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Serbia*

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I General information about the reporting State

A. Demographic, economic, social and cultural characteristics of the State

General information about Republic of Serbia (hereinafter: RS)

1. RS is located on the European continent, in the central part of the Balkan Peninsula, and covers an area of 88,499 km². In the east, RS is bordered by the Republic of Bulgaria, in the northeast by Romania, in the north by Hungary, in the west by the Republic of Croatia and Bosnia and Herzegovina, in the southwest by Montenegro, and in the south by the Republic of Albania and the Republic of Northern Macedonia.

2. RS includes two autonomous provinces: Vojvodina and Kosovo and Metohija. Since 1999, the Autonomous Province of Kosovo and Metohija has been under the provisional administration of the United Nations UNMIK in accordance with United Nations Security Council Resolution 1244. Resolving the status of the Autonomous Province of Kosovo and Metohija is a subject of dialogue currently mediated by the European Union.

3. There are 197 districts/cities and urban municipalities in RS (including 29 cities and municipalities in the territory of the Autonomous Province of Kosovo and Metohija), and the capital is Belgrade, which is one of the oldest and largest cities in Southeast Europe. With 1.7 million inhabitants according to the 2011 Census, it is the administrative and economic center of the country.

4. SFRY,¹ to which Serbia formerly belonged (starting in 1945), was one of the initial founders of the United Nations. RS became a member of the United Nations on November 1, 2000 and makes continuous contributions to the work and activities of various bodies and specialized agencies of the UN system. RS is a party to eight of the nine key human rights treaties that have emerged under the auspices of the United Nations. Since 2005, the country has had an open call for special UN procedures.

5. Also RS is a member of the Council of Europe, the Organization for Security and Cooperation in Europe, the Organization for Black Sea Economic Cooperation, the Central European Free Trade Agreement, and the Asian Infrastructure Investment Bank. Also, the country was one of the founders of, and had one of the leading roles in, the Non-Aligned Movement. Following the disintegration of the Federal Republic of Yugoslavia, RS has had the status of an observer in the Movement. In 2021, Belgrade marked the 60th anniversary of the founding of the Movement.

6. It is a strategic commitment of RS to join the European Union. As a step in the process of potentially joining the EU, Serbia gained the status of a candidate in 2012.

7. The political system is defined by the Constitution of the Republic of Serbia. According to the Constitution, RS is a state of the Serbian people and all citizens living in it, based on the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and belonging to the system of European principles and values. The organization of power is based on the division of power into the legislative, executive, and judicial branches. The relationship between the three branches of government is based on mutual verification and balance. The judiciary is independent. RS declares itself a militarily neutral state.

Demographic, ethnic, social and cultural characteristics of the state and its population

8. According to the 2011 Census in RS excluding Autonomous Province of Kosovo and Metohija, a total of 7,186,862 people live in the country, of which 51.3% are women (3,687,686) and 48.7% are men (3,499,176). Compared to the previous census from 2002, the number of inhabitants decreased by 4.1% (311,139 persons), which is a consequence of both negative natural population growth and the emigration of the population.

¹ The Socialist Federal Republic of Yugoslavia.

9. The estimated total number of inhabitants in RS in 2020 was 6,899,126, with an estimated 51.3% being women (3,538,820) and 48.7% men (3,360,306).

Population by regions, by 2011 Census

	<i>Population</i>
RS	7.186.862
Belgrade region	1.659.440
AP Vojvodina region	1.931.809
Region of Šumadija and Western Serbia	2.031.697
Region of Southern and Eastern Serbia	1.563.916
AP Kosovo and Metohija region	.....

Source: Republic Statistical Office.

Population growth rate

10. The trend of depopulation is indicated to have continued, with the numbers showing that the population growth rate in 2020, compared to the previous year, was negative, amounting to -6,7%.²

Population density, by 2011 Census

	<i>Population per 1 km²</i>
RS	...
Serbia-North	144.53
Belgrade region	513.12
AP Vojvodina region	89.38
Serbia-South	...
Region of Šumadija and Western Serbia	76.69
Region of Southern and Eastern Serbia	59.58
AP Kosovo and Metohija region	...

Source: Republic Statistical Office.

Classification and share of the population by mother tongue

11. Article 10 of the Law on the Protection of the Rights and Freedoms of National Minorities guarantees the right to use one's mother tongue. Members of national minorities are free to use their language and script, privately and publicly. This right is also contained in Article 79 of the Constitution.

12. In the territory of those units of local self-government where members of national minorities have traditionally lived, their language and script may be used equally for official use. According the law, the relevant local self-government units shall obligatorily introduce the language and script of a national minority into equal official use if the percentage of members of a national minority of the total population in its territory reaches 15%, as determined by the results of the most recent census.

13. In populated areas in local self-government units whose territory is determined in accordance with the law governing the territorial organization of RS in which the percentage of members of a national minority in the population reaches 15% according to the results of the last census carried out by public authorities, the names of local self-government units,

² <https://www.stat.gov.rs/sr-latn/vesti/20210701-procenjen-broj-stanovnika-2020/>.

settlements, squares and streets, and other toponyms are also to be written and posted in the language of the respective national minority, according to its tradition and spelling.

14. In addition to the Serbian language and the Cyrillic alphabet, the Latin alphabet and the following languages are in official use in some local self-government units (on the whole territory or part of the territory, in certain settlements): Albanian, Bosnian, Bulgarian, Bunjevac, Vlach, Hungarian, Romanian, Ruthenian, Romani, Slovak, Croatian, Macedonian, Montenegrin, and Czech. In accordance with the European Charter for Regional or Minority Languages and the declaration made by the state at the time of ratification, specific commitments have been made regarding the protection of Albanian, Bosnian, Bulgarian, Hungarian, Romani, Romanian, Ruthenian, Slovak, Ukrainian, and Croatian. Also, in accordance with Article 7 of the Charter on Regional and Minority Languages of the Council of Europe, certain protection is provided to other languages and dialects used in RS (Bunjevac, Vlach, Macedonian, German, and Czech).

15. Members of national minorities whose number in the total population of RS reaches at least 2% according to the last census, may address state authorities in their own language and have the right to receive an answer in that language.

16. A Member of Parliament belonging to a national minority has the right to speak at a sitting of the Parliament and to submit written documents in the work of the National Assembly, as stipulated in the Rules of Procedure, in his/her own language.³

Population by Mother Tongue, according to the 2011 Census

	RS					
	Total	Serbia-North		Serbia-South		
		Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region
Total	7.186.862	1.659.440	1.931.809	2.031.697	1.563.916	...
Serbian	6.330.919	1.574.693	1.485.791	1.843.583	1.426.852	...
Albanian	10.040	3.832	3.844	589	1.775	...
Bosnian	138.871	541	456	137.724	150	...
Bulgarian	13.337	584	601	235	11.917	...
Bunjevacki	6.835	10	6.821	2	2	...
Vlach language	43.095	179	178	2.856	39.882	...
Hungarian	243.146	1.330	241.164	292	360	...
Macedonian	12.706	4.772	3.694	1.451	2.789	...
German	2.190	430	1.418	170	172	...
Roma	100.668	18.985	27.430	11.136	43.117	...
Romanian	29.075	1.442	24.133	1.154	2.346	...
Russian	3.179	1.442	819	560	358	...
Ruthenian	11.340	140	11.154	18	28	...
Slovak	49.796	1.792	47.760	128	118	...
Slovenian	2.269	1.130	630	238	271	...
Croatian	19.223	3.014	14.576	855	778	...
Montenegrin	2.519	809	1.193	301	216	...
Other languages	39.463	11.774	21.056	3.392	3.241	...
Haven't declared	46.499	10.781	24.039	4.307	7.372	...

³ Law on Protection of Rights and Freedoms of National Minorities, ("OG of the FRY," No. 11/02 ... and OG RS No. 47/18) and the Law on Official Use of Languages and Scripts ("OG RS", No. 45/91 ... and 48/1-corr.).

	RS					
	Total	Serbia-North		Serbia-South		
		Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region
Unknown	81.692	21.760	15.052	22.708	22.172	...

Source: Republic Statistical Office.

Classification and share of the population by religion

17. The Constitution guarantees the freedom to express one's religion or beliefs, perform religious rites, attend religious services or classes, individually or in association with others, as well as to express one's religious beliefs privately or publicly.⁴ The equality of churches and religious communities and their separation from the state is proclaimed. Churches and religious communities are equal and free to independently regulate their internal organization and religious affairs, to perform religious rites in public, and to establish and manage religious schools, social, and charitable institutions, in accordance with the law.⁵

18. Constitutional Court may ban a religious community only if its actions endanger the right to life, the right to mental and physical health, the rights of children, the right to personal and family integrity, or the right to property, public safety, and public order or if it provokes and encourages religious, national, or racial intolerance.

19. Article 1 of Law on Churches and Religious Communities guarantees freedom of religion. The prohibition of religious discrimination implies that no one should be subjected to coercion that could jeopardize the freedom of religion, nor should persons be forced to declare their religion and religious beliefs or their non-existence. No one may be disturbed, discriminated against, or privileged because of their religious beliefs, belonging to or not belonging to a religious community, participating in or not participating in worship and religious rites, and exercising or not exercising guaranteed religious freedoms and rights. There is no state religion.⁶

20. Citizens of RS have the right to freedom of association and public assembly in order to express their religious beliefs, in accordance with the Constitution and the law. Also, citizens have the right to freedom of access to churches and religious communities, in accordance with the law.⁷

21. The prohibition of discrimination on the grounds of religion is regulated in RS by a number of laws that regulate certain areas of social life and sanction discrimination (the Criminal Code, the Law on Churches and Religious Communities, the Law on the Prohibition of Discrimination, the Labor Law, the Law on Fundamentals of the Education System, the Law on Asylum and Temporary Protection, the Law on the Program for the Protection of Participants in Criminal Proceedings, and others).

22. At the beginning of 2020, Government adopted the Working Definition of Anti-Semitism given by the Committee on Anti-Semitism and Holocaust Denial, of the International Holocaust Remembrance Alliance (IHRA). In the context of resolving the injustice done, the Law on the Elimination of Consequences of the Confiscation of Property of Holocaust Victims Who Have No Living Heirs to the Union of Jewish Communities, starting in January 2017 and for the following 25 years, calls for the allocation of funds in the amount of 950,000 euros annually. Holocaust survivors now living in Serbia and Israel are already successfully exercising their rights before the Agency for Restitution.

23. The education system is open to members of different religions. In primary and secondary school, students are enabled to study the basics of religion through an elective

⁴ Constitution ("OG RS", No. 98/06 and 115/21), Article 43.

⁵ Constitution, Article 44.

⁶ Law on Churches and Religious Communities ("OG RS", No. 36/06), Article 2.

⁷ Law on Churches and Religious Communities, Article 5.

subject, Religious Education. In this context, they may choose: Orthodox Catechism, Islamic Religious Studies – Imudin, Catholic Religious Studies, Evangelical Lutheran Religious Studies of the Slovak Evangelical Church a.v., Religious Education of the Reformed Christian Church, Religious Studies of the Evangelical Christian Church, or Religious Studies – Judaism. Regarding the number of students attending one of the two compulsory elective courses in this context, given the option to choose either Civic Education or Religious Education, the ratio is 43% to 57%, respectively – in favor of Religious Education.

Population by Religion, according to the 2011 Census

	RS						...
	Serbia-North			Serbia-South			
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region	
Total	7.186.862	1.659.440	1.931.809	2.031.697	1.563.916		
Christian	6.555.931	1.500.312	1.764.443	1.819.924	1.471.252		...
Orthodox	6.079.396	1.475.168	1.357.137	1.798.203	1.448.888		...
Catholic	356.957	13.720	336.691	3.098	3.448		...
Protestant	71.284	3.128	64.029	690	3.437		...
Other Christian	3.211	797	1.340	298	776		...
Islamic	222.828	31.914	14.206	161.115	15.593		...
Judaist	578	295	254	12	17		...
Eastern religions	1.237	541	394	134	168		...
Other religions	1.776	741	616	206	213		...
Agnostics	4.010	2.425	1.045	280	260		...
Not believers (atheists)	80.053	40.657	25.906	5.833	7.657		...
Haven't declared	220.735	54.871	106.740	19.254	39.870		...
Unknown	99.714	27.684	18.205	24.939	28.886		...

Source: Republic Statistical Office.

Classification and share of the population by ethnicity/nationality

24. Article 47 of the Constitution and Article 5 of the Law on the Protection of the Rights and Freedoms of National Minorities guarantee the freedom of expression of national affiliation. No one is obliged to declare his/her ethnicity/nationality, nor is anyone to be harmed for expressing his/her ethnicity/nationality or refraining from doing so.

25. Any registration of members of national minorities that obliges them, against their will, to declare their national affiliation is prohibited. Members of national minorities have the right to have their nationality/ethnicity data entered in official records and personal data collections, in accordance with a special law. Data on national affiliation may be used only for the purpose for which they were collected in the manner provided by the law governing the protection of personal data.⁸ The Law on Civil Registry Books⁹ allows for the registration of ethnicity/nationality in the birth register.

⁸ Law on the Protection of the Rights and Freedoms of National Minorities, Article 5.

⁹ "OG RS", No. 20/09, 145/14, and 47/18.

Population by Ethnicity, according to the 2011 Census

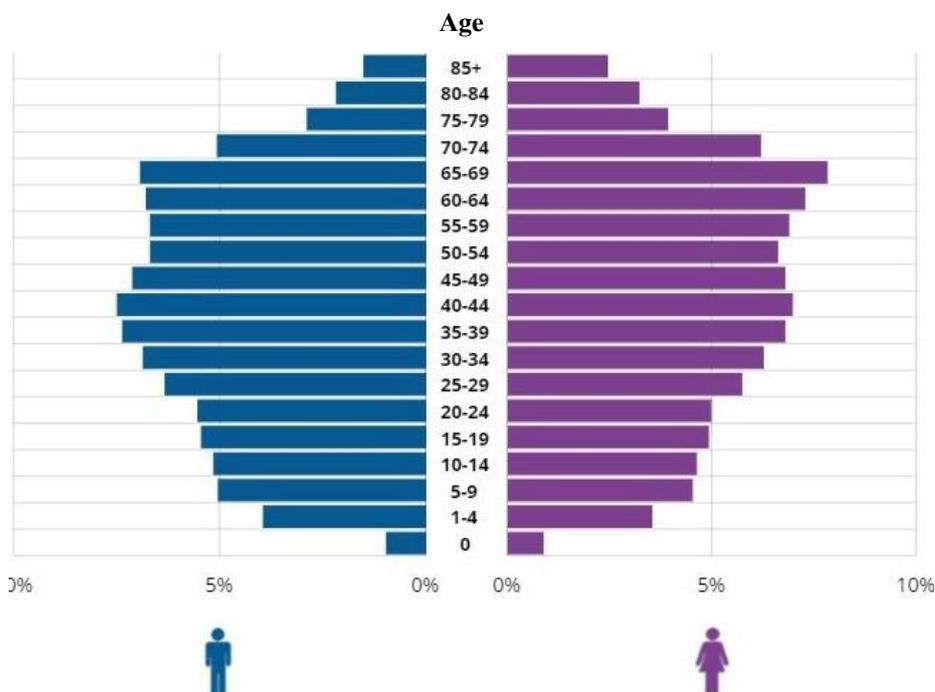
	RS					
	Total	Serbia-North		Serbia-South		
		Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region
Total	7.186.862	1.659.440	1.931.809	2.031.697	1.563.916	...
Serbs	5.988.150	1.505.448	1.289.635	1.799.394	1.393.673	...
Albanians	5.809	1.252	2.251	591	1.715	...
Bosnians	145.278	1.596	780	142.767	135	...
Bulgarians	18.543	1.188	1.489	365	15.501	...
Bunians	16.706	172	16.469	41	24	...
Vlachs	35.330	182	170	2.105	32.873	...
Goranci	7.767	5.328	1.179	694	566	...
Yugoslavs	23.303	8.061	12.176	1.635	1.431	...
Hungarians	253.899	1.810	251.136	433	520	...
Macedonians	22.755	6.970	10.392	1.854	3.539	...
Muslims	22.301	3.996	3.360	14.411	534	...
Germans	4.064	498	3.272	130	164	...
Roma	147.604	27.325	42.391	20.649	57.239	...
Romanians	29.332	1.282	25.410	567	2.073	...
Russians	3.247	1.301	1.173	463	310	...
Ruthenians	14.246	245	13.928	38	35	...
Slovaks	52.750	2.104	50.321	164	161	...
Slovenians	4.033	1.539	1.815	287	392	...
Croatians	57.900	7.752	47.033	1.645	1.470	...
Montenegrins	38.527	9.902	22.141	3.805	2.679	...
Others	17.558	7.083	6.710	1.840	1.925	...
Haven't declared	160.346	38.971	81.018	15.386	24.971	...
Regional affiliation	30.771	1.289	28.567	626	289	...
Unknown	81.740	23.728	14.791	21.636	21.585	...

Source: Republic Statistical Office.

26. The ethnic structure of the country did not change significantly in the most recent inter-census period (2002–2011). In 2011, Serbs dominated with a share of 83.32%, despite their total number decreasing by about 225,000 inhabitants. After Serbs, the most numerous were Hungarians 3.53%, Roma 2.05%, and Bosniaks 2.02%. About 4% of the total population exercised their constitutionally guaranteed right and opportunity to not declare their ethnicity/nationality or gave an answer that did not constitute a declaration of ethnicity/nationality.

Age structure of the Population

RS, 2020 (% of the total population)



Source: Republic Statistical Office.

The Age Structure Of The Population And Dependent Population (Percentage Of The Population Below 15 And Above 65 Years Of Age), From 2020

27. In 2002, for the first time, a larger number of elderly people than persons under 15 years of age was registered (16.5% and 15.7%, respectively), and in 2011 the difference increased, so that the share of persons aged 65 and over was 17.4%, while for those under 15 years of age, it was 14.3%.

28. The estimated number of inhabitants for RS in 2020 was 6,899,126, which was 8% less than in the 2002 census and 4% less than in the 2011 census, according to a survey by the Statistical Office. According to the research, what is especially worrying is that the population in Serbia appears to be on the threshold of demographic aging. The number of live births has exhibited a declining trend, with the rate of live births in 2020 being the lowest in the last 10 years, amounting to 8.9 per 1,000 inhabitants. The rate of natural population growth per 1,000 inhabitants also significantly declined in 2020 (-8.0) compared to 2019 (-5.3).

RS – Population distribution by age (in percent %)

	Serbia-North		Serbia-South			
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region
Total	100.00	100.00	100.00	100.00	100.00	...
0–14	14.27	15.23	14.39	14.10	13.26	...
65 and over	21.11	19.93	20.11	21.93	22.64	...
75 and over	8.09	7.53	7.49	8.45	9.04	...
80 and over	4.69	4.49	4.28	4.97	5.07	...

RS – Population distribution by age (in percent %)						
	Serbia-North			Serbia-South		
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region
85 and over	1.98	1.90	1.74	2.14	2.18	...

Source: Republic Statistical Office.

Statistics on births and deaths, from 2020

	Births									Deaths					
	Total			Live births			Stillbirths			Total			Infants		
	All	Male	Female	All	Male	Female	All	Male	Female	All	Male	Female	All	Male	Female
2020.															
RS	62 048	31 972	30 076	61 692	31 783	29 909	356	189	167	116 850	60 450	56 400	309	182	127
Serbia-North	34 070	17 604	16 466	33 849	17 487	16 362	221	117	104	55 920	28 524	27 396	138	77	61
Belgrade region	17 309	8 937	8 372	17 236	8 898	8 338	73	39	34	25 526	13 063	12 463	51	29	22
Vojvodina region	16 761	8 667	8 094	16 613	8 589	8 024	148	78	70	30 394	15 461	14 933	87	48	39
Serbia-South	27 978	14 368	13 610	27 843	14 296	13 547	135	72	63	60 930	31 926	29 004	171	105	66
Region of Sumadija and Western Serbia	16 260	8 296	7 964	16 186	8 258	7 928	74	38	36	32 882	17 196	15 686	79	43	36
Region of Southern and Eastern Serbia	11 718	6 072	5 646	11 657	6 038	5 619	61	34	27	28 048	14 730	13 318	92	62	30
Kosovo and Metohija region	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Source: Republic Statistical Office.

Life expectancy of live births, by sex

RS

Referent year:	Serbia-North			Serbia-South		
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	Kosovo and Metohija region
2020						
Males	71.37	72.31	70.86	71.80	70.44	...
Females	77.24	78.18	76.87	77.27	76.61	...

Source: Republic Statistical Office.

Fertility Rate

29. Delayed childbirth is an important cause of low fertility in RS. According to the results of the 2011 Census, as many as 30.6% of women between the ages of 30 and 34 were childless. Two direct measures important for encouraging childbirth are currently implemented: 1) parental allowance, which represents direct monetary support to the family, provided to the mother after the birth of the first, second, third, and fourth child; and 2) compensation for earnings during maternity leave, childcare leave, and leave for special care of a child. This second measure seeks to make it easier for working mothers to reconcile work and parenthood. It is equal to earnings and does not depend on the order of the birth of the child.

Referent year: 2020	Total	Serbia-North		Serbia-South		
		Belgrade region	Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	Kosovo and Metohija region
General fertility rate	41.16%	43.45%	41.67%	41.10%	37.64%	...

Source: Republic Statistical Office.

Average household size, by 2011 Census

RS

Year	Population	Males	Females	Population per1 km2	Household	Persons per household
2011	7.186.862	3.499.176	3.687.686	92.6	2.487.886	2.9

Source: Republic Statistical Office.

Incomplete families by type, by 2011 Census

	Mother with children	Father with children
RS	291.522	76.435
Belgrade region	83.537	18.687
Vojvodina region	82.689	19.906
Region of Šumadija and Western Serbia	72.007	20.287
Region of Southern and Eastern Serbia	53.289	17.555
Kosovo and Metohija region	...	...

Source: Republic Statistical Office.

Proportion of the population in rural and urban environments

30. The process of demographic transition, through which the population of RS has been going in the recent decades, has taken place in parallel and in interaction with the process of urbanization. According to the degree of urbanity at the level of European countries, RS belongs to the category of somewhat less urbanized areas (with a relatively higher percentage of rural population compared to the European average). At the beginning of the 21st century, the population of Serbia is facing great challenges, including: depopulation and the aging of the population, unemployment, migration caused by political and economic crises and by the repercussions of the war conflicts of the relatively recent past, and others.

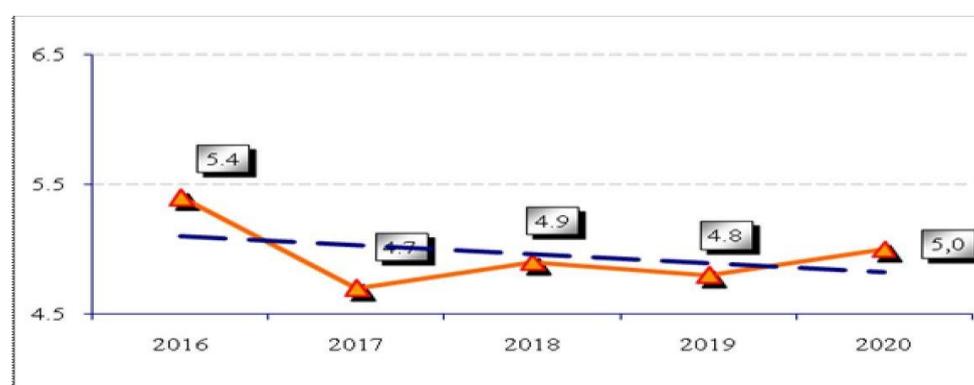
31. There are 6,158 settlements on the territory of RS(excluding AP Kosovo and Metohija, for which there is no data), with a population of 7,186,862. There are 193 urban settlements,

representing 3.13% of the total number of settlements, yet accounting for 59.44% of the total number of inhabitants of the country.

32. The number of rural settlements is the largest in the area of Šumadija and Western Serbia, representing more than 34% of the total number of settlements. The population density in all regions is decreasing, with the largest decrease in the number of inhabitants recorded in the area of the villages of Eastern and Southern Serbia.

33. Depopulation trends also show differences by gender, with the decline in the population of rural areas somewhat more pronounced in the female population than in the male. The age structure of the rural population in RS is extremely unfavorable. Changes in the age structure of the population in the period from 2002 to 2011 indicate the continuation of the process of declining youth representation, while an increase in the share representing the elderly. The educational structure of the population is significantly determined by the age structure, which is extremely unfavorable in the country. Accordingly, the rural population is dominated to a much greater degree by persons with a lower level of education than is the population in urban areas. The educational structure of the female rural population is particularly unfavorable, with almost a third of them being uneducated.

Infant deaths per 1000 live births, RS 2016–2020



Source: The Institute of Public Health Dr Milan Jovanovic Batut.

34. Practically complete coverage of births with professional assistance was achieved – 100% of children in RS were born in a health institution, and 99% of children in Roma settlements were born with professional assistance and these births were performed in health institutions. Perinatal mortality average 8.2 stillbirths and deaths during the first week after birth per 1,000 births (2020 data). Infant mortality is 5 infant deaths per 1,000 live births (2020 data). In Roma settlements, this number is higher and amounts to 8 infants per 1,000 live births. Although infant mortality in Roma settlements is significantly higher than the national average, it has decreased compared to 2014 by almost five infant deaths per 1,000 live births. The mortality rate of children up to the age of five in 2019 was 5.8 deaths per 1,000 live births, while in Roma settlements were documented 9 deaths per 1,000 live births, according to the 2019 MICS survey.

Percentage of women of reproductive age who use contraception or whose partner uses contraception

35. Two fifths of women in the reproductive period aged 15 to 49 (40.4%) who were sexually active in the observed period in 2019 used at least one form or method of contraceptive.¹⁰

¹⁰ Survey of the Health of the Population of Serbia in 2019, Republic Bureau of Statistics, p. 80.

Medical terminations of pregnancy in relation to the number of live birth children

Number of women who had a medical abortion by number of live children and number of previous abortions, 2020

Number of previous abortions	Total		Number of live children					
	Number	%	0	1	2	3	4 5 or more	
RS	8 005	100.00	2 210	1 637	2 701	960	336	161

Source: Institute of Public Health "Dr Milan Jovanovic Batut".

Rates of HIV/AIDS infection

Cases and deaths from Morbus HIV (AIDS), by sex and age in RS, 2020

Age	Males		Females		Total	
	Cases	Deaths	Cases	Deaths	Cases	Deaths
0–14	24	13	15	10	39	23
15–19	16	12	5	1	21	13
20–29	208	112	68	45	276	157
30–39	624	361	221	125	845	486
40–49	437	233	93	55	530	288
50–59	208	111	38	16	246	127
60 +	91	65	20	13	111	78
Total	1 608	8 907	460	265	2 068	1 172

Source: Institute of Public Health Dr Milan Jovanovic Batut.

Ten major causes of death, 2020

Causes of death (ICD-10)	Code	Sex	Total
Cardiomyopathia	I42	Total	12 593
Heart muscle diseases		%	10.78
		Male	5 386
		Female	7 207
Emergency U07 U07.1	U07	Total	10 356
COVID 19, virus identified U07.2		%	8.86
COVID-19, virus not identified		Male	6 629
		Female	3 727
3. Hypertensio arterialis essentialis (primaria)	I10	Total	7 198
High blood pressure, of unknown origin		%	6.16
		Male	3 008
		Female	4 190
4. Infarctus cerebri	I63	Total	5 686
Myocardial infarction		%	4.87
		Male	2 567
		Female	3 119
5. Neoplasma malignum bronchi et pulmonis	C34	Total	4 999
		%	4.28

<i>Causes of death (ICD-10)</i>	<i>Code</i>	<i>Sex</i>	<i>Total</i>
Malignant tumor of the bronchi and lungs		Male	3 399
		Female	1 600
6. Insufficiencia cordis Heart failure	I50	Total	
		%	3.96
		Male	2 160
		Female	2 468
7. Institio cordis Heart Stagnation	I46	Total	4 256
		%	3.64
		Male	2 283
		Female	1 973
8. Infarctus myocardii acutus Acute myocardial infarction	I21	Total	4 127
		%	3.53
		Male	2 420
		Female	1 707
9. Morbus cordis ischaemicus chronicus Chronic ischemic heart disease	I25	Total	3 496
		%	2.99
		Male	1 748
		Female	1 748
10. Atherosclerosis Atherosclerosis – clogging of large blood vessels	I70	Total	2 427
		%	2.08
		Male	966
		Female	1 461

Source: Institute of Public Health Dr Milan Jovanovic Batut.

Economic characteristics of the country and its population

Share of consumption (household) on food, housing, health, and education (2019)

RS

	<i>Serbia-North</i>			<i>Serbia-South</i>		
	<i>Belgrade region</i>	<i>AP Vojvodina Region</i>	<i>Region of Šumadija and Western Serbia</i>	<i>Region of Southern and Eastern Serbia</i>	<i>AP Kosovo and Metohija region</i>	
<i>Total</i>						
Number of households surveyed	6 354	1 245	1 780	1 787	1 542	...
Number of households assessed	2 466 316	605 006	690 551	656 902	513 857	...
Members, average number	2.68	2.54	2.49	2.87	2.85	...
Individual consumption – Total RSD	67 099	74 548	64 714	65 619	63 440	...

	Serbia-North			Serbia-South		
	Belgrade region	AP Vojvodina Region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region	
<i>Total</i>						
Food and non-alcoholic beverages-RSD	22 977	23 713	22 545	23 194	22 412	...
Housing, water, electricity, gas, and other fuels-RSD	11 182	12 540	10 870	10 824	10 473	...
Health-RSD	2 990	3 738	2 859	2 623	2 753	...
Education-RSD	943	1 145	865	1 159	530	...

Source: Republic Statistical Office.

Proportion of the population below the national poverty line

	2011	2012	2013	2014	2015	2016	2017	2018	2019
Percentage of the poor in RS(%)	6.6	6.3	7.4	7.6	7.4	7.3	7.2	7.1	7.0
Percentage of the poor by region									
APVojvodina region	6.2	6.1	5.2	6.8	6.5	6.3	6.2	6.0	6.0
Belgrade region	3.7	3.1	4.9	4.0	3.9	4.0	4.0	3.9	3.9
Central Serbia	7.9	7.7	9.8	9.6	9.6	9.3	9.1	9.1	9.0
Region of Šumadija and Western Serbia	5.4	4.5	6.3	6.7	6.6	6.6	6.8	6.8	6.9
Region of Southern and Eastern Serbia	11.3	11.8	14.7	13.5	13.1	12.8	12.1	11.9	11.8
Percentage of the poor by type of settlement									
Urban area	4.4	4.3	5.3	5.3	5.4	5.1	4.9	4.8	4.8
Other area	9.4	8.7	10.5	10.9	10.5	10.5	10.5	10.4	10.3
Percentage of the poor by sex									
Male	6.5	6.3	7.4	7.7	7.5	7.3	7.4	7.3	6.9
Female	6.7	6.3	7.4	7.5	7.4	7.3	7.0	7.3	7.2

Source: SIPRU.

Gini coefficient (relating to the distribution of household income or household consumption)

	<i>Gini coefficient and quintile ratio (according to income) in Serbia</i>					
	SILC 2013	SILC 2014	SILC 2015	SILC 2016	SILC 2017	SILC 2018
Gini coefficient	38.0	38.3	40.0	39.8	37.8	35.6
Quintile ratio	8.6	9.4	10.7	11.0	9.4	8.58

<i>Gini coefficient and quintile ratio (according to consumption) in Serbia</i>						
	2013	2014	2015	2016	2017	2018
Gini coefficient	26.9	26.6	25.5	26.1	25.9	28.45
Quintile ratio	4.0	3.9	3.7	3.9	3.8	4.2

Source: SIPRU.

Net enrollment and dropout rates in primary and secondary education (2020)

	Net enrollment rate (%)	Net dropout rate (%)
Primary education	93.5	0.4
Secondary education	86.8	0.8

Source: Republic Statistical Office.

Literacy rates

Illiterate population aged 10 and over by region, by 2011 Census

Territory	Total	%
RS	127 463	1.96
Belgrade region	12 429	0.83
AP Vojvodina region	27 823	1.59
Region of Šumadija and Western Serbia	43 722	2.38
Region of Southern and Eastern Serbia	43 489	3.05
AP Kosovo and Metohija region	...	...

Source: Republic Statistical Office.

Unemployment rates (%)

By age, region, and type of settlement, 2020

	RS						Type of settlement	
	Serbia-North			Serbia-South			Urban area	Other area
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region		
				9.8	11.5	...		
Population aged 15 and over	9.0	7.5	7.6	9.8	11.5	...	9.8	7.9
Youth population (15–24)	26.6	24.1	22.8	27.7	33.4	...	28.3	25.1
Population of working age (15–64)	9.5	7.7	7.8	10.7	12.4	...	10.0	8.8

Source: Republic Statistical Office.

**Male population of unemployment status by age group, region, and type of settlement
(in %), 2020**

	RS						Type of settlement	
	Serbia-North			Serbia-South				
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region	Urban area	Other area
Population aged 15 and over	8.7	7.7	7.9	8.6	11.0	...	10.0	7.1
Youth population (15–24)	25.0	22.9	24.5	24.4	28.8	...	26.6	23.7
Population of working age (15–64)	9.2	7.9	8.2	9.5	11.8	...	10.2	7.9

Source: Republic Statistical Office.

**Female population of activity status by age groups, region and type of settlement
(in %), 2020**

	RS						Type of settlement	
	Serbia-North			Serbia-South				
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region	Urban area	Other area
Population aged 15 and over	9.4	7.3	7.2	11.4	12.2	...	9.6	9.1
Youth population (15–24)	29.5	25.9	20.1	34.1	42.7	...	31.4	27.7
Population of working age (15–64)	9.9	7.4	7.4	12.4	13.1	...	9.7	10.1

Source: Republic Statistical Office.

Employment by main section of economic activity, including the division between the formal and informal sectors

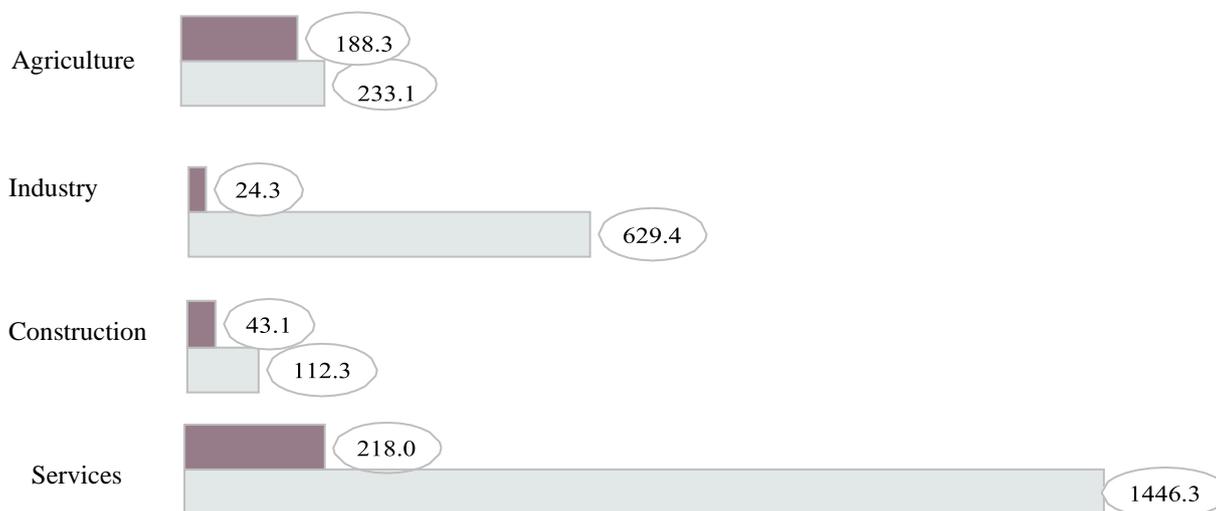
Employees by section of activity, gender, and region, 2020 (in thousands)

	RS						Gender	
	Serbia-North		Serbia-South			AP Kosovo and Metohija Region	Male	Female
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia			
Population of working age (15–64)	2 724.2	715.8	740.0	743.1	525.2	...	1 505.1	1 219.0
Agriculture, forestry	334.7	13.1	99.0	159.9	62.7	...	209.7	125.1
Mining and quarrying	37.0	79.4	176.0	162.7	119.3	...	32.2	4.8
Manufacturing	537.5	79.4	176.0	162.7	119.3	...	327.5	210.0
Electricity supply	35.2	11.8	7.2	5.9	10.3	...	27.8	7.4
Water supply and wastewater management	38.8	7.7	10.3	11.1	9.7	...	30.8	8.1
Construction	152.5	41.9	44.0	37.6	29.0	...	139.6	12.9
Wholesale and retail trade; repair of motor vehicles and motorcycles	390.1	118.2	107.3	101.7	62.9	...	178.3	211.8
Transportation and storage	150.1	54.7	42.6	30.5	22.2	...	120.5	29.6
Accommodation and food service activities	91.1	32.0	20.8	24.5	13.8	...	42.0	49.1
Information and communication	90.0	52.5	19.4	11.5	6.6	...	55.4	34.6
Financial and insurance activities	44.3	20.7	12.6	6.3	4.6	...	14.8	29.4
Real estate activities	3.2	1.6	/	/	/	...	2.1	1.1
Professional, scientific and technical activities	92.0	48.9	22.1	11.7	9.2	...	43.8	48.2
Administrative and support service activities	59.4	29.4	14.7	6.6	8.6	...	32.5	26.9
Public administration and defense; compulsory social security	149.1	45.4	35.5	35.2	33.0	...	82.7	66.4
Education	183.6	56.2	49.0	39.8	38.6	...	45.8	137.8
Human health and social work activities	154.9	47.2	39.7	37.6	30.4	...	36.9	118.0
Arts, entertainment and recreation	45.3	16.5	9.9	10.8	8.1	...	24.6	20.7
Other service activities	52.3	17.7	13.2	12.8	8.6	...	26.7	25.5

	RS						Gender	
	Serbia-North			Serbia-South				
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija Region	Male	Female
Activities of households as employers	82.4	6.2	10.4	27.8	38.0	...	31.2	51.1
Activities of extraterritorial organizations and bodies	/	/	/	/	/	...	/	/

Source: Republic Statistical Office.

Formally/informally employed by sector of activity, 2020 (in thousands)



Source: Republic Statistical Office.

Work participation rate

Activity rates by age group, region, and type of settlement, 2020

	RS						Type of settlement	
	Serbia-North			Serbia-South				
	Total	Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija Region	Urban area	Other area
Population aged 15 and over	54	55.5	52.4	55.9	51.7	...	52.3	56.4
Youth population (15–24)	28.3	28.2	30.2	27.7	26.9	...	23.2	35.6
Population of working age (15–64)	67.7	70.4	66.4	68.4	65.4	...	67.3	68.4

Source: Republic Statistical Office.

Males by labor force status, age group, region, and type of settlement, 2020

	RS							
	Serbia-North			Serbia-South			Type of settlement	
	Total	Belgrade region	AP Vojvodina region	Region of	Region of	AP Kosovo and Metohija Region	Urban area	Other area
				Šumadija and Western Serbia	Southern and Eastern Serbia			
Population aged 15 and over	62.0	62.7	61.5	63.9	59.2	...	59.2	65.6
Youth population (15–24)	35.1	33.6	36.0	35.6	34.7	...	29.0	43.4
Population of working age (15–64)	74.6	76.2	74.2	75.5	72.2	...	72.9	76.9

Source: Republic Statistical Office.

Females by labor force status, age group, region, and type of settlement, 2020

	RS							
	Serbia-North			Serbia-South			Type of settlement	
	Total	Belgrade region	AP Vojvodina region	Region of	Region of	AP Kosovo and Metohija Region	Urban area	Other area
				Šumadija and Western Serbia	Southern and Eastern Serbia			
Population aged 15 and over	46.5	49.2	43.9	48.1	44.4	...	46.1	47.1
Youth population (15–24)	21.1	22.5	24.0	19.3	18.4	...	17.3	26.8
Population of working age (15–64)	60.8	65.0	58.5	61.2	58.2	...	61.9	59.2

Source: Republic Statistical Office.

Gross domestic product per capita

	2017	2018	2019	2020
GDP per capita, RSD	678.078	726.510	780.064	788.765
GDP per capita, USD	6.308	7.245	7.410	7.657
GDP per capita, EUR	5.588	6.143	6.619	6.708

Source: Republic Statistical Office.

36. GDP per capita has grown by 65 percent in the last ten years. The Open Balkans project should contribute to a faster flow of goods and capital.

Gross domestic product (GDP)

	2017	2018	2019	2020
GDP in millions of RSD	4.760.686	5.072.932	5.417.724	5.463.542
GDP in millions of USD	44.286.0	50.588.5	51.462.0	53.039.2

	2017	2018	2019	2020
GDP in millions of EUR	39.253.3	42.892.2	45.970.4	46.467.5

Source: Republic Statistical Office.

37. Gross domestic product in 2021, compared to 2020, recorded a growth of 7.4%, while in over the previous six years it increased in real terms by 22.4%. According to data from 2021, the last six years have seen a growth in industry of 18.5%, mining of 33.0%, and manufacturing of 21.5%, while the sector of electricity, gas, steam, and air conditioning remained at the same level.

38. RS has allocated eight billion euros, which is almost 18% of GDP, to help the economy and citizens in the conditions of the Covid-19 crisis. In 2021, the country recorded a decline in GDP, though it represented one of the smallest declines in Europe – 0.9 percent, which placed Serbia among the countries that seem to have managed the crisis relatively well.

Annual growth rate

	2017	2018	2019	2020
Real Economic Growth Rate (%)	2.1	4.5	4.2	-1.0

Source: Republic Statistical Office.

Gross national income (GNI)

	2017	2018	2019	2020
GNI in millions of RSD	4 452 337	4 811 101	5 124 275	...
GNI in millions of USD	41 417	47 977	48 674	...
GNI in millions of EUR	36 694	40 678	43 480	...

Source: Republic Statistical Office.

Consumer price index

	<i>Last year = 100</i>
	<i>Consumer Prices</i>
2014	102.9
2015	101.9
2016	101.2
2017	103.0
2018	102.0
2019	101.7
2020	101.6

Source: Republic Statistical Office.

External and domestic public debt

	<i>Debt balance in EUR on 30 September 2020</i>	<i>Debt balance in USD on 30 September 2020</i>	<i>Debt balance in RSD on 30 September 2020</i>
1. Central government debt			
Domestic debt – Total	11 216 483 033	13 165 913 351	1 318 837 439 957
External debt – Total	15 388 220 023	18 062 700 301	1 809 351 526 746

	<i>Debt balance in EUR on 30 September 2020</i>	<i>Debt balance in USD on 30 September 2020</i>	<i>Debt balance in RSD on 30 September 2020</i>
2. Public guaranteed local government debt			
Domestic debt	0	0	0
External debt	200 829 302	235 733 534	23 613 569 531
3. Non-guaranteed local government debt			
Domestic debt	226 162 919	265 470 147	26 592 303 884
External debt	91 473 127	107 371 202	10 755 437 720

Source: Ministry of Finance, Public Debt Administration.

	<i>Debt balance in EUR on 30 September 2021</i>	<i>Debt balance in USD on 30 September 2021</i>	<i>Debt balance in RSD on 30 September 2021</i>
1. Central government debt			
Domestic debt – Total	11 669 970 119	13 544 167 874	1 371 915 852 263
External debt – Total	17 925 342 619	20 804 153 493	2 107 294 315 571
2. Public guaranteed local government debt			
Domestic debt	0	0	0
External debt	185 025 853	214 741 014	21 751 546 763
3. Non-guaranteed local government debt			
Domestic debt	185 441 516	215 223 432	21 800 411 898
External debt	84 296 905	97 834 992	9 909 902 014

Source: Ministry of Finance, Public Debt Administration.

39. The average net monthly salary per employee in 2012 was 41,377 dinars, while in 2021 it was 65,864 dinars.

B. Constitutional, political, and legal structure of the state

Constitutional, political, and legal framework

General Information

40. The first constitution was adopted at the Sretenje Assembly in 1835 and represents one of the most modern, most democratic, and most liberal constitutions of its time.

41. Parliament, following confirmation in a referendum on November 8, 2006, passed a Decision on the Proclamation of the Constitution. On January 16, 2022, citizens voted in favor of changing the Constitution of RS in a referendum. The constitutional changes referred to the field of justice, in particular regarding the election of judges and prosecutors, who are no longer to be elected by Parliament, but by the High Judicial Council and the High Prosecutorial Council; also starting from this vote, the Supreme Court of Cassation has been renamed and is to be known officially as the Supreme Court. On February 9, 2022, Parliament promulgated the Act on Amendments to the Constitution and the Constitutional Law on the Implementation of the Act on Amendments to the Constitution, which thereby entered into force.

42. Constitution stipulates that RS is a state of the Serbian people and all citizens living in it, based on the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and belonging to European principles and values.¹¹ In Article 3 of the Constitution, the rule of law is set as a basic precondition of the Constitution based on inalienable human rights. The rule of law is achieved through free and direct elections,

¹¹ Constitution, Article 1.

constitutional guarantees of human and minority rights, the separation of powers, an independent judiciary, and adherence to the Constitution and the law.¹²

43. The second part of the Constitution contains articles relating to human and minority rights and freedoms. The basic principles of human and minority rights include: the direct application of guaranteed rights; constitutional regulation of the purpose of constitutional guarantees; regulating restrictions on human and minority rights; and the prohibition of discrimination and the protection of human and minority rights and freedoms.

44. A special segment in the second section of the Constitution refers to the guarantee of the rights of persons belonging to national minorities.¹³

45. A proposal to change the Constitution¹⁴ may be submitted by at least one third of the total number of deputies of Parliament, the President of the Republic, Government (see item No. 50 below for a detailed explanation of “Government”), and at least 150,000 voters. Parliament then decides on the change to the Constitution. A proposal to change the Constitution is adopted through an at least two-thirds majority of the total number of deputies. The Parliament is then obliged to put any such act for a change to the Constitution to a republican referendum for confirmation if the change of the Constitution refers to, among other things: human and minority rights and freedoms; the organization of government; a declaration of war and/or state of emergency; a deviation from human and minority rights; and a state of war.

46. The legal order of RS is unique. The Constitution is the highest legal act of RS. All laws and other general acts passed in RS must be in accordance with the Constitution. Confirmed international agreements and generally accepted rules of international law are part of the legal order of RS. Confirmed international treaties must not be in conflict with the Constitution, while laws and other general acts must not be in conflict with generally accepted rules of international law and ratified international treaties.¹⁵

47. The organization of power in RS is based on the division of power into legislative, executive, and judicial branches. The relationship between the three branches of government is based on mutual verification and balance, while the judiciary is independent.

Legislative branch – Parliament

48. Parliament is the highest representative body and the holder of the constitutional and legislative power in RS.¹⁶ Parliament consists of 250 deputies, who are elected in direct elections, by secret ballot, in accordance with the law.¹⁷ Within its competencies, the Parliament performs a representative, legislative, electoral, and control function.¹⁸ Parliament makes decisions by a majority vote of the deputies in sessions at which the majority of deputies are present.¹⁹ According to the Constitution, equality and representation of the sexes and of representatives of national minorities is ensured in Parliament, in accordance with the law.²⁰

Percentage of women in parliament, 2020

<i>Gender structure</i>	<i>Number and share of MPS</i>
Females	100 (40%)
Males	150 (60%)

¹² Constitution, Article 3.

¹³ Constitution, Articles 75–81.

¹⁴ Constitution, Article 203.

¹⁵ Constitution, Article 194.

¹⁶ Constitution, Article 98.

¹⁷ Constitution, Article 100, para. 1.

¹⁸ Law on the Parliament (“OG RS”, No. 9/10), Article 7.

¹⁹ Constitution, Article 105.

²⁰ Constitution, Article 100, para. 2.

<i>Gender structure</i>	<i>Number and share of MPs</i>
Total MPs	250

Source: Parliament.

Executive branch – Government and President

The President

49. The President is elected in direct elections, by secret ballot, in accordance with the law.²¹ The mandate of the President of the Republic lasts 5 years and ends with the expiration of the term for which he/she was elected, or in his/her resignation or dismissal.²² The President of the Republic is responsible for: representing RS in the country and abroad; proclaiming laws by decree; proposing to the Parliament a candidate for Prime Minister, after hearing the opinions of the representatives of the elected electoral lists; offering proposals to the Parliament office holders; appointing and recalling Ambassadors of RS on the basis of a proposal of the Government; receiving letters of credence and revocation from foreign diplomatic representatives; granting pardons and decorations; and performing other tasks determined by the Constitution. The President, in accordance with the law, commands the Army and appoints, promotes, and dismisses officers of the Serbian Army.²³

Government

50. Government is the holder of executive power in RS and is responsible to the Parliament for the policy of RS, for the execution of laws and other general acts of the Parliament, and for the work of state administration bodies.²⁴ The Prime Minister leads and directs the work of the Government, manages the unified political activities of the Government, coordinates the work of the members of the Government, and represents the Government. The Ministers are responsible to the Prime Minister, Government, and the Parliament for their work and for the situation in the area within the scope of each respective Ministry.²⁵ In accordance with the Law on Ministries (“OG RS”, No. 128/2020), the scope of work for 21 ministries is formed and determined. The current government consists of 11 women, including the Prime Minister and the Deputy Prime Minister for Gender Equality. The mandate of the Government lasts until the expiration of the mandate of the Parliament that elected it. The term of office of the Government may end before the expiration of the term for which it was elected by a vote of no confidence, the dissolution of Parliament, the resignation of the Prime Minister, or in accordance with other cases defined by the Constitution.²⁶

Judicial Branch

51. The judiciary is unique in the territory of RS. Courts are autonomous and independent in their work and judge on the basis of the Constitution, laws and other general acts, when provided by law, generally accepted rules of international law, and ratified international treaties. Hearings before the courts are public and can be limited only in accordance with the Constitution. Judges and juries (or lay judges) participate in trials, in the manner determined by law. The law may stipulate that in certain courts and in certain matters only judges judge. The court judges in a panel, though the law may provide that a single judge judges in certain matters.²⁷

²¹ Constitution, Article 114.

²² Constitution, Article 116.

²³ Constitution, Article 112.

²⁴ Constitution, Article 124.

²⁵ Constitution, Article 125, para. 2 and 3.

²⁶ Constitution, Article 128.

²⁷ Constitution, Article 142.

52. Judicial power in RS belongs to courts of general and special jurisdiction. The establishment, organization, jurisdiction, management, and composition of courts shall be regulated by law.²⁸

Political parties

53. Article 4 of the Constitution of RS guarantees and recognizes the role of political parties in the democratic shaping of the political will of citizens. The Law on Political Parties defines political parties as organizations of freely and voluntarily united citizens, established for the purpose of achieving political goals by democratically shaping the political will of citizens and participating in elections.²⁹ Political parties of national minorities, in addition to the previously mentioned features, are characterized by activities specifically aimed at representing and championing the interests of a national minority and the protection and promotion of the rights of members of that national minority.³⁰

54. The establishment of political parties is free. The activities of political parties aimed at violently overthrowing the constitutional order, violating guaranteed human or minority rights, or inciting racial, national, or religious hatred are prohibited. Political parties cannot directly exercise power, nor subjugate it to themselves.³¹

55. A political party may be founded by at least 10,000 adult and able-bodied citizens of RS, while a political party of a national minority may be founded by at least 1,000 adult and able-bodied citizens.³² Political parties are entered in the Register of Political Parties kept by the Ministry of State Administration and Local Self-Government.³³ Membership in a political party is free and voluntary. The exception to this rule is that judges of the Constitutional Court, other judges, public prosecutors, the Protector of Citizens, members of the police, and members of the army, as well as other persons whose function is incompatible with membership in a political party, cannot be members of political parties.³⁴

56. According to the data from the Register of Political Parties kept by the Ministry of State Administration and Local Self-Government, a total of 114 political parties are registered in RS, of which 69 are national minority parties,³⁵ broken down according to the following national minorities: six – Albanian; eleven – Bosniak; tri- Bunjevac; four – Bulgarian; four – Wallachian; two – Greek; one – Gorani; six – Hungarian; three – Macedonian; seven – Roma; two – Romanian, two – Ruthenian; seven – Russian; six – Slovak; two – Croatian; and two – Montenegrin.

Elections and electoral system

57. The multi-party system was introduced in 1990. The 1990 Law on the Election of Deputies provided for a majority electoral system for the election of deputies to the Parliament.³⁶ Subsequent laws introduced a proportional electoral system, and since 2002, this applies as well to the election of councilors of municipal and city assemblies. The constituency now consists of the entire territory RS, and for local elections the entire territory of the municipality, i.e., the respective city.

58. Constitution guarantees the right to vote. Every adult, able-bodied citizen of RS has the right to vote and to be elected. The Constitution stipulates that suffrage is universal and

²⁸ Constitution, Article 143.

²⁹ Law on Political Parties (“OG RS”, No. 36/09 and 61/15 – decision of the Constitutional Court), Article 2.

³⁰ Law on Political Parties, Article 3.

³¹ Constitution, Article 5.

³² Law on Political Parties, Articles 8 and 9.

³³ Law on Political Parties, Article 22.

³⁴ Law on Political Parties, Article 21.

³⁵ Register of Political Parties, November 2021.

³⁶ “OG RS”, No. 1/90, 3/90 – correction, 12/9 and 79/92.

equal, that elections are free and direct, and that voting is secret and personal. Suffrage enjoys legal protection in accordance with the law.³⁷

59. The right to elect the President of the Republic and to be elected President of the Republic is held by any adult citizen of RS over whom guardianship rights have not been extended, i.e., who is not completely deprived of legal capacity. A person partially deprived of legal capacity may elect the President of the Republic and be elected President of the Republic if the court has not determined by a decision on partial deprivation of legal capacity that he/she is incapable of exercising the right to vote. The President of the Republic is elected by the citizens on the basis of universal and equal suffrage, and the President is elected for a five-year mandate. Elections are free and direct, and voting is secret and personal.

60. An adult citizen of RS over whom guardianship rights have not been extended, i.e., who is not completely deprived of legal capacity, has the right to vote and to be elected a Member of Parliament.³⁸ An additional condition set by the Law on Local Elections³⁹ regarding the election of councilors of local self-government units is that a voter or candidate for councilor must have a residence in the territory of the local self-government unit in which they exercise the right to vote. Taking into account gender equality, the Law on the Election of People's Deputies and the Law on Local Elections stipulate that 40% of the underrepresented gender must be on the electoral list. Namely, among every five candidates in the order on the list, there must be three members of one and two members of the other sex.⁴⁰

61. The bodies for conducting the elections are the Republic Election Commission, the local election commission, and the polling boards. Election conducting bodies are autonomous and independent in their work and work on the basis of laws and regulations adopted on the basis of law.⁴¹ The Republic Electoral Commission determines the election results so that each electoral list has a number of mandates that is proportional to the number of votes received.⁴² Only electoral lists that received at least 3% of the total number of votes of voters who voted in the constituency may participate in the distribution of mandates. Exceptions are political parties of national minorities and coalitions of political parties of national minorities who may participate in the distribution of seats even when having received less than 3% of the total number of voters who voted, whereby, during the distribution of mandates according to the application of the system of the highest quotient, the quotients of all electoral lists of political parties of national minorities and coalitions of political parties of national minorities are increased by 35%⁴³ (according to Amendments to the Law on the Election of People's Deputies and the Law on Local Elections from 2020). The electoral list of a party or a coalition of national minority parties is announced by the Republic Election Commission (REC), which may request the opinion of the competent national minority council on whether the submitter of the electoral list is a national minority party or a coalition of national minority parties.

62. Legal remedies for the protection of the right to vote in the conducting of elections are: a request for the annulment of voting at the polling station, a complaint, and an appeal.⁴⁴ The submitter of the referenced electoral list has the right to submit a request for annulment of voting at the polling station within 72 hours of the closing of the polling station due to irregularities during the voting; a voter may also submit a request for annulment of voting within 72 hours from the closing of the polling station at the polling station where he/she is documented on the voter list if the polling board unjustifiably prevented him/her from voting or if his/her right to free and secret voting was violated at the polling station.⁴⁵ The submitter of the declared electoral list has the right to file an objection against the decision made,

³⁷ Constitution, Article 52.

³⁸ Law on the Election of People's Deputies ("OG RS", No. 14/22), Article 3.

³⁹ Law on Local Elections ("OG RS", No. 14/22), Article 3.

⁴⁰ Law on Election of People's Deputies, Article 73 and the Law on Local Elections, Article 41.

⁴¹ Law on Election of People's Deputies, Article 8 and the Law on Local Elections, Article 10.

⁴² Law on the Election of People's Deputies, Art. 129 and 130.

⁴³ Law on the Election of Deputies, Article 140.

⁴⁴ Law on the Election of Deputies, Article 147.

⁴⁵ Law on the Election of Deputies, Article 148.

against the action taken, and for the relevant body failing to make a decision, i.e., to take action in conducting the elections, unless otherwise provided by the Law on the Election of Deputies, while the submitter of the electoral list, a political party, a political group, a candidate for MP, a voter, or a person whose name is in the documented names of the electoral list or is documented as the submitter of the electoral list may file a complaint in cases prescribed by the Law on the Election of Deputies.⁴⁶

63. An appeal may be lodged with the Administrative Court against any decision of the Republic Election Commission made on a complaint.⁴⁷

64. Law on National Councils of National Minorities⁴⁸ prescribes the procedure for the election of national councils, as well as the obligation to conduct regular elections for members of national councils of national minorities, which are held every four years. This law also regulates the legal position and powers of national councils of national minorities in the field of culture, education, information and official use of languages and scripts, their financing, and other issues of importance for the work of national councils.

65. In the elections held in November 2018, representatives of 18 national minorities (Albanian, Ashkali, Bosniak, Bulgarian, Bunjevac, Wallachian, Greek, Egyptian, Polish, Hungarian, German, Roma, Romanian, Ruthenian, Slovak, Slovenian, Ukrainian, and Czech national minorities) were registered in special voter lists voted for council members in direct elections. Members of the national councils of the Macedonian, Russian, Croatian, and Montenegrin national minorities were elected at electoral assemblies. In the most recent direct elections, 208,570 of such registered voters voted, out of a total of 467,545, i.e., 44.61% (in the 2010 elections, the turnout was 54.5%, and in 2014, 37.63%).

Percentage of the population with the right to vote

66. The table below shows the number of persons with the right to vote by administrative districts, in accordance with the Decision of the Republic Election Commission on determining and announcing the final number of voters in RS from June 19, 2020.

<i>Administrative district</i>	<i>Final number of voters</i>
Belgrade	1 604 376
North Bačka district	168 028
Central Banat district	155 216
North Banat district	124 257
South Banat district	255 706
West Bačka district	158 970
South Bačka district	565 138
Srem district	266 523
Mačva district	264 050
Kolubara district	141 851
Podunavlje district	175 472
Braničevo district	179 528
Šumadija district	249 760
Pomoravlje district	199 445
Bor district	119 034
Zaječar district	99 975
Zlatibor district	248 557
Moravica district	174 592

⁴⁶ Law on the Election of Deputies, Article 150.

⁴⁷ Law on the Election of Deputies, Article 156.

⁴⁸ "OG RS", No. 72/09, 20/14 - decision of the Constitutional Court, 55/1 and 47/18.

<i>Administrative district</i>	<i>Final number of voters</i>
Raška district	266 278
Rasina district	202 332
Niš district	323 932
Toplica district	73 821
Pirot district	73 688
Jablanica district	175 129
Pčinja district	201 471
Kosovo district	26 259
Peć district	4 498
Prizren district	6 374
Kosovska Mitrovica district	42 311
Kosovo – Pomoravlje district	15 908
Institutions for enforcement of criminal sanctions	8 646
Foreign countries	13 251
Total	6 584 376

Source: Republic Election Commission.

Proportions of national and sub-national elections held within the schedule laid out by law

67. In RS, the first multi-party elections after the Second World War were held in 1990. Since then, a total of four regular parliamentary elections have been held (December 1990 – voter turnout 71.49%, September 1997 – voter turnout 57, 40%, May 2012 – voter turnout 57.76% and June 2020 – voter turnout 49%), while extraordinary elections were held nine times (1992; 1993; 2000; 2003; 2007; 2008; 2014; 2016; 2022).

Average voter turnouts in the national and sub national elections by administrative unit

Parliamentary Elections June 21, 2020

<i>Administrative district</i>	<i>Number of voters registered in the voter list</i>	<i>Voters who voted</i>	
		<i>Number</i>	<i>Percentage</i>
Belgrade	1.604.76	613.974	38.27
North Bačka district	168.028	77.783	46.29
Central Banat district	155.216	72.426	46.66
North Banat district	124.257	67.197	54.08
South Banat district	255.706	128.048	50.08
West Bačka district	158.970	83.601	52.59
South Bačka district	565.138	274.659	48.6
Srem district	266.523	148.338	55.66
Mačva district	264.050	153.057	57.97
Kolubara district	141.851	77.900	54.92
Podunavlje district	175.472	81.209	46.28
Braničevo district	179.528	92.888	51.74
Šumadija district	249.760	126.093	50.49
Pomoravlje district	199.445	102 236	51.26
Bor district	119.034	57.750	48.52

<i>Administrative district</i>	<i>Number of voters registered in the voter list</i>	<i>Voters who voted</i>	
		<i>Number</i>	<i>Percentage</i>
Zaječar district	99.975	48.344	48.36
Zlatibor district	248.557	135.883	54.67
Moravica district	174.592	86.702	49.66
Raška district	266.278	136.398	51.22
Rasina district	202.332	116.390	57.52
Niš district	323.932	156.813	48.41
Toplica district	73.821	47.037	63.72
Pirot district	73.688	45.873	62.25
Jablanica district	175.129	108.192	61.78
Pčinja district	201.471	111.616	55.4
Kosovo district	26.259	14.293	54.43
Peć district	4.498	1.494	33.21
Prizren district	6.374	1.182	18.54
Kosovska Mitrovica district	42.311	28.267	66.81
Kosovo – Pomoravlje district	15.908	9.924	62.38
Institutions for enforcement of criminal sanctions	8.646	7.173	82.96
Foreign countries	13.251	9 168	69.19
Total	6.584.376	3.221.908	48.93

Source: Republic Election Commission.

Elections for committees of municipal assemblies and city assemblies June 21, 2020

<i>Administrative district</i>	<i>Number of voters registered in the voter list</i>	<i>Voters who voted</i>	
		<i>Number</i>	<i>Percentage</i>
Belgrade	1.603.475	615.654	38.39
North bačka district	167.850	79.362	47.28
Central banat district	155.387	73.801	47.49
North banat district	124.520	67.293	54.04
South banat district	255.897	128.784	50.33
West bačka district	159.863	81.901	51.23
South bačka district	565.242	276.723	48.96
Srem district	267.231	151.401	56.66
Mačva district	265.532	157.467	59.30
Kolubara district	142.489	81.225	57.00
Podunavlje district	174.788	85.468	48.90
Braničevo district	122.063	64.258	52.64
Šumadija district	245.870	129.543	52.69
Pomoravlje district	197.855	102.222	51.67
Bor district	122.386	58.418	47.73
Zaječar district	102.208	51.177	50.07
Zlatibor district	189.877	109.981	57.92
Moravica district	174.651	88.442	50.64
Raška district	262.928	133.618	50.82
Rasina district	201.063	115.489	57.44

<i>Administrative district</i>	<i>Number of voters registered in the voter list</i>	<i>Voters who voted</i>	
		<i>Number</i>	<i>Percentage</i>
Niš district	317.834	157.445	49.54
Toplica district	72.821	46.146	63.37
Pirot district	73.781	46.206	62.63
Jablanica district	175.144	109.157	62.32
Pčinja district	136.905	78.140	57.08
Kosovo district	...	...	...
Peć district	...	...	...
Prizren district	...	...	...
Kosovska mitrovica district	...	...	...
Kosovo – pomoravlje district	...	...	...
Total	6.277.660	3.089.321	49.21

Source: Republic Election Commission.

Elections for city assembly committees June 21, 2020

<i>City</i>	<i>Number of voters registered in the voter list</i>	<i>Voters who voted</i>	
		<i>Number</i>	<i>Percentage</i>
City of Belgrade	1.599.525	815.911	51.01
City of Užice	65.701	32.226	49.05
City of Požarevac	69.668	35.043	50.30
City of Niš	231.126	102.332	44.28
City of Vranje	70.112	42.167	60.14
Total	2.036.132	1.027.679	50.96

Source: Republic Election Commission.

Status of non-governmental organizations and media

Non-governmental organizations

68. The status and activities of non-governmental organizations in RS are regulated by the Law on Associations. An association, in the sense of this law, is a voluntary and non-governmental non-profit organization based on the freedom of association of several natural or legal persons, established to achieve and promote certain common or general goals and interests, which are not prohibited by the Constitution or law.⁴⁹ According to the Law on Associations, the child's right to freedom of association is recognized, and a minor over 14 years of age may be the founder of an association with a statement of consent from his legal representative.

69. Law on Associations enables a foreign association, i.e., its representative office in RS, to perform activities in the territory of RS with prior registration in the Register of Foreign Associations.⁵⁰ A foreign association, in the sense of this law, is an association with a seat in another state, established according to the regulations of that state for the purpose of achieving some common or general interest or goal, and whose activities are not aimed at profit, as well as an international association or other party, i.e., an international non-

⁴⁹ Law on Associations ("OG RS", No. 51/09, 99/11 – state laws and 44/18 - state laws), Article 2.

⁵⁰ Law on Associations, Article 60.

governmental organization, that has members who have volunteered to achieve a common or general interest or goal that is not aimed at making a profit.⁵¹

70. The goals and activities of a recognized association cannot be aimed at violently destroying the constitutional order or violating the territorial integrity of RS or violating guaranteed human or minority rights or inciting and encouraging inequality, hatred, or intolerance based on racial, ethnic, religious or other affiliation or affiliation, or based on sex, gender, physical, mental, or other characteristics and abilities.⁵²

71. An association may be founded by at least three founders, provided that at least one of the founders has a permanent or temporary residence in the territory of RS. The founders of the association can be able-bodied natural or legal persons.⁵³ The register of associations is kept by the Serbian Business Registers Agency, as an entrusted job.⁵⁴ Entry in the register of associations is voluntary.⁵⁵ The content, manner of entry, and maintenance of the Register is regulated in more detail by the Minister in charge of administrative affairs.

72. An Association may acquire property from membership fees, voluntary contributions, donations and gifts (in cash or in-kind), financial subsidies, bequests, interest on deposits, rent, dividends, and in other ways permitted by law. Natural and legal persons who make contributions and gifts to associations may be exempt from appropriate tax obligations in accordance with the law determining appropriate public revenue.⁵⁶

73. Funds for encouraging programs or necessary funds for financing programs implemented by associations which are of public interest are provided for in the budget of RS.⁵⁷ The Decree on Funds for Encouraging Programs or Necessary Funds for Financing Public Interest Programs Implemented by Associations,⁵⁸ which entered into force on March 13, 2018, provides for, in Article 4, the publication of the Annual Plan of Public Competitions and the calendar of public competitions for public administration bodies and association projects. The competition calendar is published in order to inform civil society organizations in a timely manner about the planned public competitions, and with the aim of the preparation of the highest quality project proposals for potential funding from the budget, as well as of increasing the number of potential users of funding from the budget of Serbia. There has been an obvious tendency of these funds to grow in favor of non-governmental organizations.

74. The termination of an association is made possible through the deletion of the association from the Register, the prohibition of the association, or the liquidation or bankruptcy of the association. The basis for banning the work of an association are goals and actions that are contrary to the Constitution or the Law, while a proposal for banning the work of an association may be presented by the Government, the Republic Public Prosecutor, the ministry in charge of administrative affairs, the ministry in charge of associations, or the Registrar.⁵⁹ The Constitutional Court decides on a ban on the work of an association.⁶⁰ The procedure for banning the work of associations can be initiated and conducted in relation to associations that do not have the status of a legal entity.

75. Drawing upon the legal framework which laid the foundations for improving public participation in the process of drafting regulations and public policy documents, Guidelines for the inclusion of civil society organizations in working groups for drafting public policy documents and drafts, i.e., draft regulations, were adopted in January 2020.⁶¹

⁵¹ Law on Associations, Article 59.

⁵² Law on Associations, Article 3.

⁵³ Law on Associations, Article 10.

⁵⁴ Law on Associations, Article 26.

⁵⁵ Law on Associations, Article 4.

⁵⁶ Law on Associations, Article 36.

⁵⁷ Law on Associations, Article 38.

⁵⁸ "OG RS", No. 16/18.

⁵⁹ Law on Associations, Article 51.

⁶⁰ Law on Associations, Article 50.

⁶¹ "OG RS", No. 8/20.

Number of registered non-governmental organizations

76. Associations and representative offices of foreign associations can be entered in the Register of Associations and the Register of Foreign Associations kept by the Serbian Business Registers Agency, to whom this task is entrusted, thus acquiring the status of a legal entity, so that associations can decide whether to register or not. Associations that register in the Register independently act in legal transactions, perform economic and other activities in accordance with the law, and can apply for funds provided by the budget of the Republic, or of the budgets of autonomous provinces or local self-government units, to finance certain programs of public interest. Legal rules on civil partnership apply to associations that do not register, in which case they do not have the status of a legal entity.

77. The procedure for registration, i.e., registration in the Register of Associations and the Register of Foreign Associations, and for keeping registers are more closely regulated by the Law on the Procedure of Registration in the Serbian Business Registers Agency and relevant bylaws. Information on the registration procedure for all registered associations, in accordance with the law, is available on the agency's website: Агенција за привредне регистре.

78. Ministry of Human and Minority Rights and Social Dialogue decides on appeals against decisions of the Serbian Business Registers Agency, i.e., the Registrar which maintains the Register of Associations and the Register of Foreign Associations and supervises the implementation of the Law on Associations, while the Ministry of State Administration and Local Self-Government is supervised by administrative inspectors.

79. According to the data of the Serbian Business Registers Agency, in 2020, a total of 34,692 domestic associations and 72 representative offices of foreign associations were registered. The number of associations increased significantly with the entry into force of the Law on Associations in 2011, when the conditions for the establishment of associations were significantly simplified and liberalized, and when a single register of associations was formed. Existing associations were obliged to re-register or were otherwise deemed inactive and deleted from the register.

80. Regarding distribution by districts, the largest number of associations, after the city of Belgrade (10,759), was registered in the South Bačka District (4,483), followed by the districts of Niš (1,621), South Banat (1,562), Srem (1,373), Central Banat (1,178), North-Bačka (1,090), Šumadija (1,048), and Raška (1,028).

81. Also, according to the data of the Serbian Business Registers Agency, in 2020, a total of 808 foundations and 141 endowments were registered. As is the case with associations, there has been a growing trend in the number of foundations and endowments.

82. Foundations and endowments are mostly concentrated in the Belgrade region (560), and in the regions of South-bačka (129), North-bačka (29), and Šumadija (24), while a significantly smaller number are present in the regions of southern and eastern Serbia. In more than half of the municipalities/cities of RS, no foundations or endowments are registered, and in most municipalities where there are foundations endowments, the number is below 1% of the total number in RS, which indicates that this is a seemingly underutilized form of organizing citizens, although a foundation may be a simpler way of organizing entities towards a common goal in comparison with associations, given the number of people needed for a foundation's establishment and the management rights of the founders.

Media

83. The Constitution guarantees the freedom of the media. Everyone is free to establish newspapers and other means of public information without official approval, in the manner prescribed by law. Television and radio stations are established in accordance with the law.

84. There is no censorship in RS. Exceptionally, the competent court may prevent the dissemination of information and ideas through the media only if it is necessary in a democratic society to prevent calls for the violent destruction of the constitutional order or the violation of the territorial integrity of RS, to prevent the propagation of war or incitement

to direct violence, or to prevent the advocacy of racial, national, or religious hatred, which incites discrimination, hostility, or violence.⁶²

85. RS has created a regulatory framework that enables the media to operate independently and unhindered. A set of relevant media laws has improved the framework for the protection of rights in the field of information (the Law on Public Information,⁶³ the Law on Electronic Media,⁶⁴ and the Law on Public Media Services⁶⁵). The Law on Public Information and Media regulates the right to public information, which includes the freedom to collect, publish, and receive information, the freedom to form and express ideas and opinions, the freedom to print and distribute newspapers and freedom to produce, provide, and publish audio and audio-visual media services, the freedom to disseminate information and ideas via the Internet and other platforms, and the freedom to publish media and conduct public information activities. In accordance with this law, the Media Register has been functioning since 2015, which is maintained by the Serbian Business Registers Agency.

86. Law on Electronic Media⁶⁶ established the Regulatory Authority for Electronic Media (REM) as an independent regulatory organization that has functional and financial independence from state bodies and organizations, media service providers, and operators. The Regulator of this authority is responsible to the Parliament for performing tasks within its competence, and professional and administrative tasks are performed by the professional service, whose position and manner of work are prescribed by the Law and the corresponding Statute.⁶⁷ This body ensures that the program content of a media service provider does not contain information that incites, in an overt or covert manner, discrimination, hatred, or violence due to race, color, ancestry, citizenship, nationality, language, religious or political beliefs, gender, gender identity, sexual orientation, property status, birth, genetic characteristics, health status, disability, marital and family status, conviction, age, appearance, membership in political, trade union, and other organizations, or other real or assumed personal characteristics.

87. Regulator may issue a warning, advisory, or a temporary ban on publishing media content or revoke a media operator's license, due to a violation of obligations related to program content, as well as due to a violation of the conditions contained in the license or approval for providing media services in accordance with provisions of this law. Any imposed measures are entered in the Register of Media Services.

88. There are two public media services in RS: the Public Media Institution – Radio Television of Serbia and the Public Media Institution – Radio Television of Vojvodina. Public media services are independent and autonomous legal entities that, through performing their core functions, enable the realization of the public interest in the field of public information, while providing general and comprehensive media services that include informational, educational, cultural, and entertainment content.⁶⁸

89. RS is the founder of the Institution for Newspaper Publishing-Panorama. The activity of Panorama is aimed at realizing the public interest in the field of public information through publishing, in the Serbian language, the weekly newspaper Jedinstvo (Unity) and the magazine Stremljenja (Aspirations), for the purpose of informing the population in AP Kosovo and Metohija.⁶⁹

90. Within public digital services and e-government, there is progress in adapting media content for people with disabilities, such as subtitling, and in 2015 the Law on the Use of Sign Language was adopted and funds were invested towards the opening of a translation

⁶² Constitution, Article 50.

⁶³ "OG RS, No. 83/14, 58/15 and 12/16 – authentic interpretation.

⁶⁴ "OG RS", No. 83/14 and 6/16 – state law.

⁶⁵ "OG RS", No. 83/14, 103/15 and 108/16.

⁶⁶ Law on Electronic Media ("OG RS", No. 83/14, 6/16 – state law), Article 5.

⁶⁷ Law on Electronic Media, Article 5.

⁶⁸ Law on Public Media Services ("OG RS", No. 83/14, 103/15, 108/16, 161/20 and 129/21) Article 2.

⁶⁹ Decision on the Establishment of the Institution for Newspaper and Publishing Activity – Panorama ("OG RS", No. 53/15).

service for Serbian sign language, which is accessible to deaf persons and persons hard of hearing.

91. Various models of information in the languages of national minorities are represented including: programs of public media services, shows, i.e., articles in private media, including civil society media, and media content published by national councils, as well provision of the use of and access to the Internet and the media of the home country, etc. National Councils of National Minorities, as bodies of elected representatives of national minorities, through which members of minorities exercise their collective rights, have significant powers in the segment of providing for the public interest in the field of public information. Although financed from public funds, these bodies can be the founders of media publishers, authorized nominators of REM Council members, give opinions on candidates for editor-in-chief of programs in the language of national minorities in public media services, as well as provide opinions on related projects which have applied to public competitions that are announced in order to raise the quality of information for members of national minorities, which are not binding.

92. With the amendments to the Criminal Code from 2016, Serbia is one of the few countries in Europe, and the only country in the region, which prescribed that imprisonment from six months to five years is to serve as potential punishment for anyone who endangers the safety of persons/entities of public importance in areas of information. In this way, the criminal-legal protection of journalists is formally equated with the protection of the President of the Republic, the Prime Minister, members of the Government, judges of the Constitutional Court, judges, public prosecutors, deputy public prosecutors, lawyers, and police officers.⁷⁰

93. In January 2020, Government adopted Strategy for the Development of the Public Information System in RS for the period 2020–2025, with the aim of further democratization of relations in society through strengthening freedom of expression and the media. With this strategy, the state has committed itself to supporting the development of media pluralism, which includes diversity of ownership, sources of information, and media content.

94. On December 10, 2020, Government adopted the Decision on the establishment of the Working Group for monitoring the implementation of the Action Plan for the implementation of Strategy for the Development of the Public Information System in RS for the period 2020–2025, for the years 2020–2022.⁷¹

95. Also on December 10, 2020, Government passed the Decision on the establishment of the Working Group for Security and Protection of Journalists, with the task of raising the efficiency of official responses in cases of attacks on journalists and monitoring actions taken to protect their security. The working group is obliged to submit a report on the work of the group to the Prime Minister and Deputy Prime Ministers and Ministers of Culture and Information at least once a month. At the initiative of the mentioned Working Group, a project was initiated to launch the *Safe Line – SOS hotline for reporting threats and attacks on journalists*, so that journalists who feel that their security is endangered can get relevant information from on-duty lawyers with experience in this field about who or what authority to turn to in order to protect their rights. Specifically, journalists will be provided with relevant information on contact points in the prosecutor's office and in the Ministry of the Interior. The Protector of Citizens introduced the Platform for Recording Attacks and Pressures on Journalists. The platform was developed in cooperation with 10 media and journalist associations, organizations, and unions that agreed on the categories and subcategories of attacks and pressure on journalists. It is planned that the Platform will be provided with data gathered by media and journalist associations on attacks and pressure on media representatives, as well as connected to the SOS hotline for reports of attacks on journalists.

⁷⁰ Criminal Code “OG RS”, No. 85/05, 88/05 – amended, 107/05 – amended, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/2019), Article 138, paragraph 3.

⁷¹ “OG RS”, No. 149/20.

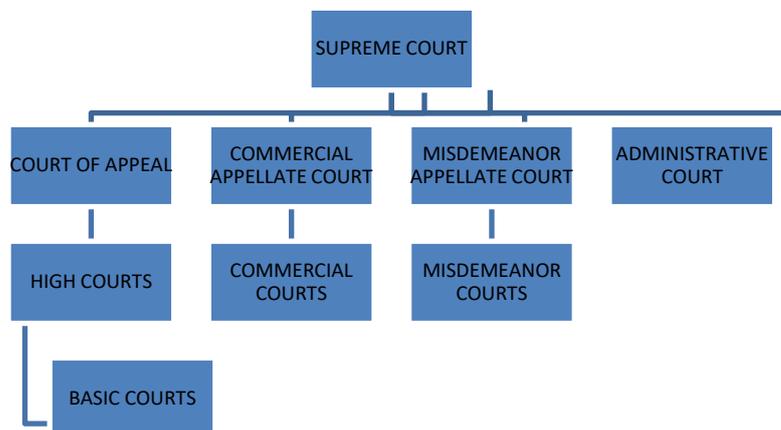
Information on the administration of justice and the justice system

Courts

96. The judiciary is unique in the territory of RS. Courts are autonomous and independent in their work and judge on the basis of the Constitution, laws and other general acts, when provided by law, generally accepted rules of international law, and ratified international treaties.⁷²

97. Judicial power in RS belongs to courts of general and special jurisdiction. The establishment, organization, jurisdiction, organization, and composition of courts is and shall be regulated by law. Temporary, direct, or extraordinary courts cannot be established. The Supreme Court⁷³ is the highest court in RS and its seat is in Belgrade.⁷⁴

98. The courts of general jurisdiction are the basic courts, the higher courts, the courts of appeals, and the Supreme Court. The courts of special jurisdiction are the Commercial Courts, the Commercial Court of Appeals, the Misdemeanor Courts, the Misdemeanor Court of Appeals and the Administrative Court. The Belgrade High Court has special departments for: (1) organized crime, (2) war crimes, (3) high-tech crime, and (4) combating corruption. The President of the Supreme Court is elected by the High Judicial Council, based on the opinion of the general session of the Supreme Court.⁷⁵ The President of the Supreme Court is elected for a term of five years and cannot be re-elected.⁷⁶



The High Judicial Council

99. The High Judicial Council is an independent state body that ensures and guarantees the independence of courts, judges, court presidents, and juries (lay judges). The High Judicial Council elects judges and juries and decides on the termination of their functions, elects the President of the Supreme Court and presidents of other courts and decides on the termination of their functions, decides on the transfer and secondment of judges, determines the required number of judges and juries, decides on other issues of the position of judges, presidents of courts, and juries, and exercises other competencies determined by the Constitution and the law.⁷⁷

100. High Judicial Council consists of 11 members: six judges elected by judges, four prominent lawyers elected by the Parliament and the President of the Supreme Court. The election of members of the High Judicial Council from among judges is regulated by law. The widest representation of judges is to be taken into account when electing judges to the High Judicial Council. The Parliament elects, by a minimum of a two-thirds supportive vote

⁷² Constitution, Article 142. and the Law on the Organization of Courts, “OG RS”, No. 116/08, ... 65/18 – decision of the Constitutional Court, 87/18 and 88/18 – decision of the Constitutional Court).

⁷³ Constitution, Article 143.

⁷⁴ Constitution, Article 143.

⁷⁵ Constitution, Article 149.

⁷⁶ Constitution, Article 149.

⁷⁷ Constitution (“OG RS”, No. 98/06, 115/21, and 16/22) Article 150.

of all deputies, members of the High Judicial Council from among prominent lawyers with at least ten years of experience in the legal profession, from two candidates proposed by the competent committee of the Parliament, after a public competition, and in accordance with law. If the Parliament does not elect all four members within the time limit set by law, the remaining members shall be elected from among all eligible candidates by a commission consisting of the Speaker of the Parliament, the President of the Constitutional Court, the President of the Supreme Court, the Supreme Public Prosecutor, and the Protector of Citizens, by a majority of votes. Court presidents cannot be elected to the High Judicial Council. A member of the High Judicial Council elected by the Parliament must be worthy of that office. A member of the High Judicial Council elected by the Parliament may not be a member of a political party. Other conditions for election and for determining incompatibility for the function of a member of the High Judicial Council elected by the Parliament shall be regulated by law.⁷⁸

101. The conditions for the election of judges and the conditions for the election and term of office of juries (lay judges) shall be regulated by law.⁷⁹

102. A judge shall be independent and shall judge on the basis of the Constitution, ratified international treaties, laws, generally accepted rules of international law, and other general acts adopted in accordance with the law. Any undue influence on a judge in the exercise of judicial office is prohibited.⁸⁰

103. Judicial decisions are to be based on the Constitution, the law, ratified international treaties and regulations enacted on the basis of the law. Court decisions are binding on all and cannot be subject to out-of-court review, but can only be reviewed by a competent court, in a legally prescribed procedure.⁸¹

Public Prosecutor's Office

104. Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other illegal acts and performs other competencies that protect the public interest, as determined by law. The Public Prosecutor's Office exercises its competencies on the basis of the Constitution, ratified international treaties, laws, generally accepted rules of international law, and other general acts adopted in accordance with the law. The establishment, abolition, organization, and competence of the Public Prosecutor's Office shall be regulated by law.⁸²

105. The highest public prosecutor's office in RS is the Republic Public Prosecutor's Office, which is headed by the Republic Public Prosecutor. The function of the Public Prosecutor's Office is performed by the Republic Public Prosecutor, Chief Public Prosecutors, and Public Prosecutors. The Republic Public Prosecutor and the Chief Public Prosecutors, in the management of public prosecutor's offices, have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.⁸³

106. Republic Public Prosecutor is elected for a terms of six years by an at least three-fifths positive vote of all deputies by the Parliament at the proposal of the High Prosecutorial Council of the Prosecutor's Office, after a public competition, and in accordance with the law. The High Council proposes to the Parliament one candidate for the Republic Public Prosecutor. If the Parliament does not elect the Supreme Public Prosecutor within the next ten days, he/she is elected from among all eligible candidates by a commission consisting of the President of the Parliament, the President of the Constitutional Court, the President of the Supreme Court, the Republic Public Prosecutor, and the Protector of Citizens, by a majority of votes. The same person cannot be re-elected as the Republic Public Prosecutor. The Chief Public Prosecutors are elected by the High Prosecutorial Council for a term of six years.

⁷⁸ Constitution, Article 151.

⁷⁹ Constitution, Article 145.

⁸⁰ Constitution, Article 144.

⁸¹ Law on the Organization of Courts, "OG RS", No. 116/08, 104/09 ... 65/2018 – decision of the Constitutional Court, 87/2018 and 88/2018 – decision of the Constitutional Court).

⁸² Constitution, Article 155.

⁸³ Ibid.

Before the expiration of the term for which he/she was elected as the Supreme Public Prosecutor or as a Chief Public Prosecutor, his/her function is to cease: if he so requests; if the Public Prosecutor's Office is abolished; if he/she is deemed to have permanently lost the ability to perform the function of Chief Public Prosecutor; if his/her citizenship of RS is annulled; or if he/she is dismissed. The Republic Public Prosecutor and a Chief Public Prosecutor shall be dismissed if they are convicted of a criminal offense and sentenced to imprisonment of at least six months or if any of the statutory grounds for dismissal occur. A Chief Public Prosecutor has the right to appeal against a decision of the High Prosecutorial Council on the termination of such an office to the Constitutional Court, which excludes the right to a constitutional appeal. The Republic Public Prosecutor and Chief Public Prosecutors whose term of office naturally terminates after six years shall remain in the position of Public Prosecutor, in accordance with the law.⁸⁴ The Constitution stipulates that the Republic Public Prosecutor, Chief Public Prosecutors, and Public Prosecutors may not be held accountable for an opinion given or a decision made in connection with the performance of office, unless they have been found to have committed a criminal offense as determined by a judge or public prosecutor. The Republic Public Prosecutor, Chief Public Prosecutors, and Public Prosecutors may not be deprived of their liberty in the proceedings instituted for a criminal offense committed in connection with the performance of their function without the approval of the High Prosecutorial Council.⁸⁵

*High Prosecutorial Council*⁸⁶

107. High Prosecutorial Council of the Prosecutor's Office is an independent state body that ensures and guarantees the independence of the Public Prosecutor's Office, the Republic Public Prosecutor, Chief Public Prosecutors, and Public Prosecutors. The High Prosecutorial Council proposes to the Parliament the election and termination of the function of the Republic Public Prosecutor, appoints the acting Republic Public Prosecutor, elects the Chief Public Prosecutors and Public Prosecutors and decides on the termination of their functions, decides on other issues of the Republic Public Prosecutor, the Chief Public Prosecutors, and Public Prosecutors, and performs other competencies determined by the Constitution and the law.⁸⁷

108. Republic Public Prosecutor is responsible for the work of the Public Prosecutor's Office and its work to the Parliament. The Republic Public Prosecutor is not responsible to the Parliament for acting in a particular case. Chief Public Prosecutors are responsible for the work of the Public Prosecutor's Office and for its work to the Republic Public Prosecutor and immediately to the Senior Chief Public Prosecutor. Public prosecutors are accountable for their work to the Chief Public Prosecutors.⁸⁸

The Constitutional Court

109. Constitutional Court is an autonomous and independent state body that protects constitutionality and legality and human and minority rights and freedoms. Decisions of the Constitutional Court are final, enforceable, and generally binding.⁸⁹ The Constitutional Court decides on: the conformity of laws and other general acts with the Constitution, generally accepted rules of international law, and ratified international treaties; the compliance of ratified international agreements with the Constitution; the compliance of other general acts with the law; the compliance of the statutes and general acts of the autonomous provinces and local self-government units with the Constitution and the law; the consent of general acts of organizations entrusted with public authority, of political parties, of trade unions, of citizens' associations, and of collective agreements with the Constitution and the law. As well, the Constitutional Court is mandated with: resolving conflicts of jurisdiction between courts and other state bodies; resolving conflicts of competence between republic bodies and provincial bodies or bodies of local self-government units; resolving conflicts of competence

⁸⁴ Constitution, Article 158.

⁸⁵ Constitution, Article 161.

⁸⁶ Constitution, Article 162.

⁸⁷ Constitution, Article 162.

⁸⁸ Constitution, Article 156.

⁸⁹ Constitution, Article 166.

between provincial bodies and bodies of local self-government units; resolving conflicts of competence between bodies of different autonomous provinces or different units of local self-government; deciding on election disputes for which the jurisdiction of the courts is not determined by law; performing other tasks determined by the Constitution and the law. The Constitutional Court decides on the prohibition of the work of political parties, trade union organizations, or citizens' associations. The Constitutional Court also performs other tasks provided by the Constitution.⁹⁰

110. A constitutional complaint may be lodged against individual acts or actions of state bodies or organizations entrusted with public authority which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal means for their protection have been exhausted or not provided for.⁹¹

111. Constitutional Court consists of 15 judges who are elected and appointed for nine years. Five judges of the Constitutional Court are elected by the Parliament, five are appointed by the President of the Republic, and five are selected by the general session of the Supreme Court.⁹²

112. A judge of the Constitutional Court may not perform any other public or professional function or job, except for professorships at the Faculty of Law in RS, in accordance with the law. A judge of the Constitutional Court enjoys immunity in the same ways as a Deputy of the Parliament and his/her immunity is decided upon by the Constitutional Court.⁹³

Number of persons and rate (per 100,000 persons) arrested/brought before a court/convicted/sentenced/incarcerated for violent or other serious crimes

Criminal charges against adults by criminal offense, 2016–2020.

RS

Criminal offenses	2016		2017		2018		2019		2020	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	96 237	100	90 348	100	92 874	100	92 797	100	74 394	100
Against life and limb	3 451	3.6	3 278	3.6	3 084	3.3	3 064	3.3	2 482	3.3
Against the freedoms and rights of man and citizen	4 046	4.2	4 052	4.5	4 264	4.6	4 390	4.7	3 643	4.9
Against sexual freedom	367	0.4	338	0.4	435	0.5	498	0.5	411	0.6
Against property	44 000	45.7	40 443	44.8	40 595	43.7	38 713	41.7	29 787	40

Source: Statistical Office of the Republic of Serbia.

Accused adults by criminal offense, 2016–2020

RS

Criminal offenses	2016		2017		2018		2019		2020	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	39 610	100	37 752	100	35 146	100	32 360	100	29 389	100
Against life and limb	2 577	6.5	2 468	6.5	2 173	6.2	1 736	5.4	1 643	5.6
Against the freedoms and rights of man and citizen	1 327	3.4	1 220	3.2	1 394	4	1 254	3.9	1 122	3.8
Against sexual freedom	266	0.7	227	0.6	217	0.6	286	0.9	249	0.8

⁹⁰ Constitution, Article 167.

⁹¹ Constitution, Article 170.

⁹² Constitution, Article 172.

⁹³ Constitution, Article 173.

Accused adults by criminal offense, 2016–2020

RS

Criminal offenses	2016		2017		2018		2019		2020	
	Number	%	Number	%	Number	%	Number	%	Number	%
Against property	13 017	32.9	11 846	31.4	10 050	28.6	8 879	27.4	7 440	25.3

Source: Republic Statistical Office.

Convicted adults by criminal offense, 2016–2020

RS

Criminal offenses	2016		2017		2018		2019		2020	
	Number	%	Number	%	Number	%	Number	%	Number	%
Total	32 525	100	31 759	100	29 750	100	28 112	100	25 487	100
Against life and limb	1 935	5.9	1 913	6	1 691	5.7	1 403	5	1 320	5.2
Against the freedoms and rights of man and citizen	972	3	934	2.9	1 090	3.7	1 027	3.7	888	3.5
Against sexual freedom	204	0.6	189	0.6	188	0.6	251	0.9	210	0.8
Against property	11 302	34.7	10 307	32.5	8 807	29.6	7 877	28	6 519	25.6

Source: Republic Statistical Office.

Number of reported cases of sexually motivated violence (such as rape, female genital mutilation, “honour” crimes, and acid attacks)

Note: There are no data on sexually motivated crimes against life and body (e.g., female genital mutilation).

Adults reported for a crime against sexual freedom, 2020

Criminal Offences	RS					
	Total	Serbia-North		Serbia-South		
		Belgrade region	AP Vojvodina region	Region of Šumadija and Western Serbia	Region of Southern and Eastern Serbia	AP Kosovo and Metohija region
Against sexual freedom	411	75	138	104	94	...
Rape	44	3	14	14	13	...
Copulation with a Helpless Person	14	4	6	4	-	...
Copulation with a Child	21	3	6	5	7	...
Sexual Intercourse through Abuse of Position	7	1	4	2	-	...
Prohibited Sexual Acts	114	18	36	32	28	...
Sexual Harassment	166	22	60	43	41	...
Deceiving and enabling sexual intercourse	1	-	-	-	1	...
Mediation in Prostitution	14	4	7	1	2	...
Exhibition, Procurement, and Possession of Pornographic Materials and Exploiting Juveniles for Pornography	29	20	5	3	1	...

Adults reported for a crime against sexual freedom, 2020

<i>Criminal Offences</i>	<i>RS</i>					
	<i>Total</i>	<i>Serbia-North</i>		<i>Serbia-South</i>		
		<i>Belgrade region</i>	<i>AP Vojvodina region</i>	<i>Region of Šumadija and Western Serbia</i>	<i>Region of Southern and Eastern Serbia</i>	<i>AP Kosovo and Metohija region</i>
Abuse of Computer Networks or other Technical Communication Means for Committing Criminal Offences against Sexual Freedom of Juveniles	1	-	-	-	1	...

Source: Republic Statistical Office.

Prison population with breakdown by offence and length of sentence

Convicted adults according to the imposed criminal sanctions, 2016–2020

	<i>RS</i>									
	<i>2016</i>		<i>2017</i>		<i>2018</i>		<i>2019</i>		<i>2020</i>	
	Number	<i>%	Number	%	Number	%	Number	%	Number</i>	<i>%</i>
Total	32 525	100	31 759	100	29 750	100	28 112	100	25 487	100
Prison	9 419	29	8 220	25.9	7 408	24.9	6 772	24.1	6 150	24.1
40 years	5	0	2	0	3	0	4	0	-	-
30–40 years	9	0	11	0	7	0	4	0	8	0
Over 15–20 years	22	0.1	18	0.1	12	0	13	0	14	0.1
10–15 years	49	0.2	38	0.1	29	0.1	36	0.1	50	0.2
5–10 years	191	0.6	156	0.5	125	0.4	150	0.5	138	0.5
3–5 years	707	2.2	628	2	616	2.1	589	2.1	480	1.9
2–3 years	930	2.9	770	2.4	753	2.5	798	2.8	631	2.5
1–2 years	1 520	4.7	1 448	4.6	1 256	4.2	1 293	4.6	1 137	4.5
Over 6–12 months	2 424	7.5	2 199	6.9	1 860	6.3	1 664	5.9	1 562	6.1
3–6 months	2 269	7	2 000	6.3	1 835	6.2	1 498	5.3	1 481	5.8
2–3 months	965	3	757	2.4	687	2.3	586	2.1	511	2
Up to 2 months	328	1	193	0.6	225	0.8	137	0.5	138	0.5

Source: Republic Statistical Office Adults sentenced to imprisonment for a criminal offense, 2020.

	<i>Total</i>	<i>Imprisoned</i>
RS	25 487	6 150
Criminal Offences against Life And Limb	1 320	333
Criminal Offences against Freedoms and Rights of Man and the Citizen	888	174
Criminal Offences against Electoral Rights	1	-
Criminal Offences against Labour Rights	14	1
Criminal Offences against Honour and Reputation	299	-
Criminal Offences against Sexual Freedom	210	102
Criminal Offences against Marriage and Family	3 650	815
Criminal Offences against Intellectual Property	17	2
Offences against Property	6 519	2 479

	<i>Total</i>	<i>Imprisoned</i>
Criminal Offences against Economic Interests	842	142
Offences against Human Health	4 934	1 119
Criminal Offences against The Environment	291	37
Criminal Offences against General Safety of People and Property	185	25
Criminal Offences against Road Safety	1 917	144
Criminal Offences against the Security of Computer Data	1	-
Criminal Offences against the Constitutional Order and Security	9	1
Criminal Offences against Government Authorities	608	74
Criminal Offences against the Judiciary	167	36
Offences against Public Law and Order	1 420	381
Offences against Legal Instruments	992	129
Criminal Offences against Official Duty	355	54
Criminal Offences against Humanity and Other Rights Guaranteed by International Law	21	20
Criminal Offences against the Army of Serbia	3	1
Serbia-North	13 698	3 423
Belgrade region	5 522	1 616
Vojvodina region	8 176	1 807
Serbia-South	11 789	2 727
Region of Sumadija and Western Serbia	6 480	1 450
Region of Southern and Eastern Serbia	5 309	1 277
AP Kosovo and Metohija region	...	...

Source: Republic Statistical Office.

Incidence of death in custody

113. Deaths in prison are immediately reported to the competent prosecutor's office and the police. The Public Prosecutor's Office orders an autopsy in all cases in which death occurs in prison, regardless of the cause. If, after the autopsy, there are grounds for suspicion that the death in prison was the result of a commission of a criminal offense, the Public Prosecutor's Office shall initiate proceedings *ex officio*. Public Prosecutors' Offices conduct proactive investigations in all cases.⁹⁴

114. Directorate for the Execution of Criminal Sanctions implements comprehensive measures to prevent suicide in prison. When admitting persons to an institution for confinement, an assessment is made of persons from the psychological, sociological, criminological, security, and health aspects, which includes determining the risk of suicide. The employees in the institution are trained in and obligated to follow indications that might suggest the existence of this risk, and such persons are placed under increased supervision by the employees. Institutions for confinement undertake measures and activities that include psychological and psychiatric treatment.

115. In order to prevent violence among persons deprived of their liberty in all penitentiary institutions, video surveillance is provided, as is timely surveillance and intervention on the part of employees in the institution in situations where there are indications that mutual violence may occur. In particular, the Service for Treatment in Institutions conducts regular interviews with convicts in order to prevent any form of violence, and programs for the control of aggressive behavior are organized and conducted by educators. Members of the

⁹⁴ Law on Public Prosecutions, "OG RS", No. 116/08, 104/09, 101/10, 78/11 – state law, 101/11, 38/12 – decision of the Constitutional Court, 121/12, 101 / 13, 111/14 – decision of the Constitutional Court, 117/14, 106/15 and 63/16 – decision of the Constitutional Court).

security service, as part of regular training at the Center for Training, attend classes in which responses to situations of violence between convicts are presented.

Number of persons executed under the death penalty per year

116. The death penalty has been banned by law in Serbia since 2002. (The last death sentence before this law took effect was carried out in 1992; in the period between then and 2002, 19 death sentences were imposed, none of which have been carried out).

117. Law on Amendments to the Criminal Code⁹⁵ introduced two novel legal solutions; a sentence of life imprisonment with the possibility of conditional release after 27 years of serving a sentence; a sentence of life imprisonment without parole for “the most heinous crimes.” According to Article 46 of this Law, conditional release cannot be granted for the criminal offenses of: aggravated murder, rape, adultery against an incapacitated person, adultery with a child, and adultery with abuse of office.

II. General framework for the protection and promotion of human rights

C. Acceptance of international human rights norms

118. The legal order of RS is unique. Confirmed international agreements and generally accepted rules of international law are part of the legal order. Confirmed international treaties must not be in conflict with the Constitution, while laws and other general acts must not be in conflict with generally accepted rules of international law and ratified international treaties.

119. Parliament ratifies international agreements of military, political, and economic nature, agreements that create financial obligations for RS, and agreements that require the adoption of new laws and agreements, or amendments to existing ones, that deviate from existing legal solutions. International agreements that do not belong to this mentioned group of agreements are not subject to the ratification procedure. Government only submits information on these agreements to the competent committee of the Parliament.

Ratification of major international human rights instruments

120. RS is a member of eight of the nine basic international agreements in the field of human rights protection. Regarding the ninth, RS has signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but has not ratified it because the existing national legislation already provides an adequate framework for the protection of migrant workers. It is planned that Ministry of Human and Minority Rights and Social Dialogue will launch initiatives to ratify the optional protocols to the International Covenant on Economic, Social, and Cultural Rights and the Convention on the Rights of the Child, which will allow for the submission of individual petitions.

- (a) International Covenant on Economic, Social and Cultural Rights, ratified, 1971;
- (b) International Covenant on Civil and Political Rights, ratified, 1971;
- (c) Second Optional Protocol to the International Covenant on Civil and Political Rights, concerning the Abolition of the Death Penalty, ratified, 2001;
- (d) International Convention on the Elimination of All Forms of Racial Discrimination – ratified, 1967;
- (e) Convention on the Elimination of All Forms of Discrimination against Women-ratified, 1981;
- (f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified, 1991;

⁹⁵ “OG RS”, No. 35/19.

- (g) Optional Protocol to the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment concerning Regular Visits to Detention/Confinement Facilities of National and International Institutions, ratified in 2005;
- (h) Convention on the Rights of the Child, ratified, 1990;
- (i) Optional Protocol to the Convention on the Rights of the Child on the participation of children in armed conflict, ratified, 2002;
- (j) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified, 2002;
- (k) Third Optional Protocol to the Convention on the Rights of the Child on communication procedures – signed in 2004, not ratified;
- (l) International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, signed in 2004 only, not ratified;
- (m) Convention on the Rights of Persons with Disabilities – ratified in 2009;
- (n) Convention for the Protection of All Persons from Enforced Disappearance, ratified, 2011.

Ratification of other United Nations human rights and related treaties

- (a) Convention on the Recovery Abroad of Maintenance (ratified, 1959);
- (b) Convention on the Prevention and Punishment of the Crime of Genocide (ratified, 1950);
- (c) The Slavery Convention (entered into force, 1927);
- (d) International Convention for the Suppression of the Traffic in Women and Children (ratified, 1929);
- (e) Convention relating to the Status of Refugees and its Protocol (ratified, 2001);
- (f) Rome Statute of the International Criminal Court (ratified, 2001);
- (g) The UN Convention against Transnational Organized Crime (2000) and its Protocol against the Smuggling of Migrants by Land, Sea and Air (entered into force, 2004) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – (entered into force, 2003);
- (h) Convention on Access to Information, Public Participation in Decision – Making and Access to Justice in Environmental Matters (ratified in 2009);

Ratification of other relevant international conventions

- (a) Migration for Employment Convention, ILO (No. 97), ratified, 1968;
- (b) Social Security (Minimum Standards) Convention, ILO (No. 102), ratified, 2000;
- (c) Abolition of Forced Labor Convention, ILO (No. 105), ratified, 2002;
- (d) Discrimination (Employment and Occupation) Convention, ILO (No. 111), ratified, 1961;
- (e) Employment Policy Convention, ILO (No. 122), ratified, 1971;
- (f) Minimum Wage Fixing Convention, ILO (No. 131), ratified, 1982;
- (g) Minimum Age Convention (for Employment), ILO (No. 138), ratified, 1982;
- (h) Migrant Workers (Supplementary Provisions) Convention (ILO (No. 143), ratified, 1980;
- (i) Occupational Safety and Health Convention, ILO (No. 155), ratified, 1987;
- (j) Worst Forms of Child Labor Convention, ILO (No. 182), ratified, 2003;

- (k) Maternity Protection Convention, ILO (No. 183), ratified, 2010;
- (l) Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, ratified, 1991;
- (m) Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (HCCH 1993 Adoption Convention), ratified, 2013;
- (n) Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, ratified, 2015;
- (o) Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces on the Field, 1949;
- (p) Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked in Armed Forces at Sea, 1949;
- (q) Geneva Convention (III) on the Treatment of Prisoners of War, 1949;
- (r) Geneva Convention (IV) on the Protection of Civilian Persons in Time of War, 1949;
- (s) Additional Protocol to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977;
- (t) Additional Protocol to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977.

Ratification of regional human rights conventions

121. RS has ratified 37 Council of Europe conventions, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and the accompanying protocols. In 2013, RS ratified the Convention on Preventing and Combating Violence against Women and Domestic Violence, and in 2016 the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities. Among others, the following conventions are relevant to the realization of human and minority rights: the European Charter for Regional or Minority Languages, entered into force in 1998; the Council of Europe Framework Convention for the Protection of National Minorities, entered into force in 2001; the Convention for the Protection of Human Rights and Fundamental Freedoms – ratified in 2004; the European Convention on Extradition, ratified in 2002; the European Convention on International Legal Assistance in Criminal Matters, ratified in 2002; the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Persons, ratified in 2001; the European Convention on the International Validity of Criminal Judgments, ratified in 2007; the European Convention on the Suppression of Terrorism, ratified in 2003; the European Convention on the Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children, ratified in 2002; the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, ratified in 2006; UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 2004; Convention on Cybercrime, ratified in 2005; Council of Europe Convention on Action against Trafficking in Human Beings, ratified in 2005; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, ratified in 2010.

D. Legal framework for the protection of human rights at the national level

Human Rights protected by the Constitution and other national legislation and derogations/restrictions on human rights

122. The second part of the Constitution of RS refers to human and minority rights and freedoms. The basic principles of human and minority rights include the direct application of guaranteed rights; constitutional regulation of the purpose of constitutional guarantees; regulating restrictions on human and minority rights; and the prohibition of discrimination

and the protection of human and minority rights and freedoms. Human and minority rights and freedoms guaranteed by the Constitution relate to:⁹⁶ dignity and free development of the individual; the right to life; the inviolability of physical and mental integrity; the prohibition of slavery, slavery-like states, and forced labor; the right to liberty and security; treatment of a person deprived of liberty; additional rights in case of deprivation of liberty without a court decision; detention; the duration of detention; the right to a fair trial; defendant's special rights; legal certainty in criminal law; the right to rehabilitation and compensation; the right to equal protection of rights and a legal remedy; the right to legal personality; the right to citizenship; freedom of movement; inviolability of the domicile; secrecy of letters and other means of communication; personal data protection; freedom of thought, conscience, and religion; churches and religious communities; conscientious objection; freedom of thought and expression; freedom of expression of national affiliation; encouraging respect for differences; the prohibition of the incitement of racial, national, and religious hatred; freedom of the media; the right to information; suffrage; the right to participate in the management of public affairs; freedom of assembly; freedom of association; the right to petition; the right to asylum; the right to property; the right to inherit; the right to work; the right to strike; the right to marry and equality of spouses; freedom to decide on birth; the rights of the child; rights and duties of parents; special protection for the family, mother, single parent, and child; the right to legal aid; health protection; social protection; pension insurance; the right to education; university autonomy; freedom of scientific and artistic creation; and the right to a healthy environment.

123. A special section of the Constitution refers to the guarantee of the rights of persons belonging to national minorities.⁹⁷ Members of national minorities, in addition to the rights guaranteed to all citizens by the Constitution, are guaranteed additional, individual, or collective rights. Individual rights are exercised individually, and collective rights in community with others, in accordance with the Constitution, the law, and relevant international treaties. Through collective rights, members of national minorities, directly or through their representatives, participate in decision-making or decide on certain issues related to their culture, education, information, and official use of language and script, in accordance with the law. In order to exercise the right to self-government in culture, education, information, and in the official use of languages and scripts, members of national minorities may elect their own national councils, in accordance with the law.⁹⁸ The rights of members of national minorities, guaranteed by the Constitution, include: the prohibition of discrimination; equality in conducting public affairs; the prohibition of violent assimilation; the right to preserve one's identity; and the right to associate and cooperate with compatriots and develop a spirit of tolerance.

Derogations and restrictions

124. Human and minority rights guaranteed by the Constitution may be restricted by law if the restriction is permitted by the Constitution, for the purposes defined by the Constitution, and to the extent necessary to satisfy the constitutional purpose of the restriction in a democratic society. The Constitution stipulates that the achieved level of human and minority rights cannot be reduced. When restricting human and minority rights, all state bodies, especially courts, are obliged to take into account the essence of the rights being restricted, the importance of the purpose of the restriction, the nature and scope of the restriction, the relationship between the restriction and the purpose of the restriction, and whether the purpose of the restriction could be achieved through a less severe restriction of rights.⁹⁹

125. In the event of a state of emergency or war, derogations from certain human and minority rights guaranteed by the Constitution are permitted, and only to the extent necessary. According to the Constitution, a state of emergency or war is declared by Parliament, which on that occasion can prescribe measures that deviate from human and minority rights guaranteed by the Constitution.¹⁰⁰ The Parliament may declare a state of emergency when it

⁹⁶ Constitution, Articles 23–74.

⁹⁷ Constitution, Articles 75–81.

⁹⁸ Constitution, Article 75.

⁹⁹ Constitution, Article 20.

¹⁰⁰ Constitution, Article 201.

is deemed that “public danger endangers the survival of the state or citizens”.¹⁰¹ A decision on declaring a state of emergency is valid for a maximum of 90 days, after which it can be extended for another 90 days.¹⁰² Measures derogating from human and minority rights can be applied for a maximum of 90 days, after which they can be “renewed under the same conditions.”¹⁰³ Measures of derogation must not lead to discrimination on the basis of race, sex, language, religion, nationality, or social origin. Measures derogating from human and minority rights shall cease to be valid upon the cessation of a state of emergency or war. Measures of derogation are in no case allowed with regard to the rights guaranteed by the following Articles of the Constitution: 23 (dignity and free development of personality), 24 (the right to life), 25 (the inviolability of physical and mental integrity), 26 (the prohibition of slavery, slavery-like states, and forced labor), 28 (the treatment of a person deprived of liberty), 32 (the right to a fair trial), 34 (legal certainty in criminal law), 37 (the right to legal personality), 38 (the right to citizenship), 43 (freedom of thought, conscience, and religion), 45 (objection of conscience), 47 (freedom of expression of national affiliations), 49 (the prohibition of the incitement of racial, national and religious hatred), 62 (the right to marry and equality of spouses), 63 (freedom to decide on birth), 64 (the rights of the child), and 78 (the prohibition of violent assimilation).¹⁰⁴

126. In RS, a large number of laws and other regulations, in certain segments, regulate human rights, including:

- Law on the Prohibition of Discrimination;¹⁰⁵
- Law on the Prevention of Discrimination against Persons with Disabilities;¹⁰⁶
- The Labor Law (in addition establishing to the right to work and regulating the occasion of work, this law guarantees special protection against discrimination at work);¹⁰⁷
- Law on the Prevention of Harassment at Work (Mobbing);¹⁰⁸
- Law on the Protection of the Right to Trial within a Reasonable Time;¹⁰⁹
- Law on Enforcement and Security;¹¹⁰
- The Family Law;¹¹¹
- The Criminal Code;¹¹²
- Code of Criminal Procedure;¹¹³
- Law on Asylum and Temporary Protection;¹¹⁴
- Law on the Prevention of Domestic Violence;¹¹⁵
- Law on Free Legal Aid;¹¹⁶

¹⁰¹ Constitution, Article 200, para. 1.

¹⁰² Constitution, Article 200, para. 2.

¹⁰³ Constitution, Article 200, para. 7.

¹⁰⁴ Constitution, Article 202.

¹⁰⁵ “OG RS” No. 22/09 and 52/21.

¹⁰⁶ “OG RS”, No. 33/06 and 13/16.

¹⁰⁷ “OG RS”, No. 24/05...13/17 – decision of the Constitutional Court, 113/17, and 95/18 – authentic interpretation.

¹⁰⁸ “OG RS”, No. 36/10.

¹⁰⁹ “OG RS”, No. 40/15.

¹¹⁰ “OG RS”, No. 106/15, 106/16 – authentic interpretation, 113/17 – authentic interpretation, and 54/19.

¹¹¹ “OG RS”, No. 18/05, 72/11 – state law, and 6/15.

¹¹² “OG RS”, No. 85/05, 88/05 – amendment ... and 35/19.

¹¹³ “OG RS”, No. 72/11 ... 27/21 – decision of the Constitutional Court, and 62/2 – decision of the Constitutional Court.

¹¹⁴ “OG RS”, No. 24/18.

¹¹⁵ “OG RS”, No. 94/16.

¹¹⁶ “OG RS”, No. 87/18.

- Law on Personal Data Protection;¹¹⁷
- Law on the Execution of Non-Institutional Sanctions and Measures;¹¹⁸
- Law on the Protection of National Rights and Freedoms;¹¹⁹
- Law on Juvenile Criminal Offenders and the Criminal Protection of Juveniles;¹²⁰
- Law on the Protector of Citizens;¹²¹
- Law on Public Assembly;¹²²
- Law on Gender Equality;¹²³
- Law on Environmental Protection;¹²⁴
- Law on Financial Support to Families with Children;¹²⁵
- Law on Social Protection;¹²⁶
- Law on the Rights of Users of Temporary Accommodation Services in Social Protection;¹²⁷
- Law on Social Cards;¹²⁸
- Law on the Rights of War Veterans, Disabled War Veterans, Civilian Invalids of War and their Family Members;¹²⁹
- Law on Healthcare Protection;¹³⁰
- Law on Health Insurance;¹³¹
- Law on the Rights of Patients;¹³²
- Law on Disaster Risk Reduction and Emergency Situations Management;¹³³
- Law on the Fundamentals of the Education System;¹³⁴
- Law on Preschool Education;¹³⁵
- Law on Primary Education and Upbringing;¹³⁶
- Law on Secondary Education and Upbringing;¹³⁷
- Law on Higher Education;¹³⁸

¹¹⁷ “OG RS”, No. 87/18.

¹¹⁸ “OG RS”, No. 55/14 and 87/18.

¹¹⁹ “OG RS”, No. 11/02, “OG RS”...97/1 – decision of the Constitutional Court, and 47/18.

¹²⁰ “OG RS”, No. 85/05.

¹²¹ “OG RS”, No. 105/21.

¹²² “OG RS”, No. 16/16.

¹²³ “OG RS”, No. 52/21.

¹²⁴ “OG RS”, No. 135/04 ... and 95/1 – state law.

¹²⁵ “OG RS”, No. 113/17 ... and decision of the Constitutional Court, 66/21, and 130/21.

¹²⁶ “OG RS”, No. 24/11.

¹²⁷ “OG RS”, No. 126/21.

¹²⁸ “OG RS”, No. 14/21.

¹²⁹ “OG RS”, No. 18/20.

¹³⁰ “OG RS”, No. 25/19.

¹³¹ “OG RS”, No. 25/19.

¹³² “OG RS”, No. 45/13 and 25/19 – state law.

¹³³ “OG RS”, No. 87/18.

¹³⁴ “OG RS”, No. 88/17, 27/18 – state law, 10/19, 27/18 – state law, 6/20 and 129/21.

¹³⁵ “OG RS”, No. 18/10, 101/17, 113/17 – state law, 95/18 – state law, 10/19, 86/19 – state law, 157/20 – state law, 123/21 – state law, and 129/21.

¹³⁶ “OG RS”, No. 55/13, 101/17, 10/19, 27/18 – state law, and 129/21.

¹³⁷ “OG RS”, No. 55/13...and 129/21 – state law.

¹³⁸ “OG RS”, No. 88/17...11/21 – authentic interpretation, and 67/21 – state law.

- Law on Foreigners;¹³⁹
- Law on Personal Data Protection;¹⁴⁰
- Law on the National Councils of National Minorities;¹⁴¹
- Law on Registration Books;¹⁴²
- Law on Out-of-Court Procedure;¹⁴³
- Law on Civil Procedure;¹⁴⁴
- Law on the Professional Rehabilitation and Employment of Persons with Disabilities;¹⁴⁵
- Law on Pension and Disability Insurance;¹⁴⁶
- Law on the Budget System;¹⁴⁷
- Law on Associations;¹⁴⁸
- Law on Information Security;¹⁴⁹
- Law on General Administrative Procedure.¹⁵⁰

Other laws that in some of their segments provide protections regarding human rights violations

127. Government has adopted numerous strategies relevant to the protection and promotion of human rights: Strategy for Creating a Stimulating Environment for the Development of Civil Society 2022–2030; Gender Equality Strategy 2021–2030; Strategy for Improving the Position of Persons with disabilities 2020–2024; Strategy for Prevention and Protection of Children from Violence 2020–2023, with AP for its implementation; Strategy for Birth Stimulation; Strategy for Prevention of and Protection from Discrimination 2022–2030; Strategy for the Social Inclusion of Roma Men and Women 2022–2030; Strategy for Creating a Stimulating Environment for the Development of Civil Society 2022–2030; Strategy for the Deinstitutionalization and Development of Community Social Protection Services 2022–2026; Strategy for the Development of Education until 2030; Strategy for Prevention and Combating Gender-Based Violence Against Women and Domestic Violence 2021–2025; Strategy for the Development of an Information Society 2017–2020 and a new Strategy 2021–2026; Strategy for the Development of Digital Skills 2020–2024; Judicial Development Strategy 2020–2025; National Strategy for the Exercising of the Rights of Victims and Witnesses of Crimes 2020–2025; Strategy for Improving the Position of Persons with Disabilities in 2020–2024, with AP 2020–2022; Strategy for the Fight against High-tech Crime 2019–2023; Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children and the Protection of Victims 2017–2022 and for the Protection of Victims, with AP 2019–2020; National Youth Strategy 2015–2025 with AP 2018–2020; Program on Mental Health Protection 2019–2026; Program for Rare Diseases 2020–2022; Justice Development Strategy 2020–2025; Gender Equality Strategy 2021–2030; Strategy for the Development of the Public Information System 2020–2025, with AP 2020–2022; Strategy for the Fight against High-tech Crime 2019–2023 with AP.

¹³⁹ “OG RS”, No. 24/18 and 31/19.

¹⁴⁰ “OG RS”, No. 87/18.

¹⁴¹ “OG RS”, No. 72/09, 20/14 – decision of the Constitutional Court, 55/14, and 47/18.

¹⁴² “OG RS”, No. 20/09, 145/14, and 47/18.

¹⁴³ “OG RS”, No. 25/82 and 48/88 and “OG RS”, No. 46/9 – state law ... and 14/22.

¹⁴⁴ “OG RS”, No. 72/11 ... 18/20.

¹⁴⁵ “OG RS”, No. 36/09, 32/13, and 14/22 – state law.

¹⁴⁶ “OG RS”, No. 34/03, 64/04 – decision of the Supreme Court, ... 62/21.

¹⁴⁷ “OG RS”, No. 54/09 ... and 118/21.

¹⁴⁸ “OG RS”, No. 51/09, 99/11 – state law, and 44/2018 – state law.

¹⁴⁹ “OG RS”, No. 6/16, 94/17, and 77/19.

¹⁵⁰ “OG RS”, No. 18/16 i 95/18 – authentic interpretation.

Competences of judicial, administrative, and other bodies regarding human rights

128. Constitution guarantees everyone the right to judicial protection if a human or minority right guaranteed by the Constitution has been violated or denied, as well as the right to rectify the consequences of the violation. In addition, citizens have the right to turn to international institutions to protect their freedoms and rights guaranteed by the Constitution.¹⁵¹

129. A constitutional complaint may be lodged with the Constitutional Court against individual acts or actions of state bodies or organizations entrusted with public authority which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal means for their protection have been exhausted or not provided.¹⁵²

Legal remedies**Systems of reparation, compensation, and rehabilitation for victims**

130. Criminal Procedure Code stipulates that a property claim arising from the commission of a criminal offense or an illegal offense defined in law as a criminal offense will be discussed at the proposal of authorized persons in criminal proceedings, unless this procedure is significantly delayed. A property claim can refer to the damages, restitution, or annulment of a certain legal transaction.¹⁵³ More detailed information on legal remedies is contained in Part III of the Common Core Document.

National authorities/institutions responsible for monitoring the implementation of human rights

The parliament of RS and the assemblies of local self-government units

131. More detailed information on legal remedies is provided in section E.1. of Common Core Document.

Government bodies responsible for the protection of human rights

132. Government occasionally forms working groups in the form of temporary working bodies-councils and coordination bodies, in order to consider certain issues within its competence and to give proposals, opinions, and expert explanations. These bodies have an advisory and supervisory function and propose initiatives for the improvement of the strategic and normative framework and the actions of the bodies in the areas for which they were established. The most important occasional working bodies of the Government are: the Council for Monitoring the Implementation of the UN Recommendations on Human Rights (2014), the Council for the Rights of the Child (2002), the Council for the Suppression of Domestic Violence (2017), the Council for National Minorities (2014), the Council for Population Policy (2018), the Council for Age and Aging and the Council for the Promotion of Intergenerational Cooperation and Solidarity (2017), the Council for the Social Inclusion of Roma Women in RS(2009), the Council for Monitoring and Improving the Work of Criminal Procedure Bodies and Execution of Criminal Sanctions against Juveniles (2009), the Council for Persons with Disabilities (2013), the Youth Council (2014), the Anti-Trafficking Council (2017), the Coordination Body for Gender Equality (2014), and the Coordination Body for the Inclusion of Roma Men and Women in RS(2017).

¹⁵¹ Constitution, Article 22.

¹⁵² Constitution, Article 170.

¹⁵³ Code of Criminal Procedure ("OG RS", No. 72/1 ... and 62/21 – decision of the Constitutional Court), Article 252.

State organs and institutions

Ministry of Human and Minority Rights and Social Dialogue

133. In accordance with the Law on Ministries¹⁵⁴ from 2020, Ministry of Human and Minority Rights and Social Dialogue performs state administration tasks related to: the protection and promotion of human and minority rights; drafting regulations on human and minority rights; monitoring the compliance of domestic regulations with international treaties and other international legal acts on human and minority rights, as well as other matters determined by law; general issues of the position of persons belonging to national minorities; gender equality; anti-discrimination policy; cooperation with civil society; activities of cooperation with the competent authorities in performing activities related to the programming and management of pre-accession and other European Union funds for support to civil society; and other tasks determined by law.

134. The departments in charge of justice, state administration and local self-government, social health and family-legal protection, education, and internal affairs also deal with the protection and promotion of human rights within their competencies.

Commissariat for Refugees and Migration

135. Commissariat for Refugees and Migration was established by the Law on Refugees to perform professional and other tasks related to the care, return, and integration of refugees determined by this law, as well as other related administrative tasks. In accordance with the Law on Migration Management and the Law on Asylum and Temporary Protection, Commissariat for Refugees and Migration is committed to solving the problems of refugees, internally displaced persons, returnees under readmission agreements, asylum seekers, and persons who have been granted asylum, in accordance with legal regulations and international standards. Commissariat is professionally and responsibly engaged in the constant improvement of its programs and strategic documents in order to create an efficient and responsible institutional framework and implementation mechanisms that provide end users with adequate solutions in the process of integration, reintegration, access to rights, and voluntary return.

Independent state bodies

Protector of Citizens

136. The position, competences, and procedures mandate that the Protector of Citizens, as an independent state body, is to protect the rights of citizens and control the work of state administration bodies responsible for legal protection of property rights and the interests of RS, alongside other bodies and organizations, agencies, and institutions entrusted with public authority with the Law on the Protector of Citizens. The Protector of Citizens takes care of the protection and promotion of human and minority rights. The new Law on the Protector of Citizens was adopted on November 3, 2021.¹⁵⁵

137. Protector of Citizens shall be independent and autonomous in performing the tasks determined by law and no one has the right to influence the Protector's work or actions.¹⁵⁶ The Parliament elects the Protector of Citizens by a majority vote of all deputies, at the proposal of the committee responsible for constitutional affairs.¹⁵⁷ Accordingly, the Protector of Citizens is accountable to the Parliament for his/her work.¹⁵⁸ The Protector of Citizens is elected for a term of eight years, without the possibility of re-appointment to this position.

138. In terms of jurisdiction, the Protector of Citizens is authorized to control the legality and regularity of administrative bodies, in order to determine whether their acts, actions, or omissions have violated the rights of citizens guaranteed by the Constitution, ratified

¹⁵⁴ "OG RS", No. 128/20, Article 12.

¹⁵⁵ Law on the Protector of Citizens ("OG RS", No 105/21).

¹⁵⁶ Ibid, Article 3.

¹⁵⁷ Law on the Protector of Citizens, Article 6.

¹⁵⁸ Law on the Protector of Citizens, Article 3.

international treaties, generally accepted rules of international law, laws, other regulations, and general acts of RS. Protector of Citizens is not authorized to control the work of Parliament, President of the Republic, Government, Constitutional Court, the courts, and the Public Prosecutor's Offices.¹⁵⁹ Protector of Citizens initiates proceedings upon the submission of a complaint or upon his/her own initiative.¹⁶⁰

139. Protector of Citizens has up to four deputies who assist him/her in performing duties determined by law, within the powers delegated to them. When delegating authority to deputies, Protector of Citizens shall pay special attention to providing certain specifications for the performance of tasks within the competence of the Protector of Citizens, especially regarding the protection of the rights of persons deprived of liberty, gender equality, children's rights, and the rights of persons belonging to national minorities and persons with disabilities.¹⁶¹ Protector of Citizens submits regular work reports every year.

140. Protector of Citizens submits to the Parliament a regular annual report on his/her work and on the state of human rights, which details: data on activities carried out in the previous year; data on shortcomings in the work of administrative bodies; recommendations for improving relevant practices and regulations; proposals for improving the position of citizens in relation to administrative bodies; and data on the implementation of recommendations and proposals from previous reports. Protector of Citizens may also submit special reports during the course of the year, if necessary.¹⁶²

141. Protector of Citizens as a national human rights institution in Serbia, was accredited in 2010 with the highest status ("A") by the Global Association of National Institutions for the Promotion and Protection of Human Rights (GANHRI), and re-accredited in 2015 with the same status.

142. In practice, Protector of Citizens has developed very active cooperation with international human rights systems and civil society organizations. Protector of Citizens, in the performance of his/her duties corresponding to the National Mechanism for the Prevention of Torture (NMPT), cooperates with associations whose goal, according to their statutes, is the promotion and protection of human rights and freedoms, in accordance with the law. Civil society organizations, as members of the NMPT, are selected following a competitive public call.

143. Panel of Young Advisors is an advisory body of the Protector of Citizens that has been operating for 12 years, and consists of 30 children aged 13 to 17 from all over Serbia, who are elected respecting the principles of territorial representation, of gender equality, and of the participation of children from vulnerable groups. Funds for the activities of the Panel of Young Advisors are planned and projected in the budget of the Protector of Citizens.

Provincial Protector of Citizens – Ombudsman

144. Provincial Ombudsman is an institution that was established in 2002 by the Provincial Assembly Decision on the Provincial Ombudsman. The Provincial Protector of Citizens – Ombudsman is an independent and autonomous body of AP Vojvodina that protects the rights of citizens and supervises the work of provincial administrative bodies, public agencies, and institutions exercising administrative and public powers, and whose founder is AP Vojvodina, in connection with their authorized actions in enforcing decision and other legal acts of AP Vojvodina. The seat of the Ombudsman is in Novi Sad.¹⁶³

145. Ombudsman is elected and dismissed by the Assembly of the Autonomous Province of Vojvodina by a two-thirds majority vote of the total number of deputies. Ombudsman initiates proceedings upon citizens' submitted complaints or upon his own initiative on the basis of information from other sources, when he/she assesses that there is or has been a

¹⁵⁹ Law on the Protector of Citizens, Article 19.

¹⁶⁰ Law on the Protector of Citizens, Article 27.

¹⁶¹ Law on the Protector of Citizens, Article 8.

¹⁶² Law on the Protector of Citizens, Article 39.

¹⁶³ Provincial Assembly decision on the Provincial Ombudsman, Article 5.

violation of citizens' rights by administrative bodies.¹⁶⁴ Ombudsman submits a regular annual report containing data on activities in the previous year to the Provincial Assembly.¹⁶⁵

146. Based on the new Provincial Assembly decision on the Provincial Protector of Citizens – Ombudsman, the Provincial Protector of Citizens – Ombudsman has four deputies, one of whom is assigned to the fields of national minority rights, the rights of the child, and gender equality.¹⁶⁶

Local Ombudsman

147. Law on Local Self-Government stipulates that a local ombudsman may be established in a local self-government unit, and that he/she is authorized to act independently and independently monitor respect for citizens' rights and determine violations of acts, actions, or omissions of administrative bodies and public services in case of violations of the regulations and general acts of the respective local self-government unit.

148. Two or more local self-government units may decide to establish a joint local ombudsman. The competence and authority, the manner of acting, and the election and termination of the duties of the local ombudsman shall be regulated by the statute of the respective units of local self-government and other relevant general acts.¹⁶⁷

Commissioner for the Protection of Equality

149. Law on Prohibition of Discrimination from 2009 established the Commissioner for the Protection of Equality as an independent state body, who shall act independently in performing the tasks determined by this law. In May 2021, amendments to the Law on Prohibition of Discrimination were adopted, taking into account the recommendations of the United Nations mechanisms for human rights and the EU, which, among other things, further strengthened the role of the Commissioner for the Protection of Equality.

150. A person who considers that he/she has suffered discrimination shall submit a complaint to the Commissioner in writing or, exceptionally, orally, as documented in official written records.¹⁶⁸ Commissioner for the Protection of Equality then considers complaints of violations of the Law and gives opinions and recommendations in specific cases and issues warning or advisory measures when necessary.¹⁶⁹ It is within the competence of the Commissioner, among other things, to file lawsuits for the violation of rights under this law, in the Commissioner's own name or on behalf of the discriminated person, with the consent of that person, except in the case of a group of persons if the proceedings before the court on the same matter have not already been initiated or finalized, and to submit a request to initiate misdemeanor proceedings for a violation of the provisions prohibiting discrimination.¹⁷⁰

151. Commissioner for the Protection of Equality is elected by the Parliament by a majority vote of all deputies, at the proposal of the committee responsible for constitutional affairs.¹⁷¹ Commissioner is elected for a term of five years, and the same person may be elected Commissioner no more than twice.¹⁷²

152. Commissioner submits an annual and special report to the Parliament on the situation in the field of equality, warns the public of the most common, typical, and severe cases of discrimination, monitors law enforcement, issues opinions on draft laws and other regulations concerning prohibition of discrimination, and maintains cooperation with the bodies

¹⁶⁴ Provincial Assembly decision on the Provincial Ombudsman, Article 31.

¹⁶⁵ Provincial Assembly decision on the Provincial Ombudsman, Article 21.

¹⁶⁶ Provincial Assembly decision on the Provincial Ombudsman, Article 8.

¹⁶⁷ Law on Local Self-Government ("OG RS", No. 129/07 ... and 111/21 – state law), Article 97.

¹⁶⁸ Law on the Prohibition of Discrimination ("OG RS", No. 22/09 and 52/21) Article 35.

¹⁶⁹ Law on the Prohibition of Discrimination, Article 33.

¹⁷⁰ Law on the Prohibition of Discrimination, Article 33.

¹⁷¹ Law on the Prohibition of Discrimination, Article 28.

¹⁷² Law on the Prohibition of Discrimination, Article 29.

responsible for achieving equality and the protection of human rights in the territory of the autonomous provinces and local self-governments.¹⁷³

153. Within the framework of this institution The Panel of Young Commissioners for the Protection of Equality “*Discriminators of Discrimination*” has been functioning since 2012. Through this body, children are enabled to express their opinion on the occurrence and causes of discrimination, as well as to propose prevention programs and activities which they believe would achieve the greatest effects among young people.

Commissioner for Information of Public Importance and Personal Data Protection

154. Commissioner for Information of Public Importance, as an independent state body that shall act independently in the exercise of its competence, was established by the Law on Free Access to Information of Public Importance in 2004 in order to exercise the right to access information of public importance at the disposal of public authorities. Law on Personal Data Protection from 2018 then extended the role of the Commissioner also encompass the protection of personal data.

155. Commissioner for Information of Public Importance and Personal Data Protection is competent to monitor compliance with the obligations of public authorities established by the two laws mentioned above and to ensure the implementation of these laws in accordance with his/her powers.

156. Parliament elects the Commissioner by a majority vote of all deputies, on the proposal of the committee responsible for state administration. Commissioner is elected for a term of eight years, without the possibility of re-election to this position. The seat of the Commissioner is located in Belgrade, although the Commissioner may establish offices outside his/her seat.¹⁷⁴

157. Commissioner submits to the Parliament an annual report on the actions taken by the authorities in the application of the Law on Free Access to Information of Public Importance, as well as on his/her actions and expenditures. In addition to the annual report, the Commissioner may submit other reports to the National Assembly, when deemed necessary.¹⁷⁵

Regional Court of Human Rights

158. By joining the Council of Europe on April 3, 2003 and with the entry into force of the European Convention on Human Rights on March 3, 2004, RS accepted the jurisdiction of the European Court of Human Rights, which created the conditions for individual petitions. Since the entry into force of the Convention and through 2020, the European Court of Human Rights had issued a total of 221 judgments in relation to RS, 5 of which were issued in 2020.¹⁷⁶

159. The State Attorney’s Office represents RS before the European Court of Human Rights, in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and additional protocols to this Convention. Representation activities are performed by the Deputy State Attorney.¹⁷⁷

¹⁷³ Law on the Prohibition of Discrimination, Article 33.

¹⁷⁴ Law on Free Access to Information of Public Importance (“OG RS”, No. 120/04, 54/07, 104/09, 36/10 and 105/21), Articles 29 and 30.

¹⁷⁵ Law on Free Access to Information of Public Importance, Article 36.

¹⁷⁶ Data from the website of the European Court of Human Rights.

¹⁷⁷ Law on the State Attorney’s Office (“OG RS”, No. 55/14), Article 13.

E. Framework within which human rights are promoted at the national level

National and regional parliaments and assemblies

Parliament

160. Within its competences, the Parliament is mandated with the adoption and amendment of the Constitution, the ratification of international agreements when the law provides for the obligation to ratify them, and the adoption of laws and other general acts within its competence. The National Assembly, among other things, adopts laws, rules of procedure, strategies, declarations, resolutions, recommendations, decisions, conclusions, and authentic interpretations of laws. The National Assembly, i.e., its constituent deputies, shall consider petitions and proposals of citizens and hold meetings with citizens in the Parliament and in the offices of the Parliament outside the seat of the National Assembly.¹⁷⁸

161. Committees are formed within the Assembly to review draft laws and other acts submitted to the National Assembly, monitor the implementation of government policy, monitor the implementation of laws and other acts, and review the work plan and reports of competent ministries and of other state bodies, organizations, and agencies. The Committees approve acts of state bodies, organizations, and agencies that submit these acts to the Parliament for approval, introduce initiatives, submit proposals to the National Assembly, in accordance with the law and the established Rules of Procedure, and consider initiatives, appeals, petitions, and proposals within each Committee's scope of competence.¹⁷⁹

162. The Parliament currently has 20 committees, including:

- *Committee on Human and Minority Rights and Gender Equality* (considers draft laws and other general acts and other issues regarding, inter alia: the exercise and protection of human rights and freedoms and the rights of the child; the implementation of ratified international treaties governing the protection of human rights; the exercise of freedom of religion; the position of churches and religious communities; and realization of the rights of national minorities and interethnic relations; additionally, the committee cooperates with the national councils of national minorities and considers draft laws and other general acts with the purpose of promoting and achieving gender equality);
- *Committee on Labor, Social Affairs, Social Inclusion, and Poverty Reduction* (considers draft laws and other general act and other issues regarding, inter alia: labor relations and occupational rights, including the rights to safety and health at work; employment; the rights to strike and organize; the social protection system; pension and disability insurance, social insurance, and the protection of insured military persons; and the protection of veterans, military invalids, civilian invalids, and victims of war, members of their families, and family members of persons engaged in compulsory military service; additionally, the Committee: considers draft laws and other general acts with the purpose of social inclusion and supervises the decision-making process and budget allocation in the field of social inclusion; provides suggestions, remarks, and assessments regarding the implementation of relevant policies; builds partnerships at all levels for the efficient, rational, and timely implementation of the process of social inclusion in order to achieve European standards and the full social inclusion of all citizens and marginalized groups; and engages in the institutionalization and participation of citizen representatives in the decision-making process);
- *Committee on Education, Science, Technological Development, and an Information Society* (considers the draft laws and other general acts and other issues regarding, inter alia: preschool, primary, and secondary education and upbringing; higher and

¹⁷⁸ Law on the National Assembly, Article 15.

¹⁷⁹ Rules of Procedure of the Parliament ("OG RS", No. 20 12-3), Article 44.

higher education; pupil and student standards; the position of youth; and the protection of youth interests);

- *Committee on Health and the Family* (considers draft laws and other general acts and other issues regarding, inter alia: health care; the health care system and its organization; the health insurance system; family law protection, marriage, family planning, and social care for the family; and other issues in the field of health that provide the necessary legal conditions for regulating the system of protection, preservation, and improvement of public health);
- *Committee on the Rights of the Child* (formed as a special permanent working body, it: considers draft laws on the protection of children's rights; monitors the implementation and application of laws and other acts governing the position and protection of children's rights; monitors the compliance of national legislation with international standards of children's rights; cooperates with national and international institutions and bodies, as well as local authorities; initiates amendments to regulations and proposes the adoption of certain acts and measures to protect the rights of the child; promotes the rights of the child; and considers other issues relevant to the rights of the child);
- *Committee on Justice, General Public Administration, and Local Self-Government* (considers draft laws and other general acts and other issues regarding, inter alia: the control of the execution of criminal sanctions and the introduction of national mechanisms for the prevention of torture, cruel, inhuman, and degrading treatment and punishment; international legal assistance and extradition; amnesties and pardons; citizens' associations);
- *Committee on European Integration*.¹⁸⁰

163. At the request of the Constitutional Court, the Parliament shall submit a response, i.e., an opinion on a proposal, initiative, or decision on initiating the procedure for assessing the constitutionality, i.e., the legality, of laws and other general acts adopted by the National Assembly. The Parliament considers information from the Constitutional Court on the state of achieving constitutionality and legality, as well as relevant issues encountered, considers the opinions and indications of the Constitutional Court on the need to enact and amend laws, as well as measures to be taken to protect them, and evaluates proposals and initiatives for initiating the procedure for assessing the constitutionality of laws and other general acts adopted by the National Assembly.¹⁸¹

164. Parliament engages in international cooperation within its competences in order to preserve and develop peace, good neighborly relations, and equal cooperation with all nations and states of the world. The Parliament also engages in parliamentary cooperation with the representative bodies of other states.¹⁸²

Assembly of the Autonomous Province of Vojvodina

165. AP Vojvodina, through its bodies, among other things, in accordance with the law, in the field of preschool, primary, and secondary education: gives consent for the implementation of teaching and school programs in the languages of national minorities represented by less than 15 students in the institutions in AP Vojvodina; adopts curricula for the languages of national minorities; approves textbooks and teaching aids for national minority languages; adopts, in agreement with the competent minister, curricula in certain subjects of interest to national minorities and determines the conditions and manner of organizing classes in the languages of national minorities; and approves, in agreement with the competent minister, textbooks and teaching aids for certain subjects of interest to national minorities. It also regulates in more detail issues related to organized and institutional education outside the school system for the purpose of professional training and the education of adults on the territory of AP Vojvodina, as issues of provincial importance. AP Vojvodina

¹⁸⁰ Rules of Procedure of the National Assembly, Articles 46, 47, 51, 52, 61, 62, 67.

¹⁸¹ Law on the National Assembly, Article 57.

¹⁸² Law on the National Assembly, Article 59.

regulates and ensures the realization of the rights of national minorities on the territory of AP Vojvodina to education in their mother tongue, at all levels of education, in accordance with the law. AP Vojvodina, through its bodies and in accordance with the laws governing the health system, performs, inter alia, the work of social health care at the level of AP Vojvodina, which includes measures to provide and implement health care of interest to citizens in AP Vojvodina, while the Health Council of Vojvodina proposes to the Health Council of Serbia measures for the equal realization of health care for all citizens in AP Vojvodina as well as proposes measures for the improvement of health care of at-risk populations. AP Vojvodina, through its bodies and in accordance with the law, in the field of social protection: establishes the provincial institute for social protection; adopts the program for improving social protection in AP Vojvodina; regulates, in accordance with the material possibilities, more favorable conditions for the realization of social protection if it has previously provided funds for this purpose in its budget; and establishes social protection institutions for the accommodation of beneficiaries on the territory of AP Vojvodina, except for institutions established by the local self-governments, in accordance with the network of social protection institutions for the accommodation of beneficiaries determined by RS. In the field of legal protection of family and guardianship and in accordance with the law, AP Vojvodina: decides on appeals against decisions of guardianship bodies on its territory; supervises the work of the guardianship authorities; and supervises the professional work of the guardianship authorities on the territory of AP Vojvodina. In addition to the above, it also regulates social care for children, special protection for mothers and children, pension insurance, veteran and disability protection, and protection of civilian war invalids, as well as establishes the Provincial Employment Service.¹⁸³

166. In the work of the Assembly, in addition to the Serbian language and the Cyrillic alphabet, the Hungarian, Slovak, Croatian, Romanian, and Ruthenian languages and their alphabets are in equal official use, in accordance with the law.¹⁸⁴

167. At the provincial level, secretariats have been established for, among other fields: education, regulations, administration and national minorities – national communities, culture, public information and relations with religious communities, social policy, demography and gender equality, and health, as well as for sports and youth.¹⁸⁵

Municipal Assembly

168. Among its competencies, the municipality is mandated with the enactment of regulations and other general acts, the election and dismissal of local ombudsmen, carry out municipal referendums and referendums on the area of the respective municipality's territory, and offering proposals derived from the citizens' initiatives.¹⁸⁶

City Assembly

169. Councils and commissions represent working bodies of the City Assembly. Council capacities are focused on areas such as: monitoring the implementation of the code of ethics; gender equality; youth; health; population; family and children; issues of aging and old age; human and minority rights; health care; social protection; and care for children and families, as well as for persons with disabilities. Commissions have the function of focusing on topics such as: regulations; social activities; gender equality; petitions and complaints; resolving complaints due to violations of rights by illegal or improper conduct of a communal police officer; social issues; monitoring the implementation of the code of ethics; and relations with religious communities.¹⁸⁷

¹⁸³ Law on Establishing the Competences of the Autonomous Province of Vojvodina ("OG RS", No. 99/09 ... and 111/21 – state law), Articles 33 and 34, 37, 38, 47, 48, 53, 55, 56–61, and 65.

¹⁸⁴ <https://www.skupstinavojvodine.gov.rs/Strana.aspx?s=oskupstini>.

¹⁸⁵ <https://www.vojvodina.gov.rs/>.

¹⁸⁶ Law on Local Self-Government, Article 32.

¹⁸⁷ <https://uzice.rs/radna-tela-skupstine-grad/>, <https://www.gu.ni.rs/gradska-uprava/komisije-i-saveti/>, <https://skupstina.novisad.rs/radna-tela>.

City Assembly of Belgrade

170. Assembly adopts: decisions, programs, strategies, plans, decisions, conclusions, rules of procedure, declarations, resolutions, recommendations, and other relevant acts in accordance with the law and the Statute and Rules of Procedure of the Belgrade City Assembly, as well as adopts authentic interpretations of regulations. Within the assembly of the city of Belgrade, among others, councils for education, sports and youth, health, social and child protection, and veterans and disability issues have been formed. These councils consider proposals for decisions and other general acts, as well as other issues in these areas. In addition to the council, commissions, such as the Commission for Regulations, have been established. These commissions consider the harmonization of proposals and other general acts adopted by the Assembly with the Constitution, the law, the Statute of the Belgrade City Assembly, and other regulations.¹⁸⁸

Raising human rights awareness among public officials and other professionals

171. National Academy of Public Administration is the central institution of the system of professional training in the public administration, with the status of a publicly recognized organizer of non-formal adult education activities. It was established by the Law on the National Academy of Public Administration,¹⁸⁹ and it initiated its activities in January 2018. By implementing training programs, the Academy works to improve the competencies of public administration employees necessary for quality work. This ensures continuous improvement of the quality of services provided by public administration to citizens and economic entities. The professionalization and depoliticization of public administration are key principles of reform, to which the Academy makes a significant contribution by developing and implementing modern training programs and monitoring results.¹⁹⁰ There is a general training program for all civil servants, a general training program for employees in local self-government units, a training program for managers in state bodies, and training program for managers in local self-government units.¹⁹¹ Some of the trainings are focused on an analysis of the effects of various regulations in fields, such as: the path to quality regulations; the protection of human rights and rights of persons belonging to national minorities; protection against discrimination; discrimination resulting from public authorities; gender equality; the protection of personal data; protection of classified information; prevention and protection from harassment at work (mobbing); the protection of whistleblowers; and intercultural communication.¹⁹²

172. At the level of AP Vojvodina, a service for human resources management was established in order to implement certain goals of the reform and development of the provincial administration, such as the system of general professional training, as well as the additional education and training of provincial officials.¹⁹³ At the provincial level, the Human Resources Management Service, under the provincial government, conducts trainings and seminars.¹⁹⁴ Trainings are related to various fields, including: the protection of human rights; the realization of the rights of persons belonging to national minorities; gender equality; prevention of harassment at work, including mobbing; the protection of personal

¹⁸⁸ Rules of Procedure of the City Assembly of Belgrade, Articles 109, 51, 64.

¹⁸⁹ "OG RS", No. 4/17, dated October 19, 2017.

¹⁹⁰ <https://www.napa.gov.rs/tekst/34/o-nama.php>.

¹⁹¹ <https://www.napa.gov.rs/tekst/49/godisnji-programi-obuka-naju.php>.

¹⁹² <https://www.napa.gov.rs/tekst/1785/razvoj-kompetencija.php>.

¹⁹³ <http://www.ljudskiresursi.vojvodina.gov.rs/sr>.

¹⁹⁴

<http://www.ljudskiresursi.vojvodina.gov.rs/sr/%d1%81%d1%82%d1%80%d1%83%d1%87%d0%bd%d0%be%d1%83%d1%81%d0%b0%d0%b2%d1%80%d1%88%d0%b0%d0%b2%d0%b0%d1%9a%d0%b5/>; <http://www.ljudskiresursi.vojvodina.gov.rs/wp-content/uploads/2021/01/Opsti-program-obuke-za-2021.-godinu.pdf>; <http://www.ljudskiresursi.vojvodina.gov.rs/wp-content/uploads/2020/01/Op%C5%A1ti-program-obuke-za-2020.-godinu.pdf>.

data and data secrecy; the harassment and protection of whistleblowers; and training in national minority languages.

173. Judicial Academy organizes and conducts initial and continuous training of judges and prosecutors and organizes and conducts professional training of judicial and prosecutorial staff. The Academy is organized exclusively for the territory of RS. A special section in the ongoing training regime is the topic of human rights.

174. Within the field of education, the capacities of employees are being strengthened within two key areas. First is the methodology of working with children/students who need additional educational support (working with children from vulnerable groups, children with disabilities, migrants, etc), which includes, among other trainings: support for students with problems at school and at home, i.e., with their parents; inclusive education and individual educational plans; the planning and implementation of additional educational support to students/children with disabilities in school/preschool institutions. Second is the strengthening of the educational role of educational institutions through the development of programs for the prevention of violence, discrimination, abuse, and neglect, which includes among other elements, inter alia the training of employees in education: on the prevention and reduction of gender-based violence and discriminatory behavior in schools, peer violence, and discrimination in education; on the protection of women and children in a family context, wherein a key topic is support for Roma children towards realizing successful schooling; on support in learning for students with disabilities; on working with children from marginalized groups; and on inclusive approaches to education.¹⁹⁵ The Sector for the Advancement of Human and Minority Rights in Education within the Ministry in charge of education coordinates, plans, develops, implements, and monitors activities related to: respect for human rights in education; the education of national minorities, children and students with disabilities, asylum seekers and migrant, victims of trafficking and returnees under the readmission agreement, internally displaced persons and other vulnerable groups; and protection from violence and discrimination in educational institutions. The Sector provides expert support in the development of strategies and regulations, as well as in coordinating the implementation of measures in these areas, and prepares reports in the field of respecting human rights according to existing conventions, strategies, and action plans.¹⁹⁶

175. In the Catalog of the program for the continuous professional development of teachers, educators, and professional associates for the school years 2018/2019, 2019/2020, and 2020/2021, there were a total of 32 programs dealing with human rights. There were seven programs in the field of improving competencies for civic values, and 24 programs with the chief objective of improving the capacity of teachers and other professional associates to act in the field of protection against violence and discrimination.

176. A wide range of accredited training programs aimed at marginalized groups, adults and children with disabilities, children and youth, and families is provided for employees in the social protection system.¹⁹⁷

177. The promoting of awareness of human rights through educational programs and public information is sponsored by the Government.

178. Constitution does not specify human rights education, rather it is more oriented towards prescribing equality in education, encouraging respect for differences that exist “due to the specific ethnic, cultural, linguistic, or religious identity of its citizens,” and developing a spirit of tolerance.¹⁹⁸ The Law on Primary Education and Upbringing stipulates that persons who perform educational work are especially obliged to promote equality among all students and actively oppose all types of discrimination and violence.¹⁹⁹ As general principles of

¹⁹⁵ <http://zuov-katalog.rs/index.php?action=page/catalog/all&poblast=2>;
<http://zuovkatalog.rs/index.php?action=page/catalog/all&poblast=4>.

¹⁹⁶ <https://mpn.gov.rs/o-ministarstvu/sektori/sektor-za-unapredjivanje-ljudskih-i-manjinskih-prava-u-obrazovanju/>.

¹⁹⁷ <http://www.zavodsz.gov.rs/sr/akreditacija/katalog-akreditovanih-programa-obuke/>.

¹⁹⁸ Constitution, Article 81.

¹⁹⁹ Law on Primary Education and Upbringing (“OG RS”, No. 55/13, 101/17, 10/19, 27/18 – state law and 129/21).

education, the Law on the Fundamentals of the Education System regulates the equality and accessibility of the right to education without discrimination and with respect for human rights and the rights of every child, and defines the development of competencies for understanding and respecting the rights of the child, civil liberties, and the ability to live in a democratically governed and just society, as well as prescribes the development of and respect for racial, national, cultural, linguistic, religious, sex, gender, and age equality, as well as tolerance and respect for diversity.²⁰⁰

Role of civil society, including non-governmental organizations

179. Ministry of Human and Minority Rights and Social Dialogue conducts activities to foster a favorable environment for the development and operation of civil society through: the development of institutional mechanisms for cooperation between public administration bodies and civil society; the preparation of regulations governing the position of associations and other civil society organizations, working with civil society on issues of common interest; and the preparation and implementation of strategic documents related to the creation of a supportive environment for the development of civil society, with the aim of further developing cooperation between the public, private, and civil sectors.²⁰¹ Ministry of Human and Minority Rights and Social Dialogue has also initiated “*Open Door*” activities aimed at giving civil society organizations the opportunity to present to the ministry the problems they face in their work, as well as to offer suggestions and proposals and highlight issues within Ministry of Human and Minority Rights and Social Dialogue. Meetings are also organized with civil society organizations operating in various sectors. These meetings cover various thematic areas in which civil society organizations operate, one of which is the rule of law.²⁰²

180. Government has adopted Strategy for Creating a Stimulating Environment for the Development of Civil Society 2022–2030, which provides the legal and institutional framework necessary for civil society organizations to act independently and unhindered and encourage greater participation in reform processes. The formation of the Council for Development and Cooperation with Civil Society of the Government is also envisaged, which shall be responsible for monitoring the implementation of the Strategy and the manner of reporting on achieved results.²⁰³

181. At all levels – the national, provincial, and local, projects and programs of associations which aim to improve the human rights situation in Serbia, as well as the position of vulnerable social groups, are supported.

Budget allocations and trends

182. Budget expenditures and expenditures in the field of Human Rights and Civil Society for 2022 make up 0.24% of total GDP.²⁰⁴

Development cooperation and assistance

183. Within The European Integration Process, RS Was A Beneficiary Of The Instrument For Pre-Accession Assistance (IPA) I And IPA II Funds, Which Are Used To Finance Development Projects In The Field Of The Rule Of Law And Fundamental Rights. RS Participates In UN-Supported Development Projects. This Was Evidenced By The Signing Of the “united nations framework for sustainable development with rs 2021–2025” in February 2022. this document Is The Basis For UN System Cooperation And Support Aimed At Encouraging And Improving The Overall Economic, Social, And Environmental Development.²⁰⁵ The Council Of Europe Office In Belgrade Works In Close Cooperation

²⁰⁰ Law on the Fundamentals of the Education System (“OG RS”, No. 88/17, 27/18 – state law, 10/19, 27/18 – state law, 6/20, and 129/21), Article 7 and Article 8, paragraph 1, item 14 and 15.

²⁰¹ <https://www.minljmpdd.gov.rs/lat/institucionalni-okvir.php>.

²⁰² <https://www.minljmpdd.gov.rs/sektorski-sastanci.php>.

²⁰³ <https://www.srbija.gov.rs/vest/609292/usvojena-strategija-za-razvoj-civilnog-drustva.php>.

²⁰⁴ https://www.mfin.gov.rs/upload/media/XhuXUy_61ced86c7e83c.pdf.

²⁰⁵ <https://www.mfa.gov.rs/mediji/vesti/potpisan-okvir-saradnje-un-za-odrzivi-razvoj-sa-srbijom-2021-2025>.

With The Government And Relevant Institutions In Order To More Successfully Direct And More Efficiently Implement The Council Of Europe's Expert Support Programs For Reform Processes. The Main Activities Of The Council Of Europe Are Aimed At Promoting Democracy, The Protection of human rights, and the rule of law.²⁰⁶ Institutions Government also cooperate with the OSCE in the areas of the rule of law, human rights, and gender equality.²⁰⁷ Development cooperation and assistance have also been established with the United States Agency for International Development, the German Organization for International Cooperation, the World Bank, and many other bilateral partners.

F. Reporting Process At The National Level

Information on the process by which both parts of their reports are prepared

184. RS regularly submits reports to the United Nations Human Rights Council and participates in the Universal Periodic Review (UPR) process. Thus far, the country has gone through three cycles of UPR, and in 2021, a voluntary mid-term report within the third cycle of UPR was submitted to the UN Human Rights Council for the first time.

185. Additionally, Serbia also regularly submits reports to the competent UN treaty bodies on the implementation of the following basic documents on the protection of human rights created under the auspices of the UN: International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; International Convention on the Elimination of All Forms of Racial Discrimination; International Convention for the Protection of All Persons from Enforced Disappearance; and Convention on the Rights of Persons with Disabilities.

186. Since 2005, the country has had an open call for special UN procedures. That Serbia fulfills its obligations to the UN in a timely and dedicated manner is proven by the fact that the state has responded to all special procedures within their given deadlines (totaling more than 350).

Follow-up to concluding observations of human rights treaty bodies

187. The process of reporting and monitoring UN recommendations has been greatly facilitated by the establishment of a national mechanism for monitoring UN human rights recommendations. Following the received recommendation within the II cycle of the Universal Periodic Review (2013), but also to further improve cooperation with the United Nations human rights mechanisms, the Government of RS established the Council for Monitoring the Implementation of United Nations Recommendations for human rights.²⁰⁸ The obligations of the Council are: to consider and monitor the implementation of the recommendations received by RS in the process of the Universal Periodic Review of the United Nations Human Rights Council and the recommendations of the United Nations human rights treaty bodies; to propose measures for the implementation of the received recommendations; to provide opinions on the progress of human rights in each reporting period; and to provide expert explanations on the state of human rights and the results achieved through the implementation of the recommendations. The Council is chaired by the Minister of Human and Minority Rights and Social Dialogue, and is comprised of 11 members, selected from the ranks of officials or civil servants in positions from the departments mandated with implementing the recommendations.

188. The work of the Council is based on the principles of inclusiveness and transparency. Inclusiveness means that in addition to the executive branch, representatives of the National

²⁰⁶ https://www.coe.int/sr_RS/web/belgrade/about-us.

²⁰⁷ <https://www.osce.org/sr/mission-to-serbia/what-we-do>.

²⁰⁸ "OG RS", No. 140/14.

Assembly, independent bodies, civil society organizations, and other relevant actors are involved in the work of the Council. The work of the Council is public, and the fact that the Council, together with civil society and parliamentary committees, organizes public hearings and conferences dedicated to the implementation of recommendations received by Serbia from the UN speaks in favor of its transparency.

189. Recognizing the role of civil society and its contribution to spreading the idea of human rights and the rule of law in RS, the Council has involved civil society organizations in its work by creating and concluding a memorandum of cooperation, which once again demonstrative of the common interest of all actors for respecting human rights in RS (the memoranda has been signed by 14 civil society organizations). The Platform of Organizations for Cooperation with UN Human Rights Mechanisms has two permanent representatives in the Council (the platform consists of 17 CSOs). The involvement of civil society organizations in the work of the Council does not impede their independence or their ability to submit shadow reports to human rights mechanisms. The Council regards the Platform as a partner for co-operation with UN human rights mechanisms and continues, with the OHCHR in Serbia, to support its work.

190. Council has developed a special Plan for the Implementation of UN Recommendations, which currently contains 400 received and accepted recommendations of the UN human rights mechanisms, and Serbia is engaged in initiating its implementation. The plan contains the text of each recommendation, the competent authority/institution for fulfilling each recommendation and the intended deadline for its fulfillment, the status of the recommendation, indicators for monitoring the success of fulfilling the recommendations, and memorandum of cooperation indication of each recommendation's connection with the SDGs. The specificity of the Recommendation Plan is that the results of the fulfillment of recommendations are measured through indicators. The Government and civil society organizations are working together to develop indicators. Work will continue to improve the efficiency of this Plan, with the all actors ready to share this experience with other countries.

191. The Council also holds thematic sessions at the initiative of civil society organizations, as well as on issues of importance related to the exercise of human rights on the basis of ratified international human rights treaties.

192. In the preceding period, RS has submitted to the following UN mechanisms for human rights:

Universal Periodic Review

193. RS has undergone three cycles of UPR (the Third Cycle on January 24, 2018). A mid-term report was submitted by the Government of RS to the Human Rights Council in February 2020.

Committee on the Elimination of Discrimination against Women

194. The Fourth Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women was considered on February 28, 2019. The report on priority recommendations 12a, 26a, 44, and 48g was submitted in April 2021.

Committee on Enforced Disappearances

195. The Second Periodic Report on the Implementation of the International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the Government of RS on July 11, 2021.

Committee on the Rights of Persons with Disabilities

196. The Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities was considered at the 15th session of the CRPD in the period of April 5–6, 2016 in Geneva. The Report on the Implementation of Recommendations 34 and 54 was adopted by the Government on May 11, 2017.

Committee on the Elimination of Racial Discrimination

197. The Sixth to Ninth Periodic Report on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was adopted by the Government on June 12, 2020.

Committee against Torture

198. The Third Periodic Report of RS on the Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by the Government of Serbia at its session held on March 28, 2019. The report was considered in the period of November 24–25, 2021.

Human Rights Committee

199. The Fourth Periodic Report on the Implementation of the International Covenant on Civil and Political Rights was adopted by the Government on July 9, 2021.

Committee on Economic, Social and Cultural Rights

200. The Third Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights was considered by the Government of Serbia in the period of February 21–23, 2022.

Committee on the Rights of the Child

201. The Fourth and Fifth Periodic Reports on the implementation of the Convention on the Rights of the Child were adopted by the Government on May 19, 2022.

202. At the summit held in September 2015, the United Nations adopted Resolution [A/RES/70/1](#) – Transforming our world: the 2030 Agenda for Sustainable Development – the UN Agenda for achieving sustainable development until 2030. The Government directly participated in the development and writing of the Agenda for Sustainable Development through the involvement of citizens in the process, through consultations on the development agenda after 2015, and through the direct participation of state representatives in global forums defining sustainable development goals.²⁰⁹ On December 30, 2015, the Government of RS formed the Interdepartmental Working Group for the Implementation of the UN Agenda for Sustainable Development until 2030 (hereinafter: MRRG). This group consists of representatives of 26 relevant bodies. The tasks of the MRRG are: monitoring the implementation of the 2030 Agenda in cooperation with relevant ministries; coordinating and unifying the views and activities of all relevant ministries on the 2030 Agenda; proposing the process of adopting a national strategy for sustainable development and financing, which would harmonize the entire Agenda 2030 with the conditions that RS needs to meet in order to fulfill its other international obligations and successfully complete the accession negotiations with the European Union; proposing the basis for the statistical monitoring of objectives and its scope; and preparing periodic reports on the implementation of Agenda 2030.²¹⁰ Based on the report of the MAPS mission (Mainstreaming, Acceleration and Policy Support), the Voluntary National Report of RS on the Implementation of the 2030 Agenda for Sustainable Development was prepared and presented in New York in 2019 at the High Level Political Forum, held under the auspices of ECOSOC. All recommendations received by RS from the UN Human Rights Mechanisms are related to the Sustainable Development Goals of the UN Agenda 2030. They are an integral part of the Plan of Recommendations led by the Government Council for Monitoring the Implementation of UN Recommendations on Human Rights.

²⁰⁹ <https://sdg.indikatori.rs/sr-Cyrl/o-ciljevima>.

²¹⁰ <https://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/vlada/odluka/2019/8/8>.

III. Information on non-discrimination and equality and effective remedies

Non-discrimination and equality

The Constitution, definition and legal grounds for non-discrimination

203. Constitution stipulates that everyone is equal before the Constitution and the law, and that everyone has the right to equal legal protection, without discrimination. Any discrimination, direct or indirect, on any grounds, in particular on the grounds of race, sex, nationality, social origin, birth, religion, political or other opinion, property, culture, language, age, and mental or physical disability, is expressly prohibited. Special measures that RS may introduce in order to achieve full equality of persons or groups of persons who are essentially in an unequal position compared to other citizens are not considered discrimination.²¹¹

204. Law on Prohibition of Discrimination regulates the general prohibition of discrimination, forms and cases of discrimination, and procedures for protection against discrimination. In addition, this law establishes, as an independent state body, the Commissioner for the Protection of Equality.

205. The principle of equality, as defined in the Law on Prohibition of Discrimination, guarantees equality and the enjoyment of equal position and equal legal protection, regardless of personal characteristics. Everyone is obliged to respect the principle of equality, i.e., the prohibition of discrimination.²¹² Forms of discrimination recognized by this law include direct and indirect discrimination, as well as the violation of the principle of equal rights and obligations, the invocation of responsibility or association for discrimination, hate speech, harassment, degrading treatment, or sexual and gender harassment, and incitement to discrimination.²¹³ In addition to the general prohibition of discrimination, the law regulates special cases of discrimination, namely: discrimination in proceedings before public authorities; discrimination in the field of labor; discrimination in the provision of public services and use of facilities and areas; discrimination in the field of education and vocational training; discrimination based on sex, gender, and gender identity; discrimination based on sexual orientation; discrimination against children; discrimination based on age; discrimination against national minorities; discrimination on the grounds of political or trade union affiliation; discrimination against persons with disabilities; discrimination based on health status; discrimination in the field of housing.²¹⁴

206. In May 2021, amendments to the Law on Prohibition of Discrimination were adopted, taking into account the recommendations of the United Nations mechanisms for human rights and the EU, which, among other things, strengthened the role of the Commissioner for the Protection of Equality. With the amendments to the law, the notion of indirect discrimination is fully harmonized with the corresponding EU legislation, and incitement to discrimination has been introduced as a form of discrimination. Segregation is defined as “any act by which a natural or legal person separates without objective and reasonable justification another person or group of persons on the basis of personal characteristics.” In order to improve existing records, the amendments to the Law on Prohibition of Discrimination from 2021 prescribe the obligation of courts to keep records of final judgments and decisions made in litigation for protection against discrimination, of final judgments and decisions made in misdemeanor proceedings for violations of provisions prohibiting discrimination, and of final judgments and decisions made in criminal proceedings for criminal offenses related to discrimination and the violation of the principle of equality, as well as to submit these records anonymously to the Commissioner for the Protection of Equality.

²¹¹ Constitution, Article 21.

²¹² Law on the Prohibition of Discrimination, Article 4

²¹³ Law on the Prohibition of Discrimination, Article 5.

²¹⁴ Law on the Prohibition of Discrimination, Articles 15–27a.

207. Everyone has the right to the protection of the competent courts and other public authorities of RS against all forms of discrimination.²¹⁵ Any person who considers that he or she has suffered discrimination may submit a complaint and evidence of the suffered act of discrimination to the Commissioner for the Protection of Equality. Also, everyone who has been harmed by discriminatory treatment has the right to file a lawsuit in court and the Law on the Prohibition of Discrimination stipulates that the relevant proceedings will be considered urgent.²¹⁶ The lawsuit, in terms of this law, may require: a ban on the commission of an act that threatens discrimination; a ban on further acts of discrimination, or a ban on repeating the act of discrimination; a finding that the defendant has discriminated against the plaintiff or another person; performing an action to eliminate the consequences of discriminatory treatment; compensation for material and non-material damage; or the publishing of a judgment rendered in connection with one of the aforementioned types of lawsuits.²¹⁷

208. With regard to criminal protection against discrimination, the provision of Article 54a Criminal Code prescribes a special circumstance for sentencing for a hate crime, according to which it is determined that if a crime was committed out of hatred due to the race or religion, national or ethnic affiliation, sex, sexual orientation, or gender identity of another person, this circumstance will be assessed by the court as an aggravating circumstance, unless it is prescribed as a feature of the crime.²¹⁸ In all appellate, higher, and basic public prosecutor's offices, special records are kept for hate crimes, which, among other things, contain data on motives for the committing of each crime.²¹⁹ The General Mandatory Instruction of the Republic Public Prosecutor stipulates that in all prosecutor's offices, contact persons be appointed for addressing hate crimes, in the sense of the provision of Article 54a Criminal Code.²²⁰

209. The Criminal Code prescribes imprisonment for up to three years for anyone who, because of nationality or ethnicity, race or religion, or the absence of such an affiliation, differences in political or other beliefs, gender, disability, sexual orientation, gender identity, language, education, social status, social origin, property status or other personal characteristics, denies or limits the rights of man and citizen established by the Constitution, by laws or other regulations, by general acts, or by ratified international agreements, or who, on the basis of these differences, creates for himself/herself privileges or benefits. If an official commits such an act, he/she is to be punished by imprisonment from three months to five years.²²¹

210. According to the provisions of the Criminal Code, anyone who incites or incites national, racial, or religious hatred, or intolerance among peoples or ethnic communities living in RS, shall be punished by imprisonment for a term between six months and five years. If the act is committed by coercion, abuse, endangering security, exposing national, ethnic, or religious symbols, damaging other people's property, or desecrating monuments, memorials, or graves, the perpetrator shall be sentenced to one to eight years in prison. In the event that the act is committed by abuse of office or authority or if, as a result of these acts, there have occurred riots, violence, or other serious consequences for the common life of peoples, national minorities, or ethnic groups living in RS, then in place of the generally prescribed imprisonment from one to eight years, a sentence of imprisonment from two to ten years shall be applied.²²²

211. The provisions of the Criminal Code stipulate that anyone who violates basic human rights and freedoms guaranteed by generally accepted rules of international law and ratified international treaties on the basis of differences in race, color, nationality, ethnic origin or other personal characteristics shall be punished by imprisonment for six months to five years.

²¹⁵ Law on the Prohibition of Discrimination, Article 3

²¹⁶ Law on the Prohibition of Discrimination, Article 41.

²¹⁷ Law on the Prohibition of Discrimination, Article 43.

²¹⁸ The Criminal Code, Article 54a.

²¹⁹ Mandatory Instruction of the Republic Public Prosecutor, No. 802/15 of 22 December 2015.

²²⁰ Mandatory Instruction of the Republic Public Prosecutor, No. 4/18 of 28 September 2018.

²²¹ The Criminal Code, Article 128.

²²² The Criminal Code, Article 317.

The same punishment shall be imposed on anyone who persecutes organizations or individuals for their commitment to the equality of people. Whoever spreads ideas about the superiority of one race over another or propagates racial hatred or incites racial discrimination, or who spreads or otherwise makes publicly available texts, images, or any other presentation of ideas or theories advocating or inciting hatred, discrimination, or violence against any person or group of persons based on race, color, religion, nationality, ethnic origin, or any other personal characteristic shall be punished by imprisonment for a term between three months and three years. It further stipulates that anyone who publicly approves, denies the existence, or significantly reduces the gravity of genocide, crimes against humanity, or war crimes committed against a group of persons or a member of a group determined on the basis of race, color, religion, origin, state, or national or ethnicity in a manner that may lead to violence or incitement to hatred against such a group of persons or a member of that group, if these crimes are determined by a final judgment of a court in Serbia or the International Criminal Court, shall be punished by imprisonment for six months to five years. Any person who publicly threatens to commit a criminal offense punishable by imprisonment against a person or a group of persons for belonging to a certain race, color, religion, nationality, ethnic origin, or for any other personal characteristic shall be punished by imprisonment for a term between three months and three years, while for any person who then goes on to commit such a criminal offense shall be punished with imprisonment of at least four years.²²³

212. Part of the anti-discrimination law framework in RS is represented by anti-discrimination clauses contained in a number of laws that regulate certain areas of social relations, the rights of national minorities, the rights of persons with disabilities, gender equality, education, social protection, health, information, justice, internal affairs, and other fields. Legal regulations have established compatible mechanisms of civil, misdemeanor, and criminal protection against discrimination, thus establishing a comprehensive system of legal protection against discrimination.

Measures to achieve full equality for vulnerable social groups

213. *Strategy for the Prevention of and Protection against Discrimination*²²⁴ with the accompanying action plan was applied until 2018. The implementation of the Action Plan was continuously monitored and in the form of quarterly reports, a total of six reports were prepared. For the first time, the Council of the Government was formed for supervision, which made it an example of good practice in the implementation of public policies in the country. The Council monitored the progress of the implementation of measures, the implementation of activities, and compliance with deadlines, and highlighted challenges in the implementation of measures within the implementation of the action plan. By the decision of the Council, a set of trainings was created and held, in which contact persons, representatives of competent institutions – the implementers of measures, and civil society organizations participated. The trainings were related to reporting on the implementation of the action plan and achieving the indicators envisaged by it. Having in mind that the strategy envisaged the process of monitoring and evaluating the success of its implementation, the then Office for Human and Minority Rights, in cooperation with the UN Human Rights Team in Serbia, prepared an Analysis of the Implementation of the Strategy for the Prevention of and Protection against Discrimination for 2014–2018. Also, the Baseline for the New Strategic Document has been developed. Based on the results of public consultations, a proposal for a new strategy was made and sent to the Government for adoption. In February 2022, *Strategy for the Prevention of and Protection against Discrimination 2022–2030*²²⁵ was adopted, which, although an umbrella strategy in this area, draws on many other planning documents relating to groups at higher risk of discrimination, or functions with them to improve the situation in certain areas.

214. At the national, provincial, and local levels, projects and programs of civil society organizations aimed at implementing anti-discrimination policies are being supported.

²²³ The Criminal Code, Article 387.

²²⁴ “OG RS”, No. 60/13.

²²⁵ “OG RS”, No. 12/22.

Persons with disabilities

215. The results of the Census of 2011 showed that there are 571,780 persons with disabilities living in RS out of a total of 7,186,862 inhabitants, which represents about 8% of the total population. The average age of persons with disabilities (about 67 years) was shown to be almost 25 years higher than the average age of the total population (42.2 years). Observed by gender, the share of women with disabilities was indicated as higher (58.2%) than that of men. According to type of disability, the highest percentage documented was persons who have difficulties with mobility, and the lowest was persons who have communication problems.

216. Of particular note in relation to persons with disabilities, the corpus of anti-discrimination laws was supplemented by the adoption of the Law on the Use of Sign Language and the Law on the Movement of Blind Persons with the Help of a Guide Dog.

217. The reform of social protection, started in 2011, is aimed at developing integrated social protection through the development of services, a pluralism of providers, and improving the quality of services and the quality of professional work. In this sense, efforts are being made to move from a model that relies significantly on residential institutions to a model of community-based services for individuals and families (deinstitutionalization).

218. The regulations on social protection define the quality standards of social protection services provided in the local community, but these services are still provided unevenly across the territory of RS. In the records of the Centers for Social Work in 2018, there were 10,857 children and 60,831 adults with disabilities. In 2017, persons with disabilities accounted for 11.8% of users of Centers for Social Work (“Centar za Socijalni Rad” hereinafter: CSR).

219. The number of children in foster care in Serbia is significantly higher, 5,000 children (88%), compared to the number of children in institutions for accommodation, which is 600 (12%), but the percentage in foster care is lower when it comes to children with disabilities. Children with disabilities make up over 70% of the total number of children in residential accommodation and only 14.3% of those in family care (foster care). For that reason, the state places special emphasis on the development of specialized foster care with the provision of intensive and additional support. Efforts have been intensified to develop a periodic foster care service for children with developmental or health difficulties living in a biological family or in foster family, by which these children are placed in another family for a short period in order to enable the primary care providers to take a break and preserve the capacity of the foster or biological family to further care for the child and prevent crisis situations that may lead to the separation of the child from the family and his/her placement in an institution. There are seven centers for family accommodation and adoption in RS, with two new centers having been recently formed in Novi Sad and Subotica. Their primary functions are to provide support to foster families, train foster parents to provide services, report on the work of foster parents and the functioning of families that provide family accommodation services, among other responsibilities. Another institution of this type is planned to be established.

220. Guidelines have been created for foster care, for the development of emergency foster care, and for occasional family accommodation, all of which have been published and distributed to all Centers for Social Work and centers for family accommodation and adoption. The aim of these guidelines is to strengthen the professional competencies of employees in social protection, to inform and educate parents, children, and guardians, and to inform and educate providers of foster care services. Trainings for the application of guidelines and mentoring visits to institutions have been realized and have also been presented at conferences to professional audiences and the general public.

221. During the most recent reporting period, numerous activities were undertaken in the development of community services, such as in day care, supported housing, home help, and personal companions of a child, while accommodation in institutions (homes) is a service that is to be provided if no form of other support that is less restrictive can be provided. In this sense, the mechanism of earmarked transfers was introduced in Serbia in 2016 to provide funds from the national budget to those local governments at a lower level of development than the national average and therefore which lack sufficient funds in local budgets for the establishment and development of appropriate social protection services in their environment.

222. Through the process of licensing social protection service providers, which is conducted continuously and which ensures uniform quality of service provision, the number of issued licenses has shown an increasing trend from year to year (from 54 licenses issued in 2014 to 700 licenses issued by the end of 2021). The service of a personal companion of a child has seen a particularly large expansion in recent years, and alongside the provision of home and living space, it is now one of the most widespread services in Serbia. It is important that associations of persons with disabilities have also become engaged as service providers, as these have achieved success in organizing and providing services in the local community, especially day care centers, personal assistance, and psychosocial support and counseling.

223. Strategy of Deinstitutionalization and Development of Social Protection Services in the Community 2022–2026 envisages measures and activities in order to realize the right of users to live in the community through the process of deinstitutionalization and social inclusion.

224. At the end of 2021, the Law on the Rights of Users of Temporary Accommodation Services in Social Protection was adopted, which is part of the strategic solution for the transition from institutional protection of users to life in the community. The law should enable the protection of users' rights through their training for independent living and social inclusion. Accommodation in an institution is to be provided only as a last resort, i.e., to a beneficiary who cannot be provided with a family stay, daily community services, or support services for independent living. This law provides adequate and timely comprehensive protection and security to users, clearly defining the rights and obligations of users, as well as the rights, obligations, and responsibilities of service providers, in accordance with the will and wishes of users, or in the best interests of minors, respecting each person's physical and mental integrity and security, in accordance with guaranteed human rights and freedoms.

225. Law on Social Protection prohibits the placement of children under the age of three into the care of institutions for social protection, except in special circumstances if there are particularly justified reasons, provided that a child under the age of three cannot spend more than two months in institutional accommodation, unless the consent of the competent ministry has been given. The draft Law on Amendments to the Law on Social Protection envisages a review of the child's accommodation every two months.

226. Measures to eliminate irregularities in the accommodation of children and youth in social protection institutions stipulate that social work centers are obliged to obtain the prior opinion of the competent ministry for each accommodation of a child under 18 years of age, and if the accommodation is urgent, the relevant Center for Social Work is obliged to request an opinion within 3 days from the day of the realized accommodation.

227. The control of the work of the Centers for Social Work and other relevant institutions regarding the general standard of not placing children in institutions of social protection is also realized through the functions of inspection supervision and supervision over the professional work of the Centers for Social Work. The number of children under 18 who are currently accommodated in social protection institutions in Serbia is about 600, while there are about 5,000 in foster families. During 2019, one home for children without parental care (in Užice) was closed.

228. Social protection institutions have: mandatory prescribed procedures for filing complaints of users/beneficiaries; defined mandatory procedures for the application of restrictive procedures and measures against beneficiaries; an internal team of employees in charge of dealing with cases of violence against beneficiaries. Any deviation and gross violation of the rights of users may lead to the loss of the license of the service provider which had obtained a license to perform social protection activities. With the aim of controlling and improving the system, the Ministry performs expert supervision and inspection, and the institutes for social protection (republic and provincial) provide supervisory support for the adoption of new, more modern concepts and also help resolve specific, professionally demanding situations that occur within the competencies of social protection institutions.

229. In order to prevent multiple and cross-discrimination against women and girls with disabilities, especially in access to justice and protection from domestic violence, the Law on

Free Legal Aid²²⁶ recognizes victims of domestic violence and persons with disabilities as *ex-lege* beneficiaries. These multiply discriminated groups have significantly facilitated access to justice.

230. In terms of the accessibility of buildings, the course Accessibility, Universal Design and the Removal of Barriers is included in the list of required courses at the Faculty of Technical Sciences in Novi Sad and is an optional course at the Faculty of Architecture in Belgrade. In the campaign “Serbia without barriers,” 109 ramps and hydraulic platforms were installed in over 40 local governments, which, after existing and functioning for several decades, finally made numerous facilities accessible to people with disabilities for the first time since their establishment, while work has also been carried out to increase access to roads, information, and communication for the deaf and blind.

231. Law on Preschool Education and Upbringing²²⁷ prescribes the enrollment of children with disabilities in regular groups in kindergarten or in development groups enrolling children with extremely complex disabilities, as well as the development of an individual educational plan for children who require additional support for education and upbringing.

232. Students with disabilities have the right to education within regular primary schools, within departments for the education of students with disabilities at regular schools, and within schools for the education of students with disabilities. Students are provided with educational support through measures of additional educational support (individualization and adaptation, an *individual educational plan – IEP*, and additional health and social support), the need for which is determined by the relevant interdepartmental commission.

233. Students with disabilities are enrolled in schools and departments for the education of students with disabilities and with the consent of their parents. There are 47 schools for the education of students with disabilities in Serbia. In schools for the education of students with disabilities, individual educational plans with a modified curriculum (IEP2) are applied. In the period 2017–2021, over 7,500 requests for an assessment of the need for additional support were submitted to inter-ministerial commissions (in 2011 there were 1,300). Support in education is provided by more than 1,000 personal companions and 280 pedagogical assistants (until 2018, this number was 175) in preschool institutions and primary and secondary schools. Over 2,000 students who are educated according to an individual education plan (IEP) receive support from employees of schools for the education of students with disabilities. Students with disabilities, students with learning disabilities, and students from other vulnerable groups have the right to an individual educational plan.

<i>School year</i>	<i>Number of students who are educated according to IEP1</i>	<i>Number of students who are educated according to IEP2</i>
Primary schools		
2020/21	8 721	6 565
Secondary schools		
2020/21	509	1 817
Primary schools and secondary schools for students with disabilities		
2020/21	308	4 613

Source: Ministry of Education Science, and Technological Development.

234. Advisors, 37, external associates for the field of inclusive education, have been hired. For students with developmental disabilities and disabilities who attend classes according to the Individual Education Plan, textbooks are provided through the Free Textbook Program that are adapted to certain developmental disabilities or other disabilities. In the last three years, 43 accredited professional development programs for teachers have been accredited in the field of preventing the dropping out of education. In the reporting period, 309 trainings were realized in the field of inclusive education, involving 7,983 participants. Also, 123

²²⁶ “OG RS”, No. 87/18.

²²⁷ “OG RS”, No. 18/10 and 129/21.

additional trainings from the list of trainings of public interest were attended by 3,030 participants for the training of regular school teachers who have students using Braille.

235. Unemployed persons with disabilities are registered with the National Employment Service (NES) and included in active employment policy measures in accordance with the provisions of the Law on Employment and Unemployment Insurance²²⁸ and the Law on Professional Rehabilitation and Employment of Persons with Disabilities.²²⁹

236. In the field of social protection, the accredited program “Occupational engagement and employment of persons with intellectual disabilities in the open labor market” has been realized four times since 2017, attended by 63 participants.

<i>Professional rehabilitation and encouragement of employment of persons with disabilities</i>	2018	2019	January–September 2020
	<i>Persons with disabilities/females</i>	<i>Persons with disabilities/females</i>	<i>Persons with disabilities/females</i>
Active employment policy measures	10 018 (4 494 females)	8 899 persons with disabilities (4 121 females)	3 273 persons with disabilities (1 527 females)
Active job search measures	6 868 unemployed persons with disabilities (2 938 females)	6 157 unemployed persons with disabilities (2 781 females)	1 474 persons with disabilities (640 females)
Additional education and training programs	653 unemployed persons with disabilities (403 females)	501 unemployed persons with disabilities (277 females)	59 persons with disabilities (32 females)
Employment subsidy programs	901 unemployed persons with disabilities (415 females)	1 043 unemployed persons with disabilities (511 females)	715 persons with disabilities (303 females)
Public works programs	1 596 unemployed persons with disabilities (738 females)	1 198 unemployed persons with disabilities (552 females)	1 025 persons with disabilities (508 females)
Defined funds/RSD	550 million	550 million	550 million

Note: The reduced coverage of unemployed persons with active employment policy measures (including persons with disabilities) in 2020 was a direct consequence of the limited opportunities for the undisturbed implementation of active employment policy measures resulting from epidemiological measures in reaction to the COVID-19 pandemic.

Source: Ministry of Labor, Employment, Veterans and Social Affairs; National Employment Service.

237. Every year, Ministry of Labor, Employment, Veterans and Social Affairs announces public calls for citizens’ associations in order to improve the position of persons with disabilities. Funds for this competition are provided within the budget of RS and range in the amount of about 200 million dinars a year.

238. Ministry of Culture and Information allocated 24 million dinars for 53 projects for co-financing media content production projects intended for people with disabilities in 2018 and 2019. Also, 87 programs in the field of cultural activities for persons with disabilities were supported with funds in the amount of 20 million dinars. For the realization of the program of the Association of the Blind of Serbia in the period 2018–2020, this ministry designated 45 million dinars.

239. In order to increase the accessibility of program content for persons with disabilities, the Regulatory Body for Electronic Media (REM) recommended subtitling quotas, audio descriptions, and specific provisions related to accessibility for persons with disabilities, and a bylaw on the logical numbering of television channels was adopted. Easily understandable

²²⁸ “OG RS”, No. 36/09... and 49/21.

²²⁹ “OG RS”, No. 36/09, 32/13 and 14/22 – state law.

and accessible information on pandemic measures was shared by government ministries and services on relevant websites, including campaigns conducted by civil society organizations on virus protection.

Women

240. Institutional, normative, and strategic framework in the field of improving the position of women has been established in RS.

241. Coordination Body for Gender Equality (Kordinaciono telo za rodnu ravnopravnost – KTRR), established by a government decision in 2014, is headed by the Deputy Prime Minister and has undertaken a number of key activities in the past period in terms of improving the position of women and promoting gender equality. The Law on Gender Equality establishes the Coordination Body for Gender Equality as one of the bodies that creates, implements, and improves the policy for achieving gender equality in RS.

242. Ministry of Human and Minority Rights and Social Dialogue was established in 2020 and has the authority to perform state administration tasks related to: the protection and promotion of human and minority rights; drafting regulations on human and minority rights; monitoring the compliance of domestic regulations with international treaties and other international legal acts on human and minority rights and issues related to the position of national minorities; gender equality issues; anti-discrimination policy; creating an environment conducive for the development of civil society.

243. Women’s Parliamentary Network functions as an informal group in which all members of the Serbian National Assembly, regardless of party affiliation, participate voluntarily and monitor the implementation of existing legal solutions in the field of women’s health and education, combatting violence against women, and women’s economic empowerment.

244. There are more than a hundred local bodies for gender equality in Serbia. In some local self-government units, there are parallel bodies for gender equality and an official in charge of gender equality issues. There is a clear political will and support for the efficient functioning of these bodies and the establishment of a functioning horizontally and vertically branched system of organs and bodies for the efficient and coordinated implementation of equal opportunities policies.

245. The adoption of the Law on Gender Equality²³⁰ on May 20, 2021 further significantly improves the legislative and institutional framework in this area. When electing or appointing permanent delegations representing RS in international bodies, at least 40% of the underrepresented sex must be achieved, as well as when electing and appointing certain positions, educating working bodies, and determining the composition of official delegations. This law also stipulates that at least 40% of the representatives of the underrepresented sex be present in the governing and supervisory bodies of a political party, trade union organization, and professional association. The institution of unpaid housework was officially recognized for the first time by this law. Correspondingly, it is planned that data be recorded on domestic work by public authorities, which are obliged to publish these data annually as administrative data in order to determine its total value and share in the country’s gross social income.

246. One of the special measures envisaged by the Law on Gender Equality is the use of gender-sensitive language, which is obligatory for public authorities and employers who perform activities in the field of education, upbringing, and science and technological development, as well as in the media, while others public authorities are obliged to monitor its implementation.

247. In the past period, RS has strived to maintain the continuity of all strategic documents and accompanying action plans in the context of women’s issues. Continuity was achieved primarily through the adoption of the National Strategy for Gender Equality, the National Action Plan for the Implementation of UN Security Council Resolution 1325 – Women,

²³⁰ “OG RS”, No. 52/21.

Peace and Security, and the National Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and the Protection of Victims.

A new *Strategy for Gender Equality 2021–2030*²³¹ was adopted in mid-October 2021.

248. *Strategy for Preventing and Combating Gender-Based Violence Against Women and Domestic Violence 2021–2025*²³² has been adopted. Strategy establishes mechanisms for the prevention of, protection from, and sanctioning of gender-based violence against women and domestic violence and for supporting victims of such violence, as well as for monitoring and evaluating strategy.

249. The legislative framework in RS, in the past period, has been improved both by amendments to existing laws and the adoption of new laws. They all contain anti-discrimination provisions. Of the laws passed in the previous period, most significant are the Law on the Prevention of Domestic Violence and the Law on Free Legal Aid. The Criminal Code has also been significantly improved by introducing new crimes and tougher penalties for perpetrators. Four offenses under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence have been integrated into the Criminal Code: female genital mutilation (Article 121a), persecution (Article 138a), sexual harassment (Article 182a), and forced marriage (Article 187a).

250. Law on Financial Support to Families with Children expands the scope of beneficiaries of these rights and facilitates the process of exercising them. For the first time, the right to compensation for the birth, care, and special care of a child can be exercised by a mother who is unemployed at the time of the child's birth, i.e., who is self-sustained or sustained through personal/domestic agricultural production. The right to leave from work for the purpose of caring for a child may also be used by the child's father in agreement with the mother.

251. From the entering into effect of the Law on the Prevention of Domestic Violence,²³³ i.e., from June 2017 to April 30, 2021, the Coordination and Cooperation Group reviewed 188,286 cases of domestic violence, and developed 59,937 individual protection plans. Each year has seen an increase in the development of individual protection plans and also in the pronounced and extended emergency measures. According to the data of the Ministry of Internal Affairs, from the beginning of the application of the Law until the end of 2020, 98,323 emergency measures were imposed (30,161, the temporary removal of the perpetrator from the apartment and 68,162, the temporary prohibition of the perpetrator to contact the victim of violence and approach him/her). In total, 60,851 emergency measures were extended, while the number of emergency measures violated is 6,449.

252. Judicial Academy continuously conducts trainings for public prosecutors and judges on discrimination and gender-based violence. In parallel with the adoption of the Law on the Prevention of Domestic Violence, Ministry of Justice launched a campaign and site Exclude Violence, which breaks gender stereotypes and established gender patterns, promotes public awareness of the importance of gender equality, and recognizes that violence is related to sex and gender and that it represents an expression of power.

253. At the end of 2018, the SOS hotline for women and girl victims of violence was licensed. Also, the SOS line has been functioning in the education system since 2012. Local SOS telephones have been sustained and have even expanded their services, in terms of the territorial scope to which they provide the service, of the number of users to whom the service may be available, and of the introduction of new services (psychological and/or legal), which they provide not only through telephone consultations, but through direct work with victims. The Law on Gender Equality²³⁴ provides for specialized support services for victims of violence (Article 55).

254. According to the age structure in the total number of women registered as unemployed, those in the age category of 15–29 make up 21% of these women, while those in the age

²³¹ "OG RS", No. 103/21.

²³² "OG RS", No. 47/21.

²³³ "OG RS", No. 94/16.

²³⁴ "OG RS", No. 52/21.

categories of 30–49 and 50–64 represent 47% and 32%, respectively. Regarding categories of women deemed hard-to-employ, in the period January–September 2020, active employment policy measures involved: 7,997 women from the youth category, 5,454 women over 50, 2,397 women from the redundancy category, 5,664 women without qualifications or with low-level qualifications, 9,732 long-term unemployed women, 1,527 women with disabilities, 940 unemployed Roma women, 1,454 unemployed beneficiaries of financial social assistance, 682 single mothers, and 28 mothers of children with disabilities.

	2018	2019	2020 (through September)
Number of unemployed persons involved in active job search measures	126 654 (69 257 females)	119 294 (66 384 females)	32 095 (17 338 females)
Number of unemployed persons included in additional education and training programs	10 225 (6 352 females)	9 177 (6 000 females)	4 305 (2 728 females)
Number of unemployed persons included in employment subsidy programs	8 442 (2 259 females)	8 776 (4 490 females)	5 726 (2 948 females)
Number of unemployed persons covered by public works programs	7 615 (3 355 females)	5 293 (2 409 females)	4 306 (2 001 females)
Total number of unemployed persons involved in active employment policy measures	152 936 (78 233 females)	142 540 (79 283 females)	46 432 (25 015 females)

Source: Ministry of Labor, Employment, Veterans and Social Affairs; National Employment Service.

255. Since the introduction of gender-responsive budgeting in public finances (2015), the Government of Serbia, with the support of UN WOMEN, has been working continuously to strengthen the capacity of budget shapers and recipients to implement gender-responsive budgets, gender analysis, and the like. In 2020, 48 of the 53 budget recipients at the national level and all 26 at the provincial level employed gender responsive budgeting.

256. The Gender Equality Index in RS is the result of cooperation between the Coordination Body for Gender Equality, Team for Social Inclusion and Poverty Reduction, Statistical Office, United Nations Agency for Gender Equality and Women's Empowerment (UN WOMEN), SeConS Development Initiative Group and the European Institute for Gender Equality (EIGE). Until recently, RS was the only country outside the EU that employs the Gender Equality Index in six areas: distribution of time, money, work, knowledge, power, and health; and in two sub-areas: violence against women and cross-sectoral differences. In October 2021, the third Gender Equality Index in RS was presented, which is based on data from 2018. The value of the Gender Equality Index in RS is 58.0 points, which represents an increase of 5.6 points compared to the first Gender Equality Index from 2016.

Children and youth

257. Institutional, normative, and strategic framework in the field of improving the position of the child is established in RS.

258. Ministry of Family Welfare and Demography was formed in 2020 with the task of performing state administration tasks related to: the system of family legal protection; marriage; population policy; family planning, family, and children; the improvement and development of demographic policy, birth rate policy, quality of life and prolongation of life, reproductive health, and internal migration; the drafting of national documents and the preparation and implementation of campaigns related to demographic policy, as well as other tasks determined by law.

259. Parliament conducts its activities in the field of the protection of the rights of the child through the work of a special Committee on the Rights of the Child (formed in 2010), which institutionally confirms the commitment to focus on the rights of the child in Serbia. The

Committee on the Rights of the Child is always chaired by the President of the National Assembly, which speaks of the importance attached to the rights of the child in Serbia. In cooperation with the Government of Serbia and the committee, thematic public hearings were organized in the field of the rights of the child on the topic of Presenting the Concluding Observations of the Committee on the Rights of the Child (2018) and the Protection of Children from Violence (2019). In addition to Deputies of the National Assembly, the public hearings were attended by representatives of the departments in charge of implementing the UN Convention on the Rights of the Child, the Protector of Citizens, the Commissioner for the Protection of Equality, civil society organizations, international organizations, and members of the media.

260. The coordination of activities in the field of the rights of the child is performed by the Government Council for the Rights of the Child. Participants in the work of this council include representatives of competent ministries and institutions at the national, provincial, and local level which are responsible for activities in the field of exercising the rights of the child, as well as representatives of independent state bodies, civil society organizations, and children.

261. In the Youth Council, one third of the members are youth representatives. Alongside them in the council are members and representatives of relevant state bodies whose scope of work includes young people, as well as relevant experts and representatives of national minorities. In the country, in addition to the National Youth Council, about 80 local Youth Councils have been formed.

262. Also pertinent to the implementation of activities in the field of children's rights are: the Council for Monitoring and Improving the Work of Criminal Procedure Bodies and the Execution of Criminal Sanctions against Juveniles (2009); the Council for Persons with Disabilities (2013); the Council for Monitoring the Implementation of UN Human Rights Recommendations (2014); Council for Action against Trafficking in Human Beings (2017).

263. There are local councils for children's rights in municipalities and cities which are responsible for monitoring the situation in the field of the rights of the child and promoting the rights of the child, as well as local youth offices, established to promote youth participation and active participation in local policy making. The effects of the work of these bodies largely depend on the support of authorities at the local level, with the resources provided to the bodies as needed.

264. National Youth Strategy 2015–2025 sets out the basic principles for improving the social position of young people and creating conditions for the realization of their rights and interests in all areas.

265. Strategy for the Prevention and Protection of Children from Violence 2020–2023²³⁵ has the general goal of providing a continuous comprehensive response of society to violence against children, taking into account and in step with the dynamics of challenges, risks, and threats, through an improved system of prevention, protection, and support. One of the primary objectives is established as: continuous work on raising awareness and changing social norms, values, and attitudes towards violence, encouraging non-violent communication, banning the violent disciplining of children, and encouraging gender equality and non-discrimination. In 2022, the General Protocol for the Protection of Children from Abuse and Neglect was adopted. In the field of education, cases of discriminatory behavior may be reported to the ministry in charge of education on the SOS hotline.

266. In 2019, at the initiative of the Coordination Body for Gender Equality and UNICEF in Serbia, the National Coalition for the End of Child Marriages was formed. The general goal of the Coalition is to contribute to the end of child marriages in Serbia, especially in the Roma population, through the targeted and coordinated action of relevant actors, in accordance with the goals of sustainable development from the UN Agenda 2030. The work of the National Coalition continued in 2020 through its inclusion in the promotion and celebration of the campaign "16 days of activism against violence against women" with the message "Child marriages are not a Roma tradition." In 2021, the Coordinating Body for

²³⁵ "OG RS", No. 80/20.

Gender Equality submitted proposals to the Ministry of Justice and the Special Working Group for Amendments to the Family Law for amendments to the Family Law, the Criminal Code, and the Law on the Prevention of Domestic Violence, which include, among other reforms, recognizing underage marriages as a form of human trafficking, abolishing marriage before the age of 18, recognizing juvenile marital and extramarital unions as a form of domestic violence. In the same year, the media campaign “Childhood, not marriage” was launched, whose aim is to draw attention to the problem and prevalence of child marriages, while also to show examples of women and girls whose families recognized the importance of girls’ education and in this way thus supported them in adequate growth and development. This campaign was presented to local government units along with guidelines for participating in the campaign.

267. Within the program “Baby, welcome to the world,” an electronic service is available to parents, which allows them to easily, quickly, and without the cost of going to registry centers, i.e., from the maternity hospital, register the birth of a child in the birth register, register the child’s residence, and register the child for health insurance, with the relevant documents arriving to the home address upon the family’s return home from the medical facility. This is one of the first e-government projects in Serbia, and this service ranks Serbia among the few European countries that provide electronic services at such a high level. From the beginning of 2019, this service has been extended to allow for the electronic submission of applications for parental allowance and local cash benefits.

268. Programs and projects aimed at improving the position of children are supported at all levels of government.

Asylum seekers, internally displaced persons, and refugees and migrants

269. In March 2018, a new Law on Asylum and Temporary Protection²³⁶ was adopted, which is in accordance with the Geneva Convention Relating to the Status of Refugees of 1951 and the European Union Directives governing asylum, in particular: Directive 2011/95/EU, laying down standards for the qualification of third-country nationals or stateless persons to exercise the right to asylum, standards in order to achieve a uniform status of refugees or persons eligible for subsidiary protection, and standards relating to the content (rights and obligations) of those granted protection; Directive 2013/32/EU, prescribing the procedure for recognizing and revoking the right to asylum, emphasizing that these procedures must be the same in the corresponding national legislation; Directive 2013/33/EU, laying down standards for the reception of asylum seekers; and Directive 2001/55/EC, laying down minimum standards for the granting of temporary protection in the event of a mass influx of displaced persons, measures applicable to the admission procedure, obligations for the receiving State, and the rights and obligations of persons granted temporary protection.

270. Ministry of the Interior, the Police Directorate, the Border Police Directorate-Asylum Office is responsible for conducting the asylum procedure and making the first instance decision on the submitted asylum application, researching countries of origin, and drafting documents for asylum seekers and persons for whom asylum has been approved.

271. In the period 01.01.2021–31.12.2021, 2,306 certificates of registration of foreigners who expressed their intention to apply for asylum in RS were issued:

- 172 asylum applications were submitted;
- 88 hearings of asylum seekers were conducted;
- 1 additional hearing of asylum seekers was conducted;
- 1 witness hearing was conducted;
- 303 decisions were made, for 291 persons, as follows:
 - 7 decisions on the adoption of asylum applications and the granting of asylum to 7 persons;

²³⁶ “OG RS”, No. 24/18.

- 7 decisions on the adoption of asylum applications and the granting of subsidiary protection for 7 persons;
- 4 decisions on rejection of asylum applications for 4 persons;
- 73 decisions on suspension of proceedings for 73 persons;
- 51 decisions rejecting the asylum application for 48 persons;
- 67 decisions on granting residence at private addresses for 58 persons;
- 94 other decisions for 94 persons.

272. In accordance with the Law on Asylum and Temporary Protection, the Commissariat for Refugees and Migration provides material conditions for the reception of asylum seekers, provides temporary accommodation to persons granted asylum in accordance with regulations governing migration management, conducts programs for the voluntary return of aliens to their country of origin and integration programs for persons granted the right to asylum in RS.

273. RS has chosen to take a humanitarian approach to the problem of mixed migration flows, which includes assistance to all migrants, regardless of their legal status. RS is a country that has been exposed to increased pressure of mixed migration flows through its territory for several years. Most of these people transit through its territory, staying for a short period of time, while only a small number register their intention to stay and start the asylum procedure.

274. There are seven asylum centers and 12 reception centers in RS. The total capacity is 6,000 beds, with the possibility of raising the capacity by another 20% (using facilities intended for shorter stays in case of need (10%) and through the conversion of part of the common areas (10%)). In addition to the material conditions of admission, additional recreational and educational activities, including psychosocial and free legal aid, are provided in all accommodation facilities. During 2021, 68,308 people passed through the centers in total, of which 4,186 (6%) were children (1,346 unaccompanied), while in 2022 (by the end of April) 22,668 people have passed through the centers, of which 1,117 (4.9%) were children (359 unaccompanied).

275. In order to achieve appropriate standards of accommodation, significant funds have been invested in infrastructure (maintenance, reconstruction, and equipping of spaces). Centers for the accommodation of families (5 centers) and unaccompanied minors (1 center) are specially designated, while adult men are accommodated in other centers. In accordance with the needs of users, the conditions in the centers have been adjusted. In addition to significant infrastructure investments, significant activities have been undertaken to standardize the services of asylum centers provided by different actors. The food service is provided in accordance with a menu made in cooperation with the National Institute of Public Health, and controls are performed on the adequacy of food and the quality of meals.

276. All persons accommodated in the centers are provided with health care through the competent health centers, including mandatory examination upon admission. According to the doctor's instructions, people are referred to secondary and tertiary health care in the same way as all citizens of Serbia. Serbia is one of the first countries in the world to include the migrant population in the regular immunization program. During the smallpox epidemic, there were no cases documented among migrants, and for almost the entire year of 2020, there were no migrants documented as infected with the corona virus. Mental health protection and psychological support is provided by psychologists present in all centers in accordance with the Guidelines for the Protection and Improvement of the Mental Health of Refugees, Asylum Seekers, and Migrants in RS, developed in cooperation with the World Health Organization.

277. Special care is applied to asylum seekers and migrants with special needs, including minors. In accordance with the principle of the best interests of the child, all unaccompanied minor migrants are placed in guardianship and accommodated separately from adult migrants and asylum seekers. In accordance with national legislation and respecting the principle of the best interests of the child, all minor migrants, regardless of their legal status, have access to education. The Law on Asylum and Temporary Protection specifies access to education

for minor asylum seekers, which is to be arranged immediately, and no later than within three months from the moment of expressing the intention for asylum. An agreement between the Commissariat for Refugees and Migration and Ministry of Education, Science, and Technological Development established a procedure for enrolling children in the regular education system (no later than one month from the moment of admission to the center).

278. The program of integration in RS lasts for one year and is intended for persons who have been granted the right to asylum in RS and it is implemented continuously. Within the framework of integration, the Commissariat for Refugees and Migration provides persons with the right to asylum with an individual integration plan, accommodation if needed, and Serbian language and script classes, as well as classes on Serbian culture, history, and the constitutional order, alongside other additional measures provided for in the Integration Regulation. Significant cooperation on these activities has been established with UNHCR. In the period from 2018–2021, 104 persons received asylum protection in RS. In the same period, the Commissariat for Refugees and Migration developed 97 integration plans and provided financial assistance for accommodation to all persons who applied for it (43 solutions covering 58 persons). In this period, 60 people attended Serbian language and writing classes.

279. As part of the process of assisted voluntary return, the Commissariat, in cooperation with the International Organization for Migration, is continuing with an information campaign aimed at persons denied international protection. In the period from 2017–2021, 883 people returned to their country of origin voluntarily.

280. All children, regardless of their legal status, are included in regular pre-school and primary education, which are compulsory. Transportation to educational institutions provided. Children are also entitled to free secondary education. During the pandemic, children were provided with tablets and additional support in learning and doing homework. In all schools attended by migrants and refugees, the Professional Instruction for the Inclusion of Refugee Students in the Education and Upbringing System has been applied since 2017.

<i>School year</i>	<i>Number of migrant students involved in the system of education</i>	<i>%</i>
2017/18	574	95%
2018/19	420	95%
2019/20	208	92%
2020/21	162	85%
2021/22	127	87%

Source: Ministry of Education, Science, and Technological Development.

Refugees and internally displaced persons

281. Although the number of refugees is decreasing, primarily due to their integration in RS, there are currently 25,330 refugees (17,334 from Croatia and 7,996 from Bosnia and Hercegovina), and 196,140 internally displaced persons (IDPs) from AP Kosovo and Metohija documented in Serbia. There is 1 collective center, Salvatore, still operating in Bujanovac (this excludes 4 centers on the territory of AP Kosovo and Metohija, where there are 99 internally displaced persons and 18 refugees), where a total of 69 persons are accommodated and all of them are internally displaced. The remaining persons still staying in the Collective Center of Salvatore in Bujanovac had expressed their wish to solve their issue exclusively in Bujanovac. Thus, only after overcoming construction and urban administrative obstacles, some solutions were reached. The Commissariat and the UNHCR managed to ensure that the municipality of Bujanovac was included in the housing construction project in order to provide the remaining persons from the collective center with apartments in the newly built building.

282. The determination of RS to provide adequate living conditions and find permanent solutions for refugees and internally displaced persons is reflected in the allocation of

significant funds for this purpose from the national budget. Yet at the same time significant financial support from development aid has been drastically reduced for these purposes.

283. Commissariat for Refugees and Migration annually issues regulations establishing programs for the integration of refugees, for the improvement of the living conditions of IDPs, and for the reintegration of returnees under the readmission agreement. Incentives, measures, and activities relate to the allocation of assistance for construction and other materials, the allocation of assistance for the purchase of a rural house or a prefabricated house, the allocation of packages for economic empowerment, and the allocation of one-time financial assistance.

284. In the period 2017–2020, over 822 million RSD was allocated from the budget of RS for the provision of permanent housing solutions and economic empowerment for refugees. In this way, 2,211 families were supported, as follows: 1,132 by allocating a package of construction materials for the completion and adaptation of houses, 288 by enabling the purchase of a house with a garden, and 791 by allocating a package to start or expand income generating activities.

285. RS continues to implement approved subprojects within the Regional Housing Program (RHP), which provides for up to 7,550 housing solutions for refugees. So far, a total of 6,231 housing solutions have been delivered within the RHP.

286. In the period 2017–2020, more than two billion dinars were allocated from the budget of RS for providing permanent housing solutions and economic empowerment for IDPs. In this way, 2,397 families were supported, as follows: 1,025 by allocating construction materials for the completion and adaptation of houses, 547 by enabling the purchase of a house with a garden and 825 by allocating a package for starting or expanding income-generating activities. In addition to funds provided from the national budget, projects aimed at solving the housing problems of IDPs are regularly proposed for financing from development aid. Thus, within the project financed from EU funds (IPA), an additional 234 housing solutions for IDPs were provided and 168 families were economically empowered.

287. Commissariat continues to support the voluntary return of refugees to their countries of origin, although these figures are modest, and to provide support in the form of administrative procedures, transport, and reintegration. On an annual basis, the Commissariat assists the return of about 12 families to Croatia and Bosnia and Hercegovina. The number of returnees to AP Kosovo and Metohija is extremely low due to the fact that the institutions have not yet provided for a sustainable return, protection, and the restitution of rights.

288. Commissariat for Refugees and Migration, in cooperation with the UNHCR, regularly monitors the situation and needs of IDPs in Serbia. According to the latest data, there are currently 15,875 internally displaced households in need in Serbia (households that do not have a housing issue resolved and are not able to resolve it on their own).

LGBTI persons

289. In February 2021, Ministry of Human and Minority Rights and Social Dialogue initiated the process of drafting a law on same-sex unions. In April 2021, a working group for drafting the law consisting of representatives of the executive, legislative, and judicial authorities, independent state bodies, and civil society organizations drafted the Law on Same-Sex Communities, which was submitted to the Government for consideration and adoption.

290. In the field of protection against discrimination, the Law on Amendments to the Law on Prohibition of Discrimination and the Law on Gender Equality were adopted in 2021, which affects the improvement of the position of LGBTI people by improving the legal framework, that is the Law on Amendments to the Law on Registration Books,²³⁷ whose implementation began on January 1, 2019, which enables the registration of data on gender reassignment in the birth register, in accordance with the Rulebook on the manner of issuing and the form of the certificate of the competent health institution on gender reassignment, which is a prerequisite for exercising a large number of other rights. The law restricts the

²³⁷ “OG RS”, No. 47/18.

circle of persons who have the right to inspect the registry books, files, documents issued from the registry books for a person who has changed gender. The change of gender is a procedure has been covered by the Republic Health Insurance Fund since 2013, and by 2020, a total of 60 people have changed their gender in this way.

291. Amendments to the Criminal Code²³⁸ in 2016 amended so that the criminal offense of the violation of equality now includes in its definition that if a person is restricted or denied the rights of man and citizen due to sexual orientation or gender identity this also represents a commission of this criminal offense (Article 128).

292. Regarding the prosecution of hate crimes, the first verdict in which Article 54 of the Criminal Code was applied was passed in October 2018, in a case where the motive of hatred on the part of the offender was due to the sexual orientation of the injured party. The perpetrator was given a suspended sentence in the form of being sentenced to one year in prison with a probation period of three years, as well as a security measure prohibiting him from approaching and communicating with the injured party.

293. Institute for the Advancement of Education and Upbringing, upon the request of the organization, Labris, initiated a review of the content of approved textbooks for high school, with the aim of determining the existence of discriminatory content related to sexual orientation. Seven of the eight textbooks reviewed were found to contain deficiencies that led to their withdrawal from the Official Catalog.

294. Specially trained liaison officers operate within the Ministry of the Interior for issues involving LGBTI persons.

295. Ministry of Culture and Information allocates significant funds for co-financing projects through competitions and individual grants in the field of public information, providing support to projects aimed at television, radio, internet media, print media, and news agency services that contribute to raising public awareness of minority rights, including the LGBTI community, and respect for diversity, as well as for the development of dialogue and the creation of greater familiarity and understanding between members of minorities and the majority population. One of the priority topics for co-financing projects is the prevention of discrimination through the media. The realization of the international festival Merlinka, which has been trying to expand the viewing experience for films with LGBTI themes for 12 years, is also continuously supported.

296. Pride parades and all accompanying manifestations were held in the most recent reporting period without any incidents. Other accompanying events and the International Day against Homophobia are successfully celebrated from year to year not only in Belgrade, but also in Niš, Novi Sad, Novi Pazar, Subotica, Pančevo, Kragujevac, Kraljevo, Zrenjanin, Subotica, Šabac, and Vranje. Due to the corona virus pandemic in 2020, the holding of these events was adjusted to the conditions and they were organized online.

National minorities (including the position of the Roma)

297. RS is a multinational, multicultural state, in which, in addition to the majority Serbian people, members of a large number of national minorities also live. One of the country's key focuses is to encourage tolerance and intercultural dialogue and to take measures to promote mutual respect, understanding, and cooperation among all people living in RS, regardless of their national, cultural, linguistic, or religious identity.

298. With the adoption of the Action Plan for the Exercising of the Rights of National Minorities in 2016, a mechanism was established for the full implementation of the legislative framework, as well as measuring the implementation of activities envisaged by this document. Through the inclusive process of drafting this document, national minorities were engaged and given the opportunity, through their representatives, to be involved at the Sabic highest level of participation in its drafting. The most important step in the field of legal regulation was the adoption of the Law on the Protection of the Rights and Freedoms of National Minorities, which regulates, in one place, the most important issues relevant to the preservation and development of the identity of national minorities. The law envisages

²³⁸ "OG RS", No. 85/05 ... and 35/19.

solutions that regulate the manner of exercising individual and collective rights of national minorities. In 2018, amendments to relevant regulations contributed to the improvement of minority rights, primarily to the Law on Protection of Rights and Freedoms of National Minorities,²³⁹ the Law on National Councils of National Minorities,²⁴⁰ which more clearly defines the powers of national councils, reduces excessive politicization, and provides for more transparent work, alongside Law on Official Use of Languages and Scripts,²⁴¹ The Law on Registration Books,²⁴² and the Law on Local Self-government.²⁴³

299. Constitution of RS stipulates that members of national minorities may elect their national councils in order to exercise the right to self-government in the field of education, culture, information, and the official use of languages and scripts.

300. National councils of national minorities are a form of non-territorial self-government and are elected in direct elections, which provides them with democratic legitimacy. The legal position and powers of national councils of national minorities are regulated by the Law on National Councils of National Minorities. 23 national minorities are registered in the Register of National Councils of National Minorities. Members of 22 minority communities constituted their national councils: Bunjevci, Bulgarians, Bosniaks, Hungarians, Roma, Romanians, Ruthenians, Slovaks, Ukrainians, Croats, Albanians, Ashkali, Vlachs, Greeks, Egyptians, Germans, Slovenes, Czechs, Macedonians, Montenegrins, Russians, Poles. According to the law, the Executive Board of the Association of Jewish Municipalities of Serbia performs the function of a national council. The work of the national councils is public. Funds for financing the work of national councils are provided from the budget of RS, the budget of the autonomous provinces, and the budget of local self-government units, as well as from donations and other sources of revenue. Funds are allocated according to the following system: 30% of funds are sourced from the republic budget and 25% from the provincial budget, distributed in equal amounts to all registered national councils, while the rest is allocated in proportion to the number of members of a national minority represented by the national council in the state or province, as well as in proportion to the total number of institutions of these minorities in the field of culture, education, information, and the official use of language and script, as well as in accordance with the relative scope of the activities of these institutions. For the work of the national councils of national minorities, 247.9 million dinars were allocated from the budget of RS in 2018, 255 million dinars in 2019, and 227.3 million dinars in 2020.

301. In order to achieve full inclusion of national minorities in the process of monitoring and best enable the full coordination of state bodies in ensuring the provision of the highest level of support for the implementation of planned activities, the monitoring of the implementation of activities from the Action Plan is entrusted to the Council for National Minorities. The work of the Council for National Minorities is chaired by the Prime Minister, with the participation of line ministers dealing with the exercise of the rights of national minorities and the presidents of all national councils. The Council thus stands as the body through which the dialogue of the Government with the national councils of national minorities is conducted at the highest level on all issues of interest to members of national minorities and the improvement of their position. In this way, national councils of national minorities are enabled to actively participate in the creation of minority policy and decision-making on all issues affecting them.

302. In the election cycles of 2010 and 2014, national councils were elected in direct elections, which makes Serbia one of the few countries that in this way provides conditions for national minorities to elect their representatives. Direct elections to national councils are held on the same model as parliamentary elections. Legislative changes from February 2022 reduced the number of signatures in support of the proclamation of the electoral list of national minorities from 10,000 to 5,000 and established clear criteria according to which the

²³⁹ “OG RS”, No. 11/02, “OG of Serbia and Montenegro”, No. 1/03 – the Constitutional Charter, and “OG RS”, No. 72/09 – state law 97/13 – decision of the Constitutional Court, and 47/18.

²⁴⁰ “OG RS”, No. 72/09, 20/14 – decision of the Constitutional Court, 55/14, and 47/18.

²⁴¹ “OG RS”, No. 45/91, 53/93, 67/93, 48/94, 101/05 – state law, 30/10, 47/18, and 48/18 – amendment.

²⁴² “OG RS”, No. 20/09, 145/14, and 47/18.

²⁴³ “OG RS”, No. 129/07, 83/14 – state law, 101/16 – state law, 47/18, and 111/21 – state law.

Republic Election Committee (REC) determines whether the list meets the requirements of the status of the list of national minorities. Four parties and two coalitions registered a list of candidates with national minority status for the early parliamentary elections in April 2022, two representing the Albanian community, two the Bosniak, one the Hungarian, and one the Croat and Ruthenian communities together. The REC rejected the status of a national minority for four electoral lists claiming to represent the Russian, Slovak, and Vlach communities, arguing that the applicants could not sufficiently prove that all candidates on the list belonged to national minorities.

303. Law on Employees in Autonomous Provinces and Local Self-Government Units,²⁴⁴ the Law on Amendments to the Law on Public Agencies,²⁴⁵ and the Law on Amendments to the Law on Civil Servants²⁴⁶ provide the legal basis for taking affirmative measures to encourage employment of all national minorities in autonomous provinces, local self-government units, public agencies, and state bodies. Also, in 2018, the Government of RS passed the Decree on internal and public competition for filling vacancies in state bodies, which regulates in more detail the manner of giving preference to members of national minorities in the competition procedure in all state bodies.

304. Children belonging to national minorities, in primary or secondary school, are provided with three modalities in education: teaching in the mother tongue is conducted in eight languages (Albanian, Bosnian, Bulgarian, Hungarian, Ruthenian, Romanian, Slovak, and Croatian); bilingual classes – in the students' mother tongue and in the Serbian language (conducted in Bulgarian and Serbian in primary school); and classes in Serbian language, with the elective subject Mother Tongue/Speech with Elements of National Culture. Students who attend all classes in one of the eight languages of the national minority, as well as students who attend the elective program Mother Tongue/Speech with Elements of National Culture, have a total of 946 textbook units available to them, 483 of which were published under adapted, reformed curricula. Also, for the school year 2020/21, bearing in mind the importance of access to education for all, the Ministry in charge of education provided free textbooks in the languages of national minorities as part of the program of free textbooks. This program additionally provides support to students from socially/financially disadvantaged families.

305. In 42 local governments, 11 minority languages are in official use. More than 18,000 radio and television programs for minorities are broadcast monthly in 16 languages, and more than 100 print media are in publication.

306. Programs and projects are supported at all levels of government in order to improve the position of national minorities and to promote tolerance and their rights.

Roma/Roma women

307. Government in cooperation with the European Commission, has been organizing seminars on the social inclusion of Roma men and women every two years since 2011 to monitor the improvement of the position of this national minority and define priorities for the next period in the form of Operational Conclusions. Reports on their implementation are submitted annually to the European Commission.

308. The database for monitoring the process of Roma inclusion, which has been operational since 2016, is continuously enriched with data.

309. The revised Strategy for Social Inclusion of Roma Men and Women in RS 2022–2026 has been adopted, which contains concrete measures and activities in the field of improving the position of the Roma.

310. At the level of local self-governments, there are mobile teams for Roma inclusion, consisting of a Coordinator for Roma Issues, pedagogical assistants, health mediators, representatives of the Center for Social Work, and representatives of the National Employment Service, as well as other representatives of local self-government if necessary.

²⁴⁴ “OG RS”, No. 21/16, 113/17, 95/18, and 113/17 – state law.

²⁴⁵ “OG RS”, No. 47/18.

²⁴⁶ “OG RS”, No. 95/18.

So far, 56 mobile teams have been formed in 56 local self-government units, which aim to facilitate access to services and better enable the exercising of rights of Roma citizens.

311. Significant progress in the field of resolving the so-called legal “invisibility” problem was achieved through the improvement of the legal framework with the implementation of the Agreement on Understanding between the Ministry of State Administration and Local Self-Government, the Protector of Citizens, and the UN High Commissioner for Refugees – Representation in Serbia (2012–2016). In October 2019, a new Agreement on Understanding between the same actors was concluded. During its implementation, it was estimated that the number of persons living in informal settlements not registered in the birth register was reduced to 0.45%, compared with 1.8% in 2010 and 1% in 2015.

312. The results of the work of health mediators have led to a momentous shift in the field of health care for Roma men and women. Their work was assessed by the European Commission as the most successful measure in public policies in the field of the inclusion of Roma men and women. During 2019, 85 trained health mediators were hired within the health care system, which is a significant increase in the number, given that 60 were hired in 2017. Thanks to the hiring of these health mediators, Roma women now have easier access to health services, while the trend of conducting systematic and gynecological examinations in this context continued and expanded. The health controls of pregnant women and women who have given recently given birth have also increased, as has the number of vaccinated women and children. In the last ten years, the rate of incidence of death among Roma children has decreased by more than 50 percent.

313. With the aim of completely eliminating drop-outs from primary education, an instrument for recognizing students at risk of early school leaving (EWIS) has been created and is being applied in educational institutions.

314. 12,427 Roma students (56% of girls) have been enrolled in secondary schools since 2003 through affirmative action measures, alongside 1,743 Roma students (51% of girls) have been enrolled in colleges and universities. A system for monitoring regular attendance and student achievement has been established. The Romani Language with Elements of National Culture in was attended by 2,467 students (1,163 girls and 1,304 boys) in 68 schools the 2019/2020 school year. In order to enable at-risk students to continue their education, scholarships and a mentoring system are provided for students enrolled in affirmative action measures. In the last five school years, 5,419 scholarships from the relevant budget and donor funds for Roma students (65% girls) have been awarded in secondary schools. *Amendments to the Rulebook on Pupil and Student Loans and Scholarships from 2017* enabled Roma students, in addition to persons with disabilities and students without both parents, to be entitled to loans and scholarships without success criteria. 200 mentors were hired to provide support to students of the Roma national minority. In the school year 2020/21, a total of 281 pedagogical assistants were hired, 250 in primary schools, 30 in preschool institutions, and one in secondary school. Their purpose is to contribute to the inclusion and achievement of better results of Roma students in education. The Rulebook on Pedagogical and Andragogical Assistants has also created conditions for the continuation of work on expanding the network of pedagogical assistants. A solution is currently being developed for the hiring of 15 new pedagogical assistants in the field of providing assistance and additional support to groups of Roma children and students for 17 additional primary schools.

315. The implementation of support measures for children returned under the readmission agreement from Western European countries has been continued. During the 2019/20 school year, a total of 77 students enrolled in primary schools in the territory of RS as returnees upon readmission (32 girls and 45 boys). Given that primary schools affirmatively address the issue of returnees after readmission, these students in most cases do not register separately, but rather simplified procedures are applied for their enrollment and/or return to school, with a team hired for prior testing and for monitoring the inclusion of these students in regular teaching. In addition, if a student returns during the same school year, the school does not treat him/her as a newly enrolled student – instead, they are placed in the same class/grade.

316. Observed by level of qualification, there are 24,973 Roma documented as having the status of without qualifications or with low-level qualifications (this represents an 89.3% share of the total number of Roma men and women who are registered as unemployed, which

is a significantly less favorable percentage when compared to the share of the unemployed from the general population without qualifications or with low-level qualifications – 33.5%). Among those registered as unemployed, 2,833 unemployed Roma men were documented as having the status of middle-level qualifications (a share of 10.1% of the total number of registered unemployed Roma men and women), while the share of Roma men and women documented as possessing higher qualifications was only 0.6% (160 people), which is significantly less favorable in relation to the share of the general population with this level of qualifications (15.1%). The unfavorable educational structure among those Roma men and women registered as unemployed is one of the key factors that hinder the efficient and sustainable integration of this category of unemployed persons into the labor market. Data from the MICS²⁴⁷ survey show that 27% of Roma girls attend secondary education and 50% of Roma secondary school level students overall, which represents an increase compared to 2015, when only 15% of Roma girls were documented as attending secondary school. In the school year 2019/20, according to the data of the ministry in charge of education, the coverage of Roma children of primary school age involved in primary education is 77% (80% of girls, 73% of boys), while the rate of dropout from education has been reduced by 7% in the most recent reporting cycle. With the aim of completely eliminating drop-outs from primary education, an instrument for recognizing students at risk of early school leaving (EWIS) has been created and is applied in educational institutions. In addition to affirmative enrollment in preschool institutions and enrollment in primary school without documents, the competent Ministry of Education steadfastly continues with measures to support the Roma community through scholarships and affirmative enrollment in secondary schools and higher education institutions founded by RS.

317. In the school year 2020/21, the elective subject Romani Language with Elements of National Culture was attended by 2,467 students in 68 primary schools in 40 local self-government units.

	2018	2019	2020 (through September)
Number of unemployed Roma involved in active job search measures	4 188 (1 797 females)	4 685 (2 137 females)	1 312 (596 females)
Number of unemployed Roma included in additional education and training programs	775 (464 females)	845 (498 females)	101 (50 females)
Number of unemployed Roma included in employment subsidy programs	527 (234 females)	732 (307 females)	463 (180 females)
Number of unemployed Roma covered by public works programs	649 (266 females)	340 (111 females)	330 (105 females)
Total number of unemployed Roma involved in active employment policy measures	6 139 (2 761 females)	6 602 (3 053 females)	2 206 (940 females)

Source: Ministry of Labor, Employment, Veterans and Social Affairs; National Employment Service.

318. According to the findings from the Ex-post Analysis of the National Employment Strategy 2011–2020, the participation of Roma in the total number of persons involved in active employment policy measures increased by 6% compared to 2011.

319. Eviction from informal settlements is carried out in compliance with the highest international human rights standards. The Law on Housing and Maintenance of Buildings²⁴⁸ prescribes when, as well as under what conditions, the eviction procedure is to be carried out, the legal protections within this procedure, and the possibility of moving affected persons to

²⁴⁷ MICS 6, 2019 – Multiple Indicator Cluster Surveys.

²⁴⁸ “OG RS”, No. 104/16 and 9/20 – state law.

appropriate accommodation. In this context, in order to improve the overall quality of life of Roma citizens after relocation, services in the field of health, social protection, education, access to basic rights, and more are provided. A defined number of jobs have been offered to able-bodied tenants in social housing and newly formed settlements – both in city utility companies and in private companies. Motivational workshops have also been organized for these persons.

Legal remedies

320. The Constitution of RS guarantees the right to judicial protection if a certain person has been violated or denied a human or minority right guaranteed by the Constitution, as well as the right to rectify the consequences of that violation.²⁴⁹ Everyone has the right to equal protection of his/her rights before the courts and other state bodies and everyone has the right to appeal or seek another legal remedy against a decision deciding on his/her rights, obligation, or lawful interest.²⁵⁰

321. The Criminal Code²⁵¹ criminalizes the violation of the right to file a legal remedy, stating that whoever prevents another from exercising the right to file a petition, application, lawsuit, appeal, objection, or other legal remedy, as well as another relevant submission, shall be punished by a fine or by imprisonment of up to one year, while such an act committed by an official shall be punishable by a term of three months to three years.²⁵²

322. In criminal proceedings, the available regular legal remedies are: an appeal against a first-instance verdict; an appeal against a second-instance verdict; and an appeal against a decision of a procedural body rendered in the first instance. Authorized persons may file an appeal against the verdict rendered in the first instance within 15 days from the day of delivery of the transcript of the verdict. In particularly complex cases, the parties and the defense counsel may request an extension of the deadline for filing an appeal immediately after the verdict is announced. A timely and permitted appeal against the verdict postpones the execution of the verdict.²⁵³ An appeal against the second instance verdict is decided by the appellate court. Such an appeal may be lodged only against a verdict by which the second instance court reversed the first instance verdict acquitting the accused of the charge and thereby pronounced a verdict finding the accused guilty.²⁵⁴ Additional, extraordinary legal remedies available in criminal proceedings are a request for the reopening of criminal proceedings and a request for the protection of legality.

323. In civil proceedings, the party may file an appeal against the judgment rendered in the first instance within 15 days from the day of delivery of the transcript of the judgment. A timely appeal prevents the verdict from becoming final in the part that is challenged by the appeal, and it is then decided upon by the second instance court.²⁵⁵ Extraordinary remedies available in civil proceedings are a review, a request for a review of the final judgment, and a retrial.²⁵⁶

324. In out-of-court proceedings, an appeal against the decision rendered in the first instance may be lodged within 15 days from the day of delivery of the transcript of the decision, unless otherwise provided by this or another law.²⁵⁷ An appeal, as a rule, is not of a suspensive nature unless otherwise provided by the Law on Out-of-Court Procedure or another law, or unless the court decides otherwise.²⁵⁸

²⁴⁹ Constitution, Article 22.

²⁵⁰ Constitution, Article 36.

²⁵¹ “OG RS”, No. 85/05 ... and 35/19.

²⁵² Criminal Code, Article 147.

²⁵³ Code of Criminal Procedure, Article 432.

²⁵⁴ Code of Criminal Procedure, Articles 463 and 464.

²⁵⁵ Code of Criminal Procedure (“OG RS”, No. 72/11 ... and 18/20), Article 367.

²⁵⁶ Law on Civil Procedure, Chapter XXVIII – Extraordinary Legal Remedies.

²⁵⁷ Law on Out-of-Court Procedure (“OG RS”, No. 25/82 ... and 14/22), Article 19.

²⁵⁸ Law on Out-of-Court Procedure, Article 20.

325. In administrative proceedings, the party has the right to appeal against the decision of the first instance body, provided that the appeal is not excluded by law.²⁵⁹ As a rule, the appeal is to be submitted within 15 days from the notification of the party of the decision.²⁶⁰ The decision cannot be executed until the deadline for appeal expires, until the appeal postpones the execution of the decision and until the appellant is informed about the decision by which the appeal was decided, unless otherwise prescribed by law.²⁶¹ If the first-instance body does not reject the appeal, does not annul the challenged decision for the reasons provided by law, nor satisfy the appeal request, it shall forward the appeal to the second-instance body.²⁶² If the second-instance body does not reject the appeal, it may reject it, annul the decision in whole or in part and decide on the administrative matter itself, annul the decision and return the case to the first-instance body for retrial, or change it.²⁶³ An administrative dispute may be initiated by a lawsuit against an administrative act passed in the second instance. The subject of an administrative dispute may be the final administrative act, the silence or absence of response of the administration, or the return of confiscated items and damages.²⁶⁴ The lawsuit, as a rule, does not delay the execution of the administrative act against which it was filed.²⁶⁵ An administrative dispute is resolved by a judgment, which upholds or rejects the lawsuit as unfounded.²⁶⁶ The following extraordinary legal remedies are available against the final decision of the administrative court: the submission of a request to the Supreme Court of Cassation for review of the court decision and a retrial.²⁶⁷

326. A constitutional appeal is a special legal remedy for the protection of human rights. The Constitution of RS stipulates that a constitutional appeal may be lodged against individual acts or actions of state bodies or organizations entrusted with public authority which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal remedies are exhausted or not provided for their protection.²⁶⁸ In this way, the centralization of decision-making on human rights violations is ensured and it is possible for the Constitutional Court to represent the final institution that must be exhausted before addressing international bodies. The Law on the Constitutional Court regulates the procedure on constitutional appeals. A constitutional appeal may be lodged within 30 days from the day of the carrying out of an individual act, i.e., from the day of the taking of an action that violates or denies human or minority rights and freedoms guaranteed by the Constitution.²⁶⁹ A constitutional appeal, as a rule, does not prevent the application of an individual act or action against which it has been declared.²⁷⁰

G. Other related human rights information

Autonomous province of Kosovo and Metohija (AP Kosovo and Metohija)

327. Pursuant to United Nations Security Council Resolution 1244, in 1999 the exercise of power in the Autonomous Province of Kosovo and Metohija was handed over to the UN Interim Administration Mission in Kosovo (UNMIK). Subsequently, Kosovo Albanians unilaterally declared secession in 2008. In this regard, at the request of RS, the International Court of Justice in its Advisory Opinion on the Unilateral Declaration of Independence in Respect of Kosovo reaffirmed the validity of Resolution 1244 and the regime of international administration for Kosovo and Metohija; regarding the declaration, as a legal act, the court

²⁵⁹ Law on General Administrative Procedure (“OG RS”, No. 18/16 and 95/18 authentic interpretation), Article 151.

²⁶⁰ Law on General Administrative Procedure, Article 153.

²⁶¹ Law on General Administrative Procedure, Article 154.

²⁶² Law on General Administrative Procedure, Article 166.

²⁶³ Law on General Administrative Procedure, Article 167.

²⁶⁴ Law on General Administrative Procedure, Article 14, 15, and 16.

²⁶⁵ Law on General Administrative Procedure, Article 23.

²⁶⁶ Law on General Administrative Procedure, Article 40.

²⁶⁷ Law on General Administrative Procedure – Chapter IX Extraordinary legal remedies.

²⁶⁸ Constitution, Article 170.

²⁶⁹ Law on the Constitutional Court (“OG RS”, No. 109/07 ... and 40/15 – state law), Article 84.

²⁷⁰ Law on the Constitutional Court, Article 86.

found that it was not contrary to international law and that it was an attempt to determine the final status, thereby confirming that the declaration did not determine the final status.

328. Due to the above situation, RS is not in a position to report on the province in full and nor on the basis of directly collected data. The exceptions are the domains of education, health, and social protection in which the institutions and the laws of RS operate. In addition, some indirect insight into the situation in the Province of Kosovo and Metohija has been provided based on information received from citizens, lawyers, and attorneys who provide free legal aid to Serbian people in the Province, from NGOs, from various thematic and periodic reports of international missions in AP Kosovo and Metohija, and from reporters of various international bodies and organizations. The picture that this data paints is bleak.

329. All members of non-majority communities (the Albanian community representing the majority community), mostly Serbs, are exposed to systematic physical and legal insecurity. This insecurity is confirmed by approximately 9,200 attacks on the life, bodily integrity, and property of Serbs, members of other communities, and the clergy and facilities of the Serbian Orthodox Church from June 1999 to May 2022. As a rule, the perpetrators are unknown persons of Albanian nationality who are identified in only a very small number of cases, and in an even smaller number of cases have they been convicted and mandated to serve their respective sentences.

330. During the ethnically motivated violence of AP Kosovo Albanians carried out against Serbian, the Roma, and the Ashkali peoples from March 17–19, 2004 alone, 23 people were killed and 954 injured, at least 930 homes were destroyed, 4,000 persons were displaced, 36 Orthodox churches were attacked and destroyed, and dozens of Orthodox cemeteries were desecrated.

331. Since June 1999, about 240,000 Serbs and members of other communities have been forced to flee their homes in AP Kosovo and Metohija due to extreme insecurity and the threat to their lives. According to the UNHCR, during registration in 2000 in central Serbia, IDPs reported 33,411 destroyed and damaged housing units in this region.

332. In June 1999, Serbs were documented as living in a total of 427 settlements in AP Kosovo and Metohija, compared with only 116 today, signifying that 311 settlements have been “ethnically cleansed” of Serbs. The only multiethnic city in AP Kosovo and Metohija is the northern part of Kosovska Mitrovica, where the majority of the population are Serbs, with whom Bosniaks, Turks, Roma, Ashkali, and Egyptians live in relatively peaceful unity.

333. According to the UNHCHR, less than 5% of internally displaced persons have returned to AP Kosovo and Metohija thus far. Such a small percentage can be explained as a consequence of, among other things, the following: physical and legal insecurity; the lack of response or inadequate institutional response to crimes committed against the lives and property of Serbs; double standards in the work of the mechanism for the protection and realization of rights, including the right to free enjoyment of property and rights in the field of employment; difficult access to public services and limited opportunities to use one’s mother tongue in accessing these services, and more.

334. The legal insecurity of members of all non-majority communities is reflected in systematic institutional discrimination against Serbs and members of other communities by the repeated misinterpretation of or disregard for the provisions of international human rights instruments, regulations issued by the UNMIK administration, and even regulations issued by local authorities in Pristina.

335. Ethnically determined discrimination can be found: in the legislation (e.g., passing laws that directly affect the Serb and other minority communities without the obligatory consultation of the communities); in prosecution proceedings (e.g., indictments for war crimes against Serbs only on the basis of statements by Albanians who at the same time illegally seized the property of the Serb(s) they had accused); in the judiciary (e.g., Albanians accused of physically assaulting Serbs are convicted in misdemeanor rather than criminal proceedings); in the executive branch (e.g., a ban on the entry and the confiscation of school textbooks in Serbian, or a ban on the entry of athletes from central Serbia to matches with local clubs in Serbian communities in AP Kosovo and Metohija), and much more.

336. A special problem is the issue of the immovable property of Serbs, especially internally displaced persons, which was illegally seized and/or occupied by Albanians and which has often continued to be illegally or fraudulently sold to third parties. Despite the existence of certain legal acts and mechanisms for the protection of property rights, this is a problem for which the very beginning of a true solution is not even in sight. The same applies to the property of the Serbian Orthodox Church.²⁷¹

337. By the decision of the UN General Assembly from 2012, resolving the status of the Autonomous Province of Kosovo and Metohija was entrusted to the mediation of the European Union and is the subject of a continuing dialogue in Brussels. Despite signing the First Agreement of Principles Governing the Normalization of Relations, Pristina has since persistently refused to implement the primary and most fundamental obligation from the Agreement for the past nine years, and that is the establishment of the Union of Serbian Municipalities as a mechanism of special protection for the Serbian community.

338. With the passage of time, the situation has not improved but rather has gradually radicalized. At the beginning of 2022, the current executive power in Pristina prevented, for the first time, the practice of Serbs, in the areas where they still live in AP Kosovo and Metohija, from exercising their right to vote in the referendum, i.e., the general and presidential elections.

339. It is important to state that all citizens from AP Kosovo and Metohija who consider themselves citizens of RS, regardless of nationality or whether they are displaced or not, have all rights as full citizens of RS and can exercise them before our competent institutions.

²⁷¹ Department of State Report “Kosovo 2021 Human Rights Report”.