



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

FLASH REPORT

Country: Serbia
Title: Equality Body's Regular Annual Report for 2019
Date: 2 April 2020
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Update of flash report: [Serbia - Regular Annual Report of National Equality Body for 2018 \(PDF 94 kB\)](#)

Context

Issue at stake: Annual report of the national equality body for 2019
Grounds of discrimination: All grounds
Field of application: All fields
Source: National equality body
Applicable law: Law on the Prohibition of Discrimination (LPD)

Content

The Commissioner for Protection of Equality (CPE) in her report for 2019 underlines that Serbian society continues to face numerous challenges in the field of promotion of equality and that some additional measures are necessary in order to improve the legal antidiscrimination framework, as well as the position of certain vulnerable groups.¹

In 2019, the Commissioner received 711 complaints, which is less than in 2018 (947 complaints), but still more than in 2017 (532 complaintst). The Commssioner also issued opinions in 70 cases (in 2018, the Commissioner issued 115 opinions), finding discrimination in 52 cases. In the majority of cases, recommendations issued in cases where discrimination was found were also fulfilled (87,5 % compared to 78,2 % in 2018).

Most of the complaints submitted in 2019 refer to discrimination based on disability (16,2 %), sex (13.2 %), and health status (11.8 %), followed by complaints for discrimination based on age (9,9%), membership of political and trade unions (9.9 %), marital and family status (7.9%), ethnic origin (6.8 %), property status (4.5 %) and sexual orientation (2,5 %). The majority of complaints refer to discrimination in employment (32,2 %), by public authorities (21.8 %), in the area of education and vocational training (14.3 %), access to public services and facilities (7.5 %), as well as in social protection (5.8 %) and healthcare (3.8 %). As in 2018, there were no complaints claiming discrimination in the area of justice, property rights and collective minority rights. The report contains some other data, such as the number of male and female applicants and details of who submitted complaints (organisations, legal entities, state institutions, groups or individuals).

In addition, the CPE provided 31 opinions on draft laws and general acts and initiated one lawsuit for a strategic case, six criminal charges, three misdemeanour charges, 23

¹ Commissioner for the Protection of Equality, Regular annual report of the Commissioner for Protection of Equality for 2019, 13 March 2020, Belgrade.

warnings, 34 announcements and even 686 general recommendations (compared to 300 general recommendations issued in 2018). Compared to 88 cases that were resolved by mediation in 2018, this year mediation was only proposed in one case.

The Report also contains findings in relation to discrimination of the most vulnerable groups in Serbia, which are the same as in previous years. Thus, the CPE finds that persons with disability are still among the most discriminated groups in Serbia, facing many problems, such as access to public buildings, areas and services, information and communication. They also face discrimination in employment and lack of reasonable accommodation in the workforce, as well as in relation to access to education and vocational training. Therefore, the CPE recommends intensifying the work on removing barriers for persons with disability to have access to public buildings, transportation and services, as well as access to information, and to continue the process of deinstitutionalisation, including in education, through the development of local services and continuous cooperation of social, health, educational and employment services. The CPE also underlines that children with disabilities are very often exposed to discrimination in education. The CPE recommends, as in 2018, to take all necessary measures to ensure the engagement of teaching assistants for children that need additional support in education, and to remove all inadequate, discriminatory and stigmatising terms and contents from textbooks.

Gender equality is still not achieved, and women are facing the same problems as in previous years. Women mostly file complaints due to changes in their employment status after returning from maternity leave and absence from work for child care. They also claim discrimination for discriminatory job advertisements. Also, in 2019, a significant number of men addressed the CPE claiming that they were discriminated against in the area of health protection. The CPE recommends prescribing mandatory gender mainstreaming in all decisions and politics on the national and local level and to support women's entrepreneurship.

Health status is also very often ground for discrimination and in 2019, persons living with HIV/AIDS submitted complaints in several cases, as their health status was written in red, with enlarged letters, and outside the box in medical records. The CPE issued a general recommendation to 23 medical institutions to abandon this practice, but did not receive any notification of compliance with the recommendation.

The CPE also finds that age discrimination is present in all areas of social relations, and is based on deeply rooted stereotypes. Senior citizens aged above 65 are in unfavourable situations, as they face the inaccessibility of public facilities, and a limited number of health and social care services, but they rarely address competent authorities, including the CPE. Also, citizens from 50 to 65 years experience discrimination in the area of recruitment and employment, facing prejudices concerning their inefficiency and non-productivity. However, the CPE also finds that young people are coping with difficulties to find jobs, and usually are offered only short-term contracts.

Roma are still facing discrimination and limitations, especially in relation to access of documents, adequate housing, health services, social services and employment, as well as in education. The CPE recommends to secure admission to primary and secondary education, as well as to higher education, for Roma and members of other vulnerable groups, and to ensure that international standards are respected when forced evictions are carried out.

Regarding sexual orientation and gender identity, the majority of complaints concern offensive speech and hate speech. The CPE recommends adopting a Law on same-sex partnerships, to intensify the work to diminish hate speech and sensationalism in journalism, and to make intersex persons legally visible.

Overall, the CPE concludes that Serbia has established a satisfactory legal framework for combating discrimination and achieving equality, which however still needs to be fully aligned with the *EU acquis*, especially as regards the scope of exceptions from the principle of equal treatment, the definition of indirect discrimination and the obligation to ensure reasonable accommodation for employees with disabilities. Furthermore, the adoption of the new Law on Gender Equality and amendments to the Law on the Prohibition of Discrimination must be completed without delay. The legal framework needs to be supported with an additional strategic framework and the CPE recommends adopting a new Strategy for Prevention and Protection against Discrimination, to follow the previous Strategy which expired in 2018. However, the CPE concludes that it is also necessary to continuously work on the education of judges, public prosecutors, police officers and other public servants, as well as journalists.

It can be concluded that the overall situation is very similar to previous years and that most of the recommendations proposed by CPE to public authorities are still valid.

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