



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

NEWS REPORT

Country:	Serbia
Title:	Commissioner for Protection of Equality's regular Annual Report for 2017
Date:	18 May 2018
Expert:	Krstic, Ivana
<u>Context</u>	
Issue at stake:	Publication of the national equality body's Annual report for 2017
Ground of discrimination:	All grounds covered
Source:	The Commissioner for Protection of Equality (national equality body)
Field:	All
Applicable law:	Law on the Prohibition of Discrimination (LPD)

Content

The Commissioner for Protection of Equality (CPE) in its annual report for 2017 underlines that while some positive improvements in the area of anti-discrimination in Serbia have been made, discrimination is still present in Serbian society and some additional measures are necessary in order to improve the position of certain vulnerable groups.

In 2017, the Commissioner received 532 complaints and issued 501 recommendations. Apart from this, the CPE issued opinions in 51 cases, finding discrimination in 32 cases. General recommendations and recommendations contained in opinions were, in the majority of cases (83.73%), followed by the respondent to whom they were addressed.¹ Most of the complaints submitted in 2017 refer to discrimination based on disability (18%), age (11.8%) and sex (11.2%), followed by complaints for discrimination based on health status (10.1%), ethnic origin (9.8%) and marital and family status (7.6%). As in previous years, majority of complaints refer to discrimination in recruitment and in the workplace, in proceedings before the public authorities, and in access to public services and facilities. In addition to the recommendations and opinions issued on the basis of complaints received, the CPE provided 41 opinions on draft laws and general acts. The CPE also initiated three lawsuits for strategic cases (civil procedure), three criminal charges (criminal procedure), as well as one misdemeanour charge (misdemeanour procedure), 13 warnings² and 20 announcements.³

¹ In the complaint procedure, the Commissioner issues an "opinion", finding if discrimination occurred or not, and issuing recommendations to the discriminator on how to correct the situation. Therefore, some opinions contain specific recommendations issued in concrete cases of discrimination. However, the Commissioner can also issue a general "recommendation", mostly issued to public authorities. These are of a general nature, e.g. issued to all centers for social work, to all courts, etc.

² The Commissioner uses "warnings" when she wants to draw attention to dangerous phenomena, such as misogynic and sexist statements, cases of murder as a consequence of domestic violence, etc.

³ The Commissioner uses "announcements" in order to inform the public about some changes in the law and practice, about the position of certain groups on particularly relevant dates (e.g. International Women's Day).

The Report also contains findings in relation to discrimination of the most vulnerable groups in Serbia. Thus, the CPE finds that persons with disability are among the most discriminated groups in Serbia, facing many problems such as: access to buildings, services and information, employment and lack of reasonable accommodation in the workforce, access to education and vocational training, and limited number of medical and social services.

Also, age discrimination is present to a great extent, especially in relation citizens from 50 to 65 years in the area of employment, and senior citizens aged above 65.

Gender equality is still not achieved, and discrimination against women is very much present in the business sector due to their family status. However, in 2017, many complaints were submitted by both women and men, against the opinions of centres for social work and court judgments on exercise of parental rights.

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

- to adopt new strategic anti-discrimination documents to replace those that expired in 2017 (strategic documents for the improvement of situation of people with disabilities, people living with HIV and elderly, as well as to improve adult education and mental health);
- to adopt the draft Law on Free Legal Aid, which will secure efficient access to justice for everyone, including victims of discrimination;
- to intensify work on removing barriers for persons with disability to have access to public buildings, transportation and services, as well as access to information and services to first aid;
- to continue the process of deinstitutionalisation, with development of local services and continuous cooperation of social, health, educational and the employment services;
- to change the procedure of deprivation of legal capacity, and to align it with the relevant international standards;
- to secure admission to primary and secondary education, as well as to higher education of pupils from vulnerable groups;
- to take all necessary measures to ensure engagement of teaching assistants for children that need additional support in education, and to remove from textbooks all inadequate, discriminatory and stigmatizing terms and contents;
- to strengthen the capacities of centres for social work to provide all forms of support and aid to those in need, especially to elderly in rural areas;
- to prescribe mandatory gender mainstreaming in all decisions and politics on national and local level and to support women's entrepreneurship;
- 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 area, and to take measures to manage the national, ethnic, religious, linguistic and other diversity;
- to improve the position of Roma, especially in relation to the access of documents, adequate housing, health, social and educational services, as well as employment;
- to improve the position of transgender and to allow them to fully integrate their new identity into their private and professional life;
- to recognize registered/civil partnerships;
- to improve the position of convicted persons, and their full social inclusion, without stigmatization, especially in employment;

- 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, and to adequately punish hate crimes;
- to change the Law on the Prohibition of Discrimination in order to fully align it with the *EU acquis*, especially in relation to the following: the definition of direct discrimination to cover also detriment; the definition of indirect discrimination to contain the conditional wording ('would') and not to be limited to the actual occurrence of disadvantage; to include the instruction to discriminate; to mention also access to goods, and not only to services; to include provisions on reasonable accommodation for people with disabilities.

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