



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

NEWS REPORT

Country:	Serbia
Title:	Annual report of the Commissioner for the Protection of Equality for 2016
Date:	7 July 2017
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<u>Context</u>	
Issue at stake:	Annual report of the Commissioner for the Protection of Equality for 2016
Ground of discrimination:	All grounds covered
Source:	The Commissioner for the Protection of Equality (national equality body)
Field:	All
Applicable law:	Law on the Prohibition of Discrimination (LPD)

Content

In its report of 2016, the Commissioner for the Protection of Equality (CPE) underlines that some positive improvements in the area of anti-discrimination in Serbia have been made. However, discrimination is still present in Serbian society and additional measures are necessary in order to improve the position of certain vulnerable groups.

In 2016, the Commissioner received 626 complaints, and issued opinions in 51 cases, finding discrimination in 46 cases. This year, the CPE issued 665 general recommendations to public institutions,¹ with defining measures and actions to be taken in order to combat discrimination. For example, in 2016, the CPE recommended to the Ministry of Labour, Employment, Veteran and Social Affairs to take all necessary measures to overcome the dilemmas that exist in the implementation of the anti-discrimination legislation and problems faced by persons with disabilities. Also, the CPE issued recommendation to all centers of social work to be very careful that decisions on the exercise of parental rights and the assessment of parental competencies are not based on gender roles and stereotypes.

Most of the complaints submitted in 2016 refer to discrimination based on disability (12.9%) and sex (12.9%) followed by complaints for discrimination based on age (11.8%) and ethnicity (9.4%). Also, the majority of complaints refer to discrimination in recruitment and in the workplace, and to discrimination in proceedings before the public authorities. In addition, the CPE provided 40 opinions on draft laws and general acts from the perspective of non-discrimination provisions and initiated three criminal

¹ CPE sends out General Recommendations to all organisations and Institutions if the outcome of a case is relevant to them.

charges, as well as one misdemeanour charge for discrimination cases, as well as 9 warnings and 25 announcements. The Report also contains findings in relation to discrimination of the most vulnerable groups in Serbia. The CPE finds that persons with a disability are among most discriminated groups in Serbia, in all areas of public and private life. Especially in the field of education and training and in the provision of public services or use of facilities and in the area of employment. Also, gender equality is still not achieved, and discrimination against women is very much present in the business sector often caused by their family status. Age discrimination is also widespread, especially among citizens from 50 to 65 years in the area of employment. And in addition, Roma children are frequently discriminated in the area of education.

Overall, the CPE concludes that Serbia has established a satisfactory legal and strategic framework for combating discrimination and achieving equality. However, several areas are identified for further improvement, and the report proposes several recommendations to public authorities and other social actors in order to efficiently combat discrimination. The recommendations, among others, are:

- to establish a centralized system for collecting and analysing relevant data for monitoring the occurrence of discrimination and the effectiveness of the protection against discrimination;
- to adopt new anti-discrimination strategies to replace the documents that were valid until 2016 or 2017 (strategic documents for the improvement of the situation of people with disabilities, people living with HIV and elderly, as well as to improve adult education and mental health);
- to prescribe mandatory gender mainstreaming in all decisions and politics on national and local level and to adopt a new Law on Gender Equality;
- to finally adopt the Law on Free Legal Aid, which will secure efficient access to justice for everyone;
- to intensify work on removing barriers for persons with disability to have access to public buildings, transportation and public services, as well as to intensify the process of deinstitutionalization;
- to secure equal opportunities for admission to higher education of the youth from vulnerable groups, and to take all necessary measures to ensure engagement of teaching assistants for children that need additional support in education;
- to remove from textbooks all inadequate, discriminatory and stigmatizing terms and contents;
- to recognize registered/civil partnerships and to improve the position of transgender persons by introducing legal provisions that will allow them to integrate their new identity, with full respect of their right to privacy;
- to take all necessary measures to ensure that the composition of state bodies, local authorities and other public authorities corresponds to the ethnic composition of the population in certain areas, and to take measures to manage national, ethnic, religious, linguistic and other forms of diversity;
- to create and realize educational programmes for teachers and professors, as well as for medical and social workers in order to train them to recognize and prevent discrimination;
- to continuously work on the education of judges, public prosecutors, police officers and other public servants;
- to educate journalists on hate speech and other forms of discrimination;
- to change the Law on the Prohibition of Discrimination in order to fully align it with *EU acquis*, especially to align the definition of indirect discrimination and to include provision on reasonable accommodation.

Internet link source: <http://ravnopravnost.gov.rs/izvestaji/>