# Franet National contribution to the Fundamental Rights Report 2021

**Serbia**

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# Policy and legal highlights 2020

| Franet country study: policy and legal highlights 2020 | |
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| **Issues in the fundamental rights institutional landscape** | **Amendment of the Constitution** still pending**:** Amendments to the constitutional provisions on the judiciary, ostensibly with a view to strengthening its independence, were not voted in by the new parliament, formed after the 2020 general elections.<br>**Institutional anti-discrimination framework on hold for six months:** Six months passed since the term in office of the Commissioner for the Protection of Equality expired on 27 May 2020 and her re-election on 27 November 2020. This affected the institutional framework for the prevention of and protection from discrimination. |
| **EU Charter of Fundamental Rights** | No developments in 2020. |
| **Equality and non-discrimination** | **Major impact of COVID-19 measures on the elderly, discrimination against the LGBTI population:** Persons over 65 were subjected to substantial restrictions of their freedom of movement. The Constitutional Court held that these measures did not amount to a deprivation of liberty and complied with the Constitution. Several studies and reports testify to persistent acts of violence and discrimination against the LGBTI population. |
| **Racism, xenophobia & Roma integration** | **Adoption of strategic documents still pending, no specific measures targeting discrimination during the COVID-19 pandemic, discrimination against Roma persists:** The adoption of a new Anti-Discrimination Strategy and Action Plan for its the implementation is still pending. The Government did not introduce specific measures related to the COVID-19 pandemic targeting discrimination. The Commissioner for the Protection of Equality reported that Roma were still one of the most discriminated groups in Serbia. |
| **Asylum & migration** | **Extension of foreigners' residence permits during the spring lockdown:** In a decision published on 24 March, the Government extended the duration of residence permits expiring during the lockdown until the end of the state of emergency, releasing permit-holders from the obligation to apply for their renewal during this period. |
| **Data protection and digital** | **Strategic documents and regulations adopted:** In January 2020, the Serbian Government adopted the Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the Period 2020-2025. In August 2020, the Ministry of the |

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| **society** | Interior adopted a Rulebook on filming in public places.<br>**Video surveillance:** Hundreds of cameras were installed in Belgrade without proper signage. The Commissioner for Information of Public Importance and Personal Data Protection stated that there were no legal grounds for such surveillance and that no data protection impact assessment had been conducted. |
| **Rights of the child** | **New Strategy for Prevention and Protection of Children from Violence:** In May 2020, the Government adopted the 2020-2023 Strategy for Prevention and Protection of Children from Violence, which recognised new forms of violence; it does not contain any references related to the COVID-19 circumstances. |
| **Access to justice, including victims of crime** | **Strategy on victims' rights adopted, jurisprudential shift in awarding non-material damages to victims:** In August 2020, the 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime was adopted. The same month, the Supreme Court of Cassation adopted Guidelines on improving jurisprudence on the compensation of victims in criminal proceedings relieving them of the need to claim non-pecuniary damages in separate civil proceedings. |
| **Convention on the Rights of Persons with Disability** | **New Strategy adopted, national monitoring continues:** The 2020-2024 Strategy for Improving the Status of Persons with Disabilities was adopted in March 2020. It sets out the priority areas concerning the position of persons with disabilities at the national level in line with CRPD standards. Most of the CRPD recommendations have been implemented. |

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

The relevant institutional framework for the prevention of and protection from discrimination was on hold for six months after the term in office of the Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) expired on 27 May 2020.[1] The same individual was re-elected on 27 November 2020.[2] NGOs reported that discrimination-related complaints filed with the Commissioner's Office had not been not reviewed during the interregnum. Namely, the Commissioner's Office staff did not pursue the cases the Commissioner had initiated before civil courts,[3] which will impinge on the strategic litigation cases this institution launched years ago.

On 18 March, on the basis of the Government Decree on State of Emergency Measures,[4] the Minister of the Interior ordered[5] a nationwide lockdown due to the pandemic, imposing a curfew between 8 pm and 5 am and prohibiting all individuals over 65 years of age from leaving their homes at any time; fines for violating the order ranged from RSD 50,000 to 150,000.[6] The hours and length of time the elderly were allowed to leave their homes varied during the state of emergency.[7] It was not until the end of the state of emergency on 6 May that these restrictions of the freedom of movement were fully abolished with respect to the elderly.[8] Civil society criticised these measures as disproportionate.[9] The Ministry of Health (*Ministarstvo zdravlja*) also forbade all visits to establishments housing the elderly.[10] This measure remained in force

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[1] *Serbia,* Commissioner for the Protection of Equality *(Poverenik za zaštitu ravnopravnosti)*, (2020), *First 10 years of Commissioner for Protection of Equality*, 27 May 2020.

[2] *N1* (2020), 'Brankica Janković re-elected Serbia's Commissioner for the Protection of Equality', 27 November 2020.

[3] Interview with the staff member of the Office of the Commissioner for the Protection of Equality, 14 September 2020, Belgrade.

[4] Serbia, Government (2020), Decree on State of Emergency Measures (*Uredba o merama za vreme vanrednog stanja*), Official Gazette of the RS No. 31/2020.

[5] Serbia, Government (2020), Order Restricting and Prohibiting Movement of Individuals in the Territory of the Republic of Serbia (*Naredba o organičenju i zabrani kretanja lica na teritoriji Republike Srbije*), Official Gazette of the RS No. 34/2020.

[6] Serbia, Government (2020), Decree on Misdemeanour Violations of the Interior Minister's Order Restricting and Prohibiting Movement of Individuals in the Territory of the Republic of Serbia (*Uredba o prekršaju za kršenje Naredbe ministra unutrašnjih poslova o ograničenju i zabrani kretanja lica na teritoriji Republike Srbije*), Official Gazette of the RS No. 39/2020.

[7] Belgrade Centre for Human Rights (2020), *Human Rights in Serbia January-June 2020*, Belgrade, p. 68.

[8] Serbia, National Assembly (2020), Decision on the Abolition of the State of Emergency (*Odluka o ukidanju vanrednog stanja*), Official Gazette of the RS No. 65/2020.

[9] Belgrade Centre for Human Rights (2020), *Human Rights in Serbia January-June 2020*, Belgrade, p. 68.

[10] Serbia, Minister of Health (*Ministar zdravlja*) (2020) Order Prohibiting Visits to and Restricting Movement in Facilities of Establishments for the Accommodation of the Elderly (*Naredba o zabrani poseta i ograničenju kretanja u objektima ustanova za smeštaj starijih lica*), Official Gazette of the RS No. 28/2020.

for almost six months.[11] In October 2020, the Constitutional Court dismissed the initiative to review measures taken by the Government during the state of emergency, finding that those limiting the freedom of movement of the elderly did not amount to deprivation of liberty and were in compliance with the Serbian Constitution.[12]

In March and April, the Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) issued several recommendations pertaining to the protection of the elderly and submitted a legislative initiative targeting curfew violations by the elderly suffering from dementia.[13]

The Government granted retirees one-off financial aid in the amount of RSD 4,000 to help alleviate the negative consequences of the COVID-19 crisis.[14] This measure positively impacted the equality of pensioners vis-a-vis employed persons, bearing in mind that the income gap between these two groups has continued increasing every year.[15]

On 30 June 2020, the European Court of Human Rights (ECtHR) delivered a judgment in the case of *Popović and Others v. Serbia.*[16] The applicants argued that the significant disparity in the disability benefits provided to civilian and military retirees in Serbia violated the prohibition of discrimination in conjunction with their right to the peaceful enjoyment of possessions guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The ECtHR found no violation of the ECHR, stating that although the legislation in question amounted to a difference in treatment, it had reasonable and objective justification. A decision on the request for referral to the Grand Chamber of the ECtHR is pending.

## 2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.

In February and August, the Belgrade Centre for Human Rights noted that the Anti-Homophobia Declaration and a national strategy regarding violence against LGBTI persons and peer violence in schools have not yet been adopted and

[11] Written reply by Amity, a Serbian NGO dealing with the rights of marginalised and discriminated groups, to a query sent for the purposes of this report, 4 September 2020.
[12] Serbia, Constitutional Court (2020), Decision IYo-45/2020 of 15 October 2020, pp. 30-31.
[13] Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2020), Recommendation of Measures to the Ministry of the Interior Regarding the Registration of Older Citizens' Vehicles during the State of Emergency (*Preporuka mera Ministarstvu unutrašnjih poslova povodom registracije vozila starijih građana u vreme vanrednog stanja*), Belgrade, 31 March 2020; Recommendation of Measures to the Ministry of Health Regarding Elderly Helplines (*Preporuka mera Ministarstvu zdravlja u vezi brojeva telefona namenjenih pomoći starijim licima*), Belgrade, 6 April 2020, and Initiative to the MOI Regarding Punishment of Persons Suffering from Dementia (*Inicijativa MUP povodom kažnjavanja osoba obolelih od demencije*), Belgrade, 13 April 2020.
[14] Serbia, Pension and Disability Insurance Fund of the Republic of Serbia (*Republički fond za penziono i invalidsko osiguranje*) (2020), One-off Aid of RSD 4,000 to Beneficiaries of the Pension and Disability Insurance Fund (*Korisnicima RF PIO jednokratna pomoć 4.000 dinara*), Belgrade, 26 March 2020.
[15] Amity's written contribution to this report of 4 September 2020.
[16] European Court of Human Rights (ECtHR), *Popović and Others v. Serbia,* Nos. 26944/13, 14616/16, 14619/16 and 22233/16, 30 June 2020.

reported various acts of violence and discrimination.[17] In May, NGOs IDEAS and the Gay Lesbian Info Centre (GLIC) published their annual research, which revealed that a sizable share (46 %) of the respondents had experienced discrimination on the basis of their sexual orientation; nearly 10 % said they had been victims of physical or sexual violence.[18] In June, a survey by Geten on the needs of transgender and non-binary persons noted that most of its participants said they had been discriminated against because of their gender identity in various situations.[19] A report on the experiences and challenges faced by women over 65 during the COVID-19 crisis published in June by NGO Amity revealed many problems women had faced during the state of emergency, mainly fear for their family members, ban on leaving their homes for a walk and loneliness.[20]

# Chapter 2. Racism, xenophobia and related intolerance

## 1. Legal and policy developments relating to the application of the Racial Equality Directive

Serbia still lacked a public policy framework for the prevention of racial discrimination in 2020. A new national anti-discrimination strategy was not adopted after the expiry of the 2013-2018 Anti-Discrimination Strategy (*Strategija prevencije i zaštite od diskriminacije za period 2013-2018*).[21] The six months between the expiry of the term in office of the Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) on 27 May 2020[22] and her re-election on 27 November 2020[23] affected the relevant institutional framework for the prevention of and protection from discrimination, which was on hold during the interregnum.[24] No instances of discriminatory police profiling were registered in the reporting period.

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[17] Belgrade Centre for Human Rights (2020), *Human Rights in Serbia 2019*, Belgrade, pp. 292-305 and Belgrade Centre for Human Rights (2020), *Human Rights in Serbia January-June 2020*, Belgrade, pp. 121-123.

[18] The research included 182 respondents belonging to this population (most of them were gay men under 35 years of age), who were asked to answer an anonymous online questionnaire. IDEAS and GLIC (2020), *Annual LGBTI+ Research* (*Godišnje LGBTI+ istraživanje*), Belgrade, pp. 2, 7-9.

[19] The report was based on an online questionnaire targeting 71 transgender and non-binary persons over 15 and residing in Serbia. Geten (2020), *Report – Research on Needs of Transgender and Non-Binary Individuals in the Republic of Serbia (Istraživački izveštaj – istraživanje o potrebama transrodnih i nebinarnih osoba u Republici Srbiji), Belgrade*, pp. 2, 11-12.

[20] The research on which the report was based involved over 670 women split into five focus groups. Amity (2020), *Women 65+ in the Time of Corona: Experiences and Challenges* (*Žene 65+ u doba korone: Iskustva i izazovi)*, Belgrade, pp. 1-3.

[21] Serbia, Government (2013), Anti-Discrimination Strategy for the 2013-2018 Period, Official Gazette of the RS No. 60/2013.

[22] *Serbia,* Commissioner for the Protection of Equality *(Poverenik za zaštitu ravnopravnosti)*, (2020), *First 10 years of Commissioner for Protection of Equality*, 27 May 2020.

[23] *N1* (2020), 'Brankica Janković re-elected Serbia's Commissioner for the Protection of Equality', 27 November 2020.

[24] See Chapter 1, part. 1.

There were no government measures related to the COVID-19 pandemic targeting discrimination in access to social protection, healthcare, employment, or education. For example, when in-person school attendance was replaced in March 2020 by the e-learning programme running on the national service broadcaster (Radio Television of Serbia), which some schools combined with internet platforms[25], children from disadvantaged groups were disproportionately affected by this policy.[26] These issues remained unaddressed when the new school year started on 1 September with the hybrid model of in-person and e-learning programmes in Serbian schools.[27]

### 2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

In her 2019 annual report, the Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) called on all social actors to work on recognising and preventing hate speech in public space, emphasising the need for prompt and adequate punishment.[28] Official data published in July 2020 reveal that seven criminal complaints were filed regarding an offence of violation of equality, with one conviction for the offence in 2019, while criminal complaints were lodged against five individuals regarding an offence of racial and other discrimination, with no-one convicted of the offence in the previous year.[29] Hate crimes and hate speech are not covered by the initial training curriculum of the Judicial Academy (*Pravosudna akademija*).[30]

# Chapter 3. Roma equality and inclusion

### 1. Measures and developments addressing Roma/Travellers

[25] Serbia, Ministry of Education, Science and Technological Development (*Ministarstvo prosvete, nauke i tehnološkog razvoja*) (2020), 'Gratitude for Successful Remote Teaching' ('*Zahvalnost za uspešno realizovanu nastavu na daljinu*'), 29 May 2020.
[26] *Istinomer* (2020), 'They want children to follow class on the internet but we don't even have electricity' (*'Traže od dece da prate nastavu preko interneta, a mi nemamo ni struju*'), 15 September 2020. More in Chapter 3, part 2 on how Roma children were particularly affected.
[27] Serbia, Ministry of Education, Science and Technological Development (*Ministarstvo prosvete, nauke i tehnološkog razvoja*) (2020), Guidelines on Organisation and Implementation of Teaching in Primary and Secondary Schools and Measures to Protect the Health of Pupils and School Staff (*Uputstva za organizovanje i realizaciju nastave u osnovnoj i srednjoj školi, kao i o merama zaštite zdravlja učenika i zaposlenih u školama*), 12 August 2020.
[28] Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2020), *Abridged Version of the 2019 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, April 2020, p. 95.
[29] Serbia, Statistical Office of the Republic of Serbia (*Republički zavod za statistiku*) (2020), Adult Criminal Offenders (*Punoletni učinioci krivičnih dela*), pp. 3, 7 and 8, 23 July 2020.
[30] Serbia, Judicial Academy (*Pravosudna akademija*) (2020), Initial Training Curriculum for 2020 *(Program početne obuke za 2020. godinu*).

The adoption of a new Action Plan for the implementation of the national Strategy for Social Inclusion of Roma[31] has been pending since March 2019.[32] In her 2019 annual report, the Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) stated that the Roma population was one of the most discriminated against groups in Serbia, and that Roma women were in a particularly precarious position.[33]

In consultation with the National Council of the Roma National Minority (*Nacionalni savet romske nacionalne manjine*), the Ministry of Education, Science and Technological Development (*Ministarstvo prosvete, nauke i tehnološkog razvoja*) in September 2020 lay down the detailed conditions for the work, and level and type of education and training curriculum for pedagogical and andragogical assistants working with Roma children.[34]

## 2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

The Serbian Government's response to COVID-19 was marked by insufficient support to the most vulnerable Roma and the failure to identify and address their needs. The situation of Roma living in informal settlements,[35] Roma without personal documents[36] and those entirely depending on income from the informal economy and activities, such as the collection of secondary raw materials, was exacerbated by the measures to prevent the spread of the coronavirus.[37] Although some efforts were made to provide Roma with humanitarian aid, mainly food and hygiene packages,[38] there was no adequate or timely response to the needs of the most vulnerable Roma.[39] An analysis prepared with the support of the OHCHR in Serbia noted, "Roma men and women were not recognised as one of high-risk groups and consequently targeted system support measures were missing".[40]

In his special report on conditions in Roma settlements during the state of emergency, Protector of Citizens` (*Zaštitnik građana*) alerted to problems in access to clean water, electricity and waste removal, suspension of the work of

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[31] Serbia, Government, Strategy for Social Inclusion of Roma for the 2016-2025 Period, Official Gazette of the RS No. 26/16.
[32] Alliance against Roma Discrimination (*Alijansa protiv diskriminacije Roma*) (2020), Letter to the President of the Government of the Republic of Serbia, 9 November 2020. On file with the contractor.
[33] Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2020), *Abridged Version of the 2019 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, April 2020, p. 21.
[34] Official Gazette of the RS, Nos. 73/2016, 45/2018, 106/2020 and 115/2020.
[35] A 11 – Initiative for Economic and Social Rights (2020), 'European Court of Human Rights has initiated procedure against Serbia for lack of support for the most vulnerable in the fight against coronavirus', Press release, 22 April 2020.
[36] Praxis (2020), 'Appeal to the Government of the Republic of Serbia: Assistance in Food for the Most Vulnerable Urgently Needed,' Press release, 3 April 2020.
[37] Interviews conducted during the state of emergency with Roma in five Serbian cities, on file with the contractor.
[38] Delegation of the European Union to the Republic of Serbia (2020), 'Support for Roma in Serbia during Pandemic', Press release, 18 May 2020.
[39] A 11 – Initiative for Economic and Social Rights (2020), *Human Rights in Serbia during the First Wave of Coronavirus: from denial of danger to state of emergency*, pp. 2 and 11, October 2020.
[40] UN Human Rights Team in Serbia and the Social Inclusion and Poverty Reduction Unit of the Government of Serbia, *Impact of the COVID-19 on vulnerable groups and groups at risk - causes, outcomes and recommendations*, p. 10 (2020).

health mediators, and dissatisfaction of most Roma with the work of the social work centres during the state of emergency.[41]

Undocumented Roma were unable to apply for the usual forms of welfare, such as financial social assistance or one-off financial aid.[42] They were also excluded from measures introduced specifically to alleviate the social impact of the coronavirus,[43] such as the €100 one-off financial aid distributed to all adult nationals of Serbia who applied for it with their IDs.[44]

The status of particularly vulnerable Roma was not addressed in the field of education either. Changes introduced in this field due to the COVID-19 outbreak[45] left Roma children without access to education. While Roma children in informal settlements and other vulnerable Roma children without access to TV programmes, internet or electricity were unable to follow class broadcast on the national service broadcaster, the Ministry of Education, Science, and Technological Development (*Ministarstvo prosvete, nauke i tehnološkog razvoja*) claimed that 88 % of Roma children followed the e-learning programme during the first wave of COVID-19 in the spring semester of the 2019/2020 school year.[46]

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[41] Serbia, Protector of Citizens (*Zaštitnik građana*) (2020), *Special Report of the Protector of Citizens with Recommendations: Conditions in Roma Settlements in the Situation of Emergency Status and Implementation of Protection Measures Due to Corona Virus Epidemics (COVID-19)*, pp. 11, 13-14, 17-19 and 21, 19 May 2020.

[42] Belgrade Centre for Human Rights (2020), 'State must urgently enable undocumented citizens to exercise their right to one-off financial aid' (*'Država neodložno da omogući građanima bez ličnih dokumenata ostvarivanje prava na jednokratnu novčanu pomoć'*), Press release, 21 May 2020.

[43] Gordana Matković, 'Social safety nets in times of the COVID-19 crisis*'*, 28 August 2020.

[44] Official Gazette of the RS, Nos. 54/2020 and 60/2020.

[45] See Chapter 2, part 1.

[46] *Istinomer* (2020), 'They want children to follow class on the internet but we don't even have electricity' (*'Traže od dece da prate nastavu preko interneta, a mi nemamo ni struju'*), 15 September 2020.

# Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

| EUMS/ Republic of North Macedonia, Republic of Serbia | Category of TCN | Brief description of the measure | Legal source (legislation or case law as relevant) with hyperlink | Comments |
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| **RS** | Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies | All foreign nationals legally residing in Serbia on any grounds under the Alien Act were allowed to lawfully remain in the territory of Serbia for the duration of the state of emergency and with no obligation to take further status-related action under the circumstances. The validity of IDs issued to aliens under the Alien Act or the Asylum Act, which had expired before or during the state of emergency, was extended throughout the state of emergency. Police collection of biometric data from aliens was temporarily suspended until it could be performed without health risks. The relevant Decision | Serbia, Decision on the Status of Foreign Nationals in the Republic of Serbia during the State of Emergency (*Odluka o statusu stranih državljana u Republici Srbiji za vreme vanrednog stanja*), Official Gazette of the RS No. 41/2020 of 24 March 2020. | |

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| | | was revoked by the Decree on Measures for the Prevention and Containment of the Infectious Disease COVID-19 (*Uredba o sprečavanju i suzbijanju zarazne bolesti COVID-19*, Official Gazette of the RS No. 66/2020 of 7 May 2020). Such measures were not proscribed again by the end of 2020.<br><br>A new Decree on Measures for the Prevention and Containment of the Infectious Disease COVID-19 (*Uredba o sprečavanju i suzbijanju zarazne bolesti COVID-19,* Official Gazette of the RS Nos. 151/2020, 152/2020, 153/2020 and 156/2020) was passed on 15 December 2020 (replacing the Decree of 7 May 2020). It requires of all aliens not residing in Serbia to produce negative PCR tests taken within the previous 48 hours if they want to enter the country. This measure, effective as of 20 December 2020, was initially to have lasted until 10 January, but was subsequently extended as long as the | | |

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| | | epidemiological situation dictates. However, it is not in enforced in practice with respect to asylum-seekers and irregular migrants, who generally do not enter the country at legal border crossings. Asylum-seekers entering Serbia are still being housed in asylum centres. | | |
| | Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas) | The general measures apply. | | |
| | Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806) | The general measures apply. | | |
| | Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national | The general measures apply. | | |

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| | law) | | | |
| | Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by Regulation (EU) 2017/1954) | The general measures apply. | | |
| | Holders of local border traffic permit under Regulation (EC) No. 1931/2006 | The general measures apply. | | |
| | Any other category of TCN not listed above. | Authorities responsible for administrative proceedings could not be held liable for failing to act within the legally prescribed deadlines during the state of emergency. Service of written submissions and notices in administrative proceedings initiating non-extendable time limits during the state of emergency were to be deemed completed 15 days after the end of the state of emergency, whereas time limits expiring during the state of emergency were extended 30 days after the end of the state of emergency. The prescribed time limits for filing appeals in administrative | Serbia, Decree on Deadlines in Administrative Proceedings during the State of Emergency (*Uredba o primeni rokova u upravnim postupcima za vreme vanrednog stanja*), Official Gazette of the RS Nos. 41/2020 and 43/2020.<br><br>Serbia, Act on the | |

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| | | proceedings started running after the state of emergency was lifted. The relevant decree remains in force pending the adoption of a new law regulating the matter, as stipulated by the Act on the Validity of Decrees Adopted by the Government and Co-Signed by the President during the State of Emergency and Confirmed by the National Assembly of 6 May 2020. However, no such legislation has been passed by the end of 2020 or at beginning of 2021. | Validity of Decrees Adopted by the Government and Co-Signed by the President during the State of Emergency and Confirmed by the National Assembly<br><br>(*Zakon o važenju uredaba koje je vlada uz supotpis predsednika republike donela za vreme vanrednog stanja i koje je narodna skupština potvrdila*), Official Gazette of the RS No. 65/2020. | |

# Chapter 5. Information society, privacy and data protection

## 1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

In March, the Protocol amending the CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data was ratified.[47] In February, the Government adopted a decree allowing the classification of all defence-related information.[48] The Decree enumerates categories of data and affairs to be protected as confidential, which relevant NGOs qualified as too broad and in contravention of the relevant legislation.[49]

The COVID-19 pandemic prompted the introduction of measures posing challenges to personal data protection in Serbia. The Government set up a centralised and regularly updated database of persons tested for and infected by COVID-19.[50] The main issues regarded ambiguities about the data controllers and access to data. Additionally, contrary to the relevant legislation,[51] time limits for data storage were not defined; nor were individuals informed of their rights and the fact that their data were processed.[52] This large database containing sensitive personal data was inadequately protected.[53] In

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[47] Serbia, Act Ratifying the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data *(Zakon o ratifikaciji Protokola o izmenama i dopunama Konvencije o zaštitii lica u odnosu na automatsku obradu ličnih podataka*), Official Gazette of the RS No. 4/2020.

[48] Serbia, Government (2020), Decree on data and affairs relevant to the defence system (*Uredba o podacima i poslovima značajnim za sistem odbrane koji se moraju čuvati i štititi u skladu sa zakonom kojim se uređuje zaštita tajnosti podataka i o kriterijumima za popunu radnih mesta na kojima se ti zadaci obavljaju*), Official Gazette of the RS No. 8/2020, Art. 2.

[49] Coalition prEUgovor (2020), *PREUGOVOR Alarm: Report on Progress of Serbia in Chapters 23 and 24*, May 2020, p. 36.

[50] The database also included those who died or were placed into self-isolation or accommodated in healthcare facilities. Serbia, Government (2020) Conclusion on the Establishment of a Nationwide and Centralised Information System COVID-19 (IS COVID-19) (*Zaključak o uspostavljanju jedinstvenog i centralizovanog softverskog rešenja – Informacioni sistem COVID-19 (IS COVID-19*), Official Gazette of the RS Nos. 50/2020 and 57/2020.

[51] Serbia, Personal Data Protection Act (*Zakon o zaštiti podataka o ličnosti*), Official Gazette of the RS No. 87/2018.

[52] Serbia, SHARE Foundation (2020), 'COVID-19 Information System in Serbia's legal system' ('*Informacioni sistem COVID-19 u pravnom sistemu Srbije'*), 30 April 2020.

[53] Coalition prEUgovor, *PREUGOVOR Alarm: Report on Progress of Serbia in Chapters 23 and 24*, May 2020, p. 90. More in SHARE Foundation (2020), 'Password Pandemic. How Did a COVID-19 Password End Up Online', 20 April 2020.

addition, there were issues with the implementation of the Act on Free Access to Information of Public Importance (*Zakon o slobodnom pristupu informacijama od javnog značaja)* regarding information on the COVID-19 pandemic.[54]

In August 2020, the Ministry of the Interior (*Ministarstvo unutrašnjih poslova*) adopted a rulebook governing public video surveillance.[55] The rulebook regulates public audio and video surveillance by the communal police,[56] providing technical information on video and audio surveillance, and describing the equipment and decision-making procedures.[57] The rulebook addresses both surveillance implemented to identify persons and systematic public surveillance, and provides for visible signage of all cameras.[58] Nevertheless, the problem of video surveillance remains one of the major human rights challenges. The Ministry of the Interior said in 2019 that hundreds of cameras with facial and licence plate recognition software had been installed in Belgrade.[59] Civil society organisations[60] and the Commissioner for Information of Public Importance and Personal Data Protection (*Poverenik za za informacije od javnog značaja i zaštitu podataka od ličnosti*)[61] warned that the Ministry had not conducted a data protection impact assessment of the system as it had been obliged to, nor specified the legal grounds

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[54] Serbia, Commissioner for Information of Public Importance and Personal Data Protection (*Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti*) (2020), 'Information about coronavirus is urgent in character' ('*Informacije o korona virusu su hitnog karaktera'*), Press release, 11 March 2020; id. 'Increased number of complaints requesting information on COVID-19' ('*Povećan broj žalbi kojim se traže informacije o COVID-19'*), Press release, 2 July 2020.

[55] Serbia, Ministry of the Interior (*Ministarstvo unutrašnjih poslova*) (2020), Rulebook on recording in public places and communal police notification of its intention to record (*Pravilnik o načinu snimanja na javnom mestu i načinu na koji komunalna milicija sopštava nameru da vrši snimanje*), 21 August 2020.

[56] Serbia, Ministry of the Interior (*Ministarstvo unutrašnjih poslova*) (2020), Rulebook on recording in public places and communal police notification of its intention to record (*Pravilnik o načinu snimanja na javnom mestu i načinu na koji komunalna milicija sopštava nameru da vrši snimanje*), 21 August 2020, Art. 1.

[57] Serbia, Ministry of the Interior (*Ministarstvo unutrašnjih poslova*) (2020), Rulebook on recording in public places and communal police notification of its intention to record (*Pravilnik o načinu snimanja na javnom mestu i načinu na koji komunalna milicija sopštava nameru da vrši snimanje*), 21 August 2020, Art. 3.

[58] Serbia, Ministry of the Interior (*Ministarstvo unutrašnjih poslova*) (2020), Rulebook on recording in public places and communal police notification of its intention to record (*Pravilnik o načinu snimanja na javnom mestu i načinu na koji komunalna milicija sopštava nameru da vrši snimanje*), 21 August 2020, Arts. 10 and 13.

[59] *N1* (2019), 'Stefanović: A thousand cameras with face recognition and licence plate software' (*'Stefanović: Hiljadu kamera sa softverima za prepoznavanje lica i tablica'*), 30 January 2019.

[60] Share Foundation (2019), 'Serbian government is implementing unlawful video surveillance with face recognition in Belgrade', 3 December 2019.

[61] Serbia, Commissioner for Information of Public Importance and Personal Data Protection (*Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti)* (2019), Commissioner's Opinion on the Ministry of the Interior Smart Video Surveillance Personal Data Protection Impact Assessment (*Mišljenje Poverenika na akt Ministarstva unutrašnjih poslova – Procena uticaja obrade na zaštitu podataka o ličnosti korišćenjem sistema video nadzora*), 12 November 2019.

for and aims of such surveillance. [62] Despite the Rulebook, there is no proper signage of the cameras and a list of their precise locations is not available.[63] Individuals and organisations advocating responsible use of surveillance technology launched the platform Thousands of Cameras (*Hiljade kamera*)[64] in an attempt to hold officials accountable for their actions by mapping cameras and actively challenging decisions on surveillance.[65]

## 2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

| MS | Actor* | Type** | Description | Are Ethical concerns mentioned? (yes/no) | Are Human Rights issues mentioned? (yes/no) | Reference |
|---|---|---|---|---|---|---|
| | Government | Strategy and Action | The Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the Period 2020-2025 was | Yes | Yes | https://www.srbija.gov.rs/tekst/en/149169/strategy-for-the-development-of- |

[62] Serbia, Commissioner for Information of Public Importance and Personal Data Protection (*Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti)* (2019), Commissioner's Opinion on the Ministry of the Interior Smart Video Surveillance Personal Data Protection Impact Assessment (*Mišljenje Poverenika na akt Ministarstva unutrašnjih poslova – Procena uticaja obrade na zaštitu podataka o ličnosti korišćenjem sistema video nadzora*), 12 November 2019.
[63] Centre for Investigative Journalism of Serbia (CINS) (2020), 'Share Foundation Director: Citizens will feel less free due to video surveillance' (*'Direktor Share fondacije: Građani će se zbog video nadzora osećati manje slobodno'*), 7 October 2020.
[64] Share Foundation (2020), 'Don't film my face: a petition against biometric surveillance' (*'Ne snimaj mi lice: peticija protiv biometrijskog nadzora'*), 11 November 2020.
[65] Share Foundation (2020), 'Don't film my face: a petition against biometric surveillance' (*'Ne snimaj mi lice: peticija protiv biometrijskog nadzora'*), 11 November 2020.

| | | | | | | |
|---|---|---|---|---|---|---|
| | | Plan | adopted in January 2020. The Strategy provides for personal data protection in the field of AI and protection from discrimination in the implementation of AI.[66] It envisages the involvement of the Commissioner for Personal Data Protection and the Ministry charged with human rights in monitoring its implementation.[67] The Strategy is in line with the European Artificial Intelligence Initiative, entailing the creation of national ethics guidelines that will be in accordance with the European Commission's Ethics guidelines for trustworthy AI. The Strategy envisages the establishment of an AI Institute that will research application of AI in various areas and participate in shaping public policies dealing with the development and use of AI based systems in accordance with human rights and to the benefit of | | | artificial-intelligence-in-the-republic-of-serbia-for-the-period-2020-2025.php |

[66] Serbia, Government (2020), Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the Period 2020-2025 (*Strategija razvoja veštačke inteligencije u Republici Srbiji za period 2020 – 2025. godine*), 26 December 2020, pp. 49 and 50.
[67] Serbia, Government (2020), Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the Period 2020-2025 (*Strategija razvoja veštačke inteligencije u Republici Srbiji za period 2020 – 2025. godine*), 26 December 2020, pp. 42 and 43.

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| | | | individuals and societal development.<br><br>The 2020-2022 Action Plan for the implementation of the Strategy[68] was adopted in June 2020. It focuses on the development of education in the field of AI, and does not explicitly touch on any ethical issues. | | | |

[68] Serbia, Government (2020), 2020-2022 Action Plan for the Implementation of the Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the Period 2020-2025 (*Akcioni plan za period 2020–2022. godine za primenu Strategije razvoja veštačke inteligencije u Republici Srbiji za period 2020–2025. godine*), 5 Jun 2020.

# Chapter 6. Rights of the child

## 1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

| | |
|---|---|
| **Measures to address the specific vulnerabilities of children living in poverty** | The financial measure introduced by the state to dampen the effects of the COVID-19 pandemic – in the form of €100 one-off financial aid distributed to all adult nationals of Serbia who applied for it with their IDs[69] – did not take into consideration the financial status of families or the number of children in households. Consequently, families with children received less financial aid per family member than families without children. Furthermore, child allowance beneficiaries were not provided with the opportunity to automatically continue to receive this assistance upon its expiration and had to reapply in a complex administrative setting.[70] Some efforts were made to distribute food and hygiene packages to the most vulnerable families, mainly those in Roma settlements,[71] foster families[72] and single parent families.[73] Since schools were closed due to the pandemic, children from poor families no longer received free school meals.[74] Undocumented children,[75] as well as children not registered as residents in the place they live, remained invisible to the system and precluded from benefiting from any support measures.[76] No state support was provided to children facing challenges due to the changes in the education process brought on by COVID-19.[77] Valuable support came from UNICEF Serbia, which granted the necessary software licences for recording distance learning lessons,[78] while several other organisations distributed remote learning equipment to a number of children living in poverty.[79] |
| **Measures to protect** | There were no targeted measures to protect children from violence during the COVID-19 pandemic. National and NGO |

[69] See Chapter 3, part 2.
[70] Gordana Matković, 'Social safety nets in times of the COVID-19 crisis', 28 August 2020.
[71] See Chapter 3, part 2.
[72] UNICEF Serbia (2020), UNICEF's response to the COVID-19 pandemic in Serbia, June 2020, p. 5.
[73] *Južne vesti* (2020), 'Aid packages to be delivered to homes of Pirot residents in coming days' ('*Narednih dana će Piroćanci na kućnu adresu dobijati pakete pomoći*'), 24 April 2020.
[74] Save the Children Europe (2020), *The Impact of COVID-19 on children in Europe*, p. 12.
[75] See chapter 3, part 2 for Roma children.
[76] Praxis (2020), Appeal to the Government of the Republic of Serbia: Assistance in Food for the Most Vulnerable Urgently Needed, Press release, 3 April 2020.
[77] Network of Organisations for Children of Serbia (*Mreža organizacija za decu Srbije, MODS)* (2020), *Being a Child during the COVID-19 Pandemic*, Niš, April 2020, p. 14.
[78] UNICEF Serbia (2020), UNICEF's response to the COVID-19 pandemic in Serbia, June 2020.
[79] Užice Child Rights Centre (*Užički centar za prava deteta*) (2020), 'Purchase of equipment – support to education of children' ('*Nabavka opreme - podrška obrazovanju dece*'), Press release, 26 May 2020.

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|---|---|
| **children from violence** | helplines continued to operate 24/7 with no additional training of staff or increase in their number.[80] Some efforts were invested in improving helplines to facilitate timely provision of psychosocial support for children and their families.[81] The 2020-2023 Strategy for Prevention and Protection of Children from Violence (*Strategija za prevenciju i zaštitu dece od nasilja za period od 2020. do 2023. godine*) [82] was adopted by the Government in May 2020. It, however, does not contain any references to protection of children from violence in the COVID-19 circumstances. |

### 2. Legal and policy measures or initiatives developed about criminal proceedings

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|---|---|
| **Legislative changes** | There were no legislative changes in 2020 regarding procedural safeguards for children suspected or accused of crime. |
| **Policy developments** | There were no major policy developments regarding criminal proceedings in 2020. Data published this year revealed that the number of criminal charges against children in 2019 was 6 % higher than in 2018 and that 0.2 % of the children were sentenced to juvenile detention; the number of submitted motions for criminal sanctions increased by 8 %, as did the number of criminal convictions year-on-year.[83] |
| **Other measures or initiatives** | In partnership with the Child Rights Centre (*Centar za prava deteta*), the Republic Institute for Social Protection (*Republički zavod za socijalnu zaštitu*) in 2020 launched a two-year project "Promotion of a Positive Child Justice System" which aims at improving the position of children in the child justice system.[84] |

# Chapter 7. Access to justice including crime victims

### 1. Victims' Rights Directive

[80] *RTS* (2020), 'Hotline received 1,012 calls since the beginning of the year' ('*Od početka godine na SOS telefon stiglo 1.012 poziva*'), 18 May 2020.
[81] UNICEF Serbia (2020), UNICEF's response to the COVID-19 pandemic in Serbia, June 2020, p. 5.
[82] Serbia, Government (2020), 2020-2023 Strategy for the Prevention and Protection of Children from Violence (*Strategija za prevenciju i zaštitu dece od nasilja za period od 2020. do 2023. godine*), Official Gazette of the RS No. 80/2020.
[83] Serbia, Statistical Office of the Republic of Serbia (*Republički zavod za statistiku*) (2020), 'Minors perpetrators of crime, 2019', Press release, 15 July 2020.
[84] Serbia, Republic Institute for Social Protection (*Republički zavod za socijalnu zaštitu*) (2020), 'Promoting a positive child justice system' ('*Promovisanje pozitivnog maloletnčkog pravosuđa u Srbiji*'), Press release, 21 January 2020.

In August 2020, the Serbian Government adopted the 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime, which provides for the establishment of the National Service for Assisting and Supporting Victims of Crime within all Higher Courts in Serbia and of the National Network of Victim and Witness Support Services.[85] The Network will include services established within the courts, the victim and witness support and assistance services established within the Belgrade Higher Court and the War Crimes Prosecutor's Office, as well as services set up by civil society organisations.[86] It will also encompass specially trained focal points within courts that will provide relevant information on support and assistance for victims and witnesses.[87]

Under the 2020-2022 Action Plan for the implementation of the Strategy, rules on quality standards for victim and witness support providers and their accountability will be adopted in the last quarter of 2020, and 150 providers will be trained by 2022.[88]

The authorities adopted several measures to deal with administration of justice during the COVID-19 lockdown. On 17 March, the Ministry of Justice (*Ministarstvo pravde*) issued recommendations on remote work by judges and court staff and adjournment of hearings,[89] except in priority cases, including pre-trial detention hearings and domestic violence cases.[90] The Government also passed a decree on participation of defendants in criminal trials during the state of emergency, which allowed for "remote" trials in which the defendants did not have to appear before a judge in person; their participation in the trial was secured by video link.[91] Serbian, Vojvodina and Belgrade Bar Associations alerted to the risks of violations of human rights during so-called Skype trials.[92] Additionally,

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[85] Serbia, Government (2020), 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime (*Nacionalna strategija za ostvarivanje prava žrtava i svedoka krivičnih dela za period 2020 – 2025. godine*), 19 August 2020.

[86] Serbia, Government (2020), 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime (*Nacionalna strategija za ostvarivanje prava žrtava i svedoka krivičnih dela za period 2020 – 2025. godine*), 19 August 2020, p. 8.

[87] Serbia, Government (2020), 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime (*Nacionalna strategija za ostvarivanje prava žrtava i svedoka krivičnih dela za period 2020 – 2025. godine*), 19 August 2020, p. 16.

[88] Serbia, Government (2020), Action Plan for the Implementation of the 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime in the Republic of Serbia (*Akcioni plan za sprovođenje Nacionalne strategije za ostvarivanje prava žrtava i svedoka krivičnih dela u Republici Srbiji za period 2020-2025. godine*), pp. 6 and 13.

[89] Serbia, Ministry of Justice (*Ministarstvo pravde*) (2020), Recommendations on the work of courts and public prosecution offices during the state of emergency (*Preporuke za rad sudova i javnih tužilaštava za vreme vanrednog stanja*), 17 March 2020.

[90] Serbia, High Judicial Council (*Visoki savet sudstva*) (2020), Conclusion on the implementation of Recommendations on the work of courts and public prosecution offices during the state of emergency (*Zaključak o primeni Preporuka za rad sudova i javnih tužilaštava za vreme vanrednog stanja*), 18 March 2020.

[91] Serbia, Government (2020), Decree on the participation of defendants in the main hearings in criminal proceedings during the state of emergency (*Uredba o načinu učešća optuženog na glavnom pretresu u krivičnom postupku koji se održava za vreme vanrednog stanja proglašenog 15. marta 2020. godine*), 1 April 2020, Art. 1.

[92] Belgrade Centre for Human Rights (2020), *Human Rights in Serbia January-June 2020*, August 2020, p. 31.

experts[93] and civil society organisations have raised issues of the constitutionality of such trials and their compatibility with human rights standards.[94] On 19 March, the Ministry of Justice (*Ministarstvo pravde*) recommended to public prosecutors to require always the pre-trial detention of individuals breaching self-isolation rules.[95] On 26 March, the Ministry issued another recommendation on video link trials of persons who had violated self-isolation measures.[96] The Serbian Bar Association qualified the latter recommendation as unconstitutional.[97] Official data on the number of proceedings against individuals who violated self-isolation measures are unavailable. The NGO Lawyers' Committee for Human Rights (*Komitet pravnika za ljudska prava* - YUCOM), reported that 130 people had been tried for violating self-isolation and other health and safety rules.[98]

The Government adopted a decree suspending deadlines in all court proceedings during the state of emergency.[99] The Ministry of Justice (*Ministarstvo pravde*) recommended that courts and public prosecution offices always act in criminal cases where there was a risk of them being time barred.[100] The High Judicial Council (*Visoki savet sudstva*) arrived at the same conclusion.[101]

The Ministry of Justice (*Ministarstvo pravde*) report on the first six months of implementation of the Act on Free Legal Aid states that 150 out of 165 Serbian municipalities registered as free legal aid providers and approved 1,902 requests for free legal aid, a large share of which regarded

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[93] Centre for Judicial Research (*Centar za pravosudna istraživanja, CEPRIS*), Opinion of former Constitutional Court judge Goran Ilić, 'The virus of ignorance never sleeps' ('*Virus neznanja nikada ne spava*'), 3 April 2020.

[94] Belgrade Centre for Human Rights (2020), *Human Rights in Serbia January-June 2020*, August 2020, pp. 31-32.

[95] Serbia, Ministry of Justice (*Ministarstvo pravde*) (2020), Recommendation on harsher penalties for violations of self-isolation measures *(Preporuka o pooštravanju sankcija za lica koja prekrše mere samoizloacije),* 19 March 2020.

[96] Serbia, Ministry of Justice (*Ministarstvo pravde*) (2020), 'Video link hearings of individuals who violated self-isolation measures' ('*Saslušanja za lica koja su prekršila meru samoizolacije putem video linka*'), Press release, 26 March 2020.

[97] Serbian Bar Association (*Advokatska komora Srbije*) (2020), 'Serbian Bar Association against Skype trials' *(Advokatska komora Srbije protiv Skype suđenja)*, Press release, 8 April 2020. Belgrade Centre for Human Rights (2020), *Human Rights in Serbia January-June 2020*, August 2020, p. 86.

[98] Lawyers' Committee for Human Rights (*Komitet pravnika za ljudska prava* - YUCOM) (2020), 'Trial monitoring, 52 days of the state of emergency' ('*52 dana vanrednog stanja – Monitoring suđenja*'), 11 August 2020.

[99] Serbia, Government (2020), Decree on deadlines in court proceedings during the state of emergency (*Uredba o rokovima u sudskim postupcima za vreme vanrednog stanja proglašenog 15 marta 2020*), 20 March 2020.

[100] Serbia, Ministry of Justice (*Ministarstvo pravde)* (2020), Recommendations on the work of courts and public prosecution offices during the state of emergency (*Preporuke za rad sudova i javnih tužilaštava za vreme vanrednog stanja*), 17 March 2020.

[101] High Judicial Council (*Visoki savet sudstva*) (2020), Conclusion on the implementation of Recommendations on the work of courts and public prosecution offices during the state of emergency (*Zaključak o primeni Preporuka za rad sudova i javnih tužilaštava za vreme vanrednog stanja*), 18 March 2020.

divorce, child support and child custody, whereas, in criminal proceedings, aid was most often provided to victims of domestic violence.[102]

A commendable change in jurisprudence regarding awarding of non-material damages in criminal proceedings occurred in 2020 (victims had earlier as a rule been instructed to claim damages in civil proceedings).[103] While victims have been entitled to demand compensation in both criminal and civil proceedings, the courts had routinely referred them to pursue compensation claims in civil court, rarely affording them compensation in criminal proceedings.[104] This led to secondary victimisation, prolonged compensation proceedings, additional expenses and burdening the judiciary with additional cases.[105]

## 2. Violence against women

The adoption of a new national strategy and action plan for the prevention of domestic and intimate partner violence against women for the 2020-2025 period was again postponed to the fourth quarter of 2020, although the previous Strategy[106] had expired in 2015.

The COVID-19 pandemic greatly undermined the protection of women victims of violence, especially after the state of emergency was declared,[107] as illustrated by the hike in the number of calls to hotlines.[108] Safe houses started to require of women seeking shelter to produce negative COVID-19 tests before admission, while testing for these purposes was impossible.[109] The Autonomous Women's Centre (*Autonomni ženski centar*) reported that several women victims of violence had been fined for breaching the curfew while attempting to report their abusers,[110]

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[102] Ministry of Justice (*Ministarstvo pravde)* (2020), 'Around 15,000 citizens have asked for free legal aid and support' (*Oko 15.000 građana se obratilo za besplatnu pravnu pomoć i podršku*), Press release, 31 March 2020.

[103] See Annex 2 to the Access to justice section of this report. See also the Novi Sad Higher Court's case law (K 106/19, 22 April 2020 and K 188/18, 28 February 2020). This was the result of trainings and the Serbian Supreme Court of Cassation (*Vrhovni kasacioni sud*) Guidelines for judges and prosecutors on improving jurisprudence on the compensation of victims in criminal proceedings (*Smernice za unapređenje sudske prakse u postupcima za naknadu štete žrtvama teških krivičnih dela u krivičnom postupku*) issued on 10 August 2019.

[104] Serbia, Government (2020), 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime (*Nacionalna strategija za ostvarivanje prava žrtava i svedoka krivičnih dela za period 2020 – 2025. godine*), 19 August 2020, p. 24.

[105] Serbia, Government (2020), 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime (*Nacionalna strategija za ostvarivanje prava žrtava i svedoka krivičnih dela za period 2020 – 2025. godine*), 19 August 2020, p. 24.

[106] Serbia, Government (2011), National Strategy for the Prevention and Elimination of Domestic and Intimate Partner Violence against Women (*Nacionalna strategija za sprečavanje i suzbijanje nasilja nad ženama i nasilja u porodici*).

[107] Serbia, Government Coordinating Body for Gender Equality (*Koordinaciono telo za rodnu ravnopravnost*) (2020), 'Chairwoman Mihajlović: The fight against violence against women is a priority during the epidemic' ('*Mihajlovićeva: Borba protiv nasilja nad ženama prioritet u vreme epidemije*'), Press release, 21 April 2020.

[108] Autonomous Women's Centre (*Autonomni ženski centar*) (2020), 'Press release: Protection and support for women victims of violence during the first month of the state of emergency', 17 April 2020.

[109] Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2020), Recommendation of measures regarding curfew passes, helplines and domestic violence, April 14 2020.

[110] *N1* (2020), 'Increase in violence during the state of emergency, punished for leaving home to report her abuser' ('*Porast nasilja u vanrednom stanju, kažnjena jer je izašla da prijavi nasilnika'*), 29 April 2020.

despite the Police Director's vows that they would not be punished.[111] The Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) raised this issue with the Government, suggesting that women victims of violence be exempted from obligatory curfew measures.[112] However, no formal instructions to that effect were issued.

ASTRA, a prominent NGO focusing on human trafficking, said that its hotline had received 71 % more calls in the first quarter of 2020, while the number of identified victims by the police continued to decrease after reaching a record low level in 2019.[113]

In 2020, human trafficking for the purpose of labour exploitation was addressed for the first time by the Serbian judicial system, as the public prosecutor filed one indictment for this offence, while two other cases are in the investigation stage.[114] The Act on the Rights of Veterans, Disabled Veterans, Civilian Invalids of War and Their Family Member, adopted in March 2020,[115] failed to recognise women survivors of sexual violence in wartime as civilian victims of war.[116] Serbia is now the only country in the region that does not grant wartime victims of sexual violence the right to remedy and reparation.

[111] *N1* (2020) 'Increase in violence during the state of emergency, punished for leaving home to report her abuser' (*'Porast nasilja u vanrednom stanju, kažnjena jer je izašla da prijavi nasilnika'*), 29 April 2020.

[112] Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2020), Initiative to amend the Decree on measures for victims of domestic and intimate partner violence during the state of emergency (*Inicijativa za izmenu Uredbe o merama za vreme vanrednog stanja za žrtve porodičnog i partnerskog nasilja*), 24 April 2020.

[113] ASTRA (2020), Newsletter No. 58 January-June 2020, July 2020.

[114] Source: Interview with Supreme Court of Cassation judge Ms. Radmila Dragićević Dičić, 9 September 2020. On file with the contractor.

[115] Serbia, Act on the Rights of Veterans, War Invalids, Civilian War Invalids and Members of Their Families, (*Zakon o pravima boraca, vojnih invalida, civilnih invalida rata i članova njihovih porodica*), Official Gazette of the RS No. 18/2020.

[116] Autonomous Women's Centre, Women in Black, Humanitarian Law Center (*Autonomni ženski centar, Žene u crnom i Fond za humanitarno pravo*) (2020), 'Appeal to the Women's Parliamentary Network' (*'Apel Ženskoj parlamentarnoj mreži'*), 28 February 2020.

# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

Few developments were noted in terms of initiatives implementing the CRPD in Serbia. In April 2020, the Government adopted the 2020-2024 Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia, which highlights areas concerning the position of persons with disabilities that will be prioritised at the national level in line with CRPD standards.[117] In line with the recommendations of the Committee on the Rights of Persons with Disabilities and other relevant UN bodies, the Strategy covers several strategic areas with a view to improving inclusion of persons with disabilities in Serbia in terms of accessibility, participation, equality and non-discrimination, employment, education, social protection, health care, deinstitutionalisation and life in the community.[118] Based on the cross-sectoral and multidisciplinary approach, the Strategy is the result of combined efforts of the relevant ministries and institutions, which consulted a broad range of organisations of persons with disabilities and civil society;[119] e.g. five representatives of the National Organization of Persons with Disabilities of Serbia (NOOIS) (*Nacionalna organizacija osoba sa invaliditetom Srbije*) served as members of the working group that developed this strategic document.[120] The Strategy also provides for the involvement of persons with disabilities in the implementation and monitoring of its measures and activities.[121]

The COVID-19 pandemic brought significant challenges for persons with disabilities, particularly during lockdown. Day care facilities for children with disabilities were also closed. There were challenges in distributing food packages, as well as the necessary medical and cleaning

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[117] Serbia, Government (2020), 2020-2024 Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia (*Strategija unapređenja položaja osoba sa invaliditetom u Republici Srbiji za period od 2020. do 2024. godine*) Official Gazette of the RS No. 44/2020.

[118] Serbia, Government (2020), 2020-2024 Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia (*Strategija unapređenja položaja osoba sa invaliditetom u Republici Srbiji za period od 2020. do 2024. godine*) Official Gazette of the RS No. 44/2020.

[119] Serbia, Ministry of Labour, Employment, Veteran and Social Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*) (2020), 'Serbian Government adopts the Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia' ('*Vlada Srbije usvojila Strategiju unapređenja položaja osoba sa invaliditetom u Republici Srbiji*'), Press release, 11 March 2020.

[120] National Organization of Persons with Disabilities of Serbia (NOOIS) (*Nacionalna organizacija osoba sa invaliditetom Srbije*) (2020), '2020-2024 Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia' ('*Strategija unapređenja položaja osoba sa invaliditetom u Republici Srbiji od 2020. do 2024. godine*'), Press release, [date unavailable]

[121] Serbia, Government (2020), 2020-2024 Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia (*Strategija unapređenja položaja osoba sa invaliditetom u Republici Srbiji za period od 2020. do 2024. godine*) Official Gazette of the RS No. 44/2020.

supplies, to persons with disabilities and the personal assistance services could not function due to strict confinement rules, while families of persons with disabilities had difficulty obtaining curfew passes to extend them help and support.[122] The measures introduced for residential institutions for persons with disabilities restricted the residents' in-person contacts with their family members.[123] Lockdown had particularly negative impact on persons with autism,[124] prompting the Commissioner for the Protection of Equality to issue a recommendation on the urgent resolution of the various problems they faced.[125] Some of these issues were addressed, albeit with a delay.[126]

## 2. CRPD monitoring at national level

In Measures to protect children, the Government Office for Human and Minority Rights (*Kancelarija za ljudska i manjinska prava*) and the National Organization of Persons with Disabilities of Serbia (NOOIS) (*Nacionalna organizacija osoba sa invaliditetom Srbije*) published an Analysis of the Implementation of Recommendations of the Committee on the Rights of Persons with Disabilities, as part of the regular monitoring process.[127] The analysis covers the changes in legislative and policy framework in Serbia during 2019 and the first five months of 2020 and assesses the degree of implementation of the Committee's 32 recommendations in its Concluding Observations on Serbia.[128] It shows that Serbia undertook a number of measures to implement 25 recommendations of the Committee, that specific recommendations were not implemented satisfactorily and that some were not implemented at all.[129] The analysis recognises measures

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[122] Lawyers' Committee for Human Rights (YUCOM) (*Komitet pravnika za ljudska prava*) (2020), *Human Rights and COVID-19* (*Ljudska prava i COVID-19*), Belgrade, September 2020, p. 29.
[123] Lawyers' Committee for Human Rights (YUCOM) (*Komitet pravnika za ljudska prava*) (2020), *Human Rights and COVID-19* (*Ljudska prava i COVID-19*), Belgrade, September 2020, p. 47.
[124] Lawyers' Committee for Human Rights (YUCOM) (*Komitet pravnika za ljudska prava*) (2020), *Human Rights and COVID-19* (*Ljudska prava i COVID-19*), Belgrade, September 2020, p. 47.
[125] Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2020), Recommendation to the Ministry of Labour, Employment and Veteran and Social Affairs on measures concerning position of persons with autism (*Preporuka mera Ministarstvu za rad, zapošljavanje, boračka i socijalna pitanja povodom položaja osoba sa autizmom*), 13 April 2020.
[126] Lawyers' Committee for Human Rights (YUCOM) (*Komitet pravnika za ljudska prava*) (2020), *Human Rights and COVID-19* (*Ljudska prava i COVID-19*), Belgrade, September 2020, pp. 29-30.
[127] Serbia, Office for Human and Minority Rights of the Government of the Republic of Serbia, (*Kancelarija za ljudska i manjinska prava Vlade Republike Srbije*) (2020), Analysis of the Implementation of the Recommendations of the Committee on the Rights of Persons with Disabilities in the Republic of Serbia' (*Analiza sprovođenja Preporuka Komiteta za prava osoba sa invaliditetom u Republici Srbiji*), Belgrade, 2020.
[128] United Nations (UN), Committee on the Rights of Persons with Disabilities (CRPD) (2016), *Concluding observations on Serbia*, 23 May 2016.
[129] Serbia, Office for Human and Minority Rights of the Government of the Republic of Serbia, (*Kancelarija za ljudska i manjinska prava Vlade Republike Srbije*) (2020), Analysis of the Implementation of the Recommendations of the Committee on the Rights of Persons with Disabilities in the Republic of Serbia' (*Analiza sprovođenja Preporuka Komiteta za prava osoba sa invaliditetom u Republici Srbiji*), Belgrade, 2020.

that constitute good practice examples, such as: systematic incorporation of the Committee's recommendations in the new 2020-2024 Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia; prohibition of disability-based discrimination in the new legislation; increase in the availability of subtitling of public broadcasts and development of a database on accessibility of built environment; introduction of personal assistance and support services for adults and children in a number of municipalities; free textbooks in accessible format for students with disabilities; budgetary transfers to underdeveloped municipalities to facilitate their provision of social support services to persons with disabilities; investments in incentives for the employment of persons with disabilities, etc.[130] It concludes that Serbia needs to take further steps to fully meet other recommendations, some of the most urgent ones being: harmonisation of its legislation with the Convention, including the human rights model of disability; ensuring that relevant regulations define denial of reasonable accommodation as a form of discrimination on grounds of disability; preventing any new institutionalisation of infants under 3 and ensuring a more efficient transition for boys and girls moving from institutions into families; development of a comprehensive accessibility plan, and a roadmap that sets benchmarks for the removal of barriers; increasing investments to enable all persons with disabilities to live independently and to have support in the community; increasing investments to provide reasonable accommodation to students with disabilities; reviewing the assessment of working capacity to eliminate the medicalised approach and to promote the inclusion of persons with disabilities in the open labour market, etc.[131]

[130] Serbia, Office for Human and Minority Rights of the Government of the Republic of Serbia, (*Kancelarija za ljudska i manjinska prava Vlade Republike Srbije*) (2020), Analysis of the Implementation of the Recommendations of the Committee on the Rights of Persons with Disabilities in the Republic of Serbia (*Analiza sprovođenja Preporuka Komiteta za prava osoba sa invaliditetom u Republici Srbiji*), Belgrade, 2020.

[131] Serbia, Office for Human and Minority Rights of the Government of the Republic of Serbia, (*Kancelarija za ljudska i manjinska prava Vlade Republike Srbije*) (2020), Analysis of the Implementation of the Recommendations of the Committee on the Rights of Persons with Disabilities in the Republic of Serbia' (*Analiza sprovođenja Preporuka Komiteta za prava osoba sa invaliditetom u Republici Srbiji*), Belgrade, 2020.

# Annex 1 – Promising Practices

| **Thematic area** | **EQUALITY AND NON-DISCRIMINATION**<br>Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body. |
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| Title (original language) | Sprovođenje antidiskriminacionih politika u Republici Srbiji za 2020. godinu |
| Title (EN) | Implementation of Anti-Discrimination Policies in the Republic of Serbia for 2020 |
| Organisation (original language) | Kancelarija za ljudska i manjinska prava |
| Organisation (EN) | Office for Human and Minority Rights |
| Government / Civil society | Government |
| Funding body | State |
| Reference (incl. url, where available) | Serbia, Office for Human and Minority Rights (*Kancelarija za ljudska i manjinska prava*), Call for Proposals "Implementation of Anti-Discrimination Policies in the Republic of Serbia for 2020" for Programmes in the Field of Improving and Protecting the Status of Vulnerable Groups and the Basic Principles of Human Rights in the Republic of Serbia (*Javni konkurs „Sprovođenje antidiskriminacionih politika u Republici Srbiji za 2020. godinu" za programe u oblasti unapređenja i zaštite položaja osetljivih društvenih grupa, odnosno unapređenja osnovnih principa ljudskih prava u Republici Srbiji*), Belgrade, 2020. |
| Indicate the start date of the promising practice and the finishing date if it has ceased | 4 February 2020 – 20 February 2020 |

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| to exist | |
| Type of initiative | Call for Proposals |
| Main target group | Civil society organisations working with vulnerable groups in Serbia |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | A total of RSD 13,536,000 (*circa* €115,108) were allocated within the call for proposals to NGOs focusing on vulnerable groups in Serbia in 2020. Budgetary support was granted for 28 projects, including four projects promoting inter-generational solidarity, ensuring respect for the rights of the elderly and combatting discrimination against the elderly. |
| Highlight any element of the actions that is transferable (max. 500 chars) | Activities undertaken by NGOs vary, which is one of the main advantages of this type of initiative; some of these activities include inter-generational awareness raising of the importance of safeguarding the human rights of the elderly through public events at the national level, conferences and public appearances. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The calls for proposals managed by the Office for Human and Minority Rights for several years now are a good example of how the State can decentralise certain human rights activities and delegate them to NGOs; this annual initiative is expected to continue in the years to come. |
| Give reasons why you consider the practice as having concrete measurable impact | As the donor, the Office for Human and Minority Rights is in a position to oversee all activities undertaken by the NGOs on the relevant projects, including their impact, through the participating organisations' reports and project budgets. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | National calls for proposals are a flexible and practical means for ensuring better cooperation between the State and NGOs. |
| Explain, if applicable, how the practice involves beneficiaries | The call for proposals and annexed guidelines required of applicant NGOs to elaborate which vulnerable groups would benefit from their activities, as well as how individuals |

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| and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | belonging to these groups would participate in each project phase. |
| Explain, if applicable, how the practice provides for review and assessment. | Impact is determined based on NGO and beneficiary feedback through reporting and budget statements. |

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| **Thematic area** | **RACISM, XENOPHOBIA AND RELATED INTOLERANCE**<br>Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances. |
| **Title (original language)** | *Smernice* za krivično gonjenje *zločina iz mržnje u Republici Srbiji* |
| **Title (EN)** | Guidelines for Criminal Prosecution of Hate Crimes in the Republic of Serbia |
| **Organisation (original language)** | OSCE Mission to Serbia |
| **Organisation (EN)** | OSCE Mission to Serbia |
| **Government / Civil society** | The Republic Public Prosecutor |
| **Funding body** | OSCE Mission to Serbia |
| **Reference (incl. url, where available)** | Not available online. |
| **Indicate the start date of the promising practice and the finishing date if it has ceased to exist** | 2018 – ongoing |
| **Type of initiative** | Cooperation between the Government and civil society organisations. |
| **Main target group** | Public prosecutors and other relevant authorities working on the prevention of hate crimes. |
| **Indicate level of implementation: Local/Regional/National** | National level. |

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| **Brief description (max. 1000 chars)** | With a view to improving the fight against hate crimes in Serbia and the efficiency of investigation and criminal prosecution of perpetrators of hate crimes, the inter-sectoral working group drafted and published Guidelines for Criminal Prosecution of Hate Crimes in the Republic of Serbia intended for public prosecutors. The Guidelines were drawn up by the representatives of the Office for Human and Minority Rights, the Republic Public Prosecutor's Office, the Lawyers' Committee for Human Rights – YUCOM, with the support of the OSCE Mission to Serbia. These Guidelines can also serve as a success story of cooperation between the authorities and civil society. |
| **Highlight any element of the actions that is transferable (max. 500 chars)** | Cross-sectoral approach rallying CSOs, judiciary and the executive with a view to improving the prevention of hate crimes and their investigation and prosecution can serve as an example of a transferable action that can be replicated in other countries. |
| **Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')** | The adoption of the Guidelines for Criminal Prosecution of Hate Crimes in the Republic of Serbia will raise the competences of the public prosecutors and other relevant authorities engaged in hate crime prevention, and improve cooperation among different actors working in this field, from civil society organisations to police officers. |
| **Give reasons why you consider the practice as having concrete measurable impact** | It is still too early to assess the concrete measurable impact of this practice, especially because there are no national, reliable records of hate crimes in Serbia. |
| **Give reasons why you consider the practice as transferrable to other settings and/or Member States?** | This practice can serve as a model for improving cooperation among various actors working on hate crimes prevention – public prosecutors and their staff, police officers, civil society organisations, etc., as well as protection of victims of hate crimes not only in Serbia, but in the other Member States as well. |
| **Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and** | Not applicable. |

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| **implementation of the practice.** | |
| **Explain, if applicable, how the practice provides for review and assessment.** | Not applicable. |

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| **Thematic area** | **ROMA EQUALITY AND INCLUSION**<br>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19. |
| Title (original language) | Poseban izveštaj Zaštitnika građana o uslovima u romskim naseljima u situaciji vanrednog stanja i primene mera zaštite usled pandemije koronavirusa |
| Title (EN) | Special Report of the Protector of Citizens on Conditions in Roma Settlements in the Situation of Emergency Status and Implementation of Protection Measures Due to Corona Virus Epidemics (COVID - 19) |
| Organisation (original language) | A 11 – Inicijativa za ekonomska i socijalna prava, Zaštitnik građana |
| Organisation (EN) | A 11 – Initiative for Economic and Social Rights, Protector of Citizens |
| Government / Civil society | Ombudsman and NGO |
| Funding body | N/A |
| Reference (incl. url, where available) | https://ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/6656-special-report-of-the-protector-of-citiyens-with-recommendations |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | May 2020 |
| Type of initiative | Joint activities of the Protector of Citizens (*Zaštinik građana*) with the civil society organisation working on the improvement of Roma rights amid the COVID-19 crisis. |

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| Main target group | Roma living in informal settlements, local self-government units. |
| Indicate level of implementation: Local/Regional/National | National. |
| Brief description (max. 1000 chars) | Together with the local NGO, the Protector of Citizens conducted targeted field visits to various informal Roma settlements throughout Serbia in order to assess how the local self-government units (LSUs) implemented national legislation concerning the inclusion of Roma. Following these visits, the Protector of Citizens prepared a special report and disseminated it to all the LSUs in the Republic of Serbia with recommendations on how to improve the conditions in Roma settlements during the COVID-19 epidemic and the state of emergency. After the report was published, the Protector of Citizens urged all LSUs to immediately take all measures to protect the rights of Roma living in informal settlements in Serbia. Given that the recommendations were submitted to all LSUs, this report and the joint activity are expected to improve the LSUs' protection of Roma rights in the context of the COVID-19 pandemic and beyond. |
| Highlight any element of the actions that is transferable (max. 500 chars) | Cooperation of the Protector of Citizens (national human rights institution) with the local NGO during the state of emergency and their joint assessment of the situation of Roma and the impact of COVID-19 on Roma rights was of particular importance, and should be considered as transferable to other countries. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The recommendations to LSUs and other relevant institutions can improve the preparedness of the authorities for the second COVID-19 wave. Additionally, these recommendations provide the authorities with the opportunity to assess the existing policies and regulations and improve the legal and policy framework for Roma inclusion. |
| Give reasons why you consider the practice as having concrete measurable impact | The report includes a clear set of recommendations and steps that should be taken in order to improve the situation of Roma during the COVID-19 crisis, and guidance on how to act when the second wave of the pandemic strikes Serbia. |
| Give reasons why you consider the practice as transferable to other settings and/or Member | Given that this practice involves targeted and timely assessment of the LSUs' engagement in the protection of Roma rights during the state of emergency, and the challenges faced by other Member States endeavouring to ensure Roma equality and |

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| States? | inclusion, it can provide Member States with different perspectives and approaches towards the protection of Roma rights in the context of the COVID-19 crisis. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | Not applicable. |
| Explain, if applicable, how the practice provides for review and assessment. | This practice will improve the implementation of national and international legislation relevant to Roma inclusion and serve as a tool for reviewing the work of the LSUs and relevant ministries. |

| **Thematic area** | **INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION**<br>Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020. |
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| Title (original language) | Mreža za digitalna prava u Jugoistočnoj Evropi |
| Title (EN) | SEE Digital Rights Network |
| Organisation (original language) | SHARE Fondacija, BIRN – Balkanska istraživačka mreža |
| Organisation (EN) | SHARE Foundation and Balkan Investigative Reporting Network, BIRN, joined by 17 organisations from Bosnia and Herzegovina, Croatia, Greece, Kosovo, Montenegro, North Macedonia and Serbia |
| Government / Civil society | Civil Society |
| Funding body | Civitates – a philanthropic initiative for democracy and solidarity in Europe |

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| Reference (incl. url, where available) | https://www.sharefoundation.info/en/see-digital-rights-network-established/ |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 14 August 2020 |
| Type of initiative | The Network focuses on the digital environment and challenges to digital rights in South-East Europe |
| Main target group | Public |
| Indicate level of implementation: Local/Regional/National | Regional |
| Brief description (max. 1000 chars) | The Network rallies the relevant actors focusing on digital rights abuses, lack of transparency, and increasing use of invasive tech solutions. It serves as a platform for constructive dialogue and exchange of good practice examples and new ideas among its members. The Network aims to increase the level of understanding of trends and practices, trying to bring them closer to the general public.<br>Its main goals are to: protect digital rights and internet freedoms; enable people to access accurate information; increase internet safety; identify and report online hate speech and verbal violence; identify online recruitment of internet users that may lead to exploitation; encourage individuals to maintain control of their personal data; prevent the implementation of intrusive surveillance systems; hold governments accountable for use and abuse of technology. |
| Highlight any element of the actions that is transferable (max. 500 chars) | The strong regional component will be a transferable action as the research conducted by the Network founders during the COVID-19 pandemic showed major similarities in digital rights violations across Central and South-East Europe. The SEE Digital Rights Network will work jointly and issue public statements tackling emerging problems. |
| Give reasons why you consider the practice as sustainable (as | The Network builds on the experience and expertise of 19 organisations that have a proven track record in the protection and promotion of digital rights and internet |

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| opposed to 'one off activities') | freedoms. |
| Give reasons why you consider the practice as having concrete measurable impact | The Network is a continuation of research that all its members have been conducting regularly in the past and, notably, during the COVID-19 pandemic. The results of their individual work will be comparable with the Network's future impact and results. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | The transferability of this practice rests on cooperation and development of a common space for discussion and exchange. Continuous monitoring and reporting on digital threats will contribute to efforts to promote accurate and unbiased information in the region and more broadly, the EU. Given that limited resources are a challenge faced by many CSOs throughout Europe, cooperation in pursuit of a common mission can be perceived as a transferable approach leading to a more rapid response and a broader perspective. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | This Network is the result of the member organisations' prior joint activities. It formalises their common agenda and goals and is based on a series of discussions and meetings. No other stakeholders were formally included in the development of the Network, but all member organisations have been fostering cooperation with stakeholders, including journalists, CSOs, and the tech community, which they will tap into to achieve their common goals. |
| Explain, if applicable, how the practice provides for review and assessment. | All the Network activities will be public and open to review and assessment. |

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| **Thematic area** | **RIGHTS OF THE CHILD**<br>Please provide one example of a promising practice relating to the topics addressed in this |

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| | chapter. |
| Title (original language) | Prava deteta u Srbiji - unapređenje položaja deteta u pravosudnom sistemu Republike Srbije |
| Title (EN) | Child Rights in Serbia - Improving Outcomes for Children in the Serbian Justice System |
| Organisation (original language) | International Rescue Committee, ASTRA, Centar za prava deteta |
| Organisation (EN) | International Rescue Committee, ASTRA, Child Rights Centre |
| Government / Civil society | Civil society |
| Funding body | European Union, Rights, Equality and Citizenship Programme 2014-2020 |
| Reference (incl. url, where available) | https://www.astra.rs/en/improving-outcomes-for-children-in-the-serbian-justice-system-cris/ |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 2 February 2020 |
| Type of initiative | Capacity building, advocacy, awareness raising |
| Main target group | Judges, prosecutors, guardians and other professionals involved with children in judicial proceedings, law students, children and their caregivers. |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The project aims to improve outcomes for children involved with the Serbian justice system through the systematic enforcement of child rights and evidence-based support in legal proceedings, including children victims or witnesses of trafficking in human beings, unaccompanied children, and children not recognised as victims or witnesses (children coerced into perpetrating crimes). Judicial proceedings are monitored to track whether judicial professionals are implementing all the relevant legal instruments in order to |

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| | protect the children's rights and meet their needs. The action will identify key areas in need of improvement in relation to child friendly justice; build the capacity of the relevant professionals to support greater respect for children's rights and child friendly procedures; and expand the children's understanding of their judicial rights, prerequisite for their effective participation. Support for children involved in judicial proceedings is based on individual assessments of their personal and developmental needs, wishes and opinions. |
| Highlight any element of the actions that is transferable (max. 500 chars) | Engagement of judges and other key professionals involved in legal proceedings affecting children in contact with the law, and the very children affected by these proceedings, in order to examine the existing legal and policy framework and practices from the perspective of child friendly justice. Additionally, the practice component related to the transnational issue of trafficking in human beings provides added value and lessons learned that can easily be transferred to other European countries. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The project's focus on capacity-building of key professionals and practitioners, use of the training of trainers approach, and the likely inclusion of the training toolkit to be developed within the project in the Judicial Academy's national curriculum will contribute to the sustainability of the practice. Involvement of key stakeholders in project design and implementation is also expected to ensure that the results are amplified through their integration in the national system and processes. |
| Give reasons why you consider the practice as having concrete measurable impact | A court practice monitoring framework has been developed together with user guidance to measure the impact of capacity development activities throughout the project. It will facilitate assessments of whether the children have been provided with all the relevant information and whether they understand the purpose and objective of the proceedings. The developed tool for monitoring judicial proceedings is based on ASTRA's extensive experience in monitoring court cases. Additionally, ASTRA started training law students in using the tool and monitoring court cases, providing them with ongoing support. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | All resources developed within this project will be posted on EURITA, the resettlement resources website, and other platforms engaging practitioners from Europe in inclusion, integration and other relevant issues. |

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| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | Meaningful child participation is promoted throughout the project activities, including the user group sessions with children to inform analysis, recommendations, and review the capacity building tools and child-friendly information products. In addition, awareness raising workshops will be organiSed in schools, refugee centres and shelters for unaccompanied alien children in several locations in Serbia with the support of the DX Youth Club operating within the Child Right Centre. |
| Explain, if applicable, how the practice provides for review and assessment. | This practice can be assessed by typical action evaluation tools. |

| **Thematic area** | **ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS**<br>Please provide one example of a promising practice relating to the topics addressed in this chapter. |
|---|---|
| Title (original language) | Radna prav(D)a sada! |
| Title (EN) | Labour Rights - Now! |
| Organisation (original language) | ASTRA – akcija protiv trgovine ljudima |
| Organisation (EN) | ASTRA – Anti trafficking action |
| Government / Civil society | Civil Society |
| Funding body | European Commission and the Council of Europe |
| Reference (incl. url, where available) | https://www.astra.rs/en/labour-rights-now/ |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | January 2020 |

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| Type of initiative | Public campaign and legislative reform initiative |
| Main target group | • General public, people at risk and (potential) victims of trafficking and labour exploitation<br>• Serbian workers searching for jobs abroad and foreign nationals searching for jobs in Serbia<br>• Officials and experts in charge of planning/implementing/overseeing labour rights in Serbia. |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | This is one of the first projects in Serbia addressing trafficking for the purpose of labour exploitation by providing practical advice to people at risk and victims. The project focuses on raising awareness of the problem of labour exploitation, advising persons at risk on how to protect themselves and victims of their rights and the types of assistance available. The project also aims to identify legislative shortcomings through dialogue with experts with the ultimate goal of developing new legislative reform proposals. The project is tailored to the Balkan region and Serbia in particular and is based on a thorough assessment of the setting and its individual challenges. |
| Highlight any element of the actions that is transferable (max. 500 chars) | The project comprehensively tackles all elements of victim protection, whilst providing legal, psychological and medical aid and interpretation services. Transferability is reflected in the project's thorough approach and analysis of the local specificities, distinguishing it from many similar projects. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | This project is run by the leading Serbian CSO focusing on the fight against human trafficking and it is a natural continuation of its previous efforts. The project's sustainability is ensured by its ambitious scope, national and international support, and involvement of a broad range of stakeholders. ASTRA has an impeccable record of extending help and legal aid to victims of human trafficking and has actively been working on legislative and jurisprudence improvements.<br>In budgetary terms, the project is sustainable and it boasts international and local support |

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| | ensuring it remains a priority. In terms of expertise, the project is fully sustainable, as it entails the support of professionals, the leading civil society organisations, and the academic community. |
| Give reasons why you consider the practice as having concrete measurable impact | ASTRA has established a methodology for measuring and reporting on the impact of its projects and its hotline and legal aid providers can reach persons in need. Both national and international stakeholders use the number of calls to ASTRA's hotline as an accurate indicator of the number of victims. Given their large human trafficking caseload, ASTRA's professionals expect that they will be extending assistance to many victims trafficked for the purpose of labour exploitation cases as well. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | The project focuses both on providing the necessary aid and information to persons at risk and victims, as well as on improving the legislative framework. The transferability of this project is reflected in its aim to simultaneously pursue legislative reform and changes in practice. ASTRA's project methodology allows for, and demonstrates the importance of, tailoring international, trends and developments to local needs. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | ASTRA has been including various beneficiaries in all stages of project implementation, focusing on explaining their roles in prevention and remediation. The project is the result of ASTRA's years-long efforts in this field and prior successful projects based on its well-established network and cooperation. Key beneficiaries include trade unions, decision-makers, labour and trade inspectorates, the National Employment Service, private employment agencies, migration centres, CSOs, and international organisations active in promoting and protecting labour rights. |
| Explain, if applicable, how the practice provides for review and assessment. | The project has many potentially measurable results, including hotlines and legislative reform. All of them will be visible and available for review by international and national stakeholders, including those regularly assessing progress in the field. |

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| **Thematic area** | **DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)**<br><br>Please provide one promising practice example of projects or programmes implementing |

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| | the CRPD or furthering the rights of persons with disabilities. |
| Title (original language) | Autonomija, glas i učešće osoba sa invaliditetom u Srbiji |
| Title (EN) | Autonomy, Voice and Participation of Persons with Disabilities in Serbia |
| Organisation (original language) | |
| Organisation (EN) | UN RC Office Human Rights Team, UN Women, UNDP, UNFPA, ILO |
| Government / Civil society | Government |
| Funding body | UN Partnership to Promote the Rights of Persons with Disabilities Multi-Donor Trust Fund (UN PRPD) |
| Reference (incl. url, where available) | https://www.rs.undp.org/content/serbia/en/home/projects/autonomy--voice-and-participation-of-persons-with-disabilities-i.html |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | March 2018 – March 2020 |
| Type of initiative | Capacity building, advocacy, awareness raising |
| Main target group | Persons with disabilities, mainly women and girls with psychosocial and intellectual disabilities |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The project aims to assist persons with disabilities in Serbia in gaining autonomy, give them a stronger voice and ensure their participation in all walks of life. It focuses on three priority areas affecting the position of persons with disabilities: equality before the law, equality of women and girls with disabilities, and the right to work, in line with the recommendations of the UN Committee on the Rights of Persons with Disabilities. Various activities were taken to advance the legal framework and initiate policy changes in terms of the legal capacity of persons with disabilities and their involvement in the labour |

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| | market, and to support their full inclusion in the decision-making processes through capacity building, advocacy actions and development of partnerships among the relevant stakeholders. Particular attention was devoted to women with disabilities and persons with psychosocial and intellectual disabilities. |
| Highlight any element of the actions that is transferable (max. 500 chars) | Engagement of persons with intellectual and psychosocial disabilities in decision-making processes, policymaking initiatives, awareness raising and building of partnerships. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The efforts taken to improve the legal empowerment of persons with disabilities, including capacity building and self-advocacy activities, as well as partnerships built between the government and organisations of persons with disabilities, are generally expected to contribute to the continuous inclusion of persons with disabilities in the labour market and other segments of society. |
| Give reasons why you consider the practice as having concrete measurable impact | The practice has initiated legislative and policy-making processes in which people with disabilities will participate directly and meaningfully. These processes will take account of their views in accordance with the CRPD, which will also be reflected in the qualitative analyses of the new policy documents and regulations. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | Since barriers to inclusion of persons with disabilities exist in various segments of society and CRPD standards require of States Parties to continuously improve their policies and practices affecting persons with disabilities, this project is expected to facilitate further developments that are both transferable to other settings in Serbia and applicable in Member States. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | Persons with disabilities, the main beneficiaries of the practice, and their respective organisations were directly involved in all project activities, including meetings and other forms of advocacy and lobbying activities targeting decision-makers, as well as in the development of training programmes and awareness raising events. Other stakeholders were also involved in order to broaden the network of supporters |
| Explain, if applicable, how the practice provides for review and | This practice can be assessed by typical action evaluation tools. |

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| assessment. | |

# Annex 2 – Case law

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| **Thematic area** | **EQUALITY AND NON-DISCRIMINATION**<br>Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report. |
| **Decision date** | 4 February 2020 |
| **Reference details** | Smederevo Basic Court Judgment in case 4 K No. 81/17 of 4 February 2020; the judgment is not final. |
| **Key facts of the case** (max. 500 chars) | The perpetrator was tried for assaulting an individual because of his presumed sexual orientation and his partner in downtown Smederevo, in plain sight of many bystanders; the perpetrator also repeatedly threatened to kill them. The victims sustained minor injuries. |
| **Main reasoning/argumentation** (max. 500 chars) | The Court found the accused guilty of "violent behaviour" under Article 344 of the Serbian Criminal Code. The Court also classified the act as a hate crime under Article 54 (a) of the Criminal Code, under which the commission of a crime out of hate of another on grounds of, among others, his sexual orientation shall be considered an aggravating circumstance. |
| **Key issues (concepts, interpretations) clarified by the case** (max. 500 chars) | The case is more relevant because the Court relied on Article 54 (a) of the Criminal Code than because of any specific legal clarifications. |
| **Results (sanctions) and key consequences or implications of the case** (max. 500 chars) | The perpetrator was sentenced to six months' home imprisonment under electronic surveillance. Although the Court commendably relied on Article 54 (a) of the Criminal Code and classified the assault as a hate crime, it remains questionable whether Article 54 (a) had any influence on the sentencing at all since the Court handed down the minimum sentence foreseen by Article 344 (6 months to 5 years' imprisonment). In addition, it is unclear why the proceedings took four years. |
| **Key quotation in original language and translated into English with** | "*Kriv je što je (...) motivisan mržnjom zbog pretpostavljene seksualne orijentacije prišao sa leđa ošt* [redacted] *iz Smedereva (...) i pritom glasno prokomentarisao: 'Eno ga onaj' i pri tom pokazao na ošt* [redacted] *i pesnicom ga udario sa leđa u predelu potiljačnog predela* |

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| **reference details** (max. 500 chars) | *glave* (...)"<br><br>"[Finds the accused], [who was] motivated by hatred based on presumed sexual orientation, guilty of (…) approaching the victim [redacted] from Smederevo (…) from the back (…), whilst commenting loudly: 'There's that guy' and pointing at the victim [redacted], and punching him from behind, in the occipital part of the head (…)" |

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| **Thematic area** | **RACISM, XENOPHOBIA AND RELATED INTOLERANCE.**<br>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally. |
| | No case law has been identified for this thematic area. |

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| **Thematic area** | **ROMA EQUALITY AND INCLUSION**<br>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers. |
| **Decision date** | 14 May 2020 |
| **Reference details** | Court of Appeal, Belgrade, Gž 9580/18 |
| **Key facts of the case** (max. 500 chars) | Following the 2012 eviction of the informal Roma settlement "Belvil", its inhabitants with registered residence in Belgrade and internally displaced Roma from Kosovo were relocated to containers on the outskirts of the city. On the other hand, Roma families with registered permanent addresses in other cities were forcibly relocated to their hometowns. The case was litigated on behalf of two Roma families sent to Niš, where they lived in an abandoned warehouse, without access to water, sanitation or electricity. |

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| **Main reasoning/argumentation** (max. 500 chars) | While the Court of Appeal dismissed the main argument that forced evictions disproportionately targeted Roma communities and constituted indirect discrimination, it found violations of their human rights, including the prohibition of discrimination. In its reasoning, the Court partly relied on the case law of the European Court of Human Rights (ECtHR) and on the International Covenant on Economic, Social and Cultural Rights. Unfortunately, the Court failed to address the vulnerable position of Roma living in segregated settings but it confirmed that the 2012 eviction was discriminatory towards Roma litigants who did not have registered residence in Belgrade. |
| **Key issues (concepts, interpretations) clarified by the case** (max. 500 chars) | The case clarified the procedural aspects of the resettlement procedure and the scope of the local self-governments' obligations to provide evicted Roma with alternative accommodation. This case is also significant as the Court relied on international human rights standards and ECtHR case law. |
| **Results (sanctions) and key consequences or implications of the case** (max. 500 chars) | The Court awarded the litigants €2,600 (with interest) in compensation for violations of their human rights and the discrimination they had suffered. This is the first time a Serbian court found violations of the rights of Roma evicted from informal settlements in Belgrade. |
| **Key quotation in original language and translated into English with reference details** (max. 500 chars) | "Drugotuženi je prilikom planiranja raseljavanja ovog nehigijenskog naselja morao staviti u jednak položaj lica koja imaju prijavljeno prebivalište u Beogradu i lica koja nemaju prijavljeno prebivalište u Beogradu, a stalno su nastanjena u Beogradu (među kojima su bili i tužioci), u pogledu mogućnosti ostanka u Beogradu i stambenog zbrinjavanja."<br>English: "When planning the resettlement of this informal settlement, the second defendant should have afforded equal treatment to the evictees with registered residence in Belgrade and those without registered residence in Belgrade but habitually residing in Belgrade (including the plaintiffs) with respect to the possibility of them staying in Belgrade and providing them with alternative accommodation." |

| **Thematic area** | **INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION**<br>Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems. |
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| | No case law has been identified for this thematic area. |

| **Thematic area** | **RIGHTS OF THE CHILD**<br>Please provide the most relevant high court decision relating to the topics addressed in this chapter. |
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| | No case law has been identified for this thematic area. |

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| **Thematic area** | **ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS**<br>Please provide the most relevant high court decision relating to the topics addressed in this chapter. |
| **Decision date** | 28 April 2020 |
| **Reference details** | Novi Sad Higher Court<br>K 152/018 |
| **Key facts of the case** (max. 500 chars) | In its judgment, the Court approved the plea agreement with the defendant accused of trafficking in humans under Article 388, para. 6 of the Serbian Criminal Code. The defendant was sentenced to five years and three months of imprisonment and ordered to pay material and non-material damages for RSD 1,117,000 (approx. €10,000) pursuant to Article 258 of the Criminal Procedure Code (CPC). This was the first time a Serbian court ordered a provisional measure to secure a property claim during the proceedings. |
| **Main reasoning/argumentation** (max. 500 chars) | This is the first judgment approving a plea agreement involving a claim for material and non-material damages. Notwithstanding its extremely technical reasoning, the judgment is nevertheless the result of a recent shift in the jurisprudence on awarding damages to victims. A general shift in jurisprudence is expected in view of the work in this field, including the publication of Guidelines for judges and prosecutors on improving jurisprudence on the compensation of victims in criminal proceedings and numerous seminars and workshops. |
| **Key issues (concepts, interpretations) clarified by the case** (max. 500 chars) | Until recently, victims were without exception instructed to claim damages in civil proceedings. This often led to their secondary victimisation and excessive expenses, and, ultimately, their failure to obtain damages, even when the courts ruled in their favour, either because the perpetrators had no assets or had hidden them in the meantime. Integration of damage claims in criminal proceedings or plea agreements will significantly improve the victims' position in court proceedings. |
| **Results (sanctions) and key consequences or implications of the case** (max. 500 chars) | The case touches upon the victims' right to be informed as public prosecutors are now instructed to remind victims of their right to seek damages during the plea agreement process (Article 253, CPC). In addition, when approving plea agreements, judges are under the obligation to ask the prosecutors whether the victims have been instructed on their rights. |

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| **Key quotation in original language and translated into English with reference details** (max. 500 chars) | "…sporazumeli su se da će oštećenoj dosuditi imovinsko-pravni zahtev, te da se okrivljeni obavezuje da na ime naknade materijalne i nematerijalne štete oštećenoj plati iznos od 1,117,000 dinara, […] pod pretnjom prinudnog izvršenja, na način što će novac isplatiti sa računa u XXX banci koji je blokiran privremenom merom." (p. 6)<br>"Parties agreed that the injured party's claim would be upheld and that the defendant would pay the injured party RSD 1,117,000 in compensation for material and non-material damages […] under threat of forced enforcement, from his account in XXX bank, which is frozen under a provisional measure." (p. 6) |

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| **Thematic area** | **DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)**<br>Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning. |
| | No case law has been identified for this thematic area. |