



**REPUBLIC
OF SERBIA**



**REGULAR ANNUAL REPORT
OF THE COMMISSIONER FOR PROTECTION OF
EQUALITY
FOR 2023**

Belgrade, March 2024

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 fourteenth Regular Annual Report of the Commissioner for Protection of Equality of the Republic of Serbia, for the year 2023, a year that has in many respects been a challenging one and has faced all of us as individuals, our institutions and our society as a whole with questions and dilemmas we are yet to answer. The year behind us is a stark reminder that we should be equally sensitive to all forms of human rights violations and never tolerate any form of discrimination.

In addition to presenting the cases of discrimination we have addressed, an analysis of the state of play regarding the exercise of equality and assessing the activities of public authorities, both in terms of identified improvements and in terms of recommended measures to improve the situation in this field, cooperation with public authorities, national and international organisations and institutions and the media, as well as a number of panel discussions and trainings on the subject of recognising and responding to discrimination, the present Report also highlights some of the key challenges of the times in which we live.

For all of us in the Republic of Serbia, nothing has been the same and nothing should ever be the same after the tragedies which unfolded at Primary School "Vladislav Ribnikar" and in the communities of Malo Orašje and Dubona. The extent of these tragedies calls for a meaningful discussion, without ulterior motives and without taking stands on the opposite ends of an unbridgeable divide, for we must never, even for a moment, lose sight of the depth of the pain and the severity and consequences of the trauma experienced by the families of those murdered and injured, as well as those who witnessed the murders first hand. We must continue the process of coming to terms with these events and exchanging experiences, while also devising solutions which will be in the best interest of children and youth and assuming responsibility for the decisions we make.

How we treat children and youth – to what extent we have provided them with a safe and secure environment, what conditions we have provided for their development and education, which models of behaviour and values we advocate, which cultural patterns and social narratives we promote, how much we encourage and motivate them to improve and achieve their full potential – speaks volumes about us as a society and will largely determine our future.

The tragedies which took place in May first and foremost, as well as numerous other events and occurrences, have laid bare some other layers of inequality and confirmed what has been pointed out for some time – that assistance and support services are not available to all and everywhere equally. Everyone should be equal before the law, while help and solidarity should be provided to the same extent and with the same quality in all situations that warrant it. Further efforts need to be made to develop support services for victims and children who witnessed violence, provide free legal aid, raise awareness of the importance of recognising and reporting violence, as well as potential threats in the digital world and the abuse of artificial intelligence. This Report

presents a number of initiatives and recommended measures for the achievement of equality which may help us provide proper and continual support, preventative health care and other conditions to ensure equal opportunities for the development and education of every child, regardless of his/her sex, national or religious affiliation, the parents' property status etc.

While many of the Commissioner's recommendations have already been implemented and numerous pieces of legislation have been enacted, much remains to be done, including providing free textbooks for all primary school pupils, providing personal assistants to all pupils who need this type of support to participate in education on equal terms, and adopting a protocol for acting in cases of child marriages.

Apart from peer and school violence, another concern is the prevalence of violence against girls and women, and also the number of femicides as the most extreme form of gender-based violence. Towards the end of 2023, the United Nations published the information that last year saw the highest number of murdered women and girls in the past decade. In Serbia, the unofficial figure is 28 murdered women. Many women from various social groups suffer different forms of violence, while older women, Roma women and women with disabilities are at an increased risk, which is why we must make additional efforts to strengthen the institutions and improve the response, which must be timely, appropriate and decisive, but also preventive. What would encourage women to report violence and how we can improve the situation of victims of gender-based and domestic violence is outlined in the conclusions of the survey *Why do women not report domestic violence?*, which we presented together with the United Nations development Programme (UNDP) and which are quoted in this Report.

While the demographics suggest the country's population is shrinking and aging on average, with some areas facing depopulation, the position of older persons is complex at the moment. Living in poverty or on the edge of poverty is the daily reality for a significant number of older persons, while some of them are subjected to abuse and neglect, disrespect and marginalisation. Discrimination of older persons, the so-called ageism, is a problem faced by the whole region, as well as the developed European countries. In the light of the demographic changes, a number of changes need to be made in the functioning of the health care and social welfare systems, as well as the pension insurance system, for a society to advance. This issue was the theme of the seventh regional conference (attended by 11 institutions from the countries of the region) which was held in parallel with the Commissioner's regular annual conference marking the International Day for Tolerance, with the aim of proposing methods of action to change the discriminatory narrative about older persons as a burden on the society.

The most common personal characteristics cited as the grounds for discrimination in citizens' complaints were age and health status, followed by disability, national affiliation or ethnic origin, sex and marital and family status, while other personal characteristics referred to in the Law on the Prohibition of Discrimination were cited less frequently. In terms of areas of discrimination, the highest number of complaints referred to the area of labour and employment, procedures before public authorities, education and vocational training, as well as provision of public services or use of public facilities and areas, health care, public information and the media and social welfare.

Among other issues, citizens have complained about problems regarding organ transplants, biomedically assisted fertilisation, as well as the fact that they faced difficulties in accessing or were even unable to use social welfare, health care or childcare services due to understaffing. In their communications, they requested support or information due to inhumane and inappropriate treatment and gynaecological and obstetric institutions, complicated e-Government procedures when making medical appointments and difficulties in obtaining long-term medical and palliative care.

An important segment of this Report is the overview of the recommended measures to achieve equality issued to public authorities and other social stakeholders, including those focused on improving the position of persons with disabilities, who continue to face difficulties in accessing numerous health care, social welfare and education

institutions, medical spa centres, courts, cinemas and theatres. The Commissioner's practice has also shown that active efforts are needed in local communities to improve the situation of the Roma national minority, in particular Roma women and children, and ensure greater availability of health mediators and pedagogical assistants.

The respondents in the survey *Attitudes of Citizens towards Discrimination in Serbia* claim the poorer citizens and the Roma are most commonly discriminated groups across all areas of life. The survey also reveals the level of ethical and social distance in social relations, as well as the prevalence of prejudice, stereotypes and discriminatory attitudes. The survey *Attitudes of Citizens towards Discrimination in Serbia* also highlights the low level of awareness of discrimination and the antidiscrimination legislation among public authorities.

In this reporting year, a significant number of complaints once again concerned discriminatory speech in the public sphere, both in the media and in the public sphere, and frequently also in the form of graffiti with discriminatory content. Several public warnings were issued in this context. Two warnings were also issued at the start of the election campaign and towards its end, to remind the political actors of their duty to respect the law and the prohibition of discriminatory speech, insulting of political opponents, threats and attacks.

The continual positive trend of compliance with the Commissioner's recommendations is encouraging. The instances of non-compliance with the issued recommendations involved mainly discriminatory speech in the public sphere, in particular by public office holders, directed against the Roma, the LGBTI+ population, women and national minorities. This seems to indicate an all too common lack of awareness of the accountability for the spoken words, which manifests itself as unwillingness to apologise in cases where this is found to constitute discriminatory acting, and this means we have to do much more to raise awareness of the unacceptability of hate speech and to prevent racism, sexism, misogyny, homophobia and transphobia. As the media can be of greatest assistance in this regard, we have published the supplemented issue of our *Media Manual – Discrimination and Equality*.

Clearly, citizens have been using the instrument of legal protection against discrimination before the Commissioner and have recognised the complaint filing arrangement and procedure as simple, accessible, transparent, impartial and just. We perceive citizens' communications as a sign of trust, and this makes it all the more incumbent upon us to justify this trust and remain committed to protecting citizens' human rights and continue with our efforts to prevent discrimination and foster a culture of respect for human rights.

We believe that, given its comprehensiveness, the present Report of the Commissioner provides a thorough overview of the situation regarding protection of equality and can serve as a sound platform for dialogue and public policy-making in many areas of public life which are relevant for the situation of each citizen. We expect the members of parliament in the new convocation of the National Assembly to become our crucial allies in our joint work towards creating a society which respects differences and human rights as the main postulations of a democratic society, as well as towards advancing equality and tolerance, the culture of dialogue and accountability.



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 2023 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 organisations, 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.

During the year, the Commissioner was contacted by several thousand citizens in connection with various violations of rights and requests for information, and requests for 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, participation in various events etc., 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. On average, citizens receive dozens of pieces of information by telephone alone on a daily basis.

As regards protection against discrimination, the Commissioner acted in 3,282 cases concerning complaints; in 600 of those complaints, public authorities and other entities were issued with 660 recommended measures for achieving equality, 20 initiatives to amend regulations, 32 opinions on draft laws and other legal documents, one proposal for a review of constitutionality and legality was filed with the Constitutional Court, one mediation procedure was conducted, one misdemeanour charge and two criminal charges were filed and 12 public warnings were issued; also, two strategic lawsuits are pending, while in one lawsuit the Commissioner has the status of an intervenor. Many of the cases involved certificates of no pending proceedings/no discrimination found in proceedings conducted by the Commissioner (1,950). Furthermore, this institution issued 45 public announcements, independently organised eight conferences and expert meetings, actively participated in more than 650 events and delivered dozens of trainings attended by more than 750 participants, issued eight publications and conducted three surveys.

The highest numbers of complaints were filed because of discrimination on the grounds of age (135), health status (131), disability (93), national affiliation or ethnic origin (74), sex (57), marital and family status (41), followed by personal characteristics which featured in fewer complaints, including membership in political, trade union and other organisations, religious

or political beliefs, past convictions, sexual orientation, gender identity, property status, skin colour, citizenship etc.

It should be noted that 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.

As regards areas of social relations, complaints filed in the employment process or at work, in procedures before public authorities, in the area of education and vocational training and in the provision of public services or using facilities and areas accounted for the highest share of complaints in 2023, followed by complaints in the area of health care, public information and media, social welfare, private relations, the judiciary, culture, art, sports and other areas 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 natural persons, legal entities (usually employers), 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 2023, 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 2023, 53 opinions were passed in cases pursuant to complaints; in cases pursuant to 32 complaints this institution passed opinions which found breaches of the Law on Prohibition of Discrimination and recommended measures, in nine cases no breaches were found, but recommended measures for achieving equality were passed, while 12 opinions found no breaches of rights. In cases pursuant to nine complaints, the complainants agreed that the consequences of discriminatory behaviour had been eliminated in accordance with the Law on Prohibition of Discrimination or had withdrawn their complaints and the procedures were terminated accordingly.

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 2023 the Commissioner issued 660 recommended measures for achieving equality and protection against discrimination, which was significantly more than in the previous year, when 412 measures had been issued. Given the importance of inclusive education and investing in children's early development, numerous recommended measures have been addressed at all preschool institutions, including the recommendation that preschool institutions should modify the enrolment form so that the parent can specify already at the time of enrolment of the child at a preschool facility if the child has a rare disease, a neurotransmitter disorder or a chronic non-communicable disease (including diabetes), as well as the recommendation to improve and adapt internal rules so that all children can participate in activities at the facilities with the use of life-saving treatment needed to protect and improve their health during their stay at the facility, without discrimination. Also, it has been recommended that preschool

facilities should specify in their general bylaws or amend/supplement their existing general bylaws to specify that children who were already enrolled and remain at the facility do not need to be enrolled again every year. Recommended measures have also been addressed at all ministries, special organisations and administrations, which have been recommended, in connection with deciding on the promotion of employed female civil servants, to take into consideration as successive performance review scores those scores that were assigned in the years in which the female civil servant concerned was subject to performance reviews, while disregarding any years in which she would not have been subject to a performance review because she was using her pregnancy leave, maternity leave or child care leave, i.e. it has been recommended that there should be no interruptions on these grounds in the series of performance review scores for promotion purposes. This ensures the equality of women throughout their career and their professional advancement regardless of any leave they may have used, which contributes to female empowerment and increases the likelihood of women occupying top managerial positions.

It has been recommended that the Government of the Republic of Serbia should undertake all necessary measures to ensure that, as from the next school year, textbooks are distributed to pupils and paid for from the budget funds in all local self-government units, rather than just some of them, as was the case this school year. Although primary responsibility for providing additional support to the education of children rests with local self-government units, we must not lose sight of the fact that the level of economic development of a local self-government unit has a direct and significant effect in terms of whether and to what extent additional support will be provided. The cities and municipalities where the level of development is below the national average, the possibilities for providing sufficient funds are limited, and it is exactly in these local self-governments that there are numerous families in which the parents have difficulties finding work or have significantly lower income than e.g. those in Belgrade, which is why the outlay for buying textbooks is a challenge for their family budget. As investment in the education of the young is paramount for overall development of the society, the Commissioner has pointed out that distribution of textbooks and textbook sets free of charge to primary and secondary school pupils should not be a privilege reserved for the children in only one city; instead, this right should be available to all children in Serbia.

Other recommendations of measures have also been issued, including those given to the City Municipality of Novi Beograd and the Municipality of Čukarica in connection with the Roma settlement of Antena in Novi Beograd and the former collective centre “Ada Ciganlija” in Čukarica; the recommendations given to certain local self-government units and schools in connection with equal treatment when distributing scholarships and one-off financial assistance to pupils; recommendations have also been issued in connection with the removal of discriminatory graffiti, as well as discriminatory job announcements and discriminatory job requirements concerning the candidates’ sex; the recommendation issued to an education institution with regard to enabling both parents to access the e-school register in cases when only one parent exercises the parental right. Recommendations have also be issued to the National Employment Services in connection with stepping up active employment policy measures for former convicts to enable their resocialisation and reintegration with the society; to the Ministry of Rural Welfare, as the proposer of the Regulation determining the Programme for the Allocation of Grants for Purchasing Rural Houses with Garden to amend the condition regarding the presentation of proof of no past convictions when applying, which was amended during the year; to the Ministry of the Interior to provide for affirmative

measures for members of national minorities when announcing competitions for training and employment at that Ministry's organisational units in specific areas; to universities in connecting with acting on anonymous reports of sexual harassment or any other inappropriate behaviour based on sex as a personal characteristic, especially considering that reporting prohibited behaviour is not easy and takes courage, in particular when it occurs in settings where there is no balance of power (such as the disbalance of power between a professor and female students), which in no way entitles the person who holds the power to violate someone's physical or mental integrity and unlawfully abuse their position.

The recommendations given in the opinions were complied with in 84.3% of the cases, in 15.7% of the cases they were not complied with, while in 14 cases the time limit for compliance has not yet expired. As regards compliance with the recommended measures to improve equality issued to public authorities and other persons, the rate of compliance is 88.4% which together with compliance with the recommendations given in the opinions makes up an average compliance rate of 86.3%. 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 the public sphere against the LGBT+ population, as well as the failure to provide personal aide services to children with disabilities in Niš.

Compliance with the Commissioner's recommendations has resulted in improved equality for the social groups and individuals concerned. Thus, for example, recommendations have resulted in eased conditions for construction works aimed at ensuring accessibility of residential buildings, since the amendments and supplements to the Law on Planning and Construction of July 2023 provide that, when works are carried out to remove barriers to persons with disabilities, children and older persons, it is not necessary to present the certified approval of co-owners or owners of separate parts of the building; instead, the only evidence required is the certified approval of the residential community in accordance with the regulation governing housing and residential building maintenance. Also, following the recommendations issued by the Commissioner, certain facilities in public use have been made accessible (including medical centres, municipality administration buildings, offices of the National Health Insurance Fund, offices of the Post of Serbia, hospitals, schools etc.); more parking spaces have been provided for persons with disabilities; transport by van has been provided for children with disabilities to enable them to use day care services; pupils have been given access to awards and scholarships for their results in competitions, as well as other forms of financial assistance; the bylaws of preschool facilities have been amended with regard to the enrolment and inclusion of children with chronic and serious diseases in regular activities; the list of medicinal products the costs of which are covered by the National Health Insurance Fund has been expanded; consequences of discriminatory conduct by employers have been rectified (assignment of employees to posts that are appropriate to their capacity to work; promotion and performance reviews have been ensured for women who were on a leave from work in connection with pregnancy and childbirth); nearly all of the graffiti containing hate speech or offensive and degrading behaviour have been removed; acting by registry offices has been improved with regard to the process of issuing birth certificates and identity documents containing a change of personal name and sex designation, as well as an issued diploma or certificate with changed sex designation or name of person after transitioning; the employees of social welfare services have received the same entitlement to children's New Year's presents as the employees of other public

services; licenced social welfare service providers have been given equal treatment with regard to VAT exemption; parents who do not exercise the parental right can have access to their child's grades and academic performance etc.

Following a decision of the Constitutional Court, passed pursuant to a motion filed by the Commissioner, as well as an initiative submitted by a group of members of parliament and the association "Moms Rule!", relevant provisions of the Law on Financial Support to Families with Children have been amended, so that mothers who are independent professionals have equal labour rights as all other employed women and can use a two-year maternity leave for the birth of their third and each subsequent child. Furthermore, following an initiative of the Commissioner, the Law now provides that employed fathers whose wives are entrepreneurs can use the right to a child care leave, a special child care leave and salary compensation, three months after the birth of their child, for the remaining duration of up to one year for the first and second child and up to two years for the third and each subsequent child.

In the process of enactment of laws and other regulations, the Commissioner issued 32 opinions on drafts of laws and other legal documents. Some ministries, in breach of the law, fail to submit draft laws and other regulations for an opinion, which frequently causes unnecessary issues in practice. Thus, we conducted a procedure pursuant to a complaint filed in connection with the Regulation determining the Programme for the Allocation of Grants for Purchasing Rural Houses with Garden in the Territory of the Republic of Serbia for 2023, which had not been previously submitted for an opinion. The Commissioner issued a recommendation to the Ministry of Rural Welfare, as the proposer, to change the requirement which pertained to past convictions as the grounds for discrimination, i.e. to harmonise the requirements set forth in the said Regulation with the antidiscrimination legislation. The Ministry complied with the recommendation and the Regulation was amended accordingly. In these opinions, the Commissioner also drew attention to the need for amending or supplementing certain provisions of currently applicable legislation which had not been covered by the proposed amendments, in order to harmonise them with the antidiscrimination legislation. Also, 20 initiatives for the enactment or amendment of regulations were submitted. For example, some of the initiatives included: the initiative submitted to the Ministry of Construction, Transport and Infrastructure to improve the accessibility of facilities and areas and to eliminate architectural barriers; the initiative submitted to the Ministry of Health to amend and supplement, as a matter of urgency, the Law on Transplantation of Human Organs and the Law on Human Cells and Tissues; the initiative submitted to the Ministry of the Interior to amend and/or word more precisely the relevant provisions of the Regulation on Vocational Training and Professional Development; the initiative submitted to the Ministry of Sport in connection with the amendments to the Law on Sports in order to advance the equality of athletes with disabilities; the initiative submitted to the Ministry of Human and Minority Rights and Social Dialogue to develop and Action Plan for the Exercise of Rights of National Minorities, which should also provide for appropriate activities to combat antisemitism etc.

In 2023, civil society organisations conducted multiple situation testings in order to identify discrimination "on the spot", to demonstrate unequal (disadvantageous) treatment of persons or a group of persons based on a personal characteristic and to bring existing discriminatory practices to light. One situation testing was conducted in Čačak in connection with the renting of a residential property by members of the Roma national minority, during which no

instances of discrimination were identified. Another situation testing concerned discrimination with regard to the provision of health care services to persons living with HIV, in Novi Sad, Niš, Subotica and Belgrade, at 50 medical institutions. Complaints against discrimination were filed in five cases and the procedures are pending, while in the remaining cases there was no discrimination.

The Regular Annual Report of the Commissioner for the Protection of Equality for 2022 was submitted to the National Assembly in March 2023. That Report was not reviewed at a session of the line Committee on Human and Minority Rights and Gender Equality, or at the plenary session of the National Assembly. It should be noted that the National Assembly was dissolved due to the calling of an extraordinary general election and local elections in a number of cities and municipalities, which were held on 17 December 2023, so the Report could not be reviewed in that period.

In 2023, the Commissioner prepared a number of publications and surveys. Thus, the following publications were issued: *A Guide to Implementation of National Antidiscrimination Legislation to Improve the Position of LGBTI Persons in the Labour Market in the Republic of Serbia*, the brochure *Recognising and Responding to Discrimination in the field of Labour and Employment*, the compendium *A Bridge of Understanding – Intergenerational Solidarity*, *the Manual on Complaint Mechanisms*, *the Collection of Selected Opinions, Recommendations and Warnings of the Commissioner for the Protection of Equality*, *the Media Manual - Discrimination and Equality* and the guide to the right to inheritance entitled *The Right to Inheritance – Equal for All*.

The following surveys were conducted in the course of the year: *Why do Women not Report Domestic Violence? Attitudes of Citizens to Discrimination in Serbia and Attitudes of Public Officials to Discrimination in Serbia*.

In addition to the foregoing, a number of trainings and workshops were held on the subject of recognising and responding to discrimination, as well as on applying the anti-discrimination regulations. In 2023, the trainings were attended by more than 750 participants, including police officers (together with the trainings held in previous years, some 800 police officers have been trained), female employees at the National Employment Service (more than 130 attendees), representatives of all registered national councils of national minorities, the youth, students and pupils, employees in automotive, electrical and textile industries, civil servants etc.

In the course of the year, the Commissioner held several conferences and expert meetings. In parallel with the annual conference we hold to mark the celebrate the International Tolerance Day, 16 November, the 7th Regional Conference of Equality Institutions in Southeast Europe was held, entitled *Being Old, Being Proud, Being One's Own*. The conference, attended by representatives of the equality institutions of Croatia, Montenegro, North Macedonia, Albania, Bosnia and Herzegovina and Slovenia, as well as representatives of international organisations, scientific institutions and the non-governmental sector, was dedicated to eliminating discrimination against older persons, with the aim of looking into and proposing concrete courses of action for the equality authorities and other social stakeholders. The conference was also the traditional occasion to present annual media awards for tolerance, which we present jointly with the OSCE Mission to Serbia for best

media reports on combating discrimination and promoting equality and tolerance. The new Media Manual *Discrimination and Equality* was also presented.

As part of the 16 days of activism to combat violence against women and girls, together with UN Women Serbia and the IDEAS Centre for Research and Social Development we jointly organised the conference *The Right to Inheritance – The Path to Gender Equality and Elimination of Violence*, which discussed economic violence against women, focusing on equal inheritance rights and the customs which often encouraged women to give up their portion of inheritance in favour of their male relatives. The event also provided an opportunity to present the guide *The Right to Inheritance – Equal for All*.

On the International Day of Rural Women, we held the final conference which summarised the results of the three-year project *Improving the Position of Women and Girls in Rural Areas*, which we implemented in cooperation with UN Women Serbia, with support from the Norwegian Embassy in Belgrade. On that occasion, it was pointed out that rural women faced numerous issues, including unpaid domestic work, inability to exercise the rights to health and pension insurance, lack of property ownership, lack of knowledge and information, lacking infrastructure, especially public transport, lack of support services, difficulties in starting their own business, insufficient participation in decision-making processes etc.

At the conference held to present the survey *Why do Women not Report Domestic Violence?*, conducted with support from the UNDP, which was attended by Dunja Mijatović, the Council of Europe Commissioner for Human Rights, we presented the results which showed that most women in Serbia did not condone violence, but they believed that this problem should primarily be addressed in the family, while the society should create an environment in which victims of violence would not be stigmatised, judged and revictimised, and would instead receive support from everyone, from their closest ones to the society as a whole.

As part of the project “Strategic Dialogues on Gender Equality at the Local Level”, in cooperation with the institution of the Advocate of the Principle of Equality of the Republic of Slovenia and with support from the Slovenian Embassy in Belgrade, we organised an event entitled *Female Entrepreneurship – Challenges and Outlook*, which discussed obstacles and challenges faced by women in the world of work, especially in business and entrepreneurship, as well as ways of addressing them.

The challenges of applying the antidiscrimination legislation to improve the position of LGBTI persons in the labour market and creating an inclusive work environment, with a focus on the current situation and outlook in Serbia, were the topics of the conference *Discrimination against LGBTI Persons in the Labour Market in the Republic of Serbia – Application of Antidiscrimination Legislation and Importance of an Inclusive Work Environment*, which we organised to present the publication *Guide to Implementation of National Antidiscrimination Legislation to Improve the Position of LGBTI Persons in the Labour Market in the Republic of Serbia*.

The International Day for Older Persons, 1 October, was officially marked at the Day Centre and Club for older persons “Igor Holodkov” in Belgrade, with support from the UNDP. The event involved a presentation of awards and an exhibition of the best children’s entries in the Commissioner’s competition *A Bridge of Understanding – Intergenerational Solidarity*. It also

provided an occasion to present a bilingual of the best children's entries in this competition. In 2023, the Commissioner once again implemented the programme "Moot Court in the Field of Protection against Discrimination", with the aim of building the capacities of future lawyers for protection against discrimination. The case deliberated this year involved discrimination on the grounds of convictions in the field of labour and employment. As part of the programme "Do not judge a Book by its Covers – the Living Library in Serbia", three Living Library events were held during the year (in Belgrade, Bečej and Pančevo), at which persons belonging to groups at an increased risk of discrimination interacted with the "readers" and shared their experiences and problems caused by discrimination in their daily lives. 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 eleventh time, as part of the 36th Belgrade marathon, with the aim of providing support to persons with disabilities to participate in this sports event and thus raise awareness of the importance of sports for a higher quality of life for persons with disabilities, as well as of the importance and benefits of equality and non-discrimination of all citizens.

In 2023, the Commissioner's Youth Panel, which closely cooperates with this institution in matters of elimination of and protection against discrimination of children and youth, continued its activities. During the year, the Panel members had a two-day training for peer educators on the subject of protection against discrimination and various forms of violence, with support from the UNDP in Serbia. The attendees were introduced to the role of peer educators and the main objectives of the bodyright campaign and they shared their experiences and opinions on the subject of discrimination and tolerance. After the training, the Panel members had an opportunity to hold workshops for secondary school pupils in six cities (Kragujevac, Bujanovac, Vranje, Novi Sad, Indija and Belgrade) on the subject of protection against discrimination and violence, focusing on cyber violence and discrimination in the online sphere. The Panel members also attended a workshop entitled "Be who you are and make a difference!", and they also actively participated and were among the key actors in our other events and activities.

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 as a full member, and we also hosted a delegation of the German Federal Antidiscrimination Agency (FADA) and the Commission for the Prevention and Protection against Discrimination of North Macedonia. During the year, the Commissioner's representatives took part in the drafting of several EQUINET publications.

Apart from the Commissioner's practice, the legal and strategic framework, as the cornerstone of social and economic development and improved quality of life for all citizens, is also relevant for examining the situation regarding the advancement of equality.

Numerous pieces of legislation were enacted in 2023, including: the Law amending and supplementing the Law on Financial Support to Families with Children; multiple laws in the field of education (fundamentals of the education system, dual education, preschool education, secondary education etc.); regulations in the field of health care; the Law amending and supplementing the Law on Planning and Construction; the Law on Information Security etc. In the course of 2023, the Government adopted: the Strategy for Active and

Healthy Aging in the Republic of Serbia for the Period 2024-2030, the Strategy for the Development of Small and Medium-sized Enterprises for the Period from 2023 to 2027 with the accompanying action plan, the Personal Data Protection Strategy for the Period from 2023 to 2030, the Action Plan for Implementing the Strategy for the Development of Digital Skills in the Republic of Serbia for the Period from 2020 to 2024 in 2023-2024, the Action Plan for the Period from 2021 to 2023 for Implementing the Strategy for the Development of Education in the Republic of Serbia by 2030, the Action Plan for the Period from 2023 to 2025 for Implementing the Youth Strategy of the Republic of Serbia for the Period from 2023 to 2030 etc.

However, although some of the strategic documents and/or action plans expired in the past years, the Government failed to comply with the Commissioner's recommendations provided in earlier reports and did not adopt strategic documents and action plans that should govern, among other things, the direction of development of adult education, corporate social responsibility, implementation of UNSC Resolution 1325 on Women, Peace and Security in the Republic of Serbia, improving 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. Crucially, these strategic documents should be adopted on the basis of an analysis of the current situation, on realistic foundations and considering the actual needs of citizens, and only after securing the funds for achieving the objectives that would result in an improved quality of life for citizens, unlike the Strategy for Active and Healthy Aging in the Republic of Serbia for the Period from 2024-2030, which built on a flawed analysis of the current situation, failed to properly set out the required measures and objectives and did not address the needs of older population.

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 the development of a systemic long-term plan at the national level for eliminating architectural barriers and improving the accessibility of all facilities in public use and public areas. An initiative was submitted to the Ministry of Health to initiate, as a matter of urgency, the procedure for amending and supplementing the Law on Transplantation of Human Organs and the Law on Human Cells and Tissues in order to govern the conditions and procedure for transplanting human organs and tissues from deceased persons, to reestablish a complete legal framework and to allow for transplantation of organs and tissues from deceased persons, which would save the lives of patients for whom the length of waiting for a transplant determines not only the quality of life, but also its very duration. Namely, certain provisions of the said laws were declared unconstitutional, which is why "all transplants have been suspended" since 25 November 2021 (when the relevant Constitutional Court decision was published).

In addition to the foregoing, 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.

In the past period, the Commissioner consistently drew attention to the 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.

In 2023, the Commissioner received approval from the National Assembly to hire seven new persons into indefinite employment. As at the end of 2023, the Commissioner's Professional Service had 40 civil servants and public employees employed for an indefinite period. However, under the Bylaw on Internal Organisation and Job Classification in the Commissioner's Professional Service, a total of 60 civil servants and public employees are systematised, and thus the Professional Service remains understaffed, with an occupancy of systematised jobs of just 66.67%.

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 Discrimination concerns the establishment and keeping of records of protection against discrimination, which, in addition to records of the cases created in the Commissioner's work, includes also records of anonymised court judgments and decisions passed in connection with discrimination and violation of the equality principle. Namely, the said Law imposes a duty 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, which notified us in September 2023 that new Court Rules of Procedure were being drafted and would govern this issue.

In addition to building the Commissioner's capacities, it is also necessary to work towards building both quantitative and qualitative capacities of other services whose activities focus on exercising the rights of and services and support to citizens. In their communications addressed to the Commissioner, citizens have stated that, due to the understaffing of public services, they have difficulties exercising, and at times are even unable to exercise, certain rights and services, such as social welfare, health care, child care, inspectorates, free legal aid services, the police and others. The capacities of some of these systems are also addressed in the *Performance Audit Report – Efficiency of Operations of Social Work Centres in the Provision of Social and Family Law Protection* by the State Audit Institution (SRI), which *inter alia* states that, between 2020 and 2022, on average eight social work

centres did not have a single social worker employed, 21 centres operated without lawyers, 17 centres operated without psychologists, while 57 operated without a pedagogue. Also, the Report recommended that social work centres should prepare and monitor their Professional Development Plans, to ensure continual improvement of their expert associates' professional competences. Furthermore, in the conclusions of its Performance Audit Report concerning the establishment of gender-responsive budgeting (GRB) in the Republic of Serbia, the SAI states *inter alia* that a significant number of local self-government units still do not apply GRB and lack sufficiently developed capacities for gender-responsive planning and budgeting, which is indicative of a need for far better preparation and understanding of the concept of GRB, which is the basis for improving the quality of life for women in local communities, since more equitable allocation of budget resources, according to prioritised needs, would result in greater equality and lower economic inequality.

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. According to the data of the Republic Institute for Social Protection, even the most developed service – domestic assistance – is not available in all local self-governments, and there is only one day care centre in the country for adults and older persons who need round-the-clock supervision and support; moreover, there are only three institutions providing shelter and day care services for children and youth operating in two municipalities in Belgrade, the number and capacity of the shelters for victims of violence, the so-called “safe houses”, is insufficient etc. Another issue is the lack of cooperation between local self-governments in cases where e.g. a welfare service beneficiary lives in the territory of one local self-government and attends school or works in a different one.

The lack of social welfare services places in an unequal position those persons who are unable to access any support services or are unable to access them on a continual basis, which leads to discrimination of those persons on the grounds of different personal characteristics – disability, age, health status etc. (personal care aides, personal assistants). Another issue is that, because of the lack of organised services, there are many informal caregivers, most of whom are women, and this places an additional burden on them, prevents them from entering the labour market, creates economic dependence and deepens gender inequality. Another issue that needs to be highlighted is the continued absence of simultaneous provision of social welfare and health care services (Article 60 of the Law of the Law on Social Welfare), for which there is a strong need among older persons population in particular. This issue is compounded over time, given the demographic data that show a population decline and average ageing of the population, as well as depopulation of certain regions.

In this context, it is necessary to step up efforts to provide all necessary social welfare services according to the needs of the population, standardise new services and develop innovative ones, while also promoting cooperation among local communities, as well as interdepartmental cooperation between different systems, which is a duty of local self-governments under the law.

The year behind us was heavily marked by numerous instances of violence, both gender-based and domestic violence, especially with regard to women, and peer violence among children. The root cause of violence is the unequal position, prejudice and stereotypes about

certain social groups, i.e. discrimination as a negative social phenomenon, which is why the Commissioner has persistently underscored the link between discrimination and violence.

The past year was marked by the mass murders at Primary School Vladislav Ribnikar and in the towns of Mali Požarevac and Dubona. The extent of these tragedies is unfathomable and it is virtually impossible to grasp the depth and consequences of the trauma for the families of those murdered and injured, as well as those who witnessed the events first hand. While these are the most tragic of such cases, the media have been reporting on a daily basis of peer violence, physical fights, injuries, insults etc., and the extent of violence in the digital world, committed using modern technologies, warrant a more extensive and thorough examination, so that the necessary measures can be undertaken and appropriate policies developed. Addressing the issue of peer violence is a major challenge for the coming period, regardless whether it involves physical, verbal, digital or other form of violence, which must be jointly tackled by all institutions of the system, including in particular education, health care and the judiciary, as well as non-governmental organisations and parents. The effectiveness of these system, interdepartmental cooperation and accountability and paramount for protection against violence. Also, considering the consequences of violence for the victims, especially if they are children, particular focus must be on mental health, which is crucial for addressing the traumatic experiences in the circumstances of the modern, rapid way of life. The Commissioner addressed this issue throughout the year, within her mandate. The youth have been identified as key actors in introducing their peers to these topics, and for this reason the members of the Commissioner's Youth Panel attended trainings within the BodyRight campaign for peer educations on the subject of protection against discrimination and different forms of violence and held a number of peer education events for other secondary school pupils.

Gender-based violence is globally one of the most widespread forms of violation of women's rights, with femicide as its most extreme form. According to media reports, 28 women were killed in Serbia in 2023. Gender-based violence requires constant re-examination of the state of affairs and an urgent response through appropriate measures within the protection and prevention system. The Commissioner supported the initiative to establish a national control mechanism to monitor cases of femicide, which was submitted to the National Assembly; however, the mechanism has not yet been established, although it is part of the official Strategy for Combating Violence against Women. Also, the media scene is still rife with sensationalist, indeed even inaccurate and unprofessional reporting on serious crimes, as well as violations of the right to privacy of the victims, the witnesses and the families, violation of the presumption of innocence of suspects and neglecting public interest. Nevertheless, an analysis of media content has identified a noticeable improvement with regard to coverage of gender-based violence, which has been brought about by the work of members of the Female Journalists Against Violence group and the Commissioner, who have persistently highlighted the need to respect journalistic codes of ethics and to refrain from relativising violence or seeking justification for the perpetrators of violence in the media reports.

To draw attention to different forms of violence and the economic disadvantages suffered by women because of the lack of property, lower employment rate and lower wages, which cause economic dependence and increase the risk of discrimination, and even violence, during the year the Commissioner prepared the guide *The Right to Inheritance – Equal for All* and organised a national conference to discuss the property rights of women. We submitted

an initiative to the Chamber of Public Notaries of Serbia to ensure that public notaries, when recording declarations of inheritance, explain in detail and draw attention to the consequences of renunciation of inheritance, in particular for women, in each individual case. Numerous other activities were also carried out, including the already mentioned survey *Why do Women not report Violence?*

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. According to the results of the *Census of Population, Households and Apartments*¹, our country's demographic situation is characterised by demographic aging and a high average population age, as a result of the major changes in the age structure which took place in the 20th Century, caused primarily by years of declining birth rate, a high death rate and migration trends. According to the preliminary census results, the Republic of Serbia has approximately 7% fewer inhabitants than in 2011, when the previous census was conducted.

Demographic data should be taken into consideration in particular with regard to the position and rights of certain population groups which are more commonly subjected to discrimination than others, such as older population, who are increasingly aging, frequently live in single-member households, with insufficient income, and face difficulties in exercising their rights and accessing support services. In 2023 the Commissioner continued conducting activities aimed at proper understanding of the issue of discrimination on the grounds of age and essential understanding of the specific characteristics of older population, the prejudice and the stereotypes associated with older persons and with age in general, especially since discrimination on the grounds of age has for years been one of the most common grounds for discrimination based on the number of filed complaints. These were some of the reasons why the topic of the 7th Regional Conference of Equality Institutions in Southeast Europe was "Discrimination against the Elderly – Ageism".

Depopulation challenges have also affected 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, because these services are not available in sparsely populated areas, while transport to larger settlements is not always provided. Another issue is providing preschool accommodation or teaching for a declining number of pupils in certain settlements, where schools have been closing down. On the other hand, larger cities face the issue of insufficient available places in day care facilities for children, and even overburdened schools in terms of excessive numbers of pupils. While population policy measures receive significant funding, far lower amounts are allocated to fund the necessary family support 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 context, in 2023 the relevant authorities complied with the Commissioner's recommendation to balance out the position of children who attend preschool facilities founded by the City of Belgrade and those who are forced to attend private preschool education due to the insufficient capacity of the facilities founded by the City.

¹ 2022 *Census of Population, Households and Apartments*, Statistical Office of the Republic of Serbia, available at: <https://popis2022.stat.gov.rs/sr-Latn>

The current demographic situation in the Republic of Serbia undoubtedly calls for different types of intervention across multiple areas, from population policy measures to the provision of infrastructure, transport to and from remote and sparsely populated areas, employment and thus also retention of youth, provision of all necessary services, including in particular social welfare and health care according to the population's needs etc.

Since 2017, the Commissioner time and again drew attention to the fact that certain provisions of the Law on Financial Support to Families with Children should be amended. In 2023 this Law was amended in accordance with a decision of the Constitutional Court. However, much still remains to be done in order to improve this piece of legislation, 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. Namely, women who are employed by an employer receive salary compensation which also includes paid contributions, which is not the case with women who are independent professionals, female farmers or women who work under a contract outside of an employment relationship. In her initiatives, the Commissioner has called for amendments to and harmonisation of a number of laws (the Law on Health Insurance, the Law on Compulsory Social Insurance Contributions, the Law on Companies, the Law on Personal Income Tax, the Law on Pension and Disability Insurance, the Labour Law) with this Law. It is also important to note that, in early 2024, the Constitutional Court passed a decision which found another provision of this Law to be unconstitutional (Article 13). The Constitutional Court held that women who are prevented from working due to pregnancy complications and who enjoy special protection on that basis were disadvantaged by the said provision in relation to women whose pregnancy went without complications, because the relevant period for the calculation of their salary compensation did not include the 18 months preceding the month when their leave started, but also the period of their leave from work due to pregnancy complications.

Population policy and birth support measures should go beyond mere provision of financial resources and should involve in particular the provision of support services (sufficient number of preschool facilities, provision of extended stay at school until the fourth grade, personal aide services for children with disabilities, respite services etc.). In addition, 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, are also some of the potential population policy measures. Equal distribution of household duties, care of children and older persons and gender equality in the full sense of the word are key for improving the demographic situation and implementing an effective and responsible population policy. For example, in some EU countries it is compulsory for fathers to use a portion of the child care leave. In the process of legislative harmonisation with *acquis communautaire*, it is necessary to transpose the provisions of the EU Work-Life Balance Directive adopted in 2019, in particular those pertaining to compulsory paternal leave. This Directive aims to ensure a more balanced representation of women and men among the managers of companies listed on the stock exchange by ensuring, among other things, that, by mid-2026, members of the underrepresented sex hold at least 33% of all managerial positions.

One of the main reasons for inequality and social exclusion is poverty. Although according to the data of the Statistical Office of the Republic of Serbia², poverty risk rate in Serbia in 2022 was 20% and was 1.2 percentage points lower than in 2021, while the rate of risk of poverty or social exclusion was 28.1%, which was 0.3 percentage points lower than in 2021, poverty is still an issue. According to the results of the Commissioner *Attitudes of Citizens towards Discrimination*, the two most commonly discriminated groups in the opinion of the respondents are the Roma and the poor, who are seen as discriminated in all areas (labour and employment, education, acting by public authorities, health care and social welfare, the judiciary, information etc.). Although the number of complaints filed with the Commissioner on the grounds of property status is relatively low, they often involve multiple or intersectional discrimination which the complainants fail to recognise, and the complaints are thus filed on the grounds of another personal characteristic – disability, age, health status etc.

Addressing the issues faced by the poor and their more equal social inclusion would be helped by 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 support to families with children and population policy measures, provision of universal child allowances, i.e. child allowances for all children, balancing work and parenting etc., to which the Commissioner has consistently drawn attention in her annual reports. In this context, it is necessary to amend the Law on Social Protection so as to reduce the number of persons living below the absolute poverty line, increase the amount and review the means test threshold for the entitlement to family welfare benefits and consider the possibility of introducing some sort of social allowance for older persons 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. According to the results of the *Labour Force Survey*³, in Q3 2023, the employment rate was 50.7%, the unemployment rate was 9%, while the inactivity rate was 44.2%. The growth of gross and net wages between January and November 2023 over the same period in the previous year was 15% in nominal terms and 2% in real terms, while the median net monthly wage in November 2023 was RSD 69,088. 50% of all employees earned wages below this amount.

During the year, the new Law on Occupational Safety and Health⁴ was enacted, introducing a number of novel features, setting forth measures and obligations for employers and provided for an improvement of the existing system in order to prevent workplace injuries, occupational diseases and work-related diseases. The Law has recognised the legal concept of work from home and remote work. In this area, implementing regulations for the Law on Social Entrepreneurship were not passed, the Law on Work Placement has not been enacted and 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. In parallel, in view of the figures on the median wage, consideration should be given to the possibility of increasing the tax-exempt threshold for wages, in order to bring about to

²*Poverty and Social Exclusion Report-SILK Survey*, Statistical Office of the Republic of Serbia, October 2023, available at: <https://www.stat.gov.rs/vesti/statisticalrelease/?p=13838&a=01&s=0102?s=0102>

³*Labour Force Survey*, Statistical Office of the Republic of Serbia, available at: <https://www.stat.gov.rs/sr-latn/vesti/20231130-anketa-o-radnoj-snazi-iii-kv-2023/?s=2400>

⁴ *Official Gazette of the Republic of Serbia No. 35/2023*

lower fiscal burden on the lowest wages and reduce inequality, as was recommended by the Fiscal Council.

The field of labour and employment this year once again ranked at the top in terms of the number of complaints filed with the Commissioner (161). 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 also received complaints from young persons 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, which is an issue if it is a persistent practice or if it constitutes abuse; the work on online platforms, have no health insurance etc. Economic uncertainty, especially in the initial years of work, also contributes to the emigration of youth. Employment of former convicts is a particular challenge, as prejudice and stereotypes remain widespread, which is why the Commissioner has recommended that the National Employment Service should involve these persons as much as possible in active employment policy measures, as the most effective way of ensuring resocialisation, reintegration and social inclusion of persons after their return from correctional institutions.

To raise awareness of the fact that respect for the human rights of workers in the workplace is mandatory, we have collaborated with the International Labour Organisation to prepare the *Manual on Workers' Grievance Mechanisms*⁵ and hold a number of workshops aimed at providing specific assistance and guidance to employers and workers to understand, establish and use labour dispute mechanisms.

In view of the foregoing, in addition to the said legal framework, it will be necessary to adapt labour legislation, especially in terms of precise governing of rights of workers who work without an employment relationship, increase the number of inspections and strengthen the inspection bodies. 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.

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, taking into account the frequency of complaints filed with the Commissioner.

⁵*Manual on Workers' Grievance Mechanisms*, available at: https://ravnopravnost.gov.rs/wp-content/uploads/2023/10/Prirucnik-o-zalbenim-mehanizmima_MOR_2023.pdf



*** In 142 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 2023 the largest number of complaints to the Commissioner was filed for discrimination on the grounds of age, and the majority of these cases (62%) concerned persons under 18 years of age. The largest number of filed complaints and communications from citizens with regard to the position of children concerned discrimination in the field of education, in connection with the provision of personal aide services for pupils with disabilities, as well as in connection with the provision of free textbooks, scholarships for talented pupils, participation in competitions, school transportation, accommodation at pupils' dormitories etc. In addition to opinions given in concrete cases, with a view to improving the position of children in this field, the Commissioner issued a number of recommended measures and initiatives for achieving equality to public authorities (concerning the provision of free textbooks, scholarships etc.). The communications also concerned various issues faced by preschool children, such as the issue of meals for children with allergies and other health problem in day care centres, involving children with rare and other diseases in activities, enrolment of children, inclusion of certain medicinal products in the positive list of prescription medicinal products etc.

In 2023, similarly as in previous years, the amount of funds allocated for the treatment of children with rare diseases was increased, and mandatory screening for the rare disease spinal muscular atrophy was introduced at all maternity clinics in Serbia and covered by the National Health Insurance Fund. The Bylaw on Determination of Bodily Damage has been amended to include a chapter which sets out percentages of bodily damage, including for: birth defects, genetic disorders and rare diseases, which should also contribute to better recognition of these diseases when exercising the entitlement to the assisted living allowance. However, in addition to the amendments to this Bylaw, other secondary legislation in the social welfare system should also be amended to ensure the provision of social welfare services, as children with rare diseases were often not fully recognised by this

system (e.g. when exercising the entitlement to personal aide services). Other significant amendments include those to the bylaw which enables insurance beneficiaries to be treated using the so-called off-label medicinal products with the costs covered by compulsory health insurance. For example, persons with rare diseases stated in their communications to the Commissioner that they had been prescribed the only medicinal product with proven efficacy in treating their condition; however, as the medicinal product was not included in the positive list of prescription medication or was registered for a different indication, they had to pay for it out of pocket, which seriously affects their livelihood and that of their family members.

The consequences of discrimination on the grounds of age are serious and far-reaching, regardless of the age group. Prolonged exposure to this form of discrimination may impact health and the quality of life and contribute to social isolation and loneliness, which by default increases the risk of all kinds of violence, as well as potential neglect and abuse, and in particular contributes to mental health deterioration.

The communications the Commissioner has received from older persons speak of an unsatisfied need for support and care services, the risk of poverty, loneliness and social isolation, which are also risk factors for the development of diseases (especially depression), as well as violence, abuse and neglect (in particular for older women). In 2023, the Commissioner continued implementing activities to ensure proper addressing of the issue of discrimination on the grounds of age and fundamental understanding of the specificities of older population, the prejudice associated specifically with elderly persons, as well as with age in general, the impact of changes in the traditional family model and the increase in the number of old single-member households.

When issuing an opinion on the Draft Strategy for Active and Healthy Aging in the Republic of Serbia for the Period 2024-2030, the Commissioner gave numerous objections, in response to which only minor changes were made and the adopted document was renamed; however, the strategic directions are not set out holistically in this document and many of the key areas relevant for improving the situation of older persons are not covered (eliminating discrimination against older persons, acting in crisis situations, systemic changes in the fields of pension and disability insurance, social welfare and health care etc.), and thus the measures and activities envisaged by the Strategy are unlikely to greatly improve the situation of older persons.

Discrimination on the grounds of age is also present in relation to the so-called “middle” generation, especially in the field of labour and employment, where discrimination affects both young and older workers. Especially women, who, regardless of their education level, have more difficulties finding employment, earn lower wages for the same work, find it more difficult to advance in the workplace and are more readily dismissed.

Discrimination on the grounds of health status is the second most common ground in terms of frequency of complaints (131), although it should be noted that discrimination is often alleged as the grounds for discrimination together with another personal characteristic, usually disability, age, gender identity, sex etc.

As regards discrimination on the grounds of health status, citizens’ communications show much still remains to be done to improve the legal framework, the procedures, the rules and clear instructions, while also sensitising the staff who work with patients and improving the availability and accessibility of health care to all citizens regardless whether they live in urban or rural areas. It is vital that the attained standards and the level of achieved rights are not

diminished. In their communications, citizens have pointed to breaches of certain administrative procedures, inability to schedule medical examinations and interventions, inability to go to rehabilitation because spa medical treatment centres and rehabilitation centres are inaccessible, treatment of rare diseases and access to appropriate therapy covered from the budget. Parents of children with autism complained of discriminatory and stigmatising treatment of their children, unavailability of personal aide services etc. In an effort to further draw the attention of the competent authorities to the position of children with autism, the Commissioner is an intervenor in a lawsuit filed by a mother against a private preschool facility over discrimination against her underage son, who has autism. Difficulties with exercising the right to health care concerned timely and continual provision of health care services, provision of long-term medical and palliative care, insufficient information and problems with scheduling medical examinations through e-Government, especially for older persons, insufficient functioning of different support services, problems with organ transplants, biomedical assisted fertilisation etc.

Different surveys have shown that, due to stigmatisation, victimisation and fear of rejection, persons living with HIV/AIDS do not want their status to be known to the wider community, which is why they frequently refrain from reporting discrimination or other violations of rights. Given the low number of complaints filed by natural persons, situation testing carried out by civil society organisations is paramount. Thus, in 2023, situation testing was carried out at 50 medical institutions in Novi Sad, Niš, Subotica and Belgrade with regard to the provision of health care services to persons living with HIV. Complaints were filed in five cases (the procedures are pending), while in the remaining cases no discrimination was found.

In recent years, and especially in the reporting year, an issue that has increasingly gained prominence is the respect for women's rights at medical institutions during pregnancy and childbirth (obstetric violence), with women complaining of insulting, demeaning, degrading and inhumane treatment at birth clinics, during delivery, as well as during induced miscarriage procedures. Bodily autonomy of women and girls, their sexual and reproductive health and rights, as well as humane treatment in accordance with the regulations and established professional standards, must be among the priorities in the field of health care. All relevant stakeholders must be involved in creating better conditions and an atmosphere in which childbirth will not be a stressful and traumatic experience, one that could even discourage women from another pregnancy, but a special moment of joy for every mother and family. In addition to appropriate facilities, it is also necessary to provide continual education to medical staff from the viewpoint of exercise of all human rights.

The next, third most common ground in terms of frequency of complaints is disability (93) as a personal characteristic, while persons with disabilities are among the most vulnerable groups across all areas of social life in terms of discrimination, as is the case also in other countries. The largest number of complaints referred to inaccessibility of various facilities, as well as the lack of necessary community-based services, which excludes persons with disabilities from the process of education and employment, as well as other segments of life. Since accessibility, including both architectural and information and communication accessibility, is a key prerequisite for equal participation of persons with disabilities in all areas of social life, in the past year the Commissioner submitted three initiatives to the line Ministry, including, as already stated, two initiatives to amend the Law on Planning and Construction and one initiative to develop a systemic long-term plan at the national level to eliminate architectural barriers and improve accessibility of all facilities used by the public and public areas. It is crucial to ensure accessibility of those institutions where citizens

commonly exercise their rights and access services, including e.g. education institutions, health care and social welfare institutions, spa medical centres and rehabilitation centres, facilities used by local self-government units and public utility companies, courts, as well as cultural institutions, cinemas and theatres etc. The solution to this problem often does not require substantial financial resources, and it is sufficient to identify the problem and have the will to address it, as evident from the fact that the Special Hospital in Vrnjačka Banja undertook appropriate measures after receiving a recommendation from the Commissioner.

Another major issue faced by persons with disabilities, especially children and youth, is education. The development of inclusive education, supporting the development of every child and enabling them to reach their full potential, also brings about prevention of discrimination, hostility and intolerance. Apart from accessibility, essential for the implementation of inclusive education is the availability of appropriate support services, as well as continuity in their provision, including in particular the provision of personal aide and pedagogical assistant services, as well as sensitisation of teaching and other staff.

In 2023, out of the total number of citizens' communications, 74 complaints concerned discrimination on the grounds of national affiliation or ethnic origin. As had been the case in previous years, the majority of those complaints concerned discrimination against members of the Roma national minority (55.4%). Among the remaining complaints on these grounds, the most common were those filed by members of the Albanian, Bosnian, Macedonian, Slovak and Croatian national minorities. The new convocations of the national councils of national minorities took office in 2023. The National Council of the Gorani National Minority was elected for the first time. The law delegated certain public powers to these councils to participate in decision-making or to autonomously decide on matters in the fields of culture, education, public information and official use of language and script. Considering the role and importance of these councils, during the year the Commissioner held two two-day seminars, to introduce members of the national minority councils to the free mechanism for protection against discrimination.

In 2023, complaints filed by members of the Roma national minority referred to inadequate housing conditions in informal settlements, fear of forced resettlement from such settlements, problems with the enrolment of children in schools, instances of segregation of Roma children or whole Roma classes, especially in schools near Roma settlements, difficulties in finding employment, humiliating and degrading treatment in the provision of services or in exercising various rights and hate speech expressed through graffiti and posts on social networks and elsewhere in the public space. The Commissioner's practice has shown the situation is particularly difficult for Roma women, who suffer multiple discrimination. The fact that Roma are discriminated is also borne out by the data from the Commissioner's survey *Attitudes of Citizens towards Discrimination*, which reveal that discrimination against Roma is the most widespread (61%). The results of an earlier survey conducted by the Commissioner, *Perception of Discrimination among the Roma Community*, have shown that the Roma respondents generally believe that education is crucial for equal status in the society (88%), not only as a means of lifting oneself out of poverty, but also as a precondition for full inclusion in all other segments of social life. However, the dropout rate remains high, and child and forced marriages, affecting girls in particular, are a particular issue in this regard. It is also important to regulate the status of Roma coordinators and health mediators.

The Commissioner also received communications from members of other national minorities, although to a much lesser extent. These communications concerned a discriminatory article

about the Albanian national minority, the use of language and script of the Croatian National Minority, a derisive term used for Slovak women on an online portal (“zuska”, “totica”), discriminatory graffiti etc. All of these cases were closed with the issuing of warnings, opinions or recommendations, most of which were complied with by the end of the year. Thus, for example, the aforementioned online portal complied with the recommendation concerning the offensive term used for Slovak women, while the discriminatory graffiti in the town of Kisač, near the Belgrade Fair grounds, on the offices of one organisation and at the Jewish Cemetery in Belgrade were whitewashed. The period for compliance has not yet expired in relation to the recommendation passed in the procedure pursuant to a complaint filed by a member of the Croatian national minority against the Tax Administration of Subotica, which was advised to take the necessary measures and create an application form that would be available in the languages and scripts of the national minorities which are officially used in that city according to its Statutes.

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 2023 (57). Complaints have also been filed on the grounds of marital and family status as the personal characteristic (41). Since complaints on the grounds of marital and family status were usually by women, and these are mostly instances of multiple discrimination based on both personal characteristics, the two personal characteristics are covered together in this Report.

Women are in an unequal position with regard to distribution of household duties, caring for children and elderly family members, vocational choices, employment and career advancement, termination of employment, ownership of property, participation in the political life and in decision-making positions... There are still clear divisions in terms of gender roles with regard to the exercise of parental rights, with women generally recognised as the “sole” parent with regard to duties associated with informal caregiving, caring for children, feeding, upbringing, hygiene and health of the whole family, which results in the male parent taking the “back seat”. Certain groups of women are particularly disadvantaged, including women with disabilities, victims of violence, older or young women, Roma women...

The fact that women as a social group are at an increased risk of discrimination is also borne out by the results of the survey *Attitudes of Citizens towards Discrimination in Serbia*. Namely, the respondents in this survey perceived women (50%) as the second most discriminated group after the Roma, and they also believe that women are subjected to discrimination in the field of labour and employment more than any other group (68%).

The Commissioner’s practice has also revealed there is a lack of full understanding of the affirmative measures targeting women in order to put them in an equal position, primarily in the labour market. Thus, we have received communications from men who believed it was they who were discriminated because they were not eligible to apply for and receive e.g. agricultural subsidies.

With a view to improving the position of women, over the years we have issued numerous recommended measures and initiatives, including: the recommended measure in connection with deciding on the promotion of employed female civil servants, to take into consideration as successive performance review scores those scores that were assigned in the years in which the female civil servant concerned was subject to performance reviews, while disregarding any years in which she would not have been subject to a performance review

because she was using her pregnancy leave, maternity leave or child care leave; the initiative to amend the Law on Financial Support to Families with Children, which has already been discussed; to reduce the VAT rate or provide an exemption for female hygiene products; to increase the number of available contraceptives the cost of which is covered by the National Health Insurance Fund etc.

The Commissioner has focused in particular on improving the position of rural women. In the course of the three-year project *Improving the Position of Women and Girls in Rural Areas*, concrete support was provided for 338 rural women to start or improve their agricultural business through equipment purchases, while some 150 women participated in trainings and roundtable discussions where they received information and acquired knowledge to recognise discrimination, as well as the knowledge to improve their agricultural production, and also the knowledge of communication and use of new technologies, digital skills, project writing etc.

The Commissioner received fewer complaints on the grounds of other personal characteristics. There were 43 complaints on the grounds of another personal characteristic (personal characteristics not explicitly stated in the law – asylum-seeker, refugee or IDP status, address of residence). Following these in terms of frequency were complaints on the grounds of membership in political, trade union and other organisations (36), religious or political beliefs (21), past convictions (18), sexual orientation (17), gender identity (12), property status (9), skin colour (6), citizenship (5), and then complaints on the grounds of race, appearance, birth and language, which were far fewer.

According to the results of the survey *Attitudes of Citizens towards Discrimination*, nearly half (48%) of the respondents have an extremely negative or negative attitude towards refugees and migrants who are currently arriving to Serbia, 36% have a neutral attitude, while just 9% have a positive or very positive attitude. However, the number of complaints filed on this ground has been low for years, which is why situation testing conducted by civil society organisations has been vital. Thus, situation testing has resulted in the filing of a complaint against a youth work cooperative for refusing to admit a person under subsidiary protection in the Republic of Serbia, and the opinion found that the cooperative had acted in a discriminatory manner. At a particular risk of discrimination within this group are women and girls, children, persons with disabilities etc.

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, preferential treatment of certain trade unions etc. Taking into account the importance the right to work has for a person's livelihood and the complexity of the legislation, as well as the fact that citizens are more sensitive to this area of social life, it is logical that the largest number of complaints concerned this area, although in some instances the discrimination involved also other injustices or violations of rights (most commonly workplace mobbing). In view of this fact, the Commissioner participated during the year in the implementation of the ILO project "Providing Appropriate Worker Grievance Mechanisms in Automotive, Electrical and Textile Industries in the Republic of Serbia" and also published the publications *Manual on Workers' Grievance Mechanisms* and *Recognising and Responding to Discrimination in the field of Labour and Employment*.

It should be noted that, in these cases of discrimination, especially when they concern membership in political, trade union and other organisations as a personal characteristic, citizens often wish to remain anonymous, i.e. they do not want to sign their complaint or they drop the complaint for fear of the consequences of their reporting, believing that their reporting of discrimination would cause negative reaction by their employer and further aggravate their position. Also, witnesses of discrimination do not want to testify at all or withdraw from testifying during the procedure for fear of victimisation. This makes proving discriminatory actions difficult and effectively precludes protection against discrimination.

Citizens also state they have suffered unjustifiably unequal treatment in the work of public authorities because of their real or assumed personal characteristic of membership in a political, trade union or other organisation, or because of their sexual orientation (when enrolling their children in day care facilities, with regard to treatment by the police etc.). The Commissioner has underscored time and again that the principle of equality can be achieved only if everyone does their job professionally, diligently and responsibly, with continual education of all employees, while any oversights should be sanctioned.

In 2023, there were 21 complaints filed on the grounds of religious or political beliefs, which alleged that certain public officials advocated hatred, stereotypes and prejudice against the members, voters and sympathisers of certain political parties in their public addresses, and drew attention to a negative practice at the airport, where women wearing a hijab were singled out for additional pat-downs. A number of warnings and public announcements were issued during the year in this context, both on the Commissioner's official website and on social network accounts. As general and local elections in some of the local units were held in late 2023, the Commissioner issued a public announcement at the start of the election campaign to remind all participants in the election process of their duty and responsibility to respect the Constitution and the laws, which prohibit hate speech, as well as offensive, harassing and degrading treatment of individuals or groups on the grounds of any personal characteristic. The incidents during the election campaign, especially towards its end, were the reasons for the Commissioner's public warnings, in which she condemned occurrences such as the promotion of a video and a statement containing elements of hate speech towards the LGBTI+ community and political opponents, attacks on activists in door-to-door campaigns and stands of the Serbian Progressive Party in Kragujevac, as well as the attack on an activist of the Serbia against Violence coalition in Pirot, insults directed at public figures who signed the ProGlas petition and verbal attacks on NGO activists and members of the City Electoral Commission.

Also, in 2023 the trend observed in the number of complaints on the grounds of sexual orientation (17) and gender identity (12) was continued, with some complaints referring to discrimination on both of these grounds. Members of the LGBTI+ population continue to face social distance and various forms of violence and discrimination, while same-sex partnerships are still not normatively regulated. Unlike the previous year and the developments surrounding the EuroPride event, the Pride Walk held in Belgrade this year went without any incidents. The media often deepen prejudice and stereotypes by their inappropriate reporting, thereby also violating the dignity and integrity of LGBTI+ persons, and the Commissioner usually reacted to such instances by issuing public warnings. Social media posts which negate, offend and disadvantage members of this population are also not uncommon. Transsexual and transgender also face issues associated with the lack of clear procedures regarding the issuing of identity documents, diplomas and certificates; however,

the number of citizens who drew our attention to this issue was smaller than last year. Considering the importance of ensuring the right to equality in the field of labour and employment, in 2023 the Commissioner continued participating in the implementation of a project promoting diversity, equality and inclusion in the workplace. A strategic lawsuit filed in 2022 against a medical doctor and a politician over statements made in a television programme which discriminated against LGBTI+ persons has not yet been closed. Three hearings were scheduled in 2023, but only one of them was actually held. The Criminal procedure in respect of which the Commissioner last year filed criminal charges to the competent prosecutor's office because of justifiable suspicion that two police officers physically and mentally abused a person in an underpass in Belgrade because of his sexual orientation while exercising their official powers has not yet had its epilogue.

The Commissioner's practice has also revealed other grounds of discrimination, including discrimination on the grounds of past convictions, property status, skin colour, citizenship, race, appearance, birth and language 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 past 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. This is why we have issued a recommendation to the National Employment Service in connection with stepping up active employment policy measures for former convicts to achieve a greater effect in terms of their resocialisation and reintegration with the society. 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 discrimination, except where such action is caused by the nature and requirements of the job concerned. An example from the Commissioner's practice has also revealed problems concerning the inability of registering children with the birth register immediately upon their birth because the parents (the mother) do not have identity documents, which is not in compliance with the provisions of the Convention on the Rights of the Child.

Just as in previous years, in 2023 the Commissioner received complaints which alleged discrimination on the grounds of multiple personal characteristics (142 complaints). These were instances of multiple or intersectional discrimination, which constitutes a grave form of discrimination, because it has far greater consequences for the victim. Discrimination against a person on the grounds of two or more personal characteristics the effects of which can be distinguished is termed multiple discrimination, while intersectional discrimination is the case if it is impossible to distinguish between the effects of individual personal characteristics in the discrimination against a person on multiple discriminatory grounds. In practice it is not uncommon for complainants to list multiple personal characteristics in situations where they are unsure which personal characteristic was the discriminatory grounds. Complainants usually refer to sex and marital and family status, age and disability, health status, national affiliation etc. The Commissioner has applied the concept of intersectional discrimination in practice from the very beginning of this institution's operations and our examples have been recognised as the sound foundation for the establishment of standards at the European level.

As we live in an era of rapid technical and technological development, which is also characterised by the development of artificial intelligence (AI), this year we have separately covered discrimination in this field, noting that AI development has a huge potential to

improve various aspects of human life, such as health care, education, economy, culture and society, but is also fraught with numerous challenges and risks concerning ethical, legal, social and political issues. To ensure that AI is developed and used in a manner consistent with respect for human rights, dignity and democracy, it is necessary to set clear boundaries for its management and clear lines of responsibility. This was one of the reasons why online safety was the focus of public policies in the previous year.

A key problem in 2023 was the still prevalent discriminatory speech in the public sphere, as evident from the Commissioner’s opinions. These were most frequently cases of illegal speech concerning the Roma, the LGBTI population, women or national minorities, as well as political opponents, who are perceived and portrayed in public as archenemies. Trading insults has become part of the daily political life. Even certain public and cultural figures were not spared from this inappropriate, humiliating and insulting speech. 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. It is also 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.

The following recommendations have been given on the basis of an analysis of the overall situation regarding the exercise of equality by different social groups, by all discriminatory grounds and areas of discrimination, according to the Commissioner’s practice. General recommendations are listed first (those which are common for all personal characteristics and social groups), followed by recommendations grouped by certain personal properties to which higher numbers of complaints were filed, while recommendations pertaining to personal properties which featured in fewer complaints are listed cumulatively.

As noted in earlier reports of the Commissioner, some of the recommendations can be implemented in the following year, while others will require continual or extended future efforts, which is why certain recommendations given in previous years have been repeated.

Recommendations to advance equality and eliminate discrimination

<p>General recommendations to advance equality:</p> <ul style="list-style-type: none">- 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 misdemeanour, 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, and submit draft laws and other legal documents to the Commissioner for an opinion (public authorities at all levels);

- In respect of every reporting year, ministries should submit to the Commissioner a comprehensive report on the activities they have undertaken to advance the equality of the social groups at an increased risk of discrimination during that year (all ministries);

- Accept the Commissioner's initiative and amend and supplement the existing regulations or pass new ones, harmonised with the antidiscrimination legislation, including amendments to the Criminal Code, the Law on Public Order, the Law on Enforcement of Criminal Sanctions, regulations pertaining to social welfare and family and child care, as well as those pertaining to capacity to contract, financial support to families with children etc. (Ministry of Justice, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of the Interior, Ministry of Family Welfare and Demography);

- 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, the action plan to implement the strategy on combating gender-based violence against women and domestic violence, the Rare Diseases Programme etc. (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.), provide education on the use of e-Government, especially for older persons (public authorities within their respective remits, Ministry of Public Administration and Local Self-government, Office for Information Technologies and e-Government);

- 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, strengthen inspection authorities and increase the number of inspections, especially in the field of labour. Review the existing human resource provisions and establish criteria based on the actual needs of these services (line ministries, Ministry of Finance, local self-government units);

- Increase the scope, type and availability of social welfare services and cross-departmental services, in particular social welfare, health care and education, so that they meet the needs of the population (line ministries, local self-government and territorial autonomy units);

- Regulate in more detail work from home, flexible working hours, work outside of

employment, seasonal work, job placement etc. in order to improve the situation of workers. Take action to ratify International Labour Organisation's Convention No. 190 concerning the elimination of violence and harassment in the world of work. Adopt secondary legislation to implement the Law on Social Entrepreneurship (Ministry of Labour, Employment, Veteran and Social Affairs);

- In addition to the existing ones, design new 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, Ministry of Education, 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 and tolerance. React appropriately and timely and penalise hate speech and other forms of harassing or degrading treatment in the public sphere (Ministry of Information and Telecommunications, Ministry of Culture, Regulatory Authority for Electronic Media, Ministry of the Interior, public broadcasting services and other media, local self-government units, public prosecutors' offices, courts and others);

- 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 and others).

Recommendations to advance equality by specific personal characteristics:

Age:

- 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, provide free legal aid and raise awareness of recognition and reporting of violence; 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);

- In the education system, mitigate and eliminate factors that contribute to criminogenic behaviour of children and focus on mental health issues and on overcoming traumatic experiences caused by violence and discrimination (Ministry of Education, Ministry of Health, social work centres, Youth Counselling Centres);

- Improve services for early development and inclusion of children, while ensuring that these are available to children across the entire territory of the Republic of Serbia; 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);

- Provide an universal child allowance, i.e. a child allowance for all children (Ministry of Family Welfare and Demography);

- 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 pedagogical assistant services (Ministry of Education, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Tourism and Youth);

- Provide free textbooks to primary school pupils in all local self-government units from budget funds (Government, local self-government units);

- 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 all media outlets, including social networks, 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);

- Design and 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);

- Implement activities and projects that equally and in a planned manner include older persons 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, to prevent the risk of social exclusion (Ministry of Labour, Employment, Veteran and Social Affairs, social welfare institutions, local self-government units);

- Increase availability and continuity of the existing services and develop new, innovative ones (domestic help, field visiting services, helplines, teleassistance, occasional and

temporary placement services etc.), mental health services, long-term and palliative care services, services targeting older persons with mental difficulties etc., coupled with an increase in the number of medical professionals specialised in working with older persons, as well as interdepartmental services provided by the social welfare and health care systems (Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health, local self-government units, social welfare institutions and other service providers);

- Continually 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).

Health status:

- Improve accessibility and availability of health care services, including mental health 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, visiting services 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. (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. Increase the number of scientific research efforts and clinical studies into rare diseases, as well as availability of treatment and appropriate medicinal products, while also recognising the needs of patients with rare diseases in the social welfare system. (Ministry of Finance, Ministry of Labour, Employment, Veteran and Social Affairs, National Health Insurance Fund);

- Ensure respect for the rights of women, a safe environment and appropriate and humane treatment, in accordance with the regulations and contemporary standards in medical institutions, during pregnancy and childbirth (Ministry of Health, gynaecology and obstetrics institutions, health inspectorate);

- Establish standards for the provision of cross-departmental health care and social welfare services (Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health);

- Provide necessary regular education to medical staff about antidiscrimination regulations and advancing equality in the provision of health care services. (Ministry of Health, National Health Insurance Fund, local self-government and territorial autonomy units);

- 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, National Academy of Public Administration, employers' associations);

Disability:

- Develop a systemic, 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 and other ministries within their remit);
- 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 for persons with disabilities, with continued deinstitutionalisation and more community-based services. Continually provide personal aide services to children who are found to be in need of such service in the education process (Ministry of Labour, Employment, Veteran and Social Affairs, local self-government and territorial autonomy units);
- Change 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, in accordance with the Convention on the Rights of Persons with Disabilities (Ministry of Labour, Employment, Veteran and Social Affairs, National Health Insurance Fund, Ministry of Family Welfare and Demography, Ministry of Justice);
- 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).

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 (all public authorities);
- 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 and others);
- 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 and others);

- 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);

- 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);

Sex and marital and family status:

- Establish a national control mechanism to monitor cases of femicide, improve synchronised and coordinated acting by all stakeholders to prevent violence against women and domestic violence; timely penalise the perpetrators (Council for Elimination of Domestic Violence, Ministry of Justice, Ministry of Human and Minority Rights and Social Dialogue, Ministry of Family Welfare and Demography, Ministry of the Interior, Ministry of Labour, Employment, Veteran and Social Affairs);

- Amend 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);

- Afford equal treatment to treat women who are independent professionals, women farmers and women working outside of an employment relationship equally with employed women in terms of all allowances and benefits paid in connection with childbirth, child care

and special child care and harmonise all relevant legislation in this context (Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Family Welfare and Demography, Ministry of Economy, Ministry of Finance and others);

- Revoke or reduce VAT on female hygiene products and increase the number of available contraceptives the cost of which is covered by the National Health Insurance Fund (Ministry of Finance and National Health Insurance Fund);

- Enable exercise of the entitlement 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);

- 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 (local self-government and territorial autonomy units, Ministry of Human and Minority Rights and Social Dialogue and others);

- 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, as well as balanced representation of women in managerial posts and in management bodies. 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, employers);

- Establish additional mechanisms and incentives for greater participation, activity and visibility of women in the political sphere (Government).

Other personal characteristics:

- Amend the Law on Social Protection to create conditions for reducing the number of persons living below the absolute poverty line, increase the amount and review the means test threshold for the entitlement to family welfare benefits and consider the possibility of introducing some sort of social allowance for older persons 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, Ministry of Finance);

- Increase the tax-exempt threshold for wages, in order to bring about to lower fiscal burden on the lowest wages and thus reduce inequality (Ministry of Finance);

- Actively work towards ensuring the exercise of the right to identity documents and access to health care, social welfare and other services for persons in a homeless situation, together with an increased number of shelters for such persons (Ministry of Human and Minority Rights, Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health, local self-government units);

- Ensure consistent application of labour legislation with regard to the prohibition of disadvantaging and discriminating against job-seekers and employees, in particular on the

grounds of political, religious or other beliefs, as well as membership in political, trade union or other organisations (Labour Inspectorate, Employers);

- Undertake measures to improve the position of past convicts and their full social inclusion, without stigmatisation, especially in the employment process (local self-government units, social work centres, National Employment Service);

- Pass regulations to enable the registration of same-sex partnerships and regulate the effects, the legal consequences and the manner of their dissolution (line ministries as proposers and the Government);

- Ensure proper application of regulations in the issuing of diplomas of completed education, certificates, personal documents etc. to transgender and transsexual persons, so as to enable them to fully integrate their new identity with their private and professional life (public authorities).

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 Discrimination⁶, 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, which has been constantly strengthening its qualitative capacities since its establishment.

Under the Bylaw on Internal Organisation and Job Classification in the Commissioner's Professional Service, a total of 60 civil servants and public employees are systematised. The National Assembly of the Republic of Serbia endorsed this Bylaw. As at 1 January 2023, the Commissioner's Professional Service had 36 civil servants and public employees employed for an indefinite period and 3 fixed-term employees. In the course of 2023, the Commissioner issued public job announcements (one including an affirmative measure) and, for the first time in four years, hired four civil servants into indefinite employment, while the procedures pursuant to the announcements are ongoing for three more posts, including one for a person with disabilities.

At the end of 2023, there were 40 civil servants and public employees employed for an indefinite period. In 2023, the occupancy of systematised jobs in the Commissioner's Professional Office was 66.67%.



Professional Service of the Commissioner, 2023

⁶ Official Gazette of the Republic of Serbia Nos. 22/09 and 52/21

Notwithstanding the new hirings, the human resources capacity of the Professional Service remains insufficient. The human resources capacity of the Professional Service is insufficient, the Commissioner has emphasised on several occasions and sought approval from the National Assembly and the Ministry of Finance in the past years to increase the human resource capacities, which was supported by conclusions of the National Assembly, the Action Plan for Chapter 23 and other relevant documents. To further increase the human resource capacities, it is necessary to increase the number of employees and to continually fill the vacancies.

In 2023, the employees attended trainings organised by the National Academy for Public Administration on various topics, including: Strengthening the Professional Capacities of Appointed Civil Servants in the Republic of Serbia; Overcome Performance Anxiety before it overcomes You; Body Language in Public Appearances; Assertive Communication; Gender-responsive Budgeting; Artificial Intelligence; Advocating Serbian National Interests in EU's Decision-making Fora; State Protocol with Elements of Business Protocol; Advanced Word Processing; German Language; English Language etc.

The employees also attended the following workshops and trainings: a workshop on the preparation of KA210 small-scale partnership projects, organised by the Tempus foundation; a workshop on the subject of Personal Development; a train-the-trainers event on the subject: Gender Equality in Public Administration; An Introduction to Artificial Intelligence Systems, as well as Artificial Intelligence and the Human Mind, organised by the Mathematical Institute of the Serbian Academy of Sciences and Arts; Regulating Artificial Intelligence: Legal and Ethical Challenges, organised by the Faculty of Organisational Sciences; Technical Aspects of AI Functioning for Responding to Potential Cases of Discrimination and Preparation for Effective Implementation of the EU Regulation on Artificial Intelligence; Introduction to Online Information Security and Data Protection Systems; History of the Roma and the Romani Language, organised by the Roma Education Fund; Strengthening Leadership Skills, organised by the Centre for Modern Skills; Calculation of Other Personal Income and the New PFE Form, organised by the Ministry of Finance; and English Language, organised by the Institute for Foreign Languages in Belgrade.

In addition, the Commissioner participated in the Fair "Student Professional Practice in Public Administration 2023/2024", organised by the Ministry of Public Administration and Local Self-government and 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 the Education Process 2023/2024, students were in work placement arrangements at the institution.

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 and recognising and responding to discrimination, for different professional groups and the general public.


Commissioner's work in 2023 in numbers

• **3282**



cases

• **600**



complaints received

• **660**




recommended measures

• **45+**
12




announcements and warnings

• **86.**
%




compliance with recommendations

• **650**



different events

• **3**



surveys

• **750**



persons included in trainings

• **8**



publications



ACTED UPON
recommendations

86,3%



NOT ACTED UPON
recommendations

17,7%

COMMISSIONER'S ACTIONS RELATED TO PROTECTION AGAINST DISCRIMINATION IN 2023

During the reporting year, several thousand 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. By telephone alone, on average dozens of citizens receive information on a daily basis. In order to facilitate the filling of complaints, a non-mandatory complaint form comprising all required elements is available on the Commissioner's website (in Cyrillic and Latin scripts, as well as in English). The complaint form is also available in different languages of national minorities, in a child-friendly format and electronically.

In the course of 2023, the Commissioner acted in 3,282 cases, which was an increase from 2022. The fundamental difference in the number of cases stems from the certificates of no past discriminatory conduct issued to persons who apply for employment or are employed in the education system, with 1,950 of such certificates issued – up from 719 in the previous year. Namely, the Law on Fundamentals of the Education System and the Law on the Living Standard of Pupils and Students provide that persons hired into employment at education institutions and institutions providing the living standard for pupils and students must meet certain conditions, including the condition that the person must not have been found guilty in accordance with the law of engaging in discriminatory conduct. Compliance with this condition can also be verified in the course of employment, and, apart from employees, headmasters of education institutions are also required to demonstrate compliance with this condition. Furthermore, the Law on Fundamentals of the Education System also provides that a person nominated or appointed to serve on a managing body must not have been convicted of a crime and sentenced to at least three months in prison and must not have been convicted of a crime such as domestic violence, removal of a minor, neglect and abuse of a minor or incest; of a crime of giving or receiving bribe; of a crime associated with sexual freedom, crime against communication in legal matters, against humanity and other matters enshrined in the international law, regardless of the measure taken, nor a person for whom it has been ascertained, in keeping with the law, that he/she had engaged in discriminatory behaviour. A certificate of no discriminatory behaviour must also be provided by the founder of an education institution. In view of the Commissioner's mandate, as well as the fact that this institution keeps records of proceedings in cases initiated pursuant to complaint and strategic lawsuit for the protection against discrimination, the Commissioner, upon considering each request, issues a certificate that there are no procedures pending/no instances of discriminatory conduct by a person applying for employment or working in the field of education.

Commissioner's acting in 2023



* Cases in connection with complaints

As regards protection against discrimination, the Commissioner acted on 600 complaints, with 660 recommended measures issued to public authorities and other persons for achieving equality recommended measures for achieving equality, 20 initiatives issued for amendments to regulations, 32 opinions provided on draft laws and other general legal documents, one proposal for review of constitutionality and legality, two strategic litigations initiated and one lawsuit in which the Commissioner participates 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 unsuccessfully completed without settlement and 13 public warnings issued.

As regards the Commissioner's acting pursuant to the complaints, there were more cases than in the previous year where the complainants declined to pursue the matter further after the Commissioner's procedure and actions by the 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. It is likewise not uncommon for complainants to withdraw their complaint because the discriminatory action was rectified and the issue was resolved after the complaint had been submitted to the respondent for a response. For example, an employee was reinstated and assigned to an appropriate post in accordance with his capacity; a female employee was promoted or sent for training after returning from her maternity leave or child care leave etc. This situation is most commonly seen in the field of labour and employment. In addition, some of the procedures were terminated for other reasons provided for by the law, including e.g. because of an incomplete complaint that was not supplemented even after a repeated demand from the Commissioner, if it was obvious that there had been no violation of rights, if the Commissioner had already acted in the case and no new evidence was presented, or if 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 etc.

In the procedures pursuant to complaints, 53 opinions were passed. Pursuant to 32 complaints this institution passed opinions which found breaches of the Law on Prohibition of Discrimination and recommended measures, 12 opinions found no breaches of rights, while in nine cases no breaches were found, but recommended measures for achieving equality were passed. Unlike the previous years, in 2023 there were no instances of multiple complaints filed in connection with the same event. For example, in the previous year there had been multiple instances of complaints pertaining to the same discriminatory piece of graffiti, dozens of complaints by the inhabitants of a Roma settlement, as well as multiple complaints concerning inaccessibility of taxi services to wheelchair-bound persons with disabilities etc.

The Commissioner's recommendations contained in the opinions were complied with in 84.3% of the cases, while in 15.7% of the cases they were not complied with, and in 14 cases the deadline for compliance with recommendations in 2023 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 88.4% of the cases, which constitutes an average of 11.6% together with compliance with recommendations issued together with opinions. Evidently, the trend of complying with the Commissioner's recommendations continued.

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.

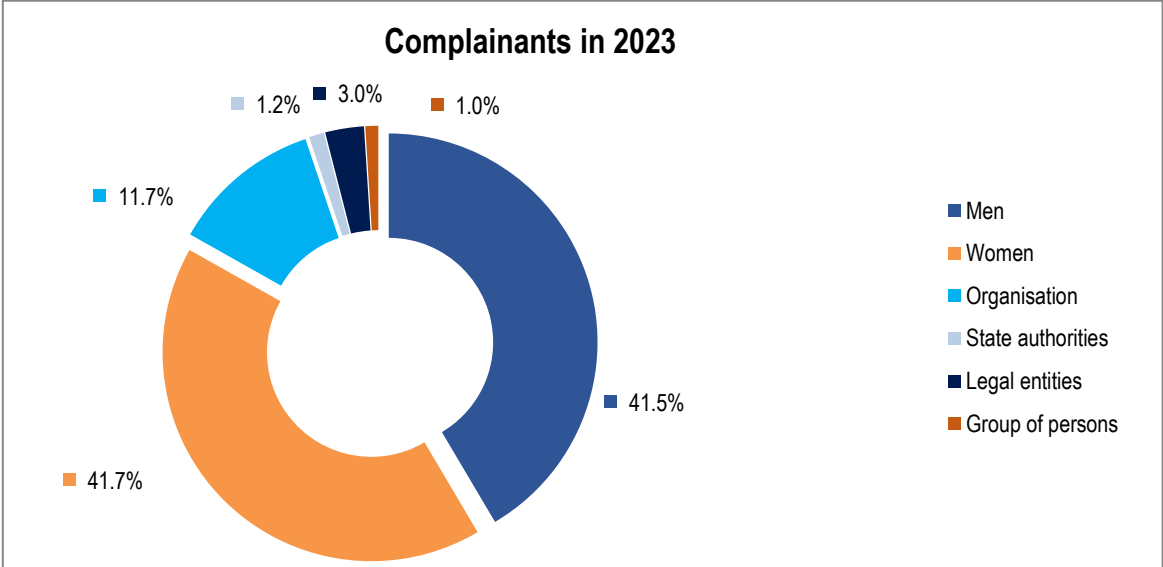
Civil society organisations notified the Commissioner they had conducted several situation testings in Čačak, Novi Sad, Niš, Subotica and Belgrade, which will be addressed in more detail later in the Report.

Citizens' Complaints

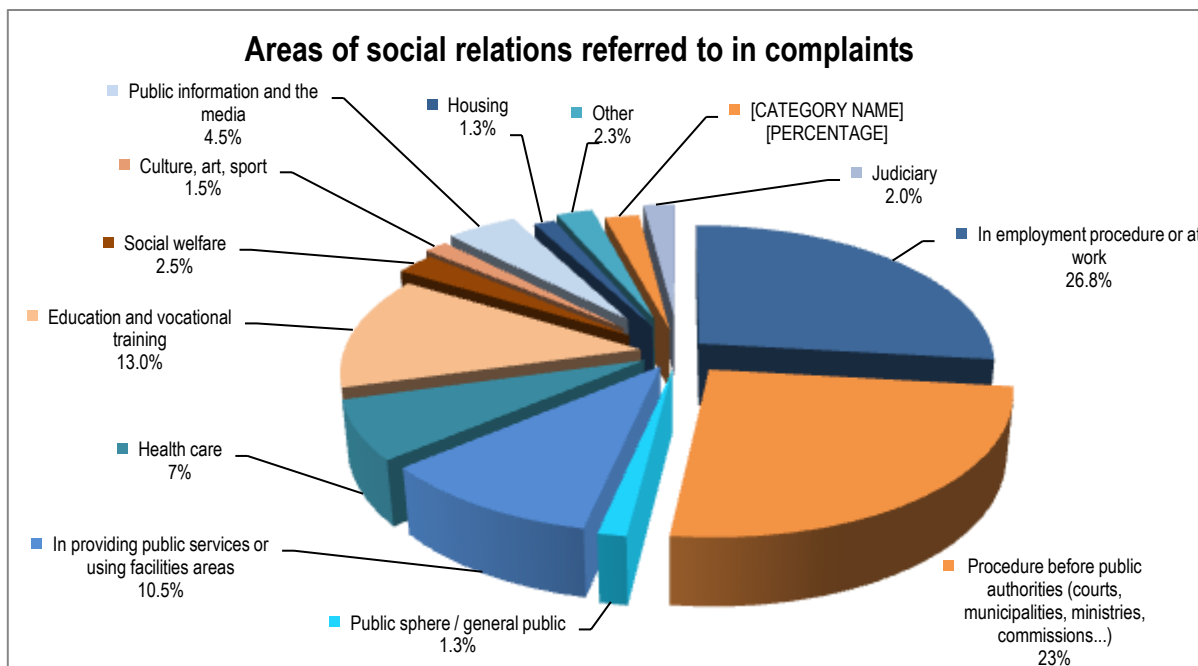
Filing of complaints by citizens, civil society organisations and other persons or entities initiates the procedure for protection against discrimination in accordance with the Law on

Prohibition of Discrimination. However, the Commissioner receives a significantly higher number of communications from citizens who often do not wish to initiate a formal procedure, but want to draw attention to a particular issue or ask for assistance or support in the exercise of other rights.

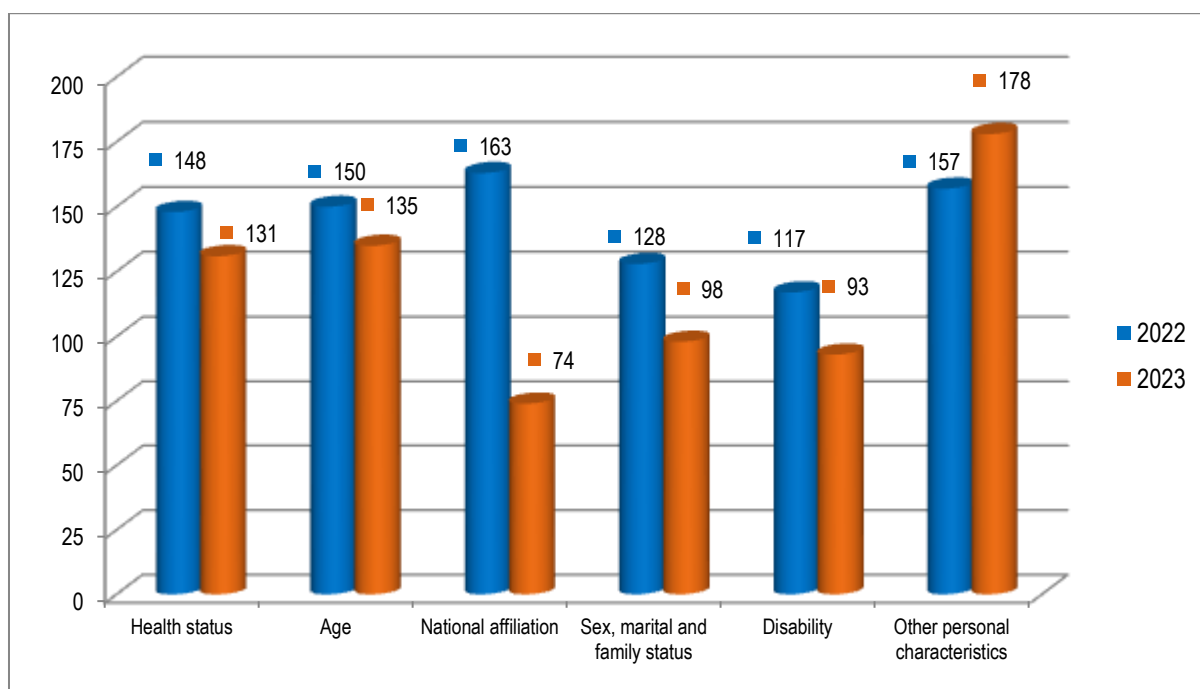
As regards complaints for the protection against discrimination, 600 complaints were filed, out of which natural persons filed 499. Women contacted the Commissioner slightly more frequently than men in connection with almost all discriminatory grounds except health status, disability and national affiliation or ethnic origin. In 2023, civil society organisations filed 70 complaints, while the remaining complaints were filed by legal entities, inspectorates and other authorities.



As regards areas of social relations, the majority of complaints in 2023 concerned the employment process or work, followed by complaints concerning procedures before public authorities, education and vocational training, provision of public services or use of facilities or areas, health care, public information and the media, social welfare, private relations, the judiciary, culture, arts and sports, housing, public sphere/general public, and other areas in lower percentages.



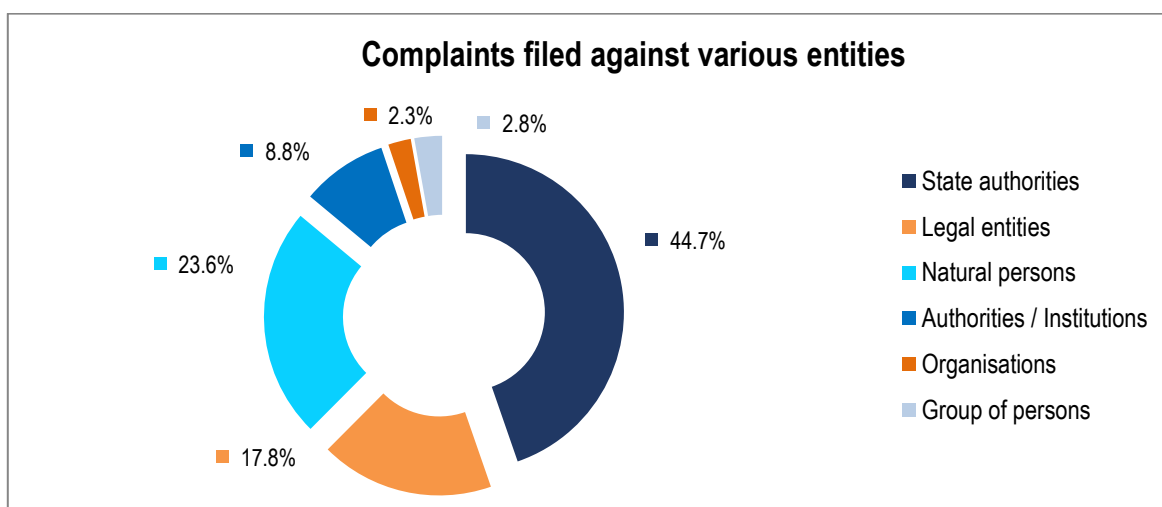
In 2023, complaint numbers concerning individual discriminatory grounds remained roughly the same as in the previous year, although there were fewer complaints filed on the grounds of national affiliation or ethnic origin as a personal characteristic (163 in 2022 vs. 74 in 2023). However, it should be borne in mind that some events in the previous year resulted in multiple complaints (59 complaints concerning a discriminatory piece of graffiti, 57 complaints concerning issues in a Roma settlement and 40 complaints concerning accessibility of taxi transportation), meaning that the number of complaints filed in 2023 was even higher than the previous year when considering individual events. There were more complaints in the field of labour and employment, which were more frequently filed by women, while complaints in the field of provision of public services or use of facilities and areas and in the public sphere/general public were fewer than in the previous year.



The most frequent grounds for discrimination in complaints filed in 2023 compared with 2022

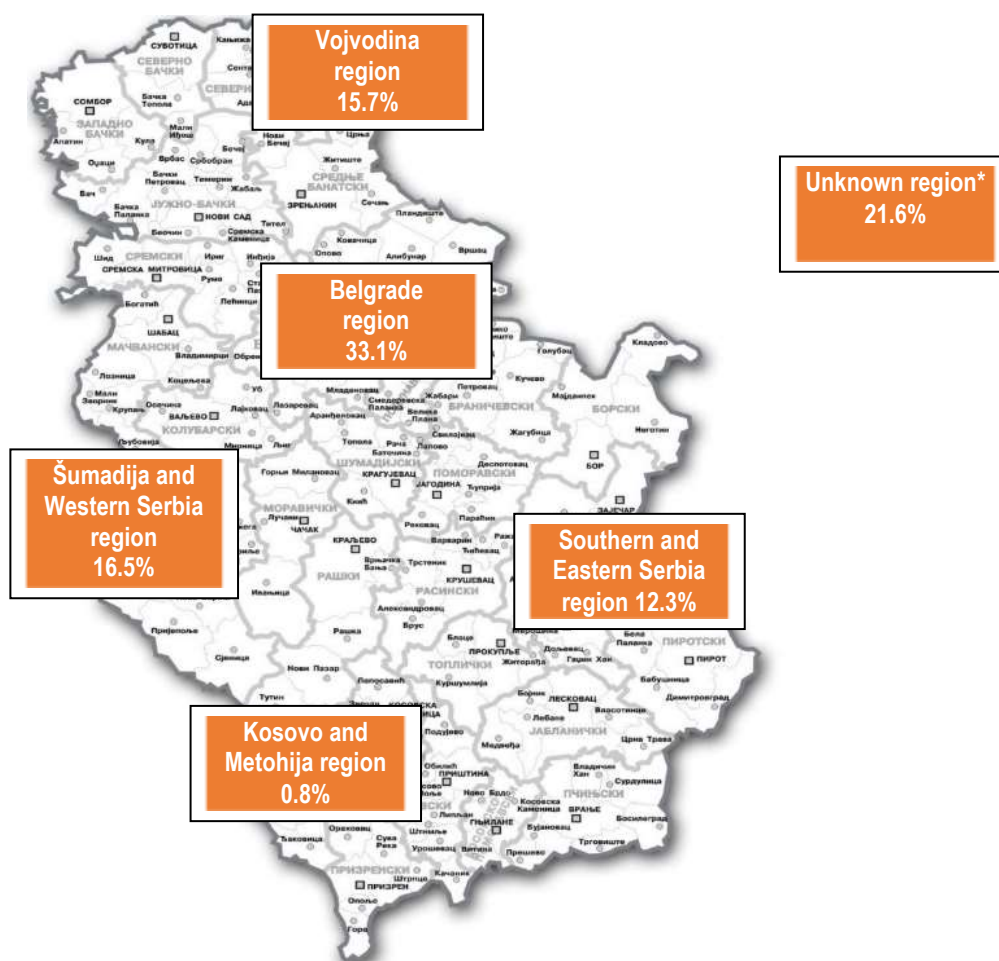
In the reporting year, the largest numbers of complaints concerned discrimination on the grounds of age, health status, disability, national affiliation or ethnic origin, sex, marital and family status, followed by personal characteristics less frequently stated as the grounds for discrimination in complaints, including other personal characteristics, membership in political, trade union and other organisations, religious or political beliefs, sexual orientation, gender identity, 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 the distribution of complaints across regions was relatively even, with the exception of the region of Kosovo and Metohija region.

Recommended Measures

In 2023, the Commissioner issued a total of 659 recommended measures for achieving equality and protection against discrimination, which was higher than in the previous year, when this institution issued 412 recommended measures. Although recommended measures will be addressed in more detail in the part of this Report discussing discrimination on the grounds of individual personal characteristics, here we will specify only those that are relevant for improving the position of significant numbers of persons.

Thus, it has been recommended that the Government of the Republic of Serbia should:

- timely undertake all necessary measures to ensure that, as from the next school year, textbooks are distributed to pupils and paid for from the budget funds in all local self-government units, rather than just some of them, as was the case this school year. The recommendation underscored the difficult situation of families in underdeveloped local self-government units and devastated areas, since it is exactly in these local self-governments that there are numerous families in which the parents have

difficulties finding work or have significantly lower income than e.g. those in Belgrade, which is why the outlay for buying textbooks is a challenge for their family budget.

To improve preventative health care, establish internal rules and procedures and ensure the best interest of children, it has been recommended that all preschool institutions should:

- modify the enrolment form so that the parent can specify already at the time of enrolment of the child at a preschool facility if the child has a rare disease, a neurotransmitter disorder or a chronic non-communicable disease (including diabetes);
- improve and adapt internal rules so that, if a child with a rare disease, a neurotransmitter disorder or a chronic non-communicable disease is enrolled, such child can participate in activities at the facilities with the use of life-saving treatment needed to protect and improve their health during their stay at the facility, without discrimination.

Also, it has been recommended that preschool facilities should:

- specify in their general bylaws or amend/supplement their existing general bylaws to specify that children who were already enrolled and remain at the facility do not need to be enrolled again every year, to ensure legal certainty and exercise of the right to proper education on a continual basis.

Recommended measures have also been addressed at all ministries, special organisations and administrations, which have been advised:

- in connection with deciding on the promotion of employed female civil servants, to take into consideration as successive performance review scores those scores that were assigned in the years in which the female civil servant concerned was subject to performance reviews, while disregarding any years in which she would not have been subject to a performance review because she was using her pregnancy leave, maternity leave or child care leave, i.e. it has been recommended that there should be no interruptions on these grounds in the series of performance review scores for promotion purposes.

Other recommendations of measures have also been issued, including those given to the City Municipality of Novi Beograd and the Municipality of Čukarica in connection with the Roma settlement of Antena in Novi Beograd and the former collective centre “Ada Ciganlija” in Čukarica; the recommendations given to certain local self-government units and schools in connection with equal treatment when distributing scholarships and one-off financial assistance to pupils. Recommendations have also been issued in connection with the removal of discriminatory graffiti, as well as discriminatory job announcements and discriminatory job requirements concerning the candidates’ sex; the recommendation issued to an education institution with regard to enabling both parents to access the e-school register in cases when only one parent exercises the parental right. Recommendations have also be issued to the National Employment Service in connection with stepping up active employment policy measures for former convicts to enable their resocialisation and reintegration with the society; to the Ministry of Rural Welfare, as the proposer of the Regulation determining the Programme for the Allocation of Grants for Purchasing Rural Houses with Garden to amend the condition regarding the presentation of proof of no past convictions when applying, which was amended during the year; to the Ministry of the Interior to provide for affirmative measures for members of national minorities when announcing

competitions for training and employment at that Ministry's organisational units in specific areas; to universities in connecting with acting on anonymous reports of sexual harassment or any other inappropriate behaviour based on sex as a personal characteristic etc.

At the end of 2023, considering the specific situation faced by pupils who are citizens of the Republic of Serbia, living in the municipality of Ljubovija, who travel every day to the secondary school nearest to them, which is in the Republic of Srpska, in Bosnia and Herzegovina, the Commissioner recommended that the municipality of Ljubovija should amend its Decision on the Allocation of One-off Financial Assistance and grant all children the same rights to one-off financial assistance as those that are available to pupils who are citizens of the Republic of Serbia and attend secondary school in the municipality of Ljubovija.

Opinion on Draft Laws and Other Legal Documents and Submitted Initiatives

In 2023, the Commissioner provided 32 opinions on drafts of laws and other legal documents and issued 20 initiatives for passing of or amendments to regulations. In the opinions on draft laws and other legal documents, the Commissioner also emphasised the necessity to amend certain provisions of the applicable regulations not included in the proposed amendments, with the aim of harmonising them with the anti-discrimination legislation.

Thus, for example, in 2023 opinions were provided on the following: the Law amending and supplementing the Law on Financial Support to Families with Children; multiple laws in the field of education (fundamentals of the education system, dual education, preschool education, secondary education etc.) and in the field of health care; the Draft Law on the Participation of Civilians in International Missions and Operations outside of the Borders of the Republic of Serbia; the Law amending and supplementing the Law on the National Qualifications Framework of the Republic of Serbia; the Draft Law on Information Security; the Draft Regulation on Central Personnel Records; the Draft Decision amending the Strategy for the Development of Digital Skills in the Republic of Serbia for the Period from 2020 to 2024 and the draft action plan to implement this Strategy; the Draft Reply of the Republic of Serbia to the Questionnaire of the CoE European Commission against Racism and Intolerance (ECRI) as part of the 4th monitoring cycle; as well as multiple draft action plans for the implementation of various strategies (the Strategy for the Prevention and Protection against Discrimination, the Strategy for Improving the Position of Persons with Disabilities, the Strategy for the Development of Education, the Strategy for the Development of the Public Information System etc.); the Draft National Architectural Strategy (NAS) of the Republic of Serbia for 2023-2035 with the Action Plan on its implementation in 2023-2025; the Draft Strategy for Active and Healthy Aging in the Republic of Serbia for 2024-2030; the Draft Report on the Achievement of Gender Equality in the Republic of Serbia etc.

The Commissioner gave opinions and interpretations of specific regulations on request from certain public authorities and other entities in 2023. These were requested from the Commissioner by certain primary and secondary schools, banks, associations etc.

In 2023, the Commissioner also issued a number of initiatives to pass or amend laws and other regulations. For example, the following initiatives were issued: the initiative submitted to the Chamber of Public Notaries of Serbia to issue instructions regarding the rights and procedures, as well as the consequences of renunciation of inheritance; the initiatives

submitted to the Ministry of Construction, Transport and Infrastructure to improve the accessibility of facilities and areas and eliminate architectural barriers; the initiative submitted to the Ministry of Health to amend and supplement, as a matter of urgency, the Law on Transplantation of Human Organs and the Law on Human Cells and Tissues; the initiative submitted to the Ministry of the Interior to amend and/or word more precisely the relevant provisions of the Regulation on Vocational Training and Professional Development; the initiative submitted to the Ministry of Sport in connection with the amendments to the Law on Sports in order to advance the equality of athletes with disabilities; the initiative submitted to the Ministry of Human and Minority Rights and Social Dialogue to develop and Action Plan for the Exercise of Rights of National Minorities; the initiative submitted to the Ministry of Labour, Employment, Veteran and Social Affairs to ensure that the same age threshold for entitlement to children's New Year's presents applies to the children of employees of social welfare services and the children of employees of other public services, as well as the initiative to amend and supplement the Law on Rights of Veterans, Disabled Veterans, Civilian Invalids of War and Members of Their Families; the initiative submitted to the Ministry of Health and Ministry of Education regarding improvement of preventative health care for children and procedures to improve the position of children with chronic non-communicable diseases and rare diseases. In addition to these, other notable examples include the initiative submitted to the National Health Insurance Fund to amend and supplement the Bylaw on the List of Prescription Covered by Compulsory Health Insurance Funds to increase the number of contraceptives on the relevant list; the initiative submitted to the Ministry of Finance to provide a VAT exemption or a reduced VAT rate on personal hygiene products (sanitary pads, tampons etc.).

Certain opinions and initiatives will be addressed in more detail in parts of this Report relating to various discriminatory grounds. These opinions and initiatives 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 the filing of a complaint that the Commissioner is not competent to decide on the matter; if the complainant failed to rectify shortcomings in his/her complaint within the set time limit; when a judicial proceeding is initiated in respect of the same matter or if such court proceeding is closed by a final and enforceable judgment; in case of death of the complainant or expungement from the register of legal entities; when it is obvious that the discrimination which the complainant is alleging did not take place; when the Commissioner has already acted on the same matter, and no new evidence has been provided; as well as in cases when it is impossible to achieve the purpose of acting due to the passage of time 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. A statistical overview of the Commissioner's acting is provided in Annex 1 to this Report.

Court Proceedings

Civil Proceedings

In 2023, important judgments were passed in lawsuits filed by the Commissioner in previous years. Acting on complaints in 2023, in three cases the Commissioner considered the

conditions were met for strategic litigation, which fact was communicated to the complainants. In one case the complainant's consent was given in early 2024, in the second one the consent to strategic litigation has not yet been given, while in the third case the complainant had filed a lawsuit before the competent court before receiving the Commissioner's notice.



Successful outcome of a strategic lawsuit against an employer over discrimination against a pregnant woman in the field of labour and employment

In 2023, the Commissioner received a decision of the Supreme Court of Cassation (now renamed the Supreme Court) which successfully closed a strategic lawsuit filed by the Commissioner in 2019 over discrimination against a pregnant woman by her employer. The decision upheld the judgments of the lower-instance courts which found the plaintiff had been discriminated against on the grounds of sex and victimisation and sent an important message that it is illegal to dismiss a woman while she is on maternity leave and make her status conditional upon signing a blank termination agreement in advance and payment of compulsory social insurance contributions. The Court reversed a minor segment of the judgment of the Court of Appeal, with regard to the plaintiff's petition for the court to establish the existence of discrimination because the employer had put the woman at an unjustifiable disadvantage during her pregnancy through irregular and partial payment of the contributions, considering the fact that pregnant women are entitled to this form of protection regardless whether their health insurance card is valid or not.

This is a milestone judgment, because the case law and the position taken by the court in this case are relevant for all similar future cases of discrimination. In its statement of reasons, the court gave a detailed view on the burden of proof, which the Commissioner frequently underscores in her opinions because the very purpose of this rule is to make it easier for citizens to prove discrimination. Of relevance for case law is also the position of the Supreme Court of Cassation that "associating the duration of the employment relationship with the employee's sex and her pregnancy, and the associated family status, stems from the claim that the employee had been offered an amicable termination agreement with the explanation that the employer was not willing to pay for her 'lazing around while on a sick leave' once her pregnancy leave has expired".

The judgment was published in a newspaper with national circulation pursuant to the motion for enforcement filed by the Commissioner, pursuant to which the First Basic Court of Belgrade passed a decision on enforcement, which also imposed a fine of RSD 100,000 on the plaintiff for failure to act as ordered. After that, the defendant published the operative part of the judgment in the Informer daily.

Also, in another strategic lawsuit filed by the Commissioner, in 2023 the Higher Court of Belgrade passed a judgment rejecting the plaintiff's claim as unfounded.

As a reminder, the Commissioner received a communication from a mother concerning discrimination against her underaged child on the grounds of disability and health status, after which the Commissioner filed a lawsuit for protection against discrimination in 2021 against the Municipality and the Social Work Centre, because the defendants had denied an underaged child the right to use the personal aide service in accordance with the law, which he needed because of his health status and disability, thus impeding his exercise of the right to education and full inclusion in the education system. The Commissioner lodged an appeal against the judgment, noting the lawsuit had been filed in the public interest and a successful outcome of this litigation, apart from its relevance for this specific case, would establish case law that clearly signals to all self-government units and social work centres that the service in question is one for a child should not be left waiting, that the current practice means the only

way to access this service is for the parents to be persistent enough in demanding the service, that the service must be provided timely and continually, as the current practice creates uncertainty every year as to whether the child would receive the service to which he is entitled under the law and which is essential to him, since we have adopted the inclusive education model. The Commissioner underscored the laws and the strategic framework of the Republic of Serbia were fully compliant with the standards set forth in the Convention on the Rights of the Child, and yet, if these laws and the strategic framework are not respected or if they are only partially respected, adoption of the court decision would result in a negative practice and would signal that the service can sometimes be only partially available.

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.

In this procedure, the defendant brought a counterclaim against the Commissioner because this institution exercised its powers under the law. Such lawsuits 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.

Three hearings had been scheduled in 2023, only one of which was held.

Of relevance for this case is also the judgment of the Higher Court, upheld by the Court of Appeal of Belgrade, passed in 2023 in the proceeding pursuant to legal action filed by a trade union organisation against the Commissioner over an opinion issued by this institution.

In September 2023, the Higher Court of Belgrade passed a judgment rejecting the plaintiff’s claim, noting that **the Law on Prohibition of Discrimination provided for two mechanisms of protection against discrimination: one before the Commissioner and the other before a court, and anyone who believed they did not receive appropriate protection in the proceeding before the Commissioner may seek redress before a court.** Regarding the plaintiff’s petition for the court to order the defendant to retract a legal document, the court dismissed the claim in this regard as unlawful. The court in a civil procedure is not authorised to order the retraction, rescind or otherwise revoke the legal effect of an administrative or other legal document passed by a public authority in a statutory procedure, and is accordingly not authorised to do so in respect of an opinion issued by the Commissioner. The trade union organisation appealed the judgment of the Higher Court of Belgrade.

The Court of Appeal of Belgrade passed a judgment in late 2023 which upheld the Higher Court judgment. The Court of Appeal held that the fact that the plaintiff referred to his affiliation with a particular trade union and his criticisms cannot be considered a personal characteristic, and the court of first instance correctly held that criticism of public authorities as the employer cannot be considered a personal characteristic within the meaning of the law.

The Court of Appeal noted that the court of first instance rightly held that the plaintiff could have filed a lawsuit to determine discriminatory behaviour with regard to the Commissioner's opinion, but was not within his rights to do so in respect of a legal document passed by the Commissioner, since the lawfulness of such legal document cannot be reviewed in a judicial proceeding. The Court of Appeal je held that the court of first instance had correctly applied substantive law in ruling that the plaintiff had not been discriminated against by the passing of the legal document in question by the Commissioner, while the position held by the Commissioner in the opinion as a professional judgment and a value judgment was necessary from the aspect of application of the law. This judgment is final and enforceable.

Furthermore, a lawsuit in which the Commissioner participates as an intervenor is pending.



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

In 2023, three hearings were held in a case in which the Commissioner petitioned the court to be granted the capacity of an intervenor in a lawsuit filed by a mother against a private preschool institution over discrimination against her underaged son with autism.

The Commissioner stated in her petition there was a legal interest for the plaintiff's success in the civil proceedings, having in mind the significance of inclusion of children with health difficulties in educational processes and the importance of enabling them to stay at preschool institutions without discrimination.

Misdemeanour Proceedings

In 2023, the Commissioner filed a motion to institute misdemeanour proceedings against a Culture Centre for preventing the junior categories of female teams of a basketball club from playing championship matches at a primary school gymnasium, which is used for various sport events and is managed by the said institution, on the grounds of their personal characteristic, namely their sex. The Magistrates' Court of Smederevska Palanka passed a decision in July 2023 dismissing the motion to institute misdemeanour proceedings. The Commissioner appealed this decision and the Magistrates' Court of Appeal of Belgrade passed a decision pursuant to the appeal in September 2023, which upheld the appeal, reversed the decision of the Magistrates' Court of Smederevo and returned the case for a repeated first-instance proceeding. The proceeding is pending.

Also, in 2023 the Magistrates' Court of Belgrade passed a decision dismissing a motion to institute misdemeanour proceedings filed by the Commissioner in 2022. Namely, the Commissioner filed a motion to institute misdemeanour proceedings against a company and its responsible person because of a job announcement, which included a discriminatory requirement on the grounds of sex and stated: *"We are looking for a girl to work as a waitress/bartender. If you are communicative and want to work in a pleasant environment, call... Knowledge of latte art would be an advantage"*. The Magistrates' Court dismissed the motion, stating it had been filed by an unauthorised person. The Commissioner lodged an appeal against this decision with the Magistrates' Court of Appeal of Belgrade, pointing out that the Commissioner was vested with this power under the Law on Prohibition of Discrimination. This case is relevant because the Magistrates' Court of Appeal of Belgrade passed a decision in January 2024 which reversed the decision of the court of first instance,

arguing that the Commissioner was authorised to file motions to institute misdemeanour proceedings, but holding that the motion concerned, with the enclosed evidence, did not present a case for a misdemeanour, although the law sets forth that discrimination in the field of labour and employment constitutes a misdemeanour.

A major challenge in misdemeanour proceedings for protection against discrimination remains the passage of time and statute-barring of cases, which defeats the point of effective protection under misdemeanour law.

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 2023, two criminal charges were filed with the competent prosecutor's office.

The Commissioner filed criminal charges against unknown perpetrators, identified as police officers at the Savski Venac police station. Namely, in 2023 the Commissioner received a complaint from a civil society organisation alleging discrimination on the grounds of national affiliation or ethnic origin. According to the allegations made in the complaint, the police officers on duty in the municipality of Savski Venac who had responded to a complaint of loud music "kicked in the door and entered the house, dragging the owner outside by force, while his pregnant wife and eight-year-old daughter tried to protect him, but a police officer kicked the girl with his foot, shouting swear words about her 'Gipsy mother', while the pregnant wife, according to the complaint, was hit on her head by an officer using his elbow". The complaint further alleges "the pregnant wife was once again kicked by elbow on her head outside the house, and upon their arrival at the Savski Venac police station they were put in a basement, where the officers continued kicking them and yelling swear words about their 'Gipsy mothers'".

In another case, the Commissioner filed criminal charges with the Higher Public Prosecutor's Office of Novi Sad against unknown perpetrators after receiving a communication from the National Council of the Slovak National Minority, which stated that an unknown perpetrator had written graffiti on a wall in the community of Kisač, which read: "Kill Slovaks on principle". Apart from the Public Prosecutor's Office, the Commissioner also reported the matter to the Municipal Police Department for Novi Sad of the City Administration for Inspection Affairs, to have the graffiti removed as soon as possible. Regarding this issue, the Commissioner was informed the graffiti had removed and whitewashed and the municipal police had patrolled the locations in questions on multiple occasions and found no resprayed graffiti.

Situation Testing

In judicial and other proceedings, using standard means of evidence often fails to produce satisfactory results, which is why the Law on Prohibition of Discrimination provides for a special method of voluntary testing for discrimination (situation testing), which facilitates proving instances of discrimination. 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. Situation testing has huge potential in terms of providing stronger evidence of discriminatory conduct in individual cases, and is also used to raise public awareness and develop public policies.

A number of situation testings was conducted in 2023. Thus, A-11 Initiative for Economic and Social Rights conducted in 2023 a situation test in Čačak concerning home renting by members of the Roma national minority. According to the report, there were no cases of discrimination foundation.

“Čovekoljublje” (Philantropy), charity foundation of the Serbian Orthodox Church, conducted a situation test for discrimination against persons living with HIV. Situation testing was conducted in Novi Sad, Niš, Subotica and Belgrade, at 50 medical institutions. Complaints against discrimination were filed in five cases and the procedures are pending, while in the remaining cases there was no discrimination.

Proposals for Review of Constitutionality and Legality

In the course of 2023, the Commissioner filed one proposal for review of constitutionality and legality, while the Constitutional Court passed two landmark decisions during the year.



Acting pursuant to a proposal for review of constitutionality and legality filed by the Commissioner, as well as an initiative submitted by the Association “Moms Rule!” and 31 members of parliament, the Constitutional Court passed its decision IUz-299/2018 of 1 February 2023 at its session held on 22 September 2022, which found the provision of Article 17 paragraph 4 of the Law on Financial Support to Families with Children to be unconstitutional.⁷ This provision provided for different 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, namely the duration of the right is shorter for these women (one year instead of two).

In view of the court decision and the past initiatives submitted by the Commissioner to the authorised proposer, the Law on Financial Support to Families with Children⁸ was amended in 2023, so that all mothers are entitled to an equal duration of this right, regardless whether they are employed or are independent professionals or work outside of an employment relationship.

The Constitutional Court also passed another important decision, which was preceded by an initiative by the Commissioner before the Constitutional Court procedure was initiated. This concerned a communication submitted by the Bar Association of Serbia to the Commissioner, which claimed a decision by the Bar Association of Belgrade was discriminatory.

⁷ For more information, see: <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>

⁸ Official Gazette of the Republic of Serbia No. 62/23



Decision of the Constitutional Court IUo-74/2022 of May 2023 found decisions of the Managing Board of the Bar Association of Belgrade No. 4235/2022 of 7 June 2022, No. 5268/2022 of 4 July 2022 and No. 5945/2022 of 15 July 2022 to be non-compliant with the Constitution and the relevant laws.

Before bringing the matter to the Constitutional Court, after receiving the communication from the Bar Association of Serbia, **on 8 July 2022 the Commissioner submitted to the Bar Association the Initiative to repeal Decisions of the Managing Board of the Bar Association of Belgrade.** The Commissioner stated in the initiative that the imposition of an additional mandatory requirement, according to which attorneys must take the bar examination before the Bar Association of Belgrade in order to be registered with the Directory of Attorneys maintained by the Bar Association of Belgrade, which constituted a violation of the Constitution and the applicable laws, disadvantaged all those persons who comply with all requirements set forth by the Law on Legal Profession and who passed the bar examination before other bar associations, according to their place of residence at the time.

For more information, see: <https://ravnopravnost.gov.rs/437-22-inicijativa-za-stavljanje-van-snage-odluke-upravnog-odbora-advokatske-komore-beograda/>

In the statement of reasons for its Decision, the Constitutional Court stated that all persons are equal before the Constitution and the law, that everyone has the right to equal legal protection, without discrimination, and that any discrimination, whether direct or indirect, on any discriminatory ground, is prohibited. The Decision notes that the Law on Legal Profession lays down the requirements for registration with the Directory of Attorneys, and one of those requirements is that the applicant must have passed the bar examination in the Republic of Serbia, and the law does not specify that such examination must be taken before a specific bar association; instead, the Bar Association of Serbia is authorised to regulate and organise the examinations by its bylaws, which unquestionably includes the establishment of examination committees. Since the law specifically sets out the public powers vested in both the Bar Association of Serbia and its subordinate bar associations, the Constitutional Court found no merit in the claim of the adopting authority that the contested decision merely clarified the law, as well as the claim that this constituted indirect decision-making pursuant to applications for registration in the directory of attorneys in accordance with the powers vested in that bar association.

Furthermore, given that decisions No. 5268/2022 of 4 July 2022 and No. 5945/2022 of 15 July 2022 have a direct legal connection with the contested Decision and constitute an integral whole with it, because they supplement the contested decisions and regulate its legal effects, the Court held that those decisions were likewise non-compliant with the law.

For more information, see: <http://www.ustavni.sud.rs/page/predmet/sr-Cyrl-CS/19781/?NOLAYOUT=1>

COMMISSIONER'S ACTIONS IN 2023 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; organises 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 against discrimination and performs other tasks in accordance with the law. The following text of this report provides a brief overview of the mentioned activities during 2023.

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 2023, the **Regular Annual Report of the Commissioner for Protection of Equality for 2022** was submitted to the National Assembly. Having in mind that 2023 was the election year, this report was not reviewed by the National Assembly during the reporting year.

In addition to the regular annual report, the Commissioner produced the following publications during 2023: research *Why do women not report domestic violence?*, *Guide for the application of domestic antidiscrimination regulations in order to improve the position of LGBTI persons on the labour market in the Republic of Serbia*, brochure *Recognizing and responding to discrimination in the field of work and employment*, a collection of works *A bridge of understanding — intergenerational solidarity*, *Manual on grievance mechanisms*, *Collection of selected opinions, recommendations and warnings of the Commissioner for the Protection of Equality*, *Manual for journalists – Discrimination and equality*, as well as Guide to Inheritance Law *The right to inheritance – equally for all*.



policies in this area.

In addition to the publications published by the Commissioner, representatives of the institution participated in the development of *Manual on grievance mechanisms*⁹, in cooperation with the International Labour Organisation, with the aim to provide concrete help and guidance to employers and workers, to understand, establish and use procedures for resolving labour disputes at the workplace. An integral part of this manual is the guide for employers and employees - How to achieve equality in the workplace, which explains in more detail the mechanisms of protection against discrimination in the field of work and employment, as well as a set of recommendations for employers on how they can improve their business by applying inclusive

polices in this area.

In addition to the above, during the reporting year, the Commissioner carried out research "*Citizens' Attitudes Towards Discrimination in Serbia*" and "*Attitude of representatives of public authorities towards discrimination in Serbia*". The presentation of the most significant results of these researches is given in the rest of the text.

⁹ *Manual on grievance mechanisms*, International Labour Organisation, 2023, available at: https://ravnopravnost.gov.rs/wp-content/uploads/2023/10/Prirucnik-o-zalbenim-mehanizmima_MOR_2023.p

All publications, as well as reports and research, are available in electronic form on the Internet presentation of the Commissioner at the following link: <http://ravnopravnost.gov.rs/izvestaji-i-publikacije/publikacije/>

Research “Citizens’ Attitudes Towards Discrimination in Serbia”

In 2023, the Commissioner conducted the fourth such research, which was supported through the project "Fight against discrimination and promotion of diversity in Serbia", as a part of the joint program of the European Union and the Council of Europe “*Horizontal Facility* for the Western Balkans and Turkey”. The research was conducted by the Faktor Plus agency on a random, representative sample of 1,500 citizens over the age of 18. The sample methodology was improved compared to the previous surveys from 2019 and 2016 for the purpose of comparison to the Eurobarometer, but the questions from the questionnaire remained comparable to the previous surveys.

The research results showed that certain tendencies are constant and do not change to a large extent over time. Thus, the majority of respondents (70%) perceive that discrimination is present in the Republic of Serbia, which is almost completely identical to the data obtained in the survey conducted in 2019, when 69% of respondents believed that discrimination is absolutely or mostly present.

Research participants believe that the most prevalent discrimination is based on personal characteristics of sexual orientation (59%), political choice (55%), financial status and disability (both 54%).

When it comes to areas of social life, respondents declared that discrimination is most prevalent in the areas of work and employment, education, health and social protection. For example, in the field of work and employment, respondents stated women (68%), Roma (67%), people with disabilities (62%) and poor people (57%) as the most discriminated against, while in the field of education, the Roma were cited as the most discriminated against (49%), as well as poor people (45%) and people with disabilities (35%).

Social distance is still very present in relation to migrants, LGBT+ people, Albanians, people suffering from HIV/AIDS, asylum seekers and refugees, Croats, Roma and Bosnians/Muslims. Almost half of respondents (48%) have a negative attitude towards migrants and refugees, which represents a significant increase compared to 2019. Also, a large number of respondents believe that the media should devote much more attention to the topic of discrimination (only 17% of respondents are satisfied with the media's treatment of this problem).

As the institutions to which they would first report discrimination, respondents name the Commissioner for Protection of Equality (35%) and the police (35%), and significantly less often other institutions. Also, there is a large percentage of those who do not know whom to turn to - this is how every fourth respondent, or 25%, stated. Compared to earlier surveys, the percentage of those who know that discrimination is prohibited by law has decreased (from 67-69% to 49%), which indicates the need for further education.

Although 59% of respondents know about the existence of the Commissioner, 37% can correctly state the name of the institution. When asked what is the name of the person at the head of the Commissioner's institution, 64% of respondents answered that they did not know, while 29% gave a positive answer. This result is significantly better than in 2019, when 24% of respondents knew who the Commissioner was. Citizens identify the Commissioner (43%), the President (18%) and the Government (14%) as the most important institutions in the fight against discrimination. The interesting fact is that only 1% of the respondents see police and the Church in that role, while 0.4% of the respondents name the Army.

Based on the results of the research, provided recommendations refer to the strengthening of institutional mechanisms, above all the Commissioners, including an increase in the number of employees and their continuous training. It is recommended to expand jurisdiction, as well as campaigns aimed at strengthening citizens' trust in institutions and empowering them to report discrimination. One of the recommendations refers to the continuous monitoring and research of discrimination, its frequency in the areas of public life in which it occurs and groups that are at increased risk of discrimination. For example, in the field of work and employment, it is necessary to introduce adequate special measures that will ensure higher participation of groups that are at greater risk of discrimination in the labour market, while in the field of education, it is necessary to promote equality and tolerance. As the media sphere is one of the most significant, it is especially important to organise training for the media on non-discriminatory reporting, consistent application of ethical codes, prohibition of hate speech and discriminatory reporting on groups at risk of discrimination.

Research "Attitude of representatives of public authorities towards discrimination in Serbia"

During the reporting year, the Commissioner conducted the third research in a row on the attitude of representatives of public authorities towards discrimination in Serbia, which was supported through the project "Fight against discrimination and promotion of diversity in Serbia" as part of the joint EU and CE program "*Horizontal Facility* for the Western Balkans and Turkey". The research was carried out by the Faktor Plus agency, on a random, representative sample of 520 representatives of public authorities. The data were collected by the "face-to-face" method, with an improved methodology in order to obtain more precise data and the possibility of comparing them both with the Eurobarometer and with previous research. The sample includes: National Assembly of the Republic of Serbia, Government, Assembly of AP Vojvodina, city assemblies, municipal assemblies, Government of AP Vojvodina, city councils, municipal councils, courts and prosecutor's offices.

The results of the survey showed that a third of the surveyed representatives of public authorities (32.5%) do not know whether discrimination is prohibited in Serbia, which is a significant decrease compared to the survey from 2018 (15.3%). Also, the number of respondents who are aware of the existence of the Law on Prohibition of Discrimination - 60.2% is lower compared to the previous survey (77.3%). The number of respondents who are familiar with the content of the Law on Prohibition of Discrimination has also decreased, of which one quarter positively evaluates its solutions.

When it comes to the perception of the presence of discrimination in Serbia, over two-thirds of respondents believe that discrimination is rarely manifested (mostly rarely 60.2% and very rarely 11.2%), while only one quarter believes that discrimination is mostly present (22.7 %)

and highly present (4.4%). When this data is compared with the results of the previous survey, a drop of 28.4 p.p. is observed, and the results deviate significantly from the perception of the surveyed citizens, 70% of whom believe that discrimination is prevalent in Serbia.

Respondents recognize Roma (59%), women (42%) and migrants (38%) as groups that are significantly more exposed to discrimination. Similar results were also shown by the research on the attitude of men and women towards discrimination, where, in addition to these three groups, elderly people, people suffering from HIV/AIDS and asylum seekers are mentioned as groups that are very and mostly exposed to discrimination.

Representatives of public authorities believe that discrimination is most prevalent in the field of work and employment (56%), education and professional development (51%), public information and media (30%), and social protection (29%). As spheres in which discrimination is the least prevalent, the respondents mentioned the field of health care (11%) and the actions of public authorities (13%). The field of work and employment was recognized as a priority in previous surveys, as well as by citizens.

A significantly lower number of respondents (35.2%) compared to earlier research (62.5%) knows that hate speech is sanctioned. Also, representatives of public authorities believe to a lesser extent than citizens that hate speech is present, but both agree that Roma, migrants and LGBT+ people are most often exposed to such speech. Also, in a significantly higher percentage compared to previous researches, respondents disagree with the statement that strict sanctioning of hate speech can easily threaten freedom of expression. Also, 41% of respondents agree that public workers and government representatives should be punished more severely than citizens for discriminatory behaviour and statements, because their responsibility for respecting the principle of equality is greater since their behaviour can contribute to the creation of intolerance and social distance.

Representatives of public authorities assess the state's relatively positive involvement in combating discrimination. Thus, 40% believe that the state deals with the problem of discrimination somewhat less than it should, 36% agree that it does just as much as it should, while 12.9% believe that the state's involvement is much less than necessary. When it comes to the evaluation of the Commissioner's work, the largest number of representatives think that it is good (total 46.6% - 26% good and 20.6% excellent).

Why do women not report domestic violence?



Research "*Why do women not report domestic violence?*"¹⁰, is the result of the joint work of the Commissioner and the United Nations Development Program (UNDP), and was carried out within the project "Integrated response to violence against women and girls in Serbia III", jointly implemented by the Government of the Republic of Serbia and the United Nations agencies: UNICEF, UN Women, UNFPA and UNDP, with the support of the Government of Sweden. The study is the result of comprehensive research on the causes of under-reporting of domestic violence, especially by women who are at risk of intersectional discrimination. The specific objectives of the research were to identify: (1) factors that encourage women to report domestic violence, (2) barriers (physical, traditional, cultural, social and personal) that prevent women from seeking help, (3) procedures that need to be improved in order to ensure an increase in reporting of domestic violence, (4) areas and priorities when it comes to institutional response to violence. Finally, the specific goal was to identify recommendations for improving women's access to adequate support and improving the institutional response to violence.

Of the total sample of 1004 respondents, 35% of them stated that they had experienced some form of violence – 15% of the respondents stated that they had experienced verbal and psychological violence, 6% socio-economic violence, 12% physical violence, 3% sexual violence, and 12% indicated that they had experienced some form of violence, but refused to talk about it. In relation to socio-economic status, respondents of a lower status stated that they more often experienced some form of violence. A significant difference was observed in the frequency of all forms of violence among women who come from vulnerable groups subject to intersectional discrimination (persons with disabilities, members of national and ethnic minorities, respondents who say they are poor...). When it comes to respondents who experienced one or more forms of violence, as many as 78% of them pointed out that it happened to them more than once.

As there are various reasons why women who experience some form of domestic violence decide not to report that violence, the respondents answered all the possible reasons for such a decision. The largest percentage (75%) opted for the answer that the fear of the person who commits violence is the most common reason why violence is not reported. The answer that shame and embarrassment due to the violence to which they are exposed is the main reason, was stated in slightly more than half of the cases (51%), while half opted for the answers that they do not report the violence because they have nowhere to go or feel the fear of condemnation and rejection by their family and environment (50%). The key reasons why they did not turn to any institution after experiencing violence were the fear of consequences and even more violence (by 38%), shame and embarrassment (by 35%) and the desire to preserve marriage and family (28%).

¹⁰ *Why do women not report domestic violence?* available at: <https://ravnopravnost.gov.rs/wp-content/uploads/2023/03/Zasto-zene-ne-prijavljuju-nasilje-u-porodici-Rezultati-istrazivanja.pdf>

For almost a third of women (31%), understanding and support from the environment (family and friends) is the key thing that would help them feel empowered to report violence. In second place was the support of institutions (understanding of the problem, professional representation, protection), which was chosen by 27% of respondents, and 15% of women said that financial support was something that would help them to be empowered to report the abuser. If they were victims of domestic violence, the largest number of women (38%) would first turn to family members for support, 28% would turn to the police, while 9% of respondents would seek support from friends. Almost every tenth participant in the research said that in case of experienced domestic violence, she would not turn to anyone – 8%.

Guide for the application of domestic antidiscrimination regulations in order to improve the position of LGBTI persons in the labour market in the Republic of Serbia



This guide¹¹ was prepared in order to clarify discrimination and give an overview of the available protection mechanisms, with the desire to encourage employees to seek protection when they suspect that their employment rights are threatened, that the employer or colleagues treat them differently because of some personal characteristic, and also to establish contact and a good relationship with employers, to inform them about the harmful consequences that discrimination produces in working relationships, as well as to remind them that such behaviour is inadmissible and prohibited by law.

The publication was published within the project "Empowering the LGBTI workforce in the Serbian labour market", which was realized with the support of the British Embassy in the Republic of Serbia, the Chevening Scholarship Alumni Fund and the Commissioner for the Protection of Equality. It contains six parts explaining in detail the forms of discrimination, personal characteristics (sexual orientation, sex, gender, gender identity, etc.), who can be a discriminator, who can be a victim, etc. The guide contains an overview of current public policy documents in the Republic of Serbia that are important for improving the position of social groups at greater risk of discrimination, including the LGBTI population, as well as an overview of domestic antidiscrimination regulations. The topic of abuse at work – mobbing, with the aim of distinguishing between that institute and discrimination in the field of work and employment, as well as the procedure for protection against discrimination before the Commissioner – was also discussed.

¹¹ *Guide for the application of domestic antidiscrimination regulations in order to improve the position of LGBTI persons in the labour market in the Republic of Serbia*, available at: <https://ravnopravnost.gov.rs/wp-content/uploads/2023/04/vodic2023.pdf>

Recognizing and responding to discrimination in the field of work and employment



Brochure¹² was prepared with the support of the OSCE Mission in Serbia, with the aim of clarifying the basic terms and mechanisms of protection against discrimination in the field of work and employment, its diverse causes, and most often negative preconceptions that some workers are less productive than others, based on some of their personal characteristics (gender, marital and family status, state of health, disability, age, belonging to a certain ethnic/minority group) or that the employment of a person would lead to more frequent absence from work, higher costs (due to pregnancy and parenthood, reasonable adjustment to work and workplace, due to the distance of the place of residence from the place of work and the like). The publication also presents the most common cases of discrimination when establishing a full-time employment relationship or other form of employment, during the duration of employment and upon its termination, with the aim of taking preventive action, especially bearing in mind that practice has shown that employers are often unaware of their discriminatory behaviour and actions, and the employees do not understand that such actions violate their right to equality.

Bridge of understanding – intergenerational solidarity – collection of works



Revised edition of the publication *A bridge of understanding – intergenerational solidarity - a collection of works*¹³, with an English translation, was published in cooperation with the United Nations Population Fund in Serbia. The collection includes prize-winning photographs, literary and artistic works that were selected in the award competition, traditionally organised by the Commissioner since 2017 to mark the International Day of Older Persons. The contest is intended for students of higher grades of all elementary schools. Through art, photographs and literary works, using the topic of intergenerational cooperation and understanding, students express their views that age is not an obstacle for a dignified and quality life.

¹² *Recognizing and responding to discrimination in the field of work and employment*, available at: <https://ravnopravnost.gov.rs/wp-content/uploads/2023/06/brosura-poverenik-1.pdf>

¹³ *A bridge of understanding – intergenerational solidarity - a collection of works*, available at: <https://ravnopravnost.gov.rs/wp-content/uploads/2023/10/Zbirka-radova-Most-razumevanja-medjugeneracijska-solidarnost-dvojezicno-2023.pdf>

Collection of selected opinions, recommendations and warnings of the Commissioner for the Protection of Equality



Third *Collection of selected opinions, recommendations and warnings of the Commissioner for the Protection of Equality*¹⁴, adopted in the period from January 1, 2019 to June 1, 2022, includes opinions and recommendations adopted in the procedure for protection against discrimination, recommended measures to public authorities and other persons for achieving equality and protection against discrimination, legislative initiatives, including warnings to the public about the most common, typical and severe cases of discrimination. In the mentioned period, the commissioner acted in thousands of cases, and only the most important ones are presented through summaries that include QR code that leads to a link to the full text on the institution's official website. The collection also contains a special part that refers to actions during the health crisis and state of emergency caused by the Covid-19 pandemic.

Manual for journalists - Discrimination and equality



and encouraging violence, hatred and intolerance.

This manual¹⁵ aims to introduce and educate journalists to recognize discrimination and its forms in practice, as well as the consequences it can cause. The manual presents the antidiscrimination legal framework, journalistic code of conduct and relevant media regulations, describes the most common or severe discriminatory cases from practice and gives recommendations for non-discriminatory reporting, which should serve as a guide for media workers when reporting on socially important topics and positions of members of certain social groups. The media play an important role in shaping public opinion and have the obligation of complete, accurate and non-discriminatory reporting. The role of the media depends on the kind of information disseminated in the media – whether it will be supportive of promoting equality or negative

¹⁴ *Collection of selected opinions, recommendations and warnings of the Commissioner for the Protection of Equality*, available at: <https://ravnopravnost.gov.rs/wp-content/uploads/2023/11/Zbornik.pdf>

¹⁵ *Manual for journalists - Discrimination and equality*, available at: <https://ravnopravnost.gov.rs/wp-content/uploads/2023/11/prirucnik-diskriminacija.pdf>

Inheritance rights – equally for all – Guide to inheritance rights



Despite the existing legal framework that treats men and women equally, there are still deep-rooted prejudices, stereotypes and beliefs in our society that put women in a more unequal position when inheriting property. Women often give up their right to inheritance in favour of male relatives, which can affect their economic independence, but also the risk of various forms of family and gender-based violence, as well as the exercise of various rights in the field of social protection. Guide¹⁶ presents a concise overview of the most common questions and answers related to the right to inheritance, as well as explanations of basic concepts in inheritance law, presents the consequences of renouncing inheritance, along

with information on whom a person can turn to for legal help and advice. The presentation of the factual situation indicates that the misunderstanding and interpretation of tradition is an injustice that is not difficult to correct if the law is respected. This guide is intended for both women and men, because it is important for men to be aware that women have the same rights and are equal.

Trainings and expert meetings

Training

During 2023, one of the priorities of the Commissioner was to increase the capacity of professionals working in various fields to recognize discrimination and respond to unequal treatment and education about human rights. Various trainings included more than 750 participants.

The seminar program for police officers¹⁷, implemented since 2016, continued in 2023. The participants of the seminar were employees of the Administrative Affairs Directorate of the Ministry of Interior, which expanded the coverage of attendees, that, until this year, included members of the traffic police and criminal police.

Trainings are continuously organised within the multi-year program "Implementation of antidiscrimination regulations for employees of the National Employment Service", implemented by the Commissioner since 2019, and so far 131 participants have completed the training.

Bearing in mind that at the end of 2022 new members of National Councils of national minorities were elected, during 2023 the Commissioner, with the support of the OSCE Mission in Serbia, organised two trainings for the members of 20 National Councils of national minorities.

¹⁶ *Inheritance rights – equally for all – Guide to inheritance rights*, available at: <https://ravnopravnost.gov.rs/wp-content/uploads/2023/11/brosura-6.pdf>

¹⁷ With training sessions conducted in 2016, 2017, 2018, 2019, 2021, and 2022, the total number of police officers participating in the training program amounts to 763.

As part of the Belgrade Fund for Political Excellence project "Youth 4 Inclusion, Equality and Trust", the Commissioner held two training sessions for young people, representatives of political parties and civil society organisations, with an emphasis on hate speech as a form of discrimination. The Commissioner also gave a lecture titled "Fight against hate speech" at the round table for young representatives of national minorities and civil society organisations,

A lecture on the concept and forms of discrimination, as well as protection mechanisms, was organised for the students of the elementary school "Borislav Pekić" and members of the team for protection against violence, abuse, neglect and discrimination of that elementary school. High school students, students of the school "Ruđer Bošković" visited the institution where they attended a lecture on the importance of tolerance and respect for human rights.

Within the framework of the "BodyRight" campaign, which is based on the global campaign and implemented by the Commissioner in cooperation with the United Nations Population Fund (UNFPA), a training for trainers was organised for the members of the Youth Panel. After becoming peer educators, trainers continued holding training sessions on protection from discrimination for their peers in Kragujevac, Bujanovac, Vranje, Novi Sad, Indija and Belgrade.

At the invitation of the student organisation Center for Regional Cooperation, the Commissioner took part in a forum giving the lecture "Prevention and protection against discrimination during employment" at the Faculty of Law of the University of Belgrade. The lecture was attended by students of Law and other faculties. Also, students, members of the Social Relations Club of the Faculty of Law of the University of Belgrade participated in a study visit to the Commissioner and on that occasion they were introduced to the concept of discrimination as well as the specifics of the procedure for protection against discrimination.

As part of the Council of Europe project "Education of young people in Serbia on democratic citizenship and human rights", training was held for students of social faculties and activists of civil society organisations – future trainers – peer educators in education. Also, the Commissioner gave a lecture to students on the impact and importance of privacy protection from the aspect of achieving the principle of equality.

Having in mind the sudden, accelerated development of artificial intelligence, the Commissioner, as part of the "Greater Internet Freedom" project implemented by the civil society organisation Partners Serbia, gave a lecture "Discrimination and artificial intelligence - challenges and protection mechanisms for members of vulnerable groups", as part of the seminar for human rights activists and defenders. In addition, a lecture was given at the Faculty of Organisational Sciences at the Master Class "Regulating Artificial Intelligence: Legal and Ethical Challenges".



Workshop for employees in the automotive, electrical and textile industries, Valjevo, 2023.

As part of the joint project with the International Labour Organisation "Ensuring adequate grievance mechanisms for workers in the automotive, electrical and textile industries" and with the support of the German organisation for international cooperation GIZ, the Commissioner held several workshops and lectures during the course of 2023, with participation of over 200 employees of the automotive, electrical and textile industries. Trainings were held in Subotica, Novi Sad and Valjevo, and lectures were also organised for representatives of trade unions, chambers of commerce and human resources management units.

Also, the Commissioner gave a lecture on the mechanisms of protection against discrimination in the field of work and employment for UNICREDIT bank employees.

Employees of the Registry offices of the city of Niš, as well as representatives of civil society organisations, participated in the lecture "Making the Registry office a transgender concern - together for the improvement of Registrar services for transgender people".

At the Mihajlo Pupin Institute, lectures on protection against discrimination were given to managers, with a special focus on achieving gender equality.

At the Rector's Office of the University of Belgrade, training was held for equality commissioners who are in charge of preventing discrimination and sexual harassment of employees and students. Through this training, the mechanisms of protection against discrimination, the concept of discrimination, the procedure and practice in cases of reporting sexual harassment were presented.

The representative of the Commissioner participated in the implementation of four trainings in the field of human rights protection and gender equality, which were realized within the program of the National Academy for Public Administration.

In addition to the above, from 2021, online trainings on discrimination and equality are available, one at the official web presentation of the Commissioner and the other within the Judicial Academy, as mandatory for the participants of this academy.

Expert meetings, conferences and other activities

The Commissioner's regular activities in the field of promoting equality and cooperation with all social actors include the organisation of expert meetings and other events, as well as 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

The commissioner was hosting the **7th Regional Conference of Institutions for Equality of Southeast Europe "Being old, being proud, being yourself"**, which, along with the annual conference, took place in Belgrade on the International Day of Tolerance. The conference was dedicated to the fight against discrimination of older persons, with the aim to examine and propose specific ways of action of equality authorities, as well as other social stakeholders, in order to ensure equality and improve the quality of life of older persons.



The conference brought together representatives of equality institutions from Albania, Croatia, Montenegro, North Macedonia, Bosnia and Herzegovina and Slovenia, including representatives of international organisations, scientific institutions and the non-governmental sector.

The working part of the conference took place through panels dedicated to the challenges of ageism, multiple discrimination based on age, as well as problems faced by elderly women. The conclusions from this conference are presented in the following text of this report.

At the conference, the annual media awards for tolerance, jointly awarded by the Commissioner and the OSCE Mission in Serbia to the authors of the best media texts and contributions on the topic of fighting against discrimination, promoting equality and tolerance were presented, as well as the new Manual for journalists "Discrimination and Equality". In the TV/radio category, Sanja Ljubisavljević Bekić (RTS), Aleksandar Minić (TV Forum) and Nikolina Kljaić (Blic TV) were awarded, in the online media/portals category Teodora Ćurčić and Jovana Tomić (CINS), Stefan Mihajlovski (Zoomer) and Jelena Milenković (Boom93),

while in the print media category, prizes were awarded to Dejana Cvetković (Vreme), Dunja Karanović (Lice ulice) and Snežana Rovčanin Tomković (Novosti).



Annual media award for tolerance, 2023.

Guide titled *The right to inheritance – equally for all* was presented at the conference "**The right to inheritance – the path to gender equality and stopping violence**", jointly organised by the Commissioner, the United Nations Agency for Gender Equality and the Empowerment of Women in Serbia and the Center for Research and Development of Society IDEAS, as a part of the 16 days of activism against violence against women and girls campaign.

At the conference, two panels were held on the topics "Inheritance – right or privilege?" and "Discrimination in the family: economic rights and violence", with participation of judges, public notaries, the Chamber of Social Protection, representatives of the non-governmental sector and others.



Rural women face many problems, one of the major being household work, as they spend a significant part of their time in unpaid housework. Many of them have neither health nor pension insurance, while only 18% of women living in rural areas have a registered farm, the commissioner pointed out at the final conference held on the International Day of Rural Women, summarizing the results of the three-year project "**Improving the position of women and girls in rural areas**", conducted by the Commissioner in cooperation with the UN Agency for Gender Equality and Women's Empowerment and with the support of the Norwegian Embassy in Belgrade within the initiative "Improving the safety of women in

Serbia". During the three-year project, concrete and indirect support was provided for 338 rural women to start or improve their business in the field of agricultural production through provision of equipment (greenhouses, beehives, diggers, milking machines, fruit presses, pollen dryers, crushers...). About 150 women participated in trainings and round tables and gained information and knowledge to recognize discrimination. They also gained knowledge in range of topics - how to improve agricultural production, communication and digital skills for better use of new technologies in order to better market their products, how to write projects, etc. More than 20 women attended study visits to Slovenia, Austria, Croatia,



Germany and Switzerland, where they learned about the good practice examples that provided them with additional skills and knowledge on starting various agricultural businesses. Also, through this project, the capacities of 33 associations were strengthened, including those that have just started their work on improving the position of women and girls in rural areas, and support was

provided for their mutual networking.

At the conference held to present the previously mentioned research **"Why women don't report domestic violence?"** the Commissioner conveyed that the research results indicate that women in Serbia predominantly do not condone domestic violence, but they believe that this problem should first be addressed within the family. Therefore, society must create an environment where being a victim of violence does not carry stigma, condemnation, and subsequent victimization, but instead implies support from everyone, from closest ones to society as a whole. The conference emphasised that timely recognition, detection, and reporting of violence are crucial for effectively preventing gender-based violence and domestic violence, as well as the education and specialized training of representatives of judicial functions, as well as representatives of other institutions responsible for preventing violence. It was also noted that the responsibility for reporting violence cannot be solely on women, that institutions must react, and families and local communities must better recognize and understand violence to become the first line of support. At the same time, the media should report responsibly to avoid further traumatizing survivors and educate the public that domestic violence is a societal, not a personal problem.

The development of women's entrepreneurship represents an important driving force but also an underutilized potential for economic growth, which is why it is necessary to provide support and a conducive environment for women's economic empowerment, where experiences from the Republic of Slovenia can assist us, the Commissioner said at the opening of the event **"Women's Entrepreneurship - Challenges and Perspectives"** organised as part of the project "Strategic Dialogues on Gender Equality at the Local Level," in cooperation with the Office of the Advocate of the Principle of Equality of the Republic of Slovenia and with the support of the Embassy of the Republic of Slovenia in Belgrade. The panel discussion involved female entrepreneurs from Serbia and Slovenia who discussed the obstacles and challenges they face in their work, as well as ways to overcome them, whether they are subjected to discrimination or unequal treatment compared to men, and how their position can be improved.

The challenges of implementing antidiscrimination regulations to improve the position of LGBTI persons in the labour market and create an inclusive work environment with a focus on the current situation as well as prospects in Serbia were the topics of the conference **"Discrimination of LGBTI Persons in the Labour Market in the Republic of Serbia - Implementation of antidiscrimination Regulations and the Importance of Inclusive Work Environment,"** organised by the Commissioner on the occasion of presenting the publication *"Guide to the Application of Domestic antidiscrimination Regulations to Improve the Position of LGBTI Persons in the Labour Market in the Republic of Serbia"*. The conference also presented examples of good practices of companies that apply inclusive work policies in their operations, as well as guidelines for preparing equality codes for employers.



Award ceremony and exhibition "Bridge of Understanding - Intergenerational Solidarity", 2023.

The International Day of Older Persons was solemnly marked at the Day Center and Club for older persons "Igor Holodkov" in Belgrade with the award ceremony and exhibition of the best children's works from the Commissioner's competition **"Bridge of Understanding - Intergenerational Solidarity"**. On this occasion, a bilingual collection of the best children's works from this competition was presented, which was organised this year with the support of the UN Population Fund, while the awards were provided by the friends of the event UniCredit Bank and the publishing house "Laguna." In the category of Literary Works, the first prize went to Milica Zec (Elementary School "Đorđe Natošević," 8th grade, Novi Slankamen), the second prize was won by Lana Lončar (Elementary School "Vuk Karadžić," 6th grade, Crvenka), while the third place was won by Petra Paunović (Elementary School "Rade Končar," 6th grade, Zemun). In the category of Artwork, the first prize was awarded to Sara Bošnjak (Elementary School "Petar Kočić," 7th grade, Banatski Despotovac), the second place went to Teodora Arsić (Elementary School "Branko Radičević," 8th grade, Pančevo), and the third place to Filip Cerovski (Elementary School "Jan Amos Komensky," 6th grade, Kulpin - Bački Petrovac). In the Photography category, the first prize was awarded to Jovan Stanković (Elementary School "Dositej Obradović," 6th grade, Orahovac), the second prize was won by Luka Vujic (Elementary School "Nikolaj Velimirović," 5th grade, Šabac), while the third place was taken by Sergej Lovre (Elementary School "Jan Amos

Komensky," 7th grade, Kulpin - Bački Petrovac). The jury also awarded a special recognition to Sofija Rakić (Elementary School "Branko Radičević," 7th grade, Melnica - Petrovac na Mlavi) for exceptional talent and creativity in depicting intergenerational solidarity, whose works from last year were among the best.

In 2023, the Commissioner implemented the program **"Moot court simulation in the area of protection against discrimination"** with the aim of building the capacities of future legal professionals, male and female students of law faculties in the Republic of Serbia, for protection against discrimination, through understanding legal mechanisms and acquiring skills in presenting legal arguments.



This year's competition was also realized with the support of the Foundation for the National Internet Domain Registry of Serbia, and the case focused on discrimination based on criminal record in the field of work and employment. The team "Draga Ljočić" from the Faculty of Law, University of Niš, won first place, while the second place went to the team "Mileva Marić Ajnštajn" from the Faculty of Law, University of Novi Sad. Dušica Lazić from the Faculty of Law, University of Niš, was awarded as the best speaker, and a special award was given to Teodora Stevanović from the team "Milica Stojadinović Srpkinja" from the Faculty of Law, University of Belgrade.

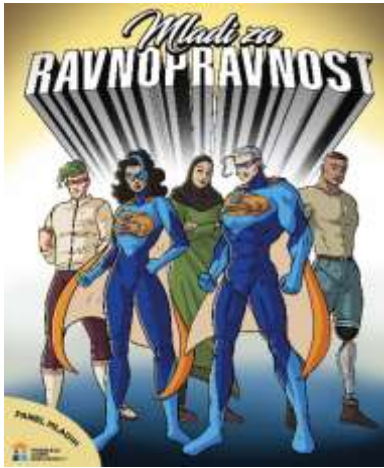
In 2023, within the program **"Don't judge a book by its cover - Living Library in Serbia"**, implemented by the Commissioner since 2012 with the support of the Council of Europe, three Living Libraries took place in Belgrade, Bečej and Pančevo. In this library, the "books" are people from groups at greater risk of discrimination, who through direct interaction with the "reader" convey their experiences and problems caused by discrimination in everyday life. The aim is to promote equality and tolerance, as well as to overcome negative prejudices and stereotypes.



The traditional action **"Equal to the Finnish Line"** was held at the 36th Belgrade Marathon, organised by the Commissioner and the Sports Association of Persons with Disabilities of Belgrade, with the support of the Belgrade Marathon. The action has been taking place for 12 years within the Belgrade Marathon, with the participation of all visitors at the "Joy Run". A large number of citizens gathered at the Commissioner's stand, where they had the opportunity to learn

more about the problems faced by people with disabilities when using public spaces,

facilities, public transportation, and in other areas. Ensuring equal participation of persons with disabilities in various activities, including sports, is the foundation for a life tailored to human needs, and with this action, we are not only addressing the position of our citizens with disabilities but also highlighting how sports improve quality of life, stated the commissioner.



During 2023, the activities of the Commissioner's **Youth Advisory Panel**, which closely collaborates with the institution on matters related to combating and protecting against discrimination of children and youth, continued. The Youth Panel has a clear identity built together with young people, including a defined vision and mission, visual identity, and group culture. In forming the Panel, the principle of equality is respected by including young people from different socio-cultural backgrounds, geographical areas, various groups facing discrimination, different life experiences, interests, and skills. Through regular meetings and thematic activities, consultations are held on the Commissioner's projects with the panelists, who then become involved in their implementation and promotion. One part of the work focuses on topics and issues that young people recognize as particularly relevant and important. It is the youth who conceive and plan activities related to the improvement of equality and the promotion of tolerance. Membership in the Panel provides children and young people with the opportunity to express their views on the phenomenon and causes of discrimination and to propose preventive programs and activities for improving equality that will have the greatest impact on their peers. During the year, the Commissioner organised a two-day training for peer educators on the topic of protection against discrimination and various forms of violence, with the support of the UN Population Fund in Serbia. During this training, young people familiarized themselves with the role of peer educators and the main goals of the BodyRight campaign, shared their experiences and opinions on the topic of discrimination and tolerance. The role of young people in knowledge transfer has been recognized as crucial in creating an equal and tolerant society, so it is important that their voices are heard and that they are the main actors in transferring knowledge to their peers. Training for peer educators on the topic of protection against discrimination and various forms of violence, 2023.



Training for peer educators on the topic of protection against discrimination and various forms of violence, 2023. After completing the training, peer educators, members of the Panel, had the opportunity to hold workshops for high school students in six cities (Kragujevac, Bujanovac, Vranje, Novi Sad, Indija, and Belgrade) on the topic of protection against discrimination and various forms of violence, with an emphasis on the dangers of cyberbullying and discrimination in the online sphere. Technology and the internet are an integral part of everyone's daily life, especially young people, and although they have numerous advantages, they also bring opportunities for abuse and represent fertile ground for discriminatory behaviour and violence, both online and offline.

In addition to the workshop "Be Yourself and Contribute!" organised for the panellists for personal development, during the year, members of the Youth Panel actively participated and were key actors in numerous events and activities organised by the Commissioner. Through regular meetings and focus groups, discussions were held about ongoing activities and plans, specific problems, as well as ideas for their resolution.

Expert meetings organised by other stakeholders

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.

Within the project "Together and Safe through Childhood" in which the Commissioner participates together with the Ministry of Interior and the Ministry of Education, a series of educational activities were implemented throughout the year aimed at raising awareness among elementary school students about the consequences of violent behaviour in real and virtual environments. The topics of the educational workshops focused on recognizing different forms of violence and discrimination, adopting strategies to help others in distress and non-violent conflict resolution skills, developing empathy, and informing about ways to

help, support, and protect. To mark the beginning of the school year and the training program on recognizing violence and discrimination in schools, an event was organised at Ada Ciganlija. Through socializing, fun, and games, representatives of the Commissioner's professional service and the Ministry of Interior, firefighters, traffic police, gendarmerie, divers, and rescuers familiarized children with the concepts of discrimination, equality, and tolerance, and discussed why it is important to nurture mutual respect and understanding. Within the project, during the first semester of the 2023/2024 school year, 17,799 workshops were conducted, with the participation of over 231,555 students from the I, II, V, and VII grades.



Commissioner at the presentation of the project "Together and Safe through Childhood", Ada Ciganlija, 2023.

Achieving gender balance in the business environment is a significant topic addressed by the Commissioner, as economic equality is one of the prerequisites for gender equality. At the final conference of the project "Education, Employment, Elimination of Gender Stereotypes, Raising Awareness and Partnership," organised by the Association of Business Women of Serbia and the Commissioner, activities of this association aimed at developing women's capacity for self-employment through acquiring knowledge and skills in "non-typically female" deficit and well-paid occupations were supported. Additionally, the Commissioner organised the first meeting of two business associations, the Association of Business Women of Serbia and the First Business Association, where discussions were held on improving gender equality in the business sphere through joint action and partnership of all key stakeholders.

Regarding the importance of gender equality in the labour market, the Commissioner spoke at the opening of the conference on women's entrepreneurship "State of Affairs and Empowerment Opportunities," organised through the German-Serbian initiative for sustainable growth and employment, at the presentation of the research "Socially Responsible Business in Women's Empowerment" by the Trag Foundation, and on the panel "Gender Equality in the Labour Market - Achieving Equal Treatment and Equal Opportunities" within the annual seminar of the BFPE Foundation.

Women in rural areas are crucial stakeholders in the economic life of the communities where they live, as well as in preserving folk creativity, art, and good traditions. The nurturing of these traditions, if based on the principles of equality and solidarity, can also influence the preservation of values such as tolerance, understanding, and mutual respect. Throughout the

year, the Commissioner supported several local events aimed at promoting equality, such as the 36th Assembly of Serbian Flute Players "Oj, Moravo" in Prislonica, hosted by the Commissioner, "Tromeđa bez međa" in Priboj organised by the women's association "Save the Village," the Cornmeal Assembly in the village of Ježevica, the "Creative Entrepreneur" event in Čačak, and the "Building Connections - Novopazarska sofa" in Novi Pazar, among others.

Regarding the importance of recognizing and responding to workplace discrimination based on membership in political, trade union, and other organisations, the Commissioner spoke at a conference organised by the Women's Section of the Education Union of Serbia.



Conference organised by the Women's Section of the Serbian Education Union, Belgrade, 2023.

The conference "Right to Maternity Leave!" organised by the association "Mame su zakon" provided another opportunity to focus public attention on the fact that pregnant women, new mothers, and mothers engaged under contracts outside of employment must have equal rights regarding pregnancy, maternity leave, and leave for childcare as women employed by employers. Hence, it is necessary to continue improving legislative regulations.

Challenges on the path to achieving gender equality are similar in all European societies, which is why knowledge exchange, coordinated activities, networking, solidarity, and mentorship programs are of great importance for improving the position of women in the countries of the region, as emphasised by the Commissioner at the conference "Sharing Knowledge - Towards Gender Equality in the Region," organised by the European Movement in Serbia. On this occasion, the most important activities of the institution aimed at empowering and networking women's organisations in the region were presented, including participation in the Regional Coordination Board of Gender Institutional Mechanisms. Support was also provided for the presentation of the first digital platform for women's businesses, "Osnažena".



Having in mind the importance of equal participation of women in the security sector, the Commissioner participated in the regional conference "Women in Police and Leadership: Challenges and Best Practices," organised by the Network of Women in Police of the Ministry of Interior of the Republic of Serbia, with the

aim to exchange experiences, best practices, and challenges at regional and European levels, as well as to acquire new knowledge, networking opportunities, and strengthen cooperation through mutual support and joint initiatives.

The first annual forum "Joint Fight against Femicide," organised by the civil society organisation FemPlatz, brought together numerous relevant stakeholders from Serbia, Bosnia and Herzegovina, Croatia, and was organised as part of the 16 Days of Activism against Violence against Women campaign. The purpose of this forum was to initiate discussions on the problems and challenges in the fight against femicide and to consider strategies for unified action against this phenomenon. On this occasion, the Commissioner emphasised that the intensification of repressive measures, without adequate preventive responses to address the root causes of femicide, does not yield results, as it only addresses the consequences. The Commissioner also supported the initiative to establish a national monitoring mechanism for tracking cases of femicide in the Republic of Serbia, as such a mechanism would assist all stakeholders in coordinating existing activities and working more effectively to prevent and combat this most extreme manifestation of violence.

The Victimology Society of Serbia (VDS) awarded the Commissioner with the Award for Contribution to the Advancement of Victims' Rights, stating that "the Commissioner has been consistently advocating for the respect of human rights of all citizens, for the recognition of discrimination, and for timely and effective response in cases when it occurs, thereby making a significant and lasting contribution to the improvement of victims' rights and the achievement of goals." The award was presented at the 13th annual conference organised by the VDS under the theme "Supporting Victims and Preventing Victimization: Challenges and Perspectives," attended by numerous experts from both domestic and international contexts.

As part of the mentoring program for women leaders organised by the Vital Voice organisation in Belgrade, the Commissioner participated in the panel "Leading for a Change." Participants from Serbia and other European countries also visited the Nobel Women's Salon at the Museum of Applied Arts, an exhibition of artefacts from the lives of Nobel Prize laureates in literature, set up on the Commissioner's initiative.

The political participation of women and their equal involvement in international platforms was the topic of the panel "Women and Diplomacy," in which the Commissioner participated as part of the FEMPOWER conference.

During Pride Week, the Commissioner, as every year, participated in numerous activities and events organised as part of this event, and representatives of the Commissioner also participated in the Pride Parade.

The "Remembrance of Hilda Dajč" awards, organised by the Association of the same name, were presented at the "Svetozar Marković" University Library in Belgrade. The Commissioner was a member of the jury for the award "Remembering Hilda Dajč," which is awarded for demonstrated civic responsibility and social awareness. The recognition was awarded to the Youth Radio for their podcast and radio show for young people titled "The Kind of Country I Want to Live In," while the award in the category of exceptional contribution to the culture of remembrance was given to Haver Serbia for installing the first "Stumbling Stones - Stolpersteins" in Belgrade. Based on the votes of the students of XIII Belgrade High School,

a special recognition called "The Voice of Youth" was awarded to MentalHub for their efforts in providing free psychological counselling and therapy for young people.

On the occasion of marking the International Day for Countering the Hate Speech, the UN in Serbia, in collaboration with the Commissioner, the Ministry for Human and Minority Rights, the OSCE Mission, and the Council of Europe Office in Belgrade, organised a debate on combating hate speech. This debate served as a platform for issuing a call to all relevant stakeholders to increase efforts in combating hate speech and divisive narratives. Participants in the debate emphasised the necessity of a significantly more inclusive dialogue. They also reminded that hate speech has become a global problem, leading the UN General Assembly in 2021 to express concern over the "exponential spread and proliferation of hate speech" worldwide and adopt a resolution on "promoting interreligious and intercultural dialogue and tolerance in the fight against hate speech."

At the conference "Challenges of Monitoring in a European Multicultural Environment," organised by the Institute of Social Sciences and the Academic Network for Cooperation in Southeast Europe, the Commissioner presented data from practice showing that national affiliation and ethnic origin are among the five most commonly cited grounds for discrimination in citizens' complaints. She emphasised the importance of quality data and the creation of policies based on data.

Roma Resistance Day was marked by the international gathering "Roma, Faces of Change," aimed at enabling the young Roma generation to meet prominent Roma activists who have contributed to the development of Roma civil movements in the region. The event featured the presentation of a book and a documentary film, as well as the awarding of trophies to long-standing activists for their contribution to the development of the Roma movement and nation.

At the final conference "Prevention and Elimination of Child Marriages and Economic Empowerment of Roma Women at the Local Level in Serbia," organised by the NGO Praxis, a report was presented summarizing the activities conducted and the results achieved. The effectiveness of the interventions and their impact on the local community and relevant actors were analysed, along with challenges and recommendations for continuing the work on preventing and eliminating child marriages in the Roma community.

The "Innovative Services in Local Communities (I-CCC)" conference was organised as the final event of a project conducted by the Red Cross of Serbia and as an announcement of the celebration of October 29, the International Day of Care and Support, which is being observed for the first time globally this year. During the final session, moderated by the Commissioner, activities of non-governmental organisations in this field were presented.



Rehabilitation is extremely important in the process of improving and advancing the health status of persons with disabilities and older persons. However, data show discrimination in the use of spa services due to architectural inaccessibility, emphasised the Commissioner at a conference held to present a report on the accessibility of spa resorts for persons with disabilities and older persons,

conducted by the Accessibility Alliance of Serbia. The conference was organised by the Red Cross of Serbia and the National Organisation of Persons with Disabilities of Serbia within the project "Strengthening Resilience of Older Persons and Persons with Disabilities during COVID-19 and Future Disasters."

For another consecutive year, the Commissioner participated in the Kopaonik Business Forum. The Commissioner was an introductory speaker and moderator on the panel "Social Cohesion in Times of Crisis – Solidarity Resilient or Resilient to Solidarity," whose participants agreed that inclusive innovations are more important today than ever, as globalization and digitalization are fundamentally changing all societies. Some effective measures highlighted for strengthening social cohesion included promoting contact and understanding between different population groups while ensuring equal access to products and services.

On the occasion of marking the International Rare Disease Day, a lecture was held at the conference "Improvement of Health Care Mechanisms for Children with Rare Neurotransmitter Diseases, Developmental Disabilities, and Chronic Illnesses in Preschool Institutions."

Throughout the year, the Ministry for Human and Minority Rights and Social Dialogue organised a series of events and social dialogues such as "Homelessness – Addressing Personal Documentation Issues on the Path to Social Inclusion," "Rehabilitation, Resocialization, and Reintegration of Former Offenders – The Path to Useful Members of Society," "Homelessness – Children in Street Situations," "Persons in Homelessness Situations – Forgotten and Marginalized in Society," in which representatives of the Commissioner actively participated.

Additionally, during the year, the Center for Democracy Foundation organised a series of debates and thematic round tables on key issues for achieving equality and human rights protection in which the Commissioner participated. These included debates on topics such as "What the German Law on Due Diligence in the Supply Chain Means for our company?" "The Role of Civil Society in Human Rights Protection in Companies," "Amendments to the Law on Employment of Foreigners – What Will Be the Position of Foreign Workers in Serbia?," "Citizen Standard and the Fall-Winter of 2023/2024," "Social Protection System and/or Helicopter Measures," "Key Challenges in Ensuring Gender Equality in Serbia: Combating Violence against Women and Recognizing Unpaid Work," among others.



Given that the right to privacy falls into the category of basic, fundamental rights, the Commissioner regularly participates in expert conferences that deal with the topic of privacy protection in times of social media expansion and rapid development of artificial intelligence. This includes the annual conference "Privacy Week" organised by the organisation Partners Serbia every year to mark the International Data Privacy Day. The Commissioner always emphasises the link between privacy rights violations, personal data protection, and discrimination.

Additionally, the Commissioner has spoken about the impact of digital technologies and artificial intelligence on human rights at the opening of the regional conference #Digital2023, which focuses on trends in telecommunications and media.

International cooperation and implemented projects

During 2023, the Commissioner continued cooperation with international partners both within the country and abroad, including regional and global organisations and bodies such as various United Nations agencies, OSCE, ODIHR, among others, as well as with non-governmental organisations, European and regional equality bodies, and with the European Network of Equality Bodies (Equinet), through bilateral meetings and active participation in their work. Within this cooperation, one of the Commissioner's responsibilities related to creating and implementing independent projects or participating in the creation and implementation of partnership projects is realized.

During the reporting year, the implementation of all planned activities within the project **"Improvement of the Position of Women and Girls from Rural Areas"** was successfully completed. The Commissioner implemented this project in collaboration with the UN Women Agency for Gender Equality, with the support of the Embassy of the Kingdom of Norway in Belgrade, as part of the initiative "Improving Women's Safety in Serbia". Through this project, implemented in the Moravička, Zlatibor, and Raška districts, concrete and intermediary support was provided to 338 women to empower them to start or enhance agricultural businesses (greenhouses, juice presses, diggers, etc.). Additionally, the capacities of 33 associations operating in these three districts were strengthened, including those that had just begun their work, focusing on improving the status of women and girls in rural areas, and support was provided for their networking (computers, printers, cameras, etc.). Moreover, over 20 women from rural areas participated in study visits to Slovenia, Austria, Croatia, Germany, and Switzerland to enhance their economic independence through learning modern product placement methods and visiting places rich in cultural-historical content, tourist attractions, and developed agriculture-related culture in these countries. Additionally, about 150 women participated in empowerment training sessions aimed at securing or enhancing their economic independence and acquiring knowledge on recognizing discrimination, communication through creating messages for better product placement, the basics of rural tourism development, the process of object registration and categorization, the use of internet tools, accessing IPA Rural Development funds through subsidies and grants, as well as learning about examples of good practice and exchanging experiences related to market conquest and product and service placement. A study visit to Portugal was organised for representatives of the Commissioner, where experiences were exchanged with the National Commission for Human Rights, the Ministry of Agriculture and Food, the Citizenship and Gender Equality Commission, the National Guard - special programs for rural populations, the Ministry for Equality and Migration, the Ombudsman of Portugal, and visits to the "Lisbon + Equality" space dedicated to victims of domestic and gender-based violence, the Association for Support to Victims of Domestic and Gender-Based Violence APAV, and the Centre for Support to Victims of Domestic Violence in the Evora district.

As part of this project, a *Publication on the Position of Women and Girls in the rural areas of the Zlatibor, Moravica, and Raška districts* was produced. This publication includes research on the actual needs of women and girls in rural areas in these three regions and an analysis

of practices in 18 units of local self-government in preventing discrimination and gender-based violence. Additionally, a publication of *Authentic Stories of women and girls about their life in rural areas* was produced, and a media campaign was conducted. During the implementation of this project, two conferences were held, a final event of the Festival of Women and Girls from rural areas was organised, and the International Day of Women from Rural Areas on October 15th was marked three times in 2021, 2022, and 2023.

Additionally, awards were presented three times to journalists who promote the prohibition of discrimination, tolerance, and equality and who have reported on women and girls in rural areas. A total of 16 awards were given in various categories, along with 6 special recognitions to editorial teams that continuously reported on these topics throughout 2023. A film showcasing examples of good practices was produced, and the Commissioner supported several traditional events highlighting the importance of women in rural areas, including: Ethno Courtyard as part of the Assembly of Trumpeters "Oj Moravo", Prislonica; "Tromeđa bez međa" in Priboj; Kačamak Fair in Ježevica; "Creative Entrepreneur" in Čačak; "Novi Pazar sofra - Building Bridges" in Novi Pazar.

As of February 2023, the Commissioner has been involved in the implementation of the International Labour Organisation project "**Ensuring adequate grieving mechanisms for workers in the automotive, electrical and textile industries**", which is part of the "Initiative for Global Solidarity" of the German Development Cooperation and is implemented by the German organisation for international cooperation GIZ. The aim of this project is to prepare companies in Serbia, particularly in these sectors, for the enforcement of rules indirectly imposed by the newly adopted Due Diligence Act in Supply Chains of the Federal Republic of Germany. This law requires German companies to monitor and protect human rights in the workplace in companies and enterprises that they collaborate with as suppliers, regardless of whether they are German, Serbian, or companies from a third country operating in the territory of the Republic of Serbia. As part of the project, the Commissioner participated in the development of a *Manual for internal grieving mechanisms*, which includes a guide for employers and employees on achieving equality in the workplace. This guide explains mechanisms for protection against discrimination in the field of labour and employment and provides recommendations to employers on how to improve their business through the application of inclusive policies in this area. In addition to participating in training sessions for business compliance officers with due diligence regulations held in Belgrade, the Commissioner presented the institution's jurisdiction regarding protection against discrimination in the field of work and employment at educational workshops in Subotica, Novi Sad, and Valjevo, attended by over 200 union representatives and employees in the automotive, electrical, and textile industries.



Presenting the experiences from the Republic of Serbia in the field of protection and promotion of equality, the Commissioner participated in several international conferences and forums on human rights.

At the two-day regional conference "Population and Development: Ensuring Rights and Choices" in Geneva, organised by the UN Economic Commission

for Europe and the Regional Office of the UN Population Fund for Eastern Europe and Central Asia, on the occasion of the 30th anniversary of the first International Conference on Population and Development in Cairo (ICPD) spoke during the thematic session "Inequalities, social inclusion and rights".

The exchange of experiences and the strengthening of institutional mechanisms for protection against gender-based discrimination are of key importance for the promotion of gender equality and the empowerment of women in the countries of the Western Balkans. Thus, the topic of the Regional Coordination Committee of the Institutional Mechanisms of the Western Balkans, which the Agency for Gender Equality of Bosnia and Herzegovina (BiH) and the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, with the support of UN Women, organised in Istanbul, was actually the redefinition of the Regional Action Plan and the definition of common priorities due to development and reform processes in the countries of the region, as well as adaptation to new international standards and trends.

At the expert conference "Challenges and Opportunities of the Women, Peace and Security Agenda - Perspectives from Southeast Europe and Ukraine" in Ljubljana, organised by the Ministry of Foreign and European Affairs of Slovenia and the Ministry of Foreign Affairs of Norway, the Commissioner presented the good experiences of Serbia regarding the implementation of the Resolution 1325 of the UN Security Council and stated that Serbia is starting a new, broad consultative process for the adoption of the third National Action Plan with the participation of all relevant stakeholders, including the Commissioner.

The Commissioner maintains a highly successful long-standing cooperation with the Organisation for Security and Cooperation in Europe (OSCE). During the year, a delegation from the High Commissioner of the OSCE for National Minorities visited the institution, where they were briefed on the most important measures and activities being implemented to improve the position of members of national minorities. Insights were exchanged on global challenges in the field of human rights protection and equality. High Commissioner Kairat Abdrakhmanov expressed support for the Commissioner's work and emphasised the importance of the efforts of this independent institution to improve the situation of national minorities and combat all forms of discrimination. Additionally, at the invitation of the High Commissioner, the Commissioner participated in the International Conference marking the 30th anniversary of the High Commissioner for National Minorities of the OSCE in The Hague. In a panel dedicated to the results and best practices in ensuring the active participation of national minorities in social and economic life, the Commissioner presented the institution's practice in protecting national minorities from discrimination, with a particular focus on the issues faced by Roma, especially Romani women, who are often subjected to multiple forms of discrimination.



The Conference celebrating the 30th anniversary of the High Commissioner for National Minorities of the OSCE, The Hague, 2023.

At the international conference on gender equality and women's empowerment held in Tetovo, as part of North Macedonia's presidency of the OSCE, the main topics were dedicated to the participation of women in security and peace operations, the gender perspective of corruption and the need for economic empowerment of women. During the conference, the Commissioner emphasised that women's participation in public and security issues is essential for achieving sustainable development, promoting peace and security and gender equality, and pointed out the Commissioner dedication to strengthening the role of women in the security sector and their participation in politics, including providing various types of support to women entrepreneurs from rural areas. On the sidelines of the conference, the commissioner met with OSCE Secretary General Helga Schmidt.

The Commissioner is committed to addressing the issue of antisemitism, using various opportunities to highlight the danger of renewed hatred against individuals and groups based solely on their national affiliation. The Commissioner participated in the World Jewish Congress International Summit in Madrid, where discussions took place on antisemitism, racism, xenophobia, and other forms of discriminatory behaviour in light of global changes. The Summit presented the Progress Report of the European Union in the implementation and development of the Action Plan to Combat Antisemitism, which tracks progress in implementing specific measures established at the International Forum on Holocaust Remembrance and Combating Antisemitism in Malmö in 2021.

Protection of human rights and attainment of standards in this area as fundamental values of all democratic societies, crucial in Serbia's accession process to the European Union, was the topic of discussion among members of the European Parliament who visited the Commissioner as part of the two-day program of the European Parliament's Committee on Stabilization and Association between the EU and Serbia. On that occasion, the Commissioner presented to the European parliamentarians the competencies and work of the institution, its specific position, importance, and role in strengthening the protection of human rights, advancing equality, and combating discrimination in the further development of a democratic and tolerant society. The delegation, led by Ambassador Alessandra Moretti, recognized the importance of the Commissioner as an independent institution in Serbia's EU accession process and praised its practice in working to improve the protection of rights and equality of all citizens of Serbia, as well as its dedicated commitment to European values and EU integration.



Visit of the delegation of the European Parliament, 2023.

The Commissioner met with the Commissioner for Human Rights of the Council of Europe, Dunja Mijatović, with whom she discussed the necessity of improving respect for and protection of human rights and mechanisms to reduce their violations, as well as the priorities of the institution's work in the upcoming period. Commissioner Mijatović commended the work of the Commissioner and emphasised the importance of hearing and respecting the voice of an independent institution for the protection of human rights.

During the year, two delegations from equality institutions visited the Commissioner, representatives of the Federal antidiscrimination Agency of Germany (FADA), and the Commission for Protection from Discrimination of North Macedonia, with the aim of exchanging experiences and best practices among institutions for combating discrimination and protecting equality.



Additionally, during a visit to the institution, the Head of the EU Delegation to Serbia, Emanuele Giaufret, discussed with the Commissioner the importance of diversity and equality as the foundation of every democratic society. The meeting addressed achieved standards in the protection of human rights, with one of the topics focusing on activities aimed at providing support to members of the most vulnerable population categories, including combating intolerance and hate speech in the public sphere. Ambassador Giaufret highlighted the significant contribution and role of the institution for the protection of equality,

which is dedicated to strengthening human rights, the rule of law, and the further development of a democratic and tolerant society.

The Commissioner and the Ambassador of the United Kingdom to Serbia, Edward Ferguson, opened the exhibition "Women's Rights in Serbia's Cultural Heritage" at the University Library "Svetozar Marković" and supported the Wiki Marathon, which brought together participants with the aim of creating Wikipedia pages in Serbian dedicated to women's rights. On that

occasion, they visited volunteers of the Wiki Marathon, who were contributing numerous interesting and lesser-known pieces of information about famous women and events from our history to the Serbian Wikipedia.



The Commissioner has had a long-standing successful cooperation with the United Nations Population Fund (UNFPA) regarding the protection from discrimination and the promotion of equality. In order to further develop and enhance this cooperation, a Memorandum of Understanding was signed in July 2023. The Commissioner and the UNFPA Director for Serbia, John Kennedy Mosoti, agreed on priorities for the next period and the implementation of a series of activities aimed at improving the position of our elderly citizens, educating and involving youth in combating

discrimination through the network of peer educators, the Youth Panel, as well as for advancing the rights of women and girls in the field of sexual and reproductive health and combating online violence through the BodyRight campaign.

At the opening of the final conference of the GIZ German-Serbian development cooperation project "Social Protection Services for Vulnerable Groups," the Commissioner emphasised that effective social protection and full respect for the rights of vulnerable groups should be one of the priorities of public policies and a topic of continuous training for employees in the social and health care system. The current situation indicates the need to improve the protection of human rights and the position of vulnerable groups, ensuring that measures taken are better targeted, especially towards specific groups such as women from rural areas, older persons, persons with disabilities, the impoverished, chronically ill or terminally ill patients, Roma and Romani women, and children. The Commissioner highlighted that the accessibility of social welfare services largely depends on local circumstances and particularly emphasised the need to improve palliative care services given their current deficiency. Therefore, establishing inter-municipal cooperation through efficient and sustainable resource use and partnerships among various stakeholders is of utmost importance.

Cooperation with the European Network of Equality Bodies (EQUINET)

Within the European Network of Equality Bodies (EQUINET), in 2023, representatives of the institution participated in the work of working groups and clusters operating within the network, as well as in the project "Standards of Equality Bodies." Thus, representatives of the Commissioner were actively involved in the work of the following working groups: communication strategies and practices; forming practical policies; gender equality; antidiscrimination law; research and data collection. Within this network, representatives of the Commissioner were also actively involved in the work of all six clusters, including: promoting equality; disability issues; artificial intelligence; economic and social rights; same-sex families on the move; and the cluster for old age. Mid-year, the European Commission once again enabled funding for attendance at EQUINET events for all network members from the budget of this network, which was discontinued in 2021 for members not from European Union member states.

In December, a conference dedicated to adopting common standards for equality institutions in the European Union was held in Berlin, organised by EQUINET and the Federal antidiscrimination Agency of Germany (FADA). The Commissioner participated in a panel titled "Social Perceptions and Expectations of National Equality Institutions," aiming to raise awareness and enhance understanding, especially among decision-makers, about the crucial role of national equality institutions in combating discrimination in Europe. The conference also emphasised the importance of the proposed directive containing binding standards for their functioning in the European Union. The Commissioner highlighted that the Commissioner's Office has been operating in accordance with a law that incorporates almost all of these standards from the beginning, and the adoption of the proposed Directive will make them part of the legal system in EU member states. She assessed that adopting the Directive will contribute to better understanding the role of equality institutions in preventing discrimination, but one of the biggest challenges will be citizens' expectations, considering the various forms of injustice that do not constitute discrimination.



As a full member of the network, the Commissioner attended the Annual General Assembly of EQUINET in Brussels this year. During the assembly, new leadership for the network was elected for a two-year term. Additionally, the Ukrainian Equality Institution, represented by the Ukrainian Parliament's Commissioner for Human Rights, was unanimously admitted to membership. Discussions were held on the latest events related to discrimination and equality in the EU, with a focus on the proposed directive on standards for equality institutions. In this part of the assembly, among

others, the European Commission's Equality Commissioner Helena Dalli and the Vice President of the European Parliament Mark Angel participated.

The Commissioner hosted a study visit by a delegation from the Federal antidiscrimination Agency of Germany (FADA), also a member of EQUINET, led by FADA Director Ferda Ataman. The aim of the visit was to exchange experiences and best practices between the two central state institutions for combating discrimination and promoting equality. The Commissioner acquainted the delegation with the institution's most important activities, mechanisms for protection against discrimination, strategic litigation, research, special reports, and the importance of building good relations with the media. The FADA delegation expressed particular interest in the legal regulations for protection against discrimination in Serbia, due to the upcoming implementation of regulations in Germany related to this area.



Delegations of equality institutions from Germany and North Macedonia visiting the Commissioner, 2023.

The delegation from another member of EQUINET, the Commission for Protection against Discrimination of North Macedonia, also visited Belgrade as part of a study visit to the Commissioner. On this occasion, the Commissioner particularly emphasised the importance of strategic litigation, noting that our institution is among the best in the region in this regard. A dialogue was also organised between members of the North Macedonian delegation and representatives of civil society organisations.

In 2023, EQUINET published the document "*Informing the Policy Agenda: Equality Bodies Making Recommendations*,"¹⁸ prepared by the Working Group on Policy Formation, in which the Commissioner participated, and our work was presented as an example of good practice. Additionally, within the same working group, the publication "*Equality Bodies and Reasonable Accommodation Beyond the Ground of Disability*"¹⁹ was released. This publication examines the perspective of reasonable accommodation concerning other personal characteristics beyond disability, aiming to achieve full equality in practice. The Commissioner also participated in the preparation of this publication.

The Commissioner also moderated meetings of the Working Group on Research and Data Collection. Within this working group, a *Guide to Improving Data Collection on Equality in Equality Bodies* was published, and the Commissioner was involved in its development.

The Cluster on Artificial Intelligence discussed the EU Draft Regulation on Artificial Intelligence, and in this context, a joint statement by EQUINET and the European Network of Human Rights Institutions was published, with the Commissioner's participation. Also, within the cluster's work, a study visit to the French Ombudsman was organised, attended by a representative of the Commissioner, to exchange experiences with the authority responsible for data protection (CNIL). In addition, meetings were held with representatives of the Digital Freedom Fund and the Directorate-General for Communications Networks, Content and Technology at the European Commission.

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

¹⁸ More at: <https://equineteurope.org/wp-content/uploads/2023/12/Informing-the-Policy-Agenda-Equality-Bodies-Making-Recommendations-1.pdf>

¹⁹ More at: <https://equineteurope.org/publications/equality-bodies-and-reasonable-accomodation-beyond-the-ground-of-disability/>

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 2023, 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).

The prevalence of discrimination in society is influenced by various factors, including social and cultural context, societal attitudes towards discrimination, civil awareness of the necessity and importance of respecting regulations, willingness to report violations, level of information, trust in institutional work, understanding of the concept of discrimination, and civil society activities in human rights protection, among others. Analysing a large number of reports and studies can provide a more comprehensive picture of the realization and protection of equality, as all these sources to some extent show how citizens and other individuals perceive the phenomenon of discrimination, what challenges they face in realizing equality, how they perceive the state of realization and protection from discrimination in Serbia, which groups are most exposed to discrimination, and in which areas it is most prevalent.

The reports that follow present key issues in achieving equality and protection from discrimination and general recommendations for overcoming the identified problems. In the further part of this report, an overview of identified problems is provided according to individual discrimination characteristics, based on all Commissioner's actions and analysis of available relevant data sources and descriptions of the situation, with recommendations for overcoming these problems.

Reports and Other Instruments of the EU, International Organisations and Contracting Bodies

In **Serbia Report 2023**²⁰ by the European Commission, among other things, it was stated that Serbia has a certain level of readiness to implement EU Acquis and European standards in the field of rule of law and fundamental rights, and that overall limited progress has been made in this area. The legislative and institutional framework has been largely established, but consistent and effective implementation is needed. Implementation of new strategies and action plans for gender equality, discrimination prohibition, and Roma inclusion has been initiated. New national councils for national minorities have been established, while action plans and adequate financing for combating violence against women and

²⁰ *Serbia 2023 Report*, European Commission, November 8 2023, available at: https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/ec_report_serbia_2023.pdf

deinstitutionalization are significantly delayed, as stated in this report. It is also noted that further efforts are needed to fully align the Law on Prohibition of Discrimination with EU Aquis, especially with Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, as well as with other European standards.

The report notes that despite efforts to support freedom of expression, Serbia has made limited progress in this area and that cases of threats, intimidation, hate speech and violence against journalists continue to cause concern. Also, the media's role in generating and spreading gender-based violence and gender stereotypes continues to cause concern, including the representation of women victims of femicide or women in leadership and management positions.

Regarding migration, this report states that Serbia contributed to the management of mixed migration flows to the EU and cooperated with the EU, EU member states and its neighbours in the implementation of the EU Action Plan on the Western Balkans presented by the Commission in December 2022, and Commissioner for the protection of equality responded to cases of attacks and threats based on hatred and ethnic identity against migrants organised by extremist and far-right groups.

In this report, the European Commission states that the European Court of Human Rights in June 2023 issued 31 judgments related to Serbia and determined that the European Convention on Human Rights had been violated in eight cases, which included violations of the right to a fair trial, the right on respect for private and family life and a general ban on discrimination. It is also indicated that according to the Report of the Commissioner for the Protection of Equality for 2022, there was an increase in the number of citizen complaints, as well as the number of implemented recommendations (2021: 82%; 2022: 88%).

Most of the recommendations from previous reports of the European Commission have not been implemented, which is why they remain in force, and in addition, in the coming year, Serbia should ensure the consistent and efficient implementation of legislation and policies, as well as eliminate the shortcomings that have already been identified in the 2022 Report, primarily those related to: strengthening human rights institutions and guaranteeing their independence, including the necessary financial and human resources, as well as compliance with their recommendations; strengthening measures to protect the rights of persons facing discrimination, such as members of the LGBTI population, violence against women, deinstitutionalization, persons with disabilities and others; actively investigating and prosecuting hate crimes; demonstrating, through better data collection, the exercise of the rights of members of national minorities, including progress towards the goals set out in the Poznan Declaration on Roma Inclusion and the action plan for national minorities, among others.

Council of Europe Commissioner for Human Rights Dunja Mijatović published the **Report after the visit to Serbia from March 13 to 17, 2023**²¹ which includes recommendations related to transitional justice and dealing with the past, freedom of expression and assembly, and women's rights and gender equality. The commissioner calls on the authorities to intensify the prosecution of war crimes; eliminate deficiencies in the witness protection system; improve international and regional judicial cooperation; enable all victims of war

²¹ Available at: <https://rm.coe.int/report-on-serbia-by-dunja-mijatovic-commissioner-for-human-rights-of-t/1680ac88cc>

crimes to have access to fast, adequate and effective reparation in accordance with established international standards. Concerned about the 9,800 unsolved cases of missing persons in the region, the commissioner urges that all necessary measures be taken to enable an efficient and permanent search for missing persons, including the opening of military archives and the improvement of cooperation with neighbouring countries. She also states that the safety of journalists is still a serious problem and that all crimes committed against journalists should be quickly and efficiently investigated, and the perpetrators should be adequately punished.

The Commissioner calls on the authorities to foster a safe and favourable environment for the work of civil society organisations and human rights defenders and to oppose the widespread use of strategic lawsuits against public participation (SLAPP) against journalists, human rights defenders and activists. It also calls on the authorities to refrain from further restricting the right to freedom of peaceful assembly and to fully harmonize the legislative framework and practice of Serbia with relevant international human rights standards. Welcoming the strengthening of the legislative and political framework for gender equality in recent years, it calls for redoubled efforts to implement it and fight against discriminatory gender stereotypes that contribute to the perpetuation of gender-based violence and points to the recommendations made by GREVIO and the Committee of Signatories of the Istanbul Convention in this regard, in particular stating the need to solve digital violence against women and girls.

Report 2023 on gender equality in the EU²² is focused on data on the state of gender equality, key actions and achievements for the promotion of gender equality within the EU, with examples of projects from member states in these areas. The report states that according to the 2022 Global Gender Index, it will take 132 years to achieve full parity and close the overall gender gap globally.²³ Women are still at greater risk of poverty or social exclusion than men (22.6% vs. 20.7%). The gender gap in the rate of risk of poverty or social exclusion for the population over 65 has fluctuated by around 6pp over the years, which is more than twice the gender poverty gap than among the total population.²⁴ The gender pension gap is strong, the average retirement age for women is 61, which is, with a few exceptions (Luxembourg, France, Germany, Finland, Ireland and Estonia), earlier than for men. The resulting gap in pensions is about 27 pp, which means that women received a pension that was on average more than a quarter lower than that of men.²⁵

Existing inequalities between men and women also affect wage differentials and limit women's opportunities to work due to their disproportionate burden of caring for children and other close relatives. In addition to the unequal sharing of care responsibilities, the tax and benefit system in a number of EU countries also continues to disincentivize partners with lower wages, who are predominantly women, creating a situation where starting a job with a salary a third lower than the partner's salary results in the loss of a large share earnings in perspective. Women in the EU are paid on average 13% less than men (according to Eurostat, 2020), which is more than one month's salary, and due to the lack of salary transparency, pay discrimination often goes undetected, while victims face difficulties in

²² 2023 report on gender equality in the EU, European Commission, Luxembourg 2023, available at: https://commission.europa.eu/system/files/2023-04/annual_report_GE_2023_web_EN.pdf

²³ 2023 report on gender equality in the EU, p. 75

²⁴ *Ibid*, p. 24

²⁵ *Ibid*, p. 22

obtaining compensation. On the other hand, the report indicates that higher education rates are much higher for women, but that the proportion of women graduating in science, technology, engineering and mathematics (STEM) fields, which are better paid and have better career prospects, is consistently lower than the share of men: two men graduate in STEM disciplines compared to one woman. In the digital sector, the data show that the participation of women is still low, and the employment of more women in this sector could be the key to closing the gender gap.

Conclusions and implementation of recommendations in relation to Serbia, adopted by the Committee of Signatories of the Istanbul Convention²⁶ were adopted in regard to the Report on the basic assessment of the implementation of the Convention in Serbia adopted by GREVIO at its 19th meeting (November 14-15, 2019), the Government's comments received on January 17, 2020, the Recommendation on the implementation of the Convention addressed to Serbia by the Committee on February 4, 2020, and the information provided by Serbia on the implementation of the recommendations, as well as information provided by civil society. The Committee highlighted measures taken and progress made in implementing recommendations, particularly: Adoption of the Strategy for Prevention and Combating Gender-Based Violence against Women and Domestic Violence for the period 2021-2025, which includes the criminalization of all forms of violence against women and recognizes the importance of adopting a holistic approach to prevention and combating violence against women; Institutionalization of the National Council for Gender Equality by allocating permanent financial and human resources as a coordinating body; Establishment of the Council for Combating Domestic Violence to coordinate the implementation, monitoring, and evaluation of all policies related to domestic violence; Possibility of financing smaller-scale projects carried out by women's rights organisations from the national budget; Positive steps taken by the Ministry of Justice to collect additional data on domestic violence, including the victim-perpetrator relationship; Research conducted by the Statistical Office of the Republic of Serbia, in cooperation with Eurostat, on "Women Victims of Violence from a Statistical Perspective" and "Quality of Life and Safety of Women" to determine the prevalence of various forms of violence against women.

At the same time, the Committee recommends taking further measures to implement the recommendations, in particular: ensuring independent monitoring and evaluation of policies and measures to prevent and combat violence against women; identifying and expanding human and financial resources at the national and local level for these purposes; ensuring stable and sustainable levels of funding for women's non-governmental organisations that support victims of violence; ensuring that all relevant sectors (judiciary, social services and health) collect at regular intervals data disaggregated by gender, age, type of violence, type of relationship between perpetrator and victim, age of victim and place where violence occurred; establishment of centres for free support services and expert forensic examinations for victims of sexual violence; ensuring safety and support services for children who witness domestic violence; ensuring the obligations of the courts to take into account the harmful consequences for child witnesses of violence when deciding on custody and visitation rights, as well as preserving the safety and well-being of children in the exercise of

²⁶ *Conclusions on the implementation of recommendations in respect of Serbia adopted by the Committee of the Parties to the Istanbul Convention*, Secretariat of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 2 June 2023, available at: <https://rm.coe.int/0900001680ab7280>

parental responsibility; changes in the definition of rape and sexual violence in order to harmonize it with Article 36 of the Convention.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a comprehensive approach to mental health²⁷ represents a new comprehensive approach to mental health as a social and economic imperative. This publication stated that already in 2019, more than 7% of people in the EU suffered from depression, and 13% felt lonely most of the time. The Covid-19 pandemic has been a serious threat to mental health, especially among young people and those with pre-existing mental health problems. During the pandemic, the number of people in the EU affected by loneliness doubled, reaching 26% in some regions. Increased loneliness and decreased social interactions, concern for one's own health and the health of loved ones, uncertainty about the future, anxiety caused by fear and loss, all lead to post-traumatic stress disorders. Suicide is the second leading cause of death among young people (15-19 years) after traffic accidents. In the EU, the annual value of lost mental health among children and young people is estimated at 50 billion euros.²⁸

The new strategic approach to mental health focuses on three guiding principles: access to adequate and effective prevention, access to high-quality and affordable mental health care and treatment, and reintegration into society after recovery. In the context of challenging demographic changes, mental health, social and long-term care services must be accessible, integrated, implemented in the community and adapted to users, and special attention must be paid to older persons, women and victims of violence. Discrimination based on sexual orientation, gender identity, gender expression or gender characteristics can also have an impact on mental health, especially for young people. Psychological stress resulting from the experience of marginalization, discrimination, and stigmatization ("minority stress") increases the risk of suicidal behaviour, self-harm, or depression. This publication states that discrimination against people with mental health problems is common, especially on social networks, but also in workplaces where 50% of workers believe that disclosing a mental health condition would negatively affect their career. Special attention should also be paid to refugees and displaced persons, poor citizens, persons who are homeless, victims of terrorism, human trafficking, hate crimes, child victims or other victims. Due to the huge problem of mental health and its consequences, all institutions and levels of government can and should play a role in overcoming obstacles to good mental health, through coordinated efforts and mobilizing society as a whole, with an emphasis on equality and non-discrimination.

In ***Fundamental Rights Report - 2023***²⁹ The European Union Agency for Fundamental Rights (FRA) indicated that the main issues for European countries in 2022 in the field of human rights were the refugee crisis due to the war in Ukraine, the increase in child poverty, hate speech and the protection of human rights in the era of technology change. Due to the corona virus pandemic and high inflation, as specified, one in four children is at risk of poverty, which is why the FRA calls for the provision of funds for these purposes, especially

²⁷ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a comprehensive approach to mental health*, European Commission, 2023, available at: https://health.ec.europa.eu/system/files/2023-06/com_2023_298_1_act_en.pdf

²⁸ Ibid, p. 1

²⁹ *Fundamental rights report — 2023 report*, EU Agency for Fundamental Rights (FRA), 2023, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf

for single parents, Roma and migrants. According to this report, one of the key problems is hate crimes and hate speech, especially in the online sphere. Furthermore, the report notes that only half of the EU countries have national action plans to combat racism, so FRA calls on all countries to adopt such plans and take concrete measures against racism. It was also assessed that greater protection of fundamental rights is needed due to the increasing presence of artificial intelligence, digital services, processing of personal data, biometric identification or the use of electronic evidence in criminal investigations.

Fundamental rights report — 2023 report FRA opinions³⁰ provides opinions regarding the main challenges EU member states faces in the exercise of fundamental rights. It is necessary to ensure comprehensive and consistent protection against discrimination based on religion or belief, disability, age, or sexual orientation in all key areas of life, and equality bodies need to have the capacity to realize their full potential and effectively contribute to the implementation of equality directives, which implies sufficiently broad mandates and adequate human, financial, and technical resources. The EU should ensure the swift adoption of legislative proposals by the European Commission to establish binding standards for equality bodies to promote equal treatment and combat discrimination. This report also states the need for the adoption and implementation of specific measures to ensure that LGBTI+ persons can fully enjoy all fundamental rights. The importance of regular collection and use of data on the realization of equality in developing evidence-based policies and considering the inclusion of intersectional discrimination in legislation is emphasised. Additionally, the need for taking appropriate measures to effectively combat hate speech, homophobic, and transphobic statements made in public debates, political campaigns, media, and on the internet is highlighted.

In the report ***Basic rights of older persons: ensuring access to public services in digital societies***³¹ it is pointed out that in EU countries the risk of digital exclusion is not always recognized, nor does the legislation deal with the obstacles older people face. This report states that two major transformations are shaping the future of Europe: demographic ageing and the digital transformation of everyday life, including the digitization of public and private services. By 2050, 30% of the EU population will be 65 and over. This demographic change affects all aspects of life and has important economic and social implications. At the same time, the digital transformation in the EU is progressing and the European Commission, through the European Digital Decade policy programme, is working to ensure that 100% of key public services are online across the EU (and in North Macedonia and Serbia) by 2030. Data shows that only 1 in 4 people in the EU aged 65 to 74 have at least basic digital skills, which could leave them without basic rights, access to healthcare or pensions. For these reasons, it is necessary for all countries to consider digitization from the perspective of fundamental rights and ensure equal access to digital information and services for all older persons.

To ensure access to public services for all, it should be ensured: the participation of older people in the design and development of digital public services to respond to their needs; development of necessary skills for using digital tools; combating ageism, encouraging peer

³⁰ *Fundamental rights report — 2023 report FRA opinions*, EU Agency for Fundamental Rights (FRA), 2023, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023-opinions_en.pdf

³¹ *Fundamental rights of older people: ensuring access to public services in digital societies*, AEU Agency for Fundamental Rights (FRA), 2023, available at: <https://fra.europa.eu/en/publication/2023/older-people-digital-rights>

learning and intergenerational training; systematic collection of data on digital literacy of people over 74 years old.

Guide ***Implementation of the UN Convention on the Rights of Persons with Disabilities***³² aims to support national frameworks for monitoring implementation or improving indicators for assessing the progress of implementation of the Convention on the Rights of Persons with Disabilities at the national level. Developing appropriate indicators and benchmarks is an integral part of national efforts to monitor the implementation of the rights contained in the Convention. Indicators are not just a set of benchmarks, they are instruments in translating globally agreed standards into a concrete legal policy and represent practical steps towards realizing basic rights, with measurable data and information, which is why they can serve all relevant stakeholders well.

The publication ***Understanding intimate partner femicide in the European Union: the essential need for administrative data collection***³³ deals with femicide as an extreme form of gender-based violence, which is broadly defined as "the killing of a woman or girl because of her sex." Providing effective responses to femicide requires tailor-made policy, including prevention, protection and prosecution. In 2020, 47,000 women and girls worldwide were killed by their intimate partners or other family members. While women accounted for only 19% of total homicide victims, they accounted for 82% of intimate partner homicide victims and 64% of all intimate partner/family homicide victims. These data illustrate the need for a gender analysis of femicide to ensure that gender-based homicide is not hidden under general homicide data. The lack of comparable data in Member States hinders the appropriate allocation of resources and the development of effective national and EU-wide policies to prevent violence against women.

Handbook for parliamentarians ***Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol***³⁴ is a joint publication of the Inter-Parliamentary Union (IPU) and the Office of the High Commissioner for Human Rights (OHCHR) that aims to mobilize political will, increase knowledge and the exchange of good practices among parliaments, and provide concrete guidelines for advancing substantive equality between women and men, girls and boys, through the implementation of the CEDAW Convention and through interaction with the committee. This publication states that parliaments, as legislative bodies, have a key role in promoting gender equality, can ensure that national legislation is in line with international standards, as well as ensure the provision of funds for the implementation of regulations, strategies, policies, programs and plans for promotion of gender equality and the rights of women and girls. In parliaments, women's human rights must be protected and gender equality promoted, including addressing crossed forms of discrimination against women, which includes young women, older women, women with disabilities, women who provide care, women from different socioeconomic backgrounds, LGBTI and others. A gender-sensitive parliament recognizes that MPs and

³² *Implementing the UN Convention on the Rights of Persons with Disabilities*, FRA - European Union Agency for Fundamental Rights, 2023, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-uncrpd-human-rights-indicators_en.pdf

³³ *Understanding intimate partner femicide in the European Union: The essential need for administrative data collection*, European Institute for Gender Equality (EIGE), 15.2.2023., available at: <https://eige.europa.eu/publications-resources/publications/understanding-intimate-partner-femicide-european-union-essential-need-administrative-data-collection>

³⁴ *The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol*, Office of the United Nations High Commissioner for Human Rights, 2023, available at: <https://www.ohchr.org/sites/default/files/documents/publications/OHCHR-IPU-CEDAW-Handbook-revised-edition.pdf>

other individuals working in parliament must balance work and family/domestic responsibilities.

Innovation and technological change, and education in the digital for achieving gender equality and the empowerment of all women and girls - Report of the Secretary-General**³⁵ is a report that followed the 67th session of the Commission on the Status of Women - the largest annual UN gathering on gender equality, women's and girls' empowerment, and their human rights concerning the impact of technology and innovation in achieving gender equality. The agreed conclusions encompass governments, the private sector, civil society, and others, and entail the promotion of full and equal participation of women and girls in the design, transformation, and integration of digital technologies and innovations across all processes addressing the needs of women and girls. Considering that only 28% of engineering graduates and 22% of workers in artificial intelligence are women globally, which limits women's access to fast-growing and well-paying careers and their direct involvement in shaping technologies and leading investments, research, public policies, and business.

The need for a significant increase in public and private sector investments was indicated in order to bridge the digital gender gap, ensure more inclusive innovation ecosystems and promote safe and gender-responsive technologies and innovations, which can be achieved through inclusive and equitable quality education in the fields of science, technology, engineering and mathematics, ICT and digital literacy. In this regard, consideration must be given to: developing digital tools and services to meet the needs of all women and girls, in all sectors and geographies, while ensuring access to digital literacy and skills throughout life; mainstreaming gender equality in digital policies to remove barriers to equal access for all women and girls, including those living in poverty, in rural or remote areas, with disabilities, migrants and older women; foster a zero tolerance policy towards gender-based violence through the use of technology and ensure that public and private sector entities prioritize its prevention and elimination; promote policies and programs to achieve gender parity in new scientific and technological fields and create stimulating workplaces and educational environments; develop gender-responsive innovation that challenges gender stereotypes and negative social norms, including the development of digital content, awareness campaigns and teaching competencies for positive engagement with digital technologies that encourage and empower young people to become agents of change and gender equality.

Map ***Women in politics: 2023***³⁶, created by the Inter-Parliamentary Union (IPU) and UN Women, presents new data on women in executive positions and national parliaments as of January 1, 2023 worldwide. Data show that women are under-represented at all levels of decision-making around the world and that achieving gender parity in political life is far from achieved. Women are in the positions of heads of state and/or government in only 36 countries and make up 26.5% of parliamentarians. At the global level, less than one out of four cabinet ministers are women (22.8%), while they are dominant in the areas of human rights policy, gender equality and social protection. Serbia is in 39th place with 36%

³⁵ *Report of the Secretary-General** - Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls*, Commission on the Status of Women Sixty-seventh session, 6–17 March 2023, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/771/55/PDF/N2277155.pdf?OpenElement>

³⁶ *Women in politics: 2023*, Inter-Parliamentary Union (IPU) and UN Women, 2023, available at: <https://www.unwomen.org/sites/default/files/2023-03/Women-in-politics-2023-en.pdf>

representation of women, i.e. nine women in ministerial positions compared to the existing 25 portfolios, and in terms of the number of women in parliament, Serbia is in 47th place with 34.8% representation of women and participation of 87 women in 250 parliamentary seats.

The report on global risks 2023³⁷ of the World Economic Forum points to some of the risks we could face over the next decade. In the first year of this decade, the return of "old risks" - inflation was announced, cost of living crises, trade wars, widespread social unrest, geopolitical conflict and fears of nuclear war. Failure of climate action dominates as the risk of the decade, and "biodiversity loss and ecosystem collapse" is considered one of the fastest worsening global risks. Climate change will also affect health risks, ranging from air pollution, heat stress, to an increase in water-borne diseases or preventing access to clean water. As a result of natural or man-made disasters, internal or interstate conflicts and continued discrimination, large-scale forced migration will occur. In addition to the above, new risks are also pointed out - widespread cybercrime and cyber insecurity (exposure to misuse of personal data ranging from discrimination and social control to potential biological weapons).

Geo-economic confrontation - including sanctions, trade wars and investment screening - is mentioned in the top five threats in the next two years in the 42 countries in which the research was conducted, among which Serbia is in the first place, in addition to Taiwan and Japan, followed by Romania, Slovenia, Qatar, and in the third place are the USA, Switzerland and Zimbabwe.³⁸ Risk assessment for the Republic of Serbia includes sudden changes in commodity prices and a supply crisis, a crisis in the cost of living and real estate prices. The risk assessment is almost identical for other neighbouring countries (Slovenia, Albania, Montenegro, North Macedonia), while for Bosnia and Herzegovina, state collapse is also highly assessed.

Report on the future of work 2023,³⁹ of the World Economic Forum tracks the impact of the Fourth Industrial Revolution in the labour market, identifying the potential extent of disruption and growth in occupations, along with strategies to strengthen the transition of jobs from decline to job creation. 803 companies – which together employ more than 11.3 million workers – in 27 industrial clusters and 45 economies from all regions of the world participated in the survey. Women experienced greater job losses than men during the pandemic, and according to the Global Gender Gap Report, gender parity in the workforce stands at 62.9% – the lowest level recorded since the index was first compiled. The global pandemic has also disproportionately affected young workers, accounting for less than half of the global employment deficit. The adoption of new technologies is a key driver of business transformation in the upcoming period, with over 85% of surveyed organisations identifying the adoption of new and emerging technologies and the expansion of digital access as trends likely to lead to organisational transformation. It is estimated that 34% of all business-related tasks will be performed by machines, while the remaining 66% will be carried out by humans. Data from this report suggest that diversity, equality, and inclusion in the workplace are particularly important for young workers. According to *Manpower's* data, 31.68% of "Generation Z"

³⁷ *The Global Risks Report 2023 - 18th Edition I N S I G H T R E P O R T*, World Economic Forum, 2023, available at: https://www3.weforum.org/docs/WEF_Global_Risks_Report_2023.pdf

³⁸ *Ibid*, p. 79-87

³⁹ *Future of Jobs Report 2023*, World Economic Forum, 2023, available at: https://www3.weforum.org/docs/WEF_Future_of_Jobs_2023.pdf

workers are not satisfied with the progress of their organisation in creating a diverse and inclusive work environment.⁴⁰

In the State Department's 2022 annual report on the state of human rights titled ***Serbia 2022 report on human rights***⁴¹ it is stated that some of the main problems are the independence of the judiciary, violations of freedom of expression and the media, unjustified arrests and investigations against journalists, corruption, threats of violence, gender violence, early marriage in the Roma population, human trafficking and violence against LGBTI persons. This report states that the Government has taken steps to identify, investigate, prosecute and punish officials who have committed human rights violations, both in the police and in the Government, however many observers believe that cases of corruption, social and domestic violence, attacks to civil society and other crimes were not reported and that they went unpunished.⁴² The report also states that the police in Serbia maintained the internal security of the country, but that members of the security forces exceeded their powers. The media announced that 11 complaints against the police for torture were filed in Novi Sad from 2020 to 2021, but that no police officer was suspended.⁴³ International and domestic non-governmental organisations pointed to corruption and political influences in the judiciary, officials and MPs publicly commented on investigations and the work of prosecutors and judges, and the length of trials is also a problem.

This report states that people with disabilities have difficult access to education, employment, health services, information, communications, buildings, transportation, the justice system or other services, although adequate regulations exist. Poverty, social marginalization, lack of information, cumbersome and time-consuming bureaucratic procedures, difficulties in obtaining documents and lack of officially recognized residence are said to have limited the ability of those at risk of statelessness to obtain citizenship. In Roma and poor rural communities, girls dropped out of school more often than boys and became victims of early, child marriages. The report states that as many as 56% of all marriages in Roma settlements are child marriages and it was positively evaluated that the Council of the Roma National Minority adopted the Declaration on abolition of child marriages and called on Roma leaders, women and men, to reconsider the practice and belief that child marriages are part of the Roma cultural heritage.⁴⁴ It is also stated that the Roma have suffered more discrimination and marginalization than any other national minority, and that they still lack information about rights and mechanisms for combating discrimination.⁴⁵ This report also stated that according to reports from local non-governmental organisations and the media, around 1,000 children in a situation of homelessness lived on the streets in Belgrade and Novi Sad. There is no official register of femicides in the country, and the laws in this sense should be implemented more effectively. The State Department also refers to the annual report of the Commissioner for the Protection of Equality, indicating the statistics of complaints and the areas in which discrimination is most often manifested.⁴⁶

⁴⁰ *Future of Jobs Report 2023*, p. 5-7

⁴¹ *Serbia 2022 Human Rights Report*, The U.S. Department of State - Bureau of democracy, human rights, and labor, 2023, available at: https://www.state.gov/wp-content/uploads/2023/03/415610_SERBIA-2022-HUMAN-RIGHTS-REPORT.pdf

⁴² *Serbia 2022 Human Rights Report*, p. 2

⁴³ *Ibid*, p. 3

⁴⁴ *Ibid*, p. 33

⁴⁵ *Ibid*, p. 30

⁴⁶ *Ibid*, p. 43

In the report ***State of human rights in the world 2022/23***⁴⁷ Amnesty International points out the double standards around the world and the failure of the international community to unite in terms of human rights and universal values, which had a strong impact on women's rights, so the US Supreme Court cancelled the long-standing constitutional guarantee of the right to abortion, endangering other human rights, the right to life, health, privacy, security and non-discrimination for millions of women and girls. By the end of 2022, several US states had passed laws banning or restricting access to abortion, while activists in Poland were prosecuted for helping women access abortion. At the same time, in Colombia, the persistence of women's rights activists contributed to the Constitutional Court's decision to decriminalize abortion during the first 24 weeks of pregnancy.

In the part of the report that refers to Serbia, threats to independent journalists and threats to media freedom are underlined, as well as the use of excessive force against environmental activists during protests. The report also mentions the Law on Social Cards, which introduced an algorithm for determining the conditions for receiving social assistance, and which is contested before the Constitutional Court. This report also mentions the almost doubled number of migrants, the overcrowding of asylum and refugee centres, and the encouragement of anti-migrant rhetoric. It is also reported that non-governmental organisations have documented cases of forced labour, as well as unsafe and unhealthy living and working conditions for migrants. Independent journalists and media that are critical of the government are being sued for "defamation" by politicians and businesses in strategic lawsuits (SLAPPs).

In the comparative report ***Freedom in the world 2023***⁴⁸ the challenges and achievements of democracy in the past five decades in the world were pointed out, above all, in relation to freedom of expression and it was stated that the decline of freedom of expression was observed in all parts of the world. In the global struggle for democracy, the year 2022 represents a turning point, which is marked by external and internal attacks on democratic institutions. Afghanistan and Iran are listed as the countries where the rights of women and girls are most suppressed through the use of force, while it is noted that there is an increase in the overall result of improving the conditions for political rights, civil liberties and suppression of discrimination in several European countries (San Marino, which decriminalized abortion, Andorra and Slovenia, which legalized same-sex marriages, and Liechtenstein, which passed a measure on full equality of adoption for same-sex couples). According to this report, Serbia is in 18th place out of 33 countries that had the greatest decline in freedom in the last 10 years, characterized as partially free.⁴⁹ The recommendations in this report include support for civil society and movements that call for democracy, support for free and independent media and protection of access to information, fostering public support for democratic principles by investing in civic education, protection of free and fair elections, improvement of anti-corruption laws, etc.

⁴⁷ *Amnesty International Report 2022/23 - the state of the world's human rights*, Amnesty International, 2023, available at: <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>

⁴⁸ *Freedom in the world 2023*, Freedom House, 2023, available at: https://freedomhouse.org/sites/default/files/2023-03/FIW_World_2023_DigitalPDF.pdf

⁴⁹ *Freedom in the world 2023*, p. 12

Practice of the European Court of Human Rights in the area of protection against discrimination

During 2023, as in previous years, the Commissioner monitored the practice of the European Court of Human Rights in the area of discrimination and violations of Article 14 of the European Convention for the Protection of Human Rights.

Annual report of the European Court of Human Rights for 2023⁵⁰ states that during the year the total number of lawsuits submitted to the European Court of Human Rights decreased by 24%, from 45,500 in 2022 to 34,650 last year. In 2023, the European Court of Human Rights issued 1,014 judgments related to 6,931 claims. Of those 1,014 verdicts, 892 (88%) found at least one violation of the European Convention on Human Rights. Serbia is among the top 10 countries in terms of the number of new lawsuits in 2023. In 2023, 1,522 new lawsuits against Serbia were submitted to the European Court of Human Rights in Strasbourg, while in 2022, there were 3,289, and in 2021, 1,993. If it is observed by the number of inhabitants of Serbia, it shows that 2.28 new lawsuits per 10,000 inhabitants were submitted to the court, which is a decrease compared to 2022, when the ratio was 4.84 cases per 10,000 inhabitants. The European Court issued 9 verdicts, in which at least one violation of the European Convention on Human Rights was found, which included violations of the right to a fair trial, property protection, the right to respect for private and family life, the right to freedom and security, while there were no cases for protection against discrimination.⁵¹

In the further part of the text, examples of individual court decisions are highlighted.

The case of **Paun Jovanović v. Serbia** (Application No. 41394/15) concerns the official use of two standard variants of the Serbian language, Ekavian and Ijekavian, in judicial proceedings. The applicant, a lawyer who uses the Ijekavian variant in speech, acted as a defence attorney for a client at a hearing in a criminal case before the investigating judge of the Basic Court in Bor on February 18, 2013. According to the transcript of the hearing, the applicant was initially warned to ask questions in the official language of the court and he emphasised that he spoke in Ijekavian. On March 7, 2013, he lodged a complaint with the Constitutional Court, stating that during the mentioned hearing, he was denied the right to freely use the Ijekavian variant of the Serbian language, despite it having the same official status as the Ekavian variant.

The European Court emphasised that it is legitimate for a signatory state of the Convention to regulate issues concerning the official use of language or language in judicial proceedings, and the same should apply to different variants of the same language, as in this case. The Court noted that both the Serbian Academy of Sciences and Arts, as the oldest linguistic institution in Serbia, and the Government itself acknowledged that the Serbian language "has two equal variants," namely Ekavian and Ijekavian, and that both can be used. In these circumstances, the Court took the view that there could be no objective and reasonable justification for unequal treatment, leading, in the Court's opinion, to a violation of Article 1 of Protocol No. 12, as well as Article 6(1) of the Convention, due to the lack of adequate reasoning in the decision of the Constitutional Court.

For more information, visit: <https://e-case.eakademija.com/presuda/detalji/1307>

⁵⁰ *Annual Report ECHR 2023*, European Court of Human Rights, 2024, available at: https://www.echr.coe.int/web/echr/d/annual-report-2023-eng?p_l_back_url=https%3A%2F%2Fwww.echr.coe.int%2Fsearch

⁵¹ *Ibid*, p. 108-113

In the case of **Dragana Baš v. Serbia** (Application No. 20874/18), the applicant complained about the mandatory vaccination of children of preschool and school age against certain diseases prescribed by Article 32 of the Law on Protection of the Population against Infectious Diseases from 2016, as well as the consequences of non-compliance with this requirement. In 2017, the applicant filed an initiative before the Constitutional Court for the assessment of the constitutionality of Article 32 of this law. The Constitutional Court dismissed this and several other similar initiatives the same year. It particularly took into account the fact that the vaccination rate in the Republic of Serbia in 2015 was the lowest in the previous ten years. It pointed out that the contested measure did not prohibit the enrolment of children in schools, but rather their attendance was conditioned on vaccination against certain diseases. The European Court considered that the respondent state's approach to make vaccination mandatory was supported by relevant and sufficient reasons justifying the implementation of such a policy. The Court found no reason to question the adequacy of the domestic system regarding the effectiveness and safety of vaccination, considering that the legislative measures complained of by the applicant were in a reasonable proportionality to the legitimate aim pursued, and that the respondent state had not exceeded its wide margin of appreciation. Therefore, the contested measures could be considered "necessary in a democratic society." The Court considered the application manifestly ill-founded and did not find any violation of the rights and freedoms established by the Convention or its Protocols.

More at: <https://e-case.eakademija.com/presuda/detalji/1321>

The case of **Žegarac and Others v. Serbia** (Applications Nos. 54805/15, 56814/15, 7204/16, 10314/16, 19130/16, 21856/16, 26751/16, 39151/20) primarily concerns the temporary reduction of pension payments to the applicants from November 2014 to September 2018 under the Law on Temporary Regulation of Pension Payment Methods. The temporary reduction of pension payments was abolished on September 30, 2018, and as of October 2018, the Pension and Disability Insurance Fund began paying regular pensions to all pensioners, including the applicants, calculated in accordance with the applicable basic legislation, at the nominal value they had in October 2014. All the applicants complained that the reduction in their pension payments amounted to deprivation of property that unjustifiably infringed upon their right to the peaceful enjoyment of their property. The European Court emphasised that there is no reason to suspect that, by adopting the decision to temporarily reduce state pension payments, the legislature aimed at a legitimate public interest with the desire to preserve the financial sustainability of the pension system and to maintain state expenditures in balance, and its assessment in this regard does not seem to be obviously unfounded. The Court considers that the purpose of the legislature's decision to set a limit on a certain amount was not made with the intention of making a distinction between different categories of pensioners in this case to place a certain category at a disadvantage. Instead, it appears that this decision was made to contribute to careful balancing while reflecting the principles of solidarity and social justice, considering that pensioners with higher pensions also benefited from this exemption. The Court did not find a violation of the Convention.

More at: <https://e-case.eakademija.com/presuda/detalji/1313>

Reports and Surveys by National Institutions and Organisations

In February 2023, the Government of the Republic of Serbia adopted **Report of the Republic of Serbia for the fourth cycle of the Universal Periodic Review**⁵² (UPR), which refers to the period from the beginning of 2018 to the end of 2022, according to

⁵²The fourth cycle of the Universal Periodic Review report of the Republic of Serbia, prepared in accordance with paragraph 5 of the annex to Resolution 16/21 of the United Nations Human Rights Council, 2023, RS, is available at: <https://www.minijmpdd.gov.rs/doc/ljudska-prava/medj-ug-upr/izvestajRS-UPR4ciklus-kon.pdf>

recommendations grouped in 10 thematic areas, which refer to: Cooperation with the UN and reporting processes; Human rights - improvement of the legislative and institutional framework; Ombudsman; Prohibition of torture, fight against hate crimes and hate speech, prevention of domestic violence, war crimes, missing persons, fight against human trafficking; Rule of law, judiciary, fight against corruption; Prohibition and prevention of discrimination; Education; Freedom of speech; Defenders of human rights; Goals of sustainable development. The report was prepared on the basis of responses submitted by legislative, executive and judicial authorities, as well as independent state authorities. Within this report, in the part related to the prohibition and prevention of discrimination, it is stated, among other things, that the legislative and strategic framework has been improved by the adoption of amendments to the Law on the Prohibition of Discrimination (aligned with EU law) as well as the Strategy for Prevention and Protection from Discrimination 2022 -2030 with the accompanying action plan for the period 2022-2023, including the list of other regulations to improve the position of certain social groups (persons with disabilities, gender equality, social entrepreneurship, national minorities, etc.).

On the occasion of this reporting cycle, the Working Group of the United Nations Human Rights Council adopted a report in May 2023 containing recommendations for further action in various areas, titled "**Report of the Working Group on the Universal Periodic Review - Serbia**".⁵³ Among these recommendations is the need to ratify the Optional Protocol to the Convention on the Rights of the Child, continue the implementation of all measures envisaged by the Strategy for Prevention and Protection against Discrimination, strengthen the fight against hate speech, continue efforts to create an inclusive society, ensure non-discriminatory access to education, and more. A certain number of recommendations also focus on combating discrimination against social groups at higher risk of discrimination, such as women, LGBTI+ persons, national minorities, migrants and refugees, as well as persons with disabilities.

National study on attitudes about marriage, family, reproductive health, as well as sexual behaviour and harassment among high school students in the Republic of Serbia⁵⁴ is based on research conducted during March and April 2023 in selected secondary schools in five regions of the Republic of Serbia, with the aim of assessing young people's attitudes about marriage, family and reproductive health, as well as sexual behaviour. In this study, it was stated that the health of young people is recognized by national and international organisations, including EU, as a priority goal for the purpose of enabling the well-being and progress of society, as well as that the birth of children directly affects the increase in the number of inhabitants and the improvement of its age structure. It was pointed out that life outside of formal marriage, experimentation with partnership, re-examination of intimate relationships is popular among young people and that the transformation of the family has influenced the increase in the number of births outside of marriage.

When asked about their habits about 52% of respondents stated that they are alcohol users, with around 8% having used it before, while 3.7% reported being drug users (regardless of

⁵³ *Report of the Working Group on the Universal Periodic Review Serbia, 2023*, available at: <https://digitallibrary.un.org/record/4018289#record-files-collapse-header>

⁵⁴ *National Study on Attitudes towards Marriage, Family, Reproductive Health, as well as Sexual Behaviour and Harassment among High School Students in the Republic of Serbia*, Ministry of Family Care and Demography, 2023, available at: <https://www.minbpd.gov.rs/wp-content/uploads/2023/08/nacionalno-istrazivanje-sg-final.pdf>

type), and 3.5% reported having used drugs before. According to the results of this study, young people plan to continue their education after completing high school (76%), of which 67.7% plan to continue their education in their own country, 15.6% plan to find employment, while 10.3% plan to start their own business. The surveyed youth hold traditional views about family, as two-thirds of respondents perceive their parents' marriage as harmonious (46.5%), and slightly more than half would like to have a family with similar values to the one they come from.

When it comes to the attitudes of study participants regarding gender roles in the family, almost all (94.5%) agree that both spouses should contribute to raising children, 84.9% agree that both spouses should contribute to family income, and 43.8% believe that both spouses should spend an equal number of hours doing household chores. Almost all surveyed individuals want children, with 46.7% of respondents stating that having at least two children is important for a happy marriage, and 80% of respondents would like to become parents before the age of 30.

According to the findings of the report ***Serbia 2030 little time, plenty of challenges: has Serbia determined its development path?***⁵⁵ Serbia ranks 31st out of 34 analysed European countries in terms of implementing the Sustainable Development Goals of the UN Agenda. The report provides an assessment within the SDG 5 framework in Serbia, indicating moderate progress, with a comment highlighting challenges in achieving gender equality. For two indicators ("participation of women among parliamentarians" and "participation of women among ICT professionals"), the report assesses that Serbia is on track to achieve target values by 2030. Stagnation is observed in the "gender gap in employment" and "participation of women in senior leadership positions", while there is regression in the indicator "participation of the population inactive due to care responsibilities". The report recommends ensuring the implementation of the Law on Gender Equality and accompanying by-laws by strengthening the capacity of the relevant ministry's organisational unit. Additionally, it suggests setting target values in the new action plan for implementing the Gender Equality Strategy that are aligned with the values set forth in the 2030 Agenda.⁵⁶ Furthermore, changes to regulations in the field of official statistics are proposed, including the introduction of mandatory data disaggregation by gender and the inclusion of a gender perspective.

In the ***Human Rights in Serbia 2022***⁵⁷ report by the Belgrade Center for Human Rights, it was noted that the state of human rights in 2022 was threatened, with an emphasis on the endangerment of freedom of expression, media freedom, and the position of marginalized groups – from persons with disabilities, through LGBT individuals, women, migrants, asylum seekers, to impoverished citizens in rural areas. When it comes to freedom of expression, the public sphere is flooded with hate speech, as stated in the report, and it was indicated that according to data from the Independent Journalists' Association, 132 incidents related to journalists were recorded, including nine physical attacks and four attacks on their property. According to the findings of this organisation's research, 73% of citizens believe that the

⁵⁵"*Serbia 2030: Little Time, Plenty of Challenges: Has Serbia Determined Its Development Path?*" by the Center for Democracy Foundation, the Center for Advanced Economic Studies, and the Belgrade Open School, 2023. Available at:

⁵⁶"*Serbia 2030: Little Time, Plenty of Challenges: Has Serbia Determined Its Development Path?*" p. 56

⁵⁷*Human rights in Serbia 2022*, Belgrade Center for Human Rights, 2023, available at: <https://www.bgcentar.org.rs/wp-content/uploads/2023/03/Ljudska-prava-u-Srbiji-2022-web-2.pdf>

salaries they receive are not sufficient for a dignified life, and 86% of citizens believe that their labour rights are not protected, while 73% of citizens believe that women and men are not equal in society.⁵⁸ In this report, it is indicated that the Commissioner has reacted several times during the year with statements and warnings regarding discriminatory treatment on various grounds in the public space, citing specific examples.

In the publication **Serbia: A Captive Society**⁵⁹ by the Helsinki Committee for Human Rights, it is stated that corruption is one of the main problems in society, which also affects the functioning of judicial organs. Special attention is given to the media scene and media freedom, hate speech, and the popularization of scandals. Marginalized groups, LGBT population, migrants, refugees, internally displaced persons, as well as members of certain national minorities, face everyday discrimination and the inability to exercise their rights, as stated in this publication, as well as the underrepresentation of women in decision-making in all spheres of social, economic, and political life. The unemployment rate among young women in Serbia is higher than among young men, and young Romani women have three times less chance of getting a job than young Romani men. The employment of women is continuously declining, especially for those over 45 years of age. Women over 55 are twice as inactive in the labor market as men of the same age, while nearly half a million women aged 45 to 64 are unemployed or inactive in job seeking. The primary reason for labour market inactivity cited by 7% of women in Serbia is family care.⁶⁰ This publication also highlights the high number of femicides and notes the lack of effective femicide prevention and the absence of publicly available statistical data on the prevalence of femicide, indicating the need for urgent intervention. Regarding the situation of persons with disabilities, this publication notes that the employment rate among persons with disabilities is extremely low, at only 9%, access to education is unsatisfactory, there is a lack of a sufficient number of trained teachers for children with developmental disabilities, and no progress has been made in terms of deinstitutionalization of adults with disabilities. There is also a need for the development of various social protection services, which should gradually be developed in local communities. For example, mapping of 145 municipalities showed that 91 municipalities allocated less than 454 dinars per capita annually for these services, with eight of them not establishing any social protection services at all.⁶¹

The Reform Agenda of the PrEUgovor Coalition for 2023⁶² provides a brief overview and recommendations on key issues that need to be addressed in 2023 as part of Serbia's EU accession process. The Coalition for Pre-Accession notes that the majority of reform activities have been put on hold due to the fact that the Government was in a technical mandate for more than eight months, that support for EU membership among citizens has significantly decreased, and that the European Commission's Annual Report states that Serbia is progressing slower towards EU accession. Regarding antidiscrimination policies and gender equality, the coalition emphasises the need to follow recommendations from international bodies, including the concluding observations of the CEDAW Committee, and points out pressures on the rights of minority social groups, with a particular emphasis on the LGBTQ+ population and human rights organisations. Additionally, the publication mentions

⁵⁸ *Human Rights in Serbia 2022*, p. 32-33

⁵⁹ *Serbia: A Captive Society*, the Helsinki Committee for Human Rights, 2023, available at: <https://www.helsinki.org.rs/serbian/doc/izvestaj%202022.pdf>

⁶⁰ *Ibid*, p 251-253

⁶¹ *Ibid*, p. 254

⁶² *PrEUgovor Reform Agenda for 2023*, Coalition prEUgovor 2023., available at: <https://www.preugovor.org/Alarm-izvestaji/1809/Izvestaj-koalicije-prEUgovor-o-napretku-Srbije-u.shtm>

the need for additional efforts to enhance the effectiveness and sustainability of adopted strategic documents and action plans. Concerning the fight against violence against women, the publication indicates that amendments to the Criminal Code have not been implemented and its alignment with the provisions of the Istanbul Convention, especially regarding crimes against sexual freedom, has not been achieved. It also notes that there is still an insufficient number of available and geographically well-distributed general and specialized support services for victims of violence, which enable recovery, empowerment, and independence, and delays in the adoption of a new strategic document in the field of social protection.

PrEUgovor Alarm: Report on the Progress of Serbia in Cluster 1⁶³ states that Serbia is only halfway toward meeting the standards required in Chapters 23 and 24, emphasising the continued need to amend judicial laws. It notes that European Commission reports have become increasingly critical, and resolutions from the European Parliament are becoming sharper in condemning poor practices. Regarding the enjoyment of basic human rights, the publication highlights the lack of progress in preventing violence and protecting vulnerable groups, especially women and children. It mentions the presence of hate speech in the public sphere, anti-gender narratives, and attacks on dissenters, while reforms remain unimplemented. Mechanisms for implementing policies for eliminating discrimination against women and establishing gender equality are not sufficiently functional, and research indicates a picture of women's family life far from equality. Concerning financial independence, every fourth mother is dissatisfied with the way she manages money in the household, and every third earns less than before becoming a mother. During divorce, 43.2% of former partners attempted to reduce or hide part of their income, while 46% of fathers paying child support do so irregularly.⁶⁴ The publication also mentions that the Serbian Orthodox Church conducted a campaign against the introduction of gender-sensitive language into school textbooks, appealing for the repeal of laws imposing "such violence" and that the Institute for the Improvement of Education and Upbringing withdrew the proposal for textbook standards introducing gender-sensitive language.⁶⁵

Regarding the protection of women from violence, it is noted that there has been no reaction from the authorities regarding the 12 murders of women (and two girls) in the first four months of 2023. As stated in the report, concerning the prevention of child murders by fathers who had previously been reported and convicted of domestic violence, there is still no systemic response from the state. There is no official statistic on reported cases of rape to the police, and there is no data on whether the proposed amendments to the criminal offense of rape to align with the Istanbul Convention have been considered. There is also a repeated request for the establishment of a National Mechanism for Monitoring and Analysing Femicide, whose importance was emphasised by the Commissioner. The report indicates that attacks and pressures on human rights activists have increased. In addition to the identified problems, recommendations for improving the situation are outlined, such as: improving legal frameworks and practices, increasing transparency and proactive disclosure of information, protecting public spaces from discriminatory speech and behaviour, preventing threats to security, and various forms of pressure on (women's) organisations, among others.

⁶³ *PrEUgovor Alarm: Report on the Progress of Serbia in Cluster 1*; Belgrade Center for Security policy, May 2023, available at: <https://www.preugovor.org/Alarm-izvestaji/1809/Izvestaj-koalicije-prEUgovor-o-napretku-Srbije-u.shtml>

⁶⁴ *PrEUgovor Alarm: Report on the Progress of Serbia in Cluster 1*; p. 80

⁶⁵ *Ibid*, p. 82

The Book of Recommendations of the National Convention on the European Union⁶⁶ (NCEU) for the year 2023 provides a comparative overview of Serbia's progress towards EU membership, a review of EU requirements, recommendations from the expert community, and necessary adjustments to public policies. In the section concerning Chapter 23 - Judiciary and Fundamental Rights, this publication, among other things, mentions enabling transparency in the work of the High Council of the Judiciary and the Public Prosecutor's Office, re-election of public prosecutors, cessation of political influences on holders of judicial functions, improving the status of judicial assistants, and enhancing the capacities of independent institutions.

Regarding Chapter 10 - Information Society and Media, it is noted that progress has been made in the development of the information society, with the Government including the development of the information society in its priorities since 2020. The eGovernment portal offers around 900 services and has approximately two million users. An increasing number of companies are undergoing digital transformation, and 81.5% of households have access to and use the internet. Additionally, there are around 3,800 companies operating in the ICT market, employing approximately 45,000 programmers.⁶⁷

Guide for the Application of Impact Assessment of Regulations and Public Policies on Socioeconomically Vulnerable Citizens⁶⁸ outlines the steps in conducting an analysis of the effects of public policy documents and regulations in general, their impact on socioeconomically vulnerable citizens, and analyses the application of antidiscrimination regulations in the field of economic and social rights, considering the significant change envisaged by the amendments to the Law on the Prohibition of Discrimination from 2021.

This guide explains ex-ante and ex-post analyses of public policies, consultations and public hearings, as well as the impact assessment of public policies on the realization of rights of individual vulnerable groups of citizens. Additionally, it provides a list of recommendations for improving the assessment of policy impacts on citizens.

The Coalition for Monitoring Children's Rights, comprised of five civil society organisations including the Center for Social Policy, has produced a **Report on the State of Children's Rights in the Republic of Serbia from February 2017 to June 2023**⁶⁹ with the aim of providing an overview of the implementation of the UN Committee on the Rights of the Child's recommendations in the Republic of Serbia over the past six years. The report notes that the largest number of Committee recommendations remains unfulfilled, that a separate Law on the Rights of the Child has not been adopted, and that significant progress in preventing and eliminating child marriages has not been achieved. The focus on prevention and combating trafficking in persons is inadequate, as evidenced by the low number of identified victims, especially children, being one of the most vulnerable categories. Formally, 46 victims of human trafficking have been identified, of which 37% are minors, and 94% are girls (an increase of 35% compared to 2021).⁷⁰ There is insufficient precision in recording

⁶⁶ *The Book of Recommendations of the National Convention on the European Union for 2023*, NCEU, 2023, available at: <http://www.centaronline.org/userfiles/files/publikacije/nkeu-knjiiga-preporuka-nacionalnog-konventa-o-eu-2023-sazetak.pdf>

⁶⁷ *Ibid*, p 30-31

⁶⁸ *Guide for the Application of Impact Assessment of Regulations and Public Policies on Socioeconomically Vulnerable Citizens*, A 11 – Initiative for economic and social rights, 2023, available at: https://www.a11initiative.org/wp-content/uploads/2023/1zve%C5%A1taji/Vodic%20btd.pdf?_t=1676297934

⁶⁹ *Report on the State of Children's Rights in the Republic of Serbia from February 2017 to June 2023*, ASTRA, 2023, available at: <https://drive.google.com/file/d/1Te5CwrgidVTZThAF7iq2cwGuNxt4utJF/view>

⁷⁰ *Ibid*, p. 98

and tracking the proportion of children exposed to begging among the total number of children placed in institutions. Regarding the problem of child labour abuse, the report notes that the problem of monitoring the number of children through existing databases is inadequate because these children are tracked on some other basis, while the basis of child labour abuse is categorized as an "associated problem".⁷¹

When it comes to violence against children, it is mentioned that explicit prohibition of corporal punishment of children is still not provided for by law. Results from the latest Multiple Indicator Cluster Surveys (MICS) on the status of women and children indicate that 45% of children aged 1-14 are subjected to violent discipline at home, with an even higher percentage (67%) in Roma settlements.⁷²

This report indicates that precise data cannot be obtained even when it comes to children with developmental disabilities because there is no adequate database created, and the efficiency and effectiveness of social protection services in the community and mechanisms for educational inclusion have not been reviewed, as the data dates back to 2017. The existing health information system does not track indicators that would allow for an assessment of the coverage of preschool and school-age children in rural areas with healthcare. Additionally, the Ministry of Public Administration and Local Self-Government and the Statistical Office of the Republic of Serbia (RSZ) do not possess data on the number and percentage of children whose birth is registered but whose parents do not possess personal documents. The management of registrar records is entrusted to municipalities and cities, and there is no evidence of consolidated data for the entire territory of Serbia.

When it comes to independent institutions, the report states that the functioning of the Ombudsman has certain deficiencies regarding the protection of children's rights, as the complaints procedure is not child-friendly, and the area of children's rights is not specifically singled out within the institution but is within the mandate of the Deputy Ombudsman for Children's Rights and Gender Equality.⁷³

In this report, it is emphasised that the reports of the Commissioner for the Protection of Equality provide an overview of discriminatory procedures on various grounds and before a wide range of public institutions, service providers, as well as that the records of submitted complaints are kept on the basis of a certain personal characteristic, that children are enabled to submit complaints independently, but that no child approached the Commissioner independently. It is particularly mentioned that the Youth Panel is highlighted as a measure for children's participation in spreading information about their rights, but it is also noted that their activity is questionable⁷⁴.

Among the recommendations from this report are: ensuring special accommodation capacities that fully meet the needs of unaccompanied children and children separated from their parents; taking measures for alternative care for children deprived of a family environment and establishing an adequate guardianship system; aligning the national framework with the Convention on the Rights of the Child; collecting data at all levels on inclusive education, children's rights, health, and social protection, as well as protection of children from violence. It is particularly important to adopt and implement recommendations

⁷¹Ibid, p 96

⁷²Ibid, p. 47

⁷³Ibid, p. 17

⁷⁴Ibid, p. 28

related to inclusivity and the prohibition of discrimination, both in education and in other areas. Additionally, it is necessary to adopt and implement recommendations for improving social programs for children affected by poverty, as stated in this report.

The National Coalition for Decentralization presented the results of the annual ***Index of sustainability of civil society organisations in Serbia for the year 2022***⁷⁵ which measures the sustainability of the civil sector based on seven dimensions: legal framework, organisational capacity, financial sustainability, advocacy, service delivery, infrastructure, public image. According to this index, the overall sustainability of civil society in Serbia in 2022 remained the same as the previous year (rating 4.3), although two dimensions - *Legal Environment* and *Financial Sustainability* - slightly worsened. When it comes to the other dimensions that are measured, they remained unchanged, and only the organisational capacities increased slightly. Also, the number of CSOs, endowments and foundations continues to grow, although there is no publicly available data on newly registered organisations, and many initiatives at the local level are not registered, but work as informal groups, partly due to the administrative and financial burdens of registration and business as a registered entity. is listed in this index.

In the publication ***Hate speech is not freedom of speech - Analysis of hate speech in public space directed to queer people in Serbia***⁷⁶ it is stated that LGBTQ+ individuals are daily exposed to hate speech in all forms of public space in Serbia, including media space (traditional and online media), as well as in semi-private spaces such as workplaces or visits to stores. Adequate reactions to hate speech are often lacking, as it is often tolerated under the guise of freedom of expression, which is protected by the Constitution and the Criminal Code, but is overly interpreted and frequently abused. According to research by the FRA, 17% of LGBTQ+ community members in Serbia have experienced physical or sexual violence in the past five years, while as many as 41% have experienced lesser forms of harassment in the past year due to their sexual orientation or gender identity. Additionally, every other LGBTQ+ person in Serbia avoids certain places, and 71% of same-sex couples never hold hands in public for fear of incidents.

Compliance of Government Authorities with the Commissioner's Recommendations

Based on a comprehensive overview of the situation from available data and institutional practices throughout the year, the Commissioner provides recommendations to public authorities in regular annual reports for addressing identified problems, especially those affecting social groups at higher risk of discrimination. During the year, some recommendations of the Commissioner are fully implemented, while other activities that have effects on improving the population's situation are carried out, albeit partially. Data from reports submitted by state bodies to the Commissioner also speak about the implementation of recommendations. Furthermore, in accordance with the Law on the Prohibition of Discrimination, the annual report on the state of equality protection issued by the Commissioner includes an assessment of the work of public authorities, among other things.

⁷⁵ *Index of sustainability of civil society organisations in Serbia for the year 2022*, National Coalition for Decentralization, available at: <https://nkd.rs/indeks-odrzivosti/>

⁷⁶ *Hate speech is not freedom of speech - Analysis of hate speech in public space directed to queer people in Serbia*, Da se zna, 2023, available at: <https://dasezna.lgbt/wp-content/uploads/2023/04/GOVOR-MRZNJE-NIJE-SLOBODA-GOVORA-3.pdf>

The Ministry of Finance did not submit a report to the Commissioner.

Considering the smaller scope of implemented activities, a brief overview of the submitted reports is provided in the following text. We can assume that the reason for the lower number of implemented activities during the year is the two election cycles within a short time frame, as well as insufficient coordination among state administrative bodies.

The Ministry of Tourism and Youth informed the Commissioner that during 2023, it supported 24 projects in the field of education, corresponding to goal number 4 of the Strategy for Youth in the Republic of Serbia for the period 2023-2030, as well as 38 projects for goal number 5 of the Strategy, which pertains to the safety, health, and inclusion of young people.

The Ministry of Rural Welfare continued with the implementation of programs for units of local self-government, based on which all population structures can equally compete for non-refundable funds. However, this year, the participation conditions in the public competition were modified, enabling convicted individuals and persons against whom criminal proceedings or investigations have been initiated to exercise this right.

The Ministry of Economy reported that a new Strategy for the Development of Small and Medium Enterprises for the period 2023 to 2027 has been adopted, along with an action plan, which includes measures to support female entrepreneurship. In this regard, to assess the progress made in empowering female entrepreneurship during 2023, the development of a new study on women's entrepreneurship in Serbia was initiated. This study proposed measures to be implemented in the future and conditions necessary to enable more women to engage in entrepreneurship and operate successfully, which have been incorporated into the new Strategy. During 2023, the Ministry implemented a Program to encourage entrepreneurship development through financial support for women's entrepreneurship, enabling micro and small enterprises founded and legally represented by women to access financial resources on favourable terms. Additionally, support for female entrepreneurship continued through the development of training, mentoring services, and other forms of professional support, providing women with free non-financial support through the Standardized Set of Services Program for micro, small, and medium enterprises and entrepreneurs. Numerous activities were also conducted regarding the media promotion of female entrepreneurship with examples of best practices. Institutional support has been provided for years to the "Success Flower" project, and special attention has been given to promoting female scientists and innovators to provide positive examples for girls and young women.

The Ministry of Information and Telecommunications reported that it has developed a Plan and measures to achieve and improve gender equality, and in the upcoming period, a Risk Management Plan for Gender Equality Principles Violations will be adopted.

The Ministry of Construction, Transport, and Infrastructure continued to implement scholarships for female doctoral students in scientific fields, branches, or disciplines related to railway transport and transportation. This aims to create a qualified workforce in the railway sector and increase the number of female students enrolled in doctoral academic studies in this field.

Through the project "Improving Accessibility of Public Facilities for Persons with Disabilities and Reduced Mobility," construction works are being carried out on the reconstruction and adaptation of public facilities across Serbia. The project "Support to Social Housing and

Active Inclusion by the European Union" has enhanced the capacities of institutions/government bodies/organisations providing housing and active inclusion services for effective and gender-responsive planning and implementation of housing programs and provision of appropriate support services. Solutions have been provided for housing issues for 500 families from the most vulnerable groups in at least 20 local self-government units. Services in the field of employment, social protection, education, health, complementary to housing solutions, have been provided for 1,000 of the most vulnerable.

The Ministry of Environmental Protection in 2023, continued work on the development of certain public policy documents such as: Environmental Protection Strategy with accompanying Action plan (one of the key documents for the implementation of the Green Agenda for the Western Balkans); Strategies for the implementation of the Convention on the availability of information, public participation in decision-making and the right to legal protection in environmental matters; of the Republic of Serbia Nature Protection Program for the period 2024-2032, in which it is also planned to integrate the gender perspective. In addition, a National Report on the Progress of the Implementation of the UN Convention to Combat Desertification has been prepared and submitted, along with the "Analysis of the Socio-Economic Status of Informal Collectors of Secondary Raw Materials." This analysis pertains to the socio-economic impacts of the circular economy, with appropriate recommendations, to facilitate mitigating potential harmful socio-economic impacts on vulnerable social groups, such as informal collectors of secondary raw materials, which may be influenced by new circular economy policies.

The Ministry of Public Administration and Local Self-Government reported that since September 2023, in cooperation with the Office for Information Technology and Electronic Governance, citizens have been able to submit electronic requests for registration/change of data in the Single Electoral Roll via the eGovernment Portal. Additionally, upon the Ministry's proposal, the Government adopted a Regulation governing the detailed conditions, criteria, and measures applied in the procedure for determining the Unified Administrative Point (where parties can economically, in one place, exercise their rights, obligations, and legal interests, whether it be an electronic or physical location), as well as the manner of cooperation among competent authorities regarding proceedings and performance of tasks at the Unified Administrative Point. The Ministry, in cooperation with relevant authorities, is conducting activities to resolve remaining individual cases in which members of the Roma national minority have not exercised their right to registration in the birth register, as well as other rights related to personal status, with a special focus on registering their newborns in this official record. During 2023, three informational campaigns were also conducted for representatives of the Roma community to ensure these individuals receive adequate information and resolve their status.

The Ministry of Human and Minority Rights and Social Dialogue formed a Working Group for drafting the Regulation on the Methodology for Calculating Unpaid Household Work, which completed the proposal for this regulation by the end of the year. The campaign "Advance Gender Equality," supported by the GIZ, was launched to raise awareness among citizens and overcome social stereotypes, as well as to provide additional information to legal entities about the importance of regularly fulfilling obligations prescribed by the Law on Gender Equality and subordinate acts. Within the "Stop Femicide" campaign, five panel sessions were held in Belgrade, Novi Sad, Kragujevac, Niš, and Novi Pazar, while a promotional-educational video spot was broadcasted on national frequency media and social networks.

Furthermore, the constitutive session of the Coordination Body for the Improvement of the Position of Roma and Romani Women was held, tasked with coordinating and directing the activities of state administration bodies, providing support, and monitoring the implementation of established measures and activities from the Strategy for Social Inclusion of Roma and Romani Women in the Republic of Serbia for the period from 2022 to 2030 and the corresponding Action Plan. Among other things, the report on the implementation of activities from the Action Plan for the period 2022-2024 for the implementation of the Strategy for the year 2022 was adopted. Additionally, the continuation of the engagement of health mediators was supported, possible solutions for social housing issues were initiated through amendments to the Law on Housing, and the continuation of the successful results of the program for the allocation of free funds for the purchase of rural houses with land was supported, through which a significant number of the Roma population obtained rights to resolve housing issues. Furthermore, the ministry unified and published the first Report on the Fulfilment of Goals of the Declaration of Western Balkans Partners on Roma Integration within the European Union Enlargement Process (Poznan Declaration).

During 2023, training sessions were conducted for employees in public authorities to educate them on the official use of language and script of national minorities, along with training for representatives of all national councils of national minorities, aiming to enhance practical knowledge regarding management, organisation of work, financial management, and reporting. Additionally, the ministry allocated funds for 72 programs and projects in the field of culture, including eight multicultural projects that promote the development of tolerance and better understanding among different communities.

The Ministry of Justice and the Ministry of Public Administration and Local Self-Government signed a Joint Statement to improve the implementation of the Law on Free Legal Aid, confirming the launch of a joint campaign and a series of project activities aimed at raising public awareness of the availability of free legal aid to the most vulnerable and marginalized individuals. Throughout 2023, continuous provision of information on the possibility of accessing the right to free legal aid continued, both at the level of state organs and at the level of local self-government bodies. The "You Have the Right!" campaign, planned for phased implementation, focuses on promoting mechanisms of free legal aid to raise public awareness of its existence and the opportunities it offers. The campaign and the series of project activities to be launched aim to enhance the capacity of legal aid services at local self-government units and raise public awareness of the availability of free legal aid to the most vulnerable individuals. The ministry remains in regular contact with employees in local self-government units who decide on requests for free legal aid, and training sessions continued throughout 2023, after which they were authorized by the minister to decide on requests for free legal aid.

During 2023, *the Ministry of Education* implemented three online training sessions in collaboration with the Institute for the Improvement of Education and Training: "Improving the work of SOS counsellors" (two sessions) and "Towards a safe and stimulating school environment" (one session). Both of these training sessions included modules addressing the actions of educational institutions in situations of suspicion or awareness of discriminatory behaviour. A total of 360 employees attended these training sessions.

As part of the "Together and safely through childhood" project, which the Ministry of Education conducts in collaboration with the Ministry of Interior, the Commissioner for the Protection of Equality, and other partners, workshops titled "Prevention of peer violence in

the real and virtual environment" were conducted in all elementary schools. The implementation of the project will continue throughout 2024. Close to 4,600 elementary school students participated in these activities.

During 2023, the Ministry received six reports of discriminatory behaviour situations among students, with membership in a national minority cited as the dominant personal characteristic underlying such behaviour. In accordance with prescribed procedures, disciplinary proceedings were initiated against students who engaged in discrimination, and plans for intensified educational interventions were developed, involving representatives from external protection networks (social and health services, police, and prosecution). Protection plans were also drafted for students who experienced discriminatory behaviour. Educational institutions implemented enhanced preventive activities in the area of discrimination and violence protection for both students and staff, with parental involvement.

On the "I Keep You Safe!" National Platform, initiated by the Government in 2021 to enhance and coordinate intersectoral collaboration in preventing violence involving children, training sessions are available for staff, parents, and children covering topics such as violence and discrimination prevention, recognition, response strategies, and support provision in violence situations.

A total of 271 pedagogical assistants (PAs) are engaged in the system, funded at local and national levels, with 231 in primary schools, 8 in secondary schools, and 32 in preschool institutions. Over the past three school years, the Ministry has recruited 47 new PAs, including 12 during the current 2023/24 academic year. All PAs have access to free online training, including "Training for Pedagogical Assistants for Children and Students of Roma Nationality Requiring Additional Educational Support."

In the 2023/2024 school year, 2,511 students of Roma nationality (1,356 boys and 1,155 girls) were enrolled in the first grade of secondary school. In total, since 2005, more than 20,500 students of Roma nationality have used this measure of support (of which 50% are girls). For the school year 2023/2024, 1,084 student scholarships were approved for students of Roma nationality, and for the last nine school years, a total of 8,699 scholarships were awarded, of which 65% were girls. An average of 2,500 to 3,000 students in elementary schools attend the elective program Romani language with elements of national culture.

Ministry of Agriculture, Forestry and Water Management reported that through the Annual Plan for the training of agricultural advisors and agricultural producers for the year 2023, the educational module "Knowledge Transfers in Agriculture for the Promotion of Gender Equality" was implemented. The training was attended by 50 advisers divided into two groups. The aim of the education is gender sensitization, so that women and men in rural areas are treated equally in access to knowledge and information and that the knowledge transfer system is adapted to their specific needs. At the same time, the goal is to educate advisers about specific risks for rural women due to climate change.

Ministry of Interior informed the Commissioner that in connection with the recommendation related to the constant improvement of the coordinated and efficient action of all institutions of the system involved in the procedure of protection against violence, with the further development of services for the support of victims and child witnesses of violence with the application of all available institutes, as well as raising awareness public about recognizing violence and reporting it, representatives of this ministry during 2023 took part in various

activities, specialist trainings, seminars, workshops, as well as the creation of the National Strategy, action plans and other strategic documents, preventive projects, etc.

The network of women in the police of the Ministry of Internal Affairs organised a two-day workshop on the occasion of "16 days of activism" with the aim of exchanging experiences and supporting police officers responsible for handling cases of domestic violence. The workshop presented case studies and shared experiences between police officers who are responsible for handling cases of domestic violence.

As part of the 12 thematic units offered on the ministry's e-learning platform, topics such as "Concept, Recognition, and Police Response to Forms of Discrimination" and "Police Procedures in Cases of Domestic Violence and Partner Relationships" are included. These topics were attended by all employees as part of the "Annual Knowledge Assessment" program.

The Ministry of Mining and Energy, prompted by the Commissioner's recommendation to urgently respond and provide temporary electricity to the residents of informal settlements in Niš, took a series of actions. They held numerous meetings attended by representatives of the informal settlements in Niš, representatives of the distribution system operator, and representatives of the electricity supplier. An agreement was reached, and 20 illegal structures in the informal settlement in Niš were temporarily connected to the distribution electricity network in early 2023. Supply contracts are concluded on a monthly basis, and the electricity consumption is regularly paid, which is a condition for obtaining a new contract.

At the proposal of the Ministry, the Government has adopted the Regulation on Amendments and to the Decree on energy vulnerable customer, according to which retirees who have an electricity supply contract in their name, and whose pension does not exceed 21,766.26 dinars, are entitled to an additional bill reduction of 1,000.00 dinars during the heating season. Additionally, households whose members are eligible for financial social assistance, increased financial social assistance, child allowance, or increased allowance for assistance and care of another person, acquire the status of an energy-vulnerable customer based on the act of the competent authority on acquired rights, and it is enabled to acquire the right to a bill reduction ex officio, which is achieved through data exchange between competent institutions and suppliers.

During 2023, *the Ministry for European Integration*, together with the UN Office for Project Services, implemented a Public Call for supporting women and young beginners in entrepreneurship through the procurement of equipment and introduction of services within the EU Program for Local Development - EU PRO Plus. The territorial coverage of the EU PRO Plus project encompassed 43 extremely underdeveloped units of local self-government from the regions of Šumadija and Western Serbia, as well as Southern and Eastern Serbia. The right to apply was given to unemployed women and young people registered with the National Employment Service who plan to start their own business, as well as those who registered a business entity from January 1, 2022, until the moment of the call announcement.

The Ministry of Culture initiated numerous programs contributing to the creation of an environment necessary for raising awareness about equality, activities aimed at improving the position of specific groups, and projects that created favourable conditions for the

existence and development of various identities contained within a common cultural identity of Serbia.

In July 2023, at the Cultural Center of Serbia in Paris, an exhibition titled "Substrates" was opened, bringing together artists from Serbia, Albania, and North Macedonia. This exhibition showcased the great artistic potential of the three countries and the opportunities offered by the authentic regional initiative "Open Balkans." In 2022, the three Ministers of Culture from Serbia, Albania, and North Macedonia signed an Agreement on Cooperation in the fields of culture, cinema, and audio-visual creation during one of the meetings of the Open Balkans Summit in Ohrid. This agreement opened the doors for numerous artists from all three countries to collaborate on joint projects.

The Ministry of Defence reported that as the lead stakeholder of the third National Action Plan (NAP) for the implementation of UN Security Council Resolution 1325 - Women, Peace, and Security, during 2023, it formed the Political Council for the Implementation of the NAP, an intersectoral Working Group, and held four workshops aimed at drafting proposals for this document.

In December 2023, a meeting was held between representatives of the Union of Associations of Serbia for Assistance to Persons with Autism and the Sector for Social Protection within *the Ministry of Labour, Employment, Veteran and Social Affairs*. The purpose of the meeting was to implement the conclusion from the eighth session of the Government Council for Persons with Disabilities, regarding the initiative to amend and supplement the Regulation on Detailed Conditions and Standards for Providing Social Protection Services, particularly concerning support services for independent living and personal assistance. The Sector's position is that there is a need for more comprehensive changes and amendments to this regulation, which entails the formation of a broader working group and represents a task requiring more time and greater engagement, conditions for which are currently lacking due to the government being in a technical mandate. Therefore, it was proposed to initiate a procedure for smaller-scale amendments to the Regulation for now, specifically regarding the services covered by the initiative. Additionally, it was suggested to organise a meeting within an informal working group where, besides the initiators of the initiative, other interested organisations would also be involved. The Ministry informed that the Provincial Institute for Social Protection conducted a study titled "Violence in the Digital Space" to assess the state of child protection from digital violence and the prevalence of this phenomenon in the Autonomous Province of Vojvodina.

Furthermore, the National Employment Service implemented active labour market measures in 2023 in line with the Action Plan for the period 2021-2023 for the implementation of the Employment Strategy in the Republic of Serbia for the period 2021-2026, which included the activity: Implementation of special measures to activate and promote the employment of inactive women in less developed and devastated areas.

The Ministry of Family Welfare and Demography issued in mid-October 2023 the Regulation on the Manner of Keeping Records and Documentation of Adopted Children and the Regulation on the Manner of Keeping Records of a Unified Personal Register of Adoption, in accordance with the relevant provisions of the Family Law. Additionally, in compliance with the provisions of the Family Law, regulations were also adopted for the records and documentation of wards, individuals subjected to domestic violence, and persons under

protection orders against domestic violence, as well as for records and documentation of supported individuals.

On the ministry's proposal, the government adopted the Strategy for Active and Healthy Aging in the Republic of Serbia for the period from 2024 to 2030, along with the Action Plan for 2024-2026 for implementing the Strategy for Active and Healthy Aging in the Republic of Serbia for the period from 2024 to 2030 in December 2023.

Furthermore, the National Assembly of the Republic of Serbia passed the Law on Amendments to the Law on Financial Support to Families with Children at the end of July 2023, which was harmonized with the Decision of the Constitutional Court from May 2023.

The Ministry of Sports reported that during 2023, it acted on a specific recommendation from the Commissioner dating back to December 2022. The recommendation urged the undertaking of all necessary measures and actions within the jurisdiction of this body to ensure that blind and visually impaired chess players who won medals at the Chess Olympiad for the Blind and Visually Impaired Chess Players would be treated equally with other chess players - medallists at the Chess Olympiad when it comes to the process of obtaining national sports recognition and/or financial rewards. Additionally, the ministry stated that several consultative meetings were held to consider the scope and content of regulatory changes, taking into account previously submitted initiatives and proposals for amendments to the Sports Law as indicated by the Commissioner.

The Ministry of Health provided data on violence against women from 2022, stating that data from 2023 is not yet available. In 2022, 1,555 cases of violence against women were reported in the healthcare system, representing a decrease compared to previous years. The ministry supported project activities of the Center for Victims of Sexual Violence, which provides specialized support services and ensures medical and laboratory examination services, trauma support, and counselling. These centres operate in Kikinda, Zrenjanin, Sremska Mitrovica, and Novi Sad, with plans to open two more centres for victims of sexual violence in central and southern Serbia.

The Ministry of Science, Technological Development and Innovation reported that gender equality in science and research is being pursued through the awarding of National Scholarships "For Women in Science" in the Republic of Serbia. This program has been implemented since 2010, and so far, 38 young female scientists have received this scholarship (including three in 2023). The Law on Science and Research enables women going on maternity leave to obtain the status of suspension of doctoral studies and the status of suspension for the promotion procedure. At the same time, this law encourages the development of young and talented individuals for scientific research through public calls for the employment of young talented researchers, within which 2,271 young researchers have been employed (including 320 in 2023). During the year, scholarships were also awarded to a total of 469 doctoral students and young researchers, of which 67% are female.

The scientific and technological parks in Belgrade, Niš and Čačak have conducted a series of activities and conferences aimed at promoting female entrepreneurship, such as the "Creative Entrepreneur" conference, workshops on "Women in Entrepreneurship," the Niš Innovation School, the Niš Startup School, and more.

Analysing the reports submitted by ministries regarding the implementation of recommendations provided in the regular annual report of the Commissioner and the realized activities, it has been noticed that some ministries

have submitted reports in which all activities of significance for improving the equality of social groups at higher risk of discrimination, implemented during 2023, were not adequately described. Additionally, most reports primarily focused on monitoring progress in the area of gender equality, while other areas and social groups were not sufficiently covered, and no information was provided regarding amended or adopted regulations, implementation of specific activities, projects, etc. These reports should be systematic and focused on concrete, implemented measures and activities, especially considering that the Commissioner's report, in accordance with the law, is submitted to the National Assembly and entails an assessment of the work of public authorities, service providers, and other entities, as well as identification of shortcomings and recommendations for their remediation. Given the aforementioned, it is necessary to improve the reporting of ministries in a way that, in addition to the Commissioner's recommendations (which specify the authorities responsible for their implementation), it also encompasses other activities carried out during the year that are significant for enhancing the position of social groups at higher risk of discrimination.

For example, during 2023, the Law on Amendments to the Planning and Construction Law was adopted, which facilitated the realization of accessibility in residential buildings, as a key systemic change in this domain, but this was not indicated in the report of the Ministry of Construction, Transport, and Infrastructure.

The Ministry of Sports submitted a report exclusively related to specific opinions with recommendations and initiatives from the Commissioner. It was stated that action was taken based on a recommendation indicating the need for measures to ensure that blind and visually impaired chess players, who are medal winners at the Chess Olympics, are treated equally with other chess players. Additionally, regarding future amendments to the Sports Law highlighted by the Commissioner, the Ministry did not provide any information about its other activities.

The Ministry of Health, in its contribution, mentioned that the data available pertains to the year 2022 and only provided information on certain activities related to reported cases of violence and the work of centres for victims of sexual violence, stating that data for 2023 will be processed during the current year.

Considering the aforementioned, as well as the importance of parliamentary reporting on the state of equality protection, this report recommends all ministries to provide more detailed, comprehensive, and systematic reporting on all undertaken activities that influence the improvement of equality for all social groups at higher risk of discrimination.

KEY ISSUES IN EQUALITY PROTECTION

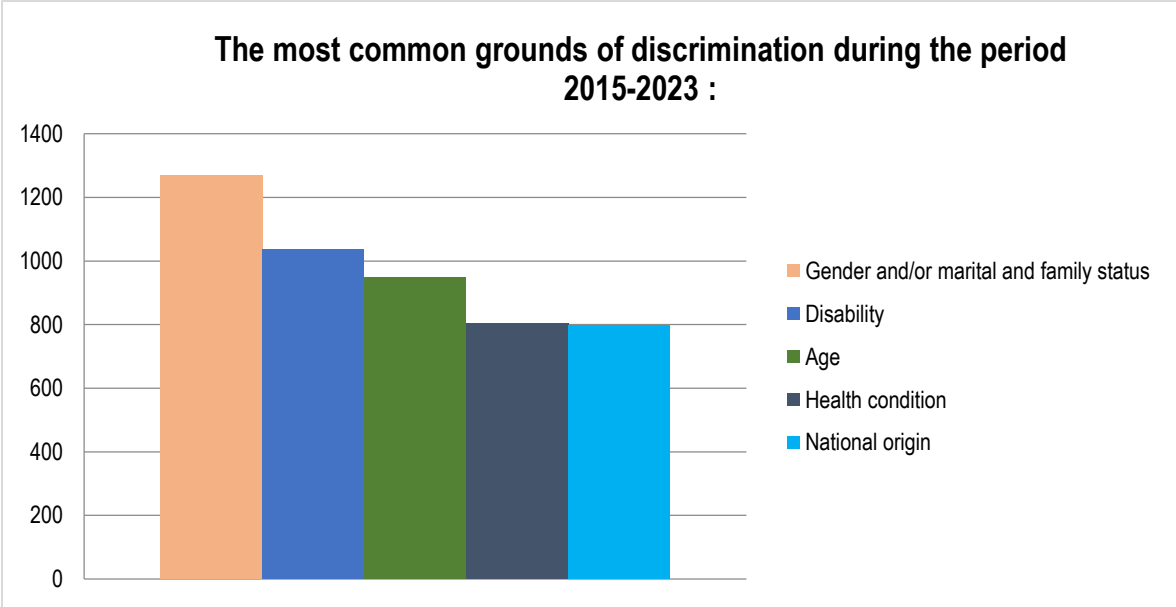
The key issues in equality protection outlined in this report are based on an overall assessment of the state of protection against discrimination and the realization of equality. This assessment primarily relies on the Commissioner's practices, which include processing complaints and other citizens' submissions to the institution, as well as other activities we implement, such as various research projects, reports, analyses, participation in meetings, conferences, and other events discussing specific issues relevant to advancing human rights protection. Considering that these activities are not an absolute indicator of discrimination presence in society, other available sources were also examined for a more comprehensive overview, primarily the legal and strategic framework through enacted and/or amended acts on an annual basis, individual judgments of the European Court of Human Rights, as well as other sources such as reports and acts of the EU, international organisations, and treaty bodies, domestic institutions' reports and research. This approach on an annual basis enables a broader assessment of the state of citizens' equality realization, challenges encountered, as well as progress achieved during the year, along with providing

recommendations for further improvement and enhancing the position, particularly of those social groups at higher risk of discrimination. We believe that Members of Parliament in the National Assembly, as well as other state bodies and civil society organisations, should have a comprehensive overview to proactively act and undertake activities to enhance equality for all citizens.

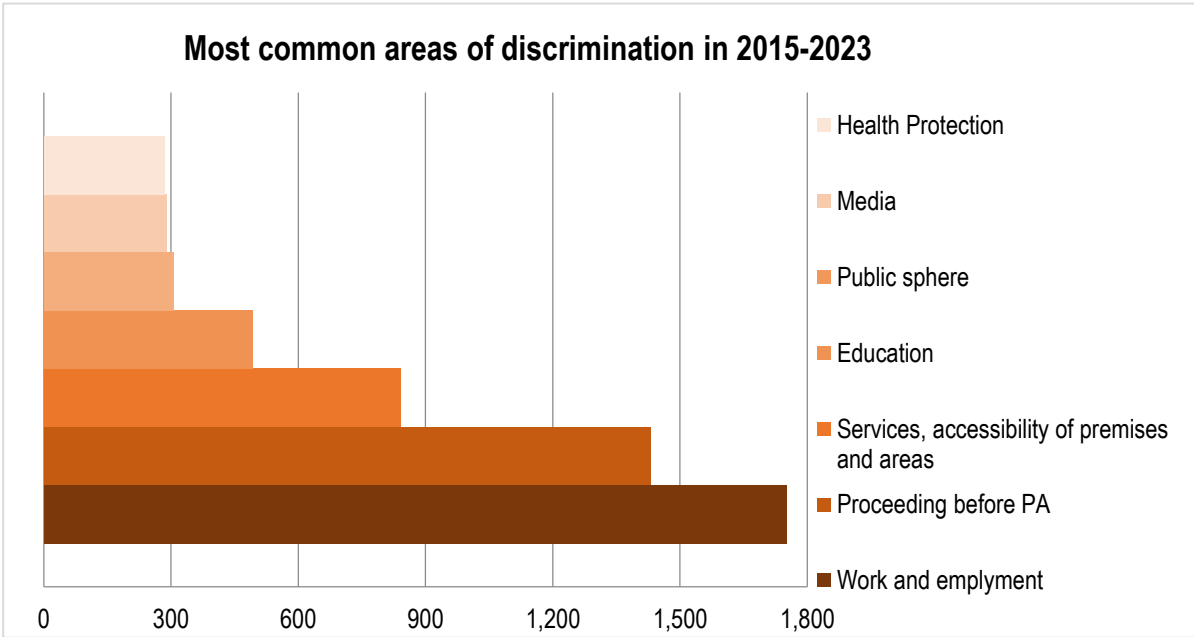
Based on this overview of equality attainment during the year, certain problems have emerged that are common across various areas or affect multiple societal groups. They are outlined below, while some issues specifically related to certain societal groups are addressed in sections concerning individual characteristics, within which some progress observed for those societal groups is also highlighted.

During 2023, the Commissioner received communications from citizens through various channels, including direct contact, phone calls, emails, and others. The Commissioner handled over 3,500 cases, including 600 complaints. 660 recommendations for measures were issued, along with a total of 57 warnings and announcements. Training sessions were provided to over 750 individuals, and 1,950 confirmations of non-discriminatory behaviour were issued. Additionally, 32 opinions and 20 proposals for legal amendments were provided. Active participation was noted in more than 650 events, round tables, conferences, and other gatherings. The Commissioner independently organised several dozen professional events, conferences, and training sessions.

During 2023, citizens filed complaints based on the first five personal characteristics as in previous years, albeit with a different order. For better clarity and understanding of societal groups at higher risk of discrimination, an overview of the most common grounds for discrimination from 2015 to 2023 is provided in terms of the frequency of filed complaints. The prevalence of discrimination in society is influenced by various factors, including the social and cultural context in which we live, societal attitudes toward discrimination, public awareness of the necessity and significance of law compliance, citizens' readiness to report violations, tolerance towards diversity, trust in institutional efficacy, understanding of discrimination, and civil society activities in human rights protection, among others. From the following graph, it can be inferred that primarily women are most exposed to discrimination due to gender and/or marital and family status (although there are complaints filed by men on these grounds as well), followed by persons with disabilities. Discrimination based on age comes third in terms of frequency, followed by discrimination based on health status and discrimination based on nationality, primarily affecting discrimination against Roma individuals.



When it comes to areas of social relations during the same period, complaints were most frequently filed in the following areas: Employment and labour relations; Proceedings before public authorities; Discrimination in the provision of public services or the use of facilities and areas; Discrimination in the field of education and other areas of social life.



During 2023, the highest number of complaints submitted to the Commissioner was due to discrimination based on age, followed by discrimination based on health status, disability, nationality or ethnic origin, gender, marital and family status, while other personal characteristics mentioned by citizens were less represented. The Commissioner also received more complaints based on other personal characteristics, which include personal characteristics not explicitly mentioned in the law, and this group includes complaints where residence or belonging to groups such as migrants, asylum seekers, internally displaced persons, and others are cited as the basis. In terms of frequency, complaints based on membership in political, trade union, and other organisations, religious or political beliefs,

criminal record, sexual orientation, gender identity, financial status, skin colour, citizenship, race, appearance, birth, and language follow.

Discrimination based on age, as the most frequently cited basis for complaints during the reporting year, encompasses all age groups in accordance with the law. In the past year, 135 complaints were filed citing age as the personal basis, of which the majority (62%) pertained to individuals under 18 years old. These complaints are most commonly filed in the field of education and vocational training, related to inclusive education and access to appropriate support. Individuals aged between 18 and 65 years most commonly file complaints related to employment and labour relations, while those over 65 years old submitted a slightly smaller number of complaints during the reporting period (16%).

During 2023, the health condition as a basis for discrimination in the Commissioner's practice was also a common basis cited by citizens in complaints, as it had been in previous years, and in 2023, it was the second most frequently cited basis in complaints (a total of 131 complaints were filed). However, it was often cited as a basis for discrimination in combination with some other personal characteristic, most commonly disability, age, sexual orientation, gender identity, and sex. Citizens pointed out issues faced by children and students with non-communicable chronic diseases or rare diseases, as well as the insensitivity of healthcare staff to working with certain categories of patients (primarily those living with HIV, persons with disabilities, or rare diseases), and the inaccessibility of healthcare and rehabilitation facilities. Additionally, citizens approached us regarding employers' demands to provide a health certificate when hiring, failure to assign suitable work positions in accordance with the assessment of work ability, the health condition of the employee, dismissal or transfer to a lower position after returning from maternity leave or absence from work for childcare, and treatment of maternity in maternity clinics.

Persons with disabilities in the Republic of Serbia, similar to other European countries, represent one of the most vulnerable groups in all areas of social life. Considering the number and diversity of problems they face daily, the prevalence of stereotypes and prejudices, as well as their social and economic status, they are at greater risk of discrimination and often exposed to multiple and intersectional discrimination. As in previous years, during 2023, the Commissioner received a higher number of complaints due to the inaccessibility of various facilities. Accessibility, both architectural and informational and communication, is one of the basic prerequisites for the equal participation of persons with disabilities in all areas of social life. Citizens also approached us regarding the exercise of rights in the field of employment, education, and access to various services, such as personal assistant services, as well as other services, primarily healthcare.

When considering our practice regarding discrimination based on nationality or ethnic origin, similar to previous years, the highest number of complaints were submitted by members of the Roma national minority (55%), and complaints were also submitted by members of Albanian, Bosniak, Macedonian, and Slovak national minorities. The large number of complaints based on belonging to the Roma national minority indicates prevailing attitudes, social distance, stereotypes, and prejudices faced by Roma individuals. Negative attitudes and prejudices towards Roma are often repeated, manifested in various local environments, through graffiti on walls and social media, and complaints also relate to insults, derogation, hindering the provision of certain services, and more. The inclusion of Roma in education sometimes leads to the formation of segregated classes and schools, especially when schools are located near Roma settlements. Discrimination against Roma is not uncommon

in employment either, further exacerbating their already unfavourable economic situation, and complaints also address issues faced by residents of non-standard settlements. Strengthening the capacity of the Roma community, deconstructing stereotypes and prejudices about Roma, building the capacities of local self-governments, providing additional training for employees in all systems, establishing integrated social and healthcare services, education, etc., ensuring adequate housing conditions, and through multisectoral cooperation and contacts with civil society organisations working to improve the position of national minorities, could be a way to improve the situation, especially for members of the Roma minority, but also for all citizens of the Republic of Serbia.

During 2023, the trends from previous years regarding the frequency of complaints and appeals from citizens citing gender as a personal characteristic continued (57 complaints). Additionally, during the year, 41 complaints were filed with the Commissioner based on marital and family status as personal characteristics. Considering that complaints based on these two grounds were most commonly filed by women and that in a large number of cases, discrimination occurred based on both personal characteristics, these two grounds are addressed together in the report. The largest number of appeals related to the discrimination of women in relation to childbirth, maternity, and childcare. Citizens pointed out problems in exercising parental rights, belittlement and insults based on gender, offensive and sexist content in public spaces and media. Women who are subjected to multiple discrimination are in a particularly sensitive position, most often based on gender and disability, marital and family status, national origin primarily Roma, age, sexual orientation, health status, as well as women from rural or remote areas. These groups of women are often exposed to specific forms of violence and are almost always in a less favourable position not only compared to men but also compared to women in the general population.

Europe and the world continue to face one of the largest global and regional migration and refugee crises in recent years. A large number of people are forced to leave their homes each year due to wars, violence, persecution, human rights violations, and other hardships. Despite facing problems, a small number of individuals belonging to these categories turn to the Commissioner for protection against discrimination. Often, they live in poor conditions, are exposed to smuggling, human trafficking, and other forms of illegal behaviour. Improving the situation of this group requires good awareness among the local population and employees in various sectors, as well as a responsible approach by the media towards migrant issues. Sensationalism and fear-mongering should be avoided, but security risks, which are an integral part of this global issue, must be seriously considered. Additionally, the local population must be protected from any form of violence and/or crime committed by migrants, who are not immune from responsibility for criminal acts due to their status.

In recent years, there has been a more frequent reporting of discrimination based on membership in political, trade union, and other organisations, most often in the field of labor and employment. According to the Commissioner's practice, complainants often believe they have been put at an unjustifiably disadvantageous position because they are members or non-members of a specific union or political party, and therefore, they have been denied certain rights. In some cases, citizens have stated that they cannot find employment because they are not politically active or affiliated with any party, or they belong to a non-ruling party, and that they are unwelcome due to their differing views or opinions. It is not uncommon for citizens to express a desire to remain anonymous in their appeals, fearing the consequences of reporting, or being unable to prove that they have been discriminated against based on

this personal characteristic because even when witnesses exist, they may be unwilling to testify.

In the previous year, the trend of fewer complaints based on sexual orientation and gender identity as personal characteristics continued (17 based on sexual orientation and 12 based on gender identity). Some of the complaints related to discrimination on both of these grounds. The complaints pointed to discriminatory speech, violence, registration of name changes and gender markings in registers and personal documents, problems in the field of work and employment, etc. This year, the Pride Walk was held in Belgrade in September 2023, which passed without incident. However, members of the LGBTI+ community still face numerous prejudices and stereotypes, and the media often reinforces such attitudes by reporting, which is why the fear of victimization is high, and a considerable number of cases of discrimination and violence remain unreported.

The small number of complaints based on financial status does not reflect the real situation of economically disadvantaged citizens. It should be noted that socioeconomically vulnerable individuals are not a homogeneous group; they consist of people of different ages, national or ethnic backgrounds, varying health and financial statuses, marital or family statuses, religious and political beliefs, and so on. These individuals also turn to the Commissioner, citing these reasons as predominant factors for feeling unfairly treated. As in previous years, the practice has shown that complaints based on financial status are mainly filed by individuals, particularly in the field of social welfare or in proceedings before public authorities. For example, these complaints may concern the realization of rights to one-time assistance and other social benefits or issues such as disconnection of electricity, reprogramming of municipal debts, vouchers for vacations, and more. While many of these complaints may not involve violations of the antidiscrimination Law, they certainly highlight numerous injustices and the difficult situation faced by citizens, as well as their inability to meet basic life needs in some cases.

During the year, the Commissioner established cooperation with several associations dedicated to the protection of former convicts and devoted attention to numerous issues faced by these individuals, especially in the process of their social integration, particularly concerning employment. Therefore, among other things, we have issued recommendations to the National Employment Service to assess the situation regarding unemployed former convicts registered with them and the measures taken so far to encourage their employment. Additionally, we recommended intensifying the inclusion of former convicts, considered harder to employ, in active employment policy measures.

The Commissioner's practice also highlights other grounds for discrimination, such as discrimination based on birthplace as a personal characteristic, appearance, skin color, and more. A detailed overview of the situation regarding all grounds for discrimination is provided in the further text of this report.

For social and economic development and the improvement of the quality of life for all citizens, it is crucial to understand the concept and essence of human rights and the mechanisms for their protection, along with a high level of awareness and information among citizens. Additionally, creating a societal climate and culture in which discrimination is condemned, and equality is respected and supported is essential. The full implementation of the antidiscrimination legal framework by all public authorities is necessary, along with monitoring international and domestic practices and policies, as well as the effective

functioning of all mechanisms for protection against discrimination, including the Commissioner and the courts. The rule of law, full protection of human rights, and effective institutions should be accompanied by investment in infrastructure, increased investments, economic development, wage growth, and employment to ensure the continued overall development of society. Without the rule of law, which implies strong and independent institutions, especially the judiciary, there can be no further development of a stable economy or long-term societal development in which all citizens enjoy equal protection under the law and significant levels of social cohesion.

Frequent electoral cycles lead to a "pause" in the work of the legislative and executive branches at full capacity in the Republic of Serbia. This is reflected in the number of adopted regulations and strategic documents during the year, considering the scheduled extraordinary parliamentary and local elections in a certain number of local self-governments. During 2023, among other things, the following were adopted: Law on amendments and additions to the Law on financial support to families with children; Several laws in the field of education (system basics, dual, preschool, secondary, etc.); Regulations in the field of healthcare; Law on amendments and additions to the Law on the national qualifications framework of the Republic of Serbia; Law on amendments and additions to the law on planning and construction; Law on information security, and others.

During 2023, the Government adopted: Strategy for Active and Healthy Ageing in the Republic of Serbia for the period 2024-2030; Strategy for the Development of Small and Medium Enterprises for the period 2023-2027 with the accompanying action plan; Strategy for the Protection of Personal Data for the period 2023-2030; Action Plan for the implementation of the Strategy for the Development of Digital Skills in the Republic of Serbia for the period 2020-2024, during the period 2023-2024; Action Plan for the implementation for the period 2021-2023, for the implementation of the Strategy for the Development of Education and Upbringing in the Republic of Serbia until 2030; Action Plan for the period 2023-2025 for the implementation of the Strategy for Youth in the Republic of Serbia for the period 2023-2030, and others.

However, although the validity of some strategic documents and/or action plans expired in previous years, the Government has not acted on the Commissioner's recommendations from earlier reports and has not adopted strategic documents and action plans that should regulate, among other things, the direction of adult education development, socially responsible business practices, action plans for implementing UN Security Council Resolution 1325 – Women, Peace, and Security, action plans for improving the position of national minorities, and others. The adoption of these strategic documents and the development of action plans are necessary to establish a framework for action or ensure continuity in the implementation of measures and activities.

During the year, the Commissioner sent several initiatives to relevant authorities for amendments and additions to certain regulations, which, as explicitly explained in each initiative, would lead to the improvement of the position of specific social groups. For example, initiatives were sent to the Ministry of Construction, Transport, and Infrastructure regarding accessibility, namely amendments to relevant provisions of the Law on Planning and Construction, as well as the initiation of the development of a systemic long-term plan at the national level to remove architectural barriers and improve accessibility in all publicly used facilities and public areas, which will be discussed further. The initiative to enable

accessibility in residential buildings was accepted, thereby facilitating the provision of housing conditions, as an important segment of the quality of life for all citizens.

Furthermore, the Commissioner sent an initiative to the Ministry of Health for the urgent initiation of amendments and additions to the Law on Organ Transplantation and the Law on Human Cells and Tissues to regulate the conditions and procedures for organ and tissue transplantation from deceased persons, considering that certain provisions of these regulations were declared unconstitutional, resulting in "all transplantations being suspended" since November 25, 2021 (when the decision of the Constitutional Court was announced).

The Commissioner's practice regarding the response of competent authorities to initiatives indicates that the majority of executive authorities promptly take measures and activities, while a smaller number, presumably for various reasons, including a lack of understanding of the importance of respecting the rule of law, the legal nature of acts of independent institutions, and their corrective role, either do not respond to the initiatives or do not initiate amendments to regulations or take measures for a longer period of time.

Only consistent application of the legal and strategic framework, accountability for the implementation of regulations, and continuous education lead to the improvement of the position of specific social groups. During 2023, informing citizens, public servants, and representatives of the civil sector about recognizing discrimination, responding to unequal treatment, and educating about human rights was one of the Commissioner's priorities. Training sessions on these topics during the year involved more than 750 participants from various sectors, and interest in education remains very high, making the implementation of these activities an ongoing priority for the institution. In order to respond to all demands for various education related to protection against discrimination and the promotion of equality, thereby strengthening the qualitative capacities primarily of services whose work is aimed at improving the position of citizens, as well as other subjects, it is necessary above all to strengthen the capacities of the Commissioner.

IMPORTANT! The Commissioner has continuously pointed out the limited human resource capacity of the institution in the previous period and the fact that the number of employees has remained unchanged for years, despite the exceptionally high interest and expressed need of almost all structures (from public authorities at all levels to citizen associations) to implement the principle of non-discrimination in all aspects of social life and to enhance the capacities of various actors in this regard, raising questions about the real possibilities of fulfilling all responsibilities to the necessary extent.

Through the Regulation on Internal Organisation and Systematization of Jobs, a total of 60 civil servants and employees have been systematized in the Commissioner's Expert Service. During 2023, the Commissioner obtained the consent of the National Assembly to establish full employment relationships with seven new individuals. By the end of 2023, there were 40 civil servants and employees on indefinite contracts in the Expert Service of the Commissioner, and the filling rate of systematized positions amounted to 66.67%, with a total of 40 employees.

Despite the new hirings, the human resource capacity of the Commissioner's Expert Service remains insufficient. It should be emphasised, in particular, that the Law Amending and Supplementing the Law on Prohibition of Discrimination from 2021 added a completely new competence to the Commissioner, relating to the establishment and maintenance of a discrimination protection record, which cannot be implemented without

increasing human resource capacities. Therefore, continuous filling of vacant positions is necessary, supported by earlier conclusions of the National Assembly, as well as the Action Plan for Chapter 23 and other relevant documents.

In accordance with the Law on Amendments to the Law on Prohibition of Discrimination⁷⁷, a new competence of the Commissioner has been established, which pertains to maintaining a record of protection against discrimination. According to this provision, courts are required to submit anonymized decisions in this area to the Commissioner for the previous year, no later than March 31 of the current year, while the minister responsible for the judiciary is authorized to issue a by-law within six months from the date of entry into force of the law, prescribing the manner of maintaining court records and their submission to the Commissioner. Despite the expiration of the deadline, this by-law has not been issued, as we have previously pointed out to the Ministry of Justice on several occasions (letters No. 011-00-38/2021-02 dated November 24, 2021, and 021-01-01364/2022-02 dated December 15, 2022). During 2023, we once again addressed the Ministry of Justice, emphasising the need to regulate this record, namely the obligation to submit court judgments and decisions in accordance with the law. Considering that the deadline for issuing the by-law expired in 2021, we requested information on the status of drafting this act, to which the Ministry of Justice responded that the drafting of a new Judicial Procedure Act is underway, which will regulate the issue of the by-law.⁷⁸ As of the preparation of this report, we do not have information on the status of drafting the regulation.

Citizens primarily exercise their rights within the local self-government territory. However, it often happens that due to a lack of understanding or awareness of strategic directions in certain areas, appropriate bodies are not formed, adequate measures are not created to address the needs and effects in specific areas, relevant reports are not submitted, and systematic problem-solving for specific social groups' improvement is not undertaken at the local level. Additionally, citizens may find it difficult or impossible to access rights and services in some cases due to insufficient capacities of certain services.

For example, the State Audit Institution⁷⁹ conducted an audit of the effectiveness of implementing gender-responsive budgeting (GRB) in the Republic of Serbia. In its report, among other things, it noted that while the information system in the Autonomous Province of Vojvodina has been improved, data on implementation at the local level are incomplete, and the implementation of GRB started significantly later. A significant number of local self-governments still do not apply GRB and lack the necessary capacities for gender-responsive planning and budgeting. The report also highlighted the need for additional education, particularly for individuals responsible for gender equality and established bodies for gender equality, regarding available tools that can significantly facilitate understanding the requirements of gender equality and gender-responsive budgeting. The report provides recommendations aimed at the consistent application of GRB and enabling the creation of a society where all citizens can exercise all their rights.

⁷⁷ Official Gazette of the RS, no 52/21

⁷⁸ More at: <https://ravnopravnost.gov.rs/1115-23-inicijativa-ministarstvu-pravde/>

⁷⁹ *Report on the audit of business expediency – Establishing gender responsible budgeting in Serbia*, State Audit Institution, 2023, available at: <https://www.dri.rs/storage/newaudits/2023-2-SV%20Uspostavljanje%20odno%20odgovornog%20budzetiranja%20u%20RS.pdf>

The above is confirmed by the findings of the Commissioner's research on the attitude of representatives of public authorities towards discrimination in Serbia⁸⁰ according to which a third of the surveyed representatives of public authorities (32.5%) do not know whether discrimination is prohibited in Serbia, which is a significant decrease compared to the previous survey from 2018 (15.3%). Also, the results showed that respondents believe that discrimination in Serbia is least present in the field of health (11%) and procedures before public authorities (13%), which illustrates the absence of self-reflection and understanding of procedures that lead to discrimination.

For years, the commissioner has been pointing to the necessity of improving the quantitative and qualitative capacities, especially of inspection bodies, social, health, child protection, education, free legal aid services, the police and others so that they can respond to the needs of citizens in a timely and adequate manner.

Furthermore, the institution's practice shows that some of the procedures for exercising rights are complicated, and citizens' misunderstanding of these procedures leads to feelings of exclusion, alienation, frustration, discrimination, and injustice, resulting in a loss of trust in the state and its representatives. These are just some of the reasons why continuous efforts are needed to simplify the procedures for exercising rights (such as reducing the number of required documents, expediting procedures, clarifying methods, etc.), while conducting regular monitoring of compliance with and implementation of all regulations and strengthening inspection and control bodies. There has been intensive work in recent years on modernizing and streamlining procedures, with one of the goals of the administration being to completely shift counter operations to an electronic governance system, thereby accelerating, modernizing, and fully digitizing processes. According to publicly available data from the eGovernment portal of the Republic of Serbia, as the unified eCounter for state services, it has registered two million users, facilitating easier and faster communication with public administration via the internet, using computers or smartphones. However, it should be noted that not all citizens are able to use services in this way; some citizens are older and unfamiliar with modern ICT tools, there are issues regarding network coverage, possession of suitable devices (smartphones or computers), etc., which is why special attention needs to be paid to these issues.

The *Report on the audit of business expediency - Effectiveness in the work of centres for social work in providing social and family legal protection*⁸¹, conducted by the State Audit Institution, addresses both quantitative and qualitative capacities of certain systems. It indicates that in the Republic of Serbia, there are 141 social welfare centres, yet publicly available data suggests that existing resources in this area are inadequate to provide effective social and family legal protection. It was found that the number of active users in social welfare centres varied between 2020 and 2022, with an average of around 584,000. The report highlights that significant results have not been achieved in recent years regarding the improvement of the social and family legal protection system, strengthening the capacities of the centres, ensuring continuous employee training, and enhancing the organisation and management of social welfare centres to adequately address and resolve the problems and needs of users. Recommendations from this report include urging the

⁸⁰ *Attitudes of representatives of public authorities towards discrimination in Serbia, PZR*

⁸¹ *Report on the audit of business expediency - Effectiveness in the work of centres for social work in providing social and family legal protection*, the State Audit Institution, available at: <https://www.dri.rs/storage/newaudits/2023-3-SV%20Efikasnost%20rada%20CSR%20u%20pruzanju%20socijalne%20i%20porodicno-pravne%20zastite.pdf>

Ministry of Labour, Employment, Veterans, and Social Affairs to thoroughly review existing staffing norms and establish criteria based on the real needs of the centres. It also suggests reassessing and improving the accreditation standards of training programs for professional workers and collaborators in social welfare to ensure adequate support for employees in social welfare centres. The audit revealed that, on average, eight social welfare centres had no social workers, 21 operated without legal professionals, 17 lacked psychologists, and 57 had no pedagogues during the period 2020-2022. Additionally, the report recommends that social welfare centres, based on analyses of centre needs and job roles, create and monitor a Professional Development Plan to ensure continuous improvement of professional competencies of their staff.

Such a situation certainly impacts the lack of social welfare services, both in terms of scope and type of services, their availability, and continuity. *The Report on Social Welfare Services at the Local Level Provided by Licensed Service Providers in 2022*⁸² indicates that there were a total of 313 licensed service providers in 2022, but only 261 providers offered social welfare services. The most prevalent services in the system are community-based day services, with home help being the most developed service within this category. However, there are still municipalities where this service has not been established. The first adult day care centre, providing full-day supervision and support, started operating in 2020 and is still the only licensed provider, as stated in this report. Additionally, only three licensed providers offer day care services for children and youth in conflict with the law, parents, school, or community, which is insufficient to support and protect this vulnerable target group. A similar situation exists with the shelter service; all three shelters operate in only two municipalities in Belgrade, and this number has remained stagnant for years. Support services for independent living - supported housing and personal assistance – are not sufficiently represented in the social welfare system, according to this report. Although the number of licensed service providers is increasing, the number of providers who do not provide services continuously is also increasing, due to various reasons. The prevalence of services continues to grow, with services present in 151 or 93.8% of municipalities in Serbia in 2022, which is four more than in the previous year. However, in 10 municipalities, not a single licensed service provider is present.

Additionally, in many cases, there is no cooperation between local self-governments when persons with disabilities who require a personal assistant or personal assistance service reside in one territory but attend school, live in a student dormitory, or study or work in another local self-government unit. In such situations, persons with disabilities are practically deprived of the service because, according to social welfare decisions, no local self-government is responsible for providing the service. Some local self-governments have prescribed registration of residence and service usage within their territory as conditions for accessing rights and services, while others require registration of residence within a certain time frame as an additional condition. Local self-governments state that they are ready to provide the service, but clear instructions from the competent ministry on how to proceed in such cases, along with clarification of which local self-government would be responsible in such situations, would significantly facilitate their actions. Considering this situation, at the beginning of 2024, the Commissioner made recommendations to the Ministry of Labour, Employment, Veterans, and Social Affairs to systematically address such situations.

⁸² *Report on Social Welfare Services at the Local Level Provided by Licensed Service Providers in 2022*, Republic Institute for Social Protection, Belgrade, December 2023, available at: <http://www.zavodsz.gov.rs/media/2638/izvestaj-o-uslugama-socijalne-zastite-na-lokalnom-nivou-koje-pruzaju-licencirani-pruzaoci-usluga-u-2022.pdf>

From the data and examples provided by the Commissioner, it emerges that individuals who cannot access certain services at all or cannot access them consistently, cannot integrate into society, such as attending school, employment, and so forth. This situation leads to unequal treatment or discrimination against these individuals based on various personal characteristics, such as disability, age, health status, and others.

In order to improve the provision of social welfare services, in 2022, the Commissioner submitted an Initiative to the Ministry of Finance to amend Article 136, paragraph 1, of the Value Added Tax Regulations regarding the exemption from paying value-added tax for all licensed providers of social welfare services. This regulation was amended so that, starting from February 1, 2023, tax exemption without the right to deduct previous tax for turnover could be granted to all other entities providing services in social care and protection, child protection, and youth protection, under the conditions that they are registered to perform these activities and possess approval from the competent authority, in accordance with regulations governing social welfare.

In addition to the scope, availability, and continuity of social welfare services, the accessibility of healthcare is also of great importance to citizens' status, quality of life, and respect for human rights, as evidenced particularly during the health crisis caused by the coronavirus. Although the worst impacts of this crisis have been overcome, some problems persist and are still visible, as indicated by the fact that discrimination based on health status was the dominant form of discrimination in the past two years, while this year it ranks third in terms of the frequency of complaints addressed to the Commissioner. It is evident that there is still a lack of simultaneous provision of social and healthcare services (Article 60 of the Social Welfare Law), as well as inter-sectoral cooperation between these systems and institutions of education, employment, police, judiciary, and other government bodies, local self-government units, and civil society organisations, to achieve the most optimal results in terms of exercising rights and thus improving the position of citizens.

The year 2023 was marked by numerous cases of violence, including gender-based and domestic violence, especially concerning women, as well as peer violence concerning children. It is important to note that the root of violence lies in unequal positions, prejudices, and stereotypes towards certain social groups, or discrimination as a negative social phenomenon. The Commissioner continuously emphasises the link between discrimination and various forms of violence.

In the *Report on the Work of Social Welfare Centres*⁸³, it is stated, among other things, that during the period from 2013 to 2018, there was a significant increase in reports of violence, followed by a trend of lower intensity. Regarding the age structure of the victims, the highest number of reports of violence consistently relates to adult users, while the lowest relates to young people. In terms of gender structure, the highest number of reports of violence concerns female individuals in all age categories: 51% in children, 73.2% in young people, 73.8% in adults, and 63.8% in women over 65 years old. In terms of the type of violence, physical and emotional or psychological violence have dominated in the past ten years. Psychological violence has shown the highest increase in the last three years, with the proportion of psychological violence being 49% in 2022, and physical 42.6%.

⁸³ *Report on the Work of Social Welfare Centres*, Republic institute for social protection, Belgrade, December 2023, available at: <http://www.zavodsz.gov.rs/media/2572/izvestaj-o-rad-u-csr-u-2022-godini.pdf>

Femicide is one of the most extreme forms of gender-based violence. In Serbia, according to media reports, 28 women were killed in 2023. It is worth noting that the Commissioner supported the initiative to establish a national monitoring mechanism for femicide cases, which was sent to the National Assembly. However, this mechanism has not yet been established, although it is provided for in the Strategy for Combating Violence against Women. Gender-based violence requires constant assessment of the situation and urgent response with appropriate measures in the protection and prevention system. The Commissioner has initiated several proposals for amendments to criminal legislation regarding the definition of sexual violence based on the concept of lack of consent, as well as the prescription of a separate section for the abuse and dissemination of sexually explicit content recordings, and the introduction of an obligation for competent authorities to always and in all cases inform the victim of gender-based and domestic violence about the release of the convicted perpetrator or their escape from prison.

To draw attention to various forms of violence and the disadvantaged economic position of women due to the lack of property, lower employment rates, and lower wages, leading to economic dependence on partners or family members and increased risk of discrimination, the Commissioner has prepared a guide "Right to Inheritance - Equally for All" during the year and organised a national conference discussing women's property rights.

The past year was marked by frequent cases of peer violence. The public was particularly disturbed by multiple homicides at the "Vladislav Ribnikar" Elementary School, Mali Požarevac and Dubona. The extent of these tragedies is immeasurable, and it is almost impossible to comprehend the depth and consequences of the trauma for the families of the victims, the injured, as well as those who were directly witnesses to these events.

Peer violence is a problem that all institutions of the system - educational, social, health, and judicial, as well as non-governmental organisations and parents, must collectively combat. Addressing this problem is one of the greatest challenges for the coming period, regardless of whether it involves physical, verbal, digital, or any other form of violence, with the effectiveness of various systems and their mutual cooperation and responsibility being of paramount importance.

During the year, the Commissioner held a series of workshops entitled "Prevention of Peer Violence in Real and Virtual Environments" in primary schools, organised Living Libraries in educational institutions, peer education as part of Youth Panels, and more. In order to raise awareness of the problem of peer violence, last year members of the Commissioner's Youth Panels, as part of the "BodyRight" campaign, attended training sessions for peer educators on the topic of protection from discrimination and various forms of violence, especially those committed through modern technologies, after which they conducted a series of peer education sessions aimed at high school students in several cities (Kragujevac, Vranje, Bujanovac, Indjija, Novi Sad, and Belgrade).

For understanding the state and position of the population, as well as for planning and creating data-based policies, statistical data collected and published by the Republic Statistical Office are of great importance. The results of the *Population Census of 2022* confirm that the demographic picture of our country is characterized by demographic ageing⁸⁴ and a high average age of the population as a result of major changes that occurred in the age structure in the 20th century, primarily caused by long-term declines in fertility rates, high

⁸⁴ *Population Census 2022*, Republic Statistical Office, available at : <https://publikacije.stat.gov.rs/G2022/Html/G20221350.html>

mortality rates, and migration movements. According to the results of this census, there are approximately 7% fewer inhabitants in the Republic of Serbia compared to 2011 when the previous census was conducted. A decrease in the number of inhabitants has been observed in all regions (about 10%), except in the Belgrade Region, where the number of inhabitants increased by about 1.6%. The effects of population decline are numerous, and the economic effects of this situation outweigh the negative effects of population ageing because they negatively affect the labour market and particularly certain sectors of the economy in regions affected by depopulation. All demographic data need to be taken into account when considering the position and rights of specific population groups that are more at risk of discrimination. The problem is especially visible in relation to the older population, which is increasingly aging, often living in single-person households, with insufficient income, and facing difficulties in accessing rights and support services.

During 2023, the Commissioner continued to carry out activities aimed at providing an adequate response to the problem of age-based discrimination and fostering a fundamental understanding of the characteristics of the older population, prejudices, and stereotypes associated with older age in general. Hence, the theme of this year's seventh regional conference of equality institutions in Southeast Europe, which we organised as part of the regular annual conference, was "Discrimination against Older Persons – Ageism." The conference brought together representatives from equality institutions from Croatia, Montenegro, North Macedonia, Bosnia and Herzegovina, Albania, and Slovenia, as well as representatives from international organisations, scientific institutions, and the non-governmental sector.

Conclusions from the 7th Regional Conference of Equality Institutions of Southeast Europe have emerged from the recognition of a similar situation in all countries of the region regarding the unfavourable demographic structure, challenges, and problems faced by older citizens, which is why:

- It is necessary for all social stakeholders at all levels to participate in addressing the challenges our societies face—from pension and disability insurance systems, social and health care, financial security support in old age, and others, to ensuring appropriate infrastructure and accessibility in both urban and rural areas to respond to the growing needs of older citizens and ensure independent living.
- When creating specific solutions, especially in the field of social and health care, it is necessary to utilize the possibilities of contemporary technology and introduce mobile and innovative services that meet the specific needs of older citizens, such as tele-assistance, phone counselling, occasional and temporary accommodation services, etc. Special attention should be paid to empowering older citizens to use contemporary information and communication technologies, with an emphasis on internet safety.
- It is essential to involve older adults in all social processes, educational and cultural processes, as well as decision-making processes, especially at the local community level, while strengthening the capacities of civil society organisations and promoting intersectoral collaboration to ensure that all generations are familiar with the new ways of ageing and have an active approach to ageing and life in old age. Additionally, the capacities and experiences of older adults should be recognized and utilized.
- The fight against all forms of age-based discrimination, whether it concerns older citizens, children, or youth, those living in rural areas, people with disabilities or health problems, members of national minorities or ethnic communities, victims of violence, or children whose parents are serving prison sentences, is a task that stands before all social stakeholders, along with ongoing efforts to improve

equality and educate everyone about the concept and forms of discrimination, as well as protection mechanisms. When focusing on older adults, it is important to recognize the heterogeneity of this social group to address different needs based on gender, age, capacity, and other factors.

- Equality bodies have a significant role in this process, not only by acting in individual cases but also by emphasising specific problems and ways to solve them, based on their experiences and practices. Identifying cases of intersectional and multiple discrimination and recognizing them is essential for creating public policies that leave no one "invisible" or "forgotten," with the aim of preventing institutional and structural discrimination.
- Conducting joint (regional) research on the situation of older adults in institutional care, with a special focus on cases of discrimination, is necessary to understand the situation and needs of older adults and further influence the creation of data-based policies, as well as ways to jointly apply for international donor funding.

Challenges of depopulation, besides affecting older citizens, also impact children and their rights, persons with disabilities, chronically ill individuals, and those with rare diseases, Roma people, individuals living in remote or rural areas, and others. These individuals often find themselves unable to access certain social and healthcare services because such services are not organised in less populated areas, there is a lack of appropriate personnel or employment opportunities for skilled professionals, and transportation to larger centers is not organised, among other reasons. Preschools and schools also face challenges, considering the decreasing number of students in some settlements, leading to the closure of classrooms or schools due to depopulation. Significant funds are allocated for planned population policies, while considerably fewer resources are allocated for necessary family support services. In almost all major cities, there is a clear shortage of places for children in state-run kindergartens, which is compensated for by private kindergartens, although conditions and prices are not the same. Undoubtedly, such a demographic structure requires various types of interventions across multiple domains, from population policy measures to ensuring infrastructure and transportation to and from remote and less inhabited areas, employment, and retaining young people, providing all services in line with population needs, and so forth.

The Commissioner has, on several occasions since 2017, pointed out that certain provisions of the Law on Financial Support to Families with Children need to be amended, as discussed earlier in the text. In 2023, this law was amended in accordance with the decision of the Constitutional Court; however, further work is needed to improve this regulation. The aim is to ensure that women who are self-employed, women farmers, or those working under contracts outside of employment are fully equated with employed women when absent from work due to childbirth. Namely, employed women receive wage compensation from their employers, which includes benefits paid, while this is not the case for self-employed women or women who are farmers or work under contracts outside of employment. The Commissioner has emphasised in their initiatives that it is necessary to amend and align several laws (Law on Health Insurance, Law on Contributions for Mandatory Social Insurance, Companies Law, Personal Income Tax Law, Pension and Disability Insurance Law, Labour Law) with this law. Additionally, it is important to note that at the beginning of 2024 (January 18), the Constitutional Court issued a decision declaring another provision (Article 13, paragraph 1 of this law) unconstitutional. According to the Constitutional Court's assessment, the contested provision puts women who are prevented from working due to pregnancy complications and who are therefore provided with special protection in a less

favourable position compared to women whose pregnancy proceeds without complications because the relevant period for calculating wage compensation during maternity leave and leave for childcare is not considered to be the 18 months preceding the month in which maternity leave commenced, but the period preceding absence from work due to pregnancy complications.

Population policy measures and support for childbirth, in order to achieve greater effects on the birth rate, should be directed not only towards financial resources but also towards achieving gender equality in its full sense and enabling equal care for children by both parents. This includes "paternity leave," or a mandatory period of absence from work for childcare by fathers, enabling flexible forms of work in certain cases, extended parental leave during the child's upbringing, ensuring women's advancement upon return from these absences, and providing adequate capacity in preschool institutions, among other measures. Equal distribution of household chores, childcare responsibilities, and care for older persons, as well as gender equality in its full sense, are crucial for improving the demographic landscape and effective population policy. The availability of preschool institutions and other childcare options is one of the prerequisites for establishing a balance between private and professional life, opportunities for training and advancement at work. In the process of harmonizing regulations with those of the European Union, it is necessary to transpose the provisions of the *EU Work-Life Balance Directive* for parents and caregivers adopted in 2019, especially those relating to mandatory leave for fathers.

The financial status greatly influences the position of all social groups. Poverty is one of the main causes of inequality and social exclusion.

According to the data from the Republic Statistical Office – SILK survey⁸⁵, in 2022, the poverty risk rate was 20%, which is 1.2 percentage points lower compared to 2021. The poverty or social exclusion risk rate was 28.1%, which is 0.3 percentage points lower than in 2021. Looking at age groups, individuals aged 65 and older were the most exposed to poverty risk, with a rate of 22.6%, followed by those aged 55 to 64 with a rate of 21.6%. Regarding household types, single-person households consisting of individuals aged 65 and older had the highest poverty risk rate at 37.5%, while households consisting of three or more adults had the lowest rate at 15.4%. The poverty risk rate according to the most common activity status, for individuals aged 18 and older, shows that 49.2% of unemployed individuals were exposed to poverty risk. Self-employed individuals had a higher poverty risk rate compared to those employed by an employer, at 11.2% versus 5.6%. For retirees, this rate was 19.7%.

The fight against poverty is the first of the Sustainable Development Goals of the UN Agenda for Sustainable Development 2030, which pertains to future social and economic development in line with sustainability principles. In the *Report on Progress towards the Achievement of Sustainable Development Goals by 2030 in the Republic of Serbia*⁸⁶, issued by the Republic Statistical Office, among other things, it is stated that Sustainable Development Goal number 10 entails reducing inequality, and working on the social inclusion

⁸⁵ *Report on poverty and social exclusion*. Statistical Office of the RS, October 2023, available at: <https://www.stat.gov.rs/vesti/statisticalrelease/?p=13838&a=01&s=0102?s=0102>

⁸⁶ *Report on Progress towards the Achievement of Sustainable Development Goals by 2030 in the Republic of Serbia*, Republic Statistical Office, available at: <https://sdg.indikatori.rs/media/1621/izvestaj-o-napretku-u-ostvarivanju-ciljeva-odrzivoq-razvoja-do-2030-godine-u-srbiji-2022.pdf>

of the poor requires good coordination among all protection systems and improvement in coordination among all actors, at all levels and in all sectors (social and health services, education and culture, security, pension and disability insurance, labour market, etc.), as well as cooperation with other actors dealing with poverty issues, including civil society organisations and volunteer organisations.

According to the European Commission's Report for the year 2023, measures have not been taken to increase the adequacy and coverage of financial social assistance to reduce poverty, and real wages are stagnating mostly due to high inflation. There has been a gradual reduction in overall tax obligations by increasing the non-taxable portion of earnings from 19,300 dinars to 21,712 dinars, but these obligations are still significant and disproportionate for people with low incomes, exacerbating the poverty of the employed.

According to the results of this year's research on *Citizens' attitudes towards discrimination*, Roma people and poor people are highlighted as the two groups most discriminated against, according to the participants in the research, in all areas (employment and labour, education, treatment by public authorities, healthcare, justice, service provision and use of facilities and areas, public information, sports, housing). The Commissioner pays special attention to the equal social inclusion of impoverished citizens and in their opinions and especially in their recommendations of measures, they point out the need and possible ways to overcome specific problems. In their regular reports, the Commissioner indicates that reducing social exclusion and poverty effects are difficult to achieve without effective material support to individuals and families in overcoming social and life difficulties, proper targeting of social policy measures, overcoming labour market inequalities, access to educational opportunities, gender equality, improving measures to support families with children, and population policy measures, primarily considering measures to balance work and parenthood, as well as ensuring an adequate number and availability of preschool institutions.

In the report *Serbia 2030, little time and plenty of challenges: Has Serbia defined its development path?*⁸⁷ within the "Sustainable Development for All" platform, among other things, recommendations are provided, including:

- Adoption of a National Economic Recovery Plan in line with current European policies and all relevant objectives, as well as a new ESRP that considers all aspects of inequality reduction, including wealth, income, consumption, and access to basic services (healthcare, education, culture, etc.).
- Amend the Law on Personal Income Tax in line with the recommendations of the Fiscal Council, increasing the nominal tax rate from 10% to 20%, with an increase in the non-taxable part to 40,000 dinars, which would reduce the fiscal burden on the lowest incomes and thus reduce inequality.
- Amendments to the Law on Social Protection to reduce the number of people living below the absolute poverty line, including increasing benefits for zero-income households and providing assistance at least up to the level of the absolute poverty line. Additionally, reconsider and potentially reduce the number of conditions (especially asset-based) for accessing social assistance to improve coverage of the vulnerable, and align the amount of social assistance with Article 13 of the European Social Charter so that aid exceeds the poverty line.
- Introduce social pensions for citizens who are not recipients of old-age pensions.

⁸⁷ *Serbia 2030, little time and plenty of challenges: Has Serbia defined its development path?*, "Sustainable Development for All" platform, 2023, available at: <http://www.centaronline.org/userfiles/files/publikacije/sdgs4all-srbija-2030-pripremjenost-za-sprovodenje-agende-2030.pdf>

- Designate an institution responsible for inequality issues and determine distributive and redistributive policies as the responsibility of the Ministry of Finance.
- Increase the coverage of preschool education, especially in rural areas, to reduce long-term educational inequality.
- Make the child allowance universal, following the example of Croatia and Slovenia.
- Amend the Law on Financial Support to Families with Children to prescribe a minimum allowance for the childcare period, as well as a parental allowance for the fifth (and each subsequent) child.

The possibility of escaping poverty is greatly influenced by the state of the labour market, educational level, employment opportunities, the degree of realization of labour rights, and rights based on employment. The field of work and employment remained at the top this year in terms of the number of complaints submitted to the Commissioner (161 complaints, or 26.8% of the total number of complaints). According to the results of the Workforce Survey⁸⁸, in the third quarter of 2023, the employment rate was 50.7%, the unemployment rate was 9%, while the rate of the population outside the labour force was 44.2%. The overall informal employment rate decreased compared to the third quarter of 2022 by 0.5 percentage points and in the third quarter of 2023 amounted to 12.8%.

Also, according to the data from the Republic Statistical Office⁸⁹, the average monthly salary (gross) calculated for November 2023 was 123971 dinars, while the average salary without taxes and contributions (net) amounted to 89956 dinars. The growth of gross and net salaries, in the period from January to November 2023 compared to the same period last year, was 15% nominally, or 2% in real terms. Compared to the same month of the previous year, the average gross and net salaries for November 2023 were nominally higher by 14.8%, and in real terms by 6.3%. The median net salary for November 2023 was 69088 dinars, meaning that 50% of employees earned a salary up to the stated amount.

During the year, a new Occupational Safety and Health Act⁹⁰ was adopted, which stipulates the improvement of the existing occupational safety and health system with the aim of preventing workplace injuries, occupational diseases, and work-related illnesses, and introduces various measures and obligations for employers. This law for the first time recognizes the institute of telework and remote work.

However, regulations for the implementation of the Law on Social Entrepreneurship have still not been adopted, the Law on Work Practice has not been enacted, and the ratification of Convention No. 190 of the International Labour Organisation concerning the elimination of violence and harassment in the workplace has not been confirmed. This was a recommendation by the Commissioner in previous reports.

According to the Commissioner's practice, the largest number of complaints and other inquiries from citizens in the field of labour and employment pertained to the position of women in the labour market and their ability to exercise rights during and after maternity leave or childcare leave. The Commissioner also receives complaints from young people with specific problems they encounter during employment or maintaining employment,

⁸⁸ Workforce Survey, Statistical Office of the RS, available at: <https://www.stat.gov.rs/sr-latn/vesti/20231130-anketa-o-radnoj-snazi-iii-kv-2023/?s=2400>

⁸⁹ Available at: <https://www.stat.gov.rs/sr-latn/vesti/statisticalrelease/?p=14997&a=24&s=2403?s=2403>

⁹⁰ Official Gazette of the RS, no 35/2023

especially in the early years of their career. Employers often use them as substitutes for full-time employees, both through internship agreements and multi-year engagements on temporary contracts and part-time jobs, as we have previously pointed out. Young people earn lower wages or are registered for minimum wages, work on online platforms, lack health insurance, and so on.

Employing former convicts poses a particular challenge, given the numerous prejudices and stereotypes against them. Employers often require a certificate of no criminal record, although this is not allowed by law, further complicating the employment of these individuals and their re-socialization, reintegration, and inclusion in society after returning from correctional institutions. These are the reasons why the Commissioner has recommended measures to the National Employment Service to include these individuals to a greater extent in active employment policies, which will be discussed further.

To improve the position of workers and ensure respect for human rights in the workplace, representatives of the institution participated in the development of the *Manual on Grievance Mechanisms*⁹¹, in collaboration with the International Labour Organisation, aiming to provide concrete assistance and guidelines to employers and workers to understand, establish, and use procedures for resolving workplace disputes. Simultaneously, workshops were conducted on this topic, and a brochure on *Recognizing and Responding to Discrimination in the Field of Work and Employment* was issued, explaining basic concepts and mechanisms for protection against discrimination in this area.

To enhance the position of citizens in the field of labour and employment, it is necessary to adjust labour regulations, especially in terms of more precise regulation of the rights of workers who work outside employment relationships, and to strengthen inspection controls and the inspection bodies themselves regarding various violations of workers' rights, as we have already pointed out. Achieving greater employment and utilization of workers' capacities is not possible without achieving gender equality in the labour market, through increased participation of women, as the largest group of harder-to-employ individuals. When creating measures and mechanisms of active employment policy, especially in the local labour market, attention should be paid to the effects of these measures, particularly considering all categories of harder-to-employ individuals. Additionally, it is necessary to leverage the comparative advantages of local communities and create measures that encourage development and respect the needs of the local labour market. Long-term positive effects in terms of increased employment and improving the position of employees also involve more active involvement of employers in these processes.

One of the key problems during 2023, as in previous years, can be highlighted as the continued presence of discriminatory speech in the public sphere. This fact is also indicated by complaints filed with the Commissioner. Discriminatory speech in the public sphere, particularly on social media, predominantly targeted gender, national origin, sexual orientation, and gender identity, indicating a high level of tolerance for this type of unacceptable and inappropriate speech and a lack of awareness of its harmfulness to society as a whole. Various posts, comments, insults, belittlements, labelling of people, and calls for further division were frequent, and accountability in this regard is particularly important, especially when it comes to holders of public and highest state functions.

⁹¹ *Manual on Grievance Mechanisms* available at [https://ravnopravnost.gov.rs/wp-content/uploads/2023/10/Prirucnik-o-zalbenim-mehanizmima MOR_2023.pdf](https://ravnopravnost.gov.rs/wp-content/uploads/2023/10/Prirucnik-o-zalbenim-mehanizmima_MOR_2023.pdf)

WARNING

Regarding the cartoon published in NIN magazine in which the President of the Republic is compared to Adolf Hitler, a warning was issued that such cartoons are inappropriate and disturbing, even from the standpoint of the right to freedom of artistic expression, especially considering that it involves a comparison with someone who symbolizes the greatest suffering of people in the past century. It is necessary for all actors in the public and political arena to make maximum efforts to find a minimum of tolerance and understanding.

WARNING

Regarding the publication of fake obituaries of Member of Parliament Marinika Tepić on social media, the Commissioner issued a warning indicating that such publication is extremely inappropriate and disturbing. The Commissioner reminded that political struggles, as witnessed during the pre-election campaign, are filled with insults, threats, and attacks, but this publication once again crossed the line of unacceptable political reckoning with opponents due to their real or presumed personal attributes. The Commissioner called for the immediate removal of the mentioned content from social media and other media platforms, emphasising the necessity for all state authorities to promptly and responsibly perform their duties to prevent the escalation of tensions in society and to prevent anyone from resorting to the most extreme forms of expressing political disagreements.

This is precisely why it is necessary to implement as much education and training on discrimination as unacceptable behaviour, work on involving all social stakeholders in recognizing and preventing hate speech, sexism, homophobia, transphobia, and similar forms of discrimination. Especially in the public and media space, as an important factor, programs should be conducted and topics encouraged that promote a culture of mutual respect, non-discrimination, tolerance, understanding, and respect for diversity, gender equality, and intergenerational solidarity. Particular danger arises from discriminatory attitudes and harassing and demeaning behaviour by public figures, whose views disproportionately influence public opinion, perpetuate stereotypes, prejudices, and have far-reaching consequences.

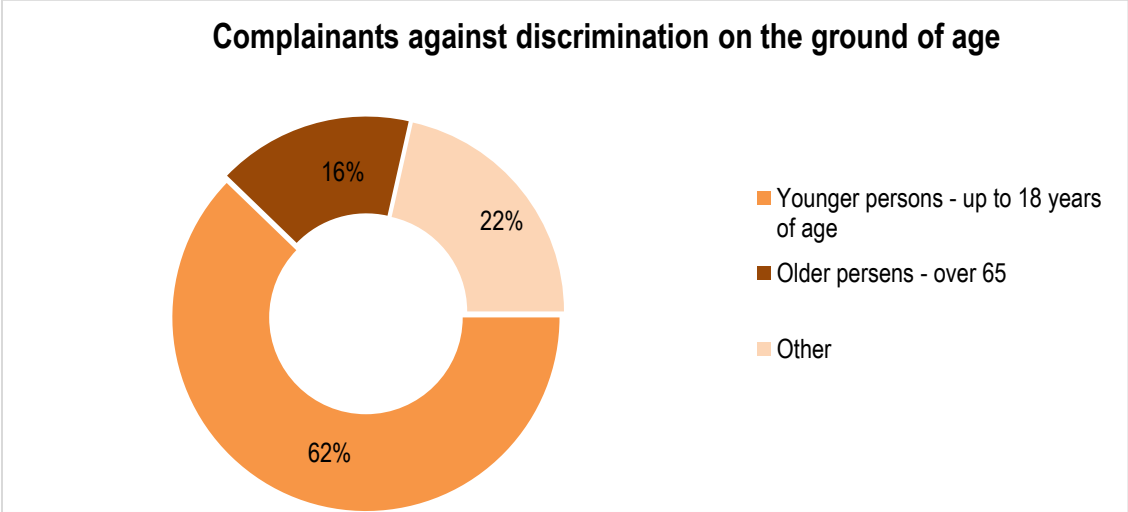
Recognizing this problem, the Commissioner has developed and published a *Handbook for Journalists - Discrimination and Equality*, which explains the concept of equality and the phenomenon of discrimination, as well as its forms, to present ways to recognize discrimination in practice and prevent it by journalists.

General recommendations are based on an analysis of the Commissioner's practice, regulations, affirmative measures, as well as the observed state of achieving equality from various reports and other EU documents, international organisations and bodies, as well as reports and research by the Commissioner, domestic institutions, and organisations, covering all grounds and areas of discrimination, as summarized in this report.

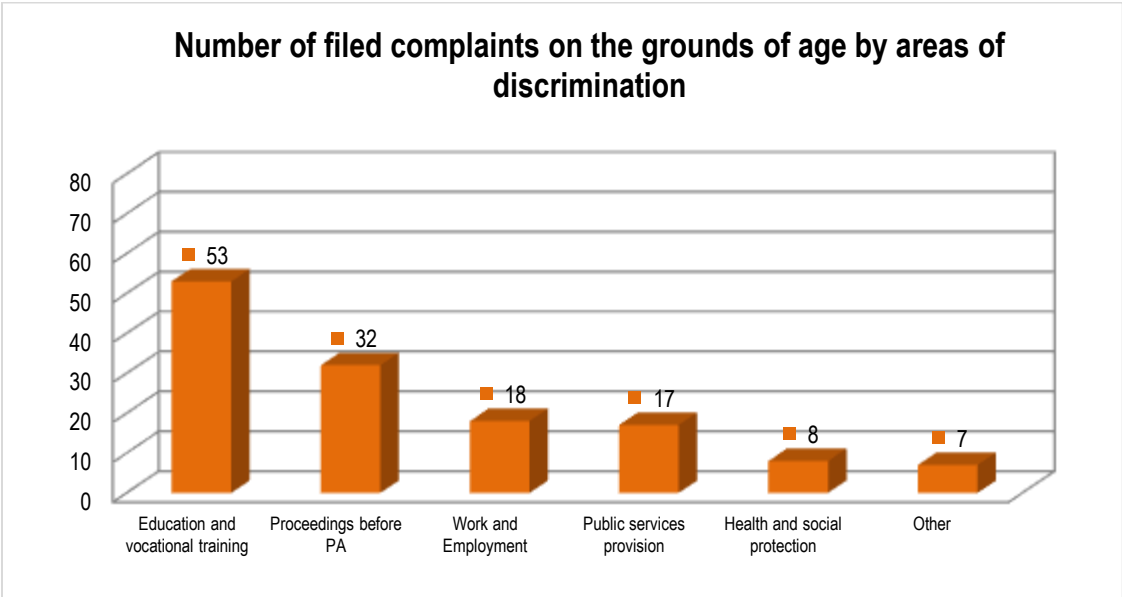
Discrimination on the Grounds of Age

In accordance with the Law on Prohibition of Discrimination, the personal characteristic "age" encompasses all age categories and implies discrimination against children and youth, discrimination against individuals belonging to the so-called middle generation, as well as discrimination against individuals over the age of 65. In 2023, the Commissioner received the

highest number of complaints due to discrimination based on age, placing this basis of discrimination at the top in terms of frequency mentioned in complaints. In the past year, out of the total citizen complaints, 135 complaints were filed for protection against discrimination citing age as the personal basis, of which the majority (62%) pertained to individuals younger than 18 years old.



The highest number of complaints was filed due to discrimination in the field of education and vocational training (53), followed by proceedings before public authorities (32) and in the field of work and employment (18). The majority of complaints, 113 in total, were filed by individuals, with women filing 64 complaints and men filing 49, while civil society organisations filed 17 complaints.



Key developments include:

- Adoption of the Youth Strategy for the Republic of Serbia for the period from 2023 to 2030.

- Adoption of the Active and Healthy Ageing Strategy for the Republic of Serbia for the period from 2024 to 2030. However, the current state is poorly assessed, the planned measures and objectives are inadequately set, and do not adequately respond to the current needs of the older population.
- Adoption of the Action Plan for the period from 2023 to 2026 for the implementation of the Strategy for the Development of Education and Upbringing in the Republic of Serbia until 2030.
- Adoption of regulations on the manner of keeping records and documentation on adopted children, the manner of keeping a unified personal registry of adoption, records and documentation onwards, and records and documentation on supported persons.
- Implementation of projects in the field of education related to protection against violence and discrimination in schools.
- Launch of various campaigns and activities to encourage victims to report peer violence (such as the "I Keep You Safe" platform), implementation of workshops on preventing peer violence in real and virtual environments, and training related to the actions of educational institutions in situations of suspected or known discriminatory behaviour.
- Provision of free textbooks for a larger number of children at higher risk of discrimination.
- Equipping a number of schools with digital equipment for work (e.g., through the Bridging the Digital Divide project, 30 elementary schools across the country have been equipped).
- Ensuring the right to a voucher for subsidized vacations in Serbia for individuals over 65 who have not yet qualified for a pension.
- Provision of various types of support to both younger and older individuals (one-time cash assistance, student scholarships, improved regulations regarding the exercise of rights for energy-vulnerable customer, etc.).

Some of the key issues include:

- Various forms of peer violence among children and youth.
- Insufficient educational programs on sexual and reproductive health, culture of mutual respect, non-discrimination, tolerance, understanding, and appreciation of diversity, gender equality, and intergenerational solidarity.
- Underdeveloped support for mental health among children, youth, and older citizens.
- Insufficient number of preschool institutions.
- Widespread violation of children's privacy rights in media reporting.
- Exposure to poverty and the risk of poverty for both children and older citizens, especially those without pensions, with low pensions, and/or dependent family

members, particularly in rural areas.

- Insufficient involvement of youth in decision-making processes at all levels.
- Challenges in the process of youth emancipation, difficult access to the labour market, and housing issues.
- High participation of young workers in fixed-term contracts or contracts outside of formal employment.
- Frequent discrimination in the field of employment and labour market against young people as well as "older" workers, especially women.
- Older people exposed to social exclusion and violence (physical, psychological, sexual, or economic, abandonment, neglect, or abuse).
- Insufficient inclusion of older people in various areas of social life and decision-making processes.
- Territorial unevenness in the number and coverage of social and health care services, underdevelopment of socio-health services, insufficient quantitative and qualitative capacities in social protection institutions, especially social work centres.
- Burden and insufficient support for informal caregivers.
- Lack of tailored support programs for digital literacy among older adults.

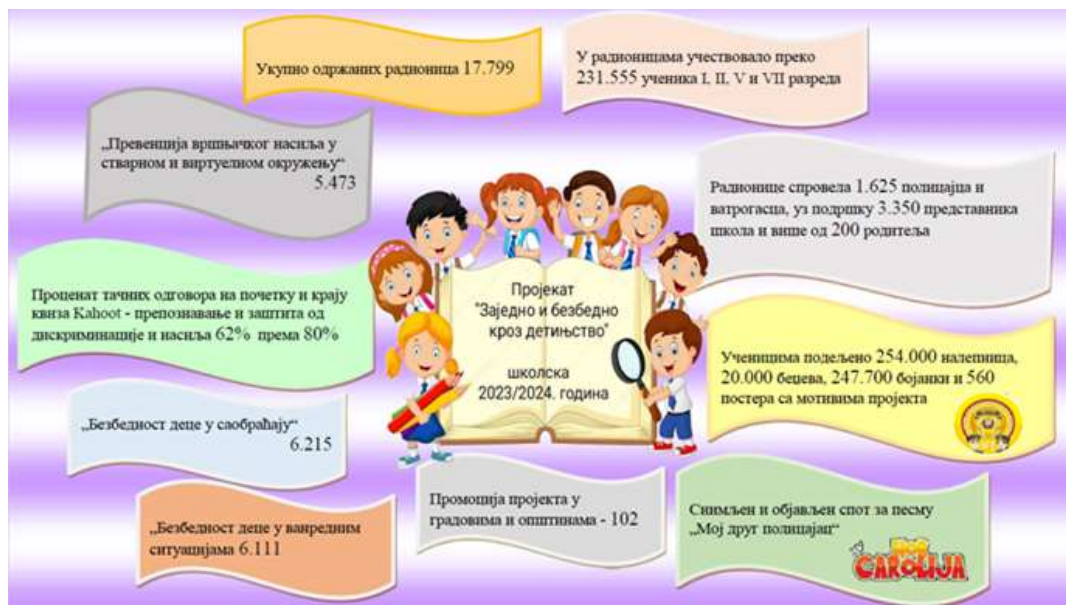
Regardless of the fact that it is not discrimination, we consider it necessary to mention in this report the unprecedented tragedies and multiple homicides at the "Vladislav Ribnikar" Elementary School, and in Mali Požarevac and Dubona. These events sadly marked the year 2023, deeply and profoundly shaking the entire society and raising numerous questions regarding children's safety, re-evaluation of value systems, criminal policy, as well as interpersonal relationships, solidarity, and empathy. The scale of these tragedies is immeasurable, and it is almost impossible to fully comprehend the depth and consequences of the trauma experienced by the families of the victims, the injured, as well as those who directly witnessed these events.

Following the events at the "Vladislav Ribnikar" Elementary School, the Commissioner addressed the Ministry of Education and the Working Group for Supporting Youth Mental Health and Safety. She stated that the Commissioner stands ready to provide any form of assistance and cooperation within her jurisdiction and capacities. She emphasised the importance of establishing effective communication channels to ensure that children and parents receive adequate support in overcoming trauma, re-traumatization, fear, and various challenges arising from this tragic incident. This is particularly crucial for children, parents, and their closest relatives from the affected classes who have suffered the most or who were directly present during the tragic event. It was also noted that a detailed analysis of the causes and consequences is necessary, along with finding the best mechanisms and ways of support to prevent such incidents in the future.

As part of the project "Together and Safely Through Childhood," the Ministry of Interior, the Ministry of Education, the Commissioner, the Criminal Police University, the Traffic Safety Agency, the OSCE Mission to the Republic of Serbia, and Caritas Serbia Mission have

concluded a Protocol on cooperation for the implementation of informative and educational workshops based on an interactive concept for pupils from the first to the eighth grade of all elementary schools in Serbia. A series of educational activities has been conducted aimed at raising awareness among pupils about the consequences of violent behaviour in both real and virtual environments. These workshops, in the first semester of the 2023/24 school year, reached over 200,000 students in grades I, II, V, and VII, with the goal of recognizing different forms of violence and discrimination, adopting strategies to help others in distress, and developing skills for non-violent conflict resolution, empathy, and information on ways to provide help, support, and protection. The implementation of this project also contributes to strengthening the role of School Protection Teams against discrimination, violence, abuse, and neglect in schools. It is also positive and encouraging that students showed a significant level of progress in recognizing various forms and cases of discrimination after the workshops, with the percentage of correct answers at the beginning and end of the test increasing from 62% to 80%.

In addition to the above, the Commissioner has prepared various informative and educational materials to mark the International Day for Tolerance and other international dates dedicated to promoting the realization and protection of children's rights in schools.



Results of the project "Together and safely through childhood" in the first semester of the 2023/24 school year.

In order to raise awareness about the problem of peer violence, as part of the "BodyRight" campaign, last year members of the Commissioner's Youth Panel participated in training sessions for peer educators on the topic of protection against discrimination and various forms of violence, especially those perpetrated through digital technologies. They conducted a series of peer education sessions. The youth were recognized as key actors in bringing these topics closer to their peers, which is why peer workshops were held for high school students in Kragujevac, Vranje, Bujanovac, Indija, Novi Sad, and Belgrade.

Online violence and discrimination against children in gaming represent a serious problem that has been on the rise in recent years, which was discussed at a conference organised by the Serbian Gaming Association. The Commissioner specifically addressed this type of danger to the health and safety of children, stating that online discrimination and violence

can take various forms, including threats, insults, humiliation, sexual harassment, abuse, and physical violence. Parents should discuss with their children how to behave in online environments, while companies producing games should develop clear guidelines on what constitutes unacceptable behaviour and take measures against participants who violate them. Gaming communities should also take steps to reduce online violence against children, including actively supporting victims and raising awareness of this issue.

The data from the *Report on the work of centres for social protection* regarding violence against children and youth reflects the seriousness of the issue, calling for appropriate actions and reforms in the system. According to the report, during 2022, a total of 17,252 minors were recorded by the social welfare centres as being in conflict with the law and having behavioural problems. This number represents a 4.1% increase compared to the previous year. Out of the total number of minors, 10,067 were in conflict with the law, while 7,185 children were recorded with other behavioural problems. In both groups, the most numerous are children aged 16 to 17, accounting for 49.9% of the total. During 2022, 745 minors were placed under educational orders according to the records.

According to the same report, in 2022, the proportion of reports of violence against children was 21.9%, against older individuals was 12.1%, and against youth was 10.6%. Out of 8,531 reports of violence against children, the highest number pertains to emotional violence (44.6%).

Violence against children is a serious social problem, and it is everyone's responsibility to create a safe and secure environment where every child can thrive, and where their rights are respected, protected, and fulfilled, emphasised the Commissioner in a statement marking the International Day of Children Victims of Violence.

"Although all activities are carried out under the deep influence of the immense tragedy that recently occurred at the Vladislav Ribnikar School, we are aware that it is extremely important to organise workshops in schools such as the 'Living Library,' because awareness of tolerance, equality, and non-violence is acquired from the earliest childhood. Condemnation and labelling are increasingly present in communication, and the 'Living Library,' through personal examples, offers an opportunity to see things from multiple perspectives. This is a good way to promote empathy, understanding, and respect for all, as conversation is the best way to better understand each other and to realize that our prejudices about certain groups of people are often based on misinformation and ignorance."

The issue of violence and minors in conflict with the law has also been the subject of discussion and the European Commission's *Progress Report on Serbia*, which stated that additional attention needs to be paid in the education system to the basic factors contributing to children's criminal behaviour, including mental health issues, traumatic experiences, or the availability of specific services for vulnerable children, including access to mental health services.

At the previously mentioned 7th Regional Conference of Equality Bodies of Southeast Europe, there was also discussion about the insufficiently represented topic of the situation of children whose parents are serving prison sentences. This issue represents a new dimension and an example of increased risk of intersectional discrimination based on age and criminal record, as a personal characteristic of a close person, and certainly deserves greater focus from equality institutions and civil society organisations, especially considering that in the Council of Europe member states, 2.1 million children have at least one parent in

prison⁹². Recent research in the EU indicates that 25% of children of prisoners are at increased risk of mental health problems, while other studies suggest that regular, direct contact with a parent in prison helps in developing resilience in children⁹³. According to the research "Quality of Prison Life in the Republic of Serbia"⁹⁴ conducted in five penitentiary institutions in Serbia, the majority of respondents have children (56.9%). Among 640 convicted individuals, most have one child (42.3%), followed by two children (32.7%), while 25% of convicted individuals have three or more children.

During the year 2022, the largest number of children registered with social protection centers belonged to the category of materially disadvantaged users, accounting for 50.3% of the total number.⁹⁵ The next most represented user group are children whose parents were in dispute over parental rights, accounting for 16.1%. Looking at age groups, individuals under 18 years of age were most exposed to the risk of poverty, at 24.2%, while the lowest rate was for individuals aged 25 to 54 years, at 19.6%. The poverty risk rate for persons aged 0-17 was 20.3%, with girls being at a 0.5% higher risk.⁹⁶

Regarding specific cases and the Commissioner's actions concerning social welfare services, especially personal assistance services for students with disabilities, more details are provided in sections of this report related to legal proceedings and discrimination based on disability and health status, as denial and hindrance of rights were more dominant along these lines.

When it comes to the situation of children, the Commissioner's practice shows that citizens most often address issues of discrimination in education, ensuring an adequate number and continuity of various services such as personal assistance, segregation of Roma students in certain classes, providing free textbooks nationwide, participation in competitions, student transportation, residence in student dormitories, and more. In addition to providing opinions on specific cases, the Commissioner has directed several recommendations and initiatives to public authorities aimed at improving the situation of children in this area and achieving equality.

Parents most frequently approach us regarding violations of children's rights, but there have also been individual cases where children themselves have reached out to us directly. We consider it important to encourage children to report discrimination, and in this regard, to facilitate their access, there is a complaint form tailored for children available on our website. One of the Commissioner's priorities for the year 2024 will be working with children and youth.

Recommended measure to the Government aimed at ensuring the distribution of free textbooks across all local self-government units

⁹²Children of Prisoners – European Perspectives and Good Practices , <https://childrenofprisoners.eu/children-of-imprisoned-parents-european-perspectives-on-good-practice/>

⁹³Available at: <https://childrenofprisoners.eu/the-coping-project-publication/>

⁹⁴*Quality of Prison Life in the Republic of Serbia*, Institute for Criminology and Sociological Research, Belgrade, available at: chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.iksi.ac.rs/izdanja/ekspertski_izvestaj_kvalitet_zatvorskog_zivota_rs.pdf

⁹⁵*Report on the work of the Centres for Social Protection*, Republic Institute for Social Protection, Belgrade, December 2023, available at: <http://www.zavodsz.gov.rs/media/2572/izvestaj-o-radu-csr-u-2022-godini.pdf>

⁹⁶*Poverty and social inequality*, Republic Statistical Office, 2022, available at: <https://www.stat.gov.rs/vesti/statisticalrelease/?p=13838&a=01&s=0102?s=0102>

The Commissioner has issued a recommendation to the Government aimed at ensuring the distribution of free textbooks across all local self-government units for the next school year, funded from the local budgets, rather than just specific ones as was the case in the current school year. The recommendation indicates that while additional support in children's education is primarily the responsibility of local self-government units, and the distribution of free textbooks primarily depends on the local budget, it should not be overlooked that the level of economic development of these units has a direct and significant impact on whether and to what extent additional support will be provided. Some cities and municipalities have a level of development below the national average, making it difficult for them to allocate sufficient funds to provide free textbooks for all children within their territory. Investing in the education of young people is of paramount importance for the overall development of society. Considering certain inequalities in the level of development among local self-government units, the Commissioner has also highlighted the difficult situation of families in underdeveloped and devastated areas, where expenses for purchasing textbooks pose a real challenge to family budgets

You can find more information on this recommendation at: <https://ravnopravnost.gov.rs/1091-23-preporuka-mera-vladi-rs-besplatni-udzbenici/>

The Commissioner acted upon a complaint against the Belgrade city municipality regarding the discrimination of students in the allocation of awards. According to the decision of the city municipality, **students who participated in various levels of competitions could not receive awards if they did not have residency in that municipality**. During the process, the Commissioner determined that since the awards were established on the grounds of the achievements of students at the highest levels of competitions, representing both the school and the municipality where the school is located, the imposition of this criterion excludes a certain number of children from the rewarding system. Moreover, **the exclusive criterion of residency would potentially lead to unjustified unequal treatment for internally displaced children from Kosovo and Metohija**, as well as for refugees and asylum seekers who have registered residence in accordance with regulations. In this case, the Commissioner identified discrimination and recommended that the city municipality amend the provisions of the decision.

More at: <https://ravnopravnost.gov.rs/602-22-prituzba-zbog-diskriminacije-po-osnovu-prebivalista/>

Parents of preschool children have also approached the Commissioner and highlighted various issues, such as problems with the nutrition of children with allergies and other health issues in kindergartens. They mentioned that in some institutions, adequate meals are not provided for these children, and parents are expected to provide meals instead. In this regard, the Commissioner emphasised that providing nutrition is a legal obligation of preschool institutions, and shifting this responsibility onto parents can only be justified in exceptional cases. The operation of preschool institutions should be organised in a way that respects the individual needs of children, including those related to nutrition.

During 2023, the City of Belgrade acted upon the **Commissioner's recommendation from 2022**, which addressed the necessary measures and activities to ensure equal treatment of children attending preschool institutions established by the City of Belgrade and those forced to attend private preschool institutions due to insufficient capacities in public institutions founded by the City of Belgrade. Specifically:

- Addressing the disproportionate economic burden for periods of absence due to illness of children attending private preschool institutions because of insufficient capacities in public institutions founded by the City of Belgrade.
- Subsidizing the stay of the third child in preschool institutions in cases where the child could not attend

these institutions due to lack of capacities in institutions founded by the City of Belgrade.

In the Commissioner's recommendation, it was indicated that the City of Belgrade is free to find the most economical and efficient model or method of incorporating private preschool institutions into the public education and upbringing system for children to ensure their equal treatment. This could involve drawing on the experiences of other local self-government units where the fact that a child is absent due to illness or other reasons does not result in an increase in the portion of compensation borne by the parent. The Commissioner emphasised awareness of the complexity of legal relationships arising from this form of public-private partnership, considering that social care for children is not solely the responsibility of local self-government. It was noted that establishing adequate cooperation with relevant ministries and other social actors is necessary to overcome existing problems and the differing positions of children in institutions founded by the City and those outside the system due to capacity issues.

More at: <http://ravnopravnost.gov.rs/preporuka-mera-gradu-beogradu-radi-ujednacavanja-polozaja-dece-koja-pohadjaju-predskolsku-ustanovu/>

In addition to the recommendations mentioned, there were also recommendations regarding measures for preschool institutions to modify the enrolment forms for children with rare, neurotransmitter, or chronic non-infectious diseases in preschool institutions, as well as initiatives to improve the legal framework and position of children with these diseases. More details on these recommendations can be found in other sections of this report.

In terms of the position of young people, the Commissioner, as every year, monitors public policies, reviewing various research studies and reports. This year, an Action Plan for the period 2023-2026 for the implementation of the Strategy for the Development of Education and Training in the Republic of Serbia until 2030 was adopted, as well as the Strategy for Youth in the Republic of Serbia for the period 2023-2030⁹⁷. This strategy is an important element of the legal framework for youth public policies and serves as the basis for further activities to improve the position of young people. According to the results of the 2021 survey of the position and needs of young people in the Republic of Serbia, 7.5% of young people plan to permanently leave the country, 13.2% plan to leave the country temporarily, while 60.9% do not plan to leave the country at all. The main reasons for leaving the country cited by young people are employment (85%), education (8%), and family (7%). Also, young people are members of organisations in very small numbers, with only 6% of young people being members of cultural and artistic societies, 8% members of associations, 11% members of political parties, and 11% members of sports clubs, with young people being mostly inactive members, except when it comes to sports clubs. More than two-thirds of young people (67%) are not willing to engage in the work of bodies that initiate or make decisions of importance to young people. The most common reasons cited for this lack of engagement are insufficient information about their work (34%) and the belief that their engagement would not change anything (33%).

On the other hand, in *the Alternative Report on the Position of Youth for the year 2023*⁹⁸, it is stated that more than half of the respondents (54.2%) believe that the political system in Serbia does not allow young people to influence political processes and decisions, while only

⁹⁷Official Gazette of the RS, no. 9/2023

⁹⁸*Alternative report on the position and needs of youth in the Republic of Serbia*, NYCS, 2023

0.7% of young respondents believe that the political system fully enables such influence by young people. Young people perceive the internet as fertile ground for violence and believe that the media are participants in cyberbullying, while they perceive "cancel culture" as a good way to condemn negative behavioural patterns. This report also states that the number of young people exposed to all forms of violence is slightly increasing, and identifies poor family relationships, poor criminal policies, and the overall state of society as the main causes of violence. About 49% have experienced physical violence, which is 9% higher compared to the previous year, digital violence has also increased from 40% to 47%, while verbal violence has decreased from 73% to 71%. There is a worrying increase in the number of young people (42% compared to 27% from the previous year) who believe that violence can be justified (the questionnaire was distributed before the tragic events in May). About 62% of young people have experienced some form of discrimination, while the number of young people exposed to discrimination motivated by personal characteristics remained approximately the same (39%).

In the report on *Human Rights of Youth in the Republic of Serbia in 2022*⁹⁹, it is stated, among other things, that although there is an interest among young people to participate in decision-making processes, the results of research by the Institute for Sociological Research show that every tenth young person hesitates to become more involved in public life due to peer labelling or fear of retaliation from teachers or professors. As mentioned in this report, young people are the age group most exposed to poverty, facing precarious employment and the inability to find stable jobs. Two-thirds of young people worked with fixed-term contracts, with temporary employment being more common among women (43.6%) than men (38.3%). The share of young people with stable employment accounted for half of the total number of employed young people.¹⁰⁰

The topic of improving the safety and security of young people was relevant during the previous year, and the Commissioner participated in many activities promoting youth safety and security culture, such as the "Youth Security Forum," an event that examined various aspects of this issue, as well as the consultative meeting "UN Youth, Peace, and Security Agenda" organised by the Regional Youth Cooperation Office (RYCO) and the National Youth Council of Serbia. Recognizing the importance of the "Youth, Peace, and Security" agenda, at the "Youth Policy Forum," the Commissioner pointed out that the issue of youth position is also the main issue of social cohesion.

Contemporary society is largely characterized by demographic ageing and digital transformation of everyday life, including the digitization of public and private services. According to population projection estimates until the year 2050, 30% of the EU population will be aged 65 and over¹⁰¹. According to the final results of the Population Census of 2022, the average age of the population in Serbia is 43.8 years, with women being on average older than men by about three years. The share of people aged 65 and over has increased to 22.1% (from 17.4% - census 2011), while the share of people aged 80 and over has increased from 3.5% (2011) to 4.4% (2022). The most unfavourable demographic situation is

⁹⁹ *Report on human rights of young people in the republic of Serbia in 2022*, Belgrade Center for Human Rights, May 2023, available at: <https://www.bgcenter.org.rs/wp-content/uploads/2023/05/izvestaj-o-ljudskim-pravima-mladih-u-republici-srbiji-u-2022-godini-3.pdf>

¹⁰⁰ *Ibid*, p.12

¹⁰¹ *Fundamental rights of older people: ensuring access to public services in digital societies*, Eu Fundamental Rights Agency (FRA), 2023, available at: <https://fra.europa.eu/en/publication/2023/older-people-digital-rights>

in the Region of Southern and Eastern Serbia, where nearly every fourth person (23.7%) is over the age of 64.¹⁰² The main characteristic of the projected population indicates that Serbia is a typical area of negative natural population growth, and that the population is demographically ageing, so it can be expected that the share of the population aged 65 and over will continue to increase, as well as the projected share of people aged 80 and over (to 5.5% by 2030, and 5.9% by 2040). At the end of the projection period (2040), it is predicted that nearly every fourth inhabitant will be over the age of 65, and the old-age dependency ratio¹⁰³ during the projection period (2040) will be 34%.¹⁰⁴

Such demographic trends are causing numerous challenges both in the region and throughout Europe and the world in the first half of the 21st century. Collective and individual awareness still cannot fully grasp all the socio-psychological implications of societies that are, on the one hand, rapidly digitizing and modernizing, while on the other hand, facing the consequences and demands related to population ageing.

As more and more public services digitize, both in the EU and in our country, it's becoming increasingly crucial to consider digitalization from the perspective of basic rights to ensure equal access to digital information and services for all older individuals. Data shows that only 1 in 4 individuals aged 65 to 74 in the EU possess basic digital skills, which could result in them being deprived of basic rights, access to healthcare, or pensions.¹⁰⁵ Hence, it's necessary for all countries to approach digitization from the standpoint of basic rights and ensure equal access to digital information and services for all older individuals. To ensure access to public services for everyone, it's essential to: Involve older individuals in the design and development of digital public services to meet their needs; Develop necessary skills for using digital tools; Combat ageism, promote peer learning, and intergenerational training; Systematically collect data on digital literacy among individuals older than 74. Educating older individuals on the use of ICT tools and smart devices should encompass as many people as possible to enable them to equally benefit from the conveniences these technologies offer. It's important to ensure the provision of services in traditional ways as well, so that a certain number of users are not left behind. Educating older individuals on the use of ICT tools and smart devices should encompass as many people as possible to enable them to equally benefit from the conveniences these technologies offer. It's important to ensure the provision of services in traditional ways as well, so that a certain number of users are not left behind.

The importance of providing services in a traditional manner is also illustrated by an example from the Commissioner's practice. Namely, an elderly citizen over the age of 80, who moves with difficulty, filed a complaint against the court because she was prevented from entering the courthouse where the "Post Office" counter is located, where she collects her pension and pays bills, and due to her age and health condition, she is unable to go to another post office located at a greater distance. In the explanation, it is stated that the judges object, claiming that it is a court postal service, and that the complainant had no need to resolve personal matters in court or to use court services. It is opined that there has been a violation of the Law on Prohibition of Discrimination, and the court is recommended to allow access to the post office located in the courthouse, taking into account the complainant's health condition and age. The deadline for acting on this recommendation is still

¹⁰² *Age and gender*, Republic Statistical Office, 2022, available at: <https://www.stat.gov.rs/publikacije/publication/?p=15204>

¹⁰³ Old-age dependency ratio is the ratio of older dependents--people older than 65--to the working-age population--those ages 15-64.

¹⁰⁴ *2023 Statistical yearbook*, Republic Statistical Office <https://publikacije.stat.gov.rs/G2023/Pdf/G20232056.pdf>

¹⁰⁵ *Fundamental rights of older people: ensuring access to public services in digital societies*, FRA

ngoing.

More at: <https://ravnopravnost.gov.rs/1044-23-prituzba-zbog-diskriminacije-na-osnovu-zdravstvenog-stanja-i-starosnog-doba-pri-koriscenju-objekata/>

During the year, the Strategy for Active and Healthy Ageing in the Republic of Serbia for the period from 2024 to 2030 was adopted. When giving an opinion on the draft of this strategy, the Commissioner provided a large number of comments, with response being insignificant changes and a change in the title of the document. In the opinion, we primarily pointed out that the preparation of such a document should have been preceded by an analysis of the existing situation, and given general comments stated that the strategic directions were not determined in a comprehensive manner, and that certain areas, important for improving the position of older people, were not covered (combating discrimination against older people, dealing with older persons in crisis situations, systemic changes in pension and disability insurance, social and health care, etc.), while some were only mentioned, and there was a lack of specific goals and measures. Also, most of the determined measures for achieving specific goals are of an informative-educational nature, while a much smaller number stipulate systemic changes to existing practices, in order to improve the situation in areas such as the pension and disability insurance system, social and health care, etc. It was also pointed out that except in one place (elderly in rural areas, and only in terms of the availability of public transport), the most vulnerable groups of older citizens were not recognized (older persons with disabilities, single-person households, older women, older members of national minorities, the poor, etc.). It was stated that combating discrimination against older people needs to be given special attention and that it should be one of the specific goals of this strategic document.

The consequences of age-based discrimination are serious and far-reaching. Prolonged exposure to this form of discrimination can affect physical and mental health, quality of life, social isolation, and loneliness, which automatically increases the risk of various types of violence and potential abuse. It is known that one of the most important indicators when assessing quality of life is the sense of belonging to a community and relationships with loved ones. Science and technology are advancing at an enormous speed, which is reflected in society as a whole and influences the change of social and family values, creating new patterns of behaviour that favour speed, appearance, a sort of "youth terror", instant solutions, and constant changes in many aspects of life. In reality, many older individuals find it difficult to adapt to these changes, often living alone, in poverty, or at risk of becoming impoverished, exposed to neglect, self-neglect, disrespect, and marginalization. Old age is often one of the bases of multiple discrimination because the majority of citizens inevitably enter this group over the years, which means that they bring along all their characteristics, including belonging to other social groups, which can further expose them to social injustice and multiple discrimination.



That's why the theme of this year's seventh regional conference of equality bodies of Southeast Europe, hosted and organised by the Commissioner, was "Ageism - Discrimination Against Older Persons." Under the slogan "Being old, being proud, being oneself," the conference

began with the reading of the awarded work from the competition Bridge of Understanding - intergenerational solidarity. Personal experiences regarding equal treatment based on age and the need to promote active ageing were presented by Vladanka Miskin, an activist from the Union of Pensioners of Serbia. The conference confirmed that countries in the region share several common characteristics - demographic ageing, with a high and continuously growing proportion of older citizens in the total population, along with depopulation of rural areas, an increase in the number of people over 80 years old, and almost a doubling of the number of women in this age category. This is accompanied by rapid technical and technological progress, which follows the change in traditional behavioural patterns.

The situation of older persons in Serbia and the region in various areas of social life is also discussed in a study conducted in six countries in the Eastern Europe and Central Asia¹⁰⁶. It indicates that the COVID-19 pandemic has significantly affected the contacts of older people with family and friends, with the assessment that the number of older people who rarely see their families has increased from 18% to 45%. Every other older person sees their family and friends once a month or less. 70% of the surveyed older adults do not use computers or other electronic devices, and 55% do not have internet access at home. Only a third of the respondents indicate that they are very happy (35%), 13% say they are very unhappy, and 30% of older persons in Serbia feel rejected. The feeling of rejection is further confirmed by the fact that 32% of older persons report that their family and friends do not understand them well, and 29% feel that they are not important to their close ones. Nearly half of the respondents (52%) say they do not have many people they can rely on, and two-thirds (68%) say they do not have many people they can fully trust. 68% of older persons feel the need for more opportunities for interaction with others, at least occasionally.

IMPORTANT

Following the Commissioner's initiative from 2022, a new regulation has enabled the right to a free voucher for subsidized vacations in Serbia for individuals over 65 years of age who have not yet qualified for a pension.

Older persons are at risk of loneliness, social isolation, and poverty, which are also risks for the development of mental illnesses, especially depression. According to a document from the European Commission¹⁰⁷, the situation regarding mental health has worsened significantly after the COVID-19 pandemic, with more than 7% of people in the EU suffering from depression in 2019, and 13% feeling lonely most of the time. It is important to help older persons lead a healthy and active life, manage their mental health, and increase social interactions to reduce loneliness.

According to available data from the Statistical Office of the Republic of Serbia¹⁰⁸, nearly half of the suicides in Serbia in 2022 were individuals aged 65 and older, indicating the state of mental health among older persons population. Loneliness, health conditions, or dependence on others make the older people more susceptible to risks of mental illnesses, while older women are also susceptible to risks of violence, abuse, and neglect. According to research conducted by the Commissioner for the Protection of Equality and the Red Cross of Serbia,

¹⁰⁶ *Loneliness and social isolation of elderly people – data analysis for the Republic of Serbia*, UNFPA in cooperation with Centre for Research and Social Development IDEAS, 2023, available at: http://ideje.rs/wp-content/uploads/2023/04/usamljenost_kod_starijih.pdf

¹⁰⁷ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a comprehensive approach to mental health*, European Commission, 2023, available at https://health.ec.europa.eu/system/files/2023-06/com_2023_298_1_act_en.pdf

¹⁰⁸ Available at: <https://data.stat.gov.rs/Home/Result/18030304?languageCode=sr-Latn>

16% of elderly women aged 65 to 74 have experienced some form of violence after turning 65. Violence also occurs within the family due to prejudices that the older people are a burden, do not contribute to the community, and/or that their contribution is not valuable enough. One of the most common forms is financial violence against older persons, as they often do not decide how to spend the financial means they have or support other household members. Violence against older persons is a serious problem in society, yet it is often a topic that is seldom discussed and is frequently hidden and unreported out of shame. This situation presents a significant obstacle to addressing the problem itself. Strengthening support systems for victims and institutions responsible for support, alongside constant efforts to combat gender stereotypes and sexism, empower women, prevent violence by promoting equality, prevent violence in crisis situations, and implement other measures, is necessary to reduce the occurrence of such cases.

Various social welfare support services significantly contribute to overcoming the mentioned problems and maintaining the capacities and abilities of elderly citizens. Therefore, support and long-term assistance must be accessible, affordable, integrated, community-based, and tailored to the users. The shortcomings in the service delivery system, both in terms of coverage and continuity, have already been discussed, as well as the involvement of informal caregivers and the problems they face.

The position of older persons is also influenced by the capacities of institutional accommodation, as a type of social protection service. According to the *Report on the work of institutions for the accommodation of adults and older persons for the year 2022*¹⁰⁹, available accommodation capacities in social welfare institutions provide accommodation for 1.3% of elderly citizens. Of the total number of users admitted in 2022, 56% are elderly people over 80 years old, and 64% are women. Before admission to a facility, 56% of users lived in single-person households, and 21% of users lived in households with children or grandchildren. Regarding the dominant reason for choosing institutional accommodation, for 45% of users, the family lacks conditions or faces difficulties in organising daily functioning and cannot provide conditions for a smooth life.

Regarding human resources in institutions for adults and older persons, there is a shortage of personnel of all profiles, and the most pronounced deficiency that jeopardizes service quality is caregivers and medical staff, technical staff, cleaners, and kitchen staff. Considering the fact that these are very demanding jobs that are mostly undervalued with minimal salaries, combined with the shortage of staff, the reflection is also seen in frequent absences due to illness. The work is hard, strenuous, and some employees quickly leave it, often moving to EU countries.

Discrimination based on age is also present in the field of work and employment, as evidenced by the practice of the Commissioner.

A complaint has been filed with the Commissioner regarding the discrimination against a person aged 65 in the field of employment, against the city's bar association, for refusing the request to enrol in the Registry of Volunteer Legal Apprentices. The complainant believes that they have been discriminated against by the decision of the bar association, which stated that *"the legal profession must grow younger, and this growth can only be positive if the legal profession is renewed and enlarged by younger people, capable and competent to apply such*

¹⁰⁹ *Report on the work of institutions for the accommodation of adults and older persons for the year 2022*, Republic Institute for Social Protection, 2023, available at: <http://www.zavodsz.gov.rs/media/2575/izvestaj-o-radu-ustanova-za-starije-2022.pdf>

knowledge in the age of the technical revolution, knowledge that they undoubtedly possess unlike members of the older generation, especially those who have chosen the noblest legal profession from the beginning of their professional but also personal determination. Whereby A.A... who has already given everything he had and could give in professional practice, has already given with his intellectual and physical strength working in another workplace where different rules and principles apply...". The procedure is ongoing.

In the field of work and employment, the Commissioner also receives complaints from individuals who are still employed but fall into the category of so-called "older workers" who cannot find employment or face difficulties in finding employment precisely because of their age. They are unable to exercise all the rights from the employment relationship, such as the right to professional development, career advancement, official travel, etc. In this area, we also hear from younger employees who point out the problems they face as "younger" workers. Experience shows that only workers in their middle years, and only for a very short period, are desirable for employers, provided they have no health problems, do not plan to start a family, etc.

A complaint was filed with the Commissioner regarding discrimination based on age against the Health Center due to the prescribed conditions for the selection of candidates for specializations. The Regulation on the Professional Development of Employees in the Health Center stipulates that candidates can receive 15 points based on their age (up to 30 years of age); 10 points (up to 40 years of age); 5 points (up to 50 years of age). An analysis revealed that the criterion related to candidates' age is the only criterion not related to professional abilities, experience, expertise, and performance in the candidates' work. By prescribing conditions that involve different scoring based on age, candidates over 40 years of age are placed at a disadvantage compared to candidates under 40 years of age, as they will receive fewer points regardless of their professional qualifications due to their age. An opinion was given determining a violation of the Law on the Prohibition of Discrimination, and the Health Center was recommended to align the text of the Regulation with antidiscrimination regulations. The recommendation has been implemented.

More at: <https://ravnopravnost.gov.rs/159-23-diskriminacija-na-osnovu-starosnog-doba-u-oblasti-strucnog-osposobljavanja/>

The position of workers becomes even more complex when it comes to women, persons with disabilities, the LGBTI population, members of certain national minorities, and so on. According to the results of the survey "*Your Experience with the National Employment Service*," within the framework of the research on *Active Employment Policies from the Perspective of Women 45+*¹¹⁰, it was stated that out of the total number of unemployed women, as much as 48.56% are over 45 years old. They are often long-term unemployed, and according to advisors at the National Employment Service, the main problems they face are motivation and activation, lack of desire for learning, and sometimes encountering condemnation from family members. On average, for the same job requiring a similar level of expertise and experience, women earn 86% of the salary earned by their male colleagues. Women with young children (up to 6 years old) have a 2.8 percentage point lower likelihood of being active in the labour market, while if they have children aged 7 to 14, this reduces the impact on their activity. On the other hand, if a woman is a single parent, the likelihood of her being active in the labour market is higher by 4.2 percentage points compared to a married

¹¹⁰ *Active Employment Policies from the Perspective of Women 45+*, Jelena Žarković, 2023, available at: <https://www.zenenaprekretnici.org/publikacije/>

woman. It can be concluded that caregiving responsibilities for children, older persons, and/or sick household members affect women's activity in the labour market.

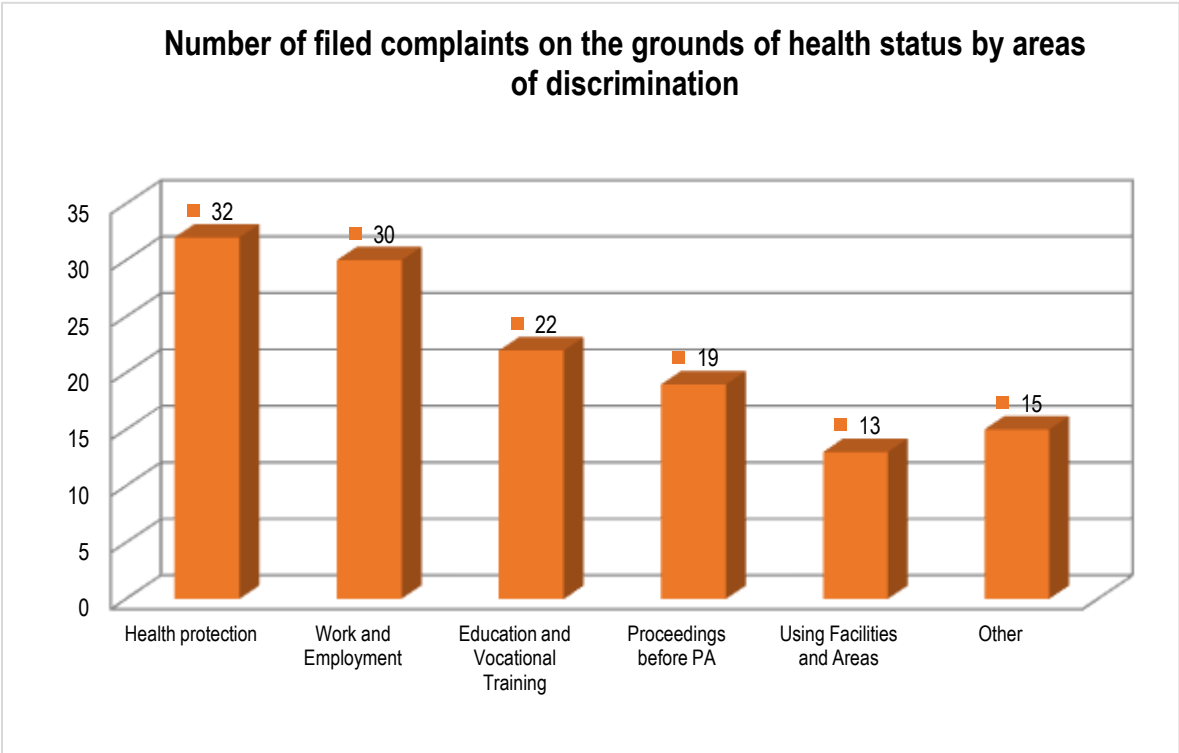
Some examples of multiple discrimination against women from the Commissioner's practice are provided in sections of this report that relate to other personal characteristics.

Based on the review of the situation and problems in achieving equality and protection against discrimination based on age as a personal characteristic, appropriate recommendations have been provided in the summary of this report.

Discrimination on the Grounds of Health Status

In the Commissioner's practice, health status was the second most common basis for complaints in 2023. Out of the total citizen complaints, 131 were submitted on the basis of this personal characteristic, often cited in combination with other personal characteristics, most commonly disability, age, gender identity, sex, etc. Citizens often indicated various problems in the healthcare system through other means of communication (letters, phone calls, discussions in the reception office).

Based on direct contact with citizens and representatives of human rights organisations, it has been observed that fear of victimization is often a barrier to formal complaints and initiating proceedings for protection against discrimination, especially when it comes to personal characteristics such as health status due to the need for further treatment, sexual orientation and gender identity due to fear of societal condemnation, and in cases of gender discrimination in the field of work and employment.



When it comes to areas of social life, the highest number of complaints were filed in the field

of healthcare (32), employment procedures or at work (30), education and vocational training (22), proceedings before public authorities (19), provision of public services or the use of facilities and areas (13), judiciary (9), and in the field of social protection (5).

Key developments include:

- Providing a greater number of more effective therapies, medicines, materials, and aids of newer generations at the expense of the Health Insurance Fund, especially for rare diseases.
- Amending the Regulation on Determining Physical Disabilities and the Regulation on the List of Medicines Prescribed and Issued at the Expense of Mandatory Health Insurance Funds, enabling off-label use of medicines, which is particularly important for those suffering from rare diseases.
- Revised forms for enrolling children with rare, neurotransmitter, or chronic non-communicable diseases (including diabetes) in preschool institutions, improved internal regulations regarding the stay and participation of these children in activities, and the adoption of a Protocol for dealing with students with diabetes in schools.
- Introducing mandatory screening for spinal muscular atrophy in all maternity wards in Serbia at the expense of the Health Insurance Fund.
- Employing a larger number of medical staff, especially young doctors, increased salaries in the healthcare sector, renovation, and construction of new healthcare facilities (new halls at the Institute for Orthopedics in Banjica, construction of the General Hospital in Novi Pazar, renovation of the Urgent Centre in Loznica, etc.).
- Providing free home assistance service in Belgrade.
- Simplifying procedures for exercising rights and services in the field of healthcare, but further improvements are needed.

Some of the key issues include:

- Fear of consequences when reporting and/or disclosing health conditions in certain cases, such as HIV status, psychiatric diagnoses, infectious diseases, etc., remains present.
- Some employers do not comply with decisions of competent authorities regarding work capacity and do not consider health conditions when assigning employees to suitable positions according to their work capacity.
- Insensitivity and inadequate training of healthcare workers for working with certain categories of patients, inadequate communication with patients.
- Inaccessibility of healthcare institutions.
- Non-uniform development of the healthcare system, especially in rural and inaccessible areas, insufficient number of doctors in certain specialties.

- Obstetric and other violence, long waiting lists for certain procedures.
- For some diseases, inadequate coverage with newer generation drugs and more expensive therapies. Improvement of the Rare Diseases Registry is necessary, as well as the adoption of a Rare Diseases Program.
- A small number of transplantations due to a lack of legal framework in cases of organ and tissue transplantation from deceased persons.
- A small number of preventive and screening examinations, insufficient increase in the number of employers providing these examinations for their employees.
- Lack of intersectoral healthcare and social protection services and insufficient capacities for providing palliative care and support.

When it comes to discrimination based on health status, citizens continue to highlight the need to improve the accessibility and availability of healthcare to all citizens, along with sensitizing staff to work with patients. It is extremely important that the achieved standards and levels of realized rights are not diminished. For example, during 2023, citizens addressed the Commissioner, pointing out the insensitivity of healthcare staff in dealing with patients, violations of certain administrative procedures, inability to schedule appointments and interventions, attending rehabilitation, as well as receiving appropriate therapy at the expense of the budget.

Regarding the satisfaction of citizens and doctors with the healthcare system, research conducted by NALED¹¹¹ findings showed, among other things, that 54% of respondents were satisfied with the quality of healthcare services. The main problems in healthcare were cited as: poor organisation of healthcare institutions (long waits for appointments/reception in scheduled time, inability to schedule appointments), lack of skilled/qualified staff, and insufficiently motivated and dedicated healthcare workers. More than a third of citizens in Serbia in the past three years were unable to receive services in state healthcare institutions, with the main reasons often being a lack of appointments or the need for urgent services with excessively long waiting times. The research also found that over half of the citizens who had visited doctors in state healthcare institutions in the past five years almost always or mostly had to bring previous medical documentation in paper form, as doctors were unable to view it electronically in the system, which also complicates the work of doctors who dedicate a significant portion of their working hours to documentation.

The World Health Organisation also emphasised the necessity of ensuring access to regular healthcare services, therapies, and preventive check-ups on the occasion of April 7, World Health Day¹¹², in a statement stating that quality, accessible, and affordable primary healthcare is the most effective and cost-effective way to bring healthcare services closer to people, and that it should reach and engage those with the greatest, often unrecognized needs, in all age categories. Therefore, it is important for primary healthcare to respect the principles of fairness, gender sensitivity, and rights-based approaches in everyday activities

¹¹¹ *Survey on the satisfaction of citizens and doctors with the healthcare system*, NALED, 2023, available at: https://naled.rs/htdocs/Files/12608/Zadovoljstvo-gradjana-i-lekara-zdravstvenim-sistemom-u-Srbiji_NALED.pdf

¹¹² Available at: <https://www.zdravlje.org.rs/index.php/lat/aktuelne-vesti/1201-svetски-dan-zdravlja-2023>

of providing healthcare services through specific programs aimed at particularly vulnerable groups.

The Commissioner's practice is diverse and shows various problems in multiple domains when it comes to providing healthcare.

A complaint was filed due to the doctor's refusal to issue a certificate stating that the child is healthy for enrolment in day-care, citing that the child has reached 12 months of age without receiving the MMR vaccine. During the proceedings, the Commissioner determined that the legally prescribed deadline for receiving this vaccine had not expired, and that the child had a scheduled appointment for vaccination in accordance with the Mandatory Immunization Calendar, so there were no reasons to fear that the parents were attempting to avoid this legal obligation. Considering that the certificate was necessary for the child's enrolment in the institution and the importance of preschool education in the child's development, the Commissioner pointed out that there were no justified reasons to restrict the child's right to attend preschool education until the deadlines set by medical professionals for receiving a certain type of vaccine have passed.

More at: <https://ravnopravnost.gov.rs/231-23-prituzba-aa-protiv-doma-zdravlja-bb-i-dr-vv-zbog-diskriminacije-na-osnovu-zdravstvenog-stanja-u-oblasti-obrazovanja/>

Difficulties related to the accessibility of healthcare also involve timely and continuous provision of healthcare services, insufficient information, problems with scheduling medical appointments through eGovernment, especially for elderly citizens, as well as insufficient functioning of various support services.

During the year, a lot of media attention was drawn to the case of continuity of healthcare for patients due to the closure of the Day Hospital for Addiction Diseases in Paunova Street in Belgrade.

The association Initiative of Paunova Patients filed a complaint with the Commissioner due to the closure of the Day Hospital for Addiction Diseases "Prim. Dr. Branko Gačić", as they were deprived of continuous healthcare services and prevented from treatment in the manner that was the "trademark" of this institution, through the implementation of systemic family therapy. It was explained that on the day the Building Inspection Department issued a Decision on the closure of the premises, a discontinuity in patient treatment occurred due to the unavailability of premises where the hospital operated and the failure to timely secure alternative space for continuing work, considering the importance of therapy continuity in addiction diseases. In the response from the Secretariat for Inspection, Supervision, and Communication, among other things, it was stated that through the examination of the safety circumstances of using the hospital's premises, it was determined that "the facility should not be used until the basement ceiling is repaired, and investigative work on the feasibility of building renovation is carried out, as there is a possibility of collapse." The Ministry of Health stated that they are aware of the decision to ban the use of the facility in Paunova Street and that the Ministry, in cooperation with the City of Belgrade, has been working intensively since August on solving the problem of the Day Hospital's premises, leading to the decision to relocate the hospital to the previous health center Vračar, which is being adapted, specifically its parts (second and third floors). It was explained that a health inspector prepared a report on the state of the Vračar facility, and in October, the Ministry organised a meeting with representatives of the patients initiative, informing them about the intensive work on adapting the said facility. The Institute of Mental Health stated that they tried to obtain the necessary permits for the renovation of the facility but were rejected, and its use was prohibited due to deficiencies posing a danger to the stability and safety of the facility. Since then, the organisational units continued to operate, ensuring continuity in providing healthcare. Among other things, it was stated that in psychiatry, the environment in which treatment is conducted is of great importance, but for the effectiveness of therapy, the involvement of family members is crucial,

while the environment is of secondary importance. This means that therapy is conducted within the community, not in nature, emphasising the importance of incorporating the space into the urban environment to destigmatize and reduce resistance.

The Initiative of Paunova Patients. informed the Commissioner that the Day Hospital for Addiction Diseases "Prim. Dr. Branko Gačić" started operating at the new location and that the primary goal of this initiative, which is to provide daily therapy and professional assistance in the manner previously provided to patients before the closure of this hospital, has been achieved, leading to the cessation of the Initiative of Paunova Patients. Additionally, it was stated that due to the fulfilment of the goal, they withdraw the complaint, and thus the procedure on this complaint was terminated.

The lack of long-term medical and palliative care services is also evident, and the standards for the provision of social and health services provided by the Law on Social Protection have not yet been adopted.

Care for patients in the terminal phase of illness, older persons, or people with disabilities is largely provided by family members, most often women. The results of the study by SeCons, "*Access to Long-Term Care Services in Serbia*"¹¹³ indicate that 40.7% of individuals over the age of 65 in Serbia require long-term care due to difficulties in functioning, while only a small number of respondents utilize paid home assistance services (2.7%), mostly relying on informal caregivers (90.5% of whom receive no compensation). Those who serve as primary informal caregivers (26.1% of cases) themselves often have poor health and a personal need for long-term care. Only a few users who receive this service formally from humanitarian organisations or public institutions do so for free or with the assistance of subsidies from local authorities.

The high prevalence of dementia in older age represents a significant burden for caregivers, families, and society as a whole, given that patients often experience impaired time orientation, attention, calculation, recall, naming, writing, as well as understanding spoken and written language. According to estimates by the World Health Organisation¹¹⁴, a significant increase in the prevalence of dementia is expected due to the ageing population. Support measures mainly focus on adequate and timely rehabilitation planning, which can significantly contribute to improving the quality of life for individuals with dementia.

A civil society organisation filed a complaint with the Commissioner stating that the municipality had decided to relocate the day care center for persons with disabilities outside the urban area. To ascertain the factual situation, the Commissioner contacted the Ministry of Labour, Employment, Veterans, and Social Affairs, which stated that social welfare inspectors had conducted an official advisory visit and found that the facility was located about 4 km from the center of the municipality against which the complaint was filed. It was also noted that there was no public transport to the facility, the building was inadequate, and the current facility providing the service had not renewed its license. The Commissioner found it concerning that the planned relocation of this facility was to a location far from public view, public transportation, and outside the urban area, which, in addition to contravening social welfare standards, was not in line with antidiscrimination laws. Particularly alarming was the fact that the provider of this service had its license expired at the beginning of 2023. The Commissioner concluded that legal provisions were violated and recommended that this decision be repealed and that all necessary measures and activities be taken to ensure an adequate space where the day care service for persons with disabilities would be

¹¹³Available at: <https://secons.net/wp-content/uploads/2023/03/Pristup-uslugama-dugotrajne-nege-u-Srbiji-studija.pdf>

¹¹⁴Available at: <https://scindeks-clanci.ceon.rs/data/pdf/1452-7367/2023/1452-73672303261P.pdf>

provided by a licensed service provider. The municipality informed the Commissioner that the old facility did not meet the requirements for further service provision, that they had applied for licensing the service in a new facility, and that they had provided their own transportation adapted for users who use wheelchairs for mobility. They also stated that a new city bus stop had been established in front of the institution.

More at: <https://ravnopravnost.gov.rs/939-22-diskriminacija-na-osnovu-invaliditeta-u-oblasti-pruzanja-usluga/>

Citizens often inquire about the criteria for prescribing certain medications issued on prescription, among other things, and whether the body mass index (BMI) threshold can be set as a condition for approving certain therapies at the expense of the Republic Fund for Health Insurance (RFZO), and whether this represents unjustified differentiation, as well as other situations and needs for medications and therapy.

In this regard, the Commissioner continuously points out to the Republic Fund for Health Insurance the need for changes and additions to the list of medications issued at the expense of mandatory health insurance funds, in order to make newer generation drugs and resources available to users. For example, concerning an inquiry from the "Yellow Spot" association regarding three drugs used in the treatment of the "wet" form of senile macular degeneration and macular edema in diabetes, a letter was sent to the RFZO, and they informed us that requests have been submitted to the Central Commission for Medicines for two drugs to be placed on the List of Medicines. The past practice shows that the RFZO thoroughly and comprehensively considers all recommendations and initiatives of the Commissioner, which is why compliance with these recommendations is very high.

When considering the positive drug list and the problems patients face, it is necessary to particularly emphasise the treatment of rare diseases. Namely, the Institute of Public Health of Serbia "Dr. Milan Jovanović Batut" announced on the International Rare Disease Day that up to January 2023, 2,176 individuals have been recorded in the database of the Registry of Persons Diagnosed with Rare Diseases, while during 2021, over 16,000 individuals with a diagnosis of rare diseases were treated in hospitals, of which over 9,000 were provided therapy listed on the List of Medicines. In secondary and tertiary healthcare institutions, medicines outside this list were provided for 294 individuals suffering from rare diseases: congenital metabolic diseases (67) and for the treatment of those with rare tumours (57 individuals).¹¹⁵

In 2023, more funds were allocated for the treatment of children with rare diseases, and mandatory screening for spinal muscular atrophy was introduced in all maternity wards in Serbia, funded by the RFZO. In addition to this, there is screening of new-born babies for three other diseases – phenylketonuria, hypothyroidism, and since 2021, cystic fibrosis, all covered by the RFZO. The Regulation on Determining Disabilities has been supplemented, adding a new chapter that establishes the percentages of physical impairment for: congenital anomalies, genetic disorders, rare diseases, as well as for inflammatory rheumatic diseases and malignant diseases, which should contribute to better recognition of these diseases in order to exercise the right to an allowance for the assistance and care of another person. However, besides changes to this regulation, it is necessary to amend other by-laws within the social protection system to ensure social protection services. Significant changes have

¹¹⁵More at: <https://n1info.rs/vesti/batut-u-registru-retkih-bolesti-2-176-osoba-2021-leceno-16-056-njih/>

been made to the regulation allowing insured persons to be treated with so-called off-label use of medicines at the expense of compulsory health insurance funds. Patients with rare diseases have contacted the Commissioner stating that they have been prescribed a drug that is the only effective treatment, but since it is not on the positive medicines list or is registered for another indication, they must pay for it, which significantly affects their and their family's existence. This is illustrated by an example addressed to the Commissioner, indicating that there are about 100 individuals in the Republic of Serbia with NMOSD - Neuromyelitis optica spectrum disorder, and that the drug that prevents further progression of this disease is not on the positive drug list, costing 10,000.00 dinars until recently, while now it is even twice as expensive in some pharmacies. This is a rare, chronic, progressive, autoimmune disease that can lead to loss of vision, immobility, and even death. If the drug, which is necessary to keep this disease under control and prevent more severe consequences, costs thousands or tens of thousands of dinars, it particularly affects poorer citizens because the lack of financial means practically prevents them from obtaining adequate therapy. Innovative biological therapies for treating this disease exist worldwide but are still not available in our country, unlike innovative therapies for other diseases that are approved at the state's expense. Regarding this issue, the Commissioner contacted the RFZO, and the process is still ongoing.

Recognizing the importance of the proactive and dedicated continuous actions of this institution, the National Organisation for Rare Diseases of Serbia awarded the Commissioner recognition award for their special contribution on the occasion of marking the International Rare Disease Day.

When it comes to chronic non-communicable diseases, one of the most common and significant health problems is diabetes. The World Health Organisation and the International Diabetes Federation estimate that by 2045, the number of people with diabetes will increase to 783 million¹¹⁶. Although incidence rates are decreasing in developed countries, the largest increase in the number of cases is expected in developing countries, including Serbia. Until 2022, Serbia did not have an organised population-based diabetes registry that would provide data for analysing the status and development of diabetes, and evaluating the effectiveness of diabetes care measures.¹¹⁷

It is estimated that approximately 700,000 people in Serbia have diabetes, accounting for 12.2% of the adult population.¹¹⁸ This number continues to rise, and one of the greatest challenges is understanding the lifestyles of people with diabetes, as evidenced by the "First National Survey on the Lifestyles of People with Diabetes".¹¹⁹ The results indicate that 42.3% of people with diabetes fall into the age group of 31-45 years, while it is concerning that almost one-fifth fall into the age group of 18-30 years. Additionally, for those younger than 18 years, one of the biggest challenges is the emotional aspect.

In order to improve the legal framework and protection against discrimination for children and students with non-communicable chronic diseases, as well as rare diseases, the Commissioner has submitted **an initiative** to the Ministry of Health for the establishment of procedures for dealing with children and students with diabetes and

¹¹⁶ Available at: <https://www.batut.org.rs/download/publikacije/IncidencijaIMortalitetOdDijabetesaUSrbiji2022.pdf>

¹¹⁷ Available at: <https://www.batut.org.rs/download/publikacije/IncidencijaIMortalitetOdDijabetesaUSrbiji2022.pdf>

¹¹⁸ According to the official data of the Public Health Institute "Dr Milna Jovanović Batut"

¹¹⁹ Available at: <https://prst.org.rs/prst-istrzivanje/>

other non-communicable chronic, as well as rare diseases, during their stay in preschool institutions and schools. The goal of the initiative is to provide support, ensure good disease control, and prevent complications, which also contributes to improving the position of children and protecting them from stigmatization and discrimination. The initiative also emphasises the need for ongoing collaboration between health centres, healthcare professionals, and staff in educational institutions, both in terms of preventive action and necessary education.

More at: <https://ravnopravnost.gov.rs/misljenja-i-preporuke/zakonodavne-inicijative-i-misljenje-o-propisima/page/2/>

During the year, the Ministry of Health and the Republic Expert Committee for the Prevention and Control of Diabetes, in collaboration with the Ministry of Education and the Ministry of Tourism and Youth, have prepared the Protocol on Dealing with Students with Diabetes at School.¹²⁰ Numerous studies and analyses indicate the exceptional importance of preventing various conditions and diseases, especially in children and youth.

The Commissioner's multi-year practice indicates that children with developmental disorders and disabilities are a particularly vulnerable group of children, and that stereotypes and prejudices regarding their capabilities, needs, and rights are deeply rooted and widespread. The inclusion of children with rare diseases requires increased effort at all levels - families, employees in institutions and agencies, as well as the community as a whole. Data show that the number of children facing issues such as stuttering, academic performance, attention, hyperactivity, and disorders from the autistic spectrum increases from year to year, which, among other factors, is associated with the duration of using digital technologies.¹²¹

An illustrative example from the Commissioner's practice concerns a complaint of discrimination against a minor child with autism, filed against a preschool institution due to the reduction of the child's stay to four hours daily. After conducting the procedure, we determined that such a decision by the preschool institution was made based on monitoring the child's behaviour and submitted evidence supporting the claims that the child was not put at a disadvantage based on their health condition and disability. It was found that additional support was provided to the child, the shortened stay of the child in the institution complied with legal provisions regarding the duration of this program, and it represented a form of additional support. Therefore, the opinion was reached that the provisions of the Law on Prohibition of Discrimination were not violated. The best interests of the child are an important principle proclaimed by the Convention on the Rights of the Child, which should be applied in all activities related to children.

Furthermore, in order to improve preventive healthcare protection, establish internal rules and procedures, and ensure the best interests of children, the Commissioner issued recommendations for measures to all preschool institutions.

All preschool institutions have been **recommended measures** to achieve equality by modifying the enrolment forms for children in a way that allows parents to indicate that the child has a rare, neuro-transmitter, or chronic non-communicable disease; that the child participates in all activities of the institution while receiving necessary therapy during their stay; and that there is no requirement for re-enrolment in the preschool institution every academic year for children who have already been enrolled and continue their stay in the preschool institution, aiming for legal certainty and the exercise of the right to quality education continuously.

¹²⁰ Available at: <https://prosveta.gov.rs/vesti/protokol-o-postupanju-u-skoli-sa-ucenicima-oboilelim-od-dijabetesa/>

¹²¹ Institute for psychophysical disorders and verbal pathology „Dr Cvetko Brajović“, available at: 3 <https://novaekonomija.rs/vesti-iz-izdanja/decenija-bez-strucne-pomoci>

More at: <https://ravnopravnost.gov.rs/356-23-preporuka-mera-svim-predskolskim-ustanovama/>

According to the Sustainable Development Goals of the United Nations, especially Goal 3 - "Ensure healthy lives and promote well-being for all at all ages," it is envisaged that by 2030, the number of premature deaths due to all non-communicable diseases will be reduced by one-third through prevention, treatment, and promotion of mental health and well-being. Young people, in particular, represent a multifaceted vulnerable social group, both due to developmental characteristics and external pressures from various societal factors. Indeed, between the ages of 15 and 29, young people attain a greater degree of independence in decision-making, yet they are increasingly influenced by economic circumstances and low levels of youth participation in social and political life.

Young people are simultaneously members of one or more groups with additional risk factors - these include early and forced marriages, gender-based violence, teenage pregnancies, peer violence, poverty, homelessness, and other factors. The more exposed young people are to situations of increased risk, the greater the likelihood that their well-being and mental health will be compromised, as well as engaging in risky behaviours that can affect their future mental and physical health (e.g., smoking, use of psychoactive substances) and prosperity (e.g., dropping out of the education system).

When it comes to making decisions related to health, the latest data from the report "Eight Billion Lives, Rights, and Choices"¹²² indicate that in Serbia, from 2007 to 2022, 100% of women made decisions about their own health, of which 98% were decisions regarding contraceptive use, while 99% of women had health insurance guaranteed by law, along with access to information and education about sexual and reproductive health.

An initiative has been sent to the RFZO for the amendment of the Regulation on the list of medicines prescribed and issued at the expense of compulsory health insurance, aiming to include a certain number of contraceptive methods on the appropriate lists covered by compulsory health insurance. The Commissioner has been pointing out the importance of sexual and reproductive health for years, which includes providing family planning services, pregnancy maintenance, and other healthcare services. When it comes to younger generations, early childhood development programs and sexual education are of great importance, as well as the availability of means to maintain sexual health across Serbia, where a low level of contraceptive use and a lack of knowledge about modern contraception methods have been noted.

The initiative indicates, among other things, that the prices of contraceptive methods affect their accessibility, and that contraceptive methods from List A1 should be moved to List A – so that women can access higher quality and more diverse oral contraceptive methods with a minimal co-payment of 50 dinars.

More at: <https://ravnopravnost.gov.rs/418-22-inicijativa-rfzo-za-izmenu-pravilnika-u-cilju-unapredjenja-seksualnog-i-reproduktivnog-zdravlja/>

The development of biomedicine enabled the birth of the first “test tube” baby through in vitro fertilization in 1978, which served as a catalyst for further development of research, science, and practice of biomedical assisted reproduction. It also prompted the development of accompanying legal regulations, facilitating legal avenues for protection in cases where human rights are violated.¹²³ Since 2006, the Republic Health Insurance Fund has been financing the National Program for the Treatment of Infertility through assisted reproductive

¹²² Available at: <https://www.unfpa.org/sites/default/files/swop23/SWOP2023-ENGLISH-230329-web.pdf>

¹²³ Preliminary report on infertility treatment through assisted procedures, RFZO, available at: <https://rfzo.rs/download/vto/Preliminarni%20Izvestaj%20o%20Iecenju%20neplodnosti%20postupcima%20BMPO,010414.pdf>

procedures, according to the indications prescribed by the Republic of Serbia's Ministry of Health's expert commission. However, in situations where one partner passes away during the procedure, there is no legal provision regulating how unused reproductive material is handled after death, particularly regarding embryos. The law does not contain an explicit prohibition on posthumous fertilization.

The Commissioner received a complaint from a citizen after the death of her spouse, with whom she had initiated a process of medically assisted reproduction at a healthcare facility. Considering that the embryos were created from the reproductive material of both spouses, one of whom had passed away, by the end of 2023, the Commissioner sent a **recommendation** to the clinic to take all measures to preserve the embryos beyond the legally prescribed period, aiming to further protect and uphold the right to continue the initiated process of medically assisted reproduction. Acting on the recommendation, the healthcare facility informed the Commissioner that they would preserve the embryos indefinitely and invited the Commissioner to use his authority to influence the relevant authorities to take measures in the assisted reproductive procedure or even amend relevant regulations.

More at: <https://ravnopravnost.gov.rs/rs/1273-23-preporuka-mera-zdravstvenoj-ustanovi-srebo-medical/>

In terms of health prevention and protection, significant progress has been made with the introduction of mandatory screening for the rare disease spinal muscular atrophy, which has started to be implemented in all maternity hospitals in Serbia. This type of screening, funded by the RFZO, is mandatory for all newborns with the aim of early diagnosis in the pre-symptomatic phase of the disease, which is crucial for the treatment outcome of spinal muscular atrophy. In addition to this, screening for three other diseases – phenylketonuria, hypothyroidism, and since 2021, cystic fibrosis, is available for newborns, all covered by the Republic Health Insurance Fund.

However, when it comes to breast cancer diagnostics, the Lancet Commission's "Women, Power, and Cancer"¹²⁴ report identifies gender inequality as the main reason for poor access to preventive measures, cancer diagnosis, and treatment. The Lancet Commission advocates for a new "feminist agenda" in cancer treatment to eliminate gender inequality and discrimination against women. According to the report, health systems need to significantly intensify efforts to address women's needs in cancer treatment and research to reduce the risk of cancer. Discrimination against women, according to this report, is one of the reasons for the limited number of preventive measures tailored to women's needs, or measures in cancer treatment adapted to the female population.

In addition to the above, citizens have approached the Commissioner pointing out problems related to organ transplantation, stating that in the first half of 2023, only 15 cadaver transplantations were performed in Serbia, while around 2000 people are on the waiting list, prompting the launch of the "Most Important Call in Life" campaign. The main problem lies in the fact that certain provisions of the Law on Human Organ Transplantation and the Law on Human Cells and Tissues have been declared unconstitutional. It is worth noting that the Commissioner has already addressed the relevant ministry, as the authorized proposer of the law, to take measures within its jurisdiction.

¹²⁴ Available at: https://thepath.unaids.org/wp-content/themes/unaids2023/assets/files/2023_report.pdf

An initiative has been addressed to the Ministry of Health to urgently initiate amendments to the Law on Human Organ Transplantation and the Law on Human Cells and Tissues in order to re-establish a comprehensive legal framework and enable organ and tissue transplantation from deceased persons, thereby saving the lives of patients whose quality and even length of life depend on the waiting time for transplantation. Acting within its jurisdiction, as well as in accordance with the Constitution and the Convention on Human Rights and Biomedicine, the Commissioner has forwarded this initiative to expedite all ongoing activities to address this important issue.

More at: <https://ravnopravnost.gov.rs/upucena-inicijativa-za-izmene-i-dopune-zakona-o-presadjivanju-ljudskih-organa-i-zakona-o-ljudskim-celijama-i-tkivima/>

In this regard, a new Transplantation Law has been announced, with the main change related to the introduction of a provision regarding personal declarations of donation. Voluntary organ donation is implied, and individuals who do not wish to be donors will be recorded in a registry maintained by the Biomedical Directorate.

When it comes to discrimination based on health status, individuals living with HIV/AIDS are among the particularly vulnerable. Data from the "Ending AIDS – Global Update 2023"¹²⁵ report indicate that in Eastern Europe and Central Asia, human rights abuses and armed conflicts hinder the response to HIV, while this part of the world experiences the highest surge in the number of new HIV infections globally (an increase of 49% compared to 2010). By the end of 2023, the Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS) warned that the global response to AIDS is under threat due to an unprecedented backlash against human rights, which stigmatizes groups at the highest risk of HIV infection.¹²⁶

Individuals living with HIV/AIDS rarely lodge complaints for fear of their status becoming known to the wider community, thereby increasing the risk of victimization. This highlights the importance of conducting situational discrimination testing. In this regard, during 2023, the charitable foundation of the Serbian Orthodox Church, "Philanthropy," conducted situation testing of discrimination against people living with HIV/AIDS in the field of healthcare. As a result, five complaints were submitted to the Commissioner, all related to the denial of healthcare services to people living with HIV/AIDS. All procedures regarding these complaints are ongoing.

The Commissioner's practice has shown that citizens often seek assistance due to discrimination based on health status concerning the principle of equality in employment relationships, as well as rights and obligations of employers and employees. Some of the issues concern the employer's right to request a certificate of health fitness, evidence of illness, or referrals when hiring, the right of women to return to their previous positions after maternity leave, and so on. In the field of work, the unstable economic situation often leads to frequent terminations of employment contracts, and it has been observed that the fear of termination represents one of the greatest sources of stress. The constant fear of dismissal ranks high on the list of today's biggest stressors.

Commissioner acted upon a complaint against the employer for discrimination against an employee based on their health condition and disability. The complainant was permanently employed but, due to a deterioration in

¹²⁵ Available at: https://thepath.unaids.org/wp-content/themes/unaids2023/assets/files/2023_report.pdf

¹²⁶ Available at: <https://www.reuters.com/business/healthcare-pharmaceuticals/aids-response-under-threat-amid-human-rights-backlash-un-2023-11-28/>

health, she was forced to take sick leave for further treatment and hip surgery. During her sick leave, the employer called her to sign a termination decision declaring her redundant, thereby terminating her employment. In the employer's response, it was stated that another employee, besides the complainant, was declared redundant, who did not have any health problems. The employer also claimed that the health condition was not a criterion for deciding to terminate the complainant's employment contract. However, during the proceedings, it was found that the other employee who was also declared redundant did not perform the same type of work as the complainant and was not assigned to the same position. The Commissioner issued an opinion that the employer violated the provisions of the Law on the Prohibition of Discrimination and recommended that the complainant be offered a job again.

More at: <https://ravnopravnost.gov.rs/1115-23-utvrdjena-diskriminacija-na-osnovu-zdravstvenog-stanja/>

The draft of the Law on amendments to the Law on Health Insurance stipulates that the chosen doctor would refer the insured to the competent medical commission after a maximum of 15 days of temporary incapacity for work, except in certain cases, instead of 60 days, which is the current situation. Considering the current medical practice, the Commissioner pointed out the need to reconsider the proposed shortening of temporary incapacity for work due to illness or injury. With the Law on Amendments to the Law on Health Insurance that came into force at the end of 2023, it was defined that temporary incapacity for work lasts up to 30 days, or a maximum of 60 days for insured persons suffering from malignant diseases, those temporarily incapacitated for work due to illness or complications related to pregnancy maintenance, persons with disabilities, and for directly performed surgical interventions, except in cases when the intervention is performed in a day hospital.

In recent years, the digitization of healthcare services has experienced a period of accelerated growth as a concept that presupposes the use of technology to assist people and their health, including mobile health monitoring, information technology, wearable devices, platforms and connectivity, telehealth, telemedicine, and personalized healthcare. Therefore, newly emerging digital tools improve the ability for detailed diagnosis and treatment of patients. Data collected through the "Survey on Digital Health in the European Region"¹²⁷ indicate significant progress and obstacles for successful implementation of digital health. The critical role of digital health in achieving universal health coverage and supporting efforts to make healthcare more efficient and accessible is now clearly recognized. The report also illustrates a range of digital health applications and practices in various national contexts.

Based on the review of the situation and problems in achieving equality and protection against discrimination based on age as a personal characteristic, appropriate recommendations have been provided in the summary of this report.

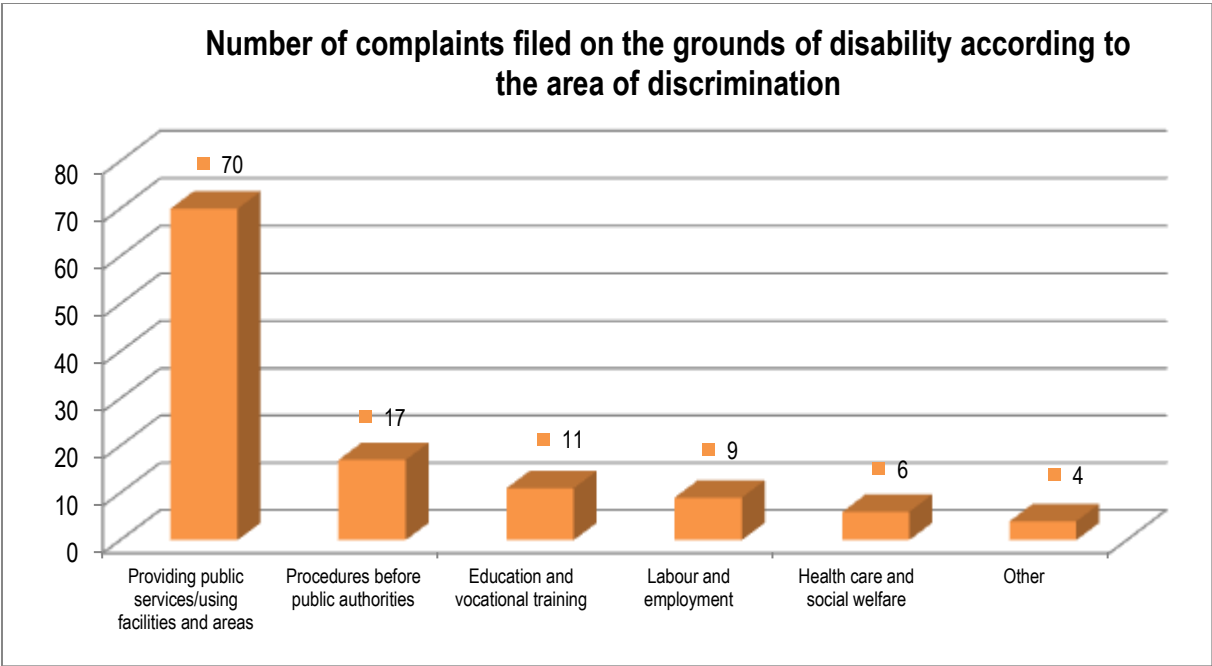
Discrimination on the Grounds of Disability

According to the Commissioner's practice, discrimination on the grounds of disability has been among the top five discriminator grounds for years, while persons with disabilities are one of the most vulnerable groups in all areas of social life, similarly as in other European countries. Due to the prevalence of stereotypes and prejudice about the capacities and

¹²⁷ Available at: https://cdn.who.int/media/docs/librariesprovider2/data-and-evidence/english-ddh-260823_7amcet.pdf?sfvrsn=4c674522_2&download=true

abilities of persons with disabilities, the number and variety of problems they face on a daily basis, coupled with their challenging social and economic situation, persons with disabilities are at a greater risk of discrimination, and are also often subjected to multiple and intersectional discrimination.

In 2023, the Commissioner received 93 complaints against discrimination on the grounds of disability; at 13.4% of the total number of communications, discrimination was the third most common discriminatory ground stated in citizens' complaints.



The majority of complaints were filed against discrimination in providing services or using public facilities and areas (28), followed by procedures before public authorities (21), labour and employment (15), health care and social welfare (13), education and vocational training (10) etc. This year, natural persons filed the highest number of complaints, about 86%, including approximately the same number of men and women.

Some of the observed instances of progress:

- High rate of compliance with the Commissioner’s recommendations and initiatives concerning this discriminatory ground;
- Complaints were mostly filed by individuals, i.e. natural persons, while in earlier years this was mostly done by civil society organisations;
- The number of accessible facilities of public authorities has been increased, particularly in health care;
- Obtaining approval for construction works to adapt entrance halls to residential multi-family properties has been made easier;
- Personal aide services are available in some local self-government units.

Among the key issues are the following:

- Accessibility of facilities and areas, in particular facilities used for public purposes, such as health care, rehabilitation and social welfare institutions;
- The 2022 Report on Implementation of the Strategy for Improving the Position of Persons with Disabilities has not yet been published, while the Action Plan and the

- related financing of the Deinstitutionalisation Strategy have been significantly delayed;
- The inclusive education process is hampered by the inadequate/unequal provision of rights and support services;
 - Underdeveloped community-based support services, lack of cooperation among local self-governments in connection with the provision of services if a person with disabilities eligible to receive the services has a registered address of residence in the territory of one local self-government unit, but stays (e.g. goes to school or works) in the territory of a different one;
 - Insufficient inclusion of persons with disabilities in the labour market, subpar adaptation of tasks and/or posts to the needs of persons with disabilities; consistent enforcement of the duty to employ persons with disabilities is required;
 - Persons with intellectual and psychosocial difficulties are still at a risk of being declared incapacitated.

According to the official data, based on Census results¹²⁸, 356,404 citizens were identified as persons with disabilities, which accounted for 5.4% of the total population. Out of this number, 58% are women, while the most numerous age category among persons with disabilities is 65+. The disability figures are derived from the respondents' replies to questions about whether they have difficulties performing daily activities due to visual impairments (even with spectacles), hearing impairments (even with the use of hearing aids), difficulties walking or ascending stairs, problems with memory and concentration, difficulties with dressing and feeding themselves, cleaning themselves and communicating. To each of these questions, the respondent could state they had no difficulties, some difficulties or many difficulties or are completely unable to perform daily activities, while they were free to refuse to answer the question about disability. The data on disability were collected using a social model according to which a person may consider that, even with a medical issue, they do not have difficulties performing daily activities at home, at school or at work – in particular owing to support from their environment or the use of appropriate aids. In other words, this means that the figure of 356,404 persons does not refer to the actual number, but only to those persons who identify as persons with disabilities. The persons who did not wish to answer any of the questions and the persons in respect of whom the data were not collected are included in the number of persons whose disability status is unknown, of whom there are 109,343 in total (with a larger share of men: 58,475 men vs. 50,868 women).¹²⁹

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 various rights and accessing various services, while persons with intellectual difficulties are still exposed to the risk of being declared incompetent and are often placed at residential social welfare institutions.

The results of the Commissioner's survey *Attitudes of Citizens towards Discrimination in Serbia* reveal ambivalent attitudes towards persons with disabilities. On the one hand, an overwhelming majority of 82% of the respondents believe that persons with disabilities, if they receive appropriate support, can participate in the life of the community. Also, 80%

¹²⁸ *Census of Population, Households and Apartments, Statistical Office of the Republic of Serbia*, available at:

<https://data.stat.gov.rs/Home/Result/3104020901?languageCode=sr-Cyrl>

¹²⁹ For more information, see: <https://www.politika.rs/scc/clanak/587394/U-Srbiji-zive-356-404-osobe-sa-invaliditetom>, <https://www.stat.gov.rs/sr-latn/vesti/20231201-invaliditet/?a=0&s=0102>

consider that public facilities and transport should be adapted to persons with disabilities and other persons with impaired mobility. And yet, there is a certain degree of doubt about the ability of persons with disabilities to be productive at work, with one fifth of the respondents (21%) stating that persons with disabilities are less productive in the workplace and one quarter (24%) of the respondents believing that persons with disabilities should not work on posts which involve responsibility. Although there is a relatively high level of awareness of the rights of persons with disabilities, many of the respondents believe the best place for them to live would be in institutions if they are unable to take care of themselves. Namely, as many as 40% of the respondents agree with the statement that the best solution for persons with disabilities who are unable to take care of themselves would be placement at specialised institutions, rather than community-based support.

The situation in the EU can be seen from the results of the survey *Special Eurobarometer 535 – Discrimination in the European Union*¹³⁰, according to which around half (49%) of respondents in the EU say discrimination on the basis of disability is widespread in their country, while 47% say it is rare. The share of respondents who believe discrimination on the grounds of disability is widespread has increased by five percentage points since 2019. Thus, nearly 78% of the respondents say they would feel comfortable if a person with a disability held the highest elected political position in their country, 85% would feel comfortable having a colleague with a disability, and at least six in ten feel that way in each country, while seven in ten respondents say they would feel comfortable if their child was in a love relationship with a person with disabilities. However, there are significant variations between countries with regard to this issue. Yet, although the opinions differ from country to country, in 21 Member States the respondents say more frequently than in 2019 they would feel comfortable if their child was in a love relationship with a person with disabilities.

On the rights of persons with disabilities, Serbia has yet to adopt implementing legislation for the December 2021 Law on temporary social care residents, while deprivation of legal capacity procedures need to be changed to strengthen the position of the individuals concerned, states the *European Commission's Serbia 2023 Report*¹³¹. Amendments to the Family Law, aimed at abolishing the existing system of complete deprivation of legal capacity, have yet to be adopted; An implementation report for 2022 on the strategy for the rights of persons with disabilities has yet to be published; the action plan and related funding for the January 2022 strategy on deinstitutionalisation are now significantly delayed and, as a consequence, community-based services have yet to be further developed. The EC Report states that deinstitutionalisation needs to be prioritised by the authorities, women with disabilities in residential institutions continue to face gender-specific forms of violence, while funding for developing community-based services, and for supporting licensed service providers and social services, remains insufficient.

It should be noted that a necessary precondition for consistent implementation of the deinstitutionalisation process is the development of community-based services for independent living. Unavailability of these services could result in a situation where persons who left residential care would lack appropriate support and would be forced to return to the residential institution. Furthermore, due to the lack of community-based services, even

¹³⁰ *Special Eurobarometer 535 – Discrimination in the European Union*, December 2023, available at: <https://europa.eu/eurobarometer/surveys/detail/2972>

¹³¹ European Commission's Serbia 2023 Report, available at: https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/izvestaj_ek_23.pdf

persons who have never used residential care are at a risk of having to rely on residential care services. A prerequisite for a successful deinstitutionalisation process is also increased staffing at the local level.

During the year, the European Union Agency for Fundamental Rights published the guide *Implementing the UN Convention on the Rights of Persons with Disabilities*¹³², which aims to help independent national monitoring frameworks to fulfil their monitoring responsibility set out in the Convention on the Rights of Persons with Disabilities. Indicators are not simply a set of benchmarks. They are instrumental in translating globally agreed standards into specific legal, policy-making and practical steps towards realising fundamental rights, with measurable data and information, and therefore can be of use to all relevant stakeholders, in particular when designing and implementing policies in individual countries.

Compliance of the Strategy for Improving the Position of Persons with Disabilities for 2020-2024 and the Strategy for Deinstitutionalisation and Development of Community-based Services for 2022–2026 with the human rights standards, in particular the Convention on the Rights of Persons with Disabilities, is examined in the *Analysis of Compliance of Public Policies with Human Rights Standards for Persons with Disabilities and the Legislative Framework of the Republic of Serbia*¹³³. The analysis states that both strategies recognise the importance of social inclusion of persons with disabilities and identify the need for training and capacity building of professionals in various systems. However, according to the Analysis, the Deinstitutionalisation Strategy does not set out measures which could be expected to improve the situation of persons with disabilities in this field if implemented; it does not clarify how the needs of potential social welfare beneficiaries would be identified; it does not state whether persons with disabilities would personally be involved in this process, whether they would decide for themselves which services they need and whether they would choose the provider of such service. Lacking are concrete support measures for persons with disabilities in seeking and keeping employment, as well as activities focused on supporting employers through various forms of incentives. The Strategy insists on the enactment of new regulations or amending the existing ones, pursuant to which persons with disabilities are only able to work in segregated conditions. The Strategy for Improving the Position of Persons with Disabilities places independent living in the community in a very broad and insufficiently clear context; it does not offer a comprehensive approach to places where children and adults with disabilities live, and instead covers only social welfare institutions; missing is the implementation of strategic initiatives at the local level, adoption of strategic documents and action plans and establishment of local coordination bodies; and there are no indications of planned amendments to the existing laws and bylaws governing capacity assessment, which in Serbia is based on a medical model, according to the Analysis.

That the situation is similar across Europe can be seen from the *Report of the European Union Agency for Fundamental Rights (FRA)*¹³⁴, which states that, with regard to the protection of fundamental human rights of persons with disabilities, certain progress has been made, but there have also been certain setbacks. The implementation of EU

¹³² *Implementing the UN Convention on the Rights of Persons with Disabilities*, FRA - European Union Agency for Fundamental Rights, 2023, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-uncrpd-human-rights-indicators_en.pdf

¹³³ *Analysis of Compliance of Public Policies with Human Rights Standards for Persons with Disabilities and the Legislative Framework of the Republic of Serbia*, Mental Disability Rights Initiative of Serbia MDRI-S, 2023, available at: https://www.mdri-s.org/public/documents/upload/Analiza%20-%20Dijalog%20promena_final.pdf

¹³⁴ *2023 Fundamental Rights Report*, European Union Agency for Fundamental Rights – FRA, June 2023, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf

accessibility directives, and national accessibility programmes, has advanced. But Member States have missed transposition deadlines, and progress remains uneven. Also, persons with disabilities continue to face significant burdens in accessing education systems. They are less likely to complete their secondary education and get diplomas that are useful for full participation in the job market, and also less likely to enrol in or complete higher education. There are also challenges in the transition between education and the labour market. Also, EU-level and national-level statistics show that the employment gap for people with disabilities persists, and now stands at 23.1 percentage points. In addition, despite reforms aimed at improving participation in the open labour market, segregated employment is still promoted and insufficient support is provided to people with disabilities to ensure that they have access to the labour market. This is particularly the case for women and older people. The Minimum Wage Directive will help improve the situation of people with disabilities. Furthermore, The EU has adopted relevant directives in this area, such as the European Accessibility Act and the Web Accessibility Directive, and progress has been made in incorporating them into national law and implementing them. However, a significant number of Member States have missed the deadline for incorporating the European Accessibility Act into national law, and progress still needs to be made in coming years to ensure full implementation.

That Europe-wide efforts are underway to improve the situation of persons with disabilities is supported by the fact that MEPs have agreed on the use of a single EU Disability Card, which aims to guarantee a minimum standard of support to persons with disabilities across Europe. Since some 87 million people in Europe live with some form of disability and regularly face obstacles when travelling or visiting another Member State, because their status is not equally recognised across the EU, the Committee on Public Health of the European Parliament unanimously approved the position on the introduction of this card and on updating the European Parking Card for Persons with Disabilities, which will ensure that individuals who visit other countries have equal access to special conditions, preferential treatment and parking rights as those who reside in those countries.

As regards the situation in our country, a workshop in which the results of the *Situation Analysis of the Position of Persons with Disabilities in Serbia*¹³⁵ were presented, which was also attended by the Commissioner's representatives, provided an opportunity for numerous civil society organisations to share their experiences. The participants noted there was a noticeable gap between policies and practice. Thus, for example, the supreme advisory body, the Council for the Rights of Persons with Disabilities, includes only seven representatives of organisations of persons with disabilities among its 26 members; this body's reports are not publicly available, while its activities and recommendations are unclear. On the other hand, key issues highlighted by representatives of persons with disabilities in this workshop included disappointment over the failure to recognise and respect their rights, which makes persons with disabilities virtually invisible, as well as the lack of trust in the institutions, specifically the lack of trust that the activities that are implemented would bring about to a change. The participants also highlighted the issues of architectural and communication accessibility, insufficient and undeveloped community-based services, (de)institutionalisation, unsuitable health care and rehabilitation, sexual and reproductive health and the rights of women and girls with disabilities, inclusive education, access to work and employment and

¹³⁵ For more information, see: <https://izkrugavoivodina.org/2023/07/03/iz-kruga-voivodina-na-validaciji-rezultata-situacione-analize/>

assisted decision-making. A particular issue noted by the participants was the disability assessment, rather than needs assessment, which should be individualised and tailored to the specific activities and barriers faced by the person concerned, multidisciplinary, responsive to constant changes and living circumstances and varied over time. It was also noted that persons with disabilities should participate in the decision-making processes and their will should be respected, following a user-friendly approach rather than a medical model.

In 2023, just as in previous years, the largest share of the complaints filed with the Commissioner concerned inaccessibility of various facilities. 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, and also through submitted initiatives and recommended measures for the achievement of equality, she issues public announcements and warnings; also, at all expert meetings and conferences she has attended, the Commissioner has underscored the need for addressing this issue, which concerns not only persons with disabilities, but also other groups of the population with impaired mobility, including older persons, persons with health issues, mothers with children in pushchairs etc. Accessibility of public facilities is particularly important, as mobility and information enables all citizens to fully exercise their rights.

Acting pursuant to a complaint filed by a citizens' association against a medical centre, the Commissioner passed an opinion that provisions of the Law on Prohibition of Discrimination had been breached, in that accessibility of certain health care services had not been provided, including dentistry and gynaecological services, which are situated on the upper floor of the medical centre. Namely, the complaint stated the medical centre was inaccessible to persons with disabilities, because the upper floors were not connected by a lift, and there was no other way of reaching them except via the stairs. The medical centre informed the Commissioner with regard to compliance with the recommendations set out in the opinion that a ramp could not be installed for technical reasons, but, with a view to ensuring accessibility, the institution was considering alternative methods, in the form of a lift ramp to bridge the elevation for persons with disabilities.

For more information, see: <https://ravnopravnost.gov.rs/767-22-utvrdjena-diskriminacija-na-osnovu-invaliditeta-kaolicnog-svojtva/>

In another case, the Commissioner received a communication from a civil society organisation in connection with the inaccessibility of a cinema. A wheelchair-bound woman with disabilities had made several unsuccessful attempts to visit the cinema, but could not access the screen room. Through on-site inspection it was determined that wheelchair users would not be able to enter the cinema building, as there is a staircase at the entrance and no ramp is provided, and this is the only point of entry into the building; while a toilet is available on the ground floor, the building has no lift; furthermore, the building had not been originally designed to serve as a cinema and was subsequently adapted. When a wheelchair user visited the cinema, they would be carried up to the screen room. The Commissioner issued an opinion that provisions of the law had been breached, and the cinema was advised to undertake measures to make its facilities accessible, so that persons with disabilities who are wheelchair users could equally access the content offered by the cinema.¹³⁶

¹³⁶ For more information, see: <https://ravnopravnost.gov.rs/934-22-prituzba-aa-protiv-bb-zbog-diskriminacije-na-osnovu-invaliditeta-u-oblasti-pruzanja-usluga/>

Rehabilitation is essential in the process of improving the health status of persons with disabilities; however, the results of the *Survey on Accessibility of Spa Medical Services to Persons with Disabilities in the Republic of Serbia*¹³⁷ show that these services cannot be used because the services and the facilities are architecturally inaccessible. From visits to six spa medical centres in Serbia, it was found that none of them were fully adapted to accommodate persons with disabilities and a comprehensive plan would have to be put in place to adapt spa complexes to persons with disabilities and older persons. Although some spa medical centres have reconstructed their facilities, they have done so without considering the accessibility standards which are mandatory under the law, and thus most of them lack swimming pool lift chairs, there are no accessible rooms for wheelchair-bound users, there are no accessible toilets, and most of them do not have designated parking spaces for persons with disabilities. The survey has revealed that inaccessibility of services and facilities is as much of an obstacle preventing persons with disabilities from staying at spa medical centres as the financial cost of such stay. Furthermore, an additional reason preventing persons with disabilities from undergoing rehabilitation at spa medical centres are the bylaws, which make it difficult for persons with disabilities to exercise the right to have the cost of their stay covered. If the issue of accessibility of spa facilities were resolved, including in particular the hotel accommodation sections, some of the respondents would be willing to pay their stay once a year, while the rest of them see the cost as an insurmountable obstacle.

The Commissioner's practice with regard to acting pursuant to complaints concerning accessibility has revealed that the solution to this problem often does not require substantial financial resources, and it is sufficient to identify the problem and have the will to address it, which is why it is necessary to raise awareness of the fact that accessibility matters to all and everyone will have a need for it at some point in their life, and, above all, the fact that preventing accessibility is a breach of the law. This is supported by the fact that the Special Hospital in Vrnjačka Banja undertook appropriate measures after receiving a recommendation from the Commissioner, which shows it is possible to ensure accessibility, even if it is an issue that is often not considered, regardless of the availability of financial resources. It is unacceptable and inexcusable when spas, and rehabilitation centres in particular, are inaccessible, as it is exactly persons with health issues and persons with disabilities who are in greatest need of such services. Apart from contributing to improved and enhanced quality of life for persons with disabilities, accessible spa medical centres also boost the development of spa and medical tourism and contribute to the development of the towns where such services are provided.

The Commissioner conducted a procedure pursuant to a complaint filed because a person with disabilities was unable to use the services of a spa wellness centre. When passing the opinion in this case, in addition to the antidiscrimination legislation, the Commissioner also took into consideration the relevant provision of the Law on Planning and Construction, which provide *inter alia* that buildings used for public and commercial purposes, as well as other facilities for public use, must be designed, built and maintained so that all users, and in particular persons with disabilities, children and older persons, are able to freely move and stay within the spaces. Furthermore, the Law on Prevention of Discrimination of Persons with Disabilities provides *inter alia* that the owner of a publicly used facility shall enable access to the facility for persons with disabilities,

¹³⁷ *Results of the Survey on Accessibility of Spa Medical Services to Persons with Disabilities in the Republic of Serbia*, Red Cross Serbia and Accessibility Audit Association Serbia, 2023, available at: <https://saps.rs/preuzimanja/Dostupnost%20banjskih%20usluga%20osobama%20sa%20invaliditetom%20u%20Republici%20Srbi%202023.pdf>

regardless of the type and degree of their disability; the same duty also applies to other persons who are assigned to use such facilities; finally, the owner of a publicly used facility must make adaptations to such facility to make it compliant with the accessibility requirements.

The complaint also stated that the staff at the wellness centre “rudely replied they were unable to accommodate a person with disabilities because they were not accessible”, adding there were “many other establishments and they did not want to accept responsibility for wheelchair-bound persons”.

The Commissioner found discrimination had occurred in this case and management and an employee at the spa wellness centre were recommended to issue a written apology to the complainant, to inform their company’s owner with the Commissioner’s opinion and to refrain from breaching antidiscrimination legislation in their future operations.

For more information, see: <https://ravnopravnost.gov.rs/934-22-prituzba-aa-protiv-bb-zbog-diskriminacije-na-osnovu-invaliditeta-u-oblasti-pruzanja-usluga/>

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, courts, as well as cultural institutions, including cinemas and theatres. Given that efforts to eliminate barriers through adaptation or renovation of facilities have been continual, other activities undertaken by public authorities in this regard are equally important. After years of efforts to improve accessibility, the results remain far from satisfactory, due to the disadvantaged starting position and the sheer number of inaccessible facilities.

To improve the situation of persons with disabilities as much as possible with regard to accessibility of facilities, in the past year the Commissioner issued three initiatives to the line ministry which would significantly contribute to addressing this issue.

The Commissioner submitted to the Ministry of Construction, Transport and Infrastructure an **initiative to amend Article 135 paragraph 8 of the Law on Planning and Construction, by providing for an exemption when works are carried out on building land or a property owned by multiple persons to remove barriers to the mobility of persons with disabilities, children and older persons, it is not necessary to present the certified approval of co-owners or owners of separate parts of the building.**

The Law amending and supplementing the Law on Planning and Construction of 27 July 2023 provides *inter alia*: “When works are carried out to remove barriers to persons with disabilities, children and older persons, it shall not be necessary to present the certified approval of co-owners or owners of separate parts of the building; instead, the only evidence required shall be the certified approval of the residential community in accordance with the regulation governing housing and residential building maintenance.”

This facilitated the procedure for obtaining approval to adapt entrances to residential buildings with multiple apartments.

For more information, see: <https://ravnopravnost.gov.rs/02-23-inicijativa-za-izmenu-zakona-o-planiranju-i-izgradnji/>

Furthermore, another **initiative** was submitted to the same Ministry to supplement the Draft Law amending and supplementing the Law on Planning and Construction, so that the relevant provisions of the Law on Planning and Construction pertaining to the content and the mandatory elements of the detailed design or the building permit design and/or the building plan are also amended, and so that the Law would impose an obligation according to which such designs or other relevant projects would have to include evidence of compliance with the accessibility standards in the form of a Report on compliance with accessibility standards as a mandatory part of the project. This initiative has not yet been complied with.

For more information, see: <https://ravnopravnost.gov.rs/186-23-inicijativa-za-dopunu-nacrta-zakona-o-planiranju-i-izgradnji/>

In addition, another **initiative** was submitted to the same Ministry to develop a systemic long-term plan at the national level to eliminate architectural barriers and improve accessibility of all facilities used by the public and public areas. This systemic plan would have to identify those publicly used facilities which should be prioritised with regard to eliminating architectural barriers and which should be made accessible as quickly as possible in order to meet citizens' demand for exercising various rights and services, including the facilities used by social work centres, health care, preschool and education institutions, pension and disability insurance funds etc. The systemic plan to eliminate architectural barriers and improve accessibility should also set out an optimum time schedule for completion, which do not need to be short, and should instead be reasonable given the current circumstances, while also considering and acknowledging the interests of those citizens who are prevented from exercising various rights due to inaccessibility. In order to implement these activities aimed at making public facilities and areas accessible, it is necessary to precisely define the competent entities and provide for cooperation with local self-government units and other entities (including authorities in charge of protecting cultural monuments, experts in relevant fields, civil society organisations etc.) whose activities and mutual cooperation could contribute to the effective performance of specific activities. The Ministry has not informed the Commissioner of its compliance with this initiative.

For more information, see: <https://ravnopravnost.gov.rs/186-23-inicijativa-za-izradu-sistemskog-plana-za-otklanjanje-arhitektonskih-barijera/>

Another major issue faced by persons with disabilities, especially children and youth, is education. The development of inclusive education, supporting the development of every child and enabling them to reach their full potential, also brings about to prevention of discrimination, hostility and intolerance. When they grow up and are educated in more inclusive environment, in a group of diverse peers, in an atmosphere that fosters diversity, children who need additional support become more adaptable and perform better, while also experiencing less stigmatisation. Apart from accessibility, essential for the implementation of inclusive education is the availability of appropriate support services, as well as continuity in their provision. Thus, the Commissioner was contacted by the parents' council of a primary and secondary school where the majority of pupils are wheelchair users, stating the school was not accessible and the children were unable to move independently within the building, which made access to teaching and education more difficult for them. During the year, complaints were again filed in connection with failure to provide personal aide services. The need to provide this service was underscored time and again in the Commissioner's recommendations issued to all local self-governments in the previous years; however, there are still instances of children with disabilities who have not received this essential service. Also, it is not sufficient to provide for this service in a bylaw of the relevant local self-government unit, as it has to be made available in practice, through the provision of financial resources for its implementation, and its continual availability throughout the year must be ensured.

In a procedure pursuant to multiple complaint filed by parents of underaged children, it was stated that the parents had applied for the award of personal aide services to their children and, upon review of their applications, the service was not made available to the children and they were instead put on a waiting list, the justification being that one parent was not in an employment relationship. The Commissioner issued an opinion that the complainant's children had been disadvantaged and that provisions of the law had been breached. The opinion included a recommendation to rectify the consequences of discriminatory treatment of the children concerned by undertaking, without delay, all measures and activities to ensure the provision of personal aide

services in accordance with the applicable regulations; to undertake all measures and activities within their remit in the future to ensure the provision of personal aide services in accordance with the regulations to each child identified as being in need of such service; to bring their bylaws in compliance with the antidiscrimination legislation so that they do not set out discriminatory criteria, such as e.g. the criterion pertaining to the labour law status of the child's parent or guardian, the criterion that the service can be provided only if the education institution in which the child is enrolled was founded by the government etc.; and to comply with the antidiscrimination legislation in their future activities. The Commissioner underscored that, according to the law, the parent/guardian cannot be the child's personal aide and attend school. This recommendation was not complied with, and a warning was subsequently issued, after which the relevant bylaw was amended in 2024.

For more information, see: <https://ravnopravnost.gov.rs/256-23-prituzba-aa-protiv-grad-a-nisa-zbog-diskriminacije-deteta-na-osnovu-invaliditeta/>

In addition to the foregoing, citizens often contacted the Commissioner in situations when various services were inaccessible or denied to them due to their disability, such as inaccessibility of post offices, which has been discussed in previous sections of this report, as well as lack of designated spaces for persons with disabilities in public car parks etc. Persons with intellectual and psychosocial difficulties still face the risk of being declared incompetent, as the regulations governing this field have not been amended, and the situation of persons with mental and intellectual disorders at residential social welfare institutions is particularly worrying. Citizens have also complained in connection with various financial benefits and disability allowances.

Even after the Commissioner's initiative submitted in December 2022, citizens have been contacting this institution in connection with the exercise of the entitlement to disability allowance for certain categories of pensioners. The Commissioner 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.

The Ministry of Labour, Employment, Veteran and Social Affairs stated it would consider the possibility of granting the entitlement to disability allowance to this group of disabled veterans.

For 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/>

Unless persons with disabilities are able to competitively participate in the labour market through education and vocational training, not only will efforts to bring about to their economic empowerment be thwarted, but they will be relegated to jobs which are, as a rule, underpaid and have less advantageous working conditions, or they will remain out of the labour market altogether. The *Analysis of Policies and Recommendations for Improvement of the Situation of Persons with Disabilities in the labour market*¹³⁸ notes that employment of persons with disabilities needs to be updated in view of the major changes in the labour market in recent years. It is also stated that, since the passing of the Law on Professional Rehabilitation and Employment of Persons with Disabilities, the unemployment rate for persons with disabilities has dropped from nearly 20% to about 10%. In addition, the Analysis states the said Law has not yet been fully implemented and there is still much room for improving the employment of persons with disabilities under the existing legislative arrangements, including in particular through the use of the Budget Fund earmarked for this purpose. The analysis also states that the least has been done for persons with intellectual difficulties, i.e. those assessed as having the third degree of legal capacity, since the said

¹³⁸ *Analysis of Policies and Recommendations for Improvement of the Situation of Persons with Disabilities in the labour market*, Youth with Disabilities Forum, 2023, available at: <https://www.cilsrbija.org/wp-content/uploads/2023/11/Analiza-politika-i-reporuke-za-unapredenje-polozaja-osoba-sa-invaliditetom-na-trzistu-rada.pdf>

Law does not sufficiently address this issue. The low level of economic activity among persons with disabilities suggests the labour market has not yet managed to integrate them, which is a major loss for the society, while the lower employment rate of persons with disabilities relative to that of the general population could be attributed to the common problems affecting all persons with disabilities, limited employment opportunities and insufficient opportunities for professional advancement, exacerbated by their lack of mobility and an inaccessible work environment. The Analysis also underscores the need for greater activation of persons with disabilities.

An earlier report of the State Audit Institution¹³⁹ also states that, based on an analysis of the data available to the Tax Administration of the Ministry of Finance, the authority in charge of enforcing the obligation to employ persons with disabilities, which must be provided by all employers subject to this obligation and which provide the basis for proper planning of funding for professional rehabilitation and incentivising the employment of persons with disabilities, it was determined that the Republic of Serbia does not have the data on the total number of such employed persons and the number of persons with disabilities employed by direct and indirect budget spending units whose salaries are covered from the national budget. It is also stated that the lack of control gives rise to a risk that some of the employers will remain unsupervised and will not comply with their obligation to employ persons with disabilities as required by the law.

The Forum of Youth with Disabilities has also conducted a survey¹⁴⁰ to determine employer demand and employment opportunities for persons with disabilities in Belgrade, Novi Sad, Subotica, Zrenjanin, Valjevo and Niš. According to the survey, the main reasons for failure to hire persons with disabilities include unsuccessful search for an appropriate candidate (77%), lack of knowledge of the process of employment of persons (54%) or the fact that the company does not have staff that could provide appropriate support (29%). Companies which still hold on to the traditional mode of employment and do not offer work from home as an option more frequently state lack of financial resources needed to provide special work conditions and provide the infrastructure as an obstacle to employing persons with disabilities. Hybrid work and work from home, as emerging trends, are still more commonly available in large cities, as well as in large or medium-sized companies with sufficient capacities and digital skills to adopt this model. Some companies have created posts that enable work from home to facilitate the employment of persons with disabilities. There is a noticeable split among companies in terms of their awareness of the policies and procedures in the field of employment of persons with disabilities, with 43% of the companies covered by the survey stating they were partly or fully aware of these and one third stating they were not sure, while one in four companies believed they were not sufficiently aware of the policies and procedures. It would appear that additional support is needed for a better understanding of inclusivity in the workplace and the ways in which the workplace and tasks need to be adapted to persons with disabilities, and there is also a need for empowerment of persons with disabilities through psychosocial support and fostering a sense of self-efficiency and self-assuredness, coupled with encouragement for them to develop towards acquiring the knowledge and skills which are specifically needed in the labour market.

¹³⁹ Performance Audit Report, *Professional Rehabilitation and Promotion of Employment of Persons with Disabilities*, State Audit Institution, 2021, available at: <https://www.dri.rs/izvestaji>

¹⁴⁰ *Survey of the Labour Market on the Project "Tailored Job: Economic Empowerment of Persons with Disabilities"*, Forum of Youth with Disabilities, Belgrade, April 2023, available at: <https://fmi.rs/wp-content/uploads/2023/07/Istrazivanje-trzista-rada.pdf>

The Commissioner has continually cooperated with organisations of persons with disabilities through various activities in various spheres of life, ranging from sports, which includes traditional cooperation with the Sport Association of Persons with Disabilities of Belgrade through the action “Equally to the Finish Line” as part of the Belgrade Marathon, which promotes equal participation of athletes with disabilities in the “Pleasure Run”, to culture and arts events, such as Bosifest, an international documentary film festival by and for persons with disabilities, the only of its kind in Southeast Europe, organised by Koloseum Henci Centre. On this occasion, the Commissioner received a letter of thanks for cooperation, and also another letter of thanks for participation in the programme organised to mark the International Day of Persons with Disabilities.

Cooperation between the Commissioner and the Centre for Independent Living of Persons with Disabilities in the course of the previous year resulted in the submission of an Initiative to the City Municipality of Vračar to honour Ms Gordana Rajkov, a pioneer of the movement of persons with disabilities in this part of Europe and the recipient of the Order of Labour with a Silver Wreath and the Order of Merits for the People with Silver Rays. A positive example highlighted by the Commissioner was the procedure pursuant to a complaint filed by the Centre for Independent Living of Persons with Disabilities, concerning the accessibility of polling stations and ballot material, which, after mediation, resulted in the signing of a Memorandum of Understanding with the City Electoral Commission and the City Municipalities of Vračar and Savski Venac.

After receiving a communication from the Sports Association of the Deaf of Serbia, the Commissioner support the **initiative** to amend the Law on Sport with a view to achieving equality of deaf athletes and granting them a status equal to that of other athletes. Thus, the Ministry of Sport was advised it should address the issue of participation in the competitions of deaf athletes, most of whom do not have any other disabilities and thus do not meet the conditions for participating in other competitions specifically for persons with physical disabilities.

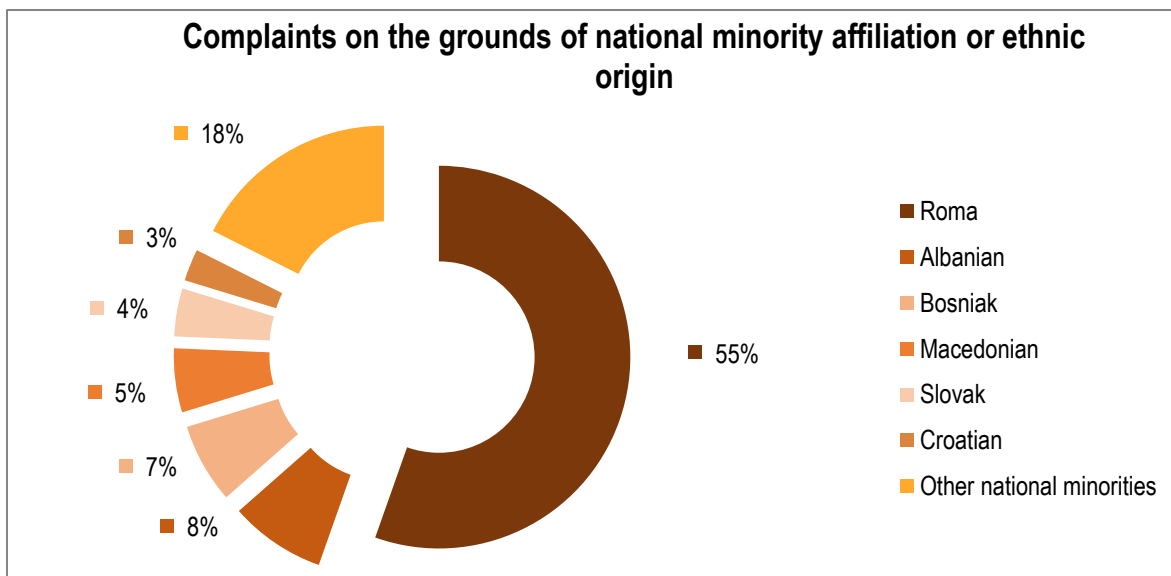
The Ministry of Sport notified the Commissioner it had passed a decision to form a working group tasked with preparing a Draft Law, that they had received proposals from the Sports Association of the Deaf and that they had undertaken actions relevant for future acting and for identifying measures needed to address specific issues faced by persons with disabilities in the sports system.

For more information, see: <https://ravnopravnost.gov.rs/192-23-inicijativa-upucena-ministarstvu-sporta/>

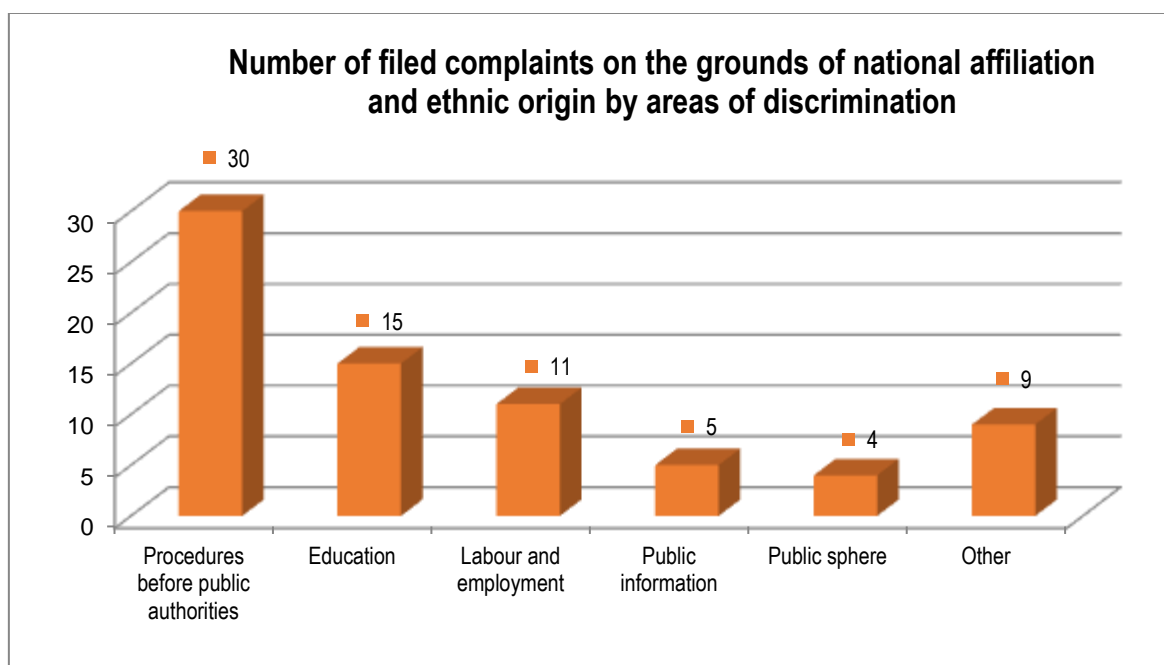
The review of the state of affairs and the issues faced in the exercise of equality and protection against discrimination on the grounds of disability informs the relevant recommendations presented in the summary of this Report.

Discrimination on the Grounds of National Affiliation or Ethnic Origin

In the course of 2023, the total number of communications received from citizens in connection with discrimination on the grounds of national affiliation or ethnic origin included 74 complaints.



Similarly as in previous years, the largest number of complaints concerned discrimination against members of the Roma national minority – 41, accounting for 55.4% of all complaints on these grounds. In terms of frequency of complaints, these are followed by complaints from the Albanian (6), Bosnian (5), Macedonian (4), Slovak (3) and Croatian (2) national minorities, as well as one complaint from each of the Vlach, Ashkali, Hungarian, Jewish, Bulgarian and Slovenian national minorities, while national affiliation was unspecified in seven cases. Just like last year, most of the complaints received by the Commissioner were filed by natural persons (46), mainly men (31), while civil society organisations filed 26 complaints.



In a continuation of last year's trends, the largest number of complaints related to procedures before public authorities (30), followed by education and vocational training (15), labour and employment (11), public information and the media (5), public sphere / general public (4),

with fewer complaints in other areas. The public sphere includes social networks, various platforms and other places accessible to the public.

Some of the observed instances of progress :

- The rate of compliance with issued recommendations remains exceptionally high ;
- Issuing of documents has been improved, as reflected in the number of legally invisible persons;
- Increased number of scholarships granted to Roma pupils to prevent secondary education dropout (1120 in the school year 2022/2023);
- A greater percentage of Roma children has been included in the education system, with mentoring support proving to be an efficient method in the education process for Roma children;
- While desegregation plans have been passed at schools, school administrations and local self-governments have not been sufficiently involved;
- Significant support provided by Roma coordinators, pedagogical aides and health mediators;
- 24 national councils of national minorities have been formed.

Among the key issues are the following:

- A new Action Plan on the Exercise of National Minority Rights has not been passed;
- The staff composition of certain state authorities, local self-government authorities and other public authorities does not match the national makeup of the population in the territories covered by those authorities;
- Persisting stereotypes and prejudice and unacceptable speech, especially against the Roma, as well as other national minorities in individual cases;
- A huge percentage of the Roma face housing issues, including economic difficulties and limited access to water and electricity;
- The school dropout rate remains high, especially for Roma girls;
- Undefined/uncertain status of Roma coordinators and health mediators.

The legislative and institutional framework for the protection of national minority rights has been established in compliance with the highest international standards, which created appropriate conditions for its implementation in practice, as the foundation for operationalisation of specific measures and activities aimed at achieving national minority rights. In this context, the Commissioner submitted an initiative to the Ministry of Human and Minority Rights and Social Dialogue in the reporting year to develop an Action Plan on the exercise of national minority right. The initiative points out that the Action Plan on improving the situation of national minorities should provide for relevant activities to combat antisemitism in compliance with the adopted strategic EU framework, considering the history of our part of the world and the centuries of co-existence of members of different national, cultural and ethnic communities. The initiative also notes that measures should be foreseen to combat all forms of hate speech against any citizen simply because they belong to a certain people or nation.¹⁴¹ In addition to this initiative, an initiative was submitted to the Ministry of the Interior in connection with the application of Article 51 the Regulation on

¹⁴¹ Available at: <https://ravnopravnost.gov.rs/83-23-inicijativa-ministarstvu-za-ljudska-i-manjinska-prava/>

Vocational Training and Professional Development at that Ministry. A communication submitted by Professional Association “Archibald Reiss” stated, among other things, that this provision, which was supposed to constitute an affirmative measure for the employment of members of national minorities, was at times misapplied in practice. In this context, the Commissioner suggested that the said Ministry should review and amend the pertinent provision with a view to clarifying it, so that it unequivocally constitutes an affirmative measure by its nature, since the application of special measures in accordance with the law does not constitute discrimination against persons, notwithstanding the fact that it grants preferential treatment to a person or a group of persons.

In 2023, national councils of national minorities were formed after the regular elections held on 13 November 2022 at 949 polling stations in the Republic of Serbia. The National Council of the Gorani National Minority was elected for the first time. In practice, national councils of national minorities have proven to be a sound organisational model for improving the position of national minorities. Members of 23 minority communities have voted in their national councils: Albanians, Ashkali, Bulgarian, Bunjevacs, Bosniaks, Vlachs, Gorani, Greek, Egyptians, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Ukrainians, Croats, Montenegrins and Czechs. The Executive Committee of the Federation of Jewish Communities of Serbia functions as a national council under the law. These councils are by law vested with public powers to participate in decision-making or to autonomously decide on matters in the fields of culture, education, public information and official use of language and script, with a view to exercising the collective rights of the respective national minority to self-government in those fields.



Seminar for members of national councils of national minorities, 2023

The national councils act as key partners to the Commissioner with regard to improving the position of members of national minorities and protection against discrimination on the grounds of national affiliation and ethnic origin. Since the new convocations of the national councils took office at the beginning of the year, the Commissioner held two two-day seminars in 2023, to present the free mechanism for protection against discrimination before the Commissioner to members of the national minority councils and the members of national minorities who raise their grievances with those councils. In these seminars, representatives of the national councils had an opportunity to learn about the

concept and forms of discrimination, the role, powers and practice of this independent institution, judicial protection and affirmative measures for achieving equality and the different ways of implementing those measures.

In the cooperation with the national councils of national minorities to date, an need for capacity building of the councils' expert services has been identified, while the councils for their part stated they were willing to undergo additional trainings to build their capacities with a view to advancing equality.

The incumbent Commissioner presented the progress achieved regarding the protection of national minority rights in Serbia to the OSCE High Commissioner on National Minorities Kairat Abdrakhmanov and members of his team during their visit to Serbia and the Commissioner, as explained in more detail in the section of this Report on international cooperation. The incumbent also took part in the international conference marking the 30th anniversary of the OSCE High Commissioner on National Minorities in the Hague. In a panel discussion dedicated to results and good practices in achieving active participation of national minorities in social and economic life held as part of that conference, she presented the Commissioner's practice as a form of effective protection of national minorities against discrimination, focusing on cases of discrimination against the Roma. In addition, the Commissioner was among the organisers of the conference *Roma, Faces of Change*¹⁴², which was dedicated to Roma activism and creative intellectual work.



Visit by the delegation of the OSCE High Commissioner on National Minorities, 2023

The *Census of Population, Households and Apartments* was carried out in late 2022 (from 1 to 31 October). The Census results are relevant, among other things, for the development of strategic documents and policies and for the achievement and protection of national minority rights. The Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for 2022-2030 and the Action Plan on its implementation in 2022–2024 were adopted in 2022, with the aim of improving the quality of life for Roma men and women in the Republic of Serbia, ensuring respect for human and minority rights, eliminating discrimination and anti-gypsyism as a form of racism and achieving greater social inclusion across all segments of the society. It is highly pertinent that the Strategy recognises anti-gypsyism as a specific form of racism. The Annual Report on implementation of the Action Plan to implement the

¹⁴² together with the Ministry of Human and Minority Rights and Social Dialogue, the European Roma Institute for Arts and Culture and the Open Society Fund

said Strategy lists a number of significant positive development, as well as activities which will have to be stepped up in the coming period. Thus, for example, one of the highlighted positive developments is the increase in the number of scholarships granted to pupils who are members of the Roma national minority in the school year 2022/23 (1120), in order to provide effective and efficient mechanisms to prevent secondary school dropout through improved scholarship programmes (national and local) and mentoring for pupils of the Roma ethnicity. The report also notes that some activities need to be steeped up, including those involved in the preparation of a Draft Programme on Reintegration of Returnees under Readmission Agreements in 2022-2024.

According to the statistics, the Roma population is considered to be the youngest, with an average age of 28.3 and with more than 50% of Roma men and women younger than 25. However, they also have a higher death rate, and their life expectancy is 12 years shorter than the national average.

With regard to the position of the Roma national minority, certain issues have been identified, in particular in the field of labour and employment, as well as in the fields of education, housing, social welfare and health care. According to the results of the Commissioner's survey *Attitudes of Citizens towards Discrimination*, the respondents believe discrimination against Roma is the most widespread (61%); and yet, although a majority of the respondents recognise the need for better integration of the Roma, 52% of them hold the prejudicial view that the Roma do not actually want to find work, while 39% of the respondents believe the Roma are prone to crime and fraud.

The Commissioner's practice has shown the situation is particularly difficult for Roma women, who suffer multiple discrimination. In 2023, complaints filed by members of the Roma national minority referred to inadequate housing conditions in informal settlements, fear of forced resettlement from such settlements, problems with the enrolment of children in schools, instances of segregation of Roma children or whole Roma classes, especially in schools near Roma settlements, difficulties in finding employment, humiliating and degrading treatment in the provision of services or in exercising various rights and even hate speech expressed through graffiti and posts on social networks and elsewhere in the public space. Complaints in the field of education are particularly relevant, since traumas and experiences from early childhood shape personality development later on in life. The Commissioner has received complaints from parents who stated schools had not undertaken all actions required under the Bylaw on the Course of Action for Education Institutions in Cases of Suspected or Determined Discriminatory Behaviour and Offending Personal Reputation, Honour or Dignity or had not prepared a detailed and comprehensive desegregation plan where the risk of segregation risks. The schools, on the other hand, replied they were not able to address this issue by themselves and needed greater support from local self-government units, as well as greater involvement of school administration. To prevent the creation of segregated classes or schools, the enrolment stage is crucial, and the integration enrolment policies of schools play a central role. One way in which schools can become majority Roma schools can be seen from an example from the Commissioner's practice concerning a complaint filed by a citizens' association. The complaint stated that the head mistress of a primary school had refused to enrol a child of Roma ethnicity in a school in the central area of a city, using inappropriate language and suggesting that the child should instead be enrolled in a different school, one that was closer to a local Roma settlement. Although the procedure pursuant to this complaint is still pending, this is an illustrative example of how failure by a school to

apply an integration policy can result in the creation of segregated classes, and potentially also segregated schools. A school's integration policy should enable its active participation in the local planning for enrolment of Roma children, as well as proper planning of the distribution of Roma children by classes, taking care that no single class has more than 20-25% of children of Roma descent. Situations such as the one described in the abovementioned complaint are also brought about by the prevailing stereotypes and prejudice about the way of life of the Roma population. During the year, the Commissioner also received complaints concerning offensive and degrading comments, primarily on social network, as well as complaints concerning hate speech or insulting speech expressed through graffiti.

A civil society organisation filed a complaint against a person who commented on the Facebook page of a web portal, in response to the news under the headline "Roma of Niš without electricity: Comments alleging we are privileged are hurtful. The comment read as follows: "if Hitler had only one more Saturday, he would have rid the world of them... That will come eventually, though 😊😊". This comment constitutes a display of open hatred of members of a specific national minority, but it is also disturbing for the society at large, in view of the antifascist history and mass casualties among our citizens in World War II, as well as the fact that different national, cultural and ethnic communities have co-existed here for centuries. This statement constitutes hate speech, as it alludes that the "surviving" members of this people will suffer the fate of their compatriots during Hitler's regime. The Commissioner issued an opinion that provisions of the Law on Prohibition of Discrimination had been breached. As the comment was removed, it was recommended that a public apology should be issued to members of the Roma national minority.

For more information, see: <https://ravnopravnost.gov.rs/948-22-diskriminacija-na-osnovu-nacionalne-pripadnosti-ili-etnickog-porekla-u-javnoj-sferi/>

Statements by certain public figures and official carry additional weight and, among other things, have a negative effect by reinforcing stereotypes and prejudice and increasing social distance towards one social group.

WARNING

The Commissioner has condemned a statement made by the Mayor of Belgrade, Aleksandar Šapić, concerning the efforts to find a solution to the issue of the Roma living in unhygienic informal settlements in Belgrade, as inappropriate and deeply worrying, since it shows a fundamental failure to understand the many obstacles in life faced by the Roma. Such statements perpetuate prejudice against this marginalised social group and reinforce the widespread narrative which shifts the blame to those who are discriminated.

For more information, see: <https://ravnopravnost.gov.rs/rs/poverenica-osudila-izjavu-gradonacelnika-beograda/>

The European Commission's *Serbia 2023 Report* states that school dropout rates remain high, especially for Roma girls. Only 7% of Roma children up to 5 years of age attend preschool, compared with 61% in the general population. Only 28% of children living in Roma settlements enrol to upper secondary education, and the rate of completion of secondary school is 61% (overall population 98%), while that rate is the lowest for girls from Roma settlements (49%).

Child marriages and forced marriages are certainly among the reasons behind such school dropout rates. Thus, a publication by the Roma Centre for Women and Children Daje¹⁴³, which presents experiences in the field, identifies child and forced marriages as a key cause of school dropout among Roma girls. Two thirds of Roma women entered into a child marriage without completing primary school, while the dropout rate among Roma women who entered into a marriage/de facto partnership after reaching the legal age this rate was significantly lower (17%). According to the survey, none of the respondents who were in a child marriage completed secondary school, while 29% of the respondents who entered into a marriage/de facto partnership after reaching the legal age completed secondary school. The data are similar for women who were forcibly married: only 10% of the Roma women in forced marriages completed primary school (as opposed to 52% of those who entered into a marriage/de facto partnership of their own free will)¹⁴⁴. In 2022, the National Council of the Roma National Minority adopted the Declaration on the Abolition of Child Marriages, which clearly defines a child marriage as a violation of the rights of the child, one which destroys the lives and future of girls and boys, deprives them of the opportunity to decide about their life, impedes their education and renders them susceptible to violence, discrimination and abuse.

While most commonly occurring among the Roma, child marriages are not exclusive to this ethnic group. As a member of the National Coalition against Child Marriages, the Commissioner has continually underscored that stakeholders at all levels of government need to be involved in addressing this social problem, since it is an issue that requires a systemic and coordinated approach.

The results of an earlier survey conducted by the Commissioner, *Perception of Discrimination among the Roma Community*¹⁴⁵, have shown that the Roma respondents generally believe that education is crucial for equal status in the society (88%), not only as a means of lifting oneself out of poverty, but also as a precondition for full inclusion in all other segments of social life. A sound education provides children, regardless of their national affiliation, an opportunity to develop their potential, acquire skills and knowledge that will enable them to actively participate in all social developments and become competitive in the labour market. The Commissioner's practice has highlighted the importance of a timely and appropriate response by schools to any form of discrimination and violence in accordance with the established legal framework.

A citizen's association filed a complaint against a primary school because it failed to undertake appropriate measures to prevent peer violence against Roma pupils. In the procedure, it was found that the school failed to undertake preventive measures and activities in case of suspected discriminatory behaviour after the complainants' children reported that older pupils are insulting them and call them "Gypsies". A recommendation was issued to the school to plan and undertake measures and activities in the school year 2023/2024 to promote and nurture basic values, such as friendship, humanity and solidarity, mutual respect and tolerance in order to ensure safe environment, develop non-violent behaviour and establish zero tolerance towards violence, with elimination of all stereotypes and prejudice against the Roma population in pupils and employees in the school, as well as not to violate anti-discrimination legislation within its activities in the future. The recommendation was complied with.

¹⁴³ *Situation of Female Roma in the Republic of Serbia – Gender-Based Violence, Discrimination, Security*, Roma Centre for Women and Children Daje, Belgrade, 2023, available at: <https://romadaje.org/?p=7831>

¹⁴⁴ *Gender-based Violence against Roma Women and Unavailability of Support Services in Serbia*, Roma Centre for Women and Children Daje, Belgrade, 2019, available at: <http://romadaje.org/?p=7454>

¹⁴⁵ Commissioner for the Protection of Equality, 2020

For more information, see: <https://ravnopravnost.gov.rs/317-23-prituza-zbog-diskriminacije-na-osnovu-nacionalne-pripadnosti-u-oblasti-obrazovanja/>

It should be noted that there is a number of positive examples in practice where schools adequately responded to the Commissioner's recommendations and prevented further case of discriminatory behaviour. Such examples affirm a significant role of educational institutions in the protection of rights and welfare of children. Timely recognition and elimination of violence, together with active involvement of school staff, is the key step for ensuring safe and inclusive environment for all pupils. It is important to promote good practice examples through education of teaching staff and pupils, and also to learn from mistake and continually improve the situation in terms of equality and respect of diversity.

A civil society organisation filed a complaint against a school because a fifth-grade pupil took a knife to school and intended to injure eight-grade pupils of the Roma nationality with whom he had a fight on the bus on the previous day when they were coming home from school. During the procedure, it was found that, in connection with the pupil's discriminatory acting, the school first evaluated the severity of the form of discrimination and proposed specific measures, which were subsequently implemented, including: intensified educational work, the pedagogical and disciplinary procedure was initiated, an individual plan for the protection against discrimination was prepared for all participants in this incident, as well as for all pupils in their classes. During the procedure, the Commissioner took into account a finding by an education inspector who performed an extraordinary inspection, and also a follow-up inspection. After the facts were found, the Commissioner issued an opinion that the school did not violate the provisions of the Law on Prohibition of Discrimination.

For more information, see: <https://ravnopravnost.gov.rs/1104-23-prituza-zbog-diskriminacije-na-osnovu-nacionalne-pripadnosti/>

Creating school environment where children of various nationalities share experiences and knowledge contributes to the decrease of prejudice and stereotypes, which builds a more tolerant community, while any form of exclusion or segregation can deepen social divisions and limit children's potential. The Commissioner conducted a procedure against a primary school because one outpost class of this school is attended by children of both Serbian and Roma nationalities, while only pupils of the Roma nationality attend another outpost class. After the procedure, an opinion was issued an opinion stating that the school violated the provisions of the Law on Prohibition of Discrimination by organising school classes in an outpost class only for pupils of the Roma nationality and failing to undertake measures and activities specified by the bylaw, and it was thus recommended to the to the school to prepare a detailed and comprehensive desegregation plan and undertake intervention measures and activities in accordance with the legislation. The school complied with this recommendation.



The housing issue of the Roma is also very complex. Inadequate housing conditions and living in informal settlements significantly hamper access to institutions and the exercise of all human rights, in particular economic and social rights. Since issues and needs can best be identified in the field, The Commissioner, together with the representatives of the city of Kragujevac, visited inhabitants of the informal settlement "Licika" in this city and talked to its inhabitants about their opinion on how to address the issues of the Roma. It was concluded that local self-

government units have the key role in addressing their issues, both in terms of availability of water and electricity, and in terms of various programmes for financial support, employment, availability of personal documents etc. It was also emphasised that support at the national level is also important, particularly in case of poor and underdeveloped local self-governments.

In early 2023, a fire broke out in a Roma settlement in Bulevar Kralja Aleksandra Street in Belgrade. The Commissioner visited this settlement, and subsequently submitted an initiative to the Centre for Social Work and the Red Cross of Serbia, inviting them to urgently take actions within their spheres of competences in order to care for the citizens. Also, the Commissioner strongly condemned comments posted on social networks immediately after this fire, pointing out that in addition to the respect of the law, in such situations a humane dimension was also important, as well as working out how to help people in distress without spreading hate speech and deepening stereotypes and prejudice.¹⁴⁶

During the year, the Commissioner also issued recommended measures to the city municipality of Novi Beograd¹⁴⁷, stating that it should refrain from forced resettlement of inhabitants of the Roma settlement Antena until it ensures alternative accommodation that satisfies the criteria for adequate housing in accordance with international standards. After several months, the Commissioner also issued recommended measures to the city municipality of Čukarica in connection with a similar situation.

The Initiative for Economic and Social Rights A11 addressed the Commissioner, stating that water service was disconnected in an informal collective centre “Ada Ciganlija”, in the municipality of Čukarica where 12 Roma families live (about 90 community members), without a written decision by the Public Utility Company “Belgrade Waterworks and Sewerage”, as well as that the police registered the persons and informed them orally about the upcoming demolition of facilities and resettlement. The Commissioner issued **recommended measures** to the city municipality stating that it should refrain from forced resettlement of inhabitants until it provides alternative accommodation compliant with the adequate housing criteria in accordance with international standards, as well as to find an appropriate and sustainable solution for availability of water and water supply in the meantime. This recommendation was complied with.

For more information, see: <https://ravnopravnost.gov.rs/1007-23-preporuka-mera-go-cukarica-da-se-uzdrzi-od-prinudnog-iseljavanja-stanovnika-i-stanovnica-kolektivnog-centra-ada-ciganlija/>

To find a solution for inhabitants of a Roma settlement in the Prekodolce village, which is located in an unregulated river flow and is thus at risk of floods, the Commissioner initiated in 2023 a meeting with representatives of the municipality of Vladičin Han, the Public Water Management Enterprise “Srbija vode” and the Association of Roma Intellectuals, which also pointed to this issue. The meeting was held at the Commissioner’s premises in April 2023, where the participants agreed that representatives of the municipality of Vladičin Han and the Public Water Management Enterprise “Srbija vode” should jointly review the technical, legal and financial aspects of the solution for this situation, and to propose solutions in cooperation with the Roma association. Representatives of these three parties sent a joint communication to the Commissioner in June, stating that the Public Water Management Enterprise “Srbija vode” financed the Analysis of Urgent Rehabilitation Works at the

¹⁴⁶ For more information, see: <https://ravnopravnost.gov.rs/reakcija-poverenice-povodom-sirenja-govora-mrznje-prema-romima-na-drustvenim-mrezama-i-platformama/>.

¹⁴⁷ For more information, see: <https://ravnopravnost.gov.rs/243-23-preporuka-mera-go-novi-beograd-da-se-uzdrzi-od-prinudnog-iseljavanja-stanovnika-i-stanovnica-romskog-naselja-antena/>

Construction Permit Design (CPD) Level, as well as that value of rehabilitation works, supervision and the analysis exclusive of VAT is RSD 173,175,030.07 (RSD 175,473,327.75 inclusive of VAT). The preparation of the Analysis of Urgent Rehabilitation Works at the Construction Permit Design (CPD) Level, together with compliance with the duties by the municipality of Vladičin Han and the president of the Association of Roma Intellectuals in connection with addressing the property law relations, ensured involvement of all competent institutions to provide funds for the implementation of works, which would permanently resolve a years-long problem with floods in this Roma settlement. The municipality of Vladičin Han contacted the Ministry of Agriculture, Forestry and Water Management to ensure funds to permanently address the issue of flooding of facilities and erosion of arable agricultural land, emphasising that the emergency headquarters of the municipality of Vladičin Han identified the Vrla river as the most critical spot on this location, as well as that the Water Management Centre “Morava” Niš prepared an urgent intervention project, that the value of this project is RSD 152 million and that it includes phased construction. To address this important issue for inhabitants of the Roma settlement, the Commissioner also contacted the Ministry of Agriculture, requesting it to notify the Commissioner’s institution whether the Operational Plan for Defence against Flood for Category 1 Bodies of Water for 2024 would include funds in accordance with the above proposal. Addressing of this issue is underway.

In addition to citizens’ complaints against discriminatory acting against members of the Roma national minority, members of other national minorities also addressed the Commissioner during the year, although to a significantly lesser extent.

Thus, for example, the Commissioner received a complaint against a discriminatory article in the newspapers on the grounds of Albanian national minority. Inadequate and sensationalist reporting can contribute to the spread of distrust among citizens, which makes building of mutual trust and understanding difficult. A report by the Youth Initiative for Human Rights¹⁴⁸ pointed to the inadequate application of the Law on Citizens’ Permanent and Temporary Places of Residence in terms of passivation of residence of Albanians in Preševo valley.

The Commissioner received a complaint against a daily newspaper and its editor-in-chief because of an article titled “Albanians Are Poisoning Our Children-They Are Selling Juice That Causes Cancer”. The Commissioner identified discrimination, and recommended the editor-in-chief of this media not to publish discriminatory articles aimed at or constituting violation of dignity of a person or a group of persons on the grounds of national affiliation as a personal characteristic, against persons of Albanian or any other national affiliation, particularly if this creates fear and intimidating, hostile, degrading, humiliating and offensive environment. Although the overall content leads to a conclusion that the intention of the author of the article was to inform the readers about harmful effects of artificial sweeteners, primarily cyclamate, the Commissioner pointed out that emphasising national affiliation in the title of the article was utterly irrelevant and does not contribute in any manner to better understanding of the topic covered in the article; instead, it draws attention to Albanian national affiliation in a negative context and creates a hostile environment for it. Namely, the title itself presents serious accusations against an entire group of persons with the same personal characteristic. The Commissioner emphasised that, if the author of the article wanted to draw attention of the readers to a certain product, he should have done so in a non-discriminatory and non-stigmatising manner.

For more information, see: <https://ravnopravnost.gov.rs/353-23-u-postupku-po-pritužbi-utvrdjena-diskriminacija-na-osnovu-nacionalne-pripadnosti/>

¹⁴⁸ Passivation of Residence of Albanians in the Preševo Valley as a Discriminatory Practice, Youth Initiative for Human rights, 2023, available at: <https://yihf.rs/bhs/inicijativa-predstavila-izvestaj-pasivizacija-adresa-albanaca-u-presevskoj-dolini-kao-diskriminatorna-praksa/>

During the course of the year, citizens also addressed the Commissioner in connection with the use of the language and script of the Croatian national minority.

An opinion was issued in a procedure pursuant to a complaint filed by a member of the Croatian national minority in the city of Subotica against the Tax Administration-Tax Accounting Unit in Subotica. The complaint stated that this Tax Administration issued a certificate to the complainant where name and surname of the taxpayer are written in the Cyrillic script. In its response, the Tax Administration stated that, when issuing the certificate, a tax officer acted in good faith and in accordance with the Law on Official Use of Languages and Scripts, under which, when a client who is a member of a national minority participates in the procedure, on the client's request the procedure is conducted in the language of that national minority officially used by that authority. Taking into account that the taxpayer did not request in writing to have his name and surname written in the script of the national minority in the certificate, as well as that, when making an oral request, he did not clearly state that he was a member of the national minority, the Commissioner passed an opinion stating that no provisions of the Law on Prohibition of Discrimination were violated. However, having in mind that the preservation of the identity of national minorities largely depends on the respect of the right to equal use of mother tongue and script, the Commissioner issued recommended measure to the Tax Administration pursuant to Article 33 item 9 of the Law on Prohibition of Discrimination, stating that it should undertake necessary measures and prepare an application form available in languages and scripts of national minorities officially used in the city of Subotica according to its Statutes.

For more information, see: <https://ravnopravnost.gov.rs/rs/805-23-prituzba-zbog-diskriminacije-po-osnovu-nacionalne-pripadnosti-i-jezika/>

Complaints were also filed during the year against the fact that members of minorities were not employed pursuant to a public call for employment; instead, candidates who are members of the national majority were employed.

The Commissioner received a complaint by a member of the Bosnian national minority, against a pre-school institution in the city of Priboj, because she applied twice during the years for employment on the position of chef, however, both times members of the national majority were employed. During the procedure, the Commissioner found that the pre-school institution did not announce a public call with a special (affirmative) measure implying that, when candidates have the same evaluation score, preference would be given to members of minorities, which is why candidates did not indicate in their applications (voluntary) data on whether they belong to a national minority and which. During the procedure, it was further found that preference was given in employment to candidates with longer work experience in pre-school institutions than the complainant. Thus, an opinion was issued that no provisions of the Law on Prohibition of Discrimination were violated; however, using her legal powers, the Commissioner issued recommended measures for the achievement of equality to the pre-school institution, stating that it should announce and conduct future public calls for employment in accordance with the provisions of the Law on Civil Service Employees, according to which institutions must apply affirmative measures during employment in case the national makeup of their staff does not match the national makeup of the population in the local self-government unit, according to the most recent population census in the Republic of Serbia.

For more information, see: <https://ravnopravnost.gov.rs/rs/799-23-prituzba-zbog-diskriminacije-po-osnovu-nacionalne-pripadnosti/>

Isolated cases of disrespect and even intolerance appear in the practice, to which the Commissioner responded by warnings. Thus, in connection with the broken city limit sign in Subotica in the Hungarian language, which was in the colours of the Hungarian national

flag¹⁴⁹, the Commissioner warned that such individual vandalism incidents are particularly harmful and unnecessary in ethnically diverse environments and can negatively affect the values of citizens' joint living and rich diversity.

During the reporting year, a complaint also pointed to an article on a portal under which a comment was posted that contained offensive expressions against Slovak women, such as "Tòtice" and "Zuske".

The Commissioner issued **recommended measures** to a media outlet stating that it must not use expressions and phrases that insult the dignity of Slovak men and women in reporting, such as such as the word "Zuska", which is offensive for Slovak women, as is the word "Tòtice". The recommended measures were complied with.

Више на: <https://ravnopravnost.gov.rs/72-23-preporuka-mera-za-zastitu-od-diskriminacije-medijskoj-kuci/>

In the reporting year, citizens also addressed the Commissioner against a discriminatory graffiti directed against members of the Slovak national minority written in the town of Kisač.

WARNING

The Commissioner condemned the graffiti directed against the Slovak national minority in the town of Kisač and emphasised that multi-culturality, multi-ethnicity, tolerance and joint co-existence are specific characteristics of which Serbia and the city of Novi Sad are proud, and such vandalism incidents do not reflect the actual situation with the interethnic relations; instead, they are an act of individuals and must be condemned. The Commissioner warned that writing messages that incite religious and national hatred is prohibited by the law, and is particularly harmful in multiethnic environments, because these environments should reflect rich diversity and nurture the values of joint life of citizens of all nationalities and religions. The Commissioner invited the competent authorities to respond immediately and find and punish the perpetrators.

For more information, see: <https://ravnopravnost.gov.rs/osuda-grafita-protiv-slovacke-nacionalne-manjine-u-kisacu/>

Immediately after the Commissioner's responding, the graffiti was removed; however, before it was removed, citizens rewrote it into an expression of tolerance and love, emphasising the importance of respect of diversity and co-existence in multiethnic communities.



Escalation of armed conflicts in the Middle East caused a number of serious problems across the world, and graffiti containing prohibited speech and even hate speech appeared as a reaction to these armed conflicts. The Commissioner strictly condemned these graffiti and emphasised that agreement or disagreement with a certain policy or decisions of a country cannot be used as an excuse or justification for hatred and attacks on all members of that nation. The Commissioner also issued a public warning in connection with antisemitic graffiti

¹⁴⁹ For more information, see: <https://ravnopravnost.gov.rs/poverenica-osudila-lomljenje-natpisa-na-madjarskom/>

written on the Sephardic Jewish Cemetery in Belgrade several days after the Holocaust Remembrance Day, emphasising that is incomprehensible and unacceptable to write graffiti that glorify fascism in a country that suffered huge casualties in the fight against fascism, and thus insult all citizens of the Republic of Serbia.¹⁵⁰ The Commissioner also responded immediately to a piece of antisemitic graffiti written at the entrance of the Belgrade Fair and around it, as well as on the premises of the Haver organisation. In this context, recommended measures were issued to the Limited Liability Company “Belgrade Fair” and the Municipal Inspectorate to ensure urgent removal of these graffiti from public places. It should be noted that all these graffiti were removed.

At the international conference dedicated to the Holocaust remembrance titled “Remember ReAct Revisited – Together for Impact”, which was organised by the International Holocaust Remembrance Alliance (IHRA) in cooperation with the Terraforming organisation and the Swedish Embassy in Serbia, the Commissioner *inter alia* said that the principles stated in the European Commission Strategy on Combating Antisemitism and Fostering Jewish Life could be universally applicable and could also be used as a starting point for further activities in this regard. There are indications that fewer and fewer people remember the Holocaust and it is thus necessary to continue education in order to keep remembrance of victims and raise awareness of the importance of the fight against racism and all forms of antisemitism.

The Government adopted on 26 February 2020 the **Resolution** 05 number 06-1822/2020 under which it fully accepted legally non-binding definition of antisemitism of the International Holocaust Remembrance Alliance (IHRA): *“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”*.

In October 2023, **Conclusion** 05 number 90-9525/2023 was also adopted, under which legally non-binding working definitions were accepted, in accordance with the duty assumed by the Republic of Serbia after it joined the International Holocaust Remembrance Alliance (IHRA), regarding the following: the aforementioned IHRA legally non-binding working definition of anti-gypsyism/anti-Roma discrimination, the IHRA working definition of Holocaust distortion and denial and the IHRA working definition of the Holocaust-related archival material.

In view of the foregoing, Holocaust denial is discourse and propaganda that deny the historical reality and the extent of the extermination of the Jews by the Nazis and their accomplices during World War II, known as the Holocaust or the Shoah. Holocaust denial refers specifically to any attempt to claim that the Holocaust/Shoah did not take place. Holocaust denial may include publicly denying or calling into doubt the use of principal mechanisms of destruction (such as gas chambers, mass shooting, starvation and torture) or the intentionality of the genocide of the Jewish people. Holocaust denial in its various forms is an expression of antisemitism.

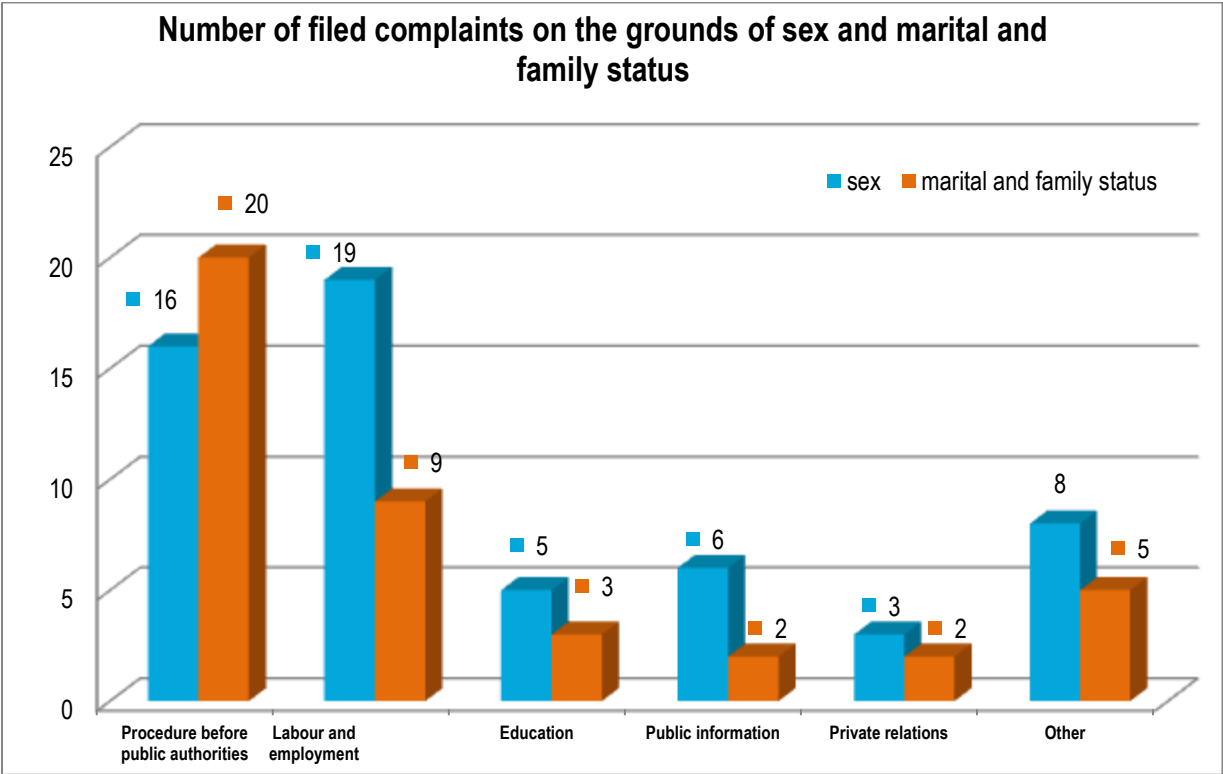
The review of the state of affairs and the issues faced in the exercise of equality and protection against discrimination on the grounds of national affiliation and ethnic origin informs the relevant recommendations presented in the summary of this Report.

Discrimination on the Grounds of 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 a personal characteristic continued through 2023. The Commissioner received 57 complaints on the grounds of sex as a personal characteristic. Most of the complaints were filed by natural persons, namely 53

¹⁵⁰ Available at: <https://ravnopravnost.gov.rs/poverenica-osudila-antisemitske-grafite/>

complaints. In the course of 2023, the Commissioner also received 41 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 (multiple discrimination – discrimination against persons on the grounds of two or more personal characteristics where the impact of individual personal characteristics is distinguishable, while in case of intersectional discrimination the impact of individual personal characteristics is undistinguishable), these two grounds for discrimination are covered jointly in this Report.



The areas to which complaints on these grounds mostly pertained included procedures before public authorities, followed by labour and employment, education and vocational training, public information and the media, as well as private relations. In addition to these, areas that stand apart in terms of the number of complaints are culture, arts and sports, while a number of complaints concerned discrimination in providing public services or using facilities and areas.

Some of the observed instances of progress:

- The Gender Equality Council was formed, as an expert advisory body within the Coordination Body for Gender Equality, for the period of four years;
- The Report on the Achievement of Gender Equality in the Republic of Serbia for 2022 was adopted;
- The Annual Report on Implementation of the Action Plan for 2022 and 2023 for Implementation of the Gender Equality Strategy for the period from 2021 to 2030 was published;
- The Strategy for Development of Small and Medium-Sized Enterprises for the period from 2023 to 2027 includes the improvement of availability and the scope of financial support for female entrepreneurs, as well as the improvement of statistical monitoring of female entrepreneurship;

- The most recent amendments to the Law on Financial Support to Families with Children ensured equal treatment of women who are entrepreneurs and farmers and those working under contract outside employment with women employed with an employer in terms of the right to childbirth leave for the birth of the third and any subsequent child. It also provided the right to fathers for leave for care or a special care for a child if mothers are independent professionals or holders of farms;
- Incentives were ensured for female entrepreneurship, cooperatives and financial incentives for mothers and children;
- Grants are allocated for purchase of village houses with house plots for individuals, single parents, married couples and couples in civil partnership;
- The Bylaw on the Records and Documentation on Persons Who Suffered Domestic Violence and Persons Subject to Protective Measures against Domestic Violence was passed;
- The Programme for the protection of Women against Domestic Violence, Violence in Partnership Relations and Other Forms of Gender-Based Violence in the Autonomous Province of Vojvodina from 2023 to 2026 was adopted;
- The preparation of the Third National Action Plan for Implementation of the UN Security Council Resolution 1325 in the Republic of Serbia was launched.

Among the key issues are the following:

- Gender-based violence remains high, with 28 femicides;
- A National Control Mechanism to monitor cases of femicide in the Republic of Serbia has not been established;
- The Action Plan for Implementation of the National Strategy to Combat Gender-Based Violence against Women and Domestic Violence was not adopted;
- Insufficient capacities of shelters;
- Gender gap in wages for work of equal value (8.8%);
- Observable gender-based stereotypes and divided gender roles in the public and private sphere. Women are often considered responsible for a low fertility rate;
- 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;
- Education is lacking and few contraceptives are covered by the National Health Insurance Fund;
- Professional advancement is difficult for women who return from childbirth leave or leave to care for a child;
- Insufficient representation of women in the public domain, particularly in the media with national coverage.
- Discriminatory speech, sexist and misogynous statements are present in public discourse, on social network and on different platforms.

Women are one of the social groups mostly exposed to discrimination, both on the grounds of sex and marital and family status in various fields of social life. Women are exposed to multiple discrimination, mainly on the grounds of sex and disability, age, national affiliation (primarily the Roma), sexual orientation, health status etc. Women in rural or remote areas and women who are victims of violence and trafficking are also in a difficult situation. Women

exposed to multiple discrimination are disadvantaged not only compared to men in the same groups, but also compared to women in the general population.

Data in the United Nations report *Generation Equality Accountability*¹⁵¹ published in 2023, show that, in spite of strong rhetoric, none of the indicators of the UN Sustainable Development Goal 5 (gender equality) was fully achieved, while multiple crises, regressive laws, violence and discrimination continue to aggravate gender inequality.

Participants in the Commissioner's survey *Citizens' Attitudes towards Discrimination in Serbia* perceive women (50%) as the second most frequently discriminated group after the Roma (61%), as well as that women are mainly exposed to discrimination in the field of labour and employment (68%). Also, respondents stated that they personally experienced discrimination and indicated sex/gender, political beliefs, health status and age as the most frequent grounds for unequal treatment and harassment.

Numerous stereotypes on gender roles characterise the position of women in the society and result in inequalities in housework, care for children and elderly family members, in the labour market, in choosing one's profession, employment and career advancement, and also termination of employment. Also, women account for a vast majority of employees in sectors such as health care, social welfare, education, retail sale and provision of services, i.e. in the sectors with traditionally lower salaries. The survey titled *Girls Have the Floor*¹⁵² *inter alia* showed, in terms of choosing professional guidance, attitudes on gender equality and the position of young women/girls in local communities, that almost one half of secondary school female pupils (48.3%) think that there is difference between male and female job, while about 86% of girls have women as models for selection of their professions.

An illustrative example of making difference between "female and male" occupations can also be seen in the Commissioner's practice. A complainant stated in a complaint against a preschool institution that his occupation was a nursery-school teacher and that he took part in all public calls announced by the institution for employment of nursery-school teachers, however, the nursery has been fostering a stereotype for years that a nursery-school teacher is a "female job" and thus he was not employed. In this case, the Commissioner stated in her opinion that there is no causal relationship between sex and the fact that the complainant was not employed, because other facts were also considered for employment in addition to education, such as evaluation after interviews with candidates and relevant professional experience, and candidates were assessed based on all those criteria. However, taking into account the sex structure of employees in the preschool administration, i.e. a large gender disbalance, the Commissioner issued recommended measures for the preschool institution stating that it should take account in future employment of balanced sex representation by applying an affirmative measure and in case there are equally qualified candidates for employment, to give preference to a candidate belonging to a less represented sex.

For more information, see: <https://ravnopravnost.gov.rs/780-22-prituzba-protiv-predskolske-ustanove-zbog-diskriminacije-po-osnovu-pola/>

According to the most recent Population Census, there are by far more illiterate women than men (71% versus 29%), and more than one half of illiterate women are aged 65 and more, while inclusive education covers much more boys than girls (almost two thirds of pupils

¹⁵¹ Available at: <https://www.unwomen.org/sites/default/files/2023-09/generation-equality-accountability-report-2023-en.pdf>

¹⁵² *Girls Have the Floor*, Women' Leadership Academy, available at: <https://autonomija.info/istrazivanje-devojcice-devojke-i-zene-u-srbiji-smatraju-da-su-diskriminisane/>

educated by individual curricula are boys).¹⁵³ If we observe the modern trends and professions related to the ICT sector, as well as inclusion of women in this field that provides higher salaries, different studies identified the “gender equality paradox”, showing that gender stereotypes are more noticeable among students with high grades, in countries that rank high according to some gender equality indexes or in sectors that require technical skills and offer higher salaries. Policies and programmes aimed at increasing parity in science and technology put the responsibility for initiation of changes on women themselves, instead on, for example, education and work environment that is not supportive for women.

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In her announcement on the occasion of the International Day of Women and Girls in Science, the Commissioner emphasised that the role of the Serbian Academy of Sciences and Arts, as an institution of special academic and scientific importance, is very important in the promotion of women’s scientific and artistic contribution, and thus recommended to the Serbian Academy of Sciences and Arts to undertake measures during the next elections for the achievement of the gender equality principle, because women’s achievements in scientific and artistic creation should also reflect on their membership in that institution.

For more information, see: <https://ravnopravnost.gov.rs/medjunarodni-dan-zena-i-devojaka-u-nauci/>

The Commissioner’s practice showed that special measures aimed at achieving women’s equality to make them equal, primarily on the labour, are not fully understood. Thus, a man filed a complaint to the Commissioner believing that he had been discriminated because a public call for the award of incentives in agriculture had an additional criterium stating that if a woman is the holder of the farm, she is entitled to an additional point in ranking. It should be noted that the provisions of the Constitution and the law provide for the possibility to apply special measures, the introduction of which is allowed to achieve full equality, protection and advancement of a person or a group of persons that are essentially in an unequal position, and this measure in agriculture is a positive example, because much more women than men among the owners of farms and the insurance beneficiaries. A man also addressed the Commissioner, who stated that he was discriminated on the grounds of sex because he was requested to pay a higher membership fee to use a gym than women; however, he did not supplement his complaint and the procedure was terminated.

One half of the world population still believe that men make better political leaders than women, more than 40% believe that men make better executive managers, while 25% believe that it is justified for men to beat their wives, states the report of the UN Development Programme (UNDP) that reflects the most recent data of the World Value Survey.¹⁵⁵ A worrying fact is that in 59 countries where women are more educated than men, the average gender gap in income remains 39% in favour of men. Almost nine in ten people have “fundamental prejudice” against women, the report states and condemns “a decade of stagnation” that led to cancellation of women’s rights in many parts of the world. Biased gender social norms are the main obstacle to achieve gender equality, the report warns, adding that underestimating women’s abilities and rights in the society limits women’s choices and potentials, and such stereotype beliefs are observable in various regions,

¹⁵³ *Women and Men in the Republic of Serbia*, Statistical Office of the Republic of Serbia, 2023, available at: <https://www.stat.gov.rs/sr-Cyrl/vesti/20240209-zena-i-muskarci?a=0&s=0302>

¹⁵⁴ *Innovation and Technological Change, and Education in the Digital Age for Achieving Gender Equality and the Empowerment of All Women and Girls*, Commission on the Status of Women, Report of the Secretary-General, 2023, available at: <https://www.unwomen.org/sites/default/files/2023-02/CSW67-Expert-Group-Meeting-report-en.pdf>

¹⁵⁵ Available at: <https://hdr.undp.org/content/2023-gender-social-norms-index-gsni#/indicies/GSNI>

income, the levels of development and cultures. Also, the report states that the global Gender Inequality Index (GII) has been stagnating since 2019.

According to the *Global Gender Gap Report 2023*¹⁵⁶ of the World Economic Forum, the total gender gap in the fields of economy, politics, health care and education was reduced by only 0.3 % compared with the previous year, while a mild progress in closing the gap to men and a decline in fields such as economy call for an urgent action. The progress is observable in the field of education attainment and an increase in the categories of health care and political empowerment. At the current rate of progress, it will take 169 years for the economic participation and opportunity gender gap, and 162 years to close the political empowerment gender gap. In this Report, Serbia ranked 38th globally out of total of 146 countries, which was a decline compared with 2022, when Serbia ranked 23rd globally.

Data in the above *Report on Progress in Achieving Sustainable Development Goals until 2030 in the Republic of Serbia* of Statistical Office of the Republic of Serbia show that the difference in salaries between women and men in Serbia is increasing year after year. Thus, in September 2020, women's salaries were 10% lower than salaries received by men, while in September 2022, this difference was 15%. Compared with the level of qualifications, differences are the highest in women with higher education, who have salaried by one quarter lower than men with the same level of qualifications.

The report by Commissioner for Human Rights of the Council of Europe Dunja Mijatović¹⁵⁷ states that difficulties in work-life balance remained and additional problem, as well as obstructing women to occupy the highest managerial positions. Women are often asked about their marital status, and reports show insufficient reporting of gender-based discrimination at work, mainly because of fear of losing a job, difficulties in documenting discrimination cases or lack of trust in institutions. According to the relevant data, as the report states, about 83% of women who believe they were discriminated at work did not report such cases.

The Commissioner issued **recommended measures** to all ministries, special organisations and public administrations within ministries for the achievement of equality and the protection against discrimination, stating that in deciding on the advancement of female civil servants, evaluations received in years when female civil servants were evaluated, excluding years when they were not evaluated because they used maternity and childbirth leave and leave to care for a child, are taken into account as subsequent evaluations.

For more information, see: <https://ravnopravnost.gov.rs/86-23-preporuka-mera-ministarstvima-posebnim-organizacijama-i-upravama-u-sastavu-ministarstva/>

Gender roles remain divided in terms of the exercise of the parental right, and women are mainly recognised as the “only” parent as regards duties in connection with informal care, care for children, nutrition, upbringing, hygiene, health of the entire family, which leaves fathers in the background. It is, however, encouraging that the most recent amendments to the Law on Financial Support to Families with Children ensured the rights for fathers to use leave to care for a child or leave for special child care and salary compensation, i.e. the father's salary compensation, if the mother is an independent professional or is a holder of a farm.

¹⁵⁶ Available at: https://www3.weforum.org/docs/WEF_GGGR_2023.pdf

¹⁵⁷ Available at: <https://rm.coe.int/report-on-serbia-by-dunja-mijatovic-commissioner-for-human-rights-of-t/1680ac88cc>

Women spend disproportionately more time doing unpaid work than men. As many as 63% women spend more than 5 hours weekly doing invisible, unpaid work, caring for children and elderly family members¹⁵⁸. Rural women spend 5 hours weekly on an average doing unpaid work, which is bet evidenced by the words: “I am from a village, my work is unlimited”. The Situation is similar with activities in connection with care for children or elderly family members.

In addition to promoting equal distribution of parental roles and encouraging fathers to use leave to care for a child, various forms of support to parents and responses to challenges of modern parenthood should be directed at the introduction and strengthening of community services, such as ensuring sufficient capacities in nurseries and child day care centres, extended stay at schools, facilitating the procedures to enrol children in preschool institutions, creating various forms of financial and any other kind of support and assistance for families, increased use of flexible working hours, ensuring adequate number and types of support services for older persons, persons with disabilities and persons who need long-term care.

Acting pursuant to complaints filed by parents whose children are enrolled in a preschool institution and attend child day care centre regularly, the Commissioner found that certain preschool institutions impose by amendments to their general enactments/bylaws the duty on parents and other legal guardians to submit applications for enrolment of their children for every subsequent working year, although children have already been enrolled in such preschool institutions and attend them regularly. After applications are submitted, preschool institutions evaluated again the requirements for enrolment of children, which prevented some children who have been enrolled earlier in such preschool institutions to continue attending them in the next year, and were placed on waiting lists. A recommendation was also issued to ensure the achievement of legal certainty, i.e. the right to continual education (until enrolment to school) for children who have already been enrolled in and attend preschool institutions, without the duty to enrol again every year.

For more information, see: <https://ravnopravnost.gov.rs/356-23-preporuka-mera-svim-predskolskim-ustanovama/>

Availability of social welfare services *inter alia* depend on the circumstances at the local level, and it is thus very important to establish inter-municipal cooperation through efficient, but sustainable use of resources and partnerships between various actors included in the provision of support, and also continual education of professionals in all systems. As regards the operations centres for social work, an example from the Commissioners practice point to the need to improve the quantitative and qualitative capacities, which the Commissioner has been emphasising for years. During the year, men addressed us on several occasions stating that employees at centres for social work were biased and openly took the mother’s side and they were not able to equally and express their positions and opinions in the procedure for giving custody over a minor during divorce, where the findings and opinions of these centres are very important and affect decisions by courts. Also, fathers also field complaints in connection with access to electronic school attendance registers. Thus, in one case a father stated that school would not allow him to access an attendance register, and this access was important to him to learn timely about achievements of his child, because the child lived with the mother, and he was not on friendly terms with the mother. The Commissioner recommended that the school should instruct the father about the procedure and manner to apply for access to the electronic attendance register, as well as to grant him access, so that he could see the data on the child’s academic performance and conduct.

¹⁵⁸ *Invisible Household Work: Obstacle of Stimulation for Gender Equality*, Citizens’ Association Ternipe, 2023, hard copy, p. 17.

The Commissioner identified discrimination on the grounds of family status in the procedure pursuant to a complaint against a public notary who refused to certify a gift agreement because the contracting parties came with a small child. She justified her acting by claiming that the child's presence was disruptive and the certification procedure could not proceed. The Commissioner issued an opinion that the public notary did not provide evidence based on which it can be concluded that there were any actual disturbances for certification and identified discrimination on the grounds of family status. A recommendation was issued to the public notary to provide an apology in writing because of discriminatory acting.

For more information, see: <https://ravnopravnost.gov.rs/rs/31-23-utvrđena-diskriminacija-na-osnovu-bracnog-i-porodicnog-statusa/>

Demographic characteristics show a declining trend in the rate of natural increase, and women are often unjustly considered responsible for the low fertility rate, while policies aimed at its increase often fail to effectively address the issue. Family planning cannot be the means to achieve the target fertility rates; instead, it can only be the means to encourage personal decisions about childbirth. Women should have an opportunity to choose whether they want to have children, when they would like to have children and how many children they would like to have. Unfortunately, there have been growing trends towards advocating and limiting or revoking the right to abortion, as one of women' acquired rights.

WARNING

In connection with an inappropriate statement by Minister Aleksandar Martinović directed at female members of parliament who do not have children, the Commissioner emphasised that such statement was utterly inappropriate and offensive for many of our citizens, and was indeed vary painful for some of them. Appreciating or stigmatising people only based on whether they have children and how many children they have, which is effectively an invasion of privacy, is inadmissible and constitutes discrimination on the grounds of marital and family status.

The *Annual European Commission Report*¹⁵⁹ states that Roma women, older women, poor women, women with disabilities, refugee and internally displaced women, continue to experience multiple and intersecting forms of discrimination. The Report states that the Commissioner reacted with statements and warnings on several cases of discriminatory attitudes and verbal violence against women, that Serbia still lacks an integrated system for collecting and monitoring cases of violence disaggregated by type of violence and by relationship between perpetrator and victim. The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) made a recommendation to amend the definition of rape in the criminal code to comply with the Istanbul Convention, and that a more comprehensive response is needed to all instances of violence against women, including rape, stalking, sexual harassment and forced marriage.

In her announcement in connection with the campaign "16 Days of Activism against Violence against Women", the Commissioner underscored that prevention of gender-based violence requires constant evaluation of the situation and an urgent response by relevant measures in the protection and prevention system. The Commissioner submitted several initiatives aimed at contributing significantly to improving the position of victims by amendments to the Criminal Code regarding the definition of sexual violence based on the concept of the lack of consent, as well as by providing for a separate offence on the grounds of abuse and publishing of videos with

¹⁵⁹ Available at:

https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/ec_report_serbia_2023.pdf

explicit sexual content, coupled with introduction of the duty for competent authorities to inform victims of gender-based and domestic violence always and in each case when the convict is released from or escapes prison.

For more information, see: <https://ravnopravnost.gov.rs/poverenica-povodom-kampanje-16-dana-aktivizma-protiv-nasilja-nad-zenama/>

Gender-based violence remains one of the most frequent forms of violation of women's rights in the world. 28 women were killed in Serbia in 2023. Femicide is the most drastic outcome of gender-based violence, while the work on its prevention, and imposing effective, proportionate and dissuasive sanctions, are provided for in the Istanbul Convention. The data, which show the extent of the problem and warn it is high time to take urgent response, are still monitored from media reports due to the lack of official records of cases of violence against women, including femicide. Unfortunately, it is still generally considered that family relations are a private sphere of life, and that the protection of privacy is more important than the protection of women's physical and physical integrity. As regards prevention, one of the main steps is elimination of stereotypes on gender roles that reflect inequalities between men and women.

Monitoring the data on femicide includes the data on the number of reported cases, conducted processes, issued protective measures, the number of judgements in favour of victims etc. Due to its intensity, seriousness and complexity, femicide must be recognised as a key social and political issue in prevention and elimination of violence against women. It is necessary to develop international standards and mechanisms to monitor and record femicides, in order to identify the best practice for its prevention.

Analysis of femicide has only gained traction in the past several years, while surveys are still partial, uncomplimentary and incomparable, primarily because the pollsters in various countries use different definitions of femicide and various data collection methods.¹⁶⁰



The issues of violence against women and insufficiently efficient protection systems are common problems in all countries in the region and beyond. This was reaffirmed at the Second Judicial Forum "Gender Equality and the Western Balkans", in which the Commissioner took part, in addition to the key judiciary stakeholders in the region and representatives of the European Court of Human Rights, judiciary and national institutions, members of the academia and non-governmental organisations. This Forum discussed how the judiciary can effectively respond to various types of gender inequality and violence in the Western Balkans. While countries

in the region largely have comprehensive laws, the high incidence of cases of gender-based violence and discrimination shows that the Western Balkans is still far from actual application of the existing arrangements in practice, which is why women remain a very vulnerable category, stated the participants in the Forum among other things.

¹⁶⁰ For more information, see: https://www.europeandatajournalism.eu/cp_data_news/the-undeclared-war-on-women-in-europe-a-systemic-failure-to-prevent-femicides/

A body to monitor femicide has not been formed yet, although this was announced as early as in 2018 and planned under the Strategy to Prevent and Combat Gender-Based Violence against Women and Domestic Violence for the period 2021–2025. As a remainder, the Commissioner supported the initiative submitted to the National Assembly by civil society organisations to establish a national control mechanism to monitor cases of femicide, pointing out that such mechanism would help all stakeholders coordinate the existing activities and work more effectively towards the prevention of and the fight against this most extreme form of violence.

In her announcement on the occasion of the National Day of Remembrance for all women killed in domestic and partner violence, 18 May, the Commissioner underscored that laws and measures were not sufficient, because the root of the problem lied in historically unequal relations in power between men and women, and in the society's widespread tolerance of all forms of violence. She emphasised that reaching a social consensus in the fight against and condemnation of any violence was crucial, as were continual efforts to raise awareness of the importance of respecting everyone's dignity and fostering true values.

For more information, see: <https://ravnopravnost.gov.rs/saopstenje-povodom-dana-secanja-na-zene-zrtve-nasilja/>

A specific form of violence is continuing harmful practice of child, early and forced marriages, i.e. marriages at less than 15 years of age and less than 18 years of age respectively, which is a particular risk for girls. The analysis by Praxis organisation entitled *Prevention and Elimination of Child Marriages and Financial Empowerment of Female Roma at the Local Level in Serbia*¹⁶¹ states that local policies do not recognise the issue of child marriages and thus this phenomenon is not adequately addressed. Child marriage is recognised as a problem in only few municipalities and few public policy documents at the local level, some of which have already expired.

The main service providing protection to women and children who experienced violence are shelters. Although services relating to support and recovery are guaranteed under numerous international conventions ratified by the Republic of Serbia, in practice, the needs of women and children who experienced violence are not met in a satisfactory manner. Ensuring availability of safe accommodation for all women and children who are victims of violence should be a priority in the defence and protection of their rights and the first step towards freedom.

Serbia currently has only 13 shelters for victims of domestic violence and one shelter for victims of human trafficking.¹⁶² The total capacities of these shelters include 190 beds, which is 74% below the standard recommended by the Council of Europe, according to which a country of the size of Serbia should provide a total of 719 beds. It was found that 70% of shelters do not have constantly present security staff, 64.3% of shelters are not accessible to women with disabilities, and none of them have technical tools for communication with persons with sensory disabilities. The report concludes that it is necessary to increase the accommodation capacities, to improve the security of women and to ensure equal access to shelters for women in refugee and migrant populations, LGBTI+, members of the Roma population.

¹⁶¹ Available at: https://www.praxis.org.rs/images/praxis_downloads/Prevenicija_i_eliminacija_decjih_brakova-Analiza.pdf

¹⁶² *Functioning and Work of Shelters for Women Who Are Victims of Violence in Serbia*, Citizens' Association Atina in cooperation with UN WOMEN, 2023, available at: <http://www.atina.org.rs/sites/default/files/Funkcionisanje%20i%20rad%20prihvatali%20C5%A1ta%20za%20C5%BEene%20C5%BErtve%20nasilja%20u%20Srbiji%20-%20Analiza%20zate%20C4%8Denog%20stanja.pdf>

In recent years, the issue of respecting women's rights in health care institutions during pregnancy and childbirth has become increasingly pertinent. Bodily autonomy of women and girls and sexual and reproductive health and rights are still limited, while continual lack of comprehensive legal protection and inadequate availability of sexual and reproductive health services remain significant obstacles. In 2022, the Commissioner issued recommended measures to certain gynaecology and obstetrics clinics, stating that they should undertake necessary actions to ensure the highest standard of health care and human treatment in accordance with regulations and set professional standards for women when health care services are provided to them during pregnancy and childbirth. However, female citizens still contact the Commissioner with accounts of offensive, humiliating, degrading and inhumane treatment in maternity units, during childbirth and during the induced miscarriage procedure. Reports and practice in this field showed that there is still significant negligence in the treatment of women in gynaecology and obstetrics institutions, and it is thus necessary to undertake measures to protect women. In addition, the data published and posted by women in the Facebook group "Stop Violence in Maternity Units" show that obstetric violence, insufficient information, inadequate communication and degrading and insulting treatment during childbirth and other interventions include elements of violation of women's rights in the protection of their reproductive health.

The report *Rights of Women and Girls in Induced Miscarriage Procedure*¹⁶³ indicates the forms of inadequate treatment, such as: forms of physical violence and verbal abuse, experiences of discrimination and neglecting, denial of privacy and confidentiality, the lack of appropriate medicines and high-quality care, which remain unsanctioned, resulting in the lack of trust between women and health care services providers. The report *inter alia* provides a recommendation to organise additional training on the application and the importance of the Law on Patient Rights and the Law on Personal Data protection for employees in health care institutions, as well as trainings on the knowledge and skills necessary for the induced miscarriage procedure. A similar recommendation was provided in the *Report on Women's Rights and Gender Equality in Serbia for 2021 and 2022*, presented by the Female Citizens' Association FemPlatz in 2023, stating that guardians and health professionals should respect informed and free women's decisions on medical procedures, such as abortion and hysterectomy, particularly in case of women with disabilities.

Family planning, pregnancy maintenance and other health care services are of key importance for women and the entire society, while safe pregnancy and childbirth depend on functional health care systems and availability of health care and other relevant services. In this context, female sanitary products are necessary in lives of women and girls, as well as the basic need caused by their sex characteristics.

An initiative was submitted to the Ministry of Finance to exempt female hygiene products (pads, tampons etc.) from value added tax, because these products are not exempted from the tax, nor is a lower tax rate applied to them, and they are subject to the tax rate of 20%, or to decrease the VAT rate on these products that are necessary for all women at certain times in their lives, and which additionally and excessively burden family budgets, particularly in families with several female members, and leave less money to satisfy other basic needs. The lack of financial resources to purchase these products leads to the so-called "menstrual poverty".

¹⁶³ *Rights of Women and Girls in Induced Miscarriage Procedure*, Belgrade Centre for Human Rights, available at: https://www.bgcentar.org.rs/wp-content/uploads/2023/11/ANALIZA_Prava-zena-i-devojcica-prilikom-procedure-indukovanog-pobacaja.pdf

For more information, see: <https://ravnopravnost.gov.rs/1035-23-inicijativa-za-oslobadjanje-od-placanja-poreza-na-dodatu-vrednost-za-proizvode-koji-se-koriste-za-zensku-higijenu/>

Due to their generally poorer financial situation because they do not own property, have lower employment rate and salaries, women are often financially dependent on partners or family members, which increases the risk of discrimination and even violence. As regards property inheritance, it is still customary to give preference to male family members, while women disclaim inherited property in favour of male cousins, although inheritors of both sexes are legally equal. Generally accepted stereotypes that male children stay on family property while women leave when they are married are particularly observable in small, patriarchal communities.

The Commissioner submitted **an initiative** to the Serbian Notary Chamber, pointing to the importance of giving inheritance statements based on full understanding and information. The initiative was submitted for public notaries to provide additional clarifications and explain the consequences of giving inheritance statements in each specific case when they take inheritance statements, in addition to their duties under the law. This would contribute primarily to the improvement of gender equality and to a shift in the gender stereotypes that affect the exercise of the rights of inheritors and the issuing of inheritance statements, as well as the impact of inheritance statements on the exercise of rights and use of services in the field of social welfare.

For more information, see: <https://ravnopravnost.gov.rs/737-23-inicijativa-javnobelesnickoj-komori-srbije/>

With a view to providing information to all social stakeholders, especially citizens, the Commissioner prepared the guide titled *The Right to Inheritance – Equal for All* and a leaflet providing a summary of frequently asked questions and answers regarding the right to inheritance, explaining the main concepts in the inheritance law and presenting the consequences of disclaiming the rights, with information on whom one may contact to seek legal assistance and advice. A national conference was organised together with the UN Entity for Gender Equality and the Empowerment of Women Office in Serbia and the Centre for Research and Development of Society IDEAS, where these educative materials were presented.



Conference Right to Inheritance – Path towards Gender Equality and Elimination of Violence

Owning property is an advantage for starting one's own business. As regards women's entrepreneurship, the *Strategy for Development of Small and Medium-Sized Enterprises for*

the period from 2023 to 2027¹⁶⁴ sets out six strategic objectives, one of which relates to the development and promotion of the entrepreneurial spirit and encouraging of female, youth and social entrepreneurship. The regulatory environment for female entrepreneurs and women on managerial positions still dissuades women from exercising certain rights (sick leave, maternity and childbirth leave). One of the measures involves increased financial and non-financial support, in order to contribute to financial empowerment of women, youth and member of other vulnerable target groups.

According to the data of the Business Registers Agency as of March 2023, more than one third (33.7%) of registered entrepreneurs in Serbia are women. If we compare these data to previous years, we can see a slight increase in the number of female entrepreneurs since 2019, when they accounted for 33.4% of the total number. In addition, compared with the preceding period, the number of women who are founders or general managers of companies has also increased slightly, with women account for one quarter of the total number (25.8%).

In the previous ten years, the share of female entrepreneurs operating in the trade sector decreased, but their number increased in the economy sector and in some sectors that have been traditionally male sectors until recently (expert, scientific, innovation and technical). The majority of female entrepreneurs are still linked to the local market (93.4%), while only 2.7% are on the EU market, and 6.3% on other markets (former Yugoslav republics).¹⁶⁵

The development of female entrepreneurship is also affected by the legislative framework and regulations relating to the equal position of female entrepreneurs and women employed with employers.

IMPORTANT

In the preceding period, the Commissioner launched several initiatives and proposals for review of constitutionality of the Law on Financial Support to Families with Children, because certain categories of women were disadvantaged, such as female entrepreneurs, female farmers, women working under employment contract outside employment. It was stated that due to the lack of appropriate financial support during pregnancy and childbirth leave, these women have to choose between work and family life by postponing pregnancy or closing their enterprise, i.e. stop working. Instead of being an integral part of support measures undertaken by the state to develop female entrepreneurship and self-employment, in addition to unequal position, such differences led to suppression of female entrepreneurship and self-employment, i.e. it resulted in the fact that their parenting is not supported by the society equally as for persons employed with employers.

The most recent amendments of the Law on Financial Support to Families with Children of 1 August 2023, provided equal labour rights to mothers who are independent professionals with rights of all other employed women, since they will be entitled to maternity leave for birth of the third and every subsequent child in the duration of two years. In addition, on the Commissioner's initiative, employed fathers whose wives are entrepreneurs, will be able to use the right to leave to care for a child, for a special child care and salary compensation three months after their child is born. Fathers are entitled to this right after their child is three months old, for the remaining period up to one year, for the first and second child, and two years for the third and every subsequent child.

¹⁶⁴ Available at: <https://privreda.gov.rs/dokumenta/propisi/strategije/strategija-za-razvoj-malih-i-srednjih-preduzeca-za-period-od-2023-do-2027-godine>

¹⁶⁵ *Female Entrepreneurship in Serbia – Ten Years Later*, Secons, 2023, available at: <https://secons.net/wpcontent/uploads/2023/06/UN-Women-Profi-preduzetnica-SRB-web.pdf>

Although significant amendments were made to the Law on Financial Support to Families with Children¹⁶⁶ in several previous years, with the aim of ensuring equal position for female entrepreneurs and women employed with employers, in terms of allowances received based on childbirth and care for children (and special child care), the position of female entrepreneurs remained different from women in employment relation (employed women) in terms of paid contributions. Namely, female entrepreneurs are a group of women who generated income before childbirth subject to payment of compulsory social welfare contributions, but does not have the characteristics of a salary under the labour legislation. This group of women is according to the Law on Financial Support to Families with Children entitled to other allowances based on childbirth and care for children and special child care, which does not include compensation of contributions while they are absent from work because of childbirth. The above ensuring of equal position requires amendments to several laws and their mutual harmonisation, and the Commissioner will continue her activities aimed at addressing this issue.

In future amendments to legislation account should be taken of the fact that the European Union passed in 2019 the *EU Directive on Work-Life Balance for Parents and Carers*, providing for the mandatory leave for fathers in the period of minimum ten days.

The Commissioner supported female entrepreneurship through the platform *Osnažene* (Empowered Women) which gathers female entrepreneurs in the country and the region in various business activities, encourages their cooperation and exchange of experiences, while providing trainings to their members, and the institution traditionally cooperates and actively supports activities of the Association of Business Women in Serbia, female section of the Chamber of Commerce and Industry of Serbia, the Female Leadership Summit, the Dress for Success, Business on High Heels club etc.

With the aim of pointing to women's achievements through time, the institution of the Commissioner supported the opening of the exhibition titled "Women's Rights in Serbian Cultural Heritage", in collaboration with the University Library "Svetozar Marković". The exhibition presented a collection of the most interesting articles in Serbian press dedicated to the fight for women's rights and their exercise, including the first articles on this topic published as early as in the mid-19th Century. An accompanying activity at this exhibition was a Wiki Marathon dedicated to the preparation of Wikipedia pages in Serbian on gender equality.

The cultural setting, availability of resources and life circumstances often have the key role in inclusion of women in sports activities. Lack of support, infrastructure or sexual violence in sports can limit women's interest in sports. This is borne out by complaints received by the Commissioner relating to the field of culture, arts and sports. At the end of the year, the association "Women, Sports, Society" addressed the Commissioner, stating that, out of 128,000 senior athletes registered in 96 sport associations financed from the budget of the Republic of Serbia, only 14% of 18,000 were women. Women have won almost 50% Olympic medals for Serbia, which is a global indicator for success in sports, but it is also misleading, making a delusion that female sports are equal, which is not the case.¹⁶⁷ Given the lack of awareness raising campaigns, mentoring programmes and measures which would facilitate balance between private life and sport, there is clearly a need for thorough

¹⁶⁶ *Official Gazette of the Republic of Serbia* Nos. 113/17, 50/18, 46/21 – Decision by the Constitutional Court, 51/21 – Decision by the Constitutional Court, 53/21 – Decision by the Constitutional Court, 66/21, 130/21, 43/23 – Decision by the Constitutional Court and 62/23

¹⁶⁷ The data were submitted to the Commissioner by the association "Women, Sports, Society", January 2024.

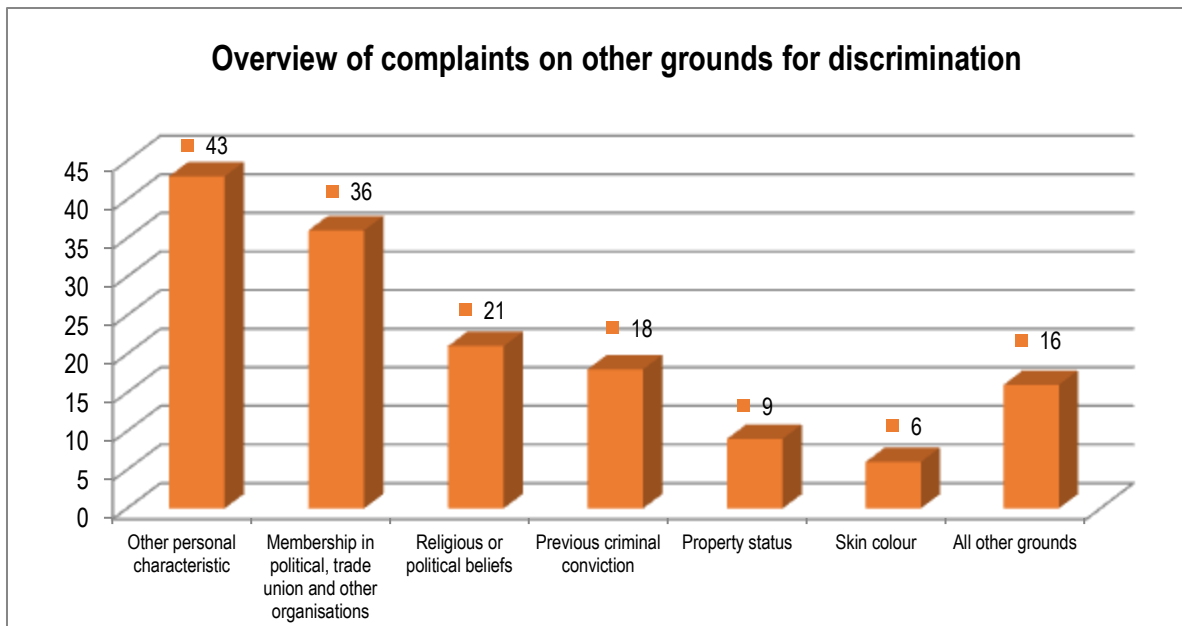
changes in order to achieve actual gender equality in sport. Awareness of these issues should be raised and all stakeholders in the society must be involved in their addressing.

Women's participation in policy-making in the security sector is essential to achieve sustainable development, to promote peace and security and to improve gender equality. Since the implementation of the National Action Plan for implementation of UN Security Council Resolution 1325 in the Republic of Serbia was not evaluated, in 2022, the Commissioner collected and analysed data on the implementation of the NAP, to comply with the duty of independent monitoring, and also implemented the institution's regular activities in connection with monitoring the situation in the field of equality. The Commissioner presented the monitoring report prepared by the institution and recommendations for the next National Action Plan (NAP) for the implementation of Resolution 1325 at the expert conference "Challenges and Opportunities of the Women, Peace, and Security Agenda – Perspectives from Southeast Europe and Ukraine" held in Ljubljana, which was organised by the Ministry of Foreign and European Affairs of Slovenia and the Ministry of Foreign Affairs of Norway. After completion of the independent evaluation of the implementation of the previous NAP and the Commissioner's report, the preparation of the Third NAP was initiated in mid-2023.

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.

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, and we will present these grounds of discrimination collectively in less detail. Complaints on the grounds of other personal characteristic were the next most common group of complaints (43-including personal characteristics that are not explicitly referred to in the Law on Prohibition of Discrimination, such as 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 (36), religious and political beliefs (21), previous criminal conviction (18), sexual orientation (17), gender identity (12), property status (9), skin colour (6), citizenship (5), followed by far fewer complaints on the grounds of race, appearance, birth and language, as shown in the graph below.



The Commissioner in 2023 once again received complaints which alleged discrimination on the grounds of multiple personal characteristics (142 complaints). 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.

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. 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, violence and human trafficking.

Year after year, many people are forced to leave their homes for various reasons, including wars, violence, persecution, violation of human rights etc. Thus, the *Fundamental Rights Report — 2023 Report*¹⁶⁸ states that one of the main challenges faced by European countries during the year in the field of human rights was the refugee crisis caused by the Ukraine war, and that nearly eight million people left Ukraine and fled to European countries because of Russian aggression. The Report states that the EU rapidly activated the Temporary Protection Directive, which allowed Ukrainian refugees legal residence in the EU and access to work, housing, social assistance, education and health care, however, the specific application of this Directive differs in EU Member States, particularly in terms of the duration of the protection for refugees who resided legally in Ukraine until the beginning of the war, stateless persons or third-country nationals. A positive example is provided by

¹⁶⁸ *Fundamental Rights Report — 2023 Report*, European Union Agency for Fundamental Rights (FRA), 2023, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf

countries where central authorities are responsible for the placement of refugees and where refugees are distributed evenly in the country's entire territory; however, there is a general issue of the lack of funds and limited accommodation capacities. The vast majority of people who fled Ukraine are women, who often look after their children or elderly relatives, which is why all provisions relating to the enjoyment of specific rights and benefits must be gender-sensitive. This category of people needs to have financially affordable and appropriate accommodation, they must be offered jobs that fit their skills and qualifications, children should be integrated in regular schools and day-care centres and individual support should be provided to women who experienced sexual harassment and exploitation.¹⁶⁹

The results of the Commissioner's survey *Citizens' Attitudes towards Discrimination* relating to the perception of the presence of discrimination among members of certain groups show that the majority of respondents think discrimination is highly and mostly prevalent against the Roma, women, older persons and migrants. Similar to the results of the previous survey of 2019, social distance against migrants is highly noticeable. Also, the majority of respondents would not like to be closely related to migrants, to have migrants in managerial positions, to have migrants living in their neighbourhood, to have them as nursery-school teachers for their children or to be distantly related to them, to associate with them and to visit them. Almost one half (48%) of the respondents have a very negative or a negative attitude towards refugees and migrants who are currently coming to Serbia, 36% have a neutral attitude, while only 9% have a positive or very positive attitude.

It should be noted that the concept of migrants is accepted as a generic one, denoting economic and other migrants, and also refugees and asylum-seekers, as well as all people on the move, although the distinction is not merely a terminological one; rather, it also determines the different legal status of all these people, indicates the various reasons why they fled their countries and determines the different international conventions that apply to them, and consequently countries have different obligations according to those conventions and national regulations.

The *Country Report: Serbia*¹⁷⁰ provides an overview of the situation and covers the developments in the field of the asylum procedures, reception requirements, detention of asylum-seekers and the scope of international protection. This Report states that, according to the relevant statistics, 120,000 new refugees and migrants were registered in Serbia in 2022, which was twice as many as in 2021, and this number does not include 148,000 refugees from Ukraine who were mainly in transit through Serbia, as well as a significant number of Russian nationals who fled their country because they feared forced mobilisation, political upheavals and lack of business opportunities. Until the end of last year, 220,000 arrivals by Russian nationals were registered. This Report states that, in spite of these high statistical figures, only 4,181 certificates of registration were issued in 2022, while applications for asylum were filed by only 322 persons, which shows there is a low level of interest among refugees and migrants to regulate their status and continue living in Serbia. Their decision to leave is also affected by numerous obstacles, such as inability to access the asylum procedure, insufficient capacities of the Asylum Office, lack of understanding of the procedures and time-consuming procedures.

¹⁶⁹ *Fundamental Rights Report — 2023 Report*, p. 233-234

¹⁷⁰ *Country Report: Serbia*, Nikola Kovačević, IDEAS, 2023, available at: https://asylumineurope.org/wp-content/uploads/2023/05/AIDA-SR_2022update.pdf

The Report states the practice of systematic denial of access to the territory is still present, as is the practice of rejection and other forms of collective deportation of refugees from Serbia to North Macedonia and Bulgaria. From 2016 until the end of 2022, as many as 227,183 cases of prevention of illegal entering were registered, which served, as the Report states, for “the development of the narrative that this practice is necessary, acceptable or even favourable”. Disrespect of the rule of law on external borders of the EU also affected Serbia, mainly in the context of organised crime, or smuggling.

Various criminal organisations included in smuggling activities control areas around the borders with Romania, Croatia and Hungary, as well as the reception centres in Sombor, Subotica and Kikinda, and various violent incidents were reported and documented, including the use of firearms, this Report states. These incidents include poor living conditions, poor hygiene, overpopulation, security incidents within or outside camps, presence of criminal organisations that tend to abuse other users etc. Thus, for example, at the end of the year, the media reported about an armed confrontation of smuggling gangs on the border with Hungary, when three migrants were killed; during the summer three migrants were cared for in a hospital after an armed confrontation; one person was killed in a confrontation between two migrant groups near the city of Sombor; and the body of a migrant was found near the city of Loznica in an abandoned factory.¹⁷¹

In 2022, the total capacity of the 19 asylum and reception centres was increased from 5,915 to 8,155 beds, this Report states. The actual capacities which meet the majority of standards in terms of dignified and safe accommodation, and which can be used for extended periods, are between 3,000 and 3,500. The Report states that the practice of the Asylum Office remained contradictory, and one of the main issues reported by legal aid providers is the lack of the capacity of the asylum officers to apply the *in dubio pro reo* principle (the benefit of the doubt principle), i.e., the threshold of the burden of evidence is set high and leaves the scope for international protection only for those who survived the most violent forms of persecution.

To review the situation of this population group, a situation testing was conducted in late 2022 of provision of services of membership in youth cooperatives.

The Commissioner received a complaint from the Belgrade Centre for Human Rights and A11-Initiative for Economic and Social Rights after a situation testing was conducted to examine discrimination in the provision of services of membership in a youth cooperative. The service of membership in a youth cooperative was not provided to a tester from Afghanistan with approved subsidiary protection, while the same service was provided to a tester who is a Serbian citizen. After the situation testing was completed, the Commissioner issued an opinion that the youth cooperative had violated the provisions of the Law on Prohibition of Discrimination and issued a recommendation for the cooperative to review applications by persons with approved asylum in the Republic of Serbia in each specific case, without negative generalisations against persons on the grounds of any of their personal characteristics, and through an inclusive approach and treatment equal to that afforded to Serbian citizens, to instruct them how to comply with the requirements for membership, and not to violate anti-discrimination regulations in the future in the performance of its tasks and activities. The recommendation was complied with.

For more information, see: <https://ravnopravnost.gov.rs/1123-22-prituzba-aa-i-bb-protiv-zadruga-s/>

¹⁷¹ For more information, see: <https://www.euronews.rs/srbija/drustvo/95214/incidenti-na-severu-srbije-sve-cesci-oruzani-sukobi-izmedu-grupa-krijumcara-migranata/vest>

The Commissioner has continually drawn attention to the fact that the global migrant and refugee crisis requires better and more consistent application of the international standards in the field of human rights, including through cooperation with various civil society organisations, such as Atina NGO, particularly in terms of trafficking and the rights of women and girl migrants, as well as through cooperation with the Centre for Research and Development of Society Ideas in terms of the exercise of the rights of people coming from various ethnic and cultural groups, public policies and practices in the field of protection of refugees and migrants to ensure full respect of human rights and establish an efficient migration management system.



An international round table dedicated to the empowerment of female migrants for participation in the democratic life, 2023

In addition, in 2023, the Commissioner participated in thematic meetings on migrations management in the Republic of Serbia, organised by Group 484. The main topics were: horizontal harmonisation of newly-adopted legislation on the treatment of foreigners and the employment of foreigners with the provisions providing for the legal procedure, with a special focus on the procedure of issuing single work permits, misdemeanour sentencing of foreigners and legal entities that employ foreigners contrary to the provisions of legislation on treatment of foreigners and employment of foreigners and the establishment of a national independent border supervision mechanism.

A representative of the Commissioner also participated in a regional conference titled “Security for Human Beings and Borders – Combating Smuggling of Migrants and Protection of Smuggled Migrants in the Western Balkans Route”, organised by Group 484, where representatives of relevant institutions, independent human rights institutions, international organisations and supervisory bodies and civil society organisations shared their positions and experiences through five thematic sessions, with the aim of sharing ideas for possible improvement of the regional response in the fight against the smuggling of migrants, their protection and defining the framework for the establishment of independent national mechanisms to monitor the respect for human rights at borders.

The Belgrade Centre for Human Rights organised in 2022-2023 a series of focus groups with representatives of non-governmental organisations and national institutions to review issues of relevance for the situation of asylum-seekers and refugees – persons who suffered sexual and/or gender-based violence and LGBTI refugees and asylum-seekers, in which representatives of the Commissioner also took part. Based on the received information and experiences of relevant stakeholders, recommendations were prepared for the improvement

and provision of more efficient and comprehensive protection of LGBTI persons and persons who suffered sexual and/or gender-based violence (SGBV) among migrants and asylum-seekers, which *inter alia* include identification of those who are particularly vulnerable, an improved and strengthened multidisciplinary approach in the work with these groups, ensured full sensibility of all actors in communication and work with SGBV and LGBTI persons, with a special focus on sensibility in communication and work with children, appointment of a constantly available team of psychologists in all asylum and reception centres, ensuring access to the right to health etc.



The Commissioner had meetings with member of the Representative Group of Women and Girls of the NGO Atina “With Girls and For Girls”, to discuss the work of this institution regarding protection against discrimination, particularly regarding protection of the position of victims of gender-based violence. Members of the group shared their experiences and introduced the association’s activities, as well as the recommendations they gave in connection with improving of

the situation and protection of women and girls who suffered violence.

Discrimination on the Grounds of Membership in Political, Trade Union and Other Organisations and on the Grounds of Religious and Political Beliefs

In the Commissioner’s practice, the number of complaints over discrimination on these grounds filed by individuals, as well as members of trade unions, trade union organisations 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 2023 the Commissioner received a total of only 36 complaints on the grounds of this personal characteristic, in most cases over discrimination in the field of labour and employment (19), as well as in other fields, including e.g. public information and the media, procedures before public authorities, activities in trade unions, political parties, NGOs and other organisations etc.

The results of the survey *Citizens’ Attitudes towards Discrimination* primarily show that many citizens perceive the extent of discrimination in the field of labour and employment. Namely, respondents think that discrimination mainly occurs in the field of labour and employment, followed by education, health care and social welfare. Women (68%), the Roma (67%), persons with disabilities (62%) and the poor (57%) are seen as groups mostly exposed to discrimination in the field of labour and employment. As regards experienced discrimination, participants in the survey indicated that they had experienced discrimination in the field of labour, when they were seeking employment (34%) or at the workplace (28%), which underscores the crucial importance of combating discrimination in the field of labour and employment.

Since this institution's establishment, the majority of complaints received by the Commissioner have concerned discrimination in the field of labour and employment – about one third of the total complaints received. Having in mind the importance of the right to work for a person's livelihood and the complexity of legislation, as well as the fact that citizens are more sensitive with regard to this field of social life, it is to be expected that the highest number of complaints should pertain to this field, although in some cases discrimination includes other injustices or violations of rights (mainly workplace mobbing). It is thus of utmost importance to continue the efforts to raise awareness of the protection mechanisms, as well as of the concept of discrimination itself and its forms.

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. For example, a trade union organisation addressed the Commissioner stating that, after the commissioner of this trade union organisation refused to sign capillary votes for a political party, he was transferred within three days and tasked with safekeeping and managing the stamp of the local council, on premises that did not meet the minimum requirements for work and where no one had worked for years – there was no drinking water or toilets, the ceiling was falling off, there was no heating and access to the premises was difficult. It was stated that the complainant was in this manner disadvantaged for reasons related to his appointment to the position of the main commissioner and vice president of the branch trade union. In its response, the City Administration stated that the complainant had been informed that it was a temporary transfer and that the space intended for the office was renovated and he would be transferred soon. The procedure pursuant to this complaint is underway.

In cases of discrimination in the field of labour and employment, citizens who address the Commissioner often wish to remain anonymous, i.e. they often do not put their names in their complaints or withdraw complaints, fearing the consequences of reporting the issue, and believing that reporting discrimination will cause negative response of employers and further worsen their position. Also, witnesses of discrimination are unwilling to testify or withdraw from testifying during the procedure. Such attitudes virtually thwart any efforts to provide protection against discrimination.

In view of the foregoing, the Commissioner participated during the year in the implementation of the International Labour Organisation project titled "Access to Grievance Mechanisms for Workers in Automotive, Electrical and Textile Industry in Serbia", and the above publications *Handbook on Complaint Mechanisms* and *Recognising and Responding to Discrimination in the field of Labour and Employment* were published. Protection mechanisms against discrimination and the key differences between abuse at work and discrimination were presented to representatives of trade unions and employees at educative workshops in Subotica, Novi Sad and Valjevo. In addition, a training for employees in the National Employment Services was organised during the year on the concept and forms of discrimination, especially in the field of labour and employment, which marked the completion the three-year training cycle.

A complaint filed against an association, alleging discrimination on the grounds of a political belief, stated that the complainant submitted a sign-up form for membership in this association, and that he had received a rejection letter because of his critical opinion he publicly presented during an election campaign and because of his social and political engagement. The association replied that they did not know the complainant's political beliefs and that the reason for his rejection had been his previous indecent and non-academic behaviour and offensive and threatening communication with the association and its members. The association also stated that some of their members held the same opinions and social and political engagement as the complainant. A Plea to the National Assembly was also enclosed with the response, which was formulated and first signed by the complainant, and was also signed by eight current members of this association. After completing the procedure, the Commissioner found that no provisions of the Law on Prohibition of Discrimination had been violated.

For more information, see: <https://ravnopravnost.gov.rs/763-22-prituza-a-a-protiv-udruzenja-zbog-diskriminacije-na-osnovu-politickog-ubedjenja/>

In the procedure pursuant to a complaint against the Ministry of the Interior (hereinafter referred to as the "Mol") against discrimination on the grounds of personal characteristics, namely membership in trade unions and health status, the complainant stated that, after he returned to job after sick leave, he was the only one assigned to tasks of the Unit for Unexploded Ordnances, but was not sent to any training or vocational advancement, so he believed that in this specific case he was discriminated on the grounds of his "trade union activities" and because he pointed to unlawful actions in security operations. During the procedure, it was found that there was no causal relationship between the reasons why the complainant had not undergone training and passed the qualifying examination for the operative level of management and any of his personal characteristics. The Commissioner issued an opinion that in this specific case no provisions of the Law on Prohibition of Discrimination had been violated¹⁷².

Complainants against discrimination on the grounds of membership in political, trade union and other organisations often state in their complaints that they were also discriminated on the grounds of their political or religious beliefs as personal characteristics. The Commissioner received 21 complaints on the grounds of **religious or political beliefs** in 2023. Several complaints stated that certain officials in their public addresses presented a number of allegations against certain TV channels, that they promote hatred, stereotypes and prejudice against members, voters and supporters of the party in power.

The complaints also pointed to a negative practice at the airport, where women wearing a hijab were singled out of security lines for separate pat-down searches. During the year, the Commissioner received three complaints stating that Muslim women were discriminated because they were taken out of a metal detector line although a metal detector door frame did not sound an alert, and they underwent pat-down searches in a separate room where they were requested to remove their hijab. A mediation procedure was proposed; however, as this procedure failed, the procedure before the Commissioner was resumed.

Similarly as in the case of personal characteristic membership in political, trade union and other organisations, these complaints are often anonymous or individuals do not provide all necessary information to conduct the procedure on the Commissioner's request, or they withdraw from the subsequent course of the procedure.

¹⁷² For more information, see: <https://ravnopravnost.gov.rs/702-22-nije-utvrdjena-diskriminacija-i-viktimizacija-u-oblasti-rada-i-zaposljavanja/>

In addition to acting pursuant to complaints, during the year Commissioner also issued several warnings and announcements, both on the institution's official website and on social network accounts.

WARNING

The Commissioner strongly condemned the hate speech graffiti against orthodox citizens written on the wall of a primary school in the city of Novi Pazar. She warned that writing messages that incite religious hatred and violence was prohibited by the law, and was particularly harmful in multiethnic communities, because those places should reflect rich diversity and foster the values of co-existence of citizens of all nationalities and religions.

The Commissioner commended the fast response that removed the hate speech graffiti as soon as possible and said she expected the perpetrators to be identified and sanctioned, in order to drive home the message that vandalism and inciting hatred against anyone would not be tolerated. It is essential that such graffiti are met with public condemnation, as a constant reminder that incitement of violence and extremism is not allowed in our society, said the Commissioner.

Since parliamentary and local elections in certain local governments were held on 17 December 2023, the Commissioner underscored the need to use speech that does not increase tensions, to avoid labelling political opponents and to refrain from verbal attacks.

ANNOUNCEMENT relating to the beginning of the election campaign:

All politicians, regardless of their opposing attitudes and heated rhetoric that is present as a rule during election campaigns, have the duty and the responsibility to respect the Constitution and the Law on Prohibition of Discrimination, which prohibit hate speech and also offensive, harassing and degrading treatment of individuals or groups on the grounds of any personal characteristic, said the Commissioner in connection with the forthcoming elections and underscored that we must not lose sight of the fact we will continue living together once the elections have passed.

The Commissioner invited all participants in the election process to make sure they do not contribute to unnecessary increased tensions by their public speech and conduct, and through their social network presence, so that the overall narrative would not turn into aggressive and ultimately inadmissible rhetoric. The phenomena we witnessed in the preceding period, including insults, belittling and threats, placing posters with discriminatory qualifications against politicians, labelling of opponents, broadcasting humiliating videos on TV channels with national coverage, abuse of artificial intelligence to discredit political opponents and attacks on the property of political parties, should be condemned in the strongest possible terms.

Well-argued criticism is positive and welcome, and confronting opinions and dialogue contribute to achieving a consensus on the key issues of relevance for our society and all citizens. Statements that further incite prejudice and reinforce intolerance and stigma against any vulnerable and marginalised group cannot be regarded as freedom of speech and can be particularly dangerous and harmful if they come from political or public figures. Election campaigns are thus *inter alia* a good test of the extent to which each and every one of us is willing to act maturely and take personal responsibility for their words in public space, particularly in the current sensitive circumstances, with the rising tensions and numerous crises in the world, the Commissioner wrote in the closing of her statement.

Also, as already stated, the Commissioner issued a warning in connection with a false death certificate of member of parliament Marinika Tepić posted on social networks, noting that such posts were inappropriate and stating that, while the political fight was rife with insults,

threats and attacks, this post once again crossed the line of unacceptable political fight against opponents because of their actual or assumed personal characteristics.¹⁷³

WARNING

The Commissioner strongly condemned the events that occurred at the very end of the election campaign, such as the promotion of a video and statements containing elements of hate speech against the LGBTI community and political opponents, attacks on activists in a door-to-door campaign and on stands of the Serbian Progressive Party in the city of Kragujevac, an attack on an activist of the coalition “Serbia against Violence” in the city of Pirot, insults against public figures who signed the ProGlas initiative and verbal attacks on NGO activists and members of the City Electoral Commission. Verbal and physical attacks on political opponents, persons of different sexual orientation, individuals or groups only because they have a certain personal characteristic are absolutely unacceptable and must be sanctioned, said the Commissioner and warned that a statement by Miša Vacić that he would “raise children in a patriotic manner even if their parents are of traitorous orientation” was a severe and typical case of discrimination prohibited by the Law on Prohibition of Discrimination. She also called for the immediate removal of such content from all publicly available spaces.

The Commissioner condemned threats and attacks on political opponents and noted that the political fight must be in accordance with the law, with respect for the right to different opinions, and underscored it was paramount that the competent authorities respond immediately, identify perpetrators and punish them adequately, regardless of who attacked whom and whether women, men, members of the government or of the opposition were attacked.

In addition to the cases presented above, the Commissioner also reacted to other content during the year, in particular on social networks and platforms.

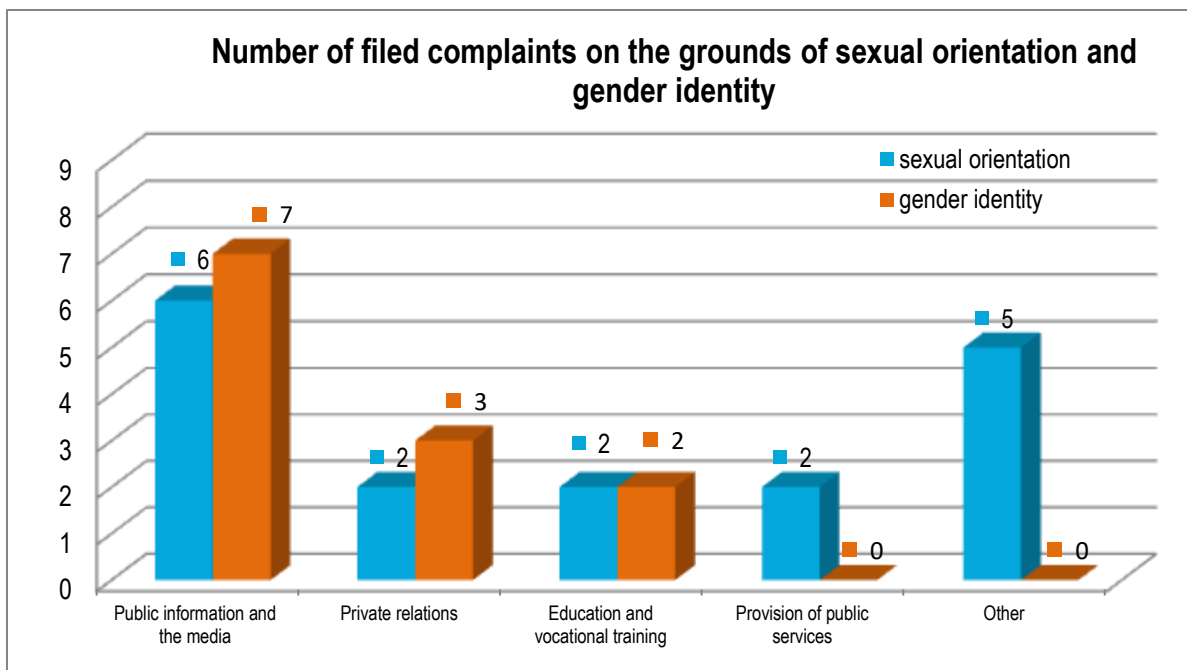
WARNING

The Commissioner condemned a photo posted by Ms Olivera Zekić, President of the Council of the Regulatory Authority for Electronic Media, in which she is shown wearing a Nazi uniform, which she had posted on the Telegram platform. The Commissioner warned that no joke or provocation can serve as justification for promoting one of the most dangerous ideologies in history. The Commissioner reminded that the Law on Prohibition of Events by Neo-Nazi or Fascist Organisations and Associations and Prohibition of the Use of Neo-Nazi and Fascist Symbols and Markings was in force, adding that she expected a response from the competent authorities on this issue.

Discrimination on the Grounds of Sexual Orientation and Gender Identity

In 2023, the Commissioner received 17 complaints on the grounds of sexual orientation and 12 complaints on the grounds of gender identity, in a continuation of the trend observed in previous years in complaints on the grounds of these personal characteristics. 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.

¹⁷³ For more information, see: <https://ravnopravnost.gov.rs/upozorenje-zbog-uznemiravajuće-objave-na-drustvenim-mrezama/>



The areas to which the complaints filed on the grounds of sexual orientation and gender identity most frequently pertained include public information and the media, private relations and education and vocational training.

Some of the observed instances of progress:

- The Pride Week and all supporting events were held;
- A number of trainings were held for employees at public authorities, with emphasis on sensitisation to the position of LGBTI persons in the society;
- Notable willingness on behalf of public authorities to request instructions from competent authorities on how to correctly apply the legislation to ensure recognition of the rights when deciding on applications for name change or change of sex designation filed by transgender and transsexual persons;
- Trainings for employees in registrars' services were continued.

Among the key issues are the following:

- Problems with the issuing of diplomas of completed education, certificates, personal identity documents and other aspects of legal transition that affect the exercise of rights in the field of labour and employment;
- No law has been passed to regulate same-sex partnerships 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;
- Cases of discriminatory media reporting on members of the LGBTI population.

Regarding the position of the LGBTI+ population, in 2023, members of this community still faced social distance and various forms of violence and discrimination. Unlike the previous year, when EuroPride was banned, the Pride Parade was held in September 2023 without any incidents. The media often perpetuate the prejudice and stereotypes by inappropriate

reporting, thus violating the dignity and integrity of LGBTI+ persons. The Commissioner issued public warnings again this year because of the manner of reporting by certain media outlets about this social group, including the case of a missing girl in the town of Kovilj, when the Commissioner strongly condemned the way in which certain media outlets had covered this issue, in which they had revealed the transgender identity of the missing person and disclosed her previous name and photographs. In the warning, the Commissioner underscored this was inadmissible and constituted a violation of the law, the right to privacy and personal data protection.

This case reaffirmed that one of the key issues in the achievement of equality of LGBTI+ persons, as noted time and again by the Commissioner, is incorrect application of regulations when issuing documents to transgender and transsexual persons that affect their everyday lives, as well as public expression of homophobic and discriminatory attitudes inciting intolerance against the LGBTI+ population.

Taking into account the importance of the exercise of the right to equality in the field of labour and employment, in 2023 the Commissioner continued participation in the implementation of the project “Empowering the LGBTI Workforce in the Serbian Labour Market” which promotes diversity, equality and inclusivity in the workplace, and which resulted, among other things, in the development of the *Guide for Implementation of Anti-Discrimination Regulations to Improve the Position of LGBTI+ Persons in the labour market*. Challenges in the application of anti-discrimination regulations in the field of labour and employment, improving the position of LGBTI persons in the labour market and creating an inclusive work environment, with a focus on the current situation, as well as the outlook in Serbia, were the topics addressed at the final conference of this project organised in April at the Chamber of Commerce and Industry of Serbia by the Commissioner, together with the Chevening Fund scholarship holders, with support from the U.K. Embassy in Serbia. On the occasion of the International Day Against Homophobia and Transphobia, representatives of the Commissioner, the project team and the U.K. Embassy visited the EU Info Centre and the Pride Info Centre and presented publications dedicated to elimination of discrimination against LGBTI persons in the labour market, to ensure more efficient protection of this social group at an increased risk of discrimination.

The end of the previous year was also marked by snap parliamentary and local elections. From the very start of the election campaign, the Commissioner underscored that actions and statements that incite discrimination or violence were unacceptable and prohibited by the



law, and also that verbal and physical attacks on persons with different political views, persons with different sexual orientation, individuals and groups only because they have a certain personal characteristic were absolutely unacceptable and must be sanctioned. Some of the participants in the election campaign provided gave with elements of hate speech,

including against the LGBTI+ community, in their campaign videos.

WARNINGS

The Commissioner warned that the election campaign video by Miša Vacić, in which he “promised” his fellow citizens who are members of the LGBTI population he would send them for “treatment” in Moscow or Teheran if elected to serve as mayor, and his statement that he will “raise children in a patriotic manner even if their parents are of traitorous orientation”, constitute a severe and a typical case of discrimination prohibited under the Law on Prohibition of Discrimination. She demanded that all this content be immediately removed from all publicly available places.

Also, in connection with was a song performed by actor and member of the presidency of the Movement of Free Citizens (PSG) Sergej Trifunović and the members of the United Phantoms Movement, which, among other things, insulted Serbian Prime Minister Ana Brnabić based on her sexual orientation, the Commissioner said that humour cannot serve as an excuse for offending anyone because of a personal characteristic. She noted that belittling the members of not only the LGBT+ community, but of any minority community, must not be the object of an attempt at humour or satire, as it incites intolerance of others and those who are different. Disagreement, critique, even using humour, are legitimate and useful, but not if they relate to a personal characteristic that is an important part of an individual’s identity. By respecting diversity, we show how much we respect ourselves and what we fight and advocate for, the Commissioner concluded.

Opinions in which the Commissioner found discrimination had occurred were also issued during the year, prompted by discourse in the public space which insulted the dignity and incited degrading public opinion of LGBTI persons.

The Commissioner received a complaint against statements by a physician in a TV show, who said that “LGBT+ community is promiscuous, which results in the highest number of persons infected by syphilis in this community”. The Commissioner issued an opinion by which she determined discrimination had occurred and recommended that the physician should send a letter of apology because of his publicly stated, stigmatising attitudes about persons of different sexual orientation, and in the future should make sure he does not breach the antidiscrimination legislation when giving statements to the media. In her opinion, the Commissioner stated that public presentation of such attitudes further deepened prejudice and social distance against the LGBT+ population and created a degrading and hostile environment. The recommendation was complied with.

For more information, see: <https://ravnopravnost.gov.rs/65-23-prituzba-zbog-diskriminacije-po-osnovu-seksualne-orijentacije-u-oblasti-javnog-informisanja-i-medija/>

In addition, the Commissioner issued an opinion in the procedure pursuant to a complaint against a website, against discrimination on the grounds of gender identity, in connection with an article titled “Transgender Persons and Professional Sports”, because the article used offensive and discriminatory terminology. The website promoted this article on social networks under the slogan “When Discrimination against a Minority actually becomes Discrimination against the Majority” and “What is Transgender and Can Transgender Women Be Engaged in Sports”. It was recommended that this website should remove slogans promoting the said article, meet with the complainant or representatives of a civil society organisation engaged in the protection of transgender persons to learn in detail about problems and challenges these persons face and comply with the antidiscrimination legislation in the future.

The Commissioner also conducted a procedure pursuant to a complaint in connection with a Facebook post, which denied the existence of transgender persons and insulted and disadvantaged them. An analysis of the statement revealed that the opinions stated in the post perpetuated the existing prejudice and stereotypes against this social group, denying

their identity and the fact that they belong to a gender/sex that differs from that typically associated with the sex they were assigned at birth, as well as that the article was full of misinformation and intimidation, and the transgender concept was thus presented as “madness” that was being brought into Serbia, as a result of a “sexuality propaganda which has already found its way into kindergartens in the West, where laws are being drafted which would allow children to decide for themselves whether to undergo sex reassignment surgery”. The Commissioner noted that statements that further incite prejudice and deepen intolerance and stigma against any vulnerable and marginalised group of persons could not be regarded as freedom of speech and could be particularly dangerous and harmful if they represent attitudes of a prominent political figure. This is reaffirmed by national and international case law. Thus, in one of its previous judgements, the Court of Appeal in Belgrade stated that “the defendant as a prominent political figure has the right to his own opinion; however, he also has the duty not to promote discrimination in his public appearances, while the provision of protection to the plaintiff does not constitute censorship, nor limitation of freedom of speech of the defendant or the right to his opinion and presentation of negative comments; instead, it constitutes the prohibition of speech that disseminates ideas that incite discrimination, which can have harmful consequences for democratic processes in the society and the development of the society as a whole”. In addition, the Commissioner pointed to case law of the European Court of Human Rights, which stated that “attacks on persons done by insults, ridiculing or libelling against certain population groups can be sufficient to allow the government to favour the fight against prejudice in the context of allowed limitations of freedom of expression also in such cases where speech itself does not invite to an act of violence or other criminal offences”.

Also, a female citizen filed a complaint of discrimination on the grounds of sexual orientation against a gynaecologist at a private hospital. During regular gynaecology check-ups, she said that she did not have intimate relations with men, only with women, which is why the gynaecologist proposed alternative examination methods used for women who did not have sexual intercourse at all. Although the patient explicitly said that she had undergone regular examination before, the gynaecologist refused to perform the examination the usual way. The Commissioner recommended that the physician should learn about the position and rights of persons with different sexual orientation, particularly in the field of health care, and comply with the antidiscrimination legislation in the future. The Recommendation was complied with.

Transsexual and transgender persons face a number of issues, such as rejection, discrimination and violence, however, the majority of issues are related to the lack of clear procedures in terms of issuance of personal identity documents.

The Commissioner issued an opinion pursuant to a complaint against an employee in an institution against discrimination on the grounds of sex and gender identity, because she had issued a certificate on internship for the complainant with pronouns in the feminine gender and with his previous female name, although he had submitted full documentation on legal transition after gender reassignment. In her opinion, the Commissioner noted that persons who underwent gender reassignment had a justified interest in having their documents they use in legal transactions, including diplomas on completed education or certificates on completed internship, issued in their new names, in accordance with their gender identity, because this ensures full integration of sex reassignment into their personal and professional life. The recommendation was complied with.

For more information, see: <https://ravnopravnost.gov.rs/268-23-prituzba-zbog-diskriminacije-na-osnovu-licnog-svojtva-rodni-identitet/>

The European Commission against Racism and Intolerance (ECRI) adopted the *General Policy Recommendation No. 17* consisting of measures the Council of Europe Member States should implement with the aim of preventing and combat discrimination and intolerance against LGBTI+ persons. This document, created as a response to the worrying trend in regression of rights of these persons, is a kind of a turning point, because it clearly defines what is expected from decision makers, and it also constitutes a framework based on which ECRI evaluates the situation of LGBTI+ persons in all 46 Council of Europe Member States. As regards the situation in Serbia, of particular importance are recommendations relating to the need for legal recognition of same-sex partnerships; the protection of children and youth, particularly pupils in the education system, against violence and discrimination; elimination and combating hate speech; production of data on the situation of LGBTI persons; adoption of national strategies and action plans to improve their position; working with decision-makers; and the role of employers and companies in the achievement of equality.

The Serbia 2022 Report in terms of the rights of LGBTI persons states there were no developments regarding the draft law on same-sex partnerships, as already planned in the previous antidiscrimination strategy. The Report states that 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. The implementation of hate crime legislation, including on grounds of sexual orientation, remains inadequate. Premises of the Pride Info Centre in Belgrade were attacked several times, and there are still no centralised official data on hate crimes disaggregated by motives based on prejudice. Due to lack of trust in institutions, cases of violence and discrimination towards LGBT+ 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 LGBT+ persons became particularly visible during the COVID - 19 pandemic and is still a concern.



Citizens' attitudes towards the LGBT+ population are also evident from the results of the Commissioner's survey titled *Citizens' Attitudes towards Discrimination*. The majority of respondents (62-68%) does not approve publicly expressed intimacy between same-sex couples, unlike the EU, where this is acceptable for about 50% of the population, which shows that homophobic attitudes are still prevalent in Serbia. One in three respondents in this survey (35%) think that homosexuality is a disease which should be treated. Only one quarter, or 26% of citizens, support legalisation of same-sex marriages, while 45% are strongly against it. Similarly, more than one half of respondents (57%) think that same-sex romantic relationships are unacceptable. In addition, 48% of respondents believe that LGBT+ persons should not enjoy the same rights as heterosexual persons. Such hostile attitude towards members of the LGBT+ community is a

social problem and requires urgent appropriate measures to eliminate homophobia and transphobia.

Problems in families can also be seen from the data in the survey titled *Four Walls Myth*¹⁷⁴. Although 70% of parents are aware of, accept or mostly accept sexual orientation and gender identity of their children, 50% of LGBT+ persons hide their sexual orientation and gender identity, mainly out of fear that they will be rejected. Although almost one half (47%) of these persons do not have partners, the majority of LGBT+ persons (77%) wish to have a same-sex partnership one day, while 51% of them would like to have children in the future. One of the key conclusions after completion of the survey is that same-sex partnerships should urgently be legally recognised and regulated.

The report *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2023*¹⁷⁵ states that there was certain improvement of the legal and public policy frameworks for the protection of human rights and ensuring equality of LGBTI persons, however, hate speech, discrimination and violence are still present. While consensus on marriage equality increases, movements against marriage equality appear in Europe, and homophobic and transphobic violence remain present and is often supported by certain political and religious authorities. Violence against transgender persons remains very problematic. Discrimination occurs in almost all countries and all areas of lives of LGBTI persons.

The primary objective of the World Bank report¹⁷⁶ was to estimate the economic cost of exclusion based on sexual orientation, gender identity and expression, and sex characteristics in the Republic of Serbia. The results of this survey show that the effects of stigma, discrimination, and exclusion against LGBTI persons could be costing economies billions of dollars. It is important to consider not only the direct economic losses from lower incomes and labour productivity, but also the related costs, such as decreased tax revenues and increased fiscal expenditures on active labour market programmes and unemployment benefits. The proposed theoretical models and data collection efforts provide a way to quantify the cost of exclusion and suggest that reducing stigma and discriminatory experiences among LGBTI persons can have a significant positive impact on the economy.

The Commissioner's practice to date has shown that the role of the media is crucial both in terms of dissemination of hate speech and intolerance against certain social groups, and as a mechanism to promote tolerance and examples of good practice that contribute to elimination of stereotypes and prejudice. This is exactly why we have been implementing numerous activities both through the annual tolerance award presented to journalists for articles and reports that promote equality and through handbooks and trainings for journalists and editors on non-discriminatory reporting. Because of the importance of the Commissioner's trainings on the fight against discrimination and hate speech, with a special focus on the situation and rights of LGBTI+ persons, for the representatives of the media, they implementation was continued, as well as the preparation of a new qualitative and quantitative analysis of the frequency of hate speech and forms in which it occurs in Serbian offline and online media, through the third stage of the project titled "Promoting Diversity and

¹⁷⁴ *Four Walls Myth*, IDEAS, 2023, available at: <https://ideje.rs/wp-content/uploads/2023/05/Mit-o-cetiri-zida.pdf>

¹⁷⁵ *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2023*, ILGA-Europe, 2023, available at: https://www.ilgaeurope.org/sites/default/files/2023/full_annual_review.pdf

¹⁷⁶ „The Economic Cost of Exclusion Based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in the Labor Market in the Republic of Serbia“, The World Bank, 2023, available at: <https://openknowledge.worldbank.org/server/api/core/bitstreams/7453ecf7-1b83-433d-b9fa-3133f9f915cb/content>

Equality in Serbia”, which is a part of the European Union and Council of Europe programme titled “Horizontal Facility for the Western Balkans and Turkey 2023-2025”. It should be noted that these trainings have so far been successfully completed by about 50 journalist of print and electronic media, and representatives of the Regularity Authority for Electronic Media, the Journalists’ Association of Serbia, the Independent Journalists Association of Serbia and the Press Council.

Discrimination on Other Grounds

In terms of frequency of other personal characteristics as the alleged grounds for discrimination, the next groups of most common complaints concern previous criminal conviction, property status, skin colour, citizenship, race, appearance, birth and language.

Citizens’ **property status** largely affects the situation of all social groups. Poverty and poor property status of a significant number of citizens is one of the main causes for inequalities and social exclusion. Taking into account the severity of issues linked to poverty for people, this part of the Report will address the main data important for public policy makers, particularly members of parliament, to provide a comprehensive overview of citizens’ situation.

According to the Statistical Office of the Republic of Serbia (SILC Survey), the at-risk-of-poverty rate was 20% in 2022, and compared to 2021, it was lower by 1.2 percentage points. The at-risk-of-poverty or social exclusion rate was 28.1%, and it was lower by 0.3 percentage points compared with the previous year.¹⁷⁷ The at-risk-of-poverty rate represents the share of persons whose equivalised disposable income is below relative poverty line, which was RSD 26,509 monthly on an average for a single person household in 2022. This rate does not show the actual number of poor people, but rather how many of them have an income below the at-risk-of-poverty threshold. The at-risk-of-poverty threshold was RSD 47,715 monthly on an average for a household with two adults and one child aged below 14, while for a four-member household with two adults and two children aged below 14, it was RSD 55,668. The at-risk-of-poverty or social exclusion rate shows the share of individuals who are at risk of poverty or are severely materially and socially deprived or live in households with very low work intensity. According to this survey, observed by age, the at-risk-of-poverty rate shows that individuals aged 65 and over were the most exposed to the poverty risk – 22.6%, as well as individuals aged from 55 to 64 – 21.6%. The lowest at-risk-of-poverty rate was recorded for the group of persons aged from 25 to 54 – 17.9%.

The *Economic Reform Programme for the period from 2023 to 2025*¹⁷⁸ was adopted in early 2023, and it *inter alia* states that poverty is a significant problem in the Republic of Serbia. The poverty risk rate was 21.2% in 2021, which is significantly higher than the EU-27 level (16.8%, SILC, 2021). A drop in the risk of poverty rate of 0.5 p.p. compared to the previous year is attributed, among other things, to incentive measures during the pandemic that were introduced with the aim of protecting jobs and income, although being in constant decline since 2015. The risk of poverty varies by age groups, work status and household type. The most vulnerable are persons aged 18 to 24 - 27.7%, followed by persons over 65 - 22.7%,

¹⁷⁷ SILC Survey, Statistical Office of the Republic of Serbia, 2023, available at: <https://www.stat.gov.rs/sr-latn/vesti/statisticalrelease/?p=13838&a=01&s=0102?s=0102>

¹⁷⁸ Available at: https://www.mfin.gov.rs/upload/media/G8MXn2_63e625e554bd3.pdf

while the lowest rate of poverty risk was experienced by persons aged 25 to 54 - 19.1%. The poverty risk threshold was RSD 24,064 (EUR 205) per month on average for a one-person household. The inequality of income distribution is high, because the indicator of the quintile ratio (S80/S20) was 5.9 in 2021. This means that the richest 20% of the population had 5.9 times more income than the poorest 20%. The Gini coefficient in the Republic of Serbia was 33.3 in 2021, which is slightly above the EU-27 average value (30.1).

This document states as a key challenge *increasing employment, especially of young people, women and sensitive groups, and social protection from poverty*, and proposes a number of activities, including the improvement of social allowances for citizens below the poverty line and reallocation of funds between the existing programmes, which has been a challenge for a number of years.

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. The *Report on Progress in Achieving Sustainable Development Goals until 2030 in the Republic of Serbia*¹⁷⁹ provides an overview of data on a number of indicators to monitor the progress in achievement of these goals. Sustainable Development Goal 10 implies reduction of inequality, while work on 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 and health services, education and culture, security, pension and disability insurance, labour market etc.) and cooperation with civil society and volunteer organisations. The legal duty of public authorities to assess the impact of regulations when they are being passed on socially and economically vulnerable persons and the impact of regulations on the achievement of the principle of equality is also very important, which was introduced by amendments to the Law on Prohibition of Discrimination in 2021.

The Report by the Serbian Association of Economists and UNICEF¹⁸⁰ states *inter alia* that the long-term crisis caused by the Ukraine war made Serbia's recovery from the Covid-19 pandemic more difficult, which directly affected the most vulnerable population groups in Serbia and will worsen the situation of already poor families with children. It is also stated that Serbia is among the top ten countries in Europe with the lowest inequality levels in terms of income. The Gini coefficient for income was 33.3 in 2021, meaning that the richest 20% of the population had six times more income than the poorest 20%, and children are at higher risk of living in poverty than adults.

This Report states that in 2020, 10.6% of children aged between 0 and 13 lived below the absolute poverty line with RSD 12,695 per month, and it is expected that this number would increase further, and that even in the scenario with the lowest figures, we can expect that poverty in children would increase to 13.8% in 2022, which implies additional 28.000 children living below the absolute poverty line. The following recommendations are provided in this Report: the need for additional budget allocations for poverty elimination programmes (child allowance, financial social assistance); that one-off welfare benefits can provide protection in

¹⁷⁹ *Report on Progress in Achieving Sustainable Development Goals until 2030 in the Republic of Serbia*, Statistical Office of the Republic of Serbia, 2023, available at: <https://sdg.indikatori.rs/media/1621/izvestaj-o-napretku-u-ostvarivanju-ciljeva-odrzivog-razvoja-do-2030-godine-u-srbiji-2022.pdf>

¹⁸⁰ *Poverty Projections based on the Potential Impact of the Ukraine War on the Most Vulnerable Groups in Serbia, with a Special Focus on Children*, Serbian Association of Economists and UNICEF, 2023, available at: <https://www.unicef.org/serbia/medija-centar/vesti/unicef-poziva-na-povecanje-obuhvata-i-adekvatnost-programa-finansijske-pomoci>

emergencies, but they are expensive for taxpayers (2.9% of GDP in 2020 and 2021) and they do not contribute to economic growth, so they should not be used; higher efforts for inclusion of the Roma community in formal employment and education can help in reduction of vulnerability and inequalities.

The Commissioner's survey *Citizens' Attitudes towards Discrimination* shows that, in respondents' opinion, two groups most frequently subjected to discrimination include the Roma and the poor, in all fields (work and employment, education, acting of public authorities, health care, the judiciary...). An important result of the survey is that only up to 1/3 of respondents believed that introduction of special measures to improve the situation of certain social groups is justified for any of the offered group, except for persons with disabilities (35%), the poor (34%), the youth and women (29% each). Illustrative data is also respondents' response to the question how the media report on certain groups; they mostly believed that such reporting is negative for the poor, persons with HIV/AIDS, persons with disabilities, older persons and the Roma.

A crucial result of this survey which will contribute to social cohesion is that there is a very low social distance towards the poor, because only 5% of the respondents are opposed to being closely or distantly related to them (4%), and to them holding managerial positions in Serbia (3%). Also, the share of the respondents who would be opposed to socializing with the poor is the lowest of all reported in the survey (only 1%).

The poor rarely contact the Commissioner in connection with property status, and the number of complaints on these grounds remains negligible (9). 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. Similar 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 low salaries and the lack of means to support their livelihood, problems with alimony payments, problems faced by single parents, inability to repay and/or obtain refinance for loans, inability to pay electricity bills or because of disconnected electricity, free use of spa rehabilitation services, exercise of the entitlement to one-off financial assistance, welfare payments, rescheduling of debt for unpaid utility bills, lack of access to means of transport to or from remote places etc. In a number of complaints, the allegedly breached rights were not subject to the Law on Prohibition of Discrimination; this included failure to act pursuant to certain requests, administrative silence, 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 it would enable them to travel somewhere for the first time and discover their country. 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.

In view of the data about the poverty rate and numerous problems faced by the poor, the Commissioner issued an announcement on the occasion of the World Day of Social Justice, 20 February, stating that the world had changed dramatically in the previous two years, and eradication of poverty, the fight for equality, elimination of discrimination and violence, higher employment and the right to dignified work had become objectives which were much more difficult to achieve, particularly because of the gross relativisation of the tenets and postulates of social justice. She said that, according to the European Commission's Serbia 2022 Report, 46% of Serbian's population considered themselves poor, and that, measured by many indicators, the quality of life for socially vulnerable groups, namely, children, persons with disabilities, older persons, women, long-term unemployed persons, the Roma and other minorities, was unsatisfactory. Bearing in mind the numerous challenges, account must be taken of the fact that poverty and social exclusion can be a cause for social instability, and it is therefore necessary to use appropriate tax and social policy measures and a set of service measures to work more intensively towards activating the most vulnerable citizen and mitigating and eradicating all forms of poverty.¹⁸¹

The Commissioner cooperates on these issues of relevance for the advancement of equality both with state authorities and with civil society organisations. Thus, for example, participants in social dialogues on persons in a homeless situation reached the conclusion it was necessary to comprehensively address the problems faced by these persons, given their complexity, including the lack of identity documents, poor health status, the need for various services etc., with a focus on children in street situations. A Working Party for Homelessness has also been established, comprised of representatives of institutions, civil society organisations, independent institutions, a representative of the UN Human Rights Team in Serbia, the media and the academic community. The Working Party addressed the issues of the exercise of the right to personal identity documents, access to health care, social welfare and other services, as well housing policy. The problems faced by persons in a homeless situation can best be seen in an example from the Commissioner's practice.

Several civil society organisations filed a complaint against the Shelter for Adults and older persons because of discrimination on the grounds of their health status, or more precisely against individuals in a homeless situation who are or were undergoing medical treatment at the Clinic for Psychiatric Diseases. The complaint stated that the Shelter refused day after day to admit those persons and grant them access to its services because, under its Bylaw on Admission and Provision of Services and Release of Users, the use of their services required, among other things, an opinion from a psychiatrist or a neuropsychiatrist that there are no contraindications for placement of such persons among a group of people. This prevented individuals in a homeless situation from using those services, because there was no alternative arrangement they could use if they did not have such opinion. This situation with the admission practices at the Shelter affected in particular those potential users who were undergoing medical treatment at the Clinic for Psychiatric Diseases "Dr. Laza Lazarević". It was also highlighted that "it is known for a fact that the Shelter is not always full to capacity" and it was unclear how it was unable to provide the beds and the required capacities to admit users who were undergoing psychiatric treatment; it was also stated the Shelter had precluded any possibility of admitting anyone who was undergoing medical treatment at the "Laza Lazarević" Clinic, without any individual assessment of each individual user arriving from

¹⁸¹ For more information, see: <https://ravnopravnost.gov.rs/medjunarodni-dan-socijalne-pravde-2/>

such treatment and without considering the consequences of denying placement to such persons. In addition, the complaint stated, that after the Covid-19 pandemic had been declared, the Shelter introduced a new admission requirement, namely, a negative PCR test result taken within 48 hours before placement at the Shelter, which remained in force even after the pandemic officially ended. Also, it was noted that the Shelter kept its users in “a specific kind of isolation”, because they were not allowed to go out, except on rare occasions, such as to go to a specialist medical examination. Considering all pieces of evidence, the Commissioner concluded that the Shelter in this specific case cannot be responsible for applying the contested measures because they had been ordered by the competent epidemiologist and adopted by the competent city authority responsible for overseeing the work of the Shelter. On the other hand, the Commissioner noted that such measures hampered the exercise of the right to services of the Shelter, and she informed the Ministry of Labour, Employment, Veteran and Social Affairs, the City Institute for Public Health and the Secretariat for Social Welfare about this and about the recommended measures to achieve equality and to protect persons placed at the Shelter from discrimination. The Commissioner also issued a recommended measure to the Shelter to contact the abovementioned authorities again and demand that the measures be made less stringent, in particular those concerning mandatory PCR testing of users and placement of users in the isolation block upon their return to the Shelter. The Shelter complied with the recommendation.

For more information, see: <https://ravnopravnost.gov.rs/1040-23-prituzba-vise-udruzenja-zbog-diskriminacije-na-osnovu-zdravstvenog-stanja/>

During the year, the Commissioner also received 18 complaints on the grounds of **previous criminal conviction** as a personal characteristic. Over the course of the year, the Commissioner established cooperation with associations engaged in the protection of former convicts who face numerous problems with resocialisation, including in particular stereotypes and prejudice regarding work and employment. Because of this, the Commissioner issued a recommended measure to the National Employment Service to step up its efforts aimed at inclusion of former convicts as persons who face difficulties finding employment in the active employment policy measures, to ensure the exercise of the right to employment, in order to achieve a higher impact on resocialisation and reintegration in the society. Namely, persons who served their custodial sentences have extreme difficulties with integration in the society, primarily because of difficulties with finding employment, because employers display distrust and prejudice toward them, while the share of those who succeed in finding employment remains negligible. As they are unable to find employment after serving their custodial sentences, they face a whole range of problems, and they expect and receive support primarily from their families, friends or associations, while institutional support is mostly lacking. The purpose of serving custodial sentences is reintegration of former convicts in the society, and the type of support and programmes available to them after they are released is very important for successful reintegration. Also, employment reduces reoffend rates, which is why support should be provided and employers should be incentivised to employ such persons.¹⁸²

The Commissioner received a complaint stating that the Ministry of Rural Welfare announced a public call for allocation of grants for the purchase of rural houses with house plots and that this public call *inter alia* states that eligible applicants are those who comply with the following requirements on the date of submission of applications: (...) “that they have no previous criminal record (...) and that no criminal proceedings or an investigation were instituted against them” (...) and “no enforcement proceeding is conducted against the applicant”.

The Commissioner concluded that it is not clear why convicts were not eligible for participation in the public call,

¹⁸² For more information, see: <https://ravnopravnost.gov.rs/802-23-preporuka-mere-nacionalnoj-sluzbi-za-zaposljavanje/>

and neither were persons against whom criminal or enforcement proceedings had been instituted or were under investigation. The way the call was worded implied that applicants must comply with these requirements on the date of applying in reply to the public call, so it would appear that any persons who did not comply with these requirements on the date of their application were ineligible, while those who may have been convicted after applying or after having criminal charges, an investigation or enforcement proceedings brought against them.

The Commissioner issued a **recommended measure** to the Ministry to initiate amendments to the eligibility requirements for the public call for the purchase of rural houses with house plots in order to ensure there is no discrimination with regard to the right to apply. This recommendation was complied with.

For more information, see: <https://ravnopravnost.gov.rs/1028-23-preporuka-mera-ministarstvu-za-brigu-o-selu/>

Participants in a social dialogue on the topic “Rehabilitation, Resocialisation and Reintegration of Former Convicts – A Path to Useful Society Members” stated, among other things, that experts suggested, although there was no precise information, that the percentage of reoffenders in Serbian prisons was 65-70%, and that such high percentage of reoffence can stem from the lack of programmes to help persons released after serving their custodial sentence integrate in the normal social life. The ultimate objective of serving a custodial sentence must be reintegration of a convict in the social life, because after they are released, they face a number of financial, social and psychological problems. This is so because social reintegration mechanisms are insufficient, while prejudice and obstacles are widespread. After they are released from prison, these persons mostly do not have identity documents because they had expired in the meantime, they cannot afford to obtain new personal identity documents, they families are broken, they cannot find employment because of discrimination etc. In her Annual Reports, the Commissioner provides recommendations to undertake measures aimed at improving the situation of convicts and ensuring their full social inclusion, without stigmatisation, particularly in the employment process, which poses a particular problem, because future employers often request a certificate of no past convictions, although this is not allowed under the law.



Social dialogue on rehabilitation, resocialisation and reintegration of former convicts, Kragujevac, 2023

In view of the numerous stereotypes and prejudice against former convicts, this year, on the 10th anniversary of the Moot Court competition, the Commissioner included a case relating to discrimination on the grounds of previous criminal conviction in the field of labour and employment. The competitors took the role of the prosecutor and the defendant and

simulated a case where an employer refused to employ a candidate after learning that he had been previously convicted of a corporate crime.

Various problems faced by citizens are also evident from an example from the Commissioner's practice, in which a complainant filed a complaint against discrimination on the grounds of **permanent place of residence**. The complaint stated that bills for rent and maintenance of graves were up to ten times higher compared with bills paid by citizens who had their permanent place of residence in the territory of another municipality. In the course of the procedure it was found that citizens in other municipalities were not denied the right to use the public utility services provided by the public utility company concerned; instead, the price list included discounts for citizens residing in the territory of the same municipality where the public utility company is headquartered. An opinion was issued that no provision of the Law on Prohibition of Discrimination had been violated; however, taking into account all circumstances in this case and the role of one's native region as an indispensable element of a person's identity, from which stems the desire to be interred in the place of one's birth, the public utility company was advised to consider changing the applicable Price List for Public Utility Services and provide discounts also to persons who do not currently have their permanent or temporary place of residence in the territory of that municipality, but are originally from that community or are linked to it through ancestry.¹⁸³

The Commissioner also received a complaint stating that citizens who did not have their permanent place of residence in the city of Novi Sad were discriminated compared to those with their permanent place of residence in Novi Sad with regard to the amount of travel allowance for commuting to and from work. In the specific case, the employer had approved increased commuting costs and started paying an allowance equal to the public transport fare. Citizens' complaints also concerned nutrition (gluten free) at child day care centres which differed according to the children's place of residence, unavailability of medical treatment due to a lack of ambulances in certain towns, ineligibility of children for school sports competitions because of their place of residence etc.

Other personal characteristics have been stated in complaints, although to a significantly lesser extent. An example from the Commissioner's practice shows problems in addressing the cases relating to inability to register children in the register of births, immediately after their **birth**, because their parents (mothers) do not have personal identity documents. Having in mind the activities implemented by the Ministry of Public Administration and Local Self-Government, the Ministry of Health and Praxis association through informative campaigns and trainings on this topic, it was proposed to also include representatives of the Commissioner with the aim of eliminating problems in practice and pointing to cases of discrimination in the procedures for registration of the fact of birth and obtaining personal identity documents.

Citizens also contacted the Commissioner because of the Government's Decision to pay RSD 10,000 to children aged under 16, claiming that children born in 2007 and earlier were discriminated. Also, a father contacted the Commissioner, stating that the amount of RSD 10,000 had not been paid to his child although he had Serbian citizenship and a permanent place of residence in Serbia, but went to school in the neighbouring Republika Srpska. In this

¹⁸³ For more information, see: <https://ravnoopravnost.gov.rs/545-22-prituzba-protiv-javnog-preduzeca-prilikom-pruzanja-usluga-zbog-diskriminacije-na-osnovu-mesta-prebivalista/>

regard, the Commissioner issued recommended measures to the municipality, and the deadline for compliance with these measures has not expired.

Citizens also contacted the Commissioners because of other personal characteristics, such as **appearance**, as the grounds for discrimination. Appearance is an increasingly frequent ground for discrimination in the modern society, particularly if one's appearance does not fit the prevailing fashion trends, which often occurs among young people. A proposal for review of constitutionality and legality submitted because of a discriminatory provision on the grounds of appearance as a personal characteristic has already been presented above. Also, the Constitutional Court has not passed a judgement pursuant to the proposal for review of constitutionality and legality of certain provisions of the Bylaw on the Code of Conduct and Personal Appearance of Police Officers and Other Employees in the Ministry of the Interior from the previous year, which related to personal characteristic. In addition, citizens also asked whether it was allowed to have a visible piercing on the job in health care practice. The answer to this question depends on the nature and specific characteristics of a specific job, so the issue of discrimination must be considered in each specific case from the aspects of justifiability, proportionality, appropriateness and necessity.

Multiple and Intersectional Discrimination

Multiple and 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. Multiple discrimination is discrimination on the grounds of two or more personal characteristics, where the impact of individual personal characteristics is distinguishable, while intersectional discrimination is discrimination on the grounds of two or more personal characteristics, where the impact of individual personal characteristics is undistinguishable.

During the year, the Commissioner received 142 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 marital and family status, age and disability, health status, national affiliation etc. For example, several complaints were filed on the grounds of age and health status against a playroom, where children with continuous glucose monitoring sensor were not allowed to enter alone; instead, they had to be accompanied by their parents. Parents also filed a complaint against discrimination against their child on the grounds of health status and permanent place of residence, because their child has gluten intolerance and it is necessary to ensure special nutrition, which is not ensured in the territory of that municipality.

In a procedure pursuant to a complaint against the National Employment Service (NES), against discrimination on the grounds of national affiliation or ethnic origin, sex, age and membership in political, trade union and other organisations, it was stated that the NES had issued a warning to the complainant about the reasons for termination of employment, that the warning stated that she was responsible for inappropriate entering of the required data, as well as that, according to her knowledge, she was the only employee held responsible for the above omissions. It was found in the procedure that the NES had ordered all managers of branch offices to identify possible omissions in work, and that the general manager of the NES had initiated procedures against several employees on the same or similar jobs because of the same or similar omissions for which the complainant was found responsible, that, after completion of the procedure, disciplinary

warnings were issued to other individuals, while this was not the case with the complainant, and her employment was not terminated. The Commissioner decided there was no causal relationship between the acting of the NES and the complainant's personal characteristics, and thus an opinion was issued that no provisions of the Law on Prohibition of Discrimination were violated.

For more information, see: <https://ravnopravnost.gov.rs/315-23-prituzba-zbog-diskriminacije-po-osnovu-pola-starosnog-doba-nacionalne-pripadnosti-i-clanstva-u-sindikalnim-organizacijama/>

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 equality. 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 abovementioned international conference to mark the 30th anniversary of the OSCE High Commissioner for National Minorities in the Hague, as part of a panel discussion dedicated to efficient participation of national minorities in the social and economic life, the Commissioner presented examples of good practice and activities of the institution on elimination of multiple and intersectional discrimination.

Discrimination and Artificial Intelligence

The rapid technological development, in particular the development of artificial intelligence (AI), has a tremendous potential to improve various aspects of human life, including health care, education, economy, culture and society. However, unchecked AI development is also fraught with numerous challenges and risks regarding ethical, legal, social and political issues. To ensure AI is developed and used in a manner that ensures respect for human rights, dignity and democracy, it is necessary to set clear frameworks for its management and establish lines of responsibility. For this reason, online safety was in the focus of public policies last year, both at EU and national levels, as well as in the focus of the Commissioner's activities. Given the complexity of the issues faced by all societies, including ours, discrimination in the digital sphere is addressed separately in this report.

As regards legal regulation in this field, it should be noted that, at the EU level, the Digital Services Act regulation took effect in 2023. Implementation of this Regulation is expected to significantly contribute to respect for human rights on the largest online platforms.

The overarching goal of the Regulation is to foster a safer online environment and define the responsibility of online platforms. Under the Regulation, online platforms must implement ways to disable access or remove posts containing illegal goods, services or content, while at the same time providing users with the possibility of reporting this type of content. The European Commission is the primary regulator for very large online platforms and very large online browsers (with 45 million users), while other platforms and browsers will be supervised by the Member States of their establishment. The Commission will have executive powers similar to those it has in antimonopoly procedures, with an EU-wide cooperation mechanism established between the national regulators and the Commission. Furthermore, the Regulation prohibits targeted advertising based on sexual orientation, religion, ethnic affiliation or political beliefs of persons and restrictions are imposed on targeted advertising. Also, a greater degree of transparency is required from online platforms with regard to functioning of their algorithms, including supervision through independent audits of their risk management measures. Platforms must mitigate risks such as disinformation of election meddling, cyber violence against women or harming of minors online. These measures must be carefully balanced against restrictions of freedom of expression and are subject to independent audits.¹⁸⁴ Essential for balancing freedom of speech against the obligation to remove harmful and illegal content is the envisaged possibility of challenging content moderation decisions made by large platforms.

A crucial development in the digital sphere was the emergence of Chat GPT, which marked the year 2023, although it had been officially launched in 2022. Successful implementation of a generative artificial intelligence system has provided an impetus to regulate this area and garnered much public attention. Another focus of the EU's digital policies was the Artificial Intelligence Regulation, which has not been adopted as of early 2024. Through participation in EQUINET's Artificial Intelligence Cluster, the Commissioner has had an opportunity to take part in the consultative process conducted by the European Commission and the European Parliament, and this institution also took part in the drafting of the common statement of EQUINET and ENHRI¹⁸⁵ on the draft Regulation.

A key development regarding public policies in Serbia has been the adoption of the Strategy for the Development of Digital Skills in the Republic of Serbia for the Period 2020-2024.¹⁸⁶ Also of note is the adoption of the Personal Data Protection Strategy for the Period 2023-2030¹⁸⁷, as a major step towards completing the legal framework and its harmonisation with *acquis communautaire*.

With regard to artificial intelligence, the Ethical Guidelines on the Development, Application and Use of Reliable and Responsible Artificial Intelligence¹⁸⁸ have been adopted, as an

¹⁸⁴ *Digital services Act*, European Commission, available at: <https://eur-lex.europa.eu/EN/legal-content/summary/digital-services-act.html>

¹⁸⁵ EQUINET and ENHRI Call for Stronger Protection of Equality and Fundamental Rights in the EU AI Act, 17.11.2023, Brussels, available at: [https://equineteurope.org/equinet-and-ennhri-call-for-stronger-protection-of-equality-and-fundamental-rights-in-the-eu-ai-act/#:~:text=Equinet%2C%20in%20collaboration%20with%20the,Intelligence%20Act%20\(AI%20Act\)](https://equineteurope.org/equinet-and-ennhri-call-for-stronger-protection-of-equality-and-fundamental-rights-in-the-eu-ai-act/#:~:text=Equinet%2C%20in%20collaboration%20with%20the,Intelligence%20Act%20(AI%20Act)).

¹⁸⁶ *Official Gazette of the Republic of Serbia* No. 21 of 6 March 2020, and No. 8 of 3 February 2023.

¹⁸⁷ *Official Gazette of the Republic of Serbia* No. 72 of 31 August 2023.

¹⁸⁸ *Official Gazette of the Republic of Serbia* No. 23/2023

essential first step in regulating the development and application of artificial intelligence in the Republic of Serbia. While non-binding by their nature, these Guidelines provide a sound starting point for mitigating the risk of adverse consequences stemming from implementation of artificial intelligence systems in all areas of social life.

In addition to the adoption of the Ethical Guidelines on the Development, Application and Use of Reliable and Responsible Artificial Intelligence, towards the end of last year Serbia began drafting a new Strategy for the Development of Artificial Intelligence, since it was determined that the current Strategy was unable to keep pace with the rapid development in this field in recent years. In this context, the Government of the Republic of Serbia has formed a working group comprised of a wide range of stakeholders, including a representative the Commissioner, tasked with preparing a draft document in the coming period.

In 2023, the Commissioner received complaints from several civil society organisations in connection with discriminatory content posted on certain websites. These cases are discussed in more detail in the sections of this report which cover discrimination on different discriminatory grounds. Also, during the reporting period the Commissioner was contacted by a number of persons who claimed they were victims of various forms of digital violence, including revenge pornography and unauthorised use of sexually explicit content. Most of these cases were forwarded to the Cyber Crime Department for further action within its mandate. We also submitted an initiative to amend and supplement the Criminal Code by introducing the criminal offence abuse and publication of recordings with sexually explicit content.

The Commissioner organised and supported numerous activities which contributed to capacity building of this institution's staff and the general public with regard to protection from discrimination in the development and application of artificial intelligence, as well as in the digital sphere in general. For example, the incumbent held a lecture as part of the Masterclass "Regulating Artificial Intelligence: Legal and Ethical Challenges". This Masterclass was organised by the Faculty of Organisational Sciences, in cooperation with the Institute for Artificial Intelligence Research and Development of Serbia, under the auspices of the Ministry of Science, Technological Development and Innovation, the Ministry of Information and Telecommunications, the Ministry of Internal and Foreign Trade and business partners. Also, with a view to capacity building and personal development of the institution's employees, in cooperation with the Mathematical Institute of the Serbian Academy of Arts and Sciences, two trainings were held on the technical aspects of AI functioning, for responding to potential cases of discrimination and preparing for effective implementation of the EU Artificial Intelligence Regulation.

In addition, we also took part in a meeting of the CoE Platform on Social and Economic Rights, the European Union Agency for Fundamental Rights, the European Network of Human Rights Institutions and the European Network of Equality Bodies, held in mid-2023 in Helsinki, which discussed the impact of algorithms and other advanced technologies in the labour market and the area of social welfare.



Realising social rights in the age of digitalisation: opportunities and risks, Helsinki, 2023

Recognising the importance of multistakeholder dialogue on the matters of Internet governance, we supported the organisation of the Serbian Internet Governance Forum by the Serbian National Internet Domain Name Registry foundation. The event attracted representatives of the relevant national and international institutions and organisations. We also supported the organisation of the Southeastern European Dialogue on Internet Governance, which was held in Zagreb and attended by top management of the Internet Corporation for Assigned Names and Numbers (ICANN), the Secretary General of the Global Internet Governance Forum and relevant organisations in the region.

The case chosen for this year's "Moot Court in the Field of Protection against Discrimination" concerned discrimination in the field of labour and employment and involved component of the right to online privacy and protection of personal data in connection with past convictions.

MEDIA REPORTING

From early may until the end of the year, the media focused in particular on the two tragedies which shocked the whole society. The mass murders of children and youth at Primary School "Vladislav Ribnikar" and in the towns of Mali Požarevac and Dubona deeply affected all citizens, while the media, as was to be respected, covered these tragedies in different ways, often breaching the journalistic code and crossing the boundaries of ethical reporting. Apart from numerous reactions and analyses, attempts to comprehend the extent of the consequences and find answers to the numerous issues we face as a society, media reports also frequently focused on looking into the cause of these, most drastic forms of violence which had previously been unheard of in our country.

An analysis of media content suggests that topics concerning discrimination against various social groups and individuals are very much present in the media space, as witnessed by the numerous reports on the activities of the institution of the Commissioner and the incumbent Brankica Janković. The analysis also shows that journalists are increasingly interested in an sensitised to topics which are, in the broadest sense, important for understanding the importance of equality and the harmfulness of discrimination.

Violence against women, peer violence and violence against children accounted for 47.82% of all coverage, while among the media reports which mentioned the incumbent Commissioner, 49.46% of all coverage in 2023 related to these topics. In this context, Commissioner Brankica Janković had a number of television appearances, during which she spoke of equality and protection of women against violence. These topics were also covered

in numerous statements given to radio stations, printed media and online portals. Violence against women, which was unsurprisingly one of the current topics given the extent of this problem, was covered by the media on a regular basis and frequently over the course of 2023, especially in the first half of the year, as well as in November and December. Femicide was also a common topic for virtually all media outlets, not least because 27 women were murdered in acts of intimate partner and domestic violence in Serbia in 2023. As the so-called femicide watch – an institutional control mechanism to monitor cases of femicide – has not yet been established, the number of murdered women is monitored on the basis of media reports. This was one of the reasons for the Commissioner for the Protection of Equality to support the proposal by civil society organisations to establish this mechanism, in order to contribute to femicide monitoring and analysis and systemic addressing of the issue, which should improve the operation of institutions involved in the system to protect women from violence. The initiative garnered media attention, and journalists also reported extensively on the survey *Why do women not report domestic violence?* which the Commissioner presented in March and which was conducted jointly with the United Nations development Programme (UNDP) in Serbia. The results provided a deeper insight into the views of more than 1,000 female respondents, which suggest that trust in institutions must be strengthened, and also that support from the family and their environment is key for women to report violence. In this context, the media have contacted this institution and the incumbent, and their questions often concerned the worrying fact, revealed by the survey, that more than 70% of women who lost their lives in domestic violence had never reported the problem to the institutions.

The media scene is still rife with sensationalist, indeed even inaccurate and unprofessional reporting on serious crimes, as well as violations of the right to privacy of the victims, the witnesses and the families, violation of the presumption of innocence of suspects and neglecting public interest. Nevertheless, an analysis of media content has identified a noticeable improvement with regard to coverage of gender-based violence, which has been brought about by the work of members of the Female Journalists Against Violence group and the Commissioner, who have persistently highlighted the need to respect journalistic codes of ethics and to refrain from relativising violence or seeking justification for the perpetrators of violence in the media reports.

The prevalence of gender prejudice and stereotypes in the judiciary system and government authorities in the region was also a topic extensively covered by electronic, printed and online media, especially in early June, when the public eye was on the Second Regional Judiciary Forum “Gender Equality and the Western Balkans”, co-organised by the Commissioner (which was discussed in more detail in the previous section of this Report).

As regards equality between women and men, numerous media reports in 2023 covered women’s empowerment in the field of work, including in particular female entrepreneurship, which has been on a steady rise in recent years. The media have covered the issue of gender salary gap, not only in Serbia, but also in developed European countries, as well as the problems and obstacles faced by women over the course of their career, in all ages of their life. The media focused in particular on the Constitutional Court decision to amend the Law on Financial Support to Families with Children with regard to granting female entrepreneurs equal treatment in terms of 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, which was adopted pursuant to a proposal of the Commissioner for the Protection of Equality (apart from our proposal for review of constitutionality, an initiative was also

submitted by the organisation “Moms Rule!” 31 members of parliament). Also, the media covered extensively the initiative to provide a VAT exemption or a reduced VAT rate on feminine sanitary products and to increase the number of available contraceptives the cost of which is covered by the National Health Insurance Fund, as requested by the Commissioner from the Ministry of Finance and the National Health Insurance Fund.

The use of gender-sensitive language and the implementation of other provisions of the Law on Gender Equality have been met with opposing reactions and opinions among the public, giving rise to numerous discussions and media reports, often sensationalist, one-sided and lacking in arguments.



Crucial for the Commissioner is the fact that this institution’s activities have succeeded in focusing public and media attention to girls and women in rural areas, whose situation has not been in the public eye and whose work is often overlooked, although it deserves to be recognised and requires continual and dedicated support. Through the project “Empowering Rural Women and Improving their Position” (which has been described in detail in previous sections of this Annual Report), in 2023 the Commissioner again succeeded in attracting interest from local media in particular to report in more detail on this issue. This was also the third year in which we presented the media awards for commitment to topics which contribute to improving the position of rural women and changing their public perception. Media outlets therefore focused in particular on the final conference at which these awards were presented, which was held in Čačak on the International Day of Rural Women.

Among the numerous events and topics addressed by the Commissioner during the year, the public was also interested in the issues concerning the right to inheritance and the right to inheritance entitled *The Right to Inheritance – Equal for All*, which the Commissioner developed in cooperation with the IDEAS Centre for Research and Social Development and UN Women Serbia. The issue of women’s right to inheritance, specifically the widespread practice of women giving up their portion of inheritance in favour of male family members, was of interest to many journalists, who covered it in printed and online editions and created television reports in the weeks following the presentation of the Guide.

The Kopaonik Business Forum has traditionally featured prominently in the media, and this year was no exception. Among the panel discussions receiving extensive media coverage was the one moderated by the incumbent Commissioner, entitled “Social Cohesion in Times of Crisis – Resilience through Solidarity or Resilience to Solidarity?”.

Discrimination against older persons was an important topic for the Commissioner for the Protection of Equality last year. We drew media focus on this issue and introduced the general public to it, not least because it was the topic of the Commissioner’s Annual Conference, which was held in November, on the International Day for Tolerance. The

conference was regional in its nature, as a gathering of representatives of equality bodies from the countries in the region, in order to discuss possibilities for responding as effectively as possible to the common issue of discrimination against older persons and improving their position. The event was broadcast live by the Serbian Broadcasting Corporation and covered by numerous other media outlets, and also provided an occasion for the incumbent Commissioner's TV appearances. The conference was also an occasion for the traditional presentation of awards for best articles and reports on the topic of promoting tolerance and raising awareness of the importance of protection from discrimination. The fact that the 2023 competition saw a record high in the number of applications for the award is indicative of the level of media interest in covering these topics, as well as the reputation of our institution and its work. The conference also featured a presentation of the new, amended and supplemented Media Manual Discrimination and Equality, which should provide guidance and a practical tool for journalists on how to report on discrimination and advance equality. The Manual provides a comprehensive overview of the Commissioner's practice, which, together with national and international legislation, provides the best possible guidance to journalists with regard to recognising and reporting on discrimination.

The Commissioner's action "A Bridge of Understanding", a prize competition for primary school pupils traditionally held to mark the International Day for Older Persons, also received appropriate media coverage. It is particularly encouraging that different media outlets have recognised the importance and reported on intergenerational solidarity, given the changing demographic structure of the society, since the media are uniquely positioned to significantly contribute to the breaking of stereotypes and prejudice against many social groups.

The fact that the media are key partners in the fight against discrimination is borne out by the example of reporting by certain media outlets on discrimination against children with diabetes at schools and preschool institutions, after which the Commissioner submitted an initiative to the Ministry of Education to adopt procedures for the treatment of children and pupils with chronic non-communicable diseases, so that such children could have equal treatment and receive appropriate therapy during their stay at those institutions.

The media also reported on discrimination against the Roma, a topic which was revisited on several occasions in the course of 2023. During the competition for Serbia's entry in the Eurosong contest, the public was rife with comments and media reports about the fact that two of the shortlisted entrants were of Roma ethnicity. A statement by the Mayor of Belgrade in connection with a tragedy that had occurred in an informal Roma settlement in Krnjača and the Roma way of life caused a public outcry. Commissioner Brankica Janković responded by issuing a warning which condemned the statement as inappropriate and deeply worrying, as it was indicative of a fundamental lack of understanding of all obstacles in life faced by the Roma. The Commissioner also noted that such statements exacerbated the existing prejudice about this marginalised social group and perpetuated the ubiquitous narrative which shifts the blame on the victims of discrimination. This warning garnered the highest level of public attention, and the media also reported extensively on the case of discrimination against a Roma girl whom no pupil from her school wanted to take as a date to the primary school graduation party, which also caused an outcry from numerous public figures. The Commissioner contacted the school attended by the girl and reached out to her parents in order to help eliminate prejudice against children of Roma nationality. Discrimination against the Roma national minority has been prevalent year after year, which

is why in 2023 we prepared the survey *Citizens' Perception of Discrimination*, which will be presented in the first half of 2024.

In a departure from the trend observed in earlier years, especially in the previous year, when the EuroPride event was held in Belgrade, an analysis of media reporting has revealed that the position of the LGBTI+ population received less media coverage in 2023, with most of the reports on this topic published in connection with the Pride Week.

Unfortunately, hate speech sometimes finds its way to media programmes and printed articles. Once it enters the public space, it as a rule triggers numerous debates, which provides sufficient proof that this phenomenon should be addressed more extensively, but the approach needs to be appropriate, responsible and committed, shedding light on the causes and looking for ways to overcome the consequences and the resulting problems. For example, hate messages targeting the Slovak national minority in the form of graffiti which read "Kill Slovaks", appeared in the town of Kisač on two occasions, and the boards with the town name of Subotica written in Hungarian was broken, and both of these events were covered by almost all media outlets. The Commissioner condemned these incidents and noted that messages inciting religious and national hatred were prohibited by the law, and were particularly harmful in multiethnic communities. The media were generally highly professional when reporting on the possible consequences and epilogues of these incidents. Also in focus were neo-Nazi incidents, which received public response from the Commissioner. These included neo-Nazi and antisemitic graffiti in Novi Sad and at the Jewish Cemetery in Belgrade, an attack by neofascists on the *Black Ram* café, as well as anti-Serbian incidents in Novi Pazar and Sarajevo. Member of parliament Marinika Tepić was publicly subjected to hate speech because of her national affiliation, to which the Commissioner also responded by issuing warnings. The media published all reactions and warnings, and these also served as occasions for the incumbent Commissioner's media appearances, in which she underscored it was paramount to understand that hate speech is not permitted and constitutes an inappropriate and discriminatory narrative in the public space.

The end of 2023 was marked by a general election, as well as local elections in a number of local communities. Accordingly, just as on previous similar occasions, the Commissioner issued a public announcement at the start of the election campaign to remind all participants in the election process of their duty and responsibility to respect the Constitution and the laws, which prohibit hate speech, as well as offensive, harassing and degrading treatment of individuals or groups on the grounds of any personal characteristic. The incidents during the election campaign, especially towards its end, were the reasons for the Commissioner's public warnings, in which she condemned occurrences such as the promotion of a video and a statement containing elements of hate speech towards the LGBTI+ community and political opponents, attacks on activists in door-to-door campaigns and stands of the Serbian Progressive Party in Kragujevac, as well as the attack on an activist of the Serbia against Violence coalition in Pirot, insults directed at public figures who signed the ProGlas petition and verbal attacks on NGO activists and members of the City Electoral Commission.

In the past period, how artificial intelligence affects all areas of life has become an increasingly prominent topic in the public eye. In her public appearances, the incumbent Commissioner underscored it was necessary to establish a framework to prevent the use of artificial intelligence from adversely impacting human rights, including by spreading hate

speech and discrimination, while noting that new technologies have the potential to cause fundamental shifts in the labour market and in the economy as a whole.

Considering the duty of this institution to work towards advancing the equality of citizens and the important role of the media in this process, in 2023 the incumbent Commissioner had a number of television appearances and gave numerous statements and interviews to printed media and web portals, highlighting the widespread forms of discrimination, presenting initiatives to advance equality and promoting the importance of tolerance and respect for human rights. An analysis of the frequency of media reporting on topics relevant for the achievement of equality has revealed that these topics are most frequently covered by web portals. In addition, analyses have shown that the media report on the topics of discrimination and equality much more frequently than they used to, and in doing so they have largely acted professionally and responsibly, with a nuanced approach and commitment. However, there are still instances of inappropriate coverage of this topics, as well as of media content rife with words that perpetuate stereotypes and prejudice about certain social groups and individuals, which certainly hinders efforts to improve their situation. It is exactly in deconstructing the stereotypes and prejudice about certain social groups that the media play a crucial role, and thus certainly contribute to the development of a more tolerant society, one that is understanding and welcoming of diversity and differences among humans and perceives them as a potential. On the other hand, inappropriate and unprofessional reporting and use of discriminatory words and statements can lead to perpetuation of prejudice, incitement of intolerance, and indeed even hatred towards certain social groups, in particular national and ethnic minorities. Preferably, in the coming period the media should increase their coverage of topics in the field of human rights, report on concrete examples to portray groups which are at an increased risk of discrimination and still face social distance, and in doing so promote the values of tolerance. More positive stories about all marginalised groups would contribute to better understanding of the situation of individuals and social groups at increased risk of discrimination, thus also contributing to improved equality and increased tolerance. The public broadcasting services of Serbia and Vojvodina have a pivotal role in this regard, and the same should also be true of other media outlets with national frequency concessions.

REPORT ON EXECUTION OF THE FINANCIAL PLAN

Under the Law on Budget of the Republic of Serbia for 2023¹⁸⁹, funds were allocated to the Commissioner for the Programme - Promotion and Protection of Human and Minority Rights and Freedoms, in the amount of RSD 132,551,222, with the following structure of funds according to the sources of financing:

- | | |
|-----------------|--------|
| – Source 01 | 91.02% |
| – Sources 06,15 | 8.98% |

EXECUTION OF FINANCIAL RESOURCES

The following was financed **from Source 01** – general revenues and budget revenues:

- 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 111,455,884 or 94.31% of available funds. In the structure of funds spent, expenditures for employees accounted for 84.27%, the use of services and goods for 14.28% (where the majority of costs relate to information services (press, cataloguing services of the National Library, press clipping, press agencies, publication in the Official Gazette), other expert services, administrative material, expert literature for employees' regular work and fuel costs) and costs of non-financial assets for 1.45%.

- Project 4003 - MOOT COURT in the field of protection against discrimination

Until 2023, this project was financed from the Open Society Fund, and in 2023 it was financed from the budget funds of the Republic of Serbia for the first time. The objective of this project is to train students for preparation and defence in legal matters in the field of the protection against discrimination. RSD 562,390 or 95.81% of available funds was spent on implementation of this project for organisation of students' competitions and prizes for the best participants.

- Project 4005- Equally to the Finish Line

The objective of this project is to raise citizens' awareness of discrimination against persons with disabilities and to present to the work of the Commissioner and institutional mechanisms in the fight against discrimination. The total execution for this project was RSD 251,796 or 81.75% of available funds and includes primarily information services.

- Project 4006 - Don't Judge a Book by Its Covers - Live Library in Serbia

The objective of this project is to fight against negative stereotypes and prejudice and discrimination against social groups and individuals and it constitutes an innovative methodology to promote human rights, equality, the fight against racism and xenophobia. Execution of available funds for this project was 76.24% or RSD 259,200 and includes information services.

¹⁸⁹ Official Gazette of the Republic of Serbia Nos. 138/22 and 75/23

- Project 4009 - Youth Panel

The objective of this project is to ensure conditions to reduce discrimination against children and the youth. During the course of 2023, lectures/workshops were held for pupils on recognition of discrimination and various forms of violence. RSD 496,000 or 99.20% of available funds was spent for this purpose.

- Project 4013 – A Bridge of Understanding

A prize-winning competition for the best literary works, photographs and visual art works on the topic of intergenerational solidarity was organised as part of this project for primary school pupils. Funds of RSD 291,000 were available for this project in the budget, of which RSD 251,641 or 86.47% was spent. Costs of organisation of events, jury services and prizes for the best pupils' works were financed.

- Project 4014 – Visibility Advances Equality

In 2023, activities were implemented that include presentation of women and their creative works to the general public in the context of advancement of equality and reduction of the existing discrimination through strengthening of women's visibility as a creative potential and their empowerment. Funds of RSD 450,000 were available in the budget for this project and they were fully used. Costs of consultation services were used for preparation of the concept for the implementation of the project and organisation of events where women's creative works were presented.

Other sources 06,15 - (donations from international organisations, unspent donation funds from previous years) financed the following projects:

- Project 4010 – WOBACA - Towards Gender Equality through Increased Capabilities for Work-Life Balance - source 15

The project is financed from donations of Estonian Gender Equality and Equal Treatment Commissioner.

After project completion in 2022, the donor paid the amount of RSD 193,320.91 in December 2022 for recognition of costs of the Commissioner for the Protection of Equality as a contribution of this authority to implementation of the project. This amount and unused funds of RSD 9,658.84 were paid to the budget of the Republic of Serbia in 2023.

- Project 4011 – UN WOMEN - Improvement of the Situation of Women and Girls in Rural Areas - source 06

This project was 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, but it was continued in 2023. The total funds of RSD 11,693.000 were donated in 2023, of which RSD 11,653,171 (99.66%) was spent.

The structure of costs was as follows: travel costs 0.67%, contracted services (information services, expert services, organisation of events and conferences) 69.23% and subsidies for

non-governmental organisations (support to NGOs in rural areas) 30.10%. After completion of the project, the unspent funds of RSD 39,829 were returned to the donor.

- Project 4012 – UNICEF - UNICEF Support in Preparation of the Special Report on Discrimination against Children - source 15

After completion of the project, the remaining funds of RSD 3,242.30 were paid to the budget of the Republic of Serbia in 2023.

The structure of budget execution for 2023, both by sources of financing and by programmes, programme activities and projects, is provided in table overviews presented in Annex 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 2023, the Commissioner received 13 freedom of information requests, to which she responded within the statutory deadline.

Table – overview of submitted requests by categories

No.	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	9	6			3
2.	Media					
3.	NGOs and other citizens' associations	4	4			
4.	Political parties					
5.	Public authorities					
6.	Other					
7.	Total	13	10			3

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.

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 2023

CASES	2023
Complaints	600
Recommended measures	660
Opinions on draft legal documents	32
Initiatives for amendments to regulations	20
Misdemeanour charges	1
Criminal charges	2
Lawsuit	2+1*
Mediation	1
Proposal for review of constitutionality	1
Warnings	12
Announcements*	45
Confirmations that no discriminatory acting was identified	1950
TOTAL number of cases*	3282

* Announcements are not presented in the total number of cases

* Two Commissioner's ongoing strategic lawsuits and one where the Commissioner acts as an intervenor

Complainants

Natural persons	Number	%
Men	249	49.8
Women	250	50.2
Total	499	100
Other complainants	Number	%
Natural persons	499	83.0
Organisations	70	11.7
Legal entities	18	3.2
State authorities	7	1.2
Groups of persons	6	1.0
Total number of complainants	600	100

Grounds of discrimination (personal characteristic)

Complaints based on discrimination	Number	%
Complaints stating a personal characteristic	498	83.0
Complaints not stating a personal characteristic	102	17.0
Total number of complaints	600	100

Grounds of discrimination (personal characteristic)

Complaints based on discrimination	Number	%
Complaints stating one personal characteristic	356	71.5
Complaints stating more personal characteristics	142	28.5
Total number of complaints	498	100

Complaints stating a personal characteristic	Number	%
Age	135	19.0
Health status	131	18.5
Disability	93	13.1
National affiliation or ethnic origin	74	10.4
Sex	57	8.0
Other personal characteristic	43	6.1
Marital and family status	41	5.8
Membership in political, trade union and other organisations	36	5.1
Religious and political beliefs	21	3.0
Previous criminal conviction	18	2.5
Sexual orientation	17	2.4
Gender identity	12	1.7
Property status	9	1.3
Skin colour	6	0.8
Citizenship	5	0.7
Race	4	0.6
Appearance	4	0.6
Birth	2	0.3
Language	1	0.1
Total	709	100

* In 142 complaints, several personal characteristics were stated as the grounds of discrimination

Areas of social relations to which complaints relate

Complaints by discrimination fields	Number	%
In employment procedure or at work	161	26.8
Procedure before public authorities (courts, municipalities, ministries, commissions)	151	25.2
Education and vocational training	78	13.0
In providing public services or using facilities and areas	63	10.5
Health care	41	6.8
Public information and the media	27	4.5

Social welfare	15	2.5
Private relations	13	2.2
Judiciary	12	2.0
Culture, arts, sports	9	1.5
Housing	8	1.3
Public sphere/General public	8	1.3
Other	6	1.0
Actions/Activities in trade unions, political parties, NGOs and other organisations	3	0.5
Pension and disability insurance	3	0.5
Property rights and relations	2	0.3
Total number of complaints	600	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	%
In employment procedure or at work	59	89	5	3	1	4	161	26.8
Procedure before public authorities (courts, municipalities, ministries, commissions)	78	51	16	1	/	5	151	25.2
Education and vocational training	21	34	15	3	2	3	78	13.0
In providing public services or using facilities and areas	36	19	6	/	1	1	63	10.5
Health care	18	14	9	/	/	/	41	6.8
Public information and the media	9	8	/	/	/	1	27	4.5
Social welfare	5	8	1	/	/	1	15	2.5
Private relations	3	8	1	/	1	/	13	2.2
Judiciary	10	1	1	/	/	/	12	2.0
Culture, arts, sports	4	3	2	/	/	/	9	1.5
Housing	/	7	1	/	/	/	8	1.3
Public sphere/General public	1	3	1	/	/	3	8	1.3
Other	1	2	2	/	/	1	6	1.0
Actions/Activities in trade unions, political parties, NGOs and other organisations	1	1	/	/	1	/	3	0.5
Pension and disability insurance	2	1	/	/	/	/	3	0.5
Property rights and relations	/	1	1	/	/	/	2	0.3
Total number of complaints							600	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 employment procedure or at work	Natural persons		CSO	Authorities/ institutions	Groups of persons	Legal entities	TOTAL	
	M	F					Number	%
Health status	14	15	/	1	/	/	30	19.1
Membership in political, trade union and other organisations	4	10	5	/	/	/	19	12.1
Sex	3	15	/	/	/	1	19	12.1
Age	5	13	/	/	/	/	18	11.5
Other personal characteristic	8	9	/	/	/	/	17	10.8
Disability	8	7	/	/	/	/	15	9.6
National affiliation or ethnic origin	3	7	/	/	/	1	11	7.0
Marital and family status	1	8	/	/	/	/	9	5.7
Religious and political beliefs	/	6	/	/	/	/	6	3.8
Previous criminal conviction	3	2	/	/	/	/	5	3.2
Property status	/	3	/	/	/	/	3	1.9
Citizenship	/	2	/	/	/	/	2	1.3
Sexual orientation	1	/	/	/	/	/	1	0.6
Appearance	/	1	/	/	/	/	1	0.6
Skin colour	/	1	/	/	/	/	1	0.6
Total number of complaints							157	100

Complainants in procedure before public authorities (courts, municipalities, ministries, commissions...)

Note: Percentages for stated personal characteristics are calculated on the basis the number complainants for complaints where personal characteristics are stated, not on the total number of complaints for the given field.

Complainants in procedure before public authorities (courts, municipalities, ministries, commissions...)	Natural persons		CSO	Authorities/ institutions	Legal entities	Groups of persons	TOTAL	
	M	F					Number	%
Age	13	15	1	1	2	/	32	18.2
National affiliation or ethnic origin	17	4	9	/	/	/	30	17.1
Disability	14	5	2	/	/	/	21	12.8
Marital and family status	5	13	/	/	2	/	20	11.4
Health status	8	8	2	/	1	/	19	10.8
Sex	9	6	/	/	1	/	16	9.8
Religious and political beliefs	9	/	/	/	/	/	9	5.1
Other personal characteristic	6	2	/	/	/	/	8	4.5
Membership in political, trade union and other organisations	4	/	1	/	/	/	5	3.6

Race	/	3	/	/	/	/	3	1.7
Citizenship	2	/	1	/	/	/	3	1.7
Property status	1	2	/	/	/	/	3	1.7
Birth	/	2	/	/	/	/	2	1.1
Sexual orientation	1	/	/	/	/	/	1	0.5
Total number of complaints							176	100

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 y in the field of education and vocational training	Natural persons		CSO	Authorities/ institutions	Grou ps of perso ns	Legal entities	TOTAL	
	M	F					Nu mbe r	%
Age	14	23	10	2	1	3	53	43.1
Health status	2	10	5	3	/	2	22	17.9
National affiliation or ethnic origin	5	1	9	/	/	/	15	12.2
Disability	1	5	1	1	/	2	10	8.1
Other personal characteristic	2	3	1	/	/	/	6	4.9
Sex	1	3	/	/	1	/	5	4.1
Marital and family status	2	1	/	/	/	/	3	2.4
Sexual orientation	2	/	/	/	/	/	2	1.6
Gender identity	1	1	/	/	/	/	2	1.6
Skin colour	/	/	2	/	/	/	2	1.6
Membership in political, trade union and other organisations	/	/	1	/	/	/	1	0.8
Property status	1	/	/	/	/	/	1	0.8
Appearance	1	/	/	/	/	/	1	0.8
Total number of complaints							123	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 providing public services or using facilities and areas	Natural persons		CSO	Authorities/ institutions	Legal entities	Grou ps of perso ns	TOTAL	
	M	F					Num ber	%
Disability	14	10	3	/	/	1	28	36.3
Age	11	5	1	/	/	/	17	22.1
Health status	6	3	3	/	1	/	13	16.9
Other personal characteristic	4	/	/	/	/	/	4	5.2

National affiliation or ethnic origin	2	/	1	/	/	/	3	3.9
Sexual orientation	/	2	/	/	/	/	2	2.6
Sex	/	2	/	/	/	/	2	2.6
Religious and political beliefs	/	1	/	/	/	1	2	2.6
Skin colour	1	/	1	/	/	/	2	2.6
Membership in political, trade union and other organisations	1	/	/	/	/	/	1	1.3
Property status	1	/	/	/	/	/	1	1.3
Appearance	/	1	/	/	/	/	1	1.3
Marital and family status	/	1	/	/	/	/	1	1.3
Total number of complaints							77	100

Complainants in the field of 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	Legal entities	Group s of perso ns	TOTAL	
	M	F					Number	%
Health status	14	11	7	/	/	/	32	63.0
Age	2	3	/	/	/	/	5	9.9
Disability	1	2	2	/	/	/	5	9.9
Other personal characteristic	2	/	/	/	/	/	2	4.0
National affiliation or ethnic origin	1	/	1	/	/	/	2	4.0
Sexual orientation	/	1	/	/	/	/	1	1.9
Race	1	/	/	/	/	/	1	1.9
Appearance	1	/	/	/	/	/	1	1.9
Marital and family status	/	1	/	/	/	/	1	1.9
Skin colour	1	/	/	/	/	/	1	1.9
Total number of complaints							51	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	Group s of perso ns	TOTAL	
	M	F					Number	%
Gender identity	2	/	5	/	/	/	7	20.6
Sexual orientation	2	/	4	/	/	/	6	17.7
Sex	4	2	/	/	/	/	6	17.7

Membership in political, trade union and other organisations	/	6	/	/	/	/	6	17.7
National affiliation or ethnic origin	2	3	/	/	/	/	5	14.7
Marital and family status	2	/	/	/	/	/	2	5.9
Religious and political beliefs	/	/	/	/	1	/	1	3.0
Other personal characteristic	1	/	/	/	/	/	1	3.0
Total number of complaints							34	100

A statistical overview was not provided for other fields of social life because the number of filed complaints is below 2.5%.

Complaints filed against

Complaints filed against	Number	%
State authorities	269	44.7
Natural persons	142	23.6
Legal entities	107	17.8
Authorities / Institutions	53	8.8
Groups of persons	17	2.8
Organisations	14	2.3
Total	602	100

Number of complaints by regions

Number of complaints by regions	Number	%
Belgrade region	199	33.1
Unknown region	130	21.6
Šumadija and Western Serbia region	99	16.5
Vojvodina region	94	15.7
Southern and Eastern Serbia region	74	12.3
Kosovo and Metohija region	5	0.8
Total number of complaints by regions	600	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	2023
Complaints where opinions were issued	53
- opinions where violation of rights was identified and recommendations were provided	32
- opinions where no violation of rights was identified and measures recommended	9
- opinions where no violation of rights was identified	12
Infringement charges	1
Criminal charges	2
Lawsuit	2+1*

Mediation	1
Proposal for review of constitutionality	1
Outside the scope of jurisdiction	34
Incompleteness (shortcomings)	263
No violation of rights	136
Court proceedings are being conducted or terminated	24
The Commissioner already acted on a case and no new evidence was provided	16
Complaints withdrawn/ consequences of acting eliminated	9
Pending: submitted for a statement and supplement requested	60

* Two ongoing strategic lawsuits and one where the Commissioner acts as an intervenor

Compliance with recommendations

Compliance with recommendations in acting on complaints	Number	%
Recommendations complied with	27	84.3
Recommendations not complied with	5	15.7
Total	32	100

*In 14 cases the deadline for compliance with recommendations has not expired

Compliance with recommended measures	Number	%
Recommendations complied with	584	88.4
Recommendations not complied with	76	11.6
Total	660	100

Percentage of compliance with the Commissioner's recommendations	%
Recommendations complied with	86.3
Recommendations not complied with	13.7
Total	100

ANNEX 2: BUDGET EXECUTION FOR 2023

BUDGET STRUCTURE BY SOURCES OF FINANCING

Source of financing	Programme	Programme activity/project	Ec. class	DESCRIPTION	*Initial appropriation	**Current appropriation	Budget execution	% (8:7)
1	2	3	4	5	6	7	8	9
01 - 15	1001		I-X	TOTAL BUDGET FOR 2023	117,922,000	132,551,222	125,586,303	94.75
01	1001		I-VII	TOTAL REVENUES – SOURCE 01	117,922,000	120,652,000	113,726,911	94.26
01	1001	0012	I	TOTAL - PROGRAMME ACTIVITY	115,446,000	118,176,000	111,455,884	94.31
01	1001	0012	411	Salaries, allowances and employee benefits	74,507,000	78,780,000	78,516,257	99.67
01	1001	0012	412	Social contributions at the expense of the employer	11,288,000	11,936,000	11,895,213	99.66
01	1001	0012	413	Compensations in kind	100,000	100,000	69,000	69.00
01	1001	0012	414	Social benefits to employees	1,600,000	1,600,000	710,144	44.38
01	1001	0012	415	Employee benefits	2,800,000	2,520,000	2,368,044	93.97
01	1001	0012	416	Rewards to employees	600,000	600,000	363,110	60.52
01	1001	0012	421	Fixed costs	3,593,000	3,036,000	2,309,208	76.06
01	1001	0012	422	Travel expenses	1,590,000	1,590,000	1,109,670	69.79
01	1001	0012	423	Contracted services	11,281,000	10,153,000	7,483,076	73.70
01	1001	0012	424	Specialised services	381,000	381,000	375,960	98.68
01	1001	0012	425	Current repairs and maintenance	1,765,000	1,589,000	1,413,159	88.93
01	1001	0012	426	Material	3,841,000	3,841,000	3,061,042	79.69
01	1001	0012	462	Grants to international organisations	200,000	150,000	142,036	94.69
01	1001	0012	482	Taxes, mandatory fees, fines, penalties and interest	100,000	100,000	18,296	18.30
01	1001	0012	483	Fines and penalties under court decisions	100,000	100,000	0	0.00
01	1001	0012	512	Machinery and equipment	1,300,000	1,300,000	1,221,668	93.97
01	1001	0012	515	Intangible assets	400,000	400,000	400,000	100.00
01	1001	4003	II	TOTAL – PROJECT MOOT COURT – <i>Trial Simulation</i>	587,000	587,000	562,390	95.81
01	1001	4003	423	Contracted services	587,000	587,000	562,390	95.81
01	1001	4005	III	TOTAL – PROJECT <i>Equally to the Finish Line</i>	308,000	308,000	251,796	81.75
01	1001	4005	423	Contracted services	308,000	308,000	251,796	81.75
01	1001	4006	IV	TOTAL - PROJECT <i>Don't Judge a Book by Its Covers – Live Library</i>	340,000	340,000	259,200	76.24
01	1001	4006	423	Contracted services	340,000	340,000	259,200	76.24

01	1001	4009	V	TOTAL - PROJECT <i>Youth Panel</i>	500,000	500,000	496,000	99.20
01	1001	4009	423	Contracted services	500,000	500,000	496,000	99.20
01	1001	4013	VI	TOTAL - PROJECT <i>A Bridge of Understanding</i>	291,000	291,000	251,641	86.47
01	1001	4013	423	Contracted services	291,000	291,000	251,641	86.47
01	1001	4014	VII	TOTAL - PROJECT <i>Visibility Advances Equality</i>	450,000	450,000	450,000	100.00
01	1001	4014	423	Contracted services	450,000	450,000	450,000	100.00
06 - 15	1001		VIII-X	TOTAL REVENUES - OTHER SOURCES	0	11,899,222	11,859,393	99.67
06 - 15	1001	4010-4012	VIII-X	DONATIONS FROM INTERNATIONAL ORGANISATIONS	0	11,899,222	11,859,393	99.67
15	1001	4010	VIII	TOTAL - PROJECT WOBACA <i>Towards Gender Equality through Increased Capabilities for Work-Life Balance</i>	0	202,980	202,980	100.00
15	1001	4010	465	Other grants and transfers	0	202,980	202,980	100.00
06	1001	4011	IX	TOTAL - PROJECT UN WOMEN <i>Improvement of the Situation of Women and Girls in Rural Areas</i>	0	11,693,000	11,653,171	99.66
06	1001	4011	422	Travel expenses	0	116,930	77,633	66.39
06	1001	4011	423	Contracted services	0	8,068,170	8,067,638	99.99
06	1001	4011	481	Grants to non-governmental organisations	0	3,507,900	3,507,900	100.00
15	1001	4012	X	TOTAL - PROJECT UNICEF <i>UNICEF Support in Preparation of the Special Report on Discrimination against Children</i>	0	3,242	3,242	100.00
15	1001	4012	465	Contracted services	0	3,242	3,242	100.00

Note to * - The initial appropriation was approved by the Law on Budget of the Republic of Serbia for 2023 (Official Gazette of the Republic of Serbia No. 138/22 of 9 December 2022)

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 2023 (Official Gazette of the Republic of Serbia No. 75/23), as well as by redirecting appropriation in accordance with the Decision by the Ministry of Finance number: 000415497 2023 10520 003 427 000 of 7 December 2023.

BUDGET EXECUTION FOR 2023

BUDGET STRUCTURE BY PROGRAMMES, PROGRAMME ACTIVITIES AND PROJECTS

Source of financing	Programme	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	117,922,000	132,551,222	125,586,303	94.75
01		0012	PROGRAMME ACTIVITY: Effective Suppression and Protection against Discrimination	115,446,000	118,176,000	111,455,884	94.31
15		4003	PROJECT: MOOT COURT - Moot Court in the field of Protection against Discrimination	587,000.00	587,000.00	562,390.00	95.81
01		4005	PROJECT: EQUALLY TO THE FINISH LINE	308,000	308,000	251,796	81.75
01		4006	Project: Don't Judge a Book by Its Covers LIVE LIBRARY	340,000	340,000	259,200	76.24
01		4009	PROJECT: YOUTH PANEL	500,000	500,000	496,000	99.20
01		4013	PROJECT: A BRIDGE OF UNDERSTANDING	291,000	291,000	251,641	86.47
01		4014	PROJECT: VISIBILITY ADVANCES EQUALITY	450,000	450,000	450,000	100.00
06,15		4010	PROJECT: WOBACA Towards Gender Equality through Increased Capabilities for Work-Life Balance	0	202,980	202,980	100.00
06,15		4011	PROJECT: UN WOMEN Improvement of the Situation of Women and Girls in Rural Areas	0	11,693,000	11,653,171	99.66
06		4012	PROJECT: UNICEF UNICEF Support in Preparation of the Special Report on Discrimination against Children	0	3,242	3,242	100.00

Note to * - The initial appropriation was approved by the Law on Budget of the Republic of Serbia for 2023 (*Official Gazette of the Republic of Serbia* No. 138/22 of 9 December 2022)

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 2023 (*Official Gazette of the Republic of Serbia* No. 75/23), as well as by redirecting appropriation in accordance with the Decision by the Ministry of Finance number: 000415497 2023 10520 003 427 000 of 7 December 2023

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