

Research on Serbia

Including the following 5 indicators, total length around 2-3 pages
For the use of (digital) references, try to stick to APA 7
At the end list 3 Key Take-Aways

Indicator 1: **Existence of national policy documents on Human Rights:**

Human rights in Serbia are protected by the Constitution and numerous legal acts, among others Anti-discrimination Law. According to the Anti-discrimination Law published in 2009, the terms "discrimination" and "discriminatory treatment" mean any unjustified discrimination or unequal treatment, or omission (exclusion, restriction or priority), in relation to persons or groups as well as members of their families, or persons close to them, in an overt or covert manner, based on race, color, ancestry, citizenship, nationality or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, property status, birth, genetic characteristics, health status, disability, marital and family status, conviction, age, appearance, membership in political, trade union and other organizations and other real or assumed personal characteristics (Official Gazette of the Republic of Serbia, 2009). In 2013, the Government of the Republic of Serbia adopted the Strategy for Prevention and Protection against Discrimination for the period from 2014 to 2018. This strategy was a harmonized system of measures, conditions and instruments of public policy that the Republic of Serbia should implemented in order to prevent or reduce all forms and special cases of discrimination, especially towards certain persons or groups of persons with regard to their personal characteristics. It formulates ideas, commitments and planned outcomes of public policies in the field of anti-discrimination. This strategic document was an essential part of the Action Plan for Negotiating Chapter 23 the process of accession of the Republic of Serbia to the European Union. (Belgrade Center for Human Rights, 2020). Serbia opened Chapters 23 and 24, which refer to justice, human rights, freedom and security, in the accession chapters with the European Union in 2016. In this regard, there is an obligation to harmonize laws and bylaws with the regulations of the European Union and at the same time the opening of these chapters undoubtedly influenced the adoption of national strategies dealing with human and minority rights issues.

The goal of the Strategy for Prevention and Protection against Discrimination is to respect the constitutional principle equality and non-discrimination, especially in relation to vulnerable social groups, namely: national minorities, women, LGBT people, people with disabilities, the elderly, children, refugees, internally displaced persons and other vulnerable migrant groups, religious affiliation and persons whose health condition may be grounds for discrimination (Ministry of Labor, Employment, Veterans and Social Affairs, 2019.) In August 2019, the Ministry of Labor, Employment, Veterans and Social Affairs began the process of preparing the Strategy for Prevention and Protection against Discrimination for the period 2020-2025. The adoption of this strategy was planned for the second quarter of 2019, but it did not happen. However, in addition to this Strategy, which refers to all forms of discrimination, the Government of the Republic of Serbia has adopted numerous strategies that refer to specific social groups, and those are: Strategy for prevention and protection of children from violence for the period 2020-2023, Strategy for improving the position of persons with disabilities in the Republic of Serbia for the period 2020-2024, National Strategy for Gender Equality for the period 2016-2020, Strategy for social inclusion of Roma men and women in the Republic of Serbia for the period from 2016-2025, National strategy for resolving the issue of refugees and internally displaced persons for the period 2015-2020 and Action plan for exercising the rights of national minorities in Republic of Serbia.

Indicator 2: Development of human rights policies in the past (if possible with future outlook)

Serbia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in 2004 and it is bound by all the others most important universal international human rights agreements [The International Covenant on Civil and Political Rights (ICCPR) and two protocols to the Covenant, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of Discrimination against Women and Protocol to this Convention, the Convention on the Rights of the Child and two protocols thereto (on the participation of children in armed conflict and the sale of children, child prostitution and child pornography), the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Protocol to this Convention, the Convention on the Rights of the persons with disabilities and the Protocol to this Convention and the Convention for the Protection of All Persons from Enforced Disappearance]. Of the human rights conventions adopted under the auspices of the United Nations, Serbia has not ratified only the Convention on the Rights of Migrant Workers, although it has signed it back in 2004. Serbia also ratified the Additional Protocol to the Geneva Conventions from August 12nd 1949 on the Adoption of the Additional Distinctive Mark (Protocol III), Convention on the Safeguarding of the Intangible Cultural Heritage, Convention on the Protection of the Intangible Cultural Heritage human rights and the dignity of the human being with regard to the application of biology and medicine: Convention on Human Rights and Biomedicine. In order to better coordinate state bodies in the process of drafting periodic reports for UN committees and universal periodic review, the Government of the Republic of Serbia made a decision in December 2014 on the formation of the Implementation Monitoring Council recommendation of the United Nations human rights mechanisms (Belgrade Center for Human Rights, 2020).

Taking into account that the negotiations on Serbia's accession to the European Union are still ongoing and that Chapters 23 and 24 have not been closed, the adoption of new regulations and strategies are expected, as well as the harmonization of existing regulations with international ones.

Indicator 3: Pro and Contra Voices for human rights policies (names organizations or industries):

The Belgrade Center for Human Rights, which represents a non-governmental, non-political and non-profit association of citizens interested in improving the theory and practice of human rights in its report on human rights in Serbia for 2019, states the following: *"Socio-political conditions in Serbia in 2019 were not favorable for exercising human rights for many reasons. Populist rhetoric and persistent by repeating that the security of the state is endangered, an atmosphere of fear has been created among citizens and the restraint of experts when it comes to criticizing government decisions concerning their areas, but also the massive resistance of the citizens. The influence of politics is dominant in almost all spheres of social life, institutions are collapsing more and more, less and less tolerance in society and the lack of solidarity endangers the position of particularly vulnerable categories of Serbian citizens."* (Belgrade Center for Human Rights, 2020).

During the Covid 19 virus pandemic in the Republic of Serbia a state of emergency was imposed with the presence of the army on the streets and a ban on the movement of the population. Belgrade Center for Human Rights has submitted to the Constitutional Court of Serbia an initiative to initiate proceedings to review the constitutionality and compliance with the European Convention on Human Rights of the Misdemeanor Decree on restriction and prohibition of

movement of persons on the territory of the Republic of Serbia, issued during the state of emergency.

According to the latest Freedom House report, Serbia has lost its status as a free state and is now among the partially free countries due to the deteriorating conditions under which elections are being held, as well as attacks on independent journalists (Vojinović, 2019). Serbian Prime Minister Ana Brnabić wrote in response to the Freedom House that presenting Serbia as a country leading the decline in democracy in Europe is wrong, malicious and incorrect interpretation of quantitative data from the report of that organization (Radio Free Europe, 2020).

The Protector of Citizens Zoran Pašalić assessed in the report for 2019 that there is no progress in the area of freedom of speech, that journalists are endangered and that there is still "hate speech" in the media (Pašalić, 2020).

In 2011 and 2012, the Constitutional Court in Serbia banned the neo-Nazi organizations "National Alignment" (serb: "Nacionalni stroj") i "Patriotic movement Obraz" (serb: "Otačastveni pokret Obraz"). However, members of these organizations continued to operate within new far-right associations that have been criticized for its anti-human rights behaviour and ideology, including "Serbian Honor" (serb: Srbska Čast), "Serbian Action" (serb: "Srbska akcija"), and the The Leviathan Movement (serb: Pokret Levijatan) who even participated in the last parliamentary elections, but won 0.7%. These organizations are characterized by ultranationalist and neo-fascist policies.

Indicator 4: **Application to sporting organizations:**

It can be said that in the field of sports, the legal framework is relatively satisfactory. New Law on Sports is adopted in February 2016 and contains much more detailed provisions relating to the prohibition of discrimination and respect for the principle of equality in relation to the 2011 law. Article 4 Paragraph 3 and Paragraph 4 of the Law on Sports prohibit any direct and indirect discrimination, including hate speech, on any grounds, by athletes, sports experts, sports organizations and other persons participating in the sports system, in an overt or covert manner, which is based on some actual or presumed personal property (Official Gazette of the Republic of Serbia, 2016). The prohibition of discrimination referred to in paragraph 3 of this Article also includes the prohibition of discrimination against professional athletes and athletes who wish to become so in terms of employment, earnings or working conditions, except when making a difference or placing an athlete at a disadvantage compared to other athletes in the same or a similar situation is based on the nature itself or the actual and decisive conditions of performing a certain sports activity, and the goals that are thereby intended to be achieved are justified (Official Gazette of the Republic of Serbia, 2016).

One of the basic problems in the field of sports is non-existence reliable data on structural and institutional discrimination and individual discrimination of persons, groups of persons. The degree of involvement of members of certain vulnerable and socially vulnerable groups in organized forms of recreational sports and other sports activities is unknown, but it is known that the approach difficult for women, people with disabilities and the elderly, given the data listed in Sports Development Strategy in the Republic of Serbia for the period 2014–2018, adopted by Government of the Republic of Serbia in 2013.

In 2019, the Government formed a working group for the development of the National Strategy for the Development of Sports for the period from 2020 to 2030 and an Action Plan for its implementation. Also, the future Strategy for Prevention and Protection against Discrimination, in the field of sports, culture and media should set two specific goals: an effective system of

prevention of discrimination in sports, culture and media equal opportunities for participation in sports and cultural activities and access to information and media content. (Ministry of Labor, Employment, Veterans and Social Affairs, 2019.)

Indicator 5: **Additional relevant information**

In June 2020, the football players of FC Borac Čačak and FC Jagodina started a hunger strike due to unpaid salaries. The hunger strike, which has never happened before, occurred because the ten-day period that the former Borac football players gave to the city government to pay their debts expired. In this case the Law on Sports and Employment Law are on the side of the football players because their salaries have not been paid although that this decision was made after a court dispute, but the cities authorities (cities Čačak and Jagodina are owners of the clubs), have not yet solved these problems. The strike was stopped after three days, and the president of the union of professional football players "Nezavisnost", Mirko Poledica, pointed out that the reason for that was the poor health condition of the football players. However, there are assumptions that there was political pressure to end this protest.

There is a Commission for Women in Sports at the Sports Federation of Serbia, which is in charge of improving the position of female athletes and women employed in sports organizations.

The key problems in the implementation of future strategies are the fact that the planned improvements in the position of women have not been achieved because the new strategy related to the prevention and suppression of violence against women wasn't adopted, also there are no amendments to the Law on Prohibition of Discrimination, which is why the right to protection from discrimination continues to be very difficult to achieve before the courts, and courts and administrative bodies continue to refuse to directly apply ratified international agreements, except in rare individual cases. (Ministry of Labor, Employment, Veterans and Social Affairs, 2019.)

Key Take-Aways:

1. Serbia has adopted many international regulations on human and minority rights. However, the harmonization of national laws and regulations with these standards is lacking. At the same time, the adoption of a new Strategy for Prevention and Protection against Discrimination is still pending.
2. Reports from various international human rights organizations indicate that human rights have been compromised in Serbia, and extreme right-wing and neo-fascist organizations are gaining strength. At the same time, domestic organizations express doubts about the justification of the measures adopted in Serbia during the Covid 19 virus pandemic, accusing the Government of violating personal freedoms.
3. There is a lack of concrete state initiatives and strategies dealing with human rights in the field of sports. At the same time, within the non-governmental sector, initiatives are not strong enough. So the athletes were forced to take extreme measures, such as the hunger strike that the football players of FC Borac Čačak and FC Jagodina had in order to exercise their rights.

References:

1. Belgrade Center for Human Rights, (2020) *Human rights in Serbia 2019 - law, practice, and international human rights standards*. Belgrade Center for Human Rights <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2014/01/Ljudska-prava-u-Srbiji-2019.pdf>
2. Ministry of Labor, Employment, Veterans and Social Affairs, (2019) *Analysis of the effects, ie the starting point for the development of a new strategy for prevention and protection against discrimination 2020-2025*. Ministry of Labor, Employment, Veterans and Social Affairs <https://sn.rs/yypo4>
3. Official Gazette of the Republic of Serbia, (2009) *Anti-Discrimination Law*. Official Gazette of the Republic of Serbia https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html
4. Official Gazette of the Republic of Serbia, (2016) *Law on Sports*. Official Gazette of the Republic of Serbia https://www.paragraf.rs/propisi/zakon_o_sportu.html
5. Pašalić, Z. (2020, March 15) *Regular Annual Report of the Protector of Citizens for 2019*. Republic of Serbia-Protector of Citizens <https://www.ombudsman.rs/attachments/article/6542/Regular%20Annual%20Report%20of%20the%20Protector%20of%20Citizens%20for%202019%20pdf.pdf>
6. Vojinović, M. (2019, February 5) *Freedom House: Serbia has lost the status of a free state*. KRIK <https://www.krik.rs/fridom-haus-srbija-izgubila-status-slobodne-drzave/>
7. Radio Free Europe (2020, May 14) *Brnabić's answer to Freedom House: Misinterpretation and malicious interpretation of data from the report*. Radio Free Europe

Useful sites:

1. Office for Human and Minority Rights of the Government of the Republic of Serbia <https://ljudskaprava.gov.rs/sr>
2. Belgrade Centre for Human Rights <http://www.bgcentar.org.rs/>
3. Protector of the Citizens of the Republic of Serbia <https://ombudsman.rs/>
4. Committee of Lawyers for Human Rights <http://www.yucom.org.rs/>