

# report

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## Roma in the Republic of Serbia: The Challenges of Discrimination

Goran Bašić

P R A X I S





Portrait of a Roma family in Pancevo, Serbia.

*Jerome Cid / Alamy*

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# Roma in the Republic of Serbia: The Challenges of Discrimination

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# Executive Summary

In 2002, the Roma population in the Republic of Serbia was granted the status of a national minority, on the basis of which they enjoy the rights to protection of their national, cultural and linguistic identity. Since most Roma have long been exposed to the consequences of structural poverty and discrimination, the government has adopted the Strategy for Social Inclusion of Roma until 2025. The goal of the Strategy is to implement policies aimed at reducing poverty and eliminating discrimination against Roma in five strategic areas (education, employment, housing, social protection and health care) at the national and local level.

The national statistical office and professional organizations do not collect ethnically disaggregated data on the situation and exercise of the rights of Roma, which makes it difficult to evaluate the success of implemented measures, plan new measures and manage the Strategy. The Action Plan for the implementation of the Strategy expired in 2018, and a new one has not been adopted. According to the 2013 and 2019 reports of the Protector of Citizens and the findings of the research *Social Relations between Ethnic Communities in Serbia* (Institute of Social Sciences, 2020), Roma are not satisfied with the progress made. According to this most recent research, living conditions improved for only 14.2 per cent of respondents of Roma ethnicity, while for 25.3 per cent improvement was minimal and 54.8 per cent did not notice any improvement at all. Reports and opinions of the European Commission and expert bodies of the Council of Europe (the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFCNM, and the European Commission against Racism and Intolerance, ECRI) have also highlighted the problems related to the implementation of strategic measures.

Discrimination against Roma is a problem addressed by institutions and public policies, but the persistence of discriminatory treatment and behaviour towards them indicates that it is necessary to strengthen existing resources and build new capacities through a comprehensive anti-discrimination policy. Roma most often face discrimination in their daily contacts with fellow citizens, at work and while performing their usual daily tasks and activities. Employment, exercising the right to work, social protection and health care and education are all areas where they are frequently exposed to

discrimination. Spatial segregation and segregation in education, as well as hate speech, are forms of discrimination that, despite the established institutional protection, make exercising the rights of Roma more difficult. According to empirical data from the research mentioned above, members of the Roma national minority in Serbia most often face discrimination on the basis of their ethnicity. Sixty-six (66) per cent of Roma respondents have experienced such discrimination more than 10 times in their life, and another 15.1 per cent have experienced discrimination up to 10 times. Discrimination is rarely reported by Roma because they do not trust the institutions and the justice system. According to the findings of the research, 71 per cent of Roma citizens did not report discrimination, while out of the 23 per cent of incidents of discriminatory treatment and behaviour that were actually reported, just 4 per cent resulted in the authorities eliminating the consequences of discrimination.

Roma are increasingly well informed about forms of discrimination, as well as relevant institutions and protection mechanisms, and possible ways of reporting, but they often identify discrimination with other actions and practices similar to discrimination.

The Commissioner for Protection of Equality, established in 2010, deals with the problem of discrimination against Roma. However, according to Roma citizens, experts and representatives of civil society organizations (CSOs), this commitment should be stronger, better planned and deliver more substantial and effective results that change the awareness of the public and institutions about the harmfulness of discrimination. These remarks are justified, but it should be noted that the Commissioner does not have the authority to initiate procedures without receiving a complaint in accordance with the Law, that the Commissioner's opinions and recommendations are not binding, and that it does not have the possibility to monitor their implementation.

There are also other obstacles that hinder access to justice and thwart anti-discrimination efforts. Some of these obstacles stem from strong public stereotypes about Roma. Other obstacles are related to the problems of establishing and strengthening the rule of law, the crisis of parliamentarism and the pressures faced by the judiciary, as well as the inconsistent implementation of policies of

multiculturalism and inclusion. There are also obstacles to combating discrimination against Roma stemming from the poor public culture of human rights and the lack of training of public administration and local self-government employees on anti-discrimination policies. Finally, among the obstacles to the establishment of an effective anti-discrimination policy are a number of problems that hamper the functioning of free legal aid and make it difficult to support local self-government in terms of the exercise and protection of human rights.

In order to improve the current situation, to establish an efficient and effective institutional system to combat discrimination, it is necessary to have a synergy of ideas, policies, measures and activities created and implemented by international organizations, the state, local self-

government, civil society and the media. In order to establish an efficient system of social inclusion and encourage efficient and sustainable anti-discrimination policies, in which each of the afore-mentioned stakeholders acts responsibly in accordance with its role, it is necessary to undertake an urgent revision of the Strategy for Social Inclusion of Roma, based on evidence (in particular, disaggregated data), to make amendments to the Law on Prohibition of Discrimination to introduce new powers of the Commissioner for Protection of Equality (including power to initiate procedures for establishing discrimination on its own, to directly monitor implementation of recommendations and opinions it has issued) and to create conditions for unimpeded access to justice for Roma citizens.

# Methodology

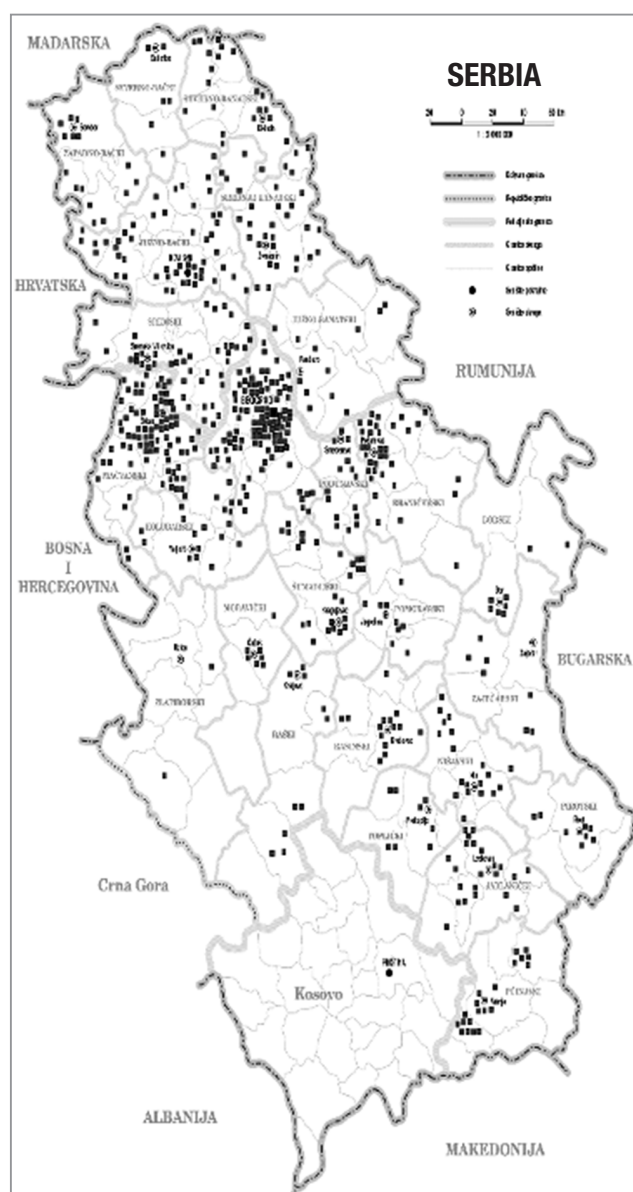
For the purpose of this report, the research on the situation of discrimination against Roma was conducted in the period 16 October - 16 December 2020. The research methodology, target groups and questionnaires were determined by Minority Rights Group Europe. The research included an analysis of the content of documents and regulations as well as direct engagement of the views of representatives of five different target groups on the problem of discrimination against Roma, conducted through eight focus groups and interviews with several lawyers and other professionals dealing with the protection of the rights of Roma.

The COVID-19 pandemic thwarted the plans related to focus group discussions. Two focus groups were held in-person, and the other ones through online platforms. The estimated time for discussion was 90 minutes, but it mainly lasted about two hours.

The interviews were organised with representatives of the following target groups:

- a) Roma community: Two focus groups were held. The first, which was attended by ten participants (seven women and three men), was organised in-person in Niš, on 16th October. The second was held on 16th December via the Zoom platform, and there were 6 participants (three women and three men).
- b) Roma women: Two focus groups were held. The first, which had eight participants, was held on 22 October via a Facebook group, and the second was held in-person on 31 October with nine participants.
- c) Roma activists: This was held on 2 November via the Zoom platform, and there were five participants - three women and two men.
- d) Representatives of CSOs: This was held on 2 November via the Zoom platform with eight participants - five men and three women.
- e) Lawyers: Two focus groups were held, both via the Zoom platform. The first, on 3 November, was attended by seven lawyers (five women and two men) with experience in working on Roma related anti-discrimination policies. The participants of the second focus group, held on 16 December, were six lawyers (2 men and 4 women) who had no experience in the exercise and protection of rights and combating discrimination against Roma.

The focus groups had a total of 59 participants (42 women and 17 men). In addition to group discussions, the focus groups also included individual interviews with a representative of the Commissioner for Protection of Equality and the Protector of Citizens, a representative of the Association of Local Ombudsmen, a representative of the Social Welfare Centre and two experts dealing with legal research on discrimination.



Distribution of settlements with more than 100 Roma residents in the Republic of Serbia

# Introduction

## Roma population and settlements in Serbia

According to the 2011 Census, there were 147,604 members of the Roma national minority in Serbia, including 75,042 men and 72,562 women. However, their number is assumed to be higher, and the findings of the research *Roma Settlements - Living Conditions and Opportunities for Roma Integration in Serbia* are considered to be closest to the actual number of Roma in the Republic of Serbia. These findings indicate that at the beginning of the twenty-first century there were 593 Roma settlements with more than a hundred people or more than fifteen families in each of them, making a total of 201,353 domiciled Roma and 46,238 Roma displaced from Kosovo (Bašić & Jakšić: 2005). Other sources, which are not based on empirical research, indicate that up to 800,000 Roma live in Serbia.

According to the above-mentioned research, the population of Roma is densest in the central and southern parts of Serbia around the big cities - Belgrade, Niš, Vranje and Leskovac. A significant number of Roma traditionally live in the area of Vojvodina, while the lowest Roma population density is in western Serbia.

These findings are corroborated also by the 2011 Census data, according to which 42,391 Roma live in the Autonomous Province of Vojvodina, 77,888 in the central part of Serbia, and 27,325 in the capital city area.

According to the censuses in cities and municipalities, the largest Roma population lives in Belgrade - 27,325. Belgrade is territorially divided into city municipalities, and

Roma are most numerous in the municipalities of Zemun (5,599), Palilula (5,007), Čukarica (3,163), Novi Beograd (3,020), Voždovac (1,169), Zvezdara (1,644), Obrenovac (1,547), Surčin (1,415) and Mladenovac (1,022).

In the area of AP Vojvodina, cities and municipalities with the population of Roma exceeding one thousand are: Novi Sad (3,636), Odžaci (1,035), Sombor (1,015), Vršac (1,388), Kovin (1,516), Pančevo (2,118), Bačka Palanka (1,064), Beočin (1,422), Žabalj (1,301), Kikinda (1,981), Subotica (2,959), Zrenjanin (3,410), Nova Crnja (1,016), Novi Bečej (1,295), Pećinci (1,008), Ruma (1,297), Sremska Mitrovica (1,194) and Stara Pazova (1,193).

A significant number of Roma men and women traditionally live in Leskovac (7,700), Niš (6,996), Vranje (4,654), Bujanovac (4,576), Požarevac (3,868), Kostolac (2,659), Pirot (2,576), Surdulica (2,631), Kruševac (2,461), Smederevo (2,369), Prokuplje (2,154), Aleksinac (1,937), Šabac (1,902), Bor (1,785), Bojnik (1,649), Kragujevac (1,482), Bela Palanka (1,418), Valjevo (1,413), Vranjska Banja (1,375), Žitorađa (1,366), Kraljevo (1,266), Lebane (1,251), Doljevac (1,218), Ub (1,118).<sup>1</sup>

The Roma in the Republic of Serbia speak mainly the Gurbet and Arli dialects, but also other dialects of the Romani language (Ćirković, 2018: 231). According to the Census, 100,688 Roma speak Romani as their first language (mother tongue).<sup>2</sup> Despite the fact that the Republic of Serbia has included the Romani language in the group of protected minority languages in accordance with Article 3 of the European Charter for Regional or Minority Languages,<sup>3</sup> it is not in official use<sup>4</sup> in any local self-government.<sup>5</sup>

1 Population by nationality and sex, by city and municipality: <https://www.stat.gov.rs/sr-latn/oblasti/popis/popis-2011/popisni-podaci-eksel-tabele/>

2 Population by mother tongue, by municipality and town: <https://www.stat.gov.rs/sr-latn/oblasti/popis/popis-2011/popisni-podaci-eksel-tabele/>

3 Council of Europe (2018), *European Charter for Regional or Minority Languages*. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680695175>

4 "Official Gazette of the RS" no. 45/91, 53/93, 67/93, 48/94, 101/2005 – other law, 30/2010, 47/2018 and 48/2018 – corr.

5 See the Fourth periodical report of the Republic of Serbia on the implementation of the European Charter for Regional or Minority Languages submitted to the Secretary General of the Council of Europe in October 2017. Available at: <https://rm.coe.int/serbiapr4-rs-doc/1680766d52>

# Discrimination against the Roma

Every study on the Roma in the Republic of Serbia points to various forms of multiple discrimination against them. It is widely believed that discrimination stems from the prejudice of other ethnic communities towards Roma. Discrimination is most often rooted in the opinion that Roma are less worthy and unable to integrate into society due to their specific lifestyle. The consequences of discrimination and intolerance towards Roma in the Republic of Serbia were most striking during the suffering in World War II (Pisari, 2014), but even in modern times, Roma face social and spatial segregation, humiliation and limited access to justice and rights. Due to the violations of human rights that they face, Roma often conceal their ethnic origin, and it is easy to identify ethnic assimilation by comparing the censuses: a striking example is the year 1961, when 9,826 Roma were registered in Serbia, almost fifty thousand fewer than in the previous census.<sup>6</sup>

It should be mentioned that throughout history there were periods when the Roma in the Republic of Serbia could be socially integrated - from active participation in the 18th-century insurgent Serbia (Stojančević, 1992) to the period of 'emancipation' after World War II when they definitely accepted a sedentary lifestyle (Acković, 2013: 213), were included in education and work and finally created a strong intellectual elite (Acković, 2001). The Roma in the Republic of Serbia actively participated in the creation and development of the European Roma movement and political awareness of their compatriots (Bašić, 2010: 37). The disintegration of Yugoslavia and mass violations of human rights in its territory devastated the positive effects of Roma integration and renewed intolerance, prejudice and discrimination (Jakšić, 2015: 35). Numerous studies and reports warn about this situation. The report *Wall of Anti-Gypsyism – Roma in Serbia*, prepared by the CSO Human Rights Defenders, points out that 'anti-Gypsyism, cumulative discrimination, prejudices towards and wrong perceptions of Roma prevail in Serbia as in all other countries in Europe. Anti-Gypsyism and cumulative and systematic discrimination constitute the root-causes for their social

exclusion, while high unemployment rates, low education enrolment and attainment rates and the deplorable living conditions of the majority are the symptoms of their situation. The repercussions of the wars, in particular the expulsion of tens of thousands of Roma from Kosovo to Serbia further complicate the situation in Serbia. In general, the Roma in the Republic of Serbia face discrimination and exclusion from the general public life.<sup>7</sup>

In modern Serbia, Roma most often face discrimination in daily contacts with neighbours, colleagues at work, and while performing routine social activities. The Roma participants in the focus groups pointed out various situations where members of other ethnic groups insulted and belittled them, expressed aggression or hate speech because of their skin colour or ethnicity (nationality). At one of the focus groups, a Roma woman selling fruit and vegetables at the market in Novi Sad pointed to daily insults from buyers that she was a 'gypsy', a 'thief', that she was told that they would not buy groceries from her because she was dirty. Another Roma woman, mother of a girl who is a secondary school student with excellent grades, emphasized the behaviour of students and teachers towards her daughter during primary and secondary education. In her opinion, her daughter was discriminated against throughout her schooling since non-Roma students would not be friends with her, did not show solidarity in situations when she needed help if she was absent from school, and insulted and mocked her. When they presented this problem to school staff, they were told that 'it was better for a gypsy girl to get married than to go to school'. Both Roma women believe that they had been discriminated against in these situations, but they did not report discrimination because they feared potential consequences, such as additional problems and unpleasanties.

Discrimination is most often not reported by Roma, except rarely in cases where discriminatory behaviour or action is accompanied by violence, which they report to the police or social welfare centre. Worryingly, most participants shared the view that they accepted

6 Nacionalni sastav stanovništva FNR Jugoslavije 1948/1961. – podaci po naseljima i opštinama, Knjiga III (National Structure of Population of FPR Yugoslavia - Statistics by Settlement and Municipality, Volume III). Available at: <https://pod2.stat.gov.rs/ObjavljenePublikacije/G1961/Pdf/G19614001.pdf>

7 Civil Rights Defenders (2018), *The Wall of Anti-Gypsyism – Roma in Serbia*. Available at: <https://crd.org/wp-content/uploads/2018/02/The-Wall-of-Anti-Gypsyism---Roma-in-Serbia-Srb.pdf>



discrimination as ‘normal life’ and avoided reporting it because afterwards they had to face inconvenience or pressure from the perpetrators of discrimination, and that the institutional system of protection against discrimination was inefficient and ineffective. However, the same participants, contrary to their previous statement that they did not report discrimination, said that it should be reported because in that way a system of prevention and protection of citizens from discrimination was developed. At first glance, these two statements are opposed, but if we analyse them more deeply, they indicate, on the one hand, the fear of inconvenience faced by individuals who believe they are discriminated against and distrust in the institutions responsible for establishing and punishing discrimination, and on the other hand, awareness of the need to report discrimination in order to prevent and eliminate it.

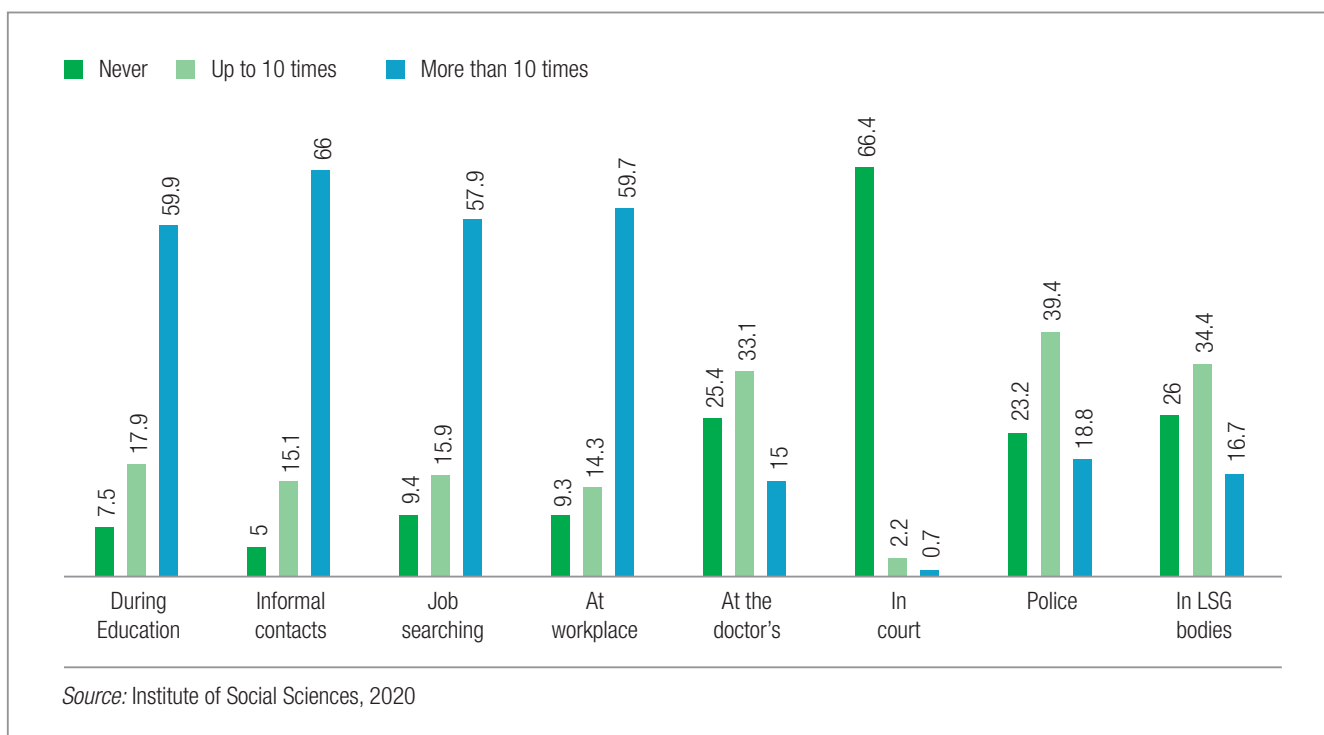
At the focus group held with members of the Roma national minority in Niš, a young Roma man shared an example of perseverance in the fight against discrimination. The case began with a taxi driver from a certain taxi association refusing to transport this young Roma man from the city centre to the ‘Roma Mahala’ where he lived. As the refusal of taxi drivers to transport Roma occurred repeatedly, the media found out that the taxi association had an internal rulebook according to which their drivers

were not obliged to transport Roma. According to the focus group participants, there is a pending court procedure initiated by the complaint lodged by the CSO A11 – Initiative for Economic and Social Rights, which performed situational testing and reported its findings to the Commissioner for Protection of Equality.

Employment and education are social activities in which Roma most often face discrimination. The participants point to the segregation of children, especially in pre-school institutions and primary schools. In some places (Leskovac, Niš, Belgrade, Bujanovac) non-Roma parents avoid enrolling their children in primary schools that are close to the settlements where Roma live in large numbers and therefore have Roma pupils. The participants also pointed to the spatial segregation of Roma settlements as a form of discrimination, then to discrimination in the health care system and the social protection system, and finally in the actions of local authorities, police officers and courts.

These findings are confirmed by empirical data from the study *Social Distance of Ethnic Communities in Serbia*, which was conducted in 2020 by the Institute of Social Sciences and the Ethnicity Research Centre.<sup>8</sup> The findings of this research show that discrimination on the basis of ethnicity is faced by members of all ethnic communities, including the majority, but most often by Roma. Sixty-six

Figure 1: Reported frequency of discrimination experienced by Roma respondents in Serbia in their lifetime



8 Institute of Social Sciences and the Ethnicity Research Centre (2020), *Social Distance of Ethnic Communities in Serbia*. Available at: <http://idn.org.rs/wp-content/uploads/2020/09/SOCIJALNA-DISTANCA-ETNICKIH-ZAJEDNICA-IZVESTAJ.pdf>

(66) percent of Roma respondents have experienced such discrimination more than 10 times during the course of their lives, and another 15.1 per cent of them have faced discrimination up to 10 times. Although they do not report discrimination, it triggers a range of feelings - fear, anger, indifference, shame. Roma respond to discrimination by socially distancing from members of other ethnic groups, as indicated by the findings of the aforementioned research.

Roma face discrimination more than ten times throughout their lives: during schooling (56.9 per cent), job searches (57.9 per cent) and at work (59.7 per cent). A smaller but still troubling proportion also face discriminatory behaviour in exercising their rights in health care institutions, courts, police and local self-government bodies. According to the findings of the same research, Roma face discrimination up to ten times during schooling (17.9 per cent), job searches (15.9 per cent), at work (14.3 per cent), at the doctor's (33.1 per cent), with the police (39.4 per cent) and before local self-government bodies (34.4 per cent).

Despite the fact that the strategic measures related to the improvement of the situation of Roma have been implemented since 2009,<sup>9</sup> the problem of structural poverty of members of this ethnic community has not been resolved. Inefficient actions of public authorities in connection with the implementation of strategic measures contribute to maintaining the disadvantaged socio-economic situation of Roma, as highlighted by the Protector of Citizens in its 2013 and 2019 special reports.<sup>10</sup> Broadly speaking, the inefficient, uneconomical and ineffective conduct of public authorities in addressing the problem of Roma poverty opens a debate on the existence of systemic discrimination. The consequences of not resolving Roma poverty have been visible during the Covid-19 pandemic, because the residents of 38% of substandard settlements do not have direct access to water, and in another 30% of such settlements 30% of houses are not connected to the water supply network. It is estimated that at least five thousand Roma families, i.e. 25,000 Roma men and women, do not have access to water, which, among other things, makes it difficult to maintain hand hygiene as one of the basic ways to reduce the risk of infection.<sup>11</sup>

The participants of two focus groups, nineteen Roma women of different ages, economic, educational and social status, pointed to multiple discrimination against Roma women: on the basis of ethnicity, sex and within the Roma community with ingrained patriarchal life

patterns.<sup>12</sup> The Roma women who participated at the focus group held in Niš reported direct discrimination, based on their personal experience and the experience of other women during child delivery at the Maternity Department of the Clinic for Gynaecology and Obstetrics where there was a 'Roma room'. Only Roma women, who were subjected to abuse and insults by medical staff, mostly nurses, were placed in this room. A young Roma woman, who gave birth at the same time as the focus group participant, reported facing insults and ridicule on a daily basis from the nurses, who told her that she was not able to use soap, that she smelled bad and insulted her in other ways. Moreover, they did not help her appropriately during breastfeeding and childcare and coping in the first days after childbirth. She instead received support from other mothers, also Roma women. The focus group participant also pointed out that this kind of discrimination occurred repeatedly, and that, according to her knowledge, other Roma women had similar experiences in the same hospital. She did not report the behaviour of the medical staff, and is not aware whether someone else had done so.

Roma women also face domestic violence, most often by men or older dominant women in their families. Violence and discrimination are rarely reported by Roma women, and the consequences are physical injuries and severe violations of dignity as well as thwarting personal choice plans, which can broadly be interpreted as indirect discrimination. According to the participants, educated Roma women and those who are economically independent find it easier to decide to deal with the mentioned traumas, and among them there is a large number of activists who try to pass on their experience and fight against domestic violence and multiple discrimination to young women and girls.

Discrimination against Roma is based on prejudices and stereotypes that members of all other ethnic groups in Serbia have towards Roma. According to research by the Institute of Social Sciences, only around half of respondents would accept Roma as neighbours, and just one fifth as a spouse. What is striking in the pattern of discrimination against Roma is that community members face discrimination from an early age in their contact with peers, and that discrimination occurs during schooling, employment, at the workplace and in dealing with institutions. At the focus group discussions, the participants shared experiences that confirm this pattern, even though

9 See: [https://ljudskaprava.gov.rs/sites/default/files/dokument\\_file/strategija\\_z\\_a\\_unapredjenje\\_polozaja\\_roma.pdf](https://ljudskaprava.gov.rs/sites/default/files/dokument_file/strategija_z_a_unapredjenje_polozaja_roma.pdf)

10 The website is available here: <https://www.pravamanjina.rs>

11 See: *Ljudska prava u Srbiji tokom prvog talasa koronavirusa* (2020), A11 Inicijativa za ekonomska i socijalna prava, Belgrade (*Human Rights in Serbia During the First Wave of Coronavirus* (2020), A11 Initiative for Economic and Social Rights). Available at: <https://www.a11initiative.org/wp-content/uploads/2020/10/Ljudska-prava-u-Srbiji-tokom-prvog-talasa-koronavirusa.pdf>.

12 See: Multiple Indicator Cluster Survey – Roma settlements 2019: UNICEF & the Statistical Office of the Republic of Serbia, Belgrade; [https://www.stat.gov.rs/media/5612/mics6\\_report\\_serbia.pdf](https://www.stat.gov.rs/media/5612/mics6_report_serbia.pdf)

**‘I responded to a phone ad for a job in a bakery. After the conversation, the owner told me that I could start working the next day. When I showed up at work, she was looking at me astonished and said that her husband had already employed another worker. It was clear to me that I had not got the job because of the darker tone of my skin.’**

Testimony of a Roma woman from Belgrade

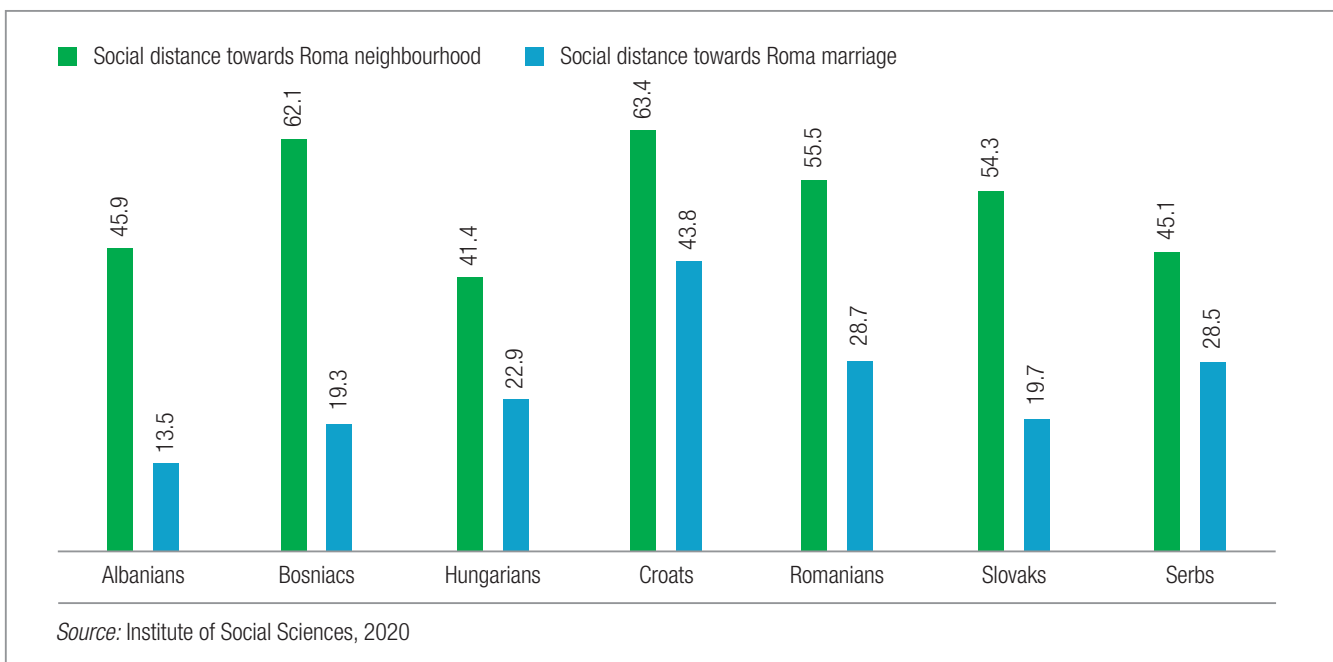
some participants claimed that they had not faced discrimination. One of the focus group participants, a Roma woman with university education, stated that despite the fact that she had never felt direct discrimination, she had a feeling that prejudice towards her ethnic origin had been an obstacle to her full social and professional recognition. According to her, during her schooling and studies she had to be twice as successful as other children and students to achieve the same result. Then, despite applying for jobs in the public sector and private companies countless times, she had never been offered an employment contract longer than a few months, and the private business she ran independently was burdened by the prejudices of service users towards her ethnicity. Finally, her children faced the same problems she had faced during schooling -

being ignored by other children, feeling ashamed when others talked about Roma with humiliation and ridicule, and less interest from teachers in their educational achievements compared to other pupils.

A Roma girl who was enrolled by her parents, highly educated experts, in the first grade of primary school in a central Belgrade municipality had a similar experience. According to the parents, at the beginning of schooling their daughter had no problems as a result of her Roma ethnicity, but after a few months, after an argument with a classmate, she faced discrimination which consisted of being humiliated, insulted and avoided by most children. The situation affected the girl’s mental state, and the parents’ interventions with the class teacher, the psychologist and the school principal did not lead to any improvements. At the end of the first grade, the girl changed school.

It is important to point out the frequent segregation of Roma pupils in public schools. Attention was drawn to this phenomenon more than a decade ago, when it was noticed that parents of other nationalities avoided enrolling their children in educational institutions attended by a larger number of Roma pupils. This trend was evident in the local governments in which educational institutions were located near settlements populated mainly by Roma. In the reports on the implementation of strategies for improving the situation and social inclusion of Roma from 2013<sup>13</sup> and 2019,<sup>14</sup> the Protector of Citizens

Figure 2: Social distance towards Roma in the Republic of Serbia



13 Available here: <https://www.pravamanjina.rs/attachments/IZVESTAJ%20ZG%20O%20SPROVODJENJU%20STRATEGIJE.pdf>

14 Available here: <https://www.pravamanjina.rs/attachments/article/705/Posebna%20izvestaj.pdf>

highlighted this problem, and in 2019 the Commissioner for Protection of Equality issued an opinion stating that the municipal administration of Bujanovac, the primary school from the territory of that municipality and the Ministry of Education, Science and Technological Development had unjustifiably failed to undertake available measures and activities to prevent the segregation of Roma pupils, thus committing direct discrimination.<sup>15</sup> Having determined that the segregation of pupils in the educational system was a form of discrimination based on their ethnicity, the Commissioner clearly pointed out the personal and social damage caused by the segregation of Roma pupils into separate classes or schools. The participants of the focus group held in Niš stated that the school in the ‘mahala’ had mainly been attended by Roma children for a long time now, while this school, located in the city centre, once had more non-Roma students.

According to the response of CSOs and media reports, discrimination against Roma by extreme right-wing organizations has increased in recent years. The Alliance against Discrimination pointed to violence against a Roma family by the organization Levijatan,<sup>16</sup> which re-occurred<sup>17</sup> in mid-2020. The motive for discrimination against Roma by the organization Serbian Honour was the protection of

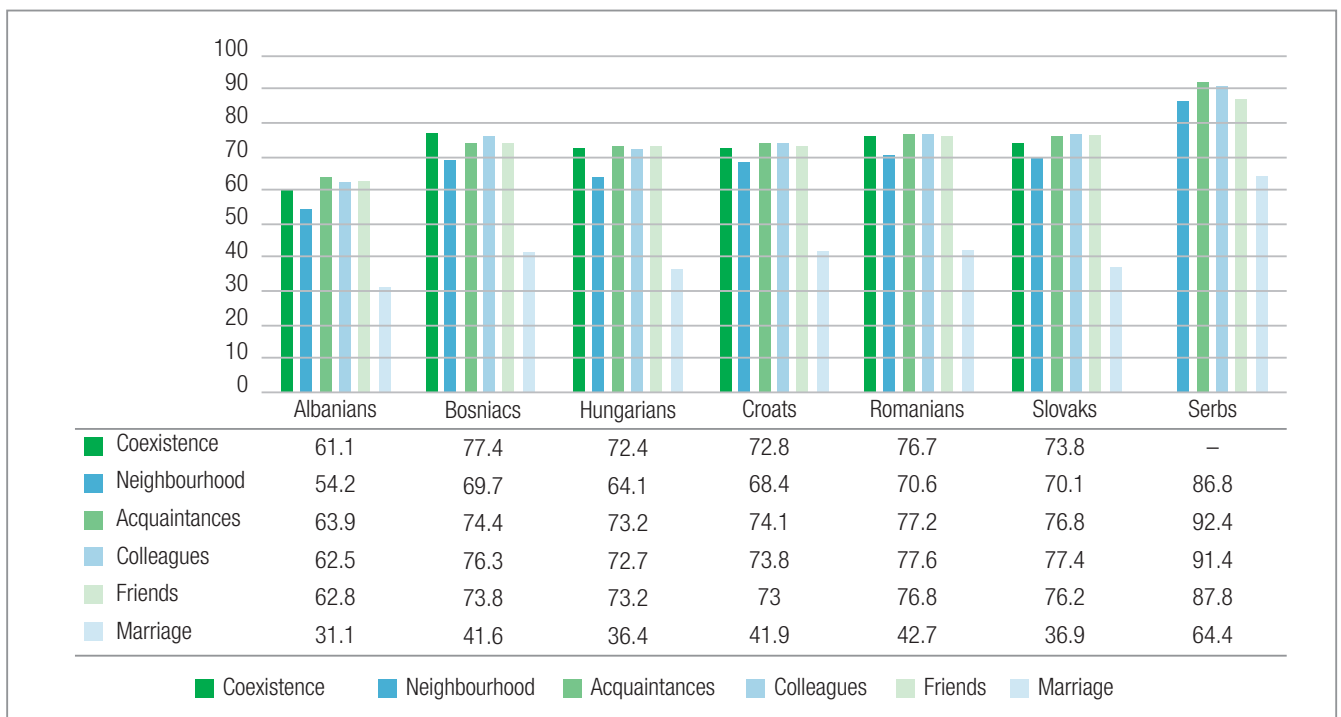
‘People are scared. There is more and more extremism and violence. Our young men cannot go out of the settlement on their own at night, and they were attacked twice nearby.’

‘Hooligans with bats and chains attacked five of our boys while they were playing basketball. In the middle of the day, in “our” settlement. They ran away quickly, I dare not imagine what would have happened had there been more of our people in the street.’

From focus group discussions

animals that were allegedly not taken care of.<sup>18</sup> In all focus group discussions with Roma, the trend of increasing discrimination by far-right organizations and increasing fear among Roma were identified. According to Željko Jovanović, President of the European Roma Institute for Arts and Culture, ‘racism not only leads to economic

Figure 3: Closeness with others: Personal attitudes



15 Opinion of the Commissioner for Protection of Equality no. 07-00-1328/2018-02 of 28 March 2019.

16 For more information, see: <https://romaworld.rs/alijansa-protiv-diskriminacije-roma-osudjuje-nasilje-nad-porodicom-garip-od-strane-levijatan-organizacije-9-aprila-2020-godine-u-beogradu/>

17 For more information, see: <https://www.masina.rs/?p=13087>

18 For more information, see <https://www.juznevesti.com/Drushtvo/Reakcije-na-odvodjenje-konja-Srbska-cast-htela-da-pomogne-romskom-udruzenju-zao-zivotinje.sr.html>



losses but also to national security risks. The political power of right-wing extremists and nationalist populists is growing on the basis of the instrumentalization of negative prejudices against Roma in order to get votes.<sup>19</sup>

From the focus group discussions, there is an impression that fear permeates the Roma community. The emergence of the extreme right in Serbia has caused anxiety and recalls the memories of the suffering of Roma in the past. At the same time, the participants, especially the younger ones, condemn public institutions and society for failing to respond, in a timely and clear manner, to the open violence of extreme-right members against Roma. In addition, it is noticeable that the internal ties among Roma and their pride in their national origin, history and culture have been strengthened.

The research on social distance, conducted by the Institute of Social Sciences, shows a trend of increasing ethnic exclusivity among Roma (Figure 3). It has long been considered that Roma in the Republic of Serbia are open to intercultural communication and exchange, but indicators from 2020 show that Roma prefer to live in the neighbourhood of other Roma rather than non-Roma communities, that they are reserved towards marriages with members of other ethnicities, but also that other social ties have been weakening. At the focus group discussions, Roma participants emphasized that though

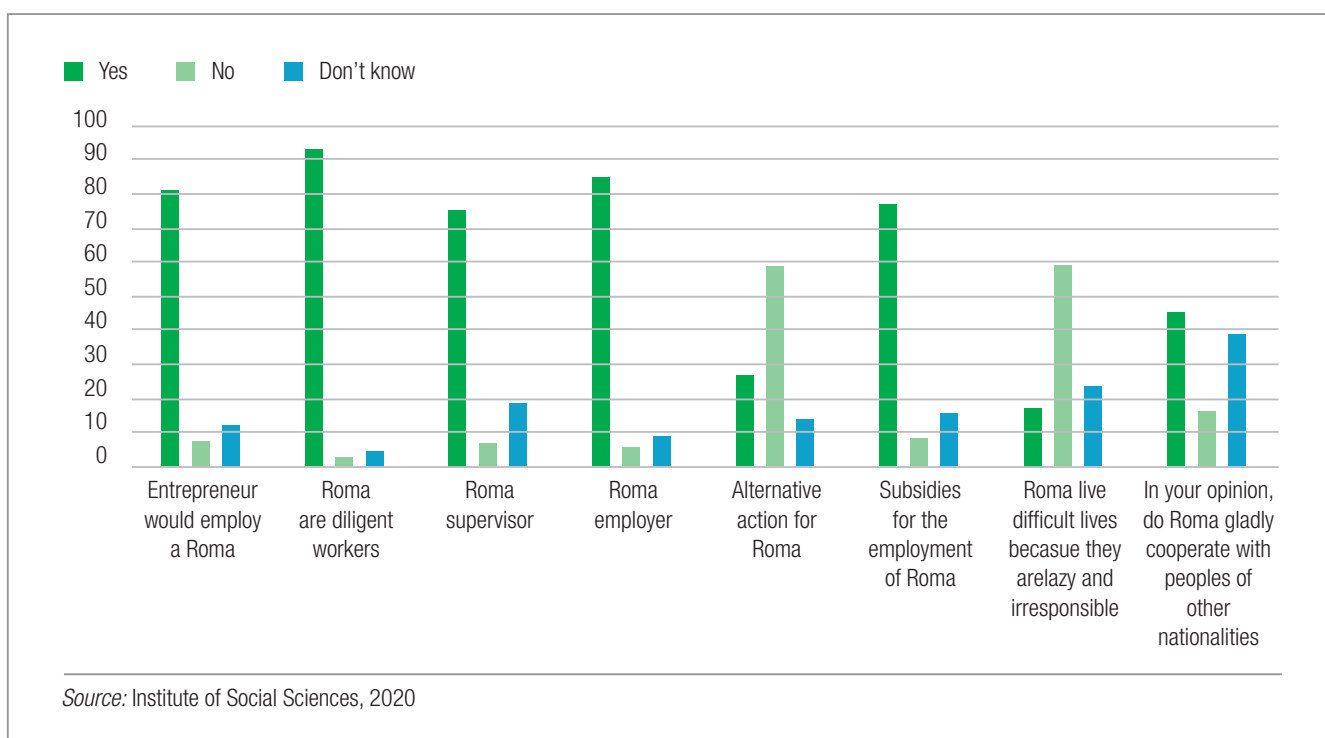
**‘Our people have always married each other because others would not have them. When a Roma woman falls in love with one of theirs, there is no chance she can marry that young man, everybody’s against it, parents and the family, everybody. Our people would marry Serbs and Hungarians, but they won’t have them. There were a few cases where our women married Serbian men and they went abroad.’**

From focus group discussions

these trends existed, it was not voluntary – that it was not about Roma responding to social rejection of other ethnic groups, but that Roma men and women did not have any other choice than to develop their personal plans with their fellow Roma neighbours.

According to the study *Discrimination in the Labour Market*, which was conducted in 2019 by the Commissioner for Protection of Equality, the respondents sampled from the general population believe that the trend of discrimination in the labour market has been

Figure 4: Prejudice against Roma in the labour market



19 For more information, see: <https://javniservis.net/mediji/dnevnici-nedeljnici-mesecnici/novi-magazin/ekonomski-gubici-i-bezbedonosni-rizici-diskriminacije-roma-visoka-cena-rasizma/>

stagnant. According to this research, Roma are perceived to be the fourth most discriminated against social group in the labour market, after persons with disabilities, the elderly and people with different political beliefs, who face discrimination more often than them. The perception of discrimination against Roma on the labour market is most pronounced among employers, with 63 per cent of them reporting discrimination, compared to 50 per cent of employed and 42 per cent of unemployed respondents who believe that discrimination against Roma is pronounced.

According to a study by the Institute of Social Sciences, *Prejudice – Work and Employment of Roma*, which was conducted in 2020, the trends are somewhat different: greater empathy has been expressed towards Roma in the labour market.

The described cases of segregation in the education system are a consequence of the spatial segregation of predominantly Roma settlements. Roma settlements and streets are usually isolated on the outskirts, and even when they are in central urban areas, they are often clearly spatially separated. However, a distinction should be made between settlements in which Roma live traditionally and which are parts of urban units and substandard

settlements or settlements that are spatially segregated and are not a traditional part of urban or rural areas (Macura, 1993z 69). Roma organizations, on the one hand, advocate the legalization of traditional Roma settlements,<sup>20</sup> and on the other hand point to the difficult living conditions in substandard settlements and human rights violations during their relocation.<sup>21</sup> The problem with the resettlement of residents from substandard settlements is that their social inclusion is not taken into account, but they are relocated to peripheral, usually isolated locations.

Allegedly, the ministry responsible has created a database that includes 583 substandard settlements in Serbia populated mainly by Roma. This database was established in 2013, and supported with IPA funding, but given that these data are not publicly available and that progress regarding the housing of Roma, despite the investments of the European Commission and the international community, did not give the results envisaged by the Social Inclusion Strategy, the question arises as to the purpose of the allegedly collected data. The data collected in such databases should be in the function of public policies, such as planning, monitoring and management of the measures and activities of social inclusion of Roma.<sup>22</sup>

20 For more information, see: <https://www.dijalog.net/prednacrt-zakona-o-legalizaciji-romskih-naselja/>

21 For more information, see: <https://www.pravamanjina.rs/attachments/BELVIL.pdf>

22 See the Fourth opinion on Serbia of the Advisory Committee on the Framework Convention for the Protection of National Minorities. Available here: <https://rm.coe.int/4th-op-serbia-en/16809943b6>

# Access to Justice

Most of the focus group participants had solid information about institutions, procedures related to reporting discrimination, and the ways and types of support that people who wanted to report discrimination could count on. A few participants, however, did not distinguish between discriminatory treatment and behaviour on the one hand and actions based on prejudice or resulting from intolerance on the other hand. Although it is important for citizens to be well informed about discrimination and protection mechanisms, at the end of the day the most important element is the feeling that people have as a result of the aforementioned socially unjustified actions and behaviours, prohibited by regulations. According to the focus group statements, helplessness, fear, shame, anger, indifference are the feelings that Roma experienced after discrimination, hate speech or aggression was expressed towards them by members of other ethnicities.

Focus group participants' impression is that the existing system for combatting discrimination is ineffective and that victims of discrimination do not trust either institutions or the established system of protection against discrimination. This impression is justified by the small number of complaints received, conducted and successfully resolved by the Commissioner for Protection of Equality in the field of discrimination on the grounds of nationality and ethnicity, the lack of strategic litigation that this body should conduct, the small number of court proceedings initiated for protection against discrimination based on nationality and the even smaller number of court proceedings in which discrimination was proved.

**' I knew I could report her to the police, but I didn't. I was ashamed, embarrassed. It didn't hurt me that she called me "a gypsy" and telling me I shouldn't be selling there, but I was embarrassed because of the people I see every day there, and they did not tell her anything. I share a stand with M every day, and she looked away. I was ashamed. If I had reported her who knows what would have happened, I would turn out guilty in the end.'**

Testimony of a Roma woman selling fruit and vegetables at Novi Sad market

The findings of the focus groups are confirmed also by the findings of the Survey on the Social Distance Between Ethnic Groups in Serbia, which found the distrust of respondents, sampled from seven national minorities, regarding the reporting of cases and elimination of the consequences of discrimination. As regards the findings related to Roma, it should be noted that 71 per cent of respondents did not report incidents of discrimination, and that of the 23 per cent of cases that were reported, in the large majority (84 per cent) of cases the authority responsible did not eliminate the consequences of discrimination.

The Commissioner for Protection of Equality, designed and perceived by citizens as a key institution for

Figure 5: Proportion of Roma who reported discrimination

Did you report discrimination?			
Yes	No	I don't remember	I prefer not to answer
23.3	71.0	4.9	0.7

Source: Institute of Social Sciences, 2020

Figure 6: Effectiveness of official response

Roma: Did the competent authority eliminate the consequences of discrimination?			
Yes	Partly	No	I prefer not to answer
4.0	12.0	84.0	–

Source: Institute of Social Sciences, 2020

the protection of the right to equality, was established on the basis of Article 1 of the Law on the Prohibition of Discrimination as an independent state body, autonomous in performing its activities.<sup>23</sup> Article 33 of the same Law stipulates that the Commissioner: a) shall receive and review complaints pertaining to violations of provisions of the Law on the Prohibition of Discrimination, provide opinions and recommendations in specific cases; b) shall provide information to complainants concerning their rights and the possibility of initiating court proceedings or some other procedure for the purpose of protection, or recommend reconciliation; c) shall file charges against violations of rights to equality, in his/her own name, and with the agreement and on behalf of the person discriminated against, unless court proceedings have already been initiated or concluded by passing an enforceable decision; d) shall submit misdemeanour notices on account of violations of the right to equality; e) shall submit an annual report and special reports to the National Assembly about the situation concerning the protection of equality; f) shall warn the public of the most frequent, typical and severe cases of discrimination; g) shall monitor the implementation of laws and other regulations, initiate the passing or amending of regulations for the purpose of implementing and developing protection against discrimination, and provide opinions concerning the provisions of draft laws and other regulations pertaining to the prohibition of discrimination; h) shall establish and maintain cooperation with bodies authorised to ensure equality and human rights protection in the territory of an autonomous province or a local self-government; i) shall recommend measures to public administration bodies and other persons aimed at ensuring equality.

However, the focus group respondents did not trust the work of the Commissioner for Equality mainly because the Commissioner was not active in local communities, with procedures related to the violation of the right to equality of Roma national minority initiated and conducted in a slow and piecemeal fashion: in their

opinion the Commissioner did not contribute to the public condemnation of discrimination or a reduction in the number of discrimination cases. The focus group attended by lawyers and attorneys-at-law advocating respect for the rights of Roma or representing them in procedures before the authorities responsible for promoting and protecting rights, and the focus group attended by representatives of CSOs, indicate that their lines of communication with the Commissioner needed to be improved, that the weight of the Commissioner's opinions and recommendations is unjustifiably negligible since courts ignore them in proceedings, that the authorities often do not comply with them as they are not binding, and, finally, that there should be more strategic litigation that could serve as the foundation for the institutional fight against discrimination. In addition, the fact that the Commissioner does not have the authority to monitor the implementation of opinions and recommendations issued in cases of established discrimination undermines the fight against discrimination.

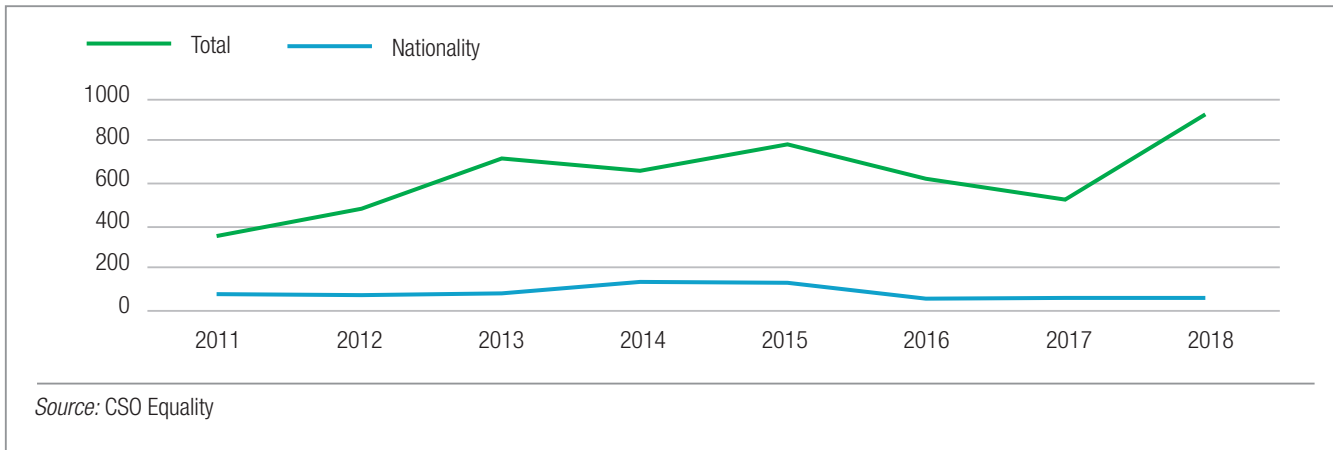
The Commissioner's 2019 Annual Report states that nationality and ethnicity are the eighth most frequent grounds for discrimination in the complaints lodged with the Commissioner. There were 50 such complaints, which accounted for 6.8 per cent of the total number of complaints against discrimination on various grounds. The largest number (32) of these complaints were lodged due to discrimination against Roma, accounting for 64 per cent of all complaints against discrimination on these grounds. It can be concluded from the report that in 2019 the Commissioner filed one criminal complaint for the criminal offence of inciting racial, national and religious hatred and intolerance, and initiated one misdemeanour procedure for discrimination against Roma.

As regards the Commissioner's statistics on complaints and procedures concerning the violation of the right to equality regardless of nationality or ethnicity, it should be stressed that the reported data are not disaggregated, making it difficult to analyse and handle the complaints of

23 Official Gazette of the RS, no. 22/2009



Figure 7: Number of complaints filed annually for nationality-based discrimination and total (2011-18)



discrimination against Roma. According to the aforementioned report, in 2019 the Commissioner issued four opinions and one warning regarding discrimination against Roma.

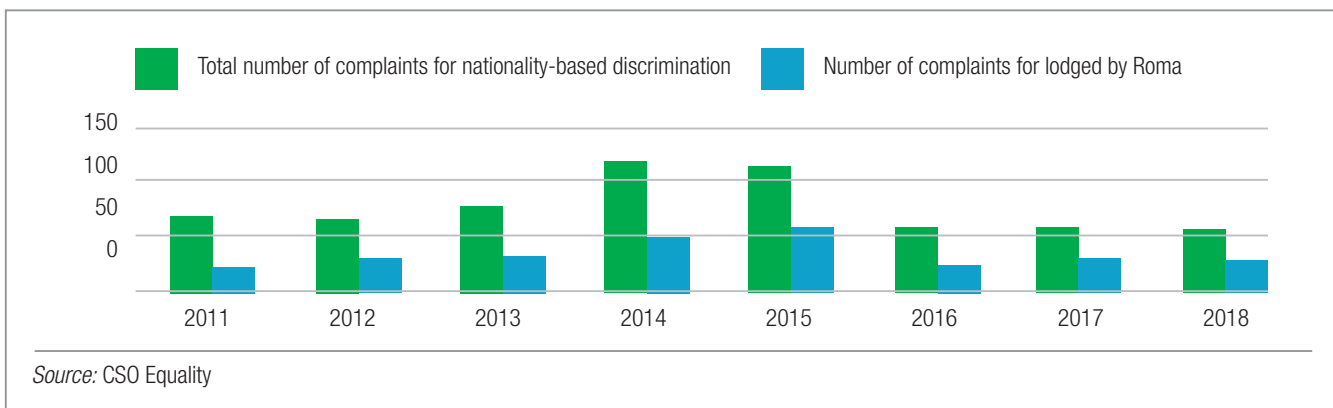
It is important to point out that the analysis of the Commissioner's practice of handling complaints of discrimination on the grounds of nationality,<sup>24</sup> conducted by the CSO *Jednakost* (Equality), reveals that in the period 2011-2018 there was a declining trend of citizen complaints regarding violations of the right to equality in relation to national or ethnic origin.

According to this analysis, in 2014 the complaints based on nationality and ethnicity constituted the largest group of complaints related to protected personal characteristics, and since then their number has decreased, while the total number of complaints has changed. The trend of a decreasing number of complaints against nationality-based discrimination continued in 2018, while the total number

of complaints increased significantly, putting nationality in sixth place among the personal characteristics that were the most common cause of complaints lodged with the Commissioner – 6 per cent of the total number of complaints (while, for example, in 2014 and 2015 their proportions were 18 per cent and 18.4 per cent, respectively). Complaints are most often lodged by members of the Roma national minority, and according to the data presented in the Commissioner's annual reports the Roma population is the most vulnerable national minority, which is a persistent trend in the reporting period, regardless of a decrease in the total number of complaints against discrimination based on nationality.

Finally, according to the Commissioner's annual reports, the Commissioner occasionally files complaints with the prosecutor's office and initiates court proceedings in cases of discrimination, which, in the opinion of the focus group participants, especially lawyers and attorneys-

Figure 8: Comparison of the total number of complaints lodged for nationality-based discrimination and the number lodged by Roma



24 Mario Reljanović (2019), *Analiza prakse postupanja Poverenika za zaštitu ravnopravnosti po pritužbama za diskriminaciju po osnovu nacionalne pripadnosti, Jednakost*, Beograd (Analysis of Practice of the Commissioner for Protection of Equality in Handling Complaints for Nationality-Based Discrimination, Equality, Belgrade. Available here: <http://www.jednakost.org/wp-content/uploads/2020/05/Analiza-Diskriminacija-Manjine-Final.pdf>

at-law, does not have an impact on the overall fight against discrimination. In particular, the participants pointed out that the strategic litigation cases were unconvincing, unknown to the public and not properly prepared. It should be noted that strategic litigation cases initiated by the Commissioner are conducted in the public interest, with the aim of contributing to the consistent application of regulations and improving legal practice, encouraging victims of discrimination to initiate lawsuits against discrimination, and informing and educating the public about the problem of discrimination. The goal of strategic litigation, which was not reached according to the focus group conclusions, is that the Commissioner, by bringing cases to the courtroom, gets favourable court decisions, which, in addition to providing legal protection to discriminated individuals, send a clear message to the public that discrimination is prohibited and effectively punished.

The 2018 Annual Report<sup>25</sup> of the Commissioner for Protection of Equality states that the Commissioner initiated a total of 17 lawsuits for protection against discrimination since its establishment, including eight for discrimination on the basis of belonging to the Roma national minority as a personal characteristic. This report also points to a still pending strategic litigation case conducted by the Commissioner since 2012 against a fast food chain because a security guard did not allow Roma children to enter a restaurant accompanied by a woman who wanted to buy them food. The report also mentions a complaint of discrimination against Roma which was filed against four people for building a wall around a Roma settlement in Kruševac. It should be noted that the Protector of Citizens prepared a special report<sup>26</sup> on this case, which was very publicly transparent, but according to the available information, the court did not issue a decision. Regarding access to justice, the right to a trial within a reasonable timeframe and free legal aid are central legal concepts. However, despite being introduced into the legal system by special laws, they have not substantially contributed to effective protection against discrimination. According to the focus group participants who are lawyers, the Law on Free Legal Aid does not regulate the provision of free legal aid in such a way as to provide citizens with full, simple and certain access to justice. It is a complex procedure that includes the possibility of denying free legal aid if it is estimated that the chances of success in court proceedings are small. A positive aspect of the Law is

that associations of citizens can be providers of free legal aid in the procedures related to discrimination and asylum. In the opinion of focus group participants, Roma citizens are in need of legal support since, in addition to their lack of knowledge of procedural matters, they are discouraged by the fact that the legal system is inefficient, and the process of proving discrimination is complex, and when they report discrimination they often face various types of pressure and doubts.

Finally, an important element of access to justice should be broader citizen support systems in local self-governments, particularly in cases of discrimination, hate speech and human rights violations. Such a system should include information on the exercise and protection of fundamental rights, the prevention of discrimination and inclusive access to the exercise and protection of human rights. However, despite the fact that Article 20, point 10 of the Law on Local Self-Government<sup>27</sup> prescribes the municipality's obligation to ensure the exercise and protection of human rights, the practice of systemic support to citizens has not been established.

The lawyers also pointed out that the strategic measures for the improvement of situation and inclusion of Roma, adopted by the Government in 2009 and 2016, and the accompanying action plans had not been properly implemented: in addition to the lack of social support for implementation of these documents, there was no adequate legal support. Some issues that significantly hindered the solution of socio-economic and status related problems of Roma were either not solved through available legal procedures or the adoption and amendment of regulations took an unreasonably long time. For example, the amendments to the Law on Non-Contentious Procedure, after more than a decade of debates, regulated the procedure of recognizing before the law persons not registered in birth records.<sup>28</sup> Another example refers to affirmative action measures introduced to stimulate the employment of Roma which, despite negative experiences, have been implemented year after year without initiating any legal activity to eliminate their inefficiency. The third example refers to the changes in the regulations governing 'social housing' or 'supported housing', which were introduced after years of protests around the relocation of Roma settlements. Finally, when the regulations governing this field were adopted, they did not ensure an appropriate and sustainable, desegregated housing for Roma.

25 Available here: <http://ravnopravnost.gov.rs/izvestaji/>

26 Available here: <https://www.pravamanjina.rs>

27 *Official Gazette of the RS*, nos. 129/2007, 83/2014 - as amended, 101/2016 - as amended and 47/2018.

28 *Izveštaj o položaju „pravno nevidljivih lica” u Republici Srbiji (2012)*, Zaštitnik građana, Beograd (*Report of the Situation of Legally Invisible Persons in the Republic of Serbia (2012)*), Protector of Citizens, Belgrade. Available here: <https://www.pravamanjina.rs/attachments/Izvestaj%20o%20polozaju%20Pravno%20Nevidljivih%20Lica%20u%20RS.pdf>

Based on the analysis of the situation related to access to justice of the Roma, we can point out a number of obstacles:

- *Anti-discrimination policy not based on adequate data:* The Strategy for Prevention and Protection against Discrimination was not based on disaggregated data on the position and discrimination against the Roma. The Law on Prohibition of Discrimination did not prescribe that the recommendations and opinions of the Commissioner be binding and did not envisage authority of the Commissioner to monitor implementation of recommendations and opinions.
  - *Inclusive and intercultural policies are not implemented consistently:* In order to combat discrimination and eliminate its consequences, it is important to introduce legal measures, but also to consider a broader social context that requires changes in educational, cultural and media policies. However, despite its general commitment to interculturalism and inclusion, the state does not develop or genuinely encourage the activities and programmes that should change awareness and attitudes towards human rights. According to institutes and CSOs, the Roma Inclusion Strategy did not achieve its goal to reduce poverty and eliminate discrimination.
  - *Court practice did not contribute to combating discrimination:* The courts neglect the opinions and recommendations of the Commissioner for Protection of Equality, do not implement international standards and in most cases the judges and other lawyers in the judicial system do not have adequate legal knowledge on discrimination and anti-discrimination policies.
- *Independent institutions do not fulfil their role fully:* Independent state bodies, such as the Protector of Citizens and the Commissioner for Protection of Equality, are not sufficiently focused on the problems faced by the Roma, and they should be given their prescribed authority.
  - *Public administration lacks the capacity for consistent implementation and protection of human rights:* The establishment of the Ministry of Human and Minority Rights and Social Dialogue in 2020 should raise the level of knowledge about human rights among public officials, civil servants and employees in the bodies before which citizens exercise human rights (such as local authorities, social welfare centres, the Commissariat for Refugees and Migration and the National Employment Service). In 2016, CSOs advocated for the establishment of the Ministry of Human and Minority Rights and Integration, but that initiative was ignored at the time.<sup>29</sup>
  - *Inadequate education about human rights:* The educational system does not have sufficiently developed curricula that enable pupils and students to develop civic values and acquire knowledge about the importance of human rights in modern society, or appropriate education for pupils, which would encourage the respect for diversity, trust and equality.
  - *Weaknesses of civil society:* For years, civil society organizations have been facing various problems that have adversely affected their effectiveness, especially in local communities where citizens' need for information and activities related to the protection of human rights, prevention and fight against discrimination is pronounced.

29 For more information, see: <http://ercbgd.org.rs/2016/06/07/mandataru-upucena-inicijativa-za-ustanovljavanje-ministarstva-za-ljudska-i-manjinska-prava/>

# Legal practitioners knowledge about anti-discrimination legislation

The basis of anti-discrimination policy related to nationality or ethnicity is found in Article 21 of the Constitution of the Republic of Serbia, which provides for the constitutional equality of citizens and their right to equal legal protection, without discrimination. Paragraph 3 of the same article prohibits any direct or indirect discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability, while special measures which the Republic of Serbia may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens shall not be deemed discrimination. Article 76 of the Constitution guarantees to persons belonging to national minorities equality before the law and equal legal protection, and prohibits any discrimination on the grounds of belonging to a national minority. Article 77 guarantees appropriate representation of members of national minorities in public administration at the central and local level (affirmative action), while Article 81 of the Constitution sets forth the Republic of Serbia's obligation to develop the spirit of tolerance in the fields of culture, education and information, through giving impetus to the spirit of tolerance and intercultural dialogue and undertaking efficient measures for enhancement of mutual respect, understanding and cooperation among all people living on its territory, regardless of their ethnic, cultural, linguistic or religious identity (Kosanović, Gajin and Milenković, 2018).

However, Article 1 of the Constitution is disputable when it comes to national equality, since it defines the Republic of Serbia as a state of Serbian people and all citizens who live in it, whereas the term 'all citizens' includes members of national minorities. This definition is not in the spirit of full equality of citizens, which was warned about by experts (Bašić, 2018: 213), but also by ECRI in its first, 2007 Report on Serbia in which it recommended 'that the Serbian authorities ensure that no legal consequences detrimental to the national or ethnic groups making up the population of Serbia arise in practice from Article 1 of the Constitution'.<sup>30</sup> Finally, as

regards the principles of access to justice and legal security of citizens in relation to protection against discrimination, Article 22 of the Constitution is also important, since it guarantees the right to judicial protection whenever human or minority rights are violated, as well as Article 32, which provides that everyone who does not speak or understand the language officially used in the court shall be guaranteed the right to free assistance of an interpreter.

Article 13 of the Law on Prohibition of Discrimination stipulates that causing and inciting inequality, hatred and enmity on the grounds of national, racial or religious affiliation, language or other personal characteristics shall be considered to constitute severe forms of discrimination, while Article 24 prohibits discrimination against national minorities and their members on the grounds of the aforementioned characteristics.

Judicial protection against discrimination is provided through civil, criminal and misdemeanour proceedings. As regards *civil proceedings*, it should be noted that anyone who considers that he or she has been harmed by discriminatory treatment has the right to protection before the court in accordance with the law. The complaint may include the following requests: prohibition of performing an action that constitutes a risk of discrimination, prohibition of further acts of discrimination, i.e. prohibition of repeating acts of discrimination, determination that the defendant treated the plaintiff or another in a discriminatory way, implementation of actions to eliminate the consequences of discriminatory conduct, compensation for material and non-material damage, and publication of the court decision rendered after considering the complaint.

This procedure is regulated by relevant provisions of the Law on Civil Procedure,<sup>31</sup> with certain exceptions prescribed by the Law on Prohibition of Discrimination. The exceptions are the rules concerning the burden of proof provided in Article 45 of the Law on Prohibition of Discrimination. First, if the court establishes that a direct act of discrimination has been committed, or if that fact is undisputed by the parties in litigation, the defendant may not be relieved of responsibility by supplying evidence that

<sup>30</sup> Available here: <https://rm.coe.int/government-comments-on-the-first-report-on-serbia/16808b5bf7>

<sup>31</sup> *Official Gazette of the RS*, nos. 72/2011, 49/2013 - CC Decision, 74/2013 - CC Decision, 55/2014 and 87/2018



‘ I was working in the local self-government for two years on various affairs referring to Roma inclusion. Throughout this time, leading officials in the local self-government participated in the implementation of the local action plan with ridicule and excessive paternalism. Interest in “Roma problems” lasted as long as the project of an international organization. As the end of the project approached, the problems in cooperation were more and more evident. They culminated during the signing of the annual project report. Not knowing that I was in the room next door, one of the senior local officials, in charge of integration of the Roma as per the decision of the Municipal Council, said: “I am not signing anything, I don’t care about the Roma and that gypsy working for us.” I resigned after that, but I did not report the case since I fear the consequences.’

Statement of a focus group participant

he/she is not guilty, and second, if the plaintiff proves the likelihood of the defendant having committed an act of discrimination, the burden of providing evidence that no violation of the principle of equality or the principle of equal rights and obligations has occurred shall fall on the defendant. This has led to different interpretations of the articles prescribing the burden of proof not only in the Law on Prohibition of Discrimination but also in the Law on Civil Procedure, which is applied in a subsidiary manner, which means that the courts in their decisions combined provisions on the burden of proof, unaware of which regulation they gave priority to. In fact, in most proceedings, judges gave priority to the provisions of the Law on Civil Procedure, thus derogating from the provisions of the Law on Prohibition of Discrimination and vice versa. The rules on the burden of proof have remained a problem in civil proceedings concerning anti-discrimination in which the courts do not establish that the plaintiff proved the likelihood of the existence of

discrimination, but conduct the entire proceeding in accordance with the rules of ordinary litigation. This puts plaintiffs in a situation where they provide a large amount of material evidence during the entire proceeding, and only after the proceeding has terminated and the decision has been rendered can they find out whether they proved the likelihood of discriminatory treatment (Vuković, Antonijević et al, 2017: 24).

It should also be noted that according to the Law on Prohibition of Discrimination, damage compensation is not available in the procedures initiated by the Commissioner in the capacity of plaintiff, a human rights organization or a person who has participated in litigation based on situational testing of discrimination and who has intentionally been exposed to discriminatory treatment.<sup>32</sup> Finally, the main shortcoming of the remedies available in civil procedure under Serbian anti-discrimination laws is their exclusive focus on victim-specific remedies. There is no possibility for courts to order measures targeting the cause of discrimination.<sup>33</sup> With regards to *criminal proceedings*, the Criminal Code of the Republic of Serbia regulates criminal procedure for providing protection against criminal offences of discrimination and violation of the principle of equality. Criminal procedure, as one of the possible types of protection, is conducted in cases of criminal offences Violation of Equality under Article 128 of the Criminal Code of the Republic of Serbia and Incitement to National, Racial and Religious Hatred and Enmity under Article 387 of the Criminal Code of the Republic of Serbia (as criminal offences that directly defend discrimination), as well as in other criminal offences prescribed by the Criminal Code of the Republic of Serbia, which are also important in the field of prohibition of discrimination (Article 129, Article 130 and Article 131 of the RS CC). Article 54a of the Criminal Code of the Republic of Serbia provides for a qualifying circumstance that must be taken into account in sentencing for hate crimes, which are motivated by some of the victim’s personal characteristics (Vuković, Antonijević et al., 2017: 25).

An advantage and a strong resource in combating discrimination against Roma are several CSOs that consistently advocate and operate in the community, improve the capacity of the Roma community to recognize and report discrimination, represent their interests, advocate and actively work on exercising and protecting their rights. These include A11 - Initiative for Economic and Social Rights,<sup>34</sup> YUCOM,<sup>35</sup> Belgrade

32 Equal Rights Trust, *Equality in Practice, Implementing Serbia’s Equality Laws*, 2019, p. 92.

33 Ibid., p. 93.

34 The organization’s website is available here: <https://www.a11initiative.org>

35 The organization’s website is available here: <https://www.yucom.org.rs>

Centre for Human Rights,<sup>36</sup> YUROM Centre, Alliance against Discrimination of Roma, Bibija,<sup>37</sup> Roma Women's Network,<sup>38</sup> Praxis<sup>39</sup> and others. The focus groups and interviews organized for the purpose of this report were attended by lawyers from the aforementioned CSOs, as well as lawyers dealing with issues of discrimination against Roma in independent state bodies. Each of them has appropriate knowledge about the causes of discrimination against Roma, its consequences, international standards of protection against discrimination and combating discrimination, national regulations, institutions and procedures for combating discrimination. Many of them have academic expertise in human rights and are well trained for various activities related to anti-discrimination policy.

At the focus group held with young lawyers of Roma nationality, their deep engagement with the issue of anti-Roma discrimination and strong commitment to actively combat discrimination against their fellow Roma citizens was evident, despite the problems they are facing. Most

focus group participants experienced multiple discrimination, while one of them stated that as a result of ethnic assimilation she avoided discrimination. Participants' knowledge of discrimination was based on experience, but they lack additional training and practical knowledge in order to complement their legal knowledge related to processing discrimination and anti-discrimination policies. Trust among members of the Roma community in Roma lawyers could encourage them to report discrimination more often and endure the lengthy procedures involved.

One problem that has yet to be resolved and that hinders the exercise and protection of the rights of Roma and anti-discrimination policies is related to the low level of knowledge and experience of lawyers and other experts in public administration about human rights, and their lack of motivation to implement strategic measures and regulations to improve the position of Roma. What is more, focus group participants pointed to examples of discrimination and unprofessional behaviour of public and state officials.

36 The organization's website is available here: <http://www.bgcentar.org.rs>

37 The organization's website is available here: <http://www.bibija.org.rs>

38 The organization's website is available here: <http://mrza.info/about-us/>

39 The organization's website is available here: <https://www.praxis.org.rs/index.php/sr/>

# Legal considerations – What is needed to access legal remedies?

The Strategy for Prevention and Protection against Discrimination<sup>40</sup> was adopted in 2013 and expired in 2018. The Action Plan<sup>41</sup> for its implementation was adopted in 2014. The Strategy was adopted after having established appropriate institutional anti-discrimination practices through the work of the Protector of Citizens and the Commissioner for Protection of Equality, while experiences related to discrimination were gathered through the activities of numerous CSOs. It should be noted that before 2013 there was also extensive experience in the application of the Law on the Prevention of Discrimination against Persons with Disabilities<sup>42</sup> and the Law on Gender Equality.<sup>43</sup> The Strategy explicitly states that it refers to the prevention and prohibition of all forms, types and special cases of discrimination against persons and groups of persons based on their personal characteristics, especially national minorities and vulnerable social groups who are most often exposed to discrimination. A special section of the Strategy includes the goals related to combating discrimination against national minorities and vulnerable social groups. That section points out that Roma most often face discrimination in health care, education, employment and housing related issues, and highlights the particular problems of Roma who do not have personal documents; the section of the Strategy related to specific goals specifies, in 14 lines, the ways discrimination against members of the Roma national minority takes place in these and other areas.<sup>44</sup>

In the document *Analysis of the Implementation of the Strategy for Prevention and Protection against Discrimination for the period 2014 to 2018*,<sup>45</sup> the authors, based on scarce and mainly unverified data, point to the application of the strategic document in the field of

prevention and protection against discrimination against national minorities and Roma.

Another strategic document that should have a preventive effect and reduce discrimination is the Strategy of Social Inclusion of Roma for the Period from 2016 to 2025, which was adopted by the Government of the Republic of Serbia on 3 March 2016.<sup>46</sup> The Strategy was drafted on the basis of the *Baseline Study to Develop a Roma 2020 Strategy for Serbia in Line with the Europe 2020 Strategy*.<sup>47</sup> The Action Plan for the implementation of the Strategy for the period 2017-2018 (AP 17/18) was adopted by the Government at its meeting held on 7 June 2017. The main motives for the adoption of the Strategy and its goals were to create conditions both for social inclusion (poverty reduction and combating discrimination) and for full access to the exercise of the human rights of Roma. In order to coordinate the work of public administration bodies related to the social inclusion of Roma, on 3 March 2017, on the basis of Article 25 paragraph 1 of the Decree on Principles for Internal Organization and Job Classification in Ministries, Special Organizations and Government Agencies, the Government of the Republic of Serbia<sup>48</sup> adopted the Decision on the Establishment of Coordination Body (CB) for Monitoring the Implementation of the Strategy.<sup>49</sup> The Strategy was to be implemented through planned, continuous, scheduled and synchronized implementation of five specific and 29 operational goals with a total of 210 measures at the national and local levels, within five main public policies: education, employment, housing, social protection and health.

However, despite the established infrastructure for the implementation of the Strategy and the Government's special coordination body with the mandate to coordinate

40 Official Gazette of the RS, no. 60/2013.

41 Available here: [https://www.ljudskaprava.gov.rs/sites/default/files/dokument\\_file/akcioni\\_plan\\_-\\_srpski.pdf](https://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/akcioni_plan_-_srpski.pdf)

42 Official Gazette of the RS, nos. 33/2006 and 13/2016

43 Official Gazette of the RS, no. 104/2009

44 *Strategija prevencije i spečavanja diskriminacije*, str. 29. (*Discrimination Prevention Strategy*, p. 29) <https://www.ljudskaprava.gov.rs/sr/node/145>

45 Available here: <https://ljudskaprava.gov.rs/sh/node/19990>

46 *Conclusion of the Government of the Republic of Serbia 05* no. 90-1370/2016-1, Official Gazette of the RS, no. 26/2016, available at: [www.ljudskaprava.gov.rs/sh/node/19980](http://www.ljudskaprava.gov.rs/sh/node/19980).

47 Available here: [www.ljudskaprava.gov.rs/sites/default/files/dokument\\_file/polazna\\_studija\\_romi\\_do\\_2025.pdf](http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/polazna_studija_romi_do_2025.pdf)

48 Official Gazette of the RS, – nos. 69/2008, 98/2012, 87/2013 and 2/2019

49 Available here: [www.mgsi.gov.rs/sites/default/files/Odluka\\_o\\_osnivanju\\_Koordinacionog\\_tela\\_Strategija\\_za\\_inkluziju\\_Roma\\_i\\_Romkinja.pdf](http://www.mgsi.gov.rs/sites/default/files/Odluka_o_osnivanju_Koordinacionog_tela_Strategija_za_inkluziju_Roma_i_Romkinja.pdf)

the work of public administration and local self-government bodies in the field of social inclusion of Roma, four years after the adoption of the Strategy no fact-based report on its implementation was prepared, while the 2017-2018 Action Plan for its implementation ended without the evaluation of results, and the 2019-2020 Action Plan for the implementation of strategic measures was prepared without verified data. At the same time, the Coordination Body faced problems of organization and operational efficiency: it did not initiate mechanisms within its purview, did not regularly inform the Government of the Republic of Serbia about its work, did not establish efficient cooperation with local self-governments, did not meet regularly nor develop staff capacity to perform professional and administrative tasks.

In 2017 and 2019, the Institute of Social Sciences conducted the research with the aim of identifying problems related to the implementation and management of the Strategy.<sup>50</sup> Both pieces of research indicate poor results regarding its implementation, which coincide with the fact that there is a lack of verified data for evaluating these results. The system of monitoring and reporting on its implementation has also not been established and, furthermore, the vertical and horizontal coordination between the bodies in charge of implementing the Strategy is inefficient. Nor is the participation of the Roma community in the process of achieving and monitoring the strategic goals and measures ensured in accordance with the principles of human rights and effectiveness. All these are clear obstacles to achieving the goals of the Strategy and improvement of the position of Roma.

The reports of international organizations are largely complementary with the research findings. They highlight that, despite the established infrastructure for the implementation of the Strategy and the public authorities' positive reports<sup>51</sup> on its implementation, numerous problems have been identified. The European Commission warned about these problems in its 2018 and 2019 Serbia Progress Reports in the process of joining the

European Union,<sup>52</sup> while ECRI in its Third Report on Serbia, in addition to shortcomings in implementing the Strategy, stresses the problem of the lack of verified and generated data on the situation of Roma and progress regarding social inclusion measures.<sup>53</sup>

Finally, the findings reveal problems in strategic planning and implementation of measures at the local level. In fact, the Strategy envisages that most strategic measures are to be implemented at local self-government level. The role of institutional capacities in local government is important for the successful social inclusion of Roma in the local community. This is why the Strategy provides that local government should introduce the position of coordinator for Roma issues in their job classifications, increase their number and strengthen capacities, and establish mobile teams for social inclusion of Roma in government with a significant number of Roma. The members of such teams should all be local stakeholders: representatives of social welfare centres, health care centres, branches of the National Employment Service, local housing agencies, pre-school institutions, schools and other bodies, organizations and institutions important for implementing the inclusion of Roma in the local community. The 2017 research findings indicated that this was a poorly prepared process in most local self-governments and that Roma citizens did not have enough information about the essence and meaning of social inclusion or about the bodies before which they exercised recognised rights or which were responsible for implementing the strategic (inclusive) measures. Important indicators show that at the beginning of the implementation of the Strategy, Roma were not included in public life and that the employment rate of Roma is many times lower than the general employment rate of the Republic of Serbia's population.

The descriptive analysis of research *Social Relations between Ethnic Communities in Serbia*<sup>54</sup> reveals that only 14.2 per cent of Roma respondent felt their living standards had improved, while 25.3 per cent felt that any

50 Analysis of the Management (coordination and monitoring) of the Strategy of Social Inclusion of Roma 2016-2025 ([https://idn.org.rs/sr\\_lat/projekti-centra-za-politikoloska-istranzivanja-i-javno-mnjenje/](https://idn.org.rs/sr_lat/projekti-centra-za-politikoloska-istranzivanja-i-javno-mnjenje/)); Implementation of the Strategy of Social Inclusion of Roma in the Republic of Serbia – Pilot Programme (research conducted in cooperation with SKRUG - The League of Roma with the support of the Open Society Foundation).

51 Representatives of public authorities often point to examples of successful implementation of the Strategy, its monitoring and management of strategic measures. See Report no. 2/2018. on the implementation of the Action Plan for Chapter 23, Council for the implementation of the Action Plan for Chapter 23, Belgrade, July 2018, (str. 999-1145), available here: <https://www.mpravde.gov.rs/files/Izveštaj%20br.%202-2018%20o%20sprovedenju%20Akcionog%20plana%20za%20Poglavlje%2023.pdf>; First Report on the Implementation of Operational Conclusions from the seminar *Social Inclusion of Roma in the Republic of Serbia for the period June 2015 – June 2016*, available here: <https://www.ljudskaprava.gov.rs/sh/node/21718>; Serbia's Report on the Implementation of the Framework Convention for the Protection of National Minorities indicating an exceptional progress in implementing the Strategy, pp.12-25, available here: <https://rm.coe.int/4th-sr-serbia-en/16808d765e>

52 For more information, see: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf> (pp. 27 and 29); <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf> (pp. 29-30).

53 Available at: <https://rm.coe.int/third-report-on-serbia/16808b5bf4>, pp. 28-32.

54 Available at: <http://idn.org.rs/wp-content/uploads/2020/09/SOCIJALNA-DISTANCA-ETNICKIH-ZAJEDNICA-IZVESTAJ.pdf>, p. 271.

Figure 9: Roma respondents' perceptions of changes in their living conditions in the previous four years

Has your family's life improved in the last four years?			
Yes	Yes, slightly	No	I don't know & prefer not to answer
14.2	25.3	54.8	5.7

Source: Institute of Social Sciences

Figure 10: Employment status among Roma respondents

Are you employed?					
Yes, permanently	Yes, occasionally	No, but I work in the grey economy	I don't work at all	I am a student	I prefer not to answer
18.9	29.3	29.7	19.2	1.1	1.8

Source: Institute of Social Sciences

improvement was minimal and 54.8 per cent of them did not notice any improvement.

18.9 per cent of respondents had a permanent job, 29.3 per cent had occasional jobs, 29.7 per cent were engaged in the grey economy and 19.2 per cent do not work.

59.5 per cent of respondents felt that housing conditions did not improve, while 36.4 per cent improved their housing conditions with their own funds. Only 1.2 per cent report improving their housing conditions with the help of international organizations or local self-governments.

The influence of Roma on the implementation of the Strategy for Social Inclusion and anti-discrimination policy is minimal. It is reduced to the performance of individual Roma who are engaged by public authorities, mainly on the basis of temporary contracts, to implement social inclusion measures and perform work in local government as Roma coordinators, health mediators and pedagogical assistants. According to the findings of the research conducted in 2019 by the Institute of Social

Sciences, 261 pedagogical assistants (159 men and 102 women) were engaged in the educational system, while 221 of them were engaged in primary schools and 40 in pre-school institutions. The work of 229 pedagogical assistants was financed by the budget of the Republic of Serbia, and 32 were financed by the budgets of local self-governments. Pedagogical assistants work with about 6,000 pupils from Roma families living in substandard settlements and with over 1,100 pupils who are educated according to an individualized education plan. The findings of the same research indicate that 85 health mediators were engaged in 70 local self-governments and that Roma coordinators were engaged in 76 local self-governments. There are no data on the engagement of Roma by public authorities, because most of them misinterpret Article 47 of the Constitution of the Republic of Serbia, which regulates the freedom of citizens to express their national affiliation. In the interviews with public administration representatives, conducted for the needs of

Figure 11: Roma respondents' perceptions of improvements in their housing conditions in the previous four years

Did your housing conditions improve in the last four years?			
Yes, with my own funds	Yes, with the support of municipality/ international organization	No	I prefer not to answer
36.4	1.2	59.5	2.9

Source: Institute of Social Sciences



the secondary research in June and July 2019, the Institute's researchers established that some public authorities did not keep records on access to rights among Roma because they believed that it was forbidden by the Constitution and the Law on Personal Data Protection. However, the truth is that the Constitution and the Law not only do not prohibit it, but the management, monitoring and planning of social inclusion is possible only with the use of disaggregated data collected and protected in accordance with the Law on Personal Data Protection.<sup>55</sup>

CSOs representing the rights and interests of Roma are very active and seem to be most effective in helping Roma to access justice, especially those who are poor, lack sufficient information about their rights or knowledge on how to exercise and protect them. A typical example, though not the only one, is the Belgrade-based CSO Praxis, which has provided legal assistance for many years to persons who are not registered in civil registry books, while strongly advocating for the regulation of subsequent registration procedures.

In the political and legal system of the local community, there are bodies and authorities through which Roma could increase their influence on the exercise and protection of rights. Institutions, such as ombudspersons in local government, the Council for Interethnic Relations in local self-governments or bodies in charge of ensuring gender equality or inclusion of youth at the local level, should be more open to members of the Roma minority both in terms of increasing their influence in society and in relation to the development of intercultural capacities of local communities.

The data shows that, four years after the adoption of the Strategy and 11 years after the adoption of the Law on Prohibition of Discrimination, social conditions have not been created for combatting poverty and discrimination effectively. While a small number of Roma feel there have been benefits as a result of the measures adopted, most of them emphasize that discrimination is a phenomenon that is present throughout their lives. They do not trust the institutions and do not feel they enjoy the wider solidarity of Serbian society: as a result, they do not report discrimination and are not involved in social affairs. Finally, there is no data about how many of them have benefited from the adopted legal and administrative measures.

In order to determine progress in access to rights, their effective exercise and management of the social inclusion process, it is necessary to ensure monitoring over the process and measurable quantitative and qualitative data. Neither of these exist and access to rights is thwarted by social conditions, such as the lack of sensitivity for the problems of Roma, strongly rooted prejudices among the majority towards them, irregular proceedings of public authorities in relation to adopted legal solutions and latent institutional discrimination. Access to rights is more difficult since the existing systems of support (free legal aid, support of local self-governments and CSOs) are not efficient enough.

Overcoming problems in relation to access to rights should be directed at ensuring the consistent and responsible development of the necessary institutional mechanisms in national and local policies for managing strategic and legal measures, based on the facts.

55 *Official Gazette of the RS*, no. 87/2018

# Conclusion

Many Roma live in substandard settlements, suffer poverty and are unable to exercise their fundamental rights. There is a great social distance among members of other ethnic groups in Serbia towards Roma, but the latest research indicates that this may in turn be mirrored by increasing distance among Roma towards other ethnic groups as well.

Roma men and women face discrimination often, almost on a daily basis. Discrimination usually occurs in informal contacts, but also in education and health care systems and during employment and exercising the right to work. They rarely report discrimination because they find it difficult to prove it and are exposed to unpleasant experiences, including the fear of pressure and violence by perpetrators during the evidentiary procedure. According to the majority of focus group participants, discrimination is an everyday part of life for them. Roma women are discriminated against on multiple grounds since in addition to being discriminated against on the grounds of their ethnicity, they face discrimination in the community based on the patriarchal family system.

Fear of discrimination is strengthened by the activities of extreme right-wing organizations, whose members increasingly attack Roma, while the authorities do not respond to such offences or respond mildly.

The Republic of Serbia has adopted the Strategy for Social Inclusion of Roma for the period 2016-2025, but has not yet created the conditions for its full implementation, nor collected data on the implementation of strategic measures or prepared appropriate reports, and

since 2018 has not adopted an action plan to implement the Strategy. Roma are not adequately involved in the implementation and management of the Strategy either at the local or national level.

Access to justice is limited, as shown by the fact that Roma rarely file complaints with the Protector of Citizens of the Republic of Serbia and the Commissioner for Protection of Equality. A large number of filed complaints are rejected for formal reasons (which does not mean that the reason for the complaint is non-existent) and a small number of proceedings are conducted before the courts in relation to the protection of the right to equality of persons of Roma nationality. The strategic litigation cases conducted by the Commissioner did not influence the improvement of judicial practice or social awareness. Free legal aid is regulated by the Law, but it is centralized, bureaucratized and limited to a small group of service providers who are not motivated to provide it proactively to Roma citizens.

CSOs that represent and advocate for the exercise and protection of the rights of Roma are, despite all the external and internal problems they face in their work, the most reliable support for the protection of Roma rights and building the capacity of the community for social inclusion. Lawyers who provide legal assistance to Roma are either engaged in CSOs that advocate for their rights or represent them since they have the appropriate legal knowledge and are relatively well acquainted with the situation of the Roma community, but their number is insufficient.

# Recommendations

The existing institutional and expert capacities and established mechanisms and organization of jobs and activities in the public and civil sector do not fully contribute to poverty reduction or elimination of discrimination against Roma. For this reason, the stakeholders involved in the process of combatting discrimination and active social inclusion of Roma should undertake the following measures and activities:

- a) **National and local decision-makers** should design, adopt, plan, implement, monitor measures of social inclusions and combat against discrimination of Roma and inform the public about it:
- *Revision of the Strategy for Social Inclusion of Roma:* the course of the Strategy should be based on the evidence, including an evaluation of the results of implemented strategic measures. Revision of the Strategy should be directed at establishing an efficient model for managing strategic measures and goals at the national and local level.
- *Effective inclusion of Roma in all processes of Strategy management, its implementation and evaluation of measures:* Roma should be able to participate actively, appropriately and meaningfully in the planning, implementation and evaluation of social inclusion measures.
- *Public policies for social inclusion of Roma, which also imply elimination of discrimination, should be based on facts:* reports published annually by public authorities and revision of the Strategy should be based on evidence. For the revision of Strategy and development of a new action plan, it is necessary to secure data on its implementation, gathered on the basis of HRBAD (Human Rights Based Approach to Data) principles.
- *Strengthening capacities of public authorities:* Roma exercise their rights before the responsible state bodies entrusted with the exercise and protection of rights in local self-governments (such as the social welfare centre, National Employment Service, schools and health centres). Continuous training of employees, in accordance with the human resources policies of those bodies, are a precondition for the exercise and protection of rights and combatting discrimination.
- *Consistent strengthening of the capacities of the Commissioner for Protection of Equality to help combat discrimination against Roma:* the independence and capacities of the Commissioner could be enhanced through amendments to the Law on Prohibition of Discrimination. These would give greater powers to the Commissioner in relation to prescribing measures for established discrimination, initiating procedures without previously received complaints, making the implementation of the issued measures of the Commissioner binding and enabling this body to monitor implementation of the opinions. Amendments to the Law on Prohibition of Discrimination should prescribe the manner of electing the Commissioner, starting from the application of a public call and ending with confirmation of election in the National Assembly. Finally, regular communication between the Commissioner and CSOs should be established and capacities and mechanisms of the Commissioner strengthened for proactive work in the Roma community.
- *Adopting the Strategy for Combatting Discrimination:* this envisages the evidence-based planning of measures for eliminating discrimination of Roma and its consequences, raising awareness about the notion of discrimination, the negative effects of discriminatory actions and behaviour and about protection mechanisms.
- *Consider potential amendments to regulations* in order to ensure the direct obligations of state, provincial and local authorities in relation to social inclusion and combat discrimination against Roma.
- *Strengthen the capacity of the Protector of Citizens of the Republic of Serbia, the Provincial Ombudsman, local ombudsmen and judicial bodies* in relation to combating institutional discrimination against Roma.
- *Streamline the system of free legal aid:* access to free legal aid is complicated and does not fully meet the purpose for which it was established by the Law. It should be restructured so as to extend the scope of free legal aid provision and ensure that, in cases of discrimination, the costs of the procedure are not paid for by the victim of discrimination.
- *Develop anti-discrimination programmes in public policies related to education, culture and information*

(including the media): Social inclusion and elimination of discrimination against Roma is possible if public policies have a designed component which contributes to these processes, clearly condemns discrimination and hate speech, and promotes interculturalism.

- *Strengthen the fight against discrimination by regulating responsibility in the media and educating journalists to report on discrimination and anti-discrimination policies:* more determined oversight is needed in the Press Council, the Regulatory Authority of Electronic Media and other regulatory and control bodies in cases of discrimination in the media, unprofessional reporting and dissemination of media content that encourages intolerance, mistrust and discrimination. Those responsible should encourage the accreditation of courses and other curriculum contents dedicated to interculturalism and anti-discrimination at the faculties that educate media staff, as well as conduct court proceedings and impose high fines for media owners, editors and journalists who encourage discrimination, hate speech and intolerance.
  - *Eliminating prejudice in the education system and strengthening the capacities of the Roma community to oppose discrimination through awareness raising:* strengthen social trust, equality, interculturality and learning of the language and culture of the community in pre-school institutions, and primary and secondary schools through all activities and subjects. Scholarships should be provided for Roma students who want to study law and faculties which encourage development of the community.
- b) **EU decision-makers** should encourage social inclusion measures and anti-discrimination policies by establishing clear standards and principles, relying on the results of monitoring of the existing European mechanisms when bringing decisions and undertaking actions such as:
- *Strengthen commitment to the fight against anti-Gypsyism and all forms of discrimination* in EU and candidate countries.
  - *Recognize the unique character of the Roma movement* in terms of at least three determinants - preservation of identity, fight against poverty and the fight against discrimination.
  - *Place a stronger emphasis on the Council of Europe instruments* (ECRI, FCNM, ECRML);
  - *Put stronger pressure on the state* regarding the implementation of the Strategy for Social Inclusion of Roma and the elimination of discrimination against Roma.

- *Develop a single system of monitoring the Roma integration/inclusion programmes* based on the Sustainable Development Goals.
- *Enhance social trust and reduce social distance towards Roma.*
- Consider all policies and activities related to the improvement of the situation of Roma and the fight against discrimination to be part of the overall *efforts to respect diversity, strengthen interculturalism and eliminate overall discrimination.*
- *Undertake a thorough evaluation of the effects of all projects supported by the European Commission* in relation to Roma programmes.

c) **Roma activists and Roma CSOs** should develop the potential of the community to actively engage in the fight against discrimination and for social inclusion:

- *Strengthen the capacity of Roma activists and Roma organizations* as well as organizations dealing with the protection of Roma rights to recognize discrimination and use available mechanisms to protect against discrimination.
- *Enhance the strategies of CSOs to put pressure on decision-makers* in cases where problems are resolved slowly or where inefficiency and untimely decision-making compromise the rights of Roma citizens
- Stimulate the development of programmes that support the *grassroots activities of Roma.*
- Build the capacity of CSOs to foster *intercultural dialogue.*
- *Strengthen the networking of CSOs* representing Roma and advocating for their rights.
- *Improve communication* with the Commissioner for Protection of Equality and the Protector of Citizens.
- *Conduct targeted outreach campaigns to marginalized groups within the Roma community*, including women, older people, persons with disabilities and LGBTQ+ persons, to ensure that they are also aware of their rights and the recourse available to them when they experience discrimination.

d) **Legal practitioners** should protect the interests of society and individuals in exercising the right to equality in different systems (such as CSOs, bar association, public services, independent bodies and the courts), given the responsibility they have in relation to protection and the fight against discrimination:

- *Focus on issues of legal protection and assistance to Roma* in cases of discrimination and difficulties related to the exercise of rights.

- *Promote consistent implementation of legal standards for protection against discrimination*, but also the standards applied in inclusive multicultural societies, such as diversity policies.
  - *Strengthen the capacities of legal practitioners in public and civil sector* to specialize in certain legal areas in which discrimination occurs, such as social and economic rights and identity rights.
- e) **Media** should show social responsibility and condemn discrimination through clear and unambiguous
- content and promote multiculturalism and interculturalism through:
  - *Regular training of editors and journalists* on the specific characteristics of media content and reporting in a multicultural society.
  - *Produce and broadcast media content* that encourages interculturalism and clearly condemns discrimination.
  - *Produce educational media content about multicultural society* and ethnic communities and specific characteristics of their cultures, languages and traditions.

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P R A X I S

## Roma in the Republic of Serbia: The Challenges of Discrimination

Roma in the Republic of Serbia have long been exposed to the consequences of structural poverty and discrimination. While the government has implemented a range of measures to address these issues, progress has been limited and many inequalities remain. *Roma in the Republic of Serbia: The Challenges of Discrimination* provides a detailed overview of their situation to date, highlighting shortfalls and ways forward through first-hand interviews with community members and other research.

The report highlights that for many Roma, discrimination is still a daily reality in almost every area of their life, from work and housing to health care and education.

Underlining these issues is a broader lack of access to justice, enabled in part by a failure to implement anti-discrimination legislation and a lack of faith among many Roma in the country's judicial system.

As a result discrimination, while legally prohibited, remains widespread and continues to be largely unreported. In order to improve the current situation and effectively combat discrimination, the report calls for international organizations, the state, local self-government, civil society and the media to work with Roma communities to transform the social and institutional context.

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