

Frnet National contribution to the Fundamental Rights Report 2023

Serbia

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Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	<p>Amendments of the Constitution: At the January referendum, citizens voted for the constitutional amendments, which the parliament promulgated in February. The amendments pertain to the status of judiciary and incorporate most of the key recommendations from the Venice Commission Opinion, while disregarding those addressing the risk of politicisation of the High Judicial Council and the High Prosecutorial Council. In October, the Venice Commission issued an Opinion on the first drafts of laws giving effect to the constitutional amendments and recommended further strengthening of judicial integrity and independence. In December, the Venice Commission issued a follow-up Opinion on the revised drafts of laws reiterating that the change in the legal culture within the judiciary may be needed to supplement the positive changes within the ongoing reform.</p> <p>Early parliamentary elections paused reforms and policy-making: The President dissolved the parliament in February and called early parliamentary elections for 3 April. The parliament did not enact any laws until August, when it held its constituent session. The caretaker Government ran the country until October, when the parliament elected the new government.</p>
EU Charter of Fundamental Rights	No developments in 2022.
Equality and non-discrimination	<p>Anti-Discrimination Strategy and Action Plan: The Government adopted the 2022-2030 Anti-Discrimination Strategy and its two-year Action Plan, setting a roadmap for combatting discrimination on various grounds, including gender identity, sexual orientation, socio-economic and health status.</p> <p>Belgrade Pride banned: The EuroPride 2022 week-long manifestation took place in Belgrade. The Belgrade Pride march went ahead although the authorities banned it for security reasons for the first time since 2014.</p>
Racism, xenophobia & Roma Equality and Inclusion	<p>Strategy for social inclusion of Roma: The Government adopted the new 2022-2030 Strategy for Social Inclusion of Roma in the Republic of Serbia. It focuses on improving Roma access to education, health, welfare, employment and their more active involvement in the labour market. The Strategy is aligned with the Poznan Declaration on Roma Integration within the EU enlargement process.</p>
Asylum & migration	<p>No criminalisation of humanitarian assistance: Serbian law foresees a humanitarian exception to criminal and misdemeanour liability of</p>

	individuals assisting illegal border crossings. However, no records are available regarding the authorities' practice in this regard.
Data protection and digital society	Working Group on AI guidelines: The Ministry of Education, Science, and Technological Development formed a Working Group charged with drafting guidelines on the development and ethical use of artificial intelligence. The Ministry made the first draft guidelines available for public review.
Rights of the child	General Protocol on the Protection of Children from Violence: The Government adopted the new General Protocol on Protection of Children from Violence and Neglect , which defines many types of violence against children. It emphasises the importance of multi-sectoral cooperation for protecting children against violence
Access to justice, including victims of crime	Guidance on improving the rights and status of victims: The Ministry of Interior issued guidance that obligates the police to advise victims of their rights and assess their vulnerability risks and needs for protection. Increased violence against women: Violence against women, including femicide, continued increasing . Most reports of violence resulted in warnings rather than criminal charges. The number of repeat abusers grew.
Convention on the Rights of Persons with Disability	Strategy on Deinstitutionalisation: The Government adopted the 2022-2026 Strategy on Deinstitutionalisation and Development of Community-Based Services to ensure the sustainability of community-based services and integration in the community. The Strategy envisages intensive support to vulnerable groups, especially persons with mental and intellectual disabilities, to facilitate their life in the community and prevent their institutionalisation.

1 Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

No legislative changes occurred in 2022. The adoption of the Act on Same-Sex Unions (*Zakon o istopolnim partnerstvima*)¹ remained uncertain.² In February 2022, the Government adopted the new Anti-Discrimination Strategy (*Strategija prevencije i zaštite od diskriminacije za period 2022. do 2030. godine*),³ highlighting hate speech, violence, and legal loopholes faced by LGBT people. The Strategy alerts to discrimination on the grounds of mental health, HIV/AIDS, and socio-economic status, especially concerning the right to housing, education and healthcare. It aims to ensure equal opportunities and improve the system for preventing and protecting against discrimination. The Government will set up a multistakeholder council that will monitor and report on its implementation. In September 2022, the Government adopted the 2022-2023 Action Plan for the Implementation of the Strategy.⁴ It envisages an analysis of the compliance of domestic law with international anti-discrimination standards and alignment of the comprehensive non-discrimination framework. The drafting of a law on gender identity is planned for the second quarter of 2023.⁵

The pan-European EuroPride 2022 week-long manifestation took place in Belgrade in September 2022.⁶ Belgrade Pride has been organised regularly since 2014, but the announced EuroPride march prompted a number of counter-demonstrations,

¹ Serbia, Preliminary Draft Act on Same-Sex Unions ([Predlog nacrtu zakona o istopolnim zajednicama](#)), 4 March 2021.

² Danas (2022), 'The Government has let down the LGBTI community again: same-sex union law process to start from scratch' (['Vlast opet inzeverila LGBT zajednicu u Srbiji: Proces oko zakona o istopolnim zajednicama kreće ispočetka'](#)), 22 June 2022.

³ Serbia, Government (2022), 2022-2030 Anti-Discrimination Strategy ([Strategija prevencije i zaštite od diskriminacije za period od 2022. do 2030. godine](#)), 1 February 2022.

⁴ Serbia, Government (2022), 2022-2023 Action Plan for the Implementation of the 2022-2030 Anti-Discrimination Strategy ([Акциони план за период 2022–2023. године за спровођење стратегије превенције и заштите од дискриминације за период од 2022. до 2030. године](#)), 30 September 2022.

⁵ Serbia, Government (2022), 2022-2023 Action Plan for the Implementation of the 2022-2030 Anti-Discrimination Strategy ([Акциони план за период 2022–2023. године за спровођење стратегије превенције и заштите од дискриминације за период од 2022. до 2030. године](#)), 30 September 2022, pp. 8-11.

⁶ Serbia, Government (2022), 'Citizens have shown tolerance, understanding and care for the state' ([Грађани показали толеранцију, разумевање и бригу према држави](#)), press release, 17 September 2022.

some of which were endorsed by the Serbian Orthodox Church.⁷ In late August 2022, the Serbian President said that the march would be banned for security reasons.⁸ The Interior Ministry (*Ministarstvo unutrašnjih poslova*) officially banned the march several days before it was to take place,⁹ and the organisers' complaint was rejected by the Administrative Court on 16 September.¹⁰ The authorities finally allowed the march, albeit along a much shorter route.¹¹ The organisers qualified the event as a success, despite a counter-demonstration and several incidents.¹² The police, which secured the march, arrested 31 people for disrupting law and order.¹³

In September 2022, the Commissioner for the Protection of Equality (*Poverenik za zaštitu ravnopravnosti*) issued an opinion¹⁴ finding that the complainant had been discriminated against on grounds of health. A specialist doctor unnecessarily drew attention to their state of mental health in order to dismiss their complaint of violations of their patient rights.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

In his 2021 annual report published in March 2022, the Protector of Citizens (*Zaštitnik građana*) said that hate speech and violence against LGBTIQ persons accounted for a large share of gender equality complaints in 2021.¹⁵ The report is based on individual complaints filed with the Protector of Citizens and the monitoring activities of this body. The Commissioner for the Protection of Equality also published her 2021 report in March 2022. She noted that discrimination on the basis of sexual orientation remains deeply rooted in society, including a 'hostile

⁷ Serbia, Serbian Orthodox Church (2022), 'Invitation of the Holy Synod of Bishops to a universal prayer for the sanctity of marriage and the family, harmony and peace among our people' ([Позив Светог Архијерејског Синода на Свенародни молебан за светињу брака и породице, слогу и мир у нашем народу](#)), 9 September 2022.

⁸ N1 (2022), '[Vucic says EuroPride will be cancelled or postponed](#)', 27 August 2022.

⁹ Serbia, Interior Ministry (2022), 'Interior Ministry not allowing two marches – "EuroPride" and "Antiglobalists"', ([МУП не дозвољава одржавање две шетње - "Европрајда" и "антиглобалиста"](#)), press release, 13 September 2022.

¹⁰ Serbia, Administrative Court (*Upravni sud*), Judgment 28 U 38615/22 ([Presuda 28 U 38615/22](#)), 16 September 2022.

¹¹ N1 (2022), 'Brnabić: We've been through a lot this week, we argued, laughed, cried...' (['Brnabić: Ove nedelje prošli smo mnogo, svadali smo se, smejali, plakali...'](#)), 17 September 2022.

¹² Da se zna! (2022), 'Press release on incidents during the EuroPride march' (['Саопштење поводом инцидената током ЕвроПрајде шетње'](#)), press release, September 2022.

¹³ Serbia, Interior Ministry (2022), '31 people arrested for disrupting law and order' (['36or нарушавања јавног реда и мира приведена 31 особа'](#)), press release, 17 September 2022.

¹⁴ Serbia, Commissioner for Protection of Equality (2022), [Opinion No. 438-22](#), 26 September 2022.

¹⁵ Serbia, Protector of Citizens (2022), [Regular Annual Report of the Protector of Citizens for 2021](#), Belgrade, p. 63.

attitude' towards LGBTIQ individuals.¹⁶ The report is based on the complaints the Commissioner received and her engagement with Serbian authorities, media and individuals.

In May 2022, the LGBTIQ rights organisation Da se zna! published its report on hate-motivated incidents in 2021, stating it documented 83 instances of unlawful conduct in 2021, a 37 % increase over 2020. The findings are based on incidents reported to Da se zna!.¹⁷ Kvinna till Kvinna Foundation's 2022 report on gender-based discrimination and labour shows that many members of the LGBTIQ community still report discrimination during recruitment or at work.¹⁸ The report's findings in this regard are based on an online survey completed by 541 individuals between February and July 2021.¹⁹

¹⁶ Serbia, Commissioner for Protection of Equality (2022), [Regular Annual Report of the Commissioner for Protection of Equality for 2021](#), 2022, p. 216.

¹⁷ Kovačević, M. and Planojević, N., (2022), [Grasp the Truth Based on Facts 5](#), *Da se zna!*, Belgrade, p. 24.

¹⁸ Kvinna till Kvinna Foundation (2022), [Gender-Based Discrimination and Labour in Serbia](#), Belgrade, pp. 42-44.

¹⁹ Kvinna till Kvinna Foundation (2022), [Gender-Based Discrimination and Labour in Serbia](#), Belgrade, p. 5.

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In his 2021 annual report, the Protector of Citizens said that his office reviewed 44 cases on minority rights.²⁰ The cases concerned violations of the prohibition of discrimination and rights of Roma, as well as exercise of national minority council powers, especially in the field of education. The Commissioner for the Protection of Equality quoted the findings of a report on hate speech in Serbian media²¹ stating that the media had published many texts causing negative feelings towards Croats, Albanians, Bosniaks, and Montenegrins.²²

In a report on research it conducted with Minority Rights Group Europe in 2022, the NGO Praxis said that many incidents of discrimination against Roma typically went unreported. Roma mostly had to accept discrimination as part of their daily lives and were reluctant to report such cases because they feared retaliation or distrusted the justice system.²³

A research conducted by the NGO Youth Initiative of Human Rights (*Inicijativa mladih za ljudska prava*) and mapping murals and graffiti glorifying a war criminal convicted of genocide against Bosnian Moslems showed that as many as 40% of these messages were painted on the walls of public institutions.²⁴ The United States Department of State reported that unknown individuals wrote antisemitic messages on multiple buildings in Novi Sad and Belgrade. Nontraditional religious groups are often labelled as “sects” in media and general public.²⁵

A report published by the NGO Belgrade Centre for Human Rights (BCHR) showed that from March to June 2022, 719 persons displaced from Ukraine were granted temporary protection and access to a variety of rights, including accommodation, but it remained to be seen how they would exercise them in practice. Around 7,000 refugees from Ukraine were living in Serbia in May, most of them in private

²⁰ Serbia, Protector of Citizens (2022), [Regular Annual Report of the Protector of Citizens for 2021](#), Belgrade, p. 85.

²¹ Krstić I., (2020), [Report on the Use of Hate Speech in the Serbian Media](#), Belgrade, Commissioner for the Protection of Equality.

²² Serbia, Commissioner for the Protection of Equality (2022), [Regular Annual Report of the Commissioner for Protection of Equality for 2021](#), Belgrade, p. 67.

²³ Minority Rights Group Europe and Praxis (2022), [Building trust in equality: Enhancing access to justice for Roma in Hungary and Serbia](#), Belgrade, p. 1.

²⁴ Beta (2022), ‘Youth Initiative: Authorities conveying the message that Mladić is a hero to them by tolerating murals glorifying him’ ([‘Inicijativa mladih: Tolerisanjem murala u slavu Mladića, vlast poručuje da je on za njih heroj’](#)), 8 November 2022.

²⁵ United States, Department of State (2022), [Serbia 2021 International Religious Freedoms Report](#), 2 June 2022, p. 1.

lodgings.²⁶ The beginning of the war in Ukraine was marked by pro-Russian protests organised in Belgrade by extreme right groups.²⁷ Another BCHR report, based on a 2021 survey, showed an increase in positive public attitudes towards migrants, compared to 2020. For example, 56 % of the pollees would have nothing against African and Middle East migrants moving to their neighbourhood, whereas only 29 % of respondents thought so in 2020.²⁸ The NGO Belgrade Center for Security Policy reported that the number of right-wing political parties and extreme right-wing movements with anti-immigrant policy decreased in 2021.²⁹

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

No laws in this area were adopted or amended in 2022. In February 2022, the Government adopted the new Anti-Discrimination Strategy,³⁰ which states that 80 % of the measures envisaged by its predecessor³¹ to combat discrimination against refugees, migrants and IDPs have been implemented. The Strategy alerts, in particular, to the difficult status of Roma and social distance towards them, Albanians, Bosniaks and Croats.³² It recognises the problem of xenophobia and racism-related hate speech in the media and at sports events.³³ The relevant authorities' response, if any, is usually inadequate. This is why the Strategy envisages improvement of the mechanisms for preventing and combating hate speech, especially on the internet.

The comparative analysis³⁴ of the reports on the implementation of the prior strategy conducted a year before its expiry revealed deficiencies in policy and law, institutional prevention of discrimination, anti-discrimination practices and

²⁶ Belgrade Centre for Human Rights (2022), [Right to Asylum in the Republic of Serbia Periodic Report for January – June 2022](#), Belgrade, pp. 11-12.

²⁷ Radio Free Europe (2022), 'Rally supporting Russia in Belgrade' ([Skup podrške Rusiji u Beogradu](#)), 4 March 2022.

²⁸ Belgrade Centre for Human Rights (2022), *Right to Asylum in the Republic of Serbia 2021 (Pravo na azil u Republici Srbiji)*, Belgrade, p. 168.

²⁹ Belgrade Centre for Security Policy (2022), *Migrants Are Leaving but Hatred Remains, The Anti-Migrant Extreme Right in Serbia, Research Report 3*, Belgrade, p. 48.

³⁰ Serbia, Government (2022), 2022-2030 Anti-Discrimination Strategy ([Strategija prevencije i zaštite od diskriminacije za period od 2022. do 2030. godine](#)), 1 February 2022.

³¹ Serbia, Government (2013), 2013-2018 Anti-Discrimination Strategy ([Strategija prevencije i zaštite od diskriminacije za period od 2013 do 2018](#)), 10 July 2013.

³² Serbia, Government (2022), 2022-2030 Anti-Discrimination Strategy ([Strategija prevencije i zaštite od diskriminacije za period od 2022. do 2030. godine](#)), 1 February 2022, para. 3.1.

³³ Serbia, Government (2022), 2022-2030 Anti-Discrimination Strategy ([Strategija prevencije i zaštite od diskriminacije za period od 2022. do 2030. godine](#)), 1 February 2022, para. 5.2.4.

³⁴ V. Jovanović, K. Beker, *Analysis of the implementation of the 2014-2018 Anti-Discrimination Strategy (Analiza primene Strategije prevencije i zaštite od diskriminacije za period 2014. do 2018. godine)*, Belgrade, 2017.

competences of public officials. The results of the prior strategy were assessed based on, among others, the reports of the Commissioner for the Protection of Equality, EU bodies, UN treaty bodies and civil society.³⁵ In June 2021, the Ministry of Human and Minority Rights and Social Dialogue (*Ministarstvo za ljudska i manjinska prava i društveni dijalog*) set up a working group to develop the new strategy.³⁶ It comprised the representatives of the relevant ministries, the Republican Secretariat for Legislation, the Commissioner for the Protection of Equality, the Coordination Body for Gender Equality, the Coordination of the National Minority Councils and other institutions, as well as civil society. The development of the Strategy entailed consultations with stakeholders.

³⁵ Serbia, Government (2022), 2022-2030 Anti-Discrimination Strategy ([Strategija prevencije i zaštite od diskriminacije za period od 2022. do 2030. godine](#)), 1 February 2022, para. 3.1.

³⁶ Serbia, Government (2022), 2022-2030 Anti-Discrimination Strategy ([Strategija prevencije i zaštite od diskriminacije za period od 2022. do 2030. godine](#)), 1 February 2022, para. 1.3.

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	Yes, in September 2022, the Government adopted the 2022-2024 Action Plan for the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia 2022-2030 (Akcioni plan za period 2022-2024. godine za sprovođenje Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2022-2030. godine)
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	Preparation of the 2022-2024 Action Plan involved public consultations, organised by the Ministry of Human and Minority Rights and Social Dialogue, ³⁷ which invited all public authorities, companies, CSOs, academia and individuals to submit their comments to the draft text. Only one Roma CSO took part in the public debate. ³⁸
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with	The public policy development methodology ³⁹ envisages the involvement of independent human rights institutions in the preparation and adoption of the 2022-2024 Action Plan. However, they were not involved in the development of the Action Plan. ⁴⁰

³⁷ Serbia, Ministry of Human and Minority Rights and Social Dialogue (2022), 'Invitation to Public Consultations on the 2022-2024 Action Plan for the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia' ([Javne konsultacije o Akcionom planu za period 2022-2024. godine za sprovođenje Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2022-2030. godine](#)), press release, 2022.

³⁸ Serbia, Ministry of Human and Minority Rights and Social Dialogue (2022), *Report on the Public Debate on the Draft 2022-2024 Action Plan for the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia* ([Izveštaj o sprovedenoj javnoj raspravi o Predlogu Akcinonog plana za sprovođenje Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2022-2024. godine](#)), 27 June 2022.

³⁹ Serbia, Planning System Act ([Zakon o planskom sistemu](#)), Official Gazette of the RS, No. 30/2018.

⁴⁰ Information obtained through interviews with relevant institutions and desk research.

the competent national authority, the Equality body, NHRI and Ombuds institution)?	
Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	Yes, under the Action Plan, ⁴¹ such regular monitoring and review shall be performed by the Government Coordination Body for Improving the Status and Social Inclusion of Roma (<i>Koordinaciono telo za unapređenje položaja i socijalno uključivanje Roma i Romkinja</i>), which will be extended technical support by the Ministry of Human and Minority Rights and Social Dialogue.
Implications of the war in Ukraine on the situation of Roma	
Have Roma from Ukraine entered your country?	No.
If Roma from Ukraine entered your country how was this communicated in the media?	No.
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	No.

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

In 2022, the Government adopted the Strategy for Social Inclusion of Roma in the Republic of Serbia 2022-2030 (*Strategija za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2022-2030. godine*)⁴² and its Action Plan. The Strategy lays stress on the fight against antigypsyism and discrimination. It focuses on improving Roma access to education, health,

⁴¹ Serbia, Government (2022), 2022-2024 Action Plan for the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia 2022-2030 (*Akcionni plan za period 2022-2024. godine za sprovođenje Strategije za socijalno uključivanje Roma i Romkinja u Republici Srbiji za period 2022-2030. godine*), 8 September 2022, p. 6.

⁴² Serbia, Government, (2022), [Strategy for Social Inclusion of Roma in the Republic of Serbia 2022-2030](#), 3 February 2022.

welfare, employment and their more active involvement in the labour market.⁴³ It also addresses the right to adequate housing, an issue particularly plaguing Roma living in the 702 informal settlements across the country.⁴⁴ Modelled after the EU Roma Strategic Framework,⁴⁵ its goal is to improve the quality of life of Roma, respect for their human rights and their greater inclusion in all walks of society.⁴⁶ The Strategy is aligned with the Poznan Declaration on Roma Integration within the EU enlargement process.⁴⁷ The Ministry of Human and Minority Rights and Social Dialogue is to set up a department to extend technical assistance to the Coordination Body for Improving the Status and Social Inclusion of Roma, charged with guiding and monitoring the implementation of the Strategy.

The final results of the Census of the population, households and dwellings conducted in October 2022 have not been published by the end of 2022. One Roma organisation reported that it had not been adequately conducted in Roma settlements and that the data on Roma would not reflect the actual state of affairs. Some interviews with Roma were reportedly rushed, biased and did not include the question about their ethnicity. Although the Statistical Office denied the allegations, it remains unclear on which information both camps based their claims.⁴⁸

⁴³ Serbia, Government, (2022), [Strategy for Social Inclusion of Roma in the Republic of Serbia 2022-2030](#), 3 February 2022, para. 4.2.5.

⁴⁴ UN OHCHR and Social Inclusion and Poverty Reduction Unit (*Tim za socijalno uključivanje i smanjenje siromaštva*) (2020), [Mapping of Substandard Roma Settlements According to Risks and Access to Rights in the Republic of Serbia](#), 2020.

⁴⁵ European Commission (2020), [Roma Strategic Framework](#), COM (2020) 620 final, Brussels, 7 October 2020.

⁴⁶ Serbia, Government, (2022), [Strategy for Social Inclusion of Roma in the Republic of Serbia 2022-2030](#), 3 February 2022, para. 4.2.5.

⁴⁷ Regional Cooperation Council (2019), [Declaration of Western Balkan Partners on Roma Integration within the EU Enlargement Process](#), Poznan, 5 July 2019.

⁴⁸ BBC in Serbian (2022), '2022 Census: Major deficiencies in census of Roma, activists claim – SORS says it has not received any complaints' (['Popis 2022: Ozbiljni propusti u popisivanju Roma, tvrde aktivisti - iz RZS kažu da nije bilo pritužbi'](#)), 2 November 2022.

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
	<p>How has your EUMS implemented Article 3 of Directive 2002/90/EU</p> <p>Serbia is not an EU member. It is not bound by Directive 2002/90/EU and has not harmonised its law with its provisions. Enabling another to illegally cross the state border or to abuse the right to claim asylum in a foreign state are crimes</p>	<p>Hyperlinked legal provision in EN and national language</p> <p>Serbia, Criminal Code (<i>Krivični zakonik</i>), Official Gazette of the RS, Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019, Articles 350 and 350a.</p> <p>Serbia, Law on Foreigners (<i>Zakon o strancima</i>), Official Gazette of the RS, Nos. 24/2018 and 31/2019, Article 14.</p>

	<p>under Articles 350 and 350a of the Criminal Code. Since the perpetrator needs to be acting with intent to acquire a benefit, actions motivated by purely humanitarian reasons do not qualify for criminal sanctions under these provisions. In addition, Article 14 (2) of the Law on Foreigners prohibits as a misdemeanour aiding and abetting illegal entry, residence or transit of foreign nationals. Humanitarian exceptions are provided in Article 14 (3) – in order to save a life, prevent an injury, or provide emergency medical or humanitarian assistance.</p>	
<p>Cases [incident numbers] of criminalisation of humanitarian assistance</p>		

	As Serbian legislation only foresees humanitarian assistance as an exception to criminal liability, the police neither keeps track of such cases nor has information regarding any application of the exception in individual cases.	
	Number of cases recorded by the police in 2022 Not available.	Number and details of cases (if available) Not available.
	Number of investigations initiated in 2022 Not available.	Number and details of cases (if available) Not available.
	Number of court decisions taken in 2022 Not available.	<ul style="list-style-type: none"> • Number and type of court decisions, information if decision is final. • Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence • Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)

4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

The Serbian police enter the migrants' biometric data (photographs, fingerprints, etc.) in the AFIS database. The database is not connected to Eurodac. According to the Belgrade Centre for Human Rights, the authorities also maintain an OKS database (*Određena kategorija stranca* – “A certain category of foreigner”) where they keep track of all legal actions vis-à-vis foreign nationals. This includes issuance of residence and work permits, decisions voiding their residence permits in Serbia, decisions regarding unlawful entry or residence, and other acts. The OKS database does not contain biometric data, only personal data, such as first and last names, date of birth, etc. No jurisprudence regarding the use of these IT systems has yet been made public and civil society is unaware of any legal actions taken in this regard.

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	Other	The Ministry of Education, Science and Technological Development (<i>Ministarstvo prosvete, nauke i tehnološkog razvoja</i>) formed a Working Group to draft guidelines on the development and ethical use of artificial intelligence within the national 2020-2025 AI Development Strategy. In November 2022, the Ministry made the draft guidelines available for public review. All state bodies and entities vested with public	Yes. The ruling establishing the Working Group specifies that it will consult the EU Ethics Guidelines for Trustworthy Artificial Intelligence and the UNESCO Recommendation on the Ethics of Artificial Intelligence. The draft guidelines are based on the principles of transparency, confidentiality, dignity, no-harm, and fairness. The guidelines also mention the right to privacy.	Serbia, Ministry of Education, Science and Technological Development (2022), Ruling establishing the Working Group to draft guidelines on the development and ethical use of artificial intelligence in the Republic of Serbia (Rešenje o obrazovanju radne grupe za izradu predloga smernica za razvoj i etičku primenu veštačke inteligencije u Republici Srbiji); Draft ethical guidelines on the development, application and use of reliable and responsible artificial intelligence (Nacrt etičkih smernica za razvoj, primenu

		powers will be applying the guidelines when using AI in their work.		<i>i upotrebu pouzdane i odgovorne veštačke inteligencije</i>).
Business	Other	The Centre for Digital Transformation (CDT) (<i>Centar za digitalnu transformaciju</i>) is a Serbian Chamber of Commerce (<i>Privredna komora Srbije</i>) initiative promoting digital transformation in all private sector industries, with special focus on small and medium enterprises. One of the projects implemented by CDT is the AI Readiness Index. Businesses can take a survey to find out whether they are ready to implement AI solutions.	No	Serbia, Centre for Digital Transformation (2022)

5.2 Legal and policy initiatives on data protection and private life

There were no legislative changes in 2022. In March 2022, the Commissioner for Information of Public Importance and Personal Data Protection issued his 2021 annual report⁴⁹, showing an increase in his workload, the need to improve the legal framework, especially the Personal Data Protection Act (*Zakon o zaštiti podataka o ličnosti*)⁵⁰ and the absence of laws regulating certain types of personal data processing, such as video surveillance, digitalisation, and artificial intelligence. The problem of unlawful surveillance in public spaces persisted in 2022. Prompted by suspicions that the police used facial recognition software during the 2021 protests, the Commissioner performed a check of their operations, but did not find they had used such software.⁵¹ However, the Commissioner in 2022 initiated the adoption of a personal data protection strategy to address the legislative weaknesses.⁵²

The main obstacles to exercising the right of free access to information, governed by the Act on Free Access to Information (*Zakon o slobodnom pristupu informacijama od javnog značaja*),⁵³ persist. They include the authorities' unresponsiveness to citizens' access to information requests and non-compliance with the Commissioner's decisions.⁵⁴ The Commissioner's decisions were enforced in only six cases.⁵⁵ The abuse of the right of free access to information, reflected in the excessive submission of complaints, is another challenge.⁵⁶

⁴⁹ Serbia, Commissioner for Information of Public Importance and Personal Data Protection (2022), [Report on Work of the Commissioner for Information of Public Importance and Personal Data Protection for 2021](#), March 2022.

⁵⁰ Serbia, Personal Data Protection Act, Official Gazette of the RS, No. 87/2018.

⁵¹ Serbia, Commissioner for Information of Public Importance and Personal Data Protection (2022), '[The Commissioner conducts supervision procedure in Ministry of Interior, regarding suspicion of facial recognition technology use](#)', press release, 18 February 2022

⁵² Serbia, Commissioner for Information of Public Importance and Personal Data Protection (2022), '[Meeting with Member of European Parliament](#)', press release, 4 February 2022.

⁵³ Serbia, Act on Free Access to Information, Official Gazette of the RS, Nos. 120/2004, 54/2007, 104/2009, 36/2010 and 105/2021.

⁵⁴ Serbia, Commissioner for Information of Public Importance and Personal Data Protection (2022), [Report on Work of the Commissioner for Information of Public Importance and Personal Data Protection for 2021](#), March 2022, p. 29.

⁵⁵ Serbia, Commissioner for Information of Public Importance and Personal Data Protection (2022), [Report on Work of the Commissioner for Information of Public Importance and Personal Data Protection for 2021](#), March 2022, p. 77.

⁵⁶ Serbia, Commissioner for Information of Public Importance and Personal Data Protection (2022), '[Commissioner's meeting with Senior Public Prosecutor](#)', press release, 8 September 2022.

In November 2022, the European Roma Rights Centre (ERRC) requested⁵⁷ of the Constitutional Court to review the constitutionality of the Social Cards Act⁵⁸ enacted in 2021 to secure fairer distribution and better control of social benefits.⁵⁹ The law allows collection of sensitive data and creates an intrusive digital surveillance system, thus posing severe risks to the right to privacy and data protection. It disproportionately affects Roma people who account for a large share of welfare beneficiaries.⁶⁰

In December 2022, the Interior Ministry opened a public debate on the new Draft Internal Affairs Act.⁶¹ Experts criticised Article 44 allowing video surveillance of people in public spaces by using automatic facial recognition and other biometric processing. Civil society organisations warned that the law would facilitate mass, indiscriminate processing and storage of sensitive personal data.⁶² A group of European Parliament MEPs sent a letter to the Prime Minister and Interior Minister calling on the elimination of the provisions introducing biometric surveillance.⁶³ The Government withdrew the draft in late December.⁶⁴ This was the second time in less than two years that the draft was withdrawn in response to vehement criticisms of its non-compliance with human rights norms.⁶⁵

⁵⁷ ERRC (2022), '[Serbia joins the group of countries where discriminatory government-driven algorithms are challenged in court](#)', press release, 29 November 2022.

⁵⁸ Serbia, Social Cards Act (*Zakon o socijalnim kartama*), Official Gazette of the RS, No. 14/2021

⁵⁹ Serbia, Government (2021), '[Government passes Social Card Bill](#)', press release, 21 January 2021.

⁶⁰ ERRC (2022), '[Legal Opinion on International and Comparative Human Rights Law Concerning the Matter of the Social Card Law Pending before the Constitutional Court of Serbia](#)', p.11.

⁶¹ Serbia, Draft Internal Affairs Act (*Nacrt Zakona o unutrašnjim poslovima*), 8 December 2022.

⁶² Serbia, Lawyers' Committee for Human Rights (2022), '[Invitation to a press conference – Draft law on internal affairs: what kind of police do citizens of Serbia need](#)', press release, 19 December 2022; Share Foundation (2022), '[Biometrics again in the draft law on internal affairs](#)', press release, 9 December 2022.

⁶³ Danas (2022), 'Members of the European Parliament concerned about the provisions on biometric surveillance in the draft law on internal affairs' ('[Poslanici evropskog parlamenta zabrinuti zbog odredbi o biometrijskom nadzoru u nacrtu zakona o unutrašnjim poslovima](#)'), 22 December 2022.

⁶⁴ Serbia, Government (2022), 'Draft Law on Internal Affairs withdrawn from adoption procedure' ('[Povlači se Nacrt zakona o unutrašnjim poslovima iz procedure usvajanja](#)'), press release, 26 December 2022.

⁶⁵ Danas (2022), 'Police and Serbia: The draft law on internal affairs has been withdrawn, all the disputed points,' ('[Policija i Srbija: Povučeno Nacrt zakona o unutrašnjim poslovima, šta je sve sporno](#)'), 26 December 2022.

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	No legislative changes were made in 2022. The adoption of amendments to the Social Protection Act announced by the Government in 2021 ⁶⁶ remained pending. These amendments are necessary to improve poverty reduction measures and exercise of the right to welfare.
Policy changes	In February 2022, the Government adopted the 2022-2026 Strategy on Deinstitutionalisation and Development of Community-Based Services, which aims to facilitate the deinstitutionalisation of children. ⁶⁷ In the Strategy for Social Inclusion of Roma in the Republic of Serbia 2022-2030 ⁶⁸ alerting to insufficient education coverage of Roma children, the Government defined measures to increase their preschool and primary school attendance and to reduce high school and college dropout rates. However, the adoption of the Social Protection Strategy, the drafting of which began in 2018, ⁶⁹ remains pending. The status of children living in poverty and at risk of poverty is exacerbated by the lack of a main strategic document analysing the effects of the existing measures and defining the goals and new measures for improving the welfare system and reducing poverty.

⁶⁶ Serbia, Government (2021), 'Amendments to Social Protection Act to improve citizens' welfare' (*'Izmenama Zakona o socijalnoj zaštiti do veće dobrobiti građana'*), press release, 5 March 2021.

⁶⁷ Serbia, Government (2022), 2022-2026 Strategy on Deinstitutionalisation and Development of Community-Based Services (*Strategija deinstitutionalizacije i razvoja usluga socijalne zaštite u zajednici za period 2022-2026 godine*), 1 February 2022.

⁶⁸ Serbia, Government (2022), *Strategy for Social Inclusion of Roma in the Republic of Serbia 2022-2030*, 3 February 2022.

⁶⁹ Serbia, Ministry of Labour, Employment and Veteran and Social Affairs (*Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja*) (2018), 'Strategy on Social Protection in the Republic of Serbia' (*'Strategija socijalne zaštite u Republici Srbiji'*), press release, 2018.

	<p>In its Combined fourth and fifth report on the implementation of the Convention on the Rights of the Child⁷⁰, adopted in May 2022, the Government provided no information on steps taken to fulfil the UN Committee on the Rights of the Child recommendations on support to children below the poverty line and coverage of vulnerable children and families by poverty reduction measures.</p>
<p>Other measures or initiatives</p>	<p>The sets of measures on financial aid to dampen the effects of the COVID-19 pandemic, which the parliament adopted in January⁷¹ and February⁷² 2022, provided for two one-off payments of €100 to 16-29-year-old nationals of Serbia who applied for it. Applications were received online and the applicants had to possess, among others, identity and residence documents. Children and youth from vulnerable groups lacking the latter or access to a computer were prevented from applying for the aid. Yet again, the measures for preventing the effects of COVID-19 in 2022 were not specifically aimed at protecting disadvantaged and marginalised children.⁷³ In November 2022, the parliament adopted another measure on financial aid granting €40 to all Serbian nationals aged 16-29 to alleviate the effects of the crisis in the world market.⁷⁴</p>

⁷⁰ Serbia, Government, Ministry of Human and Minority Rights and Social Dialogue (2022), 'Government adopted 4th and 5th periodic report on the implementation of the Convention on the Rights of the Child' ([Vlada usvojila Četvrti i peti periodični izveštaj Republike Srbije o primeni Konvencije o pravima deteta](#)) press release, 23 May 2022.

⁷¹ Serbia, Act on a Temporary Register of 16-29-Year-Old Nationals of the Republic of Serbia Provided with Financial Aid to Prevent the Effects of the COVID-19 Pandemic Caused by the SARS-CoV-2 Virus ([Zakon o privremenom registru državljana Republike Srbije od 16 do 29 godina kojima se uplaćuje novčana pomoć za sprečavanje posledica pandemije bolesti COVID-19 izazvane virusom SARS-CoV-2](#)), 11 January 2022.

⁷² Serbia, Act Amending the Act on a Temporary Register of 16-29-Year-Old Nationals of the Republic of Serbia Provided with Financial Aid to Prevent the Effects of the COVID-19 Pandemic Caused by the SARS-CoV-2 Virus ([Zakon o dopunama zakona o privremenom registru državljana Republike Srbije od 16 do 29 godina kojima se uplaćuje novčana pomoć za sprečavanje posledica pandemije bolesti COVID-19 izazvane virusom SARS-CoV-2](#)), 14 February 2022.

⁷³ United Nations (UN), Committee on Economic, Social and Cultural Rights (2022), [Concluding observations on Serbia](#), 6 April 2022.

⁷⁴ Serbia, Act on a Temporary Register of Serbian Nationals Aged 16-29 to be Granted Financial Aid ([Zakon o privremenom registru državljana Republike Srbije od 16 do 29 godina kojima se uplaćuje novčana pomoć](#)), 10 November 2022.

6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

Legislative changes	No legislative changes were made in 2022. The adoption of the Draft Act Amending the Juvenile Justice Act ⁷⁵ presented by the Ministry of Justice (<i>Ministarstvo pravde</i>) in July 2021 remained pending.
Policy developments	In early 2022, the Government adopted a new General Protocol on Protection of Children from Violence, ⁷⁶ which is more in line with the 2020-2023 Strategy on Violence against Children (SVaC). ⁷⁷ The General Protocol defines many types of violence against children and emphasises the importance of multisectoral cooperation for protecting children against violence. ⁷⁸ The Government did not adopt an Action Plan for the implementation of the SVaC in 2022. Data published in July 2022 by the Statistical Office of the Republic of Serbia (<i>Republički zavod za statistiku Srbije</i>) show a 12 % y-o-y increase in the number of criminal sanctions against children and that the number of children sentenced to juvenile detention stayed the same as in 2020 (0.2 %). ⁷⁹ The Council for Monitoring and Improving the Work of Criminal Justice Authorities and Execution of Criminal Sanctions against Juveniles (<i>Savet za praćenje i unapređenje rada organa krivičnog postupka i izvršenja krivičnih sankcija prema maloletnicima</i>) filed several initiatives for improving juvenile justice with the relevant

⁷⁵ Serbia, Ministry of Justice (2021), Draft Act Amending the Juvenile Justice Act ([Nacrt zakona o izmenama i dopunama Zakona o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica](#)), 9 July 2021.

⁷⁶ Serbia, Government (2022), General Protocol on Protection of Children from Violence and Neglect ([Opšti protokol o zaštiti dece od nasilja i zanemarivanja](#)), 10 February 2022.

⁷⁷ Serbia, Government (2020), 2020-2023 Strategy on Violence against Children ([Strategija za prevenciju i zaštitu dece od nasilja za period od 2020. do 2023. godine](#)), 21 May 2020.

⁷⁸ Serbia, Ministry of Family Welfare and Demography (*Ministarstvo za brigu o porodici i demografiju*) (2022), 'General Protocol on Protection of Children from Violence adopted' ([Usvojen opšti protokol za zaštitu dece od nasilja](#)), press release, 11 February 2022.

⁷⁹ Serbia, Statistical Office of the Republic of Serbia (*Republički zavod za statistiku Srbije*) (2022), '[Juvenile perpetrators of criminal offences 2021](#)', press release, 14 July 2022.

	<p>ministries, including, notably, to establish a sustainable system for funding programmes and services for juvenile offenders.⁸⁰ The Judicial Academy (<i>Pravosudna akademija</i>) continued building the professionals' capacities in the fields of child-friendly justice⁸¹ and the rights of the child in criminal proceedings.⁸²</p>
<p>Other measures or initiatives</p>	<p>The Ministry of Justice relaunched the "Isključi nasilje" (Rule out violence) website⁸³ to inform the public of their rights and ways to protect themselves against violence.⁸⁴ The National Contact Centre for Child Internet Safety (<i>Nacionalni kontakt centar za bezbednost dece na internetu</i>) continued providing online and field internet safety trainings for children, parents and teachers and offering counselling services to the public. It processed 1,092 counselling cases and communicated 73 cases to the relevant institutions in 2021.⁸⁵</p>

⁸⁰ Serbia, Judicial Academy (2022), 'Annual conference devoted to improving the rights of children in contact with the judicial system held in Belgrade on 24-25 February 2022', (['Godišnja konferencija posvećena unapređenju prava dece u kontaktu sa pravosudnim sistemom – 24. i 25. februar 2022. godine u Beogradu'](#)), press release, 9 March 2022.

⁸¹ Serbia, Judicial Academy (2022), '[HELP course "Child friendly justice" launched](#)', press release, 13 June 2022.

⁸² Serbia, Judicial Academy (2022), 2022 Training Curriculum (['Program za 2022. godinu'](#)), 2022.

⁸³ Serbia, Ministry of Justice (2022), Rule out violence (['Isključi nasilje'](#)).

⁸⁴ Serbia, Judicial Academy (2022), 'Ministry of Justice relaunched "Rule out violence" website' (['Ministarstvo pravde ponovo je pokrenulo stranicu „Isključi nasilje“'](#)), press release, 19 May 2022.

⁸⁵ Serbia, Ministry of Tourism, Trade and Telecommunications (Ministarstvo turizma, trgovine i telekomunikacija) (2022), Smart and safe, National Contact Centre for Child Internet Safety 2021 Annual Report (['Pametno i bezbedno, Izveštaj o radu Nacionalnog kontakt centra za bezbednost dece na internetu za 2021. godine'](#)), March 2022.

7 Access to justice – Victims’ Rights and Judicial Independence

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

No legislative changes were made in 2022. The state authorities took measures to implement the 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime⁸⁶ and its Action Plan.⁸⁷ The Interior Ministry’s guidance to police on improving the rights and status of victims,⁸⁸ in effect since 1 June 2022, obligates them to advise victims of their rights and assess their vulnerability risks and needs for protection. The Ministry also published a questionnaire for assessing the victims’ vulnerability risks and needs and a brochure on victim rights. Under the Action Plan, the justice and interior ministries should conduct training for the police and lawyers. In April and May 2022, the Police Training Center, with the support of the OSCE Mission in Serbia, organised trainings attended by 80 police officers in Belgrade, Novi Sad, Kragujevac and Niš.⁸⁹ The Ministry of Justice continued introducing mechanisms and services for questioning particularly vulnerable victims and witnesses, but has not yet made video conferencing equipment available in all courts,⁹⁰ which would reduce secondary victimisation to a great extent. The video conferencing equipment is available in five higher courts (Belgrade, Novi Sad, Kragujevac, Niš and Novi Pazar). Victim and witness support services were supposed to be established in 15 higher courts by the end of 2022.⁹¹

⁸⁶ Serbia, Government (2020), 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime ([Nacionalna strategija za ostvarivanje prava žrtava i svedoka krivičnih dela za period 2020 – 2025. godine](#)), 19 August 2020.

⁸⁷ Serbia, Government (2020), Action plan for the implementation of the 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime ([Akcioni plan za sprovođenje Nacionalna strategija za ostvarivanje prava žrtava i svedoka krivičnih dela za period 2020 – 2025. godine](#)), 19 August 2020.

⁸⁸ Serbia, Ministry of Justice (2022), ‘Progress in improving victim rights and status achieved’ ([Ostvareni pomaci u unapređenju prava i položaja žrtava](#)), press release, 22 February 2022.

⁸⁹ Serbia, Ministry of Justice (2022), [Report number 1 on the implementation of the Action Plan for the Implementation of the National Strategy on the Rights of Victims and Witnesses of Crime in the Republic of Serbia for the period 2020-2025](#), 22 February 2022, p. 10.

⁹⁰ Serbia, Ministry of Justice (2022), ‘More effective protection of crime victims in court proceedings’ ([Efikasnija zaštita žrtava kriminala u sudskim postupcima](#)), press release, 14 January 2022.

⁹¹ Serbia, Ministry of Justice (2022), [Report number 1 on the implementation of the Action Plan for the Implementation of the National Strategy on the Rights of Victims and Witnesses of Crime in the Republic of Serbia for the period 2020-2025](#), 22 February 2022, pp. 11-12 and p. 42.

The Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*)⁹² is still not implemented fully. According to the prevailing interpretation of the law, NGOs are not entitled to provide legal aid in court or even to provide assistance in administrative procedures. Vulnerable individuals, who had relied solely on legal aid extended by NGOs, have failed to obtain legal aid from local government services due to administrative difficulties.⁹³

7.2 Measures addressing violence against women

No new measures protecting women from violence were introduced in 2022. Violence against women, including femicide, continued increasing. Civil society reported that 37 women were killed by their family members or (ex-)partners in 2021 and 2022, 22 of them in the first eight months of 2022.⁹⁴ Civil society registered a rise in the number of domestic violence reports, albeit a steady decrease in the number of criminal complaints in the past three years.⁹⁵ Most reports of violence result in warnings rather than criminal charges.⁹⁶ The number of imposed emergency measures decreased since 2018, which is concerning given that the number of repeat abusers grew by 68 % from 2020 to 2021.⁹⁷

Lack of accurate statistics is a persisting problem, wherefore media and NGO reports remain the main source of information about violence against women. This problem stems from inadequate statistics systems. The Government has not yet set up a nationwide electronic database of gender-based violence to be kept by the Republic Prosecution Office.⁹⁸ The development of a new statistical system enabling the disaggregation of the victims' data, primarily by sex and age, is under

⁹² Serbia, Legal Aid Act, Official Gazette of the RS, No. 87/2018.

⁹³ Praxis (2022), [Submission concerning Serbia to the Committee on Economic, Social and Cultural Rights For Consideration at the 71st Session](#), 14 Feb 2022 - 04 Mar 2022, 14 January 2022.

⁹⁴ Autonomous Women's Centre (*Autonomni ženski centar*) (2022), [Femicide – murders of women in Serbia, Quantitative narrative report for the period from January 1st to December 31st 2021](#), Belgrade, 2022; *Femicide - Murders of Women in Serbia, Quantitative-narrative report 1 January – 30 June 2022* ([Femicid – Ubistva žena u Srbiji, Kvantitativno-narativni izveštaj 1. januar - 30. jun 2022. godine](#)), Belgrade, July 2022.

⁹⁵ Autonomous Women's Centre (*Autonomni ženski centar*) (2022), [Tenth report on independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia for the period January – December 2021](#), Belgrade, June 2022.

⁹⁶ Autonomous Women's Centre (*Autonomni ženski centar*) (2022), [Femicide – murders of women in Serbia, Quantitative narrative report for the period from January 1st to December 31st 2021](#), Belgrade, 2022; Serbia, Commissioner for the Protection of Equality (2022) '[Existing mechanisms for protecting of women against violence need to be improved](#)', press release, 18 May 2022.

⁹⁷ Autonomous Women's Centre (*Autonomni ženski centar*) (2022), [Tenth report on independent monitoring of the implementation of the Law on the Prevention of Domestic Violence in Serbia for the period January – December 2021](#), Belgrade, June 2022, pp. 2-5.

⁹⁸ Serbia, Government (2022), Report No. 1 on the Implementation of the Action Plan for the Implementation of the 2020-2025 National Strategy on the Realisation of the Rights of Victims and Witnesses of Crime ([Izveštaj broj 1 o realizaciji Akcionog plana za sprovođenje Nacionalne strategije za ostvarivanje prava žrtava i svedoka krivičnih dela u Republici Srbiji za period 2020-2025. godine](#)), 2022, p. 14.

way.⁹⁹ Although incomplete, statistics of individual institutions indicate a steady rise in the number of domestic violence victims.¹⁰⁰ A total of 1,667 victims of domestic violence (1,249 of them women) were registered in September 2021, while the number of victims in August 2022 stood at 2,380 (1,720 of them women). A comprehensive analysis showing whether a rise in domestic violence or in reports of violence is at issue remains pending.

The Protector of Citizens launched a review of the work of the police and a Social Work Centre after a woman was killed in July 2022.¹⁰¹ Although the review is still pending, the ombudsman's initiative illuminates the problems regarding women's reluctance to report violence and the relevant authorities' inadequate response.

In April 2022, the Commissioner for the Protection of Equality initiated the amendment of Article 181 of the Act on the Execution of Penal Sanctions (*Zakon o izvršenju krivičnih sankcija*), calling for the notification of all victims of the release, conditional release or prison escape of perpetrators convicted of the crimes against life and limb, sexual freedoms or domestic abuse, not just on the individual request. Most victims are unaware of their rights, including to be notified of their abusers' release.¹⁰² The outcome of this initiative is pending.

Widespread gender stereotypes and lack of institutional support are conducive to violence, wherefore vulnerable women rarely dare report it.¹⁰³ The main problem lies in the inconsistency and gender neutrality of legal definitions of various forms of violence, due to lack of understanding that specific forms of violence are gender-based and disproportionately affect women. For instance, Serbian laws lack the definitions of "violence against women" and "gender-based violence against women" in accordance with the Istanbul Convention.¹⁰⁴

⁹⁹ Serbia, Government, Coordination Body for the Implementation of the Chapter 23 Action Plan (*Координационо тело за спровођење Акционог плана за Поглавље 23*) (2022), [Report on the implementation of the Revised Action Plan of Chapter 23: "Justice and Fundamental Rights"](#), p. 33, 2022.

¹⁰⁰ Serbia, Ministry of Justice (2022), Rule out violence ([Isključi nasilje](#)).

¹⁰¹ Serbia, Protector of Citizens (2022), '[The Protector of Citizens controls the authorities after the murder of a woman in Starčevo](#)', press release, 29 July 2022.

¹⁰² Serbia, Commissioner for the Protection of Equality (2022), Initiative to amend the Act on the Execution of Penal Sanctions and the Criminal Code in the process of their harmonisation with the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), ([Inicijativa za izmenu Zakona o izvršenju krivičnih sankcija i Krivičnog zakonika u procesu usklađivanja sa Konvencijom o sprečavanju i borbi protiv nasilja nad ženama i nasilja u porodici \(Istanbulska konvencija\)](#)), 15 May 2022.

¹⁰³ Serbia, Commissioner for the Protection of Equality, '[International Day of Violence Against Women - It concerns us all](#)', press release, 25 November 2022

¹⁰⁴ Council of Europe, Convention on preventing and combating violence against women and domestic violence, CETS No. 210, 2014.

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

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

The Social Entrepreneurship Act¹⁰⁵ adopted in February 2022 is expected to facilitate the development of social entrepreneurship and social integration of persons with disabilities and vulnerable individuals. In February 2022, the Government adopted the 2022-2026 Strategy on Deinstitutionalisation and Development of Community-Based Services,¹⁰⁶ in order to secure sustainability of community-based services and integration in the community. The Strategy envisages intensive support to vulnerable groups, especially persons with mental and intellectual disabilities, to facilitate their life in the community and prevent their institutionalisation. It notes that the number of residents of institutions for persons with mental and intellectual disabilities is not falling. There is no planned approach to the transformation of these institutions, while community-based services are underdeveloped, facing constant financial sustainability problems.¹⁰⁷

¹⁰⁵ Serbia, Social Entrepreneurship Act ([Zakon o socijalnom preduzetništvu](#)), Official Gazette of the RS, No. 14/22.

¹⁰⁶ Serbia, Government (2022), 2022-2026 Strategy on Deinstitutionalisation and Development of Community-Based Services ([Strategija deinstitutionalizacije i razvoja usluga socijalne zaštite u zajednici za period 2022-2026 godine](#)), 1 February 2022.

¹⁰⁷ Serbia, Government (2022), 2022-2026 Strategy on Deinstitutionalisation and Development of Community-Based Services ([Strategija deinstitutionalizacije i razvoja usluga socijalne zaštite u zajednici za period 2022-2026 godine](#)), 1 February 2022, p. 7

In August 2022, the Protector of Citizens issued an opinion recommending that local governments apply milder scholarship criteria to students with disabilities.¹⁰⁸ Only six of 169 local governments applied milder criteria when reviewing scholarship applications filed by pupils and students with disabilities.¹⁰⁹

Aid to refugees from Ukraine has mostly been general in character and has not focused specifically on vulnerable groups. In June 2022, the Commissariat for Refugees and Migration (*Komesarijat za izbeglice i migracije*) organised the allocation of financial aid for the purchase of medications for chronically ill Ukrainian nationals.¹¹⁰

8.2 CRPD monitoring at national level

In its alternative report¹¹¹ to the UN Committee on Economic, Social and Cultural Rights (CESCR) submitted in January 2022, the Platform of Organizations for Cooperation with UN Human Rights Mechanisms (*Platforma organizacija za saradnju sa mehanizmima Ujedinjenih nacija za ljudska prava*) listed the challenges persons with disabilities faced in exercising their social rights. In its Concluding observations on Serbia's third periodic report¹¹² adopted in April 2022, the CESCR identified lack of systematic collection of data in the areas of economic, social and cultural rights obstructing the accurate assessment of their realisation.

The government Council for Monitoring the Implementation of UN Human Rights Recommendations (*Savet za praćenje primene preporuka Ujedinjenih nacija za ljudska prava, uključujući i preporuke*), including those issued by the UN Committee on the Rights of Persons with Disabilities, continuously cooperated with the Platform of Organizations for Cooperation with UN Human Rights Mechanisms on the development of Universal Periodic Review (UPR) indicators. They agreed on the methodology for

¹⁰⁸ Serbia, Protector of Citizens (2022), Opinion 323-327/22 ([Mišljenje 323-327/22](#)), 26 August 2022.

¹⁰⁹ Serbia, Association of Students with Disabilities (Udruženje studenata sa hendikepom) (2021), Scholarships for students with disabilities in local self-governments in Serbia ([Stipendije za učenike i studente sa hendikepom u jedinicama lokalne samouprave u Srbiji](#)), Belgrade, 2021.

¹¹⁰ Serbia, Commissariat for Refugees and Migration (2022), 'Financial aid for buying medications for chronically ill Ukrainian nationals in private lodgings' ([Novčana pomoć za nabavku lekova za hronične bolesnike ukrajinskim državljanima na privatnim adresama](#)'), press release, 22 June 2022.

¹¹¹ Serbia, Platform of Organizations for Cooperation with UN Human Rights Mechanisms (2022), [Alternative Report for the 71st Session of the Committee on Economic, Social and Cultural Rights – Review of Serbia's third periodic report](#), 14 January 2022.

¹¹² United Nations (UN), Committee on Economic, Social and Cultural Rights (2022), [Concluding observations on Serbia](#), 6 April 2022.

monitoring the implementation of UN recommendations. The Ministry of Human and Minority Rights and Social Dialogue began drafting the state report for the 4th UPR cycle, which is due in February 2023.¹¹³

Mental Rights Disability Initiative – Serbia published a report in 2022 showing that the COVID-19 pandemic affected institutionalised individuals to a much greater extent than the general population. They experienced psychological problems because they were kept under lockdown longer, wherefore they were also at greater risk of abuse and neglect.¹¹⁴

¹¹³ Serbia, Ministry of Human and Minority Rights and Social Dialogue (2022), 'Partnering to obtain a comprehensive picture of the state of human rights' (['Partnerstvom do celovite slike o stanju ljudskih prava'](#)), press release, 4 November 2022.

¹¹⁴ Serbia, Lazarević S., (2022), [Residential social welfare institutions for children and adults with disabilities during the COVID-19 pandemic in Serbia](#), Mental Rights Disability Initiative-Serbia, September 2022, p. 20.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	WLW Festival - Festival lezbejske umetnosti i aktivizma
Title (EN)	WLW Festival – Festival of Lesbian Art and Activism
Organisation (original language)	Labris and Dugina Iskra
Organisation (EN)	Labris and Rainbow Ignite
Government / Civil society	Civil society
Funding body	Labris and Dugina Iskra
Reference (incl. URL, where available)	Labris, WLW Festival, http://www.labris.org.rs/sr/wlw-festival-festival-lezbejske-umetnosti-i-aktivizma
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	14-16 September 2022
Type of initiative	Art exhibit
Main target group	Lesbian artists in Serbia

Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The Women Loving Women (WLW) Festival, organised within EuroPride 2022, is the first lesbian art festival of its kind in Belgrade. The Festival opened with an exhibit entitled "Our 4 Walls" (<i>Naša 4 zida</i>), focusing on the everyday life of same-sex couples in Serbia and fragments of lives of other persons whose relationships are not recognised by the Serbian legal system. Visitors were able to view works of women from Serbia and the region, hear about their experiences and enjoy various forms of artistic expression including paintings, comics, documentaries, photographs and music. Modest financial rewards were awarded winners of the photo competition on the subject of "Women Loving Women" organised within the Festival.
Highlight any element of the actions that is transferable (max. 500 chars)	The Festival's format would be attractive and easy to replicate in many different countries and contexts.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is cost-effective, provides a venue for professional and amateur lesbian art and a forum for engagement between lesbian artists and the general public. The costs of organising and promoting such events are modest.
Give reasons why you consider the practice as having concrete measurable impact	Although it is difficult to concretely measure the impact of an art exhibit on the whole, specific aspects of it are measureable. This includes the number of visitors, exhibits and submissions and media coverage. If the event were to take place regularly (annually), the annual numbers could be compared: increased participation and public/media interest could indicate a change in public perceptions of the lesbian and broader LGBTIQ community.
Give reasons why you consider the practice as transferable to other settings	As noted, the simplicity, high visibility and cost-effectiveness of such an event make it easily transferable to other countries.

and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	As mentioned, the Festival was organised by organisations championing lesbian and LGBTIQ rights; pre-selected lesbian artists were involved in the preparation and presentation of their works at the exhibit. Calls for submissions further allowed eligible artists, professional and amateur alike, to contribute works of their own.
Explain, if applicable, how the practice provides for review and assessment.	Limited review and assessment may be conducted on the basis of the number of works and artists featured at the Festival, media coverage, as well as the number of visitors and their feedback.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
Title (original language)	No promising practice has been identified for this thematic area.

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	Platforma civilnog društva za socijalno uključivanje Roma i Romkinja
Title (EN)	Civil Society Platform for Roma Social Inclusion
Organisation (original language)	Vlada Republike Srbije
Organisation (EN)	Government of the Republic of Serbia
Government / Civil society	Government/civil society
Funding body	GIZ – German Cooperation in Serbia
Reference (incl. URL, where available)	Government, Ministry of Human and Minority Rights and Social Dialogue, https://www.minljmpdd.gov.rs/aktuelnosti-vesti.php#a121
Indicate the start date of the	2 August 2022 - ongoing

promising practice and the finishing date if it has ceased to exist	
Type of initiative	Networking of Roma CSOs with a view to improving their dialogue with state authorities charged with Roma social inclusion
Main target group	Roma civil society organisations
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Civil Society Platform for Roma Social Inclusion rallies 37 Roma CSOs maintaining constant dialogue with national decision-makers on Roma rights and social inclusion. In addition to civil society and decision-makers, the Platform also includes representatives of independent human rights institutions, the Coordination Body for Improving the Status and Social Inclusion of Roma and other stakeholders interested in improving the status of Roma and implementing activities to that end. The Platform will also strengthen the formal participation of Roma civil society in national policy and lawmaking processes.
Highlight any element of the actions that is transferable (max. 500 chars)	Coordinated cooperation with and inclusion of Roma CSOs in decisions impacting on Roma rights and inclusion is transferable to other contexts in which Roma are insufficiently engaged in decision-making.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The launch of the Platform was initiated by the Ministry of Human and Minority Rights and Social Dialogue, which should ensure that Roma CSOs engage in continuous dialogue with the state authorities with a view of improving the status and social inclusion of Roma.
Give reasons why you consider the practice as having	It is still too early to assess the concrete measurable impact of the initiative since it was launched recently. Its impact will be visible when the authorities start adopting regulations directly or indirectly addressing Roma rights and inclusion. The number of Roma CSOs actively participating in the Platform and the number

concrete measurable impact	of their suggestions and advocacy topics eliciting a positive response from the decision-makers will also provide insight in the practice's impact.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The practice is applicable in other settings since it constitutes a mechanism of cooperation between Roma organisations and state authorities that can increase Roma involvement in decision-making.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Beneficiaries and other stakeholders are involved in the design, planning and evaluation of the practice indirectly, via the CSOs that are members of the Platform, rather than directly. The Platform enables CSOs to formulate suggestions and advocacy topics based on the inputs of their beneficiaries and the communities they are working with.
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
Title (original language)	Indeks privatnosti u medijima

Title (EN)	Media Privacy Index
Organisation (original language)	SHARE Fondacija
Organisation (EN)	SHARE Foundation
Government / Civil society	Civil Society
Funding body	Balkan Trust for Democracy, Norwegian and Dutch Embassies in Belgrade
Reference (incl. URL, where available)	Media Privacy Index 2022 (<i>Indeks privatnosti u medijima 2022</i>) https://indeks.onlajnmediji.rs
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2021 – ongoing
Type of initiative	Assessment of privacy protection of online news readers in Serbia
Main target group	Public
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Media Privacy Index (MPI) is a tool for assessing the privacy of online news readers. The indicators are grouped into six categories: basic technical parameters, user notification, cookies and trackers, mobile platforms, user registration and compliance with the media code of conduct. The analysis covers 50 online media operating in Serbia. The MPI targets exclusively news websites, which have been selected for their influence and outreach. The MPI has captured the trend that small online media significantly progressed in data privacy and were more willing than some of the largest outlets to harmonise their operations with national law. The MPI is the first tool to provide readers with access to information about the use of their personal data by online media. The MPI also assesses adherence to the Serbian Press Code of Conduct, by

	assessing compliance with the Press Council's decisions on violations of privacy – the journalists' responsibility and respect for privacy.
Highlight any element of the actions that is transferable (max. 500 chars)	The transferability of the action is captured in the systematic approach that is applied to the Index. Local media have a very wide audience in Serbia and their impact on the right to privacy is usually overlooked. Including them in the MPI ensures their education about their obligations regarding the right to privacy.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The MPI has been developed as a database that will be continuously updated and expanded to capture the developments in the field, as well as the users' interest in specific issues. Media organisations and decision-makers are expected to use the database long-term, as a basis for advocating and designing privacy protection policies.
Give reasons why you consider the practice as having concrete measurable impact	The MPI has been developed as a tool for public advocacy and improvement of privacy protection standards in internet media business. The project's impact is likely to be reflected in the number of advocacy campaigns, any positive policy change, and the media community's greater compliance with the Personal Data Protection Act and code of conduct. The MPI research shows that six websites have good privacy policies and that another eight have published their privacy policies for the first time in 2022. MPI noted headway over 2021 on all criteria concerning notification of the readers of the processing of their personal data. The number of media websites clearly stating who controls personal data grew from 15 in 2021 to 23 in 2022.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The MPI methodology covers the main technical aspects of protecting the users' privacy, thus providing specific recommendations and observations that can easily be implemented elsewhere. It is a universal tool that can be used both in the Western Balkan region and EU Member States as it covers main issues related to the privacy of online readers.
Explain, if applicable, how the practice involves beneficiaries and	The Index is the result of the organisation's previous engagement with stakeholders and is an effort to extend help and advice in a more structured and sustainable way.

stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Promovisanje pozitivnog maloletničkog pravosuđa u Srbiji
Title (EN)	Promotion of Positive Juvenile Justice in Serbia
Organisation (original language)	Republički zavod za socijalnu zaštitu Centar za prava deteta
Organisation (EN)	National Social Protection Institute and Child Rights Centre
Government / Civil society	Civil society/Government
Funding body	EU - "Rights, Equality and Citizenship Programme 2014-2020"
Reference (incl. URL, where available)	National Social Protection Institute, 'Promotion of Positive Juvenile Justice in Serbia' ('Promosanje pozitivnog maloletničkog pravosuđa u Srbiji'), press release, 26 May 2022 National Social Protection Institute, 'Promotion of Positive Juvenile Justice in Serbia – Focus Groups' ('Promovisanje pozitivnog maloletničkog pravosuđa u Srbiji – fokus grupe'), press release, 26 April 2022

	<p>Child Rights Centre, 'Final conference held as part of the project promoting positive juvenile justice system', press release, 29 September 2020</p> <p>Child Rights Centre, 'Promotion of Positive Juvenile Justice in Serbia Project Steering Committee holds meeting' 'Održan sastanak UO projekta "Promovisanje pozitivnog maloletničkog pravosuđa u Srbiji"', press release, 19 August 2022</p>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 January 2020 – 30 September 2022
Type of initiative	Capacity building, advocacy, awareness raising
Main target group	Juvenile offenders and child victims and witnesses of crime
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The project aimed at improving the rights of the child by promoting the positive juvenile justice approach to juvenile offenders as a particularly vulnerable group given that most of these children come from marginalised and vulnerable categories and are exposed to poverty, violence and mental health issues. The activities focused on developing various treatment programmes for children and the relevant trainings for social protection and judicial professionals working with children. They also included peer workshops in the juvenile correctional institutions in cooperation with members of the Child Rights Centre's Child Information and Cultural Club (DX Club). The project also involved a social media campaign promoting child-friendly justice.</p>
Highlight any element of the actions that is	The transferable elements of the actions include: various treatment programmes, trainings and peer workshops.

transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is sustainable because professionals have been provided with tools for applying a positive innovative approach to work with children. Their capacity for responding to problems faced by juvenile offenders has been built. All the professionals are expected to share their knowledge with their co-workers.
Give reasons why you consider the practice as having concrete measurable impact	The impact is reflected in the increased number of children who underwent trainings (two preparatory workshops for DX Club members and eight workshops in juvenile correctional institutions in Belgrade, Niš and Knjaževac) in accordance with the developed innovative programmes in line with the international standards in this field.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The new methodology of work with juvenile offenders developed within the project, which entails a higher degree of support and is in line with international standards, is transferable to other countries facing similar challenges and looking for new methods of work with juvenile offenders. The project also resulted in the development of clear guidelines and guidance on further reforms and improving the situation of juveniles in correctional institutions, which may be useful to countries with similar challenges in the field of juvenile justice.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The development of the programmes was preceded by focus groups held to prepare for the research into the universal and specific needs of the three juvenile correctional institutions. The focus groups were attended by the staff of the correctional institutions, representatives of social work centres and the judiciary and other social protection professionals, to ensure a participatory and comprehensive consideration of the situation and formulation of joint conclusions. Members of the DX Club and wards of juvenile correctional institutions in Belgrade, Niš and Knjaževac were also involved in the process. A roadmap including a unique set of treatment programmes responding to the children's needs was drawn up after the focus groups and the research.
Explain, if applicable, how the practice provides	Not applicable.

for review and assessment.	
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Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
Title (original language)	ASTRA SOS telefon
Title (EN)	ASTRA SOS Hotline
Organisation (original language)	ASTRA
Organisation (EN)	ASTRA, Anti-Trafficking Action
Government / Civil society	Civil Society
Funding body	European Union
Reference (incl. URL, where available)	ASTRA, https://www.astra.rs/en/preventive-role-astra-sos-hotline/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	February 2012 - ongoing
Type of initiative	The SOS Hotline and Direct Victim Assistance Programme provides preventive information on the problem of human trafficking, possibilities for safe and legal work in Serbia and abroad and safe migration.
Main target group	Public at large

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Programme involves provision of direct assistance to trafficking victims and dissemination of information on human trafficking, possibilities of safe and lawful employment in Serbia and abroad, and safe migration. Preventive-educational activities include work with young people, as a group at greater risk of human trafficking. ASTRA's team provides information on: precautionary measures to be taken when travelling abroad; the labour law of the usual destination countries; documents needed to pursue one's education in the destination countries; licenced employment agencies; contact details of organisations and institutions in the destination and neighbouring countries; and other information relevant to migration.
Highlight any element of the actions that is transferable (max. 500 chars)	The Programme extends direct assistance to human trafficking victims and individuals who are at risk of human trafficking due to lack to information, which is not provided by the relevant state authorities.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The Programme has been continuously implemented by one of the leading Serbian CSOs focusing on protecting trafficking victims. Its sustainability is secured thanks to national and international support and engagement of a range of stakeholders. The Programme is fully sustainable in professional terms as well. The formal licencing of the SOS Hotline by the Ministry of Labour, Employment and Veteran and Social Affairs in 2018 testifies to the recognition of ASTRA's professionalism and high standards both by state institutions and other stakeholders.
Give reasons why you consider the practice as having concrete measurable impact	Since 2004, ASTRA has been publishing statistical data on the work of the Hotline, the number of calls and cases in which it has extended assistance, all of which demonstrate its concrete measurable impact. The number of initiated investigations and state responses also reflect its impact. ASTRA's statistics complement and often constitute the only source of data on human trafficking referred to in reports of national and international institutions. ASTRA received 3,889 calls about missing children and mapped 123 cases from 2012, when the Hotline was launched, to end December 2021.
Give reasons why you consider the practice as transferable to other settings	ASTRA's thorough and continuous approach to the topic and development of expertise is transferable to other contexts. The Programme targets problems not fully covered by state aid and identifies social trends before they appear on the state's radar. The transferability of the activity is reflected in the use of available funds to focus the organisation's capacity on gaps created by the state's insufficient engagement. Continuous

and/or Member States?	complementary cooperation between the civil sector and state institutions in preventing and suppressing human trafficking is another aspect which is transferable to Western Balkan and EU countries.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	As a founder and/or member of many national, regional and international networks, ASTRA has continuously been improving its work by sharing experiences and engaging in joint actions. ASTRA's work has been recognised also by the Ministry of Justice and other state authorities. ASTRA is a member of the Steering Committee on Support to Victims and Witnesses of Crime in Serbia project implemented by the Ministry of Justice. Its SOS Hotline has been licenced by the Ministry of Labour, Employment and Veteran and Social Affairs since 2018.
Explain, if applicable, how the practice provides for review and assessment.	Since the project has many potentially measurable results, all of them are visible and available for review by international and national stakeholders, including those regularly assessing progress in the field.

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	Prekvalifikacija za IT za osobe sa invaliditetom
Title (EN)	IT Retraining for People with Disabilities

Organisation (original language)	Forum mladih sa invaliditetom Kancelarija za informacione tehnologije i elektronsku upravu
Organisation (EN)	Youth with Disabilities Forum Office for Information Technologies and E-Government
Government / Civil society	Civil society/Government
Funding body	UNDP
Reference (incl. URL, where available)	Youth with Disabilities Forum (2021), IT Retraining for People with Disabilities (Prekvalifikacija za IT za osobe sa invaliditetom) Youth with Disabilities Forum (2022), 'IT Retraining for People with Disabilities classes begin' (' Počela predavanja u okviru obuke Prekvalifikacije za IT za osobe sa invaliditetom '), press release, 17 January 2022
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	November 2021 – September 2022
Type of initiative	Capacity and knowledge building, employment
Main target group	Persons with disabilities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The project aimed to build the skills, knowledge and competences of 20 persons with disabilities to facilitate their employment in the IT sector. It involved basic web programming training and acquisition of practical experience through a minimum 120-hour internship programme. The project was developed in response to the growing shortage of programmers and an increasingly high demand for IT experts both in Serbia and abroad.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The project entailed six-month online training in basic web programming (basic programming principles, WordPress, web programming – JavaScript and web applications – React) and training in soft skills. The participants were also provided with mentoring, along with career guidance and counselling. Their internship in IT companies aimed to improve their employability and competitiveness in the labour market and help them acquire new skills and practical experience, which is often one of the requirements for employment.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The sustainability of the practice is based on the fact that the programme was implemented in partnership with the Serbian Government IT and E-Government Office, and for the second year running. The programme reflects the increasing need for programmers in the labour market. The training methodology developed within the project is tailored to IT market needs and provides the participants with the opportunity to acquire both programming and employment skills and knowledge.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The employment of the 20 persons with disabilities, who successfully completed their six-month training and internships, is a concrete measurable impact of the practice.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Competitiveness in the labour market is a major challenge persons with disabilities face in exercising their economic and social rights. The skills and knowledge persons with disabilities acquired within the project can improve their employability, integration in society and financial independence. The training and internship programme is based on market needs. The programme can be replicated in other settings and/or Member States and tailored to their market demands.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</p>	<p>Not applicable.</p>

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	16 September 2022
Reference details	Serbia, Administrative Court, Judgement 28 U 38615/22
Key facts of the case (max. 500 chars)	The Court rejected a complaint against the Ministry of the Interior (MOI) decision dismissing an appeal of the police ban of the EuroPride 2022 march in Belgrade. The plaintiff claimed that the decision to ban the march solely on security grounds (risk of violence perpetrated by individuals opposing EuroPride) amounted to allowing violent groups to stifle the freedom of assembly and that the decision to ban the event while allowing counter-demonstrations on several occasions amounted to both direct and indirect discrimination.
Main reasoning/argumentation (max. 500 chars)	The Court rejected the complaint, finding that the MOI’s decision to ban the march on security grounds was well-founded. Relying on classified data provided by the authorities, which were not shared with the plaintiff or the public, the Court concluded that the ban amounted to a justifiable limitation of the freedom of peaceful assembly. It also dismissed claims of discrimination because the march was banned, while counter-demonstrations were not, because, as it explained, the ban extended only to the march and not entire EuroPride 2022.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court’s reliance on classified data in a human rights case is difficult to reconcile with due process guarantees. In addition, the Court relied solely on the fact that only the march, and not EuroPride 2022 in its entirety, was banned when it dismissed claims of discrimination against the LGBTIQ community. The Court did not consider whether the decision to ban the march placed LGBTIQ individuals at a disadvantage, and, if so, whether it was permissible on reasonable and justifiable grounds, as required by international human rights standards.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Despite the ban of the march along the original route and the Court's rejection of the complaint, the MOI ultimately allowed the participants to march down a much shorter route.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>„(...) [С]уд је ценио навод тужбе да је првостепени орган извршио непосредну дискриминацију (...) према припадницима LGBT + популације (...) тако што је ограничио њихову слободу окупљања услед њиховог личног својства, док иста слобода окупљања противницима манифестације “EuroPride 2022” није ускраћена (...) [О]вај навод тужбе (...) није основан из разлога што у конкретном случају није забрањено одржавање манифестације “EuroPride 2022” (...) већ (...) није дозвољена шетња пријављена од стране тужиоца за дан 17.09.2022. године.”</p> <p>“The Court reviewed the plaintiff’s claim that the first-instance authority had directly discriminated (...) against members of the LGBT+ population (...) by limiting their freedom of assembly because of their personal characteristic, whereas it had not denied that same freedom of assembly to the opponents of the “EuroPride 2022” manifestation (...) [Т]his claim in the complaint (...) is ill-founded because, in this specific case, it was not the “EuroPride 2022” manifestation that was prohibited (...) but (...) the 17 September 2022 march notified by the complainant.” p. 5.</p>

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

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	8 June 2022
Reference details	Serbia, Belgrade Appeals Court, Judgment Gž 98/22
Key facts of the case (max. 500 chars)	The Appeals Court rejected the appeal of the first-instance decision dismissing the claim of discrimination against Roma in access to public services. The appeal was filed by the NGO Initiative A11, which disputed the lawfulness of the first-instance decision, claiming that the defendant – a Niš taxi company – had discriminated against Roma who called a taxi from a Roma settlement by refusing to give them rides on grounds of their nationality. Situation testing was conducted to collect evidence of discrimination in this case.
Main reasoning/argumentation (max. 500 chars)	Although the situation testing, which included 14 calls to the taxi company, indicated that the latter had refused to extend its services or set unreasonable requirements to callers from the Roma settlement, the Court did not accept the evidence collected through situation testing. It held that more situation tests should have been conducted because of the large number of calls the taxi company generally received.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court clarified the issue of conducting situation testing to collect evidence in discrimination cases. It held that reversal of the burden of proof required the conduct of more tests in cases concerning the provision of taxi and similar services.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court upheld the first-instance judgment. It arrived at this conclusion because it did not take into account that situation testing for proving discrimination in similar cases conducted so far did not require the conduct of a larger number of situation tests.
Key quotation in original language and translated into English with reference details (max. 500 chars)	„Конкретно тестирање, на које се тужилац позива као доказ о дискриминаторском поступању, је требало да буде спроведено у складу и сразмери са околностима случаја, имајући у виду да је тужени такси удружење које има до 600 позива у смени, ако не и 1000 позива сваки дан због пословања и према налажењу овог суда наведено тестирање тужиоца није било

	<p>довољног обима да би учинило вероватним да је тужени извршио акт дискриминације у смислу члана 45 Закона о забрани дискриминације.”</p> <p>“The testing at issue the plaintiff is invoking as proof of discriminatory treatment should have been conducted in accordance with and in proportion to the circumstances of the case, given that the sued taxi company receives over 600 calls per shift if not as many as 1,000 calls a day, and, in the view of this Court, the plaintiff’s testing was not extensive enough to prove probable that the defendant had committed an act of discrimination in the meaning of Article 45 of the Anti-Discrimination Act.” pp. 4-5.</p>
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Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	No case has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	18 June 2022
Reference details	Serbia, Belgrade Appeals Court, Judgement Gž 309/2022
Key facts of the case (max. 500 chars)	The Court found that the daily <i>Informer</i> had violated the right to privacy of the plaintiff, a minor, by revealing her identity on its front page on 9 January 2020. The print edition of <i>Informer</i> ran an article with the headline "Creepy testimony of the Malča barber" describing in detail the

	perpetrator's actions and confession to the prosecutors. The defendants argued that the article dealt with phenomena which the public undoubtedly had a legitimate interest to know about and did not include false information.
Main reasoning/argumentation (max. 500 chars)	The Court found that the defendants had violated the plaintiff's fundamental rights and dignity, substantially damaged her reputation and caused her mental anguish and held the Chief Editor liable. Rather than ensuring respect for the rights of the child and the right to privacy, he disclosed and published in a sensationalist manner the plaintiff's name, her image and details from the investigation of the crime committed against her. His conduct indicates that he had been driven by purely financial reasons.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The ruling dealt with one of the major privacy issues in Serbia – media violations of the right to privacy. It addressed several main concepts: use of a photo beyond the reason why it was given (in this case to find the missing girl), the Chief Editor's liability and clarification of the scope of public interest to be informed of a crime committed against a minor.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The court ruled that the Chief Editor was liable for the plaintiff's suffering since he had acted unprofessionally and without due diligence. He had been under the duty to prevent the publication of the plaintiff's personal data and details of the investigation of the crime against her, and, in particular, to refrain from sensationalist reporting. The Court awarded the plaintiff damages, having concluded that ordering the daily to publish a correction, as a measure of reparation, would be counterproductive.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Околност да је једна од фотографија мал. тужиље од раније била позната јавности није од значаја за одлучивање у овој правној ствари, јер ЗЈИМ прописује да се пристанак дат за објављивање записа лика у одређеном циљу, у конкретном случају од стране законских заступника мал. тужиље, не сматра пристанком [...] објављивање за друге циљеве. Од момента када је мал. тужиља била пронађена, дужност је медија била да на сваки начин утичу на то да се траума мал. тужиље као жртве умањи, тиме што ће јој се дозволити да се у приватности и без “рефлектора” суочи и бори и евентуално избори са траумама које је добила.”</p> <p>“The fact that one of the minor plaintiff's photos had previously been published is irrelevant to a decision on this case, since the PIMA [Public Information and Media Act] lays down that consent to [...] publication of an image for a specific purpose, in this case consent given by the plaintiff's legal representatives, shall not be deemed consent to its [...] publication for a different purpose. From the moment the plaintiff was found, the media were under the duty to do their utmost to alleviate her</p>

	trauma as a victim, by allowing her to confront, fight against and potentially overcome the trauma she had sustained in privacy and without 'floodlights'." p. 8
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Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	21 April 2022
Reference details	Serbia, Constitutional Court, Decision Iuz 229/2018
Key facts of the case (max. 500 chars)	The applicant asked the Constitutional Court in October 2018 to review the constitutionality of Article 25 of the Act on Financial Support to Families with Children, under which parental allowances shall not be paid to parents of newborns whose older children have not received all the mandatory vaccines or are not regularly attending the mandatory preschool programme or primary school. The Court dismissed the claim, holding that the issue fell within the legislator's margin of appreciation.
Main reasoning/argumentation (max. 500 chars)	The Court did not address the claim that the impugned provision impinged on Roma children and amounted to their indirect discrimination. The applicant referred to a study showing substantially lower coverage of Roma children by vaccination and preschool and primary education compared to children in the general population (12.7 % v. 70.5 % and 69.1 % v. 97 % respectively). Many Roma children have not been vaccinated because they have not been registered at birth and they drop out of school because of poverty.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Key issues: 1) unconstitutionality of a general legal provision not taking into account the specific status of vulnerable children and resulting in their indirect discrimination; and, 2) non-compliance of the impugned provision with the constitutional principle of social justice, providing for the protection of the most vulnerable citizens, including Roma children. Rather than protecting the most marginalised children, the impugned provision exacerbates their situation.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court dismissed the claim, holding that the legislator was free to regulate by law the forms of support to and protection of families and mothers, as well as population policy measures, and, therefore, the conditions for exercising them. It also held that immunisation and education were the parents' duties and that the legislator was guided precisely by the interests of the child and general interest when it conditioned the right to parental allowance by the parents' fulfilment of their duties.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Уставни суд сматра да је законодавац, управо имајући у виду последице неиспуњавања родитељских дужности и по интерес детета и по општи интерес, право на родитељски додатак за новорођено дете условио испуњавањем дужности родитеља, између осталог и у погледу образовања и вакцинације претходно рођене деце (осим када је вакцинација медицински контраиндикована), иако је неспорно да користи од наведеног додатка имају и деца....”</p> <p>“.....The Constitutional Court holds that the legislator bore in mind precisely the consequences of the parents' non-fulfilment of their duties on both the interests of the child and on general interest when it conditioned the right to parental allowance for newborns by the fulfilment of parental duties, among others, those concerning the education and immunisation of the children they have already given birth to (except where vaccination is medically counterindicated) although the children undisputably also benefit from the allowance...” section IV.</p>

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
Decision date	26 April 2022
Reference details	Serbia, Supreme Court of Cassation, Judgement Kzz 172/2022
Key facts of the case (max. 500 chars)	The defendant had been found guilty on two counts of domestic violence. He filed an appeal on points of law with the Court, claiming that the first-instance court had based its decision on unlawfully obtained evidence - a Social Work Centre (SWC) report. He alleged that the SWC

	officer's interviews of the victims in the police were in contravention of the Criminal Procedure Code (CPC) provisions on collection of evidence.
Main reasoning/argumentation (max. 500 chars)	The Court found that the report had been drawn up by the professional team of the authorised institution (the SWC) in accordance with professional standards and the Family Act. It held that, under the CPC, the report constituted lawful evidence. It was drawn up by a professional, in accordance with the rules of the profession, and constituted an official document of the relevant state authority. In addition, the Domestic Violence Act entitles SWCs to draw up reports stating their opinions after assessing immediate risks of domestic violence.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The question that arose in this case was whether the SWC's report constituted lawful evidence in a domestic violence case. This question had frequently been raised in the past and the courts had ruled on it differently before the Supreme Court of Cassation delivered this judgment.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court rejected as ill-founded the appeal on points of law. Its judgment should serve as guidance to lower courts when this issue is raised again.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>"...овај извештај сачињен је у поступку заштите од насиља ГГ и њених шесторо малолетне деце и интервенције у оквиру Тима за спречавање насиља у породици и пружању подршке жртвама насиља Центра за социјални рад Града Новог Сада, а сам налаз је рађен на основу анализе постојеће документације у досијеу, обављених разговора са супружником и са децом, са сваким понаособ, опсервацијом истих, стручне процене тимских и супервизијских консултација."</p> <p>"... this report had been drawn up in a procedure initiated to protect GG and her six underage children from violence and the intervention by the Team for preventing domestic violence and extending support to victims of violence of the Novi Sad City Social Work Centre and the findings are based on an analysis of the documents in the case files, interviews of the spouse and each of the children individually, their observation, and a professional assessment made within team and supervisory consultations." p. 3.</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	25 January 2022
Reference details	European Court of Human Rights, Negovanovic and Others v. Serbia , Nos. 29907/16, 30022/16, 30322/16, and 31142/16
Key facts of the case (max. 500 chars)	The applicants are Serbian blind chess players, who had won medals at the Blind Chess Olympiad. They complained that they had been discriminated against by the Serbian authorities on grounds of disability by being denied state-sponsored financial awards and benefits, unlike sighted chess players or other athletes, who had won similar international accolades. The Government argued that this Olympiad did not fulfil the criteria for a financial award, set out in the Sporting Achievements Recognition and Rewards Decree, which included the popularity and prestige of the tournament.
Main reasoning/argumentation (max. 500 chars)	The Court noted that domestic law, as interpreted by the national courts, provided that only sighted chess players, who had won medals at the Chess Olympiad, were entitled to financial awards. This interpretation effectively disqualified blind chess players. It follows that the Serbian authorities, when deciding to enact such legislation, clearly exercised their discretionary power to treat differently sighted and blind chess players although the latter won international accolades. While it was legitimate for the Serbian authorities to focus on the highest sporting achievements, they failed to show why accolades won by disabled applicants would be less prestigious.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The key issue in this case was whether differential treatment of disabled athletes was legitimate because they won accolades in allegedly less popular sports. The Court held that it was inconceivable that the “prestige” of a sport as such, including some of the most popular sports such as football, basketball or tennis, should depend merely on whether it was practised by persons with or without a disability. The Court reiterated that the State’s margin of appreciation was reduced when establishing different legal treatment for people with disabilities.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court concluded that there was no “objective and reasonable justification” for the differential treatment of the applicants. Referring to the Convention on the Rights of Persons with Disabilities, the Court restated that there was worldwide consensus on the need to protect people with disabilities from discrimination.

	<p>The Court held that Serbia had discriminated against the applicants in violation of Article 1 of Protocol No. 12 and awarded them non-pecuniary and pecuniary damages, ordering the Government to pay them accrued and future financial benefits and awards.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>„ Furthermore, while it was obviously legitimate for the Serbian authorities to focus on the highest sporting achievements and the most important competitions, the Court notes that the Government have not shown why the undoubtedly high accolades won by the applicants, as blind chess players, would have been less “popular” or “internationally significant” than similar medals won by sighted chess players.” para. 87.</p>