

**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



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Comments of the Government of Serbia on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Serbia –

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COMMENTS OF THE REPUBLIC OF SERBIA ON THE FOURTH OPINION OF THE ADVISORY COMMITTEE ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION ON THE PROTECTION OF NATIONAL MINORITIES IN SERBIA

I Introduction

Based on the Fourth Periodic Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Serbia (hereinafter: the Fourth Periodic Report), submitted in September 2018, visits to the Republic of Serbia from 18 to 22 March 2019 and other written sources, on 26 June 2019, the Advisory Committee of the Framework Convention for the Protection of National Minorities adopted the Fourth Opinion on Serbia (hereinafter: Fourth Opinion of the Advisory Committee).

Following the Decision of the Committee of Ministers, adopted in 2001, the authorities of the Republic of Serbia were given the opportunity to submit their opinions on the findings of this body. This document contains the Comments of the Republic of Serbia on the Fourth Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities (hereinafter: Comments).

The authorities of the Republic of Serbia welcome the cooperation they have achieved with the Advisory Committee during the preparation of the Fourth Opinion of the Advisory Committee. They also thank the Advisory Committee for recognizing the efforts made to strengthen the legislative framework governing the exercise of the rights of national minorities, while emphasizing the continued constructive approach to monitoring the implementation of the Framework Convention for the Protection of National Minorities in the Republic of Serbia.

Starting with the commitment that the fulfillment of the obligations undertaken by accession to the Framework Convention for the Protection of National Minorities (hereinafter: Framework Convention) is a priority in the minority policy pursued in the process of building a rule of law-based democratic state, the authorities of the Republic of Serbia find the Fourth Opinion of the Advisory Committee based on a constructive analysis of the situation of national minorities and devoted to very important issues.

Recognizing that the implementation of the Framework Convention is a continuous process, the authorities of the Republic of Serbia base their comments on the Fourth Opinion of the Advisory Committee mainly on the activities undertaken in the country after the submission of the Fourth Periodic Report, but also point to certain facts already stated. All activities after the submission of the Fourth Periodic Report are directed not only at upgrading the highly rated legislation in the field of protection and promotion of the rights of national minorities, but also at the consistent implementation of the established legislative and institutional framework.

A number of comments also refer to the findings of the Advisory Committee, which, in the opinion of the authorities of the Republic of Serbia, stemmed from a lack of understanding of

the Fourth Periodic Report submitted, but also from a lack of understanding of the legislative framework, i.e. its implementation in practice.

Comments were prepared at the Office for Human and Minority Rights, and the line ministries and other competent authorities were involved in the drafting process. The fourth Opinion of the Advisory Committee will be published together with the Comments.

All terms in the Comments are used in the grammatical masculine gender, encompassing the masculine and feminine gender of the persons to whom they refer.

General remarks

The Advisory Committee in the Fourth Opinion, in a number of paragraphs,¹ used the term "Central and Southern Serbia" which is not officially used in state bodies of the Republic of Serbia, nor in traditional use by members of national minorities living outside the territory of AP Vojvodina.

The term "Central Serbia" is an informal name for a part of the territory of the Republic of Serbia which is outside the territory of AP Vojvodina and includes Southern Serbia. In this sense, the use of the term "Central and Southern Serbia" may lead not only to some misconception that Southern Serbia does not belong to Central Serbia, but also to the misuse of the term by some proponents of the use of the term in terms of undertaking certain activities that may be contrary to Article 21 of the Framework Convention. In order to avoid any doubts, the names of the regions within the meaning of the Law on Regional Development should be used for a part of the territory of the Republic of Serbia outside the territory of AP Vojvodina.

Likewise, the Advisory Committee in the Fourth Opinion² used the terms "Presevo Valley" and "Sandzak" at several places. The authorities of the Republic of Serbia also invite the Advisory Committee on this occasion, as they did in the Comments on the Third Opinion of the Advisory Committee,³ not to use the term "Presevo Valley" in its findings⁴ since this term is not officially used in the state authorities of the Republic of Serbia, it does not exist as a geographical term, nor is it in traditional use by members of the Albanian national minority. Geographical names and official names of municipalities from Southern Serbia (Bujanovac, Medveđa and Preševo), which are also traditional names used by members of the Albanian national minority, should be used instead. In order to avoid any doubt that this is exclusively an area in the territory of the Republic of Serbia, instead of the term "Sandžak",⁵ the term "Raška

¹ For example, paragraphs 4, 48, 49, 51, 78, 135, 138, etc.

² For example, paragraphs 90, 124 and 127.

³ Comments of the Republic of Serbia on the Third Opinion of the Advisory Committee, pp. 19-20.

⁴ The use of this term began during the outbreak of conflict in the south of the Republic of Serbia, in the municipalities of Preševo, Bujanovac and Medveđa, at the end of 1999. The term is most commonly used by representatives of the Albanian national minority to represent the territories of these municipalities as a whole in cultural, historical and political terms.

⁵ This term mainly refers to the territory of several border municipalities belonging to the Republic of Serbia, Montenegro and Bosnia and Herzegovina, and is located on the border of these states. It was of Turkish descent and was an administrative-territorial unit in the Ottoman Empire. Recently, it has been used by some persons of Bosniak nationality in the mentioned countries, who advocate a certain territorial-political subjectivity of the Bosniak

Administrative District” or “Raška Region” should be used, which is in the spirit of the Law on Territorial Organization of the Republic of Serbia.

The Government of the Republic of Serbia draws particular attention to the Advisory Committee that the use of these terms, in particular by the Advisory Committee, for the reasons stated, may also mean that the Committee, in assessing the sufficiency of the measures taken by the Republic of Serbia in the implementation of the Framework Convention, does not sufficiently observe Article 21 of the Convention, in particular in terms of the sovereign equality and territorial integrity of the Contracting Parties. Moreover, the use of these terms by the Advisory Committee, although the authorities of the Republic of Serbia are aware that the Committee did not have such intentions, could be interpreted by some proponents of the use of those terms as recognition of the legitimacy of the said names and, consequently, of advocating the right to undertaking certain activities which are contrary to the territorial integrity and sovereign equality of the Contracting Parties.

The Committee of Ministers is invited to review its conclusions in the light of the Comments submitted, taking into account additional information on the measures and activities taken since the submission of the Fourth Periodic Report.

II. Comments on the "Key Findings" section

In order to avoid unnecessary repetition of the particular views set out in the "Key Findings" section, we refer to the comments made on the Advisory Committee's findings to the individual articles of the Convention contained in Part III Comments, and in particular:

regarding paragraph 6: comment on paragraphs 124, 125, 126 and 127;

regarding paragraph 8: comment on paragraph 101.

Paragraph 9

Important steps still need to be taken in order to improve interactions between the various national minority communities living in Serbia and to promote a genuine intercultural dialogue and mutual understanding. Councils for inter-ethnic relations should constitute a more effective instrument for the integration and inclusion of national minorities at local level, but they still operate at a regrettably low level and their competences are limited. The privatisation of large parts of the media has also led to the closing of several local TV and radio stations as well as newspapers. While media provision in minority languages is still significant, it is nevertheless critical that the authorities start proactively assessing the impact of the privatisation process and

community from this region based on the common cultural, historical and political heritage of the population living in the area.

the level of access to information in minority languages, including through a qualitative assessment.

The Councils for Interethnic Relations in the Republic of Serbia are not established as a mechanism for general interaction between minority communities living in Serbia, but rather as a mechanism for achieving equality in local self-government units with respect to decisions of the local self-government unit. Accordingly, the Councils are not *an instrument for the integration and inclusion of national minorities at the local level*, because the composition of the Council is determined by the parity principle of representatives of the majority people and national minorities. Also, the competences of the Councils cannot be greater, since, in accordance with the provisions of the Law on Local Self-Government, the competences of the council already apply to all decisions of local self-government units concerning national equality. The Councils may also institute proceedings before the Constitutional Court for the review of the constitutionality and legality of any decision or general act of a local government unit that they consider to violate the rights of persons belonging to national minorities represented in that Council.

III. Comments on the findings of the Advisory Committee article-by-article of the Framework Convention

Comments are made on findings according to article-by-article of the Framework Convention, which implies simultaneous commenting on the relevant Key Findings of the Advisory Committee.

Article 3 of the Framework Convention

Personal scope of application

Paragraph 12

The Advisory Committee recalls in this regard that – beyond its strong symbolic importance for persons belonging to national minorities – the personal scope of application of the Framework Convention should where appropriate also extend to non-citizens, particularly where exclusion on grounds of citizenship may lead to unjustified and arbitrary distinctions, for example when such exclusion concerns stateless persons belonging to national minorities who permanently reside on a given territory. The Advisory Committee has always welcomed instances in which states parties have extended minority rights to non-citizens, thereby in practice disregarding an officially still existing precondition of citizenship. A general application of this criterion may indeed act as a constraint in relation to several minority rights, in particular participation in

social and economic life (see Article 15). While the Advisory Committee welcomes measures that have been or are being implemented in order to reduce statelessness in Serbia, legal and practical obstacles remain however for birth registration, acquisition of citizenship as well as registration of permanent residence and issuance of ID cards (see Article 4). This concerns mainly persons belonging to national minorities identifying themselves as Roma.

Information on measures taken to reduce statelessness in Serbia is contained in the comments on paragraph 41 of the Fourth Opinion of the Advisory Committee.

Paragraph 13

The Advisory Committee reiterates its call on the authorities to consider lifting the potentially limiting criterion of citizenship contained in the Law on the Protection of Rights and Freedoms of National Minorities.

In paragraph 11 of the Fourth Opinion the Advisory Committee gave the finding that *no declaration or interpretative declaration was submitted by the Serbian authorities when ratifying the Framework Convention with respect to its personal scope and that it welcomes, as in the past, the flexible approach maintained by the Serbian authorities with regard to access to linguistic minority rights (Articles 10, 11 and 14) for non-citizens who share a language with a national minority in Serbia.* The authorities of the Republic of Serbia reiterate their readiness to continue to adopt a flexible approach to the use of citizenship criteria in the exercise of minority rights, at the same time recalling the views on this issue raised in previous reports on the implementation of the Framework Convention.

The citizenship criterion contained in the legal definition of a national minority applies to *groups of citizens* who may enjoy the status of a national minority in the legal order of the Republic of Serbia. In other words, the legal order of the Republic of Serbia does not recognize the status of a national minority to groups of persons possessing characteristics such as language, culture, national or ethnic origin, origin or religion, by which they differ from the majority of the population but who do not have citizenship and are not in long-term and firm connection with the territory of the Republic of Serbia. This applies primarily to groups of refugees, migrants and persons residing in the Republic of Serbia on the basis of economic activities. The fact that such groups of persons do not enjoy the status of a national minority does not mean that they and persons belonging to them in the Republic of Serbia, in accordance with the highest international human rights standards, do not enjoy the right to freely express, preserve and develop their ethnic, cultural, linguistic and religious identity.

In the legal order of the Republic of Serbia, the majority of minority rights that are individually enjoyed and exercised, especially with regard to the use of languages and scripts, as well as with regard to education, are not reserved exclusively for citizens. Therefore, persons who are not citizens of the Republic of Serbia, who share the same national identity with persons

belonging to national minorities in the Republic of Serbia, do not have any impediments to the enjoyment and exercise of minority rights. In fact, such persons may be beneficiaries of all minority rights (for example, they may freely use their language and script in contact with authorities, may be parties to proceedings which are entirely conducted in the languages and scripts of national minorities, may be members of minority associations, may individually and in community with persons belonging to national minorities to nurture and develop their religious identity, may attend all education in the language and script of national minorities, etc.), except in cases where the condition of citizenship is explicitly stated in the law (for example, they cannot enjoy the right to vote and in that sense cannot be political representatives of national minorities, nor participate in the process of electing national councils of national minorities and be members of those bodies).

Considering all the above, the authorities of the Republic of Serbia strongly believe that there are no justifiable reasons for the initiative contained in this recommendation of the Advisory Committee, especially since the Advisory Committee finds that it is only a potentially restrictive criterion and since the Fourth Opinion, as in the previous Opinions of the Advisory Committee, notes the flexible approach shown by the Serbian authorities regarding access to linguistic minority rights, which enables non-nationals who speak the same language as the national minority, to potentially benefit from many of the same rights as persons recognized as members of national minorities.⁶

Data collection and census

Paragraph 18

While welcoming the possibility for multiple affiliation in the census form, the Advisory Committee regrets that persons belonging to national minorities are not sufficiently made aware of the advantages of multiple affiliations and that the system as a whole is not structured around this possibility. The Advisory Committee regrets in particular that persons belonging to national minorities may only be registered in one special electoral roll for the election of the National Councils (Article 15). The Advisory Committee considers that promoting an environment where multiple affiliation is perceived as an asset rather than a weakness is a duty of the State parties to the Framework Convention, as reflected under its Article 6 of the Convention. In the short time between this Opinion's publication and the next census, and given the importance attached in Serbia to the size of a minority population for access to minority rights, including funding of the national councils, it is important to ensure that persons belonging to national minorities are adequately informed of the importance of the 2021 census, including about the nature and effects of multiple affiliation. As it does systematically, the Advisory Committee encourages the authorities to make all information on the methodology and aim of data collection available in

⁶ ACFC/OP/III(2013)006, paragraph 36

the languages of national minorities, and to include persons belonging to national minorities as interviewers in the organisation and operation of such processes, particularly in areas where national minorities are settled in substantial numbers.

The authorities of the Republic of Serbia indicate that the finding of the Advisory Committee that *persons belonging to national minorities are not sufficiently aware of the benefits of multiple affiliation and that the system as a whole is not structured around this possibility, should be reviewed.* As it is clear from all the previous state reports submitted by the Republic of Serbia on the implementation of the Framework Convention, the whole system of minority protection is based on strict respect for the principle of free self-identification, which, among other things, implies the possibility of multiple affiliation. In many opinions, the Advisory Committee explicitly praised this fact. Moreover, it follows from all the state reports exhaustively cited data on the implementation of the Framework Convention in the Republic of Serbia that statistical data on nationality of the population do not correspond with data on the number of persons who, in different contexts and social situations, declared themselves as members of minorities and/or speakers of minority languages. This is a clear consequence in practice achieved, and by the relevant legal acts secured freedom of every member of a national minority to choose to enjoy and exercise the specific rights enshrined in the Framework Convention and national legislation, as well as the right not to exercise that freedom. Such data are precisely the evidence of the widespread awareness of the members of national minorities about this freedom. In this regard, the authorities of the Republic of Serbia once again explicitly emphasize and underline that persons belonging to national minorities may, on the basis of free self-identification, express multiple affiliation in the census, and that, also on the basis of free self-identification, they may manifest different nationalities in different social contexts - starting from the census, through the registration of the fact of nationality in personal documents, entry in a special electoral roll for the election of national councils, to the exercise of the right to education in the mother tongue, or the use of minority languages in contact with public authorities. In the Republic of Serbia, there is no mechanism for controlling or preventing one and the same person from freely presenting different identities on all these occasions.

Regarding the Advisory Committee's allegation that it regrets the fact *that minority members can only register in one special electoral roll for the election of national councils*, the following should be pointed out. Namely, if this regret is a consequence of the interpretation of legal decisions by the Advisory Committee according to which the registration of a person in a special electoral roll is a definite and invariable expression of the identity of that person, then it is necessary to point out that such interpretation is not justified, because the members of minorities, in accordance with by the principle of free self-identification, can freely enter and withdraw from a special electoral roll for the election of another national council. If, however, the particular regret expressed by the Advisory Committee is due to the interpretation of that body by which minority members with multiple identities should vote in the process of electing a number of national councils, then in the opinion of the authorities of the Republic of Serbia, such

interpretation is difficult to sustain in the context of immediate democratic elections for national councils. Namely, the possibility for one person to vote in the election process for several national councils would mean that this person has a double and multiple voting rights at the elections for those bodies. Also, such a solution would, in principle, allow more persons to vote in elections for all national councils, which would certainly significantly impair the representative character of such bodies and delegitimize the exercise of the public powers entrusted to them. The authorities of the Republic of Serbia emphasize the fact that the Constitution of the Republic of Serbia stipulates that members of national minorities may elect their national councils in order to exercise their right to self-government. Such a constitutional solution implies that members of a minority may elect one national council, and consistently derived, it means that one person, in one election cycle, can only vote in elections for one national council. It stands to reason, without challenging that person's right to vote in the next election cycles for the election of other national councils (if he or she is, on his or her written request, removed from the special electoral roll of one national minority, and then entered in the electoral roll of another national minority) . Apart from the fact that constitutional solutions prevent the simultaneous voting of persons in elections for a number of national councils, the authorities of the Republic of Serbia indicate that the monitoring process so far, as an integral part of the process of implementation of the Framework Convention, points to the same conclusion. Namely, since the introduction of direct elections for national councils of national minorities, the Advisory Committee has never, in any of its opinions, regretted the fact that members of minorities can only register in one special electoral roll for the election of national councils. Also, the Advisory Committee has never expressed similar regret with respect to other countries where there are identical solutions according to which one person can only vote in elections for one minority self-government (Hungary, Croatia, Estonia).

Bearing in mind the need for consistent and coherent implementation of the Framework Convention, the authorities of the Republic of Serbia urge the Committee of Ministers not to base its resolution on the aforementioned findings of the Advisory Committee set out in paragraph 18 of the Fourth Opinion.

Article 4 of the Framework Convention

Anti-discrimination legislative framework

Paragraph 22

The Constitution of Serbia contains several provisions aimed at combating discrimination. Article 21 of the Constitution prescribes equality of all before the Constitution and the Law. It also enshrines prohibition of discrimination on any grounds, including national origin, religion, language, or culture. Article 14 of the Constitution further guarantees “special protection [of the

State] to national minorities for the purpose of exercising full equality and preserving their identity”. Article 24 of the Law on the Prohibition of Discrimination contains a specific provision prohibiting discrimination against national minorities but only on the grounds of “religious affiliation, ethnic origin, religious beliefs and language”. Article 3 of the Law on the Protection of Rights and Freedoms of National Minorities however further prohibits “any form of discrimination on national, ethnic, racial, linguistic, religious or any other grounds against national minorities and persons belonging to national minorities”. A number of other recently adopted legislative texts contain anti-discrimination provisions together with the possibility for affirmative measures. The Law on Public Servants, for example, foresees such affirmative measures for the employment of persons belonging to national minorities to give priority to equally qualified candidates in order to achieve appropriate representation (See Article 15).

Paragraph 23

The Advisory Committee notes that anti-discrimination provisions differ from one law to another, making it difficult for national minorities to identify under what circumstances they are protected against discrimination. The Advisory Committee therefore underlines the importance of consistency with international standards.

With the adoption of the Anti-Discrimination Law in 2009, the area of discrimination was regulated in one place and in a comprehensive manner, which was reported in detail in paragraph 2.1.1. of the Third Periodic Report. This law, as a general law, establishes a general definition of discrimination and affirmative action, establishes a definition of discrimination against certain categories of persons and, in certain cases, envisaged forms of discrimination, established independent special body for the protection of equality, envisaged special civil procedure for protection against discrimination, established misdemeanor liability and foreseen misdemeanors for discriminatory conduct have been identified, and other issues have been resolved which, as a general framework, should provide sufficient institutional guarantees to prevent discrimination.

The Law also elaborates the principle of equality, which states that everyone is equal and enjoys equal status and equal legal protection, regardless of their personal characteristics, and that everyone is obliged to respect the principle of equality, i.e. the prohibition of discrimination.

The law explicitly recognizes over twenty personal characteristics that may be grounds for discrimination (race, color, ancestry, citizenship, nationality or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, wealth, birth, genetic characteristics, health status, disability, marital and family status, conviction, age, appearance, membership of political, trade union and other organizations and other real or assumed personal characteristics). However, this does not exhaust their numbers, since the formulation *and other real or assumed personal characteristics*, indicates that discrimination on any real or allegedly personal basis is prohibited.

The law specifies that terms *discrimination* and *discriminatory treatment* denote any unjustifiable distinction or unequal treatment i.e. omission (exclusion, restriction or prioritization) of persons or groups, as well as members of their families, or close persons, in an open or covert manner, on the basis of the above, and other real i.e. assumed personal characteristics. The law also states that terms *person* and *everyone* designate the one who resides in the territory of the Republic of Serbia or in the territory under its jurisdiction, regardless of whether he/she is a citizen of the Republic of Serbia, another country or is a stateless person.

It is clear from the aforementioned provisions of the Law that discrimination against any person, including persons belonging to national minorities, on any real or presumed personal basis is prohibited. The Law, furthermore, in a separate chapter *Special cases of discrimination*, further elaborates, inter alia, in Article 24, the prohibition of discrimination against national minorities, stating that *discrimination is prohibited against national minorities and their members on the basis of nationality, ethnic origin, religious beliefs and language*. However, the Law further stipulates that *the manner of exercising and protecting the rights of persons belonging to national minorities is governed by a separate law*. The special law regulating these issues is precisely the Law on the Protection of the Rights and Freedoms of National Minorities, which in Chapter *Prohibition of discrimination* prohibits *any form of discrimination, on a national, ethnic, racial, linguistic, religious or any other basis, against national minorities and persons belonging to national minorities*.

With this in mind, the authorities of the Republic of Serbia are of the view that the aforementioned provisions of the Law on Prohibition of Discrimination and the Law on the Protection of the Rights and Freedoms of National Minorities give sufficient guarantees to every person, including members of national minorities, to be protected from discrimination on the basis of any actual or presumed personal characteristic. The fact that the prohibition of discrimination in the legal system of the Republic of Serbia is additionally regulated by the regulations governing certain areas of social life, testifies to the commitment of the Republic of Serbia to complete the legal framework prohibiting discrimination, i.e. all potential forms of discriminatory treatment. This fact, on the other hand, has no impact *on identifying the circumstances and conditions under which persons belonging to national minorities are protected from discrimination*, since the Law on prohibition of Discrimination regulates the protection of all persons against discrimination, while the exercise and protection of the rights of persons belonging to national minorities are governed by the Law on the Protection of the Rights and Freedoms of National Minorities.

It should also be noted that, pursuant to the provisions of the Law on prohibition of Discrimination, the Equality Protection Commissioner receives and reviews complaints, and conducts complaints procedures in cases of discrimination against a person or group of persons associated through the same personal characteristic. Complaints can be filed by any natural or legal person or groups of persons who think that they have suffered discrimination, as well as organizations dealing with the protection of human rights and any other person, on behalf and with the consent of the person who thinks that they have suffered discrimination. In the case of

discrimination against a group of persons, an organization dealing with the protection of human rights may file a complaint on its own behalf without the consent of the person deemed to have suffered discrimination. The complaint should include information about who was discriminated against, by whom they were discriminated against, as well as a description of the discriminatory act. Thus, to initiate proceedings before the Commissioner for the Protection of Equality, it is not necessary for the complainant to know the legislative framework governing the prohibition of discrimination, or to refer to the provisions of the law that have been violated in the particular case, but rather to indicate the actions that he or she deems to be discriminatory. The Commissioner is competent to give opinions and recommendations in specific cases of discrimination and to pronounce the measures prescribed by law, and he/she has been given active legitimation, i.e. he/she has the right to file lawsuits.

In addition, the Law on Prohibition of Discrimination stipulates that anyone who is violated by discriminatory treatment has the right to file a lawsuit with a court, and the provisions of the Law regulating the burden of proof in court proceedings in cases of discrimination have greatly facilitated the procedural position of the prosecutor or the victim of discrimination. In order for these legal provisions to be applied, the prosecutor is obliged to make it probable that the defendant committed the act of discrimination and then the burden of proving that the act did not violate the principle of equality, is borne by the defendant.

In view of the reasoning set out above, the authorities of the Republic of Serbia urge the Committee of Ministers, when adopting the Resolution, not to take into account the findings of the Advisory Committee contained in paragraph 23 of the Fourth Opinion.

Collection of equality data and measures to promote effective equality

Paragraph 31

The authorities have adopted the Strategy for the Prevention of and Protection from Discrimination in June 2013 and its Action Plan in October 2014. The latter covered a wide area of measures related to national minorities, including the setting up of the Budgetary Fund for National Minorities (Article 5), the elimination of discriminatory content in school textbooks (Article 12), as well as measures aimed at increasing the number of national minorities in the administration (Article 15) or at sanctioning local self-government units not complying with their legal requirements related to the establishment of the Councils for Inter-Ethnic Relations (Article 6). Concerning Roma, the Action Plan contained cross-references to the 2016-2025 National Strategy for the Social Inclusion of Roma (hereinafter referred to as the “Roma Strategy”, see below). The Action Plan did not contain however major measures aiming to improve the collection of equality data. The implementation of the Action Plan was partly delayed and led to mixed results. The Advisory Committee notes also that no further Action Plan was developed following the expiration of the 2014-2018 Action

Plan, despite the remaining shortcomings of the anti-discrimination system, in particular in terms of equality data collection.

The authorities of the Republic of Serbia point out that the implementation of the Action Plan for monitoring the implementation of the Strategy for the Prevention of and Protection from Discrimination was never delayed. On the contrary, activities and measures were implemented in accordance with the established dynamics, and the Action Plan was monitored systematically and continuously through regular reports (6 reports). Implementation was supervised by a special Council formed by the Government of the Republic of Serbia for these purposes. This was the first strategic document for which instruments and a mechanism for implementation and management were developed, which at the time of the adoption of these documents was not a regular practice in Serbia, thus making an example of good practice in public policy implementation.

After the expiration of the validity of the said strategic document and the accompanying action plan, the Republic of Serbia continued to carry out activities in order to prepare a new strategy and the related action plan. In this regard, it should be noted that in preparation of the basis for drafting a new strategic document, the Office for Human and Minority Rights, in cooperation with the UN Human Rights Team in Serbia, has prepared an Analysis of the results of the implementation of the Strategy for the Prevention of and Protection from Discrimination and the related Action Plan. For the purpose of this document, the recommendations of international and national human rights bodies given to Serbia were analyzed to identify areas where changes are needed, as well as international and national regulations in the field of equality and non-discrimination, in order to identify the extent to which Serbia's anti-discrimination legal framework is in line with international standards.

In coordination with the Ministry of Labor, Employment, Veterans' and Social Affairs, the Baseline for the development of a new Strategy for the Prevention of and Protection from Discrimination and the related Action Plan has been prepared. Proposals were received from the organizations of civil society regarding development directions, areas of action, measures and the structure of the new strategic document. Based on the obtained opinions of civil society organizations, the results of the analysis of the implementation of the Strategy and the Action Plan, as well as using other available sources, this document has been created, which should serve as a framework for the development of a new Strategy for the Prevention of and Protection from Discrimination. In November 2018, the Ministry of Labor, Employment, Veterans' and Social Affairs formed a working group to draft a new strategic document for the period 2020-2025.

The situation of Roma

Paragraph 37

The Advisory Committee acknowledges the efforts of the Serbian authorities, at the institutional level, to structure their integration and inclusion policies towards members of the Roma minority. It notes however that the most recent data still show a wide gap between the Roma and the non-Roma population living in their close vicinity in terms of access to health services, employment rates (Article 15), youth in education and training (Article 12), as well as in terms of food security, which are all factors with lifelong implications.

Paragraph 38

With regard to healthcare and social protection, the Advisory Committee remains very concerned by the situation of Roma, in particular women and children. World Health Organisation estimates that the mortality rate of infants in Roma settlements is twice as high as national average. A majority of indicators show that access to health care is precarious for Roma living in settlements, including lower immunisation coverage and nutritional deficiencies. Taking into account disaggregated data by ethnicity from Centres for Foster Care and Adoption in Serbia, a recent study showed that an estimate of 30% of children in foster care in Serbia are Roma while they represent only 2% of the population. Child protection professionals consider these figures underestimated. The lack of prevention and support programmes helping Roma families to stay together or at least keep a contact was pointed out by psychologists and other specialists. Poverty is pointed out as a significant factor in decision-making to remove Roma children from their families. While the recruitment of health mediators is commonly perceived as a positive measure, this role is not yet formalised and they remain recruited on a short-term basis.

The Republic of Serbia has continuously made efforts to improve the health care of women and children, and above all members of vulnerable social groups, including the Roma.

According to the provisions of the Law on Health Care and the Law on Health Insurance, all persons in the territory of the Republic of Serbia are provided with equality in the availability and quality of health care services. Also, all pregnant women and women in childbirth up to 12 months after the birth of a child are entitled to full health care, including the right to medicines and reimbursement of transportation costs, regardless of whether their health insurance documents have been certified.

Free preventative screening campaigns are regularly conducted to diagnose and promote prevention as the most effective way of taking care of one's health. These examinations take place in the last week of the month throughout Serbia, and access is also available to citizens without health insurance, including a large number of members of the Roma national minority.

More than 300,000 citizens of Serbia are covered by the free screening campaign, with the involvement of more than 200 healthcare facilities nationwide.

The state is also investing in the infrastructure of health care facilities in order to improve the quality of services to all citizens and the availability of health care. Since 2016, the Ministry of Health has been working intensively on the renovation of health facilities.

In order to improve access to health services for Roma citizens living in informal settlements, a system of health mediators was established. The results of their work have led to a major shift in the health care of Roma men and women. Their work has been evaluated by the European Commission as the most successful measure in public policies in the field of Roma inclusion. Two-thirds of hired mediators have completed high school or college, while one-third of hired mediators have completed primary school. During 2019, 85 trained health mediators were recruited under the health care system, a significant increase, given that 60 were recruited in 2017.

Due to the involvement of health mediators, Roma women have been facilitated access to health services, and the trend of conducting systematic and gynecological examinations has continued. Controls on the health of pregnant women and women in childbirth and the number of women and children vaccinated has increased. In the last ten years, the number of deaths of Roma children has halved.

The problem of high representation of Roma children in foster care is being addressed on an ongoing basis, bearing in mind that these children come from families with many and complex needs and difficulties, in which, apart from poverty, child neglect and abuse are very often present. We emphasize in particular that poverty is never the sole factor in deciding whether to move a child from a biological family.

Regarding the allegations regarding the lack of prevention and support programs for Roma families to stay together or maintain contact, it should be emphasized that various programs and projects are continuously implemented in the Republic of Serbia that contribute to the prevention of separation of children from the family, one of the most important being introduction of a family assistant service into the social protection system. It is an intensive family support service for families facing many complex difficulties and at risk of the displacement of children. The service is very successful in working with Roma families, who make up about 40% of all families covered by this service. This service will be fully implemented in the social welfare system upon the adoption of *the Law on Amendments to the Law on Social Protection* which provides for the establishment of centers for children, youth and family to implement this service. These amendments will redefine counseling-therapeutic and social-educational services provided as a form of assistance to individuals and families in crisis, which will also have positive effects on Roma families in crisis.

In the period since the submission of the Fourth Periodic Report, efforts have been continued to improve access to education for members of the Roma national minority, through support for the presence of teaching assistants in schools and mentoring with secondary school

students, implementation of affirmative action measures for enrollment in secondary schools and colleges, award of scholarships and loans and the like.

In school year 2018/19, 261 pedagogical assistants were engaged in primary and preschool institutions. They are continuously contributing to the inclusion and achievement of better results for Roma students in education. The jobs of all teaching assistants are funded from the national and local levels. Regulation on the Catalog of Jobs in Public Services and Other Public Sector Organizations of 6 June 2018 further defines the job of a *Teaching Assistant* through job description, qualifications - education, additional knowledge - exams and work experience, which are required to perform the job of a teaching assistant. In addition, work has continued to expand the network of teaching assistants, as well as to strengthen their capacities. In cooperation with the University of Kragujevac - Center for Lifelong Learning, which has accredited training for pedagogical assistants, in 2018 a five-day introductory training was organized for 65 pedagogical assistants (50 new ones and 15 previously engaged assistants who did not attend the training).

Affirmative action measures have contributed significantly to increasing the inclusion of Roma students in the education system. Since the beginning of 2003, 1,623 Roma students (51% girls) and 8,324 Roma secondary school students (55% girls) have been enrolled through affirmative measures at faculties and colleges. In school year 2018/19, by the implementation of these measures, 2,220 Roma students were enrolled in secondary schools (56% girls), and 115 Roma students were enrolled in higher education institutions.

In order to remain in the education system, a system for monitoring the regularity of students' attendance and achievement has been established. Scholarships and a mentoring system are provided for students enrolled through affirmative action measures. In school year 2017/18, 201 teacher-mentors were hired to support students of the Roma national minority.

Amendments to the Rulebook on Student Loans and Scholarships of 2017 made it possible for Roma students, in addition to persons with disabilities and students without both parents, to qualify for credits and scholarships without performance criteria. In secondary schools, 2,974 scholarships were awarded from the budget and donor funds for Roma students (65% of girls) in the last four school years. In school year 2018/19, 547 scholarships were awarded from the budget of the Republic of Serbia, of which 60% were scholarships for girls. Also, a new IPA program has been approved aimed at scholarships for 500 students whose performance rates are 2.0 to 5.0.

During school year 2018/19, 137 students in total (65 girls and 72 boys) were registered with families who were returned under the Readmission Agreement from West European countries. Students were included in 37 primary schools in 12 cities/municipalities in Serbia. The highest concentration of returnee students was recorded in Belgrade, Niš and Leskovac. An additional support measure provided during school year 2018/19 were free textbooks that were awarded to 114 students from this social group.

Paragraph 39

Recent projects, mainly funded by international donors, demonstrate efforts in the field of social housing for Roma in Serbia, which the Advisory Committee welcomes. The number of Roma benefiting from social housing is however still reported as being very low. Access to water and sanitation, as well as to electricity is often reported as a problem in Roma settlements, and overcrowding is structural. Civil society organisations report also discriminatory collective billing methods applied by electricity providers only to Roma communities. Forced evictions have still been reported within the fourth monitoring cycle but have decreased during the last years, which is to be welcomed. The adoption of the Law on Housing and Maintenance of Apartment Buildings in November 2016 was aimed at prescribing when and under what conditions the eviction procedures are to be implemented and the legal safeguards regulating such procedures. Notwithstanding the lack of data on the implementation of the law, it has been severely criticised by human rights defenders. The situation of a significant number of families having been evicted remains precarious and some are subject to pending applications to the European Court of Human Rights.

During the implementation of the first Decade of Roma Inclusion in 2005-2015, more than € 20 million has been provided through EU programs for Roma inclusion in the Republic of Serbia. These activities have continued through the new EU programs, so that IPA programs are currently being implemented in the Republic of Serbia aimed at improving the position of Roma men and women in the amount of approximately 11 million euros.

In 2016, through the *We are here together - European support for Roma inclusion* Project, funded through IPA 2012, the Geographic Information System (GIS) was created to monitor the situation in substandard Roma settlements in Serbia. This database enables monitoring of key indicators of the situation in substandard settlements. The data obtained from collecting data from this database is the starting point for creating a situational analysis in the implementation of programs implemented through IPA 2013, 2014 and 2016.

Implementation of IPA 2013 project *Technical assistance for the improvement of living and housing conditions of the Roma population in informal settlements in the Republic of Serbia*, valued at € 1,370,200, began in June 2017 and ended on 19 September 2019. Some of the most significant results achieved through this project are:

- Infrastructure was built in substandard Roma settlements that will improve living conditions for over 5,000 Roma people.
- A total of 185 housing units were built and renovated for around 800 Roma.
- Technical documentation required for housing improvement projects for more than 70 houses, 300 apartments, as well as for infrastructure improvement projects for over 4,000 Roma population members has been developed.

- Twenty mobile teams for social inclusion of Roma have been formed in 20 local self-governments in Serbia, with intensive work on improving support for the Roma population at the local level.

Through a grant scheme under this IPA 2013 project, worth 6.5 million euros, a total of 9 projects were implemented in 11 local governments. The projects concerned the improvement of infrastructure in Roma settlements and the construction of housing units for Roma men and women who lived in inadequate conditions. The project upgraded the infrastructure of roads, sewage and water supply and built individual homes and apartments. Within the project, a total of 114 houses and 12 apartments were built, while 59 houses were reconstructed.

The total number of beneficiaries of new housing solutions is about 800 persons, and the total number of beneficiaries of upgraded infrastructure is over 5,000 persons.

IPA 2016 project *Support to EU Roma Inclusion - Empowering local communities for Roma inclusion*, worth EUR 4.2 million, started in December 2017 and will last for 36 months. The overall goal of the project is to improve the position of Roma in local communities through the implementation of the strategic measures defined in the Strategy for Roma Inclusion for the period 2016 - 2025. So far, the following activities have been implemented through the project:

- A Memorandum of Understanding was signed with 10 local self-government units (Arandjelovac, Bečej, Vršac, Doljevac, Lebane, Loznica, Mladenovac, Pirot, Smederevska Palanka and Surdulica) and local action plans were finalized.
- Ten mobile teams and 10 local multisectoral policy coordination bodies have been formed.
- A *Guide for the preparation, budgeting and monitoring of a local Roma inclusion action plan* was developed and presented.
- Thirty-six contracts have been signed for projects to be funded from the grant scheme.
- Contracts were signed with 11 selected local self-government units regarding the development of urban plans for substandard Roma settlements.

IPA 2014 project *Technical assistance for the improvement of the socio-economic conditions of the Roma population* worth EUR 2.7 million, started on March 4 2019 and will last for 24 months. The project consists of three components: 1. Development of the necessary technical documentation for sustainable improvement of living conditions in 100 substandard Roma settlements in Serbia; 2. Strengthening the capacity of local governments and relevant representatives of national institutions to successfully use EU pre-accession funds and to achieve the sustainability of project results; 3. Supporting the capacity-building of mobile teams and enhancing local mechanisms for Roma inclusion.

The following activities will be implemented through the project:

- Updating data on 100 substandard Roma settlements through cooperation with representatives of local governments and mobile teams, analysis and needs assessment.
- Updating the national GIS database on substandard Roma settlements.

- Selection of 100 substandard Roma settlements and development of urban and technical documentation necessary for the improvement of housing conditions and social inclusion of Roma in local self-governments, which can be used to apply for funds from future funds.
- Support to local governments to prepare concepts and projects for future IPA grants and build capacity of local and national staff to achieve project sustainability, through trainings, exchange of experience and presentation of good international and local practices.
- Collaboration with local governments in which mobile teams are already in place, supporting the formation of new mobile teams, with further improvement of local mechanisms for the inclusion of Roma women and men.

Following the submission of the Fourth Periodic Report, the Republic of Serbia continued to improve the legislative framework in the field of housing. Based on the Law on Housing and Building Maintenance, several by-laws have been adopted that are in accordance with the International Covenant on Economic, Social and Cultural Rights, in terms of adequate housing and protection against and during forced evictions, as follows: Rulebook on the form of the report regarding housing needs, housing conditions and housing support programs in the local government unit; Rulebook on the content and method of keeping records of eviction and relocation procedures; Rulebook on criteria for determining the order of priority for housing support; Rulebook on conditions and norms for planning and designing residential buildings and apartments in housing support programs; Rulebook on the conditions to be met by the facility for adequate accommodation; Rulebook on Uniform Methodology for Calculating Nonprofit Rentals. All regulations and documents in the field of housing are publicly available on the website of the Ministry of Construction, Transport and Infrastructure: <http://stanovanje.gov.rs/>.

The Ministry of Construction, Transport and Infrastructure, in cooperation with the Social Inclusion and Poverty Reduction Team and the Swiss Agency for Development and Cooperation, within the project *Support to the improvement of the social inclusion process in the Republic of Serbia*, produced a brochure "A brief guide to the Law on Housing and Building Maintenance - The Law in Pictures", which illustrates pictorially and narratively the most important legal areas and solutions, including housing support, as well as the eviction and relocation procedure. The law in pictures is in practice the most positive example of the approximation of a piece of legislation to citizens and target groups, which is why this brochure is appropriate for understanding legal matter for all citizens. So far this publication has been printed in approximately 5,000 copies.

The development of the National Housing Strategy is ongoing. A strategy working group was formed, which included representatives of the UN human rights team. A detailed analysis of the situation was made, which included in particular the analysis of the living conditions of the socially most vulnerable, and in particular the Roma, which will be the basis for proposing

appropriate goals and measures for solving problems in the existing social and economic conditions.

The Council of Europe, in cooperation with the Coordination Body for Monitoring the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia, implements the ROMACTED Program in 11 local self-government units (Kragujevac, Odžaci, Niš, Kostolac - Požarevac, Prokuplje, Smederevo, Subotica, Vranje, Vrnjačka Banja, Zaječar and Zvezdara - Belgrade). The aim of this project is to ensure sustainable policies, through the involvement of local authorities in promoting democratic public administration and encouraging local Roma communities to strengthen their capacities, so that Roma can contribute to the creation, implementation and monitoring of plans and projects related to them, as well as the empowerment of the Roma community. The municipalities of Zvezdara, Vrnjačka Banja and Odžaci, as well as the cities of Kragujevac and Zaječar, announced a budget allocation of RSD 600,000 each to finance joint activities of institutional working groups and local action groups. The authorities of the City of Nis have allocated 5 million dinars for 2019 for the needs of the local action plan for the social inclusion of Roma. In the first half of 2019, the Program supported the development of project proposals relevant to the Roma community in Smederevo, Subotica, Zvezdara, Zaječar and Odžaci.

Paragraph 40

With regard to employment, the authorities are aware of the difficulties and recognise that Roma are “the only ethnic group almost entirely excluded from the formal labour market”. Recent strategic documents, including the Roma Strategy or the National Employment Strategy, have initiated a long-term process to overcome these structural and long-standing problems. The Advisory Committee notes with satisfaction that the State administration and local self-government units, as well as the equality body, developed internship programmes for young Roma. It is however concerned that the situation of Roma in the labour market and the cumulative nature of discrimination they face are such that it will require repeated and sustained efforts to bring persons belonging to the Roma national minority onto an equal footing with the rest of the population, reinforcing on the one hand child development and education (Article 12) and combatting, on the other, discrimination and prejudice (Articles 4, 6 and 12). In this context, it is essential to develop policies based on clear statistical studies (Article 3) in order to take measures which genuinely address the needs of the persons concerned, and to monitor and assess such measures on a regular basis, to check that expected results are met and adapt accordingly the measures taken. The Advisory Committee considers it essential that Roma representatives are included in this process in order to be able to influence the decision-making process on measures that could be taken to create effective job opportunities for them. According to Roma interlocutors, employment is the most important issue to support Roma inclusion in society.

In recent years, there has been a trend of an increase in the number of unemployed Roma men and women in the register of the National Employment Service (NES) compared to the period from 2015, which is a result of the implementation of measures to raise awareness of the need to register with the service, and not of the increase of Roma unemployment. The following tables provide data on the number of unemployed Roma in the records of the National Employment Service in 2015-2018, as well as data on the number of employment cases of Roma men and women from the records of the National Employment Service in 2017, 2018 and the period January - July 2019, which indicate a continuous increase of the employment of Roma men and women.

Year	Number of unemployed Roma men in the NES register	Number of unemployed Roma women in the NES register
2015	22 933	10 669
2016	26 067	11 994
2017	26 456	12 411
2018	25 605	12 323

Number of employment cases from the records of the National Employment Service - Roma		Total	Women
2017	I 2017	154	58
	II 2017	168	62
	III 2017	286	104
	IV 2017	391	126
	V 2017	596	227
	VI 2017	418	169
	VII 2017	506	188
	VIII 2017	446	171
	IX 2017	387	145
	X 2017	292	113
	XI 2017	295	128
	XII 2017	211	71
	Total in 2017	4 150	1 562
2018	I 2018	256	94
	II 2018	250	93
	III 2018	377	126
	IV 2018	455	147
	V 2018	509	195
	VI 2018	772	305
	VII 2018	425	176
	VIII 2018	598	214
	IX 2018	538	203
	X 2018	406	149
	XI 2018	364	146
	XII 2018	335	125
	Total in 2018	5 285	1 973
I 2019	246	89	

2019	II 2019	251	83
	III 2019	369	122
	IV 2019	509	208
	V 2019	690	238
	VI 2019	525	193
	VII 2019	473	182
	January - July 2019	3 063	1 115

The National Employment Action Plans for 2017, 2018 and 2019 recognize the Roma as a category of hard-to-employ persons and are subject to active employment policy measures, self-employment incentive programs, employment with subsidies to private sector employers, and other measures.

Active employment policy measures			
Year	The total number of Roma men and women involved in active employment policy measures	Roma women	Share of Roma men/women in the total number of unemployed persons included in active employment policy measures
2017	5 140	2 252	3.54%
2018	6 139	2 761	4%

United Nations High Commissioner for Refugees, Coordination Body for Monitoring the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia and partner local governments implement the project *Local initiatives for better social inclusion of young Roma people*. The aim of the project is to recruit young Roma men and women in local governments and/or other governmental or non-governmental institutions at the local level. This project supports the development of skills and employment of 30 young Roma people in local institutions in order to formulate, implement and monitor the policy of the inclusion of Roma at the local level. In January 2019, a new public call for 15 new volunteers was announced, followed by trainings for new volunteers, after which contracts were signed with 15 new volunteers who began volunteering at local institutions as of 1 May 2019.

In the previous period, the improved normative framework laid the groundwork for taking affirmative action to encourage employment of all national minorities, including Roma men and women in the Autonomous Province bodies, local self-government units, public agencies, state bodies, and public services. When hiring for government bodies, it is taken into account that the national composition of employees largely reflects the structure of the population. National minorities have the advantage at the selection when hiring, in the case of an equal assessment of qualified candidates, and this is specifically stated in the advertisement where there is a need for employment of members of national minorities who are underrepresented among employees. The Rulebook on Internal Organization and Systematization of Jobs provides an opportunity to anticipate jobs that require special knowledge of the languages and scripts of national minorities in official use as a special condition for work. This achieves the twofold objective, on the one hand, to improve the provision of services to national

minorities in communication with public authorities, and on the other, to give priority to persons belonging to national minorities at employment.

With regard to the employment in the Ministry of the Interior, Article 135 the Law on Police stipulates that employment in the Ministry of the Interior shall be based on competition, only in the places provided for by the act on the internal arrangement and systematization of jobs that have not been filled and in cases where the filling of that position is in accordance with the staff plan made by the Minister. By way of derogation from the above-mentioned rule, employment is only possible in legally prescribed cases. Article 137(3) of the Law prescribes that, when establishing an employment relationship, the Ministry shall take into account the national composition of the population, adequate representation of persons belonging to national minorities and knowledge of the language and script which is officially used in the territory of the local self-government unit for which the organizational unit in which the person establishing employment relationship is established for achieving full equality between the members of the national minority and citizens belonging to the majority.

Paragraph 41

With regard to statelessness, the Advisory Committee welcomes that joint co-operation between UNHCR, the Government of Serbia and the Protector of Citizens of the Republic of Serbia has led to further amendment of the relevant legislation, simplifying subsequent birth registration and procedures related to registration of residence. Those legislative changes, together with training sessions for relevant civil servants, are considered as having harmonised practice in the area of birth registration and registration of residence and contributed to set up systemic statelessness prevention solutions. According to UNHCR, the number of stateless persons in Serbia ranged from about 30,000 in 2015 to 2,400 in 2017, this is understood to be primarily Roma. However, legal and practical obstacles are still reported with regard to administrative procedures for birth registration, acquisition of citizenship as well as registration of permanent residence and issuance of ID cards. Among the problems reported, practising lawyers refer in particular to by-laws preventing access to birth registration in cases where the mother does not possess personal documents. The lack of documentation further prevents access to children's allowance. Procedural fees also constitute a major factor preventing access to personal documents as well as social welfare centres failing to appoint guardians when the procedures require so, which concerns a number of cases where a parent without documents needs to testify through the representation of a guardian (including situation where the mother is asked to consent to a paternity test on the child). The Advisory Committees further notes that Roma returnees with children born abroad encounter particular difficulties in having their children registered in the birth registry book.

The authorities of the Republic of Serbia welcome the finding of the Advisory Committee on *establishing systemic solutions to prevent statelessness* in the Republic of Serbia.

Even after the submission of the Fourth Periodic Report, the Republic of Serbia continued to continuously monitor and improve the exercise of rights in this field in order to prevent any risk of statelessness from occurring. In this regard, the Ministry of State Administration and Local Self-Government continues to cooperate with the United Nations High Commissioner for Refugees - Representation in Serbia and the Ombudsman as well as other relevant actors in order to consider possible problems of members of the Roma national minority in exercising their right to register in their birth registry, as well as other rights from personal status, with particular reference to newborn children, to prevent any risk of statelessness.

By the Law on Amendments to the Law on Civil Registers, which entered into force on 1 January 2019, civil registers as the basic official records on the personal status of citizens are kept in the Register of Civil Registers. This created the assumptions, not only for the electronic entry of data into birth registers, but also for the connection of official records and more efficient exchange of data between different authorities. Amendments to the said Law enabled the registration of nationality data in the civil registers.

With the entry into force of the Rulebook on the form of registration of residence at the address of the institution or center for social work, it is possible for persons living in predominantly informal settlements to register their residence at the address of the competent centers for social work. Also, social welfare centers always appoint guardians when required by legal procedures, thus overcoming situations where a child remains unregistered due to the lack of parental identity documents.

As of 31 December 2018, there were 4 672 children to whom guardian protection was applied. The most common reason for the application of guardianship for new beneficiaries in 2018 stated by the Centers for Social Work is the deprivation of parental rights, i.e. legal incompetency. With regard to children under temporary guardianship, 5 431 decisions were made on the implementation of these measures during the year, with the most common reasons being the parents' inability to exercise parental responsibility and inadequate parental care.

Within the *Baby welcome to the world* Project parents can register the child electronically in the birth registry already in the maternity ward, and register the place of residence and apply for a health card. This is one of the first eGovernment (eUprava) projects in Serbia, and this service places Serbia among the few European countries providing electronic services at such a high level. Since the beginning of 2019, this service has also been expanded to electronically apply for parental allowance. More than 160 000 babies were registered through the information system, and in more than 90% of cases parents decided to take advantage of the one-stop-shop service and successfully completed birth registration, residency and health insurance.

Paragraph 42

Concerning the general situation of Roma, the Advisory Committee regrets a structural lack of data on the way legal provisions are implemented, making it impossible to support claims that the situation is addressed by the current policy measures. Interlocutors of the Advisory

Committee expressed doubts that support awarded to Roma does in fact sufficiently reach people on the ground. The Advisory Committee is therefore of the opinion that independent qualitative and quantitative research is indispensable in order to be able to assess whether or not the measures taken are relevant and produce the expected results.

Significant progress has been made since the submission of the Fourth Periodic Report when it comes to improving the position of all national minorities in the Republic of Serbia, including the Roma national minority, and representatives of national minorities are involved in the formulation and implementation of strategic and other public policy measures of relevance for the exercise of their rights. The institutional framework in the field of Roma men and women inclusion has continued to be strengthened, and a special sector has been formed within the Ministry of Labor, Employment, Veterans' Affairs and Social Affairs, which is responsible, inter alia, for the preparation and monitoring of strategic documents improving the status of Roma men and women and the Government has also established a Coordination Body monitoring all processes related to the social inclusion of Roma men and women, at the national level. In addition, every two years, in cooperation with the European Commission, the Government of the Republic of Serbia organizes a Seminar on the Social Inclusion of Roma in order to monitor the improvement of the position of this national minority and to define priorities for the next period, in the form of Operational Conclusions for a two-year period. All of these mechanisms have been put in place, inter alia, to look at the effects of the measures and policies taken on the social inclusion of members of the Roma minority.

In June 2017, a two-year Action Plan for monitoring the Strategy for Social Inclusion of Roma in the Republic of Serbia was adopted, which monitors the implementation of measures and activities defined in five key areas: education, employment, housing, social and health care. For the implementation of the said Action Plan, € 6,722,481 was provided, 70% from the budget of the Republic of Serbia, and 30% from donor and other EU funds. Progress in achieving the objectives of the Strategy and the accompanying Action Plan is reflected in the annual reports covering 2016 and 2017. The results of the report show that continuity in the work on providing access to services and better quality of life to Roma citizens has continued through the introduction of Roma representatives in the process of public policy implementation (pedagogical assistants, health mediators, coordinators for Roma issues). Upon the expiry of the said Action Plan, a new Action Plan for the period 2019-2020 was also developed.

In March 2017, the Government of the Republic of Serbia established a Coordination Body to monitor the implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for the period up to 2025. This mechanism not only harmonises policies for the inclusion of Roma, but also monitors their practical implementation at the operational level. As an operational support to the Coordination Body, an Expert Group was set up in charge of all professional tasks related to current issues regarding the social inclusion of Roma.

The institutional framework for the implementation of social inclusion measures for Roma was strengthened in August 2017, when the Sector for Anti-Discrimination Policy and the Promotion of Gender Equality was established within the Ministry of Labor, Employment,

Veterans' and Social Affairs, which, inter alia, is responsible for drafting regulations and public policy documents in the field of improving the position of vulnerable social groups, including of Roma.

As noted, since June 2011, the Government of the Republic of Serbia and the European Commission have regularly conducted seminars on the social inclusion of Roma in the Republic of Serbia, with the aim of monitoring progress in this area. So far, a total of four seminars have been held. At the Fourth Seminar, in October 2017, 60 operational conclusions were adopted for the period from 2017 to 2019, for six areas that, in addition to employment, also address intersectoral issues, entry into civil registers, education, social and health care and freedom of movement. Nineteen national authorities and institutions are responsible for the implementation of these conclusions, and reports on their implementation are submitted annually to the European Commission. The Office for Human and Minority Rights of the Government of the Republic of Serbia has made an analysis of all operational conclusions for the forthcoming Seminar which will be held in October this year.

Since 2016, owing to the Memorandum of Cooperation signed between the Government of Serbia and the Regional Cooperation Council, the Regional Office for Coordination and Implementation of the Roma Integration Initiative and Activities by 2020 has been functioning in Belgrade. Activities are conducted in Serbia, Kosovo⁷, Albania, Bosnia and Herzegovina, Northern Macedonia, Turkey, Bulgaria, Greece, Croatia, Slovenia, Moldova, Romania and Montenegro. The main task of the Regional Cooperation Council is to develop regional cooperation through six priority areas: economic and social development, energy and infrastructure, justice and home affairs, security, strengthening human resources, parliamentary cooperation and identifying projects of common interest to the countries of the region.

The database for monitoring the Roma inclusion process, which has been operational since 2016, is continuously populated with data. It contains data on the implementation of policies of units aimed at the inclusion of Roma men and women for the period 2015-2018. The Social Inclusion and Poverty Reduction Team, in cooperation with the Office for Human and Minority Rights and the Coordination Body for Monitoring the Implementation of the Strategy for Social Inclusion of Roma, held three regional trainings in 2019 under the title *Basic guidelines for the use of the Monitoring Database for Roma Inclusion Measures*, for the representatives of cities and municipalities. Data is being entered for 2018, and according to available data, 68 local government units have entered data into the Database.

The development of a multilingual online platform / website for the Coordination Body for Monitoring the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia is underway, with a database containing all relevant data related to monitoring the implementation of the Strategy in the Romani and Serbian languages. The website will contain statistics and a database on monitoring measures for Roma inclusion at the local level. Also, the website of the Ministry of Construction, Transport and Infrastructure has been translated into the

⁷ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo declaration of independence.

Romani language so that members of the Roma minority can follow activities relevant to them. In addition to this site, a multilingual Coordination Body web platform is being developed to monitor the implementation of the Strategy for Social Inclusion of Roma men and women. These activities are a step forward in communication and better understanding, but also aim at reducing prejudice and full integration.

Article 5 of the Framework Convention

Preserving and promoting all the identities and cultures of national minorities

Paragraph 46

The Advisory Committee takes note of the detailed reporting of the authorities on budgets allocated to support the preservation and promotion of minority cultures and in particular of the authorities' remarks concerning the way budgets are allocated between the different National Councils. It also takes note of several positive initiatives implemented by national minorities themselves. The Advisory Committee has however been informed by several of its interlocutors representing the National Councils of the difficulties they face in funding their cultural activities. The Advisory Committee regrets that the system used to allocate funds to the different National Councils is not periodically reviewed and evaluated, in cooperation with the National Councils themselves, including those representing numerically smaller national minorities, in order to assess its relevance and fairness on a regular basis. Such review would allow persons belonging to national minorities and their representatives to be consulted and to publicly express their views on the allocation of funds.

Paragraph 47

The State authorities adopted a decree in March 2016 allocating resources to the Budget Fund for National Minorities. This Fund creates a new and welcome source of funding for the preservation and promotion of minority cultures. It selects projects through public calls for proposals and priority areas of support are defined by the Council for National Minorities. While welcoming the setting up of the Fund, the Advisory Committee regrets the very low amount allocated to it in 2016 (15 000 EUR). The Fund was significantly reinforced in 2017, with an annual budget amounting to about 185 000 EUR, which is a commendable step, but remains, in the Advisory Committee's view, insufficient in relation to the number of minorities in Serbia.

Paragraph 48

The Advisory Committee further observes that the resources allocated through the Budget Fund for National Minorities are exclusively awarded through competitive procedures and are

project-based. It makes funding unforeseeable from one year to another for the beneficiaries. The Advisory Committee understands from its interlocutors that the allocation of project funds through competitive procedures is considered to be partly inefficient by minority organisations since it does not ensure sustainability. With regard to other available funding, the Advisory Committee notes also a two-speed system between, on one side, the Autonomous Province of Vojvodina that offers broader access to funds, and on the other side local self-governments units in Central and Southern Serbia offering a lower access to funds. Several interlocutors of the Advisory Committee from Central and Southern Serbia are even considering establishing their National Minority Councils in Vojvodina in order to benefit from this additional funding. While welcoming the efforts made by the Autonomous Province of Vojvodina, the Advisory Committee is concerned by the lack of available funding outside it.

The authorities of the Republic of Serbia point out the deep disagreement with the Advisory Committee's finding contained in paragraph 48 of the fourth opinion is that there is one in Serbia *a two-speed system between, on the one hand, the Autonomous Province of Vojvodina, which offers wider access to funds, and on the other, local self-government units in central and southern Serbia that offer narrower access to funds.* In this connection, it should be emphasized once again that the funds for funding or co-funding projects in different areas of social life, including cultural projects, as well as funding for the work of national councils of national minorities, is provided at all three levels of government, republic, provincial and local level. This is in no way "two speed" because it is about the resources of the Republic of Serbia, at whatever level of government they are provided.

Funding for activities of persons belonging to national minorities in the field of culture comes from a number of public sources. Through annual competitions, funding or co-financing of cultural projects, as well as projects of artistic, or professional and scientific research in culture, is carried out at all levels of government. The main holders of funding for cultural activities are the Ministry of Culture and Information, the Provincial Secretariat for Culture, Public Information and Relations with Religious Communities, as well as local self-government units.

When allocating public funds from the budget of the republic, the Ministry of Culture and Information specifically allocates funds for projects in the field of cultural activities of national minorities in the Republic of Serbia. The projects submitted to the call for proposals are reviewed by an expert commission, and through giving opinions on these projects, national councils of those national minorities that submitted the projects are included in the decision-making process. When deciding on the allocation of funds, one should also take into account the specificities of the national minority, such as: number, existence of other sources of financing (AP Vojvodina or local self-government, for example), support of the mother country to its countrymen in Serbia, etc. Priorities for funding at the competition are: projects that contribute to the capacity building of cultural entities (promotion and modernization of work, contribution to the professionalization of minority culture, cooperation with professional institutions and

individuals, encouraging professional and scientific research in culture); projects that make cultural content accessible (targeted at a wider range of beneficiaries, not just members of minorities or members of the majority people, e.g. translating a publication, subtitling a movie, synchronizing a theater performance); projects of cooperation, networking, co-production, guest appearances in the country and region (countries of origin) - professional creativity as representative for minorities and the majority population and as an opportunity for cooperation and presentation of the Serbian cultural scene. The Ministry of Culture and Information allocated funds in the amount of RSD 15,380,000.00 for projects in the field of cultural activities of national minorities in the Republic of Serbia in 2018.

A similar procedure for allocation of funds from the budget of AP Vojvodina is conducted by the Provincial Secretariat for Culture, Public Information and Relations with Religious Communities, which announces a Call for Proposals - co-financing programs and projects of importance for the culture and art of national minorities - national communities in AP Vojvodina. Based on the competition, the Secretariat co-finances programs / projects in the field of contemporary artistic creation of national minorities (literary creation; amateur theatrical creation and interpretation and repertoire program of amateur theaters in languages of national minorities; music and music-stage creativity and dance; guest programs in the country and abroad and awards for significant achievements in the field of art, as well as projects aimed at protecting, nurturing and presenting the intangible cultural heritage, in the field of traditional folk dance, traditional folk songs and music, folk customs and beliefs and old folk crafts. In 2018, the Secretariat allocated funds in the amount of RSD 6,500,000.00 through the Competition for Financing - Co-financing Programs and Projects of Importance for the Culture and Arts of National Minorities - National Communities in AP Vojvodina.

Another source for the allocation of AP Vojvodina budget funds, which may also be earmarked for co-financing the cultural activities of national minorities, is the budget of the Provincial Secretariat for Education, Regulations, Administration and National Minorities - national communities, which, on the basis of the annual competition, supports the organizations of ethnic communities. Funds are allocated for co-financing regular activities, procurement of equipment, projects and organizing events of ethnic community organizations, in particular for: creating conditions for the development of culture, science and the arts; nurturing and encouraging folk creativity; multicultural programs and projects aimed at developing a spirit of tolerance; presentation of cultural goods of exceptional importance; preserving and nurturing language, folk customs and old crafts; protection and presentation of folklore heritage; literary, dramatic, scenic, musical and visual arts, memorials, festivals, anniversary events, art colonies, camps; nurturing and developing amateurism, guest ensembles; scientific research; cooperation with countries of origin and other forms of international cooperation; and other programs and projects aimed at exercising the rights of national minorities.

In addition, local self-government units regularly announce calls for proposals for the allocation of budgetary funds for programs and projects in the field of culture that are relevant to the specific local self-government unit. Through such competitions, in those local self-

government units in which members of national minorities are represented, funds are also allocated for financing programs and projects in the field of national minority culture. According to the available data, which include only a small number of local self-government units from central Serbia, funds in the amount of over RSD 41,000,000 were allocated for financing programs and projects in the field of preserving and nurturing the culture and languages of persons belonging to national minorities in 2018.

From the presented data it is clear once again that there is no two-speed financing system in the Republic of Serbia. Funds are provided at all three levels of government, republic, provincial and local levels, with particular emphasis on the republic level providing the largest amount of funds.

Moreover, the authorities indicate that the said finding of the Advisory Committee is absolutely unsustainable and unacceptable. Namely, as it is known, the Republic of Serbia is a party to the Framework Convention and, by the acts it adopts and through the bodies of the Republic of Serbia implementing them, it primarily implements the Convention and is responsible for the implementation of the Convention. In this sense, any findings and positions of the Advisory Committee which, in the context of the implementation of the Framework Convention, would emphasize the role of authorities and authorities in autonomous provinces and local self-government units are not acceptable to the authorities of the Republic of Serbia. In the context of the implementation of the Framework Convention, both republic, provincial and local authorities constitute the Republic of Serbia as a Contracting Party and their measures and activities can and must be attributed exclusively to the Republic of Serbia, which is responsible for the implementation of the Framework Convention. Likewise, there are no differences in the allocation system. At all levels of government in the Republic of Serbia, there is a uniform system of allocation of funds that are allocated in the competition procedure, which is legally regulated, accessible to the public, inclusive and transparent.

The authorities of the Republic of Serbia remind that the financing of national councils of national minorities is governed by the provisions of the Law on National Councils of National Minorities, which was amended in 2018, when the provisions relating to the financing of national councils were also partially amended. Five representatives of the national councils of national minorities proposed by the Coordination of National Councils, including representatives of the National Council of the Bunjevci National Minority, who represented the interests of a number of smaller national minorities, participated in the work of the working group that prepared the text of the amendments to the Law.

In accordance with the aforementioned amendments to the Law, in 2019 a Regulation was adopted on the criteria for allocation of funds from the budget of the Republic of Serbia for financing the work of national councils of national minorities, which stipulates that funds from the budget of the Republic of Serbia for financing the work of national councils of national minorities are allocated in such a manner that 30% of the funds are allocated in equal amounts to all registered national councils, while 50% of the remaining funds are allocated to national councils in proportion to the percentage of the members of national minorities represented by the

national council, 20% to national councils in proportion with the number of institutions, foundations and companies founded or co-founded by national councils and engaged in the activities of culture, education, information and official use of language and script, and 30% is allocated according to the scope of activities of these institutions, foundations and companies.

In determining such a solution, the legislator had in mind that the number of persons belonging to a national minority must be one of the bases for the allocation of budgetary resources, since the scope of duties and activities of national councils is different. With regard to the number and activities of national minority institutions, the intention was also to motivate national councils to activism and the improvement of the existing situation in areas where national councils have powers. On the other hand, the provision that 30% of funds are allocated in equal amounts to all registered national councils has remained unchanged, precisely because numerically smaller minorities receive a certain proportion of guaranteed funds.

On the other hand, according to the authorities of the Republic of Serbia, the funding of national councils of national minorities cannot be directly linked to support for minority cultures. Pursuant to the Law on National Councils of National Minorities, funds for the work of national councils are provided in the budgets of all levels of government (republic, provincial and local). These funds, which are autonomously available to national councils, can be used to finance the costs of regular activities of national councils, which include, but are not limited to, financing or co-financing programs and projects in the fields of education, culture, information and official use of language and script, as well as financing the work of institutions, foundations and companies founded or co-founded by a national council or whose founding rights have been partly or wholly delegated to national councils. Depending on their priorities, national councils can also channel some of their public revenue to develop and improve their culture.

The funds provided in the budget of the Republic of Serbia are allocated to all registered national councils in the Republic of Serbia, while the funds from the budget of AP Vojvodina are financed by the work of national councils that have their seats in the territory of AP Vojvodina.

By transferring the seat of the national council of the national minority from central Serbia to AP Vojvodina, which was mentioned in paragraph 48 of the Fourth opinion, additional funding may be provided exclusively to the national minority council, subject to certain conditions. The Provincial Assembly Decision on the methods and criteria for allocation of budget resources for national councils of national minorities in 2014, and then the new one from 2019, regulates the methods and criteria for allocation of funds for financing the work of national councils based in the territory of AP Vojvodina. National councils with the seat in the territory of AP Vojvodina have the right to grant funds, provided that the number of members of national minority represented by the council in the territory of AP Vojvodina makes more than half of the total number of members of that national minority in the Republic of Serbia or is more than 10 000 in AP Vojvodina according to data from the last census. National councils that do not meet these conditions are entitled to a maximum of 1% of the allocated budget. The transfer of the seat of the national council to AP Vojvodina in no way influences the financing of cultural activities

of national minorities, since the competent provincial secretariat exclusively funds projects of importance for the culture and art of national minorities in AP Vojvodina.

The Law on National Councils of National Minorities also establishes the obligation to finance national councils from the budget of the local self-government unit. The funds provided in the budget of the local self-government unit shall be allocated, in accordance with the decision of the competent body of the local self-government unit, to national councils which: are established in the territory of the local self-government unit; represent national minorities which in the population of the local self-government unit reach at least 10% of the total population and represent national minorities whose language is in official use in the territory of the local self-government unit. The obligation of local self-government units to finance the work of national councils established in the territory of the local self-government unit was also introduced in the Law in 2018, precisely at the proposal of national councils of national minorities.

The cited financing system provides for the financing of national councils of national minorities from all three levels of government, whereby the budget of the Republic of Serbia provides a far greater amount of funds than the funds provided in the budget of AP Vojvodina. Thus, in the budget of the Republic of Serbia for 2019, 255,000,000.00 dinars was provided for these purposes, while in the budget of AP Vojvodina, 60,100,000.00 dinars. It is also not possible to draw a general conclusion that local self-government units in central Serbia offer narrower access to funds, since, for example, the municipality of Bujanovac provided funds for the National Council of the Albanian National Minority in 2019 in the amount of RSD 5,000,000.00, while the budget of the municipality of Bosilegrad for 2019 foresees funds in the amount of 8,473,134.00 dinars for the work of the National Council of the Bulgarian National Minority.

With regard to the Budget Fund for National Minorities, as stated in the Fourth Periodic Report, after the adoption of Regulation on the allocation of funds from the Budget Fund for National Minorities in 2016, this fund has been operationalized. Funds allocated in accordance with the Regulation on the procedure for allocation of funds from the Budget Fund for National Minorities are increasing continuously from year to year, while the areas financed and designated as priority for each year are adopted in accordance with the proposal of the Coordination of National Councils of National Minorities which is adopted by the Council for National Minorities, in whose work the Presidents of all national councils of national minorities participate. Thus, in 2017, funds in the amount of 1,800,000 dinars were allocated from the Budget Fund for National Minorities (approximately 15,000 euros), next year in 2018, the funds were already increased to 21,800,000 dinars (approximately 185,000 euros), and the budget for 2019 provided funds in the amount of 30,000,000 dinars (approximately 255,000 euros) allocated for the implementation of programs and projects in the field of culture, which was identified as a priority area in accordance with the proposal of the Coordination of National Councils adopted by the decision at the session of the Council for National Minorities.

Regarding the procedures related to the allocation of funds from the Budget Fund, it should be noted that they are prescribed by laws and regulations and can only be allocated

through public competition, taking into account the fact that they are funds from the budget of the Republic of Serbia and that the allocation and control of the implementation of these funds is carried out in compliance with the principles of transparency and legality, in accordance with the measures and activities for combating corruption prescribed by the strategic and action plans adopted by the Government.

The authorities of the Republic of Serbia are of the view that the allocation of funds from the Budget Fund through competitive procedures cannot in any way and should not be considered *contingency financing* for the following reasons: 1. The total amount of available funds of the Budget Fund is known before the call for proposals; 2. The competition procedure is governed by the relevant legal acts which enable legality in the allocation of funds; 3. The allocation procedure is well-known, accessible to the public, inclusive and transparent. In that sense, the only "contingency" that can be mentioned is the unpredictability which projects will be supported, in accordance with the criteria, more specifically, who will receive the funds based on the competition. This in no way affects the sustainability of the whole system, but can only be a problem for those organizations and entities that expect to be permanently funded, regardless of the scope of their activities, the quality of the projects they submit for competition and the formal and material compliance of those projects with selection criteria.

It should also be pointed out that the funds of the budget of the Republic of Serbia, autonomous provinces and local self-government units are allocated for the purpose of implementing programs of public interest, including, among other things, programs for the protection and promotion of human and minority rights, culture, information and other programs, in accordance with the Law on Associations, may be allocated only on the basis of the open competition and the contract concluded, and in accordance with more detailed criteria established by the Government, the Regulation on Funds for Incentive Programs, or the missing part of the funding for public interest programs implemented by the associations.

According to the understanding of the authorities of the Republic of Serbia, a financing system that would be based on permanent funding of all minority organizations is not in line with the meaning of Article 5 of the Framework Convention under which the Contracting Parties undertake to create the necessary conditions for persons belonging to national minorities to preserve and develop their culture and to preserve the necessary elements of their identities, i.e. according to which it is necessary to create conditions, including financial ones, for members of a minority to have an active, incarnate, not only for the purpose, but also for practical activities to preserve and develop their culture and elements of identity, and not to fund their organizations on the simple fact that they exist. Creating the necessary conditions for the members of national minorities to preserve and develop their culture and preserve the necessary elements of their identity, which would consist in the state funding of all minority organizations, does not exist in any member state of the Framework Convention, so the authorities of the Republic of Serbia do not see the need, nor any justification for suggesting or imposing such a system on the Republic of Serbia.

The Government of the Republic of Serbia calls on the Committee of Ministers to keep all of the above clarifications and information in mind when passing the Resolution.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

Paragraph 55

One of the key institutional measures aimed at making those principles more concrete and effective in Serbian society is the establishment of Councils on Inter-Ethnic Relations as provided for by the 2002 Law on Local Self-Government. In its previous opinion, the Advisory Committee had already underlined that such bodies could "ensure that a forum exists in which to bring together all issues of inter-ethnic relations at the local level". The Advisory Committee notes with regret that the setting up and functioning of such councils remains a concern, including in the 72 ethnically mixed local self-government units where they are legally compulsory. Where they have been set up, a significant percentage of councils do not function in practice, often as members have not been nominated. Where they have started functioning, the number of meetings held remains low and their impact remains questionable. The Advisory Committee observes however that good practices could be drawn from the council of the City of Sombor, which is fully operational and regularly consulted, including on budgetary issues.

The amendments to the Law on Local Self-Government, which came into force on 28 June 2018, provide for an obligation of the local self-government unit in whose territory the language of the national minority is in official use, in the process of changing the name of streets, squares, town districts, rural settlements, and other parts of populated areas, to obtain the opinion of the Council for Interethnic Relations, which is a novelty in the Law and is a precondition for decision-making in this procedure. This is at the same time a way of ensuring that the obligation of these local self-government units to establish the said body is enforced.

The Ministry of Public Administration and Local Self-Government supervises the implementation of the Law, primarily through the obligation to submit the opinion of the Ministry on the compliance of the Statute of local self-government units with the Law, and then in each individual case when the Ministry approves proposals of local self-government units for changing the name of streets squares, etc. Namely, the Law prescribes a deadline of nine months for the harmonization of the statute and other general acts of the local self-government unit with this Law, i.e. the obligation of the Assembly of the local self-government unit to submit the draft statute to the ministry competent for local self-government for obtaining an opinion, not later than six months from the entry into force of this Law.

Within the framework of exercising control over the implementation of the Law, pursuant to the said provision, the Ministry, when giving its opinion on the draft statutes, in particular indicates that it is necessary in the provisions relating to the Council for Interethnic Relations, in

accordance with Article 98 of the Law on Local Self-Government, to state the provisions relating to: the election and composition of the Council; Council's decision-making process; submission of the report of the Council to the Assembly of the local self-government unit; protection of the rights of members of the Serbian people and national minorities; Council's Rules of Procedure and Council's resources for operation.

If the provisions of the draft statute do not contain solutions in accordance with the Law, the Ministry in its opinion requests that such provisions be included in the proposal, otherwise no positive opinion can be given on the compliance of the draft statute with the Law on Local Self-Government. So far, a positive opinion has been given on the 142 draft statutes submitted by local self-government units for opinion, of which only one local self-government unit had to indicate that the provisions on councils for inter-ethnic relations should be regulated in accordance with Article 98 of the Law, after which the concrete proposal of the Statute was harmonized with the opinion of the Ministry.

All of these activities contribute to the full implementation of the Law on Local Self-Government in relation to the establishment of councils for inter-ethnic relations in all nationally mixed local self-government units and the effective functioning of these bodies at the local level.

Protection against hate crimes and hate speech

Paragraph 60

Article 54a of the Criminal Code of Serbia characterises hatred based on race, religion, national or ethnic affiliation, sexual orientation or gender identity as an aggravating circumstance. Hate speech as such is not incriminated as a specific criminal offense. Article 387.4 of the Criminal Code however establishes as a criminal offense the dissemination or publication of texts, images or any other representation of ideas or theories that support or incite hatred, discrimination or violence against any person or group. In its latest report on Serbia, ECRI recommended that the Serbian authorities further align their criminal code with its Recommendation no. 7 on general policy. During the monitoring period, authorities report a slightly declining but still worrying number of incidents that are considered motivated by intolerance based on national origin, race or religion (158 incidents in 2012, 157 in 2013, 108 in 2014, 121 in 2015, 89 in 2016) . Such incidents number 77 physical assaults, of which 60% against Roma, as well as a significant number of cases of damage to religious facilities (153), damage to premises belonging to Roma (80) and defilement and desecration of cemeteries and memorials (69). The authorities however have not provided data on the number of convictions.

In paragraph 60 of the Fourth Opinion the Advisory Committee presented part of the data that is not identical to the data submitted to the Council of Europe as part of the Fourth Periodic Report. The wrongly presented data relate to:

- Number of damages to religious facilities - instead of 69 damages to religious facilities, data on verbal conflicts were provided (153);

- Number of damages to Roma facilities - instead of 7 damaged Roma facilities, data on damage to facilities owned by persons of Albanian and Turkish ethnic origin and Gorani were presented (80);

- Number of damages and desecrations of cemeteries and memorials - instead of 4 damages and desecrations of cemeteries and memorials, information on damage to religious facilities was presented (69).

Also, the Advisory Committee's finding that there was a slightly declining trend during the monitoring period in the number of incidents deemed to be motivated by intolerance on the basis of national origin, race or religion is not consistent with the data presented in the Fourth Periodic Report. Namely, in the observed four-year period (2012-2016) compared to the previous four years (2007-2011), the number of incidents decreased by more than 50%, which is a significant decrease in the number of incidents registered during the observed period itself, and in 2016 the number of incidents was reduced by 56% compared to 2012.

In addition, regarding the allegations that 77 physical assaults were registered between 2012 and 2016, of which 60%, or 48 events against Roma, it is important to point out that when it comes to incidents in which persons participated or the property of persons belonging to national minorities was damaged, the prosecuting authorities did not in all cases cite the attacks as acts of intolerance, which should also be taken into account when reaching conclusions on the degree of intolerance towards individual national minorities.

The Government of the Republic of Serbia calls on the Committee of Ministers to keep the above information in mind when passing the Resolution.

Paragraph 62

The Advisory Committee welcomes the initiatives taken by the authorities to raise awareness of the importance of prosecuting and investigating hate crimes. However, it remains concerned about the number of hate crimes committed against persons belonging to national minorities, including a significant number of cases of public hostility against the Roma. Lack of available data makes it difficult to define trends on hate speech, however interlocutors from the concerned groups share the common impression that hate speech is on the rise in particular in national media, and is mostly used for political purposes. The Advisory Committee considers that these repeated instances of public hostility clearly constitute "hate speech" in terms of Recommendation no. Rec (97) 20 of the Committee of Ministers to the Member States. Observing that cases of hate speech do also originate from politicians, the Advisory Committee reiterates that the impact of such statements in the public debate is critical, given their particular influence as public figures and the immediate amplification of their actions and speeches in the media.

In relation to paragraph 62 of the Fourth Opinion of the Advisory Committee and the finding that the worrying number of hate crimes committed against persons belonging to national minorities indicate that, having previously stated in paragraph 60 that the Advisory Committee did not have information on the number of convictions, it was unreasonable to prejudice that at the same time, all incidents involving members of national minorities were acts of intolerance or hate crime.

Paragraph 63

The Advisory Committee regrets that hate speech is neither systematically monitored nor expressly prohibited.

Regarding the said paragraph, which emphasizes that hate speech is not expressly prohibited, the authorities of the Republic of Serbia point out that Article 75 of the Law on Public Information and Media, also entitled Prohibition of hate speech, expressly prohibits hate speech, stating that ideas, opinions or information published in the media should not encourage discrimination, hatred or violence against a person or group of persons because of their belonging to or not belonging to a race, religion, nation, gender, because of their sexual orientation or other personal characteristics, regardless whether the publication was a criminal offense.

Likewise, in Article 5 of the Law on the Prohibition of Discrimination establishes that forms of discrimination are direct and indirect discrimination, as well as violations of the principles of equal rights and obligations, the invocation of liability, association for discrimination, hate speech and harassment and degrading treatment. Article 11 of the same Law, entitled Hate Speech, prohibits the expression of ideas, information and opinions that incite discrimination, hatred or violence against a person or group of persons due to their personal characteristic, in mass media and other publications, at gatherings and places available to the public, by printing and displaying messages or symbols and otherwise.

The authorities further recall that in response to Recommendation 9 of the Council of Europe Committee of Ministers within the Fourth Periodic Report legislation was presented in detail enabling effective prosecution of hate speech, available data on hate crimes against persons belonging to national minorities, as well as activities to raise awareness of the importance of prosecuting hate crimes.

In October 2019, the Republic of Serbia submitted to the European Commission against Racism and Intolerance (ECRI) a report on the implementation of the priority recommendations, one of which was related to the fight against hate speech. The commitment to implementing ECRI's recommendations is reflected in the fact that, based on the recommendations made, the legislative and strategic framework in the area of combating racism and intolerance has been further improved. In addition to the existing ones, new mechanisms have been put in place to monitor the implementation of adopted policies at all levels. In implementing the

recommendations, the Government pays great attention to strengthening cooperation with local self-government units, civil society organizations, independent state bodies and international organizations. The Action Plan for Negotiating Chapter 23: Justice and Fundamental Rights sets out precisely the sequence of steps to improve the implementation of adopted laws prohibiting hate speech and hate crimes.

The Republic of Serbia is committed to a policy of zero tolerance for speech and hate crimes. International human rights conventions, which prohibit hate speech and hate crimes, are part of domestic legislation, and their implementation is monitored through the work of a separate body of the Government - Council for monitoring the implementation of the recommendations of UN human rights mechanisms, as well as through regular reporting to monitoring bodies in charge of monitoring their implementation. The Government of the Republic of Serbia has accepted the Working Definition of Anti-Semitism provided by the Committee on Anti-Semitism and Holocaust Denial, International Alliance for Holocaust Remembrance (IHRA), which is available on the Office for Human and Minority Rights website.⁸

In addition, all appellate, senior and basic public prosecutor's offices keep separate records of hate crimes within the meaning of Article 54a of the Criminal Code, and the General Mandatory Instruction of the Public Prosecutor provides that all prosecutor's offices appoint prosecutors-contact persons for crimes committed for the purposes of Article 54a of the Criminal Code.

According to the data of the Republic Public Prosecutor's Office in the period 2017-2018, a total of 565 criminal charges were filed against persons including elements of hate speech on various grounds. In October 2018, a court verdict was first issued, which took into account the motive for hate, as a special aggravating circumstance, when weighing a sentence for a crime.

With all of this in mind, the authorities of the Republic of Serbia are of the view that the finding of the Advisory Committee *that hate speech is not explicitly prohibited or systematically monitored*, is not true to the facts and is not based on the information presented in the Fourth Periodic Report.

Paragraph 64

There continue to be occasional reports of police brutality against Roma, for which the Advisory Committee has repeatedly underlined that it contributes to feeding distrust of minorities towards the police. It remains all the more important, in this context, to ensure adequate representation of national minorities in the police (see also Article 15).

In relation to paragraph 64 of the Fourth Opinion of the Advisory Committee and allegations that there are occasional reports of police brutality against Roma men and women,

⁸ <https://ljudskaprava.gov.rs/en/node/22589>

and by bringing this finding in relation to the representation of national minorities in the police, the competent authorities of the Republic of Serbia indicate that these issues should be separated, given the efforts made by the Ministry of the Interior invests in improving the ethics of police conduct, as well as increasing the representation of persons belonging to national minorities in the police force, which is reported in detail in Section IV4. of the Fourth Periodic Report.

Article 8 of the Framework Convention

The right of personal religion and founding of institutions, organizations and associations

Paragraph 67

As in the Third Opinion, the Advisory Committee can but regret that the recommendations it has previously formulated have still not resulted in any change in Serbian legislation. The various treatments, already highlighted by the Venice Commission in 2006, remain in place for religious organizations that are not among the seven "traditional churches and religious communities", especially with regard to the acquisition of legal personality and their tax status.

The Serbian authorities reiterate that in the Republic of Serbia various treatments of churches and religious communities neither exist *de jure* nor *de facto*. Distinction to traditional churches and religious communities; confessional communities and other religious organizations recognized by Article 4 of the Law on churches and religious communities has a purely terminological character, without discriminatory consequences in practice (in terms of rights and obligations). Article 10 of this Law stipulates that the notion of the traditional church and religious community in Serbia refers to those that have a centuries-old historical continuity, i.e. existence, presence and activity. This fact in no way prevents other churches and religious communities from initiating the procedure for their registration in accordance with Articles 18-21 of the said Law, i.e. for the acquisition of legal personality. Particular attention should be paid to the extremely liberal conditions of this Law for the registration of new communities (Article 18 requires 100 members to be established, with the Statute and display of religious teaching, etc.), which is best confirmed by the fact that from its adoption in 2006 until mid-2019 25 new churches and religious communities registered in the Registry of the competent Ministry of Justice.

It should also be emphasized that the existence of a legal personality of the religious community is not a condition for the profession of religion and the existence of different religious groups in practice, but only a prerequisite for providing financial assistance of the state to the concerned religious community. Through various state bodies, the Republic of Serbia financially supports the life and work of churches and religious communities. Thus, the Administration for Cooperation with Churches and Religious Communities of the Ministry of Justice allocates funds annually for the reconstruction and construction of religious facilities, assistance to priests and religious officials, the promotion of secondary and higher theological

education, as well as the improvement of the religious culture of all religious entities who seek help from it, based on the criteria of percentage representation, positive discrimination (“minority” religious communities are given a percentage of funding more in relation to their representation) and proclaimed priorities of the religious communities themselves.

In accordance with the aforementioned and desirable registration procedure (for the purpose of pursuing the interests and promotion of the religious entities themselves), and with regard to their tax status, it should be noted that the Law on Value Added Tax stipulates in Article 25 in which cases and when value added tax shall not be paid in the transactions of money and capital. In that sense, paragraph 16 of the same article also refers to the service of a religious character by the registered churches and religious communities and the directly related transactions of goods and services. Therefore, all registered religious entities in Serbia in this sense have even somewhat privileged status.

Paragraph 68

The Advisory Committee recalls that, under Article 23 of the Framework Convention, the rights and freedoms flowing from principles enshrined in the Framework Convention, in so far as they are subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: “ECHR”) or in the Protocols thereto, shall be understood so as to conform to the latter provision. In accordance with the case law of the European Court of Human Rights under Article 9 ECHR, the Advisory Committee recalls that a State which has granted certain religious communities with a special status entailing specific privileges must not only comply with its duty of neutrality and impartiality but must also ensure that other religious groups have a fair opportunity to apply for this status and that the criteria established are applied in a non-discriminatory manner. The Advisory Committee can therefore only reiterate its recommendations for a revision of the rules applicable to non-traditional religions as regards the acquisition of legal personality and their tax status.

From the comments and explanations given in relation to paragraph 67 of the Fourth Opinion of the Advisory Committee it is implied that the Republic of Serbia has not given a special status to any religious community, that in the policy of affirmation of freedom of religion and promotion of relations between the state and churches and religious communities it adheres to the principles of neutrality and impartiality, and more than this, and that all religious communities have a fair opportunity to apply for the status and that the criteria are applied in a non-discriminatory manner. That said can best be verified with the religious leaders themselves in the Republic of Serbia, as well as in the said Registry of Churches and Religious Communities in the Ministry of Justice. Certainly, churches and religious communities that have only 100 members at and after registration do not have the same status as those with a census-defined membership of 20,000 to 5 million, primarily due to the fact that they do not have regular

meetings and worship of their members, from which the missionary and public activity of importance to the society as a whole is derived.

Paragraph 69

The Advisory Committee further notes that representatives of the Vlach communities have entered into a constructive and pragmatic dialogue with the Serbian Orthodox Church in order to improve access to religious services in the Vlach language. While the situation has positively evolved, they report that obstacles remain in practice. Some representatives of Vlach communities also report attempts from the Romanian Orthodox Church to publicly deny the right of Vlachs to self-determine their national minority and religious affiliation. The Advisory Committee understands also from its interlocutors that persons belonging to the Egyptian minority encounter difficulties in accessing places of worship.

In the Republic of Serbia, in accordance with its internal religious regulations, and with the advice of the state to do so to the greatest extent possible, churches and religious communities perform services and ceremonies in the languages of almost all national minorities, which was reported in detail in response to Recommendation 10 of the Committee of Ministers of the Council of Europe within the Fourth Periodic Report.

The authorities of the Republic of Serbia remind that the Islamic Community is performing service in Bosnian, Romani, Albanian, Turkish, Arabic and Serbian. In this context, it should also be noted that members of the Egyptian minority, in agreement with the competent representatives of the Islamic Community, must decide for themselves which community they belong to, the Islamic Community of Serbia or the Islamic Community in Serbia, and then seek worship in their own language, where there is a real need for this.

Paragraph 70

The Advisory Committee reiterates its call on the authorities to ensure that the right of persons belonging to national minorities to establish religious institutions, organisations or associations is effectively guaranteed in law as well as in practice, including by ensuring that legal provisions governing religious communities do not allow for discrimination, including against those of a numerically smaller size, in particular with regard to access to legal personality or tax status.

The Law on Churches and Religious Communities in Article 5 emphasizes that *citizens have the freedom of association and public assembly to exercise religious beliefs, in accordance with the Constitution and Law* as well as that they have *freedom of access to churches and religious communities, in accordance with the Law*. In practice, in the Republic of Serbia, there are churches and religious communities that, as their majority members, have members of national minorities, such as the Roman Catholic Church, Protestant Churches, Islamic Community of Serbia, Islamic Community in Serbia, Jewish Community, etc. They, in

accordance with the aforementioned Law, i.e. provisions guaranteeing them autonomous status in relation to state bodies (Articles 6 and 7), enjoy and exercise the right to establish religious institutions, organizations and associations within their composition. Examples include the "Marija" and "Caritas" associations within the Roman Catholic Church, "Gajret" within the Islamic Community of Serbia, "Ecumenical Humanitarian Organization" (EHO) within the Protestant Churches of the Reformation, "Habad Serbia" within the Jewish Community, etc.

Having regard to the foregoing, as well as the comments made in connection with paragraphs 67 and 68 of the Fourth Opinion of the Advisory Committee, the authorities of the Republic of Serbia point out that the right of persons belonging to national minorities to establish religious institutions, organizations or associations is effectively guaranteed by Law, that the legal provisions regulating religious communities do not allow discrimination, including those of smaller size, and these rights are also exercised in practice.

In line with the above, the authorities of the Republic of Serbia firmly believe that there are no justifiable reasons for the initiative contained in this Recommendation of the Advisory Committee.

Article 9 of the Framework Convention

Access to print and electronic media in minority languages

Paragraph 75

The Advisory Committee calls on the authorities to closely monitor the impact of the privatisation process on minority media and to commission a comprehensive and independent study on this subject. The Advisory Committee also calls on the authorities to take the necessary measures to ensure editorial independence of private and public minority media, including those owned by political representatives of national minorities.

In relation to the said position, the competent authorities of the Republic of Serbia point out that they agree that it is purposeful to further enhance mechanisms to safeguard the editorial independence of the media, including media founded by national councils of national minorities, but in such a way that the principle of media autonomy deriving from Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms is not violated. When it comes to media founded by national minorities councils, in addition to respecting media independence, the state must also take into account respect for minority self-government, i.e. the principle of autonomy in the decision-making and functioning of national councils of national minorities guaranteed by the Constitution, laws and confirmed international treaties.

Considering that the mechanisms for protecting the independence of editorial policy are not only strengthening the independence and efficiency of the regulation and provision of safe environment for journalists, but also strengthening self-regulation and the application of professional standards by journalists and the media, in developing a new media strategy, in

addition to state representatives, all relevant actors in the media scene are included: press and media associations, representatives of national minorities, media professionals and the general public. The state thus opened the possibility of solving the aforementioned problem, while respecting both the principle of independence of media editors and the principle of autonomy of minority self-government.

As for the term *private and public media* used by the Advisory Committee in paragraph 75 of the Fourth Opinion, it should be pointed out that the state has come out of media ownership and that in the Republic of Serbia the media are privately owned, and that there is no longer any division of media into public and private ones. Exceptions are public media services and the media founded by the national councils of national minorities, for which the principle of editorial policy independence also applies.

Direct funding of media by national councils of national minorities may present a challenge to preserve the editorial independence of such media, but this does not mean that these media are *owned by political representatives of national minorities*. According to the provisions of the Law on National Councils of National Minorities, a national council is an organization entrusted by law with certain public powers to participate in decision-making or to independently decide on certain issues in the field of culture, education, information and official use of language and script in order to exercise the collective rights of national minorities to self-government in these areas, and not an organization established to achieve political goals within the meaning of the Law on Political Parties. In connection with the above, the media indirectly founded by the national councils of national minorities are not and cannot be media owned by political representatives of national minorities.

The Government of the Republic of Serbia calls on the Committee of Ministers to keep the above information in mind when passing the Resolution.

Article 10 of the Framework Convention

Use of minority languages in relations with authorities

Paragraph 78

The Advisory Committee notes however that the pause in recruitment in the State and local administrations, in force for several years now, has become a significant obstacle to the recruitment of speakers of minority languages. It regrets that comprehensive data is still not available to assess the relevance and the effectiveness of the measures taken, in particular to measure the level of employment of speakers of minority languages in the administration of autonomous provinces or of self-government units. It notes also that neither data, nor reporting from the authorities, is available on the level of employment of persons belonging to national minorities, or speakers of minority languages, in the State administration, including in inspectorates having branches at local level, such as tax administration, land registry or border control administration. The Advisory Committee understands from its interlocutors, in particular

from Central and Southern Serbia, that they encounter difficulties in accessing State administration services in their minority language, including such local branches. In this regard, organisations promoting the Vlach language expressed a need for further support in order to finalise its standardisation process. Improving the representation of national minorities in the State administration is identified as a key factor to remedy these structural problems (see Article 15), as under-representation reduces the ability of persons speaking national minority languages to use their language in contacts with the public servants. The Advisory Committee was also informed by representatives of National Minority Councils that persons belonging to national minorities are too often unaware of their rights to use their minority language in relations with the local but also the State administration and, when they are so, that they encounter obstacles – such as delays – in being actually provided the requested public services. Such delays provoke a chilling effect on the persons concerned who prefer then using the Serbian language to have effective access to such services.

Measures implemented since 2014 in the Republic of Serbia in order to achieve macroeconomic stability include, inter alia, a prohibition on employment in the public sector. The measures implemented are the basis for further continuation of the reforms that should contribute to the advancement of other social and economic fields, reduction of unemployment rates, greater social justice, improvement of health care, education, work on infrastructure projects and more.

The Law on Amendments to the Law on the Budget System, which entered into force on 7 December 2013, stipulates a prohibition on establishing employment relations with new persons in order to fill job posts i.e. vacancies with the beneficiaries of public funds. This prohibition, which is still in force, applies equally to all persons, not only to persons belonging to national minorities, or speakers of minority languages.

As stated in the Fourth Periodic Report, since 2015, in the Republic of Serbia, the process of rationalization of employees in the public sector has been implemented on the basis of the Law on the Method of Determining the Maximum Number of Employees in the Public Sector, whereby it should be emphasized once again that in respect of employed persons belonging to national minorities this Law prescribes protective provisions. Namely, the provisions of the Law on the Method of Determining the Maximum Number of Employees in the Public Sector stipulate that the act on the internal organization and systematization of jobs in an organizational form cannot determine a larger number of employees than that specified in the act on the maximum number of employees for a specific organizational form, whereby within the number of employees provided for in the act on the classification of jobs, account must be taken of the national composition of the population, the adequate representation of persons belonging to national minorities and the knowledge of the language spoken in the area of the state authority, public service, autonomous province or local self-government unit, which provides for affirmative action for persons belonging to national minorities also during the implementation of the rationalization process in the public sector.

Bearing in mind the above, the authorities of the Republic of Serbia point out that the employment prohibition prevents the general employment of new persons in state and local administration, and therefore has not become a significant obstruction to employment of *exclusively* speakers of minority languages, which could be inferred from the findings presented in paragraph 78 of the Fourth Opinion of the Advisory Committee.

Paragraph 80

The Advisory Committee regrets also that the State Report does not contain any information on the level of information in minority languages provided in the framework of criminal procedures, in accordance with Article 10.3 of the Framework Convention.

The authorities of the Republic of Serbia remind that Section 10.3.1. Notification in the minority language of the reasons for the arrest and the basis of the charge, as part of the Second Periodic Report, presents in detail the constitutional and legal framework relating to the procedural guarantees of persons deprived of their freedom.

According to Article 27(2) of the Constitution, a person deprived of his/her freedom by state authorities, shall be informed promptly, in a language which he/she understands, of the reasons for his/her imprisonment, of the charge against him/her, and of his/her rights, while under Article 33(1) of the Constitution, anyone charged with a criminal offense has the right, as soon as possible, in accordance with the Law, to be informed in detail and in a language which he/she understands, of the nature and cause of the offense charged, as well as of the evidence collected against him/her.

Article 32(2) of the Constitution is also related to the above provision referring to the right to a fair trial, which guarantees everyone the right to a free interpreter if they do not speak or understand the language officially used in court. In the period after the submission of the Second Periodic Report, the cited constitutional provisions have not changed.

Likewise, although the Criminal Procedure Code has been amended in the meantime, the provisions relevant to Article 10.3 Framework Convention have not fundamentally changed. Therefore, Article 68 of the Code of Criminal Procedure stipulates that the defendant is entitled to be informed, in the shortest possible time and always before the first hearing, in detail and in a language which he/she understands, of the charge against him/her, of the nature and the reasons for the accusation, and that whatever he/she states may be used as evidence in the proceedings, while Article 69 states that the arrested person has the right to be informed immediately of the reason for his/her arrest in a language he/she understands.

The Government of the Republic of Serbia calls on the Committee of Ministers to keep the above information in mind when passing the Resolution.

Article 11 of the Framework Convention

Personal names, topographical marks and other signs and inscriptions

Paragraph 84

The Advisory Committee notes with satisfaction that the registering of names in minority languages is available and does not raise difficulties in practice, throughout the territory of Serbia. It regrets however that instructions addressed by the Ministry of Public Administration and Self-Government Units to local authorities to ensure that forms of extracts from civil records are printed bilingually have only been addressed to self-government units in which minority languages are in official use. The Advisory Committee recalls in this regard that the provisions of Article 11.1 and 11.2 of the Framework Convention do not contain any territorial limitation to their scope of application.

In previous national reports, the legislative framework for exercising the right of persons belonging to national minorities to enter their personal names according to their language and script was explained in detail. Namely, in accordance with the Law on Civil Registers, the data in the registers are entered in the Serbian language, in Cyrillic script., while members of national minorities are allowed to enter their personal name and according to the language and script of members of the national minority, which does not exclude the parallel registration of the personal name both in Serbian language and Cyrillic script. The Instruction on keeping civil registers and register forms stipulates that the personal name of a child, parents, spouse and a deceased member of a national minority be entered in the registry in the language and script of the national minority after being entered in the Serbian language in Cyrillic, below it in the same form and size of letters . Therefore, the right to enter a personal name in the minority language and script in the civil registers is ensured in all units of local self-government, throughout the territory of the Republic of Serbia, and does not depend on the official use of languages and scripts of national minorities. In the birth certificate, and in situations involving Serbian language extracts, the name and surname information shall be entered in the manner in which they were entered in the civil register, i.e. according to the language and script of persons belonging to a national minority.

Notwithstanding the exercise of the right to enter a personal name in the language and script of a national minority, the Republic of Serbia has additionally, in accordance with the provisions of the Law on the Official Use of Languages and Scripts and the Instruction on Keeping Civil Registers and Register Forms, ensured that in units of self-government in which the Statute stipulates that the language of a national minority is in official use, the forms of extracts from civil registers shall be printed bilingually, in the Serbian language, in Cyrillic and in the language and script of the national minority whose language is in official use.

Namely, the Law on the Official Use of Languages and Scripts provides that public documents in the areas in which official languages and languages of national minorities are in

official use, at the request of members of that national minority, are also issued in their language. Since, on the basis of the civil registers, i.e. the information contained in the registers, extracts are issued from the civil registers, which are public documents, in the local self-government units in which official languages and languages of national minorities are in use, it is possible to issue bilingual extracts from the civil registers. Since, in accordance with the aforementioned legal solutions, bilingual forms of civil register extracts are provided only in self-government units in which the languages of national minorities are in official use, the instructions of the Ministry of State Administration and Local Self-Government regarding the provision of bilingual forms are addressed exclusively to these local self-government units.

With such legal solutions, the Republic of Serbia fully recognizes the right of every member of the national minority to use his or her name and surname, as well as officially recognizes the data entered in this manner, since on the basis of facts and data contained in the civil registers, including the name and surname information of the person registered in the language and script of a national minority, civil register extracts are issued as well as certificates containing individual data entered in the civil registers or individual facts about the personal condition of citizens resulting from such data. In addition, the surname and name information is also entered in the identity card form in the original form as recorded in the birth certificate, which means that, if they were entered in the civil register, in addition to the Serbian language and Cyrillic script, in the language and script of the national minority, in the same manner they will be entered on the identity card form. On the other hand, the Law on the Official Use of Languages and Scripts provides for the issuance of public documents in the language and script of a national minority only in local self-government units where the statute establishes the official use of the language and script of a national minority.

The authorities of the Republic of Serbia are firmly in the position of fully ensuring compliance with Article 11 of the Framework Convention, without limiting the territorial right to register and use a personal name in a minority language. Moreover, the authorities point out that the legislation of the Republic of Serbia contains provisions that go beyond the level of rights set out in Article 11 of the Framework Convention, also enabling the issuance of personal documents in the languages of national minorities, limiting this right exclusively to those local self-government units in which the language of the national minority is in official use.

In view of the reasoning presented, the authorities of the Republic of Serbia urge the Committee of Ministers, when passing the Resolution, not to take into account the findings of the Advisory Committee on the territorial limitation of the application of Articles 11.1 and 11.2 of the Framework Convention in the Republic of Serbia.

Article 12 of the Framework Convention

Promotion of multicultural and intercultural perspectives in education

Paragraph 88

The Advisory Committee notes from the outset that the State report contains only very limited information on measures taken in the fields of education and research to foster knowledge of the culture, history, language and religion of national minorities, including by the majority, or on measures aimed at facilitating contacts among students and teachers of different communities. The Advisory Committee welcomes the development of teaching materials related to minority languages with "elements of culture" of a given minority but notes that these are mostly elective subjects chosen by students willing to learn their own minority language (see Article 14) and not by the students affiliating with the majority.

Curriculum contents related to education for democracy and civil society are part of the Teaching and Learning curricula for primary and secondary schools, and are delivered through the Citizenship curriculum. This subject has the status of a compulsory optional course to be selected for each school year. During 2017, in accordance with the Action Plan for the Implementation of the Education Strategy until 2020, the Institute for the Improvement of Education prepared new learning and teaching curricula for primary education. The curricula are oriented at outcomes and should ensure the development of cross-curricular competencies, one of which is *Responsible participation in a democratic society* which is recognized in outcomes related to the respect for human rights and freedoms. Under the new Citizenship curriculum, the goal of teaching and learning is to make the student aware of his or her rights and responsibilities by learning the basic principles, values and procedures of civil society, sensitive to the needs of individuals and the community, and willing to actively participate in the community while respecting democratic values. Other teaching subjects, to the best of their ability, introduce outcomes related to respect for gender equality, diversity and intercultural dialogue. Respect for democratic values and procedures, responsible, humane and tolerant behavior in society, sensitivity to social injustice, cooperation and teamwork are some of the human rights outcomes of the curricula.

The optional subject/curriculum of Mother tongue/speech with elements of national culture is available for students who attend Serbian language classes and are members of national minorities, as well as for other students who want to learn the language of a national minority. Mother tongue/speech with elements of national culture is realized as an optional program in 321 primary schools in the Republic of Serbia. This optional curriculum has been implemented in 15 national minority languages, since from school year 2018/19 the Slovenian language program with elements of national culture was introduced.

The Ministry of Education, Science and Technological Development prepares a Unique Questionnaire for the optional subject/curriculum Mother tongue/speech with elements of

national culture, which is delivered to all primary schools in the Republic of Serbia through school administrations. The questionnaire is distributed to all parents whose children attend school, whether they are members of a national minority or not, and contains all the languages of national minorities for which the study of this subject/curriculum is organized.

The status of the optional subject/curriculum Mother tongue/speech with elements of national culture has been improved by adopting the Expert Instruction on the formation of classes and the manner of financing in primary and secondary schools, which is adopted for each school year. The novelty provided by this document allows a school pursuing an optional subject/curriculum of Mother tongue/speech with elements of national culture to form a cycle-level group, i.e. a group consisting of first- to fourth-grade students (first-cycle students) and/or a group made up of fifth to eighth grade students (second cycle students). Also, groups for the optional subject/curriculum Mother tongue/speech with elements of national culture can be formed at the level of several schools in one municipality, with the consent of the competent school administration. The minimum number of students to form a group at cycle level or more schools is 10 students. However, in practice, groups with at least 5 students are usually approved. National Councils of National Minorities actively participate in informing parents of the importance of learning their mother tongue and speech, as well as in forming classes/groups for this optional subject/curriculum. During school year 2018/19 the Ministry was sent 30 requests for the formation of groups for the optional subject/curriculum Mother tongue/speech with elements of national culture with fewer students than prescribed, of which 95% were approved. The status of this optional subject/curriculum has been further strengthened since the 2017/18 school year, when Informatics became a full-time subject from the optional subject, and the optional subjects of the time become extracurricular activities. Thus, only the Mother tongue/speech with elements of national culture remained as an optional subject/curriculum, so that students no longer have to choose between Mother tongue and Informatics, for example, which was the most common case in the previous period.

Paragraph 90

The Advisory Committee's principled position has always been that all aspects and elements of education should ensure "a climate of tolerance and dialogue". The core task for the authorities is therefore to organise the education system in a way which allows for interaction between persons from various groups in order to encourage mutual understanding and tolerance, while at the same time ensuring the successful maintenance and development of the elements of the identities of members belonging to those groups. The Advisory Committee has identified several methods over the years. In this context, the Advisory Committee welcomes initiatives supported by the Pestalozzi Foundation in Preševo Valley to bringtogether studentsfrom different affiliations,in particular Albanian and Serbian, for cultural or sport events.

One of the five priority areas of compulsory teacher training set out in the Rulebook on Continuing Professional Development of Teachers, Educators and Professional Associates is the creation of a tolerant and non-discriminatory environment for each individual, as well as the prevention of violence, prevention of discrimination and inclusion of children from socially marginalized groups, while one of four areas in the Catalogue of Continuing Professional Development Programs is Strengthening the educational role of the educational institution through the development of programs for the prevention of violence, discrimination, abuse and neglect.

In the Catalogue of Continuing Professional Development Programs for Teachers, Educators and Professional Associates for the 2015/16, 2016/2017 school year and 2017/2018, two programs in the field of education in minority languages were accredited this year, and the Catalogue of Continuing Professional Development Programs for Teachers, Educators and Professional Associates for the 2018/2019, 2019/2020 school year and 2020/2021 also contains two programs in the field of education in minority languages. In addition, the Catalogue contains a total of 32 programs dealing with human rights. There are 7 programs in the field of enhancing competencies for civic values, and 24 programs are aimed at improving the capacities of teachers and other professional associates to act in the field of protection against violence and discrimination.

In the previous period, the training of "Teachers as carriers of quality education for all children" was realized, which is part of a unique list of trainings of special importance, and the training was attended by 275 educational advisers - external associates and representatives of the Ministry. Teachers of Citizenship have undergone gender-based violence prevention training as part of the School without Violence Project. The Catalogue of Accredited Programs for Teachers and Professional Associates contains several accredited seminars. The accredited program/seminar "All Our Identities" stands out in particular. The seminar has so far had 7 realizations attended by 140 Citizenship teachers, as well as lower-primary school teachers and subject teachers of social subjects in primary and secondary schools. The aim of this program is to integrate all aspects of identity into primary education by directly engaging teachers, through empowering them to intervene in teaching content, and by changing attitudes about national, gender roles and other relationships, to further develop a fair and sustainable society. Citizenship teaching is recognized by other education and youth actors as an adequate place to undertake smaller projects aimed at introducing gender perspectives or sensitizing young people to discrimination and inequality.

Within the project of the Council of Europe and the European Union Horizontal Facility (HF 33) - Strengthening the protection of national minorities in Serbia, activities based on the conclusions and recommendations of the Council of Europe's supervisory bodies were implemented. One of the goals of this initiative is to raise awareness of the rights of national minorities and to promote tolerance. Within the project, activities were undertaken in order to strengthen the capacity of institutions to ensure adequate representation of national minorities in

education and to improve the knowledge of the general public about national minorities in the Republic of Serbia.

As part of this initiative, Guidelines for the proper representation of national minorities in teaching and learning curricula and textbook content in the Republic of Serbia have been developed and presented to the public. This document is derived from the Report on the Representation of National Minorities in Curricula and Educational Standards of the Republic of Serbia and the Report on the Representation and Presentation of National Minorities in School Textbooks in the Republic of Serbia, as well as the recommendations made through the project for the needs of the Ministry of Education, Science and Technological Development. Recommendations are defined as a form of support to institutions, participants and stakeholders in the education system in the development of awareness (especially of student population and employees in education and culture) on the need to understand the rights, position and participation of national minorities, to accept cultural differences, develop tolerance, nurture shared living and comprehensive social inclusion in the Republic of Serbia. Recommendations are directed towards institutions which are responsible for education and relate to teaching and learning curricula for primary and secondary school, improvement of democratic culture in schools, gender equality.

A special set of recommendations refers to improving the quality of the contents of textbooks (visual and textual) that should reflect the respect of minority rights, as well as a set of recommendations for improving the quality of initial teacher education that teach in one of the national minority languages. In addition to the general guidelines, the document also proposes specific guidelines that include examples and instructions on how to translate recommendations appropriately into educational content. Thereafter, the document provides a set of guidelines pertaining to the institutions in charge of the adoption, harmonization, implementation, monitoring and evaluation of teaching and learning curricula. The last set of proposed guidelines addresses the content of the textbooks and possible ways to include content on national minorities. In the coming period, this document will be submitted to national councils of national minorities for comment. One of the results of the implementation of this project is that on the basis of the Guidelines and opinions and recommendations in the curriculum for the second grade of secondary school, elements of democratic culture are clearly marked, i.e. contents that support and encourage respect for diversity, active application of tolerance, protection against discrimination in the framework education system and the like.

Within the project, a brochure on educational opportunities in the languages of national minorities in the Republic of Serbia was created and translated into languages of national minorities (Albanian, Bosnian, Bulgarian, Bunjevac dialect, Vlach, Hungarian, Macedonian, Romani, Romanian, Ruthenian, Slovak, Slovenian, Ukrainian, Croatian, Czech and German). In the coming period, the project team prepares promotional activities and distributes brochures to parents.

The Ministry of Education, Science and Technology Development supports and actively participates in a number of extracurricular projects and programs that promote tolerance and multiculturalism in schools in the Republic of Serbia.

Project Strengthening intercultural practices in culturally diverse schools is conducted by the Center for Educational Policies in collaboration with the Open Society Foundation. The project envisages the participation of five schools that educate a high percentage of students belonging to national minorities. Each school conducts five activities aimed at enhancing collaboration, understanding and tolerance among students of different nationalities. Within the project activities, two accredited trainings for about 150 teachers in the field of interculturalism and anti-discrimination were implemented. A series of teaching and extracurricular activities in schools was also implemented - regular classes with intercultural content, thematic lessons with outcomes in the field of interculturalism, as well as extracurricular activities aimed at promoting interculturalism in the school or wider community.

The two main goals of the Youth in Multicultural Community project are to map attitudes related to intercultural education among young people in Novi Pazar, Sjenica, Tutin, Prijepolje, Priboj and Nova Varoš, including their parents and teachers, through conducting research and presenting research findings on attitudes on intercultural education. The results of the research were presented to teachers, students, parents, local youth offices, youth organizations and organizations for young people, university student and student parliaments, local governments, representatives of civil society organizations, educational institutions, and to all citizens. The results of the research within this project, implemented by the Center for Educational Policies in cooperation with the Open Society Foundation, generally give a positive picture of the degree to which intercultural skills have been developed in students (1st and 4th grade secondary school students), their parents and their teachers in the Raška area. They also point to low social distance and speak about good social cohesion among young people (students). On the other hand, they point out that activism on human and minority rights and humanitarian issues is not very common among young people, and given that it is about social cohesion and strengthening democratic values, it is recommended that such behavior be strengthened among young people. The results also showed that intercultural skills are related to aspects of intergroup relations with young people (social distance and activism), suggesting that investing in the development of intercultural skills can create a basis for strengthening good intergroup relations. In addition, assessed school support for the permeation of different cultures (interculturalities) and perceived equality of ethnic groups in the country are not only related to intercultural skills (e.g., the higher the perceptions of inequality, the less developed the skills) and aspects of intergroup relations (e.g. the more negative the perceptions, the greater the activism), but they can also form links between them and aspects of intergroup relations (e.g., the more perceptions of the position of ethnic groups are positive, the more the links between intercultural skills and social distances are stronger towards minority groups).

Project Promoting Democratic Culture in Schools is a two-year activity co-financed by the European Union and the Council of Europe, under the European Union and Council of

Europe Program entitled "Horizontal Support for the Western Balkans and Turkey". The overall objective of the project is to increase the quality of education by fostering a democratic culture in the formal education system, through the implementation of anti-discriminatory approaches based on Council of Europe standards and practices.

The specific objectives of the project are: improving the competencies of teachers, students and citizens in the community on the concept, policy, practice and benefits of inclusive education and democratic culture in schools; empowering and increasing the resources of pilot schools to eliminate prejudice and discriminatory approaches to vulnerable groups, as well as reducing school violence situations. The expected results of the project are the identification of examples of good practice of democratic culture in schools to be promoted in the education system in the country and the region, as well as the preparation of an action plan with projected activities and the manner in which the experiences from pilot schools will be used to develop a strategic plan.

The project selected 20 pilot schools (10 primary and 10 secondary schools) that were given the opportunity to introduce anti-discrimination measures and activities and mechanisms to monitor these measures. Schools from Bečej, Belgrade, Bor, Jagodina, Kraljevo, Niš, Novi Pazar, Pančevo, Banat Novo Selo, Požarevac, Subotica, Turija, Veliki Gradište, Vladičin Han, Žabalj and Đurđevo were selected. These 20 selected schools actively worked to promote the concept of democratic culture at school through teaching and extracurricular content, staff training, establishing practices and activities by which, through the provision of new knowledge, skills and understanding, developing attitudes and behaviors, students learn how to defend their democratic rights and take responsibility. Three conferences and several workshops and consultative meetings were also held in which, in addition to the line ministry, school representatives participated in the implementation of measures and activities to combat discrimination and mechanisms to monitor these measures. The topics covered by the participants were: competencies for democratic culture in a comprehensive educational approach, presentation of the Council of Europe's Educational Policy Advisers Network (EPAN Network). Through a framework of twenty competencies from the Competency Model from the group of values, group of attitudes, group of skills and group of knowledge and critical understanding, schools have organized a wide variety of activities, with pedagogical approaches appropriate for developing competencies for a democratic culture and creating a more enjoyable, interesting and safe school environment, enhancing at the same time its capacity to eliminate violent, discriminatory and anti-democratic structures in the school and school environment, furthering the ethos of the school and providing support for students. Of the twenty competencies included in the core model, the majority of schools opted for competency in the group of attitudes open to cultural diversity, as well as other beliefs, worldviews and practices (9) and competencies in the skill group - Cooperation skills (9) and Skills for conflict resolution (8). Then there are competencies respecting/valuing human dignity and human rights - group of values (6), valuing democracy, justice, fairness, equality and the rule of law - group of values (5), responsibility - group of attitudes (4), respect - group of attitudes (3) , empathy - group of

skills (3), valuing cultural diversity - group of values (2), civic thinking - group of attitudes (2), knowledge and critical understanding of self - group of knowledge and critical understanding (2), knowledge and critical understanding of the world - group of knowledge and critical understanding (2), understanding (inter)cultural differences - group of values (1), analytical and critical thinking skills - group of skills (1), flexibility and adaptability - group of skills (1), listening and perception skills - group of skills (1) and linguistic, communication and multilingual skills - group of skills (1).

As part of this project, which not only changes school practice but forms part of changes to educational policies at the systemic level, a Handbook with examples of good practice in applying competencies at schools in three areas was developed and published:

1. Area of teaching and learning activities,
2. Area of extracurricular activities,
3. Area of cooperation with the local community.

Project "Our City, Our Schools" is implemented by the Service of the Coordination Body of the Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa in cooperation with the Children's Foundation Pestalozzi from Switzerland and in partnership with the "Group 484" organization, which provides training for teachers and students. The project involved primary and secondary schools in the territory of the Municipality of Bujanovac. In primary schools, participants were sixth, seventh and eighth grade students, while in secondary schools, first and second grade students were included. The main goal of the project is to improve cooperation between primary and secondary schools in the territory of the municipality of Bujanovac in which teaching and learning are conducted in Serbian and Albanian, as well as to create opportunities for interaction and cooperation between students and teachers. In addition, the project encourages collaborative activities through the creation of school mini-projects dedicated to the exploration of culture in the city in which they live. During the project, three three-day teacher trainings and seven two-day student workshops were implemented. At the end of the training, teachers and students presented their research activities through public presentations attended by their colleagues, students and parents. A group of 40 students resided in the Trogen Children's Village in Switzerland as part of the Intercultural Exchange Program of "Pestalozzi Children's Foundation". Students from 6 schools from the territory of the municipality of Bujanovac had the opportunity to actively participate in educational workshops with their peers from Switzerland. Topics covered in this program were: intercultural education, understanding of diversity, children's rights, topics on stereotypes and prejudices, etc. At the end of the project, a public presentation was held during which students from both secondary schools presented the results and products produced during the workshops. A Bujanovac Guide, seen through the eyes of young people, was also presented during the workshops, showing, in addition to describing young people's favorite places, their desire how their city should look like, what they miss, what they like and what they would change. The guide was presented through a short play in which approximately 50 students participated.

The "Our Story" project is implemented by the Service of the Coordination Body of the Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa in partnership with the Ministry of Education, Science and Technological Development. The project involves students and teachers from two primary schools in Preševo: Primary School "Profesor Ibrahim Kelmendi" and Primary School "Vuk Karadžić". The main objective of the project is to create a platform for overcoming segregation in educational institutions and contributing to the affirmation of interculturalism in a multicultural environment. The specific objectives are to establish a link between schools through the organization of extracurricular activities for students belonging to different national communities in order to communicate and become familiar with cultural similarities and particularities among students; contributing to building mutual trust and respect between students belonging to different national groups and documenting a process that can serve as a model of good practice, as well as building the capacity of Preševo teachers to strengthen intercultural practices through teaching and extracurricular activities.

The main project activities include workshops with sixth grade students of the mentioned schools, as well as workshops with teachers aimed at strengthening intercultural practices in school and extracurricular activities. During the final event of the project participants, a publication that was prepared during the project was promoted based on the materials used, contributions of the participants, documenting the completion of homework, examples of cooperation and good practice.

Paragraph 92

In addition to the teaching in and of minority languages, the mandatory curriculum should also include information on the history and contribution of minorities to the cultural heritage and the society of the State Party. Such teaching should not be limited to areas traditionally inhabited by national minorities, so that awareness of and respect for the linguistic diversity of society is promoted throughout the country from an early age onwards. Adequate information on the composition of society, including national and other minorities, must form part of the public curriculum and of textbooks and education materials used in all schools throughout the territories of States Parties, not only to promote intercultural understanding and respect among all students, but also to raise the prestige and self-awareness of persons belonging to numerically smaller or disadvantaged groups.

Paragraph 93

The Advisory Committee therefore considers it important that the authorities further identify an education system which would guarantee linguistic rights of persons belonging to national minorities and promotes a multicultural, multilingual and intercultural perspective in education. The Advisory Committee welcomes in this regard bilingual education initiatives in Serbian and Bulgarian languages, in Dimitrovgrad, at primary school level.

One of the project activities within the project of the Council of Europe and the European Union *Horizontal Facility* (HF 33) - *Strengthening the protection of national minorities in Serbia* has been also an analysis of selected curricula, subject competencies and educational standards. The results of this analysis show a heterogeneous situation regarding the presence and attitude towards national minorities in the educational framework in the Republic of Serbia. The analysis emphasizes that official documents pertaining to education, i.e. standards and curricula (especially to objectives and units) for certain school subjects (Nature and Society and Music Culture in the first cycle; Serbian language and literature and Geography in the second cycle, and Geography, Sociology and the Constitution and the rights of citizens in the third cycle), directly address the issue of national minorities or their cultural heritage, and represent positive trends or examples. The determination of the legislator to include national minorities as an integral part of these documents is recognized. National minorities are mainly mentioned in the elementary school curricula in relation to music (with the exception of the subject Nature and Society and partly the subject Geography), and in general a limited number of minorities are mentioned (the list of those appearing in the Music Culture is longer). Information on national minorities in relation to music is not necessarily a shortcoming, but the report recommends that this tendency towards a predominantly "folkloristic" representation of national minorities should be avoided. In addition, it is left to teachers to teach specific content relevant to national identity with the aim that teaching should lead to the development of students' intercultural competencies, their familiarization with members of different ethnic/national groups.

The subject of History has been recognized as one of the most important in raising awareness of different views of the past, including the position and perspective of national minorities. The analysis of the curricula indicates that throughout the education, from the first to the end of the third cycle, in the subjects Nature and Society, History, and to some extent, Geography, it does not sufficiently deal with the issue of national minorities living in Serbia today.

Information on the Guidelines for the Proper Representation of National Minorities in Educational Content, other results of the Implementation of the Project, as well as Information on the Implementation of Project Promoting democratic culture in schools, which are important for promoting a multicultural, multilingual and intercultural perspective in education, are contained in the comments on paragraph 90 of the Fourth Opinion of the Advisory Committee. The authorities of the Republic of Serbia expect that these examples will become a continuous practice in schools where Project "Promoting democratic culture in schools" was implemented, as well as in all other schools in Serbia.

Access to education for Roma

Paragraph 98

The Advisory Committee further regrets that segregation of Roma children in schools is still reported, where Roma children are in a discriminatory process separated from other children, in manifest breach of the relevant Council of Europe standards. Early and forced marriages remain also an insufficiently and inadequately addressed issue, according to civil society reports, which further hinders access to education for students affected.

Amendments to the Law on Fundamentals of the Education System also amended Article 110, which more closely regulates the prohibition of discrimination, the prohibition of conduct offending the reputation, honor and dignity and obligations of authorities and individuals in responding to situations of discriminatory behavior. One of the mechanisms for action to prevent and avoid violence and discrimination in schools is the work of the Team for the Protection from Discrimination, Violence, Abuse and Neglect established in each school since 2009. The Rulebook on more detailed criteria for the identification of forms of discrimination by an employee, child, student or third Person in an institution of education (February 2016) and the Rulebook on the conduct of the institution in the event of suspected or discriminatory behavior and insult to the reputation, honor or dignity of a person, which has been effective since 1 September 2018, were also adopted, which have established tools to respond to suspected or discriminatory behavior, preventive action and work to raise awareness of the importance of equality and equity in education. The obligations and responsibilities of the child, student, adult, parent or other legal representative, employee, third person in the institution, authorities and bodies of the institution and other issues of importance for the protection against discrimination are defined in the Rulebooks.

The new Code of Conduct for Institution in the Case of Suspicion or Discriminatory Behavior has recognized typical discrimination situations that are most common in schools, such as: exposing students to nationality ridicule, disparaging by personal characteristic, imitating walking, speaking, appearance and ridiculing students with disabilities, disrespectful naming, expressing stereotypes and prejudices about members of a particular group, telling offensive and degrading jokes and jokes about members of a particular group, promoting gender stereotypes in relation to expectations, performances and achievements of girls and boys. Rights, obligations and responsibilities have been defined in both preventive and emergency activities, and those responsible will have a faster and safer approach to taking the prescribed measures and activities. It has also been made possible to use the Risk Assessment Matrix to assess the level of discriminatory behavior and continue to act in accordance with the established. The new Rulebook also recognizes typical disadvantage situations, such as: refusal of enrollment in education due to a personal characteristic, shortening/narrowing the curriculum for a vulnerable social group participant, failure to provide additional educational support, unjustified application of lower criteria for assessment of Roma students and adults, non-provision of teaching materials

adapted to participants in education with disabilities, non-inclusion of students from vulnerable social groups in the student parliament, omitting participants in education from certain activities during classes due to personal characteristics.

It is especially important to emphasize that the new Rulebook defines the segregation, as well as preventive activities at the level of the self-government unit in preventing segregation, preventive activities of the institution in preventing segregation, then interventions and desegregation measures and measures applied to an individual child and student during the desegregation process. The importance of the new Rulebook is reflected in the preventive activities imposed on educational institution, but also in interventions stopping discrimination, ensuring the safety of participants in the educational process, reducing the risk of recurrence, mitigating the consequences for all participants, and monitoring the effects of the measures taken. On the other hand, the steps in intervention in case of discrimination prescribed by the new Rulebook are of additional importance: checking the information received, stopping such behavior and calming the participants, informing and inviting parents, gathering relevant information and consultations, taking and monitoring measures and activities.

Following the adoption of these Rulebooks, training of educational advisers and educational inspectors is continually carried out to identify and respond to situations of discriminatory behavior. As part of the training to work with migrant students, one of the topics of the training was the application of the Rulebook on the conduct of the institution in the event of suspected or discriminatory behavior and insult to the reputation, honor or dignity of a person. Twenty-eight trainings were conducted, involving 765 participants.

In the Republic of Serbia, child forced marriages are prohibited by law and constitute a criminal offense. The Family Law explicitly states that marriage *can only be concluded based on the free consent of future spouses* (Article 3) that *it cannot be concluded by a person who has not reached the age of 18*, as well as that *the court may, for justifiable reasons, allow the marriage of a minor who has attained the age of 16 and has attained the physical and mental maturity necessary for the exercise of the rights and duties in marriage* (Article 23), i.e. that *marriage is voidable if it was entered into by a minor without the court's permission* (Article 37).

The Criminal Code prescribes sanctions for violations of the guaranteed rights of the child, i.e. for the practice of child marriage. Thus, Article 190(1) provides for a term of imprisonment of three years *to an adult living in an extramarital union with a minor*, and the same penalty is imposed on the parent, adoptive parent or guardian *who allows the minor to live in or out of an extramarital union with an adult or leads the minor into this* (paragraph 2). Further, Article 191 provides for a fine or imprisonment to a person *who unlawfully detains or takes a minor away from a parent, adoptive parent, guardian or other person, or institution, to whom he/she was entrusted with or prevents the execution of a decision entrusting a minor to a particular person*.

The Serbian Government is taking steps to provide a systemic and institutional response by the state and society necessary to end child marriage practices.

Strategy for Social Inclusion of Roma in the Republic of Serbia for the period 2016-2025, as well as the National Strategy for Gender Equality foresee measures related to the prevention and reduction of the number of minor and forced marriages and minor pregnancies in the Roma community. The issue of early marriages in the Roma community is also recognized in the Draft Strategy for the Prevention and Protection of Children from Violence.

In addition, with the support of the UNICEF Office in Serbia, the Government of the Republic of Serbia has formed a National Coalition to end child marriages. This Coalition aims to end child marriages, especially in the Roma community, through targeted and coordinated action by relevant actors. Representatives of the Parliament, Government, local governments, civil society and independent bodies will work together through this Coalition to strengthen safe options for Roma girls and boys and to empower them to change existing child marriage practices.

Article 14 of the Framework Convention

Teaching on the minority languages and teaching of minority languages, including teaching materials

Paragraph 101

Recent amendments to Article 14 of the Law on National Councils of National Minorities strengthened the competences of national councils with regard to education. They shall now provide their consent before any teaching material in and of minority languages is approved by the Ministry of Education. Significant efforts have been made in practice with regard to the publication of textbooks. Representatives of national minorities regret however that a one-year gap remains between the amendment of the national curriculum and the revision of textbooks in minority languages. The situation of textbooks in the Albanian language remains a regrettable exception. Recent consultations have nevertheless been held between the authorities of Serbia and Albania in order to constructively move forward in this respect. The Advisory Committee welcomes the efforts undertaken and hope they will lead to concrete results in the nearest future.

The authorities of the Republic of Serbia welcome the finding of the Advisory Committee on the publication of textbooks in the languages of national minorities set out in paragraph 8 of the Fourth Opinion, noting the positive developments regarding the publication of textbooks in minority languages. Following the submission of the Fourth Periodic Report, the Republic of Serbia has continued its efforts to provide all missing textbooks, focusing in particular on addressing the provision of textbooks in the Albanian language. The process of obtaining missing low-circulation textbooks in national minority languages has been significantly enhanced by the establishment of the Low-Circulation Textbook Center and the adoption of the Rulebook on the Publication of Low-Circulation Textbooks (2018). The Center for Low-Circulation Textbooks is continuing the implementation of the Memorandum of

Cooperation in the field of printing missing textbooks in the language and script of the national minority. By the end of March 2019, 123 titles were printed as part of a memorandum with national councils, thus realizing 67% of the memorandum. The Ministry of Education, Science and Technological Development has mapped out the needs for additional missing titles for primary school according to the ongoing reform of national minority language teaching and learning curricula in collaboration with national minority councils.

Several working meetings have been held with national councils of national minorities to support the preparation and publication of new teaching and learning curricula, to agree on next steps in the field of bilateral cooperation with the countries of origin, and to train teachers in one of the languages of national minorities. One of the topics of the meeting was the establishment of cooperation between national councils, i.e. publishers with the newly established Center for low-circulation textbooks and the agreement on the procedure for printing low-circulation textbooks in the languages of national minorities. By mid-June 2019, a total of 1 746 national minority language textbooks for pre-school, primary and secondary education were published, which were published in the Primary School Textbook Catalog approved for the 2016/17, 2017/18, 2018/19 school and Supplement to the textbook catalog - primary school - Textbooks in national minority languages for the 2018/2019 school year, which are available at the following link: <http://www.mpn.gov.rs/udzbenici/>.

There has also been a significant shift in cooperation in the provision of missing textbooks in the Albanian language. In the last few months, four meetings were held in order to improve cooperation with the National Council of the Albanian National Minority, two of which were meetings of the Ministers of Education of the Republic of Serbia and the Republic of Albania. The Ministers of Education of both countries have formed working groups, and the working group of the Ministry of Education, Science and Technological Development of the Republic of Serbia is composed of representatives of the line ministry, the Institute for the Improvement of Education, the Institute for Evaluation of the Quality of Education, the National Council of the Albanian National Minority, the Coordination bodies of the Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa and Public Company "Zavod za udžbenike". The working groups of the line ministries of the two countries held their first working meeting in June 2019 in Belgrade, outlining their efforts so far to improve the quality of Albanian language education in the Republic of Serbia. The working group of the Ministry of Education, Science and Technological Development of the Republic of Serbia has mapped the missing textbooks in Albanian, with priorities for the first and second and fifth and sixth grades of primary school. Within the meeting of the working teams of the Republic of Serbia and the Republic of Albania, it was agreed that the National Council of the Albanian National Minority should submit a textbook proposal for the first and fifth grades and the second and sixth grades of primary school in cooperation with the teachers' councils of the schools in which the classes are taught in Albanian. These are, first and foremost, textbooks in social subjects (Nature and Society, World Around Us, Geography, History, Art and Music Culture). These textbooks will be translated from Serbian into Albanian. The participants of the

working meeting of the two teams were introduced to the possibility of providing a supplement for these textbooks, which accounts for 30% of the content, and contains important information relevant to the national minority. This part of the work is to be implemented by the National Council of the Albanian National Minority. For natural science textbooks, the two teams agreed to open the possibility of importing textbooks from the Republic of Albania. It was agreed that the publisher interested in the realization of this work should submit translations of textbooks in Mathematics, Physics and Chemistry for the first and fifth grades and the second and sixth grades of primary school to the Ministry for expert opinion on the compatibility of teaching and learning curricula, and then, if conditions are legally satisfied, these textbooks will be imported from the Republic of Albania and printed or accessible to students.

In addition, it is important to emphasize that the bilateral agreement between the Republic of Serbia and the Republic of Albania in the field of education is in the process of harmonization, and its signing will further improve education in the Albanian language in the Republic of Serbia, including the quality and availability of textbooks in the Albanian language.

Paragraph 103

For students taught in any of those languages, Serbian is a mandatory second language of instruction, both in elementary and secondary schools, for two hours per week. The Advisory Committee was informed in this regard by teachers in minority languages that a significant number of students graduate without having acquired a sufficient command of Serbian, which causes a series of problems in terms of access to higher education or to the labour market. The Advisory Committee also wants to point out the difficulty in achieving integration between different groups in Serbia if they do not have a common language in which they can communicate (see Articles 6 and 12). It recalls that it is equally important, as underlined in Article 14(3) of the Framework Convention, to acquire adequate knowledge of the national language, since the lack of the latter seriously limits the ability of persons belonging to national minorities to participate effectively in public life and may jeopardize their access to integration and weaken the cohesion of the society as a whole.

The Institute for the Improvement of Education prepared a proposal for the subject of Serbian language as a non-mother tongue as part of the preparation of the proposal for a new curriculum outcome oriented. For the first time, and in accordance with the requirements of national minorities, two curricula have been prepared, namely:

- Curriculum A - for students whose mother tongue belongs to non-Slavic languages and who live in homogeneous environments (basic standard level);
- Curriculum B - for students whose mother tongue belongs to Slavic languages and who live in multinational environments (intermediate to advanced standard level).

In 2017, the Rulebook on General Standards of Achievement for subject Serbian as a non-native language was adopted for the end of the first and second cycles of compulsory education, general secondary education and primary adult education. The structure of the curriculum of teaching and learning of all subjects is conceived in the same way. They are based on general goals and outcomes of education and the needs and abilities of first-grade students. They are focused on the process and learning outcomes, rather than on the content which now has a different function and significance. The content is in the function of achieving outcomes that are defined as functional knowledge of students showing what a student will be able to do, take, execute, perform, owing to knowledge, attitudes and skills he/she has built and developed during one year of learning the subject. The working group that wrote the curricula for subjects consisted of university and school teachers, as well as advisers from the Institute for the Evaluation of the Quality of Education and the Institute for the Improvement of Education.

The curriculum of teaching and learning for the first grade of gymnasium for Serbian language as a non-mother tongue was also adopted. In cooperation with the Ministry of Education, Science and Technological Development and the Faculty of Teacher Education in Belgrade, the Institute for the Improvement of Education has developed and implemented four two-day trainings for the implementation of new teaching and learning curricula for the first grade of gymnasium, intended for teachers teaching Serbian as a non-mother tongue. Teachers were introduced to the characteristics of new teaching and learning curricula, the concept of interdisciplinary competencies in the context of new curricula, planning, realizing, monitoring and evaluating teaching and learning and implementing project-based teaching and learning in the realization of new curricula. The new curriculum for the first year of gymnasium started to be implemented from 1 September in the 2018/2019 school year.

In 2018, the rulebooks on the curriculum for the first cycle of primary education, curriculum for the second cycle of education, as well as the curricula for all classes of primary education for subject Serbian as a non-mother tongue, were amended.

The National Education Council has appointed a Commission to monitor education in the languages of national minorities, while the Institute for the Improvement of Education, in cooperation with the OSCE Mission to Serbia, has designed and created a training plan for school administration advisers to plan, implement, monitor and evaluate Serbian as a non-mother tongue according to new models.

Teacher training for the application of general standards of achievement for subject Serbian as a non-mother tongue for the end of the first and second cycles of compulsory education, general secondary education and adult primary education was granted the status of public interest by the decision of the Minister of Education, Science and Technological Development in 2017. During November and December 2017, the Institute for the Evaluation of Education provided training for the application of general standards of achievement for subject Serbian as a non-mother tongue for the end of the first and second cycle of compulsory education, general secondary education and adult primary education for primary and secondary

school teachers who teach Serbian as a non-mother tongue to students who attend classes in Hungarian and Albanian.

As part of the "Implementation of the Recommendations of the Study for the Improving Teaching and Learning Serbian as a Non-Mother Tongue in Primary Schools in Preševo, Bujanovac and Medveđa, implemented by the Ministry of Education, Science and Technological Development and the Service of the Coordination Body of the Government of the Republic of Serbia for Preševo, Bujanovac and Medveđa municipalities, during the 2018/2019 school year, six teaching assistants were employed in four primary schools in the fourth and sixth grades in Bujanovac and Preševo, in order to support teachers in applying new teaching methods and monitoring student achievement.

The implementation of this project during 2015 and 2016 provided textbooks for Serbian as a non-mother tongue, additional teaching aids for upper primary school students and teachers' manuals; three cycles of student achievement testing were implemented in order to monitor the results of the implementation of the activities and the analysis of the test results was made; there were school and district competitions in subject Serbian as a non-mother tongue in Preševo and Bujanovac; extracurricular cultural and scientific activities for 31 students from Preševo and Bujanovac who participated in the district competition; a Serbian-Albanian and Albanian-Serbian vocabulary adapted for primary school children; an inter-cultural training course was delivered and attended by 33 teachers.

During the 2017/2018 school year, four assistants were hired in the third and fifth grades in four primary schools in Bujanovac and Preševo in order to support teachers in applying new teaching methods. In order to monitor student achievements and obtain relevant results, student testing was carried out at four schools where teaching assistants were hired and three out-of-project schools. Based on the results obtained, classes in which, in addition to teachers, assistants were hired, achieved a significantly better average result. A short Albanian language course was also organized for all interested teachers and assistants who expressed their desire to learn the basics of Albanian language in order to facilitate the teaching. The Institute for the Improvement of Education organized a public presentation of selected papers from the Contest "Examples of successful extracurricular activities", including those that encourage the learning of Serbian as a non-mother tongue. The Office of the High Commissioner for National Minorities, which, in cooperation with the Coordination Body of the Government of the Republic of Serbia for the municipalities of Preševo, Bujanovac and Medveđa, has compiled a Serbian-Albanian and Albanian-Serbian dictionary, continued to enrich the digital version of this important resource for learning Serbian as a non-mother tongue. In cooperation with students and teachers of seven primary schools, more than 3 100 audio recordings were made with the pronunciation of words and examples in Serbian and Albanian languages facilitating the use of the Dictionary.

Throughout 2019, the activities of the Institute for the Improvement of Education continued in relation to the delivery of examples of successful extracurricular activities, including those that encourage the learning of Serbian as a non-mother tongue. In January 2019, the second testing of primary school students was conducted in order to monitor the achievement

of teachers and assistants in subject Serbian as a non-mother tongue, which included third, fourth, fifth and sixth grade primary school students participating in the project, and the final testing was implemented in June 2019.

Paragraph 104

Bunjevac, Czech, Macedonian, Romani, Ukrainian and Vlach languages are also taught "with elements of national culture" for two hours per week. Minority languages, including those available as language of instruction (Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Rusyn and Slovak) are however generally not present in technical and vocational schools, or in adult education.

The Rulebook on the curriculum for the first cycle of primary education and the curriculum of teaching and learning for the first grade of primary education in 2017 stipulates the number of weekly and annual lessons for each of the courses and optional syllabuses. The Mother tongue/speech with elements of national culture optional syllabus is presented with two lessons a week. The weekly number of classes in the first cycle is 20 classes for students attending classes in Serbian, while for students who attend the optional syllabus of the Mother tongue/speech with elements of national culture, the weekly number of classes is two classes more, and amounts to the total of 22 classes. This actually means that 10% of the total lesson fund is devoted to learning the mother tongue with elements of national culture, which is a larger fund of lessons than the one provided for certain compulsory subjects. The eventual increase in the number of optional subjects/curricula within the existing fund of all classes would additionally burden the students attending this optional subject/curriculum, who are already burdened with two classes per week in comparison to the students who do not attend it.

The laws of education prescribe the conditions for the introduction of all teaching in the minority language into the education system. At least 15 students are required when enrolling in the first grade of secondary school, and in terms of adult education, statements of 50% of parents, i.e. of attendees, are required. All institutions conduct a survey of parents, i.e. attendees when enrolling students in secondary, i.e. attendees in the school for adult education in the desired language of teaching. The institution is obliged, if the conditions prescribed by law are fulfilled, to provide instruction in the language of the national minority.

Adult education in the territory, in addition to Serbian language, is also organized in Hungarian. In the 2016/2017 school year, classes were organized in 3 local self-governments, in 3 schools, for 63 students, in the 2017/2018 school year in 3 local self-governments, in 3 schools, for 78 students, while in the 2018/2019 school year they were organized in 2 local self-governments, in 2 schools, for 95 students.

During the reporting period, as well as after the submission of the Fourth Periodic Report, secondary vocational and technical education was organized in 7 national minority languages (Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian and Slovak). The following table

provides information on the number of schools, number of students and the languages in which secondary and technical education was taught in the 2018/2019 school year.

Language of instruction	Number of schools	Number of students
Albanian	2	1 879
Bosnian	10	2 178
Bulgarian	1	110
Hungarian	25	5 828
Romanian	1	113
Slovak	1	115
Croatian	1	51

Bearing in mind that secondary vocational and technical education in the Republic of Serbia is continuously organized in 7 languages of national minorities and that in the 2018/2019 school year it was organized in 41 secondary schools for 10 274 students in 7 languages of national minorities (Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian and Slovak), the authorities of the Republic of Serbia indicate that the finding that minority languages, including those available as a language of instruction (Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romanian, Ruthenian and Slovak), however, are not generally present in technical and vocational schools, does not correspond to the facts and call on the Committee of Ministers to keep the above information in mind as well when passing the Resolution.

Article 15 of the Framework Convention

Institutional framework for the participation of national minorities in the decision-making process

Paragraph 107

From November 2015 to June 2018, the authorities pursued their efforts towards revising the Law on National Councils of National Minorities. Despite the consultations held, several representatives of National Councils have criticised the consultation process, in particular its lack of inclusiveness as well as the possible level of political influence over the process. The amended Law was adopted on 29 June 2018. The views of the representatives of national minorities on the amended law are somewhat divergent, some considering that the legal framework has consolidated and clarified their powers, others considering that they have lost part of their decision-making capacity. Interlocutors of the Advisory Committee also consider that some discrepancies remain between the amended law and the other sectoral laws (on education, culture, media and official use of the minority language and script) and that a holistic analysis should be made to further align those texts.

The working group established by the Ministry of State Administration and Local Self-Government for the preparation of the Draft Law on Amendments to the Law on National

Councils of National Minorities also included representatives of national councils of national minorities. Representatives of national councils of national minorities who participated in the work of the Working Group were appointed members of the Working Group on the basis of a proposal by the Coordination of National Councils. During the public debate, the draft law was presented at a number of round tables, and there was the possibility of submitting proposals, criticisms and suggestions, which was partially used by the members of national minorities and their organizations. Part of the comments, criticisms and suggestions were taken into account and included in the text of the Draft Law. In this respect, allegations of alleged shortcomings in the consultation process due to the lack of inclusivity are not substantiated. On the contrary, the process of drafting the Law was extremely transparent and inclusive. In drafting the Draft Law, the Working Group had in mind not only the Decision of the Constitutional Court of Serbia on the constitutionality of certain provisions of the Law governing the powers of national councils, but also the findings and opinions of relevant international bodies and independent foreign and domestic experts. In this regard, the allegations of individual Advisory Committee interlocutors that national councils have lost part of their decision-making capacity are not substantiated. Simply, the amendments to this Law from 2018 specified and harmonized legal decisions on the powers of national councils with the decision of the Constitutional Court. The Working Group whose work was attended, in addition to the representatives of national councils, by representatives of line ministries, during the preparation of the Draft Law, paid particular attention to the need for systematic harmonization of decisions on the powers of national councils with the provisions of sectoral laws, especially taking into account that during work on the amendments to the Law on National Councils of National Minorities a work was also done on the amendments to certain sectoral laws regulating the areas of social life in which the national councils act. In this regard, it is important to emphasize that the amendments to the Law on the Official Use of Languages and Scripts, as well as the education laws in all respects, correspond to the new solutions of the Law on National Councils of National Minorities, and that the new solutions in the Law on National Councils of National Minorities correspond to the current provisions in the Law on Public Information and Media and the Law on Culture.

In view of the above, the authorities of the Republic of Serbia urge the Committee of Ministers not to base its Resolution on the unconfirmed and incorrect information of the part of the interlocutors of the Advisory Committee.

Paragraph 108

The amendments to the law aimed in particular at clarifying the powers of the National Councils, strengthening their institutional position, reducing excessive politicisation by defining incompatibilities of functions between membership to a National Council and high political offices, as well as increasing cooperation between the National Councils and the state bodies, and between the National Councils themselves. Considerable efforts have been made to update the Special Voters List between the elections for national councils organized in November 2018. Employees of self-government units were trained in this regard, in particular to avoid

interferences with the application process. The election campaign was launched in August 2018 and promoted via video in the Ministry of Public Administration and Local Self-Government the total number of registered persons increased, which is to be welcomed. The elections took place on 4 November 2018, under the scrutiny of the Republic Electoral Commission. The Advisory Committee observes however that no particular monitoring of the media was held during the campaign and is therefore not in a position to further assess the quality of the campaign and to what extent it has addressed matters of interest to persons belonging to national minorities.

Paragraph 110

Concerning the recent amendments to the law on the National Councils of National Minorities, the Advisory Committee recalls the particular importance of consultation processes being held with the representatives of national minorities when amending laws related to their representative bodies. It notes in this regard that some of the National Minority Councils considered that the consultations held in this particular instance were not entirely effective. Given the recent nature of the changes introduced in the law, the Advisory Committee also considers it important that the authorities proceed with a periodical review of the appointment procedures to assess the inclusiveness and independence of the National Councils as well as their genuine representation of the diversity of views among persons belonging to national minorities. Independent expertise should support such a review, including expertise on inter-ethnic relations and intercultural dialogue. The Advisory Committee also underlines the views shared by independent researchers that the National Minority Councils would possibly better function if their operations and elections were decentralised. The Advisory Committee is concerned in particular that the centralised electoral system of National Councils makes it difficult to ensure the effectiveness of the rights of persons belonging to national minorities who do not live in traditionally populated areas – such as in big cities, including Belgrade –, but also of persons belonging to national minorities who live in a large number of municipalities – such as Roma – or of persons belonging to numerically smaller minorities. The Advisory Committee would therefore encourage the authorities to explore alternative systems, including local minority self-governments. With regard to the recent elections, the Advisory Committee was also informed that, for the councils of the Ashkali and Greek national minorities, the political transition was complicated by the inability of the elected majority to access the respective bank accounts of their national councils due to the refusal of the previous majority to access those accounts.

The Law on Amendments to the Law on National Councils of National Minorities was prepared in accordance with the analyses and conclusions of the Working Group (taking into account the Constitutional Court's Decision of January 2014), taking into account the recommendations made in the Third Opinion of the Advisory Committee of the Framework Convention for the protection of national minorities and the Expert Opinion of the European Commission (TAIEX). The basic amendments to the mentioned law relate to a clear definition of

the powers of national councils, reduction of excessive politicization and issues related to the financing of national councils of national minorities. In order to reduce the excessive politicization of national councils and in accordance with the recommendations of the relevant international bodies, a new article was added to regulate the incompatibility of functions i.e. activities in the work of the national council. In this connection, in the expert analysis of the working text of the draft law drafted under the TAPA - Horizontal Cooperation Program for the Western Balkans and Turkey, it was stated that the issue of excessive politicization of national councils was resolved in the best possible way, and that the overall assessment that this law was largely compatible with applicable European standards, which were developed, first of all, in the context of the monitoring of the compliance of Member States with the Council of Europe Framework Convention for the Protection of National Minorities.

Representatives of state administration bodies in the area of culture, education, information and official use of languages and scripts of national minorities, five representatives of national councils of national minorities (proposed by the Coordination of National Councils) and representatives of international organizations participated in the work of the mentioned working group. Also, with the support of the OSCE Mission to the Republic of Serbia, a public consultation process was conducted on the working text of the Draft Law, for the purpose of wide discussion and exchange of suggestions, and six round tables were held (in Novi Sad, Novi Pazar, Bujanovac, Petrovac na Mlavi, Subotica and Belgrade), after which the competent ministry considered all the suggestions and suggestions made both at the consultations themselves and those submitted in writing. Following the public consultation process, the Ministry's Working Group prepared the Draft Law and the procedure of public debate on the Draft Law on Amendments to the Law on National Councils of National Minorities was conducted between 29 March and 18 April 2018. During the public debate, the Draft Law was presented at two round tables (in Kučevo and Belgrade). Considering that the aforementioned law was presented at eight round tables attended by representatives of state bodies, national councils, civil society organizations and international organizations, it can be concluded that the process of drafting the Law on National Councils of National Minorities was conducted in a broadly inclusive, consultative and transparent process.

In this sense, the authorities of the Republic of Serbia cannot agree or accept the reference of the Advisory Committee to the opinions of individual national councils according to which the consultations during the work on amendments to the Law on National Councils of National Minorities were not effective.

It should also be noted that the amendments to the Law on National Councils of National Minorities of 2018 did not cover the election-related provisions. Essentially, the model of election of national councils has not changed. In this regard, the authorities of the Republic of Serbia are not clear about the finding of the Advisory Committee according to which, given the nature of the changes introduced into the Law, the authorities should continue to periodically review the appointment (election) procedure in order to assess the inclusiveness of national councils and their actual presentation of the diversity of opinions among minority members. The

authorities of the Republic of Serbia recall that in 2014, starting from the findings and opinions of the Advisory Committee, they amended the Law on National Councils of National Minorities, which also included certain solutions regarding elections, but which did not substantially change the model of direct democratic elections of these bodies at the level of the entire Republic. In the opinion of the authorities of the Republic of Serbia, there is no model which is more effective and enabling inclusiveness and diversity of opinions among members of a particular population than the model of direct, secret and democratic elections on which, in accordance with generally accepted principles of civilized states and all relevant findings and opinions of political and legal science, the Law on National Councils of National Minorities rests. Moreover, as the Advisory Committee is certainly aware, the Law also provides for an alternative model of electing national councils through an electoral assembly in order to exercise the right to self-government. Whether and to what extent the model of direct, secret and democratic elections will reflect the diversity of opinions, the extent to which such diverse opinions are truly widespread and legitimate within the minority population, and whether their holders are prepared to disclose and, within the democratic competition, fight for them are not issues that should be resolved by the state authorities, because within these issues the willingness of members of a national minority is expressed to participate in the elections for the national council, to express their opinion and their identity and, at least in the context of the election of their national council, to jointly maintain this identity. What is important in the context of the implementation of the Framework Convention and constitutional provisions is that such a possibility is ensured by the provisions of the Law on National Councils of National Minorities, which provides for a model of direct, secret and democratic elections for national councils.

The authorities of the Republic of Serbia consider that the opinions of some independent researchers, which the Advisory Committee emphasizes, are unfounded, according to which national councils might function better if their activities and elections were decentralized, and, that, by essentially adopting such positions, it expresses particular concern that the centralized electoral system makes it difficult to secure the effectiveness of the rights of persons belonging to national minorities who do not live in traditionally populated areas and encourages the authorities of the Republic of Serbia to investigate alternative systems, including local minority self-governments. There are three groups of reasons why the authorities of the Republic of Serbia state that these views are unfounded. First of all, the Advisory Committee relies, without any citation on studies, research and published papers, on the views of only "certain independent researchers" who are not universally accepted in the domestic scientific and professional public, nor among members of national minorities, missing out on the opportunity to meet with different findings and opinions. Furthermore, the Advisory Committee overlooks the fact that the majority of the rights of persons belonging to national minorities are exercised at the state and not the regional level, and that the majority of issues relevant to national minorities and the protection of their identities are the competence of the state, and that, accordingly, a single dose of centralized electoral system of national councils is necessary, since it is certainly more important to choose a body which will represent the national minority at the national level as a collectivity and which

will be a partner to the competent authorities, than to constitute local bodies with limited exercise of authority, both territorially and substantively. In this regard, the authorities of the Republic of Serbia draw attention of the Committee of Ministers to another important fact. The model of local self-government elections that the Advisory Committee encourages in its Opinion would exclude from the process of electing bodies through which minority self-government is exercised a large number of members of national minorities who do not live in a certain number in certain local communities. This would certainly not be in line with the views of the Advisory Committee itself, according to which "... members of a national minority who live outside such areas should not be disproportionately endangered" and that "the fact that only some rights (more specifically Articles 10(2), 11(3) and 14(2)) allow territorial restrictions implies that the applicability of other rights should not, in principle, be restricted to specific regions".⁹ Namely, there is not much logic and no justification for constituting local minority self-governments in areas where a negligible number of members of national minorities live. The examples of Hungary and the Republic of Croatia in which there are local minority self-governments suggest that their legislation specifies the smallest number of members of national minorities who can elect local minority self-governments in certain local communities. On the other hand, the model opted for by the Republic of Serbia enables the participation in the direct elections of national councils by all members of the minority who are enrolled in a separate electoral roll, i.e. regardless of their number in particular local communities. Last but not least, the Advisory Committee has never explicitly expressed itself in its Opinions so far regarding the model of election of national councils adopted by the national legislation. In its Third Opinion, the Advisory Committee noted, however, that "there are no equivalent bodies at the local level, despite the fact that many decisions on the exercise of the rights of national minorities ... are adopted at the local level", but saw the solution to this perceived problem, not by changing the model of election of national councils, but in the establishment of councils for inter-ethnic relations in all local self-government units with ethnically mixed population that could "to some extent ... balance the situation and provide a forum to discuss all issues concerning inter-ethnic relations at the local level".¹⁰ Since the Advisory Committee has never explicitly advocated a particular model for the election of national councils in its opinions on the implementation of the Framework Convention in the Republic of Serbia, and has expressed views somewhat contradictory to the last Opinion, the authorities of the Republic of Serbia are of the view that such an inconsistent approach of this Committee could jeopardize the consistent implementation of the Framework Convention in the Republic of Serbia. In this regard, the authorities of the Republic of Serbia urge the Committee of Ministers not to adopt the cited findings of the Advisory Committee.

On the other hand, the authorities of the Republic of Serbia welcome the finding of the Advisory Committee that they should periodically review the independence of national councils. Reminding that the amendments to the Law on National Councils of National Minorities of 2018 in fact provide for certain solutions that make it possible to depoliticise these bodies as an

⁹ Thematic comment number 4, paragraph 32

¹⁰ ACFC/OP/III(2013)006, paragraph 197

essential form of their independence, the authorities express their readiness to periodically review the independence of national councils.

Finally, the authorities point out that the inability of the newly elected national councils of the Ashkali and Greek national minorities to access the appropriate bank accounts is not a consequence of recent national council elections, nor does it depend in any way on the electoral model. On the contrary, in these cases it is a matter of the unconscious work of the previous convocations of these councils elected by members of these minorities. The authorities of the Republic of Serbia point out that the examples of national councils of the Ashkali and Greek national minorities inspired some new and rational solutions adopted in 2018, enabling more efficient control of the operations of national councils and preventing further budget financing in the event that due to the misuse of funds, the account of the national council is blocked.

Paragraph 111

In addition to national structures, regional and local consultative mechanisms have, in some circumstances, proved to be a useful additional channel for the participation of persons belonging to national minorities in decision-making, especially in areas of competencies where decision-making powers have been decentralised. In such situations, it is important that local authorities regularly involve these consultative bodies in their decision-making processes, when dealing with minority issues. Local authorities, and in particular municipalities, should design and implement new ways to represent and effectively involve persons belonging to national minorities in the decision-making process, in all areas traditionally inhabited by national minorities or where they live in substantial numbers, including larger cities. In parallel, the Advisory Committee remains of the opinion that Councils for Inter-Ethnic Relations should be made operational in all multi-ethnic self-government units (see Article 6). Their competencies would however benefit from being clarified and possibly extended, in particular with regard to access to information.

Local self-government units, in line with the recent amendments to the Law on Local Self-Government, will ensure the implementation of obligations related to the establishment of the Council for Inter-ethnic Relations, bearing in mind that the Ministry of Public Administration and Local Self-Government supervises the implementation of this Law, primarily by giving its opinion on proposals for the statutes of local self-government units, which are required by law to establish this very important working body. The aforementioned law prescribes both the election and composition of the Council for Inter-ethnic Relations and the manner of its decision-making, issues concerning the protection of the rights of members of the Serbian people and national minorities, adoption of rules of procedure for the work of the council, provision of funds for the work of the council, and submission of reports of the council to the assembly of the local self-government unit. All these are very important legal assumptions that will enable the Councils for

Inter-ethnic Relations to become operational in all multiethnic local self-government units in the coming period.

Paragraph 113

The Advisory Committee further notes that, although Article 2 of the Law on the Protection of the Rights and Freedoms of National Minorities does not define what is prescribed as "numerically representative enough" (see Article 3), Article 44 of the Law on National Councils of National Minorities requires the establishment of a special electoral roll of a national minority upon the submission of a request by 5% of adult members who identify as belonging to a particular minority according to the last census, provided that this number is not less than 300. Despite the absence of reference to such procedure in the State report, the Advisory Committee was informed that the members of the Aromanian (Cincar) minority submitted a request to the Ministry of Justice in 2012 to establish a special electoral roll with a view to electing their National Council. The 2011 population census in Serbia registered 243 persons identifying themselves as Aromanians (Cincars). Their request was rejected by the Ministry, before being overturned by the administrative court. However, the Supreme Court of Cassation finally upheld the decision of the Ministry, based on Article 44 of the Law on National Councils of National Minorities. The Advisory Committee recalls that the numerical strength of a group should not be decisive for the characterization of a minority and that numerically smaller groups often need stronger protections to preserve a particular identity, as in the case of Aromanians (Cincars).

The authorities of the Republic of Serbia indicate that the concern of members of the national minority to jointly maintain their identities can be expressed in different ways and in different areas of social life. Therefore, national councils are not the only way to exercise the rights of the members of national minorities. National minorities can be connected and act through other forms of association. Thus, in order to achieve and promote to them common or general various goals and interests of citizens, they can form associations. Also, it is necessary to draw attention to the competitions of the Ministry of Culture and Information, which within its competences regularly supports projects and programs of Aromanian (Cincar) associations.

Representation of national minorities in public administration

Paragraph 123

The Advisory Committee has already positively assessed the applicable constitutional and legal provisions aimed at promoting the adequate representation of national minorities in the public administration. In practice, some efforts have been made to integrate national minorities in the police service at the local level in certain regions, however, the lack of disaggregated ethnicity/nationality data showing the representation of national minorities in the police makes it difficult to support the claim that the situation has improved. The authorities report on the

number of trainees attending the Basic Police Training Centre from 2011 to 2016, including on their ethnic affiliation. Figures show that certain classes of the Training Centre count several trainees belonging to national minorities, which is mostly due to a recent integration programme focused on one group one year, but neither explain whether a reasonable representation has been reached at local or central level within the Police itself, nor why other classes have a level of representation of national minorities inferior to 0.1%.

In response to Recommendation 106 of the Advisory Committee within the framework of the Fourth Periodic Report, the activities carried out by the Center for Basic Police Training from 2012 to 2016 were detailed, regarding professional information, as well as on promotional campaigns, workshops and forums aimed at integrating the members of national minorities in the security sector of the Republic of Serbia.

In order to ensure equal access to information for all interested candidates, the Police Training Center conducts promotional activities related to basic police training in cooperation with the police departments for which the competition is launched, while the selection procedure is carried out in accordance with the Law on Police and the Regulation on Professional Training and Development at the Ministry of the Interior. The promotional video for basic police training, translated into 11 minority languages, is available on the website of the Center for Basic Police Training (https://www.copo.edu.rs/Promotivni_spot_Centra_za_osnovnu_pol_Police_obuku-160-1-568).

Paragraph 124

Several interlocutors of the Advisory Committee complained about the lack of representation of persons belonging to their respective national minority, in particular in state-level public administration, including when such administrations are decentralised in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers. Situations reported five years ago remain a source of concern, in particular the representation of Albanians and Bosniaks in local branches of the State administration operating respectively in Preševo Valley and Sandžak, including local courts, as well as the situation of Roma. Researchers underline the absence of monitoring of ethnic representation in public service, partially due to the underdeveloped character of data collection legal framework (Article 4). They also report both a significantly smaller number of members of national minorities holding management positions and a generally smaller number of employees belonging to national minorities when compared to the share of national minorities in the general population.

Paragraph 125

The Advisory Committee recalls that the public administration should, to the extent possible, reflect the diversity of society. Comprehensive data and statistics are crucial to evaluate

the impact of recruitment, promotion and other related practices on minority participation in public services. The collection of data on the situation of national minorities should be made in accordance with international standards of personal data protection, as well as the right for persons belonging to a national minority to choose freely to be treated as such, or not (see Article 3). Attention should also be paid to the effective participation in the executive, which can be advanced by various means such as the introduction of posts assigned for minority representatives at all levels. Targeted measures can also be designed to ensure that all civil servants are sufficiently trained and competent to perform their work effectively. State language proficiency requirements should not go beyond what is necessary for the post or service at issue. Requirements unduly limiting access to employment opportunities are not compatible with the standards embedded in the Framework Convention. Where necessary, targeted support should be provided to facilitate the learning of the official language for applicants or personnel from national minorities.

Paragraph 126

The Advisory Committee notes that the authorities have started work on the necessary legislative arrangements in order to set up and operate a proper, sustainable and human rights-based ethnic data collection system within the public administration. The Advisory Committee is convinced that the most pressing needs are now for data collection, policy design – in light of the collected data – as well as for the adoption and implementation of concrete and effective measures aimed at producing long-term and measurable progress. Measures such as indicators could be envisaged. With regard to other key policies relating to minority rights in Serbia (Articles 4 and 6), the Advisory Committee regrets that the principles contained in the Constitution and the Law are not always combined with implementation measures, including their periodic consideration in consultation with the members of national minorities.

Paragraph 127

The Advisory Committee underlines the utmost importance of the proportionate representation of national minorities in the public administration. Such a State policy, leading to the proportionate representation of national minorities could trigger a revitalising process of participation in the economic and social life of the country (see below), in particular for communities in remote regions such as Albanians in Preševo Valley as well as Bosniaks in Sandžak, or for the most marginalised such as Roma. It would gradually increase the level of confidence in the state authorities, eliminate the current ethnic and social distance, and address the sense shared among a number of interlocutors of the Advisory Committee that they are not taken into consideration.

The authorities of the Republic of Serbia welcome the finding of the Advisory Committee referred to in paragraph 126, stating that the authorities have begun to work on the necessary legislative arrangements to establish and operate an appropriate, sustainable system for collecting ethnic data within the public administration based on human rights.

The authorities also recall that Article 47 of the Constitution of the Republic of Serbia stipulates that everyone is equal before the Constitution and Law, that expression of nationality is free, i.e. that no one is obliged to declare their nationality. For this reason, all existing data, as well as allegations regarding the representation or non-representation of persons belonging to national minorities, cannot be precise and should be retained with reserve until a proper system for collecting ethnic data within the public administration is in place.

Following the submission of the Fourth Periodic Report, the Republic of Serbia continued to work on establishing a system for collecting ethnic data within the public administration. The Law on the Central Register of Compulsory Social Security (2018), which is under the jurisdiction of the Ministry of Finance, stipulates that the Central Register for Compulsory Social Security takes over the tasks of keeping the Register of employees, elected, nominated, appointed and engaged persons in the use of public funds in which, in accordance with the applicable regulations, among other things, the information on nationality, information on the language in which the primary school was completed and the language in which the secondary school was completed is entered, and in accordance with the principle of voluntary declaration in accordance with the Constitution. In accordance with the provisions of this Law, within one year from the date of entry into force of this Law, and no later than 1 January 2020, the Central Register for Compulsory Social Security shall take over the tasks of keeping the said Register, when it is expected that the process of entering all the information kept in the said Register will be improved, including the information above.

With regard to the collection of data on nationality of persons employed in government bodies, amendments to the Law on Civil Servants, which have been in force since 1 January 2019, provide for keeping records of nationality as well as language in which the primary, secondary and higher education was completed, in the Central Personnel Records on the principle of voluntary declaration. Namely, the Law stipulates that the Central Personnel Records serve for the management of human resources and other needs in the field of labor relations, as well as the Central Personnel Records for civil servants and employees in all state bodies are managed by the Personnel Management Service. The Personnel Management Service may process the data entered in the Central Personnel Records for the purpose of performing tasks within its jurisdiction and in accordance with the law governing the protection of personal data. The Government shall prescribe in greater detail the content and manner of keeping the Central Personnel Records and providing the data required for entry into the Central Personnel Records. In this regard, in May 2019, the Minister of Public Administration and Local Self-Government issued the Decision on the establishment of a Special Working Group for drafting the text of the Proposal for a Regulation on the Central Personnel Records, which will regulate in more detail the content and the manner of keeping the Central Personnel Records and providing the data

necessary for entry into the Central Personnel Records, the adoption of which depends on the technical establishment of this register, which is the responsibility of the Personnel Management Service. It is expected to be operational from 2021.

Amendments to the Law on Employees in Autonomous Provinces and Local Self-Government Units, which has been in force since 1 January 2019, stipulate that the Autonomous Province and Local Self-Government Bodies will use the Central Personnel Records of state bodies to keep personnel records of their employees and that, at the request of the Ministry of State Administration and Local Self-Government, the Personnel Management Service will be able to process these data.

It is planned that the obligation of state and autonomous provinces and local self-government units to submit the required data will start on 1 January 2020, however, due to the late finding of funding sources for this register, its operability is not expected before 2021.

Bearing in mind that the Action Plan for the Exercise of the Rights of National Minorities provides for the development of an analysis of the situation with the aim of determining the criteria for prescribing the appropriate representation of national minorities in certain parts of the public sector, within the project Support to Affirmative Measures for Employment of National Minorities in the Public Sector, and Analysis was done on jobs in public administration bodies at the republic level that may be open to affirmative employment measures for persons belonging to national minorities, which included a legal framework, description of the current state, findings and proposals of specific jobs in state bodies. As part of the best preparation for the implementation of this project, an Introductory Report has been prepared, covering standards of adequate representation of national minorities among public administration employees, with examples of good practice from five EU countries.

Also, the system of professional development in public administration has been significantly improved after the adoption of the Law on the National Academy for Public Administration (2017), as well as amendments to the laws governing the rights and duties of employees in state administration and local self-government units, thus completely providing conditions for equal access to the right to professional development of all employees in public administration, in accordance with unified criteria, merits and standards of professional development in public administration.

Professional training of civil servants and employees in local self-government units is carried out in accordance with the programs adopted by the Government of the Republic of Serbia at the proposal of the National Academy for Public Administration. Training programs are based on the pre-established professional development needs in each specific program area. Accordingly, the General Training Program for Local Self-Government Employees for 2019 identified the area of professional development - Development of language competencies, within which the training programs for learning languages of national minorities were defined, as follows: Hungarian and Albanian (level A1, A2, B1 and B2 of the Common European Framework for Learning Foreign Languages) to train officials to use national minority languages. At the same time, in order to improve the knowledge of employees of national

minorities in local self-government units in the field of Serbian language for its active use in the working environment, the possibility of learning Serbian was envisaged (level B1, B2 and C1 of the Common European Framework for Learning Foreign Languages). In addition, local self-government units, in accordance with the law, based on the identified needs for professional development, may adopt their own special training programs for employees of local self-government units, based on the previously obtained opinion of the Council for Professional Development of Employees in Local Self-Government Units.

Participation in social and economic life

Paragraph 134

The Advisory Committee welcomes measures taken in the framework of the Roma Strategy for tackling Roma social and economic marginalisation, including the establishment of mechanism to outreach Roma communities such as health mediators, mobile local teams or local coordinators. However, these mechanisms remain to be formalised and community workers, who would preferably be qualified Roma, are often contracted on a short-term basis, which impacts their work. Certain rates of the execution of the budget are particularly low with regard to access to healthcare, and funding is reportedly missing or funds are not allocated for training new mediators, for mediators' operational work, to recruit a sufficient number of health mediators, as well as for employment measures.

Through EU programs aimed at Roma inclusion, continued support has been provided with the aim of increasing the capacity of local self-government units through the establishment and strengthening of mobile teams for Roma inclusion, as well as their institutional sustainability. So far, 50 mobile teams have been established, which aim, among other things, to improve access to housing, education, employment, identity documents and social protection. For the first time in the budgets of local self-government units that formed mobile teams under IPA 2013, funds were allocated for work and activities under the mobile team operational plan.

In December 2017, the Ministry of Health, in collaboration with UNICEF in Serbia, organized a Regional Meeting "Sustainable Models for Institutionalizing Health Mediators - Perspectives and Regional Experiences" in Belgrade. The aim of the meeting was to present the work, models of organizing, financing, reporting and education of health mediators in Serbia, Montenegro, Bulgaria, Slovakia, Macedonia and Romania, which should contribute to the adoption of sustainable solutions for their inclusion in the system, as well as for the advancement of the situation of the Roma community. In April 2018, health mediators started operating in the municipalities of Aranđelovac, Blace, Bač, Beočin, Bogatic, Bor, Doljevac, Subotica, Odžaci, Leskovac, Kraljevo, Obrenovac, Pančevo, Sombor, Surdulica, Smederevo, Grocka, Kikinda, Apatin, Vlasotince, Zemun, Zvezdara, Savski Venac, Stara Pazova. With this extension, the Ministry of Health has a team of 85 mediators in 70 municipalities in the Republic of Serbia. The Ministry of Health has envisaged support for 85 health mediators in the 2019 budget. The budget

is planned in the amount of 45,908,580.00 dinars, and through the Health Development Program of Serbia additional funds were allocated for the purchase of new laptops for all mediators.

In addition, the Ministry of Health also provided technical support to UNICEF for the development of the Analysis of the Institutional Framework for the Work of Health Mediators which was finalised.

In 2018, the Ministry of Health launched a Public Call for Proposals for the implementation of the Preventive Health Care Program - Project Improving the Access to Health Care for the Roma Population, for which the amount of 5,499,100.00 dinars was allocated. The project supported 14 citizens' associations involved in addressing health policy regarding the Roma population.

Information on measures to improve the status of health mediators and teaching assistants is contained in the comment on Paragraph 38 of the Fourth Opinion of the Advisory Committee.

Articles 17 and 18 of the Framework Convention

Bilateral agreements and regional cooperation

Paragraph 137

Serbia has signed bilateral agreements related to the protection of national minorities with Croatia, Hungary, North Macedonia and Romania. The Advisory Committee observes that minority issues play a prominent role in bilateral relations with neighbouring EU member States, some of whom have made their support for candidacy status or the opening of specific chapters conditional on an improvement of the situation of specific minority groups in Serbia. However, the Advisory Committee notes that this does not necessarily translate into more formal bilateral co-operation; for example, the intergovernmental joint committees with Croatia and Hungary only met once during the last monitoring period, while the joint committees with North Macedonia and Romania did not meet. The Advisory Committee notes also that researchers have observed a slowdown of bilateral cooperation with neighbouring countries in the recent years, mostly due to political attention being mainly focused on the EU accession process.

With the appointment of the new co-chairs of the Intergovernmental Mixed Committee of the Republic of Serbia and the Republic of Croatia for national minorities, successful cooperation within this Mixed Committee continued. The meeting of this body, in accordance with its Rules of Procedure, is held regularly, once a year. Following the submission of the Fourth Periodic Report, two meetings of the Mixed Committee were held: 30 and 31 January 2018 in the Republic of Serbia and 11 and 12 March 2019 in the Republic of Croatia, with constructive participation of members of national minorities on both sides. In addition, meetings between the two co-chairs of the Mixed Committee are held between sessions to discuss open issues and agree on future meetings. The newly established dynamics of the Mixed Committee meeting and the meeting of the co-chairs illustrates a clear political will and reflects the

commitment of the Serbian side to fulfill its obligations under the bilateral agreement with the Republic of Croatia.

In 2018 and 2019, a new chair of the Serbian part of the Intergovernmental Mixed Commission with Romania and the Intergovernmental Mixed Commission with Hungary was appointed. Following the appointment of the new chair of the Serbian part of these commissions, representatives of the Serbian delegation in these bodies were appointed, and meetings were held at the co-chair level to intensify preparations for the next session of both mixed commissions.