



UPR MID-TERM REPORT THIRD CYCLE

**REPUBLIC OF SERBIA
(2018 - 2020)**



**PLATFORM OF
ORGANIZATIONS FOR
COOPERATION WITH UN
HUMAN RIGHTS MECHANISM**

INTRODUCTION

The Report before you was prepared by the Serbian CSOs rallied in the Platform of Organizations for Cooperation with UN Human Rights Mechanisms (hereinafter: Platform).¹ The Report is based on the findings of human rights monitoring and reporting projects and activities implemented by the Platform members and their experience and conclusions drawn through direct work with the victims of human rights violations.

The Platform was founded in June 2018 by civil society organizations with ample experience in reporting to UN human rights mechanisms. These CSOs recognized the need for and relevance of the continuous evidence-based reporting process, monitoring of the implementation of the recommendations these mechanisms have been issuing to Serbia and interaction with Serbian Government bodies for monitoring the implementation of UN human rights recommendations. The Platform's activities are guided by the CSOs' recognition of their common interest in systematically engaging in interaction with UN human rights mechanisms.

The goal of the Platform is to provide a unified and standardized approach to thematic, timely and quality reporting activities in relation to UN human rights mechanisms. The work within the Platform is divided into thematic working groups that continuously and intensively deal with activities related to a specific thematic area, a group of right holders, a specific treaty or a United Nations mechanism. The Platform comprises eight thematic working groups² at the moment.

The following CSOs are members of the Platform: Astra; Atina; A11 – Initiative for Economic and Social Rights; Belgrade Centre for Human Rights - BCHR; Centre for Independent Living of Persons with Disabilities of Serbia; Child Rights Centre; ERA – LGBTI Equal Rights Association for the Western Balkans and Turkey; FemPlatz; Geten, Centre for LGBTIQA People's Rights; Group 484; Mental Disability Rights Initiative – Serbia; Lawyers' Committee for Human Rights - YUCOM; International Aid Network - IAN.; Network of

¹ <https://platforma.org.rs/>.

² They include the thematic working groups for: 1) civil and political rights; 2) economic, social and cultural rights; 3) gender equality; 4) torture and other cruel, inhuman or degrading treatment or punishment; 5) child rights; 6) LGBTI rights; 7) rights of persons with disabilities; and, 8) the rights of migrants, asylum seekers and refugees.

Organizations for Children - MODS; the National Organization of Persons with Disabilities - NOOIS; SOS Network Vojvodina and the Standing Conference of Roma Civic Associations.

Following the presentation of the Report for the Third Cycle of the Universal Periodic Review in January 2018, the United Nations Member States sent the Republic of Serbia 190 recommendations aimed at improving and protecting human rights.³

The UN Human Rights Council adopted in June 2018 a report of the Universal Periodic Review for the Republic of Serbia, which officially accepted 175 recommendations. Shortly after, in September 2018, the CSOs that founded the Platform organized a conference *UPR 2018: Mechanism for the Promotion of Human Rights in Serbia* in order to bring together all the relevant actors (Government representatives, representatives of the diplomatic missions of the countries that sent the recommendations, CSOs and representatives of international organizations) and initiate a dialogue on future steps in the process of implementing the received recommendations, bearing in mind the political importance of the Universal Periodic Review process.⁴ However, the Government of the Republic of Serbia did not continue the dialogue initiated at the conference, and did not publish a plan for the implementation of UPR recommendations by the time this report was completed.

³ The document is available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/113/90/PDF/G1811390.pdf?OpenElement>.

⁴ "Universal Periodic Review (UPR) 2018 Conference Held", *Platform*, October 24, 2018, available in Serbian at: <https://platforma.org.rs/odrzana-konferencija-univerzalni-periodicni-pregled-upr-2018/>.



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UPR Recommendation No. & Country	Recommendations	Status of Implementation
	Platform Comments	
	Platforms' Recommendation to the Government of Republic of Serbia	
CIVIL AND POLITICAL RIGHTS		
113.1 Norway	Strengthen the rule of law through constitutional amendments as well as other reforms that enhance the independence and efficiency of the judiciary	Not implemented
113.2 Sweden	Ensure that the discussions on constitutional reforms regarding the independence of the judiciary move ahead in a timely and inclusive manner and that the outcome of this process is swiftly implemented	Not implemented
Related recommendations: 113.3 France 113.20 Australia 113.27 Canada	<p><i>The Republic of Serbia has not amended its Constitution to eliminate the risk of political influence on the judiciary and strengthen its independence. The constitutional amendment process, although under way since 2017, has been conducted in contravention of the provisions regulating the process, in the absence of a meaningful public debate, and in full disregard of the views of (national and international) judicial experts on the proposed solutions.</i></p> <p>In its 2007 Opinion on the Serbian Constitution,⁵ the European Commission for Democracy through Law (the Venice Commission) pointed out the problematic constitutional provisions giving rise to the risk of political influence on the judiciary. The Commission's recommendations were fully integrated in the Chapter 23 Action Plan.⁶ The Action Plan initially provided for the completion of the constitutional amendment process in the last quarter of 2017. The need to amend the constitutional provisions on the election of court presidents, judges, prosecutors and deputy public prosecutors, the composition and election of the High Judicial Council (HJC) and the State Prosecutorial Council (SPC) to eliminate the risk of political influence on the judiciary was recognized in the prior 2013-2018 National Judicial</p>	

⁵ European Commission for Democracy through Law (Venice Commission), Opinion on the Constitution of Serbia, Opinion No. 405/2006, 70th plenary session (17-18 March 2006), paras 15-17, available at: http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&OID=405.

⁶ Pressures on the judiciary in Serbia have become an everyday occurrence over the past five years. More in the BCHR *Human Rights in Serbia* reports for 2018, 2019 and its January-June 2020 Report, available at: <http://www.bgcentar.org.rs/bgcentar/eng-lat/reports/>.

Reform Strategy and its Action Plan. The new, 2019-2024 Strategy⁷, adopted in July 2020, and the Revised Chapter 23 Action Plan provide for the completion of the process in the last quarter of 2021.

It was clear back in 2017 that the deadlines set for amending the Constitution would be missed. In mid-2017, the Ministry of Justice (MoJ) initiated so-called public consultations on the constitutional amendments but allowed only associations and individuals that had submitted their written proposals of amendments to participate in the consultations. The MoJ—did not provide the participants either with a text of the proposed amendments to be discussed or with the opportunity to discuss disputable and open issues. The 2017 public consultations across Serbia did not include discussions and exchanges of arguments on how political influence on the judiciary could be eliminated. Representatives of the executive used the events to express their intolerance of and aversion to the idea of separation of powers and refute the need for the independence of the courts and autonomy of the prosecution offices in Serbia. The absence of provisions to be discussed and personal insults hurled at participants from the ranks of the judiciary and civil society led most participants to abandon the consultations on constitutional changes in October 2017.⁸

In January 2018, the MoJ published the Working Preliminary Draft of the Constitutional Amendments, specifying that it was the result of the 2017 public consultations. The several round tables that ensued were held in the same climate as the 2017 consultations, prompting most civil society participants to again abandon the debates and reduce their communication with the MoJ to written proposals.⁹

Experts (the highest judicial institutions, law professors, guild associations and human rights CSOs) voiced numerous criticisms about the formal and substantial deficiencies of the constitutional amendment process led by the MoJ in 2017 and 2018. They emphasized that the proposed amendments were not in compliance with the Chapter 23 Action Plan goals and activities; that the text did not take as its starting point the draft legal analysis of the constitutional framework on the judiciary in the Republic of Serbia or the experts' and associations' analyses forwarded in 2017; that no explanations of the proposed amendments were given and that their authors were unknown; that they were presented publicly by an authority not entitled to propose constitutional amendments under the Constitution (a Ministry rather than the Government and the National Assembly). They also complained that the constitutional amendment procedure had not been initiated in accordance with the Constitution, notably by a two-thirds majority

⁷ Even though the Strategy was adopted in June 2020, only draft version of 2019-2024 Judicial Development Strategy is available on the website of Ministry of Justice: shorturl.at/nqzLV.

⁸ *Paragraf*, "Serbian Constitution: Guild Associations and Associations Advocating Rule of Law Walk out of Constitutional Amendment Process," October 30, 2017. Available in Serbian at: <https://www.paragraf.rs/dnevne-vesti/311017/311017-vest1.html>.

⁹ *Danas*, "Insults Prompt Judges and Prosecutors to Walk out of Talks on Constitution," February 19, 2018, available in Serbian at: <https://www.danas.rs/drustvo/sudije-i-tuzioci-zbog-vredjanja-napustili-razgovore-o-ustavu/>.

in the National Assembly. The main objection to the provisions in the working version was that they did not eliminate political influence on the judiciary, just relocated it. The text presented by the MoJ in January 2018 envisaged the formal transfer of the appointment of new judges and deputy public prosecutors from the National Assembly to the HJC and SPC, but essentially transferred it to the Judicial Academy. The preliminary decisions on who could become a judge or deputy public prosecutor would be taken by the Academy when it selected applicants for its training (since only law graduates, who had completed the Judicial Academy, would be able to run for office in courts and prosecution offices). Further concerns were raised by the fact that the independence of the Academy, or any other institutions with such powers, is not guaranteed by Serbian law.

The MoJ sent the second preliminary draft of the proposed constitutional amendments to the Venice Commission for comment in April 2018. In its Opinion,¹⁰ the Venice Commission made as many as 44 recommendations about 29 constitutional amendments. While it explicitly praised the abolition of the three-year probationary period for first-time judges, most of its recommendations dealt directly with the depoliticization and strengthening of the judiciary. It highlighted as disputable the following issues: composition of the HJC and SPC and the role of the National Assembly; dissolution of the HJC; dismissal for incompetence; method to ensure the uniform application of the law (role of case-law); regulation of the status of public prosecutors and their deputies.

The last, Fourth Preliminary Draft¹¹ of November 2018 retained the provisions changing the election of judges and prosecutors and the status of the SPC and HJC, which, however, will not essentially reduce political influence on the judiciary. The Government approved this Draft and forwarded it to the National Assembly. Under the Draft, the Government and National Assembly will no longer play a role in the election of judges, public prosecutors and deputy public prosecutors (with the exception of the Supreme Public Prosecutor). The amendments, however, also abolish the judicial/prosecutorial majority in the HJC and SPC, enabling the legislative and executive authorities to influence the composition and work of these judicial bodies, since they envisage that the HJC comprise ten members (five of whom are elected by judges from amongst their ranks and five of whom are elected by the National Assembly from amongst the ranks of so-called 'eminent' lawyers). On the other hand, the SPC is also to comprise ten members (four deputy public prosecutors elected by public prosecutors and deputy public prosecutors, four 'eminent' lawyers elected by the National Assembly, the Supreme Public Prosecutor of Serbia and the Justice Minister).

However, under the draft amendments, in the event the National Assembly fails to elect all five non-judicial members of the HJC within 60 days and the four SPC members from the ranks of lawyers within 10 days, they shall be elected

¹⁰ Venice Commission, Opinion on the Draft Amendments to the Constitutional Provisions on the Judiciary, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)011-e).

¹¹ Available in Serbian at: <http://www.emins.org/wp-content/uploads/2018/11/Ustavni-amandmani-IV-verzija-srp.pdf>.

	<p>from among all candidates fulfilling the requirements by a majority vote of a commission comprising the Assembly Speaker, the Constitutional and Supreme Court Presidents, the Supreme Public Prosecutor and the Protector of Citizens (Ombudsman). Therefore, the amendments allow for the election of Council members from amongst the ranks of 'eminent' lawyers not by a two-thirds majority of MPs, but by a commission composed of three state officials (the Assembly Speaker, the Supreme Public Prosecutor and the Protector of Citizens) who are elected by the parliamentary (political) majority. The amendments thus introduce a new organ in Serbia's legal system, which will be charged exclusively with the appointment of non-judicial/non-prosecutorial members of the Judicial and Prosecutorial Councils and to which they transfer the competence of the National Assembly.</p> <p>The proposed amendments on the appointment of first-time judges and deputy public prosecutors were also criticized because they stipulate that only candidates with completed Judicial Academy training qualify for those offices. These provisions are lacking because the Judicial Academy is not an independent institution and because they preclude judicial and prosecutorial assistants, who have not attended it, from becoming judges and prosecutors.</p>
	<p>The Republic of Serbia should:</p> <ul style="list-style-type: none"> → Conduct the constitutional amendment procedure in compliance with the procedure laid down in the Serbian Constitution and law. → Conduct an extensive and meaningful public debate on amendments to constitutional provisions on the judiciary. → Amend the constitutional provisions and other relevant regulations to ensure the fundamental independence of the judiciary.

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT		
113.4 Morocco	Continue the harmonization of the Criminal Code provisions with international norms	Not implemented
<p><i>The Serbian legal framework is still not entirely in line with the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT).</i></p> <p>The definition of torture in Article 1 of the UN CAT is still not fully incorporated in the Serbian Criminal Code (CC).¹² Herewith a review of the chief deficiencies of the relevant CC provisions:</p> <p>Serbia has two criminal offenses governing the crime of torture - extortion of a confession (Article 136 of the CC) and torture and ill-treatment (Article 137 of the CC). These two offenses are overlapping. More precisely, there is no major difference between extortion of a confession and an aggravated form of torture and ill-treatment when committed by a state official (Article 137, paragraph 2 in conjunction with paragraph 3);¹³</p> <p>The definition of torture in Article 137(2) of the CC is excessively broad: torture may be perpetrated by anyone, not only by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.¹⁴</p> <p>The penalties envisaged for both crimes range between 6 months to 10 years, which does not correspond to the gravity of the crime of torture;¹⁵</p> <p>The statutes of limitations for the crime of torture, but also for acts of cruel, inhuman or degrading treatment, have not been repealed.¹⁶</p> <p>Apart from these shortcomings of substantive law, there is a serious problem regarding the main role of the public prosecutors (PPs)¹⁷ in the preliminary investigation and investigation stages of criminal proceedings under the</p>		

¹² *Official Gazette of the Republic of Serbia*, Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019.

¹³ Special Rapporteur on Torture (SRT), *Report on visits to Serbia and Kosovo*, 25 January 2019, UN Doc. A/HRC/40/59/Add.1, available at: <http://bit.ly/2P5PIU1>, para. 10, and Committee against Torture, *Concluding observations on the second periodic report of Serbia***, 3 June 2015, UN Doc. CAT/C/SRB/CO/2*, available at: <http://bit.ly/34iKRtc>, para. 8.

¹⁴ *CAT Concluding observations*, para. 8.

¹⁵ *CAT Concluding observations*, para. 8. and SRT Report, para. 11-12.

¹⁶ *Ibid.*

¹⁷ Articles 5 and 6 of the Criminal Procedure Code, *Official Gazette of the Republic of Serbia*, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019.

	<p>Criminal Procedure Code (CPC). Namely, the PPs' main role in these stages is frequently undermined by the lack of cooperation on the part of the police, which are under the obligation to act in line with the PPs' instructions.¹⁸ The CPC does not provide PPs with disciplinary powers over police officers not acting in line with their instructions, and, since the PPs frequently rely on the support of the police, this has serious consequences on the effectiveness of investigations of credible claims of police ill-treatment. Also, in practice, police ill-treatment cases are usually referred to different units within the Ministry of Internal Affairs (MIA), casting serious doubts about the impartiality and independence of the investigations.¹⁹ The ultimate consequence of the described state of affairs is the problem of impunity of state officials suspected of having committed acts of torture or other forms of ill-treatment.²⁰ This view is corroborated also by the latest CPT report.</p>	
	<p>The Republic of Serbia should:</p> <ul style="list-style-type: none"> → Harmonize its definition of torture in line with its obligations under UNCAT by: 1) laying down that the act of torture can only be perpetrated by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity; 2) merging the criminal offenses of torture and ill-treatment (Art. 137 of CC) and extortion of a confession (Art. 136 of CC) into a single crime of torture; 3) laying down penalties for torture that are commensurate to the gravity of the crime, in accordance with Article 4(2) of UNCAT; 4) repealing the statute of limitations. → Undertake the requisite measures to address the problem of impunity for crimes of torture and inhuman and degrading treatment. 	
<p>114.15 Georgia</p>	<p>Accelerate the process of amending national legislation in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p>	<p>Not implemented</p>
	<p>The procedural guarantees against <i>refoulement</i> are not fully incorporated in laws governing various forced removal procedures, which means that, in certain instances, aliens being forcibly removed to third countries or countries of origin do not have at their disposal the possibility of:</p>	

¹⁸ Article 282, CPC.

¹⁹ European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Government of Serbia on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 May to 7 June 2017, 21 June 2018, CPT/Inf (2018) 21, available at: <http://bit.ly/37UxLL8>, paras. 18-32.

²⁰ *Ibid.*

	<p>1. contesting their removal with the assistance of a lawyer and an interpreter for the language they understand;²¹ 2. actively participating in the procedure on their forced removal;²² or, 3. filing an effective legal remedy with suspensive effect.²³</p> <p>These deficiencies stem from: 1) Aliens Law²⁴ - Articles 15 and 77; 2) Misdemeanor Law²⁵ - Article 65; Law on Mutual International Legal Aid in Criminal Matters²⁶ - does not contain a provision prohibiting <i>refoulement</i>.²⁷</p>
	<p>The Republic of Serbia should: → Amend its law (in line with UN Committee against Torture General Comment No. 1 (2017) on the implementation of Article 3 of the Convention in the context of Article 22 in order to ensure respect of the <i>non-refoulement</i> principle.</p>

GENDER EQUALITY

113.18 Iceland	Take the necessary measures to promote the participation of women in the labour market in a wider range of occupations, including through awareness-raising to overcome gender stereotypes	Not implemented
<p>Related recommendations: 113.28 Bosnia and Herzegovina 113.38 Egypt</p>	<p><i>The Republic of Serbia has not invested sufficient efforts in improving the position of women in recruitment and at the workplace. The absence of the gender dimension in employment policies gives rise to major concerns given the major gender inequalities in the labor market.²⁸ The gender employment and wage gaps persist and the labor market is characterized by gender segregation by sector and occupation. The working conditions of women are precarious, especially in the textile industry.</i></p>	

²¹ SRT Report, paras. 47-51 and CAT Concluding observations, paras 14-15.

²² Ibid.

²³ Ibid.

²⁴ Official Gazette of the Republic of Serbia, Nos. 24/2018 and 31/2019, available at: <https://bit.ly/3bxcWrF>.

²⁵ Official Gazette of the Republic of Serbia, Nos. 65/2013, 13/2016, 98/2016, 91/2019 and 91/2019, available in Serbian at: <https://bit.ly/3h8KKMI>.

²⁶ Official Gazette of the Republic of Serbia, No. 20/2019, available in Serbian at: <https://bit.ly/325Z8kN>.

²⁷ CaT Decision concerning Communication No. 857/2017 in the case of *Ayaz v. Serbia*, No. 857/2017, 2 September 2019, UN doc. CAT/C/67/D/857/2017, available at: <https://bit.ly/2FhZmft>.

²⁸ Centre for Dignified Work, Bojan Urdarević et al, *Analysis of the State of Economic and Social Rights in the Republic of Serbia – Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, Belgrade, 2019.

113.40 Poland	<p>According to the National Employment Service (NES), only 1.5% jobless women are registered with this institution and receive unemployment benefits, 71.9% are registered but do not receive unemployment benefits, while 26.6% of unemployed women are not registered with the NES.²⁹ Women account for as many as 96.8% and men for just 3.2% of people not looking actively for a job because they are caring for children or disabled or infirm adults.³⁰ Although the recognition of women as a particularly vulnerable group in the labor market and at work and steps taken to ensure their greater coverage by employment measures are commendable, the number of women availing themselves of such measures is still small given the total number of unemployed women.³¹ In its 2019 Serbia Report,³² the European Commission said that only a quarter of the registered job-seekers were availing themselves of the measures, which, for the most part, comprised one-off activities, such as job-search training and job fairs. The 2018 Law on Financial Support to Families with Children (LFSFC) includes a number of discriminatory provisions, the enforcement of which has particularly impinged on women working in the grey market, women with less than 18 months of continuous service, women entrepreneurs, mothers of children with disabilities, women farmers and mothers with higher earnings. The “Moms are the Law” initiative filed an initiative with the Constitutional Court of Serbia to review the constitutionality of the provisions of this law,³³ while the Commissioner for the Protection of Equality filed an initiative with the Ministry of Labor, Employment and Veteran and Social Affairs (MLEVSA) to amend it.³⁴ The impugned provisions of the law were still in effect at the time this Report was completed. Women have been facing problems and gender-based discrimination both in recruitment and at the workplace. Surveys show that 36% female and 26% male respondents were asked about their children and family plans at their job interviews, while 7% of the female respondents were asked to provide medical proof that they were not pregnant. A third of the female respondents reported that they had been deprived of their right to paid maternity leave, which means that they had not been paid their maternity benefits or other benefits provided by law. Sixteen percent of the female respondents said that they had been forced to return to work before the expiry of their</p>
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²⁹Statistical Office of the Republic of Serbia, Bulletin, Labor Force Survey, 2020, p. 52.

³⁰ *Ibid*, p. 55

³¹ Femplatz, *2019 Report on Women's Rights and Gender Equality in Serbia*, May 2020, p. 49, available in Serbian at: <https://www.femplatz.org/library/reports/2020-08-10-PreneraZena.pdf>.

³²European Commission, *Serbia 2019 Report*, p. 78, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>.

³³ *Radio 021*, “Review of the Constitutionality of the Law on Financial Support to Families with Children Requested,” February 22, 2019. Available in Serbian at: <https://www.021.rs/story/Info/Srbija/208679/Zatrazena-ocena-ustavnosti-Zakona-o-finansijskoj-podrsci-porodici-sa-decom.html>.

³⁴ The Initiative is available in Serbian at: <http://ravnopravnost.gov.rs/rs/inicijativa-za-izmenu-zakona-o-finansijskoj-podrsci-porodici-sa-decom-2/>

	maternity leave, while as many as 15% said that their salaries were reduced when they came back from maternity leave. ³⁵ More women than men work shorter hours, both in the private and state sectors. Women accounted for as many as 87.4% of the respondents who said they were working part-time to look after children or disabled or infirm adults. ³⁶	
	<p>The Republic of Serbia should:</p> <ul style="list-style-type: none"> → Take measures to eradicate gender stereotypes about “female” and “male” educational profiles and occupations. → Put in place a set of measures to ensure the fairer and more equitable division of household chores, including looking after children and older family members. → Amend the Law on Financial Support to Families with Children to eliminate its discriminatory provisions 	
113.44 Slovenia	Formulate and implement systematic measures towards the eradication of stereotypes of women in society, creating a climate of zero tolerance for violence against women	Not implemented
<p>Related recommendations:</p> <ul style="list-style-type: none"> 113.42 Mexico 113.43 Moldova 113.44 Slovenia 113.45 Tunisia 113.46 Indonesia 113.47 Kyrgyzstan 113.48 Czechia 113.49 Austria 113.50 Gabon 113.52 Poland 	<p><i>Notwithstanding the good legislative framework and constitutional guarantees of equality between women and men, discrimination against women is quite widespread in Serbia, while discriminatory gender stereotypes feature prominently in public discourse.</i></p> <p>In its Serbia 2019 Report,³⁷ the European Commission said that the role of the media in perpetuating gender stereotypes and remained a concern. CSOs have over the past few years been reacting to discriminatory gender stereotypes, sexism and misogyny in public; such statements by senior state officials have had particularly harmful and far-reaching consequences.³⁸ The trend continued in 2019. The situation has been exacerbated also by the fact</p>	

³⁵ Kvinna till Kvinna, Aurelija Đan and Sofija Vrbaški, *Gender-Based Discrimination and Labour in the Republic of Serbia*, 2019, available at: https://kvinnaillkvinna.org/wp-content/uploads/2019/05/EU_Final_GenderLabourSerbia_eng.pdf

³⁶ *Supra* 31, p. 47

³⁷ European Commission, Serbia 2019 Report, p. 29, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>.

³⁸ Shadow Report to the Committee for the Elimination of All Forms of Discrimination against Women regarding the fourth reporting cycle of Serbia, Report submitted by the Platform of Organizations for, Cooperation with UN Human Rights Mechanisms, January 2019, pp. 6-7, available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SRB/INT_CEDAW_NGO_SRB_33664_O.pdf

114.98 Honduras	<p>that some senior public offices are held by people found guilty of or being prosecuted for various forms of violence.³⁹</p> <p>Concerns about the status of women discriminated against on multiple grounds were voiced by CEDAW⁴⁰ and the European Commission.⁴¹ They noted that specific groups of women – women from various minority groups, such as women with disabilities, Roma women, older women, rural women et al - were constantly subjected to multiple discrimination.</p> <p>Violence against women is still widespread in Serbia although efforts have been made over the past few years to improve the prevention and protection from such violence. The Serbian Law on Prevention of Domestic Violence was adopted in 2017, but monitoring of its enforcement has been severely impeded by the lack of publicly available and reliable nationwide data.⁴² As many as 9,403 cases of violence against women were reported in the first three months following the entry into force of this law. On a positive note, data show that the number of reports of domestic violence is growing, indicating that more and more women are opting for reporting their abusers; it should, however, be noted that many cases of violence against women remain unreported. For instance, March 2019 data show that 84,291 cases of domestic violence had been reported since the Law on Prevention of Domestic Violence entered into force and that 3,137 women reported their abusers in the first nine months of 2019.⁴³</p> <p>The Justice Minister said in October 2019 that 109,000 cases of domestic violence had been reported and 30,000 individual victim protection plans developed since the Law came into effect.⁴⁴ The European Commission alerted to the serious delay in the adoption of the strategy and action plan on violence against women and domestic violence.⁴⁵</p>
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³⁹ Femplatz, 2019 Report on Women's Rights and Gender Equality in Serbia, May 2020, p. 25, available in Serbian at: https://www.femplatz.org/library/reports/2020-08-10_PreneraZena.pdf

⁴⁰ Committee on the Elimination of Discrimination against Women Concluding observations on the fourth periodic report of Serbia*, CEDAW/C/SRB/CO/4, 14 March 2019, para. 44, available at: <https://undocs.org/en/CEDAW/C/SRB/CO/4>

⁴¹ European Commission, Serbia 2019 Report, p. 27, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>.

⁴² Femplatz, 2019 Report on Women's Rights and Gender Equality in Serbia, May 2020, p. 58, available in Serbian at: https://www.femplatz.org/library/reports/2020-08-10_PreneraZena.pdf

⁴³ *Ibid.*

⁴⁴ *Pravni portal*, Effects of the Enforcement of the Law on Prevention of Domestic Violence, October 4, 2019, available in Serbian at: <https://www.pravniportal.com/efekti-primene-zakona-o-sprecavanju-nasilja-u-porodici/>

⁴⁵ *Supra* European Commission, Serbia 2019 Report, p. 29.

	<p>Serbia still lacks reliable official statistics on femicide. Data on the number of women killed have for years been mostly collected from the media. Twenty-eight women were killed from early 2019 to end November 2019; 17 of them had never reported their abusers. The establishment of a body that would monitor femicide in Serbia was still pending at the end of 2019.⁴⁶</p> <p>The Protector of Citizens also alerted to the need to adopt the national strategy on the prevention and elimination of domestic and intimate partner violence.⁴⁷ The launch of the national hotline for women with experience of violence in late December 2018 was accompanied by major controversies, especially since women’s NGOs, which have been extending such services in Serbia for a very long time, were excluded. Data on the work of the national hotline are not publicly available.⁴⁸</p>
	<p>The Republic of Serbia should:</p> <ul style="list-style-type: none"> → Conduct a national campaign on the harmful effects of gender stereotypes. → Make sure that misogynous and sexist statements are adequately punished, regardless of who makes them. → Ensure reliable and disaggregated official data on violence against women, including femicide. → Urgently establish a body that will monitor femicide (Femicide Watch).

⁴⁶ Femplatz, *2019 Report on Women’s Rights and Gender Equality in Serbia*, May 2020, p. 61, available in Serbian at: <https://www.femplatz.org/library/reports/2020-08-10-PreneraZena.pdf>

⁴⁷ Press Release on the International Day for the Elimination of Violence against Women, November 24, 2019, available in Serbian at: <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6344-p-v-d-dun-r-dn-g-d-n-b-rb-pr-iv-n-silj-n-d-z-n>

⁴⁸ Femplatz, *2019 Report on Women’s Rights and Gender Equality in Serbia*, May 2020, p. 61, available in Serbian at: <https://www.femplatz.org/library/reports/2020-08-10-PreneraZena.pdf>

ECONOMIC, SOCIAL AND CULTURAL RIGHTS		
113.73 Germany	Ensure the effective integration of Roma people into Serbian Society	Not implemented
<p>Related recommendations: 113.10 France 113.67 Afghanistan 113.69 Egypt 113.72 Mozambique 114.103 Albania 114.104 Austria</p>	<p><i>Despite the numerous concerns raised about the position of the Roma minority and despite the formal acceptance of the relevant recommendations regarding their effective integration, the normative framework and practice continue to perpetuate the social exclusion of and discrimination against this vulnerable minority.</i></p> <p>A piece of legislation of immense importance for the assessment of Serbia's compliance (and lack of willingness to comply) with recommendations on Roma inclusion is the Law Amending the Law on Financial Support to Families with Children (LFSFC), which discriminates against Roma children.⁴⁹ The LFSFC was amended in an urgent procedure in June 2018 and entered into force on 1 July 2018. Article 25 of the amending law introduced additional requirements for parental allowance, notably the children must be fully and promptly vaccinated and they must regularly attend elementary school and obligatory preschool education. Although these conditions, on the face of it, are neutral, their effects disproportionately affect vulnerable Roma children. This is clearly visible from data about school and preschool attendance and immunization coverage among Roma and non-Roma children. The preparatory preschool program is attended by 98% of non-Roma children,⁵⁰ but only by 63% of Roma children.⁵¹ Around one out of six marginalized Roma children of compulsory attendance age are out of the education system.⁵² The completion rates in compulsory education of Roma girls and boys stand at only 57% and 66% respectively, compared to 93% of non-Roma girls and 95% of non-Roma boys.⁵³ These data clearly suggest that new parental allowance eligibility requirements have disparate impact on Roma children.</p> <p>The European Commission alerted to the discriminatory provisions of the LFSFC in its Serbia 2019 Report, in which it said that "[N]ew provisions of the Law on financial support to families with children include the condition that the</p>	

⁴⁹ *Official Gazette of the Republic of Serbia*, Nos. 113/2017 and 50/2018.

⁵⁰ UNICEF and the Statistical Office of the Republic of Serbia, *2014 Serbia Multiple Indicator Cluster Survey and Serbia Roma Settlements Multiple Cluster Survey, 2014, Final Reports*, Belgrade, Serbia, p. Iv and 167, available at: https://mics-surveys-prod.s3.amazonaws.com/MICS5/Europe%20and%20Central%20Asia/Serbia%20%28Roma%20Settlements%29/2014/Final/Serbia%20%28National%20and%20Roma%20Settlements%29%202014%20MICS_English.pdf.

⁵¹ *Ibid*, p. 173.

⁵² UNDP, *Roma at a Glance*, Serbia, p. 2, available at: https://www.google.com/url?q=http://www.eurasia.undp.org/content/dam/rbec/docs/Factsheet_SERBIA_Roma.pdf&sa=D&source=hangouts&ust=1541498169882000&usg=AFQjCNF_B1337gwA9_ETdGLr83i3F3I82w

⁵³ *Ibid*, p. 4.

right to parental allowance depends on the children being vaccinated. However only 12.7% of Roma children have received all recommended vaccines, compared to 70.5% of non-Roma children in the country.”⁵⁴

Roma children outside the education system and not covered by immunization are, without doubt, one of the most marginalized groups in Serbia. Instead of Serbia increasing efforts to promote non-discriminatory access to opportunities and services in all fields for Roma and to ensure their effective inclusion, in line with the received recommendations, the unfair provisions of the LFSFC have further exacerbated their situation and increased the gap between Roma and non-Roma children.

The relevant Ministry of Labor, Employment and Veteran and Social Affairs (MLEVSA) said that the LFSFC would be amended to eliminate provisions discriminating against women and new mothers. However, Article 25, which discriminates against Roma children and Roma families, is not included in the announced amendments. Civil society organizations alerted to the discriminatory provisions, but the working group tasked with drafting the amendments to the LFSFC and the MLEVSA refused to even consider the possibility of amending them.⁵⁵

The Roma’s already unenviable position further deteriorated after the outbreak of the COVID-19 pandemic. The lockdown in Serbia was quite strict in March and April; in addition to the everyday curfew that usually lasted from 5 pm to 5 am on workdays, the population was prohibited from leaving their homes throughout the weekends and public holidays (several days on end). The lockdown and lack of economic activity during the pandemic left many vulnerable Roma without means of subsistence. This is also pointed out in the report of the Protector of Citizens on the situation in Roma settlements visited during the state of emergency.⁵⁶ Around 70% of members of the Roma national minority in Serbia work in the informal economy,⁵⁷ mainly due to social exclusion and discrimination in the labor market. Persons without personal documents or residence registration, who are almost exclusively Roma, cannot be employed legally and depend entirely on precarious income from the informal economy and activities such as collecting secondary raw materials. Persons who earn their livelihood in this way and who lost their income due to the lockdown and the pandemic, are not covered by unemployment insurance. Serbia adopted several

⁵⁴ *Supra* European Commission, Serbia 2019 Report, p. 30, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>.

⁵⁵ In March 2019, one of the Platform organizations (the A 11 Initiative) wrote a letter to the Minister without Portfolio, who was also a member of the National Council for the Rights of the Child and a member of the working group monitoring the effects of the LFSFC and drafting amendments to it, alerting to the need to change the provision discriminating against Roma children. However, the Minister’s office replied that this case (i.e. discrimination against Roma children) was not within the remit of the Minister, who primarily dealt with demographic (population) policy, and that it forwarded the letter to the MLEVSA, which failed to respond to it.

⁵⁶ Protector of Citizens, Special Report of the Protector of Citizens: Conditions in Roma Settlements in the Situation of Emergency Status and Implementation of Protection Measures Due to Corona Virus Epidemics (COVID-19), May 19, 2020, available at <https://www.ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/6656-special-report-of-the-protector-of-cityens-with-recommendations>

⁵⁷ Serbian Government Office for Human and Minority Rights, Žarko Šunderić, *Analysis of Reasons Why Many Roma Work in the Grey Economy: Problems and Potential Solutions*, Belgrade, 2016.

	<p>measures in order to mitigate the economic consequences of the pandemic. However, no measure was aimed at collectors of secondary raw materials and informal economy workers. Furthermore, undocumented Roma were also excluded from the €100 one-off cash aid distributed by the state during the pandemic, which was available to all adult citizens of Serbia who had an ID card. However, persons without ID cards (almost exclusively Roma) could not obtain this form of assistance.</p> <p>The specific needs of vulnerable Roma in the field of education were also neglected. Because of the pandemic, school and preschool institutions were closed and replaced by distance learning. CSOs addressed the Ministry of Education, Science and Technological Development regarding the inability of Roma children and other children without electricity, the Internet and the requisite devices to attend online classes.⁵⁸ However, no measures were taken to facilitate these children's access to distance learning. About 11% of Roma households do not have electricity, compared to 0.1% of the general population. The Protector of Citizens also pointed out the Roma children's problems in accessing education, warning that inhabitants of many of the 600 or so informal settlements in Serbia did not have access to water, electricity or the Internet, and that they were not in a position to maintain basic hygiene, let alone enable their children to attend online classes.⁵⁹</p>
	<p>The Republic of Serbia should:</p> <ul style="list-style-type: none"> → Urgently adopt the action plan for the implementation of the Strategy for the Social Inclusion of Roma Women and Men in the Republic of Serbia. → Review and amend all harmful public policies and regulations precluding Roma women and men from exercising their economic and social rights without discrimination. → Implement measures to reduce the impact of COVID-19 on specific groups, take into account the needs of the most vulnerable Roma women and men (internally displaced Roma, Roma living in informal settlements, Roma on welfare, et al) and put in place measures to improve their situation, especially access to water, adequate housing, social protection and education.

⁵⁸ The A 11 Initiative wrote to the Ministry of Education, Science and Technological Development regarding the inability of Roma children to attend online school in April 2020, but never received a reply.

⁵⁹ Protector of Citizens, Special Report of the Protector of Citizens: Conditions in Roma Settlements in the Situation of Emergency Status and Implementation of Protection Measures Due to Corona Virus Epidemics (COVID-19), op. cit.

RIGHTS OF THE CHILD

113.34 Georgia	Step up efforts towards achieving inclusive education for all children (Georgia).	Not implemented
<p>Related recommendations: 113.30 Cyprus 113.31 Iraq 113.32 Timor-Leste 114.86 Belarus</p>	<p><i>The Republic of Serbia has not invested sufficient efforts in ensuring inclusive education for all children. Many of the Chapter 23 Action Plan⁶⁰ activities concerning inclusive education have not been implemented and the Revised Action Plan for the most part only moves the deadlines by which they are to be completed.⁶¹ The drop-out rates are still high, especially among Roma children. Discrimination and segregation in the education of Roma children is a systemic problem. The legislative framework's response to the above challenges is ineffective. Furthermore, the implementation of additional support services is not optimal.</i></p> <p>The Serbian Education Development Strategy until 2020 addresses inclusive education and care, which should contribute to the prevention of poverty and social exclusion. The challenges to the introduction of inclusive education in schools, which were identified when the Strategy was being prepared, are still present, wherefore a systemic approach to addressing the numerous problems is necessary in order to ensure adequate education for all children.</p> <p>The drop-out rates, especially of Roma children, are still high. Only 67% of the Roma children complete elementary school, compared with 96% non-Roma pupils, while only 1% Roma students complete tertiary education⁶². Almost 50% of Roma students drop out of secondary school, compared with 12% of non-Roma high-schoolers.⁶³ The Ministry of Education, Science and Technological Development (MoESTD) conducted a survey on reasons for early school leaving by Roma children, particularly girls⁶⁴. The analysis did provide useful data, but the lack of a comprehensive approach can greatly impinge on the activity set out in the Chapter 23 Action Plan – Establish a mechanism to prevent dropping out and early school leaving and support transitions at all education levels.⁶⁵ The</p>	

⁶⁰ Chapter 23 Action Plan, available at: <https://bit.ly/32W1iUq>.

⁶¹ Revised Chapter 23 Action Plan, available in Serbian at: <https://bit.ly/33RLh0X>.

⁶² European Commission Progress Report 2019, page 29.

⁶³ Serbian Government Social Inclusion and Poverty Reduction Unit, *Availability of Local Support Services and Measures for Roma Children*, p. 11. Available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2020/05/Availability_of_local_support_services_and_measures_for_Roma_children.pdf

⁶⁴ Užice Centre for the Rights of the Child, *Child Rights in the Process of Serbia's Accession to the EU – Fifth Shadow Report on Implementation of Chapter 23 Action Plan Activities Related to the Rights of the Child*, 2020, available in Serbian at: <https://bit.ly/33UmU2K>.

⁶⁵ Revised Chapter 23 Action Plan, Activity 3.6.2.15, available in Serbian at: <https://bit.ly/33RLh0X>.

physical inaccessibility of schools –the non-existence of either schools or public transportation to school - is one of the main and most frequent reasons for early school leaving of children in rural areas.⁶⁶ Discrimination and segregation in the education of Roma children is a systemic problem and the legislative framework’s response to the challenges is ineffective.⁶⁷ Effective support to Roma children in the education system is still missing.⁶⁸ Furthermore, there is no systemic approach to preventing segregation in education; the existing mechanisms are not consistently applied in practice, because they require the cooperation and engagement of numerous community actors.⁶⁹ Headway has been made in the enrolment of Roma children in secondary schools under affirmative action measures; their number grew from 330 in the 2014/05 school-year to 2,200 in the 2018/19 school-year.⁷⁰ However, stronger efforts have to be made to improve the educational status of Roma. Numerous activities, such as provision of scholarships, monitoring the implementation of measures to improve Roma education and implementation of social inclusion measures, have mostly been supported ad hoc, through project funding. Additional efforts also need to be made to increase the coverage of the children by the education system. However, according to the available data, around 50% of children from the general population and only 5.7% of Roma children are enrolled in preschool.⁷¹ Rulebooks governing in greater detail additional support to children and exercise of the right to individual educational plans⁷² were adopted in 2018 and 2019. However, the extension of additional support services has not been optimal. The Protector of Citizens concluded in his report⁷³ that additional educational support services had not been established to the requisite degree because they depended on the economic power of the local self-governments, while, at the national level, economic policies and measures affected the extension of additional support in education.

⁶⁶ Centre for the Rights of the Child, *State of Child Rights in the Republic of Serbia in 2019*, available in Serbian at: <https://bit.ly/3iUohF6>.

⁶⁷ Praxis, NGO Praxis’ Contribution to the European Commission’s Serbia 2019 Annual Report, p. 6. Available at: <https://bit.ly/3kHPqM0>.

⁶⁸ The European Commission also alerted to the need to address segregation in schools and strengthen measures to reduce drop-out rates, Serbia 2019 Report, p. 84.

⁶⁹ Praxis, NGO Praxis’ Contribution to the European Commission’s Serbia 2019 Annual Report, p. 6. Available on: <https://bit.ly/3kHPqM0>.

⁷⁰ Centre for the Rights of the Child, *State of Child Rights in the Republic of Serbia in 2019*, available in Serbian at: <https://bit.ly/3iUohF6>

⁷¹ Užice Centre for the Rights of the Child, *Child Rights in the Process of Serbia’s Accession to the EU – Fifth Shadow Report on Implementation of Chapter 23 Action Plan Activities Related to the Rights of the Child*, 2020, available in Serbian at: a <https://bit.ly/33UmU2K>

⁷² Rulebook on Additional Educational, Health and Social Support to Children, Pupils and Adults; Rulebook with Detailed Instructions on the Determination of the Right to an Individual Educational Plan, Its Implementation and Evaluation; Rulebook on Criteria and Standards for Providing Additional Support in the Education of Children, Pupils and Adults with Disabilities in Kindergarten and School Classrooms and Families; Rulebook on Pedagogical and Andragogical Assistants

⁷³ Protector of Citizens, *Inclusive Education: Additional Education Support Services for Children and Pupils*, 2018, available in Serbian at: <https://bit.ly/36Onxus>.

	There have been major problems in providing the services of pedagogical assistants and personal escorts (261 in kindergartens and elementary schools) as well. ⁷⁴ Steps must be made to continue expanding the network of pedagogical assistants and organize their training. Furthermore, the number of non-teaching school professionals (psychologists, pedagogues, etc.) in kindergartens and schools is far from sufficient to extend additional support to children and pupils. ⁷⁵	
	<p>The Republic of Serbia should:</p> <p>→ Adopt a nationwide inclusive education action plan and establish a body to monitor its implementation.</p> <p>→ Provide systemic support for measures facilitating the establishment of a sustainable inclusive education model.</p>	
114.89 Kyrgyzstan	Establish legislative and other measures to protect children from abuse and violence.	Not implemented
<p>Related recommendation:</p> <p>113.48 Czechia</p> <p>113.53 Greece</p> <p>114.90 Estonia</p> <p>114.91 Montenegro</p> <p>114.92 Portugal</p> <p>114.93 Austria</p> <p>114.94 Chile</p> <p>114.95 Uruguay</p> <p>114.96 Slovenia</p>	<p><i>Serbian law still does not explicitly prohibit corporal punishment of children. The Draft Law on Child Rights and the Child Ombudsperson, which provides for such a ban, has not been adopted yet. Nor has the Family Law been amended. In May 2020, the Serbian Government adopted the 2020-2023 Strategy on Prevention and Protection of Children from Violence and the 2020-2021 Action Plan for its implementation. However, the implementation of the Strategy, an important step in the strategic improvement of protection of children from violence, has not begun yet.</i></p> <p>The publicly available version of the draft amendments to the Family Law provides for the prohibition of corporal punishment of children in the home, but does not elaborate it in detail, wherefore it remains to be seen how the issue will be regulated and when the amendments will be adopted and enter into force. Furthermore, the prohibition of corporal punishment of children and the definition of such treatment is provided by the Draft Law on Child Rights and the Child Ombudsperson. The adoption of this law was included in the Government 2018 and 2019 Work Plans but not in the 2020 Plan, wherefore it may be concluded that its adoption has yet again been postponed.</p>	

⁷⁴ Serbian Government Social Inclusion and Poverty Reduction Unit, *Availability of Local Support Measures and Services for Roma Children*, 2020, p. 32, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2020/05/Availability_of_local_support_services_and_measures_for_Roma_children.pdf.

⁷⁵ Protector of Citizens, *2019 Annual Report*, available at:

<https://www.ombudsman.org.rs/attachments/article/175/Regular%20Annual%20Report%20of%20the%20Protector%20of%20Citizens%20for%202019%20pdf.pdf>.

	<p>In May 2020, the Serbian Government adopted the new 2020-2023 Strategy on the Prevention and Protection of Children from Violence⁷⁶ and its 2020-2021 Action Plan⁷⁷. The Strategy is an important step in the strategic improvement of protecting children from violence in Serbia, especially in view of the fact that the prior Strategy expired back in 2015. The definition of violence as “any form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” in the Strategy is in compliance with Article 19(1) of the UN Convention on the Rights of the Child. The Strategy recognizes the importance of introducing an explicit ban on corporal punishment in all settings and expressly qualifies corporal punishment aimed at correcting or controlling a child’s behavior as child abuse. However, the Serbian Government still has not set up a working group to implement and monitor the Strategy or selected the CSOs that will be monitoring and reporting on its implementation. The fact that the implementation of the Strategy has not begun yet gives rise to concerns, given that the prevention and suppression of violence against children and protection of children from violence should be the priority if the state of child rights in Serbia is to improve.</p>
	<p>The Republic of Serbia should: → Amend the legal framework governing the rights and status of children and prohibit corporal punishment of children as a form of impermissible, humiliating and harmful child-rearing practice.</p>

LGBTI RIGHTS		
<p>114.35 Australia</p>	<p>Strengthen discrimination protections for lesbian, gay, bisexual, transgender and intersex persons, and enact legislation that includes protection from discrimination on the grounds of intersex status⁷⁸</p>	<p>Not implemented</p>
<p>Related recommendations: 114.29 Czechia 114.32 Portugal</p>	<p><i>The necessity of amending the Anti-Discrimination Law⁷⁹ was publicly raised by both state authorities and civil society on many occasions, albeit to no avail. The degree of the general population’s social distance towards LGBTI persons is still among the highest. Intersex persons remain invisible both legally and socially.</i></p>	

⁷⁶ The Strategy is available in Serbian at: <https://bit.ly/2HpjDky>.

⁷⁷ The Action Plan is available in Serbian at: <https://bit.ly/2FYvhlN>.

⁷⁸ A detailed analysis of all LGBTI specific recommendations is available in the following report: <https://www.lgbti-era.org/one-stop-shop/written-contribution-3rd-cycle-universal-periodic-review-republic-serbia-mid-term>

⁷⁹ *Official Gazette of the Republic of Serbia*, No. 22/2009.

<p>114.33 New Zealand 114.34 Honduras 114.36 Iceland</p>	<p>The 2009 Anti-Discrimination Law includes sexual orientation and gender identity, but not gender expression and sex characteristics, among grounds on which discrimination is prohibited. Other provisions prohibiting discrimination based on gender, gender identity, and/or sexual orientation have been included in various laws, including the Criminal Code, the media, labor, asylum laws, etc. However, these laws do not grant protection from discrimination on all of the abovementioned grounds and require further harmonization.</p> <p>The necessity of amending the Anti-Discrimination Law was publicly voiced by both state authorities and civil society on many occasions, albeit to no avail. In early 2019, the Government of the Republic of Serbia approved the Draft Amendments to the Anti-Discrimination Law (hereinafter: Draft Law).⁸⁰ Contrary to the law governing the drafting and approval of draft laws,⁸¹ the relevant non-state stakeholders were not allowed to participate in its preparation; nor was a discussion on the proposed amendments organized before the Government formally adopted them. The state authorities mentioned on several occasions that two round tables on the amendments had been held with civil society but neither the Coalition against Discrimination⁸² nor any LGBTI CSO had ever been invited to such events and no information was published about who had participated in them, what they concluded, etc. The absence of a broad debate on the new legal solutions directly prevented the interested parties from contributing to the quality of the Draft Law, and above all the elimination of its numerous shortcomings. This led to open protests by civil society reported on by the media.⁸³ The Coalition against Discrimination issued a public statement⁸⁴ on the matter, which was supported by 45 CSOs.</p> <p>Eventually, in September 2019, the relevant state authorities allowed stakeholders to submit their comments and suggestions about the Draft Law online and at several public debates across the country. These public debates were, however, practically announced at the last minute, wherefore many CSOs were unable to attend them or prepare for them adequately. In addition, the possibility to provide comments on the Draft Law was limited only to the changes the Government had proposed in the Draft Law, but did not extend to the possibility of commenting or proposing amendments to the entire Anti-Discrimination Law, which is important in the context of this report since the Draft Law did not incorporate the above mentioned UPR recommendation and did not include sex characteristics or gender expression as prohibited grounds of discrimination. ERA, XY Spectrum and others sent their joint written comments on September 23, 2019 calling, among other things, for the implementation of the UPR</p>
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⁸⁰ Draft Amendments to the Anti-Discrimination Law, available in Serbian at: <https://www.paragraf.rs/dnevne-vesti/050919/050919-vest13.html>.

⁸¹ Law on the Planning System, *Official Gazette of the Republic of Serbia*, No. 30/2018.

⁸² This Coalition comprises eight CSOs focusing on anti-discrimination, including members of ERA: LABRIS, Geten and Praxis.

⁸³ *Danas*, "Relevant Authorities Should Withdraw Draft Amendments to Anti-Discrimination Law," March 1, 2019, available in Serbian at: <https://www.danas.rs/drustvo/nadlezni-da-povuku-predlog-izmena-zakona-o-zabrani-diskriminacije/>

⁸⁴ Available in Serbian at: https://www.womenngo.org.rs/images/zagovaranje/Zahtev_za_povlacenje_Predloga_izmena_Zakona_o_zabrani_diskriminacije.pdf

	<p>recommendations. The State did not provide any response to the written comments by the time this Report was submitted.</p> <p>In her most recent annual report (for 2019)⁸⁵, the Commissioner for the Protection of Equality reiterated what she had already said in all of her annual reports – that LGBTI persons, along with Roma, were among the most discriminated against groups in Serbia. The degree of the general population’s social distance towards LGBTI persons is still the second highest. However, when it comes to filing complaints with this institution, the number of complaints claiming discrimination on grounds of sexual orientation fell substantially, from 42 in 2018 to 18 in 2019. The Commissioner for the Protection of Equality filed two criminal reports of discrimination on grounds of sexual orientation in 2019. She, however, did not launch any civil proceedings, which is another possibility provided by the law. It is also important to note that her annual report has only a section on discrimination on grounds of sexual orientation but not a separate section on gender identity. There is no mention of gender expression in it. The position of intersex persons is not analyzed at all, as sex characteristics are not recognized by law.</p>
	<p>The Republic of Serbia should:</p> <ul style="list-style-type: none"> → Amend its anti-discrimination legislation to include gender expression and sex characteristics among prohibited grounds of discrimination and harmonize the anti-discrimination provisions in its laws to ensure they include protection from discrimination on grounds of sexual orientation, gender identity, gender expression and sex characteristics. → Secure adequate representation of LGBTI CSOs in all decision-making processes relevant to LGBTI communities in Serbia in line with United Nations Sustainable Development Goals (SDGs) and the 2030 Agenda.

⁸⁵ Available at: <http://ravnopravnost.gov.rs/wp-content/uploads/2020/05/Skraceni-redovni-godisnji-izvestaj-2019-engl.pdf>

RIGHTS OF PERSONS WITH DISABILITIES		
113.54 New Zealand	Work towards the deinstitutionalization of children with disabilities and the removal of barriers that hinder the effective access of children with disabilities to education	Partially implemented
	<p><i>The 2020-2024 Strategy for Improving the Situation of Persons with Disabilities in the Republic of Serbia has been adopted, but the adoption of the action plan for its implementation is still pending.</i></p> <p>The Ministry of Labor, Employment and Veteran and Social Affairs (MLEVSA) highlighted the intention to enhance the process of deinstitutionalization through promotion of specialized foster parenthood.⁸⁶ However the recently adopted 2020-2024 Strategy for Improving the Situation of Persons with Disabilities in the Republic of Serbia⁸⁷ acknowledges that, despite headway in deinstitutionalization, children with disabilities account for over 70 percent of residents of all children’s institutions. In 2016, institutions for children with disabilities had a total of 1455 residents, but some of them were adolescents and adults who could not find other living arrangements. There are 35 institutionalized children under three in Serbia. Children with disabilities account for 14.3% of all children in foster care – 382 of them are under 18 and 114 are young adults, between 18 and 26. Day care centers for children with disabilities were provided in 68 municipalities, and assistants escorting children with disabilities to school and class were provided to children in 30 municipalities. The 2020-2024 Strategy envisages improvement of support for family life, independent living and community inclusion and adoption of a deinstitutionalization program. Unfortunately, an action plan for the implementation of the 2020-2024 Strategy has not been adopted yet, although the law stipulates that action plans are to be adopted simultaneously with the strategies within 90 days at most. In the meantime, the Serbian parliament adopted the 2020-2023 Strategy on the Prevention and Protection of Children from Violence⁸⁸. It, inter alia, provides for strengthening the legal grounds for establishing small group homes, contrary to the CRPD standards. The establishment of small group homes risks to impede the deinstitutionalization of children with disabilities in the future.</p> <p>In the 2018/19 school year, over 20,000 pupils with disabilities studied in accordance with the Individual Education Plans tailored to their needs. In the 2019/20 school year, the state provided 4,745 adapted textbooks for 383 students with disabilities, 2,365 assistive technologies for 155 students with disabilities, 492 textbooks in Braille for</p>	

⁸⁶ Response to a question in a questionnaire which the National Organization of Persons with Disabilities of Serbia - NOOIS sent during its analysis of the implementation of the recommendations the Committee on the Rights of Persons with Disabilities sent the Republic of Serbia.

⁸⁷ The Strategy is available in Serbian at: <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2020/44/1/reg>

⁸⁸ Supra 76.

	<p>49 students and 1,888 textbooks in large print for 179 students. In the 2018/19 school year, 260 classroom assistants worked in schools. In the 2018/9 school year, 4,719 students with disabilities attended special primary schools. The 2020-2024 Strategy envisages the provision of adequate additional support to children and students with disabilities in an inclusive education system.</p>	
	<p>The Republic of Serbia should:</p> <ul style="list-style-type: none"> → Allocate sufficient resources for implementing the measures envisaged by the 2020-2024 Strategy for Improving the Situation of Persons with Disabilities in the Republic of Serbia for improving support for family life, independent living and inclusion in the community and adoption of the deinstitutionalization program. → Allocate sufficient resources for implementing the measures envisaged by the 2020-2024 Strategy for Improving the Situation of Persons with Disabilities in the Republic of Serbia for providing adequate additional support to children and students with disabilities in an inclusive education system. 	
<p>113.56 Russian Federation</p>	<p>Continue to strengthen legislative mechanisms on the protection of the rights of persons with disabilities</p>	<p>Partially implemented</p>
	<p><i>Although the legal framework for protecting the rights of persons with disabilities is adequate, institutions responsible for the protection of persons with disabilities need to be strengthened further in order to prevent the numerous and frequent violations of their rights.</i></p> <p>The legal framework for the protection of human rights of persons with disabilities is set forth by the Constitution and international human rights treaties binding on the Republic of Serbia, the Law on Prevention of Discrimination against Persons with Disabilities, the general Anti-Prohibition Law and the Law on the Protector of Citizens. A number of other systemic laws governing education, employment, healthcare, social protection, public information and media explicitly prohibit discrimination on grounds of disability. The Law on Use of Sign Language and the Law on Movement with Guide Dogs have been enacted. At NOOIS' initiative, the Criminal Code has been amended and now incriminates violation of equality and discrimination on grounds of disability.</p> <p>During the coronavirus pandemic, the rights of persons with disabilities, both those living in the community and independently and those living in institutions, were gravely endangered. The National Preventive Mechanism (NPM) was prohibited from visiting social care homes, despite increasing numbers of unofficial complaints of ill-treatment in residential institutions. Moreover, these institutions suffered from serious understaffing, leaving many residents</p>	

	<p>without proper and individual care. It is important to emphasize that such a situation amounts to inhuman and degrading treatment of people living in these institutions.</p> <p>In the course of the public debate on amendments to the Law on the Protector of Citizens in 2019, NOOIS put forward the proposal that the mandate of his Office be expanded to enable it to become the independent national mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities in the Republic of Serbia. This proposal has not been accepted yet.</p> <p>The Serbian Commissioner for the Protection of Equality reported that 26.4% of all complaints this institution received in 2018 pertained to discrimination on grounds of disability. Among those complaints, 79.8 percent regarded discrimination faced by persons with disabilities attempting to access public services, public areas, facilities, transportation, information and communication, which indicates the existence of systemic barriers faced by persons with disabilities in those and other areas. Forty-nine courts in Serbia are equipped to facilitate access for persons with disabilities, according to the Ministry of Justice. Twenty-two sign language interpreters have been licensed to interpret for deaf persons in court.</p> <p>The Office of the Protector of Citizens reported that 4.5 percent of all complaints which that institution received in 2018 pertained to alleged violation of rights of persons with disabilities by various authorities, primarily with regard to disability pensions, employment, social protection and disability benefits, and physical access.</p> <p>The 2020-2024 Strategy for Improving the Situation of Persons with Disabilities in the Republic of Serbia acknowledges the above-mentioned challenges and identifies equality and non-discrimination among the key areas in which measures must be taken. The Strategy envisages measures for continuous, systemic raising of awareness on human rights of persons with disabilities, as well as measures for ensuring persons with disabilities full and effective access to justice.</p>
	<p>Republic of Serbia should:</p> <p>→ Allocate sufficient resources for implementing the measures envisaged by the 2020-2024 Strategy for Improving the Situation of Persons with Disabilities in the Republic of Serbia to ensure continuous, systemic raising of awareness on human rights of persons with disabilities and that persons with disabilities have full and effective access to justice.</p>

RIGHTS OF MIGRANTS, ASYLUM SEEKERS AND REFUGEES

113.74 Germany	Establish an efficient and coordinated system for the integration of refugees into society	Partially implemented
	<p><i>Serbia still lacks a well-regulated and efficient system for the integration of refugees into society, which can also be ascribed to the numerous migration management challenges. Public opinion surveys show that public views of migrants, asylum seekers and refugees are extremely negative and that this trend has been visibly deteriorating over the past three years. Furthermore, increasingly frequent hate speech against this population on social networks and in digital media corroborates the need for an urgent institutional response and prevention of potential incidents. Serbia has not yet adopted a by-law on the issuance of travel documents to recognized refugees or provided them with access to naturalization although it passed its first Asylum Law back in 2008.</i></p> <p>Serbian law obligates the relevant actors to extend integration services only to aliens formally recognized the status of refugee, i.e. granted asylum.⁸⁹ The Serbian Government adopted by-laws⁹⁰ governing integration in greater detail, but their practical implementation and weak coordination among the relevant institutions remain problematic. The Government has not adopted any by-laws or proposed programs or measures to facilitate access to rights of other categories of migrants, especially those whose legal status in Serbia is not regulated. The adoption of such measures and programs is crucial for particularly vulnerable groups of migrants, such as victims of violence and exploitation, as they would enable them to claim elementary protection and preclude the further deterioration of their vulnerabilities. These vulnerable groups of migrants also need to be provided with access to justice, which should be clearly disassociated from and not conditioned by their asylum-seeking status. Public opinion surveys show that the citizens' views of migrants, asylum seekers and refugees are extremely negative and that this trend has been visibly deteriorating over the past three years.⁹¹ Furthermore, increasingly frequent hate speech against</p>	

⁸⁹ The asylum procedure in Serbia cannot be qualified as fair and efficient yet. Serbia granted international protection to 164 people since the 2008 Asylum Law entered into force.

⁹⁰ E.g. the Decree on Integration of Individuals Granted Asylum in Social, Cultural and Economic Life, which entered into force in 2018 (Decree on Integration); the Decree on Criteria for Establishing Priority Accommodation of Persons Recognized the Right to Refuge or Granted Subsidiary Protection and the Conditions for Use of Temporary Housing (Decree on Accommodation)

⁹¹ According to the annual public opinion surveys conducted by the Serbian Commissioner for the Protection of Equality (notably the 2018 and 2019 surveys (available in Serbian at: <http://ravnopravnost.gov.rs/rs/izvestaji-i-publikacije-rs/>), a large share of the general population exhibits a social distance towards migrants, asylum seekers and refugees. For instance, 37% of the respondents said they would not like to have migrants living in the same state as them. One out of three (38%) said they would not like to have migrants living next door. This percentage increased over 2016 and 2013, when it stood at 30% and 23% respectively. A third of the respondents (31%) would not like to work with migrants, while 36% would not associate with migrants (36%). The latter view was expressed by 25.8% of the respondents in 2016. Half of the respondents were

this population on social networks and in digital media corroborates the need for an urgent institutional response and prevention of potential incidents.⁹²

Most refugees fall in the socially vulnerable category of the population, wherefore the housing support they are extended is of major importance. The right to housing is for the most part well-regulated, although refugees still face specific challenges in accessing this right. Due to the lack of housing, Serbia has mostly been addressing the refugees' housing needs by providing them with financial aid to cover the rent; the amount of such aid, however, does not consider the number of the recipients' family members.⁹³ Aid equaling the minimum wage earned during the previous month is allocated to refugees without income or whose earnings do not exceed 20% of that minimum wage per family member. The Decree on Accommodation does not provide for an increase in the amount of financial aid for each family member, wherefore unemployed refugees living alone and five-member refugee families not earning money are granted identical monthly amounts. Furthermore, the regulations discourage aliens granted asylum from legal employment as long as they receive financial aid for housing. Such aid is no longer extended to refugees whose incomes exceed 80% of the minimum wage earned during the previous month. Aliens granted asylum have thus been discouraged from finding legal employment as long as they are eligible for temporary housing financial aid. If one also takes into account the high costs of obtaining a work permit, they are

against migrants holding senior public office. The findings of the survey conducted by the Belgrade Centre for Human Rights in November 2019 were nearly identical: 47% of the respondents would not like to see refugee families from Middle East and African countries move in next door; 30% said they were totally unfamiliar with Serbia's migration policy; 33% said they would not like their children to go to school together with children of Middle East or African refugees; only 23% of the respondents had direct contacts with migrants or refugees. The findings of the survey conducted by the organization PIN in 2020 (available in Serbian at: https://psychosocialinnovation.net/wp-content/uploads/2020/08/Stavovi-prema-izbeglicama-i-migrantima_2020.pdf) are also concerning: 40% of the respondents have negative feelings towards Middle East and African refugees and migrants; over half of them think that migrants should be allowed to remain in Serbia for just a few days or weeks; 18% think that Serbia should close its borders to them; around 40% believe in various conspiracy theories about migrants; half of the respondents did not know how many refugees and migrants were entitled to permanent residence in Serbia, while the other half greatly exaggerated their number; over half of the respondents would sign a petition limiting the number of refugees and migrants in Serbia; and, 19% would take an active part in protests against refugees and migrants.

⁹² For instance, an extreme right group going by the name of National Patrol on March 25, 2020 opened a Facebook profile called Stop to Settlement of Migrants (<https://www.facebook.com/groups/512775282720731>). The group has 325,000 members and spreads hate speech against the migrant population and fake news. The National Patrol on October 25, 2020 announced "cleansing of migrants" on social networks and staged a protest in the park near the Belgrade Central Bus Station that is frequented by migrants. Leftist organizations rallied in the park on the same day to express their solidarity with refugees. The groups were separate by a police cordon. The police had emptied the park before the rallies. No incidents broke out, but National Patrol said it would continue with such campaigns and anti-migrant rallies across Serbia to banish migrants from Serbia. More in the N1 video report, available in Serbian at: <http://rs.n1info.com/Vesti/a664694/Narodne-patrole-progon-migranata-protest-u-Beogradu.html>.

⁹³ Due to the lack of housing, the Serbian Commissariat for Refugees and Migration (CRM) has been extending only financial aid for temporary accommodation. In the first ten months of 2019, the CRM issued 19 rulings granting financial aid for accommodation, an increase over 2018, when it issued eight such rulings.

motivated to work in the grey economy and not pay their social and health insurance contributions and income tax on their earnings.⁹⁴

Although more than a decade has passed since the national Asylum Law was adopted, the Ministry of Internal Affairs (MIA) still has not adopted a by-law on the format of travel documents for refugees, wherefore their freedom of movement is limited to the territory of the Republic of Serbia. The refugees' inability to leave Serbia has frequently led to violations of their right to family life and their right to work since they are unable to travel abroad to see their families or pursue their business interests. Furthermore, the MIA has not been issuing successful asylum seekers IDs or other status-related documents of the same quality as those issued to Serbian nationals. The MIA now issues refugee ID cards without any protective elements apart from the seal; the data in them are filled manually by Asylum Office staff. Not only are refugee ID cards easy to forge. The fact that the refugees' data are handwritten have also met with mistrust among those perusing them and caused successful asylum seekers unpleasantness. Most of these ID cards are damaged after a few months of use due to substandard lamination.⁹⁵

The refugees' access to the labor market depends on the law and the actual circumstances. The law currently allows access to the labor market only to aliens legally residing in Serbia, asylum seekers,⁹⁶ and successful asylum seekers. The Law on Employment of Aliens entitles refugees and special categories of aliens (asylum seekers, aliens granted temporary protection or subsidiary protection and aliens victims of human trafficking) the right to obtain personal work permits allowing them free employment, self-employment and the right to unemployment benefits. Migrants have increasingly frequently been resorting to illegal work in the light of the current migration situation in Serbia, where most migrants have not regulated their status and increasingly need to earn money.⁹⁷ Unaccompanied migrant children have also been working illegally. A number of issues regarding the costs of and deadlines for exercising the right to work have not been addressed yet.⁹⁸ Article 7 of the Decree on Integration into Social, Cultural

⁹⁴ Group 484, Challenges in the Asylum and Migration System – the Situation of Particularly Vulnerable Groups, Belgrade, 2019, available in Serbian at:

<https://www.grupa484.org.rs/h-content/uploads/2020/05/lzazovi-u-sistemu-azila-i-migracija-1-grupa-484.pdf>

⁹⁵ BCHR has on innumerable occasions intervened on behalf of its clients, refugees and asylum seekers, who wanted to open accounts in Serbian banks, explaining to the staff that its clients' IDs were valid.

⁹⁶ Under the Law on Employment of Aliens (*Official Gazette of the Republic of Serbia*, Nos. 128/2014, 113/2017, 50/2018 and 31/2019), asylum seekers are entitled to access the labor market provided they have IDs issued to asylum seekers and personal working permits, issued nine months following their submission of an asylum application, provided that the decision on their application had not passed through no fault of their own. Such work permits are valid for six months and may be extended as long as the aliens maintain their asylum seeking status.

⁹⁷ For instance, migrants working without their work permits and social insurance in Belgrade were mostly selling goods at green markets, working in hair salons, car-wash establishments, cafes and restaurants and as construction workers. Source: Group 484, *Challenges in the Asylum and Migration System – Situation of Particularly Vulnerable Categories*, Belgrade, 2019, p. 16, available in Serbian at: <https://www.grupa484.org.rs/h-content/uploads/2020/05/lzazovi-u-sistemu-azila-i-migracija-1-grupa-484.pdf>.

⁹⁸ In the first 10 months of 2019, the National Employment Service issued 14 personal work permits to refugees and 115 such permits to aliens belonging to special categories of aliens. The NES issued six personal work permits to refugees and seven such permits to aliens belonging to special categories of aliens in the same period in 2018.

and Economic Life of successful asylum seekers provides for assistance in accessing the labor market; however, all the aid and support in obtaining the documents, paying the fees and other forms of administrative assistance are in practice extended by NGOs.

Many cases of illegally hired migrants lacking personal work permits, who are therefore deprived of the possibility to exercise their right to a minimum wage and other employment-related rights, have been registered in Serbia.⁹⁹ NGOs have also been covering the costs of administrative fees that have to be paid by work permit applicants.¹⁰⁰ The state has not yet put in place any upskilling or requalification programs for refugees; nor are such programs recognized in the Serbian Government's active employment measures.

Challenges in access to preschool education are the consequence of non-aligned by-laws and the absence of services assisting refugees in exercising this right. Alien children of preschool age cannot enroll in kindergarten under the same conditions as Serbian nationals. The problem that appears the most frequently in practice arises from the fact that most refugee children are neither nationals of Serbia nor of their countries of origin, which gives rise to difficulties in exercising the right to subsidies granted by some local governments in Serbia.¹⁰¹ Refugee children are not highly motivated to go to Serbian primary and secondary schools, mostly because they do not speak Serbian and cannot actively and meaningfully participate in education. The absence of preparatory programs has impinged also on enrolment in tertiary education institutions. To the best of our knowledge, no refugees in Serbia have enrolled in any college or university in the country.

Naturalization of successful asylum seekers remains unregulated due to the discrepancies between the Law on Aliens, the Law on the Citizenship and the Law on Asylum and Temporary Protection. However, naturalization and other relevant issues are status-related matters and cannot be governed by a by-law. Therefore, the refugee naturalization procedure should be regulated by amending the Law on Asylum and Temporary Protection and/or the Law on Citizenship.¹⁰²

⁹⁹ Slavica Milojević, *Access to the Right to Work of Migrants in the Republic of Serbia*, BCHR, Belgrade, 2019, available at: http://azil.rs/azil_novi/wp-content/uploads/2019/10/Pristup-migranata-pravu-na-rad-u-RS.pdf

¹⁰⁰ Pursuant to the Republican Administrative Fee Schedule, a work permit applicant must pay 13,890 RSD for the issuance of the permit and an application submission fee of 320 RSD. Applicants must also submit notarized photocopies of the rulings granting them refuge or subsidiary protection, which are usually seven or eight pages long, and certified copies of their registration numbers; these documents increase the application costs by at least 3,000 RSD.

¹⁰¹ A girl born in Serbia was granted refuge together with her single mother from Cameroon. They faced numerous challenges when the mother wanted to enroll her child in a kindergarten in Belgrade, where they live, since the child has neither Serbian citizenship nor de facto the citizenship of Cameroon. Her lack of Serbian citizenship gave rise to difficulties in exercising the right to subsidies granted by the City of Belgrade. In 2019, the City subsidized 80% of the monthly kindergarten fee (the full cost of which stood at 27,952 RSD). The BCHR team started assisting in the child's enrolment in kindergarten in 2018 and she was finally enrolled at the subsidized rate in July 2019, with the assistance of the Zemun Social Work Centre.

¹⁰² "Acquisition of citizenship by way of naturalisation should be regulated in such a way as to allow refugees to access the procedure for acquiring citizenship at least under the same conditions as other permanently residing foreign nationals. In this regard, the naturalisation procedure under the Law on Asylum and Temporary Protection should

	<p>The Republic of Serbia should:</p> <ul style="list-style-type: none"> → Adopt a by-law governing travel documents for refugees. → Introduce new templates of personal documents for successful asylum seekers of the same quality and with the same degree of protection as documents issued to Serbian nationals. → Provide asylum seekers with access to the labor market as soon as they apply for asylum. → Waive administrative fees for asylum seekers and refugees. → Establish a system for recognizing the college and university diplomas of refugees. → Enable the naturalization of refugees.

be regulated by direct reference to the procedure for acquiring citizenship by admission of a foreign national, in accordance with the provisions of the Law on Citizenship, with the assumption that the amendments and supplements to the Law on Foreigners have provided refugees with access to the procedure for obtaining permanent residence in line with the provisions of the Permanent Residence Directive.” Group 484, Miroslava Jelačić-Kojić and Gordana Grujić: *Permanent Residence and Access to Citizenship of Persons Who Have Been Granted Asylum*, PrEUgovor, Belgrade, August 2019, available at: http://preugovor.org/upload/document/permanent_residence_and_access_to_citizenship.pdf