



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Serbia
Title:	Legislative developments
Date:	22 September 2016
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<u>Context</u>	
Issue at stake:	Recent legal anti-discrimination provisions
Ground of discrimination:	All
Source:	Legislation
Field:	Other
Applicable law:	Law on the Police; Law on Sport; Law on Prevention of Discrimination against Persons with Disabilities; Draft Law on the Equality of Men and Women

Content

Law development: From January to June 2016, several laws were adopted, containing relevant anti-discrimination provisions or amending the existing anti-discrimination legislation.

The *Law on the Police*¹ was adopted on 4 January 2016. Article 5 prescribes that police officers must treat all persons equally no matter their race, sex or ethnicity, social origin, birth, religion, political or other conviction or orientation, gender and gender identity, financial status, culture, language, age and mental and physical disability. This provision is closed and does not include all grounds of discrimination, including sexual orientation. However, Article 67 further prescribes that the police officer acts impartially, giving everyone equal legal protection and acting without discrimination on any ground (which is an open ended list of grounds). In the exercise of police powers, police officers are obliged to act humanely, respecting human and minority rights of citizens by giving priority to the rights of vulnerable groups. It also contains some important provisions, such as Article 28, which prescribes that in a case of reported violence or threat of domestic violence, police are obliged to immediately take all necessary measures, in cooperation with other competent bodies, to prevent or stop the violence that may result in bodily injury or deprivation of life. Article 33 further prescribes that the police will respect relevant international standards which relate, among others, to the enjoyment of human and minority rights, and non-discrimination in the execution of police duties.

The *Law on Sports*² was adopted on 4 February 2016. It contains Article 4, which in paragraph 3 prohibits direct and indirect discrimination, including the hate speech of sportsmen, sports professionals, sports organizations, and other participants in the sport,

¹ The Law on the Police, "The Official Gazette of the Republic of Serbia", no. 6/2016 from 28 January 2016, entered into force on 5 February 2016.

² The Law on Sports, "The Official Gazette of the Republic of Serbia", no. 10/16, from 8 February 2016, entered into force on 16 February 2016.

on any real or presumed ground. Article 4, paragraph 4 also covers professional sportsmen and those who wish to become professionals in terms of employment, wages and working conditions, unless the distinction is based on the nature of real and decisive conditions for performing certain sports activities, when the goals to be achieved are justified. The Law also prohibits any discrimination and violence against children, and includes the obligation to increase participation of children, youth, women and persons with disabilities in sports activities, popularization of women's sports organizations and giving equal importance to women and people with disabilities in the sport.

The amendments to the *Law on Prevention of Discrimination against Persons with Disabilities*³ were adopted on 12 February 2016. Article 34, paragraph 3 prescribes that public authorities are obliged to allow the use of personal facsimile stamps for persons with disabilities, especially persons who are blind or vision impaired, in order to sign legal documents. Article 34a extends this duty to other legal entities and individuals. Finally, Article 34a includes misdemeanor in a case of denial of this right.

Although in 2015 intensive work was performed in order to adopt a new law on gender equality, on 12 February 2016 the chairwoman of the Government's Coordination Body for Gender Equality announced that the Draft Law on the Equality of Men and Women was withdrawn from the Parliamentary procedure for further consultations with civil society organizations.

Internet link source:

The *Law on the Police*, http://www.paragraf.rs/propisi/zakon_o_policiji.html

The *Law on Sports*, http://www.paragraf.rs/propisi/zakon_o_sportu.html

The amendments to the *Law on Prevention of Discrimination against Persons with Disabilities*, <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2016/3138-15%20lat.pdf>, all accessed 21 September 2016.

³ The Law on the Amendments to the Law on Prevention of Discrimination against Persons with Disabilities, "The Official Gazette of the Republic of Serbia", no. 13/16, from 19 February 2016, entered into force on 28 February.