



REPUBLIC OF SERBIA

Answers of the Republic of Serbia to the Questionnaire of the Council of Europe's European Commission against Racism and Intolerance (ECRI) within the sixth monitoring cycle

Belgrade, January 2023

I EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies

See ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level

1. Has your country established an equality body (independent human rights institution tasked with combating racism and intolerance) that covers the entire private and public sectors? If more than one such body exists, the questions in this section apply to all of them.

The institution of the Commissioner for the Protection of Equality has been operating as an independent state authority in the Republic of Serbia since 2010, with the task to prevent all types, forms and cases of discrimination, to protect the equality of natural persons and legal entities in all spheres of social relations, to oversee the enforcement of antidiscrimination regulations and to improve the achievement and protection of equality.

2. If so, has it been set up by constitutional provision or parliamentary legislation?

The Commissioner for the Protection of Equality was established in 2009 on the basis of the Law on Prohibition of Discrimination¹.

3. Is the equality body fully independent, i.e. set up as a separate legal entity outside the executive and legislature?

Yes, the Commissioner for the Protection of Equality was established as an independent state authority, independent in the performance of tasks defined by law.

4. Does the equality body have the following functions and competences:

- (i) Promoting and achieving equality - YES**
- (ii) Preventing and eliminating discrimination and intolerance - YES**
- (iii) Promoting diversity and good relations between different groups in society - YES**
- (iv) Conducting an investigation - NO**
- (v) Conducting research – YES (Article 33 point 11 of the Law on Prohibition of Discrimination)**
- (vi) Raising awareness, developing standards and supporting good practice – YES (Article 33 points 5, 8 and 10 of the Law on Prohibition of Discrimination)**

¹ "Official Gazette of the RS", No. 22/09 and 52/21.

- (vii) **Providing recommendations** – YES (Article 33 point 2 and 9 of the Law on Prohibition of Discrimination)
- (viii) **Contributing to the creation of legislation and policy** – YES (Article 33 point 7 of the Law on Prohibition of Discrimination)
- (ix) **Receiving complaints and providing personal support, legal advice and help to the people facing discrimination or intolerance** – YES (Article 33 point 1 of the Law on Prohibition of Discrimination)
- (x) **Facilitating conciliation procedures** – YES (Article 38 of the Law on Prohibition of Discrimination)
- (xi) **Providing legal representation to the people exposed to discrimination or intolerance** - NO
- (xii) **Conducting strategic litigation and presenting a case before institutions and courts** – YES (Article 46 of the Law on Prohibition of Discrimination)
- (xiii) **Obtaining evidence?** YES (Article 37 paragraph 2 of the Law on Prohibition of Discrimination)

5. Does it have the additional competences to examine, hear, conciliate and decide on complaints of discrimination?

Yes, according to Article 37 of the Law on Prohibition of Discrimination, the Commissioner determines facts by reviewing all the evidence that is important for taking an action and making a decision, as well as by taking statements from the person who filed a complaint, the person against whom the complaint was filed, as well as from other persons. Also, during the opinion-issuing procedure, the Commissioner may propose implementation of the negotiation (conciliation) procedure for the purpose of reaching an agreement, in accordance with the law regulating mediation in the dispute resolution procedure, in accordance with Article 38 of the Law on Prohibition of Discrimination. This procedure is free of charge for the person who files a complaint to the Commissioner.

6. Does the equality body decide independently on its internal structure, management of its budget, and recruitment and deployment of staff?

Yes, according to Article 32 of the Law on Prohibition of Discrimination, the Commissioner for the Protection of Equality issues an act regulating the organisation and work of his/her professional service, which is approved by the National Assembly, which also elects the Commissioner. Assistants to the Commissioner are appointed by the Commissioner. Also, the Commissioner decides independently on employing professional service staff members, in accordance with the regulations pertaining to employment relations in state authorities. Financial resources required for the Commissioner's work are provided from the budget of the Republic of Serbia, at the Commissioner's proposal. The Commissioner also has the right to compensate costs arising from his/her work. In accordance with Article 34 of the Law on Prohibition of Discrimination, the Commissioner adopts the Rules of Procedure for his/her work.

7. Is the equality body provided with sufficient funds and staff to implement all its functions with real impact?

In the process of accession of the Republic of Serbia to the European Union, the Action Plan for Chapter 23 envisages strengthening the capacity of the Commissioner for the Protection of Equality in accordance with the existing job systematisation, i.e. further continuous employment of new employees. When giving opinion on the draft Law on the Budget of the Republic of Serbia for 2023, the Commissioner submitted a request for additional funds for the employment of eight new employees.

8. Is the equality body entitled to make statements and publish reports independently?

Yes, in accordance with Article 33 paragraph 1 point 6 of the Law on Prohibition of Discrimination, the Commissioner for the Protection of Equality warns the public about the most common, typical and severe cases of discrimination, while in accordance with Article 33 point 5, the Commissioner submits an annual and special report to the National Assembly on the situation in the field of equality protection.

9. Are there safeguards for protecting the independence of the persons leading the equality body?

Yes, in accordance with Article 31 paragraph 2 of the Law on Prohibition of Discrimination, the Commissioner enjoys the immunity enjoyed by the deputies in the National Assembly, and, in accordance with Article 32, the Commissioner, as the authority that manages the institution, has a professional service that helps him/her perform his/her competences, issues an act approved by the National Assembly, which regulates the organisation and work of his/her professional service, has three assistants assigned by the Commissioner, chooses one of the assistants who will replace him/her in the event of his/her absence or inability to perform his/her duties, and decides independently in accordance with the law on employing professional service staff members, guided by the need for professional and effective performance of his/her competences.

10. Is the equality body easily accessible for individuals and groups experiencing discrimination or intolerance?

Yes, in accordance with Article 35 of the Law on Prohibition of Discrimination, a person who believes that he/she suffered discrimination files a complaint to the Commissioner in writing or, exceptionally, orally together with the record, without the obligation to pay a fee or any other charges. An organisation dealing with the protection of human rights or another person may file a complaint on behalf of and with the consent of the person whose right has been violated. An association or organisation that deals with the protection of human rights can file a complaint on behalf of a group of persons whose rights have been violated and without the consent of the individuals who make up that group, if the violation refers to an unspecified number of persons of a social group connected by the personal characteristic referred to in Article 2 paragraph 1 point 1) of this Law.

On behalf of and with the consent of the person whose right has been violated, the complaint may be filed by the inspection in accordance with the law governing the field of inspection.

11. What are the main contributions of the equality body to preventing and combating discrimination and intolerance?

The recommendations of the Commissioner for the Protection of Equality provided in opinions in individual cases, as well as recommendations on measures for achieving equality provided to public authorities and other natural persons and legal entities have been acted upon in most of the cases. Thus, for example, in 2021, a total of 95.2% of recommendations on measures were acted upon in specific cases, while recommendations on measures were acted upon in a total of 88.4% of cases in the same year. Also, a considerable number of initiatives for the improvement of the position of social groups that are at a greater risk of discrimination have been accepted, either by amending certain acts or by adopting new ones.

12. Please indicate any follow up to the recommendations made by ECRI in its fifth cycle report concerning your country's equality body.

12.1. (17) ECRI recommends that the Serbian authorities give the Commissioner for the Protection of Equality the powers to take up issues of discrimination ex officio and to request the production of documents and other elements, and to seize such items.

The Law on Amendments to the Law on Prohibition of Discrimination was adopted in 2021, and the Commissioner acting ex officio was not subject to this Law.

B. Inclusive education

See ECRI's General policy recommendation No. 10 on combating racism and racial discrimination in and through school education.

13. What steps have been taken in your country's education laws and policies to address exclusion and marginalisation through inclusive education at pre-primary, primary, secondary and higher levels? (See section II of ECRI's General policy recommendation No. 10)

The Education Development Strategy in the Republic of Serbia until 2030, as well as the previous one (until 2020), states that the prevention of dropping out from the educational system is recognised as one of the priority areas for taking action in ensuring quality education for everyone, and also defines measures for preventing children and students from dropping out of school.

Schools apply an early identification and response system in order to prevent dropping out from the educational system according to a local level dropout prevention protocol, which connects school with the centre for social work, interdepartmental commissions, health centres, magistrates, local self governments and other relevant mechanisms and local partners (coordinators for Roma issues, pedagogical assistants, health mediators).

The following regulations that improve inclusive education came into force in the previous period:

- *Rulebook on Resource Centre*²;
- *Rulebook on the Manner of Adapting Textbooks*³;
- *Rulebook on Pedagogical Assistant and Andragogical Assistant*⁴;
- *Rulebook on Detailed Instructions for Determining the Right to the Individual Education Plan (IEP), its Application and Evaluation*,⁵
- *Rulebook on Additional Educational, Health and Social Support for the Child, Student and Adult*⁶;
- *Rulebook on Detailed Conditions for Achieving Quality and Manner of Quality Assurance and Evaluation of Home Education for Primary School Students*⁷;
- *Rulebook on Competence Standards for the Profession of an Expert Associate in a Preschool Institution and Their Professional Development*⁸.

The Ministry responsible for education monitors the quality of inclusive education (hereinafter: IEP) on the basis of the following criteria: coverage of children in pre-university education, IE quality, IE relevance, IE effectiveness and discrimination and contextual factors (legal and strategic framework and legal changes), national and local institutional framework, capacities of educational institutions, IO monitoring and IEP financing. According to the data of the Ministry of Education in schools for the education of students with developmental disabilities and disabilities and departments for the education of students with developmental disabilities and disabilities, in regular schools, a trend of decreasing the number of students can be observed. In the 2020/2021 school year. 515 fewer students were enrolled in 2018/2019. a year. On the other hand, the number of students receiving IEP education in regular primary and secondary schools is continuously increasing. In primary schools in 2020/21. 8890 students were educated according to IOP1, 5435 students according to IOP2, and 494 and 1699 students were educated according to IOP1 in secondary schools.

Inclusive education is largely achieved interdepartmental, through financing, coordination and implementation of measures at the local level. To improve inclusive education, local self-government units (LGUs) also have important responsibilities regarding investment in infrastructure and professional development of employees. In particular, ensuring accessibility is precisely within the jurisdiction of LGUs. During 2021, the Government of the Republic of Serbia formed an Interdepartmental Working Group for the creation and implementation of the operational plan for accessibility for 2020-2024. years. The accessibility of educational institutions is improving year by year and the number of

² "Official Gazette of the RS", No. 80/21.

³ "Official Gazette of the RS", No. 21/20.

⁴ "Official Gazette of the RS – Education Gazette" No. 87/19.

⁵ "Official Gazette of the RS", No. 74/18.

⁶ "Official Gazette of the RS", No. 80/18.

⁷ "Official Gazette of the RS", No. 109/20.

⁸ "Official Gazette of the RS – Education Gazette" No. 3/21.

buildings in which architectural obstacles have been removed is increasing. Additionally, by applying ICT in teaching, advocating for the use of assistive technology and providing adapted textbooks, the Ministry responsible for education continuously works to improve communication accessibility.

The Protector of Citizens points out that, in order for a child with developmental disabilities to be able to fully exercise the right to quality and accessible education, it is necessary to conduct precise regulation of the work, financing and control of the work of interdepartmental commissions, additional support measures and manners of their execution and financing, as well as the obligations and responsibilities of the competent authorities, and introduce a control mechanism and monitor effects. The number of professional associates (pedagogical psychologists, pedagogical assistants, special education teachers, etc.) in schools must be sufficient for the establishment and development of additional support services for children and students. The number of students in classes is too large for the implementation of the educational process based on an individualised approach and respect for the needs of each child and student. The accessibility of educational facilities is still at a rudimentary level. Also, it is necessary to ensure monitoring of the effects and evaluation of the provided services recommended by the Interdepartmental Commission. Additional support services need to be further developed.

One of the key problems pointed out by the Protector of Citizens is the inclusion of children in education, as well as the fact that a significant number of children are still enrolled in the so-called special schools, as well as that, among the children in special schools, there is an unjustifiably large number of children belonging to the Roma minority and children from marginalised groups. It is necessary to undertake adequate measures and activities in order to increase the inclusion of children at an early age in preschool education.

The educational system responded quickly to the crisis caused by the COVID-19 pandemic. During distance learning, support for students was provided through individualisation measures and purchase of equipment in cooperation with various donors. With the support of the Roma Education Fund and Open Society Foundation, a total of 550 IT devices were provided and distributed to schools with Roma students who did not have the necessary IT equipment for access to distance learning. The project “Bridging Digital Divide in Serbia for the Most Vulnerable Children” implemented by the Ministry of Education and UNICEF with the financial support of the EU, provided over 2000 devices for 30 most vulnerable schools with Roma students, as well as for pedagogical assistants, with the aim of improving access to distance learning for Roma students. The project provided funds for schools (EUR 5,000) for the establishment of Learning Clubs in which students have conditions for online learning. One of the activities is psychological and social support in selected schools.

14. Do your country's education laws and policies specifically provide for human rights education as an integral part of the curriculum:

(i) at pre-primary, primary and secondary school levels?

(ii) in vocational education and training?

(iii) in higher education?

(iv) in the initial training of teachers and in their continuing professional development?

„Human rights education“ is an integral part of the education and training system, both in the legislative sense, and through subject and cross-subject competencies, outcomes, as well as professional development of employees in the education system.

The Law on the Fundamentals of the Education System⁹ prescribes respect for human rights and the rights of every child, student and adult, as well as respect for human dignity. The goals of education include the development of competencies for understanding and respecting the rights of the child, human rights, civil liberties and the ability to live in a democratically organised and just society. All teachers are obliged to combine the outcomes and contents of their subjects in such a manner as to encourage the development of this cross-curricular competence in students. In particular, these topics are covered in the homeroom class and subjects Civics and Sociology.

The accredited programmes of the Institute for the Improvement of Education intended for the training of teachers also cover this area. One of the priority areas is (P1) Application of an inclusive and democratic approach in education in order to ensure quality education for everyone (individualisation and differentiation, prevention of dropout from the educational system, provision of additional educational support for students from vulnerable groups, including support for the transition of students to the next level of education, work with gifted students), as well as (P5) Strengthening the educational role of the institution/school in the development of intercultural education and establishment of values necessary for life and work in modern society.

The educational reform began in 2017 with the preparation of new primary education curricula that are result-oriented and that should ensure the development of cross-curricular competencies, one of which is “*Responsible participation in a democratic society*”. Programme contents related to education about democracy and civil society are implemented through the *Civics* curriculum. This subject has the status of a mandatory elective programme that is chosen for each school year.

In the Catalogue of Continuing Professional Development Programmes for Teachers, Pre-School Teachers and Professional Associates (for the school year 2018/2019, 2019/2020 and 2020/2021), contains 35 programmes aimed at improving the capacity of teachers and other professional associates to act in the field of protection from gender-

⁹ “Official Gazette of the RS“, No. 88 17, 27 /18 – other laws, 10/19, 6/20, 129/21.

based violence and discrimination. There are seven accredited programmes in the field of improving civic competences. The accredited programme/seminar “*All Our Identities*”, stands out in particular, which was attended by 140 teachers (128 women).

In the new Catalogue of Continuing Professional Development Programmes for Teachers, Pre-School Teachers and Professional Associates¹⁰ (for the school year 2021/2022, 2022/2023 and 2023/2024), the following programmes are accredited: interculturality (9), gender equality (2), discrimination (7), learning about the Holocaust (6). In the field of education in the languages of national minorities, there are 58 programmes in the languages of national minorities (Catalogue of the Institute for the Improvement of Education and Pedagogical Institute of Vojvodina).

In the educational system of the Republic of Serbia, general and cross-curricular competencies are prescribed as the most relevant for the adequate preparation of students for active participation in society and lifelong learning (digital competence, aesthetic competence, learning how to learn, communication, responsible attitude towards the environment, responsible participation in a democratic society, entrepreneurship and entrepreneurial orientation, data and information handling, problem solving, cooperation, responsible attitude towards one's health).

Other subjects introduce outcomes related to respect for gender equality, diversity and inter-cultural dialogue.

In addition to the mandatory elective subject *Civics*, new elective programmes have been introduced for grammar school: *Individual, Group and Society, Language, Media and Culture, Health and Sport, Education for Sustainable Development, Art and Design, Applied Sciences, Fundamentals of Geopolitics, Economy and Business, Religions and Civilizations*.

The Protector of Citizens has been pointing out for years that it is necessary to include human rights education in the educational system to a greater extent in order to reduce intolerance towards vulnerable social groups and break prejudices and stereotypes. In their regular annual reports, the Protector of Citizens reiterates the recommendation that the Ministry of Education should provide training for employees in educational institutions in order to raise awareness about LGBTI persons.

15. Are schools obliged to incorporate the promotion of equality and the fight against racism and LGBTI- phobia into their activities?

The Law on Textbooks (Article 13) clearly prohibits discrimination in accordance with the law regulating the prohibition of discrimination¹¹.

¹⁰ <https://zuov-katalog.rs/>

¹¹ “Official Gazette of the RS”, No. 27/18.

Within the framework of the annual programme for protection from violence and the programme for prevention of discrimination, every educational institution is obliged to draw up a specific *plan of preventive activities* that includes the promotion of equality and fight against racism and LGBTI phobia. Schools evaluate implementation of these activities in an annual report on their work and implementation of the stated programmes.

The Protector of Citizens repeatedly pointed out in their annual reports and in their opinion from 2015 that the Law on Textbooks¹² needs to be further improved with amendments that would explicitly prohibit discrimination based on sexual orientation and gender identity, as well as content that encourages the creation of prejudices and stereotypes.¹³

16. What concrete measures have been taken to further attendance and full participation of pupils from minority groups, on an equal footing, in the school system?

The Ministry of Education is actively working on the improvement of the availability and quality of education for members of national minorities in the Republic of Serbia, and fully complies with international standards in this field.

Laws in the field of education enable exercising the right to education in three ways:

- 1) Entire education in the Serbian language with the possibility of attending an elective subject/programme;
- 2) Mother tongue/speech with elements of national culture;
- 3) Entire education in one of the eight languages of national minorities, with the mandatory subject *Serbian as a non-native language and bilingual education in Serbian and the language of the national minority*. Pre-school institutions also enable education in one of the eight languages of national minorities.

Pre-university education:

- 1) The students belonging to national minorities, who are educated in the Serbian language, have the possibility to attend 16 elective programmes: Mother tongue/speech with elements of national culture: Hungarian language, Bosnian language, Romani language, Romanian language, Slovak language, Bulgarian language, Croatian language, Ruthenian language, Bunjevac language, Vlach language, Macedonian language, Ukrainian language, Czech language, Albanian language and Slovenian language;
- 2) The following members of 8 national minorities attend the entire education in their mother tongue, with the mandatory subject Serbian as a non-native language:

¹² "Official Gazette of the RS", No. 27/18.

¹³ Available at: <https://www.ombudsman.rs/index.php/2011-12-11-11-34-45/3756-2015-03-26-08-07-55>

Albanian, Bosniak, Bulgarian, Hungarian, Romanian, Ruthenian, Slovak and Croatian national minorities;

3) Bilingual education in Bulgarian and Serbian is provided in one primary school.

In the school year 2020/2021, a total of 45,683 students (32,230 in primary schools and 13,453 in secondary schools), i.e. 5.6% of the total number of students attended classes in the languages of national minorities.

National councils of national minorities actively participate in informing parents about the importance of learning the mother tongue and speech, as well as about the formation of groups for this elective programme. In the school year 2021/2022, a total of 13,863 students take this elective subject.

Textbooks in the languages of national minorities for the school year 2022/2023

Free textbooks have been continuously provided, and a total of 62,452 textbooks were provided within the free textbook programme for the school year 2020/2021.

Students who attend all classes in one of the eight languages of national minorities (Albanian, Bosnian, Bulgarian, Hungarian, Ruthenian, Romanian, Slovak and Croatian), as well as students who attend classes in the Serbian language and attend the elective programme *Mother tongue/speech with elements of national culture*, have at their disposal a total of 1,011 textbooks (out of which 547 were published according to the reformed curricula and 24 textbooks for the mandatory subject Serbian as a non-native language in the Catalogue of Textbooks in the Languages of National Minorities for Pre-School Institutions, Primary and Secondary Schools for the school year 2022/2023)¹⁴, as well as in the supplement to the Catalogue of Textbooks in the Languages of National Minorities for Pre-School Institutions, Primary and Secondary Schools for the school year 2022/2023¹⁵.

With the aim of improving education in the languages of national minorities, the Ministry responsible for education for the school year 2021/2022 and 2022/2023 hired a total of 23 *advisors - external associates to improve the quality of classes thought in the languages of national minorities*.

Support measures for students of the Roma national minority:

Affirmative actions in admissions to pre-school institutions and primary schools without documents are performed, *as well as measures of affirmative actions in admissions to secondary schools* - since 2003/2004 a total of 12,427 students (55%

¹⁴ <https://mpn.gov.rs/wp-content/uploads/2022/03/Katalog-udzbenika-na-jezicima-nacionalnih-manjina.pdf>

¹⁵ <https://mpn.gov.rs/prosveta/udzbenici/udzbenici-na-jezicima-nacionalnih-manjina.pdf>

girls) have been admitted so far, and a total of 1,743 students (51% girls) have been admitted to *higher education institutions*. In the academic year 2021/2022, nine student loans and 90 student scholarships were awarded.

During the school year 2019/2020, a total of 77 students, returnees after readmission (32 girls and 45 boys) were enrolled in primary schools in the territory of the Republic of Serbia. Since primary schools have an affirmative approach to solving the issue of returnees after readmission, in most cases, these students are not registered separately. Rather, simplified procedures for enrolment and/or returning to school are applied, and then a team is hired for the assessment of prior knowledge, which is followed by students' inclusion in regular classes. Additionally, if a student returns during the same school year, the school does not treat them as a newly enrolled student. Rather, the student remains in the same grade. With amendments to the Law on Education, for children and students who were returned to the country on the basis of the readmission agreement, who do not know the language in which education is provided or certain programme contents that are important for the student to continue with education, the institution organises learning of Serbian as a foreign language.

Effects of support measures on improving education of students of Roma nationality:

- ✓ A total of 7.4% of children of Roma nationality under the age of 5 (51m/49f) attend pre-school programme;
- ✓ A total of 80% of children of Roma nationality (52m/48f) attend the preparatory preschool programme, which is an increase of 20%;
- ✓ A total of 85.4% of children of Roma nationality (49% m/51% f) enroll in primary schools, out of whom 80.8% attended the preparatory preschool programme, which is an increase of 15%;
- ✓ The gross rate of enrollment in the 8th grade of primary school is 62%, while the rate of completion of primary school is 64%;
- ✓ Dropout was reduced by 7%;
- ✓ The transition rate to secondary school for Roma students is 52.6%, while the secondary school completion rate is 61% (an increase of 20%);
- ✓ Enrollment of Roma girls in secondary schools increased by 12% and totals 27%.

On average, 2,500 to 3,000 students in primary schools attend the *elective programme Romani language with elements of national culture*, taught by 60 teachers. Another training for teachers of this elective programme was accredited in the Pedagogical Institute of Vojvodina.

Scholarships as a Roma education support measure

In the last seven school years, a total of 6,533 scholarships were awarded to Roma students, of whom 65% were girls.

In the school year 2021/2022, a total of 1,114 scholarships were approved for the students of Roma nationality in secondary schools. Mentor support represents a significant incentive for retaining students in the educational system, and 150 mentors provide this type of support for students. In cooperation with the competent ministry, the Roma Education Fund continues working on improvements in this field.

Pedagogical assistant (PA) as a support measure

In accordance with the Rulebook on pedagogical and andragogical assistants, a total of 254 pedagogical assistants were hired, 215 in primary schools, 7 in secondary schools, and 32 in preschool institutions. Pedagogical assistants improved their knowledge and skills by attending the program "Training for pedagogical assistants for children and students of Roma nationality who need additional support in education". The training is also available free of charge to all newly hired teaching assistants.

Dropout prevention measures

Schools apply an early identification and response system to prevent dropout from the educational system, according to a local level dropout prevention protocol, which connects the school with the centre for social work, interdepartmental commissions, health centres, magistrates, local self-governments and other relevant mechanisms and local partners (Roma coordinators, pedagogical assistants, health mediators). *The Instruction for the Prevention of Early School Leaving with Recommendations and Proposals for Early Leaving Prevention Measures* was created together with the Institute for the Evaluation of Education Quality.

In the period from 2019 to 2021, a total of 43 professional development programmes for teachers were accredited, which relate to the prevention of dropout from the educational system. Also, the Ministry responsible for education provides free textbooks, which provide additional support to students from socially/materially disadvantaged families. Advisors-external associates.

In support of non-formal education and programmes that are important for the development of the educational system, the competent Ministry annually announces public competitions for associations in the field of education. In the last five years, more than 200 civil society organisations have been supported, and around EUR 70,000 of budgetary resources have been allocated to them. In 2022, support is provided to four programmes for the improvement of education of the Roma community.

17. Is there a system in place to monitor and counter racist and LGBTI-phobic incidents at school?

In 2022, as part of the Council of Europe project "*Promotion of Diversity and Equality in Serbia*", and with the support of the EU, the Protector of Citizens organised training for 18 members of the Protector of Citizens' Youth Advisory Panel on the rights of

particularly sensitive social groups, and they were familiarised with the rights of LGBTI persons and problems they face, such as violence and discrimination. Based on the collected data, a special report on violence in schools with recommendations for improvement will be prepared, which will be sent to the competent authorities.

All violence and discrimination are prohibited in educational institutions (Law on the Fundamentals of the Education System, Art. 111 and 112). Special attention is paid to the prevention of discrimination, and legal regulations have been continuously improved in this field, more intensively since 2016, when the *Rulebook on More Detailed Criteria for Recognising Forms of Discrimination by an Employee, Child, Student or Third Party in an Educational Institution*¹⁶ was adopted for the first time, and then the *Rulebook on Institution's Actions in the Case of Suspected or Determined Discriminatory Behaviour and Insult to Reputation, Honour or Dignity of the Person*¹⁷. Both Rulebooks very precisely regulate actions of educational institutions in situations of suspected or determined discriminatory behaviour between students, students and employees, between employees, parents and other adults. They also introduce the concepts of homophobia, transphobia, etc. and recognise severe forms of discrimination.

Every educational institution is obliged to have a *Team for protection against discrimination, violence, abuse and neglect* and prepare an *annual programme for the prevention of discrimination*, in addition to the annual programme for protection against violence, abuse and neglect.

18. What steps have been taken to train teaching staff to work in a multicultural environment?

Professional development in the field of education is continuous and prescribed by law, and one of the five priority areas of mandatory teacher training: creation of a tolerant and non-discriminatory environment for every individual, as well as prevention of violence, prevention of discrimination and inclusion of children from socially marginalised groups. Topics that promote tolerance, anti-discrimination, absence of violence and civic values are continuous topics that are part of a large number of trainings and other events organised within the educational system. In the period 2019-2021, a total of 315 trainings were conducted in this area, which included a total of 8,608 teachers and professional associates.

In cooperation with its partners, the Ministry responsible for education has implemented a number of projects and programmes which involved preparation of various resources for schools, which specifically relate to the prevention of discrimination. Publications related to the prevention of discrimination are available on the Ministry's website¹⁸.

¹⁶ <http://www.pravno-informacionisistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2016/22/1/reg>

¹⁷ <https://www.pravnoinformacionisistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2018/65/2/reg>

¹⁸ www.prosveta.gov.rs

B. Irregularly present migrants

See ECRI's General policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination.

19. Are there any available data on the number and living conditions of irregularly present migrants?

That the Republic of Serbia is open to the influx of refugees and migrants is supported by the fact that, since the beginning of the migrant crisis (2016), around two million refugees and migrants have passed through the territory of our country without any major incidents.

In accordance with confirmed international treaties on human rights, our country makes enormous efforts to provide adequate protection and timely information to all migrants and refugees, regardless of their status during their stay in the Republic of Serbia, as well as to provide them with conditions for meeting basic life needs, from accommodation that is separated and adapted for children and women, adapted nutrition, health and social care, to psychological and social support, inclusion in the educational system, language learning, workshops, etc.

Centres for social work provide emergency guardianship and protection for unaccompanied children or children separated from their parents. Unaccompanied children are usually placed in specially designated reception centres and asylum centres, unless, due to certain psychological or physical circumstances, the centre for social work (guardianship authority) decides that it would be best to send them to one of the institutions for the placement of children in the social protection system. There are special centres for unaccompanied minors, as well as special centres for asylum seekers.

Unaccompanied minors accommodated in social welfare institutions and NGO shelters on 22.11.2022.	
Name of institution/reception center and location	The number of users accommodated
Institute for the Education of Children and Youth, Belgrade	5
Home for children "Jovan Jovanović-Zmaj", Belgrade	4
Institute for Education of Children and Youth Nis	3
NGO "Pedro Arupe Integration House", Belgrade	6

In total	18
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Source: Ministry of Labour, Employment, Veterans and Social Affairs

The Commissariat for Refugees and Migration (hereinafter: the Commissariat) ensures the reception and care of migrants and asylum seekers in seven asylum and 12 reception centres throughout the Republic of Serbia, with a capacity of 6,000 places, and the possibility to increase them by using facilities intended for shorter stays, if needed (additional 30%). All centres are open-type facilities. In order to provide urgent short-term accommodation, facilities for the placement of irregular migrants make sure that accommodation conditions meet SFERA standards. The Commissariat regularly collects data and monitors needs on site in order to plan appropriate measures in a timely manner. *Accommodation quality indicators* are monitored regularly in cooperation with UNHCR and are publicly available¹⁹.

The Commissariat keeps records of all accommodated persons in accordance with the law. In 2022²⁰, a total of 108,096 persons were registered in all asylum and reception centres. The largest number of migrants in 2022 entered from the territory of North Macedonia (50.70%), Bulgaria (32.74%), Albania (7.92%), as well as through the transit zone of the Nikola Tesla Airport (6.43%). In terms of age and gender in 2022, the largest number make adult men (91.96%), then boys (4.06%), and then adult women (3.26%) and girls (0.72%). The five most represented countries of origin of migrants registered in all asylum and reception centres in 2022 are: Afghanistan (35.59%), Syria (29.71%), Pakistan (13.44%), Morocco (5.63%) and India (4.26%).

The Protector of Citizens points out that the lack of identity documents for the majority of migrants makes it difficult to determine their age, as well as to exercise their rights resulting from this.

20. Have any effective measures (“firewalls”) been created to ensure that irregularly present migrants have access to education, health care, housing, social security and assistance, labour protection and justice?

The Constitution of the Republic of Serbia²¹ guarantees foreigners all the rights that domestic citizens have, except for electoral rights and the right of the state to regulate entry and stay of foreigners by law. The Constitution stipulates the prohibition of discrimination and equal protection before the law. Everyone who has been denied a human right guaranteed by the Constitution has the right to judicial protection and to the elimination of the consequences arising from such an action.

¹⁹ Centres’ profiles: http://www.kirs.gov.rs/wb-page.php?kat_id=206

²⁰ Data from 10 November 2022.

²¹ “Official Gazette of the RS”, No. 98/06 and 115/21.

In the Republic of Serbia, accommodation in all asylum and reception centres is provided without discrimination on any grounds, especially gender, race, colour, nationality, social origin, religion, including the legal status (accommodation is provided both to asylum seekers and to the persons who have not yet regulated their status). All centres are open-type facilities.

In terms of acceptance standards, in all centres, regardless of the legal status, *translation, unrestricted access to the Internet, rights, obligations and status-related information are provided in the presence of trained officials in the centres*. UNHCR and IOM are allowed to be present in the centres for an unlimited amount of time. *Free legal assistance* is also provided by various international and non-governmental organisations. Each centre has a space designated for prayer and religious service. In order to provide psychological support and social involvement, *numerous workshops* are organised with various artistic and creative activities such as painting, pottery, creation of wooden objects, photography, sewing, etc. Depending on possibilities, *educational courses* are organised for car mechanics, cooks, hairdressers, tailors and other professions, for which certificates are issued.

Special facilities are intended for the accommodation of single adults, special facilities for unaccompanied minors and special facilities for families who do not separate.

The infrastructure of the social protection system also includes three organisational units for temporary stay - accommodation of minor foreigners unaccompanied by an adult responsible for them, within the institutions for the education of children and youth in Belgrade and Niš and the Centre for the Protection of Infants, Children and Youth in Belgrade. The accommodation capacities of these operating units are 25 places in Belgrade and 15 in Niš. Centres for minor foreigners provide accommodation and all the necessary support for children of both sexes, aged 10-18.

As already mentioned, the *appointment of a guardian for an unaccompanied minor* is carried out on an urgent basis and is mandatory for the centre for social work and exists in all asylum and reception centres. During accommodation, all available measures are taken to maintain family unity (including members of the extended family, when possible) and to respect person's privacy. All children born in transit are registered in birth registers.

All migrants, regardless of their legal status, are provided with *health care at the primary, secondary and tertiary levels*. Special care is provided to mothers and babies, children and reproductive health. Regular immunisation of all children was also introduced. Depending on the number of persons accommodated in the centre and the distance from the primary health care facility, health care is provided in the very centre or in the nearest health care institution. *Mental health protection and psychological support* is provided by psychologists who are present in all the centres in accordance with the *Guidelines for the Protection and Improvement of Mental Health of Refugees, Asylum Seekers and Migrants*

in the Republic of Serbia, which were prepared in cooperation with the World Health Organisation. The Working Group for Protection and Improvement of Mental Health of Refugees, Asylum Seekers and Migrants was formed to improve the protection of mental health and met as needed and worked intensively on mitigating acute and complicated psychoses among persons accommodated in the centres.

The Republic of Serbia is one of the first countries in the world to include the migrant population in the immunisation programme, so during the smallpox epidemic, there were no recorded cases of the illness among migrants, and for almost entire 2020, there were no migrants and refugees infected with the corona virus.

Respecting the principle of the best interest of the child, all minor migrants, regardless of their legal status, are granted *access to education*. Children at school work according to an adapted programme, in accordance with professional instructions for the inclusion of refugee students in the educational system²².

The Ministry of Education made an extra effort to ensure that migrant students, asylum seekers and refugees have access to the basic human right to education. During the COVID-19 crisis, printed material is delivered to students who attended online classes in the school's reception centers, communication takes place via viber, google classrooms, with the support of colleagues from the reception centers. The education system covers 85% of the migrant population of school age who are housed in reception and asylum centers in the Republic of Serbia. 4,000 employees in the education system were trained with the aim of contributing to the sustainable integration of migrant children and students; schools were provided with 10 small grants; created over 3,000 individual support plans for migrant students; 115 school-level support plans; held more than 10,000 supplementary classes, provided more than 1,000 snacks, 1,550 pieces of clothing and shoes; 500 workshops with all students on the topics: interculturality, tolerance, camaraderie, getting to know the culture of migrant students, anti-discrimination, non-violent communication, developing empathy and providing support to migrant students".

Support is provided in transporting children from centers to educational institutions. Students who attend online classes in the reception centers of the school are provided with printed materials, communication takes place via viber, google classrooms, with the support of colleagues from the reception centers.

Knowledge and skills for work in the field of migrants/asylum seekers education were improved in case of more than 4,000 educators, teachers, directors and professional associates.

²² <https://mpn.gov.rs/vesti/strucno-uputstvo-za-ukljucivanje-ucenika-izbeglicatrizilaca-azila-u-sistemobrazovanja-i-vaspitanja>

Schools translate content of various subjects into native languages. Translated contents are delivered to schools and are continuously published on the website <https://remis.rs/>.

According to the Law on Social Protection, beneficiaries of social protection are citizens of the Republic of Serbia, as well as foreign citizens and stateless persons in accordance with the law and international agreements. Social assistance for persons seeking or granted asylum is regulated by the *Rulebook on Social Assistance for Persons Seeking or Granted Asylum*.

Since the beginning of the migrant crisis, the social protection system of Serbia has provided support to tens of thousands of beneficiaries with over 100,000 different interventions and provided accommodation in social protection institutions for slightly more than 1,000 minors unaccompanied by parents/guardians. The standard operating procedures and professional guardianship model in 2019 were recognised by the Council of Europe as an example of good practice in the protection of children in the context of migration.

Irregular migrants do not have the right to work in the Republic of Serbia in accordance with national legislation.

D. LGBTI equality

See ECRI's Factsheet on LGBTI issues

21. Please outline any policies to promote LGBTI equality and to prevent and combat discrimination against LGBTI people, in particular in the fields of legislation; strategies and action plans; provision of information and assistance to young LGBTI people; education; employment; health care; and interaction and relations between authorities such as the police, educational and health care institutions and LGBTI people.

The Law on Amendments to the *Law on Registers*²³, which entered into force in 2019, ensured recording of information about gender change in the register of births.

In the previous two years, the Republic of Serbia significantly improved the normative framework in the field of anti-discrimination, which indirectly affects the improvement of the position of LGBTI persons. In 2021, the *Law on Gender Equality*²⁴ and *Law on Amendments to the Law on Prohibition of Discrimination*²⁵ were adopted (both were harmonised with the EU law and international standards in the field of human rights and contain provisions that explicitly prohibit discrimination on the basis of sexual

²³ "Official Gazette of the RS", No. 47/18.

²⁴ "Official Gazette of the RS", No. 52/21.

²⁵ "Official Gazette of the RS", No. 52/21.

orientation, as well as discrimination against intersex persons, i.e. discrimination on the basis of sex, sexual characteristics and gender is prohibited).

In accordance with positive legal regulations valid in the Republic of Serbia, in an extensive consultative process, the Ministry of Human and Minority Rights and Social Dialogue prepared *the Draft Law on Same-Sex Unions*. In addition to the representatives of ministries, institutions, and independent state bodies, civil society organisations that deal with the rights and position of LGBTI persons (Da se zna, Egal, Geten, Labris, Regional Info Centre, IDEAS) also participated in the work of the Special Working Group for the preparation of the Draft Law. The Draft Law regulates the entire group of rights that partners of a registered and unregistered union can exercise on the basis of a community of life (inheritance rights, rights from social, health and pension insurance, tax reliefs, status issues, rights to support, certain rights related to children in such a community, etc.). The Law was, with all opinions and explanations, sent to the Government of the Republic of Serbia in April 2021. The text of the Draft Law is complied with the opinion of the Council of Europe.

In addition, in June and July 2022, the Ministry of Human and Minority Rights and Social Dialogue organised two round tables with civil society organisations that deal with human rights on the topic of consultations *about the improvement of the legal framework in the field of rights of LGBTI+ persons, as well as on the topic of legal regulations related to gender identity issues*.

Also, the *Labour Law*²⁶, *Law on Civil Servants*²⁷, *Law on Prevention of Discrimination against Persons with Disabilities*²⁸, *Law on Youth*, *Law on Public Information and the Media*²⁹, *Law on Sports*³⁰ as well as laws in the field of education, healthcare and justice prohibit discrimination and promote the principles of equality.

In 2021 and 2022, the strategic framework was also improved, and the following were adopted: *Strategy for Gender Equality; Strategy for Creating an Enabling Environment for the Development of Civil Society; Strategy for Prevention and Protection against Discrimination, Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia*, with accompanying two-year action plans. *All the strategies envisage an implementation period until 2030, in accordance with the 2030 Agenda and Sustainable Development Goals*.

The National Youth Strategy until 2025 recognises LGBTI persons as one of the social groups that is more exposed to discrimination.

²⁶ “Official Gazette of the RS”, No. 24/05...and 95/18 – authentic interpretation.

²⁷ “Official Gazette of the RS”, No. 79/05 ...and 142/ 22.

²⁸ “Official Gazette of the RS”, No. 33/06, 13/16.

²⁹ “Official Gazette of the RS”, No. 83/14, 58/15 and 12/19 – authentic interpretation.

³⁰ “Official Gazette of the RS”, No. 10/16.

The process of drafting the Human Rights Strategy has begun, and its main objectives are systematic and continuous monitoring of human rights and taking measures to improve and reach international UN standards, then developing the culture of human rights, with a special emphasis on the Leave No One Behind - LNOB principle from 2030 Agenda, as well as intergenerational solidarity and the role of the business sector.

By voting for the adoption of the UN 2030 Agenda, the Republic of Serbia committed itself to the full implementation of the *Leave No One Behind - LNOB principle*, which is a guarantee that the most vulnerable and most excluded groups are recognised and included. Bearing this in mind, the Instrument for the application of the LNOB principle in the national legal framework was created, *making the Republic of Serbia the first country to adapt the LNOB principle to its normative framework*, which will create conditions for its effective application and inclusion in future legal and strategic documents. The document was publicly presented at a conference on 22 September 2022.

For many years, the Ministry of Interior has been undertaking activities related to the improvement of police communication and cooperation with minority, marginalised and socially sensitive groups, regardless of any form of diversity, to the development of police ethics and training, to the improvement of security protection of persons of different sexual orientation, and to the strengthening of responsibility and legality in the work of police officers.

In February 2014, the *Action Plan for Improving the Work and Cooperation of Police Officers with Representatives and Associations of Sexually Diverse Persons* was adopted with the aim of developing and improving community policing, especially in the part concerning development of training, actions and cooperation of police officers with the representatives of LGBTI associations.

Police officers act in accordance with the *Law on Police*, which explicitly prohibits discrimination on the basis of sex, gender and gender identity. Also, the Law prescribes that the police should develop the professional capacities, competences and ethics of police officers for the purpose of ensuring socially responsible operation of the police service with full respect for human and minority rights and freedoms and protection of all vulnerable groups.

In addition to the Law on Police, actions of police officers are also regulated by a series of by-laws, among other things, by the *Code of Police Ethics*.

LGBTI liaison officers, who act within the Ministry of Interior, continuously undergo trainings in the field of human rights and prohibition of discrimination, treatment of LGBTI persons, etc.

Pride parades and all accompanying manifestations were held in the previous eight years without major incidents. Also, the International Day against Homophobia is celebrated

year after year not only in Belgrade, but also in Niš, Novi Sad, Novi Pazar, Subotica, Pančevo, Kragujevac, Kraljevo, Zrenjanin, Subotica, Šabac, Niš and Vranje.

EURO Pride was also organised in Belgrade, in September 2022, when more than 130 different events were held, from conferences and panels on human rights, which were attended by the Prime Minister of the Republic of Serbia, ministers, and other officials, to cultural and artistic events, theater performances, concerts, exhibitions, etc.

With the support of the Ministry of Human Rights, IDEAS organised a three-day forum GAME CHANGERS CONFERENCE (#GCC) - IN PURSUIT OF BALANCE on the future of social and economic rights in February 2021, with a focus on the role of the business sector in promoting diversity and inclusion, and with a special focus on LGBTI+ persons. Also, a constituent meeting of the Equality Business Alliance was held in October 2022, as a formal mechanism of cooperation between companies regarding the economic integration of LGBTQI+ persons.

In terms of protection of the rights of LGBTI persons, and on the recommendation of the Protector of Citizens, the *Republic Fund of Health Insurance included in the list of medicines issued with a doctor's prescription medicines for achieving the appropriate hormonal status of trans persons.*

All violence and discrimination are prohibited in educational institutions in accordance with the Law on the Fundamentals of the Education System³¹ (Art. 111 and 112a), and the Rulebook on the Protocol of Institution's Actions in Response to Violence, Abuse and Neglect³² as well as the Rulebook on More Detailed Criteria for Recognising Forms of Discrimination by an Employee, Child, Student or Third Person in an Educational Institution³³ and the Rulebook on Institution's Actions in Case of Suspected or Determined Discriminatory Behavior and Insult to Reputation, Honor or Dignity of the Person³⁴ regulate detailed procedures for taking actions in suspicious situations or upon learning about violence and discrimination, including violence/discrimination on the basis of race and sexual orientation. The Ministry of Education's website contains numerous educational resources for institutions aimed at improving preventive work³⁵.

Respecting the opinion of the Protector of Citizens that the Rulebook on More Detailed Conditions, Criteria and Method of Selection, Testing and Evaluation of Donors of Reproductive Cells and Embryos³⁶ contains provisions that are not in accordance with the adopted standards for exercising human rights and non-discrimination when it comes to LGBTI persons, the Directorate for Biomedicine of the Ministry of Health proposed to the

³¹ "Official Gazette of the RS", No. 88/17, 27/18 – other law, 10/19, 6/20 and 129/21.

³² "Official Gazette of the RS", No. 46/19 and 104/20.

³³ "Official Gazette of the RS", No. 22/16.

³⁴ "Official Gazette of the RS", No. 65/18.

³⁵ <https://mpn.gov.rs/kategorija/publikacije>

³⁶ "Official Gazette of the RS", No. 27/19.

Government an amendment of the disputed provisions of the Rulebook that violate the rights of LGBTI persons, whose amendments³⁷ were adopted by the Government in 2021.

In accordance with repeated recommendations, the Protector of Citizens indicates that it is necessary to amend the Law on Police³⁸ which would prohibit discrimination on the basis of sexual orientation, as well as the Law on Free Legal Aid³⁹, which should introduce LGBTI persons as a category of beneficiaries in a sensitive position.

Since 2017, the Protector of Citizens has repeatedly recommended the authorities of local self-government units to explicitly include LGBTI persons in local action plans and prescribe measures for the improvement of the position of these persons, as well as to allocate appropriate budgetary resources for these activities.

In order to implement the aforementioned recommendation, the Protector of Citizens, together with the Debt Association, within the Council of Europe's project "Promotion of Diversity and Equality", and with the financial support of the European Union, conducted training for employees in 16 LSGUs in 2020, and in 2021 for the representatives of 15 LSGUs, dedicated to the sensitisation of employees and raising their awareness about the rights of LGBTI persons and problems these persons face, as well as about the inclusion of measures for the improvement of the position of LGBTI persons in local action plans for youth, gender equality and social protection.

The Ministry responsible for public information allocates significant funds for project co-financing through competitions and individual grants in the field of public information, and by providing support for projects intended for television, radio and internet media, print media and services of news agencies that contribute to raising public awareness about the rights of minority groups, including the LGBTI community, to respect for diversity, as well as to the development of a dialogue, better acquaintance and understanding between members of minorities and the majority population. One of the priority topics for project co-financing is prevention of discrimination through the media.

In 2020, through public competitions, the Ministry of Youth and Sports financed two discrimination-related projects, which specifically focus on LGBT persons. In 2021, a total of 7 projects were financed, and in 2022, 4 more projects, whose direct beneficiaries are, among others, young LGBT persons. Also, every year, the Ministry responsible for human and minority rights continuously supports projects of civil society organisations in the field of anti-discrimination policy implementation, which amount to about RSD 20 million annually, and more than 10% of the funds are directed to projects that encourage the improvement of the position of LGBTI persons.

³⁷ "Official Gazette of the RS", No. 27/19 and 41/21.

³⁸ "Official Gazette of the RS", No. 6/16, 24/18 and 87/18.

³⁹ "Official Gazette of the RS", No. 87/18.

22. Please indicate any follow up to the recommendations made by ECRI in its fifth cycle report related to LGBTI.

22.1 (101) ECRI recommends that the authorities implement within the planned timelines their anti-discrimination strategies' measures on introducing registered partnerships for same-sex couples and on regulating the change of name and gender of transgender persons.

The Action Plan for the implementation of the new Strategy for Prevention and Protection Against Discrimination envisages measures related to the introduction of registered partnerships for same-sex couples and to the regulation of the change of the name and gender of transgender persons within planned deadlines.

The Ministry of Human and Minority Rights and Social Dialogue plans to create a Working Group in which, in addition to competent state authorities, CSOs dealing with issues of LGBTI persons and human rights in general will be invited to participate, with a task to analyse the shortcomings of the legal framework in the field of gender identity, position and needs of transgender persons. Public consultations and public discussions will be conducted during that process, in accordance with the Law, and, based on the conducted analysis, it will be determined what the best normative/legal solutions for gender identity are.

In accordance with repeated recommendations, the Protector of Citizens indicates that it is necessary to adopt the Law on Same-Sex Unions, as well as the law that regulates the legal consequences of adapting (changing) gender to gender identity⁴⁰. In his Opinion on the Foundations for preparing the Draft Law on Amendments to the Family Law, the Protector of Citizens indicated that it is necessary to take into account that the Working Group of the Ministry of Human and Minority Rights and Social Dialogue prepared the Draft Law on Same-Sex Unions.

22.2 (105) ECRI recommends that the authorities create a safe environment for LGBT persons, that they continue and expand training of public servants on LGBT issues, introduce LGBT issues into mandatory school programmes and that the authorities and high representatives of the state become role models for improving attitudes towards LGBT persons.

The professional development system in public administration was significantly improved after the adoption of the Law on the National Academy for Public Administration, as well as after amendments to the law regulating the rights and duties of civil servants and employees in local self-government units - in 2017. The National Academy for Public Administration began its work in 2018 and represents the central institution of the professional development system in public administration with the status of a publicly recognised organiser of non-formal adult education activities, whose work is supervised by the Ministry of Public Administration and Local Self-Government. The National Academy for Public Administration prepares and implements the General Training

⁴⁰ <https://ombudsman.rs/attachments/article/6882/Misljenje.doc>

Programme for Civil Servants, the General Training Programme for Employees in Local Self-Government Units, the Training Programme for Managers in State Authorities and the Training Programme for Managers in Local Self-Government Units, adopted by the Government of the Republic of Serbia.

In terms of the annual training programmes, the National Academy for Public Administration integrated anti-discrimination as one of two horizontal issues (including participation of civil society organisations in decision-making processes) in the field of development of civil servants.

A total of 47 trainings were conducted, and a total of 1585 civil servants were trained.

The social protection system continued with the training of its personnel in dealing with LGBT persons, through accredited programmes. The following four training programmes for dealing with LGBT persons and persons with HIV been accredited so far: 1. Guidelines for working with sexual minorities, 2. Training for working with transgender and transsexual persons in the social protection system, 3. Training for providing social educational services to beneficiaries with HIV and their family members, and 4. Advanced training for working with sexual and gender minorities. From 2017 until now, there have been more than 20 of these trainings with over 500 participants.

The Ministry of Interior is improving the safety of LGBTI persons with the development of an intervention response, by attempting to clarify all circumstances of a case in all situations where LGBTI persons are threatened and by bringing perpetrators before the prosecuting authorities, and with preventive actions the goal is to put police officers in the area of facilities where persons of different sexual orientation gather in order to ensure their safety.

In order to develop tolerance in society, the Ministry of Interior continuously develops a model of community policing, especially in multi-ethnic and multicultural environments, in partnership with other state and local entities, through prevention of security threats.

On 1 January 2019, the position of "community service officer" was systematised in all police administrations, to which a total of 779 police officers are currently allocated, whose actions are aimed at creating a safer living environment for all citizens, primarily through more effective prevention and joint cooperation and communication with citizens, local communities and minority groups. Specialised community policing training was organised for the mentioned police officers, where special emphasis was placed on training for work of police officers and the specifics of communication and cooperation with minority groups and sensitive categories of citizens.

In addition, in order to increase the safety of citizens, more successful fight against crime, as well as achieving an even greater degree of cooperation with citizens and the local community, and in the Center for Basic Police Training, in addition to professional training for performing duties at the workplace "policeman", "traffic policeman" and "border policeman", for the first time, since 2021, participants are also trained to perform tasks in the workplace "policeman for community work". Namely, in January 2021, the Professional Training Program for participants of basic police training for the position of

police officer in the community was adopted, and 920 participants completed the training according to the Program (2021 and 2022).

In accordance with the Professional Training Programme for Police Officers of the Ministry of Interior, as part of mandatory courses within the teaching field "Theoretical Teaching", the topic "Work of Police Officers with Marginalised, Minority and Socially Vulnerable Groups" was studied, and the training was attended by a total of 12,041 police officers in 2017, by 10,990 police officers in 2018, by 31,322 police officers in 2019, by 30,255 police officers in 2020, by 30,846 police officers in 2021, and by 30,074 police officers in 2022⁴¹.

As part of the implementation of the Professional Training Programme for Police Officers of the Ministry of Interior for the year 2022, elective courses for police officers of general jurisdiction in the field of community policing and problem-oriented work are being taught.

Also, as part of the seminar "Recognising and Responding to Discrimination", which is organised in cooperation with the Commissioner for the Protection of Equality, and with the support of the OSCE Mission to Serbia, the topic "Activity of OSCE in Combating Hate Crimes" was discussed. In the reporting period (from 16 May 2017 until now), a total of 17 seminars were organised and attended by 600 police officers.

In order to improve prevention work and community policing, police administrations were ordered to intensify police activities related to the improvement of communication with citizens and representatives of minority, business, religious and other communities and associations, by conducting the "Door to Door" activity.

The Ministry of Interior continuously cooperates and improves protection of human and minority rights of vulnerable social groups through cooperation with representatives of the civil sector, especially with the engagement of trained and selected vulnerable social groups liaison officers.

Also, police officers participate in the work of the Security Council in cities and municipalities.

There are seven local networks for the prevention of discrimination against and support for LGBTI persons in Belgrade, Novi Sad, Novi Pazar, Subotica, Pančevo, Niš and Kragujevac, created by representatives of the Prosecutor's Office, the Employment Agency, the Police, the Centre for Social Work, the Protector of Citizens, the Institute for Public Health, Youth Offices and citizens' associations that deal with the improvement of the position of LGBTI persons, which operate in the territory of the stated cities.

The manual for work of police officers with the LGBTI population was additionally printed in English in 100 copies in 2019.

⁴¹ As of 22 November 2022.

Furthermore, in 2019, LGBTI liaison officers attended training of police trainers on the topic "Policing Hate Crime against LGBTI Persons", organised by the Council of Europe's Sexual Orientation and Gender Identity Unit (SOGI).

In 2020, police officers of the Police Directorate, Police Department in the PA in Novi Sad and Niš, attended the regional seminar "Fight against Hate Crimes and Exchange of Best Practices in Protection of Rights of LGBT Community" organised by the Council of Europe and the Sexual Orientation and Gender Identity Unit (SOGI) as part of the EU-COE regional programme "Horizontal Facility for the Western Balkans and Turkey II".

The event of celebration of the 70th anniversary of the European Convention for the Protection of Human Rights and Fundamental Freedoms included presentation of the manual for police officers "Policing the Hate Crime against LGBTI Persons: Training for a Professional Police Response", which was created by the Council of Europe's Sexual Orientation and Gender Identity Unit.

In February 2021, the LGBTI liaison officer from the PA for the city of Belgrade attended in the online training of trainers, which was organised by the Ministry of the Interior of Montenegro in cooperation with the Sexual Orientation and Gender Identity Unit (SOGI) of the Anti-Discrimination Department of the Council of Europe, on the topic of fight against "hate crimes" and exchange of best practices in the protection of rights of the LGBTI community.

In June 2021, MoI organisational units received the manual "Policing the Hate Crime against LGBTI Persons", which was prepared by the Council of Europe's Sexual Orientation and Gender Identity Unit (SOGI).

II HATE SPEECH AND HATE-MOTIVATED VIOLENCE

a. Hate speech

See ECRI's General policy recommendation No. 15 on combating hate speech

23. Please indicate any relevant developments, including legislative, new trends and good practices in the area of combating hate speech, in particular via the Internet.

The Constitution of the Republic of Serbia (Article 49) prohibits and punishes any inciting of racial, national, religious or other inequality, hatred or intolerance.

Although not specifically criminalised by the Criminal Code⁴², hate speech is prohibited in the national legislation by the Law on Prohibition of Discrimination⁴³, Law on Public

⁴² "Official Gazette of the RS", No. 85/05, 88/2005 – corr.... and 35/2019.

⁴³ "Official Gazette of the RS", No. 22/09 and 52/21.

Information and Media⁴⁴, Law on Electronic Media⁴⁵, and Law on Public Media Services⁴⁶.

The Criminal Code stipulates that hate speech that causes, incites, advocates or instigates hatred represents the act of committing offence, including those committed via the Internet, such as ruining the reputation due to racial, religious, ethnic or other affiliation (Article 174), instigating national, racial and religious hatred and intolerance (Article 317) and racial and other discrimination (Article 387).

What institutions in the Republic of Serbia first of all strive to do is to recognise conditions that favour the use of hate speech and to take measures to eliminate them, and they do this through cooperation with civil society organisations, which are an important partner, especially when it comes to digital platforms and their influence on young people.

Since its establishment in 2020, the social dialogue mechanism initiated by the Ministry of Human and Minority Rights and Social Dialogue has proven to be useful and necessary on important social topics, including the problem of hate speech, with an agreement reached on binding actions. 40 were held with over 2,200 participants from the legislative, executive and judicial authorities, independent bodies, international organizations, national councils of national minorities, the academic community, media associations, trade unions, local self-government units, as well as representatives of civil society organizations.

As part of the social dialogue held in 2022 on the topic "Culture of dialogue - civil society and the media", the participants called on all participants in the political and public life of Serbia, holders of public offices, to improve public communication by abandoning offensive rhetoric. In addition, it was agreed to encourage the strengthening of the role of the media and civil society by creating strategic and legislative acts through an open, inclusive and transparent broad approach of stakeholders; by creating a positive legal framework in terms of recognizing the role of media and civil society in achieving public interest in the field of public information and media; by creating a positive environment for the effective work of civil society and the media and by strengthening the public's awareness of the importance of social dialogue and the role of the partnership of the state, civil society and the media.

Special attention is paid to the preparation of the *Strategy for the Fight against Hate Speech on the Internet*.

⁴⁴ "Official Gazette of the RS", No. 83/14, 58/15 and 12/16 – authentic interpretation.

⁴⁵ "Official Gazette of the RS", No. 83/14 and 6/16.

⁴⁶ "Official Gazette of the RS", No. 83/14, 103/15 and 108/16.

The Strategy for Prevention and Protection against Discrimination until 2030 envisages measures for suppression and prevention of hate speech.

The Strategy for the Social Inclusion of Roma Men and Roma Women in the Republic of Serbia until 2030 recognises "gypsyism" as a form of racism and discrimination, and the Action Plan envisages activities related to the provision of assistance to Roma to report crimes motivated by prejudice, bullying, violence and hate speech.

Acting upon complaints, the Commissioner for the Protection of Equality issues opinions on determined hate speech, i.e. illicit speech, including cases in which this form of discrimination is performed via the Internet, and often issues warnings and public announcements of condemning hate speech.

In terms of examples of good practice at the national level, we would like to point out that the *Guidelines for the Criminal Prosecution of Hate Crimes in the Republic of Serbia* and *Instructions of the Public Prosecutor's Office of the Republic of Serbia* contributed to making hate speech and hate crime easier to recognise and distinguish, especially when the victim and the perpetrator of a criminal offence do not know each other from before and when the only reason for a criminal act is race and religion, national or ethnic affiliation, gender, sexual orientation or gender identity of another person.

In the first half of 2020, the Public Prosecutor's Office of the Republic of Serbia joined the project *Enhancing Stakeholders Awareness and Resources for Hate Crime Victim Support* (EStAR), which the OSCE/ODIHR implements in 41 OSCE member states in the period 2020-2021. In this regard, the Deputy Public Prosecutor of the Republic of Serbia was appointed as a member of the Network of Experts on Hate Crime Victim Support, whose goal is to gather and exchange knowledge, expertise and practice on existing aspects of hate crime victim support.

The Ministry responsible for public information allocates significant project co-financing resources through competitions and individual contributions in the field of public information, regularly supports projects that contribute to raising public awareness of the rights of minority groups, respect for diversity, as well as development of a dialogue, better acquaintance of and understanding between members of minorities and the majority population. One of project co-financing criteria is prevention of sensationalism, hate speech and aggressive communication. A total of 11 projects were supported in the last two years in the total amount of about EUR 60,000.00.

The Handbook on Media Literacy in Pre-University Education Intended for Pre-School Teachers, Teachers and Expert Assistants was created in December 2020 with the support of the Delegation of the European Union. The Handbook has a digital version – a digital portal⁴⁷, and didactic tool Luedu - an application for media literacy for teachers. With the support of the OSCE, the Handbook was translated into Albanian and

⁴⁷ www.medijskapismenost.com

Hungarian. Based on the Handbook, the series *Heroes of Media Literacy* consisting of 18 episodes were broadcasted on RTS and RTV in the languages of national minorities.

In cooperation with the National Academy of Public Administration (NAPA) and USAID, the *Handbook on Media Literacy for Public Administration and Training* was created, which is now part of the official NAPA programme for 2022. Handbooks on media literacy for parents and media literacy for businesses have also been prepared.

The second edition of the UNESCO Handbook on Media Literacy for Teachers was promoted in Belgrade in April 2021, in cooperation with UNESCO and with the support of the European Union and the Kingdom of Sweden.

Global Standards for Media and Information Literacy Curricula Development Guidelines were launched on the 41st UNESCO's General Conference, in cooperation with the European Commission. The meeting of the UNESCO Communication and Information Commission that took place in Paris was also attended.

The Ministry responsible for public information organises media literacy workshops for various target groups (teachers, students, state institutions, parents) several times a year, with discussions on hate speech topics. During the UNESCO Global Media and Information Literacy Week, which is celebrated from the 24th to the 31st October, a total of 6 workshops were organised for primary and secondary school students in 2019, 4 workshops in 2020, and 15 workshops in 2021.

The Ministry responsible for public information regularly organises international conferences that also address the topic of fight against hate speech, in order to strengthen the capacity of all actors in the field of information and media.

With the development of new technologies and services that are increasingly being provided electronically, the need to improve information security was noticed, which was introduced into the legislation in 2016, by the Law on Information Security⁴⁸. This law is followed by the Information Society Development Strategy in the Republic of Serbia from 2017 to 2020; Information security development strategy for the period from 2017 to 2020; Strategy for the development of digital skills in the Republic of Serbia for the period from 2020-2024. years; Strategy for the development of information society and information security in the Republic of Serbia for the period from 2021 to 2026.

The Law on Information Security⁴⁹ and the Regulation on the Safety and Protection of Children in the Use of Information and Communication Technologies⁵⁰ regulate measures for the safety and protection of children on the Internet, which are implemented through the activities of the National Contact Center for Child Safety on the Internet.

⁴⁸ "Official Gazette of the RS", No. 6/16, 94/17 and 77/19

⁴⁹ "Official Gazette of the RS", No. 6/16, 94/17 and 77/19

⁵⁰ "Official Gazette of the RS", No. 61/16

The National Contact Centre has a key role primarily in prevention, raising awareness and education about the advantages and risks of using the Internet and ways of using it safely. In addition to prevention, the National Contact Centre is also a place for reporting security threats on the Internet. This information is then, depending on the type of a threat to the rights and interests of the child, forwarded to the relevant institutions: the Ministry of Interior, the Special Prosecutor's Office for High-Tech Crime, the Ministry of Education, centres for social work and health centers.

As of 18 November 2022, the total number of communications registered in the National Contact Centre amounts to 32,928. The total number of created cases amounts to 6,120, of which 5,688 refer to information, and 432 cases were sent to the competent institutions: the Prosecutor's Office for High-Tech Crime (133), the Ministry of Interior (177), SOS (107), health centres (9), and centres for social work (9).

In 2016, the Ministry responsible for telecommunications and the Public Broadcasting Service of Serbia established cooperation on the promotion and education of children, young people, as well as parents, guardians and teachers, on digital literacy and digital security, based on the Regulation on Children Safety and Protection in the Use of Information and Communication Technologies.

As an example of good practice, we would like to emphasise the *campaign "Block the Hatred. Share the Love!"* from 2021, which was aimed at combating various forms of hate speech directed at certain communities and individuals in Serbia, and was part of the project "Promotion of Diversity and Equality in Serbia", which is part of the joint programme of the European Union and the Council of Europe "*Horizontal Facility for the Western Balkans and Turkey 2019-2022*".

24. Please provide disaggregated data on hate speech in recent years and a brief description of the system for gathering such data, not limited to the criminal justice sector.

In terms of criminal protection, we point out that the provisions of Article 387, paragraph 4 of the Criminal Code⁵¹ stipulate racial and other discrimination as a criminal offense, for which a prison sentence of three months to three years is prescribed for those who disseminate or otherwise make publicly available texts, images or any other presentation of ideas or theories that advocate or incite hatred, discrimination or violence, against any person or group of persons, based on race, color, religion, nationality, ethnic origin or any other personal characteristic. Elements of hate speech can also include the criminal offense of Injuring reputation due to racial, religious, national or other affiliation from Article 174 of the CC), as well as the criminal offense of Inciting national, racial and religious hatred and intolerance (Article 317 of the CC).

⁵¹ „, Official Gazette of the RS", No..85/05...35/19

In the period from 1 January 2019 to 31 December 2021

- Criminal complaints were filed against 29 persons for the criminal offence of ruining the reputation for racial, religious, national or other affiliation referred to in Article 174 of the CC, evidentiary actions (investigation) were/was conducted against 14 persons, charging documents were filed against 3 persons, and judgements of conviction were rendered against 3 persons.

- Criminal complaints were filed against 120 persons for the criminal offence of inciting national, racial and religious hatred and intolerance referred to in Article 317 of the CC, evidentiary actions (investigation) were/was conducted against 35 persons, charging documents were filed against 22 persons, and judgements of conviction were rendered against 19 persons.

- Criminal complaints were filed against 40 persons for the criminal offence of racial and other discrimination referred to in Article 387 of the CC, evidentiary actions (investigation) were/was conducted against 4 persons, charging documents were filed against 4 persons, and judgements of conviction were rendered against 3 persons.

Regarding the courts, we note that, bearing in mind the Rules of Procedure of the Courts and the method of collecting statistical data, we point out that it is not possible to give precise answers to the questions contained in the Questionnaire. Data can be collected from the courts on judgments passed for a specific criminal offense that may contain elements of hate speech and discrimination.

In 2018, the Belgrade Centre for Human Rights published a study on hate speech protection mechanisms on the Internet, which showed that the focus should be on preventive measures, especially on the education of young people.

A doctoral dissertation submitted at the Faculty of Political Sciences from 2018 showed that events that polarise the public are the most common trigger for hate speech, especially towards minorities, and that hate speech on the Internet is a pervasive phenomenon. In 2019, the Centre for Media Professionalisation and Literacy (CEPROM) conducted a study that showed that a number of media do not adhere to journalists' codes of ethics. In terms of the data collection system, all basic and higher public prosecutor's offices (83 in total) keep records of the criminal offences referred to in Art. 174, 317 and 387 of the Criminal Code in accordance with the Rules of Administration of Public Prosecutor's Offices⁵² and the Work Programme and Plan of the Public Prosecutor's Office of the Republic of Serbia.

⁵² "Official Gazette of the RS", No. 110/09, 87/10, 5/12, 54/17, 14/18 and 57/19.

25. Have any initiatives been taken to discourage and prevent hate speech through counter-speech?

26. What measures have been taken to provide support to victims of hate speech?

Confirming its commitment to building trust and creating a stimulating environment for the work of journalists and media workers, the Ministry responsible for public information expressed a principled opinion on several occasions, including on World Press Freedom Day and on International Day to End Impunity for Crimes Against Journalists, that it strongly condemns any form of violence against media representatives, including verbal violence and hate speech, and encouraged all the authorities that participate in the execution of investigative actions to react in a timely manner.

In terms of hate speech prevention initiatives, the well-known initiative "The Virtual Becomes Real" was launched in 2012 by the Libero organisation, which then joined the Council of Europe's "No Hate Speech Movement" campaign and became part of the National Committee for Combating Hate Speech. Since then until today, this organisation has developed and implemented a series of informal educational programmes aimed at empowering and supporting young people to deal with the challenges of the digital world. The initiative "*Anonymous Hatred - Hate Speech Protection Mechanisms on the Internet*" was implemented from November 2017 to October 2018 by the Belgrade Centre for Human Rights and the Centre for New Media Liber, with the aim of pointing out to the general public about the prevalence of hate speech on the Internet. With this regard, the web-portal "H8 Index - Verbal Violence Database" was opened, dedicated to the problems of discrimination, especially hate speech on the Internet.

"Fake News Tracker" is a portal created in 2017. This initiative was launched by the Novi Sad School of Journalism and soon included a significant number of young people, educators and journalists in the project.

27. Please provide information about self-regulation (codes of conduct) by public and private institutions (elected bodies, political parties, media, cultural and sport organisations) sanctioning the use of hate speech.

The Regulatory Authority for Electronic Media (REM) also plays a significant role in hate speech prevention. In accordance with Article 51 of the Law on Electronic Media, it is determined that this body ensures that the programme content of the media service provider does not contain information that encourages, in an open or covert manner, discrimination, hatred or violence due to race, skin color, ancestry, citizenship, national affiliation, language, religious or political beliefs, sex, gender identity, sexual orientation, property status, birth, genetic characteristics, health status, disability, marital and family status, convictions, age, appearance, membership in political, trade union and other organisations and other real or assumed personal characteristics.

The REM Council addresses the occurrences of hate speech and orders measures to media service providers. An administrative dispute may be initiated before the Administrative Court against any final decision of the REM Council adopted in cases of violation of an approval.

The behaviour of the Members of Parliament is precisely regulated by the Rules of Procedure of the National Assembly⁵³. The Code of Conduct for Members of Parliament concerning permissible limitations of commenting on judicial decisions and court proceedings⁵⁴ was adopted in July 2017. Also, the Government of the Republic of Serbia adopted the Code of Conduct for members of the Government concerning permissible limitations of commenting on judicial decisions and court proceedings⁵⁵.

On 24 December 2020, the National Assembly adopted the Code of Conduct for Members of Parliament which establishes the basic principles, general ethical values and rules of conduct for the Members of Parliament, the public nature of work, confidential counselling on the implementation of the Code, training of the Members of Parliament, as well as measures in the case of Code violation.

The Commissioner for the Protection of Equality gives recommendations to public authorities which also refer to the improvement of media content control and to ensuring compliance with regulations and media codes, especially in the part related to the prohibition of hate speech, sexism, misogyny, discriminatory attitudes and offensive reporting. The following publications were also issued: "Handbook for Male nad Female Journalists - Struggle for Equality", "Attitude of Serbian Media towards Discrimination", "Report on the Use of Hate Speech in the Serbian Media" and Guidelines for Developing the Anti-Discrimination Policy for Employers in Serbia - Equality Code of Practice.

In 2021, the Press Council prepared and adopted the Serbian Journalists' Code of Ethics in the online environment. This document is primarily intended for online journalists and media, but it also applies to other forms of expression on the Internet, where editorial content is published on different platforms.

28. Please indicate steps taken to clarify the scope and applicability of responsibility under criminal, civil and administrative law for authors of hate speech, Internet service providers, web fora and hosts, social media platforms, moderators of blogs and others performing similar roles.

Competent state authorities undertake preventive measures, i.e. educate and inform the public, primarily young people, about the importance of fight against hate speech and violent extremism by developing different practices aimed at young people and by

⁵³ "Official Gazette of the RS", No. 20/12 – revised wording.

⁵⁴ "Official Gazette of the RS", No. 71/17.

⁵⁵ "Official Gazette of the RS", No. 6/16.

recognising the fundamental importance of freedom of expression, tolerance and respect for equal dignity. Trainings and seminars are also intensively organised for representatives of the judiciary and the media.

The legislation of the Republic of Serbia does not provide for the criminal liability of authors of hate speech, internet service providers, web forums and web hosts, social media platforms, comment administrators or others who perform similar roles, unless the concrete actions contain the elements of a criminal offense and there are conditions for conducting criminal proceedings.

In terms of criminal and legal protection, information is provided in the answer to question 24 of the Questionnaire.

In terms of *civil and legal protection*, judicial protection is obtained in civil proceedings in the case of a violation of the prohibition of hate speech according to the *Law on Public Information and Media*.

According to available statistical data on the application of the Law on Public Information and Media, a total of 193 judgments became final in 2019, a total of 243 judgments in 2020 and a total of 295 judgments in 2021. Statistical data do not specifically show cases that refer to hate speech. However, examples of two judgements of the Higher Court in Belgrade show how the court applied the Law on Information and Media and how it assessed the presence of hate speech.

Also, the Law on Prohibition of Discrimination prescribes hate speech as a special form of discrimination. Regardless of the form of discrimination, according to this general anti-discrimination regulation, protection is obtained in court proceedings by filing a lawsuit in a civil court.

The Law on Electronic Media established the Regulatory Authority for Electronic Media, which is authorised to issue a reprimand, warning; temporary ban on the publication of programme content to a media service provider, that is, the Regulator can revoke service provider's licence for the breach of obligations related to the programme content. The Regulator ensures that the programme content of a media service provider does not contain information that encourages discrimination or violence. Measures that the Regulator adopts for the violation of the prohibition of hate speech do not affect the possibility of using other means of legal protection that are available to the affected party or another person.

In addition to the measures that can be imposed by the Regulator (reprimand, warning, temporary ban on the publication of the programme content and licence revocation), the Law on Electronic Media prescribes responsibility for the offence of a legal entity and

entrepreneur if they do not act in accordance with the provisions of this Law regarding the prohibition of hate speech (Article 110 of the Law on Electronic Media).

The Commissioner for the Protection of Equality issued special publication "*Report on the Use of Hate Speech in Serbian Media*". Also, all forms and different cases of discrimination, including hate speech, are addressed in other publications, such as guides to situational judgement tests, strategic litigation, for the implementation of anti-discrimination regulations, etc.

29. Does any power, subject to judicial authorisation, exist to require the deletion of hate speech from web-accessible material and to block sites using hate speech?

There are several legal and institutional mechanisms for fight against hate speech on the Internet, and the first and basic one is to report to the Department for Combating High-Tech Crime of the Ministry of Interior of the Republic of Serbia, or to the Prosecutor's Office for High-Tech Crime, especially if this concerns safety threats.

It is also possible to file a complaint with the Commissioner for the Protection of Equality. When finds hate speech or other types of illegal speech in public space, the Commissioner makes a recommendation to remove the inappropriate content.

The Law on Public Information and Media (Article 59) provides that, at the motion of the competent public prosecutor, the competent court may prohibit distribution of information or other media content if this is necessary in a democratic society and if the information refers to:

- 1) An act of direct violent overthrow of constitutional order;
- 2) An act of direct violence towards a person or a group of people on the basis of their race, nationality, political affiliation, religion, sexual orientation, disability or other personal characteristic, and if the publication of the information poses an immediate threat and has an incorrigible effect, which cannot be stopped in any other way.

When it comes to criminal acts committed via the Internet, criminal and legal protection is obtained in criminal proceedings conducted by the state authorities determined by the Law on Organisation and Competence of State Authorities in Fight against High-Tech Crime.⁵⁶

With regard to criminal protection, we would like to point out that, according to provisions of the Criminal Procedure Code⁵⁷, at the motion of the prosecutor, items may be temporarily seized - which must be seized under the Criminal Code or which may serve as evidence in criminal proceedings, and the authority conducting the proceedings will temporarily seize those items and enable their safekeeping. A security measure can

⁵⁶ "Official Gazette of the RS", No. 61/05 and 04/09.

⁵⁷ "Official Gazette of the RS", No. 72/2011...62/21.

be determined after a judgement of conviction has been rendered (Article 87). In paragraph 1 of this Article, it is stated that a security measure can be determined in the case of an item that was intended or used for the commission of a criminal offence, or was created by the commission of a criminal offence, when there is a danger that a certain item will be re-used for the commission of a criminal offence, or when seizure of such an item is necessary for the protection of general security or for moral reasons.

30. Please indicate any follow up to the recommendations made by ECRI in its fifth cycle report on combating hate speech.

30.1 (34) ECRI recommends that the Serbian Parliament and Government adopt codes of conduct which prohibit the use of hate speech, provide for suspension of mandate and other sanctions for breach of their provisions and establish effective reporting channels.

On 24 December 2020, the National Assembly adopted a Decision on the adoption of the Code of Conduct for Members of Parliament, which was amended at the session of the National Assembly held on 23 September 2021. The Code stipulates that the Members of Parliament are obliged not to incite hatred and violence with their speech, regulates the reporting procedure and prescribes measures in the case of a violation of the Code. The Action Plan for the implementation of the new Strategy for Prevention and Protection against Discrimination envisages training of the Members of Parliament on the implementation of the Code of Conduct for the Members of Parliament, with an emphasis on the prohibition of hate speech.

30.2 (38) ECRI recommends that the Serbian authorities initiate intensive training for journalists on the journalists' Code of Ethics, which could be carried out, for example, by the Press Council, the Regulatory body for electronic media and the Commissioner for the Protection of Equality.

The Strategy for Prevention and Protection against Discrimination for the period 2022-2030 envisages preparation of a guide for male and female journalists on the prohibition of hate speech in the media, as well as creation of trainings for male and female journalists and male and female media workers on standards regarding hate speech, with a special emphasis on the practice of the European Court of Human Rights.

The Commissioner for the Protection of Equality continuously conducts trainings for the representatives of REM, UNS, NUNS, the Press Council, editors and journalists of print and electronic media, who are dedicated to the fight against discrimination and hate speech. Also, the previously mentioned publications - guides for male and female journalists - were created for these purposes. In 2022, training was organised for representatives of the media and media associations as part of the programme of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey 2019-2022".

30.3 (42) ECRI recommends (i) that the authorities ensure full independence of the Regulatory Body for Electronic Media (REM) and refrain from any political influence on this body, (ii) that the Press Council be provided with the power to take up cases ex officio, (iii) that the authorities ensure that the Press Council's decisions are followed up with financial sanctions, such as, for example, the cutting of public subsidies, (iv) that the REM, the Press Council and the Commissioner for the Protection of Equality take up all cases of hate speech in the media, (v) that these institutions impose effective, proportionate and dissuasive sanctions (vi) and widely publicise their decisions.

The Strategy for Prevention and Protection against Discrimination until 2030 envisages a measure for reducing stereotypes and prejudice against members of groups that are at risk of discrimination. One of the indicators of the results of this measure is the number of measures imposed by the Regulatory Authority for Electronic Media and the Press Council for violating the prohibition of hate speech and for violating the provisions of the Serbian Journalists' Code of Ethics that refer to the prohibition of discrimination and hate speech.

All opinions created in the work of the Commissioner for the Protection of Equality are published on this institution's website. If the person against whom the complaint is filed does not act according to the recommendation, the Commissioner will issue a warning in accordance with the law. If the person does not eliminate violation of rights within 30 days from the day of the caution, the Commissioner may notify the public about this.

The Ministry responsible for public information regularly opens competitions in the field of public information in which the opinion of the Press Council is defined as one of the main criteria for evaluating projects, that is as the "measure for providing a greater guarantee of respect for professional and ethical standards".

In an attempt to strengthen capacities for conducting the competition, in the period 2019-2021, the Ministry responsible for public information organised several trainings for heads of authorities and executive officers involved in projects for the co-financing of media content at the local level, as well as for representatives of journalists and media associations that compete with projects for the co-financing of media content. In cooperation with the Standing Conference of Towns and Municipalities, three training courses were organised in 2019, one online training course in 2020, while in 2021, one training course was organised on the topic of improvement of preparation of projects and finding topics of public interest for RAB members, as well as for electronic media on the territory of Kosovo and Metohija.

30.4.(45) ECRI recommends that the Serbian authorities develop a strategy on combating cyber hate speech, without encroaching on the editoria independence of the media.

The Law on the Prohibition of Discrimination recognises hate speech as a form of discrimination, and hate speech combating activities are covered by the measures stated in the Strategy for Prevention and Protection against Discrimination.

In 2020, the Protector of Citizens proposed amendments to the Law on Public Order, which would make threats and insults on social media punishable as a misdemeanour. According to those amendments, in cases of spreading hate speech, threats and verbal abuse on social media, misdemeanour proceedings would be initiated within a short period of time, and punishment would be executed immediately after the judgement was rendered.

30.5.(50) ECRI recommends that the Serbian police and prosecution services designate, throughout the country, contact persons for vulnerable groups targeted by hate speech and hate crime. These contact persons should receive continuing training on the investigation of hate speech and crimes and build up and maintain, together with the Commissioner for the Protection of Equality, regular dialogue with these groups in order to ensure adequate reporting, investigation and prosecution of hate speech.

The general mandatory instruction of the Public Prosecutor's Office of the Republic of Serbia O. No. 4/2018 from 28 September 2018, envisages that all appellate, higher and basic public prosecutor's offices should designate prosecutors as contact persons for criminal offences committed in hatred, in the sense of Article 54a of the Criminal Code.

The contact person is the public prosecutor, or the deputy public prosecutor in charge of the monitoring of the recording of criminal offences committed in hatred and of the monitoring of actions taken in these criminal cases; consultations with the case processing officer; contact with the injured party/victim, the competent police officer and specialised civil society organisations that provide support to the victims of hate crimes.

In accordance with the prepared training curriculum of the Judicial Academy, and with the aim of conducting effective investigations of criminal offences with elements of discrimination and hate-motivated criminal offences, starting from 2018, training courses are organised on the topic of application of the Guidelines for the Criminal Prosecution of Hate Crimes in the Republic of Serbia, where the Guidelines were presented, as well as examples of practical actions of competent authorities in cases of hate crimes and the practice of the European Court of Human Rights.

In cooperation with the OSCE Mission to Serbia, the Public Prosecutor's Office of the Republic of Serbia and the Judicial Academy organised the "Hate Crimes" training course in 2022 for contact points for hate crimes from the field of the Appellate Public Prosecutor's Office in Novi Sad, Belgrade, Niš and Kragujevac.

The Action Plan for the implementation of the new Strategy for Prevention and Protection against Discrimination envisages implementation of training courses for contact points in prosecution offices for hate crimes.

In cooperation with the OSCE Mission to Serbia, the Ministry responsible for human rights regularly organises coordination meetings of representatives of competent state authorities and civil society organisations with the aim of establishing hate crime prevention mechanisms in the Republic of Serbia which involve exchanging information, solving challenges, issuing publications, etc.

In December 2022, the umbrella organisation of the youth of Serbia, i.e. members of the youth network for non-discrimination and fight against hate crimes, as well as the "Youth against Violence" coalition, visited the Ministry of Human and Minority Rights and Social Dialogue and the Commissioner for the Protection of Equality in order to exchanged information in the field of hate crimes. The visits were organised within the project "Support to the Network of Local Youth Activists in the Fight against Discrimination and Hate Crimes" supported by the OSCE Mission to Serbia.

In February 2014, the Action Plan for improving the work and cooperation of police officers with representatives and associations of sexually diverse persons was adopted with the aim of developing and improving community policing, especially in the part of developing trainings, actions and cooperation of police officers with representatives of LGBTI associations.

In May 2014, as part of the Action Plan, the Ministry of Interior appointed in the Police Administration for the city of Belgrade (2), in the Police Administration in Novi Sad (2), in Niš (1), and in Kragujevac (1) officers - coordinators for work with the LGBTI population and liaison officer in the MoI of the Republic of Serbia (1).

The Commissioner for the Protection of Equality conducts trainings in recognition, understanding of and protection against discrimination for all social actors. Numerous trainings were organised for judges, lawyers, prosecutors, participants of the Judicial Academy in the period from 2019 to 2022.

30.6 (52) ECRI recommends that the Serbian authorities establish and operate a system for recording and monitoring racist, homo- and transphobic incidents and the extent to which these incidents are brought before prosecutors and are eventually qualified a racist, homo- or transphobic offences. The police and prosecution services should investigate all reported cases of hate speech promptly and thoroughly and work towards effective and dissuasive punishment.

The Action Plan for the implementation of the new Strategy for Prevention and Protection against Discrimination envisages publication of special records held in appellate, higher and basic public prosecutor's offices about criminal offences committed in hatred in terms of Article 54a of the Criminal Code on the website of the Public Prosecutor's Office of the Republic of Serbia.

In accordance with the Law on Records and Data Processing, in the field of internal affairs conducted for the purpose of solving criminal offences, the Ministry of Interior keeps records and processes data on natural persons and legal entities suspected of having committed criminal offences, as well as data on the outcome of criminal prosecution (Article 41 of the Operational and Criminal Collection).

In this regard, the relevant prosecutor's office submits to the Ministry of Interior data on the outcome of criminal prosecution, i.e. dismissal of the charge, expansion of the charge, reclassification of the criminal offence, waiver of criminal prosecution, and the principle of opportunity.

Data on imposed penalty, acquittal, suspended sentence, judicial caution, remittance from punishment and pardon, legal consequences of conviction, cancellation of records in respect of wrong information on serving of sentence, fines, imposed educational measures, measures of enhanced supervision, measures of mandatory treatment, and other security measures imposed in criminal proceedings are kept by the Ministry of Interior on the basis of information provided by competent courts, and data on judgments and other sanctions imposed by foreign courts are kept on the basis of information that the Ministry of Justice submits to the Ministry of Interior.

b. Hate-motivated violence

31. Please indicate any relevant developments, including legislative, and good practices in the area of combating violence motivated by hate on grounds of “race”, colour language, religion, citizenship, national/ethnic origin, sexual orientation, gender identity or sex characteristics.

A working group was created for the preparation of the wording of the Draft Law on Amendments to the Criminal Code of the Republic of Serbia in May 2021, for the purpose of harmonisation with European Union regulations and other international regulations, as well as for eliminating shortcomings in the implementation of the law, which will consider all existing recommendations and initiatives for amendments to this Law.

In terms of an example of good practice in addressing hate crimes committed via the Internet, we would like to point to the case of the Special Prosecutor's Office for Fight

against High-Tech Crime, in which the prosecutor's office in the charging document applied Article 54a of the Criminal Code, and the Higher Court in Belgrade rendered judgement of conviction, finding that the words addressed to the victim represent a threat to the victim's life and that the criminal offence was committed in hatred due to the victim's sexual orientation, considering that the victim is an LGBTI activist, that the perpetrator does not know the victim, and that there was no other reason for the threat to the victim's life other than their sexual orientation.

The hate crime was introduced into the criminal legislation in 2012, and the first judicial decision for a criminal offence committed in hate was rendered in 2018, where the court found the motive of hatred due to victim's sexual orientation to be a specially aggravating circumstance. Article 54a of the Criminal Code has been applied in 35 cases so far.

The Guidelines for the Criminal Prosecution of Hate Crimes in the Republic of Serbia were prepared in 2018 with the aim of recognising and better understanding the problem of hate crime, conducting efficient and effective investigation and prosecuting perpetrators of this type of criminal offence, in accordance with international standards. They are an example of good cooperation between the state and civil sector. With the support of the Council of Europe, the manual Policing Hate Crimes against LGBTI persons was created for police officers.

As a public interest in the field of public information, the Law on Public Information and Media, among other things, provides support in the creation of media content for the purpose of protecting and developing human and minority rights and democracy, improving the legal and social state, and improving media and journalistic professionalism. This Law also prescribes that ideas, opinions, or information published in the media may not incite discrimination, hatred or violence against a person or group of persons due to their race, religion, nation, gender, or due to their sexual orientation or other personal characteristic, regardless of whether a criminal offence was committed with the publication of such ideas, opinions and information.

Raising public awareness about the rights of national minorities and respect for cultural and linguistic diversity is achieved through a special competition for co-financing projects for the creation of media content in the languages of national minorities. In accordance with the Law on Public Information and Media, the national councils always provide an opinion about projects submitted to the competition. The Law also regulates that national councils of national minorities are authorised proposers of members of the REM Council. By the decision of the National Assembly of the Republic of Serbia in December 2019, one member of the REM Council was elected on the proposal of the national councils of national minorities;

Bearing in mind the importance of providing information to members of national minorities in their own language, two representatives of national minorities who represent

all national councils of national minorities were appointed as members of the Working Group for the preparation of the wording of the Draft Law on Amendments to the Law on Public Information and Media.

Projects that advocate multiculturalism and promote democratic values and tolerance are regularly supported in the competitions for co-financing media content in the field of public information. This contributes to the suppression of the so-called double discrimination of women - members of minority communities and social groups. In the period 2018-2020, a total of 20 projects were supported with funds in the amount of EUR 85,000, and in the period 2021-2022, a total of 11 projects were supported with funds in the amount of about EUR 60,000 in order to improve gender equality.

In order to fight against racism, racial discrimination, xenophobia and related intolerance, the Ministry of Culture and Information systematically works on the development and improvement of media literacy, which develops critical thinking, responsible behaviour in the public media space, and promotes fight against stereotyping, racism, and hate speech. In order to coordinate all actors in the field of media literacy, this Ministry (roughly) biannually organises meetings attended by representatives of line ministries, international organisations, projects, media and professional associations, academia and civil society.

32. Please provide disaggregated data on hate-motivated violence in recent years and a brief description of the system for gathering such data.

According to the instructions of the Public Prosecutor's Office of the Republic of Serbia A No. 802/15 of 22 December 2015, special records should be kept for the criminal offences committed in hatred within the meaning of Article 54a of the Criminal Code in all appellate, higher and basic public prosecutor's offices, which, in addition to data about the perpetrator, victim, criminal offence, taken actions and rendered public prosecutor's and judicial decisions, also contain data about motives for committing the criminal offence.

Statistical data in accordance with the specified special records, as of 20 October 2022:

- Article 54a of the Criminal Code was applied in 35 cases, of which in two cases in 2022;
- A judgement of conviction was rendered in 12 cases, with the fact that in 3 cases a judgement of conviction was rendered, however there was no proof of incitement to hatred referred to in Article 54a of the Criminal Code;
- The imprisonment sentence was pronounced in 3 cases, of which in 2 cases the imprisonment sentence will be served in the premises where the convicted person lives, while the suspended sentence was pronounced in 9 cases;

- The plea agreement referred to in Article 313 of the Criminal Procedure Code was concluded in 4 cases and 4 judgements were rendered according to which the court accepted the plea agreement;
- The principle of opportunity, i.e. deferral of criminal prosecution referred to Article 283 of the Criminal Procedure Code was not applied in any case;
- A decision on rejection of a criminal complaint was made in 7 cases;
- A charging document was filed in 4 cases;
- Evidentiary actions are ongoing in 1 case;
- An investigation is underway in 1 case;
- Discontinuation of the previous procedure is in progress in 1 case;
- 4 cases were entered in the records of unknown perpetrators;
- Male persons were injured in 28 cases, and female persons in 16 cases;
- Adults were injured in 36 cases, and minors in 8 cases.

Regarding real or assumed sexual orientation as a personal characteristic in terms of Article 54a of the Criminal Code, a total of 20 cases were created.

- In 2022, two cases were created in the Higher Public Prosecutor's Office in Novi Sad for criminal offences committed in hatred based on sexual orientation;
- A judgement of conviction was rendered in 8 cases, with the fact that in 2 cases there was no proof of incitement to hatred referred to in Article 54a of the Criminal Code, while the plea agreement was concluded in 3 cases;
- A decision on rejection of a criminal complaint was made in 3 cases;
- A charging document was filed in 3 cases;
- Evidentiary actions are ongoing in 1 case;
- An investigation is underway in 1 case;
- 3 cases were entered in the records of unknown perpetrators;
- Male persons were injured in 18 cases, and female persons in 8 cases;
- Adults were injured in 24 cases, and minors in 2 cases.

The Ministry of Interior of the Republic of Serbia continuously works to suppress, detect and shed light on all criminal offences with signs of national hatred and intolerance and racial, religious and other discrimination. There is no doubt that all events committed between persons of different nationalities, *a priori*, cannot be considered an inter-ethnic conflict, especially not in cases where they were caused by unknown persons or when their motive was not determined. The police only determine the presumed motive, and the judicial authorities give the final word on the type of motive (self-interest, revenge, carelessness, national, religious or racial hatred, etc.).

The police records and reports on the incidents committed on the basis of national, racial and religious hatred and intolerance based on reports of regional police administrations and other organisational units of the MoI, according to the special methodology created in the then Directorate for Analytics in 2004.

There is no special database in which hate crimes are entered. Rather, they are entered manually.

According to the data of the Ministry of Interior, a total of **87** criminal offences were committed in the territory of the Republic of Serbia in the period from 2017 to 2022, which were motivated by national, racial or religious hatred and intolerance:

Criminal complaints were filed for the following:

- ✓ **81** criminal offence of inciting national, racial and religious hatred and intolerance referred to in Article 317 of the Criminal Code, namely:
 - 30 graffiti (2017 – 7, 2018 – 3, 2019 – 6, 2020 – 4, 2021 – 8, Jan-Oct 2022 – 2)
 - 24 verbal conflicts (2017 - 4, 2018 - 5, 2019 - 6, 2020 - 1, 2021 - 6, Jan-Oct 2022 - 2)
 - 16 anonymous threats (2017 - 2, 2018 - 2, 2019 - 2, 2020 - 3, 2021 - 7)
 - 2 forms of damage to the facilities of national minorities (2020 - 1 and 2021 - 1)
 - one physical assault (2020)
 - 8 other cases (2019 – 2, 2020 – 1, 2021 – 1, Jan-Oct 2022 – 4)

- ✓ **5** criminal offences of racial and other discrimination referred to in Article 387 of the Criminal Code. Criminal complaints were filed in three cases of writing graffiti (2017 - 1, 2020 - 2); insulting on a national basis by mobile phone (in 2018); a minor wrote a composition in the Serbian language class about Ante Pavelić and the ISC, as well as about hatred towards the Serbian people (in 2020).

- ✓ *One criminal offence of violation of the freedom of expression of national or ethnic affiliation* referred to in Article 130 of the Criminal Code. Criminal complaints were filed due to phone threats sent to the National Theatre in Užice. An unidentified person threatened to set fire in the Theatre if Ustasha's flags were not removed from the building. The case was reported by a security guard at the Theatre, and the case was solved.

	НАПАДИ НА ЛГБТ ОСОБЕ									Претње упућене ЛГБТ особама путем мобилних телефона и друштвених мрежа			
	број пријављених напада			последице			број кривичних дела	број прекршаја	број извештаја о догађају достављених надлежном тужилаштву	број пријављених претњи	број идентификованих лица	број кривичних дела	број извештаја о догађају достављених надлежном тужилаштву
	физички	вербални		смрт	тешке	лаке							
2017	7	6	13		1	2	2	2	4	2	2	2	
2018	6	3	9		1	2	4		4	2	1	1	1
2019	11	8	19		2	5	7	5	7	3			1
2020	12	7	19			3	3	8	3	5	4	1	4
2021	14	4	18		3	2	6		5	3	3		1
I-X 2022.	11	9	20			6	2	4	7	2			2
	61	37	98		4	20	24	15	30	17	10	4	9

Source: MoI

A total of 98 assaults on LGBT persons were registered (61 physical assaults and 37 verbal assaults), when four people suffered serious and 20 minor injuries. Criminal complaints were filed in case of 24 criminal offences, requests for initiation of misdemeanour proceedings were submitted for 15 offences, and 30 reports were submitted to the competent prosecutor's office. It was acted upon a total of 17 reported threats against LGBT persons, and 10 persons were identified in relation to this, criminal complaints were filed in case of four criminal offences, and reports were submitted to the prosecutor's office in nine cases.

The website of the Autonomous Women's Centre contains data on the cases of femicide processed in quantitative and narrative half-yearly reports, annual reports and announcements made in the period from 2010 until today. Thus, in the report created for the period from 1 January 2022 to 30 June 2022 is stated that there was a total of 17 murders of women: 12 of the cases were murders in the family-partner context, and 5 of the cases were murders outside the family-partner context. The available reports show analyses of the characteristics of the victim, perpetrator, circumstances of each individual case, identified risk factors, and how institutions acted upon the reports that preceded each individual case of femicide.

33. Please indicate any follow up to the recommendations made by ECRI in its fifth cycle report on combating hate-motivated violence.

33.1.(64) ECRI recommends that the police and prosecution services ensure that investigations are opened in all cases of racist, homo- and transphobic violence, in particular when there is evidence pointing to the possible application of Article 54a of the Criminal Code on aggravating circumstances. Explicit reference to Article 54a of the Criminal Code should be made by the prosecution in the indictments.

In terms of initiating investigations in all cases of racist, homophobic and transphobic violence, the public prosecutor is, in accordance with Article 6, paragraph 1 of the Criminal Procedure Code, obliged to conduct criminal prosecution whenever there are grounds for suspicion that a criminal offence has been committed, or that a certain person has committed a criminal offence prosecutable *ex officio*. Accordingly, public prosecutors investigate and prosecute perpetrators for all criminal offences committed in hatred and apply Article 54a of the Criminal Code as a mandatory aggravating circumstance, unless it is prescribed as an element of the criminal offence (Inciting national, racial and religious hatred and intolerance referred to in Article 317 of the Criminal Code, Violent behaviour during sports event or public gathering referred to in Article 344a of the Criminal Code and Racial and other discrimination referred to in Article 387 of the Criminal Code).

III INTEGRATION AND INCLUSION

See ECRI's General policy recommendation No. 10 on combating racism and racial discrimination in and through school education (in particular section I) and ECRI's General policy recommendation No. 14 on combating racism and racial discrimination in employment

34. For which specific groups do integration or inclusions strategies/policies exist? Please provide brief details.

The Republic of Serbia is a country that in the past three decades has been faced with the influx of a large number of migrants who were forced to leave their places of residence due to armed conflicts. There are 25,330 refugees living in the territory of the Republic of Serbia who sought refuge after the collapse of the SFRY (17,334 from Croatia and 7,996 from Bosnia and Herzegovina), more than 400,000 refugees who took citizenship and most of whom achieved full social, economic and political integration, 196,140 internally displaced persons from Kosovo and Metohija as well as more than 16,000 returnees based on readmission agreements who have different needs in the process of reintegration into society. In addition, the Republic of Serbia provides support for the integration of a small number of refugees from countries outside the Western Balkans region (in the period 2008-2022, 219 persons received international protection).

For all the mentioned categories, there is a corresponding strategic or legal framework that defines the institutional competence and implementation mechanisms that provide the end users, as well as the measures by which the target groups are provided with adequate solutions in the process of integration and reintegration, as well as access to rights.

In accordance with the Law on Social Protection, all citizens of the Republic of Serbia exercise all rights and services in the field of social protection under the same conditions, regardless of race, gender, age, nationality, social origin, sexual orientation, religion, political, trade union or other commitment, property status, culture, language, disability, nature of social exclusion or other personal characteristics, and the principle of prohibition of discrimination against beneficiaries of social protection is one of the basic principles.

The social protection system is also dedicated to active training of its staff in terms of acquiring knowledge on recognizing discrimination. So far, several training programs have been accredited that focus on respect for human rights, anti-discrimination, as well as abuse and neglect, and through which professional workers are educated to recognize and react in such situations.

The law on the rights of users of temporary accommodation services in social protection defines the principle of non-discrimination of users, as well as the conditions for accommodation services that are provided in accordance with the will and desire of users, while respecting their life cycle, ethnic and cultural origin, life habits, developmental and other needs.

The Law on Free Legal Aid applies from October 1, 2019.

Guided by the principle of social inclusion, the following strategies were adopted:

- Strategy for social inclusion of Roma men and women in the Republic of Serbia for the period 2022 to 2030
- Strategy for improving the position of persons with disabilities in the Republic of Serbia for the period 2020-2024. years
- Strategy of deinstitutionalization and development of social protection services in the community for the period from 2022 to 2026
- Employment strategy in the Republic of Serbia for the period from 2021 to 2026, as well as the Action Plan for the period from 2021 to 2023 for the implementation of that strategy.

*The adoption of the Social Protection Strategy is expected.

a. Migrants

35. Please indicate any relevant developments and good practices, as well as follow up to the recommendations made by ECRI in its fifth cycle report, regarding the integration of migrants.

The integration program in the Republic of Serbia lasts one year and is intended for persons who have been granted the right to asylum in the Republic of Serbia. Within the framework of integration, the Commissariat for Refugees and Migration provides persons who have been granted the right to asylum with the development of an individual integration plan, accommodation, if necessary, lessons in the Serbian language and writing, as well as lessons on Serbian culture, history and constitutional arrangements, but and other measures provided for by the Regulation on Integration.

Depending on the amount of income per family member, the Commissariat provides assistance in the amount of up to the amount of the minimum wage determined per employee in the Republic of Serbia for the previous month, financial assistance required for the temporary accommodation of a person in a location that the person independently chooses and takes all measures to protect and prevention of discrimination.

The work on improving the employment of asylum seekers and persons with approved asylum includes the implementation of the Memorandum of Understanding between the Commissionerate, the National Employment Service and the UNHCR, which foresees the active involvement of the private sector, info sessions for employees of the National Employment Service and the Commissionerate, informative workshops and training for active search work and motivational and activation seminars for persons with approved asylum.

In accordance with the Law on Republic Administrative Fees (Article 19), persons who cannot pay the fee without harming their support or the support of their immediate family are exempt from the fee.

Full and timely information on rights, opportunities and obligations is carried out through individual counseling with an integration advisor, unhindered access to organized info sessions, and in cooperation with UNHCR, a Brochure on integration was created that contains all relevant information.

Information on the inclusion of children in the education system is covered in more detail in the answer to question 38.

Additional support services for persons who have been granted the right to asylum are provided in the form of free translation and cultural mediation services, legal counseling and representation, psychological and social support, but also assistance in finding private accommodation and access to the labor market and other state bodies. Support is also provided when creating or replacing personal documents, in the process of recognizing diplomas and enrolling children in the regular education system.

In the area of support for the social protection system in working with the migrant population in the period from 2020 to 2022, a whole series of different projects were implemented through which the work of 19 social protection institutions (centers for social work, centers for the accommodation of minor migrants, the Center for the Protection of Victims of Human Trafficking) as well as the Ministry itself was supported. Through these projects, more than 100 workers were engaged, 10 of whom were subsequently employed in the social protection system and in the field of work with migrants at other organizations, and currently 45 professional workers/associates are engaged. The accommodation capacities of unaccompanied minor migrants have been improved, guardianship authorities have issued 3,400 decisions on the appointment of a temporary guardian for minor migrants, more than 100 employees in the system have undergone training for working with the migrant population, hygienic means against covid have been provided (masks, gloves, disinfectants, etc.), off-road vehicles, etc. were acquired.

36. Are free language courses for learning the official language(s) offered to migrants? Please provide details of their design (i.e. number of hours, duration eligibility requirements) and the level of attendance by the above-mentioned groups, including adults and children.

Free Serbian language learning workshops are regularly held in asylum and reception centers where asylum seekers and migrants are accommodated, which are available to all accommodated persons, regardless of their legal status. Also, in some centers, depending on interest, free English language workshops are available for all accommodated persons.

In addition, persons who have been granted the right to asylum are provided with Serbian language and literature classes in the Republic of Serbia for the duration of 300 school hours, as well as the possibility of approving an additional 100 school hours of the Serbian language if the persons perform jobs that require a high school education. Children, i.e. persons who attend school regularly, are provided with 140 hours of Serbian language learning, while persons over 65 years of age are provided with 200 school hours.

37. Are integration courses offered to migrants? Please provide details about their length and scope.⁵⁸

Since the adoption of the new Law on Asylum and Temporary Protection (in 2018), the Commissariat for Refugees and Migration, together with UNHCR and non-governmental organizations, the Belgrade Center for Human Rights and the Center for Crisis Policy and Response, has formed a joint team to inform asylum seekers who are staying in asylum centers about their rights and obligations during the asylum application procedure, as well as in the integration program. This team visits asylum and reception centers and conducts specialized information sessions for persons housed in these centers.

38. Please provide any available gender-disaggregated data on:

- (i) the educational attainment of migrant children in pre-primary, primary, secondary and higher education**
- (ii) the share of early leavers (i.e. drop-out rate) from education and training**
- (iii) young migrant people not in employment, education or training.**

All children with approved asylum are included in the education system of compulsory primary education, and a large percentage of those who regularly attend secondary school. For children enrolled in preschool, primary and secondary education, as well as for illiterate adults who have been granted the right to asylum, the Commissariat for Refugees and Migrations provides assistance during inclusion in the education system in the Republic of Serbia, as well as free textbooks and school supplies.

From 2017 until now, 24 children have been granted asylum, of which 20 are of primary or secondary school age. All children are enrolled in regular education. Out of the total number of enrolled children, four children left school due to moving to another country.

After successfully passing the entrance exams, four young refugees enrolled in the faculties of Belgrade University in 2021. In accordance with the Lisbon Convention of the Council of Europe, the Republic of Serbia on 18.10.2021. In 2010, it joined the program of issuing the European Qualifications Passport for Refugees (EQPR), which summarizes

⁵⁸ A combination of language and orientation courses that should help integration into a given country (example Germany)

acquired qualifications, language skills and work experience that refugees cannot document.

Bearing in mind that migrant families are in transit through Serbia, as well as that classes in 2021 were partially implemented online, the Ministry responsible for education estimates that at least 43% of migrant students attended 25 hours of regular classes + 2 hours of supplementary classes on a weekly basis . Other migrant/asylum-seeking students, mostly those who have been in Serbia for more than a year, attended all classes, between 22 - 28 hours a week, depending on the class (UNHCR indicator). In addition to regular classes, more than 75% of migrant students are involved in extracurricular activities, directly, if the epidemiological conditions allowed, or online. For migrant students who stay in Serbia for a shorter period of time, a school report is prepared (in Serbian and English), which contains the level of educational competences that the migrant student reached during his education in Serbia, and which represents a kind of educational passport. During 2021, a total of 42 school reports were handed out for students who left Serbia.

The percentage of migrant/asylum-seeking students who receive additional educational support from teachers and professional associates at school (school years 2020/21 and 2021/22) is 95%. In 2021, 80% (of which 60% are girls) of migrant/asylum-seeking students have mastered the language of instruction in the education system sufficiently to be able to follow classes. At least 20% of migrant students, especially those who have been in the education system for more than one year, mastered the language of instruction very well. The Ministry of Education undertook a number of activities regarding the inclusion of children, refugees from Ukraine. The Ministry responsible for education has sent to all school administrations where the influx of children from Ukraine has been registered the Instruction on the inclusion of children from the population of migrants and refugees in the education and upbringing system of the Republic of Serbia. On that occasion, schools were sent information about the educational system in Ukraine in order to adapt the teaching materials as much as possible and connect with the system from which the children come, as well as information about the organization of the educational process for Ukrainian children who were evacuated from their place of permanent residence. The Ministry provided two translators for the Ukrainian language.

Depending on available funds, asylum and reception centers provide training and certification for occupations such as car mechanics, cooks, hairdressers, IT experts, janitors, hairdressers and tailors. In addition to these vocational trainings, occupational activities are also carried out in the form of workshops, which are organized depending on interest, such as, for example, photography, pottery, making souvenirs, etc.

39. Is there specialised support for migrant children in pre-primary and compulsory education, vocational training and higher education?

Migrant and refugee children work in school according to an adapted program, according to the instructions of the Ministry responsible for education. Educators are in daily communication with school representatives and monitor children's activities on a daily basis, help with homework and provide logistical support to childrens and teachers.

40. Are measures taken in pre-primary school to ensure that migrant children sufficiently master the language of instruction before entering primary school?

41. What is the procedure for formal recognition of foreign qualifications?

42. Please provide any available gender-segregated data on employment/unemployment rates of migrants.

Irregular migrants do not have the right to work in the Republic of Serbia.

Since 2017, asylum has been granted in the Republic of Serbia for 141 persons, of which 117 are men and 24 are women. According to the data of the Commissariat for Refugees and Migration, of the total number of persons with approved asylum, 32% are employed, while 10% of the total number of employed are women.

The labor force survey does not contain data on basic labor market indicators for the migrant population.

43. Please provide any available data on the representation of persons of immigrant origin in public administration.

44. Are there any special employment programmes for migrants? Are employers given any incentives, such as tax advantages, to recruit migrants?

Work on improving the process of integration and access to the labor market includes the implementation of the Memorandum of Understanding between the Commissionerate, the National Employment Service and UNHCR, signed on 07/09/2021.

Based on the joint activity plan for 2022, three info sessions were held for asylum seekers and persons granted asylum residing at private addresses, as well as three info sessions for employees at the National Employment Service and the Commissariat for Refugees and Migration. The 2023 plan envisages active job search training for asylum seekers and persons with rejected asylum, as well as motivational and activation seminars and the development of individual integration plans for refugees and asylum seekers who have a work permit.

One of the defined goals of the agreement is the aspiration that asylum seekers and persons with approved asylum be included in the "difficult to employ categories" in accordance with positive legal regulations, which will enable them to access special employment measures.

Asylum seekers and persons with approved asylum are mostly employed as translators, in call centers, or in the hospitality industry.

The application www.asylum.rs was also developed, which provides relevant and adequate information to asylum seekers and persons granted asylum with the aim of inclusion in the socio-economic environment in the Republic of Serbia. Serbian language and digital literacy classes were organized to support the rapid employment of persons with an approved right to asylum.

An example of good practice is the cooperation with the IKEA company, which offers asylum seekers and persons with approved asylum a 3-month paid internship in its store in Belgrade. This program offers the possibility of mastering new skills and easier integration into the labor market.

In the field of active employment policy, there are no special programs or facilitations for the employment of migrants.

45. Please provide any available gender-desegregated data on access to housing and health of migrants. Is there any specific legislation governing their housing? Are there any housing programmes available to these people?

In accordance with the Law on Asylum and Temporary Protection, the Commissariat for Refugees and Migration in the Republic of Serbia provides material conditions for the reception of asylum seekers, as well as temporary accommodation for persons who have been granted the right to asylum in accordance with the regulations governing the area of migration management.

The integration of persons to whom it is regulated in more detail is regulated by the Regulation on the criteria for determining priorities for the accommodation of persons who have been granted the right to asylum or granted subsidiary protection and the conditions for the use of housing for temporary accommodation.

Since 2017, 51 requests for approval of monetary compensation for housing have been submitted to the Commissionerate, for a total of 70 persons, and all persons who submitted the request were granted the aforementioned monetary assistance. Out of the total number of requests submitted, 21 requests related to persons of the female gender.

All migrants, regardless of their legal status, are provided with health care, including a mandatory examination upon admission to asylum and reception centers. All persons, in accordance with the indications, are provided with health care at the primary, secondary and tertiary levels. Depending on the number of persons housed in the center and the distance from the primary health care facility, health care is provided in the center itself

or in the nearest health facility. Special care is given to mothers and babies, children and reproductive health. Regular immunization of all children was established.

46. What are the requirements for family reunification of migrants?

The Law on Foreigners (Articles 56 and 61) prescribes the conditions for the approval of temporary residence for a member of the immediate family of a foreigner who has been granted asylum in the Republic of Serbia, as well as for humanitarian reasons for foreigners. Temporary residence from Articles 56 and 61 of the Law on Aliens is granted in accordance with Article 44 for a period of up to 1 year.

When acting on a request for approval of temporary residence for humanitarian reasons, facts and circumstances are taken into account indicating that the foreigner, for justified reasons, did not meet the general requirements for approval of temporary residence from Article 41, paragraph 2 and Article 43 of the Law.

47. Do non-nationals have the right to vote and stand for election at local level and under what conditions?

The Law on Local Elections (Article 3, Paragraph 1) prescribes the conditions for electing a councilor and for being elected as a councillor. According to this law, that right is exercised by an adult citizen of the Republic of Serbia.

48. What are the requirements for naturalisation? Does the related procedure set time-limits for its conclusion by the authorities?

Acquiring citizenship in the Republic of Serbia is regulated by the Law on Citizenship of the Republic of Serbia, which currently provides for four basic ways, namely: origin, birth on the territory of the Republic of Serbia, admission and on the basis of international agreements.

Admission to citizenship, i.e. naturalization, occurs upon personal request, which is decided by the Ministry of Internal Affairs in a special procedure. The circle of persons who can acquire our citizenship in this way includes: foreigners, emigrants from the Republic of Serbia and their descendants, members of the Serbian people and refugees, exiles and displaced persons from the territory of the former Socialist Federal Republic of Yugoslavia.

When it comes to the naturalization of foreigners, in accordance with Article 14 of the Law on Citizenship, a foreigner who has been granted permanent residence in the Republic of Serbia in accordance with the regulations on the movement and residence of foreigners may be admitted to the citizenship of the Republic of Serbia, provided that he has reached the age of 18 and that he has not been deprived of his business capacity and that he has a release from foreign citizenship or proof that he will receive a release if he is

admitted to the citizenship of the Republic of Serbia. A marriage union with a citizen of the Republic of Serbia for at least 3 years allows a foreigner to be admitted to the citizenship of the Republic of Serbia without dismissal from foreign citizenship, according to Article 17 of the same law. A prerequisite for submitting a request for admission of a foreigner to the citizenship of the Republic of Serbia is approval for permanent residence.

When it comes to the conditions for approval of permanent residence, a foreigner has the right to apply for permanent residence after five years of continuously approved temporary residence in the Republic of Serbia. At the time of submitting the application for approval of permanent residence, the foreigner must have an approved temporary residence on one of the grounds prescribed for the approval of temporary residence.

Continuous residence is considered to be the effective stay of a foreigner in the territory of the Republic of Serbia, with the possibility of multiple absences from the Republic of Serbia for up to ten months or a single absence of up to six months, in a period of five years.

In special cases, permanent residence may also be granted to a foreigner: who is in the territory of the Republic of Serbia in a marital or common-law union with a citizen of the Republic of Serbia or a foreigner who has been granted permanent residence and has spent at least three continuous years in an approved temporary residence based on family reunification; to a minor on temporary residence in the Republic of Serbia, if one of the parents is a citizen of the Republic of Serbia or a foreigner who has been granted permanent residence; who originates from the Republic of Serbia; to another foreigner who has an approved temporary residence, if this is dictated by reasons of humanity or if it is in the interest of the Republic of Serbia.

- 49. Please provide any available gender-disaggregated data on:**
- (i) the share of migrants holding permanent or long-term residence permits;**
 - (ii) the share of migrants that have acquired citizenship;**
 - (iii) the share of migrants among elected representatives.**

Temporary residence on humanitarian grounds was approved for 96 foreign citizens as of 2022. The period for which temporary residence is approved is up to 1 year.

b. Roma⁵⁹

See ECRI's General policy recommendation No. 13 on combating antigypsyism and discrimination against Roma

⁵⁹ The term "Roma" includes not only the Roma but also the Sinti, the Kale, the Ashkali, the Egyptians and related population groups in Europe, along with the nomads.

50. Please indicate any relevant developments and good practices, as well as follow up to the recommendations made by ECRI in its fifth cycle report, in respect of the integration/inclusion of Roma.

50.1 (76) ECRI recommends that the Serbian authorities designate the central, provincial and local authorities that are responsible for the achievement of the goals and the implementation of the related measures of the Roma strategy, that they designate the necessary human and financial resources for their implementation, that they set up a strong monitoring procedure and structure and that they ensure that the specific needs of Roma displaced from Kosovo are met.

The socio-political system of the Republic of Serbia is based on the principle of complete protection of national minorities. The issue of the position of national minorities is resolved and implemented by the Republic of Serbia in accordance with the provisions of the Framework Convention of the Council of Europe on the Protection of National Minorities and on the basis of international treaties on human rights, and in accordance with the Constitution of the Republic of Serbia. Regular elections for members of 23 national councils were held on November 13 this year. , among which is the National Council of the Roma National Minority.

Since 2017, the Coordinating Body for Monitoring the Implementation of the Strategy for the Social Inclusion of Roma and Roma Women in the Republic of Serbia has been operating with the task of considering all issues and coordinating the work of state administration bodies, bodies of local self-government units, public companies and other forms of organization by the Republic of Serbia and local units. of self-government in connection with tasks from their scope of work in connection with the social inclusion of Roma men and women in the Republic of Serbia. In June 2021, the Government re-establishes the Coordination Body, and in August of the same year, the expert group of that body. The President of the Coordination Body is the Prime Minister, and the members are mostly ministers and representatives of the National Council of the Roma National Minority.

In accordance with the Law on Ministries from 2020 established the Ministry for Human and Minority Rights and Social Dialogue, within which a special Department for the Improvement of the Position of Roma and Roma Women was formed.

Information about displaced Roma from the territory of AP Kosovo and Metohija can be found in the answers to question number 58.

50.2 (80) ECRI recommends that the Serbian authorities significantly and annually increase pre-school attendance rates among Roma children and in particular among those living in Roma settlements. At the same time, they should ensure that they acquire sufficient mastery of the future language of instruction prior to entering primary school.

50.3 (82) ECRI recommends that the authorities, in particular the school authorities, focus on objective 5.1 of the Roma action plan to ensure full inclusion of Roma children in pre-school, primary and secondary education, that they swiftly implement the related measures and that they fix ambitious goals for core indicators such as increasing enrolment and completion rates in primary and secondary school.

Amendments to the Law on Prohibition of Discrimination recognize segregation as any act by which a natural or legal person separates another person or group of persons without objective and reasonable justification based on personal characteristics. However, the process of deinstitutionalization, inclusive education and improvement of the social housing policy, and other processes that include measures against segregation, cannot be implemented by simply declaring null and void provisions of the existing legislation, but the process requires constant work on amendments and additions to the legal, strategic and institutional framework, which is foreseen in the Strategy for prevention and protection against discrimination for the period from 2022 to 2030.

According to the opinion of the Protector of Citizens, the segregation of Roma children in education is still present. Amendments to the Law on the Education and Training System, which enabled parents to choose the school of their choice when enrolling their children in elementary school, and not the school in the territory of the local or local self-government where they live, led to the fact that in some areas parents of non-Roma origin they do not enroll children in schools where a large number of Roma students attend classes.

According to the opinion of the Protector of Citizens, despite the fact that the Ministry responsible for education has implemented numerous activities to prevent the segregation of Roma children and the formation of separate departments, practice has shown that this problem persists despite the measures taken. In the field of education, certain advances have been made when we talk about the inclusion of Roma children in the education system, especially in the preschool program. It is necessary to further specify the records on the number of Roma children in the education system. Despite great efforts and implemented activities, the problem of segregation persists in the education system with a tendency to increase the number of schools attended exclusively by Roma children.

In addition, see the answers to question number 16.

50.4 (85) ECRI recommends that the Serbian authorities continue putting special focus on implementing the objectives and measures on Roma housing in section 5.2 of the Roma strategy and solicit for this purpose funding from international donors.

The action plan for the implementation of the Strategy for the Social Inclusion of Roma and Roma Women in the Republic of Serbia foresees concrete measures and activities in the area of housing and funds from both the budget and donors.

See the answer to question number 60.

50.5 (89) ECRI recommends that the Serbian authorities develop a system of integration indicators and strengthen the collection of equality data, while ensuring the principles of confidentiality, voluntary self-identification and informed consent. This data should be used to improve integration and reduce discrimination against minorities in fields such as education and employment.

After the law on gender equality, the Law on Gender Equality was adopted in May 2021, which prescribes and regulates the keeping of statistical data classified by gender in public authorities and employers (Article 12). Information and statistical data that are collected and recorded by public authorities and employers in all areas where the measures from this law are implemented must be, apart from being aggregated, classified and reported by gender and age. For the first time, this law includes data on unpaid domestic work, which are collected and recorded by the republican body responsible for statistics and published publicly, representing the official statistics of the Republic of Serbia, in accordance with the law.

In addition, see the answers to question number 56.

50.6 (91) ECRI recommends that the authorities give high priority to hiring a proportionate number of Roma and members of other minorities to the civil service and ensure that they benefit from equally stable working conditions as other civil servants.

Affirmative measures aimed at ensuring appropriate representation of members of national minorities in state bodies, bodies of the autonomous province and LGUs, public services and public agencies are implemented in accordance with the laws, the Action Plan for Negotiating Chapter 23: Justice and Fundamental Rights, the Action Plan for the realization of the rights of members of national minorities, the Strategy for the social inclusion of Roma men and women in the Republic of Serbia for the period from 2022 to 2030, as well as the recommendations of the Advisory Committee of the Framework Convention for the Protection of National Minorities of the Council of Europe.

Relevant laws and regulations for the application of affirmative measures in the field of employment:

- Law on employees in autonomous provinces and local self-government units
- Law on Public Agencies
- Law on civil servants
- Law on employees in public services
- Regulation on criteria for classifying jobs and criteria for job description of officials in autonomous provinces and local self-government units

- Regulation on the implementation of internal and public contests for filling positions in autonomous provinces and local self-government units

At the local level, there are coordinators for Roma issues, employees of the municipal administration and mobile teams for Roma inclusion, made up of representatives of local institutions. In the reporting period, the number of persons in charge of Roma issues ranged between 70 and 80 out of a total of 150 local self-government units, while the number of coordinators for Roma issues who are members of the Association of Roma Coordinators is about 50. The capacities of mobile teams were strengthened in 2022 as part of the IPA project. support in vehicles and computers for 30 local self-government units in order to equip mobile teams for the inclusion of Roma.

When it comes to local social welfare institutions in the Raška region, the directors of two social welfare institutions in Tutin are of Bosniak nationality, the director of the center for social work in Sjenica is of Serbian nationality, and the director of the center for social work in Novi Pazar is of Bosniak nationality. The workers employed in these institutions are mostly of Bosniak and Serbian nationality.

The center for social work in Preševo employs 9 workers, one of whom is of Serbian nationality and 8 of whom are Albanian, including the director of the institution. The center for social work in Bujanovac employs 13 workers, of which 10 are of Albanian nationality, including the director, 1 of Serbian nationality, 1 of Roma nationality and 1 of Macedonian nationality.

The total number of centers for social work in Serbia is 141 and this network covers the entire territory of the Republic. All information about services and rights from the social protection system can be obtained in these centers, and where the majority national minorities live, information can also be obtained in the languages of the minorities. Also, workers belonging to national minorities are employed in these areas, which is necessary for communication with the parties. For now, we do not have information on the number of Roma who are employed in social welfare institutions.

51. Please provide any available gender-disaggregated data on:

- (i) the educational attainment of Roma children in pre-primary, primary, secondary and higher education**
- (ii) the share of early leavers (i.e. drop-out rate) from education and training**
- (iii) adult Roma participation in life-long learning programmes**
- (iv) young Roma people not in employment, education or training.**

See the answer to question number 16.

52. Are there specialised support and/or positive measures for Roma children in pre-primary, primary, secondary and higher education, and vocational training?

There is specialized support and affirmative measures for enrollment in secondary school and higher education. Enrollment of children in the pre-school education system is encouraged, and enrollment in elementary schools without conditions in terms of identification documents, etc. See the answer to question 16.

53. Are measures taken in pre-primary school to ensure that Roma children sufficiently master the language of instruction before entering primary school?

See the answer to question number 16.

54. Are there any “Roma-only” schools or classes?

See the answer to question number 16.

Unemployed persons and employment from records -Roma-	Unemployed Romani men and women on the NES records (October 31, 2022)		Cases of employment of Roma men and women from the NES records (cumulative January-October 2022)	
	Total	Women	Total	Women
I KS	23,800	12,574	2,874	1,263
II KS	348	121	116	53
III KS	1,754	554	1,194	394
IV KS	1,104	546	1,115	552
V KS	13	1	22	11
VI - 1 KS	38	21	64	41
VI - 2 KS	43	30	132	94
VII - 1 KS	112	61	283	152
VII - 2 KS	3	1	1	0
VIII KS	2	1	2	1
Total by level of qualification	27,217	13,910	5,803	2,561
15 - 19	1,849	918	451	157
20 - 24	2,632	1,364	813	339
25 - 29	3,080	1,558	795	347

55. Please provide any available gender-disaggregated data on employment/unemployment rates of Roma.

30 - 34	3,317	1,768	808	342
35 - 39	3,182	1,661	720	372
40 - 44	3,155	1,610	708	358
45 - 49	3,159	1,677	614	300
50 - 54	2,706	1,376	369	181
55 - 59	2,364	1,175	320	113
60 - 65	1,773	803	205	52
Total by age	27,217	13,910	5,803	2,561
to 3 monts	3,275	1,509	1,994	816
3 to 6 monts	1,887	904	935	416
6 to 9 monts	1,624	795	663	306
9 to 12 monts	1,204	566	347	136
1 до 2 године	4,154	2,110	749	322
2 to 3 year	2,714	1,292	321	147
3 to 5 year	3,405	1,743	333	167
5 to 8 year	3,962	2,181	222	120
8 to 10 year	1,328	733	69	35
More than 10 year	3,664	2,077	170	96
Total by length of job search	27,217	13,910	5,803	2,561

The labor force survey (a basic survey that collects data on the state, movements and trends in the labor market) does not contain data on the basic indicators of the labor market based on belonging to a national minority.

In the category of young Roma, from 15 to 29 years of age, as of 31.10.2022. 7,561 Roma (3,840 women) were registered on the register of unemployed persons of the National Employment Service, which represents a share of 27.78% of the total number of Roma registered on the register of the National Employment Service.

56. Please provide any available data on representation of Roma in public administration. Is there a quota system or are there special programmes designed for increasing their recruitment in the civil service?

Amendments to the Law on Civil Servants, which has been in force since January 1, 2019, provide that the Central Personnel Records shall keep data on nationality, as well as the language in which primary, secondary and higher education was obtained, based on the principle of voluntary declaration .

Regarding the collection of data on nationality when it comes to employees in bodies of autonomous provinces and units of local self-government, the Law on Employees in Autonomous Provinces and Units of Local Self-Government stipulates that, among other data on employees that are kept in personnel records, information on nationality is also kept. affiliation, which is conducted in accordance with the principle of voluntary declaration, as well as information on the language in which the employee completed primary, secondary and higher education, with the written consent of the employee.

The Law on the Central Register of Compulsory Social Insurance stipulates that the Central Register for Compulsory Social Insurance takes over the tasks of keeping the Register of employees, elected, appointed, appointed and engaged persons with users of public funds, in which, in accordance with current regulations, among other things, data is entered on nationality, information on the language in which primary school was

completed and the language in which secondary school was completed, in accordance with the principle of voluntary declaration prescribed by the Constitution. Also, the Ministry of Finance is establishing the Register for the single record of users of public funds "Iskra", which supports the entry of data on the nationality of employees in the public sector, in accordance with the principle of voluntary declaration.

The Ministry of Human and Minority Rights and Social Dialogue in cooperation with the German development cooperation program "Inclusion of Roma and other marginalized groups in Serbia" implemented by GIZ in Serbia, the Office for Roma Inclusion of the Autonomous Province of Vojvodina and the Association of Roma Students launched program "Encouraging the employment of highly educated Roma and Roma women in local self-government units" with the aim of encouraging the employment/work engagement of highly educated Roma and Roma women in local self-government units in the profession for which an academic and professional type of qualification was obtained, i.e. the sixth and seventh level of qualification. Program was implemented by sending a public call to local self-government units. All local self-government units on the territory of the Republic of Serbia can participate in the implementation of the Program, and in their organizational units, public enterprises or institutions, they need to employ/work a person with the sixth or seventh level of qualification, and through this public call, around 2,400 euros are provided for each employee. / employed person. As a result of the project, 19 people were employed in local self-government units.

In 2022, the Government established the Commission for the Regulatory Framework for the Improvement of Roma Employment in the Public Sector.

57. Are there any special employment programmes for Roma? Are employers given any incentives, such as tax advantages, to recruit Roma?

Active employment policy measures implemented by the National Employment Service are determined by the Action Plan for the period from 2021 to 2023 for the implementation of the Employment Strategy in the Republic of Serbia for the period from 2021 to 2026. In certain measures, the institute of affirmative action for members of the Roma national minority was clearly applied. within the framework of the Action Plan, which is available in both Serbian and English. During 2021, Training for Active Job Search and Training for Entrepreneurship Development, which are also available in the Romani language, were set up in digital format.

In order to encourage the self-employment of persons of Roma nationality to start their own business, special funds for the self-employment of Roma have been determined, which are approved in the form of a one-time subsidy. In 2022, as in the previous period, employers were provided with financial support for encouraging the employment of persons from the category of difficult employability, including persons of Roma nationality, within the framework of several support modalities. One of the types of

support refers to a subsidy for the employment of unemployed persons from the category of difficult to employ in a one-time amount. The amount of this subsidy is determined according to the level of development of the region. As part of the Public Works measure, which is organized for the purpose of employment of Roma and persons from other less employable categories, the funds are intended for the organization of public works in accordance with the Public Call.

Starting from the fact that the unfavorable educational structure of the Roma as well as the lack of work experience is directly reflected in the difficulty of employability, by including the Roma in additional education programs such as measures of functional basic education, training at the request of the employer to acquire practical knowledge for performing specific jobs, training for the market of work significantly contributed to the increase in employability and the integration of Roma into the labor market. In order to acquire practical knowledge and skills through the performance of specific jobs by establishing an employment relationship, by participating in the Acquiring practical knowledge measure, under the conditions defined by the Public Call, the employer exercises the right to compensation of salary costs for the involved persons in the amount of the minimum wage with the associated tax and contributions for the duration of three months. Roma and people with disabilities have priority when including in this measure.

In addition to financial support measures, the National Employment Service in working with persons of Roma nationality undertakes a number of other activities to provide support in strengthening skills for active job search, by including in trainings to strengthen self-confidence, motivation in the job search process and participation in employment fairs. In 2022, online trainings that can be followed in the Romani language began to be conducted for persons who possess digital skills, namely: Training for active job search and Path to a successful entrepreneur.

The National Employment Service actively cooperates with all relevant institutions, including the government sector, the civil society sector and employers, on the implementation of activities on the integration of Roma into the labor market and into society by implementing affirmative measures such as the fight against discrimination, promoting gender equality, equal opportunities for access to the market of work through individual and joint actions primarily within project activities.

58. Please provide any available gender-disaggregated data on access to housing of Roma. Is there any specific legislation governing their housing? Are there any housing programmes available to Roma? Is forced eviction a recurring problem among this community?

The Republic of Serbia continues to lead the integration policy of the fight against ethnic, social and economic segregation. Public policy measures, which are designed and implemented to provide housing support to Roma, primarily relate to the improvement of

housing conditions for Roma in Roma settlements, provided for by the Law on Housing and Building Maintenance and the Strategy for the Social Inclusion of Roma and Roma Women in the Republic of Serbia until 2030. years. The National Housing Strategy Proposal was prepared.

On the basis of the Law on Housing and Building Maintenance, several by-laws and regulations were adopted that are harmonized with international treaties on human rights, in terms of appropriate housing and protection during forced evictions. In addition, in order to bring the Law closer to citizens and target groups, a guide was created - The Law in Pictures (5,000 copies were printed).

Emigration from informal settlements is carried out in compliance with the highest international human rights standards. The Law on Housing prescribes when, how and under what conditions the eviction procedure is carried out, legal protection in that procedure, as well as the possibility of moving to a suitable accommodation, if they do not own another real estate for housing or the means to provide another accommodation.

In all cases of displacement, the City of Belgrade consulted with the displaced population before the displacement. All affected persons, groups and communities have the right to give prior full and informed consent to relocation. None of the residents suffered damage in terms of their human rights, nor was their right to continuous improvement of living conditions violated. All displaced families were entitled to compensation for the loss, collection and transportation of their property affected by the eviction. No displacement of informal settlements has resulted in an individual or family becoming homeless.

Displaced residents are provided with access to education (enrollment in schools and kindergartens, transportation to school, free textbooks, additional classes in the settlement), and all costs for the aforementioned are borne by the city of Belgrade. In order to improve the overall quality of life in the newly formed settlements, administrative, commercial services, social protection services (financial social assistance, one-time assistance, free meals for all socially vulnerable citizens, presence of social services, etc.), personal documents, public transport, waste removal, maintenance of settlements and their surroundings (disinsection, disinfection, pest control), arrangement of settlements (installation of children's playgrounds, arrangement of green areas). A certain number of jobs were offered to able-bodied tenants in social housing and newly formed settlements - both in municipal utility companies and in private companies. Motivational workshops were also organized for them, where they received practical advice for employment, the opportunity to complete elementary school, vocational training, courses, etc.

The Assembly of the City of Belgrade adopted the Strategy for Social Inclusion of Roma and Romani Women in the City of Belgrade for the period from 2022 to 2032, with an Action Plan for the period from 2022 to 2024.

Also, at the end of 2019, the City of Belgrade adopted a local action plan for improving the position of refugees, internally displaced persons and returnees based on the Readmission Agreement residing in the territory of the City of Belgrade for the period 2020 to 2024. In order to be informed about rights and services in the field of social protection, health insurance, free legal aid, etc. In May 2022, the city of Belgrade created the website "Otvoreni Beograd - Open Belgrade", which is available in Serbian, English and Russian.

Although the legislative framework in the area of housing has been significantly improved by the adoption of the Law on Housing and Building Maintenance, according to the Protector of Citizens, special support to local governments is necessary in the area of housing and the provision of guidelines for the preparation of documents and procedures during the displacement of Roma settlements. To this end, in mid-2022, the Ministry of Construction, Transport and Infrastructure drafted Guidelines on protection against/during forced evictions caused by development activities in accordance with the Law on Housing and Building Maintenance, which are fully aligned with international legal acts for the protection of human rights.

The Protector of Citizens concluded that the displacement and care of the residents of the Viadukt settlement was completed in January 2021 with respect for their human rights and respect for the demands they made. In May 2021, the Protector of Citizens monitored the displacement of residents from the suburban settlement Rakovica selo, which is located on the site where the construction of the international highway E-75 is planned. The Protector of Citizens mediated until the end of the displacement of citizens living in this settlement and supervised the work of competent authorities, so that the guaranteed rights of the citizens living there were fully realized and their demands met.

The Republic of Serbia takes care of 196,140 internally displaced persons who had to leave their homes in Kosovo and Metohija seeking safety and protection from persecution, guided by the UN Guiding Principles on Internal Displacement. Unfortunately, even after more than 20 years of persecution, no permanent solutions have been found for these persons that would be in accordance with the Framework for Permanent Solutions for Internally Displaced Persons (IDPs), primarily due to the inability to achieve a sustainable return, nor to achieve free access his property. According to records, 10% of IDPs are Roma.

The Commissariat for Refugees and Migration works within its competences to improve living conditions and improve the socio-economic status of all internally displaced persons, where special attention is paid to members of the Roma national minority, which is recognized as an extremely vulnerable and endangered category within the internally displaced population. Although there is no obligation for persons to declare their nationality, the criteria for establishing priorities when providing support give priority to

the usual Roma family (multi-member families, families with children, multi-generational families, families without adequate housing conditions).

The Commissariat for Refugees and Migration ensures that Roma are adequately represented in municipal and city plans for solving the issues of various categories of migrants. Based on these local plans, it is possible for local governments to apply for funds from the budget of the Republic of Serbia.

The commissariat annually allocates about 120 million dinars for the improvement of living conditions and housing for internally displaced persons through the purchase of rural houses and the allocation of construction materials. Also, the Commissariat annually allocates about 20 million dinars for the reintegration of returnees under the readmission agreement, most of whom belong to the Roma population, through the allocation of packages of construction materials and the purchase of rural houses.

Support for the aforementioned categories of persons is also provided through various projects, such as the IPA 2014 project "Ensuring the improvement of the living conditions of internally displaced persons and returnees based on the Agreement on readmission in Serbia and support for a sustainable return to Kosovo". Through this project, 273 internally displaced and returnee families were provided with housing through the purchase of prefabricated and rural houses and the allocation of packages of construction materials. Also, 182 packages for economic empowerment were awarded. A significant part of these users was of Roma nationality.

Strategy for social inclusion of Roma and Roma women for the period 2022-2030. with the accompanying action plan for the implementation of the Strategy for the period 2022-2024. year, foresees an activity related to the provision of housing solutions for Roma internally displaced persons and returnees under the Readmission Agreement.

The Office for Kosovo and Metohija implements a housing care program for internally displaced persons, often in secondary, tertiary or further displacement, who live in the territory of Kosovo and Metohija but not in their places of origin. There is no special notation or separation based on ethnic or national affiliation. In other words, Roma participate equally in those programs. From January 2019 to November 2022, the construction and capital reconstruction of 2,835 residential units was carried out, of which 146 individual residential buildings were built and reconstructed, 822 apartments - residential units in 44 buildings, as well as assistance in building materials for adaptation was delivered. rehabilitation, extension and completion of the started construction for 1,867 households in Kosovo and Metohija.

59. Are there appropriate encampment areas, whether for permanent occupation or transit, available to Travellers in sufficient numbers on suitable and duly serviced sites?

60. Please provide any available gender-disaggregated data on access to health care of Roma. What steps have been taken to improve the health of Roma?

The result of the work of health mediators was assessed by the European Commission as the most successful public policy measure in the field of the inclusion of Roma men and women. During 2019, 85 trained health mediators were hired within the health care system, signifying a significant increase in the number when compared to 2017 (60). Thanks to the engagement of health mediators, Roma women have gained easier access to health services, and the trend of conducting systematic and gynaecological examinations has continued. There has been an expansion in the number of health examinations of pregnant women and mothers giving birth, as well as in the number of vaccinated women and children. In the last ten years, the mortality rate of Roma children has been reduced by 50 %. In order to reduce significant regional differences in the infant mortality rate, new standards for the regional organization of newborn care are being developed. In 2019, health mediators conducted 4,229 first-time visits and 10,740 additional visits. In 2020, 8,250 vaccinations and systematic examinations of Roma children were performed, while documents (health books, personal documents) were provided for 2,150 persons. In addition, 10,500 children attended workshops and planned interviews were conducted in various areas of health education.

Although the legal framework for realizing the rights of Roma women to reproductive health protection has been improved, and the work of health mediators has significantly contributed to the increase in the number of Roma women and Roma children with health insurance who use health services, in the opinion of the Protector of Citizens, information on reproductive health protection is not sufficiently available. Activities on the prevention of reproductive health and education of Roma women on reproductive health are not carried out systematically, but mainly through projects of civil society organizations. Therefore, in accordance with the repeatedly repeated recommendations of the Protector of Citizens, it is necessary for the Ministry of Health to regulate the position of health mediators in a sustainable and permanent way, and to develop counseling services for young Roma women and men.

The Protector of Citizens points out that for internally displaced Roma, an additional problem in accessing health care is the impossibility of registering residence in informal collective centers and informal settlements. Namely, internally displaced persons, based on the status of internally displaced persons, could acquire the status of insured and apply for health insurance in the place of residence if they have a registered residence.

61. Have any steps been taken to address the practice of early marriage among Roma?

The instruction on the way of work of the center for social work - guardianship body in the protection of children from child marriage stipulates the obligation of all centers to

keep records of users who were in a situation of risk of entering into child marriage and in child marriage, and in relation to which they undertook measures and services from their jurisdiction. In 2020, the centers identified 191 children (11 boys, 180 girls), of which 141 cases are child victims of child marriage, and the remaining 50 cases refer to children for whom the court ex officio asked the CSW to provide professional opinions in the procedure of granting consent for the entry of minors into marriage.). Of these, 17.3% of children are without parental care. Among the identified children, the age of 16 and 17-year-olds dominates, 70% (134 children), but the number of 57 children under 16 years old (30%) is not negligible. Data on nationality indicate that the occurrence of child marriage is the most numerous among children of Roma nationality, and out of the total number of children, it is 102 children (53.4%).

The action plan (2022-2024) for the implementation of the Strategy for the social inclusion of Roma and Roma women in the RS for the period 2022-2030 foresees the activity 1.2.13. Organizing campaigns to raise awareness about the negative effects of child and forced marriages on the health and well-being of women and girls, which is supported by the Ministry for Human and Minority Rights and Social Dialogue, and which should be implemented by the end of 2024 with the help of the German Organization for International Cooperation (GIZ) and the Council for Regional Cooperation.

During 2021, the Protector of Citizens actively participated in the work of the Subgroup for Normative Changes formed by the National Coalition for the Prevention of Child Marriage in Serbia. The subgroup initiated changes to the Family Law, the Law on Prevention of Domestic Violence and the Criminal Code, with the aim of ensuring more adequate civil and criminal protection of children against child, early and forced marriages, as a form of violence against children, and pointed out the need for domestic regulations to be harmonized with international agreements that the Republic of Serbia confirmed in the field of children's rights and violence prevention.

In 2019, the Coordinating Body for Gender Equality and UNICEF in Serbia launched an initiative to form a National Coalition to End Child Marriage in Serbia. The general goal of the National Coalition is to contribute to the end of child marriages in Serbia, especially in the Roma population, through the directed and coordinated action of relevant actors, through: 1) advocacy for the removal of institutional and social obstacles to the implementation of relevant legislative and strategic frameworks; 2) promotion of examples of good practice that are implemented in partnership with local communities, non-governmental, governmental and private sectors and the media.

In 2021, the National Coalition initiated changes to three key laws in this area: the Criminal Code, the Family Law and the Law on Prevention of Domestic Violence. According to the current draft of the Family Law, the proposal of the National Coalition will be accepted that marriages cannot be concluded even with the permission of the court

if one of the spouses is a minor. Therefore, the article in the law that refers to the conclusion of "underage marriages" is currently, according to the latest draft, removed from the family law. Also, a social media campaign "Childhood, not marriage" was launched to raise awareness about the harmfulness of early marriage.

The Coordinating Body for Gender Equality co-chairs the work of the National Coalition to End Child Marriage together with the Roma organization Ternipe. In the past two years, regular coalition meetings were held with the aim of information exchange and synergistic action. Also, in 2022, the coalition, with the support of UNICEF, began to prepare and distribute an Informator with an overview of the key activities of all actors in this area.

62. Please provide any available gender-disaggregated data on the number of Roma who are not registered in the civil registry or do not have personal identity documents. What measures have been taken to remedy this?

The legislative framework enables every child to exercise the right to be registered in the birth register after birth, while respecting legal certainty, both individual - the child and the system as a whole. Implementing the standard of identifying the mother in the procedures in which the rights of children are decided provides a protection mechanism in order to prevent any possible type of abuse (e.g., trafficking in children and people). As important as it is for every child to become legally visible after birth, which is achieved by registration in the birth register, it is at the same time important to ensure the legal security of the child. This is achieved by identifying the parents, primarily the mother.

Great progress in the field of resolving the so-called legal invisibility was achieved through the improvement of the legal framework during the implementation of the *Agreement on Understanding between the MSALSG, the Protector of Citizens and the UN High Commissioner for Refugees - Representation in RS* (2012-2016). A later Agreement was concluded in October 2019. During its implementation, it was estimated that 0.45% of persons living in informal settlements were not registered in the birth register (in 2010 it was 1.8%, and in 2015 1%). According to the results of the MICS-6 survey (multiple indicator cluster survey) from 2019, 99% of children under the age of five from Roma settlements were registered in the birth register. There are no significant variations in the percentage of children registered in the birth registry according to basic characteristics.

Bearing in mind that cases where a person is not registered in the birth register now appear as an exception, the activities under the 2019 Agreement were focused on cases of birth of a child whose parent does not have personal documents. To this end, in 2020, the *Instruction for dealing with cases of childbirth whose parents do not have personal documents* was drafted in order to enable registration in the birth register. For the purpose of effective implementation of the Instruction in 2021 and 2022, round tables were held at which more than 500 officials were trained - registrars, police officers, officials of social work centres and providers of free legal aid.

The third Memorandum of Understanding between the Ministry of State Administration and Local Self-Government, the Protector of Citizens and the UNHCR was signed on February 10, 2022. Activities from this agreement are related to the end of the global ten-year campaign "I Belong" (#IBelong). This campaign aims to eradicate statelessness worldwide by November 2024. Further activities are aimed at preventing the emergence of new cases of persons who are not registered in the birth register, through identifying the remaining cases and providing support and assistance to resolve their status issues, and in this direction, an information campaign for representatives was held in Belgrade in December 2022. of the Roma community, who were informed on this occasion how and to whom they can contact in order to exercise the right to be registered in the birth register and obtain personal documents. This type of support for members of the Roma population through information campaigns is planned for 2023 as well

The Ministry of Internal Affairs keeps records of issued identity cards and travel documents, and is unable to state the number of Roma who do not have these identity documents. Based on the research, it was estimated that 253 people who are not registered in the birth register live in informal settlements, 275 people who do not have confirmed citizenship of the Republic of Serbia, 1032 people without an identity card and 2027 people who do not have a registered place of residence.

The Office for Kosovo and Metohija implements the Project of free legal aid, support and provision of information needed to ensure the protection and realization of the rights of internally displaced persons (from Kosovo and Metohija), refugees and returnees after readmission, as part of the Pre-Accession Assistance Program IPA 2016. Target group of beneficiaries includes all persons from the above categories who apply for some kind of assistance, among whom there are Roma internally displaced from Kosovo and Metohija as well as Roma repatriated in the readmission process, including Roma originating from Kosovo and Metohija. Records are not kept of national or ethnic affiliation, it is enough that the party is a citizen of the Republic of Serbia, on the basis of which they exercise their rights equally.

The most significant financial benefits aimed at the poor in the social and child protection system of the Republic of Serbia are cash social assistance, child allowance and one-time assistance. Data from the 2019 Multi-Indicator Survey on the Situation of Women and Children in Serbia (MICS 6) conducted by UNICEF show that all households in Roma settlements have heard of at least one monetary social benefit, while 84% use one of them. The coverage rate of vulnerable Roma population with financial social assistance is significant. In Roma settlements in 2019, every second household received cash social assistance, 61% received child allowance, and 6% received one-time cash assistance. More than half of household members aged 5–24 who attend primary education or higher levels of education received during the academic year 2019/2020. subsidy for kindergarten, scholarship, loan for schooling or some other type of material aid for schooling (MICS 6). The adoption of the Law on the Social Card (2021) and the establishment of the Social Card Register (2022) made it possible to exercise rights more

easily for users, integration with the data of the National Employment Service (NES) on unemployment, systematic review and finding of the most vulnerable unemployed persons, as well as georeferencing of vulnerable groups and individuals on the territory of the Republic of Serbia.

63. Please provide any available gender-desegregated data on the share of Roma among elected representatives.

The National Assembly has 250 deputies. In the HC convocation of the National Assembly, which was constituted on August 1, 2022, three MPs declared themselves as members of the Roma national minority (two women). In the previous convocation of the National Assembly, the Committee for Human, Minority Rights, and Gender Equality formed a Subcommittee on Roma. The subcommittee was responsible for monitoring the implementation of the law and other general acts and considering other issues in the field of improving the position of Roma in the Republic of Serbia and especially to analyze the adequacy of the existing legal framework monitors the implementation of international documents related to Roma issues. Considers and encourage measures and activities for the development and improvement of the position of Roma, considers and proposes action on initiatives, petitions, petitions and proposals submitted to the Committee, which relate to issues of the position of Roma. The Subcommittee had a number of activities related to issues of Roma language, fostering the culture of remembrance of Roma victims of the Holocaust, and he organized the regional conference "Inclusive policies for Roma", in cooperation with the Westminster Foundation for Democracy and the OSCE Mission in Serbia.

IV TOPICS SPECIFIC TO EACH COUNTRY

Please provide information about any further follow up taken by your authorities on the interim recommendations made by ECRI in its fifth cycle report which were not, or only partially, implemented.

64.1 (7) ECRI recommends that the Serbian authorities bring their criminal law into line with its General Policy Recommendation No. 7; in particular they should (i) include in criminal law provisions aimed at combating racism and intolerance the grounds of skin colour, language, citizenship, ethnic origin, sexual orientation and gender identity, (ii) criminalise incitement to violence, (iii) criminalise incitement to hatred, discrimination and violence against persons or groupings of persons living outside Serbia, (iv) criminalise all denial, trivialisation, justification or condoning of crimes of genocide, crimes against humanity or war crimes and (v) criminalise the creation or the leadership of a group which promotes racism, support for such a group, and participation in its activities.

64.2 (15) ECRI recommends that the Serbian authorities bring their anti-discrimination legislation fully into line with ECRI's General Policy Recommendation No. 7; in particular they should (i) ensure that it is possible to take legal action in cases of indirect discrimination even before actual disadvantages occur, (ii) clarify the scope of the general prohibition of discrimination in the Serbian Law on the Prohibition of Discrimination, (iii) introduce a legal provision placing all public authorities under positive duty to promote equality and to prevent discrimination in carrying out their functions, (iv) enact legislation on free legal aid including free representation by a lawyer, (v) provide that all discriminatory provisions in individual or collective contracts agreements or other regulations should be amended or be null and void and (vi) provide for an obligation to suppress public financing of all organisations, including political parties, which promote racism.

The Law on Free Legal Aid entered into force in 2019.

In 2021, the Law on Amendments and Supplements to the Law on Prohibition of Discrimination was adopted, which aligned it with the corresponding EU regulations, the concept of indirect discrimination was fully harmonized with EU legislation, and as a form of discrimination, incitement to discrimination and segregation were introduced, as well as more precisely regulated discrimination on the basis of sex, gender and gender identity, broader powers were given to the Commissioner, especially with regard to keeping central records on cases of discrimination.

The Constitution of the Republic of Serbia (Article 5) prescribes that the activities of political parties, which are aimed at the violent overthrow of order, violation of guaranteed human or minority rights, or incitement of racial, national, or religious hatred, are impermissible, while Article 55 of the Constitution prescribes that the Constitutional Court may prohibit the work of associations whose activities are aimed at violent disruption of order, violation of guaranteed human or minority rights, or incitement of racial, national, or religious hatred. According to the data of the relevant Ministry of State Administration, since the beginning of the implementation of the Law on Political Parties, no note has been entered in the Register of Political Parties about the initiation of the procedure for banning the operation of a political party, nor has the relevant ministry passed a decision on the deletion of a political party by decision of the Constitutional Court, because there are no such there were.

64.3 (57) ECRI strongly recommends that the authorities take immediate action to investigate, prosecute and punish racist behaviour of sports fans. It further recommends that the authorities take action to ban racist sports fan clubs.

In May 2019, the Criminal Code was amended in connection with Art. 344a, which increased the prison sentence from one to five years for those who, by their behavior at a

sports event or public gathering, cause national, racial, religious or other hatred or intolerance based on some discriminatory basis, resulting in violence or physical confrontation with the participants .

The law on sports, among other things, stipulates the obligations of the organizers in connection with the smooth and safe holding of the sports event, as well as measures to prevent the prevention of violence and inappropriate behavior and other negative phenomena in sports. This law stipulates that in order to coordinate activities to prevent violence and improper behavior of spectators at sports events, doping in sports, match fixing and other negative phenomena in sports, as well as to fulfill international obligations in the fields, the Government established the National Council for the Prevention of Negative Phenomena in sport.

Activities are underway to develop a new National Sports Development Strategy for the period from 2023 to 2033.

The National Strategy for Youth for the period from 2015 to 2025, within its goal - youth safety, prescribes measures and activities for the prevention and suppression of violence among fan groups, as well as for increasing tolerance, suppressing hate speech among young people, etc.

When holding sports events, the Ministry of Internal Affairs, in accordance with its scope of work, continuously undertakes measures aimed at preventing all forms of racial discrimination by participants in sports events.

64.4 (68) ECRI recommends that the Serbian authorities efficiently implement the National Strategy for the Prosecution of War Crimes and that they publicly acknowledge that the Srebrenica massacres constituted genocide.

The Prosecutor's Office for War Crimes (hereinafter: the Prosecutor's Office) continuously implements the activities provided for in the National Strategy for Prosecuting War Crimes for the period from 2021-2026. year and the Action Plan adopted with that strategy, in the domain of its jurisdiction.

Among the more important activities in the direction of implementing the aforementioned strategy, the Prosecutor's Office drafted a revised Prosecutor's Strategy for the investigation and prosecution of war crimes for the period from 2022-2026 and a detailed Action Plan.

The infrastructural capacities of the Prosecutor's Office have been improved in terms of technical equipment for the use of the SAPO program.

In terms of strengthening the support and protection of witnesses and injured parties, one of the most important activities is the strengthening of the capacities of the Service for information and support of witnesses and injured persons in the Prosecutor's Office, by

hiring a professional - a psychologist. In addition, a special room was equipped and put into operation for the needs of the aforementioned Service.

Also, the administrative capacities of the Prosecutor's Office have been strengthened, since activities aimed at the professional training of deputy war crimes prosecutors and prosecutor's assistants are regularly undertaken, through trainings and round tables regarding the use of SAPO technology, improvement of protection and support of victims and witnesses, improvement of cooperation with the media and on other important topics.

There is regular cooperation between state authorities - representatives of the Prosecutor's Office with representatives of the Protection Unit, War Crimes Detection Service, Commission for Missing Persons, in specific cases, and ways to further improve joint work are being considered. It is planned to sign a new memorandum on cooperation between the Prosecutor's Office and the Commission for Missing Persons.

The Prosecutor's Office also undertook activities in terms of strengthening regional and wider international cooperation in war crimes cases through the exchange of requests for assistance and the processing of requests and through the regular holding of regional meetings and conferences, in which, in addition to regional prosecutors, representatives of the International Residual Mechanism for criminal courts.

The Prosecutor's Office for War Crimes initiated, among other things, a regional conference of prosecutors held in October 2022 as part of the "Palić Process" with the support of the OSCE Mission to the Republic of Serbia.

Also, cooperation with the Prosecution of the Residual Mechanism takes place regularly and in a positive direction through bilateral meetings and joint work on specific cases, which in the previous period resulted in new investigations and indictments in complex criminal cases.

Quarterly reports detailing these and other significant activities undertaken by relevant entities regarding the implementation of the National Strategy for War Crimes Prosecution (2021-2026) are publicly available on the website of the Ministry of Justice and the War Crimes Prosecutor's Office.

The presidents of the Independent Democratic Serbian Party and the Democratic Union of Croats in Vojvodina signed on 5.1. In 2023, in Zagreb, the Declaration on the Cooperation of Serbs from Croatia and Croats from Serbia. The declaration contains all key, vital points of interest for Croats in Serbia, as well as for Serbs in Croatia, which concern all rights and the circumstances in which they are exercised. The day after the signing of the declaration, a traditional Christmas reception was held in Zagreb, organized by the Serbian National Council. This event was attended by high officials from the Republic of Croatia led by the Prime Minister, as well as from the Republic of Serbia led by the Minister of Foreign Affairs. The event was an occasion for the representatives of the two countries to meet and discuss the resolution of numerous open issues.

During the contact visit of the ECRI delegation in the period from April 3 to 7, 2023, the state delegation will answer all questions that have not been fully answered.