



ADOPTED LEGISLATION

[The Gender Equality Law](#) was adopted by the Parliament[1] on 20 May. The Law is aligned with the Law on prohibition of discrimination and there are special considerations regarding the Action Plan for Chapters 19 and 23. The drafting process was led by the Ministry of Human and Minority Rights and Social Dialogue. It introduces an institutional framework, such as the national gender machinery at the level of the Deputy Prime Minister, 40% quota for women's participation, establishment of the alimony fund, monitoring mechanism for the implementation of the law and obligations to collect data on unpaid domestic work annually, etc. Serbia first passed a Gender Equality Law in 2009 but following significant advancements in the field, the new law integrates best practices of the countries in the region and the EU.

[The Law on Amendments to the Law on the Prohibition of Discrimination](#) was adopted by the Parliament[2] on May 20. The lead institution in the drafting process was the Ministry for Human and Minority Rights and Social Dialogue, with broad participation of all relevant Ministries, State institutions, CSOs and academics. The key improvements of the Law include an updated definition of indirect discrimination; the addition of sex characteristics, sexual harassment, segregation and residential segregation as forms of discrimination; and importantly, an enhanced role for the Commissioner for the Protection of Equality. In addition, the Law introduces an obligation for the Courts to collect data from all proceedings and decisions in cases tackling discrimination (in civil, criminal and misdemeanour proceedings) disaggregated by personal characteristics, areas of social relations, etc.

Although the Law prescribes an obligation for the employer to provide reasonable accommodation for everyone, the denial of reasonable accommodation to persons with disabilities is still not recognized as a form of discrimination.

The amendments ensure further alignment with universal and regional human rights standards, the EU acquis and the Action Plan for Chapters 19 and 23.

[The National Strategy for Combating Gender Based Violence against Women and Domestic Violence \(2021-2025\)](#) was adopted by the Government[3] on 22 April. The Strategy is aligned with the [Istanbul Convention](#), [CEDAW](#) and provisions of domestic law[4]. The Ministry of Labour, Employment, Veteran and Social Affairs was the lead institution in the drafting process. Key areas of the Strategy include prevention, prosecution, protection and support to victims/survivors and witnesses and integrated public policies. Key novelties of the Strategy are the establishment and improvement of general and specialized support services (SOS helplines, safe houses, free legal aid, etc.) for women survivors of violence and the alignment of domestic legislation with international commitments. The Action Plan for the period 2021-2023 is in the drafting process. The previous five-year strategy to combat violence against women expired in 2015.



PENDING LEGISLATION

Long awaited, the [Draft Law on Same-Sex Unions](#) was prepared in March 2021. The drafting process was chaired by the Minister for Human and Minority Rights and Social Dialogue and included all relevant Ministries and other State institutions, as well as representatives of numerous LGBTI organizations and academics in a working group constituted through an open call. This is the first time that the Republic of Serbia is considering to legally regulate same-sex partnerships, as well as the rights and obligations of partners in these unions. Although the adoption of this Law was envisaged for the second quarter of 2021, the Draft is still awaiting the opinion of the Serbian Government.

1 <https://rs.n1info.com/vesti/usvojen-zakon-o-rodnoj-ravnopravnosti-i-dopune-zakona-o-zabrani-diskriminacije/>

2 <https://rs.n1info.com/vesti/usvojen-zakon-o-rodnoj-ravnopravnosti-i-dopune-zakona-o-zabrani-diskriminacije/>

3 <https://www.srbija.gov.rs/vest/en/171564/government-adopts-bill-on-gender-equality.php>

4 Domestic law is also to be aligned with the obligations set in the Istanbul Convention and CEDAW.

It was announced that this Law might not be confirmed by the President, once it is adopted by the National Assembly, due to its potential conflict with the Constitution.[5] Civil society experts reacted to such statements from the President, claiming compliance with the Constitution and requiring the process to be continued and successfully completed.[6]

The draft of the new [Law on the Protector of Citizens](#) was developed and submitted to public discussion until May 18, 2021. The drafting process of the new Law was led by the Ministry of Public Administration and Local Self-Government with the participation of the National Convention on the European Union (NCEU). With the aim to secure broad public discussion on the Draft law, the group of CSOs initiated the [hybrid expert public discussion](#) which resulted in numerous important suggestions and comments for its improvement.[7] Although the Draft contains certain improvements (including a prolonged mandate and period for the submission of complaints), concerns have been raised regarding its further harmonization with international and regional NHRI standards (Paris Principles and Venice Principles on National Institutions for Human Rights), mostly in the areas of the independence of the institution, competencies, staffing and funding. The Draft Law is currently awaiting the opinion of the Serbian Government to be forwarded to the National Assembly for adoption.

The new [Strategy for de-institutionalization and development of social protection services in the community for the period 2021 to 2026](#) was prepared by a Working Group within the Ministry of Labour, Employment, Veteran and Social Affairs. The Strategy contains strong reference to the UN Convention on the Rights of Persons with Disabilities (UN CRPD) as the primary legal source of standards. However, numerous concerns have been raised as to the main intention of transforming the existing institutions into the only service providers in the community, thus insufficiently mainstreaming the principle of pluralism and autonomy of choice for support provision and independent living. Organizations of Persons with Disabilities (OPDs) were not included as members of the Working Group or consulted in the preparatory process, which is required by the UN CRPD standards ratified by the Republic of Serbia.

In parallel with the preparation of the Strategy on de-institutionalization, the Ministry of Labour, Employment, Veteran and Social Affairs developed the [Draft law on the Protection of Residents of Institutions for Temporary Social Care Accommodation](#).

The Draft introduces strict temporary accommodation and proclaims certain rights of residents of social care institutions. However there are strong concerns as to its compatibility with Serbia's obligations under the UN CRPD, mostly regarding the mandatory free and informed consent and respect of the autonomy of persons with disabilities. Recommendations addressed to the Republic of Serbia by the UN CRPD (2016) invite the Government to shift the focus from institutional care to the right to live independently, through a change of laws and policies.

The National Strategy for Gender Equality for the period 2021-2030 is in the first phase of drafting and is expected to be finalized in 2022. The Strategy will include an **Action Plan** and define goals, indicators, roles, financial resources, a monitoring mechanism, reporting procedures, etc. Apart from its main objectives/traditional areas, new areas such as gender equality in the context of climate change, environmental protection, the green economy and disaster risk reduction will be introduced. The lead institution is the Ministry for Human and Minority Rights and Social Dialogue in cooperation with the Coordination Body for Gender Equality. The previous Gender Equality Strategy was for the period from 2016-2020. A National Action Plan was produced for 2016-2018, however the NAP for 2019-2020 was not adopted following the negative opinion of the Ministry of Labour, Employment, Veteran and Social Affairs.

The National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security is pending. To date, Serbia has adopted two National Action Plans for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security (NAPs) (2010-2015) and (2017-2020).

HUMAN RIGHTS RELATED ALERTS



There have been significant efforts to engage civil society in planning and policy-related activities by the Ministry of Human and Minority Rights and by Prime Minister Office, such as through regular meetings with the National EU Convention (NKEU) and Social Dialogue on various topics related to sustainable development and the rights agenda. However, issues pertaining to freedom of expression and civic space continue to be challenging.[8]

5 <https://rs.n1info.com/english/news/vucic-will-not-sign-the-law-on-same-sex-unions/>

6 <https://europeanwesternbalkans.com/2021/05/06/vucic-says-he-will-not-sign-the-same-sex-unions-law-his-justification-raises-suspicion/>

7 The event held on May 14, gathered about 100 participants, including from all relevant State authorities, civil society organizations and the expert community, and the Draft Law was presented by the State secretary of the Ministry of Public Administration and Local Self-Government.

Reported verbal, financial, and in some cases, physical attacks on human rights defenders and media workers were counted in the country's rankings in international democracy and rule of law indexing [9].

The UN Special Procedures[10] initiated [communication](#) with the Republic of Serbia regarding the so-called "List Case"[11] and invited the Financial Action Task Force (FATF) and Council of Europe Committee MONEYVAL to address the same matter. FATF concluded that "(State) requests without grounds of reasonable suspicion are not in line with the requirements set out in the FATF Standards".[12]

According to data collected and analysed by civil society[13], during March and April 2021 at least 15 attacks and pressures on human rights defenders were registered in Serbia, including journalists and other media workers. Compared to 2020 data[14], a high trend of violation of freedom of expression and freedom of association, as well as the endangerment of human rights defenders in Serbia is recorded.[15] The most recent incidents of attacks against civil society and media workers in Parliament and through tabloid media[16] have been assessed as a potential risk to their safety [17]. Several international and national institutions and groups have called for the resolving of the current atmosphere created around civil society and media workers in the country. [18]

There is an increased interest by the media to report negatively about refugees, asylum-seekers, and migrants. This situation in the public space has been further exacerbated over the last 24 months, with the increase of fake news, promotion of prejudices, and hate speech towards this population group; while the media seem to be rarely interested in positive stories, the human capital of refugees, and the benefits they bring to host communities. Some social media groups gathering more than 300,000 members, are propagating xenophobic and discriminatory rhetoric and inciting hatred towards these already vulnerable groups.

The findings of one of the latest surveys on the perceptions of Serbian citizens shows that as many as 42% of citizens harbor a negative view on refugees and migrants.[19]

VIOLENCE AGAINST WOMEN AND GIRLS (VAWG) RELATED ALERTS



Violence against women and girls, as the most pervasive form of women human rights violations, is one of the key challenges for women in Serbia. The **National Remembrance Day for Women Victims of Domestic Violence** was marked on 18 May.

According to the statistics collected by Network Women against Violence, in the past ten years 340 women have lost their lives due to domestic violence, while in 2021 to date, 10 women were victims of femicide.[20] The number of femicides per annum has consistently been around 30. [21] Whereas the statistics do not differ much compared to the countries in the region, the fact that the number of femicides is not decreasing indicates that improvements in prevention and response to violence are required.

Serbia does not have centralized data on femicides nor other forms of violence. The media are still the main source of information on gender-based killings of women. Currently, data is fragmentarily collected, by various state bodies and institutions involved in the system of prevention and protection against violence – Ministry of Interior, courts, Public Prosecutor's Offices, Ministry of Justice, Ministry of Labor, Employment, Veteran and Social Affairs and the Ministry of Health per sectorial competence.

8 Numerous reports stemming from reviews of the [UN Human Rights Mechanisms](#), [European Union](#), [international organizations](#) and [national CSOs](#).

9 [Civicus monitor](#), [Human Rights Watch – World Report 2021](#), [Corruption Perceptions Index](#), [Nations in Transit 2021](#), [Freedom in the World 2021](#).

10 Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

11 The case of 57 CSOs, journalists and individuals that were investigated for money-laundering and financing terrorism in the Republic of Serbia.

12 Financial Action Task Force (FATF), AL OTH 72/2020, 20201112PDG

13 The Solidarity for the Rights of All Network, Interactive map of recorded attacks and pressures on human rights defenders in Serbia ([Map of Incidents](#))

14 Lawyers' Committee for Human Rights-YUCOM, [Report on Attacks on Human Rights Defenders in Serbia for 2020](#)

15 Civic Initiatives, [Three Freedoms under the Magnifying glass](#)

16 Recent MPs allegations (from March 2021) in the National Assembly against civil society organizations related to their connection with criminal groups, involvement in the attempted coup and the assassination of the president of the state.

17 European Parliament resolution of 25 March 2021 on the 2019-2020 Commission reports on Serbia (2019/2175(INI)), https://www.europarl.europa.eu/doceo/document/TA-9-2021-0115_EN.pdf

18 [European Parliament resolution](#) of 25 March 2021 on the 2019-2020 Commission reports on Serbia (2019/2175(INI)), [Annual Report](#) by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists 2021, Belgrade Centre for Human Rights, [Human Rights in Serbia 2020: Law, Practice and International Human Rights Standards](#), 2021

All parties recognized that there is a need for the establishment of the Femicide Watch or Observatory, which is currently being explored and discussed among CSOs and relevant government bodies.

The year 2021 has been marked by several high-profile cases of sexual harassment and abuse[22] involving famous public[23] and political figures[24] as alleged perpetrators. The cases raised the whole society against pedophilia and sexual violence and opened a debate on sexual violence against minor girls and women and reasons why no one raised the alarm and broke the silence. Strong reactions were immediately sparked across the entire region and initiated an “uprising against sexual violence”.[25] A movement similar to #MeToo has spread across the Balkan region.

Various platforms and campaigns were formed such as [NisiSama](#) (You are not Alone), [Meduza](#) (Medusa), [Verujem ti](#) (I Trust You) and [NisamTražila](#) (I did not ask for it) in Serbia, Bosnia, North Macedonia and Croatia and have empowered women to come forward with their experiences and seek justice and support.[26]

Recent cases uncovered the need to include the prevention of VAWG in the education system, starting from early education. Civil society launched the [Ne Znači Ne](#) (No Means No) initiative and a [petition](#) demanding training on “recognition, response and methods of protection against sexual violence” in Serbian schools. So far 10,485 signatures have been collected.[27]

19 reference: UNHCR partnering organizations data

20 <https://www.zeneproktivnasija.net/femicid-u-srbiji>

21 According to the statistics of Women's Civil Society Organization FemPlatz

22 First high profile #MeToo case regarding sexual violence and abuse took place in 2018.

<https://globalvoices.org/2020/07/17/serbias-first-metoo-trial-ends-with-three-month-prison-sentence-for-high-profile-predator/>

23 <https://www.japantimes.co.jp/news/2021/01/28/world/social-issues-world/balkan-women-metoo-moment/>

and <https://www.nytimes.com/2021/03/24/movies/danjela-stajnfeld-hold-me-right.html>

24 <https://rs.n1info.com/english/news/servis-official-suspected-of-pimping-intimidates-potential-witnesses/>

25 <https://cssplatform.org/balkan-women-uprising-against-sexual-violence>

26 Ibid

27 https://peticije.kreni-promeni.org/petitions/ne-znaci-ne?source=homepage&utm_medium=promotion&utm_source=homepage

UN in Serbia Contact:



Ms. Milana Rikanovic

Head of UN Women Office Serbia

milana.rikanovic@unwomen.org

Mr. Milan Markovic

Human Rights Adviser and Head of UN Human Rights Team Serbia

milan.markovic@un.org

Ms. Jelena Milovanovic

Partnerships and Development Finance Officer, Office of the UN Resident Coordinator in Serbia

jelena.milovanovic@un.org