

Franet National contribution to the Fundamental Rights Report 2022

SERBIA

Contractor's name: Belgrade Centre for Human Rights

Authors' name: Jelena Arsić, Danilo Ćurčić, Nevena Dičić
Kostić and Pavle Kilibarda

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<p>Constitutional amendments in the pipeline: On 30 November 2021, the parliament adopted the Act Amending the Constitution of the Republic of Serbia, which has to be confirmed at a referendum set for 16 January 2022. The Act incorporates most of the key recommendations from the Venice Commission Opinion, but disregards those addressing the risks of politicisation of the High Judicial and High Prosecutorial Councils.</p> <p>New Referendum Act adopted: On 25 November 2021, taking on board the Venice Commission's recommendations, the parliament adopted the Referendum and People's Initiative Act. However, two weeks later, honouring the demands of environmental anti-government protest, the parliament adopted amendments to this Act, abolishing signature verification fees and allowing a new referendum on the same issue, and adoption of an act contrary to a referendum decision only four years after the referendum.</p> <p>New Ombudsman Act: In November 2021, the parliament adopted a new Ombudsman Act. Some of its provisions raised concerns of experts. For instance, those on the election procedure give rise to doubts about the independence of the Ombudsman, while those on the citizens' complaints mechanism impose higher admissibility criteria and undermine its impact.</p>
EU Charter of Fundamental Rights	No developments in 2021.
Equality and non-discrimination	<p>Adoption of Amendments to the Anti-Discrimination Act and of the Gender Equality Act: In May 2021, the parliament adopted amendments to the Anti-Discrimination Act, which now also prohibits discrimination on grounds of gender, sexual and gender-based harassment and incitement to discrimination as a form of hate speech. The parliament adopted the Gender Equality Act the same month.</p>
Racism, xenophobia & Roma integration	<p>Persistent Discrimination Exacerbated by Anti-Covid Measures: Incidents of ethnic and racial discrimination persisted, with a notable increase in antisemitic sentiments and hate speech since the beginning of the pandemic.</p> <p>New Roma Inclusion Strategy pending: In December, the Revised Roma Social Inclusion Strategy covering the 2022-2030 period, entered the final stage of the adoption.</p>

Asylum & migration	Pandemic did not affect international protection: There were no revocations of international protection provided to aliens granted asylum/subsidiary protection.
Data protection and digital society	Legislation amendments: In November 2021, the parliament adopted amendments to the Act on Free Access to Information of Public Importance , which brought specific improvements, but also raised many concerns, including about the effective exercise of the right when the highest authorities deny access to the requested information.
Rights of the child	Amendments to the Juvenile Justice Act prepared: In July 2021, the Ministry of Justice presented the Draft Act Amending the Juvenile Justice Act , which is expected to facilitate implementation of diversionary mechanisms, alternatives to detention and support measures for child victims and witnesses.
Access to justice, including victims of crime	New Strategy: In April 2021, the Government adopted the 2021-2025 Strategy for Preventing and Combatting Gender-Based Violence against Women and Domestic Violence . Jurisprudence on victim protection: In March 2021, the Constitutional Court ruled for the applicant, a female victim of trafficking, stating that courts should thoroughly consider all elements of the crime throughout the proceedings, not just the criminal aspect, given the constitutional character of the prohibition.
Convention on the Rights of Persons with Disability	Action Plan adopted: In April 2021, the Government adopted the 2021-2022 Action Plan for the Implementation of the 2020-2024 Strategy for Improving the Status of Persons with Disabilities , envisaging activities and measures aimed at increasing the social inclusion of persons with disabilities.

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

In May 2021, Serbia improved its anti-discrimination law by amending the Anti-Discrimination Act (*Zakon o zabrani diskriminacije*)¹ and adopting the Gender Equality Act (*Zakon o rodnoj ravnopravnosti*)². In contrast, the adoption of the Act on Registered Same-Sex Unions (*Zakon o registrovanim istopolnim partnerstvima*)³ was postponed after Serbian President Vučić said he would not sign it because it was in contravention of the Constitution.⁴ The amendments to the Anti-Discrimination Act⁵: (1) introduce specific forms of discrimination (instigation of discrimination (Art. 5(3), sexual harassment (Art. 12), discrimination in housing (Art. 27a), and segregation (Art. 5(4)) and the definition of indirect discrimination in line with EU regulations⁶; (2) clarify the procedure for the appointment and competences of the Commissioner for the Protection of Equality (Art. 33); and (3) obligate law and policy makers to take account of the impact of their laws, policies and decisions on vulnerable and disadvantaged groups (Art. 14(4)).

Serbian anti-discrimination policies are still not in line with the EU LGBTIQ 2020 – 2025 Equality Strategy,⁷ among other things because the most recent Anti-Discrimination Strategy (*Strategija prevencije i borbe protiv diskriminacije*)⁸ expired in 2018.⁹ The Ministry of Human and Minority Rights and Social Dialogue (*Ministarstvo za ljudska i manjinska prava i društveni dijalog*) organised public consultations between 26 October and 1 November 2021 on the Baseline for Drafting the Anti-Discrimination Strategy for the 2021 – 2030 Period (*Polazne osnove za izradu Nacrta Strategije prevencije i borbe protiv diskriminacije za*

¹ Official Gazette of the RS, Nos. 22/2009 and 52/2021.

² Official Gazette of the RS, No. 52/2021.

³ Paragraf.rs, Preliminary Draft Act on Same-Sex Unions – Text ([Predlog nacrta zakona o istopolnim zajednicama - Tekst propisa](#)), 4 March 2021.

⁴ Deutsche Welle, "Stop to Act on Same-Sex Unions: just buying time?" ("[Stop za Zakon o istopolnim zajednicama: samo kupovina vremena?](#)"), 6 May 2021.

⁵ Official Gazette of the RS, Nos. 22/2009 and 52/2021.

⁶ Paragraf.rs, Draft Act Amending the Anti-Discrimination Act - Text ([Predlog Zakona o izmenama i doopunama Zakona o zabrani diskriminacije - Tekst propisa](#)), 26 April 2021.

⁷ EU, European Commission (2020), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, [Union of Equality: LGBTIQ Equality Strategy 2020-2025](#), COM/2020/698 final, 12 November 2020.

⁸ Official Gazette of the RS, No. 60/2013.

⁹ Commissioner for the Protection of Equality (2021), [Regular Annual Report of the Commissioner for Protection of Equality for 2020](#), p. 82.

period od 2021. do 2030. godine).¹⁰ Given the extremely short deadline for commenting the proposed document, only one Provincial Secretariat, one local self-government, one CSO, one network of local self-governments and one religious organisation provided their inputs. The first draft envisages the following state interventions: complete alignment of the domestic legal framework with international and European anti-discrimination standards, improved social status of members of marginalised social groups, improved cross-sectoral cooperation of different authorities, strengthening of anti-discrimination safeguards, etc.¹¹ In April 2021, the Ministry of Health (Ministarstvo zdravlja) abolished the provision of the Rulebook on Donors of Reproductive Cells and Embryos (Pravilnik o bližim uslovima, kriterijumima i načinu izbora, testiranja i procene davaoca reproduktivnih ćelija i embriona)¹² prohibiting LGBTI people from donating reproductive cells and embryos, due to their anamnesis of 'homosexual relations'¹³.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

In his 2020 annual report, published in March 2021, the Protector of Citizens (*Zaštitnik građana*) noted that discrimination in Serbia mainly targeted LGBTI persons.¹⁴ The report is based on individual complaints filed with the Protector of Citizens and the monitoring activities of this body.¹⁵ Data on discrimination against EU nationals are not collected in the country.¹⁶

¹⁰ Serbia, Ministry of Human and Minority Rights and Social Dialogue (2021), Information about the Consultations on the Baseline for Drafting the Anti-Discrimination Strategy for the 2021 – 2030 Period, held between 26 October 2021 and 1 November 2021 ([Информација о консултацијама о Полазним основама за израду Предлога стратегије превенције и заштите од дискриминације за период од 2021. до 2030. године – спроведеним у периоду од 26. октобра 2021. године до 1. новембра 2021. године](#)).

¹¹ Serbia, Ministry of Human and Minority Rights and Social Dialogue (2021), Baseline, Anti-Discrimination Strategy for the 2021-2030 Period ([Полазне основе, Стратегија превенције и заштите од дискриминације за период од 2021. до 2030. године](#)), pp. 79-80.

¹² Official Gazette of the RS, Nos 27/2019 and 41/2021.

¹³ Danas, "'Da se zna' Association: Health Ministry Ends Direct Discrimination against LGBT persons" (["Udruženje „Da se zna“: Ministarstvo zdravlja okončalo neposrednu diskriminaciju LGBT osoba"](#)), 26 May 2021.

¹⁴ Serbia, Protector of Citizens (2021), [Regular Annual Report of the Protector of Citizens for 2020](#), Belgrade, pp. 6 and 15.

¹⁵ Serbia, Protector of Citizens (2021), [Regular Annual Report of the Protector of Citizens for 2020](#), Belgrade, pp. 4-9.

¹⁶ This information was obtained in interviews with CSOs and staff of the Commissioner for the Protection of Equality, and through desk research.

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In its April 2021 report on human rights in the world, Amnesty International noted that discrimination against ethnic minorities persisted in Serbia.¹⁷ The Serbian Commissioner for the Protection of Equality concluded as much in her annual report published in March 2021, based on the complaints she received.¹⁸ Additionally, the Protector of Citizens listed discrimination as an ongoing problem in Serbia, particularly regarding the rights of Roma,¹⁹ and the rights of members of national minorities.²⁰ The report is based on individual complaints filed with the Protector and the monitoring activities of this body.²¹

Various reports have noted persistence of hate speech in Serbia. The Protector of Citizens reported it mainly targeted LGBTI persons,²² while the Commissioner for the Protection of Equality revealed that members of the Roma and Albanian communities were most commonly the target of hate speech and racist comments.²³ In early March 2021, the Belgrade Centre for Human Rights reported widespread hate speech against women.²⁴ The findings of the report are mainly based on desk research and analysis of media reports. In its report on hate speech in the Serbian media²⁵ presented in April 2021, the Council of Europe noted the ineffectiveness of the domestic legal framework, particularly regarding hate and discriminatory speech against LGBTI persons, Roma, women and migrants.²⁶ The Report was based on the findings of CSOs, interviews with the relevant

¹⁷ Amnesty International (2021), [Amnesty International Report 2020/21: The State of the World's Human Rights](#), London, pp. 315-316.

¹⁸ Serbia, Commissioner for the Protection of Equality (2021), [Regular Annual Report of the Commissioner for Protection of Equality for 2020](#), Belgrade, pp. 8, 164-165.

¹⁹ Serbia, Protector of Citizens (2021), [Regular Annual Report of the Protector of Citizens for 2020](#), Belgrade, pp. 68, 71ff.

²⁰ Serbia, Protector of Citizens (2021), [Regular Annual Report of the Protector of Citizens for 2020](#), Belgrade, p. 71ff.

²¹ Serbia, Protector of Citizens (2021), [Regular Annual Report of the Protector of Citizens for 2020](#), Belgrade, pp. 4-9.

²² Serbia, Protector of Citizens (2021), [Regular Annual Report of the Protector of Citizens for 2020](#), Belgrade, pp. 6 and 15.

²³ Serbia, Commissioner for the Protection of Equality (2021), [Regular Annual Report of the Commissioner for Protection of Equality for 2020](#), Belgrade, p. 170. The same was concluded by the US Bureau of Democracy, Human Rights and Labor, [2020 Country Reports on Human Rights Practices: Serbia](#), p. 34.

²⁴ Belgrade Centre for Human Rights (2021), [Human Rights in Serbia 2020](#), Belgrade, p. 261.

²⁵ Council of Europe (2021), ['New report: More to be Done to Address the Use of Hate Speech through the Media in Serbia'](#), Press release, 20 April 2021.

²⁶ Council of Europe (2021), ['New report: More to be Done to Address the Use of Hate Speech through the Media in Serbia'](#), Press release, 20 April 2021.

stakeholders and research of the reporting by major news outlets.²⁷ In May 2021, the US State Department's Office of International Religious Freedom said that a number of anti-Semitic incidents took place in 2020, including the writing of anti-Semitic and Nazi graffiti on multiple buildings in Novi Sad.²⁸ It also said that Jewish leaders in Serbia reported an increase in online anti-Semitism and that anti-Semitic literature remained available for purchase.²⁹ In late October and early November 2021, anti-Semitic incidents took place during and after protests against anti-Covid-19 measures in Belgrade, with demonstrators chanting 'Mengele' in front of the residence of a member of the Crisis Committee of Jewish origin; graffiti carrying the same message later appeared on the building.³⁰

As a positive development, in May 2021, the European Roma Rights Centre reported that the Commissioner for Equality had ordered the far-right Leviathan Movement to cease publishing content discriminating against Roma; the move was hailed by local CSOs.³¹

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

In May 2021, the Serbian parliament amended the Anti-Discrimination Act.³² The Protector of Citizens recommended to the Government to amend the Criminal Code so that all crimes aimed at preventing and punishing racism and intolerance also incriminate the commission of these offences motivated by sexual orientation and gender identity.³³ On 25 May 2021, the Commissioner for the Protection of Equality adopted an opinion on a complaint against a media outlet that had reported on an alleged case of rape, highlighting that the alleged perpetrator was a Roma. The Commissioner found that the article unduly drew attention to

²⁷ Council of Europe (2020), [Report on the Use of Hate Speech in Serbian Media](#), Belgrade, pp. 5–6.

²⁸ United States of America, Department of State, Office of International Religious Freedom (2021), [Serbia 2020 International Religious Freedom Report](#), p. 2.

²⁹ United States of America, Department of State, Office of International Religious Freedom (2021), [Serbia 2020 International Religious Freedom Report](#), p. 10.

³⁰ Radio Free Europe / Radio Liberty, "Graffiti 'Kon – Mengele' Sprayed on Epidemiologist Kon's Building" ([Na zgradi epidemiologa Predraga Kona ispisan grafit 'Kon - Mengele'](#)), 4 November 2021.

³¹ European Roma Rights Centre (2021), "[Far-Right Serbian Group Ordered to Remove Online Hate Speech After ERRC Mass Complaint](#)", Press release, 27 May 2021.

³² See more in 1.1.

³³ Serbia, Protector of Citizens (2021), [Regular Annual Report of the Protector of Citizens for 2020](#), Belgrade, p. 56.

members of national minorities and reinforced stereotypes and discrimination against Roma, in violation of the Anti-Discrimination Act.³⁴

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025
Please add a hyperlink if the strategy is publicly available.	http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2016/03/National-Strategy-for-Roma-Inclusion-2016-2025.docx
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	No. The Government did not evaluate the previous Roma inclusion strategy. ³⁵
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	No. However, the Government announced that it would revise the Strategy by the end of 2021. ³⁶
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes. Roma CSOs were involved in the drafting process and the ensuing public consultations.

³⁴ Serbia, Commissioner for the Protection of Equality, 68-21 Opinion on Association AA's Complaint against Media Outlet BB ([68-21 Mišljenje povodom pritužbe udruženja AA, protiv medija BB](#)), No. 07-00-75/2021-02 of 25 May 2021, Section 3, paras 3.9-3.10.

³⁵ CSOs and scholars evaluated the previous Roma inclusion strategy before the 2016-2025 Strategy was adopted: Roma League – Standing Conference of Roma Civic Associations (*Liga Roma - Stalna konferencija romskih udruženja građana*), *Report on the Implementation of Roma Policies in the 2016-2017 Period* ([Izveštaj o sprovođenju politika prema Romima za period 2016 – 2017. godine](#)), April 2017; Ethnicity Research Centre (*Centar za istraživanje etniciteta*), *Implementation of the Strategy for Improving the Status of Roma in Local Self-Governments* ([Sprovođenje Strategije za unapređenje položaja Roma u lokalnim samoupravama](#)), 2013.

³⁶ Serbia, Government, Social Inclusion and Poverty Reduction Unit (*Tim za socijalno uključivanje i smanjenje siromaštva*) (2021), ['Technical Meeting on Social Inclusion of Roma in the Republic of Serbia Held'](#), Press release, 29 June 2021.

Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes, the Protector of Citizens and the Commissioner for the Protection of Equality ³⁷ were involved in the strategy development and provided the Government with their opinions and recommendations for improving it. ³⁸
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	No, the valid Strategy is still not in compliance with the EU strategic frameworks on Roma equality, inclusion and participation. However, the authorities have announced that the revised Strategy, which is in the final stage of adoption, will be in line with the operational programmes for the new EU funding period.

In June 2021, the Government set up its Coordination Body for Roma Inclusion and Monitoring the Implementation of the Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025.³⁹ It is charged with coordinating all inclusion-related activities in the country.⁴⁰

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

Rather than adopting a brand new strategy, the Serbian authorities opted for revising the valid Strategy, which will now cover the 2022-2030 period. The process has not been transparent.⁴¹ Public consultations on the Draft Revised

³⁷ Serbia, Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) (2016) Opinion on the Draft Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025 ([Mišljenje na Nacrt strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period od 2016. do 2025. godine](#)), 15 January 2016.

³⁸ Serbia, Protector of Citizens (*Zaštitnik građana*) (2019) Special Report of the Protector of Citizens on the Implementation of the Strategy for the Social Inclusion of Roma with Recommendations ([Poseban izveštaj Zaštitnika građana o sprovođenju Strategije za socijalno uključivanje Roma i Romkinja sa preporukama](#)), pp. 74-75.

³⁹ Serbia, Government (2021) Decision on the Establishment of the Coordination Body for Improving the Position and Social Inclusion of Roma and for Monitoring the Implementation of the Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025 ([Odluka o formiranju Koordinacionog tela za unapređenje položaja i socijalno uključivanje Roma i Romkinja i praćenje realizacije Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period od 2016. do 2025. godine](#)).

⁴⁰ Serbia, Government (2021) Decision on the Establishment of the Coordination Body for Improving the Position and Social Inclusion of Roma and for Monitoring the Implementation of the Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025 ([Odluka o formiranju Koordinacionog tela za unapređenje položaja i socijalno uključivanje Roma i Romkinja i praćenje realizacije Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period od 2016. do 2025. godine](#)), para 2.

⁴¹ Information obtained in communication with the representatives of the Roma League – Standing Conference of Roma Civic Associations (*Liga Roma - Stalna konferencija romskih udruženja građana*), on file with the author.

Roma Inclusion Strategy lasted only seven days,⁴² and only two inputs were provided – one from the Požega local self-government and another from the Roma League – Standing Conference of Roma Civic Associations (*Liga Roma - Stalna konferencija romskih udruženja građana*).⁴³ The Revised Strategy envisages various “horizontal” interventions, such as antigypsyism and discrimination, poverty and social exclusion and participation⁴⁴ and focuses on the following areas of intervention – education, employment, healthcare, housing and social protection.⁴⁵ However, in practice, the problem of structural poverty among the Roma population remains unaddressed⁴⁶ and there are still no plans to improve the living conditions in over 600 substandard Roma settlements,⁴⁷ or Roma access to water and essential services.⁴⁸ Progress in Roma integration remains piecemeal and project based.⁴⁹ In addition, Roma access to housing has been disproportionately affected by some development projects, such as the construction of the Belgrade bypass⁵⁰ and of the Vinča landfill incinerator.⁵¹

Roma participation in political life increased when the Government appointed two members of the Roma national minority as state secretaries.⁵² One of them was appointed State Secretary in the Ministry of Public Administration and Local Self-Government (*Ministarstvo državne uprave i lokalne samouprave*) and the other in

⁴² Serbia, Ministry of Human and Minority Rights and Social Dialogue (2021), Report on Public Consultations on the Draft Revised Strategy on the Social Inclusion of Roma in the Republic of Serbia for the 2022 – 2030 Period ([Izveštaj o obavljenoj javnoj konsultaciji o predlogu Revidirane Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period od 2022 do 2030. godine](#)).

⁴³ Serbia, Ministry of Human and Minority Rights and Social Dialogue (2021), Report on Public Consultations on the Draft Revised Strategy on the Social Inclusion of Roma in the Republic of Serbia, for the 2022 – 2030 Period ([Izveštaj o obavljenoj javnoj konsultaciji o predlogu Revidirane Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period od 2022 do 2030. godine](#)).

⁴⁴ Serbia, Government (2021), Revised Strategy on the Social Inclusion of Roma in the Republic of Serbia for the 2022 – 2030 Period ([Revidirana strategija za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2022–2030. godine](#)), pp. 23-28.

⁴⁵ Serbia, Government (2021), Revised Strategy on the Social Inclusion of Roma in the Republic of Serbia for the 2022 – 2030 Period ([Revidirana strategija za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2022–2030. godine](#)).

⁴⁶ Goran Bašić, *Roma in the Republic of Serbia: The Challenges of Discrimination*, Minority Rights Group Europe, Praxis, p. 10, March 2021.

⁴⁷ UN OHCHR and Social Inclusion and Poverty Reduction Unit (Tim za socijalno uključivanje i smanjenje siromaštva) (2020), [Mapping of Substandard Roma Settlements According to Risks and Access to Rights in the Republic of Serbia](#), 2020.

⁴⁸ Roma League – Standing Conference of Roma Civic Associations (*Liga Roma – Stalna konferencija romskih udruženja građana*) (2021), ‘Provide Roma with the right to safe drinking water’ ([‘Romima pravo na zdravu pijaću vodu’](#)), Press release, 8 April 2021.

⁴⁹ European Union, [The European Union support to social housing and active inclusion](#), 2021.

⁵⁰ A 11 – Initiative for Economic and Social Rights (*A 11 – Inicijativa za ekonomska i socijalna prava*) (2021), [‘The eviction procedure of the inhabitants of the settlement “Vijadukt” in Resnik was illegally carried out’](#), Press release, 26 January 2021.

⁵¹ European Bank for Reconstruction and Development (EBRD) (2020), [Belgrade Solid Waste PPP \(Request #2\)](#).

⁵² *Romaworld.rs*, Roma Community Gets Two State Secretaries in the Government of the Republic of Serbia ([Romska zajednica dobila dva državna sekretara u Vladi Republike Srbije](#)), Press release, 23 January 2021.

the Ministry of Human and Minority Rights and Social Dialogue (*Ministarstvo za ljudska i manjinska prava i društveni dijalog*). It, however, remains to be seen whether this move will be followed by greater Roma participation and representation in political life and the state administration.

Roma access to education in the COVID-19 pandemic remains challenging, mainly due to the digital gap and lack of access to the internet.⁵³ There was no significant progress in their access to social protection and employment opportunities. The COVID-19 vaccination campaign was also implemented in a number of informal Roma settlements, while the information campaign was also conducted in the Romani language.⁵⁴

The Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) published a study on Roma perceptions of discrimination, based on a survey of 310 Roma residents of informal settlements, Roma CSOs, representatives of the National Council of the Roma National Minority (*Nacionalni savet romske nacionalne manjine*) and local Roma inclusion mechanisms.⁵⁵ The study showed that 94 % of Roma have heard of the term "discrimination"⁵⁶ and that 35 % of the respondents believed that Roma were not treated equally. Most participants in the survey stated that the Roma population was primarily discriminated against because of poverty and lack of income.⁵⁷

⁵³ A 11 – Initiative for Economic and Social Rights (A 11 – Inicijativa za ekonomska i socijalna prava) (2021), 'CSOs' letter re the Beotablet project' (['Dopis organizacija civilnog društva povodom projekta Beotablet'](#)), Press release, 16 July 2021.

⁵⁴ Serbia, Ministry of Human and Minority Rights and Social Dialogue (*Ministarstvo za ljudska i manjinska prava i društveni dijalog*) (2021), 'Vaccination campaign also in minority languages' (['Kampanja za vakcinaciju i na jezicima nacionalnih manjina'](#)), Press release, 22 July 2021.

⁵⁵ Commissioner for the Protection of Equality (Povernik za zaštitu ravnopravnosti) (2021), Roma Community's Perception of Discrimination (['Percepcija romske zajednice o diskriminaciji'](#)), February 2021.

⁵⁶ Commissioner for the Protection of Equality (Povernik za zaštitu ravnopravnosti) (2021), Roma Community's Perception of Discrimination (['Percepcija romske zajednice o diskriminaciji'](#)), February 2021, p. 7.

⁵⁷ Commissioner for the Protection of Equality (Povernik za zaštitu ravnopravnosti) (2021), Roma Community's Perception of Discrimination (['Percepcija romske zajednice o diskriminaciji'](#)), February 2021, p. 7.

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Serbia	0		0	

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Serbia	Act Ratifying the Optional Protocol to the Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment (Закон о ратификацији Опционог протокола уз Конвенцију против тортуре и других сурових, нељудских или	Protector of Citizens (Ombudsman of Serbia), supported by several CSOs (the Lawyers' Committee for Human Rights – YUCOM, the Victimology Society of Serbia, A11 – Initiative for Economic and Social Rights, the Center for Youth Integration, the Helsinki Committee for Human Rights	Y	Some reports have been published on the website of the Protector of Citizens: - Report on the visit to the border with North Macedonia, the local reception centres and detention facilities (February 2021) - Report on the visit to	4	No

	<p>понижавајући казни и поступка), Official Gazette of Serbia and Montenegro – International Treaties, No. 16/2005, 2/2006 and Official Gazette of the RS – International Treaties No. 7/2011.</p>	<p>and the Human Rights Committee (Valjevo).</p>		<p>the border with Bulgaria, the local reception centres and detention facilities (February 2021)</p> <p>- Report on the visit to the border with Croatia, the local reception centres and detention facilities (March 2021)</p> <p>- Report on the visit to the airport in Niš (February 2021)</p>		
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Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

2021 brought to the fore the lack of mechanisms for the implementation of the Personal Data Protection Act (PDPA) (*Zakon o zaštiti ličnih podataka*).⁵⁸ The main reasons for low compliance include: the lack of the Commissioner's enforcement capacities,⁵⁹ the mild penal policy envisaged by the PDPA⁶⁰ and the Government's refusal to act, as provided by PDPA, upon a request, the Commissioner's decision, or the decision of the Administrative Court.⁶¹

In August 2021, the Government put forward the draft of a new Internal Affairs Act⁶² but withdrew it⁶³ after concerns were raised by experts and civil society.⁶⁴ It envisaged mass biometric surveillance in public spaces by use of advanced facial recognition software.⁶⁵ This was supposed to be the continuation of the implementation of the "Safe City" project in Belgrade

⁵⁸ Serbia, Personal Data Protection Act (*Zakon o zaštiti ličnih podataka*), Official Gazette of the RS, No. 87/2018.

⁵⁹ Commissioner for Information of Public Importance and Personal Data Protection, [Report on Work of the Commissioner for Information of Public Importance and Personal Data Protection for 2020](#), March 2021, p. 13.

⁶⁰ CEE Legal Matters, Law Office Karanović and Partners, [Serbia: The First Two Years of the GDPR - Aligned Data Protection Law's Application](#), 7 September 2021; Chambers and Partners, Law Office Mikijelj, Janković and Bogdanović, [Data Protection and Privacy 2021](#), 9 March 2021.

⁶¹ Coalition for Free Access to Information, 'Data even less available: Numerous objections submitted to proposed amendments to the Access to Information Law' (['Podaci još manje dostupni: U proceduri izmene Zakona o dostupnosti informacija od javnog značaja, stižu brojne primedbe'](#)), Press release, 23 June 2021; Coalition for Free Access to Information, 'The right to access information is jeopardised, and the announced amendments do not solve all the important problems' (['Pravo za pristup informacijama ugroženo, a najavljene izmene zakona ne rešavaju sve bitne probleme'](#)), Press release, 28 September 2021.

⁶² Serbia, Ministry of Internal Affairs (*Ministarstvo unutrašnjih poslova*), Draft Internal Affairs Act ([Nacrt Zakona o unutrašnjim poslovima](#)), September 2021.

⁶³ Danas, "Vulin: Draft Internal Affairs Act has been withdrawn" ([Vulin: Povučena Nacrt zakona o unutrašnjim poslovima](#)), 23 September 2021.

⁶⁴ Belgrade Centre for Human Rights, [Draft Internal Affairs Act: Greater Police Protection and Powers to the Detriment of Civil Rights and Freedoms](#), Press release, 21 September 2021.

⁶⁵ Commissioner for Information of Public Importance and Personal Data Protection (2020), Free access to information: Commissioner's Views and Opinions ([Slobodan pristup informacijama: Stavovi i mišljenja Poverenika](#)), 2020.

that started in 2019 and prompted protests by the Commissioner⁶⁶ and civil society,⁶⁷ due to the lack of legal grounds for such data processing.⁶⁸

In November 2021, the Serbian parliament adopted amendments to the Act on Free Access to Information of Public Importance (*Zakon o slobodnom pristupu informacijama od javnog značaja*).⁶⁹ Although the amendments envisage specific improvements,⁷⁰ a number of concerns were raised about them,⁷¹ especially regarding effective exercise of the right when the highest authorities deny access to the requested information.⁷² One such example is the Government's decision to declare the procurement of medical equipment during COVID-19 "strictly confidential" and thus out of the law's reach.⁷³

In April 2021, 141 CSOs and media launched an independent campaign called "Vaccinate Yourself" to help disseminate accurate and timely information on COVID-19 and the vaccination process.⁷⁴

⁶⁶ *Danas*, "Commissioner: Do not introduce surveillance cameras in Serbia without a public debate and in contravention of the law" ("[Poverenik: Ne uvoditi kamere za nadzor u Srbiji bez javne rasprave i mimo zakona](#)"), 2 January 2021.

⁶⁷ European Digital Rights (EDRi), Letter to the Government of Serbia, [Consultation on the proposal for the Law on Internal Affairs](#), 27 September 2021; Belgrade Centre for Security Policy (BCSP), [Draft Law on Internal Affairs opens up space for misuse of the police](#), Press release, 17 September 2021;

⁶⁸ Commissioner for Information of Public Importance and Personal Data Protection (2021), Personal Data Protection: Commissioner's Views and Opinions ([Zaštita podataka o ličnosti: Stavovi i mišljenja Poverenika](#)), 2021.

⁶⁹ Serbia, Act Amending the Act on Free Access to Information (*Zakon o izmenama i dopunama zakona o slobodnom pristupu informacijama od javnog značaja*), Official Gazette of the RS, No 105/21.

⁷⁰ Serbia, Ministry of Public Administration and Local Self-Government (*Ministarstvo za državnu upravu i lokalnu samoupravu*) (2021), Draft Amendments to the Act on Free Access to Information ([Nacrt Zakona o slobodnom pristupu informacijama od javnog značaja](#)), 26 July 2021, Art. 28a.

⁷¹ Transparency Serbia, [Transparent on amendments to the Law on Free Access to Information of Public Importance](#), Press release, 19 February 2021.

⁷² Transparency Serbia, [Amendments to the Law on Free Access to Information of Public Importance - the new Draft endangers the achieved level of citizens' rights](#), Press release, 29 May 2021.

⁷³ Transparency Serbia, [The Commissioner annulled the decision of the National Fund for Health Insurance which denied access to data on Covid-19 procurements](#), Press release, 16 September 2021.

⁷⁴ Belgrade Centre for Human Rights, 'Independent vaccination campaign launched in Serbia - 141 organisations and media launch "VACCINATE YOURSELF" campaign' ([Počela nezavisna kampanja za vakcinaciju u Srbiji – 141 organizacija i mediji pokrenuli kampanju „VAKCINIŠI SE”](#)), Press release, 28 April 2021.

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Science Fund of the Republic of Serbia	Action Plan	The Program for Development of Projects in the field of Artificial Intelligence (AI) is the first thematic programme launched by the national Science Fund. It will provide competitive grant funding (€2 million budget) to researchers in line with the national 2020-2025 Artificial Intelligence Development Strategy over the next two years.	No	http://fondzanauku.gov.rs/poziv/2020/01/program-for-development-of-projects-in-the-field-of-artificial-intelligence/?lang=en https://www.cpn.edu.rs/publikacija-posvecena-programu-za-razvoj-projekata-iz-oblasti-vestacke-inteligencije/?script=lat

Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

Measures to address the specific vulnerabilities of children living in poverty	The latest government package of economic aid measures for minimising the negative impact of the COVID-19 pandemic ⁷⁵ adopted in February 2021 failed to take children into consideration yet again, ⁷⁶ wherefore families with children generally received less financial assistance per family member than families without children. ⁷⁷ Schools mostly relying on distance learning continued posing a challenge to children ⁷⁸ living in poverty. ⁷⁹ Effective educational support by some social protection services, was also restricted due to lack of technical equipment and competent staff. ⁸⁰ In April 2021, in cooperation with international donors, the Government started supplying select Serbian schools with tablets and open source education resources. ⁸¹ However, education measures targeting vulnerable children are still lacking. ⁸²
Measures to protect children from violence	Disruptions in case management, referral services and home visits to children and women at risk of abuse, due to COVID-19, were among the problems reported by professionals working in the child protection system. ⁸³ However, some progress has been noted after the National Child Helpline (<i>Nacionalna dečija linija – NADEL</i>) introduced a new reporting mechanism and counselling service through chat bot and Viber bot applications in addition to

⁷⁵ Serbia, Government (2021), ['New package of assistance to the economy and citizens adopted'](#), Press release, 11 February 2021.

⁷⁶ FRA (2021), [Franet National contribution to the Fundamental Rights Report 2021 Serbia](#), p. 22.

⁷⁷ The package included one-off financial assistance for adult citizens in the amount of €60 per person, under an Act adopted by the National Assembly, Official Gazette of the RS, No. 40/2021.

⁷⁸ For children with disabilities, see section 8.1.

⁷⁹ Praxis (2021), [NGO Praxis' Contribution to the European Commission's Serbia 2021 Annual Report](#), April 2021, pp. 13-14. See also UNICEF Serbia (2021), [Knowledge in the hands of every child](#), 8 June 2021.

⁸⁰ Serbia, Government, Social Inclusion and Poverty Reduction Unit (*Tim za socijalno uključivanje i smanjenje siromaštva*) (2021), Analysis of Educational Circumstances of Children using Social Protection Services (Drop-In Shelter, Day Care Centre, Respite Housing and Safe House) with a Focus on the Educational Circumstances during the COVID-19 Pandemic ([Analiza obrazovne situacije dece korisnika usluga socijalne zaštite \(svratište, dnevni boravak, predah smeštaj i sigurna kuća\), s fokusom na obrazovnu situaciju tokom pandemije KOVID-19](#)), May 2021.

⁸¹ Serbia, EU Delegation to the Republic of Serbia (2021), ['Distribution of Laptops and Tablets as Part of the Bridging Digital Divide in Serbia for the Most Vulnerable Children Project'](#), Press release, 13 April 2021.

⁸² A11 – Initiative for Economic and Social Rights (*A11 – Inicijativa za ekonomska i socijalna prava*) (2021), [Written contribution to the 2021 Annual Report for Serbia on Political Criteria and chapters 23 and 24](#), April 2021, p. 14.

⁸³ Coalition for Monitoring Child Rights in the Republic of Serbia (*Koalicija za monitoring prava deteta u Republici Srbiji*) (2021), [Serbia 2021 Progress Report, Written Submission from the Coalition for Monitoring Child Rights in Serbia](#), April 2021, p. 4.

	<p>the telephone hotline.⁸⁴ The National Contact Centre for Child Internet Safety (<i>Nacionalni kontakt centar za bezbednost dece na internetu</i>) launched a series of webinars for parents on protecting children from online risks and video presentations for children and parents on internet safety.⁸⁵</p> <p>Reports revealed an increase in the number of domestic violence cases in 2020, with 22.8 % of cases affecting children.⁸⁶ Data published in 2021 also show a rise in the number of cases of online abuse reported to the competent authorities, such as the Special Cyber Crime Prosecution Office (<i>Posebno tužilaštvo za visoko-tehnološki kriminal</i>) and the Ministry of Interior Affairs (<i>Ministarstvo unutrašnjih poslova</i>); most reports alleged the crimes of harassment and child pornography.⁸⁷</p>
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	In July 2021, the Ministry of Justice (<i>Ministarstvo pravde</i>) presented the Draft Act Amending the Juvenile Justice Act, ⁸⁸ which is expected to facilitate the implementation of diversionary mechanisms, alternatives to detention and support measures for child victims and witnesses in criminal proceedings. ⁸⁹
Policy developments	There were no major policy developments regarding criminal proceedings in 2021. Data published in 2021 revealed that the number of criminal charges and motions for criminal sanctions against children in 2020 decreased (by 13 %) as did the number of criminal convictions (by 26 %) year-on-year, while 0.2 % of the children were sentenced to juvenile detention. ⁹⁰

⁸⁴ UNICEF Serbia (2021), '[National Children's Line Launches New Innovative Service](#)', Press release, 24 February 2021.

⁸⁵ Serbia, Government (2021), 'Webinars for parents on child internet protection begin' (['Počinju vebinari za roditelje o zaštiti dece na internetu'](#)), Press release, 9 February 2021.

⁸⁶ Serbia, National Social Protection Institute (Republički zavod za socijalnu zaštitu) (2021), 2020 Annual Report on the Work of Social Work Centres ([Izveštaj o radu centara za socijalni rad za 2020. godinu](#)), July 2021, pp. 23-25.

⁸⁷ Serbia, Ministry of Trade, Tourism and Telecommunications (*Ministarstvo trgovine, turizma i telekomunikacija*) (2021), 2020 Annual Report on the Work of the National Contact Centre for Child Internet Safety ([Izveštaj o radu Nacionalnog kontakt centra za bezbednost dece na internetu](#)), March 2021.

⁸⁸ Serbia, Ministry of Justice (Ministarstvo pravde) (2021), Draft Act Amending the Juvenile Justice Act ([Nacrt zakona o izmenama i dopunama Zakona o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica](#)), 9 July 2021.

⁸⁹ Coalition for Monitoring Child Rights in the Republic of Serbia (*Koalicija za monitoring prava deteta u Republici Srbiji*) (2021), [Serbia 2021 Progress Report, Written Submission from the Coalition for Monitoring Child Rights in Serbia](#), April 2021, p. 3.

⁹⁰ Serbia, Statistical Office of the Republic of Serbia (*Republički zavod za statistiku*) (2021), '[Juvenile perpetrators of criminal offences](#)', Press release, 14 July 2021.

Other measures or initiatives	The Criminological and Sociological Research Institute noted the need for substantial normative and institutional engagement in the prevention and treatment of delinquency of children under 14. ⁹¹
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Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

On 22 April 2021, the Government adopted a decision⁹² establishing the Coordination Body for Support to Victims of Crime and Witnesses in Criminal Proceedings, as provided by the relevant National Strategy.⁹³ The Coordination Body, whose members include representatives of the relevant ministries, is tasked with continuously monitoring and improving support to victims of crime and witnesses in criminal proceedings and acting as an advisory and strategic body providing needs assessments, recommendations and analyses.⁹⁴

Amendments to the Civil Procedure Act (*Zakon o parničnom postupku*) put forward in 2021 aim at increasing efficiency, speeding up trials, and facilitating electronic filing.⁹⁵ Several of these amendments⁹⁶ were strongly opposed by experts, who warned that they may impinge on access to justice.⁹⁷ Under the disputed

⁹¹ Serbia (2021), Criminological and Sociological Research Institute (*Institut za kriminološka i sociološka istraživanja*), Impact Analysis of the Implementation of the Juvenile Justice Act in the 2006-2020 Period ([Analiza uticaja primene Zakona o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica u periodu od 2006. do 2020. godine](#)), Belgrade, 2021, pp. 5-7.

⁹² Serbia, Government (2021), Decision on the establishment of the Coordination Body for Support to Victims of Crime and Witnesses in Criminal Proceedings ([Odluku o obrazovanju Koordinacionog tela za podršku žrtvama krivičnih dela i svedocima u krivičnim postupcima](#)), 26 April 2021.

⁹³ Serbia, Government (2020), 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime ([Nacionalna strategija za ostvarivanje prava žrtava i svedoka krivičnih dela za period 2020 – 2025. godine](#)), 19 August 2020.

⁹⁴ Serbia, Government (2021), Decision on the establishment of the Coordination Body for Support to Victims of Crime and Witnesses in Criminal Proceedings ([Odluku o obrazovanju Koordinacionog tela za podršku žrtvama krivičnih dela i svedocima u krivičnim postupcima](#)), 26 April 2021, Art. 2.

⁹⁵ Serbia, Ministry of Justice (*Ministarstvo pravde*) (2020), Remarks, proposals, suggestions and comments on the Draft Amendments to the Civil Procedure Act ([Primedbe, predlozi, sugestije i komentari na Nacrt zakona o izmenama i dopunama Zakona o parničnom postupku](#)), 20 May 2021.

⁹⁶ Paragraf.rs, Draft Act Amending the Civil Procedure Act ([Nacrt Zakona izmene Zakona o parničnom postupku](#)), 20 May 2021, Arts. 22, 27, 50.

⁹⁷ Partners Serbia (*Partneri Srbija*) (2021), 'Amendments to the Civil Procedure Act, Steps in the right direction or not?' ([Izmene i dopune zakona o parničnom postupku, Koraci u dobrom pravcu](#)

amendments, a lawsuit shall be considered withdrawn if the court fee is not paid within the statutory eight-day deadline.⁹⁸ Moreover, the amendments are to apply to all proceedings pending on the day they enter into force, wherefore all lawsuits for which the fee has not been paid shall automatically be considered withdrawn.⁹⁹ The provision on the collection of court fees may impinge, in particular, on journalists and human rights activists, who are increasingly subject to SLAPP lawsuits.¹⁰⁰

The amendments will also substantially reduce the effects of the Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*),¹⁰¹ as they will affect a large number of people not fulfilling the criteria for legal aid but lacking funds to pay the court fees in advance.¹⁰² The Legal Aid Act has failed to reach its full potential even before these amendments impinging on access to justice were adopted. In March 2021, the Ministry of Justice (*Ministarstvo pravde*) published the Report on the Implementation of the Legal Aid Act stating that the Register of Legal Aid Providers included 155 local self-governments, 3,213 lawyers, 45 mediators, 17 notaries public and 30 civic associations.¹⁰³ From 1 October 2019 to 31 March 2021, a total 6,883 applications for legal aid were filed and 5,367 of them (80 %) were approved; most of the recipients were provided legal aid by the municipal services, while 954 recipients were extended legal aid by lawyers.¹⁰⁴ In February 2021, the CSO Praxis published the findings of its study showing that legal aid services were established in only 32 % of the local self-government units; that 18 % of them never received a request for legal aid; and that 32 % of them had received fewer than 10 such requests in a year.¹⁰⁵

ili ne?'), Press release, 20 May 2021; Centre for Judicial Research (*Centar za pravosudna istraživanja, CEPRIS*), 'Amendments to the Civil Procedure Act - radical departure from the achieved level of human rights' (*Izmene Zakona o parničnom postupku – radikalno odstupanje od dostignutog nivoa ljudskih prava*'), Press release, 4 June 2021.

⁹⁸ Paragraf.rs, Draft Act Amending the Civil Procedure Act (*Nacrt Zakona izmene Zakona o parničnom postupku*), 20 May 2021, Art. 22.

⁹⁹ Paragraf.rs, Draft Act Amending the Civil Procedure Act (*Nacrt Izmene Zakona o parničnom postupku*), 20 May 2021, Art. 27.

¹⁰⁰ Civic Initiatives (*Građanske inicijative*) (2021), 'Amendments to the Civil Procedure Act: Effects on the media' (*Izmene Zakona o parničnom postupku: Posledice po medije*'), Press release, 7 June 2021.

¹⁰¹ Serbia, Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*), Official Gazette of the RS, No. 87/2018.

¹⁰² Centre for Judicial Research (*Centar za pravosudna istraživanja, CEPRIS*) (2021) 'Amendments to the Civil Procedure Act - radical departure from the achieved level of human rights' (*Izmene Zakona o parničnom postupku – radikalno odstupanje od dostignutog nivoa ljudskih prava*'), Press release, 4 June 2021.

¹⁰³ Serbia, Ministry of Justice (*Ministarstvo pravde*) (2021), Report on the Implementation of the Legal Aid Act (*Izveštaj o sprovođenju Zakona o besplatnoj pravnoj pomoći*), March 2021, p. 5.

¹⁰⁴ Serbia, Ministry of Justice (*Ministarstvo pravde*) (2021), Report on the Implementation of the Legal Aid Act (*Izveštaj o sprovođenju Zakona o besplatnoj pravnoj pomoći*), March 2021, p. 6.

¹⁰⁵ Praxis, (2021) Legal Aid Act - First Year in Practice: Have the goals been fulfilled? (*Zakon o besplatnoj pravnoj pomoci – prva godina u praksi: Da li su ciljevi ispunjeni?*), p. 14, February 2021.

The discrepancy in data between the Praxis and Ministry reports may be the result of the gap noted by the Ministry, namely the need to improve reporting parameters to facilitate analysis of the data on the matters regarding which legal aid was provided.¹⁰⁶

Another CSO, A11 – Initiative for social and economic rights (*A11– Inicijativa za socijalna i ekonomska prava*), said in its report, also published in February 2021, that internally displaced persons, especially those belonging to vulnerable groups, were not adequately informed about how they could access legal aid, that the procedures were neither accessible nor transparent, and that their requests were often denied without proper consideration.¹⁰⁷

7.2 Measures addressing violence against women

In April 2021, the Government adopted the 2021–2025 Strategy for Preventing and Combatting Gender-Based Violence against Women and Domestic Violence.¹⁰⁸ Its goal is to facilitate effective prevention of and protection from all forms of violence against women and girls and domestic violence and develop a system of support services for victims of violence.¹⁰⁹ However, the new Gender Equality Act (*Zakon o rodnoj ravnopravnosti*)¹¹⁰ has undermined the Strategy measures related to specialised support services for women and other victims of violence,¹¹¹ since it provides for the funding of these measures from the local government

¹⁰⁶ Serbia, Ministry of Justice (*Ministarstvo pravde*) (2021), Report on the Implementation of the Legal Aid Act ([Izveštaj o sprovođenju Zakona o besplatnoj pravnoj pomoći](#)), March 2021, p. 15.

¹⁰⁷ A11 – Initiative for Social and Economic Rights (*A11 – Inicijativa za ekonomska i socijalna prava*) (2021), *Implementation of the Legal Aid Act (Primena zakona o besplatnoj pravnoj pomoći)*, p. 20, February 2021. Similar findings have been also noted in Praxis' report *Legal Aid Act - First Year in Practice: Have the goals been fulfilled? (Zakon o besplatnoj pravnoj pomoci – prva godina u praksi: Da li su ciljevi ispunjeni?)*, February 2021.

¹⁰⁸ Serbia, Government (2021), 2021-2025 Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence ([Strategija za sprečavanje i borbu protiv rodno zasnovanog nasilja prema ženama i nasilja u porodici za period 2021-2025. godine](#)), 22 April 2021.

¹⁰⁹ Serbia, Government (2021), 2021-2025 Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence ([Strategija za sprečavanje i borbu protiv rodno zasnovanog nasilja prema ženama i nasilja u porodici za period 2021-2025. godine](#)), 22 April 2021.

¹¹⁰ Serbia, Gender Equality Act ([Zakon o rodnoj ravnopravnosti](#)), Official Gazette of the RS, No. 52/2021.

¹¹¹ Astra, Autonomous Women's Centre (*Autonomni ženski centar*), Group 484 (*Grupa 484*) (2021), 'Whose equality? Comments on amendments to anti-discrimination laws' ([Čija jednakost? Komentari na izmene i dopune antidiskriminatornih zakona](#)), Press release, 26 May 2021.

budgets¹¹² but not before 1 January 2024,¹¹³ which CSOs and experts consider unreasonably long.¹¹⁴

There are no other specific measures addressing violence against women, a persisting problem in Serbia.¹¹⁵ There are still no comprehensive reports on whether violence against women increased during the COVID-19 pandemic, but there are indications that fewer women reported their abusers to the authorities during the state of emergency lockdown, as corroborated by the increase in the number of women who sought help and support from specialised women's organisations and shelters.¹¹⁶

A report on media coverage of violence against women and girls during the state of emergency in Serbia introduced in response to the COVID-19 pandemic showed that Serbian media often revealed the identity of victims in their reports on violence against women and girls.¹¹⁷ The media usually report on specific cases and the personal accounts of women victims of violence rather than on the phenomenon of violence against women, and its causes and effects, while tabloids resort to sensationalist and stereotyped turns of phrase in their descriptions of the violence and the victims.¹¹⁸

In March 2021, the Constitutional Court (*Ustavni sud*) delivered a landmark judgment regarding the protection of victims. It found that a violation of the constitutional prohibition of trafficking in human beings cannot be reduced only to the criminal aspect, but that it has its own constitutional character, the main

¹¹² Serbia, Gender Equality Act ([Zakon o rodnoj ravnopravnosti](#)), Official Gazette of the RS, No. 52/2021, Art. 58.

¹¹³ Serbia, Gender Equality Act ([Zakon o rodnoj ravnopravnosti](#)), Official Gazette of the RS, No. 52/2021, Art. 77, para. 2.

¹¹⁴ PrEUgovor Coalition (*Koalicija PrEUgovor*), (2021), '[Coalition PrEUgovor Warns of Worrying and Surprising Provisions of the Bills in the Parliamentary Debate](#)', Press release, 19 May 2021.

¹¹⁵ Autonomous Women's Centre (*Autonomni ženski centar*) (2021), *Femicide - Murders of Women in Serbia, Quantitative-Narrative Report January 1 - June 30, 2021* ([Femicid –Ubistva žena u Srbiji, Kvantitativno-narativni izveštaj 1. januar - 30. jun 2021. godine](#)), p. 1, July 2021.

¹¹⁶ OSCE Mission to Serbia (2021), Assessment of the impact of the COVID-19 pandemic on the implementation of the National Action Plan for the Implementation of UN Security Council Resolution 1325 - Women, Peace and Security in the Republic of Serbia (2017-2020) at the local level ([Procena uticaja pandemije COVID-19 na implementaciju Nacionalnog akcionog plana za primenu Rezolucije 1325 Saveta bezbednosti UN – Žene, mir i bezbednost u Republici Srbiji \(2017-2020\), na lokalnom nivou](#)), March 2021, pp. 8 and 80.

¹¹⁷ UN Women, Đorđević, A., Ranković, L. (2021), Bad as usual, in unusual times: media coverage of violence against women and girls during the state of emergency introduced in Serbia in response to the COVID-19 pandemic ([Standardno loše u nestandardno doba: izveštavanje medija o nasilju prema ženama i devojčicama tokom vanrednog stanja u Srbijiizazvanog pandemijom kovida-19](#)), pp. 17-23, 2021.

¹¹⁸ UN Women, Đorđević, A., Ranković, L. (2021), Bad as usual, in unusual times: media coverage of violence against women and girls during the state of emergency introduced in Serbia in response to the COVID-19 pandemic ([Standardno loše u nestandardno doba: izveštavanje medija o nasilju prema ženama i devojčicama tokom vanrednog stanja u Srbijiizazvanog pandemijom kovida-19](#)), pp. 17-23, 2021.

purpose of which is to protect the victims.¹¹⁹ The Court concluded that all three cumulative elements of the definition of human trafficking (the action, the means and the purpose) and available evidence should be thoroughly considered throughout the proceedings.¹²⁰

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

In April 2021, the Government adopted the 2021-2022 Action Plan for the Implementation of the 2020-2024 Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia.¹²¹ In cooperation with the National Organisation of Persons with Disabilities of Serbia (NOOIS), the relevant ministry published an updated Guide to the Rights of Persons with Disabilities in the Republic of Serbia (*Vodič kroz prava osoba sa invaliditetom u Republici Srbiji*).¹²²

The COVID-19 pandemic has continued to pose challenges for persons with disabilities,¹²³ especially children.¹²⁴ In June 2021, CSOs documented cases of severe neglect of and non-provision of health care to children with disabilities living in a number of visited institutions, which the state has failed to address.¹²⁵ Particularly alarming are reports of forced abortions and administration of

¹¹⁹ Serbia, Constitutional Court (*Ustavni sud*) (2021), Decision No. UŽ - 1526/2017, 4 March 2021. More in Annex 2 to chapter 7.

¹²⁰ Serbia, Constitutional Court (*Ustavni sud*) (2021), Decision No. UŽ - 1526/2017, 4 March 2021.

¹²¹ Serbia, Government (2021), Action Plan for the Implementation of the 2020-2024 Strategy for Improving the Status of Persons with Disabilities in the Republic of Serbia ([Akcioni plan za sprovođenje Strategije unapređenja položaja osoba sa invaliditetom u Republici Srbiji za period od 2020. do 2024. godine, u periodu od 2021. do 2022.](#)).

¹²² Serbia, Ministry of Labour, Employment and Veteran and Social Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*), National Organisation of Persons with Disabilities of Serbia (*Nacionalna organizacija osoba sa invaliditetom Srbije*) (2021), Guide to the Rights of Persons with Disabilities in the Republic of Serbia ([Vodič kroz prava osoba sa invaliditetom u Republici Srbiji](#)).

¹²³ National Organisation of Persons with Disabilities of Serbia (*Nacionalna organizacija osoba sa invaliditetom Srbije*) (2021), Towards an inclusive response to the pandemic: the impact of the COVID-19 pandemic on the position of persons with disabilities in Serbia and recommendations for the realisation and protection of their rights in situations of epidemiological risk ([Ka inkluzivnom odgovoru na pandemiju: Uticaj pandemije COVID-19 na položaj osoba sa invaliditetom u Srbiji i preporuke za ostvarivanje i zaštitu prava ovih osoba u situacijama epidemiološkog rizika](#)), pp. 157-164.

¹²⁴ Disability Rights International, Mental Disability Rights Initiative of Serbia (2021), [Serbia's Forgotten Children](#), June 2021, pp. 46-50.

¹²⁵ Disability Rights International, Mental Disability Rights Initiative of Serbia (2021), [Serbia's Forgotten Children](#), June 2021.

contraceptives to women and girls with disabilities without their consent or knowledge, effectively covering up widespread sexual abuse and rape in some institutions.¹²⁶

8.2 CRPD monitoring at national level

In July 2021, the Council for Monitoring the Implementation of Recommendations of UN Human Rights Mechanisms (*Savet za praćenje primene preporuka mehanizama UN za ljudska prava*), including those made by the UN Committee on the Rights of Persons with Disabilities, adopted its July 2021 - June 2022 Operational Plan and decided to make its Plan for Monitoring the Implementation of UN Recommendations available to the public, inviting it to offer suggestions for its improvement.¹²⁷

¹²⁶ Platform of Organisations for Cooperation with UN Human Rights Mechanisms (*Platforma organizacija za saradnju sa mehanizmima Ujedinjenih nacija za ljudska prava*) (2021), ['Unacceptable silence of the administration regarding the findings on the systemic abuse of children with disabilities in social welfare institutions'](#), Press release, 29 June 2021.

¹²⁷ Serbia, Ministry of Human and Minority Rights and Social Dialogue (*Ministarstvo za ljudska i manjinska prava i društveni dijalog*) (2021), 'Making the Plan for Monitoring the Implementation of UN Human Rights Recommendations available to the public' (['Dostavljanje na uvid javnosti Plana za praćenje primene preporuka UN za ljudska prava'](#)), Press release, 19 July 2021.

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Pravo da vas ostave na miru, Vodič o zaštiti podataka o ličnosti kvir zajednice
Title (EN)	Right to Be Left Alone, Guide to Personal Data Protection for the Queer Community
Organisation (original language)	Da se zna!
Organisation (EN)	Da se zna! (there is no English translation of the name)
Government / Civil society	Civil society
Funding body	European Union (European Instrument for Democracy and Human Rights (EIDHR))
Reference (incl. URL, where available)	https://dasezna.lgbt/attachments/vodic_o_zastiti_podataka_web.pdf
Indicate the start date of the	January 2021

promising practice and the finishing date if it has ceased to exist	
Type of initiative	Awareness-raising campaign.
Main target group	LGBT+ community.
Indicate level of implementation: Local/Regional/National	National level.
Brief description (max. 1000 chars)	Da se zna is a non-governmental organisation working with and supporting the LGBT+ population in Serbia. This organisation prepared the Guide to Personal Data Protection for LGBT+ people to promote accountability mechanisms for discrimination, hate speech, and personal data violations. The Guide provides an overview of the national legislation, mechanisms for protecting the rights of LGBT+ persons and illustrates the importance of the protection of their personal data through various case studies.
Highlight any element of the actions that is transferable (max. 500 chars)	User-friendly and engaging introduction of the personal data protection perspective in cases of discrimination and hate speech against the LGBT+ population.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is sustainable because the Guide contributes to general knowledge about protecting the rights of the LGBT+ population.

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The Guide has the potential to have substantial and measurable impact on the LGBT+ community and the protection of their rights. It is expected to improve the knowledge of the community, organisations, and institutions focusing on anti-discrimination and encourage LGBT+ persons to report abuse of their personal data and avail themselves to a greater extent of other mechanisms for their protection.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This practice is transferable because it provides a personal data protection perspective to LGBT+ protection and can serve as inspiration for the development of similar Guides in other settings.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The beneficiaries were involved in the design and planning processes, and the implementation of the practice heavily relies on engagement with beneficiaries.</p>
<p>Explain, if applicable, how the practice provides</p>	<p>Not applicable.</p>

for review and assessment.	
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Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	Mladi protiv zločina iz mržnje
Title (EN)	Youth Against Hate Crime
Organisation (original language)	Krovna organizacija mladih Srbije
Organisation (EN)	National Youth Council of Serbia
Government / Civil society	CSO
Funding body	National Youth Council of Serbia / OSCE

Reference (incl. URL, where available)	https://koms.rs/2021/08/20/nagradni-konkurs-mladi-protiv-zlocina-iz-mrznje/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	August-September 2021
Type of initiative	Call for artworks
Main target group	Youth (citizens of Serbia aged 15-30)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Introducing youth to the concept of hate crimes on various discriminatory grounds, the project seeks to involve young people by engaging their creative capacity in the fight against various forms of discriminatory behaviour. Youth are invited to submit their own short works of art in any visual format (video, photo, comic book, design, etc.) either promoting tolerance and non-discrimination or demonstrating their vision of the struggle against bias and stereotypes. The authors of the three best works are awarded a smartphone and a camera. The participants' artworks will then be publicly exhibited.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>A national call for the submission of artworks focusing on common European values and targeting the youth can reasonably be implemented in any national setting.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The activity is cost-effective and accessible to most young people in Serbia. Youth are asked to spread word of the project among their peers and contribute freely. The format of the annual call for applications is practical to maintain and easy to follow.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of a project such as this one, especially if it is implemented over several years, can be quantified by the number of submissions and participants. Increased visibility and cooperation with local and national bodies would contribute to its promotion. The participants' feedback can also be taken into consideration in the qualitative analysis (e.g. focusing on their reasons for participating, the manner in which they produced their work, and whether their engagement broadened their horizons). The fact that the works are exhibited publicly is also an advantage as it can also encourage the local community to engage in creative efforts supporting non-discrimination.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Given the project's accessibility and cost-effectiveness, as well as its target audience, the concept can easily be replicated in other settings, provided that the local youth have access to adequate technologies.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project team has not provided any details on the project’s design and planning, although the participants’ feedback can feasibly be included if the project continues in the coming years.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The number of participants and submissions, their feedback, as well as any reactions by third parties (e.g. visitors to the exhibition of the works) can be reviewed on a regular basis and compared with earlier efforts.</p>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	Podrška Evropske unije socijalnom stanovanju i aktivnoj inkluziji
Title (EN)	The European Union support to social housing and active inclusion
Organisation (original language)	United Nations Office for Project Services (UNOPS)
Organisation (EN)	United Nations Office for Project Services (UNOPS)
Government / Civil society	/
Funding body	European Union through the Instrument for Pre-accession Assistance (IPA) 2018
Reference (incl. URL, where available)	https://social-housing.euzatebe.rs/

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>2021 – 2023</p>
<p>Type of initiative</p>	<p>Project</p>
<p>Main target group</p>	<p>Roma, disadvantaged women, particularly victims of domestic violence, youth in/leaving care, persons with disabilities and others living in inadequate housing conditions.</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>National and regional</p>
<p>Brief description (max. 1000 chars)</p>	<p>The purpose of the project is to improve the living conditions of the most vulnerable men, women and children living in substandard housing. In addition to Roma as the primary target group, the project will provide adequate housing also to other socially vulnerable groups. The project will decrease social distance towards Roma and contribute to the social cohesion of socially vulnerable groups. The project aims to achieve the following three main results: 1) build the capacity of institutions, authorities, and organisations providing housing and active inclusion services for effective and gender-responsive planning and implementation of housing programmes and extension of the relevant support services, 2) provide adequate housing for the most vulnerable population, and 3) provide employment, welfare, education and health care services complementary to housing solutions to the most vulnerable project beneficiaries.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>Addressing the needs of various target groups by the same housing programme is one of the transferable aspects of the project. The project will thus preclude the creation of ghettos and segregated social housing neighbourhoods.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Provision of active social inclusion measures (jobs, employment opportunities, welfare and health care and other services) simultaneously with adequate housing, will greatly contribute to the project's sustainability. Social housing programmes implemented in Serbia to date have lacked this approach, which proved to be the main obstacle to the sustainability and affordability of the provided housing. Because of that, many social housing programmes in the country turned into their opposite – their beneficiaries are not living in adequate and affordable housing and are at risk of eviction.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The implementation of this project should increase the number of social housing units in the country and improve the capacity of institutions and organisations to manage, plan and monitor social housing programmes. The project thus has the potential to create concrete measurable impact on some socially vulnerable individuals coming from the target groups.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This practice is transferable to other countries with high numbers of Roma and other disadvantaged groups living in informal and inadequate housing, struggling with the lack of social housing programmes and with a great demand for affordable and adequate housing.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Not applicable.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Not applicable.</p>

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	Alati za digitalnu bezbednost
Title (EN)	Digital Security Toolkit
Organisation (original language)	SHARE Fondacija
Organisation (EN)	SHARE Foundation
Government / Civil society	Civil Society
Funding body	Hivos International, Digital Defenders Partnership, Share Foundation
Reference (incl. URL, where available)	https://toolkit.sharecert.rs/en/

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>12 March 2021</p>
<p>Type of initiative</p>	<p>Digital Security Toolkit is an open platform which aims to offer answers to digital queries and dilemmas.</p>
<p>Main target group</p>	<p>Public</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>Regional</p>
<p>Brief description (max. 1000 chars)</p>	<p>The Cybersecurity Toolkit is an open platform that provides one-stop instructions and offers solutions to problems with websites, applications, or devices. It allows users to learn more about good practices of protecting information systems and digital goods and offers advice to victims of cyber violence or harassment. The content of the Toolkit is divided into two categories: troubleshooting and educational content. The tools are intended for members of the public, journalists, and activists. The goal is to extend help that will contribute to expanding the knowledge base and provide tips and instructions with up-to-date answers to changes in the digital environment.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>This action is set to provide useful and up-to-date information quickly, offering solutions and advice in real time. It covers issues and means of protection related to problems with online harassment, safe browsing, threats and pressures, and organisational security. Its one-stop shop approach to the most common problems that internet users can come across and need a fast answer to is also transferable. It provides both a digested overview of the issues and a pool of information for those who are interested in more extensive research. It can be used by internet users who have experienced problems personally and those who want to gain a deeper understanding of the issues.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The Toolkit has been developed as a database that will be continuously updated and expanded to capture the developments in the area, as well as the users' interest in specific issues.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The Toolkit's impact will be measured by the number of visits and questions submitted by the visitors. Given that the Toolkit is a unique database in Serbian, it can provide information to various stakeholders, including journalists, as well as to teachers and parents.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This Toolkit provides one-stop instructions and offers solutions to global problems with websites, applications or devices and covers the issues requiring fast answers. It can be used both in the Western Balkan region and the Member States since it provides answers to universal issues.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The Toolkit is the result of the organisation's previous work with stakeholders and is an effort to provide help and advice in a more structured and sustainable way.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Not applicable.</p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	FOKUS – Radimo zajedno za pravosudni sistem koji u centru ima prava i potrebe deteta
Title (EN)	FOCUS on my needs – Working together for children in criminal proceedings
Organisation (original language)	Centar za prava deteta, Terre de hommes Hungary, Child Circle, Defence for Children International Netherland-ECPAT Nederland, Институт по социални дейности и практики, Terre de hommes România and Γη των ανθρώπων
Organisation (EN)	The Child Rights Centre, in cooperation with Terre de hommes Hungary, Child Circle Belgium, Defence for Children International Netherlands, Social Initiative and Practice Institute Bulgaria, Terre de hommes Hungary Romania and Terre de hommes Hungary Hellas
Government / Civil society	Civil society
Funding body	European Union Rights, Equality and Citizenship Programme 2014-2020
Reference (incl. URL, where available)	https://cpd.org.rs/focus-on-my-needs-working-together-for-children-in-criminal-proceedings/?lang=en

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 January 2020
Type of initiative	Capacity building, advocacy and awareness raising
Main target group	Children in contact with the law – child offenders and victims
Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	The project aims at building the capacities of professionals to conduct individual assessments of children involved in criminal proceedings in a multidisciplinary way in order to develop and establish a practice of multidisciplinary individual assessments that will ensure individualised responses in the best interests of the child. Children and young people will also be provided with training familiarising them with their rights in criminal proceedings, with a view to empowering them to become agents of change and advocates of child-centred justice.
Highlight any element of the actions that is transferable (max. 500 chars)	When a child is involved in criminal proceedings in any country, either as an offender or as a victim, the relevant legal and child protection professionals should act in concert and together analyse all aspects of the child's life, identifying his or her strengths and vulnerabilities, in order to provide a multidisciplinary individual assessment responding to the child's needs and supporting the child's access to justice and fair treatment. Therefore, best practices in conducting individual assessments of children and involving the application of a new multidisciplinary assessment method are the main element of the action that is transferable.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The sustainability of the practice is supported by the fact that the multidisciplinary individual assessment tool helps to guarantee access to justice for any child involved in criminal proceedings. It is also crucial for avoiding discrimination and allowing all children to benefit from the available support services, including restorative justice, thereby responding to the needs of children and serving their best interests.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The practice involves a review of the existing tools, gaps and best practices in conducting individual assessments of children and use of the findings to develop and pilot new methods. As a result of the project, 465 law enforcement and judicial professionals, lawyers, social workers, health professionals and psychologists will learn to apply the new tools and work in a multidisciplinary way, 250 children involved in criminal proceedings will benefit from assessments that will lead to their better protection, while 3,000 children and adults will be more aware of the child-centred approach in criminal proceedings.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Given that there are countries with little or no experience in performing multidisciplinary individual assessments in a comprehensive and child-focused way, this new tool can be transferred to such states to contribute to a more child-centred approach in criminal proceedings. For this purpose, all the professional guidance developed within the action will be made available free of charge to practitioners and policymakers in EU Member States to support them in conducting multidisciplinary individual assessments.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Fifty children and young people with experience in the youth justice system are involved in the work of Child Advisory Boards in Bulgaria, Greece, Serbia, Netherlands and Romania. The children have undergone training on their rights in criminal proceedings, but are also consulted on project activities and materials, and empowered to become child advocates. They exchange ideas and share their experiences with legal experts and practitioners, which will help improve the practices and procedures for individual assessments of children in criminal proceedings. The participatory YouCreate methodology guides children and young people in developing their own creative ways of communicating about child-centred justice and children’s rights in criminal proceedings. The children’s videos and other materials are shared through the social media, the partners’ networks and the child protection online platform ChildHub to inform more people about the importance of a multidisciplinary approach.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Not applicable.</p>

Thematic area	<p style="text-align: center;">ACCESS TO JUSTICE</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter.</p>
Title (original language)	Otvorena vrata pravosuđa
Title (EN)	Open Doors of Judiciary
Organisation (original language)	YUCOM
Organisation (EN)	YUCOM
Government / Civil society	Civil Society
Funding body	USAID
Reference (incl. URL, where available)	http://en.otvorenavratapravosudja.rs/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2019
Type of initiative	Outreach and educational campaign aimed at establishing a proactive relationship between the representatives of the judiciary and the members of the public
Main target group	General public
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The project aims to establish a proactive relationship between the representatives of the judiciary and members of the public through several channels of communication tailored to people of various social backgrounds and ages and with different levels of education. These channels include communication through a digital platform, digital media and blog posts, as well as local advisory services in 15 cities and municipalities in Serbia. The project aims to help citizens understand their rights enshrined in the Constitution better, as well as familiarise them with how the justice system works and how judges and prosecutors make decisions that are fair and rational.</p> <p>Over 80 themed open-door events, forums for discussions about judicial issues, have been staged to date. Judges, prosecutors and legal experts, more than 150 of them so far, have been familiarising the public with the work of their local courts, as well as with their rights and obligations as real or potential participants in court proceedings. Around 3,000 people have followed the events in person and another 450,000 have later watched them online.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The project intends to mainstream the principle of open dialogue between the members of the public and the judiciary and encourage greater engagement of judicial representatives in their local communities.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This project is implemented by one of the leading Serbian CSOs focusing on access to justice and rule of law and is a natural continuation of its prior efforts. The project's sustainability is ensured by its ambitious scope, national and international support, and involvement of a broad range of stakeholders. The project is fully sustainable in terms of expertise, as it entails the support of professionals, leading civil society organisations, and the academic community.</p> <p>The project was initially implemented in cooperation with 15 Basic Courts. Sixty courts and prosecution offices at all levels are now engaged in it. The list of stakeholders has also continuously expanded over time and now includes bar associations, the Chamber of Public Enforcement Agents, social protection services, notaries public, law schools and representatives of the relevant ministries.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project has many potentially measurable results, including the numbers of website visits, events and participants in them, and the growing interest of stakeholders.</p>

<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The project focuses both on providing the necessary information to the public and on bridging the wide gap between the citizens and the judiciary. The transferability of this project is reflected in its aim to simultaneously pursue changes in practice, educate the target audience, as well as provide feedback to members of the judiciary and other stakeholders responsible for access to justice.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>YUCOM has been including various beneficiaries in all stages of project implementation, whilst developing a sustainable and productive relationship with representatives of the judiciary, other state institutions, civil society and legal experts. Due to the two-way and regular channels of communication, project activities are often shaped by the received feedback and ongoing needs assessments.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>As project has many potentially measurable results, all of them will be visible and available for review by international and national stakeholders, including those regularly assessing progress in the field.</p>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Jačanje rezilijentnosti (otpornosti) starijih osoba i osoba sa invaliditetom tokom COVID-19 i budućih katastrofa
Title (EN)	Strengthening resilience of older persons and persons with disabilities during COVID-19 and future disasters
Organisation (original language)	Crveni krst Srbije, Nacionalna organizacija osoba sa invaliditetom Srbije, SeConS grupa za razvojnu inicijativu, Caritas Kosova, AGE Platform Europe, European Disability Forum, Österreichisches Rotes Kreuz, Kryqi i Kuq Shqiptar, Shogata Shqiptare Geriatriisë dhe Gerontologjisë, Društvo Crvenog krsta Bosne i Hercegovine, Udruženje za pomoć i razvoj HAJDE, Crveni krst Crne Gore, Savez slijepih Crne Gore, Crven krst na Republika Severna Makedonija, Humanity
Organisation (EN)	Red Cross of Serbia, National Organisation of Persons with Disabilities of Serbia, SeConS Development Initiative Group, Caritas Kosova, AGE Platform Europe, European Disability Forum, Austrian Red Cross, Albanian Red Cross, Albanian Association of Geriatrics and Gerontologists, Red Cross Society of Bosnia and Herzegovina, Association for Help and Development HAJDE, Red Cross of Montenegro, Union of the Blind of Montenegro, Red Cross of the Republic of North Macedonia, Association Humanity
Government / Civil society	Civil society
Funding body	European Union, Austrian Development Agency
Reference (incl. URL, where available)	https://noois.rs/news/494-strengthening-resilience-of-older-persons-and-persons-with-disabilities-during-covid-19-and-future-disasters

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	15 November 2020
Type of initiative	Capacity building, advocacy, awareness raising
Main target group	Persons with disabilities, the elderly
Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	The project aims at supporting persons with disabilities and older persons in Western Balkan countries to better cope with the current COVID-19 pandemic and be better prepared for any future epidemics or disasters. It includes a number of activities specifically designed to enhance and preserve mental and physical health and the social protection of persons with disabilities and older persons in the pandemic circumstances. At the same time, the project aims at building the capacities of relevant civil society organisations across the region to develop and implement local initiatives fostering the social inclusion of and extending direct support to persons with disabilities and older persons.
Highlight any element of the actions that is transferable (max. 500 chars)	The project will produce evidence-based recommendations of new policy models, in order to further support policymakers in the six project sites in improving the relevant public policies in the context of the COVID-19 pandemic. These policy models can be considered the main element of the action that is transferable.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The project includes a number of trainings that will build the capacities of civil society partners for extending psychosocial support and addressing the welfare issues of the target groups. Therefore, capacity development of key CSOs in providing quality services is the crucial sustainability factor that will enable long-term results in the years following the completion of the project. Additionally, the CSO networks' strategic activities will support policymakers in developing and improving strategic documents to minimise the impact of the pandemic and improve the social inclusion of persons with disabilities and the elderly.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project will support 60 civil society organisations with grants to promote social inclusion and self-protection strategies for older people and persons with disabilities; provide training to 300 employees and volunteers of the project partners, empowering them to extend continuous, reliable and effective psychosocial first aid and support to persons with disabilities and older persons; and, enable 60,000 people from these vulnerable groups to better cope with the COVID-19 pandemic and be better prepared for any future epidemics or disasters.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>In many countries, the COVID-19 pandemic has posed various challenges in terms of the social inclusion of and support for persons with disabilities and older persons. Evidence-based recommendations of new policy models and support methods that will result from this action can thus provide valuable inputs for improving community responses that will meet the needs of persons with disabilities and older persons and foster their social inclusion in the pandemic circumstances.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The involvement of beneficiaries and stakeholders in all aspects of the action is secured through partnership with and participation of the relevant national and European CSOs representing persons with disabilities and older persons as the main target groups.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Not applicable.</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	<i><u>No case law has been identified for this thematic area.</u></i>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	24 March 2021
Reference details	Supreme Court of Cassation, Rev. 4257/2020
Key facts of the case (max. 500 chars)	The case originated from an anti-discrimination claim submitted by a group of Roma forcibly evicted from the informal settlement "Belvil" in Belgrade. The evicted claimants were expelled back to the City of Niš, the place of their registered residence, where they were provided with substandard alternative accommodation, without sanitation, electricity or essential services. On the other hand, most of the other former "Belvil" residents were provided with adequate alternative accommodation in Belgrade, as they had registered their residence there. The different treatment of these two groups was based solely on their registered place of residence.
Main reasoning/argumentation (max. 500 chars)	The Court found that forced eviction of the informal Roma settlement did not constitute ethnic discrimination because members of other ethnic groups and migrant workers had lived in it together with the Roma. The Court also found that the City of Belgrade had discriminated against the claimants on grounds of their registered place of residence since it had failed to provide them with alternative accommodation and had sent them back to their registered place of residence without adequate support.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court raised the burden of proof in cases of ethnic discrimination, and practically required that the claimants provide evidence of the ethnicity of all evicted "Belvil" residents. The Court also clarified the concept of home, based on the case-law of the European Court of Human Rights, reiterating that the notion of home was not related to registration of one's place of residence, but to the factual circumstances, namely the existence of sufficient and continuous links with a specific place.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The City of Belgrade was ordered to pay non-pecuniary damage to the claimants since it had been obliged to provide alternative accommodation in the centre of their personal life, even though their residence registration was in another municipality.</p> <p>The Court rejected the claim against the City of Niš and the Republic of Serbia since it found they had not been involved in the eviction.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Neosnovano se [...] ističe da je Grad Beograd izvršio diskriminaciju tužilaca i po osnovu etničke pripadnosti, imajući u vidu da je u nehigijenskom naselju u kome su tužioc boravili bilo i pripadnika drugih etničkih grupa, kao i migranata i sezonskih radnika, za koje nije dokazano da su bili pripadnici romske populacije.”</p> <p>“Given that persons belonging to other ethnic groups and migrants and seasonal workers, whose Roma ethnicity has not been proven, lived in the same substandard settlement as the claimants, the City of Belgrade did not discriminate against the claimants based on their ethnicity.”</p>

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the right to an effective remedy in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	<u>No case law has been identified for this thematic area.</u>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	4 March 2021
Reference details	Constitutional Court of Serbia Už - 1526/2017
Key facts of the case (max. 500 chars)	The Constitutional Court of Serbia found violations of the applicant's right to protection from trafficking in human beings, enshrined in Article 26, paragraph 2 of the Constitution of the Republic of Serbia, and of her right to a trial within a reasonable time, under Article 32 of the Constitution of the Republic of Serbia. The applicant alleged that the trial court had not taken into account that she was a child, that she had been questioned twice and subject to distress and stress at the main trials, wherefore she had suffered secondary victimisation, PTSD and anguish due to violation of her personal rights and freedoms, as well as fear.
Main reasoning/argumentation (max. 500 chars)	The Constitutional Court found that the positive obligation of the state vis-à-vis the victim of trafficking in human beings had been violated because it had failed to implement measures of prevention, protection, and assistance under Article 26 paragraph 2 of the Constitution. It noted that the trial court had failed to conform the proceedings to the forensic expert's findings that the victim was traumatised and to respond to the motion to grant her the status of a particularly vulnerable witness. It concluded that such conduct by the trial court had led to the victim's secondary victimisation and breach of her constitutional rights.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	This decision is important for the entire legal system of the Republic of Serbia as it sets out that the violation of the constitutional prohibition of trafficking in human beings cannot be reduced only to the criminal aspect of this offence, but that it has its own constitutional character, the central goal of which is to protect the victims. The Court concluded that the prosecution of human trafficking cases had to entail a thorough consideration of all constituent elements of the crime and available evidence until the court rendered its decision.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>This judgment is expected to contribute to the resolution of the long-standing problems surrounding the treatment of victims of human trafficking, as well as the prosecutors' tendency to reclassify this offence into a minor one, allowing for the conclusion of a plea agreement with the defendant.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>"...Уставноправна забрана трговине људима, као специфичног феномена савременог доба, детаљно је разрађена низом међународноправних аката и националних прописа. Иако је кривичноправни аспект најважнији аспект спровођења уставноправне забране трговине људима, он није једини. Низ међународних инструмената твори правни оквир којим се прописују позитивне обавезе државе у односу на забрану трговине људима, како у односу на извршиоце трговине људима, тако и у односу на жртве трговине људима." (p. 23)</p> <p>"The constitutional prohibition of trafficking in human beings, as a specific phenomenon of the modern age, is elaborated in detail in a number of international legal documents and national regulations. Although the criminal law aspect is the most important aspect of implementing the constitutional prohibition of trafficking in human beings, it is not the only one. A number of international instruments form the legal framework laying down the state's positive obligations concerning the prohibition of trafficking in human beings, both with respect to the perpetrators of trafficking in human beings and with respect to the victims of trafficking in human beings." (p. 23)</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	<i>No case law has been identified for this thematic area.</i>