised with the Law on Health Insurance and the proposed provision was not implementable as such.

This fact speaks not only of the lack of harmonisation and failure to sufficiently and timely take into account the opinions of the authorities in charge of the relevant areas, but also of the unavailability of the right to health insurance for a not insignificant category of women. Similarly as in the case of this Law, the Commissioner has frequently underscored the need to pass legislation that would actually be implementable, to avoid situations where such legislation would remain a “dead letter” in practice, and its enactment would be reduced to nothing more than “ticking the right boxes” and serve only to keep an appearance of compliance.

The balance of work and family obligations, as well as the quality of life, both in the working age and in the old age, is also influenced by numerous other factors, such as organisation of work and working hours, use of annual leave and exercise of other labour rights. Appropriate arrangements and flexibility on these issues can have a profound influence on the level of employment and unemployment, the need for transport and appropriate organisation of public services to care for children and/or elderly family members. Surveys have highlighted working hours as one of the main factors of striking a successful balance between work and parenthood, together with availability of support services. The classic standard workweek (8 hours per day, five or six days per week) provides stability to workers in planning their lives, yet such fixed schedules are often too inflexible to allow time for family demands as and when needed.¹⁶⁷ In addition to a fairer distribution of gender roles within the family and diverse modalities of employment, it is also necessary to provide a greater number of child care institutions and increase their accessibility, while also ensuring that employers provide care and/or support in this regard, which will improve worker performance and enable them to pursue career advancement.

Gender stereotypes and family obligations also influence the choice of occupation and career decisions. The best paying occupations in Serbia in 2022 were those in the fields of coding and engineering, while women mostly work in less paid sectors and jobs. While one in five university-educated ICT engineers in EU countries are women, in Serbia this rate is higher (one in four).¹⁶⁸ On the other hand, more young women graduate from university in Serbia; thus, according to the data of the Statistical Office of the Republic of Serbia, out of the total number of university students who graduated in 2021, 38.8% are men and 61.2% are women¹⁶⁹. Nevertheless, notwithstanding these statistics in the academic sphere, not a single woman was admitted to the Serbian Academy of Science and Arts when 30 new members were elected in 2021.

Bearing in mind the importance of the Serbian Academy of Science and Arts, as well as the fact that this institution did not admit a single woman in its most recent election of new members, in 2022 the Commissioner issued a recommendation of measures to the Serbian Academy of Science and Arts, advising it to undertake appropriate measures for the next election of new members to ensure compliance with the principle of gender equality, and

¹⁶⁷ *Working Time and Work-Life Balance Around the World*, International Labour Organization, 2022, available at:

https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_864222.pdf

¹⁶⁸ *ICT specialists workforce continued to grow in 2021*, Eurostat, available at: <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/ddn-20220505-1>

¹⁶⁹ *Graduate Students, 2021 – Higher Education – Education Statistics*, Statistical Office of the Republic of Serbia, June 2022, available at: <https://publikacije.stat.gov.rs/G2022/Pdf/G20221165.pdf>

to make additional efforts to promote women's contribution to science and arts. On this occasion, the Commissioner also took into account the fact that the share of women is highest at the Department of Linguistics and Literature and the Department of Historical Sciences, while the departments of technical sciences and mathematics, physics and geoscience have only one female member each. The the Serbian Academy of Science and Arts has about 100 permanent members, only nine of whom are women, and 19 correspondent members, four of whom are women. Women are also underrepresented in the management bodies of the Serbian Academy of Science and Arts: the Presidium, which currently has 13 members, includes only one woman, while the Executive Board is comprised of five exclusively male members.

For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-srpskoj-akademiji-nauke-i-umetnosti/>

As regards female entrepreneurship, numerous reports have shown that most of the female entrepreneurs became self-employed out of necessity, because they had no other options available. For example, the analysis *Gender Perspective in the Economic Reform Programme 2022-2024* of the Centre for Democracy Foundation¹⁷⁰ refers to the demands of the European Commission and the EU Council concerning the need for an assessment of key obstacles and impacts of measures on gender equality, as well as gender mainstreaming in all measures that promote employment, social welfare and health care. Due to the lack of a gender perspective in the Economic Reform Programme, the impact of gender on structural areas was not recognised and the opportunity to eliminate the cause of gender inequality was missed.

Key for promoting female entrepreneurship is designing policies that promote gender equality and encourages female entrepreneurs to pursue viable business options by creating conditions that facilitate striking a balance between work and parenting and enable equal treatment of female entrepreneurs and employed women. Proof the vital importance of this issue and of recognition of female entrepreneurship development as a development potential for the society is a whole can be found in the adoption of the *Programme of Entrepreneurship Promotion through Financial Support to Female and Youth Entrepreneurs in 2022*¹⁷¹ and the *Degree endorsing the Programme of Support to Female Innovative Entrepreneurship Promotion for 2022*.¹⁷²

It should be noted that, since 2017, the Commissioner has filed several initiatives with the competent ministry concerning the need to provide for fully equal treatment of female entrepreneurs and women in independent professions in relation to women in an employment relationship with regard to exercising the right to maternity leave and child care leave. In mid-2022, the Commissioner once again filed the initiative concerning unequal treatment of female entrepreneurs, female farmers and women hired outside of an employment relationship, noting that there was no reasonable justification for the unequal treatment and that it favours only one form of work, namely work in an employment

¹⁷⁰*Gender Perspective in the Economic Reform Programme 2022-2024*, Sustainable Development for All Platform, 2022, available at: <https://sdgs4all.rs/documents/analiza-rodna-perspektiva-u-programu-ekonomskih-reformi-za-period-od-2022-do-2024-godine/>

¹⁷¹For more information, see: <https://privreda.gov.rs/usluge/javni-pozivi/program-podrske-za-zene-preduzetnice-i-mlade-u-2022-godini>

¹⁷²For more information, see : <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2022/9/3>

relationship, thus disincentivising female entrepreneurship and forcing mothers to choose between a career and maternity.

There is still widespread prejudice about women not being able to become successful entrepreneurs, although female entrepreneurship offers tremendous potential for the development of the entire society.

In 2022, the Commissioner also filed a proposal for a review of constitutionality, on which the Constitutional Court ruled, as already discussed in this Report.

For more information, see: <https://ravnopravnost.gov.rs/743-22-inicijativa-za-izmenu-clana-17-st-4-5-i-7-zakona-o-finansijskoj-podrsци-porodici-sa-decom/>

Gender inequality in employment is more prominent in rural areas than in urban ones. Women from rural areas have limited opportunities for employment outside of the agricultural sector, which accounts for a significant share of their work engagement. According to the results of the *Gender Equality, Agriculture and Rural Development* survey of the United Nations Food and Agriculture Organisation¹⁷³, the share of female farm proprietors is higher for physically and economically smaller farms. Women are key decision-makers at just 15.3% of farms (which is lower than the overall share of female farm proprietors – 19.4%), which reflects their lower economic clout and influence in the decision-making process.

Given that economic independence is a precondition for an improved quality of life for women, the Commissioner provided direct support to women wishing to start up or improve their agricultural business through the project *Improving the Safety of Women in Serbia*, which covered purchases of equipment to improve existing business or start up a new business in the field of agricultural production. Associations founded by rural women received technical capacity building support to boost the development of agriculture and rural tourism, environment protection and traditional handicrafts and promote cultural heritage, as discussed in detail in the previous sections of this Report. This year's Annual Conference of the Commissioner entitled *A Look into the Future* addressed economic empowerment of women and girls in rural areas.



In addition to the foregoing, violence against women and girls remains one of the most challenging issues in the field of gender equality. While the causes of violence against women are highly complex, among the key ones are the deeply rooted, traditional, patriarchal

¹⁷³ *Gender Equality, Agriculture and Rural Development*, United Nations Food and Agriculture Organisation, Budapest, 2022, available at: <https://secons.net/publikacija/rodna-ravnopravnost-poljoprivreda-i-ruralni-razvoj/>

stereotypes of gender roles in the family and the wider community. In 2021, on average, more than five women or girls were murdered in their own family every hour¹⁷⁴, and about 56% of the were murdered by their intimate partner or other family members, which shows that home is not a safe place for many women and girls. Sexual violence is often perpetrated in seemingly safe spaces by men with whom the women are familiar.

According to the data of the Female Citizens' Association FemPlatz, 26 women were murdered in Serbia in 2022, although the actual figure is believed to be higher. There is still no register of femicide victims, although it is part of the official Strategy to combat Violence against Women. According to a report of the Autonomous Women's Centre¹⁷⁵, in the first half of 2022, based on media reports, there were 17 murders of women in total, including 12 cases of murder in a family/partner setting and 5 cases of murder unrelated to such setting. Media reports remain the only public accessible source of information, while additional information is obtained from the institutions in the system of protection of women against violence. It is impossible to determine accurately how many women were murdered, because not all cases are reported by the media, and it is likewise not possible to determine how many women die as a result of suffering violence for years. The manual *Rape is a Crime*¹⁷⁶ provides guidance to women who are rape survivors and contains information on medical, law enforcement and legal procedures and offers support in their physical and emotional recovery.

The Commissioner supported the initiative to establish a national control mechanism to monitor cases of femicide in the Republic of Serbia, which was submitted to the National Assembly, noting that such a mechanism would help all stakeholders coordinate their current activities and work more effectively towards preventing and combating this most extreme manifestation of violence.



At the conference entitled *Institutional Response to Femicide in the Republic of Serbia* held by the Women's Parliamentary Network at the House of the National Assembly, in which the Commissioner took part, together with Vladimir Orlić, speaker of the National Assembly of the Republic of Serbia, Muamer Bačevac, chairperson of the Committee on Human and Minority Rights and Social Dialogue and Gender Equality, Maja Gojković, Deputy Prime Minister and Minister of Culture, Tomislav Žigmanov, Minister of Human and Minority Rights and Social Dialogue, and numerous other representatives of different public authorities and civil society organisations, it was noted that enactment of the Law on Gender Equality introduced numerous novel legal arrangements in the national

¹⁷⁴*Gender-related killings of women and girls (femicide/feminicide)* - Global estimates of gender-related killings of women and girls in the private sphere in 2021 Improving data to improve responses, United Nations Office on Drugs and Crime and UN Women, 2022, available at: https://www.unodc.org/documents/data-and-analysis/briefs/Femicide_brief_Nov2022.pdf

¹⁷⁵*Femicide – Murders of Women in Serbia, quantitative and narrative report 1 January – 30 June 2022*, Autonomous Women's Centre, 2022, available at: https://www.womenngo.org.rs/images/femicid/FEMICID_Polugodi%C5%A1nji_Kvantitativno_-_narativni_godi%C5%A1nji_izve%C5%A1taj_2022_godina.pdf

¹⁷⁶*Rape is a Crime, a manual for families and friends of women who survived sexual violence*, Autonomous Women's Centre, Belgrade, 2022, available at: http://www.womenngo.org.rs/sajt/sajt/izdanja/autonomni_zenski_centar/silovanje_prirucnik_za_zene/za%20porodicu.htm

legislation and covered measures aimed at achieving and promoting gender equality across nearly all areas, but more had to be done to ensure continual work and mutual cooperation. Improved mechanisms to collect data on violence and femicide are the key initial steps towards designing policies and programmes aimed at preventing and eliminating violence against women and girls. On this occasion, the Commissioner said the institution of the Commissioner addressed the issue of femicide and gender-based violence on a continual basis and had recently submitted a number of initiatives to amend the Criminal Code, the Law on Enforcement of Criminal Sanctions and the Law on Public Order and Peace.

According to numerous reports and surveys, as well as media reporting, women rarely report violence. As many as 71% of women who experienced violence in the public space did not report the attack to the police, while just 12% of the respondents reported violence, with one in two of them stating that nothing had been done pursuant to their report. After the gravest acts of physical or sexual violence, only 3% of the victims contacted a safe house and 1% contacted a victim support organisation.¹⁷⁷

Bearing in mind the fact that a key factor contributing to non-reporting of violence, in addition to lack of information, fear of the perpetrator, ostracization by the community and shame, is also the lack of trust in the institutions, as well as the behaviour of employees at those institutions (professional conduct, understanding, sensitisation), it is necessary to better coordinate and educate the competent government authorities, including in particular the police, social work centres, medical institutions, public prosecutors' offices and courts. Taking into account the complexity of this issue and the need to ensure adequate prevention of and protection against gender-based violence, the Commissioner has continually been providing trainings on identifying and responding to discrimination for the staff of social working centres and judicial and inspection authorities, as well as police officers.¹⁷⁸

All forms of violence against women and girls must be prevented through a combination of early identification of women who suffer violence and primary prevention by addressing the root cause of violence and providing access to support and protection, while ensuring a better response to their needs from the law enforcement and judicial systems. Efforts to raise public awareness of the issue of violence against women and provide appropriate prevention and protection are often hindered by the socially accepted subordinate status of women, while access to counselling or information material remains limited, especially in rural areas or for women who lack digital literacy skills.

The Commissioner submitted a number of initiatives, both to the Ministry of Justice, to amend **the Criminal Code and the Law on Enforcement of Criminal Sanctions** and to the Ministry of the Interior to amend **the Law on Public Order and Peace**. The importance of these laws is supported by the fact that amendments to the Criminal Code, which recognised domestic violence as a distinct criminal offence, contributed to a great extent to the understanding of gender-based violence in the Serbian society. With these amendments, domestic violence became a social problem, rather than a private matter, and other legislative amendments followed in their wake: injunctions to protect victims from domestic and intimate partner violence were introduced, sentences for sex offences were

¹⁷⁷*Violence against Women and Girls in the Public SPace*, Female Citizens' Association FemPlatz, Pančevo, 2022, available at: https://www.femplatz.org/library/publications/2022-09_Nasilje_u_javnim_prostorima.pdf

¹⁷⁸For more information, see: <https://ravnopravnost.gov.rs/inicijativa-za-izmenu-clana-181-zakona-o-izvršenju-krivичnih-sankcija-ministarstvu-pravde/>

made more stringent, restraint orders were introduced, stalking and sexual harassment were recognised as criminal offences, the Law on Prevention of Domestic Violence was passed etc..

The Commissioner resubmitted the **initiative to amend several Articles of the Criminal Code**, specifically Articles that penalise the criminal offences Illegal Termination of Pregnancy (Article 120), Rape (178) and Sexual Intercourse with a Helpless Person (179), with a view to harmonising these provisions with the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on the Rights of Persons with Disabilities.

For more information, see: <https://ravnopravnost.gov.rs/rs/inicijativa-za-izmenu-krivicnog-zakonika/>

Since the Criminal Code has not yet been amended, an initiative has also been submitted to amend Chapter 14 of the Criminal Code, *Criminal Offences against Freedoms and Rights of Man and Citizen* by providing for a separate criminal offence concerning **abuse and publishing of sexually explicit recordings**. Considering the fast pace of current scientific and technological development, we have witnessed the increasing use of digital technologies as a means of committing violence; as a result, this form of violence has expanded beyond the confines of the physical realm and into the online sphere through the Internet and social networks. A vicious circle of violence has been created that is difficult to break; it has a large audience in the digital community, able to continually follow the process of abuse, and frequently also to enjoy and take part in the violence. The consequences of such violence are far-reaching and, if it remains unpunished, victims can suffer continuous and long-term violence.

For more information, see: <https://ravnopravnost.gov.rs/rs/781-22-inicijativa-za-izmenu-krivicnog-zakonika-zloupotreba-snimaka/>

In addition, an amendment to Article 181 of the **Law on Enforcement of Criminal Sanctions** has also been initiated, by proposing that the Article should impose a duty on the competent authorities to always notify the victim of the release of the convicted person or his escape from prison in cases of gender based and domestic violence, as set forth in the Law on the Prevention of Domestic Violence, regardless of the risk assessment made by the correctional facility.

For more information, see: <https://ravnopravnost.gov.rs/rs/inicijativa-za-izmenu-clana-181-zakona-o-izvršenju-krivichnih-sankcija-ministarstvu-pravde/>

The Commissioner has also called for amendments to the **Law on Public Order and Peace**, specifically Article 3 paragraph 1 item 15, which defines the term “prostitution”, and Article 16, which designates prostitution as a public order offence and provides for its sanctioning.

With the most recent amendments, those who engage in prostitution are treated equally as those who use such services, as the penalties imposed under the law are identical. Available data shows that persons who engage in prostitution are punished “*5 times more frequently than those who use prostitution services*”¹⁷⁹. Those who engage in prostitution in most cases do not do so of their own free will; they are often coerced and/or driven to prostitution because of fraud or poverty. Prostitution is one of the cruellest forms of exploitation and discrimination and is frequently linked with human trafficking and slavery. Sexual

¹⁷⁹In the Name of the Male People: An Analysis of Judicial Convictions for the Misdemeanour Prostitution, Sanja Pavlović and Hristina Cventinčanin Knežević, p. 102

exploitation, as one of the cruellest forms of human rights violations, is directly correlated with gender inequality, and the victims are mostly women. Taking into consideration the CEDAW recommendation concerning deletion of the misdemeanour referred to in Article 16 paragraph 1 of the Law, the Commissioner noted it was necessary to delete the first offence referred to in the said Article, “engaging in prostitution”, while keeping in place the sanctions for the use of prostitution services and for granting the use of premises for prostitution purposes.

Drawing on Article 52 of the Criminal Code and Article 38 of the Misdemeanours Law, the initiative proposes considering the possibility of sentencing perpetrators to community service as an ancillary penalty. It also explains that community service cannot be ordered without the perpetrator’s consent, because it would constitute a violation of the international documents which prohibit forced labour, as well the ILO Abolition of Forced Labour Convention (No. 105)¹⁸⁰, which Serbia has ratified. Since the initiative focuses on those who use prostitution services, it will also be necessary to change definition of the term *prostitution*, so that it includes the act of using such service. After the amendments to the Law on Public Order and Peace, the Commissioner noted it was also necessary to consider amending the provisions of the Criminal Code, which currently penalises intermediation in prostitution, as well as promoting and advertising of prostitution, under Article 184. The Criminal Code should also contain provisions that would penalise the procurement of sexual services and the granting of use of premises to a minor for prostitution purposes, which is currently regulated only by the Law on Public Order and Peace and is prosecuted as a misdemeanour. In parallel with this step and the proposed amendments to the relevant laws, it will be necessary to consider possible ways of providing long-term support and empowering women who wish to leave prostitution. This was also a recommendation made by CEDAW to Serbia: “provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution”.

For more information, see: <https://ravnopravnost.gov.rs/inicijativa-za-izmenu-i-dopunu-zakona-o-javnom-red-u-i-miru/>

According to the *Analysis of Media Reporting on the Issue of Violence against Women for the period from 2019 to 2021*¹⁸¹, progress has been made in the media coverage of this topic, specifically regarding details that justify the act of violence with external factors or the perpetrator’s personal characteristics (poverty, unemployment, alcoholism). On the other hand, many media reports still disclose the identity of the survivors and her family members (50% of all reports in 2019 and 40% of all reports in 2021).

In connection with various cases of discriminatory attitudes, perpetuation of stereotypes of prejudice and violence against women, the Commissioner also reacted by issuing warnings and public announcements, underscoring that public figures have particular responsibility for the statements they make in public, in view of the fact that 2022 was another year marked by sexism, misogyny and discriminatory attitudes.

¹⁸⁰ Official Gazette of FRY - International Treaties No. 13/02

¹⁸¹ *Analysis of Media Reporting on the Issue of Violence against Women for the period from 2019 to 2021, Female Journalists against Violence against Women Group*, available at: <https://serbia.un.org/sites/default/files/2022-07/Analiza-medijiskog-izvestavanja-o-problemu-nasilja-prema-zenama-od-2019-do-2021.pdf>

WARNING:

In connection with a banner posted on the N1 portal, which purported there was a link between the number of victims and the ten years of the current ruling majority, the Commissioner issued a warning which stated it was inadmissible to put alarming figures about the number of women murdered in domestic violence in a political context and noted it constituted relativisation of the crimes and the victims. Violence against women is one of the gravest problems all societies, including Serbian, have been facing for decades, and it requires thorough changes in the deep-rooted patriarchal behavioural patterns. Associating the number of victims with daily politics or any political party trivialises the problem and does not contribute to its solving.

In connection with gender-based disparagement and insults, the Commissioner issued a recommendation of measures to the Ethics Commission and the Committee on Administrative, Budgetary, Mandate and Immunity Issues of the National Assembly, which stated *inter alia* that, although members of parliament are protected by immunity, as elected representatives of the citizens they bear a special kind of responsibility, to which they are also bound by the Code of Conduct for Members of Parliament, adopted in 2021 pursuant to an initiative submitted by the Commissioner. The recommendation stated it was paramount for the National Assembly to take all available measures to promote tolerance and understanding and prevent speech and behaviour which aims to offend the dignity of persons on the basis of any personal characteristic referred to in the law.¹⁸²



Disparagement of women and insults directed at them are also frequent in the modern communication channels, which have been expanding rapidly with the advancement of ICT tools. These networks have become platforms for making anonymous claims that are not necessarily true, but can nevertheless simply and easily find their way to an increasing number of users and are difficult to take down once posted on these

communication channels. The role of the media in shaping public opinion and educating the public was the topic of a conference on ethical reporting on violence against women in the online sphere, which provided an opportunity to present the *Handbook on Ethical and Non-Discriminatory Reporting on Violence against Women in the Online Sphere*¹⁸³, intended for journalists and editors of online media outlets and all those who wish to improve their knowledge and skills of reporting on socially sensitive topics.


WARNING:

In connection with the posting of unacceptable content on social networks, which targeted member of parliament Staša Stojanović in the most offensive terms, the Commissioner issued a warning which condemned such violence in the strongest possible terms and indicated this was one more instance of degrading and insulting women and perpetrating the sexist stereotypes according to

¹⁸²For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-narodnoj-skupstini-2/>

¹⁸³ *Handbook on Ethical and Non-Discriminatory Reporting on Violence against Women in the Online Sphere*, Dr. Kosana Beker, Vesna Dobrosavljević and Sanja Radivojević, 2022, available at: <https://eca.unwomen.org/sites/default/files/2023-02/01-prirucnik-za-eticko-i-nediskriminatorno-izvestavanje-o-nasilju-prema-zenama-u-online-sferi-ethical-and-non-discriminative-reporting-about-VAWG.pdf>

which women in positions of power cannot have any professional competences and have climbed the ladder based on their physical appearance.¹⁸⁴

 In the procedure pursuant to a complaint filed by the Lawyers' Committee for Human Rights against a radio station, the Commissioner found the respondent had committed a breach of rights, because its hosts, while reading the replies of their listeners made in a poll entitled "What would you do if you were invisible?" and commenting on them, discriminated against women, specifically those women who had survived sexual and gender-based violence. The radio hosts used degrading and offensive comments aimed at women in their speech and supported and relativised sexual violence against women through their reaction. As the recording was taken down, the Commissioner recommended that the radio should familiarise its employees with the Commissioner's opinion and ensure that it complies with the antidiscrimination legislation in the future. The recommendation has been complied with.

For more information, see: <https://ravnopravnost.gov.rs/713-2021-misljenje-sa-preporukom-zbog-diskriminacije-na-osnovu-pola-u-oblasti-javnog-informisanja-i-medija/>

The fact that stereotypes are widespread is supported by the results of a survey which included 18 universities in the region¹⁸⁵ and show there were significant statistical differences between genders regarding the statement that beauty and appearance are generally more appreciated in women than their intelligence and ability. Significantly more women than men included in the sample who agree or partly agree with this statement (78.4% vs. 60.2%).



Investigating and combating violence, and other forms of unacceptable online behaviour is the subject of the large-scale national campaign launched by the Commissioner during the year in cooperation with the UNFPA: *Bodyright - Your Body is Yours! Both on the Internet and in the Real World!*, which aims to raise awareness of gender-based violence perpetrated through the use of technology and the need for a strong

response to it. According to survey results, one in four girls in Serbia reported being stalked or sexually harassed on social networks, and young women are also the primary target of pornographic content and suffer widespread gender-based technological violence and its consequences. Sexual and reproductive health are vital, especially for the young, who most frequently face these problems, but lack sufficient information on all issues or often obtain incorrect or unverified information on the Internet and on social networks, which is a clear indication that there is a scope for reviewing the education system and adopting a much more open approach to this important matter, in at education institutions at all levels, at medical centres and at youth clubs. The *Glossary of Gender-Based Violence Committed by Means of Technology*¹⁸⁶ was also compiled during this period; it describes each form of violence, defines it and illustrates it with a real-life example to ensure it will be recognised, and also to highlight

¹⁸⁴ For more information, see: <https://ravnopravnost.gov.rs/upozorenje-za-javnost-2/>

¹⁸⁵ *Challenges of Integrating Gender Equality in University Community: Against Gender-Based Violence*, TPO Foundation, 2022, available at:

https://www.uns.ac.rs/images/doc/rodnaRavnopravnost/Izazovi_integrisanja_rodne_ravnopravnosti_u_univerzitetskoj_zajednici_2022-UNIGEM.pdf

¹⁸⁶ *Glossary of Gender-Based Violence Committed by Means of Technology*, by Hristina Cvetičanin Knežević, available at: <https://serbia.unfpa.org/sr/publications/pojmovnik-rodno-zasnovanog-nasilja-posredstvom-tehnologije>

the real threat of gender-based violence committed by means of technology for the lives of all persons, including in particular women, young women and girls.

The right to bodily integrity and physical, mental and moral development was one of the global issues in 2022. These rights are closely linked to the issue of women's right to independently decide on childbearing and the issue of pregnancy termination for both non-medical and medical reasons. The decisions of Polish and US courts to outlaw abortion were met worldwide with strong reactions, condemnation and warnings about reversal of human rights that had been won a long time ago, which gave rise to concerns and fear about the influence of those decisions and negative outcomes in other countries, including ours. Commenting on the decision which outlawed abortion in the United States, the President of Serbia said he would not endorse a ban on abortion, claiming that abortion was a women's right and the laws of the Republic of Serbia were clear on the right of abortion and there were no plans to amend them in any respect. The right to abortion is one of the greatest civilisational rights that have been won by women with regard to their bodily integrity and autonomy.

WARNING:

The Commissioner warned that the initiative to outlaw abortion was worrying and dangerous, in particular given that the debate had spread from websites and social networks to the general public. These efforts directly contravene the Constitution of the Republic of Serbia, as Article 63 provides that everyone shall have the freedom to decide whether they shall procreate or not, while Article 5 of the Family Law provides that women are free to decide whether to procreate. The right to abortion is a civilisational achievement and reproductive rights and freedoms are among the universal and inalienable human rights. The focus and attention of the society as a whole should be on raising awareness and improving knowledge of sexual and reproductive health of both women and men, and of children and youth in particular¹⁸⁷

The achievement of gender equality is also greatly influenced by the level of women's political participation. Although Serbia made significant progress in this regard, especially with the introduction of quotas for the election of members of parliament, women remain insufficiently involved in public and political life and are still relatively underrepresented in the executive branch and in positions of highest authority in local governments, especially women from certain social backgrounds. There are still fewer women than men running for election and they are less likely to be elected to certain administrative posts. To review progress in this regard, the Commissioner compiles regular annual *Analyses of Women's Participation in Public and Political Life*, which are covered in detail in previous sections of this Report. Representation of women in politics concerns not only their numbers, but also their full participation and promotion of the concept of gender equality in public policies.

¹⁸⁷For more information, see: <http://ravnopravnost.gov.rs/rs/upozorenje-za-javnost-pravo-na-abortus-je-civilizacijsko-dostignuce/>



At the conference entitled *Empowered Women: Changing our Communities!*, which the Commissioner organised to mark the International Women's Day, the Commissioner underscored that the voice of women in politics, in legislature and the executive branch, as well as in other positions of power, was paramount in order to properly address the issues and encourage women to take greater part in public and business life.

Just because good results were achieved once, that does not guarantee that equality will remain at the same level in the future. In view of the fact that the previous Government had ranked 10th in Europe in terms of representation of women and also achieved the highest level of women's participation of all previous Governments of the Republic of Serbia, after the completion of the 2022 election cycle the Commissioner issued a recommendation of measures to the mandatary for the new Government, Ana Brnabić, advising her to use her powers in the formation of the new Government in order to achieve gender balance, both in terms of the Government's composition and in terms of the allocated departments.¹⁸⁸

Unfortunately, in the current Government, women head only nine of the 28 departments in total, while at the local level women lead only 22 cities and municipalities (according to the results of the aforementioned *Analysis of Women's Participation in Public and Political Life* prepared by the Commissioner). This decline in the share of women can be attributed to the fact that not all political parties observed the prescribed percentages of participation for the underrepresented sex.

An illustrative example of unequal representation of women in local communities is provided by the findings of a survey on participation of women in local communities¹⁸⁹ which show that e.g. in Kraljevo, there are 63 men and just five women among chairpersons of local community councils, while in Trstenik the ratio is 38 men to two women. It is noteworthy that there are as many as 106 men and just seven women among the chairpersons of local community councils in these two local self-governments, which means that, on average, there is one local community headed by a women for every 15 local communities headed by men. On the other hand, representation of older women is extremely low across all levels of government, which was an issue highlighted in 2022 by numerous organisations protecting the rights of the elderly, for example Amity.

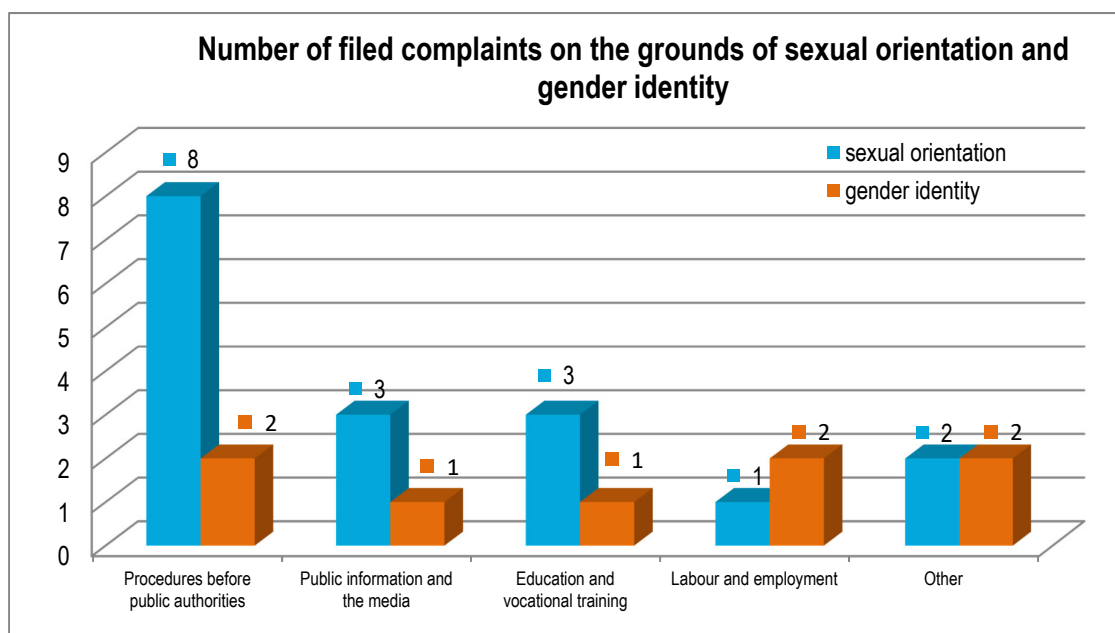
Relevant recommendations are issued based on the overview of the situation and the issues in the exercise of equality and the protection against discrimination on the grounds of sex and marital and family status, which are provided in the summary of this Report.

¹⁸⁸For more information, see: <http://ravnopravnost.gov.rs/preporuka-mera-mandataru-za-sastav-vlade/>

¹⁸⁹Survey on Women's Participation in Local Community Councils in the Territory of the City of Kraljevo and the Municipality of Trstenik, European Movement in Serbia – Kraljevo, 2022, https://www.emins.org/wp-content/uploads/2022/07/Istrazivanje_april-maj_2022.pdf

Discrimination on the Grounds of Sexual Orientation and Gender Identity

In 2022, the Commissioner did not receive a significant number complaints on the grounds of sexual orientation and gender identity as a personal characteristics (17 on the grounds of sexual orientation and 8 on the grounds of gender identity), in a continuation of the trend observed in previous years (15 on the grounds of sexual orientation and 8 on the grounds of gender identity in 2021). Some of the complaints alleged discrimination in both grounds. The complaints were usually filed by natural persons, mostly men, with few complaints filed by civil society organisations. Although the number of complaints did not increase from the preceding year, considering the position of LGBTI persons, as well as the fact that part of the year was marked by developments concerning the EuroPride event, discrimination on these grounds is addressed in detail in this part of the report.



The areas to which the complaints filed on these grounds most frequently pertained include acting by public authorities and labour and employment, while the number of complaints filed in the area of public information was lower than in previous years.

Some of the observed instances of progress:

- A number of trainings was held for employees at public authorities, with emphasis on sensitisation to the position of LGBTI persons in the society;
- More frequent application of Article 54a of the Criminal Code when characterising a hate-motivated criminal offence;
- All supporting events of the Pride Week were held as scheduled;
- Greater willingness on behalf of public authorities and more frequent communication with the Commissioner to ensure positive resolution of applications filed by transgendered and transsexual persons for name change or change of sex designation and issuing of diplomas/certificates containing the new information.

Among the key issues are the following:

- Formal ban on gathering for the participants of the EuroPride event;
- Lack of a comprehensive legal arrangement that would regulate the status of transgendered and transsexual persons with regard to proper application of the regulations when issuing diplomas in education, certificates, identity documents and other aspects of legal transition that affect the exercise of rights in the field of labour and employment, as well as other important areas of social life;
- No law has been passed to regulate same-sex partnership and the property and other relations that *de facto* exist in such unions;
- Violence, social distance, homophobic and discriminatory statements promoting discrimination against the LGBTI population.

Regarding the position of the LGBTI population, 2022 was also marked by events surrounding the organisation of EuroPride 2022 in Belgrade, which was scheduled to take place from 12 to 18 September. The fact is that, since the first Pride Parade in 2001, which was interrupted because of assaults on the participants, through the event held in 2010, which saw serious violence, with more than 100 persons injured, and was the reason for cancelling the Pride Parades for the next three years, Pride events have been successfully held in Belgrade since 2014. In 2019 the Republic of Serbia applied and, with a letter of endorsement from the Serbian Prime Minister, was chosen to host the EuroPride event. This event could have been an opportunity to publicly demonstrate progress regarding respect for human rights of the LGBTI+ community and the right to equality in general. Unfortunately, this event unnecessarily shifted the focus of the issue of human rights of LGBTI+ persons to the domain of daily politics, indeed even geopolitics. In the months leading up to the EuroPride, public discourse was rife with hostile attitudes and ideas condoning discrimination and stigmatisation of members of the LGBTI+ community on websites, online and on social networks, as well as on other platforms accessible to large numbers of citizens, although the insistence on sexual orientation was often completely irrelevant with regard to the subject matter. Clearly, preparations for this event should have begun much earlier, especially since LGBTI persons are among the most discriminated social groups and there is a huge social distance between the general public and them, which is borne out by the findings of various surveys, including in particular the Commissioner's regular surveys *Attitude of Citizens towards Discrimination in Serbia*. The same holds true of the work of government authorities and the measures that should have been taken since the candidacy of Belgrade to host the EuroPride event in Serbia was accepted in 2019.



Following an invitation issued by the Commissioner to the organisers of the event, a meeting was held at the offices of this authority, in which the Commissioner demonstrated her willingness to become actively involved and support the event within her powers. In this context, the Commissioner immediately issued a recommendation of measures to the competent authorities, namely the Ministry of the Interior, the Ministry of Human and Minority Rights and Social Dialogue, the Prime Minister and the City of Belgrade.

The recommendation urged the Ministry of the Interior, the Ministry of Human and Minority Rights and Social Dialogue, the Prime Minister and the City of Belgrade to undertake measures within their mandate, in cooperation with the organisers of the event, to ensure the event can take place safely and in the spirit of tolerance, promotion of diversity and equality, especially as the Pride event is one of the ways to draw public attention to the problems faced by members of the LGBTI community and a call for joint action to address those problems.

For more information, see: <https://ravnopravnost.gov.rs/rs/preporuka-mera-vladi-republike-srbije-europride-2022/>

In connection with the recommendation, the Ministry of the Interior notified the Commissioner that, in order to ensure the event takes place safely and without hindrances, representatives of the Ministry had attended meetings in the offices of the Government of the Republic of Serbia and the Police Directorate for the City of Belgrade, together with representatives of other ministries, the Secretary General of the Government and representatives of the event organiser. They further stated that the participants in those meetings had discussed preparations for the event and the activities planned by the participants and suggested ways of addressing any potential challenges that might pose threats to the safety of EuroPride participants. It was noted in particular that the Ministry of the Interior would cooperate with other competent authorities of the Republic of Serbia to undertake all measures and actions in accordance with the law and their mandate to ensure the event, as an event of importance for the Republic of Serbia, could take place safely.

The public was confused by the vague and often contradictory information that could be heard during the preparation period from representatives of the relevant institutions, as well as from the organisers of the event. Thus, the public heard contradictory messages coming from the competent authorities, and also from the organisers: on the one hand, it was claimed that the preparations were underway in cooperation with the competent institution, i.e. the Prime Minister's Cabinet, while on the other hand there were reports of complaints and security risks (with references to the tragic events in Oslo and the cancellation of the Pride event in that city because two persons had been killed and 21 injured in a mass shooting in front of a bar popular with the LGBT+ community).

Some of the organisers claimed that everything was in order, that talks about the organisation of the march were underway and that there was a possibility that, in agreement with the Prime Minister's Cabinet, the route of the march could be altered, while another group of those involved in the organisation claimed that, if the ban were indeed to be imposed, they would take to the streets and would remain undeterred in their fight for the exercise of the rights of LGBTI persons.

It remained uncertain whether EuroPride would actually go ahead until the very last moment, while the final ban on the march as part of this event and the family march organised by "antiglobalists" came after the decision of the Ministry of the Interior (dated 13 September), which stated that a security risk assessment had shown there could be attacks and conflicts, destruction of property and other forms of large-scale public disorders.

In this context, it is important to recall the decisions passed earlier by the Constitutional Court in connection with the banned Pride Parades, in which the Court held such bans to be unconstitutional and a violation of the constitutionally guaranteed rights of freedom of association, legal remedy and judicial protection. Although the Constitutional Court did not hold this to be an act of discrimination, because other events scheduled to take place

simultaneously had also been banned, it was determined beyond dispute that those instances constituted violations of the Constitution and the constitutionally guaranteed rights. Notwithstanding these prior decisions of the Constitutional Court, the march was formally banned. All these developments surrounding the EuroPride event cast a long shadow over the respect for and exercise of fundamental human rights, and there was no clear and unambiguous message that discrimination against LGBTI persons would not be tolerated.

During the EuroPride event, the Commissioner also reacted by issuing warnings.

WARNING concerning a statement by Nikanor, Bishop of Banat:

“Expressing opinions and ideas that incite hatred and violence against members of the LGBTI community and offend the dignity of any person on the basis of their origin or national affiliation is unacceptable and prohibited by law, the Commissioner said, noting she found it difficult to understand, notwithstanding the dogmas and the canonical rules, how such dangerous words could come from a man whose calling is, among other things, to spread tolerance and understanding.

With all due respect for the autonomy of the Serbian Orthodox Church and other religious communities and the religious feelings of Serbian citizens, speeches by church dignitaries should remain confined to matters of religion and should not foray into the attainments of democratic societies, of which a key one is respect for human rights and freedoms.

Adding to the gravity of the situation is the fact that the speech was delivered by a high-ranking church dignitary, whose words have added weight and influence public opinion, which makes the duty to refrain from hate speech all the more imperative. By respecting other person’s differences, we also demonstrate how much we respect ourselves and everything we fight for and stand for.”

In view of the discriminatory speech which was rife in the public space in connection with the EuroPride event, in 2022 the Commissioner filed a strategic lawsuit against it. Namely, the Commissioner filed a lawsuit for protection against discrimination over a discriminatory statement made during a television appearance on a programme discussing the announced hosting of the EuroPride event. The Commissioner stated in the lawsuit that the defendant had made the discriminatory statement at a time of increased social tensions, while marches and protest against the EuroPride event were taking place in the streets of Belgrade, thus contributing to deepening of the gap and hostility towards LGBTI persons in a section of the majority population and further entrenching the prejudice which was deeply rooted in the society. In addition, in 2022 the Higher Court of Belgrade passed a ruling in a strategic lawsuit filed by the Commissioner by which it terminated the proceeding against a professor at the University School of Medicine for discrimination against LGBTI persons, because the defendant had passed away. Criminal charges were also filed against two police officers on the grounds of reasonable suspicion that they had physically and mentally tortured a person because of his sexual orientation. These issues are discussed in more detail in the previous section of this Report. Also, in 2022 a procedure pursuant to a complaint filed on the grounds of this personal characteristic was closed through mediation for the first time, which was a major step forward compared to previous years.

In connection with the EuroPride event, the Commissioner also pointed out that issues faced by members of the LGBT+ community should not be discussed only during the pride week, but throughout the year. She noted offensive words had been heard from the Church and from persons who should, by their very nature, promote peace and understanding, and said she

struggled to understand how any of it was a threat to our identity and our family. She said we should ask ourselves in the wake of these events what had happened in our society that could lead to such lack of understanding, why there was so much tension, which she said was an issue worthy of analysis by prominent experts and the academic community. On several occasions during this period, the Commissioner reiterated positions in her media appearances that contributed to understanding the position of the LGBTI community and the importance and relevance of hosting this event in Belgrade.



Serbian Commissioner, was also attended by the equality commissioners of Albania, Montenegro and Slovenia, as already discussed in this Report.

She also attended the official opening of the event, namely the hoisting of the flag in front of Palace Serbia, as well as all supporting events, together with her associates from the Commissioner's Professional Service. The International Human Rights Conference held during the Pride Week included a dedicated panel discussion on the topic "Regional Experiences concerning the Position of LGBTI Persons", which, in addition to the




Ahead of EuroPride, the Commissioner met with the EU Equality Commissioner Helena Dalli to discuss, among other things, the discrimination faced by members of the LGBTI+ community, respect for diversity and standards in the field of human rights protection and the importance of equality, all of which are values shared by all European societies and crucial for Serbia's EU accession process. It was noted that the society

had matured to an extent and there was a willingness to talk about the problems faced by the LGBTI+ community, but homophobia and transphobia unfortunately remained deeply rooted, which underscores the importance of the fight for human rights and of continual efforts to inform, promote tolerance and constantly educate. The EU Equality Commissioner underscored the huge contribution and role of equality institutions dedicated to strengthening human rights, the rule of law and further development of a democratic and tolerant society.

The Commissioner also held a two-day training for members of the media on the concept and forms of discrimination and hate speech, with a special emphasis on the threats faced by LGBTI persons, through the Council of Europe project "Promotion of Diversity and Equality in Serbia", which is part of the Horizontal Facility for the Western Balkans and Turkey 2019-2022. The goal of this training was to inform members of the media as extensively as possible, so that media reports no longer serve as sources for perpetuation of negative attitudes, stereotypes and prejudice against our citizens who are members of the LGBTI community, which numerous reports and surveys have identified as one of the most discriminated groups, and one in relation to which there is a strong social distance.

Opinions which found discrimination had taken place were also issued during the year, prompted by discourse in the public space which offended dignity and incited degrading public opinion of LGBTI persons.

 A complaint filed against Sulejman Ugljanin, in connection with his position on same-sex communities, which he had made public at a press conference, when he compared LGBT+ persons to cattle, quoting the words of an unknown person that he would “sell cattle at a discount if it was a cow trying it on with another cow or a bull trying it on with another bull, because no one in the cattle market would want to buy them” and endorsing this view. In this specific case, the Commissioner found a breach of the provisions of the law which prohibit harassment, degrading treatment aiming to hurt or hurting the dignity of a person or a group of persons on the basis of their personal characteristics, in particular if it engenders an intimidating, hostile, degrading, demeaning and offensive environment, and she recommended measures to take this statement down from the YouTube channel, issue a public apology to members of the LGBT population and meet with members of a civil society organisation protecting the rights of LGBT persons so the discriminator could learn about the problems faced by this population and the consequences they suffer from statements that create such an environment. This recommendation has not been complied with.
For more information, see: <https://ravnopravnost.gov.rs/obavestenje-za-javnost-4/>

The Commissioner also issued an opinion that the provisions of the Law on Prohibition of Discrimination had been breached in the procedure against a member of parliament for discrimination on the grounds of sexual orientation, in connection with claims he had made in a morning television programme. The complaint stated *inter alia* that the member of parliament had hurt the dignity of LGBT persons, and transgendered persons in particular, with his statement, because he referred to gender reassignment as “an act of depravity and an unnatural degeneration of the human personality”. The Commissioner recommended that the member of parliament should meet with members of a civil society organisation protecting the rights of LGBT persons so he could learn about the problems faced by this population, and that he should observe the antidiscrimination legislation when making statements in the media in the future. The procedure is pending.

The European Commission dedicated most of the section of the aforementioned Serbia Report 2022 dealing with the rights of LGBTI persons to the EuroPride event in Belgrade. Namely, the Report states that Europride was hosted for a first time in the Western Balkans, after Belgrade had successfully applied in 2019, supported by an endorsement letter of the Prime Minister on behalf of the government. The Report further states that, after a ban, a march via a shorter route finally took place, without major incidents, and that some instances of violence against the participants were reported, although a high number of law enforcement officers protected the march. The period prior to the march was marked by legal and political uncertainty. The communication of the authorities was contradictory, with high level announcements that the march would be banned altogether and a subsequent ban issued by the Ministry of the Interior on the route of the march. The Report further states there were no developments regarding the draft law on same-sex partnerships, nor on the recommendation to regulate legal gender recognition, as already planned in the previous antidiscrimination strategy. Difficulties remain, especially in smaller municipalities, in implementing the amendments to the Law on Birth Registry, which enable data on gender changes to be entered into the registry. Centralised official data on hate crimes broken down by bias motivation is still lacking. Due to lack of trust in institutions, cases of violence and discrimination towards LGBTIQ persons are often unreported. Transgender persons are particularly vulnerable to violence, abuse and

discrimination. Intersex persons remain invisible both socially and legally. The lack of adequate mental health services for LGBTIQ persons became particularly visible during the COVID - 19 pandemic and is still a concern.

The difficult position and the problems faced by transsexual and transgendered persons are noted in a number of reports and the results of numerous surveys. The discrimination suffered by transgendered persons in Serbia, and worldwide as well, is in part also due to the unjustified classification of transgenderism as a mental disorder, which persisted for many decades. However, the World Health Organisation has depathologised transgenderism and it is now considered a condition, rather than a disease, which should be accepted and applied by health care professionals and social workers in particular. In Serbia there is no education for health care professionals that would prepare them for work with transgendered persons, and this insufficient level of training often leads to discrimination in the provision of health care services that are unrelated to the process of gender reassignment, as well as other issues concerning access to health care for transgendered persons (48% of transgendered persons included in a survey stated they had experienced unpleasant situations when seeking medical services because of their gender identity).¹⁹⁰ Transgendered persons undergo some or all of the three stages of transitioning: social, medical and legal. Each stage is conditional upon the successful completion of the previous one, i.e. it is impossible to reach the surgery stage unless a year has elapsed since the administration of hormonal therapy (the endocrine stage), which in turn cannot be accessed without a preliminary psychiatric evaluation and a certificate of “readiness” for the next stage. A specific aspect of the surgery stage is that the cost will not be covered by the National Health Insurance Fund unless a certificate of “readiness” for surgery has been issued by two different psychiatrist and the only state endocrinologist who works with all transgendered persons in Serbia. Trans-specific protection in Serbia is strictly centralised and effectively available only to persons who live in the capital, where all institutions necessary for medical transitioning are located.¹⁹¹

Transsexual and transgendered persons (those whose gender and sex do not match) experience numerous problems, such as rejection, violence and discrimination; however, most of these problems are associated with the lack of clear procedures for the issuing of identity documents. Due to the mismatch between the visible signs of the gender of a person who has begun transitioning and the data stated in identity documents, the ability to exercise rights in the fields of labour and employment, education, social welfare and health care, as well as various common activities – staying in public spaces, socialisation, travel – is significantly curtailed or even completely inaccessible until the completion of the time-consuming, complicated and essentially legally unregulated process of changing such data.

In January 2019, amendments to the Law on Civil Registries came into force, under which it became possible to register sex change in civil registry certificates. The Bylaw on the Manner of Issuing and Form of the Certificate by Competent Medical Institutions of Sex Change¹⁹², which regulates the determination of the time of “sex change” and lays down the documentation a person needs to present in order to legally change the sex designation in

¹⁹⁰From *Pathologizing to Support: Contributions to and Issues of Depathologizing Transgendered Identities in International Disease Classification (IDC)*, Talas Kolektiv TIGV, Belgrade, 2022, available at: https://talastirv.files.wordpress.com/2023/01/publication_od-partologizacije-do-podrske_final-1.pdf

¹⁹¹From *Pathologizing to Support: Contributions to and Issues of Depathologizing Transgendered Identities in International Disease Classification*, p. 47

¹⁹²Official Gazette of the Republic of Serbia No. 103/18

identity documents. Although this Bylaw has been in effect since 2019. In practice different civil registry services interpret it and act differently.

In this context, the Commissioner issued a recommendation of measures in late 2021 to all civil registry services of local self-governments, advising them that, when applying regulations in the procedure of changing the sex designation in the register of births, they should take into account that the right to change the sex designation in accordance with the law can be exercised both by 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. As certain local self-governments, citizens, as well as civil society organisations, continued seeking the Commissioner's guidance on this issue in 2022, the Commissioner held a training in Niš during the year entitled "No more Civil Registry Worries for Transgendered Persons – Working Together to improve Civil Registry Services for Transgendered Persons in Serbia", which was attended by more than 20 employees of civil registry services. In addition, a meeting on this issue was held with representatives of civil registry services and the Ministry of Family Welfare and Demography, which was also attended by representatives of civil society organisations. It was agreed in the meeting that the Ministry would submit to the Commissioner drafts of legislative amendments which should enable transgendered persons to register their name change without any hindrance.

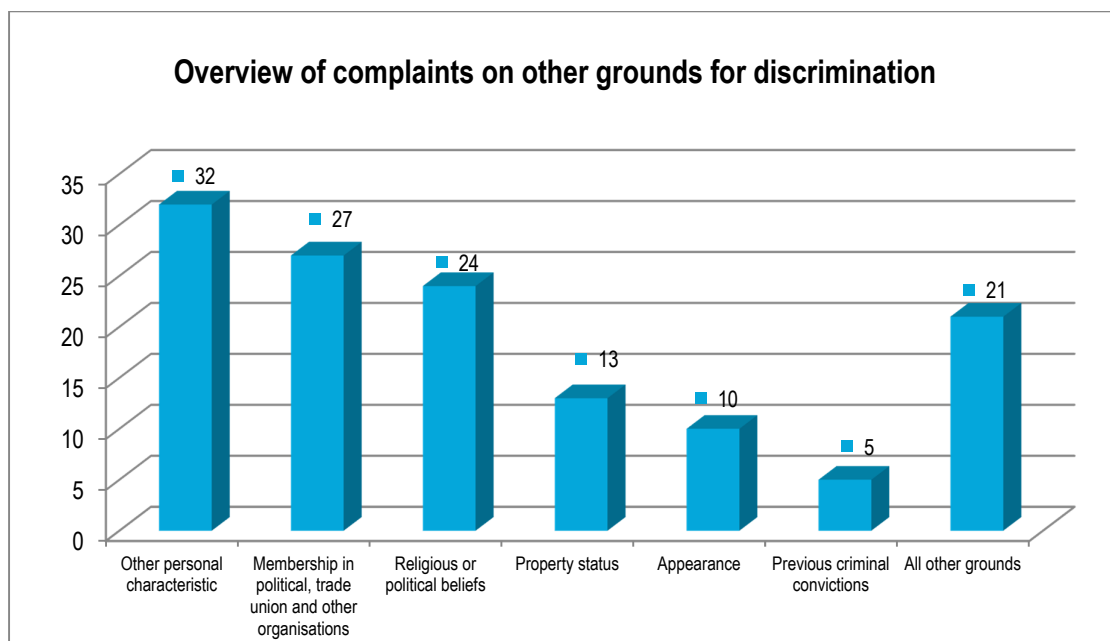
During the year, the Commissioner took part in the preparation of the brochure entitled *Discrimination against LGBTI Persons in the Labour Market*, which explains the concept and manifestations, with an emphasis on discrimination on the grounds of sexual orientation, sex, gender and gender identity and with specific clarifications concerning discrimination in the field of labour and employment.

There have also been positive examples. Large companies such as Cockta, Coca-Cola and IKEA often set good practice examples with regard to acceptance of diversity and the rights of the LGBT community. Thus, last year IKEA marked the International Day Against Homophobia, Biphobia and Transphobia, which is observed on the 17th of May, by launching its campaign "*Love is always welcome*", raising a rainbow flag in front of its department store in Belgrade and encouraging its customers and the general public to share on social networks a symbolic sign reading "Welcome!" available on the company's website, and thus demonstrate their solidarity with the LGBT+. Also, IKEA set aside a portion of its income for the organisation "Da se zna", which provides legal and psychological support to the LGBT+ community, and announced it would support EuroPride in Belgrade.

The campaign "Block the hatred. Share the love" was implemented in many countries of the region and its main objective was to combat hate speech. This campaign is implemented under the project "Promotion of Diversity and Equality in Serbia", within the framework of the Horizontal Facility for the Western Balkans and Turkey 2019-2022, a joint programme of the European Union and the Council of Europe implemented by the CoE Directorate of Anti-discrimination. Apart from the Commissioner, public figures also took part in the campaign as ambassadors in the fight against hate speech.

Complaints concerning Other Personal Characteristics

Individual personal characteristics presented in the previous section of this Report accounted for the highest number of filed complaints, while other personal characteristic accounted for fewer complaints. Thus, complaints on the grounds of other personal characteristic were the next most common group of complaints (32). Complaints on these grounds include those personal characteristics that are not explicitly referred to in the Law on Prohibition of Discrimination (asylee, refugee or IDP status, place of residence). The next group in terms of frequency are complaints stating membership in political, trade union and other organisations (27), religious or political beliefs (24), sexual orientation (17), property status (13), appearance (10), gender identity (8), previous criminal convictions (5), language (5), followed by far fewer complaints on the grounds of citizenship, ancestry, race and skin colour, birth and genetic characteristics, as shown in the graph below.



It should be noted that the Commissioner in 2022 once again received 183 complaints which alleged discrimination on the grounds of multiple personal characteristics. These were instances of **multiple or intersectional discrimination**, which constitutes a grave form of discrimination, because it has far greater consequences for the victim. It has been observed in the Commissioner's practice that complainants tend to list multiple personal characteristics when they are unsure which personal characteristic was the grounds for discrimination.

In addition to the personal characteristics presented separately in this Report, the Commissioner received 32 complaints on the grounds of **other personal characteristics**. These grounds for discrimination include personal characteristics that are not explicitly referred to in the Law on Prohibition of Discrimination. For example, this group includes complaints which allege discrimination on the grounds of **place of residence** or affiliation with groups such as **migrants, asylees, asylum-seekers, internally displaced persons** etc.

Discrimination against Refugees, Internally Displaced Persons, Migrants and Asylum-seekers

One of the largest global and regional crises, both internationally and in Europe, in recent years is the migrant and refugee crisis, both because of its scope and the associated challenges and because of its implications on the application of international standards in the field of human rights protection. Refugees, internally displaced persons, migrants and asylum-seekers are a vulnerable group of people, frequently exposed to various forms of discrimination, harassing or degrading treatment, hate speech and labour exploitation. Year after year, a not insignificant number of persons are forced to leave their homes due to various reasons, be it because of wars, violence, persecution, violation of human rights or other hardships.

The **World Report 2023**¹⁹³, which covers the state of human rights in the world, states in its section on refugees, asylum-seekers and migrants that Serbia registered 2,653 asylum-seekers by August last year, but the competent authorities only allowed 251 asylum applications. In the same period, Serbia only granted refugee status to two people and subsidiary protection to nine. Temporary protection was granted to 817 people, almost exclusively from Ukraine, which was understandable given the current situation. The Government of the Republic of Serbia passed a decision¹⁹⁴ on 17 March 2022 to facilitate access to its territory and afford temporary protection to all persons arriving from Ukraine, i.e. persons forced to leave Ukraine as their country of origin or habitual residence or who were evacuated from Ukraine and are unable to return to permanent and safe living conditions due to the current prevailing situation in that country.



This global migrant and refugee crisis calls for better and more consistent application of international standards in the field of human rights protection. At a roundtable discussion entitled *Ethical Reporting on*

Refugees, organised by IDEAS, THE UNHCR and the Swiss Embassy, the Commissioner noted that, according to the most recent survey of citizens' attitudes towards discrimination conducted by the Commissioner in 2019, social distance towards migrants is higher than 30%, i.e. this is the share of the population who do not want this social group to reside in Serbia. Such attitudes may be a product of information received from social networks and the traditional media. The term "migrant" has become a common generic term denoting economic and other migrants, but also refugees and asylum-seekers, as well as all persons on the move, although the difference is not merely terminological, but one that determines the different legal status of all those people. They were forced to move by different kinds of misfortunes, different international conventions apply to their circumstances, and consequently also our country has

¹⁹³ *World Report 2023*, Human Rights Watch, available at: <https://www.hrw.org/world-report/2023/country-chapters/serbia/kosovo>

¹⁹⁴ Decision to grant Temporary Protection in the Republic of Serbia to Displaced Persons arriving from Ukraine (*Official Gazette of the Republic of Serbia* No. 36/2022), available at: <https://www.paragraf.rs/propisi/odluka-o-pruzanju-privremene-zastite-raseljenim-licima-koja-dolaze-iz-ukrajine.html>

different obligations towards them under those conventions, as well as under national legislation, the Commissioner said. The roundtable discussion provided an opportunity to present the handbook on ethical reporting on refugees and asylum-seekers entitled *Change the Narrative*, which also highlights the differences in the status and rights of persons on the move and recommends that journalists obtain as detailed information as possible, because proper understanding of the issues which they cover is a prerequisite for professional reporting.

Persons belonging to these groups should be familiarised with their rights and the possibilities they have at their disposal. It is also necessary to ensure the local population and employees in various sectors are well informed, and the media must adopt a responsible approach to the issues faced by migrants, which should be covered without sensationalism and fearmongering, but with a serious examination of security risks, which are certainly an unavoidable aspect of this global issue, which has not bypassed Serbia.

The *European Commission's Serbia Report 2022*¹⁹⁵ states that enhanced inter-institutional cooperation is evidenced in the joint document on needs assessment and planning in the area of mixed migration management and asylum in Serbia for the period 2022-2024, which outlines outcomes related to registration, reception and other proceedings in migration management, while the competent authorities have continued increasing the capacities for the placement of and care for migrants. It is also stated that further improvements were made to the Asylum Office's decision-making, as cases were assessed on the merits of claims. However, the quality of asylum decisions needs to be further improved through sustainable quality assurance mechanisms and harmonisation of the decision making process to ensure similar outcomes in similar cases. The length of the procedure should be shortened, while additional capacity building for the Asylum Commission and the specialisation of judges in the Administrative Court could improve legal certainty. There is no state funded free legal aid in the asylum procedure.

Similarly as in previous years, few complaints were filed on these grounds, and when such complaints were filed, this was usually done by civil society organisations on behalf of a natural person or a group of persons. Due to their difficult situation, the language barrier and past traumatic experiences in their country of origin and other countries through which they passed on their way to Serbia, natural persons who believe they have been discriminated against do not seek or only rarely seek protection against discrimination from government authorities. Although the number of complaints filed with the Commissioner during the year is small, they nevertheless highlight certain issues faced by this population, which also frequently affect the general population as well. It is therefore hardly surprising that most of these complaints



concerned the areas of labour and employment, provision of services etc. Thus, for example, the Commissioner received a complaint from the Belgrade Centre for Human Rights against a Youth Cooperative because it had not enabled the registration of a minor who had been granted subsidiary protection for the purpose of work, stating they did not admit asylees as members or provide them with employment. The

¹⁹⁵ *Serbia Report 2022*, p. 65-69

Commissioner issued an opinion stating the Youth Cooperative had breached the provisions of the Law on Prohibition of Discrimination. The Cooperative was advised to reconsider the complainant's application and, if it finds his application to be formally deficient in any way, to instruct him how to meet the required formal requirements for membership, through an inclusive approach and treatment equal to those afforded to Serbian citizens, and to refrain from breaching the antidiscrimination legislation in the future. This recommendation has been complied with. After this case from the Commissioner's practice, the civil society organisation in question conducted a situation testing, which it reported to the Commissioner, as already discussed in the previous section of this Report. Also, in 2022 the Magistrates' Court in Belgrade passed a judgement against the owner of a hostel in Belgrade in which it found the defendant guilty of discrimination for rejection to provide accommodation services to asylees/asylum seekers due to their personal characteristics.

Prompted by the need to ensure this group of people is better informed, the Commissioner held a training during the year for the refugees/asylum seekers/persons granted shelter in Serbia. The attendees were introduced to the legal and institutional framework for the protection against discrimination, the procedure before the Commissioner and the manner of filing complaints, which they can also file in English. A representative of the Commissioner learned first-hand about the challenges faced by these persons and the situations in which they believed they had been discriminated against.



The regional survey *Wherever We Go, Someone Does Us Harm*¹⁹⁶, conducted among migrant and refugee children traveling to Europe along the Balkan route, was also published in 2022. The survey speaks of the difficult position of the children and the violence they have suffered, usually in their countries of origin, along the route, when crossing borders, at shelters and asylum centres, in squats, in the streets and in the workplace.

The data presented in the *Public Opinion Survey on Citizens' Attitudes towards Refugees/Migrants in Serbia in 2021*¹⁹⁷ conducted by the Belgrade Centre for Human Rights suggest there has been a positive development in citizens' attitudes since the previous survey of 2019. This is supported by some of the results: more than half of Serbia's citizens (56%) would not be opposed to having refugees from Middle Eastern and African countries moving into their neighbourhood (42% in 2019), while as many as 78% of them would accept a child from a Middle Eastern or African refugee family going to school with their child (58% in 2019). It would appear that citizens have also become more tolerant in the workplace, where the

¹⁹⁶*Wherever We Go, Someone Does Us Harm - Violence Against Refugee and Migrant Children Arriving in Europe Through the Balkans, Save the Children*, 2022, available at: <https://resourcecentre.savethechildren.net/pdf/Sazetak-Gde-god-da-idemo-cine-nam-zlo-WEB.pdf/>

¹⁹⁷*Public Opinion Survey on Citizens' Attitudes towards Refugees/Migrants in Serbia in 2021, Belgrade Centre for Human Rights*, January 2022, available at: <https://azil.rs/istrazivanje-javnog-mnjenja-o-stavovima-gradjana-prema-izbeglicamamigrantima-u-srbiji-u-2021-godini/>

share of respondents who would not be opposed to having co-workers from the refugee population increased from 37% in 2019 to 51% in 2021.

The European Commission's *Serbia Report 2022*¹⁹⁸ notes that there are still 196,140 internally displaced persons (IDPs) in Serbia, of whom 68,154 remain vulnerable and with displacement-related needs. There is a need to close the only remaining collective centre in Bujanovac. The related strategy expired in 2020. The Law on permanent and temporary residence needs to be consistently applied to allow Roma IDPs living in informal settlements to obtain registered residence and access to basic socioeconomic rights.

As regards the Commissioner's practice, internally displaced persons still rarely file complaints. Those complaints that are filed come mostly from individuals, while complaints filed by civil society organisations are less common. They mostly complain about problems they face regarding access to employment and the exercise of various entitlements to financial benefits, subsidies etc. One complaint also concerned the difficult position of persons with disabilities from the territory of Kosovo and Metohija. The complainant stated the Law on Professional Rehabilitation and Employment of Persons with Disabilities and the Decree on the Procedure for Obtaining Approval for New Employment and Additional Hiring by Recipients of Public Funds were not applied. The Commissioner asked the Office for Kosovo and Metohija for a reply and the procedure is pending.


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

The number of complaints over discrimination on these grounds filed by individuals, as well as members of trade unions or political organisations, has remained relatively steady in recent years, and most of those complaints pertain to the field of labour and employment. Thus, in 2022 the Commissioner received a total of 27 complaints on the grounds of this personal characteristic, in most cases over discrimination in the field of labour and employment (17), as well as in other fields, including e.g. procedures before public authorities, provision of public services etc. The Commissioner's practice suggests that, with complaints on these grounds, the complainants usually consider they were disadvantaged for being or not being members of a particular trade union or political party and believe they were prevented from exercising a right for that reason. In some cases, they also claimed they were unable to find employment because they were not politically active and were not members of any political party, or were members of a political party that was not in power, and were not welcome because of their different views or opinions. It is not uncommon for citizens to state in their communications that they wish to remain anonymous, that they fear the consequences of reporting the issue or that they are unable to prove they have been discriminated against on the grounds of this personal characteristic, and when there are witnesses who witnessed the situation, those persons are often unwilling to testify.

The fact that it is prohibited to favour anyone or bar them from exercising a right because of their membership in a political, trade union or other organisation is illustrated by a case from the Commissioner's practice, which garnered much attention from the public and the media in 2022. Favouring a person or a group of persons or barring a person or a group of persons and

¹⁹⁸ *Serbia Report 2022*, p. 51-52

those related to them from exercising a right engenders a sense of injustice and rejection and a feeling that the law is not equal for everyone.

 The Commissioner issued an opinion in the procedure pursuant to a complaint filed by parents and Association A11 – Economic and Social Rights Initiative, on behalf and with the consent of the children’s legal representatives, against a preschool facility over discrimination on the grounds of political affiliation. The complaint stated *inter alia* that the children on whose behalf the complaint had been filed had regularly attended the preschool facility in question, that the parents had signed indefinite contracts with the preschool facility, that they had filed applications for enrolment in 2022/2023 and that the parents had been told by telephone in late August 2022 that their children would not be able to stay at the facility where they had been enrolled in previous years and that they had been put on a waiting list. The parents had not received a decision or any other legal document containing a statement of reasons for the refusal to enrol the children in the preschool facility and they claimed they believed the discriminatory conduct was based on the fact that the children’s parents or their family members were Democratic Party members or officials and had taken part in a farmers’ protest which had been depicted as an act of political opposition, because they had criticised the government. The Commissioner found that the children on whose behalf the complaint was filed had been deprived of the possibility to enrol in this preschool facility immediately after the political engagement of their parents and/or family members, and there was a cause and effect relationship between this personal characteristic and the acting of the preschool facility in this specific case. The Commissioner issued an opinion that antidiscrimination provisions had been breached and recommended that the preschool facility should rectify the effects of its discriminatory actions and undertake urgent measures and activities to ensure the children on whose behalf the complaint had been made are able to enrol in this facility, to issue a written apology to the parents of the children on whose behalf the complaint had been filed and to ensure it does not breach the antidiscrimination legislation in the future while conducting its regular operations and business activities. This recommendation has not been complied with, of which fact the public has been duly informed in accordance with the law.

For more information, see: <https://ravnopravnost.gov.rs/rs/537-22-prituzba-protiv-predskolske-ustanove-zbog-diskriminacije-po-osnovu-politicke-pripadnosti/>

However, there were also cases that did not involve discrimination, but mobbing or other violations of labour rights, or did not involve any violations of rights at all. This situation suggests that citizens are highly sensitive to the area of labour and employment in particular, which is to be expected. This conclusion is borne out by certain cases from the Commissioner’s practice. Thus, the Commissioner received a complaint against a human resources manager because the complainant believed she had discriminated against him on the grounds of disability and membership in a trade union organisation. The complainant stated he was a person with disabilities and was exempted from working the second shift “by a decision of the Pension and Disability Insurance Fund”, but his manager had assigned him to the second shift “on the orders” of the HR manager. He also alleged the HR manager had “personally” removed him from all committees at his company to which he had been elected as a member of the company’s Independent Trade Union. In her reply to the complaint, the HR manager claimed the complainant had not been exempted from working the second shift pursuant to a decision of the competent authority, while the Employment Contract and the Employer’s Decision on Distribution of Working Hours in the Livestock Farming Department provided for the organisation of work in two shifts, which was a decision made by his manager in accordance with the needs of work organisations. She also contested the allegations made in the complaint that she had “removed” the complainant from all committees “by a decision”. In the course of the procedure it was determined that the complainant had been assigned to

work the second shift under a decision of his manager did not constitute discrimination on the grounds of disability because he had been assigned to perform tasks that matched his determined level of capacity. Furthermore, upon weighing the complainant's allegations that he had been "removed from all committees", the Commissioner found he was still an active member of committees and no decision had been passed to remove him.¹⁹⁹

As regards complaints over discrimination on the grounds of membership in political, trade union or other organisations, the complainants often claim they believe they have also been discriminated against on the grounds of their political or religious beliefs as a personal characteristic. The number of complaints filed on the grounds of **religious or political beliefs** in 2022 was almost identical to last year (24). Just as with membership in political, trade union or other organisation as a personal characteristic, it is not uncommon for such complaints to be anonymous or for the complainant to fail to present all data necessary for conducting the procedure pursuant to the Commissioner's request or to withdraw from the procedure. For example, the Commissioner was contacted by an employee who claimed he was the leader of an opposition group of citizens and had asked of his employer to allow him to attend the company's shareholder meeting, but his request had not been granted. He also claimed his line manager had told him they could not allow him to use his days off or part of his annual holiday etc. for the purpose of exercising his function. Since the communication was not signed and did not contain all data necessary to take action, and the person who had contacted the Commissioner did not provide the requested data, the procedure was terminated. In another complaint, the complainant alleged that unnamed persons had used a fake profile to write in offensive language about members of one political option. However, this complaint, just like the one referred to above, was never supplemented; as we have learned from interviews and oral communications, there is widespread fear of reporting.

In addition to opinions, the Commissioner also issued a number of warnings during the year, both on the institution's official website and on its social network accounts.

WARNING:

At the tail end of the election campaign the Commissioner condemned offensive and sexist characterisation of female politicians, belittlement and insults hurled at members of the LGBT population, offensive comments about the Roma national minority, calls for physical confrontation with political adversaries, as well as damaging of party-political property. The Commissioner underscored it was paramount for all participants in the electoral process to abide by the permitted and appropriate means of political competition, which must not include any discriminatory statements or destruction of anyone's property, such as the stoning of Serbian Progressive Party offices in Čačak.²⁰⁰

We condemn the dissemination of opinions and ideas that incite hatred of political opponents. This is unacceptable and prohibited under the law. Instead of insults and hate speech, political actors should engage in reasoned debates.

Discrimination on Other Grounds with Fewer Received Complaints

¹⁹⁹For more information, see: <https://ravnopravnost.gov.rs/103-22-prituzba-zbog-diskriminacije-u-oblasti-zaposljavanja-ili-na-poslu-na-osnovu-licnog-svojstva-invaliditet-i-sindikalna-pripadnost/>

²⁰⁰For more information, see: <https://ravnopravnost.gov.rs/upozorenje-izborna-kampanja/>

In terms of frequency of other personal characteristics as the alleged grounds for discrimination, the next groups of most common complaints concern property status, appearance, previous criminal convictions and language, followed by fewer complaints on the grounds of citizenship, ancestry, race and skin colour, birth and genetic characteristics, as shown in the graph.

It has already been stated elsewhere in this Report that the number of persons at risk of poverty or social exclusion is not insignificant, while a certain number of inhabitants live below the absolute poverty line. While impoverished citizens are among the groups that are more frequently exposed to discrimination, the number of complaints filed with the Commissioner **on the grounds of property status** remains negligible (13). However, it must be borne in mind that socioeconomically vulnerable persons are not a homogenous group; instead, this group is comprised of persons of different age, national or ethnic affiliation, different health and property status, different marital or family status, different religious and political beliefs etc., and they also file complaints with the Commissioner in connection with those grounds of discrimination, often identifying those as the main reasons why they believe they have been discriminated against. Similarly as in previous years, it has been observed in practice that complaints alleging discrimination on the grounds of property status tend to be filed by natural persons in the field of social welfare or in procedures before public authorities, while the number of complaints filed by civil society organisations was insignificant. Citizens mostly contacted the Commissioner in connection with the exercise of the entitlement to one-off assistance and other welfare payments, or because of disconnected electricity, rescheduling of debt for unpaid utility bills etc. In a number of complaints, the allegedly breached rights were not subject to the Law on Prohibition of Discrimination; these included administrative silence, i.e. failure to act on complaints, incorrect or incomplete finding of facts, shifting of responsibility between public authorities etc. Citizens have complained to the Commissioner, stating they had no income because they had not earned the entitlement to pension and were older than 65, and if they could exercise the right to a free voucher for a subsidised holiday in Serbia would enable them to travel somewhere for the first time and discover their country. Following the Commissioner's initiative, the Decree governing the entitlement to free vouchers was amended, as already discussed in a previous section of this Report. While these complaints serve as illustrations of the situation, most cases of discrimination (presumably also grave ones) do not reach the Commissioner because impoverished citizens often lack the data and information on the possibilities of seeking remedy before the Commissioner, and they also do not recognise breaches of their equality rights because they are preoccupied with daily survival and other problems.

The fight to end poverty is the first Sustainable Development Goal under the UN Sustainable Development Agenda 2030, which pertains to future social and economic development in line with the sustainability principles. In this context, all relevant international documents state that work towards social inclusion of the poor requires sound links between all care systems and improved coordination among all stakeholders, at all levels and across all sectors (social welfare and health care services, education and culture, security, pension and disability insurance, labour market etc.), as well as cooperation with other stakeholders that address poverty issues, including civil society organisations and volunteering organisations. This cooperation should cover all issues concerning poverty, to enable social inclusion, reduce discrimination and further advance equality. In view of this, it is essential that public authorities conduct regulatory impact assessments when enacting regulations in order to determine their

impact on socioeconomically vulnerable persons and on the exercise of the equality principle. The Commissioner therefore issued a recommendation of measures to all ministries and local self-government units, in which he specified what such regulatory impact assessment should comprise, as already discussed in this Report. Given that such assessment will be conducted at the drafting stage of new regulations or public policies, the Commissioner underscored it should contribute to the enactment of sounder regulations, which take into consideration their impact on the most vulnerable persons and groups, both in terms of scope and in terms of contributing to the advancement of their situation.

As regards **previous criminal convictions** as a personal characteristic, the Commissioner has received complaints from citizens who claimed they faced problems after serving their custodial sentences concerning access to financial benefits, employment etc., which made their lives significantly more difficult and prevented them from returning to normal life. This situation makes their resocialisation more difficult and may also lead them to reoffend, which is why it is necessary to put greater efforts into support programmes. Reemployment of former convicts poses a particular challenge. Employers often demand proof of no prior convictions, although this is not allowed under the law. Namely, the Criminal Code provides that information contained in criminal records can only be provided to courts, public prosecutors and the police in connection with a criminal proceeding conducted against a person, to a penal and correctional facility or to an authority involved in the process of granting amnesty, rehabilitation or deciding on legal consequences of a conviction, as well as to guardianship authorities, when necessary for the exercise of duties within their purview. Information contained in criminal records may also be provided to other government authorities, enterprises, other organisations or sole traders, upon a reasoned request. If the legal consequences of the conviction or injunction are still in effect and if there is a justified interest based on the law. Furthermore, no one has the right to demand of citizens to present evidence of their past criminal convictions or absence thereof²⁰¹. The Law on Personal Data Protection has also been harmonised with the Criminal Code on this matter. This state of affairs is corroborated by an example from the Commissioner's practice. Namely, a complaint was filed against an employer because of discrimination on the grounds of previous criminal convictions, which stated that the complainant had been asked, as part of electronic correspondence in connection with concluding an employment contract and entering into an employment relationship, to present a certificate of no prior convictions from the relevant records. In the course of procedure it was found that the company concerned had had the option of requesting a criminal records check in accordance with the Criminal Code, instead of demanding of the complainant to present evidence of no previous criminal convictions. The fact that the complainant withdrew from concluding the employment contract after being asked to present evidence from criminal records is irrelevant in this specific case, since the Law on Prohibition of Discrimination provides that indirect discrimination exist also if a seemingly neutral practice could put a person at a disadvantage because of a personal characteristic. The Commissioner issued an opinion that a breach of rights had occurred and issued a recommendation to the company on how to remedy the breach. This recommendation has been complied with.²⁰²

²⁰¹ Criminal Code (*Official Gazette of the Republic of Serbia* Nos. 85/2005, 88/2005 - corrigendum, 107/2005 - corrigendum, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019), Article 102.

²⁰²For more information, see: <http://ravnopravnost.gov.rs/158-22-prituzba-protiv-poslodavca-zbog-diskriminacije-po-osnovu-osudjivanosti-u-oblasti-zaposljavanja/>

Further evidence of the problems faced by citizens is offered by an example from the Commissioner's practice, in which the complainant filed a complaint against the City Administration for City Authorities and Civil Matters because of discrimination on the grounds of her **place of birth** as a personal characteristic. The complaint stated she had applied for registration of the fact of birth of her child, who had been born in the Federal Republic of Germany, while the City Administration demanded of her to present proof of paid Republic-level administrative fee for registration in the records of citizens of the Republic of Serbia. The complainant stated she believed that, in the case of registration of the fact of birth for children born outside of the Republic of Serbia, the City Administration imposed the duty to pay the Republic-level administrative fee for registration in the records of citizens, whereas the same duty did not apply in the case of children born in the Republic of Serbia. In the course of the procedure it was found that the City Administration had not considered whether the child had been born in the Republic of Serbia and abroad when deciding on the application for registration; instead, it interpreted the application filed with the City Administration as an application subject to the Republic-level administrative fee, regardless of the child's place of birth. Upon analysing the allegations made in the reply by the City Administration, it was determined that the City Administration treated applications for the registration of children born abroad which it received through Serbia's diplomatic and consular missions as applications exempted from the said charge. It was further found that the City Administration had demanded of the complainant to present proof of payment of the Republic-level administrative fee not because of the child's place of birth, but because the application had not been filed *ex officio*. Since the charging of the fee in this specific case was not in a causal relationship with any personal characteristic of the child, the Commissioner issued an opinion that the City Administration had not breached the provisions of the Law on Prohibition of Discrimination.²⁰³

The report *Ten Years of conducting Procedures to determine the Time and Place of Birth 2022*²⁰⁴ states that, after the amendments of the Law on Non-litigious Procedure in 2012, which introduced in Serbia's legal system a new type of procedure for determining the time and place of birth, which provided numerous persons with a simple means of applying for registration in civil registries, tailored to their specific circumstances, in recent years new obstacles have occurred which hinder the normal conduct of these procedures. The report states that the Law on Free Legal Aid deprives non-governmental organisations of the ability to provide free legal aid in any form in judicial proceedings, which resulted in citizens turning to free legal aid services provided by municipalities; however, very few citizens have been able to obtain this aid independently and without difficulties, because almost all of their request were rejected orally, without the passing of a decision.

One of the personal characteristics encountered in the Commissioner's practice is **language**.

²⁰³ <http://ravnopravnost.gov.rs/1034-2021-prituzba-aa-protiv-gu-nis-zbog-diskriminacije-na-osnovu-rodjenja-nije-utvrdjena-diskriminacija/>

²⁰⁴ *Ten Years of conducting Procedures to determine the Time and Place of Birth 2022*, Praxis, available at:

https://www.praxis.org.rs/images/praxis_downloads/Deset_godina_postupka_za_utvrdjivanje_vremena_i_mesta_rođenja.pdf



In a complaint filed by a US citizen temporary residing in Novi Sad against a social work centre over discrimination on the grounds of language, the complainant alleged that the centre had informed him in a letter that “Serbian is the official language and the only working language used at the Marriage and Family Counselling Service”, and that “counselling and psychotherapy cannot be done through a translator”, which was why he was unable to participate in the work of the Counselling Service together with his former *de facto* partner and his underage son. In the course of the procedure it was found that the social work centre had involved the mother – the former *de facto* partner – and his underage son in its counselling and therapy activities, while the complainant had been excluded solely because he did not speak Serbian, which was why the Commissioner’s opinion stated that the provisions of the Law on Prohibition of Discrimination had been breached and the social work centre was advised to allow the complainant to take part in the procedure, notwithstanding the fact that he did not speak Serbian, and to refrain from breaching the antidiscrimination legislation in the future.

For more information, see: <https://ravnopravnost.gov.rs/136-22-prituzba-aa-protiv-centra-za-socijalni-rad-grada-novog-sada-zbog-diskriminacije-na-osnovu-jezika/>

Other personal characteristics have been stated in complaints, although to a significantly lesser extent. Thus, in the procedure pursuant to a complaint filed against the Centre for Basic Police Training of the Ministry of Interior for discrimination on the grounds of **appearance** claimed that the complainant had been rejected in a medical examination because of an “aesthetic deformity”, without an assessment of his competencies or his physical or mental ability. In the course of the procedure, the Ministry of the Interior, which bore the burden of proof, failed to present evidence of an objective reason why the candidate’s visible scar would constitute a hindrance to his professional discharge of law enforcement duties. After the conducted procedure, based on the presented evidence and the facts found, and taking into account that the law explicitly prohibits discrimination against persons undergoing vocational training and professional development, the Commissioner issued an opinion which stated that the Centre for Basic Police Training of the Ministry of Interior had breached the provisions of the Law on Prohibition of Discrimination by unjustifiably excluding the complainant from further selection for police training on the basis of his appearance as a personal characteristic. The Commissioner recommended that the Ministry should rectify the effects of its discriminatory conduct and harmonise its secondary legislation with the antidiscrimination legislation, so that its interpretation of the applicable provisions would not cause discriminatory effects in practice.²⁰⁵

Multiple and Intersectional Discrimination

Discrimination against persons on the grounds of two or more personal characteristics, regardless whether the impact of individual personal characteristics is distinguishable (multiple discrimination) or indistinguishable (intersectional discrimination), is treated under the Law on Prohibition of Discrimination as a grave form of discrimination, because it has greater negative effects for the victim.

²⁰⁵ For more information, see: <https://ravnopravnost.gov.rs/rs/510-22-diskriminacija-po-osnovu-izgleda/>

The Commissioner received 183 complaints which claimed multiple personal characteristics as the grounds for discrimination. However, it should be noted that it has been observed in the Commissioner's practice that complainants tend to list multiple personal characteristics when they are unsure which personal characteristic was the grounds for discrimination. The most frequently claimed grounds of discrimination include sex and marital and family status, age and disability, health status, national affiliation etc. For example, internally displaced Roma men and women from Kosovo and Metohija are among Serbia's poorest citizens and are even disadvantaged in comparison with other members of the Roma population, both because of their poverty and because of their IDP status, or because they do not have a registered temporary/permanent residence address. Given the frequency of complaints filed on the grounds of sex and marital/family status, they are covered together in the previous section of this Report, since multiple discrimination, usually against women, tends to involve these two grounds. Also, this section of the Report provides one of the examples, while certain examples of multiple discrimination are presented elsewhere, as cases of discrimination of several different grounds.



A complaint filed against a primary school stated that the complainant's son had Marfan syndrome, that he had had behavioural changes and that the child's health deteriorated rapidly, all of which had been caused by messages sent to him by other pupils in a Viber group, which contained insults based on his nationality and appearance. The school failed to produce evidence it had undertaken the necessary measures in response to peer violence, in accordance with the law and the general legal documents which are binding on the school in this specific case. The opinion states that, if violence is targeted at or caused by personal characteristic of the person exposed to violence, such violence also constitutes discrimination. It was recommended that the school should undertake measures and activities in accordance with the law and the applicable general legal documents according to the estimated level of violence, in order to: intervene and eliminate all forms of discriminatory conduct; organise training for the school's employees on the subject of discrimination in education, especially with regard to pupils who need additional educational support due to social exclusion, developmental disorders, disabilities, learning difficulties and other reasons; and undertake measures and activities to promote tolerance, prohibit discrimination of pupils and put in place mechanisms to protect pupils against discrimination. This recommendation has been complied with.

For more information, see: <https://ravnopravnost.gov.rs/190-22-utvrdjena-diskriminacija-na-osnovu-zdravstvenog-stanja-i-nacionalne-pripadnosti/>

Social groups are heterogenous and diverse and, unless we are aware of the existence of "groups within groups" which are exposed to multiple inequality, we will not be able to effectively combat discrimination and protect diversity. Failure to recognise intersectional discrimination in a specific case may be attributable to lack of awareness of the cultural and social aspects that lead to discrimination. For example, lay-offs of older women by an employer that employs both women and older men may conceal intersectional discrimination against older women, who are laid off exactly because the two personal characteristics – their age and sex – are inextricably linked. The employer keeps younger women and older men, thus concealing the deep-rooted traditional views of older women as workers who are lacking in ability. It is only through an analysis of the concept of intersectional discrimination that we are able to understand that, in this specific case, the intersection of both characteristics of a female worker is key. This example shows it is necessary also to be familiar with the attitudes of the community in which the discrimination occurs to be able to recognise intersectional

discrimination, i.e. it is necessary to be aware of the cultural and social aspects that lead to discrimination.

At the annual seminar with European equality bodies in Strasbourg organised by the European Commission against Racism and Intolerance (ECRI), the Commissioner had an opportunity to present the Republic of Serbia as a good practice example for applying the concept of intersectional discrimination in the protection of citizens against. In this context, she said a detailed review of the broader situation and recognition of intersectional impacts of a person's several personal characteristics on his/her position, as well as knowledge of culture and attitudes of the community where discrimination occurs, can help identify social subgroups exposed to multiple discrimination, which are often not sufficiently visible to institutions. The Commissioner's practice has shown that intersectional and multiple discrimination is most frequently faced by the Roma, poor citizens and persons with disabilities, although Serbia has a well-defined legal framework in place that recognises these forms of discrimination. The Commissioner continually educates employees at public authorities, the judiciary, the police, social welfare and health care institutions and other relevant institutions that decide on the protection of citizens' rights.



MEDIA REPORTING

The most prevalent topic reported by the media in the domain of human rights and their violation in 2022 was violence against women (with more than 7,000 media reports addressing this topic), and the manner in which the media covered the topic of domestic and intimate partner violence largely shaped public opinion on the victims of violence.

The public, professional associations and relevant institutions strongly condemned the publishing of an interview with a convicted serial rapist who had been released from prison. This triggered protests that took place for days in front of the editorial office of the *Informer* daily, which had published the interview. In this regard, the Commissioner said that normalisation of sensationalism and violence in the media was unacceptable.

The Commissioner underscored time and again the role of the media and the importance of observing the code of ethics, especially when reporting on topics such as these, noting that disclosure of details of cases of violence, giving perpetrators of violence access to the public arena or justifying their crimes, as well as use of sensationalist headlines to boost profits, were all absolutely unacceptable practices. The Commissioner addressed these issues at a panel discussion organised by the group entitled "Female Journalists fighting Violence against Women", at which a database of photographs and illustration that ethically treat the problem of violence was presented, with the idea of helping focus media reporting on empowerment and solidarity with victims of violence. In her media appearances, the Commissioner has consistently underscored the need for capacity building of all competent services, in particular in the fields of social welfare and family law protection, so they could provide appropriate

support and assistance, especially to those who are at a risk of violence and/or have suffered some form of violence.

During the course of the year, the Commissioner condemned in the strongest possible terms all discriminatory statements and posting of offensive and sexist content that demeans and offends women. Thus, for example, the Commissioner condemned in the strongest possible terms the unacceptable offensive content posted on social networks that targeted member of parliament Staša Stojanović. The Commissioner noted it was not the first time that offensive and sexist content was posted about female politicians to demean and offend them, and underscored that this form of online violence, which aimed to discredit the member of parliament as a woman, was absolutely unacceptable.

As 2022 was also an election year, at the tail end of the election campaign the Commissioner condemned offensive and sexist characterisation of female politicians, belittlement and insults hurled at members of the LGBT population, offensive comments about the Roma national minority, calls for physical confrontation with political adversaries, as well as damaging of party-political property. The Commissioner underscored it was paramount for all participants in the electoral process to abide by the permitted and appropriate means of political competition, which must not include any discriminatory statements or destruction of anyone's property, such as the stoning of Serbian Progressive Party offices in Čačak. Debates between political actors in the public arena often contain inappropriate, and even vulgar, language, as well as offensive and demeaning actions as a form of discrimination, including even hate speech and threats.

The media reported extensively on violence against children and peer violence. Digital violence is increasingly becoming the dominant form of peer violence; it is streamed "live" on social networks, accompanied by aggressive communication that is increasingly becoming a behavioural pattern in a segment of the youth. In this context, in addition condemning, in the strongest possible terms, cases of peer violence, the Commissioner raised the question of responsibility of parents and schools. To address this issue, the already mentioned bodyright campaign was launched, which deals, among other things, with sexual harassment on digital platforms.

There were fewer reports during the year on topics concerning human rights, discrimination and equality, while hate speech was the least reported topic, although it is all-pervasive in the public space and usually targeted at women, the Roma, LGBT persons and the elderly. Content that perpetuates stereotypes, prejudice and various forms of violence was justified by invoking freedom of speech, although the responsibility rests with each and every one of us, and first and foremost with public office holders and the media, who should be setting an example for compliance with the principles of tolerance and equality.

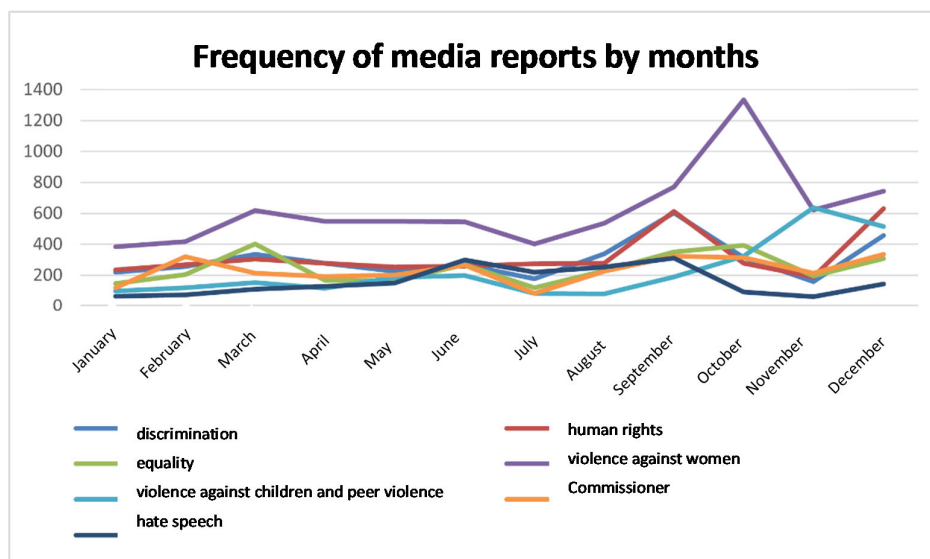
Members of the LGBT population received the most media coverage ahead of EuroPride in Belgrade, with the reports often targeting members of this population and containing discriminatory and offensive comments and attitudes. The Commissioner specifically condemned those media reports that associated the spreading of the "monkey pox" with the LGBT population. She underscored that targeting of any group of people on the basis of any actual or assumed personal characteristic, including on the basis of sexual orientation, was discriminatory and prohibited under the law.

The issue of Kosovo and Metohija remained in the focus of the public and the media last year. However, analyses have shown that concrete problems did not receive sufficient coverage. In her appearance in a programme of the public broadcasting service, the Commissioner drew attention to the problems faced by citizens in Kosovo and Metohija and their inability to exercise their fundamental human rights and condemned the ban on entry for the Patriarch of the Serbian Orthodox Church which prevented him from being with his people ahead of Christmas.

A conclusion that could be drawn from the facts presented above is that the media should focus more on human rights issues, report on groups that are at a greater risk of discrimination and towards which there is still a social distance, but in a way which promotes values and helps break away from stereotypes and prejudice. More positive coverage of all marginalised groups would create a stronger impetus for promoting and advancing equality. The role of the Serbian public broadcasting service is invaluable in this regard. Accordingly, upon learning the public broadcasting services were considering removing sign language interpretation from their news programmes, the Commissioner issued a recommendation of measures advising them to make information and communication accessible to persons with disabilities through the use of appropriate technologies.

In view of all these facts, a need was recognised to improve the Commissioner's handbook for journalists entitled *Fight for Equality*, especially given the significant increase in the number of websites and the increasing use of social networks for communication, which favour images over text. As an incentive for the media to increase their coverage of human rights topics, the Commissioner and the OSCE Mission to Serbia presented for the seventh time the traditional annual media awards for the best media reports on the topic of the fight against discrimination and promotion of equality and tolerance. Furthermore, as part of the project entitled "Improving the Position of Women and Girls in Rural Areas", special media awards were presented to journalists who promoted tolerance and equality and reported on rural women and girls in 2022.

An analysis of the frequency of coverage of equality-related topics by various media outlets shows that they are much more frequently covered by online media – more than 62%, followed by 25% in the press and just 12% in electronic media.



In the course of 2022, there were 4,485 reports about the institution of the Commissioner and the incumbent Brankica Janković, including 3,624 reports on web portals (80.8%), while the number of reports on television channels with national concessions was 150, including 97 reports broadcast by the Serbian Broadcasting Corporation.

REPORT ON EXECUTION OF THE FINANCIAL PLAN

Under the Law on Budget of the Republic of Serbia for 2022²⁰⁶ and the Law amending the Law on Budget of the Republic of Serbia for 2022²⁰⁷, funds were allocated to the Commissioner for the Programme - Promotion and Protection of Human and Minority Rights and Freedoms, in the amount of RSD 127,143,897, with the following structure of funds according to the sources of financing:

- | | |
|----------------|--------|
| – Source 01 | 86.10% |
| – Source 06,15 | 13.90% |

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 performance of expert and other tasks of the Commissioner's Professional Service of relevance for the exercise of its powers, in accordance with the Financial Plan and the Procurement Plan. The total execution was RSD 99,151,161 or 91,50% of available funds. In the structure of funds spent, expenditures for employees accounted for 81.10%, the use of services and goods for 14.27% (where the majority of costs relate to information services, other expert services, administrative material, expert literature for employees' regular work and fuel costs) and costs of non-financial assets for 4.63%.

- Project 4005- Equally to the Finish Line

Execution of available funds of this project was RSD 424,240 or 87.29%.

- Project 4006 - Don't Judge a Book by Its Covers - Live Library in Serbia

Execution of available funds of this project was RSD 91.59%.

- Project 4009 - Youth Panel

98,40% of the available funds for the implementation of this project in 2022 in the amount of RSD 500,000 was executed.

Other sources 06,15 - (donations from international organisations, unspent donation funds from previous years), financed the following:

- Project 4003 - MOOT COURT in the field of protection against discrimination

²⁰⁶ Official Gazette of the Republic of Serbia No. 110/21

²⁰⁷ Official Gazette of the Republic of Serbia No. 125/22

Multiannual cooperation with the Open Society Fund, which financed this project, was completed in 2022. During the year, RSD 229,582 was spent for the implementation of this project, while the unspent funds of RSD 254,619.60 were returned to the donor. Budget projections included a significant portion of funds for accommodation and transport costs for participants in the competition. Since many competitors in semi-final and final part were from Belgrade, a portion of funds allocated for those purposes remained unspent, and subsequently returned to the donor.

- 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 was designed to last until 17 February 2022. Out of the transferred unused funds from 2021 in the amount of RSD 652,835.59, in 2022, RSD 643,176.75, or 98.52%, was used. The donor paid RSD 193,320.91 in December 2022 towards the Commissioner's recognised expenses as a contribution of this authority to the implementation of the project. This amount, as well as the unused funds in the amount of RSD 9,658.84 will be paid to the budget of the Republic of Serbia, since continuation of this project was not planned for 2023.

- 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 was first planned to last from 1 March 2021 to 31 December 2022, with the total fund of RSD 17,427,564. RSD 15,693,617 was executed in 2022. The total funds paid from the beginning of the project until the end of 2022 were fully used, and the project should be continued in 2023.

- Project 4012 – UNICEF - UNICEF Support in Preparation of the Special Report on Discrimination against Children

The funds remaining after completion of the project in the amount of RSD 3,242.30 will be paid to the budget of the Republic of Serbia.

The structure of budget execution for 2022, both by sources of financing and by programmes, programme activities and projects, is provided in table overviews presented in Annex 2 of this Report.

COMPLIANCE WITH DUTIES UNDER LAW ON FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE

The Commissioner ensures free access to information by honouring freedom of information requests, publishing the Information Directory and other information, reporting to the National Assembly, informing the public by announcements, publications, press conferences etc.

In 2022, the Commissioner received 12 freedom of information requests, to which she responded within the statutory deadline.

Table – overview of submitted requests by categories

N o.	Information requester	Number of submitted requests	Number of adopted/ partially adopted requests	Number of pending requests	Number of dismissed requests	Number of rejected requests
1.	Citizens	6	6			
2.	Media					
3.	Non-governmental organisations and other citizens' associations	3	3			
4.	Political parties					
5.	Public authorities					
6.	Other	3	3			
7.	Total	12	12			

When providing information, special account is taken of personal data protection, in accordance with the Law on Personal Data Protection. The party in the procedure before the Commissioner has the right to confidentiality of all private data contained in case files and which he/she or other authorised person provides to the Commissioner.

The Commissioner's Information Directory is available at the official website (www.ravnopravnost.gov.rs). To ensure easier exercise of freedom of information, citizens can download at the Commissioner's official website forms with examples for submission of freedom of information requests. Requests can be submitted in writing, without using the forms. Requests must clearly state which piece of information is requested and/or to what it specifically relates, i.e. as precise as possible description of the requested information. Requests can also contain reasons for their submission, although this is not required, as well as other data that facilitate finding of the requested information.

The Law on Free Access to Information of Public Importance specifies fees for making copies of documents containing the requested information, as well as costs of sending, if any. The amount of fees is calculated in accordance with the Regulation on the Amount of Compensation for Necessary Costs. The insight into documents containing the requested information is free of charge. Freedom of information requests relating to the work of the Commissioner or generated in her work can be submitted in writing to the following address: Bulevar kralja Aleksandra 84, 11000 Belgrade, or electronically to the following address: poverenik@ravnopravnost.gov.rs.

ANNEX 1: STATISTICAL OVERVIEW OF COMMISSIONER'S CASES IN 2022

CASES	2022
Complaints	681
Recommended measures	412
Opinions on draft legal documents	27
Initiatives for amendments to regulations	21
Misdemeanour charges	1
Criminal charges	1
Lawsuit	3
Mediation	1
Proposal for review of constitutionality	2
Warnings	11
Announcement- *	58
Confirmations that no discriminatory acting was identified	719
TOTAL number of cases*	1,879

* Announcements are not presented in the total number of cases

Complainants

Natural persons	Number	%
Men	276	51.6
Women	259	48.4
Total	535	100
Other complainants	Number	%
Natural persons	535	78.6
Organisations	114	16.7
Legal entities	21	3.1
State authorities	8	1.1
Groups of persons	3	0.4
Total number of complainants	681	100

Grounds of discrimination (personal characteristic)

Complaints based on discrimination	Number	%
Complaints stating a personal characteristic	584	85.8
Complaints not stating a personal characteristic	97	14.2
Total number of complaints	681	100

Grounds of discrimination (personal characteristic)

Complaints based on discrimination	Number	%
Complaints stating one personal characteristic	401	68.7
Complaints stating more personal characteristics	183	31.3
Total number of complaints	584	100

Complaints stating a personal characteristic	Number	%
National affiliation or ethnic origin	163	18.9
Age	150	17.4
Health status	148	17.1
Disability	117	13.6
Sex	91	10.5
Marital and family status	37	4.3
Other personal characteristic	32	3.7
Membership in political, trade union and other organisations	27	3.1
Religious and political beliefs	24	2.8
Sexual orientation	17	2.0
Property status	13	1.5
Appearance	10	1.2
Gender identity	8	0.9
Previous criminal conviction	5	0.6
Language	5	0.6
Citizenship	4	0.5
Ancestors	3	0.3
Skin colour	3	0.3
Birth	2	0.2
Genetic characteristics	2	0.2
Race	2	0.2
Total	863	100

* In 183 complaints, several personal characteristics were stated as the grounds of discrimination.

Areas of social relations to which complaints relate

Complaints by discrimination fields	Number	%
Procedure before public authorities (courts, municipalities, ministries, commissions)	162	23.8
In employment procedure or at work	144	21.1
In providing public services or using facilities and areas	112	16.4
Public sphere/General public	79	11.6
Education and vocational training	54	7.9
Health care	52	7.6

Public information and the media	28	4.1
Private relations	14	2.1
Social welfare	8	1.2
Judiciary	6	0.9
Culture, arts, sports	5	0.7
Other	5	0.7
Housing	4	0.6
Actions/Activities in trade unions, political parties, NGOs and other organisations	3	0.4
Property rights and relations	3	0.4
Pension and disability insurance	2	0.3
Total number of complaints	681	100

Fields of discrimination by complainants

Fields of discrimination by complainants	Natural persons		CSO	Authorities/ institutions	Group s of perso ns	Legal entities	TOTAL	
	M	F					Num ber	%
Procedure before public authorities (courts, municipalities, ministries, commissions)	91	57	11	0	0	3	162	23.8
In employment procedure or at work	66	59	8	2	2	7	144	21.1
In providing public services or using facilities and areas	21	28	61	0	1	1	112	16.4
Public sphere/General public	37	30	11	0	0	1	79	11.6
Education and vocational training	11	30	6	5	0	2	54	7.9
Health care	23	27	2	0	0	0	52	7.6
Public information and the media	5	5	12	1	0	5	28	4.1
Private relations	7	7	0	0	0	0	14	2.1
Social welfare	0	6	1	0	0	1	8	1.2
Judiciary	5	1	0	0	0	0	6	0.9
Culture, arts, sports	1	3	1	0	0	0	5	0.7
Other	4	1	0	0	0	0	5	0.7
Housing	2	1	1	0	0	0	4	0.6

Actions/Activities in trade unions, political parties, NGOs and other organisations	0	2	0	0	0	1	3	0.4
Property rights and relations	2	1	0	0	0	0	3	0.4
Pension and disability insurance	1	1	0	0	0	0	2	0.3
Total number of complaints							681	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.

Personal characteristics in the field of procedure before public authorities (courts, municipalities, ministries, commissions)	Natural persons		CSO	Authorities/ institutions	Group s of persons	Legal entities	TOTAL	
	M	F					Number	%
National affiliation or ethnic origin	32	28	4	0	0	0	64	43.5
Disability	11	3	3	0	0	0	17	11.6
Other	10	3	0	0	0	0	13	8.8
Age	9	1	0	0	0	0	10	6.8
Sex	0	1	0	0	0	0	9	6.1
Health status	5	3	1	0	0	0	9	6.1
Sexual orientation	5	1	2	0	0	0	8	5.4
Religious and political beliefs	3	2	0	0	0	0	5	3.4
Marital and family status	0	5	0	0	0	0	5	3.4
Membership in political, trade union and other organisations	1	1	0	0	0	0	2	1.4
Gender identity	1	1	0	0	0	0	2	1.4
Previous criminal	2	0	0	0	0	0	2	1.4
Property status	0	1	0	0	0	0	1	0.7
Total number of complaints							147	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.

Complainants in the field of employment procedure or at work	Natural persons		CSO	Authorities/ institutions	Group s of persons	Legal entities	TOTAL	
	M	F					Number	%

Sex	15	21	1	0	2	1	40	25.3
Marital and family status	5	15	0	0	0	0	20	12.7
Age	10	8	0	0	0	0	18	11.4
Membership in political, trade union and other organisations	13	3	0	0	0	1	17	10.8
National affiliation or ethnic origin	4	3	2	0	0	3	12	7.6
Health status	9	3	0	0	0	0	12	7.6
Disability	5	4	0	0	0	0	9	5.7
Other	3	2	2	1	0	1	9	5.7
Appearance	2	1	1	1	0	1	6	3.8
Property status	3	0	0	0	0	0	3	1.9
Previous criminal	2	0	0	0	0	0	2	1.3
Skin colour	0	2	0	0	0	0	2	1.3
Gender identity	1	1	0	0	0	0	2	1.3
Religious and political beliefs	1	1	0	0	0	0	2	1.3
Language	2	0	0	0	0	0	2	1.3
Ancestors	1	0	0	0	0	0	1	0.6
Sexual orientation	1	0	0	0	0	0	1	0.6
Total number of complaints							158	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 providing public services or using facilities and areas	Natural persons		CSO	Authorities/ institutions	Legal entities	Groups of persons	TOTAL	
	M	F					Number	%
Age	4	8	57	0	0	1	70	29.5
Disability	5	6	58	0	0	1	70	29.5
Health status	2	7	57	0	0	0	66	27.8
Sex	2	6	1	0	0	0	9	3.8
Property status	1	3	0	0	0	0	4	1.7
National affiliation or ethnic origin	1	1	1	0	0	0	3	1.3
Citizenship	2	1	0	0	0	0	3	1.3
Marital and family status	2	1	0	0	0	0	3	1.3

Membership in political, trade union and other organisations	0	2	0	0	0	0	2	0.8
Religious and political beliefs	1	1	0	0	0	0	2	0.8
Sexual orientation	1	0	0	0	0	0	1	0.4
Race	1	0	0	0	0	0	1	0.4
Other personal characteristic	0	0	1	0	0	0	1	0.4
Language	1	0	0	0	0	0	1	0.4
Appearance	1	0	0	0	0	0	1	0.4
Total number of complaints							237	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 general public	Natural persons		CSO	Authorities/ institutions	Legal entities	Group s of perso ns	TOTAL	
	M	F					Num ber	%
National affiliation or ethnic origin	34	50	8	0	1	0	63	72.4
Sex	1	8	2	0	0	0	11	12.6
Membership in political, trade union and other organisations	2	0	0	0	0	0	2	2.3
Religious and political beliefs	2	0	0	0	0	0	2	2.3
Sexual orientation	0	0	1	0	0	0	1	1.1
Race	1	0	0	0	0	0	1	1.1
Ancestors	1	0	0	0	0	0	1	1.1
Language	1	0	0	0	0	0	1	1.1
Disability	0	0	1	0	0	0	1	1.1
Health status	0	0	1	0	0	0	1	1.1
Citizenship	1	0	0	0	0	0	1	1.1
Marital and family status	0	1	0	0	0	0	1	1.1
Skin colour	1	0	0	0	0	0	1	1.1

Total number of complaints								87	100
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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	Legal entities	Group s of perso ns	TOTAL	
	M	F					Num ber	%
Health status	2	13	0	1	0	0	16	43.2
National affiliation or ethnic origin	0	2	3	0	1	1	7	18.9
Religious and political beliefs	0	4	1	0	0	0	5	13.5
Sexual orientation	1	0	1	1	0	0	3	8.1
Sex	0	2	0	0	0	0	2	5.4
Birth	1	1	0	0	0	0	2	5.4
Gender identity	0	0	1	0	0	0	1	2.7
Property status	0	1	0	0	0	0	1	2.7
Total number of complaints							37	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	Group s of perso ns	Legal entities	TOTAL	
	M	F					Nu mb er	%
Health status	18	22	2	0	0	0	42	51.2
Age	5	10	2	0	0	0	17	20.7
Sex	0	4	0	0	0	0	4	4.9
Disability	2	0	2	0	0	0	4	4.9
Marital and family status	0	3	0	0	0	0	3	3.7
Other personal characteristic	2	0	0	0	0	0	2	2.4
Genetic characteristics	1	1	0	0	0	0	2	2.4

Gender identity	0	1	0	0	0	0	1	1.2
Total number of complaints							75	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	Authorities/ institutions	Legal entities	TOTAL	
	M	F				Number	%
National affiliation or ethnic origin	3	1	6	1	0	11	36.7
Religious and political beliefs	0	0	1	0	5	6	20.0
Age	1	0	2	0	0	3	10.0
Sexual orientation	0	0	3	0	0	3	10.0
Sex	0	2	1	0	0	3	10.0
Marital and family status	0	2	0	0	0	2	6.7
Gender identity	0	0	1	0	0	1	3.3
Other personal characteristic	0	1	0	0	0	1	3.3
Total number of complaints						30	100

Private relations

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 private relations	Natural persons		CSO	TOTAL	
	M	F		Number	%
Sex	2	1	0	3	27.3
Age	1	1	0	2	18.2
National affiliation or ethnic origin	0	2	0	2	18.2
Disability	1	1	0	2	18.2
Property status	0	1	0	1	9.1
Health status	0	1	0	1	9.1

Total	11	100
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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	258	37.2
Legal entities	242	34.9
Natural persons	137	19.8
Authorities / Institutions	23	3.3
Groups of persons	17	2.5
Organisations	16	2.3
Total	693	100

Number of complaints by regions

Number of complaints by regions	број	%
Belgrade region	205	30.1
Southern and Eastern Serbia region	123	18.0
Šumadija and Western Serbia region	116	17.0
Vojvodina region	91	13.3
Kosovo and Metohija region	4	0.5
Unknown region	142	20.8
Total number of complaints по регионима	681	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	2022
Complaints where opinions were issued	111
- opinions where violation of rights was identified and recommendations were provided	94
- opinions where no violation of rights was identified and measures recommended	2

- opinions where no violation of rights was identified	15
Infringement charges	1
Criminal charges	1
Lawsuit	3
Mediation	1
Proposal for review of constitutionality	2
Outside the scope of jurisdiction	30
Incompleteness (shortcomings)	245
No violation of rights	84
Court proceedings are being conducted or terminated	17
The Commissioner already acted on a case and no new evidence was provided	14
Complaints withdrawn	5
Complaints withdrawn because consequences of discriminatory acting were eliminated	59
Pending: submitted for a statement and supplement requested	108

Compliance with recommendations

Compliance with recommendations in acting on complaints	Number	%
Recommendations complied with	81	89
Recommendations not complied with	10	11
Total	91	100

*In 3 cases the deadline for compliance with recommendations has not expired

Compliance with recommended measures	Number	%
Recommendations complied with	267	87.8
Recommendations not complied with	37	12.2
Total	304	100

*In 108 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 2022

BUDGET STRUCTURE BY SOURCES OF FINANCING

Source of financing	Programme	Programme activity/project	Ec. class	DESCRIPTION	*Initial appropriation	**Current appropriation	Budget execution	% of execution (8:7)
1	2	3	4	5	6	7	8	9
01 - 15	1001		I-VI	TOTAL BUDGET FOR 2022	125,677,000	127,143,897	116,998,305	92.02
01	1001		I-IV	TOTAL REVENUES – SOURCE 01	112,722,000	109,470,000	100,177,309	91.51
01	1001	0012	I	TOTAL - PROGRAMME ACTIVITY	111,616,000	108,364,000	99,151,161	91.50
01	1001	0012	411	Salaries, allowances and employee benefits	66,936,000	66,474,000	66,048,769	99.36
01	1001	0012	412	Social contributions at the expense of the employer	11,148,000	10,736,000	10,666,876	99.36
01	1001	0012	413	Compensations in kind	100,000	100,000	63,000	63.00
01	1001	0012	414	Social benefits to employees	1,600,000	1,600,000	868,811	54.30
01	1001	0012	415	Employee benefits	3,000,000	2,700,000	2,381,151	88.19
01	1001	0012	416	Rewards to employees	600,000	600,000	382,502	63.75
01	1001	0012	421	Fixed costs	3,670,000	3,168,000	1,344,680	42.45
01	1001	0012	422	Travel expenses	1,710,000	1,710,000	997,963	58.36
01	1001	0012	423	Contracted services	10,528,000	9,452,000	6,393,220	67.64
01	1001	0012	424	Specialised services	366,000	366,000	298,440	81.54
01	1001	0012	425	Current repairs and maintenance	2,020,000	1,020,000	554,575	54.37
01	1001	0012	426	Material	5,346,000	5,346,000	4,379,610	81.92
01	1001	0012	462	Grants to international organisations	150,000	150,000	141,276	94.18
01	1001	0012	482	Taxes, mandatory fees, fines, penalties and interest	300,000	200,000	43,848	21.92
01	1001	0012	483	Fines and penalties under court decisions	200,000	100,000	0	0.00
01	1001	0012	512	Machinery and equipment	3,300,000	4,000,000	3,944,440	98.61
01	1001	0012	515	Intangible assets	642,000	642,000	642,000	100.00
01	1001	4005	II	TOTAL - PROJECT <i>Equally to the Finish Line</i>	486,000	486,000	424,240	87.29
01	1001	4005	423	Contracted services	486,000	486,000	424,240	87.29
01	1001	4006	III	TOTAL - PROJECT <i>Don't Judge a Book by Its Covers – Live Library</i>	120,000	120,000	109,908	91.59
01	1001	4006	423	Contracted services	120,000	120,000	109,908	91.59
01	1001	4009	IV	TOTAL - PROJECT <i>Youth Panel</i>	500,000	500,000	492,000	98.40
01	1001	4009	422	Travel expenses	200,000	0	0	
01	1001	4009	423	Contracted services	300,000	500,000	492,000	98.40

06 - 15	1001		V-VI	TOTAL REVENUES - OTHER SOURCES	12,955,000	17,673,897	16,820,996	95.17
06 - 15	1001	4010-4012	V	DONATIONS FROM INTERNATIONAL ORGANISATIONS	12,955,000	17,189,695	16,336,794	95.04
06	1001	4010		TOTAL - PROJECT WOBACA - source 06 <i>Towards Gender Equality through Increased Capabilities for Work-Life Balance</i>	840,000	840,000	0	0.00
06	1001	4010	423	Contracted services	840,000	840,000	0	0.00
15	1001	4010		TOTAL - PROJECT WOBACA - source 15 <i>Towards Gender Equality through Increased Capabilities for Work-Life Balance</i>	0	652,836	643,177	98.52
15	1001	4010	422	Travel expenses	0	241,508	231,849	96.00
15	1001	4010	423	Contracted services	0	411,328	411,328	100.00
06	1001	4011		TOTAL - PROJECT UN WOMEN-source 06 <i>Improvement of the Situation of Women and Girls in Rural Areas</i>	12,115,000	15,645,007	15,645,007	100.00
06	1001	4011	422	Travel expenses	1,944,000	108,205	108,205	100.00
06	1001	4011	423	Contracted services	9,271,000	13,736,802	13,736,802	100.00
06	1001	4011	481	Grants to non-governmental organisations	900,000	1,800,000	1,800,000	100.00
15	1001	4011		TOTAL - PROJECT UN WOMEN-source 15 <i>Improvement of the Situation of Women and Girls in Rural Areas</i>	0	48,610	48,610	100.00
15	1001	4011	423	Contracted services	0	48,610	48,610	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	3,242	0	0.00
06	1001	4012	423	Contracted services	0	3,242	0	0.00
15	1001	4003	VI	DONATIONS FROM NON-GOVERNMENTAL ORGANISATIONS	0	484,202	484,202	100.00
15	1001	4003		TOTAL - PROJECT MOOT COURT - source 15 <i>Moot Court</i>	0	484,202	484,202	100.00
15	1001	4003	422	Travel expenses	0	0	0	0.00
15	1001	4003	423	Contracted services	0	229,582	229,582	100.00
15	1001	4003	465	Other grants and transfers	0	254,620	254,620	100.00

Note to * - The initial appropriation was approved by the Law on Budget of the Republic of Serbia for 2022 (*Official Gazette of the Republic of Serbia* No. 110/21 of 24 November 2021)

Note to ** - The current appropriation is the initial appropriation adjusted in accordance with the Law amending the Law on Budget of the Republic of Serbia for 2022 (*Official Gazette of the Republic of Serbia* No. 125/22), as well as the amount of donations received for the UN WOMEN project.

BUDGET EXECUTION FOR 2022

BUDGET STRUCTURE BY PROGRAMMES, PROGRAMME ACTIVITIES AND PROJECTS

Source of financing	Program me	Programme activity/ project	DESCRIPTION	*Initial appropriation	**Current appropriation	Budget execution	% of execution (7:6)
1	2	3	4	5	6	7	8
01 - 15	1001		PROGRAMME: Promotion and Protection of Human and Minority Rights and Freedoms	125.677.000	127.143.897	116.998.305	92,02
01		0012	PROGRAMME ACTIVITY: Effective Suppression and Protection against Discrimination	111.616.000	108.364.000	99.151.161	91,50
15		4003	PROJECT: MOOT COURT - Moot Court in the field of Protection against Discrimination	0	484.202	484.202	100,00
01		4005	PROJECT: EQUALLY TO THE FINISH LINE	486.000	486.000	424.240	87,29
01		4006	PROJECT: Don't Judge a Book by Its Covers LIVE LIBRARY	120.000	120.000	109.908	91,59
01		4009	PROJECT: YOUTH PANEL	500.000	500.000	492.000	98,40
06,15		4010	PROJECT: WOBACA Towards Gender Equality through Increased Capabilities for Work-Life Balance	840.000	1.492.836	643.177	43,08
06,15		4011	PROJECT: UN WOMEN Improvement of the Situation of Women and Girls in Rural Areas	12.115.000	15.693.617	15.693.617	100,00
06		4012	PROJECT: UNICEF UNICEF Support in Preparation of the Special Report on Discrimination against Children	0	3.242	0	0,00

Note to * - The initial appropriation was approved by the Law on Budget of the Republic of Serbia for 2022 (*Official Gazette of the Republic of Serbia* No. 110/21 of 24 November 2021)

Note to ** - The current appropriation is the initial appropriation adjusted in accordance with the Law amending the Law on Budget of the Republic of Serbia for 2022 (*Official Gazette of the Republic of Serbia* No. 125/22), as well as the amount of donations received for the UN WOMEN project.

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