

# **Franet National contribution to the Fundamental Rights Report 2020**

**Serbia**

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## Franet country study: policy and legal highlights 2019

<b>Issues in the fundamental rights institutional landscape</b>	<b>Amendment of the Constitution postponed:</b> The adoption of the <a href="#">amendments to the constitutional provisions</a> on the judiciary, ostensibly with a view to strengthening its independence, has been postponed. The <a href="#">Minister of Justice said</a> that the new parliament, to be formed after the 2020 general elections, would vote on the act.
<b>EU Charter of Fundamental Rights</b>	No important development in 2019.
<b>Equality and non-discrimination</b>	<b>Draft Act Amending the Anti-Discrimination Act, cases of discrimination against LGBTI:</b> In February 2019, the Government introduced a <a href="#">Draft Act Amending the Anti-Discrimination Act</a> to align the domestic legislation with the EU <i>acquis</i> . However, this Draft was subsequently withdrawn from parliament for further public debate. Contrary to the assurances of the Minister of Justice, it was not adopted by the end of 2019. Cases of violence and discriminatory acts against LGBTI individuals, as well as inadequate assistance to persons with disabilities, were identified by a number of stakeholders, including the Serbian <a href="#">Protector of Citizens</a> and <a href="#">Commissioner for the Protection of Equality</a> , the <a href="#">Belgrade Centre for Human Rights</a> , the <a href="#">Lawyers' Committee for Human Rights</a> , the <a href="#">UN Committee on the Elimination of Discrimination against Women</a> .
<b>Racism, xenophobia &amp; Roma integration</b>	<b>Policy documents still pending:</b> The new <a href="#">Action Plan for the Implementation of the Strategy for Social Inclusion of Roma</a> was not adopted. The same is the case with the new national <a href="#">Anti-discrimination Strategy</a> . Both expired in 2018.
<b>Asylum &amp; migration</b>	No important development in 2019.
<b>Data protection and digital society</b>	<b>Aligning national law with the GDPR:</b> The new <a href="#">Personal Data Protection Act</a> entered into force on 21 August 2019. While this Act closely follows the GDPR, experts have alerted to its shortcomings and advised caution in its implementation. The new <a href="#">Commissioner for Access to Information of Public Importance and Personal Data Protection</a> was appointed on 29 July 2019.
<b>Rights of the child</b>	<b>Draft Child Rights and Child Ombudsperson Act:</b> After twenty-year long efforts of various stakeholders, the <a href="#">Draft Child Rights and Child Ombudsperson Act</a> was completed. It is based on the recommendations of the UN human rights monitoring mechanisms. The adoption of the Draft Act was planned for autumn 2019, but was ultimately postponed for the spring of 2020. There were no legislative changes in 2019 regarding procedural safeguards for children who are suspects in criminal proceedings. Public awareness campaigns continued to increase the safety of children using the internet.
<b>Access to justice, including victims of crime</b>	<b>Focus on strategic and policy developments:</b> The Ministry of Justice published the Working Text of the national <a href="#">Strategy on the Rights of Victims and Witnesses of Crime for the period 2019-2025</a> in January 2019. In 2019, the Supreme Court of Cassation drafted detailed <a href="#">Guidelines</a> for judges and prosecutors on improving jurisprudence on compensation of victims in criminal proceedings.
<b>Convention on the Rights of Persons with Disability</b>	<b>No legislative changes, active NGO monitoring continues:</b> A coalition of NGOs submitted its <a href="#">alternative report to the UN Committee on Economic, Social and Cultural Rights</a> in August 2019.

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

In January 2019, the Supreme Court of Cassation (*Vrhovni kasacioni sud*) issued a ruling<sup>1</sup> in which it clarified that judicial immunity remained a barrier against the prosecution of judges for alleged violations of the Anti-Discrimination Act (*Zakon o zabrani diskriminacije*).<sup>2</sup> The Court set out that claims of human rights by judges could not be reviewed under the Civil Procedure Act, due to the constitutional provisions on their independence and immunity.

On 14 February 2019, the Government introduced the Draft Act Amending the Anti-Discrimination Act (*Predlog zakona o izmenama i dopunama Zakona o zabrani diskriminacije*).<sup>3</sup> These amendments were drafted in the context of Chapter 23 accession talks with a view to further aligning the domestic legislation with the EU *acquis*. The most relevant changes pertained to the introduction of sexual harassment as a form of discrimination<sup>4</sup> and the notion of incitement to discrimination,<sup>5</sup> as well as the expansion of the concept of discrimination against the elderly.<sup>6</sup> The Ministry of Labour, Employment and Veteran and Social Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*), which authored the draft, was criticised by civil society for failing to conduct an adequate public debate on the text and for failing to address accommodation of access to labour to persons with disabilities, segregation and other matters.<sup>7</sup> The Draft Act was subsequently withdrawn from parliament and the Government scheduled a public debate for September.<sup>8</sup> After the public debate, the Minister claimed that the Act would be adopted by the end of 2019,<sup>9</sup> which did not happen.

In March 2019, a group of opposition MPs introduced draft legislation addressing the status of persons whose gender identity is non-binary, registration of same-sex partnerships, recognition of non-registered same-sex partnerships and regulation of parenthood for same-sex couples.<sup>10</sup> All of these draft laws have been submitted to the parliament for adoption.

The Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) – an independent state body with a mandate to protect equality and prevent discrimination – in 2019 delivered 21 decisions pertaining to claims of violations of the Anti-Discrimination Act (*Zakon o zabrani diskriminacije*) both by state and private actors. Violations were found in 14

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<sup>1</sup> Serbia, Supreme Court of Cassation (*Vrhovni kasacioni sud*), *Rev 30/2019*, 23 January 2019. All hyperlinks were accessed on 9 January 2020.

<sup>2</sup> Serbia, Anti-Discrimination Act (*Zakon o zabrani diskriminacije*), Official Gazette of the RS No. 22/2009.

<sup>3</sup> Serbia, Draft Act Amending the Anti-Discrimination Act (*Predlog zakona o izmenama i dopunama Zakona o zabrani diskriminacije*), 14 February 2019.

<sup>4</sup> Serbia, Draft Act Amending the Anti-Discrimination Act (*Predlog zakona o izmenama i dopunama Zakona o zabrani diskriminacije*), 14 February 2019, Article 5.

<sup>5</sup> Serbia, Draft Act Amending the Anti-Discrimination Act (*Predlog zakona o izmenama i dopunama Zakona o zabrani diskriminacije*), 14 February 2019, Article 12a.

<sup>6</sup> Serbia, Draft Act Amending the Anti-Discrimination Act (*Predlog zakona o izmenama i dopunama Zakona o zabrani diskriminacije*), 14 February 2019, Article 8.

<sup>7</sup> Čurčić, D. (2019), 'What do amendments to the Anti-Discrimination Act bring' (*'Šta nam donose izmene Zakona o zabrani diskriminacije?'*), *Istinomer*, 18 March 2019.

<sup>8</sup> Serbia, Government (2019), 'Public Debate on the Draft Act Amending the Anti-Discrimination Act' (*'Javna rasprava o nacrtu zakona o izmenama i dopunama Zakona o zabrani diskriminacije'*), Press release, 10 September 2019.

<sup>9</sup> *NI* (2019), 'Đorđević: Anti-Discrimination Act by the End of the Year' (*'Đorđević: Zakon o zabrani diskriminacije do kraja godine'*), 31 October 2019.

<sup>10</sup> Serbia, Draft Act on Registered Same-Sex Partnerships (*Predlog zakona o registrovanim istopolnim zajednicama*), 4 March 2019; Serbia, Draft Act Amending the Family Act (*Predlog zakona o izmenama i dopunama Porodičnog zakona*), 4 March 2019; Serbia, Draft Gender Identity Act (*Predlog zakona o rodnom identitetu*), 4 March 2019.

(67 %) cases.<sup>11</sup> Nearly one-third of all complaints alleging discrimination concerned public facilities and areas, while slightly over 20 % pertained to discrimination in the field of labour and employment.<sup>12</sup> In total, 13.1 % of the submitted complaints alleged discrimination in access to welfare.<sup>13</sup> A large number of cases in which the Commissioner found violations concerned discrimination against LGBTI individuals and persons with disabilities,<sup>14</sup> the latter mostly due to the fact that public institutions were not equipped with wheelchair ramps.<sup>15</sup>

## 2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

In its 2018 annual report on human rights in Serbia, the Belgrade Centre for Human Rights (BCHR) qualified as particularly vulnerable the position of LGBTI persons and persons with disabilities.<sup>16</sup> In its view, despite the adequate normative framework, the practical equality of sexual minorities has not been achieved. The BCHR noted improvements in the normative framework, as well as the jurisprudential developments, i.e. the fact that hate crimes against LGBTI individuals were adjudicated for the first time.<sup>17</sup> Sporadic acts of violence against the LGBTI population continue to be reported.<sup>18</sup> Also, the failure of the authorities to take steps to amend the anti-discrimination legislation, including the adoption of laws addressing gender inequality and protection of persons with mental disabilities in social care, was noted in the report of the Lawyers' Committee for Human Rights (Yucom).<sup>19</sup>

In March 2019, the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW) published its Concluding observations on the fourth periodic report of Serbia.<sup>20</sup> The Committee highlighted a high degree of prevalence of violence against elderly women and women with disabilities.<sup>21</sup>

The Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) identified the following groups as those most commonly discriminated against: persons with

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<sup>11</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*), Opinions and Recommendations (*Mišljenja i preporuke*).

<sup>12</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, pp. 5, 11.

<sup>13</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, pp. 5, 11.

<sup>14</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, pp. 18, 20.

<sup>15</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*), Opinion 1209-2018 (*Mišljenje sa preporukom po pritužbi CUPS i organizacije CRD protiv Jablaničkog upravnog okruga zbog diskriminacije na osnovu invaliditeta pri korišćenju objekta i javnih površina*), Belgrade, 12 February 2019.

<sup>16</sup> Belgrade Centre for Human Rights (BCHR) (2019), *Human Rights in Serbia 2018*, Belgrade, February 2019, pp. 271-299.

<sup>17</sup> Serbia, Belgrade First Basic Court (*Prvi osnovni sud u Beogradu*), Case No. 7 K. 1435/18, 17 October 2018.

<sup>18</sup> Belgrade Centre for Human Rights (BCHR) (2019), *Human Rights in Serbia 2018*, Belgrade, February 2019, p. 278.

<sup>19</sup> Lawyers' Committee for Human Rights (Yucom) (2019), *Discrimination in Serbia – Practice and Challenges (Diskriminacija u Srbiji – Praksa i izazovi)*, Belgrade, 2019, p. 30.

<sup>20</sup> United Nations (UN), Committee on the Elimination of Discrimination against Women (CEDAW) (2019), *Concluding observations on the fourth periodic report of Serbia*, 14 March 2019.

<sup>21</sup> United Nations (UN), Committee on the Elimination of Discrimination against Women (CEDAW) (2019), *Concluding observations on the fourth periodic report of Serbia*, 14 March 2019, para. 23.

intellectual disabilities, persons with physical disabilities, poor persons, Roma,<sup>22</sup> persons living with HIV/AIDS, the elderly, women and members of the LGBTI population.<sup>23</sup>

In his 2018 annual report, the Protector of Citizens (*Zaštitnik građana*) stressed that LGBTI persons were frequently victims of discrimination, prejudice and stereotypes and recalled that the laws on same-sex unions, sex reassignment and gender identity had not been adopted yet.<sup>24</sup> The Protector also reported that violations of the rights of persons with disabilities and the elderly were the result of poor or non-implementation of the law.<sup>25</sup>

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<sup>22</sup> Roma continue to be the most commonly discriminated against group in Serbia, see Chapter 3.

<sup>23</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, pp. 18, 20.

<sup>24</sup> Serbia, Protector of Citizens (*Zaštitnik građana*) (2019), *Regular Annual Report of the Protector of Citizens*, Belgrade, 15 March 2019, p. 53.

<sup>25</sup> Serbia, Protector of Citizens (*Zaštitnik građana*) (2019), *Regular Annual Report of the Protector of Citizens*, Belgrade, 15 March 2019, p. 58

## Chapter 2. Racism, xenophobia and related intolerance

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

Serbia ceased to have a specific policy framework for the prevention of racial discrimination in early 2019 after the expiry of the national 2013-2018 Anti-Discrimination Strategy (*Strategija prevencije i zaštite od diskriminacije za period 2013-2018. godine*) (AD Strategy),<sup>26</sup> which provided a set of measures aimed at preventing racial discrimination. This strategy had been only partially implemented: the July 2019 evaluation report noted that the authorities had implemented 59 % of the measures provided in the AD Strategy, while 16.2 % had not been implemented at all and 11.7 % of them had been only partially implemented.<sup>27</sup>

The Equal Rights Trust report on the implementation of equality laws in Serbia noted that “[d]iscrimination against Roma persons in recruitment and in the conditions of employment is [...] widespread”.<sup>28</sup>

At the beginning of the 2019/2020 school-year, the European Roma Rights Centre (ERRC) applied for an interim measure for the urgent desegregation of Roma children in a primary school in Bujanovac, an ethnically mixed municipality with Albanian, Serbian and Roma communities.<sup>29</sup> The court rejected this motion and the ERRC is preparing to appeal its decision. Its potential remittal for reconsideration by the Court of Appeal would have significant impact on the work of other primary schools infamous for Roma segregation.

### 2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

There were no legal developments relevant to combating hate speech and hate crimes in 2019. Full application of the Criminal Code (*Krivični zakonik*) provision on sentencing – to take as an aggravating circumstance if the crime is motivated by hate – still needs to be achieved. Namely, the Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) noted that further steps needed to be taken in order to “train the police, prosecutors, and judges to ensure [its] full application”.<sup>30</sup> In July 2019, the Government Office for Human and Minority Rights (*Kancelarija za ljudska i manjinska prava*) reported that the Guidelines for the Criminal Prosecution of Hate Crimes in the Republic of Serbia (*Smernice za krivično gonjenje zločina iz mržnje u Republici Srbiji*) had been issued.<sup>31</sup> The Guidelines provide a definition of hate crimes, outline the relevant international legal framework and explore differences between hate crimes

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<sup>26</sup> Serbia (2013), Government, *Anti-Discrimination Strategy for 2013-2018 Period (Strategija prevencije i zaštite od diskriminacije za period 2013-2018. godine)*, Official Gazette of the RS No. 60/2013.

<sup>27</sup> Serbia, Government Office for Human and Minority Rights (*Kancelarija za ljudska i manjinska prava*) (2019), *Implementation of the 2014-2018 Action Plan for the Implementation of the Anti-Discrimination Strategy, Sixth Monitoring Report Covering the Third and Fourth Quarters of 2017 (Šesti izveštaj o praćenju implementacije Akcionog plana za primenu Strategije prevencije i zaštite od diskriminacije za period od 2014. do 2018. godine – za treći i četvrti kvartal 2017. godine)*, Belgrade, 25 July 2019, p. 21.

<sup>28</sup> Equal Rights Trust (2019), *Equality in Practice, Implementing Serbia's equality laws*, London, January 2019, p. 19.

<sup>29</sup> Information about this case received on 3 September 2019, on file with the contractor.

<sup>30</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, p. 19.

<sup>31</sup> Serbia, Government Office for Human and Minority Rights (*Kancelarija za ljudska i manjinska prava*) (2019), *Implementation of the 2014-2018 Action Plan for the Implementation of the Anti-Discrimination Strategy, Sixth Monitoring Report Covering the Third and Fourth Quarters of 2017 (Šesti izveštaj o praćenju implementacije Akcionog plana za primenu Strategije prevencije i zaštite od diskriminacije za period od 2014. do 2018. godine – za treći i četvrti kvartal 2017. godine)*, Belgrade, 25 July 2019, pp. 118, 166.

and other criminal offences with the ‘hate element’. Finally, the Guidelines focus on the prosecutors’ role and the best practices for collecting evidence in hate crime cases.<sup>32</sup> The Judicial Academy was reported to have presented the Guidelines to a total of 100 public prosecutors and deputy prosecutors.<sup>33</sup>

Hate speech against the LGBT community was still very present in mainstream and online media.<sup>34</sup>

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<sup>32</sup> OSCE, Republic Public Prosecutors Office (*Republičko javno tužilaštvo*), *Guidelines for the Criminal Prosecution of Hate Crimes (Smernice za krivično gonjenje zločina iz mržnje u Republici Srbiji)* (2018).

<sup>33</sup> Serbia, Government Office for Human and Minority Rights (*Kancelarija za ljudska i manjinska prava*) (2019), *Implementation of the 2014–2018 Action Plan for the Implementation of the Anti-Discrimination Strategy, Sixth Monitoring Report Covering the Third and Fourth Quarters of 2017* ([Šesti izveštaj o praćenju implementacije Akcionog plana za primenu Strategije prevencije i zaštite od diskriminacije za period od 2014. do 2018. godine – za treći i četvrti kvartal 2017. godine](#)), Belgrade, 25 July 2019, pp. 118, 166.

<sup>34</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, p. 59.



## Chapter 3. Roma integration

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

The Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) noted that Roma continued to be one of the most commonly discriminated against groups in Serbia.<sup>35</sup>

The 2019 developments proved that evictions of informal Roma settlements were still not conducted in line with international human rights standards.<sup>36</sup> In addition, the National Housing Strategy has not been adopted yet, despite the Government's plan to do so in April 2019.<sup>37</sup>

In 2019, NGOs and trade unions reported that the Financial Support for Families with Children Act (*Zakon o finansijskoj podršci porodici sa decom*) (FSFCA)<sup>38</sup> discriminated against the most marginalised Roma children.<sup>39</sup> Its Article 25 introduced additional parental allowance requirements, notably, that all children in the applicant family must be fully and promptly vaccinated and that they must regularly attend the mandatory preparatory preschool programme and primary school. These provisions have disproportionately affected vulnerable Roma children.<sup>40</sup> The preparatory preschool programme is attended by only 63 % of the Roma children, as opposed to 98 % of the non-Roma children.<sup>41</sup> The FSFCA has not been amended yet. While the Commissioner for the Protection of Equality reported greater participation of Roma children in the education system, including preschool education,<sup>42</sup> Roma groups claimed that there was no official information on the number of Roma children attending preparatory preschool

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<sup>35</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), [Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality](#), Belgrade, March 2019, p. 59.

<sup>36</sup> A 11 – Initiative for Economic and Social Rights (2019), [Submission of follow-up document to the United Nations Human Rights Committee in relation to the Concluding observations on the third periodic report of Serbia](#), Belgrade, 13 March 2019, para 22.

<sup>37</sup> Serbia, Government (2019), Government 2019 Work Plan ([Plan rada Vlade za 2019. godinu](#)), Belgrade, January 2019, p. 735.

<sup>38</sup> Serbia, Financial Support for Families with Children Act (*Zakon o finansijskoj podršci porodicama sa decom*), Official Gazette of the RS Nos. 113/2017 and 50/2018.

<sup>39</sup> A 11 – Initiative for Economic and Social Rights, Centre for the Politics of Emancipation, Clean Clothes Campaign, The Centre LIVING UPRIGHT, Ecumenical Humanitarian Organization, Federation of Independent Trade Unions of Kragujevac, United branch unions “Independence”, Institute for Urban Politics, the MS Platform of Serbia, ROZA – Association for Women’s Labour Rights, the Alliance of Independent Trade Unions of Vojvodina, Niš Human Rights Committee (2019), [Joint submission to the United Nations Human Rights Committee on Economic, Social and Cultural Rights on list of issues for the third periodic report of the Republic of Serbia](#), Belgrade, 26 August 2019, paras. 14.

<sup>40</sup> A 11 – Initiative for Economic and Social Rights et al. (2019), [Joint submission to the United Nations Human Rights Committee on Economic, Social and Cultural Rights on list of issues for the third periodic report of the Republic of Serbia](#), Belgrade, 26 August 2019, paras 14 – 16.

<sup>41</sup> Serbia, Government (2016), [Strategy for Social Inclusion of Roma for the 2016–2025 Period](#), Belgrade, 10 March 2016, p. 22.

<sup>42</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), [Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality](#), Belgrade, March 2019, pp. 17-18.

programmes.<sup>43</sup> Segregation of Roma children in education remains one of the main issues where additional efforts are needed.<sup>44</sup>

No information is available on Roma segregation in the health sector. Roma health mediators are still supporting Roma in accessing health care.<sup>45</sup> Their work contributed to a significant improvement in Roma access to health.<sup>46</sup> However, the position of Roma health mediators is still not regulated systematically, their recruitment remains project based and remuneration for their services is much lower than the minimum wage in the Republic of Serbia.<sup>47</sup>

In 2019, the state reported that Roma were identified as a category of job-seekers in need of additional assistance and support in the labour market.<sup>48</sup> Also, in its report submitted to the UN Committee on Economic, Social and Cultural Rights in July 2019, the Serbian Government claimed that the National Employment Service (*Nacionalna služba za zapošljavanje*) (NES) “supported 156 Roma (64 of them women) through allocation of self-employment subsidies ending with December 2018 to start their own business.”<sup>49</sup> It also said that “informative and counselling services in NES business centres were used by 367 Roma (158 Roma women).”<sup>50</sup>

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

The technical development of mobile units for Roma integration at the local level continued in 2019.<sup>51</sup> These mobile units comprise representatives of the health, welfare, education and employment sectors and local Roma coordinators working in local self-

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<sup>43</sup> SKRUG – League of Roma (2019), Report on the Implementation of Operational Conclusions of the ‘Social Inclusion of Roma in the Republic of Serbia’ Seminar for the October 2017– October 2019 Period (*Izveštaj Stalne konferencije romskih udruženja građana (SKRUGa) – Lige Roma o implementaciji Operativnih zaključaka sa seminara „Socijalno uključivanje Roma i Romkinja u Republici Srbiji“ za period oktobar 2017. – oktobar 2019. godine*), October 2019, p. 15.

<sup>44</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, p 18.

<sup>45</sup> Discussion at the Roma Seminar, organised by the Serbian Government Social Inclusion and Poverty Reduction Unit (*Tim za socijalno uključivanje i smanjenje siromaštva*) and the European Commission, 23 October 2019, notes on file with contractor.

<sup>46</sup> SKRUG – League of Roma (2019), Report on the Implementation of Operational Conclusions of the ‘Social Inclusion of Roma in the Republic of Serbia’ Seminar for the October 2017– October 2019 Period (*Izveštaj Stalne konferencije romskih udruženja građana (SKRUGa) – Lige Roma o implementaciji Operativnih zaključaka sa seminara „Socijalno uključivanje Roma i Romkinja u Republici Srbiji“ za period oktobar 2017. – oktobar 2019. godine*), October 2019, pp. 33-34

<sup>47</sup> SKRUG – League of Roma (2019), Report on the Implementation of Operational Conclusions of the ‘Social Inclusion of Roma in the Republic of Serbia’ Seminar for the October 2017– October 2019 Period (*Izveštaj Stalne konferencije romskih udruženja građana (SKRUGa) – Lige Roma o implementaciji Operativnih zaključaka sa seminara „Socijalno uključivanje Roma i Romkinja u Republici Srbiji“ za period oktobar 2017. – oktobar 2019. godine*), October 2019, pp. 15, 34. Discussion at the Roma Seminar, organised by the Serbian Government Social Inclusion and Poverty Reduction Unit (*Tim za socijalno uključivanje i smanjenje siromaštva*) and the European Commission, 23 October 2019, notes on file with contractor.

<sup>48</sup> Serbia, Government (2019), *Third periodic report submitted by Serbia under articles 16 and 17 of the Covenant, due in 2019*, UN Doc. E/C.12/SRB/3, 11 July 2019, para. 51.

<sup>49</sup> Serbia, Government (2019), *Third periodic report submitted by Serbia under articles 16 and 17 of the Covenant, due in 2019*, UN Doc. E/C.12/SRB/3, 11 July 2019, para. 51.

<sup>50</sup> Serbia, Government (2019), *Third periodic report submitted by Serbia under articles 16 and 17 of the Covenant, due in 2019*, UN Doc. E/C.12/SRB/3, 11 July 2019 para. 49.

<sup>51</sup> Standing Conference of Towns and Municipalities (SCTM) (2019), ‘Mobile Roma Inclusion Teams get 30 cars and computers’ (*‘Mobilni timovi za inkluziju Roma dobili 30 automobila i računara’*), Press release, Belgrade, 11 March 2019.

governments throughout Serbia.<sup>52</sup> In 2019, the state reported that mobile teams for Roma inclusion had been formed in fifty local self-governments.<sup>53</sup>

The 2019–2020 Action Plan for the Implementation of the Strategy for Social Inclusion of Roma for the 2016–2025 Period (*Strategija za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2016–2025. godine*),<sup>54</sup> which is supposed to set out measures for Roma integration in the areas of housing, education, employment, welfare and health care, was not adopted by March 2019 as planned<sup>55</sup> because of delays in the preparation of the text. The public debate on it was completed only in August 2019.<sup>56</sup>

In the area of education, the draft prescribes the development of a methodology for mapping Roma children of preschool age not enrolled in preschool programmes.<sup>57</sup> It also provides for the improvement of the pre-enrolment assessment instrument to ensure it is sensitive to the cultural and other specificities of Roma children.<sup>58</sup>

The Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) reported that the majority of complaints (47.5 %) alleging discrimination on the grounds of national affiliation and ethnic origin concerned Roma.<sup>59</sup> The complaints her office received mainly regarded various procedures before public authorities, educational and vocational training, labour and employment and media.<sup>60</sup> None of them were pursued in court.

In 2019, the Serbian NGO Praxis<sup>61</sup> said that the immediate registration of new-borns of undocumented Roma was prevented by the by-laws on civil registry books and the issuance of birth notifications by health institutions.<sup>62</sup>

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<sup>52</sup> Serbia, Government (2019), *Third periodic report submitted by Serbia under articles 16 and 17 of the Covenant, due in 2019*, UN Doc. E/C.12/SRB/3, 11 July 2019, para. 43.

<sup>53</sup> Serbia, Government (2019), *Third periodic report submitted by Serbia under articles 16 and 17 of the Covenant, due in 2019*, UN Doc. E/C.12/SRB/3, 11 July 2019, para. 43.

<sup>54</sup> Serbia, Government (2016), *Strategy for Social Inclusion of Roma for the 2016–2025 Period*, Belgrade, 10 March 2016, p. 22.

<sup>55</sup> Serbia, Government (2019), Government 2019 Work Plan (*Plan rada Vlade za 2019. godinu*), Belgrade, January 2019, p. 735.

<sup>56</sup> Serbia, Government Office for Cooperation with Civil Society (*Kancelarija za saradnju sa civilnim društvom*) (2019), Public debate on the 2019–2020 Draft Action Plan for the Implementation of the Strategy for Social Inclusion of Roma for the 2016–2025 Period (*Javna rasprava o Predlogu akcionog plana za 2019. i 2020. godinu za primenu Strategije socijalnog uključivanja Roma i Romkinja za period 2016–2025. godine*), Belgrade, 2 August 2019.

<sup>57</sup> Serbia, Government (2019), 2019–2020 Draft Action Plan for the Implementation of the Strategy for Social Inclusion of Roma for the 2016–2025 Period (*Nacrt Akcionog plana za 2019. i 2020. godinu za primenu Strategije socijalnog uključivanja Roma i Romkinja za period 2016–2025. godine*), Belgrade, 2019.

<sup>58</sup> Serbia, Government (2019), 2019–2020 Draft Action Plan for the Implementation of the Strategy for Social Inclusion of Roma for the 2016–2025 Period (*Nacrt Akcionog plana za 2019. i 2020. godinu za primenu Strategije socijalnog uključivanja Roma i Romkinja za period 2016–2025. godine*), Belgrade, 2019, Measure 1.4.2.

<sup>59</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, p. 41.

<sup>60</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), *Abridged Version of the 2018 Regular Annual Report of the Commissioner for the Protection of Equality*, Belgrade, March 2019, p. 41.

<sup>61</sup> Praxis (2019), *Submission Concerning Serbia to the Committee on Economic, Social and Cultural Rights for consideration at the 65 Pre-Sessional Working Group (21 Oct 2019 – 25 Oct 2019)*, August 2019, paras. 7, 26.

<sup>62</sup> Serbia, Guidance on the Keeping of Civil Registry Books and Registry Book Templates (*Uputstvo o vođenju matičnih knjiga i obrascima matičnih knjiga*), Official Gazette of the RS, Nos. 109/2009, 4/2010, 10/2010, 25/2011, 5/2013, 94/2013 and 93/2018; Rulebook on the Procedure for Issuing Birth Notifications by Health Institutions and the Birth Notification Template (*Pravilnik o postupku izdavanja prijave rođenja deteta i obrascu prijave rođenja deteta u zdravstvenoj ustanovi*), Official Gazette of the RS, Nos. 5/2011, 9/2016, 16/2016 and 36/2016.

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

### Unaccompanied children reaching the age of majority

Area of support	Description
<p><b>Residence permit</b> <i>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</i></p>	<p>Unaccompanied alien children (UAC) seeking asylum are generally issued the same type of residence permit (ID card) as all other asylum-seekers. This permit is issued within three days of submission of an asylum application and is valid for the duration of the asylum procedure.<sup>63</sup> Such permits are issued to all UAC older than 16 and they may also be issued to UAC aged 10 and above at the request of their legal guardians.<sup>64</sup> If the UAC's asylum applications are upheld, they are issued residence permits for persons granted asylum or subsidiary protection in Serbia. Such permits are valid for five years (persons granted asylum) or one year (persons granted subsidiary protection) and are renewable.<sup>65</sup> There are no additional requirements in order to be granted a residence permit and reaching adulthood (18) does not have any impact on the validity of the permit.</p> <p>UAC not seeking asylum are issued temporary residence permits on humanitarian grounds by the Ministry of the Interior (MOI) (<i>Ministarstvo unutrašnjih poslova</i>).<sup>66</sup> Such permits are valid for 6-12 months and may be prolonged as long as these grounds exist. If the UAC turn 18 during this time, their further stay again only depends on the existence of humanitarian grounds. If the initial permit on humanitarian grounds was issued solely because the holder was a UAC, the authorities might not extend it.<sup>67</sup> The law imposes no additional requirements in this regard. After five years of continuous temporary residence, UAC may be granted permanent residence and issued renewable ID cards valid for two years.<sup>68</sup></p>
<p><b>Guardianship</b> <i>(representative under Reception)</i></p>	<p>Legal guardians are charged with safeguarding the best interests of children deprived of parental care and their legal representation in all relevant proceedings; in Serbia, the guardian's position and duties are</p>

<sup>63</sup> Serbia, Asylum and Temporary Protection Act (*Zakon o azilu i privremenoj zaštiti*), Official Gazette of the Republic of Serbia No. 24/2018, Article 89.

<sup>64</sup> Serbia, Asylum and Temporary Protection Act (*Zakon o azilu i privremenoj zaštiti*), Official Gazette of the Republic of Serbia No. 24/2018, Article 89 (3).

<sup>65</sup> Serbia, Asylum and Temporary Protection Act (*Zakon o azilu i privremenoj zaštiti*), Official Gazette of the Republic of Serbia No. 24/2018, Article 90.

<sup>66</sup> Serbia, Aliens Act (*Zakon o strancima*), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 61.

<sup>67</sup> Serbia, Aliens Act (*Zakon o strancima*), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 61 (1) (4).

<sup>68</sup> Adult aliens are issued IDs valid for five years; see Serbia, Aliens Act (*Zakon o strancima*), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 106. Nevertheless, this is not an issue since states generally issue shorter validity identification documents to minors.

<p><b>Conditions Directive</b> <b>Article 24.1)</b></p>	<p>defined by the Family Act (<i>Porodični zakon</i>).<sup>69</sup> Under the Asylum and Temporary Protection Act (<i>Zakon o azilu i privremenoj zaštiti</i>), an asylum-seeking UAC shall be assigned a temporary legal guardian.<sup>70</sup> The Aliens Act (<i>Zakon o strancima</i>) includes a similar regime for appointing guardians for non-asylum-seeking UAC.<sup>71</sup> Such guardians are usually individuals deemed suitable by the relevant social welfare centre (usually young people with some experience in working with children and/or refugees). Only UAC, whether or not they have sought asylum, are appointed a legal guardian by the state and only until they reach the age of majority. Guardianship ceases when they turn 18. There are no initiatives to extend the guardians' support to alien young adults.</p>
<p><b>Accommodation</b> <b>Reception</b> <b>Conditions Directive</b> <b>Article 24.2</b></p>	<p>Asylum-seeking UAC are generally accommodated in asylum centres or other designated facilities which, according to the law, have to be adequate for their circumstances.<sup>72</sup> If this is not possible, they may exceptionally be placed in foster families or, more commonly, housed in specialised facilities for orphaned children.<sup>73</sup> UAC not seeking asylum are to be placed either in general social care institutions or specialised shelters for alien children.<sup>74</sup> They may not be subjected to forced return unless the authorities are assured that they will receive adequate care upon return;<sup>75</sup> in the absence of such assurances, the children may remain in the social welfare institutions in Serbia with temporary residence permits until adulthood. Regardless of their asylum-seeking status or lack of it, aliens who turn 18 will no longer be accommodated at children-specific accommodation facilities. Asylum-seeking aliens may remain accommodated at asylum centres once they turn 18, in the centres' sections for adult accommodation.<sup>76</sup></p>
<p><b>Return</b> <b>Return Directive,</b> <b>Article 10</b></p>	<p>There are no special measures in place to prepare UAC or alien young adults for the return procedure; nor are they offered any specific kind of assistance. Non-asylum-seeking and unsuccessful asylum-seeking UAC may not be subjected to forced return unless the authorities are assured that they will receive adequate care upon return.<sup>77</sup></p>

<sup>69</sup> Serbia, Family Act (*Porodični zakon*), Official Gazette of the Republic of Serbia Nos. 18/2005, 72/2011 and 6/2015, Articles 124-145.

<sup>70</sup> Serbia, Asylum and Temporary Protection Act (*Zakon o azilu i privremenoj zaštiti*), Official Gazette of the Republic of Serbia No. 24/2018, Article 12.

<sup>71</sup> Serbia, Aliens Act (*Zakon o strancima*), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 62.

<sup>72</sup> Serbia, Asylum and Temporary Protection Act (*Zakon o azilu i privremenoj zaštiti*), Official Gazette of the Republic of Serbia No. 24/2018, Article 52.

<sup>73</sup> Serbia, Asylum and Temporary Protection Act (*Zakon o azilu i privremenoj zaštiti*), Official Gazette of the Republic of Serbia No. 24/2018, Article 52 (2).

<sup>74</sup> Serbia, Aliens Act (*Zakon o strancima*), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 92.

<sup>75</sup> Serbia, Aliens Act (*Zakon o strancima*), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 83.

<sup>76</sup> This follows from Articles 51 and 52 of Asylum and Temporary Protection Act; see Serbia, Asylum and Temporary Protection Act (*Zakon o azilu i privremenoj zaštiti*), Official Gazette of the Republic of Serbia No. 24/2018, Articles 51-52.

<sup>77</sup> Serbia, Aliens Act (*Zakon o strancima*), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 83.

<b>Others</b>	Once the humanitarian grounds cease to exist, UAC may continue living in Serbia under the same conditions as any other alien, on the basis of enrolment in an education programme, employment or on other grounds prescribed by law. <sup>78</sup> Such temporary residence applications may be lodged within the territory of Serbia. While the Aliens Act also allows for electronic submissions of applications from abroad, <sup>79</sup> the Ministry of the Interior in practice still requires their submission in person. <sup>80</sup>
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<sup>78</sup> Serbia, Aliens Act ([Zakon o strancima](#)), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 46-63.

<sup>79</sup> Serbia, Aliens Act ([Zakon o strancima](#)), Official Gazette of the Republic of Serbia Nos. 24/2018 and 31/2019, Article 41.

<sup>80</sup> Serbia, Ministry of the Interior (*Ministarstvo unutrašnjih poslova*) (2019), '[Terms for issuance of authorization for temporary stay](#)'.

# Chapter 5. Information society, data protection

## 1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

The two main events that have marked 2019 in this area were the entry into force of the new Personal Data Protection Act (PDPA) (*Zakon o zaštiti podataka o ličnosti*)<sup>81</sup> and the election of the new Commissioner for Access to Information of Public Importance and Personal Data Protection (*Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti*).<sup>82</sup> The PDPA aims at aligning Serbian legislation with the GDPR and Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016. The PDPA closely follows the GDPR, in most parts almost to the point of literal translation into Serbian (but it does not regulate video surveillance).<sup>83</sup> It also includes some highly controversial provisions, e.g. in Article 40, which does not require that restrictions of personal data protection rights be prescribed by law, thus opening the door for their arbitrary imposition.<sup>84</sup> In any case, the normative incorporation of the GDPR into Serbian legislation resulted in a high level of formal compliance with it. At the same time, experts in the field, including the previous Commissioner for Access to Information of Public Importance and Personal Data Protection, alerted to the PDPA's shortcomings and advised caution in its implementation.<sup>85</sup>

A new Commissioner for Access to Information of Public Importance and Personal Data Protection was elected on 29 July 2019, almost seven months after his predecessor's term in office expired.<sup>86</sup> Furthermore, the process of the selection of the Commissioner was not transparent and raised a lot of doubts in the academic and NGO communities about the quality of the process and the criteria against which he was selected.<sup>87</sup> In August 2019, the newly appointed Commissioner issued a press release<sup>88</sup> calling on the parliament to postpone the entry into force of the PDPA because the relevant state authorities were not ready to enforce it. His appeal went unheeded. The Commissioner's extended powers under the new PDPA have not

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<sup>81</sup> Serbia, Personal Data Protection Act (*Zakon o zaštiti podataka o ličnosti*) Official Gazette of the Republic of Serbia No. 87/2018. The PDPA was adopted in November 2018 and entered into force on 21 August 2019.

<sup>82</sup> Serbia, National Assembly, Decision on the election of the Commissioner for Access to Information of Public Importance and Personal Data Protection (*Odluka o izboru Poverenika za informacije od javnog značaja i zaštitu podataka o ličnosti*), 29 July 2019.

<sup>83</sup> The PDPA also includes provisions on the collection and processing of data by the competent authorities, which are covered by the Law Enforcement Directive (LED).

<sup>84</sup> Serbia, Commissioner for Access to Information of Public Importance and Personal Data Protection (*Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti*) (2018), Letter to MPs regarding Article 40 of the Draft Personal Data Protection Act, (*Poverenikovo pismo poslanicima povodom člana 40 Predloga zakona o zaštiti podataka o ličnosti*), Belgrade, 22 October 2018; Sironič, M., Novak, A., TAIEX Mission 30066 (2019), *Assessment of the Draft Law on Personal Data Protection of Serbia – Desk study*, Ljubljana, 28 May 2019, p. 4.

<sup>85</sup> SHARE Foundation (2019) 'Will Serbia adjust its data protection framework to the GDPR?', 24 April 2019; Danas (2019) 'What does the European Union's GDPR bring?' (*Šta donosi uredba Evropske unije – GDPR?*), Belgrade, 21 February 2019.

<sup>86</sup> Serbia, National Assembly, Decision on the election of the Commissioner for Access to Information of Public Importance and Personal Data Protection (*Odluka o izboru Poverenika za informacije od javnog značaja i zaštitu podataka o ličnosti*), Belgrade, 29 July 2019.

<sup>87</sup> European Digital Rights (EDRi) – Europe, Access Now – Europe, Association for Technology and Internet (APT) – Romania, Electronic Frontier Norway – Norway, epicenter.works – Austria, Homo Digitalis – Greece, Open Rights Group – United Kingdom, Privacy International – United Kingdom (2018), *Call for Support of the Transparency of the Process for the Selection of a new Commissioner for Information of Public Importance and Personal Data Protection*, 14 December 2018.

<sup>88</sup> Serbia, Commissioner for Access to Information of Public Importance and Personal Data Protection (*Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti*) (2019), 'Data controllers unprepared to apply the new Personal Data Protection Act' (*Nespremnost rukovalaca za primenu novog Zakona o zaštiti podataka o ličnosti*), Press release, 2 August 2019.



been accompanied by an increase in the technical and staffing capacities of his office.<sup>89</sup> The Commissioner claims that his office lacks qualified data protection specialists.<sup>90</sup> It is early to say if the new PDPA has resulted in any changes in the Commissioner’s workload in 2019,<sup>91</sup> since it only came into force in late August.

The previous Commissioner for Access to Information of Public Importance and Personal Data Protection had a meaningful and long-lasting relationship with civil society organisations, including those focusing on data protection.<sup>92</sup> It remains to be seen whether such collaboration will continue with his successor.

## 2. Artificial intelligence and big data

There is no draft law/policy initiative regarding specific sectors dealing with AI systems.

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
SRB	Government and the World Bank	Other projects	Enabling Digital Governance in Serbia (EDGE) 2019-2024 is a project aiming to improve access to and the quality, and efficiency of selected administrative e-Government services and to advance the transformation of the Serbian public sector.	No	No	Government of Serbia project, financed by the World Bank, <a href="#">Enabling Digital Governance in Serbia (EDGE) 2019-2024</a> (Projekat unapređenja usluga elektronske uprave 2019-2024)

<sup>89</sup> Source: Interview with Mr Miloš Stojković, lawyer, Head of the Digital Department at the Živković Samardžić Law Office, 20 August 2019.

<sup>90</sup> NI (2019), ‘Milan Marinović on wiretapping and amendments to the access to information law’ (*‘Milan Marinović o prisluškivanju i izmeni zakona o informacijama od javnog značaja’*), 1 August 2019

<sup>91</sup> Serbia, Commissioner for Access to Information of Public Importance and Personal Data Protection (*Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti*), [Monthly statistical reports](#).

<sup>92</sup> The previous Commissioner, Mr. Rodoljub Šabić, had received numerous awards from the expert community and civil society for his work.



### 3. Data retention

The data retention regulations in Serbia are based on the Electronic Communications Act (*Zakon o elektronskim komunikacijama*).<sup>93</sup> Under this Act, the country's internet service providers are under the obligation to retain the users' data for one year and delete them upon the expiry of that period. The Serbian legislation restricts access to such data by the national and government authorities, such as the police and security agencies, stipulating that they first obtain a court order.<sup>94</sup> In the opinion of the Belgrade Court of Appeal, evidence of communications collected after the deadline by which it should have been destroyed, even if subpoenaed by a court, cannot be considered lawfully obtained evidence.<sup>95</sup>

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<sup>93</sup> Serbia, Electronic Communications Act (*Zakon o elektronskim komunikacijama*), Official Gazette of the RS Nos. 44/10 and 60/13.

<sup>94</sup> Serbia, Electronic Communications Act (*Zakon o elektronskim komunikacijama*), Official Gazette of the RS Nos. 44/10 and 60/13, Article 126.

<sup>95</sup> Serbia, Belgrade Court of Appeal (*Apelacioni sud u Beogradu*) No. Kž1 767/2014, 26 March 2015.

## Chapter 6. Rights of the child

### 1. Procedural safeguards for children who are suspects in criminal proceedings

<p><b>Legislative changes</b></p>	<p>There were no legislative changes in 2019 on procedural safeguards for children who are suspects in criminal proceedings.</p> <p>The Child Rights and Child Ombudsperson Act (<i>Nacrt zakona o pravima deteta i zaštitnika prava deteta</i>) (CRCOA)<sup>96</sup> was drafted and was expected to be adopted by the parliament in the autumn of 2019. However, its adoption was postponed for the spring of 2020.<sup>97</sup> This Draft CRCOA is a result of twenty-year efforts of various stakeholders and is based on the recommendations of the UN human rights monitoring mechanisms.<sup>98</sup> It contains detailed provisions on children in conflict and in contact with the law and establishes the parliamentary institution of the Child Ombudsperson. Once in force, this Act, the first comprehensive law to govern the rights of the child in Serbia, will provide a strong legal and institutional framework for the full harmonisation of national standards with internationally accepted norms.</p> <p>The Draft CRCOA precisely defines a “child” as every human being under the age of 18, as opposed to previous legal interpretations linking this term to the institute of legal capacity. It also comprehensively guarantees the rights of the child. Additionally, the Draft CRCOA provides for the establishment of an Ombudsperson charged specifically with the protection of the rights of the child laid down in that law and of a child-friendly complaints procedure.</p>
<p><b>Policy developments</b></p>	<p>While there were no policy developments, data published in 2019 show that the number of criminal charges against children in 2018 was 21 % lower than in 2017 and that 0.5 % of the children were sentenced to juvenile detention.<sup>99</sup> Also, the number of submitted motions for criminal sanctions and criminal convictions dropped by 7 % and 5 % year-on-year, respectively.<sup>100</sup></p>
<p><b>Other measures or initiatives</b></p>	<p>The Child Rights Centre and the Child Rights Council of the Government of Serbia (<i>Savet za prava deteta Vlade Republike Srbije</i>) (CRCGS) – with UNICEF Serbia’s support – organised a roundtable entitled “Improvement of the rights and best interests of juvenile offenders with special focus on better cooperation of judicial, interior, welfare and health care systems.” It was attended by governmental representatives of a variety of sectors, including juvenile justice judges and prosecutors, police officers, professionals working</p>

<sup>96</sup> Serbia, Ministry of Labour, Employment, Veteran and Social Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*) (2019), Draft Child Rights and Child Ombudsperson Act (*Nacrt zakona o pravima deteta i zaštitniku prava deteta*), 14 May 2019.

<sup>97</sup> Source: senior Ministry of Labour, Employment, Veteran and Social Affairs official, 30 December 2019.

<sup>98</sup> United Nations (UN) Committee on the Rights of the Child (CRC) (2017), *Concluding observations on the combined second and third periodic reports of Serbia*, 7 March 2017, para. 17; United Nations (UN), Human Rights Council (HRC) (2018), *Universal Periodic Review – Serbia*, 6 July 2018, para. 114.

<sup>99</sup> Serbia, Statistical Office (*Statistički zavod Republike Srbije*) (2019), ‘*Minors Perpetrators of crime, 2018*’, Press release, 16 July 2019.

<sup>100</sup> Serbia, Statistical Office (*Statistički zavod Republike Srbije*) (2019), ‘*Minors Perpetrators of crime, 2018*’, Press release, 16 July 2019.

in social welfare centres and juvenile justice institutions, etc.<sup>101</sup> In addition, the project "Advancing the Rights of the Child in Court Proceedings", was implemented by the Child Rights Centre in Belgrade, in partnership with UNICEF Serbia. It aims at creating a child-friendly justice system through the advancement of the rights of child perpetrators of crime, child victims and witnesses in criminal proceedings and children in civil proceedings.<sup>102</sup>

## 2. Legal and policy measures or initiatives developed about child internet safety

There were no significant legislative changes in this area in 2019, but the Draft CRCOA<sup>103</sup> contains provisions on child internet safety. It entitles children to protection from all forms of violence inflicted via ICT. Article 38 lists forms of such violence, including exposure of children to pornography, manipulation and threats, violation of their data privacy, their exposure to hate speech and content harmful to their well-being and development, etc. The Draft CRCOA also imposes upon the state the obligation to provide assistance to victims of this kind of violence and to undertake preventive and other measures to protect children from harmful effects of the internet.<sup>104</sup>

On the other hand, there are many awareness-raising activities on child internet safety. In 2019, the Government continued implementing programmes disseminating information on internet safety to all school children.<sup>105</sup> One such programme was the school campaign for smart and safe use of new technologies titled "IT Caravan", which the Ministry of Trade, Tourism and Telecommunications (*Ministarstvo trgovine, turizma i telekomunikacija*) implemented in April and May 2019 for the fourth consecutive year; a total of 2,000 pupils of 25 schools in five cities in Serbia participated in the campaign.<sup>106</sup> Additionally, in April 2019, the Ministry initiated a media campaign entitled "Your Internet Number – 19833" promoting the protection of children on the internet, as well as the National Contact Centre for Safe Internet Use by Children.<sup>107</sup> In addition, the start of the 2019/2020 school-year in September brought some changes in the curriculum. The subject Informatics and Computing – wherein digital violence is specifically studied – is now a mandatory seventh grade subject.<sup>108</sup>

Local NGOs continued carrying out activities aimed at protecting children from internet abuse and securing their internet safety. In 2018/2019, the Užice Child Rights Centre implemented a project called "Family Safety Net", which included trainings for pre-schoolers and first and second grade pupils and their parents and teachers in four cities across Serbia. The special importance of this project lies in the fact that it targets younger children and their parents

<sup>101</sup> Child Rights Centre (2019), 'Roundtable of the Juvenile Justice Council held on 24 June 2019', Press release, 24 June 2019.

<sup>102</sup> Child Rights Centre (2019), 'Advancing the Rights of the Child in Court Proceedings' (*'Unapređenje prava deteta u sudskim postupcima'*), Press release, 2019.

<sup>103</sup> Serbia, Ministry of Labour, Employment, Veteran and Social Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*) (2019), Draft Child Rights and Child Ombudsperson Act (*Nacrt zakona o pravima deteta i zaštiti prava deteta*), 14 May 2019.

<sup>104</sup> Serbia, Ministry of Labour, Employment, Veteran and Social Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*) (2019), Draft Child Rights and Child Ombudsperson Act (*Nacrt zakona o pravima deteta i zaštiti prava deteta*), 14 May 2019, Articles 38 and 39.

<sup>105</sup> Source: Ministry of Education, Science and Technological Development, 12 August 2019.

<sup>106</sup> Serbia, Ministry of Trade, Tourism and Telecommunications (*Ministarstvo trgovine, turizma i telekomunikacija*) (2019), 'Children's digital literacy and safety programmes' (*'Programi za digitalnu pismenost i bezbednost najmlađih'*), Press release, 10 April 2019.

<sup>107</sup> Serbia, Ministry of Trade, Tourism and Telecommunications (*Ministarstvo trgovine, turizma i telekomunikacija*) (2019), 'Children's digital literacy and safety programmes' (*'Programi za digitalnu pismenost i bezbednost najmlađih'*), Press release, 10 April 2019.

<sup>108</sup> Source: Ministry of Education, Science and Technological Development, 12 August 2019.

and teachers. Moreover, a very useful handbook, entitled "Children in the Digital Age – A Guide to the Safe and Constructive Use of Digital Technology and the Internet", was prepared.<sup>109</sup>

The Ministry of Education, Science and Technological Development (*Ministarstvo prosvete, nauke i tehnološkog razvoja*) in February 2019 spoke about its cooperation with the Ministry of the Interior (*Ministarstvo unutrašnjih poslova*), specifically its Cyber Crime Department,<sup>110</sup> which arrested and prosecuted 23 suspected child pornographers in the first half of 2019.<sup>111</sup>

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<sup>109</sup> Užice Child Rights Centre (2019): *Children in the Digital Age – A Guide to the Safe and Constructive Use of Digital Technology and the Internet*, Užice, 2019.

<sup>110</sup> Serbia, Ministry of Education, Science and Technological Development (*Ministarstvo prosvete, nauke i tehnološkog razvoja*) (2019), 'We need to encourage the children to ask for help' (*'Potrebno je da decu ohrabujemo da traže pomoć'*), Press release, 5 February 2019.

<sup>111</sup> Serbia, Ministry of the Interior (*Ministarstvo unutrašnjih poslova*) (2019) 'Minister Stefanović attends Cyber Crime Department's presentation' (*'Ministar Stefanović prisustvovao prezentaciji Odeljenja za suzbijanje visokotehnološkog kriminala'*), Press release, 9 August 2019.

# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

The Ministry of Justice (*Ministarstvo pravde*) published the Working Text of the Strategy on the Rights of Victims and Witnesses of Crime for the period 2019-2025<sup>112</sup> (*Radni nacrt strategije o ostvarivanju prava žrtava i svedoka krivičnih dela za period 2019-2025. godine*) (Draft Strategy) in January 2019. The Draft Strategy aims to establish a nationwide support network, strengthen the protection afforded to victims and witnesses and raise awareness of their rights.<sup>113</sup> Its authors assess that the establishment of a National Network of Victim and Witness Support Services will be the most demanding, as well as the most important step in the process of alignment with the EU *acquis* (Victims' Rights Directive).<sup>114</sup> This Network will encompass the judiciary, the police and welfare and health care institutions, as well as NGOs extending victim and witness support.<sup>115</sup> The Draft Strategy also notes the lack of clearly defined criteria for the professional qualifications of providers and the quality of services they render and provides for the adoption of a rulebook that will lay down the level of professional qualifications victim and witness support providers must possess.<sup>116</sup> Additionally, the Draft Strategy proposes measures for changing the persistent practice of referring victims to claim damages in civil rather than criminal proceedings.<sup>117</sup> This practice has led to significantly prolonged proceedings, repeat victimisation, and additional expenses for the victims.<sup>118</sup>

In 2019, the Supreme Court of Cassation (*Vrhovni kasacioni sud*) drafted detailed Guidelines for judges and prosecutors on improving jurisprudence on compensation of victims in criminal proceedings (*Smernice za unapređenje sudske prakse u postupcima za naknadu štete žrtvama teških krivičnih dela u krivičnom postupku*).<sup>119</sup> These Guidelines provide answers to currently contentious issues related to determining the amount of damages, especially non-pecuniary damages.<sup>120</sup>

The Draft Strategy addresses the victims' rights to participate in proceedings.<sup>121</sup> It stresses that the Criminal Procedure Code (*Zakon o krivičnom postupku*)<sup>122</sup> must be amended to expressly provide for all the other guarantees laid down in the Victims' Rights Directive (Article

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<sup>112</sup> Serbia, Ministry of Justice (*Ministarstvo pravde*) (2019), Strategy on the Rights of Victims and Witnesses of Crime – for the Period 2019-2025 - Draft Document/Working Text, Belgrade, 2019.

<sup>113</sup> Serbia, Ministry of Justice (*Ministarstvo pravde*) (2019), Strategy on the Rights of Victims and Witnesses of Crime – for the Period 2019-2025 - Draft Document/Working Text, Belgrade, 2019, p. 7.

<sup>114</sup> Serbia, Ministry of Justice (*Ministarstvo pravde*) (2019), Strategy on the Rights of Victims and Witnesses of Crime – for the Period 2019-2025 - Draft Document/Working Text, Belgrade, 2019, p. 6.

<sup>115</sup> Victim and Witness Support (2019), Statement by Ministry of Justice State Secretary Radomir Ilić at the conference marking European Day for Victims of Crime, 22 February 2019.

<sup>116</sup> Serbia, Ministry of Justice (*Ministarstvo pravde*) (2019), Strategy on the Rights of Victims and Witnesses of Crime – for the Period 2019-2025 - Draft Document/Working Text, Belgrade, 2019, p. 11.

<sup>117</sup> Serbia, Ministry of Justice (*Ministarstvo pravde*) (2019), Strategy on the Rights of Victims and Witnesses of Crime – for the Period 2019-2025 - Draft Document/Working Text.

<sup>118</sup> Serbia, Ministry of Justice (*Ministarstvo pravde*) (2019), Strategy on the Rights of Victims and Witnesses of Crime – for the Period 2019-2025 - Draft Document/Working Text, Belgrade, 2019, p. 27.

<sup>119</sup> Serbia, Supreme Court of Cassation (*Vrhovni kasacioni sud*) (2019) Guidelines for judges and prosecutors on improving jurisprudence on compensation of victims in criminal proceedings (*Smernice za unapređenje sudske prakse u postupcima za naknadu štete žrtvama teških krivičnih dela u krivičnom postupku*).

<sup>120</sup> As the case cited in Annex 2 illustrates, civil courts are not only deciding on non-pecuniary damages, but are also often lowering the amounts, possibly due to lack of evidence.

<sup>121</sup> Serbia, Ministry of Justice (*Ministarstvo pravde*) (2019), Strategy on the Rights of Victims and Witnesses of Crime – for the Period 2019-2025 - Draft Document/Working Text, Belgrade, 2019, p. 26.

<sup>122</sup> Serbia, Criminal Procedure Code (*Zakonik o krivičnom postupku*), Official Gazette of the RS Nos. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14.

7), and not just the one currently in place, affording the victims the right to use their own language and script during the proceedings (Article 11).

In early 2019, Serbia opened the first state-run specialised shelter for women victims of trafficking,<sup>123</sup> but there is no such facility for male victims, who are accommodated in institutions for the elderly.<sup>124</sup>

## 2. Violence against women

No other major measures were taken in 2019 to address violence against women, but the urgency of the problem is well recognised both by the government and civil society.<sup>125</sup> A new strategy on the prevention of domestic violence has not been drafted yet although the previous one<sup>126</sup> expired in 2015.<sup>127</sup> There is no information on when it will be prepared or whether it will include all forms of violence against women covered by the Council of Europe Convention on preventing and combating violence against women and domestic violence.<sup>128</sup>

Violence against women persisted in 2019. At least ten women were killed by their partners or family members in the first half of 2019.<sup>129</sup> This number is probably higher since none of the state institutions collect, analyse or publish official statistics on violence against women.<sup>130</sup> The data on the enforcement of the Domestic Violence Act (*Zakon o sprečavanju nasilja u porodici*)<sup>131</sup> are not disaggregated by gender or by the relationship between the victim and the perpetrator, and a centralised nationwide electronic database, prescribed by this law, has not been established yet.<sup>132</sup>

A nationwide helpline for victims of violence against women and domestic violence fulfilling standards related to accessibility, anonymity and other criteria under the Convention,<sup>133</sup> has not been established yet.<sup>134</sup> NGOs have voiced their concerns when the government named a state institution, the Centre for the Protection of Infants, Children and Youth (*Centar za zaštitu odojčadi, dece i mladih*) the national helpline service provider. They claim that this Centre has

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<sup>123</sup> Beširević, V., (2019), *Study on compatibility of the law of the Republic of Serbia with EU acquis communautaire in the area of combating trafficking in human beings*, ASTRA, Belgrade, September 2019, p. 28.

<sup>124</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA) (2018), *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia*, Strasbourg, 29 January 2018, p. 28.

<sup>125</sup> Serbia, Ministry of Justice (*Ministarstvo pravde*) (2019), *Strategy on the Rights of Victims and Witnesses of Crime – for the Period 2019–2025 – Draft Document/Working Text*; Autonomous Women’s Center, ASTRA – anti-trafficking action, Women in Black (2019), *Dark Clouds over Serbia, Shadow report for the 72<sup>nd</sup> CEDAW Committee Session 2019*, Belgrade, January 2019, p. 29.

<sup>126</sup> Serbia, Ministry of Labour, Employment and Social and Veteran Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*) (2011), *National Strategy for Prevention and Elimination of Violence against Women in the Family and in Intimate Partner Relationship*, Belgrade, 2011.

<sup>127</sup> Autonomous Women’s Center, ASTRA – anti-trafficking action, Women in Black (2019), *Dark Clouds over Serbia, Shadow report for the 72<sup>nd</sup> CEDAW Committee Session 2019*, Belgrade, January 2019.

<sup>128</sup> Autonomous Women’s Center, ASTRA – anti-trafficking action, Women in Black (2019), *Dark Clouds over Serbia, Shadow report for the 72<sup>nd</sup> CEDAW Committee Session 2019*, Belgrade, January 2019.

<sup>129</sup> Women against Violence Network (2019), *Femicide in Serbia, Quantitative-Narrative Report 1 January – 30 June 2019 (Femicid u Srbiji, Kvantitativno-narativni izveštaj 1. januar – 30. jun 2019)*, Belgrade, 2019.

<sup>130</sup> Lacmanović V., (2019), ‘Femicide in Serbia: Searching for data, institutions’ responses and media coverage’ (*Femicid u Srbiji: potraga za podacima, odgovorom institucija i medijska slika*), *Annals for Istrian and Mediterranean Studies*, Series Historia et Sociologia, 29, Koper, 2019.

<sup>131</sup> Serbia, Domestic Violence Act (*Zakon o sprečavanju nasilja u porodici*), Official Gazette of the RS No. 94/2016.

<sup>132</sup> Belgrade Centre for Human Rights (BCHR) (2019), *Human Rights in Serbia 2018*, Belgrade, February 2019, p. 315.

<sup>133</sup> Council of Europe (2011), Convention on preventing and combating violence against women and domestic violence, CETS No. 120, 2011.

<sup>134</sup> Organization for Security and Co-operation in Europe (OSCE) (2019), *Well-being and safety of women, Serbia Results Report*, OSCE, 2019.

not only never run a helpline service for women, but also does not possess the mandatory national licence or fulfil the relevant standards for extending such a service.<sup>135</sup>

On a positive note, the Ministry of the Interior (*Ministarstvo unutrašnjih poslova*) and UN Women launched a three-year project in April 2019 that will introduce a system of electronic bracelets for the victims and perpetrators of violence. The victims will be able to rapidly alert the police that they are in danger and the police will be able to react immediately and follow the offenders in real time.<sup>136</sup>

In July 2019, the OSCE published a survey on violence against women in Serbia, confirming that violence against women remained a significant concern.<sup>137</sup> The survey reveals that 45 % of women have experienced violence at the hands of their partners since the age of 15; among them, 17 % also said they had experienced physical and/or sexual violence<sup>138</sup> and 59 % of them said they had never contacted the police or any another organisation after the most serious incident.<sup>139</sup> The survey also revealed that assistance and support were not mainstreamed or accessible to all,<sup>140</sup> and identified the need to improve the collection of accurate data.<sup>141</sup>

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<sup>135</sup> Women against Violence Network (2019), *First independent report on the activities of the newly formed National SOS Helpline for women with experience of violence (Prvi nezavisni izveštaj o aktivnostima novoformiranog nacionalnog SOS telefona za žene sa iskustvom nasilja)*, Belgrade, August 2019.

<sup>136</sup> Serbia, Government, Social Inclusion and Poverty Reduction Unit (*Tim za socijalno uključivanje i smanjenje siromaštva*) (2019), 'Improvement of Women's Safety in Serbia', Press release, Belgrade, 16 April 2019.

<sup>137</sup> Organization for Security and Co-operation in Europe (OSCE) (2019), *Well-being and safety of women, Serbia Results Report*, OSCE, 2019, p. iii.

<sup>138</sup> Organization for Security and Co-operation in Europe (OSCE) (2019), *Well-being and safety of women, Serbia Results Report*, OSCE, 2019, p. 25.

<sup>139</sup> Organization for Security and Co-operation in Europe (OSCE) (2019), *Well-being and safety of women, Serbia Results Report*, OSCE, 2019, p. 55.

<sup>140</sup> Organization for Security and Co-operation in Europe (OSCE) (2019), *Well-being and safety of women, Serbia Results Report*, OSCE, 2019, p. 54.

<sup>141</sup> Organization for Security and Co-operation in Europe (OSCE) (2019), *Well-being and safety of women, Serbia Results Report*, OSCE, 2019, p. 71.

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

## 1. CRPD policy & legal developments

In 2019, the Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) issued seven opinions on complaints claiming discrimination on grounds of disability,<sup>142</sup> as well as several opinions on legislative reform and other initiatives regarding persons with disabilities.<sup>143</sup>

The local “umbrella” NGO, the National Organization of Persons with Disabilities of Serbia (NOOIS), published the translations of two General Comments (Nos. 6 and 7) of the United Nations (UN) Committee on the Rights of Persons with Disabilities, dealing with equality and non-discrimination and the participation of persons with disabilities in the implementation and monitoring of the CRPD. Their presentation and dissemination started with a roundtable in Novi Sad on 19 July 2019, within the project “Implementation of anti-discrimination policies in the Republic of Serbia for 2019” supported by the Government Office for Human and Minority Rights (*Kancelarija za ljudska i manjinska prava Vlade Srbije*). The roundtable was attended by representatives of local NGOs engaged in protecting and promoting the rights of persons with disabilities, representatives of local institutions and the Protector of Citizens of the Autonomous Province of Vojvodina. Similar roundtables were organised in Kragujevac in July 2019, Niš in September 2019 and in Belgrade in November 2019.<sup>144</sup>

## 2. CRPD monitoring at national level

The Council for Monitoring the Implementation of Recommendations by UN Human Rights Mechanisms (*Savet za praćenje primene preporuka mehanizama UN za ljudska prava*), operating under the auspices of the Government Human and Minority Rights Office (*Kancelarija za ljudska i manjinska prava Vlade Srbije*), monitors the implementation of recommendations made to Serbia, including those made by the UN Committee on the Rights of Persons with Disabilities. Civil society organisations are included in this process. In June 2019, the Council organised the first thematic meeting with the representatives of NGOs monitoring the implementation of the UN Human Rights Mechanisms’ recommendations to Serbia.<sup>145</sup>

NOOIS also plays a particularly important role in the partnership between disability rights organisations and the Sector for the Protection of Persons with Disabilities within the Ministry of Labour, Employment and Veteran and Social Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*). There is an NGO-led platform for cooperation with UN human rights mechanisms (Platform),<sup>146</sup> which closely monitors Serbia’s headway in implementing the recommendations by UN Human Rights Mechanisms and prepares alternative

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<sup>142</sup> See Chapter 1 for the overview.

<sup>143</sup> Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2019), Initiative to Amend the Rulebook on Determining the Right to Enrolment of Persons with Disabilities (*Inicijativa za izmenu Pravilnika o utvrđivanju prava na upis lica sa invaliditetom*), Belgrade, 30 May 2019.

<sup>144</sup> National Organization of Persons with Disabilities of Serbia (NOOIS) (2019), ‘Project – CRPD General Comments 6 and 7 – consultations with organisations of persons with disabilities prerequisite for equitable participation of such persons in society’ (*Projekat – Opšti komentari 6 i 7 Komiteta za prava OSJ, - konsultacije sa organizacijama osoba sa invaliditetom kao preduslov ravnopravnog učešća ovih osoba u društvu*), Press release, Belgrade, 19 July 2019. See also NOOIS (2019), Presentation of CRPD General Comments 6 and 7 (*Predstavljanje Opštih komentara Komiteta za prava osoba sa invaliditetom br. 6 i 7*), Press release, Belgrade, 4 November 2019.

<sup>145</sup> Serbia, Government Council for Monitoring the Implementation of Recommendations by UN Human Rights Mechanisms (*Savet za praćenje primene preporuka mehanizama UN za ljudska prava*) (2019) ‘Meeting with Platform of civil society organisations held’ (*Održan sastanak sa predstavnicima Platforme organizacija civilnog društva*), Press release, Belgrade, 28 June 2019.

<sup>146</sup> For more information, see the webpage of the Platform of Organizations for Cooperation with UN Human Rights Mechanisms on [platforma.org.rs](http://platforma.org.rs).



reports. The most recent report submitted jointly by the Platform CSOs was the Alternative Report to the UN Committee on Economic, Social and Cultural Rights in August 2019.<sup>147</sup> Some organisations also submitted additional alternative reports elaborating the specific topics they focus on.<sup>148</sup>

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<sup>147</sup> Platform of Organizations for Cooperation with UN Human Rights Mechanisms (2019): *Contribution of the Platform of organizations for cooperation with UN Human Rights Mechanisms for the Occasion of the Adoption of the List of Issues for the Third Reporting Cycle of the Republic of Serbia*, August 2019.

<sup>148</sup> National Organization of Persons with Disabilities of Serbia (NOOIS), A11 – Initiative for Economic and Social Rights, ASTRA, Equal Rights Trust and NGO Praxis. Their full reports are available on the following webpage of the United Nations Office of the High Commissioner for Human Rights ([OHCHR](#)) webpage.

## Annex 1 – Promising Practices

EQUALITY AND NON-DISCRIMINATION	
Thematic area	Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.
Title (original language)	‘Ravnopravno do cilja’
Title (EN)	‘Equally Until the Finish Line’
Organisation (original language)	Poverenik za zaštitu ravnopravnosti; Sportski savez osoba sa invaliditetom Beograda
Organisation (EN)	Commissioner for Protection of Equality; Sports Association of Persons with Disabilities of Belgrade (SSOIB)
Government / Civil society	Mixed
Funding body	Private donations
Reference (incl. url, where available)	Serbia, Commissioner for Protection of Equality (2019), <a href="#">‘Equally Until the Finish Line’ at the Belgrade Marathon</a> , 14 April 2019
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2012
Type of initiative	Awareness-raising
Main target group	Persons with disabilities
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The project seeks to raise awareness of the position of persons with disabilities and combat prejudice by increasing the visibility of persons with disabilities in sports, notably the annual Belgrade marathon. It allows marathon participants and spectators to directly interact with well-known athletes with disabilities, learning of their circumstances and the obstacles they face, but also to hear about equality and the non-discrimination framework from Commissioner for Protection of Equality staff. At the end of the event, the athletes, Commissioner staff and other guests participate in the Fun Run. As a result of the project, the Belgrade marathon was awarded the Association of International Marathons and Distance Races (AIMS) Social Award in November 2018.
Highlight any element of the actions that is transferable (max. 500 chars)	Involvement of national equality bodies in major sporting events and the cooperation between such bodies and sports associations.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	As demonstrated by the present project, which has become a regular activity of the Serbian Commissioner for Protection of Equality, the involvement of national bodies in regular sporting events is a cost-effective way of raising the visibility of groups at risk of discrimination, particularly since it also provides such events and their organisers with the opportunity to raise their socially-responsible public profile. Therefore, hosting regular side events involving athletes with disabilities

	benefits all the stakeholders and contributes to the promotion of non-discrimination during sporting events already enjoying high media publicity.
Give reasons why you consider the practice as having concrete measurable impact	The project has so far attracted a lot of media attention in Serbia, allowing the public to learn more about the position of persons with disabilities.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The nature of cooperation between the Commissioner for Protection of Equality and the civil society organisations involved in the project may easily be replicated in any other country with a national equality body and regular sporting events.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The direct and palpable involvement of the SSOIB in the design and implementation of the event ensures the direct engagement of persons with disabilities in all stages of the project.
Explain, if applicable, how the practice provides for review and assessment.	The activity is evaluated and included in the annual reports of the Commissioner for Protection of Equality, which are subsequently presented to and reviewed by the National Assembly.

Thematic area	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> 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)	<i>'Smernice za krivično gonjenje zločina iz mržnje u Republici Srbiji'</i>
Title (EN)	'Guidelines on the 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 (Republički javni tužilac)
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
Type of initiative	Conducted in 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

Brief description (max. 1000 chars)	With the aim of improving the fight against hate crimes in Serbia and the efficiency of hate crime investigations and prosecutions, the inter-sectoral working group drafted and published Guidelines on the Criminal Prosecution of Hate Crimes in the Republic of Serbia, intended for public prosecutors. The Guidelines were drafted by the representatives of the Serbian Government Office for Human and Minority Rights, the Office of the Republic Public Prosecutor, the Lawyers' Committee for Human Rights (Yucom) and 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)	Inter-sectoral approach to improving the prevention of hate crimes and their investigation and prosecution
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The adoption of the Guidelines on the Criminal Prosecution of Hate Crimes in the Republic of Serbia will build the capacities of the public prosecutors and other relevant authorities involved in hate crime prevention and improve cooperation between various 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 official or 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 prosecution offices, police officers, civil society organisations, etc. Improved cooperation in this area should also result in better protection of victims of hate crimes not only in Serbia, but in other settings as well.
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.	Not applicable.

Thematic area	<b>ROMA INTEGRATION</b> Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
Title (original language)	'Technical Assistance for Roma Inclusion (TARI)'
Title (EN)	'Technical Assistance for Roma Inclusion (TARI)'
Organisation (original language)	/
Organisation (EN)	OSCE Missio to Serbia
Government / Civil society	Government

Funding body	European Union
Reference (incl. url, where available)	<a href="https://europa.rs/images/publikacije/01-TARI_Factsheet.pdf">https://europa.rs/images/publikacije/01-TARI_Factsheet.pdf</a> ; <a href="https://europa.rs/30-cars-for-mobile-teams-for-roma-inclusion/?lang=en">https://europa.rs/30-cars-for-mobile-teams-for-roma-inclusion/?lang=en</a> IPA 2013, IPA 2016
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	June 2013 – ongoing
Type of initiative	Project support to Roma inclusion
Main target group	Roma community
Indicate level of implementation: Local/Regional/National	Local level (50 local self-government units)
Brief description (max. 1000 chars)	This project aims to improve cooperation and information sharing among local professionals working towards the social inclusion of Roma by supporting the formal establishment of joint mobile units at the municipal level. The teams comprise local Roma coordinators, education, health and welfare professionals and National Employment Service staff. These joint mobile Roma inclusion teams provide direct support to the most disadvantaged Roma population. They are also responsible for the implementation of the national Strategy for Social Inclusion of Roma for the 2016-2025 Period at the local level.
Highlight any element of the actions that is transferable (max. 500 chars)	The most important replicable elements include the proactive approach to Roma integration at the local level and information sharing and coordination among various state institutions charged with education, employment, health care, welfare and the overall integration of minorities.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	This practice can be considered sustainable due to the fact that it has been successfully implemented since 2013 and discussions are under way to include it in the list of social services delivered by the local authorities.
Give reasons why you consider the practice as having concrete measurable impact	This practice has measurable impact since the Roma inclusion mobile teams work directly with the most vulnerable Roma in need of integration.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	This practice is replicable in other settings, including EU Member States, facing similar problems regarding Roma access to basic services and institutions responsible for their inclusion. By approaching the most vulnerable Roma communities, the local stakeholders build trust between the institutions and the Roma, but also directly address the problems Roma face in local communities, from access to education to personal documents and employment.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The stakeholders are involved in the design and planning of the stages of this practice, but it remains unclear whether the direct beneficiaries were involved in the initial stages of the project.
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

Thematic area	<b>Asylum, visas, migration borders and integration</b> Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
Title or short description of promising practice in original language and in English	No promising practice has been identified for this thematic area.

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b> Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	‘Mapiranje kršenja digitalnih prava’
Title (EN)	‘Mapping Digital Freedom Violations’
Organisation (original language)	Balkanska istraživačka mreža i SHARE Fondacija
Organisation (EN)	BIRN Hub and SHARE Foundation
Government / Civil society	Civil society
Funding body	Civitates
Reference (incl. url, where available)	<a href="http://birn.eu.com/network/birn-hub/birn-hub-news-and-events/">http://birn.eu.com/network/birn-hub/birn-hub-news-and-events/</a> <a href="https://www.sharefoundation.info/en/birn-and-share-join-efforts-to-counter-digital-freedom-violations/">https://www.sharefoundation.info/en/birn-and-share-join-efforts-to-counter-digital-freedom-violations/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	June 2019
Type of initiative	Monitoring of digital threats and trends in their occurrence, raising awareness of digital freedom violations and issuance of policy recommendations.
Main target group	General public, journalists, policy makers
Indicate level of implementation: Local/Regional/National	Regional: Bosnia and Herzegovina, Croatia, Hungary, North Macedonia, Romania and Serbia
Brief description (max. 1000 chars)	The organisations will identify the main players involved in disinformation and propaganda by establishing a Digital Monitoring Database. The database will cover the state of digital rights in the targeted countries (Bosnia and Herzegovina, Croatia, Hungary, North Macedonia, Romania and Serbia) by documenting cases of violations of digital rights and freedoms, with descriptions of the cases and corresponding sources. The database will be part of the broader online BIRN Investigative Resource Desk, a new resource platform for investigative journalists to be launched in the autumn of 2019. The interactive database will allow the general public to access data collected through the monitoring system. BIRN journalists will conduct five investigations related to the topic and publish their results. On the basis of monitoring activities, a one-of-a-kind cross-regional report will be produced.
Highlight any element of the actions that is transferable (max. 500 chars)	Design of a detailed methodology and guidelines for monitoring violations of digital rights and freedoms.

Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	Monitoring of digital rights and freedoms has proved crucial for understanding risks and threats and how they evolve through time. The collected cases will facilitate the analysis of the overall state of digital rights in the region in the long term and the issuance of policy recommendations for improvements.
Give reasons why you consider the practice as having concrete measurable impact	The database will provide the data for periodic reports on the state of digital rights and freedoms in the targeted countries. The cross-regional report will compile the collected data to alert to the trends in violations of digital freedoms. Continuous monitoring and reporting on digital threats will contribute to BIRN’s wider efforts to promote accurate and unbiased information. It will strengthen the capacities and skills of the network’s journalists, as well as expose and counter threats that journalists and other engaged individuals face on a regular basis.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	It will be possible to use the methodology for monitoring digital rights and freedoms to track violations in various countries because the categories and subcategories of violations (technical attacks, information privacy breaches, threats, insults, etc.) will be defined in a way enabling their use in any country, with minor adaptations if necessary.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	During its monitoring in Serbia, SHARE Foundation has developed good cooperation with various communities, such as journalists, social activists and tech enthusiasts, who have helped by providing information about cases of violations of digital rights and this practice needs to be continued at the regional level. Digital rights monitors might miss some cases of violations, wherefore it is important to count on the community to provide assistance in collecting as many cases as possible. Journalists, activists and the tech community also provide valuable insights into cases where specific expertise is required.
Explain, if applicable, how the practice provides for review and assessment.	All cases of violations of digital rights and freedoms will be collected and stored in the online publicly accessible database. It will also be possible to export the cases in a machine-readable format, which is suitable for data analysis of trends and gaining better insights into the state of digital rights and freedoms.

Thematic area	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
Title (original language)	‘Bezbedan internet za celu porodicu’
Title (EN)	‘Family Safety Net’
Organisation (original language)	Užički centar za prava deteta
Organisation (EN)	Užice Child Rights Centre
Government / Civil society	Civil society
Funding body	UNICEF, TELENOR and Ministry of Education, Science and Technological Development of Republic of Serbia (Ministarstvo prosvete, nauke i tehnolo[kog razvoja])
Reference (incl. url, where available)	<a href="#">Children in the Digital Age – A Guide to the Safe and Constructive Use of Digital Technology and the Internet</a> , <a href="#">Children and the Internet - Smart from the Beginning</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 April 2018 – 31 May 2019

Type of initiative	The project implemented by this civil society organisation mainly focused on capacity building and development of educational resources
Main target group	Children aged 4-8 and their parents and preschool and primary school teachers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The objectives of the project were to empower parents and to engage them in their children's digital education, as well as to build the capacity of teachers and educators to raise awareness and knowledge of parents and children of pre-school and primary school age of the risks and safe use of the internet. This is especially important given that digital technologies are a part of the cultural environment in which the children of today are growing up. Hence, parents, educators and teachers have the responsibility to teach the children how to wisely and safely use digital technologies. Therefore, whilst empowering parents, educators and teachers to support children growing up in the digital environment, the project aimed to increase the level of protection of children using digital technologies.</p> <p>The project comprised five key activities: (1) implementation of a research on internet use among children (4 to 8 years old) and awareness or knowledge among parents, educators and teachers; (2) development and promotion of a brochure containing the key online safety messages for the parents; (3) development of a digital tutorial for the parents titled "Children and the Internet - Smart from the Beginning"; (4) development of a set of digital and communication materials for young children, such as cartoons and leaflets; (5) preparation of a guide for teachers on how to work with parents and children on developing a stimulating and secure online environment and its piloting in select kindergartens and primary schools.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	All educational materials were developed and are presented on a digital platform. They include four videos on internet safety for children, an online course on internet safety for teachers and parents, an educational leaflet for parents, a quiz on internet safety for children, a guide on internet safety for teachers, including workshops for children and parents and educational materials on internet safety. All materials are available free of charge in both Serbian and English.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>The sustainability of this project lies in its core. Namely, the project focused on intensive capacity building of key stakeholders of preschool and early primary school education (professionals, parents and children). It also aimed at building synergies among the key shareholders to work in concert on a common issue of concern beyond project duration.</p> <p>Additionally, the project developed and piloted various educational materials (leaflets, scenarios, guidelines, video and cartoons) and trainings. These have continuous usability and will provide practical support to professionals and parents in the future to fulfil their role and take responsibility for the internet safety of children. The developed resources are systematised and publicly available on the digital platform free of charge.</p> <p>The project is also expected to have impact on the policy level. By implementing the advocacy campaign on digital competences and online safety, the project sought to influence the decision makers' future activities that should aim at ensuring internet safety in response to the growing problem of digital violence against children in Serbia.</p>
Give reasons why you consider the practice as having concrete measurable impact	The research conducted within the project confirmed its significant impact on the development of the skills and knowledge of the parents, teachers and children. The concrete measurable impacts include building the capacities of the Ministry of the Interior Cyber Crime Department and regional police departments for identifying survivors of digital violence,



	support to social protection professionals and trainings of teachers to support children.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The project was based on the provisions of the UN Convention on the Rights of the Child (CRC) regarding protection of children from violence, exploitation, abuse in digital environment that apply equally to all CRC States Parties. It used the latest scientific data provided by notable international organisations (such as the World Health Organization) on usage and impact of digital devices and the internet on the development of children.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The beneficiaries were involved in all stages of the project. The initial research data obtained from children, parents and teachers was used in the project design and planning phase. During implementation, each specific target group was consulted and asked about the programme/products under development. For example, the videos were adapted according to suggestions of the children themselves in four focus groups; the draft guide was piloted and the inputs of teachers and parents were included in its final version. The project evaluation was participatory and again included all target groups.
Explain, if applicable, how the practice provides for review and assessment.	The research within the project included an assessment of the programme's effects on the children and parents as well. Those data are presented in the report that is an internal document, but can be provided in PDF format on request. All materials are available on the digital platform and may be reviewed and/or assessed by independent bodies/persons as well.

Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
Title (original language)	‘Podrška žrtvama i svedocima krivičnih dela u Srbiji’
Title (EN)	‘Support for Victims and Witnesses of Crime in Serbia’
Organisation (original language)	Misija OEBS i Ministarstvo pravde Republike Srbije
Organisation (EN)	OSCE Mission to Serbia and Ministry of Justice of the Republic of Serbia.
Government / Civil society	Government
Funding body	European Union
Reference (incl. url, where available)	Victim and Witness Support <a href="http://www.podrskazrtvama.rs/en/">www.podrskazrtvama.rs/en/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	June 2018 Activities started in January 2019
Type of initiative	Improvement of institutional reform and strengthening of capacities of victim and witness support
Main target group	Police; public prosecution offices; courts; civil society organisations
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The project focuses both on building the capacities of government institutions and providers of support for victims and witnesses of crimes through various trainings and manuals and on the expansion of the network of institutions and organisations extending assistance to victims and witnesses.

	<p>One of the aims is to design a national strategy on the rights of victims of crimes and work on amending and harmonising the legislation by establishing a coordination body for monitoring the implementation of this strategic document.</p> <p>It will enhance the use of information technology in this field by creating a single register of service providers, developing a comprehensive database and case management system for all service providers and establishing a call centre.</p> <p>The project also includes the implementation of a campaign to raise the awareness of the academic and general public about the existence, importance, and role of victim support services in Serbia, as well as the training of a network of volunteers in this field.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	The most important replicable element includes the comprehensive approach to data management: creation of a single register of service providers and development of a comprehensive database and case management system for all service providers.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>The project's sustainability is ensured by its ambitious scope, national and international support and involvement of a broad range of stakeholders. The project focuses both on the improvement of the legislative framework and practical assistance to state institutions in strengthening their capacities, developing IT solutions to facilitate networking between service providers, training a network of volunteers and raising awareness of the role of victim support services in Serbia.</p> <p>In budgetary terms, the project is sustainable and it has international and local support ensuring it remain a priority. In terms of expertise, the project is fully sustainable, entailing support of professionals, the leading civil society organisations and the academic community.</p>
Give reasons why you consider the practice as having concrete measurable impact	Given that this project was preceded by numerous analyses of the current state of affairs and discussions, the definition of its goals can itself be recognised as an important development. It is a very ambitious project expected to address many of the defined problems including legislative reform, the establishment of sustainable and effective call centres and of the long overdue database.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	This project addresses one of the main challenges - lack of coordination among all stakeholders involved in victim protection. Since it is synchronising and simultaneously addressing both legislative reform and changes in practice, this know-how will facilitate further developments and is replicable in other settings.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Since the project was developed by the OSCE Mission to Serbia and the Serbian Ministry of Justice, it is the result of their previous long-lasting efforts in this field and their prior successful projects.
Explain, if applicable, how the practice provides for review and assessment.	The project is designed to have many potentially measurable results, including an up and running database, effective call centres and legislative reform. All this will be visible and available for review by international and national stakeholders, including those regularly assessing progress in this field.

Thematic area	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	‘Jednakost pred zakonom kao predušlov za zapošljavanje osoba sa invaliditetom – EQUALIZER’
Title (EN)	‘Equality before the law as a precondition for employment of persons with disabilities – EQUALIZER’
Organisation (original language)	Inicijativa za prava osoba sa mentalnim invaliditetom – MDRI-S
Organisation (EN)	Mental Disability Rights Initiative of Serbia (MDRI-S)
Government / Civil society	Civil society
Funding body	European Union
Reference (incl. url, where available)	EuropeAid/159572/ID/ACT/RS
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	December 2018
Type of initiative	Awareness raising, advocacy, lobbying and capacity building
Main target group	Young people with intellectual and psychosocial disabilities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Deprivation of legal capacity is still widespread in Serbia, putting people with disabilities in a precarious position, amounting to their discrimination before the law and denying them the right to work. Moreover, young people deprived of legal capacity cannot make decisions about any aspect of their personal life. The action primarily aims to empower youth with disabilities and their families to understand the consequences of such deprivation, oppose such procedures initiated by guardianship authorities and involve themselves in advocacy and policy-making processes affecting them and the implementation of the CRPD. The project involves the implementation of trainings delivered by youth with disabilities and experts. The role of youth with intellectual and psychosocial disabilities in this project is to participate in the design of recommendations to the Government aimed at improving various aspects of their position in society.
Highlight any element of the actions that is transferable (max. 500 chars)	Engagement of persons with intellectual and psychosocial disabilities in awareness raising, lobbying, policy-making and development of papers contributing to the country reports of UN human rights bodies and the European Commission.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	Engagement of persons with intellectual disabilities usually entails initial spending on their legal empowerment and self-advocacy trainings, while their further involvement does not. Therefore, such positive practices of including persons with disabilities in activities aimed at improving their position in society are not funding-dependent, except in the initial phase. Nonetheless, global initiatives and the CRPD’s recommendations aim to include people with disabilities in all processes. Such a trend should promote the sustainability of the practice in the future.
Give reasons why you consider the practice as having concrete measurable impact	The impact of this practice is quantitatively measurable because it will mark legislative and policy-making processes in which people with intellectual disabilities participate directly and meaningfully. More importantly, such laws and policies should reflect their attitudes in

	accordance with the CRPD, which will be reflected in qualitative analyses of new policy documents and law.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The chronic exclusion of persons with intellectual disabilities from policy-making and law-making is omnipresent in Europe. Still, all EU Member States and candidate countries should promote transparent and inclusive processes of policy and law development, in accordance with democratic principles and CRPD norms embraced by all States Parties to the Convention. Also, the disability movement principle ‘nothing about us without us’ is widely recognised in Europe, yet still rarely implemented on the policy-making level in Serbia.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The final beneficiaries are involved from the start. They participate directly in writing advocacy papers and developing scenarios and trainings for the stakeholders. They also fulfil the roles of trainers and speakers at capacity building and awareness raising events and participate in the roundtables, closed meetings and other forms of advocacy and lobbying activities targeting decision-makers. Other stakeholders are involved in order to widen the network of supporters. They usually participate in the initial phases of the action, in the conferences and as researchers.
Explain, if applicable, how the practice provides for review and assessment.	The practice can be assessed by typical action evaluation tools.

## Annex 2 – Case law

Thematic area	<b>EQUALITY AND NON-DISCRIMINATION</b>  Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report
	No case law has been identified for this thematic area.

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

Thematic area	<b>ROMA INTEGRATION</b>  Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
Decision date	24 December 2018, published in January 2019 ( <a href="http://www.errc.org/press-releases/serbian-court-issues-emergency-order-to-turn-the-lights-back-on-in-roma-neighbourhood">http://www.errc.org/press-releases/serbian-court-issues-emergency-order-to-turn-the-lights-back-on-in-roma-neighbourhood</a> )
Reference details	Higher Court in Niš (Viši sud u Nišu), 1 II No. 1/18, 24 December 2018
Key facts of the case (max. 500 chars)	In this case, the European Roma Rights Centre (ERRC) represented Roma living in an informal settlement in Niš against the Public Enterprise 'Electric Power Industry of Serbia' (JP EPS). The Roma community filed an anti-discrimination claim alleging unfavourable and discriminatory access to electricity. In this settlement, electricity was paid via collective meters for the entire community whilst non-Roma have individual meters per household. Because of this, Roma living in this settlement had to pay the highest possible band for electricity and their failure to pay their bills resulted in the company cutting off their electricity.
Main reasoning/argumentation (max. 500 chars)	The Court found that the power cuts in this informal settlement gave rise to health risks and that depriving the neighbourhood of electricity adversely affected the education of the local children.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	This decision reiterated the importance of access to electricity for the right to adequate housing, especially in situations where informal Roma settlements are in the process of resettlement. Having in mind the number of informal Roma settlements without access to electricity, and the potential risk for health caused by the lack of it, this decision could also provide a new interpretation of the right to housing. Finally, in this decision, the Court reiterated that Roma had to be provided with the

	electricity without discrimination, and that electricity cut-offs in situations where households were not provided with individual electricity meters could be perceived as discrimination.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court issued an emergency order to Public Enterprise 'Electric Power Industry of Serbia' (JP EPS) to turn the electricity back on in the informal Roma settlement.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Po oceni ovog suda, narušenje zdravstvenog stanja tužilaca, a posebno dece koja žive u predmetnom naselju, predstavlja nesumnjivo nenadoknadivu štetu, a sama činjenica da električne energije nema u dužem vremenskom period predstavlja opasnost da takva šteta bude uvećana.”</p> <p>“In the view of this Court, the damage to the health of the plaintiffs, in particular the children living in this settlement, undoubtedly amounts to irreparable damage and the risks of such damage are increased due to the mere fact that there has been no electricity for an extended period of time.”</p>

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b>
	Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter
	No case law has been identified for this thematic area.

Thematic area	<b>RIGHTS OF THE CHILD</b>
	Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
	No case law has been identified for this thematic area

Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b>
	Please provide the most relevant high court decisions in relation to one of the topic addressed in this Chapter.
Decision date	18 April 2019
Reference details	Novi Sad Court of Appeal (Apelacioni sud u Novom Sadu) Gz 1451/19
Key facts of the case (max. 500 chars)	In civil proceedings, the Higher Court ordered the defendant to pay the victim non-pecuniary damages (900,000 RSD for diminishing her ability to engage in physical activities, 350,000 RSD for physical anguish, 300,000 RSD for fear and 300,000 RSD for mental anguish due to

	disfigurement). In criminal proceedings, the defendant was sentenced to six years of imprisonment for attempted murder, since he had attacked the victim with a knife and caused her grievous bodily harm. On the appeal of the accused, the Court of Appeal reduced compensation for physical anguish and for mental anguish due to disfigurement by 100,000 RSD.
Main reasoning/argumentation (max. 500 chars)	The Court of Appeal took into account that the criminal court had established, based on a court expert's report, that the injury had caused a dysfunction of the victim's left arm, which diminished her ability to engage in physical activities by 45%. The Court of Appeal concluded that, although the scars on her hand and arm resulted in extensive disfigurement, the awarded amount should be reduced in view of the goal and social purpose of compensation.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	This case is a good illustration of the current court practice on non-pecuniary damages. It highlights the problem and inconsistencies arising from separating criminal and civil proceedings on the same issue, where the expert opinion and testimony of the victim are judged through the lens of social purpose and goals of the compensation.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	This judgment exemplifies the continuation of this erroneous practice leading to legal uncertainty and violations of victims' rights. The drafting of the Strategy on the Rights of Victims and Witnesses of Crime for the period 2019-2025 and the Supreme Court of Cassation's Guidelines for judges and prosecutors on improving jurisprudence on compensation of victims in criminal proceedings indicate that the authorities are aware of and willing to address it properly.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>„Ceneći sve okolnosti nastanka štetnog događaja, te utvrđene činjenice o povredama tužilje i trajnim posledicama u vidu umanjenja životne aktivnosti od 45%, intenzitetu i trajanju fizičkih bolova i straha, nastaloj naruženosti, kao i da se radi o ženskoj osobi mlađe životne dobi, vodeći računa o cilju kome naknada služi, naručito da se njome ne pogoduje težnjama koje nisu spojive sa njenom prirodom i društvenom svrhom“, sud je smatrao da adekvatni iznosi po dve tačke treba da bude manji od dodeljenih u prvostepenoj presudi.</p> <p>“In view of all the circumstances of the event and the established facts about the plaintiff's injuries and the lasting consequences involving her diminished ability to engage in physical activities by 45 %, the intensity and duration of her physical pain and fear, and her disfigurement, as well as that the victim is a young female, and taking into consideration the purpose of compensation, in particular, that it is not conducive to aspirations incompatible with its nature and social purpose,” the Court held that the corresponding amounts should be lower than those awarded in the first-instance judgment.</p>

Thematic area	<p><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b></p> <p>Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.</p>
Decision date	Communicated to the National Assembly on 24 December 2018 (response still pending)
Reference details	Constitutional Court of Serbia, IUž-266/2017
Key facts of the case (max. 500 chars)	A group of civil society organisations asked the Constitutional Court to review the constitutionality of the Financial Support for Families with Children Act. During the debate on the draft Act, the National Organization of Persons with Disabilities of Serbia (NOOIS) sent letters to the Ministry of Labour, Employment and Veteran and Social Affairs and MPs requesting the amendment of Article 12 (7) of the Act, warning it was in violation of the Constitution of the Republic of Serbia, specifically: Article 20 (2), Article 21 (3), and, Article 69 (2) and (4).
Main reasoning/argumentation (max. 500 chars)	Article 12 (7) of the Financial Support for Families with Children Act is in contravention of Article 20 (2) of the Constitution, which prohibits the lowering of the attained level of protection of human rights, Article 21 (3) of the Constitution, prohibiting discrimination on grounds of disability, and Article 69 (2) and (4) of the Constitution, guaranteeing social security benefits to employed persons and their families and special protection to persons with disabilities. NOOIS also pointed out that Article 12 (7) was in direct violation of the CRPD, specifically: Article 4 (general obligations), Article 7 (protection of the rights of children with disabilities), Article 23 (right to family life) and Article 29 (social protection and adequate standard of living), which Serbia ratified in 2009.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Article 12 (7) of the Financial Support for Families with Children Act lays down that parents of children receiving domiciliary care and assistance allowances are not entitled to compensation of wages for leave taken to extend special care to their children. Domiciliary care and assistance allowances are social benefits aimed at covering the additional costs of caring for children with disabilities and should not be linked to the parents' employment related rights. The impugned provision discriminates against the parents of children with disabilities and denies them the right to compensation of wages in case their disabled children are receiving domiciliary care and assistance allowances, although the Labour Act allows them to take leave from work to provide their children with special care. Article 12 (7) of the Financial Support for Families with Children Act thus undermines the social security of families with children with disabilities, violates the right of children with disabilities to family and life in a family environment, condemning them to institutionalisation and their parents to poverty.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Constitutional Court initiated a review of the constitutionality of Article 12 (7) of the Act. In its reasoning, it voiced concerns about the constitutional principle of unity of the legal order, that is, of different legal acts regulating the same matter differently, whereby the provisions of one legal act are interfering with the enjoyment of the rights enshrined in other legal acts. The case was communicated to the National Assembly, which had 90 days to respond. Neither the public, nor the NOOIS have been informed of any response by the National Assembly to this day.
Key quotation in original language and translated into English	“[...] za Ustavni sud se kao sporno postavlja pitanje da li se osporenim odredbom člana 12. stav 7. Zakona o finansijskoj podršci porodicama da decom, sa stanovišta sistemskog uređivanja prava iz radnog odnosa i po



<p>with reference details (max. 500 chars)</p>	<p>osnovu rada, kao i prava iz obaveznog zdravstvenog, penzijskog i invalidskog osiguranja, narušava ustavno načelo o jedinstvu pravnog poretka iz člana 4. stav 1. Ustava.”</p> <p>“[...] the question arising before the Constitutional Court is whether the impugned provision in Article 12 (7) of the Financial Support for Families with Children Act is in violation of the constitutional principle of unity of the legal order under Article 4 (1) of the Constitution, from the standpoint of the systemic regulation of labour and employment rights, as well as rights arising from mandatory health, pension and disability insurance.”</p>
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